SITE DATA

Existing Zoning and Maximum Density Permitted

Zone	Acres	Units Allowed	Units Proposed
DR 3.5	5.60	19.6	14
Total	5.60	19.6	14

SITE DEVELOPMENT PROPOSAL

Dwelling Type	Proposed Units	Parking Required	Parking Provided	Phase	Development Schedule
SINGLE FAMILY	14	28	28	N/A	B-93
Total	14	28	28		

OPEN SPACE PROPOSAL

Open Space Type	Acres
Local Open Space	WAIVER
Baltimore County Greenway/Easement	N/A
Stormwater Management	0.45
Total Provided	N/A

ADDITIONAL INFORMATION

Anticipated Actions:
Variances NONE
Waivers SEE NOTE 5.O.
Special Exceptions NONE
Other

Consistency with design manuals ✓

LEGEND

EXISTING CONTOUR —670—
PROPOSED CONTOUR —670—
SOILS LINE —// GsB2 GnB
APPROXIMATE LIMIT OF DISTURBANCE . . . . . .
PROPOSED STREET LIGHT ▲
TREES TO REMAIN

CEDARMERE ELEMENTARY SCHOOL DISTRICT

SCHOOL CAPACITY	496
1992 ENROLLMENT	474
ESTIMATED PUPIL YIELD	3

OVERALL DENSITY CALCULATIONS FOR ZONING

GROSS AREA:
RIDER PROPERTY = 29.74 AC.±
OLDE WHISPERING OAKS = 5.60 AC.±
EXISTING ZONING: DR 3.5
TOTAL UNITS ALLOWED: 29.74 AC. x 3.5 UNIT PER ACRE = 104.09
5.60 AC. x 3.5 UNIT PER ACRE = 19.60
123.69

TOTAL UNITS PROPOSED:
RIDER PROPERTY = 64
OLDE WHISPERING OAKS = 14
78

SITE DATA

GROSS AREA: 5.603 AC.±
EXISTING ZONING; DR 3.5
EXISTING USE: RESIDENTIAL
TOTAL UNITS ALLOWED = 5.603AC. x 3.5 UNIT PER ACRE = 19.6 UNITS
TOTAL UNITS PROPOSED = 14.
PARKING REQUIRED: 14 UNITS x 2 SPACES/UNIT = 28 SPACES
PARKING PROPOSED: 2 OFFSTREET SPACES WILL BE PROVIDED FOR EACH UNIT PROPOSED

LANDSCAPE REQUIREMENTS

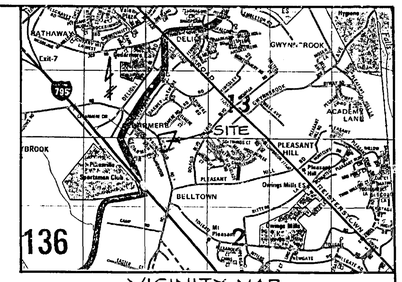
℄ ADJACENT ROAD (CHURCH RD)
557 L.F. @ 1 P.U./40 L.F. = 13.93 P.U.

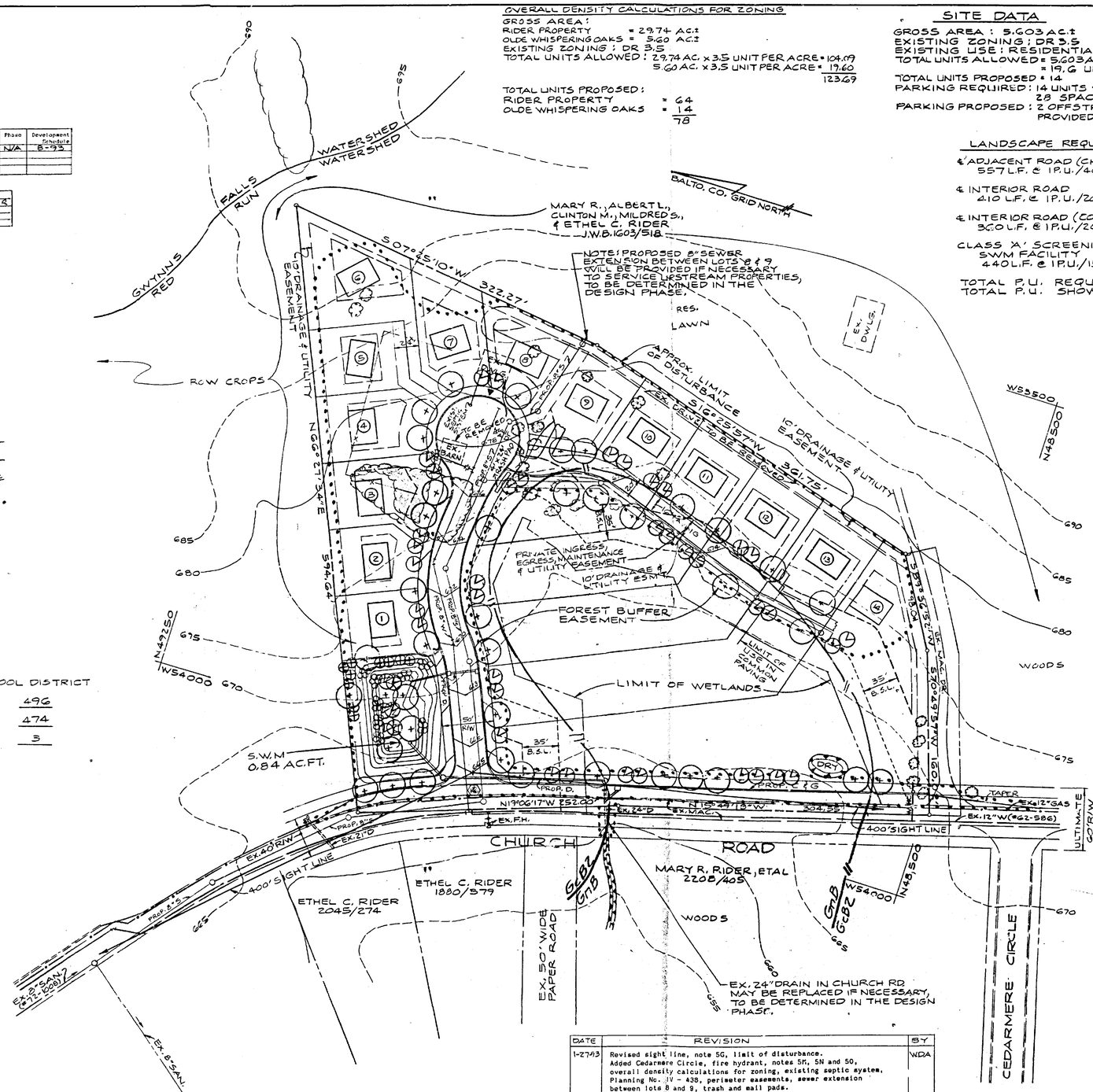
℄ INTERIOR ROAD
410 L.F. @ 1 P.U./20 L.F. = 20.50 P.U.

℄ INTERIOR ROAD (COMMON DRIVEWAY)
360 L.F. @ 1 P.U./20 L.F. = 18.00 P.U.

CLASS 'A' SCREENING
SWM FACILITY
440 L.F. @ 1 P.U./15 L.F. = 29.33 P.U.

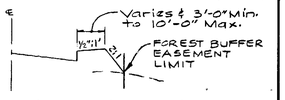
TOTAL P.U. REQUIRED = 81.76 P.U.
TOTAL P.U. SHOWN = 76.00 P.U.





GENERAL NOTES

1. Applicant:
Whispering Oaks Limited Partnership
c/o SDR Development, Inc.
3722 Birchmere Court
Owings Mills, Maryland 21117
(410) 363-8320
2. Site Location:
Election District No. 4, Councilmanic District No. 3
Watershed No. 67 Subsewershed No. 27
Census Tract 4045
Deed Reference - 9094/473 (Prior Deed)
Tax Account Number - 22-00-011151
3. Property Information:
Ownership - Frank R. Angelozzi
c/o SDR Development, Inc.
3722 Birchmere Court
Owings Mills, Maryland 21117
4. Reference for Existing Features Shown on Plan:
A. Topography is based on current 200 scale aerial photogrammetry.
B. Soil lines taken from Baltimore County soils Map No. 26
C. Property outline shown hereon is taken from a boundary survey prepared by R.T.F., Inc.
D. Existing zoning is DR 3.5.
5. General Information:
A. Local open space waiver to be applied for.
B. Stormwater management is provided.
C. Existing land use within 200' of site is single family residential.
D. There shall be no clearing, grading, construction or disturbance of vegetation in the forest buffer easement, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
E. Any forest buffer easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
F. A.D.T.'s shown thusly (##).
G. There are no critical areas, archaeological sites, endangered species habitats, hazardous waste materials or historical sites, wells or underground storage tanks found within the site boundaries.
H. Wetlands shown are field located, and verified by DEPRM.
I. All building setbacks will conform with Baltimore County Council Bill 2-92.
J. Landscaping shown is schematic only. Final landscaping will comply with Baltimore County Landscape Manual.
K. The area between the sight line and the curb line must be cleared, graded, and kept free of any obstructions.
L. There are no residential transition areas on this site.
M. Sidewalks will be provided adjacent to all public road improvements, except as noted in Note 5.O. below.
N. Existing septic system shall be pumped & backfilled with clean earth in accordance with D.E.P.R.M. requirments.
O. A technical variance has been Approved on 2-16-93 the road cross section for the internal access road. The Variance includes: 1) The elimination of sidewalk on south side between Church Road and the proposed private drive. 2) Grading of the Right of Way adjacent to the Forest Buffer Easement as shown below.



P. Envelopes or Typical Dwellings as shown dictate a specific orientation which allows compliance with the Baltimore County Zoning Regulations, and should the orientation change the setbacks required by section 1801.2.C.1, must be met.

DATE	REVISION	BY
1-27-93	Revised sight line, note 5G, limit of disturbance. Added Cedarmere Circle, fire hydrant, notes 5H, 5N and 5O, overall density calculations for zoning, existing septic system, Planning No. IV - 438, perimeter easements, sewer extension between lots 8 and 9, trash and mail pads. Clarified private ingress, egress, maintenance and utility easement. Corrected building setbacks, Church Road curb location, landscape calculation.	WDA
2-25-93	Revised Note 5.O. & Added Note 5.P. Reversed Mail Pad & Trash Pad Location. Added Water Connection for Lot 14 from Ex. 12" Water. Added Public 8" Sewer along driveway, & Easement. Revised Private Easement.	W.DA

APPROVED PER ORDER OF
Date 2/16/93
By Timothy Kotroco
Hearing Officer

DEVELOPMENT PLAN
OLDE WHISPERING OAKS

4TH ELEC. DIST. BALTO. COUNTY, MD.
SCALE: 1"=50' DATE: 10-7-92
DPW # 92263
PLANNING NO. IV-438

W. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9571

FEB. 26 1993 9211GA

NOTES:

1. All utilities within site are proposed unless otherwise noted.
2. The contractor is required to install inlet protection on all storm drain inlets with the exception of the followings:
   a. Any inlet outfalling directly into a sediment trapping device.
   b. Inlets on private or public paved roadways open to the public.
   All inlet protection will be installed as directed by the inspector in accordance with the 1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control, page 21.01 (or as may be amended). The removal of any inlet protection devices will require approval from the inspector. ⊕ STORM DRAINS SHALL BE FLUSHED PRIOR TO TRAPPING DEVICE REMOVAL.
3. There shall be no clearing, grading, construction or disturbance of vegetation in the forest buffer reservation except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
4. Contractor is to maintain positive drainage to all sediment control devices at all times.
5. Stormwater Management is required and provided for in the Rider Mill subdivision.
6. U.S. Army Corps of engineers Permit and Maryland Department of Natural resources Permit are required.
7. Any Forest Buffer Reservation shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbances and use of these areas.

UTILITY NOTES:

A. Contractor should open only that section of trench that can be backfilled and stabilized each day. If trench must remain open longer than one day, silt fence shall be placed below (downslope) the trench.
B. Place all excavated material on uphill side of trench.
C. Any sediment controls disturbed by utility construction are to be repaired immediately.

NOTE:
High visibility fence must be erected along the Forest Buffer whenever the limit of disturbance is within 30 feet of the Forest Buffer. Prior to the commencement of work on the site, this must be so noted on the plan.

This construction may require a permit from the Army Corps of Engineers, the Water Resources Administration and/or Baltimore County. It is the responsibility of the landowner to contact these three agencies to determine if the project requires a permit -

U.S. Army Corps of Engineers - (410) 962-3670
Waterway Permits Division - (410) 974-2265
Baltimore County - (410) 3980

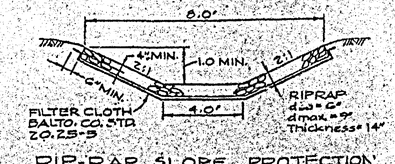
Standard Nondisturbance Note:

"There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement or other forest retention areas, except as permitted by the Baltimore County Department of Environmental Protection & Resource Management."

