RE: PETITION FOR SPECIAL HEARING

1924 Knox Avenue; NW/S Knox Avenue,

1,300' SW of Falls Road

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

Legal Owner(s): John Moores, Executor of \*

the Estate of Lillian Moores

Petitioner(s) \* BALTIMORE COUNTY

\* 07-500-SPH

FOR

**BEFORE THE** 

ZONING COMMISSIONER

### REMAND ORDER TO ZONING COMMISSIONER

This matter comes before this Board on appeal filed by the People's Counsel for Baltimore County from a decision of the Zoning Commissioner dated July 24, 2007 in which the Petitioner requested certain relief related to a minor subdivision of 6.145 acres, split-zoned R.C. 4 and R.C. 5, into two lots; in general terms and to summarize, the relief requested (i) approval of one lot, zoned R.C. 4, which would be undersized, that is, consist of 2 acres in lieu of the minimum 3 acres; and (ii) special hearing relief to permit the well and part of the septic reserve area servicing the existing dwelling located on a separate lot in the R.C. 4 zone, to be located in the R.C. 5 zone. Peoples' Counsel appealed the decision of the Deputy Zoning Commissioner approving the requested relief.

Following meetings between Peoples' Counsel and Counsel for the Petitioner, the parties agreed to remand the case to the Zoning Commissioner for hearing on an amended Petition and Site Plan, and pursuant thereto submitted a Joint Motion for Remand on or about January 8, 2008. The purpose of the Joint Motion is to afford the Zoning Commissioner the opportunity to consider a revised site plan and specified conditions.

Upon consideration of said JOINT MOTION FOR REMAND, therefore, it is this day of Juneary, 2008, by the Board of Appeals of Baltimore County,

ORDERED that said Joint Motion to Remand be and is hereby GRANTED; and it is further

ORDERED that the above captioned case is REMANDED to the Zoning Commissioner for Baltimore County for proceedings and further review consistent with the purpose stated in the Motion for Remand.

COUNTY BOARD OF APPEALS OF

BALTIMORE COUNTY

Edward W. Crizer, Jr., Chairman

Lawrence S. Wescott

Wendell H. Grier

RE: PETITION FOR SPECIAL HEARING

1924 Knox Avenue; NW/S Knox Avenue,

1,300' SW of Falls Road

8<sup>th</sup> Election & 2<sup>nd</sup> Councilmanic Districts Legal Owner(s): John Moores, Executor of \*

the Estate of Lillian Moores

BEFORE THE

ZONING COMMISSIONER

FOR

Petitioner(s) \*

**BALTIMORE COUNTY** 

07-500-SPH

### JOINT MOTION TO REMAND

People's Counsel for Baltimore County and J. Neil Lanzi, attorney for Petitioner, move to remand this case to the Zoning Commissioner, and state as follows:

- 1. People's Counsel appealed the July 24, 2007 approval of the special hearing in Case 07-500-SPH. Petitioner sought zoning approval to permit, among other relief, the creation of a 2 acre lot in lieu of the minimum 3 acres in the R.C. 4 zone, in conjunction with a proposed 3 lot minor subdivision. People's Counsel opposes the creation of an undersized lot in the R.C. 4 zone to support 3 lots on the site. The parties discussed their respective concerns and seek to achieve a reasonable resolution consistent with the law governing the Resource Conservation Zones.
- 2. By way of background pertinent to the issues, Petitioner is the owner of approximately 6.145 acres on Knox Avenue, near its intersection with Falls Road, in northwestern Baltimore County. Under the 2000 Comprehensive Zoning Map Process (CZMP) the County Council, as part of a larger issue encompassing many acres, rezoned the site. Under the current zoning the site is split-zoned 2.056 acres are R.C. 4 (Watershed Protection) and 4.089 acres are R.C. 5 (Rural-Residential). The site is improved with a single-family dwelling, located in the R.C. 4 zone. In the course of establishing the zoning line in the CZMP, the well and septic for the existing home are now located in the R.C. 5 portion of the site. Petitioner also seeks special hearing relief to approve location of the well and septic in a different zone from the residence they serve.
- 3. BCZR 1A03.4 B.1 requires a minimum lot size of 3 acres for subdivisions between 6 and 10 acres in the R.C. 4 zone; BCZR 1A04.3 B. 1.a. permits .5 dwelling per acre and requires a minimum lot size of 1 ½ acres for lots created in the R.C. 5 zone. People's

Counsel maintains that in order to meet the minimum lot requirements for each zone, Petitioner is limited to two density units on the entire site.

