

IN RE: **PETITION FOR SPECIAL HEARING** *

SE/S Avondale Road
584' N c/line of Putty Hill Avenue
(8819 Avondale Road)
14th Election District
6th Council District

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-216-SPH

James F. Uhlik
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for Baltimore County for consideration of a Petition for Special Hearing filed by the owner of the subject property, James F. Uhlik, through his attorney Arnold Jablon, Esquire. The Petitioner requests a special hearing to permit a non conforming two-story garage, 24' in height, which will be larger than the foot print of a proposed dwelling, to remain on Lot 3 of the Petitioner's minor subdivision. The subject property and requested relief are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitioner were Arnold Jablon, Esquire, of Venable, LLP, and Brian Dietz, a registered land surveyor, of Dietz Surveying, Inc, who has been recognized and accepted as an expert witness on land planning and zoning numerous times on matters before the Zoning Commissioner and the County Board of Appeals. Also appearing were the Petitioner and William Wagner, Jr., from whom the Petitioner purchased the subject property. There were no Protestants or any other interested parties to appear.

Testimony and evidence offered revealed that the subject property was purchased by Mr. Wagner's father in or about 1942, and his father and he have owned the property continuously since then until Mr. Wagner sold the property to Mr. Uhlik in 2006. The property is included

ORDER RECEIVED FOR FILING
Date 1-22-08
By [Signature]

within the plat of Ridge Grove, recorded in 1920. *See* Petitioner's Exhibit 2. As shown on Exhibit 1, the subject property consists of five (5) lots, numbers 24-28 and each is 25' x 354' long, which has access onto Avondale Road as well as the rear parts of 4 lots, shown on the plat as Lot Nos. 29, 30, 31, and 32, each 100' x 175'. The front portions of Lots 29-32 were subdivided off in the 1960's. The gross area of the subject property is 1.373 acres, more or less, zoned D.R.5.5. Mr. Wagner stated the two-story garage was constructed in 1954, a year before he entered the armed services, and is 32' deep x 65' wide x 24' high. It has been used to house cars and for storage on the second or upper level. It is located on Lots 29-31, and shown on Lot No. 3 on the site plan, Petitioner's Exhibit 1. Subsequent to his purchasing the property, the Petitioner through Mr. Dietz, prepared and filed a minor subdivision plan for the purpose of creating 3 lots illustrated on Petitioner's Exhibit 3. The plan has been reviewed by all appropriate County agencies, and Mr. Dietz proffered the plan is ready for approval subject to the instant issue presented here. Indeed, the Office of Planning reviewed the plan and approved it for compatibility with the existing neighborhood. Further, the Petitioner presented a petition signed by many neighbors indicating that they did not oppose the orientation of the proposed houses.

The issue raised by the Zoning Office is whether the existing garage can be larger than the proposed house on lot 3 and whether it can remain rather than being razed. Mr. Wagner said there had been a house on the property but was removed at the insistence of the County in or about 1999. The Petitioner proposes a two-story dwelling, 40' x 26', on Lot 3 as shown on Petitioner's Exhibit 1, on which lot the garage is located.

Testimony and evidence revealed that the garage is in excellent condition and will be accessory to the proposed dwelling. There is no reason for it to be taken down. It is structurally

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Date 1-22-08
By [signature]

sound and is and has been in continuous use for cars and storage. The garage would not be used as a second dwelling; it would serve as an apartment. Petitioner agrees that he and his assigns will not put a kitchen in the garage.

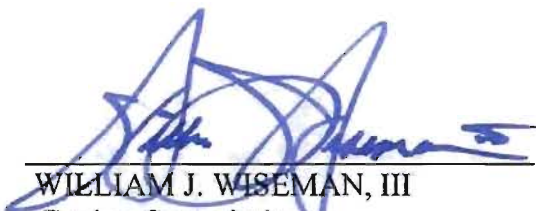
After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. I find that the existing garage must be viewed in the context of the proposed 3 lot subdivision, the location of the dwelling as shown on the site plan, the location of the garage to the rear of the dwelling, both on the same lot of record, and recognition of how long the garage has existed on the property. There is no justification to force the garage to be razed only to have it replaced later. Section 400 of the B.C.Z.R., pertaining specifically to accessory buildings in residential zones, does not prohibit an accessory structure from being larger in size than the principal use. Historically, it has been the Zoning Review Office's interpretation of the "accessory building" definition as contained in Section 101 of the B.C.Z.R. that leads to this conclusion. The definition of accessory building in that section states in pertinent part – "One which is subordinate and customarily incidental to and on the same lot with a main building . . .". While I recognize the concern, I am convinced that the garage will continue to be used for vehicles and storage. I further find that the relief granted will not have a detrimental impact to the health, safety or general welfare of the surrounding locale and is appropriate in this instance. The garage's location and its configuration have existed on the property for some 54 years.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for reasons set forth above, the relief requested shall be granted.

