BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: May 22, 1990

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: HOPKINS PROPERTY (COBBLESTONE)

Based upon recent conversations with the petitioner, staff is suggesting recommended changes to the comments submitted in the memorandum dated March 5, 1990.

1. The provision of easement areas is a method of allowing adjoining homeowners access to the sides of their dwellings in order to conduct maintenance. The easements in reality are useable yard areas which serve as a convenience for the adjoining howeowner. Encroachment into these areas as limited in staff's proposed conditions is adequate.

2. Restriction No. 5 relates to nine lots that will not have rear walls. The petitioner has demonstrated that these lots will 1) back into protected open space (non useable), and 2) will not have pathways traversing behind the rear yards. Based upon this information, staff would suggest that Restriction No. 5 be amended to include the same patio (2 foot) and deck (4 foot) setbacks for these nine lots only as outlined by the petitioner.

HOPKINS.2/TXTGGL

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

June 26, 1990

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Mt. Wilson Lane, 727' W of Reisterstown Road
(Hopkins Property)
3rd Election District - 3rd Councilmanic District
Mt. Wilson Joint Venture and
Berngar-H.G. Development Co., Inc. - Petitioners
Case No. 90-445-SPHA

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX: (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSEUR, JR.

RECEIVED
JUN 18 1990
ZONING OFFICE

June 18, 1990

HAND DELIVERED

The Honorable Ann Nastarowicz
Deputy Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 90-445-SPHA

Dear Ms. Nastarowicz:

Enclosed please find a draft order in the above referenced case for your consideration.

Thank you for your time and consideration in this matter.

Sincerely,

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein

BB/mlh
Enclosure
P.S. Please disregard the previous draft that was mailed to you as it was mailed in error.

PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE	*	BEFORE THE
CASE NO.: 90-445-SPHA	*	ZONING COMMISSIONER
N/S MT. WILSON LANE, 727' ± W OF REISTERSTOWN ROAD (HOPKINS PROPERTY)	*	FOR
3RD ELECTION DISTRICT - 3RD COUNCILMANIC	*	BALTIMORE COUNTY
MT. WILSON JOINT VENTURE/BERNGAR H.G. DEVELOPMENT CO., INC.	*	
PETITIONER	*	CASE NO.: 90-445-SPHA

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners seek a variance and a special hearing which will apply to all lots in the subdivision currently known as Cobblestone formerly known as the Hopkins Property (The Property). The variance would permit a 0 ft setback for an open projection patio/deck in lieu of the required 11.25 ft for side and rear and 26.25 ft for rear yard tract boundary. The special hearing is to determine the use of an easement area for an open projection patio/deck and/or private space by an adjoining fee property owner, all as more particularly described in Petitioner's Exhibits 1 through ~~and~~ 5.

Appearing and testifying on behalf of the Petitioner were Bernard Robbins, President of Talles Construction Company, Hal Zaslow, a registered architect employed by the Petitioner, ~~and~~ Patrick Keller, Deputy Director of the Office of Planning and Zoning for Baltimore County. There were no protestants.

1

Testimony elicited ~~by Benjamin Bronstein, Evans, George and Bronstein, counsel for the Petitioner~~, indicated that the property consists of 37.36 acres located on the west side of Reisterstown Road and the north side of Mt. Wilson Lane in the 3rd Election District. The property, which is served by public water/sewer was rezoned during the 1988 Comprehensive Map from DR1 to Dr 3.5 consistant with a recommendation of the Reisterstown Road Corridor Study (RRCS). The site plan has C.R.G. approval.

The Zoning Commissioner in Case No.: 89-443-A passed an Order on June 12, 1989 granting variances related to setbacks for all lots in the subdivision. The variance and special hearing in this proceeding relate to the utilization of decks and patios in private yard space on each lot.

The Petitioner's use of the property is for "Z" lot line type housing. Petitioners exhibit 6 "Z" lot lines ~~is~~ for preferable to townhouses and other forms of detached housing on this site because it permits detached single family units with yard space and privacy for each family while preserving a large expanse of common open space for use by all lot owners. Each lot owner has included in its private side yard an exclusive 4 ft easement area owned in fee by the adjoining lot owner as can be seen in the typical drawing introduced as Petitioners' Exhibit 5. The lots are uniformly fenced and none of the lots have a common rear boundary.

Petitioners expert While Bill No. 100, 1970, specifically set forth a need to foster a greater variety of housing types, the area bulk regulations do not specifically provide for "Z" lot line homes.

2

Testimony elicited from Mr. Pat Keller, Deputy Director of Baltimore County Office of Planning and Zoning (OPZ) indicates that the 1980 Master Plan has recommended regulations which will permit a variety of innovative housing types ~~(specifically including "Z" lot line houses)~~ without the necessity of a variance hearing. Since the current regulations are not designed for "Z" lot line houses and in order to provide flexibility for all homeowners in utilization of private space, it is necessary that the variance and special hearing be applicable to all lots. The Petitioner has accepted the recommendations of the Office of Planning and Zoning with a slight modification as agreed to by the Office of Planning and Zoning. In addition, the Petitioner will subject all lots to ~~a~~ Hopkins Property HOA with restrictive covenants. All exterior maintenance will be done by the HOA.

An area variance may be granted where strict application of the zoning regulation 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 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.

3

Anderson v Bd. of Appeals, Town of Chesapeake Beach, 22 Md App. 28 (1974).

It is clear from the testimony that if the special hearing and variance are granted, the proposed use would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty would result if the instant variance is not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the property due to the special conditions unique to this particular parcel and the lack of area regulations for "Z" lot line lots under the BCZR. It is clear that the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of property, public hearing having been held and ~~it appearing the requirements set forth in Section 307 having been met~~ for the reasons given above, the relief requested in the Variance Special Hearing & Variance Petitions, the requested variances should be granted.

Therefore, it is Ordered by the Deputy Zoning Commissioner of Baltimore County this _____ day of June, 1990, that the Petition for Special Hearing is granted approving the use of an easement area for an open projection patio/deck and/or private space by an adjoining fee property owner and further the Petition for a Zoning Variance to permit a 0 ft setback for an open projection patio/deck in lieu of the required 11.25 ft for side and rear and 26.25 ft for

4

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in accordance with Petitioners Exhibits 1 thru 5

rear yard tract boundary, ~~is~~ be, and ~~is~~ be hereby GRANTED, subject, however, to the following ~~restriction~~ conditions precedent to the relief granted:

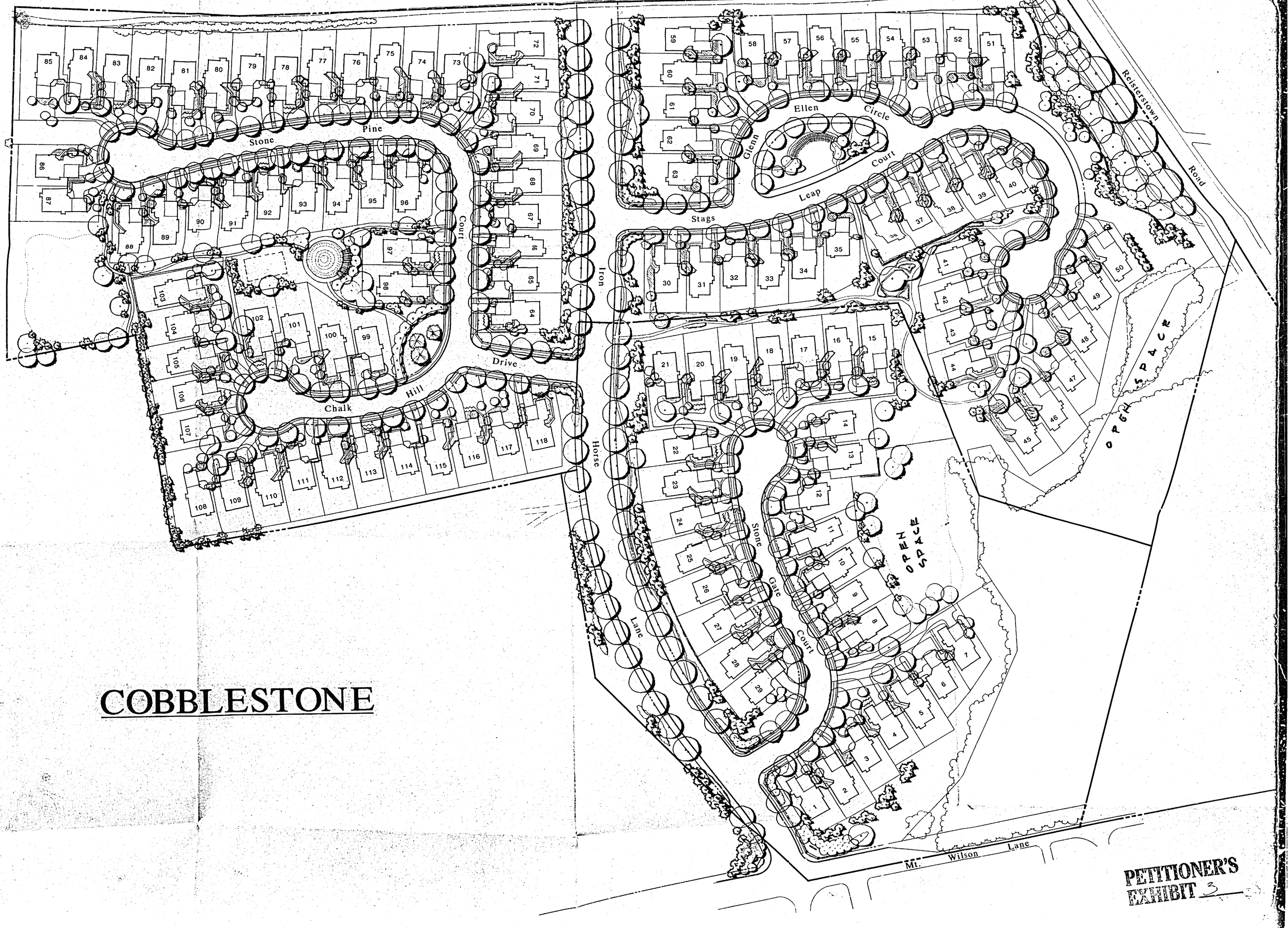
1. No deck should be located closer than four feet to an adjoining structure, or wall.
2. No patio should be located closer than two feet to an adjoining structure or wall.
3. Decks and patios shall be limited to side and rear yards and not cover more than 50% of these areas including easement area.
4. No deck or patio shall be covered, including arbors, awnings, or canopies.
5. No deck or patio shall be located closer than eight feet to a property line that does not have a wall or fence except Lots 45 through 50 Section 1 and lots 9 through 12 Section 3.
6. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 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.

Deputy Zoning Commissioner for Baltimore County

7) From Pat's Comments #6
8) Call's Standard

5

COBBLESTONE



PETITIONER'S EXHIBIT 3

REISTERSTOWN ROAD - MD. RTE. 140

1. CONTRACTOR SHALL NOTIFY ARCHITECT OF ANY DISCREPANCIES BETWEEN CONDITIONS & ADOPTED DIMENSIONS. TAPE PRECEDENCE OVER SCALE. CONTRACTOR SHALL REFER DIMENSIONAL CONFLICTS WITH THE WORK.
2. CONTRACTOR SHALL COORDINATE AND COORDINATE INFORMATION IN CONSTRUCTION DOCUMENTS. CONTRACTOR SHALL NOTIFY ARCHITECT OF DISCREPANCIES TO THE ARCHITECT FOR RECONCILIATION BEFORE CONSTRUCTION. DIMENSIONS ARE NOT TO BE SCALED FROM THE DRAWINGS. CONTRACTOR SHALL OBTAIN CLARIFICATION FROM THE ARCHITECT BEFORE PROCEEDING IF DIMENSIONS ARE NOT SHOWN ON THE DRAWINGS.
3. BUILDING ENVELOPE IS DEFINED AS A GUIDE TO ENGINEERING. IT IS BASED ON CURRENT ARCHITECTURAL PLANS. FINAL BUILDING ENVELOPE MAY VARY FROM FOOTPRINTS OR CONFIGURATIONS SHOWN HEREIN.

LEGEND
Entry Wall
Brick Wall
Timber Wall
Wood Fence
Iron Fence
Brick Pier
Mail Box
Bollard Light
Street Light 175 Watt
Street Light 250 Watt
Interlocking Pavers
Poles

KEY MAP
NOT TO SCALE

NOTE:
REAR YARDS WITHOUT FENCING:
SEC. 1 - LOTS 46-50
SEC. 3 - LOTS 9-12
POSSIBLE DECK PROJECTION
POSSIBLE PATIO PROJECTION

