IN RE: PETITION FOR VARIANCE

N side Raintree Court, 840 feet W of c/l Greenspring Avenue 4th Election District 2nd Councilmanic District (12520 Greenspring Avenue)

12520 Greenspring Avenue, LLC By, Thomas G. Scherr, Authorized Representative Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY

* Case No. 08-182-A

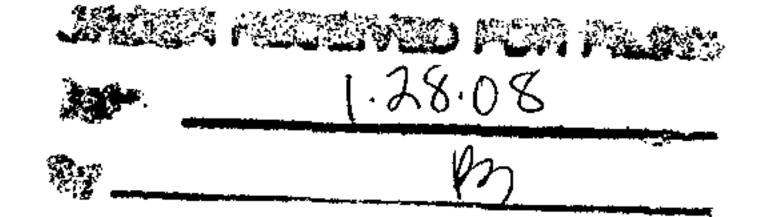
FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Thomas G. Scherr, authorized representative, on behalf of the legal owner of the subject property, 12520 Greenspring Avenue, LLC. Petitioner is requesting variance relief as follows:

- from Section 1A04.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 20 feet in lieu of the required 50 feet from any lot line other than a street line; and
- an amendment to the Final Development Plan entitled "Raintree Farm" (PDM No. IV-592), so as to permit a lot line setback variance for Lot 12 only, Plat 2 of 2, in accordance with Sections 1A00.4 and 1B01.3 of the B.C.Z.R. and Section 1B01.3.A.7.c of the Zoning Commissioner's Policy Manual; and
- from Section 400.3 of the B.C.Z.R. to permit a detached garage height of 18 feet in lieu of the permitted 15 feet, if the structure is not considered a "barn" under Section 300.1.A of the B.C.Z.R.

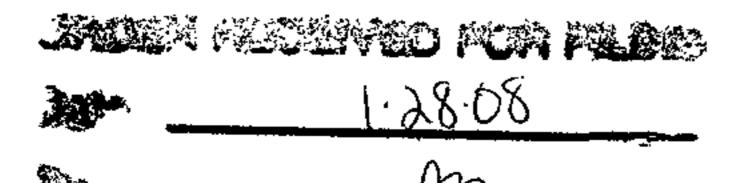
The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.



Appearing at the requisite public hearing in support of the variance request was Jason T. Vettori, Esquire, attorney for Petitioner 12520 Greenspring Avenue LLC. Also appearing was Richard E. Matz, the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is shown on the site plan as Lot 12. It is part of the Raintree Farm subdivision, which was the subject of a Hearing Officer's Hearing held on June 4, 2004 in order to consider a proposed residential development plan. As part of the development plan, the larger property was presented as an irregular-shaped parcel located on the west side of Greenspring Avenue, north of Walnut Avenue across from Baublitz Avenue in the Owings Mills area of Baltimore County. The property contained a gross area of 37.95 acres, more or less, and zoned R.C.5. The property was proposed for development with 13 single-family dwelling lots, the largest of which was shown as Lot 13 to be retained by Morton and Norma Seidman. That lot features an existing single-family dwelling known as 12544 Greenspring Avenue. There were also several outbuildings to be retained by the Seidmans, as well as a large area of forest conservation easement.

In addition to the Seidman home, there are two other existing single homes. Lot 1, which is located near the intersection of Greenspring Avenue and Walnut Avenue, is owned by Mr. & Mrs. Shaneybrook and is improved with a single-family dwelling, known as 12508 Greenspring Avenue. In addition, Lot 12, which is the subject of the instant Petition, is located near the rear of the proposed development, and is improved with a single-family dwelling known as 12520 Greenspring Avenue. The remaining Lots 2 through 11 were to be improved with new dwellings. Vehicular access would be provided via an existing road, known as Raintree Court, leading into the site from Greenspring Avenue and terminating as a cul-de-sac. In an Order



dated June 15, 2004, then-Zoning Commissioner Lawrence E. Schmidt approved the redlined development plan for Raintree Farm.

As to the instant matter, Lot 12 consists of approximately 1.67 acres zoned R.C.5. It is a long, narrow lot located approximately 150 feet north of Raintree Court, with vehicular access The existing dwelling on Lot 12 was constructed as a two-story from the cul-de-sac. contemporary approximately 20 years ago. At that time, a barn was also built as an accessory to the main dwelling. According to Mr. Vettori, Mr. Seidman's son was a horseman and lived in the house for a period of time and now lives in Virginia. He also used the barn for horses and horse related activities. In order to be more in keeping visually and aesthetically with the new dwellings being constructed on Lots 2 through 11, Petitioner proposes to raze the existing dwelling. This will enable Petitioner to erect a larger, more compatible dwelling with the other proposed dwellings in the subdivision. In order to do so, Petitioner requires a variance from the required lot line setback requirement of 50 feet, in favor of 20 feet. In addition, in order to keep the existing accessory structure, Petitioner seeks a height variance from the 15 foot maximum to legitimize the actual 18 foot height, unless it is determined that the structure is a barn and not subject to the height restriction under Section 300.1.A of the B.C.Z.R. Finally, if the variances are granted, Petitioner seeks an amendment to the Final Development Plan for Raintree Farm.

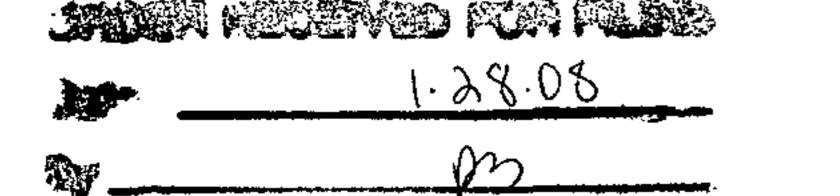
In support of the variance from the lot line setback requirement, Mr. Matz, Petitioner's engineering consultant, indicated that the instant lot, Lot 12, is a very narrow lot. It is configured much differently than the Lots 2 through 11 that were created following approval of the development plan. In addition to being long and thin, Lot 12 backs up to a forest conservation easement. Moreover, there is no flexibility from adjacent lot lines to make adjustments on other sides to meet the setback requirement. Finally, Mr. Matz indicated that although the existing dwelling just barely meets the setback requirements, it is also not particularly marketable within

the new Raintree Farm subdivision because it is very dissimilar to and smaller than the proposed dwellings shown in the pattern book for the subdivision. Mr. Matz also stated that a new dwelling on Lot 12, even with a 20 foot lot line setback, would still be the smallest home in the subdivision, but would be decidedly more similar to the proposed dwellings and consistent with surrounding properties. As to the height variance request, Mr. Matz again indicated that the accessory structure is a barn and not a garage subject to the height variance of Section 400.3 of the B.C.Z.R. He again pointed to the fact that the structure was erected as a barn for Mr. Seidman's son, who was a horseman and utilized the structure as such when he lived there.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated November 7, 2007 which indicate that the plan has a previous zoning history of several variances granted via Case Nos. 03-052-A and 04-517-A as well as D.R.C. plan refinements approved. On all of the previously approved plans, the existing dwelling on Lot 12 was shown to remain. The instant petition shows it being razed and a new larger dwelling with a larger footprint is shown on Lot 12. If Petitioner is able to demonstrate that the variance relief is justified, the proposed new dwelling on Lot 12 must submit architectural elevation drawings for review and approval prior to issuance of any building permits. The Planning Office does not object to the accessory structure height variance provided the building is not used for either living quarters or commercial purposes.

Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated November 20, 2007 which indicates that the property must comply with the Forest Conservation Regulations.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief from the 50 foot lot line setback requirement. In particular, I find special

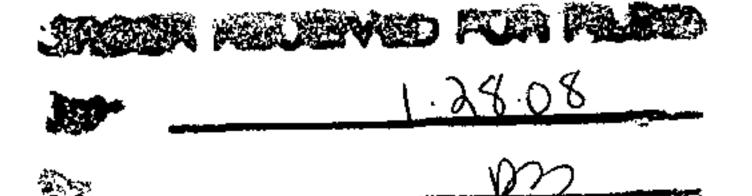


circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The size and shape of the lot and its proximity to a forest conservation easement, as well as the subject property pre-dating the subdivision, make the property unique in a zoning sense. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. As to the height variance, I find the existing accessory structure to be a barn that is not specifically subject to the 15 foot height restriction of Section 400.3 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this day of January, 2008 by this Deputy Zoning Commissioner, that Petitioner's variance requests as follows:

- from Section 1A04.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 20 feet in lieu of the required 50 feet from any lot line other than a street line be and is hereby GRANTED; and
- an amendment to the Final Development Plan entitled "Raintree Farm" (PDM No. IV-592), so as to permit a lot line setback variance for Lot 12 only, Plat 2 of 2, in accordance with B.C.Z.R. Sections 1A00.4 and 1B01.3 and Section 1B01.3.A.7.c of the Zoning Commissioner's Policy Manual be and is hereby GRANTED; and
- from Section 400.3 of the B.C.Z.R. to permit a detached garage height of 18 feet in lieu of the permitted 15 feet, if the structure is not considered a "barn" under Section 300.1.A



of the B.C.Z.R. be and is hereby DISMISSED as MOOT, having found that the structure is a barn and not subject to the height restriction under Section 300.1.A of the B.C.Z.R.

The granting of the relief herein is specifically conditioned on the following:

- 1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Development of the property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- 3. Architectural elevation drawings must be submitted to the Office of Planning for review and approval prior to issuance of any building permits.
- 4. Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 5. The accessory structure shall not be used for commercial purposes.

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

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 12520 Greenspring Avenue which is presently zoned: R.C. 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):

Please see attached.

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

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.

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):

Name - Type or Print		_{NI}	12520 Greensprin	A . A	
Name - Type of Final		14	lame - Type or Print	D. Scherr	
Signature			Signature		· · · · · · · · · · · · · · · · · · ·
			Thomas G. Scher	r, authorized	representative
Address	 "	Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		-
Attorney For Petitic	oner:		701 Fern Valley	Circle	
			Address		Telephone No.
Jason T. Vettori			Baltimore	MD	21228-3343
Name - Type or Print		с	ity	State	Zip Code
700	V		Representativ	re to be Contacted	•
Signature			110p100ciitativ	o to bo oomatou	
Gilden & Schmidt, LLC			Jason T. Vettori		
Company	<u> </u>		Name	<u> </u>	
600 Washington Avenue	, Suite 200	(410) 821-0070	600 Washington	Avenue, Suite 200	(410) 821-0070
Address		Telephone No.	Address		Telephone No.
Towson	MD	21204	Towson	MD	21204
City	State	Zip Code	Cíty	State	Zip Code
				OFFICE USE ONLY	
Case No. <u>08-18</u>	20-A		ESTIMATED LENGT	H OF HEARING	
Case 110. <u>C/D (</u>	75 <u>C</u>		UNAVAILABLE FOR	HEARING	
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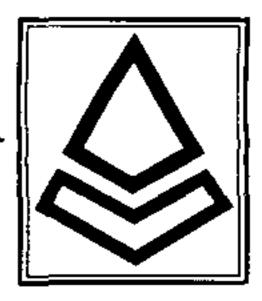
ATTACHMENT TO PETITION FOR VARIANCE

12520 Greenspring Avenue

- 1. 1A04.3.B of the BCZR to permit a lot line setback of 20 feet in lieu of the required 50 feet from any lot line other than a street line; and
- 2. An amendment to the Final Development Plan entitled "Raintree Farm" (PDM No. IV-592), so as to permit a lot line setback variance for Lot 12 only, Plat 2 of 2, in accordance with BCZR §§1A00.4 and 1B01.3 and Section 1B01.3.A.7.c of the Zoning Commissioner's Policy Manual (ZCPM); and
- 3. 400.3 of the BCZR to permit a detached garage height of 18 feet in lieu of the permitted 15 feet, if the structure is not considered a "barn" under §300.1.A of the BCZR; and
- 4. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

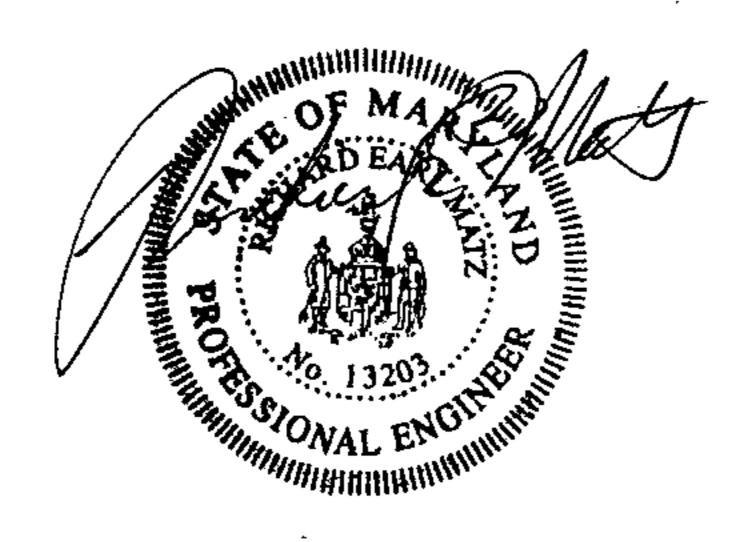
Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION RAINTREE FARM- LOT 12

Beginning at a point on the north side of Raintree Court, which is 40 feet wide, at a distance of 840± feet west of the centerline of Greenspring Avenue, which is 70 feet wide, being Lot # 12 in the subdivision of Raintree Farm, as recorded in Baltimore County Plat Book # 78, Folio 194, containing 1.65 acres. Also known as 12520 Greenspring Avenue, and located in the 4th Election District, 2nd Councilmanic District.