RIP-RAP AND GABION

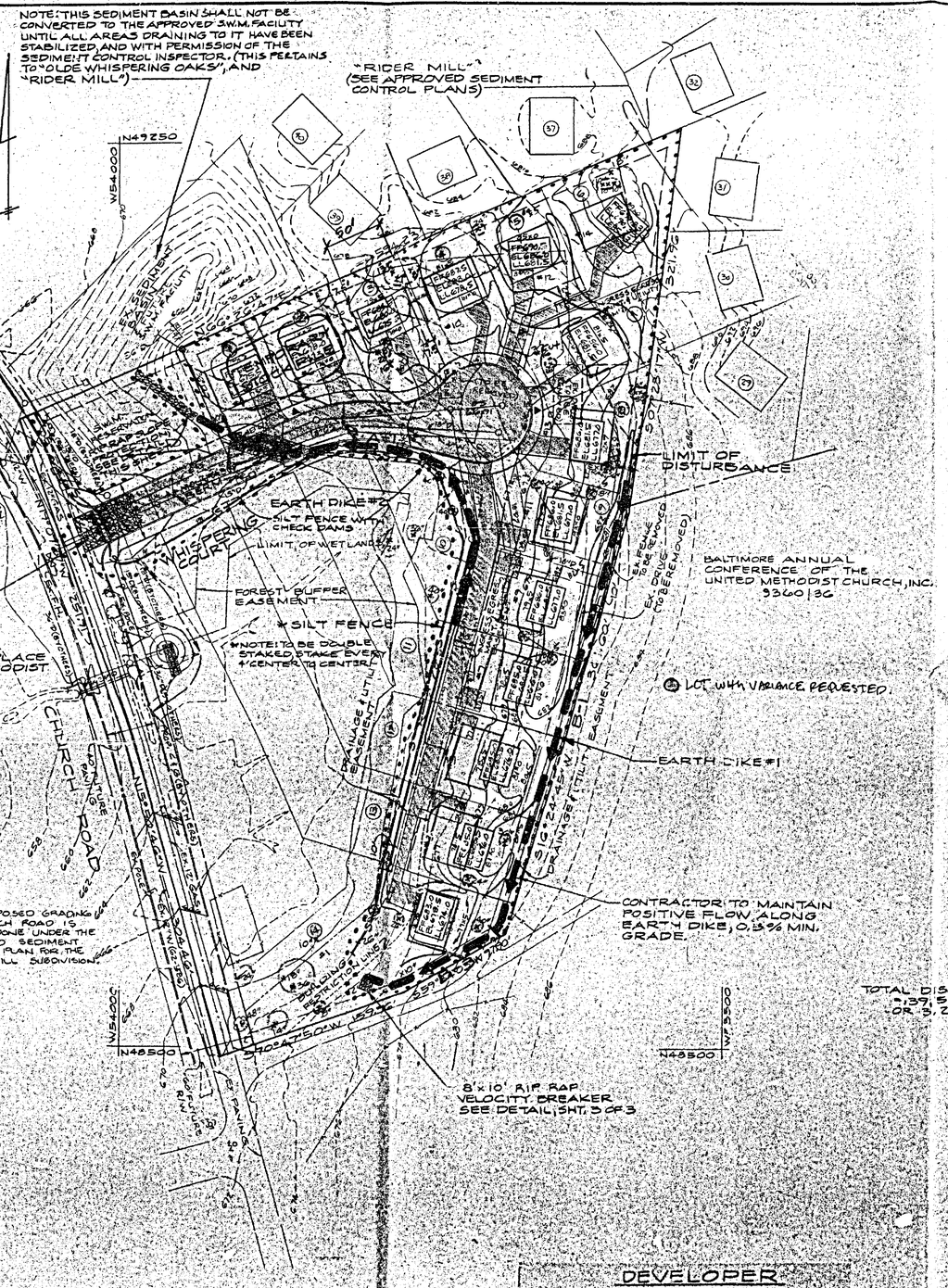
CONSTRUCTION SPECIFICATIONS

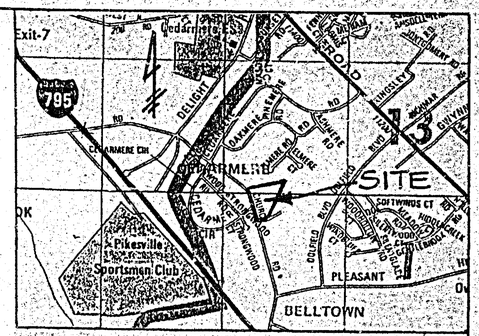
1. The subgrade for the filter, riprap or gabion shall be prepared to the required lines and grades. Any fill required in the subgrade shall be compacted to a density of approximately that of the surrounding undisturbed material.
2. The rock or gravel shall conform to the specified grading limits when installed respectively in the riprap or filter.
3. Filter cloth shall be protected from punching, cutting or tearing. Any damage other than an occasional small hole shall be repaired by placing another piece of cloth over the damaged part or by completely replacing the cloth. All overlaps whether for repairs or for joining two pieces of cloth shall be a minimum of one foot.
4. Stone for the riprap or gabion outlets may be placed by equipment. Both shall each be constructed to the full course thickness in one operation and in such a manner as to avoid displacement of underlying materials. The stone for riprap or gabion outlets shall be delivered and placed in a manner that will insure that it is reasonably homogenous with the smaller stones and spalls filling the voids between the larger stones. Riprap shall be placed in a manner to prevent damage to the filter blanket or filter cloth. Hand placement will be required to the extent necessary to prevent damage to the permanent works.



RIP-RAP SLOPE PROTECTION

NOT TO SCALE





VICINITY MAP

SCALE: 1" = 1000'

BENCH MARK X-5550 ELEV. 663.525
GALVANIZED SPIKE IN MAC. ON N.E. SIDE OF CHURCH ROAD.

LEGEND

EARTH DIKE	
SILT FENCE	S S
STABILIZED CONST. ENT. W/MOUNTABLE BERM	
LIMIT OF DISTURBANCE	
RIPRAP SLOPE PROTECTION	
EXISTING CONTOUR	680
PROPOSED CONTOUR	680
EXISTING TREE LINE	
EXIST. EARTH DIKE	
TREE PROTECTION (SAFETY FENCE)	

TOTAL DISTURBED AREA = 339,500 S.F.± OR 5.20 A.C.±

APPROVED FOR SEDIMENT CONTROL 3-1-94
DATE
DISTRICT ENGINEER
Evidence of Review for this District by ☐ is ☐ is not attached.
Owner or CONSTRUCTION AGENT
If grading permit has not been obtained within two years of this approval, this plan shall be resubmitted to the District.

RECEIVED
AUG 2 1994
OFFICE OF PLANNING & ZONING

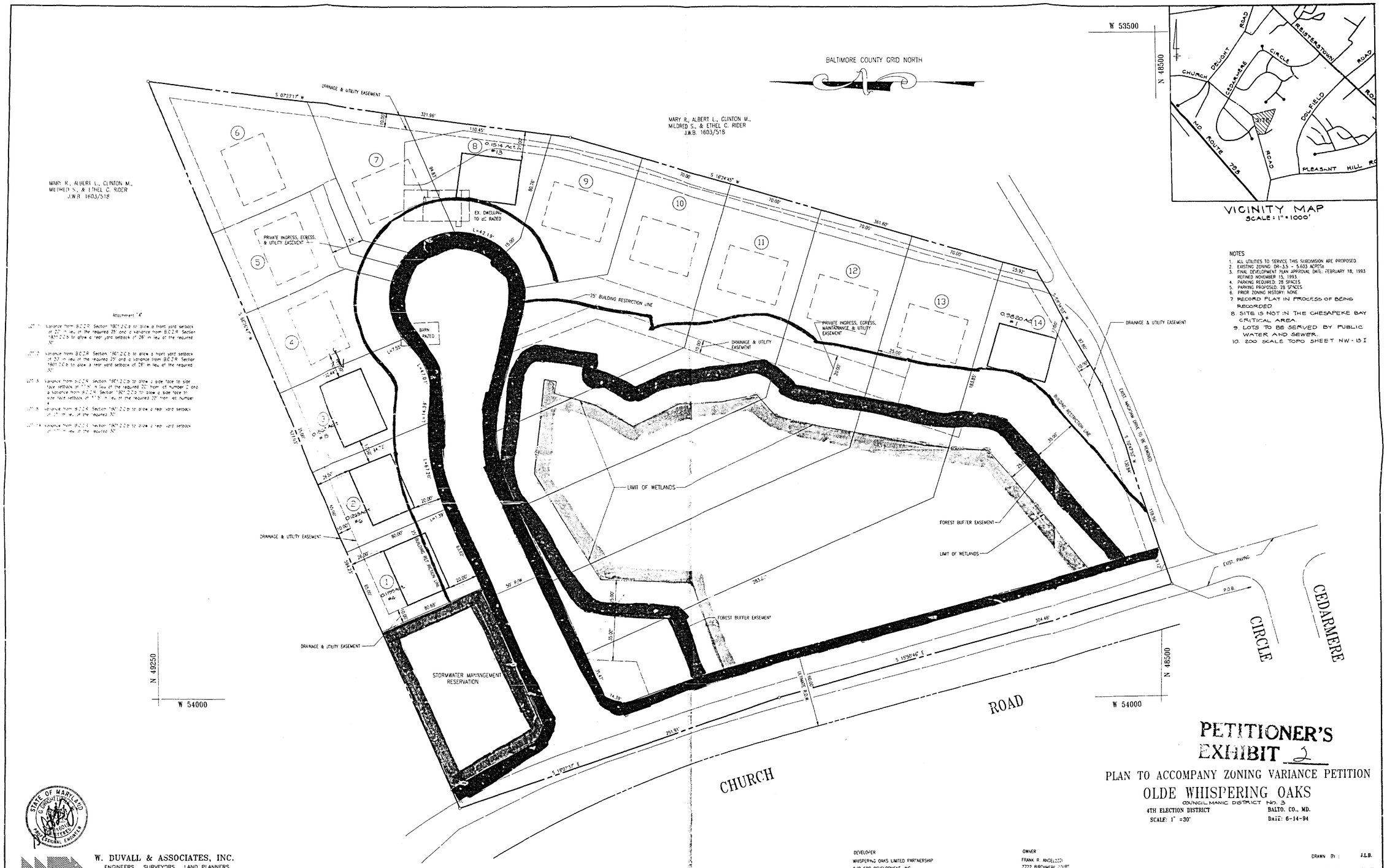
DEVELOPER
WHISPERING OAKS LIMITED PARTNERSHIP
% SDR DEVELOPMENT, INC.
3722 BIRCHMERE CT.
OWINGS MILLS, MD. 21117
PHONE (410) 363-8520

W. DUVALL & ASSOCIATES, INC.
ENGINEERS · SURVEYORS · LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9571

EROSION & SEDIMENT CONTROL PLAN
OLDE WHISPERING OAKS

ELECTION DIST. 4 · BALTO. COUNTY, MD.
SCALE: 1" = 50' · DATE: NOV. 2, 1993
SHEET 1 OF 3

92118EA



Attachment "A"

LOT 1: Variance from B.C.Z.R. Section 1801.2.C.6 to allow a front yard setback of 22'± in lieu of the required 25' and a variance from B.C.Z.R. Section 1801.2.C.6 to allow a rear yard setback of 26'± in lieu of the required 30'.

LOT 2: Variance from B.C.Z.R. Section 1801.2.C.6 to allow a front yard setback of 20'± in lieu of the required 25' and a variance from B.C.Z.R. Section 1801.2.C.6 to allow a rear yard setback of 26'± in lieu of the required 30'.

LOT 3: Variance from B.C.Z.R. Section 1801.2.C.6 to allow a side face to side face setback of 11'± in lieu of the required 20' from lot number 2 and a variance from B.C.Z.R. Section 1801.2.C.6 to allow a side face to side face setback of 11'± in lieu of the required 20' from lot number 4.

LOT 5: Variance from B.C.Z.R. Section 1801.2.C.6 to allow a rear yard setback of 24'± in lieu of the required 30'.

LOT 14: Variance from B.C.Z.R. Section 1801.2.C.6 to allow a rear yard setback of 17'± in lieu of the required 30'.

NOTES

1. ALL UTILITIES TO SERVICE THIS SUBDIVISION ARE PROPOSED.
2. EXISTING ZONING: DR-3.5 - 5.603 ACRES±
3. FINAL DEVELOPMENT PLAN APPROVAL DATE: FEBRUARY 18, 1993 REFINED NOVEMBER 15, 1993
4. PARKING REQUIRED: 28 SPACES
5. PARKING PROPOSED: 28 SPACES
6. PRIOR ZONING HISTORY: NONE
7. RECORD PLAT IN PROCESS OF BEING RECORDED
8. SITE IS NOT IN THE CHESAPEKE BAY CRITICAL AREA.
9. LOTS TO BE SERVED BY PUBLIC WATER AND SEWER.
10. 200 SCALE TOPO SHEET NW - 15 I

PETITIONER'S EXHIBIT 2

PLAN TO ACCOMPANY ZONING VARIANCE PETITION

OLDE WHISPERING OAKS

COUNCILMANIC DISTRICT NO. 3

4TH ELECTION DISTRICT — BALTO. CO., MD.

