IN RE: DEVELOPMENT PLAN HEARING
& PETITION FOR SPECIAL HEARING
AND VARIANCE
W/S of Chapel Road @
NW/Corner of Liberty Road
2nd Election District
4th Councilmanic District
(HARKER PROPERTY)

* BEFORE THE

* HEARING OF

HEARING OFFICER

OF BALTIMORE COUNTY

Case Nos. II-672 & 06-456-SPHA

Shelley Custom Homes, Inc.

Developers/Petitioners

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FINAL HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as the "Harker Property", prepared by McKee & Associates, Inc. The Developer is proposing the development of the subject property into 3 single-family dwellings. The subject property is located on the west side of Wards Chapel Road, at the northwest corner of Liberty Road, in the western area of Baltimore County. The particulars of the manner in which the property is finally proposed to be developed are more specifically shown on Developer's Exhibit No. 1, the Development Plan entered into evidence at the hearing.

In addition, the Petitioner is also requesting relief as follows:

Petition for Special Hearing:

Special Hearing relief is requested as follows:

- 1. For a waiver, pursuant to Section 32-4-107(a), Baltimore County Code (BCC), from the requirements of Section 32-4-409 (BCC), to allow a Panhandle Driveway of 1,350 (+/-) feet in length in lieu of the maximum permitted 1,000 feet, as more particularly shown on the Plat to Accompany this petition for special hearing;
- 2. To permit the non-conforming use of a septic reserve area serving a structure located in the RCC zone to be on the same lot, but in the RC-4 zone, pursuant to Section 104 of the BCZR;
- 3. To permit the non-conforming use and coverage of greater than 20% of a RCC lot with impervious surface, pursuant to Sections 104 and 1A06.4.A.4 of the BCZR;
- To permit a non-conforming building with a gross floor area of over 3,000 square feet, pursuant to Section 104 of the BCZR; and

5. To allow a lot with a total area of 2.59 acres in area, wherein 1.39 acres is zoned RCC, pursuant to Section 1A06.4.A.5 of the BCZR.

Petition for Variance:

Variances from the Baltimore County Zoning Regulations as follows:

- A. In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR, to allow impervious surface coverage of 59% (+/-) in lieu of the maximum 20%; and
- B. In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR, to allow gross floor area for a building of approximately 10,743 square fee in lieu of the maximum permitted 3,000 feet.

The property was posted with Notice of the Hearing Officer's Hearing on April 12, 2006. In addition, notice of the zoning hearing date and time was posted on the property on April 12, 2006, 2006 and published in "The Jeffersonian" newspaper on April 25, 2006, to notify any interested persons of the scheduled hearing date.

As to the history of the project, the Concept Plan Conference was held on May 23, 2005, Community Input Meeting at the Randallstown High School on June 21, 2005, Development Plan Conference on April 19, 2006 and Hearing Officer's Hearing on May 11, 2006 in Room 106 of the County Office Building.

Appearing at the hearing on behalf of the revised Redline Development Plan approval request was Randy Shelley for the corporate Petitioner and Geoffrey Schultz of McKee & Associates, the engineering firm that prepared the Development Plan. Lawrence E. Schmidt, Esquire represented the Petitioners.

Also in attendance were Mary Green, Carolyn Sellman and Leroy Sellman, adjoining property owners, as an interested citizen.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely: John Sullivan (Zoning Review), Dennis Kennedy (Development Plans Review), Colleen

Kelly (Development Management) and Don Stires (Bureau of Land Acquisition), all from the Office of Permits & Development Management (PDM); Jeff Livingston from the Department of Environmental Protection and Resource Management (DEPRM); Curtis Murray from the Office of Planning, and Bruce Gill from the Department of Recreation & Parks.

Development Plan

Mr. Schmidt indicated that the subject property is an irregularly shaped parcel containing 23.7 acres zoned RCC and RC-4. The property is improved by an existing commercial building located at the intersection of Wards Chapel Road and Liberty Road. He indicated that the Developer would like to subdivide the property into four lots as shown on Developer's exhibit 1, the redline development plan. Lot 4 contains the existing commercial building, parking and septic reserve area. This lot is split zoned RCC and RC 4. The Developer proposes to build three new single family dwellings on the remaining lots zoned RC 4 as shown with lot 1 containing the RC 4 forest conservancy areas.

The three new homes would be served by a serpentine driveway from Wards Chapel Road. Mr. Schmidt proffered that the configuration of the driveway was dictated by the environmental and topological features of the tract including an existing hayfield on lot 1 which DEPRM sought to preserve. Because of these constraints the driveway had to cross the subject property boundaries and use a portion of an adjacent lot which although owned by the Petitioner is separately held and not part of this subdivision. Finally Mr. Schmidt pointed out that the Developer moved several homes away from the Sellman property to the south as the result of input from the Citizen Input Meeting.

<u>Developer Issues</u>

The Developer raised no issues at the outset of the hearing.

