IN RE: PETITION FOR SPECIAL HEARING
685' S of the SW/S of Westminster Rd.,
478' SE of Nob Hill Park Drive
(615 Westminster Road)
4th Election District
3rd Council District
Eben C. Eck, et ux
Petitioners

BEFORE THE

**ZONING COMMISSIONER** 

FOR

BALTIMORE COUNTY

Case No. 07-019-SPH

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Eben C. Eck, and his wife, Joan K. Eck. The Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a waiver to allow the non-density transfer of 1.24 acres (Parcel A) between the same owners, Joan and Eben Eck. In addition, approval of a waiver from Section 32-4-409(c) of the Baltimore County Code (B.C.C.), to allow a panhandle strip to access the local street through a right-of-way in lieu of an in-fee strip; and finally to approve a waiver from Section 32-4-409(f)(2) of the B.C.C. to allow three (3) lots utilizing an existing private access easement to the local public street in lieu of the required in-fee ownership. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing and testifying on behalf of the Petitioner was Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., the consultants who prepared the site plan for this property and Eben Eck, owner and site developer. Also appearing in support of the petition was Walter E. Carr, an adjacent property owner to the west whose 21 acres borders the subject site.

Charle heavewed FOR FILING Date 1-16-87 Testimony and evidence offered revealed that the subject property is an irregular shaped tract located 500 feet to the south of Westminster Pike (Rte. 140) and just east of Gores Mill Road in Reisterstown. The property contains a gross area of 18.893 acres, more or less, zoned R.C.4 and currently undergoing a minor subdivision process. The Petitioners are desirous of subdividing one of the three separate lots of record, which they have owned for over five years, to create three building lots for proposed single-family dwellings.

As shown on the site plan, the Petitioners reside on Parcel No. 939, improved with a two-story dwelling, wood shed and driveway. Parcel No. 992 to the rear (south) of the residential property contains a barn. The unimproved Parcel No. 660, which is the subject of this hearing, is undergoing the subdivision process and consists of 16.36 acres. The Eck's propose to enhance the size and configuration of Parcel No. 992 on which the barn is located by means of a non-density transfer. They first propose to subdivide Parcel No. 660 into three lots. Lot 1 will be 1.91 acres, Lot 2, the conservancy lot, subject to B.C.Z.R. Section 1A03.5a – the Conservancy Area Standards – will be 11.39 acres and Lot 3 – 1.81 acres. Following the proposed subdivision as noted, the Petitioners will transfer the remainder of Parcel No. 660 (1.24 acres shown as Parcel A and presently planted with evergreen trees as shown on Petitioners' Exhibits 2L through 2Q) to the residential and barn parcel, with no density remaining. Thus, after creating the lots and the transfer, Petitioners would wind up with the same number of density units which they had before the transfers occurred. In my judgment, the conveyance will not be detrimental to the health, safety, or general welfare of the locale and is entirely consistent with the R.C.4 zoning and watershed protection use of the subject and adjacent properties.

2

Also at issue in the instant case, is the proposed access. In this regard, it is noted that for many years the Petitioners have utilized an existing 12' wide right-of-way through the property owned by the Reisterstown Bible Church to access their properties. Special Hearing relief is requested to determine whether the proposed lots can utilize the same access, in lieu of the in-fee access required by the B.C.C. In response to the Zoning Advisory Comment (ZAC) received from the Bureau of Plans Review, Petitioners will receive an in-fee conveyance of a 40' wide x 500' long strip or parcel from the Reisterstown Bible Church to provide access to the existing Eck dwelling and proposed Lots 1-3 of the minor subdivision<sup>1</sup>. This will provide a 40' wide easement and allow for the driveway widening to 16' from Westminster Pike to the Eck property. From there, a 30' wide right-of-way with a 16' paved driveway and minimum curve radius of 30' will run an additional length of 400' to the tee-turnaround and access to the three new proposed lots.

The B.C.C. provides that all access to public roads occur via in-fee strips of land; however, Section 32-4-409(c) thereof allows access via an existing right-of-way instead of an in-fee strip where same has been established before the development plan is submitted. There is no dispute that the subject right-of-way driveway has been established and is currently in use. Additionally, there were no adverse ZAC comments submitted by any County reviewing agency. I am, therefore, of the opinion, after consideration of the testimony and evidence presented, that the requested relief can be granted and find that the proposed access is appropriate in this instance given the fact that it has existed for many years and will be widened, improved and is proposed to serve only three additional lots.

<sup>&</sup>lt;sup>1</sup> D. Dusky Holman, Esquire, counsel for the trustees of the Reisterstown Bible Church, confirmed the in-fee strip purchase by Petitioners.

CADENTICENTED FOR FILING
Date 1-14-67
By USENTED FOR FILING

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of January, 2007, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a waiver to allow the non-density transfer of 1.24 acres (Parcel A) between the same owners, Joan and Eben Eck. In addition, approval of a waiver from Section 32-4-409(c) of the Baltimore County Code (B.C.C.), to allow a panhandle strip to access the local street through a right-of-way in lieu of an in-fee strip; and finally to approve a waiver from Section 32-4-409(f)(2) of the B.C.C. to allow three (3) lots utilizing an existing private access easement to the local public street in lieu of the required in-fee ownership, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) ADVISORY: This Order approves the requested special hearing but does not address the proposed subdivision. The Petitioners subdivision proposal to create the proposed three (3) lots must be submitted to the Development Review Committee for consideration and processing.
- 2) The resulting non-density transfer so created shall be used for agricultural purposes. There is no development potential for this non-density parcel.
- Prior to the conveyance of any building lots, the Petitioners shall prepare a covenant (use in common and maintenance agreement for the access road) from Westminster Pike (Rte. 140) to and including the 30' x 70' tee turnaround at the end of the use in common driveway to include as parties the Petitioners residence on Parcel 939 and the three lots to be created through the minor subdivision process. Said agreement shall be reviewed and approved by the trustees of the Reisterstown Bible Church and then recorded with the record plat for each of the proposed dwellings.
- 4) The Petitioners shall provide trash and mail pads at Westminster Pike.

Date 1-1/2 -01
By (2-2)

- The development of the property must comply with the regulations for the protection of water quality, streams, wetlands and floodplains (Section 33-3-101 through 33-3-120 of the Baltimore County Code).
- The development of this property must comply with the forest conservation regulations (Sections 33-6-101 through 33-6-122) of the Baltimore County Code).
- Prior to the issuance of any building permits, the Petitioners shall landscape the 40' right-of-way in accordance with a landscape plan to be prepared and showing trees along the right-of-way, and to be reviewed and approved by the Reisterstown Bible Church.
- When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401

of the Baltimore County Code.

