

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
 PETITION FOR VARIANCE - W/S Schroeder
 Avenue, N of Belair Road * DEPUTY ZONING COMMISSIONER
 (Gunview II)
 11th Election District * OF BALTIMORE COUNTY
 6th Councilmanic District * Case Nos. XI-712 and 95-307-A
 Perry Hall Baptist Church, Owner, and
 Gunview Farms II, Ltd. Part., Developer

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Hearing Officer for consideration of a development plan prepared by Patton Consultants, Ltd., for the proposed development of the subject property by Perry Hall Baptist Church, Owners, and Gunview Farms II Ltd. Partnership, Developer, with 18 single family dwellings. In addition to development plan approval, the Owner/Developer seek relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for the existing dwelling located at the southeast corner of future Gunview Road (an arterial street) and Schroeder Avenue (proposed Lot 2), and for proposed Lots 4, 6, 8, 10, 12, 14, 16 and 18, which will face Flintlock Road and abut proposed Gunview Road to the rear. The property consists of a gross area of 19.71 acres, zoned D.R. 2 and is located on the west side of Belair Road, along Schroeder Avenue. The subject property and relief sought are more particularly described on the site plans submitted and marked into evidence as Developer's Exhibit 1 and Petitioner's Exhibit 1.

Appearing at the public hearing required for this project were A. Ray Giudice, General Partner with Gunview Farms II, Ltd. Partnership, Developer of the subject property, James S. Patton, Professional Engineer with Patton Consultants, Ltd., who prepared the site plan and development

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 Date 11/27/95
 By [Signature]

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plan for this project, and Howard L. Alderman, Jr., Esquire, who represented the Owner/Developer in the variance case, only. As is customary, numerous representatives of the various Baltimore County reviewing agencies attended the hearing. In addition, Susan Dobry, a nearby resident of the area, appeared as an interested party.

As to the history of this project, the concept plan conference for this development was conducted on September 12, 1994. As required, a community input meeting was held at the Gunpowder Elementary School on October 20, 1994. Subsequently, a development plan was submitted and a conference thereon was conducted on March 22, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a red-line development plan incorporating these comments was submitted at the hearing held before me on April 13, 1995.

As to the development plan, I am required to determine what, if any, agency comments remain unresolved at the time of the hearing. On behalf of the Developer, Mr. Patton stated that he was not aware of any outstanding issues which needed to be resolved concerning the development plan. In addition, testimony and evidence received was that all issues raised within the comments submitted by the various Baltimore County reviewing agencies have been resolved and incorporated within the red-lined development plan; however, it is to be noted that there were some minor alterations which Mr. Patton agreed to make to the plan and resubmit to the various County agencies for final approval. Lastly, there were no comments or issues raised by the citizen in attendance which needed to be addressed. Therefore, based upon the uncontradicted testimony and the

absence of any opposition, it appears that the red-lined development plan submitted into evidence as Developer's Exhibit 1 should be approved.

As noted above, the Owner and Developer have filed a Petition for Variance for proposed Lots 2, 4, 6, 8, 10, 12, 14, 16 and 18. The relief requested is necessary as a result of the future 70-foot right-of-way required for proposed Gunview Road. That right-of-way is shown on the plan which accompanied the Petition for Variance and marked into evidence as Petitioner's Exhibit 1. The future Gunview Road right-of-way runs behind and just north of the lots which are the subject of this request. Furthermore, there exists an AT&T 16.5-foot wide right-of-way which runs along the southern boundary line of the subject lots. Thus, these lots are sandwiched between the AT&T right-of-way and the future 70-foot right-of-way for Gunview Road. Given these site constraints, the requested variance is necessary in order to proceed with development as proposed.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

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Date

By

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to

demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict

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Date 4/25/76
By [Signature]

harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

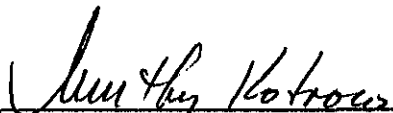
Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the red-lined development plan marked as Developer's Exhibit 1, shall be approved, and the Petition for Variance granted, consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 25th day of April, 1995 that the development plan for Gunview II, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for the existing dwelling located at the southeast corner of future Gunview Road (an arterial street) and Schroeder Avenue (proposed Lot 2), and for proposed Lots 4, 6, 8, 10, 12, 14, 16 and 18, which will face Flintlock Road and abut proposed Gunview Road to the rear, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

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

TMK:bjs


TIMOTHY M. KOTROCO
Hearing Officer
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 25, 1995

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

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE
W/S Schroeder Avenue, N of Belair Road
(Gunview II)
11th Election District - 6th Councilmanic District
Perry Hall Baptist Church, Owner, and Gunview Farms II, Developer
Case Nos. XI-712 and 95-307-A

Dear Mr. Alderman:

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

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. A. Ray Giudice, General Partner, Gunview Farms II, Ltd. Part.,
c/o SDR Development, Inc., 3722 Birchmere Ct., Owings Mills, Md. 21117

Mr. James S. Patton, Patton Consultants, Ltd.,
305 S. Chesapeake Avenue, Suite 118, Towson, Md. 21204

Ms. Susan Dobry, 4015-A Perry Hall Road, Baltimore, Md. 21236

Kurt Kugelberg, Proj.Mgr., ZADM; DEPRM; DPW; People's Counsel; File

MICROFILM



313



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3919 Schroeder Avenue 95-307-A

which is presently zoned D.R. 2

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)

BCZR 1B01. 2C1b Additional Setbacks
(See attached)

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

See attached

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:

Gunview Farms II, Limited Partnership

(Type or Print Name)
A. Ray Giudice, General Partner

Signature
c/o SDR Development, Inc.
3722 Birchmere Court

Address
Owings Mills, MD. 21117
City State Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr., Esq.

(Type or Print Name)
Signature
Howard L. Alderman, Jr.

Address
305 W. Chesapeake Ave. Suite 113
Towson, Maryland 21204
City State Zipcode

Legal Owner(s):

Perry Hall Baptist Church

(Type or Print Name)
Jonathan C. Canatella

Signature
Jonathan C. Canatella
President, Board of Trustees

(Type or Print Name)
Signature
3919 Schroeder Avenue

Address Phone No.
Perry Hall, MD. 21236
City State Zipcode

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

James S. Patton, P.E.
Patton Consultants, Ltd.
Name
305 S. Chesapeake Ave. #118 296-2140
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

**DROP-OFF
NO REVIEW
3/13/95
WCR**



95-307-A

ATTACHMENT TO 3919 SCHROEDER AVENUE VARIANCE PETITION

BCZR 1B01. 2C 1b Additional Set Backs

To permit a 30' rear setback as to the existing dwelling at the southeast corner of future Gunview Road (an arterial street) and Schroeder Avenue; and to permit a 30' rear yard setback from the property line as there is excess right-of-way which provides additional setback to arterial roadways for those lots which will face on Flintlock road and back on future Gunview Road.

REASONS:

There is an existing A. T. & T. right-of-way (16.5') in the proposed front yards of the lots on the northwesterly side of Flintlock Road. The building area between this right-of-way and the dedicated area for future Gunview Road is limited. In addition, due to a "spite strip" the dedicated portion of future Gunview Road exceeds the required 70 foot right-of-way by 10 to 15 feet; thus the proposed arterial right-of-way is not immediately adjacent to the rear of the proposed lots although the dedicated area is adjacent to the rear of the lots.

As to the lot at the southeast corner of future Gunview Road and Schroeder Avenue, the parsonage (residence) already exists on the lot. The A. T. & T. right-of-way limits any physical movement of the house. A hardship would be created if the parsonage would have to be physically relocated to provide additional setback due to the proposed arterial roadway.

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PATTON

Patton
Consultants
Ltd.
Engineering
& Site
Planning

213

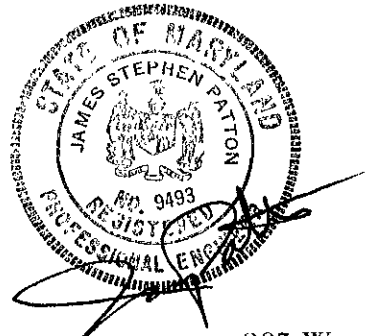
95-307-A

ZONING DESCRIPTION GUNVIEW II

Beginning at a point on the south side of Schroeder Avenue said point being 25 feet from the center line and 2160 feet west of the center line of Belair Road (U.S. Rte 1). Thence the following courses and distances:

- S 44° 57' 51" W - 1199.75'
- N 48° 10' 28" W - 1097.39'
- N 41° 49' 32" E - 41.17'
- S 87° 38' 22" E - 55.83'
- S 88° 46' 58" E - 516.39'
- N 56° 38' 10" E - 377.46'
- N 55° 14' 21" E - 457.88'
- S 45° 26' 14" E - 525.84'

To the place of beginning. Containing 19.71 Acres ± as per field survey by Gerhold, Cross & Etzel, Ltd.



Handwritten signature

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-307-A
X1-712

District: 11th Date of Posting: 3/10/95

Posted for: Variations & Development Plan Hearing

Petitioner: Perry Hall Baptist Church & Guyton Farms II

Location of property: 3919 Schroeder Ave, S/S

Location of Signs: Facing road way, on property being zoned &

Remarks: _____

Posted by: M. H. Bailey Date of return: 3/17/95
Signature

Number of Signs: 2



NOTICE OF HEARING

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

Case #05-007-A
8919 Schroeder Avenue
8/8 Schroeder Avenue
2160 W. of of Belair Road
11th Election District
6th Councilmanic
Legal Owner(s):
Perry Hall Baptist Church
Contract Purchaser:
Gunview Farms II, Limited Partnership
Hearing, Thursday,
April 13, 1995 at 9:00
a.m. in Rm. 106, County Office Building.

Variance to permit a 30 ft. rear setback as to the existing dwelling at the southwest corner of future Gunview Road (an arterial street) and Schroeder Avenue; and to permit a 30 ft. rear yard setback from the property line as there is excess right-of-way which provides additional setback to arterial roadways for those lots which will face on Flintlock Road and back on future Gunview Road.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 387-3363.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.
3/301 March 23.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/24, 1995

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 3/23, 1995.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

Publisher

MICROFILM



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

receipt

95-307-A

Account: R-001-6150

Number #313 (WCR)

DROP-OFF ~~NO~~ REVIEW

Date 3/13/95

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

Legal Owner: Perry Hall Baptist Church
 Contract Purchaser: Gunview Farms II, Limited Partnership
 3919 Schroeder Avenue
 Area: 19.71 +/- acres
 District: 11C6
 Zoning: DR-2
 Attorney: Howard L. Alderman, Jr.

