FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variances. The Petitioner herein, the Olney Town Center Development Corporation (the "Petitioner"), requests approval for four different sets of variances each to be applied to various lots within Parcels A and D, Phases 1 and 2 of the Forridge at McDonogh Subdivision. Approval for an additional setback variance for the Community Building and Pool which will be part of the Foxridge subdivision is also requested as is an amendment to the Partial Development Plans for Poxridge (Parcels A and D, Phases 1 and 2), pulsuant to Section 1801.3.A.7 of the Baltimore County Zoning Regulations ("BCZR"), to the extent necessary to reflect the requested variances. Specifically, the variances and lots to which they apply are as follows:

1. Private Open Space

Variance from Section V.B.7 of the Comprehensive Manual of variance from section v.B.7 of the Comprehensive Nanual of Development Policies ("CMDP"), pursuant to Section 504.2 BCZR, to allow as little as 370 square feet in lieu of 500 square sfeet of private open space with a minimum dimension of 9 feet in lieu of the is feet required for lots 12, 14, 24, 26, 35, lieu of the 15 feet required for lots 12, 14, 24, 26, 35, 37, 38, 41, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 55, 57, 58, 59, 60, 43, 64, 67, 68, 69, 70, 73, 74, 75, 76, 80, 81, 82, 83, 84, 92, 101, 102, 103, 104, 105, 108, 109,

on behalf of Mr. Green and Ms. Tansev that the requested variances would have no adverse impact to the public health, safety, or general welfare, and that the subject variances would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations

Under Maryland law, an area variance may be granted where strict application of the Zoning Regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must demonstrate the following:

- Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- Whether the grant would do substantial injustice to applicant as well as other property owners in the surrounding locale, or whether a lesser relaxation than that applied for would give substantial relief; and,
- Whether relief could be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

It is clear from the testimony that without the requested variances the Petitioners would be subjected to both a practical difficulty and an unreasonable hardship in going forward with the subject sections of Foxridge at McDonogh. Accordingly, I find that the Petitioners have met all of the variance requirements contained in § 307.1 BCZR. Furthermore, I find that the

5

variances would not be contrary to the spirit and intent of the

110, 111, 114, 115, 116, 117, 118, 121, 122, 123, 124, 125, 128, 129, 130, 131, 134, 135, 136, 137, 138, 159, 163, 164, 165, 204 and 206.

Window to Property Line/Tract Boundary

- Wariance from Section V.B.6.b CMDP, pursuant to Section 504. ECTR, to slieve a little as 13 feet from window, o property line in lieu of required 15 foot window to property line setback for lots 24, 25, 26, 41, 42, 47, 49, 50, 54, 55, 56, 86, 67, 69, 72, 77, 78, 79, 78, 18, 100, 101, 108, 109, 100, 11, 113, 114, 115, 116, 117, 118, 212, 128, 130, 138, 159 and 194.
- Variance from Section V.B.6.b CMDP, pursuant to Section 364.2 BTB, to allow as little as 12 feet from side bay seems of the section and the section set of the section set of the section set of the section set of the sec
- Variance from Section V.B.6.b CMDP, pursuant to Section 504.2 BCZR, to allow as little as 2 feet 6 inches from bay window to side property line in lieu of required 15 foot setback, if necessary, for lots 1 - 26 and 28 - 214.
- Variance from Section V.B.5.a CMDP, pursuant to Section 504.2 BCER, and Sec. 1801.2.C.2.a BCER, to allow as little as 22 feet from a bay window to the tract boundailine in lieu of required 35 foot setback, if necessary, for lots 29, 31, 45, 65, 66, 196 and 198.

3. Window to Street Right-of-Way

- Variance from Section V.B.6.c. CMDP, pursuant to Section 504.2 BCZR, to allow as little as 22 feet from side bay window to street right-of-way in lieu of required 25 foot window to street right-of-way in lieu of require setback, if necessary, for lots 61, 119 and 120.

