

IN RE: PETITION FOR ZONING VARIANCE
E/S Westside Boulevard, 110' N
of Westchester Avenue
1st Election District
1st Councilmanic District
Preakness Rockway Ltd. Part.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-140-A
* Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a window to window setback of 30 feet in lieu of the required 40 feet between Lots 37 and 38, Lots 53 and 54, Lots 58 and 59 and Lots 66 and 67; a minimum distance from window to lot line of 14.26 feet for Lot 67 and 10 feet for Lot 80 in lieu of the required 15 feet; a window to tract boundary distance of 15 feet in lieu of the required 35 feet for Lot 24 and a window to tract boundary distance of 15 feet in lieu of the required 35 feet for Lots 67 through 74; and a distance of 20 feet in lieu of the required 30 feet between buildings of 30 feet in height for Lots 1 through 33, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Louis Breitenother, a Principal, appeared, testified and was represented by Barry Greenberg, Esquire. There were no Protestants.

Testimony indicated that the subject property consists of 14.65 acres more or less zoned D.R. 5.5, located off of Westside Boulevard near Patapsco State Park, and is presently unimproved. Petitioners are desirous of developing the subject property with single family detached and townhouse units as depicted in Petitioner's Exhibit 2. Mr. Breitenother testified Petitioners have incorporated much time and expense in developing three styles of homes for the subject site, which was purchased after

the subdivision plat was recorded. Testimony indicated the variances are required to permit a consistent architectural pattern in the community as well as the construction of a garage on the single family lots whereby lessening the need for street parking. Mr. Breitenother testified Petitioners have constructed similar type homes in Garrison Forest, Strathmore and Catonsville. The styles incorporate a roof pitch resulting in building heights of approximately 30 feet. Testimony indicated the requested variance for a distance of 20 feet between buildings of 30 feet in height will not impose any hardship on the adjacent property owners, and in many instances, the setbacks provided will be closer to the required 30-foot side yard setback than the 20 feet petitioned. Further testimony indicated that the requested window-to-window setback would not impose any hardship on the homeowners and is consistent with reasonable standards of community development. Petitioner contended the requested variances for window to lot line and window to tract boundary would not impose any adverse consequences to the respective homeowners. Mr. Breitenother argued that without the requested variances, Petitioners would have to develop a less appealing house style.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 23 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment 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 variances requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of January, 1990 that a variance from Section 1B01.2.C.2.b. to permit a window to window setback of 30 feet in lieu of the required 40 feet between Lots 37 and 38, Lots 53 and 54, Lots 58 and 59, and Lots 66 and 67; a variance from Section 1B01.2.C. to permit a window to lot line distance of 14.26 feet in lieu of the required 15 feet for Lot 67 and a distance of 10 feet in lieu of the required 15 feet for Lot 80; a variance from Section 1B01.2.C.2.a. to permit a window to tract boundary distance of 15 feet in lieu of the required 35 feet for Lot 24; variances from Section 1B01.2.C.2.a to permit a window to tract boundary distance of 11 feet for Lot 67, 34 feet for Lot 69, 34 feet for Lot 71, 34 feet for Lot 73, and 31 feet for Lot 74, all in lieu of the required 35 feet for each; and variances from Section 1B01.2.C.1 to permit a distance between buildings of 20 feet for Lots 1 and 2, 20 feet for Lots 2 and 3, 25 feet for Lots 6 and 7, 20 feet for Lots 7 and 8, 27 feet for Lots 8 and 9, 26 feet for Lots 9 and 10, 27 feet for Lots 13 and 14, 21 feet for Lots

14 and 15, 26 feet for Lots 15 and 16, 21 feet for Lots 16 and 17, 27 feet for Lots 17 and 18, 23 feet for Lots 18 and 19, 22 feet for Lots 20 and 21, 22 feet for Lots 22 and 23, 24 feet for Lots 25 and 26, 28 feet for Lots 26 and 27, 26 feet for Lots 27 and 28, and 27 feet for Lots 31 and 32, all in lieu of the required 30 feet; in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners shall submit for approval a Third Amended Final Development Plan incorporating and referencing by lot numbers the variances granted herein and documentation that an amendment is proper, pursuant to Section 1B01.3.A.7 of the B.C.Z.R.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING

Date 1/9/90
By [Signature]

ORDER RECEIVED FOR FILING

Date 1/9/90
By [Signature]

ORDER RECEIVED FOR FILING

Date 1/9/90
By [Signature]

ORDER RECEIVED FOR FILING

Date 1/9/90
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

January 9, 1990

Barry Greenberg, Esquire
2115 First Maryland Building
25 S. Charles Street
Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE
NW of the Intersection of Westside Boulevard and Westchester Avenue
1st Election District - 1st Councilmanic District
Preakness Rockway Limited Partnership - Petitioner
Case No. 90-140-A

Dear Mr. Greenberg:

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 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-140-A
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 Attached Sheet "A"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Attached Sheet "B"

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:

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

DATE 1/5/90 ACCOUNT

AMOUNT \$

RECEIVED FROM

FOR

VALIDATION OR SIGNATURE OF CASHIER

NAME Louis Breitenother, President

Address 111 R. Gwynns Mill Court, Baltimore, Maryland, 21201

City and State Baltimore, Maryland

Attorney's Telephone No. 727-6687

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day

of January, 1990, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 24th day of January, 1990, at 10:00 o'clock

A.M.

WITNESSED my hand and the seal of Baltimore County, Maryland, this 24th day of January, 1990.

REVIEWED BY [Signature] DATE 1/5/90 (over)

W. DUVAL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

ATTACHMENT "A"

- A) Variance from Section 1B01.2.C. to permit a window to window setback of 30' in lieu of the required 40' between lots 37 & 38; lots 53 & 54; lots 58 & 59 and lots 66 & 67.
- B) Variance from Section 1B01.2.C. to permit a minimum distance from window to lot line of 14.26' on lot 67 and 10' on lot 80 in lieu of the required 15'.
- C) Variance from Section 1B01.2.C. to permit a window to tract boundary distance of 15' in lieu of the required 35' for lot 24.
- D) Variance from Section 1B01.2.C. to permit a distance of 20' in lieu of the required 30' between buildings of 30' high for 33 lots. (Lots 1 through 33).
- E) Variance from Section 1B01.2.C. to permit a window to tract boundary distance of 30' in lieu of the required 35' for lots 67 through 74.

W. DUVAL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

ATTACHMENT "B"
VARIANCE JUSTIFICATION

Preakness Rockway, Inc. has incorporated much time and expense in developing three styles of homes which they have already constructed in such areas as Hunt Valley and Catonsville. After a market analysis was done in the "laboratory" area, it was determined that the "Oxford" and the "Cambridge" homes would provide continuity and aesthetic value to the neighborhood.

However, since Preakness Rockway, Inc. bought the site after record plat, the lots provided were designed for houses that would not lend themselves to the architectural features that Preakness Rockway, Inc. has plans for.

Without the variances requested, Preakness Rockway, Inc. would have to develop a less appealing house style and still strive to sustain the quality of their already established homes. Also the time and expense in the design of new house styles would severely delay construction.

It is believed that if the variances were granted the community would stand to benefit from the ruling by enhancing the real estate value, and that to re-subdivide the site would delay development for up to two years.

530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

July 3, 1989

ZONING DESCRIPTION

Beginning at a point on the northwest corner of "Lynnewoods" subdivision, Platbook E.H.K., Jr., 52 P. 91, said point being a distance of 470 feet, plus or minus, northwest of the centerline intersection of Westside Boulevard and Westchester Avenue. Thence running the following courses and distances:

- 1) North 18 degrees 48 minutes 59 seconds East 835.25 feet;
- 2) South 88 degrees 24 minutes 59 seconds East 621.17 feet;
- 3) South 42 degrees 50 minutes 01 seconds West 155.33 feet;
- 4) South 31 degrees 18 minutes 01 seconds West 50.00 feet;
- 5) South 22 degrees 30 minutes 01 seconds West 84.51 feet;
- 6) South 10 degrees 30 minutes 59 seconds East 263.47 feet;
- 7) South 77 degrees 30 minutes 59 seconds East 136.20 feet;
- 8) South 22 degrees 37 minutes 29 seconds West 376.59 feet;
- 9) North 71 degrees 26 minutes 57 seconds West 958.44 feet to the point of beginning.

Containing 14.6556 acres of land more or less.

Being known as "Naborly" subdivision in the 1C1 Election District of Baltimore County and recorded in Platbook 60 P. 48.



530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: Barry Greenberg, for Prekness
ADDRESS: 25 S. Charles St.
Barney Limited Partnership, Baltimore MD 21201
Louis Bretherton, Partner

W. DUVALL & ASSOCIATES, INC.

530 E. Joppa Rd. / Towson, Maryland 21204 / 301 583-9571 Engineers / Land Planning Consultants

Date: DECEMBER 28, 1989
To: Planning & Zoning
Re: Naborly Zoning Variance
Case No. 90-140-A
WD 89372-A

Attention: Ms. Ann Nastarowicz
DEPUTY ZONING COMMISSIONER



☒ We are submitting
☐ We are forwarding
☐ We are returning
☐ We request

No.	Description
1	PRINT OF APPROVED ZONING AMENDED FINAL DEVELOPMENT PLAN DATED JUNE 20, 1989 AND SIGNED AUG. 15, 1989.
1	PRINT OF FINAL GRADING PLAN FOR REFERENCE.

Remarks: IN ACCORDANCE WITH THE REQUEST OF MR. LOUIS BRETHERTON OF PREKNESS HOMES, INC.

☒ In accordance with your request
☐ For your review
☐ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ For revision by you

☒ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Conference requested at your convenience

For further information, please contact the writer at this office

CC: file
Enclosed ☒

Sincerely yours,

George McQuinn
George McQuinn

Ms. Ann Nastarowicz, Deputy
Zoning Commissioner
Planning and Zoning
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

October 27, 1989



Re: Petition for Zoning Variance
Case Number: 90-140-A
ES Westside Boulevard, 110' N of Westchester Avenue
Hearing Date: Tuesday, October 24, 1989 at 2:00 p.m.

Dear Ms. Nastarowicz:

In accordance with your telephone conversation with Barry Greenberg, enclosed please find detailed information referencing Lots #67-74 for Naborly subdivision, including layout and a chart detailing distances to rear property lines.

If you should have any questions or if we can be of any further service to you, please do not hesitate to let us know. Thank you.

Lot #	Distance to rear property line	Variance Needed
67	31'-8"	3'-4"
68	36'-0"	None
69	34'-0"	1'-0"
70	36'-0"	None
71	34'-0"	1'-0"
72	36'-0"	None
73	34'-0"	1'-0"
74	31'-8"	3'-4"

Prekness Rockway Limited Partnership

Prekness Homes Group, Inc.

2280 York Road, Suite 200, Owings Mills, MD 21117 (301) 363-3892
11 H Wynns Mill Court

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations, will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
Case Number: 90-140-A
ES Westside Boulevard, 110' N of Westchester Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Prekness Rockway Limited Partnership
Hearing Date: Tuesday, October 24, 1989 at 2:00 p.m.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of successive weeks, the first publication appearing on Sept 27, 1989.

CATONSVILLE TIMES

S. Zabe Olson
Publisher

PO 17189
NY 134209
C. 90-140-A
price \$ 86.36

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 857-3353

J. Robert Haines
Zoning Commissioner

DATE: 12/3/89

Prekness Rockway Limited Partnership
11 H Wynns Mills Court
Owings Mills, Maryland 21117

ATTN: LOUIS BRETHERTON

Re: Petition for Zoning Variance
CASE NUMBER: 90-140-A
ES Westside Boulevard, 110' N of Westchester Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Prekness Rockway Limited Partnership
HEARING DATE: TUESDAY, OCTOBER 24, 1989 at 2:00 p.m.

Gentlemen:

Please be advised that \$46.36 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 105, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

For each such set

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

DATE: 12/4/89 ACCOUNT: P-04-115-000

AMOUNT: \$116.36

RECEIVED: PREKNESS ROCKWAY LTD PARTNERSHIP

FOR: PET/ANV #90-140-A ITEM #2

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 857-3353

J. Robert Haines
Zoning Commissioner

September 13, 1989

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 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-140-A
ES Westside Boulevard, 110' N of Westchester Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Prekness Rockway Limited Partnership
HEARING DATE: TUESDAY, OCTOBER 24, 1989 at 2:00 p.m.

Variation: To permit a window-to-window setback of 30 feet in lieu of the required 40 feet between Lots #37 and #38, Lots #53 and #54, Lots #58 and #59, and Lots #67 and #68 in lieu of the required 15 feet; to permit a minimum distance from window-to-lot line of 14.26 feet on Lot #67 and 10 feet on Lot #68 in lieu of the required 15 feet; to permit a window-to-trail boundary distance of 15 feet in lieu of the required 30 feet for Lot #24; to permit a distance of 20 feet in lieu of the required 30 feet between buildings of 30 feet high for 33 lots (Lots #1 through #33); and to permit a window-to-trail boundary distance of 30 feet in lieu of the required 35 feet for Lots #67 through #74.

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
BALTIMORE COUNTY, MARYLAND

3Rtigs
cc: Prekness Rockway Limited Partnership
Barry Greenberg, Esq.
File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted for: Prekness Rockway Limited Partnership
Petitioner: Barry Greenberg, Esq.
Location of property: ES Westside Boulevard, 110' N of Westchester Avenue
Location of signs: ES of Westside Boulevard, front of subject property
Remarks: S.D. Haines
Posted by: S.D. Haines
Number of signs: 1
Date of return: October 24, 1989

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 4, 1989

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

000

Barry Greenberg, Esquire
2115 First Maryland Building
25 S. Charles Street
Baltimore, MD 21201

RE: Item No. 2, Case No. 90-140-A
Petitioner: Preakness Rockway Lmt'd, et al
Petition for Zoning Variance

Dear Mr. Greenberg:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Louis Breitenother
Preakness Rockway Lmt Prtshp
11 H Gwynns Mill Court
Owings Mills, MD 21117

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

29th day of July, 1989.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Preakness Rockway Lmt'd, et al

Petitioner's Attorney: Barry Green'erg

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 3 1989

ZONING OFFICE

July 31, 1989



Dennis F. Rasmussen
County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 1, 2, 3, 5, 6, 7, and 8.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer Associate II

MSF/lab

OCT 24 1989

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: October 16, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Preakness Rockway Limited Partnership, Item 2
Zoning Petition No. 90-140-A

The petitioner requests a Variance to permit relief from several setback requirements.

In reference to this petition, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

JULY 26, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: FREAKNESS ROCKWAY LIMITED PARTNERSHIP
Location: ES WESTSIDE BLVD. 110' N OF WESTCHESTER AVENUE
Item No.: 2 Zoning Agenda: JULY 18, 1989

Gentlemen:

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

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", 1988 edition prior to occupancy.

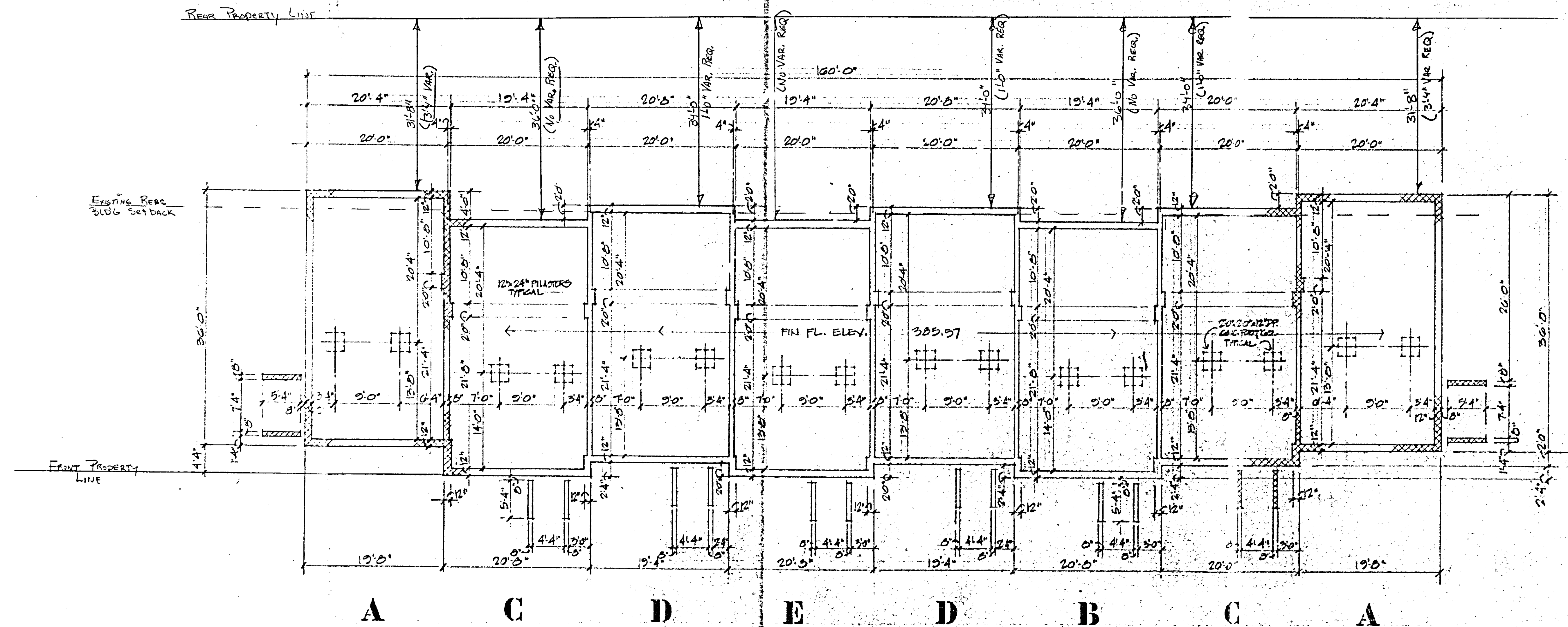
REVIEWER: *Capt Wm Brady* Noted and Approved *Capt Wm Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

JUL 28 1989

OCT 17 1989

Called Barry Greenberg 10/17/89 to P/L
Comments. jw



A C
 FOUNDATION PLAN
 LOT # 67 68

D 69

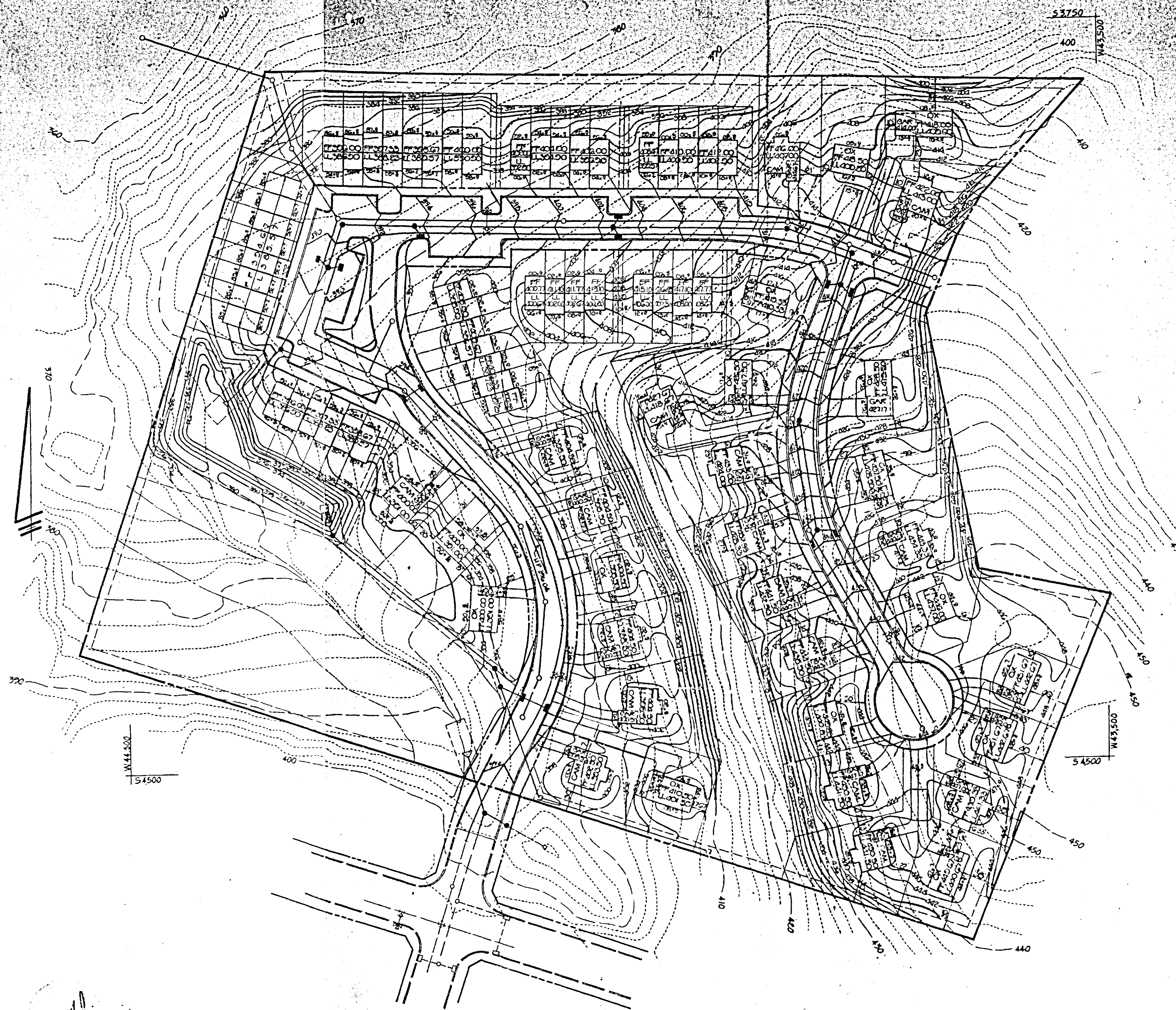
E 70

D 71

B 72

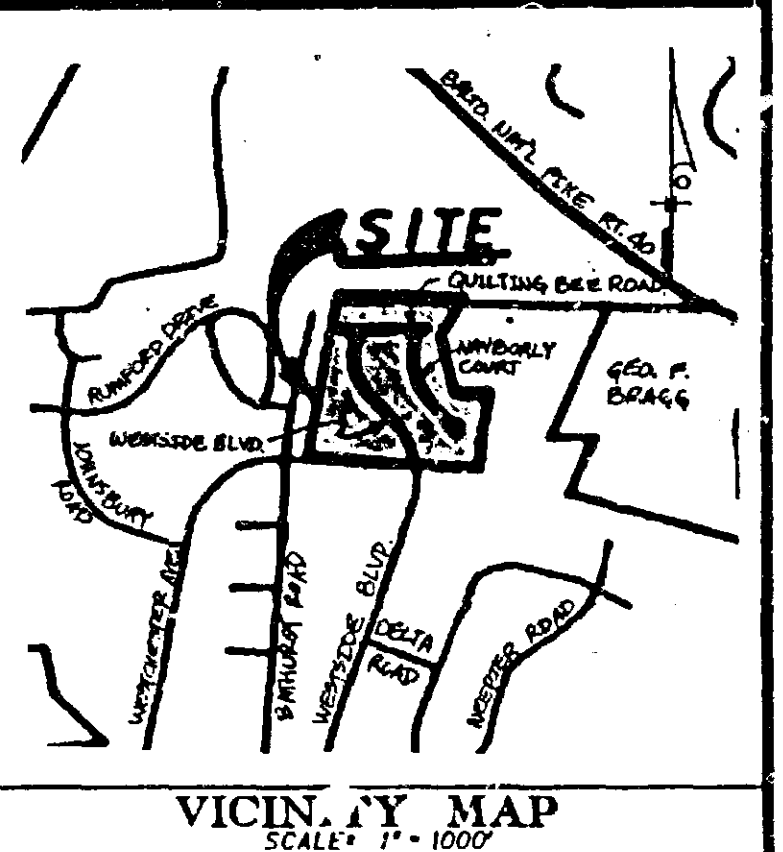
C 73

A 74



MASTER GRADING PLAN "NABORLY"

1ST ELECTION DISTRICT BALTIMORE COUNTY, MD.
 SCALE: 1" = 50'
 REVISED: 6/3/80
 REVISED: 7/11/80
 APRIL 25, 1980



ZONING VARIANCES

- A) Variance from Section 1801.2.C. to permit a window to window setback of 30' in lieu of the required 40' between lots 37 & 38; lots 53 & 54; lots 58 & 59 and lots 66 & 67.
 - B) Variance from Section 1801.2.C. to permit a minimum distance from window to lot line of 14.26' on lot 67 and 10' on lot 80 in lieu of the required 15'.
 - C) Variance from Section 1801.2.C. to permit a window to tract boundary distance of 15' in lieu of the required 35' for lot 24.
 - D) Variance from Section 1801.2.C. to permit a distance of 20' in lieu of the required 30' between buildings of 30' high for 33 lots. (lots 1 through 33).
 - E) Variance from Section 1801.2.C. to permit a window to tract boundary distance of 30' in lieu of the required 35' for lots 67 through 74.
- NOTE: ALL LOTS WITHIN NABORLY SUBDIVISION ARE ZONED DR-55.

Petitioner's Exhibit 1

EXHIBIT A

PLAT TO ACCOMPANY ZONING VARIANCE "NABORLY"

1ST ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 50' JUNE 26, 1989

[illegible]

FOX CHEVROLET, INC.
L 6407 P 784

[illegible]

2. Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly;
3. Snow removal will be by mechanical means except in severe snow and ice conditions when de-icing compounds may be used;
4. Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service;
5. Filling will not occur in grassed or lined drainage ditches or swales.

These covenants may be enforced by Baltimore County, Maryland.

[Signature]
MICHAEL LYE, VICE PRESIDENT

OWNER/DEVELOPER

1/26/89
DATE

GENERAL NOTES:

1. Formal irrevocable offers of dedication have been made
2. Recording of this plat does not constitute or imply acceptance by the county of any street, easement, park, open space or other public area shown on this plat.
3. This plat may expire in accordance with the provisions of Baltimore County Bill 56-82 Section (22-68)
4. Recording of this plat does not guarantee installation of streets or utilities by Baltimore County
5. The information shown on this plat may be superseded by a subsequent or amended plat
6. Additional information concerning this plat may be obtained from the Office of Planning and Zoning, and the Department of Public Works
7. The deed reference is E.W.R., JR. 7185/667
8. This plat conforms to the Public Works C.R.C. Plan No. 83145 approved

DENSITY CALCULATION

1. Gross Acreage = 14.65 Ac. +/-

2. Net Acreage = 14.65 Ac. +/-

3. Allowable Units = 5.5 x 15.44 = 80.6 Units

Proposed Units 33 single family
11 townhouses
18 garage townhouses

Total = 80 Units

4. Common Open Space
required - 80 dwelling units x 850 s.f. = 52,000 s.f. or 1.193 Ac.
provided - 2.256
Open Space shall be owned and maintained by the Home Owners
Association
5. Parking required
80 dwelling units x 1.75 P.S./D.U. = 140 P.S.
Parking provided
33 single family @ 2 P.S./S.F. = 66 P.S.
16 garage townhouse @ 2 P.S./G.T. = 32 P.S.
31 townhouse = 76 street parking spaces
Total = 172 P.S.
6. Trash collection, snow removal, and road maintenance are to be provided to
the junction of the peninsula and street right-of-way.
7. Storm Water Management Area to be owned and maintained by the Home Owners
Association.
8. No clearing, grading or construction in 50 foot stream buffer in wetlands.

NOTES:

1. Except as otherwise indicated, all building restriction lines shown herein have been placed as the result of an interpretation only of currently applicable regulations and policies of the Baltimore County Office of Planning and Zoning. Exceptions to the restrictions and regulations, including the minimum setbacks of 22 feet to be held from the street right-of-way line to the garage or carport entered directly from the street.

2. The lot's utility easement runs the K/O garage, water surface

OWNER/DEVELOPER
BRITAM DEVELOPMENT GROUP, INC.
9080 RED BRANCH ROAD, SUITE 210
COLUMBIA, MARYLAND 21045
PHONE: (301) 730-0810

Peterson's
Exhibit 2

LEGEND

FLOOD PLAIN ELEVATION
OUTLINE OF PLAT SHOWN THUS
ROAD R/W SHOWN THUS
LOT LINES SHOWN THUS
BLDG. SETBACK LINES SHOWN THUS
EASEMENTS SHOWN THUS
LOT NOS SHOWN THUS
BLDG. NOS SHOWN THUS
COORDINATES SHOWN THUS

THE APPROVAL OF THIS PLAN IS RATED UPON A REASONABLE EXPECTATION THAT THE WATER AND GROUND SURFACES OF THE LANDS TO BE ACQUIRED WILL BE AVAILABLE FOR THE PURPOSES OF THE PROJECT. THIS PLAN WILL BE AVAILABLE FOR REVIEW AND COMMENT BY THE PUBLIC FOR A PERIOD OF 30 DAYS BEING ISSUED UNTIL THE PROJECT IS COMPLETED. THE PROJECT WILL BE REVIEWED AND DETERMINED TO BE A PROJECT OF THE STATE OF CALIFORNIA.

APPROVED: BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING <i>Carol Kern</i> for DIRECTOR	3/23/89 DATE
APPROVED: DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT <i>Robert W. Starchy</i> DIRECTOR	3-15-89 DATE

P.W.A. COMPLETED: 11802 SSW

APPROVED: DEPARTMENT OF PUBLIC WORKS

FINAL PLAT CHECKED
PLANNING: J.C.B.

ENGINEERING: R.S. 7-23-59

HOUSE NO.: _____

DATE: MAY 3-22-59

DIRECTOR

DATE: 3/23/69

NOTE:

COORDINATES AND BEARING(S) SHOWN ON THIS MAP ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVELER STATIONS:

X-7071	S 7507.78	N 43747.94
X-7072	S 7439.45	N 44567.10
X-7073	S 6428.97	N 44279.55
X-7074	S 6422.01	N 43759.50

NOTE:

THE STREETS AND/OR ROADS AS SHOWN HEREON ARE THE PORTION THEREOF IN BEING ARE FOR THE PURPOSE OF DESCRIPTIVE ONLY ARE. THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE PER SIMPLE TITLE TO THE BRIDGE THEREOF IS EXPRESSLY RESERVED IN THE CHARTERS OF THE BIDS TO WHICH THIS PLAN IS ATTACHED, THEIR BEING AND BEING.

APPROVED: DEPARTMENT OF PUBLIC WORKS

[Signature]

DIRECTOR

3/23/69

DATE

[illegible]

STEFANOWICZ CORP.
L. 7398 P. 617

TABULATION:

AREA OF THIS PLAT	14.65 Ac±
NO. OF LOTS PROPOSED	80
EXISTING ZONING	DR 5.5



ENGINEERS • ARCHITECTS • PLANNERS • SCIENTISTS • SURVEYORS • PHOTOGRAMMETRISTS

GREENHORNE & O'MARA, INC.

113 WEST ROAD, SUITE 208, BALTIMORE, MARYLAND 21201
(301) 296-4100

ANNAPOLIS, MD • ATLANTA, GA • AURORA, CO • CULPEPER, VA • EXPORT, PA • FAIRFAX, VA
GREENBELT, MD • MANASSAS, VA • MONROE, MI • RALEIGH, NC • ROCKVILLE, MD • TAMPA, FL

THE UNDERSIGNED, THE OWNER OF THE LAND SHOWN ON THIS PLAN, HERBY CERTIFY THAT, IN THE BEST OF HIS/HERS KNOWLEDGE, THE INFORMATION OF SECTION 1, ARTICLE 11 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, AND SECTION 5, OF THE 14TH AMENDMENT ARTICLE OF THE UNITED STATES OF AMERICA, DOES COMPLY WITH, INsofar AS SAME CONCERNS THE MATTER OF PLACING OF THE MARKERS.

[Signature] 1/26/69

MICHAEL LYB, VICE PRESIDENT
BRITAM DEVELOPMENT GROUP INC. DATE

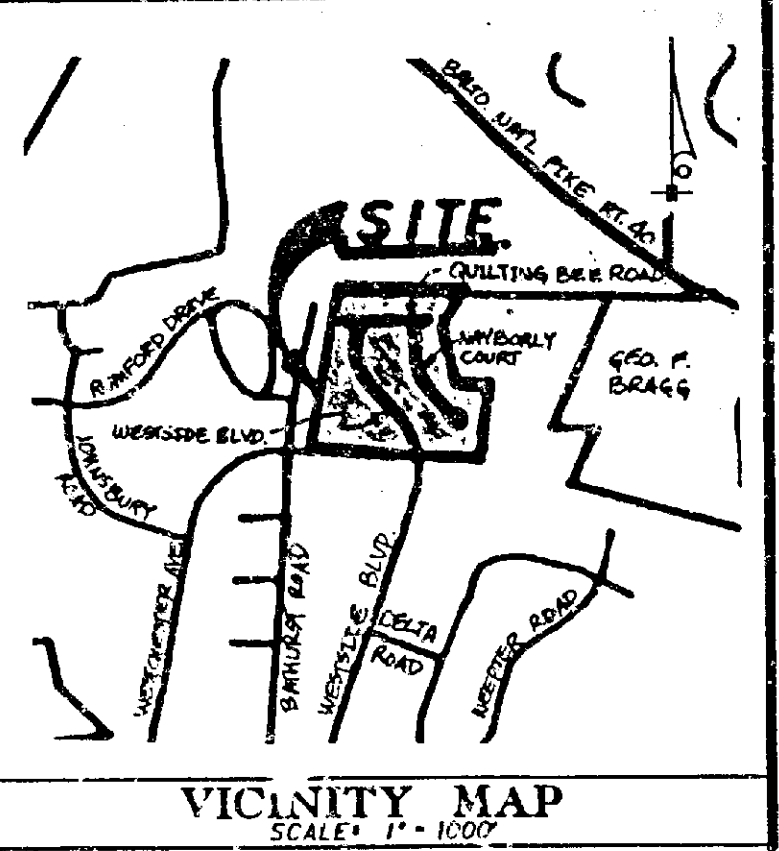
THE UNDERSIGNED, A SURVEYOR AT LARGE OF THE STATE OF MARYLAND, IT IS ORDERED CERTIFICATE THAT IN ANSWERS TO THE SAID PETITIONED FOR THE SAID LAND BEING IN THE SAID PLAT AND MORE LATE OF, AND THE SAID TOWN AND RAIL WERE PIONEERS, IN COMPLIANCE WITH SECTION (C) OF SECTION 3-100 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME COVERS THE MAKING OF THE PLAT AND THE SETTLING OF THE MATTER.

William Craig Willard *1/30/89*
WILLIAM CRAIG WILLARD, JR. DATE
PROFESSIONAL LAND SURVEYOR NO. 10063

B.O.O DESIGN	SCALE 1" = 50'	
D.T.W DRAWN	1 OF 1	
C.Y.M CHECKED		
SHEET		
3-89	88-7607	
DATE	DRAWN No.	FILE No.

BALTIMORE COUNTY, MARYLAND

94-206- FOUR 4A 6048



ZONING VARIANCES

- A) Variance from Section 1801.100 to permit a window to window setback of 30' in lieu of the required 40' between lots 37 & 38; lots 53 & 54; lots 58 & 59 and lots 64 & 67.
 - B) Variance from Section 1801.100 to permit a minimum distance from window to lot line of 14.16' on lot 67 and 10' on lot 50 in lieu of the required 15'.
 - C) Variance from Section 1801.200 to permit a window to tract boundary distance of 15' in lieu of the required 15' for lot 24.
 - D) Variance from Section 1801.200 to permit a distance of 20' in lieu of the required 30' between outbuildings of 30' high for lots 1 through 30.
 - E) Variance from Section 1801.200 to permit a window to tract boundary distance of 30' in lieu of the required 35' for lots 67 through 74.
- NOTE: ALL LOTS WITHIN NABORLY SUBDIVISION ARE ZONED DR-5.5.

Rehman's

#2

PLAT TO ACCOMPANY ZONING VARIANCE "NABORLY"

1ST ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 50'
JUNE 26, 1989

D-1017-16