

IN RE: PETITION FOR ZONING VARIANCE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 94-322-A
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance. 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 Foxridge 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 Foxridge (Parcels A and D, Phases 1 and 2), pursuant 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

Variances from Section V.B.7 of the Comprehensive Manual of Development Policies ("CMPD"), pursuant to Section 504.2 BCZR, to allow as little as 370 square feet in lieu of 500 square feet of private open space with 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, 53, 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, 126, 127, 128, 129, 130, 131, 134, 135, 136, 137, 138, 139, 142, 164, 165, 204 and 206.

110, 111, 114, 115, 116, 117, 118, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 134, 135, 136, 137, 138, 139, 142, 164, 165, 204 and 206.

2. Window to Property Line/Tract Boundary

a. Variance from Section V.B.6.b CMPD, pursuant to Section 504.2 BCZR, to allow as little as 13 feet from window, or 10 feet from bay window if necessary, to rear or front 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, 58, 67, 69, 73, 75, 78, 79, 81, 83, 100, 101, 108, 109, 100, 112, 113, 114, 115, 116, 117, 118, 121, 128, 130, 136, 193 and 194.

b. Variance from Section V.B.6.b CMPD, 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, 43, 72, 77, 86, 93, 100, 106, 107, 113, 126, 157, 161, 162, 173, 180, 194, 195 and 209.

c. Variance from Section V.B.6.b CMPD, 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.

d. Variance from Section V.B.5.a CMPD, pursuant to Section 504.2 BCZR, and Sec. 1801.3.C.2.a BCZR, to allow 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, 45, 65, 66, 196 and 198.

3. Window to Street Right-of-Way

a. Variance from Section V.B.6.a CMPD, pursuant to Section 504.2 BCZR, to allow as little as 10 feet from front bay window to street right-of-way in lieu of required 13 foot setback, if necessary, for lots 7, 8, 10, 13, 28, 30, 32, 33, 37, 40, 39, 40, 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.

b. Variance from Section V.B.6.c CMPD, 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 setback, if necessary, for lots 61, 119 and 120.

ORDER RECEIVED FOR FILING
Date 4/13/94
By [Signature]

2

4. Window to Window

Variance from Section V.B.6.c CMPD, pursuant to Section 504.2 BCZR, to permit an 18 foot window-to-window setback, 11 foot window to bay window setback, if necessary, or a 5 foot bay required 40 foot window-to-window setback for lots 1 - 166 and 173 - 214.

5. Principal Building Setbacks

Variance from Section 1801.2.C.1.a BCZR and Section V.B.2 CMPD pursuant to Section 504.2 BCZR, to allow a 25 foot front 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.

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 Deft-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 Foxridge at McDonogh development was originally approved under Baltimore County's CMG (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 Amended Partial Development Plan for Parcels A and D, Phase 2 and the First Amendment to Partial Development Plan for Parcel D,

ORDER RECEIVED FOR FILING
Date 4/13/94
By [Signature]

3

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 marketability.

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

ORDER RECEIVED FOR FILING
Date 4/13/94
By [Signature]

4

on behalf of Mr. Green and Ms. Tansey 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. Solley, 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 variances would not be contrary to the spirit and intent of the

ORDER RECEIVED FOR FILING
Date 4/13/94
By [Signature]

6

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 day of April 1994, that the Petition for Zoning Variances from Section V.B.7 CMPD, pursuant to Section 504.2 BCZR, to allow as little as 370 square feet in lieu of 500 square feet of private open space with 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, 126, 129, 130, 131, 134, 135, 136, 137, 138, 159, 161, 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 CMPD, pursuant to Section 504.2 BCZR, to allow as little as 13 feet from window, or 10 feet from bay window if necessary, to rear or front 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, 58, 67, 69, 73, 75, 78, 79, 81, 83, 100, 108, 109, 100, 112, 113, 114, 115, 116, 117, 118, 121, 128,

130, 138, 193 and 194, 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 CMPD, 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, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the requested variance from Section V.B.6.a CMPD, 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 and is hereby GRANTED.