ORDER RECEIVED FOR FILING
Date 1-23-08
By [signature]

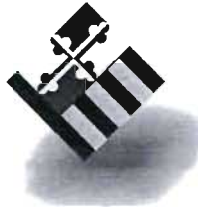
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of January, 2008, that the Petition for Special Hearing to permit the existing two-story garage, which is larger than the foot print of the proposed dwelling, to remain on Lot 3 pursuant to the minor subdivision, 07-024M of the Uhlik property, and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The existing garage cannot be converted into a dwelling unit,
2. There shall be no kitchen in the garage,
3. The accessory structure shall not be used for commercial purposes, and
4. Petitioner may proceed to have his minor subdivision reviewed for approval and be approved, and, subsequently, apply for building permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1-22-08
By 1920



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 22, 2008

Arnold Jablon, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: **PETITION FOR SPECIAL HEARING**
SE/S Avondale Road, 584' N c/line of Putty Hill Avenue
(8819 Avondale Road)
14th Election District - 6th Council District
James F. Uhlik - Petitioner
Case No. 08-216-SPH

Dear Mr. Jablon:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: James F. Uhlik, 3019 Royston Avenue, Baltimore, MD 21214
Brian Dietz, Dietz Surveying, Inc., 8119 Oakleigh Road, Baltimore, MD 21234
William Wagner, Jr., 601 Deep Ridge Road, Bel Air, MD 21014
People's Counsel; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8819 Avondale Rd
which is presently zoned DR 5-5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

see attached

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-216-SPH

Reviewed By BR Date 11/6/07

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 1-22-08

By BR

A non-conforming two-story (24 ft.) accessory structure (garage) which will be larger than the footprint of a proposed dwelling to remain on lot #3 of the proposed minor subdivision (07-024-M) for the Uhlik property.

Brian R. Dietz
Professional Land Surveyor #21080
8119 Oakleigh Road, Baltimore, MD 21234
Phone 410-661-3160 Fax 410-661-3163

Zoning Description
For
8819 Avondale Road

November 2, 2007

Beginning for the same on the Southeast side of Avondale Road (50 feet wide) at a distance of 583.7 feet from the North side of Putty Hill Avenue. Running thence with the Southeast side of Avondale Road

1. North 32 degrees 21 minutes 29 seconds East 20.00 feet, thence leaving said Avondale Road and running and binding on the herein petitions land the 5 following courses and distance viz;

2. South 57 degrees 05 minutes 02 seconds East 194.23 feet,

3. North 32 degrees 54 minutes 07 seconds East 100.00 feet,

4. South 57 degrees 05 minutes 53 seconds East 154.00 feet,

5. South 32 degrees 06 minutes 09 seconds West 120.01 feet, and

6. North 57 degrees 05 minutes 53 seconds West 349.71 feet to the place of beginning.

Containing 0.516 of an acre of land or 22,467 sq.ft. of land more or less.

Also known as 8819 Avondale Road and located in the 14th Election District, 6th Councilmanic District.

NOTICE OF ZONING HEARING

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

Case: #08-216-SPH

8819 Avondale Road

S/east side of Avondale Road, 584 feet north of centerline of Putty Hill Avenue

14th Election District - 6th Councilmanic District

Legal Owner(s): James Uhlik

Special Hearing: to permit a non-conforming two-story (24 foot) accessory structure, garage, which will be larger than the foot print of a proposed dwelling to remain on lot #3 of the proposed minor subdivision 07-024-M for the Uhlik Property.

Hearing: Monday, January 7, 2008 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

12/21/7 Dec. 20

158524

CERTIFICATE OF PUBLICATION

12/20/, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/20/, 2007.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 07621

Date: 11/6/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	001			61501				\$ 65.00

Total: \$ 65.00

Rec

From: Jim Calkins

For:

Special Hearing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY: JIM CALKINS
 DATE: 11/06/07
 AMOUNT: \$ 65.00
 RECEIPT # 07621
 RECEIPT TOTAL: \$ 65.00
 BALTIMORE COUNTY, MARYLAND

**CASHIER'S
 VALIDATION**

216

CERTIFICATE OF POSTING

RE: Case No.: 08-216-SPH

Petitioner/Developer: JAMES

UHLIK

Date of Hearing/Closing: 1-7-08

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:

8819 AVONDALE ROAD

The sign(s) were posted on 12-22-07
(Month, Day, Year)

Sincerely,

Robert Black 12-23-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 08-216-SPH
Petitioner: James F. Uhlir
Address or Location: 8819 Arondale Rd. 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: James F. Uhlir
Address: 3019 Reyston Ave.
Ba lte. Md. 21214

Telephone Number: 443-326-0867



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

November 27, 2007

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: 08-216-SPH

8819 Avondale Road

S/east side of Avondale Road, 584 feet north of centerline of Putty Hill Avenue

14th Election District – 6th Councilmanic District

Legal Owners: James Uhlik

Special Hearing to permit a non-conforming two-story (24 foot) accessory structure, garage, which will be larger than the foot print of a proposed dwelling to remain on lot #3 of the proposed minor subdivision 07-024-M for the Uhlik Property.

