Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

September 2, 1992

David R. Harrison Frank S. Phillips Mortgage Corporation 9515 Decreco Road Suite 301 Timonium, MD 21093

RE: Revised Zoning Review Comments
Golden Ring Business Center
7110 Golden Ring Road
Golden Ring Road at Eastern
intersection with I-695
Zoning Cases: #87-468-SPHA,
#89-209-A, #89-485-A
15th Election District

Dear Mr. Harrison:

This letter is in reference to your correspondence requesting confirmation of compliance with all applicable zoning and use restrictions and that the property is a legal conforming use. Please disregard the previous letter from this office dated September 1, 1992. Additional information, now available for the above referenced site, has been reviewed with the following results.

According to the information provided, the site is the subject of three approved zoning public hearings, case numbers 87-468-SPHA, 89-209-A and 89-485-A. (See enclosed copies of orders and restrictions.) The provided site plan agrees with the last approved zoning public hearing plan in case #89-485-A and is not the subject of any current violation case; therefore, the site is approved for zoning as complying with all applicable zoning regulations and use restrictions and that the property is a legal conforming use subject to compliance with the attached restrictions and the partial copy of plan notes from zoning cases #87-468-SPHA, #88-209-A and #89-485-A.

David R. Harrison September 2, 1992 Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact John L. Lewis at 887-3391 (FAX - 887-5708).

Very truly yours,

uor

W. Carl Richards, Jr. Zoning Coordinator

y. John L. Lewis

Planner II

JLL:scj

53

Printed on Recycled Paper

PETITION FOR ZONING VARIANCE E/S Leslie Avenue, 120' NE of the c/l of Edro Avenue (Lots 1 - 71, Carriage Manor) 14th Election District 6th Councilmanic District

* ZONING COTTISSIONER * OF BALTIMORE COUNTY

* BEFORE THE

* Case No. 89-209-A

Laudenklos Farms Ltd. Part. Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioner herein requests a variance to permit a distance of 16 feet in lieu of the required 25 feet between buildings of 25 feet high for 71 lots in Carriage Manor, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Richard S. Berger, President, and Bonnie Posner with Metro Industries, Inc., Contract Purchaser of the subject property, appeared and testified. Also appearing on behalf of the Petition was Juri Maiste, registered professional land surveyor. J. Carroll Holzer, Esquire appeared on behalf of the Linover Improvement Association, Inc., a party in interest.

Testimony indicated that the subject property, zoned D.R. 5.5, consists of 20.1 acres more or less and is currently unimproved. The Contract Purchaser proposes developing the property into 71 building lots for single family dwelling units. Testimony indicated that by agreement dated August 17, 1988 between the Developer and the Linover Improvement Association, Inc., the Developer agreed to build single family dwelling units in lieu of the 93 residential dwellings, including 69 townhouses and 24 single family homes, originally approved by CRG on April 28, 1988. The redesign of the proposed development necessitated the requested variances so that individual residences could be constructed closer together on

marrow lots in lieu of building townhouses. Further testimony indicated that the property would be developed with the houses similarly situated on the lots as the older, established residences in the surrounding community. Testimony was presented by Petitioners witnesses indicating that all requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) would be met by this project and that practical difficulty would result if the variances were denied.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE. IT IS ORDERED by the Zoning Commissioner for Baltimore County this Man day of December, 1988 that the Petition for Loning Variance to permit a distance of 16 feet in lieu of the required 25 feet between buildings of 25 feet high for 71 lots in Carriage Manor, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; howev-

er. Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day 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.

2) Petitioners shall request no future side yard setbacks for the subject development.

JRH:bjs

Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 -XXXXXX 887-3353 J. Robert Haines

December 20, 1988

Mr. Richard S. Berger, President Metro Industries, Inc. 2 Stone Manor Court Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE E/S Leslie Avenue, 120' NE of the c/l of Edro Avenue (Lots 1 thru 71, Carriage Manor) 14th Election District - 6th Councilmanic District Laudenklos Farms Limited Partnership - Petitioners Case No. 89-209-A

Dear Mr. Berger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, ROBERT HAINES Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

cc: J. Carroll Holzer, Esquire Holzer, Maher & Demilio

305 W. Chesapeake Avenue, Towson, Md. 21204

People's Counsel

File

#110 PETITION FOR ZONING VARIANCE

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 1.B01.2.C.1 to allow a 16 foot horizontal distance between separate buildings of 25 foot high, in lieu of the required 25 feet, for the development of Carriage Manor, which includes 71 individual lots for sale.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Contract Purchaser:

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) HARDSHIP AND PRACTICAL DIFFICULTY

Linover Community Association has requested the Developer build single family houses in lieu of the originally approved 93 residential dwellings, including 69 townbouses and 24 single family homes, as approved on April 28, 1988 for C.R.G. No. 86-351. The Developer has reduced the total number of units from 93 to 71. To make this reduction economically feasible, at least 71 single family units are necessary. As a result we are requesting the above variance for 71 dwelling units in lieu of the 93 C.R.G. approved dwelling units. 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.

Legal Owner(s): Laudenklos Farms Limited Partnership (Type or Print Name) Signature Richard S. Berger, Pres DATE 2.3. 191 2 Stone Manor Court (Type or Print Name) Towson, Maryland 21204 City and State Attorney for Petitioner: (Type or Print Name) City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Name Metro Industries, Inc.

ORDERE's By The Zening Commissioner of Baltimore County, this SxL

Coning Commissioner of Bakimore County.

2 Stone Manor Court Towson, MD 21204 823-7400

MAISTE & WATTS, INC SURVEYORS and ENGINEERS

August 10,1988

2923 Chenoak Avenue Baltimore, Maryland 21234 (301) 882-0321

DESCRIPTION OF CARRIAGE MANOR, 14-TH ELECTION DISTRICT, BALTIADRE COUNTY, MARYLAND, TO ACCOMPANY PETITION FOR ZUNING VARIANCE.

Beginning for the same in the centerline of Leslie Ave., 60 peginning for the same in the centerline of Leslie Ave., 60 feet wide, at a point distant 120 feet, more or less, measured Northeasterly from its intersection with the centerline of Edro Ave., 50 feet wide, thence leaving the centerline of Leslie Ave. and running for the four following courses and distances to define the boundaries of The Carriage Manor Development. viz:,

Binding in part on the Northern Boundary of Plat No.3, Linhigh, recorded among the land records of Baltimor County in Plat Book 32 folio 62, and binding in part on the Northern boundary of John W. Sippel, et al property, folio 559, in all, 1) North-77 degrees 30 minutes (10 seconds-West 1654.00 feet, thence binding on the Southern boundary of John P. Weaver Property, recorded among the aforesaid Land records in Liber

21 Nonth-56 degrees 20 minutes 00 seconds-Vest 1291 feet, more or less, thence running and binding in part on the Southeast boundary of Plat of Overton, recorded among the aforesaid land records in plat book 2 folio 331, and in part property, recorded among the aforesaid land recorded among the aforesaid land records in plat book 42 folio 134, and in part binding on the Southeast boundary of George C. Bralin book 42 folio 134, and in part binding on the Southeast boundary of Plat of Hawthorne, recorded among the aforesaid land records in Plat Book No. 9 folio 45,

31 South-34 degrees 00 minutes 00 seconds—Wast 1255 fort 31 South-34 degrees 00 minutes 00 seconds-West 1,355 feet, more on less, thence nunning and binding on a part of the Northern boundary of the 1-st hereinmentioned Plat No.3 of

Linkigh,
4) North-77 degrees 30 minutes 00 seconds-East 220 feet to the place of beginning. Containing 20.1 acres of Land, more on Less.

This description was prepared for zoning purposes only, and not intended to be used for conveyance.

AGREEMENT

THIS AGREEMENT is made this 17 day of AUGUST, 1988, by and between THE LINOVER IMPROVEMENT ASSOCIATION, INC., a Maryland corporation, having a mailing address at P.O. Box 16592, Baltimore, Maryland 21206 (the "Association"), and METRO INDUSTRIES, INC., a Maryland corporation, having an address at 2 Stone Manor Court, Towson, Maryland 21204 ("Metro").

RECITALS

A. Metro is the buyer of approximately 20± acres located in the southeast quadrant of the intersection of Bel Air Road and I-695, and more particularly described in a deed recorded among the Land Records of Baltimore County, Maryland, in Liber No. 5609, folio 205 (the "Property").

B. Metro's CRG plan for the Property, prepared on September 23, 1987, was approved on April 28, 1988; said approval was timely appealed by the Association to the Baltimore County Board of Appeals, where it is presently scheduled for a hearing on Wednesday, August 17, 1988.

C. The parties, in an effort to resolve their differences, have agreed to proceed in the following manner:

For Sinover accor.

J. CARROLL HOLZER ATTORNEY AT LAW

HOLZER, MAHER & DEMILIO 305 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

HOLZER, MAHER

4 DEMILIÓ

ES W. CHESAPEAGE AVENUE

TOMSON, MARYLAND

(i). The parties will mutually request a continuance of the scheduled Board of Appeals hearing pending certain acts to be performed by Metro. If the hereinafter described conditions are met by Metro, the Association agrees to dismiss their CRG appeal on the record in open court before the Board of Appeals.

> Metro will develop the Property known as "Carriage Manor" for approximately 71 single family dwellings.

(iii). Metro has agreed to submit an amended CRG Plat entitled "71 single family unit homes - Carriage Manor dated July 5, 1988" to Baltimore County which Plat will not be objected to by the Association. The resubmitted CRG Plat, will be supported by the Association,

and the approval thereof shall not be appealed and said Plat is incorporated herein and marked and attached hereto as Exhibit #1.

Metro requires a general variance of "setback" requirements between homes as presently shown on the aforesaid amended Plat and intends to submit a Petition for Variance with the Zoning Commissioner of Baltimore County. The Association has reviewed said Petition and has agreed not to object, nor to appeal from the approval of said request. Said Petition for Variance is incorporated herein and attached hereto as Exhibit #2, Petition for Variance.

AGREEMENTS

NCW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, their assigns and successors in interest, their Personal Representatives agree and bind theirselves as follows:

1. The parties agree to mutually request a continuance of the Board of Appeals hearing until such time as the amended CRG Plat, Exhibit #1, heretofore referred to and the Petition for Variance, Exhibit #2, heretofore referred to are approved by Baltimore County. Upon approval by the County, the Association agrees to dismiss its appeal before the Board of Appeals with prejudice.

2. Metro will submit to the County for approval, the amended CRG Plan to develop approximately 71 single family homes in lieu of town houses and apartments, said amended plan is shown and attached as Attachment #1.

3. Metro will submit a Petition for Variance to the Zoning Commissioner stated as follows:

> "Variance from Section 1.B01.2.C.1 to allow a 16 foot horizontal distance between separate buildings of 25 foot high, in lieu of the required 25 feet, for the development of Carriage Manor, which includes 71

individual lots for sale." Exhibit #2, attached, is the proposed Petition for Zoning

4. The Association agrees in addition to dismissing its appeal before the Board of Appeals, not to appeal the Counties approval of the amended CRG Plan as attached hereto as Exhibit #1 and the Petition for Variance, Attachment #2. IN WITNESS WHEREOF, the parties have executed this Agreement under seal on the day and year first above written. WITNESS/ATTEST: THE LINOVER IMPROVEMENT ASSOCIATION, INC. J. Paul Kraus Praise

Richard S. Berger

STATE OF MARYLAND, CITY/COUNTY OF DOITE TO WIT: I HEREBY CERTIFY that on this 17 day of 1988, before me, the subscriber, a Notary Public in and for the STate aforesaid, personally appeared J. PAUL KRAUS, who acknowledged himself to be the President of The Linover Improvement Association, Inc., a Maryland corporation, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 7-1-90

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

October 25, 1988

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:

Petition for Zoning Variance CASE HUNBER: 89-209-A Es Leslie Avenue, 120º NE c/1 Edro Avenue (Lots 1 thru 71, Carriage Fianor) 14th Election District - 6th Councilmanic Petitioner(s): Metro Industries, Inc. HEARING SCHEDULED: TRURSDAY, DECEMBER -8,1983 at 11:00

Variance to allow @ 16 foot horizontal distance between separate buildings of 25 foot high, in lieu of the required 25 feet, for the development of Carriage Menor, which includes 71 individual lots for sale.

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.

. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Metro Industries, Inc.

EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COURTY SY 8:30 s.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POST-PONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, JANUARY 12, 1989. PLEASE TELEPHONE DOCKET CLERK AT 494-3391 TO CONFIRM

I HEREBY CERTIFY that on this 17 day of 1988, before me, the subscriber, a Notary Public in and for the STate aforesaid, personally appeared RICHARD S. BERGER, who acknowledged himself to be the President of Metro Industries, Inc., a Maryland corporation, and that he, as such President, being authorized so to do, executed the foregoing instrument

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 7-/-90

for the purposes therein contained.



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 28th day of September , 1988 .

Petitioner Metro Industries, Inc. Received by: James E. Dyer

Advisory Committee

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

October 28, 1988



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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 105, 106, 108, 109 (110, 111, 113, and 114.

Very truly yours,

Engineering Associate

MSF/lvw

ZONING OFFICE

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissionar of Batemore
County, by authority of the Zoning Act
and Regulations of Batemore County
will hold a public hearing on the property identified herein in Room 10% of
the County Office Building, located at
111 W. Cheeapeake Avenue in
Townson, Maryland as follows:
Petition for Zoning Variance
Case Number: 80-280-A
Es Leslie Avenue, 1227 NE off
Edro Avenue,
(Lote 1 thu 71, Carlinge March)
149 Election District-On Councilmarie. TOWSON, MD., November 18, 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive 14th Disclion Detrict-Oth Counctiments: Publishers: Notes Industries, Irs. Nearing "Schaduled: THURSDAY, DECEMBER 8, 1988 at 11:58 a.m." Varianceto allow 8 16 loci horizonial weeks, the first publication appearing on Nov 17, 1988. distance between superate buildings of 25 foot high, in field of the required 25 feet, for the development of Carriage Martin, which includes 71 individual

THE JEFFERSONIAN,

5. Zefe Orlina

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

J. Robert Haines

Metro Industries, Inc. 2 Stone Manor Court Towson, Maryland 21204

ATTN: RICHARD S. BERGER, PRES.

Petition for Zoning Variance CASE NUMBER: 89-209-A Es Leslie Avenue, 120' NE c/l Edro Avenue (Lots 1 thru 71, Carriage Manor) 14th Election District - 6th Councilmanic

Petitioner(s): Metro Industries, Inc. HEARING SCHEDULED: THURSDAY, DECEMBER 8, 1988 at 11:00 a.m.*

Please be advised that \$7.10 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

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

it along with the sign(s) and post(s) to the Zoning Office, County Office

Ruilding Partial Transport of the County Office of the Ruilding Partial Transport of the County Office of the Ruilding Partial Transport of the County Office of the Ruilding Partial Transport of the County Office of the Ruilding Partial Transport of the County Office of Please make your check payable to Baltimore County, Maryland and bring

, BALTIMORE COUNTY, MARYLAND i post set(s), there , OFFICE OF FINANCE - REVENUE DIVISION t each set not MISCELLANEOUS CASH RECEIPT MISCELLANEOUS CASH RECEIPT

DATE 12/8/88 ACCOUNT 1-01-6/5-007

AMOUNT \$ 57.10

RECEIVED Metho Industria

Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke Chief

September 28, 1988 J. Robert Haines

Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Re: Property Owner: Contract Purchaser - Metro Industries, Inc. E/S Leslie Avenue, 120' NE of c/1 of Edro Avenue lots 1-71 Location: Carriage Manor

Item No.: 110

Baltimore County

IN TO SHE E OF SHOW EMER

GENCYPLANISIN EFFECT ON THE DATE, CASE WILL BE RESCHEDULED, CALL 404-3301 TO CONFIRM DATE.

In the event that this Pestion 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 seautnos of said permit during this period for good cause shown. Such request that the in-

quest must be in writing and received in this office by the date of the hearing

J. ROBERT HAINES

Zoning Agenda: Meeting of 9/27/88

Gentlemen:

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 or ____ 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.

() 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 requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cat local tally 9-21-11 Noted and Approved:

Planning Group

Special Inspection Division

Noted and Approved:

Fire Prevention Bureau

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Bureau of

Department of State Roads Commissi Bureau of

Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration Industrial

December 2, 1988

Mr. Richard S. Berger, President Metro Industries, Inc 2 Stone Manor Court Towson, Maryland 21204

> RE: Item No. 110, Case No. 89-209-A Petitioner: Metro Industries, Inc. Petition for Zoning Variance

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced retition. 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. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

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

Very truly yours,

Zoning Plans Advisory Committee

Enclosures

cc: Maiste & Watts, Inc. 2923 Chenoak Ave. Baltimore, MD 21234

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Property Owner: <u>Hetro Ondustries Onc.</u> Location: E/S Laslee are District Water Supply <u>multio</u> Sewage Disposal () 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 () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins. () A permit to construct from the Bureau of Air Quality Hanagement is required for such items as spray paint processes, underground gasoline storage tank/s (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 area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, 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, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted 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 () 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 razing of 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 vastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled.

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 () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications. () Prior to occupancy approval, the potability 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. (1) others pump out and backful or remove eusting severy disposed

> Karen M. Merry BUREAU OF WATER QUALITY AND RESOURCE

> > MANAGEMENT

PETITIONER'S EXHIBIT 2

THIS AGPTEMENT is made this 17 day of AUGUST, 1988, by and between THE LINOVER IMPROVEMENT ASSOCIATION, INC., a Maryland corporation, having a mailing address at P.O. Box 16592, Baltimore, Maryland 21206 (the "Association"), and METRO INDUSTRIES, INC., a Maryland corporation, having an address at 2 Stone Manor Court, Towson, Maryland 21204 ("Metro").

populy backfull rotal drilled well on-site Submit will alterdomment upon to this office Mo divelopment is allowed in the 50ft Stuam

A. Metro is the buyer of approximately 20± acres located in the southeast quadrant of the intersection of Bel Air Road and I-695, and more particularly described in a deed recorded among the Land Records of Baltimore County, Maryland, in Liber No. 5609, folio 205 (the "Property").

B. Metro's CRG plan for the Property, prepared on September 23, 1987, was approved on April 28, 1983; said approval was timely appealed by the Association to the Baltimore County Board of Appeals, where it is presently scheduled for a hearing on Wednesday, August 17, 1988.

C. The parties, in an effort to resolve their differences, have agreed to proceed in the following manner:

> The parties will mutually request a continuance of the scheduled Board of Appeals hearing pending certain acts to be performed by Metro. If the hereinafter described conditions are met by Metro, the Association agrees to dismiss their CRG appeal on the record in open court before the Board of Appeals.

(ii). Metro will develop the Property known as "Carriage Manor" for approximately 71 single family dwellings.

Metro has agreed to submit an amended CRG Plat entitled "71 single family unit homes - Carriage Manor dated July 5, 1988" to Baltimore County which Plat will not be objected to by the Association. The resubmitted CRG Plat, will be supported by the Association,

BATIMORE COUNTY, MARPLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner

Date December 7, 1988

Pat Keller, Deputy Director FROM Office of Planning and Zoning Metro Industries

SUBJECT Zoning Petition No. 89-209-A

The applicant is requesting variances to allow 16 foot horizontal distances between separate buildings. In reference to this request, staff provides the following information:

• This project has undergone previous CRG approval (April 28, 1988) as a town house and single-family development. The project was subject to considerable community input. As a result of the community interest in this project, the development was subsequently amended to include only single-family homes.

• The applicant will be required to amend the CRG plan and will file for a waiver.

Based upon the information provided and analysis conducted, staff strongly recommends approval of the applicant's request.

ZONING OFFICE

and the approval thereof shall not be

appealed and said Plat is incorporated

herein and marked and attached hereto

Metro requires a general variance of

as presently shown on the aforesaid

"setback" requirements between homes

amended Plat and intends to submit a

Petition for Variance with the Zoning Commissioner of Baltimore County. The

Association has reviewed said Petition

and has agreed not to object, nor to appeal from the approval of said

request. Said Petition for Variance is incorporated he ein and attached

nereto as Exhibit #2, Petition for

as Exhibit #1.

Variance.

AGREEMENTS

good and valuable consideration, the receipt and sufficiency of

which is hereby acknowledged, the parties hereto, their assigns and successors in interest, their Personal Representatives agree and bind theirselves as follows:

CRG Plat, Exhibit #1, heretofore referred to and the Petition

for Variance, Exhibit #2, heretofore referred to are approved by Baltimore County. Upon approval by the County, the Association agrees to dismiss its appeal before the Board of

2. Metro will submit to the County for approval, the amended CRG Plan to develop approximately 71 single family homes in lieu of town houses and apartments, said amended plan

3. Metro will submit a Petition for Variance to the

Exhibit #2, attached, is the proposed Petition for Zoning

"Variance from Section 1.B01.2.C.1 to allow a 16 foot

horizontal distance between separate buildings of 25

foot high, in lieu of the required 25 feet, for the

development of Carriage Manor, which includes 71 individual lots for sale."

Appeals with prejudice.

Variance.

is shown and attached as Attachment #1.

Zoning Commissioner stated as follows:

NOW, THEREFORE, in consideration of the premises and other

 The parties agree to mutually request a continuance of the Board of Appeals hearing until such time as the amended

Ba#imore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Dennis F. Rasmussen

December 8, 1988

Mr. Richard Berger Metro Industries, Inc. 2 Stone Manor Court

Towson, Maryland 21204

Re: Petition for Zoning Variance Case Number: 89-209-A Hearing Date: Thursday, December 8, 1988

Dear Mr. Berger:

Please be advised that the advertising and posting fees relative to the above captioned matter are not considered paid until this office is in possession of a copy of the validated receipt.

As you know, the Order will not issue without proof of payment of these fees. Therefore, kindly mail a copy of the receipt to my attention. I requested that, after paying the cashier, you return the pink copy to me; however, you may now return either copy or a photocopy

Your prompt attention, is appreciated.

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

Metro Industries, Inc. 2 Stone Manor Court Towson, Maryland 21204

ATTN: RICHARD S. BERGER, PRES.

J. Robert Haines

Petition for Zoning Variance

CASE NUMBER: 89-209-A Es Leslie Avenue, 120' NE c/l Edro Avenue (Lots 1 thru 71, Carriage Manor) 14th Election District - 5th Councilmanic Petitioner(s): Metro Industries, Inc.

HEARING SCHEDULED: THURSDAY, DECEMBER 8, 1988 at 11:00 a.m.*

Please be advised that \$\frac{\frac{10}{27.10}}{27.10}\$ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not

Very truly yours,

J. ROBERT HAINES Zoning Commissioner of

Baltimore County

4. The Association agrees in addition to dismissing its appeal before the Board of Appeals, not to appeal the Counties approval of the amended CRG Plan as attached hereto as Exhibit #1 and the Petition for Variance, Attachment #2.

IN WITNESS WHEREOF, the parties have executed this Agreement under seal on the day and year first above written. WITNESS/ATTEST: THE LINOVER IMPROVEMENT

ASSOCIATION, INC.

Richard S. Berger

Improvement Association, Inc., a Maryland corporation, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 1-1-90

I HEREBY CERTIFY that on this 17 day of Hugust 1988, before me, the subscriber, a Notary Public in and for the STate aforesaid, personally appeared RICHARD S. BERGER, who acknowledged himself to be the President of Metro Industries, Inc., a Maryland corporation, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 7-/-90



HOLZER, MAHER & DEMILIO B W. CYESATANI AVENUE SAITE IM TOWSON, MARYLAND