Check from: Gunview Farm

MICROFILMED

01601#009391.HRE \$285.00
 BA 001#19AME3-13-95

Please Make Checks Payable To: Baltimore County

Cashier Validation



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

receipt

Account: R-001-6150

Number

313
95-307

PAM

Date

5 Apr 1995

Addition Money owed

\$ 250.00

03A03N000217111100

15 0003A03N0004 08-2

Please Make Checks Payable To: Baltimore County



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

receipt

Account: R-001-6150

Number

Date

5 Apr 1995

313

95-307

Addition Money owed

PAM

\$: 29.00

03A03#0021MICHR

\$250.00

BA 002:20PM04-25-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PUTUXENT PUBLISHING COMPANY
March 23, 1995 Issue - Jeffersonian

Please forward billing to:

Patton Consultants, Ltd.
305 S. Chesapeake Ave. #118
Towson, MD 21204
410-296-2140

NOTICE OF HEARING

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

CASE NUMBER: 95-307-A
3919 Schroeder Avenue
S/S Schroeder Avenue, 2160' W of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Perry Hall Baptist Church
Contract Purchaser: Gunview Farms II, Limited Partnership
HEARING: THURSDAY, APRIL 13, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit a 30 ft. rear setback as to the existing dwelling at the southwest corner of future Gunview Road (an arterial street) and Schroeder Avenue; and to permit a 30 ft. rear yard setback from the property line as there is excess right-of-way which provides additional setback to arterial roadways for those lots which will face on Flintlock road and back on future Gunview Road.

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.

APR 13 1995

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 13, 1995

NOTICE OF HEARING

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

DEVELOPMENT PLAN HEARING

Project Name: Gunview II
Project Number: XI-712
Location: 3919 Schroeder Avenue
Applicant/Owner: Perry Hall Baptist Church
Applicant/Developer: Gunview II, Limited Partnership
Acres: 19.71 (more or less)
Proposal: 18 single family dwellings.

AND

CASE NUMBER: 95-307-A
3919 Schroeder Avenue
S/S Schroeder Avenue, 2160' W of c/l Belair Road
11th Election District - 6th Councilmanic
Legal Owner(s): Perry Hall Baptist Church
Contract Purchaser: Gunview Farms II, Limited Partnership

Variance to permit a 30 ft. rear setback as to the existing dwelling at the southwest corner of future Gunview Road (an arterial street) and Schroeder Avenue; and to permit a 30 ft. rear yard setback from the property line as there is excess right-of-way which provides additional setback to arterial roadways for those lots which will face on Flintlock road and back on future Gunview Road.

HEARING: THURSDAY, APRIL 13, 1995 at 9:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: James S. Patton, P.E.
Perry Hall Baptist Church
Howard Alderman, Esq.
Gunview Farms II Ltd. Part.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 6, 1995

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

RE: Item No.: 313
Case No.: 95-307-A
Petitioner: Perry Hall Baptist
Church

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 13, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 21, 1995

SUBJECT: 3919 Schroeder Avenue

INFORMATION:

Item Number: 313
Petitioner: Perry Hall Baptist Church
Property Size: _____
Zoning: D.R.-2
Requested Action: Variance
Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Variance from setbacks requirements of the Baltimore County Zoning Regulations.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.

Prepared by: Jeffrey W. Long

Division Chief: Cary L. Kern

PK/JL

MICROFILMED

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 DATE: March 27, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for March 27, 1995
Items 305, 306, 308, 310, 311, 312 and 313

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

RWB:sw

8088 02 26 1995

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 03/22/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 20, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 304, 305, 306, 307,
308, 310, 311, 312 AND 313.

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

3-22-95

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

Re: Baltimore County
Item No.: +313 (WCR)

Dear Ms. Watson:

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

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

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

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

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 20, 1995

Howard L. Alderman, Jr., Esquire
Levin and Gann
305 West Cheapeake Avenue
Suite 113
Towson, MD 21204

95-307

RE: Preliminary Petition Review (Item #313)
Legal Owner: Perry Hall Baptist Church
Contract Purchaser: Gunview Farms II Limited
Partnership
3919 Schroeder Avenue
11th Election District

Dear Mr. Alderman:

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. Fee is wrong. 8 lots requesting variance.
2. Key variance requests to the plan on each lot effected.

MICROFILMED

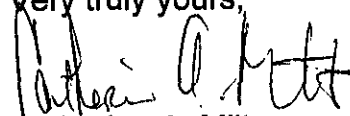


Howard L. Alderman, Jr., Esquire
March 20, 1995
Page 2

3. Need typed name, title, and authorization for person signing for legal owner.
4. Need typed name, title, and authorization for person signing for contract purchaser.

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

Very truly yours,



Catherine A. Milton
Planner I

CAM:scj

Enclosure (receipt)

cc: Zoning Commissioner

[Faint handwritten text]

RE: PETITION FOR VARIANCE
3919 Schroeder Avenue, S/S Schroeder Ave.,
2160' W of c/l Belair Road, 11th
Election District, 6th Councilmanic

Perry Hall Baptist Church
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-307-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



PATTON CONSULTANTS, LTD.

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

*Soph
Process
3/10/95*

TRANSMITTAL

Date: 3/9/95	Proj. No.: 94004
RE: Gunview II	
Special Petition	
313	

TO: ZADM

ATTN: _____

TRANSMITTED VIA

- Fax No. () _____
- Messenger _____
- Hand Carried _____

*No Violation
No Review*

WE ARE PLEASED TO SEND YOU:

- Attached Under separate cover

THE FOLLOWING ITEMS:

- Sketch Drawings Plans Reports As Indicated
- Prints Specifications Copy of Letter _____

COPIES	DATE	DESCRIPTION	DWG. NO.
3		Petition Forms	
12	3/9/95	Plat (Sealed)	
3		Property Description	
1		Zoning Map	
1	3/7/95	Filing Fee (Gunview Farm Check #0664 - \$285.00)	

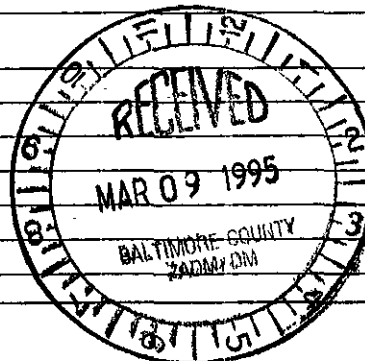
THIS TRANSMITTAL IS

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

FURTHER ACTION REQUIRED

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

REMARKS: _____



COPY TO Ray Giudice

SIGNED: _____
James S. Patton, P.E.

GUNVIEW II

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME

ADDRESS

KURT KUGELBERG

ZADM

FRANCIS MORSEY

OPZ

Kate Minton

ZADM-DC

David Thomas

DPW

MAR 20 10 45 AM '04

GUNVIEW II

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Susan Dohry

4015A Perry Hall Rd.

Lined area for writing names.

Lined area for writing addresses.



Faint text at the bottom right of the page.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JAMES S. PATTON

305 W. Chesapeake Ave 21204

A. R. Giudice

525 E. Seminary Ave 21204

Howard L Alderman Sr Esq

305 W Chesapeake Ave #113 21204



Handwritten signature or mark at the bottom right corner.

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William D. Howard III
Chairman, County Council

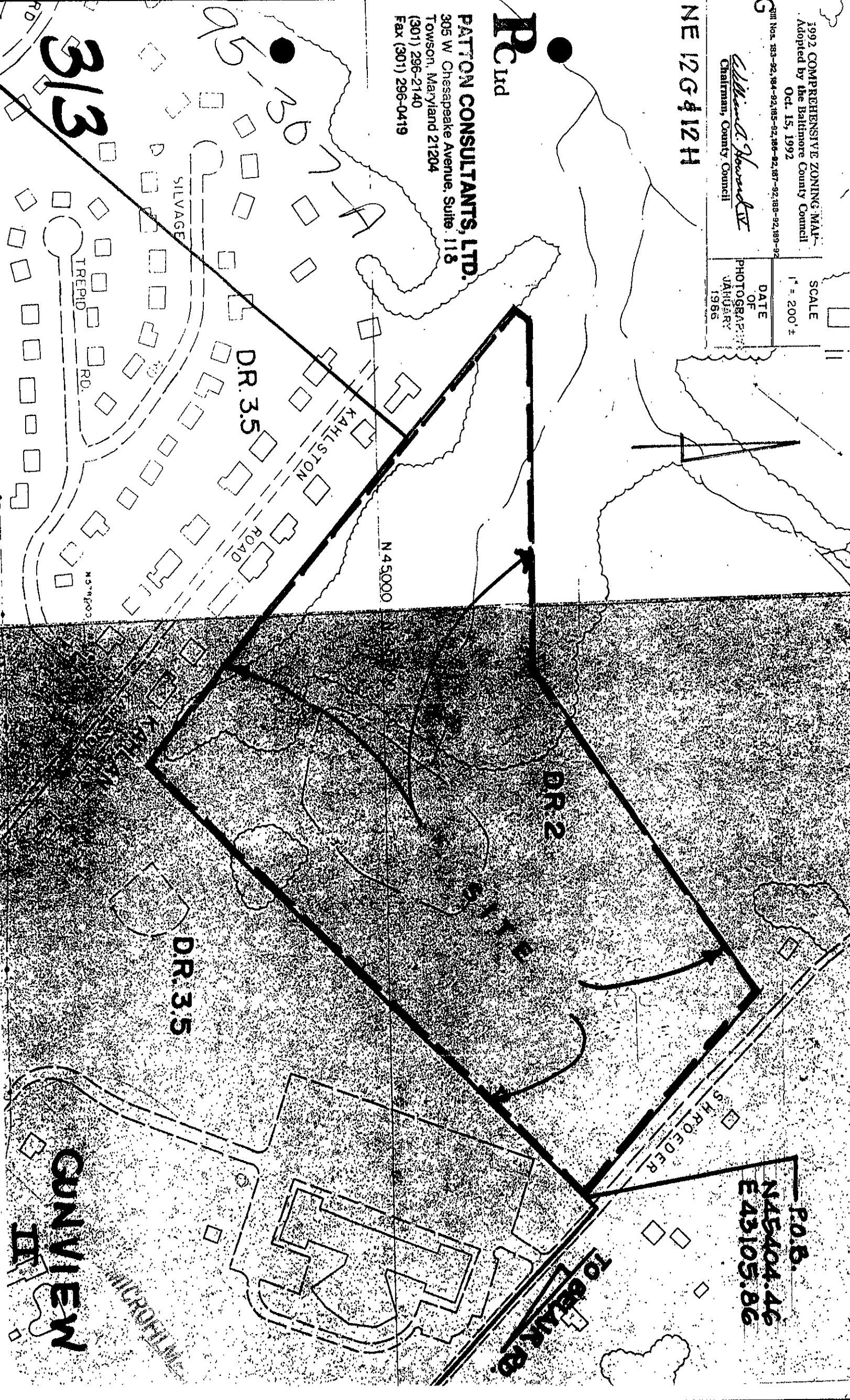
SCALE	1" = 200' ±
DATE OF PHOTOGRAPH	JANUARY 1986

NE 12G & 12H

PC Ltd

PATTON CONSULTANTS, LTD.
305 W Chesapeake Avenue, Suite 118
TOWSON, Maryland 21204
(301) 296-2140
Fax (301) 296-0419

3/13



P.O.B.
N45404.46
E43105.86

TO GARAGE

GUNVIEW II

MICROFILM

DR.3.5

DR.2

DR.3.5

KAHLSTON ROAD

SILVAGE ROAD

TREPID ROAD

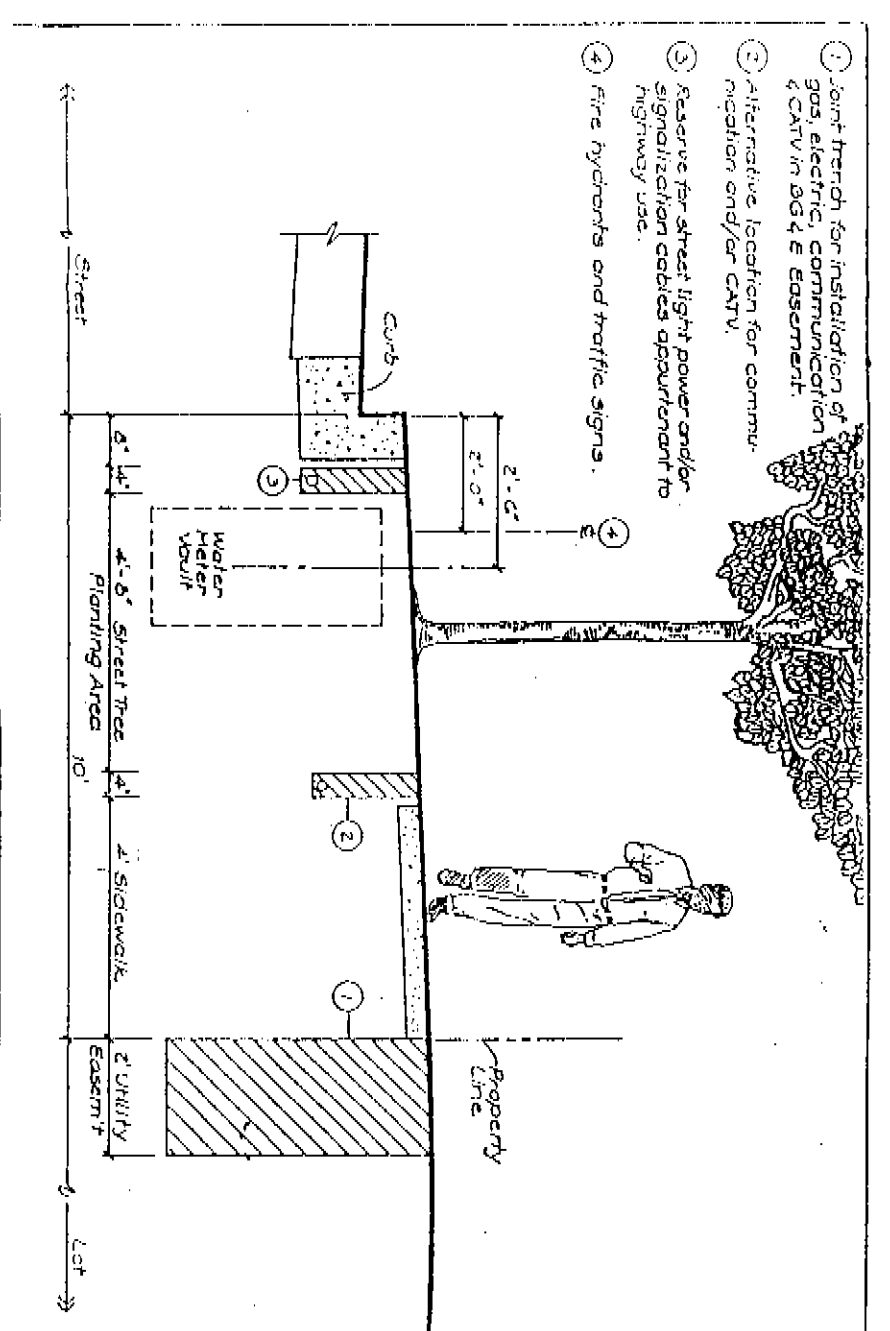
SCHROEDER ROAD

N 45000

Form ZV-1 (Rev. 12-88)
This form is to be filled out by the applicant and submitted to the Zoning Commission...

Form fields for Petition for Variance, including sections for Applicant Information, Property Information, and Reason for Request.

REASONS:
To provide a more suitable building for the proposed use...



101 BUILDING HEIGHT DETERMINATION
The following diagrams are provided to further clarify the method of interpretation to be used by the Zoning Commission...

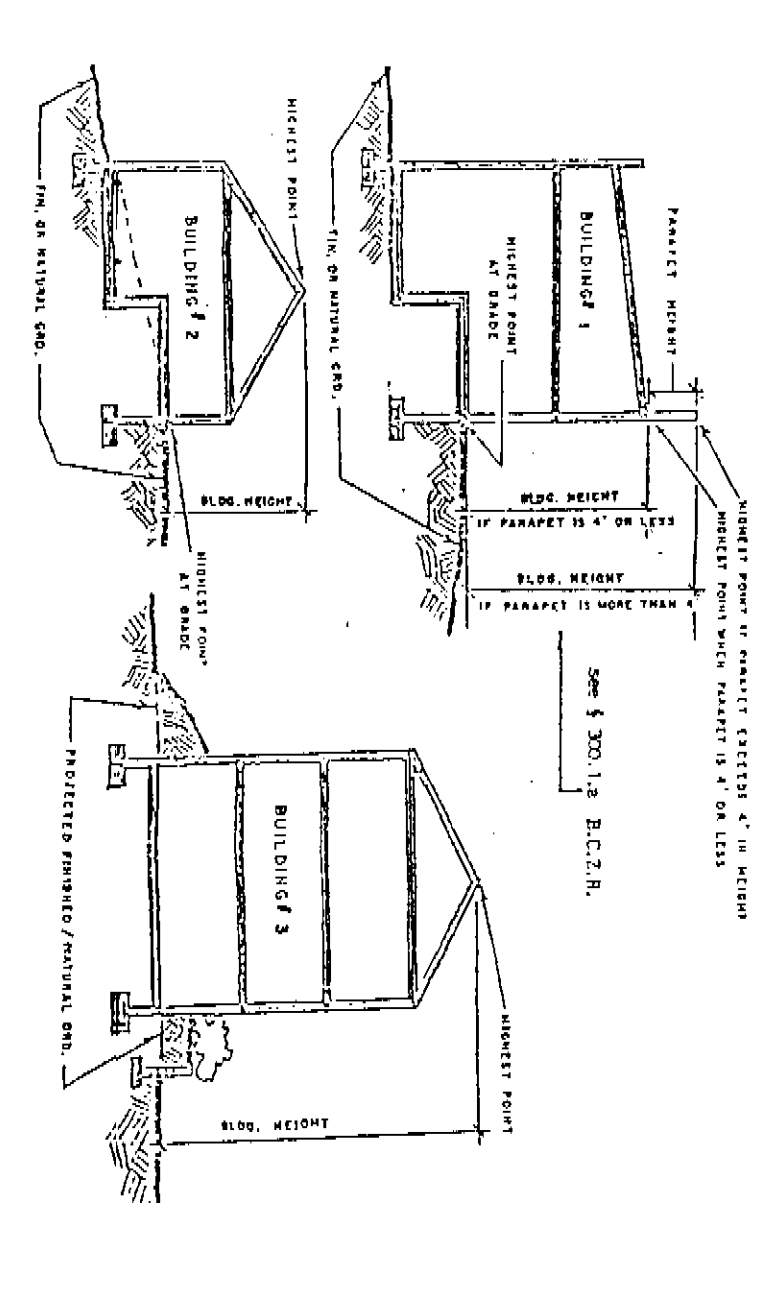


Table with 4 columns: Item, Description, Quantity, and Unit. Includes items like 'Total building area', 'Total parking spaces', and 'Total landscaping area'.

SINGLE FAMILY DETACHED, TWO-FAMILY ALTERNATIVE SITE DESIGN DWELLINGS
This zoning plan complies with the requirements of the zoning ordinance...

COMMUNITY INPUT MEETING MINUTES

Development Name: Gunview II
Date: October 28, 1994
Location: Gunpowder Elementary
ZADM file No. XI-712

James S. Patton, P.E., of Patton Consultants, Ltd. representing the developer, presented the development plan to the community...

What does the county say with the impact on Schaeffer Avenue?
The traffic engineer says 20 trips per hour per lane will be 799 average daily trips.

Respectfully submitted,
Stephen V. Mekano

Community Input Meeting Attendance Record

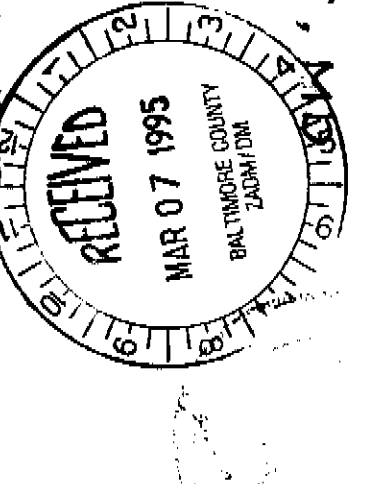
Development: GUNVIEW II
Date of Meeting: Oct. 20, 1994
Location: Gunpowder Elementary
Please PRINT Attendance Record