Hearing: Monday, January 7, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: James Uhlik, 3019 Royston Avenue, Baltimore 21214
Brian Dietz, 8119 Oakleigh Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 22, 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.

Visit the County's Website at www.baltimorecountyonline.info



TO: PATUXENT PUBLISHING COMPANY
Thursday, December 20, 2007 Issue - Jeffersonian

Please forward billing to:
James Uhlik
3019 Royston Avenue
Baltimore, MD 21214

443-326-0867

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: 08-216-SPH

8819 Avondale Road

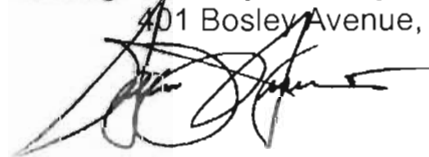
S/east side of Avondale Road, 584 feet north of centerline of Putty Hill Avenue

14th Election District – 6th Councilmanic District

Legal Owners: James Uhlik

Special Hearing to permit a non-conforming two-story (24 foot) accessory structure, garage, which will be larger than the foot print of a proposed dwelling to remain on lot #3 of the proposed minor subdivision 07-024-M for the Uhlik Property.

Hearing: Monday, January 7, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

January 2, 2008

James F. Uhlik
3019 Royston Avenue
Baltimore, MD 21214

Dear Mr. Uhlik:

RE: Case Number: 08-216-SPH, 8819 Avondale Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 6, 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

WCR:amf

Enclosures

c: People's Counsel
Brian Dietz 8119 Oakleigh Road Baltimore 21234

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
8819 Avondale Road; SE/S Avondale Road, *
584' N c/line Putty Hill Avenue * ZONING COMMISSIONER
14th Election & 6th Councilmanic Districts *
Legal Owner(s): James F. Uhlik * FOR
Petitioner(s) *
BALTIMORE COUNTY
*
08-216-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 21st day of November, 2007, a copy of the foregoing Entry of Appearance was mailed to, Brian Dietz, 8119 Oakleigh Road, Baltimore, MD 21234, Representative for Petitioner(s).

RECEIVED

NOV 21 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BW 1/7
11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 11, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED
DEC 13 2007

SUBJECT: 8-216 –Special Hearing

BY:.....

The Office of Planning does not oppose the petitioner's request to permit an existing non-conforming accessory structure (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The 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.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:

Laurie Hay

Section Chief:

Pat Keller

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 11, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

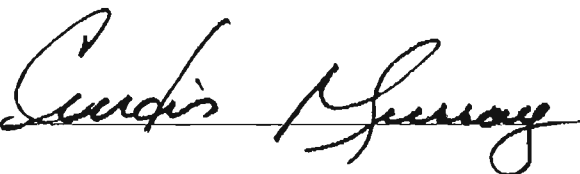
SUBJECT: 8-216 -Special Hearing

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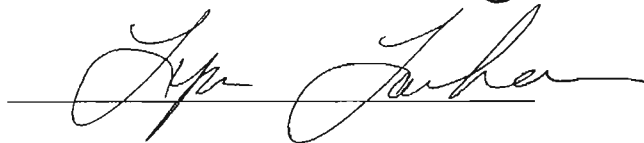
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: November 9, 2007

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 20, 2007
Item Nos. 08-195, 206, 207, 208, 209,
210, 211, 212, 213, 214, 215, and 216

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-11092007.doc



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

November 16, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 20, 2007

Item Number: Item Numbers 196, 206 through 216

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 11/20/2007

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

RE: Baltimore County
Item No. 8-216-SPH
8819 AVONDALE ROAD
UHLIK PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-216-SPH.

