

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 22 SACRED HEART LANE

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: GLYNDON GATE

plat book # 64, folio # 64, lot # 4, section #

OWNER: CHATSWORTH PARTNERSHIP

NOTES:
EX. BLDG LOCATIONS BASED ON
FIELD INFORMATION SUPPLIED
BY FISHER, COLLINS & CARTER, INC.

CASE 92-170-A

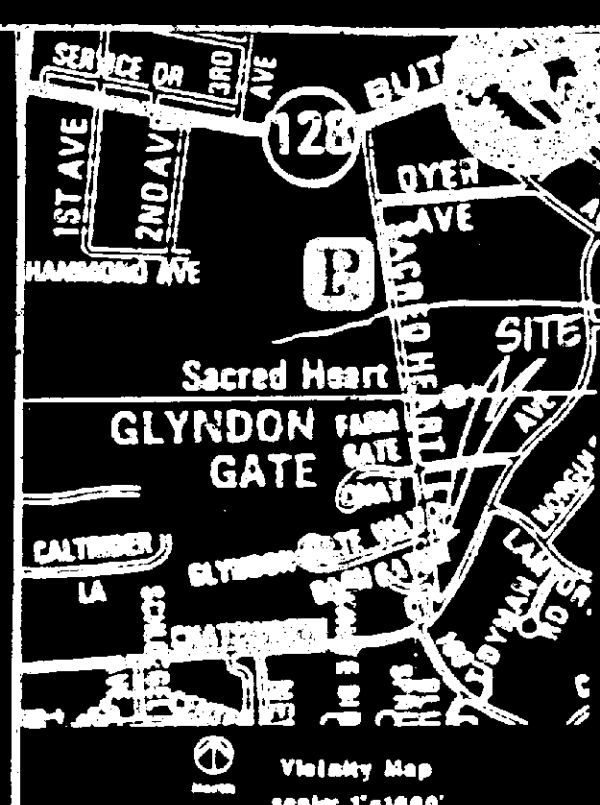
THEREFORE, IT IS ORDERED by the Zoning Commission for Baltimore County that the City of Baltimore 1991 that a variance from Section 1801.2.C.1 to permit a 20 and 25 ft. distance between buildings of 30-40 ft. in height, in line of the required 40 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1801.2.C.2.b. to permit a distance of 20 ft. between the Centers of Facing Windows, in line of the required 40 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504 and Section V.B.4.v (COP) to permit distances of 5 ft. and 10 ft. from a window to a side yard lot line, in line of the required 15 ft., is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 1801.2.C.2.a. to permit a distance of 30 ft. from a street boundary to a window, in line of the required 35 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504 and Section V.B.4.v (COP) to permit a distance of 15 ft. from a proposed right of way to a window, in line of the required 25 ft., in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED.



LOT #4 GLYNDON GATE

LOCATION INFORMATION

Councilman's District #3

Election District #4

1"=200' scale map: NWJ-16

Zoning: DR 3.5

Lot size: 0.4332 6263.04
acres square feet

SEWER: ☒

WATER: ☒

Chesapeake Bay Critical Area:

Per Zoning Map Case No. 92-170-A

GRANTED: BLDG TO BLDG 20' IN LIEU OF 40' WINDOW TO WINDOW 20' IN LIEU OF 40'

Zoning Office USE ONLY!

Reviewed by: ITEM #: CASE#:

530

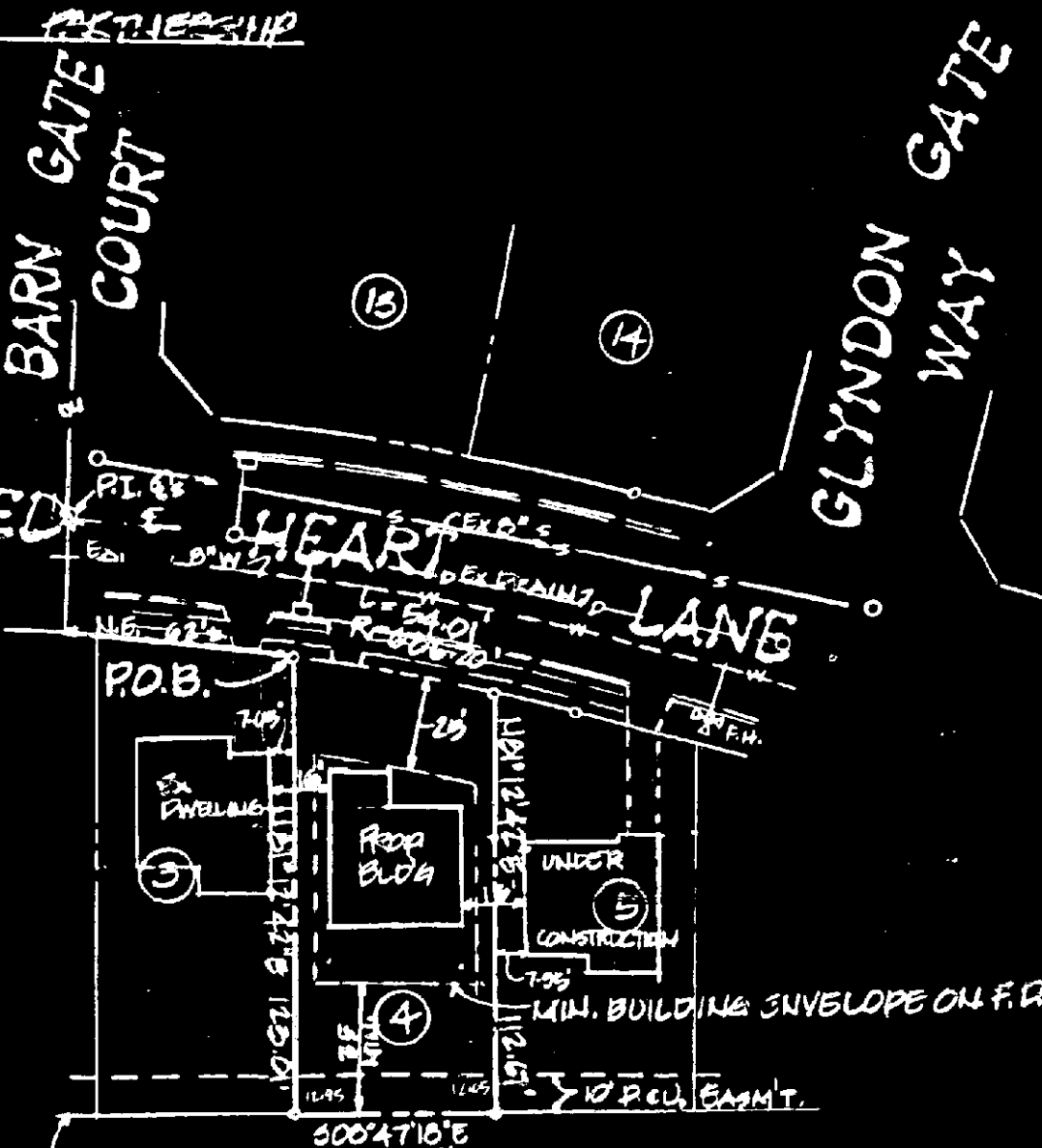


GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

ONE FREDERICK & LOMB STREETS
BALTIMORE, MARYLAND 21201
(410) 522-8140

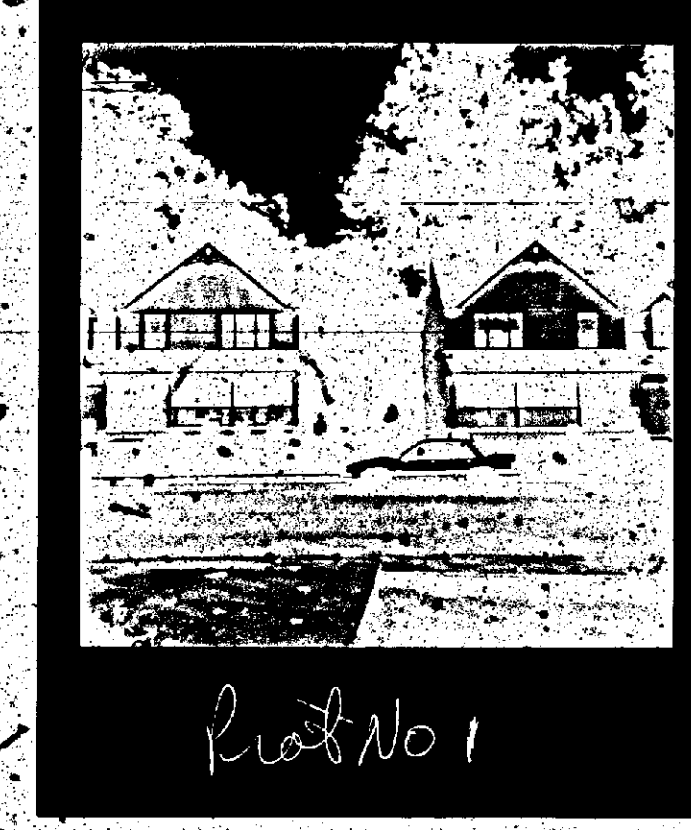
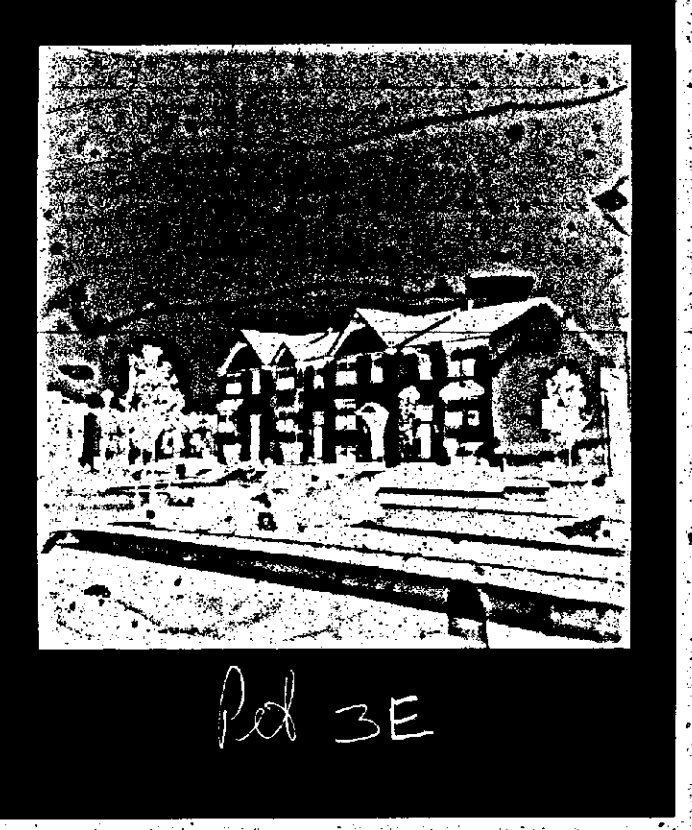
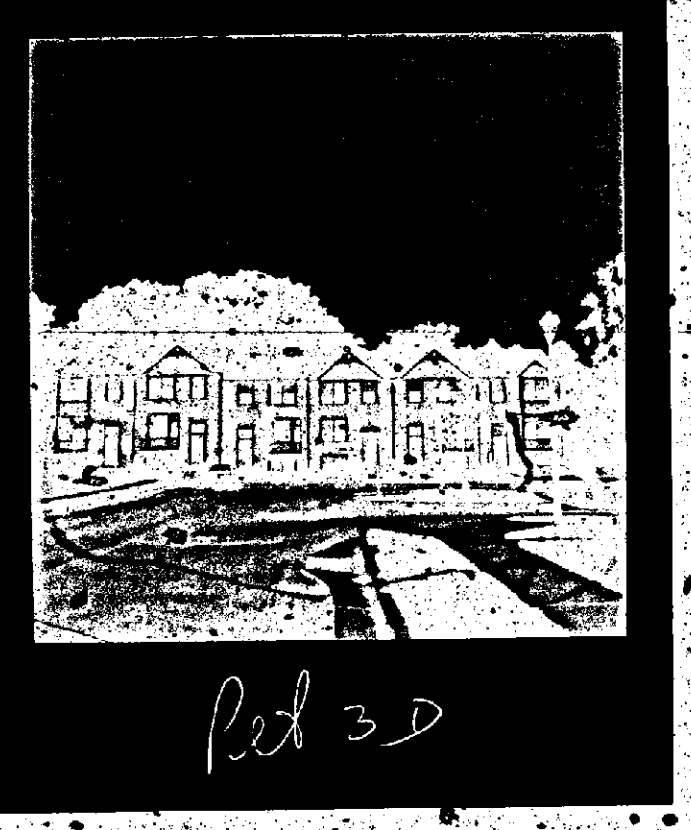
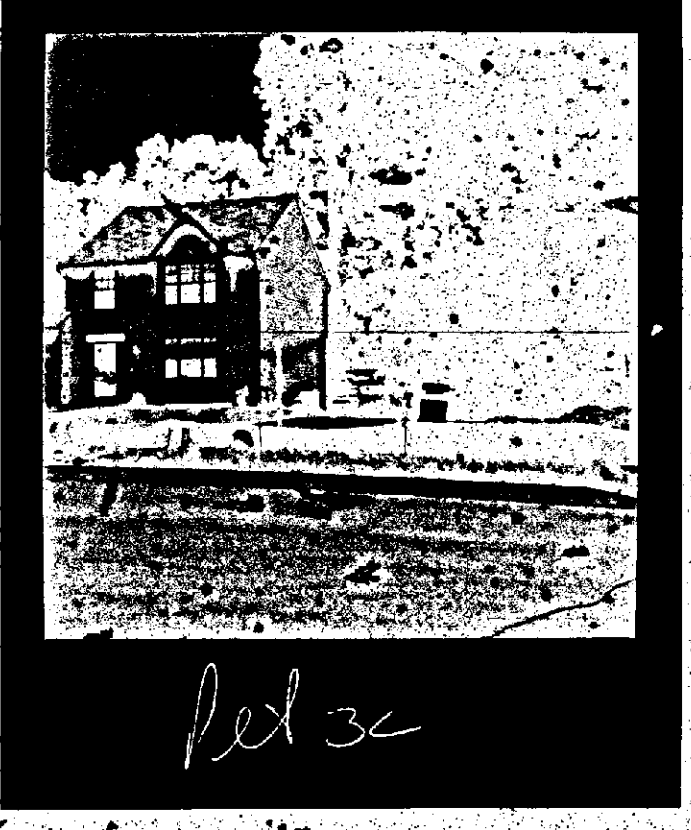
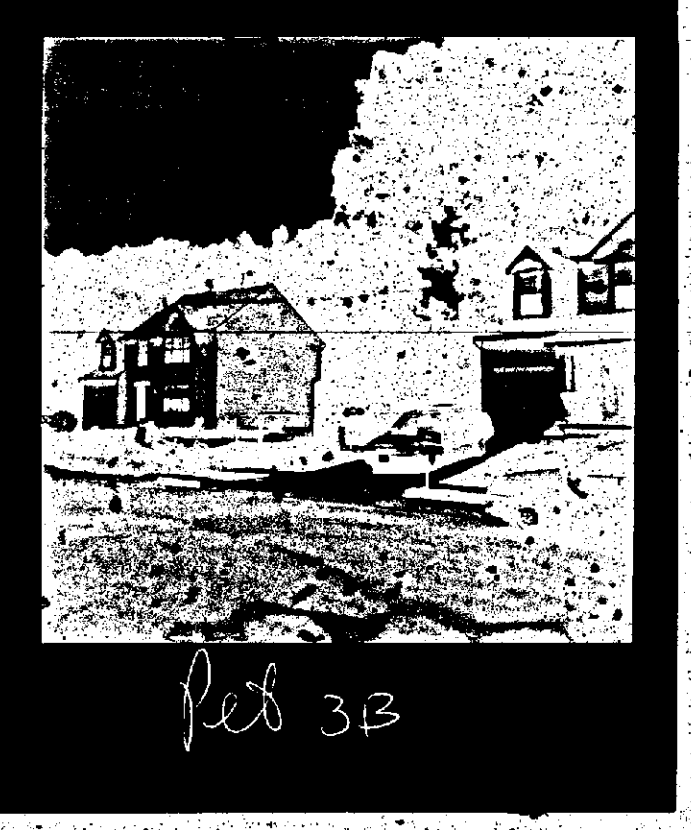
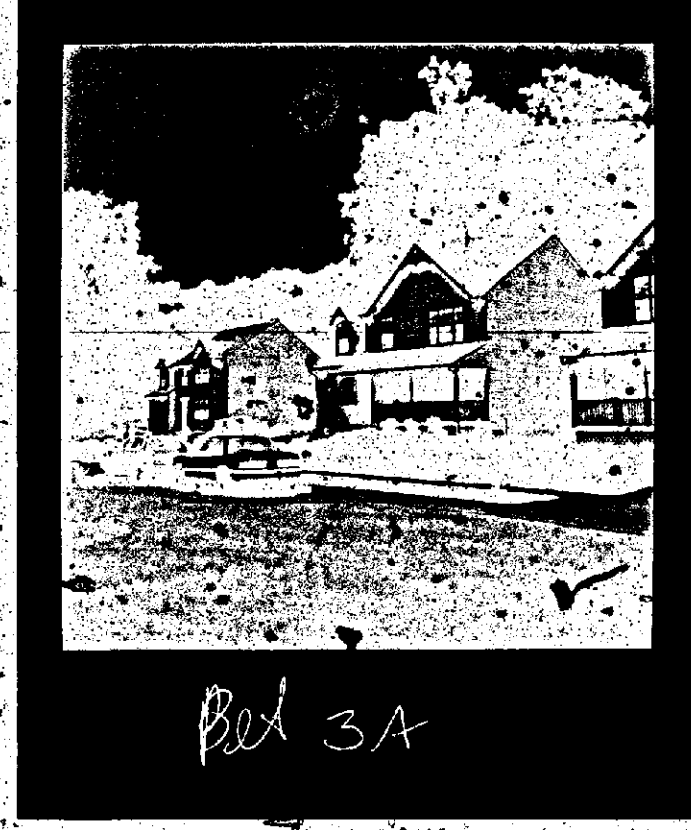
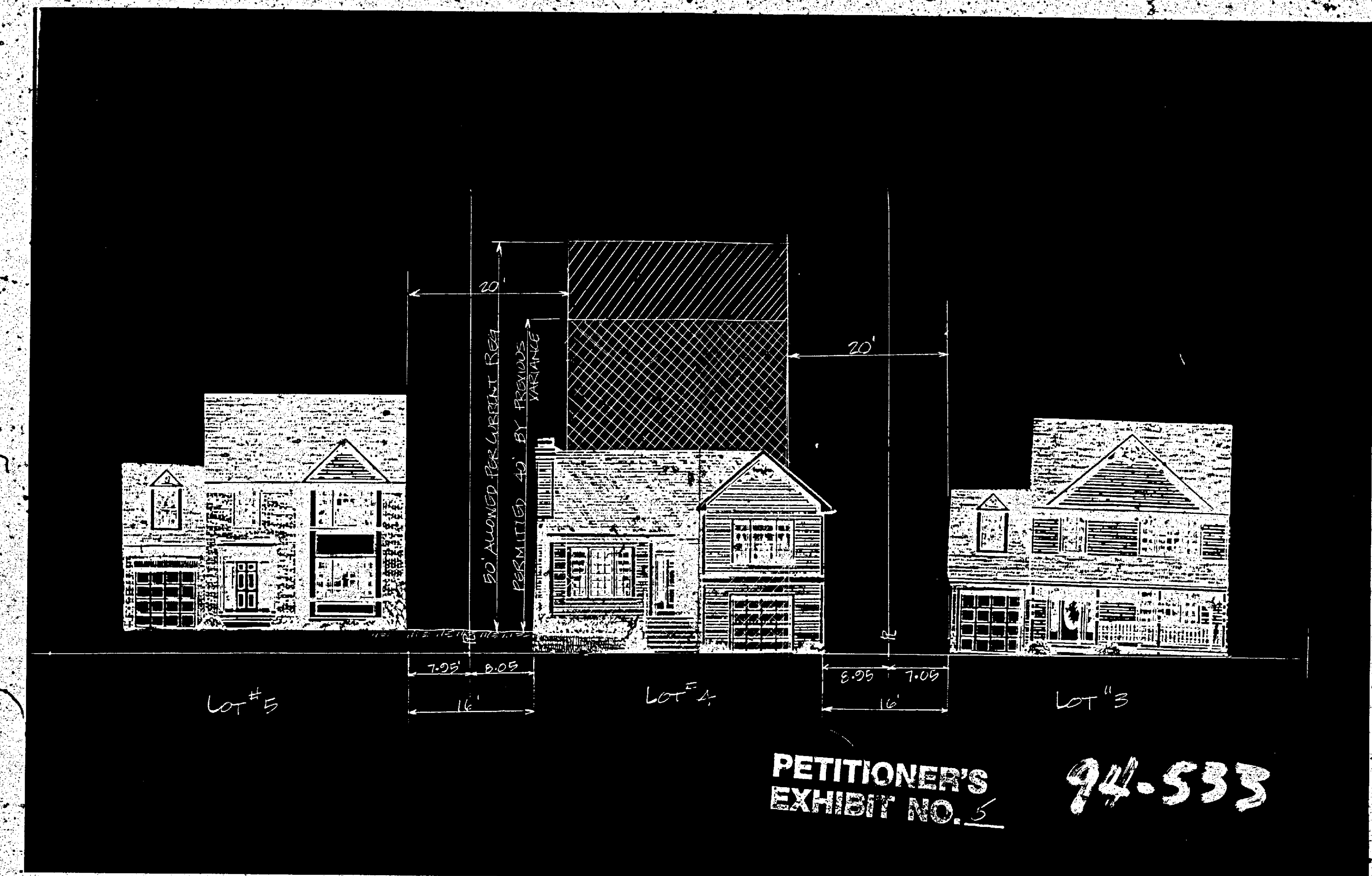
date: 1/10/94
prepared by: J. SKINE, PLANNER

Scale of Drawing: 1"=50'



PETITIONER'S EXHIBIT NO. 1

VARIANCES REQUESTED:
BLDG TO BLDG 10' IN LIEU OF 40'-CASE 92-170A
WINDOW TO WINDOW 10' IN LIEU OF 40'-CASE 92-170A
WINDOW TO LOT LINE 8' IN LIEU OF 10'-CASE 92-170A



To: Whom It May Concern
Re: Zoning Case 94 - 533A
From: Joseph & Carol Chaney 91 Sacred Heart Lane
Ronald & Wendy Kremen - 87 Sacred Heart Lane

We have recently been approached by a representative of Mr. Richard Azreal, President of Chateau Builders, to sign a waiver allowing for a larger house to be built on the lot between 87 and 91 Sacred Heart Lane. It was our understanding that this waiver would permit Mr. Azreal to reduce the 20' variance to 16' with no objection from the adjoining properties. However, we do object for the following reasons:

1. 20' is minimal at best to accommodate these large dwellings.
2. It will devalue the adjoining houses (Perhaps reconsideration of tax assessment is in order?)
3. Changing the zoning after purchase of our house with the understanding of a 20' variance between homes.
4. The proposed house is too large for the lot which was to accommodate a smaller model.
5. Addition of larger models in recent months after establishing lots to accommodate existing smaller models.
6. Our reason for purchasing an individual home was not to obtain a townhouse look.
7. Resale value will be diminished - house too large - lot too small.
8. Aesthetically, the houses will appear over-crowded.

Please take these reasons into consideration when making your decision. Thank you.

