

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
 AND VARIANCE - N/S Warren Road, \* DEPUTY ZONING COMMISSIONER  
 460'E of Howard Avenue \* OF BALTIMORE COUNTY  
 (Willowbrook) \* Case No. 96-441-SPHA  
 8th Election District \*  
 3rd Councilmanic District \*  
 Pulte Homes, Inc. \*  
 Petitioners \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for the subdivision known as Willowbrook, located on Warren Road, near Howard Avenue in Cockeysville. The Petitions were filed by the owners of the property, Pulte Homes, Inc., by John E. Bittner, Executive Vice President, through their attorney, Newton A. Williams, Esquire. The Petitioners seek approval of an amendment to the Final Development Plan for Willowbrook and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 1B01.2.C.1.b of the B.C.Z.R., and Section II.A.5 of the Comprehensive Manual of Development Policies (CMDP), pursuant to Section 504 of the B.C.Z.R., to permit front building face to property line setbacks of as little as 12 feet for Lots 4, 20 and 40; 15 feet for Lot 5; 21 feet for Lot 18; 13 feet for Lot 19; 20 feet for Lot 22; 22 feet for Lot 29; 10 feet for Lot 41; and 8 feet for Lot 42, all in lieu of the required 25 feet for each; 2) from Section 1B01.2.C.1.b of the B.C.Z.R. and Section II.A.5 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R. to permit a distance from the rear building face to a rear property line of as little as 23 feet for Lot 37, and as little as 25 feet, if necessary, for Lots 40, 41, 42, and 43, all in lieu of the required 30 feet; 3) from Section 1B01.2.C.1.b of the B.C.Z.R. and Section II.A.5 of the C.M.D.P.,

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 By *[Signature]*

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pursuant to Section 504 of the B.C.Z.R. to permit a distance between building faces of as little as 13 feet in lieu of the required 16 feet for buildings up to 20 feet in height, if necessary, for Lots 40 and 41; and a distance of as little as 13 feet in lieu of the required 20 feet for buildings with heights greater than 20 feet, if necessary, for Lots 41 and 42; and 4) from Section 301.1.A of the B.C.Z.R. to permit a distance from a rear deck to a rear property line of as little as 18 feet for Lot 2, if necessary, and as little as 17 feet for Lots 37, 40, 41, 42 and 43, if necessary, all in lieu of the required 22.5 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Mike Fitzgerald and James W. Grande, representatives of Pulte Homes, Inc., property owner, Thomas H. Repsher, Registered Landscape Architect with Daft-McCune-Walker, Inc., who prepared the site plan for this project, and Newton A. Williams, Esquire, attorney for the Petitioners. Two individuals from adjacent communities, namely, Ann Heaton and Thomas Fahey, appeared as interested parties in the matter. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 12.802 acres, more or less, zoned D.R. 3.5 and is located on the north side of Warren Road in Cockeysville. The property is also known as Willowbrook which was proposed to be developed by the Southern Land Company with single family homes, pursuant to the development plan approved in prior Case No. VIII-647 on May 17, 1995. The Southern Land Company has since sold the property to Pulte Homes, Inc. who wishes to develop the lots in a manner consistent with the approved subdivision. However, some of the lots lack sufficient dimensions to accommodate the types of model

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homes being offered by Pulte Homes, Inc. at this location. The Petitioners intend to construct upscale, single family homes, offering a variety of options with each model to accommodate individual tastes of prospective buyers. Thus, depending on the options chosen by an individual, a variance might be required in order to situate a particular dwelling on a lot. Therefore, the Petitioners have requested the variances as set forth above in order to have more flexibility in developing this subdivision. In addition, due to the minor modifications to the overall plan associated with the proposed development, the special hearing relief is necessary to amend the last approved final development plan for this subdivision.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the relief requested is not granted. The proposed amendments to the

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final development plan for Willowbrook are appropriate in order to bring the approved development plan and the site plan in the instant case into compliance with one another. Furthermore, it has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of June, 1996 that the Petition for Special Hearing seeking approval of an amendment of the Final Development Plan for Willowbrook, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

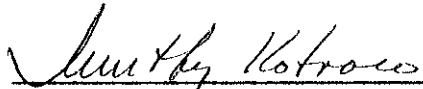
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section II.A.5 of the Comprehensive Manual of Development Policies (C.M.D.P.), pursuant to Section 504 of the B.C.Z.R., to 1) permit front building face to property line setbacks, if necessary, of as little as 12 feet for Lots 4, 20 and 40; 15 feet for Lot 5; 21 feet for Lot 18; 13 feet for Lot 19; 20 feet for Lot 22; 22 feet for Lot 29; 10 feet for Lot 41; and 8 feet for Lot 42, all in lieu of the required 25 feet for each; 2) to permit a distance from the rear building face to the

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By \_\_\_\_\_

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rear property line, if necessary, of as little as 23 feet for Lot 37, and as little as 25 feet for Lots 40, 41, 42, and 43, all in lieu of the required 30 feet; 3) to permit a distance between building faces of as little as 13 feet in lieu of the required 16 feet for buildings up to 20 feet in height, if necessary, for Lots 40 and 41; and a distance of as little as 13 feet in lieu of the required 20 feet for buildings with heights greater than 20 feet, if necessary, for Lots 41 and 42; and, 4) from Section 301.1.A of the B.C.Z.R. to permit a distance from a rear deck to a rear property line of as little as 18 feet for Lot 2, if necessary, and as little as 17 feet for Lots 37, 40, 41, 42 and 43, if necessary, all in lieu of the required 22.5 feet for each, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed dwelling on Lot 41 shall not have the option of a front porch or family room extension.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 21, 1996

(410) 887-4386

Newton A. Williams, Esquire  
Nolan, Plumhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE  
N/S Warren Road, 460'E of Howard Avenue  
(Willowbrook)  
8th Election District - 3rd Councilmanic District  
Pulte Homes, Inc. - Petitioners  
Case No. 96-441-SPHA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. John E. Bittner, Pulte Homes, Inc.  
1501 South Edgewood Street, Suite K, Baltimore, Md. 21227

Mr. Thomas Repsher, Daft-McCune-Walker, Inc.  
200 E. Pennsylvania Avenue, Towson, Md. 21286

Ms. Ann H. Heaton, 10599 Topsfield Drive, Cockeysville, Md. 21030  
Mr. Thomas Fahey, 233 Dawson Drive, Cockeysville, Md. 21030

People's Counsel; ~~File~~

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# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at Warren Road, E. of Howard Avenue

96-441-SRHA

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment of the Final Development Plan, as shown on the attached Plan.

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

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

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

Contract Purchaser/Lessee:

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zipcode

Legal Owner(s):

Pulte Homes, Inc.

\_\_\_\_\_  
(Type or Print Name)

John E. Bittner  
Signature

JOHN E. BITTNER, EXEC. V. P.  
(Type or Print Name)

\_\_\_\_\_  
Signature

1501 South Edgewood St., Suite K

Address Phone No. 644-5603

Baltimore MD 21227

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

Nolan, Plumhoff & Williams  
Newton A. Williams, Esquire  
Name 210 W Pennsylvania Ave., Suite 700  
Towson, MD 21204 823-7800

Address Phone No.

Attorney for Petitioner:

Nolan, Plumhoff & Williams  
Newton A. Williams, Esquire

\_\_\_\_\_  
(Type or Print Name)

Newton A. Williams  
Signature

210 W Pennsylvania Ave.  
Suite 700 823-7800

Address Phone No.

Towson MD 21204  
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

1.5  
unavailable for hearing

the following dates

June 19th to July 3rd  
Next Two Months

ALL  OTHER

REVIEWED BY:

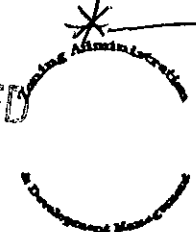
[Signature]

DATE 5/10/96

ORDER RECEIVED FOR FILING

Date 5/10/96  
By [Signature]

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# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at Warren Road, E of Howard Avenue  
96-441-SPHA which is presently zoned D.R.5.5.

This Petition shall be filed with the Department of Permits & 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 Attachment A

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

See Attachment B

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

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

Contract Purchaser/Lessee.

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

Legal Owner(s):

Pulte Homes, Inc.  
\_\_\_\_\_  
(Type or Print Name)

John E. Bittner  
\_\_\_\_\_  
Signature

JOHN E. BITTNER, EXEC V.P.  
\_\_\_\_\_  
(Type or Print Name)

City State Zipcode

Attorney for Petitioner. Nolan, Plumhoff & Williams  
Newton A. Williams  
\_\_\_\_\_  
(Type or Print Name)

Signature

1501 South Edgewood Street, Suite K  
\_\_\_\_\_  
Address Phone No 644-5603

Newton A. Williams  
\_\_\_\_\_  
Signature

210 W Pennsylvania Avenue  
Suite 700 823-7800  
\_\_\_\_\_  
Address Phone No.

Towson MD 21204  
\_\_\_\_\_  
City State Zipcode

Baltimore MD 21227  
\_\_\_\_\_  
City State Zipcode

Name, Address and phone number of representative to be contacted.

Nolan, Plumhoff & Williams  
Newton A. Williams  
\_\_\_\_\_  
Name 210 W. Pennsylvania Avenue  
Towson, MD 21204 823-7800  
\_\_\_\_\_  
Address Phone No.

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Date 6/21/96  
By [Signature]

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Revised 9/5/95

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ESTIMATED LENGTH OF HEARING 1.5 hrs. or less.  
\_\_\_\_\_  
unavailable for Hearing

the following dates June 20 to July 3rd Next Two Months

ALL [initials] OTHER except June 19th

REVIEWED BY: [Signature] DATE 5/10/96



**EXHIBIT**

A

96-441-SPHA

Variance from Section 1B01.2.C.1.b., BCZR and Section II.A.5, CMDP, pursuant to Section 504 BCZR: to allow as little as 12 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lots 4, 20 and 40; to allow as little as 15 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 5; to allow as little as 21 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 18; to allow as little as 13 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 19; to allow as little as 20 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 22; to allow as little as 22 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 29; to allow as little as 10 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 41; to allow as little as 8 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 42.

Variance from Section 1B01.2.C.1.b., BCZR and Section II.A.5, CMDP, pursuant to Section 504 BCZR: to allow as little as 23 feet from a rear building face to a rear property line in lieu of required 30 feet, if necessary, for Lot 37; to allow as little as 25 feet from a rear building face to a rear property line in lieu of required 30 feet, if necessary, for Lots 40, 41, 42 and 43.

Variance from Section 1B01.2.C.1.b., BCZR and Section II.A.5, CMDP, pursuant to Section 504 BCZR: to allow as little as 13 feet between side building faces in lieu of required 16 feet for buildings up to 20 feet in height, if necessary, for Lots 40 and 41; to allow as little as 13 feet between side building faces in lieu of required 20 feet for buildings with heights greater than 20 feet, if necessary, for Lots 41 and 42.

Variance from Section 301.1A., BCZR: to allow as little as 18 feet from a rear deck to a rear property line in lieu of required 22.5 feet, if necessary, for Lot 2; to allow as little as 17 feet from a rear deck to a rear property line in lieu of required 22.5 feet, if necessary, for Lots 37 and 40, 41, 42 and 43.

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Date 6/21/96

By [Signature]

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REASONS

96-441-SPHA

1. The subject property and lots are composed of a large number of irregularly shaped lots.
2. That the original subdivision plan was laid out for less attractive "cookie cutter" type of building envelopes.
3. That the proposed Pulte layout with, well designed, attractive homes of architectural variety, in certain cases requires some changes and variances to do a better project.
4. That the property and lots are unique, with winding roads, curving cul-de-sacs, slopes, storm water areas and local open spaces.
5. That without the requested variance the Petitioner will sustain practical difficulty and unreasonable hardship.
6. That the requested variances will foster the health, safety and welfare of the area involved.

