IN RE: PETITION FOR SPECIAL HEARING

N side of Putty Hill Road, 550 feet +/-E of Perring Parkway

9th lection District

5th Councilmanic District

(1922 Putty Hill Road)

Raymond J. Hinchliffe, Jr. *Petitioner*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-289-SPH

IN RE: PETITION FOR SPECIAL HEARING

N side of Putty Hill Road, 550 feet +/-

E of Perring Parkway

9th lection District

5th Councilmanic District

(1924 Putty Hill Road)

Raymond J. Hinchliffe, Jr. *Petitioner*

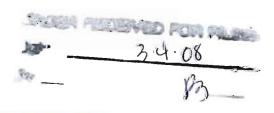
- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-290-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing filed by the legal owner of the above-captioned properties, Raymond J. Hinchliffe, Jr. The Petitioner requests special hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

Case No. 08-289-SPH for 1922 Putty Hill Road - Special Hearing relief to permit an undersized lot for a single-family dwelling with contiguous lot ownership; and

<u>Case No. 08-290-SPH for 1924 Putty Hill Road</u> - Special Hearing relief to permit an undersized lot for a single-family dwelling with contiguous lot ownership.

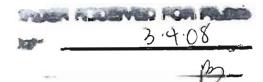


The subject properties and requested relief are more particularly described on site plan which was marked and accepted into evidence as Petitioner's Exhibit 1A for 1922 Putty Hill Road and Exhibit 1B for 1924 Putty Hill Road.

Appearing at the requisite public hearing in support of the requested special hearings was Petitioner Raymond J. Hinchliffe, Jr. and Scott Chilton, with C.B. Homes, who prepared the site plan. There were no Protestants or other interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that each property contains 0.136 acre or 5,924 square feet zoned D.R.5.5. Petitioner has owned the two properties since 1964 in conjunction with the lot behind them at 1923 Wildwood Avenue. The properties used to be one large lot and Petitioner lived at 1923 Wildwood Avenue with his wife until their divorce in approximately 1972. The two lots, Lot 'B' for 1924 Putty Hill Road and Lot 'C' for 1922 Putty Hill Road were created in the 1970's, but Petitioner held onto them during the ensuing years. Petitioner is 63 years old and wants to prepare for retirement and now desires to prepare the lots for building and selling. The zoning regulations call for a minimum of 6,000 square feet for lots and the subject properties contain 5,924 square feet each, which is only about 76 square feet short of what is required. As Mr. Chilton pointed out, this difference in size is approximately the size of Petitioner's table in the Hearing Room.

Additional testimony and evidence revealed that the proposed houses will meet all setback requirements -- no variances are being sought -- and the homes will be similar in size and shape to those existing in the neighborhood. Photographs of a home similar to what is proposed was marked and accepted into evidence as Petitioner's Exhibit 2. In addition, both dwellings will be served by public water and public sewer; however, the sewer will be by way of

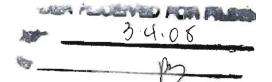


a private duplex grinder pump at the property line between the lots, and will be connected to public sewer service at Wildwood Avenue.

Mr. Chilton also stressed that there will be virtually no impact to the surrounding properties. The neighbors to the west, George and Diane Sandruck at 1921 Wildwood Avenue, were told of the Petitioner's plans and voiced no objection. The property to the east is Putty Hill Park, which is owned by Baltimore County, so the two proposed dwellings would be served by sufficient open space and parks. There will be no impervious surface run-off onto Putty Hill Avenue. Petitioner also checked with the Department of Public Works and was informed there is sufficient capacity in the sanitary sewer system to accommodate the additional two homes.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 1, 2008 which indicates that Petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the B.C.Z.R. However, there appears to be several existing undersized lots in the neighborhood. As such, the Planning Office does not oppose Petitioner's request. If approved, Petitioner would be required to provide landscaping along the public road, and submit building elevations for review and approval prior to the issuance of any building permit. The dwellings should be compatible in size, exterior building materials, color and detail as that of the existing dwellings in the area. Petitioner should also provide a looped driveway with cross easements for both properties to avoid cars backing onto Putty Hill Road.

Based on the testimony and evidence presented, I am persuaded to grant the special hearing relief. There was no evidence presented that this plan will have any negative impacts on the surrounding properties. There currently exist a number of undersized lots in the



neighborhood. All other requirements of the height and setback regulations shall be complied with. The proposed single-family dwellings will be consistent with the existing homes and will be an upgrade from many of the existing dwellings that were constructed in the 1940's and 1950's. The Planning Office will review the design of the new homes for compatibility with the neighborhood. Therefore, I find allowing construction of the new dwellings will not adversely affect the community.