Variance from Section V.B.6.c. CMDP, pursuant to Section 504.2 BCDR, to permit an 18 foot window-to-window setback, 11 foot before the control of the contro

5. Principal Building Setbacks

4. Window to Window

Variance free Section 1801.2.C.1.a BCEP and Section V.B.2. CMOP pursuant to Section 1804.4 BCEP, to allow a 23 foot front building to street right-own 1804.8 BCEP, to allow a 23 foot from feet and a 25 foot side building to street right-required 50 setback in lieu of 30 feet required for non-residential principal buildings in DR J.5 zones.

Appearing at the public hearing on behalf of the Petitioner was Joseph T. Nason, Jr., Assistant Manager of Land Development, Sales & Marketing with Olney Town Center Development Corporation. Also appearing were John R. Green, a Professional Engineer, and Jean M.S. Tansey, a Professional Landscape Architect, both with Daft-McCune-Walker, Inc., who prepared the Plat to Accompany Variance which is identified as Petitioners' Exhibit 1. The Petitioners were represented by Robert A. Hoffman, Esquire. There were no Protestants present.

The Poxridge at McDonogh development was originally approved under Baltimore County's CRG (County Review Group) process. Subsequently, on October 31, 1989, the Petitioner's Partial Development Plans for Phases 1 and 2 were approved by Baltimore County. In accordance with its requested variances, the Petitioner has also requested my approval of the Third mended Partial Development Plan for Parcels A and D, Fhase 2 and the Pirst Amendment to Partial Development Plan for Parcel D,

130, 138, 193 and 194, in accordance with Petitioners' Exhibit 1,

Section V.B.6.b CMDP, pursuant to Section 504.2 BCZR, to allow as

little as 12 feet from side bay window to side property line in

lieu of required 15 foot setback, if necessary, for lots 2, 27,

28, 33, 34, 45, 72, 77, 86, 93, 100, 106, 107, 113, 126, 157,

161, 162, 173, 180, 194, 195 and 209, in accordance with

Petitioners' Exhibit 1, he and is hereby GRANTED

IT IS FURTHER ORDERED that the requested variance from

IT IS FURTHER ORDERED that the requested variance from

IT IS FURTHER ORDERED that the requested variance from

IT IS FURTHER ORDERED that the requested variance from

Section V.B.6.3 CMDP, pursuant to Section 504.2 BCZR, to allow as

little as 2 feet 6 inches from bay window to side property line

in lieu of required 15 foot setback, if necessary, for lots 1 -

26 and 28 - 214, in accordance with Petitioners' Exhibit 1, be

Section V.B.5.a CMDP, pursuant to Section 504.2 BCSR, and Sec.

window to the tract boundary line in lieu of required 35 foot

setback, if necessary, for lots 29, 31, 45, 65, 66, 196 and 198.

1801.2.C.2.a BCZR, to allow as little as 32 feet from a bay

in accordance with Petitioners' Exhibit 1, be and is hereby

Phase 1, which were submitted by Petitioner as Exhibit 2 herein. Parcels A and D, which comprise approximately 31.3 acres, will contain 214 townhome units and Petitioner now seeks my approval for four different sets of variances each to be applied to various lots within these parcels as well as an additional setback variance for the Community Building and Pool, all as more particularly depicted on the Plat to Accompany Variance

As there were no protestants at the hearing, Mr. Hoffman proffered most of the testimony of those present on behalf of the Petitioner. Mr. Hoffman stated that the Petitioner was faced with a practical difficulty in making Foxridge the quality development it was intended to be due to the location and amount of wetlands on the site as well as the open space requirements applicable to this project under the Comprehensive Manual of Development Policies ("C.M.D.P."). As a result of these factors, the "building envelope" or "buildable area" for this portion of the subdivision has been significantly reduced, and the Petitioner will not be able to provide townhomes with the various options demanded by the home buyer's market nor the design quality desired for developments in Owings Mills. Thus, the requested variances are needed to give flexibility for the layout and design of the townhome units to ensure quality and marketahility

Counsel for the Petitioner also noted for the record that none of the various county agencies which had reviewed the request were opposed to it. Finally, Counsel proffered testimony