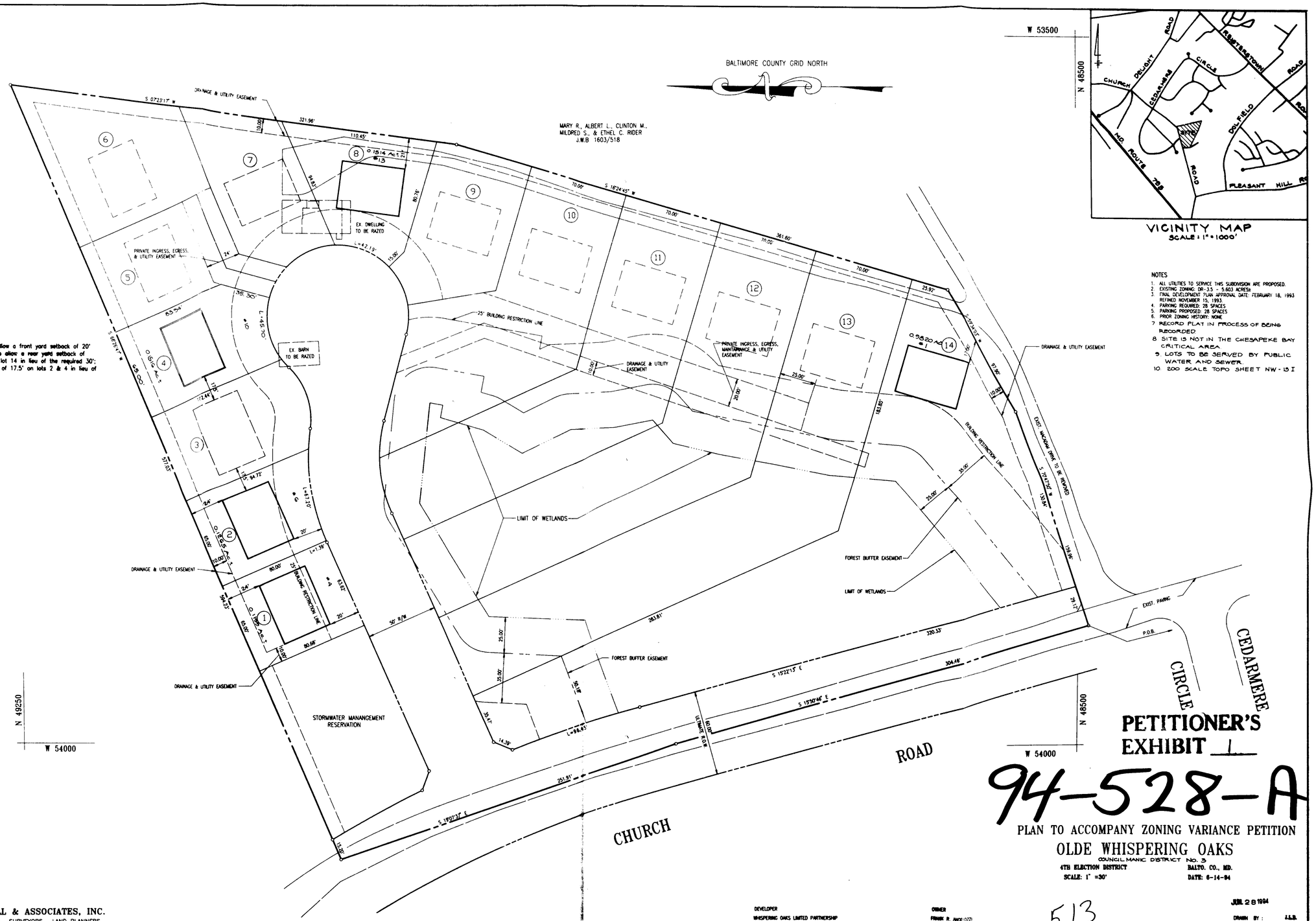
SCALE: 1" =30' — DATE: 6-14-94

W. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9571

DEVELOPER
WHISPERING OAKS LIMITED PARTNERSHIP
C/O SDR DEVELOPMENT, INC.
3722 BIRCHMERE COURT
OWINGS MILLS, MD. 21117

OWNER
FRANK R. ANGELOZZI
3722 BIRCHMERE COURT
OWINGS MILLS, MD. 21117
TAX ACCT. NO. 02-00-017151
DEED REFERENCE 8041/473

DRAWN BY: J.L.B.
CHECKED BY: M.A.K.
PROJECT NUMBER: 92118


BALTIMORE COUNTY GRID NORTH
W 53500
N 48500
MARY R., ALBERT L., CLINTON M., MILDRED S., & ETHEL C. RIDER J.W.B. 1603/518
MARY R., ALBERT L., CLINTON M., MILDRED S., & ETHEL C. RIDER J.W.B. 1603/518
S 07°23'17" W
321.96'
110.45'
S 16°24'45" W
361.60'
70.00'
DRAINAGE & UTILITY EASEMENT
PRIVATE INGRESS, EGRESS, & UTILITY EASEMENT
EX. DWELLING TO BE RAZED
EX. BARN TO BE RAZED
25' BUILDING RESTRICTION LINE
DRAINAGE & UTILITY EASEMENT
PRIVATE INGRESS, EGRESS, MAINTAINANCE & UTILITY EASEMENT
DRAINAGE & UTILITY EASEMENT
LIMIT OF WETLANDS
FOREST BUFFER EASEMENT
LIMIT OF WETLANDS
FOREST BUFFER EASEMENT
DRAINAGE & UTILITY EASEMENT
DRAINAGE & UTILITY EASEMENT
STORMWATER MANANGEMENT RESERVATION
50' R/W
S 67°54'47" W
69.60'
S 19°01'37" E
251.31'
S 15°22'15" E
304.46'
S 15°50'46" E
330.33'
S 70°37'24" W
330.84'
N 49250
W 54000
N 48500
W 54000
CHURCH ROAD
CEDARMERE CIRCLE
EXIST. PAVING
P.O.B.
DEAD MEADOW DRIVE TO BE PROPOSED
BUILDING RESTRICTION LINE
0.1514 Ac.±
0.1616 Ac.±
0.1595 Ac.±
0.1519 Ac.±
0.9520 Ac.±
L=42.19'
L=45.70'
L=47.20'
L=46.43'
L=1.39'
R=45.00'
R=50.00'
R=25.00'
R=175.00'
R=225.00'
R=275.00'
R=325.00'
R=375.00'
R=425.00'
R=475.00'
R=525.00'
R=575.00'
R=625.00'
R=675.00'
R=725.00'
R=775.00'
R=825.00'
R=875.00'
R=925.00'
R=975.00'
R=1025.00'
R=1075.00'
R=1125.00'
R=1175.00'
R=1225.00'
R=1275.00'
R=1325.00'
R=1375.00'
R=1425.00'
R=1475.00'
R=1525.00'
R=1575.00'
R=1625.00'
R=1675.00'
R=1725.00'
R=1775.00'
R=1825.00'
R=1875.00'
R=1925.00'
R=1975.00'
R=2025.00'
R=2075.00'
R=2125.00'

H.C.

#513

Per Appr are lots satisfactory 300 ft of change. F.D.P. revision amendment will be handled separately.

(25') Lot 8 appears to have a possible front setback problem. Appr said they was not the case. Advised that this would have to be straightened out at the hearing.

6/28/94

AUTHORIZATION FOR #513

RESOLUTION ADOPTED BY SOLE STOCKHOLDER OF WHISPERING OAKS, INC.

The undersigned, being the sole Stockholder and Officer of Whispering Oaks, Inc. hereby adopts the following resolution:

RESOLVED, that for the convenience of the undersigned, STEVEN D. ROSEN is hereby appointed as the agent of WHISPERING OAKS, INC. (the "Corporation") for purposes of executing all documents relating to (i) Baltimore County and other governmental approvals obtained by the Corporation with respect to the development of real estate, (ii) utility service and related agreements with Baltimore Gas & Electric Company, C & P Telephone Company, Comcast Cable, etc., and (iii) contracts entered into on behalf of the Corporation with other builders and/or contractors.

IN WITNESS WHEREOF, I have hereunto subscribed my name and seal of the Corporation this 14th day of March, 1994.

Frank N. Angelozzi

W. DUVALL & ASSOCIATES, INC.

530 E. Joppa Rd. / Towson, Maryland 21286 / 410 583-9571 Engineers / Land Planning Consultants

To Office of Planning

Attention Carol McEvoy

Date 8/1/94

Re Olde Whispering Oaks

92116A

RECEIVED
AUG 2 1994
OFFICE OF PLANNING & ZONING

erewith ☐ Under Separate Cover

Description

Grading Plans

we saving every tree possible

☐ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Conference requested at your convenience

For further information, please contact the writer at this office

CC: file, Tim Kotroco (Zoning office)
Enclosed

Sincerely yours,

G. Dwight Little, Jr., P.E.
Executive Vice President

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Paul A. Stricharchuk	12418 Owen Rd Fishkatown md 21436
DWIGHT LITTLE	530 E Joppa Rd, Towson 21286
Howard L Alderman Jr	305 W Chesapeake Ave Suite 305 Towson 21204

IMPORTANT MESSAGE

TO Jim

DATE 8/2/94 TIME 2:05 A.M. P.M.

M Paul Stricharchuk

OF Regional Homes

PHONE 252-4120
Area Code Number Extension

FAX

TELEPHONED		✓ PLEASE CALL	
CAME TO SEE YOU		RETURNED YOUR CALL	
WANTS TO SEE YOU		WILL CALL AGAIN	
WILL FAX YOU		URGENT!	

Message Regional Homes

Signed

Baltimore County Government
Fire Department

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

(410) 887-4500

RECEIVED
JUL 13 1994
ZADM

RE: PETITION FOR VARIANCE
Old Whispering Oaks Subdivision, NE/S Church Road, 100' NE of Cedarmere Circle, 4th Election Dist., 3rd Councilmanic

Whispering Oaks, Inc.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 94-528-A

* * * * * * * * * * * *

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
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, Levin & Gann, P.A., 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners, and to Mark A. Kromm, W. Duvall & Associates, Inc., 530 E. Joppa Road, Towson, MD 21286, representative for Petitioners.

RECEIVED
JUL 21 1994
ZADM

PETER MAX ZIMMERMAN

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

GEVIN

December 9, 1993

Baltimore County
Office of Planning
Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Attention: Mr. Pat Keller
Deputy Director

Re: Olde Whispering Oaks
PN 92116A

Dear Pat:

I am in receipt of a copy of your memorandum dated December 2, 1993 to Arnold Jablon regarding the referenced project. Please accept this writing as a clarification of the issue which you discuss in your memorandum.

The red-lined plans submitted to the November 8, 1993 DRC meeting deleted the area of trees to saved from the originally approved Plan. This was due to the fact that the trees shown on the originally approved Plan were taken from the best information available at the time which was the 200-scale aerial photographs. Prior to preparation of the red-lined plan, our client approached us regarding saving as many trees on the site as possible; not only those shown to be saved on the approved Plan, but others as well. As a result, it became our intention to field locate all existing trees on the site. Knowing that the locations shown on the Development Plan as approved were of limited accuracy, we elected to delete the area of trees to be saved. We recognized that we would have better information in the future, and that our intent was to still save as many trees as possible.

As stated in your memorandum, I met with Ervin McDaniel and Carol McEvoy to discuss the red-lined refinement. At that meeting, I explained the above to both Carol and Ervin, and it was agreed that we would continue to show the trees to be saved on the red-lined Development Plan in order to allow for its approval. Beyond that we agreed to let them see a copy of our final grading plan which will show the trees which we are intending to save.

Subsequent to the meeting, at our client's request, we have field located all trees on the site and recorded their location. Furthermore, we have begun to prepare our grading plan with trees to be saved shown. The end result is that we will be saving not only trees shown to be saved on the Development Plan, but many more over and above that which was indicated. As it turns out, the trees shown to be saved on the latest approved Development Plan will have to be saved.

RECEIVED
DEC 10 1993
OFFICE OF PLANNING & ZONING

530 East Joppa Road/Towson, Maryland 21286/(410) 583-9571

We feel strongly that the intent of the Development Plan is being met, and in fact exceeded. Also, since trees are being saved in the areas shown on the Development Plan, we see no need for revising the Development Plan. We will be more than happy to allow the Planning Office to review our grading plan as agreed at our meeting, once it is 100% complete.

Beyond all of that, we are compelled to indicate that the Development Plan as originally presented did not lead to a less than desirable site layout, nor were the Office of Planning's efforts in revising the site layout in vain. The intended result has most definitely been accomplished and is a direct result of the revised layout negotiated with the Office of Planning at the Development Plan stage.

Very truly yours,
W. Duvall & Associates, Inc.

G. Dwight Little, Jr., P.E.
Executive Vice President

lbb-1

cc: Arnold Jablon
Don Rascoe
Carol McEvoy
Ervin McDaniel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: December 2, 1993

FROM: Pat Keller, Deputy Director, OPZ

SUBJECT: Old Whispering Oaks - IV 438

The Development Plan for Old Whispering Oaks was granted a plan refinement by the Development Review Committee on November 15, 1993 in order to combine stormwater management with the adjacent Rider property. The redlined changes to the Stormwater Management Pond (SWM), the adjusted road alignment and the removal of unneeded utility easements are acceptable to this Office as plan refinements.

The redlined plan submitted for the November 8, 1993 DRC meeting, however, also deleted trees which were shown on the Development Plan as "to remain." These trees are not located near the SWM pond and staff questioned the justification for their removal.

The Engineer for the project, Dwight Little, met with Ervin McDaniel and Carol McEvoy of this office on November 9, 1993 to discuss the request for a plan refinement and the reason for removing the trees. Mr. Little explained that the plan was put together hurriedly in late 1992 to avoid being subject to the Forest Conservation Bill, and aerial maps were used to locate the trees. He indicated that the trees are not located exactly where they were shown on the plan. Grading will also make some trees difficult to save although he expressed a desire to save as many of the trees as possible to make the lots more valuable.

In a field visit to the site on November 10, 1993, staff found that some major trees were not indicated on the plan at all while others of questionable value were shown to be saved. The incomplete and inconsistent representation of site constraints may have led to a less than desirable site layout.

The preservation of the specimen trees was an issue in the Concept Plan Comments from the Office of Planning and Zoning. A revised site layout was worked out with the Applicant to enable the retention of as many trees as possible. The road with a double cul-de-sac was changed to reduce paving area, lotlines were redrawn to create frontage onto public roads, and panhandle driveways were eliminated and replaced with a private drive. The Development Plan showed which trees and stands of trees would remain, and was supported by the Planning Office with no unresolved issues before the Hearing Officer. This site layout was predicated on having correct and complete information supplied.

MEMO TO: Arnold Jablon, Director, ZADM
SUBJECT: Old Whispering Oaks - IV 438
DATE: December 2, 1993

Because of the inaccurate information shown on the Development Plan, a revised Existing Conditions Plan and Development Plan should be provided. In addition, the Office of Planning and Zoning requests the following:

1. The Applicant should field locate all trees on the site and accurately record their location on the grading plan and site plan.
2. The grading plan should show the limit of clearing and grading, the road profile and an accurate alignment of sanitary sewer.
3. The Applicant should provide a site layout that preserves the trees.
4. The Planning Office wishes to review the corrected information and suggested revisions on the grading plan and site plan.

The Planning Office would consider the removal of specimen trees a material change to the Development Plan which would be referred back to the Hearing Officer for resolution.

Please keep this Office appraised of the Phase II schedule for this project.

Pat Keller

PK:bjs

CC: Dwight Little, W. Duvall & Associates, Inc.
520 E. Joppa Road - Towson MD 21286
Don Rascoe, Project Manager, ZADM
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

Pat Keller

RECEIVED
JUL 28
ZONING COMMISSIONER

DATE: July 29, 1994

SUBJECT: Olde Whispering Oaks

INFORMATION:

Item Number: 513

Petitioner: Paul A. Steinhardt

Property Size: 5.60± acres

Zoning: DR 3.5

Requested Action: Variance

Hearing Date: 08 / 01 / 94

SUMMARY OF RECOMMENDATIONS:

In 1992, the Comprehensive Manual of Development Policies was thoroughly revised to reflect contemporary development practices. These revisions were the result of more than a year long effort by homebuilders, design professionals, engineers and government representatives to develop realistic and appropriate standards that, as a complete package, would produce development patterns acceptable by all parties.

These standards, especially side and rear yard setbacks, are not excessive and variances to them should be closely scrutinized. The Office of Planning and Zoning recommends DENIAL of the variance request and finds that:

1. Special circumstances or conditions peculiar to the land which is the subject of the variance request do not exist;
2. Strict compliance with the zoning regulations would not result in practical difficulty or unreasonable hardship; and
3. The variance requested is not in strict harmony with the spirit and intent of the area regulations.

The desire to build a larger house than depicted on the development plan is not sufficient reason to claim relief according to the criteria listed above. The requested variances would create back yards that are too small and houses that are too close together. The applicant is requesting a 24 ft. rear yard setback on a detached house which is significantly less than the 30 ft. required for a townhouse. With a normal 10 to 12 ft. deck the useable yard space is compromised. This may be further exacerbated behind lots 1 and 2 by the stormwater management pond grading.

Furthermore, the effect of the variances requested for lots 8 and 14 on the preservation of specimen trees should be determined. The preservation of trees was a major issue for this development from the Concept Plan stage to the First Refinement (11-15-93). In a memo to Arnold Jablon dated December 2, 1993 (see attached), Pat Keller, Deputy Director, Office of Planning and Zoning, stated "The Planning Office would consider the removal of specimen trees a material change to the Development Plan which would be referred back to the Hearing Officer for resolution." He requested to review the grading plan and site plan with the corrected location of trees. In a letter from G. Dwight Little, Jr., Executive Vice President of W. Duvall and Associates, Inc. to Pat Keller, Deputy Director, Office of Planning and Zoning on December 9, 1993 (see attached), Mr. Little claimed to be "...saving not only trees shown to be saved on the Development Plan, but many more over and above that which was indicated." He offered to allow the Planning Office to review the grading plan, which was to record the field located trees, once it is 100% complete.

On July 14, 1994, the Office of Planning and Zoning requested the petitioner's representative, Mark Kromm, to provide a copy of the grading plan and the field located tree survey for review in order to prepare comments on the requested variance of setbacks. The plans have not been provided, therefore the Planning Office requests the Zoning Commissioner assess the impact the requested variances on lots 8 and 14 would have on specimen trees.

Prepared by: Carol McEvoy

PK/CME:rdn

Attachments

CERTIFICATE OF POSTING 94-528-A

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 4th Date of Posting 7/1/94

Posted for: Variance

Petitioner: Whispering Oaks Inc. & Regional Homes, Inc.

Location of property: Old Whispering Oaks Sub Division, NE/S Church Rd.

Location of Signs: Facing Rte 100 on property being developed

Remarks:

Posted by [signature] Signature Date of return: 7/7/94

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner 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, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 94-528-A (Item 513)
Old Whispering Oaks Subdivision
NE/S Church Road, 100 ft NE of Cedarmere Circle
4th Election District
3rd Councilmanic
Petitioner(s):
Whispering Oaks, Inc.
Contract Purchaser(s):
Regional Homes, Inc.
HEARING: MONDAY, AUGUST 1, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a front yard setback of 20 feet on lots #1 and #2 in lieu of the required 25 feet; to allow a rear yard setback of 24 feet on lots #8, and 17 feet on lot #14 in lieu of the required 30 feet; and to allow a side-face to side-face setback of 17.5 feet on lots #2 and #4 in lieu of the required 20 feet (from the building on lot #3).