- 4. Petitioner maintains the site can be subdivided to create one undersized lot on the R.C. 4 portion and two additional residential lots in the R.C. 5 zone (4 acres). People's Counsel's is opposed to creating an undersized lot in the R.C. 4 zone in order to support development in the R.C. 5 zone.
- 5. Following discussions between People's Counsel and Counsel for Petitioner, the parties agree as follows:
  - (a) Petitioner shall amend its Petition and site plan and propose instead to create two lots on the site. Lot 1 shall contain a total of 3.22 acres, consisting of approximately 1.72 acres zoned R.C. 4, and 1.5 acres zoned R.C. 5. Lot 1 shall contain the existing improvements, including the well and septic. Lot 2 shall contain 2.59 acres zoned R.C. 5 plus and .10 acres zoned R.C. 4 panhandle strip for a total of 2.69 acres for a proposed dwelling.
  - (b) Petitioner shall request special hearing relief to approve the well and septic in the R.C. 5 zone on Lot 1, to support the existing residence in the R.C. 4 zone on Lot 1. People's Counsel does not oppose the special hearing relief, which originated with the rezoning of the site under CZMP.
  - (c) Petitioner agrees to amend its site plan, including the notes on the plan, to reflect and state the terms of this proposed Motion and Order, including designation of proposed Lots 1 and 2. In accordance therewith, Petitioner agrees to amend its Petition, and seek approval of the amended Petition in accordance with the Baltimore County Zoning Regulations and the Baltimore County Code as applicable.
  - (d) Petitioner acknowledges that it must also obtain minor subdivision approval for the proposed two lots in accordance with the Baltimore County Zoning Regulations and the Baltimore County Code as applicable.
- 6. People's Counsel agrees, upon remand, to withdraw its opposition, subject to adoption by the Zoning Commissioner's Office of the aforesaid amendments, conditions and clarifications, subject to Petitioner's submission of an Amended Site Plan to reflect the terms of this Motion. People's Counsel is satisfied that the amended plan will not be adverse to the public interest.

- The Petitioner and People's Counsel further agree that this proposed reconsideration and remand is not to be considered a precedent and People's Counsel does not forego at any time in the future any legal argument as to the interpretation or application of these issues in future cases.
- 8. The most efficient way to present the revised amendments, conditions and clarifications as well as to produce for the record the revised site plan is to present them for consideration to the Zoning Commissioner, who is familiar with the case, for a hearing and for an Amended Order.
- This proposed Motion and Order is subject to review by the County Board of 9. Appeals and, upon remand, the Zoning Commissioner, for consistency with the law and the public safety, health and welfare. Attman v. Mayor & City Council 314 Md. 689 (1989).

WHEREFORE, People's Counsel and Petitioner request that the case be remanded to the Zoning Commissioner for further proceedings consistent with this Motion.

409 Washington Avenue, Suite 617

Towson, MD 21204

Attorney for Petitioner

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio,

Deputy People's Counsel for Baltimore County

400 Washington Avenue, Room 47

Towson, Maryland 21204

410-887-2188



Contract Durchassell seems

### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1924 KNOX AVENUE REISTERSTOWN, Mo 21136 which is presently zoned PC 4 \$ 205

(This petition must be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Le	ssee:		<u>Legal Owner(s):</u>		
Name - Type or Print	<u> </u>		JOHN B. Mod Name - Type or Print	RES, EXECL	ITOR OF
Signature			THE ESTATE Signature	OF LILLIAN	_
Address	<u> </u>	Telephone No.	Name - Type or Print	nes	<del></del>
City	State	Zip Code	Signature No.	ORES	
Attorney For Petitioner		^	2716 APPLESEE	ED RD 410	-833 - 0170 Telephone No.
Name - Type or Print	<u> </u>	<u> </u>	FINKSBURG	M <sub>D</sub> State	21048 Zip Code
Signature			Representative to be SCOTT A. LINGGI	REN	
Company	<u> </u>	. <u></u>	GERHOLD CROS	SONTOWN BL	UD.
Address	<del></del>	Telephone No.	SUITE 100 Address	<del></del>	23 - 4470 phone No.
City	State	Zip Code	City	Ma) State	21286 Zip Code
			<u>OFFIC</u>	E USE ONLY	
Α.~		·· EST	IMATED LENGTH OF H	EARING	
Case No. 07-500	-SPH	UN	AVAILABLE FOR HEARIN	VG	
REV 9/15/98	OF DER RE	BCEIVED FOR		5 3 07	
	Date	1-24-01			

- an existing dwelling on proposed Lot 1 in an RC 4 zone with the existing well and a portion of the proposed septic reserve area in an RC 5 zone
- two non-density/non-buildable areas in the RC 5 portion of proposed Lot 1
- existing RC 4 portion of proposed Lot 1 with less than the 3 acre minimum requirement
- o two existing accessormy boildings in the RCS portion of proposed Lot!

