

IN RE: DEVELOPMENT PLAN HEARING

S side of Ivy Hill Road and E of
Falls Road
8th Election District
2nd Councilmanic District
(MEREDITH PROPERTY)

H. George Meredith, Jr., et al.
Developers

*

BEFORE THE

*

HEARING OFFICER

*

FOR BALTIMORE COUNTY

*

**Case Nos. VIII-836, 2009-0239-SPH,
2009-0240-SPH, 2009-0241-SPH,
and 2009-0242-SPH**

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HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County for a public hearing on a development proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code ("B.C.C."). H. George Meredith, Jr., James Meredith, and John Meredith, the owners and developers of the subject property (hereinafter "the Developer"), submitted for approval a development plan prepared by Scott A. Lindgren with Gerhold Cross & Etzel, Ltd. known as the "MEREDITH PROPERTY" for property located on the south side of Ivy Hill Road and east of Falls Road in the Cockeysville area of Baltimore County. The Developer proposes three future and three existing lots for single-family dwellings and the creation of several non-density parcels on a total tract of 26.2 acres. The three future lots and the non-density parcels would comprise the remaining 19.369 acres consisting of 7.333 acres of land zoned R.C.5 and 12.036 acres of land zoned R.C.4. The site is currently improved with three existing home sites set on large parcels featuring a mix of forest, field and stream environments. The project also proposes a Forest Buffer Easement containing 8.629 acres and a Conservancy Area of 8.985 acres of which 8.22 acres, more or less, is zoned R.C.4.

NOT RECORDED FOR FILING
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The Developer is also requesting certain zoning relief as follows:

- Case No. 2009-0239-SPH: For a portion of the subject property owned by George Meredith, James Meredith, and John Meredith, Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the creation of 4 non-density parcels to be conveyed to existing lots of the Meredith property and the creation of 1 non-density parcel to be conveyed to an adjoining property owner; and
- Case No. 2009-0240-SPH: For a portion of the subject property owned by George Meredith, James Meredith, and John Meredith, Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a proposed storm water management device (level spreader) in a different zone than the dwelling; and
- Case No. 2009-0241-SPH: For the property located at 1439A Ivy Hill Road owned by John and Gathann Meredith, Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a portion of the existing septic reserve area in a different zone than the dwelling; and
- Case No. 2009-0242-SPH: For the property located at 1407 Ivy Hill Road owned by James and Stephanie Meredith, Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the existing well and a portion of the existing septic reserve area in a different zone than the dwelling.

Details of the proposed development are more fully depicted on the redlined Development Plan that was marked and accepted into evidence as Developer's Exhibit 1. The requested zoning relief is more fully depicted on the site plans pertaining to each property that were marked and accepted into evidence as Developer's Exhibits 2A through 2D, respectively.

As to the history of the project, a concept plan for the proposed development was submitted to the County, and a Concept Plan Conference ("CPC") was held on August 4, 2008 at 9:00 AM in the County Office Building. As the name suggests, the concept plan is a schematic representation of the proposed and is initially reviewed by and between representatives of the Developer and the reviewing County Agencies at the CPC. Thereafter, as required, a Community Input Meeting ("CIM") is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the

CIM was held October 6, 2008 at 7:00 PM at the Cockeysville Public Library located at 9833 Greenside Drive in Cockeysville, Maryland. Members of the development team and the County's representative attended, as well as a number of interested persons from the community. Subsequently, a development plan is prepared, based upon the comments received at the CPC and the CIM, and the development plan is submitted for further review at a Development Plan Conference ("DPC"), which again, is held between the Developer's consultants and County agency representatives to review and scrutinize the plan further. The DPC occurred on May 27, 2009 at 10:00 AM. The combined Hearing Officer's Hearing and Zoning Hearing for this proposed development was then scheduled for June 18, 2009 at 9:00 AM in Room 106 of the County Office Building, 105 West Chesapeake Avenue in Towson, Maryland. Certifications contained within the case file indicate that the property was properly posted with signs that provided public notice of the Hearing Officer's Hearing and Zoning Hearing for at least 20 working days prior to the hearing, in order to notify all interested citizens of the date and location of the hearing. A letter dated May 13, 2009 was also sent to individuals who attended the community input meeting, notifying them of the hearing.

Appearing at the requisite public hearing in support of the Special Hearings and the Development Plan were the property owners and developers George Meredith, John Meredith, and James Meredith. Also appearing in support of the development plan and the requested zoning relief was Scott A. Lindgren, a professional land surveyor with Gerhold, Cross & Etzel, Ltd. There were no Protestants or other interested citizens in attendance at the hearing.

Numerous representatives of the various Baltimore County agencies who reviewed the plan also attended the hearing, including the following individuals from the Department of Permits and Development Management: John Sullivan (Project Manager), Dennis Kennedy (Development

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[Signature]

Plans Review), Len Wasilewski (Zoning Review Office), and Brad Knatz (Bureau of Land Acquisition). Also appearing on behalf of the County were David Lykens from the Department of Environmental Protection and Resource Management (DEPRM); Lynn Lanham from the Office of Planning; and Jan Cook from the Department of Recreation & Parks. In addition, written comments were received from the Baltimore County Fire Marshal's Office and the Maryland State Highway Administration. These and other agency remarks are contained within the case file.

It should be noted at this juncture that the role of the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the development plan as it pertains to their specific area of concern and expertise. The agencies specifically comment on whether the plan complies with all applicable Federal, State, and/or County laws, regulations, and policies pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan and approval process, which includes providing input to the Hearing Officer either in writing or in person at the hearing. It should also be noted that continued review of the plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

Pursuant to Sections 32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct of the Hearing Officer's Hearing, I am required first to identify any unresolved comments or issues as of the date of the hearing. Upon inquiry of Mr. Lindgren, the Developer's professional land surveyor, he indicated it was his understanding that all agency comments had been addressed on the redlined Development Plan, with the exception of DEPRM's storm water management review and approval. He indicated that since the Development Plan Conference, revised submittals had been forwarded to DEPRM but had not yet been approved. Mr. Lindgren also reiterated that

several related zoning requests for special hearing relief had been filed pertaining to portions of the proposed development as well as existing conditions. Finally, Mr. Lindgren indicated that several Waivers of Public Works Standards have been requested pursuant to Section 32-4-107 of the Baltimore County Code ("B.C.C."). First, the Developer is requesting a waiver of Section 32-4-409(b)(2)(11) for Lots 1 and 4 to allow one existing and one proposed panhandle strips to each be 10 feet in width in lieu of the required 12 feet in width. Second, the Developer is requesting a waiver to allow the use-in-common "panhandle" driveways to be less than 16 feet wide. Mr. Lindgren indicated the reasons and support for these requests would be expounded on during his presentation of the development plan.

There were no Protestants or other interested citizens in attendance at the hearing, in which case I then asked the particular agencies to state whether they had any outstanding issues. I have summarized their responses below:

Recreation and Parks: Jan Cook appeared on behalf of the Department of Recreation and Parks and indicated that the required local open space for the 3 units is 3,000 square feet or 0.07 acre, more or less, with 1,950 square feet active and 1,050 square feet passive. Mr. Cook then indicated that his office originally received a request for a waiver of Local Open Space; however, based on a provision of the Baltimore County Local Open Space Manual, an exemption was requested by the Developer for an Intra-Family Transfer. Pursuant to a letter dated June 15, 2009 from the Department of Recreation and Parks to the Developer's consultant, Mr. Lindgren, the request for exemption from Local Open Space was approved. A copy of the letter was marked and accepted into evidence as Baltimore County Exhibit 1. Hence, Mr. Cook's department recommended approval of the redlined Development Plan.

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Planning Office: Lynn Lanham appeared on behalf of the Office of Planning. Ms. Lanham indicated that a School Impact Analysis was prepared by both the Developer and the Office of Planning and revealed that the projected enrollment for the elementary, middle, and high schools was below the percentage of State Rated Capacity (SRC) threshold of 115%, indicating compliance with the state's adequate public facilities law. A copy of the School Impact Analysis prepared by both the County and the Developer were marked and accepted into evidence as Baltimore County Exhibit 2 and Developer's Exhibit 3, respectively.

As to the relevant performance standards, Ms. Lanham indicated the portion of the proposed development located in the R.C.4 Zone complies with the R.C.4 Performance Standards. As to the remainder of the proposed development located in the R.C.5 Zone, Ms. Lanham indicated the Developer had made appropriate submittals, including elevations, for proposed Lot 6, which complied with the R.C.5 Performance Standards. For future Lots 4 and 5, Ms. Lanham indicated it was her understanding that appropriate submittals would be provided for review and approval prior to the issuance of permits for those lots. Based on the above, Ms. Lanham indicated her Office recommends approval of the redlined Development Plan.

Development Plans Review (Public Works): Dennis Kennedy appeared on behalf of the Bureau of Development Plans Review. Mr. Kennedy confirmed that the Developer's redlined plan met all of his department's requirements and comments. He also indicated on behalf of the Director of the Department of Public Works that there was no objection to the Developer's waiver requests concerning the panhandle and driveway widths, and that his department recommends approval of the redlined Development Plan.

Department of Environmental Protection and Resource Management (DEPRM): David Lykens appeared on behalf of DEPRM. As indicated by Mr. Lindgren, Mr. Lykens confirmed that

following the DPC, revised submittals were provided by the Developer regarding storm water management, and that those submittals had not yet been reviewed or approved by DEPRM. Mr. Lykens suggested that the record of the case be kept open in order to allow DEPRM sufficient time to review the submittals for potential approval. The undersigned agreed to hold the record of the case open on that basis and directed Mr. Lykens and Mr. Lindgren to keep me apprised of the progress of DEPRM's evaluation and/or to notify me if/when the storm water management submittals were approved. In addition to the Development Plan comments, DEPRM, as part of the Zoning Advisory Committee (ZAC), also provided written comments regarding the special hearing cases. For Case Nos. 2009-0239-SPH and 2009-0242-SPH, development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. Development of the property must also comply with the Forest Conservation Regulations. For Case No. 2009-0241-SPH, in order to meet COMAR requirements, the septic area must remain in its current location.

Office of Zoning Review: Len Wasilewski appeared on behalf of the Zoning Review Office. He also indicated that, but for the pending special hearing requests, all of his agency's comments were addressed on the redlined plan. He then indicated that should the undersigned grant the special hearing requests, his Department recommends approval of the redlined Development Plan as well.

Land Acquisition: Brad Knatz appeared on behalf of the Bureau of Land Acquisition. Mr. Knatz indicated that there were no outstanding issues from his agency and recommends approval of the redlined Development Plan, subject to the Developer's submission of appropriate documents from the Right-of-Way Manual. These documents were identified in an Inter-Office Correspondence dated June 18, 2009 and include the following: Document A – Drainage and

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Utility Easement, Document B1 – Conservancy Easement, Document D – Stormwater Management Easement, Document K – Forest Buffer Easement, Document R – Highway Widening Area, and Document W – Access Easement.

Because the Developer has combined the hearings on the proposed development and the zoning matters in one Hearing Officer's Hearing pursuant to Section 32-4-230 of the B.C.C., the Developer called on Mr. Lindgren to testify all at once -- in support of the special hearing requests as well as to present the Development Plan. Mr. Lindgren confirmed his familiarity with the laws and regulations pertaining to residential and commercial development, particularly in Baltimore County. As Mr. Lindgren explained, he was directly involved in the evaluation and preparation of the development plan for this project, and he prepared and sealed the redlined Development Plan marked and accepted into evidence as Developer's Exhibit 1, as well as the site plans for the special hearing requests marked and accepted into evidence as Developer's Exhibits 2A through 2D. Mr. Lindgren was offered and accepted as an expert in the areas of planning, zoning, land use, development, and the necessary zoning and land use requirements in Baltimore County.

Mr. Lindgren testified that the subject property originally consisted of 26.2 acres and was purchased by Henry and Alice Meredith in approximately 1939 or 1940. As shown on the redlined Development Plan, in 1986 a surveying firm, Raphael & Associates, created Lot 1 consisting of 1.526 acres conveyed to James and Stephanie Meredith. That lot is currently improved with a single-family dwelling. In 1990, Mr. Lindgren's firm prepared a minor subdivision plan for Lot 2 consisting of 3.02 acres conveyed to George and Catherine Meredith, and Lot 3 consisting of 2.24 acres conveyed to John and Gathann Meredith. These lots were also improved with single-family dwellings. The remainder of the tract remained undeveloped.

At this juncture, the Developer desires to create three additional buildable lots that would be conveyed to each of the three Meredith brothers, with the plan to later convey those three lots to their children. The remaining acreage would be created as specific parcels and conveyed to existing Lots 1, 2, and 3, as well as an adjacent improved property on Ivy Hill Road owned by Michael and Helen Meredith. Specifically, as shown on the redlined Development Plan, Parcel "A" consisting of 1.227 acres would be conveyed to James Meredith, Parcel "B" consisting of 0.333 acre would be conveyed to Michael Meredith, Parcel "C" consisting of 2.381 acres would be conveyed to George Meredith, Parcel "D" consisting of 0.529 acre would be conveyed to George Meredith, and Parcel "E" consisting of 1.246 acres would be conveyed to John Meredith. Lot 4 would be located to the rear of the tract and by far be the largest of the lots and consist of approximately 9.186 acres. This would include a large conservancy area and forest buffer easement. Lot 5 would consist of approximately 1.985 acres and have frontage and driveway access on Ivy Hill Road. Lot 6 would also be located toward the rear of the tract and consist of approximately 2.424 acres.

