| | | |
|---|---|---|
| IN RE: PETITION FOR VARIANCES AND SPECIAL EXCEPTION | * | BEFORE THE |
| | * | DEPUTY ZONING |
| NW/S Lyons Mill Road 2670'-2970' NE of Marriottsville Road; SE/S Dolfield Road (The Villages of Winterset; formerly known as Kent Mar and Lyonsfield Run) 2nd Election District 3rd Councilmanic District Legal Owner: Cabrago Limited Partnership | * | COMMISSIONER |
| | * | OF |
| | * | BALTIMORE COUNTY |
| | * | Case No.: 95-131-XA |
| | * | |

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

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein seeks the following variances:

1. 1B01.2.C.1. (BCZR) to allow (a) a 15' building-to-building setback for single family homes and (b) a 25' building-to-building setback for townhouses in lieu of the required 40' (for building heights 30 and 40 feet) for:
   (a) Lot Nos. for 15': 1-258, 400-402.
   (b) Lot Nos. for 25': 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394.

2. 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP) to allow (a) a 15' window-to-window separation for single family homes and (b) a 25' window-to-window separation for townhouses on the same tract of land in lieu of the required 40' for:
   (a) Lot Nos. for 15': 1-258, 400-402.
   (b) Lot Nos. for 25': 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394.

3. 1B01.2.C.6. (BCZR) and V.B.6.b. (CMDP) to allow (a) a 4' window to side and rear property line setback for single family homes and (b) a 12' window to side and property setback for townhouses in lieu of the required 15' for:
   (a) Lot Nos. for 4': 1-258, 400-402.
   (b) Lot Nos. for 12': 264-265, 270-271, 275-276, 279-280, 285, 289-290, 299-300, 304, 309-310, 315, 324, 329-330, 335, 339-340, 344-345, 350-351, 356, 362-363, 368-369, 375, 379-380, 383-384, 387-388, 393-394.

4. V.B.6.a. (CMDP) to allow (a) a 14′ and (b) a 10′ window to street setback for single family homes in lieu of the required 25′ for:
(a) Lot Nos. for 14′: 38, 72, 73, 102, 152, 161, 179, 194, 195, 201, 216, 218, 236 (side setbacks only).
(b) Lot Nos. for 14′: 24, 83, 84 (front setbacks only).
(c) Lot Nos. for 10′: 100, 118, 258, 259, 316.

5. 1B01.2.C.6. (BCZR) and V.B.5.b. (CMDP) to allow (a) a 15′, (b) a 5′ and (c) a 20′ building tract-boundary setback for single family homes in lieu of the required 30′ for:
(a) Lot Nos. for 15′: 1, 57, 140, 172 (side-to-tract).
(b) Lot Nos. for 5′: 141, 171 (side-to-tract).
(c) Lot Nos. for 20′: 1-13, 124-140 (rear-to-tract).

6. 1B01.2.C.2.a. (BCZR) to allow (a) a 15′, (b) a 5′ and (c) a 20′ window-to-tract boundary setback for single family homes in lieu of the required 35′ for:
(a) Lot Nos. for 15′: 1, 57, 140, 172.
(b) Lot Nos. for 5′: 141, 171.
(c) Lot Nos. for 20′: 1-13, 124-140.

7. 101. (BCZR) to allow eight (8) townhouse units in an attached group instead of the maximum six (6) townhouse units in an attached group for:
Lot Nos.: 316-323.

8. 400.1. (BCZR) to allow an accessory building (garage) in front yard instead of rear yard only, 20′ from the right-of-way line for:
Lot Nos.: 1-258, 400-402.

9. V.B.8. (CMDP) to allow a 20′ front street right-of-way setback for carports and garages in lieu of required 22′ for:
Lot Nos.: 1-258, 400-402.

10. 413.1.E.1. (BCZR) to allow (a) six (6) 120 square foot community identification signs (a total of 720 square feet) in lieu of permitted 15 square feet, and (b) two (2) 120 square foot community identification signs (a total of 240 square feet) off the Property (sites to be acquired in fee simple, by easement, by license or by other agreement).

11. 424.6.A.2. (BCZR) to allow one (1) 50 square foot double faced sign (a total of 100 square feet) in lieu of permitted 8 square feet.
Parcel "A".

12. 424.7.A. (BCZR) to allow 1.29 acres +/- in lieu of the required 2.26 acres +/- for 150 children.
Parcel "A".

13. 424.7.B. (BCZR) to allow (a) 20' side and rear setback property lines in lieu of the required 50', and (b) a 10' perimeter vegetative buffer in lieu of the required 20' (sides and rear).
Parcel "A".

14. 424.7.C. (BCZR) to allow parking, and a drop-off and delivery area in the front yard in lieu of the side or rear yard only.
Parcel "A".

15. 409.6.A.4. to allow as few as one hundred (100) parking spaces in lieu of the one hundred thirty-six (136) spaces required for the swimming pool and tennis courts, and to allow twelve (12) parking spaces in lieu of the thirty-five (35) required spaces for the group child care center, with allowance for shared parking between the three (3) uses.
Parcels "A" and "B".

Petitioner also seeks a special exception under BCZR, Section 502 and pursuant to BCZR, Section 424.5.A to permit the operation of a group child care center Class "B" facility for the property hereinafter described. The Center, which will be able to care for up to 150 children, will be located in the Property's proposed recreation center complex ("Parcel "A"").

The Petitioner, by T. Kevin Carney, principal of the general partner of the owner of the Property, Cabrago Limited Partnership, appeared, testified and was represented by Jeffrey H. Scherr, Esquire. Also appearing on behalf of Petitioner was David S. Thaler, P.E., L.S., D.S. Thaler & Associates, Inc., and Alan Scoll, R.L.A., also of D.S. Thaler & Associates, Inc. There were no other appearances or opponents.

Testimony and exhibits entered into the record indicate that the subject Property for which the variances and special exception are sought is 107 ± acres. The Property is a portion of the site known as the Villages of Winterset (the "Villages) which is approximately 190 acres and is CRG approved for 883.25 dwelling units.

The Property was the subject matter of variances granted by this Deputy Zoning Commissioner in Case No. 91-490-A. In summary, the variances granted in that case were required by the practical difficulty of achieving a village concept endorsed by the Office of Planning and Zoning with open spaces, pedestrian friendly streets, walkways, recreation area and a variety of housing types, including single family houses, on a site that is 30% to 40% wetland, flood plain and related forest area. Case No. 91-490-A proceeded under zoning regulations in existence at the date of that proceeding and CRG approval. This case proceeds under those same zoning regulations. Many of the variances sought in variances 1 through 9 are for distances that would be allowed under the present zoning regulations.

Mr. Carney testified that through a marketing analysis, a study of the physical constraints of the site as well as conversations with the Department of Planning, it is apparent that the village concept and the building of single family houses encouraged by the Order in Case No. 91-490-A should remain and be

enhanced. Mr. Carney testified that the variances 1 through 9 result from an enhancement of the number of single family homes and, accordingly, cause a reconfiguration and renumbering of the homes for which variances were granted in the Order in Case No. 91-490-A.

Mr. Carney also testified that to further enhance the village concept, he acquired a five acre parcel of land at the north end of the site on which to place recreational facilities and a daycare center. He testified that the daycare center is situated as close as reasonably possible to the residential area so that it will be integrated into the residential area and encourage community residents to walk their children to the daycare site. He also testified that the daycare/recreational area would be complimented by being adjacent to the proposed public school site with its ball fields and other recreational facilities.

The Plan introduced into evidence supported Mr. Carney's testimony that the village concept provides for a variety of uses in housing types on the subject Property, including open space, pedestrian walkways and recreation areas which, together with the realization of the daycare/recreational areas, enhance the village concept.

As to practical difficulty with respect to variances 1 through 9, in summary, Mr. Carney testified that, as with the variances granted in Case No. 91-490-A, to achieve the village concept as described, and to add additional single family houses and recreational and daycare areas, the variances are required. Mr. Thaler testified in detail with regard to practical difficulty in developing the site as proposed. He pointed out the wetland, flood plain and related forest issues and the necessity to cluster single family houses on smaller lots in configurations which are not allowed under the Baltimore County Zoning Regulations in effect at the time of the CRG approval. Mr. Thaler emphasized that the proposed single family lots follow the traditional development concept of smaller more intimate neighborhoods which are currently allowed in other jurisdictions and desired by the Office of Planning and Zoning.

With respect to variances 10 and 11, Mr. Carney and Mr. Thaler testified that the practical difficulty to be addressed is to provide signs needed at the entrances to the Villages and the daycare center that identify the Villages and the daycare center in an attractive and safe manner. Mr. Carney submitted into evidence a schematic of the typical sign that is, in fact, attractive and large enough to give adequate notice to a person needing direction.

With respect to variance 12, the daycare center is on a five acre parcel acquired for purposes of providing all the recreational and daycare uses mentioned above. The recreation facilities will be utilized by the daycare center and a practical difficulty would result if the daycare center is moved away from the recreational area and the public school site, where the daycare center children will also play and, most probably, have brothers and sisters in attendance.

With respect to variance 13, the owner desires to include the daycare center as part of the Villages and, therefore, providing the distances required by the Baltimore County Zoning Regulation would make this salutary objective practically difficult.

As to variance 14, the practical difficulty encountered is to put the drop-off and delivery area away from the parking and closer to the residential area so that it is pedestrian friendly, encouraging children to be walked to daycare as opposed to being driven. To meet this practical difficulty the proposal to put the drop-off and delivery area in the front has the approval of the Director of Planning as required by Baltimore County Zoning Regulation Section 424.7.C.

The practical difficulties mentioned above for variances numbers 12, 13 and 14 apply, as well, to variance 15.

With respect to the special exception, the testimony established that the proposed daycare center would have a maximum population of 150 children. Research by the developer established that this is an ideal size and will service the community as well as adjacent communities. Further testimony by Mr. Thaler established that the daycare center meets all of the requirements of Baltimore County Zoning Regulation, Section 502.1 (a) through (h).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner with regard to this Property. McLean v. Soley, 270 MD. 208 (1973). The requirements to prove practical difficulty are set forth in the McLean case as well as in Anderson v. Bd., Town of Chesapeake Beach, 22 Md. App. 28, 39 (1974). It is clear from the testimony and the exhibits that compliance with the strict letter of area regulations applicable to the subdivision will unreasonably prevent Petitioner from using the Property and be unnecessarily burdensome, that if the variances are granted such as proposed they would not be contrary to the spirit of the Baltimore County Zoning Regulations and would not result in substantial detriment to the public health, safety and general welfare.

Further, it is clear from the testimony and exhibits that the daycare facility should be allowed and that the requirements

of Baltimore County Zoning Regulation, Section 502 are met. This daycare center does not present any "adverse effects above and beyond those inherently associated with . . ." a daycare center and "it is in the interest of the general welfare." Schultz v. Pritts, 291 Md. 1, 15 and 11 (1981).

Pursuant to the advertisement, posting of the Property, and public hearing on this petition and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of December, 1994 that the Petition for Variances to permit:

1. 1B01.2.C.1. (BCZR) to allow (a) a 15' building-to-building setback for single family homes and (b) a 25' building-to-building setback for townhouses in lieu of the required 40' (for building heights 30 and 40 feet) for:
   (a) Lot Nos. for 15': 1-258, 400-402.
   (b) Lot Nos. for 25': 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394.

2. 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP) to allow (a) a 15' window-to-window separation for single family homes and (b) a 25' window-to-window separation for townhouses on the same tract of land in lieu of the required 40' for:
   (a) Lot Nos. for 15': 1-258, 400-402.
   (b) Lot Nos. for 25': 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394.

3. 1B01.2.C.6. (BCZR) and V.B.6.b. (CMDP) to allow (a) a 4' window to side and rear property line setback for single family homes and (b) a 12' window to side and property setback for townhouses in lieu of the required 15' for:
   (a) Lot Nos. for 4': 1-258, 400-402.

(b) Lot Nos. for 12': 264-265, 270-271, 275-276, 279-280, 285, 289-290, 299-300, 304, 309-310, 315, 324, 329-330, 335, 339-340, 344-345, 350-351, 356, 362-363, 368-369, 375, 379-380, 383-384, 387-388, 393-394.

4. V.B.6.a. (CMDP) to allow (a) a 14' and (b) a 10' window to street setback for single family homes in lieu of the required 25' for:
(a) Lot Nos. for 14': 38, 72, 73, 102, 152, 161, 179, 194, 195, 201, 216, 218, 236 (side setbacks only).
(b) Lot Nos. for 14': 24, 83, 84 (front setbacks only).
(c) Lot Nos. for 10': 100, 118, 258, 259, 316.

5. 1B01.2.C.6. (BCZR) and V.B.5.b. (CMDP) to allow (a) a 15', (b) a 5' and (c) a 20' building tract-boundary setback for single family homes in lieu of the required 30' for:
(a) Lot Nos. for 15': 1, 57, 140, 172 (side-to-tract).
(b) Lot Nos. for 5': 141, 171 (side-to-tract).
(c) Lot Nos. for 20': 1-13, 124-140 (rear-to-tract).

6. 1B01.2.C.2.a. (BCZR) to allow (a) a 15', (b) a 5' and (c) a 20' window to window-to-tract boundary setback for single family homes in lieu of the required 35' for:
(a) Lot Nos. for 15': 1, 57, 140, 172.
(b) Lot Nos. for 5': 141, 171.
(c) Lot Nos. for 20': 1-13, 124-140.

7. 101. (BCZR) to allow eight (8) townhouse units in an attached group instead of the maximum six (6) townhouse units in an attached group for:
Lot Nos.: 316-323.

8. 400.1. (BCZR) to allow an accessory building (garage) in front yard instead of rear yard only, 20' from the right-of-way line for:
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9. V.B.8. (CMDP) to allow a 20' front street right-of-way setback for carports and garages in lieu of required 22' for:
Lot Nos.: 1-258, 400-402.

10. 413.1.E.1. (BCZR) to allow (a) six (6) 120 square foot community identification signs (a total of 720 square feet) in lieu of permitted 15 square feet, and (b) two (2) 120 square foot community identification signs (a total of 240 square feet) off the Property (sites to be acquired in fee simple, by easement, by license or by other agreement).

11. 424.6.A.2. (BCZR) to allow one (1) 50 square foot double faced sign (a total of 100 square feet) in lieu of permitted 8 square feet.
Parcel "A".

12. 424.7.A. (BCZR) to allow 1.29 acres +/- in lieu of the required 2.26 acres +/- for 150 children.
Parcel "A".

13. 424.7.B. (BCZR) to allow (a) 20' side and rear setback property lines in lieu of the required 50', and (b) a 10' perimeter vegetative buffer in lieu of the required 20' (sides and rear).
Parcel "A".

14. 424.7.C. (BCZR) to allow parking, and a drop-off and delivery area in the front yard in lieu of the side or rear yard only.
Parcel "A".

15. 409.6.A.4. to allow as few as one hundred (100) parking spaces in lieu of the one hundred thirty-six (136) spaces required for the swimming pool and tennis courts, and to allow twelve (12) parking spaces in lieu of the thirty-five (35) required spaces for the group child care center, with allowance for shared parking between the three (3) uses.
Parcels "A" and "B".

be and it is hereby GRANTED; and

IT IS FURTHER ORDERED that the special exception to permit the operation of a group child care center Class "B" facility for the Property be and is hereby GRANTED.

All of the above relief is, however, subject to the following:

The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such date as the thirty-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.

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/7/94
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 7, 1994

Jeffrey H. Scherr, Esquire
Kramon & Graham
One South Street, Suite 2600
Baltimore, Maryland 21202-3201

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/S Lyons Mill Road, 2600'-2970' NE of Marriottsville Road; and,
SE/S Dolfield Road (The Villages of Winterset; formerly known as Kent Mar & Lyonsfield Run)
2nd Election District - 3rd Councilmanic District
Cabrago Limited Partnership - Petitioners
Case No. 95-131-XA

Dear Mr. Scherr:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have 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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. T. Kevin Carney, President, GBC Limited Partnership
10705 Charter Drive, Suite 450, Columbia, Md. 21044

Mr. David S. Thaler
7115 Ambassador Road, Baltimore, Md. 21244

People's Counsel

File

132

# Petition for Special Exception

95-131-XA

## to the Zoning Commissioner of Baltimore County

**for the property located at** S.W. intersection of Dolfield Road & Watts Road

**which is presently zoned** DR-3.5, DR-5.5, DR-10.5, RC-2 & RC-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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED SHEET

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

Alan Stackman

(Type or Print Name)

Signature

(Type or Print Name)

Signature

10705 Charter Drive (410) 740-5335

Address Phone No.

Suite 450

Columbia, Maryland 21044

City State Zipcode

Attorney for Petitioner:

Jeffrey H. Scherr, Esquire

(Type or Print Name)

Kramon & Graham, P.A., Commerce Place

One South Street, Suite 2600

Baltimore, Maryland 21202 (410) 752-6030

Signature

Address Phone No.

City State Zipcode

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

D.S. Thaler and Associates, Inc.

Name 7115 Ambassador Road

Baltimore, Maryland 21244 (410) 944-3647

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

By

DROP-OFF

NO REVIEW

10/7/94

WCR

Zoning Administration & Development Management

MICROFILMED

95-131-XA

PETITION FOR SPECIAL EXCEPTION
THE VILLAGE OF WINTERSET

Pursuant to 424.5.A. (BCZR), petitioner seeks a special exception to permit the operation of a group child care center Class "B" facility ("the Center") for the above property ("the Property"). The Center, which will be able to care for up to 150 children, will be located in the Property's proposed recreation center complex ("Parcel 'A'").

Petitioner is aware of no other Class "B" group child care center in the Owings Mills/Newtown area. Just over 880 dwellings will be developed on the Property, and the proposed Center will be able to meet the residents' child care needs. The Center should also be able to provide some relief for the child care needs of the surrounding Owings Mills/Newtown area. The operation of the Center thus will not be detrimental to the health, safety or general welfare of the area. Because the Property's residents will be the Center's primary users, its operation will not cause overcrowding or undue concentrations of population, and congestion in roads or streets will also be reduced.

There are several reasons to locate the Center in Parcel "A". First, the Center and recreation center will be located in one area and can share parking facilities, resulting in fewer overall parking spaces and greater compliance with the zoning regulations concerning impermeable surfaces. Second, the recreation center's services and its facilities, including the pool, basketball and tennis courts, will be used as support for the Center. Third, the Center will have access to the ball fields at the school to be built on the immediately adjacent property. Duplication of facilities will thereby be reduced, and, again, lead to greater compliance with the impermeable surface regulations. Last, the property on three sides of the roughly square site of Parcel "A", owned by the Board of Education, will be undeveloped except for the aforementioned school.

In summary, the operation of a Class "B" child care center on the Property is consistent with the spirit and intent of the Baltimore County Zoning Regulations. The Center's operation will not create a potential hazard from fire, panic or other dangers. Nor will its operation negatively impact the schools, parks, water, sewerage or transportation in the area, or interfere with adequate light and air. To the contrary, the operation of the Center will be a convenience to the Property's residents, and improve the Property and surrounding neighborhoods as set forth above.

132

# Petition for Variance

95-131-XA

## to the Zoning Commissioner of Baltimore County

**for the property located at** S.W. of the intersection of Dolfield Road and Watts Road

**which is presently zoned** DR -3.5, DR-5.5, DR-10.5, RC-2 & RC-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 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)

1. Smaller units would be incompatible with the concept and intent of development in the immediate and surrounding neighborhoods.

2. Further reasons to be determined at the 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:
Jeffrey H. Scherr, Esquire
(Type or Print Name)

Signature

Kramon & Graham, P.A.
One South Street
Commerce Place, Suite 2600
Address Phone No.
Baltimore, MD 21202 (410) 752-6030
City State Zipcode

Legal Owner(s):

Alan Stackman
(Type or Print Name)

Signature

(Type or Print Name)

Signature

10705 Charter Drive (410) 740-5335
Address Phone No.
Suite 450
Columbia, Maryland 21044
City State Zipcode

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

D.S. Thaler and Associates, Inc.
Name
7115 Ambassador Road
Baltimore, MD 21244 (410) 944-3647
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 2/7/95
By

DROP OFF
NO REVIEW
10/7/94
WCR

Zoning Administration & Development Management

MICROFILMED

PETITION FOR VARIANCE
THE VILLAGE OF WINTERSET 95-131-XA

1. 1B01.2.C.1. (BCZR) to allow (a) a 15' building-to-building setback for single family homes and (b) a 25' building-to-building setback for townhouses in lieu of the required 40' (for building heights 30 and 40 feet).

2. 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP) to allow (a) a 15' window-to-window separation for single family homes and (b) a 25' window-to-window separation for townhouses on the same tract of land in lieu of the required 40'.

3. 1B01.2.C.6. (BCZR) and V.B.6.b. (CMDP) to allow (a) a 4' window to side and rear property line setback for single family homes and (b) a 12' window to side and property setback for townhouses in lieu of the required 15'.

4. V.B.6.a. (CMDP) to allow (a) a 14' and (b) a 10' window to street setback for single family homes in lieu of the required 25'.

5. 1B01.2.C.6. (BCZR) and V.B.5.b. (CMDP) to allow (a) a 15', (b) a 5' and (c) a 20' building tract-boundary setback for single family homes in lieu of the required 30'.

6. 1B01.2.C.2.a. (BCZR) to allow (a) a 15', (b) a 5' and (c) a 20' window to window-to-tract boundary setback for single family homes in lieu of the required 35'.

7. 101. (BCZR) to allow eight (8) townhouse units in an attached group instead of the maximum six (6) townhouse units in an attached group.

8. 400.1. (BCZR) to allow an accessory building (garage) in front yard instead of rear yard only, 20' from the right-of-way line.

9. V.B.8. (CMDP) to allow a 20' front street right-of-way setback for carports and garages in lieu of required 22'.

10. 413.1.E.1. (BCZR) to allow (a) six (6) 120 square foot community identification signs (a total of 720 square feet) in lieu of required 15 square feet, and (b) two (2) 120 square foot community identification signs (a total of 240 square feet) off the property (sites to be acquired in fee simple, by easement, by license or by other agreement).

11. 424.6.A.2. (BCZR) to allow one (1) 50 square foot double faced sign (a total of 100 square feet) in lieu of required 8 square feet.

12. 424.7.A. (BCZR) to allow 1.29 acres +/- in lieu of the required 2.26 acres +/- for 150 children.

13. 424.7.B. (BCZR) to allow (a) 20' side and rear setback property lines in lieu of the required 50', and (b) a 10' perimeter vegetative buffer in lieu of the required 20' (sides and rear).

14. 424.7.C. (BCZR) to allow parking, and a drop-off and delivery area in the front yard in lieu of the side or rear yard only.

15. 409.6.A.4. to allow as few as one hundred (100) parking spaces in lieu of the one hundred thirty-six (136) spaces required for the swimming pool and tennis courts, and to allow twelve (12) parking spaces in lieu of the thirty-five (35) required spaces for the group child care center, with allowance for shared parking between the three (3) uses.

SUMMARY OF VARIANCE REQUESTS 95-131-XA
THE VILLAGE OF WINTERSET

1. 1B01.2.C.1. (BCZR)
Requires a 40 foot building separation.
(a) Lot Nos. for 15': 1-258, 400-402.
(b) Lot Nos. for 25': 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394.

2. 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP)
Requires a 40 foot window-to-window separation between centers of facing windows.
(a) Lot Nos. for 15': 1-258, 400-402.
(b) Lot Nos. for 25': 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394.

3. 1B01.2.C.6. (BCZR) and V.B.6.b. (CMDP)
Requires a 15 foot window-to-property line setback.
(a) Lot Nos. for 4': 1-258, 400-402.
(b) Lot Nos. for 12': 264-265, 270-271, 275-276, 279-280, 285, 289-290, 299-300, 304, 309-310, 315, 324, 329-330, 335, 339-340, 344-345, 350-351, 356, 362-363, 368-369, 375, 379-380, 383-384, 387-388, 393-394.

4. V.B.6.a. (CMDP)
Requires a 25 foot window-to-side street right-of-way setback.
(a) Lot Nos. for 14': 38, 72, 73, 102, 152, 161, 179, 194, 195, 201, 216, 218, 236 (side setbacks only).
(b) Lot Nos. for 14': 24, 83, 84 (front setbacks only).
(c) Lot Nos. for 10': 100, 118, 258, 259, 316.

5. 1B01.2.C.6. (BCZR) and V.B.5.b. (CMDP)
Requires a 30 foot building-tract boundary setback.
(a) Lot Nos. for 15': 1, 57, 140, 172 (side-to-tract).
(b) Lot Nos. for 5': 141, 171 (side-to-tract).
(c) Lot Nos. for 20': 1-13, 124-140 (rear-to-tract).

6. 1B01.2.C.2.a. (BCZR)
Requires a 35 foot window-to-window tract boundary setback.
(a) Lot Nos. for 15': 1, 57, 140, 172.
(b) Lot Nos. for 5': 141, 171.
(c) Lot Nos. for 20': 1-13, 124-140.

7. 101. (BCZR)
Allows a maximum of (6) townhouse units in an attached group under the definition of "Group House".
Lot Nos.: 316-323.

8. 400.1. (BCZR)
Allows accessory buildings only in the rear yard.
Lot Nos.: 1-258, 400-402.

9. V.B.8. (CMDP)
Requires a 22 foot front street right-of-way setback for carports and garages.
Lot Nos.: 1-258, 400-402.

10. 413.1.E.1. (BCZR)
Allows 15 square feet maximum for community identification signs.

11. 424.6.A.2. (BCZR)
Allows 8 square feet maximum for child care identification signs.
Parcel "A".

12. 424.7.A. (BCZR)
Requires an area of one (1) acre for first 40 licensed children, plus 500 square feet per child over 40 licensed children for a principal use Class "B" group child care center in a residential zone.
Parcel "A".

13. 424.7.B. (BCZR)
Requires a setback of 50 feet from side and/or rear property line and a 20 feet perimeter vegetative buffer.
Parcel "A".

14. 424.7.C. (BCZR)
Allows parking, and drop-off and delivery areas only in the side or rear yard.
Parcel "A".

15. 409.6.A.4.
Requires one (1) parking space per seven (7) persons permitted in a community swimming pool at one time by the Department of Health and Mental Hygiene, plus three (3) additional parking spaces per court for tennis, handball, racquetball or similar courts. Also requires one (1) parking space per employee on the largest shift for a group child care center.
Parcels "A" and "B".

132

95-131-XA

September 19, 1994

THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)

(DESCRIPTION FOR ZONING PURPOSES ONLY)

Beginning for the same at a point north of Dolfield Road, said point being 50 feet, more or less, in a northwesterly direction from the intersection of said Dolfield Road and Watts Road; thence, crossing said Dolfield Road and running more or less on the easterly side of the aforementioned Watts Road, South 50°35'23" East 1577.13 feet to a point; thence, North 39°25'04" East 310.16 feet to a point; thence, South 50°34'01" East 414.92 feet to a point; thence, South 39°25'02" West 310.00 feet to a point; thence, South 50°35'23" East 990.08 feet to a point; thence, South 32°08'37" West 1356.67 feet to a point; thence, South 70°56'24" East 811.67 feet to a point; thence, South 49°36'48" West 965.13 feet to a point; thence, South 05°11'58" West 125.72 feet to a point; thence 150.14 feet by a curve to the left, having a radius of 700.00 feet and a chord of South 00°56'42" East 149.85 to a point; thence, South 85°35'15" West 1060.08 feet to a point; thence, North 05°45'46" East 1546.68 feet to a point; thence, North 71°01'57" West 1578.76 feet to a point; thence, North 45°47'54" East 879.04 feet to a point; thence, North 45°48'56" East 609.59 feet to a point; thence, North 16°16'50" West 670.18 feet to a point; thence,

95-131-XA

September 19, 1994
THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)
(DESCRIPTION FOR ZONING PURPOSES ONLY)

North 15°44'34" East 141.48 feet to a point; thence, South 88°10'28" West 1171.75 feet to a point; thence, North 31°49'58" West 76.09 feet to a point; thence, North 88°09'38" East 758.73 feet to a point; thence, North 41°23'39" East 490.68 feet to the point of beginning.

Containing 141.22 acres of land, more or less.

This description taken from and intended to comply with a plan entitled "Plat to Accompany Zoning Petition" prepared by D.S. Thaler & Associates, Inc. dated September 13, 1994.

STATE OF MARYLAND
RICHARD F. LING
REGISTERED PROPERTY LINE SURVEYOR
No. 503

95-131-XA

September 19, 1994

THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)

(DESCRIPTION FOR ZONING PURPOSES ONLY - SPECIAL EXCEPTION)

Beginning for the same at a point approximately 768 feet, more or less, in a southeasterly direction from the intersection of Dolfield Road and Watts Road along the eastern right-of-way of New Town Boulevard; thence leaving the said right-of-way,

1. North 88°44'40" East 160.00 feet to a point; thence,
2. North 85°41'56" East 46.99 feet to a point; thence,
3. North 68°31'02" East 80.12 feet to a point; thence,
4. North 38°46'54" East 203.10 feet to a point; thence,
5. South 50°34'01" East 225.00 feet to a point; thence,
6. South 39°25'02" West 170.00 feet to a point; thence,
7. North 50°35'23" West 121.43 feet to a point; thence,
8. South 39°24'37" West 53.00 feet to a point; thence,
9. North 50°35'23" West 101.11 feet to a point; thence,
10. South 39°24'37" West 125.08 feet to a point; thence,
11. North 50°35'23" West 47.00 feet to a point; thence,
12. North 79°51'50" West 97.00 feet to a point; thence,
13. South 10°08"10" West 28.00 feet to a point; thence,
14. North 79°51'50" West 47.00 feet to a point; thence,
15. North 34°51'50" West 21.21 feet to a point on the east right-of-way line of New Town Boulevard; thence,
16. North 10°08'10" East 11.36 feet to a point; thence,

95-131-XA

September 19, 1994
THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)
(DESCRIPTION FOR ZONING PURPOSES ONLY - SPECIAL EXCEPTION)

17. 20.00 feet by a curve to the right, having a radius of 1,159.19 feet and a chord of North 10°37'49" East 20.00 feet to the point of beginning.

Containing 1.29 acres of land, more or less.

This description taken from and intended to comply with a Plan entitled "Plat to Accompany Zoning Petitions" for the Villages of Winterset.

STATE OF MARYLAND
BERNARD F. LINSENMEYER III
No. 503
PROPERTY LINE SURVEYOR

95-131-XA

September 19, 1994

THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)

SECTION 1-A

(DESCRIPTION FOR ZONING PURPOSES ONLY)

Beginning for the same at a point on the north side of Lyons Mill Road right-of-way as widened to 75 feet, said point being 2670 feet, more or less, east of Marriortsville Road, and having coordinates North 34,123 West 55,739 on the Baltimore County Metropolitan District grid; thence leaving said right-of-way, North 37°57'06" West 31.64 feet to a point; thence, North 03°51'36" West 37.87 feet; thence, 123.49 feet by a curve to the left, having a radius of 183.67 feet and a chord of North 09°33'42" East 121.18 feet to a point; thence, 72.38 feet by a curve to the right, having a radius of 113.50 feet and a chord of North 08°34'03" East 71.16 feet to a point; thence, North 81°23'33" East 16.29 feet to a point; thence, South 44°03'01" East 169.88 feet to a point; thence, South 06°23'13" West 20.42 feet to the north side of the right-of-way of Lyons Mill Road as widened; thence following said right-of-way, South 47°48'41" West 13.75 feet; thence 126.60 feet by a curve to the left, having a radius of 992.50 feet and a chord of South 52°29'08" West 126.51 feet to a point; thence South 48°49'55" West 40.03 feet to the point of beginning.

Containing 22,396 square feet, more or less, or 0.51 acres of land, more or less.

Description taken from and intended to comply with "Plat to Accompany Zoning Petitions" for The Villages of Winterset.

STATE OF MARYLAND
BERNARD F. LINSENMEIER III
No. 593
REGISTERED
PROPERTY LINE SURVEYOR

MICROFILMED

95-131-XA

September 19, 1994

THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)

Section 1-B

(DESCRIPTION FOR ZONING PURPOSES ONLY)

Beginning for the same at a point on the north side of Lyons Mill Road right-of-way as widened to 75 feet, said point being 2970 feet more or less east of Marriottsville Road, and having coordinates North 34,289 West 55,500 on Baltimore County Metropolitan District grid; thence leaving said right-of-way, North 80°24'33" West 19.90 feet to a point; thence North 44°03'01" West 181.55 feet to a point; thence 13.52 feet by a curve to the right, having a radius of 660.00 feet and a chord of North 43°27'49" West 13.52 feet to a point; thence, North 10°12"20" East 15.99 feet to a point; thence, 71.90 feet by a curve to the right, having a radius of 165.00 feet and a chord of North 75°46'17" East 71.33 feet to a point; thence, South 44°03'01" East 207.14 feet to a point on the north side of Lyons Mill Road, as now widened, thence along said right-of-way, 66.99 feet by a curve to the left, having a radius of 992.50 feet and a chord of South 65°17'17" West 66.98 feet to the point of beginning.