IT IS FURTHER ORDERED that the requested variance from Section V.B.5.a CMPD, pursuant to Section 504.2 BCZR, and Sec. 1801.2.C.2.a BCZR, to allow 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, 45, 65, 66, 196 and 198, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the requested variance from Section V.B.6.a CMPD, pursuant to Section 504.2 BCZR, to allow as little as 10 feet from front bay window to street right-of-way in lieu of required 13 foot setback, if necessary, for lots 7, 8,

ORDER RECEIVED FOR FILING
Date 4/13/94
By [Signature]

7

10, 13, 20, 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 CMPD, 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 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 CMPD, pursuant to Section 504.2 BCZR, 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-to-window 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 CMPD pursuant to Section 504.2 BCZR, to allow a 25 foot front building to street right-of-way setback in lieu of required 30 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,

ORDER RECEIVED FOR FILING
Date 4/13/94
By [Signature]

8

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 3/4/94
Posted for: Barbara W. Erwood
Petitioner: Olney Town Center Development Corp.
Location of property: 210 Allegheny Avenue, Towson, Maryland 21204
Location of Sign: Barbara W. Erwood, 210 Allegheny Avenue, Towson, Maryland 21204
Remarks: None
Paid by: Barbara W. Erwood Date of return: 3/4/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 3, 1994
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 March 3, 1994

THE JEFFERSONIAN,
A. Nemikow
LEGAL AD - TOWSON

111 West Chesapeake Avenue
Towson, MD 21204

Office of Zoning Administration
and Development Management

(410) 887-3353

DOE DATE: CLOSING DATE OF HEARING DATE

INVOICE

Barbara W. Erwood
210 Allegheny Avenue
Towson, Maryland 21204

CASE NUMBER/PROJECT NAME: 94-322-A

(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

CASE NUMBER/PROJECT NAME: 94-322-A

Returned _____ Zoning Notice Sign and Post Set(s).

DATE _____ for SIGN

*Amount Due waived upon return of the COMPLETE sign and post set(s).
When you return same, bring this form with you.

Printed with Recycled Paper
and Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21204

Office of Zoning Administration
and Development Management

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public in publishing property owners relative to property which is the subject of an upcoming zoning hearing. For these 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 START ISSUANCE OF ZONING ORDER.

Barbara W. Erwood
ARNOLD JENKIN, DIRECTOR

For newspaper advertising:

Item No.: 324

Petitioner: Olney Town Center Development Corporation

Location: Printers Mills Road (Foxridge Subdivision)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Erwood

ADDRESS: 210 Allegheny Avenue

Towson, MD 21204

PHONE NUMBER: 444-6200

AJ/gjs

(Revised 04/09/93)

111 West Chesapeake Avenue
Towson, MD 21204

Office of Zoning Administration
and Development Management

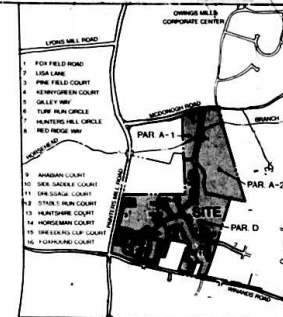
(410) 887-3353

NOTICE OF HEARING

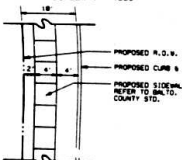
The Board of Commissioners of Baltimore County, by authority of the zoning act and regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 101, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-322-A (Item 324)
Petitioner: Olney Town Center Development Corporation
3rd Election District - 3rd Commissioner
HEARING: TUESDAY, MARCH 29, 1994 at 5:00 A.M., Rm. 118, Old Courthouse.