As to the special hearing requests, Mr. Lindgren indicated that for Case No. 2009-239-SPH, the relief is in order to create non-density parcels out of the remaining land and attach them to existing lots as indicated above. In Case No. 2009-240-SPH, the relief is to allow a level spreader storm water management device for Lot 6 to be located in a different zone than the planned dwelling. As indicated by Mr. Lindgren and Mr. Lykens, a level spreader is an erosion control device designed to reduce water effluence by mitigating the impact of high velocity storm water surface runoff. The device reduces the energy level in high-velocity flow by converting it into sheet flow, and disperses the discharged water so that it may be infiltrated into soil more easily. During the 2000 Comprehensive Zoning Map Process ("C.Z.M.P."), portions of the

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subject property were downzoned to R.C.4 due to their 300 foot proximity with nearby streams. As a result of the zoning line running through Lot 6, the proposed dwelling for this lot would be located in the R.C.5 Zone and the level spreader would be in the R.C.4 Zone. Similarly, in Case Nos. 2009-241-SPH and 2009-242-SPH, the relief is to allow the well for Lot 1 and septic reserve areas for Lots 1 and 3 in a different zone than the dwellings. These requests are to legitimize existing conditions and are also necessitated by the change in zoning in 2000.

Following his presentation of the plan, Mr. Lindgren indicated that based on his professional knowledge and experience, and but for the outstanding storm water management issue that he anticipates will be resolved shortly, the redlined Development Plan marked and accepted into evidence as Developer's Exhibit 1 fully complies with the development regulations contained in the Baltimore County Code and all applicable policies, rules, and regulations. As Mr. Lindgren confirmed, the redlined Development Plan had been presented to each of the County agency representatives and each agency likewise confirmed that all issues were addressed and resolved on the redlined plan.

Following the Hearing Officer's Hearing, the undersigned received an Inter-Office Correspondence dated July 17, 2009 from David Lykens, Development Coordinator with DEPRM. The correspondence indicated that DEPRM has completed its review of the environmental information submitted by the Developer and can now recommend that the redlined Development Plan be approved. A copy of this correspondence shall be marked and accepted into evidence as Baltimore County Exhibit 3.

The Baltimore County Code clearly provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." See, Section 32-4-229 of the B.C.C. After due consideration of the

testimony and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the development plan satisfies those agencies' requirements, I find that the redlined Development Plan, marked and accepted into evidence as Developer's Exhibit 1, is in compliance with the Baltimore County Code and all applicable policies, rules, and regulations. Therefore, having identified no remaining unresolved or outstanding issues that would prevent development plan approval, the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the redlined Development Plan.

As to the requested waivers, based on the concurrence of the relevant County agency representatives and the testimony and evidence presented by the Developer, I am persuaded to grant the waivers related to panhandle strip widths and panhandle driveway widths. As to the related special hearing requests, I am likewise persuaded to grant this relief. The creation of the non-density parcels will allow the remaining acreage of the tract to be attached to the existing lots without any corresponding change in overall density. In addition, the request to allow well, septic, and storm water management appurtenances to be located in a different zone than the dwellings located on Lots 1 and 3 and planned for Lot 6 is driven by the change in zoning of the tract during the 2000 C.Z.M.P. through no fault of the Developer. In my judgment, the granting of the relief in each case is appropriate and will not have any detrimental impacts on the health, safety, or general welfare of the locale.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, the redlined "MEREDITH PROPERTY" Development Plan, accepted into evidence as Developer's Exhibit 1, shall be approved consistent with the comments contained herein, the requested waivers shall be granted, and the requested special hearing relief shall be granted.

~~REMOVED FOR FILE~~
7-21-09
[Signature]

THEREFORE, IT IS ORDERED, this 21st day of July, 2009 by this Deputy Zoning

Commissioner that the Special Hearing relief for properties set forth as follows:

- Case No. 2009-0239-SPH: For a portion of the subject property owned by George Meredith, James Meredith, and John Meredith, Special Hearing relief requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the creation of 4 non-density parcels to be conveyed to existing lots of the Meredith property and the creation of 1 non-density parcel to be conveyed to an adjoining property owner; and
- Case No. 2009-0240-SPH: For a portion of the subject property owned by George Meredith, James Meredith, and John Meredith, Special Hearing relief requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a proposed storm water management device (level spreader) in a different zone than the dwelling; and
- Case No. 2009-0241-SPH: For the property located at 1439A Ivy Hill Road owned by John and Gathann Meredith, Special Hearing relief requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a portion of the existing septic reserve area in a different zone than the dwelling; and
- Case No. 2009-0242-SPH: For the property located at 1407 Ivy Hill Road owned by James and Stephanie Meredith, Special Hearing relief requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the existing well and a portion of the existing septic reserve area in a different zone than the dwelling.

