

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

NW Corner of Middletown Road and
York Road *

(18301 Middletown Road)

7th Election District *

3rd Council District *

Melvin C. Benhoff, Jr., et ux

Petitioners *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2008-0557-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Melvin C. Benhoff, Jr., and his wife, Dianne M. Benhoff. The Petitioners request a special hearing pursuant to Sections 500.7, 1A04.3B.1.b and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the set back of a proposed dwelling to be as close as 80 feet to the centerline of a collector road that is also a scenic route in lieu of the required 150 feet. The subject property and requested relief are more particularly described on the site plan, which was submitted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the request were Melvin C. Benhoff, Jr., owner of the subject property, and his son, Kevin Benhoff, a real estate agent, assisting his parents in obtaining the approvals necessary for the improvement of the subject property with a single-family, detached dwelling. There were no Protestants or other interested persons at the hearing.

Testimony and evidence indicated that the subject property is a wooded "corner lot" located on the northwesterly corner of York Road (Md. Rte. 45) and Middletown Road in Parkton. The property is presently vacant and unimproved and is 1.407 acres in size, presently zoned R.C.5 and will be served by private water and septic systems. The property has been held in tact since at least

Date 8-18-08
ORDER RECEIVED FOR FILING

1958. The adjacent property along the northern boundary is a conservancy lot owned by Arthur Tracey, et al, zoned R.C.4. Across Middletown Road on the southern side is Our Lady of Grace Catholic Church. Thus, from the uncontradicted evidence presented, the subject property has been a single lot of record since at least December 4, 1958 and the Petitioners do not own any adjoining land that could be combined with the subject property and that subject property is not in any recorded subdivision. Therefore, I find that this lot of record, prior to September 2, 2003, meets the statutory requirements of B.C.Z.R. Section 1A04.3B.1.b(1) for consideration of the minimum acreage requirement and *the setback requirements of Paragraph 2 . . .* for proceeding by way of this Petition for Special Hearing.

The evidence presented was that the subject property as shown on the site plan is triangular in shape with 160 feet of frontage on York Road, 480 feet along the north side of Middletown Road and measures some 377 feet across the rear boundary. Compared to most other properties in the immediate area, this property has a very shallow depth. In order to maintain the required separation between the private well and private septic reserve area for the dwelling to be constructed, the available building envelope is severely reduced. Given these constraints, the location of the proposed dwelling has been moved as far back from the roadway as possible, resulting in a setback of approximately 85 feet from the centerline of Middletown Road. The evidence proffered was clear that no additional area is available to move the proposed dwelling further from the centerline of the roadway. (See Petitioners' Exhibit 2 detailing site constraints). The Petitioner(s) purchased this lot in 1988, well prior to the current R.C.5 regulations and prior to Middletown Road being designated a scenic route in the Baltimore County Master Plan. Kevin Benhoff next reviewed the comments submitted by the Zoning Advisory Committee (ZAC). Other than the Office of Planning, no other reviewing agency had any comment. The Office of Planning is required, pursuant to B.C.Z.R.

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Date 8-18-08
By [signature]

Section 1A04.4, to ensure that the Residential Performance Standards of the R.C.5 zone are met. Accordingly, the recommendation of the Office of Planning, in its Amended ZAC comment of August 5, 2008, will require the Petitioners to demonstrate, prior to building permit, that the proposed dwelling meets those Performance Standards and accordingly this will be adopted as a condition of relief granted by this Order.

Based on the testimony and evidence produced by the Petitioners, I am persuaded that the relief requested should be granted. The Petitioners are proposing a single home on a lot that was in existence prior to September 2, 2003. The Petitioners have abided by all environmental requirements in seeking approval for the development of the subject property. The testimony and evidence presented is clear that the granting of the requested relief will not result in detriment to the health, safety, or general welfare of the community, or otherwise affect public facilities, services or schools. Finally, the County Council, in expressly authorizing this type of relief for pre-existing lots, determines such relief to be consistent with the spirit and intent of the B.C.Z.R. where the statutory conditions are met.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 18th day of August 2008, that the Petition for Special Hearing to approve an 80 foot setback from the centerline of a collector road that is also designated a scenic route, for a principal dwelling in lieu of the required 150 feet, required by Baltimore County Zoning Regulations (B.C.Z.R.), Section 1A04.3.B.2.b, in accordance with the site plan marked as Petitioners' Exhibit 1, shall be and is hereby GRANTED, subject to the following restrictions to the relief granted herein:

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Date 8-18-08
By [signature]

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to issuance of a building permit for the dwelling to be constructed, the Petitioners must demonstrate to the Office of Planning, satisfaction of the appropriate provisions of the R.C.5 Residential Performance Standards.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days hereof.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 8-18-08
By [Signature]



"Original Keep in File"

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 18301 MIDDLETOWN RD.
which is presently zoned RC 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve PURSUANT TO SECTIONS

1A04.3.B.1.b AND 1A04.3.B (BCZR) ~~TO APPROVE~~ THE SETBACK OF A PROPOSED
DWELLING TO BE AS CLOSE AS 80 FT TO THE CENTER LINE OF COLLECTOR ROAD
THAT IS ALSO A SCENIC ROUTE IN LIEU OF THE REQUIRED 150 FT.

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):

x MELVIN C BERTHOFF JR

Name - Type or Print

x Melvin C Berthoff

Signature

x DIANNE M. BERTHOFF

Name - Type or Print

x Dianne M. Berthoff

Signature

x 255 Springhill Farm x 410-252-8311

Address

Telephone No.

x HUNT VALLEY

City

x MD

State

x 21030

Zip Code

Representative to be Contacted:

Kerin Berthoff

Name

25 Springhill Farm Ct. 443-824-6411

Address

Telephone No.

