

MEMORANDUM

DATE: April 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0157-SPH- Appeal Period Expired

The appeal period for the above-referenced case expired on April 13, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL HEARING *

(12402 Regwood Road)

11th Election District *

3rd Council District *

Wells Fargo Bank N.A.

Legal Owner *

Gemcraft Homes, Inc.

Contract Purchaser *

Petitioners

* * * * *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0157-SPH

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Wells Fargo Bank, legal owner and Gemcraft Homes, Inc., contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a replacement single family dwelling not in a subdivision on a lot 0.452 acres in size in lieu of the required 1.5 acres, with the front situated 75 ft. from the centerline of a road that connects to a collector road, side yard setbacks of 21 ft. each and a rear yard setback 84 ft. from an RC 2 zone line in lieu of the required 100 ft., 50 ft. each, and 150 ft. respectively.

John Motsco, a professional engineer whose firm prepared the site plan, appeared in support of the petition. Jeffrey Scherr, Esq., represented Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no protestants or interested citizens in attendance. No substantive Zoning Advisory Committee (ZAC) comments were received.

The subject property is 19,675 square feet and zoned RC 5. The property was improved with a single family dwelling constructed in 1957, although it was destroyed by fire. Petitioners propose to construct a replacement dwelling but require zoning relief to do so.

ORDER RECEIVED FOR FILING

Date 3-14-16

By DW

The lot was created by deed in 1956 (Exhibit 2), and the property is not located within a subdivision. An aerial photograph reveals that all of the homes in the immediate vicinity are also situated on similar sized lots, and Mr. Motsco testified those homes (for the most part) were also constructed in the 1950's. In these circumstances I believe Petitioners are entitled to special hearing relief, as authorized under B.C.Z.R. §1A04.3(B).

THEREFORE, IT IS ORDERED this 14th day of March, 2016 by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to permit a replacement single family dwelling not in a subdivision on a lot 0.452 acres in size in lieu of the required 1.5 acres, with the front situated 75 ft. from the centerline of a road that connects to a collector road, side yard setbacks of 21 ft. each and a rear yard setback 84 ft. from an RC 2 zone line in lieu of the required 100 ft., 50 ft. each, and 150 ft. respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 3-14-16

By EW



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 12402 REGWOOD ROAD which is presently zoned RC-5
 Deed References: 34636/295 10 Digit Tax Account # 1 1 0 3 0 5 2 0 3 0
 Property Owner(s) Printed Name(s) WELLS FARGO BANK, N.A.

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
 SEE ATTACHED ~~EXHIBIT A~~

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s) ~~SEE ATTACHED EXHIBIT B~~

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

SEE ATTACHED EXHIBIT C

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

GEMCRAFT HOMES, INC.

Name- Type or Print William R. Luther, Pres
 Signature [Signature]
 2205-A COMMERCE ROAD, FOREST HILL, MD
 Mailing Address City State
 21050 / 410-893-8458 / BLUTHER@GEMCRAFTHOMES.COM
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print _____
 Signature _____
 Mailing Address City State
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

WELLS FARGO BANK, N.A. / JOEY HOZMIBERG
 Name #1 - Type or Print Name #2 - Type or Print
 Signature #1 [Signature] Signature #2 _____
 1 HOME CAMPUS, DES MOINES, IA
 Mailing Address City State
 50328 / /
 Zip Code Telephone # Email Address

Representative to be contacted:

LITTLE & ASSOCIATES, JOHN MOTSCO
 Name - Type or Print John Motz
 Signature [Signature]
 1055 TAYLOR AVE TOWSON, MD
 SUITE 307 Mailing Address City State
 21286 / 410-296-1636 / JOHN.M@LITTLEASSOCIATES.COM
 Zip Code Telephone # Email Address

CASE NUMBER 2016-0157-SPH Filing Date 1/6/16 Do Not Schedule Dates: _____ Reviewer [Signature]

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 3-14-16
 By [Signature]

SPECIAL HEARING REQUEST

To permit a replacement single family dwelling with the front situated 75 feet from the centerline of a road that connects to a collector road, side yard setbacks of 21 feet each, and a rear yard setback 84 feet from an RC-2 zone line in lieu of the required 100 feet, 50 feet each, and 150 feet, respectively.

And to permit lot size of .452 AC in lieu of the required 1.5 acres in an RC-5 zone.

Petition
amended
at hrg.
3-10-2016
JEB

Item #0157

EXHIBIT C

THE PROPOSED BUILDING FOOTPRINT CLOSELY RESEMBLES THE PRIOR EXISTING BUILDING FOOTPRINT BEFORE BEING RAZED AFTER HOUSE BURNED DOWN. THE SETBACKS ARE SIMILAR TO ADJACENT LOT SETBACKS POSITIONED IN THE SAME ZONING CLASS. THE EXISTING MINIMUM LOT ACREAGE AND SETBACKS WOULD DEEM THE LOT UNBUILDABLE, AND DISALLOW REPLACEMENT OF THE PRIOR STRUCTURE.