10, 13, 28, 30, 32, 33, 37, 38, 39, 48, 49, 51, 53, 54, 61, 62, 63, 65, 71, 76, 77, 80, 82, 84 - 94, 96, 98 - 106, 109, 111, 112, 113, 115, 117, 119, 120, 122- 129, 131, 132, 134 - 157, 159, 161, 162, 166, 173 - 179, 185 -187, 189, 191, 195, 197, 199, 201, 203, 205, 207, 209, 210 and 211, in accordance with Petitioners'

Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the requested variance from Section V.B.6.c. CMDP, pursuant to Section 504.2 BC2R, to allow as little as 22 feet from side bay window to street right-of-way in lieu of required 25 foot setback, if necessary, for lots 61, 119 and 120, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED

IT IS FURTHER ORDERED that the requested variance from Section V.B.6.c. CMDP, pursuant to Section 504.2 BC2R, to permit an 18 foot window-to-window setback, 11 foot bay window-to-window setback, if necessary, or a 5 foot bay window to bay window setback, if necessary, in lieu of required 40 foot window-towindow setback for lots 1 - 166 and 173 - 214, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the requested variance from Section 1801.2.C.1.a BCZR and Section V.B.2 CMDP pursuant to Section 504.2 BCZR, to allow a 25 foot front building to street right-of-way setback in lieu of required 50 feet and a 25 foot side building to street right-of-way setback in lieu of 35 feet required for non-residential principal buildings in DR 3.5 zones,

BCZR or result in substantial detriment to the public health. safety and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this $13^{1/4}$ day of April 1994, that the Petition for Zoning Variances from Section V.B.7 CMDP, pursuant to Section 504.2 BC2R, to allow as little as 370 square feet in lieu of 500 square feet of private open space wich a minimum dimension of 9 feet in lieu of the 15 feet required for lots 12, 14, 24, 26, 35, 36, 37, 38, 41, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 55, 56, 57, 58, 59, 60, 63, 64, 67, 68, 69, 70, 73, 74, 75, 76, 79, 80, 81, 82, 83, 84, 92, 101, 102, 103, 104, 105, 108, 109, 110, 111, 114, 115, 116, 117, 118, 121, 122, 123, 124, 125, 128, 129, 130, 131, 134, 135, 136, 137, 138, 159, 163, 164, 165, 204 and 206, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the requested variance from Section V.B.6.b CMDP, pursuant to Section 504.2 BC2R, to allow as little as 13 feet from window, or 10 feet from bay window if ecessary, to rear or front property line in lieu of required 15 oot window to property line setback for lots 24, 25, 26, 41, 42, 47, 49, 50, 54, 55, 56, 58, 67, 69, 73, 75, 78, 79, 81, 83, 100, 108, 109, 100, 112, 113, 114, 115, 116, 117, 118, 121, 128,

Section V.B.6.a CMDP, pursuant to Section 504.2 BCZR, to allow as Pittle as 10 feet from front bay window to street right-of-way in

GRANTED

and is hereby GRANTED.

be and is hereby GRANTED.

lieu of required 13 foot setback, if necessary, for lots 7, 8,

8

in accordance with Petitioners' Exhibit 1, be and is hereby

IT IS FURTHER ORDERED that the requested amendments to

the Partial Development Plans for Foxridge (Parcels A and D, Phase 2 and Parcel D, Phase 1), pursuant to Section 1B01.3.A.7

BCZR, in accordance with Petitioners' Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

(1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; housewer, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time the time of the process from this Order has expired.

Any appeal of this decision must be taken in accordance with

§ 26-132 of the Baltimore County Code.

GRANTED

TINOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

Variance from Sec. V.B.6.a., CMDP, pursuant to Sec. 504 BCZR, to allow as little as 22 feet from side bay window to street right-of-way in lieu of required 25 foot setback, if necessary, for lots 61, 119 and 120.

4. Window to Window

Variance from Sec. V.B.6.c., CMDP, pursuant to Sec. 504 BCZR, to permit an 18 foot window-to-window setback, 11 foot bay window-to-window setback, 16 necessary, or a 5 foot bay window to bay window between the foot window-to-window setback, 16 necessary, in lieu of required 40 foot window-to-window setback for lots 1 - 139, 157 - 168 and 173 - 214

5 Principal Building letbacks

Variance from Sec. 1801.2.C.1.a, BCTR and Sec. V.B.2., CMOP pursuant to Sec. 504 BCZR. to allow a 25 foot fromt building to street right-of-way setbock in lieu of required 50 feet and a 25 feet required for non-residential principal buildings in DR 3.5 somes.

