

IN RE: PETITION FOR VARIANCE
S/S Johnnycake Road, W of
Fairbrook Road
(Stonegate at Patapsco)
1st Election District
1st Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-316-A

J.R. Development Corp. - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance for that property located within the development of Stonegate at Patapsco, formerly known as the Azrael Property, located on the south side of Johnnycake Road, West of Fairbrook Road in the vicinity of Randallstown. The Petition was filed by the owners of the property, J. R. Development Corporation, by Jonathan A. Azrael, Esquire, President and attorney for the Petitioners. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 101 of the B.C.Z.R. to permit up to eight (8) townhouses in an attached group in lieu of the permitted six (6); from Section 1B01.2.C.1 of the B.C.Z.R. and Section V.B.3 of the C.M.D.P. to permit a minimum separation between townhouse groups of 20 feet in lieu of the required minimum of up to 40 feet; from Section 1B01.2.C.2.b and V.B.6.c of the C.M.D.P. to permit a window to window separation between townhouse groups of 20 feet in lieu of the required 40 feet; from Section 1B01.2.C.1 of the B.C.Z.R. and Section V.B.3 of the C.M.D.P. to permit a minimum distance between proposed townhouse groups and existing condominium buildings of 30 feet in lieu of the required 40 feet; from Section 1B01.2.C.2.b of the B.C.Z.R. and V.B.6.c of the C.M.D.P. to permit a window to window separation between townhouse groups and existing condominiums of 30 feet in lieu of the required 40

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feet; from Section V.B.6.a of the C.M.D.P. to allow a window to side street right-of-way setback of 15 feet in lieu of the required 25 feet; from Section 1B01.2.C.6 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to side property line setback of 10 feet in lieu of the required 15 feet; from Sections 301.1 and 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit an open projection (deck) setback of 23 feet in lieu of the required 26.25 feet required where a window to tract boundary setback is applicable; from Section 301.1 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit an open projection (deck) setback of 3 feet in lieu of the required 11.25 feet required where a window to property line setback is applicable; from Section V.B.7 of the C.M.D.P. to permit private yard space of 400 sq.ft. in lieu of the required 500 sq.ft.; and from Section V.B.6.d of the C.M.D.P. to permit a front window to travel way centerline setback of 50 feet in lieu of the required 53 feet where perpendicular parking is provided, and 40 feet in lieu of the required 50 feet where perpendicular parking is not provided. The subject property and relief sought are more particularly described within the Petition for Variance filed and the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jonathan Azrael, Esquire, President and attorney for J. R. Development Corporation, Richard Azrael, a Partner, and David S. Thaler and Alan Scoll, Registered Professional Engineers with D. S. Thaler and Associates, Inc., who prepared the site plan for this development. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 60.453 acres, more or less, split zoned D.R. 10.5 (0-2), D.R. 5.5 and R.C.3. The property is an irregularly shaped

parcel of land located between Johnnycake Road and Interstate 70. The proffered testimony presented by Mr. Thaler revealed that this property was previously approved through the C.R.G. process for 494 apartments and 26 townhouse units. Some of the apartment buildings have already been constructed. The property owner now proposes to alter the originally approved plan to reduce the number of apartments to 218 units and increase the number of townhouse units from 26 to 232. The proposed development will also contain 5 single family detached houses. In essence, the Petitioner proposes to reduce the number of apartments by 276 while raising the number of townhouse units by 206 units, resulting in a net loss of 70 density units. The total number of units proposed is far below the 567 density units that are allowable for this entire project.

Further testimony offered by Mr. Thaler indicated that the proposed changes will maintain similar development patterns as were previously approved at the C.R.G. level. He further testified that there are similar projects in existence on both sides of the proposed development and that this project is in keeping with the character of the surrounding locale.

Mr. Thaler also testified that the Developer may elect to make minor alterations to the design and layout of the proposed buildings. As long as those minor alterations are within the spirit and intent of the plan submitted at the hearing and marked into evidence as Petitioner's Exhibit 1, then the necessity for a further hearing on those minor alterations would not be necessary. In order to make the proposed modifications to the plan as set forth herein, the requested variances are necessary.

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."

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

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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

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Date

By

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.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of April, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 101 of the B.C.Z.R. to permit up to eight (8) townhouses in an attached group in lieu of the permitted six (6); from Section 1B01.2.C.1 of the B.C.Z.R. and Section V.B.3 of the C.M.D.P. to permit a minimum separation between townhouse groups of 20 feet in lieu of the required minimum of up to 40 feet; from Section 1B01.2.C.2.b and V.B.6.c of the C.M.D.P. to permit a window to window separation between townhouse groups of 20 feet in lieu of the required 40 feet; from Section

1B01.2.C.1 of the B.C.Z.R. and Section V.B.3 of the C.M.D.P. to permit a minimum distance between proposed townhouse groups and existing condominium buildings of 30 feet in lieu of the required 40 feet; from Section 1B01.2.C.2.b of the B.C.Z.R. and V.B.6.c of the C.M.D.P. to permit a window to window separation between townhouse groups and existing condominiums of 30 feet in lieu of the required 40 feet; from Section V.B.6.a of the C.M.D.P. to allow a window to side street right-of-way setback of 15 feet in lieu of the required 25 feet; from Section 1B01.2.C.6 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to side property line setback of 10 feet in lieu of the required 15 feet; from Sections 301.1 and 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit an open projection (deck) setback of 23 feet in lieu of the required 26.25 feet required where a window to tract boundary setback is applicable; from Section 301.1 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit an open projection (deck) setback of 3 feet in lieu of the required 11.25 feet required where a window to property line setback is applicable; from Section V.B.7 of the C.M.D.P. to permit private yard space of 400 sq.ft. in lieu of the required 500 sq.ft.; and from Section V.B.6.d of the C.M.D.P. to permit a front window to travel way centerline setback of 50 feet in lieu of the required 53 feet where perpendicular parking is provided, and 40 feet in lieu of the required 50 feet where perpendicular parking is not provided, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

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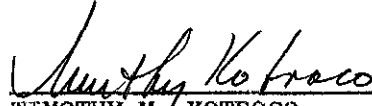
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has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with the Zoning Plans Advisory Committee comments submitted by the various Baltimore County reviewing agencies and made a part of the case file.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

April 25, 1995

(410) 887-4386

Jonathan A. Azrael, Esquire
101 E. Chesapeake Avenue, 5th Floor
Baltimore, Maryland 21286

RE: PETITION FOR VARIANCE
S/S Johnnycake Road, W of Fairbrook Road
(Stonegate at Patapsco)
1st Election District - 1st Councilmanic District
J.R. Development Corp. - Petitioners
Case No. 95-316-A

Dear Mr. Azrael:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. David S. Thaler, D. S. Thaler & Associates, Inc.
7115 Ambassador Road, Baltimore, Md. 21244

People's Counsel

File

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Petition for Variance

95-316-A

to the Zoning Commissioner of Baltimore County

for the property located at 55 Johnnycake Road, West of Fairbrook Road
which is presently zoned 0-2

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)

(SEE ATTACHED LIST)

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

The narrow configuration of the property causes hardship and/or practical difficulty in developing the property for townhouses, consistent with existing zoning and regulations.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

N.A.
(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

N.A. Jonathan A. Azrael
(Type or Print Name)

Signature

101 E. Chesapeake Ave. 5th Fl.
Address Phone No. 521-6800
BALTO MD. 21286
City State Zipcode

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

Legal Owner(s):

J.R. Development Corporation
(Type or Print Name)

By: Jonathan A. Azrael
Signature

(Type or Print Name)

Signature

8805 Columbia 100 Parkway, Ste. 100
Address Phone No

Columbia, Maryland 21045
City State Zipcode
Name, Address and phone number of representative to be contacted

D.S. Thaler
Name

7115 Ambassador Road, Balto. MD
Address 21244 944-3647
Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hour
unavailable for Hearing

the following dates Next Two Months

ALL OTHER
REVIEWED BY: MSH DATE 3/10/95

Printed with Soybean Ink
on Recycled Paper



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STONEGATE VARIANCES

95-316-A

- B 1. SECTION 101 (BCZR) TO ALLOW UP TO EIGHT (8) TOWNHOUSES IN AN ATTACHED GROUP IN LIEU OF SIX (6) PERMITTED.
- B 2. (a) 1B01.2.C.1. (BCZR) AND V.B.3. (CMDP) TO ALLOW A MINIMUM 20' SEPARATION BETWEEN TOWNHOUSE BUILDING GROUPS IN LIEU OF UP TO 40' REQUIRED.
- B 2. (b) 1B01.2.C.2.b. (BCZR) AND V.B.6.c. (CMDP) TO ALLOW A 20' WINDOW-TO-WINDOW SEPARATION BETWEEN TOWNHOUSE GROUPS IN LIEU OF THE REQUIRED 40'.
- B 3. (a) 1B01.2.C.1. (BCZR) AND V.B.3. (CMDP) TO ALLOW A MINIMUM OF 30' BETWEEN PROPOSED TOWNHOUSES AND EXISTING CONDOMINIUM BUILDINGS IN LIEU OF REQUIRED 40'.
- B 3. (b) 1B01.2.C.2.b. (BCZR) AND V.B.6.c (CMDP) TO ALLOW 30' WINDOW-TO-WINDOW SEPARATION BETWEEN TOWNHOUSE GROUPS AND EXISTING CONDOMINIUMS IN LIEU OF THE REQUIRED 40'.
- B 4. V.B.6.a (CMDP) TO ALLOW A 15' WINDOW-TO-SIDE STREET RIGHT-OF-WAY SETBACK IN LIEU OF 25' REQUIRED.
- B 5. 1B01.2.C.6 (BCZR) AND V.B.6.b. (CMDP) TO ALLOW A 10' WINDOW-TO-SIDE PROPERTY LINE SETBACK IN LIEU OF 15' REQUIRED.
- B 6. (a) 301.1 (BCZR), 1B01.2.C.2.a. (BCZR) AND V.B.5.a. (CMDP) TO ALLOW AN OPEN PROJECTION (DECK) SETBACK OF 23' IN LIEU OF 26.25' REQUIRED WHERE A WINDOW-TO-TRACT-BOUNDARY SETBACK IS APPLICABLE.
- B 6. (b) 301.1 (BCZR) AND V.B.6.b. (CMDP) TO ALLOW AN OPEN PROJECTION (DECK) SETBACK OF 3' IN LIEU OF 11.25' REQUIRED WHERE A WINDOW-TO-PROPERTY-LINE SETBACK IS APPLICABLE.
- B 7. V.B.7. (CMDP) TO PERMIT PRIVATE YARD SPACE OF 400 SQUARE FEET IN LIEU OF 500' SQUARE FEET REQUIRED.
- B 8. V.B.6.d. (CMDP) TO PERMIT A 50' FRONT WINDOW TO TRAVEL WAY CENTERLINE SETBACK IN LIEU OF 53' WHERE PERPENDICULAR PARKING IS PROVIDED; AND 40' IN LIEU OF 50' WHERE PERPENDICULAR PARKING IS NOT PROVIDED.

STONEGATE AT PATAPSCO - VARIANCES

BLDG. #1 (LOTS 1-8)

B1, B2 (a&b), B3 (a&b), B5, B6 (a)

BLDG. #2 (LOTS 9-16)

B1, B2 (a&b), B5, B6 (a)

BLDG. #3 (LOTS 17-24)

B1, B4, B5, B6 (b), B7

BLDG. #4 (LOTS 25-31)

B1, B5, B6 (b), B7, B8

BLDG. #5 (LOTS 32-37)

B2 (a&b), B5, B6 (b)

BLDG. #6 (LOTS 38-43)

B2 (a&b), B4, B5, B6 (b)

BLDG. #7 (LOTS 44-51)

B1, B2 (a&b), B4, B5, B6 (b)

BLDG. #8 (LOTS 52-59)

B1, B2 (a&b), B5, B6 (b)

BLDG. #9 (LOTS 60-66)

B1, B3 (a&b), B4, B6 (b)

BLDG. #10 (LOTS 67-74)

B1, B2 (a&b), B4, B5, B6 (b), B8

BLDG. #11 (LOTS 75-82)

B1, B2 (a&b), B5, B6 (b)

BLDG. #12 (LOTS 83-89)

B1, B2 (a&b), B4, B5, B6 (b)

BLDG. #13 (LOTS 90-94)

B2 (a&b), B5, B6 (b)

BLDG. #14 (LOTS 95-101)

B1, B2 (a&b) B5, B6 (b), B7, B8

BLDG. #15 (LOTS 102-106)

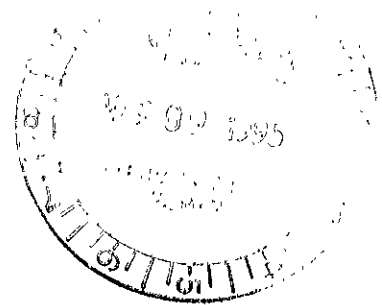
B2 (a&b), B4, B5, B6 (b), B7, B8

BLDG. #16 (LOTS 107-111)

B2 (a&b), B4, B5, B6 (b), B7, B8

BLDG. #17 (LOTS 112-117)

B2 (a&b), B5, B6 (b), B7, B8



BLDG. #18 (LOTS 118-123)
B4, B6 (b), B7

BLDG. #19 (LOTS 124-129)
B2 (a&b), B5, B6 (b), B8

BLDG. #20 (LOTS 130-135)
B2 (a&b), B5, B6 (b), B8

BLDG. #21 (LOTS 136-140)
B2 (a&b), B5, B6 (b)

BLDG. #22 (LOTS 141-145)
B2 (a&b), B5, B6 (b)

BLDG. #23 (LOTS 146-152)
B1, B2 (a&b), B4, B5, B6 (b)

BLDG. #24 (LOTS 153-158)
B2 (a&b), B4, B5, B6 (b)

BLDG. #25 (LOTS 159-166)
B1, B2 (a&b), B5, B6 (a)

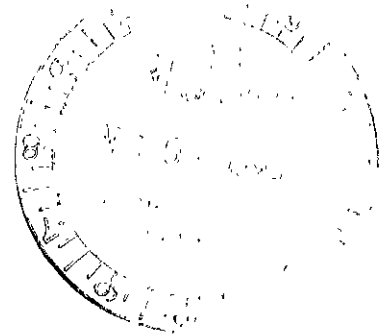
BLDG. #26 (LOTS 167-174)
B1, B2 (a&b), B5, B6 (a)

BLDG. #27 (LOTS 175-182)
B1, B2 (a&b), B5, B6 (a)

BLDG. #28 (LOTS 183-190)
B1, B2 (a&b), B5, B6 (a)

BLDG. #29 (LOTS 191-198)
B1, B2 (a&b), B5, B6 (a)

BLDG. #30 (LOTS 199-206)
B1, B2 (a&b), B5, B6 (a)



95-316-A

DESCRIPTIONS FOR ZONING PURPOSES ONLY
STONEGATE AT PATAPSCO

1. South $29^{\circ}15'30''$ West, 1,689.60 feet, more or less, to a point; thence,
2. South $60^{\circ}44'30''$ East, 39.60 feet, more or less, to a point; thence,
3. South $29^{\circ}15'30''$ West, 46.20 feet, more or less, to a point; thence,
4. North $60^{\circ}44'30''$ West, 39.60 feet, more or less, to a point; thence,
5. South $29^{\circ}15'30''$ West 1,406.91 feet, more or less, to a point; thence,
6. 442.03 feet curving to the right, having a radius of 11,309.16 feet, more or less, to a point; thence,
7. North $85^{\circ}27'11''$ West, 722.43 feet, more or less, to a point; thence,
8. North $04^{\circ}32'49''$ East, 267.81 feet, more or less, to a point; thence,

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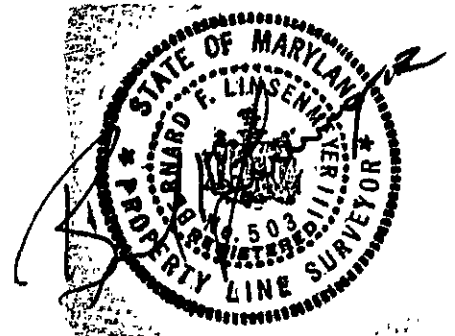
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March 4, 1995
DESCRIPTIONS FOR ZONING PURPOSES ONLY
STONEGATE AT PATAPSCO

9. South 78°36'27" East, 514.14 feet, more or less, to a point;
thence,
10. North 43°20'15" East, 869.12 feet, more or less, to a point;
thence,
11. North 17°51'22" East, 2,119.72 feet, more or less, to a point;
thence,
12. South 76°47'16" East, 469.50 feet, more or less, to a point
thence,
13. South 83°56'17" East, 471.24 feet, more or less, to the point
of beginning.

