IN RE- PETITION FOR SPECIAL HEARING . BEFORE THE SE/S Castlewall Court, 412' E of the c/l of Mayfair Field Dr. (17 Castlewall Court) . DEPUTY ZONING COMMISSIONE Oth Election District . OF BALTIMORE COUNTY \* Case No. 94-325-SPH Trafalgar House Property, Inc.

## . . . . . . . . . . . . FINDINGS OF FACT AND CONCLUSIONS OF LAM

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 17 Castlewall Court, or Lot 9 of the Mayfair subdivision located in northern Baltimere County. The Petition was filed by the owner of the property, Trafalgar House Property, inc., by Thomas H. Lawrence, Esquire, Attorney-in-Fact, and Robert A. Hoffman, Esquire. The Petitioner seeks approval of an amend ment to the previously approved Final Development Plan of Mayfair for the building orientation of Lot 9 thereof. The subject property and relief sought are more particularly described on the Plat to Accompany the Petition filed and submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Michael Clay with Trafalgar House Property, Inc., John Mildenberg, Professional Engineer with Mildenberg, Mochi & Associates, Inc., and Robert A. Hoffman, Esquire

The proffered testimony revealed that the subject property consingle family dwelling. This property is located at the end of a panhandle drive off of Castlewall Court serving Lots 7, 8 and 9 of the Mayfair subdivision. Lot 9 abuts the open space area of the adjacent townhouse communi-

Baltimore County Government

RE: PETITION FOR SPECIAL HEARING
SN/S Castlewell Cowrt, 412° E of the c/l of Meyfair Field Drive
Sth Election District - Jed Councilmanic District
Trafalgar House Property, Inc. - Petitioner
Case No. 94-335-5891

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfevorable, any party may file an appeal to the County Board of Appeals within thirty (20) days of the date of this Order. For further information on filling an appeal, please contact the Zoning Administration and Development Management office at 887-3319.

cc: Harry Baumohl, Esquire 28 W. Allegheny Avenue, Towson, Md. 21204

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Deputy Zoning Commissions for Baltimore County

(410) 887-4386

ty known as Pebblecreek. The Petition was filed in order to correct as error made during construction of the dwelling on Lot 9. Testimony indicated that the Final Development Plan for Mayfair oriented the subject dwelling to face the entrance to the panhandle drive off of Castlewell Court. Following this configuration, the rear of the dwelling would have faced the front of the dwellings on Spyglass Court in the Pebblecreek subdivision. However, when the house was built, it was built consistent with the other dwellings along this private drive (facing the panhandle drive), resulting in the side of the dwelling on Lot 9 facing the front of the dwellings c. Spyglass Court. The error was not discovered until shortly after completion of the dwelling at which time the Petitioner filed the requested amendment. In the opinion of the Petitioner, the resulting configuration is consistent with the other homes along this drive and is more pleasing from an aesthetics standpoint to the Pabblecrack community

Further testimony at the hearing revealed that the Patitions recently acquired Pubblecreek. Testimony indicated that Mayfair and Pebblecreek were once separate developments and that when the Final Development Plan for Mayfair was being reviewed, consideration was not given to what effect the proposed orientation of the homes on Castlewell Court would have on existing homes on Spyglass Court in Pubblecreek. The Petitioner argued that the dwelling on Lot 9 has been constructed in such mer to be more consistent with the spirit and intent of the original plan and that it should have been planned to face the direction in which it was built to be more compatible with the other homes in this community and the adjoining community of Pubblecreek.

that Ms. Burns resides in the end-unit deelling on Lot 22 of Pebblecreek,

cated that a number of trees within the open space area separating the two nts had been removed during construction of the dwelling on Lot 9 and that Ms. Burns was concerned about replacement of this buffer. At the the proffered testimony revealed that the Petitioner has already planted a number of evergreens and flowering trees in this buffer area to satisfy the concurns raised by Ms. Burns. However, insansch as this buffer area is located within open space belonging to the Pebblecreek subdivision, a restriction shall be placed at the end of this Order which will require that the Homeowners' Association of Pebblecreek shall be responsible for maintaining this buffer line of trees.

