

IN RE: PETITION FOR SPECIAL HEARING *
E/S Park Heights Avenue (MD Rte. 139), 393' *
SE of c/line of Walnut Avenue *
(12149 Park Heights Avenue) *

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY

4th Election District
2nd Council District

Nancy L. Rhoten, *Legal Owner* *
Kelly E. Rhoten, et ux, *Contract Purchasers* *

Petitioners

Case No. 2010-0238-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 owner of the subject property, Nancy Rhoten, through her attorney, J. Neil Lanzi, Esquire. The Petitioner requests a special hearing to approve the non-density transfer of 4.115 acres of land from the subject property to the contract purchasers (her son and daughter-in-law) who own an adjacent improved parcel known as 3013 Walnut Avenue.¹ The subject property and requested relief are more particularly described on the site plan, which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief were Nancy Rhoten, property owner, and Keith A. Heindel, the registered professional land surveyor with Professional Surveys, LLC, who prepared the site plan. The Petitioner was represented by J. Neil Lanzi, Esquire. There were no Protestants or other interested persons in attendance at the public hearing.

¹ Kelly E. and Jody S. Rhoten acquired 3013 Walnut Avenue from Nancy Rhoten's mother in 2001. They reside in the one-story, single-family dwelling built in 1964. The well that serves their residence is on the property to be transferred – placing the well, septic reserve area and dwelling on the same parcel.

ORDER RECEIVED FOR FILING

Date

By

4-28-10

103

Testimony and evidence presented disclosed that Nancy Rhoten owns a large two-story farm house in Owings Mills that was built many years ago. This property is also improved with a large garage once used for storage and agricultural purposes. This farm house and land has been in the family's ownership since 1963 and is now unoccupied and in disrepair as shown in the photographs submitted as Petitioners' Exhibit 3. The garage is maintained and used by Kelly Rhoten and as shown on the site plan is located behind his home in accordance with B.C.Z.R. Section 400.1. This tract of land, referred to as 12149 Park Heights Avenue, contains approximately 5.965 acres and is split-zoned R.C.5 and B.L.-C.R. The B.L.-C.R. portion is on Park Heights Avenue just north of the Mr. Charles Market; the R.C.5 area is to the rear and consists of approximately 4 acres. This portion (R.C.5) is non-buildable due to environmental constraints including wetlands and streams crossing the non-density parcel. Eco-science Professionals, Inc. has been retained to delineate the limit of the non-tidal wetlands in this regard. The property, as noted, is located on the east side of Park Heights Avenue but extends beyond the rear of her son's property at 3013 Walnut Avenue, then widens with 275 feet of the lot's northern boundary running adjacent to Walnut Avenue. The property, therefore, abuts the rear and east side of the land owned by Kelly and Jody Rhoten and used for residential purposes. The family has entered into an agreement to transfer a 4.115-acre parcel from Nancy Rhoten's holdings to her son and daughter-in-law in conjunction with the uses on their property. Testimony indicated that Kelly and Jody own approximately 0.485 acres of land (3013 Walnut Avenue) that is improved with a one-story, single-family dwelling and carport. The land that will be transferred from Nancy Rhoten is, except for a garage, unimproved, largely wooded, with streams, wetlands and steep slopes, and has for years been used and maintained by her son with

her permission.²

At this point, the families wish to formally transfer the property, and the conveyance is not for the purpose of transferring any density, but merely to provide additional land and to establish a new property line between these respective owners, consistent with the actual use and topographical features of these parcels. Nancy Rhoten's lot will be reduced in acreage so it will be 1.850 acres in area (1.5 acres zoned R.C.5 and .35 acres zoned B.L.-C.R.) with an existing dwelling. Kelly and Jody's parcel will be expanded to 4.6 acres. This transfer is within the spirit and intent of the Resource Conservation Zones involving the exchange of small parcels. *See the Zoning Commissioner's Policy Manual (ZCPM) at Page 1A-3, Section 1A00.4.b(3).*

A Zoning Advisory Committee (ZAC) comment received on March 26, 2010 from Diana Itter, on behalf of the Office of Planning (OP), stated in pertinent part that the Office of Planning supports this proposal and non-density transfer provided that:

"If in the future the existing dwelling, located at 3013 Walnut Avenue is razed, any new single family dwelling must submit architectural elevation drawings for review and approval in accordance with Section 1A04.4 of the BCZR, Performance standards for RC5.

If the existing dwelling at 12149 Park Heights Avenue is converted to a commercial use, a site plan must be submitted for review for compliance with CR (Commercial, Rural District) overlay requirements." *Emphasis Added*

Based upon the testimony and evidence offered, I easily find that the Petition for Special Hearing should be granted. Clearly, there will be no detrimental impact to any adjacent property owners. Moreover, as noted above, there is no density or rights of subdivision being conveyed.

² Both properties were owned by Nancy Rhoten's father and mother. Through inadvertence, they placed the well that serves 3013 Walnut Avenue on the 12149 Park Heights parcel. The families are now trying to clean up this situation allowing good titles to both parcels with new septic reserve areas. These areas are shown on the site plan and perc tests have been performed and approved by DEPRM.

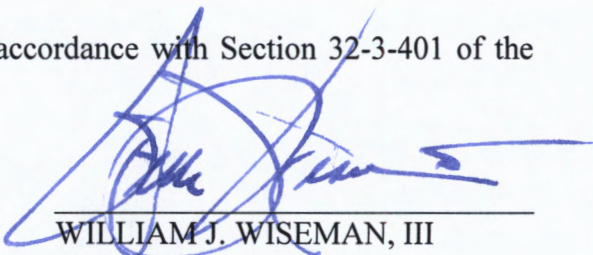
Thus, there will be no alteration to the existing property rights of these owners, and the Petition for Special Hearing shall be granted.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 28th day of April 2010, that the Petition for Special Hearing to approve a non-density transfer of 4.115 acres from the Nancy Rhoten property, known as 12149 Park Heights Avenue, to the Kelly E. Rhoten and Jody S. Rhoten property known as 3013 Walnut Avenue, thereby positioning the well and new septic reserve area on the same parcel as the dwelling they serve, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is strictly for a non-density transfer and there are no density or development rights associated with this conveyance.
- 3) If in the future the existing dwelling, located at 3013 Walnut Avenue is razed, architectural elevation drawings for a replacement dwelling must be submitted to the Office of Planning for review and approval.
- 4) If the existing dwelling at 12149 Park Heights Avenue is converted to a commercial use, a site plan must be submitted for review in compliance with the C.R. District Overlay requirements.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date

4-28-10

By

103



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

April 28, 2010

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: **PETITION FOR SPECIAL HEARING**
E/S Park Heights Avenue (MD Rte. 139), 393' SE of c/line of Walnut Avenue
(12149 Park Heights Avenue)
4th Election District - 2nd Council District
Nancy L. Rhoten, Legal Owner; Kelly E. Rhoten, et ux, Contract Purchasers - Petitioners

Case No. 2010-0238-SPH

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 large, stylized circular flourish.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Nancy Rhoten, 2829 Tracey's Mill Road, P.O. Box 263, Manchester, MD 21102
Kelly E. & Jody S. Rhoten, 3013 Walnut Avenue, Owings Mills, MD 21117
Keith A. Heindel, Professional Surveys, 194 East Main Street, 2nd Floor,
Westminster, MD 21157
People's Counsel; Office of Planning; DEPRM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 12149 Park Heights Avenue (Tax Map 49 Parcel 35)
which is presently zoned RC5/BL-CR

(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 See attached

(This box to be completed by planner)

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:

J. Neil Lanzi, Esquire

Name - Type or Print

Signature

J. Neil Lanzi, P.A.

Company

409 Washington Ave, Ste 617 410-296-0686

Address

Telephone No.

