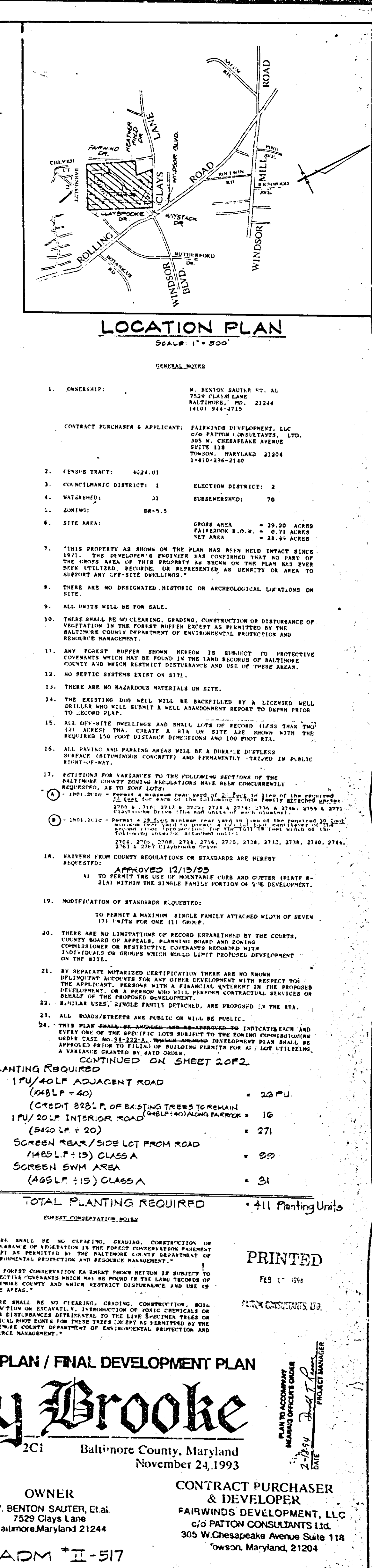
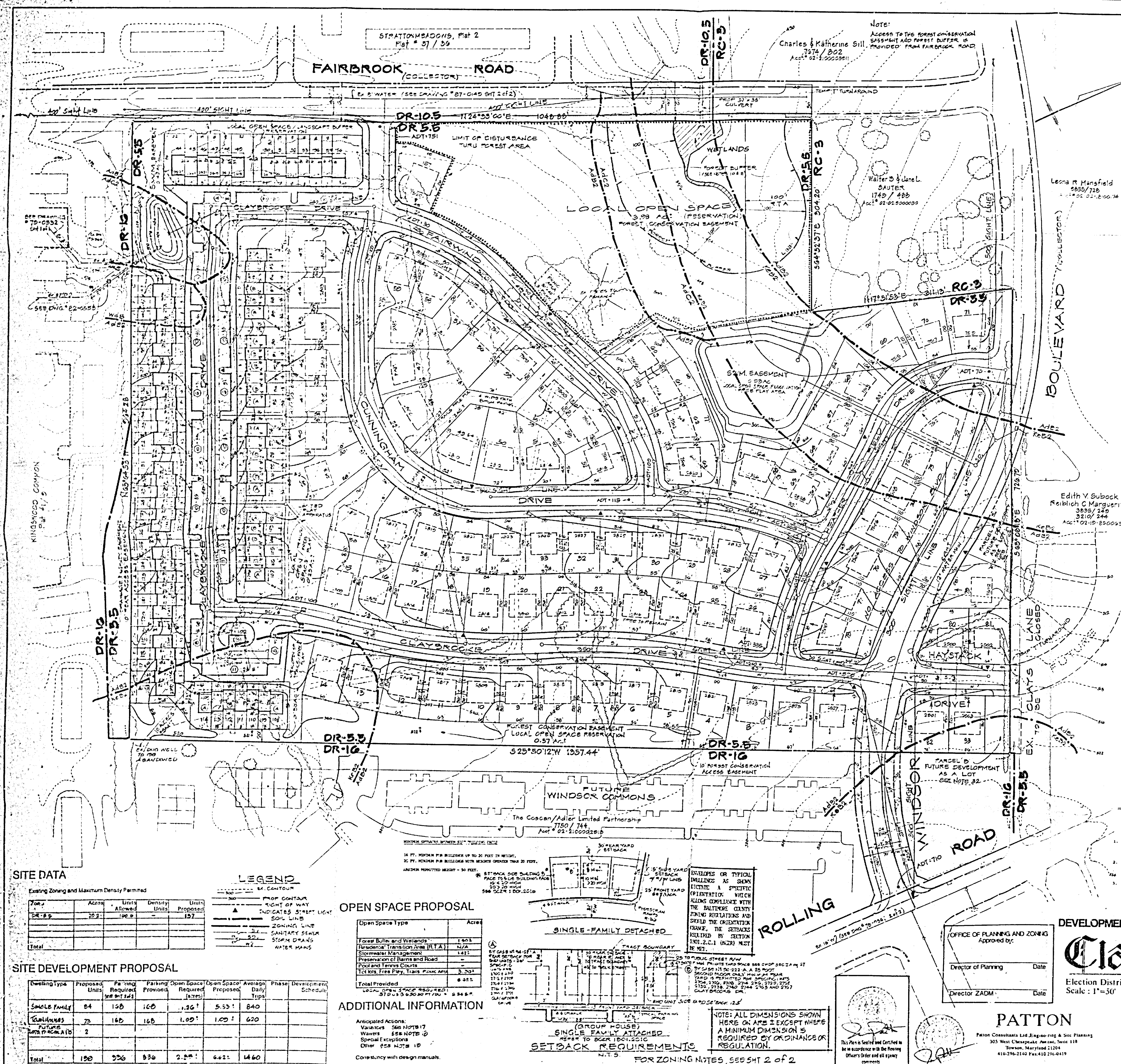
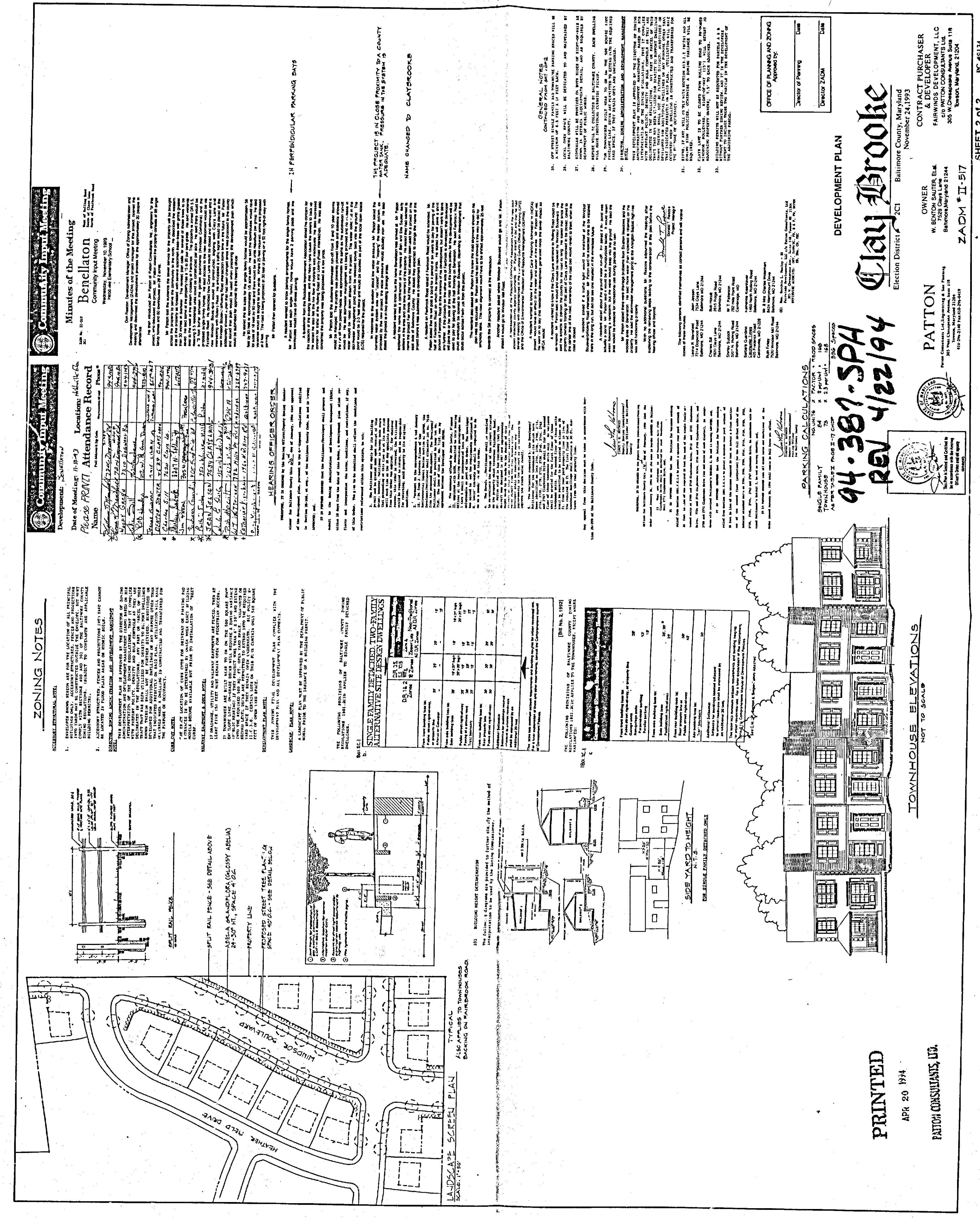