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AA6

Description 96-441-SPHA

To Accompany Petition for Zoning Variance

1.851 Acre Parcel

Willowbrook

Southerly End of Bluebell Way

Eighth Election District, Baltimore County, Maryland



Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue  
Towson, Maryland 21286  
410 296 3333  
Fax 296 4705

A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

Beginning for the same on the westerly side of Bluebell Way, 50 feet wide, at the end of the second of the following two courses and distances measured from a point formed by the intersection of the centerline of Bluebell Way with the centerline of Wake Robin Road, 50 feet wide, (1) Southwesterly, southerly, and southwesterly along said centerline of Bluebell Way 674 feet, more or less, and thence (2) Westerly 25 feet, more or less, to the point of beginning, thence leaving said point of beginning and running the eight following courses and distances, viz: (1) South 05 degrees 02 minutes 48 seconds West 71.68 feet, thence (2) Southwesterly by a line curving to the right with a radius of 179.15 feet for a distance of 12.19 feet (the arc of said curve being subtended by a chord bearing South 60 degrees 10 minutes 03 seconds West 12.19 feet, having a beginning tangent bearing of South 58 degrees 13 minutes 04 seconds West and a departing tangent bearing of South 62 degrees 07 minutes 01 second West), thence (3) South 05 degrees 02 minutes 48 seconds West 130.02 feet, thence (4) North 84 degrees 57 minutes 12 seconds West 235.00 feet, thence (5) North 22 degrees 01 minute 19 seconds West 133.05 feet, thence (6) North 09 degrees 24 minutes 21 seconds East 114.21 feet to a point, thence (7) North 40

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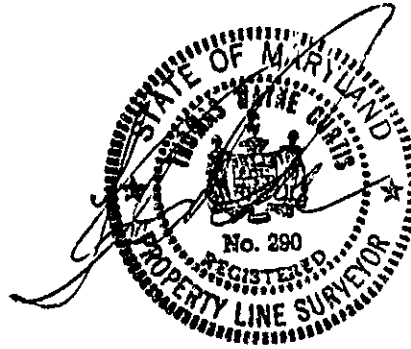
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96-441-SPHA

degrees 45 minutes 52 seconds East 145.31 feet, and thence (8) South 51 degrees 12 minutes 20 seconds East 255.00 feet to the point of beginning; containing 1.851 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 30, 1996

Project No. 94017.F (L94017F)



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Description

96'-441  
-SPHA

446

To Accompany Petition for Zoning Variance

10.951 Acre Parcel

Willowbrook

North Side of Warren Road

East of Howard Avenue

Eighth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the north side of Warren Road, 70 feet wide, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of said Warren Road with the centerline of Howard Avenue, 50 feet wide, (1) Easterly along said centerline of Warren Road 460 feet, more or less, and thence (2) Northerly 35 feet, more or less, to the beginning point, thence leaving said point of beginning and running the thirty-four following courses and distances, viz: (1) North 05 degrees 54 minutes 03 seconds East 140.70 feet, thence (2) North 11 degrees 05 minutes 39 seconds West 196.24 feet, thence (3) North 79 degrees 18 minutes 19 seconds East 107.61 feet, thence (4) Northwesterly by a line curving to the right with a radius of 255.00 feet for a distance of 20.01 feet (the arc of said curve being subtended by a chord bearing North 12 degrees 13 minutes 18 seconds West 20.01 feet, having a beginning tangent bearing of North 14 degrees 28 minutes 12 seconds West and a departing tangent bearing of North 09 degrees 58 minutes 24 seconds West), thence (5) South 79 degrees 18 minutes 19 seconds West 106.45 feet, thence (6) North 11 degrees 59 minutes 56 seconds West 89.14 feet, thence (7) North 18 degrees 53 minutes 32 seconds East 195.03 feet, thence (8) North 26 degrees 26 minutes 03 seconds West 91.32 feet, thence (9) North 58 degrees 56

minutes 03 seconds West 135.00 feet, thence (10) North 73 degrees 04 minutes 42 seconds West 122.79 feet, thence (11) North 05 degrees 03 minutes 57 seconds East 293.04 feet, thence (12) South 60 degrees 56 minutes 03 seconds East 180.00 feet, thence (13) South 25 degrees 02 minutes 30 seconds West 80.32 feet, thence (14) South 05 degrees 03 minutes 57 seconds West 112.01 feet, thence (15) South 28 degrees 56 minutes 03 seconds East 46.23 feet, thence (16) South 58 degrees 56 minutes 03 seconds East 115.56 feet, thence (17) South 26 degrees 26 minutes 03 seconds East 93.36 feet, thence (18) South 52 degrees 51 minutes 17 seconds East 110.40 feet, thence (19) Northeasterly by a line curving to the right with a radius of 255.00 feet for a distance of 20.10 feet (the arc of said curve being subtended by a chord bearing North 42 degrees 29 minutes 48 seconds East 20.09 feet, having a beginning tangent bearing of North 40 degrees 14 minutes 22 seconds East and a departing tangent bearing of North 44 degrees 45 minutes 15 seconds East), thence (20) North 52 degrees 51 minutes 17 seconds West 107.58 feet, thence (21) North 26 degrees 26 minutes 03 seconds West 37.66 feet, thence (22) North 17 degrees 17 minutes 53 seconds East 61.96 feet, thence (23) North 52 degrees 53 minutes 59 seconds East 42.18 feet, thence (24) North 71 degrees 35 minutes 01 second East 37.92 feet, thence (25) North 21 degrees 02 minutes 06 seconds East 99.17 feet, thence (26) South 18 degrees 53 minutes 38 seconds East 238.98 feet, thence (27) Easterly by a line curving to the right with a radius of 255.00 feet for a distance of 20.01 feet (the arc of said curve being subtended by a chord bearing North 73 degrees 21 minutes 13 seconds East 20.00 feet, having a beginning tangent bearing of North 75 degrees 36 minutes 04 seconds East and a departing tangent bearing of North 71 degrees 06 minutes 22 seconds East), thence (28) North 16 degrees 38 minutes 47 seconds West 48.66 feet, thence (29) North 05

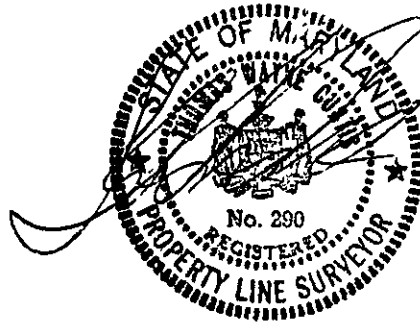
96-441-SPAA

degrees 02 minutes 48 seconds East 69.75 feet, thence (30) North 77 degrees 10 minutes 12 seconds East 72.47 feet, thence (31) North 77 degrees 10 minutes 12 seconds East 74.64 feet, thence (32) South 59 degrees 57 minutes 12 seconds East 132.29 feet, thence (33) South 39 degrees 57 minutes 12 East 85.00 feet, and thence (34) South 05 degrees 02 minutes 48 seconds West 735.14 feet to a point on said north side of Warren Road, thence with said line (35) North 84 degrees 09 minutes 51 seconds West 508.63 feet to the point of beginning; containing 10.951 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

May 1, 1996

Project No. 94017.F (L94017F.1)



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland  
96-1441-SP1A

District: PA Date of Posting: 5/31/96

Posted for: Special Homeke - Lawrence

Petitioner: Paulos Homeke

Location of property: N/S Wornon Pl.-4601 E Howard Ave.

Location of Sign: Facing road on property being zoned

Remarks: \_\_\_\_\_

Posted by: W. Hardy Date of return: 6/7/96  
Signer

Number of Signs: 1

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**NOTICE OF HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland - 21286, Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

Case: #00-441-SPHA  
(Item 446)  
N/S Warren Road, 480'  
E of Howard Avenue  
8th Election District  
3rd Councilmanic  
Legal Owner(s):

Pulte Homes, Inc.  
Special Hearing: to approve an amendment to the Final Development Plan. Variance: to allow as little as 12 feet from front building face to a property line in lieu of required 25 feet; if necessary, for Lots 4, 20, and 40; to allow as little as 15 feet from front building face to a property line in lieu of the required 25 feet; if necessary, for Lot 6; to allow as little as 21 feet from front building face to a property line in lieu of required 25 feet; if necessary, for Lot 18; to allow as little as 13 feet from front building face to a property line in lieu of required 25 feet; if necessary, for Lot 19; to allow as little as 20 feet from front building face to a property line in lieu of required 25 feet; if necessary, for Lot 22; to allow as little as 22 feet from front building face to the property line in lieu of required 25 feet; if necessary, for Lot 29; to allow as little as 10 feet from front building face to a property line in lieu of required 25 feet; if necessary, for Lot 41; to allow as little as 8 feet from front building face to a property line in lieu of the required 25 feet; if necessary, for Lot 42; to allow as little as 23 feet from a rear building face to a rear property line in lieu of required 30 feet; if necessary, for Lot 37; to allow as little as 25 feet from a rear building face to a rear property line in lieu of the required 30 feet; if necessary, for Lots 40, 41, 42 and 43; to allow as little as 15 feet between side building faces in lieu of required 16 feet for buildings up to 20 feet in height; if necessary, for Lots 40 and 41; to allow as little as 13 feet between side building faces in lieu of required 20 feet for buildings with heights greater than 20 feet; if necessary, for Lots 41 and 42; to allow as little as 18 feet from a rear deck to a rear property line in lieu of required 22.5 feet; if necessary, for Lot 2; to allow as little as 17 feet from a rear deck to a rear property line in lieu of required 22.5 feet; if necessary, for Lots 37 and 40, 41, 42 and 43.

Hearing: Monday, June 17, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3383.  
(2) For information concerning the File and/or Hearing. Please Call 887-3381.

5/31/96 May 23 CB4186

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be 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.: 446  
 Petitioner: Pulte Homes, Inc.  
 Location: N/5 Warner Road, 460' E. of Howard.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Newton A. Williams  
 ADDRESS: 700 Court Towers  
210 W. Penn. Ave.  
Towson, MD 21204  
 PHONE NUMBER: 823-7800

MICROFILMED

AJ:ggs

(Revised 04/09/93)



Printed on Recycled Paper

\* **FILL OUT FORM.**  
+ RETURN WITH PINK REPT.

# CERTIFICATE OF PUBLICATION

TOWSON, MD., \_\_\_\_\_

*May 24, 1946*

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 *May 23, 1946*.

THE JEFFERSONIAN,

*A. H. Erickson*  
LEGAL AD. - TOWSON

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY  
May 23, 1996 Issue - Jeffersonian

Please forward billing to:  
Newton A. Williams, Esq.  
700 Court Towers  
210 W. Pennsylvania Avenue  
Towson, MD 21204  
823-7800

---

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: 96-441-SPHA (Item 446)  
N/S Warren Road, 460' E of Howard Avenue  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Pulte Homes, Inc.

Special Hearing to approve an amendment to the Final Development Plan.

Variance to allow as little as 12 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lots 4, 20, and 40; to allow as little as 15 feet from front building face to a property line in lieu of the required 25 feet, if necessary, for Lot 5; to allow as little as 21 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 18; to allow as little as 13 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 19; to allow as little as 20 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 22; to allow as little as 22 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 29; to allow as little as 10 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 41; to allow as little as 8 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 42; to allow as little as 23 feet from a rear building face to a rear property line in lieu of required 30 feet, if necessary, for Lot 37; to allow as little as 25 feet from a rear building face to a rear property line in lieu of the required 30 feet, if necessary, for Lots 40, 41, 42 and 43; to allow as little as 13 feet between side building faces in lieu of required 16 feet for buildings up to 20 feet in height, if necessary, for Lots 40 and 41; to allow as little as 13 feet between side building faces in lieu of required 20 feet for buildings with heights greater than 20 feet, if necessary, for Lots 41 and 42; to allow as little as 18 feet from a rear deck to a rear property line in lieu of required 22.5 feet, if necessary, for Lot 2; to allow as little as 17 feet from a rear deck to a rear property line in lieu of required 22.5 feet, if necessary, for Lots 37 and 40, 41, 42 and 43.

HEARING: MONDAY, JUNE 17, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

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

May 17, 1996

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

CASE NUMBER: 96-441-SPHA (Item 446)  
N/S Warren Road, 460' E of Howard Avenue  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Pulte Homes, Inc.

Special Hearing to approve an amendment to the Final Development Plan.  
Variance to allow as little as 12 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lots 4, 20, and 40; to allow as little as 15 feet from front building face to a property line in lieu of the required 25 feet, if necessary, for Lot 5; to allow as little as 21 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 18; to allow as little as 13 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 19; to allow as little as 20 feet from front building face to a property line in lieu of required 25 feet, if necessary for, for Lot 22; to allow as little as 22 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 29; to allow as little as 10 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 41; to allow as little as 8 feet from front building face to a property line in lieu of required 25 feet, in necessary, for Lot 42; to allow as little as 23 feet from a rear building face to a rear property line in lieu of required 30 feet, in necessary, for Lot 37; to allow as little as 25 feet from a rear building face to a rear property line in lieu of the required 30 feet, if necessary, for Lots 40,41,42 and 43; to allow as little as 13 feet between side building faces in lieu of required 16 feet for buildings up to 20 feet in height, if necessary, for Lots 40 and 41; to allow as little as 13 feet between side building faces in lieu of required 20 feet for buildings with heights greater than 20 feet, if necessary, for Lots 41 and 42; to allow as little as 18 feet from a rear deck to a rear property line in lieu of required 22.5 feet, in necessary, for Lot 2; to allow as little as 17 feet from a rear deck to a rear property line in lieu of required 22.5 feet, if necessary, for Lots 37 and 40, 41,42 and 43.

