IN RE: PETITION FOR SPECIAL HEARING

S side Hoffmanville Road, 6,700 feet W

of Gunpowder Road 6th Election District

3rd Councilmanic District

(4315 Hoffmanville Road)

David R. and Shawn R. Sanders Petitioners BEFORE THE

DEPUTY ZONING

COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 08-153-SPH

,

*

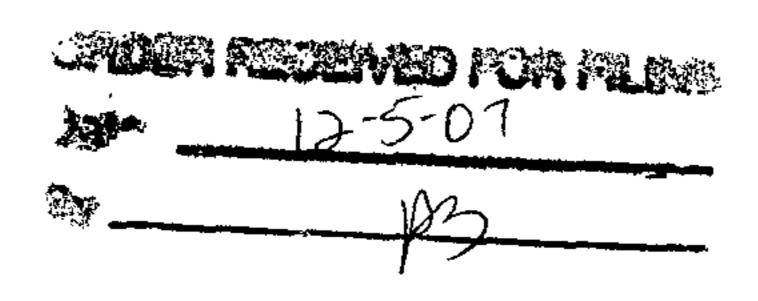
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MEMORANDUM ORDER

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the legal owners of the subject property, David R. and Shawn R. Sanders. Petitioners are requesting special hearing relief to approve an undersized access (panhandles) for two lots per Section 32-4-409 of the Baltimore County Code. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request was Ms. Shawn Sanders, Petitioner, and J. Scott Dallas with J.S. Dallas, Inc., the consultant who prepared the site plan. There were no Protestants or other interested citizens in attendance at the hearing.

Testimony and evidence reveals that the subject property is a rectangular-shaped parcel containing approximately 218,500 square feet or five acres, more or less, and zoned R.C.2. The property is improved with an existing one story single-family brick dwelling located in the Millers area of Baltimore County, just east of the Carroll County line. Petitioners' property does not have direct access to Hoffmanville Road located several hundred feet to the north; as such, Petitioners also own a panhandle strip of land approximately 12.5 feet wide and 235 feet long.

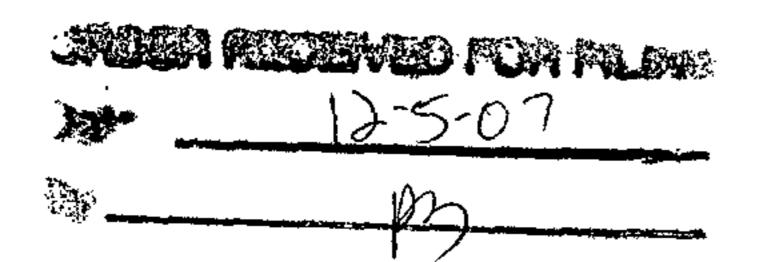


At this juncture, Petitioners desire to subdivide their lot as a minor subdivision and are currently processing that application through the Development Review Committee (DRC). They propose to reduce the size of the lot containing the existing dwelling to 1.39 acres, which would also include the existing 1,000 square foot septic reserve area, identified on the site plan as Proposed Lot 1. They propose to create a second lot containing approximately 3.61 acres, which is identified on the site plan as Proposed Lot 2. However, Proposed Lot 2 has no access to Hoffmanville Road. In order to provide access, Petitioners seek special hearing relief and request that this Commission approve a waiver to allow undersized access to two panhandle driveway strips with individual widths of 6.25 feet in lieu of the minimum 12 feet required by Baltimore County Code (B.C.C.) Section 32-4-409(b)(2)(ii).

During the hearing, the undersigned informed Petitioner and Mr. Dallas that in a recent decision of the Board of Appeals of Baltimore County entitled *In the Matter of: Kevin Gombeski*, *Legal Owner*, *Petitioner*, Case No. 06-589-SPHA, the Board of Appeals interpreted the provisions of B.C.C. Section 32-4-409, specifically regarding whether a special hearing was appropriate for a waiver of the minimum width in-fee panhandle driveway strips. In a case very similar to the instant matter, the Board of Appeals stated beginning at the bottom of page 5 of its Opinion:

[A]s to the request for the waiver to allow a panhandle driveway less than minimum width, we agree with People's Counsel's argument that under Code § 32-4-409(k), it is not a function of the Zoning Commissioner to grant a panhandle driveway waiver and the Planning Director has exclusive authority to grant a panhandle driveway waiver. Therefore, this Board is also not the proper venue to approve a waiver. Petitioner must submit his request to the Planning Director.