LISTO146 BAN

nore County Governmen Zoning Commissioner Office of Planning and Zoning 1

April 13, 1994

Suite 113 Courthouse 400 Washington Avenu Towson, MD 21204

(410) 887-4386

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Mest Pennsylvania Avenue ion, Maryland 21204

DE- DETITION FOR VARIANCE FEITTON FOR VARIANCE
E/S Painters Mill Road, 520'(+/-) N of '.inands Road
(Foxridge at McDonogh)
2nd Election District - 3rd Councilmanic District Town Center Development Corporation - Petitioner Case No. 94-322-A

Door Mr. Hoffman

Enclosed please find a copy of the decision rendered in the over-captioned matter. The Petition for Variance has been granted in cordance with the attached Order.

In the event any party finds the decision rendered is unfavor-able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Hanaspeemt of Girce at 887-391.

Very truly yours Suthy Volvero TIMOTHY M. KOTROCO

TMK:bjs cc: Mr. Joseph T. Nason, Jr., Olney Town Center Development Corp 20 Columbia Corporate Center, Suite 401, Columbia, Md. 21044

Mr. John R. Green and Ms. Jean M. S. Tansey Daft-McCune-Malker, Inc., 200 E. Pennsylvania Ave., Towson, Md. 21286 People's Counsel Vile

6,5

Description 94-322-A to Accompany Petition for Zoning Variances

31.301 Acre Parcel, East Side of McDonogh Road Northeast of Winands Road

Second Election District, Baltimore County, Maryland

Beginning for the same on the east side of McDonogh Road, 70 feet wide, at the end of the second of the two following courses and distances, measured northeasterly along McDonogh Road centerline from its point of intersection with Traver, Maryland 21286 the centerline of Winands Road, 60 feet wide, (1) Northeasterly 527 feet, more or for 286 4705 less, and thence leaving said centerline (2) Southeasterly 35 feet to the point of beginning, thence leaving said point of beginning, thence running and binding on Landsupe Anisons. said east side of McDonogh Road, (1) North 18 degrees 35 minutes 25 seconds East Environmental Professionals 767.95 feet, thence leaving said eastern side the next twenty-one courses and distances, viz: (2) South 85 degrees 30 minutes 13 seconds East 1276.76 feet, thence (3) North 05 degrees 02 minutes 19 seconds East 711.58 feet, thence (4) North 75 degrees 18 minutes 59 seconds East 40.66 feet, thence (5) South 89 degrees 32 minutes 17 seconds East 56.66 feet, thence (6) South 75 degrees 54 minutes 57 seconds East 90.84 feet, thence (7) South 45 degrees 14 minutes 26 seconds East 123.24 feet, thence (8) South 33 degrees 45 minutes 31 seconds East 203.74 feet. thence (9) South 67 degrees 31 minutes 36 seconds East 97.96 feet, thence (10) South 21 degrees 28 minutes 21 seconds West 94.32 feet, thence (11) South 08 degrees 22 minutes 04 seconds West 105.61 feet, thence (12) South 05 degrees 34 minutes 38 seconds East 150.25 feet, thence (13) South 37 degrees 03 minutes 20 seconds West 14.77 feet, thence (14) South 16 degrees 02 minutes 41 seconds West 384.66 feet,

Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at Painters Mills Road (Foxridge) DR3.5 of, legal owner(s) of the property should in Balamore County and which is described in the desc r a part becord, hereby petition for a Variance from Section(s). See: Attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the Inflowing seasons: (indicate near-less differents).

To be determined at hearing

10 Allegheny Ave. 494-6200

21204

Property is to be posted and advertised as prescribed by Zoning Re, I, or we, agree to pay expense of above Variance advertising, posting, etc., upon Bills be bound by the zeroin creations and estriction of Bellimore Courier adopted name.

