

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Painters Mill Road, 1400' SW of the c/l of Red Run Blvd. * ZONING COMMISSIONER
2nd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Cas# No. 88-343-A
Painters Mill Assoc. Ltd. Partnership - Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a minimum distance of 40 feet between the centers of facing windows of different apartments in lieu of the required 75 feet, and to permit all dwelling units in buildings of less than 52 feet in height in lieu of the maximum permitted number of 20%, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by John B. Howard, Esquire and Robert A. Hoffman, Esquire, appeared and testified. Also appearing on behalf of the Petition were Catherine Hare Foltz, President of TCR, Maryland, Inc., a general partner of the Contract Purchaser of the subject property; George E. Gavrells, an expert land planner; Mickey A. Cornelius, an expert traffic engineer; and John A. Luetkenmeyer, Jr., a principal of the Legal Owner of the subject property. There were no Protestants present at the hearing.

Testimony proffered by Counsel for the Petitioner indicated that the subject property is located in the Owings Mills growth area on Painters Mill Road in Phase I of a larger project known as the Village of Painters Mill. The entire project received CRG approval on April 2, 1986 and is zoned predominantly R.A.E. 1.

Under that zoning classification, only 20% of all dwelling units are permitted in buildings of less than 52 feet in height. Looking at the Village of Painters Mill as a whole, Phase I contains only the maximum permitted 20% of all dwelling units in buildings less than 52 feet in height, and thus, is in conformance with the R.A.E. 1 height regulations.

Painters Mill Assoc. Ltd. Partnership
W/S Painters Mill Road, 1400' SW of the c/l of Red Run Blvd.
2nd E.D.
3rd C.D.

CREATED FOR FILING
DATE 3/15/88
BY Scott J. Johnson

However, the Petitioner explained through Counsel that the remaining property comprising the Village of Painters Mill is the subject of a zoning request on the 1988 Comprehensive Map. That request for a change in zoning, if granted, would down-zone a large part of the property from R.A.E. 1 to D.R. 16 and would, in all likelihood, result in a reduction in the height of the high-rise buildings shown on the CRG plan to less than 52 feet. In that case, buildings on the subject property would become non-conforming, since more than 20% of the total dwelling units on R.A.E. 1 zoned land in the Village of Painters Mill would be in low-rise buildings. That possibility prompted the Petitioner to file this Petition for Zoning Variance.

The proffered testimony of Mr. Gavrells indicated that buildings of greater than 52 feet in height at this particular location would be totally inappropriate in terms of the surrounding single-family residential development. Also, high-rise buildings would be inconsistent with market demands in Owings Mills, according to a marketability study of the Village of Painters Mill prepared by Morton Hoffman and Company, Inc. identified herein as Petitioner's Exhibit 2. On pages 27 - 29, the study states that lower density, garden apartment type housing is the only logical development in this locale.

Additionally, the proffered testimony of Mr. Gavrells indicated that a window to window setback of 4 feet was consistent with that required in density residential zones, which normally have low-rise buildings, and that meeting the R.A.E. 1 setback of 75 feet would be unnecessary in buildings of this height. Further evidence of Mr. Gavrells' proffered testimony as to the undue hardship or practical difficulty of meeting the R.A.E. requirements for both height and window to window distances can be found in Mr. Gavrells' notes submitted as Petitioner's Exhibit 3.

Finally, there was also testimony from Mrs. Catherine Hare Foltz that internal marketing studies had been conducted by the Chase Mill Limited Partner-

ship, an affiliate of the Trummell Crow Company, a real estate firm, which indicated conclusively that garden apartment housing is the only type of unit which could be developed on this site and that there would be a practical difficulty if the height requirement in the R.A.E. 1 zone had to be met.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property and public hearing on this petition held, and for the reasons given above, the requested variances should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of March, 1988 that a minimum distance of 40 feet between the centers of facing windows of different apartments in lieu of the required 75 feet, be approved, and that all dwelling units in buildings of less than 52 feet in height in lieu of the maximum permitted 20%, in accordance with Petitioner's Exhibit 1, be permitted, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner
Baltimore County

March 18, 1988

John B. Howard, Esquire
Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
W/S Painters Mill Road, 1400' SW of the c/l of Red Run Boulevard
2nd Election District - 3rd Councilmanic District
Painters Mill Associates Limited Partnership - Petitioner
Case No. 88-343-A

Dear Messrs. Howard & Hoffman:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjb
Enclosures
cc: Ms. Catherine Hare Foltz
President, TCR Maryland, Inc., Trummell Crow Company
3 Bethesda Metro Center, Bethesda, Md. 20814

Mr. George E. Gavrells
Dart-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21204

Mr. Mickey A. Cornelius
The Traffic Group
414 E. Joppa Road, Towson, Md. 21204

Mr. Jack Luetkenmeyer
Continental Realty
17 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

wjw

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 200.3, C.2 to permit a minimum distance between the centers of facing windows of different apartments of 40 feet in lieu of the required 75 feet and from Section 200.3.A to permit all dwelling units in buildings of less than 52 feet in height in lieu of the maximum 20% of all dwelling units in buildings less than 52 feet in height in lieu of the maximum 20% of all dwelling units in buildings less than 52 feet in height, and thus, is in conformance with the R.A.E. 1 height regulations.

MAP NW 10
2C
2nd
E.D.
DATE 3/15/88
200 BF
1000 BF
DP

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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: Chase Mill Limited Partnership
Legal Owner(s): Painters Mill Associates Limited Partnership
Chase Mill Associates, Inc. (Type or Print Name) by: Continental Realty Investors Corp., General Partner
Signature by: Catherine Hare Foltz, Pres. Signature by: John A. Luetkenmeyer, Jr., Pres.

Three Bethesda Metro Center, Suite 250
Bethesda, Maryland 20814
Address
City and State

Attorney for Petitioner: John B. Howard, Esquire
(Type or Print Name)
Signature
210 Allegheny Avenue
Towson, Maryland 21204
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
Name 210 Allegheny Avenue
Maryland 21204 823-4111

BALTIMORE COUNTY, MARYLAND No. 45788
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 3-15-88 ACCOUNT 21204-0000
AMOUNT \$ 0.00

RECEIVED FROM [Signature]
FOR [Signature]

VALIDATION OR SIGNATURE OF CASHIER
DATE 4/15/88

DAFT-MCCUNE-WALKER, INC.
200 East Pennsylvania Avenue
Towson, Maryland 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers & Surveyors

Description
Section I, Village of Painters Mill
15.60 Acre Parcel
West Side of Painters Mill Road, South of Red Run Boulevard
Second Election District, Baltimore County, Maryland.

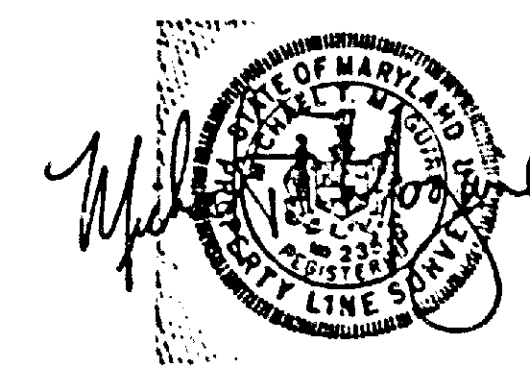
Beginning for the same at a point on the west side of Painters Mill Road, 30 feet wide, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of said Painters Mill Road with the centerline of Red Run Boulevard, (1) Southwesterly 1400 feet, (2) North 70 degrees 26 minutes 20 seconds West 40 feet to the point of beginning, thence leaving said point of beginning and running and binding on said west side of Painters Mill Road (1) South 19 degrees 33 minutes 40 seconds West 32.32 feet, (2) Southwesterly by a curve to the right with the radius of 115.00 feet the length of 10.22 feet, the chord of said curve being South 34 degrees 04 minutes 28 seconds West 10.22 feet, (3) Southwesterly by a curve to the left with the radius of 135 feet, the length of 40.19 feet, the chord of said curve being South 28 degrees 05 minutes 26 seconds West 40.05 feet, (4) South 19 degrees 33 minutes 40 seconds West 284.34 feet, (5) Southwesterly by a curve to the right with the radius of 4535.16 feet, the length of 381.21 feet, the chord of said curve being South 21 degrees 58 minutes 09 seconds West 381.10 feet, (6) Southwesterly

OFFICE COPY

by a curve to the left with the radius of 135.00 feet the length of 43.38 feet the chord of said curve being South 15 degrees 10 minutes 17 seconds West 43.19 feet, (7) Southwesterly by a curve to the right the radius of 115.00 feet, the length of 39.00 feet, the chord of said curve being South 15 degrees 54 seconds West 38.82 feet, (8) Southwesterly by a curve to the right, with the radius of 4548.66 feet, the length of 102.25 feet, the chord of said curve being South 26 degrees 02 minutes 30 seconds West 102.24 feet, thence leaving said west side of Painters Mill Road and running (9) North 89 degrees 19 minutes 06 seconds West 547.47 feet, (10) North 02 degrees 48 minutes 06 seconds West 951.67 feet, (11) South 84 degrees 27 minutes 56 seconds East 938.19 feet to the place of beginning.
Containing 15.60 acres of land, more or less.