0)-500-SPH







### 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

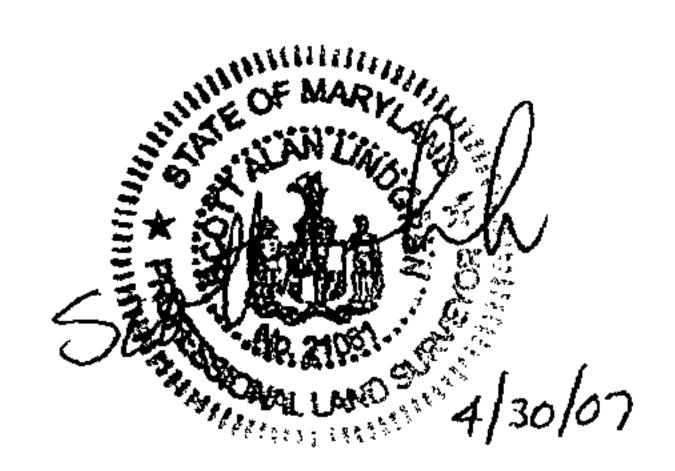
April 30, 2007

### ZONING DESCRIPTION MOORES PROPERTY 1924 KNOX AVENUE BALTIMORE COUNTY, MARYLAND

Beginning on the northwest side of Knox Avenue, 1,300 feet, more or less, southwesterly from the center of Falls Road, thence binding on the northwest side of Knox Avenue, the two following lines, viz: (1) South 42 degrees 27 minutes 27 seconds West 266.24 feet, and (2) By a line curving to the left having a radius of 1,800 feet for an arc distance of 63.81 feet (the chord of said arc bearing South 41 degrees 26 minutes 30 seconds West 63.81 feet), thence leaving Knox Avenue, (3) North 54 degrees 56 minutes 50 seconds West 640.03 feet, (4) North 34 degrees 10 minutes 12 seconds East 586.33 feet, (5) South 16 degrees 53 minutes 43 seconds East 435.47 feet, and (6) South 56 degrees 31 minutes 33 seconds East 347.70 feet to the place of beginning.

Containing 5.913 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.



07-500-5PH

### NOTICE OF ZONING HEARING

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

Case: # 07-500-SPH

1924 Knox Avenue
Nowest side of Knox Avenue, 1300 feet s/west of Falls Road

8th Election District - 2nd Councilmanic District
Legal Owner(s): John B. Moores, Executor of Estate of Lillian Moores

Special Hearing: to permit an existing dwelling on proposed Lot 1 in an RC 4 zone with the existing well and a portion of the proposed septic reserve area in an RC 5 zone and to permit two non-density/non-buildable areas in the RC 5 portion of proposed Lot 1 and to permit an existing RC 4 portion of proposed Lot 1 with less than the 3 acre minimum requirement and to permit two existing accessory building in the RC 5 portion of Proposed Lot 1 Hearing: Friday, July 6, 2007, at 11:00 a.m. In Room 407, County Counts 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 Review Office at (410) 887-3391.

# Ŧ

JUL, 2007

hat the annexed advertisement was published successive weeks, the first publication appearing spaper published in Baltimore County, Md., in the following weekly new THIS IS TO CERTIFY once in each of 6

The Jeffersonian

Catonsville Times Arbutus Times

Towson Times

NE Booster/Reporter Times Owings Mills

News North County

Nulus

LEGAL ADVERTISING

CASHIER'S VALIDAN	
No. 2503 No. 2503 No. 2503 Tale of Lilliant	
ECEIPT ACCOUNT AMOUNT S AMOUNT	
BALTIMORE COUNT OFFICE OF BUDGET & F MISCELLANEOUS RI PROM: FOR: FOR:  FOR:  OISTIRBUTION WHITE: CASHIER  PINK AGE	







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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

### CERTIFICATE OF POSTING

RE: CASE# 07-500-SPH
PETITIONER/DEVELOPER:
John B. Moores, Executor of the
Estate of Lillian Moores
DATE OF HEARING: July 6, 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

LOCATION:

1924 Knox Avenue

(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

POSTED ON: June 20, 2007

## 

CASE # :07-500-SPH

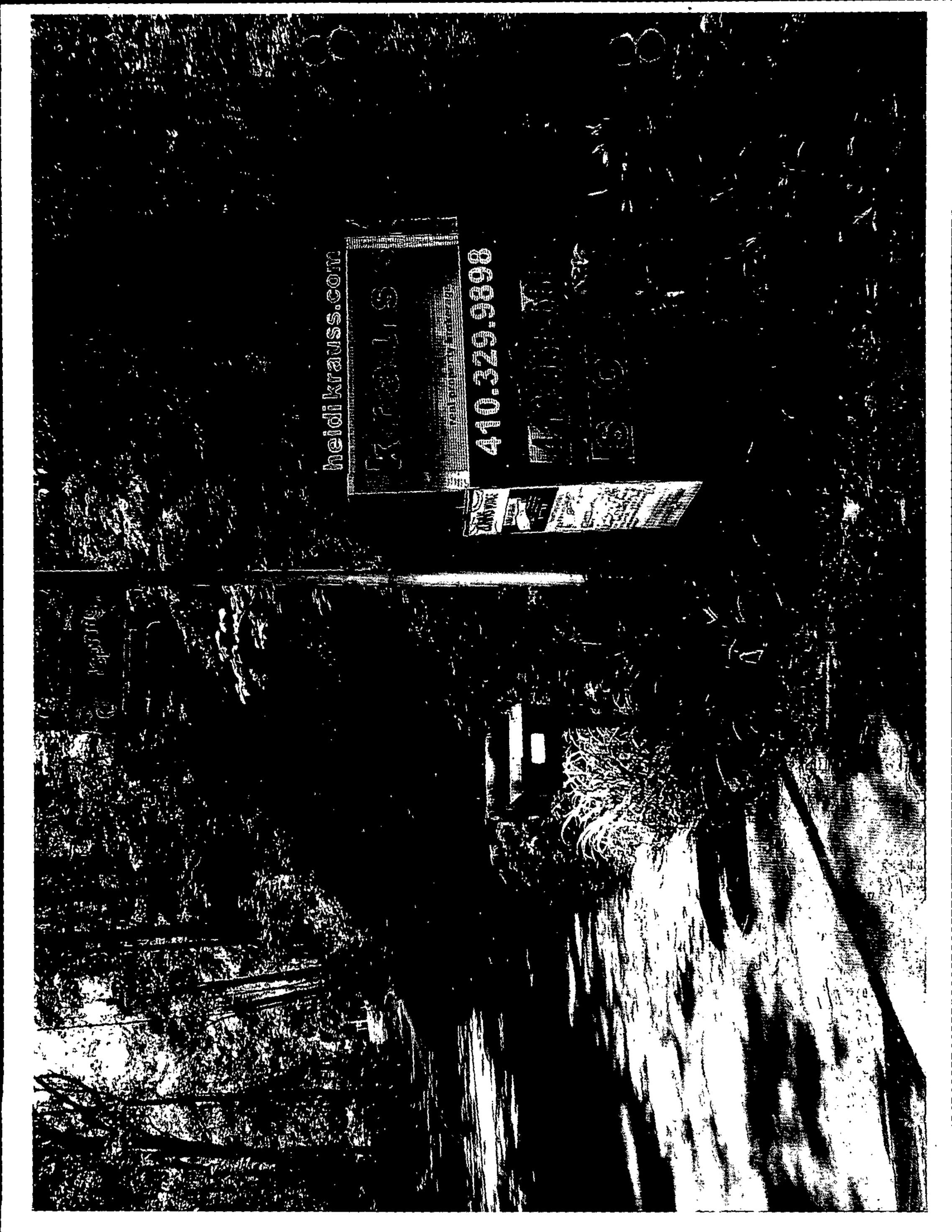
A PUBLIC HEARING W.
THE ZONING COMMISSIONER
IN TOWSON, MD.