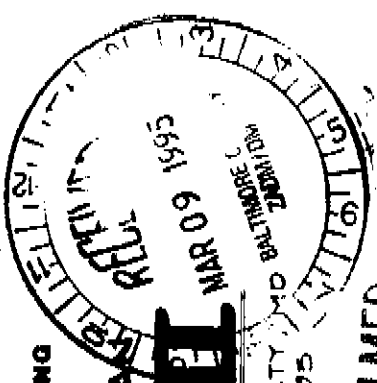
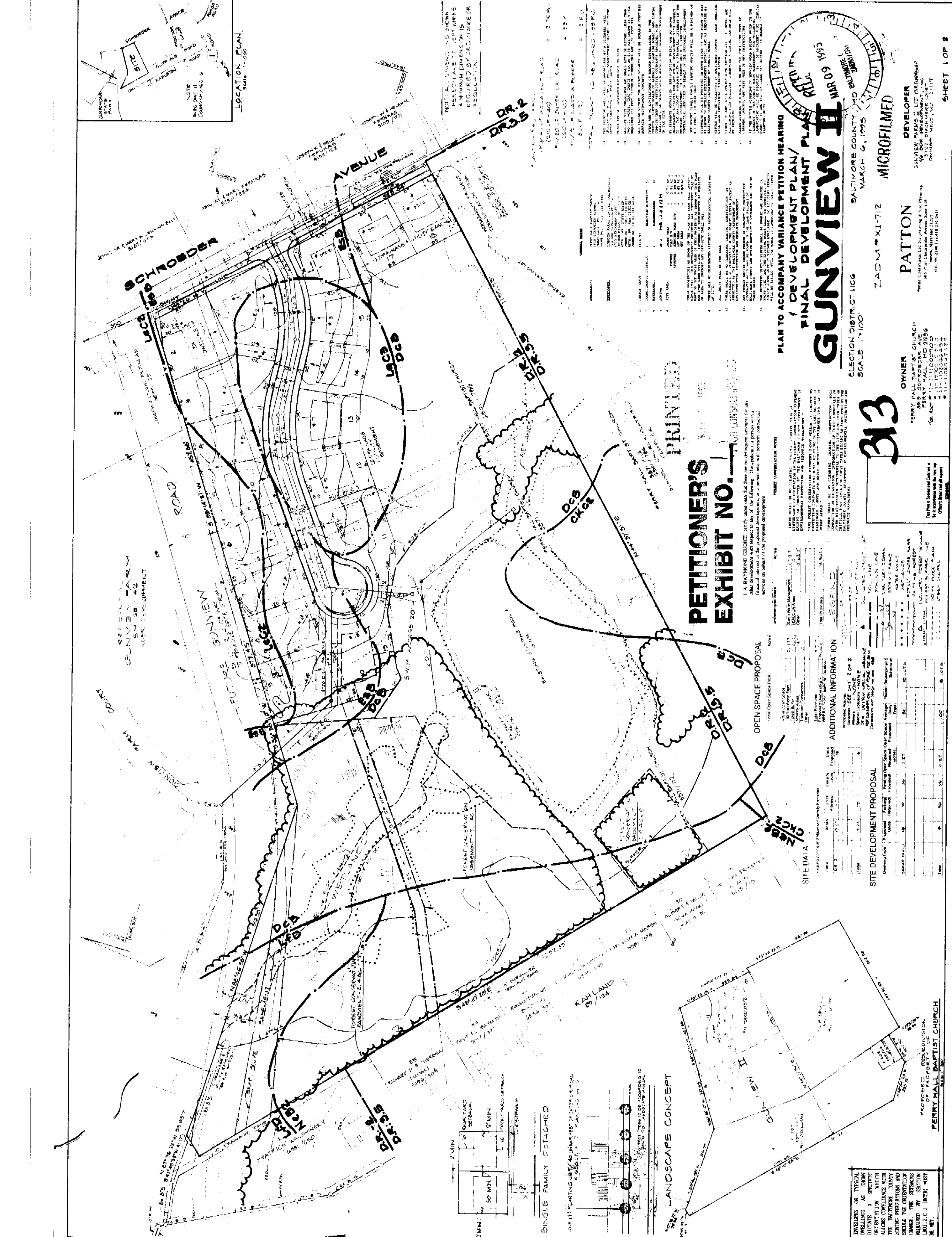
Table with 4 columns: Name, Address, Phone, and Attendance status. Lists names like Diane Sailer, Robert Sailer, and others.

DEVELOPMENT PLAN / FINAL DEVELOPMENT PLAN / GUNVIEW II

ELECTION DISTRICT IIC6
SCALE: 1"=50'
BALTIMORE COUNTY, MARYLAND
MARCH 6, 1995

OWNER: PERCY HALL BAPTIST CHURCH
DEVELOPER: PATTON
ADVISER: PERRY PARKS II





PLAN TO ACCOMPANY VARIANCE PETITION HEARING
 FINAL DEVELOPMENT PLAN/
GUNVIEW II

ELECTION DISTRICT 11G
 SCALE 1"=100'

ZADM XI-712
PATTON
 DEVELOPER
 SUNVIEW PLANNING & DESIGN, INC.
 5702 BIRCHWOOD DRIVE
 CHESTER, MARYLAND 21715

OWNER
 'PENNY HALL BAPTIST' CHURCH
 3815 SCHROEDER AVE
 PENNY HALL, MD 21156
 464 Acres ± 111,000 sq ft
 111,000 sq ft
 111,000 sq ft

**PETITIONER'S
 EXHIBIT NO. 1**

PRINTED

I, A. RAYMOND GIBBIE, certify under oath that there are no delinquent accounts for any taxes due on the property shown on this plan, and that I am the owner of the property shown on this plan. I have provided a copy of this plan to the Baltimore County Department of Planning and Zoning, and to the Baltimore County Board of Zoning Adjustments, for their review and consideration. I have also provided a copy of this plan to the public and to the interested parties to this process. I am not aware of any other persons who may be interested in this property. I understand that this plan is subject to the review and approval of the Baltimore County Board of Zoning Adjustments, and that I am not entitled to any refund of the fee paid for this plan if it is not approved. I understand that I am responsible for providing all necessary information and documentation for this process, and that I am responsible for any and all costs associated with this process. I understand that I am responsible for providing a copy of this plan to the public and to the interested parties to this process. I understand that I am responsible for providing a copy of this plan to the Baltimore County Department of Planning and Zoning, and to the Baltimore County Board of Zoning Adjustments, for their review and consideration. I understand that I am responsible for providing a copy of this plan to the public and to the interested parties to this process. I understand that I am responsible for providing a copy of this plan to the Baltimore County Department of Planning and Zoning, and to the Baltimore County Board of Zoning Adjustments, for their review and consideration. I understand that I am responsible for providing a copy of this plan to the public and to the interested parties to this process.

OPEN SPACE PROPOSAL

Category	Area	Description
Local Open Space Park	1.50	Local Open Space Park
Open Space Reserve	1.50	Open Space Reserve
Greenway	1.50	Greenway
Total	4.50	Total

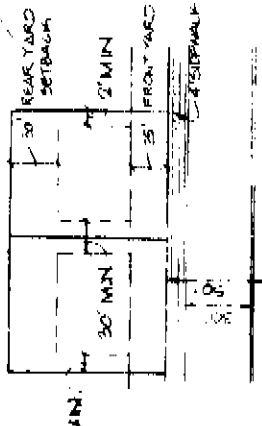
ADDITIONAL INFORMATION

Category	Description	Area	Notes
Historic District	Historic District	0.00	
Open Space Reserve	Open Space Reserve	1.50	
Greenway	Greenway	1.50	
Total	Total	3.00	

SITE DATA

Name	Area	Address	City	State	Zip	Phone
GIBBIE	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00	0.00	0.00

PROPOSED RESUBDIVISION OF PROPERTY OF PENNY HALL BAPTIST CHURCH



STREETS OR TYPICAL BUILDINGS AS TO BE ORIENTED TO THE STREET ORIENTATION WHICH ALLOWS COMPLIANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS AND SCHEDULE THE ORIENTATIONS REQUIRED BY SECTION 101.1.1 (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

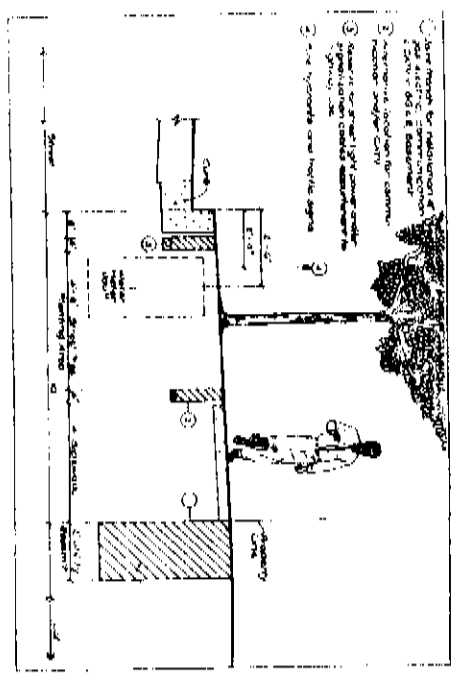
95-307-A

Petition for Variance
to the Zoning Commission of Baltimore County
for the proposed location of the proposed building at the following address:

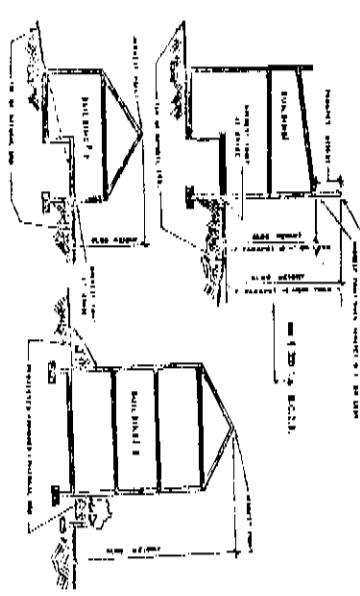
Property No. 00000000000000000000
 Assessor's Parcel ID (APN) 00000000000000000000
 Owner's Name: [Blank]
 Address: [Blank]
 City/County: [Blank]
 Date of Filing: [Blank]

ATTACHMENT TO THE PETITION FOR VARIANCE: EXHIBITS

Section 1.1 of the zoning ordinance requires that the petitioner submit the following information with the petition for variance:



1.1.1 BUILDING HEIGHT DEMONSTRATION



ZONING NOTES

GENERAL TECHNICAL NOTES

1. The proposed building shall conform to the minimum setbacks and height requirements of the zoning ordinance for the applicable zoning district.

2. The proposed building shall be constructed of masonry or concrete block.

3. The proposed building shall have a finished floor level at least 4 feet above the existing ground level.

4. The proposed building shall have a finished ceiling level at least 8 feet above the finished floor level.

5. The proposed building shall have a finished basement level at least 4 feet below the existing ground level.

6. The proposed building shall have a finished attic level at least 4 feet above the finished floor level.

7. The proposed building shall have a finished roof level at least 10 feet above the existing ground level.

8. The proposed building shall have a finished porch level at least 4 feet above the existing ground level.

9. The proposed building shall have a finished deck level at least 4 feet above the existing ground level.

10. The proposed building shall have a finished ramp level at least 4 feet above the existing ground level.

COMMUNITY INPUT MEETING MINUTES

Development Name: Gunview II
Location: Gunview II, MD 21286

Date of Meeting: Oct 20, 1994
Location: Gunview II, MD 21286

Attendees: [List of names]

Agenda:

1. Approval of Minutes
2. Presentation by the Applicant
3. Public Comments
4. Questions and Answers
5. Motion to Approve
6. Motion to Deny
7. Motion to Rescind
8. Motion to Refer to the Zoning Commission
9. Motion to Refer to the Planning Board
10. Motion to Refer to the Board of Public Works
11. Motion to Refer to the Board of Estimates
12. Motion to Refer to the Board of Health
13. Motion to Refer to the Board of Education
14. Motion to Refer to the Board of Police and Fire Commissioners
15. Motion to Refer to the Board of Zoning Appeals
16. Motion to Refer to the Board of Public Safety
17. Motion to Refer to the Board of Community Development
18. Motion to Refer to the Board of Economic Development
19. Motion to Refer to the Board of Environmental and Planning
20. Motion to Refer to the Board of Finance
21. Motion to Refer to the Board of Health and Human Resources
22. Motion to Refer to the Board of Information Technology
23. Motion to Refer to the Board of Law and Public Safety
24. Motion to Refer to the Board of Labor and Workforce Development
25. Motion to Refer to the Board of Natural Resources
26. Motion to Refer to the Board of Parks and Recreation
27. Motion to Refer to the Board of Public Works
28. Motion to Refer to the Board of Transportation
29. Motion to Refer to the Board of Urban and Community Development
30. Motion to Refer to the Board of Veterans Affairs
31. Motion to Refer to the Board of Workforce and Economic Development
32. Motion to Refer to the Board of Youth and Human Resources

