

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
ZONING VARIANCE
N/S Liberty Gardens Road, 150 ft. * ZONING COMMISSIONER
E of Oak Haven Circle
Barkley Woods, Section I * OF BALTIMORE COUNTY
2nd Election District
2nd Councilmanic District * Case No. 96-120-SPHA
Legal Owners: Ruby Holzapfel, et al
Contract Purchaser: Richmond *
American Homes of Maryland, Inc.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for a tract of land on the southwest side of Liberty Gardens Road, east of Ripple Road, known as the residential development of Barkley Woods, Section I. The Petition is filed by Richmond American Homes of Maryland, Inc., contract purchaser and Ruby Holzapfel, the Estate of Carl M. Holzapfel and Barkley Woods, Inc., property owners. Special hearing relief is requested to amend the Final Development Plan for Barkley Woods, Section I. Variance relief is requested for a number of individual lots within the subject subdivision, as follows:

1. Variance from the CMDP V.B.6.b to allow a minimum setback of 7 ft. from window to property line in lieu of the required 15 ft. for lots, 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 86, 91, 92, 98, 99, 106, 114, 115, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 171, 175, 176, 183, 184, 189, 190, 194, 195 and 200.

2. Variance from the CMDP V.B.6.a to allow a minimum setback of 15 ft. from window to right of way in lieu of the required 25 ft. for lots 63, 114, 115, 164 and 172.

3. Variance from Section 1B01.2.C.2.b of the Baltimore County Zoning Regulations (BCZR) and CMDP V.B.6.c to allow a minimum distance of 24 ft. from window to window in lieu of the required 40 ft. for lots 57 and 58, 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, 175 and 176.

ORDER RECEIVED FOR FILING

Date

By

RECORDED

4. Variance from Section 1B01.2.C.1 of the BCZR and CMDP V.B.3 to allow a distance of 24 ft. between buildings in lieu of the required 30 ft. for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, 175 and 176.

The subject property and requested relief are more particularly shown on the site plan (Petitioner's Exhibit No. 1) submitted at the hearing.

Appearing at the requisite public hearing held for this case was Kenneth A. Berg, Vice President of Richmond American Homes of Maryland, Inc. Also present was David S. Thaler, the engineer/surveyor, who prepared the site plan. The Petitioners were represented by Robert A. Hoffman, Esquire. Jerome Goodman and Judith Berger appeared in opposition to the request.

Testimony and evidence presented was that the Barkley Woods subdivision is a townhouse community presently under construction in western Baltimore County. The tract under consideration in this case is known as Section I of the proposed development. The property is approximately 36.3640 acres zoned D.R.5.5. A C.R.G. plan was approved for development of the overall tract, proposing 147 townhouses. Apparently all of the necessary infrastructure, including roads, utilities, etc., has been installed and a single row of townhouses have, in fact, been constructed. However, the original builder has withdrawn from the project due to financial difficulties. Richmond American Homes of Maryland, Inc., a well known builder in this area, has taken over construction of the project.

Additional testimony offered was that Richmond American wishes to install its model of townhouse on the property and desires to offer potential customers the option of placing windows in the dining and living areas of the buildings. The windows at issue will not be featured in bathrooms and/or bedrooms.

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Date 11/30/91
BY Mr. G. G. G. G.

In order to offer this option, the requested variances are necessary. These variances relate to distances between windows and property lines, windows to right of way lines, windows and buildings to buildings for the subject lots as designated in the Petition.

Mr. Thaler, on behalf of the Petitioner, stated that the fact that the project has been partially built out contributes to the uniqueness of the site and the practical difficulty standard which must be met in order for variance relief to be granted. Specially, he noted that public utilities, including roads and water and sewer lines are in place. Thus, the houses must be built within the building envelope provided in the CRG plan and reorientation of the structures is not possible. Mr. Thaler also opined that the grant of the requested relief would not detrimentally affect surrounding properties. It is also to be noted that the Office of Planning and Zoning, within its Zoning Plans Advisory Committee (ZAC) comment recommends a grant of the variance, believing that same "will result in an esthetic improvement".

For their part, Mr. Goodman and Ms. Berger opposed the request. However, their opposition seemed to focus more on the overall development. They believe that development of the property as contemplated is improper and will result in undue congestion in the surrounding locale. They also believe that the site is being over developed from what was approved in the CRG plan, a contention which was not supported by any credible testimony or evidence. Although appreciative of these concerns, it need again be noted that the CRG plan for this proposal was approved on August 10, 1991. Thus, whether there should or should not be development here is not the issue. The developer has an approved and vested plan, which permits development of this tract. Many of the Protestants' concerns are, therefore, not relevant in considering the precise issue before me.

Based on the overwhelming testimony and evidence presented, I am persuaded to grant the Petition for Variance and I am persuaded that the Petitioner has satisfied the requirements for variance relief as set forth in Section 307 of the BCZR and the case law.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30th day of November 1995, that, pursuant to the Petition for Special Hearing, approval to amend the Final Development Plan for Barkley Woods, Section I, be and is hereby GRANTED; and,

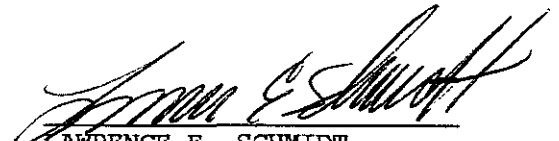
IT IS FURTHER ORDERED that a variance from the CMDP V.B.6.b to allow a minimum setback of 7 ft. from window to property line in lieu of the required 15 ft. for lots, 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 86, 91, 92, 98, 99, 106, 114, 115, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 171, 175, 176, 183, 184, 189, 190, 194, 195 and 200, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from the CMDP V.B.6.a to allow a minimum setback of 15 ft. from window to right of way in lieu of the required 25 ft. for lots 63, 114, 115, 164 and 172, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.2.b of the Baltimore County Zoning Regulations (BCZR) and CMDP V.B.6.c to allow a minimum distance of 24 ft. from window to window in lieu of the required 40 ft. for lots 57 and 58, 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, 175 and 176, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.1 of the BCZR and CMDP V.B.3 to allow a distance of 24 ft. between buildings in lieu of the required 30 ft. for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, 175 and 176, be and is hereby GRANTED, subject, however to the following restriction:

1. The 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date 11/30/91
Mr. Howard

RECEIVED

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
ZONING VARIANCE
N/S Liberty Gardens Road, 150 ft. * ZONING COMMISSIONER
E of Oak Haven Circle
Barkley Woods, Section I * OF BALTIMORE COUNTY
2nd Election District
2nd Councilmanic District * Case No. 96-120-SPHA
Legal Owners: Ruby Holzapfel, et al
Contract Purchaser: Richmond *
American Homes of Maryland, Inc.

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above captioned matter originally came before the Zoning Commissioner as Petitions for Special Hearing and Zoning Variance for a tract of land on the southwest side of Liberty Gardens Road, east of Ripple Road, known as the residential development of Barkley Woods, Section 1.

The Petition is filed by Richmond American Homes of Maryland, Inc., contract purchaser, and Ruby Holzapfel, the Estate of Carl M. Holzapfel and Barkley Woods, Inc., property owners.

WHEREAS, by my Findings of Fact and Conclusions of Law dated November 30, 1995, I granted the Petitions for Special Hearing and Variances; and,

WHEREAS, an error was found in Variance No. 1, namely, four lots, Nos. 85, 107, 122 and 167 were omitted in my Order; and

WHEREAS, in Variance No. 3, lot No. 67 was also omitted.

NOW, THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of December, 1995 that the four lots in Variance No. 1, namely, Nos. 85, 107, 122, and 167 be incorporated, together with lot No. 67 in Variance request No. 3;

IT IS FURTHER ORDERED that the remainder of the Zoning Commissioner's opinion and Order issued on November 30, 1995, be and is hereby ratified and incorporated, as specifically amended herein.

Any appeal from this decision must be taken in accordance with the applicable provisions of law.

LES:mmn

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT

Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 12/4/96
Ch. G. Gosh

IN THE MATTER OF
THE APPLICATION OF
RICHMOND AMERICAN HOMES
AND RUBY HOLZAPFEL, ET AL
FOR A SPECIAL HEARING AND
VARIANCES ON PROPERTY LOCATED
ON THE NORTH SIDE OF LIBERTY
GARDENS ROAD, 150' EAST OF OAK
HAVEN CIRCLE, BARKLEY WOODS,
SECTION I
2ND ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* * * * *

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 96-120-SPHA

OPINION

This matter comes before this Board on appeal from the November 30, 1995, decision of the Zoning Commissioner in which the Petitions for Special Hearing and Variance were granted with restrictions. The Zoning Commissioner issued an Amended Order on December 5, 1995, to incorporate inadvertently omitted lots.

The matter was heard de novo in a single day of testimony. Robert A. Hoffman, Esquire, represented the Petitioners, Richmond American Homes of Maryland, the contract purchaser; and Ruby Holzapfel, the Estate of Carl M. Holzapfel and Barkley Woods, Inc., property owners. The Appellants, the Rockdale Civic and Improvement Association and Cyril Byron, Wayne N. Overman, Jerome Goodman and John Jones, were not represented by counsel; Mr. Goodman acted as their spokesman. Peter Max Zimmerman, People's Counsel for Baltimore County, also participated in the matter.

This case concerns a tract of land north of Liberty Gardens Road and east of Ripple Road known as the residential development of Barkley Woods, Section I. The subject property consists of approximately 36.3640 acres zoned DR 5.5. The Final Development Plan for a development consisting of 53 single family homes and 147 townhouses received County Review Group approval in 1989. The townhouses are currently under construction.

The Petitioners wish to amend the Final Development Plan to permit a total of 88 variances in four categories. The requested variances, which pertain to side windows on end units of townhouses, are as follows:

1. Variance from the Comprehensive Manual of Development Policies (CMDP) V.B.6.b to allow a minimum setback of 7 feet from window to property line in lieu of the required 15 feet for lots 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 85, 86, 91, 92, 98, 99, 106, 107,

MICROFILMED

- 114, 115, 122, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 167, 171, 175, 176, 183, 184, 189, 190, 194, 195 and 200.
2. Variance from the CMDP V.B.6.a to allow a minimum setback of 15 feet from window to right-of-way in lieu of the required 25 feet for lots 63, 114, 115, 164 and 172.
 3. Variance from Section 1B01.2.C.2.b of the Baltimore County Zoning Regulations (BCZR) and CMDP V.B.6.c to allow a minimum distance of 24 feet from window to window in lieu of the required 40 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176.
 4. Variance from Section 1B01.2.C.1 of the BCZR and CMDP V.B.3 to allow a distance of 24 feet between buildings in lieu of the required 30 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176.

Section 1B01.3.A.7.b of the BCZR provides that a Final Development Plan may be amended under Special Exception procedures, enumerated in Section 502 of the BCZR. The amendment must be in accord with the Comprehensive Manual of Development Policies.

The Petitioners' sole witness was Alan Scoll, chief of architecture and planning for D.S. Thaler and Associates. Mr. Scoll, under whose supervision the site plan for the subject development was prepared, was accepted by the Board as an expert in landscape architecture and land planning.

Mr. Scoll testified that the project was planned mostly by the previous owner, Janson Homes. He stated that at that time the CMDP placed restrictions on window relations to windows in other buildings, and developments were laid out to accommodate that kind of construction. The result was a lot of windowless walls, which were less expensive to build, but less attractive, he testified.

The present CMDP regulations don't place such restrictions on windows on the sides of buildings; however, according to the Zoning Office, when a builder seeks an amendment to a Final Development Plan that was approved under the old CMDP regulations, the old CMDP procedures and requirements apply.

Mr. Scoll testified that the situation is unique in that the Final Development Plan was approved under an old set of regulations, but now the regulations have changed and the market has changed. The builder would simply like to do a better job and make the houses more attractive by putting side windows in the end units of the townhouses, he stated.

If the amendment is not granted, the builder will face the practical difficulty of not being able to build the best quality product he could, Mr. Scoll said. He testified, however, that the project is fully approved and will go forward even if the variances are not granted; the end units will be built without the side windows.

Mr. Scoll testified that the granting of the requested variances would be within the spirit and intent of the zoning regulations, and would comply with all the Special Exception requirements of Section 502.1 of the BCZR.

Jerome Goodman, who is vice-president of the Rockdale Civic and Improvement Association and lives about three blocks away from the subject property, testified as to his concern regarding a potential increase in fire danger if the variances are granted. Mr. Goodman, a licensed professional engineer, testified that the proposed inclusion of bay windows on the end units would make the buildings closer together and allow a fire to spread more easily. He said that his association is opposed to anything that would increase danger from fire.

Mr. Goodman also testified that there is nothing unusual in the topography of the subject property.

Judith Berger, president of the Lochearn Improvement Association, and Leon P. Bass, who lives four or five blocks from the subject property, also testified in opposition to the proposed amendment.

The granting of the Petition for Special Hearing to amend the Final Development Plan depends on the granting of the Petition for Variance.

To be granted a variance, the Petitioner must comply with Section 307.1 of the BCZR, which states that a variance may be granted "only in cases where special circumstances exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship . . ."

Microfilm

In Cromwell v. Ward, 102 Md. App. 691 (1995) the Court of Special Appeals has construed this regulation as follows:

[T]he variance process . . . is at least a two-step process. The first step requires a finding 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. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship.

Cromwell cited North v. St. Mary's County, 99 Md. App. at 512 to show that the term "unique" in the zoning context requires that the subject property have an inherent characteristic not shared by other properties in the area, in regard to such factors as shape, topography, subsurface condition, environmental factors, and so forth.

The Petitioners failed to present any testimony or evidence to this Board showing that the subject site possessed any such peculiar, unusual or unique factors. Thus, the first step of the variance process was not met, and the practical difficulty or unreasonable hardship requirements cannot be properly considered.

However, even assuming, for the sake of argument, that the property meets the requirement of uniqueness, the Petitioners failed to produce convincing evidence of practical difficulty or unreasonable hardship. The Petitioners are seeking the variances for marketing and aesthetic reasons. The fact that the project will go ahead even if the requested relief is not granted, as testified to by Mr. Scoll, shows that there is no unreasonable hardship.

For these reasons the Board will deny the Petition for Variance and must therefore deny the Petition for Special Hearing.

ORDER

IT IS THEREFORE, this 8th day of August, 1996, by the County Board of Appeals of Baltimore County,

ORDERED that the Petition for Special Hearing to amend the Final Development Plan for Barkley Woods, Section I, be and is hereby **DENIED**; and it is further

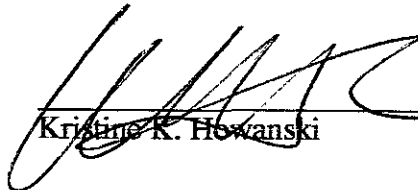
ORDERED that the Petition for Variance as set forth in this Opinion be and is hereby **DENIED**.

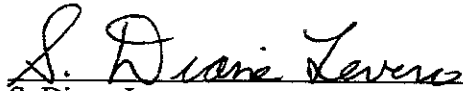
DECLINED

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Kristine K. Howanski


S. Diane Levero



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 8, 1996

Mr. Jerome Goodman
7915 Liberty Road
Baltimore, MD 21244

Mr. Cyril Byron
7811 Liberty Road
Baltimore, MD 21244

Mr. Wayne N. Overman
3522 Rockdale Court
Baltimore, MD 21244

Mr. John Jones
8024 Montwood Road
Baltimore, MD 21244

RE: Case No. 96-120-SPHA
Richmond American Homes of Md.
and Ruby Holzapfel, et al

Gentlemen:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

Enclosure

cc: Robert A. Hoffman, Esquire
Kenneth A. Berg, Vice President
Richmond American Homes of Md.
Ruby Holzapfel
Stewart J. Greenebaum for
Harley Woods, Inc.
Judith Berger
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 5, 1995

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

RE: Case No. 96-120-SPHA
Petitions for Special Hearing and Variance
Richmond American Homes of Maryland, Inc., Contract Purchasers
Legal Owner: Ruby Holzapfel, et al, Petitioners

Dear Mr. Hoffman:

Enclosed please find a copy of the Amended Findings of Fact and Conclusions of Law rendered in the above captioned matter.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn

cc: Kenneth A. Berg, Vice President, Richmond American Homes of Md.
cc: Mr. Jerome Goodman, 7915 Liberty Road, Baltimore, Md. 21244
cc: Mrs. Judith Berger, 3801 Lochearn Drive, Balto. Md. 21204-6363

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Petition for Variance

AND SPECIAL HEARING.

to the Zoning Commissioner of Baltimore County

for the property located at Southwest side of Liberty Gardens Road,
East of Ripple Road (Barkley Woods, Section I)

96-120-SPA

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

(See Attached) and Special Hearing to amend Final Development Plan.

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

To be determined at hearing.

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

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

PETITIONER:

Contract Purchaser/lessor

Richmond American Homes of Maryland, Inc.

(Type or Print Name)

By:

Signature Kenneth A. Berg, Vice President
3701 Pender Drive, Suite 200

Address:

Fairfax, Virginia 22030

City

State

Zipcode

Attorney for Petitioner

Robert A. Hoffman, Esquire

(Type or Print Name)

Signature

Venable, Baetjer & Howard, LLP
210 Allegheny Avenue 494-6262

Address

Towson, Maryland 21204

City

State

Zipcode

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)

SEE ATTACHED LIST

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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

Robert A. Hoffman, Esquire

Name 210 Allegheny Avenue

Towson, Maryland 21204 494-6262

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

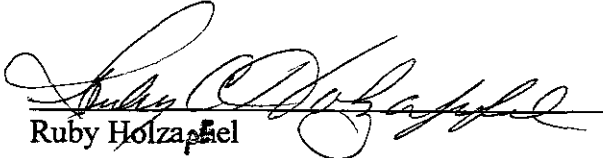
DATE

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Legal Property Owners

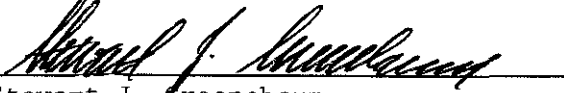
96-120-SPHA


Ruby Holzapfel
3512 Liberty Gardens Road
Baltimore, Maryland 21207
(Lots 47-62, 79-82 and 149-200)

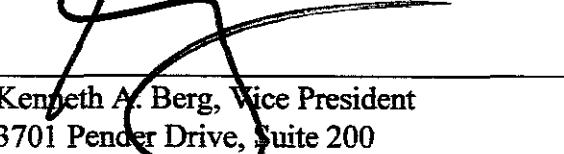

Ruby Holzapfel

Carl M. Holzapfel *decd April 6, 1988*
3512 Liberty Gardens Road
Baltimore, Maryland 21207
(Lots 1-46, 63-79 and 115-128)

Barkley Woods, Inc.

By: 
Stewart J. Greenebaum
1829 Reisterstown Road
Baltimore, Maryland 21208
410-484-8400
(Lots 13, 14, 17, 18, 80-114 and 129-134)

Richmond American Homes of Maryland, Inc.

By: 
Kenneth A. Berg, Vice President
3701 Pender Drive, Suite 200
Fairfax, Virginia 22030
(Lots 135-142)

Variance Requests

96-120-5 PHA

- V1. Variance from the CMAP V.B.6.b. to allow a minimum setback of 7' from window to property line in lieu of the required 15' for lots. 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 85, 86, 91, 92, 98, 99, 106, 107, 114, 115, 122, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 167, 171, 175, 176, 183, 184, 189, 190, 194, 195 and 200.
- V2. Variance from the CMAP V.B.6.a. to allow a minium setback of 15' from window to right-of-way in lieu of the required 25' for lots 63, 114, 115, 164 and 172.
- V3. Variance from Section 1B01.2.C.2.b. of the B.C.Z.R. and CMAP V.B.6.c. to allow a minium distance of 24' from window to window in lieu of the required 40' for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and, 175 and 176.
- V4. Variance from Section 1B01.2.C.1 of the B.C.Z.R. and CMAP V.B.3 to allow a distance of 24' between buildings in lieu of the required 30' for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and, 175 and 176.

TO1DOCS1/BAW01/0010059.01

120-5 PHA

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July 21, 1995

DESCRIPTION TO ACCOMPANY
ZONING PETITION
BARKLEY WOODS
(FOR ZONING PURPOSES ONLY)

96-120-SRHA

Beginning at a point located 150 feet, more or less, East of the intersection of Oak Haven Circle and Liberty Gardens Road on the northern right-of-way line of Liberty Gardens Road (a 55-foot wide right-of-way), thence running the following sixteen courses and distances:

1. North 65°44'10" West 841.71 feet, more or less, to a point, thence,
2. North 54°52'43" East 82.17 feet, more or less, to a point; thence,
3. North 30°34'45" East 102.22 feet, more or less, to a point; thence,
4. North 25°27'47" East 205.00 feet, more or less, to a point; thence,
5. North 38°00'32" East 63.01 feet, more or less, to a point; thence,
6. North 87°53'57" East 73.26 feet, more or less, to a point; thence,
7. North 75°47'55" East 110.29 feet, more or less, to a point; thence,
8. North 26°27'37" East 115.30 feet, more or less, to a point; thence,
9. North 14°12'05" West 148.54 feet, more or less, to a point; thence,
10. North 75°47'55" East 116.98 feet, more or less, to a point; thence,
11. North 58°20'21" East 45.27 feet, more or less, to a point; thence,
12. North 62°12'03" East 370.94 feet, more or less, to the westerly right-of-way of Liberty Gardens Road, thence, binding on said right-of-way,
13. 208.63 feet, curving to the left, having a radius of 1,462.40 feet, more or less, to a point; thence,
14. South 29°45'53" East 381.68 feet, more or less, to a point; thence,
15. 277.05 feet, curving to the right, having a radius of 219.11 feet, more or less, to a point; thence,
16. North 42°29'01" East 599.08 feet, more or less, to the point of beginning.

Containing 18.87 acres of land, more or less.

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DESCRIPTION TO ACCOMPANY ZONING PETITION
BARKLEY WOODS (FOR ZONING PURPOSES ONLY)
July 21, 1995

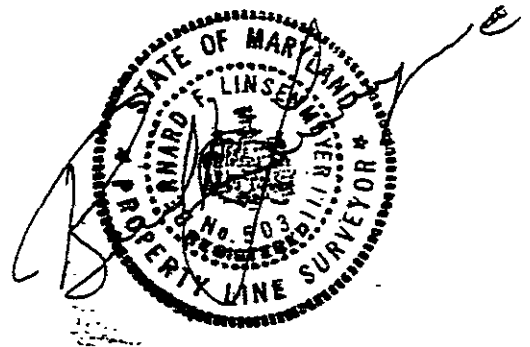
96-120-SHA

Saving and excepting a parcel of land beginning at a point located 210 feet, more or less, northerly of the edge of Liberty Gardens Road (a 55-foot right-of-way) on the easterly side of Barkley Woods Road (a 62-foot wide right-of-way), thence binding on said right-of-way, 174.95 feet curving to the right, having a radius of 508.23 feet, more or less, to a point; thence North $65^{\circ}19'42''$ East 80.44 feet, more or less, to a point; thence South $38^{\circ}15'01''$ East 155.19 feet, more or less, to a point; thence, south $51^{\circ}44'59''$ West 80.00 feet to the point of beginning.

Containing approximately 0.32 acres of land, more or less.

Recorded among the Land Records of Baltimore County, Maryland on August 6, 1992 in Plat Book S.M. No. 64, folio 88 and Plat Book S.M. No. 65 folio 132.

sam/gfl/d3/barkley/7.21/d3



MICROFILMED

120

96-120-SPH12

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2nd Date of Posting 10/13/95
Posted for: Special Hearing & Variance
Petitioner: Rudy & Carl Holzappel, Bentley Woods, Inc. & Richmond Am. Homes, Inc.
Location of property: N/S Lib. Gordon Rd, 150' E of Oak Haven Cir.
Location of Signs: Facing roadway, on property being zoned
Remarks: _____
Posted by [Signature] Date of return: 10/20/95
Signature
Number of Signs: 1

RECORDED

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: #96-120-SPHA
(Item 120)
Barclay Woods, Section II
N/S Liberty Gardens Road,
150' E of Oak Haven Circle
2nd Election District
2nd Councilmanic
Legal Owner(s):
Ruby and Carl Holzappel,
Barclay Woods, Inc., and
Richmond American Homes
of Maryland, Inc.
Petitioner:
Richmond American Homes
of Maryland, Inc.
Hearing: Tuesday, October 31,
1995 at 11:00 a.m. in Rm.
118, Old Courthouse.

