

IN RE: **PETITION FOR VARIANCE**

N/S of West Joppa Road, 80' E of c/line of
Acorn Hill Avenue
(1438 West Joppa Road)

9th Election District
2nd Council District

Barbara L. Dripps
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 2010-0289-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Barbara L. Dripps. The Petitioner seeks relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (gatehouse/garage) to be located in the front yard of a proposed dwelling in lieu of the required rear location, with a height of 20 feet in lieu of the required 15 feet; and to amend the Final Development Plan of Oaklands, Lot #12 only. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Herb P. Dripps, the Petitioner's husband and general contractor d/b/a the Glen Arm Building Company.

Kathleen Palencar, President of the Ruxton-Riderwood-Lake Roland Area Improvement Association, appeared on behalf of the interested residents of the surrounding community and stated her organization supported the Design Review Panel's comments (Petitioner's Exhibit 3) and did not oppose the requested variances. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

6-18-10

193

This case relates to an existing lot, unimproved, known as 1438 West Joppa Road shown as Lot #12 on the subdivision plat of Oaklands in the Towson/Ruxton area between Bellona Avenue (west side) and North Charles Street (east side). An understanding of the history of the lot, including its creation, is vital to an understanding of the case and the reasons for the filing of the Petition. The property has been owned by the Petitioner for over a decade and was originally a portion of an overall tract, known as the 'Jones Property,' that was approximately 12 acres in area and subdivided in 1985.¹ While most of the other lots in the Oaklands subdivision have been developed and improved with single-family dwellings, the subject property has remained unimproved. The Petitioner, who resides behind the subject property at 1436 West Joppa Road,² now desires to commence with the development of Lot 12 including a smaller home that will feature a master bedroom on the first floor and other amenities she and her husband desire as they get older. The accessory structure will provide needed space for their cars, lawn tractor and motorcycles. When completed, the Petitioner's home (1436 West Joppa Road) will be sold and they will reside at 1438 West Joppa Road. The variance request is driven by site constraints – a County sewer easement, a driveway bisecting the lot that serves other lots, existing mature landscaping and difficult topography. A fifty (50) foot drop in elevation exists from the rear of the lot to the front towards Joppa Road.

Testimony and evidence offered revealed that 1438 West Joppa Road consists of approximately 1.82 acres (79,300 square feet) of D.R.2³ zoned land located on the north side of

The subject property, at the time part of the Jones property, was part of a prior order in Case No. 95-192-SPH.

According to the Real Property Data Search contained in the file, 1436 Joppa Road is Lot 11 of the Oaklands subdivision containing approximately 2.16 acres. The primary structure was built in 2001 and contains 4,635 square feet.

Section 1B02.2.A enumerates the D.R.2 zones. A lot of this size would allow two (2) dwelling units per acre with a maximum building height of 50 feet. Only one (1) single-family dwelling is proposed.

6-18-10
103

West Joppa Road with ingress/egress off of a private lane. The lot is irregularly shaped and as noted above is identified as Lot 12 on the Final Subdivision Plat of Oaklands subdivision that was marked and accepted into evidence as Petitioner's Exhibit 4. This plat was a re-subdivision of Lots 10, 11 and 12 of the original Jones property. The property is heavily forested and contains many environmental constraints including several specimen trees (magnolia trees in the northeastern rear yard – holly trees and evergreens in the northwestern rear yard). Petitioner proposes to build a single-family dwelling on the northwest portion of the lot in order to avoid affecting the forested areas and numerous evergreen trees on the property which the neighboring community wants protected. The proposed residence would contain approximately 3,000 square feet and be built in an "Arts and Craft" style. Also proposed is a 20-foot high accessory structure (garage) to be built in the front yard of the property. This proposed accessory structure is the subject of the requested variance. The Petitioner opines that the proposed location for the garage in the front yard in lieu of the required back yard, is the most practical given its proximity to the existing driveway, the existing mature specimen trees, and other topographic constraints. Moreover, the planned height of the garage at 20 feet is necessary in order to keep with the requirements of the Design Review Panel. The subject property is located within the Ruxton-Riderwood-Lake Roland Design Review area and therefore subject to strict design specifications. Moreover, because the property is located on West Joppa Road, it is subject to scenic route regulations as enumerated in the 2010 Master Plan. Petitioner opines that the aforementioned restrictions, designations and environment encumbrances render the subject property unique, thereby qualifying the property for variance relief. *See, McLean v. Soley*, 270 Md. 208 (1973) where the Court stated, "The granting of a variance to the side yard setback requirements is justifiable on the grounds that the trees could be preserved, contributing to the greater public benefit ...".

ORDER RECEIVED FOR FILING

Date

By

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. No negative comments were received in opposition to the proposed plan. Comments received from the Office of Planning on June 14, 2010, confirmed that the subject property is located within the Ruxton-Riderwood-Lake Roland Design Review Area and that West Joppa Road is designated as a Scenic Route in Master Plan 2010. Moreover, it was indicated that the architectural elevation drawings including a cross section of the proposed accessory structure were provided and reviewed by the Design Review Panel (DRP). Further, the Petitioner met with community association representatives and planning staff. On June 9, 2010, the DRP met and recommended approval of the new residence and accessory structure subject to three (3) conditions: repositioning the turn around area to avoid the sewer easement, providing additional landscaping around the accessory structure, and removing the cupola on the accessory structure. At the hearing, Herb Dripps amended the site plan to incorporate these modifications.

The consideration of the variance request from the zoning regulations is governed by Section 307.1 of the B.C.Z.R. as interpreted by *Cromwell v. Ward*, 102 Md. App. 691 (1995). The two-part variance test involves finding that a property is unique and unusual and that if strict adherence to the regulations were required absent relief, an unreasonable hardship or practical difficulty would result. Self-inflicted or created hardship is not considered proper grounds for a variance.

After due consideration of all the evidence presented, I am persuaded to grant the variance request to allow the accessory structure (garage) to be positioned in the front yard on the northeast side of the house in lieu of the required back yard and to allow the garage to be 20 feet high in lieu of the required 15 feet height requirement. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioner

ORDER RECEIVED FOR FILING

Date

By

and prevent her use of the property for a permitted purpose. A property owner has a common law right to use his property in a manner so as to realize its highest and best use. *See Aspen Hill Venture v. Montgomery County Council* 265 Md. 303 (1972). A garage is a reasonable accessory use to a residence. Further, there is adequate evidence that the subject property is peculiar, unusual and unique. The concern of the Petitioner regarding preservation of the mature tress on the subject property is an appropriate justification for zoning relief. *McLean v. Soley*, supra. The location of the subject property along a scenic route and in a Design Review Area exacerbate the uniqueness of the property. Given these unique circumstances and the comments of the Design Review Panel, I find the proposed location for the garage is appropriate in this instance and not out of character. As demonstrated on the architectural design (Exhibit 2), it will be aesthetically pleasing and the garage's entry doors will not be seen from West Joppa Road. Therefore, I find that the relief requested will not be detrimental to adjoining properties or the surrounding locale. Moreover, a grant of the requested variances would be in harmony with the intent of the zoning regulations and would not create injury to the public, health, safety and welfare.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of June, 2010 that the Petition for Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (gatehouse/garage) to be located in front yard of a proposed dwelling in lieu of the required rear location, with a height of 20 feet in lieu of the required 15 feet; and to amend the Final Development Plan of Oaklands, Lot #12 only, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject to the following:

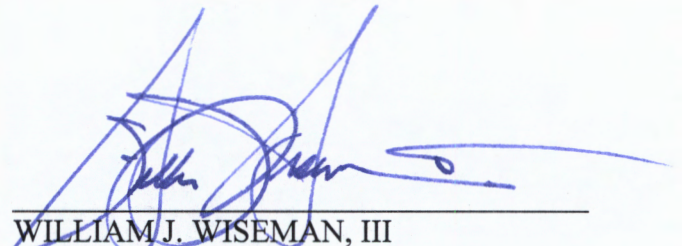
ORDER RECEIVED FOR FILING

Date 6-18-10

By 1903

1. Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her own risk until the thirty (30) day appeal period from the date of this Order has expired. If, for whatever reason this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall abide by the conditions enumerated by the Design Review Panel that have been incorporated on the site plan (Exhibit 1) in conjunction with the repositioned turn around area to avoid the sewer easement, providing additional landscaping around the accessory structure (gatehouse/garage) and the elimination of the cupola from its roof.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw/esl

ORDER RECEIVED FOR FILING

Date 6-18-10
By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 24, 2010

Herb P. Dripps
1436 West Joppa Road
Towson, MD 21204

RE: **PETITION FOR VARIANCE**
N/S of West Joppa Road, 80' E of c/line of Acorn Hill Avenue
(1438 West Joppa Road)
9th Election District - 2nd Council District
Barbara L. Dripps – Petitioner
Case No. 2010-0289-A

Dear Mr. Dripps:

In response to your letter received on June 23, 2010 concerning the Order issued in the above captioned matter, the following comments are offered. You advised this Office that the accessory structure location in the front yard referenced on Page 4 was incorrect. Specifically, Page 4, Line 22 of the Order indicates that the proposed accessory structure (garage) is to be positioned in the front yard on the *northeast side* of the house in lieu of the required back yard; however, and in accordance with the approved site plan (Petitioner's Exhibit 1), it should have stated "on the *south side* of the house". Since the error does not impact the nature of the relief requested, this letter will serve to correct the Order administratively and will not affect the appeal period. Therefore, pursuant to your request, the error has been duly noted and Page 4, Line 22 of the Order should be changed to read as follows:

"the south side of the house in lieu of the required back yard and to allow the garage to be 20"

A copy of this letter shall be incorporated into the case file and made a part of the Order, and I trust that this will resolve any discrepancies found therein. Thank you for bringing this matter to my attention and should you need any further assistance in this regard, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Barbara L. Dripps, 1436 West Joppa Road, Towson, Maryland 21204
Kathleen Palencar, President, Ruxton-Riderwood-Lake Roland Area Improvement
Association, 1208 Boyce Avenue, Towson, MD 21204
People's Counsel; Office of Planning; File



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 18, 2010

Barbara L. Dripps
1436 West Joppa Road
Towson, Maryland 21204

RE: **PETITION FOR VARIANCE**
N/S of West Joppa Road, 80' E of c/line of Acorn Hill Avenue
(1438 West Joppa Road)
9th Election District - 2nd Council District
Barbara L. Dripps – Petitioner
Case No. 2010-0289-A

Dear Ms. Dripps:

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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Herb P. Dripps, 1436 West Joppa Road, Towson, MD 21204
Kathleen Palencar, President, Ruxton-Riderwood-Lake Roland Area Improvement
Association, 1208 Boyce Avenue, Towson, MD 21204
People's Counsel; Office of Planning; File



TAX. ACCOUNT # 2300008159

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at lot 12, Oaklands
which is presently zoned DR 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Sections 400.1 and 400.3 – to permit a proposed detached accessory structure (garage) to be located in the front of a proposed dwelling and have a height of 20 feet in lieu of the required rear and maximum allowed 15; and to amend the Final Development Plan of Oaklands, lot #12 only

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

to be discussed at hearing

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Date Telephone No.

City By State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By Date

Case No. 2010-0289-A

ZONING DESCRIPTION FOR 1438 W Joppa Road

Beginning at a point on the North side of W. Joppa Road which is 60 feet wide at the distant of 80 feet East of centerline of the nearest improved intersecting street Acorn Hill Lane which is 20' +/- wide. *Being Lot #12 in the subdivision of Oaklands as recorded in Baltimore County Plat Book # SM72, Folio #62, containing 1.821 Acres. Also know as 1438 W Joppa Road and located in the 9th Election District. 2ND COUNCILMANIC

Item #0289

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: 2010-0289-A

Petitioner: HERB DRIPPS

Address or Location: 1436 W Joppa Rd
TOWSON MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: HERB DRIPPS

Address: 1436 W. Joppa Rd
TOWSON MD 21204

Telephone Number: 410-296-7930

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

No. 59225

Date: 6/1/11

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
				Obj	Sub Obj				
									115

Total: 2 115

Rec

From: _____

For: Emily Manning

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: # 2010-0289-A

1438 W. Joppa Road, Lot 12, Oaklands

N/side of West Joppa Road, 80 feet east of the centerline of Acron Hill Avenue

9th Election District - 2nd Councilmanic District

Legal Owner(s): Barbara Dripps

Variance: to permit a proposed detached accessory structure (garage) to be located in the front of a proposed dwelling and have a height of 20 feet in lieu of the required rear maximum allowed 15; and to amend the Final Development Plan of Oaklands, lot #12 only.

Hearing: Thursday, June 17, 2010 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT/6/620 June 1

242127

CERTIFICATE OF PUBLICATION

6/3/, 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 6/1/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

RE: Case#2010-0289-A

PETITIONER:
Barbara Dripps

DATE OF HEARING: June 17, 2010

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:

1438 West Joppa Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD

SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: May 28, 2010

ZONING NOTICE

CASE # 2010-0289-A

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

PLACE: Room 106 County Office Building
TIME & 111 West Chesapeake Avenue, Towson, MD
DATE : 10:00 am Thursday June 17, 2010

Variance: to permit a proposed detached accessory structure (garage) to be located in the front of a proposed dwelling and have a height of 20 feet in lieu of the required rear maximum allowed 15; and to amend the Final Development Plan of Oaklands, lot #12 only.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.

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

ZONING NOTICE

CASE # 2016-0289-A

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

PLACE: Room 106, Eastern Shore Building
111 West Chesapeake Avenue, Suite 106
Towson, MD 21204

TIME & DATE: 10:00 AM THURSDAY, JULY 14, 2016

ATTENTION: TO ALL PROPERTY OWNERS, NEIGHBORS, AND
OTHERS INTERESTED IN THE MATTER,
PLEASE BE PRESENT AT THE PUBLIC HEARING TO
STATE YOUR POSITION. THE PUBLIC HEARING IS A
CRUCIAL PART OF THE ZONING PROCESS AND YOUR
INPUT IS APPRECIATED.

