

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Hunters Run Drive, 125 ft. * ZONING COMMISSIONER
E of c/l Twinleaf Court *
11703 Hunters Run Drive * OF BALTIMORE COUNTY
8th Election District *
3rd Councilmanic District * Case No. 94 63-A
Allen Montegriffo, et ux
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property located at 11703 Hunters Run Drive in the Hunters Run Subdivision of Baltimore County. The named Petitioners are Allen and Frances Montegriffo, property owners. However, as the evidence presented at the public hearing demonstrated, the variance is also sought by the developer of this subdivision, Chapel Homes, Inc. Relief is requested from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3.b. of the Comprehensive Manual of Development Policy (CMDP) to permit a distance of 23.5 ft. between dwellings. As will be explained hereinafter, the required separation distance is either 25 ft. or 30 ft. Also sought is an amendment to the Final Development Plan for this subdivision.

Appearing at the public hearing held for this case were the property owners, Mr. and Mrs. Montegriffo. Also appearing were several principals from Chapel Homes, Inc. Also present were Rick Chadsey and Robert B. Barkel, engineers with G.W. Stephens and Associates. This firm engineered much of the subdivision layout and prepared the site plan submitted in this case. The Petitioners were represented by John B. Gontrum, Esquire. Appearing as Protestants in this case were Marty and Nancy Crawford, owners/residents of the property immediately next door to the subject lot. Their property is located at 11701 Hunters Run Drive. Also appearing as Protestants were Marty Leahy and John Krosnick, two other neighbors. The

Protestants were represented by Donna Larkin, Esquire.

Although the nature of the relief requested herein may be considered similar to numerous other variance Petitions filed in Baltimore County, the facts and circumstances which have led to the subject Petition are unusual. Apparently, operating under the old theory that it is easier to obtain forgiveness than permission, the Petitioners come before me seeking relief from circumstances which they have created. To the contrary, the Protestants seek strict enforcement of the B.C.Z.R.

The facts presented in the case are not largely in dispute. The subject subdivision is a large residential subdivision consisting of substantial single family homes. Economically, this is an upper middle class neighborhood located adjacent to Ashland Road in Hunt Valley. The property is located not far from York Road and near the bicycle/recreational trail which runs from Northern Baltimore County to the Pennsylvania line. The subject property known as 11703 Hunters Run Drive is located in Section VII of the Hunters Run Subdivision. This section is approximately 22 acres in area and is zoned D.R.3.5. Overall, the entire subdivision is nearly 180 acres. C.R.G. approval for the subdivision was obtained from Baltimore County on August 25, 1983. Record plats for Section VII were submitted into evidence as Petitioners' Exhibits 2A and 2B and were recorded among the Land Records of Baltimore County on May 2, 1989.

The subject property is designated within the record plat as lot No. 170. The subject variance requested relates to the distance between the proposed dwelling on that lot and an existing dwelling on lot No. 169. Lot No. 169 is a corner lot located at the intersection of Twin Leaf Court and Hunters Run Drive. The record plat shows that these two lots were originally proposed for the construction of a single family dwelling on each. The dwelling on lot No. 169 was to maintain a 20 ft. setback from

-2-

the eastern property line which is shared with lot No. 170. The single family dwelling proposed on lot No. 170 was to maintain a 6 ft. setback. Thus, the total separation was to be 26 ft. These distances are clearly shown on the grading plans which were submitted for these two lots, collectively marked as Petitioners' Exhibits 9A and 9B.

The developer's first mistake which led to the filing of the Petition herein occurred when the dwelling on lot No. 169 was constructed. This house was built several years ago and, as noted above, is presently occupied by Mr. and Mrs. Crawford. Unfortunately, due to errors during construction in the field, the house was built so as to be situated 18 ft. from the property line, not 20 ft. as intended. Apparently, the house was inappropriately located in the field when construction was to begin. Unfortunately, this error was not initially discovered.

Subsequently, Mr. and Mrs. Montegriffo acquired lot No. 170 and decided to construct a single family dwelling thereon. Their house is to be constructed by Chapel Homes, Inc., the same builder, (or its successor) who constructed the Crawford home. Testimony offered by the Crawfords was that they noticed something might be amiss when construction on lot No. 170 first began in June of 1993. After inspecting the beginning of the foundation on their neighbors lot, they concluded that the location of the house appeared inappropriately close to their house. Mr. and Mrs. Crawford immediately contacted Chapel Homes and inquired whether the property setback distances between buildings were being maintained. There then occurred the developer's second mistake. Rather than carefully checking the setbacks, the builder incorrectly assured the Crawfords that the proper setback distances were being observed. Perhaps, it might be surmised, the developer mistakenly relied upon the wrong set of regulations in rendering such an opinion. That is, in that the project received approval

-3-

under the C.R.G. regulations in 1983, construction was governed by the setback requirements in effect at that time. These requirements were revised by way of the adoption of a new Comprehensive Manual of Development Policy (CMDP) in 1992. Under the present code, only a 20 ft. distance between houses under 50 ft. in height need be maintained. Perhaps, the developer mistakenly applied the more recent CMDP regulations to these dwellings and believed that since, at least, 20 ft. was maintained, the construction was in compliance with all regulations and standards.

In any event, construction of the single family dwelling on lot No. 170 continued over the Summer of 1993. Undeterred by the developer's assurances, Mr. and Mrs. Crawford continued their investigation through Baltimore County. Eventually, an inquiry was made to the Zoning Enforcement Division of the Office of Zoning Administration and Development Management (ZADM). This office dispatched an inspector to the site, who investigated the distances between buildings. This investigation disclosed that the buildings were actually 23.65 ft. apart. That is, not only had the developer incorrectly placed the dwelling on lot No. 169 18 feet closer to the property line, but the dwelling on lot No. 170 was slightly less (5.65 ft.) than the 6 ft. which had been planned. Moreover, the Zoning Inspector advised the developer that the necessary distance to be maintained between dwellings was not 20 ft. Rather, under the provisions of the CMDP in effect in 1983, buildings in excess of 20 ft. in height need be separated by 25 ft. and buildings over 25 ft. need be separated by 30 ft. Under either scenario, an insufficient distance was maintained. Due to this error, a stop work Order was issued and the building permit revoked. However, the builder, apparently wishing to complete what it had started, requested and approved permission to finish at least as much of the dwelling as was necessary to put same under roof and protect

-4-

it from the elements. Thus, additional construction expenses were incurred by the developer in anticipation that a variance could be obtained. This might well be considered as developer's mistake No. 3.

In baseball, as is well known, it is three strikes and you are out. However, in the sometime confusing world of interpreting the Baltimore County Zoning Regulations, this developer may get, yet, another chance.

Having presented the factual history as outlined above, attention is next turned to the proper regulations to be applied to this factual scenario. As noted above, it is clear that this subdivision received C.R.G. approval from Baltimore County in 1983. As is well settled, development is regulated by the CMDP in effect at the time of the approval of the subdivision. This is, indeed, unfortunate from the developer's standpoint in view of the recent amendment of the CMDP. As noted above, under the current CMDP, only a 20 ft. distance need be obtained. Thus, a variance is still required. Moreover, although the reduction in distance, imposed by regulation, may well reflect a changed standard adopted by the County Council, the old requirement must be met. This old standard requires that for buildings under 25 ft. in height, a 25 ft. setback must be required. If either of the buildings is over 25 ft. in height, a 30 ft. distance must be maintained. Additionally, the manner of determining a building's height has also changed since 1983. Under the current regulations, height is determined by measuring that distance from the highest natural grade to the highest point of the roof. Thus a single measurement is made to determine a building height. In 1983, a building height was not computed in the manner as outlined above. Rather, determination of height was made by measuring the average level of grade around the base of the building to the average (mid-point) of the roof(s). One can readily see why the methodology employed to measure height was changed. Operating under the old

-5-

regulations was cumbersome and difficult. Disputes could often arise as to the precise location of the average natural grade and location of the mid-point of the roof.

In any event, the Petitioners claim that, under the old method of measurement, both the existing Crawford dwelling and the nearly completed Montegriffo dwelling are under 25 ft. in height. Specifically, as shown on Petitioners' Exhibits 6A and 6B, the Petitioners have calculated the height of the Crawford home to be 24 ft. 11 inches and the Montegriffo home to be 24 ft. 7 inches. In that both dwellings are under 25 ft., it is averred that the required minimum distance is 25 ft. Thus, it is claimed that a only a minor variance (18 inches more or less) is all that is necessary. Although this argument was advanced by the Petitioners at the hearing, the Petition, as filed, seeks a 6-1/2 ft. variance. That is, the Petition states that the required separation is 30 ft. and that the buildings are greater in height than 25 ft. Apparently, at the time of the filing of the Petition, a ZADM technician who accepted the Petition reached a different conclusion when calculating the buildings height. Obviously, his calculations were that, at least, one of the structures was over 25 ft. in height. Unfortunately, the technician was not present at the hearing. Rarely, if ever, will ZADM's personnel appear at zoning hearings voluntarily. Moreover, none were subpoenaed by the parties in this case and no direct testimony or evidence was offered as to ZADM's measurements. Moreover, I am required to consider this case based upon the testimony and evidence offered in the hearing and contained in the case file. In this case, I am, therefore, persuaded that the height of both of these structures, as computed under the 1983 regulations, is less than 25 ft. There was no testimony offered to the contrary in the record. Admittedly, I have reservations that the Petitioners properly

-6-

computed the height. It appears that the height was determined by them only by considering measurements on the elevations of these buildings which faced one another. Zoning policy in effect in 1983 required measurements be taken from all sides of the building. However, notwithstanding my concern on this issue, I find, as a fact, based upon the uncontradicted evidence in the record before me, that the heights of these buildings as measured under the 1983 regulations is less than 25 ft. Thus, the required separation must be 25 ft., not 30 ft.

Notwithstanding my conclusion in this respect, a variance is still necessary. Although the variance is quite obviously minor in scope (18 inches), I must consider same carefully. I am particularly inclined to do so in this case due to the developer's past history in this case. The developer has quite obviously caused and contributed to its dilemma. Nonetheless, following the hearing, I was advised by counsel for the Crawfords that the Petitioners and her clients had resolved their differences. Apparently, the parties recognized the difficulty of relocating the building on lot No. 170. Moreover, relocation of same 18 inches easterly would solve none of the concerns expressed by Mr. and Mrs. Crawford at the hearing. In the scheme of things, such a minor relocation would not diminish the visual effects of this building. However, in recognition of the Crawfords concerns, a settlement has been reached where as the Crawford have now withdrawn their opposition and acquiesce to the granting of the variance. As the most affected parties, I feel compelled to consider this development.

In order to justify the grant of a variance, the Petitioner must satisfy the three prong test set forth in Section 307.1 of the B.C.Z.R. That is, the Petitioner must show that strict compliance with the regulation would result in practical difficulty or undue hardship; that such

-7-

variances are in strict harmony with the spirit and intent of the regulations; and that the granting of the variance will not cause injury to the public health, safety and general welfare. It is of note that for an area variance, the Petitioner can satisfy either the practical difficulty or undue hardship test. The concept of practical difficulty has been established by the appellate courts of this State. See 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).

In applying the standard in the instant case, I am persuaded that the practical difficulty test has been met. Testimony was presented by the Petitioners that relocation of the dwelling in a westerly direction may well disrupt the scheme and placement of other homes in this neighborhood. Moreover, the variance is, indeed, minor in scope and nature. It is doubtful that strict compliance would resolve the Crawfords concerns.

As to the other requirements set forth in Section 307.1 of the B.C.Z.R., I am, likewise, persuaded that the Petitioners have satisfied those. A granting of the variance does appear to be in harmony with the

-8-

spirit and intent of the regulations. Further, a grant of the variance will not cause injury to the public health, safety and general welfare. Again, it is to be made abundantly clear that this variance is not granted to reward the Petitioners for its, otherwise, negligent actions. To the contrary, my decision is based upon the minor nature of same, the acquiescence to such an order by the Crawfords, and the Petitioners' compliance, albeit minimal, with the standards enunciated in Section 307.1 and the case law.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of October, 1993 that a variance from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3.b. of the Comprehensive Manual of Development Policy (CMDP) to permit a 23.5 ft. building separation, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that an amendment to the Final Development Plan for this subdivision be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The 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.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 28, 1993

John B. Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: Case No. 94-63-A
Petition for Variance
Property: 11703 Hunters Run Drive
Mr. and Mrs. Allen Montegriffo, Petitioners

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

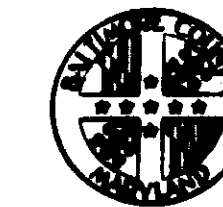
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mnw
att.

cc: Mr. and Mrs. Marty Crawford
cc: Mr. Thomas Faust, Chapel Homes, Inc.
cc: Mr. R. Chadsey, George W. Stephens & Assoc., Inc.



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at

11703 Hunters Run Drive

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owner of the property situated 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 B.C.Z.R. Section 1801.2C1 and V.B.3.b (C.M.D.P.) to permit a 23.5 foot building separation in lieu of the required 30 feet. For a height greater than 25' and less than 30' and to amend the final development plan.

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

1. House is up, framed in and under roof.
2. Adjoining house is existing.
3. A building permit was issued.

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.

GGS

#62

NO ATTORNEY
INFO EXCEPT
SIGNATURE

We do hereby declare and affirm, under the penalties of perjury, that we are the legal owner of the property which is the subject of this Petition.

Mr. Allen Montegriffo

Signature

Mrs. Frances Montegriffo

Signature

409 F Lakevista Circle

Cockeysville, Maryland 21030

Phone No. 666-8060

W 667-0851

Home No. 21030

Work No. 21030

Business No. 21030

Other No. 21030

Other No. 21030

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CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 8/26/93

Posted for: Variance

Petitioner: Allen & Frances Montegriffo

Location of property: 11703 Hunters Run Dr. & Twinleaf Ct.

Location of Sign: Facing 11703 Hwy. at property to be zoned

Remarks: None

Posted by: [Signature] Date of return: 8/27/93

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 27, 1993

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 Aug 26, 1993

THE JEFFERSONIAN,

A. Henriksen
LEGAL AD - TOWSON

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 27, 1993

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 Aug 26, 1993

THE JEFFERSONIAN,

A. Henriksen
LEGAL AD - TOWSON

receipt

Baltimore County
Zoning Administration &
Development Management
311 West Chesapeake Avenue
Towson, Maryland 21204

Date 8/9/93

Owner: Allen Montegriffo

11703 Hunters Run Drive

Zoning Var. (res) 010 - 50.00

1 sign post (sign) 060 - 235.00

70.41 - 385.00

Account: B-001-4180

Number

Item # 62

Taken In By: [Signature]

03A03N009AHICHC

PA 0010130AN08-09-93

\$85.00

Please Make Checks Payable To Baltimore County

Cashier Validation

TO: PUBLISHER PUBLISHING COMPANY
August 26, 1993 Issue - Jeffersonian

Please forward billing to:

G. W. Stephens, Jr. & Associates
650 Emilworth Drive, Suite 100
Towson, Maryland 21204
410-625-6120

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-63-A (Item 62)

11703 Hunters Run Drive

6/8 Hunters Run Drive, 125' E of c/l Twinleaf Court

8th Election District - 3rd Councilmanic

Petitioner(s): Allen Montegriffo and Frances Montegriffo

HEARING: MONDAY, SEPTEMBER 20, 1993 at 11:00 a.m. Rm. 118, Courthouse.

Variance to permit a 23.5 foot building separation in lieu of the required 30 feet for a height greater than 25 feet and less than 30 feet and to amend the final development plan.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARING ROOM A POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE OF THE HEARING DATE.
(2) FOR INFORMATION CONCERNING THE FILE NO./FOR HEARING, PLEASE CALL 887-3391.

ZONING DESCRIPTION FOR #11703 Hunters Run Drive

Election District #8 Councilmanic District #3

Beginning at a point on the south side of Hunters Run Drive which is 50' wide at a distance of 125' E of the centerline of the nearest improved intersecting street Twinleaf Court which is 50' wide. Being Lot # 170, Block G, Section VII in the subdivision of Hunters Run as recorded in Baltimore County Plat Book #60, Folio #54, containing 0.188 Ac. ±.

#62

SHRA
Maryland Department of Transportation
State Highway Administration

Q. James Lighthizer
Secretary
Hal Kassoff
Administrator

8-24-93

Re: Baltimore County
Item No. 62 (MJK)

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5862 Statewide Toll Free
787 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 30, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 62, 71, 72, 73, 74, 76, 77, 78, 81, 82, 84, 86, 87 and 88.

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 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: *[Signature]*

PK/JL:lw

ZAC-62/PZONE/ZAC1

IN RE: PETITION FOR
ZONING VARIANCE
11703 HUNTERS RUN DRIVE
ALLEN AND FRANCES MONTEGRIFFO
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 9463A

TO: CUSTODIAN OF RECORDS
CHAPEL HOMES
TIMONIUM, MARYLAND

SHIRKOPHA

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 118, Old Courthouse, 400 Washington Ave. Towson, Maryland.

and to bring Any and all documents relating to your contact with the above-named Petitioners as well as any documents relating to the construction of Petitioners' house at 11703 Hunters Run Drive, including but not limited to (but not limited to) the 20 day of September 1993, regarding the above captioned case, for the purpose of testifying at the request of Donna M. Larkin, Esq. Seven East Redwood Street, Ninth Floor, Baltimore, MD, Counsel for Nancy and Marty Crawford.

* The following: plats, plans, construction schedules, correspondence, memoranda, contracts, building permit applications, building permits, stop work orders, documents from Baltimore County Zoning Office or Building Inspector, and documents relating to variance, set back by Petitioners.

Please process in accordance with Zoning Commissioner's Rule IV(c).

[Signature]
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: _____

IN RE: PETITION FOR
ZONING VARIANCE
11703 HUNTERS RUN DRIVE
ALLEN & FRANCES MONTEGRIFFO
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 9463A

TO: CUSTODIAN OF RECORDS
G. W. STEPHEN, JR. & ASSOCIATES
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND

SHIRKOPHA

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 118, Old Courthouse, 400 Washington Ave. Towson, Maryland.

and to bring Any and all documents relating to your contact with the above-named Petitioners as well as any documents relating to the construction of Petitioners' house at 11703 Hunters Run Drive, including but not limited to (but not limited to) the 20 day of September 1993, regarding the above captioned case, for the purpose of testifying at the request of Donna M. Larkin, Esq. Seven East Redwood Street, Ninth Floor, Baltimore, MD, Counsel for Nancy and Marty Crawford.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

[Signature]
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: _____

7476-93

RE: PETITION FOR VARIANCE
S/S Hunters Run Drive, 125' E of
C/L Twinleaf Court, 8th Election
Dist., 3rd Councilmanic Dist.
ALLEN AND FRANCES MONTEGRIFFO,
Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-63-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Peter Max Zimmerman
People's Counsel for Baltimore County

[Signature]
Carol S. Demillo
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 2nd day of September, 1993, a copy of the foregoing Entry of Appearance was mailed to Allen and Frances Montegriffo, 404 Lakeview Circle, Cockeysville, MD, Petitioners.

[Signature]
Peter Max Zimmerman

RECEIVED
SEP 3 1993
ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: August 27, 1993

FROM: James H. Thompson - DT
Zoning Enforcement Coordinator

SUBJECT: ITEM NO.: 62
PETITIONER: Chapel Homes, Inc.