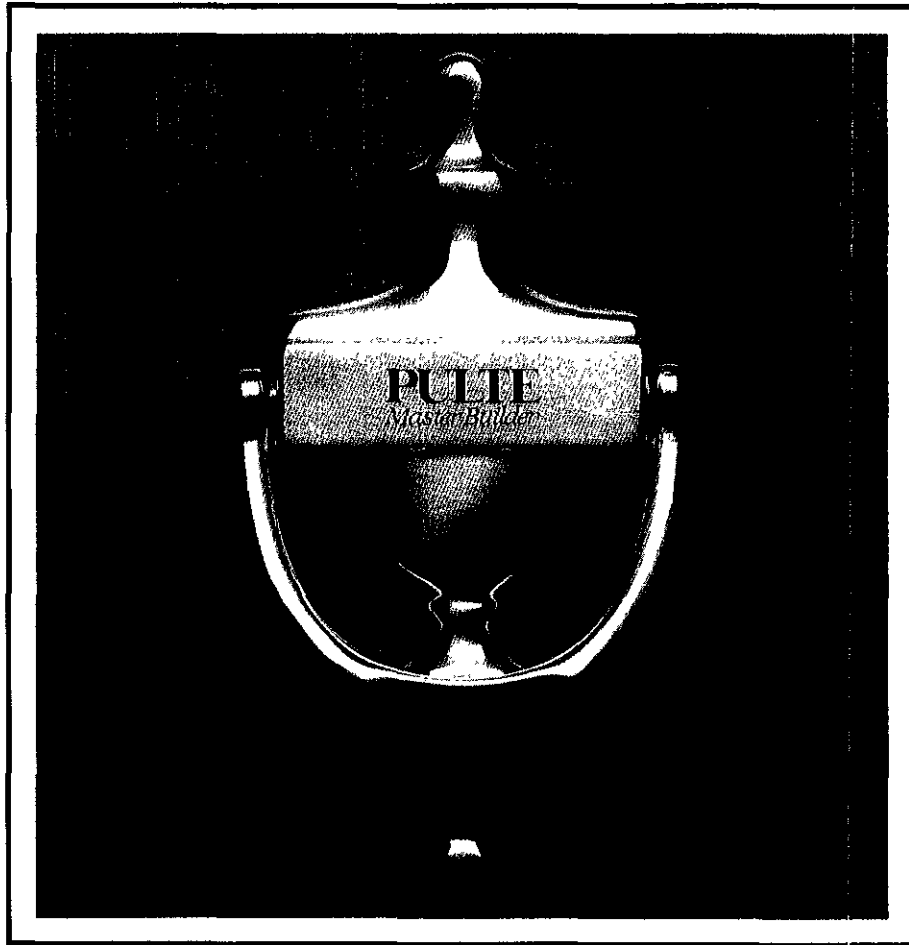
HEARING: MONDAY, JUNE 17, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

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

Arnold Jablon  
Director

cc: Pulte Homes, Inc.  
Newton A. Williams, 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.



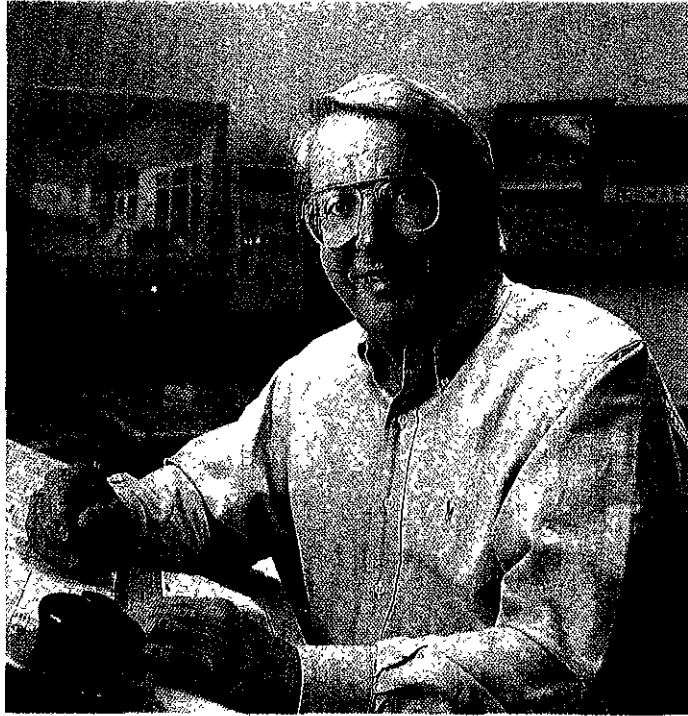
**W**elcome to Pulte Homes. We know that selecting and purchasing your new home is one of the most important and exciting decisions you will ever make. At Pulte Homes, each and every home we build is designed to help make your decision easier. In fact, our attention to the needs and desires of discerning buyers is just one of the many reasons why over 100,000 home buyers, just like you, have selected Pulte as their builder. As a Pulte homeowner you can expect . . .

- Innovative designs that go beyond walls and ceilings to eliminate wasted space, enhance natural lighting and make a dramatic statement in every square foot of living area.
- Exterior designs which promote a warm community feeling and reinforce the quality appearance of the neighborhoods.
- Desirable neighborhoods with close proximity to community services and employment.
- The best home value available today and for years to come.

**MICROFILMED**



*From coast to coast Pulte Home Corporation presents dramatic exteriors with attention to detail and design.*



*Bill Pulte . . . utilizing over 40 years of building experience to refine a new home design.*

**f**

rom his first four-room home in 1950, to over 100,000 new homes, Bill Pulte is a true American Success story. With the philosophy of giving customers the "best home value", Pulte has grown from a custom homebuilder to one of the largest residential builders in the United States.

*Success is always a reflection of customer satisfaction. And satisfaction has to be earned - one buyer, one home, at a time.* One of the best indicators of this is that 8 out of 10 Pulte buyers tell us they would be likely to purchase another Pulte home. This unusual degree of customer satisfaction can be attributed to Pulte's ongoing commitment to the company mission:

*Within an environment of continuous quality improvement, Pulte seeks to utilize our people and financial resources to understand our customers' needs and to provide products and services that create satisfied customers.*

Bill Pulte is one of the few founders of a national building company that remains active not only in product design, but in the entire building process. Mr. Pulte ensures that the floorplans, exterior designs, and features of our homes are tailored to the needs of our customers in each community we serve. His 40 years of experience, combined with state-of-the-art computer systems, enable Pulte to design new homes that meet or exceed the superior quality standards of construction, comfort, and livability that our customers demand.

From coast to coast. From our most affordable homes to our most luxurious homes. We design quality in a way that only Pulte can.





Baltimore County  
Department of Permits and  
Development Management

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

June 10, 1996

Newton A. Williams, Esquire  
Nolan, Plumhoff & Williams  
210 W. Pennsylvania Avenue  
Suite 700  
Towson, MD 21204

RE: Item No.: 446  
Case No.: 96-441-SPHA  
Petitioner: Pulte Homes, Inc.

Dear Mr. Williams:

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 May 10, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

APPROVED



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

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
May 31, 1996

FROM: Robert A. Wirth *RAW/PLM*  
DEPRM

SUBJECT: Zoning Item #446 - Willowbrook  
Warren Road E. of Howard Avenue  
Zoning Advisory Committee Meeting of May 20, 1996

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

RAW:VK:sp

WILLOWBR/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director,  
Department of Permits and Development Management

DATE: May 29, 1996

FROM: Arnold F. "Pat" Keller, III, Director,  
Office of Planning

SUBJECT: Willowbrook

INFORMATION:

Item Number: 446  
Petitioner: Pulte Homes, Inc.  
Property Size: 12.8 acres  
Zoning: D.R.-3.5  
Requested Action: Special Hearing and Variance  
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This petition is requesting a special hearing to approve an amendment of the Final Development Plan. The petitioner is also requesting a variance from front building face to a property line for lots 4, 20, 40, 5, 18, 19, 22, 29, 41, and 42; from a rear building face to a rear property line for lots 37, 40, 41, 42, and 43; between side building face for lots 40, 1, and 42; and from a rear deck deck to a rear property line for lots 2, 37, 40, 41, 42, and 43.

Staff recommend DENIAL of the variance from a rear building face to a rear property line and from a rear deck to a rear property line.

Staff recommends APPROVAL of the petitioner's request for the variance from building face to a property line and between side building face with the condition that the developer provide the landscaping that is outlined in the attached letter dated July 20, 1995 signed by Ronald O. Schaftel.

BACKGROUND

The Willowbrook Development Plan was approved by Hearing Officer Timothy M. Kotroco on the 17th day of May, 1995 with restrictions. Before the Development Plan was approved, the Developer along with the designers for this project met with staff on several occasions to work out site design issues. During that process, staff expressed concerns about the usefulness of rear yards and maintaining the existing vegetation along the rears of lots 37 thru 44.

At the time of the Development Plan review, extensive negotiations occurred regarding the appropriate number of homes for this group. The lot size was designed to maximize density on this portion of the tract. If larger house types are desired then the number of lots should be reduced to accommodate the larger homes. Clearly, the Developer needs to determine the priority namely larger homes on fewer lots or more lots with smaller homes.

MICROFILMED

**TO:** Arnold Jablon, Director, PDM  
**FROM:** Arnold F. "Pat" Keller, III, Director, OP

Staff also worked with the Developers and their designers to site the homes on those lots to minimize the amount of tree cutting and land disturbance. Because of these concerns, staff requested that a limited of disturbance line be place on the Development Plan. In response to those concerns, the Developer sent Mr. Keller the attached letter. The letter assured staff that additional planting would be used to "soften the slopes" regardless of the Hearing Officer order.

Staff believes that if the rear yard variances are granted a greater number of trees will be lost due to grading and wall construction in this area.

A review of the approved landscape plan reveals that the additional landscape planting as outlined in the attached letter was not done. Staff is requesting the Zoning Commissioner to condition approval for the granting of any variances by requiring the petitioner to complete the landscaping as indicated in the attached letter.

Division Chief: Erwin McDaniel

PK/JL:EMcD

MICROFILMED



**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

5-17-96

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

RE: Baltimore County  
Item No. 446 (JLL)

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 410-545-5581 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

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 05/20/96

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 20, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 437, 438, 440, 441, 442, 443,  
444, 445, 446, 447 AND 448. 10

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

cc: File

1803  
MICROFILMED

BALTIMORE COUNTY, MARYLAND

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:           Arnold Jablon, Director  
              Department of Permits &  
              Development Management

DATE:   May 28, 1996

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

*RWB/DAK*

SUBJECT:   Zoning Advisory Committee Meeting  
            for May 28, 1996  
            Item Nos. 437, 440, 442, 444, 445, 7  
            446, 448 & 449

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc:   File

MICROFILMED

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
PETITION FOR VARIANCE \* ZONING COMMISSIONER  
N/S Warren Road, 460' E of Howard Avenue \*  
8th Election District, 3rd Councilmanic \* OF BALTIMORE COUNTY  
Legal Owner: Pulte Homes, Inc. \*  
Petitioner \* CASE NO. 96-441-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 17<sup>th</sup> day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

MICROFILMED

*Handwritten:* JIM / ERV

96-441 SPH

Item No. 446

# The Southern Land Company, Inc.

July 20, 1995

**RECEIVED**

JUL 24 1995

**OFFICE OF  
PLANNING & ZONING**

Mr. Arnold F. "Pat" Keller  
Director of Planning  
Baltimore County Government  
401 Bosley Avenue, Suite 406  
Towson, Maryland 21204

Re: Willowbrook

Dear Pat:

I'm writing this letter to confirm with you that The Southern Land Company has every intention of honoring its committment regarding your office's request to "soften the slopes" by adding additional landscaping behind lots 18 thru 20 and 9 thru 11 at Willowbrook regardless of the Hearing Officers Order.

As Dave and I have told you, Andrea and Irv in previous conversations, it was never our intention not to landscape the slopes, but only to use a portion of the planting units required by Avery Harden for the "softening of the slopes."

We are very sorry for any misunderstanding that may have occurred.

Very truly yours,

Ronald O. Schaftel

ROS:mtf  
cc: Ms. Andrea VanArsdale  
Mr. Irvin McDaniels

w/baltoco

MICROFILMED



The Southern Land Company, Inc.

9832 York Road • Suite 2B • Cockeysville, Maryland 21030  
(410) 666-1900 • Fax# (410) 666-7036



5/10

Gwen -

Per our earlier conversation's  
unavailable from June 19th to July 3rd.  
due to divorce.

Thanks, Newton

# 446

MICROFILMED

DMW-  
Putte Homes.