Special Hearing to amend Final Development Plan. Variance to allow a minimum setback of 7 feet from window to property line in lieu of the required 15 feet for lots 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 85, 86, 91, 92, 98, 99, 106, 107, 114, 115, 122, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 167, 171, 175, 176, 183, 184, 189, 190, 194, 195, and 200; to allow a minimum setback of 15 feet from window to right-of-way in lieu of the required 25 feet for lots 63, 114, 115, 164, and 172; to allow a minimum distance of 24 feet from window to window in lieu of the required 40 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, 175 and 176; and to allow a distance of 24 feet between buildings in lieu of the required 30 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176.

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.

10004 Oct 5

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/13, 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 10/5, 1995.

THE JEFFERSONIAN,

A. Henrichsen
LEGAL AD. - TOWSON

RECORDED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

952366

DATE 17 Sept 95 ACCOUNT R-001-6150

Item 120

AMOUNT \$ 1685.00

RECEIVED FROM: Revenue - Police

96-120-SPHA

FOR: Balance - 120 + 120

170070711001#0529MICHRC 1685.00
170070711001#0529MICHRC 1685.00
170070711001#0529MICHRC 1685.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

96-120-SPH#

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-120-SPH#

District 2nd Date of Posting 1/5/96

Posted for: Appeal

Petitioner: Ruby Holzapfel, et al. & Richmond & Ann. Homes of Md.

Location of property: N/S Liberty Gordon Rd. 120' E Oak Honor Circle

Location of Signs: Facing road way on property being appealed

Remarks: _____

Posted by M. Steady Date of return: 1/12/96
Signature

Number of Signs: 1



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 013850

DATE 7/1/75 ACCOUNT 01-615

96-120-SPT-2

AMOUNT \$ 385.00

RECEIVED FROM: [Signature] - [Signature] - [Signature]

FOR: [Signature] [Signature] #140 - [Signature] #150 - [Signature]

MICROFILMED

GA0000190WICRR
SA 1011+12AM12-26-75

\$385.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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.: 120 Petitioner: Richmond American Homes, Inc.
Location: Barkley Woods, Deleware

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormond
ADDRESS: Venable, Baubier + Howard, LLP
210 Allegheny Ave, Towson 21204
PHONE NUMBER: 494-6201

MICROFILMED

126

TO: PUTTUXENT PUBLISHING COMPANY
October 5, 1995 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
Venable, Baetjer & Howard LLP
210 Allegheny Avenue
Towson MD 21204
494-6262

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: 96-120-SPHA (Item 120)

Barkley Woods, Section II

N/S Liberty Gardens Road, 150' E of Oak Haven Circle

2nd Election District - 2nd Councilmanic

Legal Owners: Ruby and Carl Holzappel, Barkley Woods, Inc., and Richmond American Homes of Maryland, Inc.

Petitioner: Richmond American Homes of Maryland, Inc.

HEARING: TUESDAY, OCTOBER 31, 1995 at 11:00 a.m.. in Room 118, Old Courthouse.

Special Hearing to amend Final Development Plan.

Variance to allow a minimum setback of 7 feet from window to property line in lieu of the required 15 feet for lots 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 85, 86, 91, 92, 98, 99, 106, 107, 114, 115, 122, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 167, 171, 175, 176, 183, 184, 189, 190, 194, 195, and 200; to allow a minimum setback of 15 feet from window to right-of-way in lieu of the required 25 feet for lots 63, 114, 115, 164, and 172; to allow a minimum distance of 24 feet from window to window in lieu of the required 40 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176; and to allow a distance of 24 feet between buildings in of the required 30 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176.

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.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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: 96-120-SPHA (Item 120)

Barkley Woods, Section II

N/S Liberty Gardens Road, 150' E of Oak Haven Circle

2nd Election District - 2nd Councilmanic

Legal Owners: Ruby and Carl Holzappel, Barkley Woods, Inc., and Richmond American Homes of Maryland, Inc.

Petitioner: Richmond American Homes of Maryland, Inc.

HEARING: TUESDAY, OCTOBER 31, 1995 at 11:00 a.m.. in Room 118, Old Courthouse.

Special Hearing to amend Final Development Plan.

Variance to allow a minimum setback of 7 feet from window to property line in lieu of the required 15 feet for lots 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 85, 86, 91, 92, 98, 99, 106, 107, 114, 115, 122, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 167, 171, 175, 176, 183, 184, 189, 190, 194, 195, and 200; to allow a minimum setback of 15 feet from window to right-of-way in lieu of the required 25 feet for lots 63, 114, 115, 164, and 172; to allow a minimum distance of 24 feet from window to window in lieu of the required 40 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176; and to allow a distance of 24 feet between buildings in lieu of the required 30 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Richmond American Homes of Maryland, Inc.
Robert A. Hoffman, Esq.

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

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

Hearing Room - Room 48 (410) 887-3180
Old Courthouse, 400 Washington Avenue

June 10, 1996

AMENDED NOTICE OF ASSIGNMENT /TIME OF HEARING ONLY **

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-120-SPHA RICHMOND AMERICAN HOMES -Contract Purchaser /Petitioner; RUBY HOLZAPFEL, ET AL -Legal Owners /Petitioners
N/s Liberty Gardens Road, 150' E of Oak Haven Circle, Barkley Woods, Section I
2nd Election District; 2nd Councilmanic

SPH -To amend Final Dev Plan for Barkley Woods, Sect I; VAR -setbacks from window to property, window to right of way, window to window and distance between bldgs /var lots.

11/30/95 -Z.C.'s Order in which Petitions for Special Hearing and Variances were GRANTED with restrictions. 12/05/95 -Amended Order to incorporate inadvertently omitted lots.

This hearing scheduled for Wednesday, June 19, 1996 will now begin at the later time of 11:30 a.m. at the request of Counsel for Petitioners, due to earlier schedule conflict /no change in date; and has been

ASSIGNED FOR: SAME DATE /WEDNESDAY, JUNE 19, 1996 but at 11:30 a.m. **

cc: Cyril Byron	Appellant /Protestant
Wayne N. Overman	" "
Jerome Goodman	" "
John Jones	" "
Robert A. Hoffman, Esquire	Counsel for Petitioners
Kenneth A. Berg, Vice President	
Richmond American Homes of Md.	Petitioner
Ruby Holzapfel	Legal Owner
The Estate f Carl M. Holzapfel	" "
Stewart J. Greenebaum for	
Harley Woods, Inc.	" "
Judith Berger	
People's Counsel for Baltimore County	
Pat Keller	
Lawrence E. Schmidt	
Arnold Jablon, Director /PDM	
Virginia W. Barnhart, County Attorney	

Kathleen C. Bianco
Administrative Assistant

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 25, 1996

NOTICE OF DELIBERATION

Having concluded this case on June 19, 1996, the County Board of Appeals has scheduled the following date and time for deliberation of this matter:

RICHMOND AMERICAN HOMES OF MD. and
Ruby Holzapfel, et al -Petitioners
Case No. 96-120-SPHA

DATE AND TIME : Thursday, July 11, 1996 at 10:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: Cyril Byron	Appellant /Protestant
Wayne N. Overman	" "
Jerome Goodman	" "
John Jones	" "
Robert A. Hoffman, Esquire	Counsel for Petitioners
Kenneth A. Berg, Vice President	
Richmond American Homes of Md.	Petitioner
Ruby Holzapfel	Legal Owner
The Estate f Carl M. Holzapfel	" "
Stewart J. Greenebaum for	" "
Harley Woods, Inc.	
Judith Berger	
People's Counsel for Baltimore County	
Pat Keller	
Lawrence E. Schmidt	
Arnold Jablon, Director /PDM	
Virginia W. Barnhart, County Attorney	

Kathleen C. Bianco
Administrative Assistant

R.K.M. /copied

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 24, 1995

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

RE: Item No.: 120
Case No.: 96-120-SPHA
Petitioner: Richmond American
Homes of MD Inc.

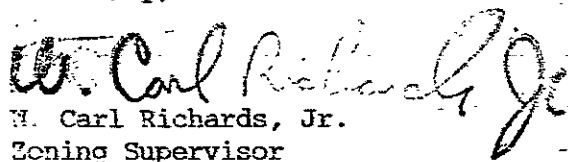
Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 14, 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 (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)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 21, 1995

FROM: Pat Keller, Director, OP

SUBJECT: Barkley Woods

INFORMATION:

Item Number: 120

Petitioner: Richmond American Homes of Maryland, Inc.

Property Size: _____

Zoning: DR-5.5

Requested Action: Variance and Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff supports the applicant's request since the installation of windows in the end of the group units will result in an aesthetic improvement.

Pursuant to Section 1B01.3A.7.b(1) of the Baltimore County Zoning Regulations, the Director of the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article (1B) and other provisions of the Comprehensive Manual of Development Policies.

Prepared by: Jeffrey W. Long

Division Chief: Cary L. Kerns

PK/JL

RECEIVED
SEP 27 1995
PLANNING DEPT.

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: Sept. 29, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for October 2, 1995
Item 120

The Development Plans Review Division has reviewed the subject zoning item. If this request is granted, this office asked that the Hearing Officer make a condition that the County Landscape Architect may require landscape buffering to help mitigate the variances.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 09/28/95

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

RE: Property Owner: RUBY HOLQAPPEL & CARL M. HOLZABHEL & BARKLEY
WOODS, INC. & RICHMOND AMERICAN HOMES OF MARYLAND, INC.
LOCATION: N/S LIBERTY GARDENS RD. 150' E OF OAK HAVEN CIR.
(BARKLEY WOODS, SECTION II)

Item No.: 120

Zoning Agenda: SPECIAL HEARING

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
SEP 29 1995

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

SEP 29 1995



cc: File

Printed on Recycled Paper

MICROFILMED

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

TO: ZADM

DATE: 9/25/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 9/25/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

118

119

120

121

122

(4)

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-20-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 120 (CAM)

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 affected by any State Highway Administration projects.

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,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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

PETITION PROBLEMS

#117 --- CAM

1. No signature for attorney.
2. No telephone number for attorney.

#120 --- CAM

1. Need someone with power of attorney to sign for Carl Holzabhel, deceased legal owner. (Also need the document authorizing person to do this.)
2. Need title of person signing for Barkley Woods, legal owner.

#122 --- JRF

1. Notary section is incorrect.

MICROFILMED

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
N/S Liberty Gardens Road, 150' E of Oak	*	ZONING COMMISSIONER
aven Circle (Barkley Woods, Section II)		
2nd Election Dist., 2nd Councilmanic	*	OF BALTIMORE COUNTY
Ruby and Carl Holzapfel, et al.	*	CASE NO. 96-120-SPHA
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 30th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 2, 1996

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

Re: Petition for Special
Hearing and Variance
N/S Liberty Gardens Road
150 ft. E of
Oak Haven Circle
Barkley Woods, Section I
2nd Election District
2nd Councilmanic District
Legal Owners:
Ruby Holzapfel, et al
Contract Purchaser:
Richmond American Homes of
Maryland, Inc.
Case No. 96-120-SPHA

Dear Mr. Hoffman:

Please be advised that an appeal of the above-referenced case was filed in this office on December 26, 1995 by the Rockdale Civic and Improvement Association and Cyril Byron, Wayne N. Overman, Jerome Goodman, and John Jones. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,


ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

c: Kenneth A. Berg
Judith Berger
People's Counsel

01/02/96 11:30

MICROFILMED



APPEAL

Petition for Special Hearing and Zoning Variance
N/S Liberty Gardens Road
150 ft. E of Oak Haven Circle
Barkley Woods, Section I
2nd Election District - 2nd Councilmanic District
Legal Owners: Ruby Holzapfel, et al
Contract Purchaser: Richmond American Homes of Maryland, Inc.
Case No.: 96-120-SPHA

Petition(s) for Special Hearing and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Citizen(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Highlighted Plat to accompany Zoning Request
2 - Side Elevation/Partial Plan to accompany Petition
for Special Hearing and Zoning Variance

Protestant's Exhibits: 1 - Maryland Tax Account Assessment and Taxation
information to accompany Petition for Special
Hearing and Zoning Variance

Zoning Commissioner's Order dated November 30, 1995 (Granted)

Zoning Commissioner's Amended Order dated December 5, 1995 (Granted)

Notice of Appeal received on December 26, 1995 from the Rockdale Civic and
Improvement Association, and Cyril Byron, Wayne N. Overman, Jerome Goodman, and
John Jones

c: Robert A. Hoffman, Esquire, Venable Baetjer and Howard, 210 Allegheny Avenue,
Towson, MD 21204
Kenneth A. Berg, Vice President, Richmond American Homes of Maryland, 3701
Pender Drive, Suite 200, Fairfax, VA 22030
Mrs. Judith Berger, 3801 Lochearn Drive, Baltimore, MD 21204-6363
Cyril Byron, 7811 Liberty Road, Baltimore, MD 21244
Wayne N. Overman, 3522 Rockdale Court, Baltimore, MD 21244
Jerome Goodman, 7915 Liberty Road, Baltimore, MD 21244
John Jones 8024 Montwood Road, Baltimore, MD 21244
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

RECORDED

2/13/96 -Notice of Assignment for hearing scheduled for Wednesday,
June 19, 1996 at 10:00 a.m. sent to following:

Cyril Byron
Wayne N. Overman
Jerome Goodman
John Jones
Robert A. Hoffman, Esquire
Kenneth A. Berg, Vice President
Richmond American Homes of Md.
Ruby Holzapfel
The Estate of Carl M. Holzapfel
Stewart J. Greenebaum for
Harley Woods, Inc.
Judith Berger
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

6/10/96 -T/C from Counsel for Petitioner; has learned of hearing
scheduled before Zoning Commissioner; has conflict with 10:00
starting time; will send written request for later start date.

6/11/96 -Letter from R. Hoffman, Esquire, requesting reassignment to
11:30 a.m. start time on same date of 6/19/96. To be granted in
order that both hearings may go forward. Amended Notice to be
sent.

6/11/96 -Amended Notice of Assignment (as to time only) sent to parties;
matter rescheduled to same date (June 19, 1996); to start at 11:30
a.m.

6/25/96 -Notice of Deliberation sent to parties. Matter concluded on
June 19, 1996; to be deliberated Thursday, July 11, 1996 at 10:00
a.m.

Delib. 6/19/96; Variance $\frac{1}{2}$ S.P.H. - denied

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Richmond American Homes of Md. and
Ruby Holzapfel, et al -Petitioners
Case No. 96-120-SPHA

DATE : July 11, 1996 @ 10:00 a.m.

BOARD /PANEL : Robert O. Schuetz (ROS)
Kristine K. Howanski (KKH)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Among those present at the deliberation were Carole S. Demilio, Deputy People's Counsel for Baltimore, and Barbara White Ormord, for Robert A. Hoffman, Esquire, counsel for Richmond American Homes of Md.

PURPOSE --for public deliberation of matter on appeal in Case No. 96-120-SPHA; testimony and evidence received on June 19, 1996; written Opinion and Order to be issued by the Board.

ROS: Good Morning. We are here to deliberate Case No. 96-120-SPHA, Richmond American Homes of Md, and we are here pursuant to the hearing held on Wednesday, June 19, 1996 to hear the issues before the Board for variances for various setbacks and special hearing to amend the final development plan for Barkley Woods, Section I. As has grown to be a custom around here, I'll go first.

One of the things -- and before I get into the merits -- one of the things that strikes me in this case is that we are here for essentially an order that was brought by the Zoning Commissioner on these matters, and the Code allows "any person or persons, jointly or severally, aggrieved or feeling aggrieved by the decision" to appeal; by adding the word "feeling," it opens it up to essentially anybody; anybody is entitled to come in here.

We have heard the case, and I'm not ready to say one way or another how I feel in terms of the merits and whether or not they are due the variance, but whether or not the protestants even had a case here is of great concern to me. Feeling aggrieved is one thing, but being aggrieved is completely different. I don't think the protestants had any leg to stand on as an aggrieved party; issues were tried all the way to the Court of Special Appeals in development plan process in this case. One only has to look at the opening statements by

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protestants -- is the development illegal -- I think the Court has already decided that. It's not a question for this Board to consider. And so, that is all that was raised by protestants in opening statement. In my view, failing to even enumerate any concerns outside of whether or not the development was legal raises serious question as to why we are here on this case. That particular protestant, Mr. Goodman, understands the process; been to the Court of Special Appeals and yet comes here lacking an argument. We are here because he alleges to feel aggrieved; and therefore we have to hear this case.

As to the issue of the special hearing, the Board is empowered to amend the final development plan pursuant to the special hearing proceeding. We have to consider it under special exception rules; variances similarly, because of the proposed amendments to the plan. And it sort of throws a monkey wrench in the way the Board views this -- it's difficult to assess variance requirements in light of special exception procedures. But you have to put them one in front of the other, and see how they build on one another to get to the special hearing. I looked first at the variances -- and in this particular issue, what we have is an approved development plan, and I think that in light of Cromwell v. Ward, and the need to move on the issue of uniqueness first, and then the issue of whether or other strict compliance with the zoning regulations would essentially constitute a practical difficulty or unreasonable hardship on the Petitioner, I think that Cromwell in this particular case is a little strong. I think everyone understands these particular matters, but I don't believe we are finished seeing how variances will be granted over time.

Nonetheless, I'm going to try to discuss how I view that particular issue in light of this particular case. We have a development plan which has been approved; building setbacks which have been approved; we have, let's call them, revised building setbacks which are proposed as a result of proposed changes in the development plan, and therefore a need for variances; the only change being the, let's call it, the latitudinal point that the building face assumes when a bay window is added to its side face. In my view, I believe that that is a self-imposed problem. But that does not remove the questions of the setbacks that were raised by People's Counsel, in light of the proposed new building setbacks, essentially resulting in reduced density, if People's Counsel's argument is carried to the end. I am not persuaded by that at all. What we have here is an opportunity for not just Petitioners but all purchasers of the homes as well as the entire surrounding community to enjoy (a) better

architecture in the words of Petitioner's expert; and (b) higher property values because of what the new units would fetch on the open market. That is where strict interpretation of Cromwell gets in the way of making perfectly good sense in granting a variance.

I would say, though, because we are under special exception procedures, the Board has a fair amount of latitude in assigning restrictions if the variances were to be granted. And so, one of the things that I would like to hear from my colleagues -- that is the question of whether or not it's necessary that it be a bay window, or that it just be fairly large open window that just happens to be flush with the opening. One just has to drive around surrounding communities to see particular architectural form --where windows are not on building faces. But we have an entire community all of which have side windows in rather tight spaces between buildings constructed in the 1950s. And so, from a unique question first, I think this property is unique in that it's essentially one of the last developable parcels in the area. I think that, in and of itself, makes it unique, plus the fact that the entire surrounding community is developed by business park or residential development off Liberty Road. This parcel stands alone -- that satisfies unique questions. But when you get to practical difficulty or unreasonable hardship, the case falls apart.

KKH: I have a problem. Particularly, I do not see Cromwell giving us that latitude in terms of uniqueness. I must confess I've tried very hard in deliberating on cases to keep my personal preferences out of it. I don't usually know what my personal preferences are because it's a luxury I don't explore. It is difficult in this case to ignore what appears to be an obvious aesthetic improvement, and so in our eagerness to enjoy better architecture and for something more attractive, I don't want to ignore that all seems to be saying no. That may be stupid, and I may agree with you, but I don't see Cromwell allowing us -- we are not allowed to go outside of the four corners. All we can do is look and see if this parcel has something physically unique about it. I don't see anything, and the silence was deafening in the lack of testimony in this case. This case bothers me -- I agree with you that the protestants who came in were not here on the merits of the issues before us. People's Counsel was here on the issues that are properly before us, and as watchdogs, so to speak, for making sure that all strikes are called properly.

We do look at variances first. We do have an approved plan. But look at uniqueness first before unreasonable hardship and substantial difficulty, and this case upsets me on both sides,

Deliberation /Richmond American Homes /96-120-SPHA

because I look at it -- it seems to me that anybody could agree the appearance of these buildings is definitely enhanced when you add windows. No question it will also increase property values. I realize -- to me we could all exercise common sense -- get the proper setbacks -- but then allow that prong and everyone could agree.

But we have Richmond American who wants to stay with the original plan -- will make more money with this but don't want to lose a house to satisfy the setbacks. I find that very frustrating. But we are not here -- this is where I struggle -- I may not like Cromwell in some respects -- and this may be a case where I don't -- can we ever look at the circumstances and say "I know it's not unique; nothing on it is unique, but can't we use common sense?" But I don't think Cromwell permits us to. I would say we would not even get past uniqueness. If we did, we do have self-imposed hardship -- I think Pete Zimmerman made a strong point on that -- that there cannot be substantial difficulty or unreasonable hardship because, if denied, they said they could build the building. It would not pass difficulty even if they pass uniqueness.

On a personal level, it's regrettable; but on a legal level, there's no latitude under Cromwell.

SDL: I'm afraid I agree. I would like to grant the variances, but we cannot.

KKH: Where are you, Rob, on this belief on Cromwell? That you think we can go?

ROS: I think that Cromwell, that in order for Cromwell to be thoroughly and completely applied across the board on all properties in Baltimore County, they would have to assume that the framers of the zoning legislation would have to have been infallible -- cannot cover all properties -- unusual proposal which falls apart under Cromwell.

For example, we can't build a Vanderbilt mansion in Baltimore County because of height restrictions; we cannot build what is universally accepted as outstanding because of zoning regulations. And I think that we essentially hurt ourselves by denying ourselves the opportunity for people who see that and value that and wish to place it here because of those zoning regulations.

KKH: Maybe I am looking at you putting the cart before the horse. If we think Cromwell is misguided in its applicability, it seems to me we have no choice as a Board but to honor Cromwell. Let this dissension lay out there for the bomb it

Deliberation /Richmond American Homes /96-120-SPHA

is, and let someone else deal with it. That is how change comes about through this process.

ROS: I agree with you completely. But....

KKH: I would like to agree with you, but I think -- we may look foolish in some respects to an outsider taking this stand, but I don't see the latitude.

ROS: And I would agree, but I think it's unfortunate.

SDL: The problem is not with Cromwell v. Ward but with poor regulations.

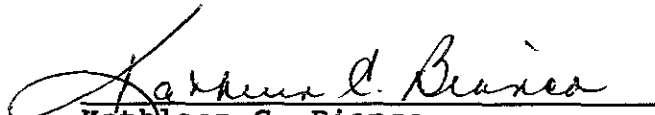
ROS: This is a citizens board -- lay persons essentially. However, we still have to live within what has been prescribed for us. We do have some latitude, but not as much as I think some would have us having.

I think we are unanimous. A written opinion will be issued as a result of today's deliberation. Any petition for judicial review should be made from the date of that Order and not today's date.

Thank you all.

* * * * *

Respectfully submitted,


Kathleen C. Bianco
Legal Administrator

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 10, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe *WR*
County Board of Appeals

SUBJECT: Closed Files: Case Nos.
95-366-A /Carroll Coleman, et ux (12th; 7th)
96-24-A /Thomas Kreiner, Jr., et ux (15th; 5th)
96-31-SPH /Stephen Seymour (3rd; 2nd)
96-40-A /Joseph C. Nowakowski (15th; 7th)
96-63-A /Joseph E. Neet, et ux (13th; 1st)
96-118-SPHXA /Rocky Gorge at Grey Rock, L.P. and
Rocky Gorge Communities, Inc., G.P. (3rd; 2nd)
96-120-SPHA /Richmond American Homes and
Ruby Holzapfel, et al (2nd; 2nd)
CBA-95-178 /Steinberg Property (DRC #07315M)
CBA-96-113 /Samuel Owings House (Permit #B240689)

As no further appeals have been taken regarding the subject cases, we are hereby closing the files and returning same to you herewith.