VIOLATION CASE NO.: C-94-34

LOCATION OF VIOLATION: 11703 Hunters Run Drive
Cockeysville, Maryland 21030
8th Election District

DEFENDANTS: Chapel Homes, Inc.
P. O. Box 4397
Timonium, MD 21093

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
Mr. and Mrs. Marty Crawford 11701 Hunters Run Drive
Cockeysville, Maryland 21030

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT/DT/hak

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Zoning Advisory Committee

DATE: August 19, 1993

FROM: Captain Jerry Pfeiffer

SUBJECT: August 30, 1993 Meeting

#417 Building shall comply with the 1991 Life Safety Code.

R-87-39 Buildings shall comply with the 1991 Life Safety Code.

#58 Townhouses, for which the initial building permits are applied for after 07/01/92, are required by State law to be sprinklered.

A standard cul-de-sac shall be provided at the end of the road. A 35' inside turning radius shall be maintained.

#64 Building shall comply with the 1991 Life Safety Code.

#65 No Comments

#66 No Comments

#67 No Comments

#68 No Comments

#69 No Comments

#70 No Comments

#71 Building shall comply with the 1991 Life Safety Code.

RECEIVED
AUG 19 1993
ZADM

Zoning Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3201

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: John R. Reisinger, P.E.
Building Engineer
Permits and Licenses

DATE: July 15, 1993

FROM: Donna Thompson
Zoning Inspector
Zoning Enforcement

RE: Case No. 94-34
Building Permit 88-10485
11703 Hunters Run Drive, "Hunters Run"
8th Election District

Due to a complaint received, this office has become aware of a violation of the final development plan for the above subdivision.

The home currently under construction does not meet the distance of 30 feet between buildings required for heights of 25-30 feet. Also, the distance window-to-window does not meet the required 40 feet.

At this time, we have withdrawn our approval on Permit 88164851 and are requesting a "stop work" order until this issue is resolved.

If you have any questions, I can be reached at 887-3381.

[Signature]
Ray Brinthal
Zoning Enforcement
Thomas Faust
Mr. and Mrs. Allen L. Montegriffo

#62



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 62

Petitioner: Allen Mudgeglio

Location: 11703 Hunters Run Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: G.W. Stephens, Jr. & Assoc.

ADDRESS: 658 Kenilworth Dr., Suite 101

Towson, MD 21204

PHONE NUMBER: 825-8120

Adj: ggs

(Revised 04/09/93)

Variance Petition for 11703 Hunters Run Drive

Bill: George William Stephens, Jr. & Associates, Inc. for advertising in newspaper

Charles R. L.
Signed

Joanne & Timothy Regan
10 Turnleaf Court
Hunt Valley, MD 21030
September 20, 1993

Baltimore County Zoning Commission,

It has come to our attention that Chapel Homes is applying for a building variance from your office for a house they are building on Hunters Run Dr.

What is most disturbing to me is that Chapel Homes ignored a request to check the correct placement of the footings for the house. They continued to build, regardless of legitimate concerns of the Crawford's.

We strongly feel that this variance should be denied so as not to detrimentally affect property values in our community. Just as strongly, we feel that Chapel Homes, and their predecessor Faust Homes, should not be rewarded for their ineptness, incompetence & blatant disregard for county building codes. Their past performance & poor service to customers in this community is testimony enough to deny their request in this matter.

Sincerely,
Joanne & Timothy Regan
Timothy Regan

Baltimore County Zoning Commission

We are opposed to the building variance at 11703 Hunters Run Drive. It also opposes any change to the final development plan. A house like this could set a bad precedent and reduce the standards of our neighborhood. Because of our high property taxes we expect the standards of our neighborhood to remain the same.

Respectfully,
The Petitioner
11703 Hunters Run Drive
Hunt Valley, MD 21030
9/27/93

FROM: RONALD J. STEINMETZ
14 TWINLEAF CT
COCKEYSVILLE, MD. 21030

DATE: SEPTEMBER 18, 1993

TO: ZONING COMMISSIONER
BALTIMORE COUNTY

DEAR SIR,

CONCERNING THE SUBJECT OF VARIANCES FOR HOUSES IN THE HUNT VALLEY STATION DEVELOPMENT, IN REGARDS TO THE AMOUNT OF SPACE ALLOWED BETWEEN HOUSES, I WOULD URGE YOU TO RESPECT THE CODE AND STAND BY IT. WHEN PEOPLE BUY HOMES THEY HAVE THE RIGHT TO EXPECT THAT THE CODE THAT EXIST WILL BE ENFORCED. THEY HAVE THE RIGHT TO EXPECT THAT THE AESTHETIC VALUE OF THERE HOME WILL REMAIN THE SAME AS WELL AS THE AMOUNT OF PRIVACY THAT THEY EXPECTED WHEN THEY BOUGHT A HOME IN THIS NEIGHBORHOOD. WHEN HOMES ARE PLACED TOO CLOSE THEY AFFECT BOTH THESE RIGHTS AND SHOULD NOT BE ALLOWED.

SINCERELY,

Ronald J. Steinmetz
RONALD J. STEINMETZ

SEP 17 '93 10:04

191 P02

September 17, 1993

To Whom It May Concern:

As homeowners in Hunt Valley Station, we want to express our concern over the proposed variance on Hunter's Run Drive.

We strongly feel that such a variance will diminish the uniform appearance in our neighborhood and result in a decrease in our property values. We are all trying very hard to maintain our community in the best possible manner as everyone knows the real estate market is virtually flat and of course that means a loss of value to us as homeowners.

The mistake of the homebuilders should not cost us. It's the "cost of doing business" to be held accountable for one's errors and correct them without causing others to suffer.

It is for these reasons that we respectfully ask that you deny the Hunter's Run Drive variance. Thank you.

Sincerely,
Susan A. Boone
Susan A. Boone
12524 Hunter's Run Drive

To Whom it may Concern,

Hunt Valley Station was developed according to an approved County plan. In the latest section on Hunters Run Drive, the builder is in violation of the master plan. This affects the entire development & individual property value.

It is very obvious the builder was warned early in construction that he was building too close the existing house at 11701 Hunters Run Drive but chose to ignore this warning. We find it hard to believe that County inspectors did not pick up this fact.

We do not want the variance approved. The property should be connected to comply with the approved development plan.

Sincerely,
Don & Susan Zorabing
3 Ringleaf Court

September 17, 1993

To Baltimore County Zoning:

As homeowners in Hunt Valley Station, we are extremely concerned about a proposed variance on Hunter's Run Drive.

We are certain such a variance will lessen the consistent appearance in our neighborhood. Consequently, a decrease in our property value will occur. The residents of Hunt Valley Station strive to maintain the appearance of their homes; as anything less will result in a loss in our investments.

The builder was alerted about our concerns when the footings on the proposed site were initially poured. The builder chose to ignore the homeowners' concerns and continued to build. Chapel Homes is responsible for the error and NOT the residents of Hunt Valley Station.

Therefore, we respectfully request that you DENY the Hunter's Run Drive variance.

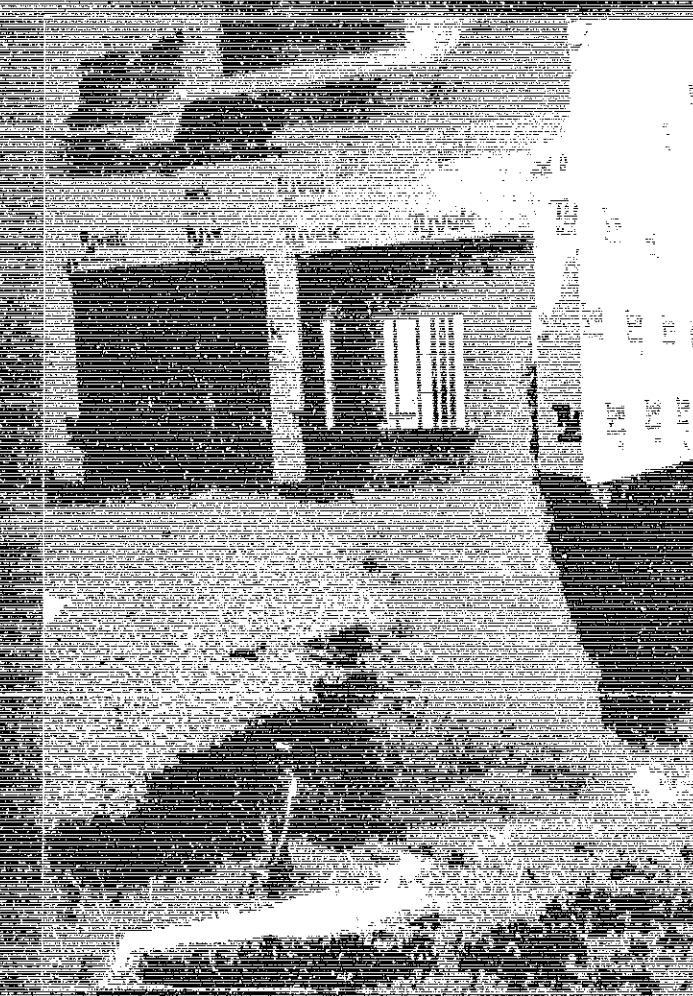
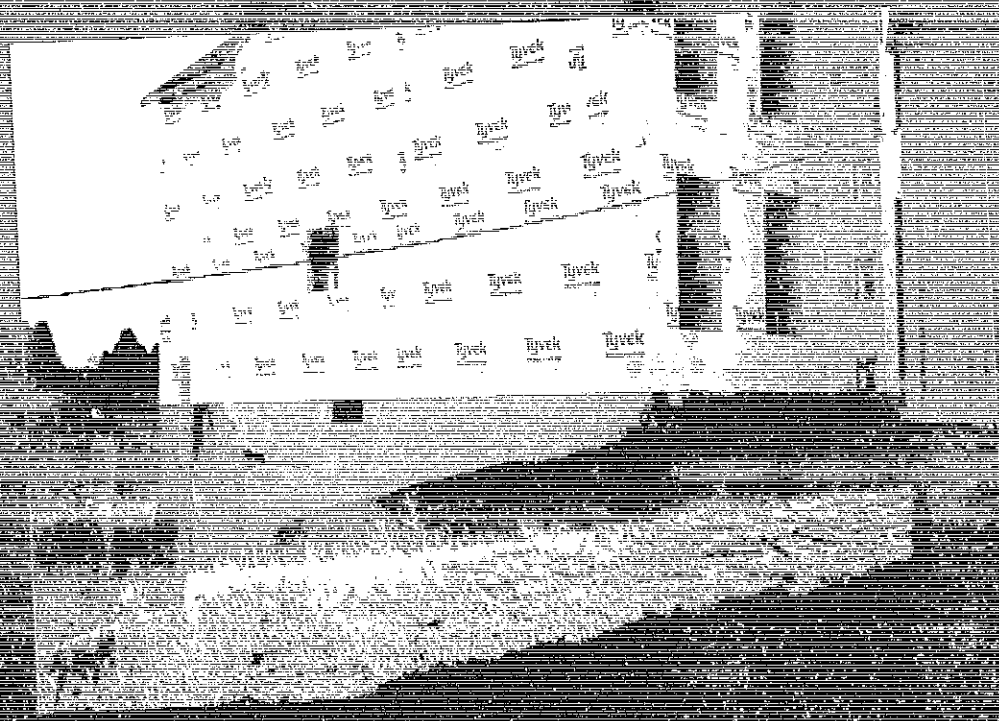
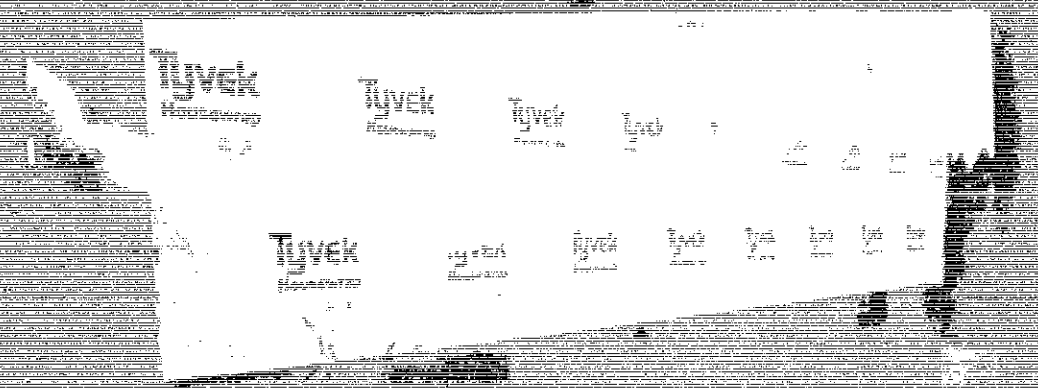
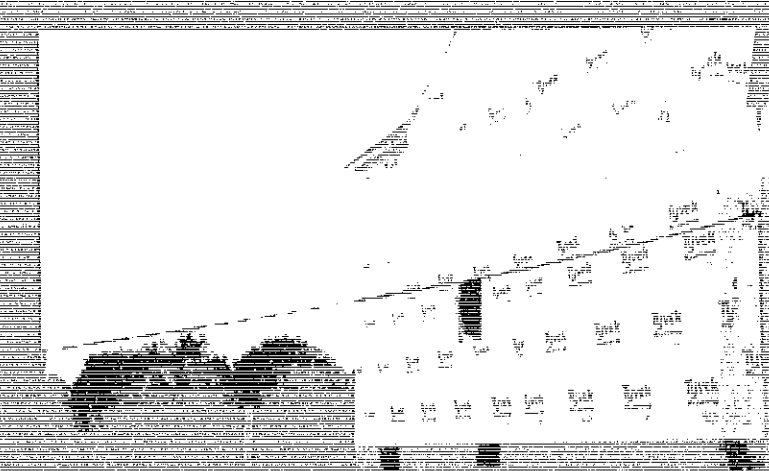
Thank you,

Kathryn R. Gould
Kathryn R. Gould
William R. Gould
6 Ringleaf Court

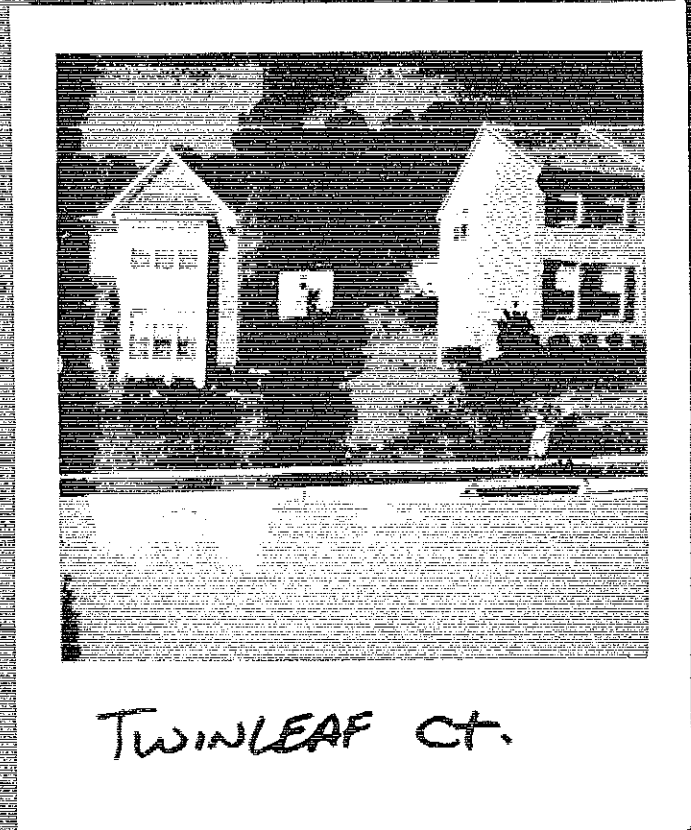
74-63-H



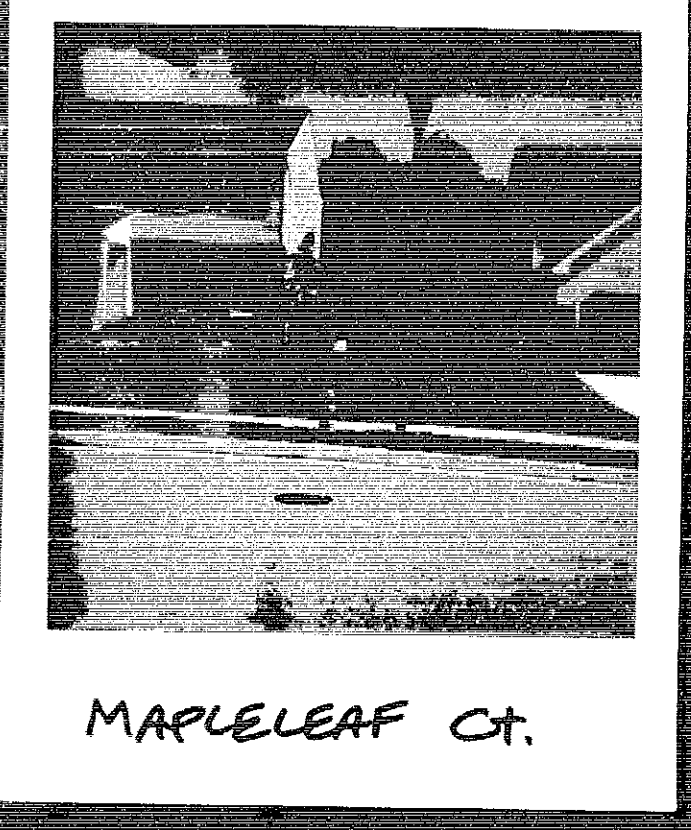
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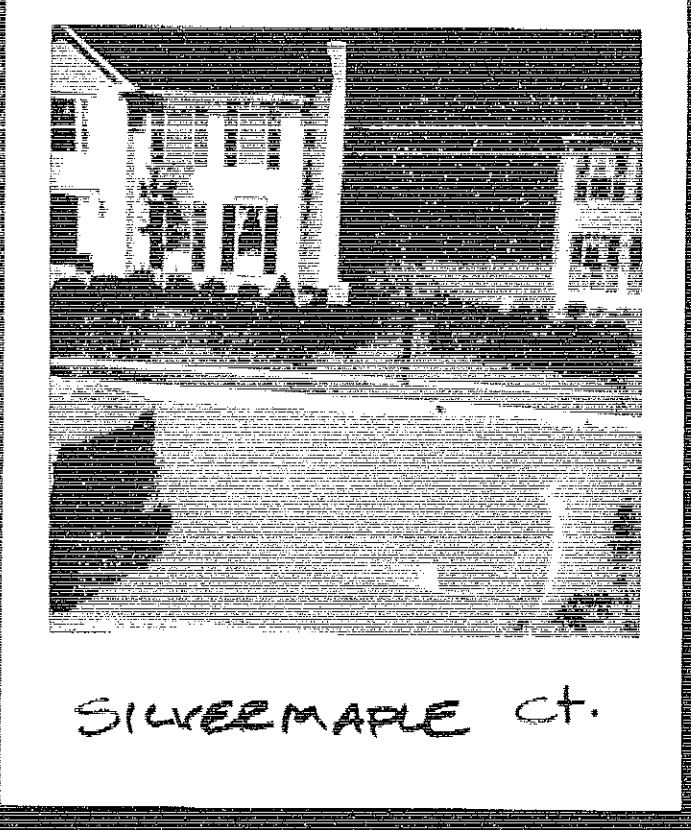
ZONING NOTICE
Case #: 94-63-A
A PUBLIC HEARING WILL BE HELD
THE ZONING COMMISSIONER
IN TOWSON, MD.
PLACE: ROOM 1118, OLD COURTHOUSE
TIME & DATE: MON. SEPT. 20, 1993 AT 11:00
VARIANCE
TO PERMIT A 23.6 FOOT BUILDING SEPARATION IN LIEU
OF THE REQUIRED 30 FEET FOR A HEIGHT GREATER THAN 2
FEET AND LESS THAN 30 FEET, AND TO AMEND THE ZONING
DEVELOPMENT PLAN.



