

~~Monday, August 21, 2006 @ 9:00 a.m. Rm 407 PP~~
~~Wednesday, September 6, 2006 @ 5:00 pm Rm 407 PP~~
~~Tuesday October 24, 2006 @ 9:00 am Rm 407~~

Appeal

06-6060-6060
SPH

CERTIFICATE OF POSTING

- 1) Posted _____ Hearing Date _____
2) Posted _____ Hearing Date _____

ADS

- 1) Paper/Date 8/24 Enc _____
Paper/Date _____ Enc _____

- 2) Paper/Date _____ Enc _____
Paper/Date _____ Enc _____

P&A FEES

- 1) _____
2) _____

COMMENTS

Planning _____ Fire ☒ Traffic _____
Critical Area _____ SHA ☒ EPA _____
Health: _____

Associate _____

zoning Violation # _____

Hearing(s) _____

Pr. or : 06-289-SPH

PP&P
AM 1/22/06

(20060660) "A"
supplemental

06-6060-SPH

10/18/07

IN THE MATTER OF
THE APPLICATION OF
JAMES REILMAN – LEGAL OWNER /
PETITIONER FOR SPECIAL HEARING ON
PROPERTY LOCATED ON THE N/S OF
EAST AVENUE, 298' W OF C/L OF
AVONDALE ROAD (9208 AVONDALE RD)

11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 06-289-SPH
* and
* CASE NO. 06-660-SPH

* * * * *

ORDER OF DISMISSAL OF PETITIONS

This case comes to the Board on appeals filed by Lawrence E. Schmidt, Esquire, and GILDEA & SCHMIDT, LLC, on behalf of James P. Reilman, Appellant /Petitioner, from the January 17, 2006 decision of the Deputy Zoning Commissioner and his Order on Motion of Reconsideration dated April 5, 2006, in Case No. 06-289-SPH, and from the October 30, 2006, decision of the Deputy Zoning Commissioner, in which Petitioner's requested zoning relief was denied.

WHEREAS, the Board is in receipt of a Notice of Withdrawal of request for relief in Case Nos. 06-289-SPH and 06-660-SPH, filed on October 18, 2007, by Sebastian A. Cross, Lawrence E. Schmidt, and Gildea & Schmidt, LLC, on behalf of James P. Reilman, Petitioner /Appellant (a copy of which is attached hereto and made a part hereof); and

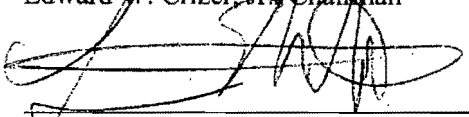
WHEREAS, said Counsel for Petitioner /Appellant requests that the Petitions for Special Hearing filed in Case No. 06-289-SPH and Case No. 06-660-SPH be withdrawn and dismissed as of October 18, 2007,

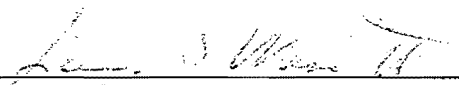
IT IS THEREFORE this 18TH day of October, 2007, by the County Board of Appeals of Baltimore County

ORDERED that said Petitions filed in Case No. 06-289-SPH and Case No. 06-660-SPH be and are hereby **WITHDRAWN AND DISMISSED with prejudice**, pursuant to Rule 3.b.II of the Board's Rules of Practice and Procedure.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Edward W. Crizer, Jr., Chairman


Lawrence M. Stahl


Lawrence S. Wescott

IN THE MATTER OF:

JAMES REILMAN

9208 AVONDALE ROAD

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
*
* CASE NOs. : 06-289-SPH
* 06-660-SPH

* * * * *

NOTICE OF WITHDRAWAL

James P. Reilman, (hereinafter "Property Owner" or "Petitioner"),
through Sebastian A. Cross, Lawrence E. Schmidt and Gildea & Schmidt, LLC,
his attorneys, submits this Notice of Withdrawal and respectfully states:

I. Withdrawal

Petitioner hereby withdraws his request for relief in Case Nos. 06-289-
SPH and 06-660-SPH currently scheduled for the Baltimore County Board of
Appeals.

Respectfully submitted,

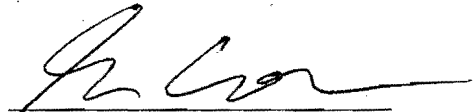


Sebastian A. Cross
Lawrence E. Schmidt
Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
Attorneys for Petitioner

RECEIVED
BALTIMORE COUNTY
CLERK OF COURT
JUL 11 2006
CLERK OF COURT
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of October, 2007, a copy of the foregoing Hearing Memorandum was mailed, first class, postage prepaid to:
J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson MD 21204.

A handwritten signature in black ink, appearing to read 'S. A. Cross', written over a horizontal line.

Sebastian A. Cross



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 18, 2007

Sebastian A. Cross, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

RE: *In the Matter of: James P. Reilman* - Petitioner /Appellant
Case No. 06-289-SPH and Case No. 06-660-SPH
Order of Dismissal of Petitions

Dear Mr. Cross:

Enclosed please find a copy of the Order of Dismissal of Petitions issued this date by the County Board of Appeals of Baltimore County in the above-captioned matter in which the subject Petitions have been withdrawn and dismissed.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Lawrence E. Schmidt, Esquire
James Reilman
Thomas Hoff /Thomas J. Hoff, Inc.
J. Carroll Holzer, Esquire
Melissa and Dan Ullman
Deborah and Michael Malinowski
Hazel Allegiur
Stephanie Driscoll
Carol Wilson
Legros Montalvo
Mary Beth Janczak
Helen and James Billups
Michael Malinowski
Matthew Malinowski
Ruth Baisden
Warren Thomas
Office of People's Counsel
Pat Keller, Planning Director
William J. Wiseman III /Zoning Commissioner
Timothy M. Kotroco, Director /PDM



10/12/07
IN THE MATTER OF:

JAMES REILMAN

9208 AVONDALE ROAD

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
*
* CASE NOs. : 06-289-SPH
* 06-660-SPH

* * * * *

NOTICE OF WITHDRAWAL

James P. Reilman, (hereinafter "Property Owner" or "Petitioner"),
through Sebastian A. Cross, Lawrence E. Schmidt and Gildea & Schmidt, LLC,
his attorneys, submits this Notice of Withdrawal and respectfully states:

I. Withdrawal

Petitioner hereby withdraws his request for relief in Case Nos. 06-289-
SPH and 06-660-SPH currently scheduled for the Baltimore County Board of
Appeals.

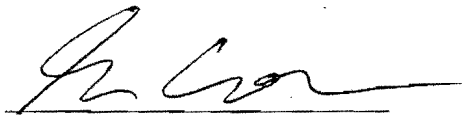
Respectfully submitted,



Sebastian A. Cross
Lawrence E. Schmidt
Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of October, 2007, a copy of the foregoing Hearing Memorandum was mailed, first class, postage prepaid to:
J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson MD 21204.

A handwritten signature in black ink, appearing to read 'S. Cross', written over a horizontal line.

Sebastian A. Cross

9/12/07

IN THE MATTER OF:
JAMES REILMAN, Petitioner
Deputy Zoning Commissioner Order
denying Special Hearing – 1/17/06
06-289-SPH

And

IN THE MATTER OF:
JAMES REILMAN, Petitioner
Deputy Zoning Commissioner's Order
denying Special Hearing Relief – 10/30/06
06-660-SPH

* BEFORE THE
* COUNTY
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
*
Case No.: 06-289-SPH
06-660-SPH
*

* * * * *

MEMORANDUM OF PROTESTANTS

Melissa and Dan Ullmann, et al., by J. Carroll Holzer, Esquire, Holzer & Lee, hereby responds to the County Board of Appeals request for a Memorandum as to whether or not the above-captioned Petitions for Special Hearing must comply with §18-3-302 of the Baltimore County Code.

STATEMENT OF THE CASE AND FACTS

Petitioner Reilman filed Case No.: 06-289-SPH in which he requested a Special Hearing for either a waiver from §32-4-405 B.C.C. to permit a paving width of ten (10) feet in lieu of the required thirty (30) feet in the right-of-way of Thornwood Road or a waiver from §32-4-410 of the B.C.C. Development Regulations to permit private water and sewer connections for one lot in the right-of-way of Thornwood Road. In that particular case, the Deputy Zoning Commissioner concluded on Page 5 of his Opinion and Order that the Petitioner has no absolute

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

RECEIVED
SEP 12 2007

BALTIMORE COUNTY
BOARD OF APPEALS

right to use County property for his private driveway. He rejected Petitioner's assertion that no governmental agency other than Land Acquisition would need to approve the private driveway on public property. He concluded that the Baltimore County Administration and the County Council would be required to review this request and thus denied the Special Hearing. That case came before this Board of Appeals and was held pending a second case.

Case No.: 06-660-SPH requested a Special Hearing to determine under §32-4-107 and §32-4-404 and 405 B.C.C. to allow a public road with a paving width of eighteen (18) feet in lieu of the required twenty-four (24) feet. They also requested a waiver from §32-4-107 to permit privately maintained utilities in the bed of the proposed public road. A hearing was held before the Deputy Zoning Commissioner who again denied the Special Hearing request and concluded in his Finding of Fact and Conclusions of Law beginning on Page 7 of his Opinion, dated October 30, 2006, that the Petitioner has no absolute right to use County property to gain access to an alleged public road. He found that the Policy Manual did not support the Petitioner's argument. He concluded that all County-owned property is not up for grabs by adjacent property owners. After a lengthy analysis, the Deputy Zoning Commissioner concluded that the parcel involved in this case is simply in the County inventory. It is neither part of an approved capital project, nor part of a Development Plan. (Opinion, page 10). He further distinguished the situation from that in which a Developer proposes internal public roads in a Development Plan which process is described in Development Regulations, §32. He further concluded that the Director of Public Works simply does not have the authority to allow the use of public property as requested.

More importantly, he then reviewed the Baltimore County Code and found that this case was controlled by §18-3-302 and §18-3-303. He found:

“Rather I find that this situation is controlled by §18-3-302 and §18-3-303 of the Baltimore County Code. Section 18-3-303 specifies the manner in which abutting property owners can petition the County to improve a road ‘to a greater extent than planned by the County...’ two-thirds of the adjacent property owners have to petition the County to make use of this process. However, the facts of this case reveal the opposite in that it appears two-thirds of the abutting owners are opposed to this construction.

The Petitioner, however, may proceed under §18-3-302 which provides how someone may petition the County to open a road by filing an application with the County Attorney’s Office giving notice by publication and mailings, attending a hearing and obtaining a favorable decision by the County Administrative Officer. Appeals from this Decision are to the County Board of Appeals. This gives the County the opportunity to object to or support the Petition as well as the neighbors.” (Opinion, Page 11).

He then found that no approval, nor request for approval from the County Administrative Officer under §18-3-302 had been made and, therefore, the Special Hearing was denied.

Since October 30, 2006, no request for a road opening has been made pursuant to §18-3-302 and this matter came before the County Board of Appeals on August 22, 2007.

The Chairman of the Board raised the issue as to whether or not the Board should be precluded from hearing these cases and/or approving the Special Hearing when the proper procedure for the Appellant would have been a Petition pursuant to §18-3-302.

ARGUMENT

The Protestants submit that this Board of Appeals cannot approve either Petition for Special Hearing to waive the width of the proposed road to access only one property (whether private or public) without a finding required from the Administrative Officer under §18-3-302.

The reason for the Protestants position is very clear as expressed and articulated by Deputy Zoning Commissioner Murphy and the clear language of the B.C.C., §18-3-302 which provides expressly for this very situation.

As this Board found in Case No.: CBA-06-037 – *In the Matter of Second Street – Petition to open a portion of Second Street*, the Baltimore County Code provides for this very type of process and anticipates the concerns raised by Protestants. Section 18-3-302 of the Code contains the requirements for opening, altering, relocating or closing a road or alley. In Subsection B notice, it states: (1) “the person seeking to have a new road open for the public benefit or an old road altered, relocated or closed shall give notice of the person’s intention to petition for the change by ...” That was not done in this case. The inherent problems raised by the Protestants as to the effects of opening this road likewise pertain to the various County departments who have a right to appear and comment under Subsection D (hearing and appeal).

The difference between the Petition for Special Hearing and the road closing process is as the Board found in the Second Street road opening case, that the standard to be applied was whether or not there was a “public benefit” from building this road.” That standard of proof as to the public benefit must be presented during the appropriate procedure. There is absolutely no proof as illustrated by both Deputy Zoning Commissioner Decisions and the evidence that will be presented to the Board that there is any public benefit other than to Mr. Reilman to permit Reilman’s use of the unopened Thornwood Road for his sole purpose of subdividing one lot. There can be no explanation that this road serves any “public purpose.” From the Petitioner’s

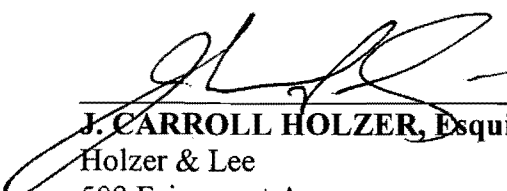
own opening statement, it is clear that Thornwood Road and Thornwood Drive will never be connected, that there is no public works agreement in place for its construction, that it is not part of an approved subdivision and that the County has no plans for opening that road.

The Protestants attach hereto *In the Matter Of: Second Street, Case No.: CBA-06-037* as an appendix to this Memorandum.

The Protestants, therefore, submit that the Board should grant Protestants' Motion to Dismiss both Petitions for Special Hearing because they do not comply with the procedure required by the Baltimore County Code for opening a road. The fact that a minor subdivision for Reilman was approved on May 9, 2007 does not alter the legal requirements for opening Thornwood Road and is of no consequence unless the proper procedure is adopted to first open Thornwood Road. If ultimately the County Administrative Officer approves the opening of Thornwood Road, then the question of road width may become relevant. Protestants request that both Petitions for Special Hearing be denied on the basis that the Baltimore County Code §18-3-302 has not been followed.

It is clear from material contained in the file from the Deputy Zoning Commissioner before the Board that Eric Rockel, on January 13, 2006, in a Memorandum to John Murphy on Avondale Road expressed similar concern that Thornwood Drive should not be used as a private drive for access for the Avondale Road property because of liability issues as well as approval for a private drive from the Baltimore County Council. Secondly, he raised concerns that a public works agreement and a road agreement needed to be completed. (See attached Memo contained in the Board's file). It is clear that Rockel's concern emanating from Land Acquisition was the same as that expressed by Deputy Zoning Commissioner Murphy: the normal road opening procedures had not been complied with in this case.

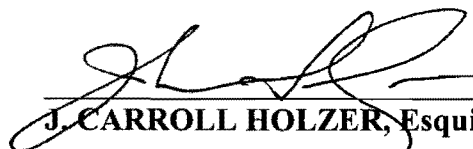
Respectfully submitted,



J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September, 2007, a copy of the foregoing Memorandum of Protestants was mailed first class, postage pre-paid to the following:
Lawrence E. Schmidt, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200,
Towson, Maryland 21204.



J. CARROLL HOLZER, Esquire

9/10/07

IN THE MATTER OF:

JAMES REILMAN

9208 AVONDALE ROAD

RECEIVED
SEP 10 2007

BALTIMORE COUNTY
BOARD OF APPEALS

HEARING MEMORANDUM

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
*
* CASE NOs.: 06-289-SPH
* 06-660-SPH

James P. Reilman, (hereinafter "Property Owner" or "Petitioner"), through Lawrence E. Schmidt and Gildea & Schmidt, LLC, his attorneys, submits this Hearing Memorandum and respectfully states:

I. Procedural Status

This matter comes before the Board for consolidation of two matters considered by then-Deputy Zoning Commissioner John V. Murphy, Jr. The first was within Case No. 06-289-SPH. Therein, the Petitioner requested a waiver from Baltimore County Code ("BCC") §32-4-405, to permit a 10 foot paving width in lieu of the 30 foot width in the right-of-way of Thornwood Road and also to permit a waiver to allow private water and sewer connections for one lot in the right-of-way of Thornwood Road. The matter was considered in a public hearing before then-Deputy Commissioner Murphy and by written Opinion and Order dated January 17, 2006, the Petition for Special Hearing was denied. A Motion for Reconsideration was likewise denied on April 5, 2006 and the matter

thereafter timely appealed by the Petitioner to the County Board of Appeals of Baltimore County (hereinafter "CBA" or "Board").

The second matter was within Case No. 06-660-SPH. Therein, the Petitioner sought a waiver to allow a public road with the paving width in lieu of the required 24 feet for a proposed non-arterial and non-collector road. Further, relief was sought to permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road. Lastly, the Petitioner requested such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner. Following a public hearing, then-Deputy Zoning Commissioner likewise denied this Petition by written decision and Order dated October 30, 2006. That Order was likewise appealed by the Petitioner, and these two matters were consolidated for hearing and consideration.

These matters came in for hearing before the Board on August 22, 2007. Following opening statement by Petitioner's counsel and before the introduction of any testimony and evidence, the Board adjourned the proceedings and requested, *sua sponte*, the following memorandum from counsel. The memorandum is to address the issue of whether a road opening is required before the appealed matters are considered by the Board.

II. Facts

The subject property under consideration was acquired by Petitioner on December 14, 2001. The property is an irregularly shaped lot, approximately .71 acres in gross area. The property is split-zoned D.R. 5.5 and D.R. 3.5. The

predominant zoning of the property is D.R. 5.5 (23,243 sq. ft.), with a smaller portion zoned D.R. 3.5 (7,702 sq. ft.). The property immediately abuts two public roads. To the east, the property adjoins Avondale Road, an existing public paved road. To the south, the property immediately abuts a County-owned strip of land, which is approximately 40 feet by 100 feet in dimension. That strip is currently not improved; however, is to be paved as Thornwood Road, a public County road.

The eastern portion of the subject property is improved with a two-storey single-family detached dwelling, which is occupied by the Petitioner as his family home. Located next to the home is a detached garage. The western portion of the property is unimproved.

Based on the property's zoning classifications, acreage, and the applicable provisions of County law, the Petitioner has submitted a proposal for subdivision of the property into two lots. Lot 1 will be 0.24 acres in area, and contain the eastern portion of the property, including the existing single-family dwelling and the garage. That dwelling is known as 9208 Avondale Road and is accessed via a driveway leading from Avondale Road. Lot 2 will contain 0.47 acres, and occupies the western portion of the site. A proposed dwelling is to be constructed on Lot 2, to be known as 3128A East Avenue. Access to the dwelling on proposed Lot 2 will be from East Avenue, via the County-owned strip referenced above, known as Thornwood Road.

Pursuant to the County's development regulations, the Petitioner has submitted a minor subdivision plan, depicting this subdivision. (*see attached Exhibit No. 1, subdivision plan*) The minor subdivision plan was approved by Baltimore County on May 14, 2007. (*see attached Exhibit No. 2, letter of approval*) There was no appeal of the minor subdivision approval. Thus, all issues presented through the minor subdivision review process have been fully resolved and are final. Those issues are not before the Board in the instant matter.