County issues

County agencies reviewing the Development Plan indicated that the plan meets the County regulations for which their Departments had responsibility with the following exceptions and highlights:

Recreation and Parks

The representative of the Department indicated that three homes would require the developer to provide 3000 sq. feet of local open space which he described as a 30 x 100 foot area. He indicated that this small area was not practical to use for the new residents' recreation. As a result the Department granted the Developer's request to waive providing local open space and to pay a fee in lieu thereof as shown by the April 19, 2006 letter from the Department included in the record of this case.

Department of Environmental Protection and Resource Management (DEPRM)

The representative of the Department indicated that the Department's review of redline development plan indicated that the plan met all regulations for which the Department is responsible. In particular he noted that the plan meets the requirements of Section 1A03.5 of the BCZR regarding the RC 4 conservancy area and presented the Department's written findings as such dated April 19, 2006 which are included in the record of this case. Mr. Shultz noted that the conservancy area contains more that 73 % of the subject property including forests, streams, wetlands, agricultural uses and steep slopes all of which are located on lot 1 keeping these features in single ownership.

Planning Office

The Office of Planning indicated that the Development Plan met the regulations for which the Department was responsible including the Department's finding that the conservancy area shown on

the plan meets the criteria of Section 1A03.5 of the BCZR. He noted that the Planning Office met with representatives from DEPRM and the Developer several times to review and update the conservancy area based on the topography, placement of the three homes, environmental features, etc. Finally he noted that the Office did not oppose the Petitioner's request for special hearing/variance for the driveway and non conforming uses.

Mr. Sellman, an adjacent property owner, asked about the number of homes to be built including the Wards Chapel Holdings LLC lot. Mr. Schultz explained that one new home was planned for this lot in the future, but that this lot is separate from and not included in the subject property except for a small portion of the driveway as shown on exhibit 1. Eventually that new home would use the driveway to connect to Wards Chapel Road rather than Liberty Road as requested by the State Highway Administration.

Public Works

The representative indicated that the development plan met all regulations for which his department is responsible and further indicated that his Department has no objection to the special hearing/variance requests to approve a panhandle driveway to serve the three homes. He noted that it would not make sense to construct a public road 300 feet long from Wards Chapel Road with a 1000 foot long driveway for three homes.

Land Acquisition

The representative indicated that his Office would require legally sufficient documents before record plat to insure the Developer had the right to use that portion of the Wards Chapel Holdings LC lot to erect and homeowners maintain the panhandle driveway. In addition similar documents would be required for access to storm water management facilities on this lot which serve the subject property. Mr. Schmidt agreed and noted that the Developer also owns Wards Chapel

Holdings LLC lot and that prior to record plat, documents describing easements for these purposes would be recorded in the land records to insure that the driveway and storm water management facilities on this lot will be erected and maintained.

Community Issues

In addition to the above questions, Mr. Sellman, an adjacent property owner who will be most affected by the Development Plan, expressed his thanks to the Developer for moving the new homes away from his agricultural operations. However he expressed concern that there might not be enough room between the driveway and his fence to plow snow off the proposed driveway. Mr. Schultz indicated that the location of the driveway in this area was dictated by DEPRM's desire to maintain the agricultural use of the field to the north. He indicated that the Developer will stake out the actual location of the driveway and if too close to the Sellman fence, request DEPRM's agreement to separate the fence and driveway farther.

Applicable Law

- § 32-4-228. SAME CONDUCT OF THE HEARING.
- (a) Hearing conducted on unresolved comment or condition.
 - (1) The Hearing Officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed Development Plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan.
 - (2) The Hearing Officer shall make findings for the record and shall render a decision in accordance with the requirements of this part.
- (b) Hearing conduct and operation. The Hearing Officer:
 - (i) Shall conduct the hearing in conformance with Rule IV of the Zoning Commissioner's rules;
 - (ii) Shall regulate the course of the hearing as the Hearing Officer considers proper, including the scope and nature of the testimony and evidence presented; and

(iii) May conduct the hearing in an informal manner.

§ 32-4-229. SAME – DECISION OF THE HEARING OFFICER.

- (a) Final decision.
 - (1) (i) The Hearing Officer shall issue the final decision within 15 days after the conclusion of the final hearing held on the Development Plan.
 - (iii) The Hearing Officer shall file an opinion which includes the basis of the Hearing Officer's decision.
 - (2) If a final decision is not rendered within 15 days:
 - (i) The Development Plan shall be deemed approved as submitted by the applicant; and
 - (ii) The Hearing Officer shall immediately notify the participants that:
 - 1. The Development Plan is deemed approved; and
 - 2. The appeal period began on the fifteenth day after the conclusion of the final hearing.
- (b) Appeals. A final decision of the Hearing Officer on a Development Plan may be appealed to the Board of Appeals in accordance with Part VIII of this subtitle.
- (c) Conditions imposed by Hearing Officer.
 - (1) This subsection does not apply to a Development Plan for a Planned Unit Development.
 - (2) In approving a Development Plan, the Hearing Officer may impose any conditions if a condition:
 - (i) Protects the surrounding and neighboring properties;
 - (ii) Is based upon a comment that was raised or a condition that was proposed or requested by a participant;
 - (iii) Is necessary to alleviate an adverse impact on the health, safety, or welfare of the community that would be present without the condition; and
 - (iv) Does not reduce by more than 20 %:
 - 1. The number of dwelling units proposed by a residential Development Plan in a DR 5.5., DR 10.5, or DR 16 zone; or
 - 2. The square footage proposed by a non-residential Development Plan.
 - 3 The Hearing Officer shall base the decision to impose a condition on factual findings that are supported by evidence.