November 24, 1993

OWNER
W. BENTON SAUTER ET AL.
7529 Clays Lane
Baltimore, Maryland 21244

**CONTRACT PURCHASER
& DEVELOPER**
FAIRWINDS DEVELOPMENT, LLC
c/o PACON CONSULTANTS Ltd.
305 W. Chesapeake Avenue Suite 1119
Baltimore, Maryland, 21204

ZADM # II-517

PC Ltd
PATTON CONSULTANTS, LTD.
305 W. Chesapeake Avenue, Suite 118
Towson, Maryland 21204
(410) 296-2140
Fax (410) 296-0419

94-387-SPH
REV 4/22/94

TRANSMITTAL

Date: 4/22/94
Proj. No. 9134
RE Claybrooke
Petition for Special
Hearing-Additional Info.
94-387-SPH (1076)

TO: ZADM

ATTN: Mr. John L. Lewis

TRANSMITTED VIA

☐ Fax No. ()
☐ Messenger
☒ Hand Carried

WE ARE PLEASED TO SEND YOU

☒ Attached ☐ Under separate cover

THE FOLLOWING ITEMS:

☐ Sketch Drawings ☐ Plans ☐ Reports
☒ Prints ☐ Specifications ☐ Copy of Letter

COPIES	DATE	DESCRIPTION	DWG. NO.
1		Confirmation of Fairwinds Development, LLC	
12	4/20/94	Claybrooke Development Plan	2/2
1		Check #1070-amount \$100.00 Revision Fee	

THIS TRANSMITTAL IS

☒ For your approval ☐ Your documents returned after loan to us ☐ Approved with exceptions noted
☐ For your use ☐ At your request ☐ For review and comment ☐ Approved as submitted ☐ Returned for corrections

FURTHER ACTION REQUIRED

☐ Resubmit _____ copies for approval ☐ Submit _____ copies for distribution ☐ Return _____ corrected prints

REMARKS: As per letter to Rob Handzo

COPY TO: Fairwinds

SIGNED:

Mr. Rob Handzo

James S. Patton

If enclosures are not as noted, please notify us at once.

The undersigned, being the duly Authorized Person for Fairwinds Development, LLC, a Maryland Limited Liability Company, (the "Company") does hereby certify to Baltimore County, Maryland and the Office of Zoning Administration and Development Management, that the Authorized Person of the Company as set forth in the Operating Agreement of the Company, is James S. Patton.

FAIRWINDS DEVELOPMENT, LLC

by: *[Signature]*
James S. Patton,
Authorized Person

PATTON
Patton Consultants, Ltd.
Engineering & Site Planning
March 31, 1994

Baltimore County Department of Public Works
111 W. Chesapeake Avenue
Towson, Maryland 21204

and

Baltimore County Office of Planning & Zoning
401 Bosley Avenue
Towson, Maryland 21204

Attention: Mr. Thomas H. Hamer, Acting Director
Mr. P. David Fields, Director

Re: Deferral of Public Improvements
Claybrooke PCL Project #9134

Dear Mr. Hamer and Mr. Fields:

In accordance with Section 26-240 of the Baltimore County Development Regulations, I am hereby requesting on behalf of our client, Fairwinds Development, LLC, that the improvements to Fairbrook Road from a point of approximately 100 hundred feet (100') north of Scarborough Circle (a private road serving Stratton Meadows) be deferred. This request is based on incompatible grades at the north end of the improvements, and the inadequate or lack of connecting facilities.

Construction drawings were completed for the portion of these improvements along the frontage of Stratton Meadows in 1987. These drawings (No. 87-1049, 87-0152 and 87-0154) provided for the construction of Fairbrook Road including the proposed fifty seven inch (57") by thirty eight inch (38") RCCPA. From the north-easterly property line of Stratton Meadows which intersects with the north-westerly property line of Claybrooke and the easterly edge of right-way of Fairbrook Road, Fairbrook Road will be constructed entirely over the lands of Charles and Catherine Sill. Both the lands of Charles and Catherine Sill and Benton and Jane Sauter are zoned RC-3. Therefore, the construction of Fairbrook Road for the two hundred eighty feet ± (280' ±) between the Claybrooke frontage and the future Windsor Blvd. intersection would not be anticipated to be accomplished for a considerable period of time. A visual inspection of the site indicates that at present, the dead-end stub of Fairbrook Road just north of Scarborough is being used as a refuse dump. It in no way is functioning as a road way.

507 W. Chesapeake Avenue, Suite 118, Towson, MD 21204
(410) 296-2140 Fax (410) 296-0419

June 9, 1994

Development Plan Review
Department of Public Works
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: Mr. Avery Harden