Attachments (Case File Nos. 95-366-A; 96-24-A; 96-31-SPH; 96-40-A;
96-63-A; 96-118-SPHXA; 96-120-SPHA; CBA-95-178; CBA-96-113)

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ABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

June 11, 1996

Robert O. Schuetz, Chairman
County Board of Appeals of
Baltimore County
Old Courthouse, Basement
400 Washington Avenue
Towson, MD 21204

Re: Contract Purchaser: Richmond American Homes
Petitioner for Special Hearing and Variance
Case No. 96-120-SPHA

Dear Chairman Schuetz:

The referenced case is scheduled for hearing on June 19, 1996 at 10:00 a.m. Unfortunately, the Office of Permits and Development Management has scheduled one of my zoning cases before the Zoning Commissioner on that same date and time. I would like to participate in both of these hearings. Would it be possible to reschedule the referenced case for 11:30 or later on that same date?

Thank you for your consideration of this request.

Yours truly,



Robert A. Hoffman

RAH:pvb

cc: Mr. Cyril Byron, Appellant
Mr. Wayne N. Overman, Appellant
Mr. Jerome Goodman, Appellant
Mr. John Jones, Appellant
Mr. David Thaler
Mr. Ken Berg

TOIDOC51/RAH01/0026045.01

6013-95

12/20/95
S
TO JW

December 20, 1995

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
N/S Liberty Gardens Road, 150' E. of Oak
Haven Circle (Barkley Woods, Section II)
2d Election Dist., 2nd Councilmanic
RUBY HOLZAPFEL, ET AL., Petitioners
Case No. 96-120-SPHA

Dear Mr. Jablon:

Please enter an appeal of the ROCKDALE CIVIC AND IMPROVEMENT ASSOCIATION and CYRIL BYRON, WAYNE N. OVERMAN, JEROME GOODMAN and JOHN JONES to the County Board of Appeals from the Findings of Fact and Conclusions of Law and Order dated November 30, 1995 of the Baltimore County Zoning Commissioner, and from the Amended Findings of Fact and Conclusions of Law and Order of the Baltimore County Zoning Commissioner, dated December 5, 1995 in the above-entitled case.

Enclosed is our check in the amount of \$385.00 for the filing fee.

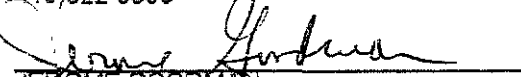
Please forward copies of any papers pertinent to the appeal as necessary and appropriate

Very truly yours,
ROCKDALE CIVIC AND IMPROVEMENT
ASSOCIATION, Inc.

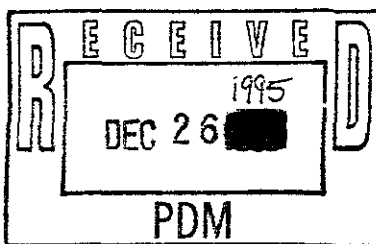
By:


CYRIL BYRON, President
7811 Liberty Road
Baltimore, MD 21244
410)922-7686


WAYNE N. OVERMAN
3522 Rockdale Court
Baltimore, MD 21244
410)922-5986


JEROME GOODMAN
7915 Liberty Road
Baltimore, MD 21244
410)655-2657


JOHN JONES
8024 Montwood Road
Baltimore, MD 21244
410)922-5728



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cc: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204,
Attorney for Petitioners

21204 People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, MD

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

JEROME GOODMAN

7915 LIBERTY RD EAST 21241

JUDITH BERGER

3801 LOCHEARN DR ALTO 21207-
6363



MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

BARCLAY WOODS
31 OCT 95

NAME

Rob Hoffman

DAVID THAYER

Kenneth A. Bray

ADDRESS

210 Allegheny Ave 21204

7115 AMBASSADOR RD 21244

3701 Borden Drive, FC, VA 22030

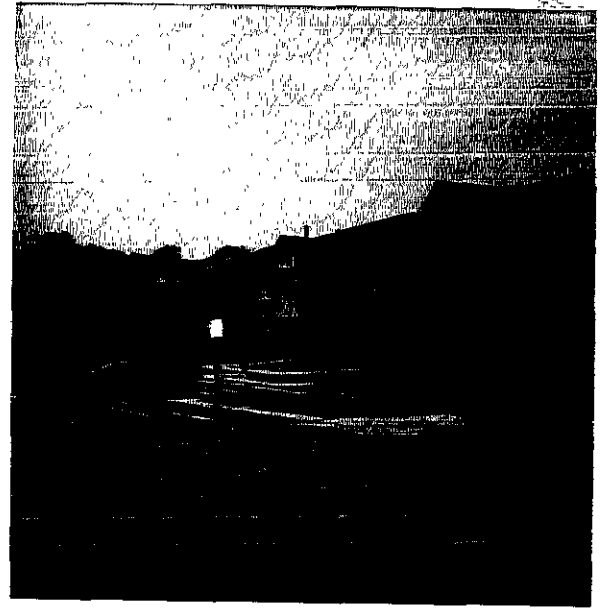
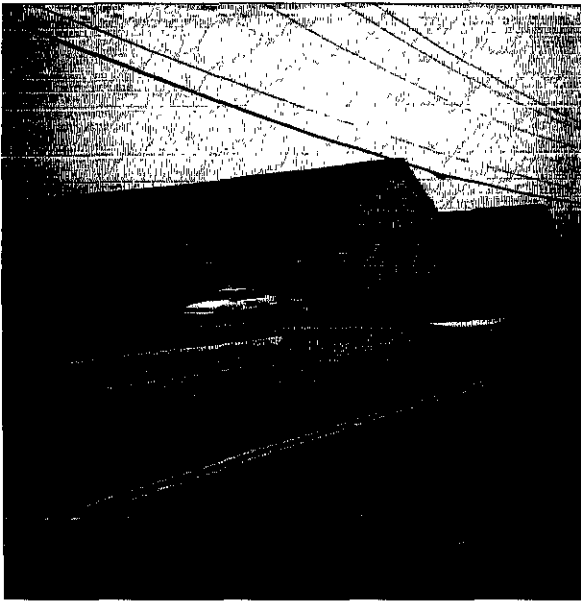
Case No. 96-120-SPHA

Ruby Holzapfel, et al - Legal Owners
Richmond American Homes of Maryland, Inc. - C.P.

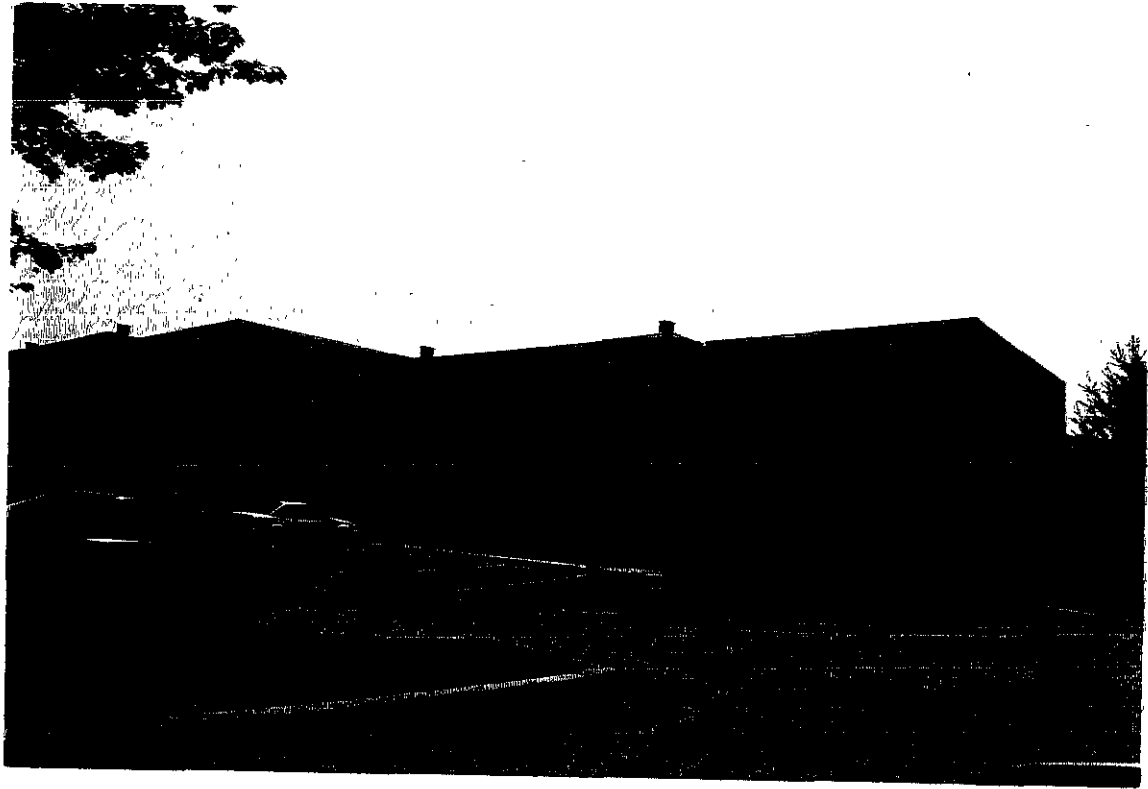
N/s Liberty Gardens Road, 150 ft. E of
Oak Haven Circle (Barkley Woods, Section I)

2nd Election District

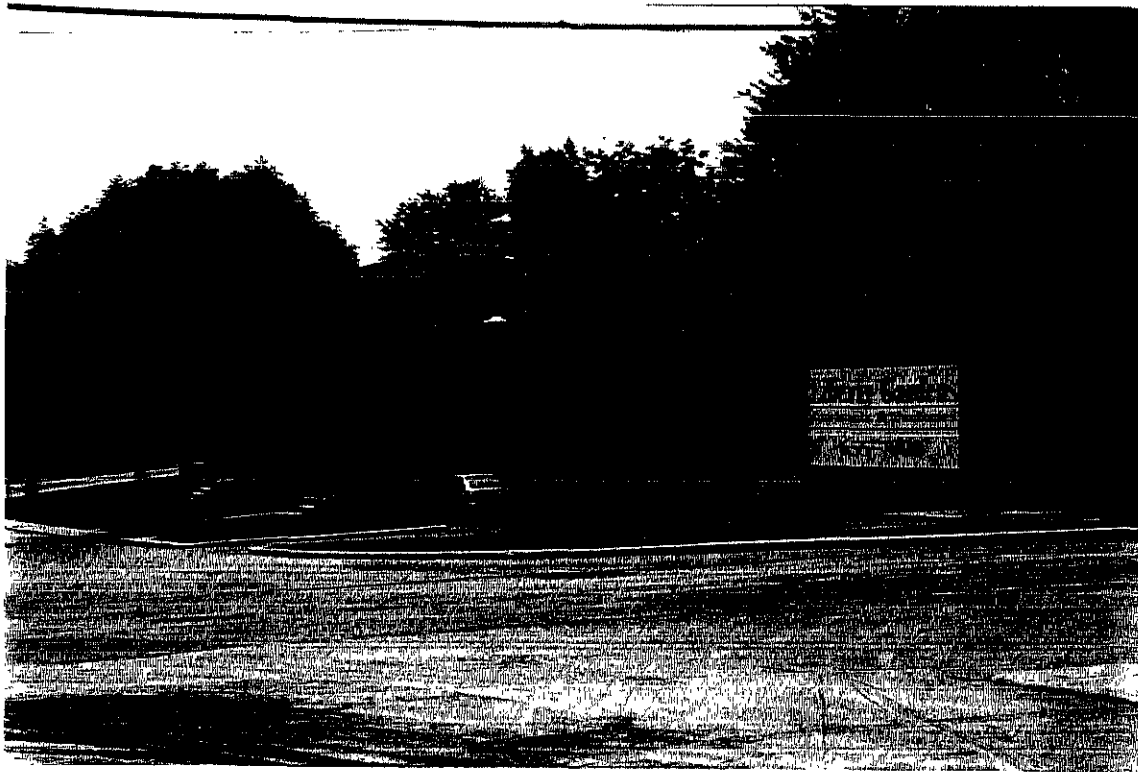
Appealed: 12/26/95

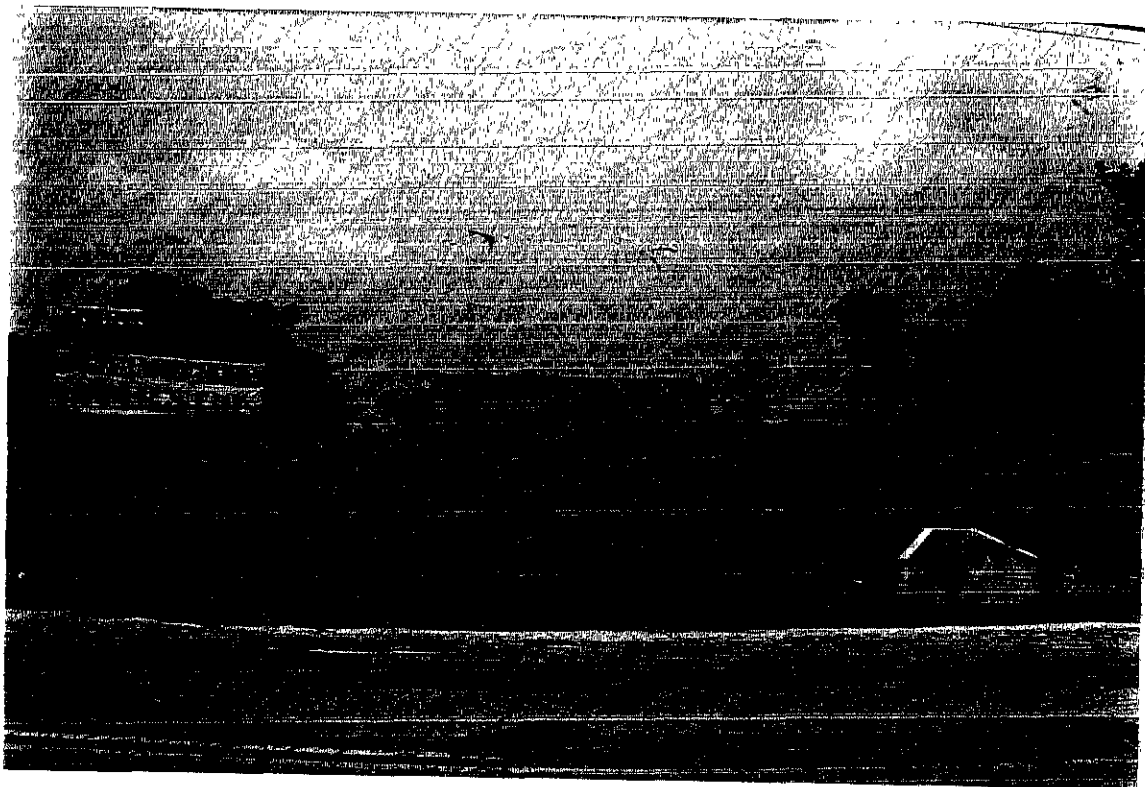
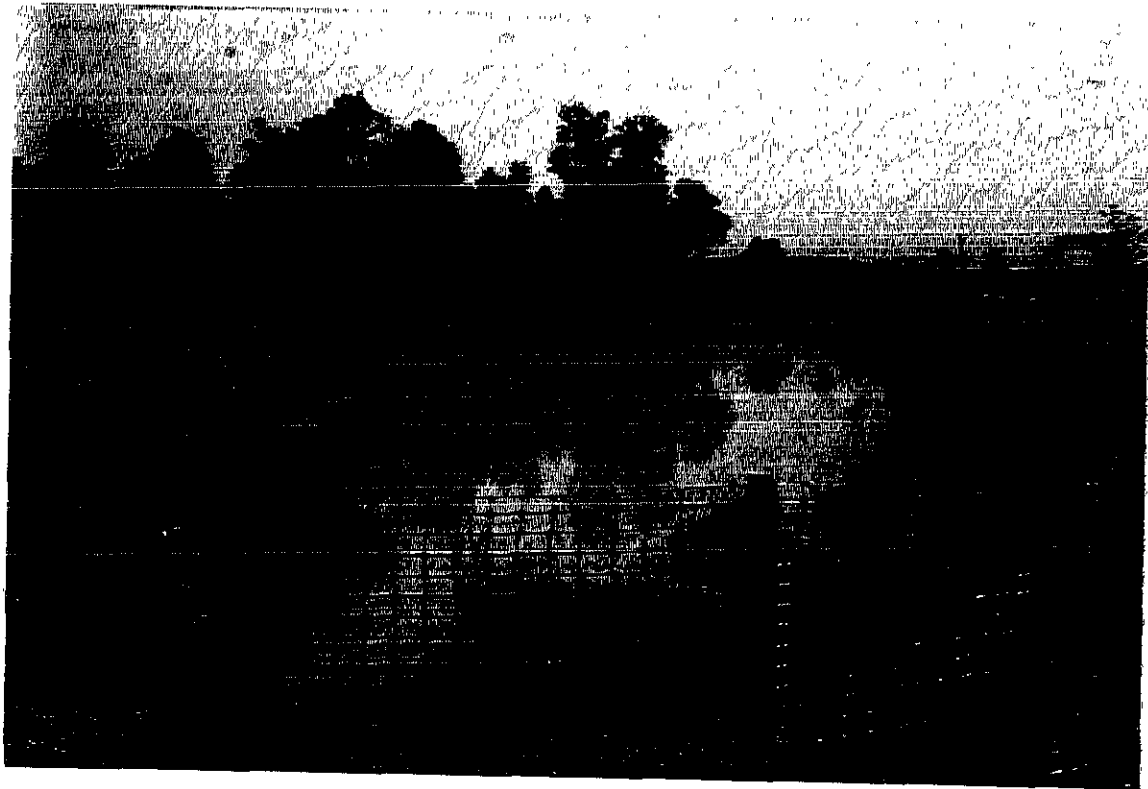


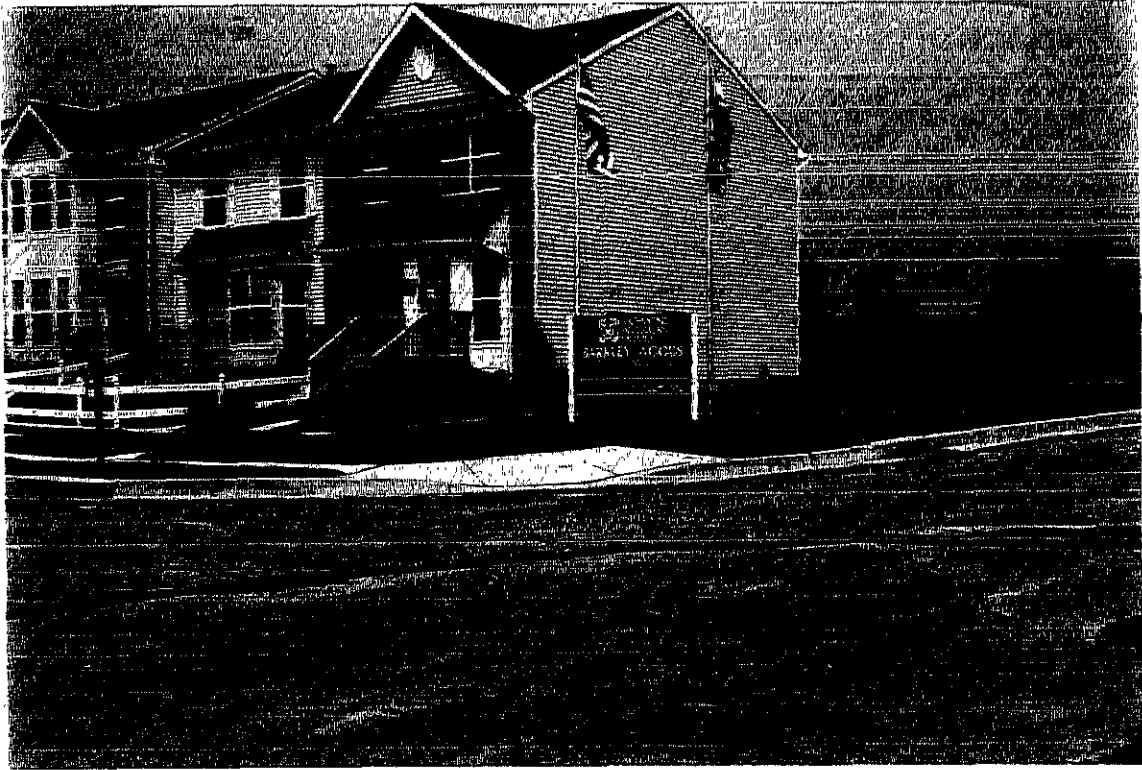


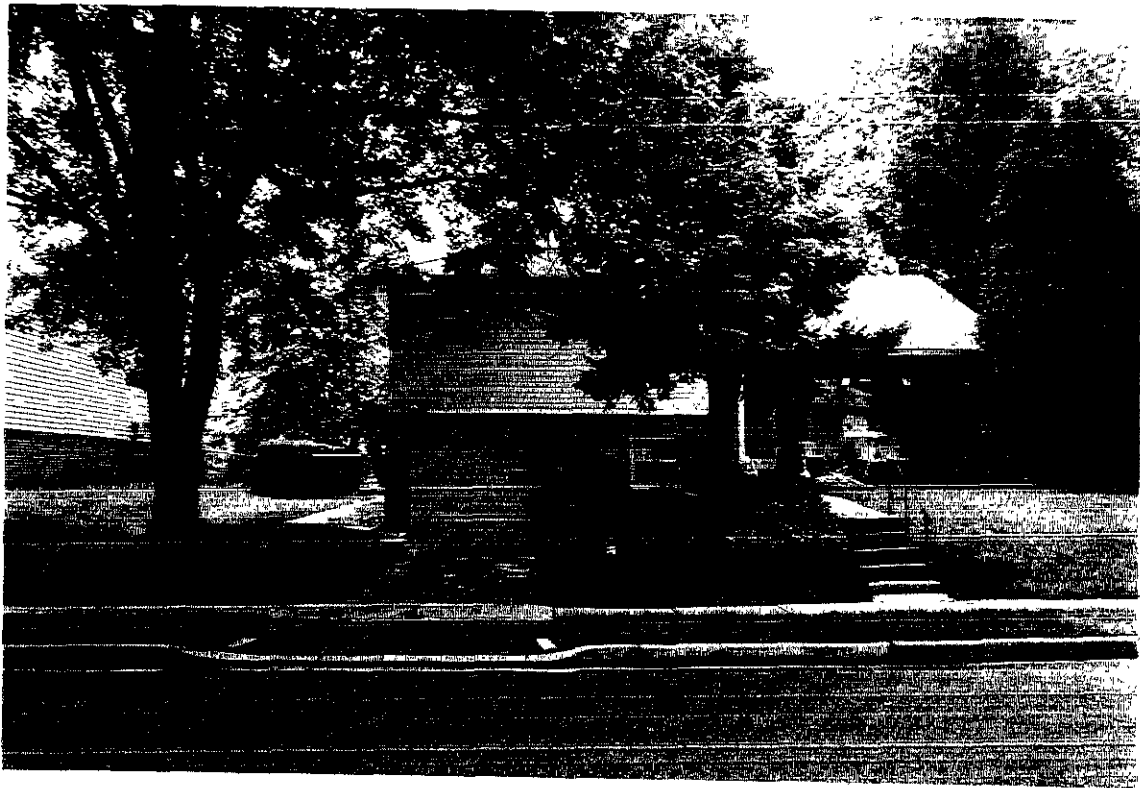








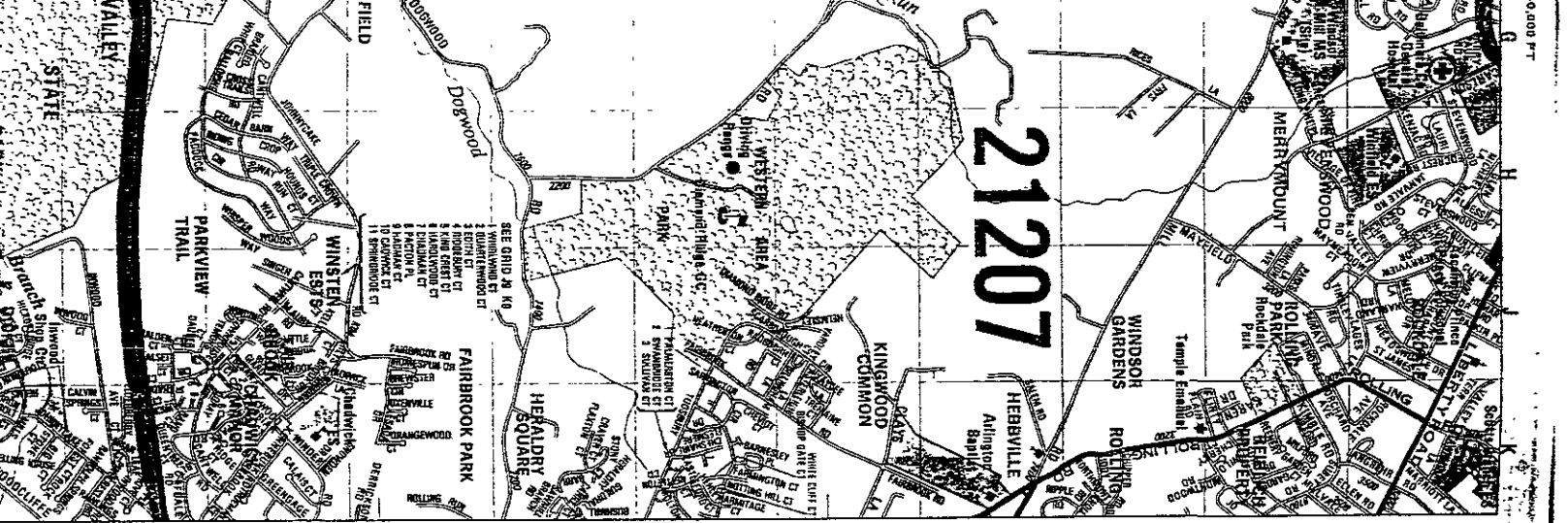




CASE: 96-120-SPHA

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540,000 FT

Joins Map 34

39°20'00"