NOTE: THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY AND NOT FOR CONVEYANCE OF PROPERTY.

Our File No. 85020-B (85020B-zoning-description)
October 6, 1987



April 26, 1988

Alda P. Reggin, Esquire
Linwood and Blocher
8720 Georgia Avenue, 5th Floor
Silver Spring, Maryland 20907

RE: PETITION FOR ZONING VARIANCE
W/S Painters Mill Road, 1400' SW of the c/l of Red Run Boulevard
2nd Election District - 3rd Councilmanic District
Painters Mill Associates Limited Partnership - Petitioner
Case No. 88-343-A

Dear Mr. Reggin:

In response to your letter dated April 15, 1988 on the subject, please be advised that the appeal period has expired and no appeals have been filed in the above-referenced matter.

If you require any additional information on the subject, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY, MARYLAND No. 45788
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 4-26-88 ACCOUNT 21204-0000
AMOUNT \$ 0.00

RECEIVED FROM [Signature]
FOR [Signature]

VALIDATION OR SIGNATURE OF CASHIER

LAW OFFICES
LINOWES AND BLOCHER
 FIFTH FLOOR
 8720 GEORGIA AVENUE
 P.O. BOX 8728
 SILVER SPRING, MARYLAND 20907
 (301) 588-8580

148 MAIN STREET
 P.O. BOX 31
 ANNAPOLIS, MARYLAND 20704
 ANNAPOLIS (301) 266-0881
 WASHINGTON (202) 861-1888
 BALTIMORE (301) 588-0048
 TELECOMER (301) 581-0050

APRIL 19, 1988

BY HAND
 Mr. J. Robert Haines
 Zoning Commissioner for Baltimore County
 County Office Building
 111 W. Chesapeake Avenue
 Towson, MD 21204

RECEIVED ZONING OFFICE
 DATE: 4/19/88

Re: Petition for Zoning Variance-W/S Painters Mill Road, 1,400 Foot SW of the c/l of Red Run Boulevard/Second Election District-Third Councilmanic District/Painters Mill Associates Limited Partnership-Petitioner/Case No. 88-343-A

Dear Mr. Haines:

This firm represents the Trammell Crow Company and its affiliate, Chase Mill Limited Partnership, in connection with its proposed development of the property which is the subject of the referenced case. We have been requested by Perpetual Savings Bank, F.S.B., the Trammell Crow Company and Chase Mill Limited Partnership's lender in connection with the proposed development, to obtain a letter from your office which states (1) that the appeal period for the referenced case has expired, and (2) that no appeals have been filed with respect to the Order entered in the referenced Case.

For your convenience, we have enclosed a copy of the form of letter which we would like to obtain from your office. We would like to be able to provide this letter to Perpetual Savings Bank's counsel by the end of this week. Therefore, we would appreciate your contacting the undersigned when the letter is ready so that we may arrange to have a courier pick it up from your office.

Please feel free to call us if you have any questions.

Thank you for your assistance in this matter.

Very truly yours,

LINOWES AND BLOCHER

Alda P. Repp
 Alda P. Repp

APR:kjh
 Enclosures
 cc: Mrs. Catherine Hare Foltz (w/encl.)
 Ms. Deborah Self (w/encl.)
 Mr. William Richbourg (w/encl.)
 Richard M. Zeitman, Esquire (w/encl.)

"DUPLICATE"
 CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 11, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 11, 1988.

THE JEFFERSONIAN,

No. 45642

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

RECEIVED FROM: *CLNDT*
 AMOUNT: \$ 100.00
 DATE: 4/19/88

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: *2nd* Date of Posting: *2-11-88*
 Posted for: *Haines*
 Petitioner: *Painters Mill Associates Limited Partnership*
 Location of property: *W/S of Painter Mill Road, 1400' SW of c/l of Red Run Blvd.*
 Location of Signs: *Head ends of Painter Mill Road approx. 1,400' SW of Red Run Blvd.*
 Remarks:
 Posted by: *A. J. Ratz* Date of return: *2-12-88*
 Number of Signs: *1*

April 19, 1988

Perpetual Savings Bank, F.S.B.
 2300 N Street, N.W.
 Fifth Floor
 Washington, D.C. 20037

Attn: Mr. Robert L. Latham, Vice President

Re: Petition for Zoning Variance-W/S Painters Mill Road, 1,400 Foot SW of the c/l of Red Run Boulevard/Second Election District-Third Councilmanic District/Painters Mill Associates Limited Partnership-Petitioner/Case No. 88-343-A

Dear Mr. Latham:

Please be advised that as of the date hereof, the statutory appeal period for the referenced case has expired and that no appeals have been filed with respect to the Order entered in the referenced Case.

Very truly yours,

J. Robert Haines
 Zoning Commissioner for
 Baltimore County

NOTICE OF HEARING
 The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 11:00 a.m. on the date and at the location specified below.
 Case number: 88-343-A
 Petitioner: Painters Mill Associates Limited Partnership
 Location: W/S of Painter Mill Road, 1400' SW of c/l of Red Run Blvd.
 Date/Time: MARCH 6, 1988 at 11:00 a.m.
 FOR SHOW DATE CALL 494-3353

APERS OF MARYLAND, INC.

Ad. Feb. 11, 1988

Annexed Reg. #M10787 P.O. #96283
 SUCCESSORS WORKS/DAYS PREVIOUS
 TO, 1988, in the

a daily newspaper published in Annapolis, Carroll County, Maryland, a weekly newspaper published in Baltimore County, Maryland, a weekly newspaper published in Baltimore County, Maryland, APERS OF MARYLAND, INC.

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 494-3353

J. Robert Haines
 Zoning Commissioner



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-343-A
 Petition for Zoning Variance
 W/S Painters Mill Road, 1400' SW c/l Red Run Blvd,
 2nd Election District - 3rd Councilmanic District
 Petitioner: Painters Mill Associates Limited Partnership
 DATE/TIME: MONDAY, MARCH 6, 1988 at 11:00 p.m.

Variance to permit a minimum distance between the centers of facing windows of different apartments of 40 feet in lieu of the required 75 feet and to permit all dwellings units in buildings of less than 52 feet in height in lieu of the maximum 207.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
 Zoning Commissioner for
 Baltimore County

cc: John B. Howard, Esq.
 Painters Mill Associates Limited Partnership
 File ✓

RE: PETITION FOR VARIANCE
 W/S Painters Mill Rd., 1400' SW
 C/L Red Run Blvd., 2nd District : OF BALTIMORE COUNTY

PAINTERS MILL ASSOCIATES LTD. : Case No. 88-343-A
 PARTNERSHIP, Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Room 223, Court House
 Towson, Maryland 21204
 494-2188

I HEREBY CERTIFY that on this 5th day of February, 1988, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner; and Catherine Hare Foltz, President, Chase Mill Ltd. Partnership, 3 Bethesda Metro Center, Suite 250, Bethesda, MD 20814, Contract Purchaser.

Peter Max Zimmerman
 Peter Max Zimmerman

88-343-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 25th day of December, 1987.

Petitioner: *Painters Mill Associates Ltd. Partnership*
 Petitioner's Attorney: *John B. Howard, Esquire*

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER

Received by: *James E. Dyer*
 Chairman, Zoning Plans
 Advisory Committee

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 494-3353

MAR 02 1988



Dennis F. Rasmussen
 County Engineer

John B. Howard, Esq.
 210 Allegheny Avenue
 Towson, Maryland 21204

Re: Case number: 88-343-A
 Petition for Zoning Variance
 W/S Painters Mill Road, 1400' SW c/l Red Run Blvd.
 2nd Election District - 3rd Councilmanic District
 Petitioner: Painters Mill Associates Limited Partnership

Dear Mr. Howard:

Please be advised that \$5.00 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND No. 50288
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: *3-5-88* ACCOUNT: *P-11-15-000*
 AMOUNT: *88.23*
 RECEIVED FROM: *Cash Payment - Zoning Office*
 FOR: *2087*
 # 01*****250318 0047
 88-343-A

Baltimore County
 Fire Department
 Towson, Maryland 21286
 494-4500

November 25, 1987



Dennis F. Rasmussen
 County Engineer

Re: Property Owner: *Painters Mill Assoc. Ltd. Partnership*

Location: *W/S Painters Mill Rd., 1400' SW of c/l Red Run Blvd.*

Item No.: *177*

Zoning Agenda: *Meeting of 11/24/87*

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable fire requirements of the National Fire Protection Association Standard No. 101 "Fire Safety Code" 1976 edition prior to occupancy.
- () 6. Site plans are approved, as shown.
- () 7. The Fire Prevention Bureau has no objections of this type.

