FINDINGS OF FACT AND CONCLUSIONS OF LAN

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the owners of the subject property, Goldenwood Associates, by Frank Scarfield, through their attorney, Thomas L. Hennessey, Esquire. The Petitioners request relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Sections 1B01.2.C.2a (B.C.Z.R.) and V.B.5.a (C.M.D.P.) to permit a window to tract boundary distance of 30 feet in lieu of the required 35 feet for Lots 25 to 45; from Sections 1B01.2.C.6 (B.C.Z.R.) and V.B.6.a (C.M.D.P.) to permit a window to rightof-way line distance of 13 feet in lieu of the required 15 feet and from Section V.B.6.d (C.M.D.P.) to permit a window to centerline of public travelway distance of 51 feet in lieu of the required 53 feet for Lots 14 to 18; and from Sections 1801.2.C.2.a and 301.1.a (B.C.Z.R.) to permit an open projection distance to tract boundary of 18 feet in lieu of the minimum required 26.25 feet for Lots 25 to 45, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petitioner were Frank Scarfield, a principal in the development of this property, and Wilbur Duvall, Registered Professional Engineer. The Petitioners were represented by Thomas L. Hennessey, Esquire. There were no Protestants.

Testimony indicated that the subject property consists of 9.2 acres, zoned D.R. 5.5, and is located off of Golden Ring Road in the Rosedale section of Baltimore County. The Petitioners are desirous of developing the property with townhouse dwelling units. Testimony indicated that the Petitioners originally planned to construct a continuous row of townhomes with a common front foundation wall. However, as the development progressed, the Petitioners surmised that if the townhomes were offset, or staggered, the properties would be more saleable and the development more attractive. Mr. Scarfield testified that he is hoping to provide affordable housing to the citizens of Baltimore County and that he met with Frank Welsh, Director of the Baltimore County Department of Community Development, in an attempt to obtain funding for the proposed develop-After meeting with Mr. Welsh, it was decided that the townhouses should be staggered in order to make the development more attractive and a better candidate for public funding. As a result of the proposed staggering of the homes in question, the requested variances are necessary.

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:

- 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.

- 2-

ER RECEIVED FOR FILING

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, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of January, 1993 that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Sections 1B01.2.C.2a (B.C.Z.R.) and V.B.5.a (C.M.D.P.) to permit a window to tract boundary distance of 30 feet in lieu of the required 35 feet for Lots 25 to 45; from Sections 1B01.2.C.6 (B.C.Z.R.) and V.B.6.a (C.M.D.P.) to permit a window to right-of-way line

Jistance of 13 feet in lieu of the required 15 feet and from Section V.B.6.d (C.M.D.P.) to permit a window to centerline of public travelway distance of 51 feet in lieu of the required 53 feet for Lots 14 to 18; and from Sections 1B01.2.C.2.a and 301.1.a (B.C.Z.R.) to permit an open projection distance to tract boundary of 18 feet in lieu of the minimum required 26.25 feet for Lots 25 to 45, in accordance with Petitoner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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) The Petitioners shall amend the Final Development Plan for Goldenwood indicating all variances granted pursuant to this case and indicating that no lots have been sold within 300 feet of these variances.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

1993

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

Thomas L. Hennessey, Esquire

407 W. Pennsylvania Avenue

03

(410) 887-4386

January 11, 1993

Towson, Maryland 21286

RE: PETITION FOR ZONING VARIANCE
 NW/S Wilenoak Court, 50' W of the c/l intersection of Golden Ring Road and Bassett Road (Goldenwood)
 14th Election District - 6th Councilmanic District

Goldenwood Associates - Petitioners Case No. 93-166-A

Dear Mr. Hennessey:

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 887-3351.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: People's Counsel

TMK:bjs

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at Golden Ring Road & Wilen Oak Court which is presently zoned DR 5.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) See attachment 'A' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or To be discussed at hearing Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. We do solemnly declare and affirm, under the penalties of perjury, that I/we are the Engineer Goldenwood Associates 530 East Joppa Road Frank Scarfield 6610 Holabird Avenue 633-2900 Baltimore MD 21222 Mark Kromm 530 East Joppa Road 583-9571 5 6 6

Goldenwood Attachment "A" 93-166-A

Lots 25 to 45
Variance from sections 1801.2.C.2a (B.C.Z.R.) and V.B.5a (C.M.D.P.) to permit a window to tract boundary distance of 30 feet in lieu of the required 35 feet.

