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IN RE: PETITIONS FOR SPECIAL HEARING & *

VARIANCE – S/S Anton Farms Road,

125' E of Dorland Drive

(3511 Anton Farms Road)

3rd Election District

2nd Council District

Stuart Silberg, et ux Legal Owners

Prestige Development, Inc. Contract Purchasers/Developer Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 07-088-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Stuart Silberg, and his wife, Faye Silberg, and Alan Klatsky, President and managing member of Prestige Development, contract purchaser, through their attorney Lawrence E. Schmidt, Esquire. The Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the following approvals: 1) A waiver, pursuant to Section 32-4-107 of the Baltimore County Code (B.C.C.), of the requirements of Section 32-4-409 of the B.C.C. to allow access to a local street through an existing right-of-way instead of an in-fee strip; 2) A waiver, pursuant to Section 32-4-107 of the B.C.C., of the requirements of Sections 32-4-409 of the B.C.C. to allow a use-incommon asphalt private panhandle driveway 8 feet in width in lieu of the required 24 feet; and 3) For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

Along with the Petition for Special Hearing, the Petitioners also request variance relief from Section 1A04.3.B.2(b) of the B.C.Z.R. for setbacks to lot lines other than a street line of 25 feet each in lieu of the required 50 feet each. The subject property and requested relief are more particularly described on the site plan that accompanied the Petition(s) which was submitted and

accepted into evidence as Petitioner's Exhibit 1 and further described on a colorized version of the site plan, dated September 22, 2006, received and marked as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the requests were Lawrence E. Schmidt, Esquire and Gildea and Schmidt, LLC on behalf of the Petitioners, Allan Klatsky, co-Petitioner; Richard E. Matz, the professional engineer with Colbert Matz Rosenfelt, Inc., who prepared the site plan(s) and L.J. Link, Jr., the architect who drafted the elevations (Petitioner's Exhibit 3) for the proposed dwelling which were submitted to and approved by the Office of Planning. Appearing as an interested person impacted by the proposed subdivision was Dr. Allan C. Gelber, adjacent neighbor and his attorney, Deborah C. Dopkin, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is an elongated and irregularly shaped parcel located on the south side of Anton Farms Road, approximately 125' east of Dorland Drive in Stevenson area of Baltimore County. The property contains a gross area of 4.387 acres, more or less, zoned R.C.5, and currently undergoing the minor subdivision process. The property is known as Lot 5 in the subdivision of Garrison Farms and is improved with a 2-½ story stone structure (the Cockey-Myerberg House-circa 1811), a garage and several stone wall amenities. This dwelling is designated as historic and is listed as a landmark within the Maryland Historic Trust's list of historic places as item (#BA-452). It was also recently nominated to be placed on Baltimore County's Preliminary Landmarks List due to its notable role during the Civil War and its 19th century style architecture.

As shown on Petitioner's Exhibits 1 and 2, the owners are now desirous of subdividing their property to create a second building lot for a proposed single-family dwelling. As part of this process members of the Landmarks Preservation Commission (LPC) met with Petitioners and their consultants to delineate a historic environment setting. This setting will entail all of newly configured Lot 5 as depicted in blue highlight on Petitioner's Exhibit 2 and consists of 2.89 acres. The newly created lot, Lot 5A, will be to the south and east of Lot 5 as outlined in orange on the site plan and will consist of 1.50 acres. The northern portion of Lot 5A bisected by driveway(s) and shaded in green will be controlled by a Landmark Preservation Historic Easement prohibiting,

in perpetuity, the construction of any structure, fence or wall, not including landscaping and driveways. In other words, this historic environmental easement will prevent any future negative visual impact on Mr. and Mrs. Silberg's historic home.

At issue in the instant case is the proposed access. In this regard, the newly created Lot 5A will have access from an existing use-in-common right-of-way previously established by deed. The Office of Planning and the Preservation Services staff supports the request to allow access to the local street (Anton Farms Road) through an existing right-of-way instead of an in-fee strip. 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.

The B.C.C. indicates that all access to public roads occur via in-fee driveways; however, section 32-4-409(c) thereof allows access via a right-of-way, where same has been established before the development plan is submitted. Subsection (b)2(ii) thereof specifies that a panhandle driveway must be 12 feet in width, per lot, where two lots are involved. Thus, the panhandle driveway/right-of-way must be 24 feet wide for the two lots requested here. However, pursuant to Petitioner's Exhibit 1, the right-of-way in this instance is only 8 feet wide.

There is no dispute that the subject use-in-common driveway has been established prior to the proposed minor subdivision and is currently in use. Additionally, there were no adverse Zoning Advisory Committee (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 to be appropriate in this instance, given the fact that it has existed in its present scale and condition for many, many years, and is proposed to serve only one additional lot. As indicated above, the Office of Planning comment prepared by Diana Itter and Karin Brown is instructive. That note confirms that the instant request will reduce paving and the gerrymandering of driveways. Thus, I find that the grant of relief will actually be beneficial to the locale.

Turning next to the variance request to allow the development of Lot 5A with a new two-story dwelling, I shall grant this request as well. As noted Diana Itter, and Karin Brown, the Historic Planner, are in agreement "to permit lot line setbacks of 25 feet (for each side of the

proposed dwelling) in lieu of the required 50 feet each" due to the lots narrow configuration. The proposed home is compatible in design and massing with the character of this historic area. Dr. Gelber lives at 3603 Dorland Drive and the entrance of his home faces north and his living quarters will face Lot 5A. Out of concerns brought about by the new lot, he appears with counsel to memorialize the agreements reached with Petitioners. In this regard, the parties and their counsel are to be commended for their cooperative efforts undertaken to resolve most of the issues. That being said, this Order will address those understandings that were placed on the record of this case.