III. The Issue Presented

As noted above, access to the existing single-family dwelling known as Lot 1 known as 9208 Avondale Road is by way of a private driveway, which leads into that lot from Avondale Road. The proposed means of access to Lot 2 is the issue in this case. As shown on Exhibit No. 1, the minor subdivision plan, Petitioner proposes improving Thornwood Road in the 100 foot by 40 foot strip owned by Baltimore County in order to provide access. This strip is currently unimproved. The strip was acquired by Baltimore County on June 5, 1968 by Deed recorded in the Land Records of Baltimore County at Liber 4870, Page 683. (*see attached Exhibit No. 3, County Highway Deed*).

That document is identified as a "County Highway Deed" and identifies the grantors as Henry A. Volpini and Gertrude L. Volpini, his wife. Madison and Bradford Savings and Loan Association, Inc. are also identified as mortgagee. The grantee is identified as Baltimore County, and indeed the

document indicates that the transfer was approved and accepted by Baltimore County on April 26, 1968. Moreover, the Deed specifically states that the purpose of the conveyance is "for public highway purposes."¹

Then-Deputy Zoning Commissioner Murphy, in his written decision in Case No. 06-660-SPH, questioned whether that portion of Thornwood Road located within the strip must be "opened." As noted above, the Board raised a similar issue in open hearing. Then-Deputy Zoning Commissioner Murphy cited BCC §§18-3-302 and 18-3-303 as a basis for his comment. BCC §18-302 provides that "a person may petition to open, alter, relocate or close a road." The procedure to file the requisite petition is set forth in BCC §18-3-302(c). Requisite notice is set forth in BCC §18-3-302(b), and the hearing procedure before Baltimore County's Administrator Officer or his designee is set forth in BCC §18-3-302(d). Finally, if a property owner wishes Baltimore County to pay for the construction of a road, the process to institute that County expenditure is set forth in BCC §18-3-302(g).

Few roads in Baltimore County, especially residential streets, are constructed by County government. Surely, inter-state highways and some state highways are constructed by the government. However, most residential community streets are built by developers or property owners desiring access to their properties. After the construction of the roads, they are then conveyed to

¹ It is evident that the property was acquired by Baltimore County in order to ultimately connect East Avenue to existing Thornwood Road, located to the north. As shown on vicinity map on Exhibit No. 1, the strip occupies a portion of a gap between East Avenue and existing Thornwood Road.

and accepted by Baltimore County as public roads. Thereafter, the County maintains the roads and owns them. Nearly every residential street in Baltimore County was built, conveyed, and is now maintained in that fashion. None of these roads are subject to the road opening process in BCC §18-3-302.

BCC §18-3-303 sets out language providing that one may petition to improve a road "to a greater extent than planned by the County." This regulation governs those instances when the County plans a road of a particular width or dimension and adjacent or interested property owners desire a wider or larger road. The Petitioner is not requesting that Thornwood Road be constructed to a "greater extent than planned by the County." His Petition does not ask that the road be reduced from its 40 foot width, rather, Mr. Reilman requests approval to allow the paving of Thornwood to be narrower than required by the Department of Public Works. Moreover, through the Petition filed in Case No. 06-660-SPH, he does not seek that a private road be constructed.² The issue in this case is whether the strip at issue needs to be "opened."

During Petitioner's counsel's opening statement, the Board chairman questioned whether a road opening is required in this case and cited, as a basis for his comment, a recent matter that came before the Board. That case is CBA-

² From a practical standpoint, it makes little sense for Thornwood Road to be a public roadway. It will be of a short length and serve limited properties, e.g. the subject property and the properties of East Avenue on either side. Whether a private road can be constructed on public land is an issue for the Board to consider another day.

06-037, IN THE MATTER OF SECOND STREET-PETITION TO OPEN A PORTION OF SECOND STREET. It is clear that the facts in that case are easily distinguished from the instant matter. In that case, the appellants (represented by Howard A. Alderman, Jr., Esquire) petitioned Baltimore County to open a portion of Second Street so that his client could utilize the same for access to its property and proposed development thereon. Second Street was originally shown on the plat of a residential subdivision (Cherry Heights). Although shown on that plat, the underlying property on which Second Street was to be constructed was never accepted by Baltimore County for ownership; nor was the property used by the public or improved by Baltimore County. Thus, the appellant never had right to use the road for access to its property and was required to seek a road opening pursuant to BCC §18-3-302.

The need for the road opening in that case is evidenced during an exchange between the Administrative Officer's Designee (Donald Rascoe, Hearing Officer), his counsel (County Attorney Steven Verch, Esquire) and appellants counsel (Howard A. Alderman, Jr. Esquire). During opening remarks, the following exchange occurred:

THE HEARING OFFICER: Why do we need to go through a road opening if this is already an offer to convey to the county fee simple ownership when brought to county standard?

MR. ALDERMAN: For two reasons. Number one, an offer for dedication is not acceptance of dedication.

MR. VERCH: That's correct.

MR. ALDERMAN: An offer for dedication is just that. Dedication can be made in one of two ways in accordance with Maryland law. Dedication can be made for public use. For instance, if the County had paved the entire section of roadway to be opened and had used it and maintained it, dedication would be by prescription.

THE HEARING OFFICER: Whether we own the underlying fee simple.

MR. ALDERMAN: Whether you own the underlying fee simple.

THE HEARING OFFICER: And we have that in many, many cases in Baltimore County.

MR. ALDERMAN: That is correct. The second way is certainly by deed. As it is, neither of those two things has ever happened.

THE HEARING OFFICER: Correct.

(see attached Exhibit No. 4, Transcript, In the matter of the Opening of a Portion of Second Street, October 3, 2005)

In the instant case, Petitioner's right to use the road (indeed the public's right to use the road) is manifest. Unlike Second Street, which was never accepted by Baltimore County expressly by deed or accepted by prescription, the 40 foot by 100 foot strip of land has been expressly accepted by Baltimore County by the Deed referenced herein above. As noted herein, the County accepted that property via the Deed from Mr. and Mrs. Volpini specifically for "public highway purposes." When that acceptance occurred, the road was opened, As

it has never been closed, Mr. Reilman unquestionably has the right to use the road to provide access to his property.

Respectfully, the Board chair was perhaps confusing the concept of the opening of a public road with the County's standards for paving of a roadway. These are two entirely different issues.

There are numerous cases where a similar issue was presented to the appellate courts of this state; to wit, when does the political jurisdiction, in effect, assume dominion and control of a roadway so that same becomes an open road available for public use. With all respect to Mr. Alderman, there are actually three means (not two) for this to occur. They are: 1. expressly, by deed or other instrument as occurred in the instant matter; 2. when the County paves or otherwise physically improves the road; or. 3, by acts *in pais*, whereby members of the public use the road. See e.g. Chapman v. Rogan, 22 Md. 12, 158 A.2d 626 (1963), Bonhage v. Cruse, 233 Md. 10, 194 A.2d 803 (1963), Canton Co. of Baltimore v. Mayor and City Council of Baltimore, 106 Md. 69, 66 A. 679 (1909).

IV. Conclusion

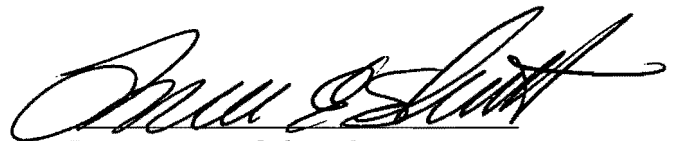
This case is about the requested waiver of a standard of the Baltimore County Department of Public Works for the paving of road. Mr. Reilman and indeed any member of the public, has the right to build Thornwood Road at this location to access his property because the County has accepted the road by virtue of the Deed of conveyance recorded in the Land Records of Baltimore County at Liber 4870 Page 683. If this were not the case, the County

Administrative Officer would need to have a road opening hearing every time a developer built a subdivision and thereafter dedicated roads therein to the County. Obviously, this does not occur. The fact that this road is opened insofar as Baltimore County is concerned is further evidenced by the approved subdivision plan (Exhibit No. 1). Clearly, the County could not have approved that plan for Lot 2 without access thereto. That approved plan shows access via Thornwood Road. A road opening is required only when a property has been offered, but not accepted, by the County either expressly or by prescription. The sole issue in this case is as to how wide the paving should be.

WHEREFORE, the Board should:

1. Issue its ruling that a road opening is not required;
2. Schedule this matter for a *de novo* hearing to consider the merits of the Petitions for Special Hearing; and
3. For such other and further relief as the nature of this cause may require.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2007, a copy of the foregoing Hearing Memorandum was mailed, first class, postage prepaid to:
J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson MD 21204.


Lawrence E. Schmidt

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
F. GILLIS GREEN
ERIC N. LAMB
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

September 10, 2007

Kathleen C. Bianco
Board of Appeals
Old Court House, Room 49
400 Washington Avenue
Towson Maryland 21204

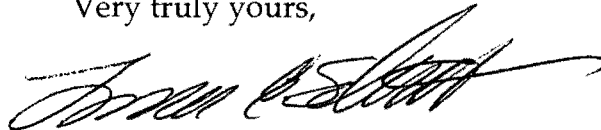
Re: Reilman/9208 Avondale Road
Case Nos.: 06-289-SPH
06-660-SPH

RECEIVED
SEP 10 2007
BALTIMORE COUNTY
BOARD OF APPEALS

Dear Ms. Bianco:

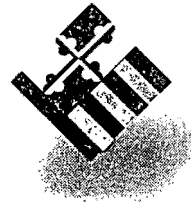
Enclosed herein please find for filing a Hearing Memorandum in the above referenced case. Should you require anything further, please contact me. With kind regards, I am

Very truly yours,



Lawrence E. Schmidt

LES: sf
CC: J. Carroll Holzer, Esquire



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

January 8, 2007

James P. Reilman
9208 Avondale Road
Baltimore, MD 21234

Dear Mr. Reilman:

RE: Case: 06-660-SPH, 9208 Avondale Road

Please be advised that an appeal of the above-referenced case was filed in this office on November 29, 2006 by Lawrence E. Schmidt. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:amf

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Lawrence E. Schmidt Gildea & Schmidt, LLC 300 E. Lombard Street, Suite 1440
Baltimore 21202
Thomas J. Hoff 406 W. Pennsylvania Avenue Towson 21204
Melissa Ullmann 3130 East Avenue Baltimore 21234
Deborah and Michael Malinowski 3127 East Avenue Baltimore 21234

Page Two
9208 Avondale Road
January 8, 2007

Hazel Allegiur 66 Berkshire Road Baltimore 21221
Stephanie Driscoll 3128 East Avenue Parkville 21234
Carol E. Wilson 3129 East Avenue Parkville 21234
Milagros Montalvo 3129 East Avenue Parkville 21234
Mary Bethvanczak 3134 East Avenue Baltimore 21234
Helen and James Billups 69 Wiltshire Road Baltimore 21221
Michael T. Malinowski 17 Melken Court Parkville 21234
Matthew Malinowski 9102 Orbitan Road Parkville 21234
Ruth Baisden 7706 Oak Avenue Parkville 21234
Dan Ullmann 3130 East Avenue Parkville 21234

11/28/06

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
9208 Avondale Road		
North/side of East Avenue, 298 feet	*	ZONING COMMISSIONER
West of centerline of Avondale Road		
	*	OF
11 th Election District		
6 th Councilmanic District	*	BALTIMORE COUNTY
Legal Owner: James Reilman	*	Case No.: 06-660-SPH

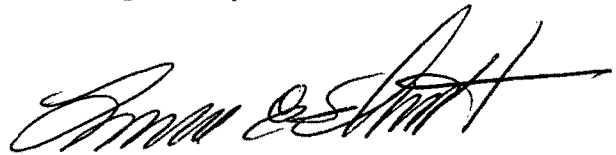
* * * * *

NOTICE OF APPEAL

James Reilman, property owner, Appellant in the above-captioned case, by and through his attorney, Lawrence E. Schmidt of Gildea & Schmidt, LLC, feeling aggrieved by the decision of the Zoning Commissioner in the above-captioned matter, hereby notes an appeal to the County Board of Appeals from the Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated October 30, 2006, attached hereto, and incorporated herein respectively as Exhibit A.

Filed concurrently with this Notice of Appeal is Appellant's check made payable to Baltimore County to cover the costs of the appeal. Appellant was a party below and fully participated in the proceedings.

Respectfully submitted,



Lawrence E. Schmidt
Gildea & Schmidt, LLC
300 East Lombard Street
Suite 1440
Baltimore, MD 21202
(410) 234-0070
Attorney for Appellant

RECEIVED

NOV 29 2006

Per.....

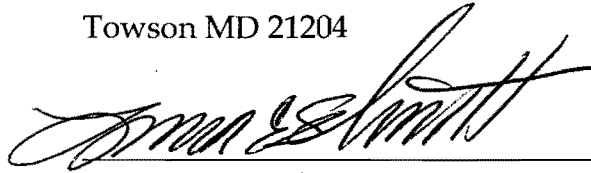
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November 2006, a copy of the foregoing Notice of Appeal was mailed first-class, postage pre-paid to:

Peter Max Zimmerman, Esq.
People's Counsel for Baltimore County
Old Courthouse
400 Washington Avenue
Room 47
Towson, MD 21204
(410) 887-2188,

Carole S. Demilio, Esq.
Deputy People's Counsel for Baltimore
County
Old Courthouse
400 Washington Avenue, Room 47
Towson, MD 21204
(410) 887-2188, and to

J. Carroll Holzer, Esq.
Holzer & Lee
508 Fairmount Avenue
Towson MD 21204



Lawrence E. Schmidt

10/30/06

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S of East Avenue, 298 feet west of c/l * DEPUTY ZONING COMMISSIONER
Of Avondale Road
11th Election District
6th Councilmanic District * OF BALTIMORE COUNTY
(9208 Avondale Road)

James P. Reilman
Legal Owner and Petitioner * CASE NO. 06-660-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 9208 Avondale Road. The Petition was filed by James P. Reilman, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a waiver to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road. For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

The property was posted with Notice of Hearing on October 9, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on October 10, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

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

RECEIVED FOR FILING
10-30-06
[Signature]

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.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: A comment letter was received from the Bureau of Development Plans Review dated July 7, 2006 which supports the requested waiver with conditions. A comment letter was received from the Office of Planning dated July 26, 2006. A comment letter was received from the Department of Environmental Protection and Resource Management dated August 11, 2006 which contains restrictions. A copy of which is incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Thomas J. Hoff, with Thomas J. Hoff, Inc., who prepared the site plan and James P. Reilman, Petitioner, Lawrence Schmidt, Esquire, represented the Petitioner. J. Carroll Holzer, Esquire, represented the following protestants: Melissa and Dan Ullmann, Deborah and Michael Malinowski, Hazel Allegiur, Stephanie Driscoll, Carol Wilson, Legros Montalvo, Mary Beth Janczak, Helen and James Billups, Michael Malinowski, Matthew Malinowski, and Ruth Baisden. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Preliminary Matter

Mr. Holzer representing the protestants presented the following preliminary motions:

1. That the waivers are being requested under Section 32-4-107 of the BCC which grants a Hearing Officer authority to grant certain waivers. However this case was filed under the Zoning Commissioner's authority of Section 500.7 of the BCZR and as such the Commission has no authority to grant the requested waivers.

COPIES REQUIRED FOR FILING
Jat- 10-30-06
By [Signature]

2. This case was heard in Case No. 06-284-SPH and is barred by the doctrine of res judicata and collateral estoppel. The alleged the facts are the same, the negative impact on the community the same and the fact that in this case the Petitioner proposes to build a public not private road as in the above case is immaterial.
3. Case No. 06-289-SPH is on appeal to the Board of Appeals and it is burdensome to defend a second case at the same time as the appeal of the prior case.

In response Mr. Schmidt pointed out that this case is a development case involving a minor subdivision even if filed in a zoning context so that there is authority to decide the waiver, and that there are significant differences between the cases including public road vs private road, the width of the paving and ZAC comments.

Considering all arguments of counsel I denied the motions finding that the Zoning Commissioner's office has jurisdiction to hear this case under the broad authority of Section 500.7 of the BCZR and there significant differences between the subject case and Case 06-289-SPH including the legal issue of the use of public property for construction of public roads.

Testimony and Evidence

The subject property contains approximately 0.75 acres, is zoned DR 5.5 and DR 3.5 and improved by a single-family dwelling, the Petitioner's home. See Petitioner's Exhibit 2. The Petitioner would like to subdivide his property and build a second dwelling in the rear yard. To obtain access to the Petitioner's rear yard the Petitioner proposes to build a public road in a 40 x 110 foot County owned strip of land known as Thornwood Drive which would give the rear lot direct access to East Avenue. The requested waiver is to allow the paving to be 18 feet in lieu of the required 24 feet and to allow private water and sewer to serve the new home within the road boundaries.

NOTED RECEIVED FOR FILING
10-30-06
PZ

Mr. Hoff, a registered landscape architect, was accepted as an expert and indicated that the property was irregularly shaped, the proposed rear lot was not improved, and there was sufficient density to create two lots. He indicated that access to the rear lot from Avondale Road via the existing driveway was not allowed by right, such access would require approval of a panhandle configuration and that there was no guarantee that waivers and variances for a panhandle lot could be achieved.

Considering the difficulty of the panhandle approach, he considered alternatives and found that the County had in fee ownership of a strip of land known as Thornwood Drive which could give the rear lot access to East Avenue. He noted that the County received the strip of land during a minor subdivision on East Avenue in 1968. He presented the deed, (Petitioner's exhibit 3) which transferred the strip to the County and noted that the second paragraph included a statement that the property was conveyed for "public highway purposes". He opined that under the circumstances the Petitioner has an absolute right to build a public street to the rear lot with only Public Works approval. He noted that the developer must pay the construction costs and the Petitioner is willing to do so.

In regard to the waiver request, he noted the Department of Public Works supports the waiver to allow 18 feet of paving as shown in the ZAC comment from the Bureau of Development Plans Review. In support of his contention that the Petitioner has the right to use the County owned strip he presented an excerpt from the Bureau of Development Plans Review Policy Manual as Petitioner's exhibit 4. He noted on page 6 that the County distinguishes between private and public roads and on page 9 the Developer must bear the cost of off site road improvements. In regard to paving width he pointed out that page 9 requires an estimate of the average trips per day (ATD). The ADT for this public road is the total average daily trips for not only the proposed house but also the possible access to each adjoining lot. Together these

RECEIVED FOR FILING
JAN 10 30 06
RZ

would require 16 feet of paving. However the Director of Public Works requires 24 feet of paving. He opined that 18 feet of paving will provide adequate and safe access to the three lots. He noted that 18 feet of paving is often used in rural developments with 20 to 30 lots and is more than adequate for this application. Finally he observed that East Avenue has 18 feet of paving in some areas.

In regard to storm water management he indicated that the County will decide if full storm drains will be required, there is a public storm water system in East Avenue, and the storm water generated by the new house and road will not overtax the public system.

In regard to the waivers requested he opined that the requests regarding street paving width and private utilities in the street met the criteria of Section 32-4-107 and that the Petitioner would suffer hardship if the full width of the paving were required. He indicated that trees on the strip would have to be removed if the wider paving is required which would be a loss to the Petitioner and the neighbors as well. Finally he opined that the public utility systems for water and sewer were more than adequate to handle this one additional house and private systems are very similar to those on the other homes along East Avenue.

