

IN RE: PETITIONS FOR VARIANCE

W side of Philadelphia Road, NW corner
Of Overlook Circle & Philadelphia Road
11th Election District
5th Councilmanic District
(5400 & 5401 Overlook Circle)

G.W. Site Services, Inc.
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NOS. 2011-0233-A and**
2011-0234-A

* * * * *

OPINION AND ORDER

These matters come before the Office of Administrative Hearings for Baltimore County for consideration of Petitions for Variance filed by the legal owner of the subject two (2) properties, G.W. Site Services, Inc. Since the properties are owned by the same owner and are located adjacent to one another, the two cases were heard contemporaneously. In Case No. 2011-0233-A (5400 Overlook Avenue), the Petitioner requests variance relief from Sections 259.9.b.4.b and 259.9.B.4.e of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the construction of a dwelling with a side yard setback from major or minor arterial road of 27 feet in lieu of the required 40 feet and a rear yard setback of 42 feet in lieu of the required 50 feet respectively, and to amend the latest Final Development Plan (FDP) for "Overlook at Perry Hall", Lot 42. In Case No. 2010-0234-A (5401 Overlook Circle), Petitioner requests similar relief. Specifically, relief is requested from Sections 259.9.b.4.b and 259.9.B.4.e of the B.C.Z.R., to permit the construction of a dwelling with a side yard setback from major or minor arterial road of 21 feet in lieu of the required 40 feet and a rear yard setback of 42 feet in lieu of the required 50 feet respectively, and to amend the latest FDP for "Overlook at Perry Hall", Lot 37. The subject properties and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date 3-23-11

By [Signature]

Appearing at the requisite public hearing in support of the variance request were Francis X. Borgerding, Jr., Esquire, representing the Petitioner in this zoning matter. The record in this case reflects that the subject property was properly posted and advertised as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance at the hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Specifically, a comment was received from the Office of Planning dated March 1, 2011 which states:

"Provided the Zoning Commissioner (Administrative Law Judge) grants the petitioner's request, the side elevations facing Philadelphia Road shall not be left as blank walls. These elevations must be fully articulated with architectural details (i.e. doors, windows and window treatments, etc...)"

Testimony and evidence offered revealed that the subject properties are irregular in shape, zoned D.R.3.5H and are located in the White Marsh area of Baltimore County. This is a development of 42 lots, with homes ranging in size from 2100 square feet to 2500 square feet. Without the variance requested, residences of only 1800 would be allowed. As a result, the "standard" product constructed in all of the other lots could not be erected. Items such as the master suite and two car garages would have to be considerably downsized or eliminated. Reducing the size therefore of the homes on the subject sites would result in a reduced price for those homes and a concurrent reduction in the property values of the development as a whole.

The properties are both corner lots at the intersection of Overlook Circle and Philadelphia Road. Further, they are oddly shaped, a situation made necessary as a result of their being among the last lots at the end of a line of otherwise standard lots and residences.

ORDER RECEIVED FOR FILING

Date 3-23-11

2

By [Signature]

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that as noted above, that are peculiar to the land and proposed structure which are the subject of these variance requests.

I further find that the failure to grant the variances would result in a practical difficulty to the Petitioner, especially when compared to all of the other lots in the development. These practical difficulties, including the diminution of the value of these homes in comparison others in the development arise directly as a result of the configuration of the lots, which are basis for the claim of uniqueness.

I further find that granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that the variance requested can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R. as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 23rd day of March, 2011 by this Administrative Law Judge that Petitioner's Variance filed in Case No. 2011-0233-A (5400 Overlook Avenue) seeking relief from Sections 259.9.b.4.b and 259.9.B.4.e of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the construction of a dwelling with a side yard setback from major or minor arterial road of 27 feet in lieu of the required 40 feet and a rear yard setback of 42 feet in lieu of the required 50 feet respectively, and to amend the latest Final Development Plan (FDP) for "Overlook at Perry Hall", Lot 42, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

ORDER RECEIVED FOR FILING

Date 3-23-11

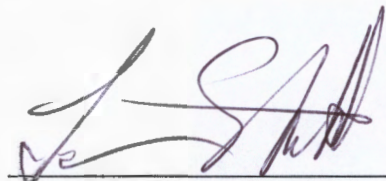
By [Signature]