Based upon the information received, there is no evidence to indicate the requested variance would adversely affect the health, safety or general welfare of adjacent properties and should therefore be granted. In my opinion, the testimony and documentary evidence presented coupled with the historic nature of the property involved is sufficient to find compliance with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

IT IS FURTHER ORDERED that the Petition for Variance seeking relief, pursuant to Section 1A04.3.B.2(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) for setbacks to lot lines other than a street line of 25 feet each in lieu of the required 50 feet each, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

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- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The architectural elevations of the proposed dwelling (Petitioner's Exhibit 3) have been reviewed by the Office of Planning and deemed to be acceptable in terms of massing, height and proportions. These elevation drawings shall be supplemented to include details describing building materials and colors for review and approval prior to application of any building permit. In this regard, all materials (e.g., stone, brick, etc.) that are used on the front of the structure shall also be used on the west side of the house to match and assure consistency from Dr. Gelber's perspective.

In order to make a finding of compliance with the R.C.5 zone, a proposed grading plan must be submitted that retains sufficient site features and plant materials and respects the historic setting as defined by Preservation Services staff.

- 3) Petitioners shall install a dense vegetative screening (consisting of arborvitae trees or similar species as to be agreed to by the parties) along the western property line of Lot 5A and in front of walls as noted on Petitioner's Exhibit 2 to buffer the planned improvements from Dr. Gelber's home (3603 Dorland Drive). This landscaping shall be required if the Gelbers permit the Petitioners to enter upon their property in order to effectuate the planting of trees in alternating staggered rows. The Petitioners shall submit a landscape plan consistent with these goals and objectives to Avery Harden, Baltimore County Landscape Architect, for his advice as to the type of trees and their precise location and obtain his approval. The planting of such trees is to be done (weather permitting) prior to the construction of the dwelling on Lot 5A.
- 4) There shall be no use of high-intensity or intrusive lighting (other than low-intensity security types) located on the western side of the house to be constructed on Lot 5A that would penetrate and interfere with Dr. Gelber's home and yard area.

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5) These conditions are intended to run with the land and bind the Petitioners and their successors and assigns. Accordingly, Petitioners, through counsel, shall place in any deed of conveyance a reference to this case number and these restrictions.

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

hereof.

WJW:dlw

WILL AMIL WISEMAN, III

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

November 9, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Lawrence E. Schmidt, Esquire Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202-3228

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE

S/S Anton Farms Road, 125' E of Dorland Drive

(3511 Anton Farms Road)

3rd Election District – 2nd Council District

Stuart Silberg, et ux - Legal Owners, Prestige Development, Inc.,

Contract Purchasers/Developer - Petitioners

Case No. 07-088-SPHA

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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.

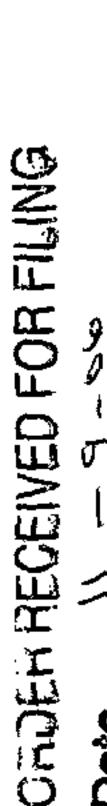
Very July yours

VILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: Mr. Alan Klatsky, Prestige Development
 5 Spring Forest Court, Owings Mills, Md. 21117
 Mr. and Mrs. Stuart Silberg, 3511 Anton Farms Road,
 Baltimore, Md. 21208





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3511 Anton Farms Road	
which is presently zoned R.C. 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

- 1) A waiver, pursuant to § 32-4-107 of the Baltimore County Code (BCC), of the requirements of § 32-4-409 of the BCC, to allow access to a local street through an existing right of way instead of an in-fee strip.
- 2) A waiver, pursuant to § 32-4-107 of the Baltimore County Code (BCC), of the requirements of § 32-4-409 of the BCC, to allow a use-in-common asphalt private panhandle driveway 8 feet in width in lieu of the required 24 feet.
- 3) For such other and further relief as may be deemed necessary and/or appropriate by the Zoning Commissioner.

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at_	3511 Anton Farms Road
which is pres	sently zoned RC-5

I/We do solemnly declare and affirm, under the penalties of

UNAVAILABLE FOR HEARING_

Reviewed By _ J L_

Date 8/29/06

perjury, that I/we are the legal owner(s) of the property which

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 of thereof, hereby petition for a Variance from Section(s)

- 1) 1A04.3.B.2.b, BCZR, for a setback to a lot line other than a street line of 25 feet in lieu of the required 50 feet
- 2) For such other and further relief as may be necessary and/or appropriate by the Zoning Commissioner.

 SEE ACOMPANJING SPECIAL HEARING ALTERNATIVE

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

To be presented at hearing.

ACHER RE

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

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

Is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Stuart Silberg Alan Klatsky Prestige Development Name - Type or Print Signature Signature: Faye Silberg 410-356-4700 5 Spring Forest Court Name - Type or Print Telephone No. Address. 21117 Md. Owings Mills City Zip Code Signature State 3511 Anton Farms Road 410-484-8127 Attorney For Petitioner: Telephone No. Address. Md. 21208 Lawrence E. Schmidt Baltimore Zip Code City State Name - Type of Print Representative to be Contacted: ୯Gildea & Bchmidt, LLC Richard E. Matz, P.E. COLBERT MATZ ROSENFELT, INC (eve.) 410-484-8757 **∠C**ompany 300 E. Lombard Street, Suite 1440 410-653-3838 (day) 410-234-0070 2835 Smith Avenue, Suite G <u>CAddress</u> Telephone No. Telephone No. Address Baltimore 21209 MD 21202 Md. Baitimore State Zip Code Zip Code City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



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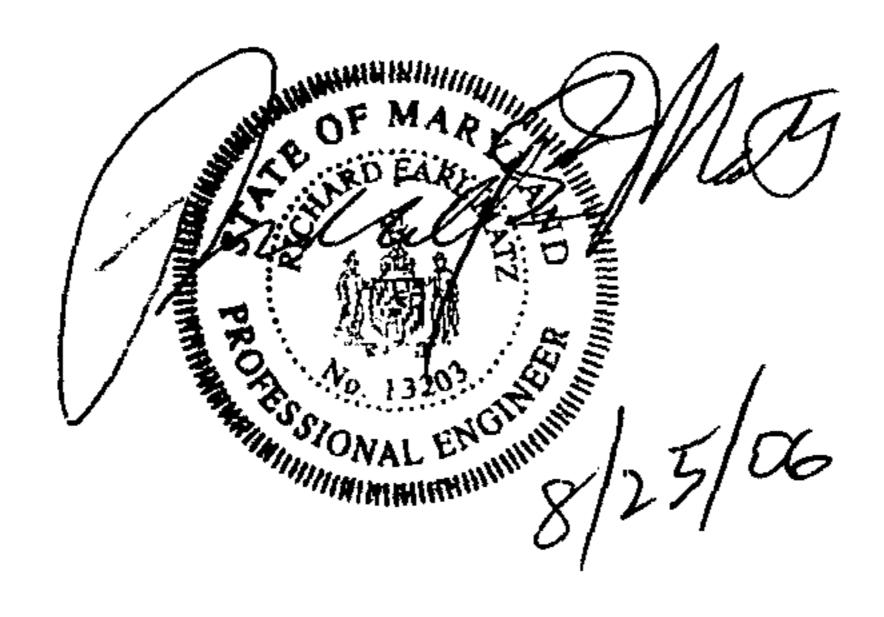
ZONING DESCRIPTION 3511 ANTON FARMS ROAD

Beginning at a point on the south side of Anton Farms Road, which is 50 feet wide, at a point 125 feet, more or less, east of the centerline of Dorland Drive, which is 50 feet wide. Thence the following courses and distances:

S 08°01'40" E, 298.20 ft.; N 67°49'43" E, 34.83 ft.; S 85°36'00" E, 35.00 ft.; S 58°06'00" E, 35.00 ft.; S 27°06'00" E, 110.00 ft.; S 63°36'00" E, 40.00 ft., S 02°29'47" W, 383.28 ft.; N 87°30'13" W, 151.17 ft.; N 87°30'13" W, 221.77 ft.; N 87°30'13" W, 221.77 ft.; N 20°17'27"W, 204.71 ft.; N 54°38'30" W, 73.00 ft.; N 35°21'30" E, 339.56 ft., thence

By a curve to the right with a radius of 35 feet and a length of 48.17 feet, thence By a curve to the left with radius of 227.78 feet and length of 46.52 feet, to the Point of Beginning.

Being a portion of Lot 5 in the subdivision of Garrison Farms, as recorded in Baltimore County Plat Book 17, Folio 38, and containing 191,072 square feet (4.387 acres, more or less). Also known as 3511 Anton Farms Road and located in the 3rd Election District, 2nd Councilmanic District.



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NOTICE OF ZONING HEARING

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

Case: # 07-088-SPHA

35:17 Anton Farms Road
South side Anton Farms, 125 feet east of Dorlan Drive Stat Election District.— 2nd Councilmanic District Legal Owner(s): Stuart & Faye Silberg
Confract Purchaser: Alan Klatsky, Prestige Development Spacial Hearing: for a waiver pursuant to Section 32-4-107 of the Baltimore County Code (BCC) of the requirements of Section 32-4-409 of the BCC, to allow access to a local street through an existing right of way instead of an in-fee strip, and a waiver, pursuant to Section 32-4-409 of the BCC, to allow a use-in-common asphalt private panhandle driveway 8 feet in width in lieu of the required 24 feet, and additionally, a special hearing per Section 1404.3.B.1.b and 1404.3.B.2b to permit lot line setbacks of 25 feet (for each side of a proposed dwelling) in lieu of the required 50 foot setbacks. Variance: to permit setbacks to lot lines other than a street line of 25 feet each in lieu of the required 50 feet each.

Hearing: Thursday, October 26, 2006, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, 7 owsen 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.