Section 32-4-220 (b) 1 of the B.C.Z.R. Decision of the Hearing Officer.

The Hearing Officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated adopted in accordance with Article 3, Title 7 of the Code, provided that the final approval of a plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Section 500.7 of the B.C.Z.R. - Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Testimony and Evidence

Mr. Schmidt proffered that the redline changes to the development plan were primarily technical in nature. He noted that the sight distance coming from the driveway onto Wards Chapel Room is at least 400 feet, the schools in the area are not overcrowded, the signalized intersection at Liperty and Wards Chapel Roads operates at level of service A and that this is the last subdivision

of this property under this zoning scheme. A deed dedicating the conservancy area will be executed and this area will remain in one ownership.

Zoning Case

Special Hearing

Testimony and Evidence

Mr. Schmidt proffered that the length of the proposed driveway is 1350 +- feet whereas Section 32-4-409 (e) (2) requires lengths of 1000 feet in RC zones. He pointed out once again that the length and configuration the driveway was dictated by the topography, location of existing agricultural operations and environmental constraints. He agreed with the representative of the Department of Public Works that it would not make sense to construct a public road 300 feet long for these three houses.

He further noted that five of the seven requests for special exception involve simply documenting the existing commercial building, its parking lot and septic reserve area. He indicated that the existing building replaced an earlier general store at this location which had previously been zoned BL as shown by exhibit 4, the 1984 zoning map which reflects the 1949 aerial survey. This store was replaced by the existing commercial building in 1981 as shown by exhibits 2 and 3. RCC zoning was imposed on this location in 1988 as shown by exhibit 5. The Spellmans and Ms. Green confirmed this fact and that the commercial building, its parking lot and septic system have been used continuously since 1981 as commercial enterprises.

Mr. Schultz indicated that lot 4 was created in this subdivision to encompass the existing commercial building, parking lot and septic system. However whereas the existing building and parking lot are located in the RCC area, the existing septic system which serves this building is located in the RC 4 portion of the lot. Thus the request to confirm the non conforming uses.

Again the existing building and parking lot cover 59 % of the RCC portion of lot 4 so that the Petitioner requests confirmation of the existing uses.

Much the same argument can be made regarding the floor area as the existing two story building has approximately 10,000 sq. feet which exceeds the RCC limit of 3000 sq. feet. However Mr. Schmidt opined that Section 1A06.4 exempts existing buildings from floor area regulations.

Finally he noted that lot 4 which contains all the non conforming features of the property, is 2.59 acres whereas the RCC regulations indicate lot area maximum size of 2 acres. He pointed out however, that the RCC portion of the lot is only 1.39 acres which meets the regulations.

Findings of Fact and Conclusions of Law

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The length of the proposed driveway is 1350 +- feet whereas Section 32-4-409 (e) (2) requires lengths of 1000 feet in RC zones. I agree with the representative of the Department of Public Works that it would make no sense to require the Petitioner to construct a public road 300 feet from Wards Chapel Road and then a driveway to the new homes proposed. The evidence fully supports the Petitioner's contention that the length and configuration the driveway was dictated by the topography, location of existing agricultural operations and environmental constraints especially maintaining the agricultural uses on lot 1. I find that the size scope and nature of the proposed driveway does not justify strict compliance with the panhandle driveway regulations. Therefore I will grant this special hearing request.

All of the evidence indicates that the present commercial building, parking and septic system were legal uses in the prior BL zone when they were constructed in 1981. The RCC regulations were imposed in 1988. All of the evidence including the testimony of the neighbors who attended the hearing indicates that these uses continued uninterruptedly since that time. Consequently I find the Petitioner enjoys a legal non conforming use in its commercial building, parking lot and septic

system. Therefore I will grant the Petitioner's request for special hearing to confirm those uses. In particular I confirm the non-conforming use of a septic reserve area serving a structure located in the RCC zone to be on the same lot, but in the RC-4 zone, pursuant to Section 104 of the BCZR. I further confirm the non-conforming use and coverage of the existing commercial building and parking lot to be greater than 20% of a RCC lot with impervious surface, pursuant to Sections 104 and 1A06.4.A.4 of the BCZR.

While I would confirm a non-conforming building with a gross floor area of over 3,000 square feet, pursuant to Section 104 of the BCZR, I agree with Mr. Schmidt's interpretation of Section 1A06.4 A that existing buildings are exempt from the floor area restrictions of the RCC regulations as a matter of law.

Finally I will grant the request to allow lot 4 to have a total area of 2.59 acres in area, wherein 1.39 acres is zoned RCC, pursuant to Section 1A06.4.A.5 of the BCZR. Again this merely documents existing conditions of the commercial building, parking lot and septic reserve area and will not adversely affect the neighborhood.

