# IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

W side of Park Heights Avenue, 220 feet SW of Hunting Tweed Drive 4<sup>th</sup> Election District 2<sup>nd</sup> Councilmanic District

(11814 Park Heights Avenue)

D. Modell for Lenore Orrick Trust Property *Petitioner* 

\* BEFORE THE

\* DEPUTY ZONING

\* COMMISSIONER

\* FOR BALTIMORE COUNTY

\*

\* Case No. 2008-0584-SPHA

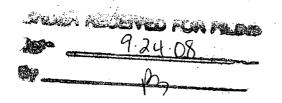
#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by David Modell on behalf of the legal owner of the property, the Lenore Orrick Trust. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To construct a swimming pool and perform grading in a riverine flood plain as described in Sections 32-4-414 and 32-8-301 of the Baltimore County Code (B.C.C.); and
- To utilize an existing two-story wood frame structure (formerly used as a tenant dwelling) as a guesthouse.

Petitioner is also requesting Variance relief as follows:

- From Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory two-story wood frame structure (formerly used as a tenant dwelling) in the front yard in lieu of the rear yard; and
- From Section 400.1 of the B.C.Z.R. to allow an accessory structure (swimming pool) in the front yard in lieu of the rear yard; and
- From Section 300.1.A of the B.C.Z.R. to allow an accessory two-story wood frame structure (formerly used as a tenant dwelling) to have a height of 30 feet in lieu of the required maximum height of 15 feet.

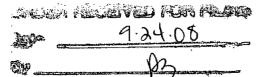


The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief and on behalf of Petitioner David Modell was Bruce Doak with Gerhold Cross & Etzel, Ltd. Mr. Doak is the professional surveyor who prepared the site plan and presented Petitioner's case at the public hearing. Arthur H. Adler, President of both the Huntington Homeowner's Association and the Valley Crest Homeowner's Association appeared as an interested citizen.<sup>2</sup> There were no Protestants or other interested persons in attendance at the public hearing.

Testimony and evidence concerning the subject property and requested relief was presented by Bruce Doak. Mr. Doak proffered that the subject property is an irregular-shaped property containing approximately 13.9 acres of land zoned R.C.2. The property is located south of Park Heights Avenue near the intersection of Hunting Tweed Drive in the Owings Mills area of Baltimore County. Mr. Doak submitted an aerial photograph of the subject property, which was marked and accepted into evidence as Petitioner's Exhibit 4. Mr. Doak also submitted a number of photographs, which provided an overview of the layout of the subject property and surrounding area. The photographs were marked and accepted into evidence as Petitioners' Exhibits 3A through 3M. To accompany the photographs, Mr. Doak also submitted a marked copy of the site plan, which was marked and accepted into evidence as Petitioners' Exhibit 2. The marked site plan served as a photo key -- identifying the location and vantage point of each of the accompanying photographs.

<sup>&</sup>lt;sup>2</sup> Mr. Adler, a Partner with Caves Valley Partners, a real estate firm, briefly appeared and testified that he and the organizations he represents fully support Petitioner's requests for zoning relief.



<sup>&</sup>lt;sup>1</sup> The site plan was redlined to reflect several updated conditions such as the construction of the proposed pool in an east to west direction rather than north to south.

The evidence and testimony also revealed that the property is a large, primarily wooded piece of land accessible from a long access road to the north of the property. The access road first leads south through a wooded area where an existing accessory structure, formerly used as a tenant house, can be seen in the northeast section of the property. The access road then continues in a southwest direction, passing several large ponds and eventually ending in a circle behind an existing large, single-family dwelling in the southwest region of the property. Petitioner's Exhibits 3A and 3E provide closer views of the existing primary dwelling and the accessory structure, respectively. The primary dwelling is a striking, two-story brick building that faces east, towards the majority of the property. The area behind the primary dwelling is steeply sloped and largely wooded. The accessory structure is also an attractive, well-maintained building that is colonial in style with white pillars and an open deck area that faces west towards the majority of the property.