City

State

Zip Code

OFFICE RECEIVED 2010 FILING

Date 4-28-10

By 100

Legal Owner(s):

Nancy Rhoten

Name - Type or Print

Signature

Name - Type or Print

Signature

P.O. Box 263

Address

Telephone No.

Manchester, MD 21102

City

State

Zip Code

Representative to be Contacted:

J. Neil Lanzi, Esquire

Name

409 Washington Ave, Ste 617

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2010-0238-SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By SK Date 3/11/10

Petition for Special Hearing

Nancy Rhoten, Petitioner, files this Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations requesting the Zoning Commissioner as follows:

1. To permit a non-density transfer of 4.115 acres from the Nancy Rhoten property known as 12149 Park Heights Avenue to the Kelly E. Rhoten and Jody S. Rhoten property known as 3013 Walnut Avenue which would place the well on the same parcel as the dwelling it serves.

2. For such other and further relief as may be required by the Zoning Commissioner.

Petitioner's property is split zoned RC-5 and BL-CR. The parcel of land to be transferred is zoned RC-5. Due to environmental constraints, including wetlands and streams crossing the non-density parcel, the non-density parcel is unable to be developed but will provide the property of Kelly Rhoten and Jody S. Rhoten with a new septic reserve area as requested by DEPRM and will allow the existing well serving 3013 Walnut Avenue to be located on the same property as the residence it serves.

Zoning Description
The Nancy Rhoten & Kelly Rhoten Properties
February 19, 2010

Zoning Description for #12149 Park Heights Avenue and #3013 Walnut Avenue

Beginning for a point on the east side of Park Heights Avenue (Maryland Route #129) which is 30 feet wide (right-of-way for maintenance), at a distance of 291.5 feet southeast of the centerline of the nearest intersecting street, Walnut Avenue, which is 50 feet wide and being more particularly described as follows:

- 1.) N 18°18'34" E 88.47'; thence,
- 2.) S 81°59'43" E 213.97'; thence,
- 3.) N 16°11'56" E 211.42' to the south side of Walnut Avenue; thence running with said right-of-way line, the following two courses,
- 4.) By a curve to the right, having a radius of 875.00', for a distance measured along the arc of 167.71', which arc is subtended by a chord bearing of S 73°05'05" E 167.45'; thence,
- 5.) By a curve to the left, having a radius of 775.00' for a distance measured along the arc of 212.85', which arc is subtended by a chord bearing of S 75°27'43" E 212.18'; thence leaving the road,
- 6.) S 16°29'42" E 522.72'; thence,
- 7.) N 85°08'13" W 217.34'; thence,
- 8.) S 81°02'35" W 138.86'; thence,
- 9.) N 15°05'59" W 19.41'; thence,
- 10.) N 53°56'45" W 561.41' to the point of beginning.

Containing 6.450 acres of land, more or less.

Being all of the second parcel of land described in the deed to Nancy L. Rhoten, dated March 21, 1996, and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 11497 folio 275, etc. and being all of that parcel of land described in the deed to Kelly E. Rhoten, dated August 22, 2001, and recorded among the aforementioned Land Records in Liber S.M. 15524 folio 489, etc. (being Lot #3 in the subdivision of "Kelly's Walnut Avenue Plat" as recorded in Baltimore County Plat Book G.L.B. 20 folio 153). Also known as #12149 Park Heights Avenue and #3013 Walnut Avenue and located in the Fourth Election District and Second Councilmanic District of Baltimore County, Maryland.



**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: 2010-0238 SPH
Petitioner: Nancy Rhaden
Address or Location: 12149 Park Heights Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: J NEIL LANZI
Address: 409 Washington Avenue Suite 617
Towson MD 21204
Telephone Number: 410 296 0686

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

No. 50220

Date: 3/1/00

PAID RECEIPT

RECEIVED BY: [Signature]
DATE: 3/1/00
AMOUNT: \$100.00
FOR: [Signature]
CASHIER: [Signature]

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
	86			612				

Total: \$100.00

Rec

From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

11 * 11 6 5

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: # 2010-0238-SPH

12149 Park Heights Avenue

E/side of Park Heights Ave., 393 feet s/east of centerline of Walnut Avenue

4th Election District — 2nd Councilmanic District

Legal Owner(s): Nancy Rhoten

Special Hearing: to permit a non-density transfer of 4.115 acres from the Nancy Rhoten property known as 12149 Park Heights Avenue to the Kelly E. Rhoten and Jody S. Rhoten property known as 3013 Walnut Avenue which would place the well on the same parcel as the dwelling it serves. For such other and relief as may be required by the Zoning Commissioner.

Hearing: Wednesday, April 21, 2010 at 10:00 a.m. In Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 4/6/12 April 6

235195

CERTIFICATE OF PUBLICATION

4/8/, 2010

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 4/6/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 4/4/10

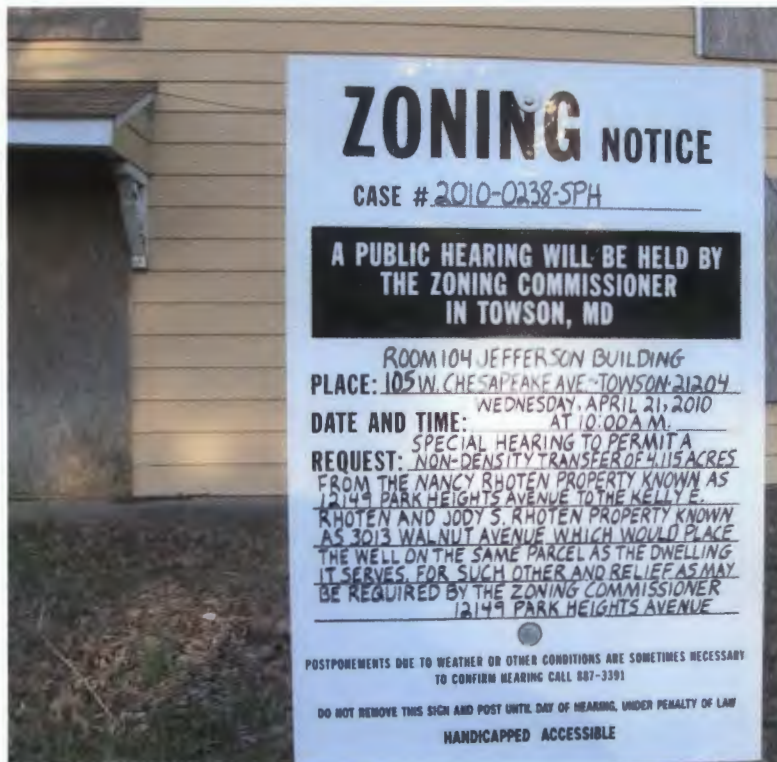
Case Number: 2010-0238-SPH

Petitioner / Developer: J. NEIL LANZI, ESQ.~NANCY RHOTEN

Date of Hearing (Closing): APRIL 21, 2010

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
12149 PARK HEIGHTS AVENUE

The sign(s) were posted on: APRIL 1, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
March 22, 2010

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: 2010-0238-SPH

12149 Park Heights Avenue

E/side of Park Heights Ave., 393 feet s/east of centerline of Walnut Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Nancy Rhoten

Special Hearing to permit a non-density transfer of 4.115 acres from the Nancy Rhoten property known as 12149 Park Heights Avenue to the Kelly E. Rhoten and Jody S. Rhoten property known as 3013 Walnut Avenue which would place the well on the same parcel as the dwelling it serves. For such other and relief as may be required by the Zoning Commissioner.

