

IN RE: **PETITION FOR SPECIAL HEARING**

NE/S Barthel Road, 1,170' NW of
Berans Road
(1612-1615 Barthel Road)

8th Election District
3rd Council District

Charles A. Sturm, Jr., et ux
Petitioners

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BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2010-0024-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Charles A. Sturm, Jr., and his wife, Cynthia K. Sturm. The Petitioners request a special hearing pursuant to Section 1B01.3.A.7(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a 2nd Amendment to the Final Development Plan for "Part of Section II, of the Bearman Property" to allow for the resubdivision of Lot 20 into a two lot minor subdivision (Lots 20A and 20B). The subject property and requested relief are more particularly described on the two-paged second amended development plan, which was accepted into evidence and marked as Petitioners' Exhibits 1A and 1B.

Appearing at the requisite public hearing were Charles Sturm, property owner; Bruce E. Doak and Scott A. Lindgren, consultants with Gerhold, Cross & Etzel, Ltd., the land planning company that prepared the amended plan. There were no Protestants or other interested persons present.

On behalf of the Petitioners, Mr. Doak explained the zoning history of the subject property and testified regarding the proposed amendment. The property is irregularly shaped and consists of approximately 6.31 acres located on the north side of Barthel Road, north of

UNOFFICIAL RECORD FOR FILING

Date 9-2-09

SV

103

Broadway Road in Lutherville. The property is a panhandle lot and split-zoned with 4.036 acres of R.C.4 land and 2.274 acres in the R.C.5 zone. The property is known as being Lot 20 in the subdivision of "Section II of The Bearman Property" that was initially approved by Baltimore County on July 18, 1979¹. On March 16, 1983, the first amended final development plan was approved for Section II of the Bearman Property development. That amendment reconfigured lot lines for 11 of the 20 lots due to a change in the R.C.5 zoning classification that permitted additional lots. The Petitioners purchased Lot 20 in 1985 and built a two-story, 2,912 square foot brick home on the southwestern portion of the lot and have resided on the property for the past 23 years.

As noted on Exhibit 1B, the property was also the subject of prior Zoning Case No. 2009-0132-SPH. In that matter, Petitioners proposed a minor subdivision of their property (Lot 20) and sought special hearing relief to permit a portion of their existing septic system to be located in a different zoning classification other than their dwelling. At the time of their purchase in 1985, the entire property was zoned R.C.5; however, during the 2000 Comprehensive Zoning Map Process (CZMP), a portion of the property was re-zoned R.C.4. According to Mr. Lindgren, a stream system travels through the tract that eventually drains into the Loch Raven Reservoir. By his Order, Deputy Zoning Commissioner Thomas H. Bostwick permitted a portion of the septic system to be in a different zone allowing the minor subdivision plan (08092M) to proceed through the Development Review Committee.²

¹ The approval of this development was granted by the County Review Group (CRG), the agency charged with the responsibility for reviewing development proposals at that time. The CRG was thereafter discontinued as an approval process was replaced by the current development review regulations as contained in Article 32 of the Baltimore County Code (B.C.C.).

² To the extent applicable, the findings and conclusions set forth in this prior Order (2009-0132-SPH), allowing a portion of an existing septic system in two different R.C. zones, are adopted by reference and incorporated herein.

COPIES RECEIVED FOR FILING
Date 9-2-09
By [signature]

At issue in the instant case is the Petitioners request to obtain approval of a 2nd Amendment to the Final Development Plan in order to finalize their minor subdivision. B.C.Z.R. Section 1B01.3.A.7 provides that an amendment to a previously approved development plan is permissible through the special hearing criteria as set forth in B.C.Z.R. Section 502.1. Specifically, the Zoning Commissioner is required to conduct a public hearing to determine whether the proposed amendment is appropriate and will not be detrimental to the health, safety and general welfare of the locale.

Based upon the uncontradicted testimony and evidence offered, I am persuaded that Special Hearing relief should be granted. The proposed amendment is entirely consistent and compatible with the existing subdivision. The proposal represents an identical housing type and will not exceed the density limits applicable. Clearly, there will be no detrimental impact on the health, safety and general welfare of the existing community and locale, and the plan meets the criteria given in Section 502.1 of the B.C.Z.R. (Special Exceptions). There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the Office of Planning finds the proposed amendment to be "within the spirit and intent of the R.C.4 and R.C.5 zones and also with the approved development plan".

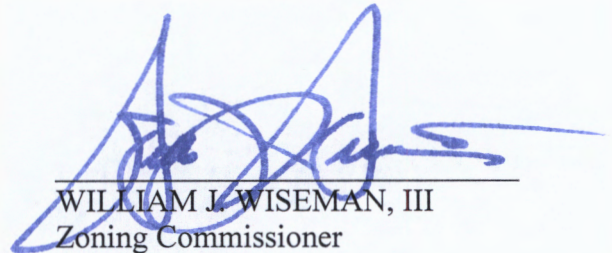
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 2nd day of September 2009, that the Petition for Special Hearing to approve a 2nd Amendment to the Final Development Plan for "Part of Section II, of the Bearman Property", pursuant to Section 1B01.3.A.7(b) of the Baltimore County Zoning Regulations (B.C.Z.R), in accordance with Petitioners' Exhibits 1A and 1B, be and is hereby GRANTED.

COPIES RECEIVED FOR FILING
Date 9-2-09
By 03

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the
Baltimore County Code.

WJW:dlw



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9-2-09
By 193



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 2, 2009

Charles A. Sturm
Cynthia K. Sturm
1612 Barthel Road
Lutherville, Maryland 21093

RE: **PETITION FOR SPECIAL HEARING**
NE/S Barthel Road, 1,170' NW of Berans Road
(1612-1615 Barthel Road)
8th Election District - 3rd Council District
Charles A. Sturm, Jr., et ux - Petitioners
Case No. 2010-0024-SPH

Dear Mr and Mrs. Sturm:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with restrictions, 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 'William J. Wiseman III', written over a horizontal line.

WILLIAM J. WISEMAN
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Bruce E. Doak & Scott A. Lindgren, Gerhold, Cross & Etzel, Ltd.,
320 E. Towsontown Blvd., Towson, MD 21286
People's Counsel; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at ^{&1614} 1612 BARTHEL ROAD, LUTHERVILLE, MD. 21093
which is presently zoned RC 4 & RC 5

(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)

A 2nd Amendment to the Final Development Plan for "Part of Section II, of the Bearman Property"

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):

CHARLES A. STURM Jr.
Name - Type or Print _____
Signature _____
CYNTHIA K. STURM
Name - Type or Print _____
Signature _____

1612 BARTHEL ROAD 410-561-1844
Address Telephone No.
LUTHERVILLE MD 21093
City State Zip Code

Representative to be Contacted:

SCOTT A. LINDGREN
GERHOLD, CROSS & ETZEL, LTD.
Name SUITE 100
320 E. TOWSON TOWN BLVD 410-823-4470
Address Telephone No.
TOWSON MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2010-0024-SPH

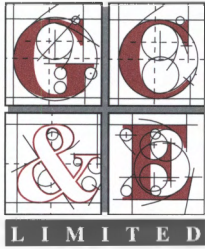
REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By JNP Date 7/20/09

UNDER RECEIVED FOR FILING

Date 9-2-09

By [Signature]



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 24, 2009

ZONING DESCRIPTION

1612 Barthel Road

1614 BARTHEL ROAD SAL

Beginning for the same at a point on the northeast right of way line of Barthel Road, 50 feet wide, 1,170 feet, more or less, northwest of the center of Berans Road, 50 feet wide. Being Lot 20 in the subdivision of "Section II, The Bearman Property" recorded in the Land Records of Baltimore County in Platbook E.H.K., Jr. No. 45 folio 15.