Upon receiving this information, Mr. Dallas indicated that he did previously discuss the panhandle width in the instant case with the Planning Office prior to the hearing. He also



pointed to the Zoning Advisory Committee (ZAC) comment from Arnold F. "Pat" Keller, III, the Director of the Office of Planning, dated October 22, 2007 which states:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This Office does not oppose the petitioner's request provided a devolution of title is provided to show ownership of the panhandle access and subdivision history of the above-referenced property.

Mr. Dallas indicated that he believes the ZAC comment from Mr. Keller provides the required approval of the waiver of the minimum panhandle driveway width from the Planning Director, in compliance with B.C.C. Section 32-4-409(k).

Near the conclusion of the hearing, at the request of Mr. Dallas, the Deputy Director of Planning, Jeffrey W. Long, appeared on behalf of the Director and reviewed Petitioners' request for the waiver of the minimum panhandle width requirement, the site plan, and the ZAC comment. Following his review, Mr. Long concurred with the ZAC comment and agreed that the waiver should be granted, finding that the size, scope and nature of the proposed minor subdivision did not justify strict compliance with the minimum width requirement, that a waiver would be within the scope, purpose, and intent of B.C.C. Section 32-4-409, and that Petitioner shall comply with all other County ordinances and regulations.

It should be noted that because this matter was filed as a Petition for Special Hearing, the file does contain comments from the Zoning Advisory Committee (ZAC) agencies. In particular, a comment was received from the Department of Environmental Protection and Resource Management (DEPRM) dated November 6, 2007, which indicates that DEPRM does not support the waiver request because the County should not grant approval that fosters additional development in the R.C.2 district. The comment further notes that the purpose of the R.C.2 zone is to reduce urban sprawl and foster low densities of development to support agricultural use and resource protection. The undersigned certainly appreciates the position of DEPRM in this

A RECEIVED FOR TELES
12-5-07
102m

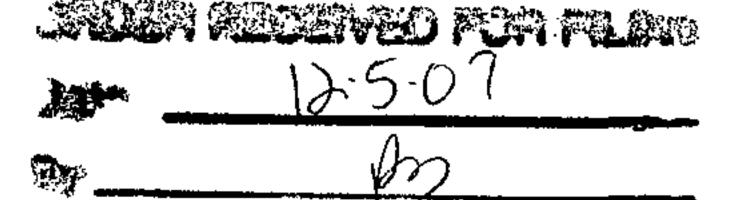
matter, however, because the Board of Appeals has determined that it is not a function of the Zoning Commissioner to grant a panhandle driveway waiver, and is instead within the exclusive authority of the Director of Planning to grant the waiver, I am unable to consider DEPRM's recommendation to overturn the Director of Planning's decision in this matter. In short, the Director of Planning (or in this case his designee, Deputy Director Jeffrey W. Long) has determined that the waiver should be granted in accordance with B.C.C. Section 32-4-409(k).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and based on the Zoning Advisory Committee comment dated October 22, 2007 from the Director of the Planning Office, as well as the determination made by Mr. Long that the waiver should be granted,

IT IS THEREFORE ORDERED this ______ day of December, 2007 by the Deputy Zoning Commissioner, that Petitioners' request for a waiver pursuant to Baltimore County Code Section 32-4-409(k) to allow undersized access to two panhandle driveway strips with individual widths of 6.25 feet in lieu of the minimum required 12 feet is hereby GRANTED, subject to the following:

- 1. Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioners shall process their minor subdivision request through the Development Review Committee (DRC) and in accordance with the requirements of the Baltimore County Code, subject to the determinations made by relevant County agencies in connection with the minor subdivision request.
- 3. Petitioner shall provide a devolution of title to the Office of Planning to show ownership of the panhandle access and subdivision history of the above-referenced property.