Hearing: Wednesday, April 21, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Ave., Ste. 617, Towson 21204
Nancy Rhoten, P.O. Box 263, Manchester 21102

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 6, 2010.**
- (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, April 6, 2010 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi
409 Washington Ave., Ste. 617
Towson, MD 21204

410-296-0686

NOTICE OF ZONING HEARING

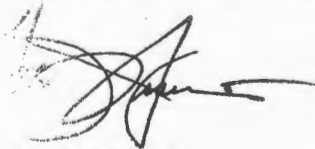
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0238-SPH

12149 Park Heights Avenue
E/side of Park Heights Ave., 393 feet s/east of centerline of Walnut Avenue
4th Election District – 2nd Councilmanic District
Legal Owners: Nancy Rhoten

Special Hearing to permit a non-density transfer of 4.115 acres from the Nancy Rhoten property known as 12149 Park Heights Avenue to the Kelly E. Rhoten and Jody S. Rhoten property known as 3013 Walnut Avenue which would place the well on the same parcel as the dwelling it serves. For such other and relief as may be required by the Zoning Commissioner.

Hearing: Wednesday, April 21, 2010 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.

CHECKLIST**Comment
Received****Department****Support/
Oppose**✓

DEVELOPMENT PLANS REVIEW

No CommentsArising 4/16

DEPRM (email sent 4-16)

_____✓

FIRE DEPARTMENT

No Comments✓

PLANNING

Comments✓

STATE HIGHWAY ADMINISTRATION

No objection_____

TRAFFIC ENGINEERING

ZONING VIOLATION

_____✓

NEWSPAPER ADVERTISEMENT

_____✓

PEOPLE'S COUNSEL APPEARANCE

_____None

PRIOR ZONING

_____✓

SIGN POSTING

Comments, if any: _____

From: Debra Wiley
To: Livingston, Jeffrey
Date: 4/16/2010 11:36 AM
Subject: Comments Needed for Next Week

*Missing
Debra*

Hi Jeff,

In reviewing Bill's files for next week, it appears he needs comments for the April 21st hearings as follows:

Case No. 2010-0238-SPH - 10 AM
~~Case No. 2010-0243-SPH - 2 PM~~

Thanks and have a great weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

April 14, 2010

J. Neil Lanzi
409 Washington Ave. Ste. 617
Towson, MD 21204

Dear: J. Neil Lanzi

RE: Case Number 2010-0238-SPH, 12149 Park Heights Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 11, 2010. 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
Nancy Rhoten; P.O. Box 263; Manchester, MD 21102



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 8, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 22, 2010

Item Numbers: 0237, 0238, 0239, 0240, 0241, 0242, 0243, 0244 and 0245

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 24, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For April 5, 2010
Item Nos. 2010-238, 239, 240, 241,
242 and 245

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04052010 -NO COMMENTS.doc

BW 421
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 26, 2010

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

RECEIVED

SUBJECT: 12149 Park Heights Avenue

INFORMATION:

Item Number: 10-238

Petitioner: Nancy Rhoten

Zoning: BL-CR and RC 5

Requested Action: Special Hearing

APR 05 2010

ZONING COMMISSIONER

The petitioner requests a non-density transfer of 4.115 acres from 12149 Park Heights Avenue to 3013 Walnut Avenue. This will allow the well area and a non-buildable wetland area to be transferred from Nancy Rhoten to Kelly and Judy Rhoten. Nancy Rhoten would retain 1.85 acres, 1.5 acres zoned RC5 and .35 acres zoned BL-CR with an existing dwelling.

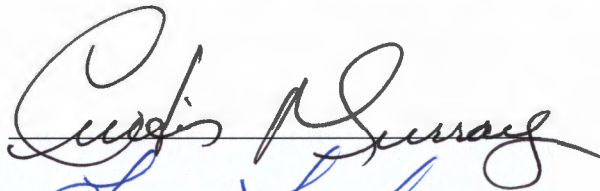
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the non-density transfer provided the following occurs:

- If in future the existing dwelling, located at 3013 Walnut Avenue is razed, any new single family dwelling must submit architectural elevation drawings for review and approval in accordance with Section 1AO4.4 of the BCZR, Performance standards for RC5.
- If the existing dwelling at 12149 Park Heights Avenue is converted to a commercial use, a site plan must be submitted for review for compliance with CR overlay requirements.

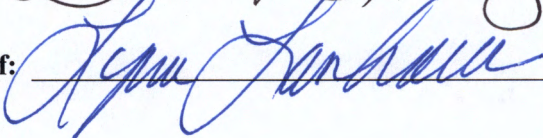
For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 29 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: April 29, 2010
SUBJECT: Zoning Item # 10-238-SPH
Address 12149 Park Heights Avenue
(Rhoten Property)

Zoning Advisory Committee Meeting of March 22, 2010

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

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

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

Additional Comments:

If the non-density transfer of 4.115 acres from 12149 Park Heights Avenue to 3013 Walnut Avenue is considered a minor subdivision and not a lot line adjustment, Forest Conservation Regulations will apply to the proposed development. The well serving 3013 Walnut Avenue is located within the proposed forest buffer. If the two lots are realigned, continued use of this well will require a forest buffer variance to be submitted and approved and mitigation addressed. Any easements to be granted on the two new lots must be granted prior to DRC approval. – *Charles Batchelder;*
Environmental Impact Review

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: MARCH 23, 2010

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

RE: Baltimore County
Item No. 2010-02389PH
MD 139
12149 PARK HEIGHTS AVE.
RHOTEN PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 3/22/2010. A field inspection and internal review reveals that an entrance onto MD 139 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for RHOTEN PROPERTY, Case Number 2010-02389PH.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael P. Bailey", is written over the typed name of Steven D. Foster.

^{for} Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
12149 Park Heights Ave; E/S Park Heights *
Avenue, 393' SE of c/line of Walnut Avenue* ZONING COMMISSIONER
4th Election & 2nd Councilmanic Districts *
Legal Owner(s): Nancy Rhoten * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-238-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.

RECEIVED

MAR 26 2010

.....|

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of March, 2010, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney 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 vw5.1d)

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

Account Identifier: District - 04 Account Number - 0408003131

Owner Information

Owner Name: RHOTEN NANCY L **Use:** RESIDENTIAL
Mailing Address: PO BOX 263 **Principal Residence:** NO
 MANCHESTER MD 21102-0263 **Deed Reference:** 1) /11497/ 275
 2)

Location & Structure Information

Premises Address **Legal Description**
 WALNUT AVE 6.3177 AC
 SS WALNUT AVE
 300 FT E PARK HGHTS AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
49	18	35						1	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		6.32 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2010	07/01/2009	07/01/2010	
Land	145,920	145,900			
Improvements:	44,570	44,500			
Total:	190,490	190,400	190,490	190,400	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: HARDEN RENNIS G	Date: 01/06/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11497/ 275	Deed2:
Seller: HARDEN RENNIS G	Date: 03/26/1996	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11497/ 275	Deed2:
Seller: KELLEY SAMUEL G	Date: 09/05/1963	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 4197/ 459	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:

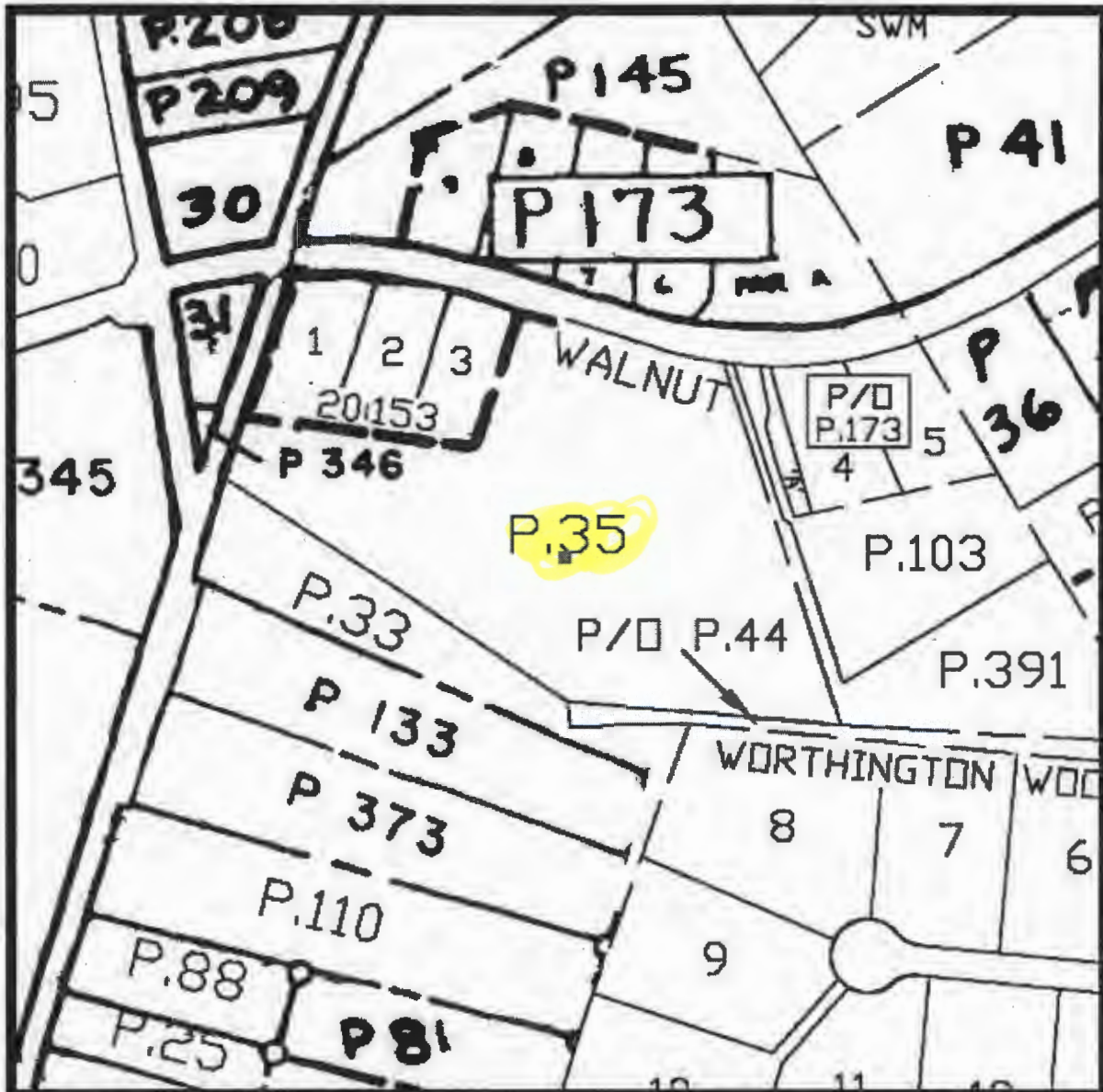
Special Tax Recapture:
 * NONE *



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

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

District - 04 Account Number - 0408003131



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

4/21
10AM

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3d)

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

Account Identifier: District - 04 Account Number - 0408003132

Owner Information

Owner Name: RHOTEN KELLY E
 RHOTEN JODY S
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 3013 WALNUT AVE
 OWINGS MILLS MD 21117-1525
Deed Reference: 1) /15524/ 489
 2)

Location & Structure Information

Premises Address

3013 WALNUT AVE

Legal Description

3013 WALNUT AVE
 KELLYS PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
49	18	35					3	1	Plat Ref: 20/ 153

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1964	1,521 SF	20,778.00 SF	04
Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	95,190	95,100		
Improvements:	230,430	123,900		
Total:	325,620	219,000	325,620	219,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: HARDEN RENNIS G	Date: 08/29/2001	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /15524/ 489	Deed2:
Seller: HARDEN RENNIS G	Date: 03/26/1996	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11497/ 275	Deed2:
Seller: KELLY SAMUEL G	Date: 09/05/1963	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 4197/ 459	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 *

Case No.: 2010-0238-SPH 12149 Park Heights Ave

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Eco- SCIENCE PROFESSIONAL 05-180913	
No. 3 A-Q	Photo's Existing Conditions	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Copy

Eco-Science Professionals, Inc.

CONSULTING ECOLOGISTS

July 23, 2008

Ms. Nancy Rhoten
P.O.Box 263
Manchester, MD 21102

RE: Nancy Rhoten Property, Baltimore County, MD

Dear Ms. Rhoten,

Eco-Science Professionals, Inc. is pleased to submit this proposal to provide natural resources consulting services for the referenced project. The project site is located near the intersection of Park Heights Avenue and Walnut Avenue in the Owings Mills section of Baltimore County, Maryland.

Eco-Science Professionals, Inc. will perform the following tasks under this proposal:

Task 1 - Wetland Delineation and Steep Slopes/Erodible Soils Analysis

Eco-Science Professionals will field delineate the limit of non-tidal wetlands and "Waters Only" on the project site. Wetland boundaries will be determined by the presence of appropriate soil, vegetative and hydrologic indicators as outlined in the U.S. Army Corps of Engineers 1987 Manual for Wetland Determinations. Flags will be placed along the wetland boundary every 30-50 feet, or as deemed necessary, to provide an accurate depiction of the wetland in the field. Flags will be surveyed, if necessary, by Professionals Surveys, LLC.

A Steep Slopes/Erodible Soils Analysis will be required for this project. Eco-Science Professionals will evaluate the slopes, soils, and vegetative cover around wetlands and streams to determine if adjusted forest buffers are required on the site. Analysis will be performed in accordance with the criteria established in the Baltimore County Code. To prevent redundancy of effort, Eco-Science Professionals will require Professionals Survey, LLC to provide them a mylar of the site plan. The mylar should be of a scale no smaller than 1:100, with contour intervals no greater than five (5) feet. Topography from County photogrammetric maps is acceptable. Soils from the Baltimore County Soil Survey should be mapped, as well as the limits of all wetlands, 100 year floodplains, and tree cover. Eco-Science Professionals will then prepare all slope transects, draft the appropriate buffer line, and add the wetland legend to the plan.

PETITIONER'S

EXHIBIT NO. 2

Eco-Science Professionals will also prepare a Wetland Delineation and Steep Slopes Evaluation Report documenting our findings. Four (4) copies of the report and map will be provided to the client.

Cost for Task 1

\$ 1,000.00

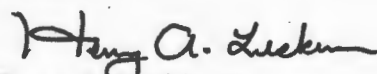
TOTAL PROJECT COST (Task 1) \$ 1,000.00
--

Work will start immediately after we receive this signed agreement. All work will be invoiced monthly and will show an hourly breakdown of work performed. If you decide not to proceed with the project, this contract may be canceled and you shall be liable only for work performed to the date of cancellation. Cancellation of the contract shall be made by writing. Payment is due within 30 days of receipt of invoice.

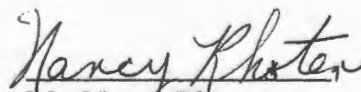
We thank you for the opportunity to work on this project.

Signature of this proposal will constitute a contractual agreement in acceptance of said Scope of Services and to the enclosed General Conditions of Agreement which apply to this project. Please return the signed contract for our signature. A copy of the executed contract will be mailed to you. Please don't hesitate to call should you have any questions.