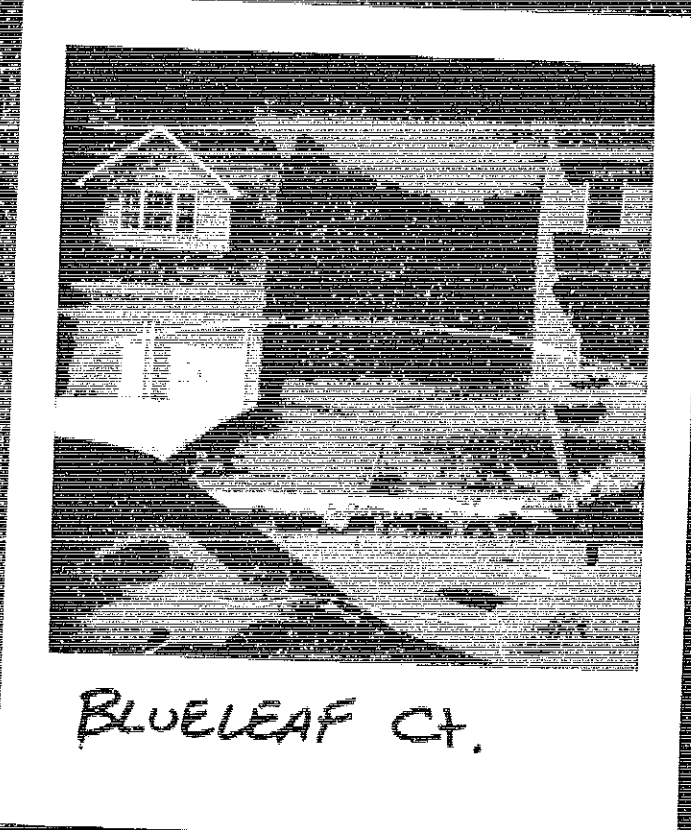
TWINLEAF CT.



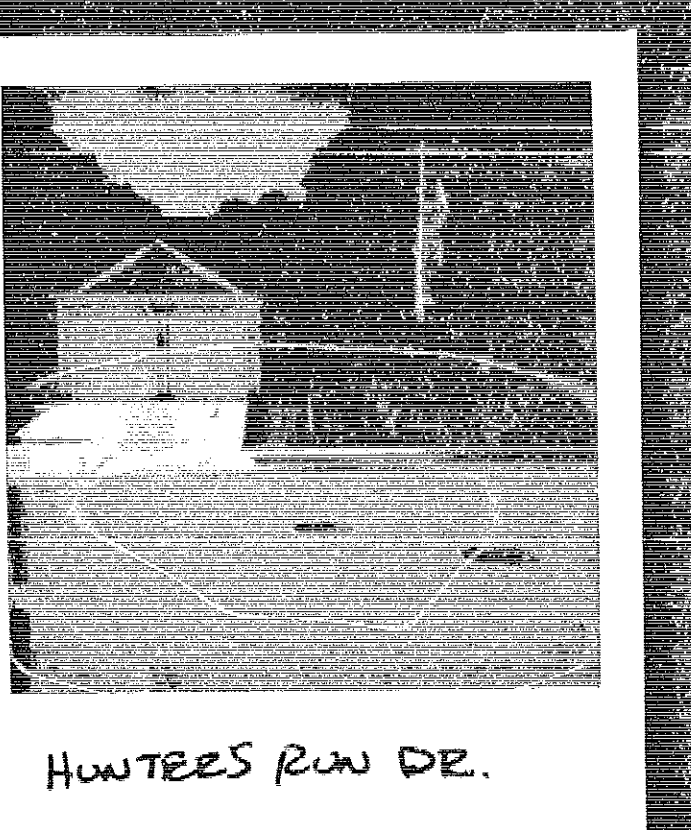
MARLEAF CT.



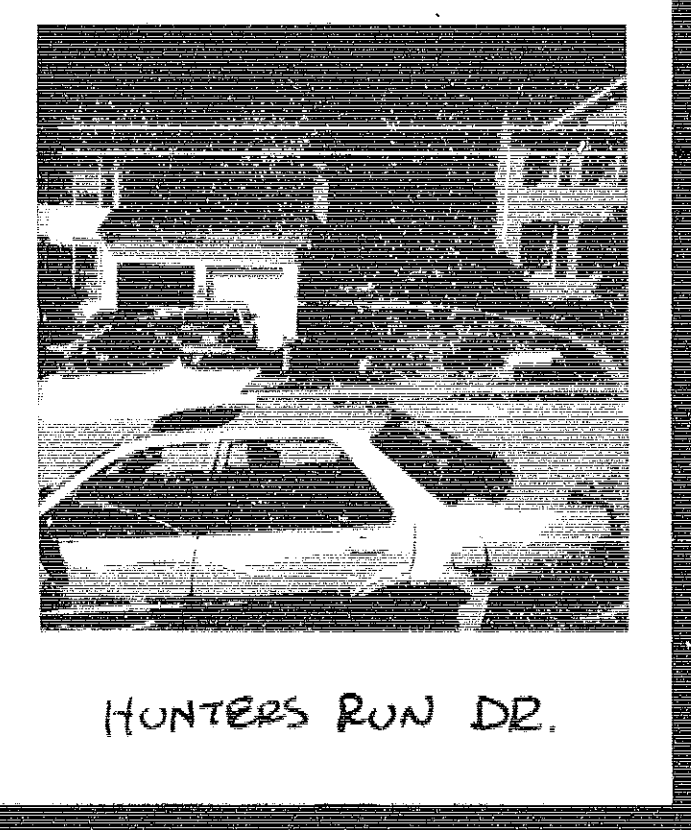
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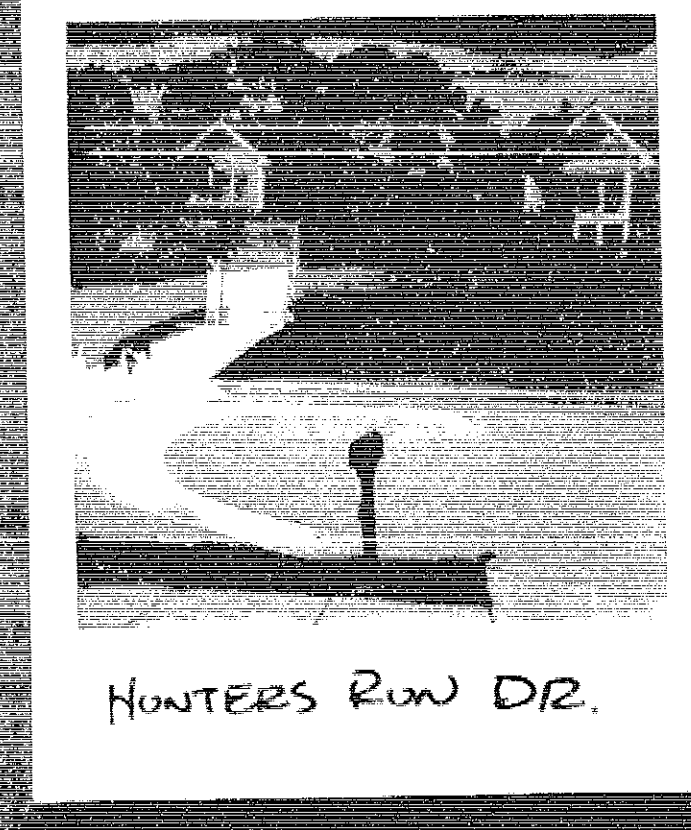
BLUELEAF CT.



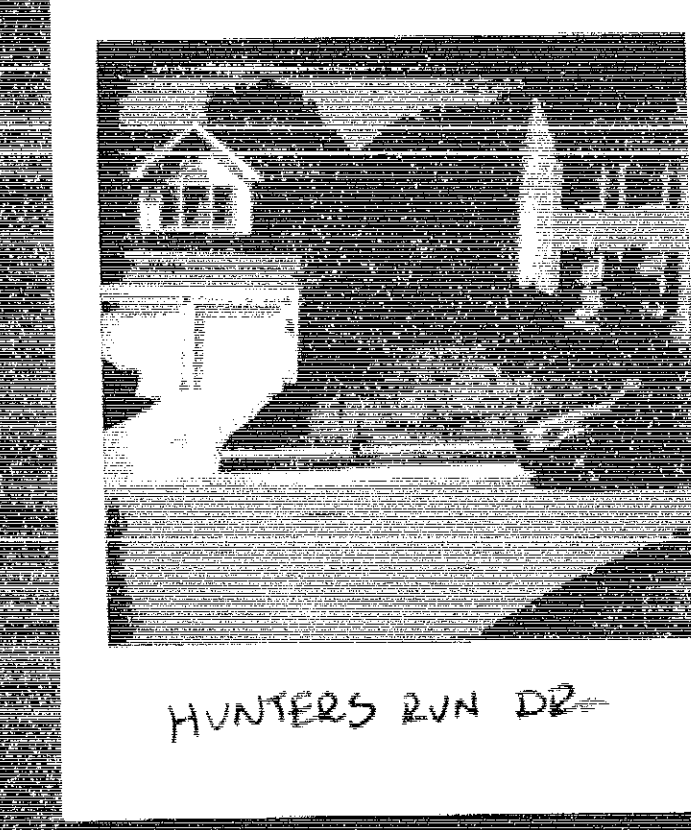
HUNTERS RUN DR.



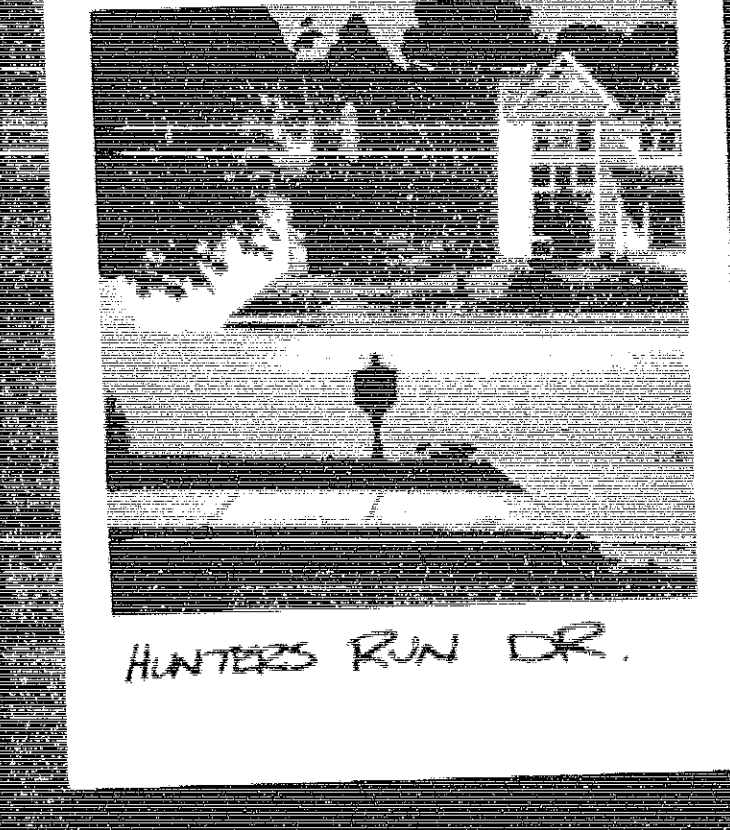
HUNTERS RUN DR.



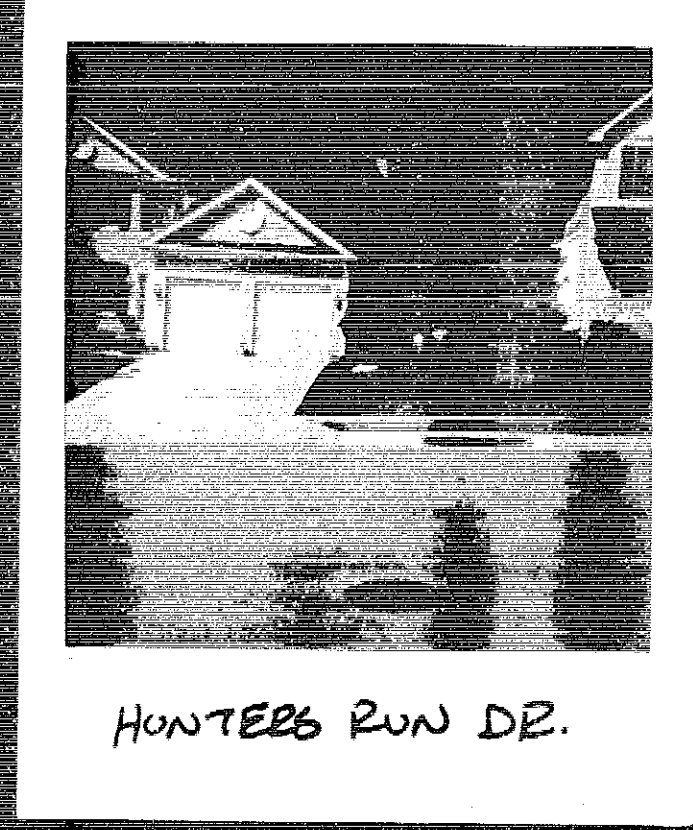
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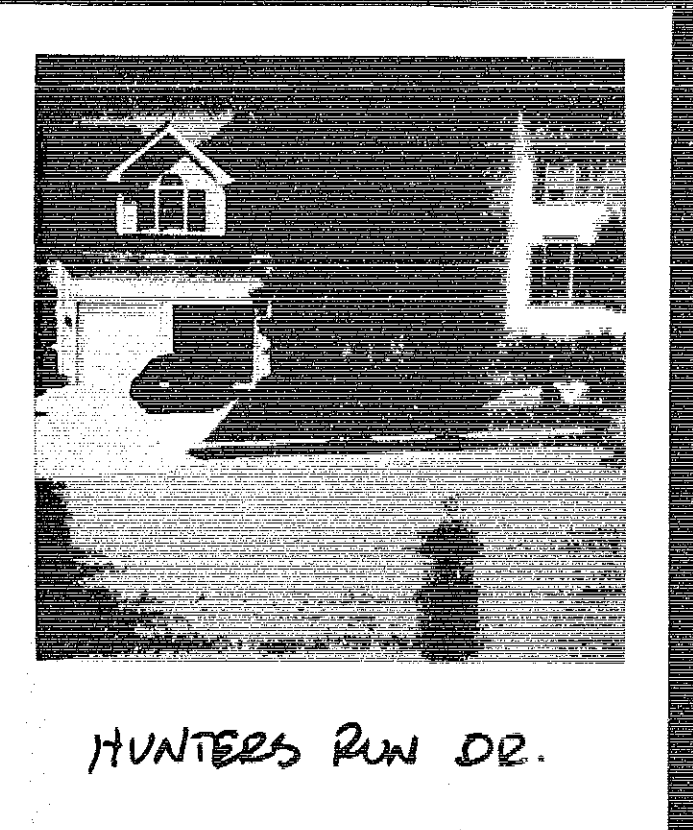
HUNTERS RUN DR.



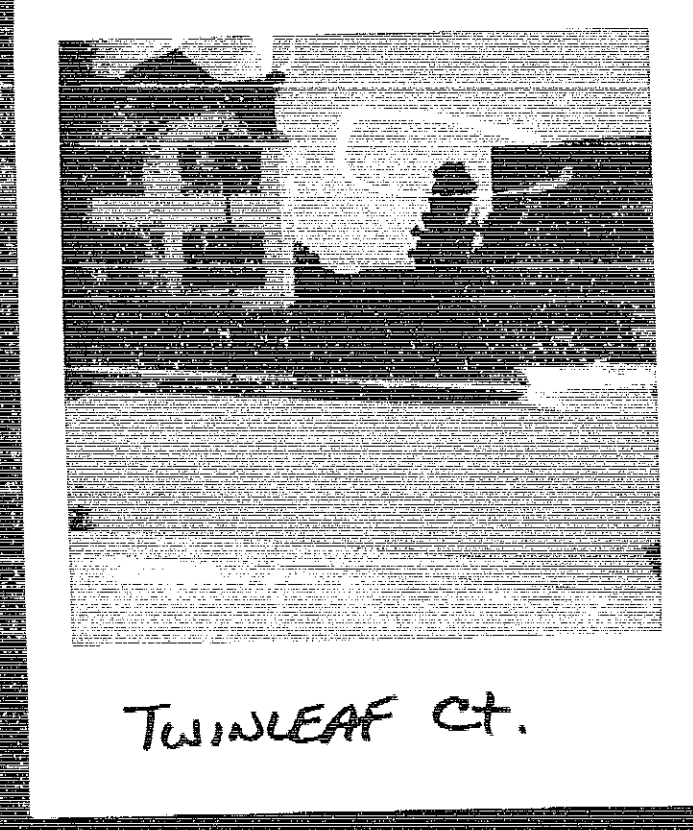
HUNTERS RUN DR.



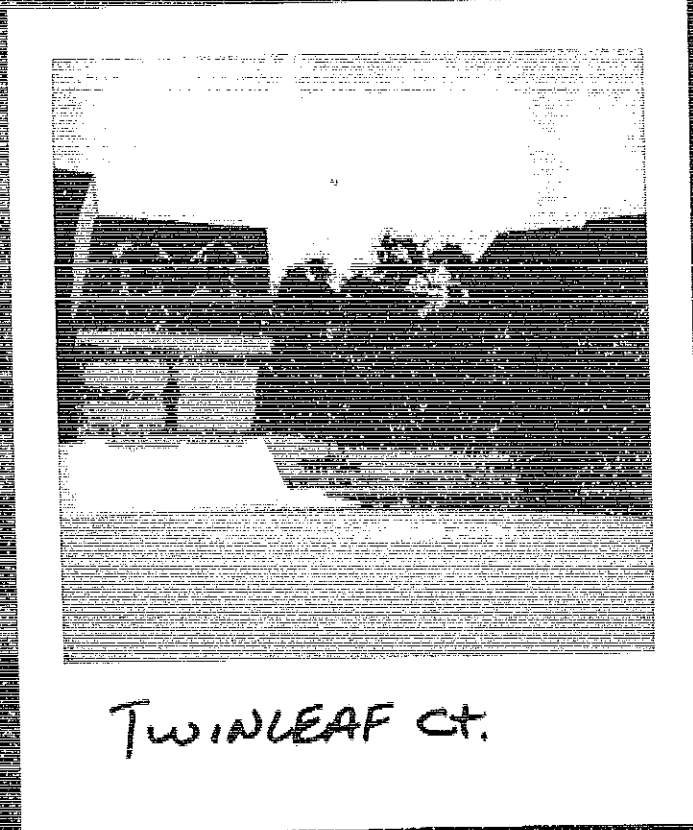
HUNTERS RUN DR.



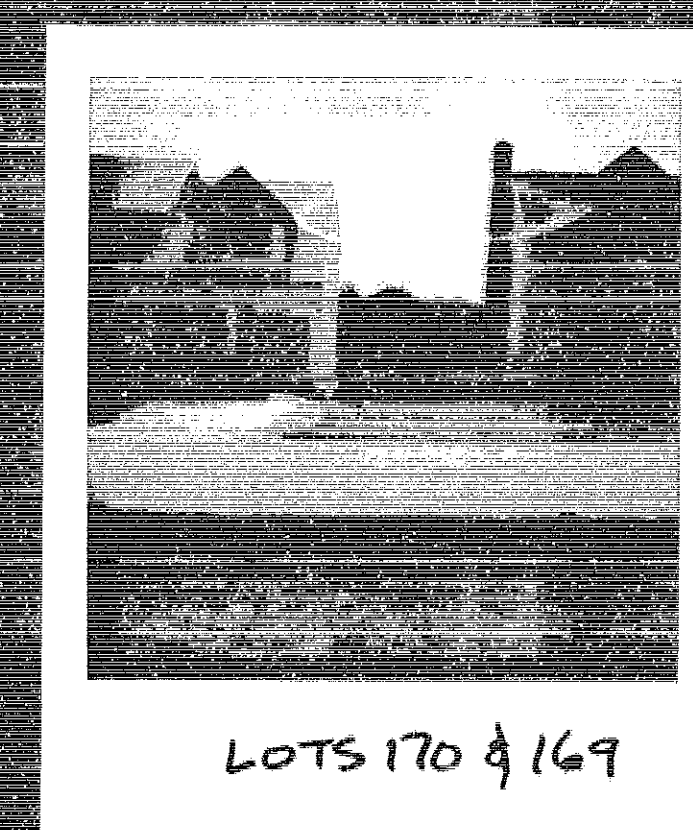
HUNTERS RUN DR.



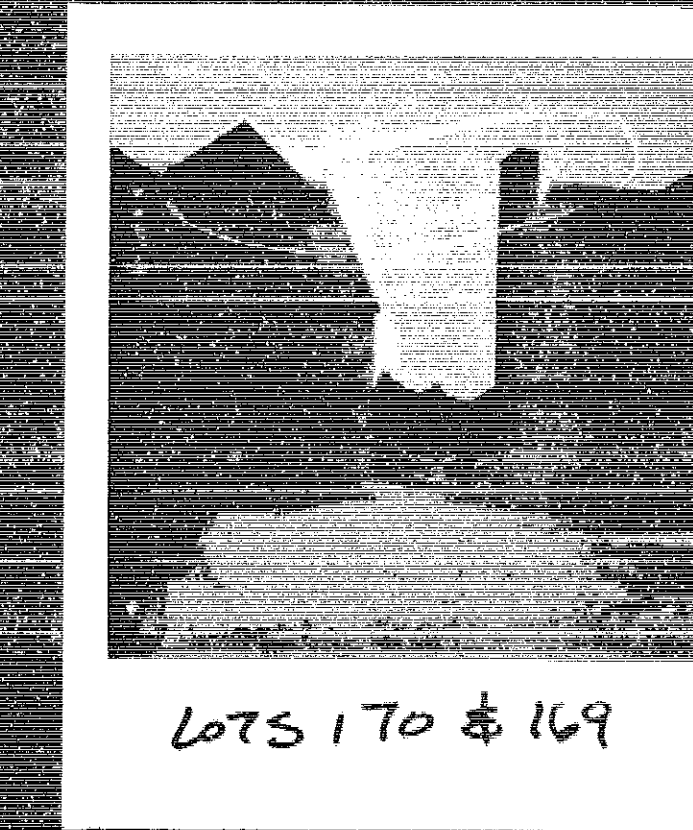
TWINLEAF CT.



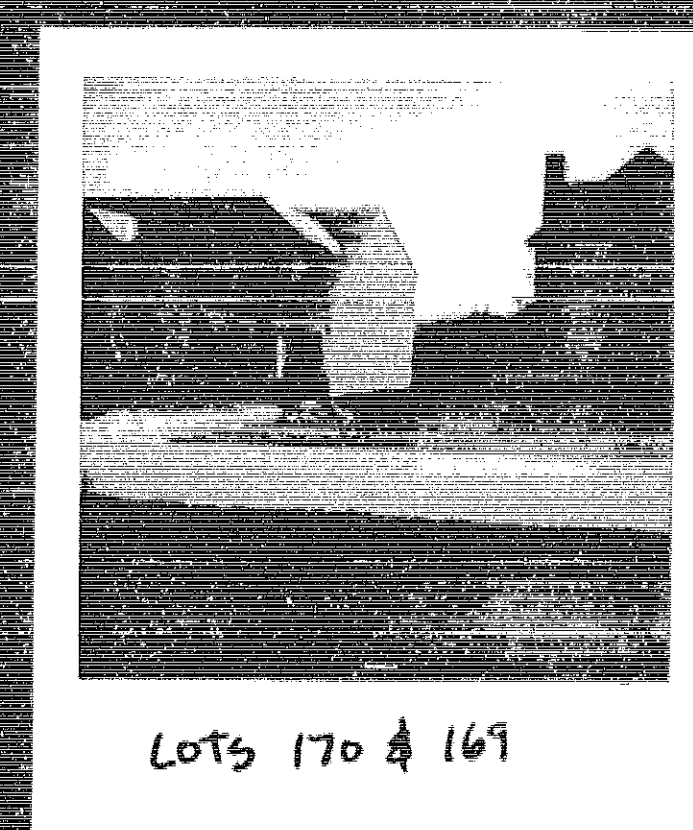
TWINLEAF CT.



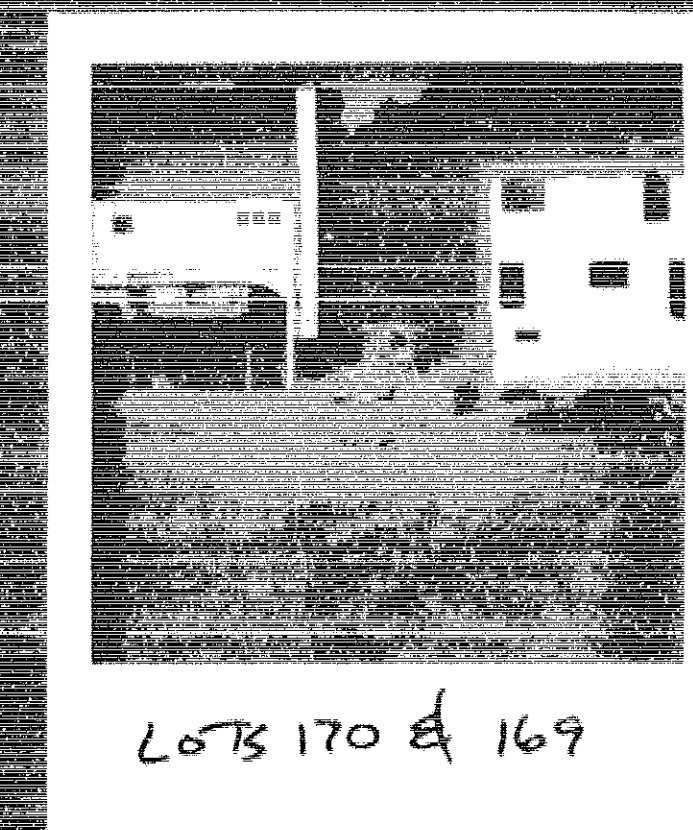
LOTS 170 & 169



LOTS 170 & 169



LOTS 170 & 169



LOTS 170 & 169

I, the undersigned am opposed to allowing the variance at 11703 Hunters Run Dr. I believe that the standards of this community should be enforced and I oppose any amendment to the final development plan which would compromise the covenants established by the Community of Hunt Valley Station.

Name	Address	Phone
1. Tom Robinson	11530 Hunters Run Dr.	527-0526
2. Pam Robinson	11530 Hunters Run Dr.	527-0526
3. Howard Kuntz	11672 Hunters Run Dr.	771-1643
4. Mike Cosgrove	11613 Hunters Run Dr.	785-2725
5. Fred Gindler	11605 Hunters Run Dr.	771-1278
6. Carol Bjellie	11610 Hunters Run Dr.	771-1761
7. George Hatch	11604 Hunters Run Dr.	527-1778
8. J. D. Dyer	11524 Hunters Run Dr.	527-1370
9. C. J. Gage	11520 Hunters Run Dr.	527-1116
10. Tim M. M. M.	11518 Hunters Run Dr.	785-0842
11. Mark Owens	11516 Hunters Run Dr.	785-0861
12. John Allen	11512 Hunters Run Dr.	444-0243
13. John S. S.	11509 Hunters Run Dr.	527-0140
14. John M. M.	11507 Hunters Run Dr.	785-2105
15. Mary J. J.	11505 Hunters Run Dr.	527-1761
16. John M. M.	11503 Hunters Run Dr.	785-9850
17. John M. M.	11501 Hunters Run Dr.	527-9511
18. John M. M.	11499 Hunters Run Dr.	771-9749
19. John M. M.	11497 Hunters Run Dr.	527-0111

PLEASE PRINT CLEARLY

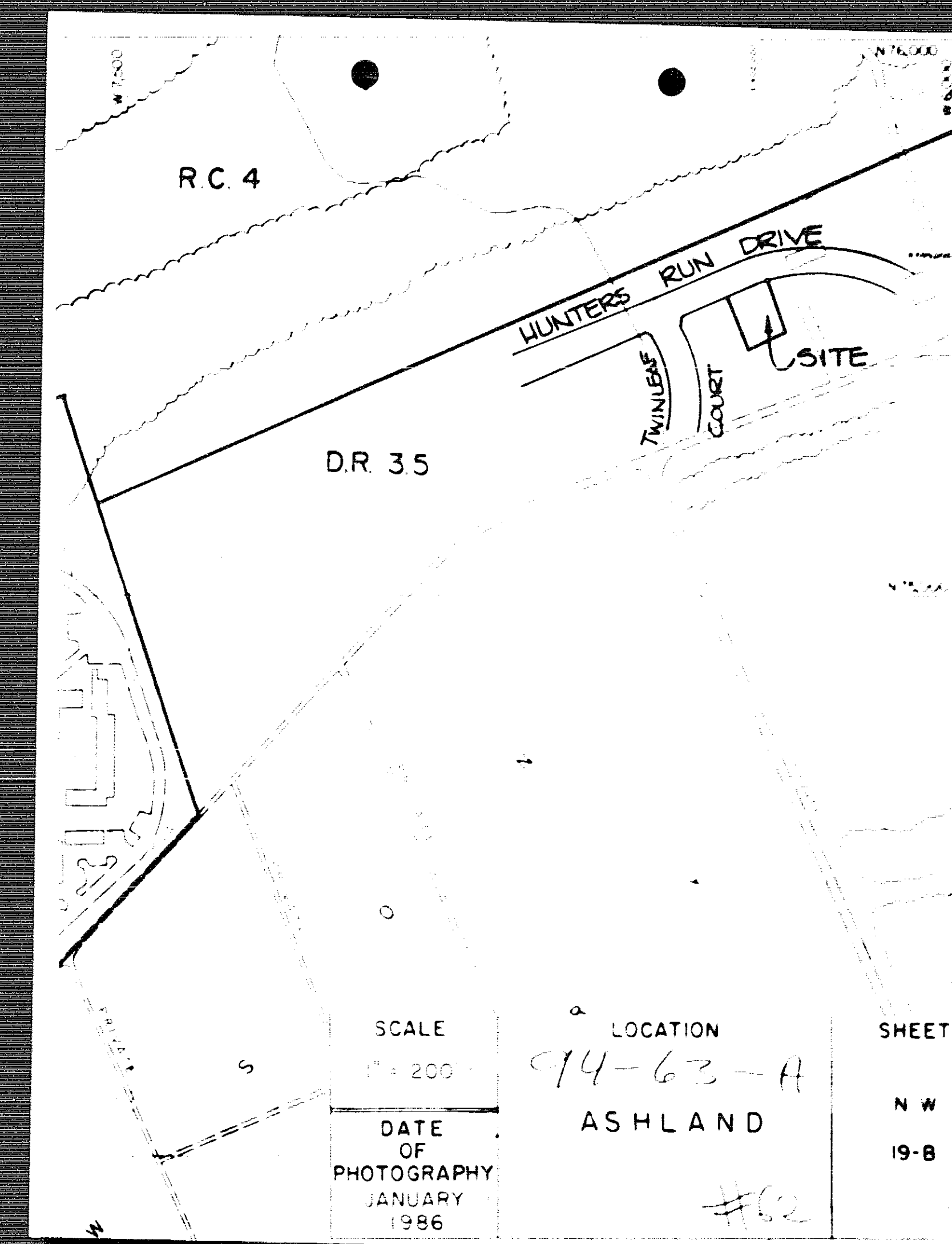
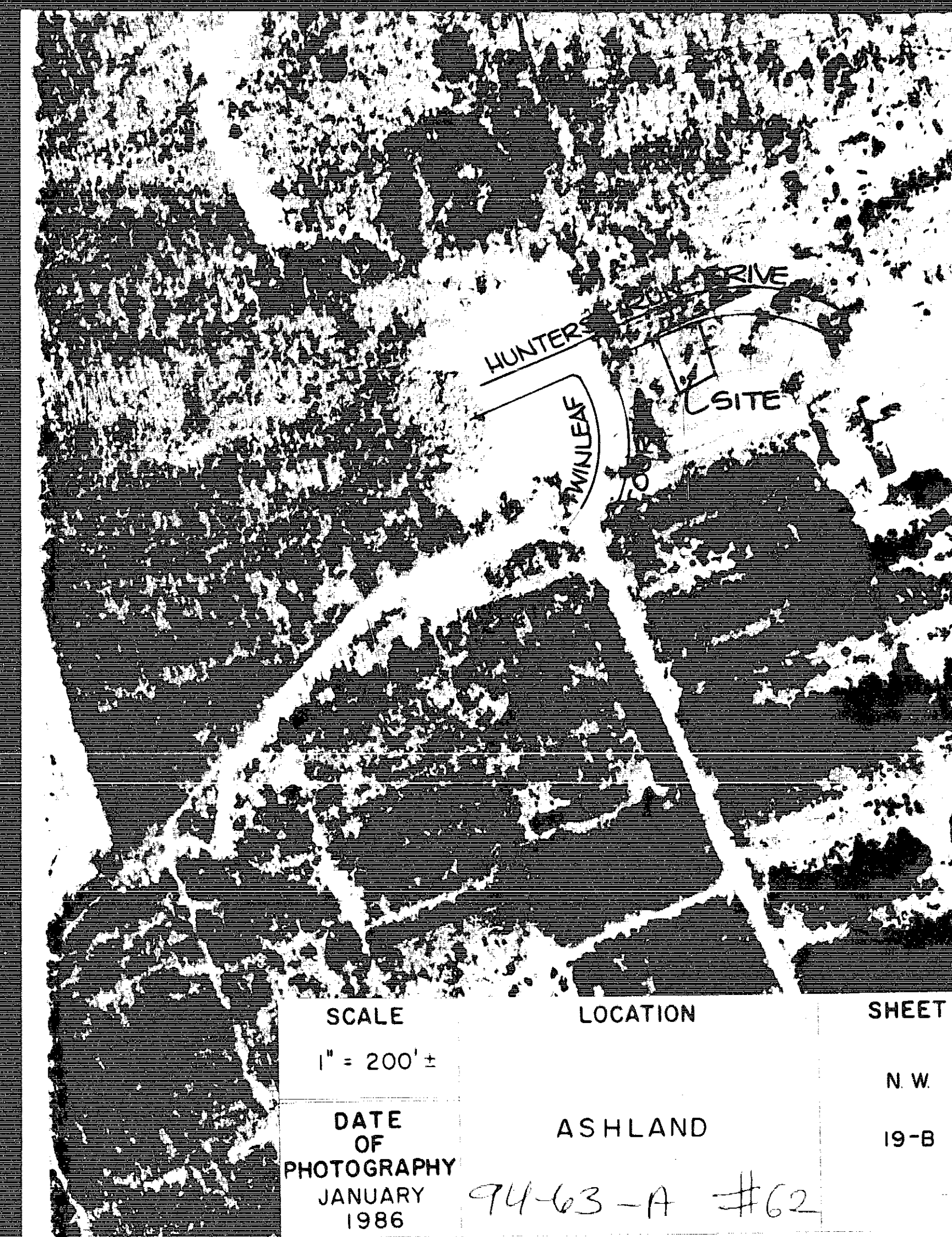
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
1. R. Monte Hipp	409 E. Lake Vista Circle
2. Armando Aguilara (Chapman)	108 W. Timonium
3. R. J. Fischer	
4. Raymond J. (Chapel Hill)	
5. Robert B. B.	515 Warren Rd. Glenview 2030
6. Rick Chadsey (G.W. Stephens)	658 KEDWORTH DR. Suite 100

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
1. Nancy H. Crawford	11701 Hunters Run Dr. 21030
2. Mark Crawford	11701 Hunters Run Dr. 21030
3. Marty Leahy	5 RINGLEAF CT 21030
4. John K. K.	7 RINGLEAF CT 21030



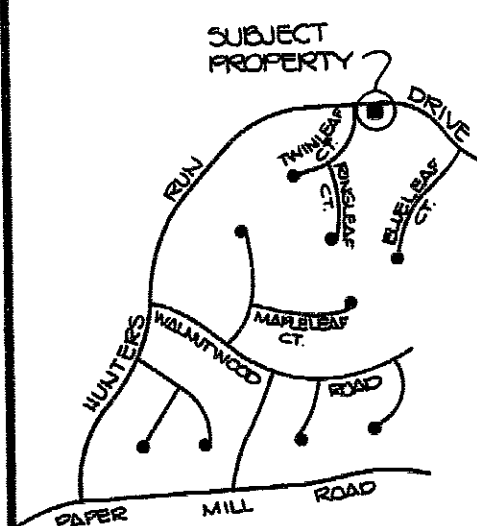
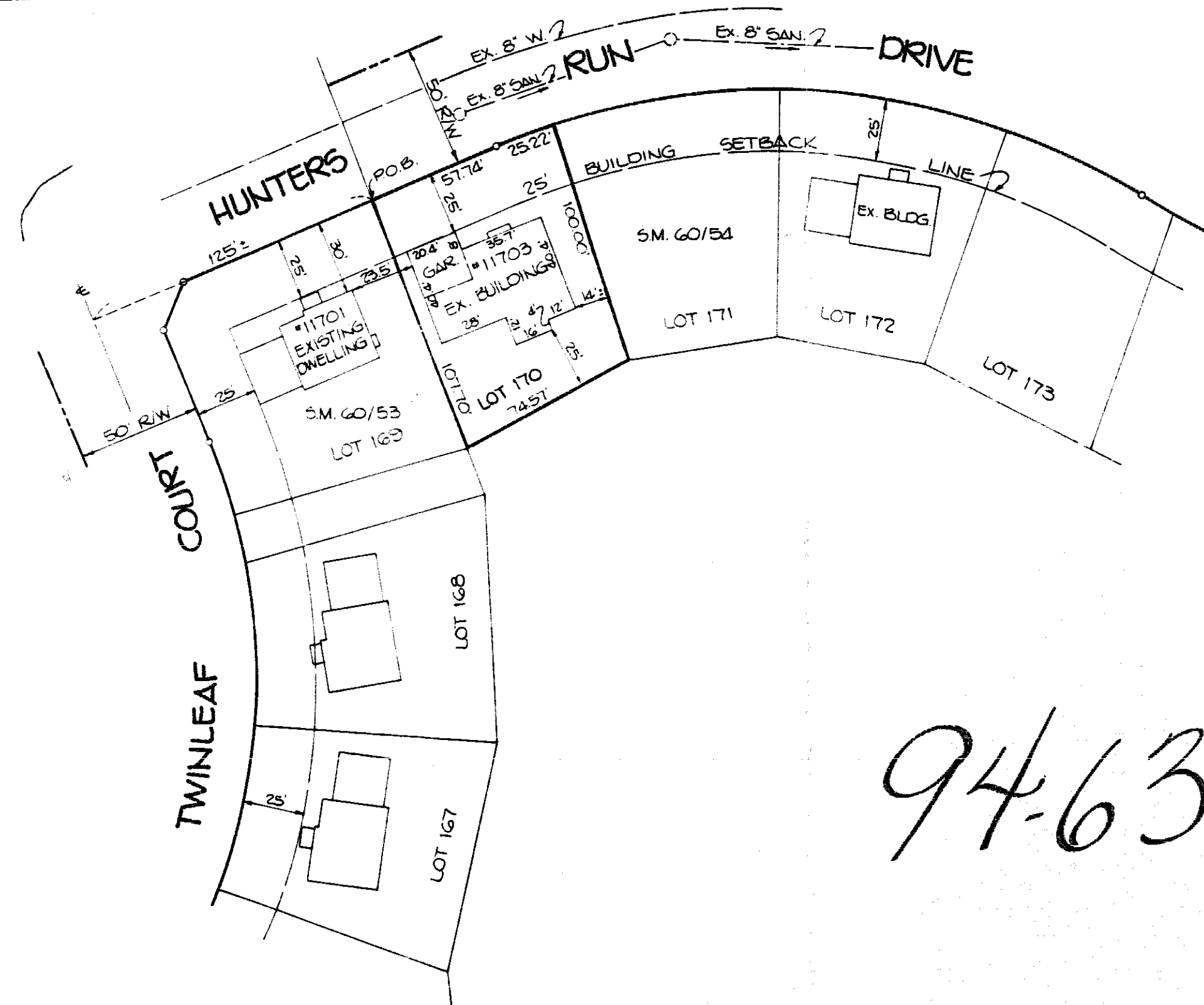
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 11703 HUNTERS RUN DRIVE

see pages 2 & 3 of the CHECKLIST for additional required information

Subdivision name: HUNTERS RUN
plat book # 62, folio # 54, lot # 170, section # VII