REVIEWER: *C. J. Kelly* Noted and Approved: *John F. O'Neill*
 Planning Group Fire Prevention Bureau
 Special Inspection Division

*Building shall be within 50' of street for fire department access.
 7/1

HAN AND COMPANY, INC.
ECONOMIC CONSULTANTS

PETITIONER'S EXHIBIT 2

MARKETABILITY ANALYSIS
VILLAGE OF PAINTERS HILL SITE

Prepared for:
Continental Realty Group, Inc.

Prepared by:
Morton Hoffman and Company, Inc.
Urban and Economic Consultants

January, 1988

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
454-3354

December 2, 1987



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 177, 178, 179, 180, 181, 182, and 183.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:ab

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

11/18/87
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 177, Zoning Advisory Committee Meeting of November 24, 1987

Property Owner: Painters Mill Associates Limited Partnership

Location: NW corner Painters Mill Rd. w/ SE of Catalina Rd. M/1100

Water Supply: m/tee Sewage Disposal: m/tee

- COMMENTS ARE AS FOLLOWS:
- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
 - () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
 - () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
 - () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
 - () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service plans and approval of the Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
 - () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpools, hot tubs, water and sewerage facilities or other amusements to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3011.
 - () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
 - () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
 - () Prior to raising or existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
 - () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
 - () Soil percolation tests, have been _____ must be _____ conducted.
() The results are valid until _____.
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
 - () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
 - () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____
() is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
 - () Prior to occupancy approval, the possibility of the water supply must be verified by collection of bacteriological and chemical water samples.
 - () If submission of plans to the County Review Group is required, a hydrogeological study and an Environmental Effects Report must be submitted.
 - () Others _____

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS DATE: February 5, 1986

FROM: ZONING OFFICE

PROJECT NAME: THE VILLAGE OF PAINTERS HILL PLAN: 1/13/86

LOCATION: NW corner Painters Hill Road and Lyons Mill Road DEVELOPMENT PLAN: _____

DISTRICT: 2nd Election District PLAT: _____

1. In the zoning note, separate Phase I from Phase II, show quantities such as density, A.O.S., parking, and separate the D.R. 16 units out of Phase I and show remaining units allowed under 52 feet for Phase II. If there is any division of lots on this entire property the allowable number of units under this provision would be greatly reduced.
2. Breakdown the units in each typical garden apartment building, or give a typical and an anticipated total number of density units utilized. The remaining figures should be shown to apply to Phase II. If this were done in chart form it would be easier to read.
3. Coordinate the zone boundary lines shown on the plan. The outlines do not agree with the 200 Scale Zoning Maps.
4. Relocate "Road B" out of the required 75 foot buffer area.
5. Show acreages and all individual properties adjoining the D.R. portion of the site. Especially the Lucas, Melody, the property West of Melody, and any dwellings on the Pursley property.
6. If there is a crease or opening in the R.T.A. areas west of the proposed "Road B" intersection with Lyons Mill Road, access may be permitted at this location. This alignment must be reviewed by this office prior to approval.
7. Any anticipated office or retail/service uses should be shown on the plan because of the impact on the parking requirements. If any one is anticipated the requirements of Section 200.2 and Section 200.4 of the Baltimore County Zoning Regulations should be addressed.
8. Any anticipated community buildings or recreational facilities should be shown on the plan and whether or not they would be limited to residents' use.
9. Please be advised that building setback, window, and height requirements are greater in RAE-1 than most garden apartment proposals. Buildings are proposed in both phases that do not meet these standards.

(continued)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 25, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 177 - Case No. 88-343-A
Petitioner: Painters Mill Associates
Limited Partnership
Petition for Zoning Variance

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures
cc: McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
Date: February 25, 1988

FROM: Mr. P. David Fields, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No's. 88-363-A, 88-343-A

RECEIVED
FEB 1 1988
ZONING OFFICE

There are no comprehensive planning factors requiring comments on the subject zoning petitions.

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Council
Zoning Office
J. G. Roswell

CPS-008

BALTIMORE COUNTY, MARYLAND

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

SUBJECT: COUNTY REVIEW GROUP COMMENTS DATE: April 2, 1986

FROM: ZONING OFFICE (Continued from 2/5/86)

PROJECT NAME: VILLAGE OF PAINTERS HILL, PHASE I PLAN: 1/13/86

LOCATION: NW corner Painters Hill Road and Lyons Mill Road DEVELOPMENT PLAN: _____

DISTRICT: 2nd Election District PLAT: _____

1. Adjust the acreage and density and A.O.S. figures to reflect the zoning line adjustment on the 1/30/86 plan - R.A.E.-2 should be included.
2. Include required and provided quantities in the Phase I and Phase II chart, separate the D.R. 16 portion of both phases. A complete chart for both phases including building units, density, acreage, dwelling building types and other limitations would be easier to read if all included together.
3. RAE-1M does not appear to be a local street. It has been increased to not wide. Direct access to a local street is prohibited in RAE 1. The status of Road #20 should be addressed on the plan or clarified by departmental comments.
4. As previously commented, the requirements of Section 200.4, RAE, RAE 1, Bulk Regulations are greater than most garden apartment proposals. Anticipated conflicts with the building, window setback or other requirements should be addressed prior to plan approval. A variance would be required for the parking deck on the N/S of Phase II.
5. The anticipated uses under 50 feet and parking for these uses in Phase II should be shown on the plan.
6. Address or note comments #2, 7, 8, 10, 11 and 12 made on 2/5/86.

W. Carl Richards, Jr.
W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:ng

THE VILLAGE OF PAINTERS HILL -2- February 5, 1986

"PHASE I"
CRG Comments Continued

10. In at least one area where a proposed apartment building is in transition closer than the parking area, the buffer may be reduced to 50 feet and the setback may be 75 feet. Also, there are apartment buildings proposed closer to thru streets than the parking that serves them. Also, a percentage of visitors or non-resident parking should be anticipated using the C.M.D.P. guidelines. Any excess parking should be distributed throughout the development.
11. A development or community sign (if proposed) would be limited to 15 square feet (single face).
12. If building connections are proposed, note that the detail will be provided on the Development Plan.
13. Title "ZONING NOTES" in large type to be easily reviewed on the plan.

W. Carl Richards, Jr.
W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:ng

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

TELEPHONE (301) 823-4111
TELECOPIER (301) 823-4111
DIRECT DIAL NUMBER (301) 494-9162

March 15, 1988
HAND-DELIVERED

J. Robert Haines
Zoning Commissioner, Baltimore County
First Floor
County Office Building
Towson, MD 21204

Re: Case #88-343-A

Dear Mr. Haines:

Enclosed is our proposed Findings of Fact and Conclusions of Law in the above referenced case. Please give me any revisions you may have and I can have those changes made on our word processing.

As we discussed at the hearing, contractual obligations between the legal owner and the contract purchaser in this case require that the Order be executed expeditiously. Accordingly, it is respectfully requested that the Order be dated by Friday, March 18, 1988. This would allow approximately 10 days between the expiration of the appeal period on the Order and the closing date contemplated under the Agreement of Sale.

On behalf of both the legal owner and the petitioner in this case I very much appreciate your cooperation in this matter.

Kind regards.

Yours truly,
Robert A. Hoffman

cc: Catherine Hare Foltz
Francine Raizes
John A. Luetkemeyer, Jr.
John B. Howard, Esquire

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

TELEPHONE (301) 823-4111
TELECOPIER (301) 823-4111
DIRECT DIAL NUMBER (301) 494-9162

February 1, 1988

HAND DELIVERY

Mr. James E. Dyer, Zoning Supervisor
County Office Building
First Floor
Towson, Maryland 21204

Re: Village of Painters Mill - Phase 1
Zoning Case No.: 88-343-A

Dear Jim:

As we discussed in our recent meeting, Chase Mill Limited Partnership, (the developer) has filed application for building permits on the above-referenced project. You have agreed to process those permits with the understanding that issuance thereof may be conditioned upon grant of the variances which are the subject of the above-referenced proceedings.

If the variances are not granted we will discuss further the status of the permits.

Yours truly,
Robert A. Hoffman

cc: Francine Raizes
Steven Koren
John A. Luetkemeyer, Jr.
Robert Green
John B. Howard, Esquire

Area north of proposed Lakeside Drive might change from RAE-1 to RAE-2; area south of Lakeside Drive might change from RAE-1 to DR-16 and further might provide for about 6 acres of convenience retail and office use.

If approved, and if developed under the requested zoning development as planned and approved for Section One - the subject of today's hearing - would then become non-conforming because there:

- Would be no RAE-1 component against which to account for number of units less than 51 feet in height.
- In any case, there is no mechanism for combining potentials in RAE-1, RAE-2 and DR-16 zones. Each such zone must be developed to comply with the requisite standards exclusively within each zone.

