

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 2/5 Necker Avenue, 1900' SE of * DEPUTY ZONING COMMISSIONER
 the c/j Intersection of * OF BALTIMORE COUNTY
 Belair Road and Necker Avenue
 11th Election District * Case No. 90-352-A
 5th Councilmanic District
 Preakness Homes, Inc.
 Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a window to window setback of 30 feet in lieu of the required 40 feet, a window to right-of-way setback of 14, 15, 19, 19 and 24 feet in lieu of the required 25 feet for each, and to amend the Final Development Plan of Silver Hill Farms, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Louis J. Breitenbacher, Principal and Vice President, and the Contract Purchaser, Pulte Homes, Inc., by John Bittner, Director of Land Development, appeared, testified, and were represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition was William Duvall, Engineer. Numerous individuals appeared as Protestants in the matter, including, but not limited to, Louis Waidner, a resident of the Perry Hall area, and Charles S. Kuhn, Mary Finkelstein and numerous other residents of Necker Avenue.

Testimony indicated that the subject property consists of approximately 26 acres zoned D.R. 5.5 and is the site of the Silver Hill Farms subdivision. Said property received CRG approval for the development of 141 lots consisting of 29 single family dwellings and 121 townhomes in accordance with that depicted in Petitioner's Exhibit 1. Testimony indicated that Petitioner purchased the property in Spring, 1989 after approval of the CRG plan by another developer. Petitioner testified that Preakness

Homes has a 20' x 34' townhouse which has no end windows. However, due to the size of the development and Preakness being involved in other smaller projects at the time, Preakness approached Pulte regarding development of the subject property. Pulte has a townhouse model which would fit into the approved CRG plan; however, the end units contain windows as depicted in Petitioner's Exhibit 3. Petitioner believes that the home proposed by Pulte would be a welcome addition to the community and further enhance the subject development. However, under the current regulations the windows would require a variance to permit two end unit windows to be 30 feet apart in lieu of the required 40 feet. Petitioner argued that the spirit and intent of the zoning regulations would be met in this instance as privacy would still be maintained due to the location of the proposed windows. The windows will be located in the stairwell and dining room areas and not in bedrooms and/or bathrooms where one would expect privacy. Petitioner argued that the granting of the variance would not result in any detriment to the health, safety or general welfare of the community as from a marketing point of view, it has been determined that potential buyers prefer the end units to have windows. Petitioner further argued that said improvements increase the market value of the property. Petitioner notes that the granting of the variance will not result in any greater number of houses than originally approved. They further indicated that there has been no sale of homes within 300 feet of the requested variances. Petitioner reviewed in detail each of the requested variances and testimony indicated they strictly deal with windows being placed in the end units.

Numerous individuals who originally appeared to express their opposition withdrew their objections indicating that while they are not happy with the increased development on Necker Avenue, their main objec-

tion in the instant case was that there would be a greater number of homes being placed on the property than originally approved. Mr. Waidner and many of the other Protestants raised concerns as to the increased development along Necker Avenue and the ability of the roads to handle the increased traffic. Further, the Protestants noted some problems with Petitioner in the recent stages of development. Apparently, there had been some property damage to the front yards of residences along Necker Avenue as a result of truck traffic associated with laying utilities on the subject property. Mr. Waidner indicated numerous temporary signs marketing the subject development had been improperly placed in the adjoining rights-of-way on weekends. After discussion between the Petitioner and the Protestants, the Petitioner agreed to cease placing the illegal temporary signs in the area and to correct the damages caused by their construction where appropriate.

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. 28 (1974).

ORDER RECEIVED FOR FILING
 Date 3/29/90
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 3/29/90
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 3/29/90
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 3/29/90
 By [Signature]

any nature to market the development within a 3-mile radius of the subject property, including, but not limited to the temporary paper signs placed along Necker Avenue and Belair Road. Petitioners have been made aware that failure to comply with this restriction will result in the Zoning Office requesting stop work orders and withdrawal of permits on all end units with windows which require a variance.

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

ORDER RECEIVED FOR FILING
 Date 3/29/90
 By [Signature]

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-352-A**

The undersigned, legal owner(s) of the property situate in Baltimore County, Maryland, which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C. to permit a window to window setback of 30 feet in lieu of the required 40 feet, and window to right of way setbacks of 14, 15, 19, 19 and 24 feet in lieu of the required 25 feet, and to amend the FDP.

1. That the subject property is long and narrow, and difficult to develop under the Regulations.
2. That the requested variances will allow a more attractive, better townhouse unit with attractive windows properly placed for adequate light and air.
3. That without the requested variances the Petitioners will sustain practical difficulty and unreasonable hardship, and the requested variances are in harmony with the spirit and intent of the Regulations.

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 swear under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
 Contract Purchaser: Preakness Homes, Inc.
 Pulte Homes, Inc.
 Michael Schneider
 11120 New Hampshire Avenue
 Silver Spring, Maryland 20904
 Attorney for Petitioner: Newton A. Williams, Esquire
 210 W. Pennsylvania Avenue
 Towson, Maryland 21284
 Attorney's Telephone No.: 823-7800

11 H. Gwynns Hill Court (301) 363-3892
 Owings Mills, Maryland 21117
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
 Job Bittner, Pulte Homes, Inc.
 11120 New Hampshire Avenue
 Silver Spring, Maryland 20904 (301) 681-5800

ORDERED By the Zoning Commissioner of Baltimore County, this 10 day of March 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 throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15 day of March 1990, at 9:30 o'clock P.M.

ORDER RECEIVED FOR FILING
 Date 3/29/90
 By [Signature]

J. Robert Hair
 Zoning Commissioner of Baltimore County

W. DUVAL & ASSOCIATES, INC.
 Engineers • Surveyors • Land Planners

90-352-A

ATTACHMENT 'A'

- A) Variance from Section 1801.2.C. to permit a window to window setback of 30' in lieu of the required 40' setback for Block "D"; between lots 25 & 26, lots 31 & 32 and lots 37 & 38.
- B) Variance from Section 1801.2.C. to permit a window to Right of Way setback as listed below in lieu of the required 25'.

Block	Lot Number	Proposed Distance
B	16	15'
C	11	15'
D	8	15'
E	10	15'
E	1	19'
E	6	15'
E	5	14'
F	1	24'
F	4	18'
F	5	18'
F	8	19'

530 East Joppa Road / Towson, Maryland 21284 / (301) 583-9571

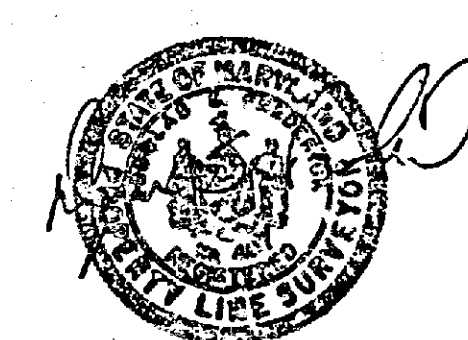
W. DUVAL & ASSOCIATES, INC.
 Engineers • Surveyors • Land Planners

90-352-A

DECEMBER 18, 1989
 ZONING DESCRIPTION
 SILVER HILL FARM S.M. 59 FOLIO 91 & 92
 11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the southernmost side of Necker Avenue southeasterly 1930 feet +/- from the centerline intersection of said Necker Avenue and Belair Road, said point being designated as approximate point number 11 as shown on a plat entitled "Plat One of Two Half Property Silver Hill Farm" dated November 22, 1988 as recorded among the Land Records of Baltimore County in Plat Book S.M. 59 Folio 91; thence binding on said Necker Avenue 1) South 64 degrees 49 minutes 11 seconds East 1714.33 feet; thence leaving Necker Avenue 2) South 37 degrees 10 minutes 56 seconds West 549.45 feet; thence 3) North 76 degrees 36 minutes 54 seconds 1257.26 feet; thence 4) North 89 degrees 01 minutes 29 seconds West 250.20 feet west; thence 5) North 18 degrees 43 minutes 23 seconds East 910.20 feet to the point of beginning.

Being known as "Silver Hill Farm" as shown on plats S.M. 59 Folio 91 and S.M. 59 Folio 92. See also plat dated September 21, 1989 entitled "Resubdivision - Part of Silver Hill Farm" as recorded in Plat Book S.M. 61 Folio 5.



530 East Joppa Road / Towson, Maryland 21284 / (301) 583-9571

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 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 on the following date:
 Petition for Zoning Variance
 Case Number: 90-352-A
 5/3 Necker Avenue, SEly 1900's from c/l of Necker Ave. & Belair Road
 "Silver Hill Farm"
 11th Election District
 Legal Owner(s): Preakness Homes, Inc.
 Contract Purchaser(s): Pulte Homes, Inc.
 Hearing Date: Thursday, Mar. 15, 1990 at 9:30 a.m.
 Variance to permit a window to window setback of 30 ft. in lieu of the required 40 ft. and window to right of way setbacks of 14, 15, 16, 18, 19, and 24 ft. in lieu of the required 25 ft. and to amend the FDP.
 In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will be in session 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.
 If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)
 J. ROBERT HAINES
 Zoning Commissioner
 Baltimore County
 842 2047 February 15, 1990

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 15, 1990
 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 1 successive weeks, the first publication appearing on Feb. 15, 1990

THE JEFFERSONIAN,
S. Zabe Orlean
 Publisher

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 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 on the following date:
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 In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will be in session 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.
 If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)
 J. ROBERT HAINES
 Zoning Commissioner
 Baltimore County
 842 2047 February 15, 1990

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 15, 1990
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 14, 1990

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER
S. Zabe Orlean
 Publisher

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: WZ4 Date of Posting: 2/12/90
 Posted for: Variance
 Petitioner: Silver Hill Farm
 Location of property: 5/3 Necker Ave., SEly 1900's Belair Rd.
 Location of Signs: Being placed on 5/3 Necker Ave. on property of Petitioner
 Remarks: See Petition in File of Office of Building
 Posted by: Mellette Date of return: 2/23/90
 Number of Signs: 1

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner
 DATE 3/2/90
 Pulte Homes, Inc.
 11120 New Hampshire Avenue
 Silver Spring, Maryland 20904
 ATTN: JEB BITNER
 Dennis F. Rasmussen
 County Executive

Re: Petition for Zoning Variance
 CASE NUMBER: 90-352-A
 5/3 Necker Avenue, SEly 1900's from c/l of Necker Ave. & Belair Road
 "Silver Hill Farm"
 11th Election District - 5th Councilmanic
 Legal Owner(s): Preakness Homes, Inc.
 Contract Purchaser(s): Pulte Homes, Inc.
 HEARING: THURSDAY, MARCH 15, 1990 at 9:30 a.m.
 Commission:
 Please be advised that \$129.00 is due for advertising and posting of the above captioned property.
 THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) MUST BE ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

receipt
 Account: R0014150
 Number: 1714
 Date: 3/14/90
 #206
 90-352-A
 H9000547
 REVISED PUBLIC HEARING FEES QTY PRICE
 110 -REVISIONS (ALL OTHERS) 1 X \$75.00
 TOTAL: \$75.00
 LAST NAME OF OWNER: PREAKNESS HOMES
 B 051*****7500: a 3148F
 Please make checks payable to: Baltimore County

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner
 January 30, 1990
 Dennis F. Rasmussen
 County Executive

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: 90-352-A
 5/3 Necker Avenue, SEly 1900's from c/l of Necker Ave. & Belair Road
 "Silver Hill Farm"
 11th Election District - 5th Councilmanic
 Legal Owner(s): Preakness Homes, Inc.
 Contract Purchaser(s): Pulte Homes, Inc.
 HEARING: THURSDAY, MARCH 15, 1990 at 9:30 a.m.

Variance: To permit a window to window setback of 30 ft. in lieu of the required 40 ft., and window to right of way setbacks of 14, 15, 16, 18, 19, and 24 ft. in lieu of the required 25 ft. and to amend the FDP.

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.

NOTE:
 If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)
J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER
 BALTIMORE COUNTY, MARYLAND

cc: Preakness Homes, Inc.
 Pulte Homes, Inc.
 Newton A. Williams, Esq.
 File

90-352-A
 Stem #2
W. DUVAL & ASSOCIATES, INC.
 530 E. Joppa Rd. / Towson, Maryland 21204 / (301) 583-9571 Engineers / Land Planning Consultants
 Date: March 13, 1990
 To: Planning Re: Silver Hill Farm
 Attention: Kate Milton
 We are submitting
 We are forwarding
 We are returning
 We request
 Herewith
 Under Separate Cover

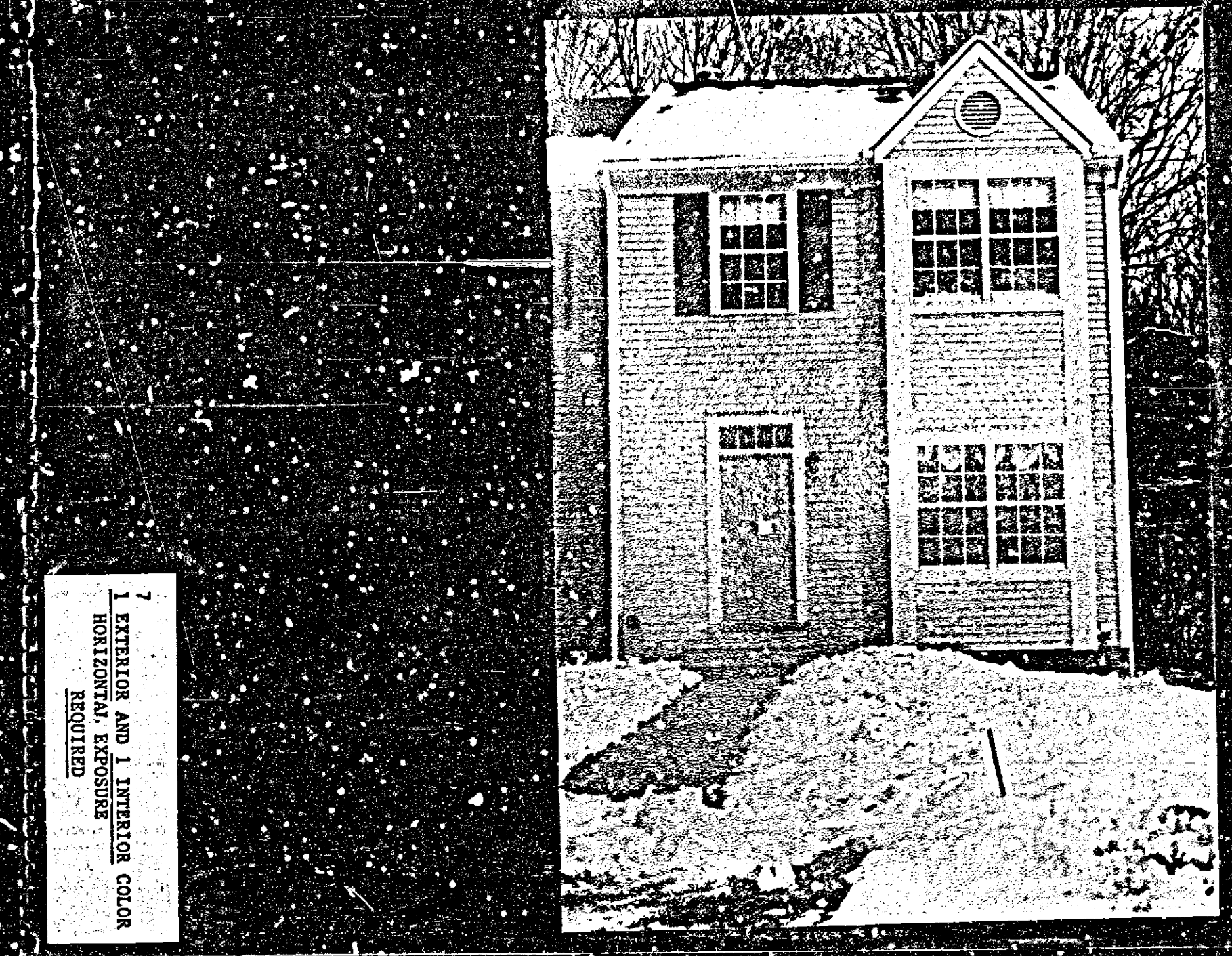
No.	Description
12	prints - Revised Plat to Accompany Zoning Variance
12	copies - Revised Attachment 14

 Remarks: In accordance with your meeting on March 12, 1990, with Newton Williams, the plans & attachment have been revised. This revision was to change the setbacks on Block 'C' to conform with the setbacks advertised.
 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
 Approval requested
 Conference requested at your convenience
 For further information, please contact the writer at this office
 CC: file
 Enclosed
 Sincerely yours,
Mark A. Keenan
 MARK A. KEENAN

W. DUVAL & ASSOCIATES, INC. Revised 13 March 90
 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' setback for Block 'D'; between lots 25 & 26; lots 31 & 32; lots 37 & 38, and Block 'C'; between lots 6 & 7.
 B) Variance from Section 1B01.2.C. to permit a window to right of way setback as listed below in lieu of the required 25'.

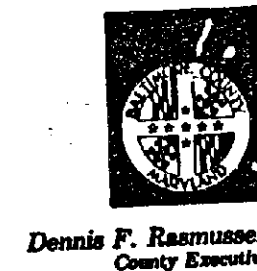
Block	Lot Number	Proposed Distance
B	16	15'
C	11	15'
D	9	15'
D	10	15'
E	1	19'
E	5	15'
E	6	15'
E	10	14'
F	1	24'
F	4	18'
F	5	18'
F	8	18'

 #206
 90-352-A
 RECEIVED MAR 14 1990
 REVISED PLANS
 530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 6, 1990



Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chtd
700 Court Towers
210 W. Pennsylvania Avenue
Townson, MD 21204

RE: Item No. 206, Case No. 90-352-A
Petitioner: Preakness Homes, Inc.
Petition for Zoning Variance

Dear Mr. Williams:

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: Pulte Homes, Inc.
Preakness Homes, Inc.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this 10th day of January, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Preakness Homes, Inc.

Petitioner's Attorney: Newton A. Williams

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: January 22, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Preakness Homes, Inc., Item 206

The Petitioner requests a Variance to permit a window to window setback of 30 ft. in lieu of the required 40 ft., and window to window right-of-way setbacks of 14, 15, 18, 19 and 24 ft. in lieu of the required 25 ft., and to amend the F.D.P.

Staff supports the Petitioner's request and recommends the following should relief be granted:

- Submit elevation drawings which indicate window height and location to the Deputy Director of the Office of Planning and Zoning prior to the issuance of any building permits.
- Provide additional landscape planting along the sides of the lots subject to this petition and submit a plan indicating same to the Deputy Director of the Office of Planning and Zoning prior to the issuance of any building permits.

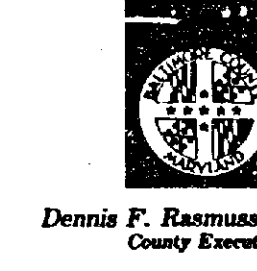
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

JAN 26 1990

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 405
Townson, Maryland 21204
(301) 887-3354

January 11, 1990



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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 210 and 212.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan,
Traffic Engineer - Sec. II

MSP/lab

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: LEONARD WASILEWSKI
Zoning Enforcement
DATE: April 16, 1990
FROM: Ann M. Nastarowicz
Deputy Zoning Commissioner
SUBJECT: Alleged Zoning Violations
Petition for Zoning Variance
S/S Necker Avenue, 1900' SE of the c/l of Belair Road
(Silver Hill Farms)
11th Election District - 5th Councilmanic District
Preakness Homes, Inc. - Petitioner
Case No. 90-352-A

Attached please find a letter and photographs I received last Friday, April 13, 1990 from Mr. Lou Waidner, one of the Protestants in the above-referenced matter.

Please do a site inspection of the subject development and surrounding streets to determine if a violation of the Order issued March 29, 1990 exists and advise me of your findings.

Thank you for your assistance in this matter.

AMN:bjs

cc: Case File
Violation File

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
* LOUIS WADNER	4139 WHITTLESLEY AVE 21236
* Charles S. Kuhn	4259 A Necker Ave -
MARY FINKELSTEIN	4224 Necker Ave RD 36
MARJIE E. KUHN	4259 NECKER AVE 21236
HELEN J. STARK	4300 NECKER AVE 21236
Mrs Catherine Lowell	4209 Necker Ave 21236
Helen K. Mauchan	4304 Necker Ave 21236
Bill J. ...	4224 Necker Ave 21236
John Waidner	3998 Kalkstein
Ben Wall ...	4225 Rank Ave 21236

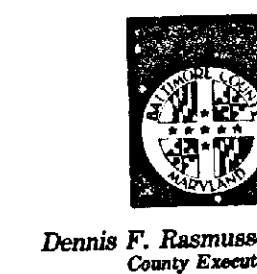
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
NEWTON WILLIAMS ATTY	700 COURT TOWERS 21204
JOHN BITNER (PULTE)	1120 NEW HAMPSHIRE AVE. SS MD.
LOUIS J. BREITENOTER	11 H CUNYNS MILL CT OWINGS MILLS, MD 21117
Will Duval	530 E. Joppa Rd. 21204

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Townson, Maryland 21204-5500
(301) 557-4500
Paul H. Reineke

JANUARY 11, 1990



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

RE: Property Owner: PREAKNESS HOMES, INC.
Location: SILVER HILL FARM
Item No.: 206 Zoning Agenda: JANUARY 9, 1990

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: *Paul H. Reineke* 1-11-90
Planning Group
Special Inspection Division

Noted and Approved
Capt. John J. Brundage
Fire/Prevention Bureau

JK/REK

JAN 18 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 19, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 9, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 198, 199, 200, 201, 202, 204, 207, 208, 210 and 212.

For Items 203, 205, and 206 the County Review Group Comments for each item still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 29, 1990



Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
210 W. Pennsylvania Avenue, Suite 700
Townson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
S/S Necker Avenue, 1900' SE of the c/l Intersection
of Necker Avenue and Belair Road
11th Election District - 5th Councilmanic District
Preakness Homes, Inc. - Petitioner
Case No. 90-352-A

Dear Mr. Williams:

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 Redcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Louis Waidner
4139 Whittlesley Avenue, Baltimore, Md. 21236

Mr. Charles S. Kuhn
4259-A Necker Avenue, Baltimore, Md. 21236

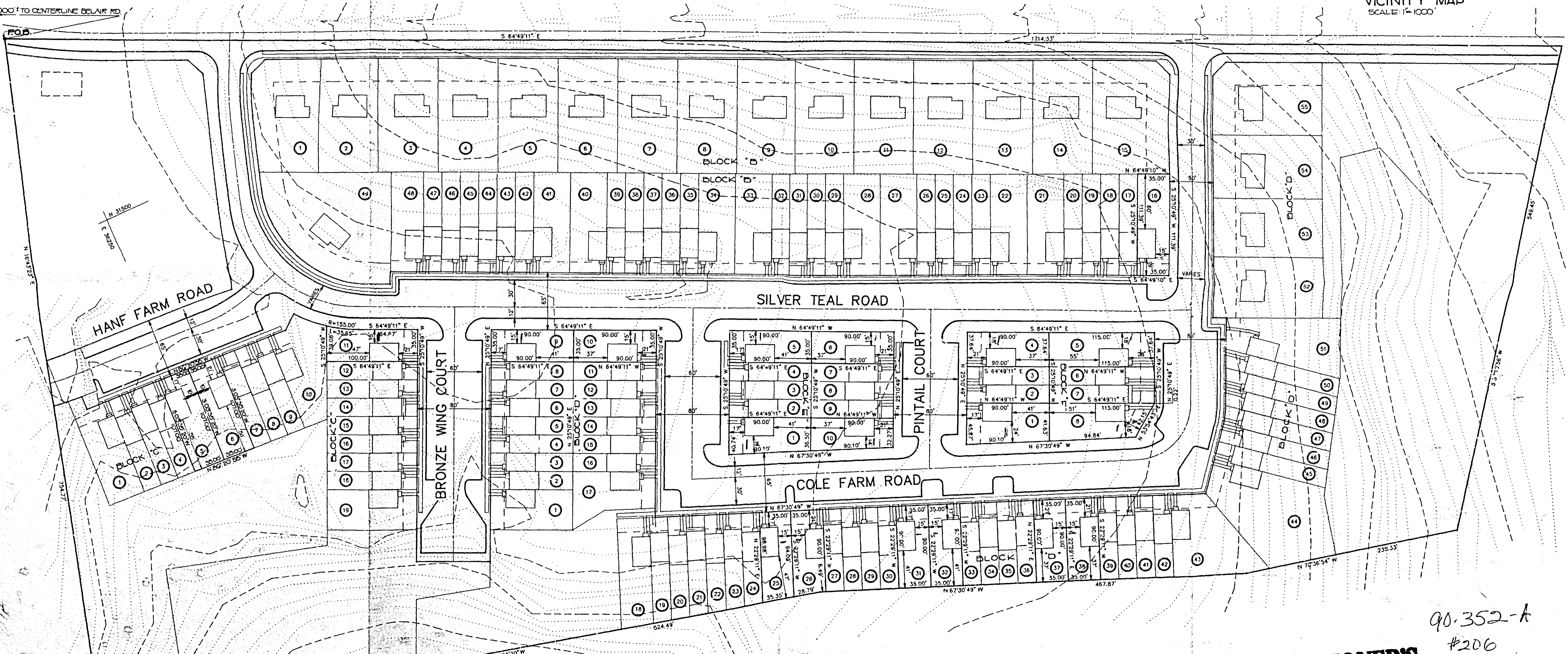
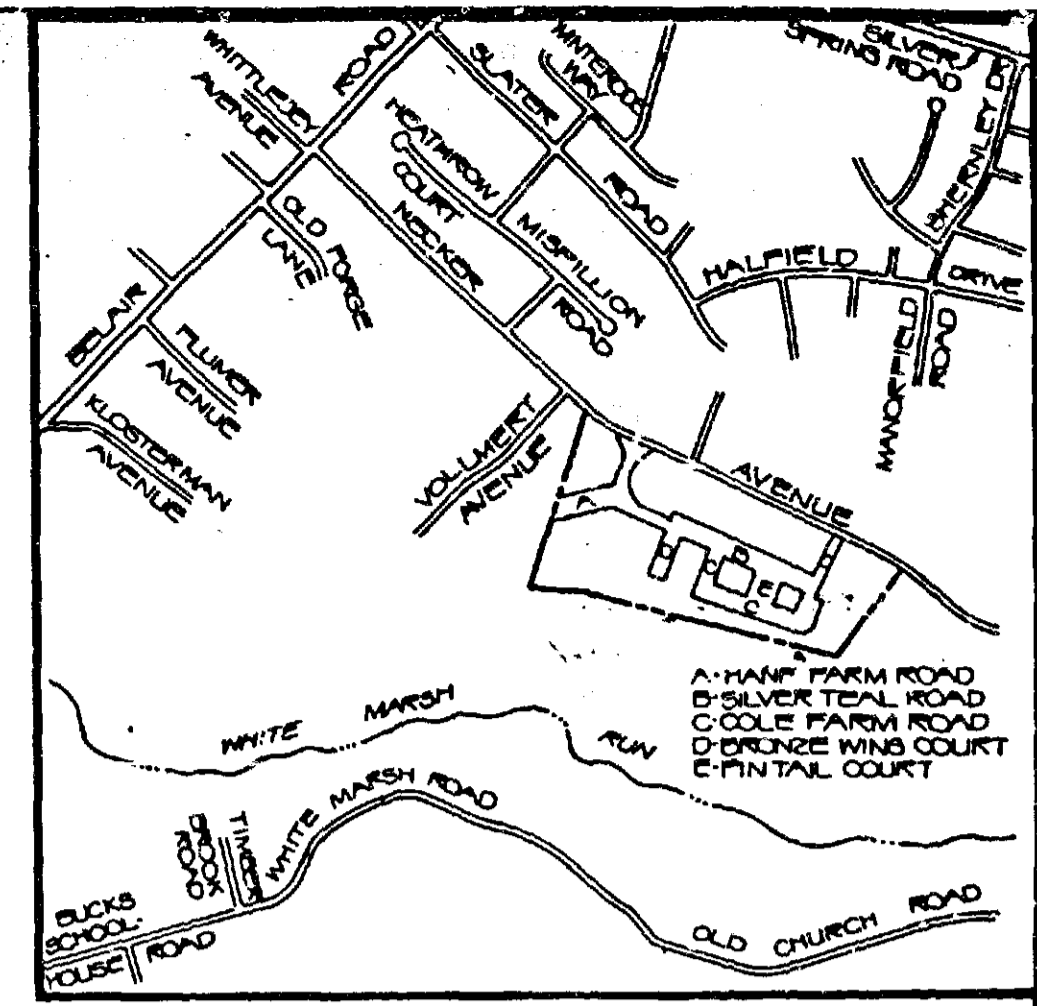
Ms. Mary Finkelstein
4224 Necker Avenue, Baltimore, Md. 21236

People's Counsel

File

- A) Variance from Section 1801.2.C. to permit a window to window setback of 30' in lieu of the required 40' setback for Block 'D'; between lots 25 & 26; lots 31 & 32; lots 37 & 38, and Block 'C'; between lots 5 & 6.
- B) Variance from Section 1801.2.C. to permit a window to right of way setback as listed below in lieu of the required 25'.

Block	Lot Number	Proposed Distance
B	16	15'
C	11	15'
D	9	15'
D	10	15'
E	1	19'
E	5	15'
E	6	15'
E	10	14'
F	1	24'
F	4	18'
F	5	18'
F	8	19'
F	9	15'



- NOTES:
1. ALL THE UTILITIES TO SERVICE THIS SUBDIVISION ARE PROPOSED.
 2. EXISTING ZONING DR-55.
 3. CRG APPROVAL DATE 3-12-87.
 4. REVISED CRG APPROVAL DATE 1-27-88.
 5. FWA # 118710.
 6. PARKING REQUIRED - 175 x 121 = 212 SPACES
2/LOT = 21 x 42 SPACES
 7. PARKING PROVIDED - 306 SPACES (6 x 9)

PETITIONER'S EXHIBIT 1

90-352-A
#206
RECEIVED MAR 14 1990
REVISED PLANS
141

REVISIONS	
3-13-90	REVISED SETBACKS BLOCK E LOTS 110 MAK
3-8-90	ADDED BLOCK C LOTS 5 & 6 MAK

MAR 13 1990
PLAT TO ACCOMPANY ZONING VARIANCE
"SILVER HILL FARMS"
11-TH ELECTION DISTRICT BALTO. CO. MD.
SCALE 1"=50' DECEMBER 15, 1989