Containing approximately 49.81 acres or land, more or less.

Located in the First Election district of Baltimore County, Maryland. Being part of that land recorded among the land records of Baltimore County in Plat Book 67/20 and 64/148 and Deed References 7797/838, 7849/613, 7849/616 and 8203/221.

Saving and Excepting from the above described land, Lot Numbers 1, 4 and 5 as shown on a Subdivision Plat entitled "Resubdivision, Section One, Stonegate at Patapsco" as recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. No. 64 folio 148, said lots containing approximately 1.59 acres of land, more or less.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-316-1A

District: 1st

Date of Posting: 3/24/95

Posted for: Variances

Petitioner: Stonogate of Potapso

Location of property: s/s Johnny cake Rd., 300' w/Fairbrook Rd.

Location of Signs: Facing roadway, on property being zoned.

Remarks: _____

Posted by: M. Stables

Signature

Date of return: 3/31/95

Number of Signs: 1

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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:
95-316-A (Item 309)
"Stonegate at Patapsco"
S/S Johnnycake Road,
300' W of c/f Fairbrook Rd
1st Election District
1st Councilmanic

Legal Owner(s):
J.R. Development
Corporation

HEARING: WEDNESDAY,
APRIL 12, 1995 at 11:00
a.m. in Rm. 118, Old
Courthouse.

Variance: to allow up to 8 townhouses in an attached group in lieu of 6 permitted for lots 1-31 (bldg. 1-4), lots 44-89 (bldg. 7-12), lots 95-101 (bldg. 14), lots 148-152 (bldg. 23), and lots 159-206 (bldg. 25-30); to allow a minimum 20-ft. separation between townhouse bldg. groups in lieu of up to 40 ft. required for lots 1-16 (bldg. 1-2), lots 32-59 (bldg. 5-8), lots 67-117 (bldg. 10-17), and lots 124-206 (bldg. 19-30); to allow a 20-ft. window-to-window separation between townhouse groups in lieu of 40 ft. required for lots 1-16 (bldg. 1-2), lots 32-59 (bldg. 5-8), lots 67-117 (bldg. 10-17), and lots 124-206 (bldg. 19-30); to allow a minimum of 30 ft. between proposed townhouse and existing condominium bldg. in lieu of the required 40 ft. for lots 1-8 (bldg. 1) and lots 80-88 (bldg. 9); to allow 30-ft. window-to-

window separation between townhouse groups and existing condominiums in lieu of the required 40 ft. for lots 1-8 (bldg. 9); to allow a 15-ft. window-to-side street right of way setback in lieu of 25 ft. required for lots 17-24 (bldg. 3), lots 38-51 (bldg. 6-7), lots 60-74 (bldg. 9-10), lots 83-89 (bldg. 12), lots 102-111 (bldg. 15-16), and lots 146-158 (bldg. 23-24); to allow a 10-ft. window-to-side property line setback in lieu of 15 ft. required for lots 1-5 (bldg. 1-8), lots 67-117 (bldg. 10-17), and lots 124-206 (bldg. 19-30); to allow an open projection (deck) setback of 23 ft. in lieu of 26.25 ft. required where a window-to-tract boundary setback is applicable for lots 1-16 (bldg. 1-2), and lots 159-206 (bldg. 25-30); to allow an open projection (deck) setback of 3 ft. in lieu of 11.25 ft. required where a window-to-property line setback is applicable for lots 18-158 (bldg. 3-24); to permit private yard space of 400 square ft. in lieu of 500 square ft. required for lots 17-31 (bldg. 3-4), and lots 95-123 (bldg. 14-18); and to permit a 50-ft. front window to travel-way centerline setback in lieu of 53 ft. where perpendicular parking is provided and 40 ft. in lieu of 50 ft. where perpendicular parking is not provided for lots 25-31 (bldg. 4), lots 67-74 (bldg. 10), lots 95-117 (bldg. 14-17), and lots 124-135 (bldg. 19-20).

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.

3/318 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. Henriksen

LEGAL AD. - TOWSON

~~Publisher~~

NOTED BY THE TOWSON



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

receipt

95-316-A

Account: R-001-6150

Number

Date

3/10/95

Item: 309

Taken In: 25K
By

J. R. Development Corp - s/s at Johnsgate Rd.
W at Fairbrook Rd
(Stonegate at Patapsco)

070 - multi lot variance — \$ 650.00

080 - 1 sign — \$ 35.00

\$ 685.00

MICROFILMED

DEADWOODS CHILL
BY COLLIER/003-11-93

1665 100

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 309

Petitioner: J.R. Development Corp

Location: South side of Johnstown Rd, 300 ft west of Fairbrook Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Jonathan A. Azrael

ADDRESS: 101 E. Chesapeake Ave. 5th floor

Balto. Md. 21286

PHONE NUMBER: 821-6800

AJ:ggs

(Revised 04/09/93)



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 20, 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 Bldg., 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-316-A (Item 309)

"Stonegate at Patapsco"

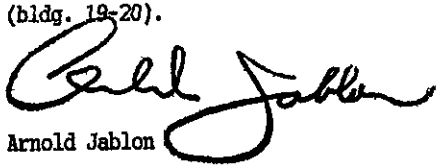
S/S Johnnycake Road, 300' W of c/l Fairbrook Road

1st Election District - 1st Councilmanic

Legal Owner(s): J.R. Development Corporation

HEARING: WEDNESDAY, APRIL 12, 1995 at 11:00 a.m. Rm 118, Old Courthouse.

Variance to allow up to 8 townhouses in an attached group in lieu of 6 permitted for lots 1-31 (bldg. 1-4), lots 44-89 (bldg. 7-12), lots 95-101 (bldg. 14), lots 146-152 (bldg. 23), and lots 159-206 (bldg. 25-30); to allow a minimum 20-ft. separation between townhouse bldg. groups in lieu of up to 40 ft. required for lots 1-16 (bldg. 1-2), lots 32-59 (bldg. 5-8), lots 67-117 (bldg. 10-17), and lots 124-206 (bldg. 19-30); to allow a 20-ft. window-to-window separation between townhouse groups in lieu of the required 40 ft. for lots 1-16 (bldg. 1-2), lots 32-59 (bldg. 5-8), lots 67-117 (bldg. 10-17), and lots 124-206 (bldg. 19-30); to allow a minimum of 30 ft. between proposed townhouses and existing condominium bldg. in lieu of the required 40 ft. for lots 1-8 (bldg. 1) and lots 60-66 (bldg. 9); to allow 30 ft. window-to-window separation between townhouse groups and existing condominiums in lieu of the required 40 ft. for lots 1-8 (bldg. 9); to allow a 15-ft. window-to-side street right of way setback in lieu of 25 ft. required for lots 17-24 (bldg. 3), lots 38-51 (bldg. 6-7), lots 60-74 (bldg. 9-10), lots 83-89 (bldg. 12), lots 102-111 (bldg. 15-16), and lots 146-158 (bldg. 23-24); to allow a 10-ft. window-to-side property line setback in lieu of 15 ft. required for lots 1-59 (bldg. 1-8), lots 67-117 (bldg. 10-17), and lots 124-206 (bldg. 19-30); to allow an open projection (deck) setback of 23 ft. in lieu of 26.25 ft. required where a window-to-tract boundary setback is applicable for lots 1-16 (bldg. 1-2), and lots 159-206 (bldg. 25-30); to allow an open projection (deck) setback of 3 ft. in lieu of 11.25 ft. required where a window-to-property line setback is applicable for lots 18-158 (bldg. 3-24); to permit private yard space of 400 square ft. in lieu of 500 square ft. required for lots 17-31 (bldg. 3-4), and lots 95-123 (bldg. 14-18); and to permit a 50-ft. front window to travel-way centerline setback in lieu of 53 ft. where perpendicular parking is provided and 40 ft. in lieu of 50 ft. where perpendicular parking is not provided for lots 25-31 (bldg. 4), lots 67-74 (bldg. 10), lots 95-117 (bldg. 14-17), and lots 124-135 (bldg. 19-20).


Arnold Jablon

cc: J. R. Development Corporation
Jonathan Azreal

MICROFILMED: D.S. Thaler
(Not typed as it would have HAD
notice so to rec page)

- 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 5, 1995

Mr. Jonathan A. Azrael
101 E. Chesapeake Ave., 5th floor
Baltimore, Maryland 21286

RE: Item No.: 309
Case No.: 95-316-A
Petitioner: J. R. Development
Johnny Cake Road

Dear Mr. Azrael:

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 10, 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 dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



RECEIVED

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

FROM: J. Lawrence Pilson *JLP/lms*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #309 - Stonegate at Patapsco
55 Johnny Cake Road
Zoning Advisory Committee Meeting of March 20, 1995

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

STONEGAT/DEPRM/TXTSBP

MICROFILMED

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 23, 1995

SUBJECT: S/S Johnnycake Road, W of Fairbrook Road

INFORMATION:

Item Number: 309
Petitioner: J.R. Development Corporation
Property Size: _____
Zoning: O-2
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant has filed a blanket Variance request for the Stonegate at Patapsco development.

The CRG approved a material amendment to the plan on February 16, 1995.

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.

Should the request be granted, the applicant should provide the following for review and approval prior to issuance of building permits:

- a detailed architectural elevation drawing to the director of OPZ
- a landscape plan to the landscape architect for Baltimore County

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kerns

PK/JL

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

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

RE: Zoning Advisory Committee Meeting
for March 27, 1995
Item No. 309

The Developers Engineering Section has reviewed the subject zoning item. Additional landscaping may be required where the Landscape Coordinator determines it is needed to help mitigate the effects of the variances.

RWB:sw

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: J. R. DEVELOPEMENT CORPORATION

LOCATION: S/S JOHNNYCAKE RD., 300' W OF CENTERLINE FAIRBROOK RD.
(STONEGATE AT PATAPSCO)

Item No.: 309

Zoning Agenda: 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.

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

MAR 24 1995

MICROFILMED

ZADM

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

cc: File



PETITION PROBLEMS - AGENDA OF 3/205

#304 -- JRA

1. No address, zip code, or telephone number for legal owner.
2. No authorization for person signing for legal owner.
3. Review information on petition form not completed.

#305 -- MJK

1. Need attorney - improvement association is incorporated.

#307 -- JCM

1. No telephone number for legal owner.

#309 -- MJK

1. No telephone number for legal owner.

MICROFILMED

RE: PETITION FOR VARIANCE
"Stonegate at Patapsco", S/S Johnnycake
Road, 300' W of c/l Fairbrook Road
1st Election District, 1st Councilmanic

J.R. Development Corporation
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-316-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 Jonathan A. Azrael, Esquire, 101 E. Chesapeake Avenue, 5th Floor, Towson, MD 21286, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

00506001 21 MAR 1995



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

July 15, 1998

Ms. Stacey A. McArthur
D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, MD 21244

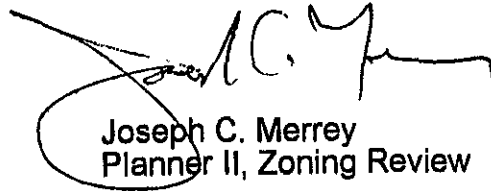
Dear Ms. McArthur:

RE: Stonegate at Patapsco, Zoning Case #95-316-A, 1st Election District

Pursuant to your request of July 6, 1998 regarding the above-referenced matter, please be advised that the submitted red-lined changes are considered as being within the spirit and intent of zoning case #95-316-A. Prior to final zoning approval, the Final Development Plan must be amended and the amended CRG plan approved.

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.

Sincerely,



Joseph C. Merrey
Planner II, Zoning Review

JCM:rye

Enclosure



D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244

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

July 6, 1998

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

RE: Stonegate at Patapsco
(formerly known as Azrael Property)
"Spirit and Intent" Request
Zoning Case 95-316A

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 Site Plan presented in Zoning Case 95-316A.

The relief requested in Case 95-316A was granted by the Deputy Zoning Commissioner on April 25, 1995. In June of 1995, a "Spirit and Intent" request was granted for Section I, in which 16 foot wide townhouses were replaced with a mixture of 18 and 20 foot wide units.

A similar revision is proposed for Section II. A mix of 18-foot and 20-foot wide standard and garage units are proposed in lieu of the 16-foot wide units resulting in a net reduction in density.

The enclosed "red-lined" plan proposes simply to utilize the previously granted variance requests, with only some slight shifting of the locations of the specific variances. No new variances are requested or required.

The Development Review Committee (DRC) approved this revision as a "refinement" to the CRG on March 23, 1998.

