

IN RE: PETITION FOR VARIANCE

S side of Old York Road, 1400 feet W
of c/l of Garrett Road
7th Election District
3rd Councilmanic District
(19602 Old York Road)

John E. and Karen B. Simms
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0066-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, John E. and Karen B. Simms. Petitioners are requesting variance relief from Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the application of Section 26-266(4) of the Baltimore County Code to permit a panhandle driveway length of 2,000 feet in lieu of the maximum permitted 1,000 feet.¹ The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Matthew Simms, son of Petitioners John and Karen Simms, and Geoffrey Schultz with McKee & Associates, Inc., the professional land surveyor who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel containing approximately 24.108 acres of land zoned R.C.2 agricultural. The property is located south of Old York Road between Twig Court and Garrett Road in the White Hall area of

¹ It should be noted that while the limitations on panhandle driveways were formerly contained in Section 26-266(4) of the Baltimore County Code, the Code was re-written several years ago and the section was changed to Section 32-4-409(e). While the instant petition cites the former section of the code, the relief requested remains the same as the Petitioners are requesting a variance to maintain a 2,000 foot long panhandle driveway in lieu of the maximum 1,000 feet permitted by the Code.

APPROPRIATELY FILED FOR FILING
11-24-08
m

Baltimore County. Petitioners submitted several photographs of the subject property, which were marked and accepted into evidence as Petitioners' Exhibits 2A through 2D. The photographs reveal a large, primarily green, wooded property with an existing barn in the northeast section and an existing two-story single-family dwelling in the southeast section of the property. Petitioners are requesting a variance to extend an existing driveway to the southwest section of the property in order to serve a second single-family dwelling.

Further evidence revealed that Petitioners are currently undertaking a minor subdivision process to create an approximately 4.105 acre lot in the southwest region of the property on which their son Matthew and his family will reside. The layout of the property lends itself to a subdivision as proposed on the site plan since the second parcel will be tucked away from neighboring properties so as to reduce any potential impact on the surrounding locale. However, the subdivision process was interrupted when the County's Department of Environmental Protection and Resource Management ("DEPRM") informed Petitioners that their existing panhandle driveway exceeded the maximum length permitted under the Baltimore County Code. Thus, Petitioners filed the instant Petition for Variance in an attempt to gain approval for the 2,000 foot panhandle driveway, which would enable them to continue through the minor subdivision process.

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 October 6, 2008, which indicated that the Office supports Petitioners' request subject to the minor subdivision review and agency comments for driveway width.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or

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11-24-08

[Signature]

structure which is the subject of the variance requests. The subject property is large, uniquely shaped, and lends itself to a minor subdivision in the southwest corner of the property as depicted on the site plan. The layout of the property essentially mandates that the proposed dwelling in which Petitioners' son and family will live share the panhandle driveway, which would inevitably exceed the maximum 1,000 foot length due to the large size of the property. Therefore, I find that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. If Petitioners were forced to limit the panhandle driveway to 1,000 feet in length, they would not be able to gain DEPRM's approval and would be unable to complete an otherwise legitimate minor subdivision. In addition, the proposed location of the second parcel is tucked behind a 6.255 acre forest buffer so as to minimize any potential impact on the surrounding locale. If the Petition for Variance were denied, Petitioners would be forced to relocate the proposed subdivision or to increase the impervious surface on the property by constructing a new, separate driveway. I am therefore convinced that Petitioners should be allowed to maintain a 2,000-foot panhandle driveway because it would permit the subdivision process to proceed while having seemingly no effect on the surrounding locale.

After considering that the Office of Planning supports this Petition for Variance, and that the property will still be subject to the remaining regulations for minor subdivisions, I am convinced that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

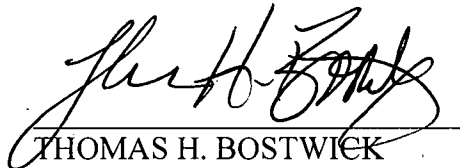
ORDER RECEIVED FOR FILING
11.24.08
[Signature]

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

THEREFORE, IT IS ORDERED this 24th day of November, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance request from Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the application of Section 26-266(4) of the Baltimore County Code to permit a panhandle driveway length of 2,000 feet in lieu of the maximum permitted 1,000 feet be and is hereby GRANTED, subject to the following:

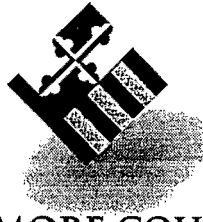
1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The property will be subject to the minor subdivision review and agency comments for driveway width.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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11-24-08

BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 24, 2008

JOHN E. AND KAREN B. SIMMS
19602 OLD YORK ROAD
WHITE HALL MD 21161

Re: Petition for Variance
Case No. 2009-0066-A
Property: 19602 Old York Road

Dear Mr. and Mrs. Simms:

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,

A handwritten signature in black ink, appearing to read "Tom H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Matthew J. Simms, 20501 West Liberty Road, White Hall, MD 21161
Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville MD 21030



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 19602A Old York Road
which is presently zoned RC-2

Deed Reference: 8147 / 162 Tax Account # 18-00-013898

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) 307.1 to permit the application of Section 26-266.(4) of the Baltimore County Code to permit a panhandle driveway length of 2000 feet in lieu of the maximum permitted 1000 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.) The proposed house location is the preferred location as determined by DEPRM for minimizing existing agricultural operations and cannot be placed on another portion of the property without an adverse impact.

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

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

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

Contract Purchaser/Lessee:

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):

John E. Simms, Jr.

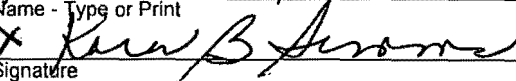
Name - Type or Print _____

X 

Signature _____

Karen B. Simms

Name - Type or Print _____

X 

Signature _____

19602 Old York Road 443-528-3165

Address _____ Telephone No. _____

White Hall

MD

21161

City

State

Zip Code

Representative to be Contacted:

McKee & Associates, Inc. c/o Geoffrey
Name _____ Schultz

5 Shawan Road, Suite 117 410-527-1555

Address _____ Telephone No. _____

Cockeysville,

MD

21030

City

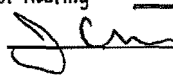
State

Zip Code

Case No. 2009-0066-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by 

Date

9.5.08

REV 8/20/07

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11-24-08

13

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

Zoning Description of

19602A Old York Road
7th Election District
3rd Councilmanic District
Baltimore County MD



Beginning at a point on the south side of Old York Road (80 foot wide Right-of-Way), said point being 1400 feet west of the center of Garrett Road, thence running S 41° 29' 31" W 1787 feet, S 81° 34' 01" W 629.34 feet, N 08° 50' 36" E 230.00 feet, N 41° 49' 02" E 390.00 feet, S 33° 17' 22" E 250.00 feet, S 09° 20' 10" W 233.29 feet, N 81° 34' 01" E 220.00 feet, N 41° 29' 31" E 1770.77 feet, and S 72° 35' 34" E 21.91 feet to the place of beginning.

Containing 4.105 Acres of Land.

Being a part of Lot 1, Plat One, Oak Valley, as recorded in Plat Book 42 Page 136.

**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: #2009-0066-A*
19602A Old York Road
S/side of Old York Road, 1400'
w/of centerline of Garrett Road
7th Election District
3rd Councilmanic District.
Legal Owner(s): John & Karen
Simms, Jr.

Variance: to permit the application of section 26-266(4) of the Baltimore County Code to permit a panhandle driveway length of 2000 feet in lieu of the maximum permitted 1000 feet.

Hearing: Wednesday, October 29, 2008 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/10/654 Oc14 186065

CERTIFICATE OF PUBLICATION

10/16, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/14, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

WILLIAM D. GULICK, JR
Baltimore County Approved Sign Poster

410-530-6293

2944 Edgewood Avenue
Baltimore, MD 21234

DATE: **OCT. 15, 2008**

TO: **BALT. COUNTY/PDM
ZONING OFFICE**

Re: **CASE NO. 2009-0066-A
19602 A OLD YORK ROAD
MCKEE & ASSOC. INC (08-060)**

ATTENTION: **MRS. KRISTEN MATTHEWS**

☒ We are submitting () We are returning () We are forwarding

() Herewith () Under separate cover

No.	Description
1	CERTIFICATE OF POSTING
2	SITE PHOTOS

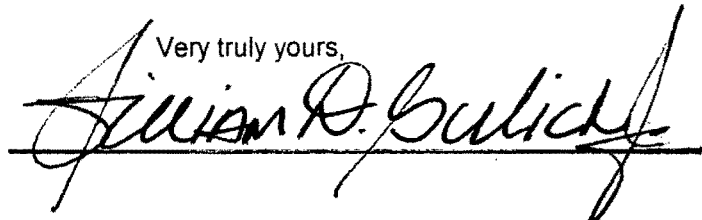
☒ For processing () For your use () For your review

() Please call when ready () Please return to this office () In accordance with your request

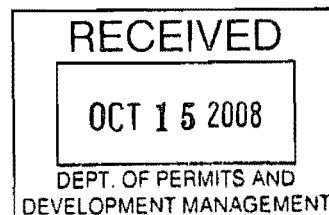
Remarks :

For further information, please contact the writer at this office.