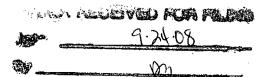
Further evidence revealed that the two structures have existed on the property since 1925, long before the B.C.Z.R. came into existence. The accessory structure was originally used as a tenant house. As the tenant house is no longer needed and in an effort to keep the structure in good condition with use from time to time, Petitioner is now seeking the necessary zoning relief to permit the structure to be used as a guesthouse. Petitioner is also requesting relief to construct a pool in the rear of the guesthouse towards the northeast corner of the property.

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 July 24, 2008, which indicate that the property is within the Caves Valley National Register Historic District. Planning defers to the Department of Environmental Protection and Resource Management (DEPRM) on the construction of the swimming pool in the riverine flood plain.

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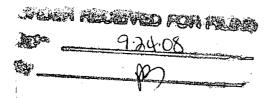
The Planning Office does not object to the former two-story wood frame dwelling's proposed use as a guesthouse provided it is not for rental purposes. They also do not object to the height variance and location variance for the guesthouse and pool provided existing vegetation is maintained between these uses and the adjacent property lines. Comments were also received from DEPRM dated August 1, 2008, which indicate that the proposed pool must be at least 20 feet from any portion of the septic system. A field inspection may be required prior to building permit approval. In addition, DEPRM opposes the request for a guesthouse. In particular, Wally Lippincott with DEPRM indicated that the R.C.2 Zone permits "dwelling, one-family detached" (Section 1A01.2.B.1 of the B.C.Z.R.) and specifically permits "one principal dwelling" (Section 1A01.3B.4 of the B.C.Z.R.). The regulations also permit tenant houses (Section 1A01.2.B.9.i of the B.C.Z.R.). The regulations do not provide for guesthouses. Permitting additional dwellings on the R.C.2 Zone conflicts with the purposes of the zone and the intent to retain the low density character of the land for agricultural uses and to minimize the amount of services required. A 100 year floodplain review, in accordance with Department of Public Works and Permits and Development Management requirements shall be undertaken as part of compliance with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Turning first to the Petition for Variance, Petitioner's request is three-fold: (1) to permit an accessory structure in a front yard in lieu of rear yard, (2) to permit a pool to be constructed in the front yard in lieu of rear yard, and (3) to permit an accessory structure with a height of 30 feet instead of the maximum 15 feet. Two of the three requests seek to legitimize existing conditions on the property, and I am convinced for the following reasons that all of the requested relief should be granted.



Initially, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The subject property is abnormally large, irregularly shaped, and primarily remains in its natural state as densely forested land. As many of the photographs reveal, the wooded areas are so thick that it is difficult to even see either of the existing structures from the access road at the north side of the property. The property is also unique in that the two structures long pre-date the B.C.Z.R. These facts, among others, lead me to the conclusion that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. In order to meet the fifteen-foot height limitation for an accessory structure, Petitioners would essentially be forced to tear down a dwelling that has been in existence for over eighty years. Additionally, since the primary dwelling is tucked away in the southwest corner of the property and faces east, almost the entire 13.9 acre tract would technically be deemed a front yard and require zoning relief prior to the construction of any additional improvements. The topography of the property only lends itself to improvements in the area that is technically deemed the front yard of the primary structure because the area behind Petitioner's home is steeply sloped and filled with dense vegetation. Thus, I am convinced that strict compliance with the B.C.Z.R. is not warranted here and would result in practical difficulty or unreasonable hardship.

I also find that the requested variance relief can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The property is so wooded and secluded that I am convinced the continued existence of the accessory structure and addition of the proposed pool will have no effect on the surrounding locale. Mr. Adler's appearance in support of the requested relief, along with the absence of any community opposition, further leads me to this



conclusion. In sum, I find that the request meets the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

Turning next to the Petition for Special Hearing, Petitioner's request is two-fold: (1) to permit the use of a former tenant house as a guesthouse, and (2) to construct a swimming pool in the flood plain. For the following reasons, I am convinced that the requested relief should be granted.

First, I am persuaded that the former tenant house can be used as a guesthouse without having any negative effect on the surrounding locale. The use of the accessory structure as a guesthouse will not have any affect on the density of the property as it will remain largely unoccupied and will not house any permanent residents. I am convinced that maintaining a guesthouse on this large, secluded piece of property will not increase traffic on the roads and will not add any strain on the existing public facilities as the guesthouse ties into the existing sewer system. Also, while I appreciate DEPRM's comment regarding the property's agricultural R.C.2 Zoning and the potential effect on farmland throughout Baltimore County, the property has not been used in a manner consistent with its zoning for many years. In actuality, Petitioner's request largely seeks to legitimize existing conditions, and the use of the accessory structure as a guesthouse will have no effect on other existing agricultural property throughout Baltimore County.