Variances to allow an lot less than 500 square feet in line of 500 square feet of private open space with a minimum diameter of 9 feet in line of the 15 feet required for lot 12, 14, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000, 1002, 1004, 1006, 1008, 1010, 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028, 1030, 1032, 1034, 1036, 1038, 1040, 1042, 1044, 1046, 1048, 1050, 1052, 1054, 1056, 1058, 1060, 1062, 1064, 1066, 1068, 1070, 1072, 1074, 1076, 1078, 1080, 1082, 1084, 1086, 1088, 1090, 1092, 1094, 1096, 1098, 1100, 1102, 1104, 1106, 1108, 1110, 1112, 1114, 1116, 1118, 1120, 1122, 1124, 1126, 1128, 1130, 1132, 1134, 1136, 1138, 1140, 1142, 1144, 1146, 1148, 1150, 1152, 1154, 1156, 1158, 1160, 1162, 1164, 1166, 1168, 1170, 1172, 1174, 1176, 1178, 1180, 1182, 1184, 1186, 1188, 1190, 1192, 1194, 1196, 1198, 1200, 1202, 1204, 1206, 1208, 1210, 1212, 1214, 1216, 1218, 1220, 1222, 1224, 1226, 1228, 1230, 1232, 1234, 1236, 1238, 1240, 1242, 1244, 1246, 1248, 1250, 1252, 1254, 1256, 1258, 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1278, 1280, 1282, 1284, 1286, 1288, 1290, 1292, 1294, 1296, 1298, 1300, 1302, 1304, 1306, 1308, 1310, 1312, 1314, 1316, 1318, 1320, 1322, 1324, 1326, 1328, 1330, 1332, 1334, 1336, 1338, 1340, 1342, 1344, 1346, 1348, 1350, 1352, 1354, 1356, 1358, 1360, 1362, 1364, 1366, 1368, 1370, 1372, 1374, 1376, 1378, 1380, 1382, 1384, 1386, 1388, 1390, 1392, 1394, 1396, 1398, 1400, 1402, 1404, 1406, 1408, 1410, 1412, 1414, 1416, 1418, 1420, 1422, 1424, 1426, 1428, 1430, 1432, 1434, 1436, 1438, 1440, 1442, 1444, 1446, 1448, 1450, 1452, 1454, 1456, 1458, 1460, 1462, 1464, 1466, 1468, 1470, 1472, 1474, 1476, 1478, 1480, 1482, 1484, 1486, 1488, 1490, 1492, 1494, 1496, 1498, 1500, 1502, 1504, 1506, 1508, 1510, 1512, 1514, 1516, 1518, 1520, 1522, 1524, 1526, 1528, 1530, 1532, 1534, 1536, 1538, 1540, 1542, 1544, 1546, 1548, 1550, 1552, 1554, 1556, 1558, 1560, 1562, 1564, 1566, 1568, 1570, 1572, 1574, 1576, 1578, 1580, 1582, 1584, 1586, 1588, 1590, 1592, 1594, 1596, 1598, 1600, 1602, 1604, 1606, 1608, 1610, 1612, 1614, 1616, 1618, 1620, 1622, 1624, 1626, 1628, 1630, 1632, 1634, 1636, 1638, 1640, 1642, 1644, 1646, 1648, 1650, 1652, 1654, 1656, 1658, 1660, 1662, 1664, 1666, 1668, 1670, 1672, 1674, 1676, 1678, 1680, 1682, 1684, 1686, 1688, 1690, 1692, 1694, 1696, 1698, 1700, 1702, 1704, 1706, 1708, 1710, 1712, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, 1734, 1736, 1738, 1740, 1742, 1744, 1746, 1748, 1750, 1752, 1754, 1756, 1758, 1760, 1762, 1764, 1766, 1768, 1770, 1772, 1774, 1776, 1778, 1780, 1782, 1784, 1786, 1788, 1790, 1792, 1794, 1796, 1798, 1800, 1802, 1804, 1806, 1808, 1810, 1812, 1814, 1816, 1818, 1820, 1822, 1824, 1826, 1828, 1830, 1832, 1834, 1836, 1838, 1840, 1842, 1844, 1846, 1848, 1850, 1852, 1854, 1856, 1858, 1860, 1862, 1864, 1866, 1868, 1870, 1872, 1874, 1876, 1878, 1880, 1882, 1884, 1886, 1888, 1890, 1892, 1894, 1896, 1898, 1900, 1902, 1904, 1906, 1908, 1910, 1912, 1914, 1916, 1918, 1920, 1922, 1924, 1926, 1928, 1930, 1932, 1934, 1936, 1938, 1940, 1942, 1944, 1946, 1948, 1950, 1952, 1954, 1956, 1958, 1960, 1962, 1964, 1966, 1968, 1970, 1972, 1974, 1976, 1978, 1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994, 1996, 1998, 2000, 2002, 2004, 2006, 2008, 2010, 2012, 2014, 2016, 2018, 2020, 2022, 2024, 2026, 2028, 2030, 2032, 2034, 2036, 2038, 2040, 2042, 2044, 2046, 2048, 2050, 2052, 2054, 2056, 2058, 2060, 2062, 2064, 2066, 2068, 2070, 2072, 2074, 2076, 2078, 2080, 2082, 2084, 2086, 2088, 2090, 2092, 2094, 2096, 2098, 2100, 2102, 2104, 2106, 2108, 2110, 2112, 2114, 2116, 2118, 2120, 2122, 2124, 2126, 2128, 2130, 2132, 