Item #0157

December 8, 2015

ZONING DESCRIPTION FOR
#12402 REGWOOD ROAD

Beginning at a point on the west side of Regwood Road, which has a varying width, at the distance of 175 feet north of the centerline of Harford Road, which is 70 feet wide. Thence the following courses and distances: **(1)** North 12 degrees 04 minutes East 107 feet; thence **(2)** North 77 degrees 56 minutes West 185.76 feet; thence **(3)** South 10 degrees 00 minutes West 107.07 feet; thence **(4)** South 77 degrees 56 minutes East 182.00 feet to the place of beginning. Being that land as recorded in Deed Liber J.L.E. 34636 folio 295, containing 0.45 acres of land, more or less. Located in the Eleventh Election District and Third Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2016

Item # 0157



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3961023

Sold To:

GEMCRAFT HOMES - CU00176428
2205 Commerce Rd Ste A
Forest Hill, MD 21050-2576

Bill To:

GEMCRAFT HOMES - CU00176428
2205 Commerce Rd Ste A
Forest Hill, MD 21050-2576

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Feb 18, 2016



The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

Date: 2-19-16

RE: Case Number: 2016-0157-SPH

Petitioner/Developer: Gemcraft Homes

Date of Hearing/Closing: 3-10-16 2:30 PM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 12402 Regwood Rd

The signs(s) were posted on 2-19-16

(Month, Day, Year)

J Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road

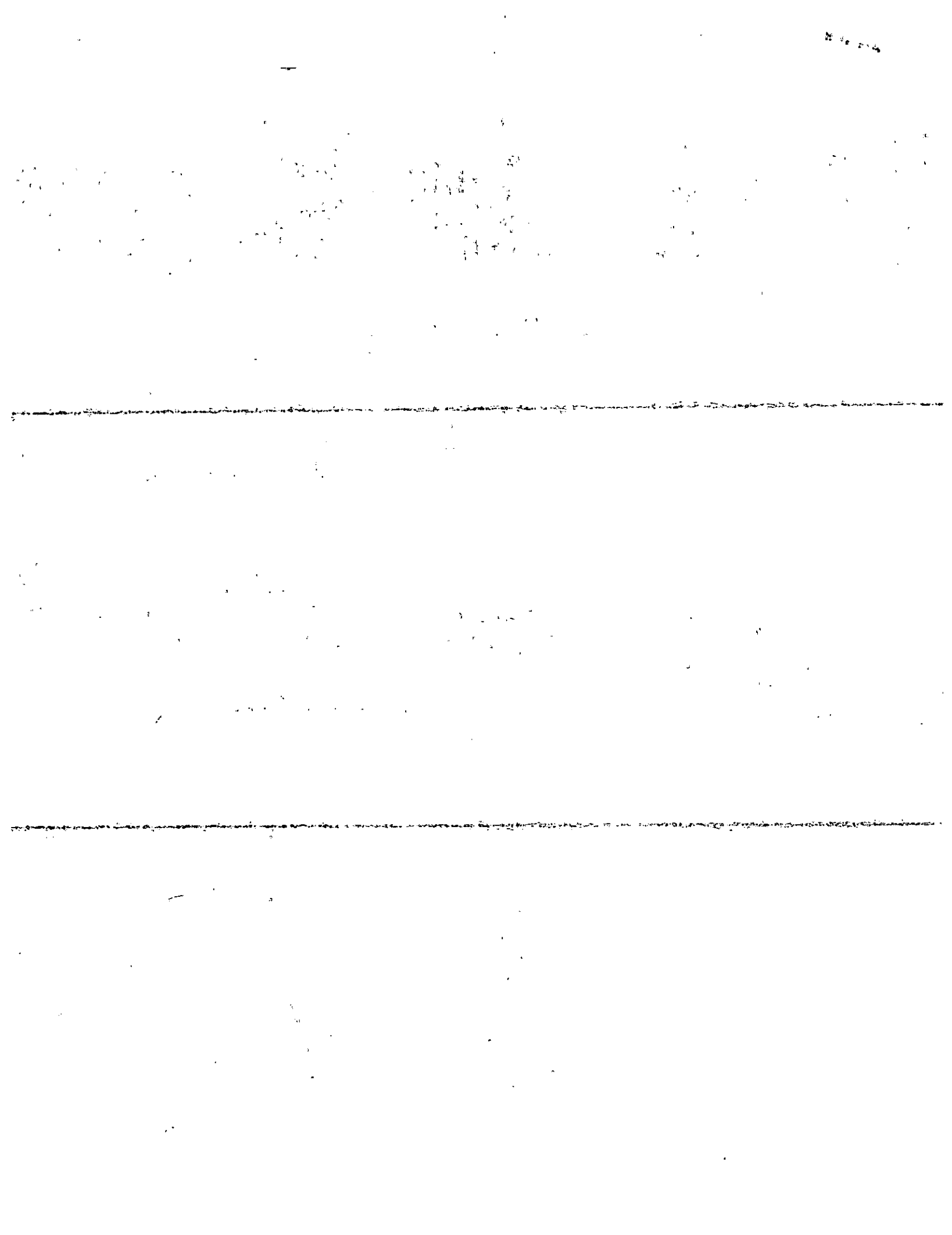
(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)



ZONING NOTICE

CASE # 2016-0157-SPH

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

JEFFERSON BLDG, TOWSON 21204

PLACE: 105 W CHESAPEAKE AVE, ROOM 205

DATE AND TIME: THURS. MARCH 10, 2016 2:30PM

REQUEST: SPECIAL HEARING TO PERMIT A RE-

PLACEMENT SINGLE FAMILY DWELLING WITH THE FRONT

SITUATED 75 FEET FROM THE CENTERLINE OF A ROAD THAT
CONNECTS TO A COLLECTOR ROAD, SIDE YARD SETBACKS
OF 21 FEET EACH, AND A REAR YARD SETBACK OF 84 FEET
FROM AN RC-2 ZONE LINE IN LIEU OF THE REQUIRED 100
FEET, 50 FEET EACH AND 150 FEET, RESPECTIVELY.

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



KEVIN KAMENETZ
County Executive

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

January 13, 2016

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: 2016-0157-SPH

12402 Regwood Road

W/s Regwood Road, 175 ft. n/of centerline of Harford Road

11th Election District – 3rd Councilmanic District

Legal Owners: Wells Fargo Bank, N.A.

Contract Purchaser/Lessee: Gemcraft Homes, Inc.

Special Hearing to permit a replacement single family dwelling with the front situated 75 feet from the centerline of a road that connects to a collector road, side yard setbacks of 21 feet each, and a rear yard setback of 84 feet from an RC-2 zone line in lieu of the required 100 feet, 50 feet each and 150 feet, respectively.