It should be noted that B.C.C. Section 32-4-107 allows this Commission, when sitting as a Hearing Officer, to grant waivers of any or all requirements of Subtitles 3, 4, and 5 when requested to do so by a Department Director.



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

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

12-5-07



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

December 5, 2007

DAVID R. AND SHAWN R. SANDERS 4315 HOFFMANVILLE ROAD MILLERS MD 21102

Re: Petition for Special Hearing
Case No. 08-153-SPH
Property: 4315 Hoffmanville Road

Dear Mr. and Mrs. Sanders:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

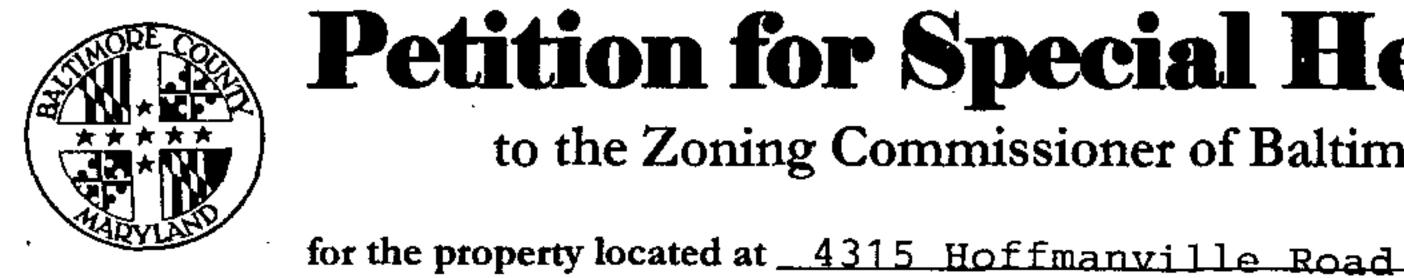
Very truly yours,

THOMAS H. BOST WICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz Enclosure

c: J. Scott Dallas, Sr., JS Dallas Inc., PO Box 26, Baldwin MD 21013



Petition for Special Hearing

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

which is presently zoned RC/2

to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Department of Permits a owner(s) of the property situate in Baltimore County and which and made a part hereof, hereby petition for a Special Hearing un County, to determine whether or not the Zoning Commissioner signal (This box to be completed by planner)	is described in the description and plat attached hereto describe Section 500.7 of the Zoning Regulations of Baltimore hould approve
UNDERSIZED ALCESS (PANHAND	LES) FOR 2 LOTS PER SECT.
32-4-409 (BCC)	
Property is to be posted and advertised as prescribed by the zon I, or we, agree to pay expenses of above Special Hearing, advended by the zoning regulations and restrictions of Baltimore County.	vertising, posting, etc. and further agree to and are to be County adopted pursuant to the zoning law for Baltimore
	solemnly declare and affirm, under the of of perjury, that I/we are the legal
·	of the property which is the subject of
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
Name - Type or Print	David R. Sanders Name - Type or Print Namid Romanus
Signature	Signature
Address Telephone No.	Shawn R Sanders Name of Print Signature Signature
City State Zip Code	Signature
Attorney For Petitioner:	4315 Hoffmanvi'lle Rd. 410-239-039 Address Telephone No.
Name - Type or Print	Millers MD 21102 City State Zip Code
Signature	Representative to be Contacted:
Company	<u>J. Scott Dallas, Sr.</u> Name
Address Telephone No.	P.O. Box 26 410-817-4600 Telephone No.
City State Zip Code	Baldwin MD 21013 City State Zip Code
	OFFICE USE ONLY
ESTIM	ATED LENGTH OF HEARING HP
10 15 7 May < P.H	AILABLE FOR HEARING Date 92707
2507 2507	