550,000 FT

33

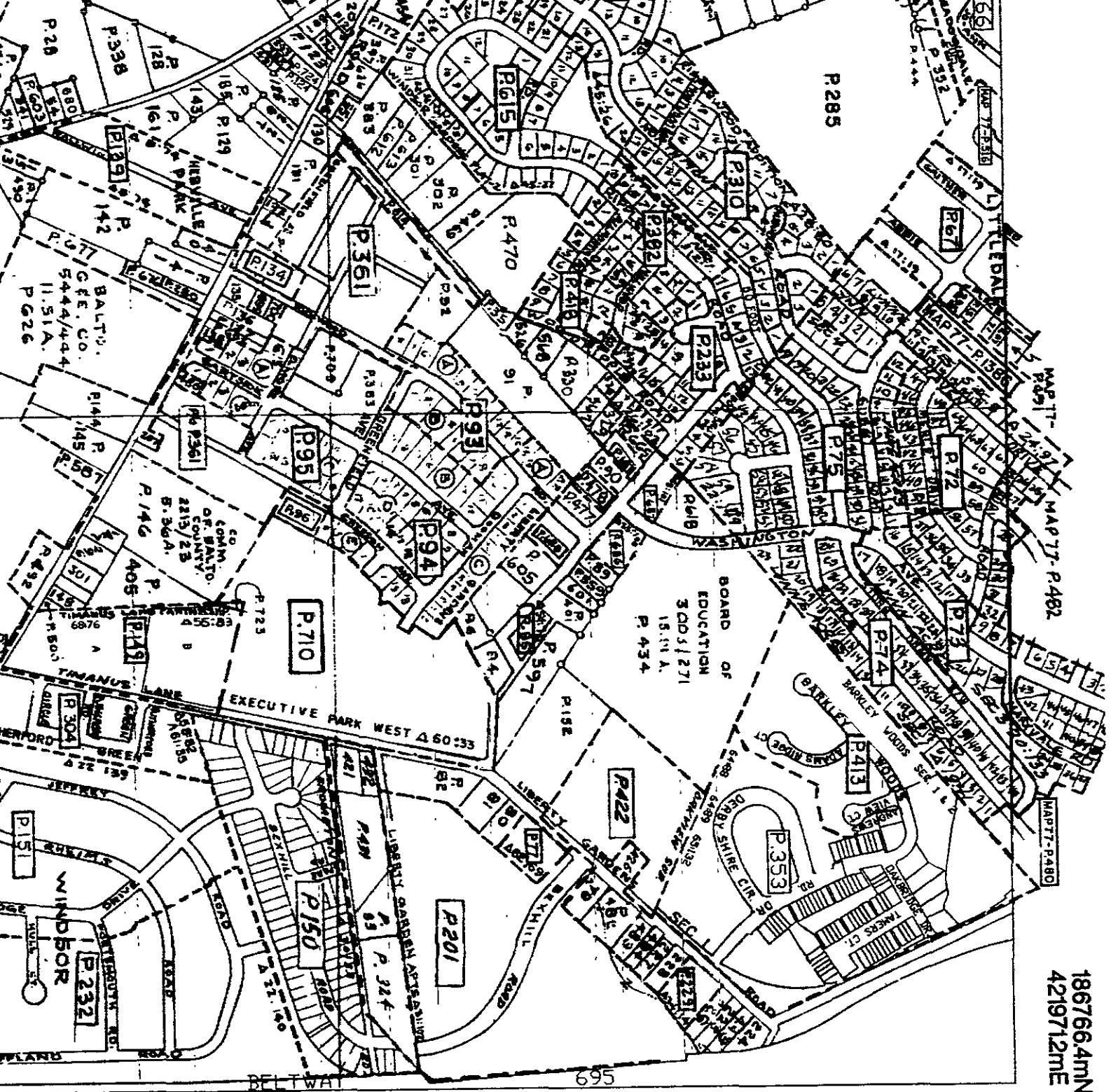
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People's Journal Ex. 4

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COUNTY REVIEW GROUP MEETING SUMMARY

Thursday, August 10, 1989

JANSON HOMES TRACT

District 2 C2

COUNTY REVIEW GROUP - THOSE PRESENT

C. Thomas Watson, Chairman - Dept. of Public Works
Gary Kerns, Co-Chairman - Office of Current Planning

AGENCY REPRESENTATIVES

Frank Fisher	- Planning
Rahim Famili	- Traffic Engineering
David A. Bayer	- Developers Engineering Division
Sue Frahm	- Councilman Mintz's Aide
Bruce Seeley	- DEPRM

DEVELOPER AND/OR REPRESENTATIVES

Richard E. Matz	- Harris, Smariga, Matz, Inc.
Ellwood A. Sinsky	- Developer
Howard Janet	

INTERESTED CITIZENS

Roger Stultz, 3405 Liberty Road
Jerome Goodman, 7915 Liberty Road

Mr. Watson, Chairman, opened the meeting at 10:10 a.m., introduced the staff and explained the purpose of the meeting. Mr. Matz presented the plan.

Mr. Kerns summarized the staff comments submitted from Developers Engineering Division, Department of Environmental Protection and Resource Management (DEPRM), State Highway Administration, Office of Planning and Zoning, Bureau of Traffic Engineering, Department of Recreation and Parks and Bureau of Land Acquisition. These comments have been made a part of this summary, and a copy was also given to the developer and developer engineer.

Staff comments to be addressed:

DEPRM - Site specific comments numbers 1, 2 and 3.

Traffic Engineering - Add sight distance clearing note.

Developers Engineering Division - A 12" water main is required in certain locations where 8" mains are now shown.

Planning - Add the Planning number to the plan. Change note number 15.

The citizens were invited to comment:

Roger Stultz - Ground water is seeping into sewer lines. His drinking water is muddy. He has poor water pressure. Has a fire flow test been performed?

Jerome Goodman - Where were fire flow test taken? The comments from the Board of Education are wrong, there is currently overcrowding. Stated that current noise levels in the area exceeded State regulations.

Citizen comments were then reviewed:

Ellwood Sinsky - Fire flow tests have been taken and were highly successful due to the recent looping done by Baltimore City. He does not know where the tests were taken but will supply Mr. Goodman with the results.

Dave Bayer - Will report the muddy water and the sewer infiltration to the proper authorities.

Dick Matz - Explained how the proposed storm drain system will help the current problem on Liberty Gardens Road.

Gary Kerns - Explained how the Board of Education compiles its figures and how school overcrowding cannot hold up CRG approval. Also, the County has not been advised of any noise violations concerning this site.

Bruce Seeley - Stated that Mr. Herb Naylor in DEPRM is the County's contact for noise pollution but that he has no jurisdiction over new developments going in where there are already existing problems.

County staff comments were then reviewed:

DEPRM - Engineer will comply with comments 1 and 3. Bruce Seeley will advise CRG when comment 2 is satisfied and the plan can be signed.

Traffic Engineering - Engineer will comply.

Developers Engineering Division - Dave Bayer will check to see if the recent water main looping by the City will eliminate the need for the 12" mains.

Planning - Engineer will comply.

CONCLUSION: The plan was approved, the appeal process was explained and the meeting was adjourned at 11:00 a.m..

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments

Date: August 10, 1989

From: Department of Recreation and Parks

Project Name:	<u>Janson Homes Tract</u>	<u>Preliminary Plan</u>	<u> </u>
Project Number:	<u>89107</u>	<u>Development Plan</u>	<u> </u>
Location:	<u>Liberty Gardens Road</u>	<u>Final Plat</u>	<u> </u>
Districts:	<u>2 c 2</u>	<u>CRG</u>	<u>X</u>

COMMENTS:

All comments from the June 8, 1989 CRG meeting remain valid.



Walter P. Kincer
Facilities Coordinator

JEROME GOODMAN

Professional Engineer

7915 LIBERTY ROAD
BALTIMORE, MARYLAND 21207

Telephone 301 / 655-2657

August 10, 1989

County Review Group
Baltimore County Department of Public Works
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: Janson Homes Tract

Gentlemen:

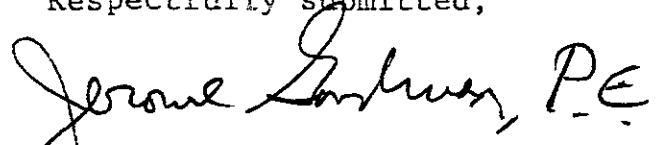
I conducted an acoustic survey at the Liberty Gardens Road property line of the Janson Homes Tract on August 8, 1989. The object of the survey was to determine if the maximum measured noise levels were in violation of the Maryland Environmental Noise Act. The Act is administered by the Maryland Department of the Environment and it is embodied in the Code of Maryland Regulations (COMAR) as Title 26, Subtitle .02, Chapter .03 or as 26.02.03. The measured maximum noise levels were:

	NOISE LEVELS (dBA)		
	7:30 AM	4:30 PM	10:10 PM
Baltimore Beltway			
Noise	74	74	70
Passing Autos			
and Trucks	80	80	76

The noise was generated by operating automotive vehicles and trucks. Levels were lower in the evening due to the lessened speeds at which the vehicles were operated. The Noise Levels all exceed the Residential Levels of COMAR 26.02.03.03 (Table II) which is titled "Maximum Allowable Noise Levels (dBA) for Receiving Land Use Categories."

Liberty Gardens Road is a major traffic artery connecting Liberty Road and Windsor Mill Road. It is used by employees of the Social Security Administration, Baltimore Gas and Electric Company, Martin-Marietta Data Systems and other large operations. Continued industrial and commercial development in the Rutherford Industrial Park and in contiguous areas will only serve to amplify, exacerbate and potentiate the traffic volume and the noise problems that ensue therefrom.

Respectfully submitted,


JEROME GOODMAN, P.E.
PROFESSIONAL ENGINEER

JANSON HOMES MTG. 8-4-89

Liberty Gardens Rd. - 28.5' paved w/curb on Janson side. Opposite side may be open or bermed which will be determined at design stage.
46'/60' - 40 MPH design speed, 670' Radius.

Storm Drains - No need to build system designed for adjacent property.

Water Main Loop - DED will look into 12" main loop to see if it's still necessary since the pressure problem has been relieved.

Also, talk to Larry Pilson about failing septic note.

C.R.G. MEETING AGENDA

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of plan by developer's representative
5. Comments of County agencies
6. Citizens' comments or questions
7. Developer's response
8. County Review Group decision
9. Adjourn meeting

SEE 2ND SHEET ATTACHED

PLEASE PRINT

SIGN IN

NAME

ADDRESS

Roger Stultz
Groul Goodman
Dine 7

3405 Liberty Rd.
7915 Liberty Rd

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Planning - Engineer will comply.

CONCLUSION: The plan was approved, the appeal process was explained and the meeting was adjourned at 11:00 a.m..

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENT
FROM: OFFICE OF PLANNING AND ZONING
8/10/89

DATE

PROJECT NAME: The Janson Homes Tract ~~XXXXXX~~ PLAN

PROJECT NUMBER: II-428

The CRG for the Janson Homes Tract calls for 147 townhouses and 53 single family detached dwellings on 36.36 acres; zoned D.R.5.5. The property is located on Liberty Garden Road southwest of Ripple Road.

The Office of Planning and Zoning has reviewed the revised plan and offers the following comments:

1. This site is located within a traffic area controlled by a "D" level of service intersection at Liberty Road and Washington Avenue as designated on the Basic Services Maps adopted by the County Council. Although the present level of service is correctly considered to be adequate, Baltimore County recognizes that continuing development in certain areas may create future service deficiencies. Such development is not intended to be restricted unless there is a substantial probability that an arterial and arterial collector intersection situated within the mapped area will, on the date the map became effective, be rated at level of service "E" or "F". For this reason, the Basic Services Maps are reviewed annually, as it is the intention of the County Council that existing service deficiencies will be corrected in accordance with the Master Plan and Capital Improvement Program.
2. Current Planning CRG number II-428 must be filled in along with Public Services CRG number.
3. Minimum parking requirements for townhouse units have been met. Based on analysis of similar projects, this office recommends additional parking to be provided for the townhouse units to be calculated at the rate of 2.15 total spaces per unit.
- * 4. Any subsequent plans must include the date and list of revisions.
5. A final landscape plan, approved by Office of Planning and Zoning, is required prior to the issuance of building permits.

6. note #5 - change to Landscape Manual Sec. IX - D
A:crg69.txt

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a
duly elected member of the (Board of Directors) (Zoning Committee)
of the ROCKDALE CIVIC & IMPROVEMENT Association.

Jerome Jordan

ATTEST:

ROCKDALE CIVIC & IMPROVEMENT Association

William Burke
Secretary

Cyril O. Dyer, Jr.
President

DATE:

June 18, 1996

ROCKDALE CIVIC & IMPROVEMENT ASSOCIATION

RESOLVED: That the position of the ROCKDALE CIVIC & IMPROVEMENT Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as: SPECIAL VARIANCE, 210 LIBERTY GARDENS RD, 150' E. OF OAK HAVEN CIR, (BARKLEY WOODS, SECTION II)

is that:

THE ASSOCIATION OPPOSES THE REQUESTED VARIANCE

AS WITNESS OUR HANDS AND SEAL THIS 18TH day of JUNE, 19 96.

ATTEST:

ROCKDALE CIVIC & IMPROVEMENT

Carol O. Dyman, S. Association

Robert Burk
Secretary

Carol O. Dyman, S.
President

ROCKDALE CIVIC & IMPROVEMENT ASSOCIATION, INC.

RESOLVED: That at the ANNUAL meeting of the ROCKDALE CIVIC & IMPROVEMENT Association held on FEBRUARY 5, 1996, it was decided by the Association that responsibility for review and action on all zoning matters for the period MARCH 1, 1996 TO FEBRUARY 28, 1997 be placed in the (~~Board of Directors~~) (Zoning Committee) consisting of the following members:

CHARL O. BROWN, SR
JEROME GOODMAN
WAYNE OVERMAN
JOHN JONES

AS WITNESS OUR HANDS AND SEAL THIS 18TH day of JUNE, 1996.

ATTEST:

ROCKDALE CIVIC & IMPROVEMENT Association

Albert B. Burt
Secretary

Clayton O. Dymally
President

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM

10/20/95

ENTER LINE NO	N A M E	SELECTION/SEQUENCE ACCOUNT NO.	BALTIMORE COUNTY - MAP 87 STREET LOCATION	OWN OCC	PAGE TOWN	1 OF 20 PAR	20 LOT
1)	BARKLEY WOODS INC	02 2200013013	OAKBRIDGE DRIVE	N	000	353	
2)	BARKLEY WOODS INC	02 2200013014	DERBY SHIRE CT	N	000	353	
3)	BARKLEY WOODS INC	02 2200013017	DERBY SHIRE CIR	N	000	353	
4)	BARKLEY WOODS INC	02 2200013018	DERBY SHIRE CIR	N	000	353	
5)	HOLZAPFEL CARL M	02 0208651300	3512 LIBERTY GARD R	H	000	353	
6)	HOLZAPFEL CARL M	02 0208651301	3514 LIBERTY GARD R	H	000	353	
7)	HOLZAPFEL CARL M	02 2200013015	OAKBRIDGE DRIVE	N	000	353	
8)	HOLZAPFEL CARL M	02 2200013016	TAMERS CT	N	000	353	
9)	HOLZAPFEL CARL M	02 2200013072	BARKLEY WOODS ROAD	N	000	353	
10)	HOLZAPFEL CARL M	02 2200013073	BARKLEY WOODS ROAD	N	000	353	
11)	HOLZAPFEL CARL M	02 2200013074	BARKLEY WOODS ROAD	N	000	353	
12)	HOLZAPFEL RUBY C	02 2200018579	OAKBRIDGE DR	N	000	353	
13)	HOLZAPFEL RUBY C	02 2200018580	OAKBRIDGE DR	N	000	353	
14)	HOLZAPFEL RUBY C	02 2200018581	TAMERS CT	N	000	353	
15)	HOLZAPFEL RUBY C	02 2200018582	TAMERS CT	N	000	353	

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM

10/20/95

ENTER LINE NO	N A M E	SELECTION/SEQUENCE ACCOUNT NO.	BALTIMORE COUNTY - MAP 87 STREET LOCATION	OWN OCC	PAGE TOWN	2 OF 20 PAR	20 LOT
1)	BARKLEY WOODS INC	02 2200013019	3428 BARKLEY WOODS	N	000	353	1
2)	BARKLEY WOODS INC	02 2200013020	3426 BARKLEY WOODS	N	000	353	2
3)	BARKLEY WOODS INC	02 2200013021	3424 BARKLEY WOODS	N	000	353	3
4)	BARKLEY WOODS INC	02 2200013022	3422 BARKLEY WOODS	N	000	353	4
5)	BARKLEY WOODS INC	02 2200013023	3420 BARKLEY WOODS	N	000	353	5
6)	BARKLEY WOODS INC	02 2200013024	3418 BARKLEY WOODS	N	000	353	6
7)	BARKLEY WOODS INC	02 2200013025	3416 BARKLEY WOODS	N	000	353	7
8)	BARKLEY WOODS INC	02 2200013026	3414 BARKLEY WOODS	N	000	353	8
9)	BARKLEY WOODS INC	02 2200013027	3412 BARKLEY WOODS	N	000	353	9
10)	BARKLEY WOODS INC	02 2200013028	3410 BARKLEY WOODS	N	000	353	10
11)	BARKLEY WOODS INC	02 2200013029	3408 BARKLEY WOODS	N	000	353	11
12)	HOLZAPFEL CARL M	02 2200013030	3406 BARKLEY WOODS	N	000	353	12
13)	HOLZAPFEL CARL M	02 2200013031	3404 BARKLEY WOODS	N	000	353	13
14)	BARKLEY WOODS INC	02 2200013032	3402 BARKLEY WOODS	N	000	353	14
15)	BARKLEY WOODS INC	02 2200013033	3400 BARKLEY WOODS	N	000	353	15

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
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ENTER LINE NO	N A M E	SELECTION/SEQUENCE ACCOUNT NO.	BALTIMORE COUNTY - MAP 87 STREET LOCATION	OWN OCC	PAGE TOWN	3 OF 20 PAR	20 LOT
1)	BARKLEY WOODS INC	02 2200013034	3401 BARKLEY WOODS	N	000	353	16
2)	BARKLEY WOODS INC	02 2200013035	3403 BARKLEY WOODS	N	000	353	17
3)	BARKLEY WOODS INC	02 2200013036	3405 BARKLEY WOODS	N	000	353	18
4)	BARKLEY WOODS INC	02 2200013037	3407 BARKLEY WOODS	N	000	353	19
5)	BARKLEY WOODS INC	02 2200013038	3409 BARKLEY WOODS	N	000	353	20
6)	BARKLEY WOODS INC	02 2200013039	3411 BARKLEY WOODS	N	000	353	21
7)	BARKLEY WOODS INC	02 2200013040	3413 BARKLEY WOODS	N	000	353	22
8)	BARKLEY WOODS INC	02 2200013041	4 ADAMS RIDGE CT	N	000	353	23
9)	BARKLEY WOODS INC	02 2200013042	6 ADAMS RIDGE CT	N	000	353	24
10)	BARKLEY WOODS INC	02 2200013043	8 BARKLEY WOODS ROA	N	000	353	25
11)	BARKLEY WOODS INC	02 2200013044	10 BARKLEY WOODS RO	N	000	353	26
12)	BARKLEY WOODS INC	02 2200013045	12 BARKLEY WOODS RO	N	000	353	27
13)	BARKLEY WOODS INC	02 2200013046	14 BARKLEY WOODS RO	N	000	353	28
14)	BARKLEY WOODS INC	02 2200013047	17 BARKLEY WOODS RO	N	000	353	29
15)	BARKLEY WOODS INC	02 2200013048	15 BARKLEY WOODS RO	N	000	353	30

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM

10/20/95

ENTER LINE NO	N A M E	SELECTION/SEQUENCE ACCOUNT NO.	BALTIMORE COUNTY - MAP 87 STREET LOCATION	OWN OCC	PAGE TOWN	4 OF PAR	20 LOT
1)	BARKLEY WOODS INC	02 2200013049	11 ADAMS RIDGE CT	N	000	353	31
2)	BARKLEY WOODS INC	02 2200013050	9 ADAMS RIDGE CT	N	000	353	32
3)	BARKLEY WOODS INC	02 2200013051	7 ADAMS RIDGE CT	N	000	353	33
4)	BARKLEY WOODS INC	02 2200013052	5 ADAMS RIDGE CT	N	000	353	34
5)	BARKLEY WOODS INC	02 2200013053	3 ADAMS RIDGE CT	N	000	353	35
6)	BARKLEY WOODS INC	02 2200013054	3417 BARKLEY WOODS	N	000	353	36
7)	BARKLEY WOODS INC	02 2200013055	3419 BARKLEY WOODS	N	000	353	37
8)	BARKLEY WOODS INC	02 2200013056	3421 BARKLEY WOODS	N	000	353	38
9)	BARKLEY WOODS INC	02 2200013057	4 ANDREWS VIEW CT	N	000	353	39
10)	BARKLEY WOODS INC	02 2200013058	6 ANDREWS VIEW CT	N	000	353	40
11)	BARKLEY WOODS INC	02 2200013059	8 ANDREWS VIEW CT	N	000	353	41
12)	BARKLEY WOODS INC	02 2200013060	9 ANDREWS VIEW CT	N	000	353	42
13)	BARKLEY WOODS INC	02 2200013061	7 ANDREWS VIEW CT	N	000	353	43
14)	BARKLEY WOODS INC	02 2200013062	5 ANDREWS VIEW CT	N	000	353	44
15)	BARKLEY WOODS INC	02 2200013063	3 ANDREWS VIEW CT	N	000	353	45