Joseph E. Chaney
JOSEPH E. CHANEY

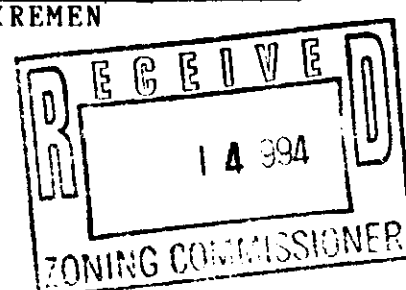
91 Sacred Heart Lane

Carol L. Chaney
CAROL L. CHANEY

Ronald D. Kremen
RONALD D. KREMEN

87 Sacred Heart Lane
July 14, 1994

Wendy M. Kremen
WENDY M. KREMEN

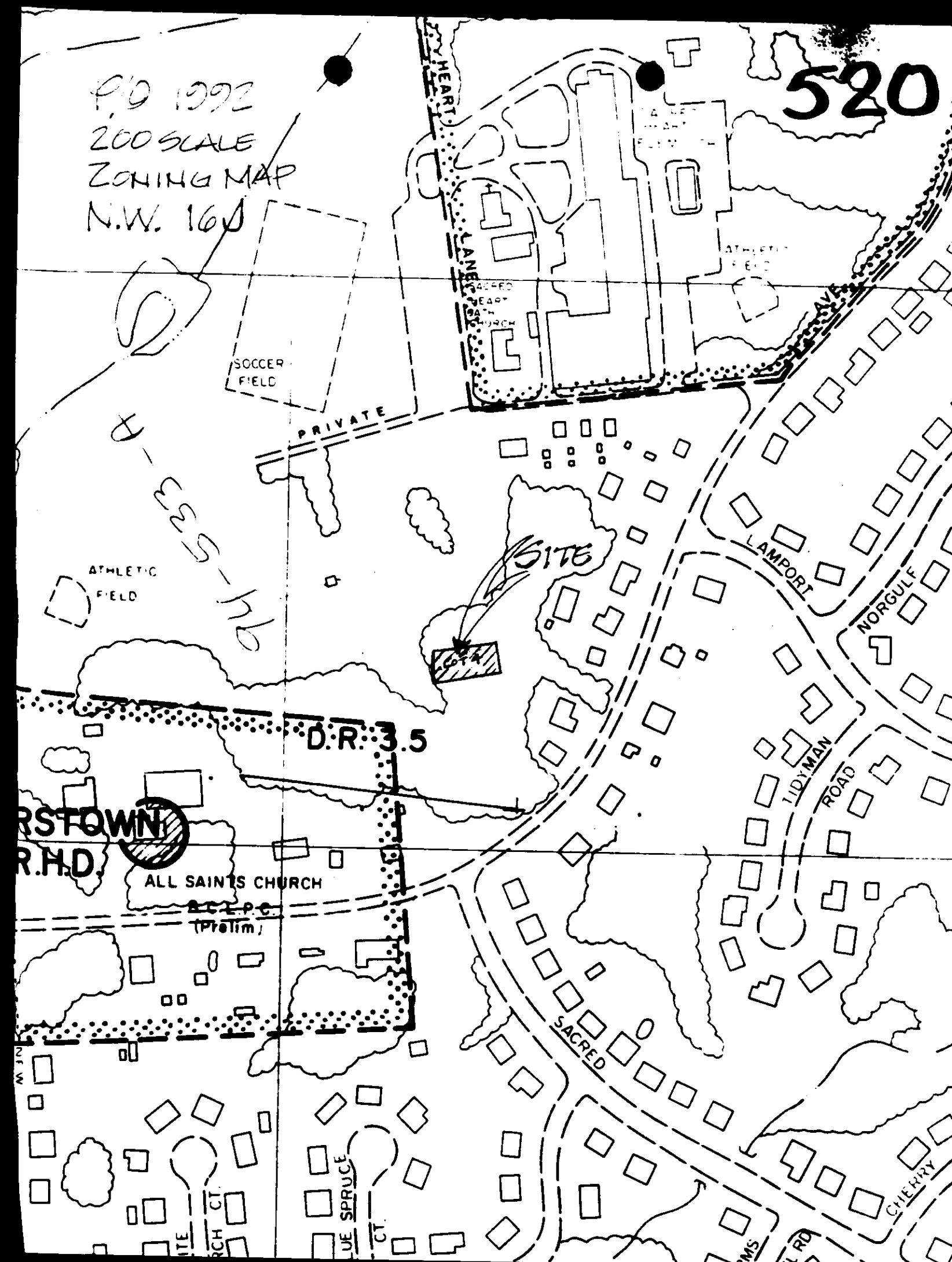


PLEASE PRINT CLEARLY
BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

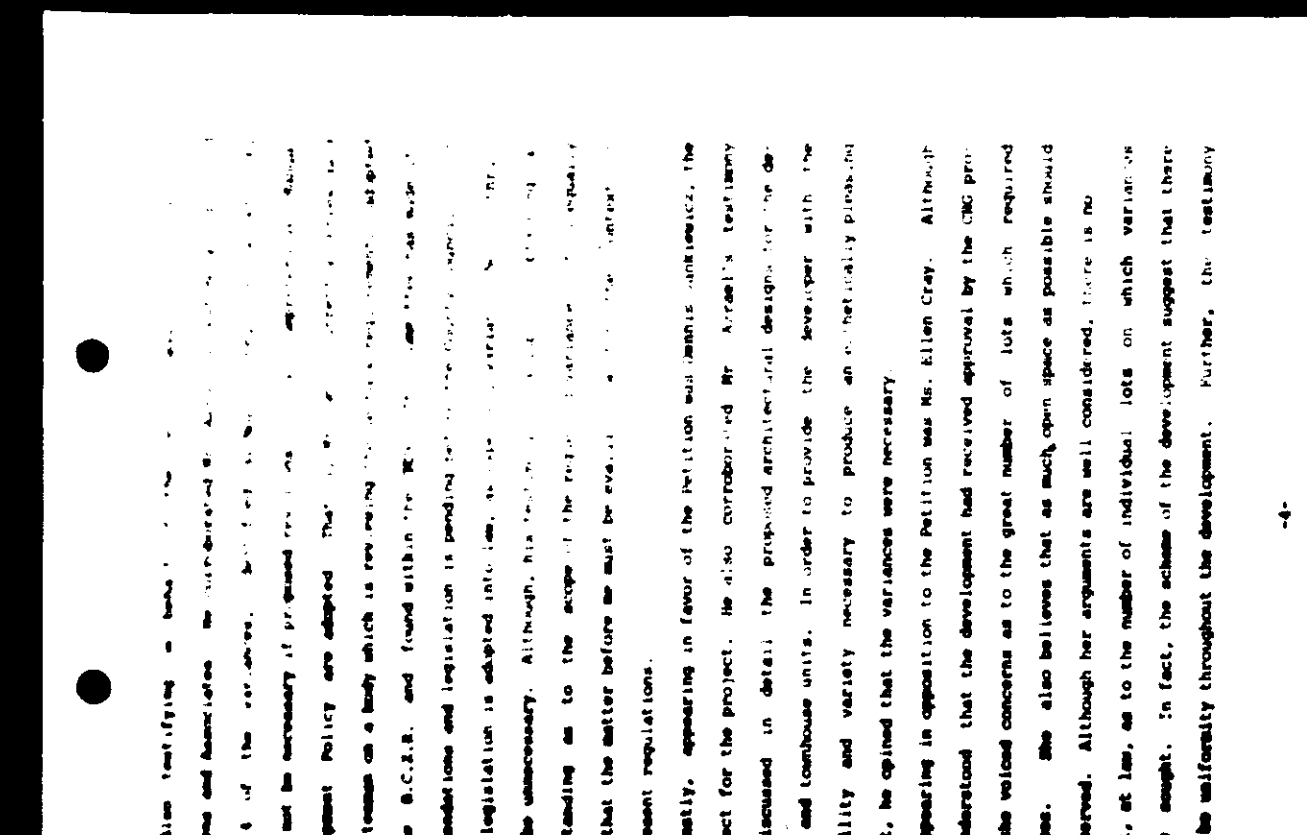
NAME	ADDRESS
Rob Hoffman	210 Allegany
RICHARD AZREAL	11 OLD LYME RD
Jim KUNE	G.W. STEPHENS & Assoc
Michael DeHaven	6814 Prohurst Rd

PLEASE PRINT CLEARLY
BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
JULIAN L. KRAFT	771 LEEDS-ILE TERRACE
CAROL L. CHANEY	91 Sacred Heart Lane
JOSEPH E. CHANEY	91 Sacred Heart Lane
RONALD KREMER	87 Sacred Heart Lane
WENDY KREMEN	87 Sacred Heart Lane
Miranda Marden, Eng.	30415 Riddellman Ave, 21204



92-170-A



Single Family Houses



PETITIONER'S
EXHIBIT NO. 24



THE DAVENPORT HOUSE

Glyndon Gate • 4 Glyndon Gate Way • Glyndon, Maryland 21136-9998 • (410) 526-GATE

Single Family Houses



PETITIONER'S
EXHIBIT NO. 25



THE SAGAMORE HOUSE

Glyndon Gate • 4 Glyndon Gate Way • Glyndon, Maryland 21136-9998 • (410) 526-GATE

Single Family Houses



PETITIONER'S
EXHIBIT NO. 26



THE FAIRFIELD HOUSE

Glyndon Gate • 4 Glyndon Gate Way • Glyndon, Maryland 21136-9998 • (410) 526-GATE

Single Family Houses



PETITIONER'S
EXHIBIT NO. 27



THE NANTUCKET HOUSE

Glyndon Gate • 4 Glyndon Gate Way • Glyndon, Maryland 21136-9998 • (410) 526-GATE

RE: PETITION FOR VARIANCE
89 Sacred Heart Lane, AKA Lot #4 of
Glyndon Gate Subdivision, E/S Sacred
Heart Lane, 62' +/- NE of the exten-
sion of c/l Barn Gate Court, 4th
Election Dist., 3rd Councilmanic
Chatsworth Partnership
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 94-533-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
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 Robert A. Hoffman, Esquire, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, representative for Petitioner.

RECEIVED
JUL 21 1994

ZADM

111 West Chesapeake Avenue
Towson, MD 21204

August 1, 1994

(410) 887-3353

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 94-533-A, Item No. 520
Petition for Variance
Petitioner: Chatsworth Partnership, et al

Dear Mr. Hoffman:

Enclosed are copies of comments received from Office of Planning and Zoning on August 1, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Julie A. Miniarski
Julie A. Miniarski
Office Assistant

Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: July 21, 1994

SUBJECT: 89 Sacred Heart Lane

INFORMATION:

Item Number: 520

Petitioner: Chatsworth Partnership

Property Size:

Zoning: D.R. 3.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

In order to mitigate the impact of the requested variance, staff recommends that no improvements other than landscaping should be permitted in the side yards of the subject lot.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol Keller*

PK/JL:lw

ZAC.520/PZONE/ZAC1

111 West Chesapeake Avenue
Towson, MD 21204

July 8, 1994

(410) 887-3353

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #520)
Legal Owner: Chatsworth Partnership
Contract Purchaser: Michael G. DeHaven
& Tamara C. Daly
89 Sacred Heart Lane
4th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information.

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

Very truly yours,

Joseph C. Merrey
Joseph C. Merrey
Planner I

JCM:scj

Enclosure (receipt)

cc: Zoning Commissioner

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

August 11, 1994

(410) 887-4386

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

RE: Case No. 94-533-A
Petition for Variance
Chatsworth Partnership, Legal Owner

Dear Mr. Hoffman:

Reference is made to your letter dated August 8, 1994 regarding the above matter. Your reading of my decision is correct. My restriction would allow a fireplace chimney, for example, to be built in the side yard so long as same was within the building envelope as shown on Petitioner's Exhibit No. 1. My Order would prohibit, however, decks, porches, additions, etc., off of the side of the house and into the side yard. In my view, the proposed side yard distances are the minimum which should be allowed.

Moreover, my decision does not reflect improvements into the front or rear yards. Obviously, however, variance relief would be necessary if the required setbacks were not maintained for decks, porches, additions, etc., on either the front or rear of the property.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mn

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
P.O. BOX 8817
TOWSON, MARYLAND 21285-8817
(410) 494-8200
FAX (410) 821-0147

RICHARD H. VENABLE (1988-1991)
ROBERT A. BAETJER (1988-1994)
CHARLES H. HOWARD (1970-1984)
ROBERT A. HOFFMAN

August 8, 1994

WRITER'S DIRECT NUMBER IS
(410) 494-8200

HAND-DELIVERED

Lawrence E. Schmidt,
Zoning Commissioner
First Floor, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 94-533-A
Petition for Variance
Chatsworth Partnership, Legal Owner

Dear Mr. Schmidt:

Last week, I received a copy of your Findings of Fact and Conclusions of Law in the referenced case. At page 3 under the restrictions, you indicated that "no improvements, other than landscaping, shall be permitted in the side yards or outside of the building envelope for the proposed lot, as shown on Petitioner's Exhibit No. 1."

Both Mr. Azrael and I have reviewed this language, and he has asked that I write you to confirm that this restriction would not prohibit a fireplace chimney in the side yard, so long as it is within the building envelope as shown on Petitioner's Exhibit 1, nor would the restriction prohibit other improvements or accessory structures in the rear or front yards.

Thank you for attention to this matter.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH/tls

cc: Miranda Murdoch, Esquire
Mr. Richard Azrael
Michael G. DeHaven, Esquire

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
P.O. BOX 8817
TOWSON, MARYLAND 21285-8817
(410) 494-8200
FAX (410) 821-0147

RICHARD H. VENABLE (1988-1991)
ROBERT A. BAETJER (1988-1994)
CHARLES H. HOWARD (1970-1984)

June 29, 1994

(410) 494-8200

W. Carl Richards, Zoning Coordinator
Baltimore County Office of Zoning
Administration and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Chatsworth Partnership - Glyndon Gate Subdivision
89 Sacred Heart Lane (Lot No. 4, Glyndon Gate)
Request for Variance

Dear Mr. Richards:

We are representing the Chatsworth Partnership, owner of the above-referenced property, with regard to their variance request attached hereto and containing the following:

- (1) Variance Petitions (3);
- (2) Zoning Descriptions (3);
- (3) 200' Scale Zoning Map for the subject site (1);
- (4) Plans to Accompany Petition for Zoning Variance (12); and,
- (5) a check in the amount of \$285.00 to cover the requisite filing fee.

We believe all the documents necessary to file this petition are attached. We would appreciate, however, if you or Sophie could give us a call as soon as possible to confirm that the package is complete and to provide us with the assigned item number. Of course, should anything be missing, please do not hesitate to give us a call.

Yours truly,

E. Page Wingert
E. Page Wingert

GPW/dok
enclosures

cc: Richard Azrael
Robert A. Hoffman, Esq.

TIVVIS AND MURDOCH

ATTORNEYS AT LAW
304 W. PENNSYLVANIA AVENUE
SUITE 1A
TOWSON, MARYLAND 21204

JOSEPH L. TIVVIS, JR.
MIRANDA K. MURDOCH
August 31, 1994

TELEPHONE
410-887-4542

HAND DELIVERED

Mr. Lawrence E. Schmidt,
Zoning Commissioner
First Floor, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 94-533-A
Petition for Variance
Chatsworth Partnership, Legal Owner

Dear Mr. Schmidt:

Please be advised that I represented the protestants in the above captioned matter. After reviewing your Findings of Fact and Conclusions of Law and the letter of Robert A. Hoffman, Esquire dated August 8, 1994, I concur with Mr. Hoffman's interpretation of the restriction as to the placement of a chimney on the subject property.