IT IS FURTHER ORDERED that Petitioner's Variance filed in Case No. 2010-0234-A (5401 Overlook Circle), seeking relief from Sections 259.9.b.4.b and 259.9.B.4.e of the B.C.Z.R., to permit the construction of a dwelling with a side yard setback from major or minor arterial road of 21 feet in lieu of the required 40 feet and a rear yard setback of 42 feet in lieu of the required 50 feet respectively, and to amend the latest FDP for "Overlook at Perry Hall", Lot 37, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from 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 comply with the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning dated March 1, 2011; a copy of which is attached hereto and made a part hereof.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 3-23-11

By [Signature]

3/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: March 1, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 5400 and 5401 Overlook Circle

INFORMATION:

Item Number: 11-233 and 11-234

Petitioner: G.W. Site Services, Inc.

Zoning: DR 3.5H

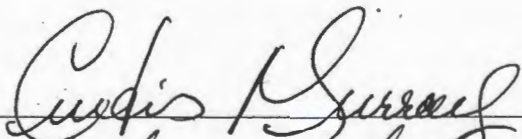
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

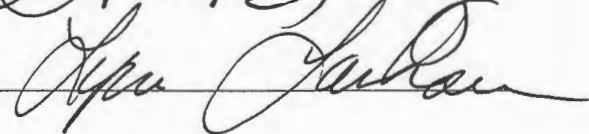
Provided the Zoning Commissioner (Administrative Law Judge) grants the petitioner's request, the side elevations facing Philadelphia Road shall not be left as blank walls. These elevations must be fully articulated with architectural details (i.e. doors, windows and window treatments, etc...).

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

Prepared by:



Division Chief:
JM/LL: CM



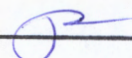
RECEIVED

MAR 03 2011

ORDER RECEIVED FOR FILING

ZONING COMMISSIONER

Date 3-23-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 23, 2011

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVENUE, SUITE 600
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2011-0233-A and 2011-0234-A
Property: 5400 and 5401 Overlook Circle

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the printed name of Lawrence M. Stahl.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 5400 Overlook Circle, White Marsh, MD 21162
which is presently zoned DR 3.5 H

Deed Reference: 28891 / 442 Tax Account # 2400012655

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)

259.9.B.4.b. and 259.9.B.4.e.

To permit the construction of a dwelling with a side yard setback from major or minor arterial road of 27-feet in lieu of the required 40-feet and a rear yard setback of 42-feet in lieu of the required 50-feet respectively and to amend the latest F.D.P. for "Overlook at Perry Hall", Lot 42

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

The proposed dwelling is wider and deeper than the existing building envelope

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 _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

G.W. Site Services, Inc.

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

229 Linden Avenue 443-470-0868

Address Telephone No.

Towson MD 21286

City State Zip Code

Representative to be Contacted:

Galen Wallace

Name _____

229 Linden Avenue 443-470-0868

Address Telephone No.

Towson MD 21286

City State Zip Code

Case No. 2011-0233-A

ORDER RECEIVED FOR FILING

REV 8/20/07

Date 3-23-11

By [Signature]

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by ATSUI Date 2/8/2011

ZONING DESCRIPTION FOR 5400 Overlook Circle

Beginning at a point on the west side of Philadelphia Road which is 80 feet wide at the distance of 900 feet south of the centerline of the nearest improved intersecting street Holter Road which is 50 feet wide. Being Lot #42 in the subdivision of Overlook at Perry Hall as recorded in Baltimore County Plat Book #76, Folio #41, containing 8017 sq. ft.. Also known as 5400 Overlook Circle and located in the 11th Election District, 5th Councilmanic District.

2011-0233-A

0519

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

No. **62963**

Date: **2/8/2011**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 2/08/2011 2/08/2011 10:29:20 2

REQ 0505 WALKIN DAY 000
 >>RECEIPT # 564197 2/08/2011 OFLH

Dep: 5 020 ZONING VERIFICATION

TR 00, 062963

Recpt tot 1135.00

1135.00 CR 1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150						\$ 135

Total: **\$ 135**

Rec From: **G.W. SITE SERVICES, INC**

For: **5400 OVERLOOK CIR.**

2011-0233-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0233-A

5400 Overlook Circle
W/side of Philadelphia Road, N/west corner of
Overlook Circle and Philadelphia Road
11th Election District - 5th Councilmanic District
Legal Owner(s): G. W. Site Services, Inc.