COBBLESTONE
Grading & Dimension Plan

PHASE I

TALLES CONSTRUCTION

BERKUS GROUP ARCHITECTS

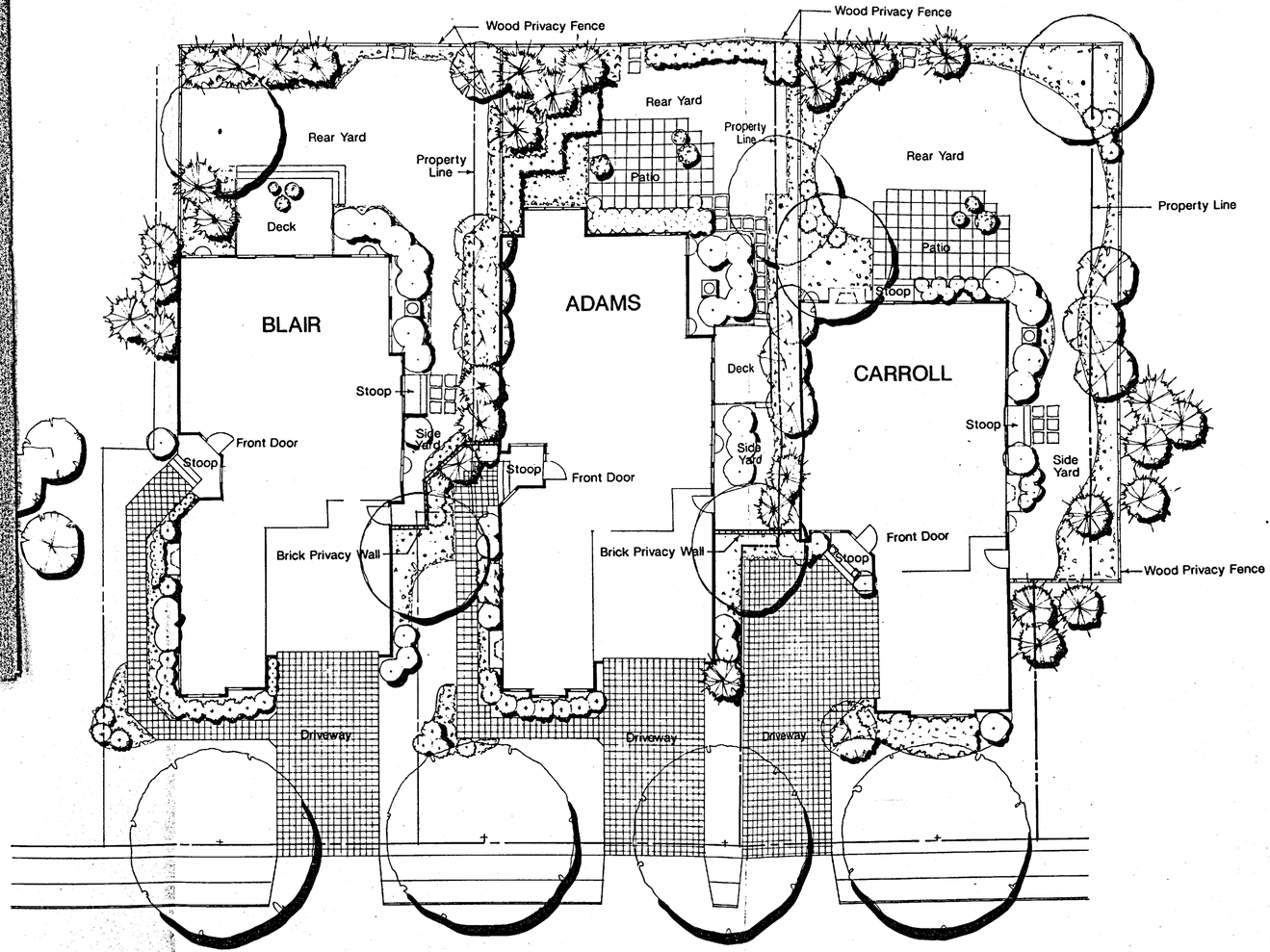
DATE

SCALE : 1" = 20'-0"

G-1

A TALLES HOMES COMMUNITY

COBBLESTONE



PETITIONER'S EXHIBIT 5

BERKUS GROUP ARCHITECTS

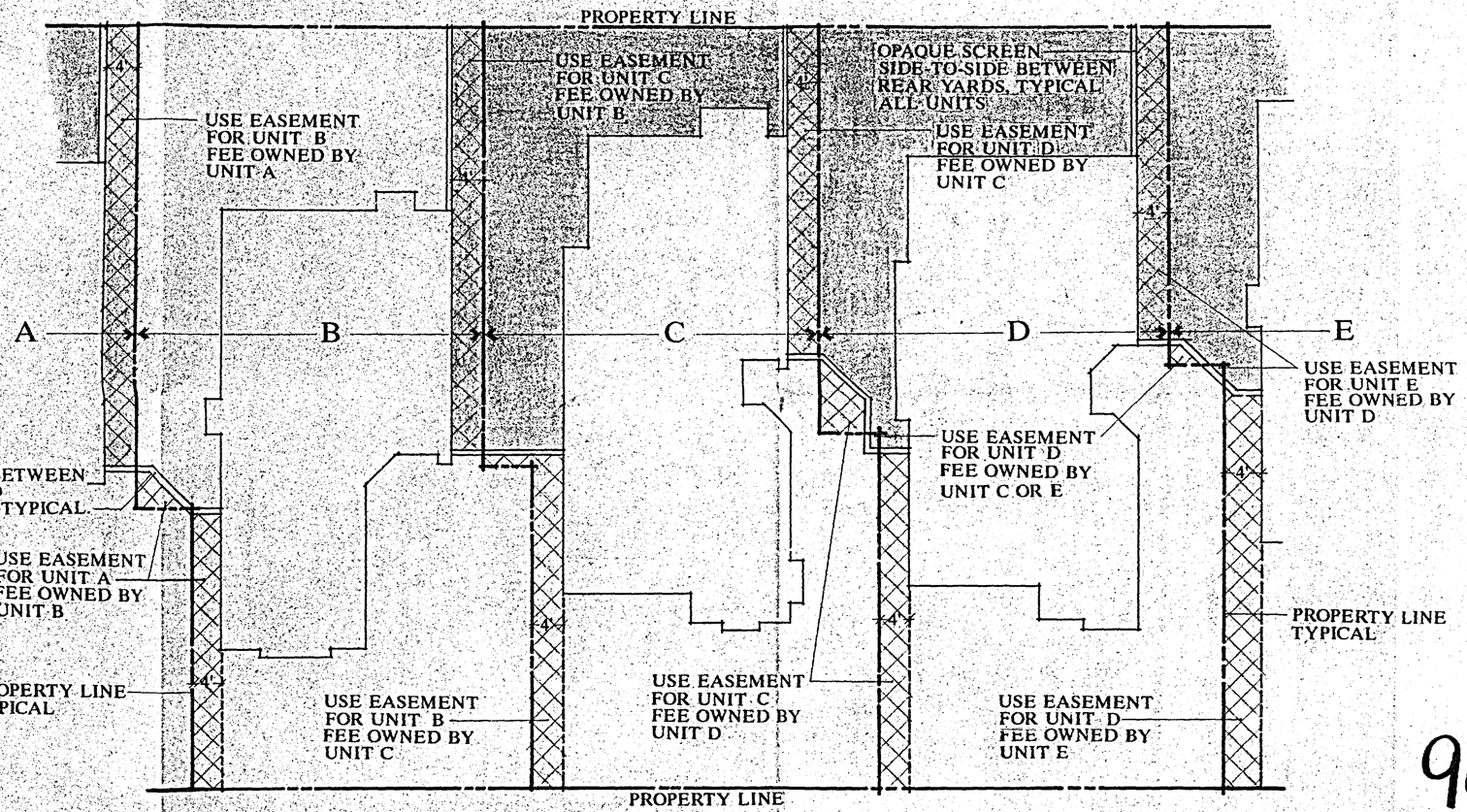
COBBLESTONE

LANDSCAPE PLAN FOR MODEL UNITS

1-31-90

1"=10'-0"

preliminary not for construction



90-445-SPHA

HATCHED AREA REPRESENTS USE EASEMENT AREAS.