By: Joseph Nason Assistant Manager of contraction Robert A. Hoffman 20 Columbia Corporate Center. Suite 401 Columbia, Mr 21044 964-3255 Venabi Baetjer and Howard

Robert A. Hoffman
210 Allegheny Ave.
TOWNON, MD 21204 494-5200

(324) 3/m WHILE OF JOHN au 278-44

Who do submitly declare and affirm, under the remarket of property, that you are the logic control of the property which is the subject. If the further

Olney Town Center Development Corporation

SONING VARIANCE

1. Private Open Space

Variance from Sec. V.B.7, CHDP, pursuant to Sec. 504 MCFR, to each pursuant to Sec. 504 MCFR, to each pursuant pursuant pursuant to Sec. 504 MCFR, to each pursuant p

Window to Property Line/Tract Boundary

- Variance from Son. V.B.4.b. CHEP, personnt to Sec. 504 BCER, to allow an intitude as 15 feet from appearance from heavy mindow if mecassary, to rear or from property line are required; 15 clos window to property line are because of the control property line are property line are property line and the control and the
- Variance from Sec. V.B.6.b, CMDP, pursuant to Sec. 504 BCZR, to allow as little as 2 feet 6 inches from bay window to side property line in lieu of required 15 foot setback, if necessary, for lots 1 26, 28 139, 157 166 and 173 214.
- Variance from Sec. V.B.5.s, CNDP, pursuant to Sec. 504 BCSR, and Sec. 1801.2.C.2.s, BCSR, to slow as little as 32 feet from a bay window to the tract boundary line in lieu of required 35 foot setback, if necessary, for lots 29, 31, 43, 55, 66, 196

Window to Street Right-of-Way

land more or less

February 3, 1994

Project No. 86068.TX (L86068TX.1)

Vatiance from Sec. V.B.S.a, CMDF, pursuant to Sec. 504 BCER, to allow as little as 10 feet from fromt bay vindow to streat results of the second of the seco

South 39 degrees 23 minutes 48 seconds West 12.04 feet, thence (17) South 09 degrees 18 minutes 06 seconds West 76.40 feet, thence (18) South 24 degrees 14 minutes 12 seconds West 46.91 feet, thence (19) South 28 degrees 46 minutes 58 seconds West 74.45 feet, thence (20) South 03 degrees 31 minutes 18 seconds East 148.60 feet, thence (21) South 10 degrees 33 minutes 35 seconds West 81.84 feet, and thence (22) South 73 degrees 37 minutes 06 seconds West 19.73 feet, to a point on the northern side of Foxfield Road, width varies, as proposed, thence binding on the said northern side of Foxfield Road the following ten courses and distances. viz: (23) North 15 degrees 33 minutes 46 seconds West 173.22 (set, thence (24) Westerly, by a line curving to the left with a radius of 225.00 feet, for a distance of 350.54 feet, (the arc of said curve being subtended by a chord bearing North 60 degrees 11 minutes 43 seconds West 316.15 feet), thence (25) South 75 degrees 10 minutes 21 seconds West 129.59 feet, thence (26) Southwesterly, by a line curving to the left with a radius of 785.00 feet, for a distance of 356.21 feet (the arc of said curve being subtended by a chord bearing South 62 degrees 10 minutes 23 seconds West 353.16 feet), thence (27) South 49 degrees 10 minutes 24 seconds West 169.36 feet, thence (28) Westerly, by a line curving to the right with a radius of 377.40 feet. for a distance of 420.90 feet (the arc of said curve being subtended by a chord bearing South \$1 degrees 07 minutes 24 seconds West 399.42 (set), thence (29) North 66 degrees 55 minutes 36 seconds West 37.82 feet, thence (30) North 64

thence (15) North 59 degrees 53 minutes 36 seconds West 143.66 feet, thence (16)

minutes 36 seconds West 207.24 feet, and thence (32) North 24 degrees 10 minutes

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES

06 seconds West 14.68 feet to the point of beginning; containing 31.301 acres of

ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

degrees 03 minutes 51 seconds West 100.12 feet, thence (31) North 66 degrees 55

Location of Spe Toring for day, an fromuly being reach

Date of return. 3/18/94.