Containing 16,164 square feet, more or less, or 0.37 acres of land, more or less.

Description taken from and intended to comply with "Plat to Accompany Zoning Petitions" for The Villages of Winterset.

STATE OF MARYLAND
RICHARD F. LINSENMEYER III
No. 503
REGISTERED
PROPERTY LINE SURVEYOR

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:
96-131-XA (Item 132)
NW/S Lyons Mill Road, 2870 + 2970' NE of Mandotsville Road;
SE/S Dolfield Road
(The Villages of Winterset; formerly known as Kent Mar and Lyonsfield Run)
2nd Election District
3rd Councilmanic District
Legal Owner:
Alan Stackman

HEARING: WEDNESDAY, NOVEMBER 6, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

**Special Exception:** to permit the operation of a group child care center, Class "B" facility **Variance:** to allow a 15-ft. building-to-building setback for single family homes and a 25-ft. building-to-building setback for townhouses in lieu of the required 40 ft. (for building heights 30 & 40 ft.); to allow a 15-ft. window-to-window separation for single family homes and a 25-ft. window-to-window separation for townhouses on the same tract of land in lieu of the required 40 ft.; to allow a 4-ft. window to side and rear property line setback for single family homes and a 12-ft. window to side and property setback for townhouses in lieu of the required 15 ft.; to allow a 14-ft. and a 10-ft. window to street setback for single family homes in lieu of the required 25 ft.; to allow a 15-ft., a 5-ft., and a 20-ft. building tract-boundary setback for single family homes in lieu of the required 50 ft.; to allow a 15-ft. [illegible] and a 20-ft. [illegible] tract boundary setback for single family homes in lieu of the required 35 ft.; to allow 8 townhouse units in an attached group instead of the maximum 6 townhouse units in an attached group; to allow an accessory building (garage) in the front yard instead of the rear yard only, 20 ft. from the right-of-way line; to allow a 20-ft. front street right-of-way setback for carports and garages in lieu of the required 22 ft.; to allow 6 120-sq ft. community identification signs (a total of 720 sq. ft.) in lieu of the required 15 sq. ft. and 120-sq. ft. community identification signs (a total of 240 sq. ft.) off the property; to allow one 50-sq. ft. double-faced sign (a total of 100 sq. ft.) in lieu of the required 8 sq. ft.; to allow 1.29 +/- acres in lieu of the required 2.26 +/- acres for 150 children; to allow 20-ft. side and rear setback property lines in lieu of the required 50 ft. and a 10-ft. perimeter vegetative buffer in lieu of the required 20 ft. (sides and rear); to allow parking, a drop-off and delivery area in the fron yard in lieu of the side or rear yard only; and to allow as few as 100 parking spaces in lieu of the 136 spaces required for the swimming pool and tennis courts, and to allow 12 parking spaces in lieu of the 35 required spaces for the group child care center, with allowance for shared parking between the 3 uses.

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.

10/224 October 20.

# CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 20, 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 Oct 20, 1994

**THE JEFFERSONIAN,**

A. Henrickson

LEGAL AD. - TOWSON

MICROFILMED

**CERTIFICATE OF POSTING** 95-131-XA

**ZONING DEPARTMENT OF BALTIMORE COUNTY**

**Towson, Maryland**

District: 2nd Date of Posting: 10/21/94

Posted for: Special Exception & Variance

Petitioner: Hon Stackman

Location of property: NWLS Lyons Mill Rd, SE/S Dolfield Rd

Location of Signs: Post at Trailer Office on Lyons Mill Rd.

Remarks: No Post used - Nailed to post of office

Posted by: [signature] Date of return: 10/28/94

Signature

Number of Signs: 2

MICROFILMED

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

receipt

95-131-XA

Account: R-001-6150

Number 132 (WCR)

DROP-OFF ——— NO REVIEW

Date 10/7/94

#020 - VARIANCE ——————— $250.00
#050 - SPECIAL EXCEPTION ———— $300.00
#080 - SIGNS (4 @ $35) ———— $140.00

TOTAL ——————————————— $690.00

Legal Owner: Alan Stackman
SW intersection Dolfield Road and Watts Road
(Villages of Winterset) (formerly known as
Kent Mar & Lyonsfield Run)
District: 2c3
Acreage & Zoning: R.C.-2 -- .41 acre (gross)
R.C.-5 -- 1.21 acres (gross)
D.R. -3.5 -- 85.62 acres (gross)
D.R.-5.5 -- 99.08 acres (gross)
D.R.-10.5 -- 3.68 acres (gross)

Checks From:
GBC Limited Partnership -
$535.00 (9/15/94)
D.S. Thaler & Associates -
$155.00 (10/6/94)

MICROFILMED

02802#0479MTCHRC $690.00
BA C001:33PM10-11-94

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

OCTOBER 14, 1994

# NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of BaltimoreCounty, 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: 95-131-XA (Item 132)
NW/S Lyons Mill Road, 2670'-2970' NE of Marriottsville Road; SE/S Dolfield Road
(The Villages of Winterset; formerly known as Kent Mar and Lyonsfield Run)
2nd Election District -3rd Councilmanic District
Legal Owner: Alan Stackman
HEARING: WEDNESDAY, NOVEMBER 9, 1994 at 10:00 a.m. in Room 118, Old Courthouse.

Special Exception to permit the operation of a group child care center, Class "B" facility.
Variance to allow a 15-ft. building-to-building setback for single family homes and a 25-ft. building-to-building setback for townhouses in lieu of the required 40 ft. (for building heights 30 & 40 ft.); to allow a 15-ft. window-to-window separation for single family homes and a 25-ft. window-to-window separation for townhouses on the same tract of land in lieu of the required 40 ft.; to allow a 4-ft. window to side and rear property line setback for single family homes and a 12-ft. window to side and property setback for townhouses in lieu of the required 15 ft.; to allow a 14-ft. and a 10-ft. window to street setback for single family homes in lieu of the required 25 ft.; to allow a 15-ft., a 5-ft., and a 20-ft. building tract-boundary setback for single family homes in lieu of the required 30 ft.; to allow a 15-ft., a 5-ft., and a 20-ft. window to window-to-tract boundary setback for single family homes in lieu of the required 35 ft.; to allow 8 townhouse units in an attached group instead of the maximum 6 townhouse units in an attached group; to allow an accessory building (garage) in the front yard instead of the rear yard only, 20 ft. from the right-of-way line; to allow a 20-ft. front street right-of-way setback for carports and garages in lieu of the required 22 ft.; to allow 6 120-sq. ft. community identification signs (a total of 720 sq. ft.) in lieu of the required 15 sq. ft. and 2 120-sq. ft. community identification signs (a total of 240 sq. ft.) off the property; to allow one 50-sq. ft. double-faced sign (a total of 100 sq. ft.) in lieu of the required 8 sq. ft.; to allow 1.29 +/- acres in lieu of the required 2.26 +/- acres for 150 children; to allow 20-ft. side and rear setback property lines in lieu of the required 50 ft. and a 10-ft. perimeter vegetative buffer in lieu of the required 20 ft. (sides and rear); to allow parking, a drop-off and delivery area in the front yard in lieu of the side or rear yard only; and to allow as few as 100 parking spaces in lieu of the 136 spaces required for the swimming pool and tennis courts, and to allow 12 parking spaces in lieu of the 35 required spaces for the group child care center, with allowance for shared parking between the 3 uses.

Arnold Jablon
Director

MICROFILMED

cc: Alan Stackman
D. S. Thaler and Associates, Inc.
Jeffrey H. Scherr, Esq.

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 CONCERING 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

Jeffrey H. Scherr, Esquire
One South Street, Suite 2600
Baltimore, Maryland 21202

RE: Case No. 95-131XA, Item No. 132
Petitioner: Alan Stackman

Dear Mr. Scherr:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on October 07, 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 is related <u>only to the filing of future zoning petitions</u> and are aimed at expediting the petition filing process with this office:

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby 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.

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 the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.

3. Those individuals 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 Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

MICROFILMED

WCR/jnw
Enclosure(s)

B A L T I M O R E  C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

October 24, 1994

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

FROM: J. Lawrence Pilson JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #132 - Villages of Winterset
S/W Intersection of Dolfield Road & Watts Road
Zoning Advisory Committee Meeting of October 17, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:VK:sp

WINTERC/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E  C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: October 24, 1994

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

RE: Zoning Advisory Committee Meeting
for October 24, 1994
Items 125, 126, 127, 130, 132, 134 and 135

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE:

SUBJECT:

INFORMATION:

Item Number: 132

Petitioner: Alan Stackman

Property Size:

Zoning: D.R.-3.5, 5.5, 10.5 & R.C-2 and R.C.-5

Requested Action: Variance and Special Exception

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS: Since changes to the plan are consistent with the modifications that staff requested of the developer's engineer, we support the applicant's Variance and Spe cial Exception.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kerns

PK/JL

MICROFILMED

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/19/94

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

RE: Property Owner: ALAN STACKMAN

LOCATION: NW/S LYONS MILL RD., 2670-2970' NE OF MARRIOTTSVILLE RD.
SE/S DOLFIELD RD. (THE VILLAGE OF WINTEREST, FORMERLY KNOWN AS KENT MAR AND LYONSFIELD RUN)
Item No.: 132 Zoning Agenda: SPECIAL EXCEPTION
VARIANCE

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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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

RECEIVED
OCT 20 1994
ZADM

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

cc: File

MICROFILMED

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-14-94

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

Re: Baltimore County
Item No.: #132 (WCR)

Dear Ms. Winiarski:

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 Ramsey, Acting 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

D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244

(410) 944-ENGR • (410) 944-3647 • FAX (410) 944-3684

June 5, 1995

Arnold Jablon, Esquire
Baltimore County, Maryland
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: The Villages of Winterset
(formerly known as Kent Mar & Lyonsfield Run)
Zoning Case 95-131-XA
"Spirit and Intent" Request

Dear Mr. Jablon:

This letter is a request for approval of the enclosed "red-lined" plan as meeting the "spirit and intent" of the approval of the site plans presented in zoning case #95-131-XA.

The enclosed plan and accompanying "red-lined" petition reflects certain design refinements that have occurred subsequent to Deputy Zoning Commissioner Kotroco's decision of December 7, 1994, which granted approval of the Special Exception and Variance requests in the referenced case. The following changes are reflected:

1. The extension of Watts' Road (Road 'I') to intersect New Town Boulevard (in consideration of Planning and of Public Works' comments), with the deletion of former Lot No. 151. This reconfiguration has two (2) ramifications with regard to the zoning approval:

   a. Some lot numbers change with regard to the variances applicable to each lot.

   b. The configuration of Parcel 'A', subject to the Special Exception for a Class 'B' day care facility, changes slightly. This minor shift does not affect the size of Parcel 'A' or any of the variances approved in conjunction with the day care use with the exception of the <u>location</u> only of the prospective day care signage.

2. A number of lot widths have been adjusted to allow some additional variety in house sizes. The applicable setback and yard variances as granted are not affected by these lot line shifts.

We have enclosed a check in the amount of $40.00 as required.

We have also enclosed a revised description for Parcel 'A'.

Thank you for your consideration in this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.

Alan E. Scoll, R.L.A.

cc: David S. Thaler, P.E., L.S.
Henry F. Sadler, P.E.
Mark S. Vaszil
T. Kevin Carney
Alan Stackman
Jeffrey H. Scherr, Esq.

AES/gfl/dll/jablon/531

Enclosures

We have enclosed a check in the amount of $40.00 as required.

We have also enclosed a revised description for Parcel 'A'.

Thank you for your consideration in this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.

Alan E. Scoll, R.L.A.

Speed Letter

In the interest of speed and economy, we are replying to your letter with marginal notes.
If you need more information, do not hesitate to call or write.
Thank you for your interest.

June 15, 1995
2nd Election District

Dear Mr. Scoll:

Please be advised that the proposed red-line changes, mentioned in your letter, are considered as being within the spirit and intent of zoning case 95-131-XA. This determination is based upon that there are no other deficiencies created by the amendment. Please submit one additional red-lined plan, property description, and variance request description for the zoning case file.

Sincerely,

Mitchell J. Kellman
Planner II

MJK:jaw

| EXPLANATION | AMOUNT | |
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5646

**D.S. THALER & ASSOCIATES, INC.**
7115 AMBASSADOR RD.
BALTIMORE, MD 21244

7-7065-2520 - (03)

PAY AMOUNT OF THE SUM 40 DOLS 00 CTS DOLLARS

CHECK AMOUNT $ 40.00

| DATE | TO THE ORDER OF | DESCRIPTION | CHECK NUMBER |
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| 6/5/95 | Baltimore County, Maryland | Villages of Winterset Variance Review Fee | 5646 |

111012

HOUSEHOLD BANK
BALTIMORE, MD 21202

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Amy Fothiller
W mistemer

# Petition for Variance

## to the Zoning Commissioner of Baltimore County

**for the property located at** S.W. of the intersection of Dolfield Road and Watts Road

**which is presently zoned** DR -3.5, DR-5.5, DR-10.5, RC-2 & RC-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 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)

1. Smaller units would be incompatible with the concept and intent of development in the immediate and surrounding neighborhoods.

2. Further reasons to be determined at the 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Jeffrey H. Scherr, Esquire

(Type or Print Name)

Signature

Kramon & Graham, P.A.
One South Street
Commerce Place, Suite 2600
Baltimore, MD 21202 (410) 752-6030

Address Phone No.

City State Zipcode

Legal Owner(s):

Alan Stackman

(Type or Print Name)

Signature

(Type or Print Name)

Signature

10705 Charter Drive (410) 740-5335

Address Phone No.

Suite 450
Columbia, Maryland 21044

City State Zipcode

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

D.S. Thaler and Associates, Inc.

Name

7115 Ambassador Road
Baltimore, MD 21244 (410) 944-3647

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

PETITION FOR VARIANCE
THE VILLAGE OF WINTERSET

1. 1B01.2.C.1. (BCZR) to allow (a) a 15′ building-to-building setback for single family homes and (b) a 25′ building-to-building setback for townhouses in lieu of the required 40′ (for building heights 30 and 40 feet).

2. 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP) to allow (a) a 15′ window-to-window separation for single family homes and (b) a 25′ window-to-window separation for townhouses on the same tract of land in lieu of the required 40′.

3. 1B01.2.C.6. (BCZR) and V.B.6.b. (CMDP) to allow (a) a 4′ window to side and rear property line setback for single family homes and (b) a 12′ window to side and property setback for townhouses in lieu of the required 15′.

4. V.B.6.a. (CMDP) to allow (a) a 14′ and (b) a 10′ window to street setback for single family homes in lieu of the required 25′.

5. 1B01.2.C.6. (BCZR) and V.B.5.b. (CMDP) to allow (a) a 15′, (b) a 5′ and (c) a 20′ building tract-boundary setback for single family homes in lieu of the required 30′.

6. 1B01.2.C.2.a. (BCZR) to allow (a) a 15′, (b) a 5′ and (c) a 20′ window to window-to-tract boundary setback for single family homes in lieu of the required 35′.

7. 101. (BCZR) to allow eight (8) townhouse units in an attached group instead of the maximum six (6) townhouse units in an attached group.

8. 400.1. (BCZR) to allow an accessory building (garage) in front yard instead of rear yard only, 20′ from the right-of-way line.

9. V.B.8. (CMDP) to allow a 20′ front street right-of-way setback for carports and garages in lieu of required 22′.

10. 413.1.E.1. (BCZR) to allow (a) six (6) 120 square foot community identification signs (a total of 720 square feet) in lieu of required 15 square feet, and (b) two (2) 120 square foot community identification signs (a total of 240 square feet) off the property (sites to be acquired in fee simple, by easement, by license or by other agreement).

11. 424.6.A.2. (BCZR) to allow one (1) 50 square foot double faced sign (a total of 100 square feet) in lieu of required 8 square feet.

Variance From Section (continued)

12. 424.7.A. (BCZR) to allow 1.29 acres +/- in lieu of the required 2.26 acres +/- for 150 children.

13. 424.7.B. (BCZR) to allow (a) 20' side and rear setback property lines in lieu of the required 50', and (b) a 10' perimeter vegetative buffer in lieu of the required 20' (sides and rear).

14. 424.7.C. (BCZR) to allow parking, and a drop-off and delivery area in the front yard in lieu of the side or rear yard only.

15. 409.6.A.4. to allow as few as one hundred (100) parking spaces in lieu of the one hundred thirty-six (136) spaces required for the swimming pool and tennis courts, and to allow twelve (12) parking spaces in lieu of the thirty-five (35) required spaces for the group child care center, with allowance for shared parking between the three (3) uses.

SUMMARY OF VARIANCE REQUESTS
THE VILLAGE OF WINTERSET

1. 1B01.2.C.1. (BCZR)
Requires a 40 foot building separation.
(a) Lot Nos. for 15': ~~1-250~~, 400-402, 1-150, 152-258
(b) Lot Nos. for 25': 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394.

2. 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP)
Requires a 40 foot window-to-window separation between centers of facing windows.
(a) Lot Nos. for 15': ~~1-250~~, 400-402, 1-150, 152-258
(b) Lot Nos. for 25': 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394.

3. 1B01.2.C.6. (BCZR) and V.B.6.b. (CMDP)
Requires a 15 foot window-to-property line setback.
(a) Lot Nos. for 4': ~~1-250~~, 400-402, 1-150, 152-258
(b) Lot Nos. for 12': 264-265, 270-271, 275-276, 279-280, 285, 289-290, 299-300, 304, 309-310, 315, 324, 329-330, 335, 339-340, 344-345, 350-351, 356, 362-363, 368-369, 375, 379-380, 383-384, 387-388, 393-394.

4. V.B.6.a. (CMDP)
Requires a 25 foot window-to-~~side~~ street right-of-way setback.
(a) Lot Nos. for 14': 38, 72, 73, 100 102, 120 152, 161, 179, 194, 195, 201, 216, 218, 236 (side setbacks only).
(b) Lot Nos. for 14': 24, 83, 84 (front setbacks only).
(c) Lot Nos. for 10': ~~100~~, ~~110~~, 258, 259, 316. (SIDE ONLY)

5. 1B01.2.C.6. (BCZR) and V.B.5.b. (CMDP)
Requires a 30 foot building-tract boundary setback.
(a) Lot Nos. for 15': 1, 57, 140, 172 (side-to-tract).
(b) Lot Nos. for 5': 141, 171 (side-to-tract).
(c) Lot Nos. for 20': 1-13, 124-140 (rear-to-tract).

6. 1B01.2.C.2.a. (BCZR)
Requires a 35 foot window-to-window tract boundary setback.
(a) Lot Nos. for 15': 1, 57, 140, 172.
(b) Lot Nos. for 5': 141, 171.
(c) Lot Nos. for 20': 1-13, 124-140.

Summary of Variance Requests (continued)

7. 101. (BCZR)
Allows a maximum of (6) townhouse units in an attached group under the definition of "Group House".
Lot Nos.: 316-323.

8. 400.1. (BCZR)
Allows accessory buildings only in the rear yard.
Lot Nos.: ~~1-258~~, 400-402, 1-150, 152-258

9. V.B.8. (CMDP)
Requires a 22 foot front street right-of-way setback for carports and garages.
Lot Nos.: ~~1-258~~, 400-402, 1-50, 152-258

10. 413.1.E.1. (BCZR)
Allows 15 square feet maximum for community identification signs.

11. 424.6.A.2. (BCZR)
Allows 8 square feet maximum for child care identification signs.
Parcel "A".

12. 424.7.A. (BCZR)
Requires an area of one (1) acre for first 40 licensed children, plus 500 square feet per child over 40 licensed children for a principal use Class "B" group child care center in a residential zone.
Parcel "A".

13. 424.7.B. (BCZR)
Requires a setback of 50 feet from side and/or rear property line and a 20 feet perimeter vegetative buffer.
Parcel "A".

14. 424.7.C. (BCZR)
Allows parking, and drop-off and delivery areas only in the side or rear yard.
Parcel "A".

Summary of Variance Requests (continued)

15. 409.6.A.4.
Requires one (1) parking space per seven (7) persons permitted in a community swimming pool at one time by the Department of Health and Mental Hygiene, plus three (3) additional parking spaces per court for tennis, handball, racquetball or similar courts. Also requires one (1) parking space per employee on the largest shift for a group child care center.
Parcels "A" and "B".

# VARIANCE REQUEST MATRIX

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| VAR. NO. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
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| VAR. NO. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
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| 264 | b | b | b | | | | | | |
| 265 | b | b | b | | | | | | |
| 266 | | | | | | | | | |
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| 268 | | | | | | | | | |
| 269 | | | | | | | | | |
| 270 | b | b | b | | | | | | |

| VAR. NO. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
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| LOT NO. | | | | | | | | | |
| 271 | b | b | b | | | | | | |
| 272 | | | | | | | | | |
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| 274 | | | | | | | | | |
| 275 | b | b | b | | | | | | |
| 276 | b | b | b | | | | | | |
| 277 | | | | | | | | | |
| 278 | | | | | | | | | |
| 279 | b | b | b | | | | | | |
| 280 | b | b | b | | | | | | |
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| 290 | b | b | b | | | | | | |
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| 298 | | | | | | | | | |
| 299 | b | b | b | | | | | | |
| 300 | b | b | b | | | | | | |

| VAR. NO. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
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| LOT NO. | | | | | | | | | |
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| 309 | b | b | b | | | | | | |
| 310 | b | b | b | | | | | | |
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| 328 | | | | | | | | | |
| 329 | b | b | b | | | | | | |
| 330 | b | b | b | | | | | | |

| VAR. NO. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
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| LOT NO. | | | | | | | | | |
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| 340 | b | b | b | | | | | | |
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| 351 | b | b | b | | | | | | |
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| VAR. NO. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
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| 380 | b | b | b | | | | | | |
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| 383 | b | b | b | | | | | | |
| 384 | b | b | b | | | | | | |
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| VAR. NO. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
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| LOT NO. | | | | | | | | | |
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| 392 | | | | | | | | | |
| 393 | b | b | b | | | | | | |
| 394 | b | b | b | | | | | | |
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| 401 | a | a | a | | | | | a | a |
| 402 | a | a | a | | | | | a | a |

## VARIANCE REQUEST MATRIX (cont.)

| VAR. NO. | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|
| **LOCATION** | | | | | | |
| Parcel 'A' | | a | a | a, b | a | a |
| Parcel 'B' | | | | | | a |
| COMMUNITY SIGN SITES (see plan) | a, b | | | | | |

September 19, 1994

THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)

(DESCRIPTION FOR ZONING PURPOSES ONLY)

Beginning for the same at a point north of Dolfield Road, said point being 50 feet, more or less, in a northwesterly direction from the intersection of said Dolfield Road and Watts Road; thence, crossing said Dolfield Road and running more or less on the easterly side of the aforementioned Watts Road, South 50°35'23" East 1577.13 feet to a point; thence, North 39°25'04" East 310.16 feet to a point; thence, South 50°34'01" East 414.92 feet to a point; thence, South 39°25'02" West 310.00 feet to a point; thence, South 50°35'23" East 990.08 feet to a point; thence, South 32°08'37" West 1356.67 feet to a point; thence, South 70°56'24" East 811.67 feet to a point; thence, South 49°36'48" West 965.13 feet to a point; thence, South 05°11'58" West 125.72 feet to a point; thence 150.14 feet by a curve to the left, having a radius of 700.00 feet and a chord of South 00°56'42" East 149.85 to a point; thence, South 85°35'15" West 1060.08 feet to a point; thence, North 05°45'46" East 1546.68 feet to a point; thence, North 71°01'57" West 1578.76 feet to a point; thence, North 45°47'54" East 879.04 feet to a point; thence, North 45°48'56" East 609.59 feet to a point; thence, North 16°16'50" West 670.18 feet to a point; thence,

September 19, 1994
THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)
(DESCRIPTION FOR ZONING PURPOSES ONLY)

North 15°44'34" East 141.48 feet to a point; thence, South 88°10'28" West 1171.75 feet to a point; thence, North 31°49'58" West 76.09 feet to a point; thence, North 88°09'38" East 758.73 feet to a point; thence, North 41°23'39" East 490.68 feet to the point of beginning.

Containing 141.22 acres of land, more or less.

This description taken from and intended to comply with a plan entitled "Plat to Accompany Zoning Petition" prepared by D.S. Thaler & Associates, Inc. dated September 13, 1994.

STATE OF MARYLAND
PROPERTY LINE SURVEYOR

"PARCEL 'A'"

May 18, 1995
~~September 19, 1994~~

THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)

(DESCRIPTION FOR ZONING PURPOSES ONLY - SPECIAL EXCEPTION)

Beginning for the same at a point approximately ~~768~~ 863 feet, more or less, in a southeasterly direction from the intersection of Dolfield Road and Watts Road ~~along the eastern right of way of New Town Boulevard; thence leaving the said right of way~~,

1. North ~~80°44'40"~~ 64°16'32" East ~~160.00~~ 164.07 feet to a point; thence,
2. North ~~85°41'56"~~ 38°46'54" East ~~46.99~~ 190.81 feet to a point; thence,

~~3. North 68°31'02" East 80.12 feet to a point; thence,~~

~~4. North 38°46'54" East 203.10 feet to a point; thence,~~

3. ~~5.~~ South 50°34'01" East ~~225.00~~ 251.00 feet to a point; thence,
4. ~~6.~~ South 39°25'02" West 170.00 feet to a point; thence,
5. ~~7.~~ North 50°35'23" West ~~121.43~~ 180.42 feet to a point; thence,
6. ~~8.~~ South 39°24'37" West ~~53.00~~ 112.18 feet to a point; thence, binding on the Northern Right of Way of Watts Road.

~~9. North 50°35'23" West 101.11 feet to a point; thence,~~

~~10. South 39°24'37" West 125.08 feet to a point; thence,~~

~~11. North 50°35'23" West 47.00 feet to a point; thence,~~

~~12. North 79°51'50" West 97.00 feet to a point; thence,~~

~~13. South 10°08'10" West 28.00 feet to a point; thence,~~

~~14. North 79°51'50" West 47.00 feet to a point; thence,~~

~~15. North 34°51'50" West 21.21 feet to a point on the east right-of-way line of New Town Boulevard; thence,~~

~~16. North 10°08'10" East 11.36 feet to a point; thence,~~

May 18, 1995
~~September 19, 1994~~
THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)
(DESCRIPTION FOR ZONING PURPOSES ONLY - SPECIAL EXCEPTION)

7. ~~17.~~ ~~20.00~~ 105.12 feet by a curve to the ~~right~~ left, having a radius of ~~1,159.19~~ 275.00 feet and a chord of ~~North 10°37'49" East 20.00~~ South 68°50'40" West 105.12 feet to the point of; ~~beginning.~~ thence,

8. South 70°51'50" West 50.00' to the point of beginning.

Containing 1.29 acres of land, more or less.

This description taken from and intended to comply with a Plan entitled "Plat to Accompany Zoning Petitions" for the Villages of Winterset.

STATE OF MARYLAND
BERNARD F. LINSTEVER
No. 503
PROPERTY LINE SURVEYOR

September 19, 1994

THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)

SECTION 1-A

(DESCRIPTION FOR ZONING PURPOSES ONLY)

Beginning for the same at a point on the north side of Lyons Mill Road right-of-way as widened to 75 feet, said point being 2670 feet, more or less, east of Marriortsville Road, and having coordinates North 34,123 West 55,739 on the Baltimore County Metropolitan District grid; thence leaving said right-of-way, North 37°57'06" West 31.64 feet to a point; thence, North 03°51'36" West 37.87 feet; thence, 123.49 feet by a curve to the left, having a radius of 183.67 feet and a chord of North 09°33'42" East 121.18 feet to a point; thence, 72.38 feet by a curve to the right, having a radius of 113.50 feet and a chord of North 08°34'03" East 71.16 feet to a point; thence, North 81°23'33" East 16.29 feet to a point; thence, South 44°03'01" East 169.88 feet to a point; thence, South 06°23'13" West 20.42 feet to the north side of the right-of-way of Lyons Mill Road as widened; thence following said right-of-way, South 47°48'41" West 13.75 feet; thence 126.60 feet by a curve to the left, having a radius of 992.50 feet and a chord of South 52°29'08" West 126.51 feet to a point; thence South 48°49'55" West 40.03 feet to the point of beginning.

Containing 22,396 square feet, more or less, or 0.51 acres of land, more or less.

Description taken from and intended to comply with "Plans to Accompany Zoning Petitions" for The Villages of Winterset.

STATE OF MARYLAND
BERNARD F. LINGENFELDER
No. 503
REGISTERED
PROPERTY LINE SURVEYOR

MICROFILMED

September 19, 1994

THE VILLAGES OF WINTERSET
(formerly Lyonsfield Run)

Section 1-B

(DESCRIPTION FOR ZONING PURPOSES ONLY)

Beginning for the same at a point on the north side of Lyons Mill Road right-of-way as widened to 75 feet, said point being 2970 feet more or less east of Marriottsville Road, and having coordinates North 34,289 West 55,500 on Baltimore County Metropolitan District grid; thence leaving said right-of-way, North 80°24'33" West 19.90 feet to a point; thence North 44°03'01" West 181.55 feet to a point; thence 13.52 feet by a curve to the right, having a radius of 660.00 feet and a chord of North 43°27'49" West 13.52 feet to a point; thence, North 10°12"20" East 15.99 feet to a point; thence, 71.90 feet by a curve to the right, having a radius of 165.00 feet and a chord of North 75°46'17" East 71.33 feet to a point; thence, South 44°03'01" East 207.14 feet to a point on the north side of Lyons Mill Road, as now widened, thence along said right-of-way, 66.99 feet by a curve to the left, having a radius of 992.50 feet and a chord of South 65°17'17" West 66.98 feet to the point of beginning.

Containing 16,164 square feet, more or less, or 0.37 acres of land, more or less.

Description taken from and intended to comply with "Plat to Accompany Zoning Petitions" for The Villages of Winterset.

STATE OF MARYLAND
BERNARD F. LINSENMEYER III
No. 503
REGISTERED
PROPERTY LINE SURVEYOR

MICROFILMED

| | | |
|---|---|---|
| RE: PETITION FOR SPECIAL EXCEPTION<br>PETITION FOR VARIANCE | * | BEFORE THE |
| NW/S Lyons Mill Road, 2670'-2970' NE of Marriottsville Road; SE/S Dolfield Road | * | ZONING COMMISSIONER |
| (The Villages of Winterset; formerly known as Kent Mar and Lyonsfield Run) | * | OF BALTIMORE COUNTY |
| 2nd Election Dist., 3rd Councilmanic | * | CASE NO. 95-131-XA |
| Alan Stackman<br>Petitioner | * | |

* * * * * * * * * * *

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 October, 1994, a copy of the foregoing Entry of Appearance was mailed to Jeffrey H. Scherr, Esquire, Kramon & Graham, 1 South Street, Suite 2600, Baltimore, MD 21202, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

RE: Preliminary Petition Review (Item #)
Legal Owner:

Election District

Dear :

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

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

Very truly yours,

MJK

ITEM 132

FOR PRELIMINARY REVIEW

:scj

Enclosure (receipt)

cc: Zoning Commissioner

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 17, 1994

Jeffrey H. Scherr, Esquire
Kramon & Graham, P.A.
Commerce Place
One South Street
Suite 2600
Baltimore, MD 21202

95-131

RE: Preliminary Petition Review (Item #132)
Legal Owner: Alan Stackman
SW/intersection Dolfield Road and Watts Road (Villages of Winterset (formerly known s Kent Mar and Lyonsfield Run)
2nd Election District

Dear Mr. Scherr:

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

1. A special hearing is required to amend the Final Development Plan or if the variances and special exception are granted, the Final Development Plan can be resubmitted indicating that no lots have been sold within 300 feet of the change.

2. The summary of variances should be attached to the variance petition form, instead of the special exception petition form.

3. The child care center may still be subject to R.T.A. That should be addressed at the hearing.

4. The lot specific chart should be on the variance site plan.

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

Very truly yours,

Mitchell J. Kellman
Planner II

MJK:scj

Enclosure (receipt)

cc: Zoning Commissioner

# VILLAGE OF WINTERSET
# (FKA Kent-Mar & Lyonsfield Run)

Zoning Case #95-131-XA
2nd Review
Revised FDP Comments
Plan Date: 4/17/95
Comments Date: 5/11/95
Comments Completed: 5/11/95

1. Provide the zoning case number as part of the summary of variance requests.

2. Since revised plans have been received, the FDP and the approved zoning hearing plan was reviewed for necessary agreement by staff. As was commented upon previously, all plans must agree. The zoning hearing plan and revised FDP plan do not agree.

3. Provide a spirit and intent letter to Arnold Jablon with 2 red-lined approved zoning plan copies and $40.00, listing and clearly showing <u>all</u> changes and listing impacts, if any, to all zoning hearings. (Of particular note is the reduction of the 1.29-acre special exception area approved by variance being reduced to .99 acre and road location changes.) Without a suitable solution, new zoning hearings will be required.