Variance Requests

The variance requests were made in the alternative to the special hearing requests. Having granted the special hearing requests I will deny the variance requests as moot.

Development Plan

The Planning Office and DEPRM have indicated their findings that the redline Development Plan meets the spirit and intent of the RC 4 conservancy area. I agree and note that this review process resulted in not a simple meeting of 70% threshold but based on the topography, the environmental features and agricultural uses the conservancy area was 73 %. The conservancy area will be held in common ownership on lot 1.

In addition, the requests for special hearing and variance have been decided. Considering all of the testimony and evidence, I find that the Developer has met all applicable regulations and that the revised redline Development Plan marked as Developer's Exhibit No. 1 should be approved. The plan complies with the development regulations and applicable policies, rules and regulations promulgated pursuant to Article 3, Title 7 of the Baltimore County Code. I further find that final approval of this plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Therefore, I will approve the revised redline Development Plan.

IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 17th day of May, 2006, that the Developers/Petitioners' Special Hearing relief requested as follows:

- 1. For a waiver, pursuant to Section 32-4-107(a), Baltimore County Code (BCC), from the requirements of Section 32-4-409 (BCC), to allow a Panhandle Driveway of 1,350 (+/-) feet in length in lieu of the maximum permitted 1,000 feet, as more particularly shown on the Plat to Accompany this petition for special hearing;
- 2. To confirm the non-conforming use of a septic reserve area serving a structure located in the RCC zone to be on the same lot, but in the RC-4 zone, pursuant to Section 104 of the BCZR;
- 3. To confirm the non-conforming use and coverage of greater than 20% of a RCC lot with impervious surface, pursuant to Sections 104 and 1A06.4.A.4 of the BCZR;
- 4. To allow a lot with a total area of 2.59 acres in area, wherein 1.39 acres is zoned RCC, pursuant to Section 1A06.4.A.5 of the BCZR.

be and they are hereby GRANTED; and

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IT IS FURTHER ORDERED that the Petitioner's request to permit a non-conforming building with a gross floor area of over 3,000 square feet, pursuant to Section 104 of the BCZR is not needed because I find as a matter of law existing buildings are exempted from the floor area restrictions of Section 1A06.4; and

IT IS FURTHER ORDERED, that the Developers' requests for Variance relief as follows:

A. In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR, to allow impervious surface coverage of 59% (+/-) in lieu of the maximum 20%; and

B. In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR, to allow gross floor area for a building of approximately 10,743 square fee in lieu of the maximum permitted 3,000 feet.

be and they are hereby DENIED as moot having granted the special hearing requests above; and

IT IS FURTHER ORDERED that the Developer's revised redline Development Plan known as the "Harker Property" submitted into evidence as "Developer's Exhibit No 1, be and is APPROVED subject to the following conditions:

- 1. The Developer shall execute and record in the Land Records legally sufficient documents before record plat to insure the Developer has the right to erect and the new homeowners of lots 1, 2 and 3 have the right to use and maintain that portion of the panhandle driveway located on the Wards Chapel Holdings LLC lot with Deed reference 22555/701.
- 2. The Developer shall execute and record in the Land Records legally sufficient documents before record plat to insure the Developer has the right to erect and Baltimore County has the right to use and maintain that portion of the storm water management facility located on the Wards Chapel Holdings LLC lot with Deed reference 22555/701.

Any appeal from this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code and the applicable provisions of law.

JVM:raj

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY



JAMES T. SMITH, JR. County Executive

May 17, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

LAWRENCE R SCHMIDT, ESQUIRE 220 BOSLEY AVE TOWSON MD 21204

Re: Hearing Officer's Hearing Case No.II-672 and 06-456-SPHA Property: W/S of Chapel Road @ NW/corner of Liberty Road 2nd Election District, 4th Councilmanic District (Harker Property)

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned cases. The Development Plan and variance request for the Cook Property has been approved in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits & Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

c: Randy Shelley, Shelley Custom Homes, Inc, PO Box 356, Monkton MD 2111 Geoffrey Schulte, McKee & Associates, In, 5 Shawan Rd, Hunt Valley, MD 21030 Leroy and Carolyn Sellman, 11212 Liberty Road, Owings Mills MD 21117



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11100 Liberty Rd.	
which is presently zoned <u>RC-C and RC-4</u>	

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1) A waiver, pursuant to Section 32-4-107 (a), Baltimore County Code (BCC), from the requirements of Section 32-4-409 (BCC), to allow a Panhandle Driveway of 1350 (+/-) feet in length in lieu of the maximum permitted 1000 feet, as more particularly shown on the Plat to Accompany this Petition for Special Hearing; and

2) To permit the non-conforming use of a septic reserve area serving a structure located in the RCC zone to be on the same lot, but in the RC-4 zone, pursuant to Section 104 of the BCZR.

3) To permit the non-conforming use and coverage of greater than 20% of a RCC lot with impervious surface, pursuant to Sections 104 and

4) To permit a non-conforming building with a gross floor area of over 3,000 square feet, pursuant to BCZR Section 104.