Second, I am also convinced that Petitioner's request to construct a pool in the flood plain should be granted. At the public hearing, Mr. Doak testified that he had spoken with Dave Thomas, who primarily reviews riverine flood plain matters for the Baltimore County Department of Public Works (DPW). Mr. Doak indicated that DPW did not express any opposition to the proposed construction of the pool and did not require Petitioner to perform any

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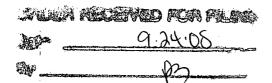
additional studies in this particular case. Mr. Doak pointed out that the pool is a permanent, inground structure that would obviously not be used as a living area, and would not likely be used in the event of a storm that would potentially impact the riverine floodplain. In my judgment, the proposed pool will not have any effect on the surrounding locale. Furthermore, the layout of the property lends itself to the construction of the pool in its proposed location as the area behind the primary dwelling is overly steep and wooded and the northwest region of the property contains a number of ponds that contribute to the collection of storm water runoff. In light of DPW's lack of opposition, the fact that the accessory structure will only be used as a guesthouse that is not permanently occupied, and the fact that Petitioner is willing to assume any risk associated with constructing a pool in the riverine floodplain, I am inclined to allow Petitioner to construct a pool in the proposed location.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Aday of September, 2008, that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To construct a swimming pool and perform grading in a riverine flood plain as described in Sections 32-4-414 and 32-8-301 of the Baltimore County Code (B.C.C.); and
- To utilize an existing two-story wood frame structure (formerly used as a tenant dwelling) as a guesthouse

be and are hereby GRANTED and



#### IT IS FURTHER ORDERED that the Petition for Variances as follows:

- From Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an
  accessory two-story wood frame structure (formerly used as a tenant dwelling) in the
  front yard; and
- From Section 400.1 of the B.C.Z.R. to allow an accessory structure (swimming pool) in the front yard; and
- From Section 300.1.A of the B.C.Z.R. to allow an accessory two-story wood frame structure (formerly used as a tenant dwelling) to have a height of 30 feet in lieu of the required maximum height of 15 feet.

be and are hereby GRANTED, all subject to the following conditions.

- 1. Petitioner is advised that he may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of 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. The proposed pool must be at least 20 feet from any portion of the septic system. A field inspection may be required prior to building permit approval.
- 3. The existing two-story wood frame structure (formerly used as a tenant dwelling) to be used as a guesthouse shall not be used for rental or other commercial purposes.
- 4. The vegetation shall be maintained between the guesthouse and pool and the adjacent property lines.

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

9.24.08



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 24, 2008

BRUCE DOAK GERHOLD CROSS & ETZEL, LTD. 320 EAST TOWSONTOWN BLVD. #100 TOWSON MD 21286

> Re: Petition for Special Hearing and Variance Case No. 2008-0584-SPHA

Property: 11814 Park Heights Avenue

Dear Mr. Doak:

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

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

Very truly yours,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: David Modell, 11814 Park Heights Avenue, Owings Mills MD 21117
Arthur H. Adler, Partner, Caves Valley Partners, 23 Walker Avenue, Baltimore MD 21208



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

| for the property located at /1814 PARK | Heights Ave |
|--|-------------|
| which is presently zoned               | RC Z        |

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 declar perjury, that I/we are the | legal owner(s) of the | e penalties of property which |
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| City                 | State       | Zip Code      | Signature  |                       |                               |
| Attorney For Petit   | tioner:     |               | Address  | ·                     | Telephone No.                 |
| Name - Type or Print |             |               | City   | State                 | Zip Code                      |
| Signature            |             |               | Representative to I                                | be Contacted:         |                               |
| <b>-</b>             |             |               | GERHOLD, CRO                                       | ss & E728L            | Lrs                           |
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| Address              |             | Telephone No. | Towson   | MD                    | 21286                         |
| City                 | State       | Zip Code      | City   | State                 | Zip Code                      |
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| Case No. 2009        | 3-0584-5PHA |               | UNAVAILABLE FOR                                    | HEARING               |                               |
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| REV 9115198          | 9.24.08     |               |  |                       |                               |
|                      | P)          |               |  |                       |                               |