Variance: to permit the construction of a dwelling with a side yard setback from major or minor arterial road of 27 feet in lieu of the required 40 feet and a rear setback of 42 feet in lieu of the required 50 feet respectively and to amend the latest FDP for "Overlook at Perry Hall," Lot 42.

Hearing: Monday, March 14, 2011 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS 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.
02/22/11 Feb. 24 267796

CERTIFICATE OF PUBLICATION

2/24/2011

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 2/24/2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0233-A

RE: Case No.: _____

Petitioner/Developer: _____

G.W. Site Services, Inc.

Mar 14, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Matthews:

Ladies and Gentlemen:

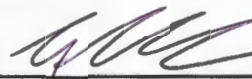
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

5400 Overlook Circle

February 26, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



February 27, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2011-0233-A

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

Room 104, JEFFERSON BUILDING
PLACE: 105 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MONDAY, MARCH 14, 2011 AT 11:00 ^{A.M.}

REQUEST: VARIANCE TO PERMIT THE CONSTRUCTION OF A
DWELLING WITH A SIDE YARD SETBACK FROM EXISTING DRIVEWAY
AND A REAR SETBACK OF 27 FEET IN LIEU OF THE REQUIRED 40 FEET
AND A REAR SETBACK OF 42 FEET IN LIEU OF THE REQUIRED 50 FT.
RESPECTIVELY AND TO AMEND THE LATEST FDP FOR "OVERLOOK
AT PERRY HALL", LOT 42

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

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 24, 2011 Issue - Jeffersonian

Please forward billing to:
G.W. Site Services, Inc.
229 Linden Avenue
Towson, MD 21286

443-470-0868

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0233-A

5400 Overlook Circle

W/side of Philadelphia Road, N/west corner of Overlook Circle and Philadelphia Road

11th Election District – 5th Councilmanic District

Legal Owners: G.W. Site Services, Inc.

Variance to permit the construction of a dwelling with a side yard setback from major or minor arterial road of 27 feet in lieu of the required 40 feet and a rear setback of 42 feet in lieu of the required 50 feet respectively and to amend the latest FDP for "Overlook at Perry Hall," Lot 42.

Hearing: Monday, March 14, 2011 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 16, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0233-A

5400 Overlook Circle

W/side of Philadelphia Road, N/west corner of Overlook Circle and Philadelphia Road

11th Election District – 5th Councilmanic District

Legal Owners: G.W. Site Services, Inc.

Variance to permit the construction of a dwelling with a side yard setback from major or minor arterial road of 27 feet in lieu of the required 40 feet and a rear setback of 42 feet in lieu of the required 50 feet respectively and to amend the latest FDP for "Overlook at Perry Hall," Lot 42.

Hearing: Monday, March 14, 2011 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Galen Wallace, 229 Linden Avenue, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., FEBRUARY 26, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 2011-0233-A
Petitioner: G.W. SITE SERVICES INC
Address or Location: 5400 OVERLOOK CIR,

PLEASE FORWARD ADVERTISING BILL TO:

Name: G.W. SITE SERVICES, INC.
Address: 229 LINDEN AVE.
TOWSON MD 21286
Telephone Number: 443-470-0868



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

March 9, 2011

Mr. Galen Wallace
G. W. Site Services, Inc.
229 Linden Avenue
Towson, MD 21204

RE: Case Number 2011-0233A, 5400 Overlook Circle, White Marsh, MD 21162

Dear Mr. Wallace,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 8, 2011. 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:mcn

Enclosures

c: People's Counsel



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

State Highway
Administration

Beverley K. Swain-Staley, Secretary
Neil J. Pederson, Administrator

Maryland Department of Transportation

Date: 2-16-2011

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

RE: Baltimore County
Item No 2011-0233-A
5400 OVERLOOK CIRCLE
G.W. SITE SERVICES, INC.
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. 2011-0233-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Access Management Division

SDF/mb

3/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: March 1, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 5400 and 5401 Overlook Circle

INFORMATION:

Item Number: 11-233 and 11-234

Petitioner: G.W. Site Services, Inc.