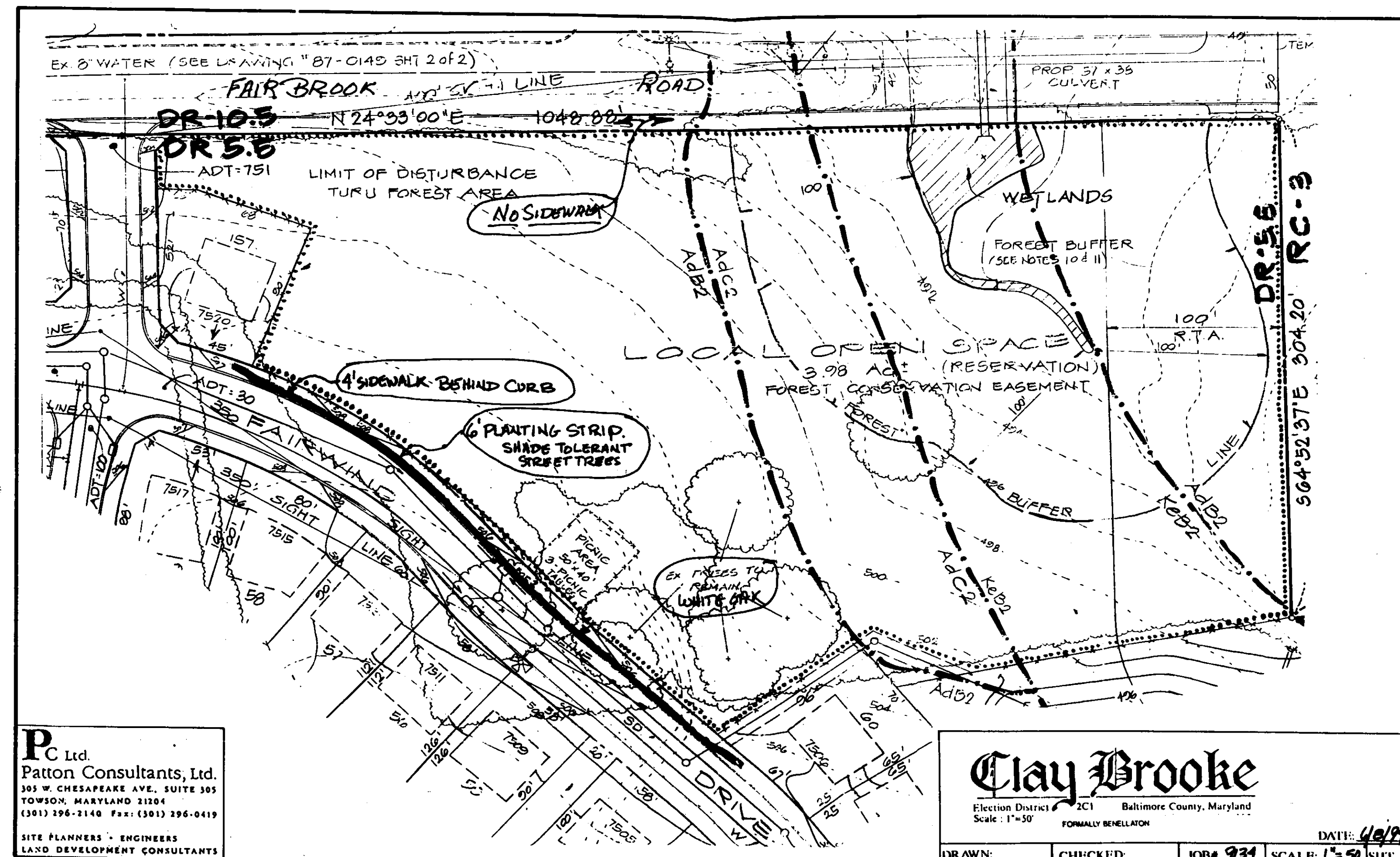
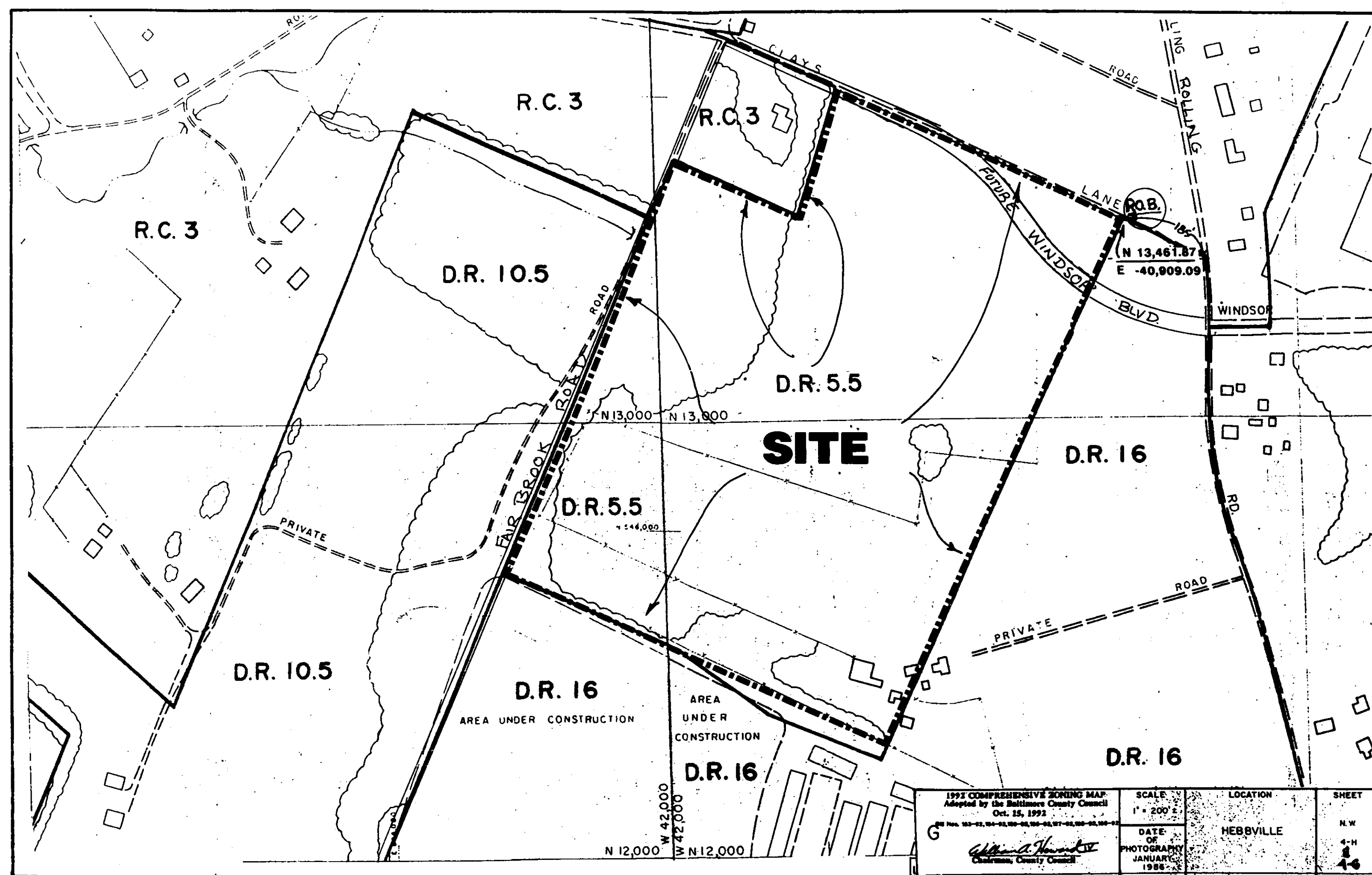
Re: Claybrooke-PCL #9134
Sidewalks on Fairwind Dr.
and Fairbrook Rd.

Dear Mr. Harden:

As we recently discussed, the Deputy Zoning Commissioner, Mr. Timothy M. Kotroco, issued an order regarding the placement of sidewalks along the Fairbrook Road frontage of Claybrooke and the frontage of the northwest side of Fairwind Drive along the forest conservation area. I have attached a copy of his order for your file. The waiver requests were granted contingent upon referral of the sidewalk issue to you.

This is to confirm our discussion that you agree that the developer, Fairwinds Development, LLC, shall place a four foot (4') wide concrete sidewalk immediately behind the curb along the northwest side of Fairwind Drive along the forest conservation area. This placement will minimize the disturbance to the specimen white oak trees which will remain. The street trees shown along this frontage will be placed behind the sidewalk in the six foot (6') strip, i.e. between the sidewalk and the right-of-way/forest conservation easement/open space reservation. (Please refer to attached sketch.) As suggested by Mike Kulis of DEPRM, these trees will be shade tolerant (sycamore) & as they will be planted beneath the canopy of the mature white oak specimens and the existing-to remain-forest.

As agreed in previous public works memorandum, no sidewalk will be placed along the Fairbrook Road frontage of Claybrooke. This preserves the forest stand from further disturbance by grading. The developer agrees to place a four foot (4') concrete sidewalk along the Stratton Meadows frontage of Fairbrook Road if the developer of Stratton Meadows is not required to place the sidewalk or if a waiver of placement of the sidewalk was not granted.





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrative

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

Re: Baltimore County
Item No. 7-100

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,

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
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

April 15, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #376 - Claybrooke
Fairbrook Road
Zoning Advisory Committee Meeting of April 11, 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.

Development of the property must comply with Article X, the Forest Conservation Act.

JLP:MK:sp

CLAYBROO/DEPRM/TXTSBP

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 04/12/94

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

RE: Property Owner:

LOCATION:

Item No.: Zoning Agenda:

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.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 368,372,373 and 376.

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

cc: File



Printed on Recycled Paper

PETITION FOR SPECIAL HEARING : BEFORE THE
Clay Brooke, SE/S Fairbrook Road, : ZONING COMMISSIONER
SW/S Windsor Boulevard, N of Rolling : OF BALTIMORE COUNTY
Road, 2nd Election Dist., 1st :
Councilmanic Dist. : CASE NO: 94-387-SPH

PETITIONER :
WALTER BENTON SAUTER

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.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY THAT on this 4th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert S. Handzo, Esq. Royston, Mueller, McLean & Reid, 102 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 15, 1994

Robert S. Handzo, Esquire
Royston, Mueller, McLean & Reid
102 West Pennsylvania Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #376)
Legal Owner: Walter Benton Sauter
Contract Purchaser: Fairwinds
Development, LLC
Claybrooke
2nd Election District

Dear Mr. Handzo:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Written confirmation from Fairwinds Development, LLC pertaining to the authorized person (and a printed name for same on the petition form) are necessary.

Robert S. Handzo, Esquire
April 15, 1994
Page 2

2. If a second sheet was approved for the development plan hearing, this sheet (2) must be included in this petition request filing. This is apparently the case as a reference to note 32 (made on sheet 1) does not refer to any note on this sheet (1) plan.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

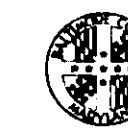
John L. Lewis
John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

cc: Zoning Commissioner

Baltimore County Government
Department of Public Works



111 West Chesapeake Avenue
Towson, MD 21204-1604

May 6, 1994

Patton Consultants Ltd.
305 West Chesapeake Avenue
Suite 118
Towson, Maryland 21204
ATTN: Mr. James S. Patton

RE: Claybrooke

Dear Mr. Patton:

This is in response to your letter dated 3/31/94 requesting approval of sectionalizing the subject property and deferral of improvements to Fairbrook Road.

We have evaluated all of the available information and have determined that we will approve your request to proceed with development of the Claybrooke Property in two sections.

In conjunction with development of your first section, we are requiring you improve Fairbrook Road to its ultimate paving section including paving, curb and gutter, sidewalk, street lights and drainage facilities along the road frontage for a distance of 100 feet past Scarborough Circle. Also, the remaining portion of Fairbrook Road along the frontage of this subdivision must be placed to subgrade based on its ultimate grade. This grading will require the construction of a properly sized culvert crossing. We are also requiring you post a fixed deposit for the construction required to complete the Fairbrook Road improvements at a future date. This fixed deposit must include but not necessarily be limited to all costs associated with the paving, curb and gutter, sidewalk and any drainage facilities required. Please make arrangements with David A. Bayer to come to an agreement on these costs.