Upon questioning, he indicated the minor subdivision had not yet been approved but was being held pending the outcome of this case. He admitted the portion of Thornwood Drive which is this subject of this case is not now paved or improved. However he noted that Thornwood Drive does exist as a street to the north of the property as shown on the vicinity map of Petitioner's exhibit 2. He admitted that the subject portion of Thornwood Drive is not the subject of a County budget item, there are no public works agreements applicable to this portion and there are no plans to extend Thornwood Drive to the subject road.

He admitted that the Petitioner has access to Avondale Road via the existing driveway alongside the Petitioner's home, but said it would be difficult to obtain variances to allow the

RECEIVED FOR FILING
OCT 10 2006
10-30-06
10-30-06

rear lot access to Avondale via a driveway. He indicated that it would be unlikely for either of the adjoining lots to want access via the new street because they already have access to East Avenue. If the full 24 foot width is required, he opined that trees on the County strip and adjacent properties would likely have to be removed. He noted that if the waiver is not granted, the Petitioner would have to provide curb and gutter but not if the 18 foot width is granted.

He admitted that if the County should ever want to extend Thornwood Drive to the subject site, the 18 foot paving would have to be widened but that this is unlikely as there are environmental constraints and the County would have to condemn property to complete the extension. Finally the Petitioner presented Petitions in support of the waiver, Petitioner's exhibit 5.

Ms. Baisden, former president of the Greater Parkville Community Council, expressed the Council's opposition to the waiver requests, opined that use of a street for one house is not a public road, that granting the waiver would allow a panhandle lot, the Council opposed houses behind houses such as being proposed, and the proposed house is not compatible with the neighborhood. She opined the community needed open space not more roads and houses, an area plan was in process and requested the decision in this case wait for the report of the committees studying the open space needs of the community.

Ms. Ullman, (ne Malinowski), an adjacent property owner, spoke for the residents of the area opposed to the waiver requests. She presented a Petition in Opposition as protestants exhibit 1, and photographs of the immediate area, (protestants' exhibit 2). She noted the proposed street would eliminate needed on street parking and emphasized the storm water runoff problem suffered by the neighborhood. She lamented the trees that would be lost if the street were to be constructed. She opined that Thornwood Drive will never be extended as there is a house directly in the likely path of an extension as well as two homes close by. See protestants'

10-30-06
920801
PZ

exhibit 3. She indicated she opposed having a public road for one house, expressed concern about loss of property value under the proposed use, but said she would not object to access to the Petitioner's rear lot to Avondale Road via the driveway on the south side of the Petitioner's home. She noted again that she maintains the subject strip cutting the grass, etc., and it would be unfair to allow the road which comes by her house when the Petitioner can have the access next to his house. Finally she opined that the propose street does not meet the definition of "street" in Section 32-4-101.

Upon questioning she admitted that she opposed both the road and the new house. She knew of no legal prohibition against using the strip for the proposed public road.

Findings of Fact and Conclusions of Law

As mentioned at the hearing, the issue of whether or not the Petitioner has the absolute right to use County property to gain another access to a public road is not at all clear. The Petitioner has shown that the County owned strip leading to the Petitioner's back yard from East Avenue was obtained by the County as an exaction for approval of a minor subdivision in 1968. Petitioner's exhibit 3, the deed by which the County obtained title to the strip, further shows that the purpose for which the property was obtained is for "public highway purposes". The Petitioner then concludes that the Petitioner has an absolute right to construct a public road from East Avenue to his property as long as the Petitioner is willing to pay the cost of construction. In further support of this contention the Petitioner presented excerpts from the BDPR Policy Manual which requires developers to pay the cost of off site roadway under certain circumstances.

In regard to the Policy Manual, I do not find the text given either supports or undermines the right of an adjacent property owner to use public land to build a public road. The text merely says that if a development is approved the owner must pay the cost of offsite road improvements.

FILED FOR FILING
JAN 10 30 06
P3

This does not address the central issue of whether or not an adjacent owner has the right to use public property for a proposed road.

I think all would agree that the owner of property next to a public park does not have the right to build a public road across the park in order to further develop his land even if the Director of Recreation and Parks supports the idea and the owner is willing to pay the costs. This is so even though the park is public property. The Council and Administration have designated the park as open recreational space and a road would contravene the intent of the County.

So it is not that all County owned property is up for grabs by adjacent property owners. On the other hand the strip in the subject case was acquired for "public highway purposes". The Petitioner pointed out that Thornwood Drive has actually been built to the north of the subject site, but that no County agency or budget item indicates a County desire to complete the extension. All agreed the likelihood of such a County extension is exceedingly small. Apparently at one time the County must have considered such an extension because the County exacted the subject strip. Somehow the project simply died.

There have been many public road projects which for one reason or another have not been completed. Fir example at one time many years ago the County planned to extend Lansdowne Road from Washington Boulevard to the industrial park on the other side of Interstate 95. I far as I know the County acquired various parcels which were to be part of the road bed of extended Lansdowne Road. In fact the County was so sure of its plan to extend the road that they persuaded the State to provide a costly underpass under I 95 to allow the connection. Then community opposition arose and the County abandoned the project. The road and budget for the road were deleted from the Capital Improvement Program. I believe that there are parcels of land for the extension of Lansdowne Road which remain in the County

RECEIVED FOR FILING
10-30-06
PJ

inventory today. I will make the assumption that the deeds transferring ownership of the road bed parcels to the County were all exactly like the deed shown in exhibit 3. To my knowledge the deed is a standard form composed by the County.

If the Petitioner in this case is correct, than an adjacent property owner along the bed of what was going to be Lansdowne Road has the absolute right to construct some or all of Lansdowne Road on County owned property as long as the owner is willing to pay the cost of construction. I find this prospect very troubling. This would amount to giving power to the adjacent land owner to override the County's decision not to construct Lansdowne Road.

Similarly at one time the County clearly wanted to extend Thornwood Drive from Avondale Road to East Avenue. The County built (or had someone build) Thornwood Drive between Avondale Road and 2nd Avenue presumably as a parallel road to Avondale Road. In preparation for the continuation to East Avenue, the County exacted the subject strip as part of the minor subdivision on East Avenue. This was 1968. But then clearly the project simply died. Whether it died because of community opposition or just new values in the cost value tradeoff the County performed, I do not know. I do know that there has been no evidence that the County wants to continue Thornwood Drive to East Avenue. Said another way there is no evidence that the County approves the design of the road presented in Petitioner's exhibit 2 as a step toward completion of an approved County roadway project. The subject strip sat quietly in the County inventory for almost 40 years.

I note that, if this were a step toward a County approved road, the proposed road shown in exhibit 2 would not stop prior to the Petitioner's property but would continue across his property to be ready to connect to extended Thornwood Drive coming from the north. I also note that the road design which garnered the support of the Department of Public Works is not the full public road design which a true extension of Thornwood Drive would require. Rather the design

FILED
10-30-06
10-30-06
10-30-06

of exhibit 2 for which the waiver is requested is little more than a wide driveway on public property.

Let me quickly distinguish the above situation where the parcel is simply in the County inventory from situations in which the County either has an approved capital project or is being constructed pursuant to a development plan. In regard to the former, extension of Route 43 is a good example. I understand that the time to acquire, design and construct this extension took nearly 20 years. Undoubtedly the County acquired parcels for the roadbed in bits and pieces. I am sure the deed in these acquisitions looks very similar to the form deed in Petitioner's exhibit 3. It is possible that a property owner along the proposed road may not have wanted to wait until the County constructed the project and perhaps volunteered to pay the cost of construction for a portion of the road which would give his property quicker access to public roads. Whether or not the County would allow a section of the road to be constructed out of sequence, I do not know. However I am sure the design of every portion of the road would meet full public road standards of the road is an approved County road.

I also want to distinguish the situation in which a developer proposes internal public roads in a development plan. The roads are constructed to County standards as the development progresses and eventually are deeded to the County. The process for designing, building and acquiring these roads is fully specified in the Development Regulations of Section 32 of the Baltimore County Code. No specific County capital project is required to allow the development to take place.

However the parcel involved in this case is simply in the County inventory. It is neither part of an approved capital project or a development plan. Over the many years of County exactions, many similar parcels have come into the County inventory. Some are from abandoned projects. Some are extensions of road contemplated but never built. Some are left over pieces of

land after development. There are literally hundreds perhaps thousands of these small parcels in the County. Generally they are regarded as small open spaces in communities such as Parkville.

If the Petitioner is correct, then adjacent property owners have the absolute right to construct public roads across those parcels which at least have been acquired using the form deed shown. I know of no reason the County Council and the Administration would want these small parcels including the subject strip to be used other than as open space or for recreation. Said another way I do not want to presume the Council and Administration would agree to the use of public property in this manner. I do not believe the Director of Public Works has the authority to simply allow the use of public property as requested.

Rather I find that this situation is controlled by Sections 18-3-302 and 18-3-303 of the BCC. Section 18-3-303 specifies the manner in which abutting property owners can petition the County to improve a road "to a greater extent than planned by the County"..... Two thirds of the adjacent property owners have to petition the County to make use of this process. However the facts of this case reveal the opposite in that it appears two thirds of the abutting owners are opposed to this construction.

The Petitioner however may proceed under Section 18-3-302 which provides how someone may petition the County to open a road by filing an application with the County Attorney's Office, giving notice by publication and mailings, attending a hearing and obtaining a favorable decision from the County Administrative Officer. Appeals from this decision are to the Board of Appeals. This gives the County the opportunity to object to or support the Petition as well as the neighbors.

I cannot presume what decision the County Administrative Officer would make in this case but to my knowledge none of these essential steps have been taken by the Petitioner. This Commission has been very reluctant to approve a request for approval of development plans and

FILED
10-30-06
10-30-06
10-30-06

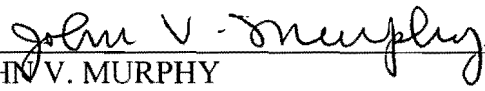
the like which are contingent on the outcome of a decision by another government agency. We have learned by hard experience that the other government agencies may have their own ideas about the merits of the case, may impose conditions or may simply alter the plan so radically that it is no longer recognizable as the issue before this Commission.

In summary I find that the Petitioner must demonstrate that the County Administrative Officer approves use of the subject strip of County property as proposed for a public road. Not finding such approval I will deny the request.

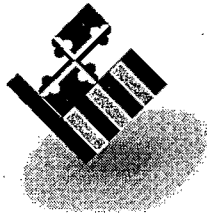
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' request for special hearing should be denied

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 30th day of October, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a waiver to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 30, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

JAMES P. REILMAN
9208 AVONDALE ROAD
BALTIMORE MD 21234

Re: Petition for Special Hearing
Case No. 06-660-SPH
Property: 9208 Avondale Road

Dear Mr. Reilman:

Enclosed please find the decision rendered in the above-captioned case.

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 and 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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz
Enclosure

c: Lawrence Schmidt, Esquire
Thomas Hoff, Thomas J. Hoff, Inc.
J. Carroll Holzer, Esquire
Melissa and Dan Ullmann
Deborah and Michael Malinowski
Hazel Allegiur
Stephanie Driscoll
Carol Wilson
Legros Montalvo
Mary Beth Janczak
Helen and James Billups
Michael Malinowski
Matthew Malinowski
Ruth Baisden

RECEIVED FOR FILING

10-30-06

Handwritten initials, possibly "JVM", in cursive script.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9208 AVONDALE RD.
which is presently zoned DR 5.5 & 3.5

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

SEE ATTACHED EXHIBIT

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.

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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Legal Owner(s):

JAMES P. REILMAN
Name - Type or Print
Signature
Name - Type or Print
Signature
9208 AVONDALE RD. 410-833-7705
Address Telephone No.
BALTIMORE MD. 21234
State Zip Code

Attorney For Petitioner:

LAWRENCE E. SCHMIDT
Name - Type or Print City
Signature
GILDEA & SCHMIDT, LLC
Company
300 E. LOMBARD ST., SUITE 1440
Address Telephone No.
BALTIMORE MD. 21202
City State Zip Code

Representative to be Contacted:

THOMAS J. HOFF
Name
406 W. PENNSYLVANIA AVE
Address Telephone No.
TOWSON MD. 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 06-660-SP14

Reviewed By BN Date 6/22/06

10:00:00
10/20/06

**Exhibit to Accompany Petition for Special Hearing for
Waivers to the Development Regulations, Thornwood Drive**

- 1) A waiver, pursuant to Section 32-4-107, of the Baltimore County Code (BCC) of the requirements of Sections 32-4-404 and 32-4-405 of the BCC, to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road.
- 2) A waiver, pursuant to BCC Section 32-4-107, of the requirements of BCC Section 32-4-410, to permit privately maintained utilities (e.g., water and sewer), in the bed of the proposed public road.
- 3) For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9208 AVONDALE RD.
which is presently zoned DR 5.5 & 3.5

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

SEE ATTACHED EXHIBIT

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.

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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

LAWRENCE E. SCHMIDT
Name - Type or Print
Signature
GILDEA & SCHMIDT, LLC
Company
300 E. LOMBARD ST., SUITE 1440
Address
BALTIMORE MD. 21202
City State Zip Code

Legal Owner(s):

JAMES P. REILMAN
Name - Type or Print
Signature
Name - Type or Print
Signature
9208 AVONDALE RD. 410-833-7705
Address Telephone No.
BALTIMORE MD. 21234
City State Zip Code

Representative to be Contacted:

THOMAS J. HOFF
Name
406 W. PENNSYLVANIA AVE
Address
TOWSON MD. 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 06-660-SPH

Reviewed By BN Date 6/22/06

**Exhibit to Accompany Petition for Special Hearing for
Waivers to the Development Regulations, Thornwood Drive**

- 1) A waiver, pursuant to Section 32-4-107, of the Baltimore County Code (BCC) of the requirements of Sections 32-4-404 and 32-4-405 of the BCC, to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road.
- 2) A waiver, pursuant to BCC Section 32-4-107, of the requirements of BCC Section 32-4-410, to permit privately maintained utilities (e.g., water and sewer), in the bed of the proposed public road.
- 3) For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

June 21, 2006

Description of Thornwood Drive, to Accompany Petition for Special Hearing

BEGINNING FOR THE SAME at a point on the north side of East Avenue, 298 feet more or less west of the centerline of Avondale Road.

Thence binding on the north side of East Avenue,

- 7) North 56 degrees 52 minutes West 70.00 feet, thence leaving the north side of East Avenue,
- 8) North 78 degrees 08 minutes East 21.21 feet, thence,
- 9) North 33 degrees 08 minutes East 99.00 feet, thence,
- 10) South 59 degrees 44 minutes East 40.05 feet, thence,
- 11) South 33 degrees 08 minutes West 101.00 feet, thence,
- 12) South 11 degrees 52 minutes East 21.21 feet to the place of beginning.

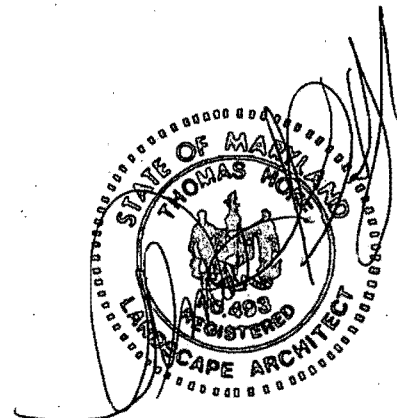
Containing 0.11 acres of land more or less.

BEING the roadbed of Thornwood Drive as recorded in the land records of Baltimore County in Liber 4870 folio 683.

The bearings and distances for this description are based on the record plat of "Section One, Volpini Property" recorded in the land records of Baltimore County in O.T.G. 32 folio 87.

Note:

This Description has been prepared for zoning purposes only.



#660

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: #06-660-SPH

9208 Avondale Road

North side of East Avenue, 298 feet west of centerline of Avondale Road

11th Election District - 6th Councilmanic District

Legal Owner(s): James P. Reilman

Special Hearing: for a waiver to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road. For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

Hearing: Monday, August 21, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

8/003 Aug. 3

104192

CERTIFICATE OF PUBLICATION

8/3/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/3/, 2006.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

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: # 06-660-SPH

9208 Avondale Road

North side of East Avenue, 298 feet west of centerline of Avondale Road

11th Election District — 6th Councilmanic District

Legal Owner(s): James P. Reilman

Special Hearing: for a waiver to allow a public road with a paving width of 18 feet in lieu of the required 24 feet for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road. For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

Hearing: Wednesday, September 6, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

8/259 Aug. 24

107097

CERTIFICATE OF PUBLICATION

8/24/2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/24/2006.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

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: # 05-550-SPH

9208 Avondale Road

North side of East Avenue, 298 feet west of centerline of Avondale Road

11th Election District — 6th Councilmanic District

Legal Owner(s): James P. Reilman

Special Hearing: for a waiver to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road. For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

Hearing: Tuesday, October 24, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.

JT 10/655 Oct. 10

112292

CERTIFICATE OF PUBLICATION

10/12/2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/10/2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22804

DATE 12-13-06 ACCOUNT 00-006 6150

AMOUNT \$ 400.00

RECEIVED FROM: Gordon Smith

FOR: Expense

100% Allocation

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1232

DATE 6/22/06 ACCOUNT R001-006-6113

AMOUNT \$ 325.00

RECEIVED FROM: James Robinson

FOR: Special Hearing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 660

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRM
6/22/2006	6/22/2006	10:16:04	4

REG WSD6 MSLKTN KNCH KXH
>>RECEIPT H 479774 6/22/2006 OFLN
Dept 5 561 CZN P FEES
CR NO. 017232

Recpt Tot \$325.00
\$325.00 CK \$0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

200 St. Paul Place - Suite 2530, Baltimore, Maryland 21202-2004

Tel: (410) 539-1800 Fax: (410) 962-8758

*Albany • Baltimore • Boston • Chicago • Dallas • Garden City • Houston • Las Vegas • London • Los Angeles • McLean
Miami • Newark • New York • Orlando • Philadelphia • San Diego • San Francisco • Stamford • Washington, DC • White Plains
Affiliates: Berlin • Cologne • Frankfurt • Munich • Paris*

www.wilsonelser.com

Eric S. Mueller, Esquire
Admitted IN MD & DC
Writer's Direct Dial: (410) 962-8457
eric.mueller@wilsonelser.com

April 22, 2009

Attention: Ms. Melissa Gessner
County Office Building
111 West Chesapeake Avenue
Suites 105
Towson, Maryland 21204

Re: James P. Reilman vs. Thomas J. Hoff, Inc.
District Court for Baltimore County
Case No.: 08-04-0041932-2008
WEMED File No.: 10049.00205

Dear Ms. Gessner:

Enclosed please find Check No.: 001321 in the amount of \$164.25 as payment for copies of documents regarding Case Nos.: 06-289-SPH and 06-660-SPH. Thank you for your cooperation and immediate attention to this matter.

If you have any questions do not hesitate to contact me.