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

Very truly yours,

FOR [^] Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

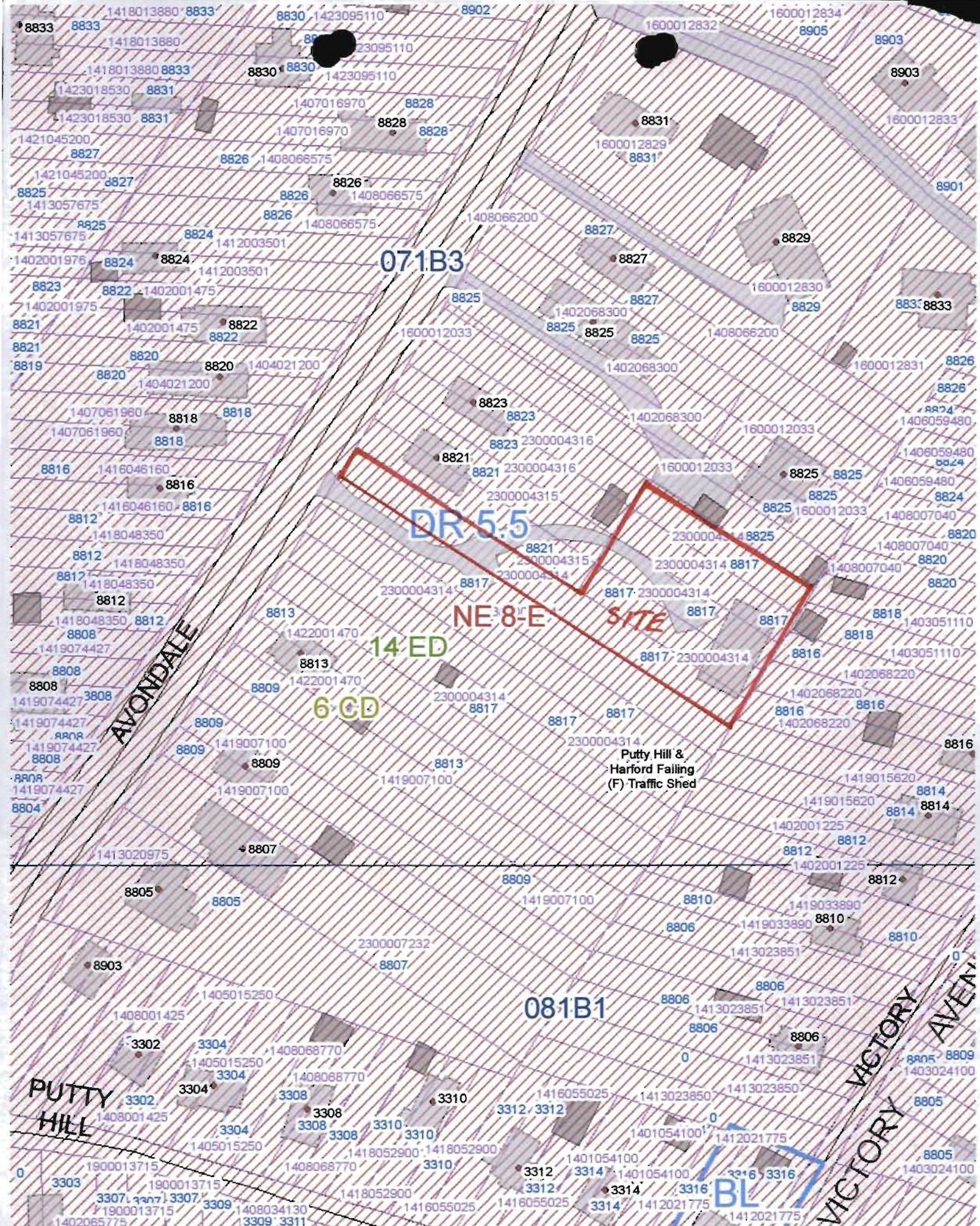
My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

CASE NAME _____
CASE NUMBER 08-216-SFH
DATE JAN 7 2008

[illegible]



Case No.: 08-216 SPH 8819 AVONDALE RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	SUB DIVISION	
No. 3	LETTER OF SUPPORT SIGNED BY NEIGHBORS	
No. 4	AERIAL MAP	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Lloyd T. Moxley
Development Review Section
Office of Planning, Baltimore County, MD

Project Name: **Uhlik Addition to Ridge Grove**

Project Number: **07024M**

November 3, 2007

Mr. Moxley,

We the below signed neighbors of James Uhlik, owner of 8817 Avondale Rd, 21234, have seen and reviewed the sub division drawing and have no objections to the way the houses on lots 2 and 3 are turned on a 45 degree angle towards the panhandle driveway.

Signature and Address

Michael E. Kloib 8812 Victory Ave.

Signature and Address

Georg Kolatz 8821 Avondale Rd.

Signature and Address

John J. Ptana, Sr. 8816 AVONDALE RD

Signature and Address

Bob & Cheryl Stuenkel 8818 Avondale Rd

Signature and Address

Edward E. Hargy 8825A Avondale Rd

Signature and Address

James & Celia Coleman 8813 AVONDALE Rd.

