

BEFORE THE

* ZONING COMMISSIONER

* OF

BALTIMORE COUNTY

Case No. 08-049-SPHA

Joseph & Rosemary Baroody, Legal Owners
John Vontran, Contract Purchaser

IN RE: PETITIONS FOR SPECIAL HEARING

N/W Franklinville Road, 1,600' NE

(11507 Franklinville Road)

Petitioners

AND VARIANCE

11th Election District

3rd Council District

Sherwood Road

ORDER OF DISMISSAL

WHEREAS, this matter was scheduled for a public hearing on September 20, 2007, to consider Petitions for Special Hearing and Variance relief filed by the owners of the subject property, Joseph A. Baroody and his wife, Rosemary Baroody, legal owners, and John Vontran, contract purchaser, by and through their attorney, Sebastian Cross, Esquire of Gildea and Schmidt, LLC. The Petitioners sought special hearing relief pursuant to Section 1B01.3.A.7(b) of the Baltimore County Zoning Regulations (B.C.Z.R.), the First Amendment to the Final Development Plan (FDP), for the Baroody Property, to relocate the common lot line between Lots 4 and 6. In addition, the Petitioners requested a variance from Section 1A04.3.A to permit a structure with a height of 40 feet in lieu of the permitted 35 feet from the Baltimore County Zoning Regulations (B.C.Z.R.).

Pursuant to the written request for withdrawal dated September 19, 2007 from Sebastian A. Cross, Esquire, of Gildea & Schmidt, LLC, Legal Counsel for Petitioners,

IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of September 2007 that the Petitions for Special Hearing and Variance in the above-captioned matter be and the same is hereby DISMISSED WITHOUT PREJUDICE.

WILLIAM L. WISEMAN III
Zoning Commissioner
for Baltimore County

WJW:diw

c: Sebastian A. Cross, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Md. 21204

Dean C. Hoover & Tim Horner, Morris & Ritchie Associates, Inc., 1220-C East Joppa Rd., Suite 505, Towson, Md. 21286

Joseph and Rosemary Baroody, 11507 Franklinville Road, Upper Falls, Md. 21156

John Vontran, 6806 Eastern Avenue, Baltimore, Md. 21224

Samuel A. Baroody, 11736 Franklinville Road, Upper Falls, Md. 21156

Daniel Watson, 11738 Franklinville Road, Upper Falls, Md. 21156

Robert Watson, 11740 Franklinville Road, Upper Falls, Md. 21156



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 11507 Franklinville Road which is presently zoned: RC 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s):

1A04.3.A to permit a structure with a height of 40 feet in lieu of the permitted 35 feet.

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

To be presented at hearing.

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.

Legal Owner(s):

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

Contract Purchaser/Lessee:

REV 9/15/98

John Vontran				Joseph Baroody		
Name - Type or Print			Name -	Type or Print	- Barook	
6806 Eastern Avenue			_	Signature 050mg	ary F. Ba	iroodu
Address		Telephone No.	~	Name - Type or Print	1-1	
-Baltimore	MD	21224		France	. I to Sar	sanle.
City	State	Zip Code	-	Signature		
Attorney For Petitioner	.			11507 Franklinville	Road	410-592-4883
	-			Address		Telephone No.
Sebastian A. Cross				Upper Falls	MD	21156
Name - Type or Print			City		State	Zip Code
So Ca	9			Representative	to be Contacted:	•
Signature			~			
Gildea & Schmidt, LLC				Sebastian A. Cross		
Company			-	Name	·	
600 Washington Avenue, Suit	te 200	410-821-0070		600 Washington Av	enue, Suite 200	410-821-0070
Address		Telephone No.	•	Address		Telephone No.
Towson	MD	21204		Towson	MD	21204
City	State	Zip Code	~	City	State	Zip Code
				- <u>of</u>	FICE USE ONLY	
Case No. 08-049	-SPHA			ESTIMATED LENGTH		_
				UNAVAILABLE FOR H	EARING,	
		Deviewed	D.	1) T	Nata (1 1_124 1137)	

OFFICER RECEIVED FOR FILING

9-20-07

	/
THESE IMAGE PAGES INCORRECTLY DISPLAY THE CASE ADDRESS AS 11507 FRANKLINVILLE ROAD. THE CORRECT CASE ADDRESS IS 11746 FRANKLINVILLE RO	JAD
` ᠯ \	



REV 9/15/98

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11507 Franklinville Ro	ad
which is presently zoned _	

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

pursuant to Section 1B01.3.A.7(b) of the Baltimore County Zoning Regulations, (BCZR), the First Amendment to the Final Development Plan, (FDP), for the Baroody Property, to relocate the common lot line between lots #4 and #6, as more particularly shown on the site plan attached hereto and incorporated by reference.