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10/20/95

ENTER LINE NO	N A M E	SELECTION/SEQUENCE ACCOUNT NO.	BALTIMORE COUNTY - MAP 87 STREET LOCATION	OWN OCC	PAGE TOWN	5 OF PAR	20 LOT
1)	BARKLEY WOODS INC	02 2200013064	1 ANDREWS VIEW CT	N	000	353	46
2)	BARKLEY WOODS INC	02 2200018505	3427 BARKLEY WOODS	N	000	353	47
3)	HOLZAPFEL CARL M	02 2200013065	3427 BARKLEY WOODS	N	000	353	47
4)	BARKLEY WOODS INC	02 2200018506	3429 BARKLEY WOODS	N	000	353	48
5)	HOLZAPFEL CARL M	02 2200013066	3429 BARKLEY WOODS	N	000	353	48
6)	HOLZAPFEL CARL M	02 2200013067	3433 BARKLEY WOODS	N	000	353	49
7)	HOLZAPFEL RUBY C	02 2200018507	7608 OAKBRIDGE DR	N	000	353	49
8)	HOLZAPFEL CARL M	02 2200013068	3435 BARKLEY WOODS	N	000	353	50
9)	HOLZAPFEL RUBY C	02 2200018508	7606 OAKBRIDGE DR	N	000	353	50
10)	HOLZAPFEL CARL M	02 2200013069	3437 BARKLEY WOODS	N	000	353	51
11)	HOLZAPFEL RUBY C	02 2200018509	7604 OAKBRIDGE DR	N	000	353	51
12)	HOLZAPFEL CARL M	02 2200013070	3439 BARKLEY WOODS	N	000	353	52
13)	HOLZAPFEL RUBY C	02 2200018510	7602 OAKBRIDGE DR	N	000	353	52
14)	HOLZAPFEL CARL M	02 2200013071	3441 BARKLEY WOODS	N	000	353	53
15)	HOLZAPFEL RUBY C	02 2200018511	7600 OAKBRIDGE DR	N	000	353	53

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ENTER LINE NO	N A M E	SELECTION/SEQUENCE ACCOUNT NO.	BALTIMORE COUNTY - MAP 87 STREET LOCATION	OWN OCC	PAGE TOWN	6 OF PAR	20 LOT
1)	BARKLEY WOODS INC	02 2200018512	3431 BARKLEY WOODS	N	000	353	54
2)	HOLZAPFEL CARL M	02 2200012866	7657 OAKBRIDGE DRIV	N	000	353	54
3)	BARKLEY WOODS INC	02 2200018513	3433 BARKLEY WOODS	N	000	353	55
4)	HOLZAPFEL CARL M	02 2200012867	7655 OAKBRIDGE DRIV	N	000	353	55
5)	BARKLEY WOODS INC	02 2200018514	3435 BARKLEY WOODS	N	000	353	56
6)	HOLZAPFEL CARL M	02 2200012868	7653 OAKBRIDGE DRIV	N	000	353	56
7)	BARKLEY WOODS INC	02 2200018515	3437 BARKLEY WOODS	N	000	353	57
8)	HOLZAPFEL CARL M	02 2200012869	7651 OAKBRIDGE DRIV	N	000	353	57
9)	BARKLEY WOODS INC	02 2200018516	3439 BARKLEY WOODS	N	000	353	58
10)	HOLZAPFEL CARL M	02 2200012870	7649 OAKBRIDGE DRIV	N	000	353	58
11)	BARKLEY WOODS INC	02 2200018517	3441 BARKLEY WOODS	N	000	353	59
12)	HOLZAPFEL CARL M	02 2200012871	7647 OAKBRIDGE DRIV	N	000	353	59
13)	BARKLEY WOODS INC	02 2200018518	3443 BARKLEY WOODS	N	000	353	60
14)	HOLZAPFEL CARL M	02 2200012872	7645 OAKBRIDGE DRIV	N	000	353	60
15)	BARKLEY WOODS INC	02 2200018519	3445 BARKLEY WOODS	N	000	353	61

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY

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ENTER LINE NO	N A M E	SELECTION/SEQUENCE ACCOUNT NO.	- MAP 87 STREET LOCATION	OWN OCC	PAGE TOWN	7 OF PAR	20 LOT
1)	HOLZAPFEL CARL M	02 2200012873	7643 OAKBRIDGE DRIV N	N	000	353	61
2)	BARKLEY WOODS INC	02 2200018520	3447 BARKLEY WOODS	N	000	353	62
3)	HOLZAPFEL CARL M	02 2200012874	7641 OAKBRIDGE DRIV N	N	000	353	62
4)	BARKLEY WOODS INC	02 2200012875	3644 DERBY SHIRE CI	N	000	353	63
5)	BARKLEY WOODS INC	02 2200012876	3642 DERBY SHIRE CI	N	000	353	64
6)	BARKLEY WOODS INC	02 2200012877	3640 DERBY SHIRE CI	N	000	353	65
7)	BARKLEY WOODS INC	02 2200012878	3638 DERBY SHIRE CI	N	000	353	66
8)	BARKLEY WOODS INC	02 2200012879	3636 DERBY SHIRE CI	N	000	353	67
9)	BARKLEY WOODS INC	02 2200012880	3634 DERBY SHIRE CI	N	000	353	68
10)	BARKLEY WOODS INC	02 2200012881	3632 DERBY SHIRE CI	N	000	353	69
11)	BARKLEY WOODS INC	02 2200012882	3630 DERBY SHIRE CI	N	000	353	70
12)	BARKLEY WOODS INC	02 2200012883	3628 DERBY SHIRE CI	N	000	353	71
13)	BARKLEY WOODS INC	02 2200012884	3626 DERBY SHIRE CI	N	000	353	72
14)	BARKLEY WOODS INC	02 2200012885	3624 DERBY SHIRE CI	N	000	353	73
15)	BARKLEY WOODS INC	02 2200012886	3622 DERBY SHIRE CI	N	000	353	74

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
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BALTIMORE COUNTY

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ENTER LINE NO	N A M E	SELECTION/SEQUENCE ACCOUNT NO.	- MAP 87 STREET LOCATION	OWN OCC	PAGE TOWN	8 OF PAR	20 LOT
1)	BARKLEY WOODS INC	02 2200012887	3620 DERBY SHIRE CI	N	000	353	75
2)	BARKLEY WOODS INC	02 2200012888	3618 DERBY SHIRE CI	N	000	353	76
3)	BARKLEY WOODS INC	02 2200012889	3616 DERBY SHIRE CI	N	000	353	77
4)	BARKLEY WOODS INC	02 2200012890	3614 DERBY SHIRE CI	N	000	353	78
5)	BARKLEY WOODS INC	02 2200012891	3612 DERBY SHIRE CI	N	000	353	79
6)	BARKLEY WOODSINC	02 2200012892	3610 DERBY SHIRE CI	N	000	353	80
7)	BARKLEY WOODSINC	02 2200012893	3608 DERBY SHIRE CI	N	000	353	81
8)	BARKLEY WOODSINC	02 2200012894	3606 DERBY SHIRE CI	N	000	353	82
9)	BARKLEY WOODSINC	02 2200012895	3604 DERBY SHIRE CI	N	000	353	83
10)	BARKLEY WOODSINC	02 2200012896	3602 DERBY SHIRE CI	N	000	353	84
11)	BARKLEY WOODSINC	02 2200012897	3600 DERBY SHIRE CI	N	000	353	85
12)	BARKLEY WOODSINC	02 2200012898	3556 DERBY SHIRE CI	N	000	353	86
13)	BARKLEY WOODSINC	02 2200012899	3554 DERBY SHIRE CI	N	000	353	87
14)	BARKLEY WOODS INC	02 2200012900	3552 DERBY SHIRE CI	N	000	353	88
15)	BARKLEY WOODSINC	02 2200012901	3550 DERBY SHIRE CI	N	000	353	89

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
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BALTIMORE COUNTY

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ENTER LINE NO	N A M E	SELECTION/SEQUENCE ACCOUNT NO.	- MAP 87 STREET LOCATION	OWN OCC	PAGE TOWN	9 OF PAR	20 LOT
1)	BARKLEY WOODSINC	02 2200012902	3548 DERBY SHIRE CI	N	000	353	90
2)	BARKLEY WOODSINC	02 2200012903	3546 DERBY SHIRE CI	N	000	353	91
3)	BARKLEY WOODSINC	02 2200012904	3544 DERBY SHIRE CI	N	000	353	92
4)	BARKLEY WOODSINC	02 2200012905	3542 DERBY SHIRE CI	N	000	353	93
5)	BARKLEY WOODSINC	02 2200012906	3540 DERBY SHIRE CI	N	000	353	94
6)	BARKLEY WOODSINC	02 2200012907	3538 DERBY SHIRE CI	N	000	353	95
7)	BARKLEY WOODSINC	02 2200012908	3536 DERBY SHIRE CI	N	000	353	96
8)	BARKLEY WOODSINC	02 2200012909	3534 DERBY SHIRE CI	N	000	353	97
9)	BARKLEY WOODSINC	02 2200012910	3532 DERBY SHIRE CI	N	000	353	98
10)	BARKLEY WOODSINC	02 2200012911	3530 DERBY SHIRE CI	N	000	353	99
11)	BARKLEY WOODSINC	02 2200012912	3528 DERBY SHIRE CI	N	000	353	100
12)	BARKLEY WOODSINC	02 2200012913	3526 DERBY SHIRE CI	N	000	353	101
13)	BARKLEY WOODSINC	02 2200012914	3524 DERBY SHIRE CI	N	000	353	102
14)	BARKLEY WOODSINC	02 2200012915	3522 DERBY SHIRE CI	N	000	353	103
15)	BARKLEY WOODSINC	02 2200012916	3520 DERBY SHIRE CI	N	000	353	104

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1)	BARKLEY WOODSINC	02 2200012917	3518 DERBY SHIRE CI N	000	353 105
2)	BARKLEY WOODSINC	02 2200012918	3516 DERBY SHIRE CI N	000	353 106
3)	BARKLEY WOODSINC	02 2200012919	3514 DERBY SHIRE CI N	000	353 107
4)	BARKLEY WOODSINC	02 2200012920	3512 DERBY SHIRE CI N	000	353 108
5)	BARKLEY WOODSINC	02 2200012921	3510 DERBY SHIRE CI N	000	353 109
6)	BARKLEY WOODSINC	02 2200012922	3508 DERBY SHIRE CI N	000	353 110
7)	BARKLEY WOODSINC	02 2200012923	3506 DERBY SHIRE CI N	000	353 111
8)	BARKLEY WOODSINC	02 2200012924	3504 DERBY SHIRE CI N	000	353 112
9)	BARKLEY WOODSINC	02 2200012925	3502 DERBY SHIRE CI N	000	353 113
10)	BARKLEY WOODSINC	02 2200012926	3500 DERBY SHIRE CI N	000	353 114
11)	BARKLEY WOODS INC	02 2200012927	3649 DERBY SHIRE CI N	000	353 115
12)	BARKLEY WOODS INC	02 2200012928	3647 DERBY SHIRE CI N	000	353 116
13)	BARKLEY WOODS INC	02 2200012929	3645 DERBY SHIRE CI N	000	353 117
14)	BARKLEY WOODS INC	02 2200012930	3643 DERBY SHIRE CI N	000	353 118
15)	BARKLEY WOODS INC	02 2200012931	3641 DERBY SHIRE CI N	000	353 119

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1)	BARKLEY WOODS INC	02 2200012932	3639 DERBY SHIRE CI N	000	353 120
2)	BARKLEY WOODS INC	02 2200012933	3637 DERBY SHIRE CI N	000	353 121
3)	HOLZAPFEL CARL M	02 2200012934	3635 DERBY SHIRE CI N	000	353 122
4)	HOLZAPFEL CARL M	02 2200012935	3633 DERBY SHIRE CI N	000	353 123
5)	BARKLEY WOODS INC	02 2200012936	3629 DERBY SHIRE CI N	000	353 124
6)	BARKLEY WOODS INC	02 2200012937	3627 DERBY SHIRE CI N	000	353 125
7)	BARKLEY WOODS INC	02 2200012938	3625 DERBY SHIRE CI N	000	353 126
8)	BARKLEY WOODS INC	02 2200012939	3623 DERBY SHIRE CI N	000	353 127
9)	BARKLEY WOODS INC	02 2200012940	3621 DERBY SHIRE CI N	000	353 128
10)	BARKLEY WOODSINC	02 2200012941	3527 DERBY SHIRE CI N	000	353 129
11)	BARKLEY WOODSINC	02 2200012942	3525 DERBY SHIRE CI N	000	353 130
12)	BARKLEY WOODSINC	02 2200012943	3523 DERBY SHIRE CI N	000	353 131
13)	BARKLEY WOODSINC	02 2200012944	3521 DERBY SHIRE CI N	000	353 132
14)	BARKLEY WOODSINC	02 2200012945	3519 DERBY SHIRE CI N	000	353 133
15)	BARKLEY WOODSINC	02 2200012946	3517 DERBY SHIRE CI N	000	353 134

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1)	RICHMOND AMERICAN	02 2200012947	3515 DERBY SHIRE CI N	000	353 135
2)	RICHMOND AMERICAN	02 2200012948	3513 DERBY SHIRE CI N	000	353 136
3)	RICHMOND AMERICAN	02 2200012949	3511 DERBY SHIRE CI N	000	353 137
4)	RICHMOND AMERICAN	02 2200012950	3509 DERBY SHIRE CI N	000	353 138
5)	RICHMOND AMERICAN	02 2200012951	3507 DERBY SHIRE CI N	000	353 139
6)	RICHMOND AMERICAN	02 2200012952	3505 DERBY SHIRE CI N	000	353 140
7)	RICHMOND AMERICAN	02 2200012953	3503 DERBY SHIRE CI N	000	353 141
8)	RICHMOND AMERICAN	02 2200012954	3501 DERBY SHIRE CI N	000	353 142
9)	BARKLEY WOODSINC	02 2200012955	7600 OAKBRIDGE DRIV N	000	353 143
10)	MID ATLANTIC HOMES	02 2200018521	3482 BARKLEY WOODS N	000	353 144
11)	BARKLEY WOODSINC	02 2200012956	7602 OAKBRIDGE DRIV N	000	353 144
12)	MID ATLANTIC HOMES	02 2200018522	3480 BARKLEY WOODS N	000	353 145
13)	BARKLEY WOODSINC	02 2200012957	7604 OAKBRIDGE DRIV N	000	353 145
14)	MID ATLANTIC HOMES	02 2200018523	3478 BARKLEY WOODS N	000	353 145
15)	BARKLEY WOODSINC	02 2200012958	7606 OAKBRIDGE DRIV N	000	353 146

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REAL PROPERTY SYSTEM

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NO	N A M E	SELECTION/SEQUENCE	- MAP 87	STREET LOCATION	OCC	TOWN	PAR	LOT
		ACCOUNT NO.						
1)	MID ATLANTIC HOMES	02 2200018524		3476 BARKLEY WOODS	N	000	353	146
2)	BARKLEY WOODS INC	02 2200012959		7608 OAKBRIDGE DRIV	N	000	353	147
3)	MID ATLANTIC HOMES	02 2200018525		3474 BARKLEY WOODS	N	000	353	147
4)	BARKLEY WOODS INC	02 2200012960		7610 OAKBRIDGE DRIV	N	000	353	148
5)	MID ATLANTIC HOMES	02 2200018526		3472 BARKLEY WOODS	N	000	353	148
6)	BARKLEY WOODS INC	02 2200018527		3468 BARKLEY WOODS	N	000	353	149
7)	HOLZAPFEL CARL M	02 2200012961		7612 OAKBRIDGE DRIV	N	000	353	149
8)	BARKLEY WOODS INC	02 2200018528		3466 BARKLEY WOODS	N	000	353	150
9)	HOLZAPFEL CARL M	02 2200012962		7614 OAKBRIDGE DRIV	N	000	353	150
10)	BARKLEY WOODS INC	02 2200018529		3464 BARKLEY WOODS	N	000	353	151
11)	HOLZAPFEL CARL M	02 2200012963		7616 OAKBRIDGE DRIV	N	000	353	151
12)	BARKLEY WOODS INC	02 2200018530		3462 BARKLEY WOODS	N	000	353	152
13)	HOLZAPFEL CARL M	02 2200012964		7618 OAKBRIDGE DRIV	N	000	353	152
14)	BARKLEY WOODS INC	02 2200018531		3460 BARKLEY WOODS	N	000	353	153
15)	HOLZAPFEL CARL M	02 2200012965		7620 OAKBRIDGE DRIV	N	000	353	153

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION

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REAL PROPERTY SYSTEM

ENTER LINE	BALTIMORE COUNTY				OWN	PAGE	14 OF	20
NO	N A M E	SELECTION/SEQUENCE	- MAP 87	STREET LOCATION	OCC	TOWN	PAR	LOT
		ACCOUNT NO.						
1)	BARKLEY WOODS INC	02 2200018532		3458 BARKLEY WOODS	N	000	353	154
2)	HOLZAPFEL CARL M	02 2200012966		7622 OAKBRIDGE DRIV	N	000	353	154
3)	BARKLEY WOODS INC	02 2200018533		3456 BARKLEY WOODS	N	000	353	155
4)	HOLZAPFEL CARL M	02 2200012967		7624 OAKBRIDGE DRIV	N	000	353	155
5)	HOLZAPFEL CARL M	02 2200012968		7626 OAKBRIDGE DRIV	N	000	353	156
6)	HOLZAPFEL RUBY C	02 2200018534		3454 BARKLEY WOODS	N	000	353	156
7)	HOLZAPFEL CARL M	02 2200012969		7628 OAKBRIDGE DRIV	N	000	353	157
8)	HOLZAPFEL RUBY C	02 2200018535		3452 BARKLEY WOODS	N	000	353	157
9)	BARKLEY WOODS INC	02 2200018536		3450 BARKLEY WOODS	N	000	353	158
10)	HOLZAPFEL CARL M	02 2200012970		7630 OAKBRIDGE DRIV	N	000	353	158
11)	BARKLEY WOODS INC	02 2200018537		3448 BARKLEY WOODS	N	000	353	159
12)	HOLZAPFEL CARL M	02 2200012971		7632 OAKBRIDGE DRIV	N	000	353	159
13)	BARKLEY WOODS INC	02 2200018538		3446 BARKLEY WOODS	N	000	353	160
14)	HOLZAPFEL CARL M	02 2200012972		7634 OAKBRIDGE DRIV	N	000	353	160
15)	BARKLEY WOODS INC	02 2200018539		3444 BARKLEY WOODS	N	000	353	161

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION

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REAL PROPERTY SYSTEM

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		ACCOUNT NO.						
1)	HOLZAPFEL CARL M	02 2200012973		7636 OAKBRIDGE DRIV	N	000	353	161
2)	BARKLEY WOODS INC	02 2200018540		3442 BARKLEY WOODS	N	000	353	162
3)	HOLZAPFEL CARL M	02 2200012974		7638 OAKBRIDGE DRIV	N	000	353	162
4)	BARKLEY WOODS INC	02 2200018541		3440 BARKLEY WOODS	N	000	353	163
5)	HOLZAPFEL CARL M	02 2200012975		1 TAMERS CT	N	000	353	163
6)	HOLZAPFEL CARL M	02 2200012976		3 TAMERS CT	N	000	353	164
7)	HOLZAPFEL RUBY C	02 2200018542		7611 OAKBRIDGE DR	N	000	353	164
8)	HOLZAPFEL CARL M	02 2200012977		5 TAMERS CT	N	000	353	165
9)	HOLZAPFEL RUBY C	02 2200018543		7609 OAKBRIDGE DR	N	000	353	165
10)	HOLZAPFEL CARL M	02 2200012978		7 TAMERS CT	N	000	353	166
11)	HOLZAPFEL RUBY C	02 2200018544		7607 OAKBRIDGE DR	N	000	353	166
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13)	HOLZAPFEL RUBY C	02 2200018545		7605 OAKBRIDGE DR	N	000	353	167
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15)	HOLZAPFEL RUBY C	02 2200018546		2 TAMERS CT	N	000	353	168

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM

10/20/95

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1)	HOLZAPFEL CARL M	02 2200012981	13 TAMERS CT	N	000	353	169
2)	HOLZAPFEL RUBY C	02 2200018547	4 TAMERS CT	N	000	353	169
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5)	HOLZAPFEL CARL M	02 2200012983	17 TAMERS CT	N	000	353	171
6)	HOLZAPFEL RUBY C	02 2200018549	8 TAMERS CT	N	000	353	171
7)	HOLZAPFEL CARL M	02 2200012984	19 TAMERS CT	N	000	353	172
8)	HOLZAPFEL RUBY C	02 2200018550	1 TAMERS CT	N	000	353	172
9)	HOLZAPFEL CARL M	02 2200012985	21 TAMERS CT	N	000	353	173
10)	HOLZAPFEL RUBY C	02 2200018551	3 TAMERS CT	N	000	353	173
11)	HOLZAPFEL CARL M	02 2200012986	23 TAMERS CT	N	000	353	174
12)	HOLZAPFEL RUBY C	02 2200018552	5 TAMERS CT	N	000	353	174
13)	HOLZAPFEL CARL M	02 2200012987	25 TAMERS CT	N	000	353	175
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15)	HOLZAPFEL CARL M	02 2200012988	27 TAMERS CT	N	000	353	176

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM

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1)	HOLZAPFEL RUBY C	02 2200018554	9 TAMERS CT	N	000	353	176
2)	HOLZAPFEL CARL M	02 2200012989	29 TAMERS CT	N	000	353	177
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4)	HOLZAPFEL CARL M	02 2200012990	31 TAMERS CT	N	000	353	178
5)	HOLZAPFEL RUBY C	02 2200018556	13 TAMERS CT	N	000	353	178
6)	HOLZAPFEL CARL M	02 2200012991	33 TAMERS CT	N	000	353	179
7)	HOLZAPFEL RUBY C	02 2200018557	15 TAMERS CT	N	000	353	179
8)	HOLZAPFEL CARL M	02 2200012992	35 TAMERS CT	N	000	353	180
9)	HOLZAPFEL RUBY C	02 2200018558	17 TAMERS CT	N	000	353	180
10)	HOLZAPFEL CARL M	02 2200012993	37 TAMERS CT	N	000	353	181
11)	HOLZAPFEL RUBY C	02 2200018559	19 TAMERS CT	N	000	353	181
12)	HOLZAPFEL CARL M	02 2200012994	39 TAMERS CT	N	000	353	182
13)	HOLZAPFEL RUBY C	02 2200018560	21 TAMERS CT	N	000	353	182
14)	HOLZAPFEL CARL M	02 2200012995	54 TAMERS CT	N	000	353	183
15)	HOLZAPFEL RUBY C	02 2200018561	23 TAMERS CT	N	000	353	183

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM

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1)	HOLZAPFEL CARL M	02 2200012996	52 TAMERS CT	N	000	353	184
2)	HOLZAPFEL RUBY C	02 2200018562	42 TAMERS CT	N	000	353	184
3)	HOLZAPFEL CARL M	02 2200012997	50 TAMERS CT	N	000	353	185
4)	HOLZAPFEL RUBY C	02 2200018563	40 TAMERS CT	N	000	353	185
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6)	HOLZAPFEL RUBY C	02 2200018564	38 TAMERS CT	N	000	353	186
7)	HOLZAPFEL CARL M	02 2200012999	46 TAMERS CT	N	000	353	187
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0)	HOLZAPFEL RUBY C	02 2200018566	34 TAMERS CT	N	000	353	188
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2)	HOLZAPFEL RUBY C	02 2200018567	32 TAMERS CT	N	000	353	189
3)	HOLZAPFEL CARL M	02 2200013002	40 TAMERS CT	N	000	353	190
4)	HOLZAPFEL RUBY C	02 2200018568	30 TAMERS CT	N	000	353	190
5)	HOLZAPFEL CARL M	02 2200013003	38 TAMERS CT	N	000	353	191

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
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10/20/95