# Petition for Variance

# to the Zoning Commissioner of Baltimore County for the property located at 11814 PARK HEIGHTS

which is presently zoned

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

> ATTACHED SEE

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

#### SEE 4TTACHED

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

|                        |             |              | I/We do solemnly decl<br>perjury, that I/we are the<br>is the subject of this P | lare and affirm, under the legal owner(s) of the etition. | property which    |
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| Attorney For Petitions | <u>r:</u>   |              | Address   |   | Telephone No.     |
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| Company                |             |              | Name  | ntown Blvd #10  | 410<br>823-4470   |
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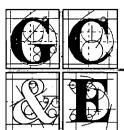
#### 11814 PARK HEIGHTS AVENUE

### **SPECIAL HEARING REQUESTED**

- 1. TO CONSTRUCT A SWIMMING POOL AND GRADEING IN A RIVERINE FLOOD PLAIN. THE REGULATIONS OF WHICH ARE DEFINED IN BALTIMORE COUNTY CODE 32-4-414 AND 32-8:
- 2. TO UTILIZE AN EXISTING 2 STORY WOOD FRAME STRUCTURE (FORMERLY USED AS A DWELLING) AS A GUEST HOUSE.

## **VARIANCES REQUESTED**

- 1. TO ALLOW AN ACCESSORY 2 STORY FRAME STRUCTURE (FORMERLY USED AS A DWELLING) IN THE FRONT YARD PER SECTION 400.1 (B.C.Z.R.);
- 2. TO ALLOW AN ACCESSORY STRUCTURE (SWIMMING POOL) IN THE FRONT YARD PER SECTION 400.1 (B.C.Z.R.).
- 3. TO ALLOW AN ACCESSORY 2 STORY FRAME STRUCTURE (FORMERLY USED AS A DWELLING) TO HAVE A HEIGHT OF 30 FEET IN LIEU OF THE REQUIRED MAXIMUM HEIGHT OF 15 FEET PER SECTION 300.1A. (B.C.Z.R.).



# Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

June 17, 2008

ZONING DESCRIPTION Lenore Orrick Trust property 11814 Park Heights Avenue Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Fourth Election District, Second Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point situated on the southwest side of the intersection Park Heights Avenue with Hunting Tweed Drive, 220 feet west to the intersection with the Private Driveway and along the Private Driveway 1770 feet  $\pm$  in southwesterly direction and running thence,

- 1) South 51 degrees 44 minutes 36 seconds East 408.09 feet,
- 2) South 21 degrees 02 minutes 19 seconds West 729.15 feet,
- 3) North 85 degrees 16 minutes 36 seconds West 610.00 feet,
- 4) North 00 degrees 00 minutes 00 seconds West 400.00 feet,
- 5) North 25 degrees 00 minutes East 485.00 feet,
- 6) North 82 degrees 48 minutes 35 seconds East 347.01 feet to the point of beginning.

Containing 13.90 Acres of land, more or less.



Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

#### 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: # 2008-0584-SPHA

11814 Park Heights Avenue

W/side of Park Heights Avenue, 220 feet s/west of Hunting Tweed Drive

4th Election District - 2nd Councilmanic District Legal Owner(s): D. Modell

Special Hearing: to construct a swimming pool and grading in a riverine flood plain. To utilize and existing 2 story wood frame structure (formerly used as a dwelling) as a guesthouse. Varance: for a waiver to allow an accessory structure 2 story frame (formerly used as a dwelling) in the front yard. To allow an accessory structure (swimming pool) in the front yard. To allow an accessory 2 story frame structure (formerly used as a dwelling) to a helph of 30 feet in lieu of the required maximum height of 15 feet.

Hearing: Tuesday, August 26, 2008 at 9:00 a.m. In Hearing Room 1, Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN, III

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Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Of-

fice at '(410) 887-4386. (\*(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office atr (410) 887-3391.

1800

## CERTIFICATE OF PUBLICATION

| <u> </u>   |
|--|
| THIS IS TO CERTIFY, that the annexed advertisement was published     |
| n the following weekly newspaper published in Baltimore County, Md., |
| once in each ofsuccessive weeks, the first publication appearing     |
| on 8/12 ,20 <u>08</u> .  |
| X The Jeffersonian   |
| ☐ Arbutus Times  |
| ☐ Catonsville Times  |
| ☐ Towson Times   |
| Owings Mills Times   |
| ☐ NE Booster/Reporter  |
| ☐ North County News  |
|  |

LEGAL ADVERTISING

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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

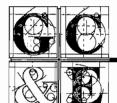
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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.

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| Telephone <b>N</b> u | ımber: <u>4/0</u>     | - BZ3-4     | 470        |          | eriginal allegations and the second s |
| •                    |                       |             |            |          | •  |

Revised 2/20/98 - SCJ



## Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

#### **CERTIFICATE OF POSTING**

RE: CASE#08-0584-SPHA PETITIONER/DEVELOPER:

**David Modell** 

DATE OF HEARING: 8/26/08

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

**ATTENTION: KRISTEN MATTHEWS** 

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

**LOCATION:** 

11814 Park Heights Avenue

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 8 / 08/ 08



Case #08-0584-SPHA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.

Hearing Room 1 Jefferson Building
PLACE: 105 W. Chesapeake Avenue, Towson, MD

9:00 am Tuesday August 26, 2008

Special Hearing: to construct a swimming pool and grading in a riverine flood plain. To utilize an existing 2 story wood frame structure (formerly used as a dwelling) as a guest house.

Variance: for a waiver to allow an accessory structure 2 story frame (formerly used a s a dwelling) in the front yard. To allow an accessory structure (swimming pool) in the front yard. To allow an accessory 2 story frame structure (formerly used as a dwelling) to a height of 30 feet in lieu of the required maximum height of 15'.

ROSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING CALL 410 887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE

HEARINGS ARE HE DICAPPED ACCESSIBLE





JAMES T. SMITH, JR. County Executive TIMOTHY WYK 14 R 2008 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: 2008-0584-SPHA

11814 Park Heights Avenue

W/side of Park Heights Avenue, 220 feet s/west of Hunting Tweed Drive

4<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Kotroco

Legal Owners: D. Modell

<u>Special Hearing</u> to construct a swimming pool and grading in a riverine flood plain. To utilize an existing 2 story wood frame structure (formerly used as a dwelling) as a guesthouse. <u>Variance</u> for a waiver to allow an accessory structure 2 story frame (formerly used as a dwelling) in the front yard. To allow an accessory structure (swimming pool) in the front yard. To allow an accessory 2 story frame structure (formerly used as a dwelling) to a height of 30 feet in lieu of the required maximum height of 15 feet.

Hearing: Tuesday, August 26, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director 6

TK:klm

C: Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 11, 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, August 12, 2008 Issue - Jeffersonian

Please forward billing to:

Gerhold, Cross & Etzel 320 E. Towsontown Blvd., #100 Towson, MD 21286 410-823-4470

#### 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:

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11814 Park Heights Avenue W/side of Park Heights Avenue, 220 feet s/west of Hunting Tweed Drive 4<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District Legal Owners: D. Modell

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WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 20, 2008

Gerhold, Cross & Etzel LTD 320 E. Towsontown Blvd. Towson, MD 21286

Dear: Gerhold, Cross & Etzel LTD

RE: Case Number 2008-0584-SPHA, 11814 Park Heights Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 23, 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,

1. Cel Rilel

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

**DATE:** July 24, 2008

AUG 0 6 2008

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

11814 Park Heights Avenue

**INFORMATION:** 

Item Number: 08-584

Petitioner:

Lenore Orrick Trust Property

Zoning:

RC2

Requested Action:

Special Hearing and Variance

The site plan should note that the subject property is within the Caves Valley National Register Historic District.

The Office of Planning defers to DEPRM on the construction of the swimming pool in the riverine flood plain.

The Office of Planning does not object to the former 2-story frame dwelling 's proposed use as a guesthouse provided it is not for rental purposes. The Office of Planning also do not object to the height variance and location variance for the guesthouse and pool provided existing vegetation is maintained between these uses and the adjacent property lines.

Prepared By:

**Division Chief:** 

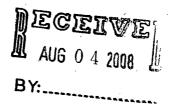
AFK: LL: CM

TB 8/26

### BALTIMORE COUNTY, MARYLAND

#### **Inter-Office Correspondence**





| i imoiny M. i   | Timothy M. Kotroco  |   |  |  |  |  |
|---|---|---|--|--|--|--|
| Dave Lykens   | , DEPRM - Development Coordinati  | on JWL  |  |  |  |  |
| August 1, 200   | 08  |   |  |  |  |  |
| CT: Zoning Item Address                               | # 08-584-SPHA<br>11814 Park Heights Avenue<br>(Modell Property)   | · : : :   | ÷  |  |  |  |
| Zoning Advisory Co                                    | mmittee Meeting of July 7, 2008   |   |  |  |  |  |
| comments on the about                                 | ove-referenced zoning item. Environmental Protection and Resour   | ce Management o   |  |  |  |  |
| Protection of 33-3-101 thro  Development Conservation | Water Quality, Streams, Wetlands a bugh 33-3-120 of the Baltimore Court of this property must comply with the Regulations (Sections 33-6-101 through).  | nd Floodplains (Sonty Code).  the Forest  | ections  |  |  |  |
| Development<br>Critical Area                          | of this property must comply with the Regulations (Sections 33-2-101 thro   |   |  |  |  |  |
| <u>7</u>  | Dave Lykens August 1, 200 CT: Zoning Item Address Coning Advisory Co The Department of Elements on the above the following common of the following common of the Development Conservation Baltimore Co The Development Conservation Critical Area | Dave Lykens, DEPRM - Development Coordinate August 1, 2008  CT: Zoning Item # 08-584-SPHA Address 11814 Park Heights Avenue (Modell Property)  Coning Advisory Committee Meeting of July 7, 2008  The Department of Environmental Protection and Resour comments on the above-referenced zoning item.  The Department of Environmental Protection and Resour comments on the above-referenced zoning  X Development of the property must comply with the Protection of Water Quality, Streams, Wetlands a 33-3-101 through 33-3-120 of the Baltimore Courted Development of this property must comply with the Conservation Regulations (Sections 33-6-101 through Baltimore County Code).  Development of this property must comply with the Conservation Regulations (Sections 33-6-101 through Baltimore County Code). | Dave Lykens, DEPRM - Development Coordination TWL  August 1, 2008  T: Zoning Item # 08-584-SPHA Address 11814 Park Heights Avenue (Modell Property)  Coning Advisory Committee Meeting of July 7, 2008  The Department of Environmental Protection and Resource Management homments on the above-referenced zoning item.  The Department of Environmental Protection and Resource Management on the following comments on the above-referenced zoning item:  X Development of the property must comply with the Regulations for Protection of Water Quality, Streams, Wetlands and Floodplains (St. 33-3-101 through 33-3-120 of the Baltimore County Code).  Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).  Development of this property must comply with the Chesapeake Baltimore County Code). |  |  |  |

#### Additional Comments:

1. The proposed pool must be at least 20 feet from any portion of the septic system. A field inspection may be required prior to building permit approval. – S. Farinetti; Ground Water Management

#### <u>08-584-SPHA Additional Comments (continued):</u> Page 2

2. Oppose the request for a guest house. The RC 2 permits "dwelling, one-family detached" (BCZR 1A01.2.B.1) and specifically permits "one principal dwelling" (BCZR 1A01.3B.4). The regulations also permit tenant houses (BCZR 1A01.2.B.9.i.). The regulations do not provide for guest houses. Permitting additional dwellings on the RC 2 conflicts with the purposes of the zone and the intent to retain the low density character of the land for agricultural uses and to minimize the amount of services required.

Reviewer: W. Lippincott, Jr.

Date: July 25, 2008

3. A one hundred (100) year floodplain review, in accordance with Department of Publics Works, and Permits and Development Management requirements, shall be undertaken as part of compliance with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. – Michael S. Kulis, Environmental Impact Review

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 8, 2008

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 14, 2008 Item No. 08-0584

Submit flood plain study and grading plan. The flood plain study must delineate the flood plain under both existing and proposed conditions.