LAW OFFICES

**NOLAN, PLUMHOFF & WILLIAMS**

CHARTERED

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340

(301) 823-7800

TELEFAX: (301) 296-2765

May 7, 1996

Mr. John Lewis  
P.A.M.  
Hand Delivered

Putte Homes  
Willowbrook Special  
Zoning + Variances

Dear John.

Per our recent conversation, please find enclosed:

1. 12 Site Plans,
2. 3 set of 2 Descriptions,
3. 1/2" Scale map, and
4. Our check for \$570 = \$250 Variances, \$250 special hearing to amend F.O.P. + \$70 for 2 signs.
5. Please check and call me.

Thanks,  
Newton

~~13~~ RUS ON 13 LOTS.

550 + 50 = 720

Need someone over here to run check,

MICROFILMED

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Ann H. Heaton

10599 Topsfield Dr. Cockeysville

THOMAS FAHEY

233 DAWSON DRIVE, COCKEYSVILLE, 21030



MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

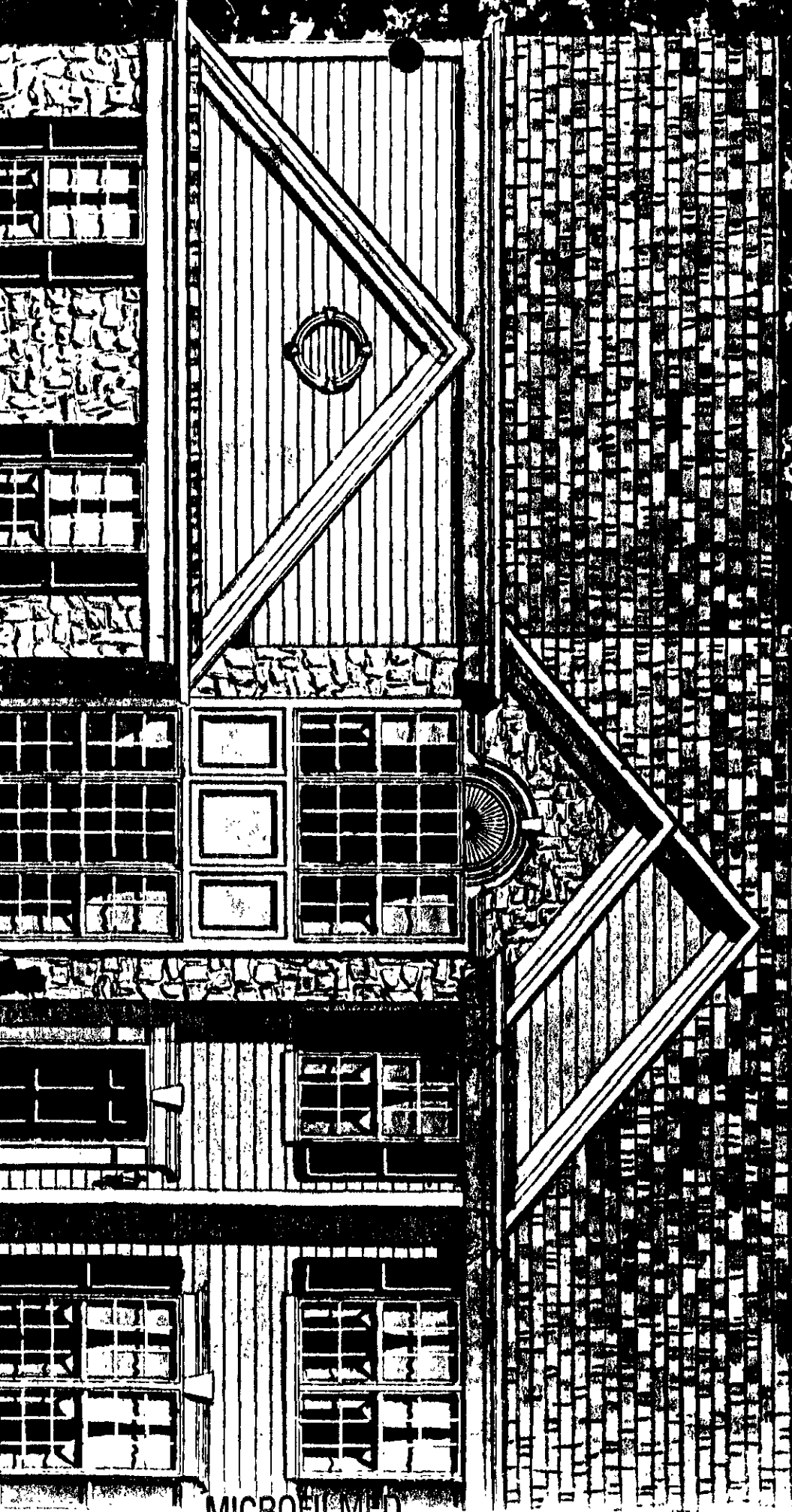
ADDRESS

THOMAS H. REPSHER  
JAMES W. GRANDE  
MIKE FITZGERALD  
NEWTON WILLIAMS

DMW 200 E PENN. AVE TOWSON  
1501 S. EDGEWOOD ST. BALI - PULTE  
" " " "  
7 CENTRAL BLDG - TOWSON



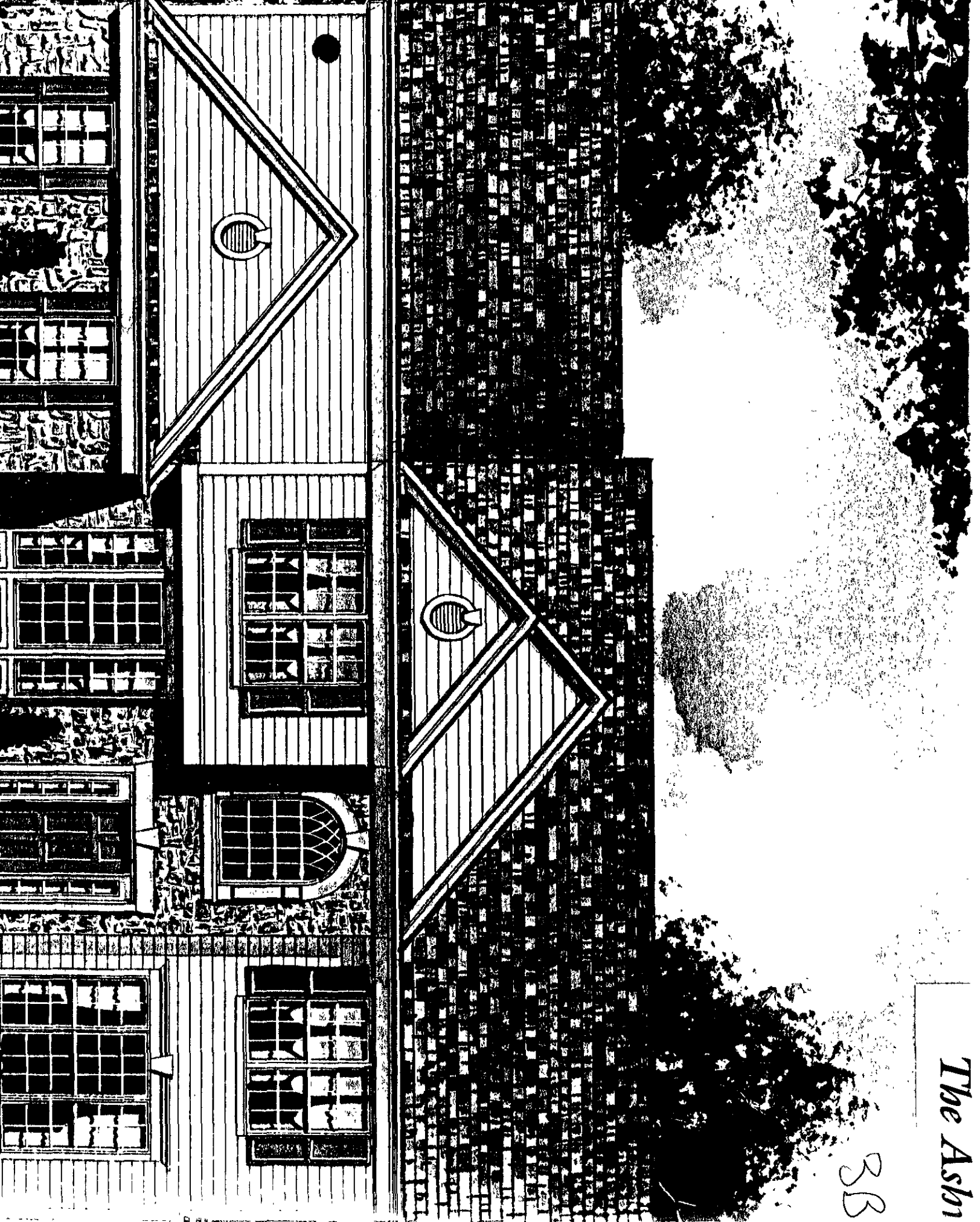
MICROFILMED



PATTONOMER'S  
EXHIBIT  
3A

*The Rock*

MICROFILMED

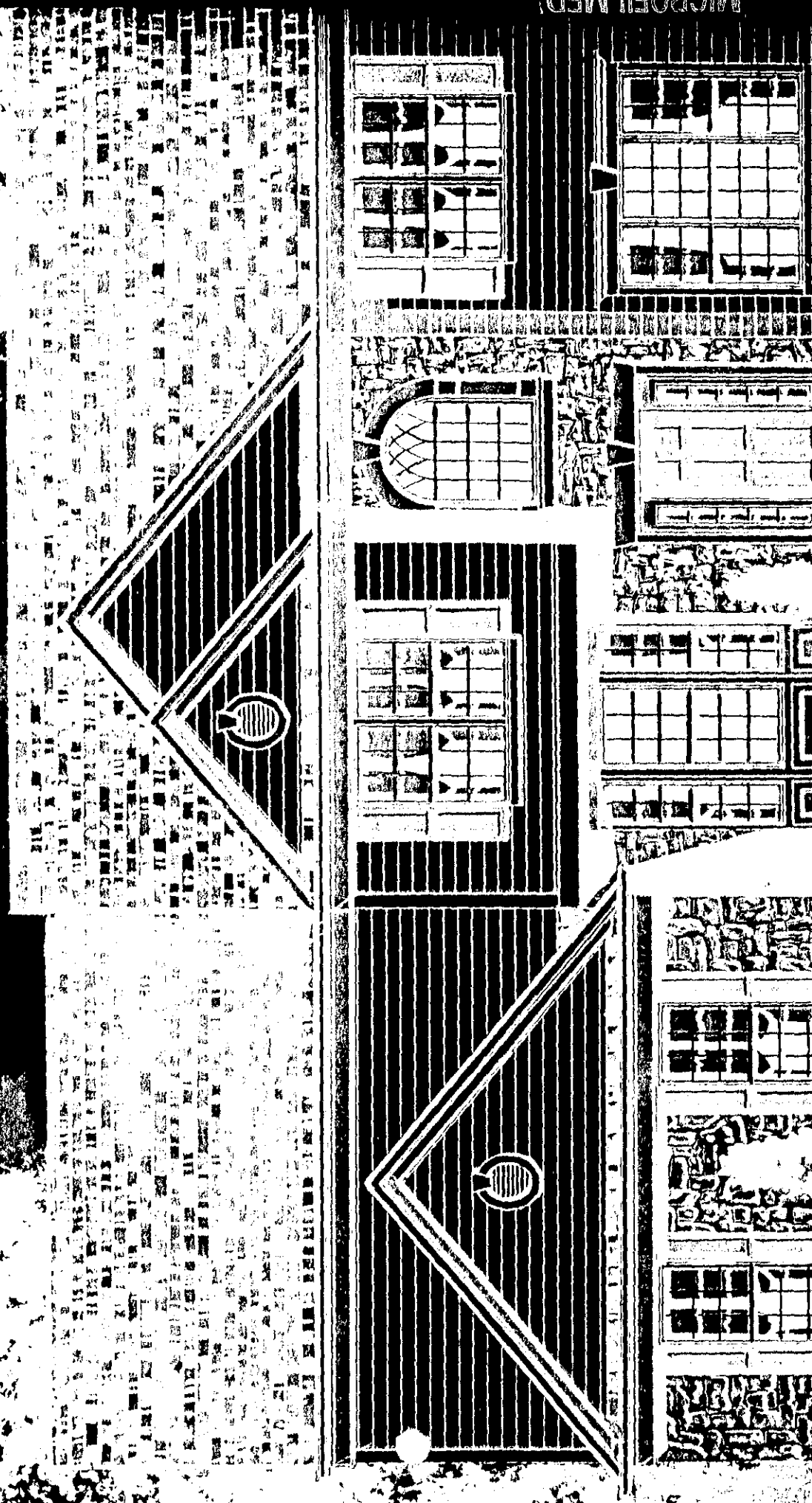


*The Ash*

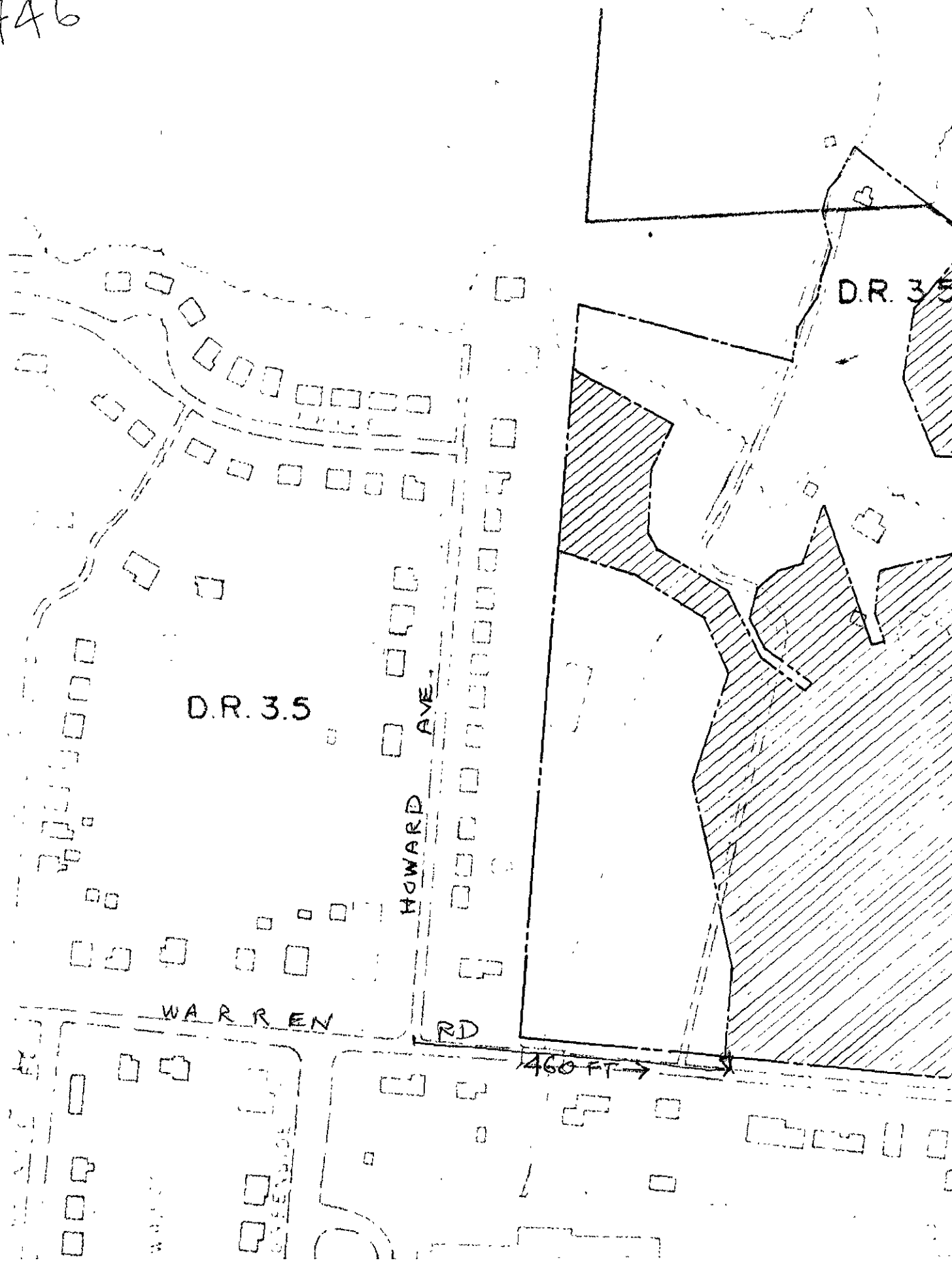
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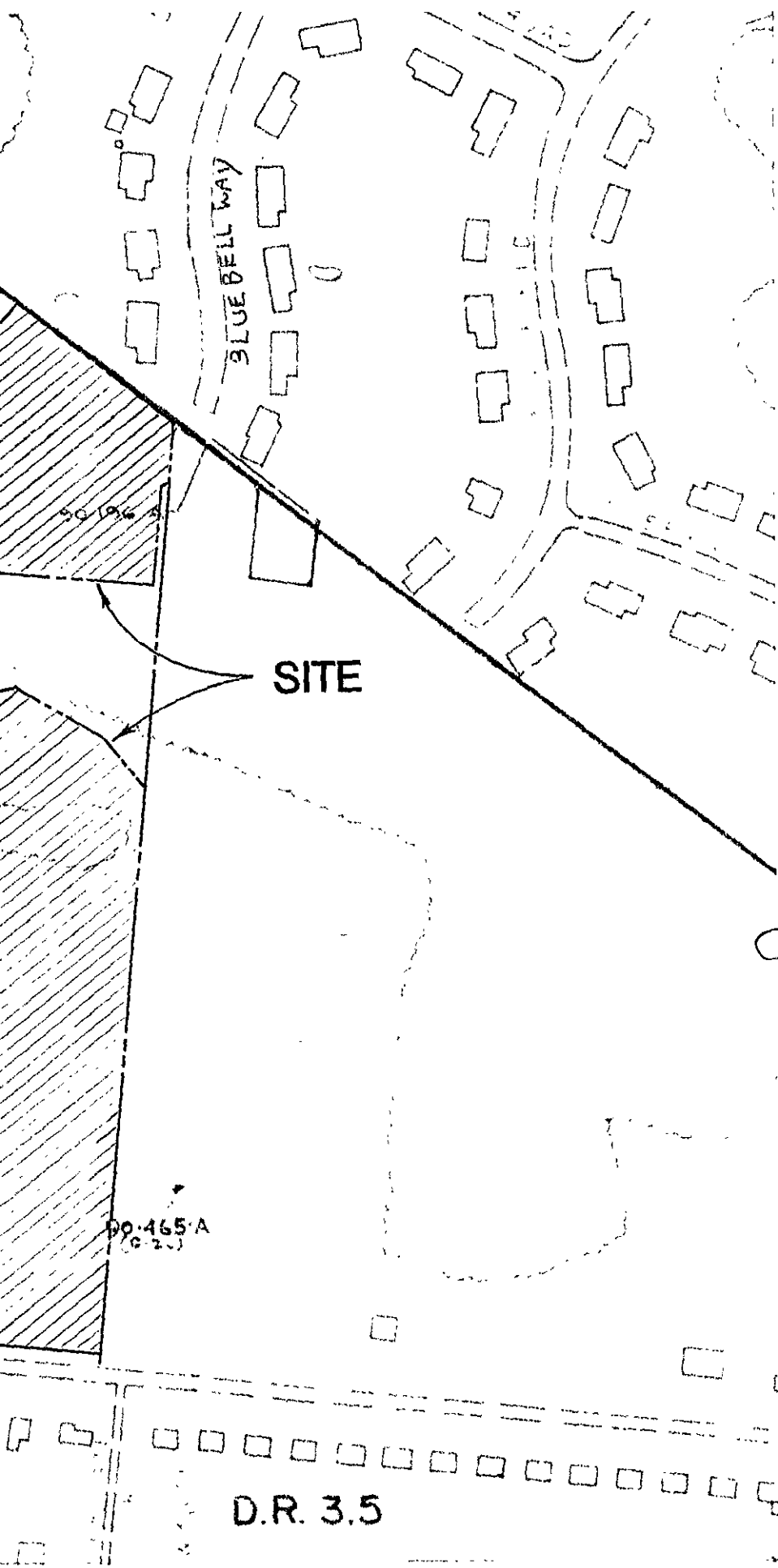
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446







96-441-SPHA

Baltimore County Zoning Map  
Portion of Zoning Map N.W. 17-A  
1992 Comprehensive Zoning Map

**PLAN TO ACCOMPANY  
PETITION FOR VARIANCES**

**WILLOWBROOK**

Project No. 94017.F  
April 30, 1996

Scale: 1"=200'



**DMW**  
Darr-McCune-Walker, Inc.

**MICROFILMED**

D.R. 3.5

D.D. 465-A  
(C-2)

D.D. 196-A

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - N/S Warren Road, 460'E of Howard Avenue (Willowbrook) 8th Election District 3rd Councilmanic District Pulte Homes, Inc. Petitioners

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 96-441-5PHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for the subdivision known as Willowbrook, located on Warren Road, near Howard Avenue in Cockeysville. The Petitions were filed by the owners of the property, Pulte Homes, Inc., by John E. Bittner, Executive Vice President, through their attorney, Newton A. Williams, Esquire. The Petitioners seek approval of an amendment to the Final Development Plan for Willowbrook and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 1B01.2.C.1.b of the B.C.Z.R., and Section II.A.5 of the Comprehensive Manual of Development Policies (CMDP), pursuant to Section 504 of the B.C.Z.R., to permit front building face to property line setbacks of as little as 12 feet for Lots 4, 20 and 40; 15 feet for Lot 5; 21 feet for Lot 18; 13 feet for Lot 19; 20 feet for Lot 22; 22 feet for Lot 29; 10 feet for Lot 41; and 8 feet for Lot 42, all in lieu of the required 25 feet for each; 2) from Section 1B01.2.C.1.b of the B.C.Z.R. and Section II.A.5 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R. to permit a distance from the rear building face to a rear property line of as little as 23 feet for Lot 37, and as little as 25 feet, if necessary, for Lots 40, 41, 42, and 43, all in lieu of the required 30 feet; 3) from Section 1B01.2.C.1.b of the B.C.Z.R. and Section II.A.5 of the C.M.D.P.,

pursuant to Section 504 of the B.C.Z.R. to permit a distance between building faces of as little as 13 feet in lieu of the required 16 feet for buildings up to 20 feet in height, if necessary, for Lots 40 and 41; and a distance of as little as 13 feet in lieu of the required 20 feet for buildings with heights greater than 20 feet, if necessary, for Lots 41 and 42; and 4) from Section 301.1.A of the B.C.Z.R. to permit a distance from a rear deck to a rear property line of as little as 18 feet for Lot 2, if necessary, and as little as 17 feet for Lots 37, 40, 41, 42 and 43, if necessary, all in lieu of the required 22.5 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Mike Fitzgerald and James W. Grande, representatives of Pulte Homes, Inc., property owner, Thomas H. Repsher, Registered Landscape Architect with Daft-McCune-Walker, Inc., who prepared the site plan for this project, and Newton A. Williams, Esquire, attorney for the Petitioners. Two individuals from adjacent communities, namely, Ann Heaton and Thomas Fahay, appeared as interested parties in the matter. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 12.802 acres, more or less, zoned D.R. 3.5 and is located on the north side of Warren Road in Cockeysville. The property is also known as Willowbrook which was proposed to be developed by the Southern Land Company with single family homes, pursuant to the development plan approved in prior Case No. VIII-647 on May 17, 1995. The Southern Land Company has since sold the property to Pulte Homes, Inc. who wishes to develop the lots in a manner consistent with the approved subdivision. However, some of the lots lack sufficient dimensions to accommodate the types of model