ENTER LINE NO	N A M E	BALTIMORE COUNTY		OWN OCC	PAGE 19 OF 20		LOT
		SELECTION/SEQUENCE	ACCOUNT NO.		TOWN	PAR	
1)	HOLZAPFEL RUBY C	02 2200018569	28 TAMERS CT	N	000	353	191
2)	HOLZAPFEL CARL M	02 2200013004	36 TAMERS CT	N	000	353	192
3)	HOLZAPFEL RUBY C	02 2200018570	26 TAMERS CT	N	000	353	192
4)	HOLZAPFEL CARL M	02 2200013005	34 TAMERS CT	N	000	353	193
5)	HOLZAPFEL RUBY C	02 2200018571	24 TAMERS CT	N	000	353	193
6)	HOLZAPFEL CARL M	02 2200013006	32 TAMERS CT	N	000	353	194
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9)	HOLZAPFEL RUBY C	02 2200018573	20 TAMERS CT	N	000	353	195
10)	HOLZAPFEL CARL M	02 2200013008	28 TAMERS CT	N	000	353	196
11)	HOLZAPFEL RUBY C	02 2200018574	18 TAMERS CT	N	000	353	196
12)	HOLZAPFEL CARL M	02 2200013009	26 TAMERS CT	N	000	353	197
13)	HOLZAPFEL RUBY C	02 2200018575	16 TAMERS CT	N	000	353	197
14)	HOLZAPFEL CARL M	02 2200013010	24 TAMERS CT	N	000	353	198
15)	HOLZAPFEL RUBY C	02 2200018576	14 TAMERS CT	N	000	353	198

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM

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		SELECTION/SEQUENCE	ACCOUNT NO.		TOWN	PAR	
1)	HOLZAPFEL CARL M	02 2200013011	22 TAMERS CT	N	000	353	199
2)	HOLZAPFEL RUBY C	02 2200018577	12 TAMERS CT	N	000	353	199
3)	HOLZAPFEL CARL M	02 2200013012	20 TAMERS CT	N	000	353	200
4)	HOLZAPFEL RUBY C	02 2200018578	10 TAMERS CT	N	000	353	200

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MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM

10/20/95

ENTER LINE NO	N A M E	BALTIMORE COUNTY		OWN OCC	PAGE 1 OF 1		LOT
		SELECTION/SEQUENCE	ACCOUNT NO.		TOWN	PAR	
1)	HOLZAPFEL CARL M	02 0208652020	LIBERTY RD	N	000	413	
2)	HOLZAPFEL CARL M	02 0208652021	LIBERTY GARDEN RD	N	000	413	

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APPEAL

Petition for Special Hearing and Zoning Variance
N/S Liberty Gardens Road
150 ft. E of Oak Haven Circle
Barkley Woods, Section I
2nd Election District - 2nd Councilmanic District
Legal Owners: Ruby Holzapfel, et al
Contract Purchaser: Richmond American Homes of Maryland, Inc.
Case No.: 96-120-SPHA

✓ Petition(s) for Special Hearing and Zoning Variance

✓ Description of Property

✓ Certificate of Posting

✓ Certificate of Publication

Entry of Appearance of People's Counsel

✓ Zoning Plans Advisory Committee Comments

✓ Petitioner(s) and Citizen(s) Sign-In Sheets

Petitioner's Exhibits: ✓ 1 - Highlighted Plat to accompany Zoning Request
✓ 2 - Side Elevation/Partial Plan to accompany Petition
for Special Hearing and Zoning Variance

Protestant's Exhibits: ✓ 1 - Maryland Tax Account Assessment and Taxation
information to accompany Petition for Special
Hearing and Zoning Variance

✓ Zoning Commissioner's Order dated November 30, 1995 (Granted)

✓ Zoning Commissioner's Amended Order dated December 5, 1995 (RATIFIED & INCORPORATED
(Granted) REMAINING LOTS)

✓ Notice of Appeal received on December 26, 1995 from the Rockdale Civic and
Improvement Association, and Cyril Byron, Wayne N. Overman, Jerome Goodman, and
John Jones

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

Kenneth A. Berg, Vice President, Richmond American Homes of Maryland, 3701
Pender Drive, Suite 200, Fairfax, VA 22030

Mrs. Judith Berger, 3801 Lochearn Drive, Baltimore, MD 21204-6363

Cyril Byron, 7811 Liberty Road, Baltimore, MD 21244

* Wayne N. Overman, 3522 Rockdale Court, Baltimore, MD 21244

Jerome Goodman, 7915 Liberty Road, Baltimore, MD 21244

John Jones 8024 Montwood Road, Baltimore, MD 21244

People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

95 JUN 11 11:01 AM

IN THE MATTER OF
THE APPLICATION OF
RICHMOND AMERICAN HOMES
AND RUBY HOLZAPFEL, ET AL
FOR A SPECIAL HEARING AND
VARIANCES ON PROPERTY LOCATED
ON THE NORTH SIDE OF LIBERTY
GARDENS ROAD, 150' EAST OF OAK
HAVEN CIRCLE, BARKLEY WOODS,
SECTION I
2ND ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 96-120-SPHA

OPINION

This matter comes before this Board on appeal from the November 30, 1995, decision of the Zoning Commissioner in which the Petitions for Special Hearing and Variance were granted with restrictions. The Zoning Commissioner issued an Amended Order on December 5, 1995, to incorporate inadvertently omitted lots.

The matter was heard de novo in a single day of testimony. Robert A. Hoffman, Esquire, represented the Petitioners, Richmond American Homes of Maryland, the contract purchaser; and Ruby Holzapfel, the Estate of Carl M. Holzapfel and Barkley Woods, Inc., property owners. The Appellants, the Rockdale Civic and Improvement Association and Cyril Byron, Wayne N. Overman, Jerome Goodman and John Jones, were not represented by counsel; Mr. Goodman acted as their spokesman. Peter Max Zimmerman, People's Counsel for Baltimore County, also participated in the matter.

This case concerns a tract of land north of Liberty Gardens Road and east of Ripple Road known as the residential development of Barkley Woods, Section I. The subject property consists of approximately 36.3640 acres zoned DR 5.5. The Final Development Plan for a development consisting of 53 single family homes and 147 townhouses received County Review Group approval in 1989. The townhouses are currently under construction.

The Petitioners wish to amend the Final Development Plan to permit a total of 88 variances in four categories. The requested variances, which pertain to side windows on end units of townhouses, are as follows:

1. Variance from the Comprehensive Manual of Development Policies (CMDP) V.B.6.b to allow a minimum setback of 7 feet from window to property line in lieu of the required 15 feet for lots 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 85, 86, 91, 92, 98, 99, 106, 107,

- Case No. 96-120-SPHA Richmond American Homes 2
- 114, 115, 122, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 167, 171, 175, 176, 183, 184, 189, 190, 194, 195 and 200.
 2. Variance from the CMDP V.B.6.a to allow a minimum setback of 15 feet from window to right-of-way in lieu of the required 25 feet for lots 63, 114, 115, 164 and 172.
 3. Variance from Section 1B01.2.C.2.b of the Baltimore County Zoning Regulations (BCZR) and CMDP V.B.6.c to allow a minimum distance of 24 feet from window to window in lieu of the required 40 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176.
 4. Variance from Section 1B01.2.C.1 of the BCZR and CMDP V.B.3 to allow a distance of 24 feet between buildings in lieu of the required 30 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176.

Section 1B01.3.A.7.b of the BCZR provides that a Final Development Plan may be amended under Special Exception procedures, enumerated in Section 502 of the BCZR. The amendment must be in accord with the Comprehensive Manual of Development Policies.

The Petitioners' sole witness was Alan Scoll, chief of architecture and planning for D.S. Thaler and Associates. Mr. Scoll, under whose supervision the site plan for the subject development was prepared, was accepted by the Board as an expert in landscape architecture and land planning.

Mr. Scoll testified that the project was planned mostly by the previous owner, Janson Homes. He stated that at that time the CMDP placed restrictions on window relations to windows in other buildings, and developments were laid out to accommodate that kind of construction. The result was a lot of windowless walls, which were less expensive to build, but less attractive, he testified.

The present CMDP regulations don't place such restrictions on windows on the sides of buildings; however, according to the Zoning Office, when a builder seeks an amendment to a Final Development Plan that was approved under the old CMDP regulations, the old CMDP procedures and requirements apply.

Case No. 96-120-SPHA Richmond American Homes 3

Mr. Scoll testified that the situation is unique in that the Final Development Plan was approved under an old set of regulations, but now the regulations have changed and the market has changed. The builder would simply like to do a better job and make the houses more attractive by putting side windows in the end units of the townhouses, he stated.

If the amendment is not granted, the builder will face the practical difficulty of not being able to build the best quality product he could, Mr. Scoll said. He testified, however, that the project is fully approved and will go forward even if the variances are not granted; the end units will be built without the side windows.

Mr. Scoll testified that the granting of the requested variances would be within the spirit and intent of the zoning regulations, and would comply with all the Special Exception requirements of Section 502.1 of the BCZR.

Jerome Goodman, who is vice-president of the Rockdale Civic and Improvement Association and lives about three blocks away from the subject property, testified as to his concern regarding a potential increase in fire danger if the variances are granted. Mr. Goodman, a licensed professional engineer, testified that the proposed inclusion of bay windows on the end units would make the buildings closer together and allow a fire to spread more easily. He said that his association is opposed to anything that would increase danger from fire.

Mr. Goodman also testified that there is nothing unusual in the topography of the subject property.

Judith Berger, president of the Lochearn Improvement Association, and Leon P. Bass, who lives four or five blocks from the subject property, also testified in opposition to the proposed amendment.

The granting of the Petition for Special Hearing to amend the Final Development Plan depends on the granting of the Petition for Variance.

To be granted a variance, the Petitioner must comply with Section 307.1 of the BCZR, which states that a variance may be granted "only in cases where special circumstances exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship..."

Case No. 96-120-SPHA Richmond American Homes 4

In Cromwell v. Ward, 102 Md. App. 691 (1995) the Court of Special Appeals has construed this regulation as follows:

[T]he variance process... is at least a two-step process. The first step requires a finding 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. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship.

Cromwell cited North v. St. Mary's County, 99 Md. App. at 512 to show that the term "unique" in the zoning context requires that the subject property have an inherent characteristic not shared by other properties in the area, in regard to such factors as shape, topography, subsurface condition, environmental factors, and so forth.

The Petitioners failed to present any testimony or evidence to this Board showing that the subject site possessed any such peculiar, unusual or unique factors. Thus, the first step of the variance process was not met, and the practical difficulty or unreasonable hardship requirements cannot be properly considered.

However, even assuming, for the sake of argument, that the property meets the requirement of uniqueness, the Petitioners failed to produce convincing evidence of practical difficulty or unreasonable hardship. The Petitioners are seeking the variances for marketing and aesthetic reasons. The fact that the project will go ahead even if the requested relief is not granted, as testified to by Mr. Scoll, shows that there is no unreasonable hardship.

For these reasons the Board will deny the Petition for Variance and must therefore deny the Petition for Special Hearing.

ORDER

IT IS THEREFORE, this 8th day of August, 1996, by the County Board of Appeals of Baltimore County.

ORDERED that the Petition for Special Hearing to amend the Final Development Plan for Barkley Woods, Section I, be and is hereby DENIED; and it is further

ORDERED that the Petition for Variance as set forth in this Opinion be and is hereby DENIED.

Case No. 96-120-SPHA Richmond American Homes 5

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz
Robert O. Schuetz, Chairman

Krzysztof R. Howanski
Krzysztof R. Howanski

S. Diane Levero
S. Diane Levero



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 8, 1996

Mr. Jerome Goodman
7915 Liberty Road
Baltimore, MD 21244

Mr. Cyril Byron
7811 Liberty Road
Baltimore, MD 21244

Mr. Wayne N. Overman
3522 Rockdale Court
Baltimore, MD 21244

Mr. John Jones
8024 Montwood Road
Baltimore, MD 21244

RE: Case No. 96-120-SPHA
Richmond American Homes of Md.
and Ruby Holzapfel, et al

Gentlemen:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,
Charlotta E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

Enclosure

cc: Robert A. Hoffman, Esquire
Kenneth A. Berg, Vice President
Richmond American Homes of Md.
Ruby Holzapfel
Stewart J. Greenebaum for
Harley Woods, Inc.
Judith Berger
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE
N/S Liberty Gardens Road, 150 ft. *
E of Oak Haven Circle *
Barkley Woods, Section I *
2nd Election District *
2nd Councilmanic District *
Legal Owners: Ruby Holzapfel, et al *
Contract Purchaser: Richmond *
American Homes of Maryland, Inc. *

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above captioned matter originally came before the Zoning Commissioner as Petitions for Special Hearing and Zoning Variance for a tract of land on the southwest side of Liberty Gardens Road, east of Ripple Road, known as the residential development of Barkley Woods, Section I.

The Petition is filed by Richmond American Homes of Maryland, Inc., contract purchaser, and Ruby Holzapfel, the Estate of Carl M. Holzapfel and Barkley Woods, Inc., property owners.

WHEREAS, by my Findings of Fact and Conclusions of Law dated November 30, 1995, I granted the Petitions for Special Hearing and Variances; and,

WHEREAS, an error was found in Variance No. 1, namely, four lots, Nos. 85, 107, 122 and 167 were omitted in my Order; and

WHEREAS, in Variance No. 3, lot No. 67 was also omitted.

NOW, THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of December, 1995 that the four lots in Variance No. 1, namely, Nos. 85, 107, 122, and 167 be incorporated, together with lot No. 67 in Variance request No. 3;

IT IS FURTHER ORDERED that the remainder of the Zoning Commissioner's opinion and Order issued on November 30, 1995, be and is hereby ratified and incorporated, as specifically amended herein.

Any appeal from this decision must be taken in accordance with the applicable provisions of law.

LES:mmn

ORDER RECEIVED FOR FILING
Date 12/14/95
BY [Signature]

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

IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE
N/S Liberty Gardens Road, 150 ft. *
E of Oak Haven Circle *
Barkley Woods, Section I *
2nd Election District *
2nd Councilmanic District *
Legal Owners: Ruby Holzapfel, et al *
Contract Purchaser: Richmond *
American Homes of Maryland, Inc. *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

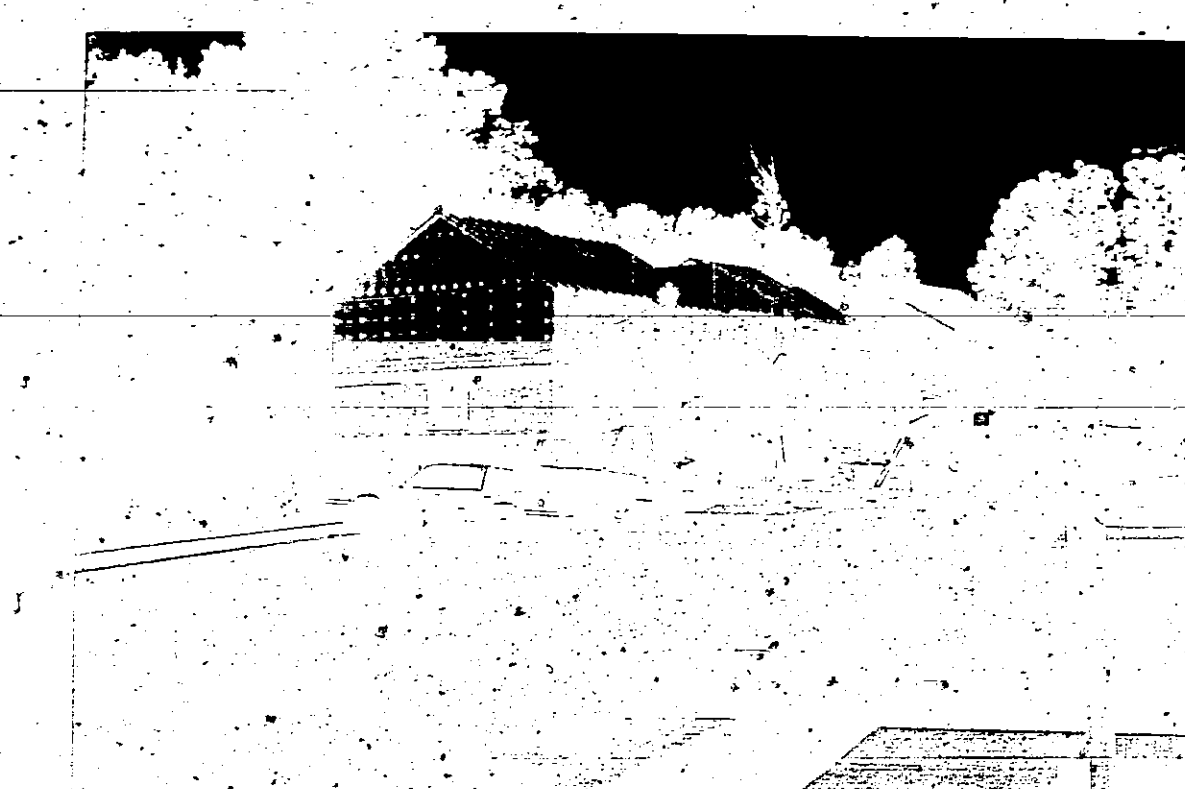
This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for a tract of land on the southwest side of Liberty Gardens Road, east of Ripple Road, known as the residential development of Barkley Woods, Section I. The Petition is filed by Richmond American Homes of Maryland, Inc., contract purchaser and Ruby Holzapfel, the Estate of Carl M. Holzapfel and Barkley Woods, Inc., property owners. Special hearing relief is requested to amend the Final Development Plan for Barkley Woods, Section I. Variance relief is requested for a number of individual lots within the subject subdivision, as follows:

1. Variance from the CMDP V.B.6.b to allow a minimum setback of 7 ft. from window to property line in lieu of the required 15 ft. for lots, 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 86, 91, 92, 98, 99, 106, 114, 115, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 171, 175, 176, 183, 184, 189, 190, 194, 195 and 200.

2. Variance from the CMDP V.B.6.a to allow a minimum setback of 15 ft. from window to right of way in lieu of the required 25 ft. for lots 63, 114, 115, 164 and 172.

3. Variance from Section 1B01.2.C.2.b of the Baltimore County Zoning Regulations (BCZR) and CMDP V.B.6.c to allow a minimum distance of 24 ft. from window to window in lieu of the required 40 ft. for lots 57 and 58, 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, 175 and 176.

ORDER RECEIVED FOR FILING
Date 12/14/95
BY [Signature]



4. Variance from Section 1B01.2.C.1 of the BCZR and CMDP V.B.3 to allow a distance of 24 ft. between buildings in lieu of the required 30 ft. for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, 175 and 176.

The subject property and requested relief are more particularly shown on the site plan (Petitioner's Exhibit No. 1) submitted at the hearing.

Appearing at the requisite public hearing held for this case was Kenneth A. Berg, Vice President of Richmond American Homes of Maryland, Inc. Also present was David S. Thaler, the engineer/surveyor, who prepared the site plan. The Petitioners were represented by Robert A. Hoffman, Esquire. Jerome Goodman and Judith Berger appeared in opposition to the request.

Testimony and evidence presented was that the Barkley Woods subdivision is a townhouse community presently under construction in western Baltimore County. The tract under consideration in this case is known as Section 1 of the proposed development. The property is approximately 36.3640 acres zoned D.R.5.5. A C.R.G. plan was approved for development of the overall tract, proposing 147 townhouses. Apparently all of the necessary infrastructure, including roads, utilities, etc., has been installed and a single row of townhouses have, in fact, been constructed. However, the original builder has withdrawn from the project due to financial difficulties. Richmond American Homes of Maryland, Inc., a well known builder in this area, has taken over construction of the project.

Additional testimony offered was that Richmond American wishes to install its model of townhouse on the property and desires to offer potential customers the option of placing windows in the dining and living areas of the buildings. The windows at issue will not be featured in bathrooms and/or bedrooms.

-2-

In order to offer this option, the requested variances are necessary. These variances relate to distances between windows and property lines, windows to right of way lines, windows and buildings to buildings for the subject lots as designated in the Petition.

Mr. Thaler, on behalf of the Petitioner, stated that the fact that the project has been partially built out contributes to the uniqueness of the site and the practical difficulty standard which must be met in order for variance relief to be granted. Specially, he noted that public utilities, including roads and water and sewer lines are in place. Thus, the houses must be built within the building envelope provided in the CRG plan and reorientation of the structures is not possible. Mr. Thaler also opined that the grant of the requested relief would not detrimentally affect surrounding properties. It is also to be noted that the Office of Planning and Zoning, within its Zoning Plans Advisory Committee (ZAC) comment recommends a grant of the variance, believing that same "will result in an esthetic improvement".

For their part, Mr. Goodman and Ms. Berger opposed the request. However, their opposition seemed to focus more on the overall development. They believe that development of the property as contemplated is improper and will result in undue congestion in the surrounding locale. They also believe that the site is being over developed from what was approved in the CRG plan, a contention which was not supported by any credible testimony or evidence. Although appreciative of these concerns, it need again be noted that the CRG plan for this proposal was approved on August 10, 1991. Thus, whether there should or should not be development here is not the issue. The developer has an approved and vested plan, which permits development of this tract. Many of the Protestants' concerns are, therefore, not relevant in considering the precise issue before me.

-3-

Based on the overwhelming testimony and evidence presented, I am persuaded to grant the Petition for Variance and I am persuaded that the Petitioner has satisfied the requirements for variance relief as set forth in Section 307 of the BCZR and the case law.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of November 1995, that, pursuant to the Petition for Special Hearing, approval to amend the Final Development Plan for Barkley Woods, Section I, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from the CMDP V.B.6.b to allow a minimum setback of 7 ft. from window to property line in lieu of the required 15 ft. for lots 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 86, 91, 92, 98, 99, 106, 114, 115, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 171, 175, 176, 183, 184, 189, 190, 194, 195 and 200, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from the CMDP V.B.6.a to allow a minimum setback of 15 ft. from window to right of way in lieu of the required 25 ft. for lots 63, 114, 115, 164 and 172, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.2.b of the Baltimore County Zoning Regulations (BCZR) and CMDP V.B.6.c to allow a minimum distance of 24 ft. from window to window in lieu of the required 40 ft. for lots 57 and 58, 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, 175 and 176, be and is hereby GRANTED; and,

-4-

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.1 of the BCZR and CMDP V.B.3 to allow a distance of 24 ft. between buildings in lieu of the required 30 ft. for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, 175 and 176, be and is hereby GRANTED, subject, however to the following restriction:

1. The 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

-5-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 5, 1995

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

RE: Case No. 96-120-SPHA
Petitions for Special Hearing and Variance
Richmond American Homes of Maryland, Inc., Contract Purchasers
Legal Owner: Ruby Holzapfel, et al, Petitioners

Dear Mr. Hoffman:

Enclosed please find a copy of the Amended Findings of Fact and Conclusions of Law rendered in the above captioned matter.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
cc: Kenneth A. Berg, Vice President, Richmond American Homes of Md.
cc: Mr. Jerome Goodman, 7915 Liberty Road, Baltimore, Md. 21244
cc: Mrs. Judith Berger, 3801 Lochearn Drive, Balto. Md. 21204-6363



Petition for Variance AND SPECIAL HEARING to the Zoning Commissioner of Baltimore County

for the property located at Southwest side of Liberty Gardens Road,
East of Ripple Road (Barkley Woods, Section I)
96-120-SPHA which is presently zoned DR 5.5

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

(See Attached) and Special Hearing to amend Final Development Plan.

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

To be determined at hearing.

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

PETITIONER:

Contract Purchaser/Owner:
Richmond American Homes of Maryland, Inc.

SEE ATTACHED LIST
(Type or Print Name)

By: Signature of Kenneth A. Berg, Vice President
3701 Pender Drive, Suite 200
Fairfax, Virginia 22030
City State Zipcode

Address for Petitioner:
Robert A. Hoffman, Esquire
(Type or Print Name)

Signature
Address Phone No.

City Name, Address and phone number of legal owner, contract purchaser or representative
Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204 494-6262
City State Zipcode

City Name, Address and phone number of legal owner, contract purchaser or representative
Towson, Maryland 21204 494-6262
City State Zipcode

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Towson, Maryland 21204 494-6262
City State Zipcode

Legal Property Owners

96-120-SPHA

Ruby Holzapfel
3512 Liberty Gardens Road
Baltimore, Maryland 21207
(Lots 47-62, 79-82 and 149-200)

Ruby Holzapfel

Carl M. Holzbabel
3512 Liberty Gardens Road
Baltimore, Maryland 21207
(Lots 1-46, 63-79 and 115-128)

Barkley Woods, Inc.

By: Stewart J. Greenebaum
1829 Reisterstown Road
Baltimore, Maryland 21208
410-484-8400
(Lots 13, 14, 17, 18, 80-114 and 129-134)

Richmond American Homes of Maryland, Inc.