FOR MORE INFORMATION, CONTACT THE ZONING
COMMISSIONER AT (410) 326-7000.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 1, 2010 Issue - Jeffersonian

Please forward billing to:
Herb Dripps
1436 W. Joppa Road
Towson, MD 21204

410-296-7930

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: 2010-0289-A

1438 W. Joppa Road, Lot 12, Oaklands

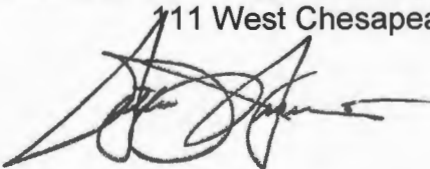
N/side of West Joppa Road, 80 feet east of the centerline of Acron Hill Avenue

9th Election District – 2nd Councilmanic District

Legal Owners: Barbara Dripps

Variance to permit a proposed detached accessory structure (garage) to be located in the front of a proposed dwelling and have a height of 20 feet in lieu of the required rear maximum allowed 15; and to amend the Final Development Plan of Oaklands, lot #12 only.

Hearing: Thursday, June 17, 2010 at 10:00 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
May 17, 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: 2010-0289-A

1438 W. Joppa Road, Lot 12, Oaklands

N/side of West Joppa Road, 80 feet east of the centerline of Acron Hill Avenue

9th Election District – 2nd Councilmanic District

Legal Owners: Barbara Dripps

Variance to permit a proposed detached accessory structure (garage) to be located in the front of a proposed dwelling and have a height of 20 feet in lieu of the required rear maximum allowed 15; and to amend the Final Development Plan of Oaklands, lot #12 only.

Hearing: Thursday, June 17, 2010 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kll

C: Barbara Dripps, 1436 W. Joppa Road, Towson 21204
Herb Dripps, 1436 W. Joppa Road, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 2, 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 9, 2010

Barbara Dripps
1436 W. Joppa Rd.
Towson, MD 21204

Dear: Barbara Dripps

RE: Case Number 2010-0289-A, Lot 2 Oakland

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 21, 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
Herb Dripps; 1436 W. Joppa Rd.; Towson, MD 21204



BALTIMORE COUNTY
MARYLAND

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: April 26th , 2010

Item Numbers: 0282, 0283, 0284, 0285, 0286, 0287, 0288 and 0289

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

BW
6-17-10
10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 09 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 9, 2010
SUBJECT: Zoning Item # 10-289-A
Address 1438 W Joppa Road
(Dripps Property)

Zoning Advisory Committee Meeting of April 26, 2010.

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

Reviewer: JWJ

Date: 6/9/10

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 10, 2010
Item Nos. 2010-283, 284, 285, 286
288 and 289

DATE: April 29, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05102010 -NO COMMENTS.doc

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 4/27/2010

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

RE: Baltimore County
Item No. 2010-0289-A
1438 W. Joppa RD
DRIPPS PROPERTY
VARIANCE-

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. 2010-0289-A.

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,

A handwritten signature in black ink, appearing to read "Michael P. Bailey".

for¹ 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

Bu 6/17
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 11, 2010

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

RECEIVED

SUBJECT: Lot 12, Oaklands

Item Number: 10-289

Petitioner: Barbara Dripps

Zoning: DR 2

Requested Action: Variance

JUN 14 2010 (3:15 PM)

ZONING COMMISSIONER

The subject property is a vacant lot in the subdivision of Oaklands, (formerly known as the Jones Property) recorded as lot 12 in Liber MS 72 Folio 62. The owner also owns Lot 11, which is improved with an existing dwelling and there is an existing private driveway serves 4 existing dwellings and crosses lot 12.

The property is located within the Ruxton-Riderwood Lake Roland Design Review area and West Joppa Road is designated as a Scenic Route in Master Plan 2010. The petitioner requests a variance to allow a 20' x 20' accessory structure to be constructed in the front yard in lieu of the required rear yard and with a height of 20' in lieu of 15.' It should be noted that the petitioner is also building a new single-family residence on the lot.

Architectural elevation drawings for the proposed dwelling and accessory structure were provided and a cross section of the accessory structure as viewed from Joppa Road.

The petitioner has met with community association representatives and planning staff.

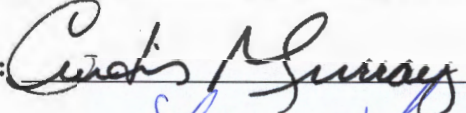
SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval subject to incorporating the Design Review Panel's conditions. (A copy of the meeting's minutes is attached.)

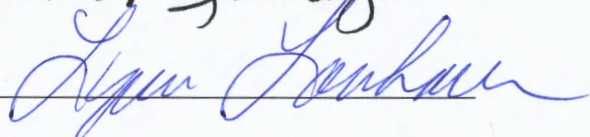
The DRP met on June 9, 2010 and recommended approval of the new residence and accessory structure subject to the three conditions.

1. Reposition the turn around area to avoid the sewer easement.
2. Provide additional landscaping around the accessory structure.
3. Remove the cupola on the accessory structure.

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

JAMES T. SMITH, JR.,
County Executive

ARNOLD F. 'PAT' KELLER, III
Director, Office of Planning

INTER-OFFICE CORRESPONDENCE

DESIGN REVIEW COMMENTS

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

DATE: June 11, 2010

FROM: Lynn Lanham
Design Review Panel

SUBJECT: Design Review Panel
Minutes of the June 9, 2010 Meeting

PROJECT NAME: 1438 West Joppa Road

PROJECT : DRP # 515

PROJECT TYPE: Residential, Ruxton/Riderwood/Lake Roland

DESIGN REVIEW PANEL MEMBERS IN ATTENDANCE:

William Monk, John DiMenna, Christopher Parts, Thomas Repsher, Francis Anderson (Resident Member – Ruxton/Riderwood/Lake Roland)

PROJECT DESCRIPTION:

Mr. Herb Dripps, applicant and owner of 1438 West Joppa Road, presented the project to the panel. The project consists of constructing a new home, of approximately 3,000 s.f. in the "Arts and Craft" style with a Butler Stone base and Hardie Board Siding as well as asphalt shingles. Also proposed is a separate gate house/garage located at the front of the site. The accessory structure is the subject of a variance, Case No. 2010-289.

The applicant is trying to preserve existing landscaping on the site and minimize grading as much as possible while working with certain constraints such as a County sewer easement, property setbacks and difficult topography. Existing landscaping on the site includes magnolia trees, holly trees, and evergreens. Retaining walls will also be needed on the site and will be constructed of stone or faux stone materials.

The applicant met with the neighbors as well as the Ruxton Riderwood Community Association prior to the Design Review Panel Meeting.

RE: PETITION FOR VARIANCE	*	BEFORE THE
1438 West Joppa Road; N/S West Joppa Road		
80' E of c/line of Acron Hill Avenue	*	ZONING COMMISSIONER
9 th Election & 2 nd Councilmanic Districts		
Legal Owner(s): Barbara Dripps	*	FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	10-289-A

* * * * *

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

APR 28 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 28th day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to Herb Dripps. 1436 West Joppa Road, Towson, Md 21204, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Murray, Curtis
CC: Are, Kathy
Date: 6/11/2010 10:55 AM
Subject: Comment Needed

*Missing
OP
6-11-10*

Hi Curtis,

In reviewing next week's files, Bill will need an OP comment for the following:

CASE NUMBER: 2010-0289-A

1438 West Joppa Road

Location: N side of West Joppa Road; 80 feet E of the c/l of Acron Hill Avenue.