be and are hereby GRANTED; and

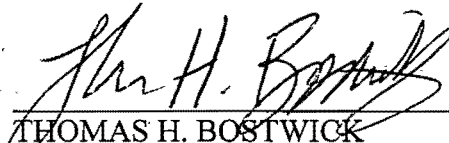
IT IS FURTHER ORDERED by this Hearing Officer/Deputy Zoning Commissioner for Baltimore County that the request for Waiver of Public Works Standards as follows: a waiver of Section 32-4-409(b)(2)(11) for Lots 1 and 4 to allow one existing and one proposed panhandle strips to each be 10 feet in width in lieu of the required 12 feet in width, and a waiver to allow the use-in-common "panhandle" driveways to be less than 16 feet wide, be and are hereby GRANTED; and

IT IS FURTHER ORDERED by this Hearing Officer/Deputy Zoning Commissioner for Baltimore County that the "MEREDITH PROPERTY" redlined Development Plan, marked and

accepted into evidence as Developer's Exhibit 1, be and is hereby APPROVED, subject to the following:

1. In Case Nos. 2009-0239-SPH and 2009-242-SPH, development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). Development of the property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
2. In Case No. 2009-0241-SPH, in order to meet COMAR requirements, the septic area must remain in its current location.

Any appeal of this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code.



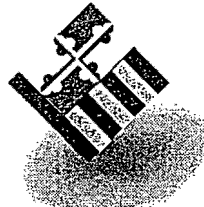
THOMAS H. BOSTWICK
Hearing Officer/Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 21, 2009

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

H. GEORGE MEREDITH, JR., ET AL
1439 IVY HILL ROAD
COCKEYSVILLE MD 21030

RE: Development Plan Hearing
(George Meredith Property)
Case Nos. VIII-836, 2009-0239-SPH, 2009-0240-SPH, 2009-0241-SPH,
and 2009-0242-SPH

Dear Mr. Meredith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved, in accordance with the attached Order.

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

Very truly yours,

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Scott Lindgren, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Blvd., Suite 100,
Towson, MD 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1407 IVY HILL ROAD, COCKEYSVILLE, MD 21030
which is presently zoned RC5 & RC4

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

THE EXISTING WELL AND A PORTION OF THE EXISTING SEPTIC RESERVE
AREA IN A DIFFERENT ZONE THAN THE DWELLING

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):

JAMES B. MEREDITH
Name - Type or Print _____

Signature _____

STEPHANIE C. MEREDITH
Name - Type or Print _____

Signature _____

1407 IVY HILL ROAD 410-561-9722
Address _____ Telephone No. _____

COCKEYSVILLE MD 21030
City _____ State _____ Zip Code _____

Representative to be Contacted:

SCOTT A. LINDGREN
GERHOLD, CROSS & ETZEL, LTD.

320 E. TOWSON TOWN BLVD
Name _____

SUITE 100 410-823-4470
Address _____ Telephone No. _____

TOWSON MD 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

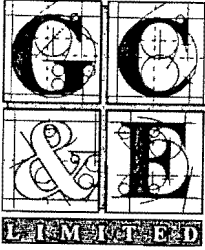
ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2009-0242-SPH

REV 9/15/98

Reviewed By [Signature] Date 3/16/09



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

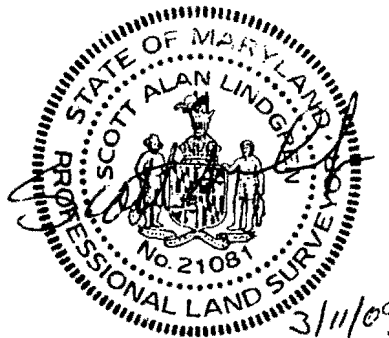
March 11, 2009

**ZONING DESCRIPTION
1407 IVY HILL ROAD
8th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning for the same on the southeast side of Ivy Hill Road, northeasterly 2,435 feet, more or less, from Falls Road, thence binding along the southeast side of Ivy Hill Road, (1) North 47 degrees 27 minutes 55 seconds East 10.00 feet, thence leaving Ivy Hill Road and running for lines of the subject property, (2) South 42 degrees 51 minutes 05 seconds East 563.64 feet, (3) South 47 degrees 08 minutes 55 seconds West 209.04 feet, (4) North 42 degrees 31 minutes 38 seconds West 94.09 feet, (5) South 03 degrees 37 minutes 38 seconds East 177.61 feet, (6) South 86 degrees 22 minutes 22 seconds West 20.00 feet, (7) North 03 degrees 37 minutes 38 seconds West 202.39 feet, (8) North 42 degrees 31 minutes 38 seconds West 161.80 feet, (9) North 47 degrees 08 minutes 55 seconds East 197.42 feet, and (10) North 42 degrees 51 minutes 05 seconds West 275.97 feet, to the place of beginning.

Containing 1.526 Acres of land, more or less.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.



2009-0242-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **35032**

Date: **3/16/09**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	606	2007		6150				65.00

Total: **65.00**

Rec From:

James Meredith

For:

1407 Long Hill Rd

7007-0747-874

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS / ACTUAL / TIME / DATE
 3/16/2009 / 3/16/2009 / 09:15:00
 REC / MATH / 1010 / 300
 RECEIPT N 41136 / 3/16/2009 / 09:15
 S - 500 TOWING VERIFICATION
 NO. 005002
 Recpt Tot: \$65.00
 \$65.00 CP \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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: # 2009-0242-SPH

1407 Ivy Hill Road,

S/east side of Ivy Hill Road, 2,435 feet +/- northeasterly from the centerline of Falls Road

8th Election District — 2nd Councilmanic District

Legal Owner(s): James & Stephanie Meredith

Special Hearing: to permit the existing well and a portion of the existing septic reserve area in a different zone than the dwelling.

Hearing: Thursday, June 18, 2009 at 9:00 a.m. in Room 106, County Office Building, 111 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 6/15 June 2

202553

CERTIFICATE OF PUBLICATION

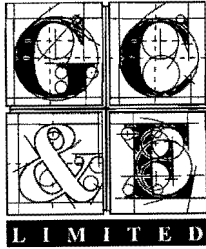
6/4/2009

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 6/2/2009.

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

S. Wilkinson

LEGAL ADVERTISING



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# 2009-0242-SPH

OWNER/DEVELOPER:

James & John Meredith

H. George Meredith, Jr.

PETITIONER:

Same

DATE OF HEARING: June 18, 2008

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:

Southeast side of Ivy Hill Road

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD

SUITE 100

320 EAST TOWSONTOWN BLVD

TOWSON, MARYLAND 21286

410-823-4470 PHONE

410-823-4473 FAX

POSTED ON: June 1, 2009

ZONING NOTICE

CASE # :2009-0242-SPH

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

Room 106 County Office Building
PLACE: 111 W. Chesapeake Avenue, Towson, MD
9:00 am Thursday, June 18, 2009

Special Hearing: To permit the existing
well and a portion of the existing sep-
tic reserve area in a different zone
than the dwelling.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

A163067



**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/neighbor 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: 2009-0242-SPH

Petitioner: JAMES & STEPHANIE MEREDITH

Address or Location: 1407 IVY HILL ROAD, COCKEYSVILLE, MD 21030

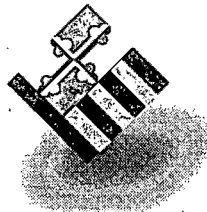
PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN MEREDITH

Address: 1439A IVY HILL ROAD

COCKEYSVILLE, MD 21030

Telephone Number: 410-667-4183



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 11, 2009
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: 2009-0242-SPH

1407 Ivy Hill Road

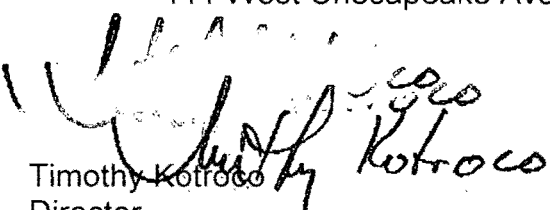
S/east side of Ivy Hill Road, 2,435 feet +/- northeasterly from the centerline of Falls Road

8th Election District – 2nd Councilmanic District

Legal Owners: James & Stephanie Meredith

Special Hearing to permit the existing well and a portion of the existing septic reserve area in a different zone than the dwelling.

Hearing: Thursday, June 18, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


Timothy M. Kotroco
Director

TK:klm

C: James & Stephanie Meredith, 1407 Ivy Hill Road, Cockeysville 21030
Scott Lindgren, GC & E, 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 WEDNESDAY, JUNE 3, 2009.**
- (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, June 2, 2009 Issue - Jeffersonian

Please forward billing to:
John Meredith
1439A Ivy Hill Road
Cockeysville, MD 21030

410-667-4183

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: 2009-0242-SPH

1407 Ivy Hill Road

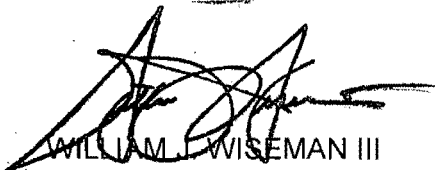
S/east side of Ivy Hill Road, 2,435 feet +/- northeasterly from the centerline of Falls Road

8th Election District – 2nd Councilmanic District

Legal Owners: James & Stephanie Meredith

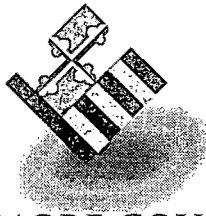
Special Hearing to permit the existing well and a portion of the existing septic reserve area in a different zone than the dwelling.

Hearing: Thursday, June 18, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

James; & Stephanie Meredith
1439A Ivy Hill Rd.
Cockeysville, MD 21030

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
June 16, 2009

Dear: James & Stephanie Meredith

RE: Case Number 2009-0242-SPH, Southeast side of Ivy Hill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 16, 2009. 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,

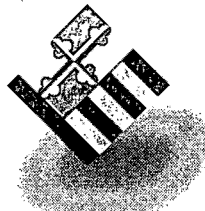
A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Scott A. Linadgren; Gerhold, Cross and Etzel, LTD.; 320 E. Towsontown Blvd. Ste. 100;
Towson, MD 21286



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

March 26, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 23, 2009

Item Numbers 0234, 0237, 0240, 0241, ~~0242~~, 0243, 0245 and 0246

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 25, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For March 30, 2009
Item Nos. 2009-0232, 0233, 0234, 0237,
0240, 0241, ~~0242~~ 0243, 0245, and 0246

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

DAK:CEN:lrk
cc: File
ZAC-03302009 -NO COMMENTS



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: 3/23/2009

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

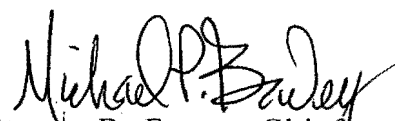
RE: Baltimore County
Item No 2009-0242-SPH
1407 IVY HILL RD
MEREDITH PROPERTY
SPECIAL HEARING

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. 2009-0242-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



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 13 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *DWL*

DATE: May 13, 2009

SUBJECT: Zoning Item # 09-242-SPH
Address 1407 Ivy Hill Road
(Meredith Property)

Zoning Advisory Committee Meeting of March 23, 2009

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

 X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

 X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

 X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1. In order to meet COMAR requirements, the existing well and septic area must remain in its current location.
2. Any relocation of the well or septic system must be outside of the Forest Buffer Easement.
3. The following must be submitted to and approved by EIR prior to Development Plan submittal:

A) Forest Stand Delineation report;

To: Timothy M. Kotroco
From: Dave Lykens, DEPRM - Development Coordination
Zoning Item #09-242-SPH
March 31, 2009
Page2

- B) Forest Conservation Worksheet;
- C) Preliminary Forest Conservation Plan;

Reviewer: S. Farinetti/G. Shaffer

Date: March 31, 2009

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1407 Ivy Hill Road; SE/S Ivy Hill Road, *
2,435' NE of Falls Road * ZONING COMMISSIONER
8th Election & 2nd Councilmanic Districts *
Legal Owner(s): James & Stephanie Meredith* FOR

Petitioner(s) * BALTIMORE COUNTY

* 09-242-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.

RECEIVED

APR 06 2009

.....

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of April, 2009, a copy of the foregoing Entry of Appearance was mailed to Scott Lindgren, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Suite 100, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Patricia Zook - Zoning Hearings with Meredith HOH on Thursday, June 18 - comments needed

From: Patricia Zook
To: Murray, Curtis
Date: 6/12/2009 1:09 PM
Subject: Zoning Hearings with Meredith HOH on Thursday, June 18 - comments needed
CC: Bostwick, Thomas

Curtis -

The below described cases are scheduled for hearings with the HOH on Thursday, June 18:

Case Number: 2009-0239-SPH: For the property located on the south side of Ivy Hill Road, a request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the creation of 4 non-density parcels to be conveyed to existiong lots of the Meredith property and the creation of 1 non-density parcel to be conveyed to an adjoining property owner; and

Case Number: 2009-0240-SPH: For the property located on the south side of Ivy Hill Road, a request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a proposed storm water management device (level spreader) in a different zone than the dwelling; and

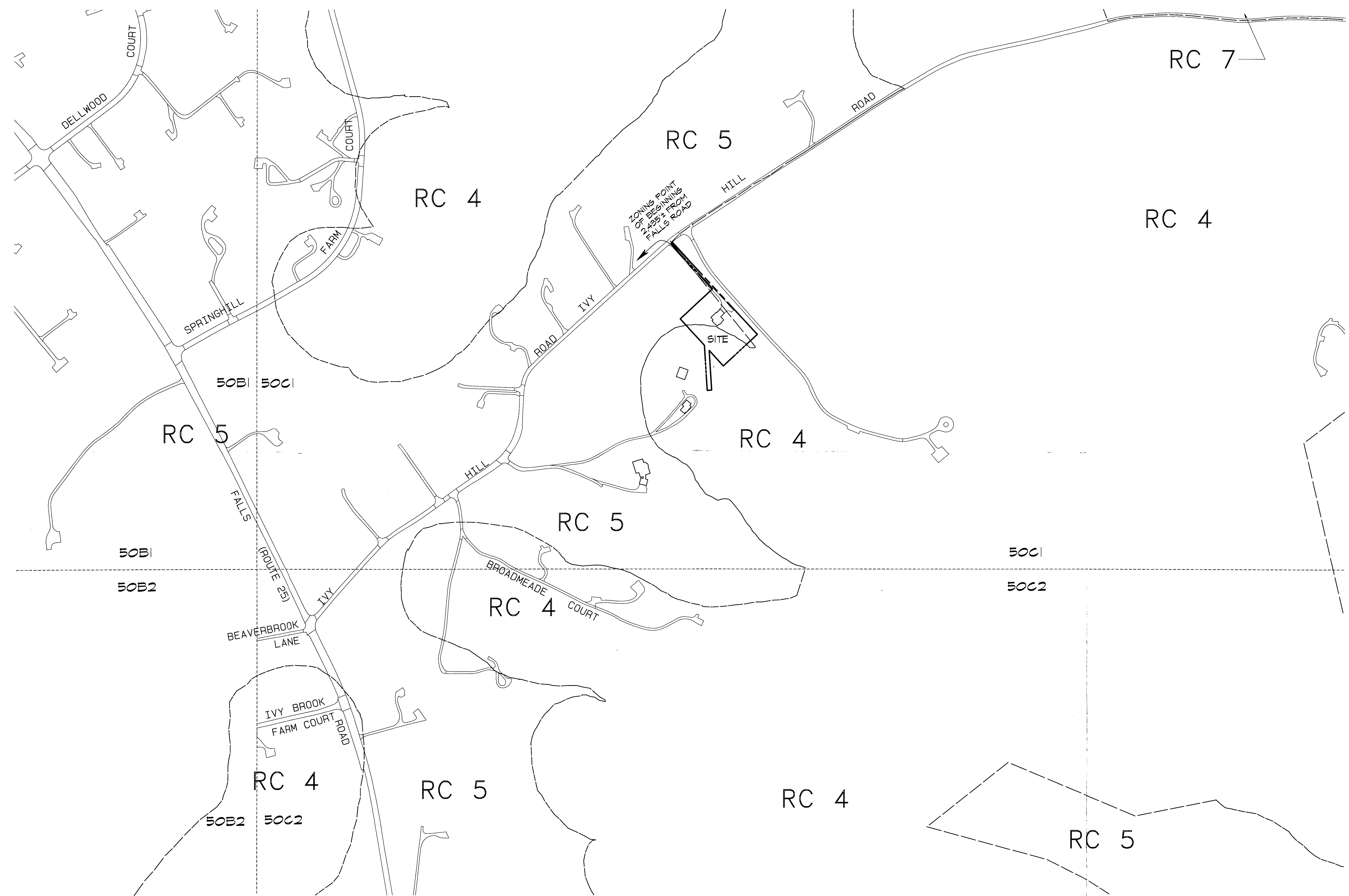
Case Number: 2009-0241-SPH: For the property located at 1439 A Ivy Hill Road, a request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a portion of the existing septic reserve area in a different zone than the dwelling; and

Case Number: 2009-0242-SPH: For the property located at 1407 Ivy Hill Road, a request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the existing well and a portion of the existing septic reserve area in a different zone than the dwelling.

Thank you.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

MARYLAND COORDINATE SYSTEM
NAD 83/91



ZONING MAP
2009-0242-SP4

GIS TILES: 050B1, 050B2, 050C1 & 050C2

SCALE: 1" = 200'

