

IN RE: PETITION FOR VARIANCE * BEFORE THE
SE/S Lakeside Blvd., 350' E of
Owings Mills Blvd., N/S of Lyons * DEPUTY ZONING COMMISSIONER
Mill Rd., approx. 1100' W of
Painters Mill Road * OF BALTIMORE COUNTY
(Village of Painters Mill, Sec. 3)
* Case No. 96-448-A
Lyons Mill Associates Ltd. Part.,
Continental Realty Investors Corp., G.P. - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as Village of Painters Mill, Section 3 thereof, located on the southeast side of Lakeside Boulevard between Owings Mills Boulevard and Painters Mill Road in Owings Mills. The Petition was filed by the owners of the property, the Lyons Mill Associates Limited Partnership, by John A. Luetkemeyer, Jr., President, Continental Realty Investors Corporation, a General Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: 1) from Section 1B01.2.C.3 of the B.C.Z.R. and Section V.B.9 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a distance from side building face to existing public street right-of-way of as little as 23 feet in lieu of the required 25 feet for Lot 77, if necessary; 2) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a window to lot line setback of as little as 10 feet in lieu of the required 15 feet for Lots 6, 7, 13, 14, 27, 33, 34, 40, 45, 46, 53, 58, 59, 65, 66, 71, 72, 77, 78, 83, 84, 89, 90, 94, 95, 101, 106, 107, 112, 113, 120, 126, 127, 134, 135, 141, 142 and 149; 3) from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit

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Date

By

MICROFILMED

a window to window setback of as little as 25 feet in lieu of the required 40 feet for Lots 6, 7, 13, 14, 27, 28, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 100, 101, 106, 107, 112, 113, 126, 127, 141, and 142, if necessary; 4) from Section V.B.6.d of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a front bay window to street right-of-way setback of as little as 11 feet in lieu of the required 13 feet for Lots 13, 20, 33, 47, 60, 65, 94, 114, 119, 121, 126, 127, 136, 141 and 142, if necessary; 5) from Section V.B.6.a of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a side window to street right-of-way setback of as little as 19 feet in lieu of the required 25 feet for Lots 19, 20, 77, 78, 119 and 135, if necessary; and, 6) from Section 1B01.2.C.1 of the B.C.Z.R., and Section V.B.3 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a building to building setback of as little as 25 feet in lieu of the required 30 feet for building heights between 25 feet and 30 feet for Lots 13, 14, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 112, 113, 126, 127, 141 and 142. The subject property and relief requested are more particularly described on the Revised Zoning Variance Request form marked as Petitioner's Exhibit 1, and the two-page site plan submitted and marked into evidence as Petitioner's Exhibits 2A and 2B.

Appearing at the hearing on behalf of the Petition were Steven Koren, a representative of Lyons Mills Associates Limited Partnership, property owners, Mark E. Pews and Tom Repsher, representatives of Daft-McCune-Walker, Inc., the engineering/architectural firm which prepared the site plan for this property, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants at the hearing.

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Testimony and evidence offered revealed that the subject property, known as Section 3 of the Village of Painters Mill, consists of 19.86 acres, more or less, zoned D.R. 16 and is proposed for development with 149 townhouse units. The subject development received CRG approval in April 1986, and therefore, is bound by the old C.M.D.P. standards as to the design and spacing of the proposed dwellings. Testimony revealed, however, that the Petitioners wish to construct these homes in accordance with present C.M.D.P. standards which would permit the new design and layout of these homes as set forth on Petitioner's Exhibits 2A and 2B. Therefore, the relief requested is necessary in order to proceed. The Petitioners believe that developing the property as proposed will offer a more attractive product to potential homeowners, providing more open space and a better overall layout. The Office of Planning is in agreement with the Petitioners' position, as evidenced by the support expressed in their Zoning Plans Advisory Committee (ZAC) comments dated June 6, 1996.

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.