Hearing: Thursday, March 10, 2016 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Gemcraft Homes, Inc., 2205-A Commerce Road, Forest Hill 2105
Wells Fargo, Inc., Joey Hozmiberg, 1 Home Campus, Des Moines IA 50328
Little & Associates, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 19, 2016**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 18, 2016 Issue - Jeffersonian

Please forward billing to:

Bill Luther

410-893-8458

Gemcraft Homes, Inc.

2205-A Commerce Road

Forest Hill, MD 21286

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CASE NUMBER: 2016-0157-SPH

12402 Regwood Road

W/s Regwood Road, 175 ft. n/of centerline of Harford Road

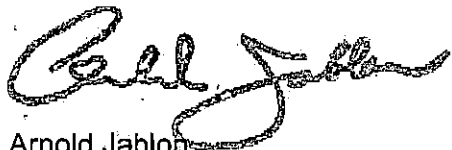
11th Election District – 3rd Councilmanic District

Legal Owners: Wells Fargo Bank, N.A.

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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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
12402 Regwood Road; W/S Regwood Road, * OF ADMINISTRATIVE
175' N of c/line of Harford Road * HEARINGS FOR
11th Election & 3rd Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Wells Fargo Bank N.A. *
Contract Purchaser(s): Gemcraft Homes Inc *
Petitioner(s) * 2016-157-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

RECEIVED

JAN 14 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 2016, a copy of the foregoing Entry of Appearance was mailed to Little & Associates, 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2016-0157-SPH

Property Address: 12402 REGWOOD ROAD, HYDES MD, 21082

Property Description: 0.452± AC. LOT ZONED RC-5

Legal Owners (Petitioners): WELLS FARGO BANK, N.A.

Contract Purchaser/Lessee: GEMCRAFT HOMES, INC.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BILL LUTHER

Company/Firm (if applicable): GEMCRAFT HOMES, INC.

Address: 2205-A COMMERCE ROAD
FOREST HILL, MD, 21286

Telephone Number: (410) 893-8458

Revised 5/20/2014

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

No. **134194**

Date: **1/6/13**

PAID RECEIPT

BUSINESS CHECK (1.00) 100
 1/6/2013 10:30:52
 BALANCE FORWARD VENT MTS
 RECEIPT 0000001 1/06/2013 GFLH
 7.00 DASHING VERIFICATION
 1/6/13
 7.00 Total \$75.00
 1/6/13 1:00 PM
 1/6/13 1:00 PM
 1/6/13 1:00 PM Maryland

Rev Sub
 Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
00	000	000		000				575.00

Total: **75.00**

Rec From:

For: **2012-13 1/6/13 1:00 PM 1/6/13 1:00 PM 1/6/13 1:00 PM**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

March 2, 2016

Wells Fargo Bank N A
Joey Hozmiberg
1 Home Campus
Des Moines Iowa 50328

RE: Case Number: 2016-0157 SPH, Address: 12402 Regwood Road

Dear Mr. Hozmiberg:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 6, 2016. 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,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
GEMCRAFT HOMES INC., 2205 A Commerce Road, Forest Hill MD 21050
Little & Associates, John Motsco, 1055 Taylor Avenue, Suite 307, Towson MD 21286

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 1/13/16

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

RE: Baltimore County
Item No. 2016-0157-SPH
Special Hearing
Wells Fargo Bank N.A. Joey Hozmiberg
12402 Regwood Road.

Dear Ms. Lewis:

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. 2016-0157-SPH.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read 'David W. Peake', is written over a horizontal line.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

3/10

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: February 1, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-157

FEB 01 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 12402 Regwood Road
Petitioner: Wells Fargo Bank, N.A.
Zoning: RC 5
Requested Action: Special Hearing, Variance

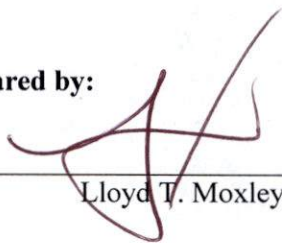
The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a replacement single family dwelling with the front situated 75 feet from the centerline of a road that connects to a collector road, with side yard setbacks of 21 feet each, and a rear yard setback of 84 feet from an RC 2 zone in lieu of the required 100 feet, 50 feet each, and 150 feet, respectively.

A site visit was conducted on January 21, 2016.

The Department of Planning has no objection to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Kaylee Justice at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice
John Motsco, Little & Associates
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

RECEIVED

JAN 19 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0157-SPH
Address 12402 Regwood Road
(Hozmiberg Property)

Zoning Advisory Committee Meeting of January 19, 2016.

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

Reviewer: Steve Ford

Date: 01-19-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 18, 2015
Item No. 2016- 0152, 0153, 0154, 0155, 0156, 0157 and 0158

DATE: January 21, 2016

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC01182016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: February 1, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-157

INFORMATION:

Property Address: 12402 Regwood Road
Petitioner: Wells Fargo Bank, N.A.
Zoning: RC 5
Requested Action: Special Hearing, Variance

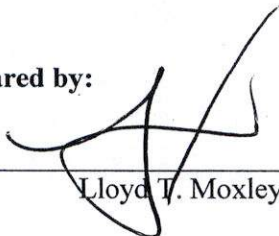
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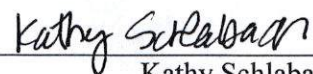
For further information concerning the matters stated herein, please contact Kaylee Justice at 410-887-3480.