By: Kenneth A. Berg, Vice President
3701 Pender Drive, Suite 200
Fairfax, Virginia 22030
(Lots 135-142)

TO1DOCS1/BAW01/0010105.01

Variance Requests 96-120-SPHA

- V1. Variance from the CMDP V.B.6.b. to allow a minimum setback of 7' from window to property line in lieu of the required 15' for lots 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 85, 86, 91, 92, 98, 99, 106, 107, 114, 115, 122, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 167, 171, 175, 176, 183, 184, 189, 190, 194, 195 and 200.
- V2. Variance from the CMDP V.B.6.a. to allow a minimum setback of 15' from window to right-of-way in lieu of the required 25' for lots 63, 114, 115, 164 and 172.
- V3. Variance from Section 1B01.2.C.2.b. of the B.C.Z.R. and CMDP V.B.6.c. to allow a minimum distance of 24' from window to window in lieu of the required 40' for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and, 175 and 176.
- V4. Variance from Section 1B01.2.C.1 of the B.C.Z.R. and CMDP V.B.3 to allow a distance of 24' between buildings in lieu of the required 30' for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and, 175 and 176.

TO1DOCS1/BAW01/0010105.01

July 21, 1995
DESCRIPTION TO ACCOMPANY
ZONING PETITION
BARKLEY WOODS
(FOR ZONING PURPOSES ONLY)

Beginning at a point located 150 feet, more or less, East of the intersection of Oak Haven Circle and Liberty Gardens Road on the northern right-of-way line of Liberty Gardens Road (a 55-foot wide right-of-way), thence running the following sixteen courses and distances:

1. North 65°44'10" West 841.71 feet, more or less, to a point, thence,
2. North 54°52'43" East 82.17 feet, more or less, to a point; thence,
3. North 30°34'45" East 102.22 feet, more or less, to a point; thence,
4. North 25°27'47" East 205.00 feet, more or less, to a point; thence,
5. North 38°00'32" East 63.01 feet, more or less, to a point; thence,
6. North 87°53'57" East 73.26 feet, more or less, to a point; thence,
7. North 75°47'55" East 110.29 feet, more or less, to a point; thence,
8. North 26°27'37" East 115.30 feet, more or less, to a point; thence,
9. North 14°12'05" West 148.54 feet, more or less, to a point; thence,
10. North 75°47'55" East 116.98 feet, more or less, to a point; thence,
11. North 58°20'21" East 45.27 feet, more or less, to a point; thence,
12. North 62°12'03" East 370.94 feet, more or less, to the westerly right-of-way of Liberty Gardens Road, thence, binding on said right-of-way,
13. 208.63 feet, curving to the left, having a radius of 1,462.40 feet, more or less, to a point; thence,
14. South 29°45'53" East 381.68 feet, more or less, to a point; thence,
15. 277.05 feet, curving to the right, having a radius of 219.11 feet, more or less, to a point; thence,
16. North 42°29'01" East 599.08 feet, more or less, to the point of beginning.

Containing 18.87 acres of land, more or less.

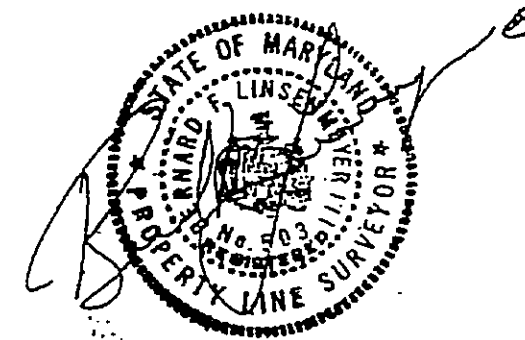
Page 2
DESCRIPTION TO ACCOMPANY ZONING PETITION
BARKLEY WOODS (FOR ZONING PURPOSES ONLY)
July 21, 1995

Saving and excepting a parcel of land beginning at a point located 210 feet, more or less, northerly of the edge of Liberty Gardens Road (a 55-foot right-of-way) on the easterly side of Barkley Woods Road (a 62-foot wide right-of-way), thence binding on said right-of-way, 174.95 feet curving to the right, having a radius of 508.23 feet, more or less, to a point; thence North 65°19'42" East 80.44 feet, more or less, to a point; thence South 38°15'01" East 155.19 feet, more or less, to a point; thence, south 51°44'59" West 80.00 feet to the point of beginning.

Containing approximately 0.32 acres of land, more or less.

Recorded among the Land Records of Baltimore County, Maryland on August 6, 1992 in Plat Book S.M. No. 64, folio 88 and Plat Book S.M. No. 65 folio 132.

san/gtl/d3/barkley/7-21-95



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Posted for: Special Hearing & Variance
Petitioner: Ruby Holzapfel, Esq., Carl M. Holzapfel, Esq., and Robert A. Hoffman, Esq.
Location of property: 150' E of Oak Haven Circle, 2nd Election District
Location of Sign: 150' E of Oak Haven Circle, 2nd Election District
Remarks:
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/13, 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 10/5, 1995.

THE JEFFERSONIAN,
LEGAL AD. - TOWSON
A. Henrichson

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 10/13/95 ACCOUNT: R-001-6150
Jem 120 AMOUNT: \$ 100.00
RECEIVED FROM: [Signature]
FOR: [Signature]
DISTRIBUTION: [Signature] PKM-AGENCY YELLOW-CUSTOMER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Posted for: Special Hearing & Variance
Petitioner: Ruby Holzapfel, Esq., Carl M. Holzapfel, Esq., and Robert A. Hoffman, Esq.
Location of property: 150' E of Oak Haven Circle, 2nd Election District
Location of Sign: 150' E of Oak Haven Circle, 2nd Election District
Remarks:
Posted by: [Signature]
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 10/13/95 ACCOUNT: R-001-6150
Jem 120 AMOUNT: \$ 100.00
RECEIVED FROM: [Signature]
FOR: [Signature]
DISTRIBUTION: [Signature] PKM-AGENCY YELLOW-CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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 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 Jambon, Director

For newspaper advertising:

Item No.: 120 Petitioner: Richmond American Homes, Inc.
Location: Barkley Woods, Baltimore
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara W. Birmah
ADDRESS: Venable, Baetjer & Howard, LLP
210 Allegheny Ave., Towson 21204
PHONE NUMBER: 494-6201

TO: PUBLISHER PUBLISHING COMPANY
October 5, 1995 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
Venable, Baetjer & Howard LLP
210 Allegheny Avenue
Towson MD 21204
494-6262

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

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

CASE NUMBER: 96-120-SPHA (Item 120)
Barkley Woods, Section II
W/S Liberty Gardens Road, 150' E of Oak Haven Circle
2nd Election District - 2nd Councilmanic
Legal Owners: Ruby and Carl Holzapfel, Barkley Woods, Inc., and Richmond American Homes of Maryland, Inc.
Petitioner: Richmond American Homes of Maryland, Inc.
HEARING: TUESDAY, OCTOBER 31, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Hearing to amend Final Development Plan.
Variance to allow a minimum setback of 7 feet from window to property line in lieu of the required 15 feet for lots 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 85, 86, 91, 92, 98, 99, 106, 107, 114, 115, 122, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 167, 171, 175, 176, 183, 184, 189, 190, 194, 195, and 200; to allow a minimum setback of 15 feet from window to right-of-way in lieu of the required 25 feet for lots 63, 114, 115, 164, and 172; to allow a minimum distance of 24 feet from window to window in lieu of the required 40 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176; and to allow a distance of 24 feet between buildings in of the required 30 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176.

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 887-3351.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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

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

CASE NUMBER: 96-120-SPHA (Item 120)
Barkley Woods, Section II
W/S Liberty Gardens Road, 150' E of Oak Haven Circle
2nd Election District - 2nd Councilmanic
Legal Owners: Ruby and Carl Holzapfel, Barkley Woods, Inc., and Richmond American Homes of Maryland, Inc.
Petitioner: Richmond American Homes of Maryland, Inc.
HEARING: TUESDAY, OCTOBER 31, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Hearing to amend Final Development Plan.
Variance to allow a minimum setback of 7 feet from window to property line in lieu of the required 15 feet for lots 54, 57, 58, 62, 63, 67, 68, 73, 74, 79, 80, 85, 86, 91, 92, 98, 99, 106, 107, 114, 115, 122, 123, 128, 129, 134, 135, 142, 149, 156, 157, 163, 167, 171, 175, 176, 183, 184, 189, 190, 194, 195, and 200; to allow a minimum setback of 15 feet from window to right-of-way in lieu of the required 25 feet for lots 63, 114, 115, 164, and 172; to allow a minimum distance of 24 feet from window to window in lieu of the required 40 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176; and to allow a distance of 24 feet between buildings in of the required 30 feet for lots 57 and 58, 67 and 68, 73 and 74, 79 and 80, 91 and 92, 106 and 107, 156 and 157, 171 and 200, 194 and 195, and 175 and 176.

Arnold Jambon
Director

cc: Richmond American Homes of Maryland, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 13, 1996

NOTICE OF ASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c) BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.
CASE NO. 96-120-SPHA
Petitioner: RUBY HOLZAPFEL, ET AL - Legal Owners / Petitioners
N/S Liberty Gardens Road, 150' E of Oak Haven Circle, Barkley Woods, Section I
2nd E; 2nd/C
SPH - To amend Final Dev Plan for Barkley Woods, Sect I; VAR - setbacks from window to property, window to right of way, window to window and distance between bldgs / var lots.
11/30/95 - 2-C's Order in which Petitions for Special Hearing and Variances were GRANTED with restrictions. 12/05/95 - Amended Order to incorporate inadvertently omitted lots.
ASSIGNED FOR: WEDNESDAY, JUNE 19, 1996 at 10:00 a.m.

cc: Cyril Byron Appellant / Protestant
Wayne N. Overman
Jerome Goodman
John Jones

Robert A. Hoffman, Esquire Counsel for Petitioners
Kenneth A. Berg, Vice President
Richmond American Homes of Md.
Ruby Holzapfel Petitioner
The Estate of Carl M. Holzapfel Legal Owner
Stewart J. Greenbaum for
Barkley Woods, Inc. Legal Owner

Judith Berger
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jambon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 10, 1996
AMENDED NOTICE OF ASSIGNMENT /TIME OF HEARING ONLY **

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.
CASE NO. 96-120-SPHA RICHMOND AMERICAN HOMES -Contract Purchaser /Petitioner; RUBY HOLZAPFEL, ET AL -Legal Owners /Petitioners
W/S Liberty Gardens Road, 150' E of Oak Haven Circle, Barkley Woods, Section I
2nd Election District; 2nd Councilmanic

SPH -To amend Final Dev Plan for Barkley Woods, Sect I; VAR -setbacks from window to property, window to right of way, window to window and distance between bldgs /var lots.

11/30/95 -Z.C.'s Order in which Petitions for Special Hearing and Variances were GRANTED with restrictions. 12/05/95 -Amended Order to incorporate inadvertently omitted lots.

This hearing scheduled for Wednesday, June 19, 1996 will now begin at the later time of 11:30 a.m. at the request of Counsel for Petitioners, due to earlier schedule conflict /no change in date; and has been

ASSIGNED FOR: SAME DATE /WEDNESDAY, JUNE 19, 1996 but at 11:30 a.m. **

cc: Cyril Byron Appellant /Protestant
Wayne N. Overman " "
Jerome Goodman " "
John Jones " "
Robert A. Hoffman, Esquire Counsel for Petitioners
Kenneth A. Berg, Vice President " "
Richmond American Homes of Md. Petitioner
Ruby Holzapfel Legal Owner
The Estate f Carl M. Holzapfel " "
Stewart J. Grenebaum for " "
Harley Woods, Inc. " "
Judith Berger
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 25, 1996

NOTICE OF DELIBERATION

Having concluded this case on June 19, 1996, the County Board of Appeals has scheduled the following date and time for deliberation of this matter:

RICHMOND AMERICAN HOMES OF MD. and
Ruby Holzapfel, et al -Petitioners
Case No. 96-120-SPHA

DATE AND TIME : Thursday, July 11, 1996 at 10:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: Cyril Byron Appellant /Protestant
Wayne N. Overman " "
Jerome Goodman " "
John Jones " "
Robert A. Hoffman, Esquire Counsel for Petitioners
Kenneth A. Berg, Vice President " "
Richmond American Homes of Md. Petitioner
Ruby Holzapfel Legal Owner
The Estate f Carl M. Holzapfel " "
Stewart J. Grenebaum for " "
Harley Woods, Inc. " "
Judith Berger
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

R.K.M. /copied

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 24, 1995

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

RE: Item No.: 120
Case No.: 96-120-SPHA
Petitioner: Richmond American
Homes of MD Inc.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 14, 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 (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
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: September 21, 1995

FROM: Pat Keller, Director, OP

SUBJECT: Barkley Woods

INFORMATION:

Item Number: 120
Petitioner: Richmond American Homes of Maryland, Inc.
Property Size: _____
Zoning: DR-5.5
Requested Action: Variance and Special Hearing
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff supports the applicant's request since the installation of windows in the end of the group units will result in an aesthetic improvement.

Pursuant to Section 1B01.3A.7.b(1) of the Baltimore County Zoning Regulations, the Director of the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCC Article 1B) and other provisions of the Comprehensive Manual of Development Policies.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Keller

PK/JL

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Sept. 29, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for October 2, 1995
Item 120

The Development Plans Review Division has reviewed the subject zoning item. If this request is granted, this office asked that the Hearing Officer make a condition that the County Landscape Architect may require landscape buffering to help mitigate the variances.

RWB:sw

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 09/28/95

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

RE: Property Owner: RUBY HOLZAPFEL & CARL M. HOLZAPFEL & BARKLEY WOODS, INC. & RICHMOND AMERICAN HOMES OF MARYLAND, INC.
LOCATION: W/S LIBERTY GARDENS RD. 150' E OF OAK HAVEN CIR. (BARKLEY WOODS, SECTION II)

Item No.: 120 Zoning Agenda: SPECIAL HEARING

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.

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

cc: File
Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 9/25/95
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 9/25/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s:
118
119
120
121
122

LS:sp

LETTY2/DEPRM/TXTS8P



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 120 (CAM)

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 affected by any State Highway Administration projects.

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/es

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

PETITION PROBLEMS

#117 --- CAM

1. No signature for attorney.
2. No telephone number for attorney.

#120 --- CAM

1. Need someone with power of attorney to sign for Carl Holzabhel, deceased legal owner. (Also need the document authorizing person to do this.)
2. Need title of person signing for Barkley Woods, legal owner.

#122 --- JRF

1. Notary section is incorrect.

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
N/S Liberty Gardens Road, 150' E of Oak
aven Circle (Barkley Woods, Section I)
2nd Election Dist., 2nd Councilmanic
Ruby and Carl Holzapfel, et al.
Petitioner
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-120-SPHA
* * * * *

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 30th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 2, 1996

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

Re: Petition for Special
Hearing and Variance
W/S Liberty Gardens Road
150 ft. E of
Oak Haven Circle
Barkley Woods, Section I
2nd Election District
2nd Councilmanic District
Legal Owners:
Ruby Holzapfel, et al
Contract Purchaser:
Richmond American Homes of
Maryland, Inc.
Case No. 96-120-SPHA

Dear Mr. Hoffman:

Please be advised that an appeal of the above-referenced case was filed in this office on December 26, 1995 by the Rockdale Civic and Improvement Association and Cyril Byron, Wayne N. Overman, Jerome Goodman, and John Jones. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmm

c: Kenneth A. Berg
Judith Berger
People's Counsel

Printed with Soybean Ink
on Recycled Paper

APPEAL

Petition for Special Hearing and Zoning Variance
N/S Liberty Gardens Road
150 ft. E of Oak Haven Circle
Barkley Woods, Section I
2nd Election District - 2nd Councilmanic District
Legal Owners: Ruby Holzapfel, et al
Contract Purchaser: Richmond American Homes of Maryland, Inc.
Case No.: 96-120-SPHA

Petition(s) for Special Hearing and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Citizen(s) Sign-in Sheets

Petitioner's Exhibits: 1 - Highlighted Plat to accompany Zoning Request
2 - Side Elevation/Partial Plan to accompany Petition for Special Hearing and Zoning Variance

Protestant's Exhibits: 1 - Maryland Tax Account Assessment and Taxation information to accompany Petition for Special Hearing and Zoning Variance

Zoning Commissioner's Order dated November 30, 1995 (Granted)

Zoning Commissioner's Amended Order dated December 5, 1995 (Granted)

Notice of Appeal received on December 26, 1995 from the Rockdale Civic and Improvement Association, and Cyril Byron, Wayne N. Overman, Jerome Goodman, and John Jones

c: Robert A. Hoffman, Esquire, Venable Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204
Kenneth A. Berg, Vice President, Richmond American Homes of Maryland, 3701 Pender Drive, Suite 200, Fairfax, VA 22030
Mrs. Judith Berger, 3801 Lochearn Drive, Baltimore, MD 21204-6363
Cyril Byron, 7811 Liberty Road, Baltimore, MD 21244
Wayne N. Overman, 3522 Rockdale Court, Baltimore, MD 21244
Jerome Goodman, 7915 Liberty Road, Baltimore, MD 21244
John Jones 8024 Montwood Road, Baltimore, MD 21244
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

2/13/96 -Notice of Assignment for hearing scheduled for Wednesday, June 19, 1996 at 10:00 a.m. sent to following:

Cyril Byron
Wayne N. Overman
Jerome Goodman
John Jones
Robert A. Hoffman, Esquire
Kenneth A. Berg, Vice President
Richmond American Homes of Md.
Ruby Holzapfel
The Estate of Carl M. Holzapfel
Stewart J. Grenebaum for
Harley Woods, Inc.
Judith Berger
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

6/10/96 -T/C from Counsel for Petitioner; has learned of hearing scheduled before Zoning Commissioner; has conflict with 10:00 starting time; will send written request for later start date.

6/11/96 -Letter from R. Hoffman, Esquire, requesting reassignment to 11:30 a.m. start time on same date of 6/19/96. To be granted in order that both hearings may go forward. Amended Notice to be sent.

6/11/96 -Amended Notice of Assignment (as to time only) sent to parties; matter rescheduled to same date (June 19, 1996); to start at 11:30 a.m.

6/25/96 -Notice of Deliberation sent to parties. Matter concluded on June 19, 1996; to be deliberated Thursday, July 11, 1996 at 10:00 a.m.

Delib. 6/19/96; Variance & SPH denied

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Richmond American Homes of Md. and
Ruby Holzapfel, et al -Petitioners
Case No. 96-120-SPHA

DATE : July 11, 1996 @ 10:00 a.m.

BOARD /PANEL : Robert O. Schuetz (ROS)
Kristine K. Howanski (KKH)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Among those present at the deliberation were Carole S. Demilio, Deputy People's Counsel for Baltimore, and Barbara White Ormrod, for Robert A. Hoffman, Esquire, counsel for Richmond American Homes of Md.

PURPOSE --for public deliberation of matter on appeal in Case No. 96-120-SPHA; testimony and evidence received on June 19, 1996; written Opinion and Order to be issued by the Board.

ROS: Good Morning. We are here to deliberate Case No. 96-120-SPHA, Richmond American Homes of Md, and we are here pursuant to the hearing held on Wednesday, June 19, 1996 to hear the issues before the Board for variances for various setbacks and special hearing to amend the final development plan for Barkley Woods, Section I. As has grown to be a custom around here, I'll go first.

One of the things -- and before I get into the merits -- one of the things that strikes me in this case is that we are here for essentially an order that was brought by the Zoning Commissioner on these matters, and the Code allows "any person or persons, jointly or severally, aggrieved or feeling aggrieved by the decision" to appeal; by adding the word "feeling," it opens it up to essentially anybody; anybody is entitled to come in here.

We have heard the case, and I'm not ready to say one way or another how I feel in terms of the merits and whether or not they are due the variance, but whether or not the protestants even had a case here is of great concern to me. Feeling aggrieved is one thing, but being aggrieved is completely different. I don't think the protestants had any leg to stand on as an aggrieved party; issues were tried all the way to the Court of Special Appeals in development plan process in this case. One only has to look at the opening statements by

Deliberation /Richmond American Homes /96-120-SPHA

protestants -- is the development illegal -- I think the Court has already decided that. It's not a question for this Board to consider. And so, that is all that was raised by protestants in opening statement. In my view, failing to even enumerate any concerns outside of whether or not the development was legal raises serious question as to why we are here on this case. That particular protestant, Mr. Goodman, understands the process; been to the Court of Special Appeals and yet comes here lacking an argument. We are here because he alleges to feel aggrieved; and therefore we have to hear this case.

As to the issue of the special hearing, the Board is empowered to amend the final development plan pursuant to the special hearing proceeding. We have to consider it under special exception rules; variances similarly, because of the proposed amendments to the plan. And it sort of throws a monkey wrench in the way the Board views this -- it's difficult to assess variance requirements in light of special exception procedures. But you have to put them one in front of the other, and see how they build on one another to get to the special hearing. I looked first at the variances -- and in this particular issue, what we have is an approved development plan, and I think that in light of *Cromwell v. Ward*, and the need to move on the issue of uniqueness first, and then the issue of whether or other strict compliance with the zoning regulations would essentially constitute a practical difficulty or unreasonable hardship on the petitioner, I think that *Cromwell* in this particular case is a little strong. I think everyone understands these particular matters, but I don't believe we are finished seeing how variances will be granted over time.

Nonetheless, I'm going to try to discuss how I view that particular issue in light of this particular case. We have a development plan which has been approved; building setbacks which have been approved; we have, let's call them, revised building setbacks which are proposed as a result of proposed changes in the development plan, and therefore a need for variances; the only change being the, let's call it, the latitudinal point that the building face assumes when a bay window is added to its side face. In my view, I believe that that is a self-imposed problem. But that does not remove the questions of the setbacks that were raised by People's Counsel, in light of the proposed new building setbacks, essentially resulting in reduced density, if People's Counsel's argument is carried to the end. I am not persuaded by that at all. What we have here is an opportunity for not just Petitioners but all purchasers of the homes as well as the entire surrounding community to enjoy (a) better

Deliberation /Richmond American Homes /96-120-SPHA

architecture in the words of Petitioner's expert; and (b) higher property values because of what the new units would fetch on the open market. That is where strict interpretation of *Cromwell* gets in the way of making perfectly good sense in granting a variance.

I would say, though, because we are under special exception procedures, the Board has a fair amount of latitude in assigning restrictions if the variances were to be granted. And so, one of the things that I would like to hear from my colleagues -- that is the question of whether or not it's necessary that it be a bay window, or that it just be fairly large open window that just happens to be flush with the opening. One just has to drive around surrounding communities to see particular architectural form --where windows are not on building faces. But we have an entire community all of which have side windows in rather tight spaces between buildings constructed in the 1950s. And so, from a unique question first, I think this property is unique in that it's essentially one of the last developable parcels in the area. I think that, in and of itself, makes it unique, plus the fact that the entire surrounding community is developed by business park or residential development off Liberty Road. This parcel stands alone -- that satisfies unique questions. But when you get to practical difficulty or unreasonable hardship, the case falls apart.

KKH: I have a problem. Particularly, I do not see *Cromwell* giving us that latitude in terms of uniqueness. I must confess I've tried very hard in deliberating on cases to keep my personal preferences out of it. I don't usually know what my personal preferences are because it's a luxury I don't explore. It is difficult in this case to ignore what appears to be an obvious aesthetic improvement, and so in our eagerness to enjoy better architecture and for something more attractive, I don't want to ignore that all seems to be saying no. That may be stupid, and I may agree with you, but I don't see *Cromwell* allowing us -- we are not allowed to go outside of the four corners. All we can do is look and see if this parcel has something physically unique about it. I don't see anything, and the silence was deafening in the lack of testimony in this case. This case bothers me -- I agree with you that the protestants who came in were not here on the merits of the issues before us. People's Counsel was here on the issues that are properly before us, and as watchdogs, so to speak, for making sure that all strikes are called properly.

