IN RE:	PETITION FOR SPECIAL HEARING E/S Benson Lane, 2,300' SW of	*	BEFORE THE
	Cockey's Mill Road	*	ZONING COMMISSIONER
	(55 Benson Lane)	*	OF
	4 <sup>th</sup> Election District 4 <sup>th</sup> Council District	*	BALTIMORE COUNTY
	Michael A. Shuchart, et ux Petitioners	*	Case No. 07-394-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 captioned property, Holly A. Shuchart, and her husband, Michael A. Shuchart. The Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for approval of a portion of a Conservancy Area Easement as little as 12 feet and 25 feet in width which is less than the required 100 foot width. The subject property and requested relief are more particularly described on the amended site plan, dated May 7, 2007, which was submitted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Michael and Holly Shuchart, property owners, and Albert (Roy) L. Snyder with A.L. Snyder Surveyor, Inc., the consultant who prepared the site plan(s) for this property. Wally Lippincott, Jr., from the Department of Environmental Protection and Resource Management (DEPRM) and Curtis Murray

Date S-15-OKFILING

<sup>&</sup>lt;sup>1</sup> As filed, the original Petition and site plan set forth requested further approvals for the allowance of a portion of the proposed right-of-way for Benson Lane to be removed from the total area of the Shuchart Property for gross area in calculating the conservancy area since the entire right-of-way would be taken from the Shuchart Property, and to allow the conservancy area to be split, i.e., include Lot 1 as part of the conservancy area easement. In response to comments from the Department of Environmental Protection and Resource Management (DEPRM), the site plan was modified and the Petition amended at the onset of the hearing abandoning requests of gross area calculations and a split of a conservancy easement.

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from the Office of Planning appeared on behalf of their respective directors, reviewed the amended plan and provided agency recommendations concerning the conservancy area requirements. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed the subject property under consideration is an irregularly shaped parcel located on the southern terminus of Benson Lane just south and west of Cockey's Mill Road in Reisterstown. Mr. and Mrs. Shuchart have owned and resided on the property for over seven years. The property contains a gross area of approximately 18.4 acres, more or less, zoned R.C.4, and is improved with a single-family dwelling in which they reside. They propose a minor residential subdivision of three lots. As shown on Petitioners' Exhibit 1, Lot 1 will be 2.82 acres in size and located on the southeastern side of Benson Lane and will retain the existing family home. Proposed Lots 2 and 3 will be accessed via a panhandle driveway and are on the northwestern side of Benson Lane. Lot 2, as reconfigured consists of 1.10 acres and Lot 3, containing the conservancy area, will be 12.973 acres in area.

The R.C.4 zoning of the property reinforces the fact that the site contains environmental constraints. The property is primarily wooded and contains steep slopes. The R.C.4 zoning classification is a "resource conservation" zone and is designed primarily to protect the water resources that serve the Baltimore Metropolitan Area. The regulations contained within the B.C.Z.R. for the R.C.4 zone require any development to respect these environmental resources. In this regard, the regulations require that an R.C.4 development set aside a minimum conservancy area which must equal at least 70% of the property's acreage. The conservancy area may contain one single-family dwelling (i.e., the Conservancy Lot), but cannot otherwise be disturbed.

In compliance with the R.C.4 zoning regulations, the Shuchart's have revised their subdivision plan arranging for Lot 3 to be preserved and designated as the conservancy lot. It is to be

noted that the proposed dwelling is served by a shared driveway that enters the southern portion of the property from Benson Lane and follows the northeastern boundary line in consideration of the environmental resources. The details of the conservancy lot are more particularly shown on the plan; however, it is to be noted that the conservancy area will encompass approximately 12.9 acres of the overall 18.4 acre tract. The proposed development of the subject property will primarily occur on the northeastern portion of the tract. Mr. Snyder testified that the conservancy area (70% of the tract acreage) was legally sufficient and met the applicable R.C.4 regulations set forth in Sections 1A03.5(A)(1) and C of the B.C.Z.R. Collectively, it is these sections that contain the requirements for the conservancy area. Section 1A03.5(A)(1) requires that the conservancy area contain that part of the tract that features environmental constraints, such as steep slopes, wetlands, forests, etc. The section also establishes regulations for the configuration of the conservancy area and the standards by which the Directors of the Office of Planning and DEPRM evaluate the proposed conservancy area. Section 1A03.5C establishes requirements for the ownership of the conservancy area.