OWNER: PERCY HALL BAPTIST CHURCH
 10000 W. PATTON
 BALTIMORE, MD 21286

DEVELOPER: ADRIAN PATTON
 10000 W. PATTON
 BALTIMORE, MD 21286

PLAN TO ACCOMPANY VARIANCE PETITION MEANING FINAL DEVELOPMENT PLAN GUNVIEW II

ELECTION DISTRICT 11C6
 BALTIMORE COUNTY, MD
 SCALE: 1" = 80'
 ZADM # XI-712
 MARCH 6, 1995

PRINTED
 194004
 SHEET 2 OF 2

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
 PETITION FOR VARIANCE - W/S Schroeder * DEPUTY ZONING COMMISSIONER
 Avenue, N of Belair Road (Gunview II)
 11th Election District * OF BALTIMORE COUNTY
 6th Councilmanic District * Case Nos. XI-712 and 95-307-A
 Perry Hall Baptist Church, Owner, and
 Gunview Farms II, Ltd. Part., Developer

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Hearing Officer for consideration of a development plan prepared by Patton Consultants, Ltd., for the proposed development of the subject property by Perry Hall Baptist Church, Owners, and Gunview Farms II Ltd. Partnership, Developer, with 18 single family dwellings. In addition to development plan approval, the Owner/Developer seek relief from Section 1801.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for the existing dwelling located at the southeast corner of future Gunview Road (an arterial street) and Schroeder Avenue (proposed Lot 2), and for proposed Lots 4, 6, 8, 10, 12, 14, 16 and 18, which will face Flintlock Road and abut proposed Gunview Road to the rear. The property consists of a gross area of 19.71 acres, zoned D.R. 2 and is located on the west side of Belair Road, along Schroeder Avenue. The subject property and relief sought are more particularly described on the site plans submitted and marked into evidence as Developer's Exhibit 1 and Petitioner's Exhibit 1.

Appearing at the public hearing required for this project were A. Ray Giudice, General Partner with Gunview Farms II, Ltd. Partnership, Developer of the subject property, James S. Patton, Professional Engineer with Patton Consultants, Ltd., who prepared the site plan and development

plan for this project, and Howard L. Alderman, Jr., Esquire, who represented the Owner/Developer in the variance case, only. As is customary, numerous representatives of the various Baltimore County reviewing agencies attended the hearing. In addition, Susan Dobry, a nearby resident of the area, appeared as an interested party.

As to the history of this project, the concept plan conference for this development was conducted on September 12, 1994. As required, a community input meeting was held at the Gunpowder Elementary School on October 20, 1994. Subsequently, a development plan was submitted and a conference thereon was conducted on March 22, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a red-line development plan incorporating these comments was submitted at the hearing held before me on April 13, 1995.

As to the development plan, I am required to determine what, if any, agency comments remain unresolved at the time of the hearing. On behalf of the Developer, Mr. Patton stated that he was not aware of any outstanding issues which needed to be resolved concerning the development plan. In addition, testimony and evidence received was that all issues raised within the comments submitted by the various Baltimore County reviewing agencies have been resolved and incorporated within the red-lined development plan; however, it is to be noted that there were some minor alterations which Mr. Patton agreed to make to the plan and resubmit to the various County agencies for final approval. Lastly, there were no comments or issues raised by the citizen in attendance which needed to be addressed. Therefore, based upon the uncontradicted testimony and the

absence of any opposition, it appears that the red-lined development plan submitted into evidence as Developer's Exhibit 1 should be approved.

As noted above, the Owner and Developer have filed a Petition for Variance for proposed Lots 2, 4, 6, 8, 10, 12, 14, 16 and 18. The relief requested is necessary as a result of the future 70-foot right-of-way required for proposed Gunview Road. That right-of-way is shown on the plan which accompanied the Petition for Variance and marked into evidence as Petitioner's Exhibit 1. The future Gunview Road right-of-way runs behind and just north of the lots which are the subject of this request. Furthermore, there exists an AT&T 16.5-foot wide right-of-way which runs along the southern boundary line of the subject lots. Thus, these lots are sandwiched between the AT&T right-of-way and the future 70-foot right-of-way for Gunview Road. Given these site constraints, the requested variance is necessary in order to proceed with development as proposed.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

3/13/95
 4/13/95
 4/13/95

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land. Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to

demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict

harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the red-lined development plan marked as Developer's Exhibit 1, shall be approved, and the Petition for Variance granted, consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 15th day of April, 1995 that the development plan for Gunview II, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1801.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for the existing dwelling located at the southeast corner of future Gunview Road (an arterial street) and Schroeder Avenue (proposed Lot 2), and for proposed Lots 4, 6, 8, 10, 12, 14, 16 and 18, which will face Flintlock Road and abut proposed Gunview Road to the rear, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

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

THK:bjs

Timothy H. Kurood
 TIMOTHY H. KUROOD
 Hearing Officer
 for Baltimore County

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 112 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

April 25, 1995

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

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE
 W/S Schroeder Avenue, N of Belair Road
 (Gunview II)
 11th Election District - 6th Councilmanic District
 Perry Hall Baptist Church, Owner, and Gunview Farms II, Developer
 Case Nos. XI-712 and 95-307-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the Petition for Variance 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 H. Kurood
 TIMOTHY H. KUROOD
 Deputy Zoning Commissioner
 for Baltimore County

THK:bjs

cc: Mr. A. Ray Giudice, General Partner, Gunview Farms II, Ltd. Part.,
 c/o SDR Development, Inc., 3722 Birchmere Ct., Owings Mills, Md. 21117

Mr. James S. Patton, Patton Consultants, Ltd.,
 305 S. Chesapeake Avenue, Suite 118, Towson, Md. 21204

Ms. Susan Dobry, 4015-A Perry Hall Road, Baltimore, Md. 21236

Kurt Kugelberg, Proj.Mgr., ZADM; DEPHM; DPM; People's Counsel; E/A

Printed with Recycled Ink on Recycled Paper

313

Petition for Variance

to the Zoning Commissioner of Baltimore County
 for the property located at 3919 Schroeder Avenue 95-307-A
 which is presently zoned D.R. 2

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

BCZR 1801.2C1b Additional Setbacks
 (See attached)

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

See attached

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.

With due solemnity declare and affirm, under the penalty of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Owner:
 Gunview Farms II, Limited Partnership
 A. Ray Giudice, General Partner
 c/o SDR Development, Inc.
 3722 Birchmere Court
 Owings Mills, MD. 21117
 City State Zipcode

Attorney for Petitioner:
 Howard L. Alderman, Jr., Esq.
 3919 Schroeder Avenue
 Perry Hall, MD. 21236
 City State Zipcode

Legal Owner(s) to be represented:
 Perry Hall Baptist Church
 Jonathan C. Canatella
 Jonathan C. Canatella
 President, Board of Trustees
 City State Zipcode

Address and phone number of legal owner, contract purchaser or representative to be contacted:
 James S. Patton, P.E.
 Patton Consultants, Ltd.
 305 S. Chesapeake Ave. #118 296-2140
 City State Zipcode

ALL INFORMATION ON THIS FORM IS UNCLASSIFIED
 ESTIMATED LENGTH OF HEARING: _____ minutes for Hearing
 the following date: _____ (list two months)
 ALL INFORMATION ON THIS FORM IS UNCLASSIFIED
 REVIEWED BY: _____ DATE: _____

DROPPED - OFF
 NO REVIEW
 3/13/95
 WCR

ORDER RECEIVED FOR FILING
 Date 3/13/95
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 4/13/95
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 4/13/95
 By [Signature]

ATTACHMENT TO 3919 SCHROEDER AVENUE VARIANCE PETITION

95-307-A

BCZR 1B01. 2C 1b Additional Set Backs

To permit a 30' rear setback as to the existing dwelling at the southeast corner of future Gunview Road (an arterial street) and Schroeder Avenue; and to permit a 30' rear yard setback from the property line as there is excess right-of-way which provides additional setback to arterial roadways for those lots which will face on Flintlock road and back on future Gunview Road.

REASONS:

There is an existing A. T. & T. right-of-way (16.5') in the proposed front yards of the lots on the northwesterly side of Flintlock Road. The building area between this right-of-way and the dedicated area for future Gunview Road is limited. In addition, due to a "spite strip" the dedicated portion of future Gunview Road exceeds the required 70 foot right-of-way by 10 to 15 feet; thus the proposed arterial right-of-way is not immediately adjacent to the rear of the proposed lots although the dedicated area is adjacent to the rear of the lots.

As to the lot at the southeast corner of future Gunview Road and Schroeder Avenue, the parsonage (residence) already exists on the lot. The A. T. & T. right-of-way limits any physical movement of the house. A hardship would be created if the parsonage would have to be physically relocated to provide additional setback due to the proposed arterial roadway.

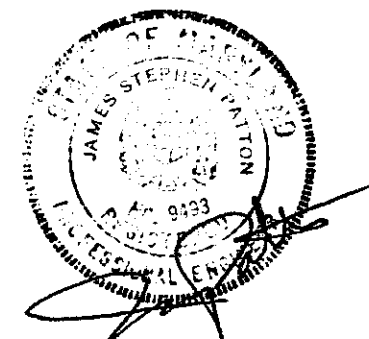
PATTON 313
Patton Consultants, Ltd.
Engineering & Site Planning
95-307-A

ZONING DESCRIPTION
GUNVIEW II

Beginning at a point on the south side of Schroeder Avenue said point being 25 feet from the center line and 2160 feet west of the center line of Belair Road (U.S. Rte 1). Thence the following courses and distances:

- S 44° 57' 51" W - 1199.75'
- N 48° 10' 28" W - 1097.39'
- N 41° 49' 32" E - 41.17'
- S 87° 38' 22" E - 55.83'
- S 88° 46' 58" E - 516.39'
- N 56° 38' 10" E - 377.46'
- N 55° 14' 21" E - 457.88'
- S 45° 26' 14" E - 525.84'

To the place of beginning. Containing 19.71 Acres ± as per field survey by Gerhold, Cross & Etzel, Ltd.



305 West Chesapeake Avenue, Suite 1B, Towson, Maryland 21284
410-296-2140 Fax 410-296-0419

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 3/19/95
 Posted for: Variance & Development Plan Hearing
 Petitioner: Perry Hall Baptist Church & Development Plan Hearing
 Location of property: 3919 Schroeder Ave. Towson, MD
 Location of Sign: Flt. Rd. W. of Schroeder Ave. on property being vacated
 Remarks:
 Posted by: M. Carl Richards, Jr. Date of return: 3/19/95
 Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/24, 1995
 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 3/23, 1995.