9th Election District, 2nd Councilmanic District

Legal Owner: Barbara Dripps

VARIANCE To permit a proposed detached accessory structure (garage) to be located in the front of a proposed dwelling and have a height of 20 feet in lieu of the required rear maximum allowed 15 feet; and to amend the Final Development Plan of Oaklands, Lot #12 only.

Hearing: Thursday, 6/17/2010 at 10:00:00 AM, County Office Building, 111 West Chesapeake Avenue, Room 106, Towson, MD 21204

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

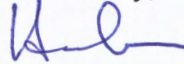
Baltimore County Maryland
Office of the Zoning Commissioner
Suite 103
Jefferson Building
105 West Chesapeake Ave.
Towson , Md. 21204

Att; William J. Wiseman
Re; 1438 W. Joppa Rd. Case # 2010-0289-A

Dear Sir,

Thank you for the favorable ruling & the prompt issuance of the order regarding Case # 2010-0289-A. There appears to be an error on page 4 , however, (see the attached). The order grants the variance to build the accessory structure in the front yard , which is the variance I sought but it also identifies the location to be " on the northeast side of the house". I believe it should say " on the south side of the house " (see the attached site plan). Please let me know if this is significant & requires any amendment.

Thank you. Sincerely,



Herb Dripps

RECEIVED

JUN 23 2010

ZONING COMMISSIONER

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. No negative comments were received in opposition to the proposed plan. Comments received from the Office of Planning on June 14, 2010, confirmed that the subject property is located within the Ruxton-Riderwood-Lake Roland Design Review Area and that West Joppa Road is designated as a Scenic Route in Master Plan 2010. Moreover, it was indicated that the architectural elevation drawings including a cross section of the proposed accessory structure were provided and reviewed by the Design Review Panel (DRP). Further, the Petitioner met with community association representatives and planning staff. On June 9, 2010, the DRP met and recommended approval of the new residence and accessory structure subject to three (3) conditions: repositioning the turn around area to avoid the sewer easement, providing additional landscaping around the accessory structure, and removing the cupola on the accessory structure. At the hearing, Herb Dripps amended the site plan to incorporate these modifications.

The consideration of the variance request from the zoning regulations is governed by Section 307.1 of the B.C.Z.R. as interpreted by *Cromwell v. Ward*, 102 Md. App. 691 (1995). The two-part variance test involves finding that a property is unique and unusual and that if strict adherence to the regulations were required absent relief, an unreasonable hardship or practical difficulty would result. Self-inflicted or created hardship is not considered proper grounds for a variance.

SOUTH
After due consideration of all the evidence presented, I am persuaded to grant the variance request to allow the accessory structure (garage) to be positioned in the front yard on the northeast side of the house in lieu of the required back yard and to allow the garage to be 20 feet high in lieu of the required 15 feet height requirement. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioner



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1e)

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

Account Identifier: District - 09 Account Number - 2300008159

Owner Information

Owner Name: DRIPPS BARBARA L **Use:** RESIDENTIAL
Mailing Address: 1436 W JOPPA RD **Principal Residence:** NO
 BALTIMORE MD 21204-3618 **Deed Reference:** 1) /14475/ 165
 2)

Location & Structure Information

Premises Address **Legal Description**
 1438 W JOPPA RD 1.821 AC
 1438 W JOPPA RD NWS
 OAKLANDS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
69	4	778					12	2	Plat Ref: 72/ 62

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		1.82 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2008	Phase-In Assessments As Of 07/01/2009	As Of 07/01/2010
Land	326,200	378,700		
Improvements:	0	0		
Total:	326,200	378,700	361,200	378,700
Preferential Land:	0	0	0	0

Transfer Information

Seller: RT 40 TRACTOR & EQUIPMENT	Date: 05/18/2000	Price: \$300,000
Type: IMPROVED ARMS-LENGTH	Deed1: /14475/ 165	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 *

CHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment4-29

DEVELOPMENT PLANS REVIEW

None6-9

DEPRM

None3-8

FIRE DEPARTMENT

None6-14PLANNING *Missing 6-11* *Review 6-14*
(if not received, date e-mail sent 6-11-10)Comments4-27

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No.)

PRIOR ZONING

(Case No. 95-192-SCH)

NEWSPAPER ADVERTISEMENT

Date: 6-1-10

SIGN POSTING

Date: 5-28-10

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐Comments, if any:

2/16 ✓
3/10

IN RE: PETITION FOR SPECIAL HEARING
N/S Joppa Road, 1200' W of the
c/l of Charles Street
(1430 W. Joppa Road)
9th Election District
4th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-192-SPH

David Jones, et ux
Petitioners

*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 1430 West Joppa Road in the Ruxton section of Baltimore County. The Petition was filed by the owners of the property, David Jones and Bonnie Jones, his wife. Special hearing relief is requested to approve an amendment to the Final Development Plan for this property, and to continue as an accessory use, a caretaker cottage, in connection with the principal residence on Lot 1, including approval of the existing setbacks. The Petitioners also seek approval of "such other matters as may be raised by the Development Review Committee (DRC), including waiver requests." The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this case was David Jones, Petitioner. Also appearing was Frederick Thompson, the consultant who assisted the Petitioner with the preparation of the amended Final Development Plan. The Petitioner was represented by Deborah C. Dopkin, Esquire.

Numerous residents of the surrounding community appeared as Protestants. These included John T. and Mary Ann Thompson, his wife, as well as Joel A. Dewey, all of whom were represented by Edward C. Covahey, Jr.,

ly in a state of disrepair. As part of the subject Petition, Mr. Jones proposes rehabilitating the barn and converting same into a dwelling.

As noted above, Mr. Jones acquired the subject property approximately 11 years ago. His holdings, as originally purchased, constituted approximately 12 acres of land. The site which he acquired bordered Bellona Avenue to the north and Joppa Road to the south. His original holdings can best be described as a roughly rectangularly shaped parcel with a handle. The property is and was zoned D.R.2. Thus, under the density regulations, 24 dwelling units would be allowed.

Following his acquisition of the entire site, Mr. Jones subdivided his property. A C.R.G. plan was submitted and approved which allowed for the creation of five lots on the north side of the property fronting Bellona Avenue. In fact, these lots have been subdivided off of the Jones tract and developed. As shown on the site plan, five individual single family dwellings have been built. The properties have all been sold off and Mr. Jones does not retain ownership of any of the five lots. Moreover, there is no access available to the subject site from Bellona Avenue. Mr. Jones did, however, retain a 20 ft. utility easement between lots Nos. 3 and 4, so as to allow for the construction of utilities across the easement to his retained property.

Mr. Jones has also sold that portion of the property described as the "handle". This 2.02 acre site was sold by the Petitioner to Joseph L. Mekulski. This lot, although acquired by Mr. Jones at the same time he brought the subject property, is a different lot of record. Thus, the sale of this separately deeded parcel was not a true subdivision of the principal tract. Ultimately, the "handle" tract was developed and presently there are two single family houses situated thereon. Vehicular access to these lots is by way of a drive from Joppa Road.

simple area for a driveway to extend to the subject barn from Joppa Road. Mr. Thompson also noted that no additional impervious surface would be created. He opined that an approval of the Petitioner's plans would not result in any detriment to the surrounding locale, pursuant to the provisions of Section 502.1 of the BCZR. In his view, the conversion of the barn to a dwelling would be of "immeasurable impact" to the surrounding locale, and not inconsistent with the prior plan.