Zoning: DR 3.5H

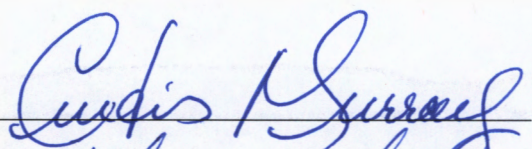
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

Provided the Zoning Commissioner (Administrative Law Judge) grants the petitioner's request, the side elevations facing Philadelphia Road shall not be left as blank walls. These elevations must be fully articulated with architectural details (i.e. doors, windows and window treatments, etc...).

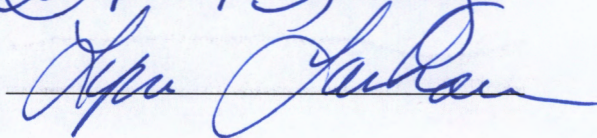
For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared by:



Division Chief:

JM/LL: CM



RECEIVED

MAR 03 2011

ZONING COMMISSIONER

CS
3-14

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 1, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-233-A
Address 5400 Overbrook Circle
(G.W. Site Services, Inc. Property)

Zoning Advisory Committee Meeting of February 14, 2011.

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

Reviewer: J. Livingston Date: 3/1/2011

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For February 21, 2011
Item Nos. 2011- 231, 232, 233, 234
and 235

DATE: February 24, 2011

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-02212011 -NO COMMENTS.doc

RE: PETITION FOR VARIANCE * BEFORE THE
5400 Overlook Circle; W/side of * ZONING COMMISSIONER
Philadelphia Rd., SW corner of *
Overlook cir. & Philadelphia Rd. * FOR
11th Election & 5th Councilmanic Districts *
Legal Owner(s): G. W. Site Services, Inc. * BALTIMORE COUNTY
Petitioner(s) *
* 2011-0233-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

FEB 14 2011

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

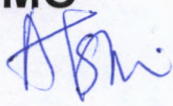
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 2011, a copy of the foregoing Entry of Appearance was mailed to G. W. Site Services, Inc., 229 Linden Avenue, Towson, Maryland 21286, for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMO

From: Aaron Tsui, Planner II  February 8, 2011

To: Zoning Commissioner/File

Re: Variance Cases no. 2011-0233-A and 2011-0234-A

5400 and 5401 Overlook Circle, 11th Election District

A corporation holds the legal title of the subject properties. The petitioner has been advised to have attorney's representation in both hearings as required by law.

The Zoning Office will combine both cases in one hearing.

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

Go Back
View N
New Set
GroundRent R
GroundRent R

Account Identifier:

District - 11 Account Number - 2400012655

Owner Information

Owner Name: G W SITE SERVICES INC Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 229 LINDEN AVE Deed Reference: 1) /28891/ 00442
TOWSON MD 21286-5427 2)

Location & Structure Information

Premises Address Legal Description
5400 OVERLOOK CIR .184 AC
WHITE MARSH 21162-0000 5400 OVERLOOK CIR SS
OVERLOOK AT PERRY HALL

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0073	0007	0312		000			42	3	Plat Ref:

Special Tax Areas Town NONE
Ad Valorem
Tax Class

0078 / 0039

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		8,015 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	117,250	88,600		
Improvements:	0	0		
Total:	117,250	88,600	88,600	88,600
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
ESSEX BANK	11/19/2009	\$130,000
Type: ARMS LENGTH MULTIPLE	Deed1: /28891/ 00442	Deed2:
Seller: VAL MOR INC	Date: 07/28/2009	Price: \$200,000
Type: ARMS LENGTH MULTIPLE	Deed1: /28444/ 00065	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:
* NONE *

Case No.:

2011-0233A & 2011-0234-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	A-PLAT TO ACCOMPANY PETITION B-AERIAL PHOTO OF NEIGHBORHOOD C- " " OF SUBJECT LOTS	
No. 2	DRAFT OPINION OF ZONING COMMISSIONER IN 2008-0519 A 2008-0520 A	
No. 3	OPINION - ZONING COMMISSIONER IN 00-161- SPHA	
No. 4	PHOTO OF LOT	
No. 5	ZONING MAP SHOWING LOTS IN QUESTION	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO. 7c



PETITIONER'S

EXHIBIT NO. 2b

DRAFT

IN RE: **PETITIONS FOR VARIANCE**
S/S Overlook Circle, S/W Corner of
Philadelphia Road & Overlook Circle
(5400 Overlook Circle)

W/S Philadelphia Road, 830' S of the
C/line Holter Road
(5401 Overlook Circle)

11th Election District
5th Council District

Val Mor, Inc.
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case Nos. 2008-0519-A &
2008-0520-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by Val Mor, Inc., by and through its President, Robert E. Lund, for the adjacent properties, known as 5400 and 5401 Overlook Circle. Since the properties are owned by the same entity and are located adjacent to one another, the two (2) cases were heard contemporaneously.¹ In Case No. 2008-0519-A, Petitioner requests variance relief from Sections 259.9.C.3, 259.9.B.4.d and 259.9.B.4.e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the construction of a dwelling with a front entry garage recessed 2-feet behind the front façade in lieu of the required 8 feet, a building-to-building separation of 17-feet in lieu of the required 20-feet, a rear setback of 34-feet in lieu of the required 50-feet, and an amendment to the latest Final Development Plan (FDP) for "Overlook @ Perry Hall", Lot 42. In Case No. 2008-0520-A, the Petitioner requests similar relief. Specifically, relief is requested from Sections 259.9.B.3, 259.C.3.a and 259.9.B.4.b & e of the B.C.Z.R. to permit the construction of a

¹ While these two cases were technically scheduled for separate hearings at 9:00 AM and 10:00 AM on July 16, 2008, both cases involved similarly affected parties and request for variance from the regulations governing the Honeygo-Overlay District of Baltimore County. The properties are located across the street from each other and for the convenience of the members of the public who ch

PETITIONER' S

EXHIBIT NO.

B 2

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE – SW/Corner Holter Road	*	ZONING COMMISSIONER
and Old Philadelphia Road	*	
(Lots 2, 3, 4 & 5 of Karinvale and Tract A	*	OF BALTIMORE COUNTY
of the Holter Property)	*	
11 th Election District	*	Case No. 00-161-SPHA
5 th Councilmanic District	*	
Joseph G. Holter, et ux	*	
Petitioners	*	