Page 2

Mr. Arnold E. Jablon
Stonegate at Patapsco
July 6, 1998

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, R.L.A.

Enclosure

cc: Richard Azreal
Mark S. Vaszil
Alan E. Scoll, R.L.A.

SAM/gf/D#4-98/Jablon/Stonegate/7/6/98



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, Stonegate at Patapsco, Case ~~96-498~~-SPHA,
1st Election District

Thank you for your letter of November 22, 1999 to Arnold Jablon, Director of Permits and Development Management. This correspondence has been referred to me for reply.

Please be advised the Zoning Office will consider the red-lined plan as within the spirit and intent of the variances granted within Zoning Cases 95-316A and 96-498-SPHA; however, the final development plan (FDP) must still be amended pursuant to Section 1B01.3A.7 of the Baltimore County Zoning Regulations. This may be accomplished by obtaining signatures of lot owners 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



11/24/99

APSCO April 7, 1969

DATE: November 24, 1999
RE: STONEGATE AT PATAPSCO
SECTION II
DST&A PN: 2286C
PDM # : _____

- ☒ Herewith
☐ Regular U.S. Mail
☒ Hand Delivered
☐ *Federal Express/Courier Service*

RECEIVED
99-3013
NOV 23 1999
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

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

Enclosure ☒ DOUG ESHELMAN
cc: file ☒
cc: Client ☒

STACEY A. MCARTHUR

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

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: Stonegate at Patapsco- Section II
"Spirit and Intent" Request
Zoning Case 95-316A

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 Zoning Petition presented to Zoning Case 95-316A.

On the enclosed red-lined plans, 18' wide interior townhouse units have been replaced with 20' wide townhouse units. This change does not affect the number of units proposed. The previously granted variances (case # 95-316A) will be utilized. No new variances will be requested or required.

Since the mid-1990s the zoning history of Section II is as follows:

Case #95-316A (April 25, 1995)

- * various set-back variances
- * variance for the number of units allowed in a row
- * variance for the reduction of private yard space

Spirit and Intent (case #95-316A) July 1998

- * replace 16' townhouses with a combination of 18' and 20' wide townhouse units.

No. 074391

05/9-10

AMOUNT

Ryland Thomas

\$40.00 (mk)

Stomach at Paterson

99-3013

YELLOW - CUSTOMER

三

DATE	TIME
12/15/1999	12:44:1999
12/15/1999	1:05:17

THE HOTEL DEAR JIM

628 218405 VERITATON

000001

06-01-2014

Report of

五、

Paula Abdul, *Paula Abdul*

CASHER'S VALIDATION

PLEASE PRINT CLEARLY

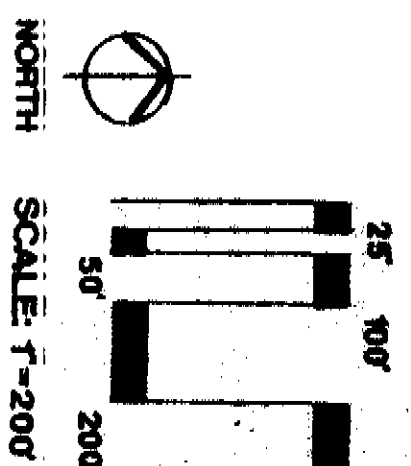
PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DS THALER }
ALAN SCOLL }
RICHARD AZRAEL

2115 AMBASSADOR RD
BALTIMORE MD 21244
Columbia MD 21045



NORTH **SCALE: 1"=200'**



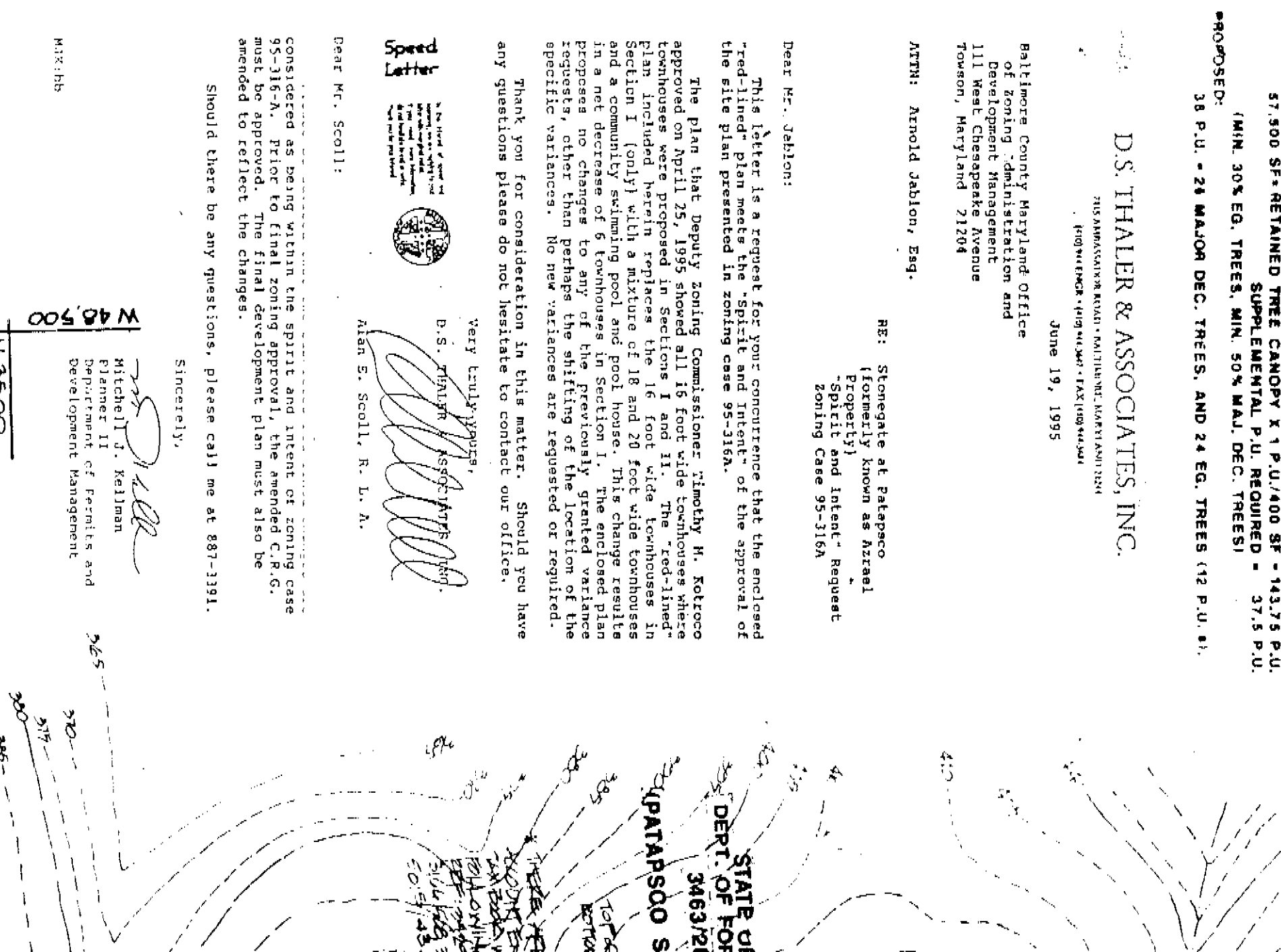
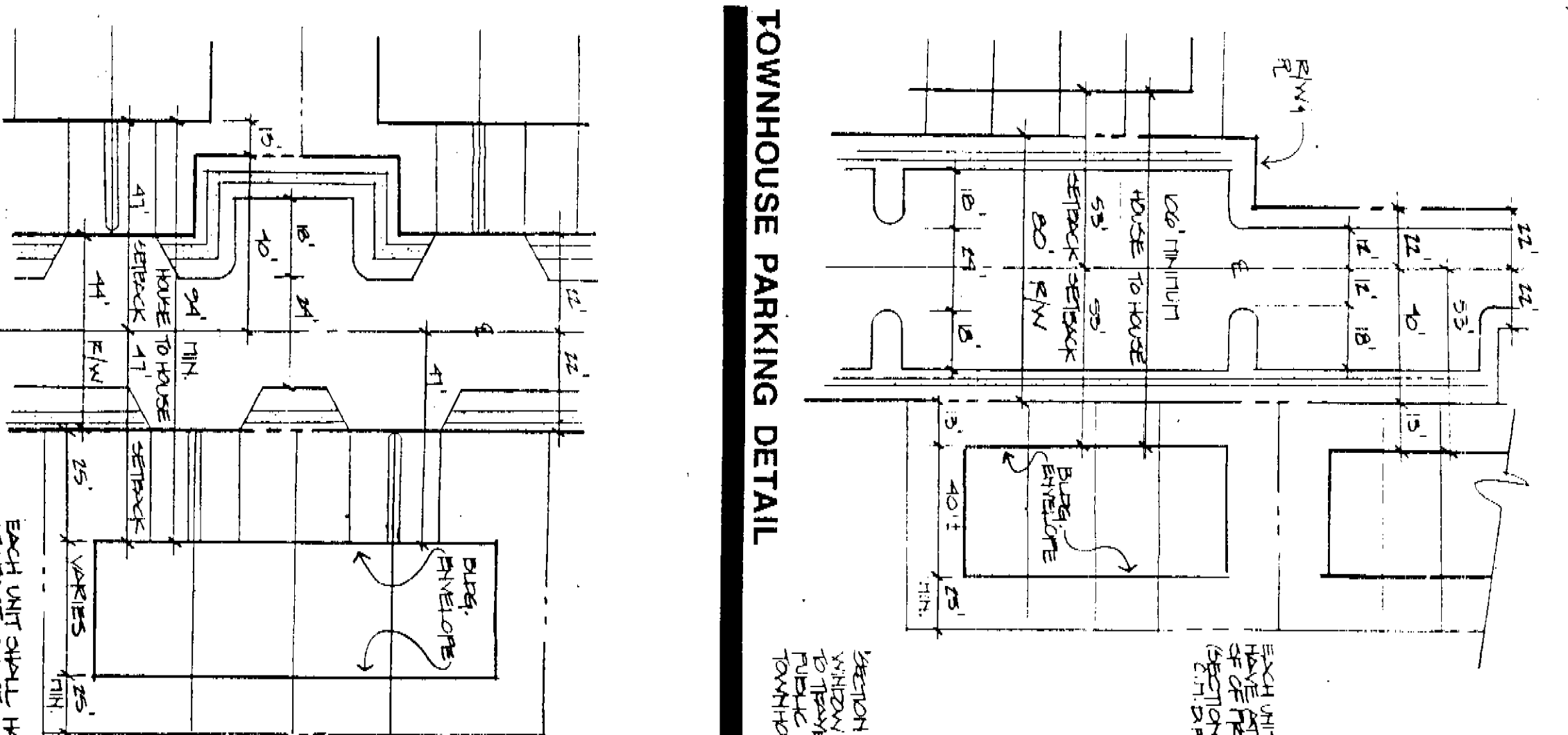
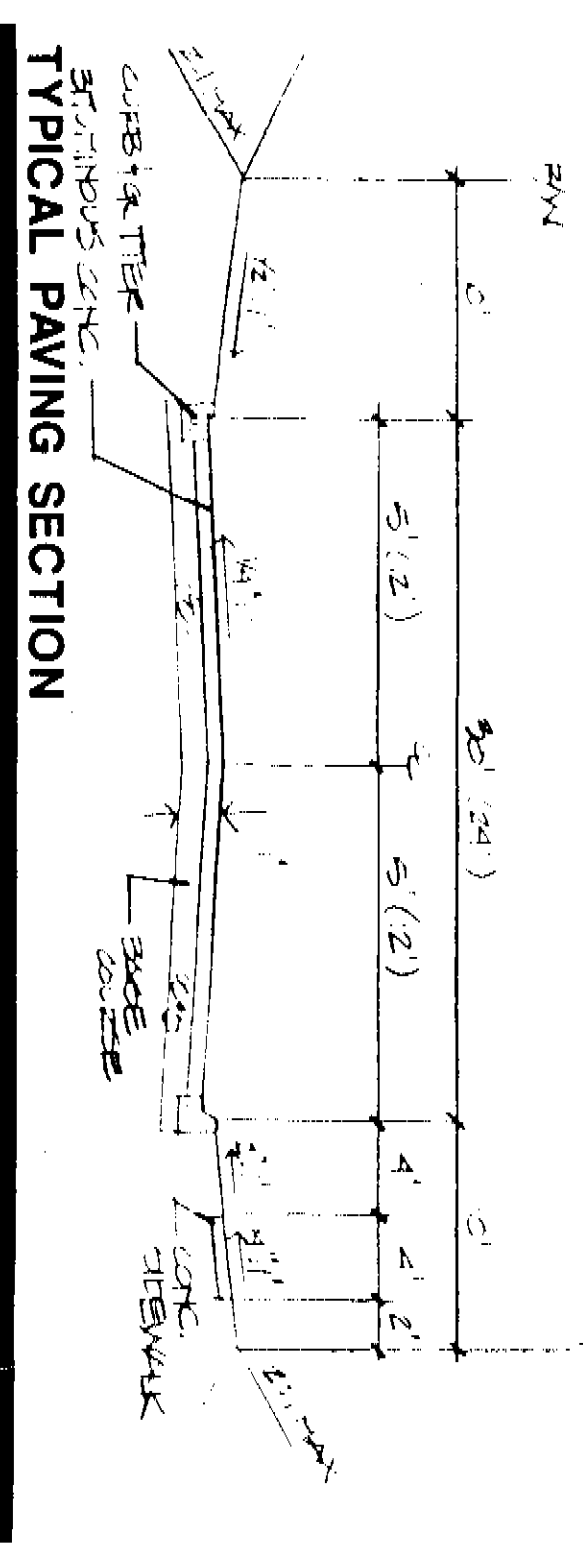
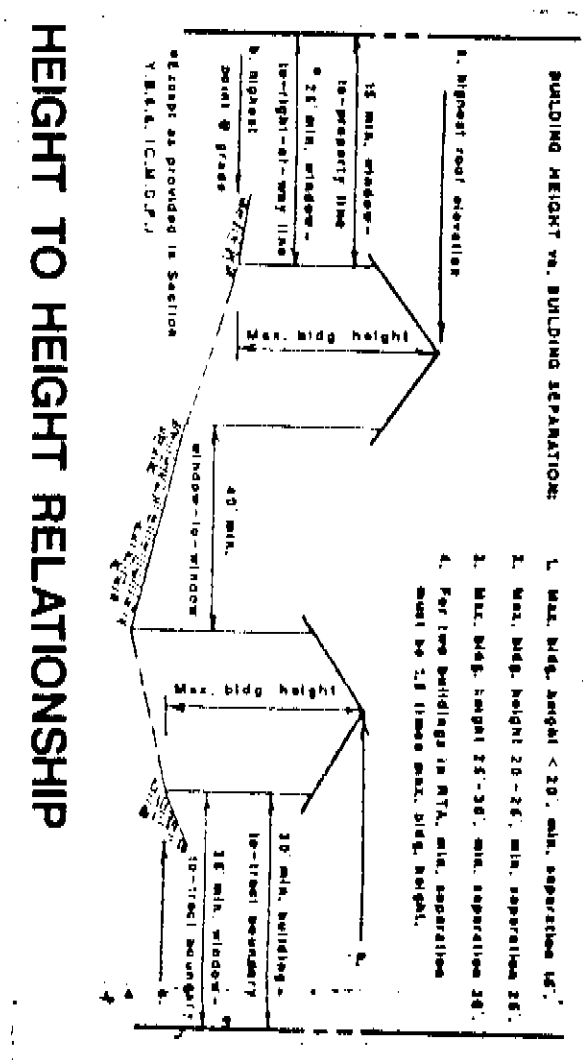
D.S. Thaler and Associates, Inc.

Baltimore, MD 21244

12-27-94

MICROFILMED

95-316-A



SECTION	NO	SCALE
SECTION I	1	AS SHOWN
SECTION II	2	AS SHOWN
SECTION III	3	AS SHOWN
SECTION IV	4	AS SHOWN
SECTION V	5	AS SHOWN

STONEGATE AT PATAPSCO

(FORMERLY KNOWN AS THE AZRAEL PROPERTY)

2nd AMENDED C.R.G. PLAN

OWNER/DEVELOPER

J.R. DEVELOPMENT CORPORATION
100 CHANTRELLE PARKWAY
SUITE 100
COLUMBIA, MARYLAND 21045
(301) 722-0400

D.S. THALER & ASSOC., INC.

CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
PLANNERS

7115 AMBASSADOR ROAD
BALTIMORE, MARYLAND 21207
(301) 944-3647

DT&A

PLAT TO ACCOMPANY ZONING PETITION

GENERAL NOTES

1. THE PROPERTY IS SHOWN AS BEING IN THE RESIDENTIAL ZONING DISTRICT OF BALTIMORE COUNTY, MARYLAND.

2. THE PROPERTY IS SHOWN AS BEING IN THE RESIDENTIAL ZONING DISTRICT OF BALTIMORE COUNTY, MARYLAND.

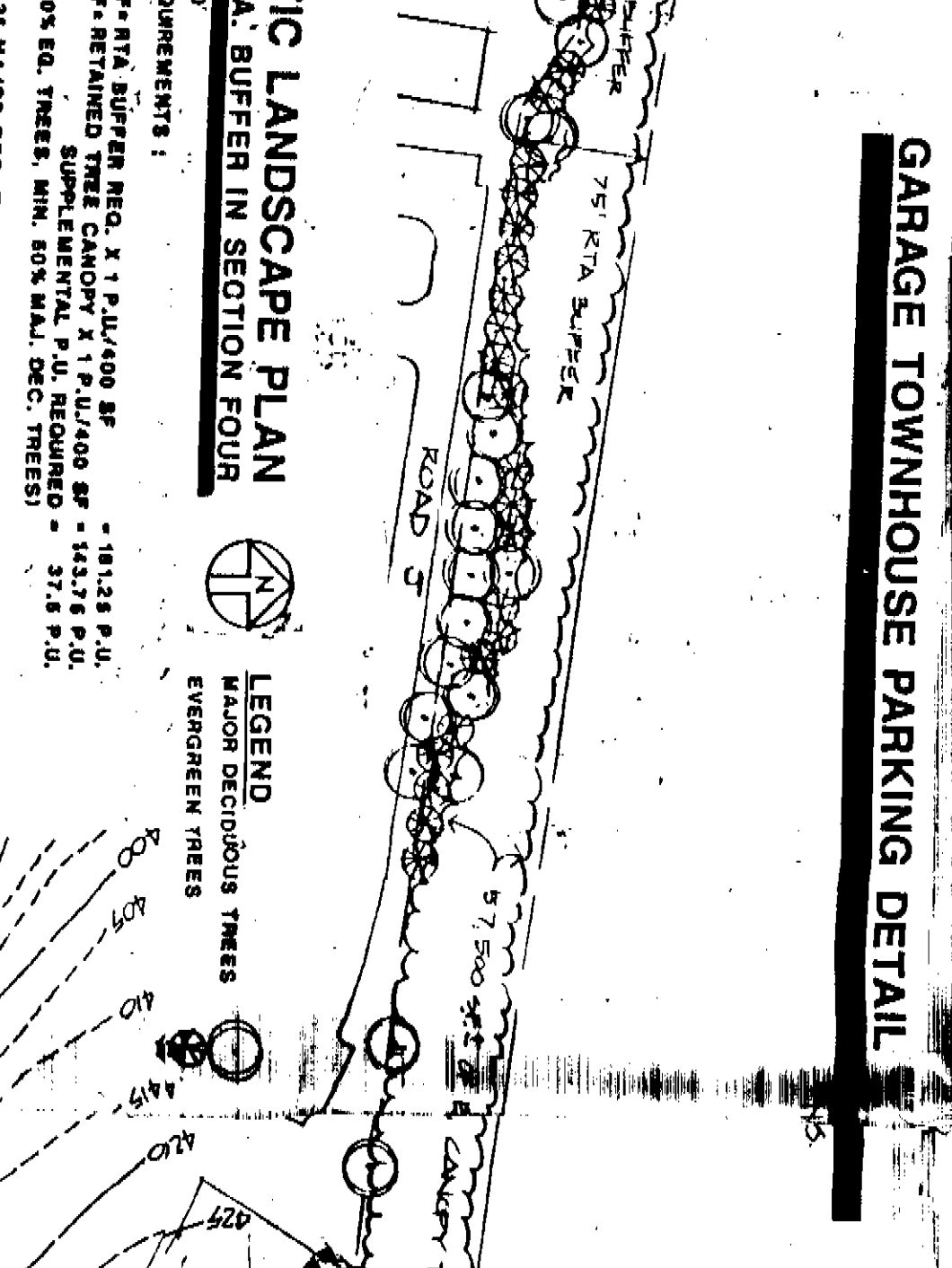
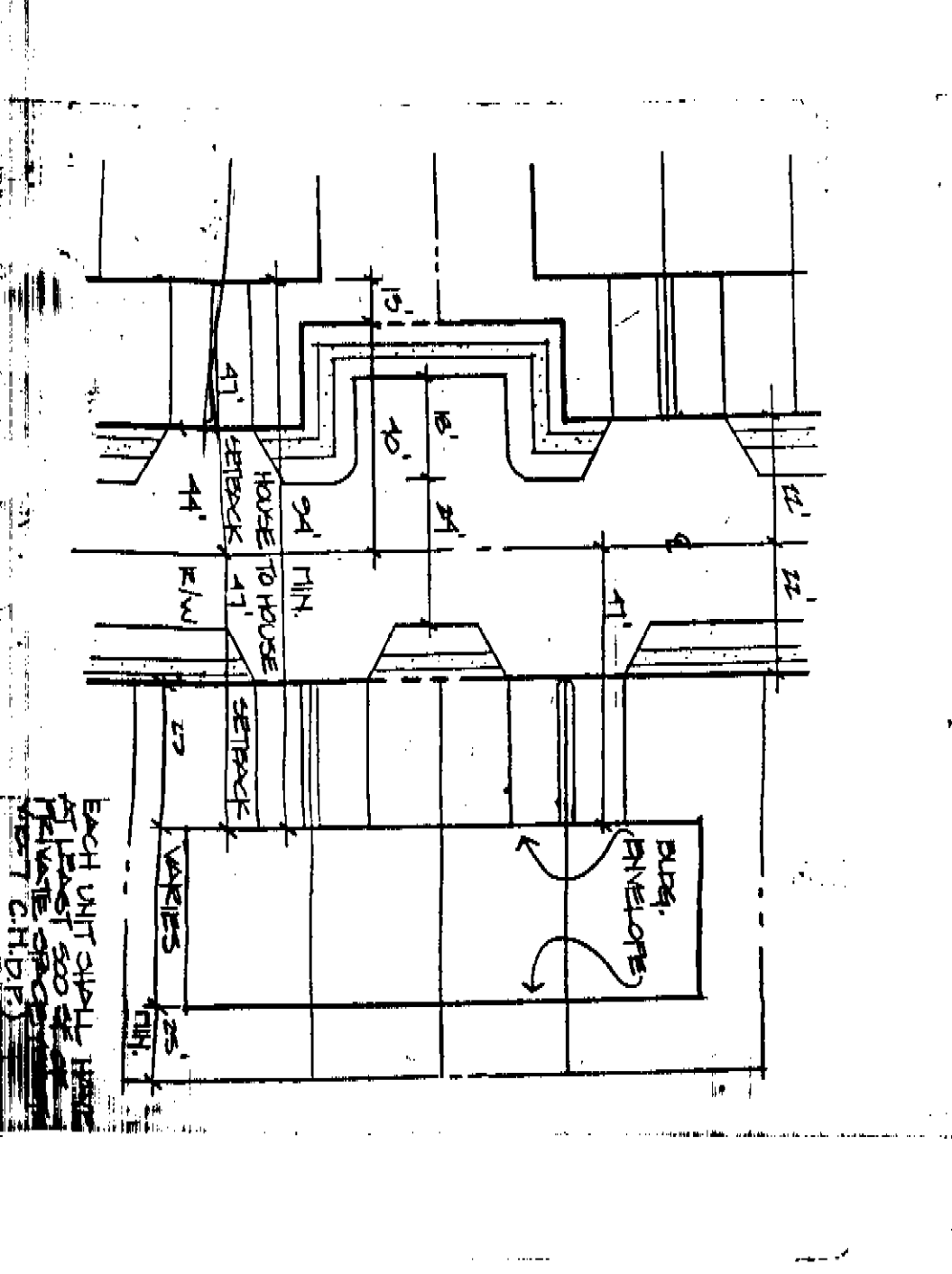
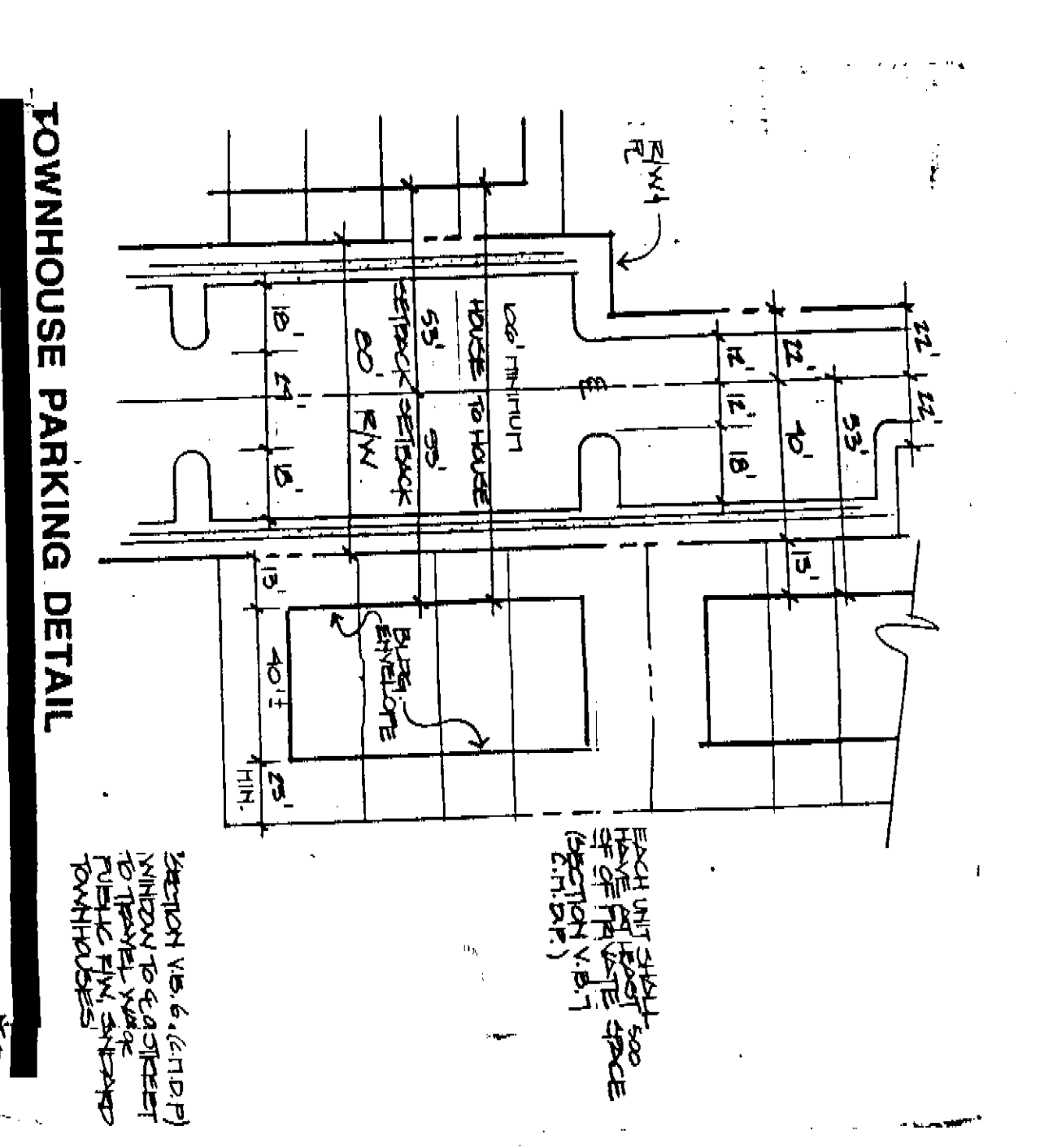
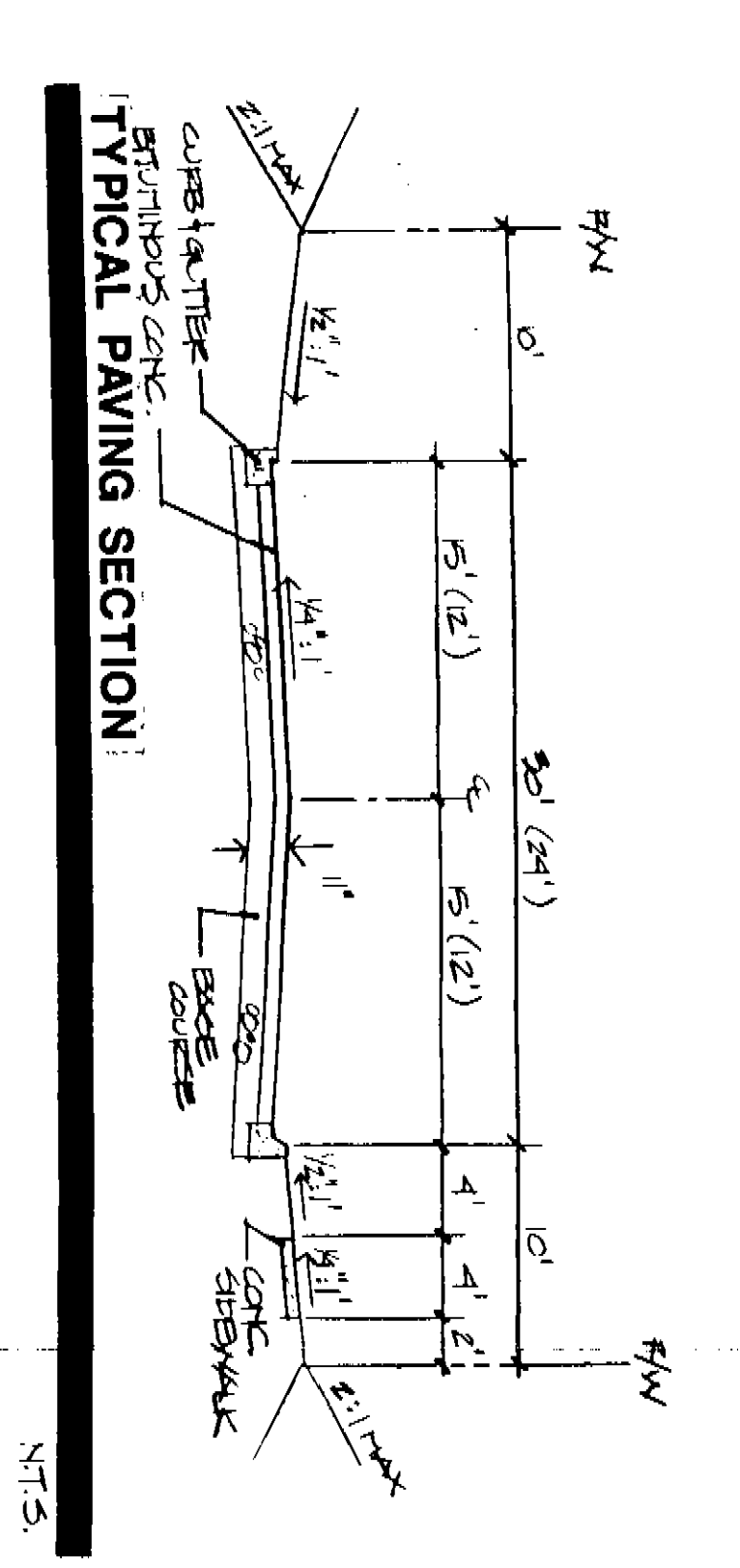
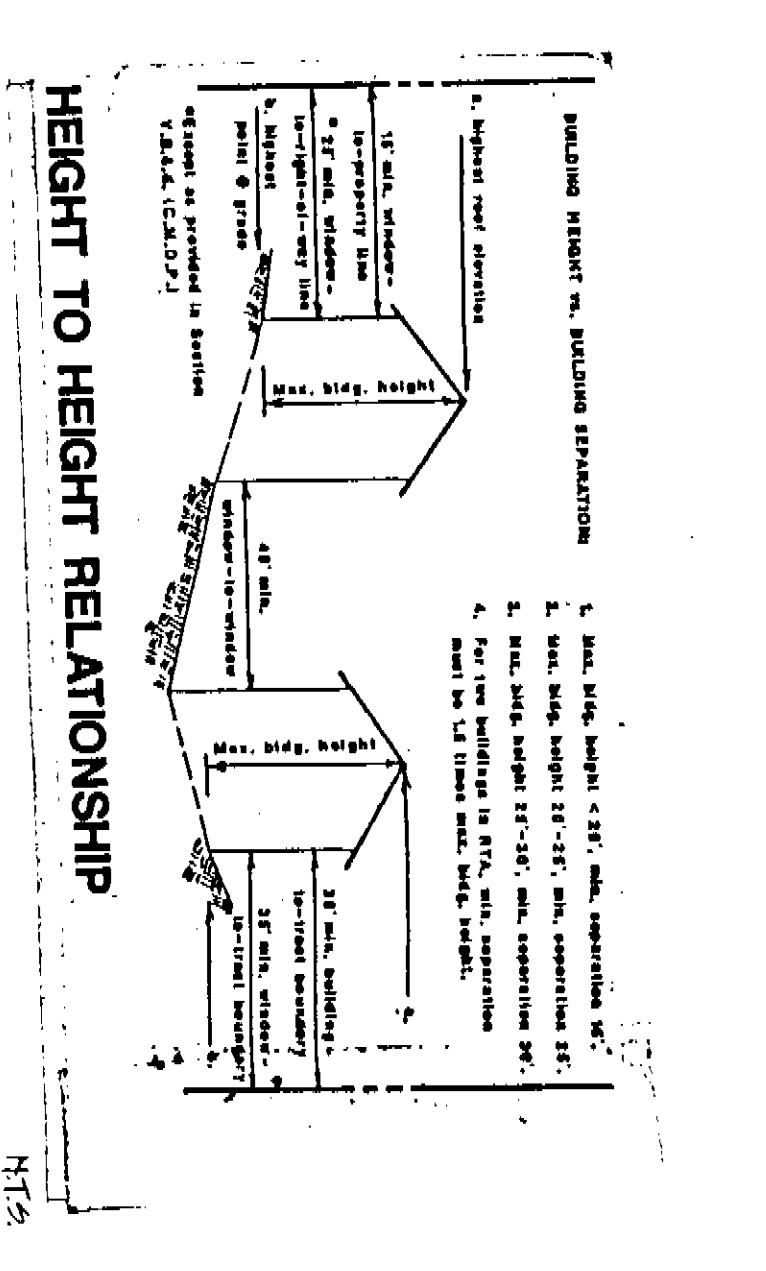
3. THE PROPERTY IS SHOWN AS BEING IN THE RESIDENTIAL ZONING DISTRICT OF BALTIMORE COUNTY, MARYLAND.