Zoning Issue on 1988 Maps is recommending that the requested changes be approved.

SUBSEQUENT PLANNING OF THE REMAINING PORTIONS OF PAINTERS MILL VILLAGE IN ACCORDANCE WITH DIFFERENT ZONING COULD MAKE SECTION ONE NON CONFORMING WITH RESPECT TO THE NUMBER OF DWELLING UNITS IN BUILDINGS LESS THAN 51 FEET HIGH.

PRUDENCE WOULD DICTATE THAT SECTION ONE SECURE A VARIANCE TO ALLOW CLEARLY OVER TIME THAT ALL OF ITS UNITS BE IN BUILDINGS LESS THAN 51 FEET HIGH.

Prospective zoning change on balance of property

creates a similar situation of practical difficulty and poses a specter that height will become nonconforming.

- Requested variance seeking less than 50 feet high corrects this problem and enables property in Section One to be developed in the context of its present RAE-1 zoning.
- Section One is not the subject of a zone change in 1988 Maps.
 - RAE-1 zoning will continue to govern.
 - Front-end loading precludes any possible change of Section One.

Granting the requested height reduction will not have any effect on permitted density nor in a way increase density beyond that permitted in an RAE-1 zone.

Density in Section One is 12.67 units/acre. Full development at full density would permit up to 620 density units.

Overall plan permits 3278 units; 2,556 units are proposed by currently approved CRG Plan.

D 40' instead of 75' facing window standard

Section One is part of the garden apartment component of the Village of Painters Mill.

- Planned that way as a response to market factors now operating in Owings Mill Town Center area.
- Planned that way to assure compatibility with existing housing stock along Painters Mill Road to north and south.

March 9, 1988 Notes from Graue/Is

The Village of Painters Mill ZONING HEARING

A. Amended CRG Plan, Phase I

Approved 11/25/87, administratively without further meeting by CRG based on Waiver W-87-162

- CRG Plan embraced a 93.2 acre tract (including Section One, the subject of this zoning case)
- Current zoning permits a maximum of 3,278 density units within the component RAE-1 and DR-16 zones. 2,556 proposed
- 184 garden apts. proposed in 15.4 acre DR-16 portion
- 2,372 density units proposed in 76.8 acre RAE-1 portion
 - 1,280 midrise, 2-B2 units
 - 392 garden units, 2-B2
- 20% of units less than 51' in height would equate to 474 garden units in RAE-1

The approved CRG Plan proposed only 392 garden units (less than 51 feet tall) in the RAE-1 portions of the tract.

B. Section One of the Village of Painters Mill is an approved component of the CRG Plan.

- It complies in all respects with plan.
- It falls within the permitted 392 garden units less than 51 foot tall as shown on the Plan for the RAE-1 portions of the overall development.
- If development were to continue to occur in the manner shown on the CRG Plan no variance to permit the units in Section One would be required.

C. Reason for Height Variance. Balance of the Village of Painters Mill is the subject of a 1988 comprehensive zoning map change request.

requisite standards exclusively within each zone.

Zoning Issue on 1988 Maps is recommending that the requested changes be approved.

SUBSEQUENT PLANNING OF THE REMAINING PORTIONS OF PAINTERS MILL VILLAGE IN ACCORDANCE WITH DIFFERENT ZONING COULD MAKE SECTION ONE NON CONFORMING WITH RESPECT TO THE NUMBER OF DWELLING UNITS IN BUILDINGS LESS THAN 51 FEET HIGH.

PRUDENCE WOULD DICTATE THAT SECTION ONE SECURE A VARIANCE TO ALLOW CLEARLY OVER TIME THAT ALL OF ITS UNITS BE IN BUILDINGS LESS THAN 51 FEET HIGH.

Prospective zoning change on balance of property

an RAE-1 zone.

Density in Section One is 12.67 units/acre. Full development at full density would permit up to 620 density units.

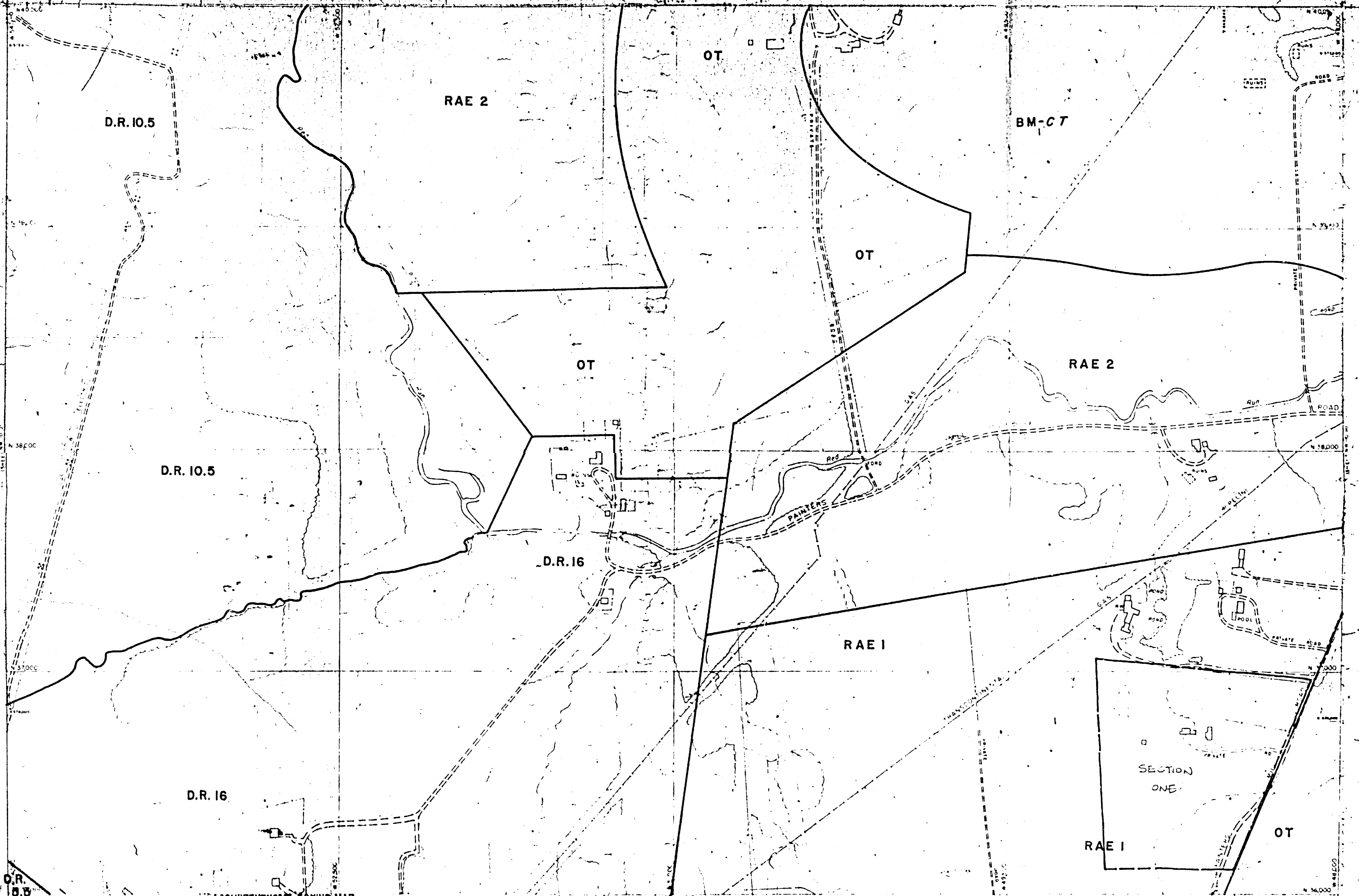
Overall plan permits 3,278 units; 2,556 units are proposed by currently approved CRG Plan.

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- Planned that way as a response to market factors now operating in Owings Mill Town Center area.
- Planned that way to assure compatibility with existing housing stock along Painters Mill Road to north and south.