4. Provide a copy of these comments with revised plans and document the director's response on the spirit and intent issue on future plans.

JOHN L. LEWIS
Planner II

JLL:scj

5/9/95
Date

# ZADM TRANSMITTAL

887-3335

TO: // DES
// SCD
// DEPRM
X ZONING
// ZADM
// OTHER

Re: Project Name VILLAGES OF WINTERSET // Project Not Managed

Project Manager _____ ZADM No. II-403

Type of Plan FDP // Preliminary // Final // Signature

Team Leader _____

Engineer D.S. THALER & ASSOC. Tele # 944-3647

---

**Phase II Routing Slip:**

Scheduled submission date: (see Project Chart) _____

Scheduled completion date: (see Project Chart) _____
or
(2 wks from submission)

// Approved

// Approved with comments

// Returned for revision

X Disapproved

ACTION TAKEN BY REVIEWER:

SEE ATTACHED COMMENTS MADE 5/11/95

ZADM DEV CONTROL — Agency

[illegible] — Reviewer's Name

5/11/95 — Date

RETURN TO: ZADM - Room 123 COUNTY OFFICE BUILDING

**"FLAGS" or "Too Many Reviews" should be brought to P.M.'s attention!**

This form is being sent to you from DDP
name

10/6/94 4926-94
9
132

# D. S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244
(410) 944-ENGR • (410) 944-3647 • FAX: (410) 944-3684

95-131-XA

Date October 06,1994

To: Baltimore County Maryland
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204
Office of Zoning, Z.A.D.M.

Re: The Villages of Winterset
Zoning Petition

Attention: Mrs. Sophia Jennings

Gentlemen:

☒ We are submitting ☒ Herewith ☐ Under Separate Cover
☐ We are forwarding
☐ We are returning
☐ We request

| No. | Description |
|---|---|
| 1 | Balance of filing fee of ( $ 155.00 ). |

RECEIVED
OCT 6 1994
ZADM

Remarks:

☒ In accordance with your request
☐ For your review
☒ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ For revision by you

☐ 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

Sincerely yours,

Stacey A. McArthur

STACEY A. McARTHUR, R.L.A.

CC: file
Enclosure ☒
T. Kevin Carney
Jeffrey Scherr, Esquire

MICROFILMED

132

# D. S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244
(410) 944-ENGR • (410) 944-3647 • FAX: (410) 944-3684

95-131-XA

Date 9-27-94

To: Baltimore County Maryland
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204
Office of Z.A.D.M.(Zoning)

Attention: Mr. John Alexander

Re: The Villages of Winterset
(Formerly known as the
Villages of Lyonsfield
Run).

Gentlemen:

☒ We are submitting
☐ We are forwarding
☐ We are returning
☐ We request

☒ Herewith

☐ Under Separate Cover

| No. | Description |
|---|---|
| 3 | Special exception petitions. |
| 3 | Variance petitions. |
| 3 ea. | Descriptions. |
| 1 ea. | 200 scale Zoning maps. |
| 12 | Plats. |
| 1 | Filing fee of ($535.00). |

Remarks:

☐ In accordance with your request
☐ For your review
☐ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ For revision by you

☐ 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

Sincerely yours,

Stacey A. McArthur

STACEY A. McARTHUR, R.L.A.

CC: file
Enclosure ☒
T. Kevin Carney
Jeffrey H. Scherr, Esquire

# D. S. THALER & ASSOCIATES, INC.

132

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244
(410) 944-ENGR • (410) 944-3647 • FAX: (410) 944-3684

95-130-XA

Date September 28,1994

To: Baltimore County Maryland
County Office Biulding
111 West Chesapeake Avenue
Towson, MD 21204
Office of Zoning.

Re: The Villages of Winterset

Attention: Mr. Carl W. Richards,Jr.

Gentlemen:

☒ We are submitting ☒ Herewith ☐ Under Separate Cover
☐ We are forwarding
☐ We are returning
☐ We request

| No. | Description |
|---|---|
| 2 | 100 Scale Zoning maps.(To accompany Zoning petitions submitted September 27,1994). |

Remarks:

☒ In accordance with your request
☐ For your review
☐ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ For revision by you
☐ 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

MICROFILMED

Sincerely yours,

Stacey A. McArthur

STACEY A. McARTHUR, R.L.A.

CC: file
Enclosure ☒
T. Kevin Carney
Jeffrey Scherr,Esquire

9/27 – TC to Jeff Scherr – on phone, will call back.

95-131-XA

Need $155 more...

| | |
|---|---|
| 250 | – Variance |
| 300 | – SPX |
| + 140 | – 4 SIGNS (2 LOCATIONS) |
| 690 | |
| – 535 | – ck # 1060 |
| 155 | |

9/28 – J. Scherr came in office – told him about additional $

132

ANDREW JAY GRAHAM**
JAMES M. KRAMON**
LEE H. OGBURN
JEFFREY H. SCHERR
NANCY E. GREGOR+
JAMES P. ULWICK+‡
PHILIP M. ANDREWS
GERTRUDE C. BARTEL+
MARILYN HOPE FISHER**
MAX HIGGINS LAUTEN+
KATHLEEN A. BIRRANE
KEVIN F. ARTHUR
ARON U. RASKAS+
PERRY F. SEKUS
GEOFFREY H. GENTH*
REGINA M. DUFRESNE+
IAN GALLACHER

*ALSO ADMITTED IN NY
+ALSO ADMITTED IN DC
‡ALSO ADMITTED IN NJ
°ALSO ADMITTED IN CA

LAW OFFICES
KRAMON & GRAHAM, P. A.
COMMERCE PLACE
ONE SOUTH STREET, SUITE 2600
BALTIMORE, MARYLAND 21202-3201
(410) 752-6030
FACSIMILE
(410) 539-1269

WRITER'S DIRECT DIAL
(410) 347-7424

BEL AIR OFFICE:
THE EMMORTON PROFESSIONAL BUILDING
2107 LAUREL BUSH ROAD
BEL AIR, MARYLAND 21015
(410) 515-0040
(410) 569-0299
FACSIMILE
(410) 569-0298

September 23, 1994

HAND DELIVERY

Stacy McArthur, R.L.A.
D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, Maryland 21244

Re: Lyonsfield Run - GBC

Dear Stacy:

Enclosed herewith are the original, signed Petition for Special Exception and Petition for Variance for the above-referenced property.

When the Petitions are filed, please request a hearing before Timothy M. Kotroco, Esq., the Deputy Zoning Commissioner for Baltimore County, before the end of October, 1994.

Best regards.

Sincerely,

Jeffrey H. Scherr

JHS:kts
Enclosures

f:rmd:misc:thaler.ltr

File directly with Gwynn

Filing package was reviewed by John Alexander 9-20-94

On August 18, 1997, the Development Review Committee approved this change as a Refinement to the CRG, *subject to the acceptance* of this request.

In addition to the "Spirit and Intent" finding, on behalf of our client we respectfully request an *administrative* determination that this change represents a minor plan revision and that a Special Hearing to amend the Final Development Plan is therefore not necessary.

Thank you for your consideration in this matter. Should you have any questions, please do not hesitate *to contact our office.*

Very truly yours,

D.S. THALER & ASSOCIATES, INC.

Stacey A. McArthur

Stacey A. McArthur, R.L.A.

cc: David S. Thaler, P.E., L.S.
Kevin Carney
Jeffery Scherr, Esquire

Speed Letter

In the interest of speed and economy, we are replying to your letter with marginal notes.
If you need more information, do not hesitate to caller write.
Thank you for your interest.

BALTIMORE COUNTY 7/18/97

September 8, 1997

2nd Election District

Dear Ms. McArthur:

Several modifications of your request would normally be considered as within the spirit and intent of the referenced zoning hearing; however, an approved special exception area may not be increased administratively. The revised special exception parcel must be decreased to what was originally approved, or a new special exception would be required to include new land area. If the special exception area remains the same and no other zoning deficiencies are created by what was approved by the variances, this office will approve the change.

Very truly yours,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

c: zoning case 95-131-XA

97-4695

10/8/97

To: MJK
JLL
10/9/97

[illegible] intended only [illegible] designated [illegible] message may be an attorney-client communication, and as such is PRIVILEGED AND CONFIDENTIAL. If the reader of this message is not an intended recipient or an agent responsible for delivering it to an intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. THANK YOU!

97-4695 No check

LAW OFFICES
KRAMON & GRAHAM, P. A.
ONE SOUTH STREET
SUITE 2600
BALTIMORE, MARYLAND 21202-3201
TELEPHONE: (410) 752-6030
FACSIMILE: (410) 539-1269

JEFFREY H. SCHERR
DIRECT DIAL
(410) 347-7424

E-MAIL
jscherr@kg-law.com

October 7, 1997

VIA HAND DELIVERY

Mitchell Kellman, Planner II
Office of Zoning Administration
Office of Planning and Zoning
111 West Chesapeake Avenue
Room 113
Towson, Maryland 21204

Re: The Villages of Winterset
Zoning Case #95-131-XA
"Spirit and Intent" Request

Dear Mr. Kellman:

With respect to your September 8, 1997 letter regarding the above-referenced matter, I am enclosing a copy of a plan which shows the manner in which the special exception would be amended. Such an amendment is requested to accommodate a "real-life" user, as opposed to the theoretical user at the time the special exception was granted. As explained, the proposed user intends not to reuse the existing building, but to build a new state of the art daycare center, which will accommodate the same number of children. Also, as shown on the enclosed plan, the size of the special exception area will remain exactly the same, 1.29 acres.

As you can see, the actual daycare center itself is still within the same special exception area. What is moved slightly beyond the special exception area is the parking lot and a portion of the play area. Those uses would otherwise be allowed in the DR-10.5 zone in which they will exist.

The special exception was originally filed as one of a number of requests for relief for the entire subdivision and not just as a request for a special exception in and of itself. Deputy Zoning Commissioner Kotroco advised that when he originally granted the special exception, he was not concerned about the specific area of the special exception and would have granted whatever special exception area we requested to accommodate the daycare center. He believes that the requested change is within the spirit and intent of the special exception as granted.

Accordingly, in view of the fact that (i) the uses which appear to be outside the original special exception area would be uses allowed within that zone; (ii) that the area of the proposed special exception remains the same; and (iii) Deputy Commissioner Kotroco's observation that he was not concerned with the specific area of the special exception originally granted, we renew our request for a finding by the Director that the proposed moving of the lot line to the special exception area, as indicated on the enclosed plan, are in keeping with the spirit and intent of the approvals granted in zoning case 95-131-XA, as well as one previous refinement approved by your office in July, 1995.

Thank you for your consideration in this matter. Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Jeffrey H. Scherr

JHS:kts
Enclosure
cc: Mr. T. Kevin Carney (via facsimile w/out encl.)
David S. Thaler, P.E., L.S. (via facsimile w/out encl.)
Deputy Zoning Commissioner Timothy M. Kotroco (via facsimile w/out encl.)

The special exception was originally filed as one of a number of requests for relief for the entire subdivision and not just as a request for a special exception in and of itself. Deputy Zoning Commissioner Kotroco advised that when he originally granted the special exception, he was not concerned about the specific area of the special exception and would have granted whatever special exception area we requested to accommodate the daycare center. He believes that the requested change is within the spirit and intent of the special exception as granted.

Accordingly, in view of the fact that (i) the uses which appear to be outside the original special exception area would be uses allowed within that zone; (ii) that the area of the proposed special exception remains the same; and (iii) Deputy Commissioner Kotroco's observation that he was not concerned with the specific area of the special exception originally granted, we renew our request for a finding by the Director that the proposed moving of the lot line to the special exception area, as indicated on the enclosed plan, are in keeping with the spirit and intent of the approvals granted in zoning case 95-131-XA, as well as one previous refinement approved by your office in July, 1995.

Thank you for your consideration in this matter. Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Jeffrey H. Scherr

JHS:kts

Speed Letter

In the interest of speed and economy, we are replying to your letter with marginal notes.
If you need more information, do not hesitate to call or write.
Thank you for your interest.

ı facsimile w/out encl.)
S. (via facsimile w/out encl.)
ioner Timothy M. Kotroco (via facsimile w/out encl.)

October 9, 1997

2nd Election District

Dear Mr. Scherr:

Please consider this correspondence an amendment to my letter of September 8, 1997. Based upon the new site plan you have submitted along with a more detailed description of where the improvements will be proposed, the Bureau of Zoning Review will consider the modifications as within the spirit and intent of the approved special exception.

Sincerely,

Mitchell J. Kellman
Planner II, Zoning Review

MJK:rye

c: zoning case 95-131-XA

LAW OFFICES
KRAMON & GRAHAM, P. A.
ONE SOUTH STREET
SUITE 2600
BALTIMORE, MARYLAND 21202-3201
TELEPHONE: (410) 752-6030
FACSIMILE: (410) 539-1269

JEFFREY H. SCHERR
DIRECT DIAL
(410) 347-7424

E-MAIL
jscherr@kg-law.com

October 21, 1997

RECEIVED
OCT 21 1997
ZONING COMMISSIONER

VIA HAND DELIVERY
Lawrence E. Schmidt,
Zoning Commissioner for
Baltimore County
400 Washington Avenue
Suite 112
Towson, Maryland 21204

Re: Winternet - Variances/Special Exception

Dear Commissioner Schmidt:

Enclosed is a copy of the Notice of Hearing dated August 29, 1997. You will note that the variance sought per Section 1B01.2.C.1 of the BCZR and V.B.3 (CMDP-1972) is to allow a minimum horizontal distance between principal buildings (43 feet high) of 37 feet in lieu of 60 feet. This is a change to the request of a minimum distance of 40 feet in lieu of the 60 feet, which you granted. It is respectfully requested that your October 7, 1997 Order provide a minimum horizontal distance of 37 feet in lieu of the 60 feet, as advertised, as opposed to the 40 feet in lieu of 60 feet.

Please indicate your agreement to do so by signing and dating a copy of this letter and returning the same to me.

Thank you for your attention to this matter.

Sincerely,

Jeffrey H. Scherr

JHS:kts
Enclosure
cc: T. Kevin Carney, President
GBC Limited Partnership (via facsimile w/encl.)
David S. Thaler, P.E., L.S. (via facsimile w/encl.)
Stacey McArthur, R.L.A. (via facsimile w/encl.)

This 24th day of October, 1997, I hereby agree that my Order of October 7, 1997 is to allow a minimum horizontal distance between principal buildings (43 feet high) of 37 feet in lieu of 60 feet.

Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

LAW OFFICES
KRAMON & GRAHAM, P. A.
ONE SOUTH STREET
SUITE 2600
BALTIMORE, MARYLAND 21202-3201
TELEPHONE: (410) 752-6030
FACSIMILE: (410) 539-1269

JEFFREY H. SCHERR
DIRECT DIAL
(410) 347-7424

E-MAIL
jscherr@kg-law.com

October 24, 1997

RECEIVED
OCT 24 1997
ZONING COMMISSIONER

VIA HAND DELIVERY
Lawrence E. Schmidt,
Zoning Commissioner for
Baltimore County
400 Washington Avenue
Suite 112
Towson, Maryland 21204

Re: Winterset - Variances/Special Exception

Dear Commissioner Schmidt:

In accordance with the most recent Notice of Hearing dated August 29, 1997, which I sent to you with my letter of October 21, 1997, Stacey McArthur from David Thaler's office points out that a variance sought and advertised per the Notice was a minimum front setback of 10 feet to the centerline of the proposed private road in lieu of 47 feet for garages and 53 feet for non-garage buildings. Your Order granted a 19 foot setback, instead of a 10 foot setback. Accordingly, it is respectfully requested that your October 7, 1997 Order provide that the Petitioner is allowed a minimum front setback of 10 feet to the centerline of the proposed private road in lieu of the 47 feet for garages and 53 feet for non-garage buildings, as opposed to 19 feet.

Please indicate your agreement to do so by signing and dating a copy of this letter and returning the same to me.

Thank you for your attention to this matter.

Sincerely,

Jeffrey H. Scherr/kts

Jeffrey H. Scherr

JHS:kts
cc: T. Kevin Carney, President
GBC Limited Partnership (via facsimile)
David S. Thaler, P.E., L.S. (via facsimile)
Stacey McArthur, R.L.A. (via facsimile)

This 27th day of October, 1997, I hereby agree that my Order of October 7, 1997 is to allow the Petitioner a minimum front setback of 10 feet to the centerline of the proposed private road in lieu of the 47 feet for garages and 53 feet for non-garage buildings, as opposed to 19 feet.

Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

LAW OFFICES
KRAMON & GRAHAM, P. A.
ONE SOUTH STREET
SUITE 2600
BALTIMORE, MARYLAND 21202-3201
TELEPHONE: (410) 752-6030
FACSIMILE: (410) 539-1269

JEFFREY H. SCHERR
DIRECT DIAL
(410) 347-7424

E-MAIL
jscherr@kg-law.com

March 17, 1998

VIA HAND DELIVERY

Lawrence E. Schmidt, Esquire
Zoning Commissioner for
Baltimore County
401 Bosley Avenue
Room 405
Towson, Maryland 21204

Re: Zoning Case 95-131-XA and 98-77-SPHA

Dear Commission Schmidt:

Enclosed are copies of the following:

1. Deputy Commissioner Kotroko's Order granting variances and a Special Exception for a day care center dated December 7, 1994, in case number 95-131-XA;

2. My letter of October 7, 1997 to Mitch Kellman, Planner II, with reference to modifying the Special Exception granted in case number 95-131-XA;

3. Mitch Kellman's response dated October 9, 1997 to my letter granting the modification to the Special Exception; and

4. Your Order dated October 7, 1997, together with two letter amendments dated October 21, 1997 and October 24, 1997 in case number 98-77-SPHA. I am sending this Order so that you will have a frame of reference for this matter. This is a large subdivision of approximately 800 homes in the Owings Mills area and has been ongoing for a number of years with various zoning orders, as the project has evolved.

The Special Exception granted in case number 95-131-XA, in 1994, is for a day care facility. Mr. Kellman's October 9, 1997 modification reflects an accommodation to an actual user, as opposed to the theoretical user at the time the Special Exception was granted. In view of the recent modification of the Special Exception, the ongoing nature of the zoning relief granted with respect to this subdivision and the fact that the Special Exception was part of other relief granted with respect to which our client has taken action, our client respectfully submits that the Special Exception has not expired.

Please confirm that the Special Exception for the day care center, as modified by Mr. Kellman's letter of October 9, 1997 has not expired by signing and dating the copy of this letter which is enclosed so our client may transmit it to the actual day care user which will obtain a permit to begin construction of the day care center.

Thank you for your attention to this matter. If you need additional information, please do not hesitate to contact me.

Sincerely,

Jeffrey H. Scherr

JHS:kts
Enclosures
cc: Mr. T. Kevin Carney, President, GBC Limited Partnership (via facsimile w/encls.)
David S. Thaler, P.E., L.S. (via facsimile w/encls.)
Stacey McArthur, R.L.A. (via facsimile w/encls.)

This _____ day of _____, 1998, I agree that the Special Exception for the day care center as granted in case number 95-131-XA, and as further modified on October 9, 1997, has not expired.

_____
Lawrence I. Schmidt
Zoning Commissioner for
Baltimore County

LAW OFFICES
KRAMON & GRAHAM, P. A.
ONE SOUTH STREET
SUITE 2600
BALTIMORE, MARYLAND 21202-3201
TELEPHONE: (410) 752-6030
FACSIMILE: (410) 539-1269

JEFFREY H. SCHERR
DIRECT DIAL
(410) 347-7424

E-MAIL
jscherr@kg-law.com

March 30, 1998



VIA FACSIMILE 410-887-5708
FOLLOWED BY HARD COPY

Lawrence E. Schmidt, Esquire
Zoning Commissioner for
Baltimore County
401 Bosley Avenue
Room 405
Towson, Maryland 21204

Re: Zoning Case 95-131-XA and 98-77-SPHA

Dear Commission Schmidt:

As a follow up to my letter to you of March 17, 1998, our client advises that within the two year period after the approval of the Special Exception on December 7, 1994, it changed and re-routed the electricity that will service the day care center, installed a portion of the parking lot to serve the day care center, and installed a major portion of the day care center driveway, all of which improvements were made within the area shown on the plat to accompany the Special Exception.

Accordingly, work was done within the area for the Special Exception within a two year period after the Special Exception was granted.

Sincerely,

Jeffrey H. Scherr

JHS:kts
cc: Mr. T. Kevin Carney, President, GBC Limited Partnership (via facsimile)
David S. Thaler, P.E., L.S. (via facsimile)
Stacey McArthur, R.L.A. (via facsimile)

TO LRS

LAW OFFICES
KRAMON & GRAHAM, P. A.
ONE SOUTH STREET
SUITE 2600
BALTIMORE, MARYLAND 21202-3201
TELEPHONE: (410) 752-6030
FACSIMILE: (410) 539-1269

# FACSIMILE COVER LETTER

Transmission Date: 3-30-98
Transmission Time: _____

Client Name: _____
Client Number: _____

PLEASE TRANSMIT THE FOLLOWING PAGES TO:

| NAME | FACSIMILE NUMBER |
|---|---|
| Lawrence E. Schmidt, Esq. | 410-887-5708 |
| Mr. T. Kevin Carney | 410-740-5341 |
| David S. Thaler, P.E., L.S. | 410-944-3684 |
| Stacey McArthur, R.L.A. | " " |

TOTAL NUMBER OF PAGES (including this cover sheet): 2

Sender: Jeffrey H. Scherr Sending Fax #: (410) 539-1269

MESSAGE: _____

If you do not receive all pages, please call back as soon as possible to (410) 752-6030; ask for Karen. Thank you.

HARD COPY TO FOLLOW: ✓ YES ____ NO

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

April 15, 1998

Jeffrey H. Scherr, Esquire
Kramon and Graham, P.A.
One South street, Suite 2600
Baltimore, Maryland 21202-3201

RE: Case Nos. 95-131 XA and 98-77-SPHA
Alan Stackman
The Villages of Winterset

Dear Mr. Scherr:

Please find enclosed a copy of your letter of March 17, 1998 which I have counter-signed as indicated on page 2.

Pursuant to your letter of March 31, 1998, the Special Exception previously approved has been vested by the Petitioner's work to physically improve the area of the Special Exception, as detailed in your letter. Thus, the Special Exception approval remains valid and your client will be able to obtain the necessary permits to construct the proposed day care building.

Please contact me should you have any questions regarding this matter.

Very truly yours,

Lawrence E. Schmidt

LES:mmn
encl.

Maryland State Department of
# EDUCATION

-1/99 To: JL
& 5/10/99 u a
Need my file
Schools for Success

*Nancy S. Grasmick*
*State Superintendent of Schools*

*200 West Baltimore Street*
*Baltimore, Maryland 21201*
*Phone (410) 767-0100*
*TTY/TDD (410) 333-6442*

99-1178

May 5, 1999

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

Dear Mr. Jablon:

Nonpublic school approval regulations COMAR 13A.09.09 and COMAR 13A.09.10 require a nonpublic school to be in compliance with applicable State and local regulations, or both, governing health, fire safety, and zoning prior to the issuance of a Certificate of Approval by the State Board of Education.

**Please notify us in writing regarding compliance of the school referenced below with applicable Zoning regulations or check appropriate box and return entire form to my attention at the above address.**

**Name of School** The Goddard School of Owings Mills **Phone #** 410-902-0889

**Street** 9720 Watts Road

**City** Owings Mills **State** Maryland **County** Baltimore County **Zip Code** 21117

**Chief Administrative Officer** Peter D'Onofrio (H) 410-654-3625

**Type of Educational Program** Nursery School (Ages 2, 3, and 4) and Kindergarten

**Special Instructions (if any)** Is it permissible to operate a nonpublic school at this location? You may fax your response to our office at 410-333-8963.

Thank you for your continued cooperation.

Sincerely,

Toni M. Savoy

Toni M. Savoy
Administrative Specialist
Nonpublic School Approval Branch

c: Peter D'Onofrio

Per zoning special exception case 95-131-XA, approved for Class B group child care for up to 150 children. Building constructed under B342341. This non-public school approval is for a maximum of 20 kindergarten students as an accessory use to the principal-group child care.

5/12/99

JOHN L LEWIS, PLANNER II
ZONING REVIEW

**********

☑ **Meets Applicable Regulations** ☐ **Does Not Meet Applicable Regulations** ☐ **No Applicable Regulation**

| Signature | Title | Date |
|---|---|---|
| | PLANNER II | 5/14/99 |

# D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244

(410) 944-ENGR • (410) 944-3647 • FAX (410) 944-3684


November 24, 1999

Mr. Arnold E. Jablon, Director
Baltimore County Maryland
Office of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: The Villages of Winterset
"Spirit and Intent" Request
Zoning Case 95-131-XA

Dear Mr. Jablon,

This letter is a request for your concurrence that the enclosed "red-lined" plan meets the "Spirit and Intent" of the approval of the Plat to Accompany the Zoning Petition presented in Zoning Case 95-131-XA.

The Villages of Winterset is a development located in the Owings Mills Area of Baltimore County. The Stewart Property is an adjacent land-locked parcel.

The developments of Rolling Ridge and The Villages of Winterset bind on the South and East sides of the property . The adjacent properties to the North and West are undeveloped.

The enclosed red-lined plans indicate the revisions to the Winterset Plans required in order to provide an access to the Stewart Property from Runneymeade Road across from Endora Court. The road extension will result in the loss of one previously approved single family lot. The previously granted variances (case #95-131-XA) will continue to be utilized as previously approved, with some minor revisions in the lot-by-lot application (see red-lined matrix on accompanying plan). No new measures of relief will be requested or required.

The Development Review Committee (D.R.C.) will be concurrently reviewing the revisions as a Non-Material Amendment to the CRG.

Thank you for your consideration in this matter. Should you have any questions, please do not hesitate to contact out office.

Very truly yours,

D.S. Thaler & Associates, Inc.

Stacey A. McArthur, R.L.A.

Copy: Doug Eshelman
Alan E. Scoll, R.L.A.
Mark S. Vaszil
David S. Thaler, P.E., L.S.

NS Admin Corresp. Projects Winterset/ Jablon Winterset SAM sp 11 24 99.doc

# D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD, P.O. BOX 47428, BALTIMORE, MARYLAND 21244-7428
(410) 944-ENGR (410) 944-3647 FAX (410) 944-3684 EMAIL dsta@erols.com

TO: PDM
BALTIMORE COUTY MARYLAND
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204
ATTN: MR. ARNOLD E. JABLON, DIRECTOR

DATE: November 24, 1999
RE: THE VILLAGES OF WINTERSET & THE STEWART PROPERTY
DST&A PN: 2305
PDM # :

11/24/99 W CR
To: Mitchy Amal FDP 11/29/99 Sec Me

- [x] We are submitting
- [ ] We are forwarding
- [ ] We are returning
- [ ] We request

- [x] Herewith
- [ ] Regular U.S. Mail
- [x] Hand Delivered
- [ ] Federal Express/Courier Service

| NO. | DESCRIPTION |
|---|---|
| 1 | SPIRIT & INTENT REQUEST |
| 1 | RED LINED PLAN |
| 1 | $40.00 FILING FEE |

RECEIVED
99-3014
NOV 23 1999
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

Remarks:

- [ ] In accordance with your request
- [x] For your review
- [ ] For processing
- [ ] Plans reviewed and accepted
- [ ] Plans reviewed and accepted as noted
- [ ] For revision by you

- [ ] For your use
- [ ] Please call when ready
- [ ] Please return to this office
- [x] Approval requested
- [ ] Conference requested at your convenience
- [ ]

For further information, please contact the writer at this office

Enclosure [x] DOUG ESHELMAN
cc: file [x]
cc: Client [x]

Sincerely yours,

STACEY A. MCARTHUR

RECEIVED

**BALTIMORE COUNTY, MARYLAND**
**OFFICE OF BUDGET & FINANCE**
**MISCELLANEOUS RECEIPT**

**No.** 074390

DATE 12/14/99 ACCOUNT 001-6150

AMOUNT $ 40.00 (MJK)

RECEIVED FROM: Ryland Homes

FOR: 99-3014

Villages of Winterset

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

| PAYMENT | ACTUAL | TIME |
|---|---|---|
| 12/15/1999 | 12/14/1999 | 11:02:56 |

REG W504 CASHIER JKAR JLK DRAWER 5
Dept 5 528 ZONING VERIFICATION
Receipt # 108003 OFLN
CR NO. 074390
Recpt Tot 40.00
40.00 CK .00 CA
Baltimore County, Maryland

**CASHIER'S VALIDATION**

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 9, 1999

Ms. Stacey A. McArthur, R.L.A.
D.S. Thaler and Associates, Inc.
7115 Ambassador Road
P.O. Box 47428
Baltimore, Maryland 21244-7428

Dear Ms. McArthur:

RE: Zoning Verification, Spirit and Intent, The Villages of Winterset, Zoning Case 95-131-XA, 2nd Election District

Thank you for your letter of November 24, 1999 to Arnold Jablon, Director of Permits and Development Management. This correspondence has been referred to me for reply.

Please be advised that the Baltimore County Zoning Office will consider the red-lined plan as within the spirit and intent of the variances and special exception approved in Zoning Case 95-131-XA; however, the final development plan (FDP) must be amended pursuant to Section 1B01.3.A.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). This may be accomplished by obtaining signatures of lot owner within 300 feet of the changes or approval of a special hearing before the Zoning Commissioner.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:kew

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

| NAME | ADDRESS |
| --- | --- |
| Jeffrey H. Sutherr | Kramm Gorham |
| J. Kevin Carney | One South St. Suite 2600 - Balto 21202 |
| | GBC LTD Partnership c/o Cambridge Mgmt |
| | 10205 Charter Dr. Seabrook 21044 |
| DAVID THALER | 7115 AMBASSADOR RD |
| ALAN SCOLL | BALT MD 21244 |

Printed with Soybean Ink on Recycled Paper

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Jeffrey H. Scherr, Esquire
One South Street, Suite 2600
Baltimore, Maryland 21202

PETITIONER'S EXHIBIT 2

RE: Case No. 95-131XA, Item No. 132
Petitioner: Alan Stackman

Dear Mr. Scherr:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on October 07, 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 is 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 the Office of Zoning Administration and Development Management has instituted a system whereby 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.

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 the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.