If you have any questions, please call David A. Bayer or Robert W. Bowling at 887-3751.

Very truly yours,

Thomas H. Hauer
Thomas H. Hauer, Director
Department of Public Works

THH:RWB:DAB:dmm

cc: D. Thomas
S. Narowanskie
File



Printed with Soy-based Ink
on Recycled Paper

Pc Ltd

PATTON CONSULTANTS, LTD.

305 W. Chesapeake Avenue, Suite 118
Towson, Maryland 21204
(410) 296-2140
Fax (410) 296-0419

TO: ZADM

ATTN:

Date: 3/31/94	Proj. No: 9134
RE: Clay Brooke	
Petition for Special	
Hearing	

TRANSMITTAL VIA

☐ Fax No. ()
☐ Messenger
☐ _____

WE ARE PLEASED TO SEND YOU:
☒ Attached ☐ Under separate cover

THE FOLLOWING ITEMS:

☐ Sketch Drawings ☐ Plans ☐ Reports ☐ _____
☐ Prints ☐ Specifications ☐ Copy of Letter ☐ _____

COPIES	DATE	DESCRIPTION	DWG. NO.
3		Original Petitions	
12		Copies of Sealed Plat	
3		Sealed Property Description	
1		15-0001-0001-0001-Map	
1		Filing Fee \$250.00	

THIS TRANSMITTAL IS
☐ For your approval ☐ Your documents returned after loan ☐ Approved with exceptions noted
☐ For your use ☐ to us ☐ Returned for corrections
☐ For review and comment ☐ Approved as submitted

FURTHER ACTION REQUIRED

☐ Resubmit _____ copies for approval ☐ Submit _____ copies for distribution ☐ Return _____ corrected prints

REMARKS:

COPIY TO: Fairwinds
Robert S. Handzo

If enclosures are not as noted, please notify us at once.



ZONING DESCRIPTION
CLAYBROOKE

Beginning at a point on the south side of Clays Lane which is 30 feet wide at the distance of 185 feet west of the centerline of the nearest improved intersecting street, Rolling road, which is 80 feet wide. Thence the following courses and distances:

S 25° 50' 12" W - 1,357.44'
N 65° 04' 53" W - 964.28'
N 24° 33' 00" E - 1,048.88'
S 64° 52' 37" E - 304.20'
N 17° 51' 53" E - 311.13'
S 65° 08' 18" E - 726.79'

To the place of beginning. As recorded in Deed Liber 6323 Folio 832 and surveyed by Gerhold, Cross and Etzel of May 4, 1993 and revised, September 15, 1993.



111 West Chesapeake Avenue, Suite 100, Towson, Maryland 21204
(410) 286-2100, Fax: (410) 286-0317

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 4/24/94
Posted for: Special Hearing
Petitioner: Walter P. Sauter & Fairwinds Development, LLC
Location of property: SE/S Fairbrook Road, RL=500 S Windsor Blvd - Claybrook
Location of Sign: Claybrook road way on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 4/29/94
Number of Signs: 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 15, 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 April 14, 1994.

THE JEFFERSONIAN

A. Henrichson
LEGAL AD - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 94-387-SPH (Item 376)
CLAYBROOKE
SE/S Fairbrook Road, SW/S Windsor Boulevard, W of Rolling Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Walter Benton Sauter
Contract Purchaser(s): Fairwinds Development, LLC
HEARING: WEDNESDAY, MAY 11, 1994 at 11:00 a.m. in Room 106 Office Building.
Special Hearing: To waive the requirement for placement of sidewalks 4 foot along the Fairbrook Road frontage of Claybrook and the frontage of the northeast side of Fairwind Drive, along the forest conservation area within Claybrook; to waive the requirement for 1/2 inch to 1 inch slope for the full width of the 10-foot shoulder, to permit retention of forest behind the right-of-way along the east side of Fairbrook Road; to approve the deferral of the improvements to Fairbrook Road and a station 100 feet/- northeast to the intersection of Scarsbrook Circle and Fairbrook Drive to the northern limit of the Claybrook Tract common to lands of Charles Sill, et.al. and W. Benton Sauter and Jane Sauter, his wife; the county be required to fund the cost of said improvements for the width greater than 28.5 feet and the adjoining property owners on the northwesterly side of Fairbrook Road be required to fund 50% of the cost of 27 feet of bituminous paving plus curb and gutter on their side; and to amend the Development Plan.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 867-3353.
(2) For information concerning the file and/or hearing, please call 867-3391.

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

Date: 4/22/94
#110 - REVISTONS \$100.00

L.O.: Walter Benton Sauter
C.P.: Fairwinds Development, LLC
Clay Brooke

03403W0241MCHRC
RA C011:30AM04-26-94 \$100.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

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

Date: 3/31/94
#040 - SPECIAL HEARING \$250.00
#080 - SIGN POSTING 35.00
TOTAL \$285.00

Legal Owner: Walter Benton Sauter
Contract Purchaser: Fairwinds Development, LLC
Location: Claybrook
District: 2cl
Attorney: Robert S. Handzo
Royston, Mueller, McLean & Reid

Check From: Fairwinds Development LLC
03403W0241MCHRC
RA C011:51AM04-01-94 \$285.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PUTNEY PUBLISHING COMPANY
April 14, 1994 Issue - Jeffersonian

Please forward billing to:

Robert S. Handzo
Royston, Mueller, McLean & Reid
102 W. Pennsylvania Avenue
Towson, Maryland 21204
823-1800

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

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

Case Number: 94-387-SPH (Item 376)
Clay Brooke
SE/S Fairbrook Road, SW/S Windsor Boulevard, W of Rolling Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Walter Benton Sauter
Contract Purchaser(s): Fairwinds Development, LLC
HEARING: WEDNESDAY, MAY 11, 1994 at 11:00 a.m., Rm. 106, Office Building.

Special Hearing to waive the requirement for placement of sidewalks 4 foot along the Fairbrook Road frontage of Claybrook and the frontage of the northeast side of Fairwind Drive, along the forest conservation area within Claybrook; to waive the requirement for 1/2 inch to 1 inch slope for the full width of the 10-foot shoulder, to permit retention of forest behind the right-of-way along the east side of Fairbrook Road; to approve the deferral of the improvements to Fairbrook Road and a station 100 feet/- northeast to the intersection of Scarsbrook Circle and Fairbrook Drive to the northern limit of the Claybrook Tract common to lands of Charles Sill, et.al. and W. Benton Sauter and Jane Sauter, his wife; the county be required to fund the cost of said improvements for the width greater than 28.5 feet and the adjoining property owners on the northwesterly side of Fairbrook Road be required to fund 50% of the cost of 27 feet of bituminous paving plus curb and gutter on their side; and to amend the Development Plan.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

APRIL 8, 1994

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

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

Case Number: 94-387-SPH (Item 376)
Clay Brooke
SE/S Fairbrook Road, SW/S Windsor Boulevard, W of Rolling Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Walter Benton Sauter
Contract Purchaser(s): Fairwinds Development, LLC
HEARING: WEDNESDAY, MAY 11, 1994 at 11:00 a.m., Rm. 106, Office Building.

Special Hearing to waive the requirement for placement of sidewalks 4 foot along the Fairbrook Road frontage of Claybrook and the frontage of the northeast side of Fairwind Drive, along the forest conservation area within Claybrook; to waive the requirement for 1/2 inch to 1 inch slope for the full width of the 10-foot shoulder, to permit retention of forest behind the right-of-way along the east side of Fairbrook Road; to approve the deferral of the improvements to Fairbrook Road and a station 100 feet/- northeast to the intersection of Scarsbrook Circle and Fairbrook Drive to the northern limit of the Claybrook Tract common to lands of Charles Sill, et.al. and W. Benton Sauter and Jane Sauter, his wife; the county be required to fund the cost of said improvements for the width greater than 28.5 feet and the adjoining property owners on the northwesterly side of Fairbrook Road be required to fund 50% of the cost of 27 feet of bituminous paving plus curb and gutter on their side; and to amend the Development Plan.

Arnold Jablon
Director

cc: Fairwinds Development, Inc.
Robert S. Handzo
Walter Benton Sauter

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 2, 1994

Robert S. Handzo, Esquire
Royston, Mueller, McLean and Reid
102 West Pennsylvania Avenue
Towson, Maryland 21203

RE: Case No. 94-387-SPH, Item No. 376
Petitioner: Walter Benton Sauter, et al.
Petition for Special Hearing

Dear Mr. Handzo:

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 March 31, 1994, 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.

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 20, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 18, 1994
Item No. 376

The Developers Engineering Section has reviewed the subject zoning item. On Fairbrook Road the sidewalks that are required along the frontage should be placed across the road in the County right-of-way. The ground between the curb and the right-of-way line along the forest retention area may be graded at a 2 to 1 slope to save as many trees as possible. Fairwind Drive must have sidewalks on both sides of the street with a standard grading section used.