After due consideration of the testimony and evidence presented, clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It is apparent that the direction in which the dwelling on Lot 9 faces is more compatible with other development in the area. Furthermore, to deny the relief requested would result in practical difficulty and unreasonable hardship for the Petitioner, due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimen tal to the public health, safety, or general welfare

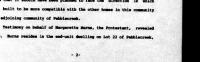
lic hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

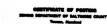
THEREPORE, IT IS ORDERED the the Deputy Soning Commissioner for Beltimore County this 17% day of May, 1994 that the Petition for Special Hearing seeking approval of an amendment to the previously approved Final Development Plan of Mayfair for the building orientation of Lot 9 thereof,

immediately across from the dwelling on Lot 9 of Mayfair. Testimony

Pursuant to the advertisement, poeting of the property, and pub-







	Norma, Napland			
	Posts for Spaced Marins	3/1/84		
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	Remarks			
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## CERTIFICATE OF PUBLICATION

TOWSON, MD. March 11, 1994 THIS IS TO CERTIFY, that the amnesed advertise hed in THE JEFFERSONAN, a weekly seem In Towners, Buildinese County, Mid., caree in each of \_\_\_\_\_ weeks, the first publication appearing on March 10, 1994.

Petition for Special Hearing 17 Castlewall Court Development Plan for the building orientation of Lot No. 9 of the Mayfair Subdivision Property is to be posted and ad

 Trafalgar House Property, I
By: Thomas S. Lawrence, Attorney-in-fact
300 Phillips Blvd. (609) 88

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Rober	t A. Ho	fman	
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People's Counsel

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

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

63

The Homeowners' Association of Pebblecreek shall be responsible for maintaining the buffer line of trees that were recently planted in the open space area at the end of Castlewell Court between the

rdance with Petitioner's Exhibit 1, be and is hereby GRAWTED, sub-

ject to the following restrictions:

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforce-ment Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of

The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief gratted herein shall be rescined.

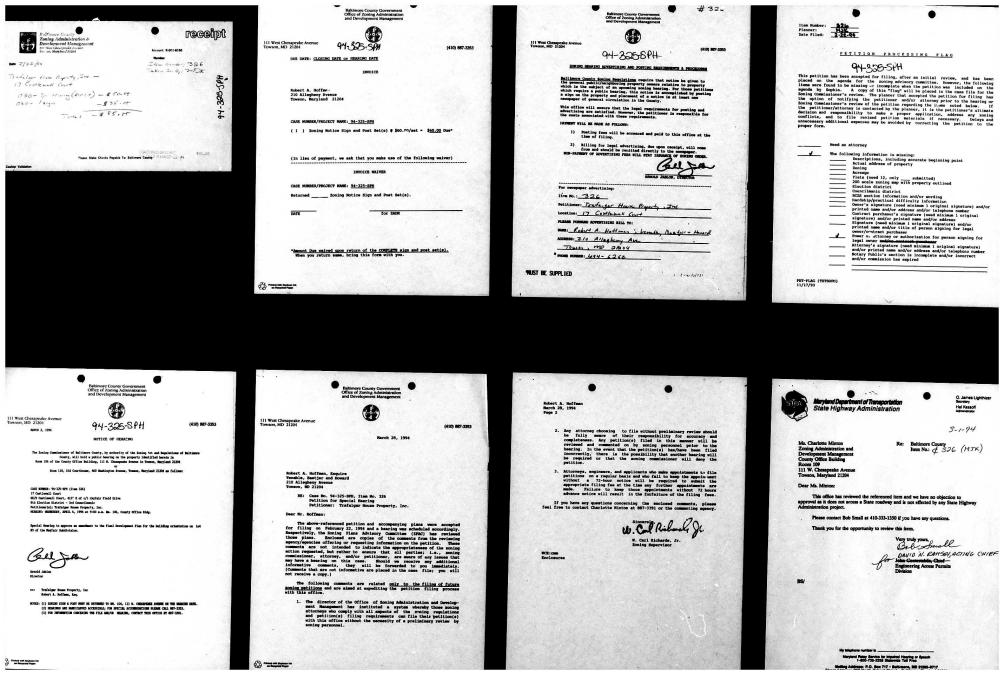
Deputy Zoning Comm

ZONING DESCRIPTION, Let 9, Mock R, PS 504 64, Pulso 180: 94-325-57 H
Beginning at the contribut proportion of Months Dista Dates