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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance 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 relief 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of June, 1996 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: 1) from Section 1B01.2.C.3 of the B.C.Z.R. and Section V.B.9 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a distance from side building face to existing public street right-of-way of as little as 23 feet in lieu of the required 25 feet for Lot 77, if necessary; 2) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504 of

the B.C.Z.R., to permit a window to lot line setback of as little as 10 feet in lieu of the required 15 feet for Lots 6, 7, 13, 14, 27, 33, 34, 40, 45, 46, 53, 58, 59, 65, 66, 71, 72, 77, 78, 83, 84, 89, 90, 94, 95, 101, 106, 107, 112, 113, 120, 126, 127, 134, 135, 141, 142 and 149; 3) from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a window to window setback of as little as 25 feet in lieu of the required 40 feet for Lots 6, 7, 13, 14, 27, 28, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 100, 101, 106, 107, 112, 113, 126, 127, 141, and 142, if necessary; 4) from Section V.B.6.d of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a front bay window to street right-of-way setback of as little as 11 feet in lieu of the required 13 feet for Lots 13, 20, 33, 47, 60, 65, 94, 114, 119, 121, 126, 127, 136, 141 and 142, if necessary; 5) from Section V.B.6.a of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a side window to street right-of-way setback of as little as 19 feet in lieu of the required 25 feet for Lots 19, 20, 77, 78, 119 and 135, if necessary; and, 6) from Section 1B01.2.C.1 of the B.C.Z.R., and Section V.B.3 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a building to building setback of as little as 25 feet in lieu of the required 30 feet for building heights between 25 feet and 30 feet for Lots 13, 14, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 112, 113, 126, 127, 141 and 142, in accordance with Petitioner's Exhibits 2A and 2B, be and is hereby GRANTED, subject to the following restriction:

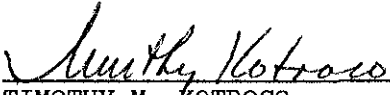
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

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Date

By

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


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date

BY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

June 27, 1996

(410) 887-4386

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

RE: PETITION FOR VARIANCE
SE/S Lakeside Blvd., 350' E of Owings Mills Blvd.
N/S of Lyons Mill Rd., approx. 1100' W of Painters Mill Road
(Village of Painters Mill, Sec. 3)
Lyons Mill Associates Ltd. Part., Continental Realty Investors Corp.,
G.P. - Petitioners
Case No. 96-448-A

Dear Mr. Hoffman:

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

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

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. John A. Luetkemeyer, Jr., President, Continental Realty Inv. Corp.
17 W. Pennsylvania Avenue, Towson, Md. 21204

Messrs. Tom Repsher and Mark Pews, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286

People's Counsel

✓ File

RECEIVED





Petition for Variance

449

to the Zoning Commissioner of Baltimore County

for the property located at Southeast side of Lakeside Boulevard, north of
Lyons Mill Road, west of Samuel Owings Drive

which is presently zoned DR16

96-448-A

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 part of hereof, hereby petition for a Variance from Section(s)

See Attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships 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 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

Legal Owner(s):

Lyons Mill Associates Limited Partnership
By: Continental Realty Investors Corp., General Partner

(Type or Print Name)

By: [Signature]
Signature

John A. Luetkemeyer Jr., President
(Type or Print Name)

Signature

c/o Continental Realty Corporation
17 W. Pennsylvania Avenue

Address

296-4800
Phone No

Towson

City

Maryland

State

21204

Zipcode

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

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200
Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200
Phone No

Towson

City

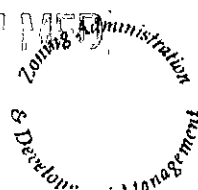
MD

State

21204

Zipcode

DROP OFF
No REVIEW
5/10/96 ucr



ORDER RECEIVED FOR FILING
6/27/96
By [Signature]

ZONING VARIANCE REQUEST

96-448-A

Building to Existing Street Right-of-Way

- A. Variance from Section 1B01.2.C.3, BCZR Section V.B.9, CMAP, pursuant to Section 504 BCZR, to allow as little as 23' from side building face to existing public street right-of-way in lieu of required 25' for Lot 75, if necessary.