REASON FOR AMENDMENT

1. TO CORRECT THE LAYOUT OF THE PROPERTY TO BE IN ACCORDANCE WITH THE ZONING ORDINANCE.

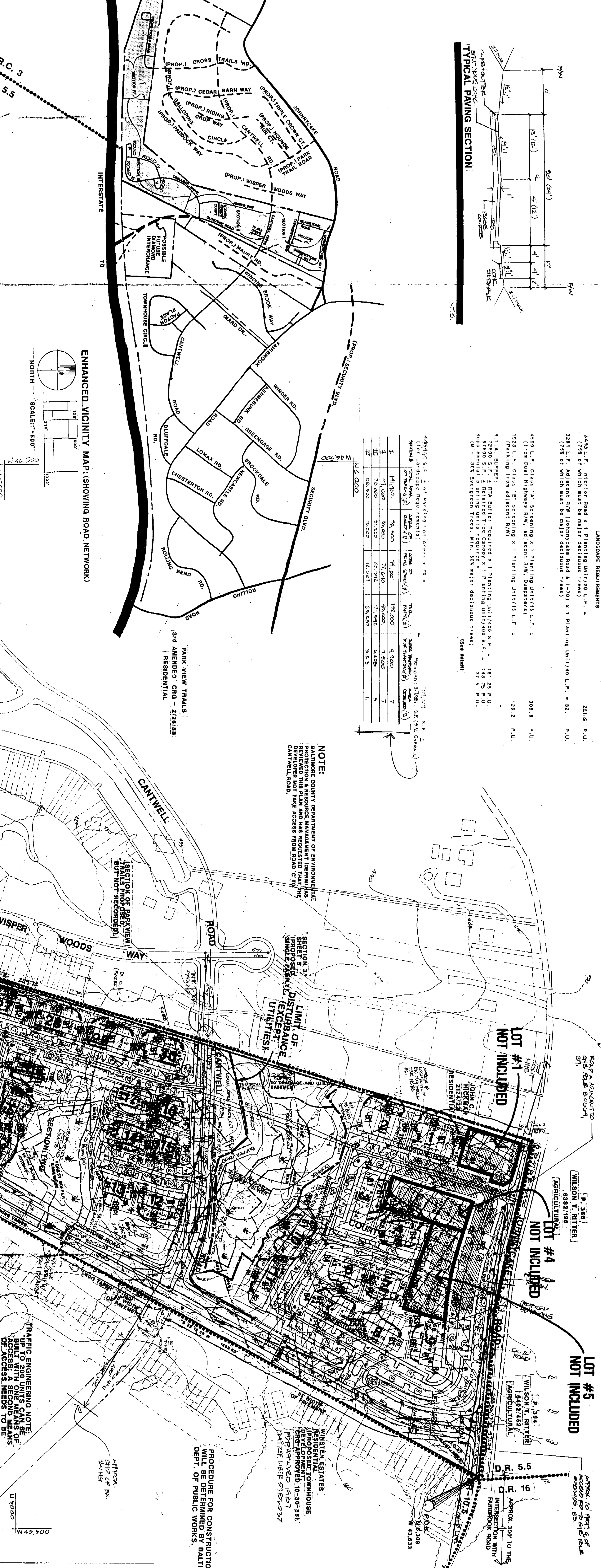
2. TO CORRECT THE LAYOUT OF THE PROPERTY TO BE IN ACCORDANCE WITH THE ZONING ORDINANCE.

3. TO CORRECT THE LAYOUT OF THE PROPERTY TO BE IN ACCORDANCE WITH THE ZONING ORDINANCE.



LANDSCAPE REQUIREMENTS

ITEM	QUANTITY	UNIT PRICE	TOTAL
1. 4" x 6" x 8" x 10" x 12" x 14" x 16" x 18" x 20" x 22" x 24" x 26" x 28" x 30" x 32" x 34" x 36" x 38" x 40" x 42" x 44" x 46" x 48" x 50" x 52" x 54" x 56" x 58" x 60" x 62" x 64" x 66" x 68" x 70" x 72" x 74" x 76" x 78" x 80" x 82" x 84" x 86" x 88" x 90" x 92" x 94" x 96" x 98" x 100"	1	100.00	100.00
2. 1" x 2" x 3" x 4" x 5" x 6" x 7" x 8" x 9" x 10" x 11" x 12" x 13" x 14" x 15" x 16" x 17" x 18" x 19" x 20" x 21" x 22" x 23" x 24" x 25" x 26" x 27" x 28" x 29" x 30" x 31" x 32" x 33" x 34" x 35" x 36" x 37" x 38" x 39" x 40" x 41" x 42" x 43" x 44" x 45" x 46" x 47" x 48" x 49" x 50" x 51" x 52" x 53" x 54" x 55" x 56" x 57" x 58" x 59" x 60" x 61" x 62" x 63" x 64" x 65" x 66" x 67" x 68" x 69" x 70" x 71" x 72" x 73" x 74" x 75" x 76" x 77" x 78" x 79" x 80" x 81" x 82" x 83" x 84" x 85" x 86" x 87" x 88" x 89" x 90" x 91" x 92" x 93" x 94" x 95" x 96" x 97" x 98" x 99" x 100"	1	100.00	100.00
3. 1" x 2" x 3" x 4" x 5" x 6" x 7" x 8" x 9" x 10" x 11" x 12" x 13" x 14" x 15" x 16" x 17" x 18" x 19" x 20" x 21" x 22" x 23" x 24" x 25" x 26" x 27" x 28" x 29" x 30" x 31" x 32" x 33" x 34" x 35" x 36" x 37" x 38" x 39" x 40" x 41" x 42" x 43" x 44" x 45" x 46" x 47" x 48" x 49" x 50" x 51" x 52" x 53" x 54" x 55" x 56" x 57" x 58" x 59" x 60" x 61" x 62" x 63" x 64" x 65" x 66" x 67" x 68" x 69" x 70" x 71" x 72" x 73" x 74" x 75" x 76" x 77" x 78" x 79" x 80" x 81" x 82" x 83" x 84" x 85" x 86" x 87" x 88" x 89" x 90" x 91" x 92" x 93" x 94" x 95" x 96" x 97" x 98" x 99" x 100"	1	100.00	100.00

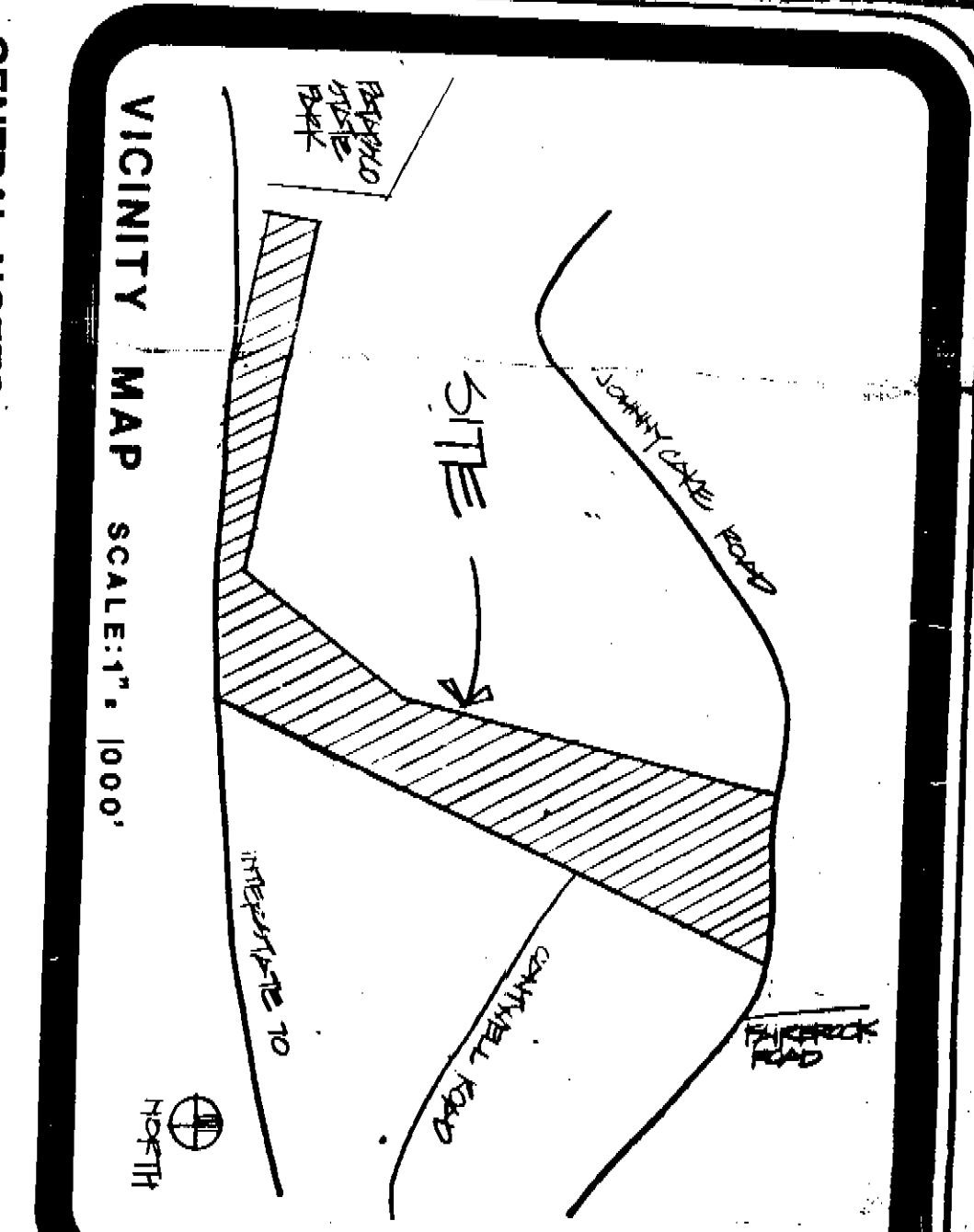
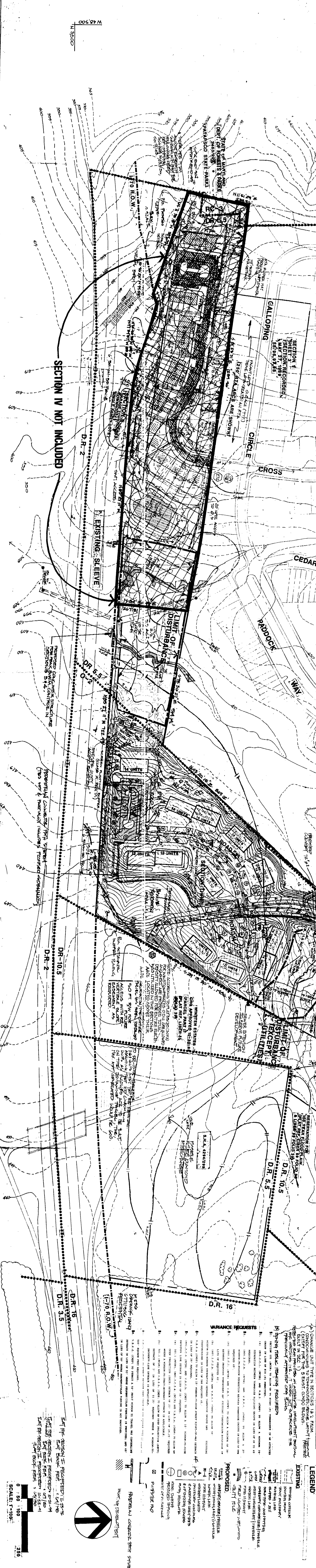


REASONS FOR AMENDED C.R.G. (1/23/94)

REASON	DESCRIPTION
1. TO CORRECT THE LAYOUT OF THE PROPOSED ROADS TO ACCORD WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS.	
2. TO CORRECT THE LAYOUT OF THE PROPOSED ROADS TO ACCORD WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS.	
3. TO CORRECT THE LAYOUT OF THE PROPOSED ROADS TO ACCORD WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS.	

LEGEND

SYMBOL	DESCRIPTION
[Symbol]	EXISTING
[Symbol]	PROPOSED
[Symbol]	PROPOSED



GENERAL NOTES

1. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS.

2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS.

3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS.

STONEGATE AT PATAPSCO
(FORMERLY KNOWN AS THE AZRAEL PROPERTY)

2nd AMENDED C.R.G. PLAN

OWNER/DEVELOPER
J.R. DEVELOPMENT CORPORATION
500 CHATEAU BLVD., SUITE 100
BALTIMORE, MARYLAND 21204
(410) 752-0400

D.S. THALER & ASSOC., INC.
LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD
BALTIMORE, MARYLAND 21207
(410) 544-5647

PETITIONER'S EXHIBIT

PLAT TO ACCOMPANY ZONING PETITION

95-316-A
#309

STANDARD ZONING PETITION

RE: PETITION FOR VARIANCE
S/S Johnnycake Road, W of
Fairbrook Road
(Stonagate at Patapsco)
1st Election District
1st Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 95-316-A
J.R. Development Corp. - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance for that property located within the development of Stonagate at Patapsco, formerly known as the Azrael property, located on the south side of Johnnycake Road, West of Fairbrook Road in the vicinity of Randallstown. The Petition was filed by the owners of the property, J. R. Development Corporation, by Jonathan A. Azrael, Esquire, President and attorney for the Petitioners. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 101 of the B.C.Z.R. to permit up to eight (8) townhouses in an attached group in lieu of the permitted six (6); from Section 1B01.2.C.1 of the B.C.Z.R. and Section V.B.3 of the C.M.D.P. to permit a minimum separation between townhouse groups of 20 feet in lieu of the required minimum of up to 40 feet; from Section 1B01.2.C.2.b and V.B.6.c of the C.M.D.P. to permit a window to window separation between townhouse groups of 20 feet in lieu of the required 40 feet; from Section 1B01.2.C.1 of the B.C.Z.R. and Section V.B.3 of the C.M.D.P. to permit a minimum distance between proposed townhouse groups and existing condominium buildings of 30 feet in lieu of the required 40 feet; from Section 1B01.2.C.2.b of the B.C.Z.R. and V.B.6.c of the C.M.D.P. to permit a window to window separation between townhouse groups and existing condominiums of 30 feet in lieu of the required 40

feet; from Section V.B.6.a of the C.M.D.P. to allow a window to side street right-of-way setback of 15 feet in lieu of the required 25 feet; from Section 1B01.2.C.6 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to side property line setback of 10 feet in lieu of the required 15 feet; from Sections 301.1 and 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit an open projection (deck) setback of 23 feet in lieu of the required 26.25 feet required where a window to tract boundary setback is applicable; from Section 301.1 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit an open projection (deck) setback of 3 feet in lieu of the required 11.25 feet required where a window to property line setback is applicable; from Section V.B.7 of the C.M.D.P. to permit private yard space of 400 sq.ft. in lieu of the required 500 sq.ft.; and from Section V.B.6.d of the C.M.D.P. to permit a front window to travel way centerline setback of 50 feet in lieu of the required 53 feet where perpendicular parking is provided, and 40 feet in lieu of the required 50 feet where perpendicular parking is not provided. The subject property and relief sought are more particularly described within the Petition for Variance filed and the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jonathan Azrael, Esquire, President and attorney for J. R. Development Corporation, Richard Azrael, a Partner, and David S. Thaler and Alan Scoll, Registered Professional Engineers with D. S. Thaler and Associates, Inc., who prepared the site plan for this development. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 60.453 acres, more or less, split zoned D.R. 10.5 (0-2), D.R. 5.5 and R.C.3. The property is an irregularly shaped

- 2 -

parcel of land located between Johnnycake Road and Interstate 70. The proffered testimony presented by Mr. Thaler revealed that this property was previously approved through the C.R.G. process for 494 apartments and 26 townhouse units. Some of the apartment buildings have already been constructed. The property owner now proposes to alter the originally approved plan to reduce the number of apartments to 218 units and increase the number of townhouse units from 26 to 232. The proposed development will also contain 5 single family detached houses. In essence, the Petitioner proposes to reduce the number of apartments by 276 while raising the number of townhouse units by 206 units, resulting in a net loss of 70 density units. The total number of units proposed is far below the 567 density units that are allowable for this entire project.

Further testimony offered by Mr. Thaler indicated that the proposed changes will maintain similar development patterns as were previously approved at the C.R.G. level. He further testified that there are similar projects in existence on both sides of the proposed development and that this project is in keeping with the character of the surrounding locale.

Mr. Thaler also testified that the Developer may elect to make minor alterations to the design and layout of the proposed buildings. As long as those minor alterations are within the spirit and intent of the plan submitted at the hearing and marked into evidence as Petitioner's Exhibit 1, then the necessity for a further hearing on those minor alterations would not be necessary. In order to make the proposed modifications to the plan as set forth herein, the requested variances are necessary.

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

- 3 -

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."

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. Buschmann, 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

- 4 -

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.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of April, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 101 of the B.C.Z.R. to permit up to eight (8) townhouses in an attached group in lieu of the permitted six (6); from Section 1B01.2.C.1 of the B.C.Z.R. and Section V.B.3 of the C.M.D.P. to permit a minimum separation between townhouse groups of 20 feet in lieu of the required minimum of up to 40 feet; from Section 1B01.2.C.2.b and V.B.6.c of the C.M.D.P. to permit a window to window separation between townhouse groups of 20 feet in lieu of the required 40 feet; from Section

1B01.2.C.1 of the B.C.Z.R. and Section V.B.3 of the C.M.D.P. to permit a minimum distance between proposed townhouse groups and existing condominium buildings of 30 feet in lieu of the required 40 feet; from Section 1B01.2.C.2.b of the B.C.Z.R. and V.B.6.c of the C.M.D.P. to permit a window to window separation between townhouse groups and existing condominiums of 30 feet in lieu of the required 40 feet; from Section V.B.6.a of the C.M.D.P. to allow a window to side street right-of-way setback of 15 feet in lieu of the required 25 feet; from Section 1B01.2.C.6 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit a window to side property line setback of 10 feet in lieu of the required 15 feet; from Sections 301.1 and 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit an open projection (deck) setback of 23 feet in lieu of the required 26.25 feet required where a window to tract boundary setback is applicable; from Section 301.1 of the B.C.Z.R. and Section V.B.6.b of the C.M.D.P. to permit an open projection (deck) setback of 3 feet in lieu of the required 11.25 feet required where a window to property line setback is applicable; from Section V.B.7 of the C.M.D.P. to permit private yard space of 400 sq.ft. in lieu of the required 500 sq.ft.; and from Section V.B.6.d of the C.M.D.P. to permit a front window to travel way centerline setback of 50 feet in lieu of the required 53 feet where perpendicular parking is provided, and 40 feet in lieu of the required 50 feet where perpendicular parking is not provided, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with the Zoning Plans Advisory Committee comments submitted by the various Baltimore County reviewing agencies and made a part of the case file.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TWK:bjs

Timothy M. Kotrood
TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

- 5 -

- 6 -

- 7 -

- 8 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

April 25, 1995 (410) 887-4386

Jonathan A. Azrael, Esquire
101 E. Chesapeake Avenue, 5th Floor
Baltimore, Maryland 21286

RE: PETITION FOR VARIANCE
S/S Johnnycake Road, W of Fairbrook Road
(Stonegate at Patapsco)
1st Election District - 1st Councilmanic District
J.R. Development Corp. - Petitioners
Case No. 95-316-A

Dear Mr. Azrael:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

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

TMK:bjs

cc: Mr. David S. Thaler, D. S. Thaler & Associates, Inc.
7115 Ambassador Road, Baltimore, Md. 21244

People's Counsel

File

Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 55 Johnnycake Road, West of Fairbrook Road
which is presently zoned O-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)

(SEE ATTACHED LIST)

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

The narrow configuration of the property causes hardship and/or practical difficulty in developing the property for townhouses, consistent with existing zoning and regulations.

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.

Contact Purchaser/Lessee

N.A.
(Type or Print Name)

Signature

Address

City

State

Zip

Signature

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receipt
95-316-A
Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Date 3/10/95
J.R. Development Corp. 101 E. Chesapeake Ave.
Towson, MD 21204
0701 - number of variance \$ 650.00
080 - 1000 \$ 35.00
\$ 685.00
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES
Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.
PAYMENT WILL BE MADE AS FOLLOWS:
1) Posting fees will be accessed and paid to this office at the time of filing.
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.
Arnold Jablon, DIRECTOR
For newspaper advertising:
Item No.: 309
Petitioner: J.R. Development Corp.
Location: S/S Johnnycake Rd., 300' W of c/l Fairbrook Rd.
FORWARD ADVERTISING BILL TO:
NAME: Jonathan A. Asrael
ADDRESS: 101 E. Chesapeake Ave. 5th floor
Baltimore, MD 21204
PHONE NUMBER: 821-6800
AJ:ggg (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353
March 20, 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 Bldg., 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 95-316-A (Item 309)
"Stonegate at Patapasco"
S/S Johnnycake Road, 300' W of c/l Fairbrook Road
1st Election District - 1st Councilmanic
Legal Owner(s): J.R. Development Corporation
HEARING: WEDNESDAY, APRIL 12, 1995 at 11:00 a.m. in 118, Old Courthouse.
Variance to allow up to 8 townhouses in an attached group in lieu of 6 permitted for lots 1-31 (bldg. 1-4), lots 44-49 (bldg. 7-12), lots 95-101 (bldg. 14), lots 146-152 (bldg. 23), and lots 159-206 (bldg. 25-30); to allow a minimum 20-ft. separation between townhouse bldg. groups in lieu of up to 40 ft. required for lots 1-16 (bldg. 1-2), lots 32-59 (bldg. 5-8), lots 67-117 (bldg. 10-17), and lots 124-206 (bldg. 19-30); to allow a 20-ft. window-to-window separation between townhouse groups in lieu of the required 40 ft. for lots 1-16 (bldg. 1-2), lots 32-59 (bldg. 5-8), lots 67-117 (bldg. 10-17), and lots 124-206 (bldg. 19-30); to allow a minimum of 30 ft. between proposed townhouses and existing condominium bldg. in lieu of the required 40 ft. for lots 1-4 (bldg. 1) and lots 60-66 (bldg. 9); to allow 30 ft. window-to-window separation between townhouse groups and existing condominiums in lieu of the required 40 ft. for lots 1-8 (bldg. 9); to allow a 15-ft. window-to-side street right of way setback in lieu of 25 ft. required for lots 17-24 (bldg. 3), lots 38-51 (bldg. 6-7), lots 60-74 (bldg. 9-10), lots 83-89 (bldg. 12), lots 102-111 (bldg. 15-16), and lots 146-158 (bldg. 23-24); to allow a 10-ft. window-to-side property line setback in lieu of 15 ft. required for lots 1-59 (bldg. 1-4), lots 67-117 (bldg. 10-17), and lots 124-206 bldg. 19-30); to allow an open projection (deck) setback of 23 ft. in lieu of 26.25 ft. required where a window-to-trust boundary setback is applicable for lots 1-16 (bldg. 1-2), and lots 159-206 (bldg. 25-30); to allow an open projection (deck) setback of 3 ft. in lieu of 11.25 ft. required where a window-to-property line setback is applicable for lots 18-158 (bldg. 3-24); to permit private yard space of 400 square ft. in lieu of 500 square ft. required for lots 17-31 (bldg. 3-4), and lots 95-123 (bldg. 14-18); and to permit a 50-ft. front window to travel-way easement setback in lieu of 53 ft. where perpendicular parking is provided and 40 ft. in lieu of 50 ft. where perpendicular parking is not provided for lots 25-31 (bldg. 4), lots 67-74 (bldg. 10), lots 95-117 (bldg. 14-17), and lots 124-135 (bldg. 19-20).
Arnold Jablon
cc: J. R. Development Corporation
Jonathan Asrael
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 CHECKING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.
cc: D.S. Asrael
Not Hired As it would be the 1st time

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353
April 5, 1995
Mr. Jonathan A. Asrael
101 E. Chesapeake Ave., 5th floor
Baltimore, Maryland 21286
RE: Item No.: 309
Case No.: 95-316-A
Petitioner: J. R. Development
Johnny Cake Road
Dear Mr. Asrael:
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 10, 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,
W. 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 30, 1995
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM
SUBJECT: Zoning Item #309 - Stonegate at Patapasco
55 Johnny Cake Road
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.
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.
JLP:BK:sp
STONEGAT/DEPRM/TXTJSLP

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 23, 1995
SUBJECT: S/S Johnnycake Road, W of Fairbrook Road
INFORMATION:
Item Number: 309
Petitioner: J.R. Development Corporation
Property Size: _____
Zoning: O-2
Requested Action: Variance
Hearing Date: 4/1
SUMMARY OF RECOMMENDATIONS:
The applicant has filed a blanket Variance request for the Stonegate at Patapasco development.
The CRG approved a material amendment to the plan on February 16, 1995.
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.
Should the request be granted, the applicant should provide the following for review and approval prior to issuance of building permits:
- a detailed architectural elevation drawing to the director of OP2
- a landscape plan to the landscape architect for Baltimore County
Prepared by: Jeffrey W. Long
Division Chief: Camy L. Kern
PK/JL
ITEM309/PZONE/TXTJWL Pg. 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: March 27, 1995
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section
RE: Zoning Advisory Committee Meeting
for March 27, 1995
Item No. 309
The Developers Engineering Section has reviewed the subject zoning item. Additional landscaping may be required where the Landscape Coordinator determines it is needed to help mitigate the effects of the variances.
RWB:sw

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: Petition, Owner J. R. DEVELOPMENT CORPORATION
LOCATION: S/S JOHNNYCAKE RD., 300' W OF CENTERLINE FAIRBROOK RD.
(STONEGATE AT PATAPASCO)
Item No.: 309
Zoning Agenda: 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.
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
MAR 24 1995
ZADM
REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4891, MS-1102F
cc: File

PETITION PROBLEMS - AGENDA OF 3/205

#304 -- JRA

1. No address, zip code, or telephone number for legal owner.
2. No authorization for person signing for legal owner.
3. Review information on petition form not completed.

#305 -- MJK

1. Need attorney - improvement association is incorporated.

#307 -- JCM

1. No telephone number for legal owner.

#309 -- MJK

1. No telephone number for legal owner.

RE: PETITION FOR VARIANCE * BEFORE THE
"Stonegate at Patapsco", S/S Johnnycake * ZONING COMMISSIONER
Road, 300' W of c/l Fairbrook Road * OF BALTIMORE COUNTY
1st Election District, 1st Councilmanic *
J.R. Development Corporation * CASE NO. 95-316-A
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 29th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Jonathan A. Azrael, Esquire, 101 E. Chesapeake Avenue, 5th Floor, Towson, MD 21286, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

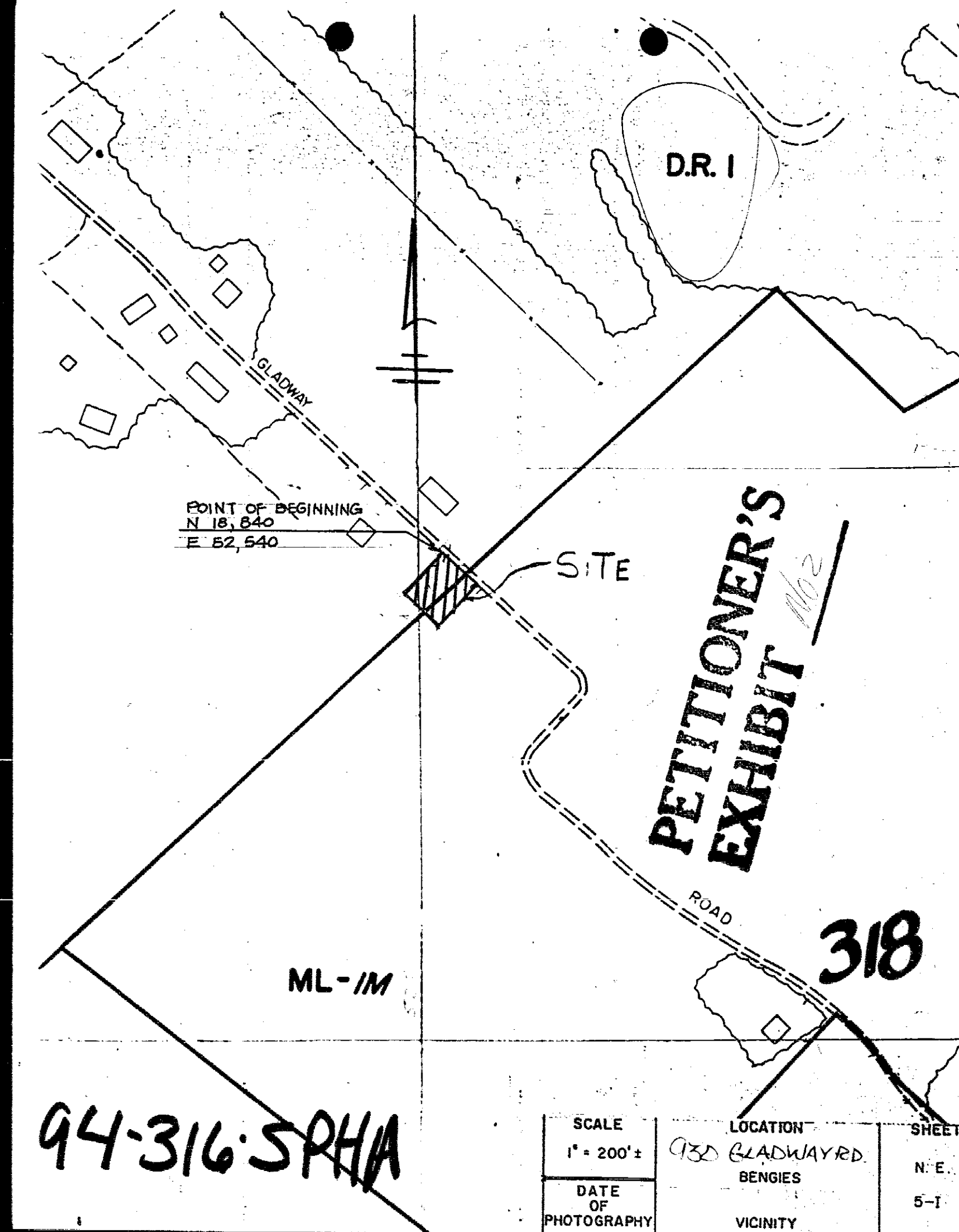
PETITIONER(S) SIGN-IN SHEET

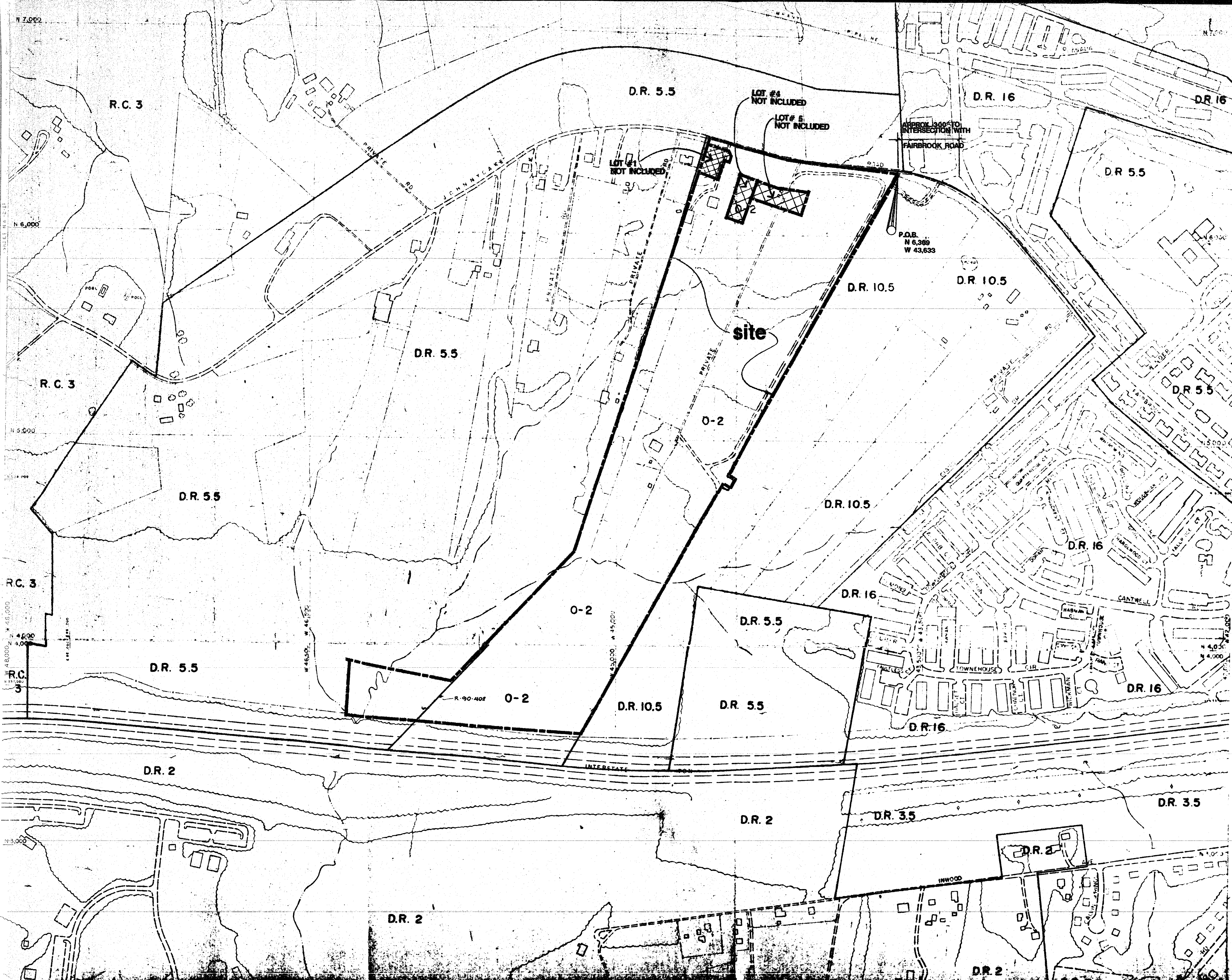
NAME

ADDRESS

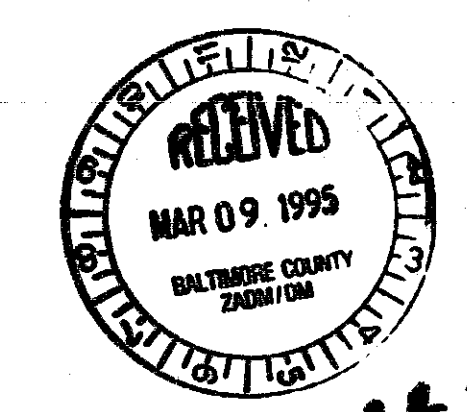
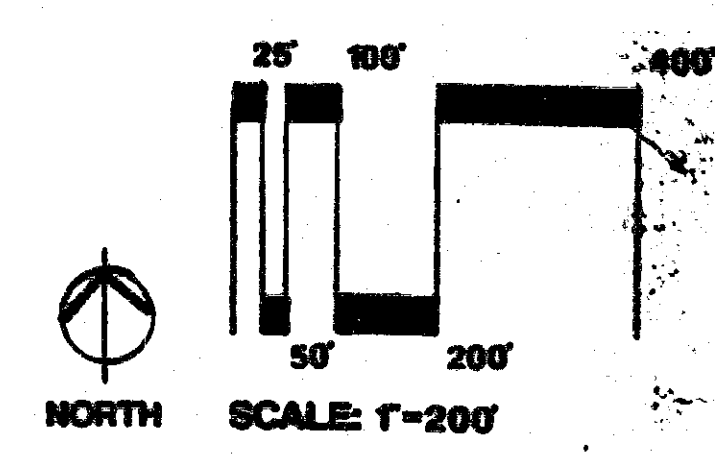
D. STHALER
ALAN SCOLL
RICHARD AZRAEL