5) To allow a lot with a total area of 2.59 acres in area, wherein 1.39 acres is zoned RC-C, pursuant to 1A06.4.A.5 of the BCZR.

6) For such other and further relief as may be determined necessary by the Zoning Commissioner.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s).

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Shelley Custom Homes, In	1C.		Words Changl Halding T.T.		
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P.O. Box 356			Signature		
Address					
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Monkton, MD 21111 City					
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Attorney For Petition	er:		P.O. Box 356		
			Address		
Lawrence E. Schmidt	. //	1		1	Telephone No
Name - Type or Print	1/1/100	City	Monkton, MD 21211		
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Signature Schastian A Cross			Representative to be	Contacted:	
Gildea & Schmidt, LLC	·			- Jistaviva.	
Company Company			Geoffrey Schultz, McKee &	Associates	
			Name		
300 East Lombard Street, St	uite 1440	410-234-0070	5 Shawan Road, Suite 1		(410) 527-1555
Address		Telephone No.	Address	· <u></u>	Telephone No.
Baltimore	MD	21202	Cockeysville	MD	<u>-</u>
City	State	Zip Code	City	MD State	21230
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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 11100 Liberty Rd.

which is presently zoned: RCC and RC-4

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s):

A) In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the Baltimore County Zoning Regulations (BCZR) to allow impervious surface coverage of 59% (+/-) in lieu of the maximum 20%.

B) In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR to allow gross floor area for a building of approximately

10,743 square feet in lieu,of the maxinum permitted 3,000 feet.

C) For such other and further variance relief as may be determined by the Zoning Commissioner.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at the public hearing on this matter.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning

regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

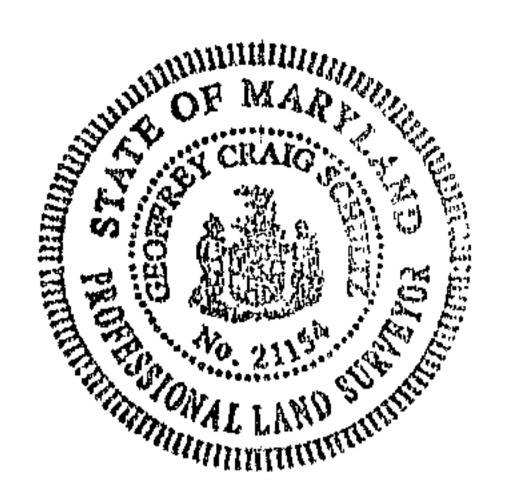
Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Shelley Custom Homes, Inc. Wards Chapel Holdings, LLC Name - ype or Print Name - Type or Print LANDY SHelle Signature **Signature** P.O. Box 356 Address Telephone No. Name - Type or Print Monkton, MD 21111 City State Zip Code Signature **Attorney For Petitioner:** P.O. Box 356 Address Telephone No. Lawrence E. Schmidt Monkton MD 21111 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Gildea & Schmidt, LLC Geoffrey Schultz, McKee & Associates Company Name 300 East Lombard Street, Suite 1440 410-234-0070 5 Shawan Road, Suite 1 (410) 527-1555 Address Telephone No. Address Telephone No. Baltimore **MD** 21202 Cockeysville MD 21230 City State Zip Code City State Zlp Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Reviewed By REV 9/15/98



Engineering • Surveying • Environmental Planning Real Estate Development

February 22, 2006

Zoning Description of Harker Property 11100 Liberty Road 2nd Election District 4th Councilmanic District Baltimore County, Md.



Beginning at the intersection of the centerline of Liberty Road (future 80 foot wide right-of-way) and the centerline of Wards Chapel Road (future 60 foot wide right-of-way), thence running along the center of Liberty Road 1) N 82°18'01" W 317.89 feet, thence running 2) N 09°18'38" E 252.87 feet, 3) S 82° 56' 45" E 65.92 feet, 4) N 07° 18" 15" E 454.35 feet, 5) N 83° 38' 54" W 957.44 feet, 6) N 06°23'28" E 98.97 feet, 7) N 20° 11'36" E 936.50 feet, 8) S 60°31' 09" E 532.84 feet, 9) S 08°09'32" W 310.00 feet, 10) S 40°13'24" E 95.85 feet, 11) S 81°51'46" E 450.30 feet to the centerline of Wards Chapel Road, thence running along said centerline 12) S 08°09' 14" W 1123.12 feet to the point of beginning.

Containing 22.298 acres of land as recorded in Deed Liber 22555 Folio 716.

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NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-456-SPHA

11100 Liberty Road
Northwest corner of Liberty Road and Wards Chapel Road
2nd Election District - 4th Councilmanic District
Laget Owner(s): Wards Chapel Holdings LLC

Legal Owner(s): Wards Chapel Holdings, LLC Contract Purchaser: Shelley Custom Homes, Inc.