Offered into evidence at the hearing of this case were the written comments from the two County agencies, which were substantially identical. The comment from the Office of Planning from Director Keller states that the conservancy area meets the requirements of Sections 1A03.5(A)(1) and 1A03.5(C)(1) of the B.C.Z.R. "subject to the determination by the Office of Law... as to legal form and sufficiency". The comment from Mr. Lippincott, on behalf of Director Carroll, offers the same conclusion. Moreover, representatives of these two County agencies were present at the hearing to address the unique situation with the configuration of the property that results in two discrete areas. In order to meet the 70% conservancy area, the options are to either split the conservancy area or to accept areas of less than 100 feet. It was the opinions of both Directors that a single conservancy area better protects the environmental resources of the site. The 25 foot area of

Date S-S-SHINE

conservancy area along Benson Lane is forested and is within a Forest Conservation Area. The Petitioners have reduced the size of Lot 2 to as close to the minimum lot size as necessary thus retaining the maximum amount of forest land in the conservancy area. Even with the addition of these two areas, it is necessary to add two additional strips of less than 100' in width. In this case, again both agencies recommended that they be approved because of the unique configuration of the site and the environmental preference of getting a single conservancy area as opposed to a second conservancy area on an area of minimal environmental value. The appellate courts have repeatedly endorsed the principle that the interpretation and application of a statute that the agency(s) administers should be given considerable weight. See People's Counsel of Baltimore County vs. Elm Street Development, Inc. 172 Md. App. 690 (2007) for a case dealing with the approval of a conservancy area in a new subdivision. The agencies having undertaken the required review and opined that the revised plan, in this instance, meets those requirements and based upon the testimony and evidence offered in this case, I concur.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 15th day of May, 2007, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for approval of a portion of a Conservancy Area Easement as little as 12 feet and 25 feet in width which is less than the required 100 foot width, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following condition:

1. <u>ADVISORY</u>: This Order approves the Conservancy Area but does not address the proposed subdivision. The Petitioners subdivision proposal to create the proposed Lots 2 and 3 must be submitted to the Development Review Committee for consideration and processing.

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

WJW:diw

WILLIAM J. WISEMIAN, III Zoning Commissioner for

Baltimore County

Date S-\S-\S-\T



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

May 15, 2007

Holly A. Shuchart
Michael A. Shuchart
55 Benson Lane
Reisterstown, Maryland 21136

RE: PETITION FOR SPECIAL HEARING

E/S Benson Lane, 2,300' SW of Cockey's Mill Road (55 Benson Lane)

4<sup>th</sup> Election District - 4<sup>th</sup> Council District Michael A. Shuchart, et ux – Petitioners

Case No. 07-394-SPH

Dear Mr. and Mrs. Shuchart:

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

VINCIAMI. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: Albert (Roy) L. Snyder, A.L. Snyder Surveyor, Inc., 1911 Hanover Pike
Hampstead, Md. 21074

People's Counsel; Development Review Committee, DPDM; OP; DEPRM; Case File



#### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 55 Benson Lane which is presently zoned RC-4

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 hereoff, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve 1.) a portion of the Conservancy Area Easement as little as 25 feet in width which is less than the required 100 feet width  $\sqrt{2}$ .) allow the proposed rightof-way for Benson Lane to be removed from the total area of the Shuchart Property for gross area in calculating the conservancy area since the entire right-of-way would be taken from the Shuchart Property, and 3.) to allow the conservancy area to be split, i.e. include Lot 1 as a part of the conservancy area easement.

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		
			perjury, the I/we are the leg is the subject of this Petition	- ·	broberty winen
Contract Purchaser/Lesse	<u>ee:</u>		Legal Owner(s):		
Name - Type or Print	<del></del>		Holly A. Shuchart Name - Type or Print	<del></del>	<del></del>
			Halles a. Aliuc	hart	
Signature			Signature	•	
Address	T	elephone No.	Michael A. Shuchart  Name Type or Print	anti	
City	State	Zip Code	Signature Signature		
Attorney For Petitioner:			55 Benson Lane Address		24-1967 eicphone No.
Name - Type or Print	- <del></del>	<del></del>	Reisterstown City	MD State	21136_ Zip Code
Signature			Representative to be Con	tacted: 410	-374-9695 24c Comm
Company		······································	A. L. Snyder, Surveyor, In Name	nc. FAY	24c Commo
* * * · · · · · · · · · · · · · · · · ·		<del></del> _	1911 Hanover Pike		)-239-7744
Address	Te	elephone No.	Address	Te	elephone No.
City	Ctota	7in Cuda	Hampstead,	<u>MD</u>	21074
City	State	Zip Code	City	State	Zip Code
				USE ONLY	
Case No. 07-394-5	Shil		ESTIMATED LENGTH		6
Case No. UI-SIT-	<u> 71</u>	oo ee in inicador	UNAVAILABLE FOR	HEARING	<u>∧•†</u>
したので	MECETYEU I	COM LITHARA	riewed By	Date _37	<u> </u>
Date	5-15-			r	

#### A. L. Snyder Surveyor, Inc.

### Surveyor, Inc. 1911 Hanover Pike Hampstead, Maryland 21074

(410) 239-7744

(410) 374-9695 phone/fax

Zoning Description for the Michael A. Shuchart Property

Lot 3 - Conservancy Area - Part #1

February 26, 2007

Beginning S 45° 52′ 50″ W 60.24 feet from the northwest side of Benson Lane and approximately 900 feet southwest of Cockey's Mill Road; thence,

- 1.) S 10° 13' 28" E 227.40 feet,
- 2.) S 13° 59′ 25″ E 302.43 feet,
- 3.) S 15° 35′ 42″ E 699.62 feet,
- 4.) S 15° 22′ 03″ E 130.96 feet,
- 5.) S 33° 40′ 14″ W 264.64 feet,
- 6.) S 79° 42′ 46″ W 35.97 feet,
- 7.) N 53° 27′ 46″ W 575.00 feet,
- 8.) S 36° 32′ 14″ W 310.00 feet,
- 9.) S 70° 39′ 41″ E 219.83 feet,
- 10.) N 36° 32′ 14″ E 225.00 feet,
- 11.) S 53° 27' 46" E 373.66 feet,
- 12.) N 79° 42′ 46″ E 42.91 feet,
- 13.) N 33° 40′ 14″ E 289.99 feet,
- 14.) N 86° 00' 20" E 15.97 feet,
- 15.) S 33° 40′ 14″ W 317.52 feet,
- 16.) S 73° 20′ 12″ W 613.10 feet,
- 17.) S 16° 39′ 48″ E 250.00 feet,

18.) S 73° 20' 12" W 237.31 feet,

The second second

19.) N 43° 19' 26" W 526.28 feet,

20.) N 29° 49′ 13″ E 774.20 feet,

21.) S 53° 27′ 46″ E 866.30 feet,

22.) N 33° 40′ 14″ E 245.62 feet,

23.) N 15° 49′ 06″ W 1213.13 feet,

24.) N 39° 08' 02" W 92.00 feet,

25.) N 45° 52′ 50″ E 116.36 feet to the point of beginning.

Containing 12.4738 acres of land.

Known as #55 Benson Lane, and designated as Lot 3, Conservancy Area Part 1, located in the Fourth Election District and Fourth Councilmanic District of Baltimore County, Maryland.

Being a part of the land conveyed to Michael A. Shuchart and Holly A. Shuchart, dated November 22, 1999 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 14188 folio 99 etc.



## 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: #07-394-SPH

55 Benson Lane
Eside of Benson Lane, 2300 feet southwest of Cockey's Mill Boad

4th Election District

4th Councilmanic District

Legal Owner(s): Holly A. & Michael A. Shuchart

Special Hearing: to approve a portion of the Conservancy Area Easement as little as 25 feet in width which is less than the required 100 feet width and to allow the proposed right-of-way for Benson Lane to be removed from the total area of the Shuchart Property and to allow the conservancy area since the entire right-of-way would be taken from the Shuchart Property and to allow the conservancy area to be split, i.e. include Lot 1 as in part of the conservancy area easement.

Hearing: Monday, May 7, 2007 at 9:00 a.m. in Room 407, County County County Building, 401 Bosley Avenue.

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, Beview Office at. (410) 887-3391

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

The Jeffersonian

- Arbutus Times
- Times Catonsville
- Towson Times
- Owings Mills Times
- /Reporter NE Booster/
  - North County News

1 Julias

LEGAL ADVERTISING

No. 24 8 YELLOW - CUSTOMER RECEIPT OFFICE OF BUDGET & FINANCE PINK - AGENCY MISCELLANEOUS ITEM#

RE: PETITION FOR SPECIAL HEARING \*
55 Benson Lane; E/S Benson Lane; 2,300'
SW of Cockey's Mill Road \*
4th Election & 4th Councilmanic Districts
Legal Owner(s): Holly & Michael Shuchart \*

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

\* 07-394-SPH

#### ENTRY OF APPEARANCE

\*

Petitioner(s)

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 23<sup>rd</sup> day of March, 2007, a copy of the foregoing Entry of Appearance was mailed to, A.L. Synder, Surveyor, Inc, 1911 Hanover Pike, Hampstead, MD 21074, Representative for Petitioner(s).

RECEIVED

MAR 2 3 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....



JAMES T. SMITH, JR. County Executive

TIMOTHAM NEW REGOT 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: 07-394-SPH

55 Benson Lane

E/side of Benson Lane, 2300 feet southwest of Cockey's Mill Road

4th Election District – 4th Councilmanic District

Legal Owners: Holly A. & Michael A. Shuchart

Special Hearing to approve a portion of the Conservancy Area Easement as little as 25 feet in width which is less than the required 100 feet width and to allow the proposed right-of-way for Benson Lane to be removed from the total area of the Shuchart Property for gross area in calculating the conservancy area since the entire right-of-way would be taken from the Shuchart Property and to allow the conservancy area to be split, i.e. include Lot 1 as part of the conservancy area easement.

Hearing: Monday, May 7, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Holly & Michael Shuchart, 55 Benson Lane, Reisterstown 21136 A.L. Snyder, 1911 Hanover Pike, Hampstead 21074

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

Thursday, April 19, 2007 Issue - Jeffersonian

Please forward billing to:

Michael A. Shuchart P.O. Box 674

Reisterstown, MD 21136

717-324-1967

#### 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: 07-394-SPH

55 Benson Lane

E/side of Benson Lane, 2300 feet southwest of Cockey's Mill Road

4<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Holly A. & Michael A. Shuchart

Special Hearing to approve a portion of the Conservancy Area Easement as little as 25 feet in width which is less than the required 100 feet width and to allow the proposed right-of-way for Benson Lane to be removed from the total area of the Shuchart Property for gross area in calculating the conservancy area since the entire right-of-way would be taken from the Shuchart Property and to allow the conservancy area to be split, i.e. include Lot 1 as part of the conservancy area easement.

Hearing: Monday, May 7, 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.

#### 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 Num	er or Case Number: 07-394-5PH
Petitioner:	MICHAEL A-SHUCHART - HOLLY A. SHUCHART
Address o	Location: 55 BENSON LA. REISTERSTOWN, MY 21136
	ORWARD ADVERTISING BILL TO: MICHAEL A. SHUCHART
	P.O. BOX 674
ACCIONS	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 2, 2007

Holly A. Shuchart Michael A. Shuchart 55 Benson Lane Reisterstown, MD 21136

Dear Mr. and Mrs. Shuchart:

RE: Case Number: 07-394-SPH, 55 Benson Lane

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

U. Calliball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

A. L. Snyder, Surveyor, Inc. 1911 Hanover Pike Hampstead 21074

Zoning Review | County Office Building 111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

#### Fire Department



Baltimore County

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

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

March 15, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: March 19, 2007

Item No.: 389, 390, 391, 392, 393, (394), 395, 396, 397, 398, 399, 400, 401, 402, 403, 405, 406, 407, 408, 409.

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.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office (0)410-887-4880 MS-1102F

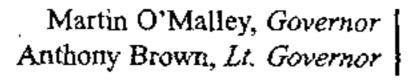
cc: File



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

#### Maryland Department of Transportation

Date: MARCH 15, 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. 7-394

SSBENGON LANE

SCHUCHART 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. 7-394.

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,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 19, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 26, 2007

Item Nos. 07-389, 390, 391, 392, 393, 394, 399, 400, 401, 402, 403, 404, 405

and 408

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

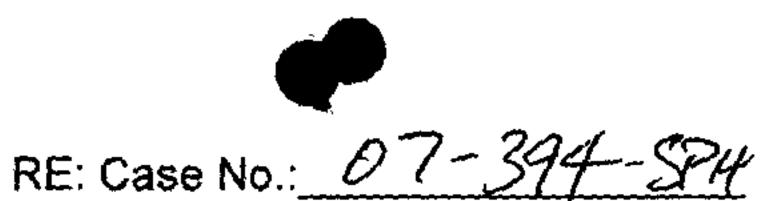
DAK:CEN:cab

ZAC-NO COMMENTS-03262007.doc

JUNINO7

9

CASE #



	Petitioner/Developer: A.L. SNYDER SURVEYORS/
	HOWY/MICHAEL SHUCHART
	Date of Hearing/Closing: 5/7/07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 W. Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the penalties required by law were posted conspicuously	of perjury that the necessary sign(s) ly on the property at
55 BENSON LANE R	SEISTERSTOWN MD 21136
The sign(s) were posted on 4/9/Month/Day/Y	ear)
	Sincerely,  (Signature of Sign Poster/Date)  BILL LEDDON  (Printed Name)
	SHANNON-BAUM SIGNS INC. 105 COMPETITIVE GOALS DR. ELDERSBURG, MD. 21784
PLACE: Act Society for Teach 1970 and the same of the	410-781-4000

RECEIVED APR 2 3 2007 07-6219 DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT 07-649

#### 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

MAY 1 1 2007.

BY:\_\_

**DATE:** May 11, 2007

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 07-394- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and recommends approval.

The property presents a unique situation with a configuration of the property that results in two discrete areas. In order to meet the 70% Conservancy Area, the options are to either split the single Conservancy Area or to accept areas of less that 100 feet. It is the opinion of this Office that a single Conservancy Area better protects the environmental resources of the site. The 25-foot area of Conservancy Area along Benson Lane is forested and is within a Forest Conservation Area. The landowner has reduced the size of Lot 2 to as close to the minimum lot size as necessary thus retaining the maximum amount of forest land in the Conservancy Area. Even with the addition of these two areas, it is necessary to add two additional strips of less than 100' in width. In this case, again it is recommended that they be approved because of the unique configuration of the site and the environmental preference of getting a single Conservancy Area as opposed to a second Conservancy Area on an area of minimal environmental value.

The Director of Planning has determined that the conservancy area meets the requirements of Section 1A03.5.A (Baltimore County Zoning Regulations) Performance standards for rural cluster development, and the standards of the Comprehensive Manual of Development Policies.

The ownership of the conservancy area, lot 3 is acceptable to the Office of Planning pursuant to the Baltimore County Zoning Regulations sec. 1A03.5 C.1, subject to the determination by the Office of Law that the criteria of unified ownership and control are approved as to legal form and sufficiency.

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

Prepared By:

**Division Chief:** 

CM/LL

From:

**Curtis Murray** 

To:

Wiseman, Bill

Date:

05/07/07 1:26:38 PM

Subject:

7-394

Bill,

I just received a copy of Wally's comments on the above referenced case. I will revise our comments and have them to you tomorrow. If you have any questions please let me know.

Thanks,

Curtis J. Murray Development Planner Baltimore County Office of Planning **County Courts Building** 401 Bosley Avenue Towson, Maryland 21204 410-887-3480

Fax: 410-887-5862 cjmurray@co.ba.md.us

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** May 11, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 07-394- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and recommends approval.

The property presents a unique situation with a configuration of the property that results in two discrete areas. In order to meet the 70% Conservancy Area, the options are to either split the single Conservancy Area or to accept areas of less that 100 feet. It is the opinion of this Office that a single Conservancy Area better protects the environmental resources of the site. The 25-foot area of Conservancy Area along Benson Lane is forested and is within a Forest Conservation Area. The landowner has reduced the size of Lot 2 to as close to the minimum lot size as necessary thus retaining the maximum amount of forest land in the Conservancy Area. Even with the addition of these two areas, it is necessary to add two additional strips of less than 100' in width. In this case, again it is recommended that they be approved because of the unique configuration of the site and the environmental preference of getting a single Conservancy Area as opposed to a second Conservancy Area on an area of minimal environmental value.

The Director of Planning has determined that the conservancy area meets the requirements of Section 1A03.5.A (Baltimore County Zoning Regulations) Performance standards for rural cluster development, and the standards of the Comprehensive Manual of Development Policies.

The ownership of the conservancy area, lot 3 is acceptable to the Office of Planning pursuant to the Baltimore County Zoning Regulations sec. 1A03.5 C.1, subject to the determination by the Office of Law that the criteria of unified ownership and control are approved as to legal form and sufficiency.

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

Prepared By:

Division Chief:

CM/LL

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# PETITIONER'S SIGN-IN SHEET

E- MAIL	+ Hollyhahne@msn.com	MILKOUNT 22 C MAN LOW	alssurvencine ands, com	•									
CITY, STATE, ZIP	~		12 St	. 1									
ADDRESS	55 Benson Ln.	BENDAN LA	1911 HANDULE PAL										
NAME	Hour SHUCHART	NIKE SHULHAR	Roy Shribwa			Wally Ligarian Cost	MR						

Case No.: 07-394-SPH 55 BENSON LANE

#### **Exhibit Sheet**

#### Petitioner/Developer

#### Protestant

No. 1	AMENIOSO SITE PLAN	
<u> </u>	DEPRM ZAC Comment	
No. 3	OP-ZAC COMMENT	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

#### BALTIMORE COUNTY, MARYLAND

#### ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

#### Inter-Office Correspondence

TO:

Development Coordination

DATE: May 7, 2007

FROM:

Wally Lippincott, Jr. WSC

SUBJECT:

SPH 07-394 - Shuchart Property - REVISED COMMENTS

The property presents a unique situation with a configuration of the property that results in two discrete areas. In order to meet the 70% Conservancy Area, the options are to either split the Conservancy Area or to accept areas of less than 100 feet. It is the opinion of this Office that a single Conservancy Area better protects the environmental resources of the site. The 25 foot area of Conservancy Area along Benson Lane is forested and is within a Forest Conservation Area. The landowner has reduced the size of Lot 2 to as close to the minimum lot size as necessary thus retaining the maximum amount of forest land in the Conservancy Area. Even with the addition of these two areas, it is necessary to add two additional stips of less than 100' in width. In this case, again it is recommended that they be approved because of the unique configuration of the site and the environmental preference of getting a single Conservancy Area as opposed to a second Conservancy Area on an area of minimal environmental value.

The following is the recommendation on the requests.

- 1. Support the request to permit a Conservancy Area of 25 feet and as small as 12 feet due to the practical difficulty and that the land is adjacent to undeveloped land and thus has conservation value.
- 2. Not support the subtraction of the ROW (not necessary)
- 3. Not support the split conservancy (not necessary)
- 4. Support the reduced size of Lot 2 to 1.1 acres so that in combination with the approval of the 25 foot strip within the Conservancy Area, the applicant will meet the Conservancy Area requirements.

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PETITIONER'S

EXHIBIT NO.