Window to Side Lot Line

- B. Variance from Section V.B.6.b, CMAP, pursuant to Section 504 BCZR, to allow as little as 10' from window to lot line in lieu of the required 15' for Lots 6, 7, 12, 13, 26, 31, 32, 38, 43, 44, 51, 56, 57, 63, 64, 69, 70, 75, 76, 81, 82, 87, 88, 92, 93, 99, 104, 105, 110, 111, 118, 124, 125, 129, 130, 134, 135, 141, 142 and 149.

Window to Window

- C. Variance from Section 1B01.2.C.2.b, BCZR and CMAP, Section V.B.6.c, pursuant to Section 504 BCZR, to allow as little as 25' from window to window in lieu of the required 40' for Lots 6, 7, 12, 13, 26, 27, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 98, 99, 104, 105, 110, 111, 124, 125, 129, 130, 141 and 142, if necessary.

Front Window to Center Line of Street Travel Way

- D. Variance from Section V.B.6.d, (1988) CMAP, pursuant to Section 504 BCZR, to allow as little as 11' from front bay window to street right-of-way in lieu of required 13' setback for Lots 19, 31, 45, 50, 58, 63, 92, 112, 117, 119, 124, 129, 134, 136, 141 and 142, if necessary.

Window to Street Right-Of-Way

- E. Variance from Section V.B.6.a, CMAP, pursuant to Section 504 BCZR, to allow as little as 19' from side window to street right-of-way in lieu of required 25' setback for Lots 18, 19, 75 and 76, if necessary.

Building to Building

- F. Variance from Section 1B01.2.C.1 BCZR and CMAP, Section V.B.3, pursuant to Section 504 BCZR, to allow as little as 25' between building to building in lieu of required 30' for heights between 25' and 30' for Lots 12, 13, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 110, 111, 129, 130, 141 and 142.

449

Description

96-448-A

To Accompany Petition for Zoning Variance

18.847 Acre Parcel

Village of Painters Mill, Section 3

Northwest Side of Samuel Owings Drive

Second 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 northwest side of Samuel Owings Drive, 60 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 Samuel Owings Drive with the centerline of Lyons Mill Road (1) Northeasterly along said centerline of Samuel Owings Drive 361 feet, more or less, and thence (2) Northwesterly 30 feet, more or less, to the point of beginning, thence leaving said point of beginning and running the sixteen following courses and distances, viz: (1) South 87 degrees 02 minutes 00 seconds West 288.33 feet, thence (2) South 31 degrees 57 minutes 58 seconds West 84.31 feet, thence (3) South 87 degrees 13 minutes 28 seconds West 299.86 feet, thence (4) North 02 degrees 40 minutes 52 seconds West 244.23 feet, thence (5) North 87 degrees 02 minutes 00 seconds East 257.14 feet, thence (6) Northeasterly by a line curving to the left with a radius of 98.00 feet for a distance of 40.29 feet (the arc of said curve being subtended by a chord bearing North 75 degrees 15 minutes 18 seconds East 40.01 feet and having a beginning tangent bearing of North 87 degrees 02 minutes 00 seconds East and a departing tangent bearing of North 63 degrees 28 minutes 37 seconds East), thence (7) Northeasterly by a line curving to the right with a radius of 142.00 feet for a distance of 54.80 feet (the arc of said curve being