Variance: to permit impervious surface coverage of 59% in lieu of the maximum 20% and to allow gross floor area for a building of approximately 10,743 sq. feet in fleu of the maximum permitted 3,000 feet. Special Hearing to allow a Panhandle Driveway of 1350 +/- feet in length in lieu of the maximum permitted 1000 feet, as more particularly shown on the Plat to accompany this petition for Special Hearing and to permit the non-conforming use of a septic reserve area serving a structure located in the RCC zone to be on the same lot, but in the RC-4 zone and to permit the non-conforming use and coverage of greater than 20% of a RCC lot with impervious surface and to permit a non-conforming building with a gross floor area of over 3,000 sq. ft. and to allow a lot with a total area of 2.59 acres in area, wherein 1.39 acres is zoned RCC.

Hearing: Thursday, May 11, 2006 at 9:00 a.m. In Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baitimore County

NOTES: (1) Hearings are Handlcapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

Commissioner's Office at (410) 887-4386.

(2) For Information concerning the File and/or Hearing, 1
Contact the Zoning Review Office at (410) 887-3391.

JT/4/706 Apr. 25

92753

CERTIFICATE OF PUBLICATION

4/27/,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on 425 _,2006.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings-
FOM ADVERTISING

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE ISCELLANEOUS RECEIPT	(日本) (年) (日本) (日本) (日本) (日本) (日本) (日本) (日本) (日本
DATE 3/30/06 ACCOUNT (0)/000 6 6000	(主) [1] [1] [1] [1] [1] [1] [1] [1] [1] [1]
RECEIVED () () () () () () () () () (Agreger grand Administration of the State of the Control of the Con
FOR: (100 / 1/1/)	
DISTRIBUTION THE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

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CERTIFICATE OF POSTING

Baltimore County Dept. of Permits & Development Management 111 W. Chesapeake Avenue, Rm. 111 Towson, MD 21204

Date: April 13, 2006

Attention: Mrs. Kristen Matthews

RE: Case Number: 06-456-SPHA

Petitioner/Developer: Wards Chapel Holdings, LLC

Date of Hearing/Closing: May 11, 2006

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: Wards Chapel Road at Proposed Drive.

The sign(s) were posted on

ATTACH PHOTOGRAPH

OF

SIGN POSTED ON

PROPERTY

MERE

April, 12 2006/ (Month, Day, Year)

(Signature of Sign/Poster)

William D. Gulick, Jr.

(Printed Name of Sign Poster)

McKee and Associates, Inc.

5 Shawan Road, Suite 1

(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

ZONIMO NOTICE

CASE # Q@-456-5PHA

A PUBLIC MEARING WILL BE BELD BY
THE ZONING COMMISSIONER
IN TOWNS ON THE

PLACE: TOWSON, MD 21204

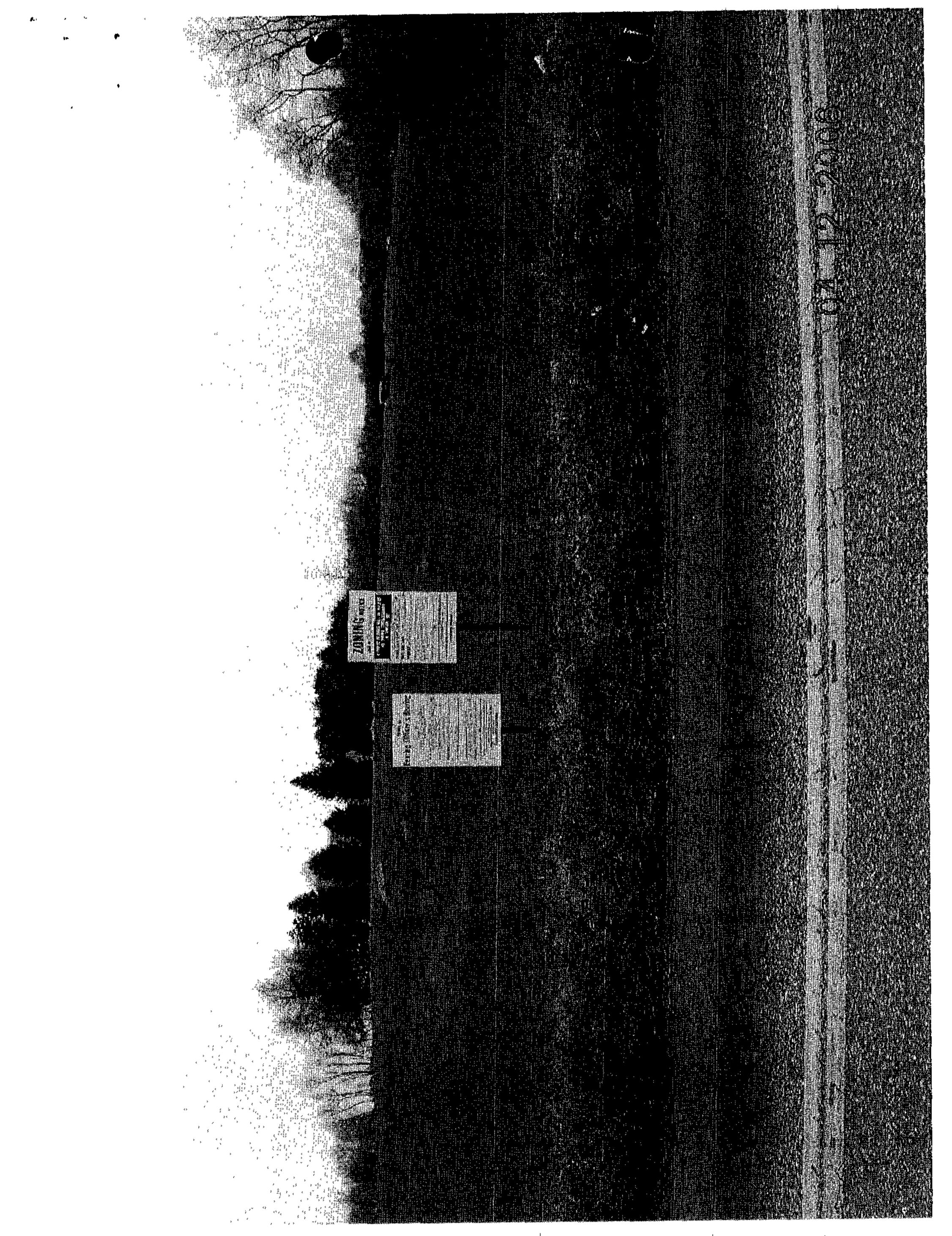
DATE AND TIME: THURSDAY MAY 11, 2006 9:00AM

