

BALTIMORE COUNTY, CORRESPONDENCE

INTER-OFFICE CORRESPONDENCE

TO: Administrative Law Judge

FROM: Roz Johnson
Planner, Office of Zoning Review

DATE: January 12, 2022

SUBJECT: Petition for Special Hearing; Case No. 2022-0010-SPH
Location: Lots on Trenton Mill Rd.; Council Dist. 3, Election Dist. 5

The Baltimore County Office of Zoning reviewed the petitioner's request and discussed the requirements for RC-2 subdivision with the owner and his/her attorney. Attached is the RC-2 Fact Sheet listing the requirements for property subdivisions in the RC-2 Zone.

The office of Zoning respectfully requests the following from the ALJ:

1. State in the Final Order that the applicant has submitted acceptable documentation listed on the RC-2 Fact sheet and include those exhibits with the zoning case; and
2. State in the Final Order how many density units are approved; and
3. Itemize in the Final Order the density calculations for each lot; and
4. Include in the Final Order a revised site plan showing the approvals along with and the sealed legal descriptions of each new lot that is approved.

Please note: The Office of Zoning does not believe there is sufficient density to create 4 lots from the previously approved 2 lots.

JP/rj



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 Trenton Mill Road

which is presently zoned RC2

Deed References: 38744/0064 & 45341/0090 145665-140 10 Digit Tax Account # 2500009488 & 2500005827

Property Owner(s) Printed Name(s) Gary & Reba Floto

(SELECT THE HEARING(S) BY MARKING ☒ 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

Please see attached.

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

3. ☐ a **Variance** from Section(s)

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)

TO BE PRESENTED AT HEARING

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Gary Floto

Reba Floto

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

12321 High Stakes Dr Reisterstown MD

Mailing Address City State

21136 202-816-1165 garyfloto@gmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2022-0010-SPH Filing Date 1/12/2022 Do Not Schedule Dates: Reviewer PJ

ATTACHMENT TO PETITION
ZONING RELIEF REQUESTED

Gary & Reba Floto (Legal Owners & Contract Purchasers)
Trenton Mill Road – Tax Id Nos.: 2500009488 & 2500005827 (Property)

Special Hearing relief to determine whether or not the ALJ should approve:

- (1) The proposed density of four (4) lots from two (2) parcels, each with a gross area greater than two acres; and
- (2) The redistribution of density from one parcel to another separate parcel without creating additional density (or, in the alternative, for a lot line adjustment that does not create additional density); and
- (3) The amendment of prior Zoning Case Nos. 03-332-SPH and 10-65-SPH; and
- (4) For such other and further relief as may be deemed necessary by the ALJ for Baltimore County.

2022-0010-SPH

Existing Lot Legal Description

Tax Id #: 2500005827

Tax Map: 19 / Parcel: 120

BEGINNING for the outlines to include the same at a spike heretofore set in or near the centerline of the present roadbed of Trenton Mill Road at the end of 96.58 feet in the South 46 degrees 15 minutes East 73.6 perches line described in a Deed dated May 19, 1950, recorded among the Land Records of Carroll County in Liber E.A.S. No. 205 folio 005 etc., and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1846 folio 237 etc., thence leaving said line, running in or near the center line of Trenton Mill Road, with all bearings herein being referred to the Maryland State System of Plane Coordinates, 1983 North American Datum, South 53 degrees 13 minutes 50 seconds East 170.28 feet to a spike previously set at the beginning point described in a Deed dated January 6, 2009, recorded among the Land Records of Baltimore County in Liber No. 27584 folio 631 etc., thence leaving said road and binding reversely on the last mentioned Deed the following line, South 15 degrees 03 minutes 50 seconds West 1977.75 feet to a pipe found at the end of 991.03 feet in the North 58 degrees 42 minutes 13 seconds East 2388.80 foot line described in a Deed dated July 25, 1964, recorded among the land Records of Baltimore County in Liber RR.G. No. 4379 folio 464 etc., thence binding reversely on that Deed, the following line, South 49 degrees 42 minutes 51 seconds West 355.62 feet to a pipe found and intersect the above mentioned line between stone No. 3 and the former location of stone No. 4, thence binding thereon by a line of division as now surveyed, North 16 degrees 08 minutes 38 seconds East 2333.68 feet to the place of beginning, containing Eight Acres and Eight Hundred Fifty Nine Thousandths (8.859) of an acre of land, more or less.

This property is not part of any plat or minor subdivision.

2022-0010-SPH

Existing Lot Legal Description

Tax Id #: 2500009488

Tax Map: 19 / Parcel: 122

BEING AND COMPRISING all those two (2) parcels of land conveyed to Allender Property I, LLC by the following two (2) deeds:

From Jane Allender Mauser and Joan Allender Oeffner, dated January 6, 2009 and recorded among the Land Records of Baltimore County in Liber SM No. 27590, folio 411.

From ALLENDER PROPERTY II, LLC dated February 13, 2009 and recorded among the Land Records of Baltimore County in Liber SM No. 27663, folio 79.