Prepared by:



Lloyd T. Moxley

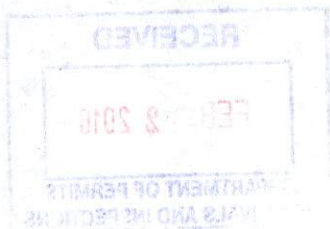
Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice
John Motsco, Little & Associates
Office of the Administrative Hearings
People's Counsel for Baltimore County



100-100000

PLEASE PRINT CLEARLY

CASE NAME Jeniroft Stones
CASE NUMBER 2016-157
DATE 3-10-2016

PETITIONER'S SIGN-IN SHEET

[illegible]

LAW OFFICES
KRAMON & GRAHAM, P.A.
ONE SOUTH STREET
SUITE 2600
BALTIMORE, MARYLAND 21202-3201

TELEPHONE: (410) 752-6030
FACSIMILE: (410) 539-1269

www.kramonandgraham.com

JEFFREY H. SCHERR

DIRECT DIAL
(410) 347-7424

DIRECT FACSIMILE
(410) 361-8221

E-MAIL
jscherr@kg-law.com

February 18, 2016

VIA FIRST-CLASS MAIL

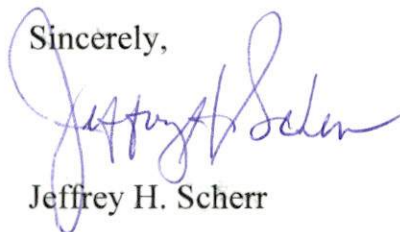
Arnold Jablon, Deputy Administrative Officer
Director: Department of Permits, Approvals and Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: **CASE NUMBER: 2016-0157-SPH**
12402 Regwood Road
W/s Regwood Road, 175 ft. n/of centerline of Harford Road
11th Election District - 3rd Councilmanic District
Legal Owners: Wells Fargo Bank, N.A.
Contract Purchaser/Lessee: Gemcraft Homes, Inc.

Dear Mr. Jablon:

Please enter my appearance on behalf of the Petitioner and Contract Purchaser/Lessee.

Sincerely,



Jeffrey H. Scherr

JHS:cts

cc: John Motsco, P.E. (via email - johnm@littleassociates.com)
Mr. William R. Luther, Jr. (via email - bluther@gemcrafthomes.com)

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>1/21/16</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>2/19/16</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
<u>2/1/16</u>	PLANNING (if not received, date e-mail sent _____)	<u>no obj</u>
<u>1/13/16</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>2/18/16</u>	
SIGN POSTING	Date: <u>2/19/16</u> by <u>Pulson</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

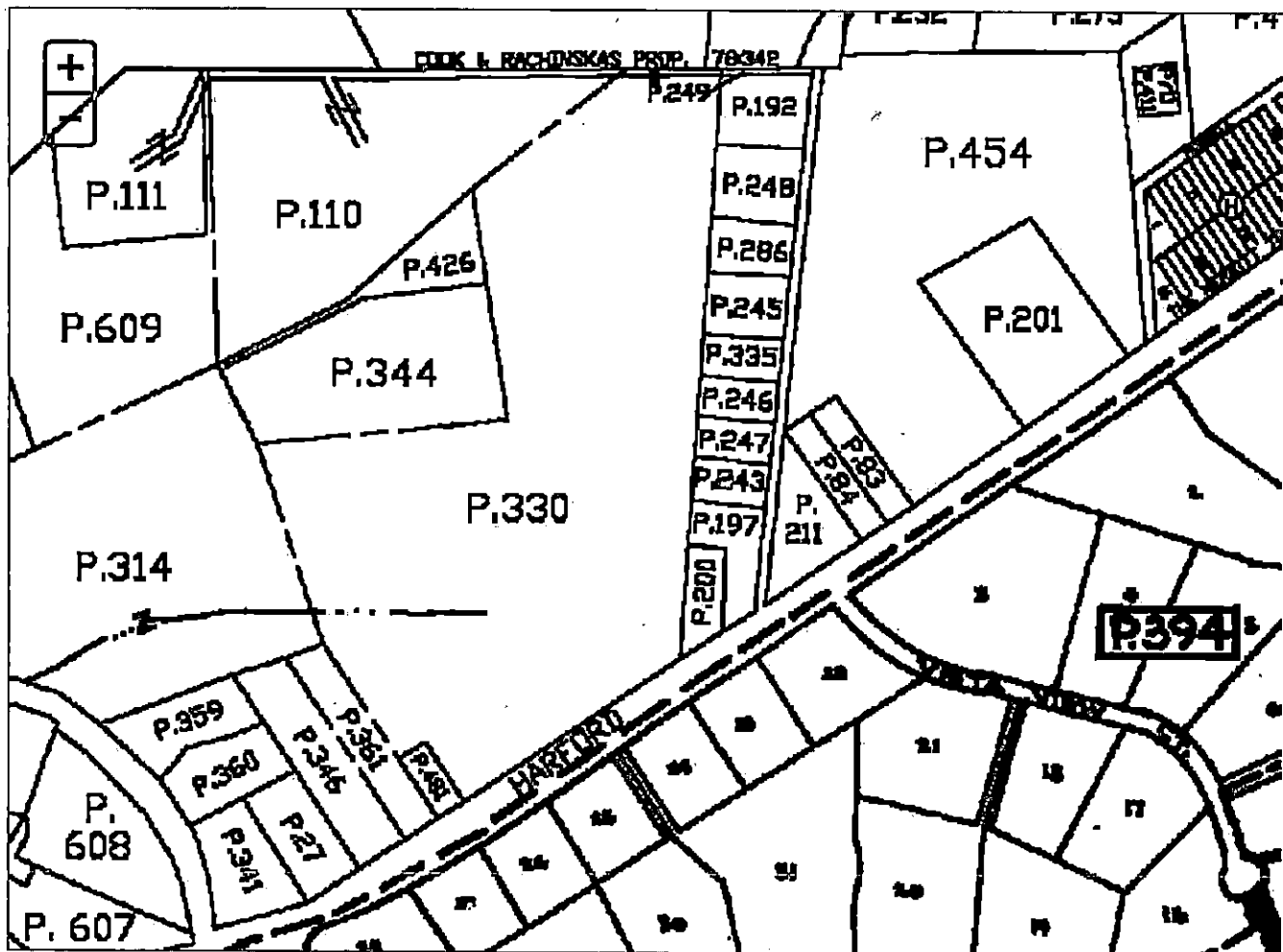
Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1103052030			
Owner Information					
Owner Name:	WELLS FARGO BANK NA		Use:	RESIDENTIAL NO	
Mailing Address:	1 HOME CAMPUS DES MOINES IA 50328-		Principal Residence:		
			Deed Reference:	/34636/ 00295	
Location & Structure Information					
Premises Address:		12402 REGWOOD RD 0-0000		Legal Description:	.50 AC 12402 REGWOOD RD WS 121 N HARFORD RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0054	0016	0243		0000	2015
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			21,780 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	104,400	104,400			
Improvements	0	0			
Total:	104,400	104,400	254,767	104,400	
Preferential Land:	0			0	
Transfer Information					
Seller: CLARK MICHAEL L		Date: 01/24/2014		Price: \$164,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /34636/ 00295		Deed2:	
Seller: CLARK MICHAEL L		Date: 06/06/2002		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /16481/ 00203		Deed2:	
Seller: CLARK MICHAEL L		Date: 02/03/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12641/ 00443		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **11** Account Number: **1103052030**