Also testifying was Jeffrey Long, a planner from the Office of Planning and Zoning. Mr. Long was subpoenaed by both parties and testified in an effort to explain his department's review and consideration of this Petition.

As noted hereinabove, the original subdivision of the Jones' property was accomplished by way of a submission of a plan which was reviewed and approved by the County Review Group (C.R.G.). The C.R.G. was the predecessor authority to the present development process. Under current County law, un-exempted development is reviewed and approved by a Hearing Officer after a series of County and community meetings. The current process was enacted by the County Council in 1992.

The predecessor process involved the aforementioned C.R.G. The C.R.G. was a two member panel which was comprised of a representative from the Office of Planning and Zoning (OPZ) and a representative from the Department of Public Works (DPW). Upon the submission of a plan and County review and comments as to same, a public hearing was scheduled wherein the plan was considered. Mr. Jones' plan for the subdivision of the property and creation of the five lots on Bellona Avenue, was approved by the C.R.G. on November 21, 1984.

When Mr. Jones presented the instant Petition and plan, the matter was referred by course to OPZ for review and comment. By their comment of

a refinement as opposed to a material amendment, Mr. Long properly yielded to that decision.

Moreover, there has been no appeal from the decision of the D.R.C. dated December 12, 1994. Absent some intervention from the Board of Appeals or the Circuit Court, the D.R.C.'s decision is final and is not before this Zoning Commissioner. As noted above, the matter comes before me only for consideration of an amendment to the previously approved Final Development Plan (FDP). As stated in my previously authored Memorandum Order, the FDP considered in this Petition is not the plan approved by the C.R.G. but the plan on file with the Zoning Administration and Development Management (ZADM). Although the terms and plans are similar, the distinction is significant. This Zoning Commissioner is considering this case not as a Hearing Officer under the new development regulations, but as Zoning Commissioner pursuant to Section 1B01.3.A.7 of the BCZR.

Testimony was also taken from a series of other witnesses regarding the subject project. These included many of the neighbors and interested persons who reside nearby. Nancy W. Horst from the Ruxton-Riderwood-Lake Roland Improvement Association appeared. She expressed concerns about the proposed subdivision and noted the severe steep slopes on the property. She fears additional flooding from storm water runoff. In her view, piecemeal development of the Jones' property sets a dangerous precedent.

Also testifying was Thomas Hoff, a registered landscape architect. Mr. Hoff was previously employed by Mr. Jones and prepared the original C.R.G. plan in 1984. He described the preparation of that plan and his knowledge of the property. He offered specific testimony about the tenant house and his knowledge when he was working for Mr. Jones. To the best of his recollection, the tenant house was not occupied in 1984, contrary to the testimony offered by Mr. Jones. He also described the C.R.G. plan he

Testimony was presented by Phyllis Meyers. She lives nearby on Joppa Road and is concerned about additional development and over utilization of the sewerage system.

Finally, testimony was received from Thomas L. Vidmar, Chief, Bureau of Engineering for the Department of Environmental Protection and Resource Management (DEPRM). Mr. Vidmar discussed storm water management issues which were raised. He noted that his agency approved the five lot subdivision in 1985. Later, in May of 1986, his agency granted a storm water management variance for development of the Mekulski property. As to the present plans, Mr. Vidmar explained the two conditions which DEPRM will require to approve the redevelopment. First, his agency will require Mr. Jones to dispose of any storm water runoff to a suitable outfall and, secondly, any storm water management system which is designed must not increase the amount of flow or the amount of impervious surface. Mr. Vidmar noted that additional development on the property which Mr. Jones' has retained will require additional storm water management mitigation on the Mekulski property. That is, his agency is reviewing additional development in the context of the entire property which Mr. Jones' purchased originally in 1984. Obviously, Mr. Vidmar's concerns are to prevent adverse storm water management effects by additional creeping development of the tract.

In response to these concerns, Mr. Jones, again, took the witness stand and testified as to his plans. He noted that much of the impervious surface around the barn would be removed and downspouts would be installed on the barn and lead to a dry well. After conversion of the barn is completed, the site will contain 2,129 sq. ft. less impervious surface than at present. This includes the construction of the new driveway and the elimination of the impervious area around the garage.

structure as an independent dwelling. The cottage structure can continue to be utilized as presently used. The structure satisfies the setback requirements as contained on page 1-42 of the Zoning Commissioner's Policy Manual, which construes Section 102.1 of the BCZR.

Therefore, for the reasons set forth above, the Petition for Special Hearing shall be approved. Notwithstanding my approval of same, however, certain conditions and restrictions upon the grant of the relief requested shall be imposed. I share the Protestants' concerns over a potential creeping subdivision. These concerns are also shared by OPZ.

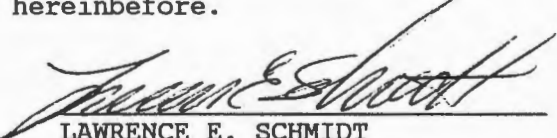
OPZ, within its final ZAC comment dated January 9, 1995, suggested the imposition of three restrictions on the grant of any relief. I shall adopt these restrictions in their entirety. It need be emphasized that any future development is subject to the Petitioner complying with the development review process. There shall be no further exemptions to the development review process. In my opinion, the unique topography of the site and the potential storm water management concerns justify a full and complete review of any additional development. Moreover, the potential impact of any further development on neighboring properties is significant. Mr. Gornick's testimony, in this respect, was persuasive that additional development on the site could worsen an already difficult storm water management system. Thus, any future development or subdivision of the tract will require the Petitioner to comply and submit to the development review process.

Secondly, as required by OPZ, the existing cottage (tenant house) is limited to those uses accessory to the principal dwelling as permitted in a D.R. zone. Simply stated, the tenant house must remain of similar character.

4. The creation of an access right-of-way for the new S.F.D. lot (existing barn) shall not constitute a subdivision for purposes of further subdividing/developing the remaining portions of land.

5. The Petitioner shall comply with any and all recommendations of DEPRM as they relate to the grant of the special hearing relief requested herein, or future development.

6. The conversion of the barn to a dwelling, as shown on Petitioner's Exhibit No. 1, shall be permitted, subject to the Petitioner reducing the area of impervious surface by 2,129 sq. ft. and installing downspouts to direct storm water to a dry well, all as described hereinbefore.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

cc: Deborah C. Dopkin, Esquire
Edward C. Covahey, Jr., Esquire
Francis X. Borgerding, Jr., Esquire

CASE NAME 2010-0289-A
CASE NUMBER Dupire
DATE 6-17-10

CASE NAME 2010-0289-A
CASE NUMBER Dupire
DATE 6-17-10

[illegible]

Case No.: 2010-0289-A LOT 12 - OAKLANDS SUBDIVISION

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN AMENDED TO Reflect Design Review CONDITIONS	
No. 2	Artist View of Garage / Gate House Accessory Structure	
No. 3	Design Review approval and Comments	
No. 4	Final Development Plat OAKLANDS	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



ACORN HILL LOT 12
PRELIMINARY DESIGN
©KEVINMCKENNA-ARCHITECTS
• May 2010.