We do look at variances first. We do have an approved plan. But look at uniqueness first before unreasonable hardship and substantial difficulty, and this case upsets me on both sides,

6

People's Counsel Ex. 1

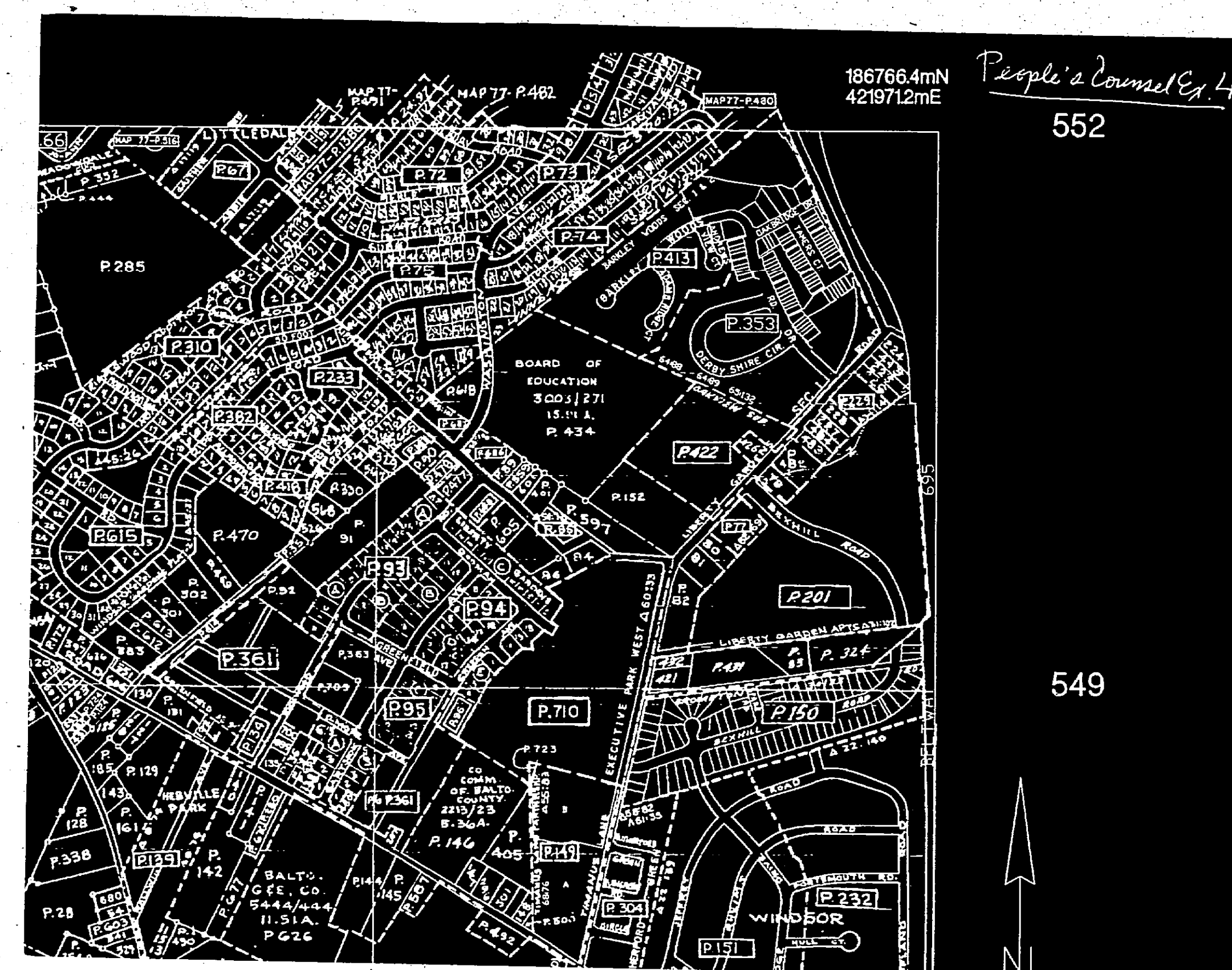
DATE: 6/15/76

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE: 76-130-SPHA

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

Check if you wish to testify.	Name/Address Phone No.	(Community Group You Represent?) Basis of Your Concerns
	JEANNE GOODMAN 2115 E. JEFFERSON RD. BALTIMORE, MD 21208-2457	Residence and Improvement Assoc. Inc.
	Wayne N. Goodman 2115 E. JEFFERSON RD. BALTIMORE, MD 21208-2457	Rockdale Civic & Improvement Assoc. Inc. Resident since 1960
	LEON BOSS 5718 Morris Dr. 21244-1665 655-6509	R.C.I.A. Inc.
	JUDITH BERGER 3801 LOCHMEAD DR 40944-7812 444-0808	SELF



People's Counsel Ex. 5

COUNTY REVIEW GROUP MEETING SUMMARY

Thursday, August 10, 1989

JANSON HOMES TRACT

District 2 CD

COUNTY REVIEW GROUP - THOSE PRESENT

C. Thomas Watson, Chairman - Dept. of Public Works
Gary Kerns, Co-Chairman - Office of Current Planning

AGENCY REPRESENTATIVES

Frank Fisher - Planning
Rahim Famlili - Traffic Engineering
David A. Beyer - Developers Engineering Division
Sue Frahm - Councilman Mintz's Aide
Bruce Sealey - DEPRM

DEVELOPER AND/OR REPRESENTATIVES

Richard E. Mats - Harris, Smariga, Matz, Inc.
Ellwood A. Sinsky - Developer
Howard Janet

INTERESTED CITIZENS

Roger Stultz, 3405 Liberty Road
Jerome Goodman, 7915 Liberty Road

Mr. Watson, Chairman, opened the meeting at 10:10 a.m., introduced the staff and explained the purpose of the meeting. Mr. Mats presented the plan.

Mr. Kerns summarized the staff comments submitted from Developers Engineering Division, Department of Environmental Protection and Resource Management (DEPRM), State Highway Administration, Office of Planning and Zoning, Bureau of Traffic Engineering, Department of Recreation and Parks and Bureau of Land Acquisition. These comments have been made a part of this summary, and a copy was also given to the developer and developer's engineer.

Staff comments to be addressed:

DEPRM - Site specific comments numbers 1, 2 and 3.

Traffic Engineering - Add sight distance clearing note.

Developers Engineering Division - A 12" water main is required in certain locations where 8" mains are now shown.

Planning - Add the Planning number to the plan. Change note number 15.

People's Counsel Ex. 6

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the Rockdale Civic & Improvement Association.

ATTEST:

William Burke Secretary
Charles D. Quinn, Jr. President

DATE: June 18, 1986

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY
10/20/95

ENTER LINE NO. NAME SELECTION/SEQUENCE - MAP 87 ACCOUNT NO. STREET LOCATION OWN OCC TOWN PAR LOT

1) BARKLEY WOODS INC 02 2200013013 OAKBRIDGE DRIVE N 000 353
2) BARKLEY WOODS INC 02 2200013014 DERRY SHIRE CT N 000 353
3) BARKLEY WOODS INC 02 2200013017 DERRY SHIRE CIR N 000 353
4) BARKLEY WOODS INC 02 2200013018 DERRY SHIRE CIR N 000 353
5) HOLZAPFEL CARL M 02 0208651300 3512 LIBERTY GARD R N 000 353
6) HOLZAPFEL CARL M 02 0208651301 3514 LIBERTY GARD R N 000 353
7) HOLZAPFEL CARL M 02 2200013015 OAKBRIDGE DRIVE N 000 353
8) HOLZAPFEL CARL M 02 2200013016 TAMERS CT N 000 353
9) HOLZAPFEL CARL M 02 2200013072 BARKLEY WOODS ROAD N 000 353
10) HOLZAPFEL CARL M 02 2200013073 BARKLEY WOODS ROAD N 000 353
11) HOLZAPFEL CARL M 02 2200013074 BARKLEY WOODS ROAD N 000 353
12) HOLZAPFEL RUBY C 02 2200018579 OAKBRIDGE DR N 000 353
13) HOLZAPFEL RUBY C 02 2200018580 OAKBRIDGE DR N 000 353
14) HOLZAPFEL RUBY C 02 2200018581 TAMERS CT N 000 353
15) HOLZAPFEL RUBY C 02 2200018582 TAMERS CT N 000 353

PRESS: <ENTER> <F1> PAGE FORWARD <F2> PAGE BACK <F3> SELECT NEXT PROPERTY

PRESS: <ENTER> <F1> PAGE FORWARD <F2> PAGE BACK <F3> SELECT NEXT PROPERTY

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY
10/20/95

ENTER LINE NO. NAME SELECTION/SEQUENCE - MAP 87 ACCOUNT NO. STREET LOCATION OWN OCC TOWN PAR LOT

1) BARKLEY WOODS INC 02 2200013019 3428 BARKLEY WOODS N 000 353
2) BARKLEY WOODS INC 02 2200013020 3428 BARKLEY WOODS N 000 353
3) BARKLEY WOODS INC 02 2200013021 3428 BARKLEY WOODS N 000 353
4) BARKLEY WOODS INC 02 2200013022 3422 BARKLEY WOODS N 000 353
5) BARKLEY WOODS INC 02 2200013023 3420 BARKLEY WOODS N 000 353
6) BARKLEY WOODS INC 02 2200013024 3418 BARKLEY WOODS N 000 353
7) BARKLEY WOODS INC 02 2200013025 3416 BARKLEY WOODS N 000 353
8) BARKLEY WOODS INC 02 2200013026 3414 BARKLEY WOODS N 000 353
9) BARKLEY WOODS INC 02 2200013027 3412 BARKLEY WOODS N 000 353
10) BARKLEY WOODS INC 02 2200013028 3410 BARKLEY WOODS N 000 353
11) BARKLEY WOODS INC 02 2200013029 3408 BARKLEY WOODS N 000 353
12) HOLZAPFEL CARL M 02 2200013030 3406 BARKLEY WOODS N 000 353
13) HOLZAPFEL CARL M 02 2200013031 3404 BARKLEY WOODS N 000 353
14) BARKLEY WOODS INC 02 2200013032 3402 BARKLEY WOODS N 000 353
15) BARKLEY WOODS INC 02 2200013033 3400 BARKLEY WOODS N 000 353

PRESS: <ENTER> <F1> PAGE FORWARD <F2> PAGE BACK <F3> SELECT NEXT PROPERTY

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
REAL PROPERTY SYSTEM
BALTIMORE COUNTY
10/20/95

ENTER LINE NO. NAME SELECTION/SEQUENCE - MAP 87 ACCOUNT NO. STREET LOCATION OWN OCC TOWN PAR LOT

1) BARKLEY WOODS INC 02 2200013034 3401 BARKLEY WOODS N 000 353
2) BARKLEY WOODS INC 02 2200013035 3403 BARKLEY WOODS N 000 353
3) BARKLEY WOODS INC 02 2200013036 3405 BARKLEY WOODS N 000 353
4) BARKLEY WOODS INC 02 2200013037 3407 BARKLEY WOODS N 000 353
5) BARKLEY WOODS INC 02 2200013038 3409 BARKLEY WOODS N 000 353
6) BARKLEY WOODS INC 02 2200013039 3411 BARKLEY WOODS N 000 353
7) BARKLEY WOODS INC 02 2200013040 3413 BARKLEY WOODS N 000 353
8) BARKLEY WOODS INC 02 2200013041 4 ADAMS RIDGE CT N 000 353
9) BARKLEY WOODS INC 02 2200013042 6 ADAMS RIDGE CT N 000 353
10) BARKLEY WOODS INC 02 2200013043 8 BARKLEY WOODS RD N 000 353
11) BARKLEY WOODS INC 02 2200013044 10 BARKLEY WOODS RD N 000 353
12) BARKLEY WOODS INC 02 2200013045 12 BARKLEY WOODS RD N 000 353
13) BARKLEY WOODS INC 02 2200013046 14 BARKLEY WOODS RD N 000 353
14) BARKLEY WOODS INC 02 2200013047 16 BARKLEY WOODS RD N 000 353
15) BARKLEY WOODS INC 02 2200013048 18 BARKLEY WOODS RD N 000 353

PRESS: <ENTER> <F1> PAGE FORWARD <F2> PAGE BACK <F3> SELECT NEXT PROPERTY

List No 1



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

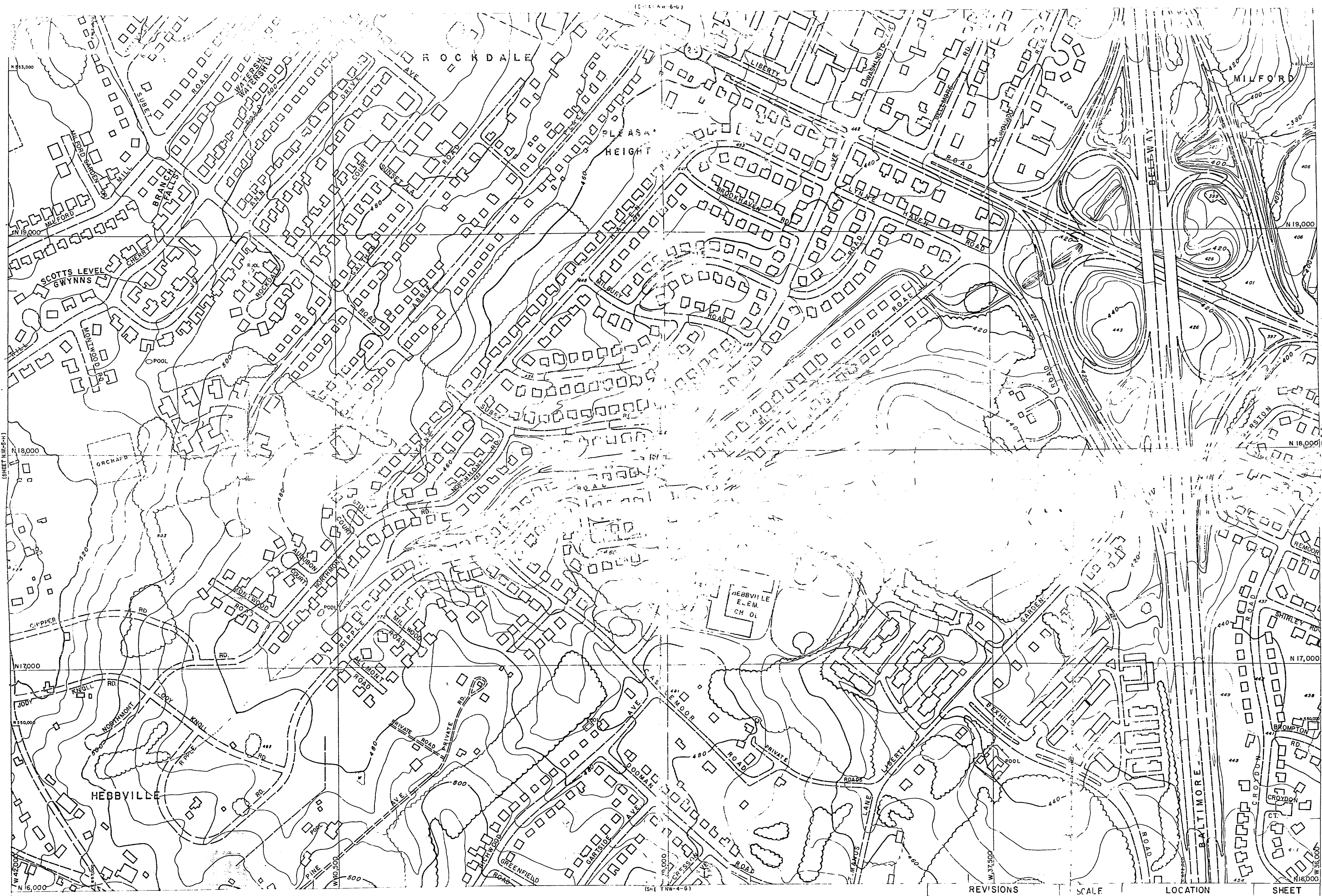
SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1980

LOCATION
HEBBVILLE
ROCKDALE
WOODMOOR

SHEET
N.W.
5-G

PC-2
P.C. Ex. 2



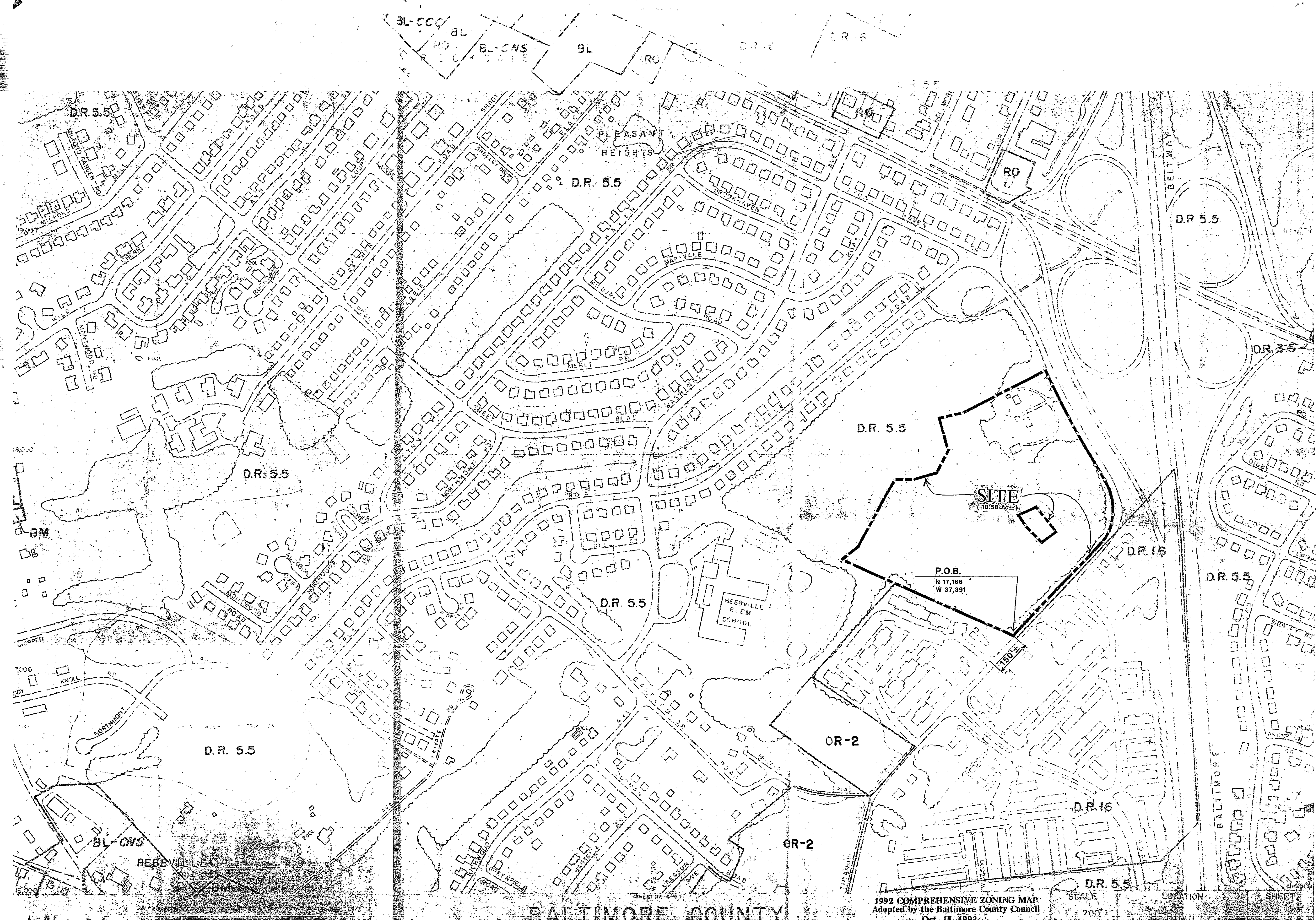
L-NE

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

People's Counsel Ex. 7

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
Topographic	4-11-70	1" = 200'	HEBBVILLE	N.W.
			ROCK DALE	5-G
			WOODMOOR	

96-120-SPHA



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

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

William A. Howard IV
Chairman, County Council

SCALE 1" = 200'
LOCATION
SHEET

ELECTION DISTRICT 2
COUNCILMANIC DISTRICT 2

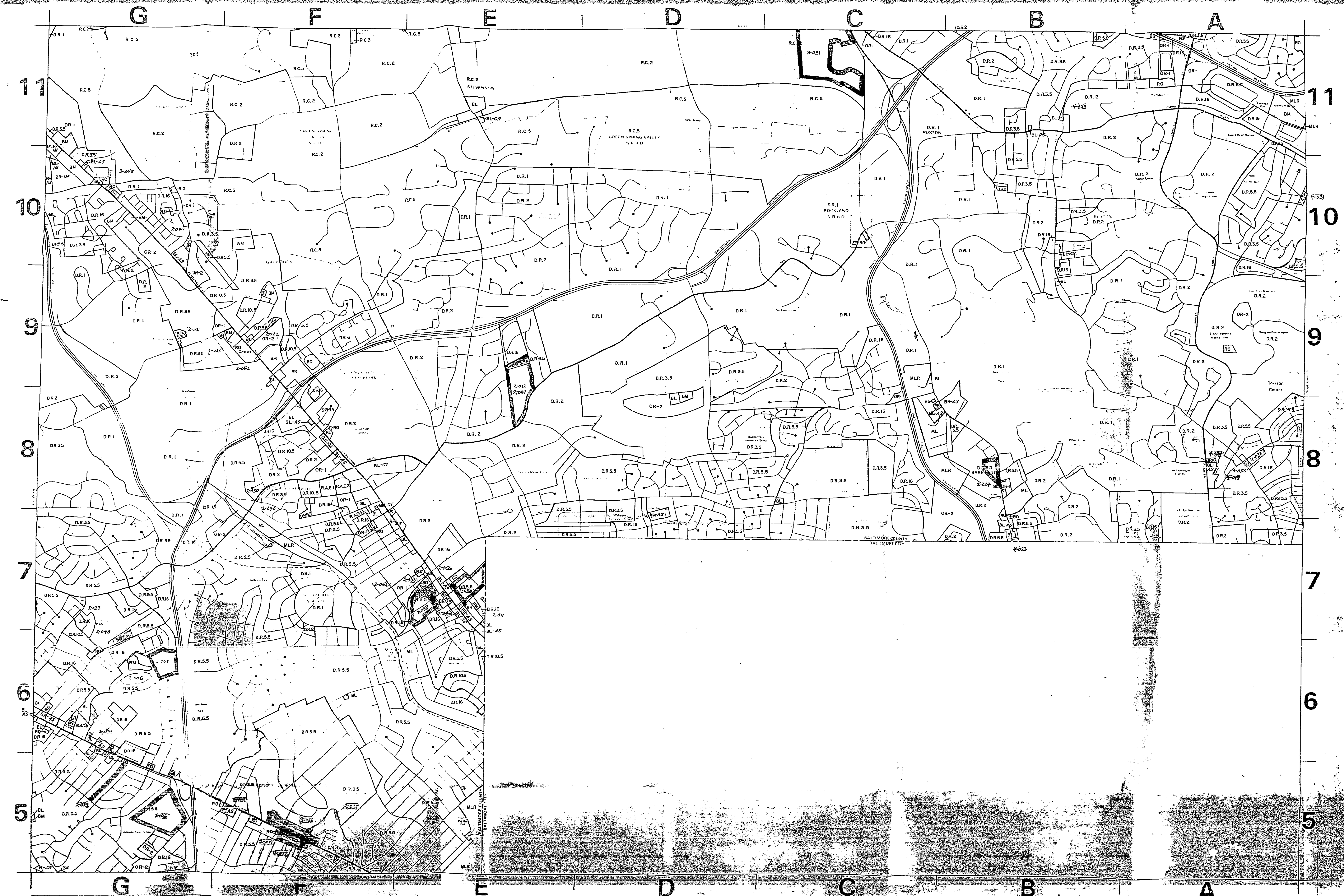
200 SCALE ZONING MAP
TO ACCOMPANY ZONING PETITIONS

SECTION ONE
BARKLEY WOODS

SOURCE:
BALTO.CO 1992 200 SCALE ZONING MAPS
NW 5-G

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
7715 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 944-ENGR, (410) 944-3647

DATE: 7-16-95



1996 COMPREHENSIVE ZONING ISSUE MAP

Baltimore County, Maryland

[illegible]

