

IN RE: PETITION FOR SPECIAL HEARING *
E/Side of Middle River Road, 270' N of *
C/line of Pawnee Road *
(517-B Middle River Road) *
15th Election District *
6th Council District *
Michael Osborne, Sr., et ux *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2010-0126-A

* * * * *

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 legal property owners, Michael Osborne, Sr. and his wife, Patricia Osborne. Special hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a waiver to the development regulations contained in Sections 32-4-107 and 32-4-409 of the Baltimore County Code (B.C.C.) to permit a 10-foot wide paved and cleared panhandle driveway in lieu of the required 16 feet.¹ The subject property and requested relief are more fully described on the site plan submitted which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing was Michael Osborne, Sr., property owner, and Thomas A. Church, the professional engineer and zoning consultant who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is irregularly shaped

¹ As the Zoning Advisory Committee (ZAC) comment received from the Bureau of Development Plans Review reveals, they determined under their General Standards contained in their Plans Review Policy Manual and from Section 32-4-107 of the B.C.C. that 16 feet is the required width for the driveway.

ORDER RECEIVED FOR FILING

Date 1-9-10

BY 23

and contains approximately 1.53 acres of land zoned primarily D.R.5.5 with a thin strip of D.R.16 at the northern boundary. The property is located on the east side of Middle River Road between Compass Road and Pawnee Road in the Essex/Middle River area of the County. As the site plan demonstrates, the property is divided into two (2) lots: Lot 1 - 517-B, which contains approximately .87 acres of land improved with a single-family dwelling where Michael and Patricia Osborne have lived for the past 28 years, and Lot 2 - 517-C, which contains approximately .66 acres of land and currently unimproved. Lot 1 - 517-B is closer to Middle River Road (about 400 feet) and the existing dwelling is accessed via a 10-foot-wide driveway that exclusively serves the subject property. Lot 2 - 517-C lies immediately east of the existing dwelling, and testimony revealed that the Petitioners wish to improve this lot with a single-family dwelling in which their son, Michael, Jr. and his wife, Heather, will reside. Petitioners are not requesting any variance relief for construction of the dwelling and are solely seeking approval for a 10-foot wide panhandle driveway in lieu of the required 16 feet. This driveway would exclusively serve the property designated on the site plan and the subject of this request as neighboring properties have their own access ways off of Middle River Road.

In an effort to assist the undersigned, Mr. Church marked the Petitioners' site plan at the outset of the public hearing in yellow (outlining the existing and proposed dwellings), and in green (highlighting the existing and proposed driveway that is the subject of this hearing). Testimony revealed that there is an existing 10-foot wide access driveway that leads from Middle River Road to a turnaround area in front of the Petitioners existing dwelling on Lot 1 - 517-B. Mr. Church explained, in its review of the minor subdivision proposal, that the Office of Planning approved two (2) five-foot wide strips in lieu of the required 10 feet of paving for the existing parking area in front of the existing dwelling. However, when the Petitioners submitted

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their request to extend the existing driveway to serve the proposed dwelling on Lot 2 - 517-C, Lieutenant Bosley of the Fire Department expressed concern. The Petitioners have since reached an agreement with Lieutenant Bosley as the Fire Department does not oppose the request to keep a ten-foot wide driveway as long as the Petitioners agree to construct a turnaround for fire and emergency vehicle access to the proposed dwelling on Lot 2 - 517-C. The requested turnaround, which alleviates the concerns of the fire department, is reflected on the site plan submitted in this case as Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning, dated November 12, 2009, which indicate that the Office does not oppose the requested relief. The Office of Planning granted a waiver of in-lane strips, each having a width of 5 feet for this property, on December 17, 2007.² Tom Church then wrote a letter to the Office of Planning requesting that they grant a waiver of paving width. The Office of Planning does not have the authority to grant a waiver of paving width unless the Director finds that the waiver is in compliance with other County ordinances and regulations. Development Plans Review had indicated that the paving width was not adequate.

The Bureau of Development Plans Review in its ZAC comment, dated October 29, 2009, indicated that B.C.C. Section 32-4-409(i)(1), states that "the panhandle driveway shall be built in accordance with standards established by the Director of Public Works." The established standard detail (R-P) calls for the driveway to be 16 feet wide. However, as the minor subdivision plan shows, the developer only owns a 10-foot wide strip of land for driveway use. In cases like this, Public Works asks the developer to contact the adjacent property owners to see

² The approval letter from the Office of Planning is also contained in the case file.

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Date 1-6-10
By 123

if they are willing to convey land or an easement sufficient to provide the required 16-foot width. If they are not willing, and the developer has made a fair market offer, the Director of Public Works (DPW) will consider a request to reduce the width requirement. In this case, as far as DPW know, no contact with adjacent property owners had been made. Accordingly, they assumed developer simply wished for DPW to grant the waiver. The requirement for a developer to acquire offsite right-of-way prior to approval of a plan is commonplace in the development process. They recommended that this case be treated the same, i.e., that the developer be required to contact all adjacent property owners with fair market value offers to buy land or easement. If offers are accepted, the developer builds the required 16-foot-wide pavement. If none of the offers are accepted, the Director of Public Works will consider reducing the required section to the existing 10 feet. If offers are accepted, such that pull-over areas could be built, the Director would consent to that. But, at minimum, an effort to acquire the right-of-way should be required.

Based on the testimony and evidence presented at the hearing, I am persuaded to grant the requested relief. Testimony presented at the public hearing revealed that, consistent with the Bureau of Development Plans Review comment, the Petitioners made legitimate efforts to purchase a 6-foot strip of property from neighboring residents in order to meet the requirement for a 16-foot panhandle driveway. Mr. Church provided documentation from Brian T. Counts, 517 Middle River Road, and George and Patricia Counts, 517-A Middle River Road, indicating that they declined the Petitioners' offer to purchase the strip of property that would be necessary to pave the required 16-foot strip of panhandle driveway. The documentation is contained in the case file and made a part of the record in this case. Thus, I find that the Petitioners have made legitimate efforts to meet the Bureau of Development Review's request, and have provided a

UNDER REVIEW FOR FILING

Date 1-6-10

By

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practical solution to the Fire Department's concerns for emergency vehicle movement by proposing a turnaround in front of the proposed dwelling on Lot 2 - 517-C.

After considering all of the evidence, I am persuaded that the requested special hearing can be granted without having any negative effect on the surrounding locale. The driveway access will only serve the subject property as all of the neighboring properties possess their own means of access to Middle River Road. The turnaround reflected on the site plan alleviates the Fire Department's concerns with regard to accessibility and circulation, and I find that this request can therefore be granted in accordance with the spirit and intent of the B.C.Z.R. I find sufficient justification as described above for the request and pursuant to B.C.C. Section 32-4-107(a), the waiver is hereby allowed.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 6th day of January 2010, that Petition for Special Hearing seeking approval pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 32-4-107 of the Baltimore County Code (B.C.C.), for the development of the site allowing a 10-foot wide paved and cleared panhandle driveway in lieu of the required 16 feet, in accordance with Petitioners' Exhibit 1, 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 his 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. Petitioners shall construct the turnaround as indicated on the site plan submitted as Petitioners' Exhibit 1.

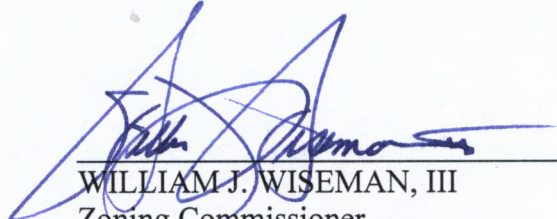
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Date 1-6-10

By 193

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

WJW:dlw



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1-6-10
By 123



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 6, 2010

Michael Osborne, Sr.
Patricia Osborne
517-B Middle River Road
Baltimore, Maryland 21220

RE: PETITION FOR SPECIAL HEARING

E/Side of Middle River Road, 270' N of C/line of Pawnee Road
(517-B Middle River Road)
15th Election District - 6th Council District
Michael Osborne, Sr., et ux - Petitioners
Case No. 2010-0126-A

Dear Mr. and Mrs. Osborne:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with conditions, 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 "Will Wiseman", written over a circular stamp or seal.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Thomas A. Church, P.E., Development Engineering Consultants, Inc., 6603 York Road,
Baltimore, MD 21212
Lt. Roland P. Bosley, Jr., Fire Marshal's Office, Fire Department
People's Counsel; Office of Planning; DPR; File

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

BW 12/10/09
2010-0126-
SPH
9AM

TO WHOM IT MAY CONCERN

Subject: Minor Subdivision, Special Hearing 10-126-SPH

Osborne Property – 517B Middle River Road
Our Contract No.: 08-109

The property owners of Lot #517B Middle River Road, Mr. & Mrs. Michael Osborne, Sr. requested the adjacent property owners of 517 and 517A to sell fee simple a 6 foot strip of land on the north side of the existing 10 foot wide panhandle. This existing panhandle is the only ingress/egress serving Lot 517B and the future Lot 517C.

This request for sale was refused by:

Brian T. Counts

Brian T. Counts – 517 Middle River Road

George Counts

George and Patricia Counts – 517A Middle River Road

Patricia Counts

RECEIVED

DEC 24 2009

ZONING COMMISSIONER

Office of Planning

401 Bosley Avenue, Suite 406
Towson, Maryland 21204
Tel: 410-887-3211 • Fax: 410-887-5862
E-mail: planning@co.ba.md.us



Baltimore County

James T. Smith, Jr., County Executive
Arnold F. 'Pat' Keller, III, Director

December 17, 2007

Mr. Joseph L. Larson, President
Spellman, Larson & Associates, Inc.
222 Bosley Avenue, Ste. B-3
Towson, MD 21204

Re: Osborne Property, 517-B Middle River Road
Minor Subdivision 07068M

Dear Mr. Larson:

Your request for a waiver from the provision of Section 32-4-409 (b)(2)(ii) of the Baltimore County Code has been APPROVED. As such the proposed two lot minor subdivision of the Osborne Property at 517-B Middle River Road may utilize two in-fee strips having a width of 5' each for a total of 10' combined width in lieu of the required 12' single and 24' combined widths. The reduced width in-fee strips shall accommodate a single driveway serving 517-B and 517-C Middle River Road. Said access shall be protected by a permanent use-in-common/maintenance agreement that shall run in perpetuity with the proposed Lots 1 and 2, Osborne Property. The permanent use-in-common/maintenance agreement and shall be recorded with the respective deeds for each named lot or property.