Signature and Address

Signature and Address

Signature and Address

PETITIONER' S

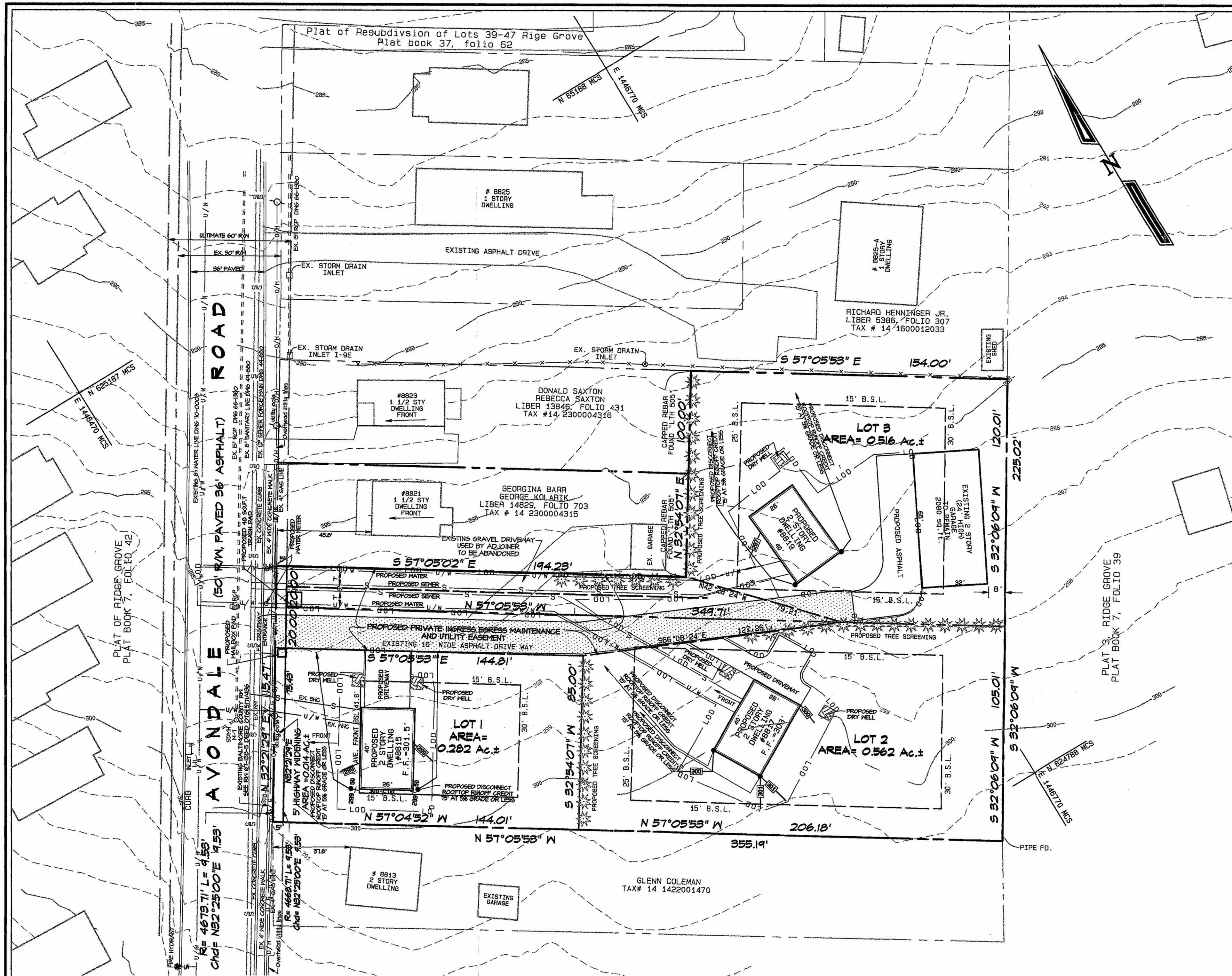
EXHIBIT NO. 3



PETITIONER'S

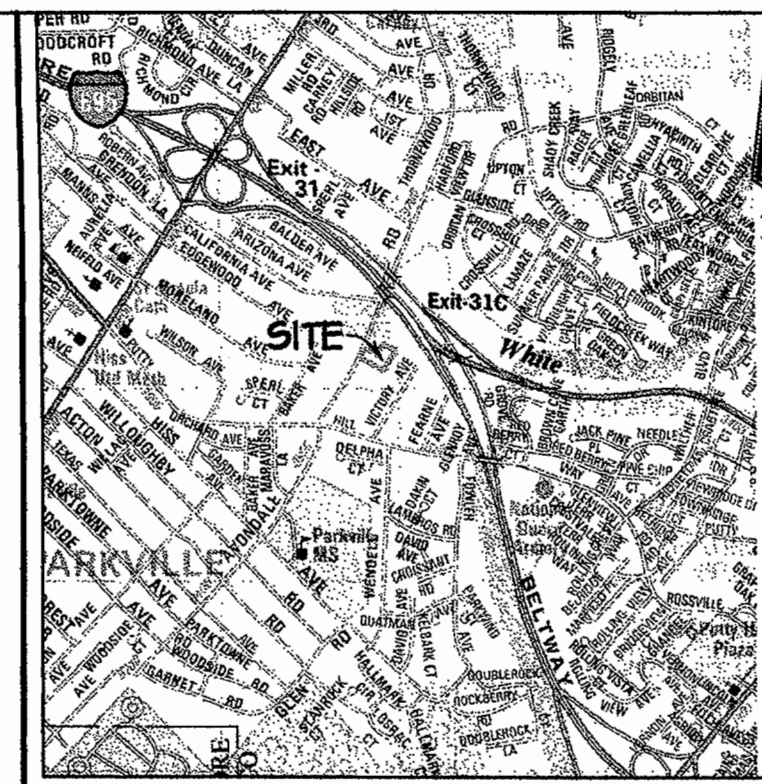
EXHIBIT NO.