Containing 6.310 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.



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

No. **43218**

Date: **7/20/09**

PAID RECEIPT

DATE: 7/22/2009 7/20/2009 11:29:04
 TIME: 2

RECEIPT # 442617 7/20/2009 1718

5 529 ZONING VERIFICATION
 NO. 043218

Receipt Tot \$130.00
 \$130.00 CH \$0.00 CR
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
201	800	050		650					130.00

Total: **1 130.00**

Rec From: **Gorhold, Crain & Etzel, LTD**
 For: **Special Hearing - 1612 & 1614 Barthele Road**
2010-0024-SPH (STURM)

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

**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: # 2010-0024-SPH
1612 & 1614 Barthel Road
N/east side of Barthel Road,
170 feet n/west of Berans
Road
8th Election District
3rd Councilmanic District
Legal Owner(s): Charles &
Cynthia Sturm, Jr.

Special Hearing: to permit
a 2nd Amendment to the
Final Development Plan for
"Part of section 2 of the
Bearman Property."

**Hearing: Monday, August
31, 2009 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 accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

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

JT/8/773 Aug. 18 208257

CERTIFICATE OF PUBLICATION

8/20/2009

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 8/18/2009.

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

J. 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# 2010-0024-SPH

OWNER/DEVELOPER:

Charles A. Sturm, Jr. & Cynthia K. Sturm

DATE OF HEARING: August 31, 2009

**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**

(see page 2 for full size photo)

**LOCATION:
1612 Barthel Road**

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: August 12, 2009

ZONING NOTICE

CASE # :2010-0024-SPH

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

PLACE: Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson, MD

TIME : 10:00 am Monday, August 31, 2009

Special Hearing: to permit a
2nd Amendment to the Final
Development Plan for "Part of
Section 2 of the Bearman
Property"

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE



1612



NOTICE
ZONING
The following information is provided for your information only. It is not intended to constitute an offer of insurance or any other financial product. Please consult your insurance agent for more information.



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

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: 2010-0024-SPH

1612 & 1614 Barthel Road

N/east side of Barthel Road, 170 feet n/west of Berans Road

8th Election District – 3rd Councilmanic District

Legal Owners: Charles & Cynthia Sturm, Jr.

Special Hearing to permit a 2nd Amendment to the Final Development Plan for "Part of section 2 of the Bearman Property."

Hearing: Monday, August 31, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Sturm, 1612 Barthel Road, Lutherville 21093
Bruce Doak, 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 SATURDAY, AUGUST 15, 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, August 18, 2009 Issue - Jeffersonian

Please forward billing to:
Charles Sturm, Jr.
1612 Barthel Road
Lutherville, MD 21093

410-561-1844

NOTICE OF ZONING HEARING

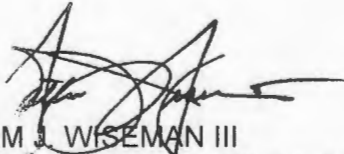
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0024-SPH

1612 & 1614 Barthel Road
N/east side of Barthel Road, 170 feet n/west of Berans Road
8th Election District – 3rd Councilmanic District
Legal Owners: Charles & Cynthia Sturm, Jr.

Special Hearing to permit a 2nd Amendment to the Final Development Plan for "Part of section 2 of the Bearman Property."

Hearing: Monday, August 31, 2009 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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 2010-0024-SPH

Petitioner: CHARLES A. STURM, Jr

Address or Location: 1612 BARTHEL ROAD
& 1614 BARTHEL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHARLES A. STURM, Jr.

Address: 1612 BARTHEL ROAD
LUTHERVILLE, MD 21093

Telephone Number: 410-561-1844



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

August 24, 2009

Charles & Cynthia Sturm
1612 Barthel Rd.
Lutherville, MD 21093

Dear: Charles & Cynthia Sturm

RE: Case Number 2010-0024-SPH, 1612 & 1614 Barthel Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 20, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Scott Lindgren; Gerhold, Cross & Etzel, LTD; 320 E. Towsontown Blvd.; Towson, MD 21286

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 3, 2009
Item Nos. 2010-015, 020, 022, 023, 024
and 025

DATE: August 7, 2009

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08032009-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2009

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

SUBJECT: 1612 and 1614 Barthel Road

INFORMATION:

Item Number: 10-024

Petitioner: Cynthia & Charles Sturm

Zoning: RC 4 and RC 5

Requested Action: Special Hearing

The petitioner requests a 2nd amendment to the final development plan for part of Section II of the Bearman property to allow for the resubdivision of Lot 20 into a two lot minor subdivision, Lot 20a and 20b. A previous hearing, 2009-0132SPH was granted on February 17, 2009 to allow a portion of the existing septic area to be within a different zone than the existing dwelling.

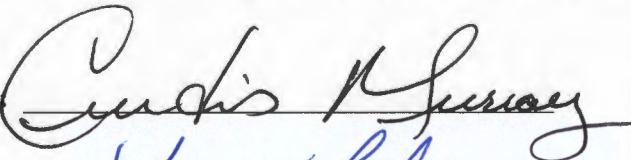
The Office of Planning is of the opinion that the proposed amendment is within the spirit and intent of the RC4 and RC5 zones and the approved development plan.

SUMMARY OF RECOMMENDATIONS:

The applicant should comply with the minor subdivision 08092M comments provided by the Office of Planning and should record a new plat.

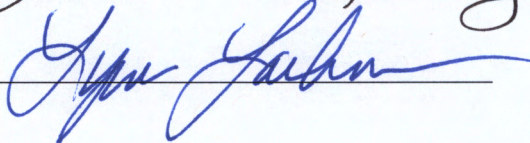
For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by



Division Chief:

AFK/LL: CM



Attachment:

RECEIVED

AUG 06 2009

ZONING COMMISSIONER

FILE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Joe Chmura
Department of Permits and
Development Management

DATE: December 12, 2008

FROM: Lloyd T. Moxley
Development Review Section
Office of Planning

PROJECT NAME: Bearman Property (Resub Lot 20, Section 1)

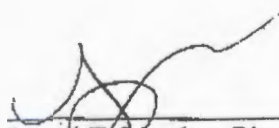
PROJECT NO.: 08092 M

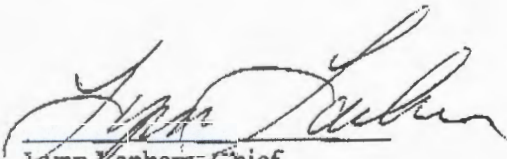
The Office of Planning has reviewed the above referenced project and offers the following comments:

1. Include the Official Zoning Map reference number on the plan.
2. If this property exists as a lot on a recorded plat, include recording references on the plan.
3. Add a professional stamp and signature to the plan.
4. Confirm with the Office of Zoning Review that the 5/24/79 date is sufficient for density certification in the RC 4 zone.
5. Include a distance measurement on that segment of the N17 deg 17'04"E 568.75 line situated on the west side of the fee strip for Lot 20A and the remaining length in Lot 20B.
6. Indicate the width of the panhandle.
7. Label those portions of Lot 20A lying in the RC4 and those portions of Lot 20B lying in the RC5 as "non-buildable".
8. The Office of Planning cannot approve a plan proposing a front to rear orientation scenario. Rotate the proposed dwelling front orientation for Lot 20B to face a southwesterly direction.