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96-448-A

subtended by a chord bearing North 74 degrees 31 minutes 59 seconds East 54.46 feet and having a beginning tangent bearing of North 63 degrees 28 minutes 37 seconds East and a departing tangent bearing of North 85 degrees 35 minutes 20 seconds East), thence (8) North 42 degrees 02 minutes 00 seconds East 14.21 feet thence (9) North 02 degrees 58 minutes 00 seconds West 11.77 feet, thence (10) South 87 degrees 02 minutes 00 seconds West 88.00 feet, thence (11) North 02 degrees 58 minutes 00 seconds West 216.75 feet, thence (12) North 75 degrees 05 minutes 30 seconds West 85.06 feet, thence (13) South 62 degrees 40 minutes 00 seconds West 46.00 feet, thence (14) South 77 degrees 20 minutes 00 seconds West 31.00 feet, thence (15) South 84 degrees 24 minutes 28 seconds West 116.96 feet, and thence (16) North 02 degrees 40 minutes 52 seconds West 573.30 feet to the south side of Lakeside Boulevard, 80 feet wide, thence running with and binding on said south side of Lakeside Boulevard (17) Northeasterly by a line curving to the left with a radius of 710.00 feet for a distance of 224.86 feet (the arc of said curve being subtended by a chord bearing North 75 degrees 30 minutes 43 seconds East 223.93 feet and having a beginning tangent bearing of North 84 degrees 35 minutes 06 seconds East and a departing tangent bearing of North 66 degrees 26 minutes 19 seconds East), thence leaving said south side of Lakeside Boulevard and running the eleven following courses and distances, viz: (18) South 06 degrees 48 minutes 34 seconds East 24.82 feet, thence (19) South 16 degrees 10 minutes 00 seconds East 19.00 feet, thence (20) South 27 degrees 40 minutes 00 seconds East 65.00 feet, thence (21) South 13 degrees 40 minutes 00 seconds East 31.00 feet, thence (22) South 08 degrees 20 minutes 00 seconds East 104.00 feet, thence (23) South 04 degrees 10 minutes 00 seconds West 26.00 feet, thence (24) South 16 degrees 13 minutes 41 seconds West 57.37 feet, thence (25)

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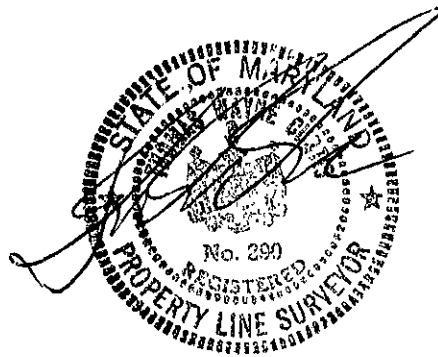
96-448-A

North 52 degrees 41 minutes 51 seconds East 349.22 feet, thence (26) South 38 degrees 31 minutes 00 seconds East 37.51 feet, thence (27) North 52 degrees 41 minutes 51 seconds East 226.26 feet, thence (28) South 43 degrees 55 minutes 35 seconds East 670.70 feet to the said northwest side of Samuel Owings Drive, thence running with and binding on said northwest side of Samuel Owings Drive, the three following courses and distances, viz: (29) South 49 degrees 00 minutes 15 seconds West 440.86 feet, thence (30) Southwesterly by a line curving to the left with a radius of 730.00 feet for a distance of 299.46 feet (the arc of said curve being subtended by a chord bearing South 37 degrees 15 minutes 08 seconds West 297.37 feet and having a beginning tangent bearing of South 49 degrees 00 minutes 15 seconds West and a departing tangent bearing of South 25 degrees 30 minutes 00 seconds West, thence (31) Southwesterly by a line curving to the left with a radius of 732.00 feet for a distance of 25.00 feet (the arc of said curve being subtended by a chord bearing South 26 degrees 20 minutes 47 seconds West 25.00 feet and having a beginning tangent bearing of South 27 degrees 19 minutes 29 seconds West and a departing tangent bearing of South 25 degrees 22 minutes 05 seconds West) to the point of beginning; containing 18.847 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 29, 1996

Project No. 85020.W



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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-448-17
Towson, Maryland

District 2nd Date of Posting 5/3/96
Posted for: Variance
Petitioner: Lyon's Hill Associates Limited Partnership
Location of property: 545 Lakeside Blvd.
Location of Signs: Facing roadway on property being zoned
Remarks: _____
Posted by M. M. M. M. Date of return: 6/7/96
Signature
Number of Signs: 1