Best regards,



Eric S. Mueller

ESM/lde

Enclosure

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **37846**

Date: 4/28/09

PAID RECEIPT

BUSINESS ACTUAL TIME DRH
 4/29/2009 4/28/2009 11:34:48 2

RG WS02 MAIL JEVA JEE
 > RECEIPT # 632246 4/28/2009 OFLN

Dpt 5 536 MISCELLANEOUS
 U NO. 037846

Recpt Tot \$164.25
 \$164.25 CK \$.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		7120				

Total: \$ 1104.25

Rec From: _____

For: PLA Request Case No. 08-14-0041932-2008
Roitman vs. Hoff

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 06-660-SPH

Petitioner/Developer: JAMES
P. REILMAN

Date Of Hearing/Closing: 10/24/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 9208 AVONDALE ROAD

This sign(s) were posted on October 9, 2006

(Month, Day, Year)

Sincerely,

Martin Ogle 10/9/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

[illegible]

Watters 12/9/02

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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.

For Newspaper Advertising:

Item Number or Case Number: 06-660-SPH
Petitioner: JAMES REILMAN
Address or Location: 9208 AVONDALE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES REILMAN
Address: 9208 AVONDALE RD.
BALTIMORE, MD. 21234
Telephone Number: 410-833-7705



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

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

July 11, 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: 06-660-SPH

9208 Avondale Road

North side of East Avenue, 298 feet west of centerline of Avondale Road

11th Election District – 6th Councilmanic District

Legal Owner: James P. Reilman

Special Hearing for a waiver to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road. For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

Hearing: Monday, August 21, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 300 E. Lombard Street, Ste. 1440, Baltimore 21202
James Reilman, 9208 Avondale Road, Baltimore 21234
Thomas Hoff, 406 W. Pennsylvania Avenue, Towson 21204

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 5, 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



TO: PATUXENT PUBLISHING COMPANY
Thursday, August 3, 2006 Issue - Jeffersonian

Please forward billing to:
James Reilman
9208 Avondale Road
Baltimore, MD 21234

410-833-7705

NOTICE OF ZONING HEARING

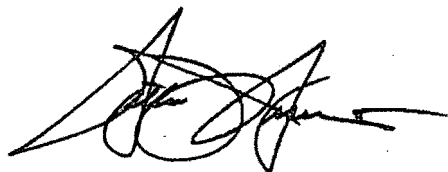
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-660-SPH

9208 Avondale Road
North side of East Avenue, 298 feet west of centerline of Avondale Road
11th Election District – 6th Councilmanic District
Legal Owner: James P. Reilman

Special Hearing for a waiver to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road. For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

Hearing: Monday, August 21, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley 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.



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

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

August 8, 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: 06-660-SPH

9208 Avondale Road

North side of East Avenue, 298 feet west of centerline of Avondale Road

11th Election District – 6th Councilmanic District

Legal Owner: James P. Reilman

Special Hearing for a waiver to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road. For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

Hearing: Wednesday, September 6, 2006 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 300 E. Lombard Street, Ste. 1440, Baltimore 21202
James Reilman, 9208 Avondale Road, Baltimore 21234
Thomas Hoff, 406 W. Pennsylvania Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 25, 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.



TO: PATUXENT PUBLISHING COMPANY
Thursday, August 24, 2006 Issue - Jeffersonian

Please forward billing to:
James Reilman
9208 Avondale Road
Baltimore, MD 21234

410-833-7705

NOTICE OF ZONING HEARING

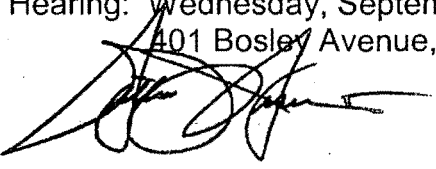
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-660-SPH

9208 Avondale Road
North side of East Avenue, 298 feet west of centerline of Avondale Road
11th Election District – 6th Councilmanic District
Legal Owner: James P. Reilman

Special Hearing for a waiver to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road. For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

Hearing: Wednesday, September 6, 2006 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley 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.



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

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

September 11, 2006

NEW 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: 06-660-SPH

9208 Avondale Road

North side of East Avenue, 298 feet west of centerline of Avondale Road

11th Election District – 6th Councilmanic District

Legal Owner: James P. Reilman

Special Hearing for a waiver to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road. For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

Hearing: Tuesday, October 24, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 300 E. Lombard Street, Ste. 1440, Baltimore 21202
James Reilman, 9208 Avondale Road, Baltimore 21234
Thomas Hoff, 406 W. Pennsylvania Avenue, Towson 21204

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 9, 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.



Zoning Hearings - 9208 Avondale Road

Location: 6th Council District

Sub Location: County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

Date/Time: 08/21/2006 9:00 AM - 08/21/2006 10:00 AM

CASE NUMBER: 06-660-SPH **Location:** N/side East Avenue, 298 feet west centerline Avondale Road 11th Election District **Legal Owner:** James P. Reilman

Description:

Special Hearing for a waiver to allow a public road with a paving width of 18 ft. in lieu of the required 24 ft., for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer,) in the bed of the proposed public road. For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

Contact: Kristen Matthews 410-887-3391

Online Map/Directions Site: [http://www.mapquest.com/maps/map.adp?](http://www.mapquest.com/maps/map.adp?country=US&countryid=250&addtohistory=&searchtab=address&searchtype=address&address=401+Bosley+Avenue&city)

[country=US&countryid=250&addtohistory=&searchtab=address&searchtype=address&address=401+Bosley+Avenue&city](http://www.mapquest.com/maps/map.adp?country=US&countryid=250&addtohistory=&searchtab=address&searchtype=address&address=401+Bosley+Avenue&city)

TRANSMISSION VERIFICATION REPORT

TIME : 07/10/2006 14:14

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

07/10 14:13
4105600588
00:00:52
02
OK
STANDARD
ECM

FAXED PETITION TO
DAVID MISTERS OFFICE.
PMZ

TO: PATUXENT PUBLISHING COMPANY,
Tuesday, October 10, 2006 Issue - Jeffersonian

Please forward billing to:

James Reilman
9208 Avondale Road
Baltimore, MD 21234

410-833-7705

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: 06-660-SPH

9208 Avondale Road

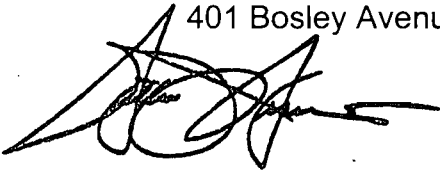
North side of East Avenue, 298 feet west of centerline of Avondale Road

11th Election District – 6th Councilmanic District

Legal Owner: James P. Reilman

Special Hearing for a waiver to allow a public road with a paving width of 18 feet in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road. To permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road. For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

Hearing: Tuesday, October 24, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley 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.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

July 19, 2007

NOTICE OF ASSIGNMENT

CASE #: 06-660-SPH

IN THE MATTER OF: JAMES REILMAN -Petitioner

9208 Avondale Road 11th E; 6th C
10/30/06 –D.Z.C.'s Order in which requested special hearing relief was
DENIED

AND

CASE #: 06-289-SPH

IN THE MATTER OF: JAMES REILMAN -Petitioner

1/17/2006 –D.Z.C.'s Order in which petition for special hearing was DENIED.

ASSIGNED FOR:

WEDNESDAY, AUGUST 22, 2007 at 10 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco, Administrator

c: Counsel for Appellant /Property Owner : Lawrence E. Schmidt, Esquire
Appellant /Property Owner : James Reilman
Thomas Hoff /Thomas J. Hoff, Inc.

Counsel for Protestants : J. Carroll Holzer, Esquire
Melissa and Dan Ullman
Deborah and Michael Malinowski
Hazel Allegiur
Stephanie Driscoll
Carol Wilson
Legros Montalvo
Mary Beth Janczak
Helen and James Billups
Michael Malinowski
Matthew Malinowski
Ruth Baisden

Warren Thomas

Office of People's Counsel
Pat Keller, Planning Director
William J. Wiseman III /Zoning Commissioner
Timothy M. Kotroco, Director /PDM





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 9, 2007

NOTICE OF DELIBERATION

IN THE MATTER OF:

JAMES P. REILMAN – Legal Owner
Case No. 06-289-SPH and 06-660-SPH

Having heard this matter on 8/22/07 public deliberation has been scheduled for the following date /time:

DATE AND TIME : **THURSDAY, OCTOBER 18, 2007 at 9:00 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

NOTE: CLOSING BRIEFS WERE FILED BY COUNSEL ON 9/12/07.

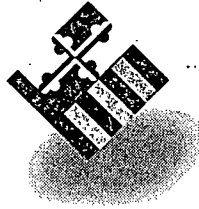
NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c:	Counsel for Appellant /Property Owner	: Lawrence E. Schmidt, Esquire
	Appellant /Property Owner	: James Reilman
	Thomas Hoff /Thomas J. Hoff, Inc.	
	Counsel for Protestants	: J. Carroll Holzer, Esquire
	Melissa and Dan Ullman	
	Deborah and Michael Malinowski	
	Hazel Allegiur	
	Stephanie Driscoll	
	Carol Wilson	
	Legros Montalvo	
	Mary Beth Janczak	
	Helen and James Billups	
	Michael Malinowski	
	Matthew Malinowski	
	Ruth Baisden	
	Warren Thomas	
	Office of People's Counsel	
	Pat Keller, Planning Director	
	William J. Wiseman III /Zoning Commissioner	
	Timothy M. Kotroco, Director /PDM	

FYI: 3-2-7





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

October 18, 2006

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

Dear Mr. Schmidt:

RE: Case Number: 06-660-SPH, 9208 Avondale Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
James P. Reilman 9208 Avondale Road Baltimore 21234
Thomas J. Hoff 406 W. Pennsylvania Avenue Towson 21204

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: July 7, 2006

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 10, 2006
Item No. 660

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The Director of Public Works supports granting the requested waiver to reduce the pavement width to 18 feet. The road must be designed to County standards and built with County inspection under a Right-of-Way Agreement. Adequate drainage facilities must be provided. The water and sewer house connections may be placed in the right-of-way, but not under the pavement, keeping five feet clear. The 4-inch water main is probably not needed, nor is the 8-inch sewer main. A small water house connection and a 6-inch sewer house connection will suffice.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 660-07072006.doc

jm 8/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 26, 2006

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED

SUBJECT: 9208 Avondale Road

JUL 27 2006

INFORMATION:

Item Number: 6-660

ZONING COMMISSIONER

Petitioner: James Reilman

Zoning: DR 5.5 and DR 3.5

Requested Action: Special Hearing

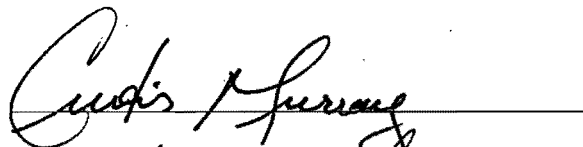
SUMMARY OF RECOMMENDATIONS:

The subject proposed development is located in the boundaries of the Carney-Cub Hill-Parkville Area Plan (Resolutions 91-05 and 127-05) for which this office along with the Planning Board, has been requested to prepare a plan as a revision and update to the Baltimore County Master Plan, which will serve as a guide for the development of unimproved, residentially-zoned properties in the planning area, and to recommend implementation legislation and programs.

Approval of this plan is contingent upon the Zoning Commissioner granting the requested public works waivers and the comments of the submitted minor subdivision plan.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



ATTACHMENT

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: August 11, 2006

SUBJECT: Zoning Item # 06-660-SPH
Address 9208 Avondale Rd
(Reilman Property)

Zoning Advisory Committee Meeting of July 3, 2006

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This project has received a variance from the "Forest Buffer" regulations. All variance approval conditions must be met in the development of this site.

Reviewer: Glenn Shaffer

Date: July 25, 2006

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



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

Maryland Department of Transportation

Date: 6.30.06

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

RE: Baltimore County
Item No. 660 BPR

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

July 5, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 10, 2006

Item Number(s): 657 through 673

660

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



Printed with Soybean Ink
on Recycled Paper

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

RE: PETITION FOR SPECIAL HEARING
9208 Avondale Road; N/S East Avenue,
298' W c/line Avondale Road
11th Election & 6th Councilmanic Districts
Legal Owner(s): James Reilman
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 06-660-SPH

* * * * *

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 7th day of July, 2006, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson, MD 21204 and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

JUL 07 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

APPEAL

Petition for Special Hearing
9208 Avondale Road
N/side of East Avenue, 298 feet west of centerline of Avondale Road
11th Election District – 6th Councilmanic District
Legal Owner: James Reilman

Case No.: 06-289-SPH

- ✓ Petition for Special Hearing (December 6, 2005)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (December 13, 2005)
- ✓ Certification of Publication (The Jeffersonian – December 27, 2005)
- ✓ Certificate of Posting (December 12, 2005) by Thomas J Hoff
- ✓ Entry of Appearance by People's Counsel (December 12, 2005)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- Protestant(s) Sign-In Sheet – None
- ✓ Citizen(s) Sign-In Sheet – Two Sheets
- ✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

- ✓ 1. Plan to accompany Special Hearing for Waivers to the Development Regulations
- ✓ 2. Photographs (2 pages)

Protestants' Exhibits:

- ✓ 1. Photographs A thru C
- ✓ 2. Petition in Opposition
- ✓ 3. Description of Community Opposition
- ✓ 4. Photograph
- ✓ 5. Photographs A thru I

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. Email from Eric Rockel regarding Avondale Road (1/13/06)
- ✓ 2. Response to Email from Mr. Rockel from John Murphy (1/13/06)
- ✓ 3. Request for Motion for Reconsideration
- ✓ 4. Protestant's Response to request for Motion for Reconsideration
- ✓ 5. Interoffice Correspondence dated March 7, 2006 from Joseph Bartenfelder

Deputy Zoning Commissioner's Order (DENIED – January 17, 2006)

Order on Motion of Reconsideration (DENIED – April 5, 2006)

Notice of Appeal received on May 4, 2006 by Lawrence Schmidt

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
James Reilman, 9208 Avondale Road, Baltimore 21234
Thomas Hoff, 406 West Pennsylvania Avenue, Towson 21204
David Mister, 30 E. Padonia Road, Ste. 404, Timonium 21093
Mr. & Mrs. Malinowski, 3127 East Avenue, Baltimore 21234
Melissa Malinowski, 3130 East Avenue, Baltimore 21234
Mary Beth Janczak, 3134 East Avenue, Baltimore 21234
Milagros Montalvo & Carol Wilson, 3129 East Avenue, Baltimore 21234
Lawrence Schmidt, 300 E. Lombard Street, Ste. 1440, Baltimore 21202

date sent May 12, 2006, klm

-
- 9/10/07 – T/C from Sterling Leese regarding this matter. Was advised of memos due this date at the request of the Board when hearing was continued on 8/22/07. He will contact Mr. Holzer and get back to me.
-- T/C w/Sterling – Mr. Holzer will request a one-week extension – he will contact Mr. Schmidt regarding this request.
-- T/C from Mr. Schmidt – although his memo was ready for filing and distribution to the Board this date, memo will be held and he will not object to the requested extension for a period of one week. Letter addressed to Mr. Holzer, with a copy to Mr. Schmidt, sent to both via FAX this date and US Mail – extension of one week for filing memos granted; memos are due by close of business on Monday, September 17, 2007; both the memo to be filed by Mr. Holzer and Mr. Schmidt's memo will be included as part of the file on 9/17/07, with copies sent to the Board at that time.
-
- 9/12/07 – Both Mr. Holzer and Mr. Schmidt have filed all copies of their respective memos as of today's date. Copies to be sent to panel members (Wescott, Stahl, Crizer).
-
- 9/13/07 – Copies of above memos sent to 3-2-7 this date. Note on panel chair Wescott's cover letter – need for public deliberation on this issue based upon the memos received to determine direction .
-
- 10/09/07 – Notice of Deliberation sent to parties; Board (3-2-7) will convene at 9 am. on Thursday, October 18, 2007, to deliberate the issue briefed in the memos filed by Counsel.
-
- 10/18/07 – Board convened for public deliberation (3-2-7); unanimous decision that hearing cannot go forward without road opening petition. Written decision to be issued. Appellate period to run from date of written decision on preliminary matter.
-- Notice of Withdrawal of requested zoning relief in Cases No. 06-289-SPH and No. 06-660-SPH filed by Sebastian Cross, Lawrence Schmidt, and Gildea & Schmidt, LLC, on behalf of Mr. Reilman. Order of Dismissal of petitions with prejudice to be issued pursuant to Board Rule 3.b.II.
-

APPEAL

Petition for Special Hearing
9208 Avondale Road
North side of East Avenue, 298 feet west of centerline of Avondale Road
11th Election District – 6th Councilmanic District
Legal Owner(s): James P. Reilman

Case No.: 06-660-SPH

- ✓ Petition for Special Hearing (June 22, 2006)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (July 11, 2006, August 8, 2006 and September 11, 2006)
- ✓ Certification of Publication (August 3, 2006, August 24, 2006 and October 12, 2006)
- ✓ Certificate of Posting (August 25, 2006 and October 9, 2006) by Martin Ogle
- ✓ Entry of Appearance by People's Counsel (July 7, 2006)
- ✓ Petitioner(s) Sign-In Sheet – 1 Sheet
- Protestant(s) Sign-In Sheet – None
- ✓ Citizen(s) Sign-In Sheet – 1 Sheet
- ✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

- ✓ 1. Resume of Thomas J. Hoff
- ✓ 2. Plan to accompany Special Hearing Waivers to the development regulations
- ✓ 3. County Highway Deed
- ✓ 4. Bureau of Development Plans Review Policy Manual
- ✓ 5. Petition in support of James P. Reilman's waiver
- ✓ 6. Photograph

Protestants' Exhibits:

- ✓ 1. Petition in opposition to zoning waiver
- ✓ 2. Plan to accompany Special Hearing
 - a. – d. Photographs
- ✓ 3. Neighborhood map

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. Request to postpone from protestant's lawyer
- ✓ 2. Request to postpone from petitioner's lawyer

✓ Deputy Zoning Commissioner's Order (Denied with accordance w/order, October 30, 2006)

✓ Notice of Appeal received on November 29, 2006 from Lawrence E. Schmidt

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Lawrence E. Schmidt Gildea & Schmidt, LLC 300 E. Lombard Street, Suite 1440 Baltimore 21202
Thomas J. Hoff 406 W. Pennsylvania Avenue Towson 21204
Melissa Ullmann 3130 East Avenue Baltimore 21234
Deborah and Michael Malinowski 3127 East Avenue Baltimore 21234
Hazel Allegiur 66 Berkshire Road Baltimore 21221
Stephanie Driscoll 3128 East Avenue Parkville 21234
Carol E. Wilson 3129 East Avenue Parkville 21234
Milagros Montalvo 3129 East Avenue Parkville 21234
Mary Bethvanczak 3134 East Avenue Baltimore 21234
Helen and James Billups 69 Wiltshire Road Baltimore 21221
Michael T. Malinowski 17 Melken Court Parkville 21234
Matthew Malinowski 9102 Orbitan Road Parkville 21234
Ruth Baisden 7706 Oak Avenue Parkville 21234
Dan Ullmann 3130 East Avenue Parkville 21234

date sent January 9, 2007, amf

Warren Thomas Property owner - 9202 Avondale
2305 Timber Ridge Road REQUESTS NOTICE, ETC.
St. Jacob, IL 62281

cell: 443-255-4520

RECEIVED
JAN 09 2006

**BALTIMORE COUNTY
BOARD OF APPEALS**

CASE #: 06-660-SPH

IN THE MATTER OF: JAMES REILMAN -Petitioner
9208 Avondale Road 11th E; 6th C

SPH – For waiver to allow a public road with paving width of 18' ilo req'd 24',
for proposed non-arterial and non-collector public road.

10/30/06 –D.Z.C.'s Order in which requested special hearing relief was
DENIED

AND

CASE #: 06-289-SPH

IN THE MATTER OF: JAMES REILMAN -Petitioner
9208 Avondale Road 11th E; 6th C

Page 2

9/10/07 continued -

-- T/C from Mr. Schmidt – although his memo was ready for filing and distribution to the Board this date, memo will be held and he will not object to the requested extension for a period of one week. Letter addressed to Mr. Holzer, with a copy to Mr. Schmidt, sent to both via FAX this date and US Mail – extension of one week for filing memos granted; memos are due by close of business on Monday, September 17, 2007; both the memo to be filed by Mr. Holzer and Mr. Schmidt's memo will be included as part of the file on 9/17/07, with copies sent to the Board at that time.

9/12/07 – Both Mr. Holzer and Mr. Schmidt have filed all copies of their respective memos as of today's date. Copies to be sent to panel members (Wescott, Stahl, Crizer).

9/13/07 – Copies of above memos sent to 3-2-7 this date. Note on panel chair Wescott's cover letter – need for public deliberation on this issue based upon the memos received to determine direction .

NOTE: 9/13/07 – T/C from **Warren Thomas, resident /property owner of 9202 Avondale Road**; phone 443-553-2172. Mr. Thomas is currently stationed with the Air Force at Scott Air Force Base in Illinois – is home and saw the sign. Mr. Thomas was "checking to be sure Mr. Reilman is not using the shared driveway off Avondale Road." Plan shows entrance off East Avenue – indicated same to him. Mr. Thomas will call Walt Smith in PDM to confirm access. Asked that this note be placed in the files for this matter, since he will be returning to Scott AFB and wanted to be sure this office was aware of his interest.

10/09/07 – Notice of Deliberation sent to parties this date; deliberation assigned for Thursday, 10/18/07 at 9:00 a.m. FYI copy to 3-2-7.

10/18/07 – Board convened for public deliberation (3-2-7); unanimous decision that hearing cannot go forward without road opening petition. Written decision to be issued. Appellate period to run from date of written decision on preliminary matter.

-- Notice of Withdrawal of requested zoning relief in Cases No. 06-289-SPH and No. 06-660-SPH filed by Sebastian Cross, Lawrence Schmidt, and Gildea & Schmidt, LLC, on behalf of Mr. Reilman. Order of Dismissal of petitions with prejudice to be issued pursuant to Board Rule 3.b.II.

APPEAL

Petition for Special Hearing
9208 Avondale Road
North side of East Avenue, 298 feet west of centerline of Avondale Road
11th Election District – 6th Councilmanic District
Legal Owner(s): James P. Reilman

Case No.: 06-660-SPH

Petition for Special Hearing (June 22, 2006)

Zoning Description of Property

Notice of Zoning Hearing (July 11, 2006, August 8, 2006 and September 11, 2006)

Certification of Publication (August 3, 2006, August 24, 2006 and October 12, 2006)

Certificate of Posting (August 25, 2006 and October 9, 2006) by Martin Ogle

Entry of Appearance by People's Counsel (July 7, 2006)

Petitioner(s) Sign-In Sheet – 1 Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Resume of Thomas J. Hoff
2. Plan to accompany Special Hearing Waivers to the development regulations
3. County Highway Deed
4. Bureau of Development Plans Review Policy Manual
5. Petition in support of James P. Reilman's waiver
6. Photograph

Protestants' Exhibits:

1. Petition in opposition to zoning waiver
2. Plan to accompany Special Hearing
 - a. – d. Photographs
3. Neighborhood map

Miscellaneous (Not Marked as Exhibit)

1. Request to postpone from protestant's lawyer
2. Request to postpone from petitioner's lawyer

Deputy Zoning Commissioner's Order (Denied with accordance w/order, October 30, 2006)

Notice of Appeal received on November 29, 2006 from Lawrence E. Schmidt

c: People's Counsel of Baltimore County, MS #2010

Zoning Commissioner/Deputy Zoning Commissioner

Timothy Kotroco, Director of PDM

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

Thomas J. Hoff 406 W. Pennsylvania Avenue Towson 21204

Melissa Ullmann 3130 East Avenue Baltimore 21234

Deborah and Michael Malinowski 3127 East Avenue Baltimore 21234

Hazel Allegiur 66 Berkshire Road Baltimore 21221

Stephanie Driscoll 3128 East Avenue Parkville 21234

Carol E. Wilson 3129 East Avenue Parkville 21234

Milagros Montalvo 3129 East Avenue Parkville 21234

Mary Bethvanczak 3134 East Avenue Baltimore 21234

Helen and James Billups 69 Wiltshire Road Baltimore 21221

Michael T. Malinowski 17 Melken Court Parkville 21234

Matthew Malinowski 9102 Orbitan Road Parkville 21234

Ruth Baisden 7706 Oak Avenue Parkville 21234

Dan Ullmann 3130 East Avenue Parkville 21234

date sent January 9, 2007, amf

CASE #: 06-660-SPH

IN THE MATTER OF: JAMES REILMAN -Petitioner
9208 Avondale Road 11th E; 6th C

SPH – For waiver to allow a public road with paving width of 18' ilo req'd 24', for proposed non-arterial and non-collector public road.

10/30/06 –D.Z.C.'s Order in which requested special hearing relief was
DENIED

AND

CASE #: 06-289-SPH

IN THE MATTER OF: JAMES REILMAN -Petitioner
9208 Avondale Road 11th E; 6th C

SPH – Determination – request for approval of waiver from BCC to permit paving width of 10' ilo req'd 30' in r/w of Thornwood Road and to permit private water and sewer connections, for one lot, in the r/w of Thornwood Road.

1/17/2006 –D.Z.C.'s Order in which petition for special hearing was DENIED.

2/01/07 – T/C from Warren Thomas, owner of property at 9202 Avondale. He is in Air Force and living in Illinois at this time. Will write a letter regarding his position in this matter, and asked that he be copied on notices, etc., regarding the appeal in this case. ADDRESS: 2305 Timber Ridge Road St. Jacob, IL 62281 443-255-4520. Envelopes prepared for notice; file noted.

7/19/07 – Notice of Assignment sent to following; hearing scheduled for Wednesday, August 22, 2007 at 10 a.m.:

Lawrence E. Schmidt, Esquire
James Reilman
Thomas Hoff /Thomas J. Hoff, Inc.
J. Carroll Holzer, Esquire
Melissa and Dan Ullman
Deborah and Michael Malinowski
Hazel Allegiur
Stephanie Driscoll
Carol Wilson
Legros Montalvo
Mary Beth Janczak
Helen and James Billups
Michael Malinowski
Matthew Malinowski
Ruth Baisden
Warren Thomas
Office of People's Counsel
Pat Keller, Planning Director
William J. Wiseman III /Zoning Commissioner
Timothy M. Kotroco, Director /PDM

8/22/07 – Board convened for hearing (3-2-7); Mr. Schmidt appeared on behalf of Petitioner; Mr. Holzer appeared on behalf of Protestants. The hearing was suspended and continued; question arose as to whether or not the Petitioner should file a petition for road opening with the Administrative Officer prior to this petition before the Board. Hold until requested to schedule, etc. Memos due from parties 9/10/07 on issue.

9/10/07 – T/C from Sterling Leese regarding this matter. Was advised of memos due this date at the request of the Board when hearing was continued on 8/22/07. He will contact Mr. Holzer and get back to me.
-- T/C w/Sterling – Mr. Holzer will request a one-week extension – he will contact Mr. Schmidt regarding this request.

Entry continued on page 2.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

September 10, 2007

VIA FACSIMILE 410-825-4923 and US MAIL

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

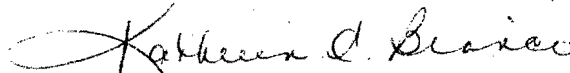
RE: *In the Matter of: James Reilman - Petitioner*
Case No. 06-660-SPH and Case No. 06-289-SPH
Extension of Time for Filing Memos

Dear Mr. Holzer:

In response to your telephone request this date, and without opposition by Mr. Schmidt, your request for a one-week extension for filing of the requested memoranda in the subject matter has been granted. **The requested briefs are now due from all parties by close of business on Monday, September 17, 2007 (original for file and three copies for distribution to the Board).**

Should you have any questions, please call me.

Very truly yours,


Kathleen C. Bianco
Administrator

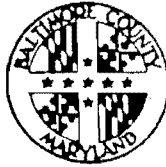
Enclosure

c: Lawrence E. Schmidt, Esquire / **VIA FACSIMILE 410-821-0071 and US MAIL**



DAD

Baltimore County Government
Department of Permits and Development Management



111 West Chesapeake Ave.
Towson, Md. 21204

410-887-3335
410-887-2877 (fax)

May 14, 2007

James P Reilman
9208 Avondale Road
Baltimore, MD 21234

Reilman James P Property
District: 11C6
PDM NO.: 11-1030
Project No.: 06033M



Dear Mr. Reilman:

Your minor subdivision plan has been approved.

Before you apply for permits, you must record the lot (s) by deed and description among the land records of Baltimore County. This is done by visiting the following offices with the approved plan and a copy of the description of the property (usually prepared by an attorney) :

1. Office of Finance, Revenue Division (Rm. 150, Courthouse, 400 Washington Avenue, Towson, MD 21204) 410 887-2416.
 - a. Order Lien Sheet if property is being sold (requires 3 - 5 days to prepare)
NOTE: Lien Sheet and Transfer taxes not required for self-to-self transfer at this time.
2. Assessments Office (Hampton Plaza, 300 East Joppa Road, Suite 602, Towson, MD 21286) 410 512-4900.
 - a. Present lien sheet, deed, consideration, affidavit and other pertinent information along with transfer tax and any other applicable fees.
3. Land Records Dept. (2nd floor, Courts Bldg., 401 Bosley Ave., Towson, MD 21204) 410 887-2651.

Please be advised, a completed Statewide form (available at the Finance Office or through your attorney) must be included in documents submitted for recording.

If there are any questions regarding this process, contact this office at (410) 887-3335.

Sincerely,

for Colleen Kelly
Walter T. Smith, Jr.
Development Management

WTS:jrc

Attachments

cc: Planning; Dev. Plans Review; Land Acq.; Rec. & Parks; Zoning; Metro District Finance; Thomas J Hoff, Inc.; File

IN THE MATTER OF

JAMES REILMAN

9208 AVONDALE ROAD

* BEFORE THE

* COUNTY BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

* CASE NOS. 06-660-SPH and 06-289-SPH

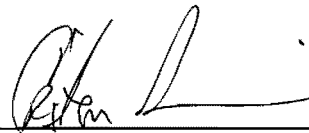
* * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that, on August 10, 2007, I effected service of process by personally serving a Subpoena upon Dennis Kennedy at Baltimore County Development Plans Review, 111 West Chesapeake Avenue, Room 119, Towson, Maryland 21204, to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.



(Signature)

Name: KRISTEN PASCUCCI

Firm: GILDEA + SCHMIDT, LLC

Address: 600 WASHINGTON AVE., STE. 200
TOWSON, MD 21204
(410) 821-0070

RECEIVED

AUG 15 2007

BALTIMORE COUNTY
BOARD OF APPEALS

FROM : BOARD OF APPEALS

FAX NO. : 4108873182

Nov. 29 2006 11:33AM P2

Page 1 of 1

John Murphy - Avondale Road

From: Eric Rockel
To: Murphy, John
Date: 1/13/2006 11:17 AM
Subject: Avondale Road

Jack, After further consideration of the situation concerning Thornewood Drive as access for the Avondale Road property, I have come to the following conclusion. Thornewood Drive should not be used as a private drive for access to the Avondale Road property. There are liability issues and the argument that a private drive needs an easement approved by the Baltimore County Council as reasons for not allowing a private drive.

On the other hand, it would be permissible to allow a "below standards" public road within the right of way for Thornewood Drive, but I feel that several conditions would need to be placed on this approach. First, a Public Works Agreement and Road Agreement (RA) should be completed and security posted by the applicant. Secondly, normally on a "dead end" road a turn around needs to be constructed, and I don't remember if Ed Adams comments addressed the turn around issue.

I hope these thoughts help you answer the question.

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET

SUITE 1440

BAITMORE, MARYLAND 21202

TELEPHONE 410-234-0070

FACSIMILE 410-234-0072

www.gildeallc.com

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
JVETTORI@GILDEALLC.COM

*To: Kristen
handle
8/2/06*

TOWSON, MD. OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

July 31, 2006

*Kristen:
OK to postpone
T=*

Kristin Matthews
Scheduler
Baltimore County Zoning
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

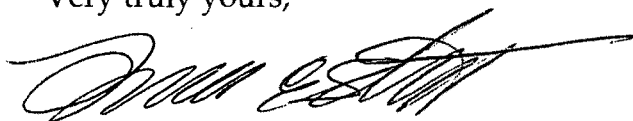
**Re: Reilman/9208 Avondale Road
Case No.: 06-660-SPH**

Dear Kristin:

The above matter has been scheduled for hearing on August 24, 2006. Due to a conflict in schedule, I will be unable to attend the hearing on that date. My client has also advised that he anticipates being on vacation during that week. Under the circumstances, could you kindly reschedule this matter to the next available date.

Thank you for your cooperation and past courtesies.

Very truly yours,



Lawrence E. Schmidt

LES: jls

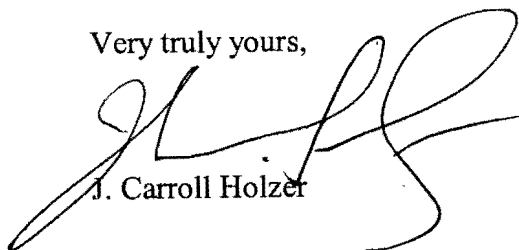
CC: William J. Wiseman, Zoning Commissioner
Thomas J. Hoff, Thomas J. Hoff, Inc.
James Reilman

Mr. Timothy Kotroco, Director
August 24, 2006
Page two

Ms. Ullmann, within the last two (2) weeks was appointed head soccer coach for the Women's Parkville High School Soccer Team and their first official game is scheduled for the afternoon of September 6, 2006.

I would therefore request a postponement of the above-captioned matter to be reset by your office at a mutually agreeable time.

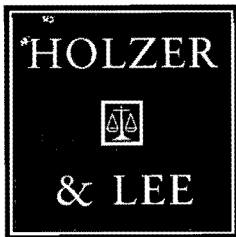
Very truly yours,


J. Carroll Holzer

JCH:mlg

cc: William Wiseman, Esquire
Lawrence E. Schmidt, Esquire
Counsel for Petitioner
Ms. Melissa Ullmann

IMPORTANT MESSAGE			
FOR <u>Kristen</u>			
DATE <u>9/6</u>		TIME <u>9:30</u> A.M. P.M.	
M <u>Sterling Lease</u>			
OF <u>Holzer's office</u>			
PHONE <u>410-825-6961</u>		AREA CODE NUMBER EXTENSION	
☐ FAX			
☐ MOBILE			
AREA CODE		NUMBER TIME TO CALL	
TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		WILL FAX TO YOU	
MESSAGE <u>Case 06-660-SPH</u>			
<u>Tuesday Dec 24th</u>			
<u>is a GO</u>			
SIGNED			



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

To: Kristen
8/28/06
w/ Filer

August 24, 2006
#7647

Kristen:
OK to postpone.
Set before Commissioner
Murphy.
T

Mr. Timothy Kotroco, Director
Permits & Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 06-660-SPH
Hearing Date: Wednesday, September 6, 2006
2:00 p.m.

Dear Mr. Kotroco:

Please be advised that I have been retained by Melissa Ullmann of 3130 East Avenue, Baltimore, Maryland 21234, a neighbor to the proposed property, the subject of the above-captioned Special Hearing.

It is my understanding that the Applicant previously requested a postponement from August 21, 2006 before Deputy Zoning Commissioner Murphy. It is now scheduled for September 6, 2006 before Zoning Commissioner Wiseman.

In addition to the above-captioned case the Applicant had requested similar relief in Case No. 06-289-SPH, which was decided by Deputy Zoning Commissioner Murphy on April 6, 2006, which has now been appealed by the Applicant to the County Board of Appeals. That case is not yet set for a hearing before the Board.