Post-it® Fax Note	7671	Date	12/12/08	# of pages	2
To	DIANNA LITTE	From	JOE CHMURA		
Co./Dept.		Co.			
Phone #		Phone #	410-333-3335		
Fax #	850-62	Fax #			

9. The Office of Planning has no negative comment on the continued use of the septic system situated within two separate RC zones. That notwithstanding, this office cannot approve the development plan until such time as the Zoning Commissioner renders a "Decision and Order" in zoning case 09-132-SPH.



Lloyd T. Moxley, Planner
Development Review

Lynn Lanham, Chief
Development Review

LTM:kma

BW
8-31-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



SEP 10 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 10, 2009

SUBJECT: Zoning Item # 10-024-SPH
Address 1612-1614 Barthel Road
(Sturm Property)

Zoning Advisory Committee Meeting of July 27, 2009

- 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).

EIR Reviewer: Michael S. Kulis

Date: August 24, 2009

Additional Comments:Land Preservation:

Proposed request raises concerns and should be denied if Lot 20 A cannot be reconfigured in such a way to place the SRAs entirely on RC 5 zoned land within the lot. In addition the RC 4 area should be included entirely within Lot 20B. The basis for this comment is that the purpose of the RC 4 is to protect the drinking water supply of the metropolitan area and it is not for the purpose of promoting greater levels of development than could otherwise be achieved (BCZR 1A03.1).

Wally Lippincott, Jr. September 1, 2009

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1612-1615 Barthel Road; NE/S Barthel Road, * ZONING COMMISSIONER
170' NW of Berans Road *
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Charles & Cynthia Sturm * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 2010-024-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

AUG 05 2009

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August, 2009, a copy of the foregoing Entry of Appearance was mailed to Scott Lindgren, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3)

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

Account Identifier: District - 08 Account Number - 1800011912

Owner Information

Owner Name:	STURM CHARLES A, JR STURM CYNTHIA K	Use:	RESIDENTIAL
Mailing Address:	1612 BARTHEL RD LUTHERVILLE MD 21093-1548	Principal Residence:	YES
		Deed Reference:	1) / 6910/ 580 2)

Location & Structure Information

Premises Address	Legal Description
1612 BARTHEL RD	6.3168 AC BEARMAN PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
50	22	258			2		20	2	Plat Ref: 45/ 15

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1986	2,912 SF	6.31 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	293,100	366,370		
Improvements:	418,160	434,880		
Total:	711,260	801,250	771,252	801,250
Preferential Land:	0	0	0	0

Transfer Information

Seller: BEARMAN HERBERT	Date: 04/25/1985	Price: \$70,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6910/ 580	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

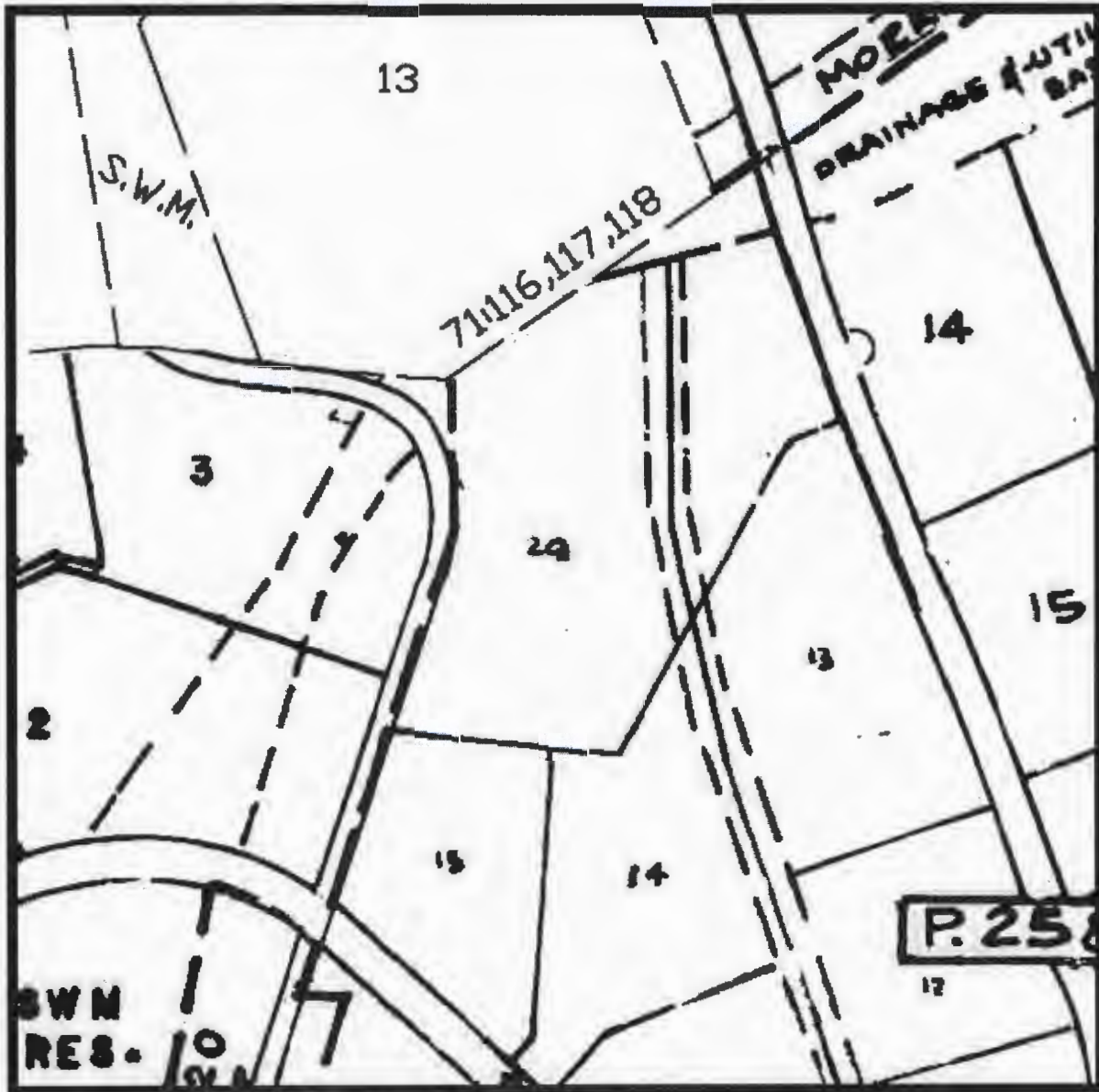
Special Tax Recapture:
 * NONE *



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

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Search](#)**

District - 08 Account Number - 1800011912



Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department
of Planning web site at www.mdp.state.md.us/webcom/index.html

