IN RE: PETITION FOR SPECIAL HEARING \*

E/S Park Heights Avenue, 565' N c/line

Walnut Avenue

(12213 Park Heights Avenue)

4<sup>th</sup> Election District

2<sup>nd</sup> Council District

Daniel Michael Uddeme, et ux Petitioners **BEFORE THE** 

**ZONING COMMISSIONER** 

OF

BALTIMORE COUNTY

Case No. 07-368-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, Daniel M. Uddeme, and his wife, Stacey Lynn Uddeme, represented by Stuart D. Kaplow, Esquire. As originally filed, the Petitioners requested special hearing relief, pursuant to Section 1A04.3.B.1.b(1) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the replacement of an existing dwelling on a single lot of record in existence prior to September 2, 2003 that does not meet the minimum setback or acreage requirements, and to permit a site plan with side setbacks of 5 feet and 25 feet in lieu of the required 50 feet. However, at the hearing, and as explained below, the petition was amended to reduce the side yard setbacks requested. That is, the Petitioners now request a side yard setback of 10 feet on the south side and a 25 foot setback on the north side with the front of the home situated 75 feet from the centerline of a scenic route in lieu of the required 150 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Revised Exhibit 1.

Appearing at the hearing in support of the request were Daniel and Stacey Uddeme, property owners, and their attorney, Stuart D. Kaplow, Esquire. Also present were Richard E. Matz, P.E., an

expert in land planning and zoning with the engineering firm of Colbert, Matz, Rosenfelt, Inc., and Rick Yaffe, the developer/builder of the dwelling. Appearing as Protestants and interested parties were Adam Shpritz, the adjacent neighbor at 12215 Park Heights Avenue, and his father, Lee Shpritz. Diana Itter from the County's Office of Planning, who has been working with the Petitioners with regard to the Performance Standards for the new construction, appeared and testified that the architectural elevation drawings (Petitioners' Exhibit 2) is in keeping with the neighborhood and reflects the rural character of this part of the County.

Testimony and evidence offered disclosed that the property under consideration is a rectangular shaped parcel located on the east side of Park Heights Avenue between Walnut Avenue and Fox Creek Court in Owings Mills. The property contains a gross area of 1.00 acres, more or less, zoned R.C.5, and is improved with a modest one-story, single-family dwelling (27' wide x 32' deep) built in 1931 with a large storage shed (12' x 20') in the rear yard. The existing well located between the rear of the home and the wooden shed prevents the home being located further back on the property. The Petitioners have completed their purchase of the property and are desirous of making substantial improvements. Due to the age of the structure and its depreciated condition, the Petitioners propose razing the building and constructing a new two-story home in essentially the same location. As shown on the site plan, the property has 83.56 feet of road frontage; 93.64 feet wide along the rear property line, 545.88 feet deep on the north side, and 495 feet deep on the south Thus, the property is clearly undersized by today's standards given its R.C.5 zoning side. classification requiring minimum setbacks of 50 feet from any side property line. Therefore, it is clear that compliance with current regulations is neither practical nor possible, and that relief pursuant to Section 1A04.3.B of the B.C.Z.R. is appropriate given the narrow width and small area

of this lot. Mr. Matz and Ms. Itter testified that the proposal would be consistent with many of the other houses in the neighborhood and pointed to examples of other similar sized lots with single-family dwellings on the 200 scale zoning map. He (Matz) further testified that the subject property is a buildable lot of record and that the overall density of this neighborhood will not be affected by the proposed development. Letters of support in this regard were received (Petitioners' Exhibit 4) from neighboring property owners, namely Sophie Gerard – 12211 Park Heights Avenue; Robert Stallard – 3020 Walnut Avenue; William Larkins – 12207 Park Heights Avenue, and Helen May Goetz – 12209 Park Heights Avenue.

As noted above, Adam Shpritz appeared in opposition to the loss of green space between the new home and his house. He also opposed the 10 foot driveway running next to his property line. The garage was relocated to the rear of the home in response to comments received from the Office of Planning necessitating the side yard driveway. In an effort to address this concern, Petitioners had Mr. Matz make redlined changes to the site plan, moving the driveway to the south 8 feet off of the property line. Mr. Shpritz then requested, unsuccessfully, that the footprint of the home be shifted 5 feet further to the south away from his property. This would result in a setback on the southern side of 5 feet. As a result of further discussions, it was determined that the Office of Planning would not support such a reduction nor would it be practical or feasible to restrict the property owner to the south, Ms. Gerard, in the event she or her successor in title would desire to make improvements on that property and expand the size of the dwelling in the future.

After due consideration of the testimony and evidence presented and the continued efforts undertaken by the parties to reach a compromised solution, I am persuaded to grant the requested relief. Based on my review of the site plan, the elevations and photographs, I find that the relief is

warranted given the unique configuration of the property, the site constraints associated therewith, and the location of the existing improvements thereon. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship upon the Petitioners and prohibit use of the property for a permitted purpose. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, and no one voiced opposition to the proposed home being built by the Petitioners who are active in the community and serve in the Chestnut Ridge Volunteer Fire Department. I further find that the relief requested meets the spirit and intent of the R.C.5 zoning regulations and complies with the Performance Standards set forth in Section 1A04.4 of the B.C.Z.R. For all of these reasons, I am persuaded that a grant of the relief will not result in any detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the adverstisement, 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 April, 2007, that the Petition for Special Hearing to approve side and rear yard setbacks of 25 feet (north side) and 10 feet (south side) from any lot line in lieu of the required 50 feet, and a street centerline setback of 75 feet from a scenic route in lieu of the required 150 feet, pursuant to Sections 1A04.3.B.1.b(1) and 1A04.3.B.2(a) of the Baltimore County Zoning Regulations (B.C.Z.R.), for a proposed two-story, single-family dwelling, on a lot of record in existence prior to September 2, 2003, in accordance with Petitioners' Revised Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners shall apply for their building permit and be granted same upon receipt of this Order; however, 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

- 2) Prior to the issuance of any building permits, the Petitioners shall submit a revised final elevation drawing graphically showing materials, colors and floor plans to the Office of Planning, for review and approval.
- 3) Prior to building permit approval, an elevation of the septic system is required pursuant to the Zoning Advisory Committee (ZAC) comment, dated March 20, 2007, from the Department of Environmental Protection and Resource Management (DEPRM), a copy of which has been attached hereto and made a part hereof.
- 4) When applying for any permits, 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.

WJW:dlw

Zoning Commissioner for Baltimore County

Date A CENTED FOR FILING
By



JAMES T. SMITH, JR. County Executive

April 24, 2007

WILLIAM J. WISEMAN III Zoning Commissioner

Stuart D. Kaplow, Esquire 15 E. Chesapeake Avenue Towson, MD 21286-5306

RE: PETITION FOR SPECIAL HEARING
E/S Park Heights Avenue, 565' N c/line Walnut Avenue
(12213 Park Heights Avenue)
4th Election District - 2nd Council District
Daniel Michael Uddeme, et ux - Petitioners
Case No. 07-368-SPH

Dear Mr. Kaplow:

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

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

Daniel and Stacey Uddeme, 1011 Marleigh Circle, Towson, Md. 21204
 Richard E. Matz, P.E., Colbert, Matz, Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore, Md. 21209
 Rich Yaffe, 3229 Hunting Tweed Drive, Owings Mills, Md. 21117
 Adam Shpritz, 12215 Park Heights Avenue, Owings Mills, Md. 21117
 Lee Shpritz, 2 Hounds Hollow Court, Owings Mills, Md. 21117
 Sophie Gerard, 12211 Park Heights Avenue, Owings Mills, Md. 21117
 Robert Stallard, 3020 Walnut Avenue, Owings Mills, Md. 21117
 William Larkins, 12207 Park Heights Avenue, Owings Mills, Md. 21117
 Helen May Goetz, 12209 Park Heights Avenue, Owings Mills, Md. 21117
 People's Counsel; Office of Planning, DEPRM; Case File

4103379<u>20</u>4



### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

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•	for the property lo	cated at: 12213 Park Heights Aver	ue IIC
	;	which is presently zonedRC-5	
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See attached			
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Property is to be posted and adverti I, unwe, agree to pay expenses of a zoning regulations and restrictions of	ibove Special Hearing, advert	ing regulations.  tising, posting, etc and further agree to and are pursuant to the zoning law for Baltimore County  !/// We do solemnly declare and affirm, perjury, that I/we are the legal owner.  Is the subject of this Petition.	under the penalties of
	† •	· · · · · · · · · · · · · · · · · · ·	
Contract Purchaser/Lessee		Legal Owner(s): 12213 Fa	ck Heights Avenue, LL
Daniel Michael Uddeme	Stacey Lynn Uddeme	Legal Owner(s): 12213 Fa	extilleight Au UC
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Signature	SIGNATURE	Signature	
1011 Marleigh Circle	410-977-4444		
Address.	Telephone No. :	Name - Type or Print	
Towson	MD 21204		
City	State Zip Code	Signature	
		12613 Waterspout Road	
Attorney For Petitioner:	į ,	Address.	Telephone No.
•		Owings Mills	MD 21117
Name - Type or Print		City	State Zip Code
regard - /pr - c c c c c c	•	Representative to be Contac	ted
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Signature	; }	Richard Matz, P.E.	
		COLBERT MATZ ROSENFELT, I	NC 15
Company			(11) (11)
	Talephone No.	2835 Smith Avenue, Suite G Address	410-653-3838 Telephone No.
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City	State Zip Code		
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	<i>}</i>	Reviewed By	Date
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CareFirst BlueChoice, inc. is an independent licensee of the Slue Cross and Slue Shield Association.

© Registered trademark of the Slue Cross and Slue Shield Association.

© Registered trademark of the Slue Cross and Slue Shield Association.

OPEN ACCESS

866-520-6099

**WEMBER SERVICES** 

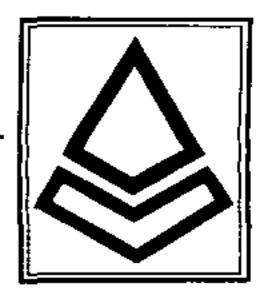
### ATTACHMENT

Special Hearing Petition - 12213 Park Heights Avenue

A Special Hearing is requested, pursuant to Section 1A04.3.B.1.b.(1), BCZR, for a single lot of record in existence prior to September 2, 2003 that does not meet the minimum setback or acreage requirements, and to permit a site plan with side setbacks of 5 and 25 feet in lieu of the required 50.

### Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



### ZONING DESCRIPTION 12213 PARK HEIGHTS AVENUE

Beginning at a point at the center of Park Heights Avenue, which is of varying width, at a distance of 565 feet north of Walnut Avenue, which is of varying width, thence the following courses and distances:

N 11°01'07" W, 41.50 ft.; N 16°27'07" W, 42.00 ft.; N 81°57'53" E, 548.00 ft.; S 20°16'05"W, 94.26 ft.; thence S 81°57'53"W, 495.00 ft. to the Point of Beginning

As recorded in Deed Liber 23267, folio 688, and containing 1.00 acre. Also known as #12213 Park Heights Avenue and located in the 4<sup>th</sup> Election District, 2<sup>nd</sup> Councilmanic District.



Item # 368

2835 Smith Avenue, Suite G Baltimore, Maryland 21209 Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

### 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: #07-368-SPH

12213 Park Heights Avenue
E/side of Park Heights Avenue

6 Walnut Avenue

4th Election District - 2nd Councilmanic District
Legal Owner(s): Mary Jane Snyder, 12213 Park Heights Avenue, LLC

Contract Purchaser: Daniel Michael & Stacey Lynn Uddeme
Special Hearing: pursuant to-Section 1404.3.8.1.b.(1),
BCZR, for a single lot of record in existence prior to September 2, 2003 that does not meet the minimum setback or acreage requirements, and to permit a site plan with side setbacks of 5 and 25 feet in iteu of the required 50.

Hearing: Wednesday, April 4, 2007 at 11:00 a.m. in Room 106, County Office Building, 111 West Chasa-peake 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.

. 20CJ

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

he Jeffersonian rbutus Times

- Catonsville Times
  - Towson Times
- Owings Mills Times
- E Booster/Reporter Z
  - North County News

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LEGAL ADVERTISING

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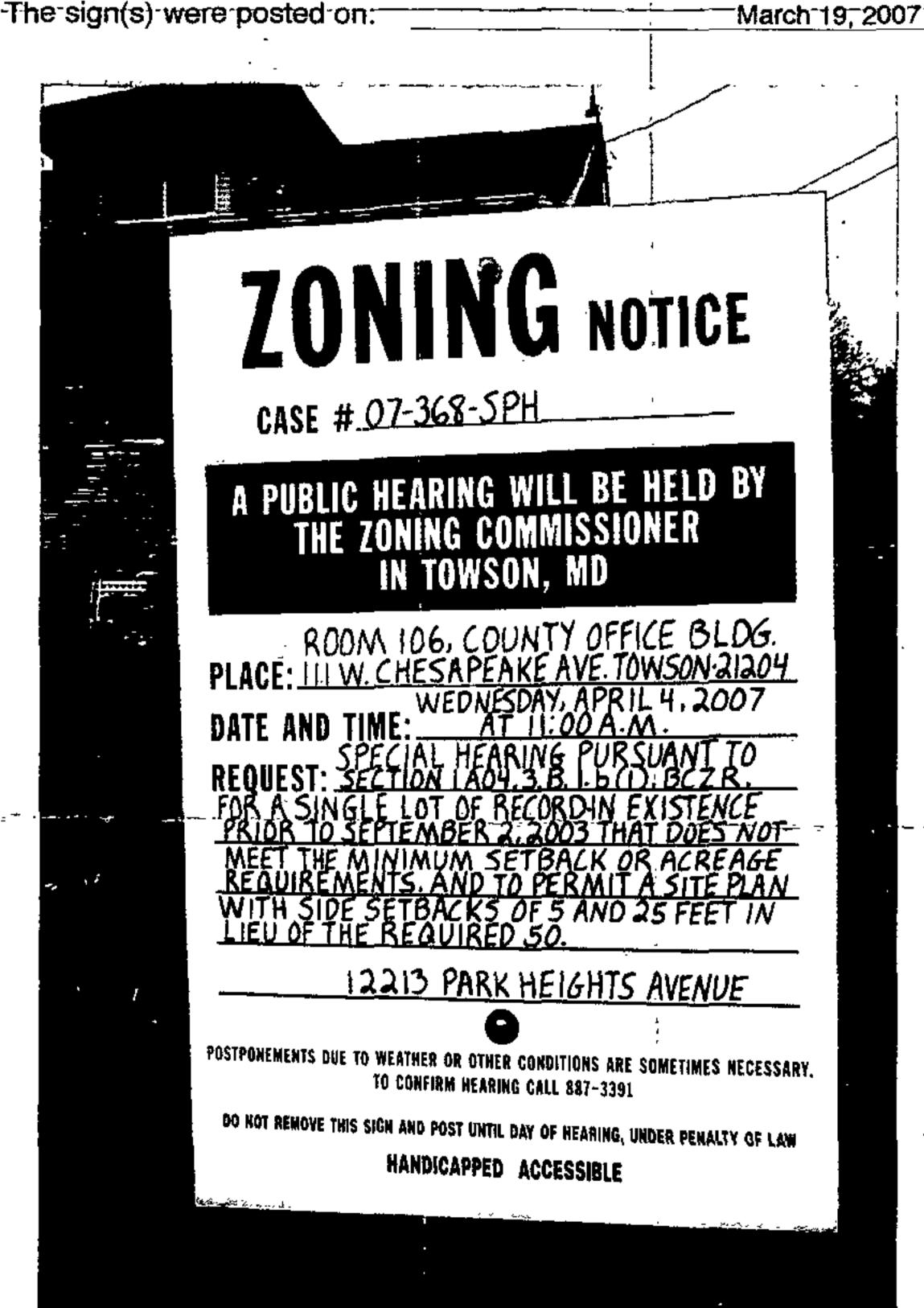
### CERTIFICATE OF POSTING

Case Number: 07-368-SPH

Petitioner/Developer: COLBERT, MATZ & ROSENFELT~MARY JANE SNYDER

Date of Hearing (Closing): April 4, 2007

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: 12213 PARK HEIGHTS AVENUE



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)





JAMES T. SMITH, JR. County Executive

March 2, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and

### NOTICE OF ZONING HEARING

Development Management

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: 07-368-SPH

12213 Park Heights Avenue

E/side of Park Heights Avenue, 565 feet n/of centerline of Walnut Avenue

4<sup>th</sup> Election District – 2<sup>nd</sup> Election District

Legal Owners: Mary Jane Snyder, 12213 Park Heights Avenue, LLC

Contract Purchaser: Daniel Michael & Stacey Lynn Uddeme

Special Hearing pursuant to Section 1A04.3.B.1.b.(1), BCZR, for a single lot of record in existence prior to September 2, 2003 that does not meet the minimum setback or acreage requirements, and to permit a site plan with side setbacks of 5 and 25 feet in lieu of the required 50.

Hearing: Wednesday, April 4, 2007 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Mary Jane Snyder, 12613 Waterspout Road, Owings Mills 21117 Daniel & Stacey Uddeme, 1011 Marleigh Circle, Towson 21204 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 TUESDAY, MARCH 20, 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

Tuesday, March 20, 2007 Issue - Jeffersonian

Please forward billing to:

Dan Uddeme 1011 Marleigh Circle Towson, MD 21204 410-977-4444

### **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: 07-368-SPH

12213 Park Heights Avenue

E/side of Park Heights Avenue, 565 feet n/of centerline of Walnut Avenue

4<sup>th</sup> Election District – 2<sup>nd</sup> Election District

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Contract Purchaser: Daniel Michael & Stacey Lynn Uddeme

Special Hearing pursuant to Section 1A04.3.B.1.b.(1), BCZR, for a single lot of record in existence prior to September 2, 2003 that does not meet the minimum setback or acreage requirements, and to permit a site plan with side setbacks of 5 and 25 feet in lieu of the required 50.

Hearing: Wednesday, April 4, 2007 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAMY, 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: 107-368 - SPH
Petitioner: DAN UDDEME. & STACEY UDDEME
Address or Location: 12213 PARK HELGHTS AVE
PLEASE FORWARD ADVERTISING BILL TO:
Name: DAN UDDEME
Address: 1011 MARLEIGH CIRCLE.
Towson, MD 21204.
Telephone Number: 410 -977 - 4444



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

March 27, 2007

Daniel Michael Uddeme Stacey Lynn Uddeme 1011 Marleigh Circle Towson, MD 21204

Dear Mr. and Mrs. Uddeme:

RE: Case Number: 07-368-SPH, 12213 Park Heights Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 16, 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
Mary Jane Snyder 12613 Watersprout Road Owings Mills 21117
Richard Matz, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G
Baltimore 21209

RE:

PETITION FOR SPECIAL HEARING

12213 Park Heights Avenue; E/S Park

Heights Avenue, 565' N c/line Walnut Ave \*

4<sup>th</sup> Election & 2<sup>nd</sup> Councilmanic Districts

Legal Owner(s): 12213 Park Heights Ave, LLC\*

by Mary Jane Snyder

Contract Purchasers: Daniel & Stacey Uddeme\*

Petitioner(s)

**BEFORE THE** 

**ZONING COMMISSIONER** 

FOR

**BALTIMORE COUNTY** 

07-368-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 27<sup>th</sup> day of February, 2007, a copy of the foregoing Entry of Appearance was mailed to, Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, Representative for Petitioner(s).

RECEIVED

FEB 2 7 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** April 3, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

12213 Park Heights Avenue

INFORMATION:

Item Number:

7-368

Petitioner:

Daniel and Stacey Uddeme

Zoning:

RC 5

Requested Action:

Special Hearing

The property in question is zoned RC5 and is improved with a 931 square foot existing dwelling which would be razed and replaced with a new 2 story dwelling with attached 2 car rear enter garage. RC5 typically requires a minimum lot area of 1 ½ acres, a front setback of 150 feet (scenic route) and side yards of 50 feet on each side. The petitioner requests a Special Hearing pursuant to Section 1AO4.3.B.1.b (1) of the BCZR to establish that a lot of record in existence prior to September 2, 2003 can be built upon without meeting the minimum lot area and setback requirements. It should be noted that the subject property must comply with all the provisions of Section 1AO4.4 Performance Standards (they may not be varied) and the maximum 15% coverage factor. The Performance Standards are to ensure that rural residential development conforms with a quality of design that maintains and reflects the rural character of the County.