2835 Smith Avenue, Suite G Baltimore, Maryland 21209 Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

WHITE - CASHIER DISTRIBUTION From: PRIME AGENC Sub Cato TELLOW - CUSTOMER

CERTIFICATE OF POSTING

E: Case No.: _	28-18	32A.	·.
part of the	eveloper: /		•
GREEN			<u> </u>
	ring/Closing	•	

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:

12520 GREENSPRING AVE

The sign(s) were posted on

Ą.

(Month, Day, Year)

Sincerely,

ZONIZG NOTICE A

CASE & OS-182-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN THIS SON, MO

PLACE

Dohert Black	12-6-0
(Signature of Sign Poster)	(Date)
SSG Robert Black	•
(Print Name)	
1508 Leslie Road	
(Address)	
Dundalk, Maryland 212	22
(City, State, Zip Code	;)
(410) 282-7940	. ,
(Telephone Number)	· · · · · · · · · · · · · · · · · · ·



JAMES T. SMITH, JR. County Executive

October 25, 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: 08-182-A 12520 Greenspring Avenue

N/side of Raintree Court, 840 feet west of centerline of Greenspring Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: 12520 Greenspring Avenue, LLC, by Thomas Scherr

<u>Variance</u> to permit a lot line setback of 20 feet in lieu of the required 50 feet from any lot line other than a street line and an amendment to the Final Development Plan entitled "Raintree Farm" (PDM No. IV-592), so as to permit a lot line setback variance for Lot 12 only, Plat 2 of 2, and to permit a detached garage height of 18 feet in lieu of the permitted 15 feet, if the structure is not considered a "barn."

Hearing: Tuesday, December 18, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

buth Kotroco.

TK:klm

C: Jason Vettori, Gildea & Schmidt, 600 Washington Avenue, #200, Towson 21204 Thomas Scherr, 701 Fern Valley Circle, Baltimore 21228-3343

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 3, 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.



Tuesday, December 4, 2007 Issue - Jeffersonian

Please forward billing to:

Jason Vettori 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: 08-182-A

12520 Greenspring Avenue

N/side of Raintree Court, 840 feet west of centerline of Greenspring Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: 12520 Greenspring Avenue, LLC, by Thomas Scherr

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Hearing: Tuesday, December 18, 2007 at 10:00 a.m. in Room 407, County Courts Building,

4/1 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.

Item Number	or Case Number:		182-A	
Petitioner:	12520 Greensp	rmy Avenue, LLC		
Address or Lo	ocation: 125	28 Greenspring	Avenue	
	RWARD ADVERTISIN			
	RWARD ADVERTISIN ゴルSON T.			
	JASON T.			
Name:	JASON T. GILDEA L	VETTORI		
Name:	JASON T. GILDEA L	VETTORI Schmot, LL		



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 12, 2007

Jason T. Vettori Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, Maryland 21204

Dear Mr. Vettori:

RE: Case Number: 08-182-A, 12520 Greenspring Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 18, 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.

u. Cal Rohal)

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

12520 Greenspring Avenue, LLC Thomas G. Scherr, Authorized Representative 701 Fern Valley Circle Baltimore 21228-3343



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

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

Maryland Department of Transportation

Date: OCTOBER 25, 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. 8-182-A

12520 GREENSPRING AVENUE. 12520 GREENSPRING AVE. LLC PEUPERTY

VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-182-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 23, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 29, 2007

Item Nos. 08-171,172, 173, 174, 175, 176,

177, 178, 179, 180, 181, and 182

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-10232007.doc

TB 12/18

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

Post-it® Fax Note 7671	Date # of pages ► /	OPI CO	MECEIVE
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Co./Dept. Vettore	Co.	10 V A 10	W NOV 2 0 2007
Phone #	Phone #		BY:
Fax # 410 821 0071	Fax #		
TO:	Timothy M. Kotroco	;	
FROM:	Dave Lykens, DEPRM - D	evelopment Coordinati	on JWC
DATE:	November 20, 2007	•	
SUBJECT:	Zoning Item # 08-182-A Address 12520 Gree (Raintree F	enspring Avenue	
	ng Advisory Committee Mee		
	Department of Environmental ments on the above-reference		ce Management has no
	Department of Environmental ollowing comments on the ab		_
	Development of the proper Protection of Water Quality 33-3-101 through 33-3-120	y, Streams, Wetlands ar	nd Floodplains (Sections
<u>X</u>	Development of this prope Conservation Regulations Baltimore County Code).		
,	Development of this prope Critical Area Regulations (other Sections, of the Balti	(Sections 33-2-101 thro	
Addit	tional Comments:	•	
Revie	ewer: Michael S. Kulis		Date: 11/19/07

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 7, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

12520 Greenspring Avenue

INFORMATION:

Item Number:

8-182

Petitioner:

12520 Greenspring LLC

Zoning:

RC 5

Requested Action:

Variance

The variance request if granted would amend the latest approved FDP for Raintree Farms and permit setback relief for the proposed dwelling on lot 12. There is also a height variance of 18 feet for an existing barn, which is now considered an accessory structure.

This plan has a previous zoning history of several variances granted via Case No 03-052a and 04-517a as well as DRC plan refinements approved, most recently 2nd refined plan approved by 110606C. On all of the previously approved plans, the existing dwelling on lot 12 was shown as to remain. The plan submitted for this hearing shows it being razed and a new larger dwelling with a larger footprint is shown on lot 12.

SUMMARY OF RECOMMENDATIONS:

The applicant has not submitted a special hearing to amend the final development plan of Raintree Farms yet the request is included in the attachment to the petition for variance.

If the applicant is able to demonstrate that the variance is justified, the proposed new dwelling on lot 12 must submit architectural elevation drawings for review and approval prior to issuance of any building permits.

The Office of Planning does not object to the accessory structure height variance provided the building is not used for either living quarters or commercial purposes.

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

Reviewed by:

Division Chief.

AFK/LL: CM(

RE: PETITION FOR VARIANCE
12520 Greenspring Avenue; N/S Raintree
Court, 840' W of Greenspring Avenue

4th Election & 2nd Councilmanic Districts

Legal Owner(s): 12520 Greenspring Avenue*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

08-182-A

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and 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 31st day of October, 2007, a copy of the foregoing Entry of Appearance was mailed to, Jason T. Vettori Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

DCT 3 1 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

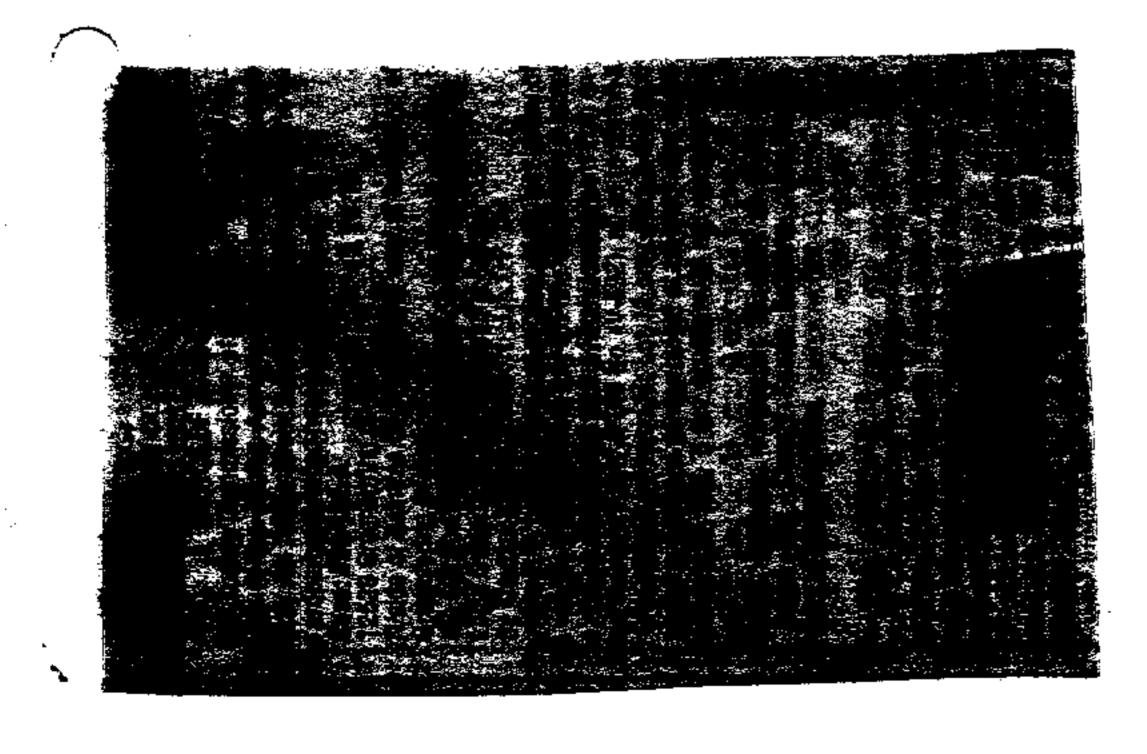
Per....

PLEASE PRINT CLEARLY

CASE NAME FOR 12520 GREGUSPRINGE CASE NUMBER OS-102-A DATE DECEMBER 18,2007.