Very truly yours,



**C.C. GEOFF SCHULTZ
(MCKEE & ASSOC. INC.)**



**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

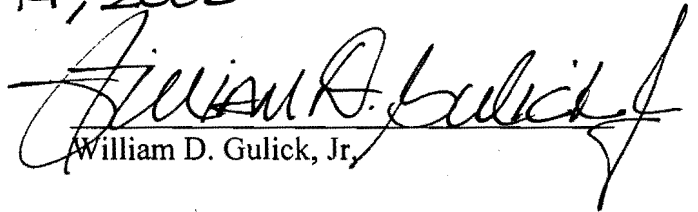
Date: **OCT. 15, 2008**

ZONING OFFICE
Attention: **MRS. KRISTEN MATTHEWS**

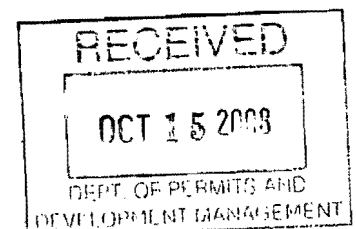
Re: Case Number: **2009-0066-A**
Petitioner/Developer: **JOHN & KAREN SIMMS**
Date of Hearing/Closing: **OCT. 29, 2008**

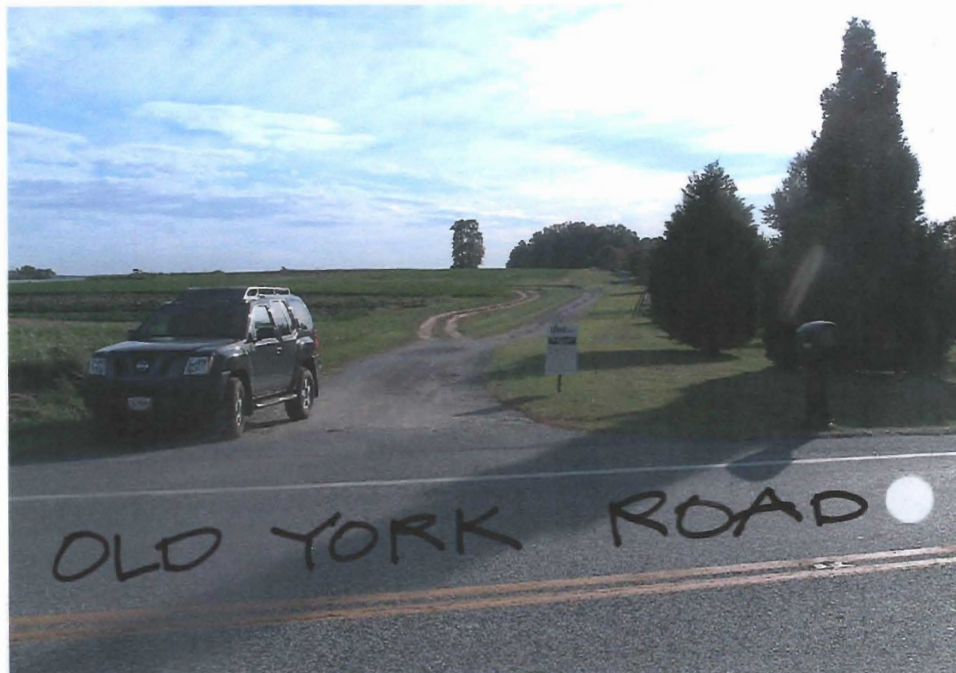
This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: **19602 A OLD YORK ROAD WHITEHALL, MD 21161**

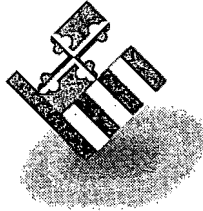
The sign (s) were posted on: **OCT. 14, 2008**


William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293







BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO
September 29, 2008
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: 2009-0066-A

19602A Old York Road

S/side of Old York Road, 1400' w/of centerline of Garrett Road

7th Election District – 3rd Councilmanic District

Legal Owners: John & Karen Simms, Jr.

Variance to permit the application of section 26-266(4) of the Baltimore County Code to permit a panhandle driveway length of 2000 feet in lieu of the maximum permitted 1000 feet.