IN RE: PETITION FOR SPECIAL HEARING *

N side of Barthel Road, 1170 feet NW
from c/l of Berans Road
8th Election District
2nd Councilmanic District
(1612 Barthel Road)

Charles and Cynthia Sturm
Petitioners

BEFORE THE

DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 2009-0132-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Charles and Cynthia Sturm, the legal property owners. Special Hearing relief is requested in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a portion of the existing septic system in a different zone than the dwelling. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief on behalf of Petitioners Charles and Cynthia Sturm was Scott Lindgren with Gerhold Cross & Etzel, Ltd., 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 irregular-shaped and consists of approximately 6.31 acres, more or less, with 4.036 acres zoned R.C.4 and 2.274 acres zoned R.C.5. The property is a panhandle lot located on the north side of Barthel Road, north of Broadway road, west of Falls Road and east of Greenspring Avenue, in the Greenspring area of Baltimore County. The property is known as Lot 20 Section II of the "Bearman Property." The subdivision was recorded on September 26, 1979. At that time, the entire property was zoned

R.C.5; however, during the 2000 Comprehensive Zoning Map Process ("C.Z.M.P."), a portion of the property was re-zoned R.C.4 because, according to Mr. Lindgren, a stream system traveled through the subject property and other nearby properties that eventually drained into the Loch Raven Reservoir. As a result of this re-zoning, the subject property became split zoned and most of the existing septic reserve area for the existing home that was built in 1986 now lies in the R.C.4 Zone, with a small portion of the septic reserve area and the dwelling still located in the R.C.5 Zone.

At this juncture, Petitioners are proposing a minor subdivision of their property, in which proposed Lot 20A would encompass the existing two-story single-family brick dwelling and consist of approximately 2.565 acres situated primarily in the R.C.5 Zone; and proposed Lot 20B would encompass a proposed single-family dwelling and septic reserve area and consist of approximately 3.782 acres situated primarily in the R.C.4 Zone. Because of the proposed minor subdivision, the entire property now needs to be in compliance with the current Zoning Map and the applicable Zoning Regulations. In particular, Section 1A00.5 of the Zoning Commissioner's Policy Manual ("Z.C.P.M.") expounds upon Section 1A00.5 of the Zoning Regulations pertaining to tracts divided by R.C. Zone boundaries. As is applicable to the instant matter, Section 1A00.5.b of the Z.C.P.M. states that, for lots divided by Zone lines, "the following guidelines have been formulated so that this matter can be handled consistently." Subsection 1(c) states that "[t]he well and septic system must be located in the same zone as the house."

Obviously, in the instant matter, the existing septic reserve area is not in the same zone as the home. Hence, under the circumstances, Petitioners request special hearing relief to approve this configuration.

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office Planning dated November 28, 2008 which indicate that they do not oppose Petitioners' request as the septic area is an existing condition and the acreage in each Zone supports one dwelling. Petitioners are currently processing a minor subdivision plan (08092 M) and will be required to record a plat. Comments were received from the Department of Environmental Planning and Resource Management dated December 23, 2008 which indicate that the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and must comply with the Forest Conservation Regulations.

Considering of all the testimony and evidence presented, I am persuaded to grant the requested relief. The evidence indicates that the existing lot was recorded in 1979 and the home built in 1986. At that time, the septic area and home were situated in the same R.C.5 Zone. Thereafter, in 2000, a portion of Petitioners' property was re-zoned so that the septic area now lies mostly in the R.C.4 Zone. This situation has now come to a head with Petitioners' proposed minor subdivision; however, this issue arose because of an intervening circumstance not attributable to Petitioners -- the re-zoning of property near streams which resulted in portions of Petitioners' property being re-zoned. Under the definition of "nonconforming use" in Section 100.1 of the B.C.Z.R. and "continuation of nonconformance" in Section 104.1 of the B.C.Z.R., in my view, the location of Petitioners' septic area and dwelling in both the R.C.4 and R.C.5 Zones, respectively, is nonconforming and should be permitted to continue as such.

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' request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 17th day of February, 2009 that Petitioners' request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a portion of the existing septic system in a different zone than the dwelling be and is hereby GRANTED, subject to the following:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its 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. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. 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).

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

CASE NAME STORM
CASE NUMBER 2010-0024-SP4
DATE 8/31/09

[illegible]

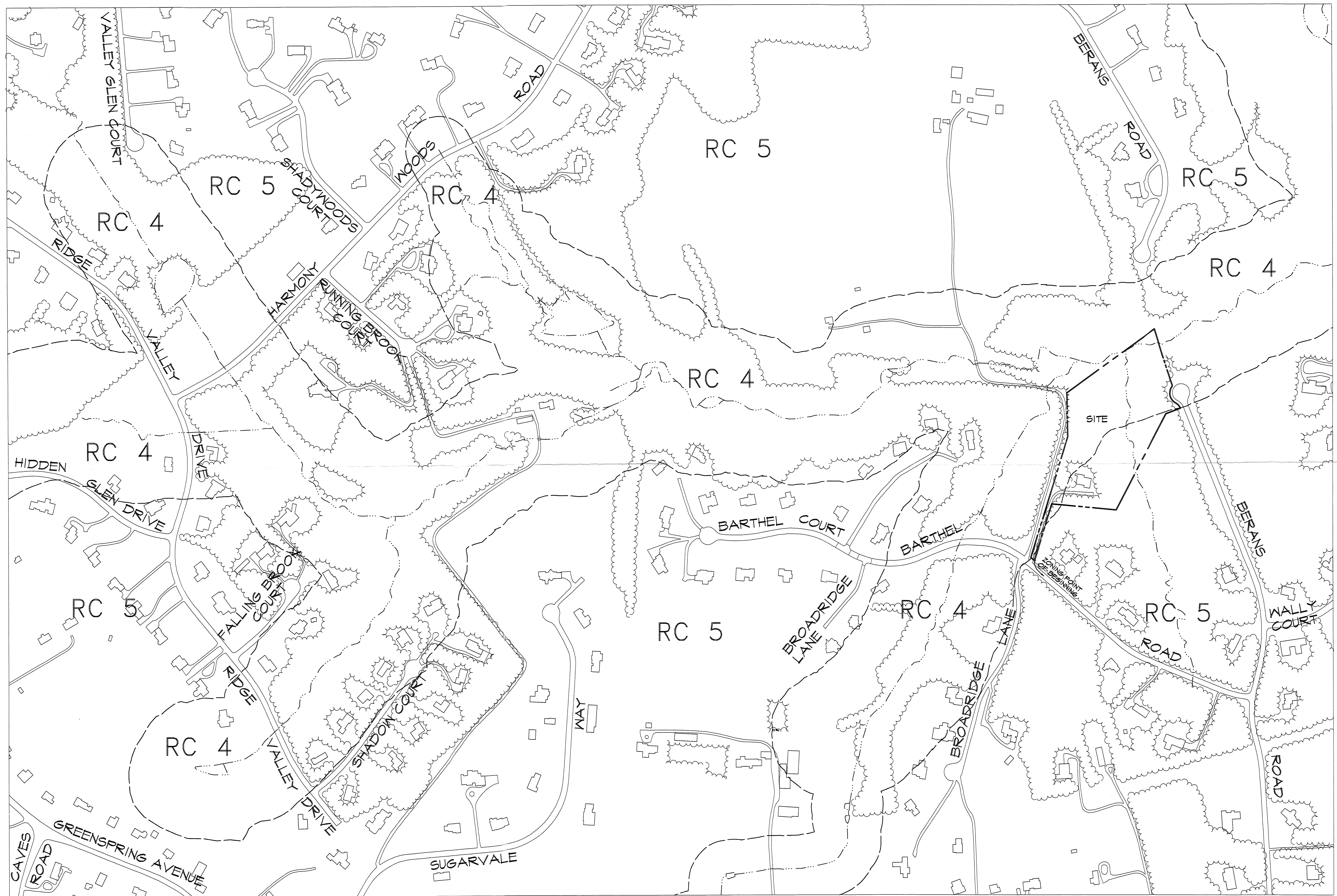
Case No.: 2010-0024-SPH 1612 ÷ 1614 BARTHEL ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1 1-A 10/2 1-B 20/2	Two-Paged 2nd Amended final Dev. Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

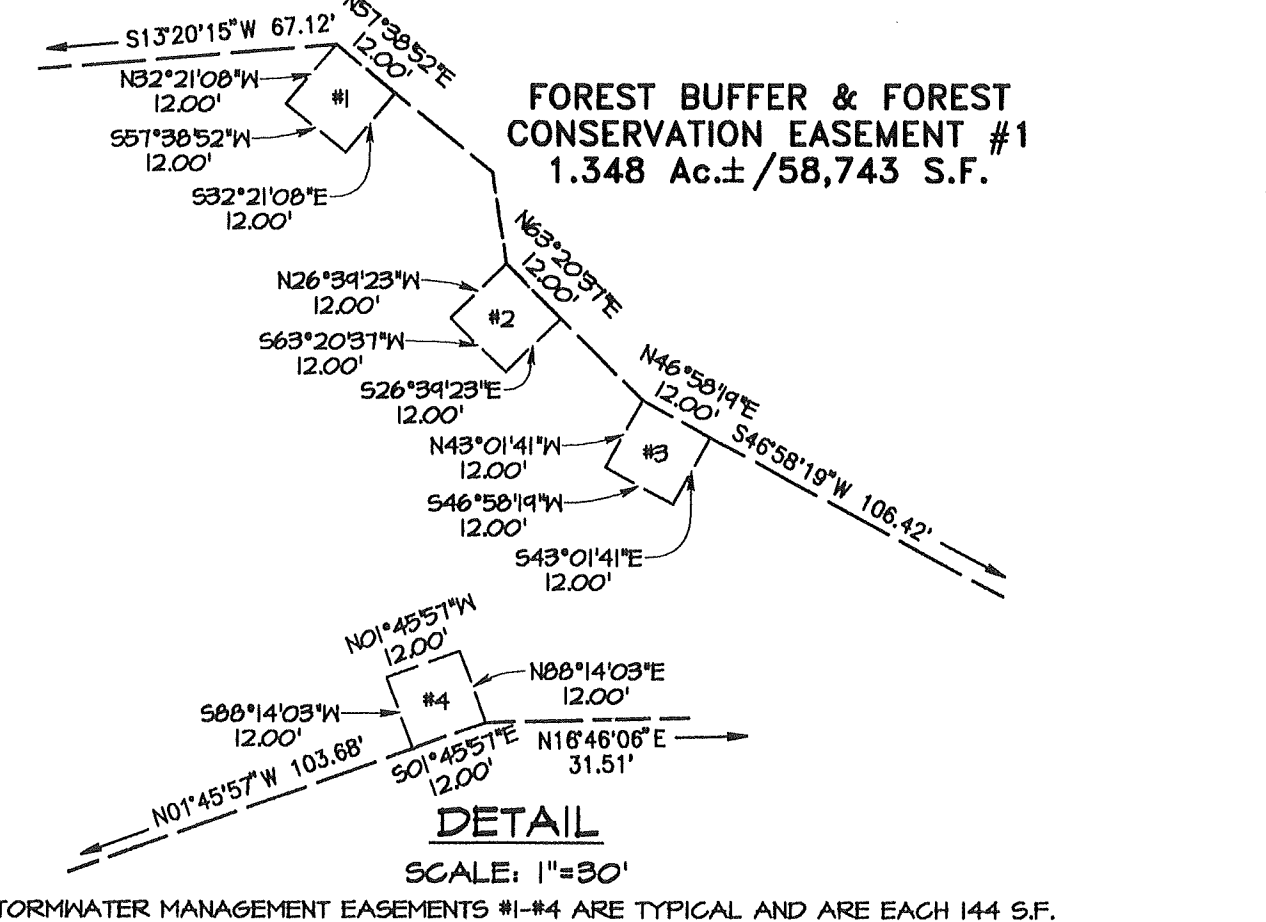
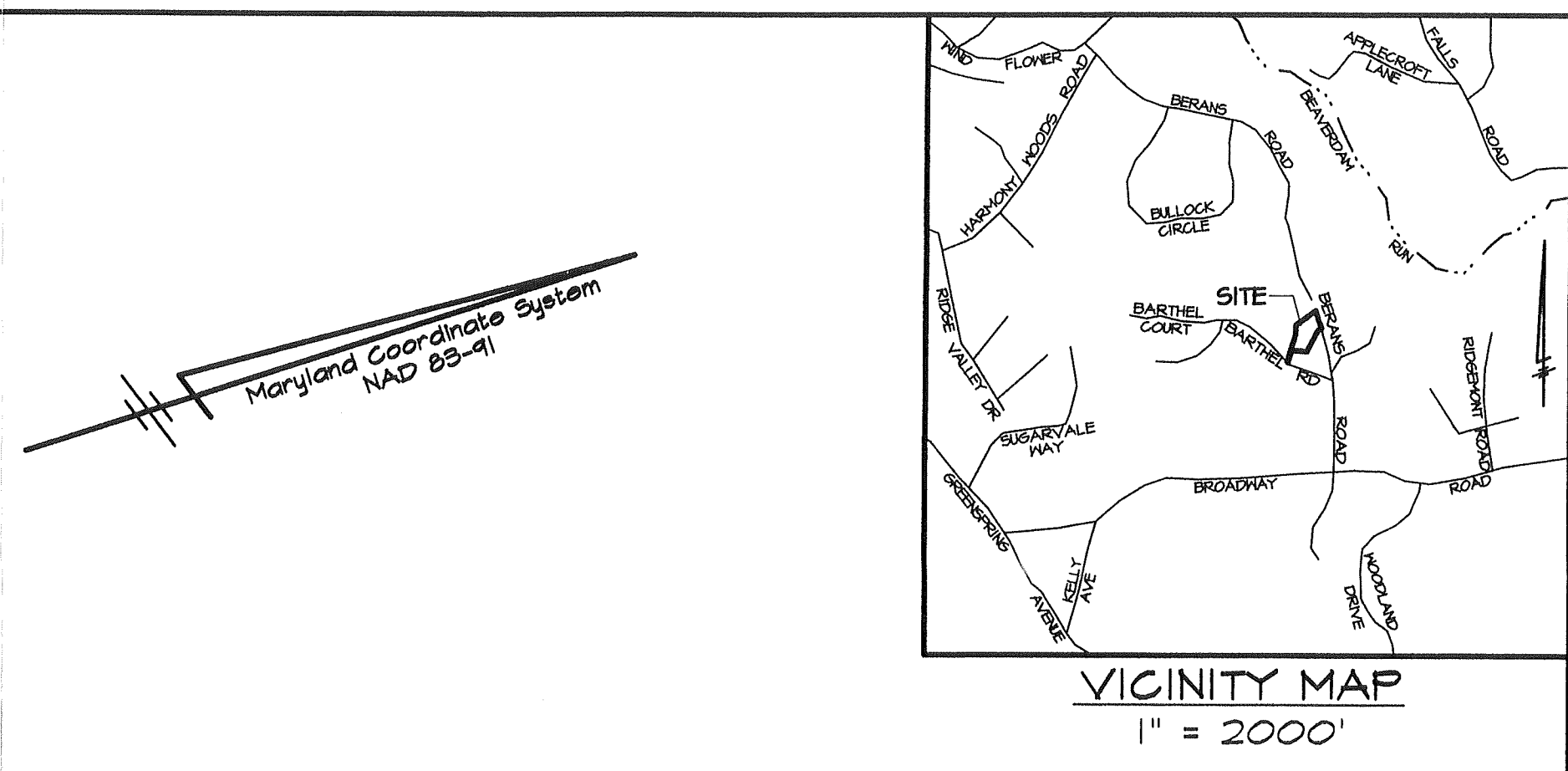
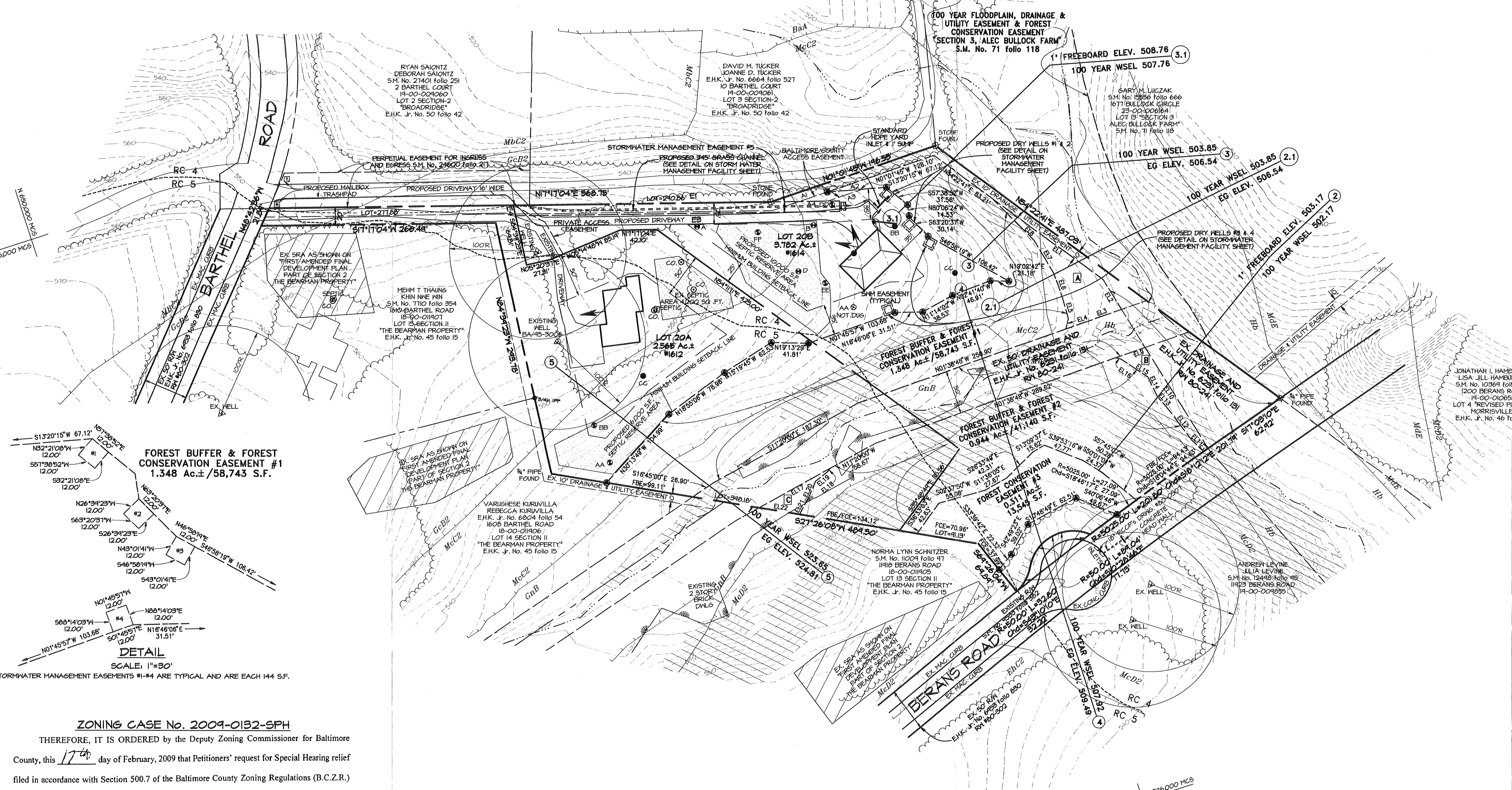


MARYLAND COORDINATE SYSTEM
NAD83(11)

ZONING MAP

GIS TILE: 050B3

SCALE: 1" = 200'



ZONING CASE No. 2009-0132-SPH
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 17th day of February, 2009 that Petitioners' request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a portion of the existing septic system in a different zone than the dwelling be and is hereby GRANTED, subject to the following:

- Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its 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.
- 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 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).

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

Thomas H. Bostwick
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pe

LEGEND

EXISTING WELL	△	SOIL LINE	—
EXISTING CLEANOUT	○	WOODS LINE	—
PROPOSED WELL AREA	⊙	EXISTING PAVING	—
PROPOSED PERC TEST	●	PROPOSED PAVING	—
EXISTING PERC TEST	●	LIMIT OF WETLANDS	—
FAILED PERC TEST	●	LIMIT OF DISTURBANCE	—
PROTECTIVE SIGN LOCATIONS	●	PROPERTY LINE	—
PROPOSED DWELLING	⊠	CONTOURS	—
EXISTING BUILDING	⊠	SLOPES ≥ 25%	—

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/SEASMENT	STREETS & PARKING
6cB2	Slight	Slight	Moderate slope
6cC2, 6cC2	Moderate slope	Moderate slope	Severe slope
6cB	Severe, high water table; moderately slow permeability	Severe, high water table	Severe, high water table
1b	Severe, high water table; flooding hazard	Severe, high water table; flooding hazard	Severe, high water table; flooding hazard
6aA	Severe, high water table; poor natural drainage; slow permeability	Severe, high water table; poor natural drainage	Severe, high water table; poor natural drainage
6cD2	Severe slope	Severe slope	Severe slope

BALTIMORE COUNTY ACCESS EASEMENT
0.008 Ac. ± 374 S.F.

LINE	BEARING	DISTANCE
A1	N0°10'45"W	32.84'
A2	N8°20'19"E	40.30'
A3	S07°01'43"E	41.83'
A4	S17°10'41"W	31.82'

STORMWATER MANAGEMENT EASEMENT #5
0.101 Ac. ± 4,347 S.F.

LINE	BEARING	DISTANCE
E1	N17°10'41"E	367.10'
E2	S12°42'56"E	12.00'
E3	S17°10'41"W	365.16'
E4	N84°34'28"W	12.21'

AGRICULTURAL NOTE
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 OF SPRAYS OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. 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 OR ENVIRONMENTAL REQUIREMENTS.

REASON FOR SECOND AMENDMENT
TO RESUBDIVIDE LOT 20 INTO LOTS 20A & 20B.

DRC NUMBER: 041408B; DIST. 8C2. NOTE
1. THE DEVELOPMENT REVIEW COMMITTEE HAS DETERMINED THAT THIS PROJECT MEETS THE REQUIREMENTS OF A LIMITED EXEMPTION UNDER SECTION 92-4-106(b)(3).

DIRECTOR OF PDM NOTE
THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF PDM BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY, AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN IDENTIFIED FOR DENSITY TO SUPPORT DWELLINGS SHOWN HEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A BUILDING IS CONSTRUCTED AND TRANSFERRED.

LAND ACQUISITION NOTE
THE OWNER SHALL CONVEY TO BALTIMORE COUNTY, "FOREST BUFFER & FOREST CONSERVATION EASEMENTS #1-#3", "100 YEAR FLOODPLAIN, DRAINAGE & UTILITY EASEMENT & FOREST BUFFER EASEMENTS #4-#6", "STORMWATER MANAGEMENT EASEMENTS #5-#7", AND "BALTIMORE COUNTY ACCESS EASEMENT", AS SHOWN HEREON, AND ON THE PLAT ENTITLED "RESUBDIVISION OF LOT 20 SECTION II THE BEARMAN PROPERTY", WHICH PLAT IS INTENDED TO BE RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY.

FOREST BUFFER & FOREST CONSERVATION EASEMENT NOTES
1. THERE SHALL BE NO CLEARINGS, GRADINGS, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER & FOREST CONSERVATION EASEMENT AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. ANY FOREST BUFFER & FOREST CONSERVATION EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO THE PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

100 YEAR FLOODPLAIN, DRAINAGE & UTILITY EASEMENT & FOREST BUFFER EASEMENT #4
0.105 Ac. ± 4,581 S.F.

LINE	BEARING	DISTANCE
E1	N54°22'41"E	156.48'
E2	N76°14'37"E	39.92'
E3	S07°38'48"E	68.87'
E4	N89°03'27"W	12.30'
E5	N87°33'55"W	24.75'
E6	S88°40'43"W	29.55'
E7	S77°21'58"W	44.01'
E8	S62°48'14"W	67.84'

100 YEAR FLOODPLAIN, DRAINAGE & UTILITY EASEMENT & FOREST BUFFER EASEMENT #5
0.050 Ac. ± 2,194 S.F.

LINE	BEARING	DISTANCE
E1	N07°38'48"W	34.84'
E2	N76°14'37"E	135.78'

LINE Radius Length Chd. Bear.

C1	5025.00'	6.04'	S17°30'04"E
Chord	Delta	Tangent	
6.04'	704.08'	3.02'	

100 YEAR FLOODPLAIN, DRAINAGE & UTILITY EASEMENT & FOREST BUFFER EASEMENT #6
0.027 Ac. ± 1,178 S.F.

LINE	BEARING	DISTANCE
E1	N112°00'00"W	92.98'
E2	S32°10'30"E	5.18'
E3	S32°10'30"E	17.42'
E4	S45°58'35"E	20.48'
E5	S44°31'05"E	21.24'
E6	S27°26'08"W	46.30'

DENSITY CALCULATIONS
AREA IN R.C. 4 = 178,747 Sq. Ft. or 4.086 Ac. ±
LOTS PERMITTED: LESS THAN 6 Ac. = 1
LOTS PROPOSED = 1

AREA IN R.C. 5 = 49,068 Sq. Ft. or 2.274 Ac. ±
LOTS PERMITTED: 2.274 Ac. x 0.5 = 1.137
LOTS PROPOSED = 1

OWNER/DEVELOPER
CHARLES A. JR. & CYNTHIA K. STURM
1612 BARTHEL ROAD
LUTHERVILLE, MD 21043
410-561-1844

PDM #08-877
SHEET 2 OF 2
SECOND AMENDED
FINAL DEVELOPMENT PLAN
LOT 20 SECTION II
THE BEARMAN PROPERTY
PLAT BOOK E.H.K. Jr. No. 45 folio 15
1612 BARTHEL ROAD
Deed Ref: E.H.K. Jr. No. 6910 folio 580
Tax Account No: 18-00-011912
Zoned R.C. 4 & R.C. 5; 615 Tile 050B3
Tax Map 50; Grid 22; Parcel 25B; Lot 20
8th ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=60' Date: JUNE 8, 2009

PETITIONER'S
EXHIBIT NO. 1B

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: E.D.-L. DRAWN: C.J.B. CHECKED: S.A.L. FILED: S:\Storm\Bartel\Map.ppt
OFFICE OF PLANNING & ZONING

DIRECTOR OF PLANNING	Date
DIRECTOR OF P.D.M.	Date

PDM #08-877

SHEET 1 OF 2

SECOND AMENDED

FINAL DEVELOPMENT PLAN

RESUBDIVISION OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 AND PARCEL A
INTO LOTS 1 THRU 19 AND 21 THRU 23

PART OF SECTION II

THE BEARMAN PROPERTY

(SEE PLAT BOOK 5H K18 45-15)

ST. ELECTION DIST BALTO CO. MD
3RD COUNCILMANIC DIST
CENSUS TRACT 4083

ORIGINAL DEV. PLAN APPROVED 7-18-79

REASON FOR
FIRST AMENDMENT: CHANGE IN ZONING LAW IN
RCS ZONE PERMITTED ADDITIONAL LOTS

THERE ARE NO LOTS SOLD IN SECTION II

CHANGE IN DENSITY FROM 0.26 TO 0.34

REASON FOR SECOND AMENDMENT

TO RESUBDIVIDE LOT 20 INTO LOTS 20A & 20B.

DRC NUMBER: 041408B; DIST. 8C2, NOTE

1. THE DEVELOPMENT REVIEW COMMITTEE HAS DETERMINED THAT THIS PROJECT MEETS THE
REQUIREMENTS OF A LIMITED EXEMPTION UNDER SECTION 52-4-106(b)(5).

DIRECTOR OF PDM NOTE

THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF PDM BASED ON HIS INTERPRETATION OF THE
ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY, AND BULK CONTROLS AS THEY
ARE DELINEATED IN THE REGULATIONS, ANY PART OR PARTS OF THIS TRACT THAT HAS BEEN UTILIZED FOR
DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR
DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON
SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A BUILDING IS CONSTRUCTED AND TRANSFERRED.

OFFICE OF PLANNING & ZONING

DIRECTOR OF PLANNING

Date

DIRECTOR OF P.D.M.

Date

1. MOST OF THE SOILS ON THIS SITE ARE SUSCEPTIBLE TO EROSION
TO VARYING DEGREES; THEREFORE ALL CONSTRUCTION AND RELATED
GRADING SHOULD BE PLANNED TO MINIMIZE DISTURBANCE OF EXISTING
GROUND SURFACE. WHERE SIGNIFICANT DISTURBANCE OCCURS IT WILL
BE NECESSARY TO PROVIDE EROSION CONTROL STRUCTURES SUCH
AS STAKED BALES AND TERMS UNTIL THE DISTURBED AREA
IS SEEDING OR SOLED.

PETITIONER'S

EXHIBIT NO. 1

NOTES

1. ENVELOPES SHOWN HEREON ARE FOR THE PURPOSE OF
THE LOCATION OF ALL PRINCIPLE BUILDINGS ONLY, ACCESSORY
STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE
CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY
WITH SECT 52-4-301 OF BALTO CO. ZONING REGULATIONS
2. ENVELOPES SHALL GOVERN AS BUILDING RESTRICTION LINE
3. PRINCIPLE BUILDING SETBACKS SHOWN THUS
APPROVED SEPTIC AREAS SHOWN THUS
APPROVED WELL AREAS SHOWN THUS
4. LOTS SHOWN ARE FOR SINGLE FAMILY RESIDENTIAL USE
ONLY AND ARE FOR SALE
5. NO FURTHER SUBDIVISION OF PARCELS SHOWN HEREON WILL
BE ALLOWED UNLESS APPROVED BY THE BALTO CO DEPARTMENT
OF PLANNING AND ZONING
6. NO BUILDING PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION
OF A DWELLING ON A LOT SHOWN ON THE FINAL PLAT UNTIL
A WELL APPROVED BY THE APPLICABLE STATE AND COUNTY
AGENCIES HAVING JURISDICTION HAS BEEN LOCATED ON THE
SITE OF ANY LOT
7. WHERE APPLICABLE UTILITIES SHALL BE INSTALLED IN
ACCORDANCE WITH CURRENT REGULATIONS OR AS AMENDED
BY THE PUBLIC SERVICE COMMISSION OF MD REGARDING
UNDERGROUND SERVICES
8. IF AND WHEN WATER AND SEWER FACILITIES BECOME AVAILABLE
TO THIS SUBDIVISION, CONNECTION THERE TO SHALL BE REQUIRED
BY THE AGENCY HAVING JURISDICTION
9. ALL PANHANDLE DRIVEWAYS MUST BE CONSTRUCTED TO
THE REAR LOT PRIOR TO THE SALE OF LOTS
10. REFUSE TO BE COLLECTED BY BALTIMORE COUNTY
11. THE EXACT LOCATION OF DRIVEWAY OR PARKING PAD ARE TO BE
DETERMINED BY HOMEOWNERS AT TIME OF BUILDING
12. ALL PARKING PAD OR DRIVEWAYS TO BE PAVED WITH A
DURABLE DUSTLESS MATERIAL (CONCRETE OR ASPHALT)
13. LIGHTING FOR OFFSTREET PARKING SUBJECT TO ZONING
REGULATIONS
14. ARROWS (→) SHOW APPROXIMATE DIRECTION OF FRONT
OF FUTURE DWELLING
15. LANDSCAPING AND GRADING OF LOT TO BE PERFORMED BY
INDIVIDUAL LOT OWNERS
16. GRADING TO BE CONFINED TO HOUSE SITE ONLY
17. PRINCIPLE BUILDING SETBACKS 50' FRONT, SIDE AND
REAR YARD
18. ALL ROAD PLANS HAVE BEEN APPROVED BY BALTO CO
19. ENTIRE TRACT IS WOODED
20. ADT. 124 X 29 = 360 TOTAL
21. STREET LIGHTS NOT TO EXCEED 12' IN HEIGHT SHOWN THUS
22. FOR PANHANDLE LOTS, REFUSE COLLECTION,
SNOW REMOVAL AND ROAD MAINTENANCE ARE PROVIDED
TO JUNCTION OF THE PANHANDLE DRIVE AND THE
ROAD RIGHT OF WAY ONLY AND NOT ONTO THE
PANHANDLE DRIVEWAY
23. REFERENCE TO RIGHT OF WAY GUARANTY & MAINTENANCE AGREEMENTS
TO BE SET IN ALDEEDS TO LOTS THAT HAVE USE OF PANHANDLES

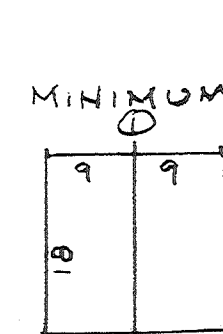
ZONED PCS
AREA IN REVISED SECTION II 15 AC.
NO. OF LOTS ALLOWED: 42
NO. OF LOTS PROPOSED: 22
DENSITY: .34

ZONED PCS	SECTION I	SECTION II	TOTAL
AREA	26.30 AC	85.34 AC	113.64 AC
NO. OF LOTS ALLOWED	28, 34, 47, 88, 111	83, 34 X 47 = 56, 127	75, 80 LOTS
NO. OF LOTS SHOWN	12	29	41
DENSITY OF ENTIRE TRACT			0.36

DEVELOPER - OWNER
HERBERT BEARMAN
6320 GREEN SPRING AVE
BALTO. MD. 21209
DEED REF OTG 5023-674

DRAINAGE AREA NO 11
SUB SEWER NO 36

PLAN APPROVED 3-16-83



PARKING
2 SPACES OFF STREET REQUIRED
2 X 29 = 58 REQ
58 SHOWN

ROAD PAVING 24' WIDE BERM CURBS

ADT. WALLY COURT 12.4 X 14 = 174
BEARMAN ROAD 12.4 X 7 = 87
BATHEL ROAD 12.4 X 8 = 99
TOTAL = 360

PETITIONER'S
EXHIBIT NO. 1A

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Tomsantown Boulevard
Tonsen, Maryland 21286
(410) 823-4470