2134, 2136, 2138, 2140, 2142, 2144, 2146, 2148, 2150, 2152, 2154, 2156, 2158, 2160, 2162, 2164, 2166, 2168, 2170, 2172, 2174, 2176, 2178, 2180, 2182, 2184, 2186, 2188, 2190, 2192, 2194, 2196, 2198, 2200, 2202, 2204, 2206, 2208, 2210, 2212, 2214, 2216, 2218, 2220, 2222, 2224, 2226, 2228, 2230, 2232, 2234, 2236, 2238, 2240, 2242, 2244, 2246, 2248, 2250, 2252, 2254, 2256, 2258, 2260, 2262, 2264, 2266, 2268, 2270, 2272, 2274, 2276, 2278, 2280, 2282, 2284, 2286, 2288, 2290, 2292, 2294, 2296, 2298, 2300, 2302, 2304, 2306, 2308, 2310, 2312, 2314, 2316, 2318, 2320, 2322, 2324, 2326, 2328, 2330, 2332, 2334, 2336, 2338, 2340, 2342, 2344, 2346, 2348, 2350, 2352, 2354, 2356, 2358, 2360, 2362, 2364, 2366, 2368, 2370, 2372, 2374, 2376, 2378, 2380, 2382, 2384, 2386, 2388, 2390, 2392, 2394, 2396, 2398, 2400, 2402, 2404, 2406, 2408, 2410, 2412, 2414, 2416, 2418, 2420, 2422, 2424, 2426, 2428, 2430, 2432, 2434, 2436, 2438, 2440, 2442, 2444, 2446, 2448, 2450, 2452, 2454, 2456, 2458, 2460, 2462, 2464, 2466, 2468, 2470, 2472, 2474, 2476, 2478, 2480, 2482, 2484, 2486, 2488, 2490, 2492, 2494, 2496, 2498, 2500, 2502, 2504, 2506, 2508, 2510, 2512, 2514, 2516, 2518, 2520, 2522, 2524, 2526, 2528, 2530, 2532, 2534, 2536, 2538, 2540, 2542, 2544, 2546, 2548, 2550, 2552, 2554, 2556, 2558, 2560, 2562, 2564, 2566, 2568, 2570, 2572, 2574, 2576, 2578, 2580, 2582, 2584, 2586, 2588, 2590, 2592, 2594, 2596, 2598, 2600, 2602, 2604, 2606, 2608, 2610, 2612, 2614, 2616, 2618, 2620, 2622, 2624, 2626, 2628, 2630, 2632, 2634, 2636, 2638, 2640, 2642, 2644, 2646, 2648, 2650, 2652, 2654, 2656, 2658, 2660, 2662, 2664, 2666, 2668, 2670, 2672, 2674, 2676, 2678, 2680, 2682, 2684, 2686, 2688, 2690, 2692, 2694, 2696, 2698, 2700, 2702, 2704, 2706, 2708, 2710, 2712, 2714, 2716, 2718, 2720, 2722, 2724, 2726, 2728, 2730, 2732, 2734, 2736, 2738, 2740, 2742, 2744, 2746, 2748, 2750, 2752, 2754, 2756, 2758, 2760, 2762, 2764, 2766, 2768, 2770, 2772, 2774, 2776, 2778, 2780, 2782, 2784, 2786, 2788, 2790, 2792, 2794, 2796, 2798, 2800, 2802, 2804, 2806, 2808, 2810, 2812, 2814, 2816, 2818, 2820, 2822, 2824, 2826, 2828, 2830, 2832, 2834, 2836, 2838, 2840, 2842, 2844, 2846, 2848, 2850, 2852, 2854, 2856, 2858, 2860, 2862, 2864, 2866, 2868, 2870, 2872, 2874, 2876, 2878, 2880, 2882, 2884, 2886, 2888, 2890, 2892, 2894, 2896, 2898, 2900, 2902, 2904, 2906, 2908, 2910, 2912, 2914, 2916, 2918, 2920, 2922, 2924, 2926, 2928, 2930, 2932, 2934, 2936, 2938, 2940, 2942, 2944, 2946, 2948, 2950, 2952, 2954, 2956, 2958, 2960, 2962, 2964, 2966, 2968, 2970, 2972, 2974, 2976, 2978, 2980, 2982, 2984, 2986, 2988, 2990, 2992, 2994, 2996, 2998, 3000, 3002, 3004, 3006, 3008, 3010, 3012, 3014, 3016, 3018, 3020, 3022, 3024, 3026, 3028, 3030, 3032, 3034, 3036, 3038, 3040, 3042, 3044, 3046, 3048, 3050, 3052, 3054, 3056, 3058, 3060, 3062, 3064, 3066, 3068, 3070, 3072, 3074, 3076, 3078, 3080, 3082, 3084, 3086, 3088, 3090, 3092, 3094, 3096, 3098, 3100, 3102, 3104, 3106, 3108, 3110, 3112, 3114, 3116, 3118, 3120, 3122, 3124, 3126, 3128, 3130, 3132, 3134, 3136, 3138, 3140, 3142, 3144, 3146, 3148, 3150, 3152, 3154, 3156, 3158, 3160, 3162, 3164, 3166, 3168, 3170, 3172, 3174, 3176, 3178, 3180, 3182, 3184, 3186, 3188, 3190, 3192, 3194, 3196, 3198, 3200, 3202, 3204, 3206, 3208, 3210, 3212, 3214, 3216, 3218, 3220, 3222, 3224, 3226, 3228, 3230, 3232, 3234, 3236, 3238, 3240, 3242, 3244, 3246, 3248, 3250, 3252, 3254, 3256, 3258, 3260, 3262, 3264, 3266, 3268, 3270, 3272, 3274, 3276, 3278, 3280, 3282, 3284, 3286, 3288, 3290, 3292, 3294, 3296, 3298, 3300, 3302, 3304, 3306, 3308, 3310, 3312, 3314, 3316, 3318, 3320, 3322, 3324, 3326, 3328, 3330, 3332, 3334, 3336, 3338, 3340, 3342, 3344, 334