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

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

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Case No.:

2016-0157-SPH

Exhibit Sheet

Petitioner/Developer

Protestants

DW 4-18-16
DW 3-14-16

No. 1	site plan	
No. 2	deed	
No. 3	aerial photo	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

THIS DEED, made this 4th day of October, in the year one thousand nine hundred and fifty-six, between CHARLES C. BREDEHOEFT and ELLA JANE BREDEHOEFT, his wife, of Baltimore County, in the State of Maryland, of the first part, Grantors, and JAMES P. BREDEHOEFT and PHYLLIS B. BREDEHOEFT, his wife, of Baltimore County, in the State of Maryland, of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said CHARLES C. BREDEHOEFT and ELLA JANE BREDEHOEFT, his wife, do grant and convey unto the said JAMES P. BREDEHOEFT and PHYLLIS B. BREDEHOEFT, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of such survivor, in fee simple, all that lot of ground, situate in the 11th Election District of Baltimore County lying on the westerly side of Regwood Road leading northerly from the Harford Road running from Baltimore to Bel Air and described as follows:

BEGINNING FOR THE SAME AT A PIPE on the end of 107.07 feet of the south 10 degrees 00 minutes west 382.05 feet line of the land conveyed by Deed dated October 15, 1953 and recorded among the Land Records of Baltimore County in Liber C.L.F. No. 2373 folio 420; and running thence leaving the outside boundary of the entire tract conveyed by the aforementioned recorded Deed and running for the following two new dividing lines between the land of the grantors and the land being conveyed, viz: south 77 degrees 56 minutes east 182.00 feet to a pipe on the westerly side of the aforementioned Regwood Road, continuing south 77 degrees 56 minutes east 18.46 feet, crossing said road, to a pipe on the easterly side of said road, said pipe being north 12 degrees 04 minutes east 121.96 feet along the easterly side of said Regwood Road from the northerly side of the Harford Road; thence binding on the easterly side



LAW OFFICES
HENRY D. BLAIR
HENRY D. BLAIR, JR.

Petitioners No. 2

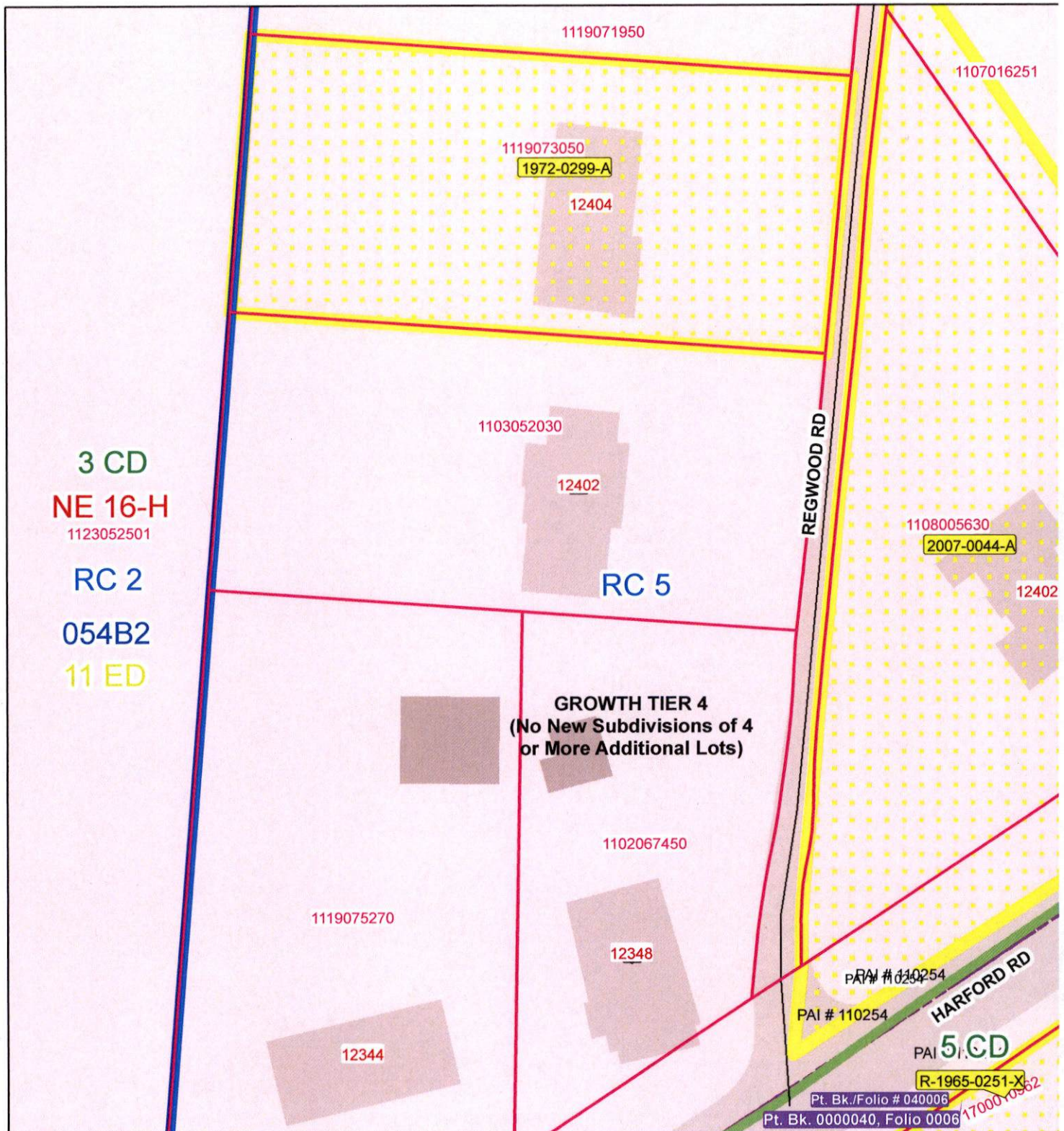
of said Regwood Road, being the outside boundary of the aforementioned entire tract, north 12 degrees 04 minutes east 107.0 feet to a pipe; thence leaving the easterly side of said road and crossing said road and continuing to bind on the outside boundary of the aforementioned entire tract for the following two courses, viz: north 77 degrees 56 minutes west 18.46 feet to a pipe on the westerly side of said road, continuing north 77 degrees 56 minutes west 185.76 feet to a pipe; thence continuing to bind on the entire tract outline south 10 degrees 00 minutes west 107.07 feet to the point of beginning, containing 0.5 acre, more or less, as surveyed by Jerry A. Nolen, Surveyor, on September 14, 1956.