Implanting at the constraint instruction of Magdain Fleid Drive and Custowall Court, and reverseding at the constraint instruction of Magdain Fleid Drive and Custowall Court in the cause of the Oxid-teen, a distance of approximately 422 feet, and Custowall Court in the cause of the Oxid-teen, a distance of 50 feet to the intersection of the right of way. The contract of the contraction of

- 1. South 75° 22' 36' East 219.73 feet to a point, thence
- South 02° 13' 22" West 95.00 feet to the plat boundary, thence
- North 86° 44' 07' East 101.03 feet, thence
- North 06° 42' 54" West 107.85 feet, thence
- North 86° 59' 47" East 126.02 feet, thence
- North 75° 22' 36" East 65.69 feet, thence
- North 70° 23' 08" East 13.84 feet, thence
- North 75° 22' 36' East 122.32 feet to intersect the right of way line of the aforesaid Cal-de-Sac of Castlewall Court, and running thence with a portion of that right of way line
- Along the arc of a curve to the right, for an arc distance of 12.12 feet, having a radius of 50 feet as indicated on the aforesaid Plot No. SM 64, Polio 102, having a total area of 0.349 acres.

# 326



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

March 17, 1994

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson A. DepRM Development Coordinator, DEPRM

Zoning Item #326 - Trafalgar House Property 17 Castlewall Court Zoning Advisory Committee Meeting of March 7, 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 Nater Quality, Streams, Wetlands and Floodplains.

TRAFALG/DEPRM/TXTSBP

(410) 887-3353

ADDIT 25 1994

NOTICE OF REASSIGNMENT

Special Hearing to approve an amendment to the Fianl Development Plan for the building orientation on Lot 89 of the Mayfair Subdivision. HEARING: MEDNESDAY, MAY 4, 1994 at 2:00 p.m. in Rm. 118, Old Courthouse, 400 Mashington Avenue.

cc: Robert A. Hoffman, Esq. Margarette Burns

3/4/44 TO WILL CH

(410) 887-4500

DATE: 01/27/94

Account Jahlon Arnold Jablon Director Zoning Administration and Development Hamagement Baltimore County Office Building Towson, MD 2:1204 HAIL STOP-1105 RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

700 East Joppa Road Suite 901 Towson, MD 21286-5500

Item No.: SEE BELOW

Zonina Asserda

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.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 325, 326, 327, 328 & 329.

ZADM

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

BALTINORE COUNTY, MARYLAND THIER-DEVICE CORPORATION

DATE: Herch 22 1994

Armold Jablon, Director Zoning Administration and

Pat Keller, Deputy Director Office of Planning and Zoning

94-326-SPH

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Hos. 327, 334, 337, 339, 340, 343 and 346. If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

DV / TT - 1-

78C 327/020MF/78C1

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●4/18/94

Baltimore County Government Office of Zoning Administration

NOTICE OF REASSIGNMENT

Special Hearing to approve an amendment to the Fiani Development Plan for the building orientation on Lot #9 of the Mayfair Subdivision.

HEARING: WEDNESDAY, APRIL 27, 1994 at 9:00 a.m. in Room 118, Old Courthouse, 400 Mashington Avenue, Towson, Maryland.

17 Castlewell Court SE/S Castlewell Court, 412' E of c/l Mayfair Field Drive

8th Election District - 3rd Councilmanic Petitioner(s); Trafalgar House Property, Inc.

Trafalgar House Property, Inc. Robert A. Hoffman Margarette Burns

Former Hearing Date: 4/6/94 CASE NUMBER: 94-325-SPH (Item 326)

APRIL 8, 1994

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

1999 -94

Mr. Arnold Jablon, Director Office of Zoning Administra and Development Management 111 West Chesapeake Avenue Towson, ND 21204

Re: Case No. 94-325-SPH (Item 326) 17 Castlewall Court Petitioner: Trafalgar House Property, Inc.

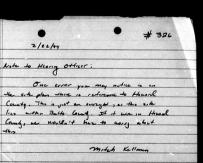
I m in receipt of Notice of Remarigament to the obverged model matter. By bashed and I will be not of town on that described models and the second of reservation, the will be returning on the model models of the second of the second models of the second models

Please advice if this hearing can be scheduled after

Thank you very such for your help.

Very truly yours, Margarett Burns Margaretty Burns 821-6780







N: 94-325-341



ZADM

111 West Chesapeake Avenue Towson, MD 21201