Cockeysville MD 21030

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

UNAVAILABLE FOR HEARING —

Case No. 0008-0557-SPH

Reviewed By JL Date 6/03/08

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 8-18-08

By [Signature]

0557

ZONING DESCRIPTION FOR 13801 Middletown Road

Lot of ground situate in the Seventh Election District of Baltimore County on the northwesterly corner of York Road and Middletown Road, Baltimore County, Maryland, as more particularly described in a Deed dated August 24, 1988, and recorded among the Land Records of Baltimore County in Liber S.M. 7957, Folio 485, containing 1.407 acres of ground, pursuant to the Baltimore County Assessment Records.

Beginning for the same at a point on the westernmost side of York Road (66' wide), said point being at the end of the 17th or N 82 degrees 23 minutes 00 seconds E 656.75' line of the first parcel of land which by deed dated December 4, 1958 and recorded among the Land Records of Baltimore County in Liber WJR 3457, Folio 580, was conveyed by Carey T. Hunter, widower, to Monumental Corporation, running thence and binding on the westernmost side of York Road and on all of the 18th line of the above mentioned parcel and continuing the same course, as now surveyed, S 00 degrees 39 minutes 00 seconds W a total distance in all of 322.45' to the center of Middletown Road as now located, the five following courses and distances as now surveyed: (1) N 78 degrees 17 minutes 40 seconds W 174.36'; (2) N 76 degrees 53 minutes 20 seconds W 100.02'; (3) N 69 degrees 55 minutes 40 seconds W 56.82'; (4) N 46 degrees 07 minutes 40 seconds W 98.00'; (5) N 50 degrees 42 minutes 40 seconds W 168.33' to intersect the 17th line in the aforesaid deed at a distance of 125.97' from the beginning of said line, thence leaving the center of Middletown Road and binding on a part of the aforesaid 17th line, as now surveyed, N 82 degrees 23 minutes 00 seconds E 530.78' to the beginning.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

055
 JL

No. 07671

Date: 6/03/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			150				65.00

Total: 65.00

Rec

From: Ben Hoff

For: Res SPH 18301 Middletown Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

WELNESS ACTUAL TIME 14M
 06/03/08 6/03/2008 10:53:00
 WPM HEALTH SCL SH
 RECEIPT # 441129 6/03/2008 10:53
 5 328 200006 VERIFICATION
 007671
 Receipt tot 65.00
 65.00 CL 65.00
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/22/08

Case Number: 2008-0577-SPH

Petitioner / Developer: MELVIN & DIANNE BENHOFF

Date of Hearing (Closing): AUGUST 7, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
18301 MIDDLETOWN ROAD

The sign(s) were posted on: JULY 20, 2008



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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: 0008-0557-SPH

Petitioner: x ~~to~~ Kevin Benhoff

Address or Location: x 18301 Middletown RD

NW corner of MIDDLETOWN and YORK

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kevin Benhoff

Address: 215 Old Padonia Rd

Cockeysville, MD 21030

Telephone Number: 443-834-6411

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 19, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

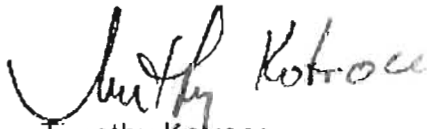
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0577-SPH

18301 Middletown Road
N/west side of Middletown Road and York Road
7th Election District – 3rd Councilmanic District
Legal Owners: Melvin & Dianne Benhoff

Special Hearing pursuant to Sections 1A04.3.B.1.b and 1A04.3B (BZCR) that a setback of a proposed dwelling to be as close as 80 feet to the centerline of a collector road; that is also a scenic route in lieu of the required 150 feet.

Hearing: Thursday, August 7, 2008 at 11:00 a.m., Jefferson Building, 1st Floor,
105 W. Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Melvin & Dianne Benhoff, 25 Springhill Farm Road, Hunt Valley 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 23, 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
Tuesday, July 23, 2008 Issue - Jeffersonian

Please forward billing to:
Kevin Benhoff
215 Old Padonia Road
Cockeysville, MD 21030

443-834-6411

NOTICE OF ZONING HEARING

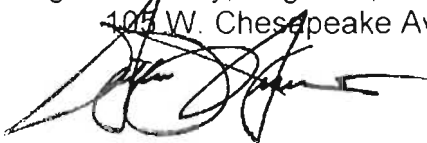
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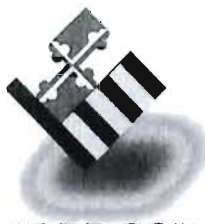
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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- 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

July 30, 2008

Melvin C. & Dianne M. Benhoff Jr.
255 Springhill Farm Ct.
Hunt Valley, MD 21030

Dear: Melvin C. & Dianne M. Benhoff Jr.

RE: Case Number 2008-0557-SPH, Address: 18301 Middletown Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 03, 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:lnw

Enclosures

c: People's Counsel
Kevin Benhoff, 25 Springhill Ct., Cockeysville, MD 21030

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 10, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

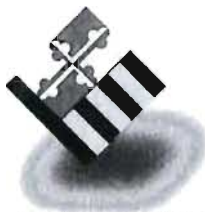
SUBJECT: Zoning Advisory Committee Meeting
For June 16, 2008
Item Nos. 08-0548, 0549, 0550, 0551,
0552, 0553, 0554, 0555, 0556, and 0557

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk

cc: File

ZAC-06102008-NO COMMENTS



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

June 16, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 09, 2008

Item Number: 0527A, 0549A, 0550A, 0551SPH, 0552SPHA, 0553X, 0554A, 0555A, 0556A, 0557SPH

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BW 817 11 am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 26, 2008

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

SUBJECT: 18301 Middletown Road

INFORMATION:

Item Number: 8-557

Petitioner: Melvin C. Benhoff

Zoning: RC 5

Requested Action: Special Hearing

RECEIVED
JUN 30 2008
BY:.....