BEING part of the property which by Deed dated October 15, 1953 and recorded among the Land Records of Baltimore County in Liber T.L.B. No. 2373 folio 420 was granted and conveyed by Harold F. Rittenhouse and Ruth A. Rittenhouse, his wife, to Charles C. Bredehoeft and Ella Jane Bredehoeft, his wife.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said JAMES P. BREDEHOEFT and PHYLLIS B. BREDEHOEFT, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of such survivor, in fee simple.

2402 Regwood Road



Publication Date: 12/1/2015



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.525 50 75 100 Feet

1 inch = 50 feet

Item #0157



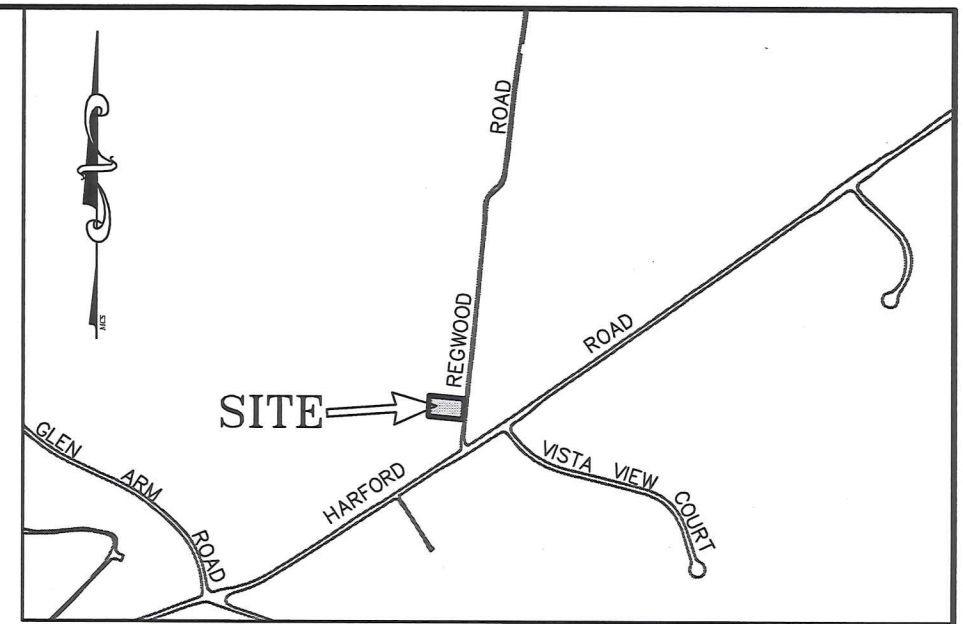
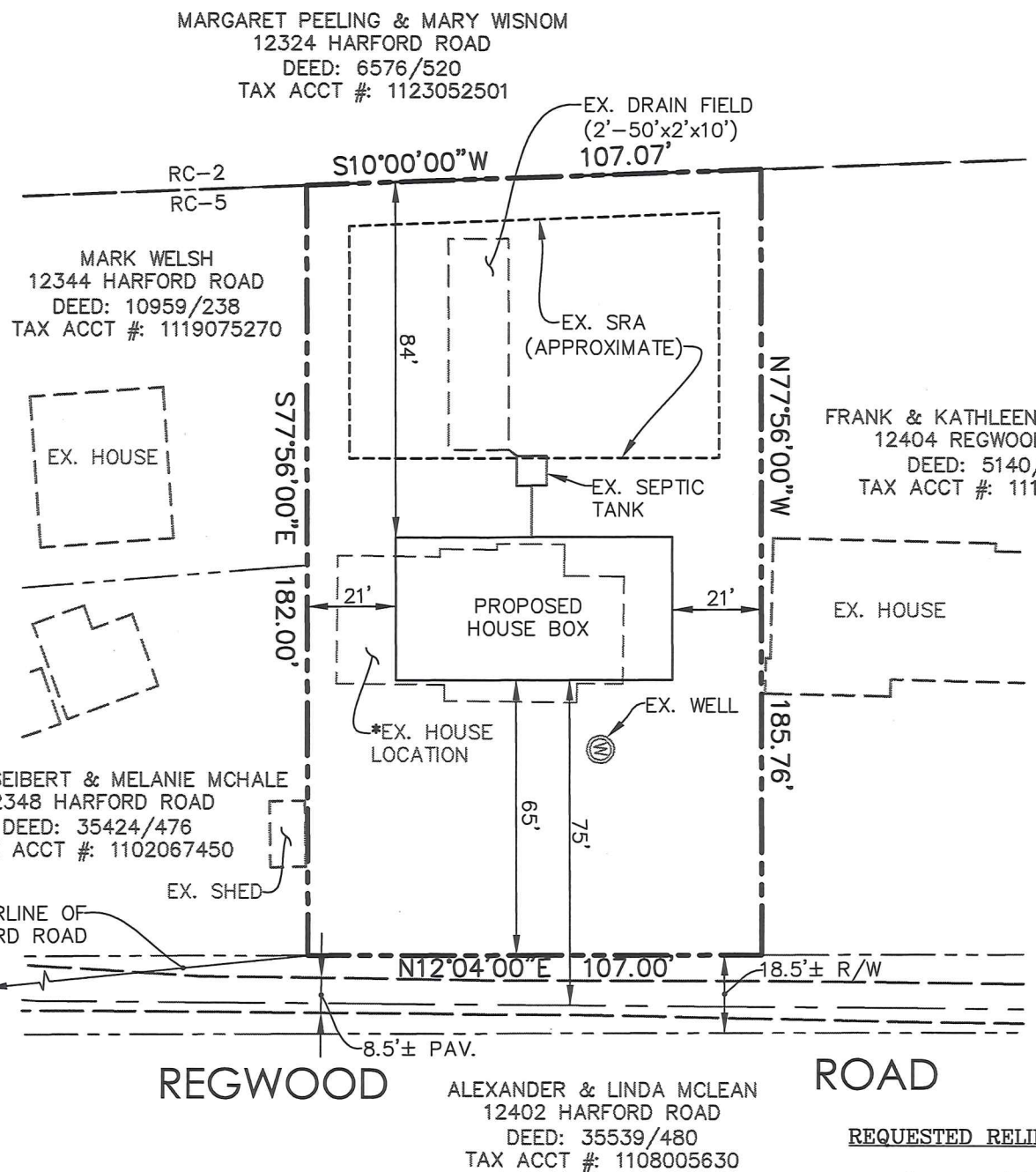
RC 2