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

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

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

Contract Purchaser/Lessee: Legal Owner(s): Joseph Baroody John Vontran 🔥 Name - Type or Print Name - Type of Print Signature Signature 680d Eastern Ave. Address Name - Type or Print Telephone No. Baltimore MD 21224 Rosemary Baroody Zip Code State Signature 11507 Franklinville Road Attorney For Petitioner: Address Telephone No. 21224 21156 Joseph R. Woolman-III-MD Upper Falls Zip Code Name - Type or Print State City Representative to be Contacted: Signature Gildea and Schmidt, LLC Joseph R. Woolman III Company Name 410-821-0070 410-821-0070 600 Washington Avenue Suite 200 600 Washington Avenue Suite 200 Address Telephone No. Address Telephone No. Towson MD 21204 21204 Towson MD City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING _____ Case No. 08-049-SPHA UNAVAILABLE FOR HEARING _ Reviewed By D.T. Date 7/26/07

OPDER RECEIVED FOR FILING

4-20-07

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: # 08-049-SPHA
11507 Franklinville Road

N/west side of Franklinville Road, 1,600 feet n/e Sherwood Road
Sherwood Road
11th Election District - 3rd Councilmanic District Legal Owner(s): Joseph & Rosemary Baroody Contract Purchaser: John Vontran 1,600 feet n/east

Special Hearing: to approve the First Amendment to the Final Development Plan (FDP), for the Baroody Property? to relocate the common lot line between lots #4 and 6, as more particularly shown on the site plan attached hereto and incorporated by reference. Variance: to permit a structure with a height of 40 feet in lieu of the permitted 35 feet.

Hearing: Thursday, September in Room 407, County Courts Avenue, Towson 21204. 20, 2007 at 11:00 a.m. Building; 401 Boxley

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.

JT 9/621 Sept. 4

in the following weekly newspaper published in Baltimore Coun THIS IS TO CERTIFY, that the annexed advertisement was p

successive weeks, the first publication appearing

Arbutus Times The Jeffersonian

Catonsville Times Towson Times

Owings Mills Times

NE Booster/Reporter

LEGAL ADVERTISING

WHITE	2 3 3	Rec		8 E	MISCE MISCE
CASHIER	唐皇			OO Age	MORE C
				Orgin	OUNTY, DGET A
				Sub	
				Rev	ñ.
				Sub f	
		otal:		(ept	
S 				BS	
STOMER	Trees of the second			Amo	
		8		ount Ty	3
LIDATK					
Ž	•		Turking to the second		
· · · · · · · · · · · · · · · · · ·	ng Maraka Marijan				

CERTIFICATE OF POSTING

RE: Case No.: 08-04	19-SPIA
Petitioner/Developer:	
VONTRAN	
Date of Hearing/Closing	SEPT 20, 200