4



NOTES

1. A BOUNDARY SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. CENSUS TRACT 440100 A.D.C. MAP & GRID 28-E-9
WATERSHED BIRD RIVER SUBSEWERSEHD 18
SCHOOL DISTRICT PARKVILLE REGIONAL PLANNING DISTRICT 316
3. THERE ARE NO KNOWN WELLS OR UNDERGROUND STORAGE TANKS ON THE SUBJECT PROPERTY. PUBLIC SEWER WILL BE UTILIZED. THERE ARE NO EXISTING SEPTIC SYSTEMS ON THE SITE.
4. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER.
5. THE 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 BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
6. THIS PROPERTY AS SHOWN HEREON HAS BEEN HELD INTACT PRIOR TO 1970. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA HAS EVER BEEN UTILIZED RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF SITE DWELLINGS.
7. CONTOURS SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY GIS TILE 71-B-3.
8. THE EXISTING USE OF THE PROPERTY IS 1 SINGLE FAMILY DWELLING.
THE PROPOSED USE OF THE PROPERTY IS 3 SINGLE FAMILY DWELLINGS.
9. A ZONING FINAL DEVELOPMENT PLAN MAY BE REQUIRED DEPENDING ON THE NUMBER OF LOTS CREATED (AS DETERMINED FROM ZONING AND THE EFFECTIVE DATE OF THE ZONING REGULATIONS FOR THAT ZONE).
10. NO ZONING CASE HISTORY.
11. UNDERGROUND UTILITY LINES SHOWN HEREON ARE TAKEN FROM PUBLIC PLANS AND NOT FIELD LOCATED. CONTRACTOR SHOULD VERIFY THEIR LOCATION BEFORE DIGGING.
12. ALL CONSTRUCTION DRAWINGS AND CONSTRUCTION FOR PUBLIC USE SHALL CONFORM WITH BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS AND STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION.
13. THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO THE COUNTY'S FACILITIES, SUCH AS WATER METERS, MANHOLES, CURBS AND GUTTERS, AND INLETS WITHIN HIS SUBDIVISION. OCCUPANCY PERMITS WILL BE WITHHELD UNTIL SUCH DAMAGES HAVE BEEN CORRECTED.
14. THIS SUBDIVISION HAS MET FOREST CONSERVATION REGULATIONS BY FILING AN INTRAFAMILY TRANSFER DECLARATION OF INTENT.
15. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.
16. NO PARKING PERMITTED ALONG THE PANHANDLE DRIVEWAY.
17. THE AREA BETWEEN THE SIGHT LINE AND THE CURB/EDGE OF ROADWAY MUST BE CLEARED, GRADED AND KEEP FREE OF ANY OBSTRUCTIONS.
18. THE PANHANDLE SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST TO BE SERVED, WHICHEVER COMES FIRST. THE DRIVEWAY IS TO BE CONSTRUCTED TO BALTIMORE COUNTY STANDARD DETAIL PLATE R-G. NEW DRIVEWAY ENTRANCE TO BE INSTALLED PER STANDARD PLATE R-15B.
19. COVENANTS MUST BE RECORDED PRIOR TO, OR ALONG WITH THE RECORDING OF THE PLAT, ESTABLISHING A CROSS EASEMENT OVER THE PANHANDLES FOR ACCESS OVER AND MAINTENANCE OF THE COMMON PANHANDLE DRIVEWAY, AND FOR INSTALLATION AND MAINTENANCE OF THE PRIVATE WATER AND OR SEWER CONNECTIONS WHERE APPLICABLE.
20. TOTAL LIMIT OF DISTURBANCE FOR ALL 3 LOTS IS 17,400 SQ.FT.
21. AN AMENDED RECORD PLAT TO PLAT 5/84 IS REQUIRED TO CREATE THESE LOTS, AND THAT THE AMENDED PLAT MUST BE BASED ON THIS APPROVED PLAN.
22. TAX MAP 71, GRID 21, PARCEL 1139.
23. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA OR THE 100 YEAR FLOOD PLAIN.
24. APPROVAL TO PERFORM A MINOR SUBDIVISION PER DRC# 060806-E.
25. PROPOSED BUILDINGS WILL BE COMPATIBLE WITH THE NEIGHBORHOOD. DETAILED ELEVATION DRAWINGS WILL BE REQUIRED AT BUILDING PERMIT APPLICATION.
26. A ZONING SPECIAL HEARING HAS BEEN APPLIED FOR IN ORDER TO HAVE AN ACCESSORY STRUCTURE LARGER THEN THE DWELLING AND HAVE A HEIGHT OF 22' IN LIEW OF THE REQUIRED 15'. CASE 08-216 5P/H



Vicinity Map Scale: 1" = 2000'

BALTIMORE COUNTY ZONING DEPARTMENT BUILDING SETBACK REGULATIONS

Single-Family Detached, Two-Family Alternative Site Design Dwellings	Alternative Site Design Dwellings			
	D.R. 1 & 2 Zones (feet)	D.R. 3.5, 5.5, 10.5 & 16 Zones (feet)	Zero & Zipper Lots All D.R. Zones (feet)	Neo-Traditional All D.R. Zones (feet)
From front building face to: Public street right-of-way or property line Arterial or collector	25	25	25	15
From side building face to: Side building face	30	16 < 20 high 20 > 20 high	16	16 < 20 high 20 > 20 high
Public street right-of-way Paving of a private road Tract boundary	25 30 25	15 15 15	15 15 15	15 15 15
From rear building face to: Rear property line Public street right-of-way Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.	30 30 30	30 30 30	20 20 20	50 50 50