3. Those individuals 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 Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,

W. Carl Richards Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw
Enclosure(s)

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

October 24, 1994

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

FROM: J. Lawrence Pilson JLP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #132 - Villages of Winterset
S/W Intersection of Dolfield Road & Watts Road
Zoning Advisory Committee Meeting of October 17, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:VK:sp

WINTERC/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: October 24, 1994

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

RE: Zoning Advisory Committee Meeting
for October 24, 1994
Items 125, 126, 127, 130, 132, 134 and 135

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE:

SUBJECT:

INFORMATION:

Item Number: 132

Petitioner: Alan Stackman

Property Size:

Zoning: D.R.-3.5, 5.5, 10.5 & R.C-2 and R.C.-5

Requested Action: Variance and Special Exception

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS: Since changes to the plan are consistent with the modifications that staff requested of the developer's engineer, we support the applicant's Variance and Spe cial Exception.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Venz

PK/JL

ZAC.132/PZONE/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/19/94

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

RE: Property Owner: ALAN STACHMAN

LOCATION: NW/S LYONS MILL RD., 2670-2970' NE OF MARRIOTTSVILLE RD.
SE/S DOLFIELD RD. (THE VILLAGE OF WINTERREST, FORMERLY KNOWN AS KENT MAR AND LYONSFIELD PLN)

Item No.: 198 Zoning Agenda: SPECIAL EXCEPTION
VARIANCE

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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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

RECEIVED
OCT 20 1994
ZADM

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

cc: File

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-14-94

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

Re: Baltimore County
Item No.: #132 (WCR)

Dear Ms. Winiarski:

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 Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Larry Schmidt, Zoning Commissioner

DATE: November 7, 1994

FROM: Pat Keller, Director
Office of Planning & Zoning

SUBJECT: Village of Winterset, Item No. 132

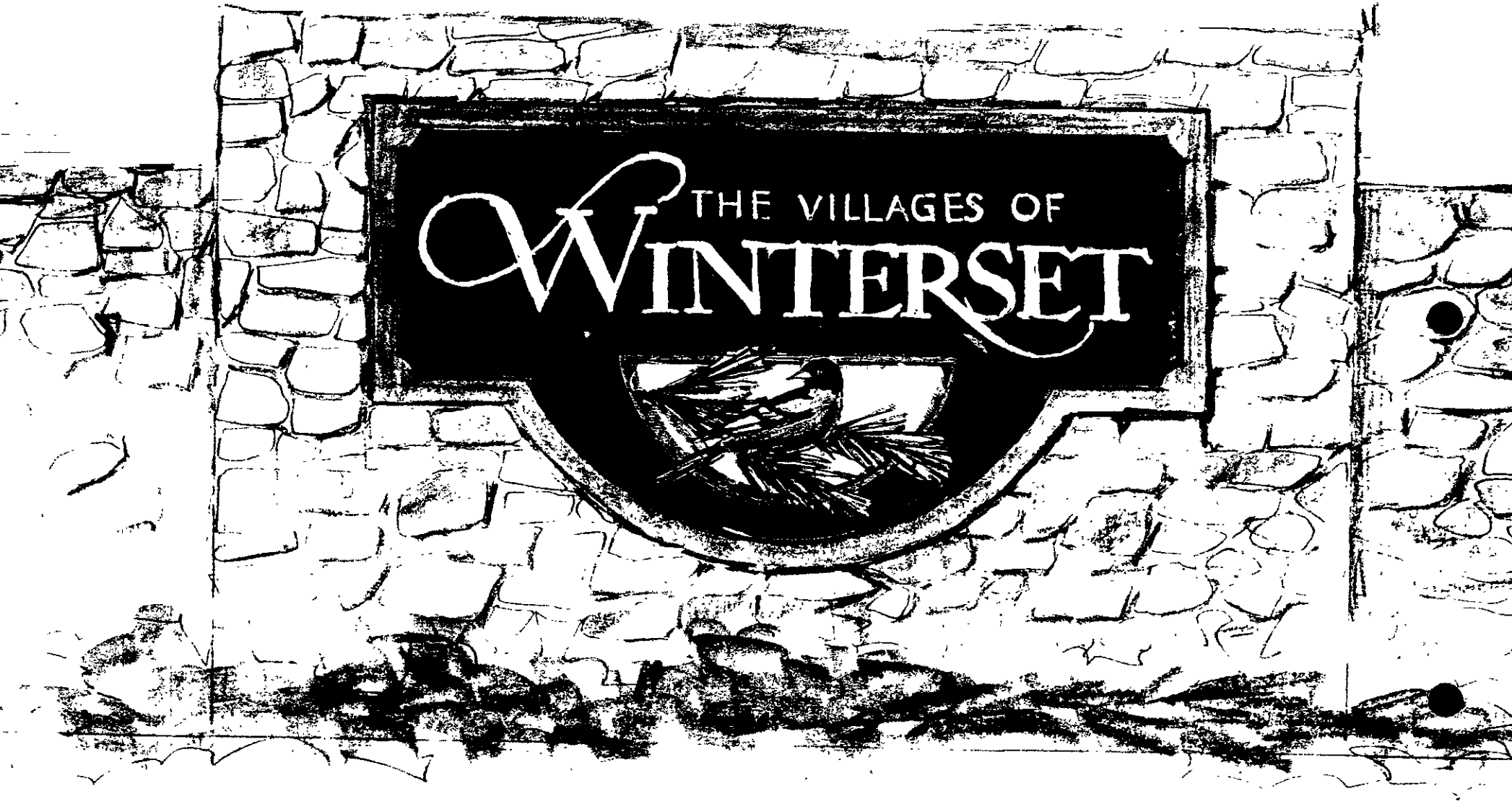
Staff supports the applicant's request to reorient the "drop off" area for the proposed daycare facility.

If there should be any questions, please contact me.

JL

132/PZONE/TXTJWL

| Post-it™ brand fax transmittal memo 7671 | # of pages ▸ |
|---|---|
| To Jeffrey Scherr | From Jeffrey Long |
| Co. | Co. O.P.Z. |
| Dept. | Phone # 887-3480 |
| Fax # 539-1269 | Fax # |




PETITIONER'S
EXHIBIT 3

| | | |
|---|---|---|
| IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE | * | BEFORE THE |
| W/S Runnymeade Rd., 115 ft. N of Lathe Rd.,(Villages of Winterset, Sec.9) | * | ZONING COMMISSIONER |
| 2nd Election District | * | OF BALTIMORE COUNTY |
| 3rd Councilmanic District | | |
| GCB Limited Partnership, Petitioner | * | Case No. 98-77-SPHA |

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Zoning Variance for the development known as Section 9 of The Villages of Winterset, located in northwestern Baltimore County. The Petitions were filed by GCB Limited Partnership, through T. Kevin Carney, Partner, property owner. The Petition for Special Hearing seeks approval of an amendment to the Third Amended Final Development Plan for Section 9 of the property, dated July 16, 1997, to revise the number of dwelling units and incorporate garages. The Petition for Variance seeks a series of variances from Sections V.B.3, V.B.6.d and V.B.2 of the Comprehensive Manual of Development Policies (CMDP), and Sections 1B01.2.C.1, 400.1, 400.3, 413.1.d, 413.1.E.1 and 1B02.2.B of the Baltimore County Zoning Regulations (BCZR). The variances, which are detailed on the schedule attached hereto as Addendum No. 1, are generally to permit accessory buildings (attached garages) to be located in the front and side yards of corner lots, to allow said garages to be 18 ft. in height in lieu of the required 15 ft., to allow reduced setback distances between principal buildings and the centerline of a proposed private street, to allow reduced front, rear, and side yard setbacks and to allow a sign larger than permitted by the BCZR. The subject property and requested relief are more particularly shown on the plat to accompany the Petitions for Special Hearing and Variance marked as Petitioner's Exhibit No.1.

Appearing at the public hearing held for this case was T. Kevin Carney, on behalf of the Petitioner, GCB Limited Partnership. Also present were David S. Thaler and Mark S. Vaszic, from D.S. Thaler and Associates, the land use consultant firm which prepared the site plan. The Petitioner was represented by Jeffrey H. Scherr, Esquire. A number of individuals from the surrounding community appeared. The names of those individuals who were present and participated at the hearing are shown on the Citizen Sign-In Sheet, which was circulated at the hearing and has been included in the case file. Most of these individuals did not appear in opposition to the requests but sought restrictions to the relief granted and clarification of the issues raised.

Mr. Thaler testified and presented the plan. He indicated that the parcel under consideration is known as Section 9, of the overall development known as the Villages of Winterset. This is a large development located in northwestern Baltimore County which will ultimately contain over 800 residential units. Mr. Thaler indicated that the subject property was the final piece of the development. Mr. Thaler also traced the extensive zoning history of the project, which is reflected on the site plan. The Petitioner has come in for a series of zoning approvals in the past, most recently cases No. 95-131-XA and 97-98-A. These two cases were both heard by Deputy Zoning Commissioner, Timothy M. Kotroco (copies of the Orders are printed on the site plan). In essence, a number of variances were granted by the Deputy Zoning Commissioner for the project.

In any event, Mr. Thaler testified that the goal of the developer is to produce a community with a village-like atmosphere. He described the development as pedestrian friendly, wherein the dwellings were laid out in a series of short blocks and the houses were set forward to the street. Moreover, he indicated that originally Section 9 of the development featured 243 residential units. However, as shown on the site plan and

requested within the Petition for Special Hearing, that number is being adjusted downward, so that there will be 176 units. Moreover, a unique feature of the development is that many of the units will feature either an attached or detached garage. Mr. Thaler testified about the need for the requested variance relief in order to achieve the desired layout and atmosphere for the community. He explained in detail each of the variances and the justification for same. He also indicated that the site is unique due to its topography, shape and environmental constraints, including the existence of a floodplain. It is to be noted that the subject parcel under consideration, ie., Section 9, is approximately 15.7 acres in area.

The individuals who appeared are mainly residents of a single family dwelling community which abuts the subject property. These residents did not express opposition to the request, per se, but voiced several concerns about the impact of the development on their properties. Their major concerns were a desire to reduce the visual impact and for buffering between their community and the proposed development. In this regard, the Petitioner offered three conditions to reduce this impact. First, the Petitioner agreed to reduce the grade of the subject property by 4 ft. on the northern portion of the site, near where garage No. 20 is located. This garage is the closest structure to the abutting community; including the residences on Mill Creek Court and/or Stable Court. By reducing the grade of the property at that location, that garage building will be lower, thereby reducing its visibility.

Secondly, the Petitioner agreed to install a double stacked row of trees (landscaping) across the northern border of the site. Landscaping is shown on that portion of the site in the plan presented at the hearing, however, that landscaping will be increased. As the plan indicates, there is a clearing between the stand of trees on both sides of the property

which is designated as a "forest buffer easement". The Petitioner indicated a willingness to install trees across that entire open area to provide a visual buffer.

Third, the Petitioner will cause to be constructed a 6 ft. board on board fence across that opening. This fence, coupled with the trees, will clearly reduce the neighbors' view of the subject development. In this regard, it is to be noted that the Office of Planning within its Zoning Plans Advisory Committee (ZAC) comment, indicated that it does not oppose the applicant's request, however, recommended that a board on board fence be erected along the property line. The Petitioner offered to construct such a fence which meets the residents' concerns and satisfies the Office of Planning's comment.

Based upon the testimony and evidence offered, I am persuaded to grant the Petitions. I am persuaded by Mr. Thaler's testimony that a grant of the variance is appropriate. In my judgment, the property is unique by virtue of its size, shape, topography and the natural features thereon. Moreover, I support the Petitioner's plan for the proposed community and find that a practical difficulty would exist if relief were denied. Moreover, as to both Petition for Variance and Petition for Special Hearing, I find that there will be no detrimental impact to the health, safety or general welfare of the locale if relief were granted.

However, in granting the relief, I will require that the Petitioner submit an amended plan, detailing the conditions set forth above. This plan shall clearly depict the reduction in grade around garage No. 20, the increased landscape buffer, and the location of the board on board fence, all as described above.

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

IT IS, THEREFORE, ORDERED, this 7th day of October, 1997, that approval of an amendment to the Third Amended Final Development Plan for Section 9 of the property, dated July 16, 1997, revising the number of dwelling units and incorporate garages, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that variances from Sections V.B.3, V.B.6.d and V.B.2 of the Comprehensive Manual of Development Policies (CMDP), and Sections 1B01.2.C.1, 400.1, 400.3, 413.1.d, 413.1.E.1 and 1B02.2.B of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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. The Petitioner shall cause the grade of the subject property around garage No. 20 to be reduced by 4 ft., as fully set forth hereinabove.

3. The Petitioner shall cause there to be planted a double row of trees along the northern property line and the construction of a 6 x 6 ft. board on board fence. All of these conditions shall be reflected in the amended plan to be submitted and included in the case file, as more fully set forth in the body of this opinion.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

**VARIANCES**:

1. Per Section 400.1 of Baltimore County Zoning Regulations:

   To allow accessory buildings (detached garages) to be located in the front and side yards and for any corner lots, to permit accessory buildings to be located outside the third of the rear yard farthest removed from the street and to permit the accessory building to occupy more than 50% of such third.

2. Per Section 400.3 of the Baltimore County Zoning Regulations:

   To allow an accessory building height of 18 feet ± in lieu of the allowed 15 foot building height.

3. Per Section 1B01.2.C.1 of the Baltimore County Zoning Regulations and V.B.3 (CMDP-1972):

   To allow a minimum horizontal distance between principal buildings (43 feet high) of 40 feet in lieu of 60 feet.

4. Per Section V.B.6.d (CMDP-1972):

   To allow a minimum front setback of 19 feet to the centerline of the proposed private road in lieu of 47 feet. for garages and 53' for non-garage buildings

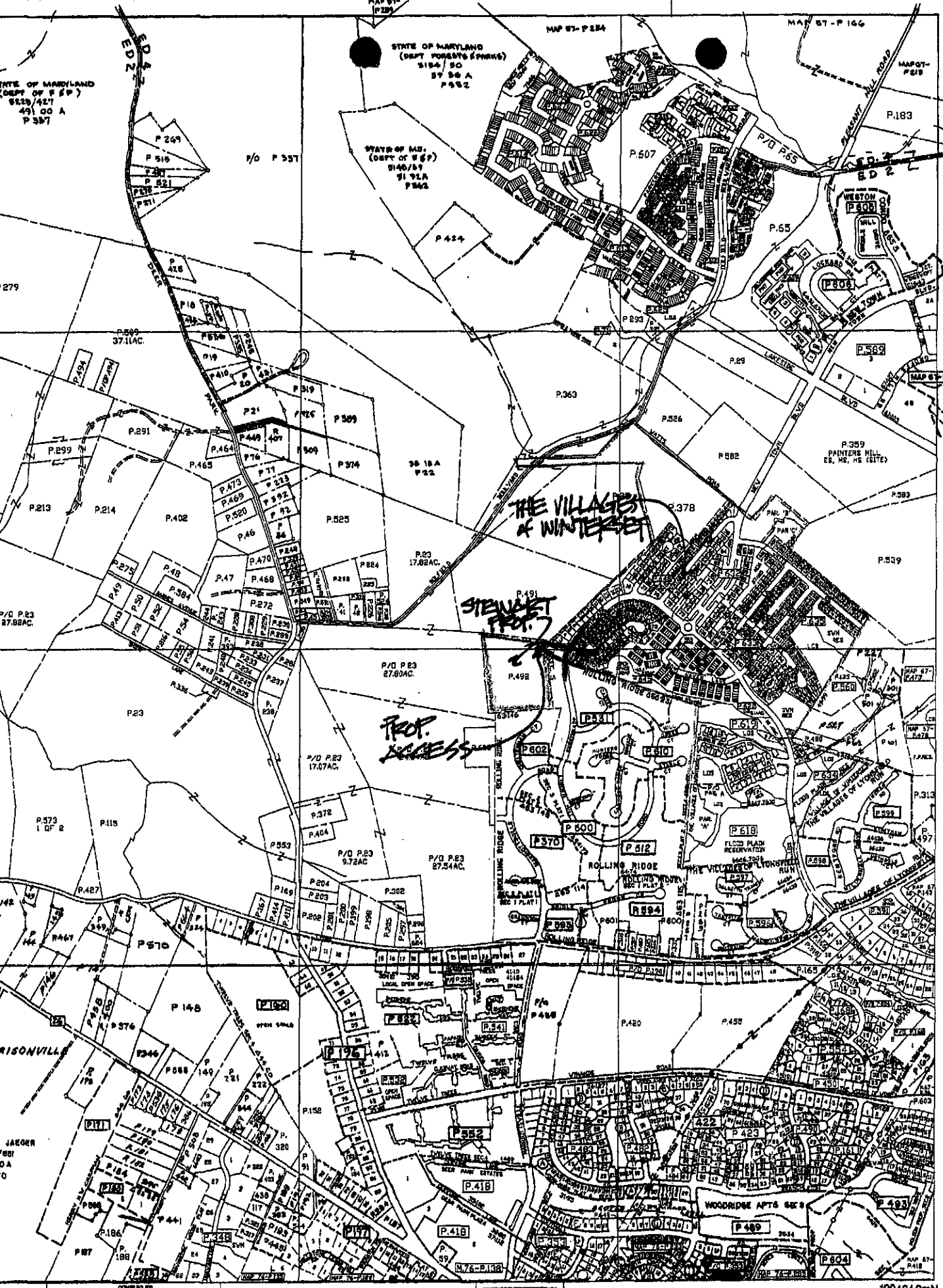
5. Per Section V.B.2 (CMDP-1972) and Section 1B02.2.B of the Baltimore County Zoning Regulations:

   To allow a principal building other than for residential (i.e. leasing office) to have:

   a front yard setback of 7 feet in lieu of 50 feet.
   a rear yard setback of 7 feet in lieu of 30 feet.
   a side yard setback of 7 feet in lieu of 20 feet.

6. Per Section ~~[illegible]~~ 413.1.E.1 of the Baltimore County Zoning Regulations:

   To allow a free standing sign of 96 square feet in lieu of 15 square feet.




MARYLAND OFFICE OF PLANNING
PROPERTY MAPPING SECTION

THE INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM DEED DESCRIPTIONS AND IS NOT AN ACTUAL SURVEY. IT SHOULD NOT BE USED FOR LEGAL DESCRIPTIONS. USING NOTING ERRORS ARE URGED TO NOTIFY THE PROPERTY MAPPING SECTION, 301 W. PRESTON ST., BALTIMORE, MD 21201

PROPERTY LINE
SUBDIVISION BOUNDARY
CONTINUING OWNERSHIP
PARCEL NUMBERING - PARK (ASSIGNED TO IDENTIFY AND INDEX OWNERSHIP. MUST BE PRECEDED BY A MAP NUMBER)

SCALE 1"=600' (RF 17800)

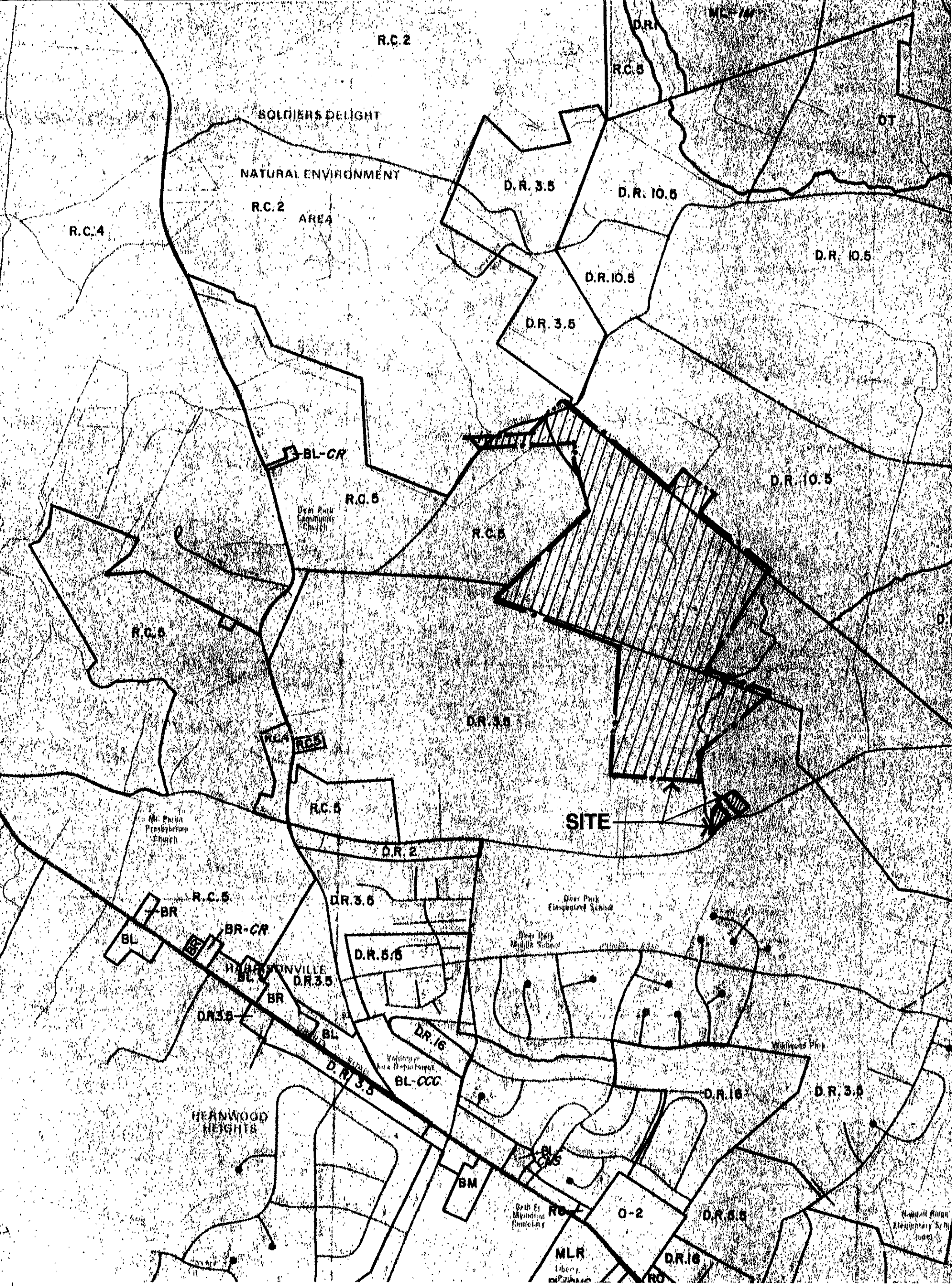
190424.0mN
416484.7mE

BALTIMORE COUNTY, MARYLAND

836-564

MAP NO. 66

| REVISED TO: | DATE | USER | BY | LAST R NO. | PHOTO | QUADRANGLE |
|---|---|---|---|---|---|---|
| | OCT. '98 | | ML | | | |




**THE VILLAGES OF WINTERSET**
**(FORMERLY KNOWN AS LYONSFIELD RUN)**

**D.S. THALER & ASSOC., INC.**
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 944-ENGR, (410) 944-3647 9-27-94

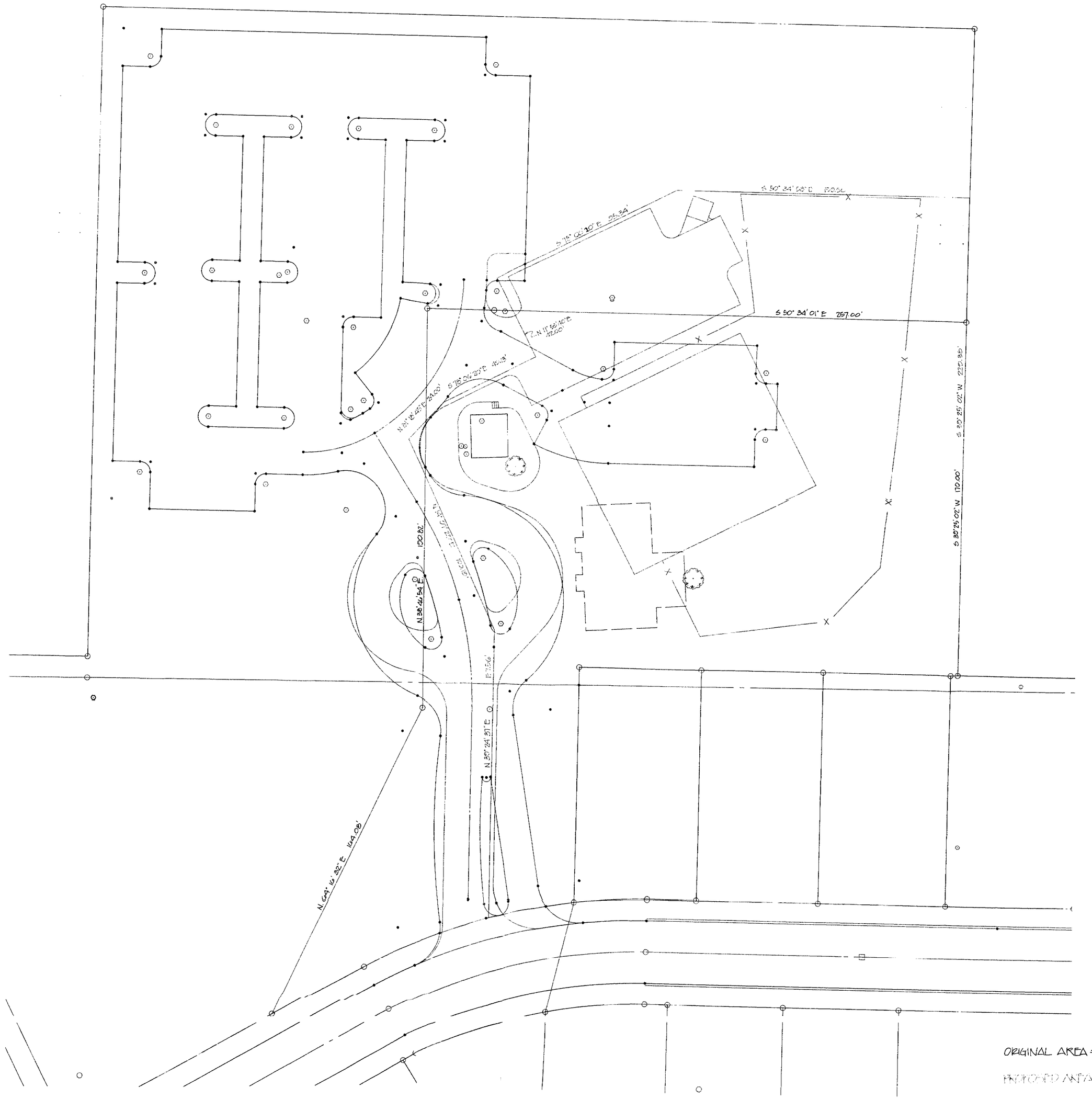
**1000 SCALE ZONING MAP TO ACCOMPANY**
**ZONING PETITIONS - MAP E-1**

MICROFILMED

95-131-XA

132

NORTH




ORIGINAL AREA = 1.29 ACRES

PROPOSED AREA = 1.29 ACRES

| | |
|---|---|
| JOB NUMBER: | 2024 |
| DRAWN BY: | D.R.S. |
| DESIGNED BY: | D.R.S. |
| CHECKED BY: | M.S.V. |

DST&A

D. S. THALER & ASSOC., INC.

CIVIL ENGINEERS
LANDSCAPE ARCHITECTS

SURVEYORS
LAND PLANNERS

7115 AMBASSADOR ROAD
BALTIMORE, MARYLAND 21244
(410) 944-ENGR (410) 944-3647

# GODDARD SCHOOL

BALTIMORE COUNTY, MARYLAND

REVISIONS

Date: Description

## GODDARD SCHOOL
EXHIBIT

XXXX BLOCK WATTS ROAD
BALTIMORE, MARYLAND, 21229

COUNCILMATIC DISTRICT: 6, PRECINCT: 1, WARD: 25

DEVELOPER

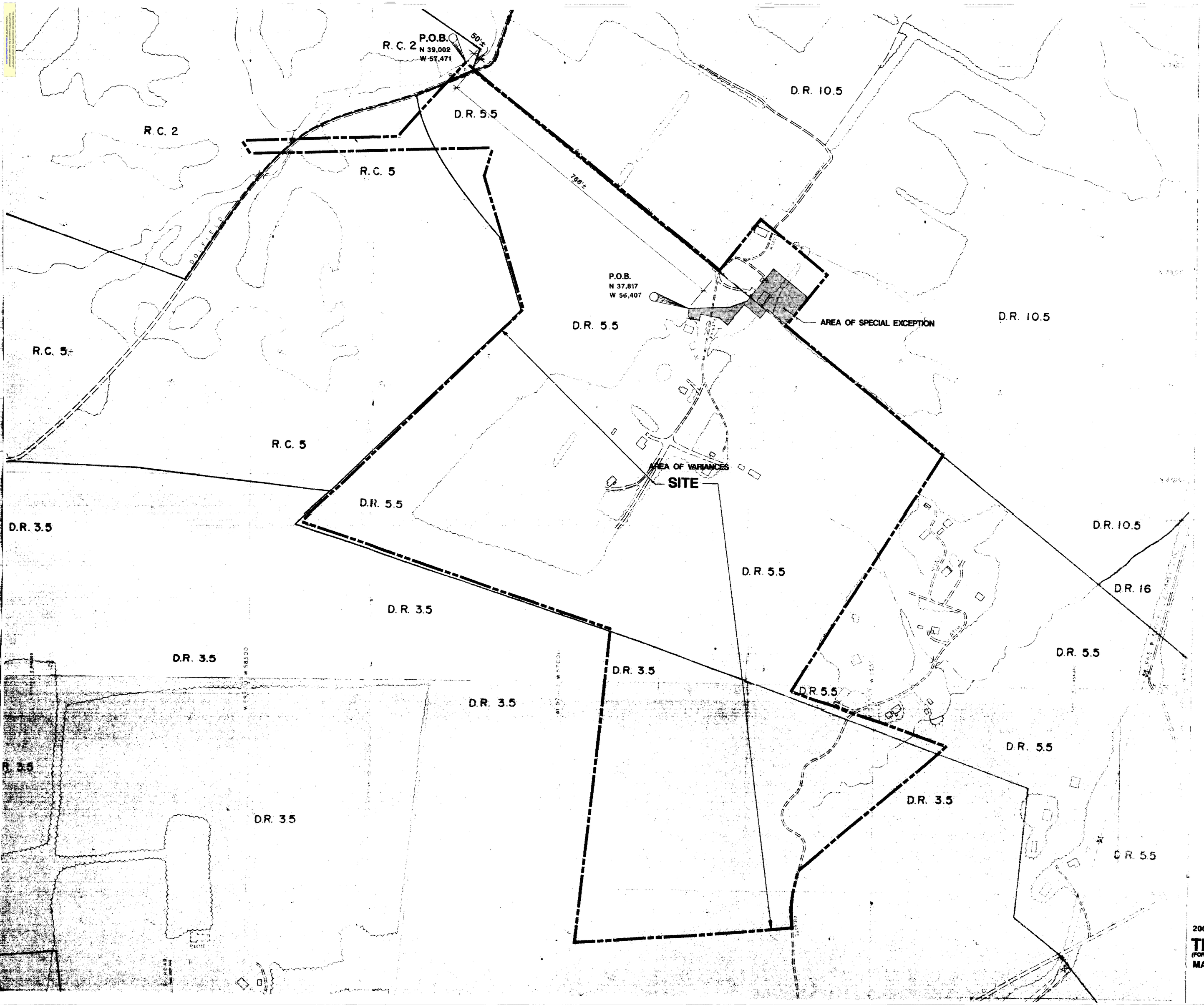
Lancelotta

AND ASSOCIATES, INC.
5052 Dorsey Hall Drive, Suite 203
Ellicott City, Maryland 21204
(410) 730-6607, (410) 461-4444

ATTEN.: MR. ROBERT BARTOLO

SCALE: AS SHOWN 1"=20'
DATE: JUNE 1997
SHEET 1 OF 1
FILE NO.

/nfs/data/lyonsfld/therest/titles:titles.hsp




95-131-XA

132

NORTH

25' 100' 400'
50' 200'
SCALE: 1"=200'

MICROFILMED

200 SCALE 1992 ZONING MAP TO ACCOMPANY ZONING PETITIONS

# THE VILLAGES OF WINTERSET
(FORMERLY KNOWN AS LYONSFIELD RUN)

MAP NW 9,10-J

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7116 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 944-0800, (410) 944-3647

9-13-94

## ZONING HISTORY

### 1. CASE NO. 91-490-A

THEREFORE, it is ordered by the Deputy Zoning Commissioner for Baltimore County this 13th day of September, 1991 that the Petition for Variances to permit:

1. 16' Buildings-Building in Lieu of 40' - for Lot Nos. 1-38, 49-63, 117-163, 198-210, 228-241
2. 20' Buildings-Building in Lieu of 40' - for Lot Nos. 39-48, 64-116, 164-197, 211-227
3. 16' Window-Window in Lieu of 40' - for Lot Nos. 1-38, 49-63, 117-163, 198-210, 228-241
4. 20' Window-Window in Lieu of 40' - for Lot Nos. 39-48, 64-116, 164-197, 211-227
5. 7' Window-Property Line in Lieu of 15' - for Lot Nos. 1-241
6. 15' Window-Side Street in Lieu of 25' - for Lot Nos. 48, 63, 64, 73, 74, 84, 85, 95, 105, 106, 139, 143, 155, 178, 179, 188, 189, 194, 210, 211, 223, 241
7. 20' Building-Tract Boundary in Lieu of 30' - for Lot Nos. 1-19, 21-31, 47, 116-138, 164-170
8. 20' Window-Tract Boundary in Lieu of 35' - for Lot Nos. 1-19, 21-31, 47, 116-138, 164-170
9. To Allow an Accessory Building (Garage) in Front Yard Instead of Rear Yard Only, 20' From Right-Of-Way Line - for Lot Nos. 1-38, 49-63, 117-163, 198-210, 228-241

be and it is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

(1) The petitioner may apply for its building permit and be granted same upon receipt of this order; however, petitioner is hereby made aware that proceeding at this time is at it's own risk until such date as the thirty-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) a. No deck or patio shall be located closer than 4 feet to a property line that has no wall or fence.

b. No deck shall be located closer than 4 feet to an adjoining wall or structure other than a fence.

c. No patio shall be located closer than 2 feet to an adjoining structure or wall other than a fence.

d. No fence shall be located closer than the lesser of the distance of the outside wall of a building structure facing a street (not an alley) and 10 feet to a street (not an alley).

e. A uniform opaque fence shall be provided for all lots with either sides or rears fronting on a right of way and that have fences, as such opaque fence is set forth on the Exhibit that accompanied the Revision to the Zoning Variance Petition attached hereto as Exhibit C.

f. A defined walkway system utilizing the open space connections shall be shown on the final landscape plan.

g. A final landscape plan shall be reviewed and approved by Deputy Director, Office of Planning, after approval of this zoning variance request by the Zoning Commissioner and before a building permit is issued for the lots granted variances herein.

h. No side of a building shall be located closer than 15 feet to a public street right of way (not an alley).

Timothy M. Kotroco
Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

### 2. RED LINE TO CASE NO. 91-490-A

Speed Letter

In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information do not hesitate to call or write. Thank you for your interest.