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

TIME: 11:00 am Friday, July 6

Special Hearing: To permit an existing dwelling on proposed Lot 1 in an RC 4 zone with the existing well and a portion of the proposed septic reserve area in an RC 5 zone and to permit two non-density/non buildable areas in the RC 5 portion of proposed Lot 1 and to permit an existing RC 4 portion of proposed Lot 1 with less than 3 acre minimum requirement and to permit two existing accessory building in the RC 5 portion of proposed Lot 1.

POSTPONEMENTS DUE TO WEATHER OR OTHER 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, UNDER PENALTY OF LAW





JAMES T. SMITH, JR. County Executive

TIMAPES, 12007TROCO, 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: 07-500-SPH

1924 Knox Avenue

N/west side of Knox Avenue, 1300 feet s/west of Falls Road

8<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: John B. Moores, Executor of Estate of Lillian Moores

<u>Special Hearing</u> to permit an existing dwelling on proposed Lot 1 in an RC 4 zone with the existing well and a portion of the proposed septic reserve area in an RC 5 zone and to permit two non-density/non buildable areas in the RC 5 portion of proposed Lot 1 and to permit an existing RC 4 portion of proposed Lot 1 with less than the 3 acre minimum requirement and to permit two existing accessory building in the RC 5 portion of Proposed Lot 1.

Hearing: Friday, July 6, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: John B. Moores, 2716 Appleseed Road, Finksburg 21048
Scott Lindgren, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 21, 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, June 21, 2007 Issue - Jeffersonian

Please forward billing to:

William S. Moores 1930 Knox Avenue Reisterstown, MD 21136 410-252-6431

### 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: 07-500-SPH

1924 Knox Avenue N/west side of Knox Avenue, 1300 feet s/west of Falls Road 8<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District Legal Owners: John B. Moores, Executor of Estate of Lillian Moores

Special Hearing to permit an existing dwelling on proposed Lot 1 in an RC 4 zone with the existing well and a portion of the proposed septic reserve area in an RC 5 zone and to permit two non-density/non buildable areas in the RC 5 portion of proposed Lot 1 and to permit an existing RC 4 portion of proposed Lot 1 with less than the 3 acre minimum requirement and to permit two existing accessory building in the RC 5 portion of Proposed Lot 1.

Hearing: Friday, July 6, 2007 at 11:00 a.m. in Room 407, County Courts Building,

40/1 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**

### <u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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: 07-500-5PH
Petitioner: JOHN B. MOORES EXECUTOR OF THE ESTATE OF LILLIAN A. MOORES
Address or Location: 1924 KNOX AVENUE, REISTERSTOWN, MD 21136
PLEASE FORWARD ADVERTISING BILL TO:  Name: <u>WILLIAM 5. Moores</u>
Address: 1930 KNIOX AVENUE
REISTERS TOWN, MO 21136-5612
Telephone Number: 410-252-6431



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

June 28, 2007

John B. Moores Esecutor of the Estate of Lillian A. Moores 2716 Appleseed Road Finksburg, MD 21048

Dear Mr. Moores:

RE: Case Number: 07-500-SPH, 1924 Knox Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 3, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

c: People's Counsel

Scott A. Lingren Gerhold, Cross & Etzel, Ltd 320 E. Towsontowne Boulevard, Suite 100 Towson 21286





**DATE:** May 29, 2007

### 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:** 

1924 Knox Avenue

INFORMATION:

Item Number: 7-500

Petitioner:

John B. Moores, Executor, Estate of Lillian Moores

Zoning:

RC 4 and RC 5

Requested Action:

Special Hearing

The petitioner has submitted a minor subdivision plan for a two single-family lot subdivision on Tract A of the Robert G. Moores Property, recorded in Liber 37 Folio 79. The existing dwelling is on Lot 1 in the RC4 zone with an existing well and a portion of the proposed septic reserve area in the RC5 zone.

In previous proposals, the Office of Planning has objected to requests for special hearings, which proposed the creation of an undersized RC4 lot. The Office of Planning <u>does not support</u> what would in effect be an area variance for a 2-acre lot instead of the 3-acre minimum lot area. The Office of Planning also has concerns about the placement of the new dwelling, the amount of disturbance required and the length of the panhandle driveway, which will serve the new RC5 lot, Lot 2.

However, The Office of Planning does not object to the three other items in the Special Hearing request.

In the event that the Zoning Commissioner grants the Special Hearing, the minor subdivision comments provided by the Office of Planning will need to be addressed. (See attached minor subdivision comments).