BEGINNING for the outlines to include the same at a spike now set in or near the centerline of the present road bed of Trenton Mill Road at the end of 266.86 feet in the South 46 degrees 15 minutes East 73.6 perches line described in a Deed dated May 19, 1950, recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1846 folio 237 etc., and spike being set in the line running North 15 degrees 03 minutes 50 seconds East, from the centerline of the bridge of Old Westminster Road over the Northwest Branch of the Patapsco Falls, to stone No. 6 as erroneously set in a survey of the county line by Aamon Richards in 1841, thence running in or near the centerline of said road and binding on the above mentioned Deed the following line, with all bearings herein being referred to the Maryland State System of Plane Coordinates, 1983 North American Datum, South 53 degrees 13 minutes 50 seconds East 380.72 feet to a spike formerly set at the end of the North 15 degrees 37 minutes 00 seconds East 1342.50 foot line described in a Deed dated January 30, 2004, recorded among the Land Records of Baltimore County in Liber S.M. No. 19617 folio 346 etc., said spike also located in the straight division line, described as running North 17 degrees East, between Baltimore County and Carroll County, as established in the Acts of The General Assembly of the State of Maryland, December Session of 1835, Chapter 256, and confirmed the next succeeding Session of 1836, Chapter 19, thence leaving Trenton Mill Road, binding reversely on the last mentioned Deed and running reversely along the Constitutional Line between Baltimore County and Carroll County as established in 18835, the following line, South 15 degrees 37 minutes 00 seconds West 972.62 feet to an iron pin found at the end of the North 64 degrees 34 minutes 32 seconds West 183.69 foot line described in a Deed dated May 29, 2007, recorded among the Land Records of Baltimore County in Liber S.M. No. 25781 folio 708 etc., thence binding on that Deed reversely the three following lines, South 64 degrees 34 minutes 32 seconds East 184.49 feet to an iron pin found 10 feet northwest of the northwest side of a right of way, 60 feet wide, to be used in common with others entitles thereto, described in a Deed of Agreement dated October 23, 1964, recorded in Liber No. 4391 folio 578 etc., thence running parallel to said right of way, North 49 degrees 42 minutes 51 seconds East 479.82 feet to a point within said right of way and 10 feet northwest of the centerline, thence running in an parallel to said right of way, North 25 degrees 33 minutes 21 seconds East 395.27 feet to a spoke found 23.5 feet southwest of the centerline of the present roadbed of Trenton Mill Road and to intersect the South 77 degrees 56 minutes 57 seconds East 8853.77 foot line described in the above mentioned Deed dated January 30, 2004, recorded in Liber S.M. No. 19617 folio 346 etc., thence running in Trenton Mill Road and binding on the last mentioned Deed the following line, South 77 degrees 56 minutes 57 seconds East 41.14 feet to a spike found 11.5 feet southwest of the centerline of Trenton Mill Road on the southwest side of said Right of Way, 60 feet wide, said spike being found at the end of the North 25 degrees 33 minutes 21 seconds East 422.05 foot line described in a Deed dated August 25, 2005, recorded in Liber S.M. No. 22502 folio 632 etc., thence leaving said road,

binding reversely on the last mentioned Deed the four following lines and running along the southeast side of the above mentioned Right of Way, the following line, South 25 degrees 33 minutes 21 seconds West 413.45 feet to a point, thence leaving the side of said right of way, South 25 degrees 33 minutes 21 seconds West 8.60 feet to an iron pin found, South 44 degrees 09 minutes 26 seconds East 100.00 feet to an iron pin found, and, South 11 degrees 53 minutes 10 seconds East 121.91 feet to an iron pin found at the end of the North 58 degrees 10 minutes 50 seconds West 754.08 foot line described in the above mentioned Deed dated January 30, 2004, recorded in Liber S.M. No. 19617 folio 346 etc., thence binding on that Deed the two following lines, North 44 degrees 09 minutes 26 seconds West 211.00 feet to a railroad spike found in or near the centerline of the above mentioned Right of Way, 60 feet wide at the end of the North 58 degrees 42 minutes 13 seconds East 2388.80 foot line described in a Deed dated July 25, 1964, recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4379 folio 464 etc., thence running along the centerline of said right of way for a distance of 1100.00 feet and binding reversely on the last mentioned Deed the two following lines, South 49 degrees 42 minutes 51 seconds West 798.44 feet to a spoke found and to intersect the original County line running North 17 degrees East, and, South 49 degrees 42 minutes 51 seconds West 599.33 feet to an iron pin now set and to intersect the above mentioned line running North 15 degrees 03 minutes 50 seconds East, between the center of the bridge on Old Westminster Road to stone No. 6 as erroneously set in 1841, thence binding on that line and running by a new line of division as now surveyed, North 15 degrees 03 minutes 50 seconds East 1977.75 feet to the place of beginning, containing 15 acres and Two Hundred Sixteen Thousandths (15.216) of an acre of land, more or less.

SUBJECT, however, to the above mentioned right of way, 60 feet wide, to be used in common with others entitled thereto, as described in the above mentioned Deed of Agreement dated October 23, 1964, recorded among the Land Records of Baltimore County in Liber No. 4391 folio 578 etc.,

TOGETHER, with the use thereof in common with others entitled thereto of the above mentioned right of way, 60 feet wide.

This property is not part of any plat or minor subdivision.

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING January 17, 2022
FORMAL OR INFORMAL RESPONSE DUE AT January 24, 2022 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovement@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
* tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 4400, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2022-0010-SPH **Reviewer:**
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Gary and Reba Floto
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 5 **Council Dist:** 3

Property Address: TRENTON MILL RD
Location: Property located on the South side of Trenton Mill Rd., 1,445 FT. West of Thomas Schilling Ct.

Existing Zoning: RC 2 **Area:** 24,049 ACRES

Proposed Zoning:

SPECIAL HEARING:

1. The proposed density of four (4) lots from two (2) parcels, each with a gross area greater than two acres; and
2. The redistribution of density from one parcel to another separate parcel without creating additional density (or, in the alternative, for a lot line adjustment that does not create additional density); and
3. The amendment of prior Zoning Case No. 03-332-SPH and 10-65-SPH; and
4. For such other and further relief as may be deemed necessary by the ALJ for Baltimore County.

Attorney: Lawrence Schmidt

Prior Zoning Cases: 2003-0332-SPH; 2010-0065-SPH

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:
