RE: PETITION FOR VARIANCE

907 Ellendale Drive; NW/S Ellendale Drive,

2960' N of c/line Providence Road

9<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): Carmela D. Brooks

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

FOR

BALTIMORE COUNTY

07-370-A

### **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 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 Gerhold, Cross & Etzel, Ltd, 320 E. Towsontown Blvd, Suite 100, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

FEB 2 7 2007

Per.....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Bruce and Tania Engle 3 Glen Ellen Court Towson MD 21286

W. Thomas Engle 10048 Whitworth Way Ellicott City MD 21042

Samuel Sherman 905 Ellendale Drive Towson MD 21286 Anne H. Engle 909 Ellendale Drive Towson MD 21286

Robert Sherman 13 East Main Blvd Timonium MD 21093 Walter Savoye Jr.
901 Dogwood Hill Court
Towson MD 21286

Jeff Shearman 908 Charisma Court Forest Hill MD 21050

J. NEIL LANZI, ESQUIRE MERCANTILE BUILDING, SUITE 617 409 WASHINGTON AVENUE TOWSON, MD 21204



### Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 907 ELLEN 14LE BRIVE
which is presently zoned D.R.-2

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

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 Variance from Section(s)

SEE ATTACHED

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

SEE ATTACHED

Property is 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.

		-	perjury, th is the subj	at I/we are the legal ect of this Petition.	lowner(s) of the	property which
Contract Purchaser/l	<u>essee:</u>		<u>Legal O</u>	wner(s):		· •
Name - Type or Print		<del></del>	Name - Typ	e or Print	BROOKS	<del></del>
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Attorney For Petition	<u>er:</u>		907	FUENDAL	E DRIVE	410-583
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Jase No. 07-3	70-À	· •·· •	ESTIMAT	TED LENGTH O	F HEARING _	
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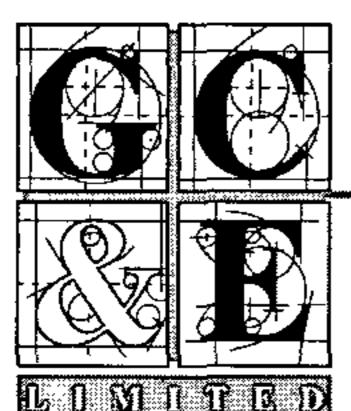
### 907 ELLENDALE DRIVE

### VARIANCE REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:

SECTION 1B02.3.C.1. AND 301.1.A.

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH OPEN PROJECTIOND (DECKS) TO HAVE A SIDE YARD OF 7.5', A SUM OF SIDE YARDS OF 20' AND A LOT WIDTH AT THE FRONT BUILDING LINE OF 88' IN LIEU OF THE REQUIRED 11.25', 30', AND 100' RESPECTIVELY.



### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

**January 17, 2007** 

### ZONING DESCRIPTION Brooks Property Proposed Lot 1 907 Ellendale Drive Baltimore County, Maryland

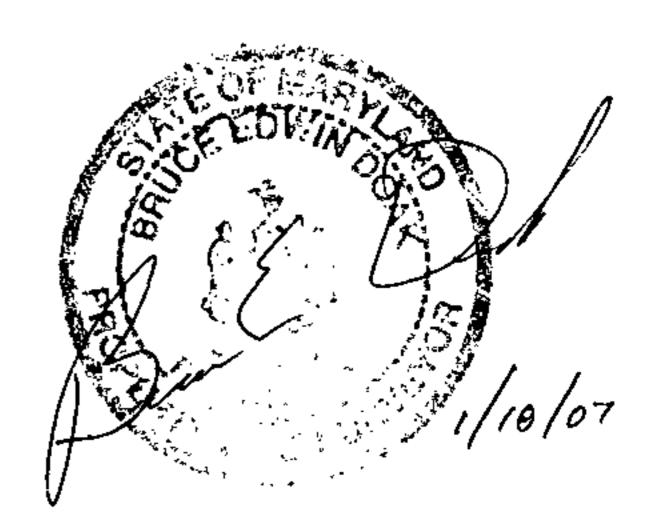
All that piece or parcel of land situate, lying and being in the Ninth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on the northwest side of Providence Road and the west side of Ellendale Drive, running northerly along the west side of Ellendale Drive fallowing the road for 2960' to the southwesterly corner of the existing property line and 54' along the existing property line(North 89 degrees 59 minutes East), and running thence,

- 1) North 05 degrees 49 minutes 59 seconds East 26.67 feet,
- 2) North 77 degrees 44 minutes 04 seconds East 11.52 feet,
- 3) North 88 degrees 02 minutes 05 seconds East 57.71 feet,
- 4) North 63 degrees 25 minutes 35 seconds East 8.13 feet,
- 5) North 20 degrees 39 minutes 52 seconds East 6.39 feet,
- 6) North 00 degrees 41 minutes 07 seconds East 91.20 feet,
- 7) North 33 degrees 37 minutes 24 seconds West 49.24 feet,
- 8) North 10 degrees 26 minutes 33 seconds East 46.12 feet,
- 9) North 01 degrees 02 minutes 12 seconds East 20.79 feet,
- 10) North 19 degrees 58 minutes 04 seconds West 47.11 feet,
- 11) North 78 degrees 04 minutes 34 seconds West 27.37 feet,
- 12) South 33 degrees 02 minutes 49 seconds West 42.88 feet,
- 13) North 60 degrees 55 minutes 12 seconds West 45.86 feet,
- 14) South 21 degrees 16 minutes 56 seconds West 20.00 feet,
- 15) South 60 degrees 32 minutes 05 seconds East 33.09 feet,
- 16) South 12 degrees 14 minutes 57 seconds West 34.62 feet,
- 17) South 05 degrees 16 minutes 34 seconds East 33.30 feet,
- 18) South 18 degrees 01 minutes 22 seconds West 10.83 feet,
- 19) South 33 degrees 50 minutes 44 seconds East 19.26 feet,
- 20) South 04 degrees 36 minutes 21 seconds East 45.02 feet,
- 21) South 00 degrees 35 minutes 38 seconds West 50.15 feet,
- 22) South 05 degrees 38 minutes 30 seconds West 52.24 feet,
- 23) North 89 degrees 59 minutes 00 seconds East 20.00 feet to the point of beginning.

Containing 23170 sq. ft. or 0.53 Acres of land, more or less.

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



## NOTICE OF ZONING HEARING

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

Cass: #07-370-A

907 Ellendate Drive

807 Ellendate Drive

807 Ellendate Drive

807 Ellendate Drive

808 Filendate Drive, 2690 feet north of the centerline of Providence Raod

9th Election District - 3rd Councilmanic District

Legal Owner(s): Carmela D. Brooks

Vertance: to permit an existing single family dwelling with an open projection (decks) to have a side yard of 7.5 feet; a sum of side yards of 20 feet and a lot width at the front building line of 88 feet in lieu of the required 11.25 feet; a sum of side yards of 20 feet and a lot width at the front building line of 88 feet in lieu of the required 11.25 feet, 30 feet and 100 feet respectively.

Wi[LIAM J. WISEMAN, III]

Zonling Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3368.

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

# TE OF PUBLICATI

L, 2007

KTIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., 8 THIS IS TO CE each of once in

₩ The Jeffersonian

🖵 Arbutus Times

Catonsville Times

Towson Times

Owings Mills Times

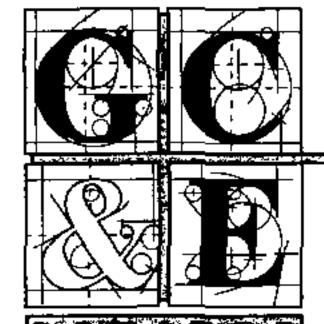
NE Booster/Reporter

County News North

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LEGAL ADVERTISING

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### Gerhold, Cross & Etzel, Ltd.

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

CHEMINE TREE

### **CERTIFICATE OF POSTING**

RE: CASE# 07-370-A
PETITIONER/DEVELOPER:
Carmela D. Brooks
DATE OF HEARING: May 16, 2007

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

**ATTENTION: KRISTEN MATTHEWS** 

**LADIES AND GENTLEMEN:** 

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:

907 Ellendale Drive

SIGNATURE OF SIGN POSTER

John J. Dill

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

POSTED ON: April 23, 2007

## ZONING NOTICE

CASE #:07-370-A

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

Room 407 County Courts Building PLACE: 401 Bosley Avenue, Towson, MD

9:00 Am Wednesday, May 16, 2007

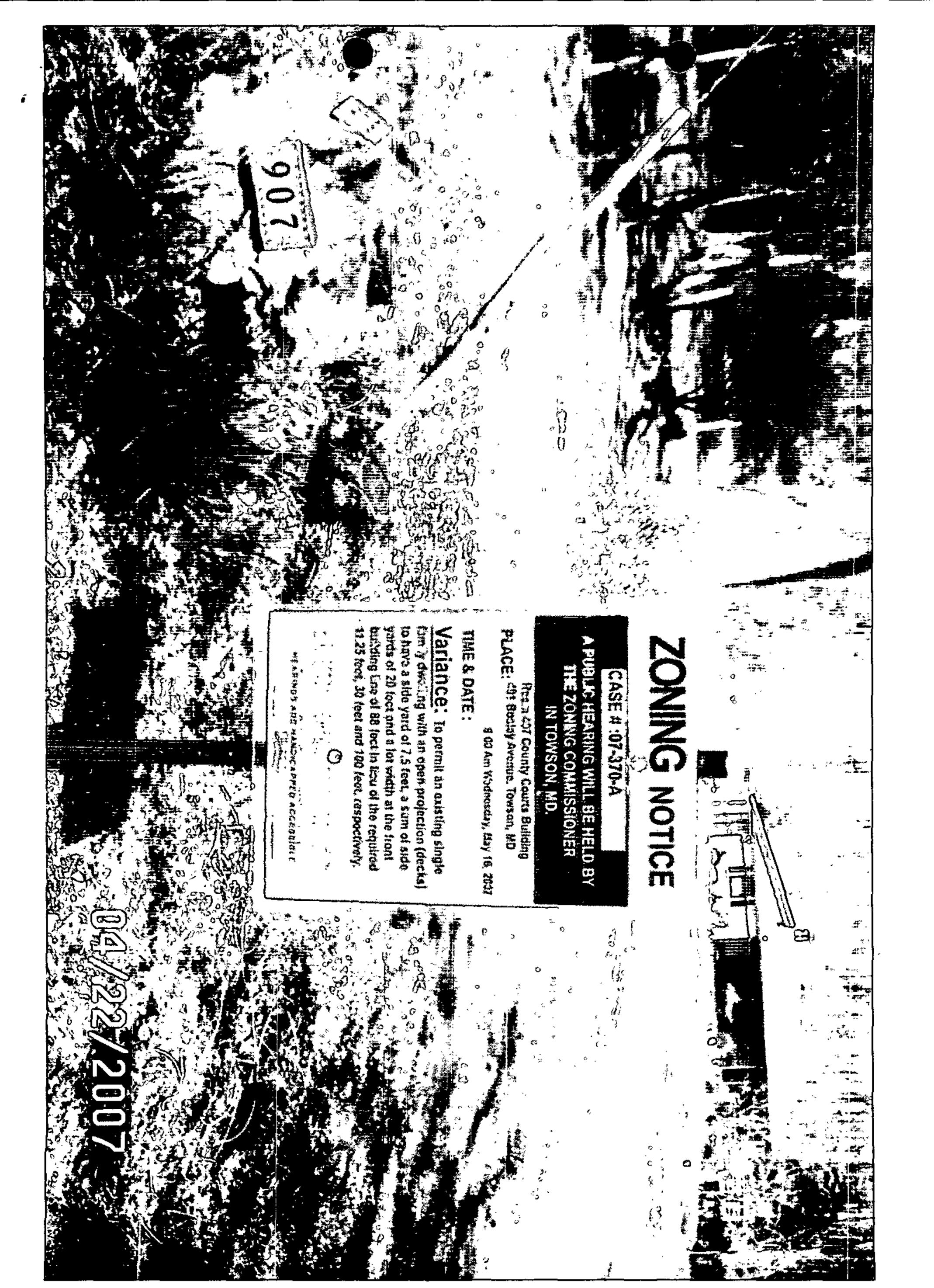
TIME & DATE:

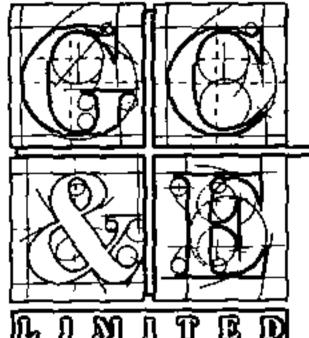
Variance: To permit an existing single family dwelling with an open projection (decks) to have a side yard of 7.5 feet, a sum of side yards of 20 feet and a lot width at the front building line of 88 feet in lieu of the required 11.25 feet, 30 feet and 100 feet, respectively.

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

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW HEARING ACCESSIBLE

C Come Com a Cong kirt





### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

### **CERTIFICATE OF POSTING**

RE: CASE#07-370 A
PETITIONER/DEVELOPER:
Carmela D. Brooks

DATE OF HEARING: April 09, 2007

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

**ATTENTION: KRISTEN MATTHEWS** 

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

2007

19

: March

NO

POSTED

LOCATION:

907 Ellendale Drive

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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



### 

ACE: 401 Bostoy Avenue, Towson, MD

9:00 Am Monday, April 9, 2007





JAMES T. SMITH, JR. County Executive

March 6, 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: 07-370-A

907 Ellendale Drive

N/west side of Ellendale Drive, 2690 feet north of the centerline of Providence Road

9<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Carmela D. Brooks

<u>Variance</u> to permit an existing single family dwelling with an open projection (decks) to have a side yard of 7.5 feet, a sum of side yards of 20 feet and a lot width at the front building line of 88 feet in lieu of the required 11.25 feet, 30 feet and 100 feet respectively.

Hearing: Monday, April 9, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Carmela Brooks, 907 Ellendale Drive, Towson 21286 Gerhold, Cross, Etzel, 320 E. Towsontown Blvd., #100, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 24, 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, March 22, 2007 Issue - Jeffersonian

Please forward billing to:

Carmela Brooks 907 Ellendale Drive Baltimore, MD 21286

410-583-2323

### **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: 07-370-A

907 Ellendale Drive

N/west side of Ellendale Drive, 2690 feet north of the centerline of Providence Road 9<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Carmela D. Brooks

<u>Variance</u> to permit an existing single family dwelling with an open projection (decks) to have a side yard of 7.5 feet, a sum of side yards of 20 feet and a lot width at the front building line of 88 feet in lieu of the required 11.25 feet, 30 feet and 100 feet respectively.

Hearing: Monday, April 9, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



JAMES T. SMITH, JR. County Executive

March 6, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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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: 07-370-A

907 Ellendale Drive

N/west side of Ellendale Drive, 2690 feet north of the centerline of Providence Road

9<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Carmela D. Brooks

<u>Variance</u> to permit an existing single family dwelling with an open projection (decks) to have a side yard of 7.5 feet, a sum of side yards of 20 feet and a lot width at the front building line of 88 feet in lieu of the required 11.25 feet, 30 feet and 100 feet respectively.

Hearing: Monday, April 9, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

401 bosies Avende, Towson 2121

Timothy Kotroco

Director

TK:klm

C: Carmela Brooks, 907 Ellendale Drive, Towson 21286 Gerhold, Cross, Etzel, 320 E. Towsontown Blvd., #100, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 24, 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.

### 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: 07-270-A
Petitioner: CARMELA BROOKS
Address or Location: 907 ELLELIDALE DR
PLEASE FORWARD ADVERTISING BILL TO:
Name: CARMELA D. BROOKS
Address: 907 ELLENDALE DRIVE
BAZTIMOREG MD 21286-1511
Telephone Number: 410 -583-2323

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

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

April 4, 2007

Carmela D. Brooks 907 Ellendale Drive Towson, MD 21286-1511

Dear Ms. Brooks:

RE: Case Number: 07-370-A, 907 Ellendale Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 20, 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,

U. Callibal) W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

People's Counsel C: Gerhold, Cross & Etzel, Ltd. 320 E. Towsontowne Blvd., Suite 100 Towson 21286

### 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

370

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



wld wla

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** April 11, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

907 Ellendale Drive

INFORMATION:

Item Number:

7-370

Petitioner:

Carmela D. Brooks

Zoning:

DR 2

Requested Action:

Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. After review, this office is recommending the petitioner's request be <u>denied</u>.

As stated in the comments that were given in response to the petitioner's minor subdivision proposal, the Office of Planning has the following concerns with the proposed subdivision of the Brooks Property at 907 Ellendale Drive:

Minor Subdivisions involving panhandle lots are not a matter of right and may be permitted only in the following situations: 1) to achieve better use of an irregularly shaped parcel or 2) to avoid development in environmentally sensitive areas, and 3) to provide access to interior lots where a public road is not desirable. The Comprehensive Manual of Development Policies (CMDP), adopted in 1992 with amendments in 2002, further clarifies that panhandle lots should only be considered "where they enhance project design and the topography of the site, minimize site disturbance or retain existing grades to the extent possible, Further, the proposed lot(s) will not be a negative impact on adjacent properties or the pattern of existing lots and houses in a neighborhood.

- 1) The proposal creates a panhandle situation: a lot behind a lot, regardless of the frontage.
- 2) The proposal does not meet the panhandle criteria. The existing lot is not irregular.
- 3) The proposed lot configuration does not better protect environmental resources and would set a negative precedent and creates a disruptive pattern in the neighborhood.
- 4) There are no panhandles in the neighborhood.

Bus

07-370

From:

"brucentania@hotmail.com brucentania@hotmail.com" <brucentania@hotmail.com>

To:

<wwiseman@co.ba.md.us>

Date:

04/24/07 4:34:38 PM

Subject:

907 Ellendale

4/24/07

Re: 907 Ellendale

Dear Commissioner Wiseman,

As new homeowners to the Glen Ellen Neighborhood, we are opposed to the proposed plan for 907 Ellendale Drive and we agree with the County's statement. We are familiar with the restrictions for the properties in the area. The restrictions on the neighborhood is a reason that attracted us to buy our home on Glen Ellen Court.

The plan for 907 Ellendale circumvents the restrictions in a way that does not protect the reservoir watershed area. Furthermore, this could set precedence for other neighbors to do the same with their properties which would jeopardize the protection of the watershed area.

In addition, splitting 907 Ellendale creates two awkward lots that are less desirable to a future owner and will decrease the value of the surrounding homes.

Thank you for your attention to this matter.

Sincerely,

Bruce and Tania Engle 3 Glen Ellen Court Towson, MD 21286 410-339-7464

Mortgage refinance is Hot. \*Terms. Get a 5.375%\* fix rate. Check savings https://www2.nextag.com/goto.jsp?product=100000035&url=%2fst.jsp&tm=y&search=mortgage\_text\_links\_88\_h2bbb&disc=y&vers=925&s=4056&p=5117

### 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

From:

Patricia Zook

To:

Matthews, Kristen

Date:

05/03/07 11:32:32 AM

Subject:

Case No. 07-370-A (hearing was scheduled for May 16)

Hi Kristen -

FYI

Neil Lanzi, Esquire, indicates that his client has decided to withdraw her petition for variance. Please see the attached confirmation letter. The file will be returned to PDM.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

CC:

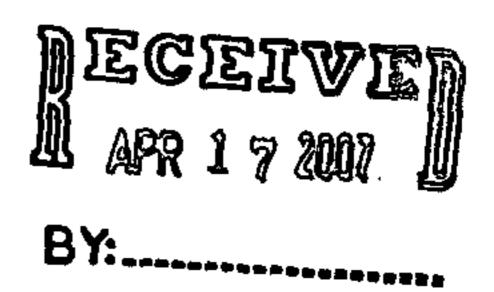
Wiley, Debra

BU) BU)

### BALTIMORE COUNTY, MARYLAND

### Inter-Office Correspondence





in
•

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination JWL

DATE:

April 17, 2007

SUBJECT:

Zoning Item # 07-370-A

Address

907 Ellendale Drive (Brooks 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:

Note that 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).

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

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

### Additional Comments:

The plans submitted for review are inaccurate. Revised plans must be submitted and reviewed. Additional soil evaluations are required. The property is within 2500 feet of the reservoir and must meet COMAR regulations. – S. Farinetti; Ground Water Management (410) 887-2762

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Kevin Koepenick

**DATE:** January 30, 2007

FROM: Lynn Lanham

PROJECT NAME:

Brooks Property, Perc Plan

907 Ellendale Drive

The Office of Planning has the following concerns with the proposed subdivision of the Brooks Property at 907 Ellendale Drive:

Minor Subdivisions involving panhandle lots are not a matter of right and may be permitted only in the following situations: 1) to achieve better use of an irregularly shaped parcel or 2) to avoid development in environmentally sensitive areas, and 3) to provide access to interior lots where a public road is not desirable. The Comprehensive Manual of Development Policies (CMDP), adopted in 1992 with amendments in 2002, further clarifies that panhandle lots should only be considered "where they enhance project design and the topography of the site, minimize site disturbance or retain existing grades to the extent possible, Further, the proposed lot(s) will not be a negative impact on adjacent properties or the pattern of existing lots and houses in a neighborhood.

- 1) The proposal creates a panhandle situation: a lot behind a lot, regardless of the frontage.
- 2) The proposal does not meet the panhandle criteria. The existing lot is not irregular.
- 3) The proposed lot configuration does not better protect environmental resources and would set a negative precedent and creates a disruptive pattern in the neighborhood.
- 4) There are no panhandles in the neighborhood.
- 5) The two acre requirement for lots in proximity to the reservoir for the proposed lot necessitates a convoluted configuration of the lot lines around the existing house at 907 Ellendale Drive. These lot lines would be difficult to define and maintain. In addition, the lines as drawn appear to create the need for variances for rear yard and deck projections.

To conclude, the Office of Planning will oppose this proposal if it moves forward.

Division Chief:

C: Jeff Mayhew
William Hughey

Pat Keller

April 8, 2007

Mr. William J. Wiseman III, Zoning Commisioner Baltimore County Office of Zoning

Dear Commisioner Wiseman:

My name is Anne Engle, owner of lot #56 immediately west of the subject Brooks property where I have lived since 1950. My husband and I were owners and developers of all the property on Ellendale and Dunellen Drives, also known as the neighborhood of Glen Ellen.

I could have selected any lot I wished, but chose this one because of its shape, beauty and privacy afforded by the fact that the back lot line was the magnificent woods of the Loch Raven watershed. These qualities are shared by Mr. Hartley Shearman's lot and others and until this proposal by the Brooks property also.

I must oppose my neighbor's request for a variance on the grounds that it would have a negative effect on adjacent properties.

I agree wholeheartedly with all the points made by the Baltimore County Office of Planning in opposition to the Brooks proposal (attached).

I would like to stress 2 points for you to consider:

- (1) Lots in this particular neighborhood were sold to people (like Mr. Shearman) with a set of restrictions, one of which was "only one house to a lot." Is this agreement to be broken?
- (2) If Baltimore County is serious about the two-acre requirement for lots in proximity to the reservoir, the Brooks proposal presents two crazy-quilt "lots" designed specifically to undermine that environmental concept.

This Glen Ellen neighborhood has a rural beauty and village quality that greatly impresses visitors. On our two streets, neighbors go walking, push baby strollers, walk their dogs and children play safely. This is due, in no small measure, to the fact that my husband thought it a good thing not to construct a cookie-cutter, congested type of community, but instead one of spacious lots where individuals could design individual homes (subject to certain restrictions).

I would ask, Mr. Commissioner, that Baltimore County Zoning be attentive to the forces that lead to the deterioration of neighborhoods. As caring citizens we look to our County government for justice and fair play. I urge an unfavorable finding on this proposal.

Sincerely,

Anne H. Engle

909 Ellendale Drive

anne W. Engle

Towson MD 21286

5) The two-acre requirement for lots in proximity to the reservoir for the proposed lot necessitates a convoluted configuration of the lot lines around the existing house at 907 Ellendale Drive. These lot lines would be difficult to define and maintain.

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

Reviewed by:

Division Chief: AFK/LL: CM





### Patricia Zook - 07-370-A - Planning comments needed - hearing is Mon April 9

From:

Patricia Zook

To:

Murray, Curtis

Date:

4/5/2007 10:12:30 AM

Subject: 07-370-A - Planning comments needed - hearing is Mon April 9

Hello Curtis -

We need comments from the Office of Planning for case no. 07-370-A which is scheduled for a hearing on Monday, April 9, 2007 at 9:00 am in room 407. Please deliver the comments to Bill Wiseman.

Thanks for your help.

Patti Zook **Baltimore County** Office of the Zoning Commissioner 410-887-3868 pzook@baltimorecountymd.gov



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

Maryland Department of Transportation

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

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. 7-370-A

907 ELLENDALEDRIVE

BROOKSPROPERTY

VARIANCE

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,

Engineering Access Permits

Division

SDF/MB



JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

May 2, 2007

J. NEIL LANZI, ESQUIRE MERCANTILE BUILDING, SUITE 617 409 WASHINGTON AVENUE TOWSON, MD 21204

RE: Petition for Variance

(907 Ellendale Drive)

Legal Owner: Carmela Brooks

Case No. 07-370-A

Dear Mr. Lanzi:

This is to confirm that your client, Carmela Brooks, decided to withdraw the above referenced petition. Therefore, the hearing scheduled for May 16, 2007 at 9:00 a.m. will not be held.

A copy of this confirmation letter is being sent to the parties of record.

Very truly yours,

Patricia Zook

Legal Secretary

c: Bruce and Tania Engle, 3 Glen Ellen Court, Towson MD 21286 Anne H. Engle, 909 Ellendale Drive, Towson MD 21286 Walter Savoye Jr., 901 Dogwood Hill Court, Towson MD 21286 W. Thomas Engle, 10048 Whitworth Way, Ellicott City MD 21042 Robert Sherman, 13 East Main Blvd., Timonium MD 21093 Jeff Shearman, 908 Charisma Court, Forest Hill MD 21050 Samuel Sherman, 905 Ellendale Drive, Towson MD 21286

4/24/07

Re: 907 Ellendale

Dear Commissioner Wiseman,

As new homeowners to the Glen Ellen Neighborhood, we are opposed to the proposed plan for 907 Ellendale Drive and we agree with the County's statement. We are familiar with the restrictions for the properties in the area. The restrictions on the neighborhood are a reason that attracted us to buy our home on Glen Ellen Court.

The plan for 907 Ellendale circumvents the restrictions in a way that does not protect the reservoir watershed area. Furthermore, this could set precedence for other neighbors to do the same with their properties which would jeopardize the protection of the watershed area.

In addition, splitting 907 Ellendale creates two awkward lots that are less desirable to a future owner and will decrease the value of the surrounding homes.

Thank you for your attention to this matter.

Sincerely, Bruce angle Jania Engle

Bruce and Tania Engle

3 Glen Ellen Court

Towson, MD 21286

410-339-7464

### J. NEIL LANZI, P.A.

ATTORNEY AT LAW MERCANTILE BUILDING, SUITE 617 **409 WASHINGTON AVENUE** TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

Suite 420, Parkside Bldg 10500 Little Patuxent Parkway Columbia, Maryland 21044-3563

Reply to Towson

**COLUMBIA** 

\*Also Admitted in District of Columbia

J. Neil Lanzi

OF COUNSEL

Fred L. Coover\*

E-Mail: lanzilaw@cs.com

May 1, 2007

William J. Wiseman, III, Zoning Commissioner Baltimore County Courts Building Suite 405 401 Bosley Avenue Towson, Maryland 21204

Re:

907 Ellendale Drive

Case No. 07-370-A

Dear Mr. Wiseman:

As you will recall, the hearing before you for the above referenced case was abbreviated on April 9, 2007 and rescheduled to May 16, 2007 at 9:00 a.m. My clients, the Petitioners in this case, have decided to withdraw the Petition for Variance for the subject property. The sign will be removed from the property and I would respectfully request that your office notify the citizens/protestants in this case.

Should you require my office to take any further action regarding the cancellation of this hearing, please do not hesitate to contact me.

Very truly yours,

J. Neil Lanzi

cc: Ms. Carmela Brooks Bruce Doak People's Counsel Peter Max Zimmerman, Esquire

## PLEASE PRINT CLEARLY

NAME	NUMBER	
CASE 1	CASE 1	DATE

## CITIZEN'S SIGN-IN SHEET

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CITY, STATE, ZIP	Tow san, mb 2/286	TOWSON MD 21286	ELLICOTT CITY MD 21042	Timeroum mb. 21093	Forest 1411, mel 21050	Toward Md, 21286								
ADDRESS	901 DOGWOOD HELL CF	17)		Ē	908 Charisma CT	,								
NAME	DALTED T. SAVOVE. IR	NE H.	24 M	Leper SH	us 7 I	K.A.								

## PLEASE PRINT CLEARLY

CASE NAME (CA-370 A)
CASE NUMBER CAMPLES Brooks
DATE 4/9/07

# PETITIONER'S SIGN-IN SHEET

E- MAIL												
CITY, STATE, ZIP	10 wson 110 21286	Towson me sizer	2001 Commental	an - 1111111111								
ADDRESS	320 E. Townson Town Sevo.	409 Washington au # 617	d'all	10100000000000000000000000000000000000								
	Gours & Errer	7 60	Mondia Mondi	answer 1								