PETITIONERS EXHIBIT 9



O.R.
 10.5
 P - NW
 T - SW

1984 COMPREHENSIVE ZONING MAP
 ADOPTED BY THE
 BALTIMORE COUNTY COUNCIL
 1984
 S. 133-84, 134-84, 135-84, 136-84, 137-84, 138-84, 139-84
 37-84
 [Signature]
 CHAIRMAN, COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF
 BALTIMORE COUNTY METROPOLITAN AREA

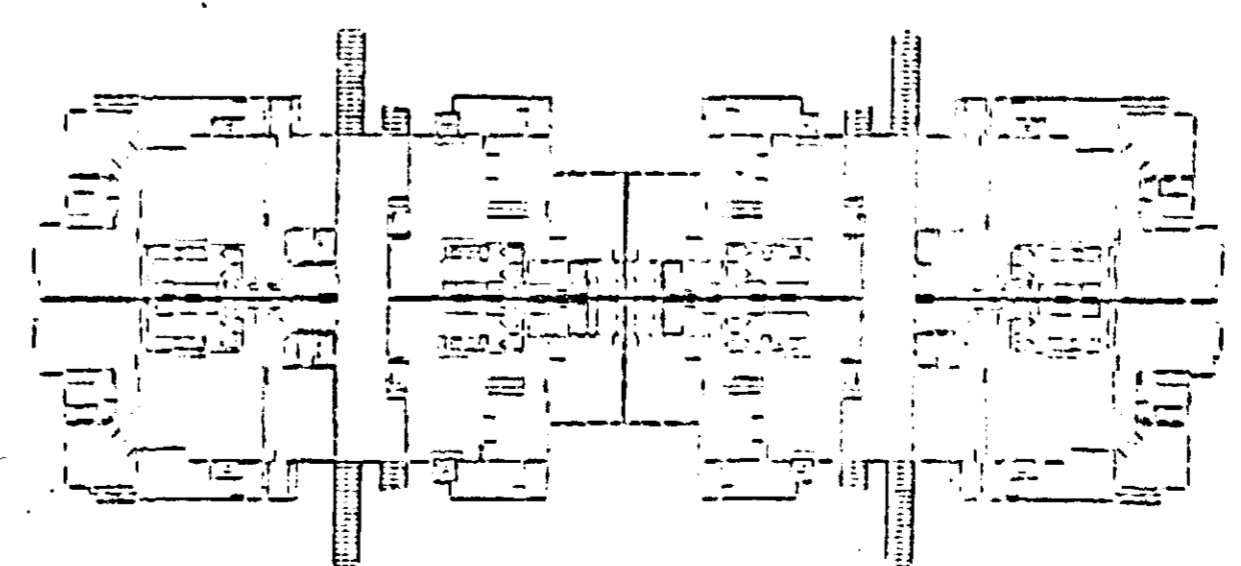
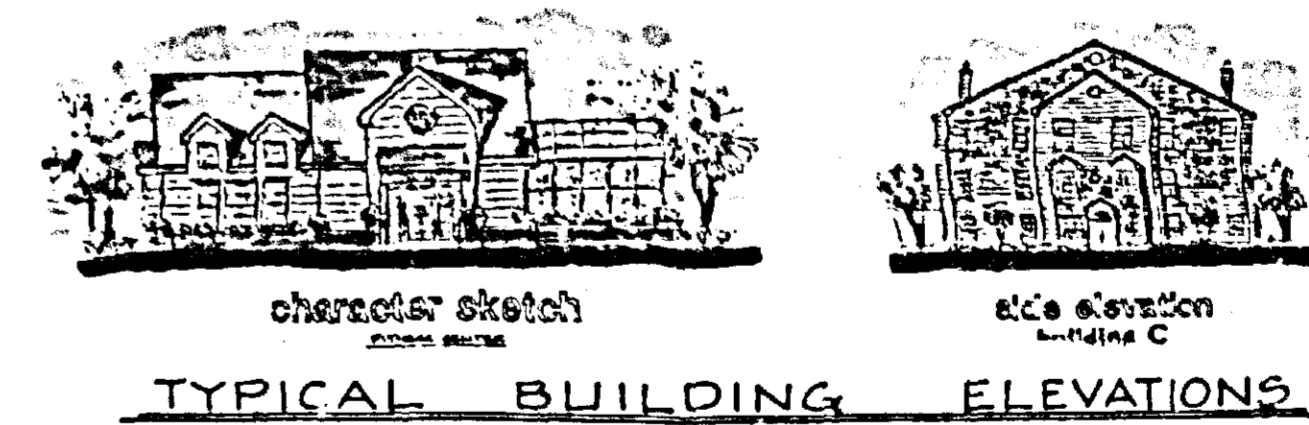
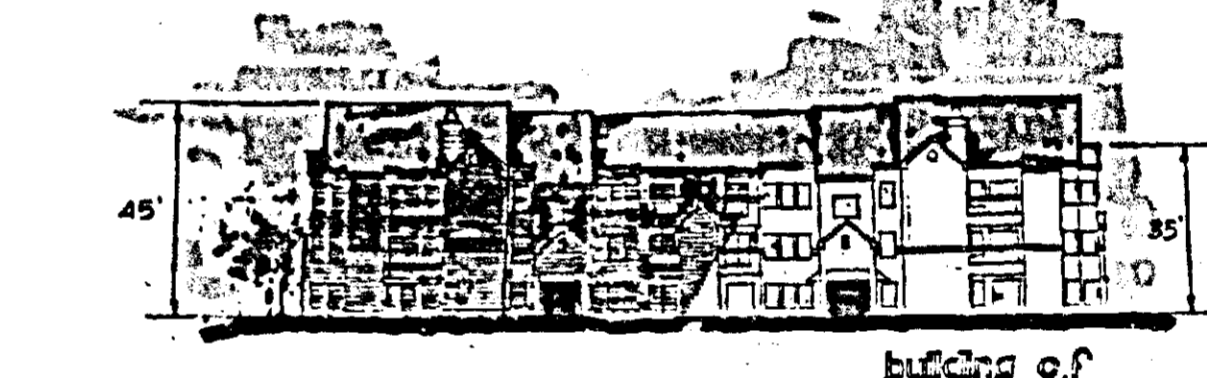
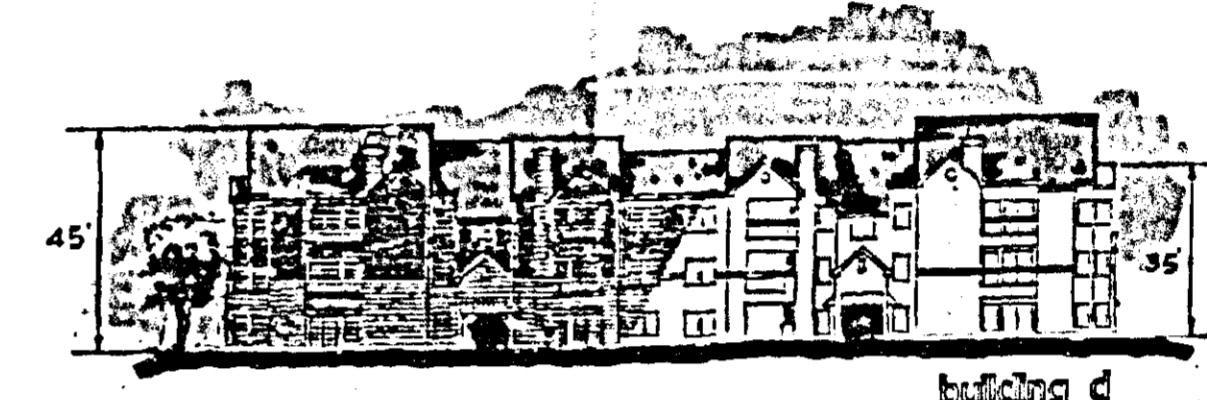
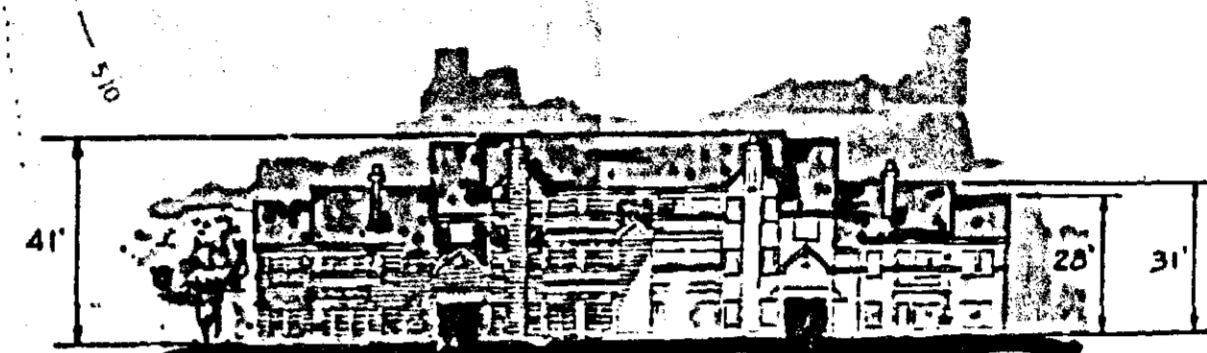
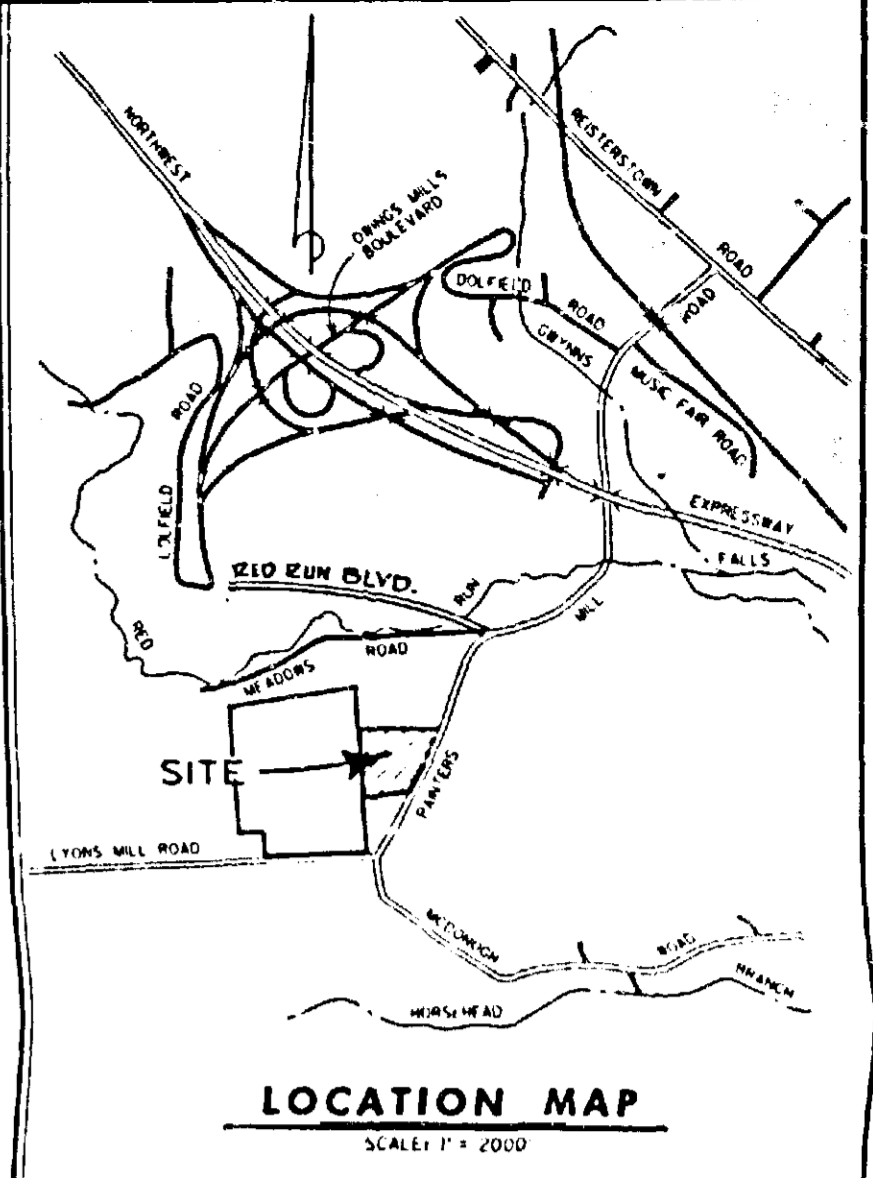
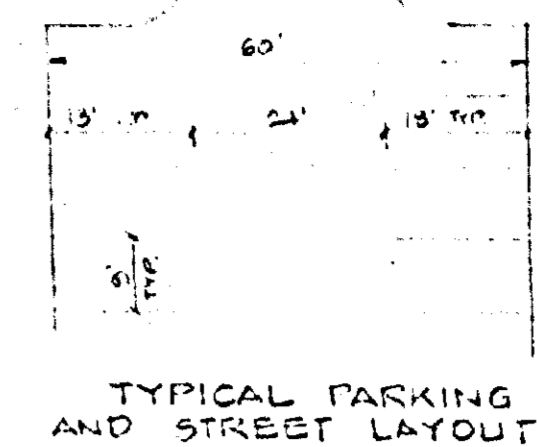
REVISIONS
 BY DATE
 1/20/84