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide enhanced landscaping along the scenic route where trees are being removed. Limit clearing to that which is already shown on the plan.

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

Prepared By: Curtis Murray

Division Chief: Lynn Johnson

CM/LL

BW
8-7-08

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2008

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

RECEIVED
AUG 06 2008

BY: 4:30 pm

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-557- Special Hearing (*subsequent comments*)

The Office of Planning reviewed the petitioner's request and accompanying site plan and understands the petitioner will not commit to final elevation drawings until such time the Special Hearing is approved and the subject lot is prepared for improvement. This Office finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04, provided final elevations are submitted to this office for review and approval prior to the issuance of any building permits and the mature landscaping and trees along Middletown Road is retained as agreed. As such, this office does not oppose the subject request.

Prepared By:

Candis Murray

Division Chief:

Lyne Luber

CM/LL



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: 6-20-2008

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

RE: Baltimore County
Item No 2008-0557-SPH
18301 MIDDLETOWN RD
BENHOFF 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. 2008-0557-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



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
18301 Middletown Road; NW/S *
Middletown Road & York Road * ZONING COMMISSIONER
7th Election & 3rd Councilmanic Districts *
Legal Owner(s): Melvin & Dianne Benhoff * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-557-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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUN 17 2008

Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Kevin Benhoff, 25 Springhill Farm Court, Cockeysville, MD 21230, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: kevin@benhoffbuilders.com
Date: 08/04/08 2:03:49 PM
Subject: Reminder - Proff of Sign Posting Needed - Case No. 2008-0557-SPH - August 7th @ 11:00 AM

Hi Kevin,

Per our telephone conversation, please contact your sign poster and have them send via fax proof that this was, in fact, done. Our fax number is 410-887-3468.

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

A handwritten signature in red ink, which appears to read "Missing", is enclosed within a hand-drawn red oval.

From: Debra Wiley
To: Matthews, Kristen; Williams, LaShenda
Date: 08/04/08 2:07:24 PM
Subject: 2008-0557-SPH

Missing

Hi there,

Bill is missing both the sign posting and advertisement for this case file. I have contacted the representative and asked for proof from the sign poster but wanted to know if you have received the Jeffersonian copy. *no*

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 07 **Account Number -** 0712059190

Owner Information

Owner Name:	BENHOFF MELVIN C BENHOFF DIANNE M	Use:	RESIDENTIAL
Mailing Address:	25 SPRINGHILL FARM CT COCKEYSVILLE MD 21030	Principal Residence:	NO
		Deed Reference:	1) /10419/ 183 2)

Location & Structure Information

Premises Address	Legal Description
YORK RD	1.407 AC
	NW COR MIDDLETOWN RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
17	14	50						2	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		1.40 AC	04

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	104,000	135,200		
Improvements:	0	0		
Total:	104,000	135,200	104,000	114,400
Preferential Land:	0	0	0	0

Transfer Information

Seller: BOLT STANLEY E BOLT WANDA C	Date: 03/22/1994	Price: \$35,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /10419/ 183	Deed2:
Seller: REDEEMER EVANGEL ICAL	Date: 08/30/1988	Price: \$60,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7957/ 485	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

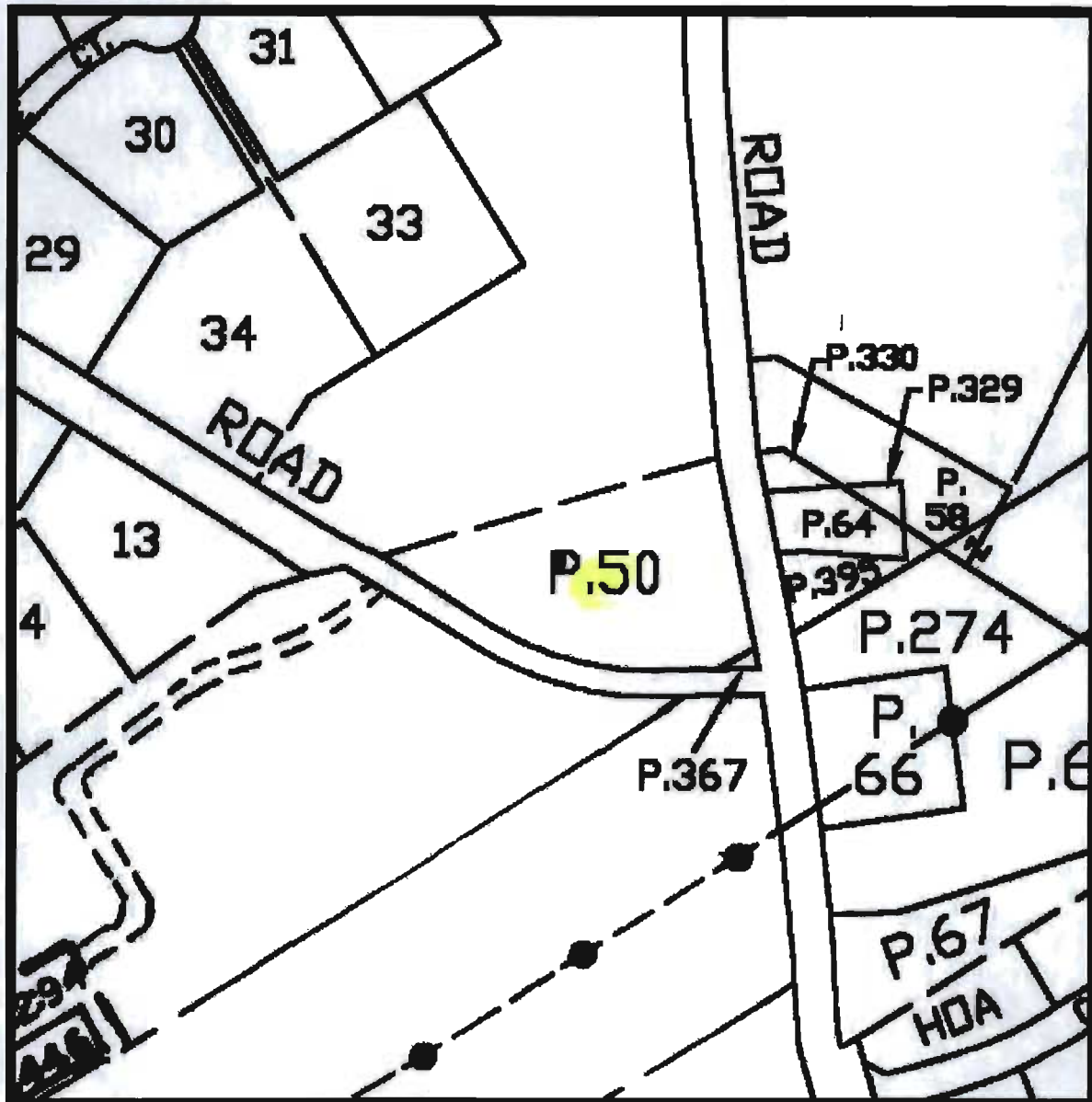
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 07 Account Number - 0712059190