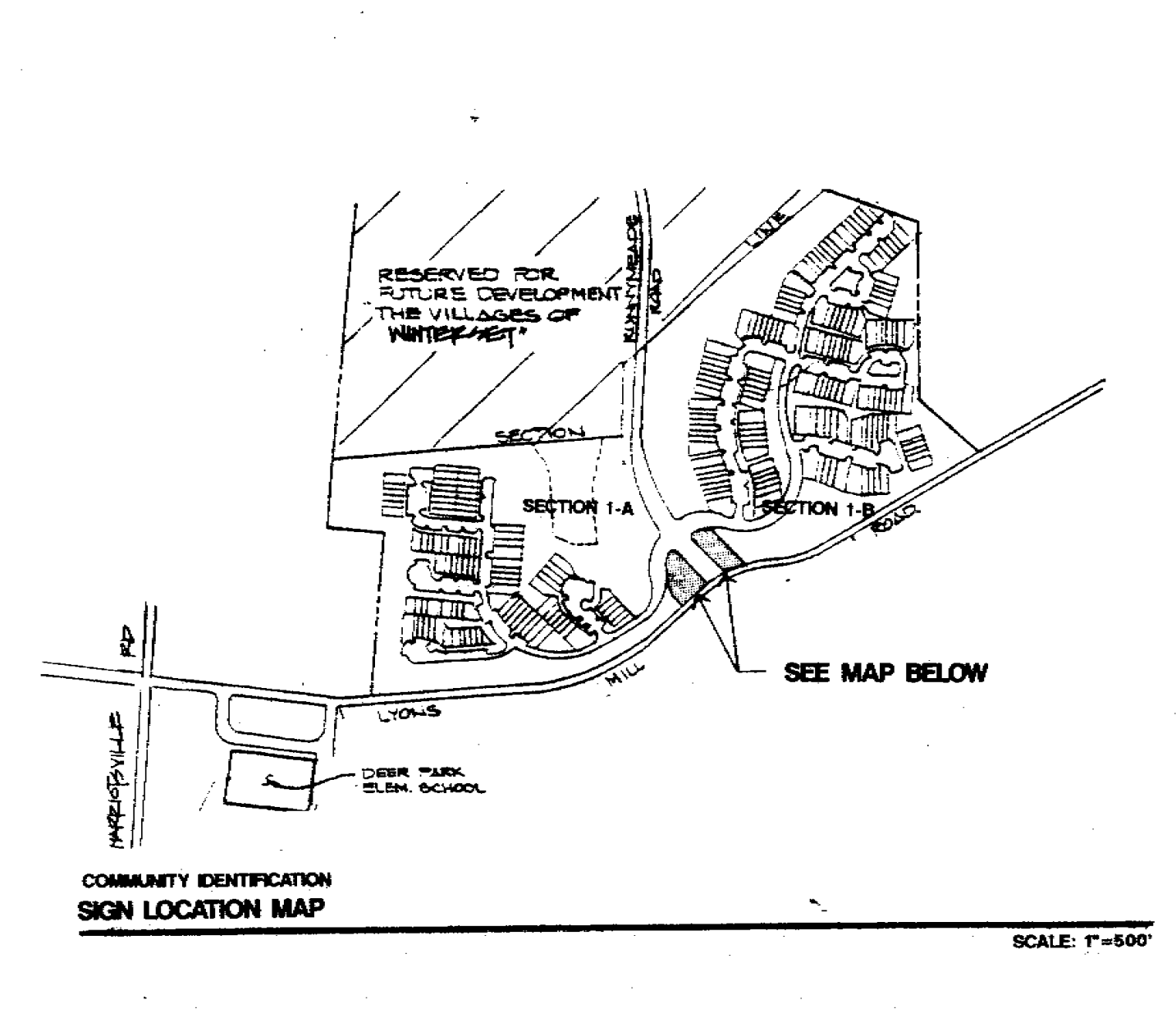
April 18, 1994 MAR 11 1994

Reference is made to your letter in which you requested confirmation that the proposed red-lined changes are within the spirit and intent of zoning case 91-490-A. Please be advised that since those changes are due to the elimination and renumbering of lots, the amendment is considered as being within the spirit and intent of said hearing. The zoning office will require a plan for the case file with a signature block for the Director of ZADM to sign and a final development plan listing those changes. Enclosed, please find a sample copy of the signature block and if you need further assistance, please do not hesitate to contact me at 887-3391.

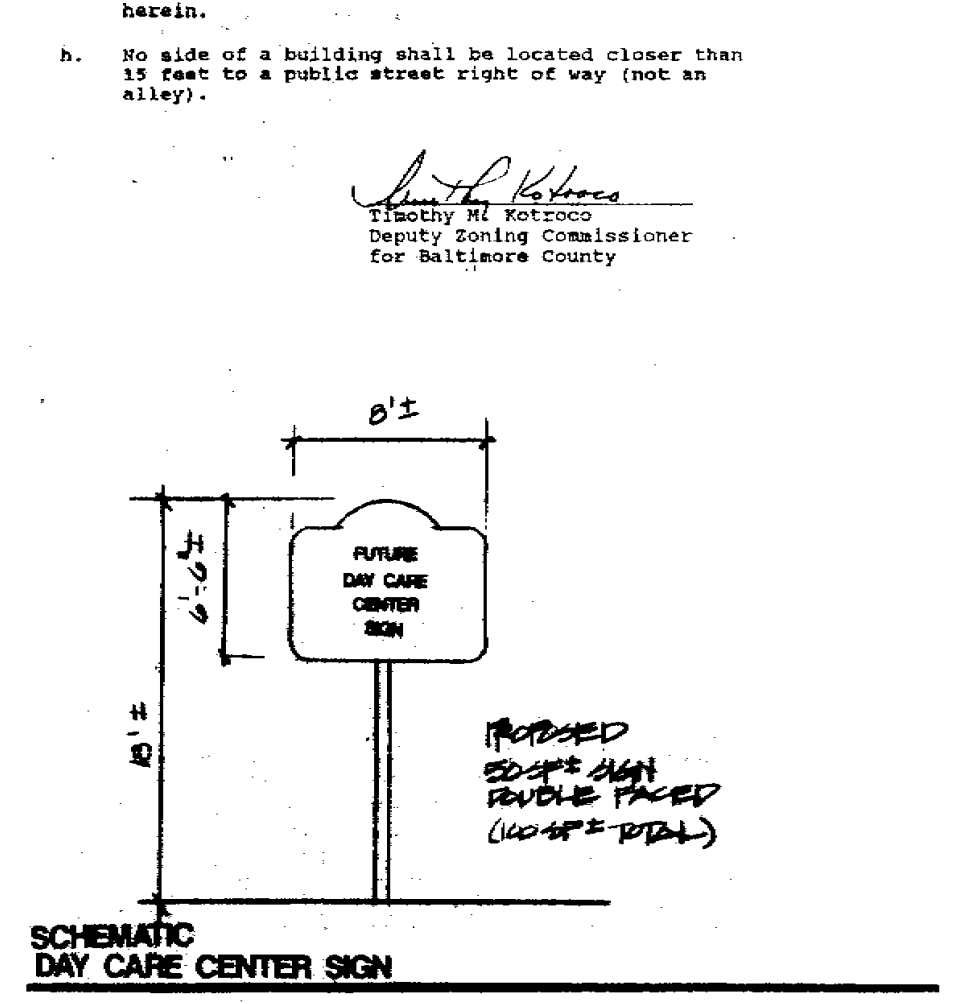
MITCHELL J. KELLMAN
Planner II

MJK:jaw
Enclosure

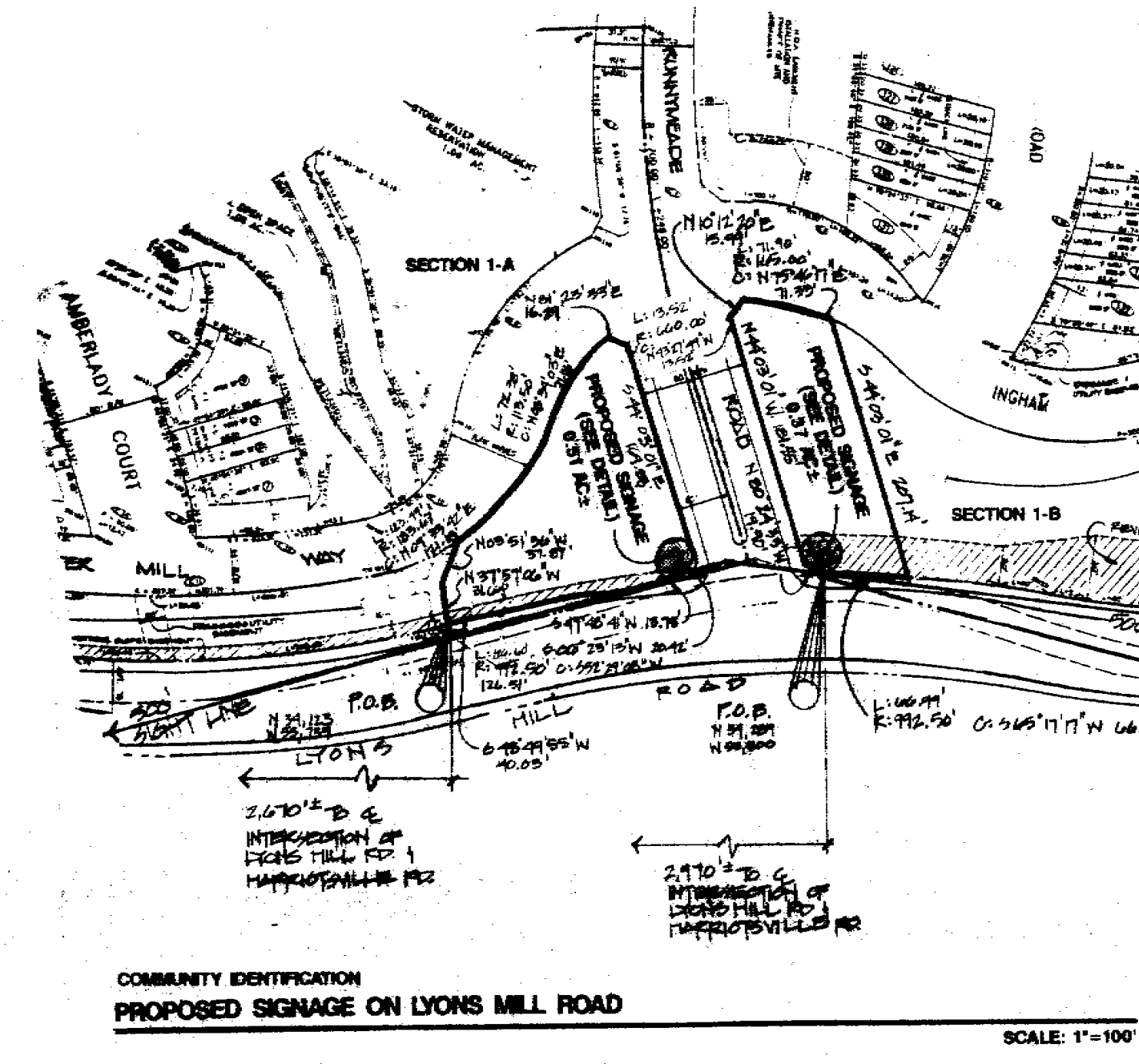
### 3. DRC REFINEMENT #08154E DIST.2C3 8-15-94



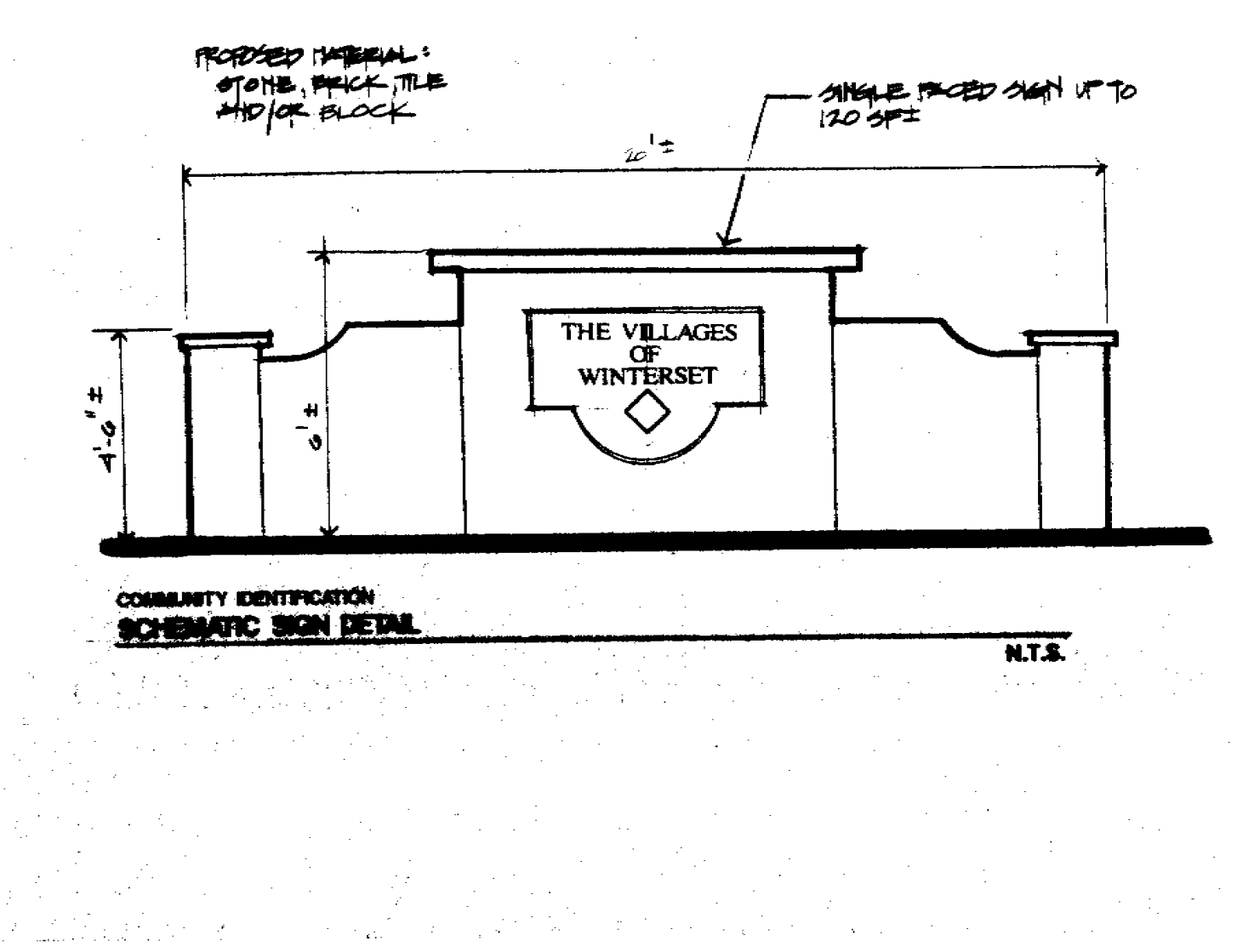
COMMUNITY IDENTIFICATION
SIGN LOCATION MAP



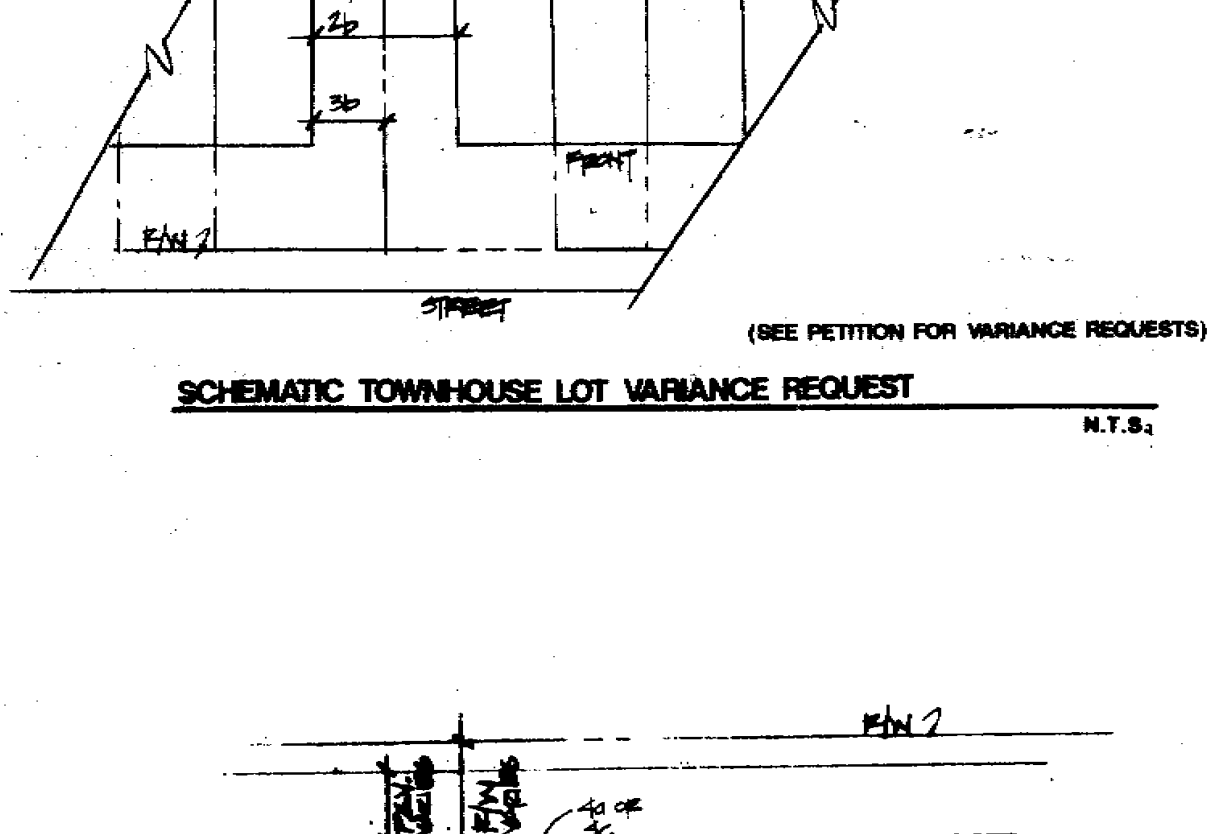
SCHEMATIC
DAY CARE CENTER SIGN



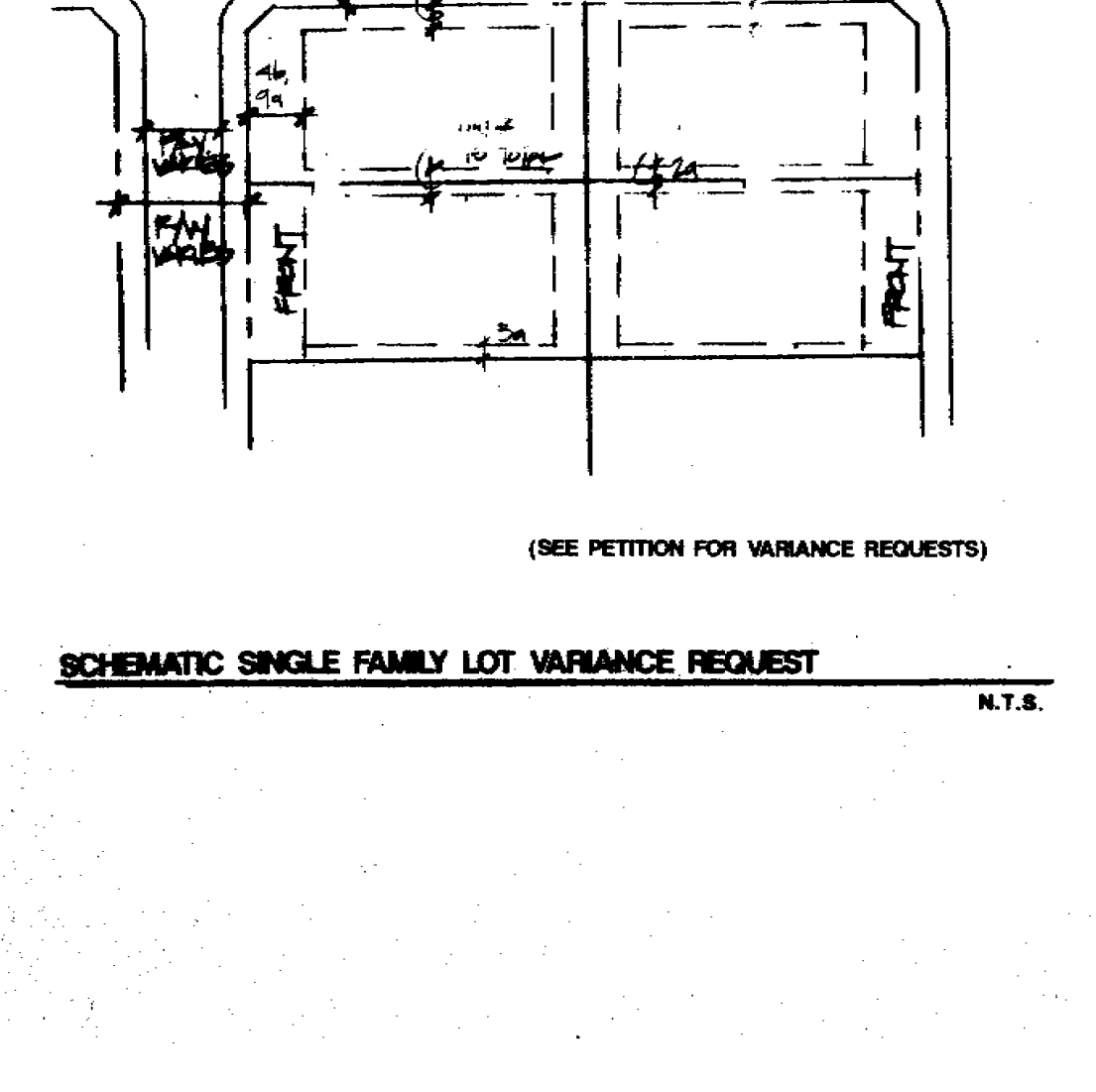
COMMUNITY IDENTIFICATION
PROPOSED SIGNAGE ON LYONS MILL ROAD



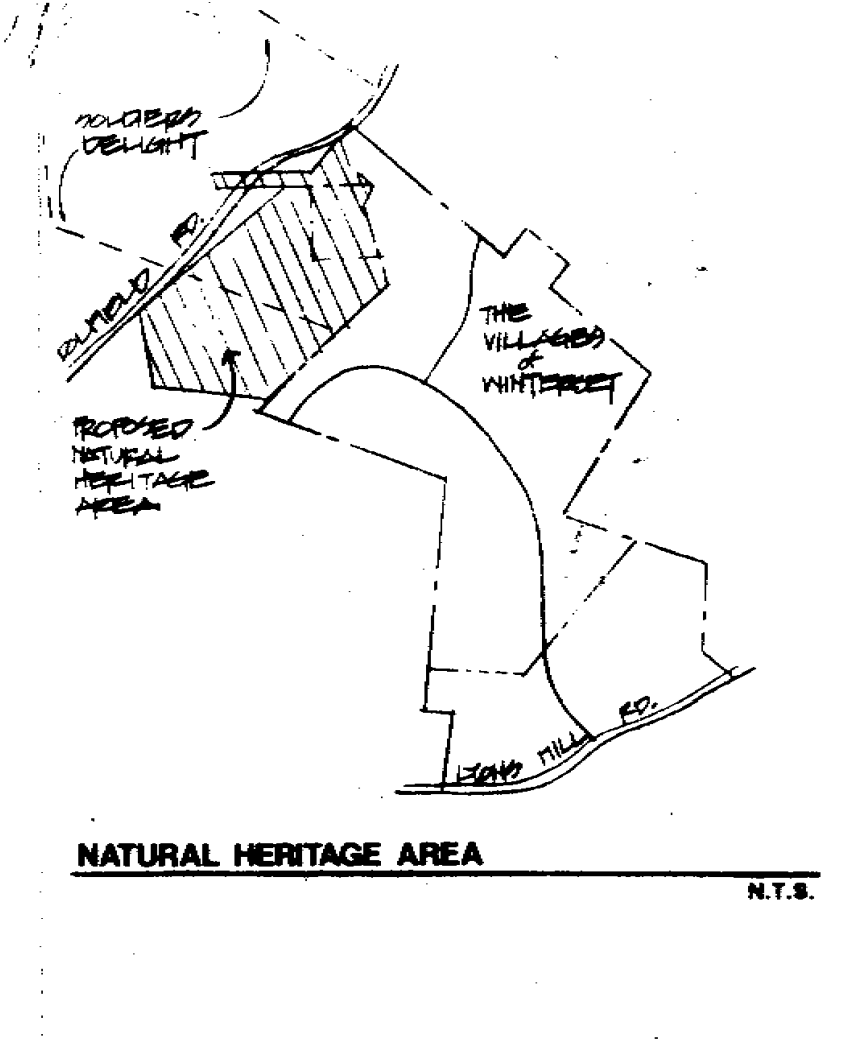
COMMUNITY IDENTIFICATION
SCHEMATIC SIGN DETAIL



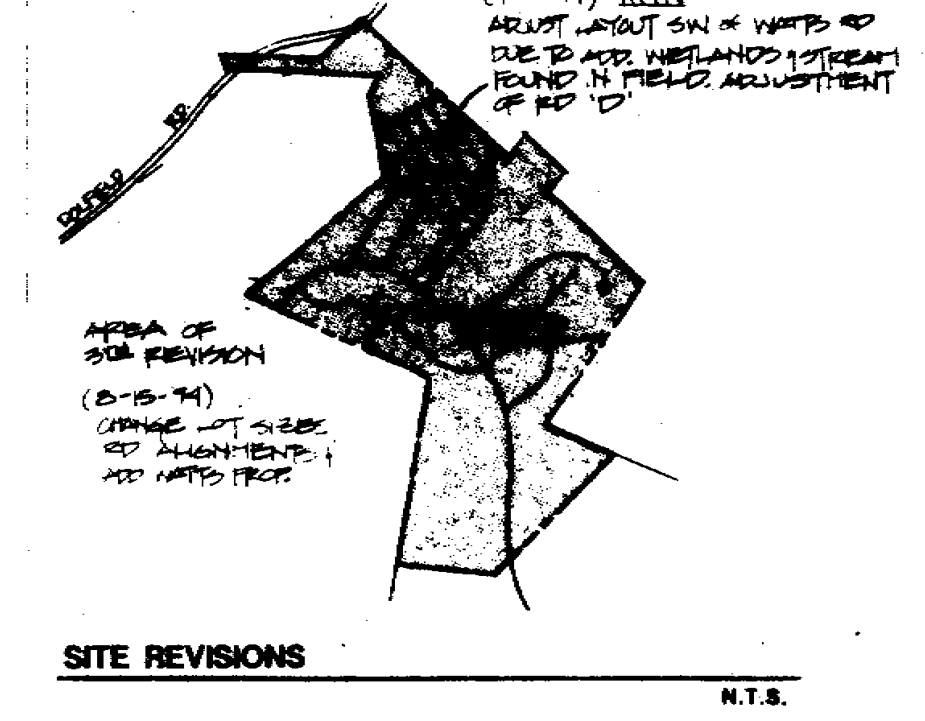
SCHEMATIC TOWNHOUSE LOT VARIANCE REQUEST



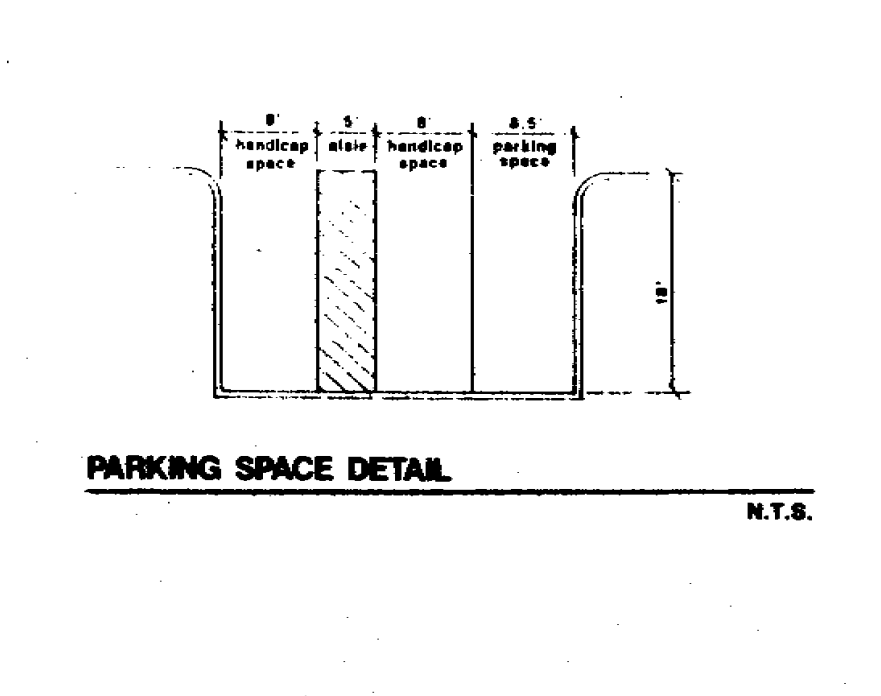
SCHEMATIC SINGLE FAMILY LOT VARIANCE REQUEST



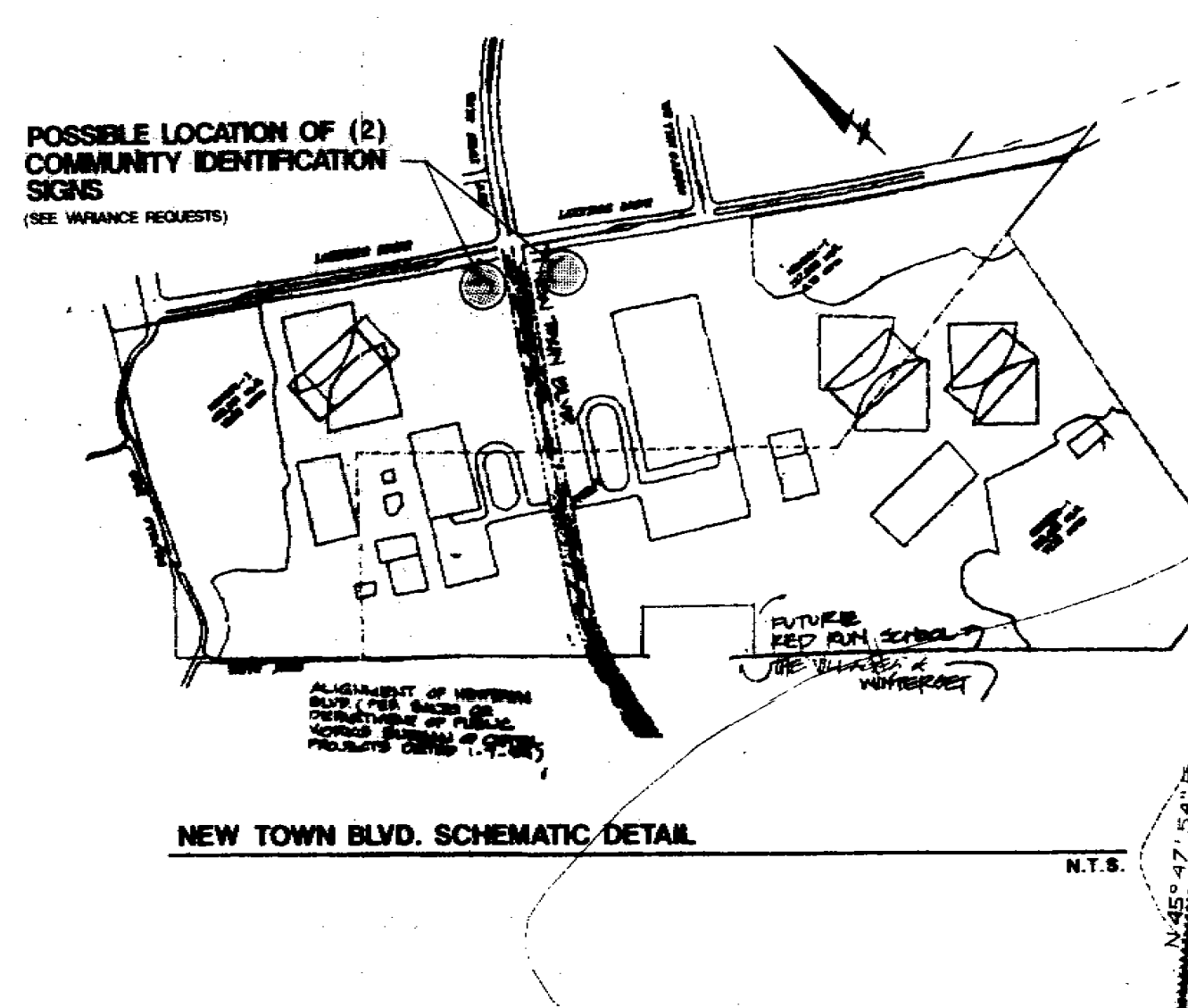
NATURAL HERITAGE AREA



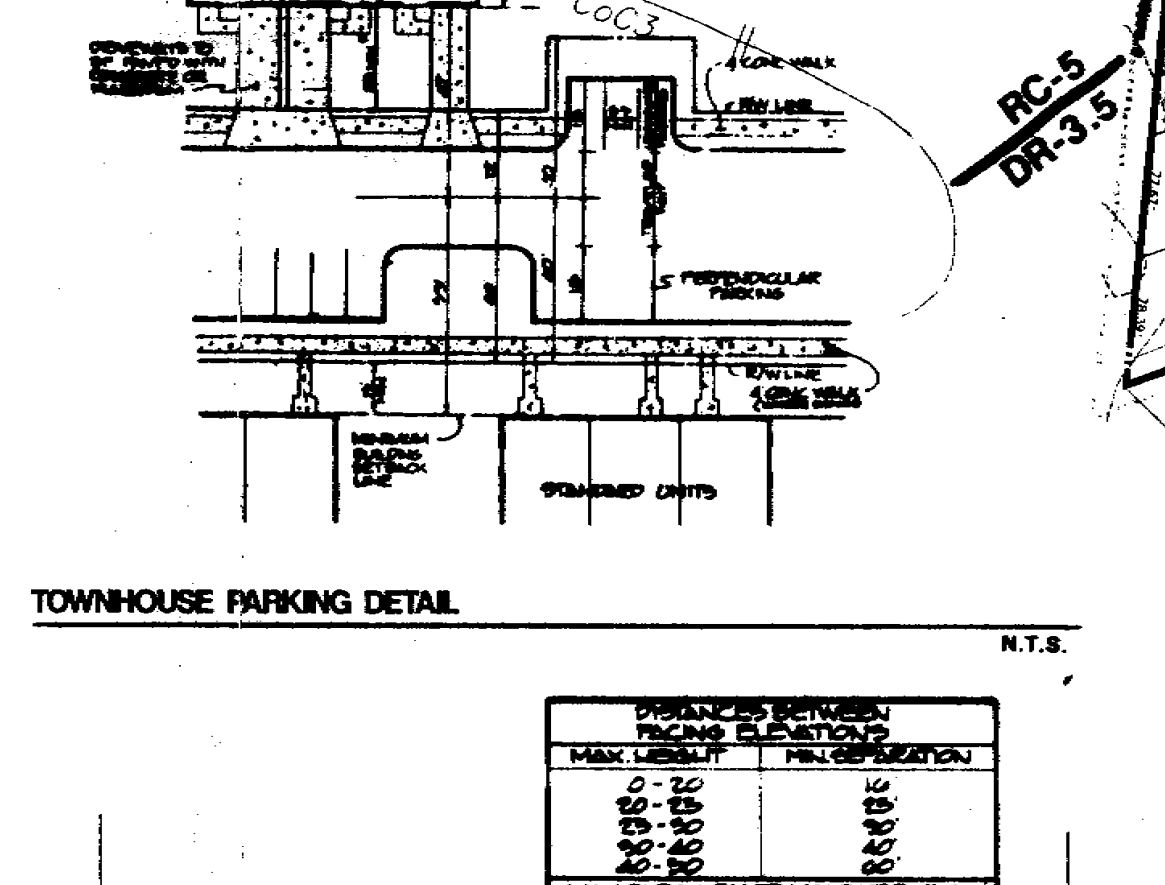
SITE REVISIONS



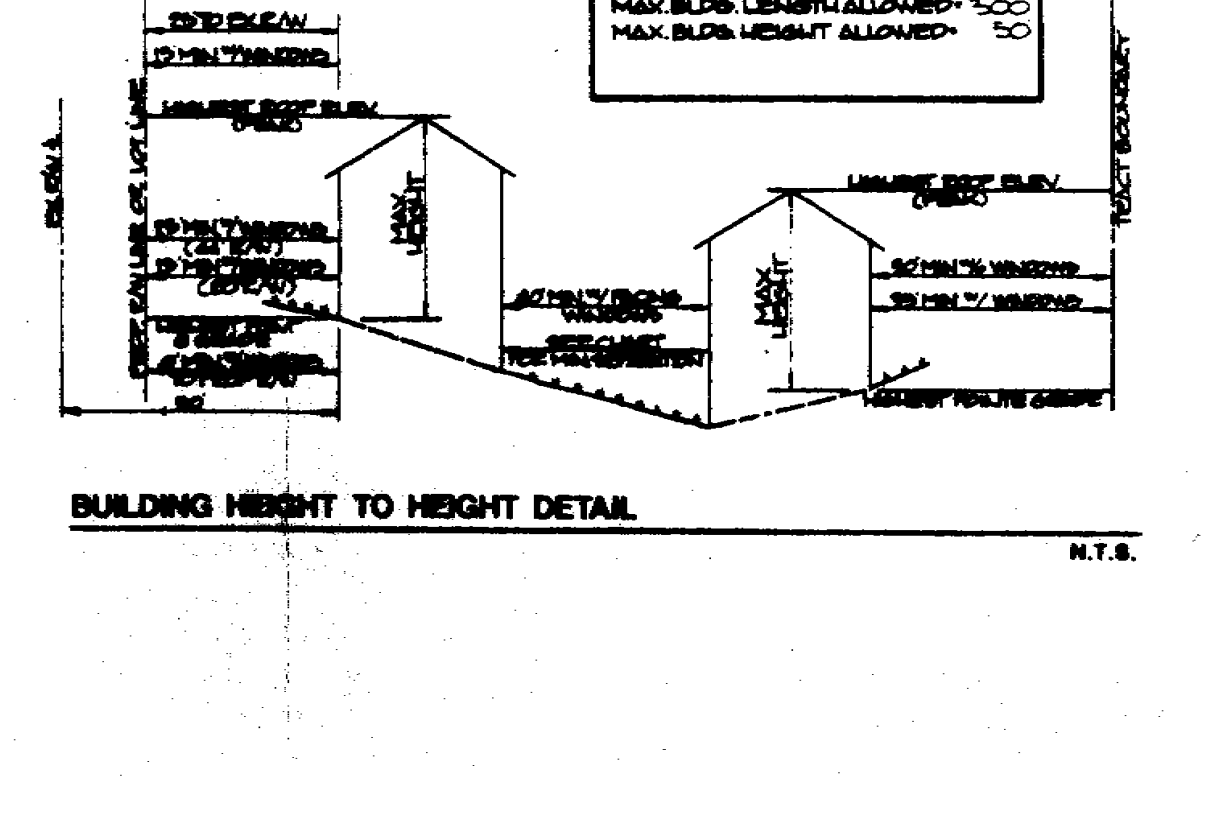
PARKING SPACE DETAIL



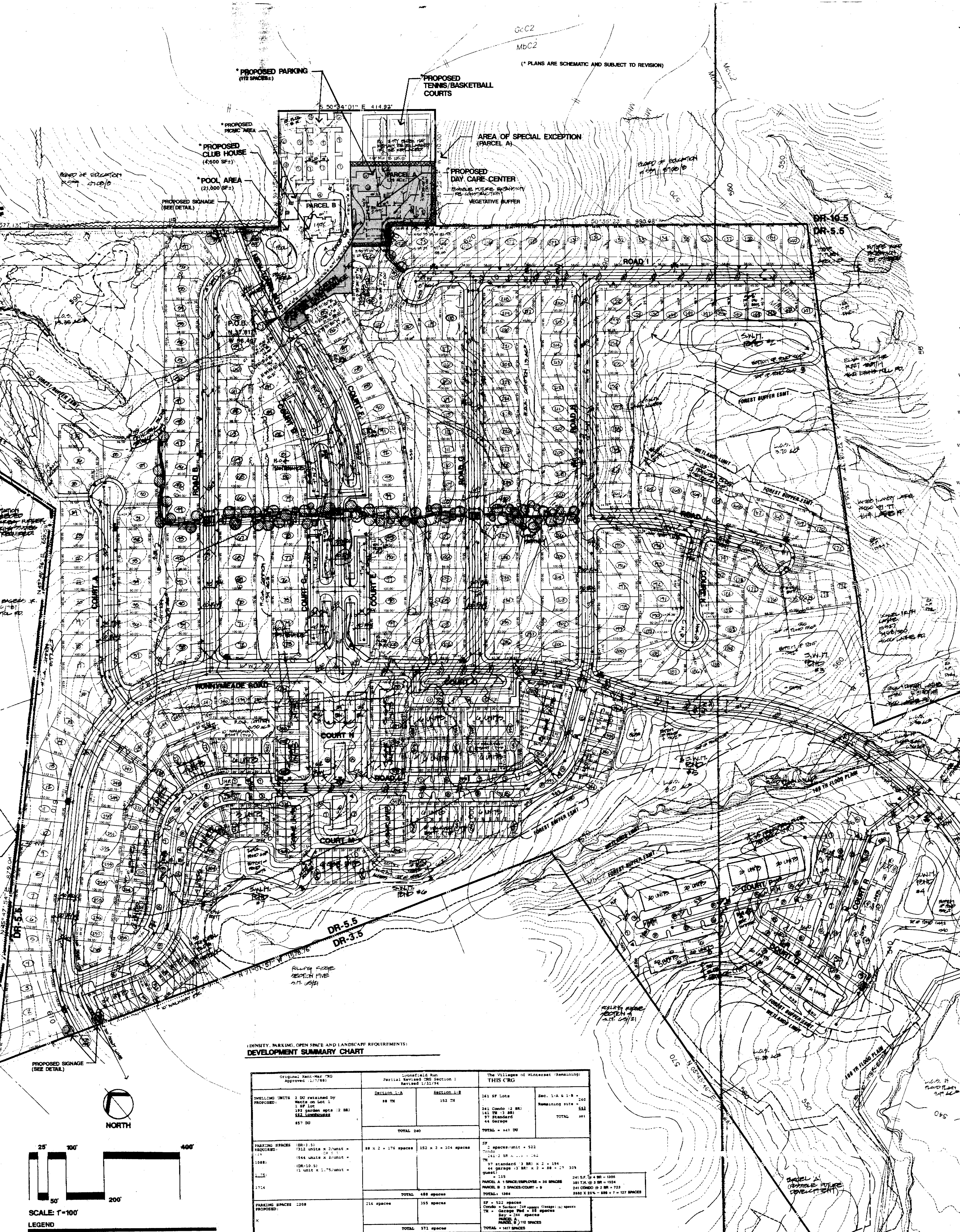
NEW TOWN BLVD. SCHEMATIC DETAIL



TOWNHOUSE PARKING DETAIL



BUILDING HEIGHT TO HEIGHT DETAIL



(DENSITY, PARKING, OPEN SPACE AND LANDSCAPE REQUIREMENTS)

## DEVELOPMENT SUMMARY CHART

| | Original Kent-Mar CRG Approved (1/7/88) | Lyonsfield Run Partial Revised CRG Section 1 Revised 1/31/94 | | The Villages of Winterset (Remaining) THIS CRG | |
|---|---|---|---|---|---|
| DWELLING UNITS PROPOSED: | 2 DU retained by Watts on Lot 1<br>1 SF lot<br>193 garden apts (2 BR)<br>662 townhouses<br>857 DU | Section 1-A<br>88 TH | Section 1-B<br>152 TH | 261 SF Lots<br>241 Condo (2 BR)<br>141 TH (3 BR)<br>97 Standard<br>44 Garage<br>TOTAL = 643 DU | Sec. 1-A & 1-B = 240<br>Remaining site = 643<br>TOTAL 883 |
| | | TOTAL 240 | | | |
| PARKING SPACES REQUIRED: | (DR-3.5)<br>(312 units x 2/unit = 624)<br>(DR-5.5)<br>(544 units x 2/unit = 1088)<br>(DR-10.5)<br>(1 unit x 1.75/unit = 1.75)<br>1714 | 88 x 2 = 176 spaces | 152 x 2 = 304 spaces | SF<br>2 spaces/unit = 522<br>Condo<br>241-2 BR x [illegible] = [illegible]<br>TH<br>97 standard (3 BR) x 2 = 194<br>44 garage (3 BR) x 2 = 88 + 27 (30% guest) = 115<br>PARCEL A 1 SPACE/EMPLOYEE = 35 SPACES<br>PARCEL B 3 SPACES/COURT = 9<br>TOTAL: 1364 | 241 S.F. @ 4 BR = 1305<br>381 T.H. @ 3 BR = 1524<br>241 CONDO @ 2 BR = 723<br>3552 X 25% − 888 + 7 = 127 SPACES |
| | | TOTAL 480 spaces | | | |
| PARKING SPACES PROPOSED: | 2208<br>x | 216 spaces | 355 spaces | SF = 522 spaces<br>Condo = Surface: 249 spaces Garage: 162 spaces<br>TH = Garage Pad = 88 spaces<br>Bay = 284 spaces<br>PARCEL A<br>PARCEL B > 112 SPACES<br>TOTAL = 1417 SPACES | |
| | | TOTAL 571 spaces | | | |
| OPEN SPACE REQUIRED: | 855 units @ 650 sf/unit = 12.75 Ac.± | 88 x 650 sf/unit = 1.313 Ac± | 152 x 650 sf/unit = 2.26 Ac± | 643 x 650 = 9.6 Ac± | |
| OPEN SPACE PROPOSED: | 13.17 Ac± | LOS = 6.74 Ac± | LOS = 7.36 Ac± | HOA = 10.[illegible] Ac± (OS: 34.0 AC±)<br>LOS in F.P. = 6.4 Ac± (12.85 Ac± x 50%)<br>TOTAL = 50.7 Ac± | |
| LANDSCAPE REQUIREMENTS: | 855 units @ 1 tree/unit = 855 trees - 20% Credit for trees saved in LOS = 855-171 = 684 trees<br>2900 LF buffer - 4 = 725 trees<br>500 LF buffer - 4 = 125 trees<br>1535 trees | 88 units @ 1 tree/unit = 88<br>1620 LF screen - 4 = 405<br>493 trees<br>- 20% credit<br>493 - 99 = 394 trees | 152 units @ 1/tree/unit = 152<br>1550 LF screen - 4 = 388<br>540 trees<br>- 20% credit<br>540 - 106 = 434 trees | 643 units x 1 tree/unit = 643 trees | |
| LANDSCAPING PROPOSED: | 1534 trees | 394 trees | 434 trees | 643 trees | |

## SUMMARY OF VARIANCE REQUESTS

VARIANCE (1) SECTION 1B01.2.C.1 (BCZR) and V.B.3 (CMDP)
Requires a 40 foot building-to-building separation.

REQUEST:
(a) 15' BUILDING-TO-BUILDING IN LIEU OF 40'.
- LOT NOS. 1-258, 400-402
(b) 25' BUILDING-TO-BUILDING IN LIEU OF 40'.
- LOT NOS. 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394

VARIANCE (2) SECTION 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP)
Requires a 40 foot window-to-window separation between centers of facing windows.

REQUEST:
(a) 15' WINDOW-TO-WINDOW IN LIEU OF 40'.
- LOT NOS. 1-258, 400-402
(b) 25' WINDOW-TO-WINDOW IN LIEU OF 40'.
- LOT NOS. 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394

VARIANCE (3) SECTION 1B01.2.C.6. (BCZR) and V.B.6.b. (CMDP)
Requires a 15 foot window-to-property line setback.

REQUEST:
(a) 4' WINDOW-TO-PROPERTY LINE IN LIEU OF 15'.
- LOT NOS. 1-258, 400-402
(b) 12' WINDOW-TO-PROPERTY LINE IN LIEU OF 15'.
- LOT NOS. 264-265, 270-271, 275-276, 279-280, 285, 289-290, 299-300, 304, 309-310, 315, 324, 329-330, 335, 339-340, 344-345, 350-351, 356, 362-363, 368-369, 375, 379-380, 383-384, 387-388, 393-394

VARIANCE (4) SECTION V.B.6.a. (CMDP)
Requires a 25 foot window-to-street right-of-way setback.

REQUEST:
(a) 14' WINDOW-TO-STREET RIGHT-OF-WAY IN LIEU OF 25'.
- LOT NOS. 38, 72, 73, 102, 152, 161, 179, 194, 195, 201, 216, 218, 236 (side setbacks only).
(b) 14' WINDOW-TO-STREET RIGHT-OF-WAY IN LIEU OF 25'.
- LOT NOS. 24, 83, 84 (front setbacks only)
(c) 10' WINDOW-TO-STREET RIGHT-OF-WAY IN LIEU OF THE 25' SETBACK.
- LOT NOS. 100, 118, 258-259, 316

VARIANCE (5) SECTION 1B01.2.C.6 (BCZR) & V.B.5.b. (CMDP)
Requires a 30' building-to-tract boundary setback.

REQUEST:
(a) 15' BUILDING SIDE-TO-TRACT BOUNDARY IN LIEU OF 30'.
- LOT NOS. 1, 57, 140, 172
(b) 5' BUILDING SIDE-TO-TRACT BOUNDARY IN LIEU OF 30'.
- LOT NOS. 141, 171
(c) 20' BUILDING REAR-TO-TRACT BOUNDARY IN LIEU OF 30'.
- LOT NOS. 1-13, 124-140

VARIANCE (6) SECTION 1B01.2.C.2.a (BCZR) and V.B.5.a. (CMDP)
Requires a 35' window-to-tract boundary setback.

REQUEST:
(a) 15' SIDE WINDOW-TO-TRACT BOUNDARY IN LIEU OF 35'.
- LOT NOS. 1, 57, 140, 172
(b) 5' SIDE WINDOW-TO-TRACT BOUNDARY IN LIEU OF 35'.
- LOT NOS. 141, 171
(c) 20' REAR WINDOW-TO-TRACT BOUNDARY IN LIEU OF 35'.
- LOT NOS. 1-13, 124-140

VARIANCE (7) SECTION 101 (BCZR)
Allows maximum of six (6) townhouse units in an attached group, by definition of "Group House."

REQUEST:
(a) TO ALLOW EIGHT (8) TOWNHOUSE UNITS IN AN ATTACHED GROUP.
- LOT NOS. 316 THROUGH 323

VARIANCE (8) SECTION 400.1 (BCZR)
Allows an accessory building only in the rear yard.

REQUEST:
(a) TO ALLOW AN ACCESSORY BUILDING (DETACHED GARAGE) IN THE FRONT YARD IN LIEU OF REAR YARD ONLY.
- LOT NOS. 1-258, 400-402

VARIANCE (9) V.B.8 (CMDP)
Requires a 22 foot front street right-of-way setback for garages and carports.

REQUEST:
(a) 20' FOOT FRONT STREET RIGHT-OF-WAY SETBACK IN LIEU OF 22'.
- LOT NOS. 1-258, 400-402

VARIANCE (10) SECTION 413.1.E.1. (BCZR)
Allows 15 square feet maximum for community identification signage.

REQUEST:
(a) SIX (6) 120-SQUARE FOOT COMMUNITY IDENTIFICATION SIGNS FOR A TOTAL OF 720 SQUARE FEET IN LIEU OF 15 SQUARE FEET PERMITTED.
(b) TWO ADDITIONAL (2) 120-SQUARE FOOT COMMUNITY IDENTIFICATION SIGNS FOR A TOTAL OF 240 SQUARE FEET, IN LIEU OF 15 SQUARE FEET PERMITTED ON PROPERTY TO BE ACQUIRED IN FEE SIMPLE, BY EASEMENT, BY LICENSE, OR BY OTHER AGREEMENT.

VARIANCE (11) SECTION 424.6.A.2. (BCZR)
Allows one eight (8) square foot maximum sign for a day care identity sign.

REQUEST:
(a) TO ALLOW ONE (1) 50 SQUARE FOOT DOUBLE-FACED SIGN (100 SQUARE FEET TOTAL) IN LIEU OF EIGHT (8) SQUARE FEET PERMITTED.
- PARCEL 'A'

VARIANCE (12) SECTION 424.7.A. (BCZR)
Requires an area of one (1) acre for the first 40 licensed children plus 500 square feet per child over 40 licensed children for a principal use Class 'B' group child care center in a residential zone.

REQUEST:
(a) TO ALLOW 1.29 AC.+/- IN LIEU OF THE REQUIRED 2.26 ACRES+/- FOR 150 CHILDREN.
- PARCEL 'A'

VARIANCE (13) SECTION 424.7.B. (BCZR)
Requires a setback of 50' from a side and/or rear property line and a 20' perimeter vegetative buffer.

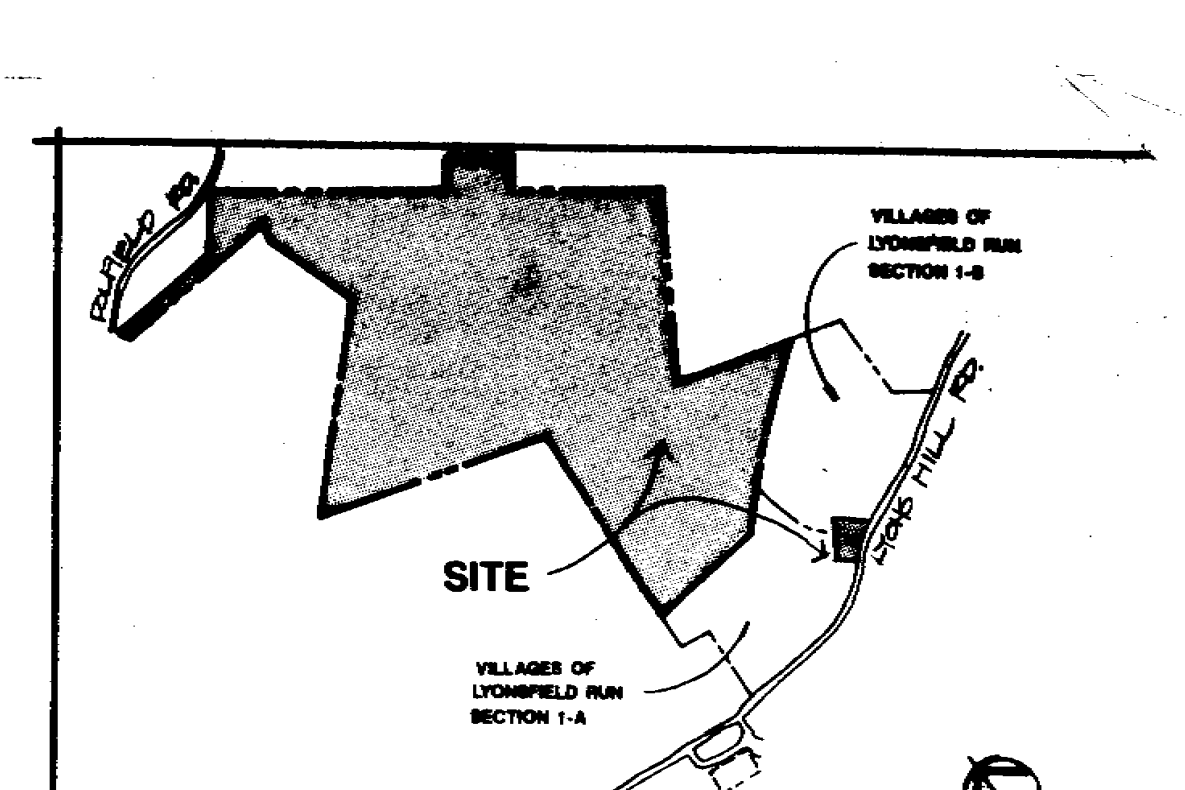
REQUEST:
(a) TO ALLOW A 20' SETBACK FROM THE SIDE AND REAR PROPERTY LINES IN LIEU OF 50' REQUIRED.
- PARCEL 'A'
(b) TO ALLOW A 10' PERIMETER VEGETATIVE BUFFER IN LIEU OF 20' (SIDES AND REAR).
- PARCEL 'A'

VARIANCE (14) SECTION 424.7.C. (BCZR)
Requires parking drop-off and delivery areas in side or rear yards only.

REQUEST:
(a) TO ALLOW PARKING AND A DROP OFF/DELIVERY AREA IN THE FRONT YARD IN LIEU OF THE SIDE OR REAR YARD ONLY.
- PARCEL 'A'

VARIANCE (15) SECTION 409.6.A.4. (BCZR)
Requires one (1) parking space per seven (7) person permitted in a community swimming pool at one time by the Department of Health, plus three (3) additional parking spaces per court for tennis, handball, racquetball or similar courts. Also requires one (1) parking space per employee on the largest shift for a Group Child Care Center.

REQUEST:
(a) TO ALLOW AS FEW AS ONE HUNDRED (100) PARKING SPACES IN LIEU OF 136 SPACES REQUIRED FOR THE SWIMMING POOL AND TENNIS COURTS, AND TO ALLOW TWELVE (12) SPACES, IN LIEU OF 35 SPACES REQUIRED FOR THE GROUP CHILD CARE CENTER, WITH ALLOWANCE FOR SHARED PARKING BETWEEN THE THREE (3) USES.
- PARCELS 'A' AND 'B'.



VICINITY MAP SCALE: 1" = 1000'

## GENERAL NOTES:

DEVELOPMENT NAME: The Villages of Winterset

1. CURRENT OWNER: Cabrago Limited Partnership
10705 Charter Drive, Suite 450
Columbia, Maryland 21044
(410) 740-5335

ATTN: Mr. T. Kevin Carney

PROPERTY REFERENCES
DEEDS: 10282/453
10282/457
TAX ACCOUNT NOS. 17-00-00-3614, 17-00-00-3615, 21-00-00-8511, 02-23-00-1100, 16-00-00-1441, 22 00 01 9092, 22 00 01 8601 to 22 00 01 9068, 22-00-00-9068 to 22-00-00-9335

2. PLAN PREPARED BY: D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, Maryland 21244
(410) 944-3647

ATTN: Ms. Stacey A. McArthur, R.L.A.

3. GENERAL DATA: Election District: 2
Census Tract: 4021
Councilmanic District: 3
Watershed: [illegible]
Subsewershed: 66

4. SITE INFORMATION:

| Gross acreage: | Zoning | Density Allowed: |
|---|---|---|
| 0.41 | RC-2 | .60 x = DU |
| 1.21 | RC-5 | 1.21 x .667 = .81 DU |
| | | TOTAL RC .81 DU |
| 85.62 | DR-3.5 | 85.62 x 3.5 = 299.67 DU |
| 99.08 | DR-5.5 | 99.08 x 5.5 = 544.94 DU |
| 3.68 | DR-10.5 | 3.68 x 10.5 = 38.64 DU |
| | | TOTAL DR 883.25 DU |

5. UTILITIES: Public water and sewer will be provided.

6. USE: The existing use is residential.
The proposed use is residential.

7. EXISTING: There are no known historic buildings, critical areas, endangered species, or hazardous materials on this site.

8. ROADS: Public roads will be provided. (Up to 200 units can be built with one means of access)

9. AVERAGE DAILY TRIPS (ADTS): Average daily trips as calculated from the Baltimore County Comprehensive Manual of the Development Policy.

Single Family
Average Daily Trips = 261 units x 10.5/unit = 2740.5

Condominium
Average Daily Trips = 241 units x 6/unit = 1446

Townhouse
Average Daily Trips = 141 units x 8.5/unit = 1198.5

9385

10. STORM WATER MANAGEMENT: Storm water management will conform to Baltimore County Standards.

11. GRADING: Grading shown is schematic only.

12. VEGETATION: Existing vegetation will be retained in areas not needed for construction or grading. Existing vegetation consists of woods and open meadows.

13. SIGHT LINES: Proposed sight lines are shown on Plan and will be kept cleared and graded to ensure unobstructed sight at all times.

14. STORAGE TANKS: Existing private sewage disposal systems shall be pumped and either backfilled or removed prior to Record Plat. Existing drilled wells shall be backfilled by a licensed well driller prior to Record Plat and well abandonment reports submitted to the Health Department.

15. Wetlands and streams have been field located and are shown.

16. The plan is a concept plan on which minor changes may occur.

17. ~~In townhouse areas all islands are to be trash pick-up collection points.~~

18. The possible community center, if built, will be for use of residents

19. Temporary boundary markers and tree protection devices coincident with limits of L.O.S. or limit of trees to remain shall be installed prior to any clearing and grading. Local open space shall not be disturbed except as approximately delineated on this plan without prior approval from the Department of Recreation and Parks.

20. All offsite dwellings and lots less than 2 acres that create a RTA's onsite are shown with required 300' and 250' arcs.

21. An asbestos survey must be done prior to razing of existing dwellings.

22. Landscape planting as specified in the Baltimore County Landscape Manual, Section IX, Landscape Standards and Criteria.

Required:

643 units @ 1 tree/unit = 643 trees
75% of trees will be major deciduous and 25% shall be minor deciduous or evergreen.

23. Refuse collection in the condominium area planned for front-end loader 8 C.Y. service.

24. Refuse collection for individual homes planned for front pick-up on street.

25. Acceptance of this plan in no way binds Baltimore County into refuse collection of this development. At the time of construction and after all requirements (trash pads) have been met, a representative of the Bureau will meet with the developer or his representatives to discuss details of refuse collection.

26. Lathe Road and Watts Road will require a formal road closing prior to plats being recorded.

27. "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."

28. There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement area except as permitted by Baltimore County Department of Environmental Protection and Resource Management.

29. All parking aisles and maneuvering areas will be paved with macadam and permanently striped.

30. There are several known possible Archeological sites on the property (sites # 18 BA 431-32-33). Mitigation is underway in accordance with a data recovery plan that was drafted in consultation with the Maryland Historical Trust and the Baltimore District of the Army Corps of Engineers. Upon completion of the Archeological field work, a management summary will be submitted to the regulatory agencies. Archeological services are being performed by R. Christopher Goodwin & Associates, Inc.

95-131-XA

# THE VILLAGES OF WINTERSET

(FORMERLY KNOWN AS KENT MAR & LYONSFIELD RUN)

PLAT TO ACCOMPANY ZONING PETITIONS

PROJ. NAME: (FORMERLY KNOWN AS KENT MAR & LYONSFIELD RUN)
THE VILLAGES OF WINTERSET

PLAN TITLE: PLAT TO ACCOMPANY ZONING PETITIONS

DRC #: 08154E DIST. 2C3

COUNCIL DIST.: 3 ELECTION DIST.: 2

APPROVAL:

OWNER / DEVELOPER:
CABRAGO LIMITED PARTNERSHIP
10705 CHATER DRIVE, SUITE 450
COLUMBIA, MARYLAND 21044
(410) 997-5522

REVISIONS:

PETITIONER'S EXHIBIT 1

132

MICROFILMED

**D.S. THALER & ASSOCIATES, INC.**
CIVIL ENGINEERS SURVEYORS
LANDSCAPE ARCHITECTS LAND PLANNERS
7115 AMBASSADOR ROAD BALTIMORE, MARYLAND 21244
(410) 944-ENGR (410) 944-3647 FAX (410) 944-3684

STACEY A. McARTHUR NO. 761

DATE: 9-13-94
SCALE: 1" = 100'
C.I.: 2'
PROJ. NO.: 1532
SHEET: 1 OF 1

PROJ. NAME: (FORMERLY KNOWN AS KENT MAR & LYONSFIELD RUN)
THE VILLAGES OF WINTERSET

PLAN TITLE: PLAT TO ACCOMPANY ZONING PETITIONS
RED LINE

DRC #: 06154E DIST. 2C3

COUNCIL DIST.: 3 ELECTION DIST.: 2

APPROVAL:

OWNER / DEVELOPER:
GDC
~~[illegible]~~ LIMITED PARTNERSHIP
10705 CHARTER DRIVE, SUITE 450
COLUMBIA, MARYLAND 21044
(410) ~~[illegible]~~ 740-5335

REVISIONS:
EXTEND RD 1 (WATTS RD) TO NEW TOWN BLVD. MOVE SWM AREA. OMIT LOT 151. MINOR LOT LINE ADJUSTMENTS & CHANGE DIMENSIONS TO NAME ES. 141 LOTS SHIFT LOTS #141-150 & #92-97 FOR UTILITY ESMTS. ADD RD NAMES. ACCESS TO PARCELS A & B RELOCATE DAY CARE SIGN PARCEL A BOUNDARY. VARIANCE REQUEST SUMMARY.