REQUEST: VARIANCE:

Variation to permit expervious surface coverage of 59% in fleu of the maximum 20% and to allow gross floor area to a building of approximately 10.745 and for the maximum permitted 3,500 feet a permitted 4,500 feet a fleet of the maximum permitted 3,500 feet permitted 1,000 feet permitted 1,000 feet permitted 1,000 feet as an accompany to seat the maximum permitted 4,500 feet permitted 1,000 feet as afficiently shown on the Pfat to accompany this person for Species fleeting and to permit the non-conforming case of a septic reservance sensing a structure occase in the FCC zone to be on the some for, but in the FCC4 sons and to permit the non-conforming case and coverage of greater than 20% of a FCC for with impervious surface and to service a non-conformed building with a gross floor area of over 3,000 and it, and to allow a lot with a lotal area of 2,50 sures an allow wherein 1,89 screeks a 2,50 sures and

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE



Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapcake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

March 29, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-456-SPHA

11100 Liberty Road
Northwest corner of Liberty Road and Wards Chapel Road
2nd Election District — 4th Councilmanic District
Legal Owners: Wards Chapel Holdings, LLC
Contract Purchaser: Shelley Custom Homes, Inc.

Variance to permit impervious surface coverage of 59% in lieu of the maximum 20% and to allow gross floor area for a building of approximately 10,743 sq. feet in lieu of the maximum permitted 3,000 feet. Special Hearing to allow a Panhandle Driveway of 1350 +/- feet in length in lieu of the maximum permitted 1000 feet, as more particularly shown on the Plat to accompany this petition for Special Hearing and to permit the non-conforming use of a septic reserve area serving a structure located in the RCC zone to be on the same lot, but in the RC-4 zone and to permit the non-conforming use and coverage of greater than 20% of a RCC lot with impervious surface and to permit a non-conforming building with a gross floor area of over 3,000 sq. ft. and to allow a lot with a total area of 2.59 acres in area, wherein 1.39 acres is zoned RCC.

Hearing: Thursday, May 11, 2006 at 9:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Muty Kotroco

Director

TK:klm

C: Larry Schmidt, 300 E. Lombard St. Ste.1440, Baltimore 21202 Wards Chapel Holdings, LLC, P.O. Box 356, Monkton 21211 Geoffrey Schultz, 5 Shawan Road, Ste. 1, Cockeysville 21230

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 26, 2006.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Visit the County's Website at www.baltimorecountyonline.info

(Z) (Z) TO: PATUXENT PUBLISHING COMPANY

Tuesday, April 25, 2006 Issue - Jeffersonian

Please forward billing to:

Randy Shelley P.O. Box 356 Monkton, MD 21111

410-329-8040

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-456-SPHA

11100 Liberty Road
Northwest corner of Liberty Road and Wards Chapel Road

2nd Election District – 4th Councilmanic District
Legal Owners: Wards Chapel Holdings, LLC
Contract Purchaser: Shelley Custom Homes, Inc.

Variance to permit impervious surface coverage of 59% in lieu of the maximum 20% and to allow gross floor area for a building of approximately 10,743 sq. feet in lieu of the maximum permitted 3,000 feet. Special Hearing to allow a Panhandle Driveway of 1350 +/- feet in length in lieu of the maximum permitted 1000 feet, as more particularly shown on the Plat to accompany this petition for Special Hearing and to permit the non-conforming use of a septic reserve area serving a structure located in the RCC zone to be on the same lot, but in the RC-4 zone and to permit the non-conforming use and coverage of greater than 20% of a RCC lot with impervious surface and to permit a non-conforming building with a gross floor area of over 3,000 sq. ft. and to allow a lot with a total area of 2.59 acres in area, wherein 1.39 acres is zoned RCC.