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For more information on electronic mapping applications, visit the Maryland Department of Planning web
site at www.mdp.state.md.us/tax_mos.htm



Over Log of Grace Church

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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Account Identifier: District - 07 **Account Number -** 0719032920

Owner Information

Owner Name:	SHEHAN, MOST REV L J ROMAN CATHOLIC	Use:	EXEMPT COMMERCIAL
Mailing Address:	ARCH BISHOP OF BALTO 408 N CHARLES ST BALTIMORE MD 21201	Principal Residence:	NO
		Deed Reference:	1) / 4087/ 194 2)

Location & Structure Information

Premises Address	Legal Description
MIDDLETOWN RD	17.4111 AC SWS
PARKTON MD 21120-9494	MIDDLETOWN RD
	100 W YORK RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
17	14	240						2	Plat Ref:

Special Tax Areas

	Town
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		1.00 AC	01
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	204,100	204,100		
Improvements:	482,000	482,000		
Total:	686,100	686,100	686,100	686,100
Preferential Land:	0	0	0	0

Transfer Information

Seller: NORTH AMERICAN ENTERPRISES	Date: 12/18/1962	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 4087/ 194	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: COUNTY AND STATE
Exempt Class: CHURCHES, SYNAGOGUES, & PARSONAGES

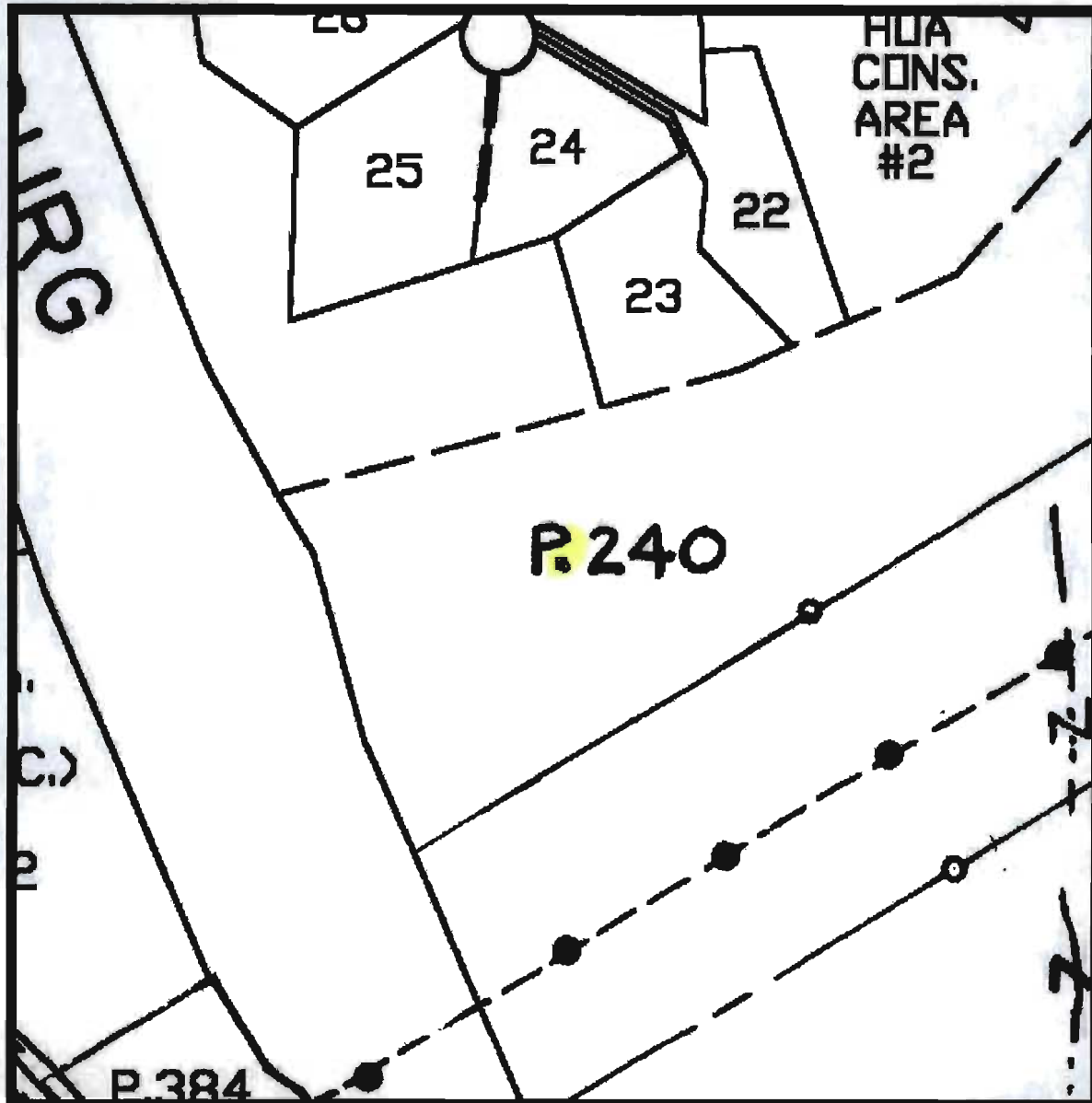
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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[New Search](#)

District - 07 Account Number - 0719032920



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site at www.mdp.state.md.us/tax_mos.htm





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

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[New Search](#)

Account Identifier: District - 07 **Account Number -** 0716035027

Owner Information

Owner Name: PHILLIPS LAWRENCE E **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 18311 YORK RD **Deed Reference:** 1) /17385/ 29
 PARKTON MD 21120-9405 2)

Location & Structure Information

Premises Address **Legal Description**
 YORK RD .103 AC
 ES YORK RD
 200FT N MIDDLETOWN RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
17	14	330						2	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		4,356.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	2,170	2,170		
Improvements:	0	0		
Total:	2,170	2,170	2,170	2,170
Preferential Land:	0	0	0	0

Transfer Information

Seller: PHILLIPS GEORGE R	Date: 01/15/2003	Price: \$100,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /17385/ 29	Deed2:
Seller: C&P TELEPHONE CO	Date: 03/09/1965	Price: \$1,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 4430/ 583	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

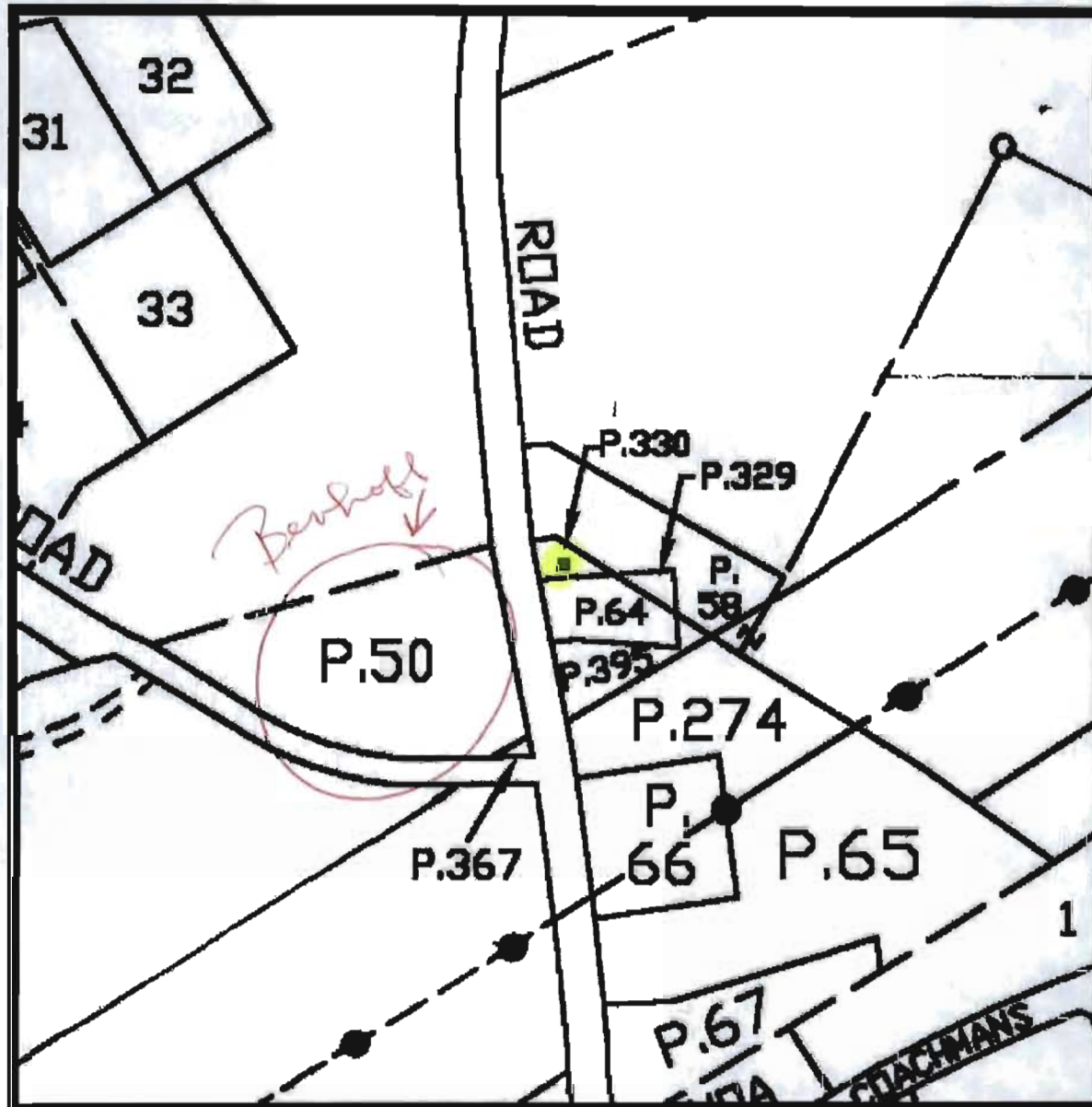
Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



District - 07 Account Number - 0716035027



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site at www.mdp.state.md.us/tax_mos.htm



0557

2400003401

2400003402

2400011792
Pt. Bk. 77 Folio 191

RC 4

ENSOR, EDWARD PROPERTY (PDM File/Project # 7-352)

Pt. Bk. 75 Folio 126

2400003403

18311
0716035027

NW 31-C

0712059190

99999
0703023225

1600002872

0702000918

7 ED

017A2

Flood Zone X

3 CD

MIDDLETOWN RD

YORK RD

YORK RD

YORK RD

YORK RD

0719032920

0702000891

ADY OF
ATHOLIC

RC 5

0702000904

NW 30-C

0705061680

18235

18233

0719064175

Case No.: 08-557-SPH

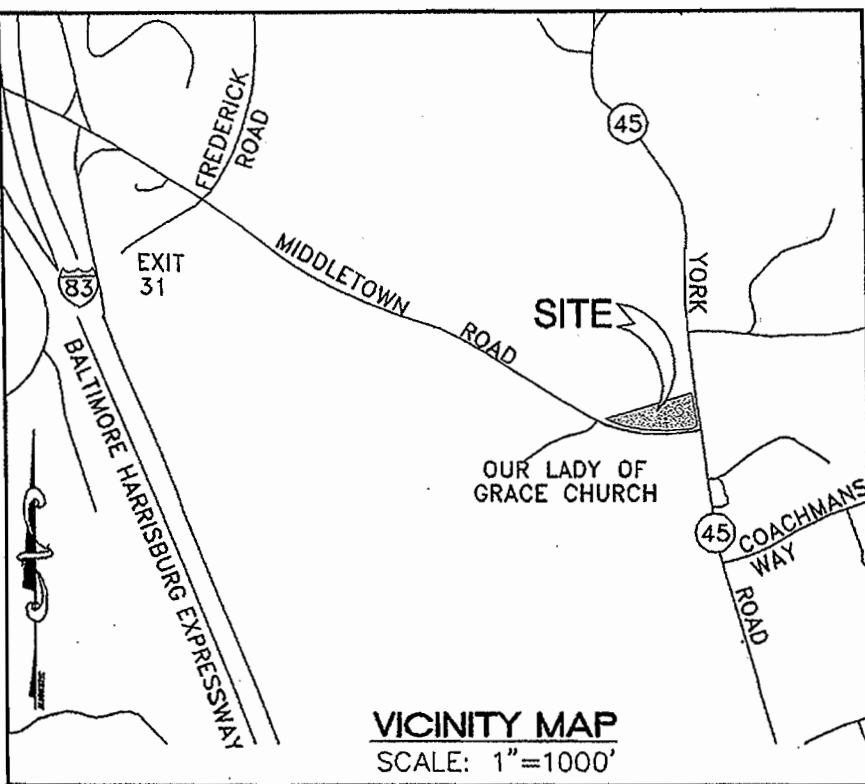
18301 MIDDLETOWN RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Site Restrictions IMPOSED BY Bill No. 77-2005	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



OWNER: BENHOFF, MELVIN C.
BENHOFF, DIANNE M.
25 SPRINGHILL FARM CT.
COCKEYSVILLE, MD 21030

1a. DEVELOPER: BENHOFF BUILDERS
215 OLD PADONIA ROAD
COCKEYSVILLE, MD 21030
ATTN: MELVIN BENHOFF

2. PROPERTY LOCATION: YORK RD @ NW COR MIDDLETOWN RD
PARKTON MD 21117

3. DEED: 10419 / 163 -
ACCOUNT No.: 0712059190
AREA: 1.60 AC± (NET)
TAX MAP / GRID: 171 / 14
PARCEL: 407

4. ELECTION DISTRICT: 3
COUNCILMANIC DISTRICT: 7
CENSUS TRACT: 4072
REGIONAL PLANNING DISTRICT: 301
WATERSHED: GUNPOWDER
SUBWatershed: 13
ELEMENTARY SCHOOL DISTRICT: SEVENTH DISTRICT ELEMENTARY
MIDDLE SCHOOL DISTRICT: HEREFORD MIDDLE
HIGH SCHOOL DISTRICT: HEREFORD HIGH

5. EXISTING ZONING: R.C. S (200 SCALE ZONING MAP 017A2)
THIS PROPERTY SHOWS ON THE PLAN AS BEING HELD IN TACT SINCE 1975. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLING.

6. BUILDING SETBACKS: (MINIMUM FOR R-C ZONING PER BCZR 1A04.2B.2)
MINIMUM FRONT YARD SETBACK: 150 FT.
FROM FRONT CENTERLINE OF YORK AND MIDDLETOWN ROADS (SCENIC ROUTES)
MINIMUM FRONT YARD SETBACK: 50 FT.
MINIMUM SIDE YARD SETBACK: 50 FT.
MINIMUM REAR YARD SETBACK: 50 FT.
PROPOSED: AS SHOWN ON PLAN

7. BUILDING HEIGHT: 35 FT. MAXIMUM

8. EXISTING LAND USE: VACCANT, WOODED

9. PROPOSED LAND USE: 1 SINGLE FAMILY DETACHED HOMES

10. THERE ARE NO KNOWN HISTORIC BUILDING, ARCHAEOLOGICAL, SITES, ENDANGERED SPECIES HABITATS, UNDERGROUND STORAGE TANKS OR HAZARDOUS MATERIAL SITES LOCATED ON THIS PROPERTY. THERE ARE NO KNOWN SIGNIFICANT VIEWS OR SITE FEATURES THAT MAY AFFECT THE DEVELOPMENT PROPOSAL. THERE ARE NO KNOWN SIGNIFICANT REGULATED PLANT OR WILD LIFE COMMUNITIES BASED UPON DEPRM AND DNR DATA.

11. FLOODPLAIN: THERE ARE NO KNOWN FLOODPLAINS THAT EXIST ON OR NEAR THE SITE.

12. WETLANDS: THERE ARE NO KNOWN WETLANDS THAT EXIST ON OR NEAR THE SITE.

13. FOREST CONSERVATION: CLEARING WILL BE LESS THAN 40,000 SF, SINGLE LOT EXEMPTION APPLIES.

14. FOREST BUFFER: THERE ARE NO STREAMS, BODIES OF WATER, WETLANDS OR OTHER RESOURCE WITHIN 300' OF THE SITE WHICH WOULD GENERATE A FOREST BUFFER PER BALTIMORE COUNTY, D.E.P.R.M., E.I.R. REGULATIONS.

15. STORMWATER MANAGEMENT: STORMWATER MANAGEMENT AND WATER QUALITY MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH CURRENT BALTIMORE COUNTY REQUIREMENTS.

16. BOUNDARY: OUTLINE SHOWN ON PLAN BASED ON SHA PLAT 50497 PLOTTED BY KOW ENGINEERING TECHNOLOGIES, INC.

17. TOPOGRAPHY: THE EXISTING TOPOGRAPHY SHOWN HEREON IS BASED UPON BALTIMORE COUNTY O.I.T. G.I.S. TOPOGRAPHY.

18. SOILS: THE SOILS DELINEATED HEREON ARE BASED UPON "BALTIMORE COUNTY SOIL SURVEY MAP" No.9 PREPARED BY THE USDA SOIL CONSERVATION SERVICE AND SOILS LINES ACQUIRED DIGITALLY FROM BALTIMORE COUNTY - O.I.T. G.I.S. SERVICES UNIT.

19. YORK ROAD AND MIDDLETOWN ROAD: HAVE BEEN DESIGNATED AS A SCENIC ROUTE IN THE BALTIMORE COUNTY MASTER PLAN 2010.

20. ZONING HISTORY: THERE ARE NO KNOWN ZONING ACTIONS FOR THIS PROPERTY.

21. COMPATIBLE STRUCTURES NOTE: THE DEVELOPER SHALL SUBMIT SCHEMATIC ELEVATIONS OF PROPOSED PROTOTYPICAL HOUSE TYPES TO INCLUDE: HOUSE TYPES AND SQUARE FOOTAGE, BUILDING HEIGHT, ROOF PITCHES AND STYLE, FOUNDATIONS AND FINISHED FLOOR LINES, DOORWAYS AND OPENINGS, OVERHANGS, AND MATERIALS; PRIOR TO BUILDING PERMIT APPLICATION FOR REVIEW AND APPROVAL FROM BALTIMORE COUNTY, OFFICE OF PLANNING IN ACCORDANCE WITH SECTION 1 A04.G OF BCZR.

22. LIMITS OF DISTURBANCE: 20,000 S.F. ± 0.5 AC.

23. 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 G.I.S. STRUCTURE.

24. DRIVEWAY ENTRANCE SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, FOR TYPICAL DRIVEWAY ENTRANCES FROM ROAD WITHOUT CURB AND GUTTER.

25. EXISTING WELLS: THERE ARE NO KNOWN EXISTING WELLS LOCATED WITHIN 100' OF THE PROPERTY.

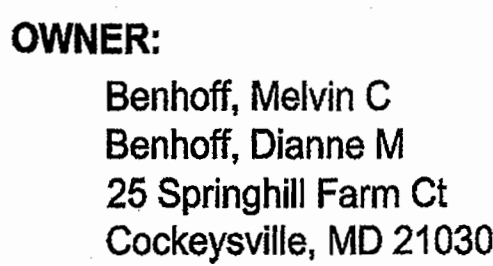
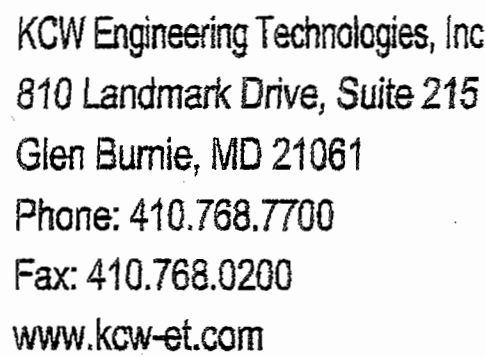
26. EXISTING SEPTIC: THERE ARE NO KNOWN EXISTING SEPTIC SYSTEMS LOCATED WITHIN 100' OF THE PROPERTY.

Boady
OK to have
5/22/08

PETITIONER'S
EXHIBIT NO. 2

@ MIDDLETOWN ROAD

ELECTION DISTRICT - 7, C3



DEVELOPER:
Benhoff Builders
215 Old Padonia Road
Cockeysville, MD 21030
Attn: Melvin Benhoff
(410) 252-0007

[illegible]

KCW J.O.: 2080331
SCALE: 1" = ~~40'~~ 30'
DESIGNED: KCA
DRAWN: KCA
CHECKED: KCA
DATE: MAY 19, 2008
DRAWING NO.

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

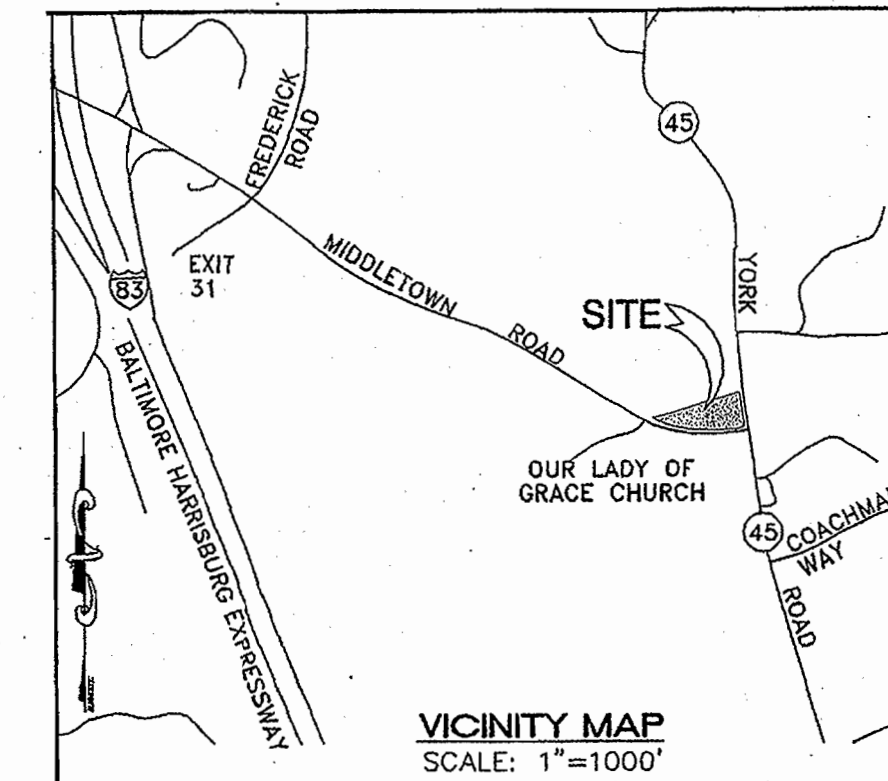
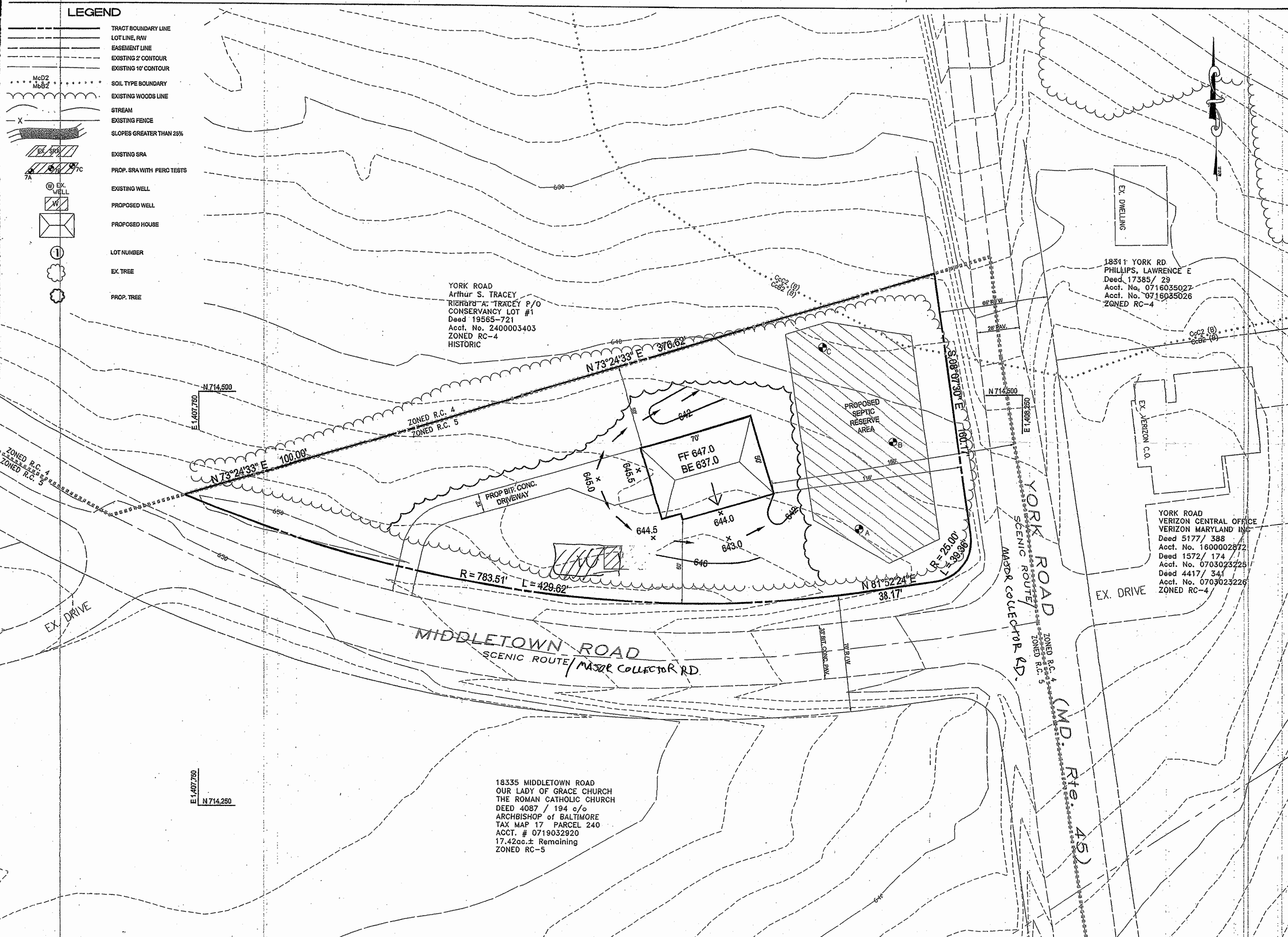
PROPERTY ADDRESS 18301 MIDDLETOWN ROAD

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME _____

PLAT BOOK # 7957 FOLIO # 485 LOT # _____ SECTION # _____

OWNER MELVIN AND DIANNE BENHOFF



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 7

COUNCILMANIC DISTRICT 3

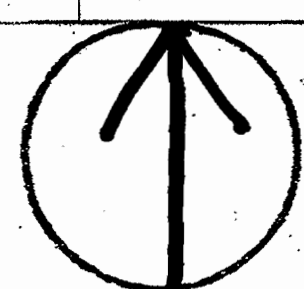
1" = 200' SCALE MAP # 11306
01742

ZONING RC 5

LOT SIZE 1.407 61288.92
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING		



NORTH

PREPARED BY KCW

SCALE OF DRAWING: 1" = 40

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

2008-0557-SPL