In accordance with 1A04.4 of the BCZR, any new construction in the RC5 zone requires a finding by the Director of Planning that the proposed new construction is in compliance with the RC5 zone. Should any new construction of a major structure be proposed, the following information must be submitted to this office:

- 1. Photographs of existing adjacent dwellings.
- 2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.



- 3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- 4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
- 5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Reviewed by:

Division Chief: AFK/LL: CM

Attachment:

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Joe Chmura

**DATE**: May 18, 2007

Department of Permits and

Development Management

FROM:

Donnell Zeigler

**Development Review Section** 

Office of Planning

**PROJECT NAME:** Estate of Robert G. Moores

PROJECT NO.:

07066 M

The Office of Planning has reviewed the above referenced project and offers the following comments:

### RC 5 FINDING:

In accordance with 1A04.4 of the Baltimore County Zoning Regulations (Bill 55-04), the Office of Planning must provide a finding before approval of the plan. In order to make that finding the following items must be addressed:

- 1. Provide photos of existing buildings and other significant features on the site of the proposed development.
- 2. Provide photos of existing housing in the surrounding neighborhood (to establish neighborhood architectural character).
- 3. Provide architectural elevations of the proposed dwellings to include building materials and colors. (If architectural elevation drawings are not available at this time, a note must be placed on the site plan stating "Architectural elevation drawings must be submitted to the Office of Planning for review and approval in accordance with Section 1A04.G of the BCZR.)
- Proposed grading must be submitted that retains significant site features and plant materials.
- 5. Provide a landscape plan.

### RC 4 STANDARDS

The Office of Planning does not support the creation of undersized lots through the subdivision process. Lot 1 with the existing dwelling is only 2 acres while the minimum lot acreage is 3 acres.



### **DESIGN REVIEW COMMENTS:**

- 1. Relocate the proposed dwelling on Lot 2 to the southern portion of the building restriction area to reduce site disturbance or investigate seeking an easement to use Tufton Ridge Road for the dwelling's physical access and from all affected property owners.
- 2. The proposed driveway alignment creates significant grading and clearing that could be avoided by accessing Tufton Ridge.
- 3. The minor subdivision cannot be approved until the Zoning Commissioner's order in ZAC case #07-500 has been written and all of the conditions have been addressed.
- 4. The septic of Lot 1 projects into the RC 5 zone that will require use of a density unit from the RC 5 zone. Septic and well must be fully contained within each respective zone.
- 5. Submit a panhandle package.

### ADDITIONAL INFORMATION REQUIRED FOR REVIEW:

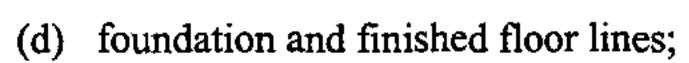
In order to determine the impact of a proposed development on adjacent properties, the following information will be required:

- 1. A "neighborhood map" showing buildings and where feasible, property lines of lots in the block and the properties across the street from the subject property should be submitted. Where appropriate, property lines of lots within five hundred feet of the site in urban areas and 1000 feet in rural areas can be shown instead. The map should also show the orientation of existing and proposed houses on the lots being reviewed and on adjacent properties. An arrow should indicate which way the front of each house faces.
- 2. A series of photographs of the following must be included indicating on a map from which direction the photograph is taken:
  - (a) a wide-angle photograph or series of photographs looking into the site from each of the four directions that show any existing house(s) on the site and properties within approximately 200 feet on either side of the site;
  - (b) a wide-angle photograph or series of photographs looking outward from the site in each of the four directions and showing at least 200 feet in each direction;
  - (c) any other photographs that show the character of the block or area, including other nearby panhandle properties.
  - (d) A series of photographs showing the approximate location of the panhandle driveway.
- 3. Provide an aerial map of the site and its surroundings.

http://www.co.ba.md.us/Agencies/myneighborhood/zoning.html

The aerial map should also include:

- (a) Site location
- (b) Property boundary
- (c) Zoning
- 4. Schematic elevations or photographs of proposed prototypical house types may be required. The following features should be shown:
  - (a) house type and square footage;
  - (b) building height;
  - (c) roof pitches and style;



- (e) doorways and openings;
- (f) overhangs; and
- (g) exterior materials and colors to be used.