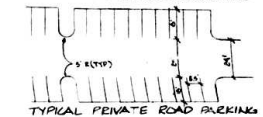


VICINITY/LOCATION MAP
SCALE: 1" = 100'



SIDEWALK DETAIL
SCALE: 1" = 10'

ALL ROADS WITHIN AREA OF BACK-TO-BACK UNITS ARE PRIVATE



ABOVE GRADE ELEVATION OF HIGHER POINT	MINIMUM HORIZONTAL DISTANCE TO VERTICAL PROJECTION OF POINT ON BUILDING W/ MUTUALLY ATTACHED
20' OR LESS	16 FEET
MORE THAN 20' BUT NOT MORE THAN 25'	25 FEET
MORE THAN 25' BUT NOT MORE THAN 30'	30 FEET
MORE THAN 30' BUT NOT MORE THAN 40'	40 FEET
MORE THAN 40' BUT NOT MORE THAN 50'	60 FEET



MINIMUM HORIZONTAL SEPARATION OF BUILDINGS
SINGLE FAMILY HOMES
NOT TO SCALE

PETITIONER'S
EXHIBIT 2

DMW
Daft · McCune · Walker, Inc.
A team of civil engineers, landscape architects, and environmental professionals
200 East Pennsylvania Avenue
Baltimore, MD 21202
410.236.3133
Fax: 410.236.4705

**THIRD AMENDMENT
PARTIAL DEVELOPMENT PLAN
FOXBRIDGE
PARCELS A & D, PHASE 2**
FORMERLY PARTS OF SECTIONS 1 AND 2 AND ALL OF
SECTION 3 OF TDP OF FOXBRIDGE PARCEL D
APPROVED 10/31/89
BALTIMORE COUNTY, MD ELECTION DISTRICT 2.63

	DATE: 12-18-92	ISSUE DATES
	REVIEW: 12-18-92	
	DESIGNED BY: [Signature]	
	CHECKED BY: [Signature]	
DATE: 12-18-92	SCALE: 1" = 50'	
PROJECT NO: 2086	PROJECT NO: 2086	
1 OF 3		

REASON FOR AMENDMENTS:
1. FIRST, 12-18-92: REFINED LAYOUT OF UNITS, ROADS AND POOL IN PHASE 2. UNITS HAVE BEEN SOLD WITHIN 300 FEET OF BUILDINGS A-1, A-2, A-3, A-4, B-1, B-2, B-3, AND B-5. SEE CONCORD HOMEOWNERS ASSN. AND/OVER CONDOMINIUM ASSN. LETTER ON SHEET 2 OF 3. PHASE 2 INCLUDES 1 SET OF UNITS ON RED RIDGE WAY AND ALL UNITS ON FOXHOUND COURT, SIDE SADDLE COURT, DRESSAGE COURT, ARABIAN COURT, DRESSERS CUP COURT, HORSEMAN COURT, HUNTINGHIRE COURT AND STABLE RUN COURT. TOWNHOUSE LOT WIDTHS ALONG HIGH MAJOR CT. HAVE CHANGED, BUT NO LOTS HAVE BEEN SOLD WITHIN 300' OF THEM.

REASON FOR 2nd AMENDMENT, July 8, 1993:
UPDATE DENSITY NOTES PER APPROVED FIRST AMENDMENT, PARCELS A & D, PH. 2. NO LOTS HAVE BEEN SOLD WITHIN 300'.

REASON FOR 3rd AMENDMENT, Mar. 29, 1994:
TO INCORPORATE ZONING VARIANCES
SEE SHEET 3 of 3

WINLEES ROAD

NEMO ROAD

MCDONOUGH ROAD

ROAD

STABLE RUN CT.

SECTION 2
PLAT 1 OF 3

FOXFIELD

KENNYGREEN

COURT

EXISTING HOUSES
ZONING: C-4-B

EXISTING HOUSES
ZONING: C-4-B

WINDLE ROAD

FIRST AMENDMENT ONLY BY:



D.S. THALER & ASSOC. INC.
CIVIL ENGINEERS SURVEYORS
LANDSCAPE ARCHITECTS
11 WARDEN ROAD
BALTIMORE, MARYLAND 21202
(301) 464-4100

REASON FOR FIRST AMENDMENT,
April 4, 1994:
TO INCORPORATE ZONING VARIANCES.
(SEE SHEET 5 OF 5)

OFFICE OF PLANNING AND ZONING
APPROVED BY: _____ DATE: _____
DIRECTOR OF PLANNING
DIRECTOR OF EXCEL: _____ DATE: _____

LEGEND:

- TRACT BOUNDARY
- ZONING LINE
- OPENING WOODS LINE
- SOIL LINE
- SAWTOOTH LINE
- STORM DRAIN LINE
- BUILDING ENVELOPE
- ONE FOOT CANT
- PLANTING PLANTING
- SIGHT LINE

FIRST AMENDMENT REVISED 4/4/94
PARTIAL DEVELOPMENT PLAN
APPROVED: R.G. 0-17-88 (REVISED 12-29-88)

FOX RIDGE PARCEL "D" - SECTION I
ELECTION DISTRICT 2
SCALE: 1"=5'
BALTIMORE COUNTY, MARYLAND
DATE: APRIL 10, 1988
SHEET: 1 OF 5

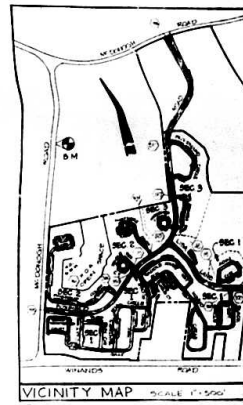
OWNER/DEVELOPER
OLNEY TOWN CENTER DEVELOPMENT CORP.
40 ADRU CORPORATION
20 COLUMBIA CENTER
COLUMBIA, MARYLAND 21044

OFFICE OF PLANNING AND ZONING
APPROVED BY: _____ DATE: _____
DIRECTOR OF PLANNING
APPROVED: _____ DATE: 10/31/84
ZONING COMMISSION

NOTE: The proposed development is subject to the provisions of the Comprehensive Zoning Ordinance, Baltimore County, Maryland, and the provisions of the Comprehensive Zoning Ordinance, Baltimore County, Maryland, and the provisions of the Comprehensive Zoning Ordinance, Baltimore County, Maryland.

NOTE: THE PROPOSED SHADING SHOWN HEREON WAS PREPARED BY: _____ DATE: 04/04/94
1000 SPRING STREET
SUITE 500
BALTIMORE, MD 21202
(301) 586-1800

VICINITY MAP
SCALE: 1"=2000'
B.M. - X-5555 ELEV. +475.486
SQUARES: CUT EAST EDGE OF WINDMILL AND 3.0' NORTH OF SOUTH
SIDE OF EAST SIDE OF MCDONOUGH ROAD. STA. 14+52.1 & 14+52.1



Matthews 2A
April 29

#324