RC 5

EX. 3

i

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VICINITY MAP

SCALE: 1"=1000'

PROPERTY INFORMATION

1. OWNER: WELLS FARGO BANK, N.A.
1 HOME CAMPUS
DES MOINES, IA 50328
2. CONTRACT PURCHASER: GEMCRAFT HOMES, INC.
2205-A COMMERCE ROAD
FOREST HILL, MD, 21286
3. TAX ACCOUNT #: 1103052030
4. DEED REF: 34636/295
5. ZONING MAP: 054B2
6. SITE AREA: 0.452 AC± (19,675 S.F.)
7. THE ENTIRE SITE IS ZONED RC-5.
8. THE SITE HAS NO PRIOR ZONING CASES.
9. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (CBCA), HISTORIC AREA, OR FEMA FLOODPLAIN.
10. THE SITE IS SERVED BY AN EXISTING PRIVATE WELL AND SEPTIC SYSTEM.
11. NO PUBLIC WATER OR SEWER EXISTS
12. REGWOOD ROAD IS NOT A SCENIC ROUTE
13. LOT WAS CREATED BY DEED (10/04/1956)

*NOTE: EXISTING HOUSE BURNED DOWN (2/2014). HOUSE HAS BEEN RAZED AND FOUNDATION REMOVED IN ITS ENTIRETY.

REQUESTED RELIEF

BCZR§ 1A04.3(B)(1)(a) TO PERMIT CONTINUED USE OF A LOT HAVING AN AREA LESS THAN 1½ ACRES IN AN RC-5 ZONE

BCZR§ 1A04.3(B)(2)(b) TO PERMIT A BUILDING TO BE SITUATED 75' FROM CENTER LINE OF A COLLECTOR ROAD IN LIEU OF 150'. TO PERMIT A BUILDING SETBACK OF 21' FROM ANY LOT LINE OTHER THEN A STREET LINE IN LIEU OF 50'.

BCZR§ 1A04.3(B)(2)(c) TO PERMIT A BUILDING TO BE SITUATED 84' FROM RC-2 ZONE LINE IN LIEU OF 150'.

OTHER ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY AT THE HEARING.



LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

PLAN TO ACCOMPANY
ZONING VARIANCE
AND SPECIAL HEARING
#12402 REGWOOD ROAD

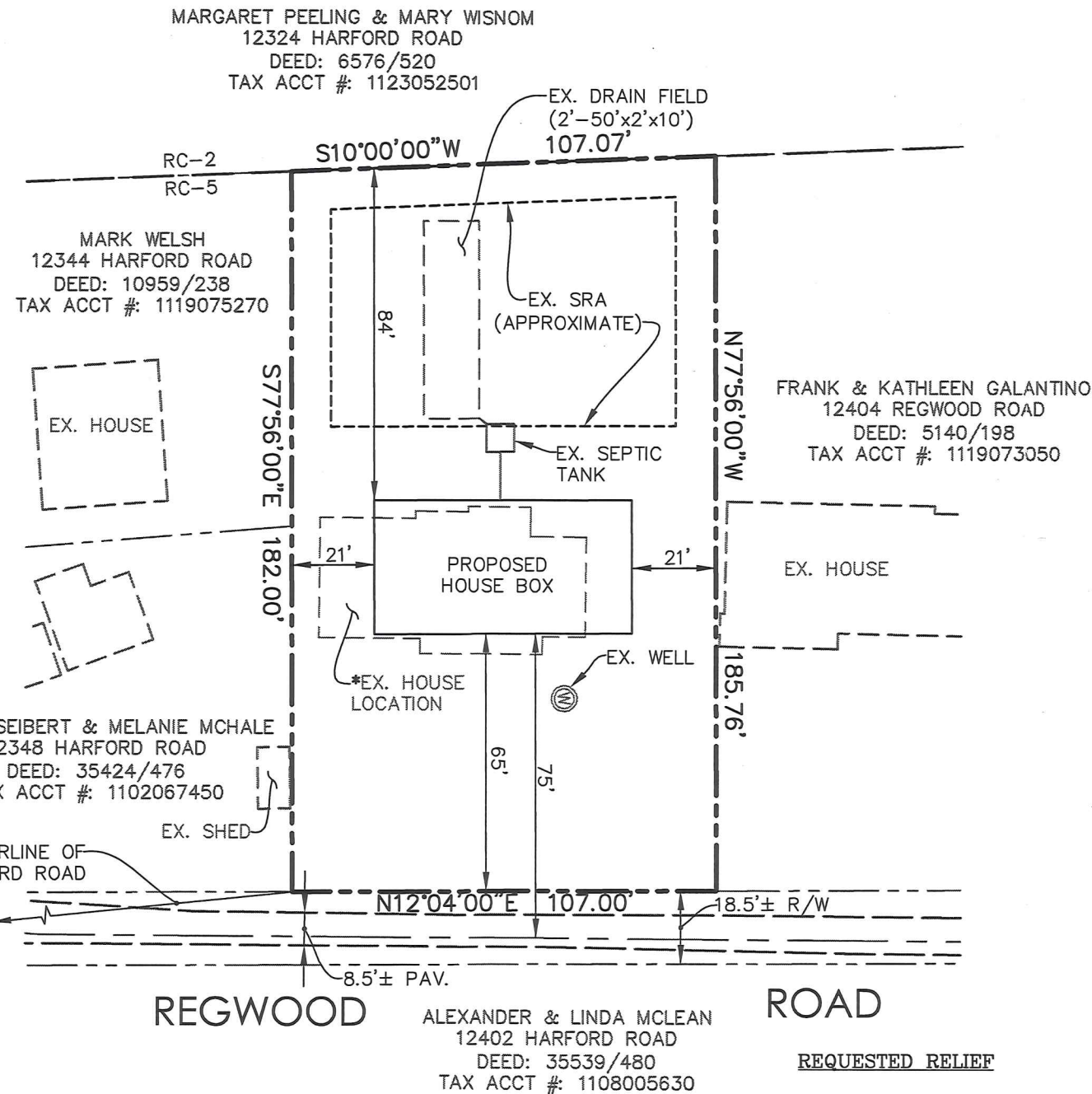
DISTRICT 11c3,
SCALE: 1"=40'

BALTIMORE COUNTY, MD
JANUARY 06, 2016

#2016-0157-SPH

RJD

Y:\REGWOOD ROAD (#12402) 15087\dwg\VARIANCE EXHIBIT.dwg, 1/6/2016 9:15:08 AM, MatET, User123, 1:40



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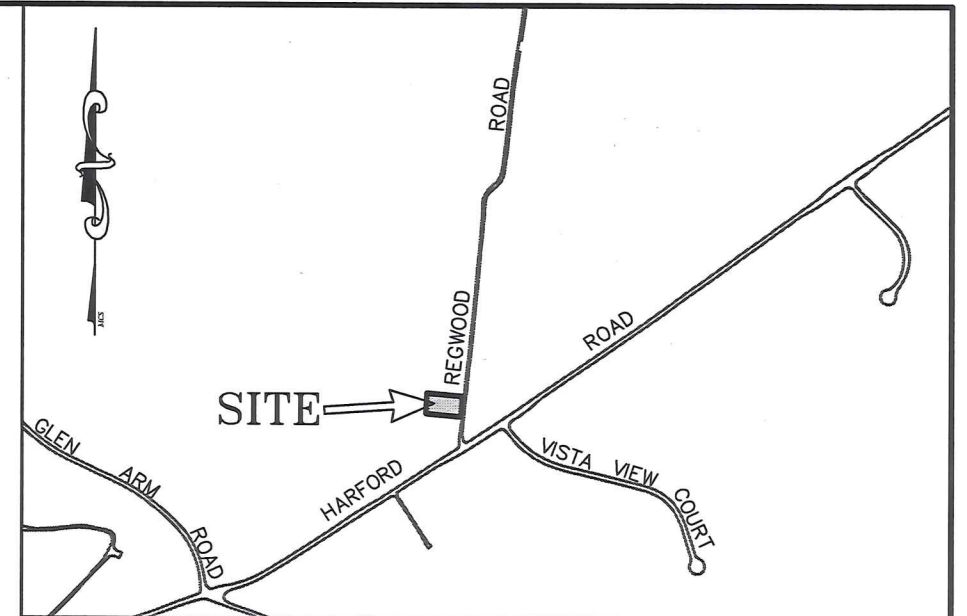
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PLAN TO ACCOMPANY ZONING VARIANCE AND SPECIAL HEARING #12402 REGWOOD ROAD

DISTRICT 11c3
SCALE: 1"=40'

BALTIMORE COUNTY, MD
JANUARY 06, 2016

Petitioners No. 1

15087

#2016-0157-SPH

RDD