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 3. 1994

THE JEFFERSONIAN.

Henrikson LEGAL AD. - TOWSON

receipt

94-322-A

Total - 685. "

Acceust: 9.001.6150 Firm Number 324

Taken 14 by 128

5 197 (1 = posting - 35 €

 $\frac{9240230123411636}{64-10101189002-18-04}.$ Phase Make Checks Psychile for Bulti-sere County

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published

ir Towson, Baltimore County, Md., once in each of ____ successive

weeks, the first publication appearing on March 3. 1994.

Fexzides...

Zoning Administration & Development Management

Olaej Town CTR. Development Corp.

= 070 Max fee for invision Variances (black +) -\$650 =

Forridge (Fonters Mill Rd)

Date 2 - 18 94

Number of Signes

94-322-4 DUE DATE: CLOSING DATE OF HEARING DATE

Office of Zoning Administration

(1) Zoning Notice Sign and Post Set(s) @ \$60.00/set - \$60.00 Due*

(In lieu of payment, we ask that you make use of the following waiver)

INVOICE WAIVER

111 West Chesapeake Avenu Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

<u>Sations County Zoolog Regulations</u> require that notice be given to the questal publication property owners relative to property which is the subject which is the subject which is the subject which is the subject which require a public hearing, this notice is accomplished by peaking a sign on the property and placement of a notice in at least our mesupport of questal 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.

 Posting fees will be accessed and paid to this office at 'he time of filing. Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
 HON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER

PRELICIONE: Olney Town Center Derelopment Conforation
Location: Painters Nills Read (Fouridge Subdivision)

STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

(Revised 04/09/93)

PAYMENT WILL BE MADE AS FOLLOWS:

For rewspaper advertising: Item No.: 324

PLEASE FORWARD ADVERTISING BILL TO: NAME: Barbara W. Ormord ADDRESS: 210 Alleghery, Avenue Towson, ud 2004

PHONE NUMBER: 494-6200

HALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE Arnold Jahlon, Director DATE: March 7, 1994 Zoning Administration and Development Management

The levelopers Engineering Section has reviewed the soluted Bosins liven. The variance for setback at the proposal and a same set of the proposal and the propo

Additional landscaping may be required as needed to help mitigate the effect of the variances.

FROM Pubert W Bowling, P.E., Chief Developers Engineering Section

Zoning Advisory Committee Meeting for March 7, 1994 Item #324

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

44-322-A

Baltimore County Government Office of Zoning Administration

(410) 887-3353

The Zooing Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public bearing on the property identified herein in Scom 118, Old Courthouss, 400 Wanhington Zewone, Townson, Navyand 21200 as Gillows:

CASE MINSER: 94-322-8 (Thm 324)

CASE FRENCE 94-22-9 LILIM Jacy Fouridge UF Finitzer RLII Bood, 520'4', N of Nisanda Road Jac Hitchton Edutrict - 1 of Councillamate Fullitome(s): Olary Tone Contect Pewelgoment Corporation Fourier Contect - 1 of Councillamate REALIGE SPECENT, MERCE 29, 1994 at 9:00 s.m., Nm. 118, Old Courthouse.

SHADON THERM, NAME $N_{\rm c}$ 1900 at 100 ft.a., $h_{\rm c}$ 110, 0.15 continuous. We describe allowed the states of the state of the sta Cell Jalle

MOTION (1) INSTRUCTION A POST MET BE RETURNED TO DM. 104, 111 M. CHESAPHARE ANERGE ON THE MEASURE SATE.
(2) PRESENCE AND ANDICAPPED ACCESSING, FOR SPECIAL ACCOMPANIONS FLUXE CALL SOT-3353.
(3) PRO SPORMETRIC COLUMNS THE FULL MARCHE SCARMED, CONTACT THES STOTE AT 887-3351.

Maryland Department of Transportation State Highway Administration

3-1-94

Re: Baltimore County
Item No.: + 324 (TTS) Zoning Administration and Development Management County Office Building

Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Ms Charlotte 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

Thank you for the opportunity to review this item.