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600 WASSERS AVE. STE. 200	2035 SMITH AVENUE, SUITE G								
Those T. Verson	KISTERON MAIN								



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

X The Jeffersonian ☐ Arbutus Times

☐ Catonsville Times

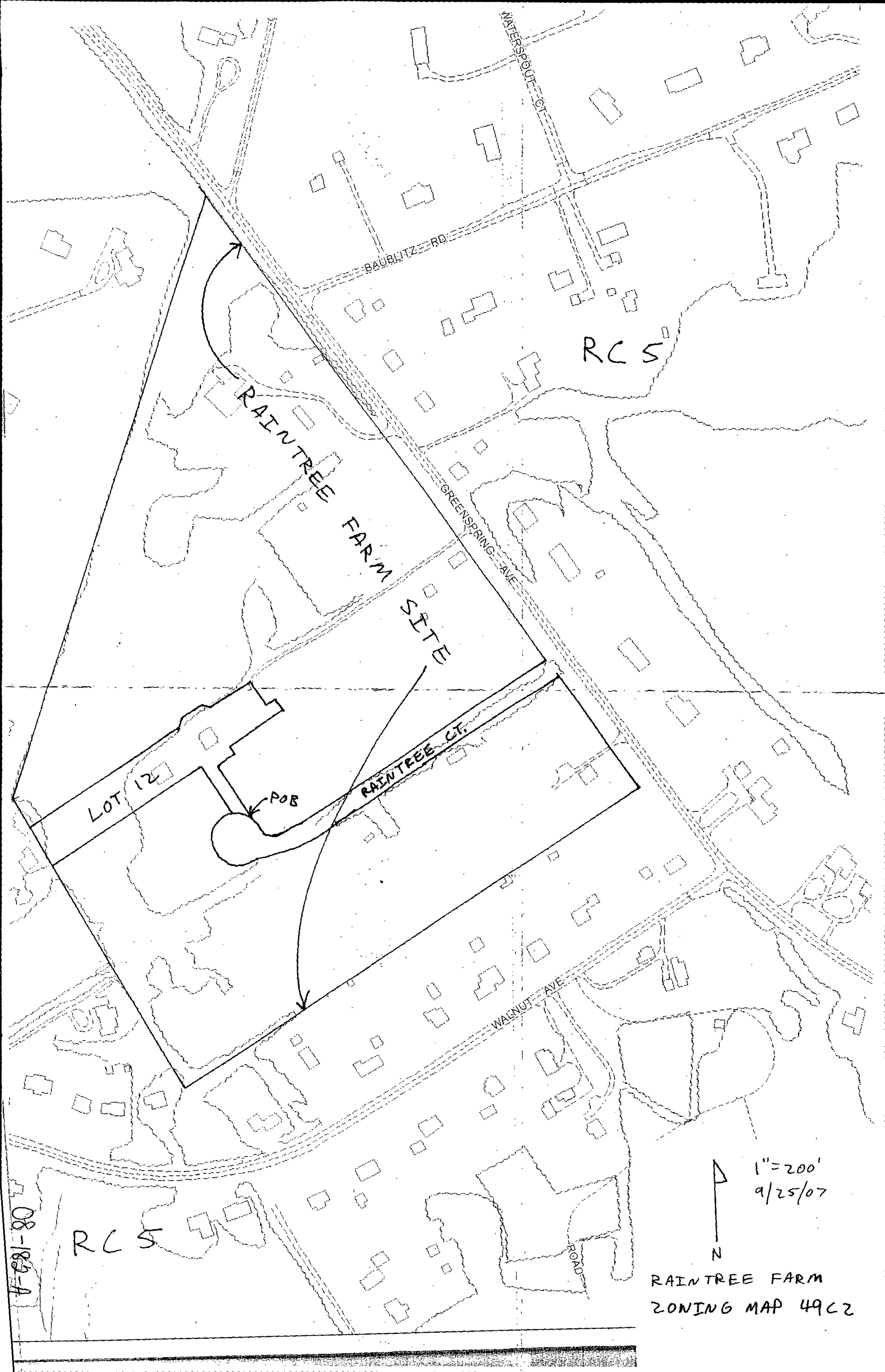
□ Towson Times

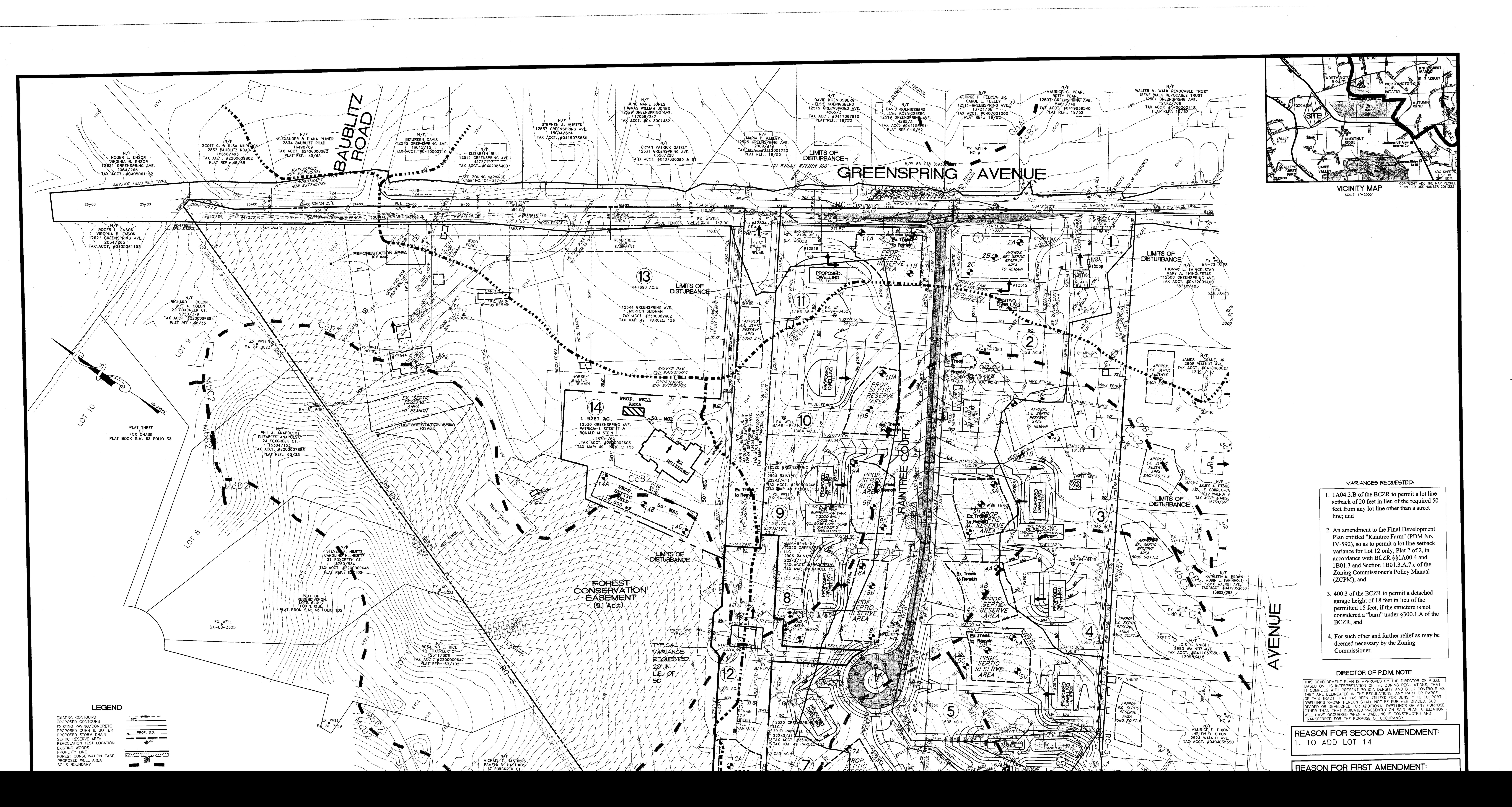
☐ Owings Mills Times

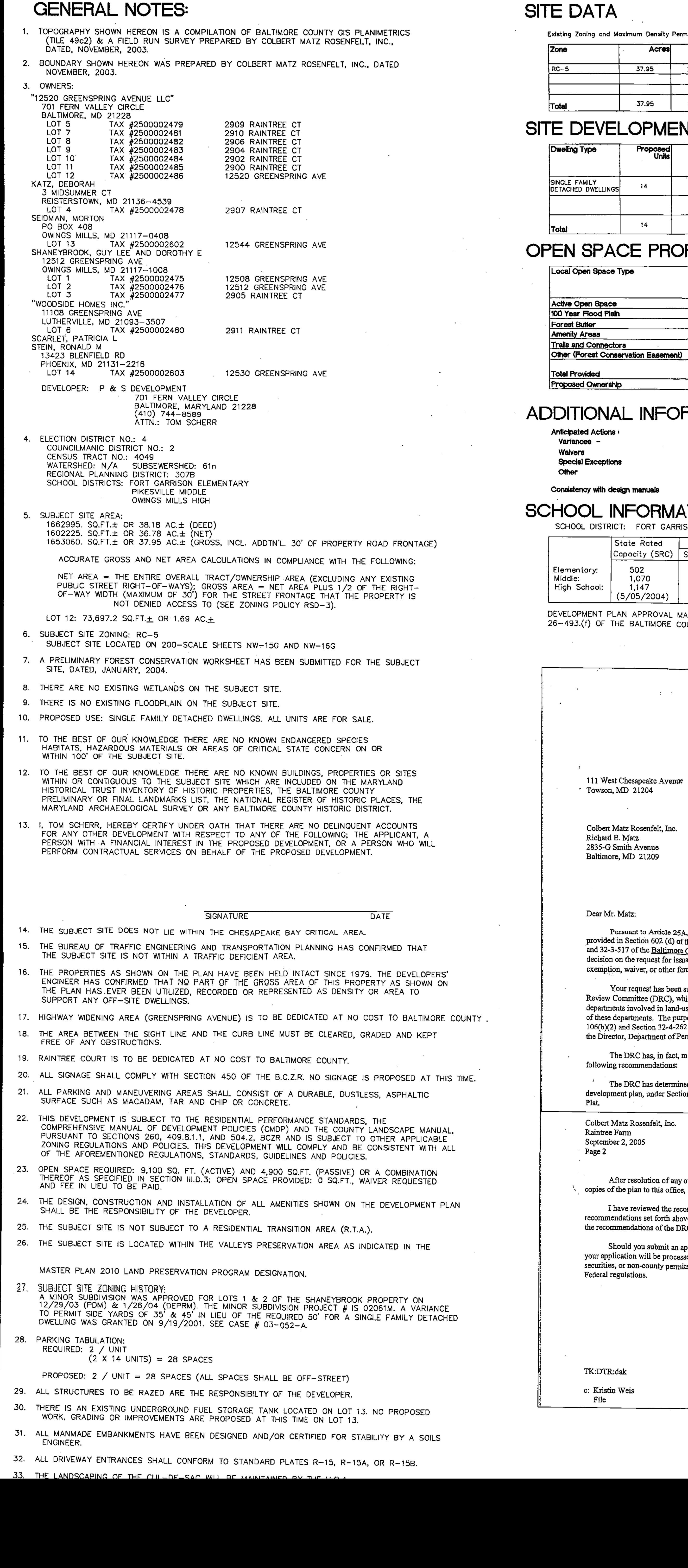
☐ NE Booster/Reporter

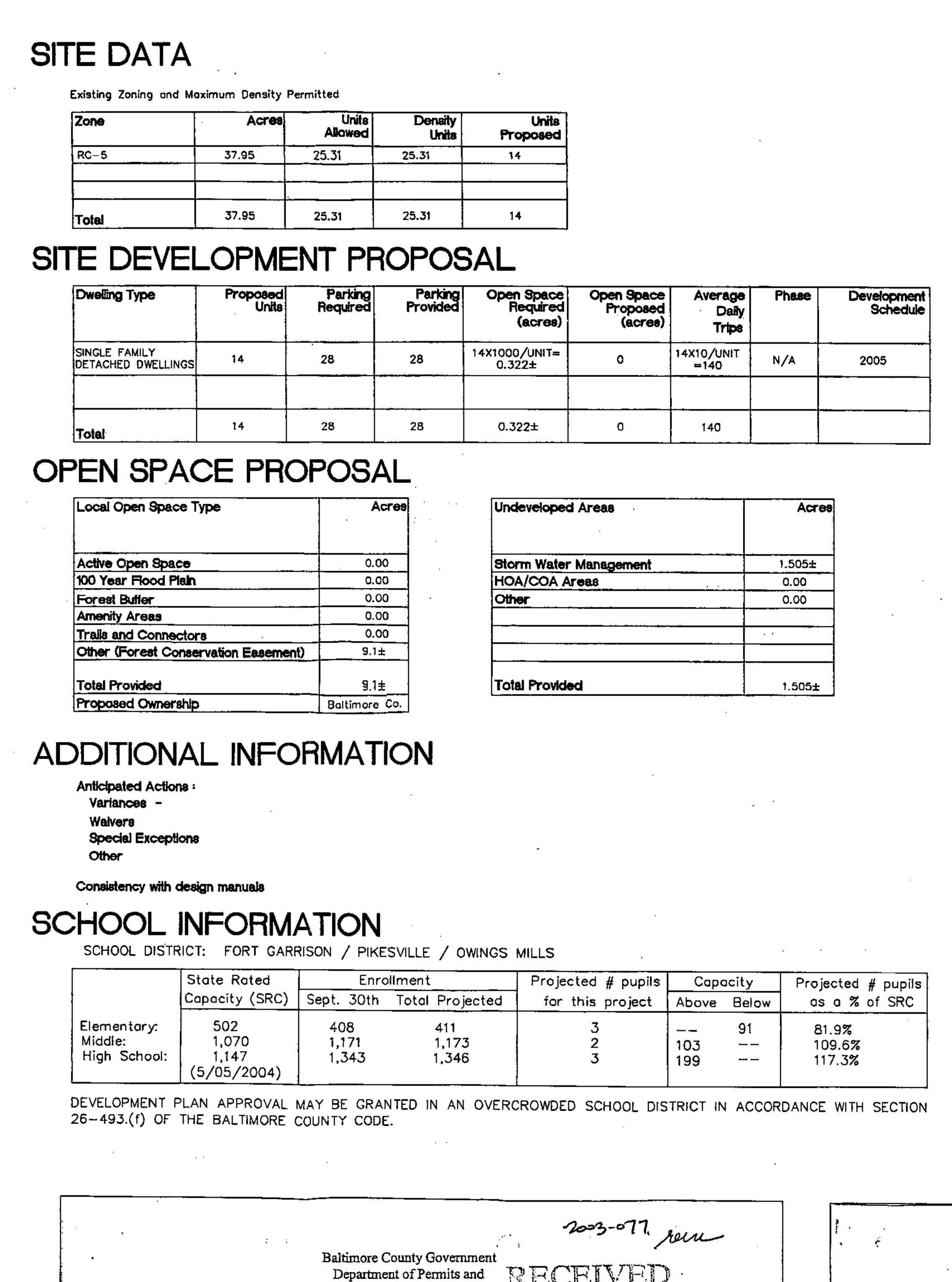
nty News North Cou

LEGAL ADVERTISING









l 11 West Chesapeake Avenue

Colbert Matz Rosenfelt, Inc.

following recommendations:

Colbert Matz Rosenfelt, Inc.