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1)Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.
(2)For information concerning the File and/or Hearing, Please Call 887-3391.

7/120 July 14.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 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 7/14, 1994.

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. - TOWSON

Zoning Administration & Development Management
[illegible]
Towson, Maryland 21204

receipt

94-528-A

Account R-001-6150

Number 513

Date 6/28/94

Multiple Zoning Variance + Sign Posting Code 020# 250.00
Code 080# 35.00
TOTAL# 285.00

Owner Whispering Oaks Inc.
Paid By Regional Homes

LOC NE SIDE CHURCH RD 100' NW CEDERMERE CIRCLE

$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those 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 accessed 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 STAY ISSUANCE OF ZONING ORDER.

[signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 513

Petitioner: Whispering Oaks, Inc.

Location: NE Side Church Rd 100' +/- NW of Cedarmere Circle

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Regional Homes, Inc

ADDRESS: P.O. Box 32302
Balto, md 21208

PHONE NUMBER: 410-252-4020

AJ:ggs

(Revised 04/09/93)

Item Number: 513
Planner: JLL
Date Filed: 6-28-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

_____ Need an attorney

_____ The following information is missing:

_____ Descriptions, including accurate beginning point
_____ Actual address of property
_____ Zoning
_____ Acreage
_____ Plats (need 12, only ___ submitted)
_____ 200 scale zoning map with property outlined
_____ Election district
_____ Councilmanic district
_____ BCZR section information and/or wording
_____ Hardship/practical difficulty information
_____ Owner's ~~signature (need minimum 1 original signature) and/or printed name and/or address and/or~~ telephone number
_____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
_____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
_____ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
_____ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
_____ Notary Public's section is incomplete and/or incorrect and/or commission has expired
_____ _____

PET-FLAG (TXTSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 7, 1994

NOTICE OF HEARING

The Zoning Commissioner 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 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-528-A (Item 513)
Old Whispering Oaks Subdivision
NE/S Church Road, 100 feet NE of Cedarmere Circle
4th Election District - 3rd Councilmanic
Petitioner(s): Whispering Oaks, Inc.
Contract Purchaser: Regional Homes, Inc.
HEARING: MONDAY, AUGUST 1, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Variance to allow a front yard setback of 20 feet on lots #1 and #2 in lieu of the required 25 feet; to allow a rear yard setback of 24 feet on lots #1 and #2, 21 feet on lot #8, and 17 feet on lot #14 in lieu of the required 30 feet; and to allow a side-face to side-face setback of 17.5 feet on lots #2 and #4 in lieu of the required 20 feet (from the building on lot #3).

[signature]
Arnold Jablon
Director

cc: Whispering Oaks, Inc.
Mark A. Kromm
Regional Homes, Inc.
Howard L. Alderman, Jr., Esquire

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 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

TO: PUTUXENT PUBLISHING COMPANY
July 14, 1994 Issue - Jeffersonian

Please forward billing to:

Regional Homes, Inc.
P. O. Box 32302
Baltimore, Maryland 21208
252-4020

NOTICE OF HEARING

The Zoning Commissioner 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 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-528-A (Item 513)
Old Whispering Oaks Subdivision
NE/S Church Road, 100 feet NE of Cedarmere Circle
4th Election District - 3rd Councilmanic
Petitioner(s): Whispering Oaks, Inc.
Contract Purchaser: Regional Homes, Inc.
HEARING: MONDAY, AUGUST 1, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Variance to allow a front yard setback of 20 feet on lots #1 and #2 in lieu of the required 25 feet; to allow a rear yard setback of 24 feet on lots #1 and #2, 21 feet on lot #8, and 17 feet on lot #14 in lieu of the required 30 feet; and to allow a side-face to side-face setback of 17.5 feet on lots #2 and #4 in lieu of the required 20 feet (from the building on lot #3).

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 22, 1994

Howard L. Alderman, Jr., Esquire
Levin & Gann, P. A.
113 Chesapeake Building
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 94-528-A, Item No. 513
Petition for Variance
Petitioner: Whispering Oaks, Inc., et al.

Dear Mr. Alderman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 28, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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.

Printed with Soybean Ink on Recycled Paper

Zoning Plans Advisory Committee Comments
Howard L. Alderman, Jr.
Date: July 22, 1994
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.

3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

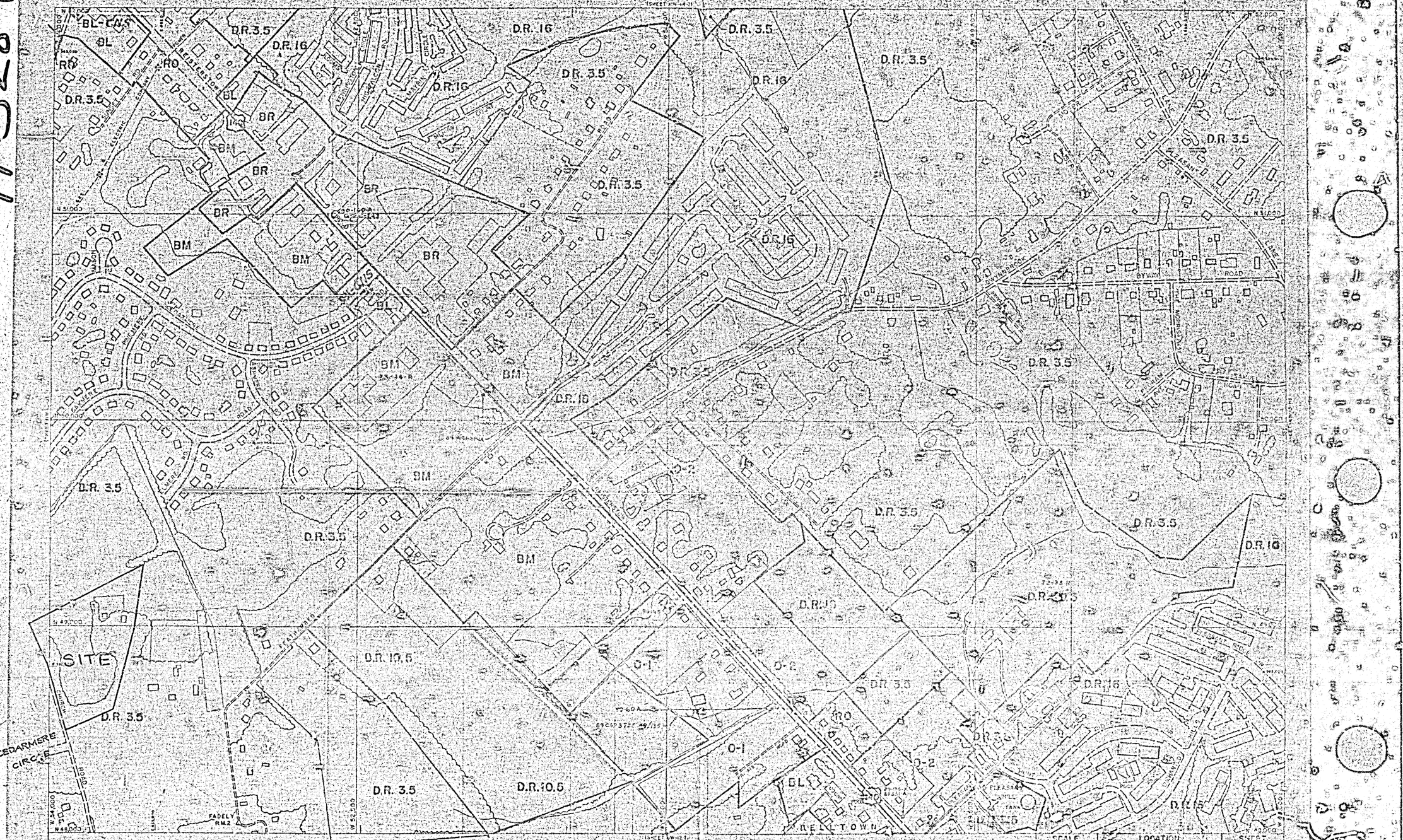
Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:cmm
Enclosures

74-528-A



T-NW 513

1938 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Bill Nos. 144-55, 193-63, 177-66, 181-66, 89-68, 100-68

Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY AEROMAP U.S., INC., BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	BELLTOWN	NW 13
DATE OF PHOTOGRAPHY JANUARY 1968		

OFFICE COPY



T-NW

513

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS	BY	DATE
Planimetric	MAPS, INC.	4-20-67
Topographic	MAPS, INC.	4-11-70
	"	1-11-72

Topography Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION - PHILADELPHIA, PA.

SCALE	LOCATION	SHEET
1" = 200'	BELLTOWN	NW 13-1
DATE OF PHOTOGRAPHY APRIL 1963		

1955 Topo — 1970 Topo

OFFICE COPY

D-87-72

IN RE: PETITION FOR VARIANCE
NE/S Church Road, 100' NE of Cedarmere Circle
(Lots 1, 2, 4, 8 and 14 of Olde Whispering Oaks)
4th Election District
3rd Councilmanic District

Whispering Oaks, Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-528-A

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as Lots 1, 2, 4, 8 and 14 of Olde Whispering Oaks, a recently approved subdivision located on Church Road in the vicinity of Reisterstown in northwestern Baltimore County. The Petition was filed by the owners of the property, Whispering Oaks, Inc., by Steven D. Rosen of SDR Development, Inc., an Agent, and the Contract Purchaser, Regional Homes, Inc., by Paul A. Steinhardt, President, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek relief from Section 1B01.2.C.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet in lieu of the required 25 feet for Lots 1 and 2; rear yard setbacks of 24 feet, 21 feet, and 17 feet in lieu of the required 30 feet each for Lots 1 and 2, Lot 8, and Lot 14, respectively; and to permit a side face to side face building setback of 17.5 feet in lieu of the required 20 feet for Lots 2 and 4. The subject property and relief sought are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Paul A. Steinhardt for Regional Homes, Inc., Dwight Little, Professional Engineer with W. Duvall and Associates, Inc., and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. Carol McEvoy appeared and testified on behalf of the Office of Planning and Zoning. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 5.603 acres, more or less, zoned D.R. 3.5 and is proposed for development with 14 single family dwellings. In fact, the final development plan for this project received approval on February 18, 1993. The Petitioners have filed the instant Petition to permit development of the subject lots with larger homes than that originally proposed. Mr. Steinhardt testified that following development plan approval, his company did a market analysis to determine the type of housing most desirable for this area. This study revealed that today's market demands a larger home than that originally planned for this subdivision. Mr. Steinhardt testified that the houses they now propose for this site will be in keeping with other homes in the area and meet the market demands for this locale. Due to the existing wetlands in the center of the property and the required forest buffer easement around the perimeter of these wetlands, the requested variances are necessary in order to develop the lots as proposed. Furthermore, as a result of the wetlands and forest buffer easement, the roadway through this development had to be moved closer to those lots along the north side of the property, thereby necessitating the requested variances for Lots 1, 2 and 4. Testimony indicated that the zoning of the property would permit development of 19 single family dwellings; however, due to the site constraints noted above, the Petitioners can only develop the property with 14 homes.

On behalf of the Office of Planning and Zoning, Ms. Carol McEvoy raised an issue concerning the size of the proposed dwellings and the loss of trees on the site. Ms. McEvoy testified that the trees on the property were not accurately shown on the Development Plan and her Office is concerned about a particular tree on Lot 14 which will be lost if the relief requested is granted.

On behalf of the Petitioner, Mr. Dwight Little testified that the proposed development was laid out in such a manner so as to save as many trees as possible. He argued that a refined plan was submitted for review and approval by the Development Review Committee prior to this hearing and that the Department of Environmental Protection and Resource Management (DEPRM) voiced no complaints.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
>
> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, it appears that a practical difficulty or unreasonable hardship would result if the relief requested were not granted. It has been established that special circumstances or conditions exist that are peculiar to the land which is the subject of this variance request. In the opinion of this Deputy Zoning Commissioner, the relief requested is minimal and will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of August, 1994 that the Petition for Variance seeking relief from Section 1B01.2.C.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet in lieu of the required 25 feet for Lots 1 and 2; rear yard setbacks of 24 feet, 21 feet, and 17 feet in lieu of the required 30 feet each for Lots 1 and 2, Lot 8, and Lot 14, respectively; and to permit a side face to side face building setback of 17.5 feet from the building on Lot 3 in lieu of the required 20 feet for Lots 2 and 4, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 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.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/24/94
By bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 24, 1994

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/S Church Road, 100' NE of Cedarmere Circle
(Lots 1, 2 and 14 of Olde Whispering Oaks)
4th Election District - 3rd Councilmanic District
Whispering Oaks, Inc. - Petitioners
Case No. 94-528-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted 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,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel
File

Printed with Soybean Ink on Recycled Paper

513

Petition for Variance

94-528-A

to the Zoning Commissioner of Baltimore County

for the property located at Olde Whispering Oaks

which is presently zoned DR3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) See Attachment "A"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

to be discussed at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance 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:
Regional Homes, Inc.
(Type or Print Name)
Signature
Paul A. Steinhardt
Address
P.O. Box 32302
Baltimore MD 21208
City State Zipcode
Attorney for Petitioner:
Howard L. Alderman Jr
(Type or Print Name)
Signature
Law Offices of
LEVIN & GANN, P.A.
Address 112 Chesapeake Building
City 305 W. Chesapeake Avenue 21204 Zipcode
Towson, Maryland

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.
Legal Owner(s):
Whispering Oaks, Inc.
(Type or Print Name)
Signature
Steven D. Rosen
(Type or Print Name)
Signature
c/o SDR Development, Inc.
3722 Birchmere Court
Address Phone No.
Owings Mills, MD 21117
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted
Mark A. Kromm
W. Duvall & Associates, Inc.
Name
530 East Joppa Road
Towson, MD 21286 (410)583-9571
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY DATE

ORDER RECEIVED FOR FILING
Date 8/24/94
By bjs

Attachment "A"

94-528-A

Variance from B.C.Z.R. Section 1B01.2.C.b to allow a front yard setback of 20' on lots 1 and 2 in lieu of the required 25'; to allow a rear yard setback of 24' on lots 1 & 2, 21' on lot 8, and 17' on lot 14 in lieu of the required 30'; and to allow a side face to side face setback of 17.5' on lots 2 & 4 in lieu of the required 20' (from the building on lot 3).

513

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

ZONING DESCRIPTION
"OLDE WHISPERING OAKS"
4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the centerline of Church Road, proposed 60 feet wide, said point being North 15 degrees West 80 feet from the centerline intersection of said Church Road and Cedarmere Circle; thence

1. North 15 degrees 50 minutes 46 seconds West 304.46 feet; thence
2. North 19 degrees 07 minutes 37 seconds West 251.91 feet; thence
3. North 66 degrees 26 minutes 47 seconds East 594.23 feet; thence
4. South 07 degrees 23 minutes 17 seconds West 321.96 feet; thence
5. South 16 degrees 24 minutes 45 seconds West 361.60 feet; thence
6. South 59 degrees 34 minutes 03 seconds West 97.90 feet; thence
7. South 70 degrees 47 minutes 50 seconds West 159.96 feet to the point of beginning.

CONTAINING 5.0603 acres of land, more or less.