Hearing: Wednesday, October 29, 2008 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Simms, 1602 Old York Road, White Hall 21161
Geoffrey Schultz, McKee & Associates, 5 Shawan Road, Ste. 1, Cockeysville 21030
Mathew Simms, 20501 West Liberty Road, White Hall 21161

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 14, 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, October 14, 2008 Issue - Jeffersonian

Please forward billing to:

Mathew Simms
20501 West Liberty Road
White Hall, MD 21161

443-528-3165

NOTICE OF ZONING HEARING

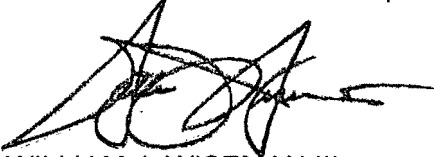
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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19602A Old York Road
S/side of Old York Road, 1400' w/of centerline of Garrett Road
7th Election District – 3rd Councilmanic District
Legal Owners: John & Karen Simms, Jr.

Variance to permit the application of section 26-266(4) of the Baltimore County Code to permit a panhandle driveway length of 2000 feet in lieu of the maximum permitted 1000 feet.

Hearing: Wednesday, October 29, 2008 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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.

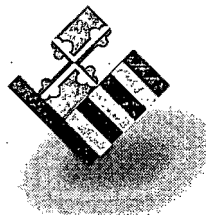
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 0066
Petitioner: MATHEW SIMMS
Address or Location: 19602 A OLD YORK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MATHEW SIMMS
Address: 20501 WEST LIBERTY ROAD
WHITE HALL, MD. 21161
Telephone Number: 443-528-3165



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
October 23, 2008

John E. & Karen B. Simms
19602 Old York Rd.
White Hall, MD 21161

Dear: John E. & Karen B. Simms

RE: Case Number 2009-0066-A, 19602 Old York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 05, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
McKee & Associates, INC., 5 Shawan Rd., Ste. 1, Cockeysville, MD 21030

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 23, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For September 29, 2008
Item Nos. 2009-0065, 0066, 0067, 0068,
0070, 0072, 0073, 0074, and 0076

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

DAK:CEN:lrk
cc: File
ZAC-09232008 -NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 6, 2008

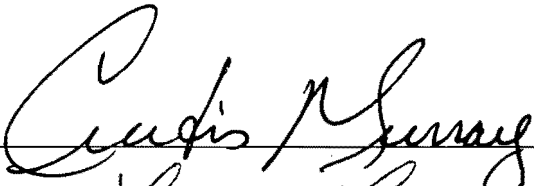
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) **09-066-Variance**

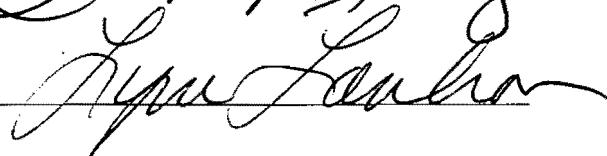
The Office of Planning has reviewed the above referenced case(s) and supports the applicant's request subject to the minor subdivision review and agency comments for driveway width.

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

Prepared By:



Division Chief:
CM/LL





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

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

Maryland Department of Transportation

Date: **SEPT. 23, 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. **2009-0066-A**
MD 439
19602 A OLD YORK RD
SIMMS PROPERTY
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 **9/23**. A field inspection and internal review reveals that an entrance onto **MD 439** consistent with current State Highway Administration guidelines is **not** required. As a condition of approval for **SIMMS PROPERTY** Case Number **2009-0066-A** the applicant must contact the State Highway Administration to obtain an entrance permit.

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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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 VARIANCE * BEFORE THE
19602 Old York Road; S/S Old York Road, *
1400' W of c/line of Garrett Road * ZONING COMMISSIONER
7th Election & 3rd Councilmanic Districts *
Legal Owner(s): John & Karen Simms * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-066-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

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

SEP 29 2008

.....