LIJAMI-WISEMAN, II

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

January 16, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. Bruce E. Doak Gerhold, Cross & Etzel, Ltd. 320 East Towsontown Boulevard Towson, Maryland 21286

RE: PETITION FOR SPECIAL HEARING

478' SE of Nob Hill Park Drive
(615 Westminster Road)
4th Election District - 3rd Council District
Eben C. Eck, et ux - Petitioners
Case No. 07-019-SPH

Dear Mr. Doak:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

XXXXXXX

MULIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

·WJW:dlw

D. Dusky Holman, Esquire, Gildea & Schmidt, LLC
 300 E. Lombard Street, Ste. 1440, Baltimore, MD 21202-3228
 Mr. Eben Eck, 615 Westminster Road, Reisterstown, MD 21136
 Mr. Walter Carr, 619 Westminster Road, Reisterstown, MD 21136
 Office of Planning; Development Plans Review; People's Counsel; Case File



### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

which is presently zoned \_\_\_\_\_ R.C. - 4

for the property located at WESTMINSTER ROAD

This Petition shall be filed with the Department owner(s) of the property situate in Baltimore County made a part hereof, hereby petition for a Special County, to determine whether or not the Zoning Corn	of Permits and Development Management. The undersigned, legal and which is described in the description and plat attached hereto and Hearing under Section 500.7 of the Zoning Regulations of Baltimore amissioner should approve
See A-7	F4C#ED
Property is to be posted and advertised as prescribed l, or we, agree to pay expenses of above Special Hearing zoning regulations and restrictions of Baltimore County ad	d by the zoning regulations. , advertising, posting, etc. and further agree to and are to be bounded by the opted pursuant to the zoning law for Baltimore County.
Contract Purchaser/Lessee:	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.  Legal Owner(s):
Name - Type or Print Signature	Name Type or Print  Signature  ESEN C. ECK  Name Type or Print
Address Telephone City State Zip Ci	No. Name - Type or Print  ONN # FCE
Attorney For Petitioner:  Iame - Type or Print	615 WEST MINSTER ROAD  Address REISTERSTOWN MD 21136-41
gnature	Representative to be Contacted:
ddress Telephone N	l'elephone No.
Date \- \6 -07	State Zip Code
3v	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING
20 9115195	Reviewed By JNP Date 7/19/06

### 615 WESTMINSTER ROAD

SPECIAL HEARING REQUESTED

WAIVER TO ALLOW THE NON-DENSITY TRANSFER OF 1.11 Ac. ± PARCEL (A) BETWEEN THE SAME OWNERS, JOAN K. & EBAN C. ECK.

### BALTIMORE COUNTY CODE:

SECTION 32-4-409 (c)

WAIVER TO ALLOW A PANHANDLE STRIP TO ACCES THE LOCAL STREET THROUGH A RIGHT OF WAY IN LIEU OF AN IN-FEE STRIP.

SECTION 32-4-409 (f)-(2)

WAIVER TO ALLOW 3 LOTS UTILIZING AN EXISTING PRIVATE ACCESS EASMENT TO THE LOCAL PUBLIC STREET IN LIEU OF THE REQUIRED IN FEE OWNERSHIP.

REVISED a/27/06

### 615 WESTMINSTER ROAD

### SPECIAL HEARING REQUESTED

WAIVER TO ALLOW THE NON-DENSITY TRANSFER OF 1.11 Ac. ± PARCEL (A) BETWEEN THE SAME OWNERS, JOAN K. & EBAN C. ECK.

### BALTIMORE COUNTY CODE:

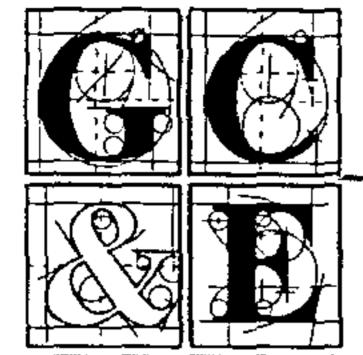
SECTION 32-4-409 (c)

WAIVER TO ALLOW A PANHANDLE STRIP TO ACCES THE LOCAL STREET THROUGH A RIGHT OF WAY IN LIEU OF AN IN-FEE STRIP.

SECTION 32-4-409 (f) (2)

WAIVER TO ALLOW 4 LOTS UTILIZING AN EXISTING PRIVATE ACCESS EASMENT TO THE LOCAL PUBLIC STREET IN LIEU OF THE REQUIRED IN FEE OWNERSHIP.

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Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

July 18, 2006

ZONING DESCRIPTION
Eck property
615 Westminster Road
Baltimore County, Maryland
Proposed Lot A
(Non-density transfer lot)

All that piece or parcels of land situate, lying and being in the Fourth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

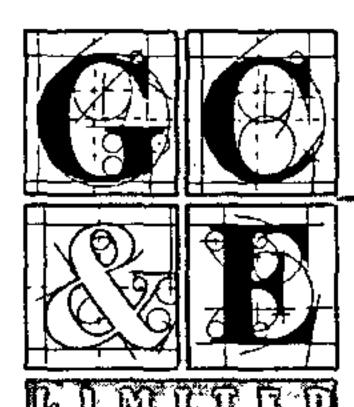
Beginning for the same at a point, said point being located the following two courses and distances from the intersection of the centerlines of Nob Hill Park Drive and Westminster Pike (Route 140), 1) easterly 478 feet along the centerline of Westminster Pike (Route 140), to the side of a Right of Way easement, 12 feet wide recorded O.T.G. No. 4931 folio 643, running southwesterly along the said Right of Way 2) South 38 degrees 56 minutes West 450 feet more or less measured along said 12 feet Right of Way, North 50 degrees 34 minutes West 72 feet, South 42 degrees 20 minutes West 176.70 feet, South 44 degrees 30 minutes East 277.00 feet, to the point of beginning, running thence for the following courses and distances viz:

- 1) South 31 degrees 40 minutes 40 seconds West 175.38 feet, more or less,
- 2) South 60 degrees 50 minutes 45 seconds East 258 feet, more or less,
- 3) North 64 degrees 04 minutes 15 seconds East 197 feet, more or less,
- 4) North 62 degrees 30 minutes West 363 feet, more or less, to the point of beginning.

Containing 1.11 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

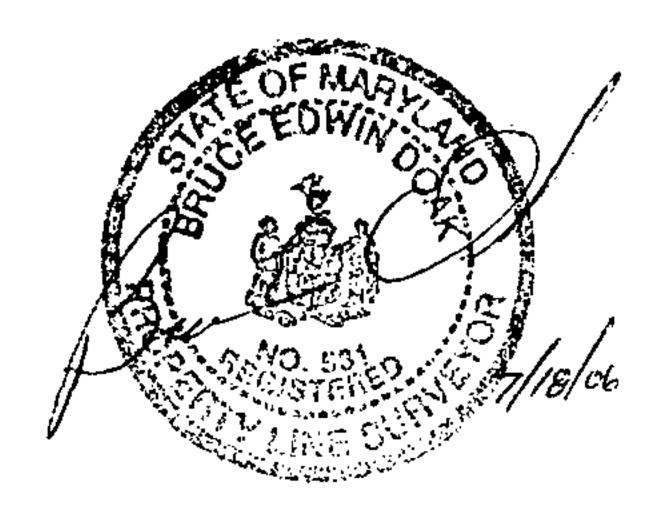
07-019-5PH



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**July 18 2006** 



ZONING DESCRIPTION

Eck Property
615 Westminster Road
Baltimore County, Maryland
Parcel 939

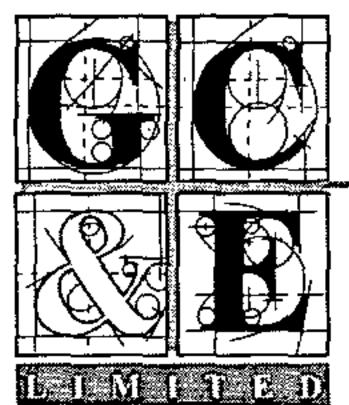
All that piece or parcels of land situate, lying and being in the Fourth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point, said point being located the following two courses and distances from the intersection of the centerlines of Nob Hill Park Drive and Westminster Pike (Route 140), 1) easterly 478 feet along the centerline of Westminster Pike (Route 140), to the side of a Right of Way easement, 12 feet wide recorded O.T.G. No. 4931 folio 643, running southwesterly along the said Right of Way 2)South 38 degrees 56 minutes West 450 feet more or less measured along said 12 feet Right of Way to the point of beginning, running thence North 50 degrees 34 minutes West 72 feet, and thence for the following courses and distances viz:

- 1) South 42 degrees 20 minutes West 176.70 feet,
- 2) South 44 degrees 30 minutes East 277.00 feet,
- 3) South 62 degrees 30 minutes East 102.30 feet,
- 4) North 03 degrees 53 minutes West 155.10 feet,
- 5) North 22 degrees 13 minutes West 152.10 feet,
- 6) North 50 degrees 34 minutes West passing over the said Right of Way with 51.20 feet to the point of beginning.

Containing 1.20 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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July 18, 2006



ZONING DESCRIPTION
Eck Property
615 Westminster Road
Baltimore County, Maryland
Parcel 992

All that piece or parcels of land situate, lying and being in the Fourth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point, said point being located the following two courses and distances from the intersection of the centerlines of Nob Hill Park Drive and Westminster Pike (Route 140), 1) easterly 478 feet along the centerline of Westminster Pike (Route 140), to the side of a Right of Way easement, 12 feet wide recorded O.T.G. No. 4931 folio 643, running southwesterly along the said Right of Way 2)South 38 degrees 56 minutes West 450 feet more or less measured along said 12 feet Right of Way to the point of beginning, running thence North 50 degrees 34 minutes West 72 feet, South 42 degrees 20 minutes West 176.70 feet and thence for the following courses and distances viz:

- 1) South 31 degrees 04 minutes 40 seconds West 253.38 feet,
- 2) South 60 degrees 50 minutes 45 seconds East 268.41 feet,
- 3) North 31 degrees 40 minutes 40 seconds East 175.38 feet,
- 4) North 44 degrees 30 minutes West 277.00 feet, to the point of beginning of the 1st line.

Containing 1.32 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

	CASHIER'S WALIDATION
BALTIMORE COUNTY, MARYLAND  OFFICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT  DATE  DATE  OFFICE OF BUDGET & FINANCE  NO. 5 C.	FOR: JELIN LECL LECK FOR: JELIN LECK FOR: JELIN LECK OISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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STICE OF ZONING HEARING

The 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:

Cases # 07-019-SPH

615 Westminster Road (Proposed Lot A)
685-ft, south of the southwest side of Westminster:
Road, 478 ft. southeast of Nob Hill Park Drive
4th Election District — 3rd Councilmanic District
Legal Owner(s): Eben C. & Joan K. Eck

Special Hearing: to allow the non-density transfer of
1.11 acres +/- Parcel A between the same owners, Joan
K. & Eben C. Eck and a waiver to allow panhandle strip to
access the local street through a right-of-way in lieu of an
in-fee strip and a waiver to allow 4 lots utilizing an existing private access easement to the Jocal public street in
lieu of the required in fee ownership.

Hearing: Wednesday, September 13, 2006 at 11:00
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.

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

凶 The Jeffersonian

Arbutus Times

Catonsville Times Towson Times

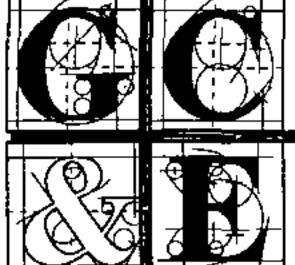
Owings Mills Times

NE Booster/Reporter

North County News

Mulus

LEGAL ADVERTISING



### Gerhold, Cross & Etzel, Ltd.

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L I M I T E D

### **CERTIFICATE OF POSTING**

RE: CASE#07-019-SPH
PETITIONER/DEVELOPER:

Eben Eck

**DATE OF HEARING: 10/17/06** 

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

**ATTENTION: KRISTEN MATTHEWS** 

**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 LOCATED AT

**LOCATION:** 

615 Westminster Pike

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

STED ON: 9/28/06



ASE #:07-019-SPH

ZONING COMMISSIONER HEARING WILL BE HELD BY IN TOWSON, MD.

Ro 407 County Courts Building Serv ".venue, Towson, MD

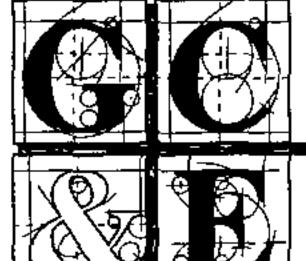
4:00 pm Tuesday, October 17, 2006

### pecial earing:

Parcel A between the same owners, Joan K. & Eben C. existing private access easement to the local public Eck and a waver to allow panhandle strip to access the local street through a right-of-way in lieu of an in-fee strip and a waiver to allow 3 lots utilizing an To allow the street in lieu of the required in fee ownership. non-density transfer of 1.24 acres +/-

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING.
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE. CALL 410:887-3391

28 200<sub>6</sub>



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### **CERTIFICATE OF POSTING**

RE: CASE# 07-019-SPH
PETITIONER/DEVELOPER:
Eben C. & Joan K. Eck
DATE OF HEARING: Sept. 13, 2006

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

**ATTENTION: KRISTEN MATTHEWS** 

**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 LOCATED AT

(see page 2 for full size photo)

LOCATION:

615 Westminster Road

SIGNATURE OF SIGN POSTER

John J. Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: August 25, 2006



# A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISS ONER IN TOWSON, MID.

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CONSTRUCTION OF CANDIONAL DRY BELLEVIER

08/25/2006



### Department of Permits and Development Management

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



### Baltimore County

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

August 2, 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: 07-019-SPH

615 Westminster Road (Proposed Lot A)

685 ft. south of the southwest side of Westminster Road, 478 ft. southeast of Nob Hill Park Drive 4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Eben C. & Joan K. Eck

Special Hearing to allow the non-density transfer of 1.11 acres +/- Parcel A between the same owners, Joan K. & Eben C. Eck and a waiver to allow panhandle strip to access the local street through a right-of-way in lieu of an in-fee strip and a waiver to allow 4 lots utilizing an existing private access easement to the local public street in lieu of the required in fee ownership.

Hearing: Wednesday, September 13, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

buth Rotroco

TK:klm

C: Mr. & Mrs. Eck, 615 Westminster Road, Reisterstown 21136-4616 Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 29, 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

Tuesday, August 29, 2006 Issue - Jeffersonian

Please forward billing to:

Gerhold, Cross & Etzel 320 E. Towsontown Blvd. Towson, MD 21286

410-823-4470

### **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: 07-019-SPH

615 Westminster Road (Proposed Lot A)

685 ft. south of the southwest side of Westminster Road, 478 ft. southeast of Nob Hill Park Drive 4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Eben C. & Joan K. Eck

Special Hearing to allow the non-density transfer of 1.11 acres +/- Parcel A between the same owners, Joan K. & Eben C. Eck and a waiver to allow panhandle strip to access the local street through a right-of-way in lieu of an in-fee strip and a waiver to allow 4 lots utilizing an existing private access easement to the local public street in lieu of the required in fee ownership.

Hearing: Wednesday, September 13, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM A 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.

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 07-019-SPH
Petitioner: Eben & Joan Eck
Address or Location: 615 Westminster Road (Proposed Lot A)
PLEASE FORWARD ADVERTISING BILL TO:
Name: GERHORD, CROSS & ETZEL LTS.
Address: 320 E. TOWSONTOWN Blud.
70 WSON MD 2/286
, · .
Telephone Number: 410 - 823 - 4470



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

September 6, 2006

Department of Permits and Development Management

Eben C. Eck Joan K. Eck 615 Westminster Road Reisterstown, MD 21136-4616

Dear Mr. and Mrs. Eck:

RE: Case Number: 07-019-SPH, 615 Westminster Road (Proposed Lot A)

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 19, 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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel Gerhold, Cross & Etzel, Ltd 320 E. Towsontown Blvd Towson 21286



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



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

### Maryland Department of Transportation

Date: 7.21.06

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

RE: Baltimore County

Item No. 019

IMP

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

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Engineering Access Permits Division

### Inter-Office Correspondence



TO:	Timothy M. Kotroco									
FROM:	Dave Lykens, DEPRM - Development Coordination									
DATE:	August 22, 2006									
SUBJECT	Zoning Item # 07-19-SPH (revised) Address 615 Westminster Road (Eck Property)									
Zoi	ning Advisory Committee Meeting of July 24, 2006									
	e Department of Environmental Protection and Resource Management has no nments on the above-referenced zoning item.									
	e Department of Environmental Protection and Resource Management offers following comments on the above-referenced zoning item:									
<u>X</u>	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 33-3-101 through 33-3-120 of the Baltimore County Code).									
<u>X</u>	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).									
Ad	ditional Comments:									
	•									

Date: August 8, 2006

J. Russo

Reviewer:

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** October 18, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For October 9, 2006 Item No. 07-019

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

If access through an easement is granted, we recommend compliance with the following standard panhandle requirements:

- Trash and mail pads at Westminster Pike.
- 16-foot wide paved width and a maximum grade of 14%.

There is a note on the plan that is confusing and should be clarified at the hearing. It states that a 40-foot wide parcel will be conveyed to ECK for access to lots 1-3, then it says that access will be provided through a 40-foot easement.

DAK:CEN:clw

cc: File

ZAC ITEM NO 07-019-10162006.doc

### Inter-Office Correspondence



-										
TO:	Timothy M. Kotroco									
FROM:	Dave Lykens,	Dave Lykens, DEPRM - Development Coordination								
DATE:	August 22, 20	)06								
SUBJECT:	Zoning Item Address	# 07-19-SPH 615 Westminster Road (Eck Property)								
	-	mmittee Meeting of July 24, 2006  nvironmental Protection and Resource Management has no								
comm	ents on the abo	ve-referenced zoning item.								
	•	nvironmental Protection and Resource Management offers ents on the above-referenced zoning item:								
<u>X</u>	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sec 33-3-101 through 33-3-120 of the Baltimore County Code).									
<u>X</u>	Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the									

### Additional Comments:

(1) The developer proposes to "subdivide" off 1.11 acres for the non-density transfer and then proceed with a subdivision of the property. This conflicts with BCZR 1A03.b(1). That Section requires that the Conservancy Area be "a minimum of 70% of the gross area of the tract to be developed..." The plan does meet this requirement with the proposed

other Sections, 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

(Sections

Baltimore County Code).

- 11.46 acres in Conservancy Area and therefore the only change that is needed is to the Density Calculations which should be as indicated below.
- (2). Change the labeling on the plan from "Non density transfer lot A" to be "Non density transfer parcel A". W.S. Lippincott; Agricultural Preservation

### **Density Calculations**

Gross Area: 16.36

RC-4 Conservancy Area:  $16.36 \times .70 = 11.452$  acres

Non Density transfer parcel = 1.11 acres

Lots Permitted: 3 lots

Lots Proposed: 3 lots and 1 nondensity lot

Reviewer: J. Russo Date: August 8, 2006

### INTER-OFFICE CORRESPONDENCE

**DATE:** September 13, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-019- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared B

**Division Chief:** 

CM/LL

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** August 1, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For July 31, 2006 Item No. 019

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

If access is granted through the existing right-of-way, we recommend that this project comply with the following.

- 1. Provide a 30' x 70' tee-turnaround at the end of the use in common driveway.
- 2. The 16-foot driveway shall be paved and the minimum curve radius must be 30-feet.
- 3. Developer shall have a title attorney certify that he has the right to burden the existing right-of-way.
- 4. Provide trash and mail pads at Westminster Pike.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 019-07282006.doc

RE: PETITION FOR SPECIAL HEARING \*
615 Westminster Road; 685' S of SW/S
Westminster Rd, 478' SE Nob Hill Park Dr. \*
4<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts
Legal Owner(s): Eban & Joan Eck
Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

BALTIMORE COUNTY

07-019-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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July, 2006, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, Ltd, 320 E. Towsontown Blvd, Suite 100, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

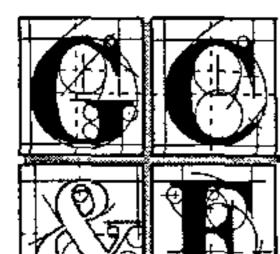
JUL 27 2006.

Per.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

9/13/06/07-019-5PH Bruce Doak - for Pet Dusley Holman - Esq. Request portponenseit - no testimoning ta - modefy Putition - must - readvertise, repost



Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, MD 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

### TRANSMITTAL SHEET

το: <b>John</b>	Murphy		FRO	м: Scott Hodgkins
COMPANY:			DAT	
Deput	y Zoning	Commis	sioner	9/29/06
RE: Eck/V	/estminst	er	TOT	AL NO. OF PAGES INCLUDING COVER:
FAX NUMBER	:		РНО	NE NUMBER:
WE ARE				
☐ ATTACHI			X VIA MESSENGER	UNDER SEPARATE COVER  FOR REVIEW
☐ PRINTS			PROPOSAL	☐ DESCRIPTIONS ☐ LOCATION DRAWING
☐ PLEASE	COMMENT		☐ PLEASE REPLY	☐ F.Y.I.
		ITEM	<u> </u>	DECORIDION
QTY [	DATE 	ITEM		DESCRIPTION
	<u> </u>		Revised zoning	plats
			Petition form	
			· <u>-</u>	
				··

### **NOTES/COMMENTS:**

Mr. Murphy, Attached are the revised zoning plats for the hearing on October 17, 2006 at 2:00 p.m. We are posting a new sign as required.