JUN 27 1995

D.S. THALER & ASSOCIATES, INC.
CIVIL ENGINEERS
SURVEYORS
LANDSCAPE ARCHITECTS
LAND PLANNERS
7115 AMBASSADOR ROAD BALTIMORE, MARYLAND 21244
(410) 944-ENGR (410) 944-3647 FAX (410) 944-3684

STACEY A. MCARTHUR NO. 761

DATE: 9-13-94
SCALE: 1" = 100'
C.I.: 2'
PROJ. NO.: 1593
SHEET: 1 OF 1

(FORMERLY KNOWN AS KENT MAR & LYONSFIELD RUN)

# THE VILLAGES OF WINTERSET

RED LINE
PLAT TO ACCOMPANY ZONING PETITIONS

MICROFILMED

## ZONING HISTORY

### 1. CASE NO. 91-490-A

THEREFORE, it is ordered by the Deputy Zoning Commissioner for Baltimore County this 15th day of September, 1991 that the Petition for Variances to permit:

1. 16' Buildings-Building in Lieu of 40' - for Lot Nos. 1-38, 49-63, 117-163, 198-210, 228-241
2. 20' Buildings-Building in Lieu of 40' - for Lot Nos. 39-48, 64-116, 164-197, 211-227
3. 16' Window-Window in Lieu of 40' - for Lot Nos. 1-38, 49-63, 117-163, 198-210, 228-241
4. 20' Window-Window in Lieu of 40' - for Lot Nos. 39-48, 64-116, 164-197, 211-227
5. 7' Window-Property Line in Lieu of 15' - for Lot Nos. 1-241
6. 15' Window-Side Street in Lieu of 25' - for Lot Nos. 48, 63, 64, 73, 74, 84, 85, 95, 105, 106, 139, 143, 155, 178, 179, 188, 189, 194, 210, 211, 223, 241
7. 20' Building-Tract Boundary in Lieu of 30' - for Lot Nos. 1-19, 21-31, 47, 116-138, 164-170
8. 20' Window-Tract Boundary in Lieu of 35' - for Lot Nos. 1-19, 21-31, 47, 116-138, 164-170
9. To Allow an Accessory Building (Garage) in Front Yard Instead of Rear Yard Only, 20' From Right-Of-Way Line - for Lot Nos. 1-38, 49-63, 117-163, 198-210, 228-241

be and it is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

(1) The petitioner may apply for its building permit and be granted same upon receipt of this order; however, petitioner is hereby made aware that proceeding at this time is at it's own risk until such date as the thirty-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) a. No deck or patio shall be located closer than 4 feet to a property line that has no wall or fence.

b. No deck shall be located closer than 4 feet to an adjoining wall or structure other than a fence.

c. No patio shall be located closer than 2 feet to an adjoining structure or wall other than a fence.

d. No fence shall be located closer than the lesser of the distance of the outside wall of a building structure facing a street (not an alley) and 10 feet to a street (not an alley).

e. A uniform opaque fence shall be provided for all lots with either sides or rears fronting on a right of way and that have fences, as such opaque fence is set forth on the Exhibit that accompanied the Revision to the Zoning Variance Petition attached hereto as Exhibit C.

f. A defined walkway system utilizing the open space connections shall be shown on the final landscape plan.

g. A final landscape plan shall be reviewed and approved by Deputy Director, Office of Planning, after approval of this zoning variance request by the Zoning Commissioner and before a building permit is issued for the lots granted variances herein.

h. No side of a building shall be located closer than 15 feet to a public street right of way (not an alley).

Timothy M. Kotroco
Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

### 2. RED LINE TO CASE NO. 91-490-A

Speed Letter

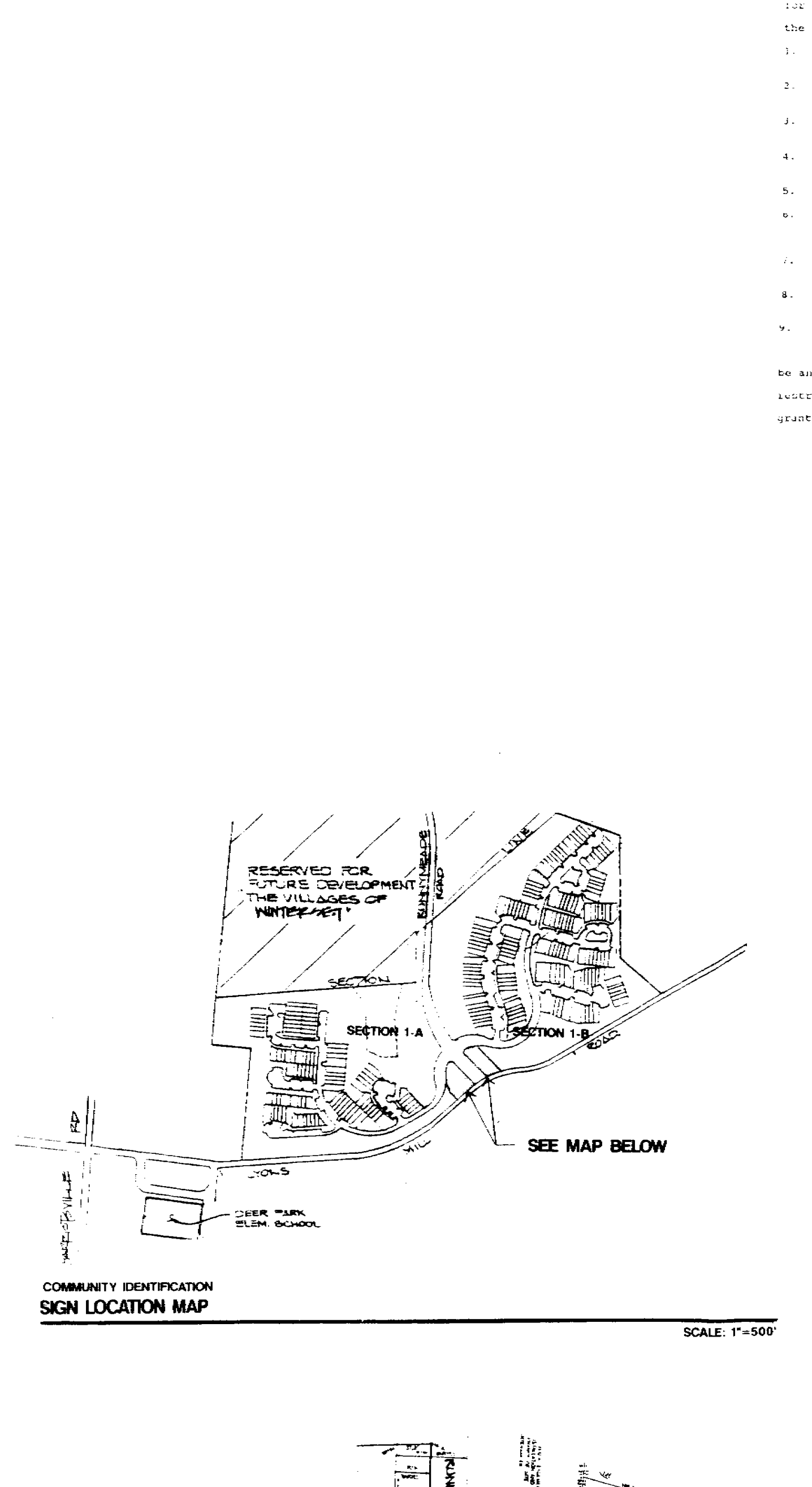
April 18, 1994 2nd E.D. MAR 11 1994

Reference is made to your letter in which you requested confirmation that the proposed red-lined changes are within the spirit and intent of zoning case 91-490-A. Please be advised that since those changes are due to the elimination and renumbering of lots, the amendment is considered as being within the spirit and intent of said hearing. The zoning office will require a plan for the case file with a signature block for the Director of ZADM to sign and a final development plan listing those changes. Enclosed, please find a sample copy of the signature block and if you need further assistance, please do not hesitate to contact me at 887-3391.

MITCHELL J. KELLMAN
Planner II

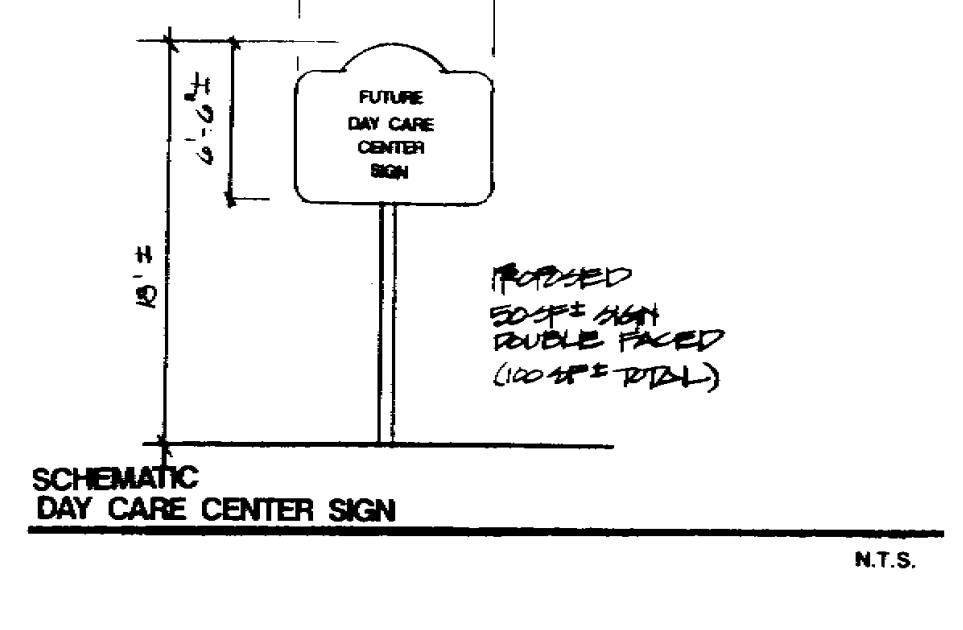
MJK:jaw
Enclosure

### 3. DRC REFINEMENT #08154E DIST.2C3 8-15-94



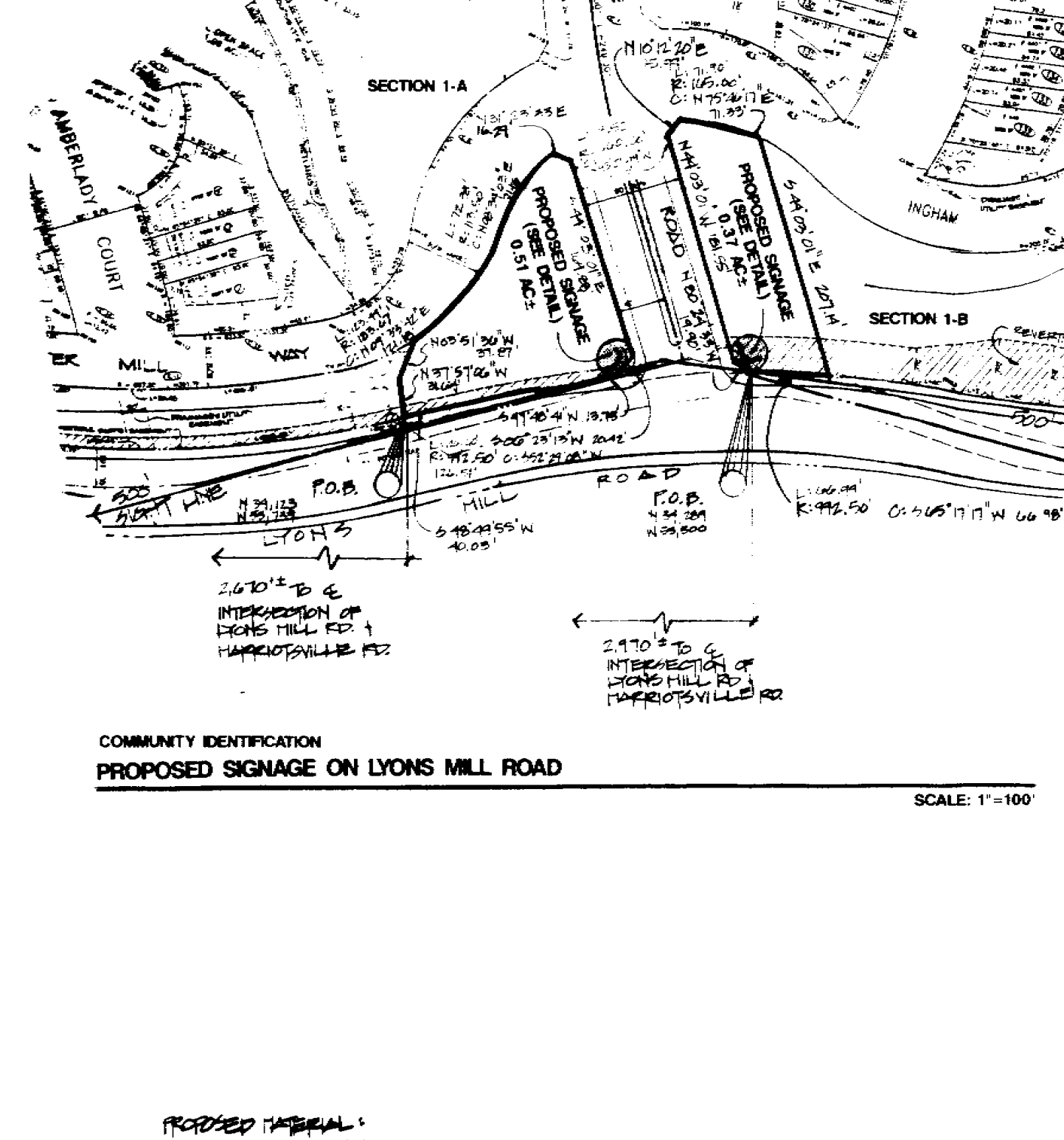
COMMUNITY IDENTIFICATION
SIGN LOCATION MAP

SCALE: 1"=500'



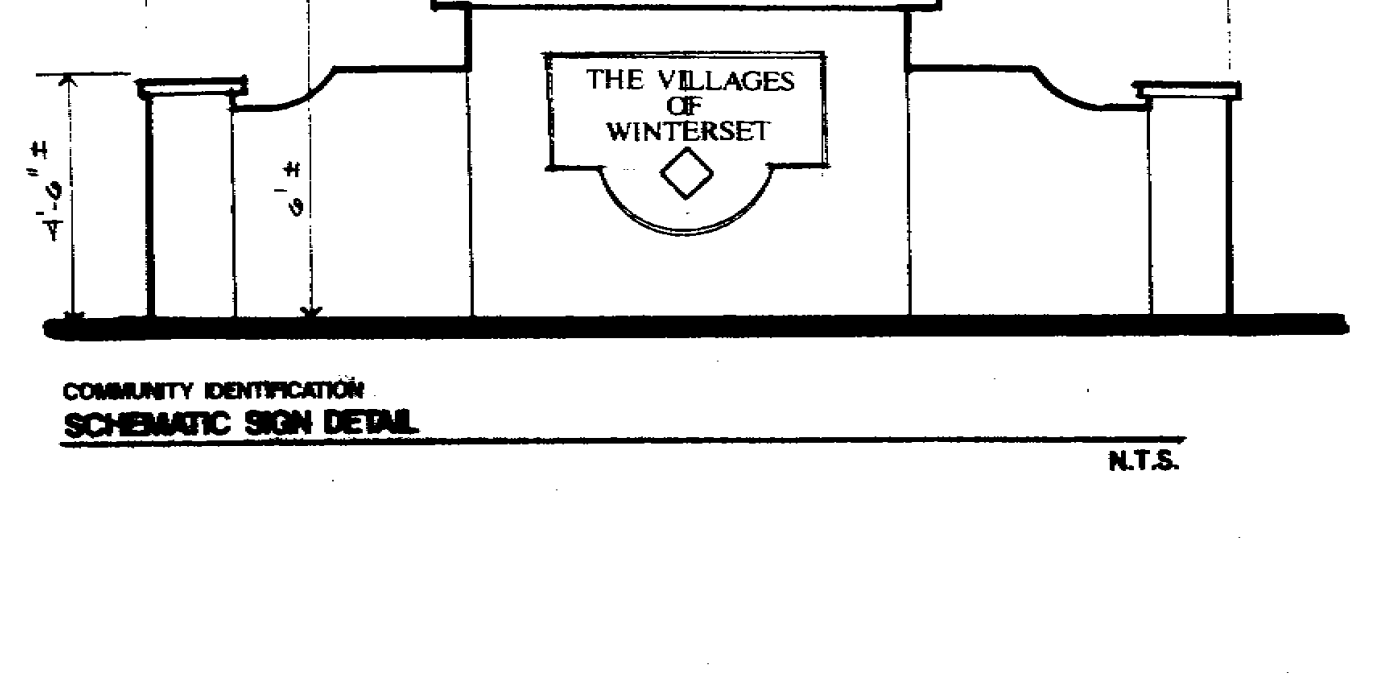
SCHEMATIC DAY CARE CENTER SIGN

N.T.S.



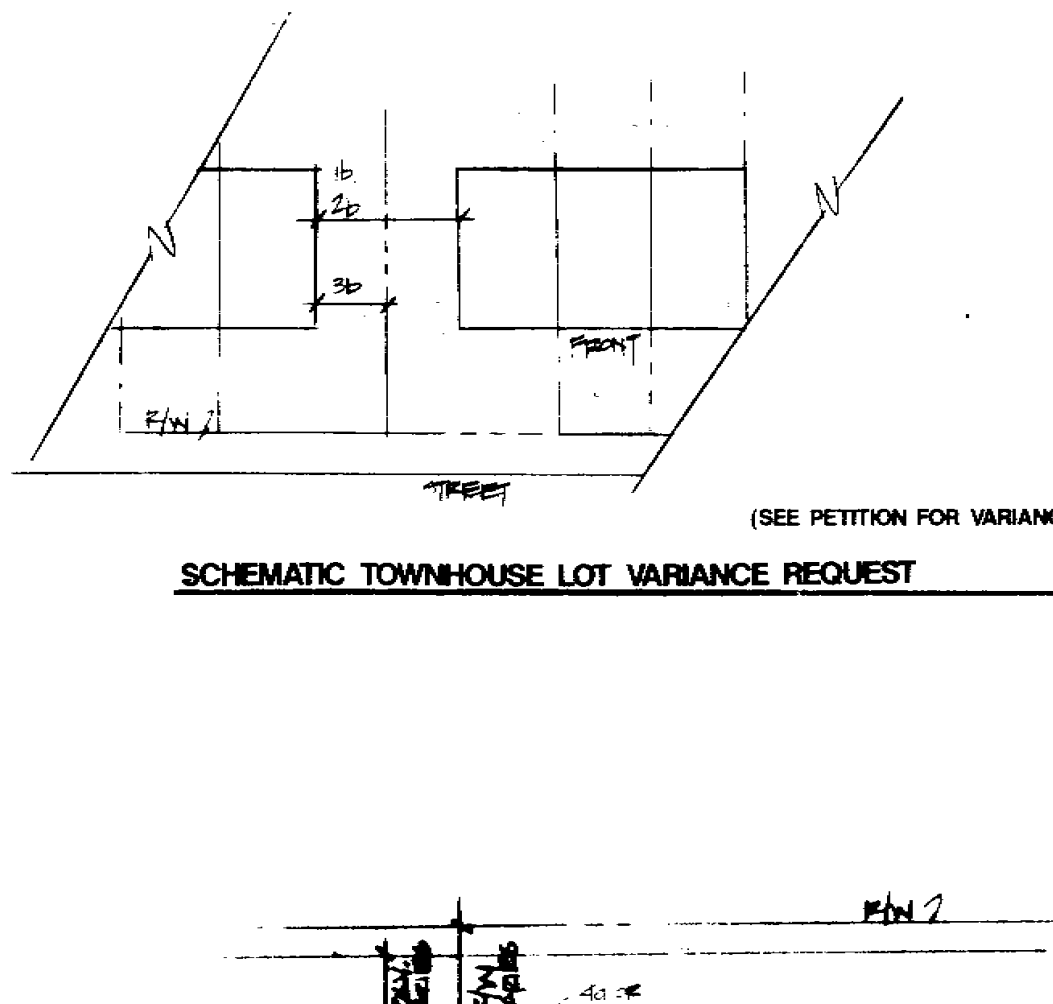
COMMUNITY IDENTIFICATION
PROPOSED SIGNAGE ON LYONS MILL ROAD

SCALE: 1"=100'



COMMUNITY IDENTIFICATION
SCHEMATIC SIGN DETAIL

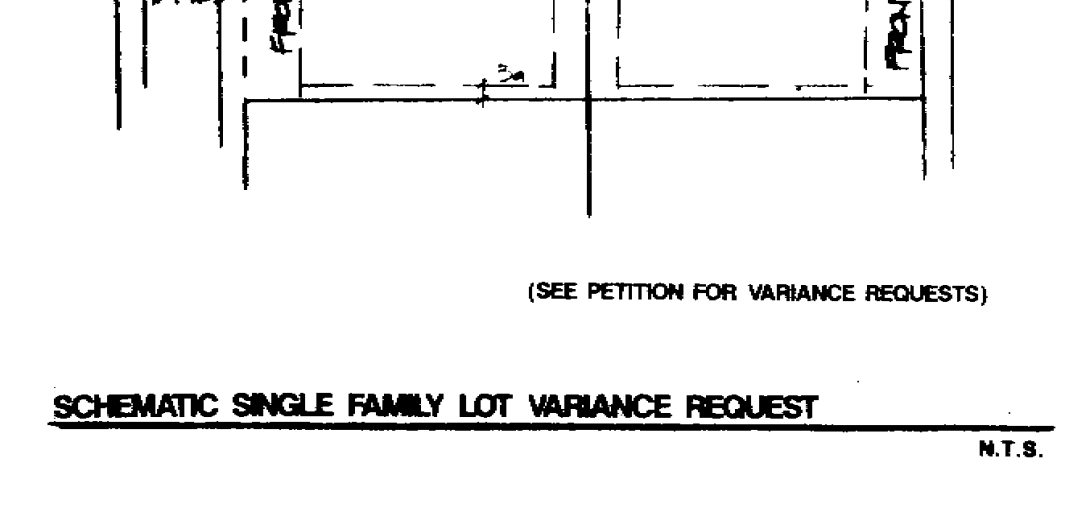
N.T.S.



SCHEMATIC TOWNHOUSE LOT VARIANCE REQUEST

(SEE PETITION FOR VARIANCE REQUESTS)

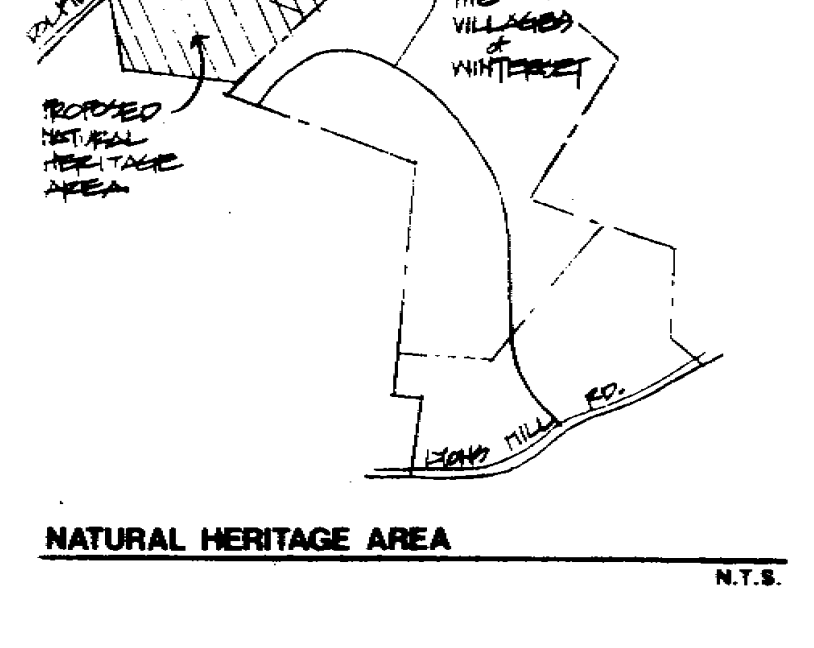
N.T.S.



(SEE PETITION FOR VARIANCE REQUESTS)

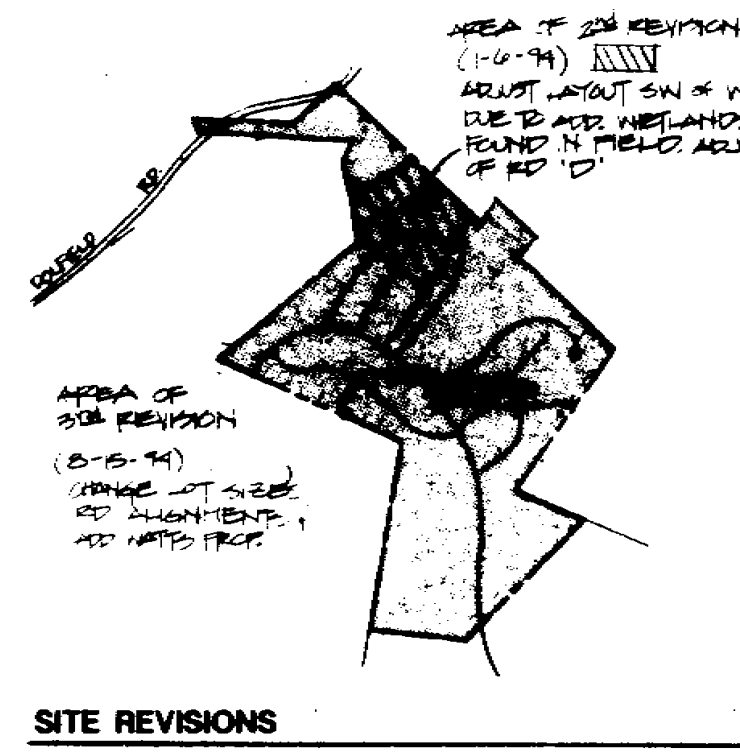
SCHEMATIC SINGLE FAMILY LOT VARIANCE REQUEST

N.T.S.



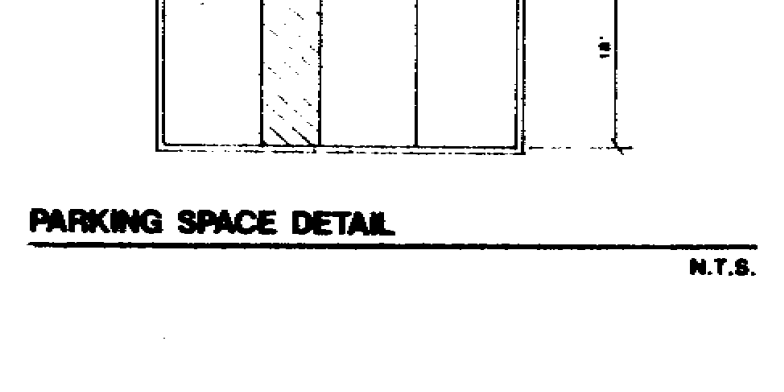
NATURAL HERITAGE AREA

N.T.S.



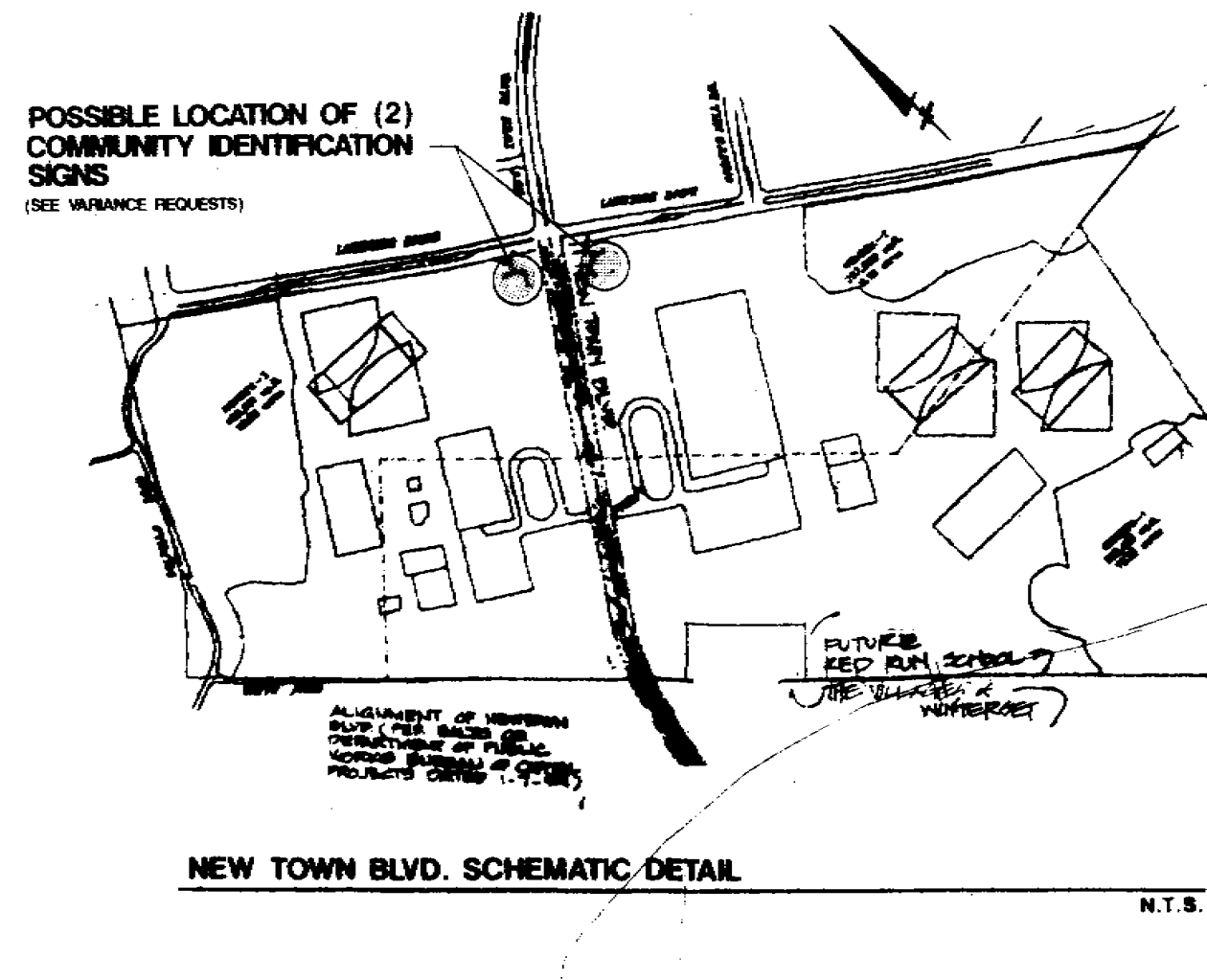
SITE REVISIONS

N.T.S.



PARKING SPACE DETAIL

N.T.S.