CERTIFICATE OF SERVICE

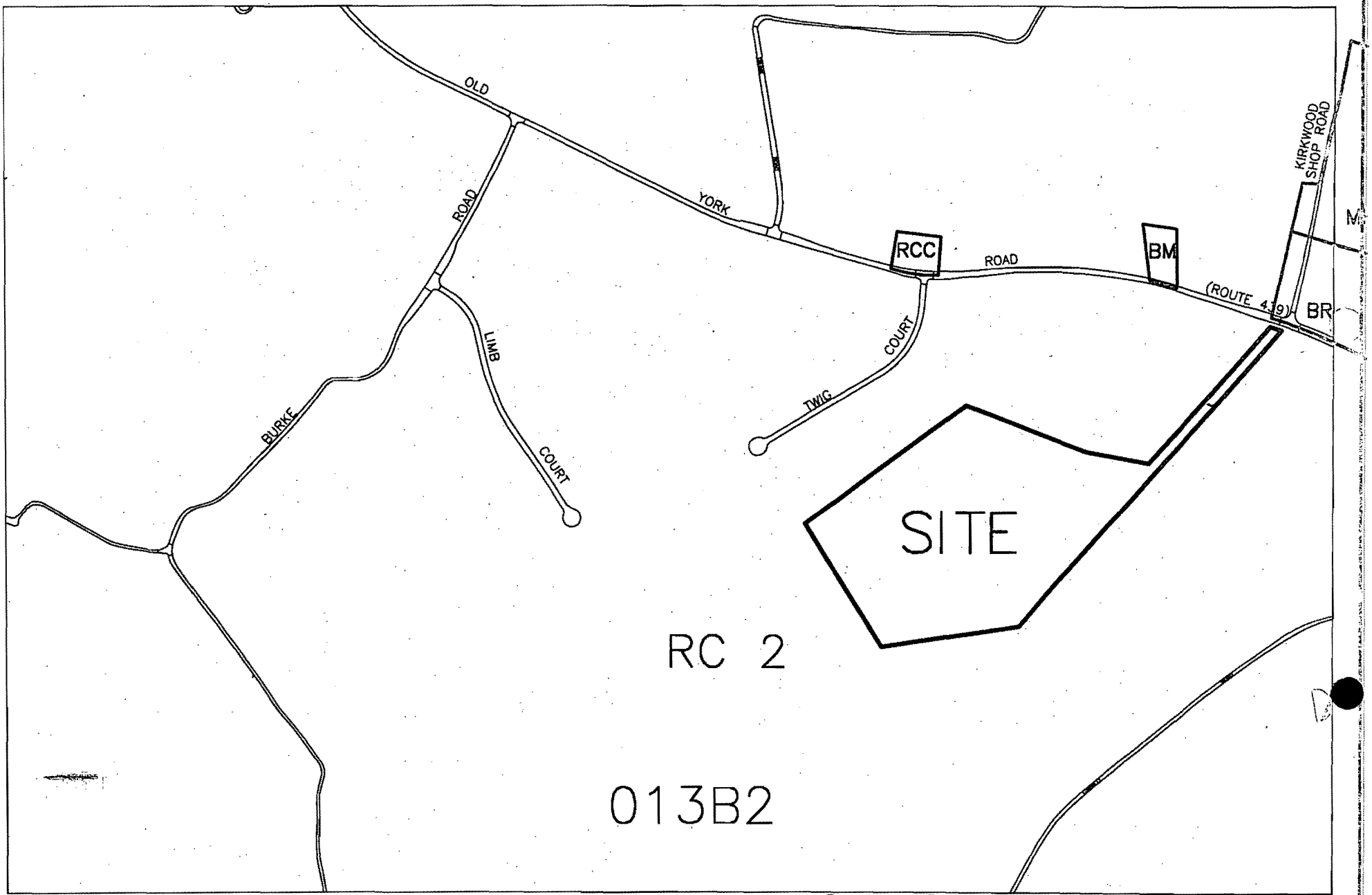
I HEREBY CERTIFY that on this 29th day of September, 2008, a copy of the foregoing Entry of Appearance was mailed to McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 2009-0066-A
DATE 10-29-08

[illegible]



200 SCALE ZONING MAP
#19602A OLD YORK ROAD

7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 600'

DATE: AUGUST 19, 2008

Case No.: 2009-0066-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	<i>Site Plan</i>	
No. 2 <i>A-D</i>	<i>Photographs</i>	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