Sincerely,

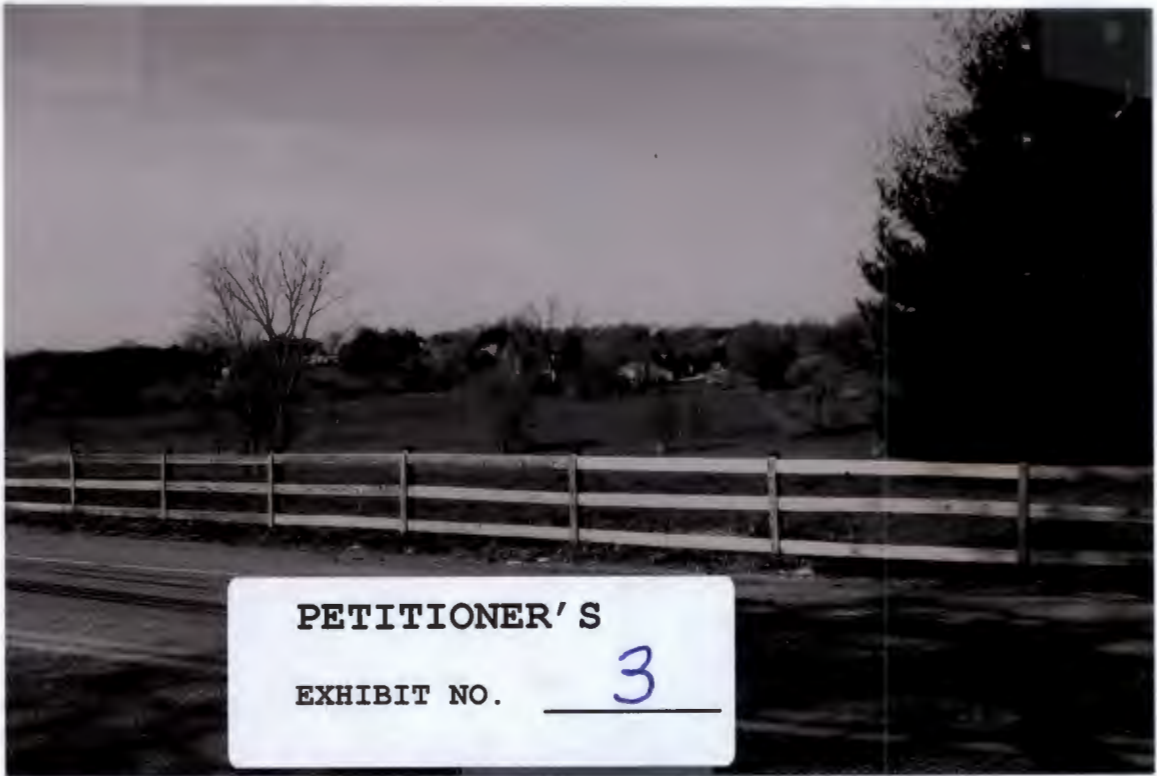

Henry A. Leskinen

Henry A. Leskinen
Principal
Eco-Science Professionals, Inc.


Ms. Nancy Rhoten
P.O. Box 263
Manchester, MD 21102

Date

7/31/08
Date













2400001749
Lot # 2

Pt. Bk./Folio # MP02042

2400001750 Lot # 1

0413086720

12203

0422000310

21045260

Pt. Bk./Folio # 020153

3012

Lot # 9
0419058271
3014

Lot # 8

0419058270

PARK HEIGHTS AVE

RC 5

WALNUT AVE

WALNUT AVE

0404035303

3019

Lot # 1

0404035302

PDM # 040021

Pt. Bk./Folio # 020153

3017

Lot # 2

0408003132
Lot # 3

0406045053

049C2

3101

NW 15-G
2 CD

2100009322

4 ED

19481239

19491403 12153

BL CR

0408003131

12147

12147

0403068020

12145

20020476
19980332

2100009323

049C3

PARK HEIGHTS AVE
PARK HEIGHTS AVE

STURM, MAURICE PROPERTY (PDM File/Project #)