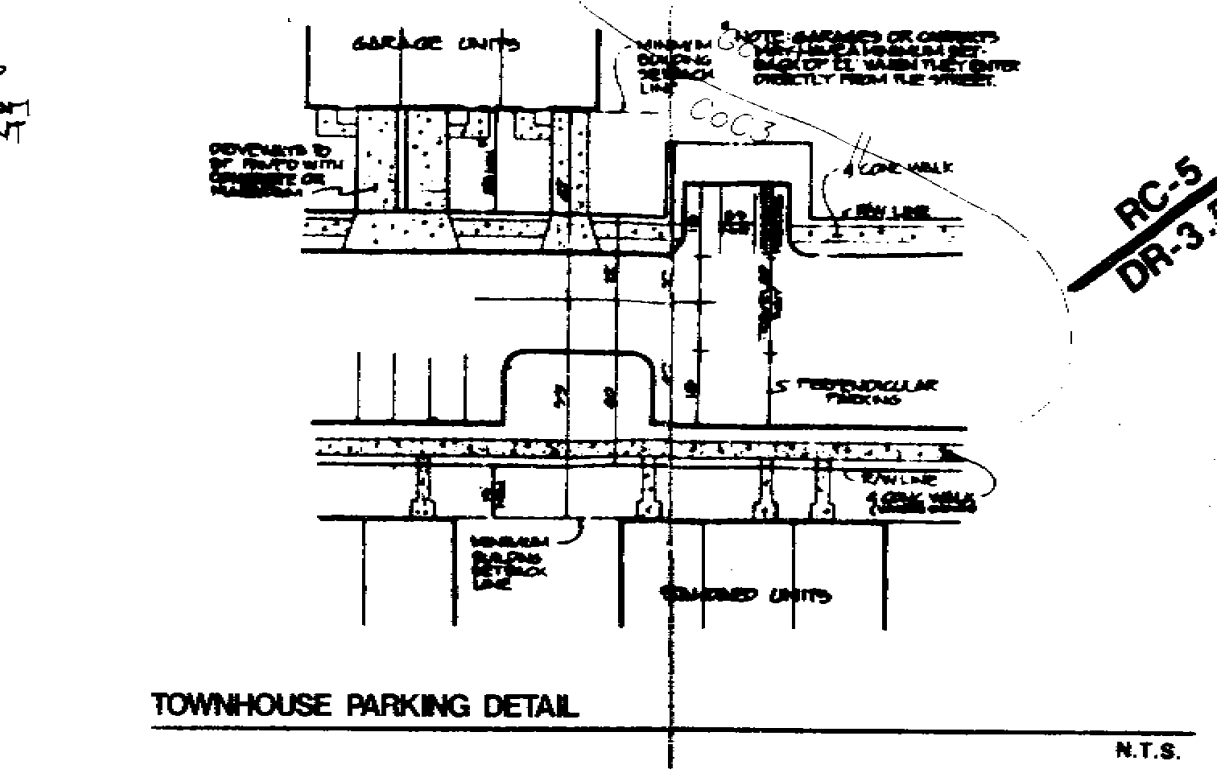


POSSIBLE LOCATION OF (2) COMMUNITY IDENTIFICATION SIGNS

(SEE VARIANCE REQUEST)

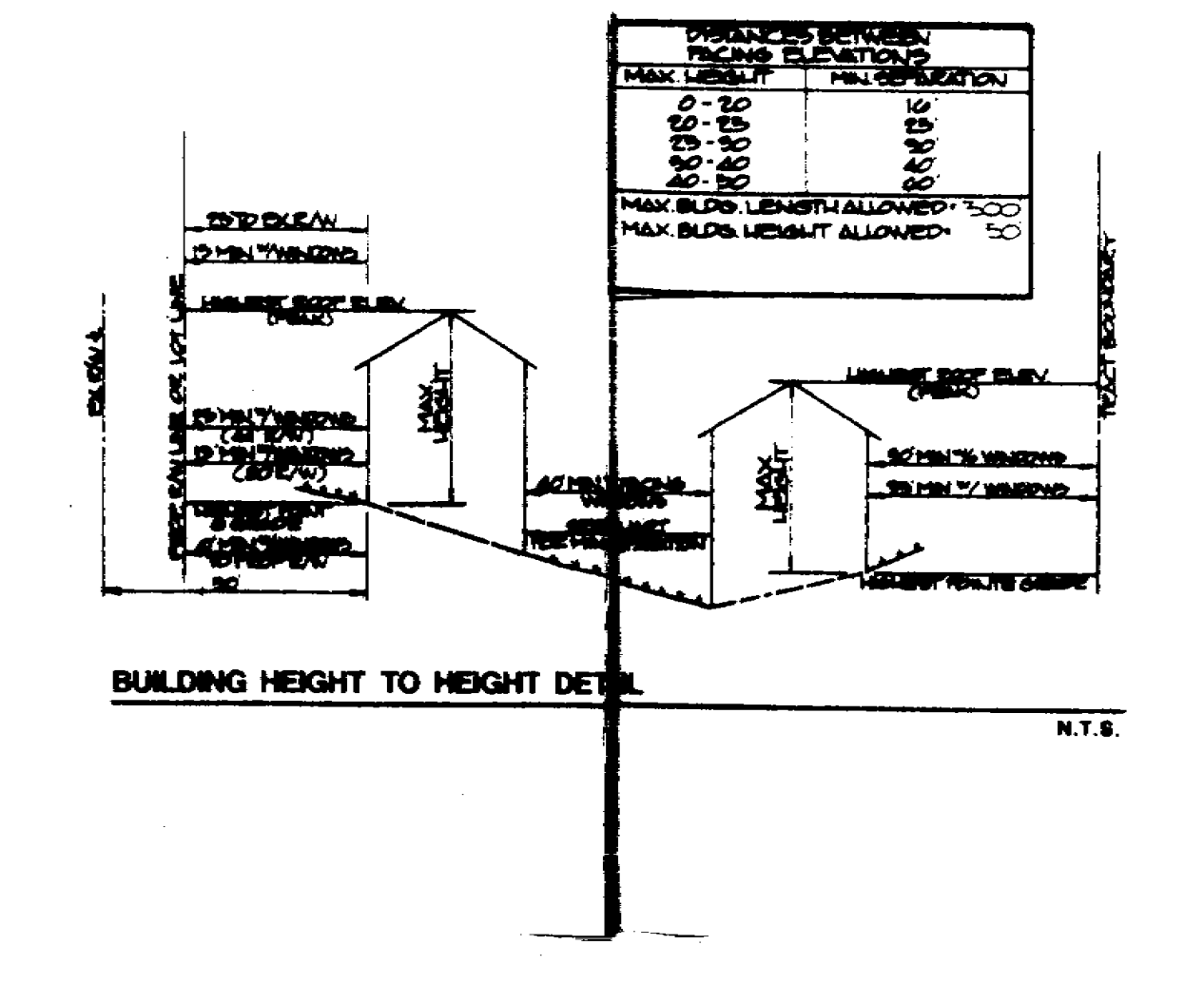
NEW TOWN BLVD. SCHEMATIC DETAIL

N.T.S.



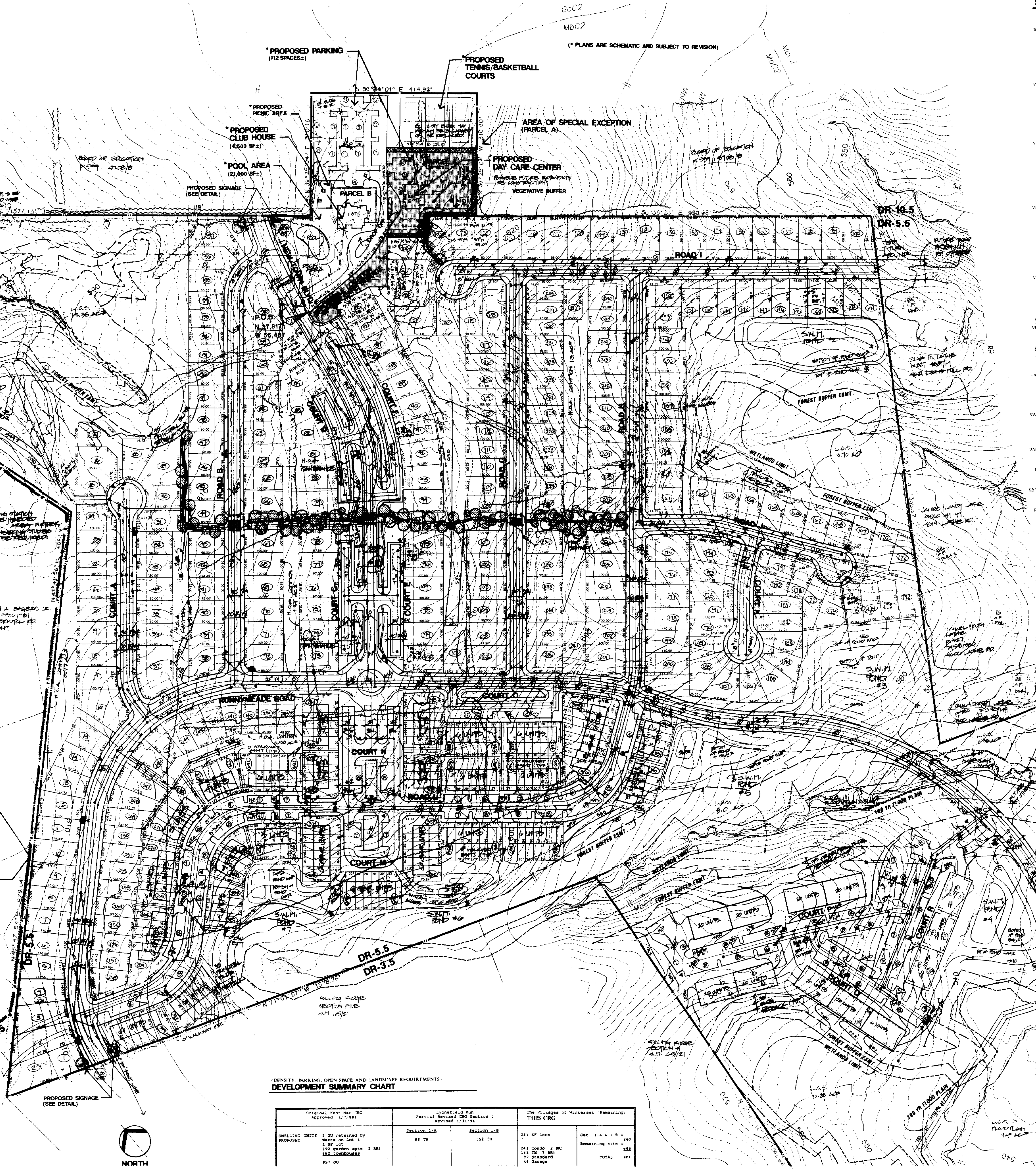
TOWNHOUSE PARKING DETAIL

N.T.S.

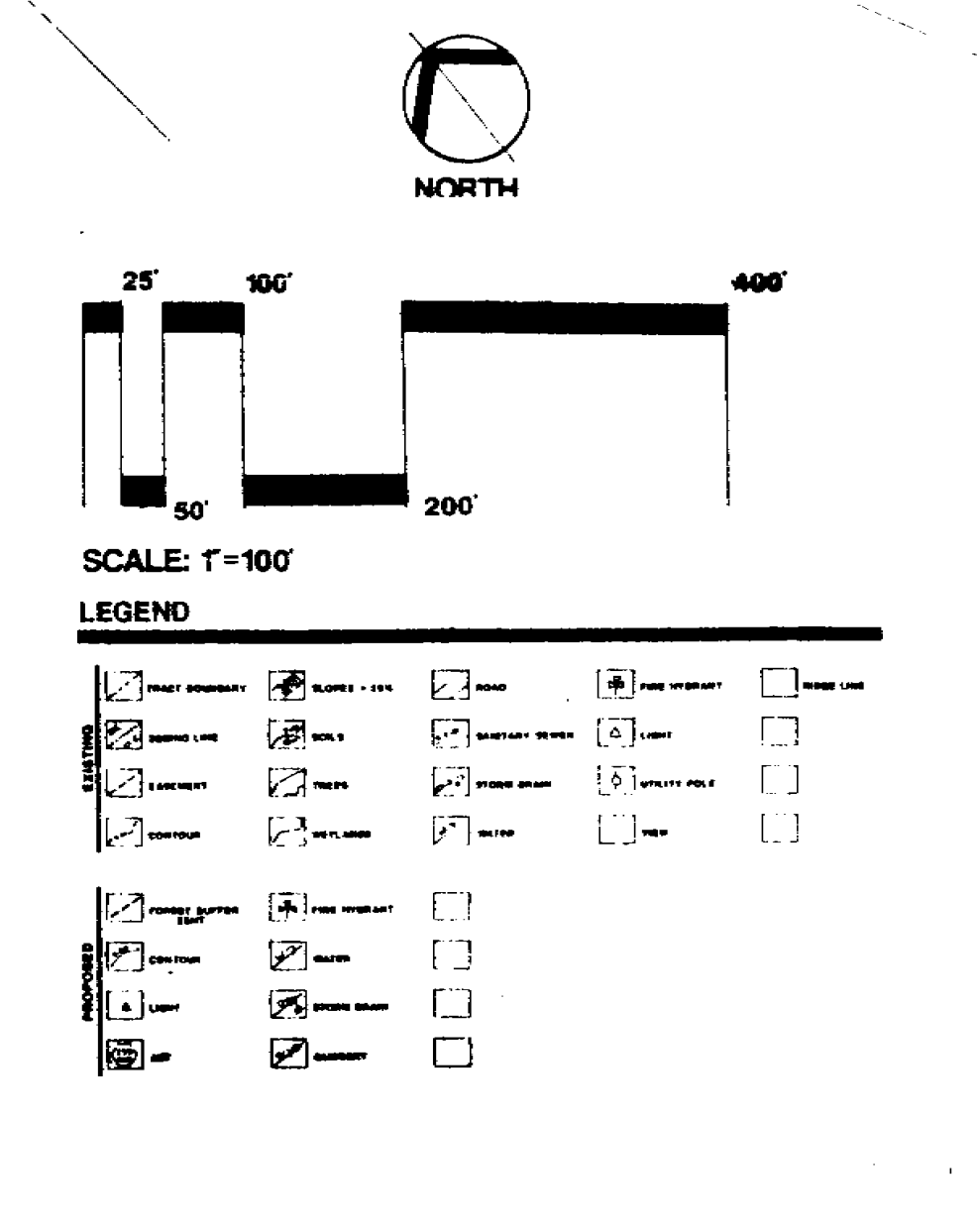


BUILDING HEIGHT TO HEIGHT DETAIL

N.T.S.



SCALE: 1"=100'



(DENSITY, PARKING, OPEN SPACE AND LANDSCAPE REQUIREMENTS)

## DEVELOPMENT SUMMARY CHART

| | Original Kent-Mar CRG Approved (1/7/88) | Lyonsfield Run Partial Revised CRG Section 1 Revised 1/31/94 | | The Villages of Winterset (Remaining) THIS CRG | |
|---|---|---|---|---|---|
| | | Section 1-A | Section 1-B | | |
| DWELLING UNITS PROPOSED: | 2 DU retained by Watts on Lot 1<br>1 SF lot<br>192 garden apts (2 BR)<br>662 townhouses<br>857 DU | 88 TH | 152 TH | 261 SF Lots<br>241 Condo (2 BR)<br>141 TH (3 BR)<br>97 Standard<br>44 Garage | Sec. 1-A & 1-B = 240<br>Remaining site = 643<br>TOTAL [illegible] |
| | | TOTAL 240 | | TOTAL = [illegible] DU | |
| PARKING SPACES REQUIRED:<br>(624)<br>(1088)<br>(1.75)<br>1714 | (DR-3.5)<br>(312 units x 2/unit =<br>(DR-5.5)<br>(544 units x 2/unit =<br>(DR-10.5)<br>(1 unit x 1.75/unit = | 88 x 2 = 176 spaces | 152 x 2 = 304 spaces | SF<br>2 spaces/unit = 522<br>Condo<br>241-2 BR x 1.5 = 362<br>TH<br>97 standard (3 BR) x 2 = 194<br>44 garage (3 BR) x 2 = 88 + 27 (30% guest)<br>= 115<br>PARCEL A 1 SPACE/EMPLOYEE = 35 SPACES<br>PARCEL B 3 SPACES/COURT = 9<br>TOTAL: 1384 | 241 S.F. @ 4 BR = 1305<br>381 T.H. @ 3 BR = 1524<br>241 CONDO @ 2 BR = 723<br>3552 X 25% = 888 ÷ 7 = 127 SPACES |
| | | TOTAL 480 spaces | | | |
| PARKING SPACES PROPOSED: | 2208<br>x | 216 spaces | 355 spaces | SF = 522 spaces<br>Condo = Surface: 249 spaces Garage: [illegible] spaces<br>TH = Garage Pad = 88 spaces<br>Bay = 284 spaces<br>PARCEL A<br>PARCEL B 112 SPACES<br>TOTAL = 1417 SPACES | |
| | | TOTAL 571 spaces | | | |
| OPEN SPACE REQUIRED: | 855 units @ 650 sf/unit<br>12.75 Ac.± | 88 x 650 sf/unit = 1.313 Ac± | 152 x 650 sf/unit = 2.26 Ac± | 643 x 650 = 9.6 Ac± | |
| OPEN SPACE PROPOSED: | 13.17 Ac± | LOS = 6.74 Ac± | LOS = 7.36 Ac± | HOA = 18.3 Ac± (OS: 34.0 AC±)<br>LOS in F.P. = 6.4 Ac± (12.85 Ac± x 50%)<br>TOTAL = 50.7 Ac± | |
| LANDSCAPE REQUIREMENTS: | 855 units @ 1 tree/unit = 855 trees - 20% Credit for trees saved in LOS = 855-171 = 684 trees<br>2900 LF buffer ÷ 4 = 725 trees<br>500 LF buffer ÷ 4 = 125 trees<br>1535 trees | 88 units @ 1 tree/unit = 88<br>1620 LF screen ÷ 4 = 405<br>493 trees<br>- 20% credit<br>493 - 99 = 394 trees | 152 units @ 1/tree/unit = 152<br>1550 LF screen ÷ 4 = 388<br>540 trees<br>- 20% credit<br>540 - 106 = 434 trees | 643 units x 1 tree/unit = 643 trees | |
| LANDSCAPING PROPOSED: | 1536 trees | 394 trees | 434 trees | 643 trees | |

## SUMMARY OF VARIANCE REQUESTS

VARIANCE (1) SECTION 1B01.2.C.1 (BCZR) and V.B.3 (CMDP)
Requires a 40 foot building-to-building separation.

REQUEST:
(a) 15' BUILDING-TO-BUILDING IN LIEU OF 40'.
- LOT NOS. ~~1-258~~ 1-3,5-256, 400-402
(b) 25' BUILDING-TO-BUILDING IN LIEU OF 40'.
- LOT NOS. 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394

VARIANCE (2) SECTION 1B01.2.C.2.b. (BCZR) and V.B.6.c. (CMDP)
Requires a 40 foot window-to-window separation between centers of facing windows.

REQUEST:
(a) 15' WINDOW-TO-WINDOW IN LIEU OF 40'.
- LOT NOS. ~~1-258~~, 400-402
(b) 25' WINDOW-TO-WINDOW IN LIEU OF 40'.
- LOT NOS. 264-265, 270-271, 275-276, 279-280, 289-290, 299-300, 309-310, 329-330, 339-340, 350-351, 379-380, 383-384, 393-394

VARIANCE (3) SECTION 1B01.2.C.6. (BCZR) and V.B.6.b. (CMDP)
Requires a 15 foot window-to-property line setback.

REQUEST:
(a) 4' WINDOW-TO-PROPERTY LINE IN LIEU OF 15'.
- LOT NOS. ~~1-258~~, 400-402
(b) 12' WINDOW-TO-PROPERTY LINE IN LIEU OF 15'.
- LOT NOS. 264-265, 270-271, 275-276, 279-280, 285, 289-290, 299-300, 304, 309-310, 315, 324, 329-330, 335, 339-340, 344-345, 350-351, 356, 362-363, 368-369, 375, 379-380, 383-384, 387-388, 393-394

VARIANCE (4) SECTION V.B.6.a. (CMDP)
Requires a 25 foot window-to-street right-of-way setback.

REQUEST:
(a) 14' WINDOW-TO-STREET RIGHT-OF-WAY IN LIEU OF 25'.
- LOT NOS. 38, 72, 73, 102, 152, 161, 179, 194, 195, 201, 216, 218, 236 (side setbacks only).
(b) 14' WINDOW-TO-STREET RIGHT-OF-WAY IN LIEU OF 25'.
- LOT NOS. 24, 83, 84 (front setbacks only)
(c) 10' WINDOW-TO-STREET RIGHT-OF-WAY IN LIEU OF THE 25' SETBACK.
- LOT NOS. 100, 118, 258-259, 316

VARIANCE (5) SECTION 1B01.2.C.6 (BCZR) & V.B.5.b. (CMDP)
Requires a 30' building-to-tract boundary setback.

REQUEST:
(a) 15' BUILDING SIDE-TO-TRACT BOUNDARY IN LIEU OF 30'.
- LOT NOS. ~~7~~, 57, 140, 172
(b) 5' BUILDING SIDE-TO-TRACT BOUNDARY IN LIEU OF 30'.
- LOT NOS. 141, 171
(c) 20' BUILDING REAR-TO-TRACT BOUNDARY IN LIEU OF 30'.
- LOT NOS. ~~1-13~~, 124-140

VARIANCE (6) SECTION 1B01.2.C.2.a (BCZR) and V.B.5.a. (CMDP)
Requires a 35' window-to-tract boundary setback.

REQUEST:
(a) 15' SIDE WINDOW-TO-TRACT BOUNDARY IN LIEU OF 35'.
- LOT NOS. ~~7~~, 57, 140, 172
(b) 5' SIDE WINDOW-TO-TRACT BOUNDARY IN LIEU OF 35'.
- LOT NOS. 141, 171
(c) 20' REAR WINDOW-TO-TRACT BOUNDARY IN LIEU OF 35'.
- LOT NOS. ~~1-13~~, 124-140

VARIANCE (7) SECTION 101 (BCZR)
Allows maximum of six (6) townhouse units in an attached group, by definition of "Group House."

REQUEST:
(a) TO ALLOW EIGHT (8) TOWNHOUSE UNITS IN AN ATTACHED GROUP.
- LOT NOS. 316 THROUGH 323

VARIANCE (8) SECTION 400.1 (BCZR)
Allows an accessory building only in the rear yard.

REQUEST:
(a) TO ALLOW AN ACCESSORY BUILDING (DETACHED GARAGE) IN THE FRONT YARD IN LIEU OF REAR YARD ONLY.
- LOT NOS. ~~1-258~~, 400-402

VARIANCE (9) V.B.8 (CMDP)
Requires a 22 foot front street right-of-way setback for garages and carports.

REQUEST:
(a) 20' FOOT FRONT STREET RIGHT-OF-WAY SETBACK IN LIEU OF 22'.
- LOT NOS. ~~1-258~~, 400-402

VARIANCE (10) SECTION 413.1.E.1. (BCZR)
Allows 15 square feet maximum for community identification signage.

REQUEST:
(a) SIX (6) 120-SQUARE FOOT COMMUNITY IDENTIFICATION SIGNS FOR A TOTAL OF 720 SQUARE FEET IN LIEU OF 15 SQUARE FEET PERMITTED.
(b) TWO ADDITIONAL (2) 120-SQUARE FOOT COMMUNITY IDENTIFICATION SIGNS FOR A TOTAL OF 240 SQUARE FEET, IN LIEU OF 15 SQUARE FEET PERMITTED ON PROPERTY TO BE ACQUIRED IN FEE SIMPLE, BY EASEMENT, BY LICENSE, OR BY OTHER AGREEMENT.

VARIANCE (11) SECTION 424.6.A.2. (BCZR)
Allows one eight (8) square foot maximum sign for a day care identity sign.

REQUEST:
(a) TO ALLOW ONE (1) 50 SQUARE FOOT DOUBLE-FACED SIGN (100 SQUARE FEET TOTAL) IN LIEU OF EIGHT (8) SQUARE FEET PERMITTED.
- PARCEL 'A'

VARIANCE (12) SECTION 424.7.A. (BCZR)
Requires an area of one (1) acre for the first 40 licensed children plus 500 square feet per child over 40 licensed children for a principal use Class 'B' group child care center in a residential zone.

REQUEST:
(a) TO ALLOW 1.29 AC.+/- IN LIEU OF THE REQUIRED 2.26 ACRES+/- FOR 150 CHILDREN.
- PARCEL 'A'

VARIANCE (13) SECTION 424.7.B. (BCZR)
Requires a setback of 50' from a side and/or rear property line and a 20' perimeter vegetative buffer.

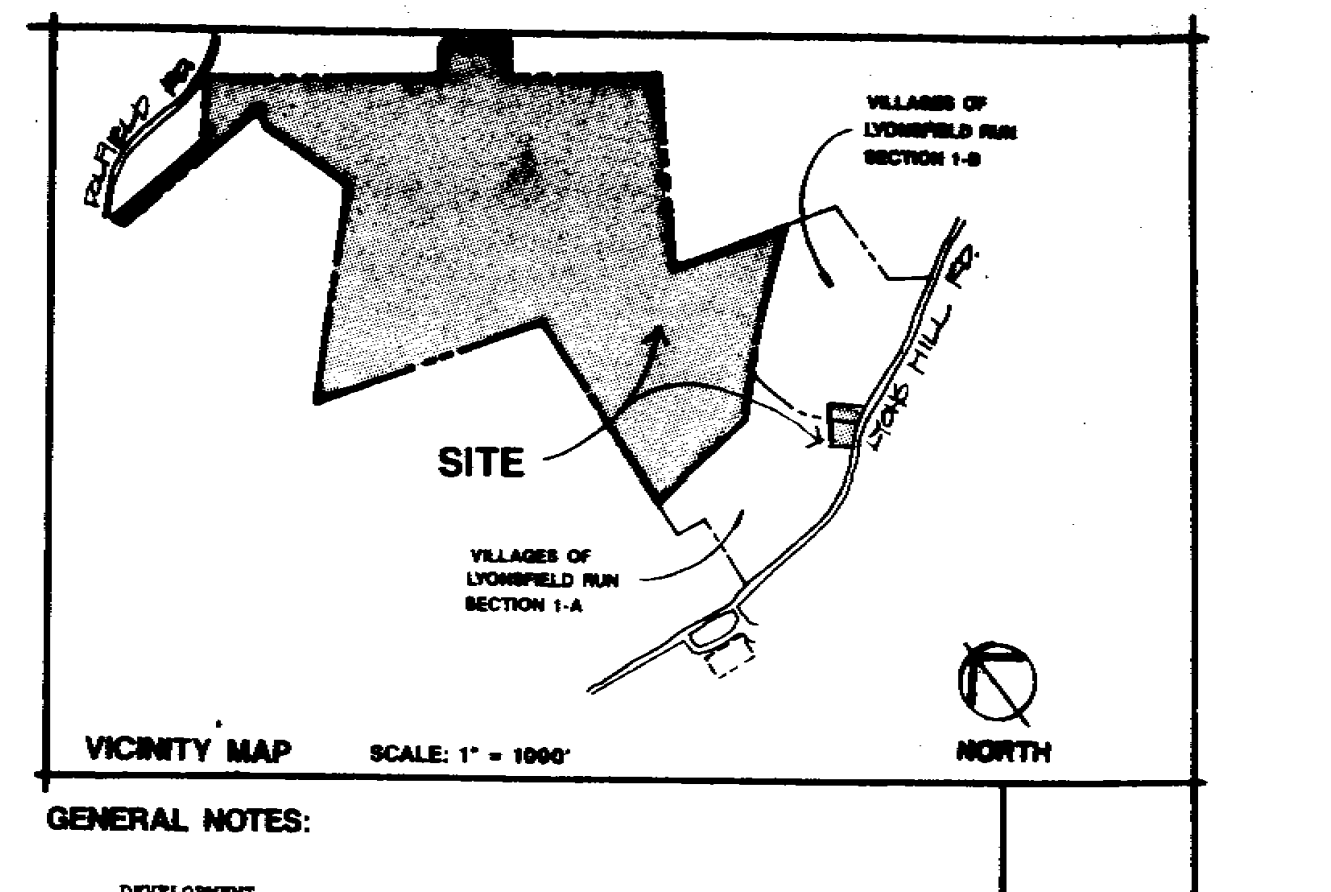
REQUEST:
(a) TO ALLOW A 20' SETBACK FROM THE SIDE AND REAR PROPERTY LINES IN LIEU OF 50' REQUIRED.
- PARCEL 'A'
(b) TO ALLOW A 10' PERIMETER VEGETATIVE BUFFER IN LIEU OF 20' (SIDES AND REAR).
- PARCEL 'A'

VARIANCE (14) SECTION 424.7.C. (BCZR)
Requires parking drop-off and delivery areas in side or rear yards only.

REQUEST:
(a) TO ALLOW PARKING AND A DROP OFF/DELIVERY AREA IN THE FRONT YARD IN LIEU OF THE SIDE OR REAR YARD ONLY.
- PARCEL 'A'

VARIANCE (15) SECTION 409.6.A.4. (BCZR)
Requires one (1) parking space per seven (7) person permitted in a community swimming pool at one time by the Department of Health, plus three (3) additional parking spaces per court for tennis, handball, racquetball or similar courts. Also requires one (1) parking space per employee on the largest shift for a Group Child Care Center.

REQUEST:
(a) TO ALLOW AS FEW AS ONE HUNDRED (100) PARKING SPACES IN LIEU OF 136 SPACES REQUIRED FOR THE SWIMMING POOL AND TENNIS COURTS, AND TO ALLOW TWELVE (12) SPACES, IN LIEU OF 35 SPACES REQUIRED FOR THE GROUP CHILD CARE CENTER, WITH ALLOWANCE FOR SHARED PARKING BETWEEN THE THREE (3) USES.
- PARCELS 'A' AND 'B'.



VICINITY MAP SCALE: 1" = 1000'

## GENERAL NOTES:

DEVELOPMENT NAME: The Villages of Winterset

1. CURRENT OWNER: Cabrago Limited Partnership
10705 Charter Drive, Suite 450
Columbia, Maryland 21044
(410) 740-5335

ATTN: Mr. T. Kevin Carney

PROPERTY REFERENCES
DEEDS: 10282/453
10282/457
TAX ACCOUNT NOS. 17-00-00-3614, 17-00-00-3645, 21-00-00-8511, 02-23-00-1180, 16-00-00-1441, 22-00-01-9092, 22-00-01-8093 to 22-00-01-9068, 22-00-00-9068 to 22-00-00-9335

2. PLAN PREPARED BY: D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, Maryland 21244
(410) 944-3647

ATTN: Ms. Stacey A. McArthur, R.L.A.

3. GENERAL DATA: Election District: 2
Census Tract: 4021
Councilmanic District: 3
Watershed: 28
Subsewershed: 66

4. SITE INFORMATION:

| Gross acreage: | Zoning | Density Allowed: |
|---|---|---|
| 0.41 | RC-2 | .60 x = DU |
| 1.21 | RC-5 | 1.21 x .667 = .81 DU |
| | | TOTAL RC .81 DU |
| 85.62 | DR-3.5 | 85.62 x 3.5 = 299.67 DU |
| 99.08 | DR-5.5 | 99.08 x 5.5 = 544.94 DU |
| 3.68 | DR-10.5 | 3.68 x 10.5 = 38.64 DU |
| | | TOTAL DR 883.25 DU |

5. UTILITIES: Public water and sewer will be provided.

6. USE: The existing use is residential. The proposed use is residential.

7. EXISTING: There are no known historic buildings, critical areas, endangered species, or hazardous materials on this site.

8. ROADS: Public roads will be provided. (Up to 200 units can be built with one means of access)

9. AVERAGE DAILY TRIPS (ADTS): Average daily trips as calculated from the Baltimore County Comprehensive Manual of the Development Policy.

Single Family
Average Daily Trips = 261 units x 10.5/unit = 2740.5

Condominium
Average Daily Trips = 241 units x 6/unit = 1446

Townhouse
Average Daily Trips = 141 units x 8.5/unit = 1198.5

9385

10. STORM WATER MANAGEMENT: Storm water management will conform to Baltimore County Standards.

11. GRADING: Grading shown is schematic only.

12. VEGETATION: Existing vegetation will be retained in areas not needed for construction or grading. Existing vegetation consists of woods and open meadows.

13. SIGHT LINES: Proposed sight lines are shown on Plan and will be kept cleared and graded to ensure unobstructed sight at all times.

14. STORAGE TANKS: Existing private sewage disposal systems shall be pumped and either backfilled or removed prior to Record Plat. Existing drilled wells shall be backfilled by a licensed well driller prior to Record Plat and well abandonment reports submitted to the Health Department.

15. Wetlands and streams have been field located and are shown.

16. The plan is a concept plan on which minor changes may occur.

17. In townhouse areas all islands are to be trash pick-up collection points.

18. The possible community center, if built, wil be for use of residents.

19. Temporary boundary markers and tree protection devices coincident with limits of L.O.S. or limit of trees to remain shall be installed prior to any clearing and grading. Local open space shall not be disturbed except as approximately delineated on this plan without prior approval from the Department of Recreation and Parks.

20. All offsite dwellings and lots less than 2 acres that create a RTA's onsite are shown with required 300' and 250' arcs.

21. An asbestos survey must be done prior to razing of existing dwellings.

22. Landscape planting as specified in the Baltimore County Landscape Manual, Section IX, Landscape Standards and Criteria.

Required:

643 units @ 1 tree/unit = 643 trees
75% of trees will be major deciduous and 25% shall be minor deciduous or evergreen.

23. Refuse collection in the condominium area planned for front-end loader 8 C.Y. service.

24. Refuse collection for individual homes planned for front pick-up on street.

25. Acceptance of this plan in no way binds Baltimore County into refuse collection of this development. At the time of construction and after all requirements (trash pads) have been met, a representative of the Bureau will meet with the developer or his representatives to discuss details of refuse collection.

26. Lathe Road and Watts Road will require a formal road closing prior to plats being recorded.

27. "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."

28. There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement area except as permitted by Baltimore County Department of Environmental Protection and Resource Management.

29. All parking aisles and maneuvering areas will be paved with macadam and permanently striped.

30. There are several known possible Archeological sites on the property (sites # 18 BA 431-32-33). Mitigation is underway in accordance with a data recovery plan that was drafted in consultation with the Maryland Historical Trust and the Baltimore District of the Army Corps of Engineers. Upon completion of the Archeological field work, a management summary will be submitted to the regulatory agencies. Archeological services are being performed by R. Christopher Goodwin & Associates, Inc.

Spirit & Intent prepared by:
D.S. THALER & ASSOC., INC
7115 Ambassador Road
P.O.Box 47428
Baltimore, MD 21244-7428
(410)944-3647
11-16-99

# (FORMERLY KNOWN AS KENT MAR & LYONSFIELD RUN)
# THE VILLAGES OF WINTERSET

PLAT TO ACCOMPANY ZONING PETITIONS

PROJ. NAME: (FORMERLY KNOWN AS KENT MAR & LYONSFIELD RUN)
THE VILLAGES OF WINTERSET

PLAN TITLE: PLAT TO ACCOMPANY ZONING PETITIONS

DRC #: 08154E DIST. 2C3

COUNCIL DIST.: 3 ELECTION DIST.: 2

APPROVAL:

OWNER / DEVELOPER:
CABRAGO LIMITED PARTNERSHIP
10705 CHATER DRIVE, SUITE 450
COLUMBIA, MARYLAND 21044
(410) 997-5522

REVISIONS:

**D.S. THALER & ASSOCIATES, INC.**
CIVIL ENGINEERS SURVEYORS
LANDSCAPE ARCHITECTS LAND PLANNERS
7115 AMBASSADOR ROAD BALTIMORE, MARYLAND 21244
(410) 944-ENGR (410) 944-3647 FAX (410) 944-3684

STACEY A. McARTHUR
No. 761

DATE: 9-13-94
SCALE: 1" = 100'
C.I.: 2'
PROJ. NO.: 1532
SHEET: 1 OF 1