2

PETITIONER'S

EXHIBIT NO.

2

#2



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

ARNOLD F. 'PAT' KELLER, III
Director, Office of Planning

INTER-OFFICE CORRESPONDENCE

DESIGN REVIEW COMMENTS

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

DATE: June 11, 2010

FROM: Lynn Lanham
Design Review Panel

SUBJECT: Design Review Panel
Minutes of the June 9, 2010 Meeting

PROJECT NAME: 1438 West Joppa Road

PROJECT : DRP # 515

PROJECT TYPE: Residential, Ruxton/Riderwood/Lake Roland

DESIGN REVIEW PANEL MEMBERS IN ATTENDANCE:

William Monk, John DiMenna, Christopher Parts, Thomas Repsher, Francis Anderson (Resident Member – Ruxton/Riderwood/Lake Roland)

PROJECT DESCRIPTION:

Mr. Herb Dripps, applicant and owner of 1438 West Joppa Road, presented the project to the panel. The project consists of constructing a new home, of approximately 3,000 s.f. in the "Arts and Craft" style with a Butler Stone base and Hardie Board Siding as well as asphalt shingles. Also proposed is a separate gate house/garage located at the front of the site. The accessory structure is the subject of a variance, Case No. 2010-289.

The applicant is trying to preserve existing landscaping on the site and minimize grading as much as possible while working with certain constraints such as a County sewer easement, property setbacks and difficult topography. Existing landscaping on the site includes magnolia trees, holly trees, and evergreens. Retaining walls will also be needed on the site and will be constructed of stone or faux stone materials.

The applicant met with the neighbors as well as the Ruxton Riderwood Community Association prior to the Design Review Panel Meeting.

PETITIONER' S

[illegible]

PRIOR TO THE ISSUANCE OF A USE AND OCCUPANCY PERMIT ON LOT 12, A RIGHT-OF-WAY PLAT MUST BE RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY WHICH GRANTS EASEMENT RIGHTS TO BALTIMORE COUNTY FOR THE INSTALLATION AND MAINTENANCE OF ELECTRICAL CONNECTIONS BETWEEN THE GRINDER PUMP AND THE DWELLING ON LOT 12

1 GROSS AREA = 6.030 AC±
2 EXISTING ZONING = DR-2
3 No OF LOTS ALLOWED
2 = 6.030 AC = 12.060
4 No OF LOTS PROPOSED = 3
5 HIGHWAY WIDENING AREA = 0.000 AC±
6 NET AREA OF LOTS = 6.030 AC±
7 PARKING REQD 2 SPACES/UNIT = 6
8 PARKING PROVIDED = 6 SPACES

Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21031
TELEPHONE (410) 527-1555 FACSIMILE (410) 527-1563

JG DRAWN BY JLC CHECKED BY JG JDR NO 9706

The undersigned, a registered Land Surveyor of the State of Maryland, does hereby certify that he/she is the surveyor who prepared this Plat and that the land shown herein has been surveyed and the Plat signed has been prepared in conformity with the provisions of Article 24, Section 10 and 11 of the Annotated Code of Maryland, particularly insofar as the same concerns the making of the plat and the posting of the markers.

I hereby certify that I have reviewed this and affix my approved seal and signature to this Plat dated 11/11/2011, and have prepared and signed this Record Plat pursuant to the Maryland Land Development Code.

The undersigned, owner of said Motor Vehicle, hereby certifies that to the best of his knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland has been complied with, as the same concerns the making of the Plot and the setting of the markers.

Charles R. Carroll 1/12/2000

BY CHARLES R. CARROLL, AUTHORIZED AGENT FOR THE

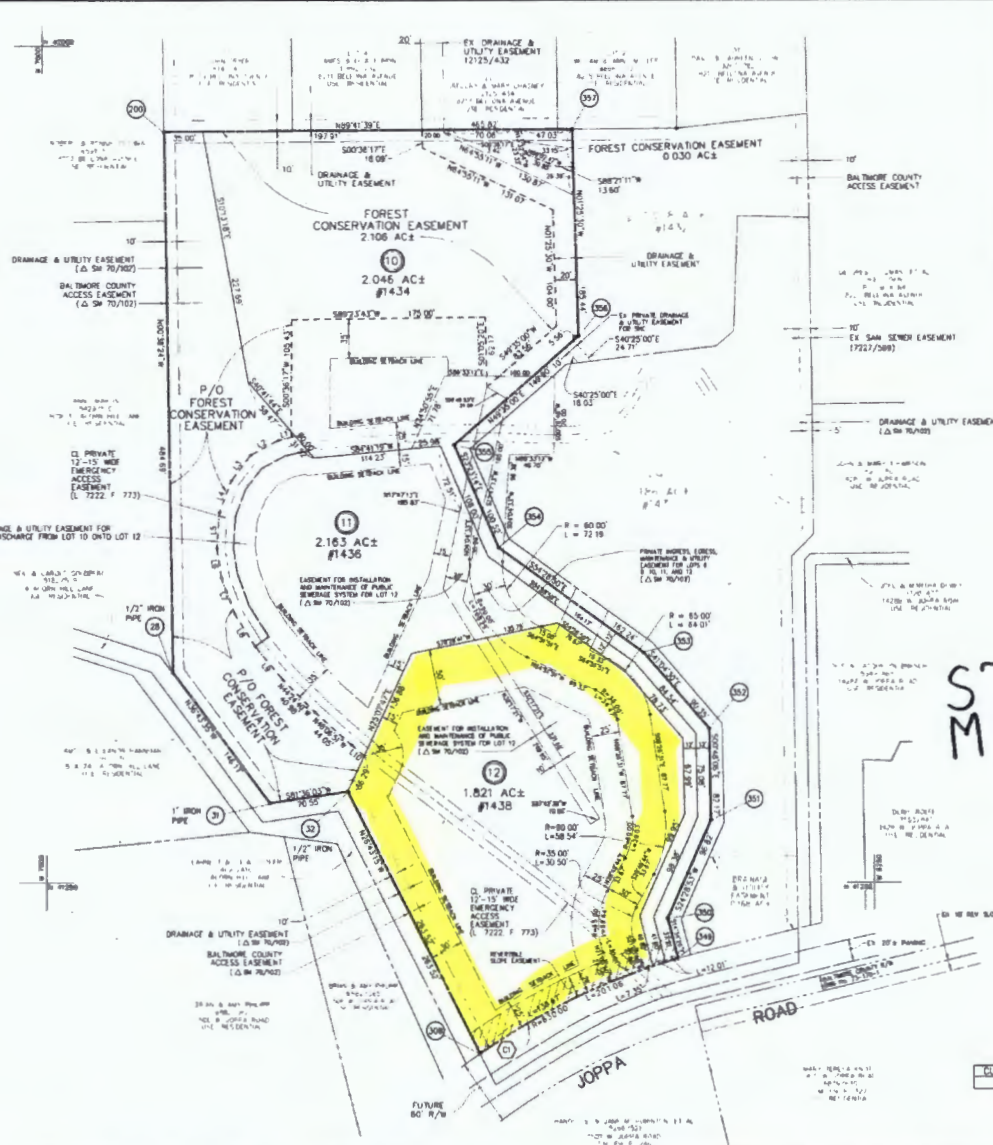
By the Director of Permits and Development
 Management pursuant to Section 36-2-14,
 Baltimore County Code

APPROVED: 2300 Daniel Flourey 2-27-
 DATE DATE
 Department of Environmental Protection Department of Permits and
 DISCUSSION DISCUSSION DATE

By the Director of Permits and Development
Management pursuant to Section 20-2-101,
Montana County Code

Daniel Flowers 3-22-
DIRECTOR
Department of Permits and
Development

BY AG TRACTOR AND EQUIPMENT
SALES AND SERVICE, L.L.C.
c/o THE CORPORATION TRUST
1009 GRANGE STREET
WILMINGTON, NEW CASTLE COUNTY
DELAWARE 19801
NOTED BY: 01.0001/2.00



COORDINATE TABLE		
POINT	NORTHING	EASTING
20	41438 6744	6306 02 79
21	41521 5229	6728 8221
22	42339 4275	6708 6351
23	41827 3042	6708 6351
306	41189 3995	6400 5918
308	41095 4520	6817 3474
349	4418 8233	6429 2545
350	4217 8341	6438 5172
351	41305 9500	6398 4950
352	41388 1174	6399 6443
353	41656 2229	6439 0088
354	41553 4663	6439 0502
355	41842 5171	6430 0597
356	41738 9248	6516 8386
357	41925 3007	6521 4442

LINE TABLE

LINE	DIRECTION	DISTANCE
L1	N76°59'32"E	11.50
L2	N81°44'24"E	28.50
L3	N53°41'24"E	29.32
L4	N21°21'24"E	30.41
L5	N04°21'00"E	32.09
L6	N08°34'18"W	26.78
L7	N20°24'34"W	34.55
L8	N32°26'27"W	34.52
L9	N39°24'08"W	38.54
L10	N50°06'42"W	14.85

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	830.00'	201.08'	101.50'	200.20'	58°45'34"m	181°10'

REASON FOR RESUBDIVISION: NOVEMBER 17, 1990
REVISED PROPERTY LINES ON TWELVE LOTS 11 & 12.
REVISED BUILDING SETBACK LINES ON LOTS 10, 11 & 12.

PETITIONER' S

EXHIBIT NO

4



PROPOSED DESIGN ACORN HILL, LOT 12
KEVINMCKENNA-ARCHITECT.COM
14 April 2010

410-992-0212 Ext 17

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The map displays a residential neighborhood with several streets and lots. The streets shown are ACORN HILL, JOPPA, and OAKLANDS. The lots are labeled with their respective numbers and names, including P.244, P.778, P.776, P.229, P.223, P.225, P.231, P.239, P.222, P.246, P.327, P.468, P.526, P.664, P.769, P.770, P.1183, and P.320. A yellow circle highlights lot 12. The map also shows a river or waterway flowing through the area.

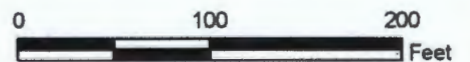
Property maps provided courtesy of the Maryland Department of Planning ©2009.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

1438 West Joppa Road



Publication Date: April 20, 2010
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