BALTIMORE COUNTY MINOR SUBDIVISION
Project No. 07-024-M

DEVELOPMENT REGULATIONS

☐ Exempt from Division 2
☐ Panhandle, exempt from Sections 32-4-211 through 32-4-217 AND Sections 32-4-226 and 32-4-227, BBC

PDM CERTIFICATION

☐ Approved ☐ Disapproved

By: _____ Date: _____

APPROVED, DEPRM

By: _____ Date: _____

07-024-M

Minor Subdivision

of the

**Uhlir's Addition to
Ridge Grove**

Part of Lots 24-32
Plat of Ridge Grove
Plat WPC 5/84

8817 Avondale Road
Baltimore County, Maryland

Deed Ref: Liber No. 22900, folio 153

Tax Account No. 14-2300004314

Zoned DR 5.5, Map 71-B-3

14th Election District, 6th Councilmanic District
Scale: 1"=30' Date: January 30, 2007

Dietz Surveying, Inc.

Land Surveying and Land Planning

8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

Plat Date: 12/21/2007

PETITIONER'S S

EXHIBIT NO. 2

DENSITY CALCULATIONS

EXISTING ZONING DR 5.5 = 1.373 Ac.±
GROSS AREA 1.373 Ac.±
ROAD WIDENING AREA 0.014 Ac.±
NET AREA 1.359 Ac.±
LOTS PERMITTED DR-5.5 = 1.359 x 5.5 = 7 LOTS
LOTS PROPOSED DR-5.5 = 3 LOTS
TOTAL LOTS PROPOSED = 3 LOTS

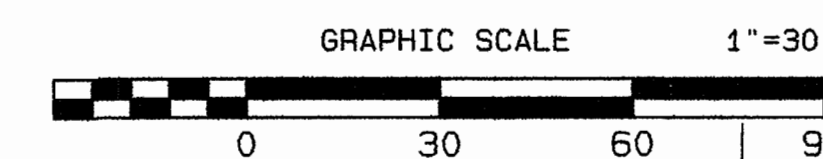
OWNER/DEVELOPER

JAMES UHLIR
3019 ROYSTON AVENUE
BALTIMORE COUNTY MD 21214
PHONE 443-326-0867



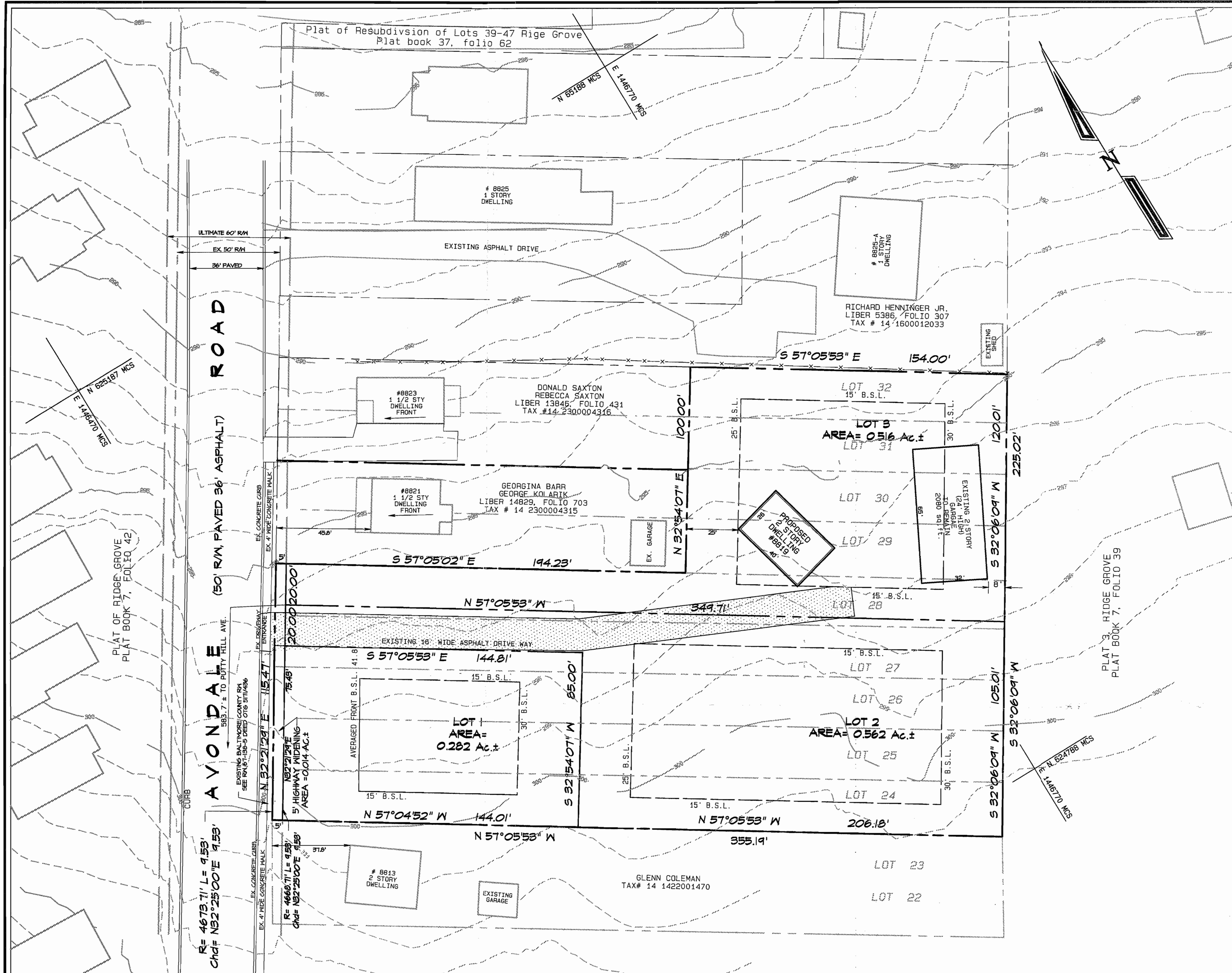
I HEREBY CERTIFY THAT I REVIEWED WITH DUE DILIGENCE ALL AGENCY COMMENTS AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCY COMMENTS.