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

Bob Small DAVID AL. SENSAL, ACTUAL CHIEF John-Contestabile, Chief Engineering Access Permits Division

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

Returned _____ Zoning Notice Sign and Post Set(s). for ZADM *Amount Due waived upon return of the COMPLETE sign and post set(s).

When you return same, bring this form with you.

CASE NUMBER/PROJECT NAME: 94-322-A

CASE NUMBER/PROJECT NAME: 94-322-A

Control with Soybean Int

111 West Chesapeake Avenue Towson, MD 21204

111 West Chesapeake Avenue Towson, MD 21204

March 11, 1994

(410) 887-3353

Robert A. Hoffman, Esquire Venable, Baetjer and Howard 210 Allegheny Avenue Towson, Maryland 21204 Case No. 94-322-A, Item No. 324
Petitioner: Olney Town Center Development Corporation
Petition for Variance

The Zoning Plans Advisory Committee (IAC) has reviewed the plans that the committee with the above referenced billion. The attached comment from the control of the control

Enclosed are all comments submitted thus far from the numbers of 226, that offer or request information or peritation. If addition to the comment of the comment of 226, I will forward them on the comment of 226, I will forward them on the comment of 226, I will forward them on the comment of 226, I will forward them on the comment of 226, I will forward them on the comment of 226, I will forward them on the comment of 226, I will forward them of 226, I will forward them. On the comment of 226, I will forward the comment of 226, I will

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

The director of Zoning Administration and Davalogment Management has instituted a great wheely assensed soning attempts who have a sense of the property of the property of the 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.

& name of the last

Olney Town Center Development Corp.

In the Fall of 1993, the petitioner requested that the Office of Planning and Zoning representatives conduct a field investigation of the subject preperty. The petitioner showed staff two units which have been built to a revised floor

The petitioner showed staff two units which have been built to a revised flo plan. The inspection revealed that the building adjustments, while technical in conflict with setuck requirements, did provide a positive result in the sign of the project. For this reason, we are not opposed to the requested warmer.

TO: Arnold Jabion, Director Zoning Administration &

DATE: March 1 1994

SUBJECT: Foxridge

INFORMATION

Property Size

Hearing Date:

Requested Action:

25C 324 20NE/25C1

May 20, 1994

Mr. Araold Jablon

Director ZADM Room 109

Dear Mr. Jablon.

111 West Chesapeake Avenue Towson, Maryland 21204

Re: Burnside Farm Subdivision, Lot 1 Auxiliary Structure Variance Permit No. B190907

I am writing to request a conditional approval for a variance for an existing

I submitted an application for a building permit on March 17, 1994, for lot Lof the Burnside Farm Subdivision (please find enclosed site plan). Prior to our application for permit. had visited the zoning desk on no less than three occasions to review the site plan with a zoning official, to be certain that there were no zoning issues, of which we were unaware, which would delay the approval of a building permit, once the application had been officially filed. As of today, we had received one correspondence from the linvironmental Impac. Review from the county, requesting a revised site

As we had had no communication with any other department. I called the Permit Office this morning, to see what was the status of the permit. I was transferred to Mr. Merry in Zoning, who told me that a portion of the

existing Bowling Alley, an approximately 120 year old existing building on

the site, lay beyond the side yard setback, which abuts a road and a narrow, inbuildable strip of land, owned by the neighbor to the north.

As you can see from the site plan, the Owners have already agreed to raise

a portion of the Bowling Alley as required by the county to achieve a septic reserve field of 10,000 square feet. Neither the Owners, the Architect, nor the County Planning Office wish to see the Bowling Alley raised

construction must began on the fluor more but the construction is impossible until a building permit is issued, and until the variance of the Bowling Alley is resolved, the county will not issue a

completely, yet because of time constraints by the mortgage holder, construction must begin on the main house as soon as possible. As you

SUMMARY OF RECOMMENDATIONS

Zoning:

------ Vanacoport

most. Det Velley Donuty Director

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

March 4, 1994

Mr. Arnold Jablon, Director Zoning Administration and Development Management Zoning Item #324 - Foxridge

Painters Mills Road Zoning Advisory Committee Meeting of February 28, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