SHADED AREA REPRESENTS TYPICAL AREA FOR DECK AND PATIO LOCATIONS

303

BERKUS GROUP ARCHITECTS
Waterfront Center 1010 Wisconsin Ave. NW Suite 650 Washington, DC 20007 202.333.3777

HOPKINS PROPERTY

PLAT TO ACCOMPANY VARIANCE PETITION AND SPECIAL HEARING SHEET 2 OF 2

1"=10'-0"

3377-R

preliminary not for construction

APR 12 1990

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 11, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

INFORMATION:

Item Number: 303

Petitioner: Mt. Wilson Joint Venture

Property Location: Northwest corner Mt. Wilson Lane and Reisterstown Road

Property Size: 37.36

Zoning: DR-3.5, O-1

Request: The Petitioner requests a Special Hearing to approve the use of an easement and for an open projection/deck and/or private space by an adjoining fee property owner, and a Variance to permit a 0 ft. setback for an open projection in lieu of the required 11.25 ft. for side and rear and 26.25 ft. for rear yard tract boundary.

SUMMARY AND RECOMMENDATIONS:

Petitioner is requesting variances to allow for the placement of decks and patios within a zipper lot development. The concept of zero lot line or zipper lots is to reduce lot size while still maintaining a sizeable structure on the lot. The reduction in lot size obviously restricts the size of the front, side and rear yards. As these yard areas are reduced it becomes imperative that some level of privacy for the homeowners needs to be maintained. Private yard space provides an area for outdoor sitting, eating, playing, etc. The privacy factor for zero lot or zipper lot projects is provided by using the adjoining structure as a wall, hence utilizing the side yard for open space, and by providing fences and/or walls along the sides and rear of the lot as well as between buildings. This use of fencing thus assures that a private yard area will be maintained.

Based upon the analysis conducted, staff supports the Petitioner's request subject to the following:

1. Decks and patios shall not cover more than 50% of the yard area, and shall be limited to side and rear yards.

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Mt. Wilson Joint Venture
Page 2
April 11, 1990

2. Decks and patios shall not be covered, including arbors, awnings or canopies.
3. No deck shall be located closer than 4 ft. to an adjoining structure or wall.
4. No patio shall be located closer than 2 ft. to an adjoining structure or walls.
5. No deck or patio shall be located closer than 8 ft. to a property line that does not have a wall or fence.
6. A typical fence detail (standard) shall be provided throughout the site. Fences shall be opaque and shall be shown on an exhibit approved as part of the request. The exhibit shall show the typical house, typical building setbacks, typical fence location and style and typical area to contain decks.

ANALYSIS

Zoning History: The Petitioner received CRG approval for this project on February 2, 1989. A series of variances to allow for building separations was reviewed and approved. At that time it was not anticipated that decks or patios would be affected by the reduced yard areas.

Site Descriptions: The Petitioner's property is approximately 37.36 acres in size. The property is located at the northwest corner of Mt. Wilson Lane and Reisterstown Road just north of I-695. The site is predominantly wooded with a small drainage area and floodplain running along the southeast side of the property. The property has been designed to accommodate 118 "zipper lot" single-family detached homes. The site incorporates an internal path system and open space areas as part of the recreational amenity to residents.

Location and Character of Area: The general area in which this property is located is largely undeveloped. Major properties adjacent to this site include to the west, Baltimore County - recreation playing fields; to the north, Blaustein property - farm fields and building; to the east, Holy Trinity Fathers, which is predominantly woods and fields; to the south, vacant O-1 parcel and commercial development. The majority of the surrounding area is wooded or in fields and can be characterized as being considered for development in some form or another.

Site Analysis: The project has undergone CRG review and a hearing before the Zoning Commissioner. This analysis focuses on the micro effect of the relationship of the side and rear yards to the proposed homes. The provision of opaque fencing and/or walls is required to assure adequate yard privacy for homeowners. The provision of decks and patios within these areas should not be constructed so as to infringe or encroach on this "built-in" privacy. Adequate controls and standards can be incorporated into the project to allow

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Mt. Wilson Joint Venture
Page 3
April 11, 1990

the provision of decks and patios without negatively impacting adjoining owners privacy.

Environment: Environmental factors have been addressed through the CRG.

Transportation: The Petitioner's request does not affect the transportation aspect of this project.

Conformance with Zoning Regulations: The Petitioner has received the relief necessary to allow for the development of this project. Additional relief is being requested in order to provide decks and patios.

1989 Master Plan: Page 69, Improving Design and Development Quality, states "Actions: 3. Establish special standards for innovative housing types such as zero line, zipper lots,..." staff is currently in the process of revising standards to the CMDP that will specifically address this issue. The Petitioner's request falls within the standards being generated by staff.

Approved/Proposed Plans: The subject property falls within the 1988 Reisterstown Road Corridor Study area.

The project complies with the study in regards to use, site design, and provision of a promenade along Reisterstown Road.

Interagency Comments: See attached.

Report prepared by:

Arnold F. (Pat) Keller, III
Deputy Director

Date: April 11, 1990

JL/PK/cmm

ITEM303/ZAC1 PK/JL/cmm

MICROFILMED

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

MARCH 22, 1990

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: MT. WILSON JOINT VENTURE

Location: HOPKINS PROPERTY

Item No.: 303 Zoning Agenda: MARCH 27, 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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

A MINIMUM CLEAR WIDTH OF 3 FEET SHALL BE PROVIDED BETWEEN PROPERTY LINES FOR FIRE DEPARTMENT ACCESS.

REVIEWER: Capt Joseph Kelly 3-22-90 Noted and Approved Capt. W.F. Brady 3-27-90
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

MAR 27 1990

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 3, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 27, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 295, 296, 298, 299, 301, 303, 304, 305 and 306.

For Item 293, a County Review Group Meeting may be required.

For Item 294, the previous County Review Group comments apply and a Public Works Agreement may be required.

For Item 297, a County Review Group Meeting and Public Works Agreement may be required.

For Item 302, the previous County Review Group comments apply.

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

RWB:s

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

90-445-SPHA

TO: J. Robert Haines,
Zoning Commissioner

DATE: March 5, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

Item #303

SUBJECT: HOPKINS PROPERTY

On February 9, 1990, I met with representatives of the 'zipper lot' development known as the Hopkins Property. As you may recall, these individuals petitioned for a host of Variances to allow for the construction of this project. One of the most important elements of the project is the provision of walls and fences to establish private yard areas for homeowners. All of the lots, excluding 9-12 and 45-50, have completely enclosed side and rear yards. The walls and fences are of uniform design and materials, and will be constructed prior to occupancy. Due to the very tight lot lines and setbacks, the petitioners were apparently unaware of the zoning restrictions on decks and patios.

The petitioners (developers) met with me to discuss their future requests for decks and patios. As presented to me, their request will be to limit the petition as follows:

1. 0 ft. setbacks from rear and side yards.
2. Allowances for projection into the easement area.
3. Yard coverage limited to 50%.
4. Decks and patios will not be covered.

In cases such as these, issues related to planning involve 1) protecting residents from abuses by adjoining neighbors, and 2) assuring that future abuses can be controlled. As you are acutely aware, once a project is developed and residents change and begin to build decks and extensions to buildings without the necessary permits, the County is often the recipient of the complaints. The use of decks and patios within these enclosed areas is appropriate for this particular development due to the controls on privacy that are being provided. Because the lots are smaller, the provision of useable decks and patios necessitates in the need for Variances.

RECEIVED
MAR 7 1990
ZONING OFFICE

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Because the request deals with areas that are enclosed (private spaces), I would suggest that the following conditions be applied:

1. No deck should be located closer than four feet to an adjoining structure, or wall.
2. No patio should be located closer than two feet to an adjoining structure or well.
3. Decks and patios shall be limited to side and rear yards and not cover more than 50% of these areas.
4. No deck or patio shall be covered, including arbors, awnings, or canopies.
5. No deck or patio shall be located closer than eight feet to a property line that does not have a wall or fence.

HOPKINS/TXTGGL

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 22, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: HOPKINS PROPERTY (COBBLESTONE)

Based upon recent conversations with the petitioner, staff is suggesting recommended changes to the comments submitted in the memorandum dated March 5, 1990.

1. The provision of easement areas is a method of allowing adjoining homeowners access to the sides of their dwellings in order to conduct maintenance. The easements in reality are useable yard areas which serve as a convenience for the adjoining howeowner. Encroachment into these areas as limited in staff's proposed conditions is adequate.

2. Restriction No. 5 relates to nine lots that will not have rear walls. The petitioner has demonstrated that these lots will 1) back into protected open space (non useable), and 2) will not have pathways traversing behind the rear yards. Based upon this information, staff would suggest that Restriction No. 5 be amended to include the same patio (2 foot) and deck (4 foot) setbacks for these nine lots only as outlined by the petitioner.

plus 45-50 Section 1
9-12 Section 3

HOPKINS.2/TXTGGL

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Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number № 1638

Date 5/7/90

M9000903

PUBLIC HEARING FEES	QTY	PRICE
080 -ZONING VARIANCE (OTHER)	1	$175.00
080 -ZONING VARIANCE (OTHER)	1	$175.00
	TOTAL:	$350.00

LAST NAME OF OWNER: MOUNT WLSN JNT VN

B 146*****3500:a 0088F

Please make checks payable to: Baltimore County

Cashier Validation:

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 90-445-SPHA
Towson, Maryland

District 3rd Date of Posting 4-23-90

Posted for: Special Hearing & Variances

Petitioner: Mt. Wilson Joint Venture - Berngar H. G. Development

Location of property: N/S of Mt. Wilson Lane, 727'± W of Reisterstown Road - P.O.B. Pikesville Road & Mt. Wilson Lane

Location of Signs: North side of Mt. Wilson Lane approx. 150' West of Pikesville Road

Remarks:

Posted by S. J. Ostrom (Signature) Date of return: 4-27-90

Number of Signs: 2

MICROFILMED

Petitions for Special Hearing and Zoning Variance
Case number: 90-445-SPHA
N/S Mt. Wilson Lane, 727'± W of Reisterstown Road
(Hopkins Property)
3rd Election District - 3rd Councilmanic
Petitioner(s): Mt. Wilson Joint Venture, Berngar-H. G. Development Co., Inc.
Hearing Date: Tuesday, May 22, 1990 at 3:00 p.m.

Special Hearing: The use of an easement area for an open projection patio/deck and/or private space by an adjoining fee property owner. Variances: To permit a 0 ft. setback for an open projection patio/deck in lieu of the required 11.25 ft. for side and rear and 26.25 ft. for rear yard tract boundary.

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
Zoning Commissioner of
Baltimore County

JO 4295 April 26.

$96.56

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 26, 1990.

OWINGS MILLS TIMES,

S. Zeke Orlinsky

Publisher

PO 104496

MICROFILMED

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 21204 as follows:

Petitions for Special Hearing and Zoning Variance
Case number: 90-445-SPHA
N/S Mt. Wilson Lane, 727'± W of Reisterstown Road
(Hopkins Property)
3rd Election District - 3rd Councilmanic
Petitioner(s): Mt. Wilson Joint Venture, Berngar-H. G. Development Co., Inc.
Hearing Date: Tuesday, May 22, 1990 at 3:00 p.m.

Special Hearing: The use of an easement area for an open projection patio/deck and/or private space by an adjoining fee property owner. Variances: To permit a 0 ft. setback for an open projection patio/deck in lieu of the required 11.25 ft. for side and rear and 26.25 ft. for rear yard tract boundary.

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J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JO 4295 April 26.

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 30, 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 April 26, 1990

THE JEFFERSONIAN,

S. Zeke Orlinsky

Publisher

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number № 2554

Date 5/21/90

90-445

M9000836

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING 1	X	$146.56
	TOTAL:	$146.56

LAST NAME OF OWNER: MOUNT WLSN JNT VN

B 022*****14656:a 023SF

Please make checks payable to: Baltimore County

Cashier Validation:

MICROFILMED

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

DATE 5/8/90

Mt. Wilson Joint Venture
Berngar - H. G. Development Co., Inc.
1133 Greenwood Road
Baltimore, Maryland 21208

Re: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-445-SPHA
N/S Mt. Wilson Lane, 727'± W of Reisterstown Road
(Hopkins Property)
3rd Election District - 3rd Councilmanic
Petitioner(s): Mt. Wilson Joint Venture/Berngar-H. G. Development Co., Inc.
HEARING: TUESDAY, MAY 22, 1990 at ~~11:00 a.m.~~ 3:00 p.m.

Gentlemen:

Please be advised that $146.56 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 OR THE ORDER SHALL NOT ISSUE. 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 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional $50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: Benjamin Bronstein, Esq.

MICROFILMED

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

J. Robert Haines
Zoning Commissioner

April 9, 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 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-445-SPHA
N/S Mt. Wilson Lane, 727'± W of Reisterstown Road
(Hopkins Property)
3rd Election District - 3rd Councilmanic
Petitioner(s): Mt. Wilson Joint Venture/Berngar-H. G. Development Co., Inc.
HEARING: TUESDAY, MAY 22, 1990 at 11:00 a.m.

Special Hearing: The use of an easement area for an open projection patio/deck and/or private space by an adjoining fee property owner.
Variance: To permit a 0 ft. setback for an open projection patio/deck in lieu of the required 11.25 ft. for side and rear and 26.25 ft. for rear yard tract boundary.

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 of
Baltimore County

cc: Bernard G. Robbins
David S. Thaler
Benjamin Bronstein, Esq.

MICROFILMED

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

J. Robert Haines
Zoning Commissioner

May 3, 1990

Dennis F. Rasmussen
County Executive

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

RE: Item No. 303, Case No. 90-445-SPHA
Petitioner: Mt. Wilson Joint Venture
Petition for Special Hearing and
Zoning Variance

Dear Mr. Bronstein:

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. Bernard G. Robbins, President
Mr. David S. Thaler

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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

28th day of March, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Bernard G. Robbins, et al

Petitioner's Attorney: Benjamin Bronstein

MICROFILMED

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

March 23, 1990

Dennis F. Rasmussen
County Executive

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 293, 294, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, and 306.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lvw

RECEIVED
MAR 27 1990
ZONING OFFICE

MICROFILMED

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - N/S of Mt. Wilson Lane, 727' W of Reisterstown Road
3rd Election District
3rd Councilmanic District

Mt. Wilson Joint Venture, Berngar-H.G. Dev.Co.,Inc. - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-445-SPHA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the use of an easement area for an open projection (patio/deck) and/or private space by an adjoining fee property owner, and a variance to permit side and rear yard setbacks of 0 feet each in lieu of the required 11.25 feet for both for an open projection patio/deck, and/or 26.25 feet for the rear yard at tract boundary, all as more particularly described in Petitioner's Exhibits 1 through 5.

The Petitioners, by Bernard G. Robbins, President of Talles Construction Company, and Hal Zaslow, Architect, appeared, testified and were represented by Benjamin Bronstein, Esquire. Appearing as an interested party was Jerome H. Kadden. Pat Keller, Deputy Director of Planning, appeared at the request of Petitioners on behalf of the Office of Planning and Zoning. There were no Protestants.

Testimony indicated that the subject property consists of 37.36 acres zoned D.R. 3.5 and is located on the west side of Reisterstown Road and the north side of Mt. Wilson Lane and is the site of a residential housing subdivision known as Cobblestone. Said property was the subject matter of previous zoning Case No. 89-443-A in which the Petitioners were granted variances to setback requirements for all lots in the subdivision. The variance and special hearing requests in this instance relate to the

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Date 6/4/90
By

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utilization of decks and patios in private yard space on each lot.

The Petitioner's use of the property is for "Z" lot line type housing. Petitioners indicated "Z" lot lines are preferable to townhouses and other forms of detached housing on the subject site because it permits detached single family units with yard space and privacy for each family while preserving a large expanse of common open space for use by all lot owners. Each lot owner has included in its private side yard an exclusive 4-foot easement area owned in fee by the adjoining lot owner as depicted in the typical drawing identified as Petitioner's Exhibit 5. The lots are uniformly fenced and none of the lots have a common rear boundary.

Petitioners argued that while Bill No. 100, 1970, specifically set forth a need to foster a greater variety of housing types, the area bulk regulations do not specifically provide for "Z" lot line homes. Since the current regulations are not designed for "Z" lot line houses and in order to provide flexibility for all homeowners in utilization of private space, it is necessary that the variance and special hearing requests be applicable to all lots in the subject development. The Petitioner has accepted the recommendations of the Office of Planning with a slight modification as agreed to by both parties. In addition, the Petitioner will subject all lots to a Homeowners Association (HOA) with restrictive covenants. Petitioners indicated the plan provides that all exterior maintenance will be done by the HOA.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special condi-

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tions unique to this particular parcel and the lack of area regulations for "Z" lot line lots in the B.C.Z.R. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

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).

It is clear from the testimony that if the variance is 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 these Petitions held, and for the reasons given above, the relief requested in the special hearing and variance Petitions should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of June, 1990 that the Petition for Special Hearing to approve the use of an easement area for an open projection

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Date 6/4/90
By

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(patio/deck) and/or private space by an adjoining fee property owner, and the Petition for Zoning Variance to permit side and rear yard setbacks of 0 feet each in lieu of the required 11.25 feet for both for an open projection patio/deck, and/or 26.25 feet for the rear yard at tract boundary, in accordance with Petitioner's Exhibits 1 through 5, 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 permit 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) No deck should be located closer than 4 feet to an adjoining structure or wall.

3) No patio should be located closer than 2 feet to an adjoining structure or wall.

4) All decks and patios shall be limited to side and rear yards and not cover more than 50% of these areas, including the easement area.

5) No deck or patio shall be covered, including arbors, awnings, or canopies.

6) A typical fence detail (standard) shall be provided throughout the site. Fences shall be opaque and shall be shown on an exhibit approved by the Director or Deputy Director of Planning and submitted to the Zoning Commissioner's Office prior to the issuance of any permits for decks or patios. The exhibit shall show the typical house, typical building setbacks, typical fence location and style and typical area to contain decks.

7) 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 6/4/90
By

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303

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-445-SPHA

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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the use of an easement area for an open projection patio/deck and/or private space by an adjoining fee property owner.

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

I, or we, agree to pay expenses of the above Special Hearing 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:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s): Mt. Wilson Joint Venture

Berngar - H.G. Development Co., Inc., Partner
(Type or Print Name) Bernard G. Robbins, President

Signature

Bernard G. Robbins, President
(Type or Print Name)

Signature

Attorney for Petitioner:
EVANS, GEORGE & BRONSTEIN
Benjamin Bronstein
(Type or Print Name)

Signature

29 W. Susquehanna Ave., Suite 205
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: (301) 296-0200

1133 Greenwood Road 486-5350
Address Phone No.

Baltimore, Maryland 21208
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

David S. Thaler
Name
7115 Ambassador Road
Baltimore, Maryland 21207 944-3647
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22 day of May, 1990 at 11 o'clock A.M.

Filed 3/7/90
By DOR
Any Time or Day
1½ Hrs Hearing Time

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
Date 6/4/90
By

MICROFILMED

303

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-445-SPHA

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 301.1 (Policy S 11 E) to permit a 0 ft setback for an open projection patio/deck in lieu of the required 11.25 ft for side and rear and 26.25 ft for rear yard tract boundary.

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

1. Design of improvements.
2. And for such other and further reasons as may be presented at the time of hearing.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s): Mt. Wilson Joint Venture

Berngar - H.G. Development Co., Inc., Partner
(Type or Print Name) Bernard G. Robbins, President

Signature

Bernard G. Robbins, President
(Type or Print Name)

Signature

Attorney for Petitioner:
EVANS, GEORGE & BRONSTEIN
Benjamin Bronstein
(Type or Print Name)

Signature

29 W. Susquehanna Ave., Suite 205
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 301-296-0200

1133 Greenwood Road 486-5350
Address Phone No.

Baltimore, Maryland 21208
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

David S. Thaler
Name
7115 Ambassador Road
Baltimore, Maryland 21207 944-3647
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22 day of May, 1990 at 11:15 o'clock A.M.

Filed 3/7/90
By DOR
Any Time or Day
1½ Hrs Hearing Time

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
Date 6/4/90
By

MICROFILMED

303

March 5, 1990

DESCRIPTION OF 37.363 ACRE, MORE OR LESS, PARCEL
OF THE SAMUEL HOPKINS, ET AL. PROPERTY

90-445-SPHA

Beginning for the same at a point in the centerline of Mt. Wilson Lane, Maryland Route 400, which point is South 69° 32'40" West 727.35 feet from the intersection of the centerline of Mt. Wilson Lane with the centerline of Reisterstown Road, Maryland Route 140; thence, binding upon the centerline of Mt. Wilson Lane, South 69° 32'40" West 407.93 feet to a P.K. nail (found), a corner of a parcel of land of John W. Tastet, recorded among the Land Records of Baltimore County, Maryland in Liber 5996 folio 599; thence, binding upon the said land of John W. Tastet, North 54° 10'14" West 438.51 feet to a point; North 18° 35'14" West 310.32 feet to a point; South 69° 32'40" West 476.30 feet to a point; and South 70° 40'10" West 102.09 feet to intersect a line of a parcel of land of Baltimore County, Maryland recorded among the said Land Records in Liber 5432 folio 576; thence, binding upon the last mentioned land North 19° 13'43" West 326.35 feet to an iron pin (found), and, South 70° 49'40" West 195.05 feet to a point, a corner of a parcel of land of William and Peggy Anne Lyon, recorded among the said Land Records in Liber 6761 folio 038; thence, binding upon the last said land, North 08° 20'50" West 528.07 feet to a point on the centerline of a 50 foot right-of-way for a private road; thence, binding upon the last mentioned centerline, North 83° 26'35" East 335.93 feet to a point; and, North 79° 10'30" East 1219.20 feet to intersect the above mentioned centerline of Reisterstown Road, a 66 foot

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road, thence, binding upon the centerline of said Reisterstown Road, South 42° 16'20" East 457.48 feet to a point; thence, leaving the last said centerline, and running partly through the lands of which this is a part, for a new line of division, South 05° 46'23" West 908.00 feet to the point of beginning.

Containing 37.363 acres of land, more or less.

STATE OF MARYLAND
JOHN W. HOUGH
No. 6531
REGISTERED
PROFESSIONAL
LAND SURVEYOR

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Benjamin Bronstein	205 Susquehanna Ave 21204
[illegible]	1133 Greenwood Rd 21208
HAL ZASLOW	1133 Greenwood Rd 21208
Interested Parties	
Jerome H Kadden	400 Mt. Wilson Lane 21208

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

April 12, 1990

Benjamin Bronstein, Esq.
23 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

Re: Case Number: 90-445-SPHA
Petitioner: Mt. Wilson Joint Venture/Berngar
H.G. Development Co., Inc.
Location: N/S Mt. Wilson Lane, 727' +/- W of Reisterstown Road

Dear Mr. Bronstein:

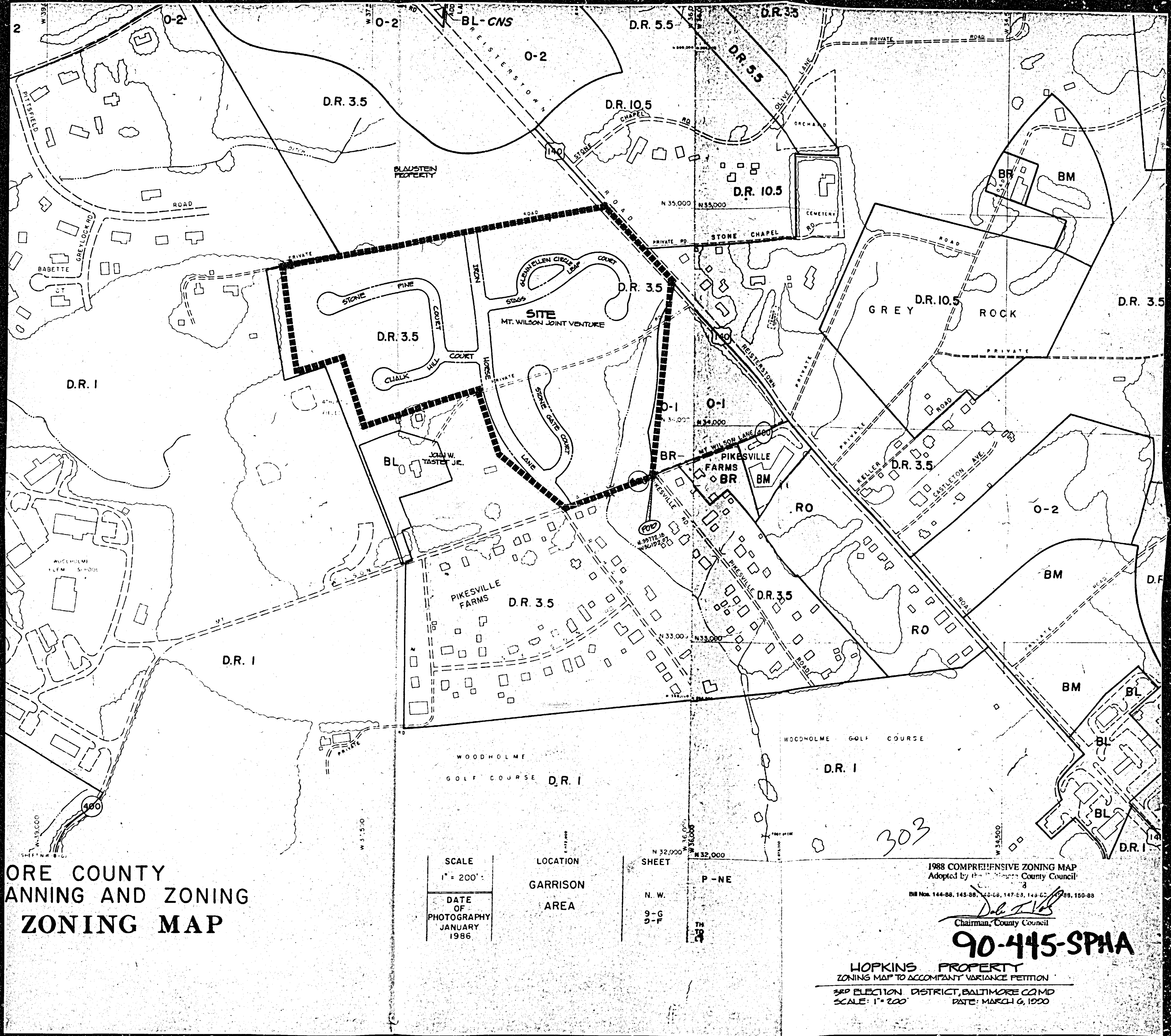
This will confirm our conversation wherein you informed this office that you have a case before the Board of Appeals at 10:00 a.m. on May 22, 1990.

It also confirms that the instant matter has been moved and will proceed on May 22, 1990 at 3:00 p.m.

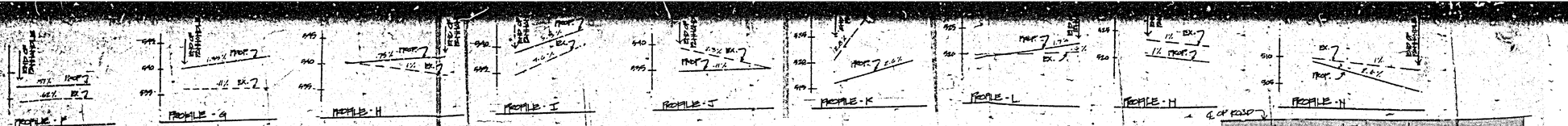
Very truly yours,

G. G. Stephens
(301)887-3391

GCS
cc: Bernard G. Robbins
David S Thaler
File



PANHANDLE PROFILES



TYP. LOT DETAIL

SCALE: 1"=30'

* FENCES, WALLS AND/OR SCREEN PLANTING TO BE PROVIDED FOR REARS OF UNITS THAT BACK UP TO OPEN SPACE TRACTS PERIMETER LESS THAN 35' FROM REAR WINDOWS AND WHERE UNITS BACK UP TO PUBLIC RIGHTS OF WAY.

VARIANCE REQUEST

1. 301.1 (POLICY SIIE) TO PERMIT A 0 FOOT SET BACK FOR AN OPEN PROJECTION PATIO/DECK IN LIEU OF THE REQUIRED 11.25 FEET FOR SIDE AND REAR AND/OR 26.25 FEET FOR REAR YARD AT TRACT BOUNDARY.

SPECIAL HEARING REQUEST

1. TO PERMIT THE USE OF AN EASEMENT AREA FOR AN OPEN PROJECTION PATIO/DECK AND/OR PRIVATE SPACE BY AN ADJOINING FEE PROPERTY OWNER.

EXISTING

- BUILDING ENTRANCE
- FLOW LINE
- ROAD CENTERLINE
- PROPERTY LINE
- BUILDING LINE
- EASEMENT LINE
- CURB & GUTTER
- SIDEWALK
- EDGE OF PAVEMENT
- CONTOURS
- SPOT ELEVATION
- TREE LINE
- FENCE
- WOODS LINE
- EXISTING STRUCTURE
- EXISTING TO BE REMOVED

PROPOSED

- STREET CENTERLINE
- CURB & GUTTER
- PROPERTY LINE
- BUILDING LINE
- EASEMENT LINE
- FLOW LINE
- CONTOURS
- SPOT ELEVATION
- STORM DRAIN
- INLET
- MANHOLE
- CURB INLET
- FLARE END SECTION
- STORM WATER MANAGEMENT POND
- SILT FENCE
- LIMIT OF DISTURBANCE
- 1 BEDROOM UNIT (@ 1 PER UNIT)
- 2 BEDROOM UNIT
- 3 BEDROOM UNIT

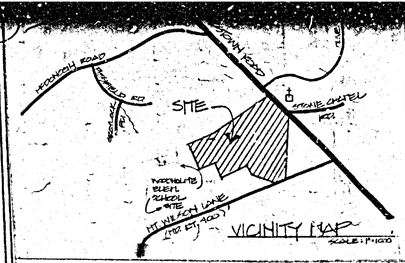
NO SIGHT LINES
ACTIVITY LANDSCAPE PLANTING

SEE PRELIMINARY SOILS

PLAT TO ACCOMPANY VARIANCE PETITION & SPECIAL HEARING

MARCH 6,1990

SHEET 1 OF 2



DEVELOPER
Mt. Wilson Joint Venture

GENERAL NOTES

1. DEVELOPMENT NAME: Hopkins Property

2. APPLICANT: MT. WILSON JT VENTURE (PENNROCK-U.S. DEVELOPMENT CO., INC.
c/o Tallen Construction Company
1133 Greenwood Road
Baltimore, Maryland 21208
Tel: (301) 486-5950
ATTN: Mr. Barbara Hamilton

3. PROPERTY OWNERS: MT WILSON JT VENTURE (PENNROCK-U.S. DEVELOPMENT CO., INC.
c/o TALLEN CONSTR. CO.
1133 GREENWOOD RD
Baltimore, Maryland 21208
Tel: (301) 486-5950
Deed Reference: 8162/225
Tax Account Numbers:
21-00-011684

4. CRG PLAN PREPARED BY: D.S. Thaler & Associates, Inc.
7115 Ambassador Rd
Baltimore, Maryland 21244
ATTN: Mr. Alan E. Scoll (Asst. Engr.)

5. GENERAL DATA: Election District: 3
Census Tract: 4037.02
Councilmanic District: 5
Watershed: 27
Subsewersheds: 65

6. SITE INFORMATION:
A. Gross surveys = 37.36 ac. ±
Net acreage = 37.36 ac. ±
B. Zoning
Existing Zoning DR-1.5 & DR-3.5 as ± 0.14 ac. ± 37.22 ac. ±
C. Density Calculations:
Allowable = 134 units / DR-3.5 = 10.4 ac. ± 0.14 ac. ± 3.30
Proposed = 116 units
D. Parking:
Required = 2/lot = 232 spaces
Parking Proposed: 232 spaces
E. Open Space:
Required: 112 K*950 S.F. = 1.75 ac. ±
Proposed: ± 15.0 ac. ± (of which 64 ac. ± is flood plain - 50% of remained) (LAND NOT INCLUDED UNDER RECREATION)
F. Landscape planting as specified in the Baltimore County Landscape Manual, Section 4F, Landscape Standards and Criteria. Landscape indicated on on Plan is schematic only.
Required:
116 units @ 1 tree/unit = 116 trees of which 75% are major deciduous, 25% minor deciduous or evergreen trees.

7. UTILITIES: Public water and sewer will be provided.

8. USE: The existing use is AGRICULTURE.
The proposed use is residential.

9. EXISTING: There are no known historic buildings, critical areas, archeological sites, endangered species, or hazardous materials on this site.

10. BOUNDS FROM EASEMENTS: All proposed roads are public. Existing and proposed easements are labeled on the plan.

11. AVERAGE DAILY TRIPS (ADTS): Average daily trips is calculated from the Baltimore County Comprehensive Manual of the Development Policy.
Average Daily Trips = 119 units x 10/unit = 1190 ADTS

12. STORM WATER MANAGEMENT: Storm water management will conform to Baltimore County Standards.

13. GRADING: Grading shown is schematic only.

14. VEGETATION: Existing vegetation will be retained in areas not needed for construction or grading. Existing vegetation consists primarily of cornfields.

15. SIGHT LINES: Proposed sight lines are shown on Plan and will be cleared and graded to ensure unobstructed sight.

16. STORAGE TANKS: There are no known underground storage tanks on site.

17. REFERENCES: Wetlands field delineated by Greenspring Environmental
Topography from Baltimore County Topographical Survey dated 1987

18. SOILS:

TYPE:	CLASS:	LIMITATIONS: F HOMES WITH BASEMENTS:	STREETS AND LOTS:
Chester Cob	B	Slight	Moderate
Glenelg GcB2	B	Slight	Moderate: Slopes
GcC2	B	Moderate	Severe: Slopes
GcC1	B	Moderate	Severe: Slopes
Glenville GnB	C	Severe	Severe

NOTE: BALTIMORE COUNTY ZONING COMMISSIONER HAS ADOPTED THE FOLLOWING VARIANCES ON C-R-S'S (CASE NO 90-445-A.)

1. A 25FT MINIMUM DISTANCE BETWEEN ALL BUILDINGS IN LIEU OF THE 60 FEET REQUIRED.
2. A MINIMUM DISTANCE OF 20FT BETWEEN THE CENTERLINE OF THE PRIVATE STREET AND ALL BUILDINGS IN LIEU OF THE REQUIRED 25 FEET.
3. A 0 FT MINIMUM DISTANCE BETWEEN WINDOWS AND PROPERTY LINE IN LIEU OF THE REQUIRED 30 FEET.
4. A 5 FT MINIMUM DISTANCE BETWEEN THE RIGHT-OF-WAY AND ALL PORCHES BUILDINGS IN LIEU OF THE REQUIRED 10 FEET.
5. A MINIMUM DISTANCE OF 30 FT BETWEEN ALL BUILDINGS AND INTERIOR RIGHT-OF-WAYS IN LIEU OF THE REQUIRED 40 FEET.

SUBJECT TO THE FOLLOWING RESTRICTION:
NO DAY CARE/ADULT DAY CARE

90-445-SPHA

CRG PLAN APPROVED: FEBRUARY 2, 1990

REVISIONS

PETITIONER'S EXHIBIT 4

DATE: 3/13/90
SCALE: 1" = 100'
C.I. 5'
DESIGNED BY
DRAWN BY
CHECKED BY
APPROVED BY

PETITIONER'S
EXHIBIT 2

BERKUS GROUP ARCHITECTS

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COBBLESTONE

LANDSCAPE PLAN FOR MODEL UNITS

1-31-90

1" = 10'-0"