Hearing: Thursday, May 11, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

tem Num	spaper Advertising: ber or Case Number: 06 456 SPHA	
Petitioner	WARPS CHAPEL HOLDINGS LLC	
Address o	or Location:	
	FORWARD ADVERTISING BILL TO: RANDY SHELLEY	
	P.O. BOX 356	
	P.O. BOX 356 MONKTON, MD. 21111	
Address:	P.O. BOX 356 MONKTON, MD. ZIIII	· · · · · · · · · · · · · · · · · · ·

Department of Permits and Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

May 5, 2006

Lawrence E. Schmidt Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Schmidt:

RE: Case Number: 06-456-SPHA, 11100 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 20, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Wards Chapel Holdings, LLC P.O. Box 356 Monkton 21111
Geoffrey Schultz, McKee & Associates 5 Shawan Road, Suite 1 Cockeysville 21030
Shelley Custom Homes, Inc. Randy Shelley P.O. Box 356 Monkton 21111



Visit the County's Website at www.baltimorecountyonline.info

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel. 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

March 29,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: March 27, 2006

Item Numbers: 442,443,444,445,447,448,449,450,451,452,453,454,455,456

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 3, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 3, 2006

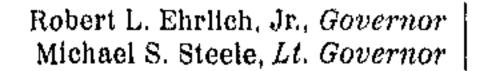
Item Nos. 442, 443, 444, 445, 447, 448, 449, 450, 452, 453, 454, 455, and 456

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-04032006.doc





Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 3.24.624

Item No.

Baltimore County

RE:

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

1. 1. Dredt

RE: PETITION FOR SPECIAL HEARING * BEFORE THE

AND VARIANCE
11100 Liberty Road; NW corner Liberty & * ZONING COMMISSIONER

Wards Chapels Roads
2nd Election & 4th Councilmanic Districts * FOR

Legal Owner(s): Wards Chapel Holdings, LLC

Contract Purchaser(s): Shelley Custom Homes*

Petitioner(s)

* 06-456-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 2006, a copy of the foregoing Entry of Appearance was mailed Geoffrey C. Schultz, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030 and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

AMR 2 7 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.........

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search

Go Back View Map New Search Ground Rent

Account Identifier:

District - 02 Account Number - 2400011808

Owner Information

Owner Name: WARDS CHAPEL HOLDINGS LLC

PO BOX 356

MONKTON MD 21111-0356

Use: Principal Residence: COMMERCIAL

rinicipal Resident

NO

Deed Reference:

1) /22555/ 716

2)

Location & Structure Information

Premises Address

Mailing Address:

11100 LIBERTY RD

Legal Description

22,298AC

11100 LIBERTY RD

COR OF WARDS CHAPEL RD

MapGridParcelSub DistrictSubdivisionSectionBlockLotAssessment AreaPlat No:6613131Plat Ref:

Special Tax Areas

Ad Valorem

Town

Tax Class

Primary Structure Built		Enclosed Area	Property Land Area	County Use
1981		10,625 SF	22.30 AC	06
Stories	Basement		Туре	Exterior

Val	lue	Inf	or	m	at	101	1
	- نام		_		T		_

	Base	Value	Phase-in Asse	ssments
	Value	As Of	As Of	As Of
		01/01/2004	07/01/2005	07/01/2006
Land:	526,000	526,000		
Improvements:	238,000	251,400		
Total:	764,000	777,400	0	777,400
Preferential Land:	0	0	0	0

Transfer	Information	
		_

Seller: Type:	HARKER HUBERT H JR,TRUSTEE IMPROVED ARMS-LENGTH	Date: Deed1:	09/16/2005 /22555/ 716	Price: Deed2:	\$1,025,000
Seller: Type:	HARKER HUBERT H JR TRUSTEE NOT ARMS-LENGTH	Date: Deed1:	07/27/2005 /22260/ 484	Price: Deed2:	\$0
Seller: Type:		Date: Deed1:		Price: Deed2:	

Exemption	Information
-----------	-------------

Partial Exempt Assessments County	Class	07/01/2005	07/01/2006
	000	0	0
State Municipai	000	0 0	0

Tax Exempt: Exempt Class:

NO

Special Tax Recapture:

* NONE *

Perol. No2

KETEPIN SMING-FILES 06-456-SPHA 3/20101 HARKERIPROFO

FREQUENT FLYER ATTORNEYS
DROP OFF ZONING PETITIONS
POLICY PROCEDURES

ALT RESOLUED FROM EARLIER AYUS. COMMENTS

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

- 1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with all technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
- Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.

When a petition has been dropped off by the attorney, it will only be reviewed for When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

On Petitions

The scrawleof owners enricals argueture - has have the pure frintest buck up (to read name) new title of the agreeture to warme). The plan is apparently been reviewed at other levely for clevelopment to drup of letter in stellar indicator of goning reviewed was provided & mail was situric wall CONTACTO Rean notes 33 is wrong for a cluster duclipment 50 H28 1 -514 40tc 38. hecklust signisements concerning histories floor plan missing