1800011405

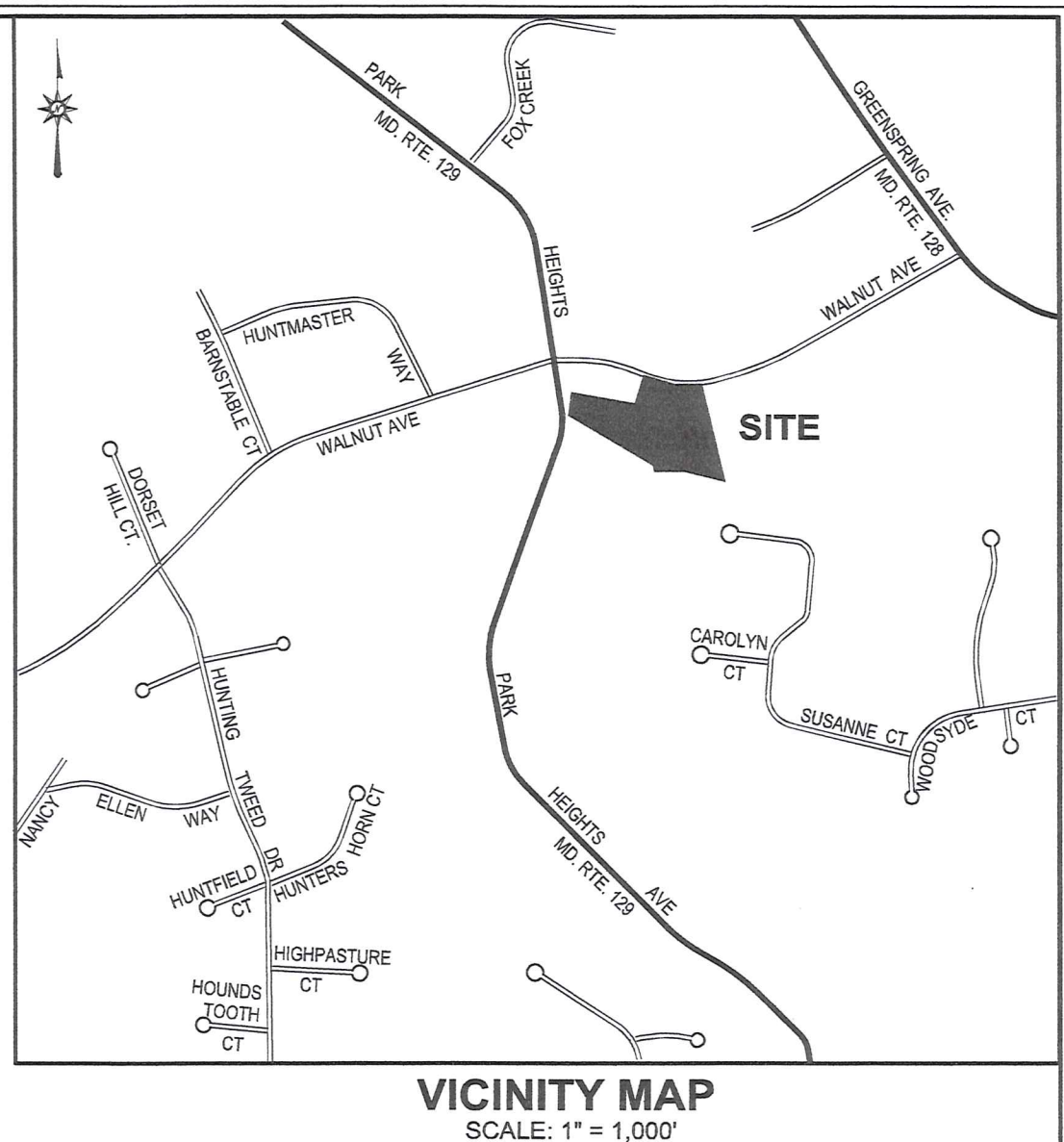
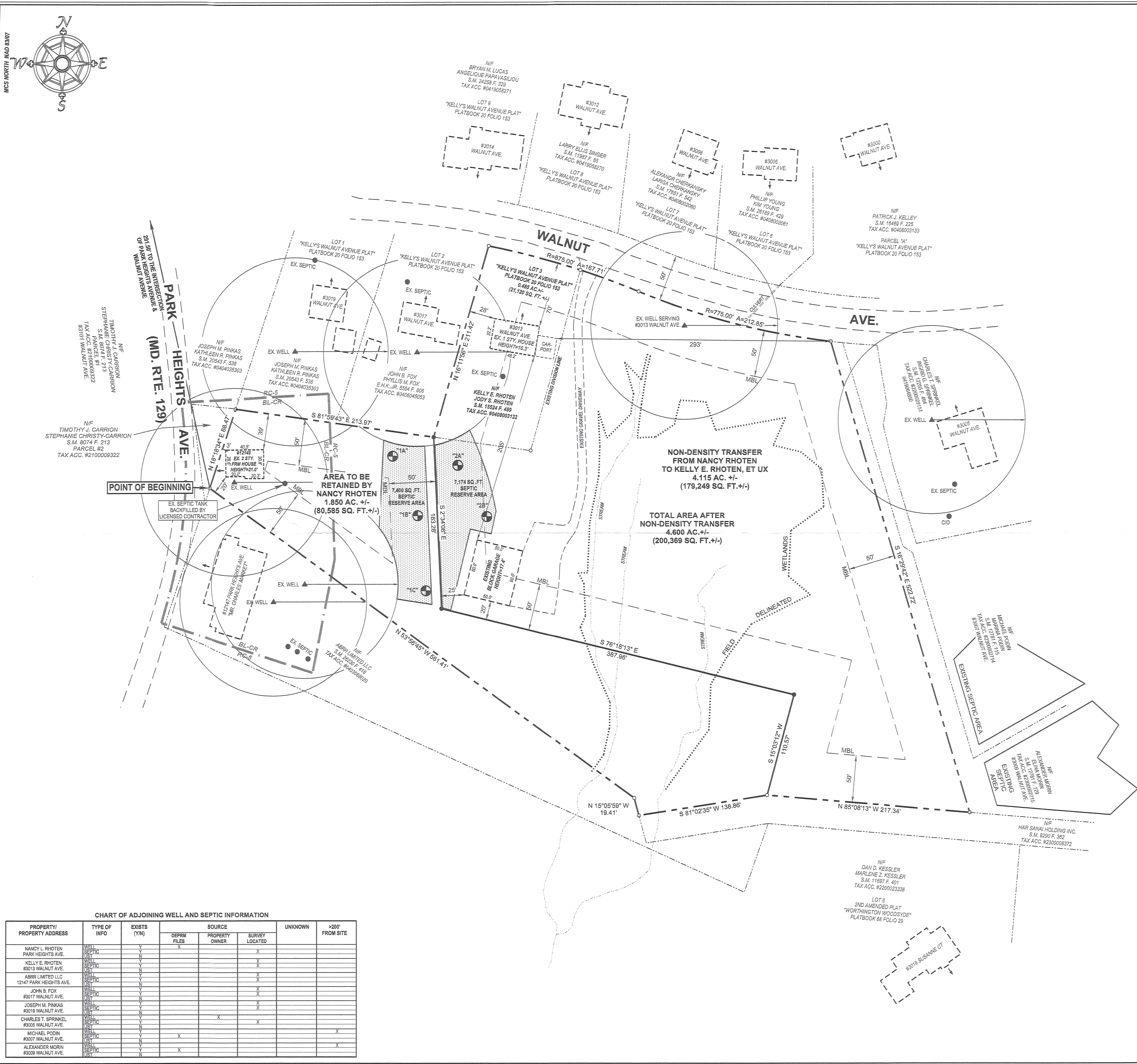
Lot # 1

2200011024

Lot # 2

12137

#0238



- GENERAL NOTES:**
- CURRENT TITLE REFERENCE:
OWNER: NANCY L. RHOTEN
DEED REFERENCE: S.M. 11497 FOLIO 275
DATE: MARCH 21, 1996
GRANTOR: NANCY L. RHOTEN, ATTY-IN-FACT FOR RENNIS G. HARDEN
AREA: 5.965 AC. +/-
 - OWNER: KELLY E. RHOTEN & JODY S. RHOTEN
DEED REFERENCE: S.M. 15524 FOLIO 489
DATE: AUGUST 22, 2001
GRANTOR: NANCY L. RHOTEN
AREA: 0.485 AC. +/-
 - TAX MAP: 49 GRID 18 PARCEL 35 & P/O PARCEL 173
3. TAX ACCOUNT NUMBER: 0408003131 & 0408003132
 - GROSS AREA: 6.45 AC. +/-
 - CURRENT ZONING CLASSIFICATIONS:
RC-5: 6.100 AC. +/-
BL-CR: 0.350 AC. +/-
 - TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTO. CO. GIS TILES 049c2 & 049c3.
 - WATERSHED: JONES FALLS
 - SUBSEVERSHED: 61N
 - THERE ARE NO WELLS/SEPTICS LOCATED WITHIN 100 FEET OF THE PROPERTY UNLESS OTHERWISE SHOWN HEREON.
 - THERE ARE NO UNDERGROUND STORAGE TANKS LOCATED ON SITE.
 - THE SEPTIC TANK FOR #12149 PARK HEIGHTS AVENUE HAS BEEN BACKFILLED BY A LICENSED SEPTIC CONTRACTOR. ANY RENOVATIONS TO THE EXISTING RESIDENCE WILL REQUIRE THE INSTALLATION OF A NEW SEWAGE DISPOSAL SYSTEM.
 - ZONING HISTORY: NONE FOR SUBJECT PROPERTY

- ZONING RELIEF REQUESTED:**
- SPECIAL HEARING-
- TO PERMIT A NON-DENSITY TRANSFER OF 4.115 ACRES FROM THE NANCY RHOTEN PROPERTY KNOWN AS #12149 PARK HEIGHTS AVENUE TO THE KELLY E. RHOTEN AND JODY S. RHOTEN PROPERTY KNOWN AS #3013 WALNUT AVENUE WHICH WOULD PLACE THE WELL ON THE SAME PARCEL AS THE DWELLING IT SERVES.
 - FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ZONING COMMISSIONER.
- PETITIONER'S PROPERTY IS SPLIT ZONED RC-5 AND BL-CR. THE PARCEL OF LAND TO BE TRANSFERRED IS ZONED RC-5. DUE TO ENVIRONMENTAL CONSTRAINTS, INCLUDING WETLANDS AND STREAMS CROSSING THE NON-DENSITY PARCEL, THE NON-DENSITY PARCEL IS UNABLE TO BE DEVELOPED BUT WILL PROVIDE THE PROPERTY OF KELLY RHOTEN AND JODY S. RHOTEN WITH A NEW SEPTIC RESERVE AREA AS REQUESTED BY DEPRM AND WILL ALLOW THE EXISTING WELL SERVING #3013 WALNUT AVENUE TO BE LOCATED ON THE SAME PROPERTY AS THE RESIDENCE IT SERVES.

**PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING
THE NANCY RHOTEN AND
KELLY RHOTEN PROPERTIES**

4TH ELECTION DISTRICT COUNCILMANIC DISTRICT: 2
BALTIMORE COUNTY, MARYLAND

OWNERS:
NANCY RHOTEN
P.O. BOX 263
MANCHESTER, MD 21102

KELLY E. RHOTEN
JODY S. RHOTEN
3013 WALNUT AVE.
OWINGS MILLS, MD 21117

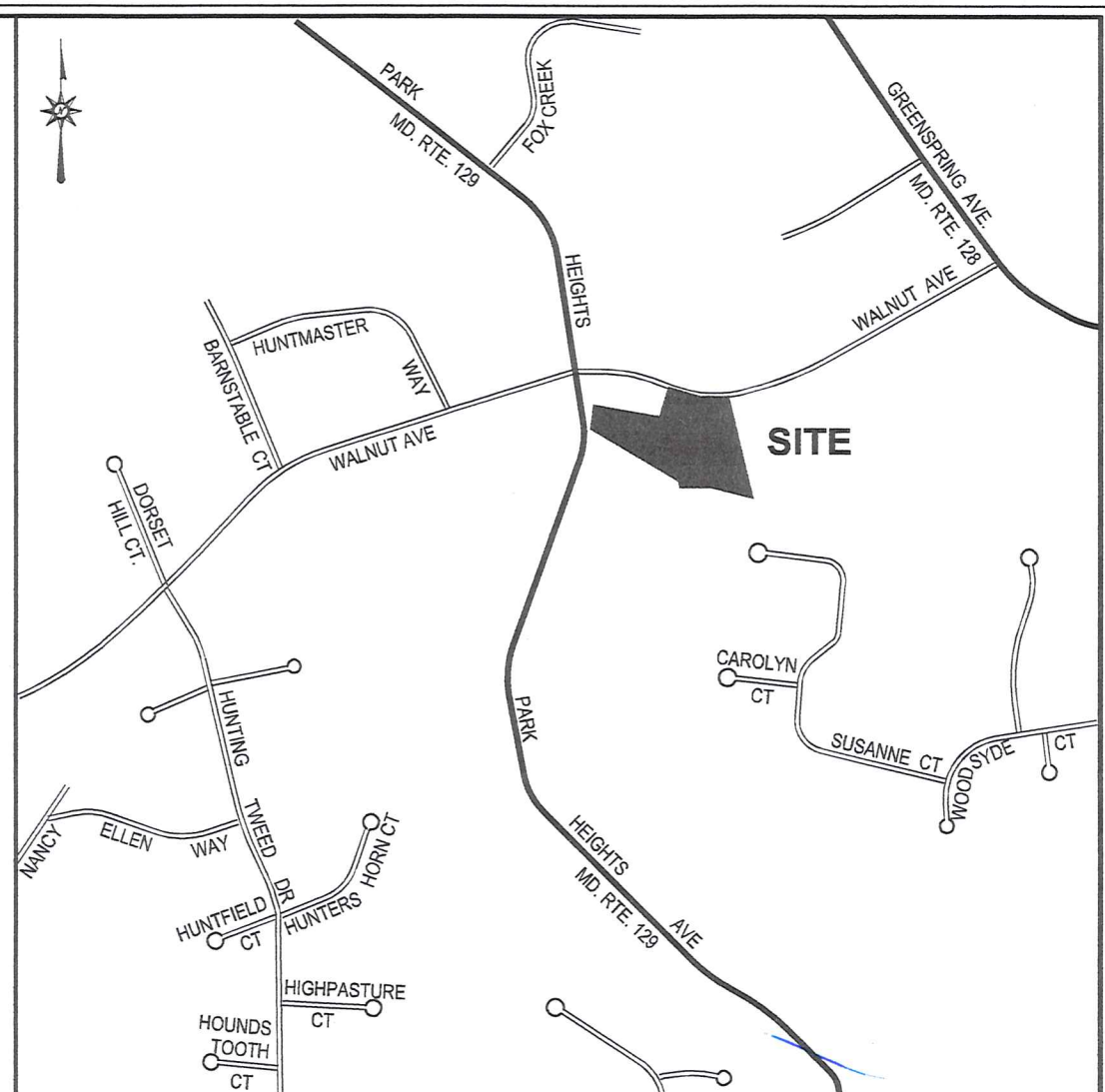
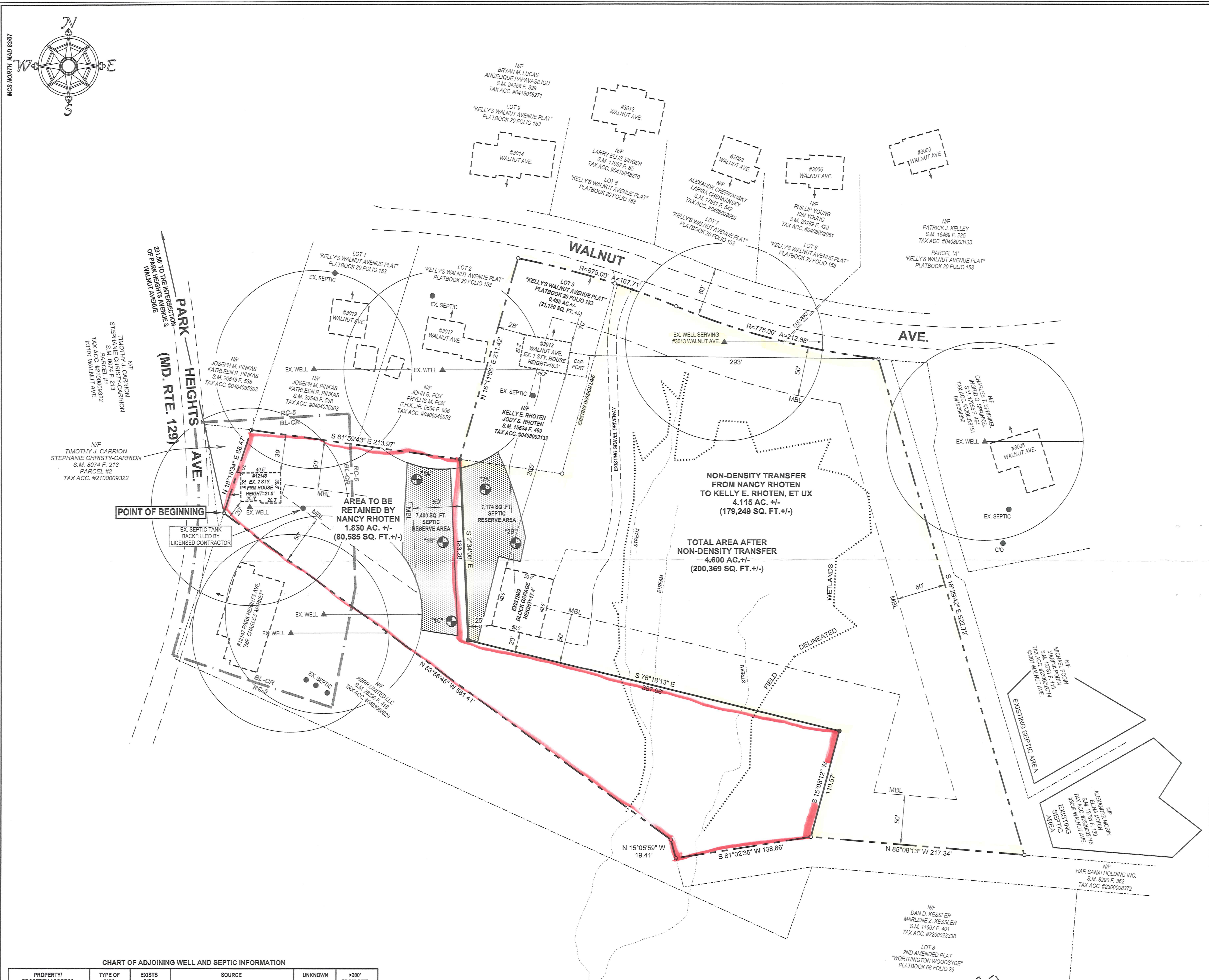
**Professional
Surveys**