DAK:CEN:lrk cc: File

ZAC-ITEM NO 08-0584--07082008



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

July 3, 2008,2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 7,2008

Item Number: 0519a,0520a,0583,0584,0585,0587,0589,0590,0591,0592,0593

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.

1The 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

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director

**DATE:** July 24, 2008

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

11814 Park Heights Avenue

INFORMATION:

Item Number:

08-584

Petitioner:

Lenore Orrick Trust Property

Zoning:

RC2

Requested Action: Special Hearing and Variance

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Prepared By:

**Division Chief:** 

AFK: LL: CM



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JULY 10, 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. 2668 -0584 - 3PHA
MD 129
II 814 PARK HEIGHTS AVENUE
MODELL PROPERTY
SPECIAL HEARING
VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on **7-8-08**. A field inspection and internal review reveals that the existing entrance onto No 129 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 11814 Pazzel Lune, Case Number 2008-0584-97 HA approval.

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

Very truly yours,

Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

MIcheL and David Modell 11814 Park Heights Avenue Owings Mills, Maryland 21117 Phone (410) 902-1495 Mlm711@mac.com

To whom it may concern,

With this letter I am authorizing Bruce E. Doak of Gerhold, Cross & Etzel, Ltd. to represent our interests in the zoning hearing on August 26<sup>th</sup> at 9:00 am. This hearing is for Case #2008-0584-SPHA.

Representative of the Lenore Orrick Trust

Date 7/22/07

Sincerely,

Signature

CASE NAME

CASE NUMBER 2008-0581-514A

DATE 8/78/08

# CITIZEN'S SIGN-IN SHEET

| NAME                 | ADDRESS                 | CITY, STA                                      | ATE, ZIP | E- MAIL                          |
|----------------------|-------------------------|--|----------|----------------------------------|
| Attur H. Adler       | 23 Wolker Avenue        | Bolt, MD                                       | 21208    | aadler @ cavesvalleyportney. Con |
| Caves Valley Portrey |                         |  |          |                                  |
|                      |                         |  |          |                                  |
|                      |                         | <i>&gt;</i>                                    |          |                                  |
|                      | +                       | ur H. Adler   Partner @cavesvalleypartners.com |          |                                  |
|                      | Baltimore, MD 21208 Cel | ice 410-602-1376 1 443-463-2172 443-872-0762   |          |                                  |
|                      |                         |  |          |                                  |

## PLEASE PRINT CLEARLY

CASE NAME <u>11814 PARU HEILUTS</u> AVE. CASE NUMBER <u>2008-0584- SPH</u>A DATE <u>8/26/08</u>

## <u>PETITIONER'S SIGN-IN SHEET</u>

| NAME                  | ADDRESS                | CITY, STATE, ZIP | E- MAIL |  |
|-----------------------|------------------------|------------------|---------|--|
| BRUCE E. DOAK         | 320 E. TOWSONTOWN BLUE | TOWSON MO 21286  |         |  |
| GERHOLD CROSS & ETZEL |                        |                  |         |  |
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|                       |                        |                  |         |  |

RE: PETITION FOR SPECIAL HEARING AND VARIANCE

11814 Park Heights Avenue; W/S Park Heights Avenue, 220' SW Hunting Tweed Dr

4<sup>th</sup> Election & 2<sup>nd</sup> Councilmanic Districts

Legal Owner(s): D. Modell

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

8 \* 08-594-SPHA

#### ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing date, 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/documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

JUL 112008

CAROLE S. DEMILIO

Deputy People's Counsel Jefferson Building, Room 204 105 West Chesapeake Avenue

Towson, MD 21204 (410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 2008-0584-5PHA

## Exhibit Sheet

# Petitioner/Developer

## Protestant

| 1 ,    |  |  |
|--------|--|--|
| No. 1  | Site Rlan  |  |
| No. 2  | Site Pan to accompany  |  |
| No. 3  | Site Plan to accompany photography  Photography reflected on Ex. 7 |  |
| No. 4  | Serial Photograph  |  |
| No. 5  |  |  |
| No. 6  |  |  |
| No. 7  |  |  |
| No. 8  |  |  |
| No. 9  |  |  |
| No. 10 |  |  |
| No. 11 |  |  |
| No. 12 |  |  |