Fairbrook Road requirements for improvements along the entire frontage may be reduced to 100 foot north of Scarsbrook Circle. The grading in this area must be done at this time.

In the case of the road construction funding, it should not be addressed under this forum, but directly with Public Works.

RWB:ew



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-8-94

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

Re: Baltimore County
Item No.: 94-387 (WCR)

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,

Bob Small
DAVID N. CAMERON, ACTING CHIEF
John Cameroun, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for impaired hearing or speech
1-800-735-2288 Statewide Toll Free

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

IN RE: PETITION FOR SPECIAL HEARING
S/S Clays Lane, 185' W of the
c/l of Rolling Road
(Clay Brooke)
2nd Election District
1st Councilmanic District
Walter B. Sauter, et al
Petitioners
* BEFORE THE
* DEPUTY ZONING COMMISSIONER/
AND HEARING OFFICER
* OF BALTIMORE COUNTY
* Case No. 94-387-SPH
* Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner/Hearing Officer as a Petition for Special Hearing for that property known as the Clay Brooke subdivision located near the intersection of Rolling Road and Clays Lane in the Catonsville area of western Baltimore County. The Petition was filed by the owner of the property, W. Benton Sauter, and the Contract Purchaser, Fairwinds Development, LLC, by James Patton, through their attorneys, Robert Handzo, Esquire, and E. Harrison Stone, Esquire. The Petitioners request a special hearing, pursuant to Section 26-172 of the Development Regulations of Baltimore County, to approve a waiver of Divisions 3, 4 and 5 thereof and an amendment to the previously approved Development Plan for Clay Brooke in Case No. 11-517, accordingly, as follows: a) To waive the requirement for the placement of sidewalks 4 feet along the Fairbrook Road frontages of Clay Brooke and the frontage of the northwest side of Fairwind Drive along the forest conservation area within Clay Brooke, and to waive the requirement for a 1/2" to 1" slope for the full width of the 10-foot shoulder, to permit retention of forest behind the right-of-way along the east side of Fairbrook Road (Refer to Section 26-263) (DRC No. 12133C dated January 26, 1994); and, b) Pursuant to Section 26-240, to approve the deferral of the improvements to Fairbrook Road from a station 100 feet northeast of the intersection of Scarborough Circle

ORDER RECEIVED FOR FILING
Date 5/3/94
By [Signature]

(a private road) and Fairbrook Drive to the northern limit of the Clay Brooke Tract common to lands of Charles Sill, et al, and W. Benton Sauter and Jane Sauter, his wife; and c) to approve that the County be required to fund the cost of said improvements for the width greater than 28.5 feet, and the adjoining property owners on the northwesterly side of Fairbrook Road be required to fund 50% of the cost of 27 feet of bituminous paving, plus curb and gutter on their side. (Letter request to Director of Public Works dated March 31, 1994). The subject property and relief sought are more particularly described on the development plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were James Patton, Professional Engineer, and the Petitioners' attorneys, Robert S. Handzo, Esquire, and E. Harrison Stone, Esquire. There were no Protestants.

Testimony revealed that the subject property, known as Clay Brooke, consists of a gross area of 29.20 acres, more or less, zoned D.R. 5.5, and is proposed for development with 159 single family and townhouse dwelling units. The Petitioners seek a waiver of development standards as to the proposed sidewalks along the southeast side of Fairbrook Road and the northwest side of Fairwind Drive in this subdivision. Representatives of the Department of Public Works (DPW) and the Department of Environmental Protection and Resource Management (DEPRM) offered testimony concerning the waivers requested. In addition, Mr. Patton offered testimony concerning the Developer's position in this matter. After discussion of the relief requested with the Developer and the representatives of DEPRM and DPW, it was agreed by all parties that the waiver requests should be granted, contingent upon referral of the sidewalk issue to Avery Harden, Landscape Architect for Baltimore County, for his review and approval of an appropriate

ORDER RECEIVED FOR FILING
Date 5/3/94
By [Signature]

- 2 -

ate layout for the sidewalks, if any, to be placed in the area of the southeast side of Fairbrook Road and the northwest side of Fairwind Drive.

The second waiver requested by the Petitioner is to permit the termination of improvements to Fairbrook Road approximately 100 feet northeast of the intersection of Scarborough Road. Mr. James Patton testified that the Developer proposes to place a temporary metal barricade at the termination point of Fairbrook Road and grading the continuation of Fairbrook Road past this termination point at this time. After further discussion of this matter, DPW agreed with the Developer that the improvements to Fairbrook Road could be terminated at a point 100 feet northeast of Scarborough Circle and that the improvements to the remaining length of Fairbrook Road would not be necessary at this time, but that the remaining portion of Fairbrook Road along the frontage of this subdivision must be placed to subgrade.

However, pursuant to the third waiver requested, the Developer asked that it not have to post a fixed deposit for these future improvements, but rather that it be permitted to post a deposit for a six-year period. Mr. Patton testified that in the event the improvements to Fairbrook Road were not required within the next six years, the posted deposit would be returned to the Developer. A representative of DPW objected to this proposal and stated that his Department would require a fixed deposit wherein the sums of money necessary to finish the Fairbrook Road improvements would remain with the County in an account designated for these improvements in perpetuity or until such time as the road improvements become necessary. By virtue of this fixed account, the funds would never be returned to the Developer.

I find, pursuant to the testimony and evidence offered by those

ORDER RECEIVED FOR FILING
Date 5/3/94
By [Signature]

- 3 -

in attendance at the hearing, that the Developer shall be required to post a fixed deposit for the construction costs required to complete the Fairbrook Road improvements. This fixed deposit must include, but not necessarily be limited to, all costs associated with the paving, curb and gutter, sidewalk and any drainage facilities required, to be determined by the Department of Public Works.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 3rd day of May, 1994 that the Petition for Special Hearing, pursuant to Section 26-172 of the Development Regulations of Baltimore County, to approve a waiver of the requirement for placement of sidewalks 4 feet along the Fairbrook Road frontages of Clay Brooke and the frontage of the northwest side of Fairwind Drive, along the forest conservation area within Clay Brooke, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to review and approval by Avery Harden, Landscape Architect for Baltimore County as to the appropriate amount of sidewalk, if any, to be placed along Fairbrook Road and/or Fairwind Drive; and,

ORDER RECEIVED FOR FILING
Date 5/3/94
By [Signature]

- 4 -

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of a waiver from the requirement for a 1/2" to 1" slope for the full width of the 10-foot shoulder to permit retention of forest behind the right-of-way along the east side of Fairbrook Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to review and approval by Avery Harden, Landscape Architect for Baltimore County; and,

IT IS FURTHER ORDERED that the Development Plan for Clay Brooke be amended to show these proposed changes to the site; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the deferral of the improvements to Fairbrook Road from a station 100 feet northeast of the intersection of Scarborough Circle (a private road) and Fairbrook Drive to the northern limit of the Clay Brooke Tract common to lands of Charles Sill, et al, and W. Benton Sauter and Jane Sauter, his wife, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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 granted herein shall be rescinded.
- 2) The Developer shall post a fixed deposit for the construction costs required to complete the Fairbrook Road improvements. This fixed deposit must include, but not necessarily be limited to, all costs associated with the paving, curb and gutter, sidewalk, and any drainage facilities that might be required to finalize the improvements to Fairbrook Road past its termination point.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

ORDER RECEIVED FOR FILING
Date 5/3/94
By [Signature]

TMK:bjs

- 5 -

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner/
Hearing Officer for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

May 31, 1994

(410) 887-4386

Robert S. Handzo, Esquire
Royston, Mueller, McLean & Reid
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S Clays Lane, 185' W of the c/l of Rolling Road
(Clay Brooke)
2nd Election District - 1st Councilmanic District
Walter B. Sauter, et al - Petitioners
Case No. 94-387-SPH

Dear Mr. Handzo:

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

In the event any party finds the decision rendered is unfavorable, 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 Management office at 887-3391.

Very truly yours,

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue, Suite 600, Towson, Md. 21204

Mr. James Patton
305 W. Chesapeake Avenue, Suite 118, Towson, Md. 21204

People's Counsel

Case File



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at Fairbrook Road/Claybrooke
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

and/or Hearing Officer Section 26-172 of the Development Regulations of Baltimore County

Waiver of requirements of Division 3, 4 and 5 of the Development Regulations of Baltimore County as follows:

and to amend the Development Plan ZAM #11-517 accordingly
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lender:

Fairwinds Development, LLC
[Signature]
305 W. Chesapeake Ave. Suite 118
Towson, Maryland 21204

Attorney for Petitioner:

Robert S. Handzo
[Signature]
Royston, Mueller, McLean & Reid
102 W. Pennsylvania Ave.
Towson, Maryland 21203

DROP-OFF
NO REVIEW
3-31-94
WCR

Who do not own the property, under the provisions of this law, that they are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

WALTER BENTON SAUTER
[Signature]
Type or Print Name

7529 CLAYSLANE 944-4715
[Signature]
Type or Print Name

Robert S. Handzo
[Signature]
102 W. Pennsylvania Ave.
Towson, Maryland 21203

ESTIMATED LENGTH OF HEARING

ALL OTHER REVIEWED BY: DATE

ATTACHMENT "A"
PETITION FOR SPECIAL HEARING
FAIRBROOK ROAD/CLAYBROOKE DEVELOPMENT

WAIVER THE FOLLOWING PUBLIC WORKS STANDARDS:

1. Waive the requirement for placement of sidewalks four foot (4') along the Fairbrook Road frontages of Claybrooke and the frontage of the north west side of Fairwind Drive, along the forest conservation area within Claybrooke. Waive the requirement for a 1/2" to 1" slope for the full width of the ten foot (10') shoulder, to permit retention of forest behind the right-of-way along the east side of Fairbrook Road. Refer to Section 26-263.
DRC No. 12133C DATED JANUARY 26, 1994:
2. By Section 26-240, approve the deferral of the improvements to Fairbrook Road from a station 100 feet (100') ± north east of the intersection of Scarborough Circle (a private road) and Fairbrook Drive to the northern limit of the Claybrooke Tract common to lands of Charles Sill et.al. and W. Benton Sauter and Jane Sauter, his wife. This deferral is requested because of the "inadequate or lack of connecting facilities". Further, the County be required to fund the cost of said improvements for the width greater than twenty eight and one half feet (28.5'), and the adjoining property owners on the north westerly side of Fairbrook Road be required to fund fifty percent (50%) of the cost of twenty seven feet (27') of bituminous paving plus curb and gutter on their side.

Letter Request to Director of Public Works dated March 31, 1994

94-387-SPH

94-387-SPH REV 4/22/94 TRANSMITTAL

PATTON CONSULTANTS, LTD.
305 W. Chesapeake Avenue, Suite 118
Towson, Maryland 21204
(410) 296-2140
Fax (410) 296-0419

TO: ZADM
ATTN: Mr. John L. Lewis

Date: 4/22/94
Proj. No. 9134
RE Claybrooke
Petition for Special
Hearing-Additional Info.
94-387-SPH (1076)

TRANSMITTED VIA
☐ Fax No. ()
☐ Messenger
☒ Hand Carried

WE ARE PLEASED TO SEND YOU
☒ Attached ☐ Under separate cover

THE FOLLOWING ITEMS:
☐ Sketch Drawings ☐ Plans ☐ Reports ☐
☒ Prints ☐ Specifications ☐ Copy of Letter ☐

COPIES	DATE	DESCRIPTION	DWG. NO.
1		Confirmation of Fairwinds Development, LLC	
12	4/20/94	Claybrooke Development Plan	2/2
1		Check #1070-amount \$100.00 Revision Fee	

THIS TRANSMITTAL IS
☒ For your approval ☐ Your documents returned after loan ☐ Approved with exceptions noted
☐ For your use ☐ At your request ☐ For review and comment ☐ Approved as submitted ☐ Returned for corrections

FURTHER ACTION REQUIRED
☐ Resubmit _____ copies for approval ☐ Submit _____ copies for distribution ☐ Return _____ corrected prints

REMARKS: As per letter to Rob Handzo

COPY TO: Fairwinds SIGNED: Mr. Rob Handzo James S. Patton

The undersigned, being the duly Authorized Person for Fairwinds Development, LLC, a Maryland Limited Liability Company, (the "Company") does hereby certify to Baltimore County, Maryland and the Office of Zoning Administration and Development Management, that the Authorized Person of the Company as set forth in the Operating Agreement of the Company, is James S. Patton.

FAIRWINDS DEVELOPMENT, LLC
by: James S. Patton, Authorized Person

PATTON March 31, 1994

Baltimore County Department of Public Works
111 W. Chesapeake Avenue
Towson, Maryland 21204

Baltimore County Office of Planning & Zoning
401 Bosley Avenue
Towson, Maryland 21204

Attention: Mr. Thomas H. Hamer, Acting Director
Mr. P. David Fields, Director

Re: Deferral of Public Improvements
Claybrooke PCL Project #9134

Dear Mr. Hamer and Mr. Fields:

In accordance with Section 26-240 of the Baltimore County Development Regulations, I am hereby requesting on behalf of our client, Fairwinds Development, LLC, that the improvements to Fairbrook Road from a point of approximately 100 hundred feet (100') north of Scarborough Circle (a private road serving Stratton Meadows) be deferred. This request is based on incompatible grades at the north end of the improvements, and the inadequate or lack of connecting facilities.

Construction drawings were completed for the portion of these improvements along the frontage of Stratton Meadows in 1987. These drawings (No. 87-1049, 87-0152 and 87-0154) provided for the construction of Fairbrook Road including the proposed fifty seven inch (57") by thirty eight inch (38") RCCPA. From the north-easterly property line of Stratton Meadows which intersects with the north-westerly property line of Claybrooke and the easterly edge of right-way of Fairbrook Road, Fairbrook Road will be constructed entirely over the lands of Charles and Catherine Sill. Both the lands of Charles and Catherine Sill and Benton and Jane Sauter are zoned RC-3. Therefore, the construction of Fairbrook Road for the two hundred eighty feet (280') between the Claybrooke frontage and the future Windsor Blvd. intersection would not be anticipated to be accomplished for a considerable period of time. A visual inspection of the site indicates that at present, the dead-end stub of Fairbrook Road just north of Scarborough is being used as a refuse dump. It in no way is functioning as a road way.

Patton Consultants Ltd. Engineering & Site Planning

June 9, 1994

Development Plan Review
Department of Public Works
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: Mr. Avery Harden

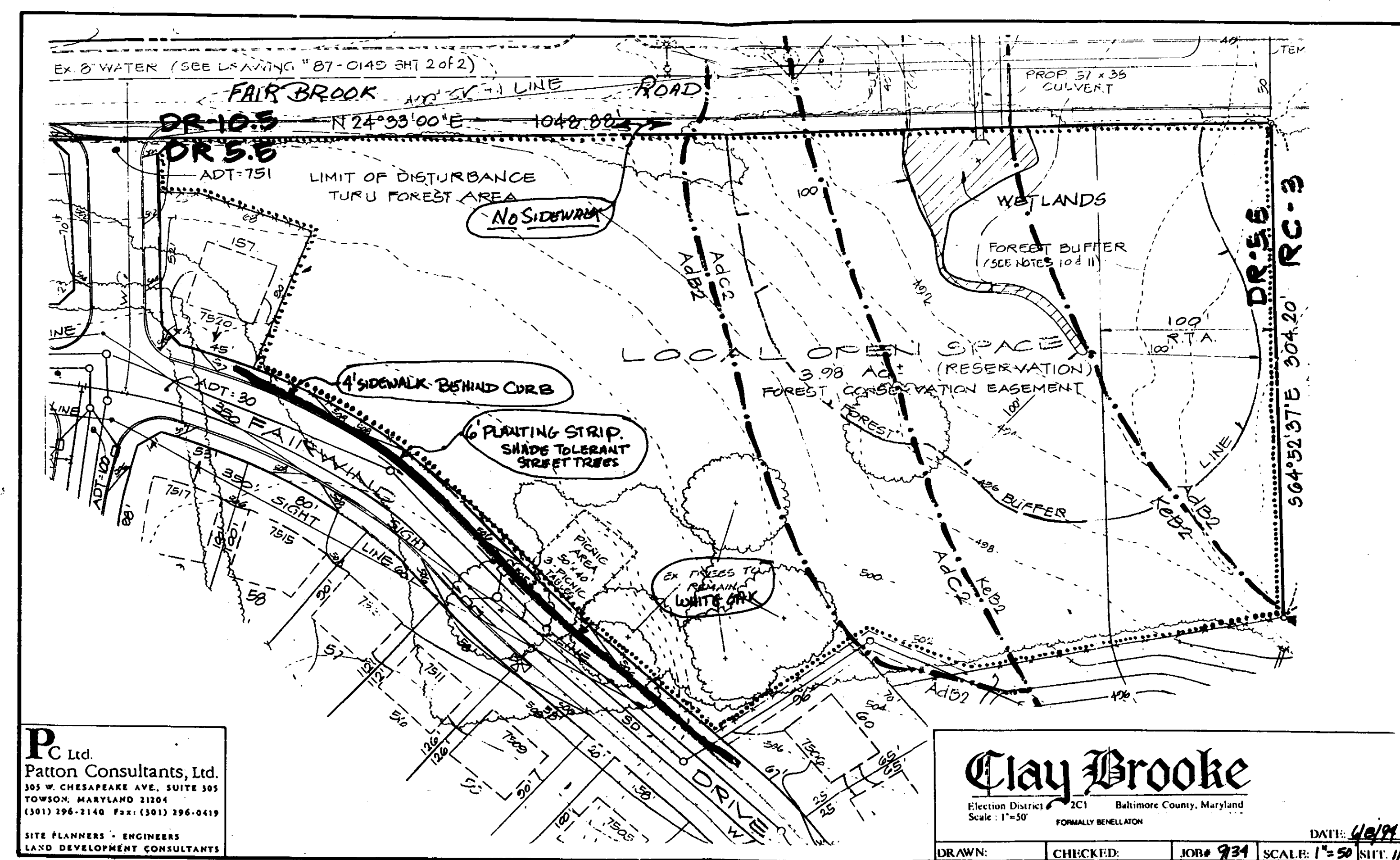
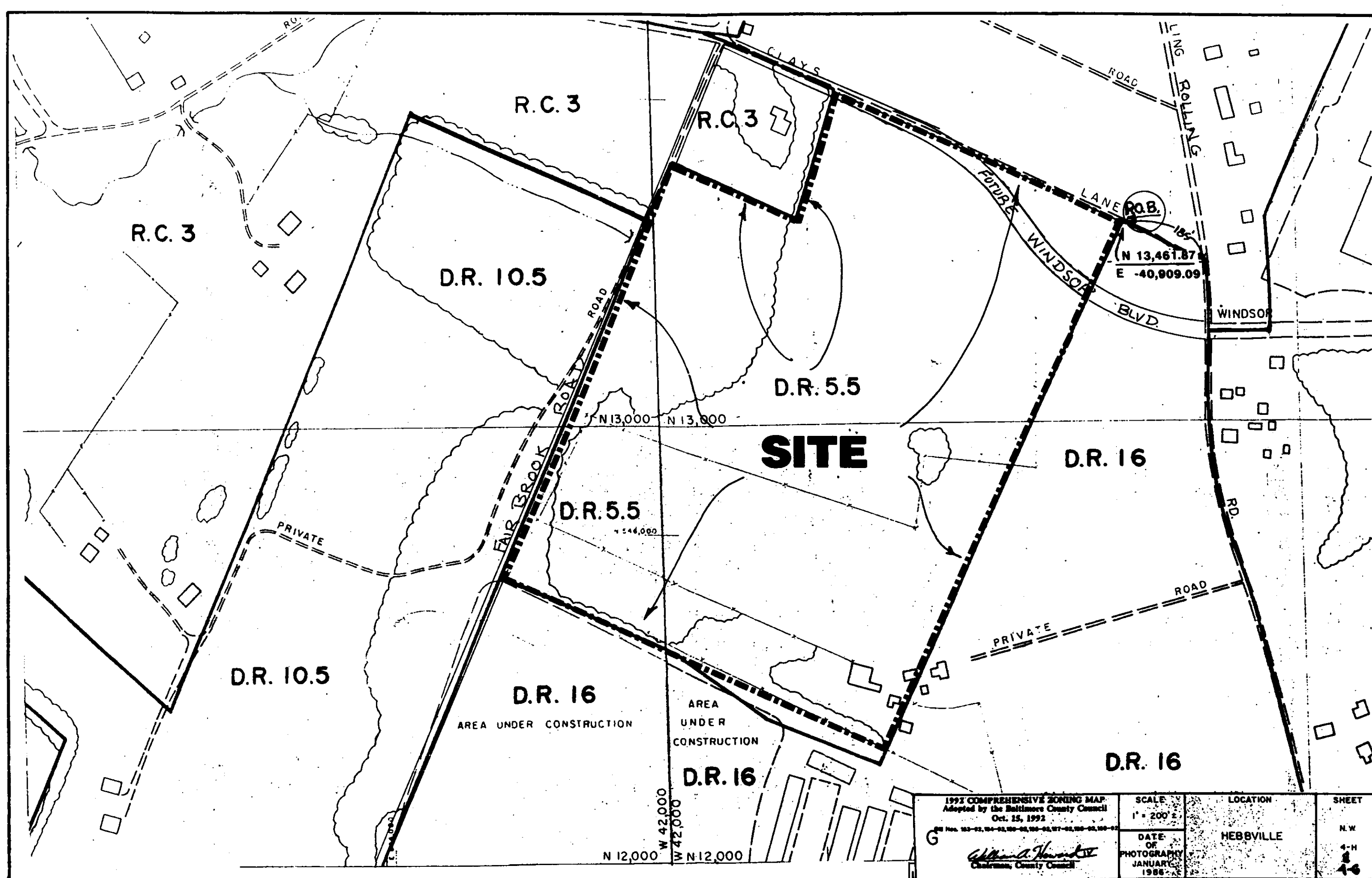
Re: Claybrooke-PCL #9134
Sidewalks on Fairwind Dr.
and Fairbrook Rd.

Dear Mr. Harden:

As we recently discussed, the Deputy Zoning Commissioner, Mr. Timothy M. Kotroco, issued an order regarding the placement of sidewalks along the Fairbrook Road frontage of Claybrooke and the frontage of the northwest side of Fairwind Drive along the forest conservation area. I have attached a copy of his order for your file. The waiver requests were granted contingent upon referral of the sidewalk issue to you.

This is to confirm our discussion that you agree that the developer, Fairwinds Development, LLC, shall place a four foot (4') wide concrete sidewalk immediately behind the curb along the northwest side of Fairwind Drive along the forest conservation area. This placement will minimize the disturbance to the specimen white oak trees which will remain. The street trees shown along this frontage will be placed behind the sidewalk in the six foot (6') strip, i.e. between the sidewalk and the right-of-way/forest conservation easement/open space reservation. (Please refer to attached sketch.) As suggested by Mike Kulis of DEPRM, these trees will be shade tolerant (sycamore) & as they will be planted beneath the canopy of the mature white oak specimens and the existing-to remain-forest.

As agreed in previous public works memorandum, no sidewalk will be placed along the Fairbrook Road frontage of Claybrooke. This preserves the forest stand from further disturbance by grading. The developer agrees to place a four foot (4') concrete sidewalk along the Stratton Meadows frontage of Fairbrook Road if the developer of Stratton Meadows is not required to place the sidewalk or if a waiver of placement of the sidewalk was not granted.





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: Baltimore County
Item No. 376

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,

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
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

April 15, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #376 - Claybrooke
Fairbrook Road
Zoning Advisory Committee Meeting of April 11, 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.

Development of the property must comply with Article X, the Forest Conservation Act.

JLP:MK:sp

CLAYBROO/DEPRM/TXTSBP

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 04/12/94

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

RE: Property Owner:

LOCATION:

Item No.: Zoning Agenda:

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.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 368,372,373 and 376.

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

cc: File



Printed on Recycled Paper

PETITION FOR SPECIAL HEARING : BEFORE THE
Clay Brooke, SE/S Fairbrook Road, : ZONING COMMISSIONER
SW/S Windsor Boulevard, N of Rolling : OF BALTIMORE COUNTY
Road, 2nd Election Dist., 1st :
Councilmanic Dist. : CASE NO: 94-387-SPH

PETITIONER :
WALTER BENTON SAUTER

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.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY THAT on this 4th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert S. Handzo, Esq. Royston, Mueller, McLean & Reid, 102 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 15, 1994

Robert S. Handzo, Esquire
Royston, Mueller, McLean & Reid
102 West Pennsylvania Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #376)
Legal Owner: Walter Benton Sauter
Contract Purchaser: Fairwinds
Development, LLC
Claybrooke
2nd Election District

Dear Mr. Handzo:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Written confirmation from Fairwinds Development, LLC pertaining to the authorized person (and a printed name for same on the petition form) are necessary.

Robert S. Handzo, Esquire
April 15, 1994
Page 2

2. If a second sheet was approved for the development plan hearing, this sheet (2) must be included in this petition request filing. This is apparently the case as a reference to note 32 (made on sheet 1) does not refer to any note on this sheet (1) plan.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

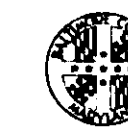
John L. Lewis
John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

cc: Zoning Commissioner

Baltimore County Government
Department of Public Works



111 West Chesapeake Avenue
Towson, MD 21204-1604

May 6, 1994

Patton Consultants Ltd.
305 West Chesapeake Avenue
Suite 118
Towson, Maryland 21204
ATTN: Mr. James S. Patton

RE: Claybrooke

Dear Mr. Patton:

This is in response to your letter dated 3/31/94 requesting approval of sectionalizing the subject property and deferral of improvements to Fairbrook Road.

We have evaluated all of the available information and have determined that we will approve your request to proceed with development of the Claybrooke Property in two sections.

In conjunction with development of your first section, we are requiring you improve Fairbrook Road to its ultimate paving section including paving, curb and gutter, sidewalk, street lights and drainage facilities along the road frontage for a distance of 100 feet past Scarborough Circle. Also, the remaining portion of Fairbrook Road along the frontage of this subdivision must be placed to subgrade based on its ultimate grade. This grading will require the construction of a properly sized culvert crossing. We are also requiring you post a fixed deposit for the construction required to complete the Fairbrook Road improvements at a future date. This fixed deposit must include but not necessarily be limited to all costs associated with the paving, curb and gutter, sidewalk and any drainage facilities required. Please make arrangements with David A. Bayer to come to an agreement on these costs.

If you have any questions, please call David A. Bayer or Robert W. Bowling at 887-3751.

Very truly yours,

Thomas H. Hauer
Thomas H. Hauer, Director
Department of Public Works

THH:RWB:DAB:dmm

cc: D. Thomas
S. Narowanskie
File



Printed with Soy-based Ink
on Recycled Paper

Pc Ltd

PATTON CONSULTANTS, LTD.
305 W. Chesapeake Avenue, Suite 118
Towson, Maryland 21204
(410) 296-2140
Fax (410) 296-0419

94-387-SPH
TRANSMITTAL

Date: 3/31/94 Proj. No: 9134
RE: Clay Brooke
Petition for Special
Hearing

TRANSMITTED VIA 376
☐ Fax No. ()
☐ Messenger ()
☐ _____

TO: ZADM
ATTN: _____

WE ARE PLEASED TO SEND YOU:
☒ Attached ☐ Under separate cover

THE FOLLOWING ITEMS:

☐ Sketch Drawings ☐ Plans ☐ Reports ☐ _____
☐ Prints ☐ Specifications ☐ Copy of Letter ☐ _____

COPIES	DATE	DESCRIPTION	DWG. NO.
3		Original Petitions	
12		Copies of Sealed Plat	
3		Sealed Property Description	
1		15-0001-0001-0001-Map	
1		Filing Fee \$250.00	

THIS TRANSMITTAL IS
☐ For your approval ☐ Your documents returned after loan ☐ Approved with exceptions noted
☐ For your use ☐ to us ☐ Returned for corrections
☐ At your request ☐ Approved as submitted

FURTHER ACTION REQUIRED
☐ Resubmit _____ copies for approval ☐ Submit _____ copies for distribution ☐ Return _____ corrected prints

REMARKS: *RECEIVED WITH JOHN LEWIS*
NO VIOLATIONS
ADDITIONAL COMMENTS FOR HANDZO

COPY TO: Fairwinds
Robert S. Handzo

If enclosures are not as noted, please notify us at once.



ZONING DESCRIPTION
CLAYBROOKE

Beginning at a point on the south side of Clays Lane which is 30 feet wide at the distance of 185 feet west of the centerline of the nearest improved intersecting street, Rolling road, which is 80 feet wide. Thence the following courses and distances:

S 25° 50' 12" W - 1,357.44'
N 65° 04' 53" W - 964.28'
N 24° 33' 00" E - 1,048.88'
S 64° 52' 37" E - 304.20'
N 17° 51' 53" E - 311.13'
S 65° 08' 18" E - 726.79'

To the place of beginning. As recorded in Deed Liber 6323 Folio 832 and surveyed by Gerhold, Cross and Etzel of May 4, 1993 and revised, September 15, 1993.



111 West Chesapeake Avenue, Suite 100, Towson, Maryland 21204
(410) 286-2100, Fax: (410) 286-0317

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 4/24/94
Posted for: Special Hearing
Petitioner: Walter P. Sauter & Fairwinds Development, LLC
Location of property: SE/S Fairbrook Road, RL=500 S Windsor Blvd - Claybrook
Location of Sign: Claybrook road way on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 4/29/94
Number of Signs: 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 15, 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 April 14, 1994.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 94-387-SPH (Item 376)
Claybrook
SE/S Fairbrook Road, SW/S Windsor Boulevard, N of Rolling Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Walter Benton Sauter
Contract Purchaser(s): Fairwinds Development, LLC
HEARING: WEDNESDAY, MAY 11, 1994 at 11:00 a.m. in Room 106 Office Building.
Special Hearing to waive the requirement for placement of sidewalks 4 foot along the Fairbrook Road frontage of Claybrook and the frontage of the northeast side of Fairwind Drive, along the forest conservation area within Claybrook; to waive the requirement for 1/2 inch to 1 inch slope for the full width of the 10-foot shoulder, to permit retention of forest behind the right-of-way along the east side of Fairbrook Road; to approve the deferral of the improvements to Fairbrook Road and a station 100 feet/- northeast to the intersection of Scarsbrook Circle and Fairbrook Drive to the northern limit of the Claybrook Tract common to lands of Charles Sill, et.al. and W. Benton Sauter and Jane Sauter, his wife; the county be required to fund the cost of said improvements for the width greater than 28.5 feet and the adjoining property owners on the northwesterly side of Fairbrook Road be required to fund 50% of the cost of 27 feet of bituminous paving plus curb and gutter on their side; and to amend the Development Plan.

LAURENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 867-3353.
(2) For information concerning the file and/or hearing, please call 867-3391.

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

Date: 4/22/94
#110 - REVISTONS \$100.00

L.O.: Walter Benton Sauter
C.P.: Fairwinds Development, LLC
Clay Brooke

03403W0241MCHRC
RA C011:30AM04-26-94 \$100.00
Please Make Checks Payable To: Baltimore County

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

Date: 3/31/94
#040 - SPECIAL HEARING \$250.00
#080 - SIGN POSTING 35.00
TOTAL \$285.00

Legal Owner: Walter Benton Sauter
Contract Purchaser: Fairwinds Development, LLC
Location: Claybrook
District: 2cl
Attorney: Robert S. Handzo
Royston, Mueller, McLean & Reid

Check From: Fairwinds Development LLC
03403W0241MCHRC
RA C011:51AM04-01-94 \$285.00
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

APRIL 8, 1994

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-387-SPH (Item 376)
Claybrook
SE/S Fairbrook Road, SW/S Windsor Boulevard, N of Rolling Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Walter Benton Sauter
Contract Purchaser(s): Fairwinds Development, LLC
HEARING: WEDNESDAY, MAY 11, 1994 at 11:00 a.m., Rm. 106, Office Building.

Special Hearing to waive the requirement for placement of sidewalks 4 foot along the Fairbrook Road frontage of Claybrook and the frontage of the northeast side of Fairwind Drive, along the forest conservation area within Claybrook; to waive the requirement for 1/2 inch to 1 inch slope for the full width of the 10-foot shoulder, to permit retention of forest behind the right-of-way along the east side of Fairbrook Road; to approve the deferral of the improvements to Fairbrook Road and a station 100 feet/- northeast to the intersection of Scarsbrook Circle and Fairbrook Drive to the northern limit of the Claybrook Tract common to lands of Charles Sill, et.al. and W. Benton Sauter and Jane Sauter, his wife; the county be required to fund the cost of said improvements for the width greater than 28.5 feet and the adjoining property owners on the northwesterly side of Fairbrook Road be required to fund 50% of the cost of 27 feet of bituminous paving plus curb and gutter on their side; and to amend the Development Plan.

Arnold Jablon
Arnold Jablon
Director

cc: Fairwinds Development, Inc.
Robert S. Handzo
Walter Benton Sauter

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 2, 1994

Robert S. Handzo, Esquire
Royston, Mueller, McLean and Reid
102 West Pennsylvania Avenue
Towson, Maryland 21203

RE: Case No. 94-387-SPH, Item No. 376
Petitioner: Walter Benton Sauter, et al.
Petition for Special Hearing

Dear Mr. Handzo:

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 March 31, 1994, 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.

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 20, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 18, 1994
Item No. 376

The Developers Engineering Section has reviewed the subject zoning item. On Fairbrook Road the sidewalks that are required along the frontage should be placed across the road in the County right-of-way. The ground between the curb and the right-of-way line along the forest retention area may be graded at a 2 to 1 slope to save as many trees as possible. Fairwind Drive must have sidewalks on both sides of the street with a standard grading section used.

Fairbrook Road requirements for improvements along the entire frontage may be reduced to 100 foot north of Scarsbrook Circle. The grading in this area must be done at this time.

In the case of the road construction funding, it should not be addressed under this forum, but directly with Public Works.

RWB:ew



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: Baltimore County
Item No.: 94-387-SPH (WCR)

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,

Bob Small
DAVID N. CAMERON, ACTING CHIEF
John Camerone, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for impaired hearing or speech
1-800-735-2288 Statewide Toll Free

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

ORDER RECEIVED FOR FILING
Date 3/31/14
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/31/64
By File

- 2-

ORDER RECEIVED FOR FILING
Date 5/3/94
By ABP

- 3.

ORDER RECEIVED FOR FILING
Date 5/31/94
BY JS

- 4 -

Date - 5/31/94

ORDER RECEIVED FOR FILING
Date 5/3/57
1957

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing _____
the following dates _____ Next Two Months
ALL _____ OTHER _____

Letter Request to Director of Public Works dated March 31, 1994