The Office of Planning has received revised site plans dated 3/27/07, architectural elevation drawings, a narrative and a photomontage. Coverage calculations have not been provided on the site plan. The applicant is to be commended on the revised plans in which the form, scale and mass of the proposed dwelling was redesigned so it is now in keeping with the neighborhood.

### SUMMARY OF RECOMMENDATIONS:

The preliminary architectural elevation drawings and revised site plan dated 3/27/07 complies with the Performance Standards for new construction within RC5 zoned land. If the Zoning Commissioner grants the requested Special Hearing, The Office of Planning recommends the following conditions be placed within the Zoning Commissioner's order:

1. A revised final elevation drawing graphically showing materials, colors and floor plans must be submitted to the Office of Planning for review and approval prior to the application of any building permit.

2. A revised site plan is needed with the coverage factor calculated and noted in one of the general notes.

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

Reviewed by:

Division Chief: AFK/LL: CM

### Fire Department

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



### **Baltimore County**

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

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

March 1, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 26,2007

Item Number: 363 through 373

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

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

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

cc: File



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

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 2, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 5, 2007

Item Nos. 07-314, 363, 364, 366, 367, 368, 369, 370, 371, 372, and 373

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-03022007.doc

95W 4/4

### BALTIMORE COUNTY, MARYLAND

### Inter-Office Correspondence





MAR 2 0 2007

ZONNG COMMISSIONED

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

March 20, 2007

SUBJECT:

Zoning Item

# 07-368-SPH

Address

12213 Park Heights Avenue

(Snyder Property)

Zoning Advisory Committee Meeting of February 26, 2007

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

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

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

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

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

### Comments:

Prior to building permit approval an evaluation of the septic system is required. Soil evaluations may be required. A yield test on the well is required. The dug well must be abandoned, sealed, and a report submitted to DEPRM's Ground Water Management section. -S Farinetti; Ground Water Management (410) 887-2762

### 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

**SUBJECT:** 

12213 Park Heights Avenue

**INFORMATION:** 

Item Number:

7-368

Petitioner:

Daniel and Stacey Uddeme

Zoning:

RC 5

Requested Action:

**Special Hearing** 

RECEIVED

**DATE:** April 3, 2007

APR - 3 2007

ZONING COMMISSIONER

The property in question is zoned RC5 and is improved with a 931 square foot existing dwelling which would be razed and replaced with a new 2 story dwelling with attached 2 car rear enter garage. RC5 typically requires a minimum lot area of 1 ½ acres, a front setback of 150 feet (scenic route) and side yards of 50 feet on each side. The petitioner requests a Special Hearing pursuant to Section 1AO4.3.B.1.b (1) of the BCZR to establish that a lot of record in existence prior to September 2, 2003 can be built upon without meeting the minimum lot area and setback requirements. It should be noted that the subject property must comply with all the provisions of Section 1AO4.4 Performance Standards (they may not be varied) and the maximum 15% coverage factor. The Performance Standards are to ensure that rural residential development conforms with a quality of design that maintains and reflects the rural character of the County.

The Office of Planning has received revised site plans dated 3/27/07, architectural elevation drawings, a narrative and a photomontage. Coverage calculations have not been provided on the site plan. The applicant is to be commended on the revised plans in which the form, scale and mass of the proposed dwelling was redesigned so it is now in keeping with the neighborhood.

### SUMMARY OF RECOMMENDATIONS:

The preliminary architectural elevation drawings and revised site plan dated 3/27/07 complies with the Performance Standards for new construction within RC5 zoned land. If the Zoning Commissioner grants the requested Special Hearing, The Office of Planning recommends the following conditions be placed within the Zoning Commissioner's order:

1. A revised final elevation drawing graphically showing materials, colors and floor plans must be submitted to the Office of Planning for review and approval prior to the application of any building permit.

2. A revised site plan is needed with the coverage factor calculated and noted in one of the general notes.

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

Reviewed by:

Division Chief: AFK/LL: CM



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

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

Maryland Department of Transportation

Date: MARCH 5, 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. 7-368 - 5PH

12213 PARKHEIGHTS AVE

SNYDER PROPERTY

VARIANCE MD-129

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. 7-368-504

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,

Foe

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

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STUART D. KAPLOW, P.A.

ATTORNEYS AT LAW 15 EAST CHESAPEAKE AVENUE TOWSON, MARYLAND 21286-5306 \*TELEPHONE 410-339-3910 FACSIMILE 410-339-3912 E-MAIL SKAPLOW@STUARTKAPLOW.COM

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

April 2, 2007

<u>Via Facsimile 410-887-3468</u> William J. Wiseman, Zoning Commissioner Zoning Commissioner's Office 401 Bosley Avenue Towson, Maryland 21204

Re:

07-368-SPH

12213 Park Heights Avenue

Dear Commissioner Wiseman:

Please enter the appearance of Stuart D. Kaplow and Stuart D. Kaplow, P.A., as attorneys for the Petitioners, Daniel Uddeme and Stacey Uddeme, his wife.

Mr. & Mrs. Uddeme are identified as contract purchasers in the Petition and have since the date of application closed on the purchase and are now the record owners of the property.

Thank you in advance for your courtesies.

Sincerely,

Stuart D. Kaplow

Stuart Kaplow

SDK:tbm

10

### STUART D. KAPLOW, P.A.

ATTORNEYS AT LAW 15 EAST CHESAPEAKE AVENUE TOWSON, MARYLAND 21286-5306

TELEPHONE 410-339-3910 FACSIMILE 410-339-3912 E-MAIL SKAPLOW@STUARTKAPLOW.COM

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

### FACSIMILE TRANSMITTAL

April 2, 2007 DATE:

WILLIAM J. WISEMAN, ZONING COMMISSIONER To:

SENT TO TELEPHONE NUMBER: 410-887-3468

FROM: STUART D. KAPLOW, ESQUIRE

TOTAL NUMBER OF PAGES 2 (INCLUDING THIS PAGE)

OUR TELECOPIER TELEPHONE NUMBER IS 410-339-3912

IF YOU DO NOT RECEIVE ALL PAGES OR HAVE ANY PROBLEM WITH RECEIVING, PLEASE TELEPHONE STUART KAPLOW AT 410-339-3910

MESSAGE:

HAVE YOU VISITED OUR WEBSITE, WWW.STUARTKAPLOW.COM, AND OUR 'LIBRARY' OF OVER 100 ARTICLES ON REAL ESTATE, LAND USE, AND ENVIRONMENTAL ISSUES, INCLUDING THE POPULAR ARTICLE, ADULT WEBSITE NOT SUBJECT TO ZONING LAWS

HARD COPY TO FOLLOW: NO

### CONFIDENTIALITY NOTICE

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GREEN **± CO2** A Corbon Neutral Business

## PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER O7 - 368
DATE

ETITIONER'S SIGN-IN SHEET

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## PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 67-368-5PH
DATE

# CITIZEN'S SIGN-IN SHEET

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Case No.: 07-368-SPH 12213 PARK HGHTS AVE

### **Exhibit Sheet**

### Petitioner/Developer

### Protestant

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Zoning Commissioner of Baltimore County Zoning Review/County Office Building 111 West Chesapeake Avenue Room 111 Towson, MD 21204

Dear Commissioner,

My name is William Larkins and I reside at 12207 Park Heights Avenue Owings Mills, MD 21117. This letter shall serve as notification that I support the variance proposed by Daniel and Stacey Uddeme for the property located at 12213 Park Heights Avenue Owings Mills, MD 21117.