Based on the language of your Findings of Fact and Conclusions of Law and the language of Mr. Hoffman's letter, the chimney may touch the envelope, but may not extend outside of it. On page five of your opinion, you stated that "No improvements, other than landscaping, shall be permitted in the side yards or outside of the building envelope for the proposed lot, as shown on Petitioner's Exhibit No. 1." The letter of Robert Hoffman, Esquire says that "this restriction would not prohibit a fireplace chimney in the side yard, so long as it is within the building envelope...."

Thank you for your attention to this matter.

Sincerely,

Miranda K. Murdoch
Miranda K. Murdoch

MKM/rl

cc: Robert A. Hoffman, Esq.
Joseph & Carol Chaney
Ronald & Wendi Kremen

DATE: 6/10/94

ZONING DESCRIPTION

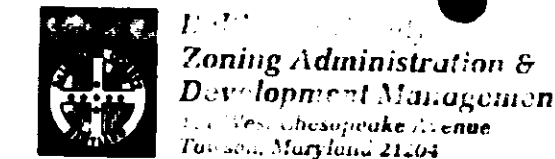
RE: LOT #4
(GLYNDO GATE)

Beginning at a point on the EAST side of SACRED HEART LANE which is 60 FEET wide at the distance of 62 FEET NORTH EASTWISLY of the centerline of the nearest improved intersecting street BARN GATE CR which is 30 FEET wide. *Being Lot # 4, Block 1, Section 1 in the subdivision of GLYNDO GATE as recorded in Baltimore County Plat Book # 64, Folio # 62, containing 0.1433 Acs. Also known as #89 SACRED HEART LANE located in the 4 Election District.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/14/94
Posted for: Variance
Petitioner: Chatsworth Partnership - Michael G. Delaven & Tamara C. Daly
Location of property: 89 Sacred Heart Lane, NE of the extension of the c/l Barn Gate Cr
Location of Sign: Facing roadway, on property being zoned
Remarks: None
Posted by: Michael G. Delaven Date of return: 7/15/94
Number of Signs: 1



Date: 6/29/94
#020 - VARIANCE \$250.00
#080 - SIGN POSTING 35.00
TOTAL FEES \$285.00

Chatsworth Partnership
89 Sacred Heart Lane
District: 463
Attorney: Robert A. Hoffman
Check from Chatsworth Partnership

Account: ROC-6150
Number: 520 (WCR)
DROP-OFF - NO REVIEW

receipt
94-533-A

01401#0088MICHRU \$285.00
88 COLL11AM08-30-94
Please Make Checks Payable To: Baltimore County

Cashier Validation

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,

G. Henrichson
LEGAL AD. - TOWSON

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

Case: 94-533-A (Item 520)
89 Sacred Heart Lane (aka Lot #4 of Glyndon Gate Subdivision)
62 feet +/- NE of the extension of the c/l Barn Gate Cr
4th Election District - 3rd Councilmanic
Petitioner(s): Chatsworth Partnership
Contract Purchaser: Michael G. Delaven and Tamara C. Daly
Hearing: FRIDAY, JULY 29, 1994 at 9:00 a.m. in Rm. 106 County Off. Bldg.

Variance to permit a building-to-building setback of 16 feet in lieu of the required 20 feet approved in case #92-170-A; and to permit a window-to-window setback of 16 feet in lieu of the required 20 feet approved in case #92-170-A; and to permit a window-to-lot setback of 8 feet in lieu of the required 10 feet approved in case #92-170-A.

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.
7/12 July 14.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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

CASE NUMBER: 94-533-A (Item 520)
89 Sacred Heart Lane (aka Lot #4 of Glyndon Gate Subdivision)
62 feet +/- NE of the extension of the c/l Barn Gate Cr
4th Election District - 3rd Councilmanic
Petitioner(s): Chatsworth Partnership
Contract Purchaser: Michael G. Delaven and Tamara C. Daly
Hearing: FRIDAY, JULY 29, 1994 at 9:00 a.m. in Rm. 106 County Off. Bldg.

Variance to permit a building-to-building setback of 16 feet in lieu of the required 20 feet approved in case #92-170-A; and to permit a window-to-window setback of 16 feet in lieu of the required 20 feet approved in case #92-170-A; and to permit a window-to-lot setback of 8 feet in lieu of the required 10 feet approved in case #92-170-A.

Arnold Jablon
Director

cc: Richard Karmel
Robert A. Hoffman, Esquire
Michael G. Delaven & Tamara C. Daly
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.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 19, 1994

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

RE: Case No. 94-533-A, Item No. 520
Petition for Variance
Petitioner: Chatsworth Partnership, et al.

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 29, 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 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.



Maryland Department of Transportation
State Highway Administration

U. James Lightmizer
Secretary
Hal Kassoff
Administrator

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

Re: Baltimore County
Item No.: 94-533-A (WCR)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

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

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID A. KAMM, ACTING CHIEF
John Comestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 07/12/94

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

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 512,514,515,516,518, 519,520,521,522,523 AND #1.

RECEIVED
JUL 13 1994

ZADM

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

cc: File

Printed on Recycled Paper

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
R/S Sacred Heart La. 62' +/- NE ZONING COMMISSIONER
of the ext. c/l Barn Gate Ct. *
89 Sacred Heart Lane * OF BALTIMORE COUNTY
4th Election District *
3rd Councilmanic District *
Legal Owner: Chatsworth Partnership * Case No. 94-533-A
Contract Purchaser: Michael G. *
DeHaven & Tamara C. Daly *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 89 Sacred Heart Lane, a/k/a Lot No. 4 of the Glyndon Gate Subdivision, in the Glyndon section of Baltimore County. Relief is requested from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a building to building setback of 16 ft., in lieu of the required 20 ft., approved in case No. 92-170-A. A variance is also sought from Section V.B.6.b of the Comprehensive Manual of Development Policy (CMDP), adopted pursuant to Section 504 of the BCZR to permit a window to lot setback of 8 ft., in lieu of the required 10 ft., approved in case No. 92-170-A. It is also to be noted that the Petition also sought a variance from Section 1B01.2.C.2.b. as it relates to window to window setbacks for the subject property, however, that variance request was withdrawn at the public hearing.

Appearing at the public hearing held for this case was Richard Azrael, General Partner of Chatsworth Partnership, property owner/Developer. Also present was Jim Kline, a Land Planner with G.W. Stephens and Associates, and Michael DeHaven, co-Petitioner/Contract Purchaser. The Petitioner was represented by Robert A. Hoffman, Esquire.

Appearing in opposition to the request were adjoining property owners. They included Joseph and Carol L. Chaney, who reside immediately next door at 91 Sacred Heart Lane, and Ronald and Wendi Kremen, who reside

on the other side of the property at 87 Sacred Heart Lane. The Protestants were represented by Miranda Murdoch, Esquire.

Mr. Azrael testified and presented the site plan which was marked as Petitioner's Exhibit No. 1. This plan shows that the subject property is zoned D.R.3.5 and is .1438(+/-) acres in area. As Mr. Azrael noted, the subject property is a part (lot No. 4) of the Glyndon Gate Subdivision. This is a mixed residential subdivision containing both townhouses and single family dwellings. There are 65 townhouses constructed within the subdivision and 29 single family dwellings proposed. Approximately 17 of the single family dwellings have already been developed.

Mr. Azrael further testified that a series of variances were obtained in an older case (No. 92-170-A). Apparently, these variances were received by Order of this Commissioner on December 2, 1991. As related to the subject property (lot No. 4), variance relief was obtained permitting distance between adjacent dwellings of 20 ft., in lieu of the required 40 ft.

The Developer also testified that the basis of the previous variance request related to site constraints unique to this property. It was stated that a significant portion of the property is covered by streams/wetlands and that the area which could be utilized for development was compressed. Mr. Azrael emphasized that the subject variances were necessary to construct an esthetically pleasing development with compatible structures.

Mr. Jim Kline also testified. He noted that there has been a change in the County's interpretation of required buffers for storm water management facilities since the original variances were approved. Specifically, he stated that the County now requires a 20 ft. buffer from the proposed storm water management facility located near the subject property. Due to

-2-

the increased buffer requirements, the area for development has been compressed further. He testified that this factor contributed to the request that the setbacks be reduced from 20 ft., as originally requested, to 16 ft. as requested in the instant case. Mr. Kline also presented several schematic drawings and testified as to the proposed improvements. He believes that the proposed construction on the subject lot and the resultant setbacks of 16 ft. to adjoining properties will be compatible with existing homes in the neighborhood and not detrimental to the surrounding locale.

These comments were endorsed through the testimony of Jeff Long with the Office of Planning and Zoning. Mr. Long, likewise, believes that the variances should be granted from a land planning standpoint. He also requested that a restriction be added to any Order approving the variances prohibiting further construction in the side yard of the subject property.

Also testifying was Michael DeHaven, contract purchaser of lot No. 4. He testified that he and his fiancé are under contract to purchase the property and have selected the Davenport model home to be constructed on this site. This home is 35 ft. in width, approximately the same size as the houses on either side of his property. He believes that the Davenport model would be a compatible style home and that the variance relief should be granted.

Testifying in opposition to the request was Joseph and Carol Chaney who reside next door on lot No. 3 (91 Sacred Heart Lane) as well as Ronald and Wendi Kremen who reside on the other side of the subject property at 87 Sacred Heart Lane (lot No. 5). These Protestants all object to a further diminution of the setbacks proposed. They believe that the construction of a 35 ft. wide dwelling is inappropriate. They believe that it might adversely impact property values and overcrowd the streetscape.

-3-

Consideration of the subject request must be made in light of the requirements of Section 307 of the BCZR. Therefore, the standards for all variances are stated. The regulation provides that the Petitioner must demonstrate that practical difficulty would result if strict adherence to the existing Order was required. Moreover, variance relief can only be granted if same will not be detrimental to the surrounding locale and if the relief will be consistent with the spirit and intent of the regulations.

In applying the facts presented to that standard, I am persuaded that the Petitioner has satisfied its burden. Specifically, as to practical difficulty, construction of a single family dwelling on the subject lot is clearly a permitted purpose and entirely appropriate with surrounding uses. Moreover, I am convinced by the Petitioner's arguments that construction of the Davenport model is appropriate. While it is true that the Petitioner could construct a smaller house and comply with the terms of the Order in case No. 92-170-A, such a result would not be, in my view, practical or logical. It will result in a narrower house than the other single family houses on this street. The narrower house would destroy the symmetry and tone of the development and disrupt the visual perspective which the Developer is hoping to maintain for this community.

It is also to be noted that the setbacks for the existing homes are already quite narrow. Although the Petition represents a further narrowing, the scheme of the neighborhood is such that narrow distances between houses is appropriate. The rows of townhouses exist immediately across the street from the subject property. Construction of a narrow house on the subject lot, which might be taller than the existing homes, would not be appropriate. I am not convinced, as the Protestants allege, that the proposed construction will be detrimental to their properties or surround-

-4-

ing locale. For these reasons, I am persuaded that the relief requested should be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of August, 1994 that a variance from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a building to building setback of 16 ft., in lieu of the required 20 ft., approved in case No. 92-170-A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance is also sought from Section V.B.6.b of the Comprehensive Manual of Development Policy (CMDP), adopted pursuant to Section 504 of the BCZR, to permit a window to lot setback of 8 ft., in lieu of the required 10 ft., approved in case No. 92-170-A, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. No improvements, other than landscaping, shall be permitted in the side yards or outside of the building envelope for the proposed lot, as shown on Petitioner's Exhibit No. 1.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

-5-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
403 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 1, 1994

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

RE: Case No. 94-533-A
Petition for Variance
Chatsworth Partnership, Legal Owner
Michael G. DeHaven, et al, Contract Purchaser

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

cc: Mr. Richard Azrael,
cc: Miranda Murdoch, Esquire

520
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 89 Sacred Heart Lane (Lot #4, Glyndon Gate Subdivision)
which is presently zoned DR 3.5

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

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 addressed 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/Lessor:

Michael G. DeHaven & Tamara C. Daly

Michael G. DeHaven & Tamara C. Daly

6814 Pinehurst Road

Baltimore MD 21212

City State Zipcode

Signature

Robert A. Hoffman

City State Zipcode

Venable, Baetjer and Howard

210 Allegheny Avenue

Towson MD 21204

City State Zipcode

Signature

Michael G. DeHaven & Tamara C. Daly

City State Zipcode

Signature

Michael G. DeHaven & Tamara C. Daly

City State Zipcode

Signature

Michael G. DeHaven & Tamara C. Daly

City State Zipcode

Signature

Michael G. DeHaven & Tamara C. Daly

City State Zipcode

Signature

Michael G. DeHaven & Tamara C. Daly

Write on separate sheet and attach, under the provisions of property, that there are the legal interests of the property which is the subject of the Petition

Legal Owner(s):

Chatsworth Partnership

By *Richard Azrael*

Richard Azrael, General Partner

(Type or Print Name)

Signature

8805 Columbia 100 Parkway

Suite 100 720-0400

Address Phone No.

Columbia MD 21045

City State Zipcode

Name Address and phone number of legal owner, contract purchaser or representative to be contacted

Robert A. Hoffman, Esquire

210 Allegheny Avenue

Towson MD 21205 494-6262

Address Phone No.