Donnell Zeigler

Lynn Lanham, Chief

Development Review

DZ:kma

300

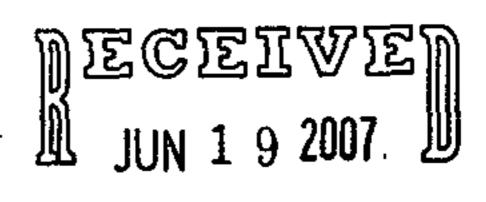


7-6-07

### BALTIMORE COUNTY, MARYLAND

### Inter-Office Correspondence





TO: '-	Timothy M. K	Cotroco	BY:
FROM:	Dave Lykens,	DEPRM - Development Coordina	ation Jul
DATE:	June 19, 2007	·	
SUBJECT:	Zoning Item Address	# 07-500-SPH 1924 Knox Avenue (Moores Property)	
Zonin	g Advisory Cor	mmittee Meeting of May 14, 2007	
<del></del>	•	nvironmental Protection and Resove-referenced zoning item.	urce Management has no
<del></del>	•	nvironmental Protection and Resonts on the above-referenced zoning	•
<u>X</u>	Protection of	of the property must comply with Water Quality, Streams, Wetlands ugh 33-3-120 of the Baltimore Co	and Floodplains (Section
<u>X</u> ,		of this property must comply with Regulations (Sections 33-6-101 th unty Code).	
·	Critical Area	of this property must comply with Regulations (Sections 33-2-101 th s, of the Baltimore County Code).	<b>-</b>
A 1.17.	. 10		•

### Additional Comments:

This property, and particularly the R.C. 4 portion, is severely constrained by environmental issues. It is recommended that Lot 1 be expanded in size to include Area "A" as marked on the attachment. This will mitigate the issue of an R.C. 4 lot of less than 3 acres and it will better protect resources by insuring that Forest Buffer Easement Area #5 is kept under one ownership. No comment on the other zoning requests. – W.S. Lippincott; Agricultural Preservation

Reviewer:

BAL

Date: 6/8/07

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-500-SPH.doc



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

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

### Maryland Department of Transportation

May 30, 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. 7-500-SPH Moores Property

1924 Knox Avenue
Plat to Accompany Petition

For Special Hearing Case No. 7-500-SPH

-

Dear Ms. Matthews:

This is in reference to our ongoing review of the plat to accompany building permit on the subject of the above captioned. We understand that this plan illustrates a proposal for Minor Subdivision #07-066M to create two (2) residential lots.

Based on available information development of the property is subject to the rules and regulations of Baltimore County. Coordination with the appropriate County Agency authorized to permit improvements within the public right-of-way is necessary.

In summation: This office has no objection to Moores Property Case No. 7-500-SPH Plat to Accompany Petition for Special Hearing approval.

If you have any questions or need clarifications regarding this matter, please feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

LOO1

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

Cc: Mr. Robert G. Moores, Applicant

Mr. Scott Lundgren, Consultant Engineer, Gerhold, Cross & Etzel, LTD.

Mr. David Malkowski, District Engineer, SHA

Mr. Joe Merrey, Permits & Development Management, Baltimore County



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

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

Maryland Department of Transportation

Date: MAY 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. 7-500-6PH

1924 KNOX AVENUE JOHN B. MOORES 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. 7-500 SPH.

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, Chie

Engineering Access Permits

Division

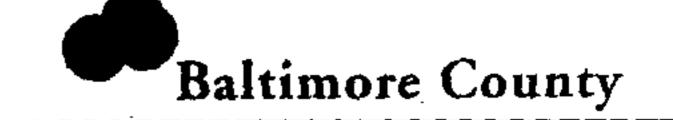
SDF/MB

### Fire Department



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





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 May 18,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 7, 2007

Item Number: 500 through 511

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



### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** May 24, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 28, 2007

Item Nos. 07-500, 512, 513,514, 515, 516, 517, 519, 520, 522, 523, 524, 525

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-05242007.doc

### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

July 18, 2007

Mr. William J. Wiseman, III Baltimore County Zoning Commissioner 401 Bosely Avenue Towson, Maryland 21204

Re: Moores Property, Zoning Case No. 07-500

Dear Mr. Wiseman:

As requested in the Hearing for the above referenced case, we are writing this letter of explanation.

The lot line was configured so that Lot 1, containing the existing dwelling in the RC 5 portion of the property, minimized the amount of the RC 4 portion of the property needed to support the existing dwelling. The existing well and two existing sheds for the existing dwelling are located in the RC 4 portion. Part of the 10,000 square foot septic reserve area required by the Ground Water Management Section of the Department of Environmental Protection and Resource Management had to be placed in the RC 4 portion of the property because of the extent of steep slopes and associated Forest Buffer Easements in the RC 5 portion of the Lot.