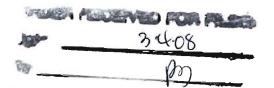
In my judgment, Petitioner's plans are appropriate and will not be detrimental to the health, safety, or general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by Petitioner, I find that the Petitioner's requests for special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this ______ day of March, 2008 that the Petitioner's requests for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

Case No. 08-289-SPH for 1922 Putty Hill Road - Special Hearing relief to permit an undersized lot for a single-family dwelling with contiguous lot ownership is hereby GRANTED; and Case No. 08-290-SPH for 1924 Putty Hill Road - Special Hearing relief to permit an undersized lot for a single-family dwelling with contiguous lot ownership is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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. Submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permits. The proposed dwellings shall be compatible in size, exterior building materials, color and architectural detail as that of the existing dwellings in the area.
- 3. Provide landscaping along the public road if consistent with the existing streetscape.
- 4. Petitioner shall provide the Office of Planning with an alternative plan to providing a looped driveway with cross easements for both properties to avoid cars backing onto Putty Hill Road. If the Office of Planning is satisfied with Petitioner's alternative, then that plan shall be incorporated herein as a condition of relief. If Petitioner and the Office of Planning are unable to reach an agreement as to an alternative plan for avoiding having cars backing into Putty Hill Avenue, then Petitioner shall provide the looped driveway with cross easements for both properties as requested by the Office of Planning.

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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	1924	PUTTY	HILL	Ru.	
	present				

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 AH WHDEPSINED LOT

FOR A SINGLE FAMILY DWALLING WITH CONTIGOUS LOT OWNERSHIP (\$304 BCZZ).

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

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

I/We do solemnly declare and affirm, under the penalties of

		perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:		Legal Owner(s):
Name - Type or Print		Name - Tyde or Print Halle
Signature		Signature
Address	Telephone No.	Name - Type or Print
City State	Zip Code	Signature
Attorney For Petitioner:		1132 Greenbank Rd 4/0-967-35 Address Telephone No
		BALTI MORE MD 2/220
Name - Type or Print		City State Zip Code
Signature		Representative to be Contacted:
Signature		Scott chilton
Company		27 Neptone D1 443-220-658
Address	Telephone No	Address MD Telephone No 21085
City State	Zip Code	City State Zip Code
		OFFICE USE ONLY
		ESTIMATED LENGTH OF HEARING
Case No. 08 290 SA	A	UNAVAILABLE FOR HEARING
		viewed By DOW Date 1.4.08
REV 9/15/98		.——

ZONING DESCRIPTION

Zoning description for: 1924 PUTY HIU RD.
Beginning at a point on the HORTH side of PUTTY HIW RD.
which is 25' FERT wide at the distance of 550' EAST
of the centerline of the nearest improved intersecting street PERLING PARKWAY
which is 80' FEFT wide. *Being Lot # B 4924 PLATY HILL DE
Block, Section # in the subdivision of HIWAHDALE FARMS
as recorded in Baltimore County Plat Book # 8 . Folio # $92 \div 93$,
containing 599401. Also known as 1924 PUTY HILL RD.
and located in the GTH Election District, 5TH Councilmanic District.

	MORE CO E OF BUI LLANEO	DGET A	ND FINA				No. Date:	9718 PAID RECEIPT /- 4 - 5 PAID RECEIPT RESIDENCE ACTUAL RESIDENCE MALKETH JRIC THR
Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount Dept 5 528 ZONING VERIFY OD9718 Recpt Tot #1230.00 CK Raltimore County, Har
Rec From:	R.	HIN	chl	;ffe		Total:		65. m
	77	- 2	270	SPI	4			

NOTICE OF ZONING HEARING

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

Case: #08-290-SPH
1924 Putty Hill Road
N/side of Putty Hill Road,
550 feet +/- east of Perring
Parkway
9th Election District
5th Councilmanic District
Legal Owner(s): Raymond
Hinchcliffe, Jr.
Special Hearing: to permit
an undersized lot for a single family dwelling with
contiguous lot ownership.
Hearing: Monday, March
3, 2008 at 11:00 a.m. in
Room 407, County Courts
Building, 491. Busing
Avenue, Towson 21234.

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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 2/229 Feb. 14 163688

CERTIFICATE OF PUBLICATION

2/14/, 2008
Y, that the annexed advertisement was published
newspaper published in Baltimore County, Md.,
successive weeks, the first publication appearing
rsonian
limes le Times
rimes Mills Times
ter/Reporter unty News
successive weeks, the first publication appear rsonian Times le Times Mills Times ter/Reporter

LEGAL ADVERTISING

CERTIFICATE OF POSTING

		F	RE: Case No.: 08 - 290 - SPH	
A DESCRIPTION OF	FI Jahran 752	a series	Petitioner/Developer:	
	ALC:	-94	RAYMOND HINCHLIFFE,	K
			Date of Hearing/Closing: 3 - 3 - 08	
Paltimore County Departme Permits and Development M County Office Building, Roo 11 West Chesapeake Avenu Fowson, Maryland 21204	anagement m 111			
ATIN: Kristen Matthews {	(410) 887-3394}	the same of the same of	36- 2	
adies and Gentlemen:	4 %			
This letter is to certify under osted conspicuously on the			the necessary sign(s) required by law were	
1924	PUTTY.	HILL BO	RI	
		Section Comments		
		2-16-6	38	
The sign(s) were posted on _			Day, Year)	
77 × 1	get .	Sincerely	•	
أر علاجتات		·	Pobert Black 2.18-08	,
	1	_	(Signature of Sign Poster) (Date)	
			SSG Robert Black	
		_	(Print Name)	
ZONING NOTICE			1508 Leslie Road	
PUBLIC HEARING WILL BE HELD BY THE CONING COMMISSIONER IN TOWARD MP	100	_	(Address)	
PERCE. THE PERCENT AND THE PER	1		Dundalk, Maryland 21222	
The same of the sa		-	(City, State, Zip Code)	
The same of the sa	Set .		(410) 282-7940	
	3 34	-	(Telephone Number)	

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

	paper Advertising: 290
Item Num	ber or Case Number:
Petitioner:	Raymons Hinchliffe, JR.
	r Location: 1924 Putty Hill Rd
PLEASE F	FORWARD ADVERTISING BILL TO:
. .	2
Name: _	RAYMOND HinchLitte, JR.
-	RAYMOND HINCHLITTE JR. 7132 GREENBANK Rd.
-	27 (20) 12 (20)
-	7132 GREENBANK Rd.



JAMES T. SMITH, JR. County Executive

January 16, 2008
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: 08-290-SPH

In Kotroco

1924 Putty Hill Road N/side of Putty Hill Road, 550 ft. +/- east of Perry Parkway 9th Election District – 5th Councilmanic District Legal Owners: Raymond Hinchliffe, Jr.

<u>Special Hearing</u> to permit an undersized lot for a single family dwelling with contiguous lot ownership.

Hearing: Monday, March 3, 2008 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Raymond Hinchliffe, Jr., 7132 Greenbank Road, Baltimore 21220 Scott Chilton, 27 Neptune Drive, Joppa 21085

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 16,2008

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

TO: PATUXENT PUBLISHING COMPANY

Thursday, February 14, 2008 Issue - Jeffersonian

Please forward billing to:

Raymond Hinchliffe, Jr. 7132 Greenbank Road Baltimore, MD 21220

410-967-3592

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: 08-290-SPH

1924 Putty Hill Road

N/side of Putty Hill Road, 550 ft. +/- east of Perry Parkway

9th Election District - 5th Councilmanic District

Legal Owners: Raymond Hinchliffe, Jr.

<u>Special Hearing</u> to permit an undersized lot for a single family dwelling with contiguous lot ownership.

Hearing: Monday, March 3, 2008 at 11:00 a.m. in Room 407, County Courts Building,

#01 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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and
Development Management

February 27, 2008

Raymond J. Hinchliffe, Jr. 7132 Greenbank Road Baltimore, MD 21220

Dear Mr. Hinchliffe:

RE: Case Number: 08-290-SPH, 1924 Putty Hill Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 4, 2008. 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 Scott Chilton 27 Neptune Drive Joppa 21085

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: February 1, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 8-289 and 8-290- Variance

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

- 1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 2. Provide landscaping along the public road, if consistent with the existing streetscape.
- 3. Provide a looped driveway with cross easements for both properties to avoid cars backing onto Putty Hill Road.

For further questions or additional information concerning the matters stated herein, please contact Donnell Zeigler with the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JAN. 14, 200 8

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

RE:

Baltimore County

Item No. 8-290-5PH 1924 PLITTY HILL ROAD

HINCHLIFFE 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. 8-290-594.