RECEIVED

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 108 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: #96-448-A
(Item 449)

Village of Painters Mill;
Section 3

SE/S Lakeside Boulevard, 350'
E of Owings Mills Boulevard;
also N/S Lyons Mill Road, approximately 1100' W of Painters Mill Road

2nd Election District

3rd Councilmanic

Legal Owner(s):

Lyons Mill Associates Limited Partnership

Variance: to allow as little as 23 feet from side building face to existing public street right-of-way in lieu of required 25 feet for Lot 75, if necessary; to allow as little as 10 feet from window to lot line in lieu of required 15 feet for Lots 6, 7, 12, 13, 26, 31, 38, 43, 44, 51, 56, 57, 63, 64, 69, 70, 76, 78, 81, 82, 87, 88, 92, 93, 99, 104, 105, 110, 111, 118, 124, 125, 129, 130, 134, 135, 141, 142, and 149; to allow as little as 25 feet from window to window in lieu of the required 40 feet for Lots 6, 7, 12, 13, 26, 27, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 98, 99, 104, 105, 110, 111, 124, 125, 129, 130, 141, and 142; if necessary, to allow as little as 11 feet from front bay window to street right-of-way in lieu of required 13 foot setback for Lots 19, 31, 45, 50, 58, 63, 92, 112, 117, 119, 124, 129, 134, 136, 141, and 142; if necessary, to allow as little as 19 feet from side window to street right-of-way in lieu of required 25 foot setback for Lots 18, 19, 75, and 76, if necessary; and to allow as little as 25 feet between building to building in lieu of required 30 feet for heights between 25 feet and 30 feet for Lots 12, 13, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 110, 111, 129, 130, 141, and 142.

Hearing: Wednesday, June 19, 1996 at 10:00 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 887-3353.

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

5/30/96 May 23 C54235

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

May 24, 1996

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, 1996

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Henderson

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

No.

ITEM 449

DATE 5/14/96 ACCOUNT 001-6150

AMOUNT \$ 70.00 (WCR)

RECEIVED FROM: Venable, Baetjer & Howard

#080 - JSNG POSTING
2 Signs

FOR:

MICROFILMED

03A91HDD70MICHRC
BA COLL:29AM05-14-96

\$70.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

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

No.

DROP-OFF NO REVIEW
ITEM #449

DATE 5/13/96 ACCOUNT 001-6150

AMOUNT \$ 650.00 (WCR)

RECEIVED FROM: Venable, Baetjer & Howard/Continental Realty

#070 - MAXIMUM FEE (MULTI VAR)
Village of Painters Mill

FOR:

MICROFILMED

01A00H0127MICHRC
BA C009:14AM05-14-96

\$650.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

96-448

GGS

#449

CARL SAID 2
SIGNS — ONE ON
LAKESIDE AND ONE
ON LYONS MILL

MICROFILMED

Sophia

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

Please forward billing to:

Barbara Ormord
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204
494-6200

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: 96-448-A (Item 449)
Village of Painters Mill, Section 3
SE/S Lakeside Boulevard, 350' E of Owings Mills Boulevard; also N/S Lyons Mill Road, approximately 1100'
W of Painters Mill Road
2nd Election District - 3rd Councilmanic
Legal Owner(s): Lyons Mill Associates Limited Partnership

Variance to allow as little as 23 feet from side building face to existing public street right-of-way in lieu of required 25 feet for Lot 75, if necessary; to allow as little as 10 feet from window to lot line in lieu of required 15 feet for Lots 6, 7, 12, 13, 26, 31, 38, 43, 44, 51, 56, 57, 63, 64, 69, 70, 75, 76, 81, 82, 87, 88, 92, 93, 99, 104, 105, 110, 111, 118, 124, 125, 129, 130, 134, 135, 141, 142, and 149; to allow as little as 25 feet from window to window in lieu of the required 40 feet for Lots 6, 7, 12, 13, 26, 27, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 98, 99, 104, 105, 110, 111, 124, 125, 129, 130, 141, and 142, if necessary, to allow as little as 11 feet from front bay window to street right-of-way in lieu of required 13 foot setback for Lots 19, 31, 45, 50, 58, 63, 92, 112, 117, 119, 124, 129, 134, 136, 141, and 142, if necessary; to allow as little as 19 feet from side window to street right-of-way in lieu of required 25 foot setback for Lots 18, 19, 75 and 76, if necessary; and to allow as little as 25 feet between building to building in lieu of required 30 feet for heights between 25 feet and 30 feet for Lots 12, 13, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 110, 111, 129, 130, 141 and 142.

HEARING: WEDNESDAY, JUNE 19, 1996 at 10:00 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 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: 96-448-A (Item 449)

Village of Painters Mill, Section 3

SE/S Lakeside Boulevard, 350' E of Owings Mills Boulevard; also N/S Lyons Mill Road, approximately 1100' W of Painters Mill Road

2nd Election District - 3rd Councilmanic

Legal Owner(s): Lyons Mill Associates Limited Partnership

Variance to allow as little as 23 feet from side building face to existing public street right-of-way in lieu of required 25 feet for Lot 75, if necessary; to allow as little as 10 feet from window to lot line in lieu of required 15 feet for Lots 6, 7, 12, 13, 26, 31, 38, 43, 44, 51, 56, 57, 63, 64, 69, 70, 75, 76, 81, 82, 87, 88, 92, 93, 99, 104, 105, 110, 111, 118, 124, 125, 129, 130, 134, 135, 141, 142, and 149; to allow as little as 25 feet from window to window in lieu of the required 40 feet for Lots 6, 7, 12, 13, 26, 27, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 98, 99, 104, 105, 110, 111, 124, 125, 129, 130, 141, and 142, if necessary, to allow as little as 11 feet from front bay window to street right-of-way in lieu of required 13 foot setback for Lots 19, 31, 45, 50, 58, 63, 92, 112, 117, 119, 124, 129, 134, 136, 141, and 142, if necessary; to allow as little as 19 feet from side window to street right-of-way in lieu of required 25 foot setback for Lots 18, 19, 75 and 76, if necessary; and to allow as little as 25 feet between building to building in lieu of required 30 feet for heights between 25 feet and 30 feet for Lots 12, 13, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 110, 111, 129, 130, 141 and 142.

HEARING: WEDNESDAY, JUNE 19, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Lyons Mill Associates Limited Partnership
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.





Baltimore County
Department of Permits and
Development Management

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

June 12, 1996

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 449
Case No.: 96-448-A
Petitioner: John Luetkemeyer, Jr.

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 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,

A handwritten signature in dark ink, appearing to read "Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 6, 1996

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

SUBJECT: Village of Painters Mill

INFORMATION:

Item Number: 449
Petitioner: Lyons Mill Associates Limited Partner
Property Size: 18.847 acres
Zoning: D.R. -16
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This petitioner is requesting a variance to building to existing street right-of-way, window to side of lot line, window to window, front window to center line of street travel way, window to street right-of-way, and building to building.

The Office of Planning recommends APPROVAL of the petitioner's request for the variance for window to side lot line, window to window, front window to center line of street travel way, and window to right-of-way. The provision of windows or doors on the sides of the buildings will be an improvement over the blank walls that would otherwise be provided.