OWNER: ALLEN MONTEGRIFFO & FRANCES MONTEGRIFFO



Vicinity Map
scale 1"=100'

LOCATION INFORMATION

Councilman's District: 3
Election District: 6
1"=200' scale map NW 19B
Zoning: DR 2.5
Lot size: 0.188 Ac. 8185.28 square feet
SEWER: ☒
WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: ☒

Zoning Office USE ONLY!

reviewed by: [signature] ITES #1 CASE #1
[signature] 62

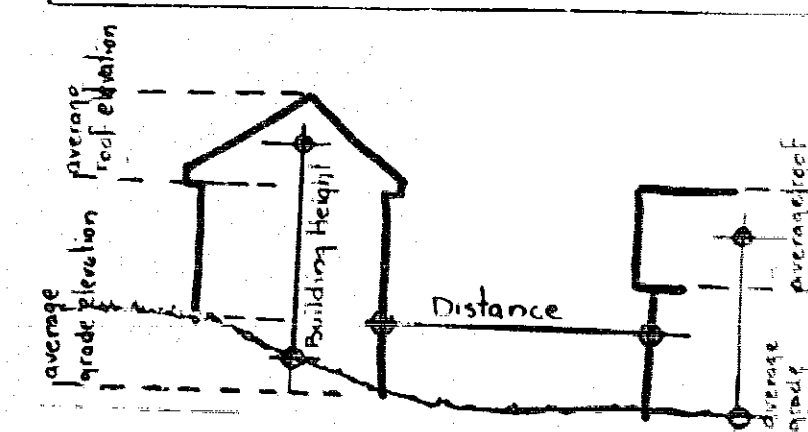
V.B.3 HEIGHT DISTANCE FACTOR

a. The maximum building height permitted within zoning classification is shown in Table 5-5. Height of a building is the vertical distance between the average grade at the foundation and the average elevation of the roof. The roof is the portion of a building above the last story.

b. In any D.R. Zone, the minimum horizontal distance between elevations of buildings not mutually attached are as shown in Figure 5-2 below. Buildings shall be considered mutually attached if there are any above-grade structural connections between them.

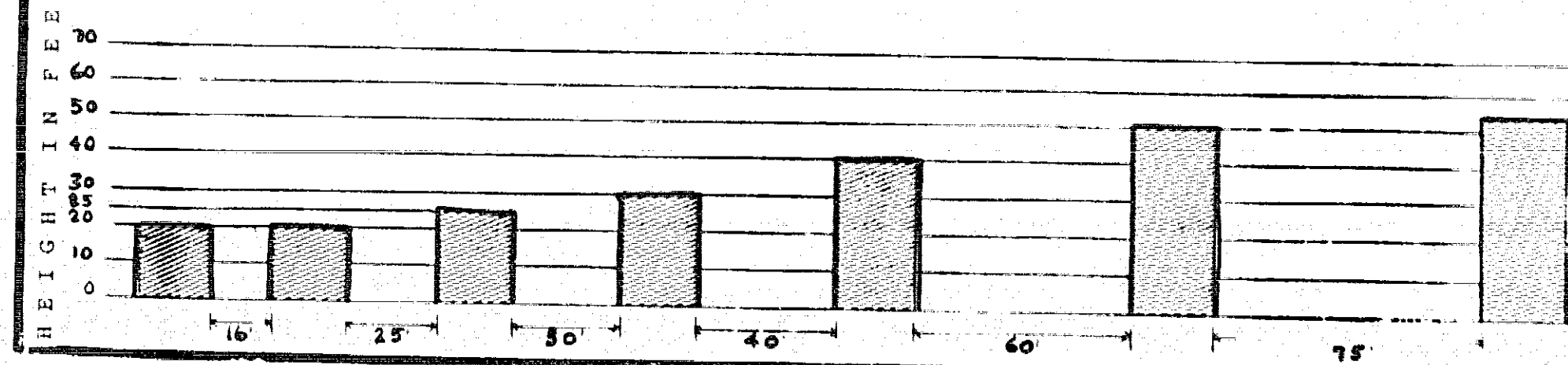
Zoning Classification	Maximum Height of Buildings in Feet
D.R. 1	50
D.R. 2	50
D.R. 3.5	50
D.R. 5.5	50
D.R. 10.5	50
D.R. 16	60

Table 5-5. Maximum Building Height by Zone



PETITIONER'S EXHIBIT 3

Figure 5-2. Minimum Horizontal Separation of Buildings Between Facing Elevations



SECTION V SITE DESIGN

INTRODUCTION

More imaginative site layout of residential units has often been prevented by requirements for minimum lot size, side, front, and backyard setbacks. Under the new D.R. provisions, these constraints have been eliminated. Siting will not be based upon property lines and zones, but upon relationship of structure bulk to one another and spaces.

Naturally, there will be some design consideration that must be met. These are not set constraints upon site layout, but are used to assure certain health, aesthetics, and privacy standards. The factors that control site layout are set forth in this section.

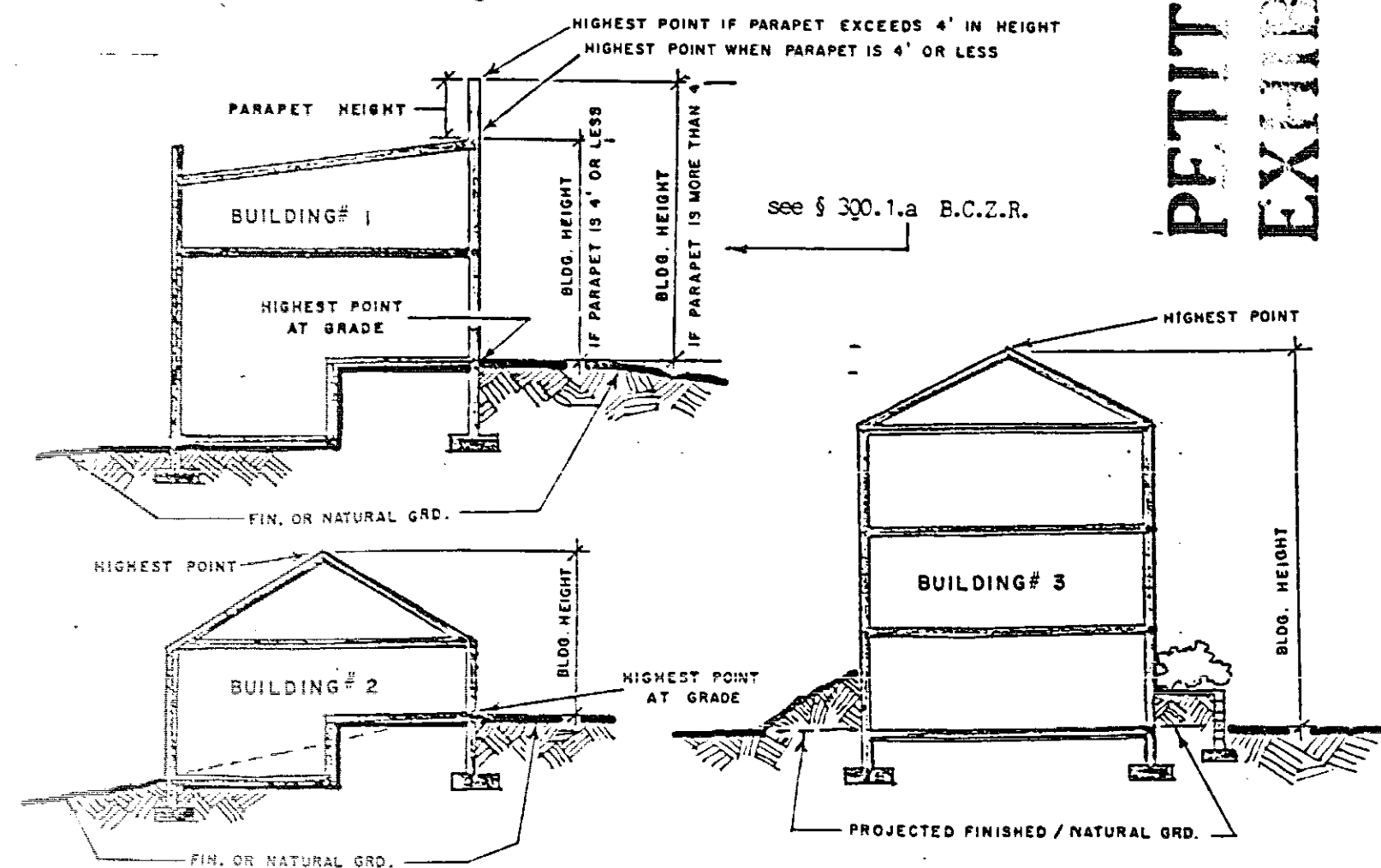
PETITIONER'S EXHIBIT 4

RM-6 HEIGHT DETERMINATION

8/22/85

Due to longstanding problems resulting from the present definition of "Building Height", Section 101, 1955, B.C.Z.R., the following height definition and application is hereby adopted as an official policy (8/22/85):

- HEIGHT OF A BUILDING OR OTHER STRUCTURE: The height of the highest point on a structure.
- HEIGHT OF A POINT ON A BUILDING OR OTHER STRUCTURE: The vertical distance from the point on the structure to the horizontal projection of the closest point at exterior grade.
- In instances where it is obvious that the exterior grade has been artificially built up above natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished exterior grade to the closest point (foundation wall). (see bldg. #3)



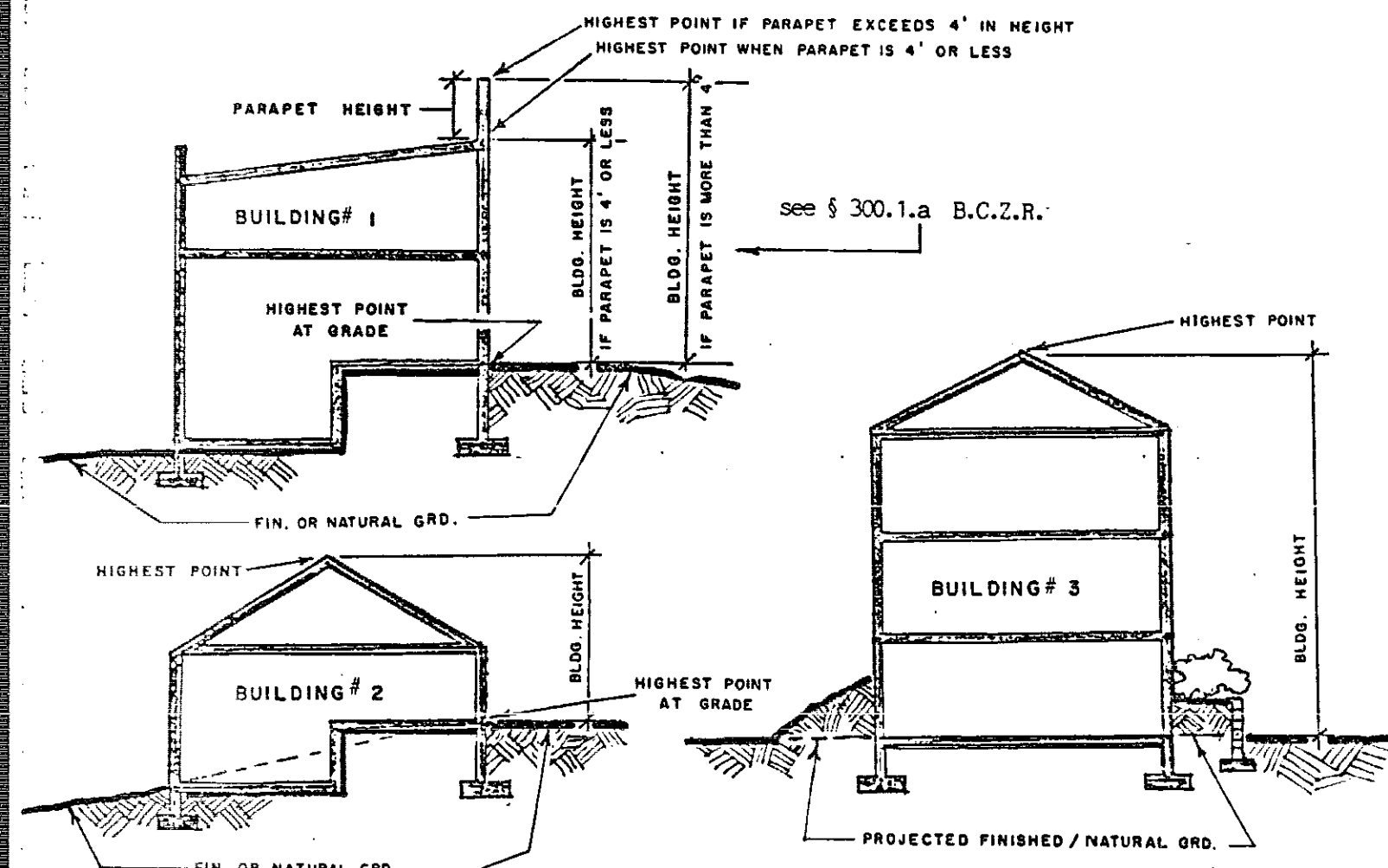
* The average height method has been difficult to apply due to the fact that it lends itself to different interpretations regarding its proper application to various types of structures.

A-13 HEIGHT DETERMINATION

8/22/85

Due to longstanding problems resulting from the present definition of "Building Height", Section 101, 1955, B.C.Z.R., the following height definition and application is hereby adopted as an official policy (8/22/85):

- HEIGHT OF A BUILDING OR OTHER STRUCTURE: The height of the highest point on a structure.
- HEIGHT OF A POINT ON A BUILDING OR OTHER STRUCTURE: The vertical distance from the point on the structure to the horizontal projection of the closest point at exterior grade.
- In instances where it is obvious that the exterior grade has been artificially built up above natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished exterior grade to the closest point (foundation wall). (see bldg. #3)



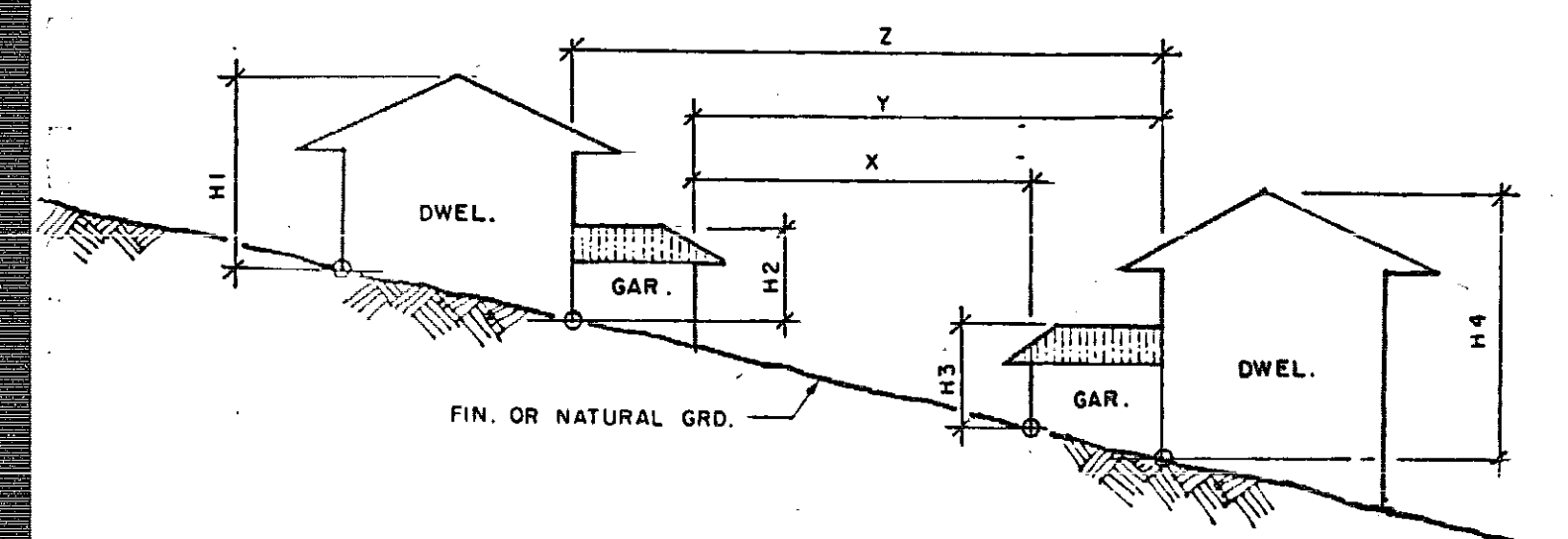
* The average height method has been difficult to apply due to the fact that it lends itself to different interpretations regarding its proper application to various types of structures.

PETITIONER'S
EXHIBIT 5B

RM-21 DISTANCES BETWEEN BUILDINGS (FACING ELEVATIONS) (see RM-6, A-13)

Notwithstanding the diagram of average building height in Section V.B.3 of the C.M.D.P., and to be consistent with policy RM-6 or A-13, the following policy is adopted for all applications of the Height Distance Factor V.B.3 in the C.M.D.P.