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

DROP-OFF
No REVIEW
6-29-94
WCR

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 22 SACRED HEART LANE

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: GLYNDON GATE
 plat book: 64, lot: 4, section: 4

OWNER: CHATSWORTH PARTNERSHIP

NOTES:
 EX. BLDG LOCATIONS BASED ON
 FIELD INFORMATION SUPPLIED
 BY FISHER, COLLINS & CARTER, INC.

CASE 92-170-A

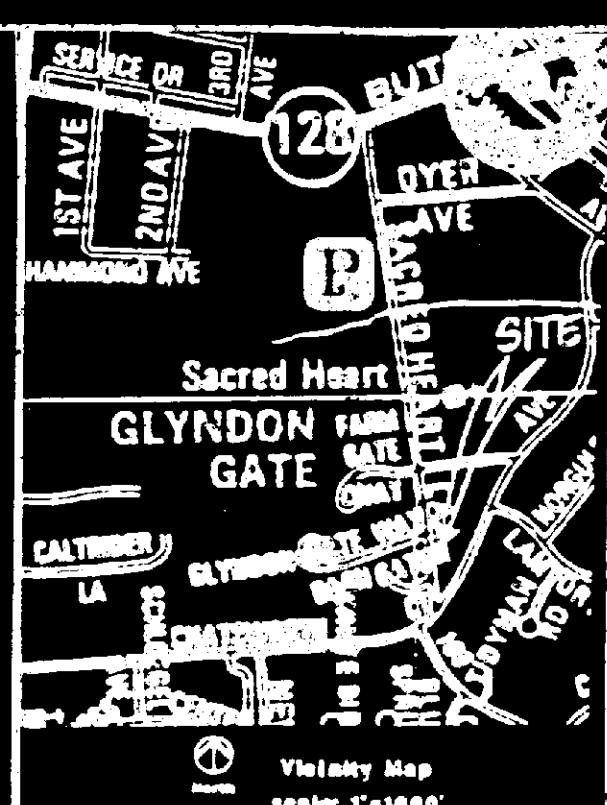
THEREFORE, IT IS ORDERED by the Zoning Commission for Baltimore County that the City of Baltimore 1991 that a variance from Section 1801.2.C.1 to permit a 20 and 25 ft. distance between buildings of 30-40 ft. in height, in line of the required 40 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1801.2.C.2.b. to permit a distance of 20 ft. between the Centers of Facing Windows, in line of the required 40 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504 and Section V.B.4.v (COP) to permit distances of 5 ft. and 10 ft. from a window to a side yard lot line, in line of the required 15 ft., is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 1801.2.C.2.a. to permit a distance of 30 ft. from a street boundary to a window, in line of the required 35 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 504 and Section V.B.4.v (COP) to permit a distance of 15 ft. from a proposed right of way to a window, in line of the required 25 ft., in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED.



LOT #4 GLYNDON GATE

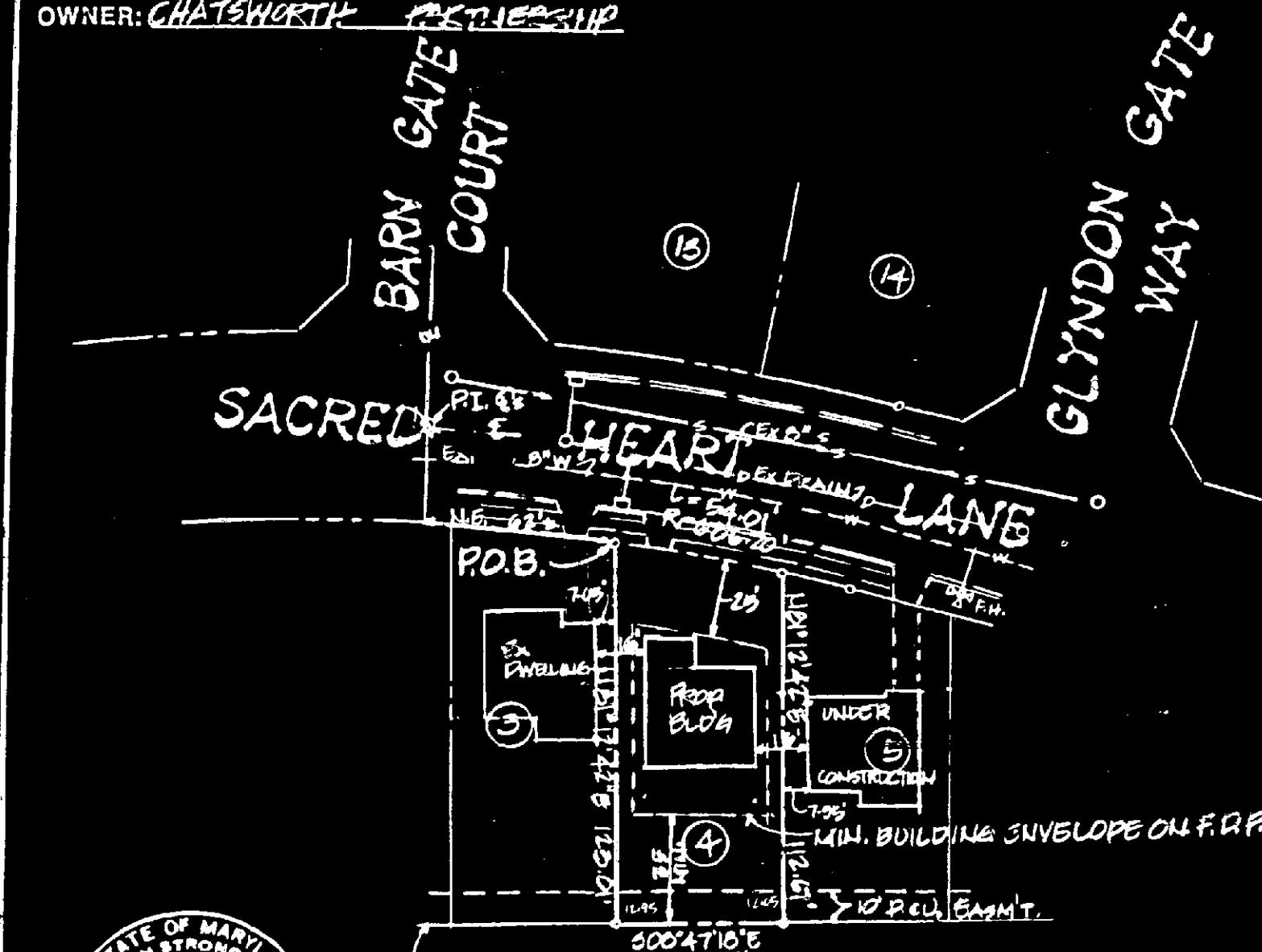
LOCATION INFORMATION

Councilman's District: 3
 Election District: 4
 1"=200' scale map: NWJ-16
 Zoning: DR-3.5
 Lot size: 0.4332 6263.04
 square square feet

SEWER: ☒
 WATER: ☐
 Chesapeake Bay Critical Area: ☐

Pet. Zoning Hearing: CASE NO. 92-170-A
 GRANTED: BLDG TO BLDG 20' IN LIEU
 20' WINDOW TO WINDOW 20' IN LIEU
 WINDOW TO LOT LINE 30' IN LIEU