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE: January 11, 2008

TO: Timothy Kotroco, Director
Permits & Development ManagementFROM: Linda B. Fliegel
Board of AppealsSUBJECT: **CLOSED APPEAL CASE FILES/CASES DISMISSED**

<i>NAME</i> <i>2004</i>	<i>CASE NUMBER</i>	<i>DATE OF</i> <i>ORDER OF DISMISSAL</i>
ERIC DOTT PROPERTY/PDM XI-964	04-027-M	MAY 29, 2007
<i>2006</i>		
GEMCRAFT HOMES	CBA-06-022	SEPT. 26, 2007
2200 ROLLING ROAD	CBA-06-029	OCT. 31, 2007
TERRY WILLIAMS	CBA-06-012	OCT. 11, 2006
TERRY WILLIAMS	CBA-06-036	OCT. 11, 2006
TREAVOR & KELLY WELLS	04-343-X and 06-073-X	SEPT. 27, 2007
JAMES REILMAN	06-029-SPH	OCT. 18, 2007
JAMES REILMAN	06-660-SPH	OCT. 18, 2007
BENHOFF BUILDERS, INC.	06-257-A	MAY 31, 2007
FRANCIS & PHYLLIS COPPERSMITH	06-676-SPH	NOV. 7, 2007
<i>2007</i>		
CHARLESTOWN - DRC	CBA-07-106	SEPT. 7, 2007
RUN CROSSING	CBA-07-121	JULY 27, 2007
FULLERTON FEDERAL SAVINGS	CBA-07-127	OCT. 2, 2007
ANGELA L. SIDBURY	07-111-SPHA	SEPT. 26, 2007
WINDSOR CONDOMINIUM-PERRY HALL	07-113-SPH	AUG. 31, 2007

FAX COVER SHEET

COUNTYWIDE POSTING

FROM: MARTIN OGLE

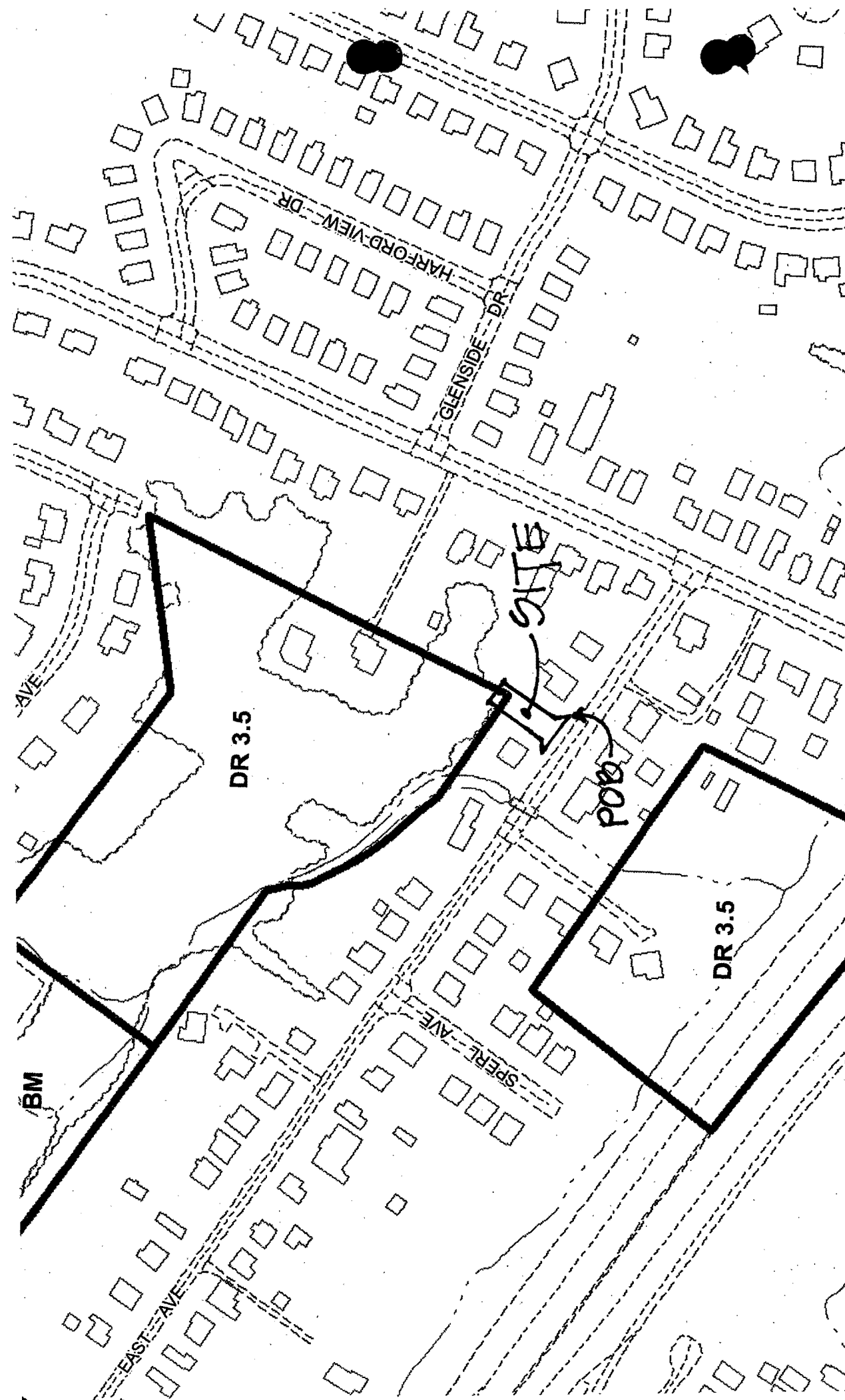
TO: KRISTEN MATHEWS

RE: CS# 06-460-SPH

SPECIAL INSTRUCTIONS

I DON'T THINK I DROPPED THIS ONE
OFF TO YOU IT CLOSES ON 9/6. WANTED TO
MAKE SURE YOU GOT IT. NO. OF PAGES 3
INCLUDING COVER

PLEASE RESPOND YES___ NO___



Baltimore County Office of Planning and Zoning Official Zoning Map

#660

070C2	071A2	071B2	071C2
070C3	071A3	071B3	071C3
080C1	081A1	081B1	081C1

CASE NAME Reiman
CASE NUMBER 06-600-SPH
DATE 10/24/05

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

IN RE: PETITION FOR SPECIAL HEARING
North Side of East Avenue, 298' West
Of Centerline of Avondale Road
11th Election District
6th Councilmanic District
(9208 Avondale Road)

James Reilman
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-289-SPH
*

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed Lawrence E. Schmidt, Co-Counsel for Petitioner.

Original Case

The Petitioner, James Reilman, originally filed a Special Hearing for property located at 9208 Avondale Road in Baltimore County. The relief was requested, pursuant to Section 500.7 the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Zoning Commissioner should approve a waiver from Section 32-4-405 of the Baltimore County Code, Development Regulations, to permit a paving width of 10 feet in lieu of the required 30 feet in the right-of-way of Thornwood Road, and from Section 32-4-410, of the Baltimore County Code, Development Regulations, to permit private water and sewer connections, for one lot, in the right-of-way of Thornwood Road.

Motion for Reconsideration

On February 14, 2006, Mr. Schmidt filed a timely Motion for Reconsideration of this Deputy Zoning Commissioner's Order dated January 17, 2006. Mr. Schmidt opined that the proposed road improvements are intended to be constructed as a public, not private road and in view of the fact that the county owns the property over which the road will be constructed, the Petitioner believes that he has the absolute right to construct the road. He requested to reconvene

Ref
Exhibit I

RESUME

THOMAS J. HOFF

THOMAS J. HOFF, INC.

406 West Pennsylvania Avenue
Towson, Maryland 21204
410-296-3668

EDUCATION:

Bachelor of Science Landscape Architecture,
Magna Cum Laude
West Virginia University, 1976

EXPERIENCE:

January 1992 to Present.
THOMAS J. HOFF, INC.
Towson, Maryland

Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

December 1986 to December 1991.
HOFF & ANTONUCCI, INC.
Lutherville, Maryland

Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

County Highway Deed.

RW 67-359

THIS DEED, Made this 5th day of January, in the year 1968,
 by HENRY A. VOLPINI and GERTRUDE L. VOLPINI, his wife, of Baltimore County, State
 of Maryland, Grantors, and MADISON AND BRADFORD SAVINGS AND LOAN ASSOCIATION, INC.,
 a body corporate of the State of Maryland, Mortgagee.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00), and other good and
 valuable considerations, the receipt whereof is hereby acknowledged, the said Grantors and Mort-
 gagee do grant and convey unto BALTIMORE COUNTY, MARYLAND, a municipal
 corporation, its successors and assigns, in fee simple, for public highway purposes, all that lot of
 ground, situate, lying and being in the Eleventh Election District of Baltimore County,
 State of Maryland, and described as follows, that is to say:

IN AND TO the beds of THORNEWOOD DRIVE and EAST AVENUE including the widen-
 ing thereof as shown on the Plat of SECTION - ONE "VOLPINI PROPERTY", which Plat
 is recorded among the Plat Records of Baltimore County in Plat Book O.T.G. No. 32,
 folio 87.

BEING a portion of the property which was granted and conveyed to Henry A.
 Volpini and Gertrude L. Volpini by the following instruments viz: (1) A Deed dated
August 24, 1946, and recorded among the Land Records of Baltimore County in Liber
R.J.S. No. 1487, folio 472, from Frederick P. Heinericks, et ux; (2) A Deed dated
July 22, 1954, and recorded among the Land Records of Baltimore County in Liber
G.L.B. No. 2521, folio 220, from Frank A. Warns, et ux.

TOGETHER with the appurtenances and advantages to the same belonging or in anywise
 appertaining.

TO HAVE AND TO HOLD the above granted property unto Baltimore County, Maryland, a
 municipal corporation, its successors and assigns, in fee simple, for public highway purposes.

AND the said Grantors hereby covenant that they have not done or
 suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed;
 that they will warrant specially property granted; and that they will
 execute such further assurances of the same as may be requisite.

AND the said MADISON AND BRADFORD SAVINGS AND LOAN ASSOCIATION, INC.,
 joins in this Deed for the purpose of releasing the land above granted from the operation and effect
 of mortgages or liens held upon property of the Grantors, retaining, however, the rights it has
 as Mortgagee or Lienor in the remainder of said property not affected by this conveyance.

EXH. #3
 DEED 3

BALTIMORE COUNTY

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT



BUREAU OF DEVELOPMENT PLANS REVIEW POLICY MANUAL

In accordance with Section 26-283 of the Baltimore County code, regulations in this manual are intended to repeal the following sections of the Department of Public Works Development Procedures and Policy Manual adopted by County Council Resolution No. 100-85 on November 18, 1985.

<i>Division I</i>	<i>Sections 4, 5, 6, 7, 8</i>
<i>Division II</i>	<i>All Sections</i>
<i>Division III</i>	<i>Section 14</i>
<i>Division IV</i>	<i>All Sections</i>

February 27, 2002

Ernest Noy

PETITION IN SUPPORT OF JAMES P. REILMAN'S WAIVER
REQUEST TO ALLOW 18 FEET OR LESS PUBLIC ROAD
AND PERMIT PRIVATELY MAINTAINED UTILITIES (WATER & SEWER)
IN THE THORNWOOD ROAD RIGHT OF WAY.

We the undersigned residents of Avondale Road and adjoining neighborhoods support James P. Reilman, 9208 Avondale Road, in his request for a waiver to allow a public road with a paving width of 18 feet (or less) in lieu of the required 24 feet, for a proposed non-arterial and non-collector public road and to permit privately maintained utilities (e.g. water and sewer) in the bed of the proposed public road.

<u>Supporter's Name</u>	<u>Address</u>
1. Arthur Jakovin	9135 Avondale Rd. 21234
2. Sandra Scott	9135 Avondale Rd 21234
3. Jan Reilman	9208 Avondale Rd 21234
4. Anne Zuckler	9210 Avondale Rd 21234
5. Ch. DeVos	9211 Avondale Rd 21234
6. Jerry W. Smith	9214-A Avondale Rd 21234
7. Angie H. Smith	9214-A Avondale Rd 21234
8. Joan Day	9214 Avondale Rd 21234
9. [Signature]	9214 9300 THORNWOOD AVE 21234
10. [Signature]	9300 Thornwood 21234
11. [Signature]	9218A AVONDALE RD, BALTO. MD. 21234
12. Gary Gelf	3011 First Ave Balto. Md 21234
13. Courtney Mullaney	3011 1st Ave Balto. MD 21234
14. Gregory W. Rogers	3108 EAST AVE., BALTO. MD 21234
15. Joseph Soper	8902 Avondale Rd, 21234

Exhibit No 5

County Highway Deed.

Ed 67-359

THIS DEED. Made this 5th day of January in the year 1968
 by HENRY A. VULPINI and GERTRUDE L. VULPINI, his wife, of Baltimore County, State
 of Maryland, Grantors; and BALTIMORE AND BRADFORD SAVINGS AND LOAN ASSOCIATION, INC.,
 a body corporate of the State of Maryland, Mortgagee.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00), and other good and
 valuable considerations, the receipt whereof is hereby acknowledged, the said Grantors and Mort-
 gagee do grant and convey unto BALTIMORE COUNTY, MARYLAND, a municipal
 corporation, its successors and assigns, in fee simple, for public highway purposes, all that lot of
 ground, situate, lying and being in the Eleventh Election District of Baltimore County,
 State of Maryland; and described as follows, that is to say:

IN AND TO the beds of BROMENWOOD DRIVE and EAST AVENUE including the widen-
 ing thereof as shown on the Plat of SECTION - ONE "VULPINI PROPERTY," which Plat
 is recorded among the Plat Records of Baltimore County in Plat Book O.P.S. No. 22,
 folio 57.

BEING a portion of the property which was granted and conveyed to Henry A.
 Vulpini and Gertrude L. Vulpini by the following instruments viz: (1) A Deed dated
 August 24, 1945, and recorded among the Land Records of Baltimore County in Liber
 R.J.S. No. 1187, folio 172, from Frederick P. Heinricks, et ux; (2) A deed dated
 July 22, 1954, and recorded among the Land Records of Baltimore County in Liber
 O.P.S. No. 2521, folio 220, from Frank A. Wams, et ux.

TOGETHER with the appurtenances and advantages to the same belonging or in anywise
 appertaining.

TO HAVE AND TO HOLD the above granted property unto Baltimore County, Maryland, a
 municipal corporation, its successors and assigns, in fee simple, for public highway purposes.

AND the said Grantors hereby covenant that they have not done or
 suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed;
 that they will warrant specially property granted; and that they will
 execute such further assurances of the same as may be requisite.

AND the said BALTIMORE AND BRADFORD SAVINGS AND LOAN ASSOCIATION, INC.,
 joins in this Deed for the purpose of releasing the land above granted from the operation and effect
 of mortgages or liens held upon property of the Grantors retaining, however, the rights it has
 as Mortgagee or Lienor in the remainder of said property not affected by this conveyance.

IN THE MATTER OF THE OPENING OF A PORTION OF SECOND STREET

OCTOBER 03, 2005

ART MILLER & ASSOCIATES
PHONE 410-385-1882
FAX 410-385-1883
www.artmiller.com

PETITION IN OPPOSITION TO ZONING WAIVER FILED
BY JAMES P. REILMAN FOR WAIVER TO ALLOW A
PAVED (PAVING WIDTH OF 18 FEET), PUBLIC ROAD
AND FOR WATER AND SEWER CONNECTION IN THE
BED OF THORNEWOOD ROAD

We the undersigned residents of the East Avenue/Avondale Road neighborhood and/or Baltimore County, being aggrieved thereby, are in opposition to the zoning petition filed by James P. Reilman for a waiver to allow paving of an 18 foot road and for water and sewer connections in the bed of Thornewood Road and hereby request that the Baltimore County Zoning Commissioner deny the petition filed by James P. Reilman, as contrary to the interests and desires of the community residents on October 24, 2006.

<u>Opponent Name</u>	<u>Address</u>
• Carol Dammer	3017 1st Avenue - 21234
• Joe Hill	9214 Avondale Rd - 21234
• Sami Sami	9212 Avondale Rd 21234
• Hilda Luthard	9202 Avondale Rd 21234
• Earl Jay Hooper	9200 AVONDALE RD. 21234
• Theresa C. Hoopes	9206 Avondale Road 21234
• Claire Morza	3122 East Ave 21234
• Jean Dorsey	3045 East Ave 21234
• Laurie Calka	3047 East Ave 21234
• John Calh	3047 East Ave 21234
• John Wether	3126 East Ave 21234
• Stephanie Priscoll	3128 East Ave 21234
• Deborah J. Malinowski	3127 East Ave 21234
• Melissa J. Belmann	3130 East Ave 21234

Page #1



Thornewood Drive viewed from East Avenue

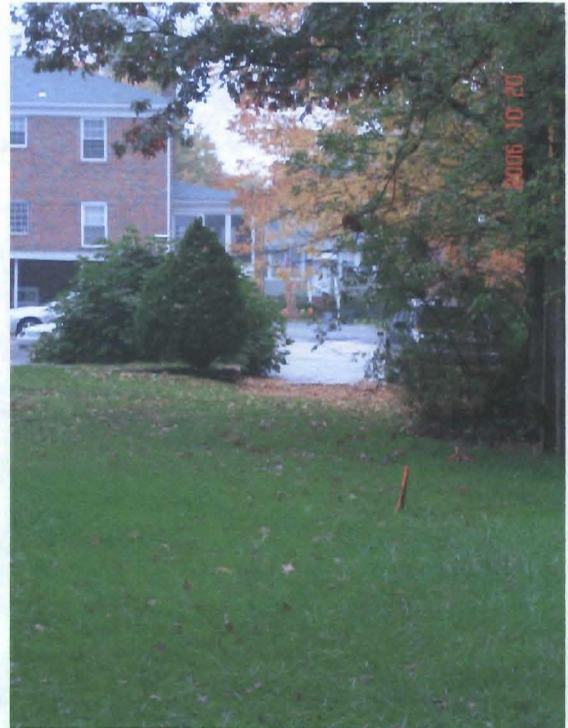
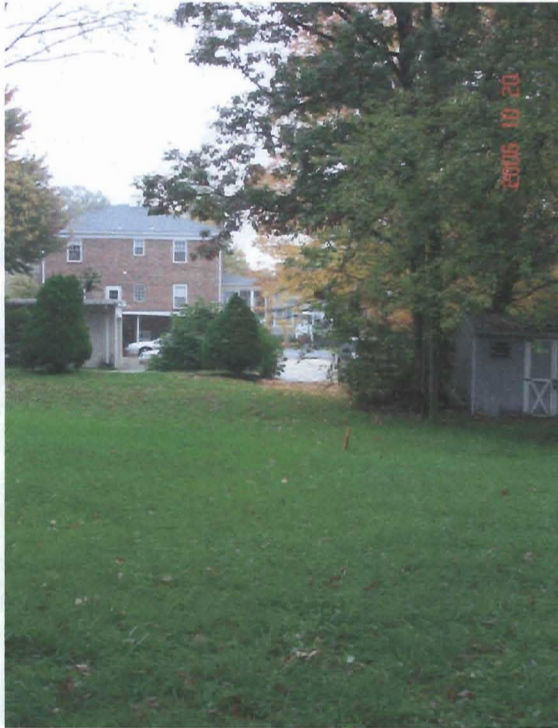


Thornewood Drive and Ullmann (Malinowski) residence (#3130) viewed from East Avenue



Thornewood Drive and Driscoll residence (#3128) viewed from East Avenue

Pro
2A



The rear of Mr. Reilman's property viewed from the intersection of Thornewood Drive and the property line of 3130 East Avenue. There is an existing driveway that accesses Avondale Road.