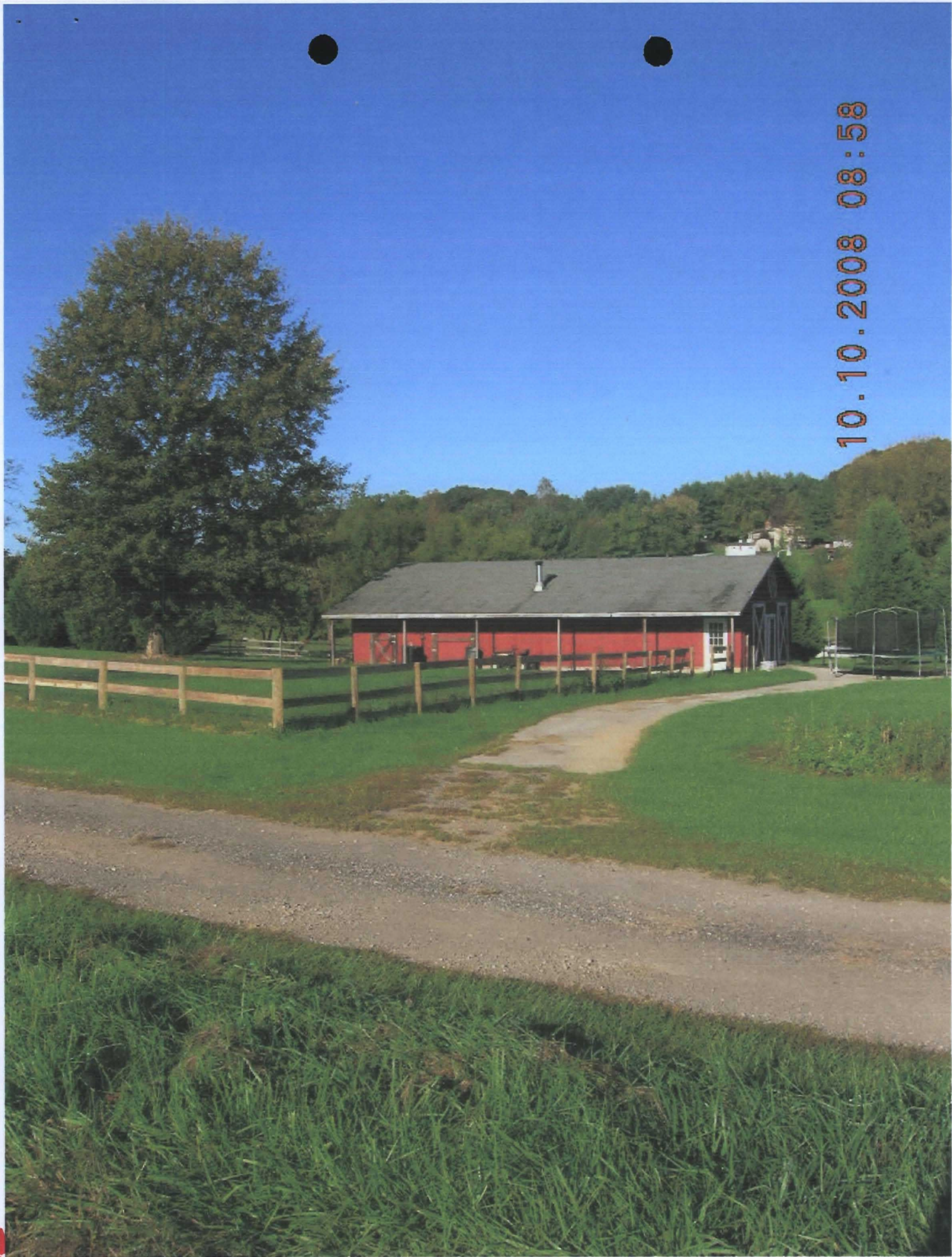
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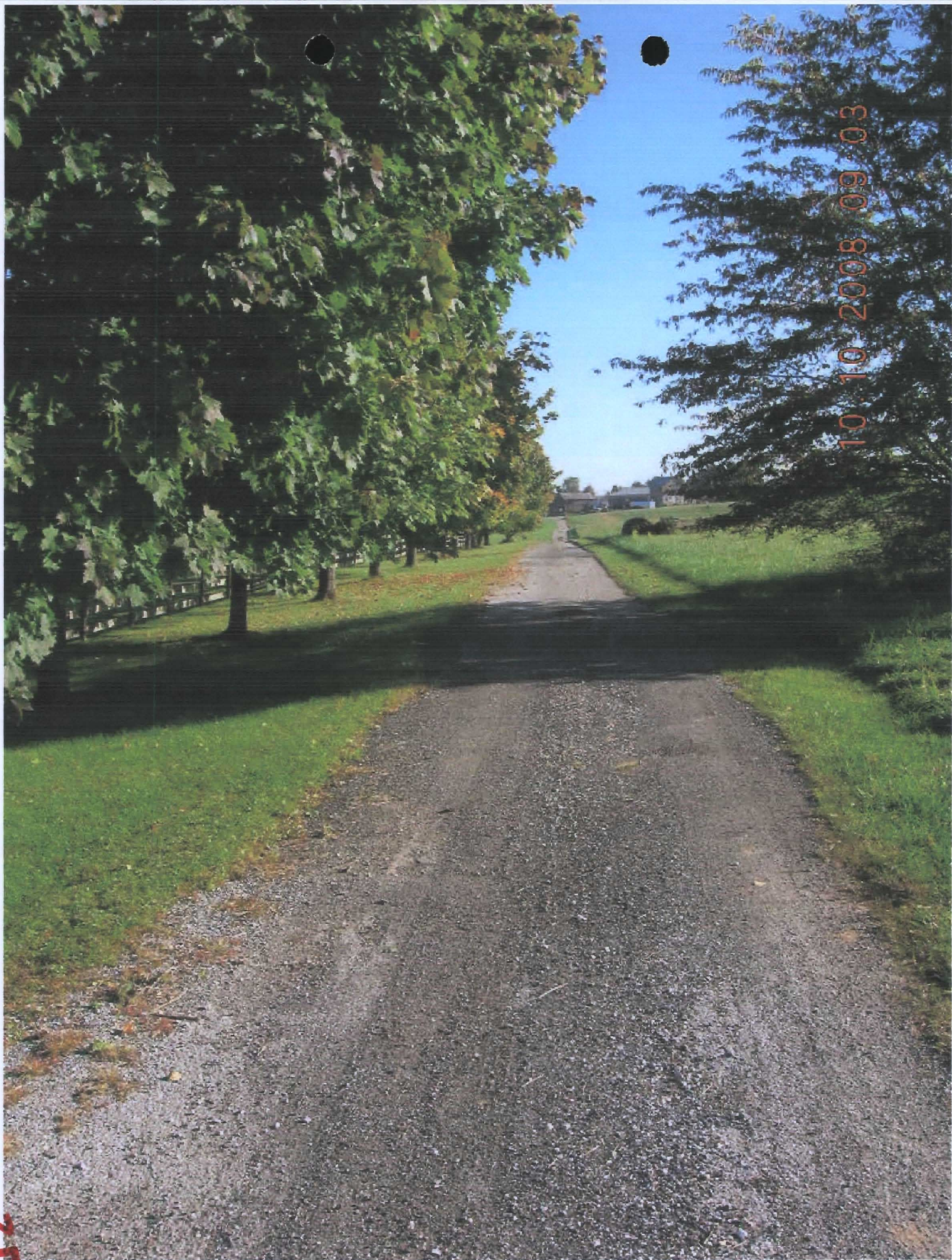
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1. ALL LOTS SHOWN HEREON TO BE SERVED BY PRIVATE WELLS AND PRIVATE SEPTIC SYSTEMS.
2. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NUMBER 6.
3. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS ON THE SITE.
4. A.D.T.'s: $2 \times 12.4 = 25$.
5. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
6. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE MAY 17, 1978 THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT THE PLAN HAS NEVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
7. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
8. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THIS PROPERTY UNLESS OTHERWISE SHOWN.
9. THERE ARE NO KNOWN PRIOR ZONING CASES FOR THE PROPERTY.
10. EXISTING LAND COVER IS CROPS, LAWN, FOREST, AND PASTURE.
11. EXISTING SITE USES ONE EXISTING SINGLE FAMILY DWELLING. PROPOSED USE IS ONE EXISTING AND ONE NEW SINGLE FAMILY DWELLING.
12. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN RC-2 ZONING IS 35 FEET.
13. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCE OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.
14. THIS SITE IS NOT LOCATED IN A FLOODPLAIN.
15. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HAZARDOUS MATERIALS ON THE SITE.
16. THIS SITE IS NOT IN ANY FAILED BASIC SERVICES OR MORATORIUM AREA.
17. THE PROPOSED PANHANDLE DRIVES MUST MEET THE MINIMUM BALTIMORE COUNTY STANDARDS FOR PAVING TYPE, WIDTH, AND BEARING CAPACITY.
18. PANHANDLE SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.
19. THE PANHANDLE DRIVEWAY SHALL CONFORM TO STANDARD PLATE R-P, R-Q, OR R-R.
20. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
21. ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
22. THIS SUBDIVISION IS EXEMPT FROM THE REQUIREMENTS FOR FOREST CONSERVATION (INTRA-FAMILY TRANSFER, DECLARATION OF INTENT EXECUTED).
23. ANY DWELLING MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO, NOISE, ODORS, FUMES, DUST, THE OPERATIONS OF MACHINERY OF ANY KIND DURING ANY 24-HOUR PERIOD, (INCLUDING AIRCRAFT). THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES.
24. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE IF THE OPERATION COMPLIES WITH THESE REGULATIONS AND ALL FEDERAL, STATE OR COUNTY HEALTH ENVIRONMENTAL REQUIREMENTS.
25. 200 SCALE ZONING MAP: 13B2.
26. THIS PROPERTY IS NOT HISTORIC.
27. THIS PROPERTY IS NOT IN THE CBCA.
28. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
29. THERE HAVE BEEN NO PREVIOUS ZONING HEARINGS FOR THIS SITE..

LINE	BEARING	DISTANCE
L1	N50°21'27"E	117.32'
L2	N55°48'07"E	144.61'
L3	N41°33'27"E	91.09'
L4	N07°32'33"W	125.47'
L5	N68°46'18"E	92.09'
L6	S61°47'00"E	76.38'
L7	S28°58'04"E	91.12'
L8	S42°07'06"E	192.59'
L9	S41°49'02"W	342.83'
L10	S45°53'20"W	132.19'
L11	S08°49°24"W	55.72'
L12	S47°35'51"E	26.55'
L13	N74°33'10"E	56.58'
L14	N59°30'17"E	231.26'
L15	S34°09'20"E	95.66'
L16	S19°31'36"E	77.74'
L17	S06°37'52"E	73.84'



1. EXISTING ZONING:	RC-2
2. GROSS AREA:	24.143 AC.±
3. NO. OF LOTS ALLOWED (2 TO 100 AC.)=	2 LOTS
4. NO. OF LOTS PROPOSED:	2 LOTS
5. HIGHWAY WIDENING AREA:	0.00 AC.±
6. NET AREA:	24.143 AC.±
7. PARKING REQUIRED (2 SPACES PER LOT)=	4 SPACES
8. PARKING PROPOSED (2+ SPACES PER LOT)=	4+ SPACES
9. 2000 CENSUS TRACT:	407000
10. 2000 CENSUS BLOCK GROUP:	24005-407000
11. LAND MANAGEMENT AREA:	AGRICULTURAL PRESERVATION AREA
12. COUNCILMANIC DISTRICT:	3RD
13. ELECTION DISTRICT:	7TH
14. ELEMENTARY SCHOOL DISTRICT:	7TH DISTRICT ELEMENTARY
15. MIDDLE SCHOOL DISTRICT:	HEREFORD MIDDLE SCHOOL
16. HIGH SCHOOL DISTRICT:	HEREFORD HIGH SCHOOL
17. REGIONAL PLANNING DISTRICT:	301
18. WATERSHED:	LOCH RAVEN WATERSHED
19. WATER SERVICE AREA:	NON SERVICE ZONE
20. SEWERAGE:	NON SERVICE ZONE
21. 200-SCALE ZONING MAP REFERENCE:	13B2
22. TRANSPORTATION ZONE:	0428
23. ZIP CODE:	21161
24. TAX MAP 13 - GRID 10 - PARCEL 64, LOT 1	

1. SURVEY MAP NUMBER: 6. PLANKS ON THE SITE.

2. SUBDIVISIONS.

3. EEN HELD INTACT SINCE

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6. DWELLINGS.

7. CRITICAL AREA.

8. OF THIS PROPERTY UNLESS

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13. CIPAL STRUCTURES IN RC-2

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18. N OF DRAINAGE FACILITIES,

19. EVELOPER.

20. NO HAZARDOUS MATERIALS ON

21. ES OR MORATORIUM AREA.

22. THE MINIMUM BALTIMORE

23. AND BEARING CAPACITY.

24. OF THE ISSUANCE OF THE

25. ISSUANCE OF THE OCCUPANCY

26. HEVER COMES FIRST.

27. STANDARD PLATE R-P, R-Q.

28. NSTRUCTION, OR DISTURBANCE OF

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30. ENTAL PROTECTION AND

31. N IS SUBJECT TO PROTECTIVE

32. LAND RECORDS OF BALTIMORE

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PETITIONER'S
EXHIBIT NO. 1

**BEING A RESUBDIVISION, LOT 1
PLAT ONE, OAK VALLEY
PLAT E.H.K., JR. 42/136**

7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 100' DATE: APRIL 7, 2008

JOHN E. SIMMS &
KAREN B. SIMMS
#19602 OLD YORK ROAD
WHITEHALL, MD 21161
DEED REF.: 8147/162
TAX ACT. NO.: 1800013898
TAX MAP 13, GRID 10, PARCEL 64

DESIGN AND DRAWING BASED ON
MARYLAND COORDINATE SYSTEM
HORIZONTAL - NAD 83/91
VERTICAL - NAVD 88