* * * * *

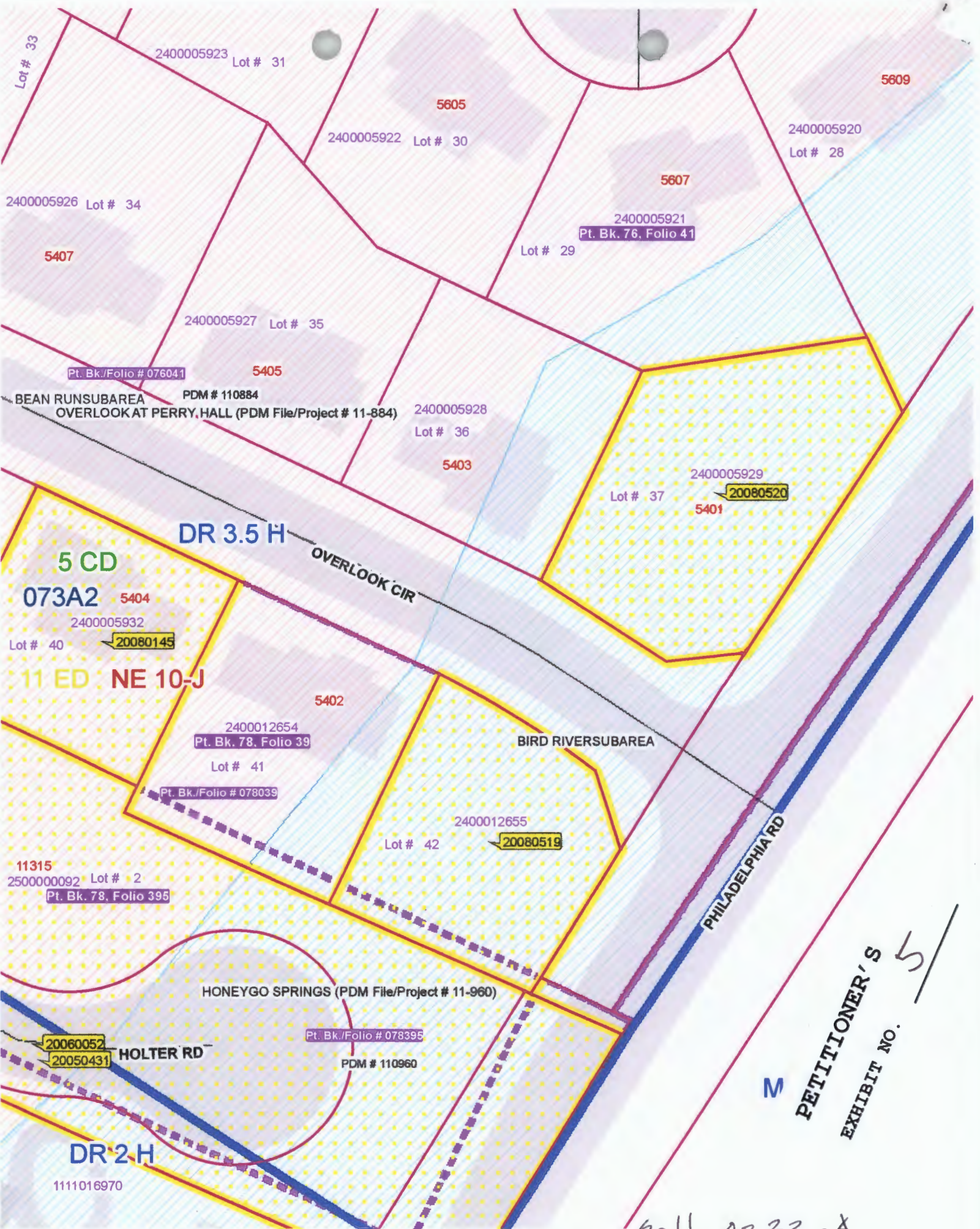
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance for the property known as Lots 2, 3, 4 and 5 of the residential subdivision known as Karinvale, and Tract A of the Holter property, located in the Honeygo community of eastern Baltimore County. The Petitions were filed by the owners of the subject property, Joseph G. and Beverleigh A. Holter, and the Developer, Winsome Homes, Inc., through their attorney, Ronald A. Decker, Esquire. The Petitioners request a special hearing to determine whether the Director of the Department of Permits and Development Management (PDM) erroneously granted excess building permit authorizations to Perry Hall Farms Joint Venture, under Section 259.7.C of the Baltimore County Zoning Regulations (B.C.Z.R.) when exemptions were available to that subdivision under Section 259.7.C, and whether such authorizations were in violation of Section 259.7.I of the B.C.Z.R. because they were granted to Perry Hall Farms by a contract agreement prior to the existence of approved record plats. In addition, the Petitioners request variance relief from Section 259.9.B.4.b of the B.C.Z.R. to permit a residential building to arterial road setback of 25 feet in lieu of the required 40 feet for Lot 5 of Karinvale, also known as 11347 Holter Road. The subject property and requested relief are more particularly shown on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held for this case were Joseph G. Holter, property owner, John R. Clark on behalf of Winsome Homes, Inc., Developer, and Ronald A.

PETITIONER' S

EXHIBIT NO. 3a



M
PETITIONER'S 5
EXHIBIT NO.

2011-0233-A



PETITIONER' S

EXHIBIT NO.

433

Debra Wiley - 00-161-SPHA.doc

Background info:
on Perry Hall Farms,
Hester Property and
Honeygo

From: Debra Wiley
To: galen_52657@yahoo.com
Date: 3/11/2011 10:23 AM
Subject: 00-161-SPHA.doc
Attachments: 00-161SPHA.doc

Good Morning,

Per your request, please find attached a copy of the above referenced Order. This Order was signed on March 23, 2000.

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