Raintree Farm

September 2, 2005

Federal regulations.

TK:DTR:dak

c: Kristin Weis

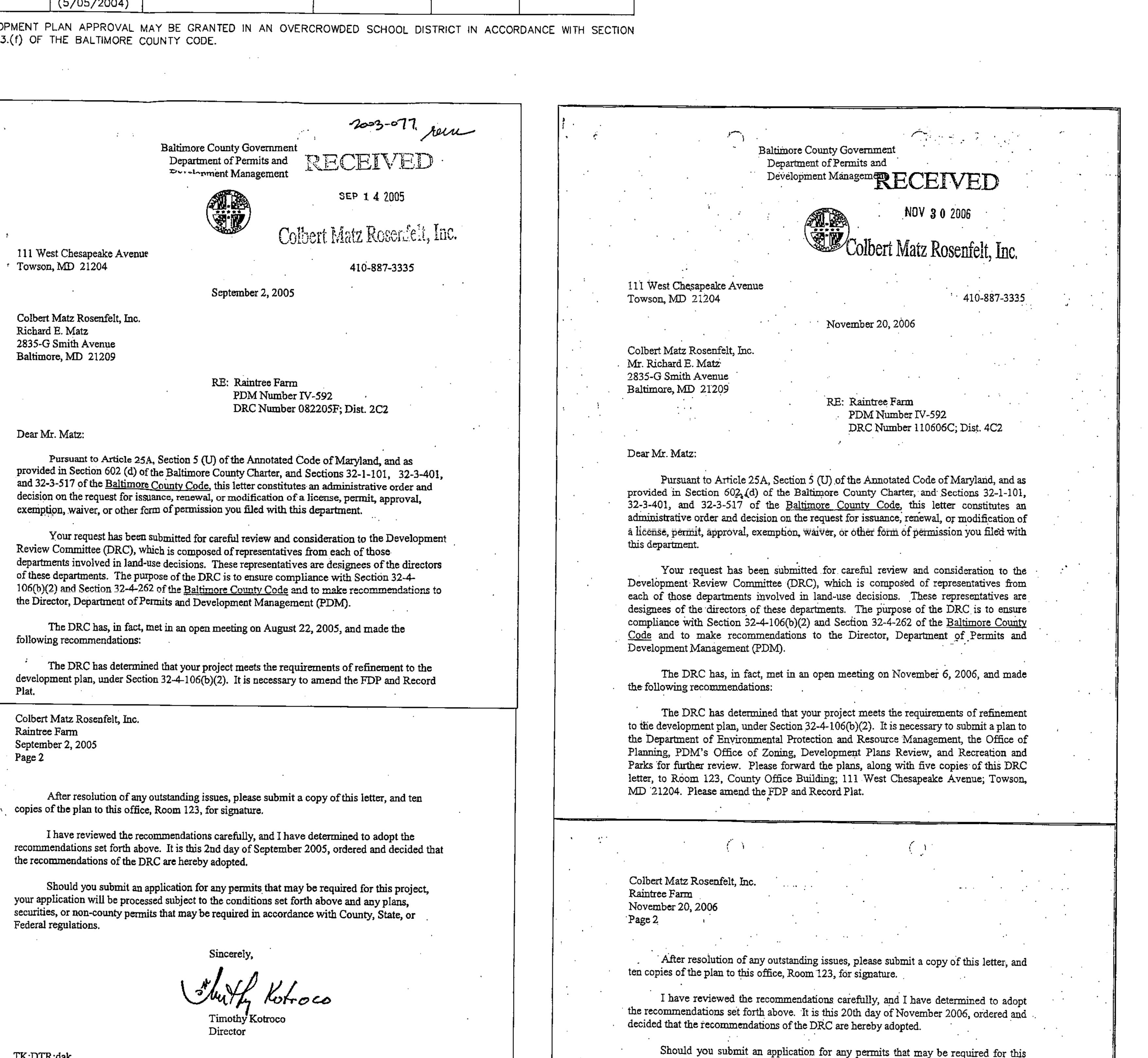
Towson, MD 21204

Richard E. Matz

Dear Mr. Matz:

2835-G Smith Avenue

Baltimore, MD 21209



Slight

Moderate: Slope

Moderate: Slope

Moderate: Slope

STORMWATER MANAGEMENT SUMMARY

MANAGEMENT OF THE WATER QUALITY, RECHARGE, OVERBANK FLOOD AND EXTREME

ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT ADVERSELY

AFFECTING THE RECEIVING WETLAND, WATERCOURSE, WATERBODY, STORM DRAIN OR

THIS PROJECT IS SUBJECT TO THE NEW STORMWATER MANAGEMENT REQUIREMENTS

BMP SIZING AND STORMWATER CREDIT COMPUTATIONS MUST BE REFERENCED TO THE

SUBJECT SITE LIES WITHIN THE NORTH BRANCH RUN WATERSHED AND IS TRIBUTARY

FACILITY IS PUBLIC AND WILL BE MAINTAINED BY BALTIMORE COUNTY.

FLOOD VOLUMES ARE REQUIRED FOR THIS DEVELOPMENT.

THAT BALTIMORE COUNTY ADOPTED ON JULY 2, 2001.

2000 MARYLAND STORMWATER DESIGN MANUAL.

DRAINAGE AREA TO THE FACILITY IS 15.00 AC.±.

Subject Site Soils are shown on sheet 21 of the Baltimore County Soil Survey.

Requirement

Water Quality Volume

Channel Protection

Recharge Volume (Rev)

Protection Volume (Qp)

Extreme Flood Volume

TO THE JONES FALLS.

project, your application will be processed subject to the conditions set forth above and

Timothy Kotroco

any plans, securities, or non-county permits that may be required in accordance with

County, State, or Federal regulations.

Moderate: Slope

Moderate: Slope

Notes

this volume is included within

the WQv storage

10-year storm

100-year storm

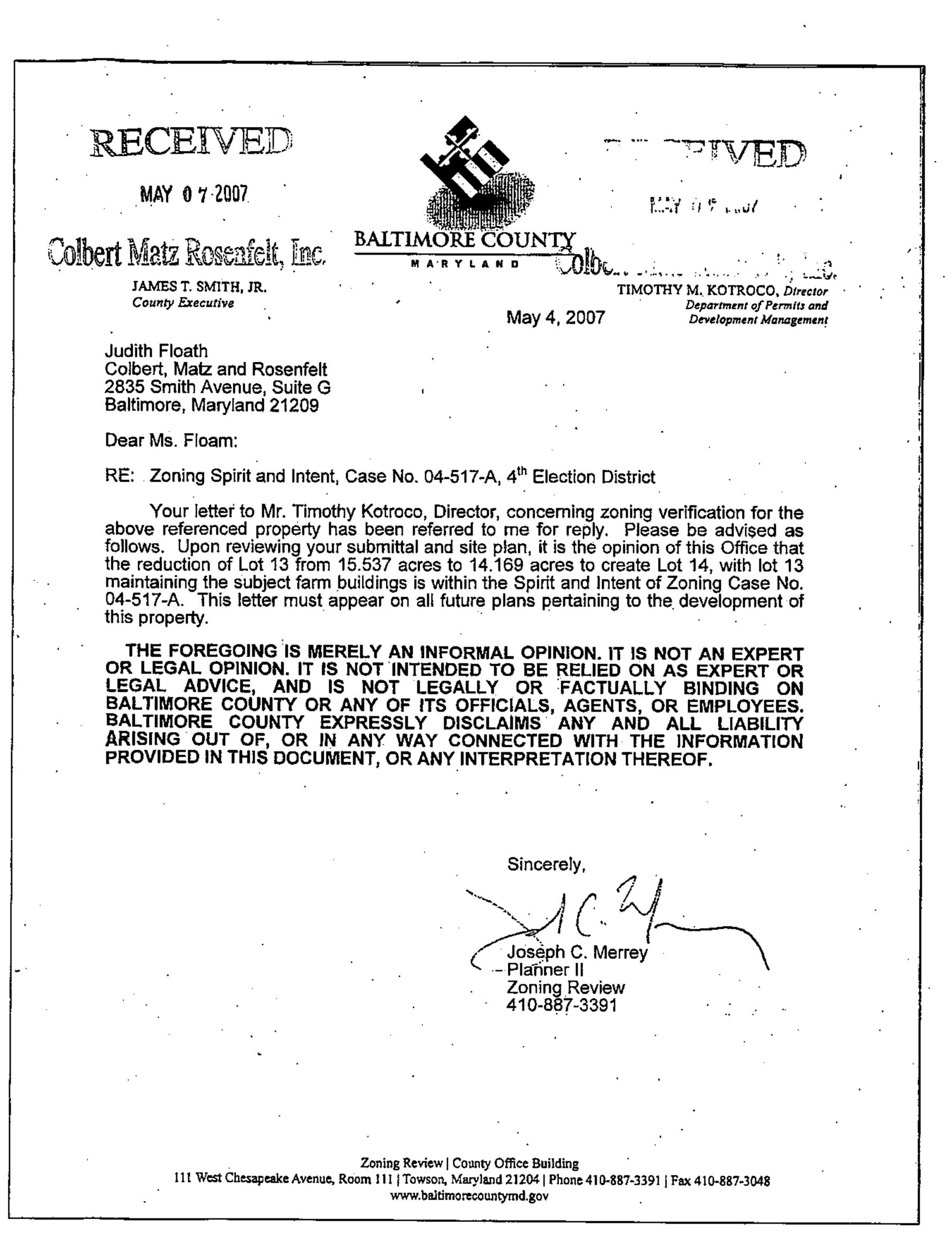
Moderate:

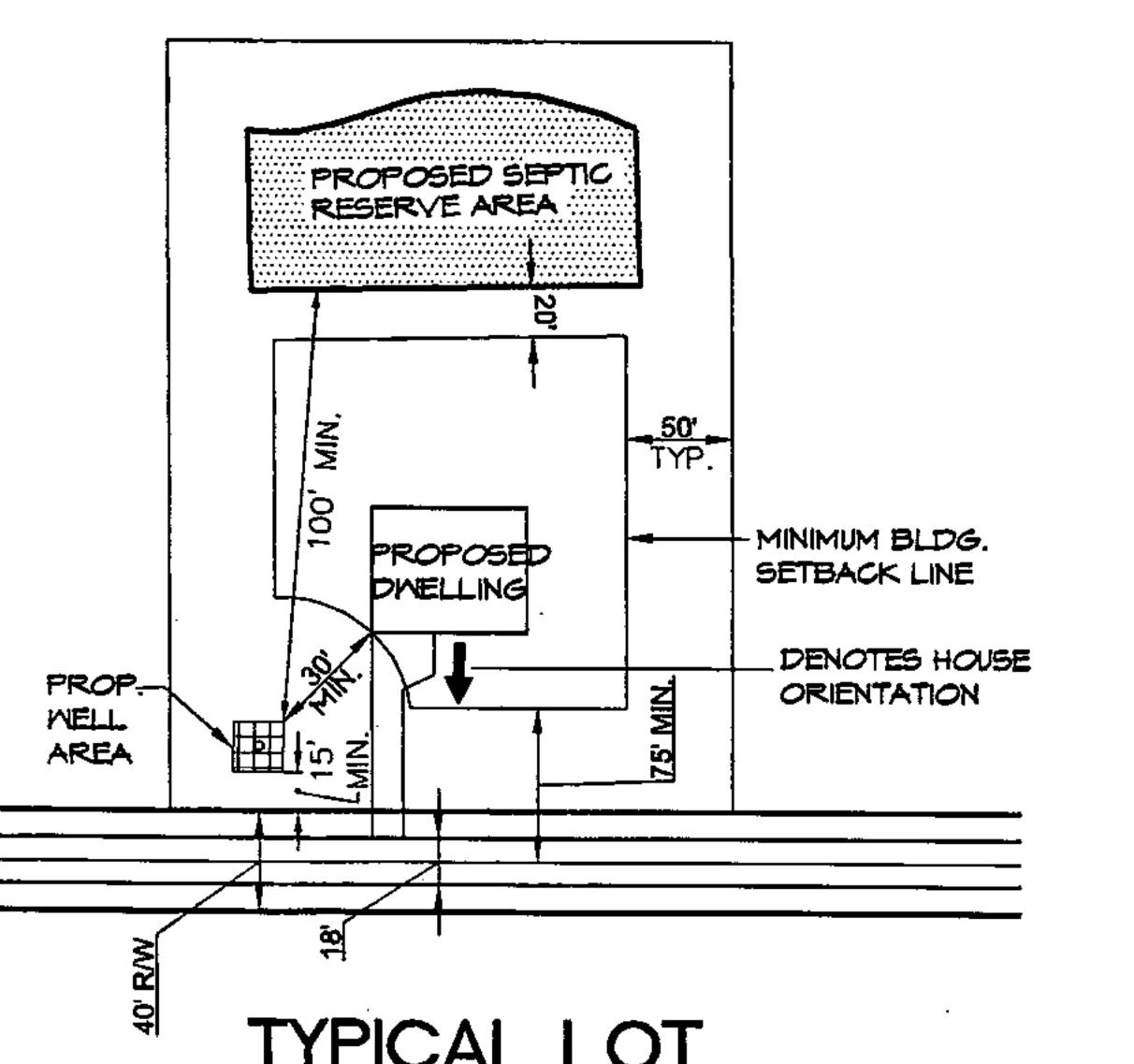
Severe: Slope

Severe: Slope

Severe: Slope

Chester





Exhibits IA and IB.

which in this case was held on June 4, 2004. Appearing at the public hearing required for this project were Guy and Dorothy Shaneybrook and Norman and Morton Seidman, property owners; Tom Scherr on behalf of P & S Realty, Inc., Developer; Thomas Mills, President of Hydro-Terra, a geologist and environmental consultant; Richard E. Matz on behalf of Colbert Matz Rosenfelt, the consultants who prepared the development plan; and Dusky Holman, Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Walt Smith, Project Manager; Dennis Kennedy, Development Plans Review, Eric Rockel, Land Acquisition; and, Jun Fernando, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); and R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM).

The subject property is an irregular shaped parcel located on the west side of Greenspring Avenue, north of Walnut Avenue across from Baublitz Avenue in Owings Mills. The property contains a gross area of 37.95 acres, more or less, zoned R.C.5. As noted above, the property is proposed for development with 13 single family dwelling lots, the largest of which is shown as Lot 13 and will be retained by Morton and Norma Seidman. That lot features an

forest conservation easement. In addition to the Seidman home, there are two other existing single homes. Lot 1, which is located near the intersection of Greenspring Avenue and Walnut Avenue, is owned by Mr. & Mrs. Shaneybrook and is improved with a single family dwelling, known as 12508 Greenspring Avenue. In addition, Lot 12, which is located near the rear of the subject property, is improved with a single family dwelling known as 12520 Greenspring Avenue. New dwellings are proposed for Lots 2 through 11. Vehicular access will be provided via an existing road, known as Raintree Court, which leads into the site from Greenspring Avenue and terminates as a cul-de-sac. The property will be served by private wells and septic systems, the areas for which are shown on the plan. Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, the Developer indicated that there were no outstanding issues and the County agency representatives who were present comoborated his representations. N Seeley indicated that the Environmental Impact Review Division, the Groundwater Division, and

no outstanding issues. There were no open issues identified by any other County agency representatives. However, Mr. Fernando of Zoning Review noted that variance relief had previously been granted for the existing improvements on Lot 1 (see Case No. 03-052-A) and that the terms and conditions of that approval would remain in full force and effect. As noted above, there were no Protestants or other interested persons present. Mr.

THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF P.D.M. BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN HEREON SHALL NOT BE FURTHER DIVIDED. SUB-

REASON FOR SECOND AMENDMENT:

REASON FOR FIRST AMENDMENT:

INCREASE SIZE OF LOT 13;

TYPICAL LOT THE REGULATIONS OR POLICIES, THE ORIENTATION MUST BE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BCZR, SUBJECT TO COVENANTS AND APPLICABLE NO MORE THAN 15% OF ANY LOT IN AN RC-5 ZONE MAY BE COVERED BY BUILDINGS, EXCEPT AS PER 1A04.3 B.5 OF THE BCZR.

NO STRUCTURE HEREAFTER ERECTED IN AN RC-5 ZONE SHALL

EXCEED A HEIGHT OF 35'.

Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on March 8. 2004 at the Fort Garrison Elementary School. Subsequently, a development plan is prepared, based upon the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on May 12, 2004. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan incorporating these comments is submitted at the Hearing Officer's Hearing,

No one appeared from the surrounding community.

several outbuildings which are the subject of the variance request and will be retained by the

Seidmans. In addition to the dwelling and outbuildings, that lot will also feature a large area of

the Storm water Management Division of DEPRM had reviewed this project and that there were

Mills appeared on behalf of the Owner/Developer to offer testimony if necessary regarding wells and septics. It was indicated that some community members raised concerns at the CIM regarding those issues; however, none of those individuals appeared at the Hearing Officer's Hearing. Mr. Mills briefly testified and indicated that there is sufficient groundwater availability

PETITION FOR VARIANCE - W/S * OF BALTIMORE COUNTY * Case Nos. IV-592 & 04-517-A Morton & Norma R. Seidman, Owners; P & S Realty, Developer

This matter comes before this Hearing Officer/Zoning Commissioner for a combined

public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). 7

Section permits an applicant to request development plan approval and zoning relief through a

single public hearing. Pursuant to the development review regulations codified in Title 26 thereof,

the Owners/Developer seek approval of a two-page red-lined development plan, prepared

Colbert Matz Rosenfelt, Inc., for the proposed residential development of the subject property

with 13 single family dwelling units, 3 of which are existing. In addition, variance relief is

requested from Sections 1A04.2.A.11.f and 400.1 of the Baltimore County Zoning Regulation

(B.C.Z.R.) to permit the existing canopy, barns and garages (accessory structures) in the front and

side yards in lieu of the required rear yard. Variance relief is also requested from Section

right-of-way line in lieu of the required 50 feet. The proposed subdivision is more particular

Title 26 of the Baltimore County Code, a concept plan of the proposed development

prepared and a conference held thereon on February 2, 2004. As the name suggests, the concept

plan is a schematic representation of the proposed subdivision and is reviewed by and between

representatives of the Developer and the reviewing County agencies at the Concept Pla

described on the redlined development plan submitted and marked into evidence as Developer's

As to the history of this project through the development review process codified in

404.10.B of the B.C.Z.R. to permit an existing agricultural structure to be located 2 feet from the

approved. HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

are shown on the plan.

Baltimore County Code

standards, rules and regulations for development in Baltimore County have been met. In that the development plan for Raintree Farms complies with all of these requirements, it must be Turning to the variance request, the relief requested relates to existing improvements on the Seidman property, which will be retained as Lot 13. In addition to the house, there is a garage and several freestanding buildings, including a horse shelter, shed, barn, etc. Many of these accessory structures are located in the front/side yard, contrary to the requirement that they

be located in the rear yard. Thus, relief is requested to legitimize their location. In addition, there is a one and one-half story wood barn located 2 feet from the front right-of-way line for Greenspring Avenue. It is to be noted that this setback is from the right-of-way line and not the actual paving. As shown on the plan, the structure actually sits back a distance from the paving of the road and a fence is located between the structure and the road. In that all of these structures have existed on the property for many years, I am persuaded to grant the requested relief. Pursuant to the zoning and development plan regulations of Baltimore County as

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 10 day of June 2004 that the red-lined development plan for Raintree Farm, identified herein as Developer's Exhibits 1A and 1B, be and is hereby APPROVED; and, IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1A04.2.A.11.f and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to

contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the development

plan shall be approved and the Petition for Variance granted, consistent with the comments

in lieu of the required rear yard, and from Section 404.10.B of the B.C.Z.R. to permit an existing agricultural structure to be located 2 feet from the right-of-way line in lieu of the required 50 feet, in accordance with Developer's Exhibits 1A and 1B, be and is hereby GRANTED; and, IT IS FURTHER ORDERED that all of the terms and conditions of the zoning relief granted in prior Case No. 03-052-A shall remain in full force and effect. Any appeal of this decision must be taken in accordance with Section 26-209 of the

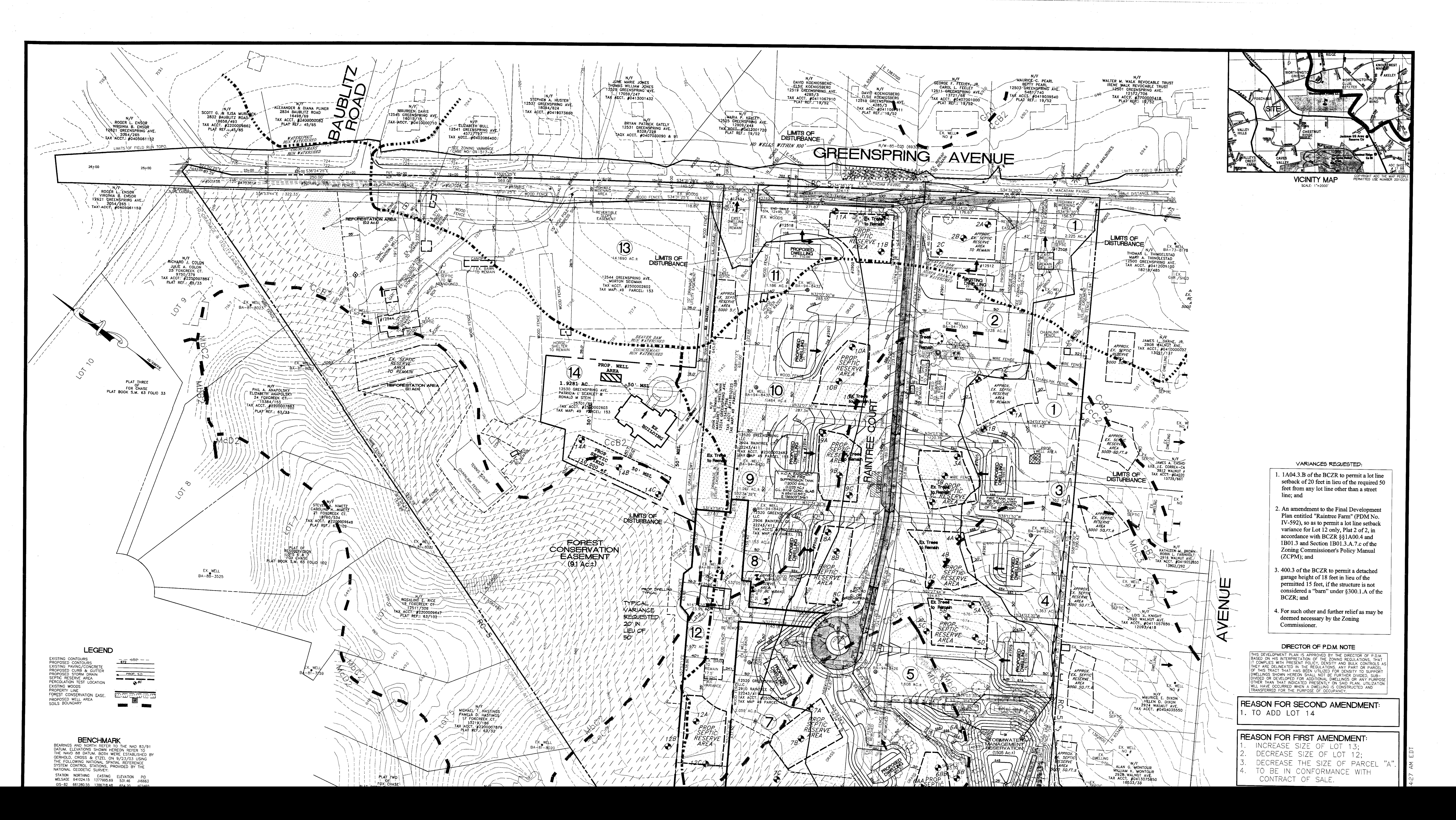
Zoning Commissioner/Hearing Officer


for Baltimore County

permit the existing canopy, barns and garages (accessory structures) in the front and side yards

DIRECTOR OF P.D.M. NOTE DIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.

. TO ADD LOT 14





IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE PETITION FOR VARIANCE - W/S Greenspring Avenue, N of Walnut Avenue * ZONING COMMISSIONER 4" Election District * OF BALTIMORE COUNTY 2nd Council District * Case Nos. IV-592 & 04-517-A Guy L. & Dorothy E. Shaneybrook Morton & Norma R. Seidman, Owners; P & S Realty, Developer

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to the development review regulations codified in Title 26 thereof, the Owners/Developer seek approval of a two-page red-lined development plan, prepared by Colbert Matz Rosenfelt, Inc., for the proposed residential development of the subject property with 13 single family dwelling units, 3 of which are existing. In addition, variance relief requested from Sections 1A04.2.A.11.f and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing canopy, barns and garages (accessory structures) in the front and side yards in lieu of the required rear yard. Variance relief is also requested from Section 404.10.B of the B.C.Z.R. to permit an existing agricultural structure to be located 2 feet from the night-of-way line in lieu of the required 50 feet. The proposed subdivision is more particularly described on the reclined development plan submitted and marked into evidence as Developer's Exhibits IA and IB. As to the history of this project through the development review process codified in

representatives of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on March 8, 2004 at the Fort Garrison Elementary School. Subsequently, a development plan is prepared, based upon the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on May 12, 2004. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised

development plan incorporating these comments is submitted at the Hearing Officer's Hearing,

which in this case was held on June 4, 2004.

Title 26 of the Baltimore County Code, a concept plan of the proposed development was

prepared and a conference held thereon on February 2, 2004. As the name suggests, the concept

plan is a schematic representation of the proposed subdivision and is reviewed by and between

Appearing at the public hearing required for this project were Guy and Dorothy Shaneybrook and Norman and Morton Seidman, property owners; Tom Scherr on behalf of P & S Realty, Inc., Developer; Thomas Mills, President of Hydro-Terra, a geologist and environmental consultant; Richard E. Matz on behalf of Colbert Matz Rosenfelt, the consultants who prepared the development plan; and Dusky Holman, Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Walt Smith, Project Manager; Dennis Kennedy, Development Plans Review; Eric Rockel, Land Acquisition; and, Jun Fernando, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); and R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM). No one appeared from the surrounding community. The subject property is an irregular shaped parcel located on the west side of Greenspring Avenue, north of Walnut Avenue across from Baublitz Avenue in Owings Mills. The

property contains a gross area of 37.95 acres, more or less, zoned R.C.5. As noted above, the

property is proposed for development with 13 single family dwelling lots, the largest of which is shown as Lot 13 and will be retained by Morton and Norma Seidman. That lot features an existing single-family dwelling known as 12544 Greenspring Avenue. In addition, there are several outbuildings which are the subject of the variance request and will be retained by the Seidmans. In addition to the dwelling and outbuildings, that lot will also feature a large area of forest conservation easement

In addition to the Seidman home, there are two other existing single homes. Lot 1, which is located near the intersection of Greenspring Avenue and Walnut Avenue, is owned by Mr. & Mrs. Shaneybrook and is improved with a single family dwelling, known as 12508 Greenspring Avenue. In addition, Lot 12, which is located near the rear of the subject property, is improved with a single family dwelling known as 12520 Greenspring Avenue. New dwellings are proposed for Lots 2 through 11. Vehicular access will be provided via an existing road, known as Raintree Court, which leads into the site from Greenspring Avenue and terminates as a cul-de-sac. The property will be served by private wells and septic systems, the areas for which are shown on the plan. Pursuant to Section 26-206 of the Baltimore County Code, which regulates the

conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, the Developer indicated that there were no outstanding issues and the County agency representatives who were present corroborated his representations. Mr Seeley indicated that the Environmental Impact Review Division, the Groundwater Division, and the Storm water Management Division of DEPRM had reviewed this project and that there were no outstanding issues. There were no open issues identified by any other County agency representatives. However, Mr. Fernando of Zoning Review noted that variance relief had previously been granted for the existing improvements on Lot 1 (see Case No. 03-052-A) and that

the terms and conditions of that approval would remain in full force and effect. As noted above, there were no Protestants or other interested persons present. Mr. Mills appeared on behalf of the Owner/Developer to offer testimony if necessary regarding wells and septics. It was indicated that some community members raised concerns at the CIM regarding those issues; however, none of those individuals appeared at the Hearing Officer's Hearing. Mr. Mills briefly testified and indicated that there is sufficient groundwater availability

to serve each of the proposed lots. As noted above, the proposed well locations and septic are are shown on the plan.

Pursuant to Section 26-206 of the Baltimore County Code, the Hearing Officer is required to approve a plan when there are no open issues or unresolved comments, and all of the standards, rules and regulations for development in Baltimore County have been met. In that the development plan for Raintree Farms complies with all of these requirements, it must approved.

Turning to the variance request, the relief requested relates to existing improvements on the Seidman property, which will be retained as Lot 13. In addition to the house, there is a garage and several freestanding buildings, including a horse shelter, shed, barn, etc. Many of these accessory structures are located in the front/side yard, contrary to the requirement that they be located in the rear yard. Thus, relief is requested to legitimize their location. In addition, there is a one and one-half story wood barn located 2 feet from the front right-of-way line for Greenspring Avenue. It is to be noted that this setback is from the right-of-way line and not the actual paving. As shown on the plan, the structure actually sits back a distance from the paving of the road and a fence is located between the structure and the road. In that all of these structures

have existed on the property for many years, I am persuaded to grant the requested relief. Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the development plan shall be approved and the Petition for Variance granted, consistent with the comments contained herein. THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 10 day of June 2004 that the red-lined development plan for Raintree

Fann, identified herein as Developer's Exhibits 1A and 1B, be and is hereby APPROVED; and, IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1A04.2.A.11.f and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing canopy, barns and garages (accessory structures) in the front and side yards

in lieu of the required rear yard, and from Section 404.10.B of the B.C.Z.R. to permit an existing agricultural structure to be located 2 feet from the right-of-way line in lieu of the required 50 feet, in accordance with Developer's Exhibits 1A and 1B, be and is hereby GRANTED; and, IT IS FURTHER ORDERED that all of the terms and conditions of the zoning relief granted in prior Case No. 03-052-A shall remain in full force and effect. Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code

DIRECTOR OF P.D.M. NOTE

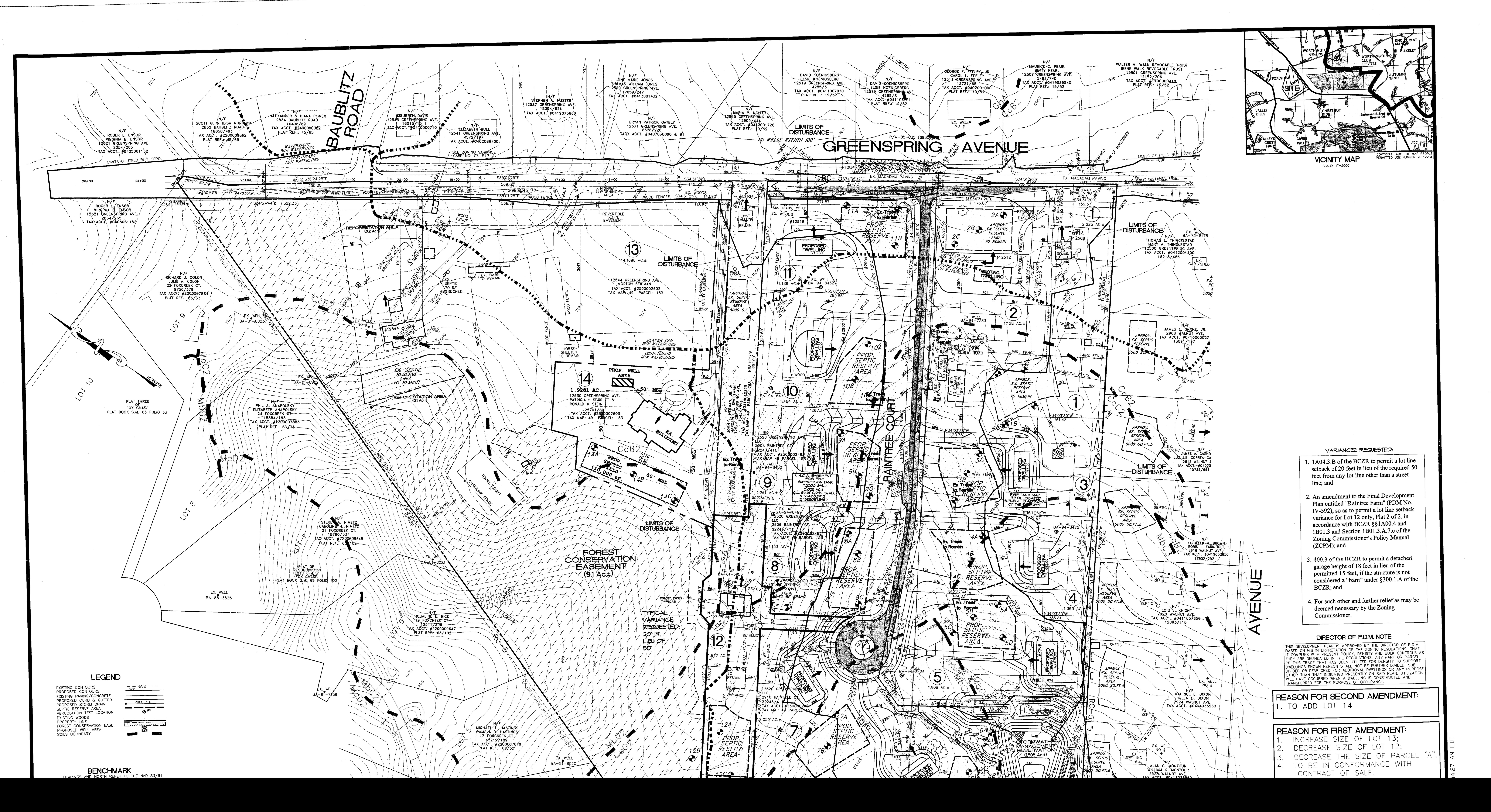
THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF P.D.M. BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BULK CONTROLS AT THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN HEREON SHALL NOT BE FURTHER DIVIDED. SUB-DIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.