Zoning Office USE ONLY!
 reviewed by: ITEM #: CASE#:
530



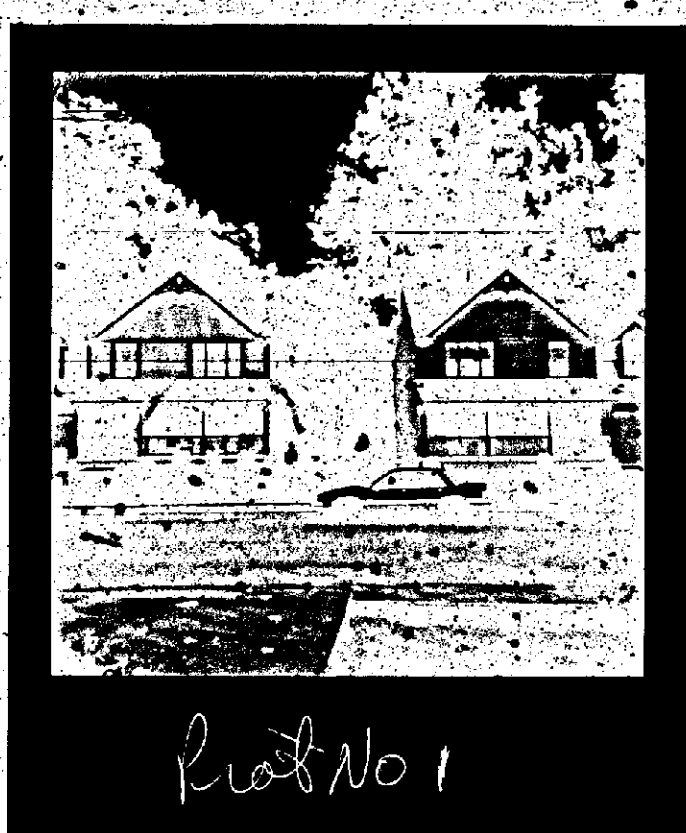
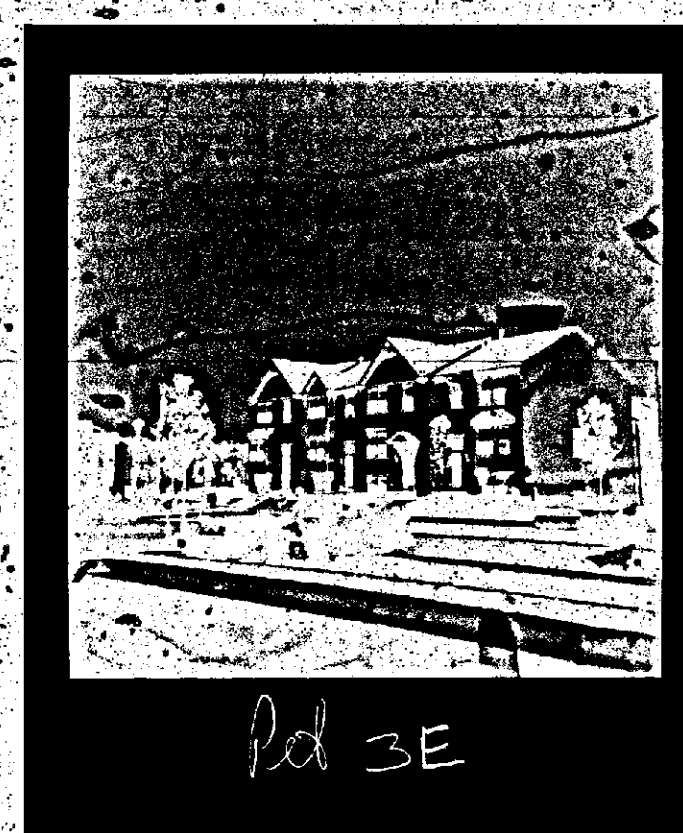
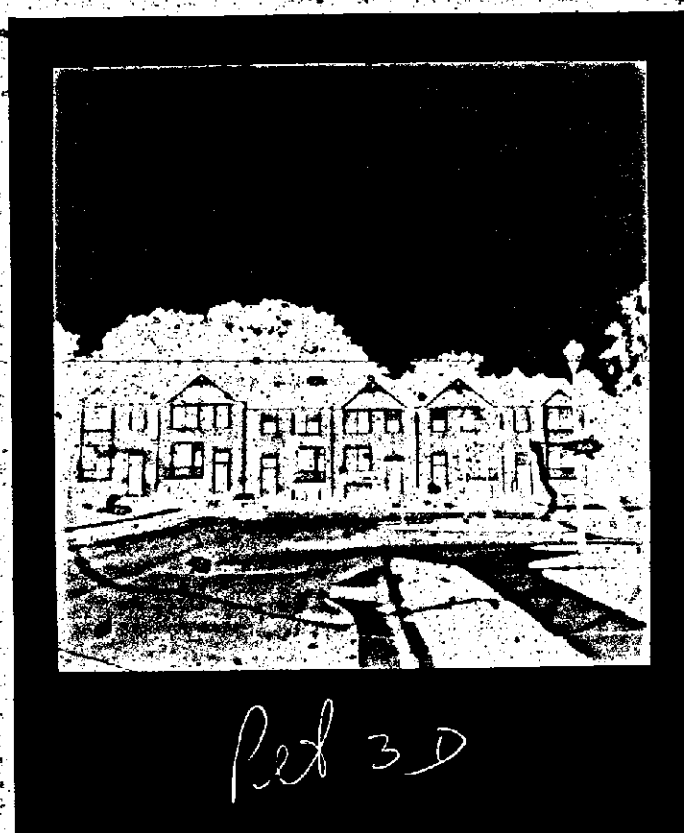
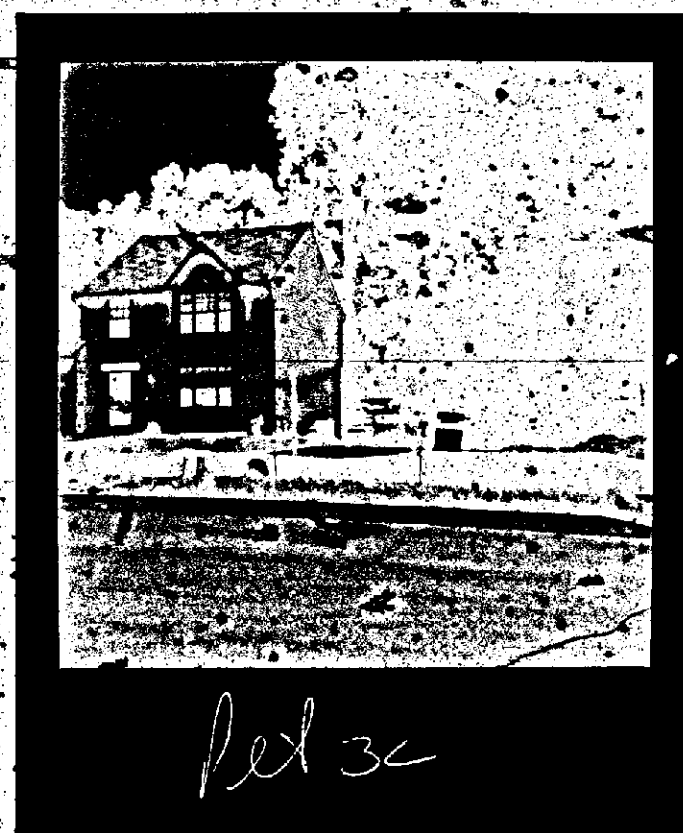
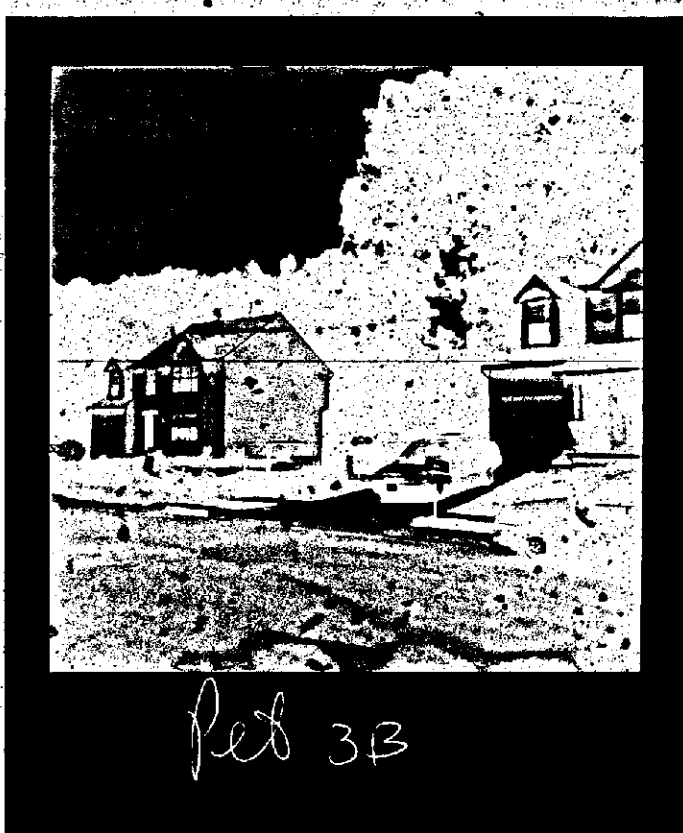
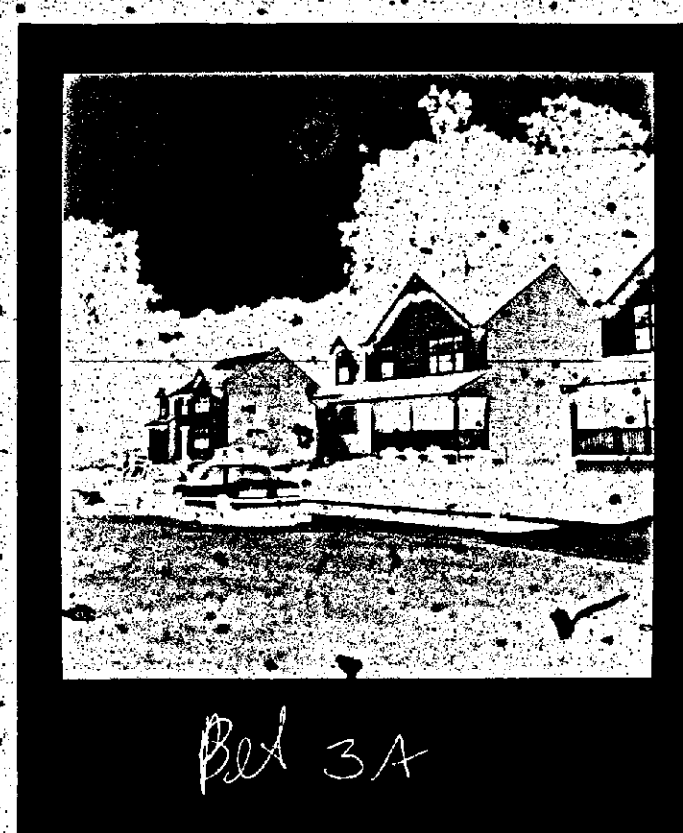
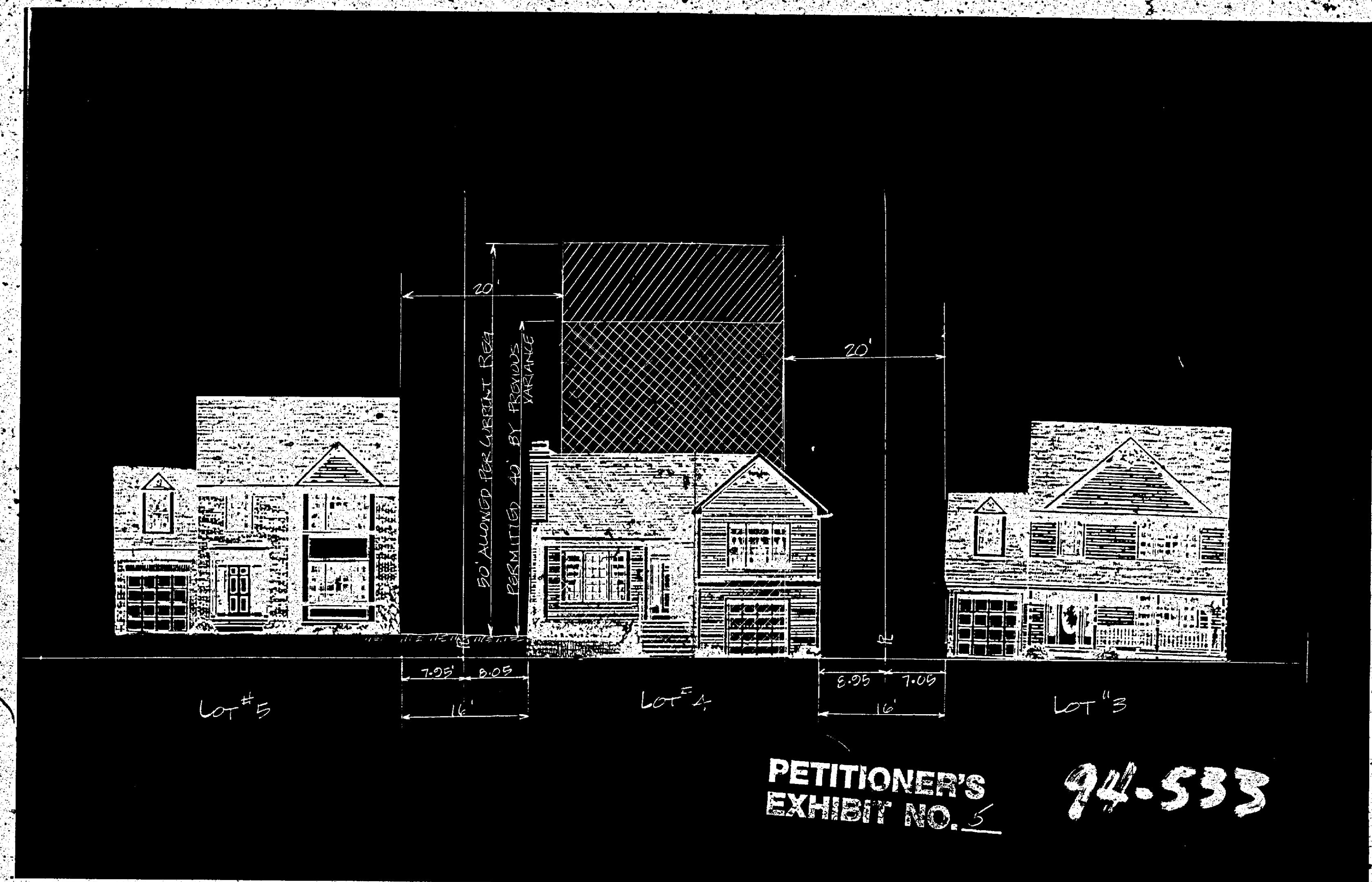
GEORGE WILLIAM STEPHENS, JR.
 AND ASSOCIATES, INC.
 ONE FREDERICK & LOMB STREETS
 BALTIMORE, MD 21201
 (410) 522-8100

date: 11/10/94
 prepared by: J. SKINE, PLANNER

Scale of Drawing: 1"=50'

PETITIONER'S EXHIBIT NO. 1

VARIANCES REQUESTED:
 BLDG TO BLDG 10' IN LIEU OF 20'-CASE 92-170A
 WINDOW TO WINDOW 10' IN LIEU OF 20'-CASE 92-170A
 WINDOW TO LOT LINE 30' IN LIEU OF 10'-CASE 92-170A



To: Whom It May Concern
 Re: Zoning Case 94 - 533A
 From: Joseph & Carol Chaney 91 Sacred Heart Lane
 Ronald & Wendy Kremen - 87 Sacred Heart Lane

We have recently been approached by a representative of Mr. Richard Azreal, President of Chateau Builders, to sign a waiver allowing for a larger house to be built on the lot between 87 and 91 Sacred Heart Lane. It was our understanding that this waiver would permit Mr. Azreal to reduce the 20' variance to 16' with no objection from the adjoining properties. However, we do object for the following reasons:

1. 20' is minimal at best to accommodate these large dwellings.
2. It will devalue the adjoining houses (Perhaps reconsideration of tax assessment is in order?)
3. Changing the zoning after purchase of our house with the understanding of a 20' variance between homes.
4. The proposed house is too large for the lot which was to accommodate a smaller model.
5. Addition of larger models in recent months after establishing lots to accommodate existing smaller models.
6. Our reason for purchasing an individual home was not to obtain a townhouse look.
7. Resale value will be diminished - house too large - lot too small.
8. Aesthetically, the houses will appear over-crowded.

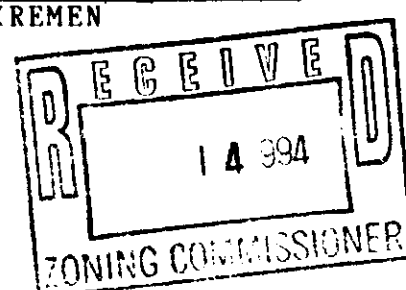
Please take these reasons into consideration when making your decision. Thank you.

Joseph E. Chaney
 JOSEPH E. CHANEY
 91 Sacred Heart Lane

Carol L. Chaney
 CAROL L. CHANEY
 91 Sacred Heart Lane

Ronald D. Kremen
 RONALD D. KREMEN
 87 Sacred Heart Lane

Wendy M. Kremen
 WENDY M. KREMEN
 87 Sacred Heart Lane
 July 14, 1994



PLEASE PRINT CLEARLY
 BALTIMORE COUNTY REPRESENTATIVES
 SIGN-IN SHEET

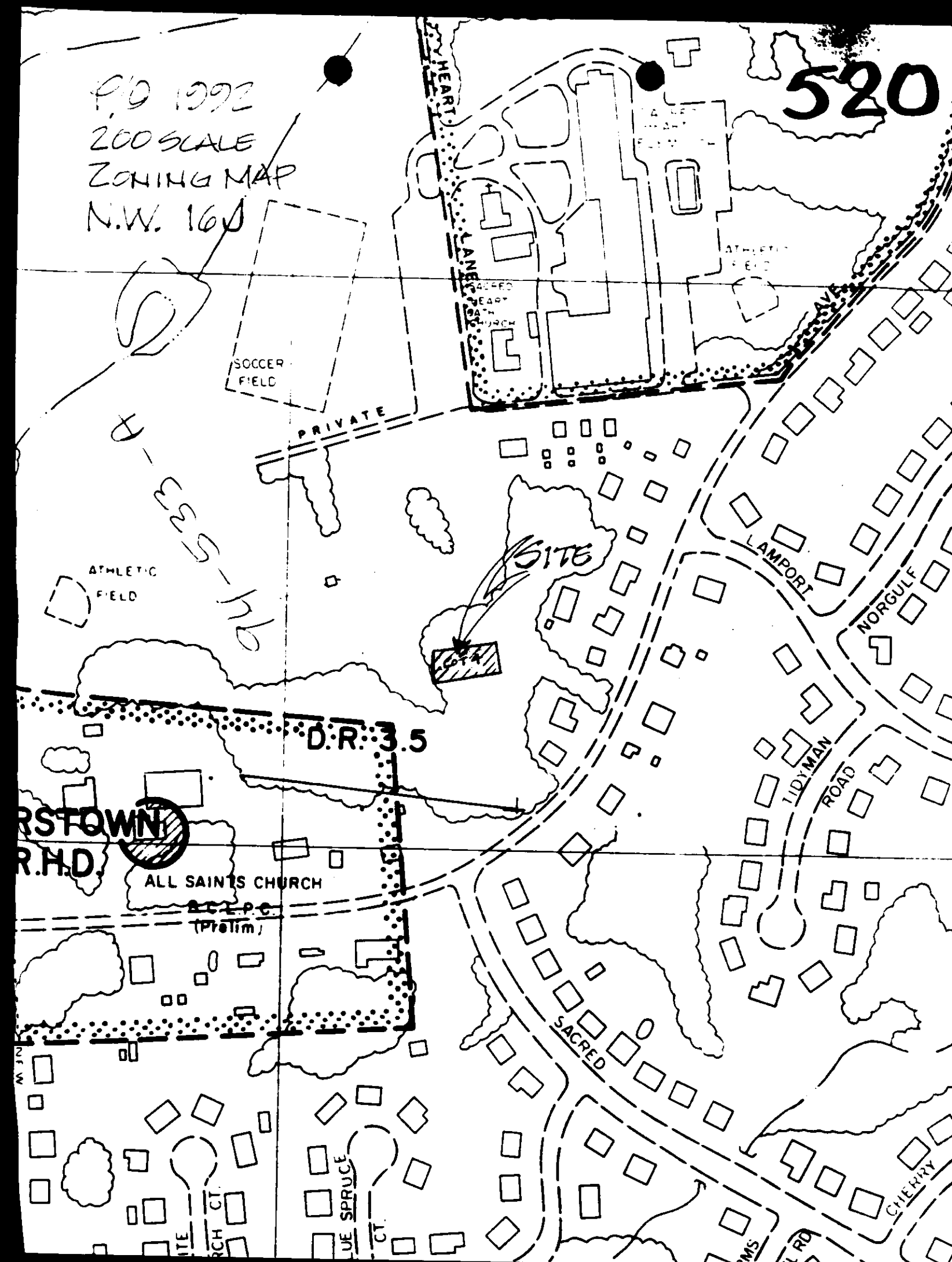
Rob Hoffman
 RICHARD AZREAL
 Jim Kline
 Michael DeHaven

210 Allegany
 11 OLD LYME RD
 G.W. STEPHENS & Assoc
 6814 Prehurst Rd

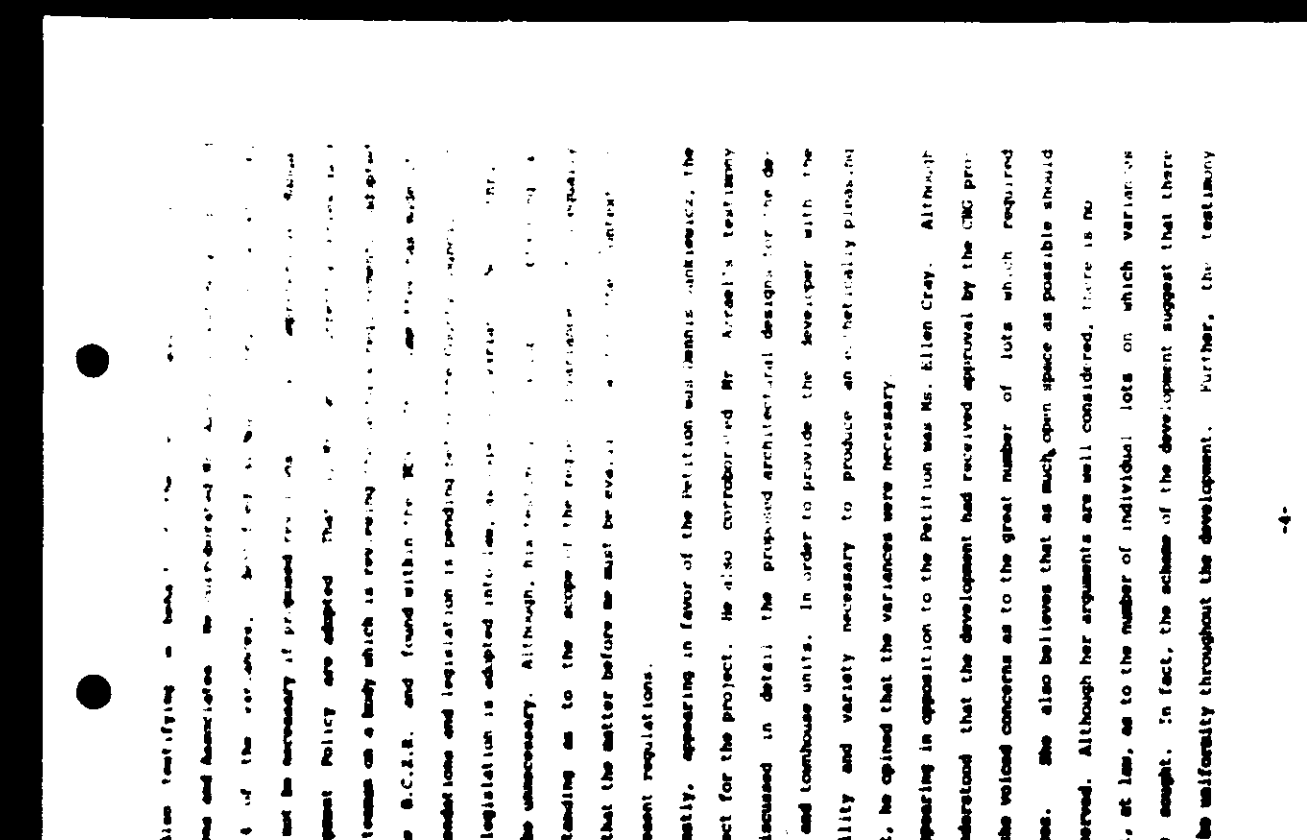
PLEASE PRINT CLEARLY
 BALTIMORE COUNTY REPRESENTATIVES
 SIGN-IN SHEET

JULIAN L. KRAFT
CAROL L. CHANEY
JOSEPH E. CHANEY
RONALD D. KREMEN
WENDY M. KREMEN
Miranda Morden, Eng.

77 LEEDS-ILE TERRACE
91 Sacred Heart Lane
91 Sacred Heart Lane
87 Sacred Heart Lane
91 Sacred Heart Lane
3415 Rockingham Ave, 21204



92-170-A



Single Family Houses



PETITIONER'S
 EXHIBIT NO. 24

THE DAVENPORT HOUSE
 Glyndon Gate • 4 Glyndon Gate Way • Glyndon, Maryland 21136-9998 • (410) 526-GATE

Single Family Houses



PETITIONER'S
 EXHIBIT NO. 25

THE SAGAMORE HOUSE
 Glyndon Gate • 4 Glyndon Gate Way • Glyndon, Maryland 21136-9998 • (410) 526-GATE

Single Family Houses



PETITIONER'S
 EXHIBIT NO. 26

THE FAIRFIELD HOUSE
 Glyndon Gate • 4 Glyndon Gate Way • Glyndon, Maryland 21136-9998 • (410) 526-GATE

Single Family Houses



PETITIONER'S
 EXHIBIT NO. 27

THE NANTUCKET HOUSE
 Glyndon Gate • 4 Glyndon Gate Way • Glyndon, Maryland 21136-9998 • (410) 526-GATE

RE: PETITION FOR VARIANCE
89 Sacred Heart Lane, AKA Lot #4 of
Glyndon Gate Subdivision, E/S Sacred
Heart Lane, 62' +/- NE of the exten-
sion of c/l Barn Gate Court, 4th
Election Dist., 3rd Councilmanic
Chatsworth Partnership
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 94-533-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
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 Robert A. Hoffman, Esquire, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, representative for Petitioner.

RECEIVED
JUL 21 1994

ZADM

111 West Chesapeake Avenue
Towson, MD 21204

August 1, 1994

(410) 887-3353

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 94-533-A, Item No. 520
Petition for Variance
Petitioner: Chatsworth Partnership, et al

Dear Mr. Hoffman:

Enclosed are copies of comments received from Office of Planning and Zoning on August 1, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Julie A. Miniarski
Julie A. Miniarski
Office Assistant

Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: July 21, 1994

SUBJECT: 89 Sacred Heart Lane

INFORMATION:

Item Number: 520

Petitioner: Chatsworth Partnership

Property Size:

Zoning: D.R. 3.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

In order to mitigate the impact of the requested variance, staff recommends that no improvements other than landscaping should be permitted in the side yards of the subject lot.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol Keller*

PK/JL:lw

ZAC.520/PZONE/ZAC1

111 West Chesapeake Avenue
Towson, MD 21204

July 8, 1994

(410) 887-3353

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #520)
Legal Owner: Chatsworth Partnership
Contract Purchaser: Michael G. DeHaven
& Tamara C. Daly
89 Sacred Heart Lane
4th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information.

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

Very truly yours,

Joseph C. Merrey
Joseph C. Merrey
Planner I

JCM:scj

Enclosure (receipt)

cc: Zoning Commissioner

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

August 11, 1994

(410) 887-4386

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

RE: Case No. 94-533-A
Petition for Variance
Chatsworth Partnership, Legal Owner

Dear Mr. Hoffman:

Reference is made to your letter dated August 8, 1994 regarding the above matter. Your reading of my decision is correct. My restriction would allow a fireplace chimney, for example, to be built in the side yard so long as same was within the building envelope as shown on Petitioner's Exhibit No. 1. My Order would prohibit, however, decks, porches, additions, etc., off of the side of the house and into the side yard. In my view, the proposed side yard distances are the minimum which should be allowed.

Moreover, my decision does not reflect improvements into the front or rear yards. Obviously, however, variance relief would be necessary if the required setbacks were not maintained for decks, porches, additions, etc., on either the front or rear of the property.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mn

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 8817
TOWSON, MARYLAND 21285-8817
(410) 887-8800
FAX (410) 887-0147

RICHARD H. VENABLE (1988-1991)
ROBERT A. BAETJER (1988-1994)
CHARLES H. HOWARD (1970-1984)
ROBERT A. HOFFMAN

August 8, 1994

WRITER'S DIRECT NUMBER IS
(410) 494-8203

HAND-DELIVERED

Lawrence E. Schmidt,
Zoning Commissioner
First Floor, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 94-533-A
Petition for Variance
Chatsworth Partnership, Legal Owner

Dear Mr. Schmidt:

Last week, I received a copy of your Findings of Fact and Conclusions of Law in the referenced case. At page 3 under the restrictions, you indicated that "no improvements, other than landscaping, shall be permitted in the side yards or outside of the building envelope for the proposed lot, as shown on Petitioner's Exhibit No. 1."

Both Mr. Azrael and I have reviewed this language, and he has asked that I write you to confirm that this restriction would not prohibit a fireplace chimney in the side yard, so long as it is within the building envelope as shown on Petitioner's Exhibit 1, nor would the restriction prohibit other improvements or accessory structures in the rear or front yards.

Thank you for attention to this matter.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH/tls

cc: Miranda Murdoch, Esquire
Mr. Richard Azrael
Michael G. DeHaven, Esquire

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 8817
TOWSON, MARYLAND 21285-8817
(410) 887-8800
FAX (410) 887-0147

RICHARD H. VENABLE (1988-1991)
ROBERT A. BAETJER (1988-1994)
CHARLES H. HOWARD (1970-1984)

June 29, 1994

(410) 494-8203

W. Carl Richards, Zoning Coordinator
Baltimore County Office of Zoning
Administration and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Chatsworth Partnership - Glyndon Gate Subdivision
89 Sacred Heart Lane (Lot No. 4, Glyndon Gate)
Request for Variance

Dear Mr. Richards:

We are representing the Chatsworth Partnership, owner of the above-referenced property, with regard to their variance request attached hereto and containing the following:

- (1) Variance Petitions (3);
- (2) Zoning Descriptions (3);
- (3) 200' Scale Zoning Map for the subject site (1);
- (4) Plans to Accompany Petition for Zoning Variance (12); and,
- (5) a check in the amount of \$285.00 to cover the requisite filing fee.

We believe all the documents necessary to file this petition are attached. We would appreciate, however, if you or Sophie could give us a call as soon as possible to confirm that the package is complete and to provide us with the assigned item number. Of course, should anything be missing, please do not hesitate to give us a call.

Yours truly,

E. Page Wingert
E. Page Wingert

GPW/dok
enclosures

cc: Richard Azrael
Robert A. Hoffman, Esq.

TIVVIS AND MURDOCH

ATTORNEYS AT LAW
304 W. PENNSYLVANIA AVENUE
SUITE 1A
TOWSON, MARYLAND 21204

JOSEPH L. TIVVIS, JR.
MIRANDA K. MURDOCH
August 31, 1994

TELEPHONE
410-887-4542

HAND DELIVERED

Mr. Lawrence E. Schmidt,
Zoning Commissioner
First Floor, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 94-533-A
Petition for Variance
Chatsworth Partnership, Legal Owner

Dear Mr. Schmidt:

Please be advised that I represented the protestants in the above captioned matter. After reviewing your Findings of Fact and Conclusions of Law and the letter of Robert A. Hoffman, Esquire dated August 8, 1994, I concur with Mr. Hoffman's interpretation of the restriction as to the placement of a chimney on the subject property.

Based on the language of your Findings of Fact and Conclusions of Law and the language of Mr. Hoffman's letter, the chimney may touch the envelope, but may not extend outside of it. On page five of your opinion, you stated that "No improvements, other than landscaping, shall be permitted in the side yards or outside of the building envelope for the proposed lot, as shown on Petitioner's Exhibit No. 1." The letter of Robert Hoffman, Esquire says that "this restriction would not prohibit a fireplace chimney in the side yard, so long as it is within the building envelope...."

Thank you for your attention to this matter.

Sincerely,

Miranda K. Murdoch
Miranda K. Murdoch

MKM/rl

cc: Robert A. Hoffman, Esq.
Joseph & Carol Chaney
Ronald & Wendi Kremen

DATE: 6/10/94

ZONING DESCRIPTION

RE: LOT #4
(GLYNDO GATE)

Beginning at a point on the EAST side of SACRED HEART LANE which is 60 FEET wide at the distance of 62 FEET NORTH EASTWISLY of the centerline of the nearest improved intersecting street BARN GATE CR which is 30 FEET wide. *Being Lot # 4, Block 1, Section 1 in the subdivision of GLYNDO GATE as recorded in Baltimore County Plat Book # 64, Folio # 62, containing 0.1433 Acs. Also known as #89 SACRED HEART LANE located in the 4 Election District.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/14/94
Posted for: Variance
Petitioner: Chatsworth Partnership - Michael G. Delaven & Tamara C. Daly
Location of property: 89 Sacred Heart Lane, NW 1/4 of Glyndon Gate
Location of Sign: Facing roadway, on property being zoned
Remarks: None
Posted by: Michael G. Delaven Date of return: 7/15/94
Number of Signs: 1



Date: 6/29/94

#020 - VARIANCE \$250.00
#080 - SIGN POSTING 35.00
TOTAL FEES \$285.00

Chatsworth Partnership
89 Sacred Heart Lane
District: 463
Attorney: Robert A. Hoffman
Check from Chatsworth Partnership

01401#0088MICHRU \$285.00
88 COLL11AM08-30-94
Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt
94-533-A

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: 94-533-A (Item 520)
89 Sacred Heart Lane (N/A Lot #4 of Glyndon Gate Subdivision)
S/S Sacred Heart Lane, 62 feet +/- NE of the extension of the c/l Barn Gate Court
4th Election District - 3rd Councilmanic
Petitioner(s): Chatsworth Partnership
Contract Purchaser: Michael G. Delaven and Tamara C. Daly
HEARING: FRIDAY, JULY 29, 1994 at 9:00 a.m. in Rm. 106 County Off. Bldg.

Variance to permit a building-to-building setback of 16 feet in lieu of the required 20 feet approved in case #92-170-A; to permit a window-to-window setback of 16 feet in lieu of the required 20 feet approved in case #92-170-A; and to permit a window-to-lot setback of 8 feet in lieu of the required 10 feet approved in case #92-170-A.

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.

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,

G. Henrichson
LEGAL AD - TOWSON

NOTICE OF HEARING
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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

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4th Election District - 3rd Councilmanic
Petitioner(s): Chatsworth Partnership
Contract Purchaser: Michael G. Delaven and Tamara C. Daly
HEARING: FRIDAY, JULY 29, 1994 at 9:00 a.m. in Rm. 106 County Off. Bldg.

Variance to permit a building-to-building setback of 16 feet in lieu of the required 20 feet approved in case #92-170-A; to permit a window-to-window setback of 16 feet in lieu of the required 20 feet approved in case #92-170-A; and to permit a window-to-lot setback of 8 feet in lieu of the required 10 feet approved in case #92-170-A.

Arnold Jablon
Director

cc: Richard Kramel
Robert A. Hoffman, Esquire
Michael G. Delaven & Tamara C. Daly
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.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 19, 1994

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

RE: Case No. 94-533-A, Item No. 520
Petition for Variance
Petitioner: Chatsworth Partnership, et al.

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 29, 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 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.



Maryland Department of Transportation
State Highway Administration

U. James Lightmizer
Secretary
Hal Kassoff
Administrator

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

Re: Baltimore County
Item No.: 94-533-A (V.C.R.)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

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

Thank you for the opportunity to review this item.

Very truly yours,
David A. Kamm, Esq., Acting Chief
John Comestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 07/12/94

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

RE: Property Owner: SEE BELOW
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 512,514,515,516,518, 519,520,521,522,523 AND #1.

RECEIVED
JUL 13 1994
ZADM

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

cc: File

Printed on Recycled Paper

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
R/S Sacred Heart La. 62' +/- NE ZONING COMMISSIONER
of the ext. c/l Barn Gate Ct. *
89 Sacred Heart Lane * OF BALTIMORE COUNTY
4th Election District *
3rd Councilmanic District *
Legal Owner: Chatsworth Partnership * Case No. 94-533-A
Contract Purchaser: Michael G. *
DeHaven & Tamara C. Daly *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 89 Sacred Heart Lane, a/k/a Lot No. 4 of the Glyndon Gate Subdivision, in the Glyndon section of Baltimore County. Relief is requested from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a building to building setback of 16 ft., in lieu of the required 20 ft., approved in case No. 92-170-A. A variance is also sought from Section V.B.6.b of the Comprehensive Manual of Development Policy (CMDP), adopted pursuant to Section 504 of the BCZR to permit a window to lot setback of 8 ft., in lieu of the required 10 ft., approved in case No. 92-170-A. It is also to be noted that the Petition also sought a variance from Section 1B01.2.C.2.b. as it relates to window to window setbacks for the subject property, however, that variance request was withdrawn at the public hearing.

Appearing at the public hearing held for this case was Richard Azrael, General Partner of Chatsworth Partnership, property owner/Developer. Also present was Jim Kline, a Land Planner with G.W. Stephens and Associates, and Michael DeHaven, co-Petitioner/Contract Purchaser. The Petitioner was represented by Robert A. Hoffman, Esquire.

Appearing in opposition to the request were adjoining property owners. They included Joseph and Carol L. Chaney, who reside immediately next door at 91 Sacred Heart Lane, and Ronald and Wendi Kremen, who reside

on the other side of the property at 87 Sacred Heart Lane. The Protestants were represented by Miranda Murdoch, Esquire.

Mr. Azrael testified and presented the site plan which was marked as Petitioner's Exhibit No. 1. This plan shows that the subject property is zoned D.R.3.5 and is .1438(+/-) acres in area. As Mr. Azrael noted, the subject property is a part (lot No. 4) of the Glyndon Gate Subdivision. This is a mixed residential subdivision containing both townhouses and single family dwellings. There are 65 townhouses constructed within the subdivision and 29 single family dwellings proposed. Approximately 17 of the single family dwellings have already been developed.

Mr. Azrael further testified that a series of variances were obtained in an older case (No. 92-170-A). Apparently, these variances were received by Order of this Commissioner on December 2, 1991. As related to the subject property (lot No. 4), variance relief was obtained permitting distance between adjacent dwellings of 20 ft., in lieu of the required 40 ft.

The Developer also testified that the basis of the previous variance request related to site constraints unique to this property. It was stated that a significant portion of the property is covered by streams/wetlands and that the area which could be utilized for development was compressed. Mr. Azrael emphasized that the subject variances were necessary to construct an esthetically pleasing development with compatible structures.

Mr. Jim Kline also testified. He noted that there has been a change in the County's interpretation of required buffers for storm water management facilities since the original variances were approved. Specifically, he stated that the County now requires a 20 ft. buffer from the proposed storm water management facility located near the subject property. Due to

-2-

the increased buffer requirements, the area for development has been compressed further. He testified that this factor contributed to the request that the setbacks be reduced from 20 ft., as originally requested, to 16 ft. as requested in the instant case. Mr. Kline also presented several schematic drawings and testified as to the proposed improvements. He believes that the proposed construction on the subject lot and the resultant setbacks of 16 ft. to adjoining properties will be compatible with existing homes in the neighborhood and not detrimental to the surrounding locale.

These comments were endorsed through the testimony of Jeff Long with the Office of Planning and Zoning. Mr. Long, likewise, believes that the variances should be granted from a land planning standpoint. He also requested that a restriction be added to any Order approving the variances prohibiting further construction in the side yard of the subject property.

Also testifying was Michael DeHaven, contract purchaser of lot No. 4. He testified that he and his fiancé are under contract to purchase the property and have selected the Davenport model home to be constructed on this site. This home is 35 ft. in width, approximately the same size as the houses on either side of his property. He believes that the Davenport model would be a compatible style home and that the variance relief should be granted.

Testifying in opposition to the request was Joseph and Carol Chaney who reside next door on lot No. 3 (91 Sacred Heart Lane) as well as Ronald and Wendi Kremen who reside on the other side of the subject property at 87 Sacred Heart Lane (lot No. 5). These Protestants all object to a further diminution of the setbacks proposed. They believe that the construction of a 35 ft. wide dwelling is inappropriate. They believe that it might adversely impact property values and overcrowd the streetscape.

-3-

Consideration of the subject request must be made in light of the requirements of Section 307 of the BCZR. Therefore, the standards for all variances are stated. The regulation provides that the Petitioner must demonstrate that practical difficulty would result if strict adherence to the existing Order was required. Moreover, variance relief can only be granted if same will not be detrimental to the surrounding locale and if the relief will be consistent with the spirit and intent of the regulations.

In applying the facts presented to that standard, I am persuaded that the Petitioner has satisfied its burden. Specifically, as to practical difficulty, construction of a single family dwelling on the subject lot is clearly a permitted purpose and entirely appropriate with surrounding uses. Moreover, I am convinced by the Petitioner's arguments that construction of the Davenport model is appropriate. While it is true that the Petitioner could construct a smaller house and comply with the terms of the Order in case No. 92-170-A, such a result would not be, in my view, practical or logical. It will result in a narrower house than the other single family houses on this street. The narrower house would destroy the symmetry and tone of the development and disrupt the visual perspective which the Developer is hoping to maintain for this community.

It is also to be noted that the setbacks for the existing homes are already quite narrow. Although the Petition represents a further narrowing, the scheme of the neighborhood is such that narrow distances between houses is appropriate. The rows of townhouses exist immediately across the street from the subject property. Construction of a narrow house on the subject lot, which might be taller than the existing homes, would not be appropriate. I am not convinced, as the Protestants allege, that the proposed construction will be detrimental to their properties or surround-

-4-

ing locale. For these reasons, I am persuaded that the relief requested should be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of August, 1994 that a variance from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a building to building setback of 16 ft., in lieu of the required 20 ft., approved in case No. 92-170-A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance is also sought from Section V.B.6.b of the Comprehensive Manual of Development Policy (CMDP), adopted pursuant to Section 504 of the BCZR, to permit a window to lot setback of 8 ft., in lieu of the required 10 ft., approved in case No. 92-170-A, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. No improvements, other than landscaping, shall be permitted in the side yards or outside of the building envelope for the proposed lot, as shown on Petitioner's Exhibit No. 1.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

-5-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
403 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 1, 1994

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

RE: Case No. 94-533-A
Petition for Variance
Chatsworth Partnership, Legal Owner
Michael G. DeHaven, et al, Contract Purchaser

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

cc: Mr. Richard Azrael,
cc: Miranda Murdoch, Esquire

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 89 Sacred Heart Lane (Lot #4, Glyndon Gate Subdivision)
which is presently zoned DR 3.5

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

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 addressed 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/Lessor:

Michael G. DeHaven & Tamara C. Daly

Michael G. DeHaven & Tamara C. Daly

6814 Pinehurst Road
Baltimore MD 21212

City State Zipcode

Agency for Petitioner:

Robert A. Hoffman

(Type or Print Name)

Robert A. Hoffman

Venable, Baetjer and Howard

210 Allegheny Avenue

Towson MD 21204

City State Zipcode

Robert A. Hoffman

6814 Pinehurst Road

Baltimore MD 21212

City State Zipcode

Michael G. DeHaven & Tamara C. Daly

6814 Pinehurst Road

Baltimore MD 21212

City State Zipcode

Michael G. DeHaven & Tamara C. Daly

6814 Pinehurst Road

Baltimore MD 21212

City State Zipcode

Michael G. DeHaven & Tamara C. Daly

6814 Pinehurst Road

Write on separately declare and affirm, under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Chatsworth Partnership

(Type or Print Name)

Chatsworth Partnership

By: *Richard Azrael*

Richard Azrael, General Partner

(Type or Print Name)

Signature

8805 Columbia 100 Parkway

Suite 100 720-0400

Address Phone No.

Columbia MD 21045

City State Zipcode

Name Address and phone number of legal owner, contract purchaser or representative to be contacted

Robert A. Hoffman, Esquire

210 Allegheny Avenue

Towson MD 21205 494-6262

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Indicate the following date

ALL OTHER Next Two Months

REVIEWED BY: DATE

DROP-OFF
No REVIEW
6-29-94
WCR