J. S. DALLAS, IRE.

SURVEYING & ENGINEERING

P.O. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817-4602 53

ZONING DESCRIPTION #4315 HOFFMANVILLE ROAD

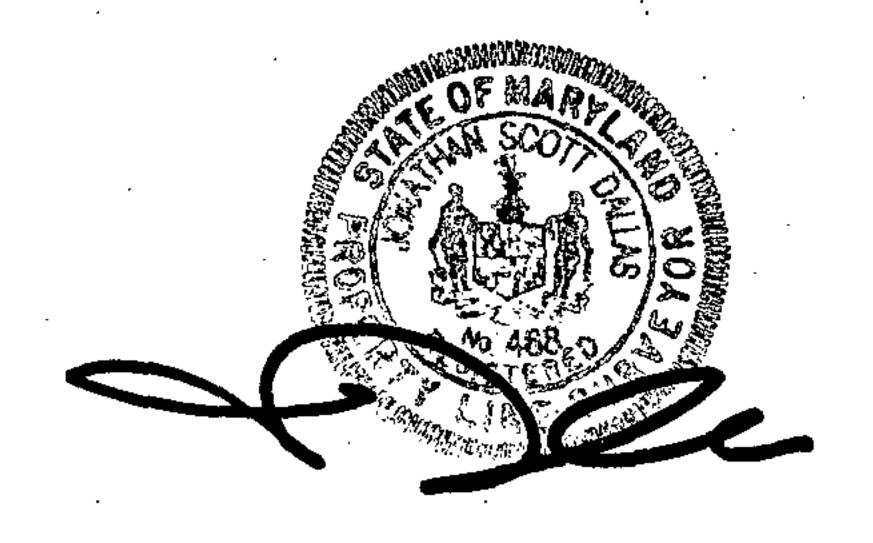
BEGINNING for the same at a point in the bed of Hoffmanville Road, at the distance of 6700', more or less, west of the center of Gunpowder Road thence leaving said Hoffmanville Road and running the nine following courses and distances: (1) South 5 degrees 00 minutes 00 seconds East 25.00 feet (2) South 5 degrees 00 minutes 00 seconds East 210.53 feet (3) North 85 degrees 00 minutes 00 seconds East 212.11 feet (4) North 87 degrees 00 minutes 00 seconds East 789.61 feet (5) South 8 degrees 48 minutes 30 seconds West 223.10 feet (6) South 86 degrees 39 minutes 54 seconds West 942.88 feet (7) North 9 degrees 45 minutes 00 seconds West 217.56 feet (8) North 5 degrees 00 minutes 00 seconds West 25.00 feet to intersect said bed of Hoffmanville Road thence running with and binding on said bed of Hoffmanville Road (10) North 85 degrees 00 minutes 00 seconds East 12.50 feet the place of beginning.

CONTAINING 218500 square feet or 5.0 acres of land, more or less.

BEING that parcel which by deed dated November 27, 1996 and recorded among the Land Records of Baltimore County in Liber S.M. No. 11971 folio 158 etc. was conveyed by Ford Consumer Finance Company, Inc. to David R. Sanders and Shawn R. Sanders.

CONTAINING Proposed Lot 1 and Lot 2 and located in the 6th Election District 3rd Councilmanic District.

Note: above description is for zoning purposes only.



BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS RECEIPT Sub Rev Sub Rept BS Fund Agoy Organ Organ Source Rev Catg Acct Amount From From For. For. Ago Organ Organ Organ From From From From From From From From	PAID RECEIPT BESTER STATES THE	STATE STATES OF THE STATES OF	Marian Grant, Marian			CASHIER'S VALIDATION
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RE COUNTY MARYLAN NEOUS RECEIPT Sub Organ Sub	5 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Rept		Total	W. M.	YELLO
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ago – to the state of the time of time of time of the time of		Fund Ago,		Rec	For	DISTRIBUTION WHITE - CASHIER

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NOTICE OF ZONING HEARING

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

CASE NUMBER: 08-153-X
4315 Hoffmanville Road
6th Election District
3rd Councilmanic District
Legal Owner(s): David &
Shawn Sanders
Special Exception: to approve undersized access
(panhandles) for 2 lots per
Section 32-4-409 (BCC).
Hearing: Monday, December 3, 2007 at 11:00 a.m.
in Room 407, County
Courts Building, 401
Bosley Avenue, Towson Courts Bosley 21204.