OF PUBLICATION

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(FY, 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 CERT once in each of о П

X The Jeffersonian

Catonsville Times Arbutus Times

Times Towson Mills Times Owings

□ NE Booster/Reporter

O North County News

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LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE:

10/10/06

Case Number: 07-088-SPHA

Petitioner/Developer: Lawrence Schmidt~Mr. & Mrs. Silberg~Alan Klatsky~Richard Matz of Colbert, Matz & Rosenfelt

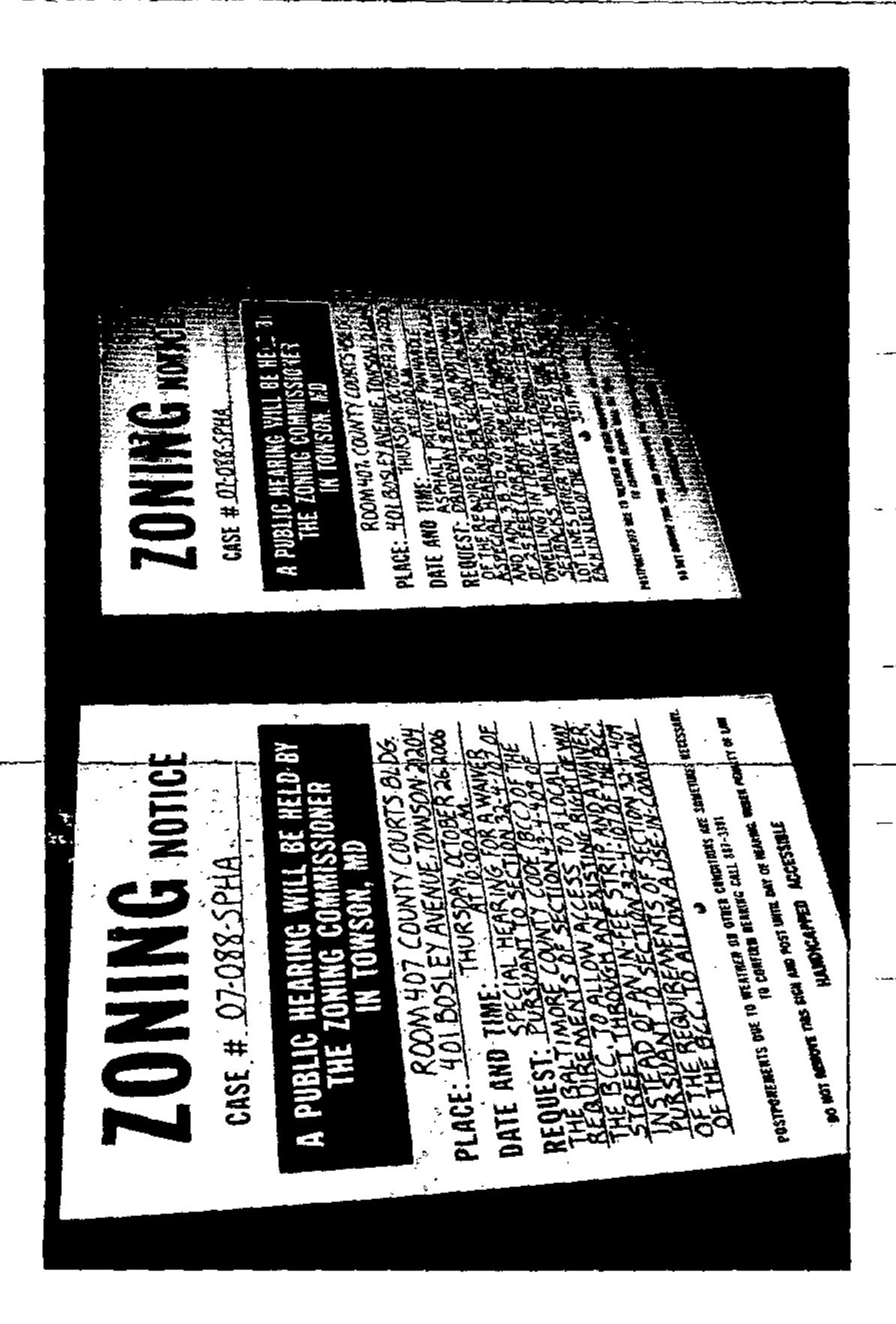
Date of Hearing (Closing): 10/26/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted

conspicuously on the property located at: 3511 ANTON FARMS ROAD

The sign(s) were posted on:

10/08/06



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

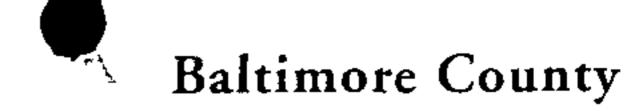
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altimore County Department of crmits and Development Management punty Office Building, Room 111 11 West Chesapeake Avenue Dwson, Maryland 21204 TTN: Kristen Matthews ((410) 887-3394) adies and Gentlemen: his letter is to certify under the penalties of perjury that the osted conspicuously on the property located at: 3511 Autou Farms Month, Day Sincerely, A PUBLIC HEARING WILL SE HILD BY THE TORING COMMISSIONER A PUBLIC CRAST COMMISSIONER N TOWSON, AD Recently County Carry Rathers (A) Recently County County Rathers (A) Re	KLATSKY
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THE ZONING COMMISSIONER IN TOWSON, MD Room 4071 County County Building HOL DOYLLY ME. Towns Mad 21207	(Print Name)
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CALL AND	(City, State, Zip Code) (410) 282-7940

OCT 11 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





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

September 19, 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: 07-088-SPHA

3511 Anton Farms Road

South side Anton Farms, 125 feet east of Dorlan Drive

3rd Election District – 2nd Councilmanic District

Legal Owners: Stuart & Faye Silberg

Contract Purchaser: Alan Klatsky, Prestige Development

Special Hearing for a waiver pursuant to Section 32-4-107 of the Baltimore County Code (BCC) of the requirements of Section 43-4-409 of the BCC, to allow access to a local street through an existing right of way instead of an in-fee strip, and a waiver, pursuant to Section 32-4-107 of the BCC, of the requirements of Section 32-4-409 of the BCC, to allow a use-in-common asphalt private panhandle driveway 8 feet in width in lieu of the required 24 feet, and additionally, a special hearing per Section 1A04.3.B.1.b and 1A04.3.B.2b to permit lot line setbacks of 25 feet (for each side of a proposed dwelling) in lieu of the required 50 foot setbacks. Variance to permit setbacks to lot lines other than a street line of 25 feet each in lieu of the required 50 feet each.

Hearing: Thursday, October 26, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Director

TK:klm

C: Lawrence Schmidt, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Mr. & Mrs. Silberg, 3511 Anton Farms Road, Baltimore 21208 Alan Klatsky, 5 Spring Forest Court, Owings Mills 21117 Richard Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 11, 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, October 10, 2006 Issue - Jeffersonian

Please forward billing to:

Alan Klatsky
Prestige Development
5 Spring Forest Court
Owings Mills, MD 21117

410-356-4700

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: 07-088-SPHA

3511 Anton Farms Road

South side Anton Farms, 125 feet east of Dorlan Drive

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Hearing: Thursday, October 26, 2006 at 10:00 a.m. in Room 407, County Courts Building,

Bostey 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.



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: 07-088-5PH4
Petitioner: # Stuart and Fage Silberg.
Address or Location: 3511 Autore Farms Road
PLEASE FORWARD ADVERTISING BILL TO.
Name: Alan Klatsky-Prestige Development Address: 5 Spring Forest Court
- Owings Mills, Md, 21117
Telephone Number: 410-356-4700.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 19, 2006

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

Dear Mr. Schmidt:

RE: Case Number: 07-088-SPHA, 3511 Anton Farms Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 29, 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, Call Richall D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Stuart and Faye Silberg 3511 Anton Farms Road Baltimore 21208
Alan Klatsky Prestige Development 5 Spring Forest Court Owings Mills 21117
Richard E. Matz, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G
Baltimore 21209

State Highway

Administration

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9/7/2006

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

RE:

Baltimore County

Item No. 088

SILBERG PROPERTY VARIANCE 7-885PHA

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 088.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

母心心心

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

DATE: September 26, 2006

0CT - 3 2006

ZONING COMMISSIONER

SUBJECT:

3511 Anton Farms Road

INFORMATION:

Item Number:

7-088

Petitioner:

Stuart and Faye Silberg

Zoning:

RC 5

Requested Action:

Variance and Special Hearing

PRESERVATION STAFF REVIEW:

Preservation Services staff supports the request to allow access to a local street through an existing right of way instead of an in-fee strip; and to allow an use-in-common asphalt private panhandle driveway, 8 feet in width in lieu of the required 24 feet; and furthermore to permit lot line setbacks of 25 feet (for each site of the proposed dwelling) in lieu of the required 50 feet each.

The 3511 Anton Farms property is historic (County Register (MHT) # BA 452). The property is scheduled for Preliminary Landmarks consideration on October 12, 2006. As part of that consideration, two Landmarks Preservation Commission (LPC) members met with the property owner's attorney, his engineer and staff, to delineate a historic environmental setting. This setting, would entail all of Lot 5 (the historic property) and a portion of the proposed Lot 5A (see attached rendition), which would function as a visual easement which would prohibit in perpetuity, the construction of any structure, fence or wall, not including landscaping and driveways. If adopted by the LPC on October 12, the historic environmental easement would prevent any future negative visual impact on the historic structure. The owner's attorney and engineer agreed to these conditions.

The property in question is also being reviewed as a resubdivision of Plat Book 17 Folio 38, Garrison Farms, Lot 5 into Lot 5, which contains MHT site #BA 452 and Lot 5A, a 1.5 acre lot for a new single family residence with access from an existing right-of-way. The Landmarks Commission has scheduled for consideration the listing of the property and its' setting on the Preliminary Landmarks list on October 12, 2006. In addition to comments provided by Historic Preservation staff, since the property is zoned RC5, a finding of compliance with the RC5 zone must be made by the Office of Planning in accordance with Section 1A04.G of the BCZR prior to granting of the special hearing and variance and approval of the minor subdivision plan.

SUMMARY OF RECOMMENDATIONS:

The architectural elevations of the proposed dwelling received on September 25, 2006 are acceptable in terms of massing, height and proportions. They need to include building materials and colors for review and approval prior to application of any building permit.

In order to make a finding of compliance with the RC5 zone the following additional information is needed and has been requested of the applicant:

- 1. The site plan received on September 25, 2006, dated September 22, 2006, does not show any proposed grading. A proposed grading plan must be submitted that retains significant site features and plant materials and respects the historic setting as defined by Preservation Services staff.
- 2. Provide a landscape plan.

For further information concerning the matters stated here in, please contact Diana Itter or Karin Brown at 410-887-3480.

Prepared by:

. D.

Division Chief: AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 11, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 11, 2006

Item No. 07-088

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

Before access is granted through the existing right-of-way we recommend that the developer have a title attorney certify that he (the developer) has the right to burden the existing right-of-way.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 088-09082006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco FROM: Dave Lykens, DEPRM - Development Coordination = ~~~ DATE: September 28, 2006 SUBJECT: Zoning Item # 07-88-SPHA Address 3511 Anton Farms Road (Silberg Property) Zoning Advisory Committee Meeting of September 4, 2006 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: _____ 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). X 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:

Date: 9/19/06

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-88-SPHA.doc

Brian Lindley

Reviewer:

RE: PETITION FOR SPECIAL HEARING AND VARIANCE

3511 Anton Farms Road; S/S Anton Farms

Road, 125' E Dorlan Drive

3rd Election & 2nd Councilmanic Districts

Legal Owner(s): Stuart & Faye Silberg

Contract Purchaser(s): Alan Klatsky, Prestige *

Development

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-088-SPHA

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

CI. 0 & 2006

Per

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Mr. Richard E. Matz, P.E., Colbert, Matz, Rosenfelt, Inc.,
2835 Smith Avenue, Suite G, Baltimore, Md. 21209
Mr. L.J. Link, Jr., Box 727, Brooklandville, Md. 21022
Deborah C. Dopkin, Esquire, 409 Washington Avenue, Towson, Md. 21204
Dr. Allan C. Gelber, 3603 Dorland Drive, Baltimore, Md. 21208
Avery Harden, Baltimore County Landscape Architect, DPDM
Office of Planning; People's Counsel; Case File

Approval of the Minutes

2. Mr. Syed moved to approve the September 20, 2006 Minutes, Mr. Diggs seconded the motion, which passed unanimously on a voice vote.

Consent Agenda

Agenda and determined that no person present objected to its approval as submitted. Ms. Horst moved that, for the reasons stated, and in accordance with any conditions stated in the written Action Summaries provided to the members of the Commission by staff, items 7 and 13 be approved as submitted. Mr. Hill seconded the motion, which passed unanimously on a voice vote.

Public Hearings on Nominations to the Landmarks List

3. "Mary's Meadows" house and setting, 2434 Geist Road, Glyndon; County Register (MHT) # BA-1116; built early 19th century [County Council District # 3]

This item involved a request by the property owner to nominate the structure and the historic environmental setting to the Landmarks List. Ms. Hoffberger read staff's recommendation to vote placing "Mary's Meadows" on the Preliminary Landmarks List under criteria (1) – for its association with the agricultural development in the Worthington Valley, and (2) – its significance as an example of early 19th century vernacular architecture, several times expanded, and restyled in the 20th century by a noted restoration architect; and (b) to delineate the entire remaining 39.11 acre property containing the house (map 41, parcel 98) as its historic environmental setting.

Mr. Murray, the property owner, stated that he and his wife consider themselves custodians of the property, rather than owners, and that they would like to preserve the building for future generations. Mr. Hill, Ms. McIver and Mr. Diggs commented on the exquisite beauty of the property. Ms. McIver moved to place the "Mary's Meadows" property on the Preliminary Landmarks List and to delineate the entire 39.11 acre property as its historic environmental setting. Mr. Hill seconded the motion, which was approved unanimously on a voice vote.

4. "Garrison Farm" (Cockey-Myerberg House) and setting, 3511 Anton Farms Road, Pikesville vicinity; County Register (MHT) # BA-452 [County Council District # 2]

This item concerned a nomination by a member of the LPC. Ms. Hoffberger read staff's recommendation to vote placing the "Garrison Farm" on the Preliminary

Landmarks under criteria (1) – for its association with the agricultural development in the Greenspring Valley area, its notable role during the Civil War and for its association with the historically significant Cockey family; and (2) – its significance as an excellent example of early 19th century Classical Revival architecture; and (b) to delineate the entire remaining 4.38 acre property containing the house (map 68, parcel 1) as its historic environmental setting.

Mr. Jeffrey Scherr, attorney for the property owner, stated that his client did not object to having the structure placed on the Preliminary Landmarks List.

However, in regard to the delineation of the historic environmental setting (HES), he requested that the area traversing the front yard portion of lot 5A not be included in the HES. He stated that his client agreed to draft a covenant that would preclude future construction in that area. Mr. Hill, and Ms. McIver had formed the Technical Committee that visited the site and proposed the delineation of the setting as shown. Mr. Hill stated that a covenant would address his concern. He moved to vote placing the "Garrison Farm" on the Preliminary Landmarks List and to change the bounds of the HES to exclude the front yard of lot 5 A. Ms. McIver seconded the motion, which was approved unanimously on a voice vote.

Structures

Mr. Matthews noted that the Commission would deal next with items 9, 10 and 12 Min Madage and a second seco

9. 14 Shippley Avenue, Winters Lane African American Survey District, Catonsville vicinity; County Register (MHT) # BA-3067 [County Council District # 4]

This item concerns a demolition request that was initiated by Baltimore County. Mr. Wisnom, stated that he had made numerous attempts over the last several years to get the property owner to make needed repairs. On September 7, 2005, the owner agreed to repair the building, but once again failed to follow through. At a May 9th hearing a civil penalty of \$10,000 was placed on the property for failing to bring the house into compliance.

Mr. Diggs stated that he and Mr. Boswell visited the site, but were unable to go inside the house. Mr. Boswell noted that the dwelling was part of a unified streetscape and that its removal would have a negative visual impact on the historic streetscape - especially if the building would be replaced with a dwelling that differed in style, rhythm and massing with the existing streetscape. Mr. Hill moved to recommend against the demolition until further inspection would yield information regarding the structural soundness of the building. Mr. Syed seconded the motion, which was approved unanimously on a voice vote. Mr.