Brian Dietz 12-21-07
BRIAN DIETZ PROFESSIONAL LAND SURVEYOR #21900



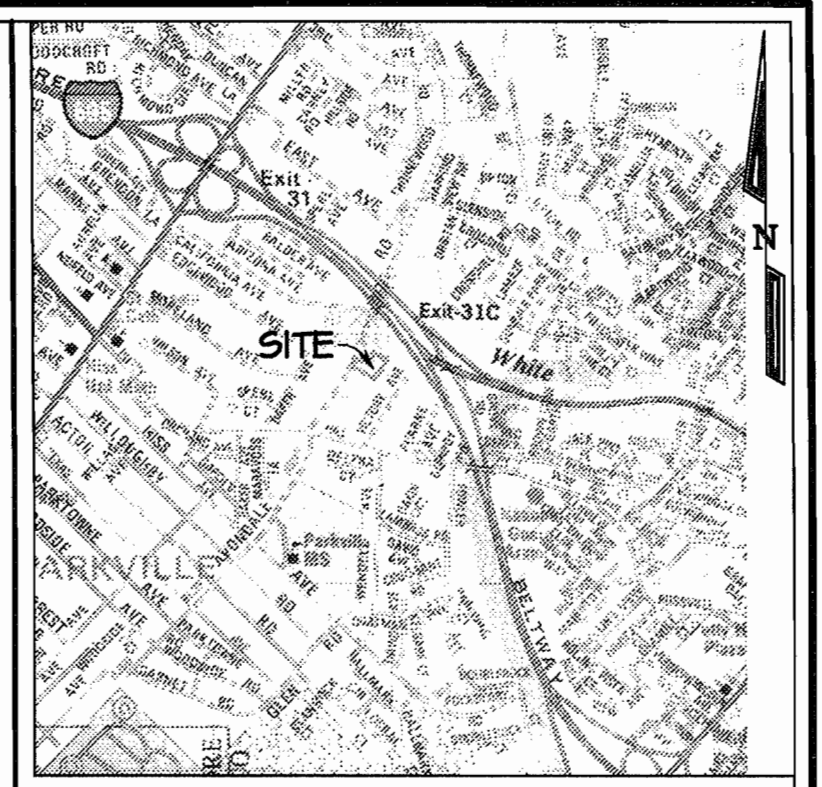
ADDRESS 2ND REVIEW COMMENTS
ADDRESS 1ST REVIEW COMMENTS
Revisions
Date

11-28-07
7/10/07



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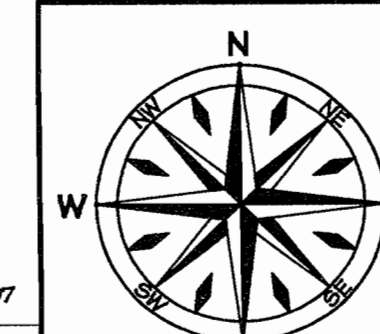
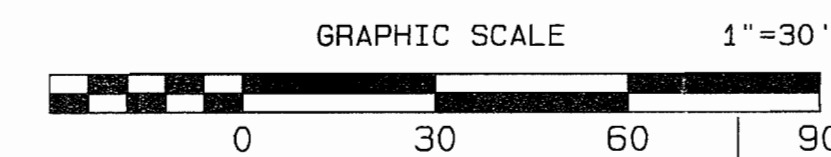
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ZONING SPECIAL HEARING
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PETITIONER'S

Job No. 05629

EXHIBIT NO. 1