Lots 14 to 18

Variance from sections 1B01.2.C.6 (B.C.Z.R.) and V.B.6.a. (C.M.D.P.) to permit a window to right-of-way line distance of 13 feet in lieu of the required 15 feet and V.B.6.d. (C.M.D.P.) to permit window to centerline of public travelway distance of 51 feet in lieu of the required 53 feet.

Lots 25 to 45

Variance from sections 1801.2.C.2.a (B.C.Z.R.) and 301.1.a. (B.C.Z.R.) to permit an open projection distance to tract boundary of 18 feet in lieu of the required 26.5 feet.

U. 25 Holy

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

ZONING DESCRIPTION
"GOLDENWOOD"
PLAT BOOK S.M. 59 FOLIO 63

- 4-

93-166-A

BEGINNING for the same at a point on the Northeasternmost right-of-way line of Golden Ring Road, said point being North 35 degrees West 50 feet from the centerline intersection of Bassett Road and Golden Ring Road, thence running for the following eleven courses and distances, viz:

- North 53 degrees 14 minutes 00 seconds West 38.57 feet; thence
 By a curve to the left having a radius of 570.61 feet and an arc length of 118.46 feet being subtended by a chord bearing North 59 degrees 10 minutes 51 seconds East 118.25; thence
- 3. North 08 degrees 14 minutes 24 seconds East 322.06 feet; thence
 4. North 72 degrees 30 minutes 53 seconds West 214.23 feet; thence
 5. South 20 degrees 39 minutes 12 seconds West 6.55 feet; thence
- 5. South 20 degrees 39 minutes 12 seconds West
 6.55 feet; thence
 7. North 20 degrees 39 minutes 12 seconds East
 6.55 feet; thence
 6.55 feet; thence
 6.55 feet; thence
- 8. South 70 degrees 11 minutes 09 seconds East 187.18 feet; thence 9. North 08 degrees 14 minutes 24 seconds East 103.66 feet; thence 10. South 53 degrees 14 minutes 00 seconds East 297.00 feet; thence
- 10. South 53 degrees 14 minutes 00 seconds East 297.00 feet; thence 11. South 15 degrees 54 minutes 23 seconds West 1043.59 feet to the point of the beginning.

CONTAINING 9.2 acres of land, more or less.



530 East Joppa Road/Towson, Maryland 21286/(410) 583-9571

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 93 - 14-6-14

Posted for:	Date of Post	lag 13/13 / 9
	601547 110, 4 1/38, 51 6 × 5	
	operty: 135 + S. F. America Place , 95, 64'	Ms 16. La Care
	me the string Films Any Rd of	
	g lander requested in the	
Remarks:	tou developer one of No reads / sading in	to property

Variance to Lots 25 to 45 to permit a window to tract boundary distance of 30 feet in lieu of the required 35 feet, and to permit an open projection distance to tract boundary of 18 feet in lieu of the required 26:25 feet; and for Lots 14 and 18 to permit a window to right-of-way line distance of 13 feet in lieu of the required 15 feet, and to permit window to center-

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 1210, 19 9.2

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

December 28, 1992

(410) 887-3353

Thomas L. Hennessey, Esquire 407 W. Pennsylvania Avenue Towson, MD 21286

> RE: Case No. 93-166-A, Item No. 175 Petitioner: Goldenwood Associates Petition for Variance

Dear Mr. Hennessey:

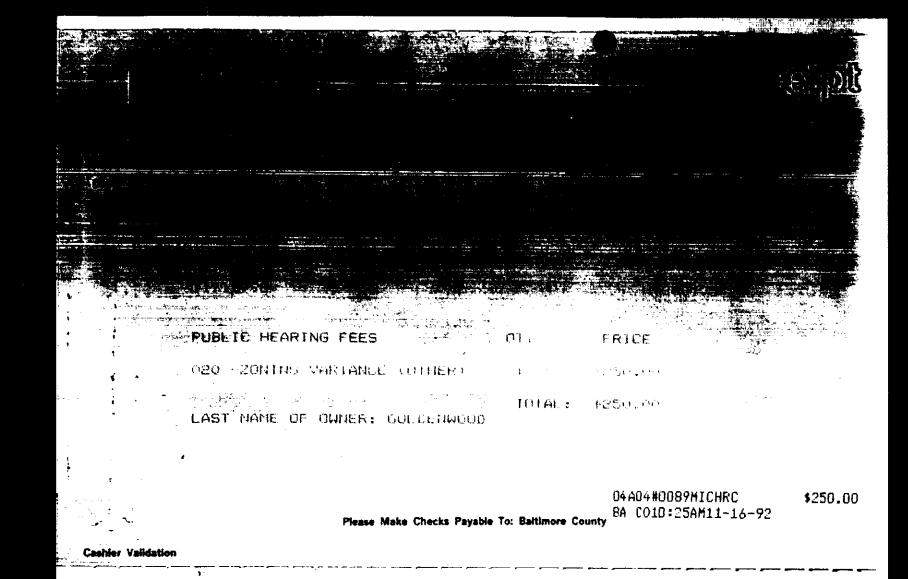
The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper



Zonský židane is tradice iš kavolopimont litava sament. 13 год маржаве военно — -т. Матуйн - 21203

Accomp. Roy 1:6150

Compared to the Afficiant Service of Contract Con-

JAAGA HUUFUATUNG. Please Make Checks Payable To. Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21201

Cashier Validation

(410) 887-3353

Your petition has been received and accepted for filing this 16th day of November 1992.

Zoning Plans Advisory Committee

Petitioner: Coldenwood Associates Petitioner's Attorney: Thomas L. Hennessey

Printed on Recycled Paper

Baltimore County Government Office of Zoning Administration and Development Management

EWest Chesapeake Avenue Lowson, MD 21201

(410) 887-3353

Goldenwood Associates 6610 Holabird Avenue Baltimore, Maryland 21222

CASE NUMBER: 93-166-A (Item 175) N/S & S/S Tameron Place, 85.64' N/S Wilen wax Court 14th frection District - 6th Councilmanic Petitioner(s): Goldenwood Associates HEARING: TUESDAY, JANUARY 5, 1992 at 11:00 a.m. in Room 118, 01d Courthouse.

Flease be advised that \$ is due for advertising and posting of the above captioned property and hearing date.

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, IN NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Manyland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLI JABLON DIRECTOR

DED DEPRM RP

cc: Thomas L. Hennessey, Esq.

Bailimore County Consentrates Office of Zonata: Ammunistration and Development Management



(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baitimore County, by authority of the Zoning Act and Requisitions of Baitimore County will hold a public hearing on the property identified herein in koom lûe of the County Office Building, III w. Chesapeake Evenue in Townson, Maryland 21254

Room 118, Gid. Zairthouse, 406 Wassington Avenue, Towson. Maryland 212/4 an follower:

CASE NUMBER: 93-166-A (Item 175) N/S & S/S Tameron Place, 85.64' N/S Wiser Gam Court 14th Election District - 6tr Councilmanic Petitioner(s): Goldenwood Associates HEARING: TUESDAY, JANUARY 5, 1992 at 11:00 a.m. In Room 118, Old Courtnown.

1 West Chesape and Avenue

108801 MD 2.297

Variance to note 25 to 45 to permit a window to tract poundary distance of 3' feet in lieu of the required so test, and to permit ar open indication distance to tract moundary of indicated in ones, if the required 20.25 feet; and for both 14 and 15 to permit a window to rounted-way once dictance on the low best in lies of the required 15 feet, and to permit window to penterline it public travelway distance of 1. feet in lieu of the required 53 feet.

cc: Goidenwood Associates Mark Kromme Thomas L. Hennessey, Lsq.

TO: Arnold Jablon, Director

FROM: Ervin Mc Daniel, Chief

Rascoe Phipps, Item No. 166

Goldenwood Associates, Item No. 175

Shirley and Ronda Swab, Item No. 190

Preakness Silver Hill, Inc., Item No. 180

Timothy and Meredith Scott, Item No. 186

Beatriy and Enrique Clausen, Item No. 189

Zoning Administration and Development Management

Office of Planning and Zoning

Petitions from Zoning Advisory Committee

(November 23, 1992 and December 7, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

If there should be any further questions or if this office can provide additional

information, please contact Francis Morsey in the Office of Planning at 887-3211.

Development Review Section

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 9, 1992

DPW/Developers Engineering Division (Public Services) Development Review Committee Response Form
Authorized signature Chum G. Kennety

Date Project Name File Number Waiver Number Meeting Date / Gregg and Joyce Kroeger 11-23-92 NC DED DEPRM RP STP TE Baltimore Bar-B Que Management Inc. DED DEPRM RP STP TE Comment DED DEPRM RP STP TE American Legion Dept. of MD DED DEPRM RP STP TE Cecelia Escalante DED DEPRM RP STP TE Michael J. and Peggy L. Navarre DED DEPRM RP STP TE Pulte Home Corporation DED DEPRM RP STP TE Clinton and Erika Routh DED DEPRM RP STP TE NC Goldenwood Associates DED DEPRM RP STP TE Salvo Road Limited Partnership DED DEPRM RP STP TE Comment. Ronald R. and Janet Lee Gaspari DED DEPRM RP STP TE

COUNT 11 Richard M. Diotte

11-9-92

EMcD/FM: rdn

180.ZAC/ZAC1

Development Review Committee Response Authorized signatureProject Name			Date W/90/
File Number Waiver Number	Zoni	ng Issue	Meeting Date
Gregg and Joyce Kroeger DED DEPRM RP STP TE	164	ull	11-23-92
		7/0 ===========	
Baltimore Bar-B Que Management	165		
DED DEPRM RP STP TE		WK	
Roscoe Phipps		*****	
DED DEPRM RP STP TE	166	WK	
/ American Legion Dept. of MD	======	=========	=======================================
DED DEPRM RP STP TE	167	NK	
======================================	=====	*	
DED DEPRM RP STP TE ====================================	168	N/C	
Michael J. and Peggv L. Navarre	=====		
V DED DEPRM RP STP TE ====================================	172	NC	
Pulte Home Corporation	· — —		
DED DEPRM RP STP TE	173	N/C	
Clinton and Erika Routh			
DED DEPRM RP STP TE	174	N/C	=======================================
/ Goldenwood Associates			
DED DEPRM RP STP TE	175	N/L	
/ Salvo Road Limited Partnership			
DED DEPRM RP STP TE	177	N/C	
Ronald R. and Janet Lee Gaspari			(
ED DEPRM RP STP TE	178	NC	\ \ !=======
OUNT 11			

Will Durall (Engine) 530 E. Soppe Rd Towson Md.

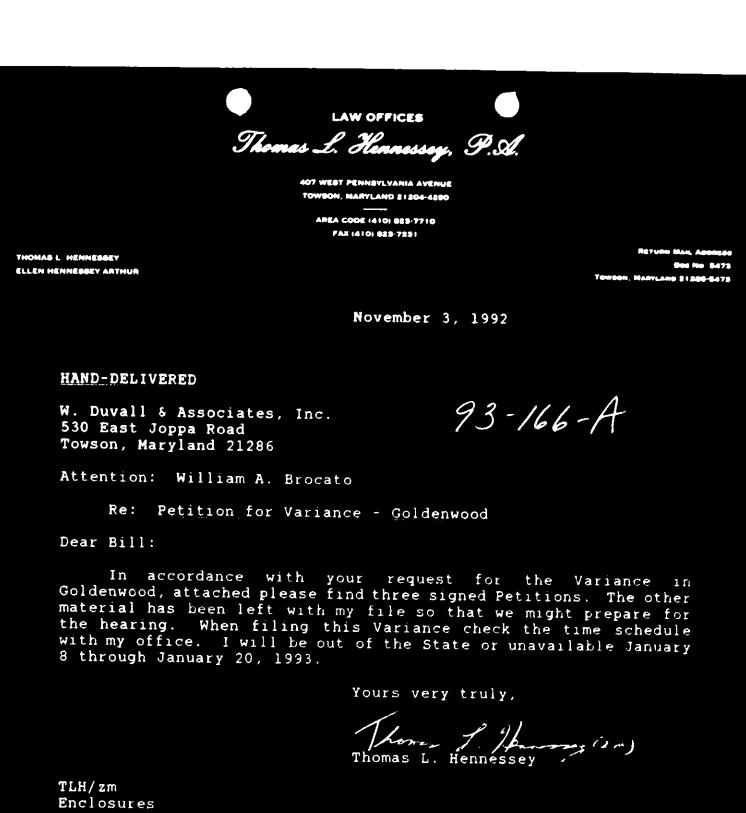
FRANK SCARFIELD (Durin) 6610 HOLABIRD AV. 21224

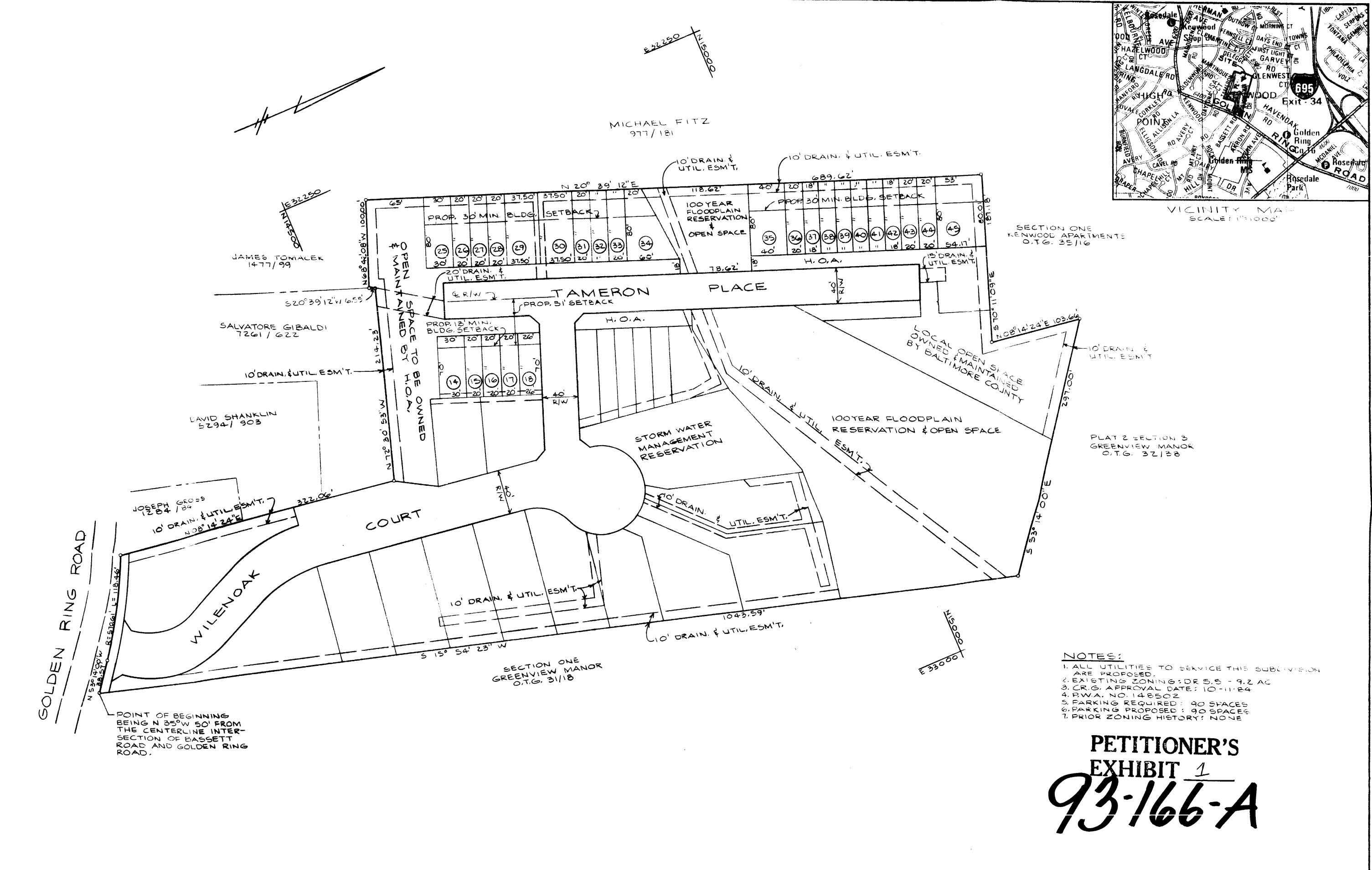
Tomberonessey (ally) 400 W Remon and

PLEASE PRINT CLEARLY

	eşbur,ce Ma	magement 12/18/9		
Development Review Committee Response Authorized signature	mi Jely	Date 12-28-92		
Project Name File Number Waiver Number	Zoning Issue	Meeting Date		
Lewis Brooks Ramsey	128	10-19-92		
· DEPRM RP		mproas		
COUNT 1		•		
Ralph L. and Elsie M. Hackler	160	11 17 53		
DEPRM RP		Written comments		
COUNT 1				
American Legion Dept. of MD				
DEPRM RP	167	11-23-92 Thproves		
Goldenwood Associates		=======================================		
DEPRM RP		No Comments		
COUNT 2				
Richard M. Diotte				
DEPRM RP	155	Therales		
COUNT 1		7		
Catherine L. Graham				
DED DEPRM RP STP TE	191	hprocess		
Richard C. and Nancy G. Powell		=====#==== = =====		
DED DEPRM RP STP TE	192	mproces		
Huntington Development Corporat				
DED DEPRM RP STP TE		inprocess		
Nancy E. and David M. Paige	194			
DED DEPRM RP STP TE		No comments		

	Baltimore County Government Fire Department							
		700 Tov	East Joppa Road Suivson, MD 21204-5500	te 901	NOVE	BER 27,	1992	(410) 887-4500
		Dire Zoni Deve Balt	ld Jablon ctor ng Administratio lopment Manageme imore County Off on, MD 21204	nt	ing			
		RE:	Property Owner:	GOLDENWOO	D ASS	OCIATES		
			Location:	N/S WILEN	OAK	COURT		
ı			Item No.: + 175	(RT)	Zonin	g Agenda	: NOVEME	BER 23, 1992
		Gent!	lemen:					
			uant to your req Bureau and the e ected or incorpo					nas been surveyed by and required to be the property.
		Prote	The buildings and comply with all ection Association for to occur	n applicad On Standar		TILL POMAN	+ 0 0E LL	A 197-1-1 1 1
		REVIE	Planning Gro	oup pection Div	!	Noted an Approved		evention Bureau
		JP/KE	. K					





OWNER DEVELOPER

GOLDENWOOD. ASSOCIATES

GOIO HOLABIRD AVE.

BALTO,, MD. 21222

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

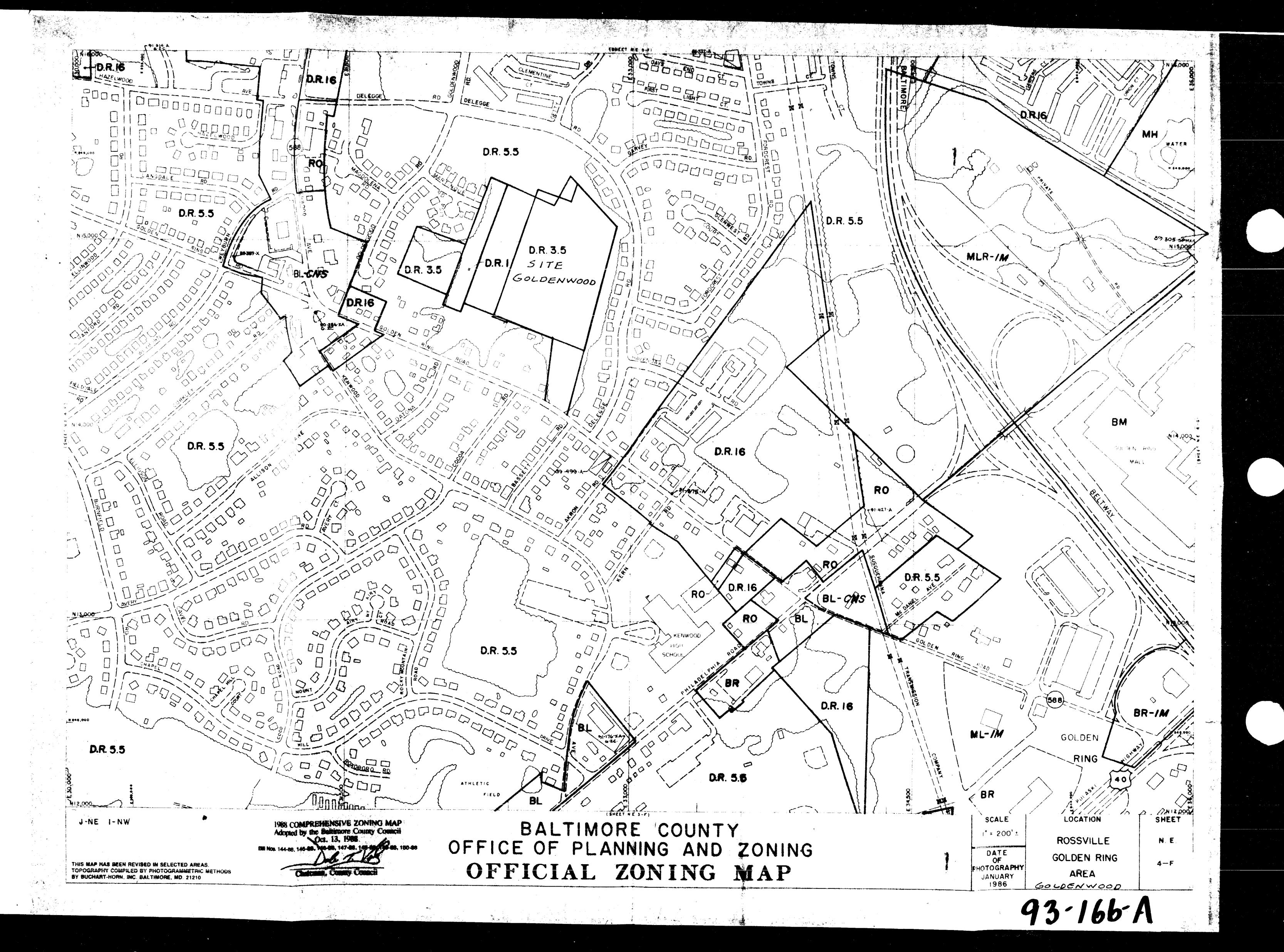
GOLDENWOOD

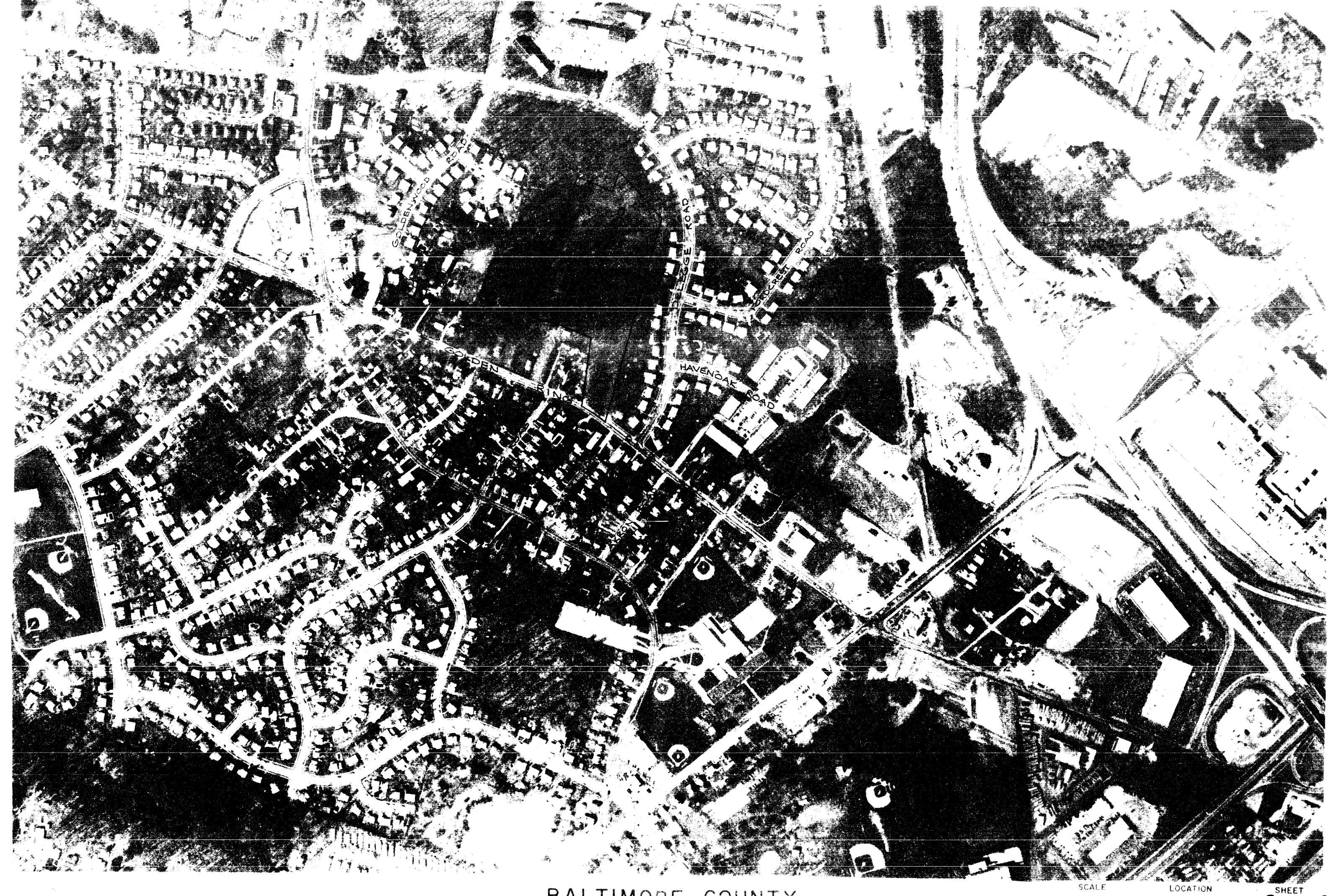
14TH ELECT. DIST. SCALE: 1"= 50' COUNCILMANIC DIST. 6

BALTO, CO., MD. OCT, 5, 1992



W. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9571





PHOTOGRAPHIC MAP

DATE OF PHOTOGRAPHY JANUARY 1986

AREA

GOLDENWOOD

PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401