FOXRIDGE/DEPRM/TXTSRI

Pg. 1

2034.71 **SMDA**

ZADM

5/13/14

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As the Architects of the new house for the site, we have worked very hard with the county and the site engineers to locate the house within the buildable area of the lot, and mannian the required (1000) square feet of specie reserve area. The proposed location of the new house is not the optimum location on the site, but in order to save the Bowling Alley, the whole the site of the site

Under normal circumstances, we would go through the standard variance process without seeking a special exception, but 1) I made several trips to the zoning office prior to filling for the permit to avoid this exact situation, 2) I had to call the Zoning office more than 60 days the germi to avoid this cases situation, 2) I had to call the "Zonling officer more turn to ways faster I filled for the permit to discover the hold-up, 3) and because the permit has taken so long, the time has began ticking on the building foam. Therefore, we are respecting a conditional approval for the variance, to that we may get the building permit, and commence construction. If, after we have completed the standard variance process, we are extrance, the Owners will argue to naise the portion of the incentive which shi to kyould the

I have spoken with Mr. McGrain in the Planning Office, and he agrees that our client has I have spoken with Mr. McGrain in the Planning Office, and ne agrees that our citent nas-been caught on a technicality in the zoning code. It is my understanding that these codes were designed to protect the integrity of the county, not to rid it of its assets. The Bowling Ally in question was a fixture in the Greenspring/Worthington Valley long before you and I were able to appreciate it, and I hope that we can work together to have it remain for

Thank you for your time and consideration in this matter. I look forward to hearing from you at your earliest possible convenience.

Very truly yours, Schamu, Machowski, Doo & Associates, Architects

Sarah Crosby Schweizer, AIA Sough C. Schweiner

encl: site plan

cc: Dr. & Mrs. J.C. Robinson Walter Schamu, FAIA Mr. John McGrain Mr. John Merry

follow-upon

685 3582

700 East Joppa Road Suite 901 Towson, MD 21286-5540

(410) 887-4500

DATE: 02/25/06

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: OLNEY TOWN CENTER DEVELOPMENT CORPORATION LOCATION: E/S PAINTERS MILL RD., 520' =/- N OF WINANDS RD. (FOXRIDGE)

Zoning Agenda: VARIANCE

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

ZADM REVIEWER: LT. ROBERT P. SAUERWALD Fire Prevention, PHONE 887-4881, MS-1102F

VENABLE BARTIER AND HOWARD

April 5, 1994

ZONING COMMISSIONER

Timothy M. Kotroco, Deputy Zoning Commissioner for Baltimore Count Suite 113, Old Courthouse 400 Washington Avenue Towson, Maryland 21204

Olney Town Center Development Corporation Foxridge at McDonogh Zoning Case No. 94-322-A

Enclosed please find a draft Order which I have prepared for the above-referenced variance case.

Also enclosed is the First Associant to Partial Development Plan for Parcol D, Phase 1. We forgot to include this Partial Development Plan as part of Exhibit 2 at the hearing and, hence, you only have the First Associant to Partial Development Plan for Associants to the Partial Development Plans be approved in conjunction with the requested variances.

Please call if you have any questions.

Sincerely, Robert A. Hoffman Br. GPW Robert A. Hoffman

PETITIONER : CORPORATION

ENTRY OF APPEARANCE Please enter the appearance of the People's Counsel in the above

captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order

I HEREBY CERTIFY THAT on this & day of Man 4

of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baet jer and Howard, 210 Allegheny Ave. Towson, Md. 21204.

Pater Nex Zenerer

SE PRINT CLEARLY	PETITIONER(S) SIGN-IN SHEET	
RIO HITTON	A 10 A	ADDRESS
Joe Wason		Hic Paternt OKKY 210
Jean Tavey		Ewwiglemen 21286
Bob Guen		il '

OF BATTIMORE COURSE

ZONTING COMMITSSTOME

OLNEY TOWN CENTER DEVELOPMENT

Carole S. Demilio Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Tewson, Maryland 21204 (410) 887-2188

PETITION FOR WASTERN

Painters M(11 Page

(Forridge)

CASE NO. 94-322-4

Peter Mas Zineman

Carole S. Demilio

PLEA