WILLIAM J. WISEMAN, III Zonling Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zonling Commissioner's Office at (410) 887-3868.

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

į 2007

in the following weekly newspaper published in Baltimore County, I THIS IS TO CERTIFY, that the annexed advertisement was published ,200 _successive weeks, the first publication appearing

North County News Owings Mills Times → NE Booster/Reporter Towson Times Arbutus Times Catonsville Times 🗡 The Jeffersonian

LEGAL ADVERTISING Mullusa

CERTIFICATE OF POSTING

		Date: 11/17/07
RE: Case Number:	13/2007	· · · · · · · · · · · · · · · · · · ·
This is to certify under the pena by law were posted conspicuously on	alties of perju the property	located at 4315 Haffware
The sign(s) were posted on	4/17/0	Month, Day, Year)
CASE # 08-153-X		Signature of Sign Poster)
A PUBLIC HEARING WILL BE HELD BY THE LONING COMMISSIONER IN TOWSON, MD		J. LAWRENCE PILSON (Printed Name of Sign Poster) 1015 Old Barnfal
PLACE COMMENCED SECTION TO APPROVE ADMINISTRATED MISSES CONTRACT TO APPROVE ACTOR FOR SECTION TO APPROVE ACTOR FOR SECTION		(Street Address of Sign Poster) (City, State, Zip Code of Sign Poster)
MARINE THE SECTION TO A CONTRACTOR AND ADDRESS OF THE PROPERTY		40-343-1443 (Telephone Number of Sign Poster) Revised 3/1/01 - SCJ



JAMES T. SMITH, JR. County Executive

October 15, 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: 08-153-X
4315 Hoffmanville Road
6th Election District – 3rd Councilmanic District
Legal Owners: David & Shawn Sanders

Special Exception to approve undersized access (panhandles) for 2 lots per Section 32-4-409 (BCC).

Hearing: Monday, December 3, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

TK:klm

Director

C: David & Shawn Sanders, 4315 Hoffmanville Road, Millers 21102 J. Scott Dallas, Sr., P.O. Box 26, Baldwin 21013

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 17,2007

(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, November 15, 2007 Issue - Jeffersonian

Please forward billing to:

David Sanders 4315 Hoffmanville Road Millers, MD 21102 410-239-0397

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:

ASE NUMBER: 08-153-X

4315 Hoffmanville Road

6th Election District – 3rd Councilmanic District

Legal Owners: David & Shawn Sanders

Special Exception to approve undersized access (panhandles) for 2 lots per Section 32-4-409 (BCC).

Hearing: Monday, December 3, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

MILIAM JAWISEMAN III

COMMISSIONER FOR BALTIMORE COUNTY

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

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number: 08 153 X	
Petitioner: David R. Sanders	
Address or Location: 4315 Hoffman ville Road	,
PLEASE FORWARD ADVERTISING BILL TO: Name: David R. Sanders Address: 4315 Hoffman ville Road Millers MD. 21102	
Millers MD. 21102	
Telephone Number: 410.239-0397	<u> </u>



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 28, 2007

David R. Sanders Shawn R. Sanders 4315 Hoffmanville Road Millers MD 21102

Dear Mr. and Mrs. Sanders:

RE: Case Number: 08-153-X, 4315 Hoffmanville Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 27, 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

W. Callilal

WCR:amf

Enclosures

c: People's Counsel

J. Scott Dallas, Sr. P.O. Box 26 Baldwin 21013

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:

4315 Hoffmanville Road

INFORMATION:

Item Number:

8-153

Petitioner:

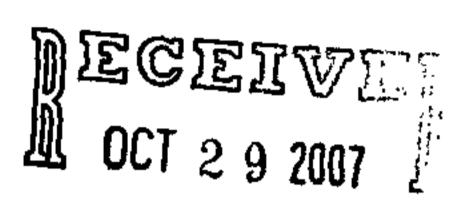
David and Shawn Sanders

Zoning:

RC 2

Requested Action:

Special Hearing



BY:___

DATE: October 22, 2007

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This Office does not oppose the petitioner's request provided a devolution of title is provided to show ownership of the panhandle access and subdivision history of the above referenced property.

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

Reviewed by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 11, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 15, 2007 Item No. 08-153

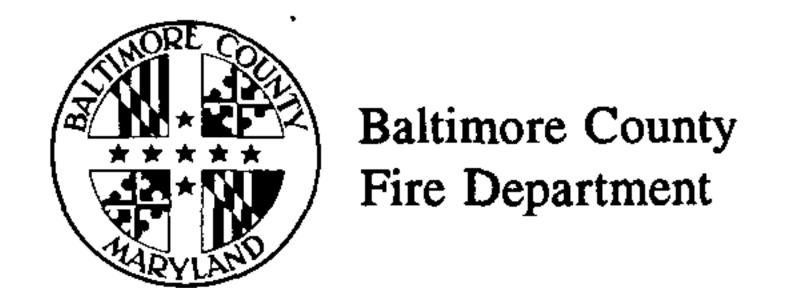
The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The developer shall have a title attorney certify that he has the right to burden the existing right of way.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-153-10112007.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 October 11, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 8, 2007

Item Number: Item Number 153

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.

. 3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4880 (C)443-829-2946 MS-1102F

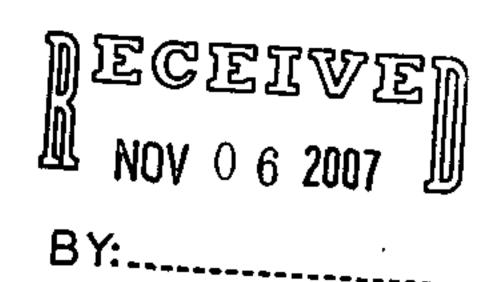
cc: File

TB 12/3

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence





TO:		Timothy M. K	Cotroco							
FROM	:	Dave Lykens,	Dave Lykens, DEPRM - Development Coordination							
DATE	•	November 6, 2007								
SUBJECT:		Zoning Item Address	# 08-153-X 4315 Hoffmanville Road (Sanders Property)							
	Zoning	g Advisory Con	nmittee Meeting of October 8, 2007							
	The Department of Environmental Protection and Resource Management has comments on the above-referenced zoning item.									
<u>X</u>		epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:								
	Development of the property must comply with the Regulations for Protection of Water Quality, Streams, Wetlands and Floodplains (33-3-101 through 33-3-120 of the Baltimore County Code).									
	<u>X</u>	Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).								
		Critical Area I	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:

Do not support. The County should not grant approval that fosters additional development in the RC2. The purpose of the RC2 zone is to reduce urban sprawl and foster low densities of development to support agricultural use and resource protection. – W.S. Lippincott; Agricultural Preservation

EIR Reviewer: Jonathan Bowman

Date: 11/2/07



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

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

Maryland Department of Transportation

Date: Octobez 15, 2007

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Baltimore County

Item No.8-153-X

4315HOFFMANVILLE ROAD

SANDERS PROPERTY

SPECIAL TACKETTION

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.8-1934.

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,

Fran

Steven D. Foster, Obief Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: October 22, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4315 Hoffmanville Road

INFORMATION:

Item Number:

8-153

Petitioner:

David and Shawn Sanders

Zoning:

RC 2

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This Office does not oppose the petitioner's request provided a devolution of title is provided to show ownership of the panhandle access and subdivision history of the above referenced property.

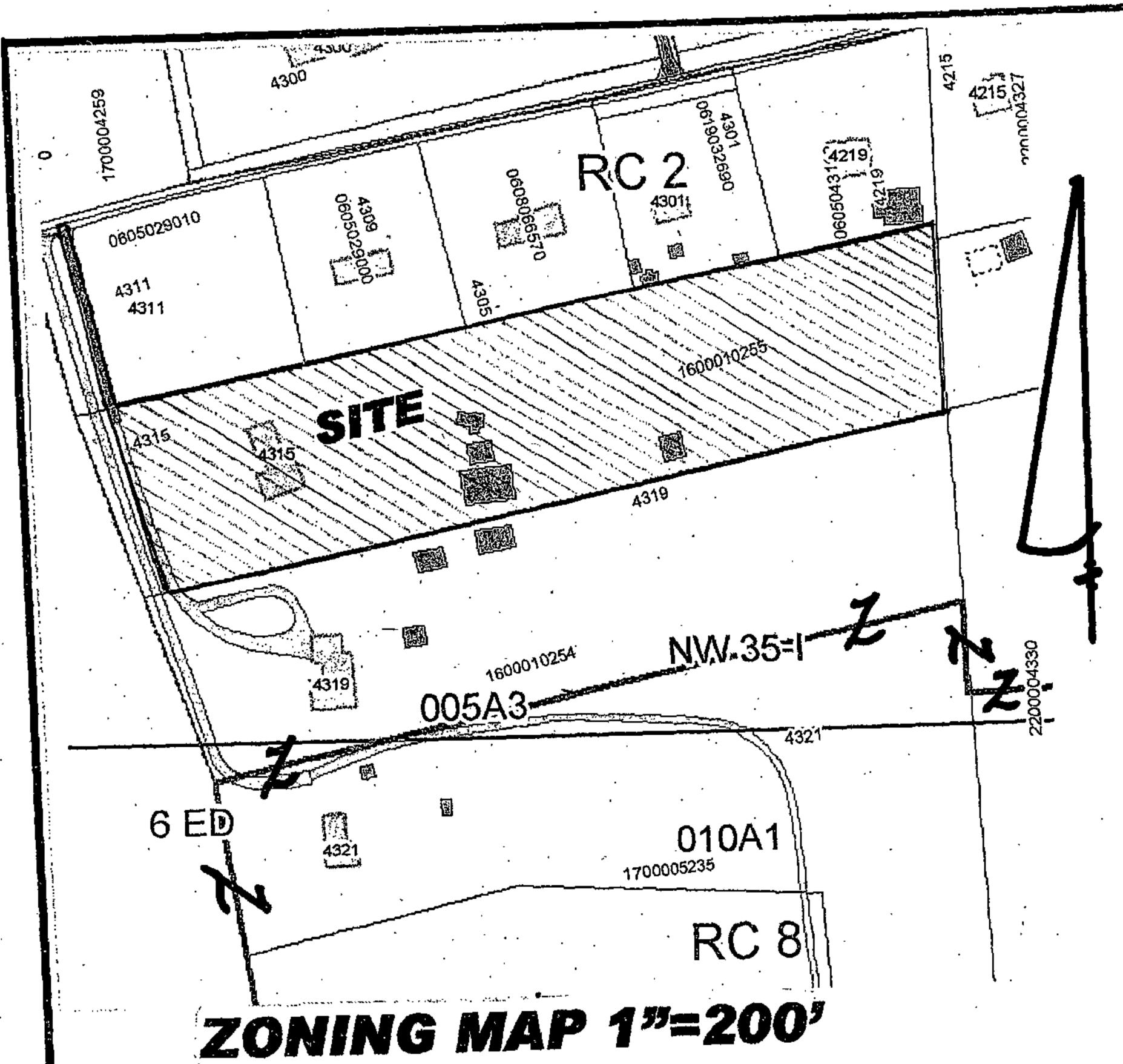
For further information concerning the matters stated here in, please contact Jessie Bailek at 410-887-3480.

Reviewed by:

Division Chief:

AFK/LL: CM

4315 HOFFMANVILLE ROAD



(B.C.O.P.Z. MAP NO. 005A3)

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-153-5PH
DATE

PETITIONER'S SIGN-IN SHEET

isdince action sandersformityofsover								
ESALCLIAND 21013 Millers MD 21013								
P.O. Box Zee 4315 Hotfmanville Rd								
Scott Dallas Shipum SAnders								

RE: PETITION FOR SPECIAL EXCEPTION *

4315 Hoffmanville Road; S/S Hoffmanville

Road, 6,700' W Gunpowder Road

6th Election & 3rd Councilmanic Districts

Legal Owner(s): David & Shawn Sanders

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

* BALTIMORE COUNTY

08-153-X

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of October, 2007, a copy of the foregoing Entry of Appearance was mailed J. Scott Dallas, P.O. Box 26, Baldwin, MD 21013, Representative for Petitioner(s).

RECEIVED

CCT 1 1 2007

Per Xl

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

J. S. Dallas, inc.

SURVEYING & ENGINEERING P.O. BOX 26 BALDWIN, MARYLAND, 21013 (410) 817-4600 FAX: (410) 817-4602

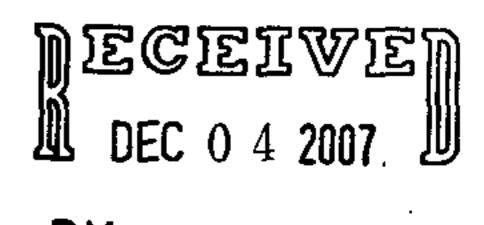
December 3, 2007 Re: #4315 Hoffmanville Road Undersized Access 07-153-SPH

To:

Mr. Jeff Long, Deputy Director Baltimore County Office of Planning Suite 406, County Courts Building

HAND DELIVER

Dear Mr. Long:



Thank you for your time earlier today (Monday December 3, 2007), at very short notice. You met with me, Mrs. Sanders (property owner), Deputy Zoning Commissioner Bostwick and Zoning Commissioner Wiseman in Hearing Room 407 to discuss Mrs. Sanders' property on Hoffmanville Road. Mrs. Sanders and I had intended to be heard by Mr. Bostwick in a Special Hearing.

You indicated at that meeting that you would extend Mr. Keller's approval of undersized access strips (6.25 feet each for proposed Lots 1 and 2) for the above referenced project. A recent appeals decision appears to have moved these types of decisions out of the Zoning Special Hearing process and now require approval by the Director of Planning. Although you extended approval at the Zoning Hearing (which was entered into the formal record), I am following up with this additional formal request since the process change is so very recent. Please respond in writing at your earliest convenience so that Mrs. Sanders can process her Minor Subdivision.

Thanks in advance for your timely consideration.

Very truly yours,

J. Scott Dallas, P.L.S. President

Cc: Mr. and Mrs. Sanders

Zoning Commissioner Wiseman

Deputy Zoning Commissioner Bostwick



JAMES T. SMITH, JR. County Executive

June 4, 2008

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

David and Shawn Sanders 4315 Hoffmanville Road Millers, Maryland 21102

Re: Petition for Special Hearing

Case No. 080153-SPH 4315 Hoffmanville Road

Dear David and Shawn:

This is in response to your request for a refund for the above case. Your request has been reviewed by both Hearing Officers Thomas Bostwick and William Wiseman, Zoning Commissioner and Timothy Kotroco, Director of Permits Development Management. They have determined that no refund is due you at this time.

If you have any further questions please call me Carl Richards, Supervisor, Zoning Department at 410-887-3391 between 8:00 and 4:30 Monday through Friday.

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Yours truly,

W. Carl Richards

Supervisor

WCR/rjc

The full from_ Frations Click this morniary. Mo Sandero Culled & wanto be refund. Requesto Carl supras Recommend a refund

David and Shawn Sanders 4315 Hoffmanville Road Millers, MD 21102 410-239-0397 Sandersfamilyof5@verizon.net

April 1, 2008

W. Carl Richards, Jr., Supervisor Zoning Review Office Department of Permmits and Development Management 111 W. Chesapeake Avenue, Room 111 Towson, MD 21204

> Petition for Special Hearing Re: Case No. 08-153-SPH Property: 4315 Hoffmanville Road

Dear Mr. Richards

I am enclosing a copy of a letter dated February 5, 2008 that was sent to the attention of Thomas H. Bostwick, Deputy Zoning Commissioner with respect to the above matter.

Via email, he relayed to me that he was going to forward this letter to you for review. To date, I have not heard from you with respect to my request. I believe my request to be a reasonable request, as the zoning hearing was not necessary for my case. I would appreciate it if you would consider and respond to my request in the attached letter.

Thank you for your attention.

Sincerely,

Maurel Janders

Shawn R. Sanders