From:

Patricia Zook

To:

Matthews, Kristen

Date:

9/13/2006 1:21:20 PM

Subject:

Case No. 07-019-SPH - hearing Wed Sept 13 @ 11:00 am

Hi Kristen -

This is to let you know that the above-referenced case is postponed. The Petitioner will amend the petition. The case will then have to be reposted and readvertised. The hearing will have to be rescheduled.

Thanks for your help!

Patti Zook Legal Secretary Baltimore County Office of the Zoning Commissioner 410-887-3868

CC:

Wiley, Debra

\*\*\*

PDM pich up

## PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

E-MAIL Q Focueca REISTERSTOWNID 21134 CITY, STATE, ZIP 21286 4 1/10 RESTERS TOWN WESTMUSTER PLKE ADDRESS 320 E. Townson Town 619 615 Ener ARR \* Godune Cass Eck BRUCE DOAK NAME WA 17ER EBEN

## PLEASE PRINT CLEARLY

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CASE NAME	CASE NUMBER	DATE

# SITIZEN'S SIGN-IN SHEET

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NAMĘ	Ducky Holman											

## PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
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# PETITIONER'S SIGN-IN SHEET

E- MAIL	EBENECK.												
CITY, STATE, ZIP	PEISTERSTEUN MD 2113	QE15560000 NO 21136		10w504 110 212 BG									
ADDRESS	615 WESTANNSTERRO	619 WESTAMINSTER RO		320 E. Towson Town Stup	•								
NAME	CBEN E	WALTER CARR	BRUCE E. DOAL	9									