Sincerely

William Larkins

Homeowner

PETITIONER'S

EXHIBIT NO. 4-A-D

Zoning Commissioner of Baltimore County Zoning Review/County Office Building 111 West Chesapeake Avenue Room 111 Towson, MD 21204

Helen M. Goet

Dear Commissioner,

My name is Helen May Goetz and I reside at 12209 Park Heights Avenue Owings Mills, MD 21117. This letter shall serve as notification that I support the variance proposed by Daniel and Stacey Uddeme for the property located at 12213 Park Heights Avenue Owings Mills, MD 21117.

Sincerely,

Helen May Goetz

Homeowner

Zoning Commissioner of Baltimore County Zoning Review/County Office Building 111 West Chesapeake Avenue Room 111 Towson, MD 21204

Dear Commissioner,

My name is Robert Stallard and I reside at 3020 Walnut Avenue Owings Mills, MD 21117. This letter shall serve as notification that I support the variance proposed by Daniel and Stacey Uddeme for the property located at 12213 Park Heights Avenue Owings Mills, MD 21117.

Sincerely,

Robert Stallard

Homeowner

Zoning Commissioner of Baltimore County Zoning Review/County Office Building 111 West Chesapeake Avenue Room 111 Towson, MD 21204

Dear Commissioner,

My name is Sophie Gerard and I reside at 12211 Park Heights Avenue Owings Mills, MD 21117. This letter shall serve as notification that I support the variance proposed by Daniel and Stacey Uddeme for the property located at 12213 Park Heights Avenue Owings Mills, MD 21117.

Sincerely,

Sophie Gerard Homeowner



Case No.: 07-368-SPH 12213 PARK HGHTS AVE

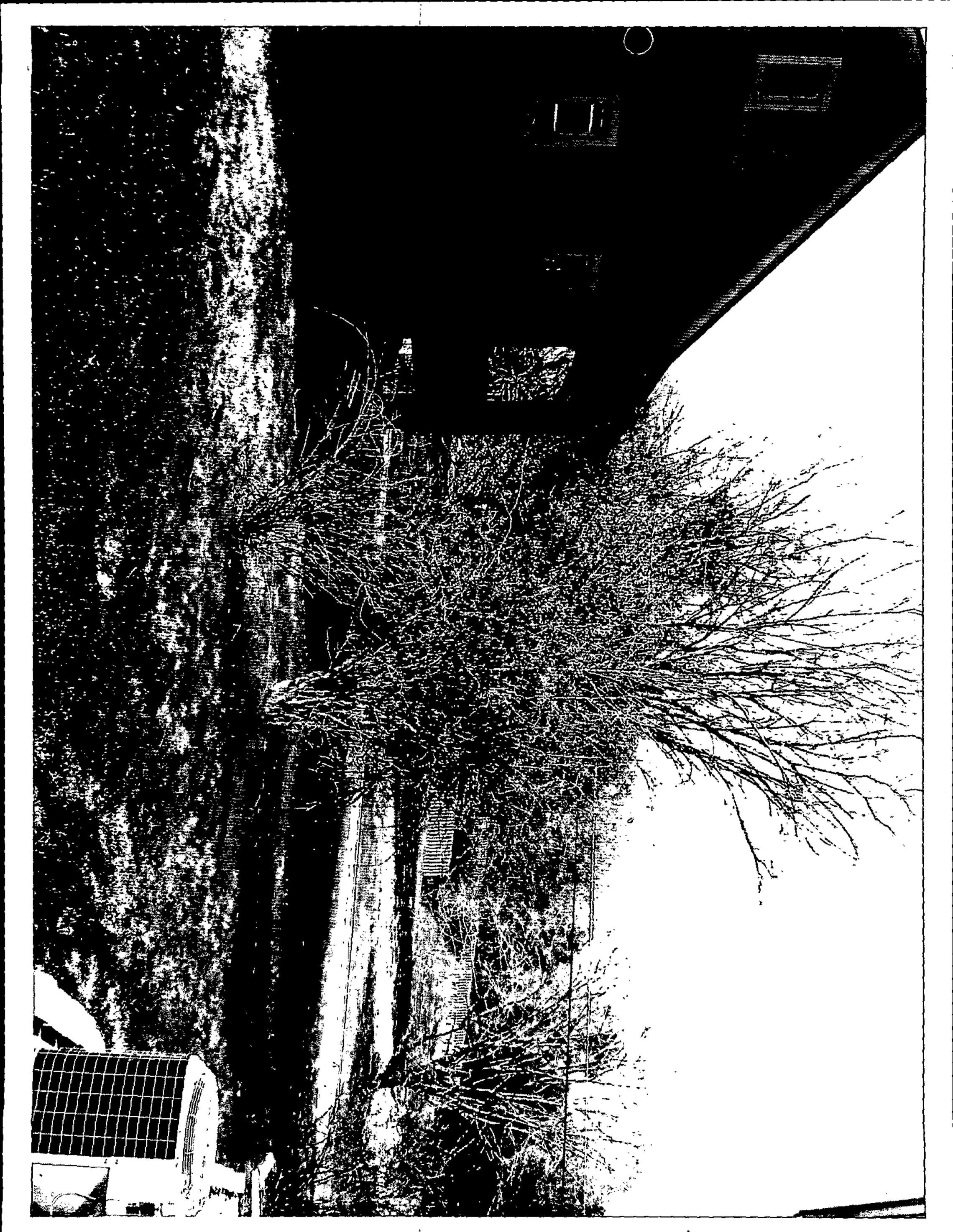
## Exhibit Sheet

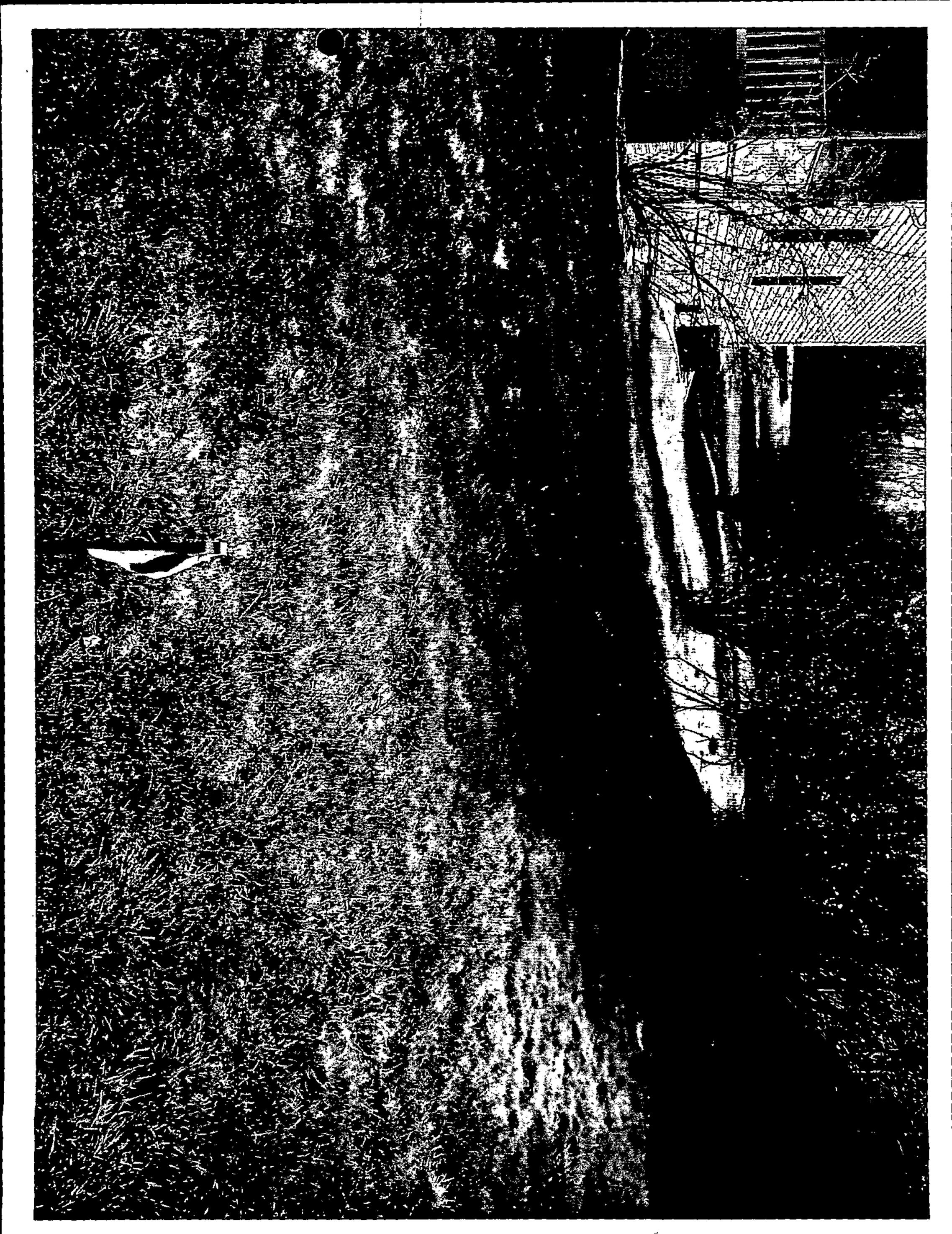
## Petitioner/Developer

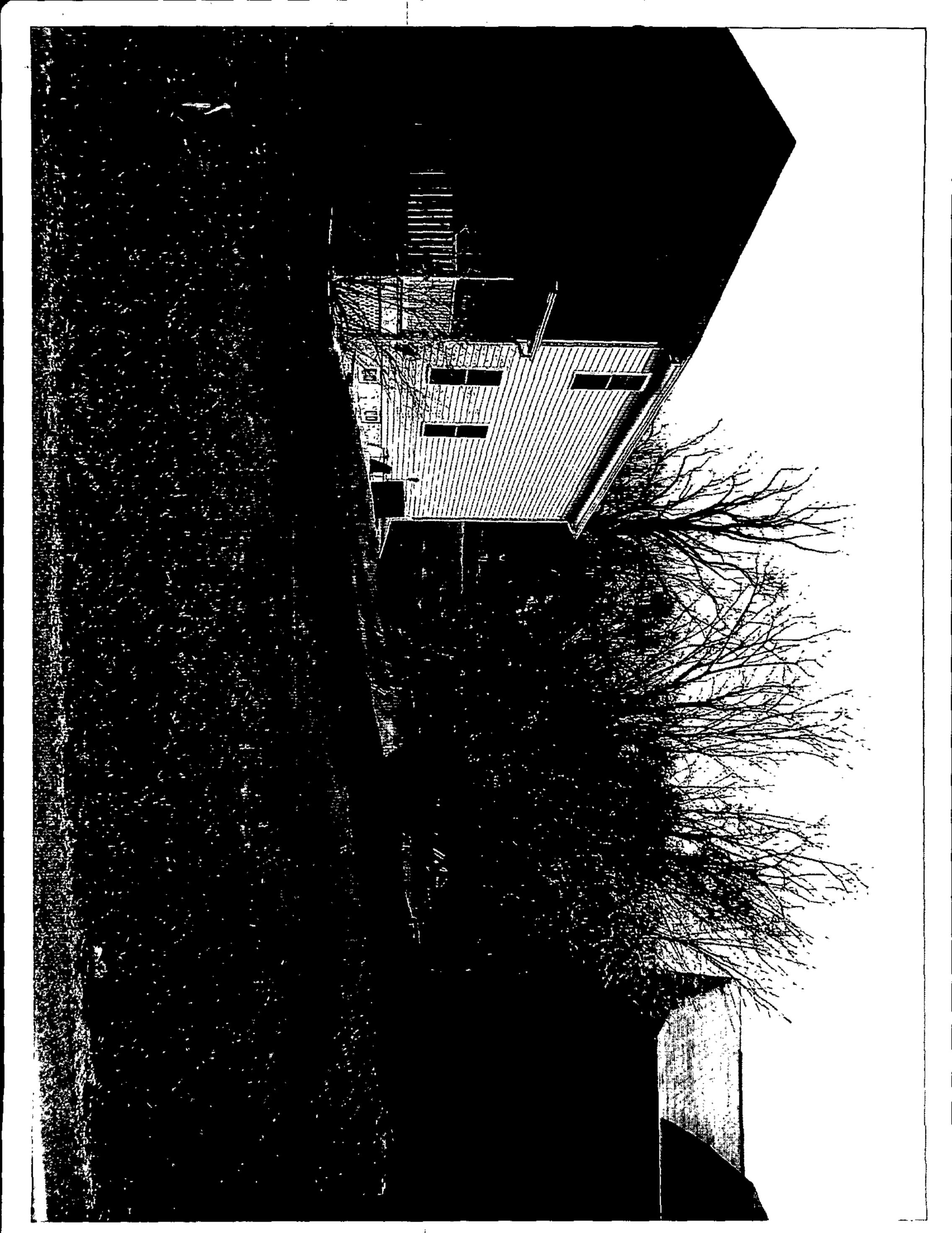
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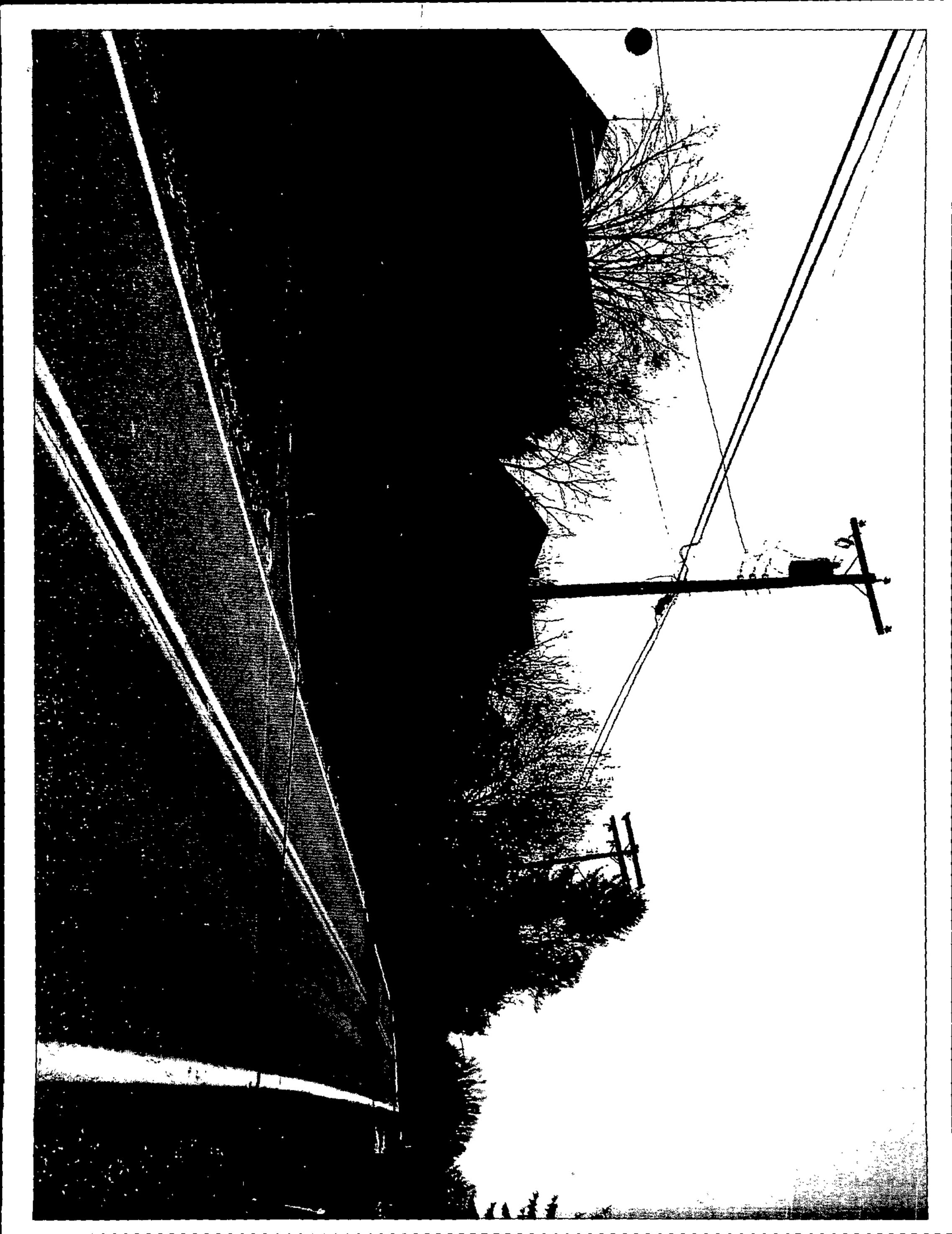
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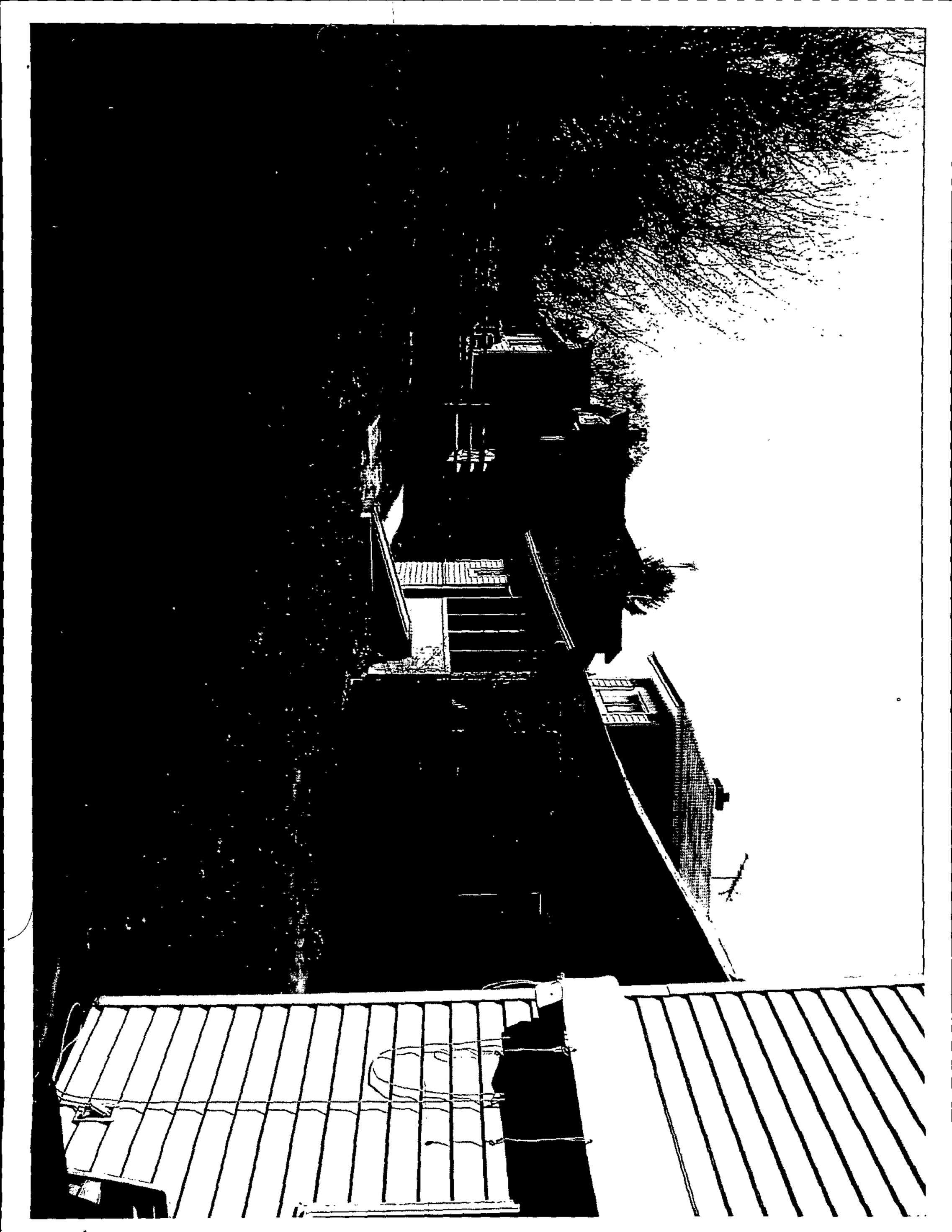












Click here for a plain text ADA compliant screen.



Go Back View Map New Search Ground Rent

**Account Identifier:** 

District - 04 Account Number - 0408065025

Owner Information

Owner Name:

Mailing Address:

12213 PARK HEIGHTS AVENUE LLC

**OWINGS MILLS MD 21117-1024** 

Use: Principal Residence: RESIDENTIAL

C/O MARY JANE SNYDER

12613 WATERSPOUT RD

Deed Reference:

41 /22267/ 609

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1) /23267/ 688

2)

NO

Location & Structure Information

**Premises Address** 

12213 PARK HEIGHTS AVE

Legal Description

1 AC NES

12213 PARK HEIGHTS AVE

**ADJ TILLMAN** 

Map Grid Parcel Sub District Subdivision Section Block Lot Assessment Area Plat No:
49 18 269 Town

Special Tax Areas Ad Valorem
Tax Class

Primary Structure BuiltEnclosed Area<br/>911 SFProperty Land Area<br/>1.00 ACCounty Use<br/>04StoriesBasementTypeExterior1YESSTANDARD UNITSIDING

**Value Information** 

**Phase-in Assessments** Value **Base** As Of As Of As Of Value 07/01/2007 01/01/2007 07/01/2006 120,000 90,000 Land: 184,020 74,140 Improvements: 210,766 164,140 304,020 164,140 Total: **Preferential Land:** 0

**Transfer Information** 

\$0 Price: 01/23/2006 Date: Seller: SNYDER SAMUEL Deed2: Deed1: /23267/ 688 NOT ARMS-LENGTH Type: \$166,600 Price: 11/14/2002 Date: BARNES JANE H Seller: Deed2: **Deed1:** /17091/ 97 IMPROVED ARMS-LENGTH Type: \$0 Price: 12/04/1989 Date: HOWARD WILLIAM R Seller: **Deed1:** / 8340/ 638 Deed 2: NOT ARMS-LENGTH Type:

Exemption Information

 Partial Exempt Assessments
 Class
 07/01/2006
 07/01/2007

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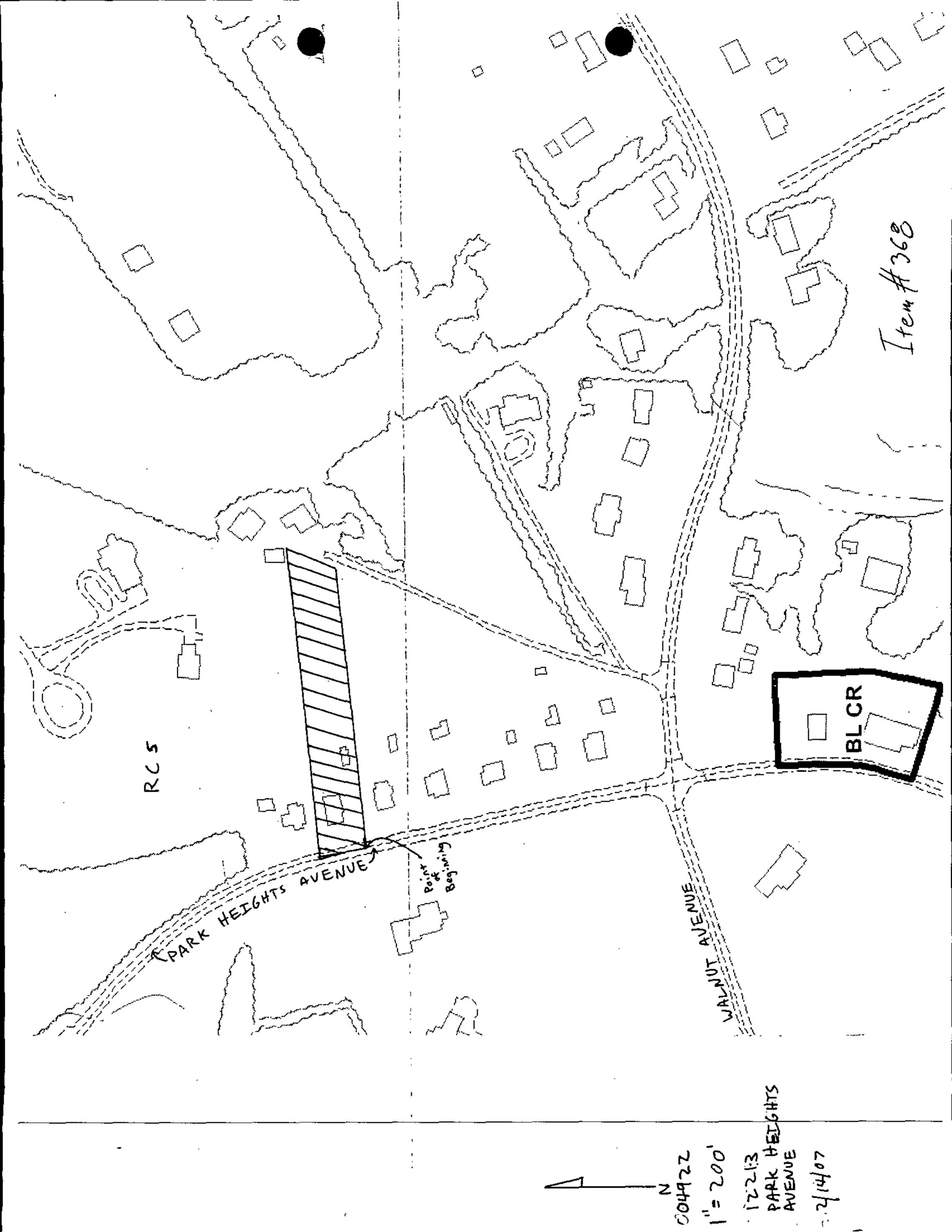
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Tax Exempt: Exempt Class: NO

Special Tax Recapture:

\* NONE \*



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