As to the Office of Planning's concerns about the placement of the proposed dwelling on Lot 2, site constraints dictate that the placement shown is virtually the only portion of the property that this dwelling could be located. Large portions of Lot have slopes greater than 25% which eliminate it for use for the septic reserve areas. The "flatter area" on the southwestern portion of the Lot adjacent to the William & Nancy Moores property is considered by Ground Water Management to be a drainage swale and can not be utilized for a septic area. Perc tests 2C and 2B failed due to considerable amounts of bedrock requiring the septic area to be moved further north up the hill. This proposed house placement does provide the greatest separation from the adjoining houses, maintaining the rural character of the neighborhood.

The Office of Planning also indicated that they wanted us to investigate gaining access through the adjoining subdivision known as "Tufton Ridge". We had a client that owns a Lot in "Tufton Ridge" that has road frontage on Knox Avenue. She hired us to investigate if she could resubdivide. We determined that if she were to resubdivide, her best means of access was to utilize the driveway off the end of Tufton Ridge Road. She encountered reluctance and hostility from the lot owners when she inquired about obtaining permission to use this driveway. We feel that we would encounter the same.

Thank you for your consideration of this request. Should you have any questions, or would like to discuss this, please call me at 410-823-4470.

Sincerely,

Scott A. Lindgren Principal

RE: PETITION FOR SPECIAL HEARING
N/W Side of Knox Avenue, 1300'
S/W of Falls Road
(1924 Knox Avenue)
8th Election District
2nd Council District
Estate of Lillian A. Moores

Petitioner

BEFORE THE

\* COUNTY BOARD OF APPEALS

\* OF

\* BALTIMORE COUNTY

07-500-SPH

### **ENTRY OF APPEARANCE**

Please enter the appearance of J. Neil Lanzi for the Estate of Lillian A. Moores, Petitioner in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter.

J. NEIL LANZI

Counsel for the Petitioner 409 Washington Avenue, Suite 617 Towson, Maryland 21204 (410) 296-0686

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18 day of October, 2007, a copy of the foregoing Entry of Appearance was mailed to Carole A. Demilio, Office of People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.

My Kmy,
J. NEIL LANZI

OCT 2 0 2007

BALTIMORE COUNTY
BOARD OF APPEALS





RE: PETITION FOR SPECIAL HEARING

1924 Knox Avenue; NW/S Knox Avenue,

1,300' SW of Falls Road

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

Legal Owner(s): John Moores, Executor of \*

the Estate of Lillian Moores

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** 

07-500-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 18<sup>th</sup> day of May, 2007, a copy of the foregoing Entry of Appearance was mailed to, Scott Lindgren, Gerhold, Cross & Etzel, Ltd, 320 E. Towsontown Blvd, Suite 100, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

MAY 1 8 2007

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

### PLEASE PRINT CLEARLY

CASE NUMBER CZ - 500 DATE - 768/67

## PETITIONER'S SIGN-IN SHEET

net Scott moores Com cost. JAMOORES @ COMCAST. E- MAIL 21136 21286 34016 STATE, ZIP MO No RG MD 2 100 2 Towswate ADDRESS 2716 APPLESEED Sauce Dans
Scott Moores
John Mookes

### APPEAL SIGN POSTING REQUEST

H3

CASE NO. 07-500-SPH

### 1924 KNOX AVENUE

8<sup>TH</sup> ELECTION DISTRICT

APPEALED: 8/08/2007

ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1)

### \*\*\*COMPLETE AND RETURN BELOW INFORMATION\*\*\*\*

### **CERTIFICATE OF POSTING**

TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

Attention: Kathleen Bianco Administrator

CASE NO.: 07-500-SPH

LEGAL OWNER: JOHN B. MOORE - EXECUTOR OF ESTATE OF LILLIAN MOORE

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

### 1924 KNOX AVENUE

N/west side of Knox Ave., 1300 ft. W/ of Falls Road		
The sign was posted on	, 2007.	,
By: (Signature of Sign Poster)	<del></del>	
(Print Name)		<del></del>

Case No.: 07-500-SPH 1924 KNOX AUE.

### **Exhibit Sheet**

### Petitioner/Developer

### Protestant

	<del></del>	<del></del>
No. 1	SITE PLAN	
No. 2	THOTOGRAPHS AND LOCATION PLAN	
No. 3	Reviewed and submitted for Planning	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