194 E. Main St., 2nd Floor
Westminster, MD 21157
Phone 410-751-8795
fax 410-751-8796

DRAWING NAME: ZONING PLAN
SCALE: 1"= 50' DATE: 02/18/10 DRAWN BY: KAH
JOB: 2008-009 CHECK BY: KAH SHEET: 1/1

COUNTY FILE NO.:

CHART OF ADJOINING WELL AND SEPTIC INFORMATION						
PROPERTY/ PROPERTY ADDRESS	TYPE OF INFO	EXISTS (Y/N)	SOURCE		UNKNOWN	>200' FROM SITE
			DEPRM FILES	PROPERTY OWNER		
NANCY L. RHOTEN PARK HEIGHTS AVE.	WELL	Y	X		X	
KELLY E. RHOTEN #3013 WALNUT AVE.	SEPTIC	Y			X	
ABRR LIMITED LLC 12147 PARK HEIGHTS AVE.	SEPTIC	Y			X	
JOHN B. FOX #3017 WALNUT AVE.	WELL	Y			X	
JOSEPH M. PINKAS #3019 WALNUT AVE.	SEPTIC	Y			X	
CHARLES T. SPRINKEL #3005 WALNUT AVE.	WELL	Y		X	X	
MICHAEL POJIN #3007 WALNUT AVE.	SEPTIC	Y	X			X
ALEXANDER MORIN #3009 WALNUT AVE.	SEPTIC	Y	X			X



VICINITY MAP
SCALE: 1" = 1,000'

- GENERAL NOTES:**
- CURRENT TITLE REFERENCE:
OWNER: NANCY L. RHOTEN
DEED REFERENCE: S.M. 11497 FOLIO 275
DATE: MARCH 21, 1996
GRANTOR: NANCY L. RHOTEN, ATTY-IN-FACT FOR RENNIS G. HARDEN
AREA: 5.965 AC. +/-
 - OWNER: KELLY E. RHOTEN & JODY S. RHOTEN
DEED REFERENCE: S.M. 15524 FOLIO 489
DATE: AUGUST 22, 2001
GRANTOR: NANCY L. RHOTEN
AREA: 0.485 AC. +/-
 - TAX MAP: 49 GRID 18 PARCEL 35 & P/O PARCEL 173
 - TAX ACCOUNT NUMBER: 0408003131 & 0408003132
 - GROSS AREA: 6.45 AC. +/-
 - CURRENT ZONING CLASSIFICATIONS:
RC-5: 6.100 AC. +/-
BL-CR: 0.350 AC. +/-
 - TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTO. CO. GIS TILES 049c2 & 049c3.
 - WATERSHED: JONES FALLS
 - SUBSEVERSHED: 61N
 - THERE ARE NO WELLS/SEPTICS LOCATED WITHIN 100 FEET OF THE PROPERTY UNLESS OTHERWISE SHOWN HEREON.
 - THERE ARE NO UNDERGROUND STORAGE TANKS LOCATED ON SITE.
 - THE SEPTIC TANK FOR #12149 PARK HEIGHTS AVENUE HAS BEEN BACKFILLED BY A LICENSED SEPTIC CONTRACTOR. ANY RENOVATIONS TO THE EXISTING RESIDENCE WILL REQUIRE THE INSTALLATION OF A NEW SEWAGE DISPOSAL SYSTEM.
 - ZONING HISTORY: NONE FOR SUBJECT PROPERTY

- ZONING RELIEF REQUESTED:**
SPECIAL HEARING-
- TO PERMIT A NON-DENSITY TRANSFER OF 4.115 ACRES FROM THE NANCY RHOTEN PROPERTY KNOWN AS #12149 PARK HEIGHTS AVENUE TO THE KELLY E. RHOTEN AND JODY S. RHOTEN PROPERTY KNOWN AS #3013 WALNUT AVENUE WHICH WOULD PLACE THE WELL ON THE SAME PARCEL AS THE DWELLING IT SERVES.
 - FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ZONING COMMISSIONER.

PETITIONER'S PROPERTY IS SPLIT ZONED RC-5 AND BL-CR. THE PARCEL OF LAND TO BE TRANSFERRED IS ZONED RC-5. DUE TO ENVIRONMENTAL CONSTRAINTS, INCLUDING WETLANDS AND STREAMS CROSSING THE NON-DENSITY PARCEL, THE NON-DENSITY PARCEL IS UNABLE TO BE DEVELOPED BUT WILL PROVIDE THE PROPERTY OF KELLY RHOTEN AND JODY S. RHOTEN WITH A NEW SEPTIC RESERVE AREA AS REQUESTED BY DEPRM AND WILL ALLOW THE EXISTING WELL SERVING #3013 WALNUT AVENUE TO BE LOCATED ON THE SAME PROPERTY AS THE RESIDENCE IT SERVES.

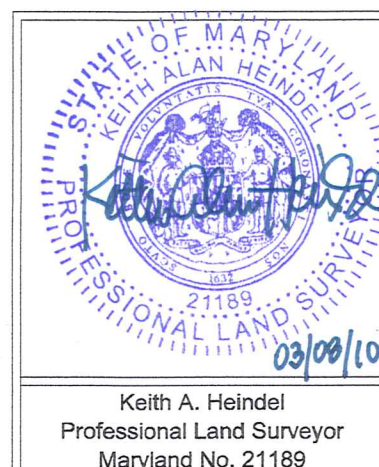
**PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING
THE NANCY RHOTEN AND
KELLY RHOTEN PROPERTIES**

4TH ELECTION DISTRICT COUNCILMANIC DISTRICT: 2
BALTIMORE COUNTY, MARYLAND

OWNERS:
NANCY RHOTEN
P.O. BOX 263
MANCHESTER, MD 21102

PETITIONER'S
EXHIBIT NO. 1

KELLY E. RHOTEN
JODY S. RHOTEN
3013 WALNUT AVE.
OWINGS MILLS, MD 21117



Professional Surveys

194 E. Main St., 2nd Floor
Westminster, MD 21157
Phone 410-751-8795
fax 410-751-8796

DRAWING NAME: ZONING PLAN
SCALE: 1"= 50' DATE: 02/18/10 DRAWN BY: KAH
JOB: 2008-009 CHECK BY: KAH SHEET: 1/1

COUNTY FILE NO.:

CHART OF ADJOINING WELL AND SEPTIC INFORMATION						
PROPERTY/ PROPERTY ADDRESS	TYPE OF INFO	EXISTS (Y/N)	DEPRM FILES	SOURCE PROPERTY OWNER	SURVEY LOCATED	UNKNOWN
NANCY L. RHOTEN PARK HEIGHTS AVE.	WELL	Y	X		X	
KELLY E. RHOTEN #3013 WALNUT AVE.	WELL	Y			X	
ABRR LIMITED LLC 12147 PARK HEIGHTS AVE.	WELL	Y			X	
JOHN B. FOX #3017 WALNUT AVE.	WELL	Y			X	
JOSEPH M. PINKAS #3019 WALNUT AVE.	WELL	Y			X	
CHARLES T. SPRINKEL #3005 WALNUT AVE.	WELL	Y			X	
MICHAEL PODIN #3007 WALNUT AVE.	WELL	Y	X			
ALEXANDER MORIN #3009 WALNUT AVE.	WELL	Y	X			