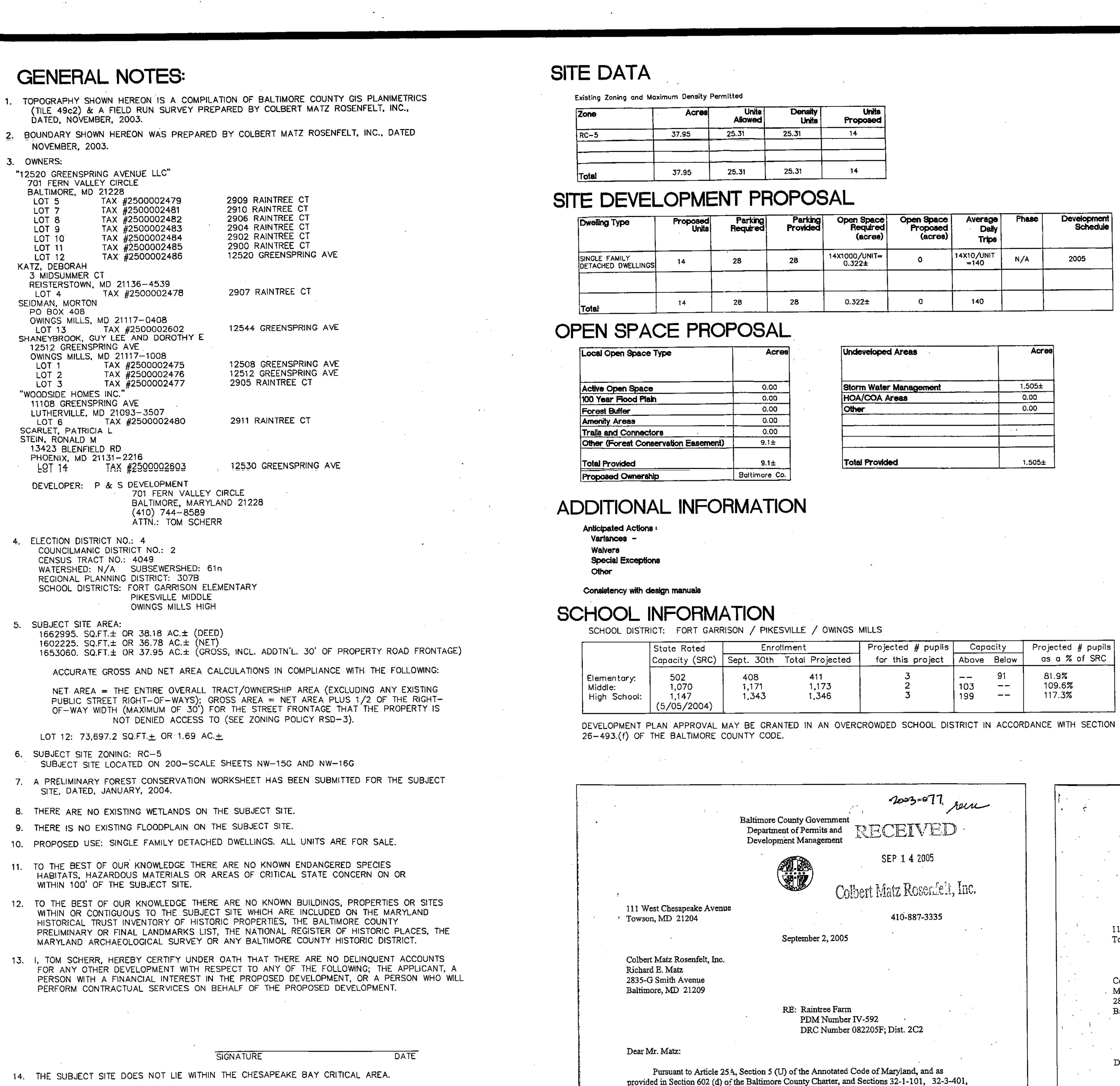
REASON FOR SECOND AMENDMENT: TO ADD LOT 14

REASON FOR FIRST AMENDMENT:

CONTRACT OF SALE.

DRC# 082205F 1ST REFINEMENT WAS





15. THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.

SUPPORT ANY OFF-SITE DWELLINGS.

FREE OF ANY OBSTRUCTIONS.

3. PARKING TABULATION: REQUIRED: 2 / UNIT

THE PROPERTIES AS SHOWN ON THE PLAN HAVE BEEN HELD INTACT SINCE 1979. THE DEVELOPERS' ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON

HIGHWAY WIDENING AREA (GREENSPRING AVENUE) IS TO BE DEDICATED AT NO COST TO BALTIMORE COUNTY .

THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO

THE AREA BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT

ALL PARKING AND MANEUVERING AREAS SHALL CONSIST OF A DURABLE, DUSTLESS, ASPHALTIC

3. OPEN SPACE REQUIRED: 9,100 SQ. FT. (ACTIVE) AND 4,900 SQ.FT. (PASSIVE) OR A COMBINATION

26. THE SUBJECT SITE IS LOCATED WITHIN THE VALLEYS PRESERVATION AREA AS INDICATED IN THE

THEREOF AS SPECIFIED IN SECTION III.D.3; OPEN SPACE PROVIDED: O SQ.FT., WAIVER REQUESTED

THE DESIGN, CONSTRUCTION AND INSTALLATION OF ALL AMENITIES SHOWN ON THE DEVELOPMENT PLAN

A MINOR SUBDIVISION WAS APPROVED FOR LOTS 1 & 2 OF THE SHANEYBROOK PROPERTY ON 12/29/03 (PDM) & 1/26/04 (DEPRM). THE MINOR SUBDIVISION PROJECT # IS 02061M. A VARIANCE

. THERE IS AN EXISTING UNDERGROUND FUEL STORAGE TANK LOCATED ON LOT 13. NO PROPOSED

L MANMADE EMBANKMENTS HAVE BEEN DESIGNED AND/OR CERTIFIED FOR STABILITY BY A SOILS

TO PERMIT SIDE YARDS OF 35' & 45' IN LIEU OF THE REQUIRED 50' FOR A SINGLE FAMILY DETACHED

OF THE AFOREMENTIONED REGULATIONS, STANDARDS, GUIDELINES AND POLICIES.

25. THE SUBJECT SITE IS NOT SUBJECT TO A RESIDENTIAL TRANSITION AREA (R.T.A.).

PROPOSED: 2 / UNIT = 28 SPACES (ALL SPACES SHALL BE OFF-STREET)

WORK, GRADING OR IMPROVEMENTS ARE PROPOSED AT THIS TIME ON LOT 13.

. ALL STRUCTURES TO BE RAZED ARE THE RESPONSIBILTY OF THE DEVELOPER.

MASTER PLAN 2010 LAND PRESERVATION PROGRAM DESIGNATION.

DWELLING WAS GRANTED ON 9/19/2001. SEE CASE # 03-052-A.

 $(2 \times 14 \text{ UNITS}) = 28 \text{ SPACES}$

20. ALL SIGNAGE SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. NO SIGNAGE IS PROPOSED AT THIS TIME.

PURSUANT TO SECTIONS 260, 409.8.1.1, AND 504.2, BCZR AND IS SUBJECT TO OTHER APPLICABLE

19. RAINTREE COURT IS TO BE DEDICATED AT NO COST TO BALTIMORE COUNTY.

SURFACE SUCH AS MACADAM, TAR AND CHIP OR CONCRETE.

SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.

and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and

Your request has been submitted for careful review and consideration to the Development

departments involved in land-use decisions. These representatives are designees of the directors

106(b)(2) and Section 32-4-262 of the Baltimore County Code and to make recommendations to

The DRC has, in fact, met in an open meeting on August 22, 2005, and made the

development plan, under Section 32-4-106(b)(2). It is necessary to amend the FDP and Record

The DRC has determined that your project meets the requirements of refinement to the

After resolution of any outstanding issues, please submit a copy of this letter, and ten

I have reviewed the recommendations carefully, and I have determined to adopt the

recommendations set forth above. It is this 2nd day of September 2005, ordered and decided that

Should you submit an application for any permits that may be required for this project,

your application will be processed subject to the conditions set forth above and any plans,

securities, or non-county permits that may be required in accordance with County, State, or

of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-

decision on the request for issuance, renewal, or modification of a license, permit, approval,

exemption, waiver, or other form of permission you filed with this department.

the Director, Department of Fermits and Development Management (PDM).

copies of the plan to this office, Room 123, for signature.

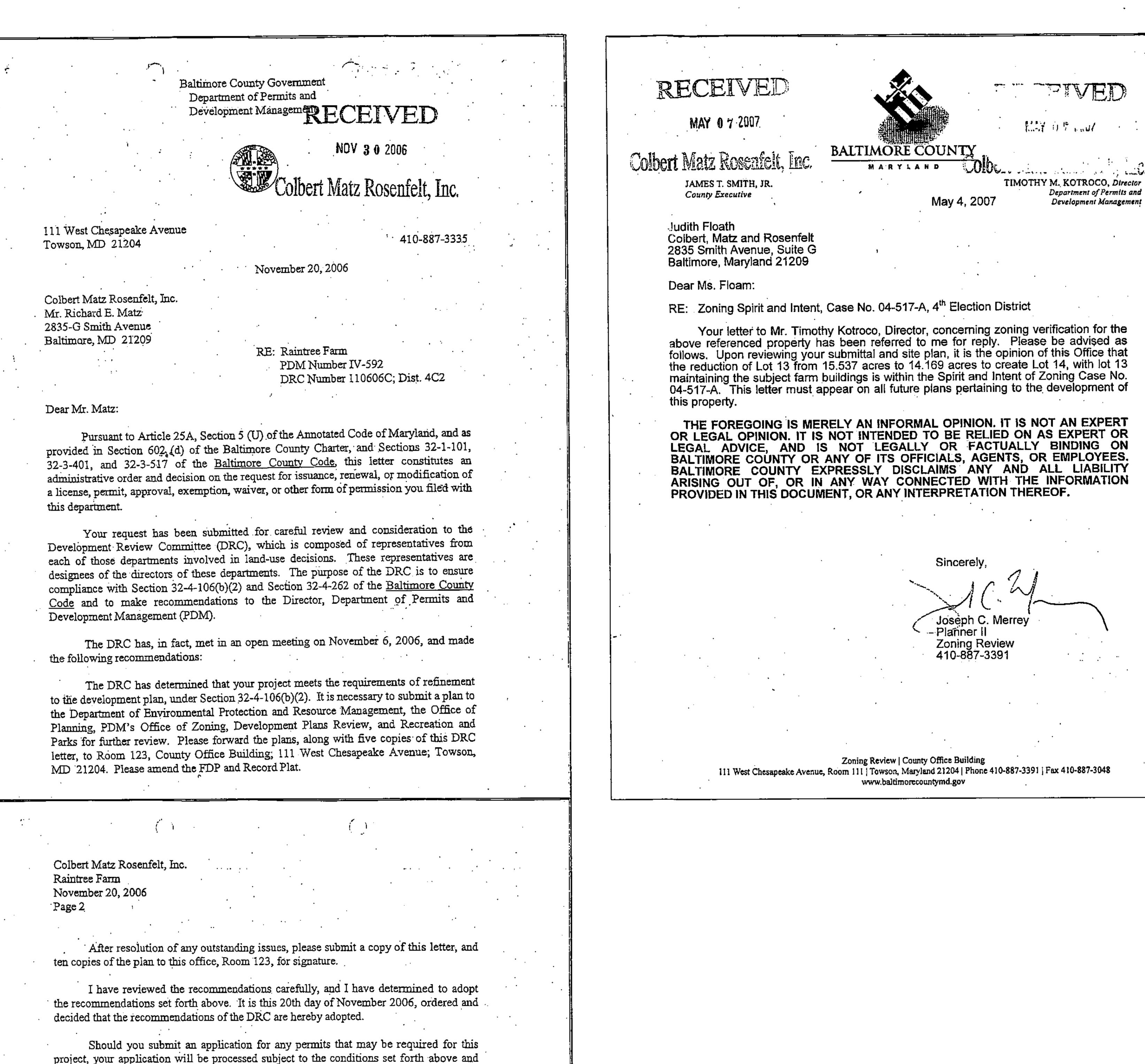
the recommendations of the DRC are hereby adopted.

Colbert Matz Rosenfelt, Inc.

Federal regulations.

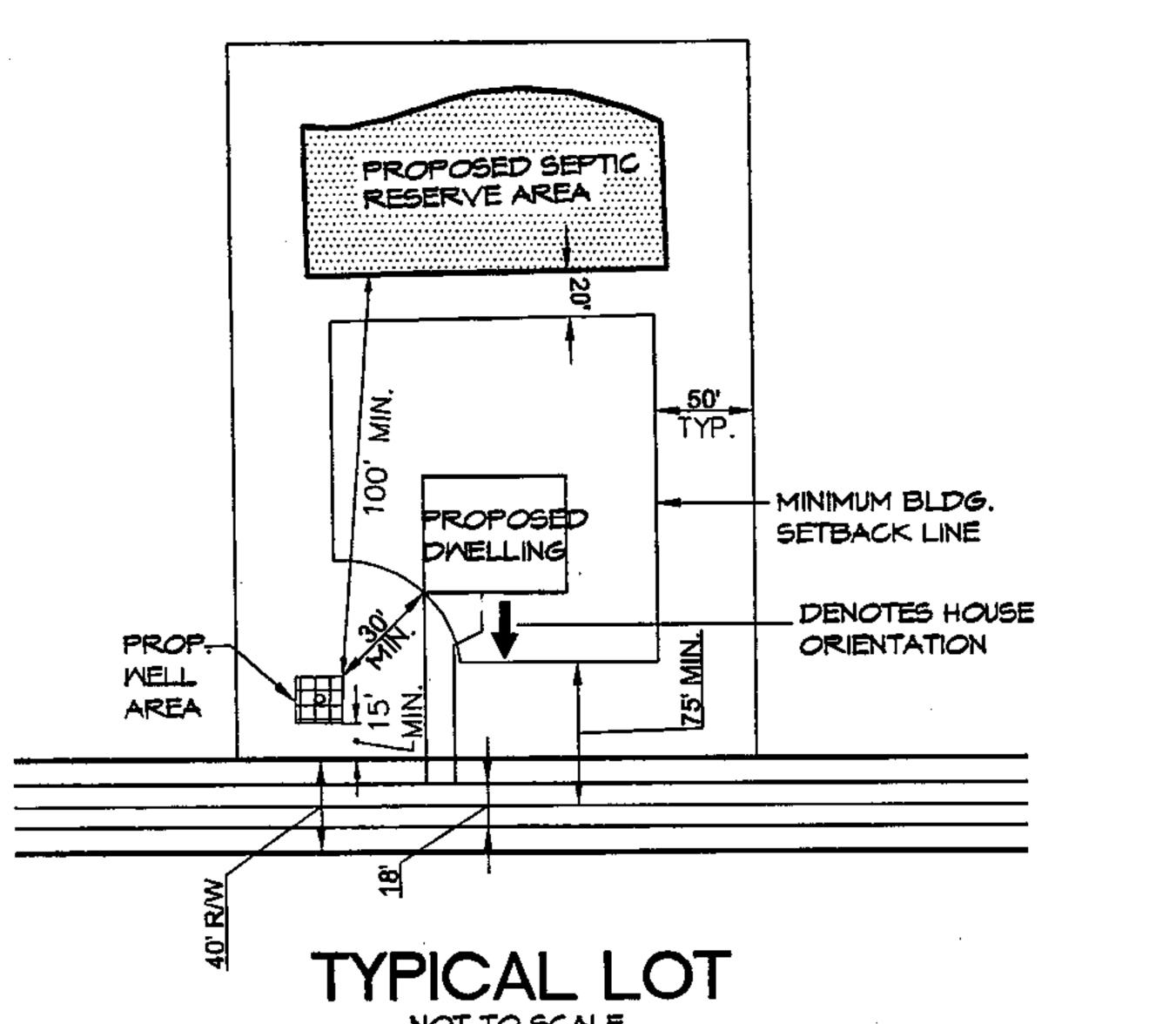
TK:DTR:dak

Review Committee (DRC), which is composed of representatives from each of those



any plans, securities, or non-county permits that may be required in accordance with

County, State, or Federal regulations.



ENVELOPES OR TYPICAL DWELLINGS AS SHOWN DICTATE A

HE REGULATIONS OR POLICIES, THE ORIENTATION MUST BU

AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE

COVERED BY BUILDINGS, EXCEPT AS PER 1A04.3 B.5 OF THE BCZR.

OF THE BCZR, SUBJECT TO COVENANTS AND APPLICABLE

NO MORE THAN 15% OF ANY LOT IN AN RC-5 ZONE MAY BE

NO STRUCTURE HEREAFTER ERECTED IN AN RC-5 ZONE SHALL

ENED

TIMOTHY M. KOTROCO, Director

Department of Permits and

EXCEED A HEIGHT OF 35'.

STORWATER MANAGEMENT SUMMARY

Moderate: Slope

Moderate: Slope

Severe: Slope

Severe: Slope

Severe: Slope

Requirement	Volume Required (ac-ft)	Notes		
Water Quality Volume (WQv)	0.29			
Recharge Volume (Rev)	Volume (Rev) 0.05 this volume is included w			
Channel Protection Volume (Cpv)	0.27			
Overbank Flood Protection Volume (Qp)	0.80	10—year storm		
Extreme Flood Volume (Qf)	1.30	100—year storm		

SOILS DATA

Moderate: Slope

Moderate: Slope

Subject Site Soils are shown on sheet 21 of the Baltimore County Soil Survey.

MbC2 Loam

MANAGEMENT OF THE WATER QUALITY, RECHARGE, OVERBANK FLOOD AND EXTREME FLOOD VOLUMES ARE REQUIRED FOR THIS DEVELOPMENT. 'L SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT ADVERSELY FFECTING THE RECEIVING WETLAND, WATERCOURSE, WATERBODY, STORM DRAIN OR

THIS PROJECT IS SUBJECT TO THE NEW STORMWATER MANAGEMENT REQUIREMENTS THAT BALTIMORE COUNTY ADOPTED ON JULY 2, 2001. 2000 MARYLAND STORMWATER DESIGN MANUAL. DRAINAGE AREA TO THE FACILITY IS 15.00 AC.±.

SUBJECT SITE LIES WITHIN THE NORTH BRANCH RUN WATERSHED AND IS TRIBUTARY TO THE JONES FALLS. FACILITY IS PUBLIC AND WILL BE MAINTAINED BY BALTIMORE COUNTY.

* Case Nos. IV-592 & 04-517-A Guy L. & Dorothy E. Shaneybrook, P & S Realty, Developer

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through single public hearing. Pursuant to the development review regulations codified in Title 26 thereof. the Owners/Developer seek approval of a two-page red-lined development plan, prepared b Colbert Matz Rosen elt, Inc., for the proposed residential development of the subject property with 13 single family dwelling units, 3 of which are existing. In addition, variance relief requested from Sections 1A04.2.A.11.f and 400.1 of the Baltimore County Zoning Regulation (B.C.Z.R.) to permit the existing canopy, barns and garages (accessory structures) in the front and side yards in lieu of the required rear yard. Variance relief is also requested from Section

Exhibits IA and IB. As to the history of this project through the development review process codified in prepared and a conference held thereon on February 2, 2004. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between es of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled

404.10.B of the B.C.Z.R. to permit an existing agricultural structure to be located 2 feet from the

right-of-way line in lieu of the required 50 feet. The proposed subdivision is more particularly

described on the redlined development plan submitted and marked into evidence as Developer's

during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on March 8, 2004 at the Fort Garrison Elementary School. Subsequently, a development plan is prepared, based upon the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on May 12, 2004. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held on June 4, 2004.

Appearing at the public hearing required for this project were Guy and Dorothy Shaneybrook and Norman and Morton Seidman, property owners; Tom Scherr on behalf of P & S Realty, Inc., Developer; Thomas Mills, President of Hydro-Terra, a geologist and environmental consultant; Richard E. Matz on behalf of Colbert Matz Rosenfelt, the consultants who prepared the development plan; and Dusky Holman, Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Walt Smith, Project Manager; Dennis Kennedy, Development Plans Review; Eric Rockel, Land Acquisition; and, Jun Fernando, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP), and R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM). No one appeared from the surrounding community. The subject property is an irregular shaped parcel located on the west side of Greenspring Avenue, north of Walnut Avenue across from Baublitz Avenue in Owings Mills. The property contains a grandarea of 37.95 acres, more or less, zoned R.C.5. As noted above, the

property is proposed for development with 13 single family dwelling lots, the largest of which is

shown as Lot 13 and will be retained by Morton and Norma Seidman. That lot features an

several outbuilding; which are the subject of the variance request and will be retained by the Seidmans. In addition to the dwelling and outbuildings, that lot will also feature a large area of forest conservation easement. In addition to the Seidman home, there are two other existing single homes. Lot 1, which is located near the intersection of Greenspring Avenue and Walnut Avenue, is owned by Mr. & Mrs. Shaneybrook and is improved with a single family dwelling, known as 12508 Greenspring Avenue. In addition, Lot 12, which is located near the rear of the subject property, is improved with a single family dwelling known as 12520 Greenspring Avenue. New dwellings

are proposed for Lots 2 through 11. Vehicular access will be provided via an existing road,

known as Raintree Court, which leads into the site from Greenspring Avenue and terminates as a

cul-de-sac. The property will be served by private wells and septic systems, the areas for which are shown on the plan. Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, the Developer indicated that there were no outstanding issues and the County agency representatives who were present corroborated his representations. Mr. Seeley indicated that the Environmental Impact Review Division, the Groundwater Division, and the Storm water Management Division of DEPRM had reviewed this project and that there were no outstanding issues. There were no open issues identified by any other County agency representatives. However, Mr. Fernando of Zoning Review noted that variance relief had previously been granted for the existing improvements on Lot 1 (see Case No. 03-052-A) and that

As noted above, there were no Protestants or other interested persons present. Mr. Mills appeared on behalf of the Owner/Developer to offer testimony if necessary regarding wells and septics. It was indicated that some community members raised concerns at the CIM regarding those issues; however, none of those individuals appeared at the Hearing Officer's Hearing. Mr. Mills briefly testified and indicated that there is sufficient groundwater availability

the terms and conditions of that approval would remain in full force and effect.

standards, rules and regulations for development in Baltimore County have been met. In that t development plan for Raintree Farms complies with all of these requirements, it must approved

to serve each of the proposed lots. As noted above, the proposed well locations and septic are

are shown on the plan.

on the Seidman property, which will be retained as Lot 13. In addition to the house, there is garage and several freestanding buildings, including a horse shelter, shed, barn, etc. Many of these accessory structures are located in the front/side yard, contrary to the requirement that they be located in the rear yard. Thus, relief is requested to legitimize their location. In addition, ther is a one and one-half story wood barn located 2 feet from the front right-of-way line Greenspring Avenue. It is to be noted that this setback is from the right-of-way line and not th actual paving. As shown on the plan, the structure actually sits back a distance from the paving of the road and a fence is located between the structure and the road. In that all of these structures Pursuant to the zoning and development plan regulations of Baltimore County as

Turning to the variance request, the relief requested relates to existing improvement

Baltimore County this 10 day of June 2004 that the red-lined development plan for Raintree Farm, identified herein as Developer's Exhibits 1A and 1B, be and is hereby APPROVED; and, IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1A04.2.A.11.f and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the existing canopy, barns and garages (accessory structures) in the front and side yards

contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the development

plan shall be approved and the Petition for Variance granted, consistent with the comments

in lieu of the required rear yard, and from Section 404.10.B of the B.C.Z.R. to permit an existing agricultural structure to be located 2 feet from the right-of-way line in lieu of the required 50 feet, in accordance with Developer's Exhibits 1A and 1B, be and is hereby GRANTED; and, IT IS FURTHER ORDERED that all of the terms and conditions of the zoning relief granted in prior Case No. 03-052-A shall remain in full force and effect. Any appeal of this decision must be taken in accordance with Section 26-209 of the Zoning Commissioner/Hearing Officer

for Baltimore County

DIRECTOR OF P.D.M. NOTE

THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF P.D.M. BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN HEREON SHALL NOT BE FURTHER DIVIDED, SUB-DIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND

REASON FOR SECOND AMENDMENT: 1. TO ADD LOT 14

REASON FOR FIRST AMENDMENT: