



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

July 15, 1998

Mr. Scott D. Rouk
Morris & Ritchie Associates, Inc.
110 West Road, Suite 245
Towson, MD 21204

Dear Mr. Rouk:

RE: The Pines at Deep Run, Lot 11, Zoning Case #94-140-SPHA, 8th Election District

Staff has reviewed your request for a spirit and intent approval of a dwelling orientation change on Lot 11 of the above-referenced subdivision as it relates to the approved plan in zoning case #94-140-SPHA.

Based on the provided information and a review of the zoning case file, staff will accept the orientation change as being within the spirit and intent of the order and plans subject to the following conditions.

An amendment to the Final Development Plan (FDP) is required. This can be accomplished by having the lot owners, within 300 feet of the dwelling, sign a 6th amended FDP for the change in orientation (this appears to include lots 6 and 7) and submittal of eight (8) revised plans for signature to room 123 of the County Office Building.

OR

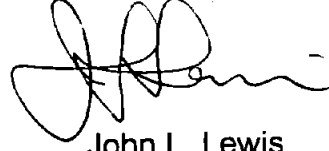
A single lot amendment may be requested. This requires the filing of the request and a set of three (3) plans at a formal review by appointment with this office, and includes filing fees, posting fees, and in the event of challenge of the posted request, a special zoning hearing.

This office also understands that in action under DRC #06298D, that you were advised that the CRG plan must be amended before the FDP is amendment.

Scott D. Rouk
July 15, 1998
Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read 'John L. Lewis', with a stylized flourish at the end.

John L. Lewis
Planner II, Zoning Review

JLL:rye

c: zoning case #94-140-SPHA

Enclosure



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

July 15, 1998

Mr. Scott D. Rouk
Morris & Ritchie Associates, Inc.
110 West Road, Suite 245
Towson, MD 21204

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RE: The Pines at Deep Run, Lot 11, Zoning Case #94-140-SPHA, 8th Election District

Staff has reviewed your request for a spirit and intent approval of a dwelling orientation change on Lot 11 of the above-referenced subdivision as it relates to the approved plan in zoning case #94-140-SPHA.

Based on the provided information and a review of the zoning case file, staff will accept the orientation change as being within the spirit and intent of the order and plans subject to the following conditions.

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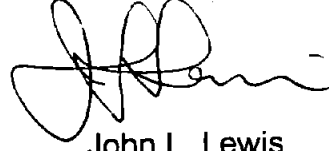
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Scott D. Rouk
July 15, 1998
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John L. Lewis
Planner II, Zoning Review

JLL:rye

c: zoning case #94-140-SPHA

Enclosure

IN THE MATTER OF THE
PETITIONS OF
THE PINES AT DEEP RUN LTD.
FOR SPECIAL HEARING AND VARIANCES
ON PROPERTY LOCATED
ON THE EAST SIDE OF FALLS ROAD
25' NORTH OF THE CENTERLINE
OF DEEP RUN COURT
(3, 4, 9 AND 11 DEEP RUN COURT)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD
* OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 94-140-SPHA

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner, dated December 13, 1993, granting an amendment to the Third Amended Final Development Plan of "The Pines at Deep Run" and variances permitting lot line setbacks of "as close as" 40 feet in lieu of the required 50 feet for Lots 4, 9 and 11 and a lot line setback of "as close as" 30 feet in lieu of the required 50 feet for Lot 3. The Board hearing in this case was de novo.

The Petitioner, The Pines At Deep Run Ltd., presented testimony from one of its owners, Ronald O. Schaffel, a real estate agent, Robert Pollock, and Tim F. Madden, a registered architect and certified land planner. Nine exhibits were offered into evidence by the Petitioner.

The Appellants, Mr. and Mrs. Douglas Ellis, presented testimony from one witness, namely, Douglas Ellis. No exhibits were offered into evidence by the Appellants.

As a preliminary matter, the Petitioner withdrew its variance request for Lot 9.

From the testimony, evidence and exhibits, the Board finds the

Case No.: 94-140-SPHA The Pines At Deep Run

following facts:

The "Pines At Deep Run" is a 33 acre site subdivided into 12 residential building lots ranging in size from one to eight acres. The site is zoned RC 5 and RC 4. Lots 1, 2, 5, 6, 7, 8, 9, 10 and 12 have been sold to private owners. Houses which range in size from approximately 4900 square feet to 8000 square feet have been built or are under construction on Lots 1, 5, 8, 9, 10 and 12. Said houses range in value from approximately \$500,000 to in excess of \$1,000,000.

The Appellants, Mr. and Mrs. Ellis, own Lot 10. Lot 10 is improved by a house which measures approximately 4900 square feet. Lots 3, 4 and 11 remain unsold. Lot 3 is approximately 2.11 acres and is narrow and deep in shape. Lot 4 is approximately 2.32 acres and Lot 11 is approximately 4.68 acres. The building envelopes on Lots 3, 4 and 11 measure approximately 70' x 50' and are restricted by septic reserve areas and 200' stream setback requirements as shown on Petitioner's Exhibit 1 (Plan to Accompany Variance Request).

The Petitioner has not sold a Lot in the subject subdivision for over 2 years. The Petitioner's witnesses attribute this sales drought to the widths of the building envelopes as drawn on Exhibit 1. Specifically, the Petitioner's witnesses maintain that the widths of the building envelopes as drawn restrict the flexibility that prospective owners and home builders need to orient houses of this size and nature on the subject Lots.

The Baltimore County Planning Board approved the Petitioner's

2

Case No.: 94-140-SPHA The Pines At Deep Run

proposed amendment to the Third Amended Final Development Plan of "Run" on September 23, 1993.

The variances are requested pursuant to Section 307.1 of the BCZR. The Board reviewed the criteria set forth in said Section and applied the facts of this case to the law. Additionally, the Board reviewed the test for practical difficulty set forth in the case of McLean v. Soley, 270 Md. 208 (1973).

The Petitioner maintains that strict compliance with the BCZR will result in practical difficulty. The Appellants urge the Board to find from the facts that the existing building envelopes and setback requirements are not unnecessarily burdensome.

From the evidence presented, the Board concludes that Petitioner has established that strict compliance with the BCZR will result in practical difficulty. Specifically, the Board finds, as a fact, that the setback requirements and existing building envelopes have discouraged prospective builders and owners from buying Lots 3, 4 and 11. The Board further finds that prospective builders and owners will be unable to construct houses on the subject Lots which will be compatible in size and orientation with the other houses in the neighborhood. The Board also finds that granting the variances as requested will give the Petitioner greater marketing flexibility and prospective purchasers greater flexibility in orienting houses on the subject Lots. The septic area and stream conditions on the subject Lots are peculiar to the land. The setback requirements when coupled with said

3

Case No.: 94-140-SPHA The Pines At Deep Run

conditions and building envelopes render conformance unnecessarily burdensome.

From the evidence presented, the Board also concludes that the granting of the requested relief will be in strict harmony with the spirit and intent of the BCZR and will not cause injury to the health, safety or general welfare of the locality involved.

For these reasons, the Board will grant the petitions for special hearing and variances as requested by the Petitioner.

ORDER

IT IS THEREFORE this 22nd day of July, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve an amendment to the Third Amended Final Development Plan of "The Pines At Deep Run" be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (BCZR) to permit lot line setbacks of as close as 40 feet in lieu of the required 50 feet for Lots 4 and 11 and to permit a lot line setback of as close as 30 feet in lieu of the required 50 feet for Lot 3, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 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.

4

Case No.: 94-140-SPHA The Pines At Deep Run

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Judson H. Lipowitz
Judson H. Lipowitz, Acting Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

S. Diane Levero
S. Diane Levero

JHL.DOC\PINES.OPN

5



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

July 22, 1994

Mr. Douglas Ellis
3 Deep Run Court
Cockeysville, MD 21030

RE: Case No. 94-140-SPHA
The Pines at Deep Run
Ltd. Partnership

Dear Mr. Ellis:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Robert A. Hoffman, Esquire
Mr. Ronald Schaffel
Tim Madden, P.E.
Morris & Ritchie Assoc., Inc.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotrocco
W. Carl Richards, Jr. /EADM
Docket Clerk /EADM
Arnold Jablon, Director/EADM

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE - E/S Falls Road,
25' N of the c/l Deep Run Court
(5, 6, 7 and 8 Deep Run Court)
8th Election District
3rd Councilmanic District
The Pines at Deep Run Ltd. Part.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-140-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance filed by the owners of the subject property, The Pines at Deep Run Limited Partnership, by David Altfield, a Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek a special hearing to approve an amendment to the Third Amended Final Development Plan of "The Pines At Deep Run" and variance relief from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot line setbacks of 40 feet in lieu of the required 50 feet for Lots 4, 9 and 11 and a lot line setback of 30 feet in lieu of the required 50 feet for Lot 3, in accordance with Petitioner's Exhibit 1.

At the onset of the hearing, Counsel for the Petitioners clarified the requested variances were for lot line setbacks of "as close as" 40 feet for Lots 4, 9 and 11, and "as close as" 30 feet for Lot 3, in lieu of the required 50 feet for all. The modification was so noted and the request was subsequently amended.

Appearing on behalf of the Petition were Ronald Schaffel, one of the owners of the subject property, Tim Madden, Professional Engineer with Morris & Ritchie Associates, Inc., and Robert Pollock, Real Estate Representative with O'Connor, Piper and Flynn. Appearing as Protestants in the matter were Douglas and Caroline Ellis, adjoining property owners.

ORDER RECEIVED FOR FILING
Date *7/23/94*
By *[Signature]*

Testimony indicated that the subject property, known as 5, 6, 7 and 8 of Deep Run Court, are unimproved building lots located within the subdivision known as The Pines At Deep Run, which is proposed for development with 12 single family dwellings. The Petitioners filed the instant Petitions to amend the previously approved site plan to permit a modification of the building envelopes provided. Mr. Ronald Schaffel testified that the lots within this subdivision range in size anywhere from 1.3 acres to 8 acres. He classified this subdivision as an upscale development with very large homes containing 5,000 to 8,000 sq.ft. of living space. Testimony indicated that he has had difficulty selling the lots in question due to the fact that potential purchasers wish to construct homes larger than that permitted by existing building envelopes, and in order to build the larger homes demanded by the current market, the requested variances are necessary.

Mr. Robert Pollock, who has been the listing agent for these lots, testified that he has encountered difficulty selling these lots due to the fact that potential purchasers cannot build the type of home they wish to construct in this exclusive subdivision. Furthermore, he stated that some of the prospective purchasers wish to angle their home toward the "eye" of Deep Run Court, which, in doing so, would place the corners of any home on this court outside their respective building envelopes. As a result, the relief requested is necessary in order to build homes that would be consistent with other homes in this community in an aesthetically pleasing manner.

Mr. Madden testified concerning the site plan marked as Petitioner's Exhibit 1. Mr. Madden identified Lots 3 and 4 as narrowly configured lots which are further restricted by the septic reserve areas for each lot.

ORDER RECEIVED FOR FILING
Date *7/23/94*
By *[Signature]*

- 2 -

ORDER RECEIVED FOR FILING
Date 12/13/93
By YD

ORDER RECEIVED FOR FILING
Date 12/3/93
gpc

ORDER RECEIVED FOR FILING
Date 12/3/93
By LP

ORDER RECEIVED FOR FILING
Date 12/13/93
BY 180

ORDER RECEIVED FOR FILING
 Date 12/3/93
 by JS

ORDER RECEIVED FOR FILING;
6/11/2013

ORDER RECEIVED FOR FILING
Date 3/13/83

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 29, 1993

Robert A. Hoffman, Esquire
Venable, Beutjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 94-140-A, Item No. 138
Petitioner: The Pines at Deep Run Limited Partnership
Petition for Special Hearing

Dear Mr. Hoffman:

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 September 24, 1993, and a hearing was 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.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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

Re:

Item No: 4 136 (MJK)

Dear Ms. Minton:

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 project.

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 Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: October 5, 1993

SUBJECT: 5, 6, 7, and 8 Deep Run Court

INFORMATION:

Item Number: 138

Petitioner: The Pines at Deep Run Limited Partnership

Property Size: _____

Zoning: R.C. 4 and R.C. 5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

On September 23, 1993, the Planning Board recommended to the Zoning Commissioner that the proposed amendment to the Final Development Plan for The Pines at Deep Run be approved.

Prepared by: Jeffery M. Long

Division Chief: Gary L. Lewis

PK/JL:lw

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

October 8, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

Zoning Agenda: Meeting of October 4, 1993

Joseph Michael Neukam and Audrey E. Neukam
#2001 Codd Avenue
130 (RT)

Paul Goodman
#1002 Reisterstown Road
+131 (RT)

Colonial Village Company
#7002 Reisterstown Road - Colonial Village Shopping Ctr.
+132 (JRA)

Iron City Sash and Door
#2202 Hallethorpe Farm Road
+133 (JLL)

David Wayne Johnson and Tera Lee Johnson
#111 Horse Chestnut Court
+8 134 (RT)

Edmund J. Cardoni and Teena L. Cardoni
#232 Antietam Road
+135 (JCM)

Charles D. Lowe and Sharon A. Lowe
#1900 Dineen Drive
136 (JLL)

Elizabeth Hendrickson, Personal Representative for the Estate of
Rita S. Holland
#13224 Fork Road
137 (JJS)

The Pines at Deep Run Limited Partnership
#5,6,7, & 8 Deep Run Court
+ 138 (MJK)

Robin Barbagallo and Francis S. Barbagallo, Jr.
#1381 Eyegreen Lane
139 (JJS)

Printed with Recycled Ink
on Recycled Paper

APPEAL

Petition for Special Hearing and Variance
E/S Falls Road, 25' N of the c/l of Deep Run Court
(5, 6, 7, and 8 Deep Run Court)
8th Election District - 3rd Councilmanic District
The Pines at Deep Run Ltd-PETITIONER
Case No. 94-140-SPHA

Petition(s) for Special Hearing and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plan to Accompany Variance Request

2 - No Exhibit Marked Petitioner No. 2

3 - Letter to Arnold Jablon dated September 27, 1993 and attached correspondence

Deputy Zoning Commissioner's Order dated December 13, 1994 (Granted)

Notice of Appeal received on January 11, 1994 from Mr. & Mrs.
Douglas Ellis

c: Robert A. Hoffman, Esquire, Venable, Beutjer & Howard, 210
Allegheny Avenue, Towson, MD 21204

Mr. & Mrs. Douglas Ellis, 3 Deep Run Court, Cockeysville, MD 21030

Mr. Ronald Schafel, 22 W. Allegheny Avenue, Suite 210, Towson,
MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

EX. No. 2
Located in 1st Vault

Jerome Leibowitz and Bettye I. Liebowitz
#3510 Gardenview Road
*140 (JLL)

A. LeRoy Metz and Jean L. Metz
#9106 Bines Road
*141 (JRA)

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.

7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *Robert P. Sauerwald* / *Kell*
Lieutenant Robert P. Sauerwald
Fire Prevention Bureau
(887-4880)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 13, 1994

Robert A. Hoffman, Esquire
Venable, Beutjer & Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Petition for Special Hearing and Variance
E/S Falls Road, 25' N of the c/l of Deep Run
Court (5, 6, 7 and 8 Deep Run Court)
8th Election District - 3rd Councilmanic District
The Pines at Deep Run Ltd. Partnership - Petitioner
Case No. 94-140-SPHA

Dear Mr. Hoffman:

Please be advised that an appeal of the above-referenced case was filed in this office on January 11, 1994 by Mr. & Mrs. Douglas Ellis. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Miniarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: Mr. Ronald Schafel
People's Counsel

Pet. Ex. 4

May 16, 1994

HAND-DELIVERED

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
400 Washington Avenue
Towson, Maryland 21204

Re: Case No.: 94-140-SPHA

Dear Mr. Hackett:

I live at 12335 Falls Road adjacent to the development known as The Pines At Deep Run. I understand that the developer of The Pines At Deep Run has applied to Baltimore County for zoning setback variances to increase the building envelopes on four of the lots.

As a neighboring property owner living adjacent to Lot No. 3, also known as 6 Deep Run Court, I fully support the requested variances. I believe that increasing the size of the building envelopes would provide for a housing type consistent with those that exist today.

I hope that my feelings on this issue will be taken into consideration even though I cannot attend the hearing.

Sincerely,

Horace Belcher, Jr.
Horace Belcher, Jr.

Pet. Ex. 5



FALLS ROAD COMMUNITY ASSOCIATION, INC.
P.O. BOX 555
BROOKLANDVILLE, MARYLAND 21022

October 19, 1993

Mr. Ronald O. Schaftel, General Partner
The Pines at Deep Run Limited Partnership
22 West Allegheny Avenue
Towson, MD 21204

Dear Ron,

As you know I am currently the Executive Director of the Falls Road Community Association which monitors development activity in the Falls Road corridor between I-695 and Shawan Road.

I understand that you have applied to Baltimore County for several side yard setback zoning variances which would increase the building envelopes on the four lots that your company still owns in the development known as the "Pines At Deep Run."

As the member of the Board of Directors of FRCA who is responsible for liaison on such matters and also as an adjacent neighbor to the development, I support the zoning variances that you are seeking.

If you would like me to attend the hearing on November 9, 1993 to testify on your behalf, please let me know.

Very truly yours,

A. Douglas McComas
A. Douglas McComas, Executive Director

cc: Charles H. Schmenner, FRCA President

Pet. Ex. 6

5-17-94

Bement & Associates, LLC
326 South Broadway
Baltimore, Md. 21231

Mr. William T. Hackett, Chairman
County Board of Appeals of Baltimore County
400 Washington Avenue
Towson, Md. 21204

HAND DELIVERED

Re. Case no. 94-140-SPHA

Dear Mr. Hackett:

We are currently the owners of Lot 9 in The Pines subdivision, for which a variance to increase the size of the building envelope was granted by the Deputy Zoning Commissioner. We are in the process of constructing a house on Lot 9 and have already entered into a contract of sale with a buyer.

Prior to purchasing the lot, we agreed that the variance for Lot 9 could be withdrawn by the seller/developer (The Pines at Deep Run Ltd. Partnership) as an accommodation the seller/developer and the one neighbor on an adjacent lot who objected to the variance. We understand that the variance for lot 9 will be withdrawn.

We have reviewed the building envelopes available on lots 3, 4, and 11, and conclude that the variances are important to the construction of a home that is of the size and design quality of those homes that are either constructed or under construction in close proximity to those lots. We are considering the purchase of one or two of these lots to construct new homes, but would not do so unless the variances are granted by the Board.

Sincerely,

W. Martin Bement
W. Martin Bement

Pet. Ex. 7

Baltimore County Government
Planning Board



401 Bosley Avenue
Towson, MD 21204

October 1993
140110000000

September 21, 1993

TO: Arnold Labian, Director
Office of Zoning Administration
and Development Management

FROM: P. David Fields, Secretary
County Planning Board

SUBJECT: Amended Final Development Plan
"The Pines at Deep Run"

Pursuant to Section 1801.3A.7.B.(1) of the Baltimore County Zoning Regulations, the proposed amendments to the Final Development Plan of "The Pines at Deep Run" were reviewed by the County Planning Board at its meeting on September 21, 1993.

The Board voted to approve a finding that the amendments are in accordance with the provisions adopted under the authority of Section 504 in the Zoning Regulations. The Board Commissioner's proceeding on this plan may now be concluded accordingly.

P. David Fields
P. David Fields

PDE/TD:rdh

cc: Lawrence Schmidt
Robert A. Hoffman

Pet. Ex. 8

VITA

Timothy F. Madden, ASLA, AICP
Director of Planning
Morris & Ritchie Associates, Inc.
606-D Bosley Avenue
Towson, MD 21204

PROFESSIONAL BACKGROUND

SUMMARY: With more than sixteen (16) years experience in land planning and landscape architecture, Mr. Madden has managed commercial, institutional, environmental reclamation, industrial, recreational and residential projects. He has provided testimony in many zoning and site plan review hearings and court cases. Mr. Madden has testified as an expert witness in Anne Arundel County Circuit Court as well as testifying before the Planning Commissions of Charles County, Howard County, Calvert County, Anne Arundel County, Baltimore County, and Carroll County. He has also worked for the Maryland Department of Natural Resources and is a past President of the Maryland Chapter, American Society of Landscape Architects. His experience includes testimony before the Howard County Board of Zoning Appeals and the Baltimore County Board of Appeals (concerning CRG Appeals).

PRESENT POSITION: Mr. Madden is currently employed as an associate of the firm Morris and Ritchie Associates, Inc. where he serves as the Director of Land Planning and Landscape Architectural Services. In this capacity, Mr. Madden is responsible for the preparation of Land Use Plans, Reports, Zoning studies, Environmental Effects Reports, Concept Development and Planning for projects handled by the firm's Towson office. He also provides consultation and expert witness testimony for projects on an as needed basis.

Some part of Mr. Madden's recent projects include:

- o Owings Run Apartments
- o Starwood Townhomes
- o Town of Perryville Urban Revitalization Study

CASE NO.
94-140-SPHA

1 photo
EXHIBIT # 2

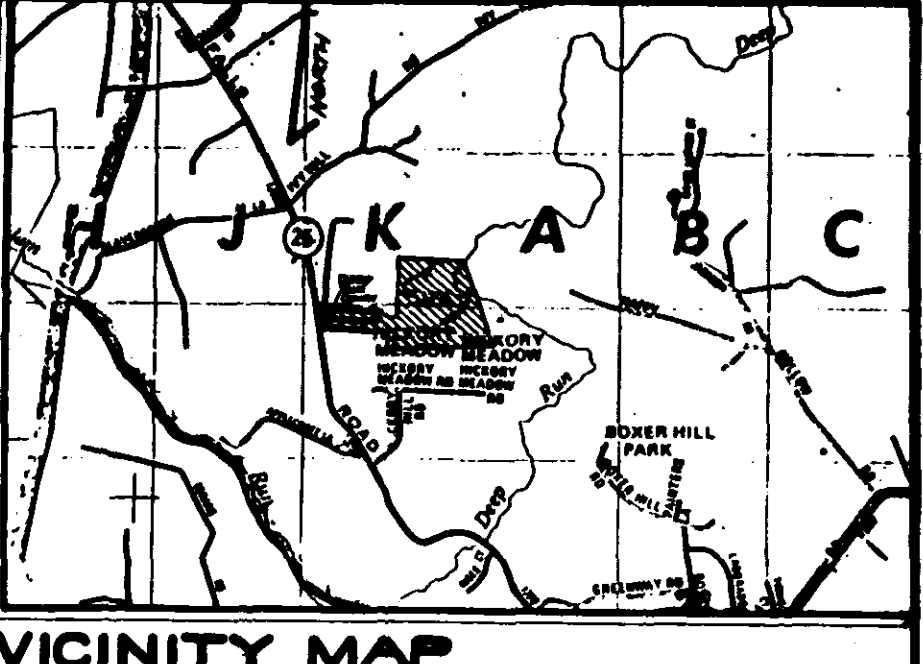
TYPE	CLASS	MINIMUM PERCENTAGE OF LESS THAN 200 MICRONS	SEWAGE DISPOSAL FILTER FIELDS
1	CLAY	15	1
2	SILT	10	2
3	SAND	5	3
4	GRAVEL	2	4
5	COBBLES	1	5
6	CRACKS	0.5	6
7	ROOTS	0.25	7
8	STONES	0.1	8
9	DEBRIS	0.05	9
10	OTHER	0.025	10

DESCRIPTION OF SOILS
 C1 - Chester Silt Loam, 3 to 8 percent slopes, moderately eroded.
 C2 - Columbia Silt Loam, 3 to 8 percent slopes, moderately eroded.
 C3 - Glenview Silt Loam, 3 to 8 percent slopes, moderately eroded.
 C4 - Glenview Silt Loam, 3 to 8 percent slopes, moderately eroded.
 C5 - Glenview Silt Loam, 3 to 8 percent slopes, moderately eroded.
 C6 - Glenview Silt Loam, 3 to 8 percent slopes, moderately eroded.
 C7 - Glenview Silt Loam, 3 to 8 percent slopes, moderately eroded.
 C8 - Glenview Silt Loam, 3 to 8 percent slopes, moderately eroded.
 C9 - Glenview Silt Loam, 3 to 8 percent slopes, moderately eroded.
 C10 - Glenview Silt Loam, 3 to 8 percent slopes, moderately eroded.

NOTE: No clearing, grading or construction permitted within stream buffer area, slopes greater than 25% or C10 soils line except as permitted by Baltimore County Water Quality & Stormwater Management Regulations.

ZONING COMMISSIONER'S NOTE
 This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations, that it complies with the general policy, density and bulk controls as they are delineated in the regulations. Any part or 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 dwelling is constructed and transferred for the purpose of occupancy.

NECESSARY STRUCTURE NOTE
 1. Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into the yards may be constructed outside the envelope, but must comply with Sections 400 and 301 of the Baltimore County Zoning Regulations. (subject to comments and applicable building permits.) Accessory structures, fences and projections into yard cannot be located in flood plain areas or hydric soils.



94-140-SPHA

MEASURES TO PREVENT SOIL EROSION OR SLOUGHING BOTH DURING AND FOLLOWING CONSTRUCTION:

1. Maryland Department of Natural Resources and Baltimore County Soil Conservation District standards shall be adhered to in compliance with detailed grading and sediment control plans to be approved by the Baltimore County Soil Conservation District.
2. Sediment shall be contained at the edge of the disturbed area abutting the steep slopes by a double-staked silt fence.
3. Pending construction of dwellings, all disturbed areas adjacent to the steep slopes shall be seeded and mulched to produce a quick growing grasscover during the growing season, or mulched and tacked if not during the growing season, in accordance with Baltimore County Soil Conservation District specifications.
4. Grading and development adjacent to the steep slopes shall be done as close as possible to the steep slopes and to avoid concentrated flows at and onto the steep slopes.
5. All steep-sloped areas not disturbed will be maintained in present forested, vegetative cover.

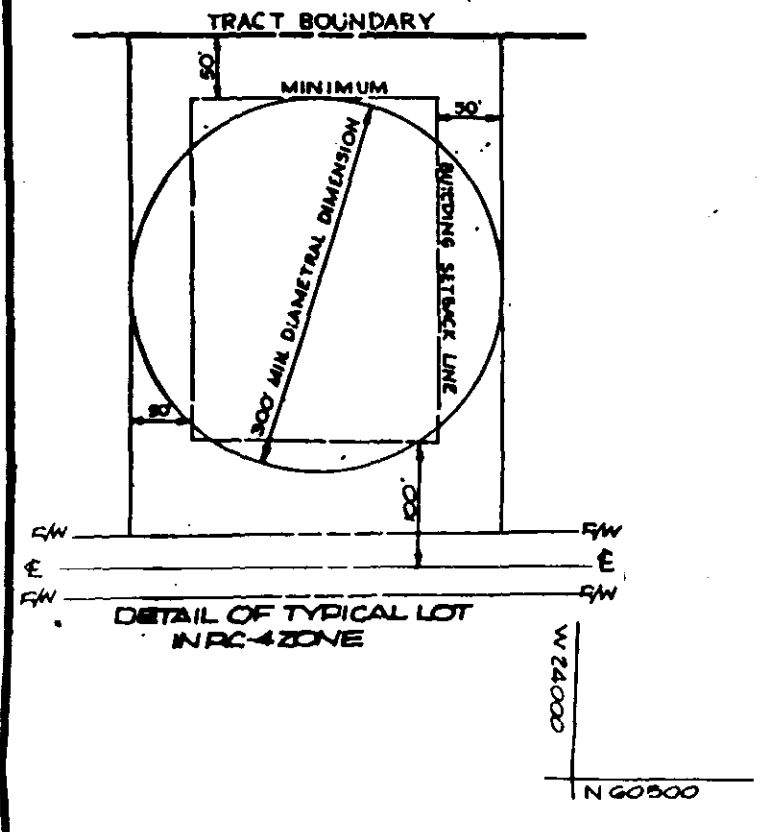
WELL & SEPTIC LOCATIONS
 LIMITATIONS USED FOR PLACING PRIVATE WATER AND SEWERAGE SYSTEMS IN THIS DEVELOPMENT AS SET FORTH BY THE BALTIMORE COUNTY HEALTH DEPARTMENT.

WELL LOCATIONS SHOULD BE:

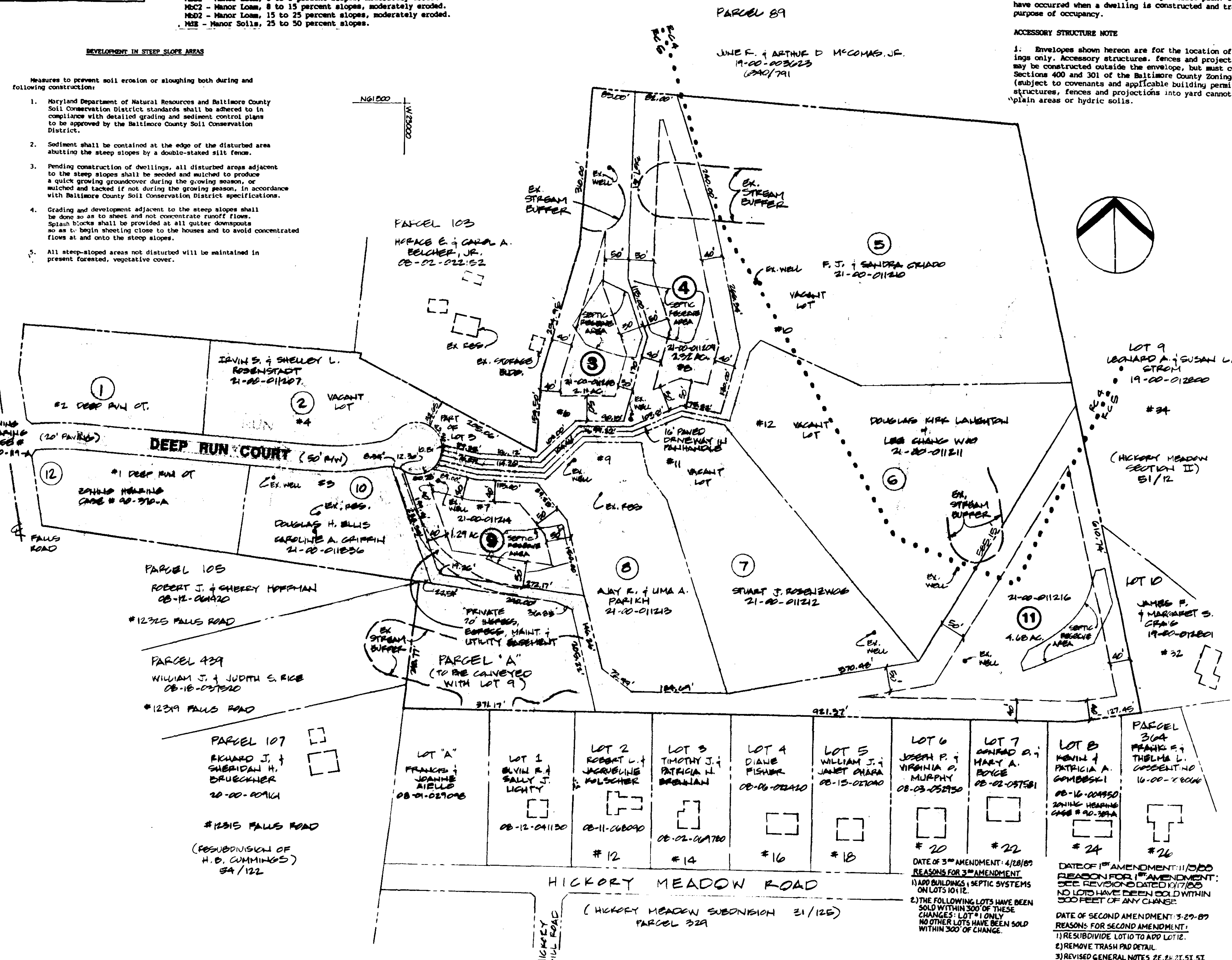
- AT LEAST 10 FEET FROM PROPERTY LINES.
- AT LEAST 15 FEET FROM ROADS OR DEDICATED RIGHTS-OF-WAY.
- AT LEAST 30 FEET FROM A BUILDING FOUNDATION.
- AT LEAST 100 FEET FROM SEPTIC SYSTEMS OR SEWAGE DISPOSAL AREAS IN THE VICINITY.
- AT LEAST 50 FEET FROM SEPTIC SYSTEMS OR SEWAGE DISPOSAL AREAS IN THE COASTAL PLAINS.
- AT LEAST 100 FEET FROM ADJACENT WELLS.
- AT AN ELEVATION HIGHER THAN OR EQUAL TO THE HIGHEST ELEVATION OF THE SEPTIC SYSTEM.

SEPTIC SYSTEM SERVICE AREAS SHOULD BE:

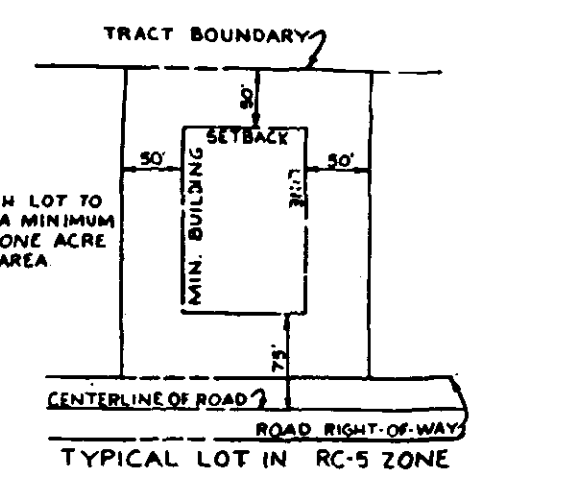
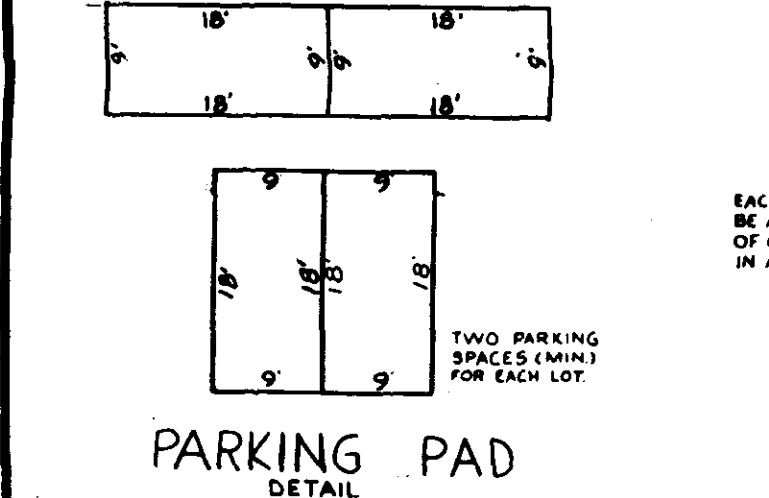
- AT AN ELEVATION LOWER THAN THE WELL AND HOUSE.
- AT LEAST 30 FEET FROM THE PROPOSED HOUSE.
- AT LEAST 100 FEET FROM ADJACENT WELLS.
- AT LEAST 10,000 SQUARE FEET IN AREA.
- AT LEAST 10 FEET FROM PROPERTY LINES OR DEDICATED RIGHTS-OF-WAY.
- AT LEAST 200 FEET FROM ANY TRIBUTARY OF THE LIBERTY OR LOCK HAVEN RESERVOIR UNLESS THE PROPOSED AREA IS WITHIN 2500 FEET OF THE HIGH WATER LEVEL LINE OF THE RESERVOIR, IN WHICH CASE IT SHALL BE AT LEAST 300 FEET FROM ANY TRIBUTARY OF THE RESERVOIR.



FALLS ROAD - MD. ROUTE 25



- GENERAL NOTES: (FROM DEVELOPMENT PLAN)**
1. Site Location Information:
 - A. Election District No. 94
 - B. Regional Planning District #207A Census Tract No. 4083
 - C. Watershed No. 11/13 Subwatershed No. 36
 2. Density Information:
 - A. Existing Zoning on Site RC-4 (10.23Ac.), RC-5 (27.97Ac.)
 - B. Gross Acreage 38.20 Ac.
 - C. Net Acreage 37.61 Ac.
 - D. Total Number of Units Allowed in RC-5: 27.97 Ac. x .667 (A 26 Units); In RC-4: 10.23 Ac. x 2.00 = Total 120.94
 - E. Total Number of Units Proposed: 12 Single Family Dwellings
 - F. Open Space Required-None
 - G. Open Space Proposed-None
 - H. Parking Required/Spaces Per Unit x 12 Units = 24 Spaces
 - I. Parking Proposed 24 Spaces
 3. Property Information:
 - A. Owner's Name: The Pines at Deep Run Limited Partnership
 - B. Owner's Address: P.O. Box 65088 Baltimore, MD 21209
 - C. Deed Reference: 760/169
 - D. Tax Account No. 08-02-020400
 - E. Developer: Same as Owner
 - F. Engineer: M. Duval & Associates
 4. References for Existing Features Shown on Plan:
 - A. Topography Taken from 200 Scale Baltimore County Photographic Map No. NW150
 - B. Status of Streams & Swales Determined by an On-site Investigation.
 - C. Soils Types, Locations, & Data Taken from U.S. Dept. of Agriculture Soil Survey Book of Baltimore County Maryland
 - D. Boundary Information was Compiled from Deeds Purchased from the Land Records Office of Baltimore County, as was the Ownership Information for Adjacent Properties
 - E. Existing Land status & Locations of Wells, Septic Clean-Outs, Storm Drain Pipes, Spring Heads, Waste Lines, Etc. were Determined by Field Investigation.
 - F. Zoning Lines & Status were Taken from Baltimore County Zoning Maps
 5. General Information Concerning the Existing & Proposed Status of the Site:
 - A. Site NOW Wooded (Bx.) Additional Tree Clearing to be done only when Necessary for Construction of Roads, Driveways, Homesites & WQMA Facility
 - B. Public Water and Sewer are not Presently Available.
 - C. There are no Critical Areas, Archeological Sites, Endangered Species Habitats, Hazardous Waste Materials or Historical Buildings found within the Site Boundaries
 - D. All Utilities are for Sale.
 - E. Site not Subject to Residential Transition Area Requirements.
 - F. Storm Water Management Waiver Approved March 7, 1990
 - G. Individual Bids will comply with all Applicable Baltimore County Requirements for Setback
 - H. No Change is Proposed to Existing Grades Except that Required for the Installation of Roads, Driveways, Homesites & WQMA Facility
 - I. Estimated Average Daily Trips (A.D.T.): 140 Total
 - J. Refuse to be Collected by Baltimore County, 24 STREET RW.
 - K. Owners of Common Panhandle Driveways shall have a Maintenance Agreement Before the Recording of any Deeds.
 - L. Street Lights shall be 100 Watt Mercury Vapor Fixtures Atop 14' Poles and are Shown on Plans as A.
 6. The Engineer shall Coordinate with the Environmental Impact Review Section of the Department of Environmental Protection & Resource Management Prior to Conducting Percolation Tests on Tract 'A', Possible Future Lot 11.
 7. Water Quality Management to be by way of an Infiltration Basin, unless this proves not feasible, in which case Management will be by way of an Extended Detention Basin (shown).
 8. All Time Percolation Tests are Conducted for Tract 'A', an additional Test is to be done for Lot 1 in Location Marked B.
 9. A Landscaping Plan is not required.
 10. THE EXISTING WELL AS SHOWN ON LOT 12 IS TO BE ABANDONED AND BACKFILLED WITH CONCRETE.



THE Pines at Deep Run Limited Partnership
 22 W. Allegheny Avenue, Suite 210
 Towson, MD 21204
 c/o Ronald O. Schaffel, General Partner

THE Pines at Deep Run
 50/128
 Resubdivision of Lot 10: 80/49
 Hickory Meadow Subdivision: 31/125
 Hickory Meadow - Section II: 51/12

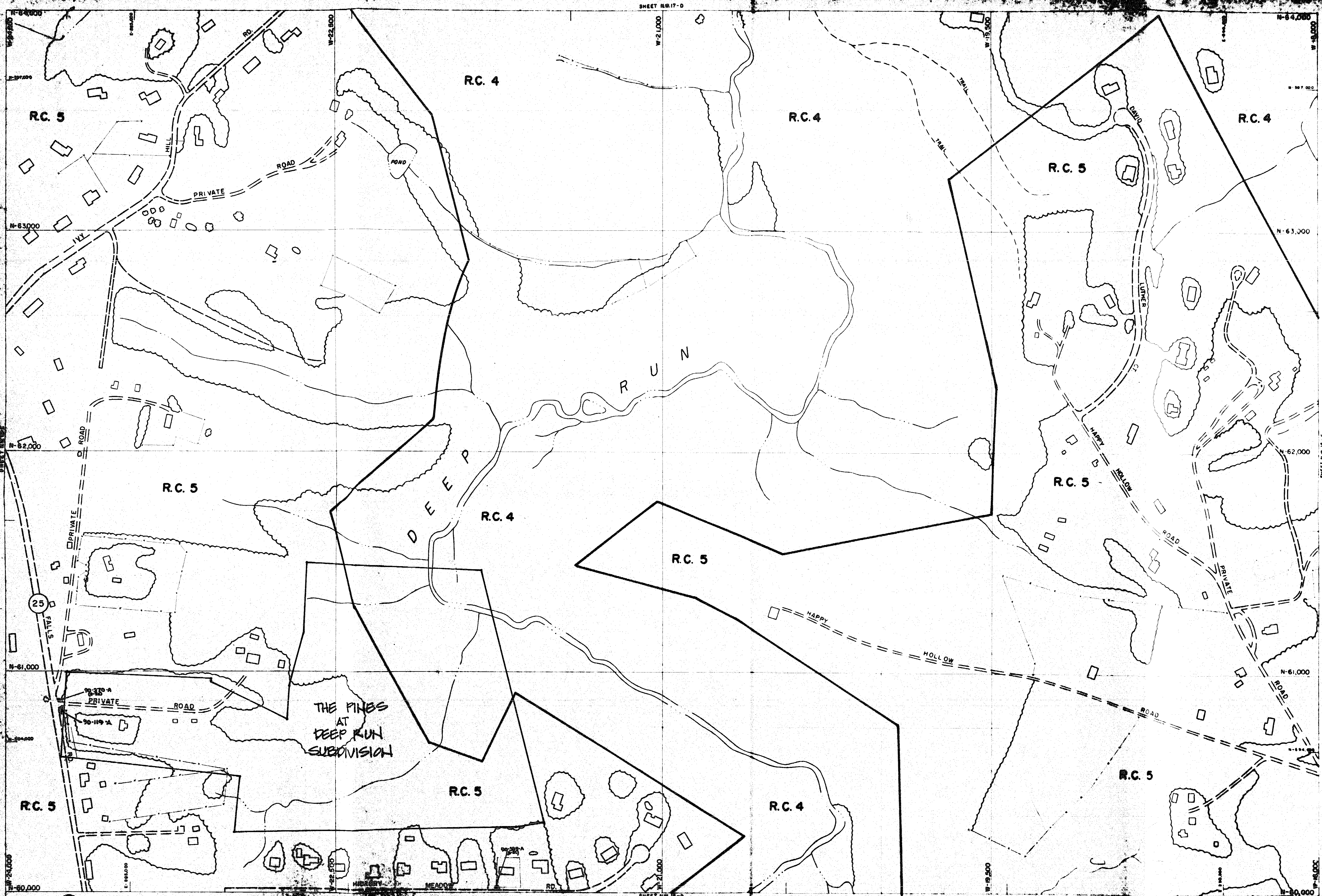
- VARIANCE PLAN GENERAL NOTES**
1. Lots 3, 4, 9, and 11 are the subject of this building setback variance request.
 2. Lots 3, 4, 9 and 11 are owned by:
 - The Pines at Deep Run Limited Partnership
 - 22 W. Allegheny Avenue, Suite 210
 - Towson, MD 21204
 - c/o Ronald O. Schaffel, General Partner
 3. The Pines at Deep Run: 50/128
 Resubdivision of Lot 10: 80/49
 Hickory Meadow Subdivision: 31/125
 Hickory Meadow - Section II: 51/12
 4. Zoning of the subject lots is RC4 and RC5.
 5. Private well and septic systems were approved for this subdivision.
 6. Base information for this plan was taken from the 3rd Amended Final Development Plan prepared by W. Duval & Associates, Inc.
 7. Prior zoning hearings were held for property within the subdivision as follows:
 - Case No. 90-119-A (Sign)
 - Case No. 90-370-A (Pool on Lot 12)
 8. A variance to permit a 15 foot side yard setback was granted for adjoining property at #24 Hickory Meadow Road by Case No. 90-389-A.