Thornewood Drive looking onto East Avenue



Both Pictures demonstrate run-off and drainage issues located in the bed of Thornewood Drive

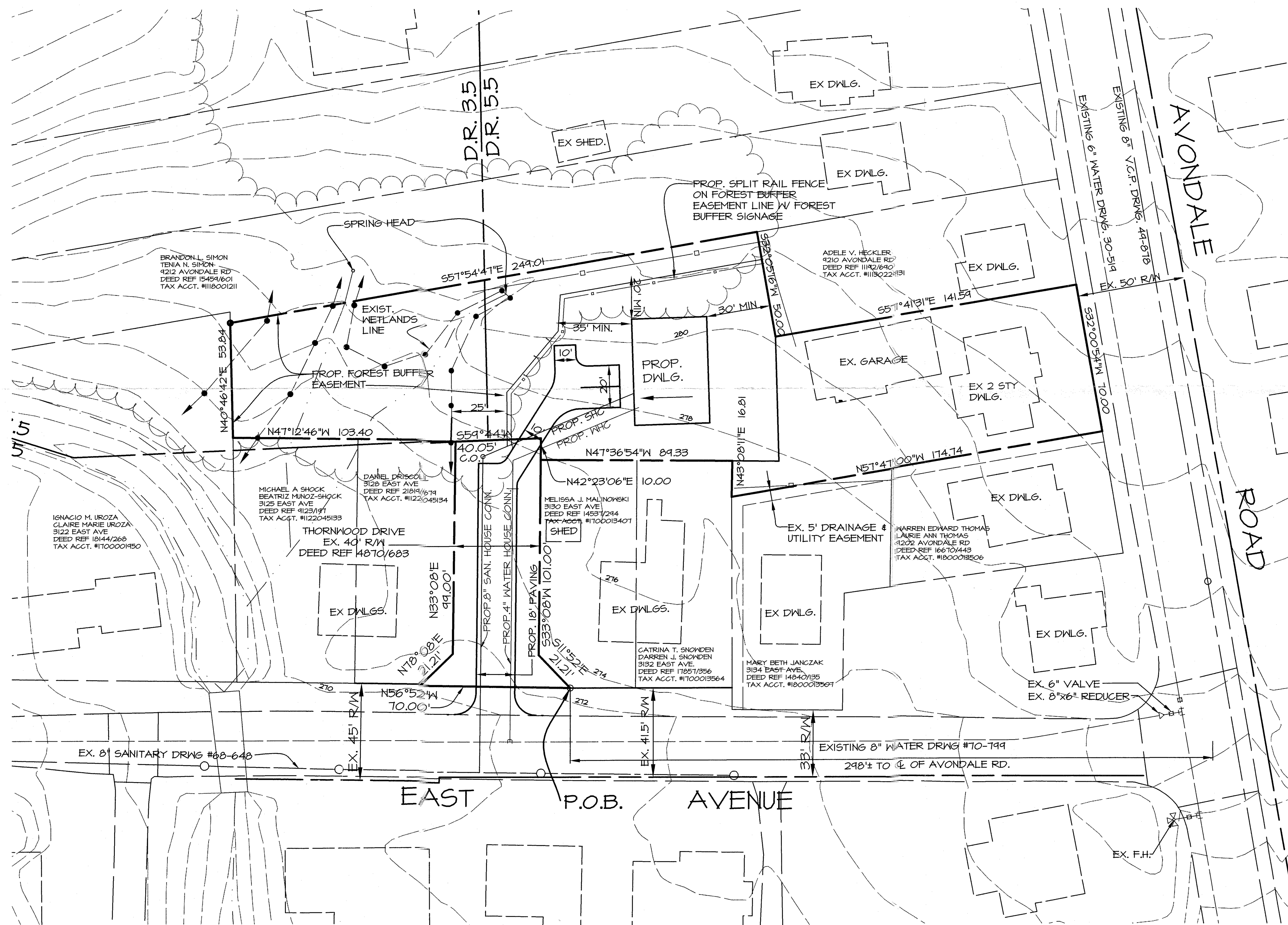
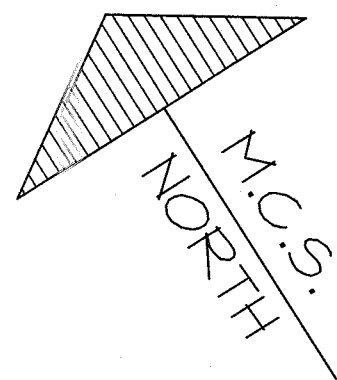




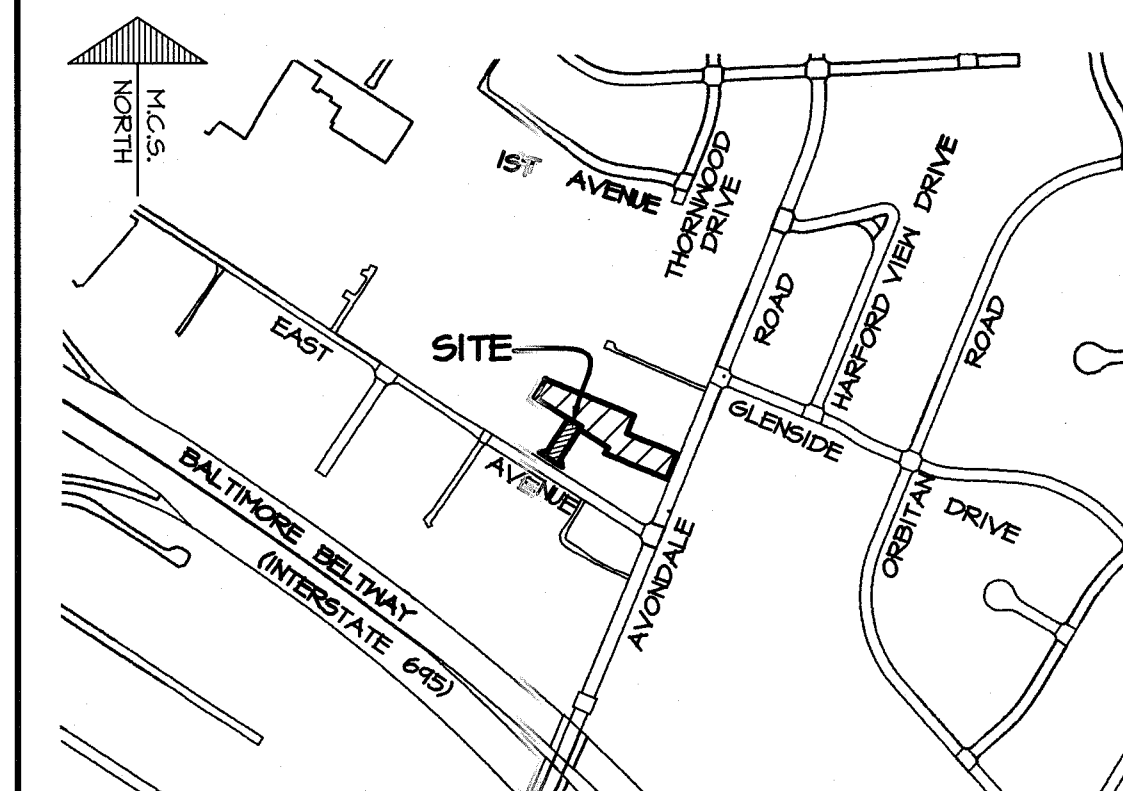
Residents of 3128 and 3130 East Avenue are concerned about the preservation of the mature trees that are shared property with Baltimore County.



Page #3



FOREST BUFFER VARIANCE NOTE:
A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS. THE FOREST BUFFER EASEMENT AND BUILDING SETBACK SHOWN HEREON ARE REFLECTIVE OF THE FACT THAT THIS VARIANCE WAS GRANTED. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS, INCLUDING PLANTING AS WELL AS PERMANENT FENCING AND POSTING OF THE FOREST BUFFER EASEMENT.



VICINITY MAP
SCALE: 1"=500'

SITE DATA:

NET SITE AREA - 0.71 AC., 30,945 SQ. FT.
GROSS SITE AREA - 0.75 AC., 32,724 SQ. FT.
EXISTING ZONING - D.R. 55 23,243 SQ. FT.
D.R. 35 7,102 SQ. FT.
EXISTING USE RESIDENTIAL
PROPOSED USE RESIDENTIAL

ZONING & DEVELOPMENT PLAN HISTORY:

CASE NO. 06-284-SPH

A WAIVER FROM SECTION 32-4-405, OF THE BALTIMORE COUNTY CODE DEVELOPMENT REGULATIONS TO PERMIT A PAVING WIDTH OF 10' IN LIEU OF THE REQUIRED 30' IN THE R/W OF THORNWOOD RD.

A WAIVER FROM SECTION 32-4-410, OF THE BALTIMORE COUNTY CODE DEVELOPMENT REGULATIONS TO PERMIT PRIVATE WATER AND SEWER CONNECTIONS, FOR ONE LOT, IN THE R/W OF THORNWOOD RD.

BOTH WAIVERS WERE DENIED.

GENERAL NOTES:

- 1) PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
- 2) THERE ARE NO 100 YEAR FLOOD PLAIN ON SITE.
- 3) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
- 4) PROPERTY IS NOT IN ANY MORATORIUM AREA.
- 5) PROPERTY IS SERVED BY PUBLIC WATER & SEWER.
- 6) BEARINGS AND DISTANCES SHOWN HEREON FOR THORNWOOD DRIVE ARE BASED ON THE RECORD PLAT OF "SECTION ONE, VOLPINI PROPERTY" RECORDED IN O.T.G. 32 FOLIO 87.

OWNER:

JAMES P. REILMAN
4208 AVONDALE ROAD
BALTIMORE MD 21234-3226

PLAN TO ACCOMPANY SPECIAL HEARING FOR WAIVERS TO THE DEVELOPMENT REGULATIONS THORNWOOD DRIVE REILMAN PROPERTY 4208 AVONDALE ROAD

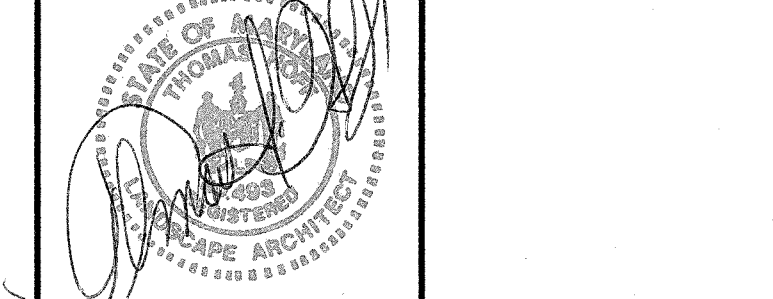
TAX MAP #71, GRID #21, PARCELS #139
11th ELECTION DISTRICT, 6th COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS

406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

REVISIONS:



SCALE: 1"=30'

DATE: 6/21/06

JOB NO.: 0486-01

DESIGNED: TJH

DRAWN: TJH/LA

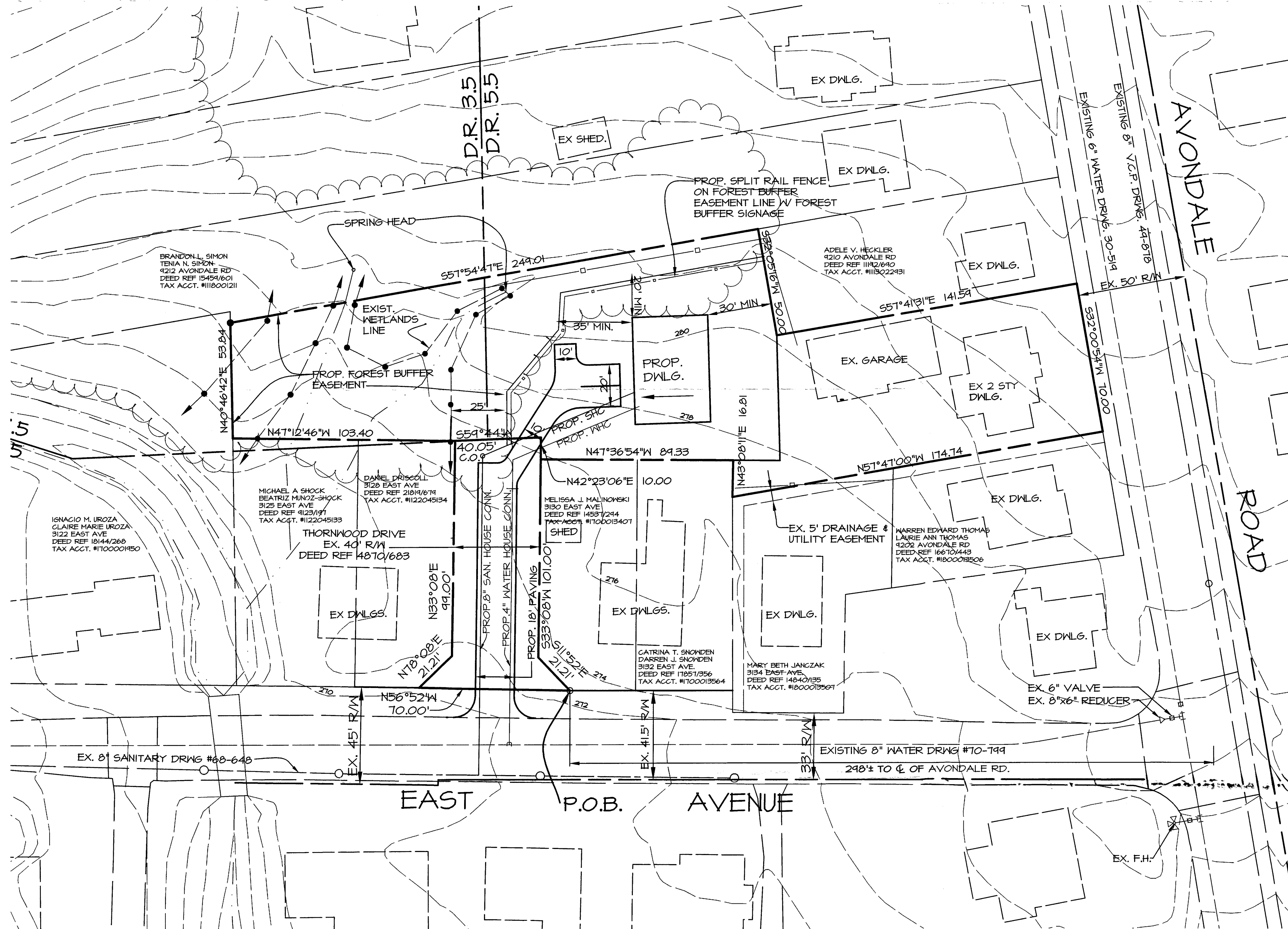
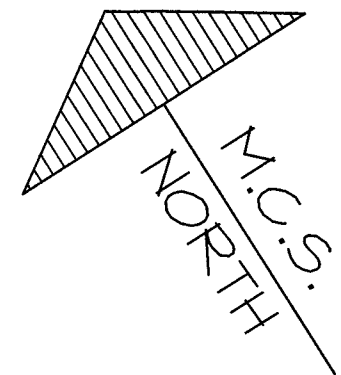
CHECKED:

DRAWING NUMBER:

SH-1

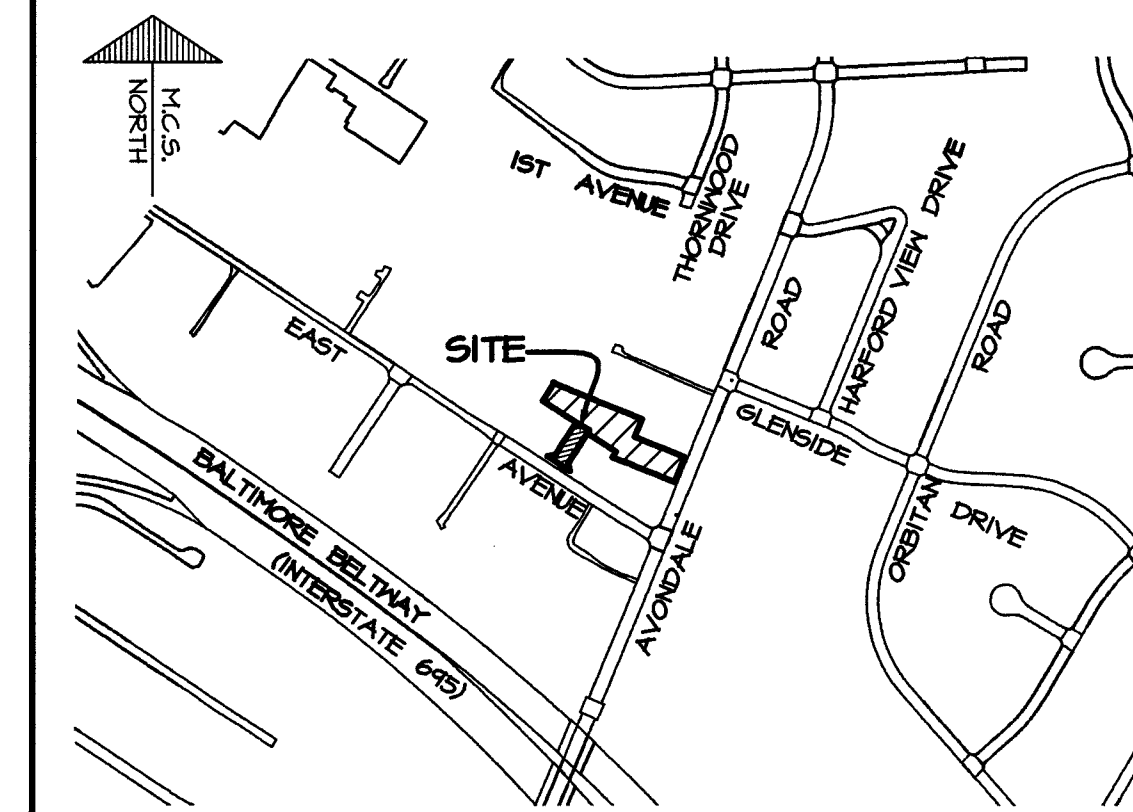
SHEET 1 OF 1

2006



FOREST BUFFER VARIANCE NOTE:

A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS. THE FOREST BUFFER EASEMENT AND BUILDING SETBACK SHOWN HEREON ARE REFLECTIVE OF THE FACT THAT THIS VARIANCE WAS GRANTED. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS, INCLUDING PLANTING AS WELL AS PERMANENT FENCING AND POSTING OF THE FOREST BUFFER EASEMENT.



VICINITY MAP
SCALE: 1"=500'

SITE DATA:

NET SITE AREA - 0.71 AC.± 30,945 SQ. FT.
GROSS SITE AREA - 0.75 AC.± 32,724 SQ. FT.
EXISTING ZONING - D.R. 5.5 23,243 SQ. FT.
EXISTING ZONING - D.R. 3.5 7,702 SQ. FT.
EXISTING USE RESIDENTIAL
PROPOSED USE RESIDENTIAL

ZONING & DEVELOPMENT PLAN HISTORY:

CASE NO. 06-284-SFH

A WAIVER FROM SECTION 32-4-405, OF THE BALTIMORE COUNTY CODE DEVELOPMENT REGULATIONS TO PERMIT A PAVING WIDTH OF 10' IN LIEU OF THE REQUIRED 30' IN THE R/W OF THORNWOOD RD.

A WAIVER FROM SECTION 32-4-410, OF THE BALTIMORE COUNTY CODE DEVELOPMENT REGULATIONS TO PERMIT PRIVATE WATER AND SEWER CONNECTIONS, FOR ONE LOT, IN THE R/W OF THORNWOOD RD.

BOTH WAIVERS WERE DENIED.

GENERAL NOTES:

- 1) PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
- 2) THERE ARE NO 100 YEAR FLOOD PLAIN ON SITE.
- 3) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
- 4) PROPERTY IS NOT IN ANY MORATORIUM AREA.
- 5) PROPERTY IS SERVED BY PUBLIC WATER & SEWER.
- 6) BEARINGS AND DISTANCES SHOWN HEREON FOR THORNWOOD DRIVE ARE BASED ON THE RECORD PLAT OF "SECTION ONE, VOLPINI PROPERTY" RECORDED IN O.T.G. 32 FOLIO 87.

OWNER:

JAMES P. REILMAN
4208 AVONDALE ROAD
BALTIMORE MD 21234-3226

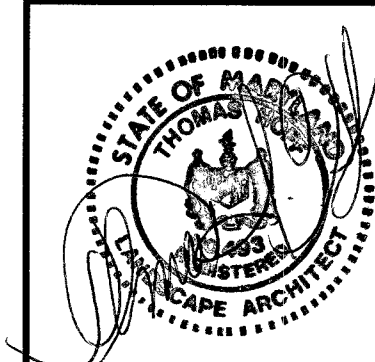
PLAN TO ACCOMPANY SPECIAL HEARING FOR
WAIVERS TO THE DEVELOPMENT REGULATIONS
THORNWOOD DRIVE
REILMAN PROPERTY
9208 AVONDALE ROAD

TAX MAP #71, GRID #21, PARCELS #1139
11th ELECTION DISTRICT, 6th COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS

406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326



REVISIONS:

SCALE: 1"=30'

DATE: 6/21/06

JOB NO.: 0486-01

DESIGNED: TJH

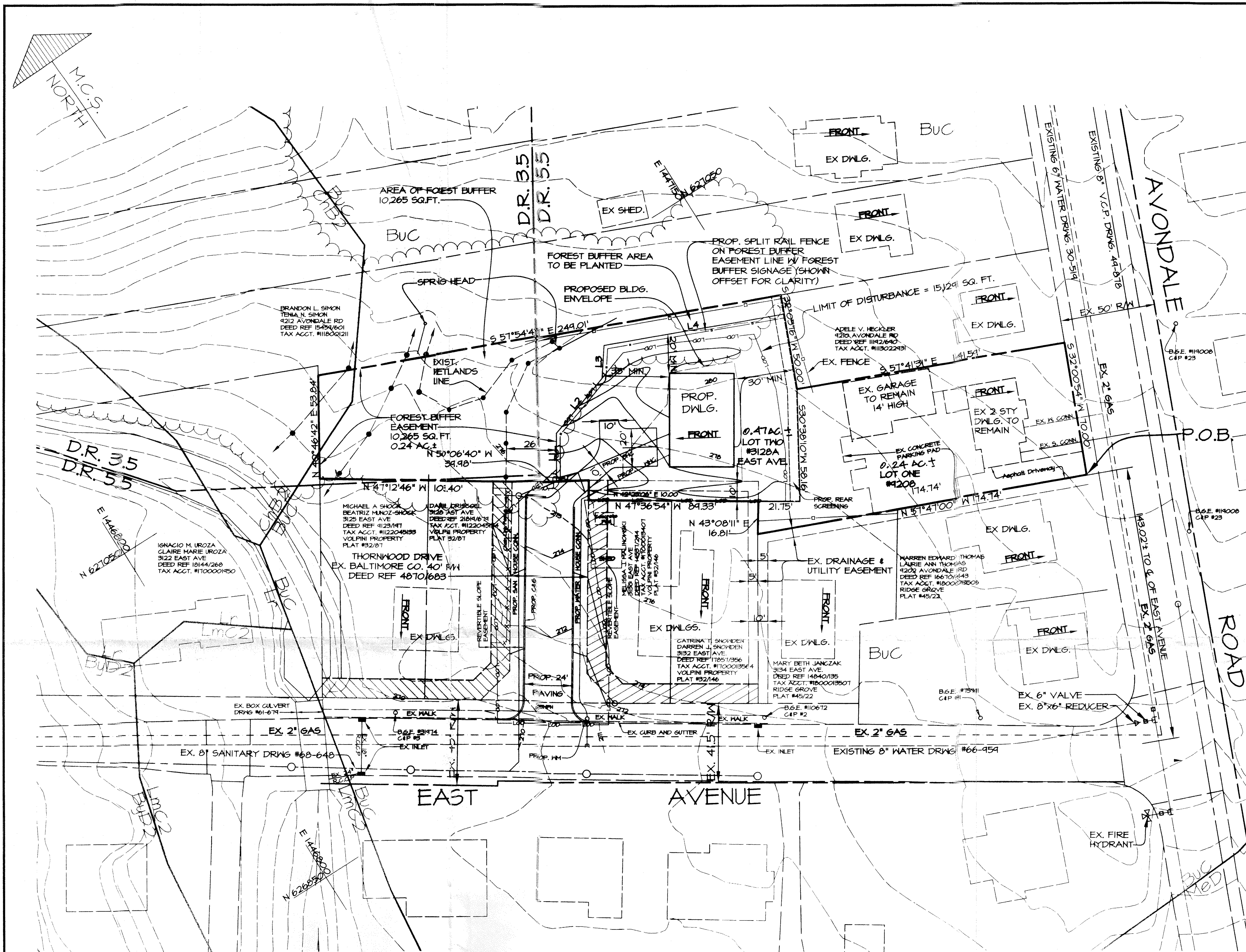
DRAWN: TJH/LA

CHECKED:

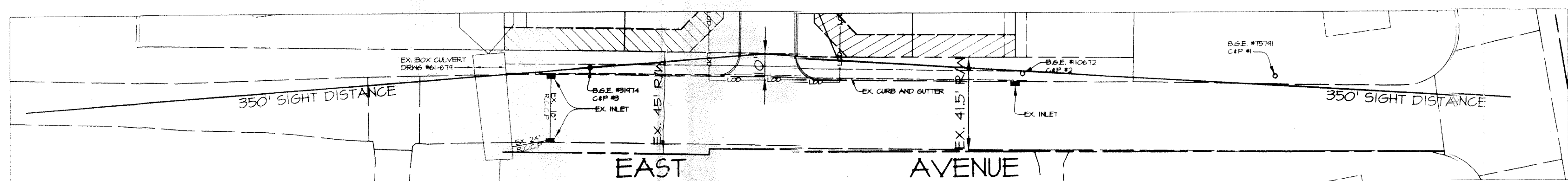
DRAWING NUMBER:

SH-1

SHEET OF



SITE PLAN
SCALE: 1"=30'



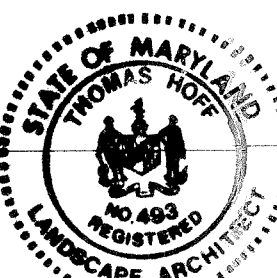
350' SIGHT LINE DETAIL - SEE NOTE # 14
SCALE: 1"=40'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N31°54'45"E	25.00
L2	S72°07'08"W	37.34
L3	S35°29'54"W	17.23
L4	N67°41'37"W	95.99

PROFESSIONAL CERTIFICATE:

I HEREBY CERTIFY THAT I REVIEWED WITH DUE DILIGENCE THE MINOR SUBDIVISION COMMENTS DATED 5/1/06 AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THESE AGENCY COMMENTS.

Thomas J. Hoff 4/11/07
THOMAS J. HOFF, P.L.A. #443



BOUNDARY SURVEY PREPARED BY:
FSH ASSOCIATES
6354 HOWARD LANE
ELK RIDGE, MD 21075
PH. 410-561-5200
FAX. 410-196-1562



- GENERAL NOTES:
- 1) PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
 - 2) THERE ARE NO 100 YEAR FLOOD PLAIN ON SITE.
 - 3) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
 - 4) PROPERTY IS NOT IN ANY MORATORIUM AREA.
 - 5) PROPERTY IS SERVED BY PUBLIC WATER & SEWER.
 - 6) THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS, EXISTING WELLS, OR SEPTIC SYSTEMS ON SITE.
 - 7) THERE ARE NO RARE, THREATENED OR ENDANGERED SPECIES HABITAT ON SITE.
 - 8) PROPOSED DWELLINGS ARE TO BE 2 STORY.
 - 9) THE DEVELOPER SHALL NOT ALLOW ANY CABLE TELEVISION CABLES TO BE INSTALLED IN THIS SUBDIVISION WITHOUT THE REQUIRED COUNTY PERMITS BEING OBTAINED. BALTIMORE COUNTY WILL NOT ASSUME ANY PUBLIC IMPROVEMENTS, WHERE SUCH CABLES HAVE BEEN INSTALLED WITHOUT A PERMIT UNTIL THE CABLES ARE SATISFACTORILY LOCATED.
 - 10) THE DEVELOPER IS RESPONSIBLE FOR THE TOTAL ACTUAL COST OF DRAINAGE FACILITIES REQUIRED TO CARRY THE STORM WATER RUNOFF THROUGH THE PROPERTY TO BE DEVELOPED TO A SUITABLE OUTFALL.
 - 11) THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS.
 - 12) STORMWATER MANAGEMENT SHALL BE PROVIDED OR A WAIVER WITH A FEE IN LIEU OF MAY BE GRANTED.
 - 13) THERE ARE NO HISTORICAL OR ARCHAEOLOGICAL SITES LOCATED ON THE PROPERTY.
 - 14) THE AREA BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
 - 15) BUILDING ELEVATION DRAWINGS, INCLUDING INFORMATION ABOUT MATERIALS, COLORS AND ARCHITECTURAL DETAILS FOR THE PROPOSED HOUSE SHALL BE SUBMITTED TO THE PLANNING OFFICE PRIOR TO BUILDING PERMIT.

FOREST BUFFER VARIANCE NOTE:
1) A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS. THE FOREST BUFFER EASEMENT AND BUILDING SETBACK SHOWN HEREON ARE REFLECTIVE OF THE FACT THAT THIS VARIANCE WAS GRANTED. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS, INCLUDING PLANTING AS WELL AS PERMANENT FENCING AND POSTING OF THE FOREST BUFFER EASEMENT.
2) A FOREST BUFFER PROTECTION PLAN HAS BEEN PREPARED AND APPROVED BY DEP/PRM, SEE PLAN #FBP-06-024.

STANDARD NON-DISTURBANCE NOTE:
THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT."

PROTECTIVE COVENANTS NOTE:
ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY, ANY WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

LOCAL OPEN SPACE COMMENTS:
1) THIS DEVELOPMENT IS SUBJECT TO THE ADEQUATE PUBLIC FACILITIES ACT, BILL NO. 110-49. THE COMMENTS GENERATED HEREIN REFLECT THE REQUIREMENTS OF BILL NO. 110-49 AND THE BALTIMORE COUNTY LOCAL OPEN SPACE MANUAL, AS ADOPTED BY THE BALTIMORE COUNTY COUNCIL ON FEBRUARY 22, 2000.
2) LOCAL OPEN SPACE IS REQUIRED IN ALL RESIDENTIAL ZONES, BUT NOT REQUIRED FOR MINOR SUBDIVISIONS (SECTION III.A.1). LOCAL OPEN SPACE MAY BE REQUIRED FOR FURTHER SUBDIVISION OF THIS PROPERTY.

BALTIMORE COUNTY MASTER PLAN DESIGNATED GREENWAY COMMENTS:
1) NO MASTER PLAN DESIGNATED GREENWAYS ARE AFFECTED BY THIS SUBDIVISION.

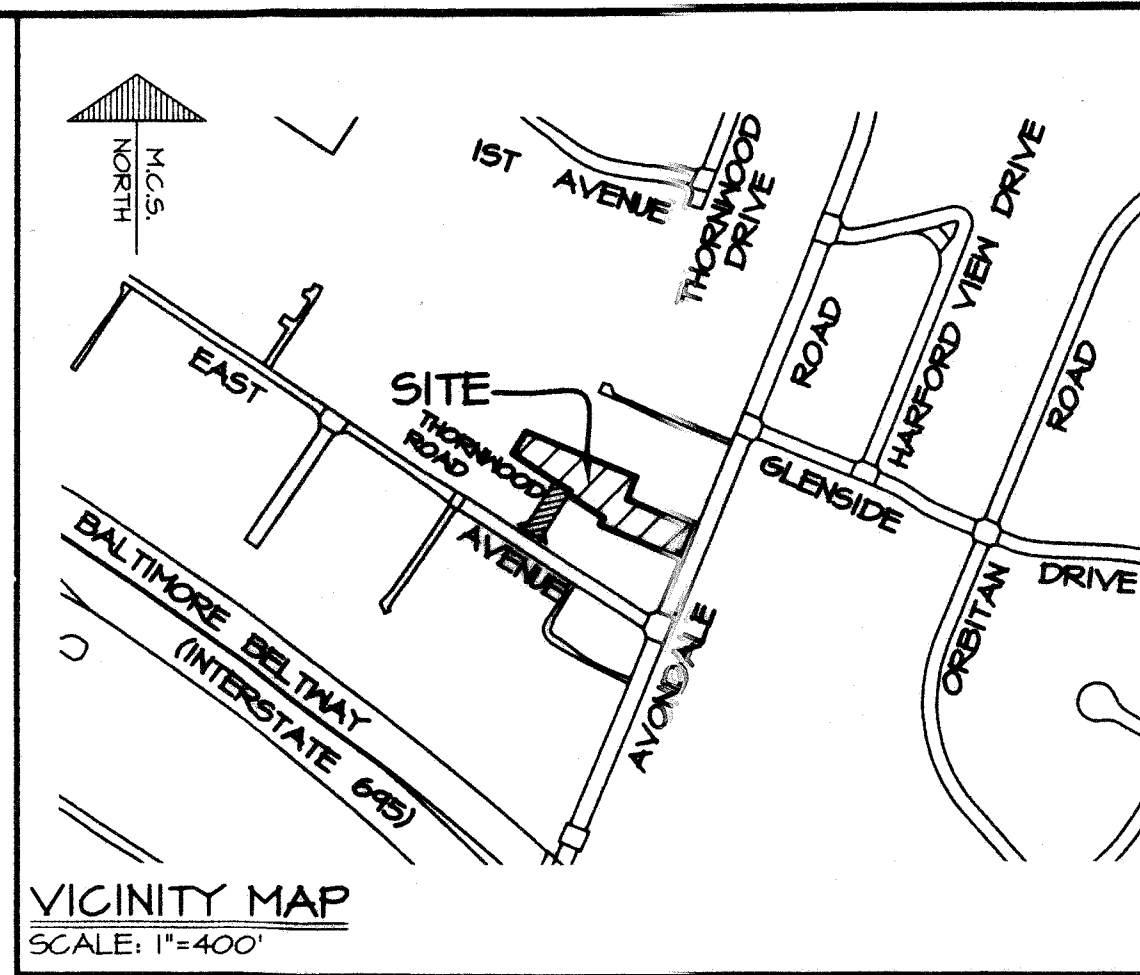
DENSITY NOTE:
THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1978. THE DEVELOPER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS. A 10' WIDE BY 84' LONG STRIP OF LAND ALONG THE NORTH SIDE OF LOTS 1 & 2 OF SECTION TWO OF THE "VOLPINI PROPERTY" PLAT 32/146 WAS ADDED TO THIS PROPERTY AS A NON-DENSITY TRANSFER IN 1978.

STORMWATER MANAGEMENT VARIANCE NOTES:
1) ALL RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
2) THE TOTAL AREA OF LAND DISTURBANCE HAS BEEN NOTED ON THIS PLAN. LIMITS OF DISTURBANCE HAS BEEN SHOWN ON THIS PLAN.
3) AS MUCH AS POSSIBLE, IMPERVIOUS AREAS SHOULD BE CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
4) HOUSE DOWN SPOUTS SHOULD BE DISCHARGED ONTO PERVIOUS AREAS WHERE FEASIBLE.
5) ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORMWATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.
6) A PAYMENT HAS BEEN MADE TO THE STORMWATER MANAGEMENT FUND IN THE AMOUNT OF \$3,750 OR \$30,000 PER ON-SITE IMPERVIOUS ACRE, IN THIS CASE, 0.125 ACRES.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE BOUNDARY SURVEY OF THE 0.125 ACRE PARCEL OF LAND SHOWN HEREON WAS PERFORMED BY FSH ASSOCIATES IN 2006 AND IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

G. Brooke Miller 4/11/2007
G. BROOKE MILLER P.L.S. #135



SITE DATA:

NET SITE AREA	- 0.71 AC.±	30,945 SQ. FT.
GROSS SITE AREA	- 0.75 AC.±	32,724 SQ. FT.
EXISTING ZONING	- D.R. 5.5	23,243 SQ. FT.
		NET GROSS 25,021 SQ. FT.
		NET 17,022 SQ. FT.
		GROSS 17,022 SQ. FT.

ZONING MAP TI-B3
EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL

DENSITY ALLOWED -
DR 5.5 0.57 AC ± 5.5/AC = 3.1 D.U.
DR 3.5 0.18 AC ± 3.5/AC = 0.6 D.U. (NON-DENSITY)
PARCEL TOTAL DENSITY ALLOWED = 3.1 D.U.

THE D.R. 3.5 PORTION OF THIS SITE IS A NON-BUILDABLE, NON-DENSITY PORTION & MAY NEVER BE BUILT ON.

TOTAL DENSITY PROPOSED = 2 UNITS
PARKING REQUIRED:
2 LOTS @ 2 SPACES/LOT = 4 SPACES
PARKING PROVIDED = 4 SPACES

TAX MAP #71, GRID #21, PARCELS #139
CENSUS TRACT - 411407
REGIONAL PLANNING DISTRICT - 317
SCHOOL DISTRICT - CARNEY ES, PINE GROVE MS, & PARKVILLE HS
WATERSHED - BIRD RIVER
SUBWATERSHED - 18

ZONING & DEVELOPMENT PLAN HISTORY:
CASE NO 06-284-SPH
SPECIAL HEARING TO PERMIT A PAVING WIDTH OF 10' IN LIEU OF 30' IN THE R/W OF THORNWOOD DRIVE AND TO PERMIT PRIVATE WATER AND SEWER CONNECTIONS IN THE R/W OF THORNWOOD DRIVE.

CASE NO 06-660-SPH
SPECIAL HEARING TO PERMIT A PAVING WIDTH OF 18' IN LIEU OF 24' AND TO PERMIT PRIVATELY MAINTAINED WATER AND SEWER IN THE BED OF THORNWOOD DRIVE.

THIS PLAN IS IN COMPLIANCE WITH PUBLIC WORKS STANDARDS. HOWEVER, A REDUCTION OF PAVING WIDTH MAY BE GRANTED.

BALTIMORE COUNTY MINOR SUBDIVISION PROJECT NO. 06033M	
DEVELOPMENT REGULATIONS: ☒ EXEMPT FROM ARTICLE 32, TITLE 4, SUBTITLE 2 ☐ PANHANDLE EXEMPT FROM SECTIONS 32-4-211 THROUGH 32-4-217 & SECTIONS 32-4-226 & 32-4-227	
PDM CERTIFICATION: ☒ APPROVED ☐ DISAPPROVED BY: <i>James S. Wilson</i> DATE: 4/13/07	
APPROVED, DEPRM BY: <i>James S. Wilson</i> DATE: 3/9/07	

MINOR SUBDIVISION OF REILMAN PROPERTY 9208 AVONDALE ROAD 11th ELECTION DISTRICT, 6th COUNCILMANIC BALTIMORE COUNTY, MD	
THOMAS J. HOFF, INC. LAND DEVELOPMENT CONSULTANTS LANDSCAPE ARCHITECTS 406 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 410-296-3668 FAX 410-296-5326	
SCALE: 1"=30' DATE: 03/23/06 JOB NO.: 0486-01 DESIGNED: TJH DRAWN: TJH/LA CHECKED: DRAWING NUMBER: SP-1 SHEET OF	REVISIONS: 6/23/06-REVISED PER 1ST REVIEW COMMENTS 1/8/2007-REVISED PER 2ND REVIEW COMMENTS 1/25/2007-REVISED PER 2ND REVIEW COMMENTS 2/28/07-REVISED PER 2ND REVIEW COMMENTS 4/10/07-AS SUBMITTED FOR APPROVAL