homes being offered by Pulte Homes, Inc. at this location. The Petitioners intend to construct upscale, single family homes, offering a variety of options with each model to accommodate individual tastes of prospective buyers. Thus, depending on the options chosen by an individual, a variance might be required in order to situate a particular dwelling on a lot. Therefore, the Petitioners have requested the variances as set forth above in order to have more flexibility in developing this subdivision. In addition, due to the minor modifications to the overall plan associated with the proposed development, the special hearing relief is necessary to amend the last approved final development plan for this subdivision.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the relief requested is not granted. The proposed amendments to the

final development plan for Willowbrook are appropriate in order to bring the approved development plan and the site plan in the instant case into compliance with one another. Furthermore, it has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of June, 1996 that the Petition for Special Hearing seeking approval of an amendment of the Final Development Plan for Willowbrook, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section II.A.5 of the Comprehensive Manual of Development Policies (C.M.D.P.), pursuant to Section 504 of the B.C.Z.R., to 1) permit front building face to property line setbacks, if necessary, of as little as 12 feet for Lots 4, 20 and 40; 15 feet for Lot 5; 21 feet for Lot 18; 13 feet for Lot 19; 20 feet for Lot 22; 22 feet for Lot 29; 10 feet for Lot 41; and 8 feet for Lot 42, all in lieu of the required 25 feet for each; 2) to permit a distance from the rear building face to the

rear property line, if necessary, of as little as 23 feet for Lot 37, and as little as 25 feet for Lots 40, 41, 42, and 43, all in lieu of the required 30 feet; 3) to permit a distance between building faces of as little as 13 feet in lieu of the required 16 feet for buildings up to 20 feet in height, if necessary, for Lots 40 and 41; and a distance of as little as 13 feet in lieu of the required 20 feet for buildings with heights greater than 20 feet, if necessary, for Lots 41 and 42; and, 4) from Section 301.1.A of the B.C.Z.R. to permit a distance from a rear deck to a rear property line of as little as 18 feet for Lot 2, if necessary, and as little as 17 feet for Lots 37, 40, 41, 42 and 43, if necessary, all in lieu of the required 22.5 feet for each, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed dwelling on Lot 41 shall not have the option of a front porch or family room extension.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Very truly yours,  
TIMOTHY M. KOTROCK  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21284

June 21, 1996 (410) 887-1386

Newton A. Williams, Esquire  
Nolan, Plumhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE  
N/S Warren Road, 460'E of Howard Avenue  
(Willowbrook)  
8th Election District - 3rd Councilmanic District  
Pulte Homes, Inc. - Petitioners  
Case No. 96-441-5PHA

Dear Mr. Williams:  
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

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

Very truly yours,  
TIMOTHY M. KOTROCK  
Deputy Zoning Commissioner  
for Baltimore County

cc: Mr. John E. Bittner, Pulte Homes, Inc.  
1501 South Edgewood Street, Suite K, Baltimore, Md. 21227  
Mr. Thomas Repsher, Daft-McCune-Walker, Inc.  
200 E. Pennsylvania Avenue, Towson, Md. 21286  
Ms. Ann H. Heaton, 10599 Topsfield Drive, Cockeysville, Md. 21030  
Mr. Thomas Fahay, 233 Dawson Drive, Cockeysville, Md. 21030  
People's Counsel: File

Petition for Special Hearing  
to the Zoning Commissioner of Baltimore County

for the property located at Warren Road, E. of Howard Avenue  
76-441-5PHA which is presently zoned DR-5.3

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment of the Final Development Plan, as shown on the attached Plan.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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.

Legal Owner: Pulte Homes, Inc.  
Signature: John E. Bittner  
Signature: JOHN E. BITTNER, EXEC. V.P.  
Address: 1501 South Edgewood St., Suite K, Baltimore, MD 21227  
Address: Nolan, Plumhoff & Williams, Newton A. Williams, Esquire, 210 W Pennsylvania Ave., Suite 700, Towson, MD 21204  
ESTIMATED LENGTH OF HEARING: 15 minutes  
DATE: 5/10/96

Petition for Variance  
to the Zoning Commissioner of Baltimore County

for the property located at Warren Road, E. of Howard Avenue  
76-441-5PHA which is presently zoned D.R.-5.3

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections

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

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.

Legal Owner: Pulte Homes, Inc.  
Signature: John E. Bittner  
Signature: JOHN E. BITTNER, EXEC. V.P.  
Address: 1501 South Edgewood Street, Suite K, Baltimore, MD 21227  
Address: Nolan, Plumhoff & Williams, Newton A. Williams, Esquire, 210 W Pennsylvania Avenue, Suite 700, Towson, MD 21204  
ESTIMATED LENGTH OF HEARING: 15 minutes  
DATE: 5/10/96

ORDER RECEIVED FOR FILING  
Date: 6/21/96  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 6/21/96  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 6/21/96  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 6/21/96  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 6/21/96  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 6/21/96  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 6/21/96  
By: [Signature]



Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21286 (410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

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

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

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be 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.**

For newspaper advertising:  
Item No.: 446  
Petitioner: Pulte Homes, Inc.  
Location: 11/2 Marston Road, 460 E. of Howard  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Newton A. Williams  
ADDRESS: 210 Court Towers  
210 W. Pennsylvania Ave.  
Towson, MD 21284  
PHONE NUMBER: 823-7800

Arnold Jablon, Director

6/1/95 (Revised 04/09/93)

\* FILL OUT FORM WITH THIS REPORT

TO: FUTURE PUBLISHING COMPANY  
May 23, 1996 Issue - Jeffersonian

Please forward billing to:  
Newton A. Williams, Esq.  
700 Court Towers  
210 W. Pennsylvania Avenue  
Towson, MD 21284  
823-7800

**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: 96-441-SPHA (Item 446)**  
1/3 Marston Road, 460' E of Howard Avenue  
8th Election District - 1st Councilmanic  
Legal Owner(s): Pulte Homes, Inc.

Special hearing to approve an amendment to the Final Development Plan.  
Variance to allow as little as 12 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lots 4, 20, and 40; to allow as little as 15 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 5; to allow as little as 21 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 18; to allow as little as 13 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 19; to allow as little as 20 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 22; to allow as little as 22 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 29; to allow as little as 10 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 41; to allow as little as 8 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 42; to allow as little as 23 feet from a rear building face to a rear property line in lieu of required 30 feet, if necessary, for lot 2; to allow as little as 15 feet from a rear building face to a rear property line in lieu of required 30 feet, if necessary, for lots 40, 41, 42 and 43; to allow as little as 13 feet between side building faces in lieu of required 18 feet for buildings up to 20 feet in height, if necessary, for lots 40 and 41; to allow as little as 13 feet between side building faces in lieu of required 20 feet for buildings with heights greater than 20 feet, if necessary, for lots 41 and 42; to allow as little as 18 feet from a rear deck to a rear property line in lieu of required 22.5 feet, if necessary, for lot 2; to allow as little as 17 feet from a rear deck to a rear property line in lieu of required 22.5 feet, if necessary, for lots 37 and 40, 41, 42 and 43.

HEARING: MONDAY, JUNE 17, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHULTZ  
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.

Baltimore County  
Department of Permits and  
Development Management

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

May 17, 1996

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

**CASE NUMBER: 96-441-SPHA (Item 446)**  
1/3 Marston Road, 460' E of Howard Avenue  
8th Election District - 1st Councilmanic  
Legal Owner(s): Pulte Homes, Inc.

Special hearing to approve an amendment to the Final Development Plan.  
Variance to allow as little as 12 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lots 4, 20, and 40; to allow as little as 15 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 5; to allow as little as 21 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 18; to allow as little as 13 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 19; to allow as little as 20 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 22; to allow as little as 22 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 29; to allow as little as 10 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 41; to allow as little as 8 feet from front building face to a property line in lieu of required 25 feet, if necessary, for lot 42; to allow as little as 23 feet from a rear building face to a rear property line in lieu of required 30 feet, if necessary, for lot 2; to allow as little as 15 feet from a rear building face to a rear property line in lieu of required 30 feet, if necessary, for lots 40, 41, 42 and 43; to allow as little as 13 feet between side building faces in lieu of required 18 feet for buildings up to 20 feet in height, if necessary, for lots 40 and 41; to allow as little as 13 feet between side building faces in lieu of required 20 feet for buildings with heights greater than 20 feet, if necessary, for lots 41 and 42; to allow as little as 18 feet from a rear deck to a rear property line in lieu of required 22.5 feet, if necessary, for lot 2; to allow as little as 17 feet from a rear deck to a rear property line in lieu of required 22.5 feet, if necessary, for lots 37 and 40, 41, 42 and 43.

HEARING: MONDAY, JUNE 17, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon  
Director

cc: Pulte Homes, Inc.  
Newton A. Williams, 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.

Baltimore County  
Department of Permits and  
Development Management

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

June 10, 1996

Newton A. Williams, Esquire  
Nolan, Plumbhoff & Williams  
210 W. Pennsylvania Avenue  
Suite 700  
Towson, MD 21204

RE: Item No.: 446  
Case No.: 96-441-SPHA  
Petitioner: Pulte Homes, Inc.

Dear Mr. Williams:

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 May 10, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,  
M. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachments

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

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
May 31, 1996

FROM: Robert A. Wirth  
DEPRM

SUBJECT: Zoning Item #446 - Willowbrook  
Warren Road E of Howard Avenue  
Zoning Advisory Committee Meeting of May 20, 1996

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

RAW:VK:sp  
WILLOWBR/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director,  
Department of Permits and Development Management  
DATE: May 29, 1996

FROM: Arnold F. "Pat" Keller, III, Director,  
Office of Planning

SUBJECT: Willowbrook

INFORMATION:

Item Number: 446  
Petitioner: Pulte Homes, Inc.  
Property Size: 12.8 acres  
Zoning: D.R.-3.5  
Requested Action: Special Hearing and Variance  
Hearing Date: / /

**SUMMARY OF RECOMMENDATIONS:**  
This petition is requesting a special hearing to approve an amendment to the Final Development Plan. The petitioner is also requesting a variance from front building face to a property line for lots 4, 20, 40, 5, 18, 19, 22, 29, 41, and 42; from a rear building face to a rear property line for lots 37, 40, 41, 42, and 43; between side building faces for lots 40, 1, and 42; and from a rear deck deck to a rear property line for lots 2, 37, 40, 41, 42, and 43.

Staff recommend DENIAL of the variance from a rear building face to a rear property line and from a rear deck to a rear property line.

Staff recommends APPROVAL of the petitioner's request for the variance from building face to a property line and between side building face with the condition that the developer provide the landscaping that is outlined in the attached letter dated July 26, 1995 signed by Ronald O. Schafel.

**BACKGROUND**  
The Willowbrook Development Plan was approved by Hearing Officer Timothy M. Kotroco on the 17th day of May, 1995 with restrictions. Before the Development Plan was approved, the Developer along with the designers for this project met with staff on several occasions to work out site design issues. During that process, staff expressed concerns about the usefulness of rear yards and maintaining the existing vegetation along the rears of lots 37 thru 44.

At the time of the Development Plan review, extensive negotiations occurred regarding the appropriate number of homes for this group. The lot size was designed to maximize density on this portion of the tract. If larger house types are desired then the number of lots should be reduced to accommodate the larger homes. Clearly, the Developer needs to determine the priority namely larger homes on fewer lots or more lots with smaller homes.

WP/PZONE/P2054 Pg. 1

TO: Arnold Jablon, Director, PDM  
FROM: Arnold F. "Pat" Keller, III, Director, OP

Staff also worked with the Developers and their designers to site the homes on those lots to minimize the amount of tree cutting and land disturbance. Because of these concerns, staff requested that a limited disturbance line be placed on the Development Plan. In response to those concerns, the Developer sent Mr. Keller the attached letter. The letter assured staff that additional planting would be used to "soften the slopes" regardless of the Hearing Officer order.

Staff believes that if the rear yard variances are granted a greater number of trees will be lost due to grading and wall construction in this area.

A review of the approved landscape plan reveals that the additional landscape planting as outlined in the attached letter was not done. Staff is requesting the Zoning Commissioner to condition approval for the granting of any variances by requiring the petitioner to complete the landscaping as indicated in the attached letter.

Division Chief: Ernie McDaniel  
PK/JL:EmcD

WP/PZONE/P2054 Pg. 2

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. 446 (546)

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 410-545-5581 if you have any questions.

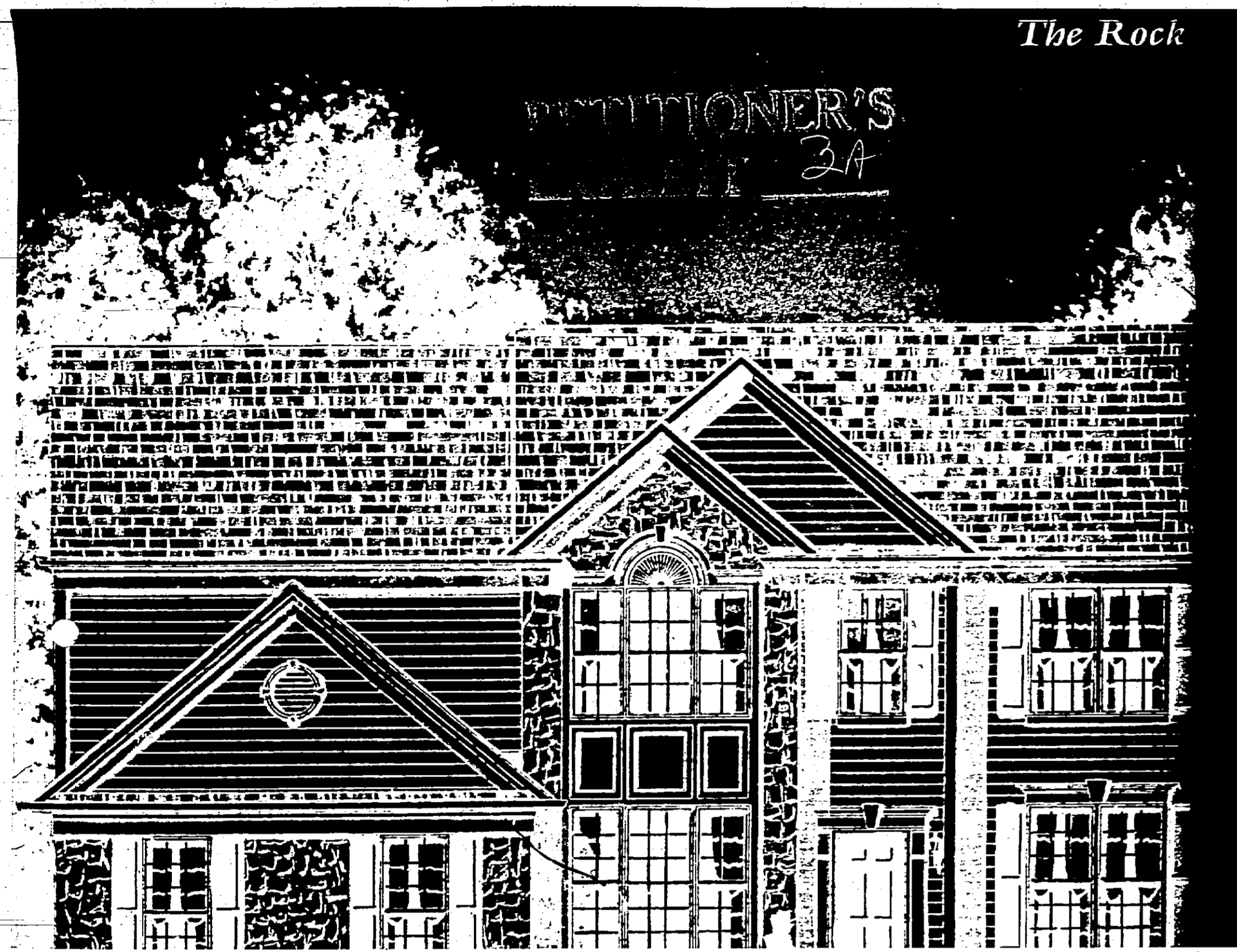
Thank you for the opportunity to review this item.

Very truly yours,  
for Bob Small  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

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



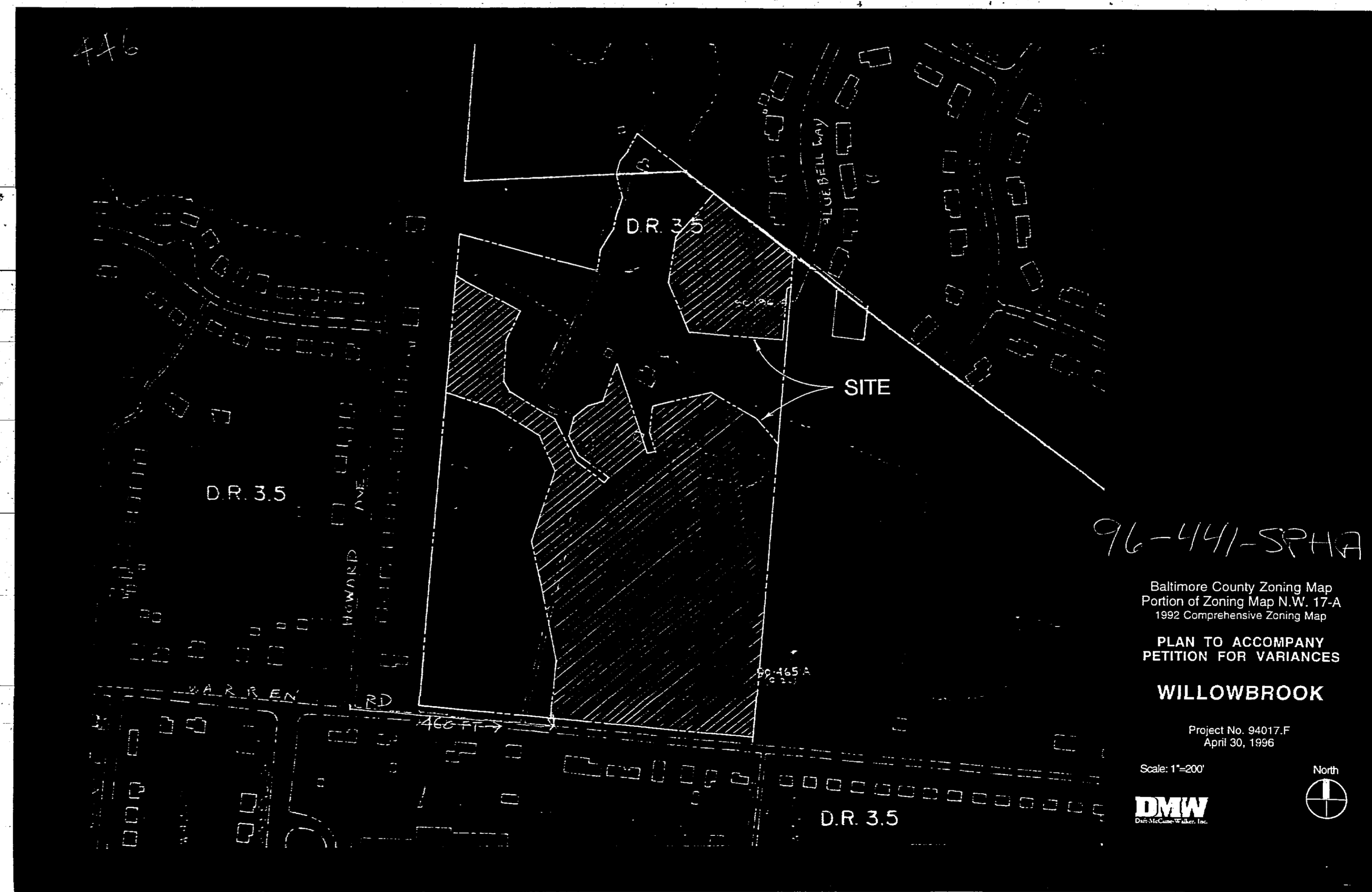


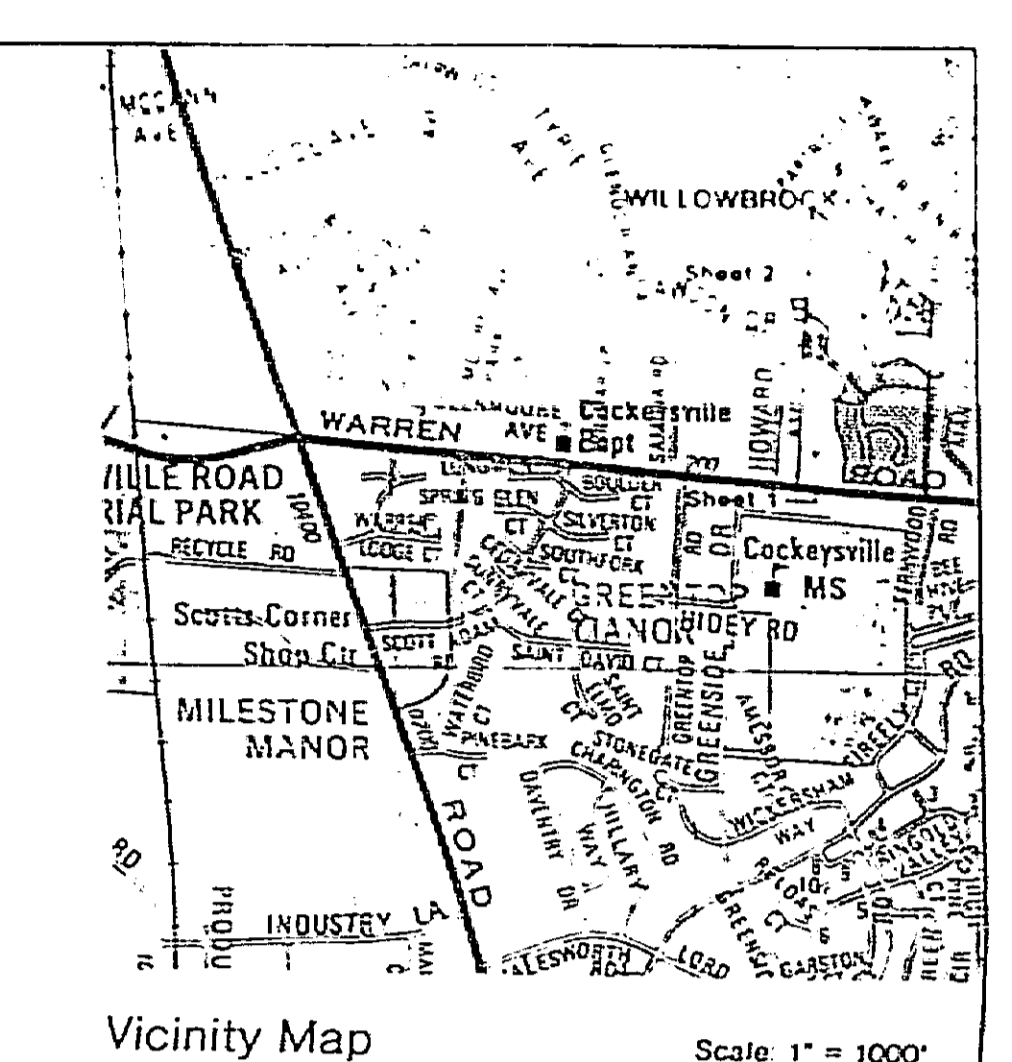
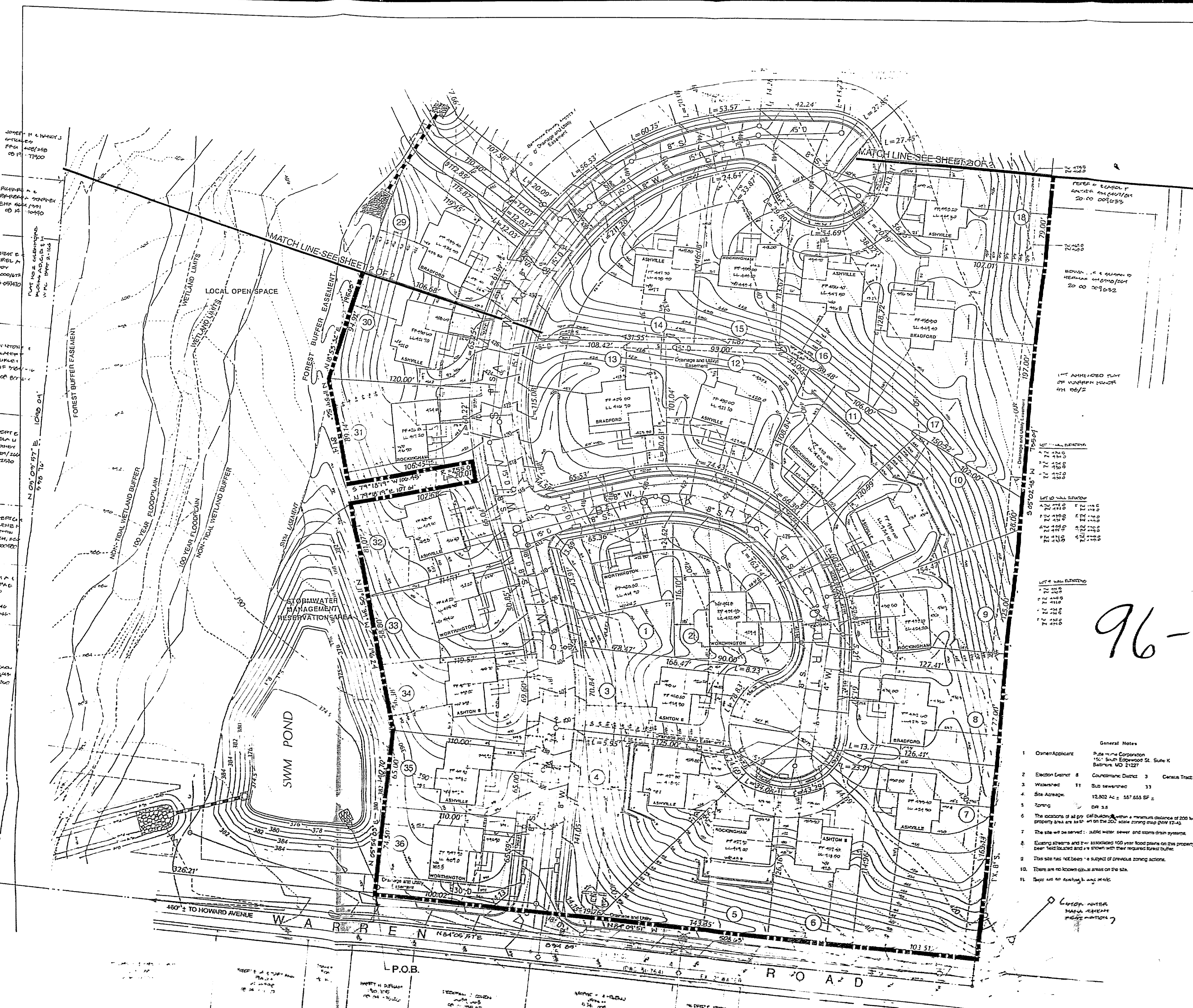
**PULTE**  
Master Builder

**W**elcome to Pulte Homes. We know that selecting and purchasing your new home is one of the most important and exciting decisions you will ever make. At Pulte Homes, each and every home we build is designed to help make your decision easier. In fact, our attention to the needs and desires of discerning buyers is just one of the many reasons why over 100,000 home buyers, just like you, have selected Pulte as their builder. As a Pulte homeowner you can expect...

- Innovative designs that go beyond walls and ceilings to eliminate wasted space, enhance natural lighting and make a dramatic statement in every square foot of living area.
- Exterior designs which promote a warm community feeling and reinforce the quality appearance of the neighborhoods.
- Desirable neighborhoods with close proximity to community services and employment.
- The best home value available today and for years to come.

From coast to coast Pulte Home Corporation presents dramatic exteriors with attention to detail and design.





Variance from Section 1801.2.C.1.b., BCZR and Section 4.5, CMPD pursuant to Section 504 BCZR: to allow as little as 12 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lots 1, 20 and 40; to allow as little as 15 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 5; to allow as little as 21 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 16; to allow as little as 13 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 18; to allow as little as 20 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 22; to allow as little as 15 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 29; to allow as little as 10 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 41; to allow as little as 8 feet from front building face to a property line in lieu of required 25 feet, if necessary, for Lot 42.

Variance from Section 1801.2.C.1.b., BCZR and Section 4.5, CMPD pursuant to Section 504 BCZR: to allow as little as 13 feet between side building faces in lieu of required 15 feet for buildings up to 20 feet in height, if necessary, for Lots 10 and 41; to allow as little as 13 feet between side building faces in lieu of required 20 feet for buildings with heights greater than 20 feet, if necessary, for Lots 41 and 42.

Variance from Section 301.1A, BCZR: to allow as little as 18 feet from a rear deck to a rear property line in lieu of required 22.5 feet, if necessary, for Lot 2; to allow as little as 17 feet from a rear deck to a rear property line in lieu of required 22.5 feet, if necessary, for Lots 37 and 41, 42 and 43.

JOHN H. & NANCY J. BRADLEY  
APPLICANTS  
PFA 10/27/10  
11/20/10

ROBERT E. BRADLEY  
APPLICANT  
PFA 10/27/10  
11/20/10

WILLIAM L. BRADLEY  
APPLICANT  
PFA 10/27/10  
11/20/10

ROBERT E. BRADLEY  
APPLICANT  
PFA 10/27/10  
11/20/10

WILLIAM L. BRADLEY  
APPLICANT  
PFA 10/27/10  
11/20/10

96-441-SPHA

PRINTED  
MAY 07 1996  
DAVE McCLURE-WALKER INC

- General Notes
- Owner/Applicant: Public Utility Corporation, 101 South Edgewood St., Suite K, Baltimore, MD 21227
  - Election District: 3rd Councilmanic District 3, Census Tract: 4589
  - Waterfront: 11, Sub-sewerage: 13
  - Site Address: 12,802 Ac. ±, 587,655 SF ±
  - Zoning: DR 3.0
  - The locations of all city call valves with a minimum distance of 500 feet of the property area are as shown on the 2001 scale zoning map (DWM 17-03).
  - The site will be served: public water sewer and storm drain systems.
  - Existing streets and 100 year flood plain on this property have been field located and are shown with their required buffer.
  - This site has not been a subject of previous zoning actions.
  - There are no known coal areas on the site.
  - Refer to all zoning and code.

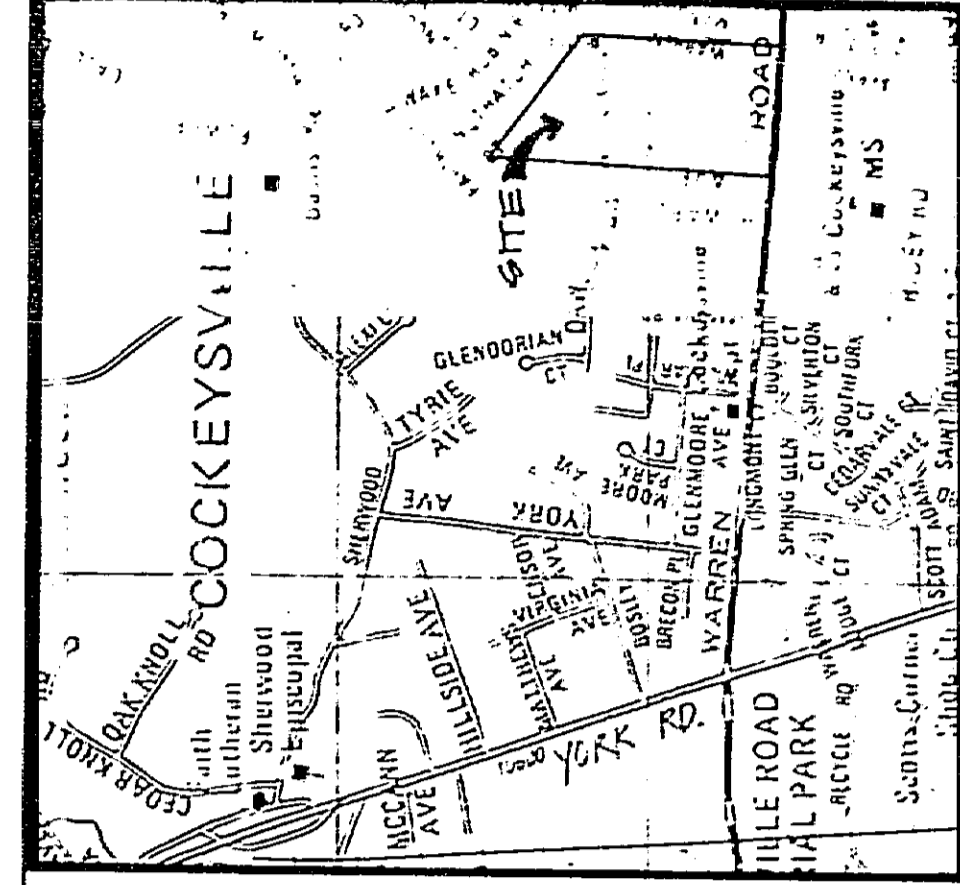
**DMW**  
Dave McClure-Walker, Inc.  
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Plan To Accompany  
Special Hearing And Variances  
**WILLOWBROOK**

10th Election District 3rd Councilmanic District Baltimore County, Maryland

REVIEW	DATE
BO	4/15/96
PLANNING	
INSPECTION	
SALE	
PLAN	MEP
PERMITS	MEP
CONTRACT	THB
ATTY CHECKED	
SIGNED	
FILED	
PLANNING	

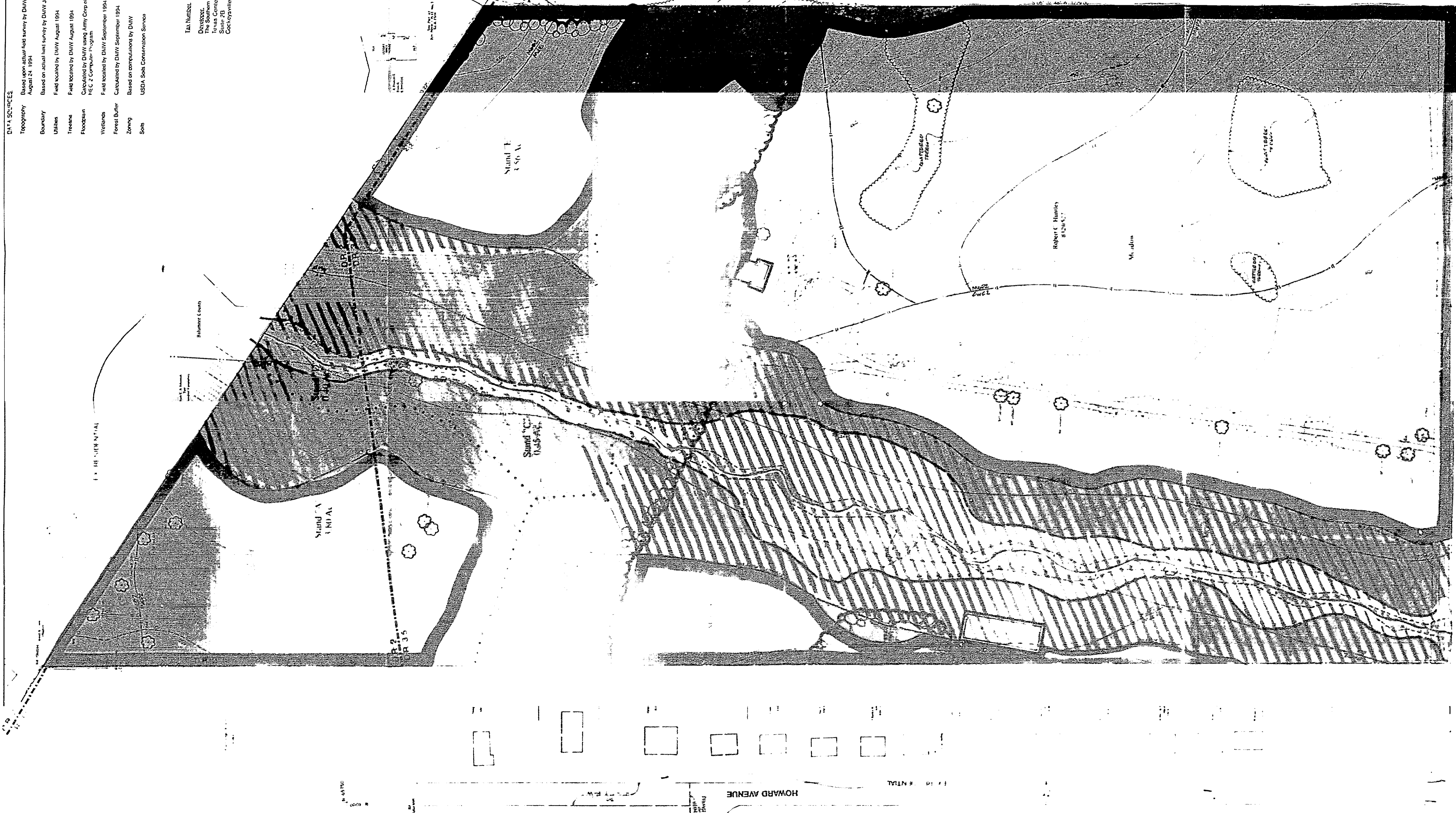
1 OF 2



VICINITY MAP  
SCALE 1" = 1000'

- DIVISIONS**
- Topography: Aerial photography furnished by DMW on 08/27/94
  - Boundary: Based on deed lines furnished by DMW July 26, 1994
  - Utilities: Field located by DMW August 1994
  - Treebank: Calculated by DMW using Army Corps of Engineers HEC-2 Computer Program
  - Wetlands: Field located by DMW September 1994
  - Forest Buffer: Calculated by DMW September 1994
  - Zoning: Based on municipalities by DMW
  - Site: USDA, Soil Conservation Service

Tax Number: 06 02 04 110  
 District: 11-10-00-00  
 Inland Center Road Tax Road  
 Since 20  
 Cockeysville, MD 21030



**Legend**

- Spring/Stream
- Stream
- Wetlands
- Soil delineation
- Tree
- Shrub
- Shrub/Herb
- Forest stand delineation

**GENERAL NOTES**

1. This site plan is based on aerial photography furnished by DMW on 08/27/94.

2. The site plan is based on deed lines furnished by DMW on 07/26/94.

3. The site plan is based on field located utilities.

4. The site plan is based on field located wetlands.

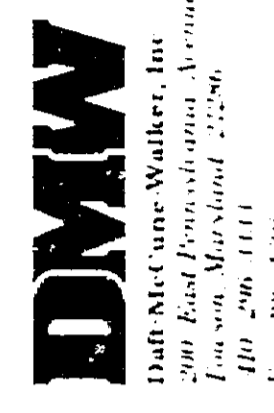
5. The site plan is based on field located forest stands.

6. The site plan is based on field located soil delineation.

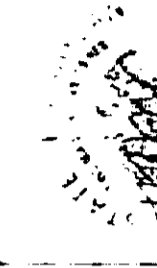
7. The site plan is based on field located trees and shrubs.

8. The site plan is based on field located shrub/herb.

9. The site plan is based on field located forest stand delineation.



**WILLOWBROOK**  
 Site Constraints Map and  
 Forest Stand Delineation



DATE	BY	REV.	DESCRIPTION
08/27/94	DMW	01	PRELIMINARY
09/01/94	DMW	02	FINAL