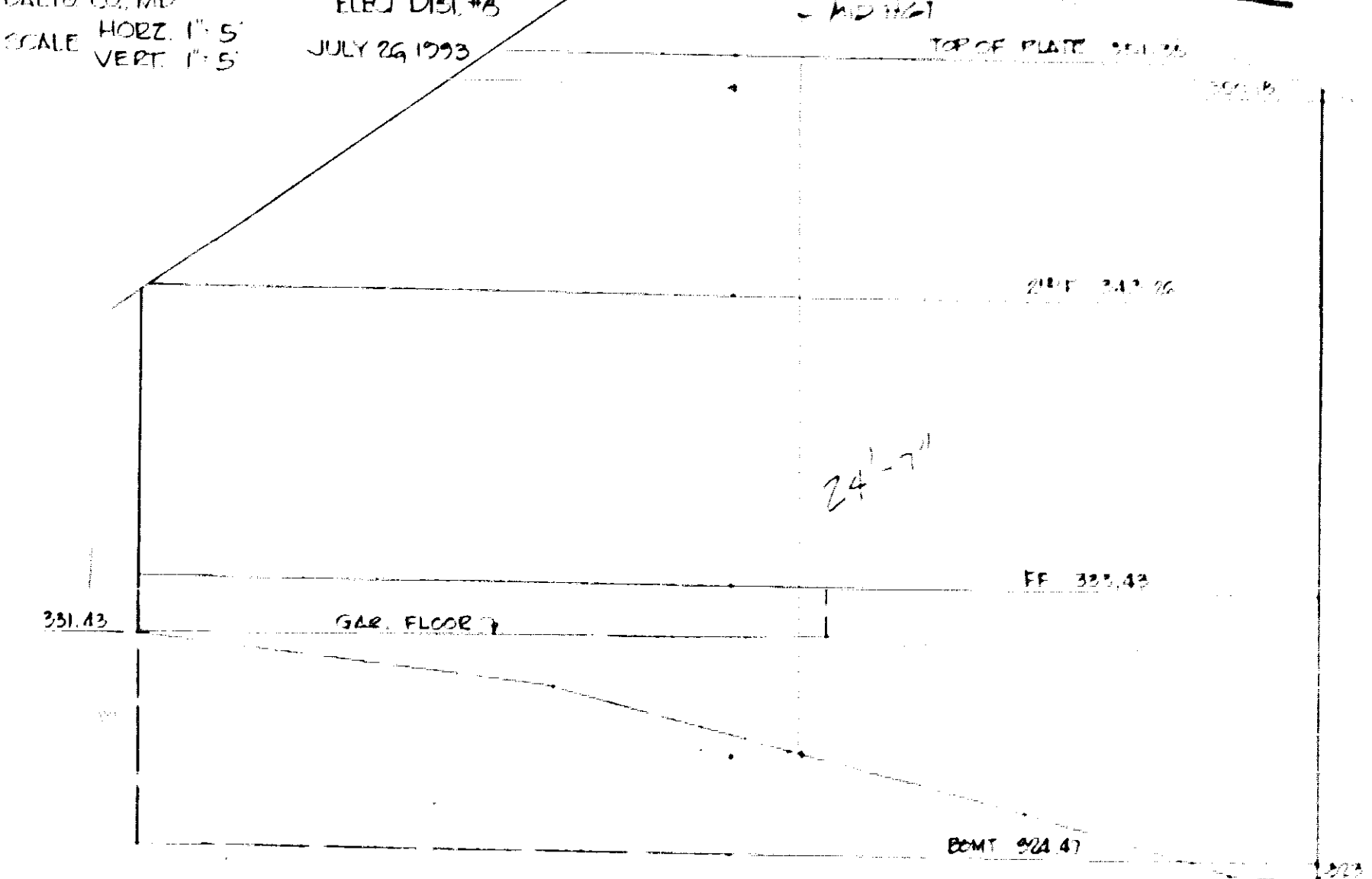
- All building heights will be determined by the application of policy RM-6 or A-13.
- The lesser height portions of facing elevations (H2 + H3) must meet the minimum required separation for distance (X), and the greater height portions (H1 + H4) must meet the minimum required separation for distance (Z).
- If two different height elevations face each other as shown in distance (Y), the greater height (H4) will determine the required separation.



PETITIONER'S
EXHIBIT 5C

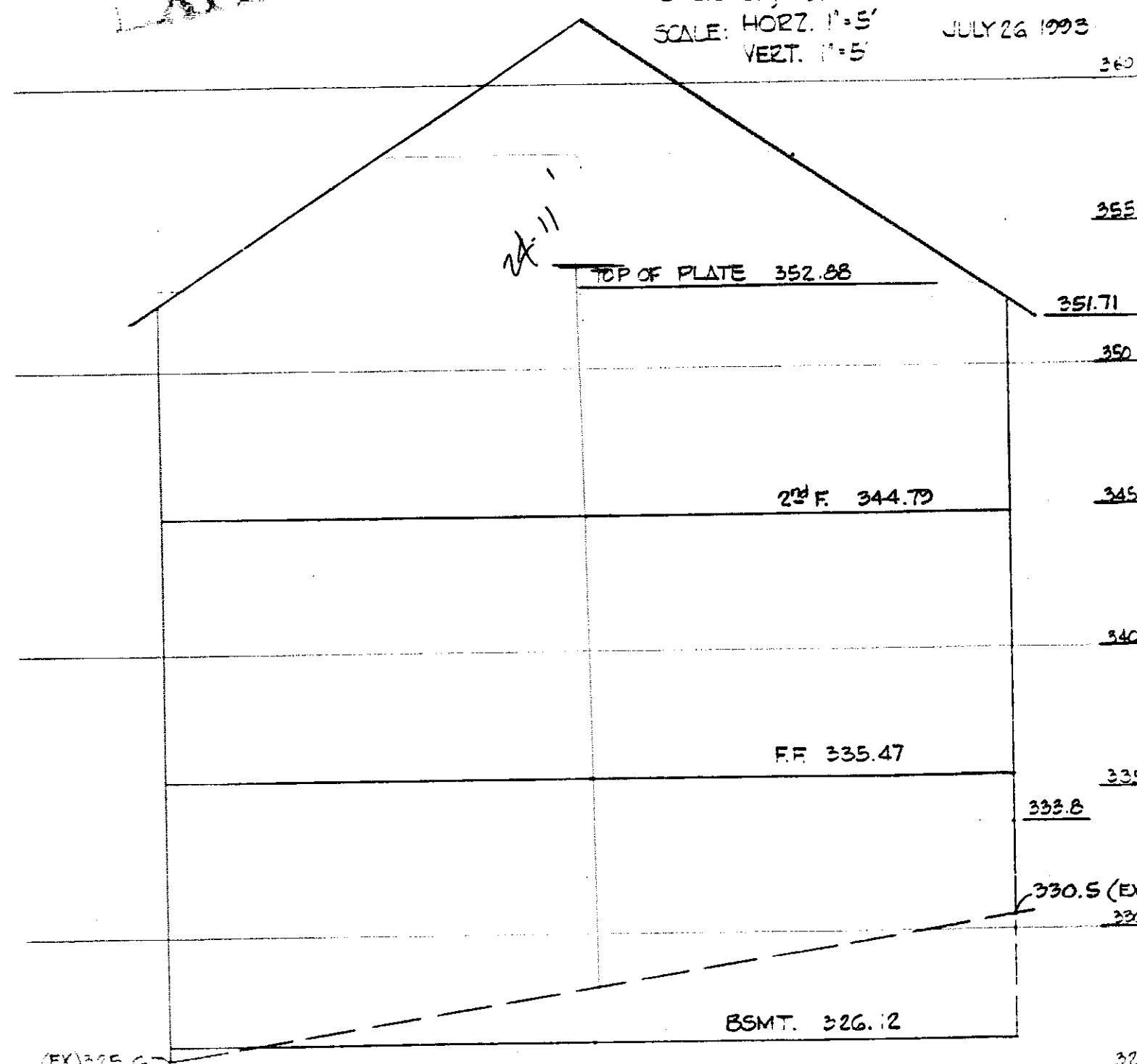
RIGHT SIDE ELEVATION
LOT 170
HUNTERS RUN
SECTION 7
BALTO. CO. MD. ELECT DIST. #5
SCALE: HORIZ. 1"=5' VERT. 1"=5' JULY 24, 1993

PETITIONER'S
EXHIBIT 6A

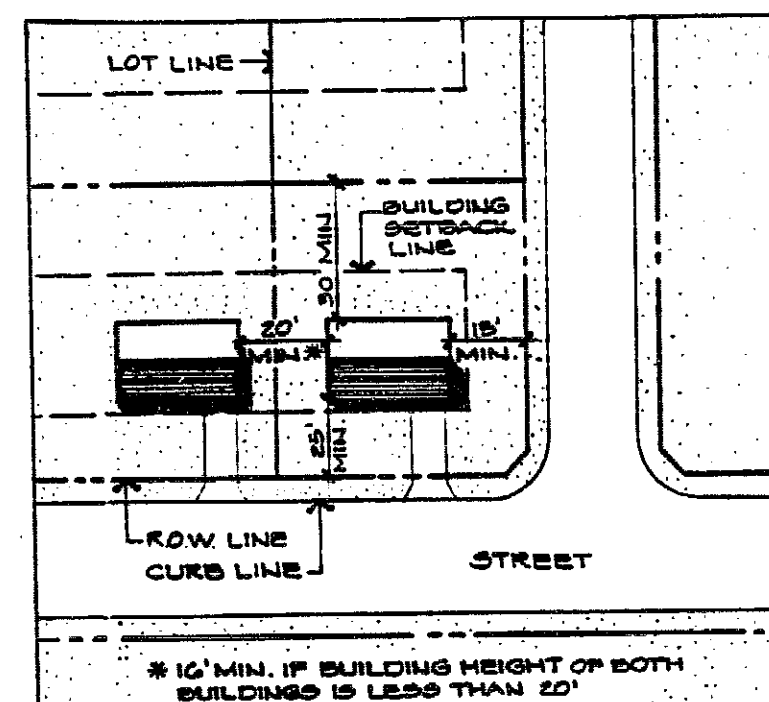


PETITIONER'S
EXHIBIT 6B

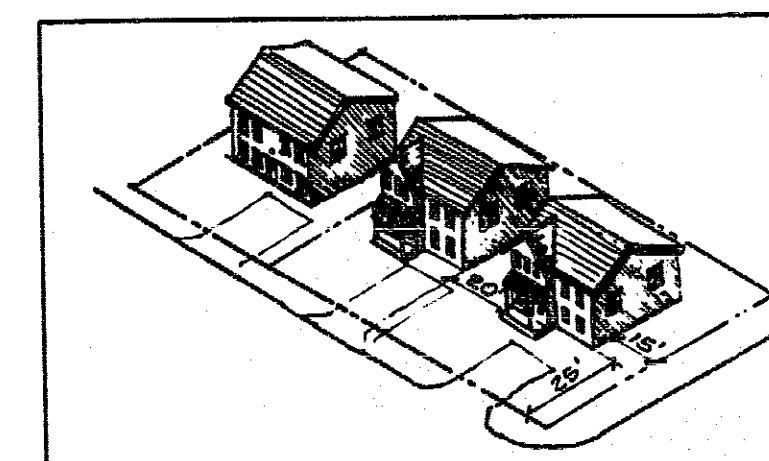
LEFT SIDE ELEVATION
LOT 169
HUNTERS RUN
SECTION 7
BALTO. CO. MD. ELECT DIST. #5
SCALE: HORIZ. 1"=5' VERT. 1"=5' JULY 24, 1993



Single Family Detached



Minimum setbacks for single family detached, semi-detached and duplex units in D.R. 3.5, 5.5, 10.5 and 16 zones



PERSPECTIVE VIEW, MINIMUM SETBACKS IN D.R. 3.5, 5.5, 10.5 AND 16

PETITIONER'S
EXHIBIT No 7

RESIDENTIAL STANDARDS 5

Plat to accompany Petition for Zoning Variance Special Hearing

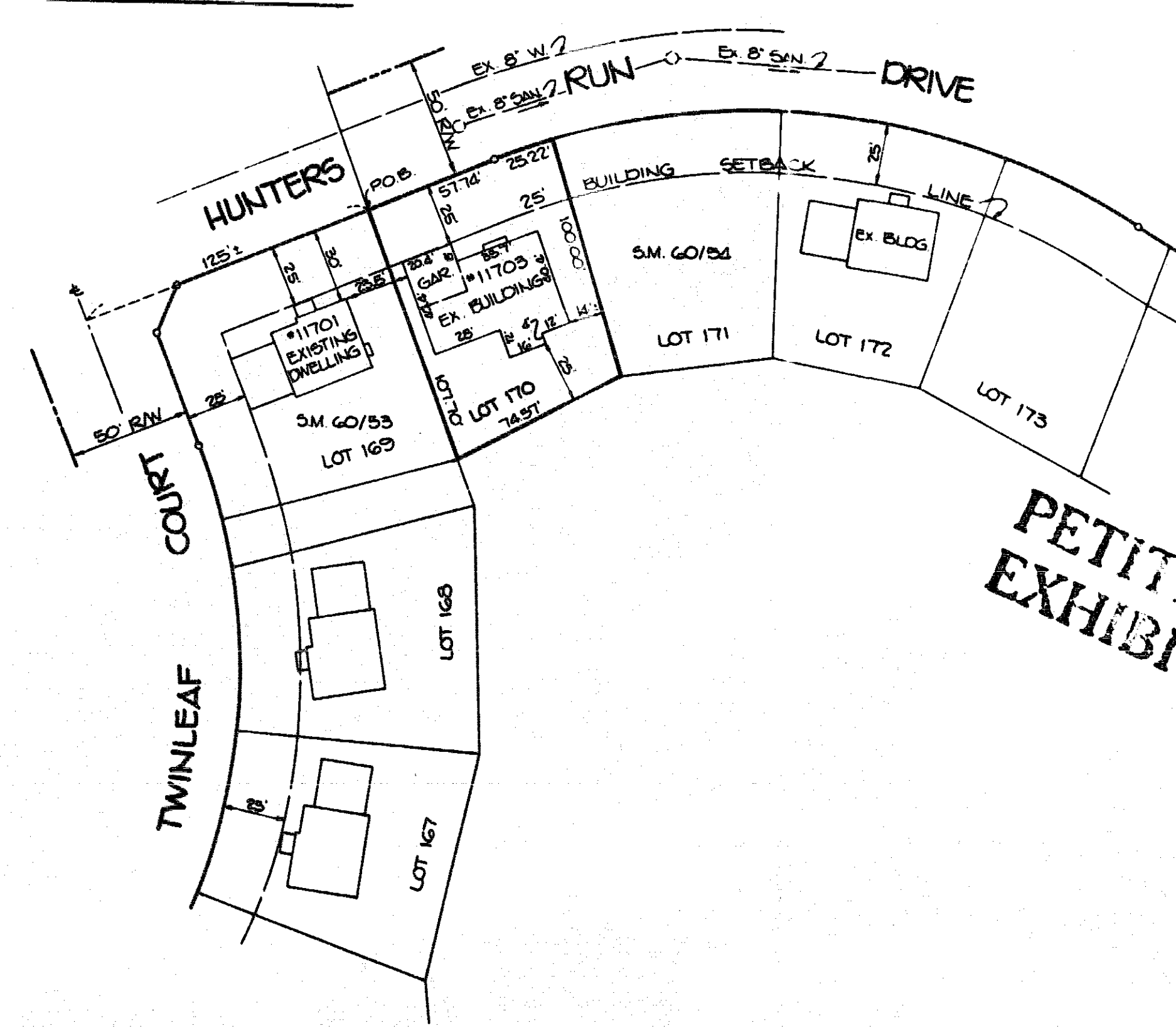
PROPERTY ADDRESS: 11703 HUNTERS RUN DRIVE

see pages 5 & 6 of the CHECKLIST for additional required information

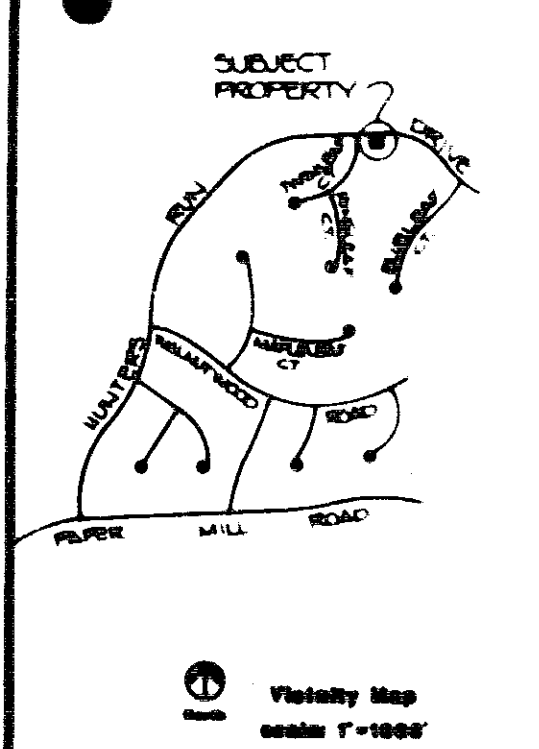
Subdivision name: HUNTERS RUN

plat book # 60, folios 52, lot # 170, section # VII

OWNER: ALLEN MONTGRIFFO & FRANCES MONTGRIFFO



PETITIONER'S
EXHIBIT No 8

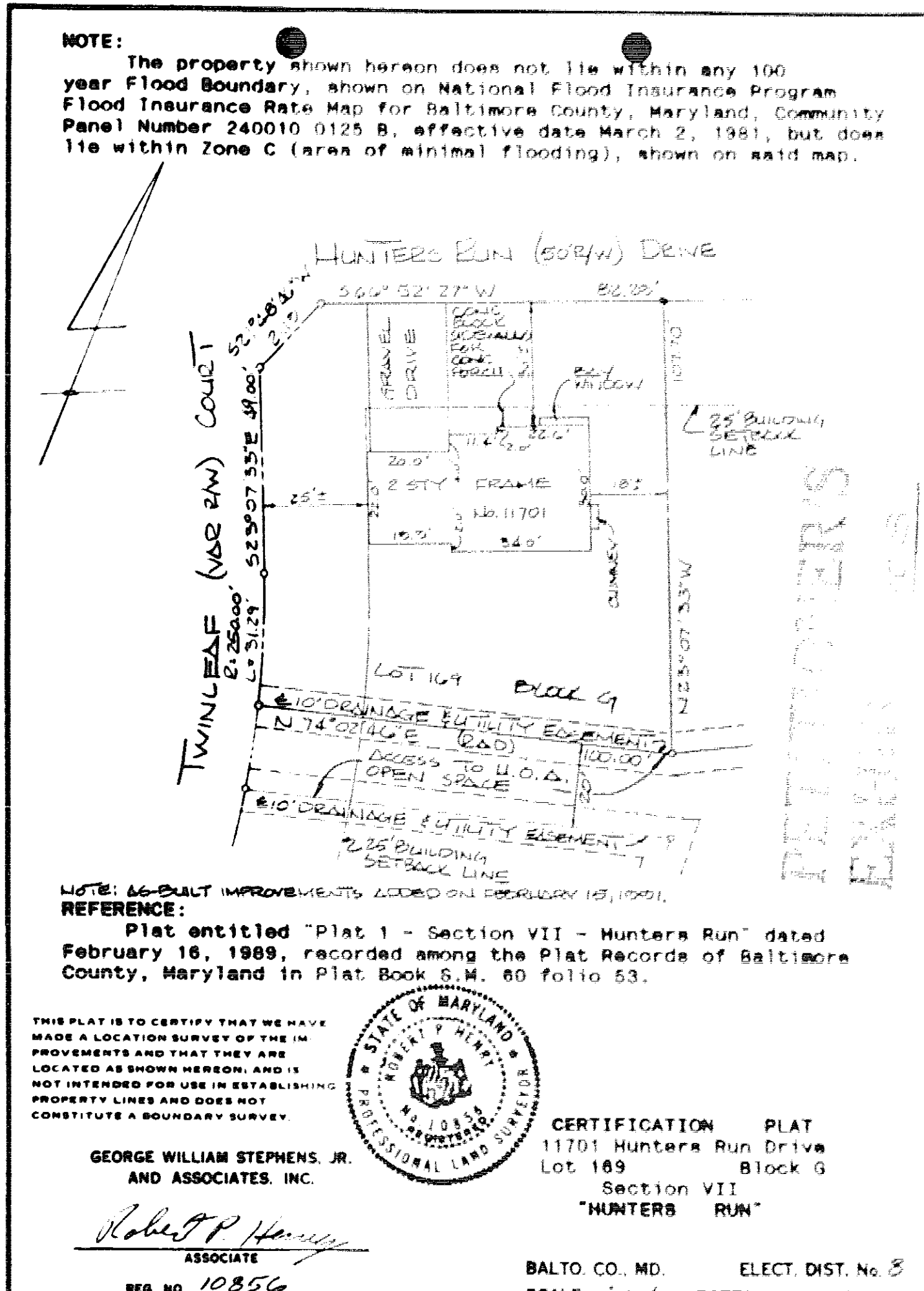
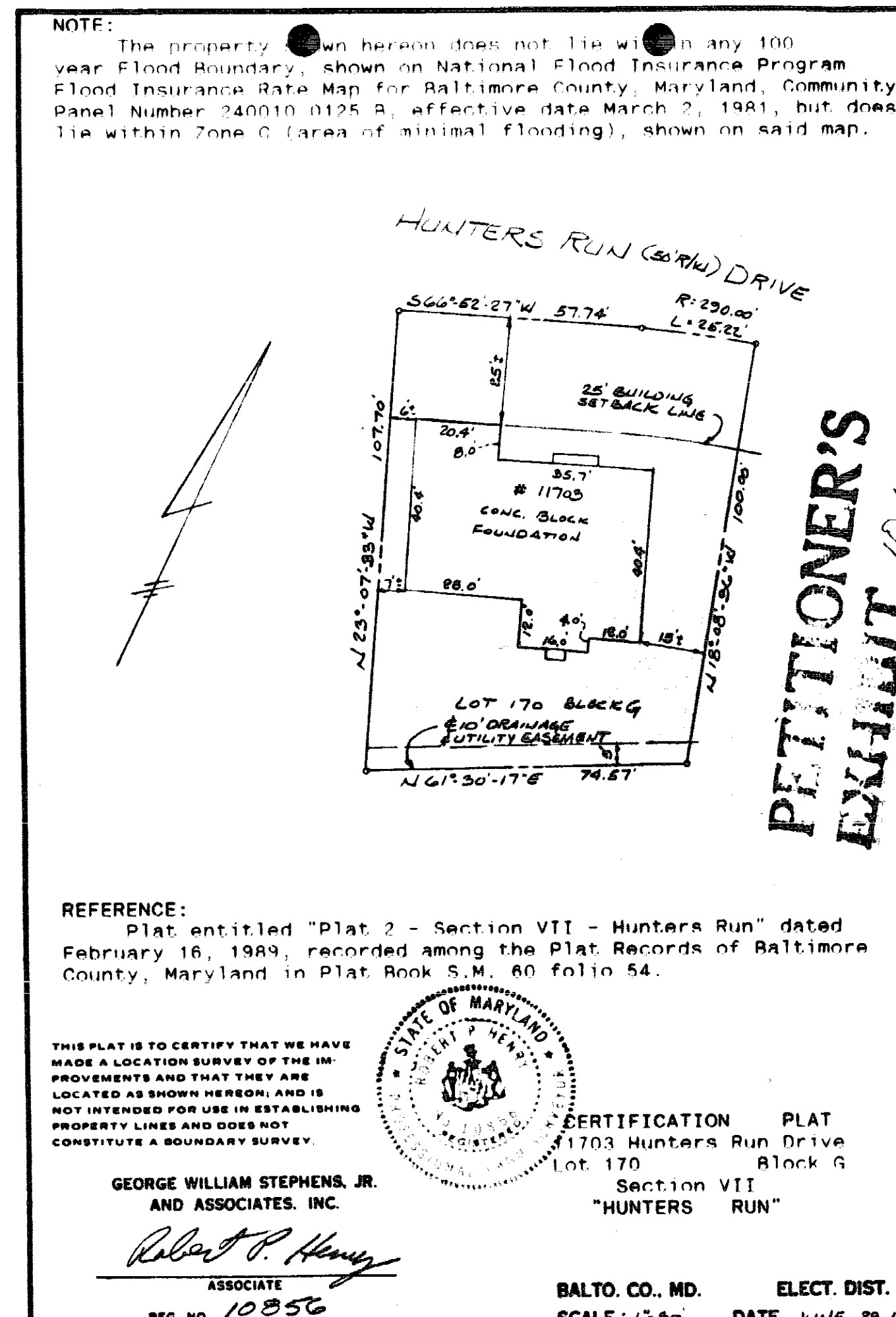
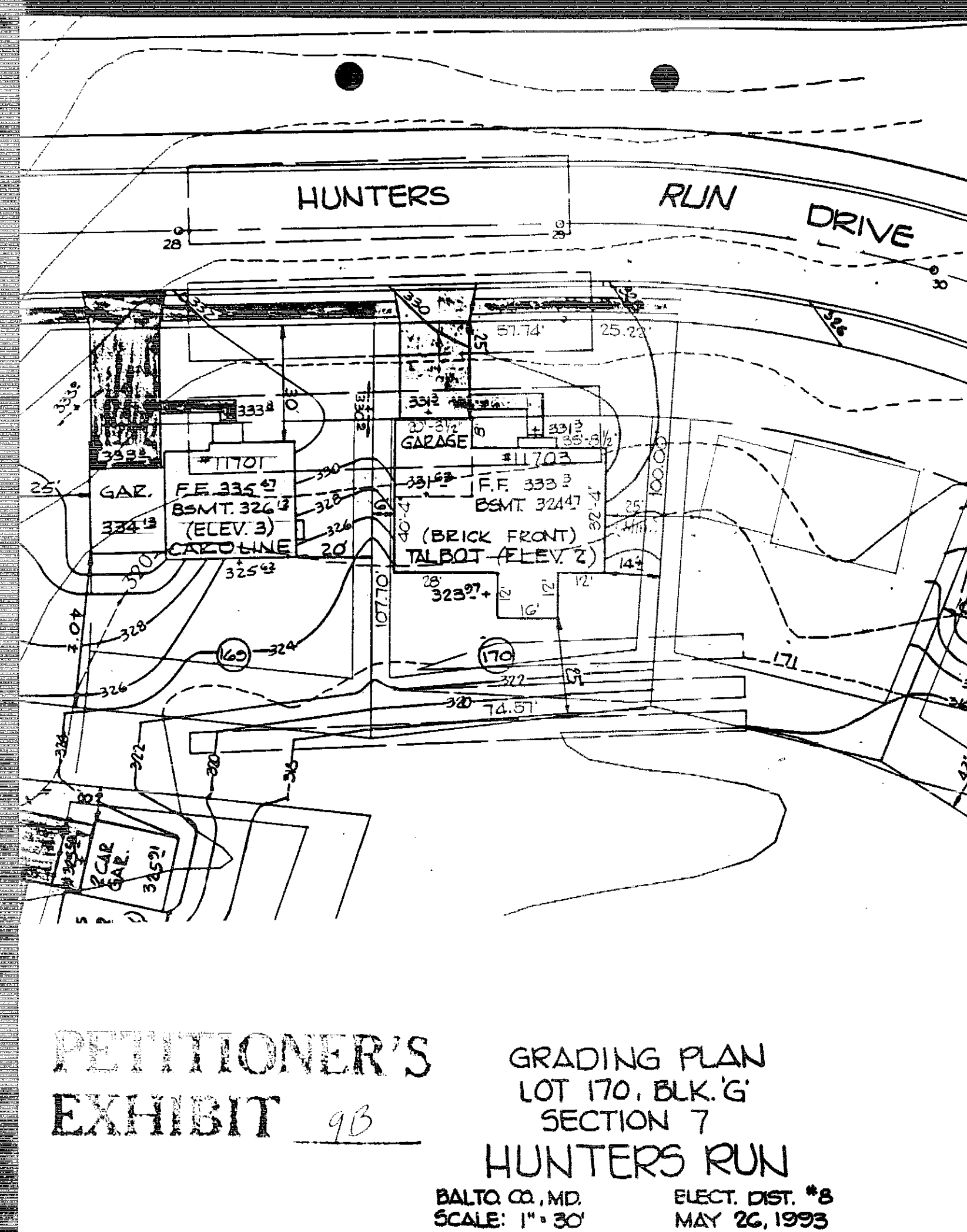
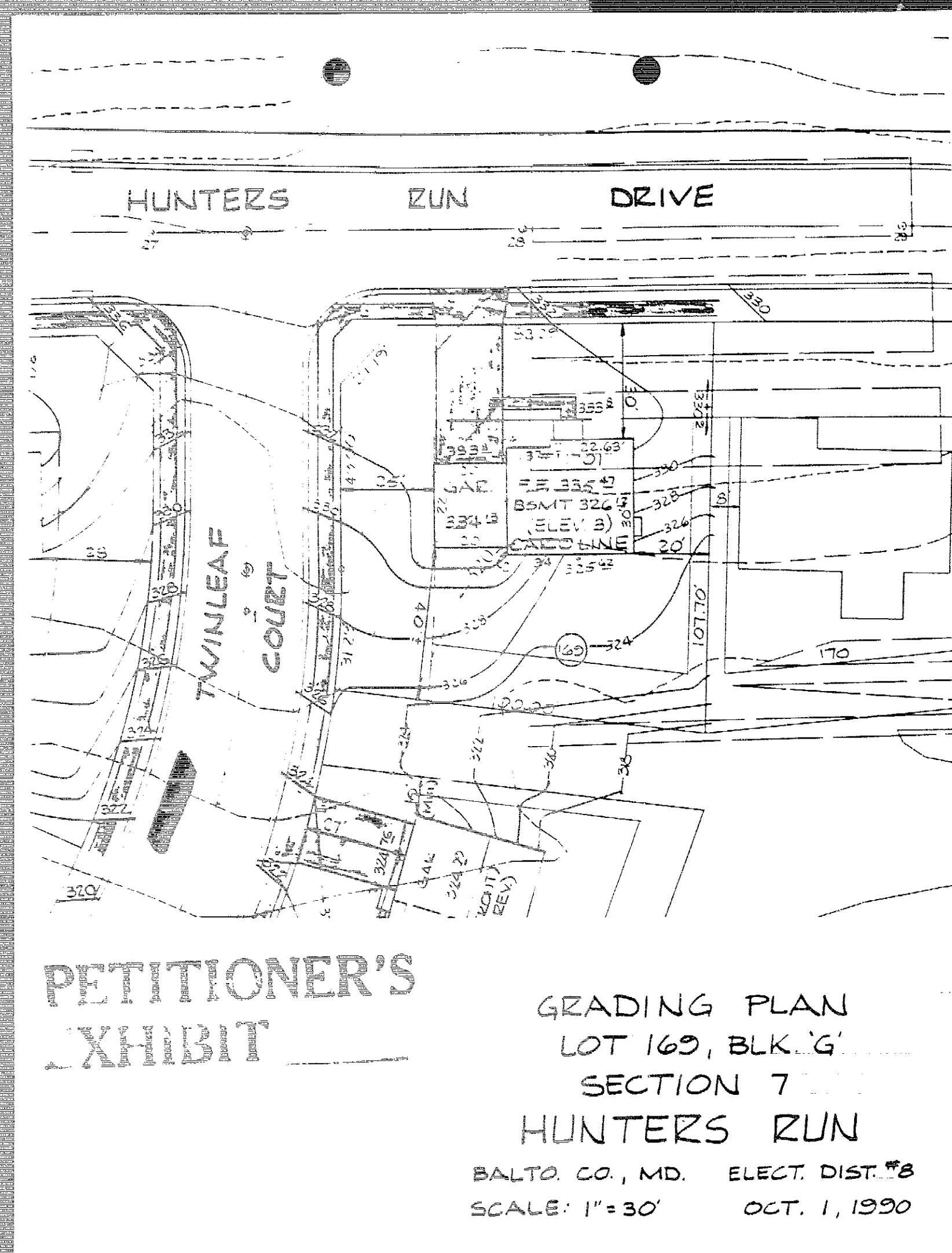


LOCATION INFORMATION

Commission District: 5
Election District: 5
1"=200' scale map: NW 195
Zoning: DR-3.5
Lot area: 0.182 Ac. 8,193.26 square feet
Garage: 1
SEWER: ☒
WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: ☒

Zoning Office USE ONLY

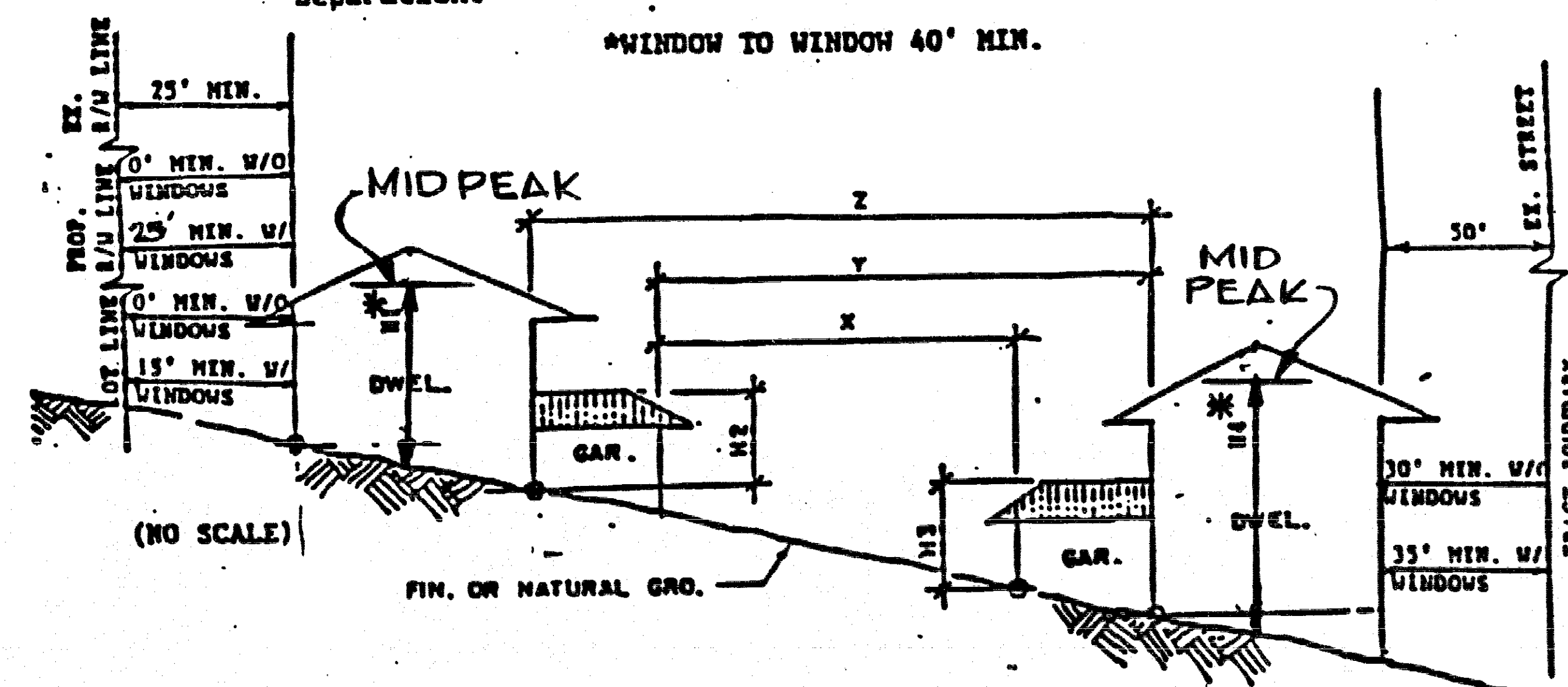
reviewed by: ITEM #1: GABBY



D-5 DISTANCES BETWEEN BUILDINGS (FACING ELEVATIONS) (see RM-6, A-13 RM-21)

Notwithstanding the diagram of average building height in Section V.B.3 of the C.M.D.P., and to be consistent with policy RM-6 or A-13, the following policy is adopted for all applications of the Height Distance Factor V.B.3 in the C.M.D.P.

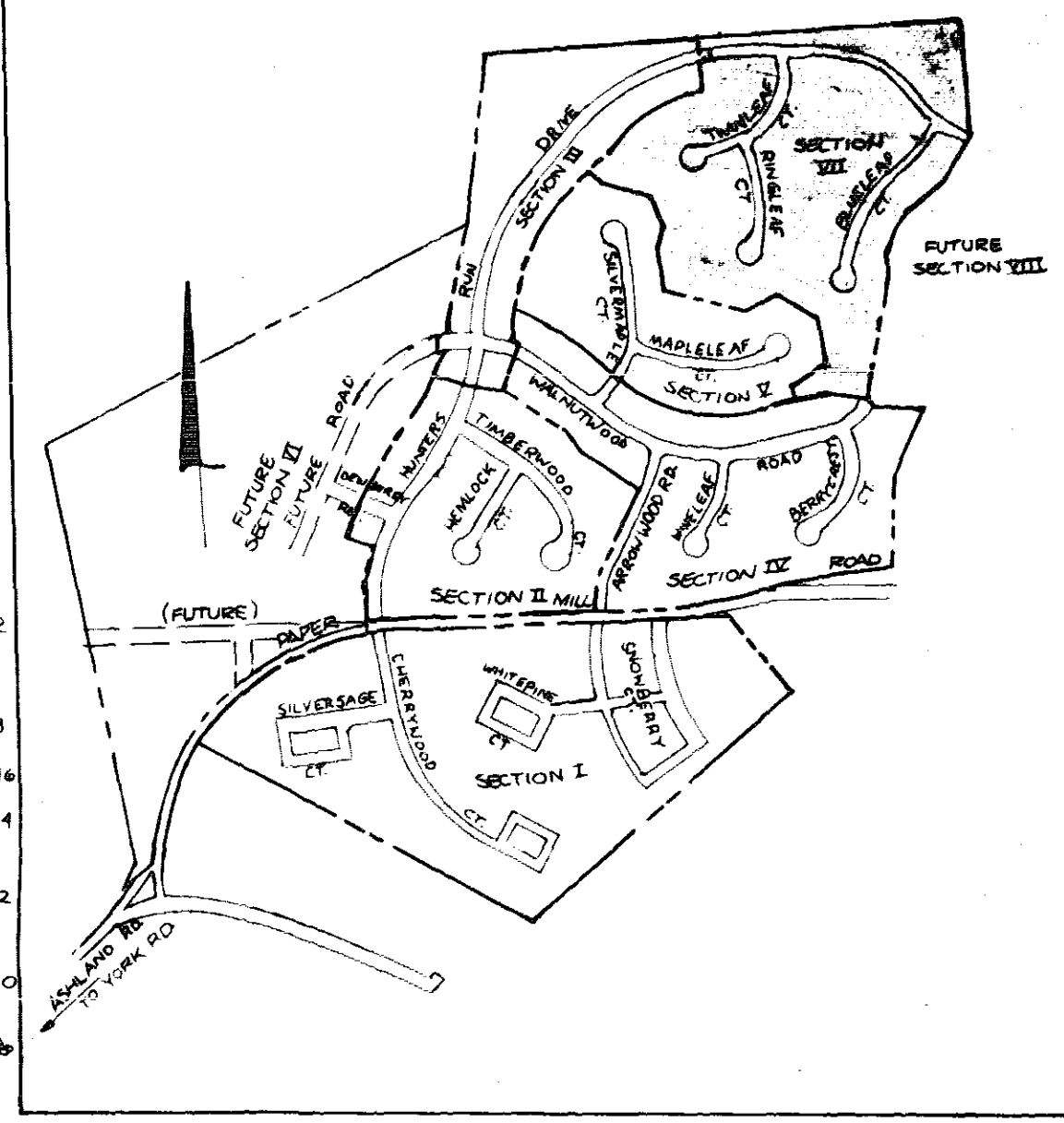
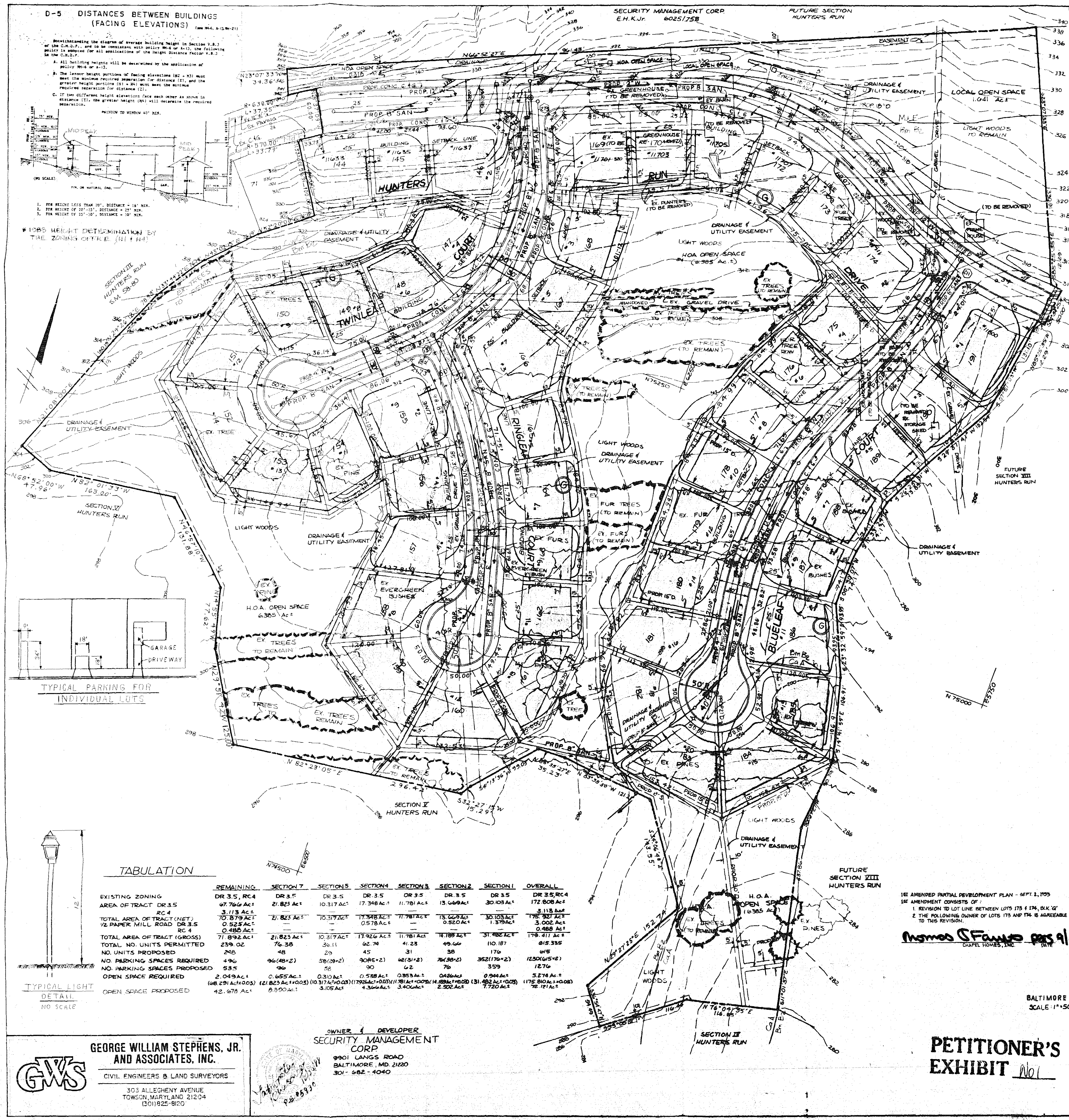
- All building heights will be determined by the application of policy RM-6 or A-13.
- The lesser height portions of facing elevations ($H2 + H3$) must meet the minimum required separation for distance (X), and the greater height portions ($H1 + H4$) must meet the minimum required separation for distance (Z).
- If two different height elevations face each other as shown in distance (Y), the greater height ($H4$) will determine the required separation.



- FOR HEIGHT LESS THAN 20', DISTANCE = 16' MIN.
- FOR HEIGHT OF 20'-25', DISTANCE = 25' MIN.
- FOR HEIGHT OF 25'-30', DISTANCE = 30' MIN.

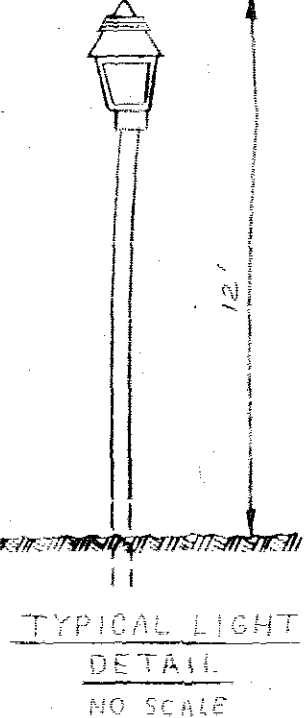
***1983 HEIGHT DETERMINATION BY
THE ZONING OFFICE. (H1 & H4)**

**PETITIONER'S
EXHIBIT 10C**



VICINITY MAP
SCALE 1" = 500'
B.M. 12120 A ELEV. 278.675
SET R.R. SPIKE IN NORTH SIDE OF POLE
#40082 ON N.W. SIDE OF PAPER MILL
ROAD, 1700' ± W. OF R.R.

- GENERAL NOTES**
1. ALL LOTS SHOWN HEREON ARE "FOR SALE" OR "FOR RENT".
 2. SITE IS ZONED R-1. REMAINDER - LIGHT WOODS.
 3. LANDSCAPING TO BE PROVIDED BY THE LOT OWNER. (SEE NOTE #16).
 4. OPEN SPACE TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION OR BALTO. CO.
 5. A.D.T. COUNT SHOWN THIS (0).
 6. REFUSE COLLECTION TO BE PROVIDED BY BALTIMORE COUNTY, IN RAINFALL MAY.
 7. THERE SHALL BE TWO (2) 9' x 18' PARKING SPACES PROVIDED FOR EACH LOT.
 8. PARKING SPACES SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE (CONCRETE, BITUMINOUS OR MACADAM SURFACING).
 9. STREETLIGHT SHOWN THIS (12' MAX. HEIGHT).
 10. SHADED AREA INDICATES MAXIMUM BUILDING AREA SUBJECT TO SETBACK AND ELEVATION DETAIL SHOWN HEREON.
 11. THE BUILDING ENVELOPES SHOWN ON THIS PLAN ARE FOR THE PRINCIPAL BUILDING ONLY. (SEE NOTE #12 REGARDING ACCESSORY BUILDINGS).
 12. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF THE PRINCIPAL BUILDING ONLY. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTION 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS). SEE DISTANCE BETWEEN BUILDINGS DETAIL AND NOTE #17.
 13. THIS DEVELOPMENT PLAN IS APPROVED BY THE ZONING COMMISSIONER BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY, AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATION. ANY PART OF PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED, OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A BUILDING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.
 14. UTILITIES SHOWN ARE PRELIMINARY ONLY. CHANGES MAY BE MADE AT THE TIME OF FINAL DESIGN.
 15. TREES TO REMAIN SHOWN THIS (0).
 16. LANDSCAPE PLAN MUST BE APPROVED BY THE PLANNING OFFICE PRIOR TO A BUILDING PERMIT. LANDSCAPING REQUIREMENTS: 48 LOTS x 1 TREE/LOT = 48 TREES (HAWK).
 17. 25' SETBACK LINE FROM ROAD RIGHT-OF-WAY IS FOR PRINCIPAL BUILDING ONLY AT A POINT ON A FACING WINDOW. AT POINTS HAVING NO WINDOWS, THE PRINCIPAL BUILDING MAY EXTEND TO WITHIN 10' OF THE R/W. ALSO A GARAGE MAY BE EXTENDED TO 25' FROM THE ROAD R/W.
 18. CRG APPROVAL DATE: AUGUST 25, 1983. NEW EXPIRATION DATE: AUGUST 25, 1989.
 19. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
 20. THE EXACT LOCATION OF CURB CUTS FOR DRIVEWAYS OR PARKING PAD ENTRANCES IS TO BE DETERMINED BY OWNER WHEN EXACT BUILDING MODELS BECOME AVAILABLE BUT PRIOR TO INSTALLATION OF TREES OR CURBS.
 21. THIS DEVELOPMENT PLAN COMPLIES WITH THE CRG PLAN AND ALL CRG COMMENTS.
 22. MAXIMUM BUILDING HEIGHT IS 30 FEET.
- *THERE ARE NO FLOOD PLAIN AREAS OR HYDRIC SOILS ON THIS SITE.
*HOA OPEN SPACE TO BE OWNED & MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
*LOCAL OPEN SPACE TO BE OWNED AND MAINTAINED BY BALTIMORE COUNTY.



TABULATION

EXISTING ZONING	REMAINING	SECTION 7	SECTION 8	SECTION 9	SECTION 10	SECTION 11	OVERALL
DR 3.5, RC 4	DR 3.5, RC 4	DR 3.5	DR 3.5	DR 3.5	DR 3.5	DR 3.5	DR 3.5, RC 4
AREA OF TRACT DR 3.5	67.766 Ac.	21.823 Ac.	10.317 Ac.	17.348 Ac.	13.049 Ac.	30.103 Ac.	172.808 Ac.
RC 4	3.113 Ac.	21.823 Ac.	10.317 Ac.	17.348 Ac.	13.049 Ac.	30.103 Ac.	172.808 Ac.
TOTAL AREA OF TRACT (NET)	70.879 Ac.	21.823 Ac.	10.317 Ac.	17.348 Ac.	13.049 Ac.	30.103 Ac.	172.808 Ac.
1/2 PAPER MILL ROAD DR 3.5	0.523 Ac.	—	—	—	—	—	0.523 Ac.
RC 4	0.480 Ac.	—	—	—	—	—	0.480 Ac.
TOTAL AREA OF TRACT (GROSS)	71.879 Ac.	21.823 Ac.	10.317 Ac.	17.348 Ac.	13.049 Ac.	30.103 Ac.	173.331 Ac.
TOTAL NO. UNITS PERMITTED	239.02	76.38	36.11	62.74	41.23	110.187	615.355
NO. UNITS PROPOSED	248	48	29	45	31	176	639
NO. PARKING SPACES REQUIRED	496	96 (48x2)	58 (29x2)	90 (45x2)	62 (31x2)	352 (176x2)	1250 (625x2)
NO. PARKING SPACES PROPOSED	585	96	58	90	62	352	1254
OPEN SPACE REQUIRED	2.049 Ac.	0.655 Ac.	0.310 Ac.	0.528 Ac.	0.394 Ac.	0.944 Ac.	5.274 Ac.
OPEN SPACE PROPOSED	(68.291 Ac. x 0.05) 3.412 Ac.	(21.823 Ac. x 0.05) 1.091 Ac.	(10.317 Ac. x 0.05) 0.516 Ac.	(17.348 Ac. x 0.05) 0.867 Ac.	(13.049 Ac. x 0.05) 0.652 Ac.	(30.103 Ac. x 0.05) 1.505 Ac.	8.853 Ac.

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 952-8100

OWNER & DEVELOPER
SECURITY MANAGEMENT CORP.
9901 LANGS ROAD
BALTIMORE, MD 21202
301-682-4040

1ST AMENDED PARTIAL DEVELOPMENT PLAN - SEPT. 2, 1983
1ST AMENDMENT CONSISTS OF:
1. REVISION TO LOT LINE BETWEEN LOTS 175 & 176, 176 & 177, & 177 & 178.
2. THE FOLLOWING OWNER OF LOTS 175 AND 176 & 177 & 178 AGREEABLE TO THIS REVISION.

Morgan S. Evans
CHAPEL HILLS, N.C.

PETITIONER'S EXHIBIT *Vol*

1ST AMENDED PARTIAL DEVELOPMENT PLAN
SECTION VII
HUNTERS RUN

BALTIMORE COUNTY, MARYLAND
SCALE 1" = 50'
ELECTION DISTRICT 8C3
DECEMBER 30, 1988

OFFICE OF PLANNING AND ZONING
APPROVED BY

DIRECTOR OF PLANNING DATE
ZONING COMMISSIONER DATE

SHEET 1 OF 2
P.L. 6042

CURVE DATA

STATION	CHORD BEARING	CHORD DIST.	ARC BEARING	ARC DIST.	CHORD BEARING	CHORD DIST.	ARC BEARING	ARC DIST.
1+00.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00
2+00.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00
3+00.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00
4+00.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00
5+00.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00
6+00.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00
7+00.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00
8+00.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00
9+00.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00
10+00.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00	N 75° 00' 00" E	100.00

COORDINATE SCHEDULE

STATION	NORTH	EAST	STATION	NORTH	EAST
1+00.00	100.00	0.00	11+00.00	100.00	0.00
2+00.00	100.00	0.00	12+00.00	100.00	0.00
3+00.00	100.00	0.00	13+00.00	100.00	0.00
4+00.00	100.00	0.00	14+00.00	100.00	0.00
5+00.00	100.00	0.00	15+00.00	100.00	0.00
6+00.00	100.00	0.00	16+00.00	100.00	0.00
7+00.00	100.00	0.00	17+00.00	100.00	0.00
8+00.00	100.00	0.00	18+00.00	100.00	0.00
9+00.00	100.00	0.00	19+00.00	100.00	0.00
10+00.00	100.00	0.00	20+00.00	100.00	0.00

TABULATION

EX ZONING	DR 35
AREA OF PLAT 1	10.447 AC.
NO. LOTS PERMITTED	26
NO. LOTS PROPOSED	26
NO. PARKING SPACES REQUIRED	52 (26x2)
NO. PARKING SPACES PROPOSED	52
OPEN SPACE REQUIRED	0.313 AC.
HOA OPEN SPACE PROPOSED	0.113 AC.
LOCAL OPEN SPACE PROPOSED	0.00 AC.
TOTAL OPEN SPACE PROPOSED	0.113 AC.

LEGEND

OUTLINE OF PLAT SHOWN THIS	---
ROAD R/W SHOWN THIS	---
LOT LINES SHOWN THIS	---
BLDG SETBACK LINES SHOWN THIS	---
EASEMENTS SHOWN THIS	---
LOT #'S SHOWN THIS	40
HOUSE #'S SHOWN THIS	11824
COORDINATES SHOWN THIS	68
BLOCK LETTERS SHOWN THIS	C

NOTE:
HIGHWAY AND HIGHWAY WIDENING, SLOPE, EASEMENTS, DRAINAGE AND UTILITY, EASEMENTS, ACCESS EASEMENTS, AND DRAINAGE MANAGEMENT AREAS, NO. LOTS PERMITTED, NO. LOTS PROPOSED, NO. PARKING SPACES REQUIRED, NO. PARKING SPACES PROPOSED, OPEN SPACE REQUIRED, HOA OPEN SPACE PROPOSED, LOCAL OPEN SPACE PROPOSED, TOTAL OPEN SPACE PROPOSED, THE OWNER'S PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID AREA BY DEED TO BALTIMORE COUNTY, MARYLAND, AT NO COST.

NOTE:
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVELER STATION:
X-8499 N 72.449 82
W 7.209 66
X-8498 N 70.080 48
W 7.187 48

NOTE:
THE STREETS AND OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF ARE FOR THE PURPOSE OF RECORD ONLY. THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-105 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAS BEEN COMPLIED WITH HEREON AS SAME CONCERNING THE MARKING OF THE PLAT AND THE SETTING OF THE MARKERS.

OWNERS CERTIFICATE:

THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-105 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAS BEEN COMPLIED WITH HEREON AS SAME CONCERNING THE MARKING OF THE PLAT AND THE SETTING OF THE MARKERS.

SURVEYORS CERTIFICATE:

THE UNDERSIGNED A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAYED OUT, AND THE PLAT THEREOF HAS BEEN PREPARED, IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-105 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY SO FAR AS SAME CONCERNING THE MARKING OF THE PLAT AND THE SETTING OF THE MARKERS.



APPROVED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
DIRECTOR
APPROVED BY BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COMMISSIONER
APPROVED BY DEPARTMENT OF PUBLIC WORKS
COMMISSIONER

OWNER / DEVELOPER
SECURITY MANAGEMENT CORP.
9301 LANGE ROAD
BALTIMORE, MD. 21220

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
10000 MARYLAND PIKE
BETHESDA, MD. 20814
P.W. A. COMPLETED 8-2-82
FINAL PLAT DRAWN
PLANNING
M.A. ENGINEERING
HOUSE NO. 8-2-82

PETITIONER'S EXHIBIT 2A

PLAT 1
SECTION VII
HUNTERS RUN
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50'
ELECTION DISTRICT # 8
FEB 16, 1989

- NOTES:**
1. RECORDING OF PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE PLATY OF ANY STREET EASEMENT, PARK OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THE PLAT. THE PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF BALTIMORE COUNTY CODE SECTION 22-68.
 2. RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
 3. THE INFORMATION SHOWN MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
 4. ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING AND DEPT. OF PUBLIC WORKS.
 5. THE OWNER / DEVELOPER WILL COMPLY WITH BEST MANAGEMENT PRACTICES CONTAINED IN THE WATER QUALITY MANAGEMENT POLICY.
 6. EXCEPT AS OTHERWISE INDICATED ALL BUILDING RESTRICTION LINES SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING EXCEPT THIS TO THESE RESTRICTIONS MAY APPLY INCLUDING THE MINIMUM SETBACK OF 22 FEET TO BE HELD FROM THE STREET RIGHT-OF-WAY LINE TO THE GARAGE OR CARPORT ENTERED DIRECTLY FROM THE STREET.
 7. THE APPROVAL OF THIS PLAT IS BASED UPON A REASONABLE EXPECTATION THAT THE WATER AND SEWER SERVICE WHICH IS PLANNED FOR THE DEVELOPMENT WILL BE AVAILABLE WHEN NEEDED. HOWEVER, BUILDING PERMITS MAY NOT BE ISSUED UNTIL THE PLANNED WATER AND SEWER FACILITIES ARE COMPLETED AND DETERMINED TO BE ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.

CRG APPROVAL MAY 19, 1987 (AMENDED PLAN)
DEED REFERENCE E.H.K. 15-0025/758
PROPERTY NO. 15-0000065
HOA - HOMEOWNERS ASSOCIATION

9. STORM WATER MANAGEMENT MAINTENANCE BY HOA.

TEXAS / COCKEYSVILLE DRAINAGE AREA

FILED FOR RECORD
SM 80-10005
MAY 9 1989

FILED FOR RECORD
SM 80-10005
MAY 9 1989

FILED FOR RECORD
SM 80-10005
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