Should you have questions concerning the matters stated herein, please contact Lloyd T. Moxley with the Office of Planning at 410-887-3480.

Sincerely,

A handwritten signature in black ink that reads "Pat Keller". The signature is stylized with a large, looped "P" and "K".

Arnold F. 'Pat' Keller, III
Director

AFK:LL:LTM





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 517-B MIDDLE RIVER ROAD
which is presently zoned DR 5.5 AND DR 16

(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)

Waiver to Development Regulations 32-4-107
To permit a 10 foot wide paved and cleared panhandle driveway in
lieu of required General Standards and Regulations in Sec. 32-4-409 BCC.

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:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

MICHAEL OSBORNE, SR.
Name - Type or Print
Michael Osborne
Signature
PATRICIA OSBORNE
Name - Type or Print
Patricia Osborne
Signature

517-B MIDDLE RIVER RD. 410-244-0783
Address Telephone No.
BALTIMORE, MD 21220
City State Zip Code

Representative to be Contacted:

THOMAS A. CHURCH, P.E.
Name DEVELOPMENT ENGINEERING CONSULTANTS,
6603 YORK RD. 410-377-2606 INC.
Address Telephone No.
BALTIMORE, MD 21212
City State Zip Code

FAX NO 410-377-2625
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2010-0126-SPH
REV 9/15/98

UNAVAILABLE FOR HEARING _____
Date 10/17/09

Accepted for filing by _____

ORDER RECEIVED FOR FILING

Date 1-6-10

By ISW

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

**ZONING DESCRIPTION
FOR
#517-B MIDDLE RIVER ROAD**

BEGINNING for the same at a point on the east side of Middle River Road, 60 feet more or less wide, said point being 270 feet north of the centerline of Pawnee Road, 80 feet more or less. Thence the following courses and distances: 1) North 52 degrees 44 minutes 02 seconds East, 150.33 feet, 2) North 55 degrees 13 minutes 38 seconds East, 585.76 feet, 3) North 18 degrees 39 minutes 58 seconds West, 242.00 feet, 4) South 52 degrees 50 minutes 02 seconds West, 276.25 feet, 5) South 18 degrees 39 minutes 58 seconds East, 219.53 feet, 6) South 55 degrees 14 minutes 36 seconds West, 313.60 feet 7) South 52 degrees 44 minutes 02 seconds West, 150.45 feet, 8) South 19 degrees 17 minutes 40 seconds East, 10.52 feet to the point of beginning.

CONTAINING 66,647 square feet or 1.53 acres of land, more or less.

BEING the same parcel of land described in Deed 6287/812.

ALSO known as 517-B Middle River Road, and located in the 15th Election District.

Contract No.: 08-109

October 15, 2009



2010-0126-SPH

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 2010-0126-SPH
Petitioner: Michael & Patricia Osborne
Address or Location: 517-B Middle River Rd.

PLEASE FORWARD ADVERTISING BILL TO

Name: Thomas A Church PE
Address: 6603 York Rd.
Baltimore, Md. 21212
Telephone Number: 410-377-2606

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

No. **47494**
 Date: **10/19/09**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325.00

Total: **325.00**

Rec From: Development Engineering Consultants, Inc
 For: 517-B Middle River Rd.
Case # 2010-0126-SPH

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 10/20/2009 10/19/2009 16:20:03 2
 REG #505 WALKIN TOOL TRD
 >>RECEIPT # 508473 10/19/2009 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 047494

Recpt Tot \$325.00
 \$325.00 CK \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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

No. 47491

Date: 10/19/09

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325.00

Total: 325.00

Rec
 From: Development Engineering Consultants, Inc

For: 517-B Middle River Rd.

Case # 2010-0126-SPH

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: # 2010-0126-SPH
517 B Middle River Road
E/side of Middle River Road,
270 feet north of the
centerline of Pawnee Road
15th Election District
6th Councilmanic District
Legal Owner(s): Michael &
Patricia Osborne

Special Hearing: for a
waiver to development reg-
ulations 32-7-4-107; to per-
mit a 10 foot wide paved
and cleared panhandle
driveway in lieu of the re-
quired General Standards
and Regulations in section
32-4-409 BCC.

**Hearing: Thursday, De-
cember 10, 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 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.

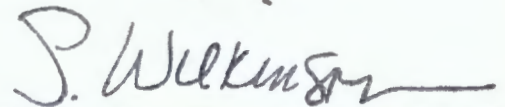
JT/11/899 No 24 222378

CERTIFICATE OF PUBLICATION

11/26/2009

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 11/24/2009.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE Proposed 2010-0126-SPH

Petitioner/Developer:
Michael & Patricia Osborne.

Date of Hearing/closing: December 10 , 2009

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn; Kristin Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were
517 B Middle River Road E/ Side of Middle River Road, 270 feet north of the centerline of Pawnee
Road

The sign(s) were posted on November 25 2009
(Month, Day, Year)

Sincerely,

Robert Black Nov28 2009

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2010-0126-SPH

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

PLACE: ROOM 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: THURSDAY, DECEMBER 10, 2009 AT 9:00 A.M.

REQUEST: SPECIAL HEARING FOR A WAIVER TO DEVELOPMENT
REGULATIONS 32-7-4107, TO PERMIT A WIDE A 10 FOOT WIDE PAVED
AND CLEARED DRIVEWAY IN LIEU OF THE REQUIRED GENERAL
STANDARDS AND REGULATIONS IN SECTION 32-4-409 BCC.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



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
November 13, 2009

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: 2010-0126-SPH

517 B Middle River Road

E/side of Middle River Road, 270 feet north of the centerline of Pawnee Road

15th Election District – 6th Councilmanic District

Legal Owners: Michael & Patricia Osborne

Special Hearing for a waiver to development regulations 32-7-4-107; to permit a wide a 10 foot wide paved and cleared panhandle driveway in lieu of the required General Standards and Regulations in section 32-4-409 BCC.

Hearing: Thursday, December 10, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Osbourne, Sr., 517-B Middle River Road, Baltimore 21220
Thomas Church, 6603 York Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 25, 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, November 24, 2009 Issue - Jeffersonian

Please forward billing to:
Thomas Church
6603 York Road
Baltimore, MD 21212

410-377-2606

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: 2010-0126-SPH

517 B Middle River Road

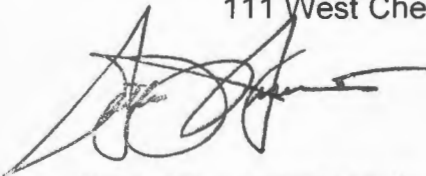
E/side of Middle River Road, 270 feet north of the centerline of Pawnee Road

15th Election District – 6th Councilmanic District

Legal Owners: Michael & Patricia Osborne

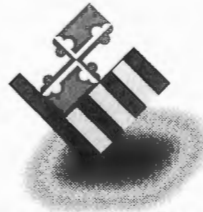
Special Hearing for a waiver to development regulations 32-7-4-107; to permit a wide a 10 foot wide paved and cleared panhandle driveway in lieu of the required General Standards and Regulations in section 32-4-409 BCC.

Hearing: Thursday, December 10, 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

December 1, 2009

Michael & Patricia Osborne
517B Middle River Rd.
Baltimore, MD 21220

Dear: Michael & Patricia Osborne

RE: Case Number 2010-0126-SPH, 517B Middle River Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 19, 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
Thomas A. Church; 6603 York Rd.; Baltimore, MD 21212

BW 12/10
9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 11 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 11, 2009

SUBJECT: Zoning Item # 10-126-SPH
Address 517 B Middle River Road
(Osborne Property)

Zoning Advisory Committee Meeting of October 19, 2009

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

Reviewer: Regina Esslinger Date: November 17, 2009



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

October 8, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 26. 2009

Item Numbers: 0126

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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: October 29, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For November 9, 2009
Item No.: 10-126

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

In Code Section 32-4-409(i)(1), it is stated that, "The panhandle driveway shall be built in accordance with standards established by the Director of Public Works." The established standard detail (R-P) calls for the driveway to be 16 feet wide. However, as the minor subdivision plan shows, the developer owns only a 10-foot-wide strip of land.

In cases like this, we ask the developer to contact the adjacent property owners to see if they are willing to convey land or easement sufficient to provide the 16-foot-width. If they are not willing, and the developer has made a fair market offer, the Director of Public Works reduces the required width.

In this case, as far as we know, no contact with adjacent property owners has been made. The developer simply wishes for you to grant the waiver.

The requirement for a developer to acquire offsite right-of-way prior to approval of a plan is commonplace in the development process. We recommend that this case be treated the same. The developer should be required to contact all adjacent property owners with fair market value offers to buy land or easement. If offers are accepted, the developer builds the required 16-foot-wide pavement. If none of the offers are accepted, the Director of Public Works will reduce the required section to 10 feet. If offers are accepted, such that pull-over areas could be built, the Director would consent to that. But, at minimum, an effort to acquire the right-of-way should be required.

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-Item no 2010-0126.11.02.2009.doc



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

Beverly K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10/27/2009

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

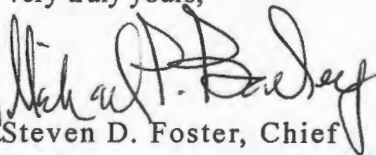
RE: Baltimore County
Item No. 2010-0126-SPH
517 B MIDDLE RIVER RD
OSBORNE PROPERTY
SPECIAL HEARING -

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. 2010-0126-SPH.

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

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 12, 2009

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

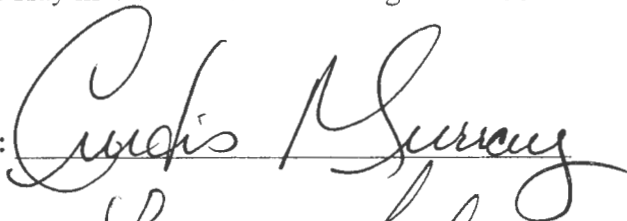
SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-126- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request to waiver the development regulations section 32-4-107 to permit a 10-foot wide paved and cleared panhandle driveway in lieu of that which is outlined in the general standards and regulations in Section 32-4-409 of the Baltimore County Code subject to any requirements of Development Plans Review.

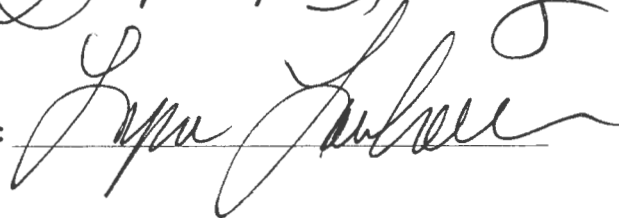
The Office of Planning granted a waiver of **in-fee strips** each having a width of 5 feet for this property on December 17, 2007 (see attached). Tom Church then wrote a letter to our office requesting that we grant a waiver of **paving width**. The Office of Planning does not have the authority to grant a waiver of paving width, unless the Director finds that the waiver is in compliance with other county ordinances and regulations. Development Plans Review had indicated that paving width was not adequate.

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

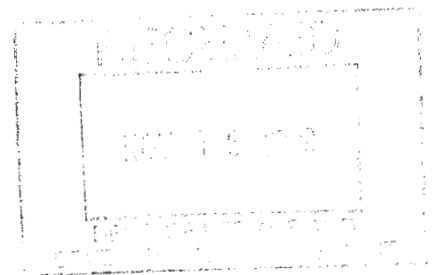
Prepared By:



Division Chief:
CM/LL



Attachment



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
517B Middle River Road; E/S Middle River *
Road, 270' N c/line of Pawnee Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Michael & Patricia Osborne* FOR
Petitioner(s) *
* BALTIMORE COUNTY
* 10-126-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

OCT 28 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of October, 2009, a copy of the foregoing Entry of Appearance was mailed to Thomas A. Church, P.E., Development Engineering Consultants, 6603 York Road, Baltimore, MD 21212, 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 vw1.1d)

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

Account Identifier: District - 15 Account Number - 1900002320

Owner Information

Owner Name: OSBORNE MICHAEL
 OSBORNE PATRICIA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 517 MIDDLE RIVER RD # B
 BALTIMORE MD 21220-3709
Deed Reference: 1) / 6287/ 812
 2)

Location & Structure Information

Premises Address 517 B MIDDLE RIVER RD
Legal Description 1.526 AC
 YEAGER

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
101	7	1520					4	3	Plat Ref: 47/ 75

Special Tax Areas Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1982	3,008 SF	1.53 AC	04

Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010
Land	74,760	74,760		
Improvements:	210,160	278,140		
Total:	284,920	352,900	307,580	330,240
Preferential Land:	0	0	0	0

Transfer Information

Seller: YEAGER THOMAS G	Date: 05/19/1981	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6287/ 812	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:

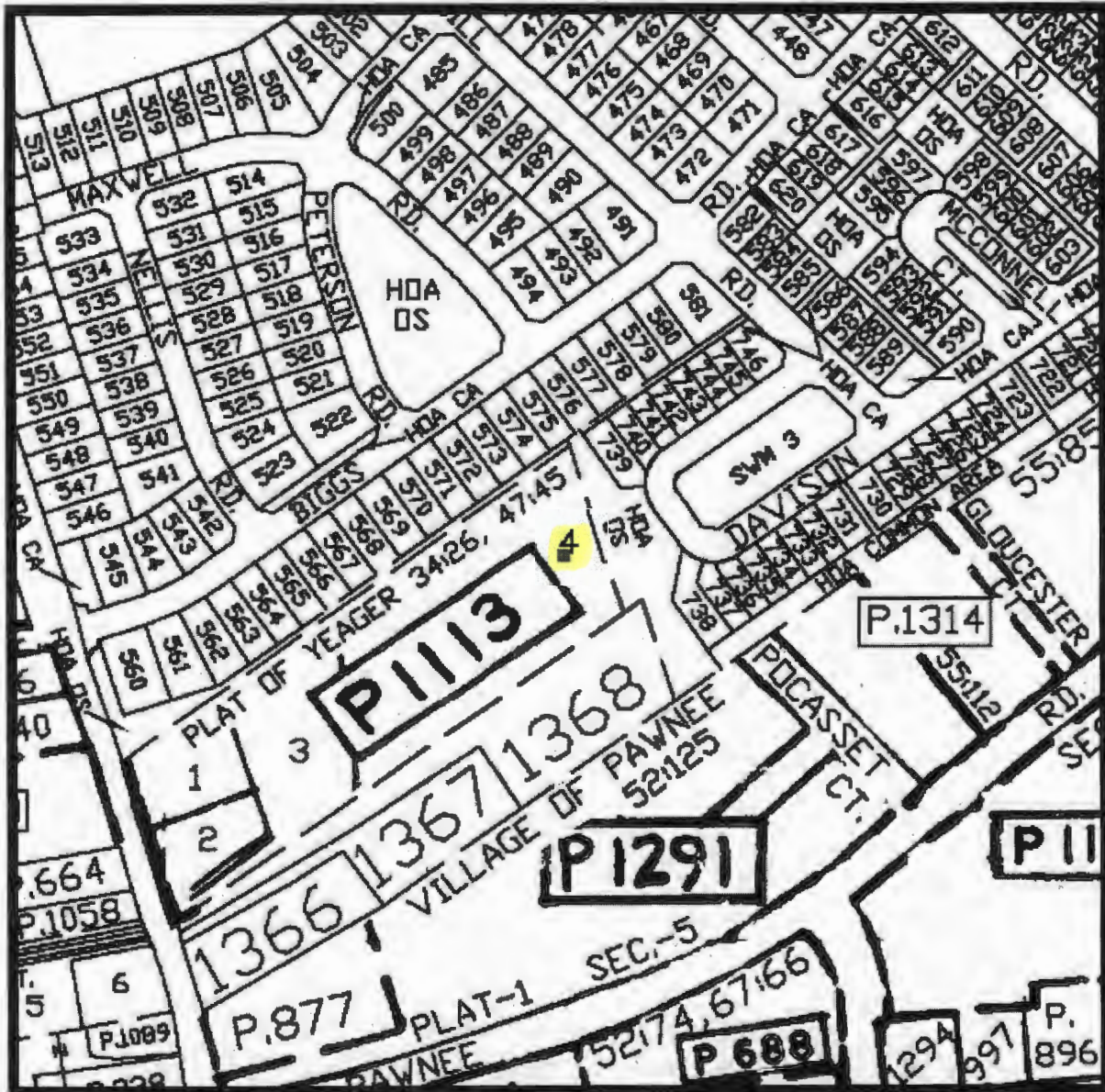
Special Tax Recapture:
 * NONE *



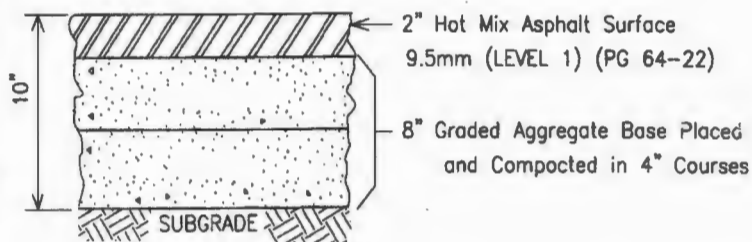
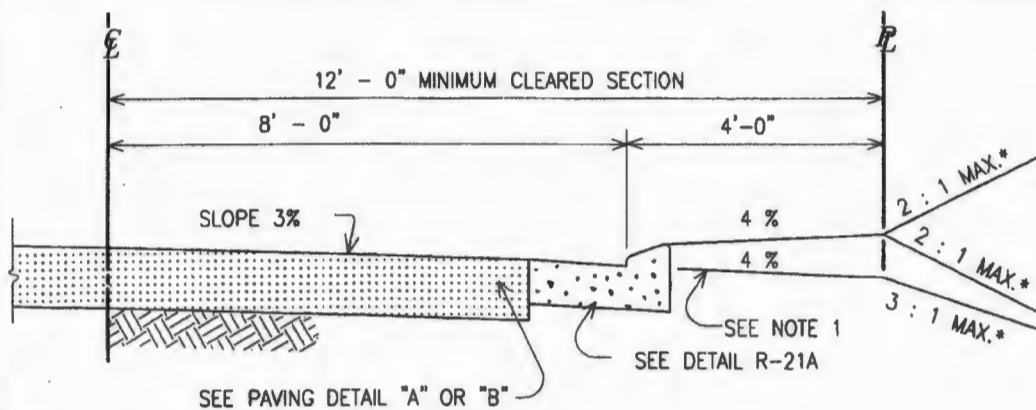
**Maryland Department of Assessments
and Taxation
BALTIMORE COUNTY
Real Property Data Search**

**Go Back
View Map
New
Search**

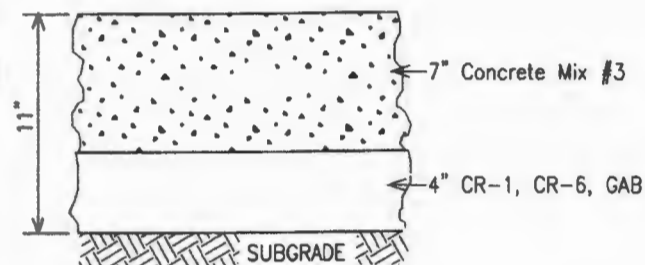
District - 15 Account Number - 1900002320



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/OurProducts/OurProducts.shtml



DETAIL "A"



DETAIL "B"

NOTES

1. STORM WATER FROM DRIVEWAY MAY BE REMOVED BY INSTALLATION OF COMBINATION INLETS CONNECTED TO THE CULVERT UNDER THE DRIVEWAY, OR BY USE OF CURB TURNOUTS SIMILAR TO DETAIL PLATE D-5.03, DISCHARGING TO A STABILIZED DRAINAGE SWALE.
2. MINIMUM HORIZONTAL CURVATURE = 30 FOOT ϵ RADIUS
3. MAXIMUM ABRUPT CHANGE IN GRADE ϵ AT ROAD R/W LINE = 8° OR 13%.
4. MAXIMUM VERTICAL CURVATURE ON ϵ PROFILE SHALL BE ESTABLISHED BY PLOTTING A 3-1/2" RADIUS CIRCULAR CURVE ON A 5 FOOT VERTICAL SCALE BY 50 FOOT HORIZONTAL SCALE PROFILE (20 MILE / HOUR DESIGN SPEED).
5. SIDEWALKS MAY BE DEPRESSED 4 INCHES BELOW STANDARD GRADE THROUGH PANHANDLE PROFILE.
6. MAXIMUM GRADE = 14%.
7. A RURAL PANHANDLE DESIGN (SEE PLATE R-Q) MAY BE PERMITTED WHEN DRAINAGE AND OTHER CONDITIONS NOT ADVERSE TO RESIDENTIAL CONSTRUCTION ARE FOUND TO ENCOURAGE DISPERSION AND/OR INFILTRATION OF RUNOFF.
8. LIMIT GROUND IRON BLAST FURNACE SLAG CONTENT TO 35% MAXIMUM IN MIX #3 CONCRETE.

* CUT & FILL SLOPE GRADES SHALL BE IN ACCORDANCE WITH RECOMMENDATIONS OF A REGISTERED GEOTECHNICAL ENGINEER.

2010-0126-SPH

FORMER STANDARD DETAIL PLATE R-45.



APPROVAL
DIRECTOR
BUR. OF ENGINEERING/CONSTRUCTION
2-22-06
DATE

DEPARTMENT OF PUBLIC WORKS
STANDARD ROAD & STREET DESIGN
PANHANDLE DRIVEWAY
URBAN ZONING

ISSUED: AUGUST, 1997
REVISED: MARCH, 2002
REVISED: NOVEMBER, 2005
PLATE
R-P

Case No.: 2010-0126-SPH 517 B Middle River Rd.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	PHOTO & LETTER Re: Fire Lane	
No. 3	PHOTO proposed Construction area	
No. 4	Photo towards Middle River Rd.	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO.

#2

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

September 2, 2009

Baltimore County
Fire Marshall's Office
700 E. Joppa Road
Suite 401
Towson, MD 21204

Attention: Lt. Roland Bosley, Jr.

Gentlemen:

Subject: Osborne Property – 517-B Middle River Road
Minor Subdivision Plan
Project No.: 07-068M

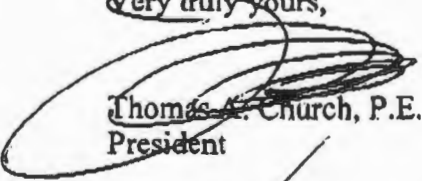
Pursuant to our meeting this morning, September 2, 2009, we are submitting for your review a revised plan highlighted in yellow showing a proposed turnaround 36 feet wide and 35 feet deep that will be signed "Fire Lane".

This will enable fire and medical treatment vehicles to have a stable turnaround at the end of the private drive off Middle River Road.

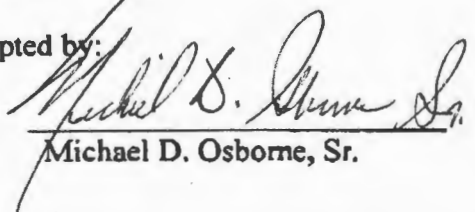
We feel this is a viable alternate to having a cul-de-sac or a standard t-turnaround in the front yard of 517-C Middle River Road, the proposed new dwelling requested under this minor subdivision project 07-068M.

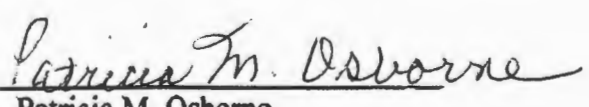
Mr. and Mrs. Osborne who are subdividing their property will own both lots 517-B and 517-C Middle River Road and agree to set this turnaround on their property as shown on this attached plan. Acceptance signatures are below.

Very truly yours,


Thomas A. Church, P.E.
President

Accepted by:


Michael D. Osborne, Sr.


Patricia M. Osborne



PETITIONER'S

EXHIBIT NO.

#3

08.109

7/25/08



PETITIONER'S

EXHIBIT NO.

#4

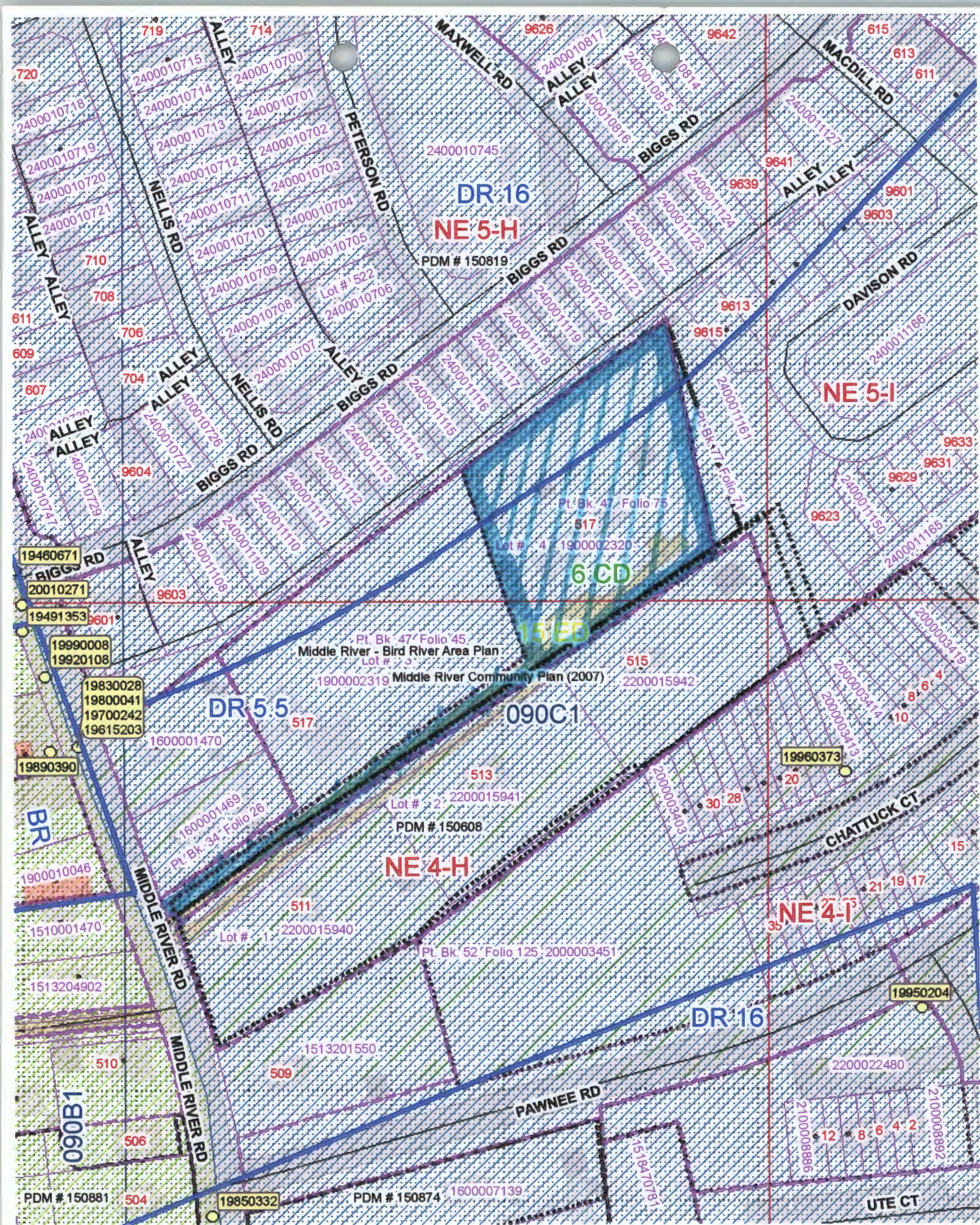
08-109



PETITIONER' S

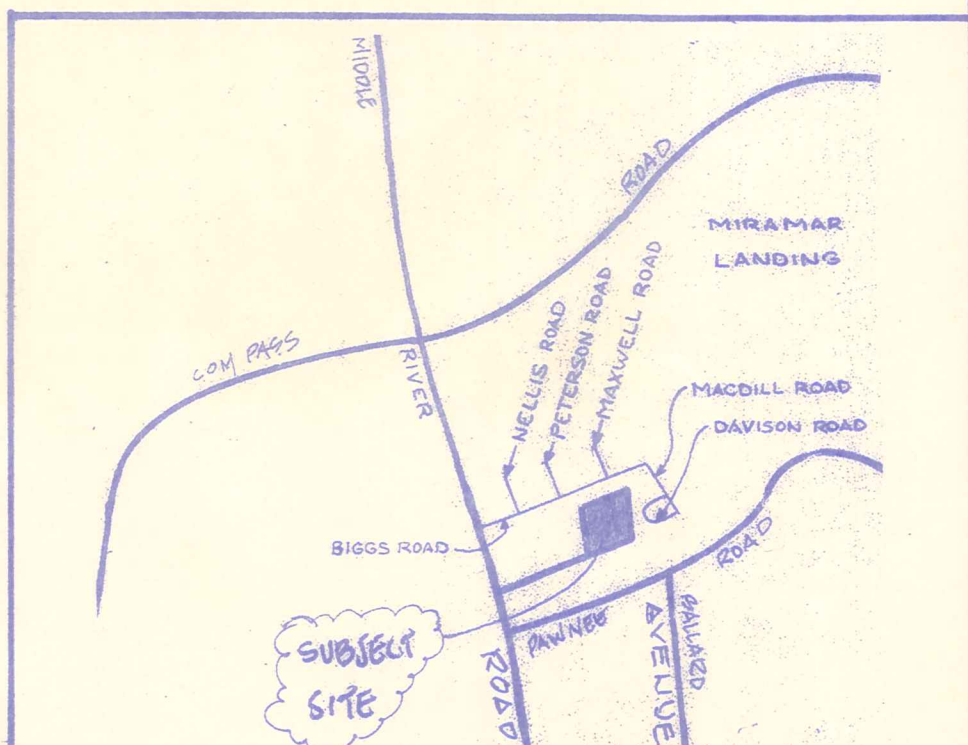
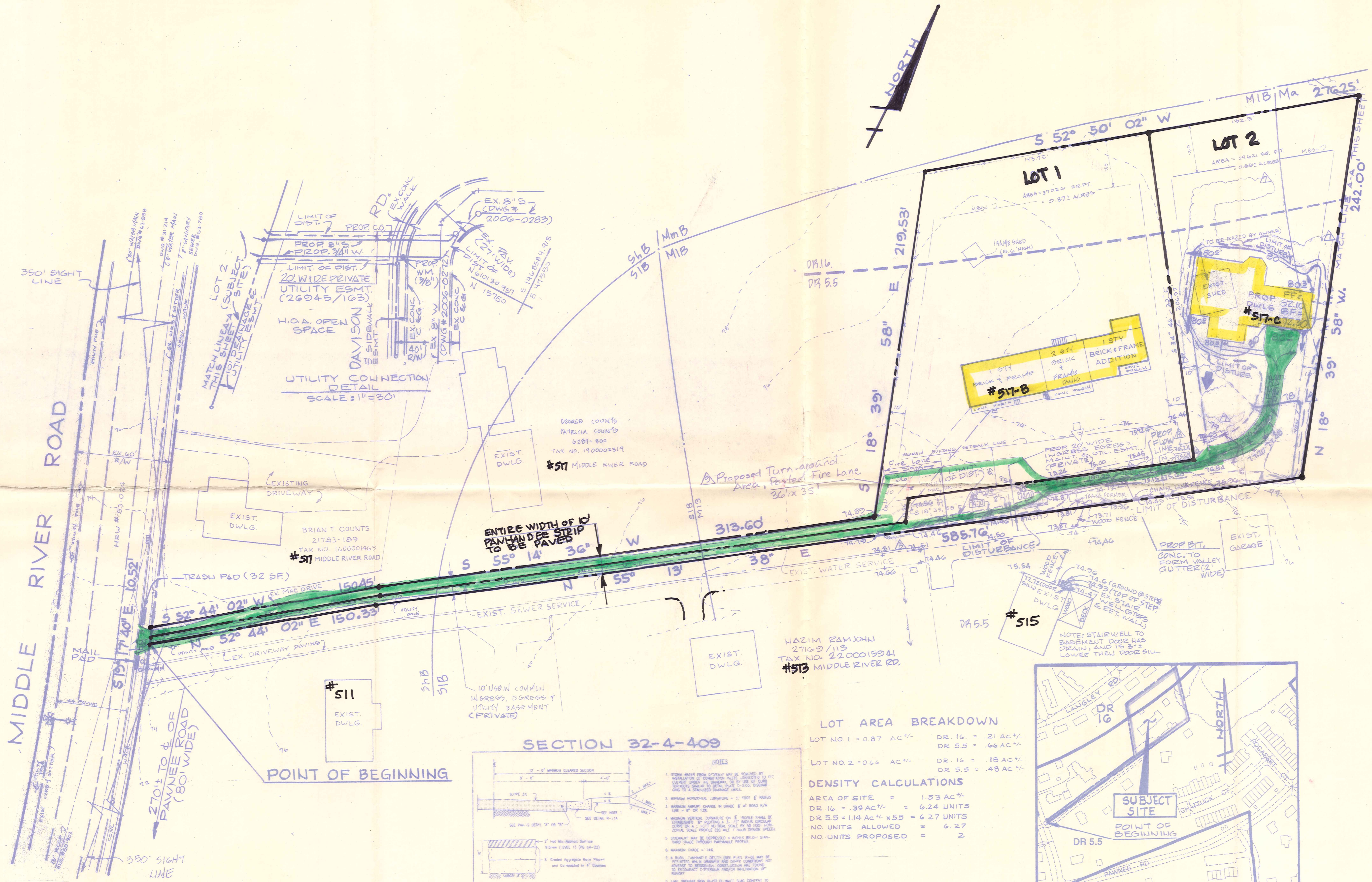
EXHIBIT NO.

5



2010-0126-SPH

PLAT TO ACCOMPANY PETITION FOR ZONING: ☐ VARIANCE, ☒ SPECIAL HEARING



VICINITY MAP
SCALE: 1"=1,000'

LOCATION INFORMATION

ELECTION DISTRICT NO.: 15
COUNCILMANIC DISTRICT NO.: G
ZONING: DR 5.5 & DR 16 (REFERENCE MAP(S): 090C1)
AREA OF SITE:
NET= 66,647 SF = 1.53 AC±
GROSS= 66,647 SF = 1.53 AC±

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE AREA CRITICAL AREA	☐	☒
100 YEAR FLOODPLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARINGS: NONE		

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #

CASE: 2010-0126-SPH

Drafting	TLB
Check	TAC
Design	10/13/09
Check	DATE

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

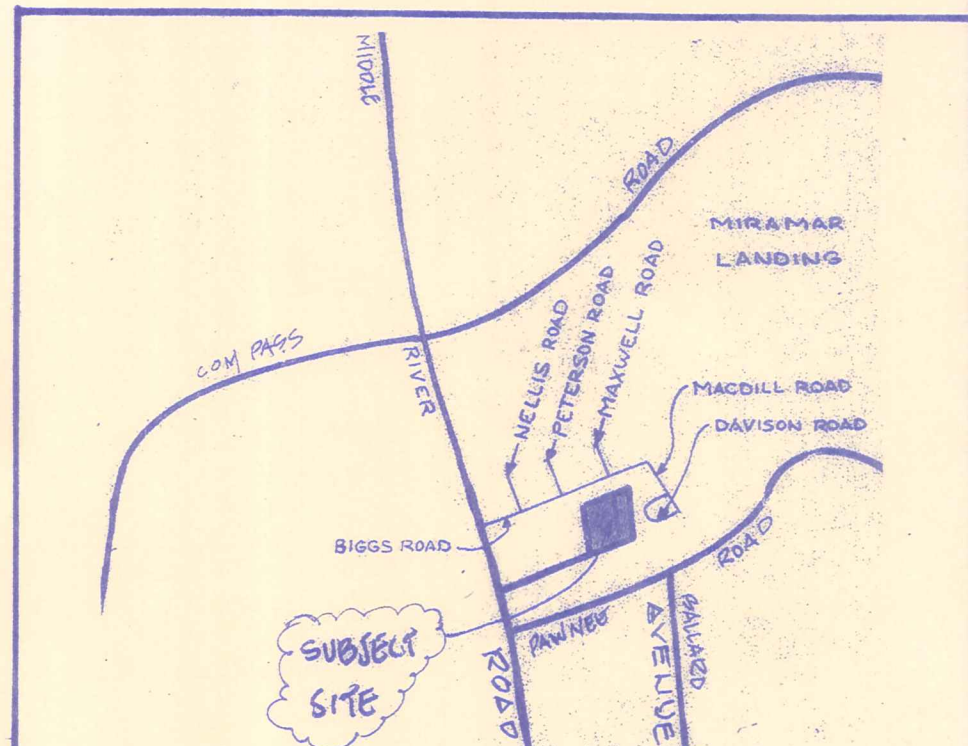
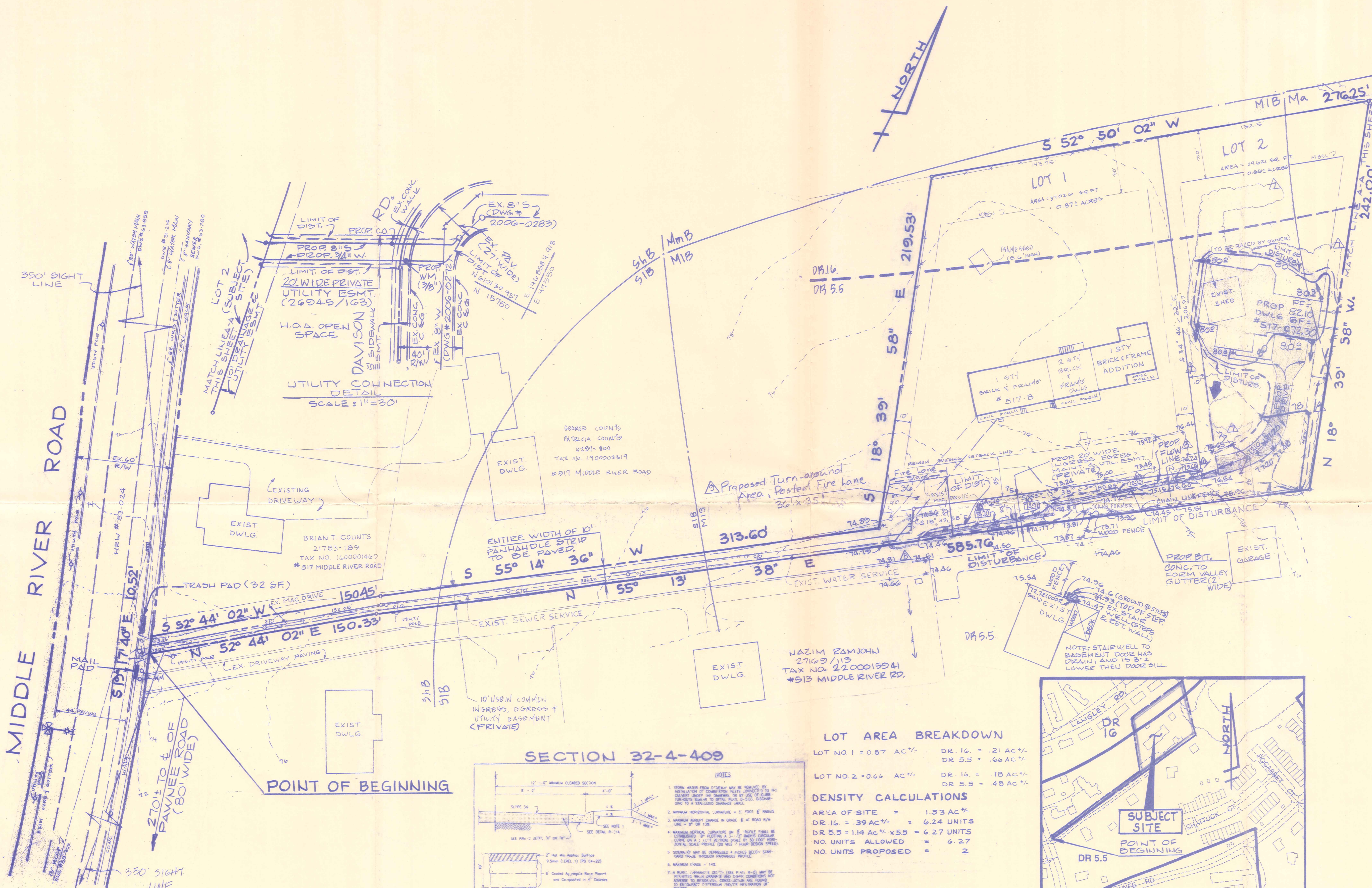
APPLICANT
MICHAEL & PATRICIA OSBORNE
517-B MIDDLE RIVER ROAD
BALTIMORE, MD 21220
410-244-0783

PLAT TO ACCOMPANY SPECIAL HEARING PETITION FOR
THE OSBORNE PROPERTY
517-B MIDDLE RIVER ROAD
BALTIMORE COUNTY, MARYLAND

SHEET	DATE	CONTRACT
1	10/13/09	08-109
OF	SCALE	
1	1"=30'	



PLAT TO ACCOMPANY PETITION FOR ZONING: ☐ VARIANCE, ☒ SPECIAL HEARING

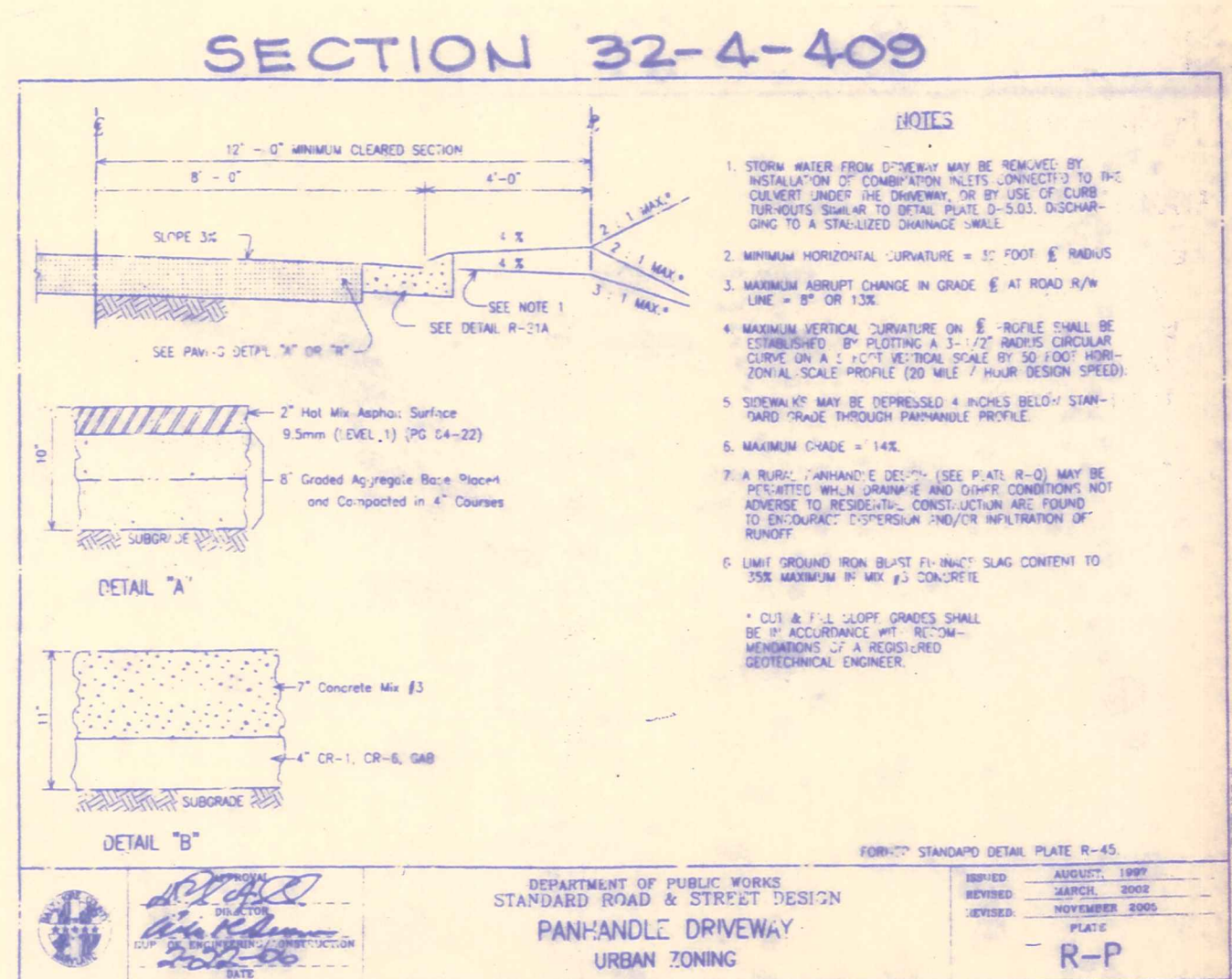


VICINITY MAP
SCALE: 1"=1,000'

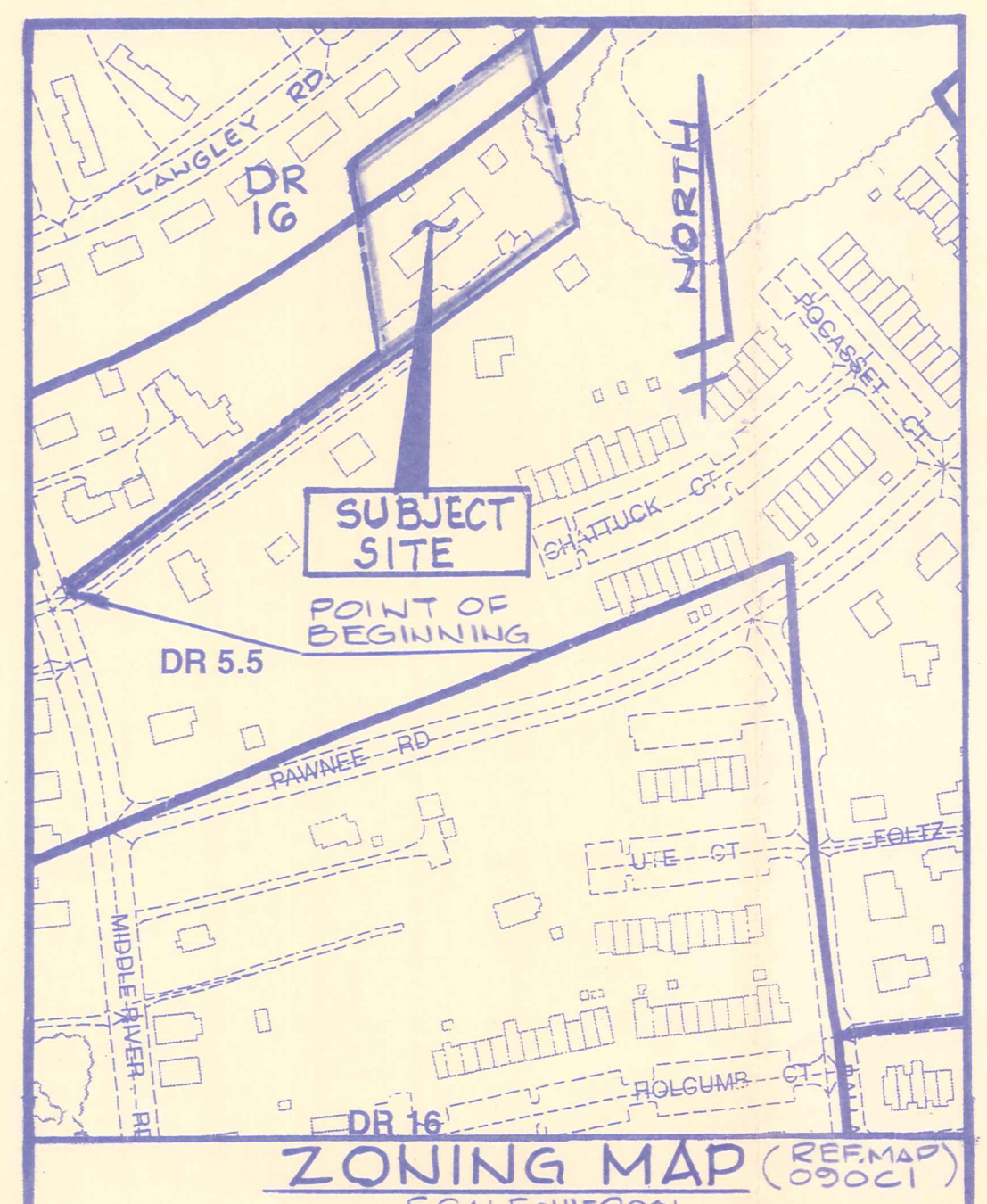
LOCATION INFORMATION			
ELECTION DISTRICT NO.: 15			
COUNCILMANIC DISTRICT NO.: G			
ZONING: DR 5.5 & DR 16 (REFERENCE MAP(S): 090C1)			
AREA OF SITE: NET= 66,647 SF= 1.53 AC± GROSS= 66,647 SF= 1.53 AC±			
	PUBLIC	PRIVATE	
SEWER	☒	☐	
WATER	☒	☐	
		YES	NO
CHESAPEAKE AREA CRITICAL AREA		☐	☒
AREA DESIGNATION:		☐	☒
100 YEAR FLOODPLAIN		☐	☒
HISTORIC PROPERTY / BUILDING		☐	☒
PRIOR ZONING HEARINGS:	NONE		

ZONING OFFICE USE ONLY		
REVIEWED BY	ITEM #	CASE #
<i>[Signature]</i>	2010	0126-SPH

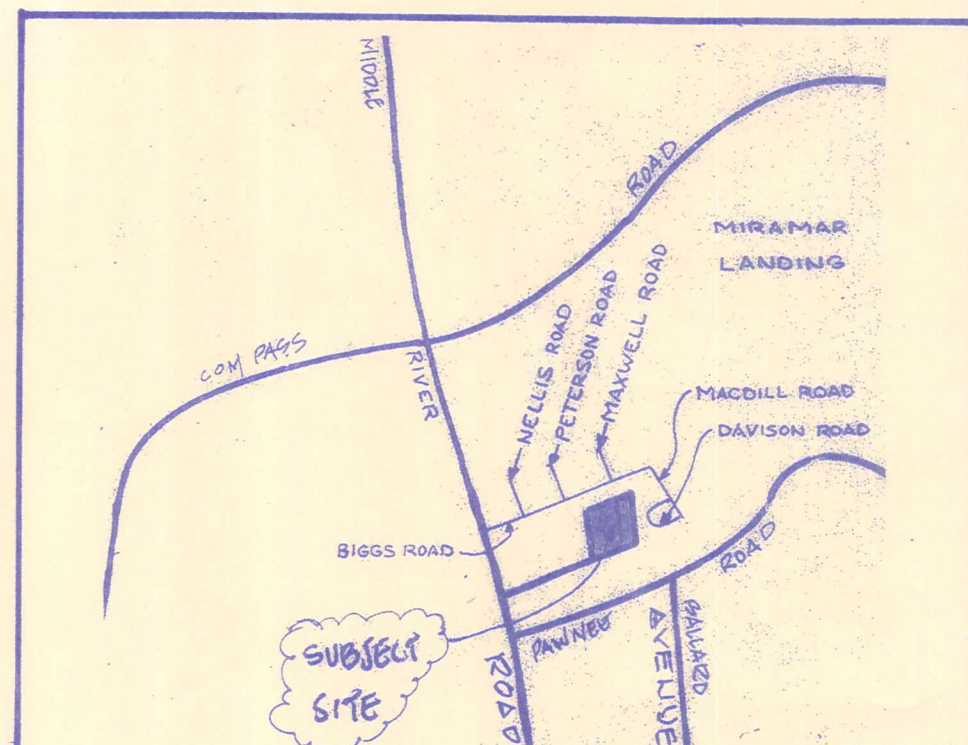
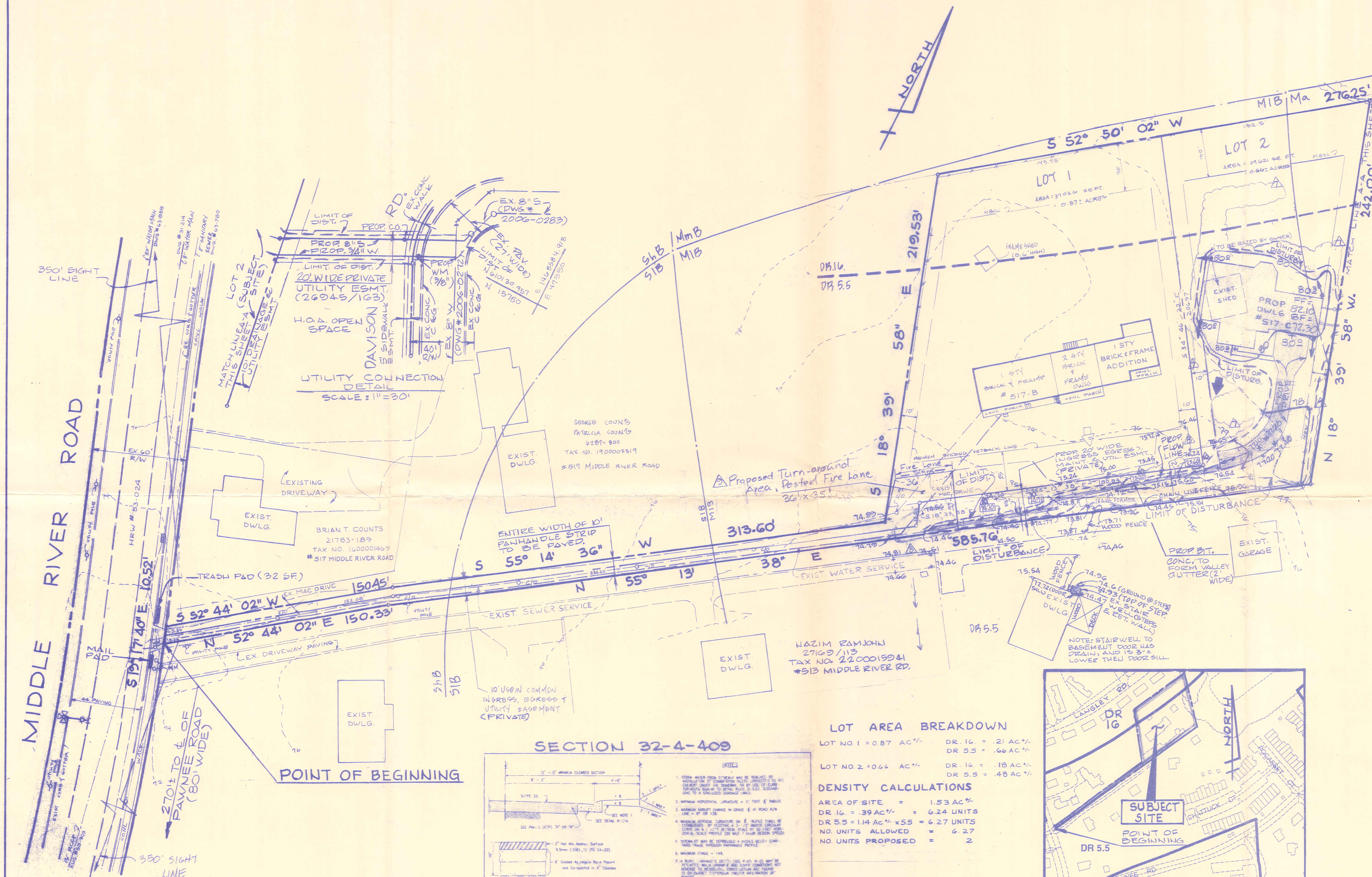
PROPERTY DATA
OWNER: MICHAEL & PATRICIA OSBORNE
ADDRESS: 517-B MIDDLE RIVER ROAD
BALTIMORE, MD 21220
PHONE NUMBER: 410-244-0783
TAX ACCOUNT NUMBER(S): 19-00-002320
DEED REFERENCE: 6287/812
PLAT REFERENCE: 47/45



LOT AREA BREAKDOWN	
LOT NO. 1 = 0.87 AC±	DR. 16 = .21 AC±
	DR. 5.5 = .66 AC±
LOT NO. 2 = 0.66 AC±	DR. 16 = .18 AC±
	DR. 5.5 = .48 AC±
DENSITY CALCULATIONS	
AREA OF SITE = 1.53 AC±	
DR. 16 = .39 AC± = 6.24 UNITS	
DR. 5.5 = 1.14 AC± x 55 = 6.27 UNITS	
NO. UNITS ALLOWED = 6.27	
NO. UNITS PROPOSED = 2	



PLAT TO ACCOMPANY PETITION FOR ZONING: ☐ VARIANCE, ☒ SPECIAL HEARING

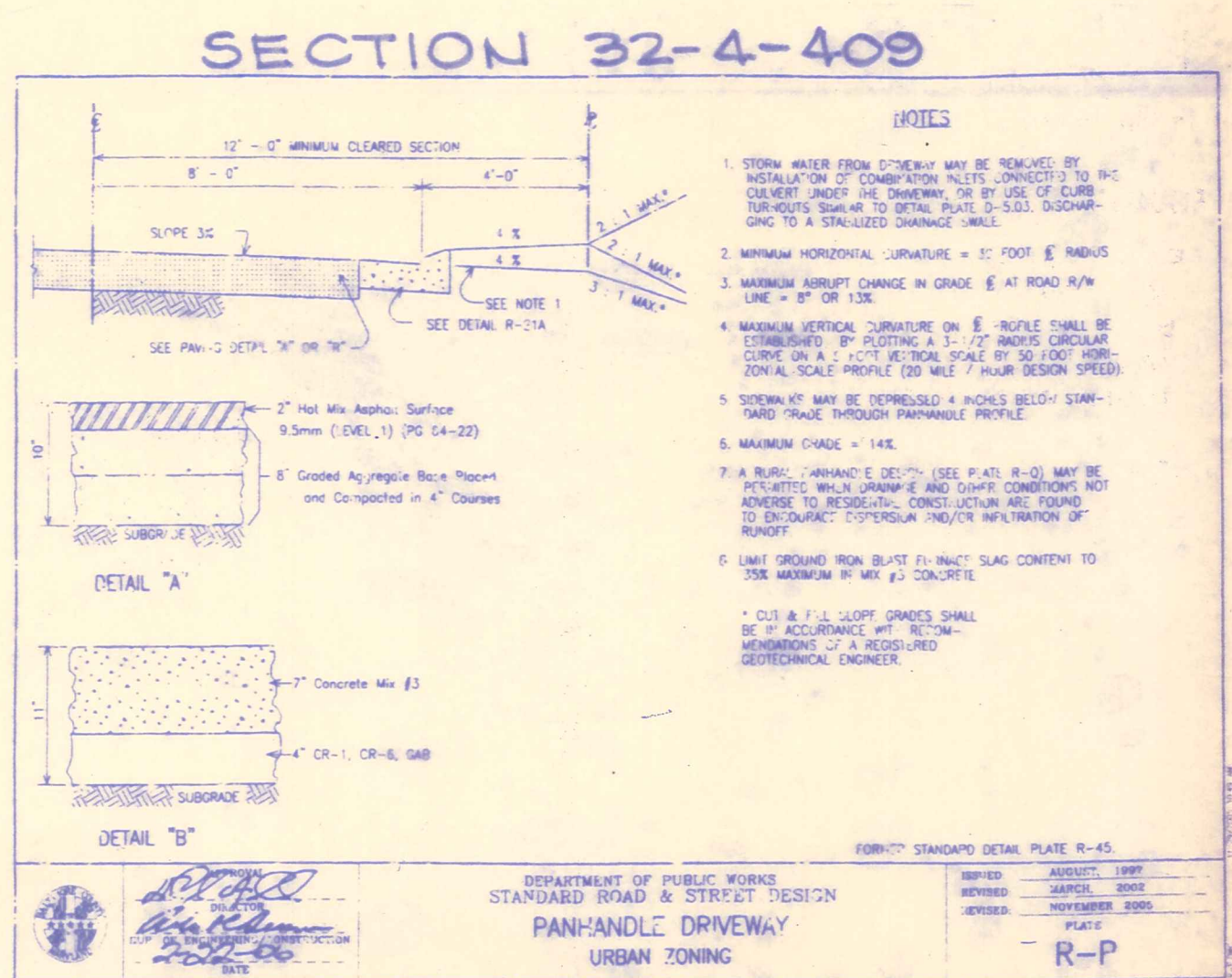


VICINITY MAP
SCALE: 1"=1,000'

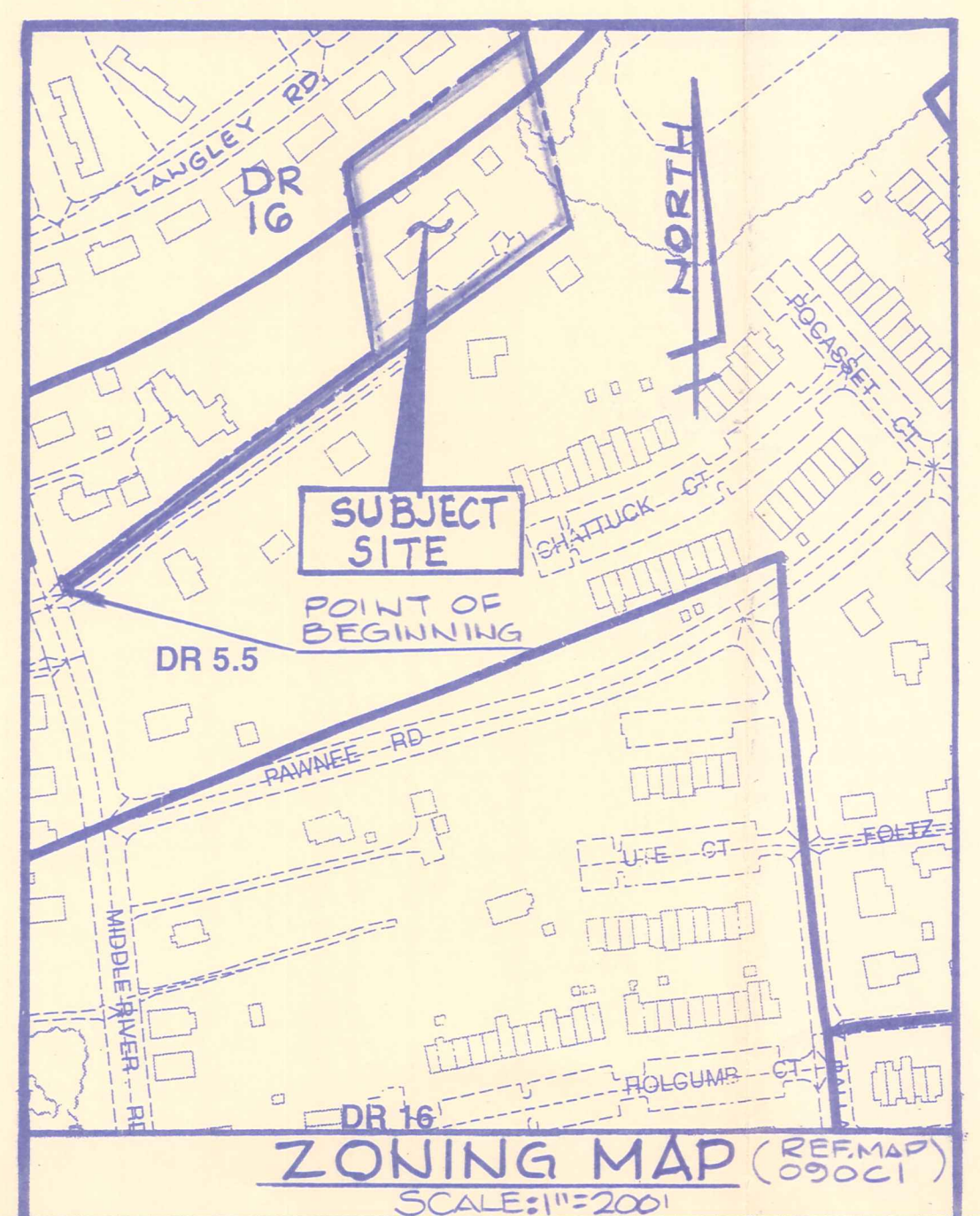
LOCATION INFORMATION			
ELECTION DISTRICT NO.: 15			
COUNCILMANIC DISTRICT NO.: G			
ZONING: DR 5.5 & DR 16 (REFERENCE MAP(S): 090C1)			
AREA OF SITE: NET= 66,647 SF= 1.53 AC. GROSS= 66,647 SF= 1.53 AC.			
	PUBLIC	PRIVATE	
SEWER	☒	☐	
WATER	☒	☐	
		YES	NO
CHESAPEAKE AREA CRITICAL AREA		☐	☒
AREA DESIGNATION:		☐	☒
100 YEAR FLOODPLAIN		☐	☒
HISTORIC PROPERTY / BUILDING		☐	☒
PRIOR ZONING HEARINGS: NONE			

ZONING OFFICE USE ONLY		
REVIEWED BY	ITEM #	CASE #
<i>[Signature]</i>	2010	0126-SPH

PROPERTY DATA
OWNER: MICHAEL & PATRICIA OSBORNE
ADDRESS: 517-B MIDDLE RIVER ROAD
BALTIMORE, MD 21220
PHONE NUMBER: 410-244-0783
TAX ACCOUNT NUMBER(S): 19-00-002320
DEED REFERENCE: 6287/812
PLAT REFERENCE: 47/45



LOT AREA BREAKDOWN			
LOT NO. 1 = 0.87 AC +/-	DR 16 = .21 AC +/-	DR 5.5 = .66 AC +/-	
LOT NO. 2 = 0.66 AC +/-	DR 16 = .18 AC +/-	DR 5.5 = .48 AC +/-	
DENSITY CALCULATIONS			
AREA OF SITE = 1.53 AC +/-			
DR 16 = .39 AC +/-	= 6.24 UNITS		
DR 5.5 = 1.14 AC +/-	= 6.27 UNITS		
NO. UNITS ALLOWED = 6.27			
NO. UNITS PROPOSED = 2			



Drafting	TLB
Check	TAC
Design	10/15/09
Check	DATE

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

APPLICANT
MICHAEL & PATRICIA OSBORNE
517-B MIDDLE RIVER ROAD
BALTIMORE, MD 21220
410-244-0783

PLAT TO ACCOMPANY SPECIAL HEARING PETITION FOR THE OSBORNE PROPERTY 517-B MIDDLE RIVER ROAD	SHEET 1 OF 1	DATE 10/15/09	CONTRACT NUMBER 08-109
ELECTION DISTRICT 15		SCALE 1"=30'	
BALTIMORE COUNTY, MARYLAND			
COUNCILMANIC DISTRICT 6			