SCALE
 1" = 200'

LOCATION SHEET
 SECTION ONE
 OT

DATE OF PHOTOGRAPHY
 APRIL 1953
 Compiled by photogrammetric Methods
 AERO SERVICE CORPORATION - PHILADELPHIA, PA.

OWINGS MILLS
 PRINTED
 DEC 09 1987
 EAST-MCCUNE-WALKER, INC.



- General Notes**
- Existing Zoning: RAE I, OT
 - Net Area: 15.653 Acres
 - Gross Area: 16.294 Acres RAE I = 15.503 Acres OT = 0.791 Acres
 - Units Allowed = 15,503 x 40 = 620.12 Density Units
 - Units Shown = 74 1BR x 0.75 = 55.5
72 2BR x 1.00 = 72.0
56 3BR x 1.50 = 84.0
Total 192 196.5 Density Units
 - Parking Required = 196.5 x 1.53 = 300.6 P.S.
 - Parking Shown = 300
 - For overall plan, see CRG approved April 2, 1986.
 - See CRG waiver W-87-162 and May 22, 1987 approval letter.
 - Fitness center and recreational facilities for the use of residents and their guests only.
 - No office or retail/service uses are anticipated at this time. (Except leasing office)
 - Amenity Open Spaces:
Required: 5.46 Acres A.U.F.A. x 0.7 = 3.82 Acres
Shown: 8.31 Acres
 - Density Summary:

Density Units	Phase 1	Section 1	Remainder
Permitted	1322	620.0	702.0
Proposed	576	196.5	379.5

PETITIONER'S EXHIBIT 1

DAFT McCUNE WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS SURVEYORS
200 EAST PENNSYLVANIA AVENUE
BALTIMORE, MD 21204
TELEPHONE: 410-526-1444

15.6 ACRE PARCEL VILLAGE OF PAINTERS MILL SECTION ONE PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCES

SECOND ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

DATE: 10/9/87

SCALE: 1"=50'

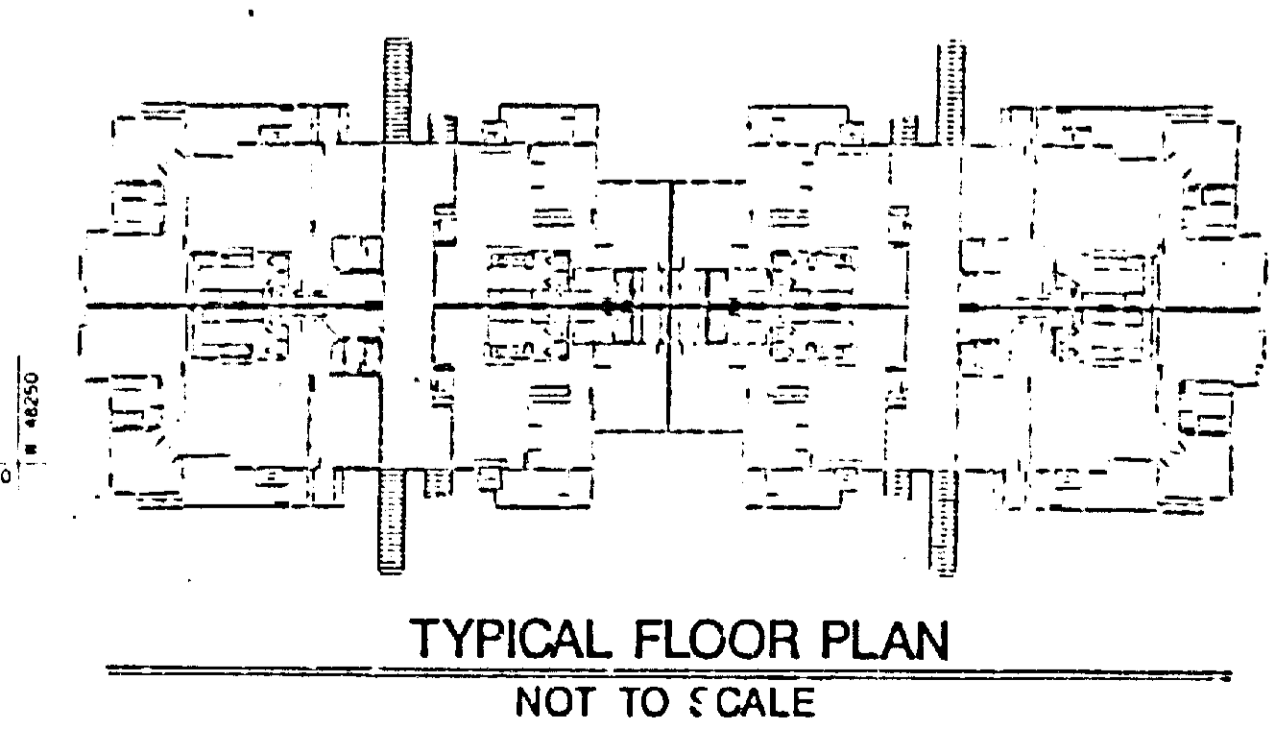
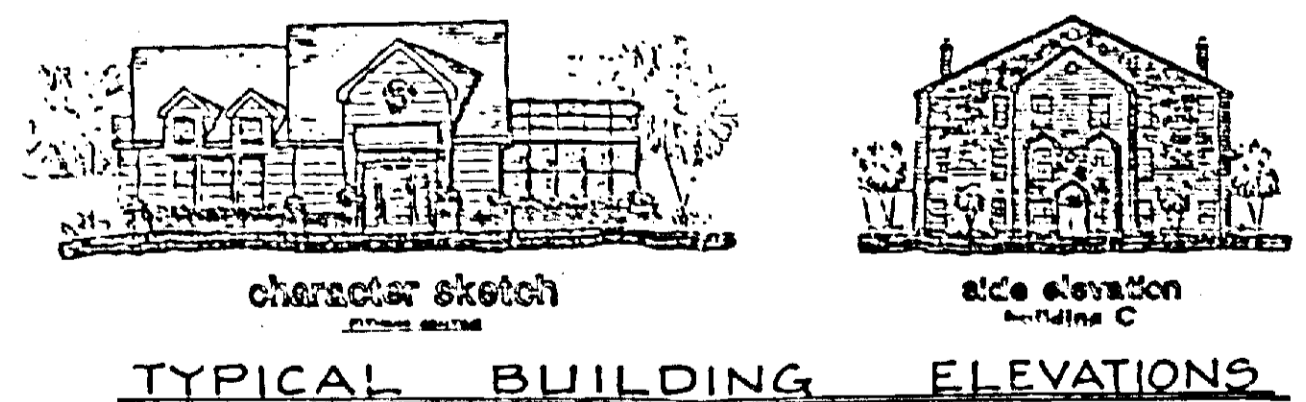
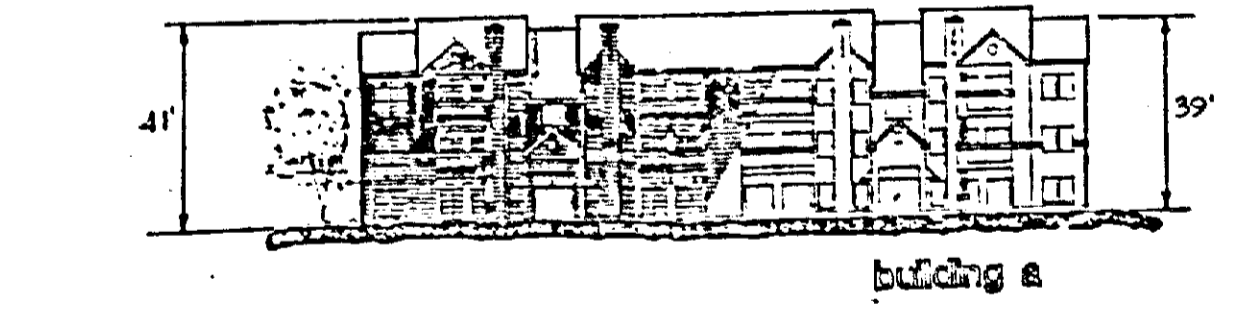
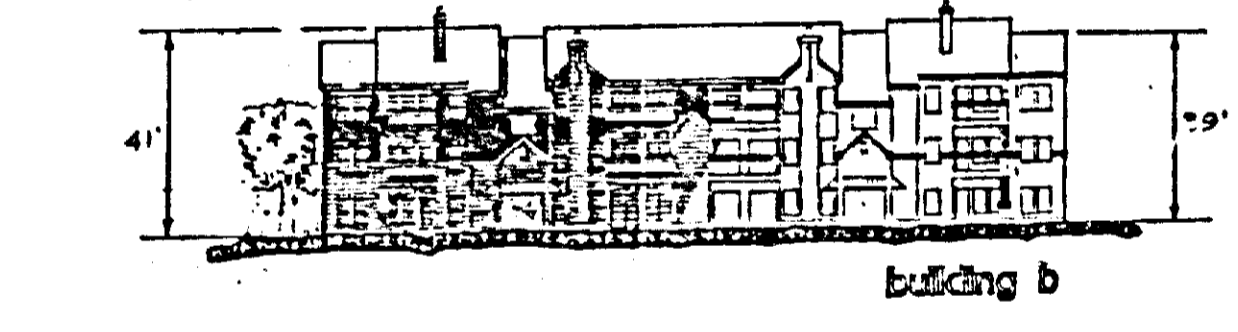
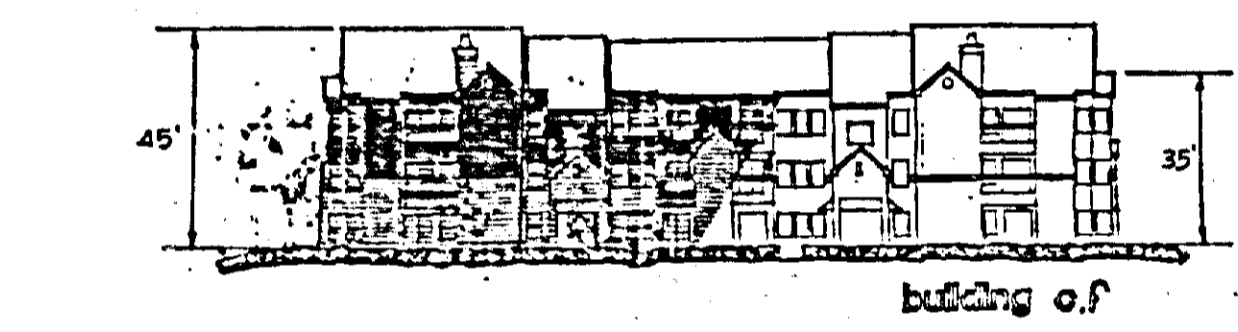
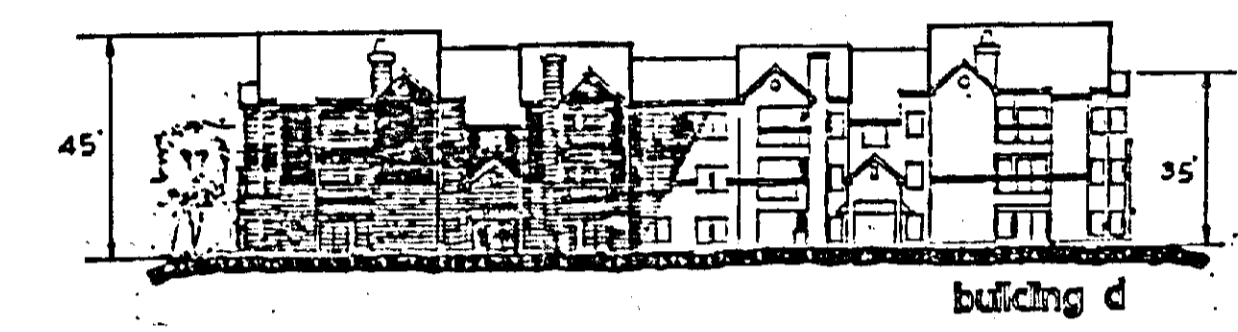
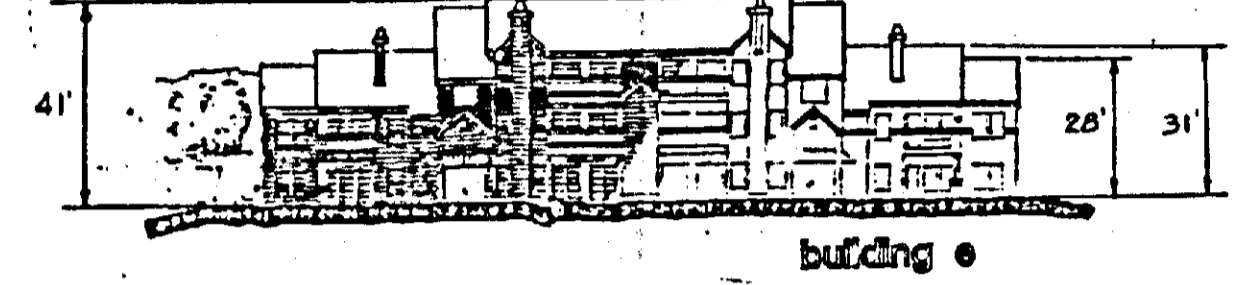
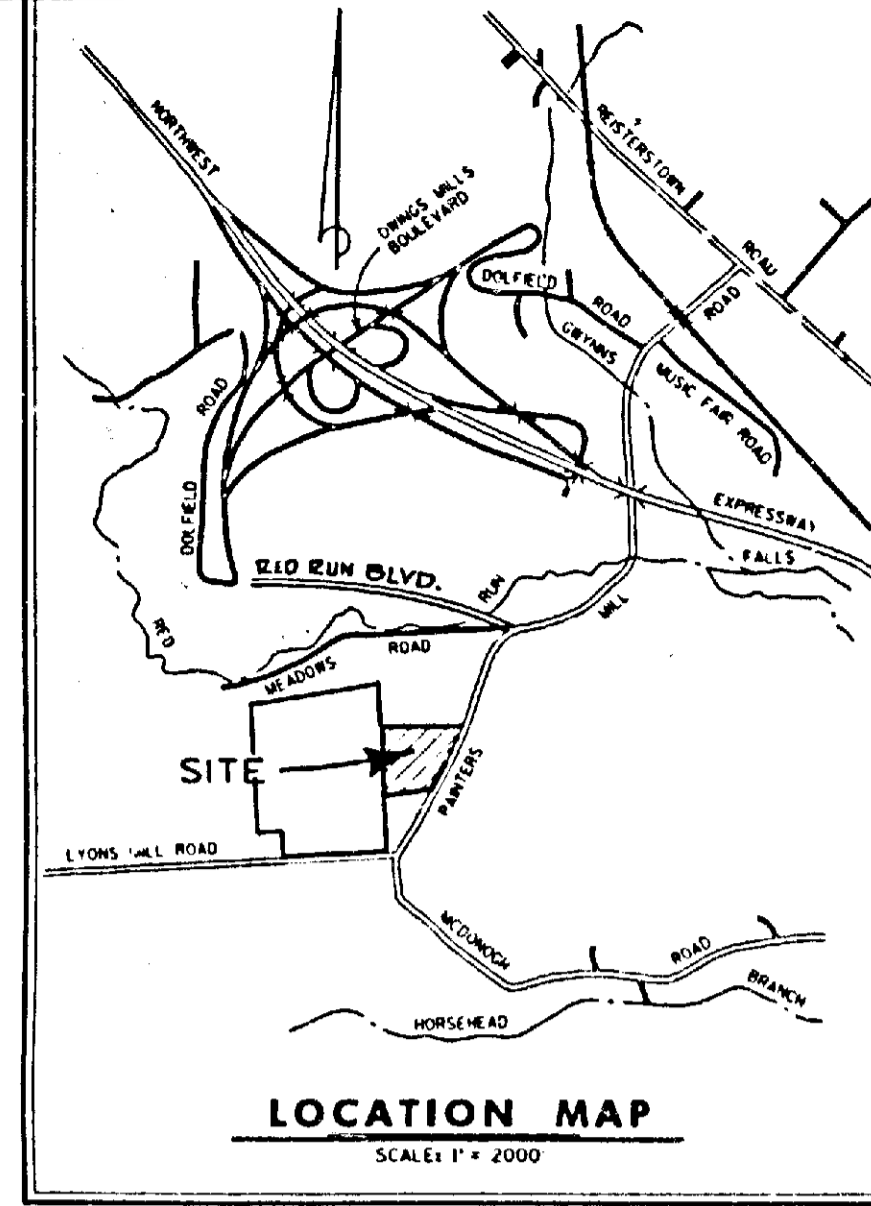
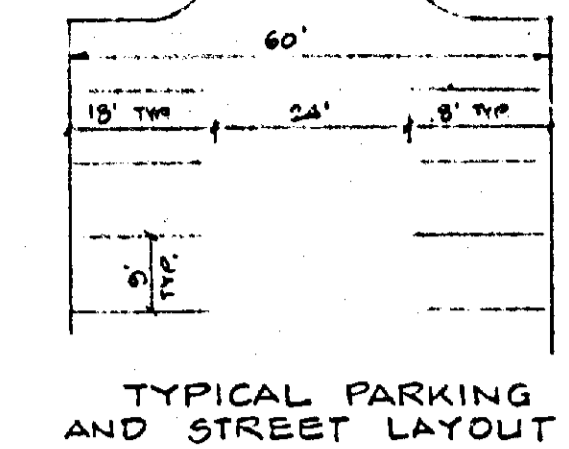
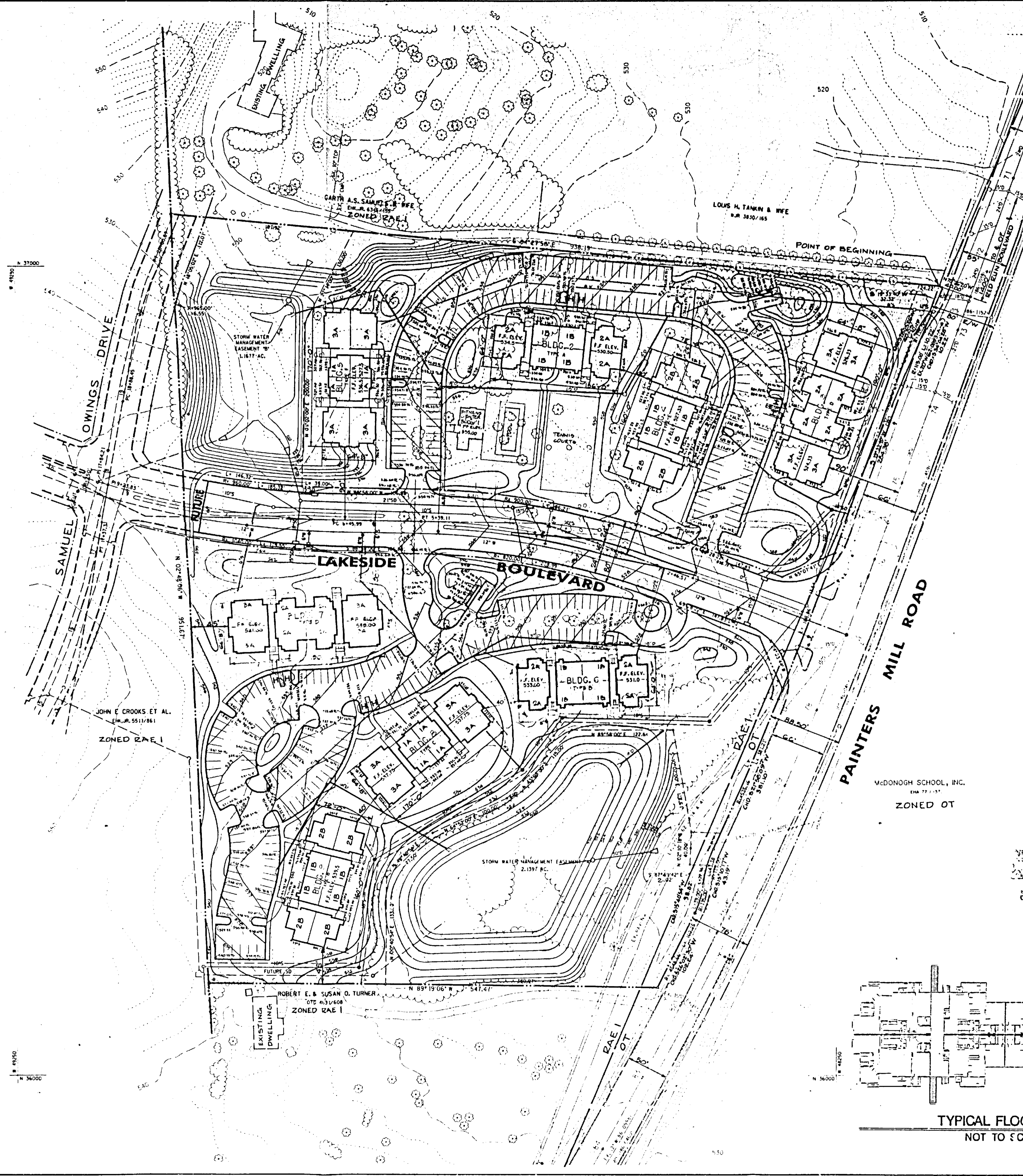
JOB ORDER NO: 85020B

ISSUE DATE: 10/9/87

DATE	REVISIONS
10/9/87	1. Initial Issue

Owner
Painters Mill Associates
Limited Partnership
P. O. Box 10147
Baltimore, Maryland 21285

Developer
Chase Hill Limited Partnership
Three Bethesda Metro Center, Suite 250
Bethesda, Maryland 20814



General Notes

- Existing Zoning: RAE 1, OT
- Net Area: 15,653 Acres
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DAFT McCUNE WALKER INC.
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 200 EAST PENNSYLVANIA AVENUE
 BALTIMORE, MD 21202
 TELEPHONE: 502-786-3315

**15.6 ACRE PARCEL
 VILLAGE OF
 PAINTERS MILL
 SECTION ONE
 PLAT TO ACCOMPANY PETITION FOR
 ZONING VARIANCES**

SECOND ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 50'
 JOB ORDER NO. 85020B
 ISSUE DATE 10/9/87

DATE	REVISIONS
12-15-87	REVISED PLANS
12-15-87	REVISED PLANS
12-15-87	REVISED PLANS

REVISED PLANS
 12-15-87
 12-15-87