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).

Steven D. Foster, Chief Engineering Access Permits

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 15, 2008

Department of Permits & Development Management

DAY

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 21, 2008

Item Nos. 08-288, 289, 290, 291, 293,

294, 295, 296, and 297

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-01152008 doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DECEIVET

DATE: February 1, 2008

BY:____

SUBJECT:

Zoning Advisory Petition(s): Case(s) 8-289 and 8-290- Variance

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

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For further questions or additional information concerning the matters stated herein, please contact Donnell Zeigler with the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

RE: PETITION FOR SPECIAL HEARING 1924 Putty Hill Road; N/S Putty Hill Road, 550' E of Perring Parkway

9th Election & 5th Councilmanic Districts Legal Owner(s): Raymond Hinchliffe, Jr. Petitioner(s) BEFORE THE

ZONING COMMISSIONER

* FOR

BALTIMORE COUNTY

* 08-290-SPH

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to, Scott Chilton, 27 Neptune Drive, Joppa, MD 21085, Representative for Petitioner(s).

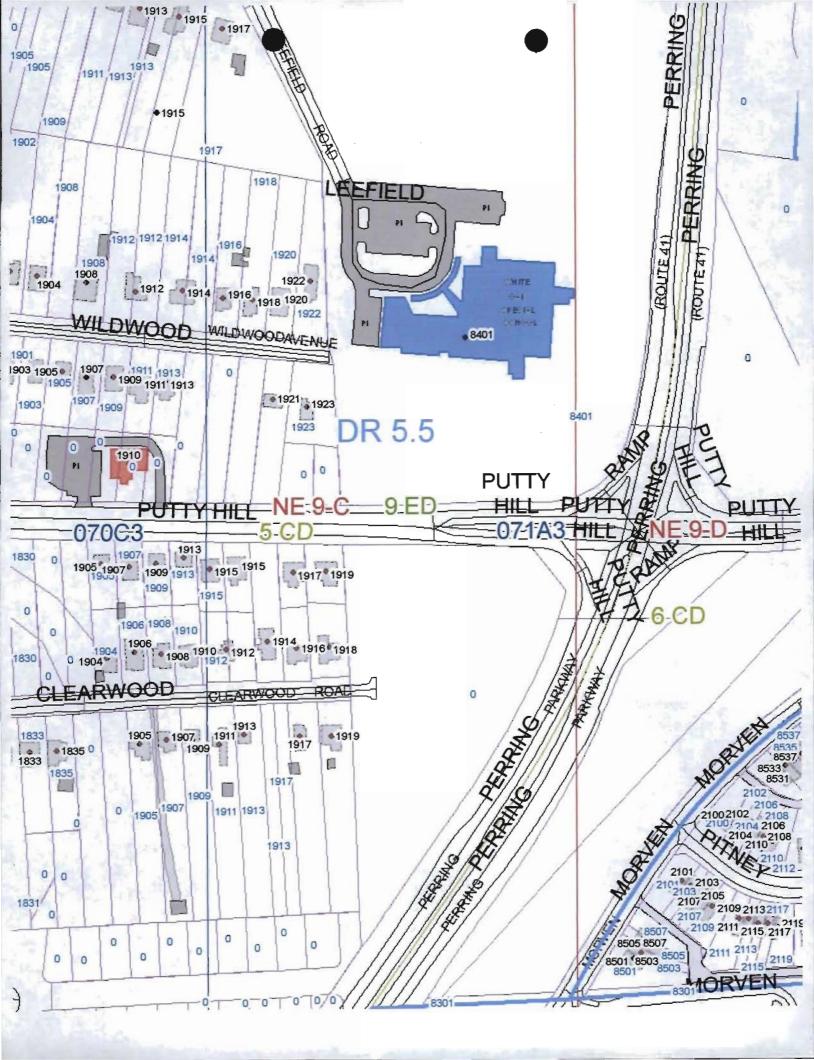
RECEIVED

JAN 2 2 2008

Peter Max Zimmerman

People's Counsel for Baltimore County

Permanan



100 100 W

10



144 FD 2000006603 DR 5.5

MAY 30, 1985.

LOT B

PART OF LOT 149

(WEST 92693)

HILLENDALE FARMS

9th ELECT. DIST. BALTO. CO. M.D.

E. F. RAPREL & ASSOCIATES SCALE 1'= 30'

Registered Professional Land Surveyors 201 Countains Avenue Towson, Maryland 21294