1 inch = 100 feet

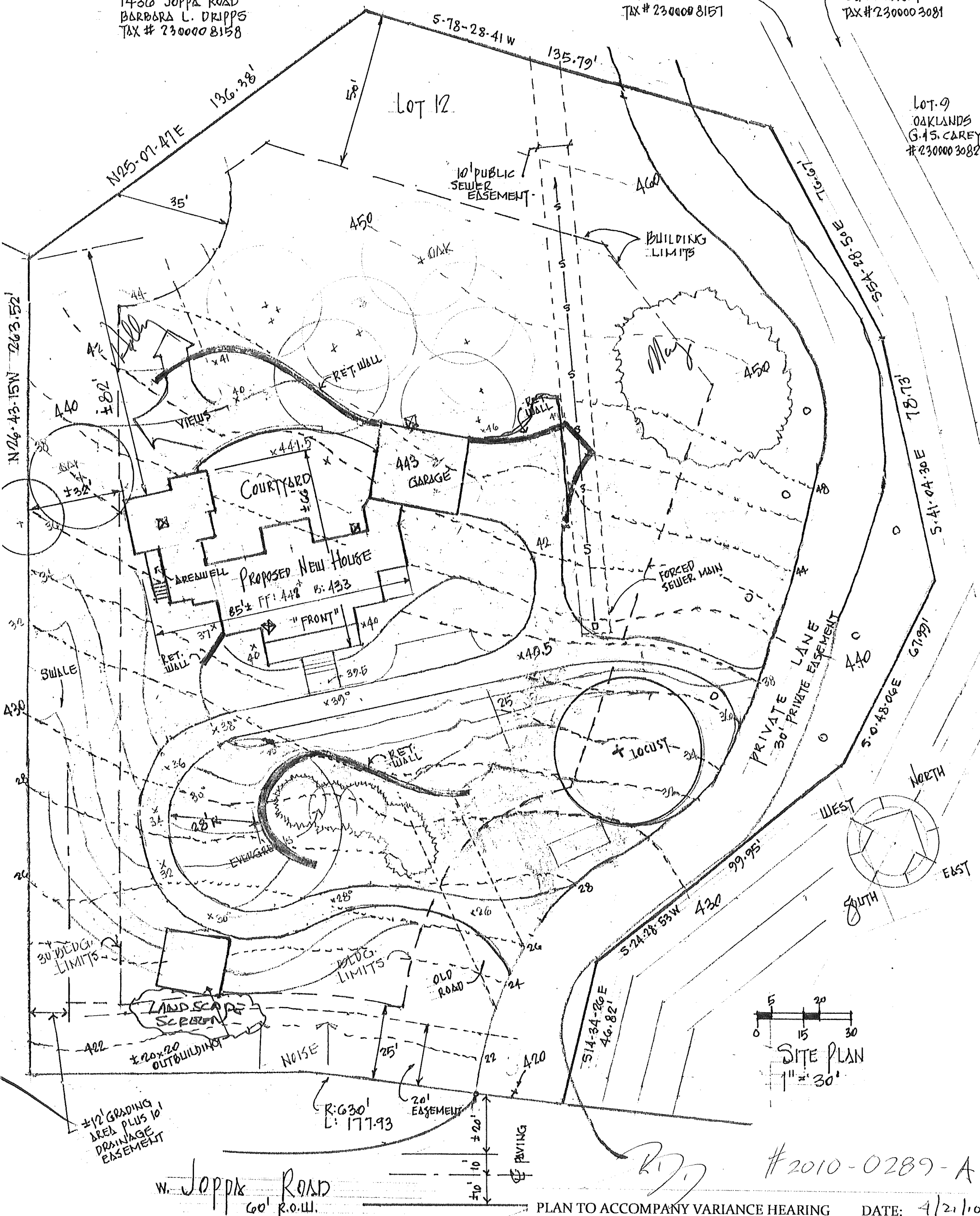
Item #0289

LOT 11 OAKLANDS
1436 JOPPA ROAD
BARBARA L. DRIPPS
TAX # 230000 8158

LOT 10 OAKLANDS
1434 JOPPA ROAD
SARAH L. EVANS
TAX # 230000 8157

LOT 6 OAKLANDS
1432 JOPPA ROAD
G. S. CAREY
TAX # 230000 3081

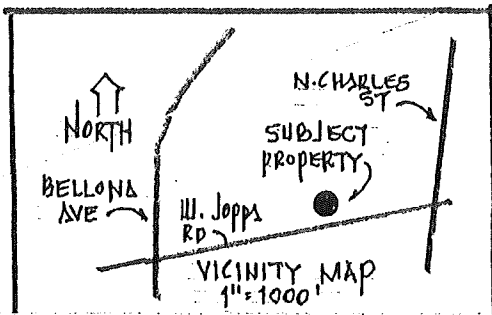
LOT 9 OAKLANDS
G. S. CAREY
TAX # 230000 3082



W. Joppa Road
60' R.O.W.

PETITIONER'S

EXHIBIT NO. 1



PLAN TO ACCOMPANY VARIANCE HEARING DATE: 4/21/10
PROPERTY: 1438 W. Joppa Road Towson MD 21204;
Subdivision: Oaklands LOT 12; 1.82 acres [79,279 square feet]
Election District 9 Councilmanic District 2ND
Owner: Barbara L. Dripps 1436 W. Joppa Road Towson MD 21204
Flood Plain (100 year): not applicable
Chesapeake Bay Critical Area: not applicable
Historic Property: No

MAP 069B1 Zoned DR2

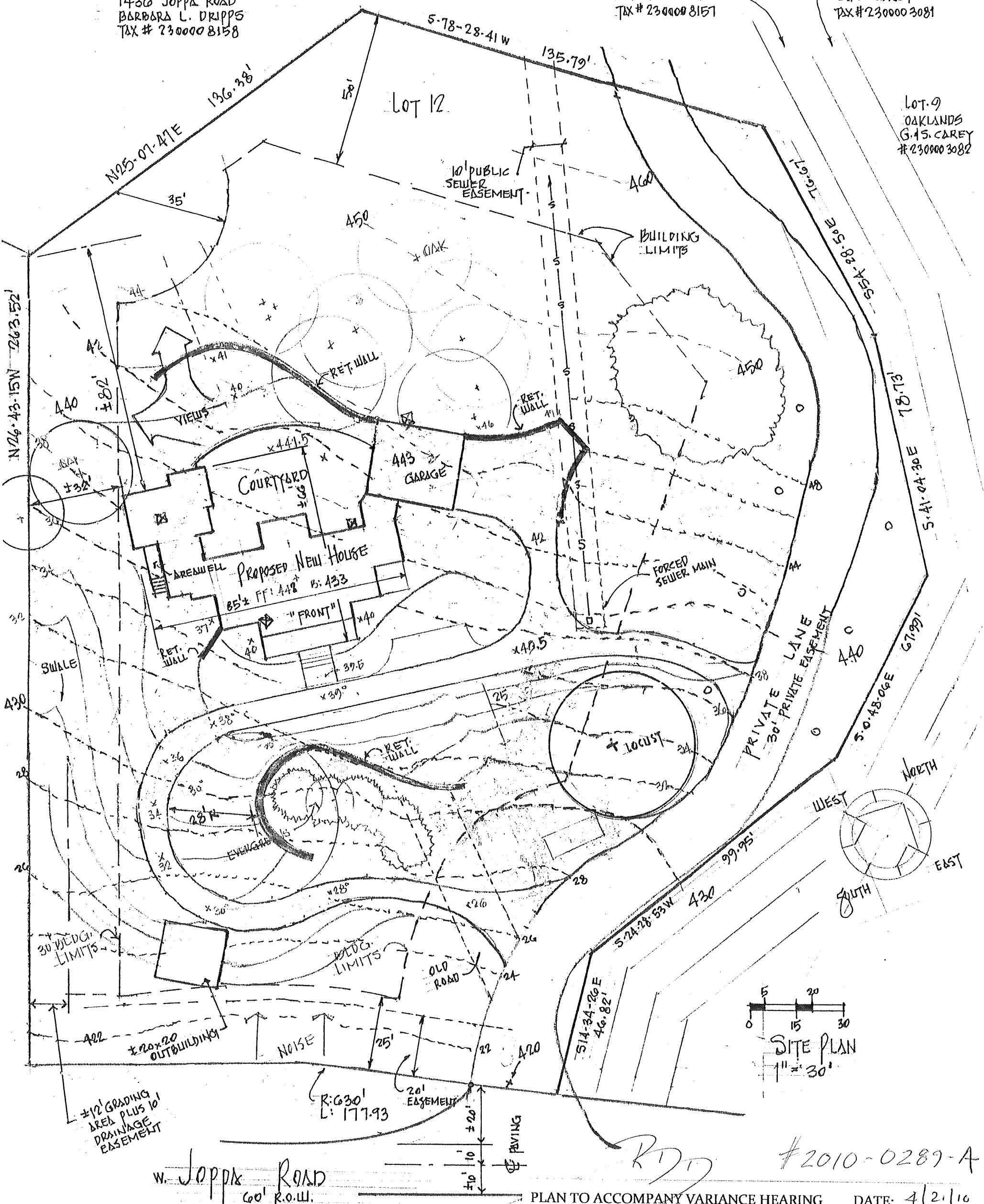
PRIOR 95-192-SPH

LOT 11 OAKLANDS
1436 JOPPA ROAD
BARBARA L. DRIPPS
TAX # 230000 8158

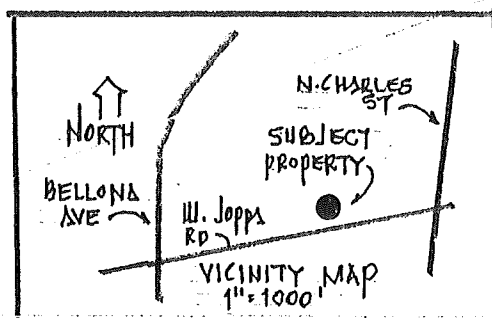
LOT 10 OAKLANDS
1434 JOPPA ROAD
SARAH L. EVANS
TAX # 230000 8157

LOT 6 OAKLANDS
1432 JOPPA ROAD
G. S. CAREY
TAX # 230000 3081

LOT 9 OAKLANDS
G. S. CAREY
TAX # 230000 3082



W. Joppa Road
60' R.O.W.



PLAN TO ACCOMPANY VARIANCE HEARING DATE: 4/2/10
PROPERTY: 1438 W. Joppa Road Towson MD 21204;
Subdivision: Oaklands LOT 12; 1.82 acres [79,279 square feet]
Election District 9 Councilmanic District 2
Owner: Barbara L. Dripps 1436 W. Joppa Road Towson MD 21204
Flood Plain (100 year): not applicable
Chesapeake Bay Critical Area: not applicable
Historic Property: No
MAP 06931 Zoned DR2
Prior 95-192-SPH