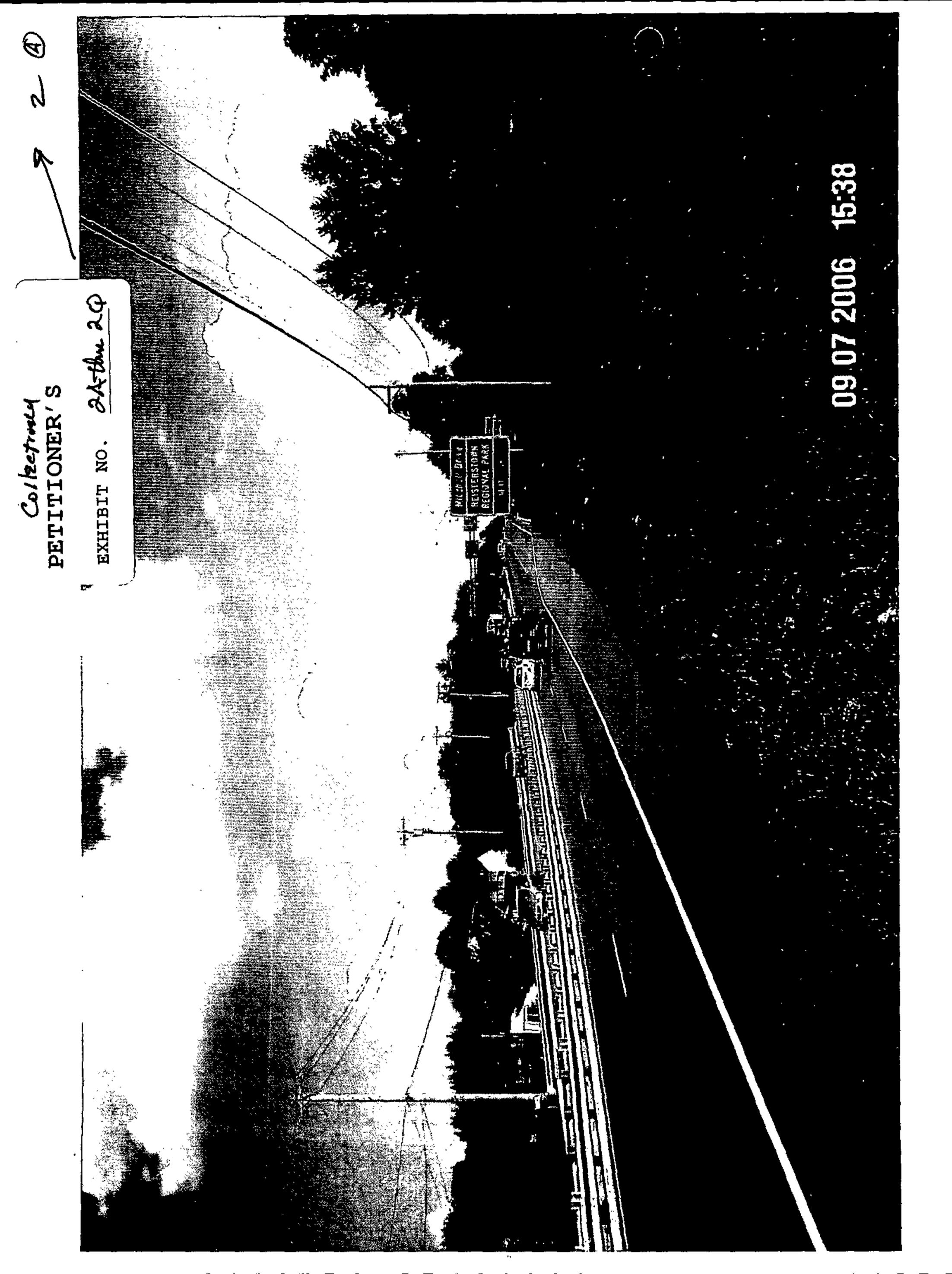
Case No.:	07-019	-SPH	

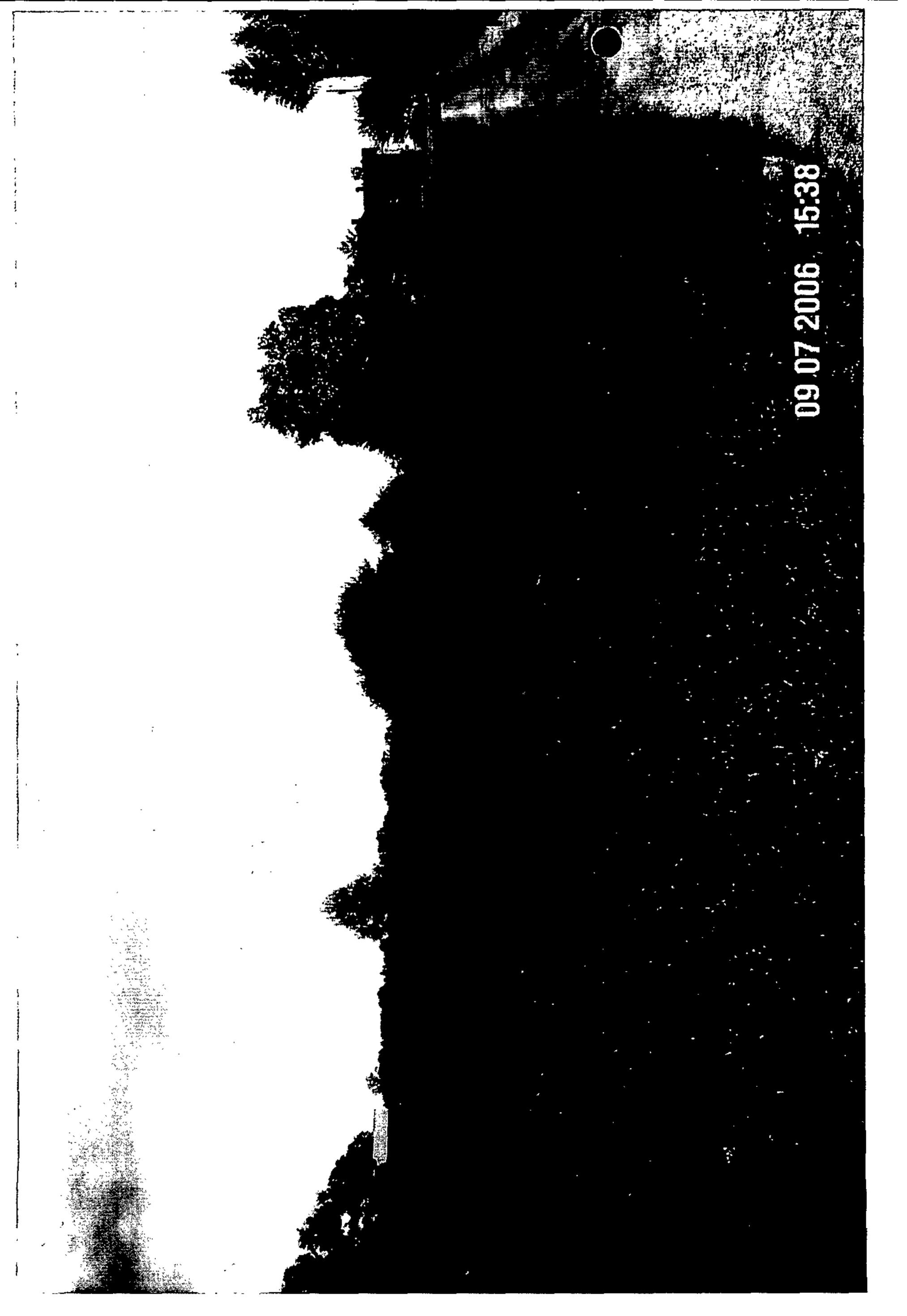
### **Exhibit Sheet**

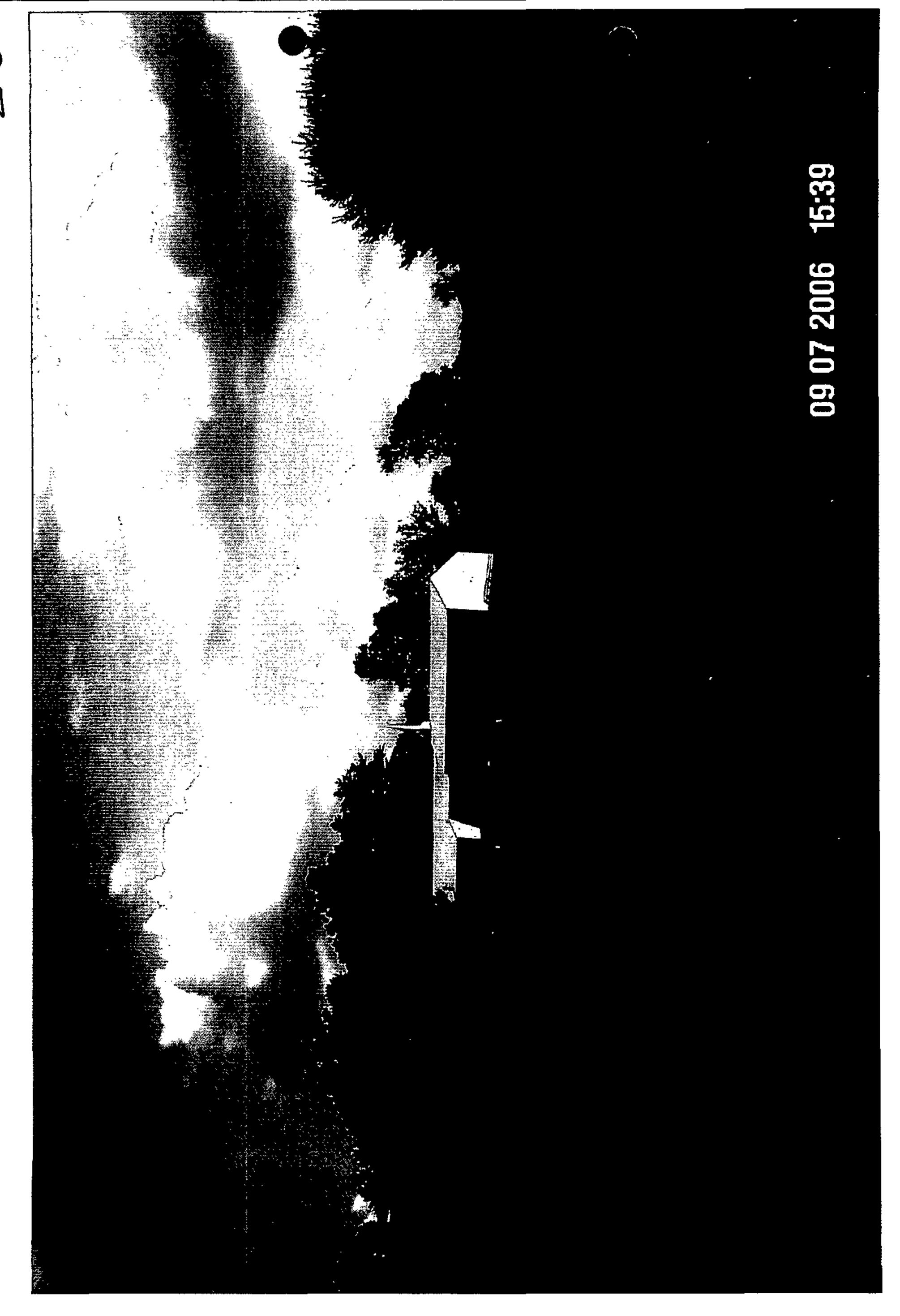
## Petitioner/Developer

### Protestant

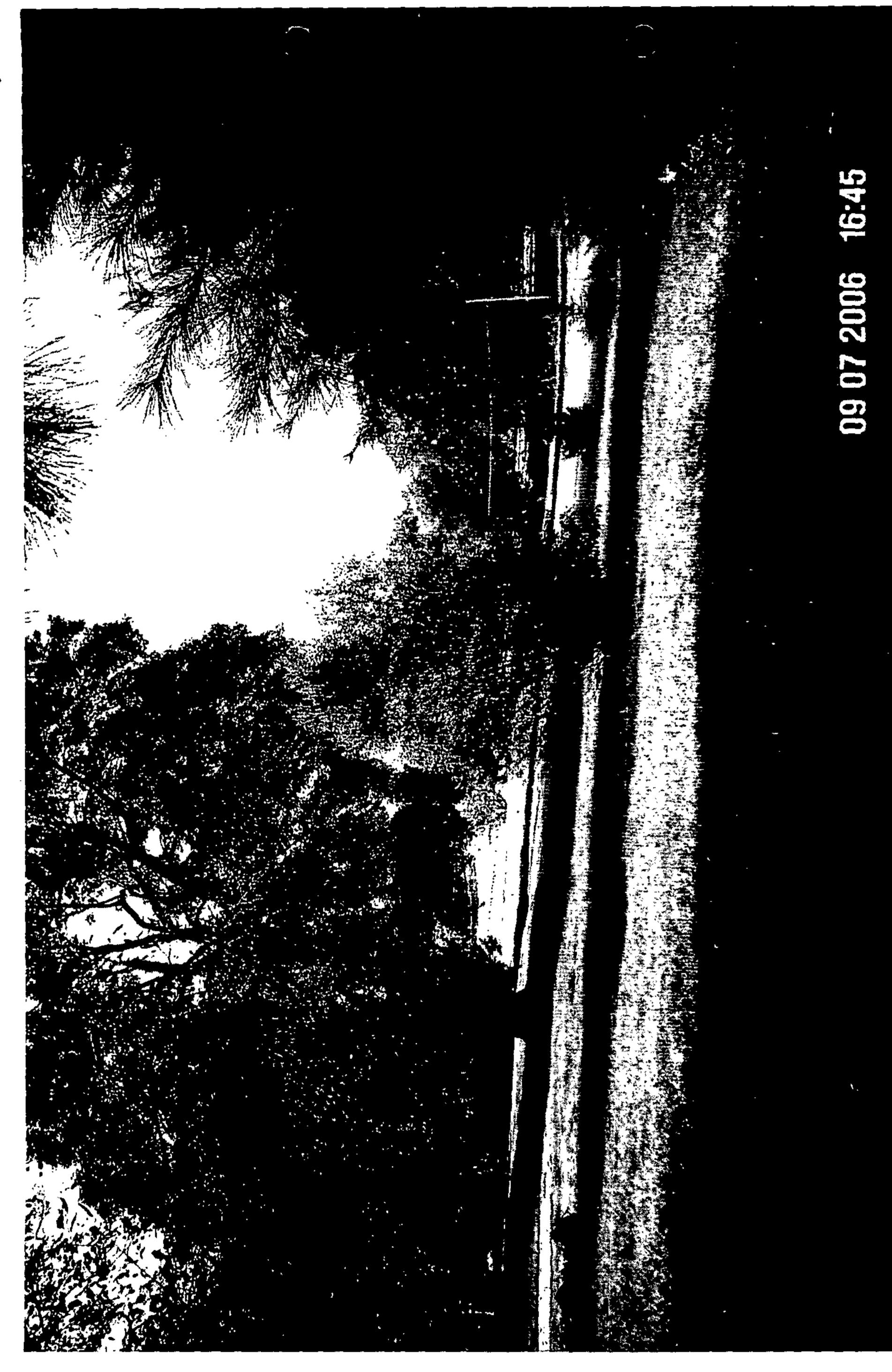
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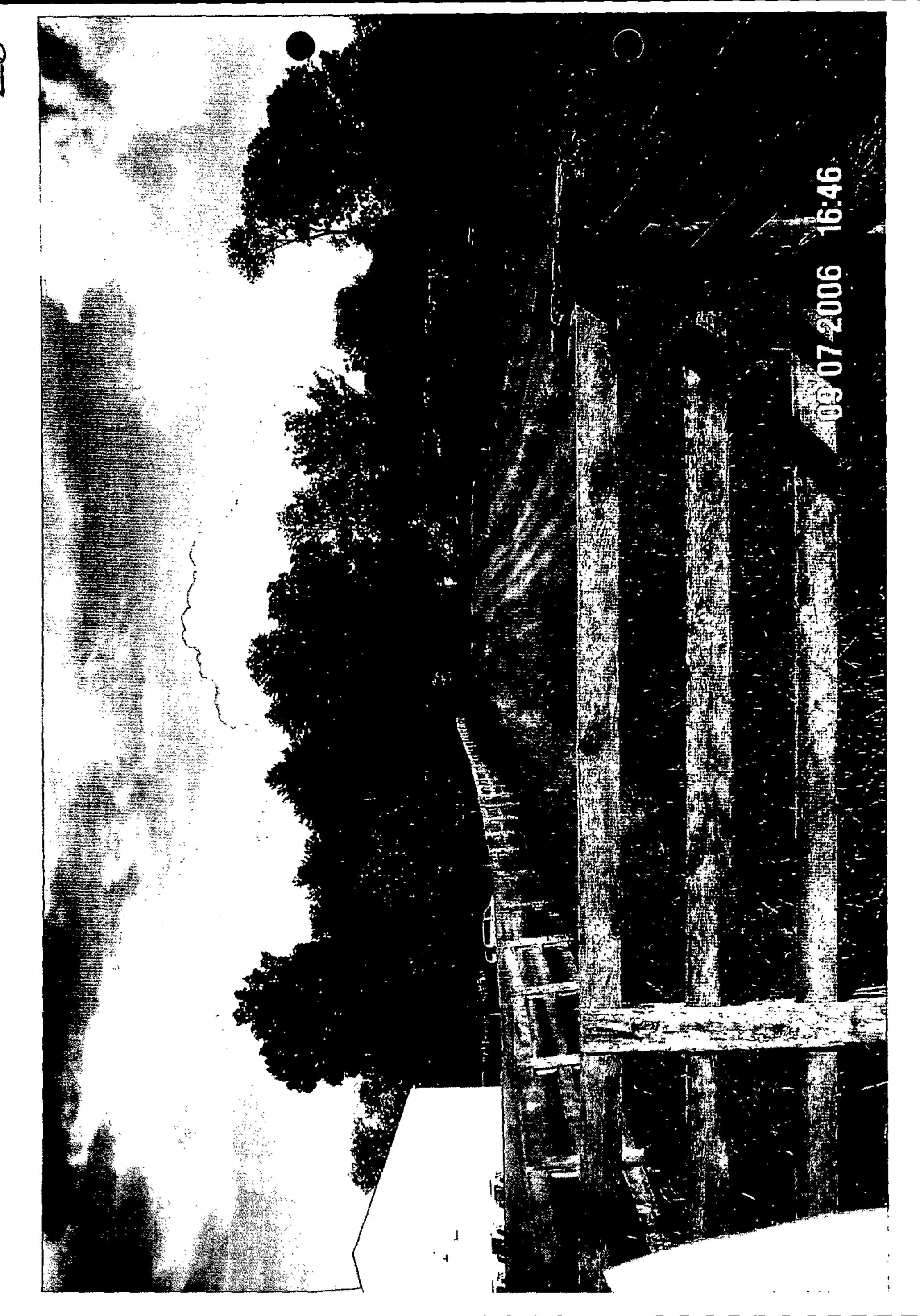












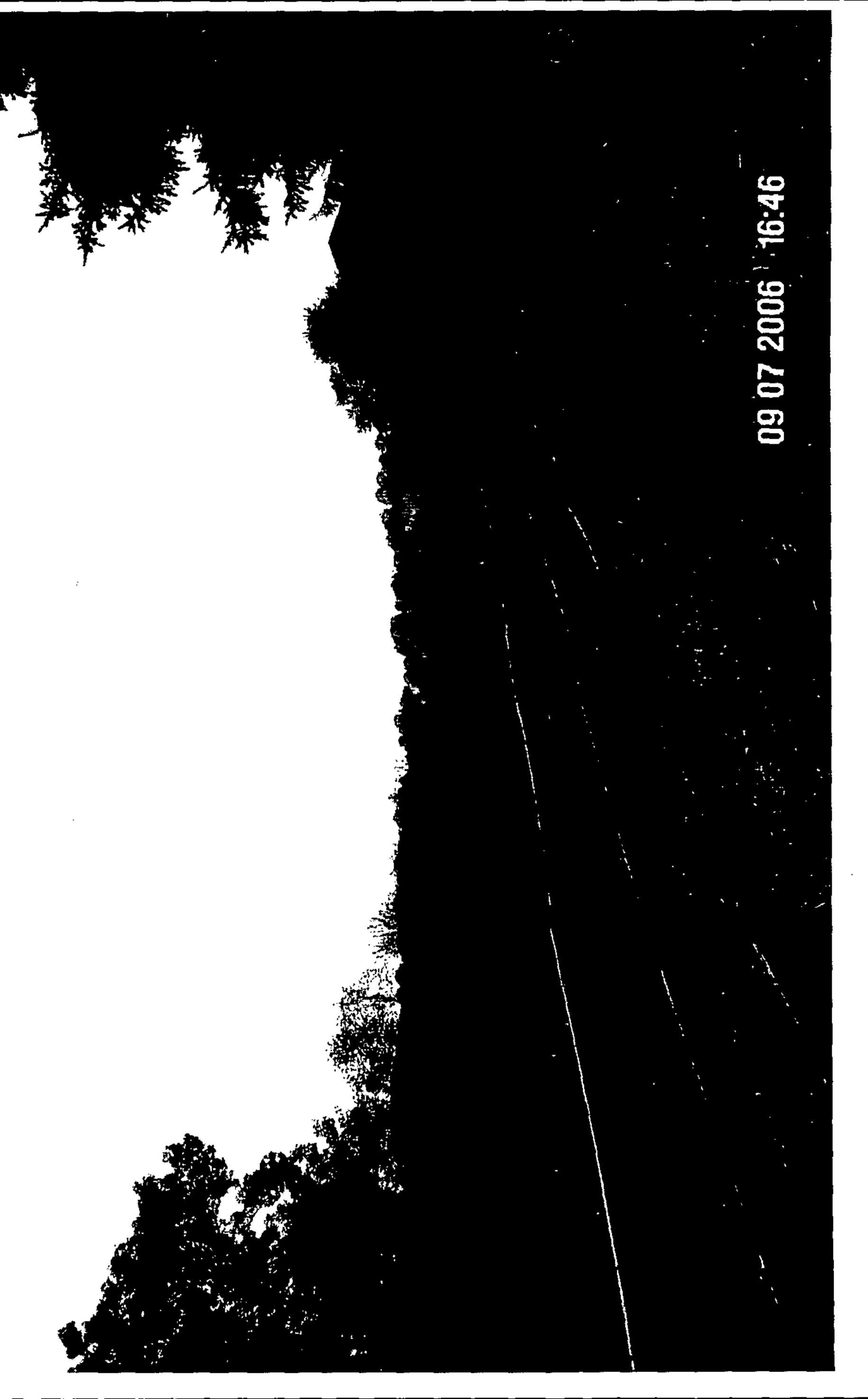
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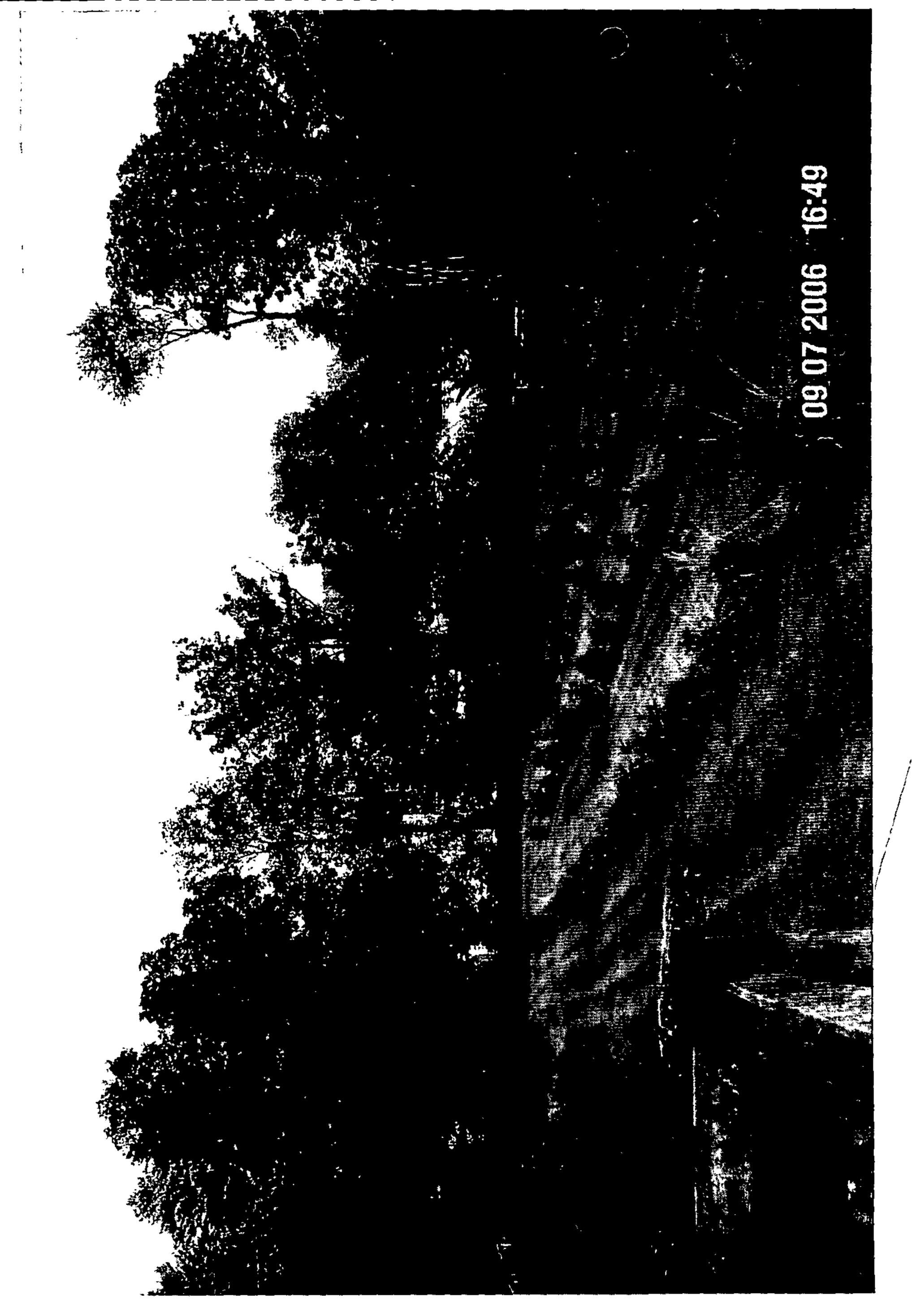
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
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


M. Whi









PETITIONER'S

EXHIBIT NO.