STATE OF MARYLAND
DWIGHT L. LITTLE
No. 21612
REGISTERED
PROFESSIONAL ENGINEER
PROPERTY LINE SURVEYOR

530 East Joppa Road/Towson, Maryland 21286/(410) 583-9571

SITE DATA

Existing Zoning and Maximum Density Permitted

Zone	Acres	Units Allowed	Units Proposed
DR 3.5	5.60	19.6	14
Total	5.60	19.6	14

SITE DEVELOPMENT PROPOSAL

Dwelling Type	Proposed Units	Parking Required	Parking Provided	Phase	Development Schedule
SINGLE FAMILY	14	28	28	N/A	B-93
Total	14	28	28		

OPEN SPACE PROPOSAL

Open Space Type	Acres
Local Open Space	WAIVER
Baltimore County Greenway/Easement	N/A
Stormwater Management	0.45
Total Provided	N/A

ADDITIONAL INFORMATION

Anticipated Actions:
Variances NONE
Waivers SEE NOTE 5.O.
Special Exceptions NONE
Other

Consistency with design manuals ✓

LEGEND

EXISTING CONTOUR —670—
PROPOSED CONTOUR —670—
SOILS LINE —// GsB2 GnB
APPROXIMATE LIMIT OF DISTURBANCE . . . . . .
PROPOSED STREET LIGHT ▲
TREES TO REMAIN

CEDARMERE ELEMENTARY SCHOOL DISTRICT

SCHOOL CAPACITY	496
1992 ENROLLMENT	474
ESTIMATED PUPIL YIELD	3

OVERALL DENSITY CALCULATIONS FOR ZONING

GROSS AREA:
RIDER PROPERTY = 29.74 AC.±
OLDE WHISPERING OAKS = 5.60 AC.±
EXISTING ZONING: DR 3.5
TOTAL UNITS ALLOWED: 29.74 AC. x 3.5 UNIT PER ACRE = 104.09
5.60 AC. x 3.5 UNIT PER ACRE = 19.60
123.69

TOTAL UNITS PROPOSED:
RIDER PROPERTY = 64
OLDE WHISPERING OAKS = 14
78

SITE DATA

GROSS AREA: 5.603 AC.±
EXISTING ZONING; DR 3.5
EXISTING USE: RESIDENTIAL
TOTAL UNITS ALLOWED = 5.603AC. x 3.5 UNIT PER ACRE = 19.6 UNITS
TOTAL UNITS PROPOSED = 14.
PARKING REQUIRED: 14 UNITS x 2 SPACES/UNIT = 28 SPACES
PARKING PROPOSED: 2 OFFSTREET SPACES WILL BE PROVIDED FOR EACH UNIT PROPOSED

LANDSCAPE REQUIREMENTS

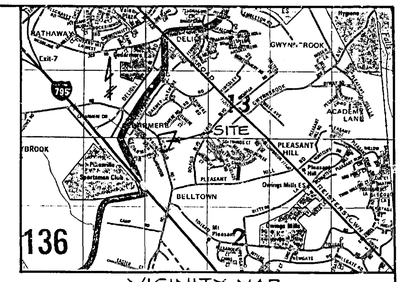
℄ ADJACENT ROAD (CHURCH RD)
557 L.F. @ 1 P.U./40 L.F. = 13.93 P.U.

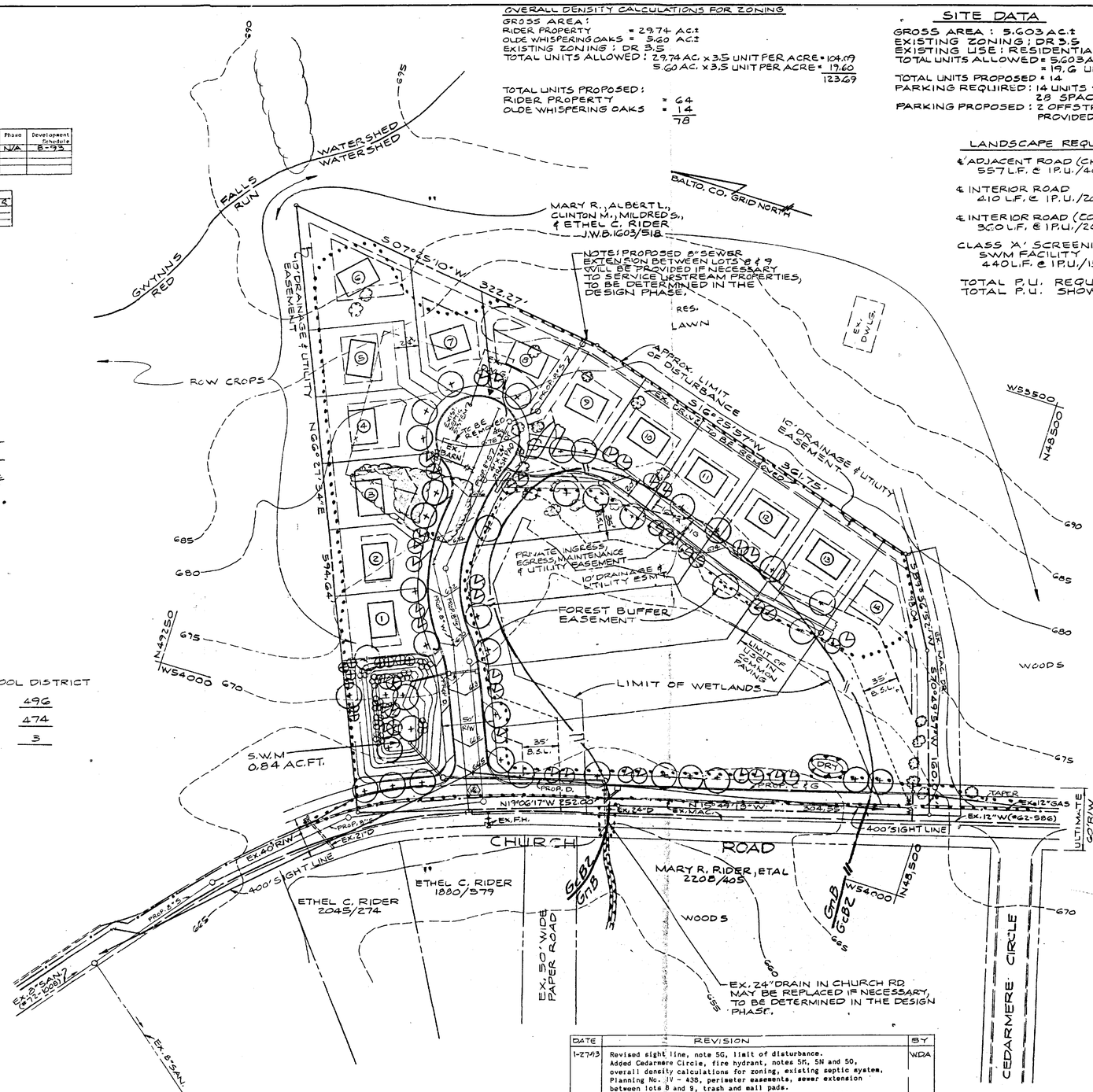
℄ INTERIOR ROAD
410 L.F. @ 1 P.U./20 L.F. = 20.50 P.U.

℄ INTERIOR ROAD (COMMON DRIVEWAY)
360 L.F. @ 1 P.U./20 L.F. = 18.00 P.U.

CLASS 'A' SCREENING
SWM FACILITY
440 L.F. @ 1 P.U./15 L.F. = 29.33 P.U.

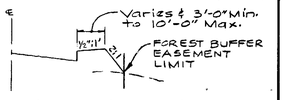
TOTAL P.U. REQUIRED = 81.76 P.U.
TOTAL P.U. SHOWN = 76.00 P.U.





GENERAL NOTES

1. Applicant:
Whispering Oaks Limited Partnership
c/o SDR Development, Inc.
3722 Birchmere Court
Owings Mills, Maryland 21117
(410) 363-8320
2. Site Location:
Election District No. 4, Councilmanic District No. 3
Watershed No. 67 Subsewershed No. 27
Census Tract 4045
Deed Reference - 9094/473 (Prior Deed)
Tax Account Number - 22-00-011151
3. Property Information:
Ownership - Frank R. Angelozzi
c/o SDR Development, Inc.
3722 Birchmere Court
Owings Mills, Maryland 21117
4. Reference for Existing Features Shown on Plan:
A. Topography is based on current 200 scale aerial photogrammetry.
B. Soil lines taken from Baltimore County soils Map No. 26
C. Property outline shown hereon is taken from a boundary survey prepared by R.T.F., Inc.
D. Existing zoning is DR 3.5.
5. General Information:
A. Local open space waiver to be applied for.
B. Stormwater management is provided.
C. Existing land use within 200' of site is single family residential.
D. There shall be no clearing, grading, construction or disturbance of vegetation in the forest buffer easement, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
E. Any forest buffer easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
F. A.D.T.'s shown thusly (##).
G. There are no critical areas, archaeological sites, endangered species habitats, hazardous waste materials or historical sites, wells or underground storage tanks found within the site boundaries.
H. Wetlands shown are field located, and verified by DEPRM.
I. All building setbacks will conform with Baltimore County Council Bill 2-92.
J. Landscaping shown is schematic only. Final landscaping will comply with Baltimore County Landscape Manual.
K. The area between the sight line and the curb line must be cleared, graded, and kept free of any obstructions.
L. There are no residential transition areas on this site.
M. Sidewalks will be provided adjacent to all public road improvements, except as noted in Note 5.O. below.
N. Existing septic system shall be pumped & backfilled with clean earth in accordance with D.E.P.R.M. requirments.
O. A technical variance has been Approved on 2-16-93 the road cross section for the internal access road. The Variance includes: 1) The elimination of sidewalk on south side between Church Road and the proposed private drive. 2) Grading of the Right of Way adjacent to the Forest Buffer Easement as shown below.



P. Envelopes or Typical Dwellings as shown dictate a specific orientation which allows compliance with the Baltimore County Zoning Regulations, and should the orientation change the setbacks required by section 1801.2.C.1, must be met.

DATE	REVISION	BY
1-27-93	Revised sight line, note 5G, limit of disturbance. Added Cedarmere Circle, fire hydrant, notes 5H, 5N and 5O, overall density calculations for zoning, existing septic system, Planning No. IV - 438, perimeter easements, sewer extension between lots 8 and 9, trash and mail pads. Clarified private ingress, egress, maintenance and utility easement. Corrected building setbacks, Church Road curb location, landscape calculation.	WDA
2-25-93	Revised Note 5.O. & Added Note 5.P. Reversed Mail Pad & Trash Pad Location. Added Water Connection for Lot 14 from Ex. 12" Water. Added Public 8" Sewer along driveway, & Easement. Revised Private Easement.	W.DA

APPROVED PER ORDER OF
Date 2/16/93
By Timothy Kotroco
Hearing Officer

DEVELOPMENT PLAN
OLDE WHISPERING OAKS

4TH ELEC. DIST. BALTO. COUNTY, MD.
SCALE: 1"=50' DATE: 10-7-92
DPW # 92263
PLANNING NO. IV-438

W. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9571

FEB. 26 1993 9211GA

NOTES:

1. All utilities within site are proposed unless otherwise noted.
2. The contractor is required to install inlet protection on all storm drain inlets with the exception of the followings:
   a. Any inlet outfalling directly into a sediment trapping device.
   b. Inlets on private or public paved roadways open to the public.
   All inlet protection will be installed as directed by the inspector in accordance with the 1983 Maryland Standards and Specifications for Soil Erosion and Sediment Control, page 21.01 (or as may be amended). The removal of any inlet protection devices will require approval from the inspector. ⊕ STORM DRAINS SHALL BE FLUSHED PRIOR TO TRAPPING DEVICE REMOVAL.
3. There shall be no clearing, grading, construction or disturbance of vegetation in the forest buffer reservation except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
4. Contractor is to maintain positive drainage to all sediment control devices at all times.
5. Stormwater Management is required and provided for in the Rider Mill subdivision.
6. U.S. Army Corps of engineers Permit and Maryland Department of Natural resources Permit are required.
7. Any Forest Buffer Reservation shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbances and use of these areas.

UTILITY NOTES:

A. Contractor should open only that section of trench that can be backfilled and stabilized each day. If trench must remain open longer than one day, silt fence shall be placed below (downslope) the trench.
B. Place all excavated material on uphill side of trench.
C. Any sediment controls disturbed by utility construction are to be repaired immediately.

NOTE:
High visibility fence must be erected along the Forest Buffer whenever the limit of disturbance is within 30 feet of the Forest Buffer. Prior to the commencement of work on the site, this must be so noted on the plan.

This construction may require a permit from the Army Corps of Engineers, the Water Resources Administration and/or Baltimore County. It is the responsibility of the landowner to contact these three agencies to determine if the project requires a permit -

U.S. Army Corps of Engineers - (410) 962-3670
Waterway Permits Division - (410) 974-2265
Baltimore County - (410) 3980

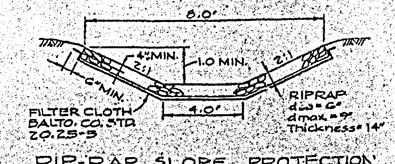
Standard Nondisturbance Note:

"There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement or other forest retention areas, except as permitted by the Baltimore County Department of Environmental Protection & Resource Management."