OWNER'S SIGNATURE
 LOT 1

94TH ELECTION DISTRICT		3RD COUNCILMANIC DISTRICT	
MRA		MORRIS & RITCHIE ASSOCIATES, INC.	
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS		110 West Road, Suite 105 Towson, Maryland 21204 (410) 821-1890 Fax: (410) 821-1748	
PLAN TO ACCOMPANY VARIANCE REQUEST			
THE PINES AT DEEP RUN			
DATE	REVISIONS	JOB NO.	0780
		SCALE	1" = 100'
		DATE	8/18/90
		DRAWN BY	SM
		DESIGN BY	
		REVIEW BY	TRM
		SHEET	1 of 1

PETITIONER'S EXHIBIT NO. 1

#138



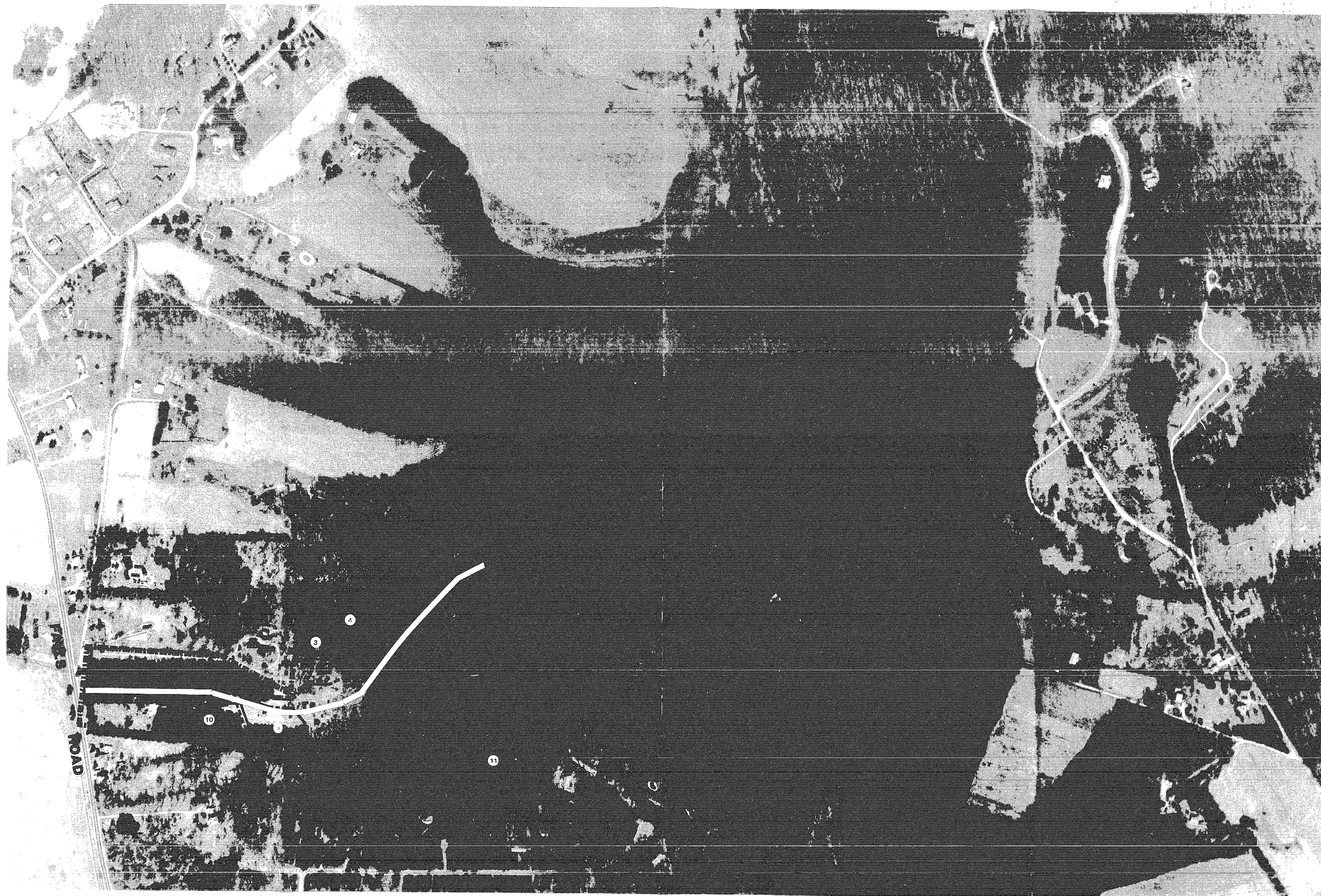
V-SW
S-NW
94-140-5PHA
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY EUGENE-HORN, INC. BALTIMORE, MD. 21210

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 25, 1992
SHEET NO. 103-02, 104-02, 105-02, 106-02, 107-02, 108-02, 109-02, 110-02

SCALE	LOCATION	SHEET
1" = 200'	DEEP RUN	NW
		16-D

#138



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE	LOCATION	SHEET
1" = 200' ±	DEEP RUN	NW 16-D
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILMED