



N/S Middleborough Road, 82' E C/line

Locust Ave.

(1710 Middleborough Road)

15<sup>th</sup> Election District 6<sup>th</sup> Council District

1710 LLC Petitioner



- \* ZONING COMMISSIONER
- \* OF
- \* BALTIMORE COUNTY
- \* Case No. 07-358-SPH

#### ORDER OF DISMISSAL

WHEREAS, this matter came before this Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, 1710 LLC, through its managing member, Steve Wolf, seeking a waiver from Section 32-4-305 of the Baltimore County Code (B.C.C.) to waive the construction of road improvements and to waive any required fees in lieu of construction of said improvements.

Although a public hearing was scheduled on the matter for Friday, March 2, 2007, the only one who appeared was David W. Billingsley, with Central Drafting and Design, Inc. Mr. Billingsley informed me that subsequent to the filing of the within Petition, Steve Wolf and Dan Wooden, acting on behalf of 1710 LLC had agreed, and the County had accepted, a fixed fee deposit in the amount of \$20,000.00 in accordance with the B.C.C. Section 32-4-308 to be used to defray the County's cost in a current storm drain contract that is two blocks from the subject property. Thus, the hearing on the petition is moot; however, the matter will be held open to allow the Petitioner time to consummate the above understanding and confirm same in writing.

NOW, THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of April 2007 having received written confirmation of the above the Petition for Special Hearing seeking a waiver from Section 32-4-305 of the Baltimore County Code to waive the construction of road improvements and to waive any required fees in flieu of construction of said improvements, be and the same is hereby DISMISSED without prejudice.

Zoning Commissioner for Baltimore County

WJW:dlw

c: Mr. David W. Billingsley, Central Drafting & Design, Inc.
 601 Charwood Court, Edgewood, Md. 21040
 Mr. Steve Wolf, 9124 Belair Road, Baltimore, Md. 21236
 People's Counsel; Bureau of Development Plans Bureau; Case File



## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County.

for the property located at 17/0 MIDDLE BOROUGH RO. which is presently zoned DR 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

A waiver from Section 32.4.305 of the Baltimore County Code Development Regulations to waive the construction of road improvements and to waive any required fees in lieu of construction of said improvements.

OWB

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:				Legal Owner(s):			
				1710 LLC			
Name - Type or Print	<u> </u>		Name -	Type or Print Cure	lox m	ranages	
Signature		<u> </u>	•	Signature Wo	LF	· · · · · · · · · · · · · · · · · · ·	
Address		Telephone No.	•	Name - Type or Print		<del></del>	
City	State	Zip Code		Signature			
Attorney For Petitiones	<u>~</u>			9/24 BELAJA Address BALTO- MO:	3 15000 (4 21		
Name - Type or Print			City		State	Zip Code	
Signature			•	Representative to be CENTRAL DRAND W. BIL	AFTING &		
Address		Telephone No.		GOI CHARWOOD Address EOGEWOOD	D CT. (410 MO.	7) 6 /9-6 // 3 Telephone No. 2/040	
City	State	Zip Code		City	State	Zip Code	
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		•		ESTIMATED LENGTH OF HEA	RING	_	
Case No. 07-35	8-SPU			UNAVAILABLE FOR HEARING			
			Review	ed By LTM	Date _ 2 17	107	
REV 9/15/98							

CADEN RECEIVED FOR FILING

Date 3-20-01

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.

TFY, that the annexed advertisement was published successive weeks, the first publication appearing ly newspaper published in Baltimore County, Md., THIS IS TO CERT in the following week]  $\quad \text{of} \quad$ each once in G

The Jeffersonian

Catonsville Times Arbutus Times

Towson Times

Mills Times Owings NE Booster/Reporter

North County News

Mulus

LEGAL ADVERTISING

# ZONING DESCRIPTION LOT2 KASTEN PROPERTY

Beginning for the same at a point on the north side of Middleborough Road (variable width), distant 82 feet easterly of it's intersection with the center of Locust Avenue (50 feet wide), thence being all of Lot 2 as shown on the plat entitled Kasten Property recorded among the Baltimore County plat records in Plat Book 42 Folio 90. Containing 0.7962 acre, more or less.

Being known as 1710 Middleborough Road. Being located in the 15<sup>TH</sup> Election District, 6<sup>TH</sup> Councilmanic District of Baltimore County, Maryland



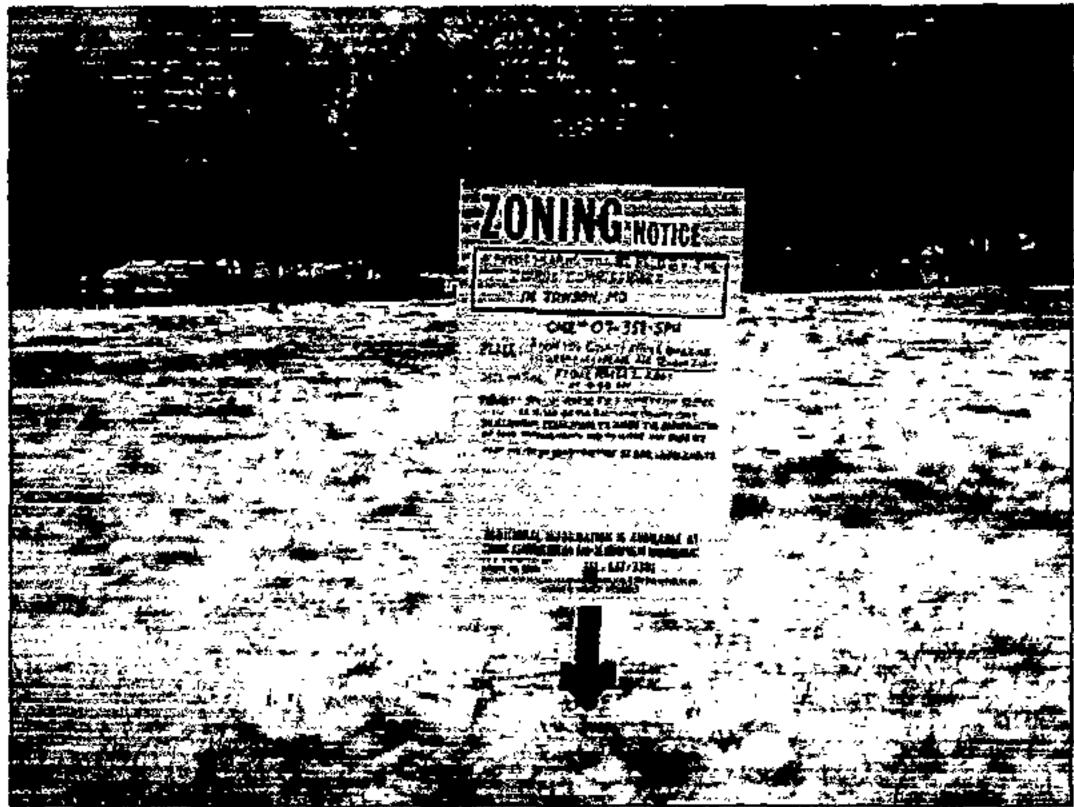
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TIMORE COUN	SCELLANEOUS, F	AED	TRIBUTION  ITE - CASHIER PINK - A	•	

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#### CERTIFICATE OF POSTING

-	RE: Case No: 07-358-5PH
	Petitioner/Developer:
-	CENTRAL DLAFTING & DESIGN
	Date Of Hearing/Closing: 3/2/07
Baltimore County Departme Permits and Development M County Office Building, Roc 111 West Chesapeake Avenu	lanagement om 111
Attention:	
Ladies and Gentlemen:	
This letter is to certify under sign(s) required by law were at	the penalties of perjury that the necessary posted conspicuously on the property  1710 Middle Bolough Lb
This sign(s) were posted on_	(Month, Day, Year) Sincerely,  (Signature of sign Poster and Date)  Martin Ogle Sign Poster  16 Salix Court  Address  Balto. Md 21220 (443-629 3411)

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mater Elization



JAMES T. SMITH, JR. County Executive

February 13, 2007
TIMOTHY M. KOTROCO, Director

Department of Permits and Development Management

#### 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: 07-358-SPH

1710 Middleborough Road

N/side of Middleborough Road, 82 feet east of centerline of Locust Avenue

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owner: 1710, LLC, Steve Wolf, Manager

Special Hearing for a waiver from Section 32.4.305 of the Baltimore County Code Development Regulations to waive the construction of road improvements and to waive any required feet in lieu of construction of said improvements.

Hearing: Friday, March 2, 2007 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Steve Wolf, 9124 Belair Road, Baltimore 21236
David Billingsley,601 Charwood Court, Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 15, 2007.
  - (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, February 15, 2007 Issue - Jeffersonian

Please forward billing to:

1710, LLC 9124 Belair Road Baltimore, MD 21236 410-529-7865

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1/11 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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### 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.

Item Numbe	r or Case Number: 07-358-5 PH
	1710 LLC
- Address or I	ocation: 17/0 MIDDLEBOROUGH ROAD
	RWARD ADVERTISING BILL TO:
Name:	1710 LLC
Address:	9124 BELAIR ROMO
<del></del>	
	BALTO, MO. 21736



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 22, 2007

Steve Wolf 9124 Belair Road Baltimore, MD 21236

Dear Mr. Wolf:

RE: Case Number: 07-358-SPH, 1710 Middleborough Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 7, 2007.

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

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

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

- c: People's Counsel

David Billingsley Central Drafting & Design, Inc. 601 Charwood Ct Edgewood 21040

Martin O'Malley, Governor | Anthony Brown, Lt. Governor |



John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 2/12/2007

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

RE: Baltimore County

Item No.7-358-5PH

1710 MIDDLEBOROLGHRD

KASTEN PROPERTY SPECIAL HEARING

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.

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,

LSteven D. Foster, Chief LEngineering Access Permits

Division

SDF/MB

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** March 29, 2007

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) 07-358- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director

DATE: February 22, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee

Item No. 07-358-SPH

When the developer came to us with his proposal to create three lots from one, we required that he do full road improvements along the frontage. Our authority for requiring these improvements comes from Section VIII.A.7 of the Bureau of Development Plans Review Policy Manual. The developer then wrote us requesting relief from these requirements.

We re-considered and decided that since there are no improvements on the same side of this portion of Middleborough Road and the potential for improvements in the near future is small, we could accept a fixed deposit in lieu of the improvements. Doing this is in accordance with County Code Section 32-4-308. We chose the sum of \$50,000.00 for the fixed deposit, feeling that it was less than what the developer would have spent for engineering, construction and pole relocations. The money was to be used to defray the County's cost in a current storm drain contract that is two blocks from this site.

The developer then met with the Director of Permits and Development Management, who conferred with the Director of Public Works, and together, they agreed to reduce the fixed deposit amount to \$20,000.00. The developer is now requesting a waiver so that he can pay nothing. The Director of Public Works is hereby withdrawing his support for reducing the amount and wants the fixed deposit to be \$50,000.00.

County Code Section 32-4-107 concerning waivers, begins with the phrase, "At the request of a department director, the Hearing Officer may...." Neither the Director of Public Works nor the Director of Permits and Development Management has requested that this waiver be granted.

DAK

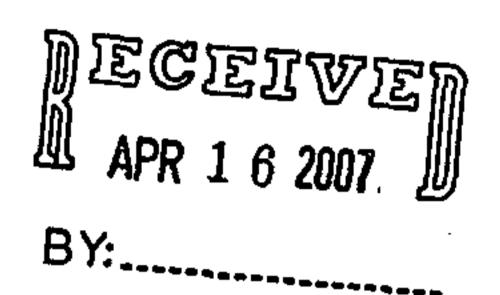
cc: file

BALTIMORE COUNTY, MARYLAND

BW 3-2-07

#### Inter-Office Correspondence





Date: 3/12/07

TO:	Timothy M. Kotroco				
FROM:	Dave Lykens, DEPRM - Development Coordination Jul				
DATE:	April 12, 2007	7			
SUBJECT:	Zoning Item Address	# 07-358-SPH 1710 Middleborough Road (1710 LLC - Steve Wolf; manager)			
Zoning	g Advisory Cor	nmittee Meeting of February 12, 2007			
	4	nvironmental Protection and Resource Management has no ve-referenced zoning item.			
	<b>A</b>	nvironmental Protection and Resource Management offers nts on the above-referenced zoning item:			
<u>X</u>	Protection of	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Sectiough 33-3-120 of the Baltimore County Code).			
<u>X</u> .	<ul> <li><u>X</u> Development of this property must comply with the Forest</li> <li>Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).</li> </ul>				
	Critical Area	of this property must comply with the Chesapeake Bay Regulations (Sections 33-2-101 through 33-2-1004, and s, of the Baltimore County Code).			
<u>Additi</u>	onal Comment	<u>s:</u>			
		•			

Paul A. Dennis

Reviewer:

RE: PETITION FOR SPECIAL HEARING

1710 Middleborough Road; N/S

Middleborough Rd, 82' E c/line Locust Ave \*

15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): 1710, LLC by Steve Wolf \*

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

07-358-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 26<sup>th</sup> day of February, 2007, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

RECEIVED

FEB 2 & 2007

Per.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

From:

Debra Wiley

To:

Murray, Curtis

Date:

02/23/07 1:25:05 PM

Subject:

Office of Planning Comments Needed for Cases Next Week

Hi Curtis,

Bill has two cases next week that are missing comments as follows:

07-304-A - Thursday, March 1st 5128 E. Joppa Rd.

and

07-358-SPH - Friday, March 2nd 1710 Middleborough Road

Thanks very much!!

Debra Wiley - Comments Needed - 07-358-SPH

Page 1

From:

Debra Wiley

To:

Kennedy, Dennis

Date:

02/23/07 1:29:00 PM

Subject:

Comments Needed - 07-358-SPH

Hi Dennis,

Bill has the above-referenced case scheduled for next Friday, March 2nd and we do not have a comment from your office.

#### 07-358-SPH

1710 Middleborough Road

Thanking you in advance for your usual cooperation, and have a great weekend!



From:

Timothy Kotroco

To:

Adams, Edward; Brand, Donald; Kennedy, Dennis; Rascoe, Donald; Wiseman, Bill

Date:

03/01/07 5:59 PM

Subject: Fwd: Special Hearing before Bill Wiseman: 1710 Middleborough Road March 2@9AM

Gents: It has been agreed and accepted that Mr. Wolfe will withdraw his waiver request and that he has agreed to pay the \$20,000 fee for the road improvements. Issue resolved. Tim

Timothy M. Kotroco, Director Permits & Development Management Phone: 410-887-3020

>>> Donald Brand 03/01/07 2:16 PM >>>

Tim:

Bill would like you to reconsider the fee?? from Steve Wolf reduced back to \$20k as it was earlier before Ed Adams changed it back to \$50k. If so, let him know.

I know nothing about this!

ZAC Agenda Case #7-358-SPH, Item 358, states "Waiver from Section 32.4.305 of the Baltimore County Code Development Regulations to waive construction of road improvements and to waive any required feet in lieu of construction of said improvements."

Don

# CENTRAL DRAFTING AND DESIGN, INC.

601 CHARWOOD COURT EDGEWOOD, MARYLAND 21040 (410) 679-8719 FAX (410) 679-1298

March 17, 2007

Mr. William J. Wiseman, III, Zoning Commissioner 401 Bosley Avenue, Room 405 Towson, Md. 21204

David W. Billingsley

RE: 1710 MIDDLEBOROUGH ROAD CASE NO. 07-358-SPH



MAR 2 0 2007

ZONNG COMMISSIONER

Dear Mr. Wiseman:

The petitioner of the referenced case, 1710 LLC, is requesting that the petition be withdrawn and the case file closed.

Per an agreement reached with the Department of Permits and Development Management and the Department of Public Works, a fee of \$20,000.00 will be paid in lieu of providing road improvements along the frontage of the property.

Thank you for your cooperation in this matter. Should you need any additional information, please do not hesitate to contact this office.

Very truly yours,

David W. Billingsley

cc: 1710 LLC

# PLEASE PRINT CLEARLY

CASE NAME 1710 MIDDLEBORGURD
CASE NUMBER 07-358 SPH
DATE 3/2/07

PETITIONER'S SIGN-IN SHEET

exphos. com. E- MAIL dwb ozog 21040 STATE, ZIP 270 EDSEWOOD CITY, ADDRESS CHARINOOD 109 WOODS Dorf BILLINGSLEY NAME DANID

Case No.: 07-358-SPH 1710 Middleborough Rd

#### **Exhibit Sheet**

#### Petitioner/Developer

#### Protestant

No. 1	Site PLAN			
No. 2		<u> </u>		
No. 3	<u> </u>			
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No. 7				
No. 8				
No. 9				
No. 10			,	
No. 11		- <b></b> -		
No. 12		<b>-1</b> **		-