THE JEFFERSONIAN,

A. Henricson
LEGAL AD. - TOWSON

Publisher

NOTICE OF HEARING
 The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284 on Thursday, April 13, 1995 at 9:00 a.m. in Room 106, County Office Building.
 Variance to permit a 30 ft. rear setback as to the existing dwelling at the southeast corner of future Gunview Road (an arterial street) and Schroeder Avenue; and to permit a 30 ft. rear yard setback from the property line as there is excess right-of-way which provides additional setback to arterial roadways for those lots which will face on Flintlock Road and back on future Gunview Road.
 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 887-3353.
 3/21/95

receipt
95-307-A

Account: ROC1-6190
 Number: 0011 (4/2/95)
 DROP-OFF — NO REVIEW

Date: 3/13/95

#020 - VARIANCE ----- \$250.00
 #080 - SIGN POSTING ----- 65.00
 TOTAL ----- \$315.00

Legal Owner: Perry Hall Baptist Church
 Contract Purchaser: Gunview Farms II, Limited Partnership
 3919 Schroeder Avenue
 Area: 19.71 ± acres
 District: 11th
 Zoning: BC-2
 Attorney: Howard L. Alderman, Jr.

Check front of envelope for
 BALTIMORE COUNTY
 Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: FUTURCENT PUBLISHING COMPANY
 March 23, 1995 Issue - Jeffersonian

Please forward billing to:
 Patton Consultants, Ltd.
 305 S. Chesapeake Ave. 8118
 Towson, MD 21284
 410-296-2140

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 95-307-A
 3919 Schroeder Avenue
 S/S Schroeder Avenue, 2160' W of c/l Belair Road
 11th Election District - 6th Commission
 Legal Owner(s): Perry Hall Baptist Church
 Contract Purchaser: Gunview Farms II, Limited Partnership
 HEARING: THURSDAY, APRIL 13, 1995 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit a 30 ft. rear setback as to the existing dwelling at the southeast corner of future Gunview Road (an arterial street) and Schroeder Avenue; and to permit a 30 ft. rear yard setback from the property line as there is excess right-of-way which provides additional setback to arterial roadways for those lots which will face on Flintlock road and back on future Gunview Road.

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 887-3353.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21284 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

DEVELOPMENT PLAN HEARING
 Project Name: Gunview II
 Project Number: KI-712
 Location: 3919 Schroeder Avenue
 Applicant/Owner: Perry Hall Baptist Church
 Applicant/Developer: Gunview II, Limited Partnership
 Acres: 19.71 (more or less)
 Proposal: 18 single family dwellings.

CASE NUMBER: 95-307-A
 3919 Schroeder Avenue
 S/S Schroeder Avenue, 2160' W of c/l Belair Road
 11th Election District - 6th Commission
 Legal Owner(s): Perry Hall Baptist Church
 Contract Purchaser: Gunview Farms II, Limited Partnership

Variance to permit a 30 ft. rear setback as to the existing dwelling at the southeast corner of future Gunview Road (an arterial street) and Schroeder Avenue; and to permit a 30 ft. rear yard setback from the property line as there is excess right-of-way which provides additional setback to arterial roadways for those lots which will face on Flintlock road and back on future Gunview Road.

HEARING: THURSDAY, APRIL 13, 1995 at 9:00 a.m. in Room 106, County Office Building.

Carl Jablon
 Arnold Jablon
 Director

cc: James S. Patton, P.E.
 Perry Hall Baptist Church
 Howard Alderman, Esq.
 Gunview Farms II Ltd. Part.

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

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21284 (410) 887-3353

April 6, 1995

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

RE: Item No.: 313
 Case No.: 95-307-A
 Petitioner: Perry Hall Baptist Church

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 13, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
M. Carl Richards, Jr.
 M. Carl Richards, Jr.
 Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
 INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
 Zoning Administration and Development Management
 March 28, 1995

FROM: J. Lawrence Pilon
 Development Coordinator, DEPRM

SUBJECT: Zoning Item #313 - Gunview II
 3919 Schroeder Avenue
 Zoning Advisory Committee Meeting of March 20, 1995

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

Environmental Impact Review
 Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.
 Development of the property must comply with the Forest Conservation Regulations.

JLP:GS:sp
 GUNVIEW2/DEPRM/TXTSBP

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 21, 1995

SUBJECT: 3919 Schroeder Avenue

INFORMATION:

Item Number: 313

Petitioner: Perry Hall Baptist Church

Property Size: _____

Zoning: D.R.-2

Requested Action: Variance

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Variance from setbacks requirements of the Baltimore County Zoning Regulations.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.

Prepared by: Jeffrey W. Long
Division Chief: Carol L. Kern
PK/JL

TO: Arnold Jablon, Director DATE: March 27, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for March 27, 1995
Items 305, 306, 308, 310, 311, 312 and 313

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

RWB:ew

700 East Joppa Road, Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 03/22/95

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

RE: Property Owner: SEE BELOW
LOCATION: DISTRIBUTION MEETING OF MAR. 20, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 304, 305, 306, 307, 308, 310, 311, 312 AND 313.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4681, MS-1106F

cc: File



O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-22-95

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

Re: Baltimore County
Item No.: 4313 (WCR)

Dear Ms. Watson:

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 Ronald Burns, 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

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

March 20, 1995

Howard L. Alderman, Jr., Esquire
Levin and Gann
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

RE: Preliminary Petition Review (Item #313)
Legal Owner: Perry Hall Baptist Church
Contract Purchaser: Gunview Farms II Limited
Partnership
3919 Schroeder Avenue
11th Election District

Dear Mr. Alderman:

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. Fee is wrong. 8 lots requesting variance.
2. Key variance requests to the plan on each lot effected.

Howard L. Alderman, Jr., Esquire
March 20, 1995
Page 2

3. Need typed name, title, and authorization for person signing for legal owner.
4. Need typed name, title, and authorization for person signing for contract purchaser.

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

Very truly yours,
Gatherine A. Milton
Gatherine A. Milton
Planner I

CAM:scj
Enclosure (receipt)
cc: Zoning Commissioner

RE. PETITION FOR VARIANCE BEFORE THE
3919 Schroeder Avenue, S/S Schroeder Ave., ZONING COMMISSIONER
2160' W of c/l Belair Road, 11th Election District, 6th Councilmanic OF BALTIMORE COUNTY
Perry Hall Baptist Church Petitioner CASE NO. 95-307-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esquire, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

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

TRANSMITTAL

Date: 3/9/95 Proj No. 94004
RE: Gunview II
Special Petition
313

TO: ZADM
TRANSMITTED VIA
ATTN: _____
 Fax No. ()
 Messenger
 Hand Carried

WE ARE PLEASED TO SEND YOU
 Attached Under separate cover

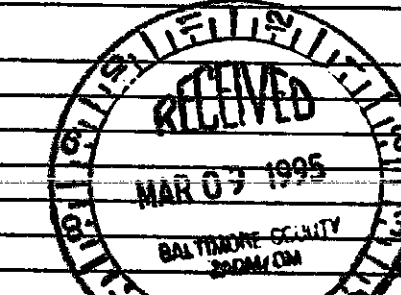
THE FOLLOWING ITEMS
 Sketch Drawings Plans Reports As Indicated
 Prints Specifications Copy of Letter

COPIES	DATE	DESCRIPTION	DWG. NO.
3		Petition Forms	
12	3/9/95	Plat (Sealed)	
3		Property Description	
1		Zoning Map	
1	3/7/95	Filing Fee (Gunview Farm Check #0664 - \$285.00)	

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

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

REMARKS:
NO VIOLATION
NO REVIEW



COPY TO: Roy Giudice SIGNED: James S. Patton, P.E.

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

Gunvic II

PLEASE PRINT CLEARLY BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
Kurt Kugler	7411
Francis Morsey	OPZ
Kate Moran	ZADM-DC
David Thomas	DPW