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

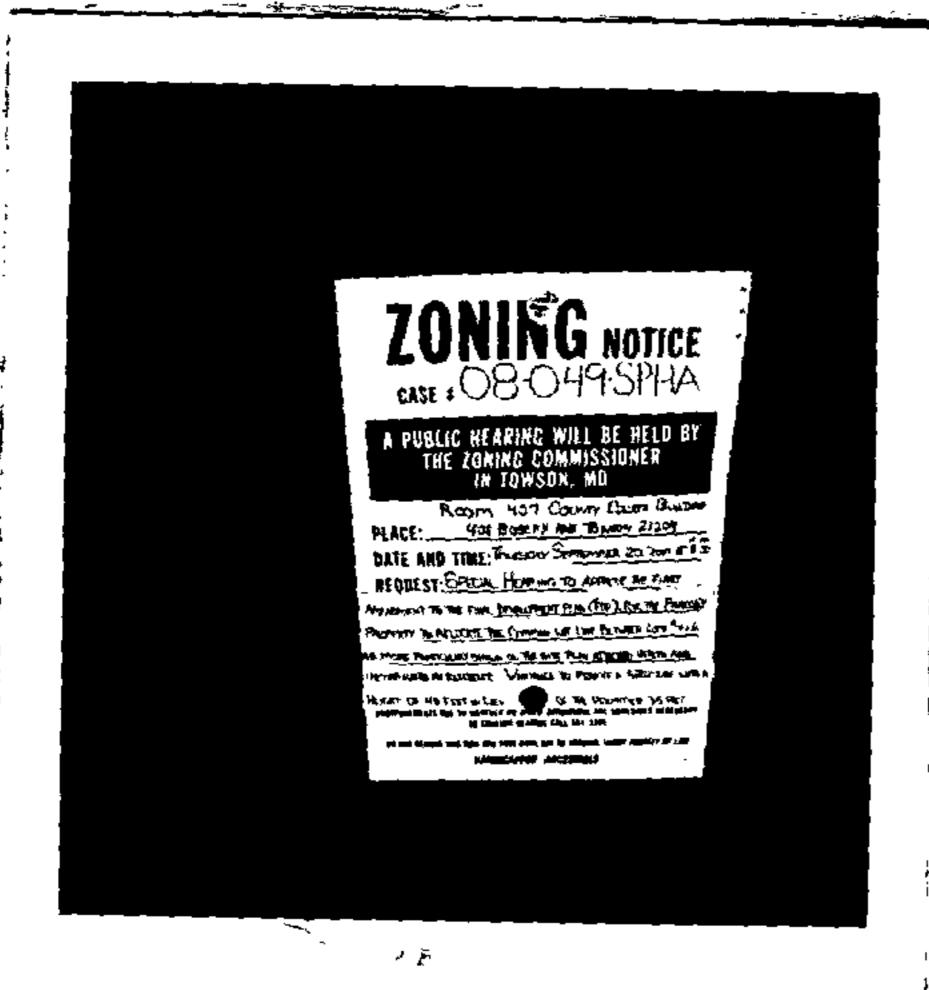
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

11507 FRANKLINVILLE RD

The sign(s) were posted on

(Month, Day, Year)

Sincerely,



Robert Black	9-6-07
(Signature of Sign Poster)	(Date)
SSG Robert Black	
(Print Name)	-
1508 Lestie Road	•
(Address)	
Dundalk, Maryland 217	222
(City, State, Zip Cod	le)
(410) 282-7940	• •
(Telephone Number	7)



JAMES T. SMITH, JR. County Executive

August 22, 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: 08-049-SPHA

11507 Franklinville Road

N/west side of Franklinville Road, 1,600 feet n/east of Sherwood Road

11th Election District – 3rd Councilmanic District

Legal Owners: Joseph & Rosemary Baroody

Contract Purchaser: John Vontran

Special Hearing to approve the First Amendment to the Final Development Plan (FDP), for the Baroody Property, to relocate the common lot line between lots #4 and 6, as more particularly shown on the site plan attached hereto and incorporated by reference. Variance to permit a structure with a height of 40 feet in lieu of the permitted 35 feet.

Hearing: Thursday, September 20, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

buth Kotroco Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, Gildea & Schmidt, 600 Washington Avenue, #200, Towson 21204 Mr. Vontran, 6806 Eastern Avenue, Baltimore 21224 Mr. & Mrs. Baroody, 11507 Franklinville Road, Upper Falls 21156

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPT. 5, 2007.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 4, 2007 Issue - Jeffersonian

Please forward billing to:

Sebastian Cross Gildea & Schmidt 600 Washington Avenue, Ste. 200 Towson, MD 21204 410-821-0070

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: 08-049-SPHA

11507 Franklinville Road

N/west side of Franklinville Road, 1,600 feet n/east of Sherwood Road

11th Election District – 3rd Councilmanic District

Legal Owners: Joseph & Rosemary Baroody

Contract Purchaser: John Vontran

Special Hearing to approve the First Amendment to the Final Development Plan (FDP), for the Baroody Property, to relocate the common lot line between lots #4 and 6, as more particularly shown on the site plan attached hereto and incorporated by reference. <u>Variance</u> to permit a structure with a height of 40 feet in lieu of the permitted 35 feet.

Hearing: Thursday, September 20, 2007 at 11:00 a.m. in Room 407, County Courts Building,

40//Bosley Ayenue, 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 ubject 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: 08-049-SPHA
Petitioner:VONTRAN
Address or Location: 11507 FRANKLINVILLE RD.
PLEASE FORWARD ADVERTISING BILL TO:
Name: SEBASTIAN CROSS ESQUIRE
Address: GILDEA & SCHMIDT LLC
600 WASHINGTON AVE SUITE 200
Towson mp 21204
Telephone Number: 410-821-0070

Revised 2/20/98 - SCJ





BALTIMORE COUNTY MARYLAND

JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 12, 2007

Sebastian Cross Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, Maryland 21204

Dear Mr. Cross:

RE: Case Number: 08-049-SPHA, 11507 Franklinville Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 26, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

U. Callabal)

WCR:amf Enclosures

c: People's Counsel

John Vontran 6806 Eastern Avenue Baltimore 21224
Joseph Baroody Rosemary Baroody 11507 Franklinville Road Upper Falls 21156

THESE IMAGE PAGES INCORRECTLY DISPLAY THE CASE ADDRESS AS 11507 FRANKLINVILLE ROAD. HE CORRECT CASE ADDRESS IS 11746 FRANKLINVILLE ROAD. END=SEP-20 11:35 9TART=SEP-20 **1/1:3**4

MODE = MEMORY TRANSMISSION

FILE NO. =364

COMM. DNE-TOUCH/ STN NO. ABBR NO.

991

STATION NAME/TEL NO.

DURATION PAGES

00:00:30

001/001 \$4108210071 OΚ

-ZONING COMMISSIONER OFF M-

一类不均匀的不均匀的不匀的的不匀的不匀的不匀的的不匀的不匀的不匀的不匀的不匀的。

410 887 3468- *******

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

N/W Franklinville Road, 1,600' NE Sherwood Road

(11507 Franklinville Road) 11th Election District 3rd Council District

Joseph & Rosemary Baroody, Legal Owners John Vontran, Contract Purchaser Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-049-SPHA

ORDER OF DISMISSAL

WHEREAS, this matter was scheduled for a public hearing on September 20, 2007, to consider Petitions for Special Hearing and Variance relief filed by the owners of the subject property, Joseph A. Baroody and his wife, Rosemary Baroody, legal owners, and John Vontran, contract purchaser, by and through their attorney, Sebastian Cross, Esquire of Gildea and Schmidt, LLC. The Petitioners sought special hearing relief pursuant to Section 1B01.3.A.7(b) of the Baltimore County Zoning Regulations (B.C.Z.R.), the First Amendment to the Final Development Plan (FDP), for the Baroody Property, to relocate the common lot line between Lots 4 and 6. In addition, the Petitioners requested a variance from Section 1A04.3.A to permit a structure with a height of 40 feet in lieu of the permitted 35 feet from the Baltimore County Zoning Regulations (B.C.Z.R.).

Pursuant to the written request for withdrawal dated September 19, 2007 from Sebastian A. Cross, Esquire, of Gilden & Schmidt, LLC, Legal Counsel for Petitioners,

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2007 that the Petitions for Special Hearing and Variance in the above-captioned matter be and the same is hereby DISMISSED WITHOUT PREJUDICE.

Zoning Commissioner for Baltimore County

WJW:dlw /

c: Lebastian A. Cross, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Md. 21204

Dean C. Hoover & Tim Horner, Morris & Ritchie Associates, Inc., 1220-C East Joppa Rd., Suite 505, Towson, Md. 21286

Joseph and Rosemary Baroody, 11507 Franklinville Road, Upper Falls, Md. 21156 John Vontran, 6806 Eastern Avenue, Baltimore, Md. 21224

Samuel A. Baroody, 11736 Franklinville Road, Upper Falls, Md. 21156

Daniel Watson, 11738 Franklinville Road, Upper Falls, Md. 21156

Robert Watson, 11740 Franklinville Road, Upper Falls, Md. 21156

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



D.	EC	<u>[</u>	3 [W	
Щ	OCT	0	3	W [
B	Y:				

TO:		Timothy M. Kotroco	
FROM	1:	Dave Lykens,	DEPRM - Development Coordination
DATE	E:	October 2, 20	07
SUBJ	ECT:	-	# 08-49-SPHA 11507 Franklinville Road (Baroody Property)
	Zonin	g Advisory Cor	mmittee Meeting of August 20, 2007
		-	nvironmental Protection and Resource Management has no ve-referenced zoning item.
X		•	nvironmental Protection and Resource Management offers ents on the above-referenced zoning item:
	<u>X</u>	Protection of	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Section ugh 33-3-120 of the Baltimore County Code).
		-	of this property must comply with the Forest Regulations (Sections 33-6-101 through 33-6-122 of the unty Code).
		Critical Area	of this property must comply with the Chesapeake Bay Regulations (Sections 33-2-101 through 33-2-1004, and s, of the Baltimore County Code).

Additional Comments:

Additional soil evaluations will be required to revise the septic reserve area on Lot 6. – S. Farinettì; Ground Water Management

Reviewer: T. Krispin

Date: 9/28/07

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 15, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 20, 2007

Item No. 049

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We have no comments on the adjustment to the lot line or on the variance for permitted building height provided that this plan is subsequently processed in accordance with the development regulations- DRC, CRG amendment and plat amendment.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 049-08152007.doc



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 August 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 14, 2007

Item Number: Item Number 49 and 052 through 075

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

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



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

Maryland Department of Transportation

Date: AUGUST 13, 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. 8-40-5AHA 11507 FRANKLINVILLERD

BAROODY PROPERTY

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.8-49 БРЦД.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 23, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

11507 Franklinville Road

INFORMATION:

Item Number:

8-049

Petitioner:

Joseph and Rosemary Baroody

Zoning:

RC 5

Requested Action:

Variance and Special Hearing

The petitioner requests a variance from Section 1A04.3.A of the BCZR, to permit a structure with a height of 40 feet in lieu of the required 35 feet and a special hearing pursuant to Section 1B01.3.A.7(b) of the BCZR, the First Amendment to the Final Development Plan, for the Baroody Property, to relocate the common lot line between lots #4 and #6.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested variance to permit a structure with a height of 40 feet in lieu of the required 35 feet, or to the special hearing to relocate the common lot line between lots #4 and #6 of the Baroody Property. The site plan has the existing structure to the north's front as facing Franklinville Road. However, upon a site inspection it appears that the front of the existing structure actually faces to the west, not the south, therefore making the proposed dwellings orientation acceptable as facing directly towards Franklinville Road or at a slight angle to it, as shown on the site plan.

This office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, 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.





Provide landscaping along the public road, if consistent with the existing streetscape.

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

Division Chief: AFK/LL: CM

p.2

THESE IMAGE PAGES INCORRECTLY DISPLAY THE GASE ADDRESS AS 11507 FRANKLINVILLE ROAD. THE CORRECT CASE ADDRESS IS 11746 FRANKLINVILLE ROAD.

GILDEA & SCHMIDT, LLC

DAVIDE, CHIDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204
TELETHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildesile.com

ANNAPOLIS, MD OFFICE 95 CATHEDRAL STREET

SUITE 100 ANNAPOLIS, MARY LAND 21401 TELEPHONE 410-295-0070

SEBASTIAN A. CROSS

F. GILLIS GREEN

ERIC N. LAMB

CHARLES B MAREK. III

DAMIAN C. O'DOHERTY

JASON T. VETTORI

September 19, 2007

Via Facsimile and Regular Mail

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson MD 21204

Re: Nartnov, LLC/Lot 4 Baroody Property

Case No.: 08-049-SPHA

Dear Commissioner Wiseman:

This letter serves as a request by the Petitioner in the above referenced case, to withdraw their request for zoning relief in the above referenced matter. Therefore, please enter an order of dismissal, without prejudice, in this matter. If there is any additional information you may require from this office, please contact us at your convenience. As always I am

Very truly yours,

Sebastian A. Cross

SAC: sf

CC: John Vontran, Nartnov, LLC

Dean C. Hoover, Morris & Ritchie Associates

Tim Horner, Morris & Ritchie Associates

David K. Gildea, Esquire

THESE IMAGE PAGES INCORRECTLY DISPLAY THE CASE ADDRESS AS 11507 FRANKLINVILLE ROAD. THE CORRECT CASE ADDRESS IS 11746 FRANKLINVILLE ROAD.

GIL<u>D</u>EA&SCHMIDT

GILDEA & SCHMIDT, LLC

DAVID R. GILDBA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

P. GILLIS GREEN

ERICN, LAMB

CHARLES B. MARRK. III

DAMIAN C. O'DOHEKTY

LASON T. VETTURI

600 WASHINGTON AVENUE

SUPPE 200

TOWSON, MARYLAND 21204 TRLEPHONE 410-821-0070 FACSTMILE 410-991-0071 www.gildealle.com

ANNAPOLIS, MID OFFICE 95 CATHEDRAL STREET SUPPE 100 ANNAPOLIS, MARYLAND \$1401 TEX.RPHONE 410-235-0070

FAC	SIMILE TRANSMITTAL SHEET
TO: William Wiseman, III	FROM: Sebastian A. Cross
COMPANY: Office of the Zoning Commissioner	DATE: 9/19/2007
FAX NUMBER: (410) 887-3468	TOTAL NO. OF PAGES INCLUDING COVER:
RE: Nartnov, LLC/Lot 4 Baroody Proper	ty; Case No.: 08-049-SPHA
□ URGENT □ FOR REVIEW	☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE
NOTES/COMMENTS:	· · · · · · · · · · · · · · · · · · ·

This factivitie contains information from the law firm of Gilden & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, he achised that any disclosure, copying, distribution or other use of this information is strictly provided. If you have received this facsimile in error, please notify Gildea & Schmidt, LLC by telephone (410-821-0070) innediately



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:

11507 Franklinville Road

INFORMATION:

Item Number:

8-049

Petitioner:

Joseph and Rosemary Baroody

Zoning:

RC 5

Requested Action:

Variance and Special Hearing

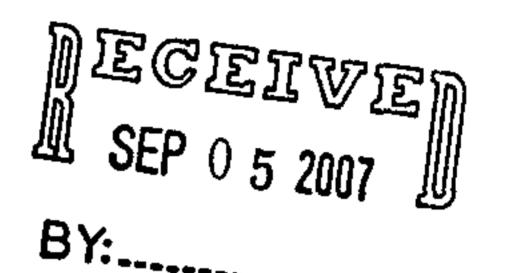
The petitioner requests a variance from Section 1A04.3.A of the BCZR, to permit a structure with a height of 40 feet in lieu of the required 35 feet and a special hearing pursuant to Section 1B01.3.A.7(b) of the BCZR, the First Amendment to the Final Development Plan, for the Baroody Property, to relocate the common lot line between lots #4 and #6.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested variance to permit a structure with a height of 40 feet in lieu of the required 35 feet, or to the special hearing to relocate the common lot line between lots #4 and #6 of the Baroody Property. The site plan has the existing structure to the north's front as facing Franklinville Road. However, upon a site inspection it appears that the front of the existing structure actually faces to the west, not the south, therefore making the proposed dwellings orientation acceptable as facing directly towards Franklinville Road or at a slight angle to it, as shown on the site plan.

This office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, 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.



DATE: August 23, 2007

5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Reviewed by:

Division Chief: AFK/LL: CM



GILDEA & SCHMIDT, LLC

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070 FACSIMILE 410-821-0071

www.gildeallc.com

ANNAPOLIS, MD OFFICE 95 CATHEDRAL STREET SUITE 100 ANNAPOLIS, MARYLAND 21401

TELEPHONE 410-295-0070

SEBASTIAN A. CROSS

F. GILLIS GREEN

ERIC N. LAMB

CHARLES B. MAREK, III

DAMIAN C. O'DOHERTY

JASON T. VETTORI

September 19, 2007

Via Facsimile and Regular Mail

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson MD 21204

Re: N

Nartnov, LLC/Lot 4 Baroody Property

Case No.: 08-049-SPHA

Dear Commissioner Wiseman:

This letter serves as a request by the Petitioner in the above referenced case, to withdraw their request for zoning relief in the above referenced matter. Therefore, please enter an order of dismissal, without prejudice, in this matter. If there is any additional information you may require from this office, please contact us at your convenience. As always I am

Very truly yours,

Sebastian A. Cross

SAC: sf

CC: John Vontran, Nartnov, LLC

Dean C. Hoover, Morris & Ritchie Associates

Tim Horner, Morris & Ritchie Associates

David K. Gildea, Esquire





RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

11507 Franklinville Road; NW/S Franklinville*

Road, 1,600' NE Sherwood Road

11th Election & 3rd Councilmanic Districts

Legal Owner(s): Joseph & Rosemary Baroody

Petitioners *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

08-049-SPHA

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/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 16th day of August, 2007, a copy of the foregoing Entry of Appearance was mailed Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AUG 1 6 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