RIP-RAP AND GABION

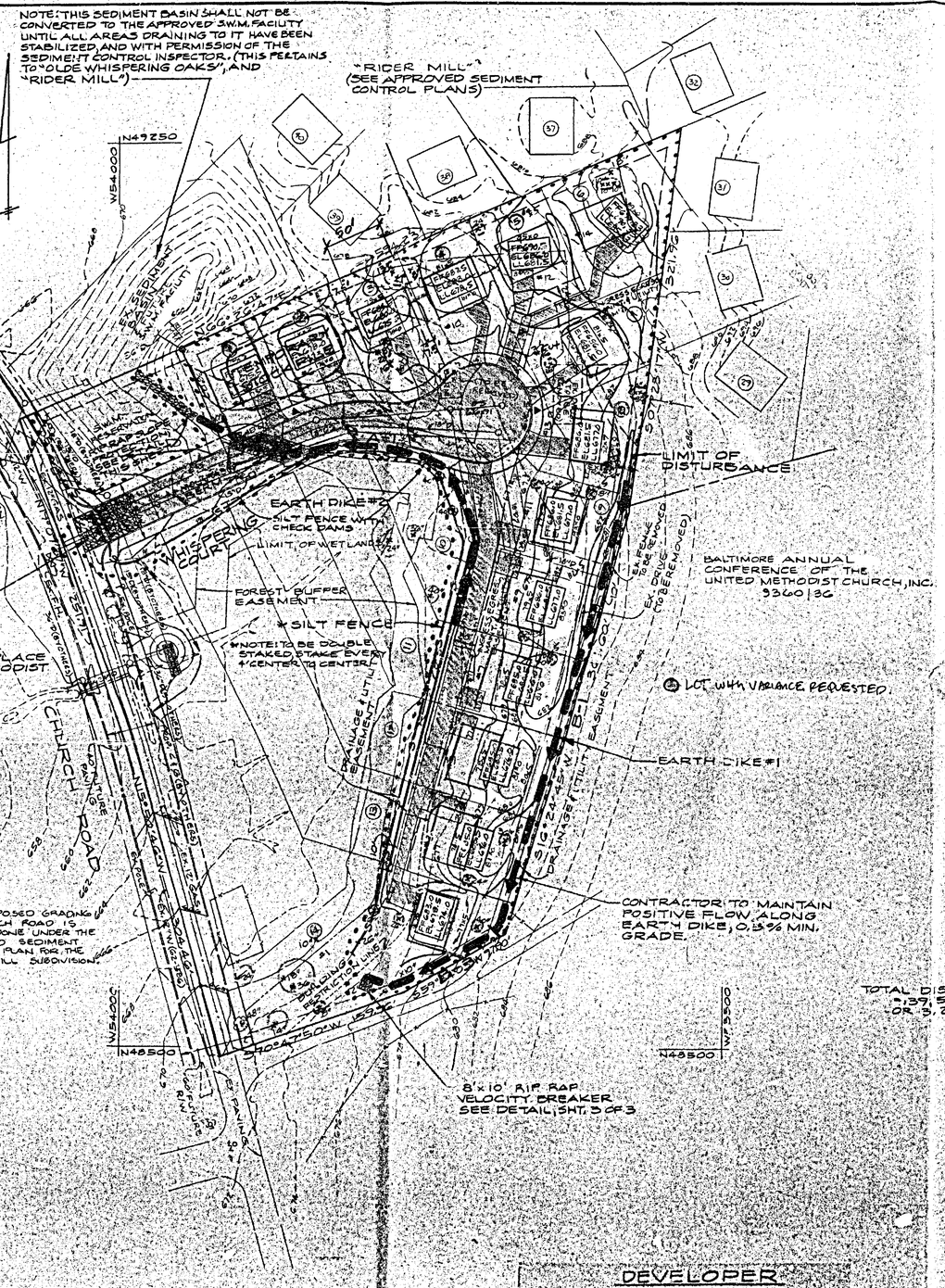
CONSTRUCTION SPECIFICATIONS

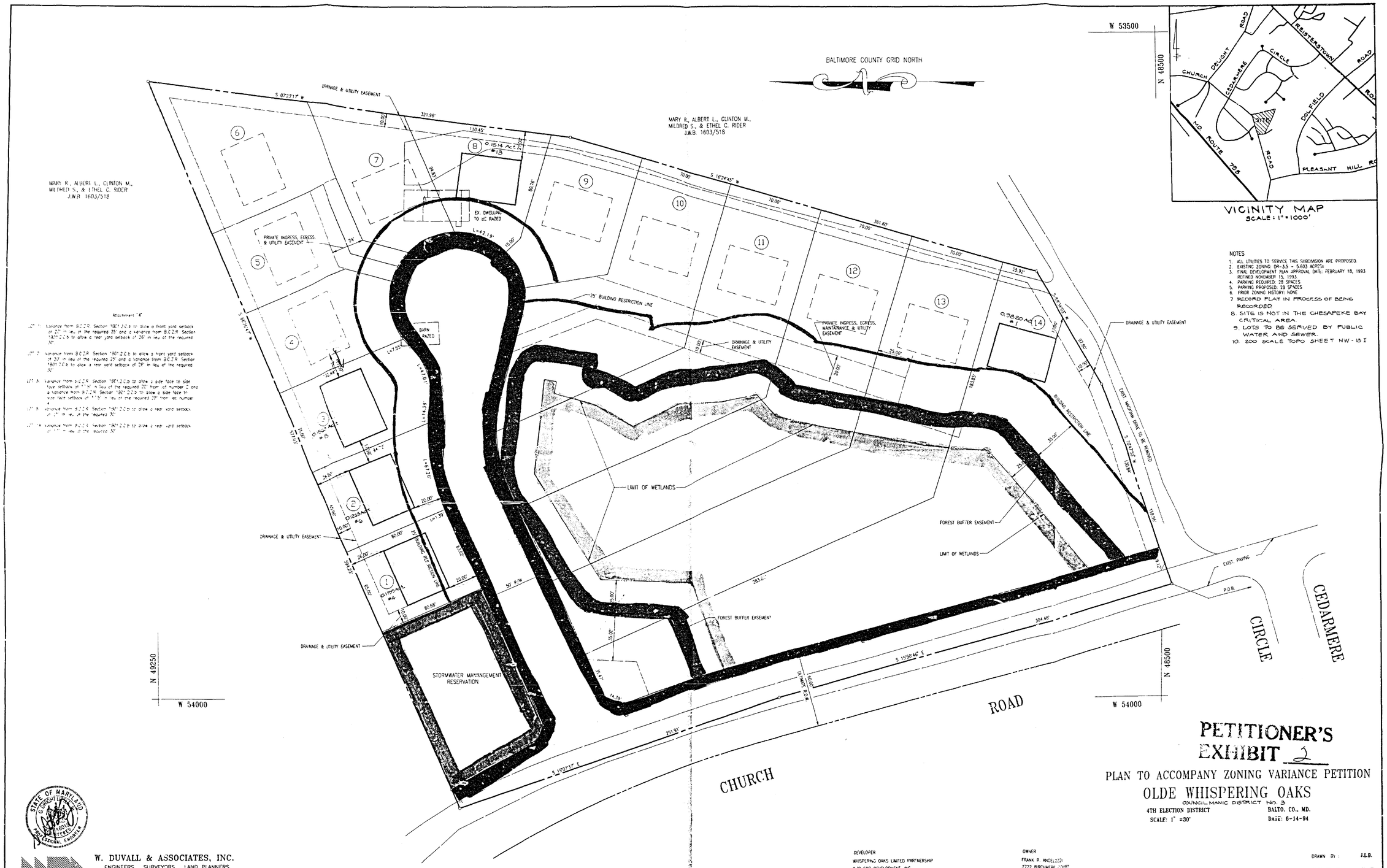
1. The subgrade for the filter, riprap or gabion shall be prepared to the required lines and grades. Any fill required in the subgrade shall be compacted to a density of approximately that of the surrounding undisturbed material.
2. The rock or gravel shall conform to the specified grading limits when installed respectively in the riprap or filter.
3. Filter cloth shall be protected from punching, cutting or tearing. Any damage other than an occasional small hole shall be repaired by placing another piece of cloth over the damaged part or by completely replacing the cloth. All overlaps whether for repairs or for joining two pieces of cloth shall be a minimum of one foot.
4. Stone for the riprap or gabion outlets may be placed by equipment. Both shall each be constructed to the full course thickness in one operation and in such a manner as to avoid displacement of underlying materials. The stone for riprap or gabion outlets shall be delivered and placed in a manner that will insure that it is reasonably homogenous with the smaller stones and spalls filling the voids between the larger stones. Riprap shall be placed in a manner to prevent damage to the filter blanket or filter cloth. Hand placement will be required to the extent necessary to prevent damage to the permanent works.



RIP-RAP SLOPE PROTECTION

NOT TO SCALE


NOTE: THIS SEDIMENT BASIN SHALL NOT BE CONVERTED TO THE APPROVED S.W.M. FACILITY UNTIL ALL AREAS DRAINING TO IT HAVE BEEN STABILIZED, AND WITH PERMISSION OF THE SEDIMENT CONTROL INSPECTOR. (THIS PERTAINS TO "OLDE WHISPERING OAKS", AND "RIDER MILL")
"RIDER MILL" (SEE APPROVED SEDIMENT CONTROL PLANS)
N49250
W54000
EX. SEDIMENT BASIN TO BE CONVERTED TO S.W.M. FACILITY
EX. SEDIMENT BASIN TO BE REMOVED
LIMIT OF DISTURBANCE
EARTH DIKE #2
SILT FENCE WITH CHECK DAMS
LIMIT OF WETLAND
WHISPERING COURT
30'x50' STABILIZED CONSTRUCTION ENTRANCE W/MOUNTABLE BERM
FOREST BUFFER EASEMENT
*SILT FENCE
*NOTE: TO BE DOUBLE STAKED, STAKE EVERY 4' CENTER TO CENTER
MT. VERNON PLACE UNITED METHODIST CHURCH
CHURCH ROAD
BALTIMORE ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH, INC. 33601 BG
EX. DRIVE TO BE REMOVED
EX. DRIVE TO BE REMOVED
LOT #1
LOT #2
LOT #3
LOT #4
LOT #5
LOT #6
LOT #7
LOT #8
LOT #9
LOT #10
LOT #11
LOT #12
LOT #13
LOT #14
LOT #15
LOT #16
LOT #17
LOT #18
LOT #19
LOT #20
LOT



Attachment "A"

LOT 1: Variance from B.C.Z.R. Section 1801.2.C.6 to allow a front yard setback of 22'± in lieu of the required 25' and a variance from B.C.Z.R. Section 1801.2.C.6 to allow a rear yard setback of 26'± in lieu of the required 30'.

LOT 2: Variance from B.C.Z.R. Section 1801.2.C.6 to allow a front yard setback of 20'± in lieu of the required 25' and a variance from B.C.Z.R. Section 1801.2.C.6 to allow a rear yard setback of 26'± in lieu of the required 30'.

LOT 3: Variance from B.C.Z.R. Section 1801.2.C.6 to allow a side face to side face setback of 11'± in lieu of the required 20' from lot number 2 and a variance from B.C.Z.R. Section 1801.2.C.6 to allow a side face to side face setback of 11'± in lieu of the required 20' from lot number 4.

LOT 5: Variance from B.C.Z.R. Section 1801.2.C.6 to allow a rear yard setback of 24'± in lieu of the required 30'.

LOT 14: Variance from B.C.Z.R. Section 1801.2.C.6 to allow a rear yard setback of 17'± in lieu of the required 30'.

NOTES

1. ALL UTILITIES TO SERVICE THIS SUBDIVISION ARE PROPOSED.
2. EXISTING ZONING: DR-3.5 - 5.603 ACRES±
3. FINAL DEVELOPMENT PLAN APPROVAL DATE: FEBRUARY 18, 1993 REFINED NOVEMBER 15, 1993
4. PARKING REQUIRED: 28 SPACES
5. PARKING PROPOSED: 28 SPACES
6. PRIOR ZONING HISTORY: NONE
7. RECORD PLAT IN PROCESS OF BEING RECORDED
8. SITE IS NOT IN THE CHESAPEKE BAY CRITICAL AREA.
9. LOTS TO BE SERVED BY PUBLIC WATER AND SEWER.
10. 200 SCALE TOPO SHEET NW - 15 I

PETITIONER'S EXHIBIT 2

PLAN TO ACCOMPANY ZONING VARIANCE PETITION

OLDE WHISPERING OAKS

COUNCILMANIC DISTRICT NO. 3

4TH ELECTION DISTRICT — BALTO. CO., MD.

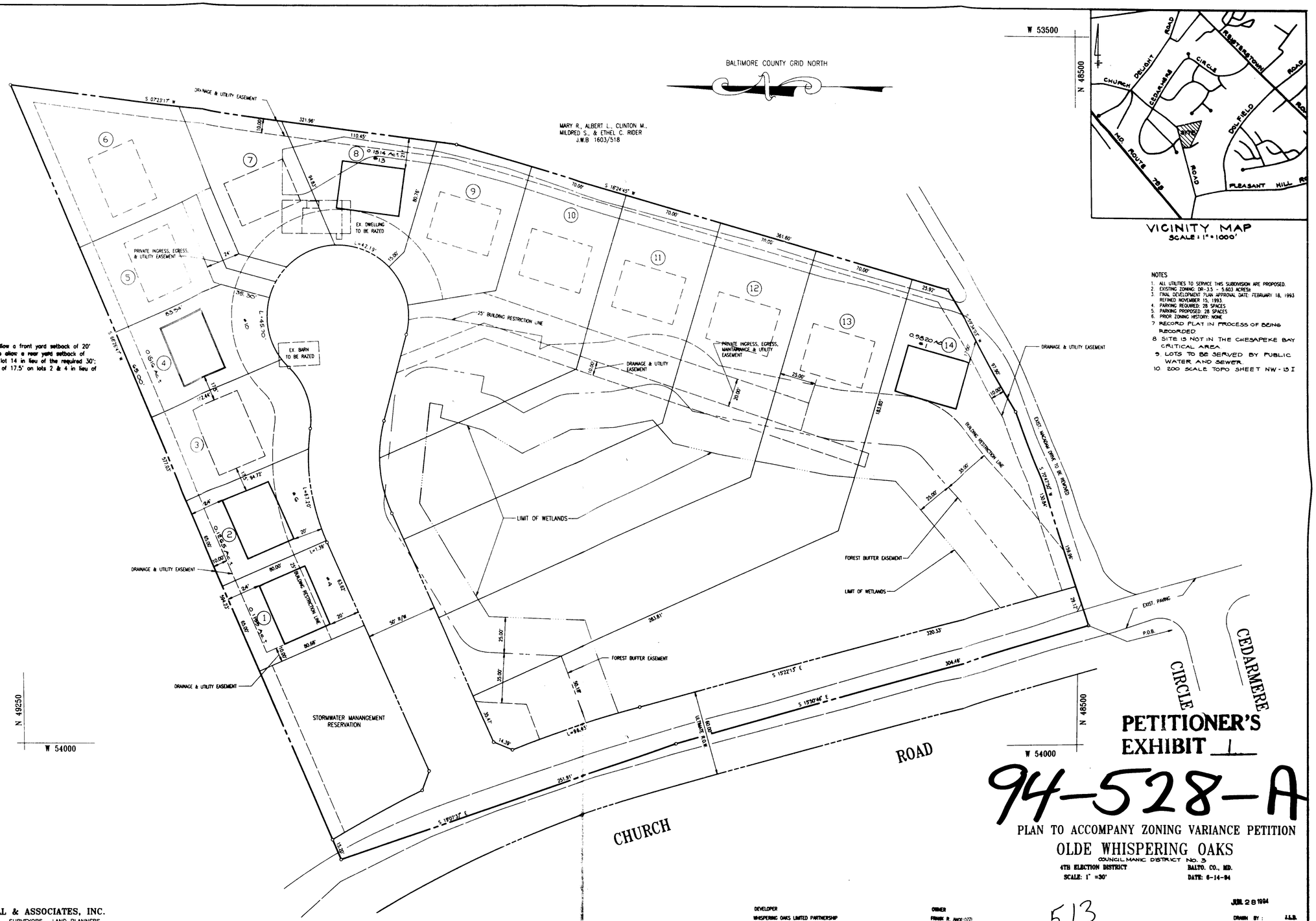
SCALE: 1" =30' — DATE: 6-14-94

W. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9571

DEVELOPER
WHISPERING OAKS LIMITED PARTNERSHIP
C/O SDR DEVELOPMENT, INC.
3722 BIRCHMERE COURT
OWINGS MILLS, MD. 21117

OWNER
FRANK R. ANGELOZZI
3722 BIRCHMERE COURT
OWINGS MILLS, MD. 21117
TAX ACCT. NO. 02-00-017151
DEED REFERENCE 8041/473

DRAWN BY: J.L.B.
CHECKED BY: M.A.K.
PROJECT NUMBER: 92118


BALTIMORE COUNTY GRID NORTH
W 53500
N 48500
MARY R., ALBERT L., CLINTON M., MILDRED S., & ETHEL C. RIDER J.W.B. 1603/518
MARY R., ALBERT L., CLINTON M., MILDRED S., & ETHEL C. RIDER J.W.B. 1603/518
S 07°23'17" W
321.96'
110.45'
S 16°24'45" W
361.60'
70.00'
DRAINAGE & UTILITY EASEMENT
PRIVATE INGRESS, EGRESS, & UTILITY EASEMENT
EX. DWELLING TO BE RAZED
EX. BARN TO BE RAZED
25' BUILDING RESTRICTION LINE
DRAINAGE & UTILITY EASEMENT
PRIVATE INGRESS, EGRESS, MAINTAINANCE & UTILITY EASEMENT
DRAINAGE & UTILITY EASEMENT
LIMIT OF WETLANDS
FOREST BUFFER EASEMENT
LIMIT OF WETLANDS
FOREST BUFFER EASEMENT
DRAINAGE & UTILITY EASEMENT
DRAINAGE & UTILITY EASEMENT
STORMWATER MANANGEMENT RESERVATION
50' R/W
S 67°54'47" W
69.60'
S 19°01'37" E
251.31'
S 15°22'15" E
304.46'
S 15°50'46" E
330.33'
S 70°37'24" W
330.84'
N 49250
W 54000
N 48500
W 54000
CHURCH ROAD
CEDARMERE CIRCLE
EXIST. PAVING
P.O.B.
DEAD MEADOW DRIVE TO BE PROPOSED
BUILDING RESTRICTION LINE
0.1514 Ac.±
0.1616 Ac.±
0.1595 Ac.±
0.1519 Ac.±
0.9520 Ac.±
L=42.19'
L=45.70'
L=47.20'
L=46.43'
L=1.39'
R=45.00'
R=50.00'
R=25.00'
R=175.00'
R=225.00'
R=275.00'
R=325.00'
R=375.00'
R=425.00'
R=475.00'
R=525.00'
R=575.00'
R=625.00'
R=675.00'
R=725.00'
R=775.00'
R=825.00'
R=875.00'
R=925.00'
R=975.00'
R=1025.00'
R=1075.00'
R=1125.00'
R=1175.00'
R=1225.00'
R=1275.00'
R=1325.00'
R=1375.00'
R=1425.00'
R=1475.00'
R=1525.00'
R=1575.00'
R=1625.00'
R=1675.00'
R=1725.00'
R=1775.00'
R=1825.00'
R=1875.00'
R=1925.00'
R=1975.00'
R=2025.00'
R=2075.00'
R=2125.00'

H.C.

#513

Per Appr are lots satisfactory 300 ft of change. F.D.P. revision amendment will be handled separately.

(25') Lot 8 appears to have a possible front setback problem. Appr said they was not the case. Advised that this would have to be straightened out at the hearing.

6/28/94

AUTHORIZATION FOR #513

RESOLUTION ADOPTED BY SOLE STOCKHOLDER OF WHISPERING OAKS, INC.

The undersigned, being the sole Stockholder and Officer of Whispering Oaks, Inc. hereby adopts the following resolution:

RESOLVED, that for the convenience of the undersigned, STEVEN D. ROSEN is hereby appointed as the agent of WHISPERING OAKS, INC. (the "Corporation") for purposes of executing all documents relating to (i) Baltimore County and other governmental approvals obtained by the Corporation with respect to the development of real estate, (ii) utility service and related agreements with Baltimore Gas & Electric Company, C & P Telephone Company, Comcast Cable, etc., and (iii) contracts entered into on behalf of the Corporation with other builders and/or contractors.

IN WITNESS WHEREOF, I have hereunto subscribed my name and seal of the Corporation this 14th day of March, 1994.

Frank N. Angelozzi

W. DUVALL & ASSOCIATES, INC.

530 E. Joppa Rd. / Towson, Maryland 21286 / 410 583-9571 Engineers / Land Planning Consultants

To Office of Planning

Attention Carol McEvoy

Date 8/1/94

Re Olde Whispering Oaks

92116A

RECEIVED
AUG 2 1994
OFFICE OF PLANNING & ZONING

erewith ☐ Under Separate Cover

Description

Grading Plans

we saving every tree possible

☐ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Conference requested at your convenience

For further information, please contact the writer at this office

CC: file, Tim Kotroco (Zoning office)
Enclosed

Sincerely yours,

G. Dwight Little, Jr., P.E.
Executive Vice President

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Paul A. Stricharchuk	12418 Owen Rd Fishkatown md 21436
DWIGHT LITTLE	530 E Joppa Rd, Towson 21286
Howard L Alderman Jr	305 W Chesapeake Ave Suite 305 Towson 21204

IMPORTANT MESSAGE

TO Jim

DATE 8/2/94 TIME 2:05 A.M. P.M.

M Paul Stricharchuk

OF Regional Homes

PHONE 252-4120
Area Code Number Extension

FAX

TELEPHONED		✓ PLEASE CALL	
CAME TO SEE YOU		RETURNED YOUR CALL	
WANTS TO SEE YOU		WILL CALL AGAIN	
WILL FAX YOU		URGENT!	

Message Regional Homes

Signed

Baltimore County Government
Fire Department

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

(410) 887-4500

RECEIVED
JUL 13 1994
ZADM

RE: PETITION FOR VARIANCE
Old Whispering Oaks Subdivision, NE/S Church Road, 100' NE of Cedarmere Circle, 4th Election Dist., 3rd Councilmanic

Whispering Oaks, Inc.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 94-528-A

* * * * * * * * * * * *

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
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, Levin & Gann, P.A., 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners, and to Mark A. Kromm, W. Duvall & Associates, Inc., 530 E. Joppa Road, Towson, MD 21286, representative for Petitioners.

RECEIVED
JUL 21 1994
ZADM

PETER MAX ZIMMERMAN

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

GEVIN

December 9, 1993

Baltimore County
Office of Planning
Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Attention: Mr. Pat Keller
Deputy Director

Re: Olde Whispering Oaks
PN 92116A

Dear Pat:

I am in receipt of a copy of your memorandum dated December 2, 1993 to Arnold Jablon regarding the referenced project. Please accept this writing as a clarification of the issue which you discuss in your memorandum.

The red-lined plans submitted to the November 8, 1993 DRC meeting deleted the area of trees to saved from the originally approved Plan. This was due to the fact that the trees shown on the originally approved Plan were taken from the best information available at the time which was the 200-scale aerial photographs. Prior to preparation of the red-lined plan, our client approached us regarding saving as many trees on the site as possible; not only those shown to be saved on the approved Plan, but others as well. As a result, it became our intention to field locate all existing trees on the site. Knowing that the locations shown on the Development Plan as approved were of limited accuracy, we elected to delete the area of trees to be saved. We recognized that we would have better information in the future, and that our intent was to still save as many trees as possible.

As stated in your memorandum, I met with Ervin McDaniel and Carol McEvoy to discuss the red-lined refinement. At that meeting, I explained the above to both Carol and Ervin, and it was agreed that we would continue to show the trees to be saved on the red-lined Development Plan in order to allow for its approval. Beyond that we agreed to let them see a copy of our final grading plan which will show the trees which we are intending to save.

Subsequent to the meeting, at our client's request, we have field located all trees on the site and recorded their location. Furthermore, we have begun to prepare our grading plan with trees to be saved shown. The end result is that we will be saving not only trees shown to be saved on the Development Plan, but many more over and above that which was indicated. As it turns out, the trees shown to be saved on the latest approved Development Plan will have to be saved.

RECEIVED
DEC 10 1993
OFFICE OF PLANNING & ZONING

530 East Joppa Road/Towson, Maryland 21286/(410) 583-9571

We feel strongly that the intent of the Development Plan is being met, and in fact exceeded. Also, since trees are being saved in the areas shown on the Development Plan, we see no need for revising the Development Plan. We will be more than happy to allow the Planning Office to review our grading plan as agreed at our meeting, once it is 100% complete.

Beyond all of that, we are compelled to indicate that the Development Plan as originally presented did not lead to a less than desirable site layout, nor were the Office of Planning's efforts in revising the site layout in vain. The intended result has most definitely been accomplished and is a direct result of the revised layout negotiated with the Office of Planning at the Development Plan stage.

Very truly yours,
W. Duvall & Associates, Inc.

G. Dwight Little, Jr., P.E.
Executive Vice President

lbb-1

cc: Arnold Jablon
Don Rascoe
Carol McEvoy
Ervin McDaniel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: December 2, 1993

FROM: Pat Keller, Deputy Director, OPZ

SUBJECT: Old Whispering Oaks - IV 438

The Development Plan for Old Whispering Oaks was granted a plan refinement by the Development Review Committee on November 15, 1993 in order to combine stormwater management with the adjacent Rider property. The redlined changes to the Stormwater Management Pond (SWM), the adjusted road alignment and the removal of unneeded utility easements are acceptable to this Office as plan refinements.

The redlined plan submitted for the November 8, 1993 DRC meeting, however, also deleted trees which were shown on the Development Plan as "to remain." These trees are not located near the SWM pond and staff questioned the justification for their removal.

The Engineer for the project, Dwight Little, met with Ervin McDaniel and Carol McEvoy of this office on November 9, 1993 to discuss the request for a plan refinement and the reason for removing the trees. Mr. Little explained that the plan was put together hurriedly in late 1992 to avoid being subject to the Forest Conservation Bill, and aerial maps were used to locate the trees. He indicated that the trees are not located exactly where they were shown on the plan. Grading will also make some trees difficult to save although he expressed a desire to save as many of the trees as possible to make the lots more valuable.

In a field visit to the site on November 10, 1993, staff found that some major trees were not indicated on the plan at all while others of questionable value were shown to be saved. The incomplete and inconsistent representation of site constraints may have led to a less than desirable site layout.

The preservation of the specimen trees was an issue in the Concept Plan Comments from the Office of Planning and Zoning. A revised site layout was worked out with the Applicant to enable the retention of as many trees as possible. The road with a double cul-de-sac was changed to reduce paving area, lotlines were redrawn to create frontage onto public roads, and panhandle driveways were eliminated and replaced with a private drive. The Development Plan showed which trees and stands of trees would remain, and was supported by the Planning Office with no unresolved issues before the Hearing Officer. This site layout was predicated on having correct and complete information supplied.

MEMO TO: Arnold Jablon, Director, ZADM
SUBJECT: Old Whispering Oaks - IV 438
DATE: December 2, 1993

Because of the inaccurate information shown on the Development Plan, a revised Existing Conditions Plan and Development Plan should be provided. In addition, the Office of Planning and Zoning requests the following:

1. The Applicant should field locate all trees on the site and accurately record their location on the grading plan and site plan.
2. The grading plan should show the limit of clearing and grading, the road profile and an accurate alignment of sanitary sewer.
3. The Applicant should provide a site layout that preserves the trees.
4. The Planning Office wishes to review the corrected information and suggested revisions on the grading plan and site plan.

The Planning Office would consider the removal of specimen trees a material change to the Development Plan which would be referred back to the Hearing Officer for resolution.

Please keep this Office appraised of the Phase II schedule for this project.

Pat Keller

PK:bjs

CC: Dwight Little, W. Duvall & Associates, Inc.
520 E. Joppa Road - Towson MD 21286
Don Rascoe, Project Manager, ZADM
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

Pat Keller

RECEIVED
JUL 28
ZONING COMMISSIONER

DATE: July 29, 1994

SUBJECT: Olde Whispering Oaks

INFORMATION:

Item Number: 513

Petitioner: Paul A. Steinhardt

Property Size: 5.60± acres

Zoning: DR 3.5

Requested Action: Variance

Hearing Date: 08 / 01 / 94

SUMMARY OF RECOMMENDATIONS:

In 1992, the Comprehensive Manual of Development Policies was thoroughly revised to reflect contemporary development practices. These revisions were the result of more than a year long effort by homebuilders, design professionals, engineers and government representatives to develop realistic and appropriate standards that, as a complete package, would produce development patterns acceptable by all parties.

These standards, especially side and rear yard setbacks, are not excessive and variances to them should be closely scrutinized. The Office of Planning and Zoning recommends DENIAL of the variance request and finds that:

1. Special circumstances or conditions peculiar to the land which is the subject of the variance request do not exist;
2. Strict compliance with the zoning regulations would not result in practical difficulty or unreasonable hardship; and
3. The variance requested is not in strict harmony with the spirit and intent of the area regulations.

The desire to build a larger house than depicted on the development plan is not sufficient reason to claim relief according to the criteria listed above. The requested variances would create back yards that are too small and houses that are too close together. The applicant is requesting a 24 ft. rear yard setback on a detached house which is significantly less than the 30 ft. required for a townhouse. With a normal 10 to 12 ft. deck the useable yard space is compromised. This may be further exacerbated behind lots 1 and 2 by the stormwater management pond grading.

Furthermore, the effect of the variances requested for lots 8 and 14 on the preservation of specimen trees should be determined. The preservation of trees was a major issue for this development from the Concept Plan stage to the First Refinement (11-15-93). In a memo to Arnold Jablon dated December 2, 1993 (see attached), Pat Keller, Deputy Director, Office of Planning and Zoning, stated "The Planning Office would consider the removal of specimen trees a material change to the Development Plan which would be referred back to the Hearing Officer for resolution." He requested to review the grading plan and site plan with the corrected location of trees. In a letter from G. Dwight Little, Jr., Executive Vice President of W. Duvall and Associates, Inc. to Pat Keller, Deputy Director, Office of Planning and Zoning on December 9, 1993 (see attached), Mr. Little claimed to be "...saving not only trees shown to be saved on the Development Plan, but many more over and above that which was indicated." He offered to allow the Planning Office to review the grading plan, which was to record the field located trees, once it is 100% complete.

On July 14, 1994, the Office of Planning and Zoning requested the petitioner's representative, Mark Kromm, to provide a copy of the grading plan and the field located tree survey for review in order to prepare comments on the requested variance of setbacks. The plans have not been provided, therefore the Planning Office requests the Zoning Commissioner assess the impact the requested variances on lots 8 and 14 would have on specimen trees.

Prepared by: Carol McEvoy

PK/CME:rdn

Attachments

CERTIFICATE OF POSTING 94-528-A

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 4th Date of Posting 7/1/94

Posted for: Variance

Petitioner: Whispering Oaks Inc. & Regional Homes, Inc.

Location of property: Old Whispering Oaks Sub Division, NE/S Church Rd.

Location of Signs: Facing Rte 100 on property being developed

Remarks:

Posted by [signature] Signature Date of return: 7/7/94

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner 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, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 94-528-A (Item 513)
Old Whispering Oaks Subdivision
NE/S Church Road, 100 ft NE of Cedarmere Circle
4th Election District
3rd Councilmanic
Petitioner(s):
Whispering Oaks, Inc.
Contract Purchaser(s):
Regional Homes, Inc.
HEARING: MONDAY, AUGUST 1, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a front yard setback of 20 feet on lots #1 and #2 in lieu of the required 25 feet; to allow a rear yard setback of 24 feet on lots #8, and 17 feet on lot #14 in lieu of the required 30 feet; and to allow a side-face to side-face setback of 17.5 feet on lots #2 and #4 in lieu of the required 20 feet (from the building on lot #3).

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1)Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.
(2)For information concerning the File and/or Hearing, Please Call 887-3391.

7/120 July 14.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 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 7/14, 1994.

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. - TOWSON

Zoning Administration & Development Management
[illegible]
Towson, Maryland 21204

receipt

94-528-A

Account R-001-6150

Number 513

Date 6/28/94

Multiple Zoning Variance + Sign Posting Code 020# 250.00
Code 080# 35.00
TOTAL# 285.00

Owner Whispering Oaks Inc.
Paid By Regional Homes

LOC NE SIDE CHURCH RD 100' NW CEDERMERE CIRCLE

$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those 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 accessed 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 STAY ISSUANCE OF ZONING ORDER.

[signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 513

Petitioner: Whispering Oaks, Inc.

Location: NE Side Church Rd 100' +/- NW of Cedarmere Circle

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Regional Homes, Inc

ADDRESS: P.O. Box 32302
Balto, md 21208

PHONE NUMBER: 410-252-4020

AJ:ggs

(Revised 04/09/93)

Item Number: 513
Planner: JLL
Date Filed: 6-28-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

_____ Need an attorney

_____ The following information is missing:

_____ Descriptions, including accurate beginning point
_____ Actual address of property
_____ Zoning
_____ Acreage
_____ Plats (need 12, only ___ submitted)
_____ 200 scale zoning map with property outlined
_____ Election district
_____ Councilmanic district
_____ BCZR section information and/or wording
_____ Hardship/practical difficulty information
_____ Owner's ~~signature (need minimum 1 original signature) and/or printed name and/or address and/or~~ telephone number
_____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
_____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
_____ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
_____ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
_____ Notary Public's section is incomplete and/or incorrect and/or commission has expired
_____ _____

PET-FLAG (TXTSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 7, 1994

NOTICE OF HEARING

The Zoning Commissioner 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 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-528-A (Item 513)
Old Whispering Oaks Subdivision
NE/S Church Road, 100 feet NE of Cedarmere Circle
4th Election District - 3rd Councilmanic
Petitioner(s): Whispering Oaks, Inc.
Contract Purchaser: Regional Homes, Inc.
HEARING: MONDAY, AUGUST 1, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Variance to allow a front yard setback of 20 feet on lots #1 and #2 in lieu of the required 25 feet; to allow a rear yard setback of 24 feet on lots #1 and #2, 21 feet on lot #8, and 17 feet on lot #14 in lieu of the required 30 feet; and to allow a side-face to side-face setback of 17.5 feet on lots #2 and #4 in lieu of the required 20 feet (from the building on lot #3).

[signature]
Arnold Jablon
Director

cc: Whispering Oaks, Inc.
Mark A. Kromm
Regional Homes, Inc.
Howard L. Alderman, Jr., Esquire

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 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

TO: PUTUXENT PUBLISHING COMPANY
July 14, 1994 Issue - Jeffersonian

Please forward billing to:

Regional Homes, Inc.
P. O. Box 32302
Baltimore, Maryland 21208
252-4020

NOTICE OF HEARING

The Zoning Commissioner 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 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-528-A (Item 513)
Old Whispering Oaks Subdivision
NE/S Church Road, 100 feet NE of Cedarmere Circle
4th Election District - 3rd Councilmanic
Petitioner(s): Whispering Oaks, Inc.
Contract Purchaser: Regional Homes, Inc.
HEARING: MONDAY, AUGUST 1, 1994 at 10:00 a.m. in Rm. 118 Old Courthouse

Variance to allow a front yard setback of 20 feet on lots #1 and #2 in lieu of the required 25 feet; to allow a rear yard setback of 24 feet on lots #1 and #2, 21 feet on lot #8, and 17 feet on lot #14 in lieu of the required 30 feet; and to allow a side-face to side-face setback of 17.5 feet on lots #2 and #4 in lieu of the required 20 feet (from the building on lot #3).

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 22, 1994

Howard L. Alderman, Jr., Esquire
Levin & Gann, P. A.
113 Chesapeake Building
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 94-528-A, Item No. 513
Petition for Variance
Petitioner: Whispering Oaks, Inc., et al.

Dear Mr. Alderman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 28, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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.

Printed with Soybean Ink on Recycled Paper

Zoning Plans Advisory Committee Comments
Howard L. Alderman, Jr.
Date: July 22, 1994
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.

3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

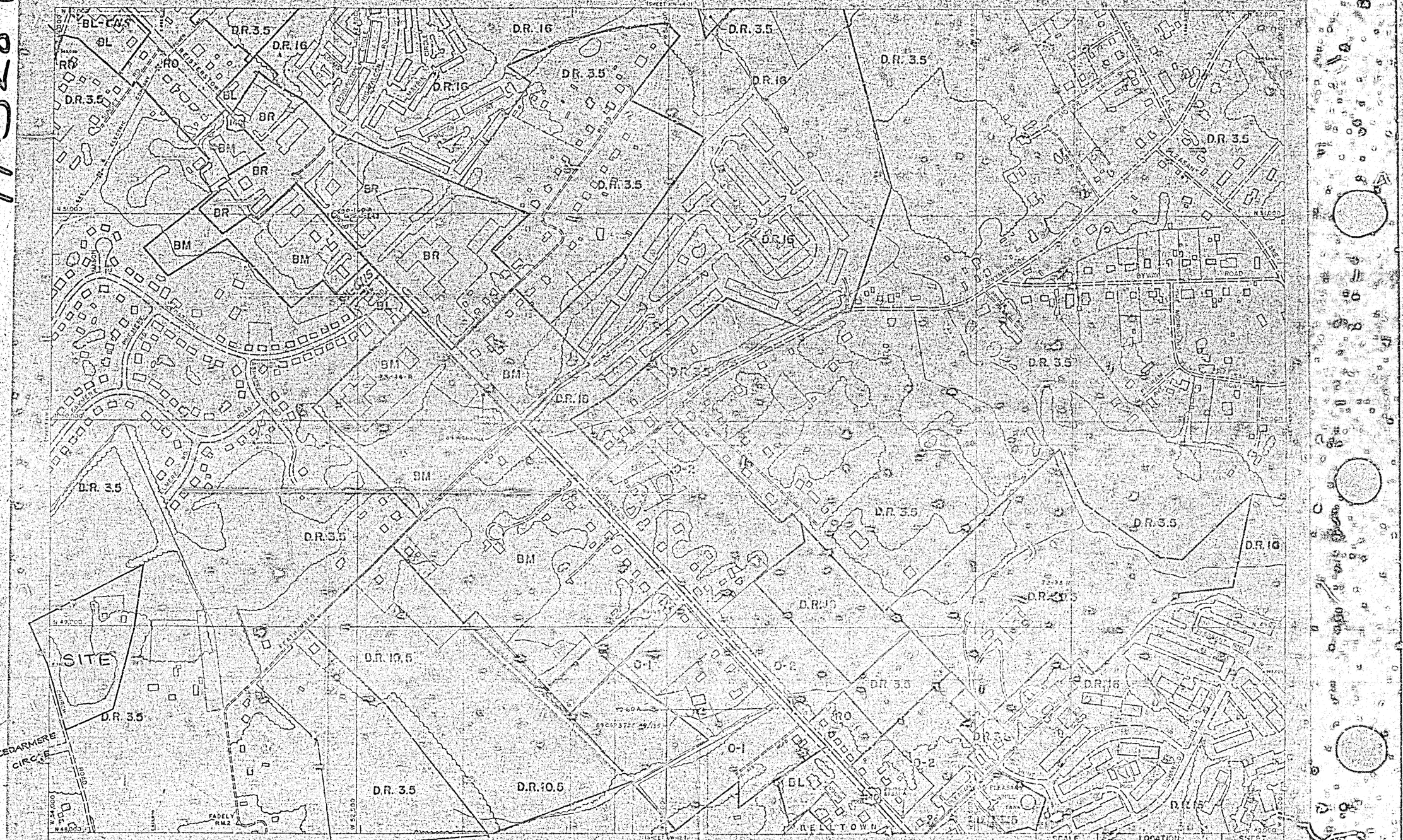
Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:cmm
Enclosures

74-528-A



T-NW 513

1938 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Bill Nos. 144-55, 193-63, 177-66, 181-66, 89-68, 100-68

Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY AEROMAP-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	BELLTOWN	NW 13
DATE OF PHOTOGRAPHY JANUARY 1968		

OFFICE COPY



T-NW

513

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS	BY	DATE
Planimetric	MAPS, INC.	4-20-67
Topographic	MAPS, INC.	4-11-70
	"	1-11-72

Topography Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION - PHILADELPHIA, PA.

SCALE	LOCATION	SHEET
1" = 200'	BELLTOWN	NW 13-1
DATE OF PHOTOGRAPHY APRIL 1963		

1955 Topo — 1970 Topo

OFFICE COPY

D-87-72

IN RE: PETITION FOR VARIANCE
NE/S Church Road, 100' NE of Cedarmere Circle
(Lots 1, 2, 4, 8 and 14 of Olde Whispering Oaks)
4th Election District
3rd Councilmanic District

Whispering Oaks, Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-528-A

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as Lots 1, 2, 4, 8 and 14 of Olde Whispering Oaks, a recently approved subdivision located on Church Road in the vicinity of Reisterstown in northwestern Baltimore County. The Petition was filed by the owners of the property, Whispering Oaks, Inc., by Steven D. Rosen of SDR Development, Inc., an Agent, and the Contract Purchaser, Regional Homes, Inc., by Paul A. Steinhardt, President, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek relief from Section 1B01.2.C.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet in lieu of the required 25 feet for Lots 1 and 2; rear yard setbacks of 24 feet, 21 feet, and 17 feet in lieu of the required 30 feet each for Lots 1 and 2, Lot 8, and Lot 14, respectively; and to permit a side face to side face building setback of 17.5 feet in lieu of the required 20 feet for Lots 2 and 4. The subject property and relief sought are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Paul A. Steinhardt for Regional Homes, Inc., Dwight Little, Professional Engineer with W. Duvall and Associates, Inc., and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. Carol McEvoy appeared and testified on behalf of the Office of Planning and Zoning. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 5.603 acres, more or less, zoned D.R. 3.5 and is proposed for development with 14 single family dwellings. In fact, the final development plan for this project received approval on February 18, 1993. The Petitioners have filed the instant Petition to permit development of the subject lots with larger homes than that originally proposed. Mr. Steinhardt testified that following development plan approval, his company did a market analysis to determine the type of housing most desirable for this area. This study revealed that today's market demands a larger home than that originally planned for this subdivision. Mr. Steinhardt testified that the houses they now propose for this site will be in keeping with other homes in the area and meet the market demands for this locale. Due to the existing wetlands in the center of the property and the required forest buffer easement around the perimeter of these wetlands, the requested variances are necessary in order to develop the lots as proposed. Furthermore, as a result of the wetlands and forest buffer easement, the roadway through this development had to be moved closer to those lots along the north side of the property, thereby necessitating the requested variances for Lots 1, 2 and 4. Testimony indicated that the zoning of the property would permit development of 19 single family dwellings; however, due to the site constraints noted above, the Petitioners can only develop the property with 14 homes.

On behalf of the Office of Planning and Zoning, Ms. Carol McEvoy raised an issue concerning the size of the proposed dwellings and the loss of trees on the site. Ms. McEvoy testified that the trees on the property were not accurately shown on the Development Plan and her Office is concerned about a particular tree on Lot 14 which will be lost if the relief requested is granted.

On behalf of the Petitioner, Mr. Dwight Little testified that the proposed development was laid out in such a manner so as to save as many trees as possible. He argued that a refined plan was submitted for review and approval by the Development Review Committee prior to this hearing and that the Department of Environmental Protection and Resource Management (DEPRM) voiced no complaints.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
>
> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After due consideration of the testimony and evidence presented, it appears that a practical difficulty or unreasonable hardship would result if the relief requested were not granted. It has been established that special circumstances or conditions exist that are peculiar to the land which is the subject of this variance request. In the opinion of this Deputy Zoning Commissioner, the relief requested is minimal and will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of August, 1994 that the Petition for Variance seeking relief from Section 1B01.2.C.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet in lieu of the required 25 feet for Lots 1 and 2; rear yard setbacks of 24 feet, 21 feet, and 17 feet in lieu of the required 30 feet each for Lots 1 and 2, Lot 8, and Lot 14, respectively; and to permit a side face to side face building setback of 17.5 feet from the building on Lot 3 in lieu of the required 20 feet for Lots 2 and 4, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 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.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/24/94
By bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 24, 1994

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/S Church Road, 100' NE of Cedarmere Circle
(Lots 1, 2 and 14 of Olde Whispering Oaks)
4th Election District - 3rd Councilmanic District
Whispering Oaks, Inc. - Petitioners
Case No. 94-528-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted 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,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel
File

Printed with Soybean Ink on Recycled Paper

513

Petition for Variance

94-528-A

to the Zoning Commissioner of Baltimore County

for the property located at Olde Whispering Oaks

which is presently zoned DR3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) See Attachment "A"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

to be discussed at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance 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:
Regional Homes, Inc.
(Type or Print Name)
Signature
Paul A. Steinhardt
Address
P.O. Box 32302
Baltimore MD 21208
City State Zipcode
Attorney for Petitioner:
Howard L. Alderman Jr
(Type or Print Name)
Signature
Law Offices of
LEVIN & GANN, P.A.
Address 112 Chesapeake Building
City 305 W. Chesapeake Avenue 21204 Zipcode
Towson, Maryland

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.
Legal Owner(s):
Whispering Oaks, Inc.
(Type or Print Name)
Signature
Steven D. Rosen
(Type or Print Name)
Signature
c/o SDR Development, Inc.
3722 Birchmere Court
Address Phone No.
Owings Mills, MD 21117
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted
Mark A. Kromm
W. Duvall & Associates, Inc.
Name
530 East Joppa Road
Towson, MD 21286 (410)583-9571
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY DATE

ORDER RECEIVED FOR FILING
Date 8/24/94
By bjs

Attachment "A"

94-528-A

Variance from B.C.Z.R. Section 1B01.2.C.b to allow a front yard setback of 20' on lots 1 and 2 in lieu of the required 25'; to allow a rear yard setback of 24' on lots 1 & 2, 21' on lot 8, and 17' on lot 14 in lieu of the required 30'; and to allow a side face to side face setback of 17.5' on lots 2 & 4 in lieu of the required 20' (from the building on lot 3).

513

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

ZONING DESCRIPTION
"OLDE WHISPERING OAKS"
4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the centerline of Church Road, proposed 60 feet wide, said point being North 15 degrees West 80 feet from the centerline intersection of said Church Road and Cedarmere Circle; thence

1. North 15 degrees 50 minutes 46 seconds West 304.46 feet; thence
2. North 19 degrees 07 minutes 37 seconds West 251.91 feet; thence
3. North 66 degrees 26 minutes 47 seconds East 594.23 feet; thence
4. South 07 degrees 23 minutes 17 seconds West 321.96 feet; thence
5. South 16 degrees 24 minutes 45 seconds West 361.60 feet; thence
6. South 59 degrees 34 minutes 03 seconds West 97.90 feet; thence
7. South 70 degrees 47 minutes 50 seconds West 159.96 feet to the point of beginning.

CONTAINING 5.0603 acres of land, more or less.

STATE OF MARYLAND
DWIGHT L. LITTLE
No. 21612
REGISTERED
PROFESSIONAL ENGINEER
PROPERTY LINE SURVEYOR

530 East Joppa Road/Towson, Maryland 21286/(410) 583-9571