215 AMBASSADOR RD
BALTIMORE MD 21244
Columbia MD 21045



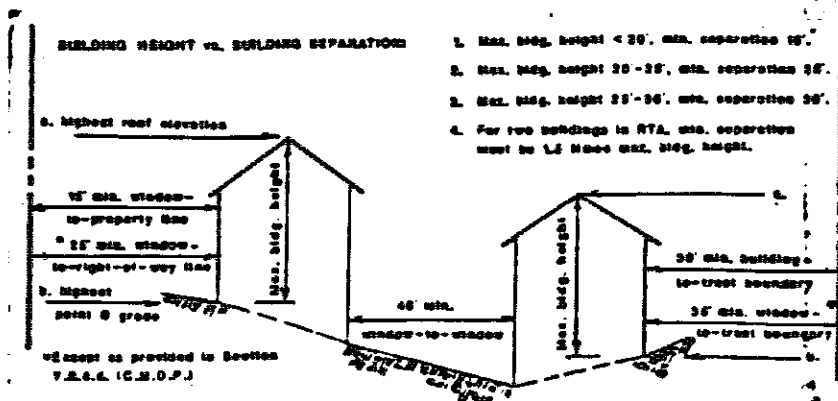


95-316-A

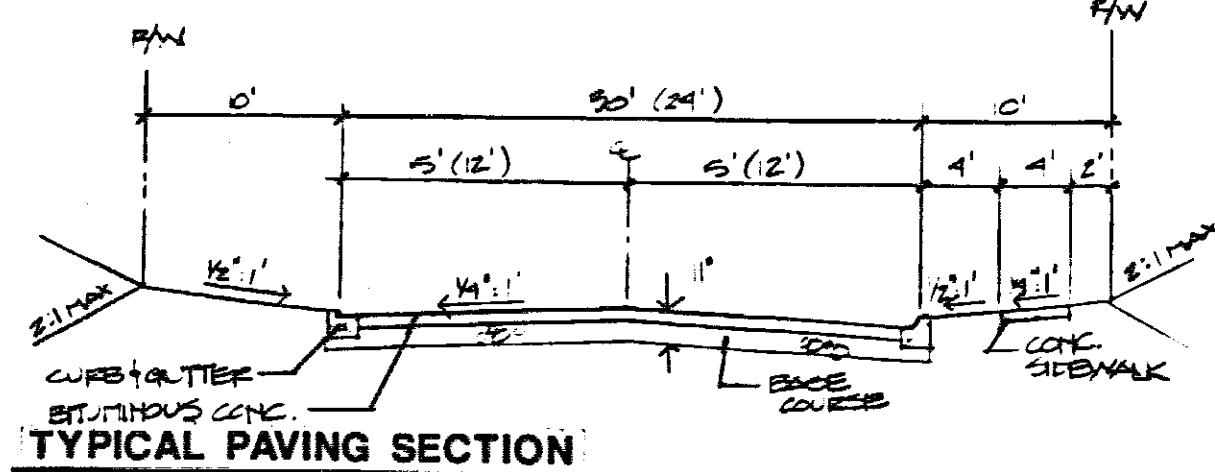


#309

Baltimore County 200 Scale Zoning Map
(NW-1H, 2H) To Accompany Zoning Petition
Stonegate at Patapsco
D.S. Thaler and Associates, Inc.
7115 Ambassador Road
Baltimore, MD 21244
(410)944-3847
12-27-94



HEIGHT TO HEIGHT RELATIONSHIP



LANDSCAPE REQUIREMENTS

4453 L.F. Interior Road x 1 Planting Unit/20 L.F. = 222.6 P.U.
(75% of which must be major deciduous trees)

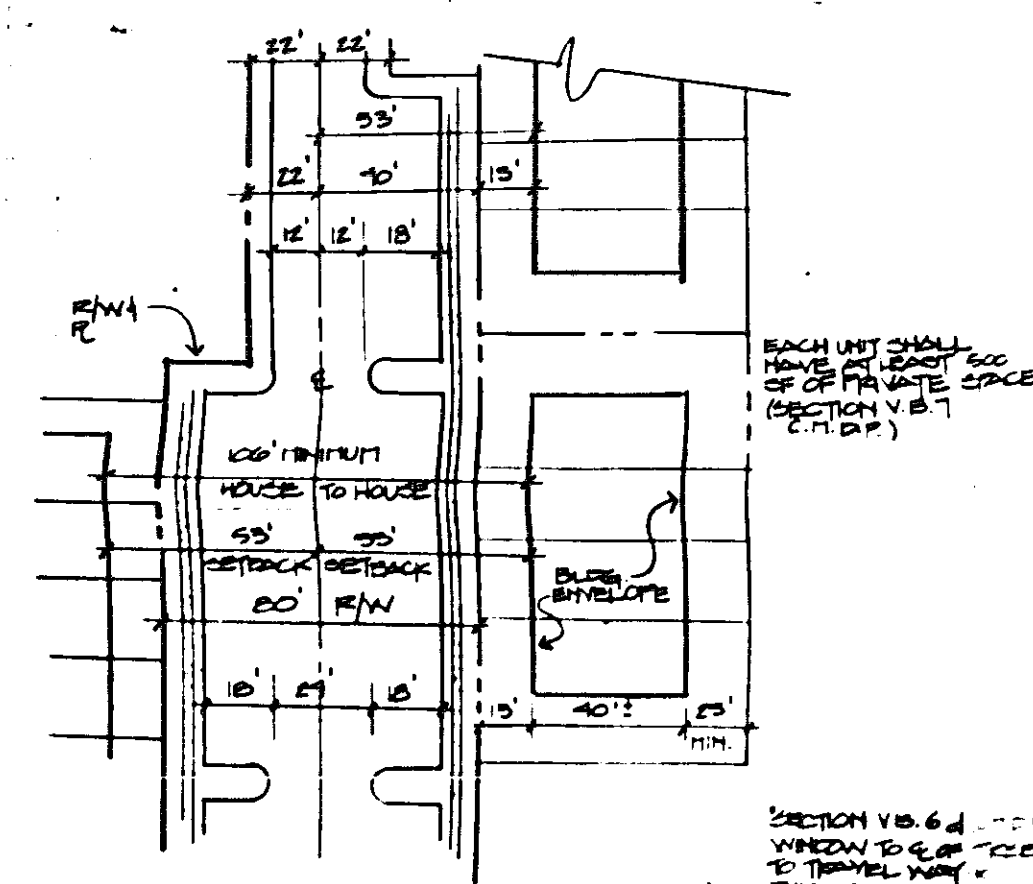
3281 L.F. Adjacent R/W (Johnnycake Road & I-70) x 1 Planting Unit/40 L.F. = 82 P.U.
(75% of which must be major deciduous trees)

4598 L.F. Class "A" Screening x 1 Planting Unit/15 L.F. = 306.5 P.U.
(From Dual Highways R/W, adjacent R/W, Dumpsters)

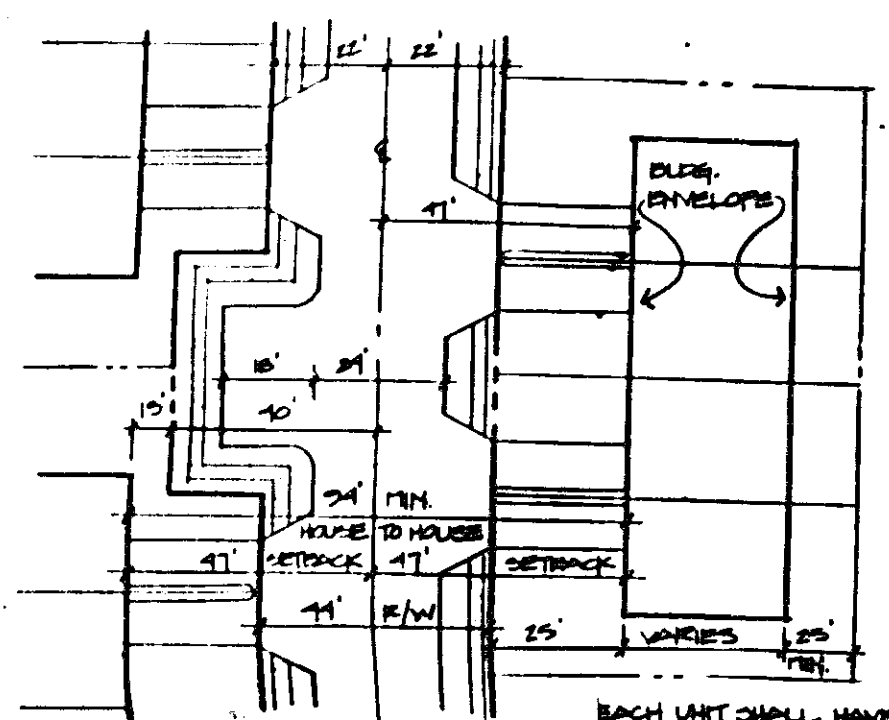
1923 L.F. Class "B" Screening x 1 Planting Unit/15 L.F. = 128.2 P.U.
(Parking from adjacent R/W)

R.T.A. BUFFER:
72500 S.F. ± RTA Buffer Required x 1 Planting Unit/400 S.F. = 181.25 P.U.
57500 S.F. ± Retained Tree Canopy x 1 Planting Unit/400 S.F. = 143.75 P.U.
Supplemental planting units required = 37.5 P.U.
(Min. 30% Evergreen Trees, Min. 50% major deciduous trees)

(See detail)



TOWNHOUSE PARKING DETAIL

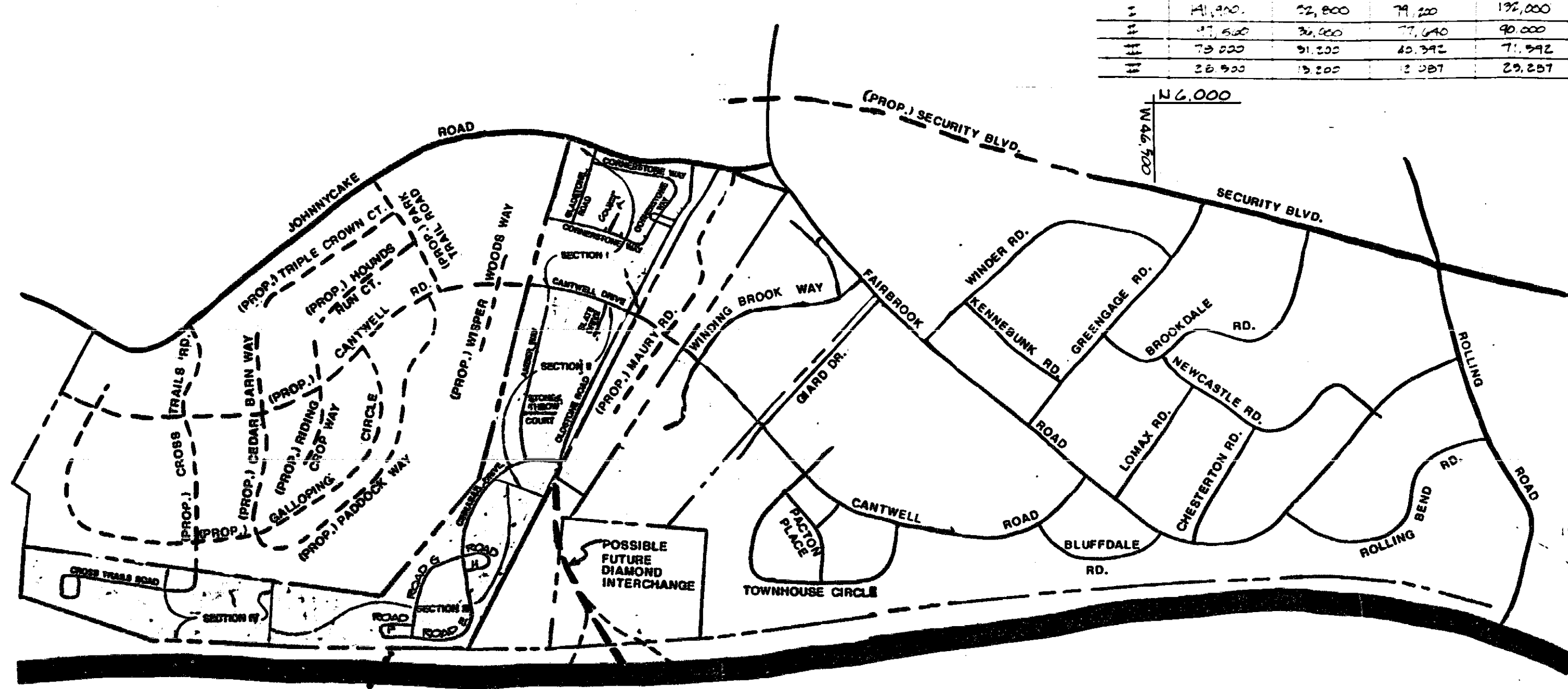


GARAGE TOWNHOUSE PARKING DETAIL

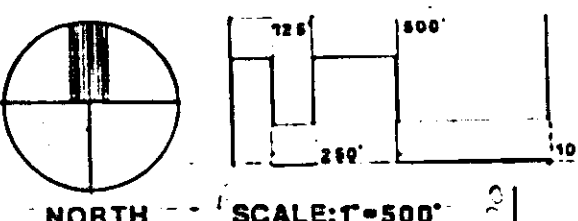
245,900 S.F. ± of Parking Lot Areas x 75% = 184,425 S.F. ±
(For Landscape Requirements)

SYSTEMS	TOTAL AREA (S.F.)	AREA OF CANOPY (S.F.)	AREA OF TRUNKS (S.F.)	TOTAL TRUNKS (S.F.)	AREA PROVIDED BY TRUNKS (S.F.)	AREA REQUIRED (S.F.)
1	11,400	22,800	7,140	19,940	9,970	7
2	17,400	34,800	10,920	29,000	14,500	7
3	79,200	158,400	47,520	115,920	57,960	8
4	26,900	53,800	16,140	37,660	18,830	11

NOTE:
BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT (DEPRM) HAS REVIEWED THIS PLAN AND HAS REQUESTED THAT THE DEVELOPER NOT TAKE ACCESS FROM ROAD C TO CANTWELL ROAD.



ENHANCED VICINITY MAP (SHOWING ROAD NETWORK)



SCHEMATIC LANDSCAPE PLAN FOR R.T.A. BUFFER IN SECTION FOUR

LEGEND
MAJOR DECIDUOUS TREES
EVERGREEN TREES

R.T.A. BUFFER REQUIREMENTS:
72,500 S.F. ± RTA BUFFER REQ. ± 1 P.U./400 S.F. = 181.25 P.U.
57,500 S.F. ± RETAINED TREE CANOPY ± 1 P.U./400 S.F. = 143.75 P.U.
SUPPLEMENTAL P.U. REQUIRED = 37.5 P.U.
(MIN. 30% EVG. TREES, MIN. 50% MAJ. DEC. TREES)

PROPOSED:
38 P.U. ± 26 MAJOR DEC. TREES, AND 74 EVG. TREES (12 P.U. ±)



P. 366
WILSON T. RITTER
6382/198
AGRICULTURAL

LOT #1
NOT INCLUDED

JOHN C. RICKMAN
2124/22
RESIDENTIAL

SECTION 3
SHEET 3
(PROPOSED SINGLE FAMILY UTILITIES)

LIMIT OF DISTURBANCE (EXCEPT UTILITIES)

SECTION OF PARKVIEW TRAILS PROPOSED, BUT NOT RECORDED

PARK VIEW TRAILS
3rd AMENDED CRG - 2/26/88
RESIDENTIAL

LIMIT OF DISTURBANCE (EXCEPT UTILITIES)

NOTES:
1. WRITTEN EVIDENCE OF APPROVAL BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT (DEPRM) IS REQUIRED FOR THE ENTIRE PROJECT.
2. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES.
3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES.
4. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES.

DR-10.5
D.R. 2