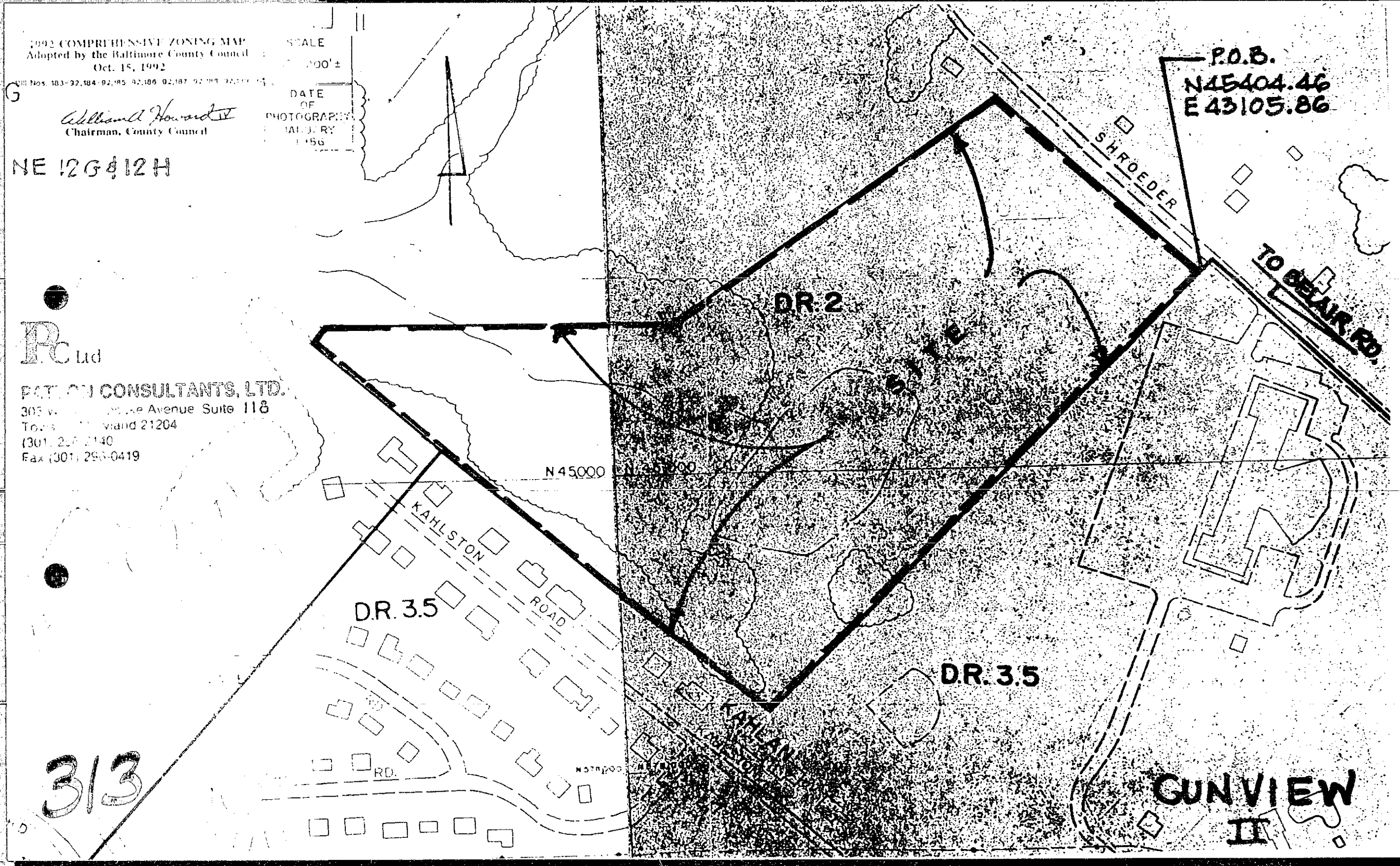
Gunvic II

PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET

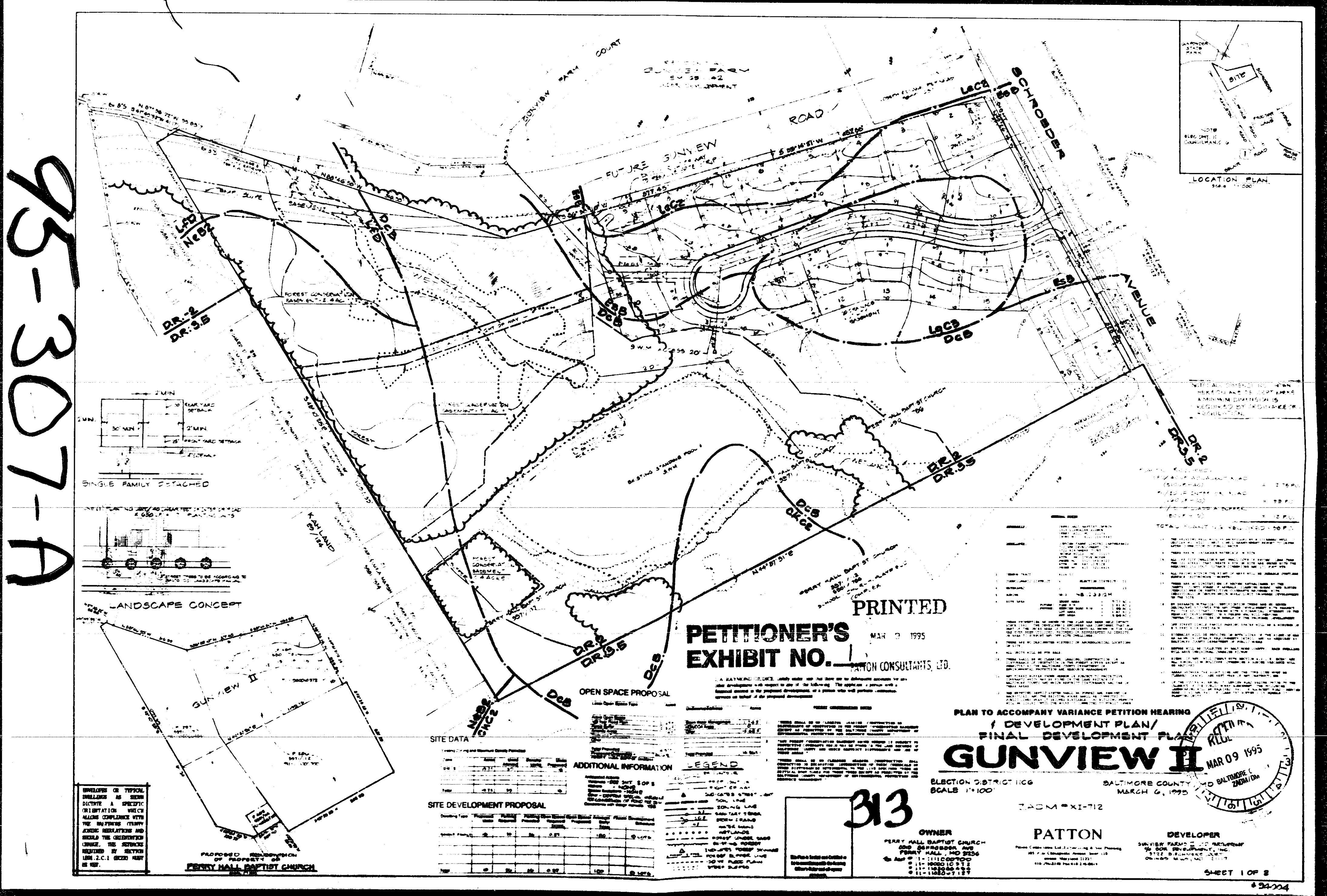
NAME	ADDRESS

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
James S. Patton	305 W. Chesapeake Ave 21204
A.R. Gudric	525 E. Seminary Ave 21204
Harold L. Atkinson & Eay	305 W Chesapeake Ave #113 21204



95-307-A



PRINTED

PETITIONER'S EXHIBIT NO. 1

PATTON CONSULTANTS, LTD.

PLAN TO ACCOMPANY VARIANCE PETITION HEARING / DEVELOPMENT PLAN / FINAL DEVELOPMENT PLAN

GUNVIEW II

BALTIMORE COUNTY

MARCH 6, 1995

ELECTION DISTRICT 103

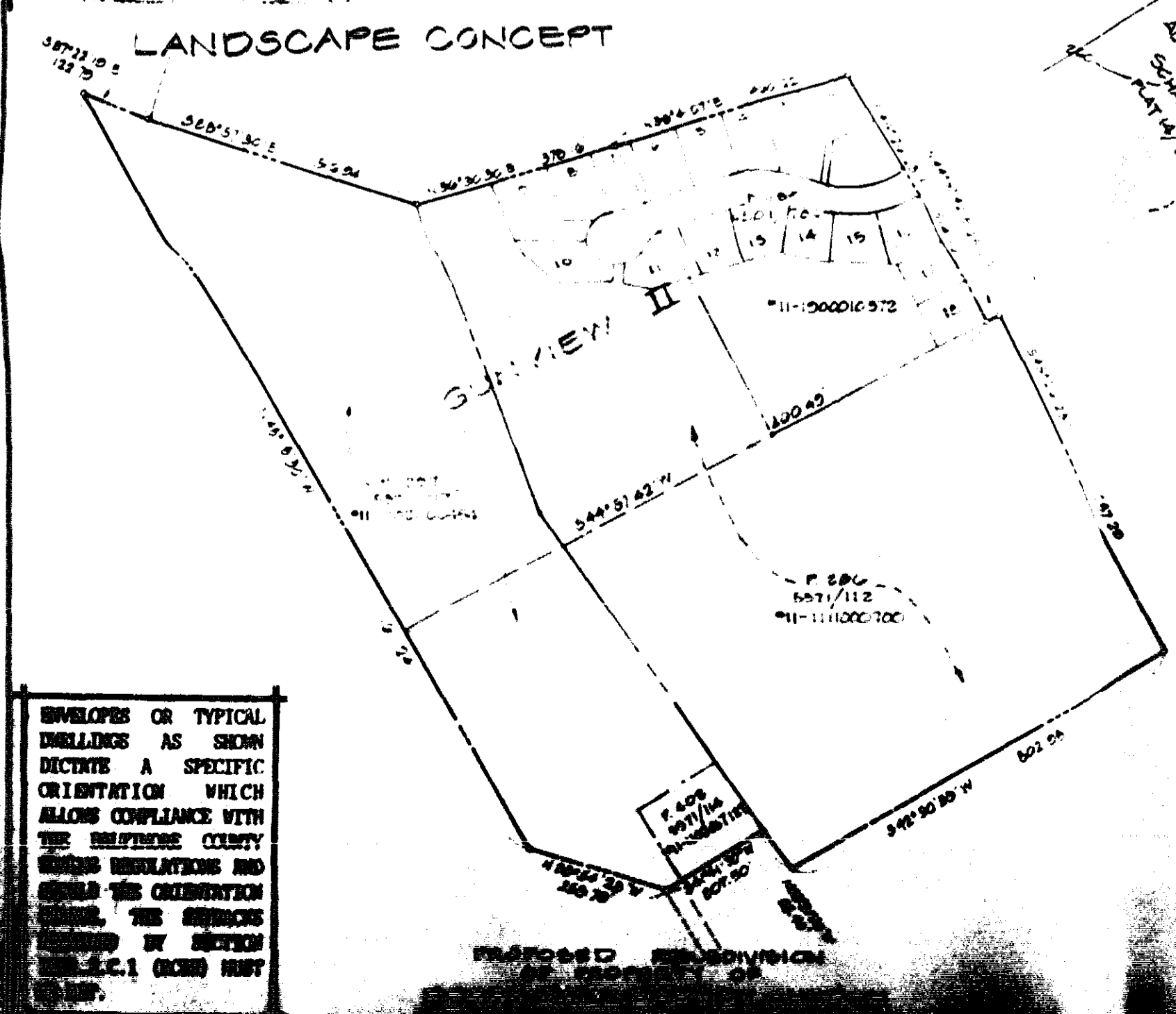
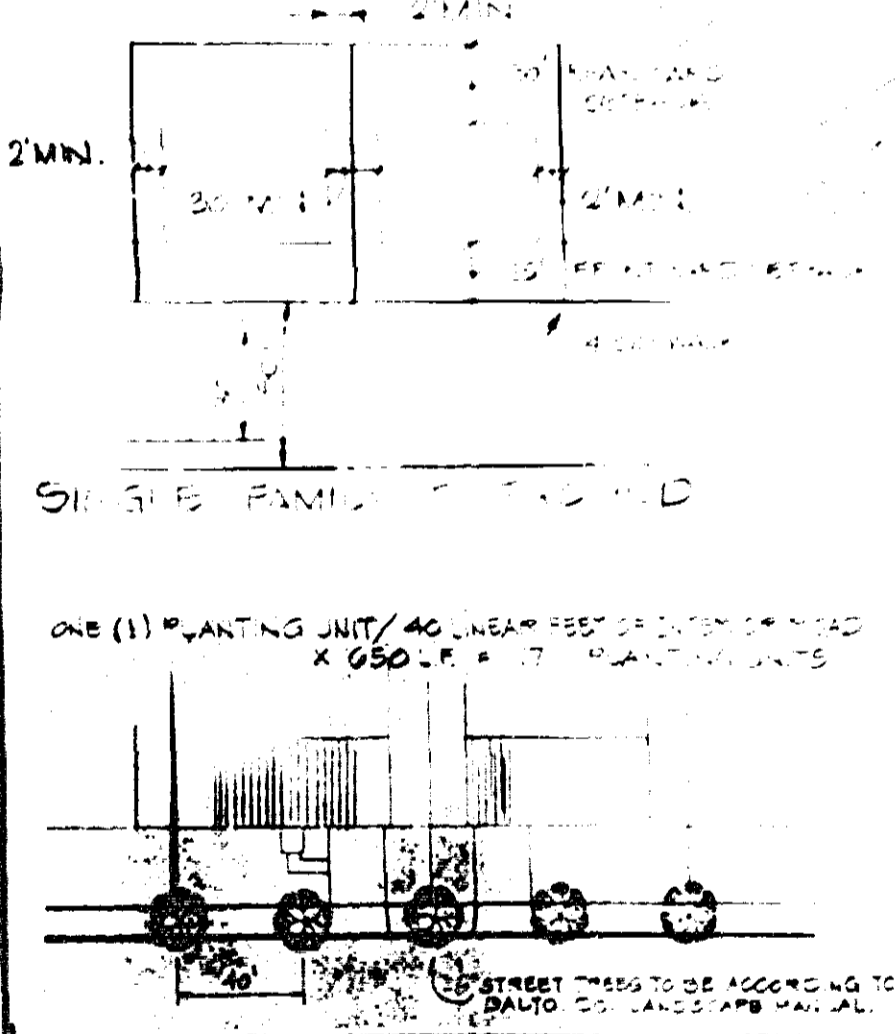
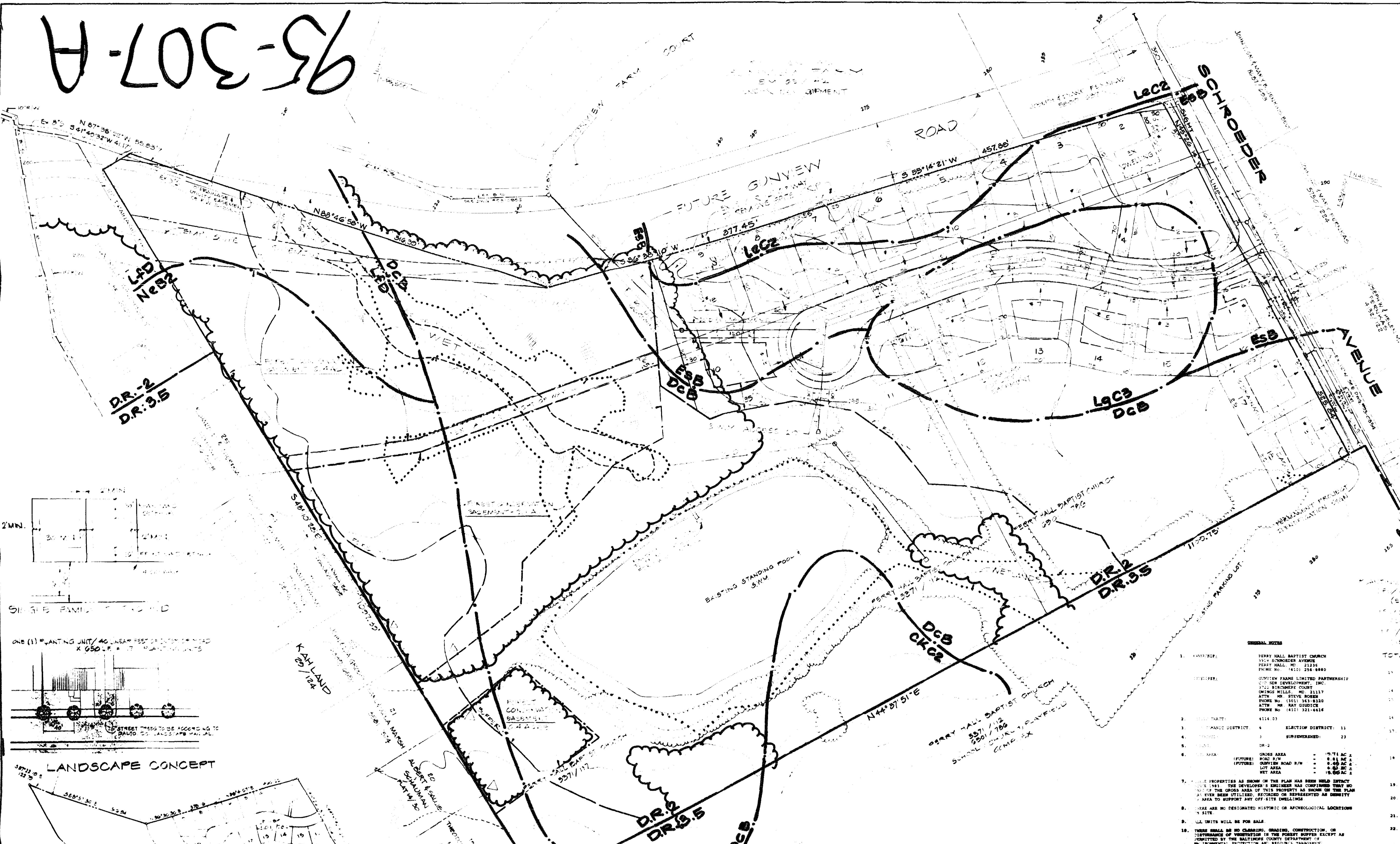
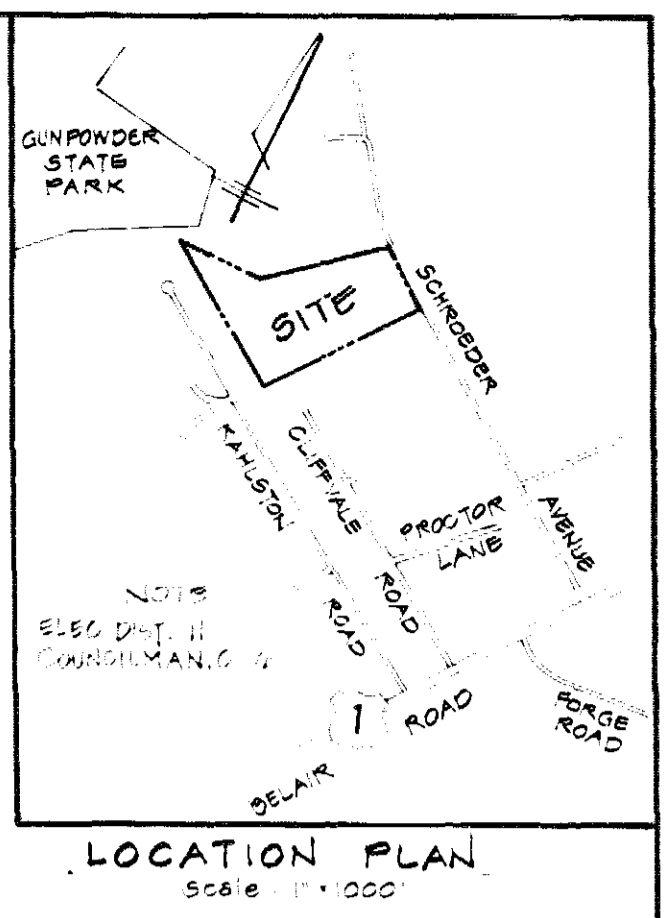
SCALE 1" = 100'

TADM #X1-12

OWNER: PERRY HALL BAPTIST CHURCH
DEVELOPER: PATTON CONSULTANTS, LTD.

SHEET 1 OF 2

95-307-A



OPEN SPACE PROPOSAL

Local Open Space Type	Acres
Active Open Space	0
100 Year Flood Plain	0.47
Forest Buffer	12.36
Amenity Area	1.79
Utility and Corridor	0
Other	0
Total Proposed	14.62

SITE DATA

Use	Acres	Units Allowed	Density Units	Proposed
DR-2	19.73	59	10	10
Total	19.73	59		

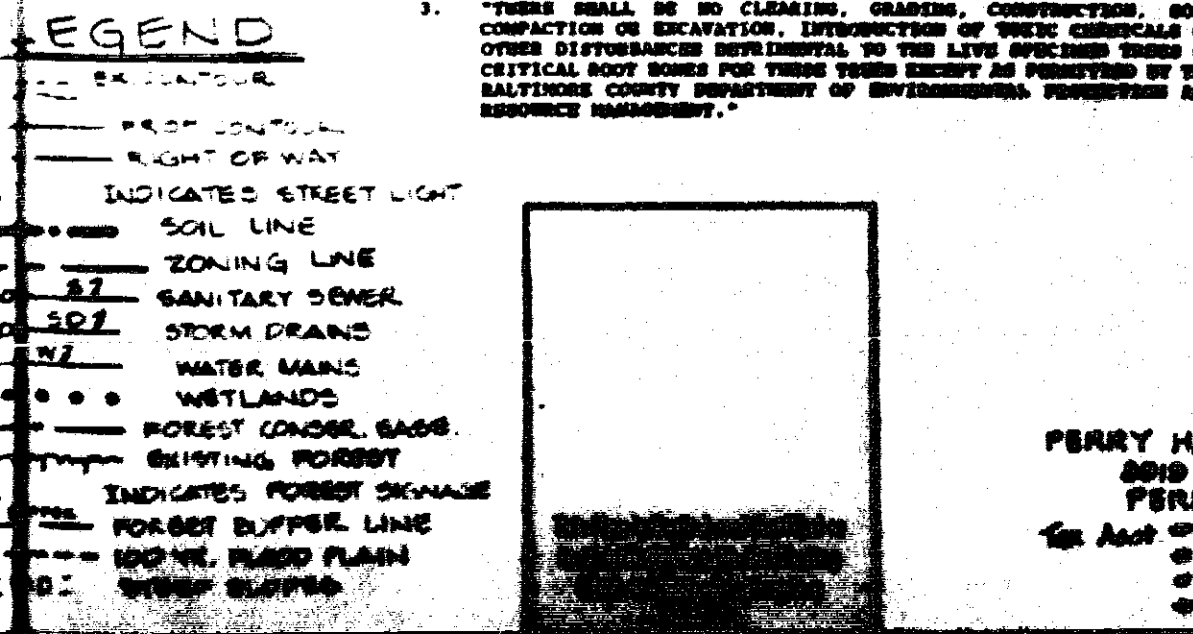
SITE DEVELOPMENT PROPOSAL

Use	Proposed Units	Building Footprint	Publicly Owned	Open Space	Open Space Proposed	Area	Phase	Setback
Single Family	10	30	30	0.57		180	10 Lots	

I, A. RAYMOND GUIDICE, certify under oath that there are no delinquent accounts for any other development with respect to any of the following: The applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.

FORREST CONSERVATION NOTES

Developed Area	Acres
Open Water Management	1.74
COCA Area	0
Other	18.86
Total Proposed	14.90



**DEVELOPMENT PLAN/
FINAL DEVELOPMENT PLAN
GUNVIEW II**

ELECTION DISTRICT 11C6
SCALE: 1"=80'
BALTIMORE COUNTY, MD
MARCH 20 1995
ZADM * XI-712

OWNER
PERRY HALL BAPTIST CHURCH
3019 SCHROEDER AVE
PERRY HALL, MD 21236
Tel: 410-321-1111

DEVELOPER
PATTON
666 ZOO BLVD
CATON, MD 21115
Tel: 410-321-1111

DEVELOPER
GUNVIEW FARMS II LTD PARTNERSHIP
4600 DEVELOPMENT, INC.
5722 BIRCHMERE COURT
OWING MILLS, MD 21117