PLEASE PRINT CLEARLY

CASE NUMBER OF 1-088-50

PETITIONER'S SIGN-IN SHEET

E- MAIL				-						
CITY, STATE, ZIP	RAND MD 212022	Owings milk me 2117								
ADDRESS	2835 SMITH AME SOUTE OF	5 5 Paints Forest. Cl. 1.								
NAME	RICHARD E. MATZ	子をススト								

CASE NAME Sulberg HATEKU CASE NUMBER 67-088 SPANDATE 10-26-06

CITIZEN'S SIGN-IN SHEET

E- MAIL				
CITY, STATE, ZIP Town 21204 Bout HA 21238				
HOT Washington the 3603 DORIONS DRIVE				
Lieberah Lopkin Allan Gelister				

Click here for a plain text ADA compliant screen.



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

Go Back View Map New Search **Ground Rent**

Account Identifier:

District - 03 Account Number - 0313092330

Owner Information

Owner Name:

SILBERG STUART

Use:

RESIDENTIAL

SILBERG FAYE

Principal Residence:

Mailing Address:

3511 ANTON FARMS RD **BALTIMORE MD 21208-1702** Deed Reference:

1) / 7036/ 274

NO

Location & Structure Information

Premises Address

3511 ANTON FARMS RD

Legal Description

PT LT 5 CONT 4.387 A SW COR LINN CIR

GARRISON FARMS

Plat No: Map Grid Section Błock Lot **Sub District** Subdivision Parcel Assessment Area Plat Ref:

17/ 38

Special Tax Areas

Town Ad Valorem

Tax Class

Property Land Area Enclosed Area 4.38 AC

County Use 04

1811 **Stories**

Primary Structure Built

Land:

Total:

Improvements:

Preferential Land:

Basement

7,924 SF

Type

Exterior

2 1/2

YES

STANDARD UNIT

BRICK

Value Information

Value Phase-in Assessments Base **Value** As Of As Of As Of 01/01/2005 07/01/2006 07/01/2007 214,080 160,560 359,810 403,760 520,370 617,840 585,350 617,840

Transfer Information

SELLMAN M GERALD Price: Seller: Date: 11/06/1985 \$392,500

Deed1: / 7036/ 274 IMPROVED ARMS-LENGTH Deed2: Type: Seller: Date: Price: Deed1: Deed2: Type: Seller: Date: Price:

Type:

Exemption Information

Deed1:

07/01/2007 Class Partial Exempt Assessments 07/01/2006 000 County 000 State 000 Municipal 0

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

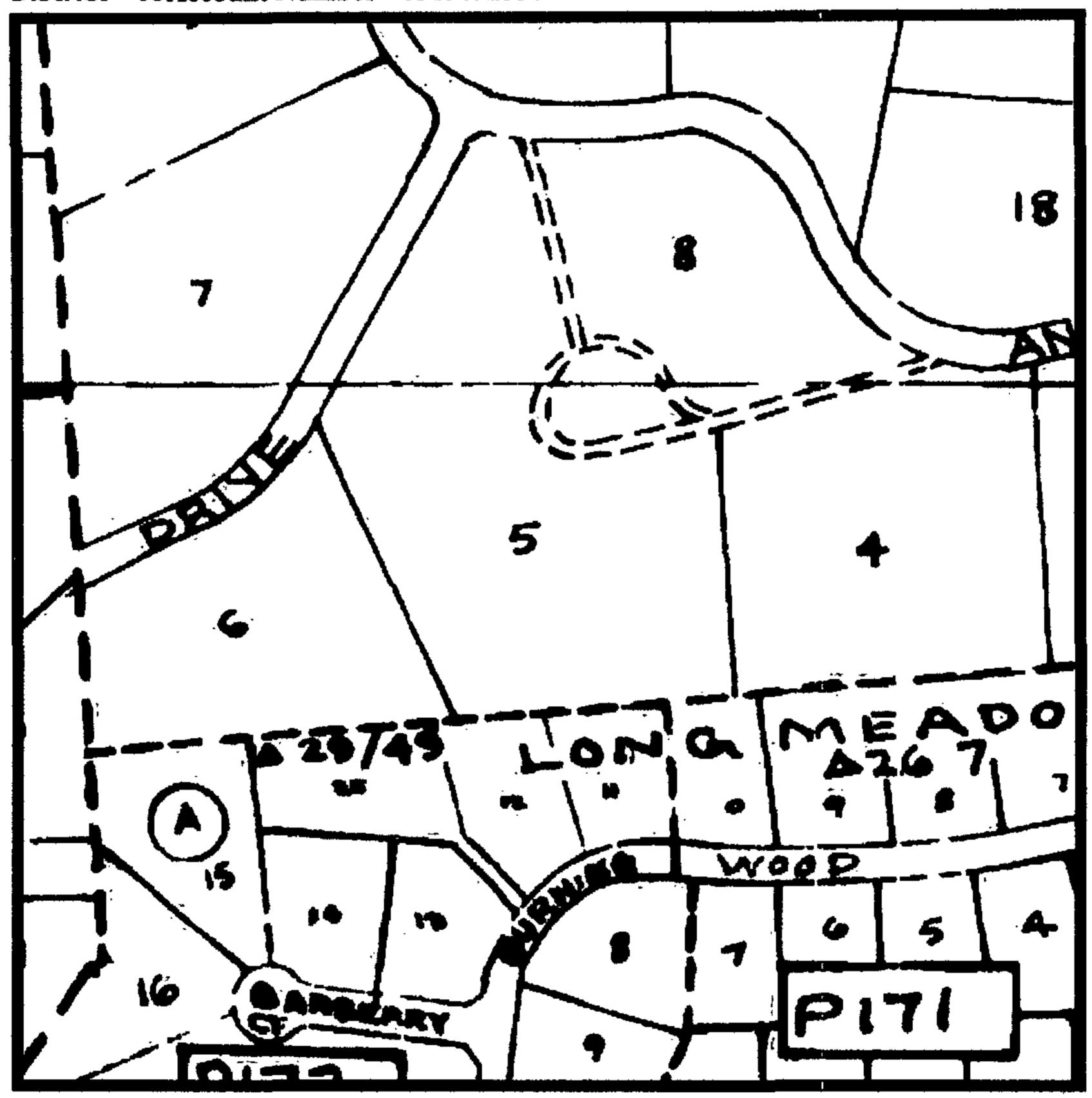
Deed2:

* NONE *

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

Go Back View Map New Search

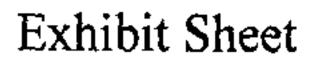
District - 03Account Number - 0313092330



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

Case No.:

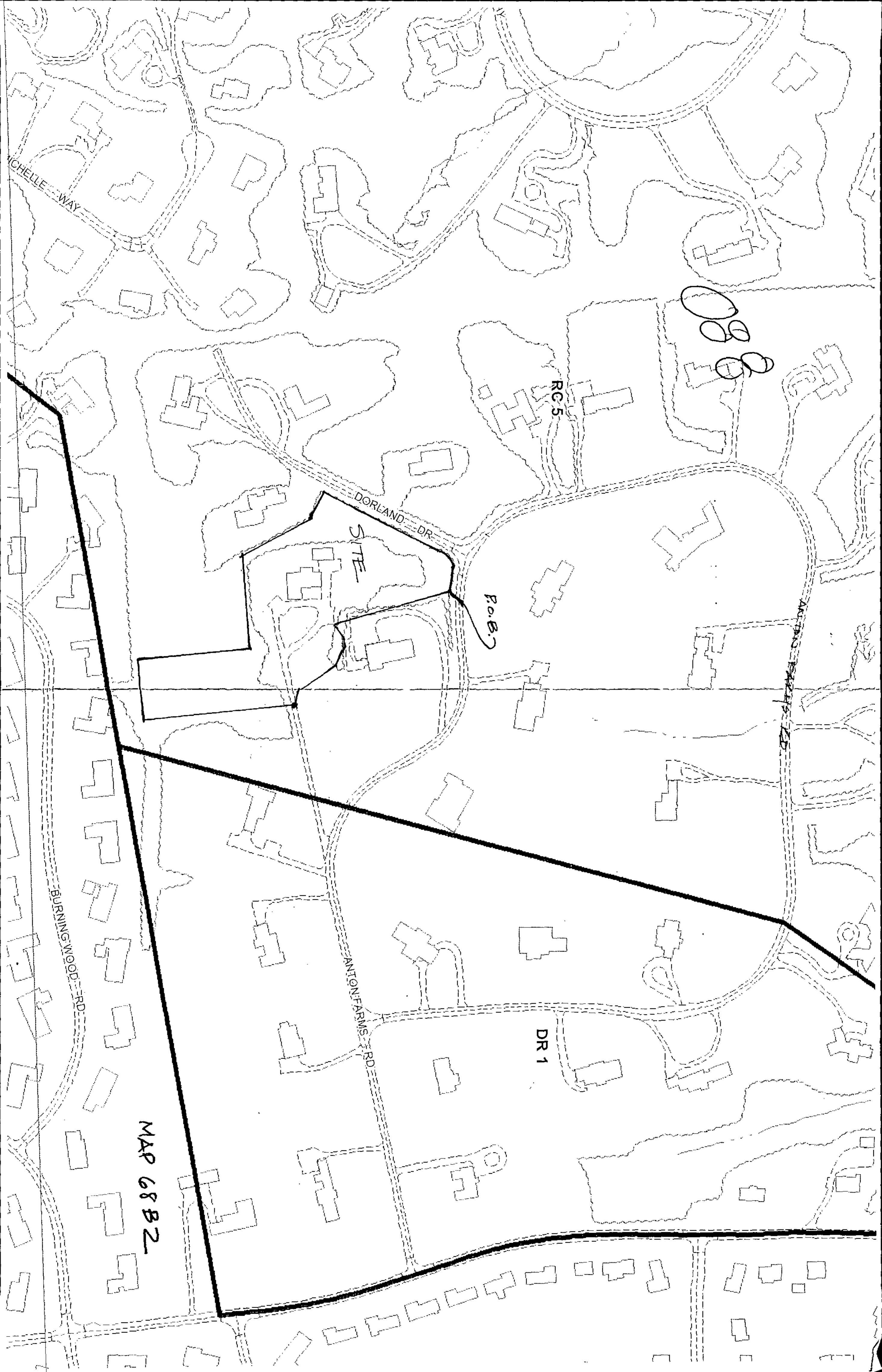
07-088-SPHA 3511 ANTON FARMS 18D





Petitioner/Developer


Protestant


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No. 1	AMEN DED SITE KAN	
No. 2	COLIZED SITE PLAN	
No. 3	Arch, tectural Elevations of the proposed develling	
No. 4	of our proposed awelling	*
No. 5		
No. 6	·	,
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		











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