Division Chief: Erin McDaniels

PK/JL: EMcD

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 *RWB/DAB*
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for May 28, 1996
 Item Nos. 437, 440, 442, 444, 445, *+*
 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

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: LYONS MILL ASSOCIATES LIMITED PARTNERSHIP

Location: E/S WARDS CHAPEL RD., 0.5 MILES S OF LIBERTY RD. (4214 WARDS
CHAPEL ROAD)

Item No.: 449

Zoning Agenda: VARIANCE

Gentlemen:

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

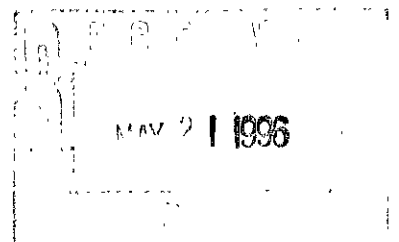
1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

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

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

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

cc: File



RECEIVED



**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. 449 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not 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 
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

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

May 23, 1996

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

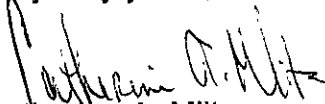
RE: Preliminary Petition Review (Item #449)
Village of Painters Mill, Section 3
2nd Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements had been addressed. A subsequent review by the staff has revealed no incomplete filing information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

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

Very truly yours,


Catherine A. Milton
Planner I
Zoning Review

CAM:scj

Enclosure (receipt)

c: Zoning Commissioner

MICROFILMED



RE: PETITION FOR VARIANCE	*	BEFORE THE
Village of Painters Mill - Section 3, SE/S		
Lakeside Blvd, 350' E of Owings Mills	*	ZONING COMMISSIONER
Blvd; also N/S Lyons Mill Road, appx.		
1100' W of Painters Mill Road, 2nd	*	OF BALTIMORE COUNTY
Election District, 3rd Councilmanic		
	*	CASE NO. 96-448-A
Lyons Mill Associates Limited Partnership		
Petitioners	*	

* * * * *

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 17th day of June, 1996, 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

VENABLE, 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

File

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

October 15, 1996

Via Hand Delivery

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Village of Painters Mill, Section 3

Dear Tim:

This firm represents Lyons Mills Associates Limited Partnership, legal owner of the above-referenced property. The Final Development Plan ("FDP") for the subject property known as Section 3 of the Village of Painters Mills indicates that "single family, townhouse, and/or apartment/condo residences with accessory parking are permitted uses at this site". The property owner proposes to develop 149 townhouse units on the site and the necessary variances were granted in Case No. 96-448-A by the Findings of Fact and Conclusions of Law dated June 27, 1996.

In the processing of the building permits, Mitch Kellman of the Zoning Office informed us that a special hearing may be necessary to amend the FDP to reflect the development of the townhouse units. We disagree that any amendment is necessary in light of the above referenced FDP language. Alternatively, Mr. Kellman agreed that the FDP may be amended if you found that the "amendment" is within the spirit and intent of the Variance case. Clearly, if we had known that a special hearing to amend the FDP was required, we would have requested it at the time of the Variance case by adding the simple language "and to amend the FDP" to the Variance Petitions. Accordingly, we believe that it is within the spirit and intent of the Findings of Fact and Conclusions of Law rendered in Variance Case No. 96-448-A to allow an amendment to the Final Development Plan without an additional hearing.

UNRECORDED

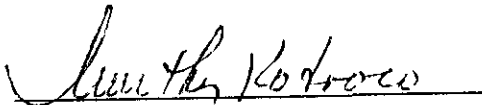
Timothy Kotroco
Deputy Zoning Commissioner
October 15, 1996
Page 2

It is therefore respectfully requested that you determine, by countersigning below, that an amendment to the FDP is in the spirit and intent of the Variance Order. I have enclosed a copy of the Variance plat, Order and Final Development Plan for your review.

Very truly yours,



Robert A. Hoffman



Timothy M. Kotroco,
Deputy Zoning Commissioner
for Baltimore County

10/15/96
Date

RAH:pmp

TO1DOCS1/BAW01/0032138.01

MICROFILMED

VENABLE, BAETTER AND HOWARD, LLP
Including professional corporations

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

VENABLE
ATTORNEYS AT LAW

96-2255
449
OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
410-494-6201

5/9/96
8
May 8, 1996

Hand Delivery

Mr. Carl Richards
Department of Permits & Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Legal Owner: Lyons Mill Associates Limited Partnership
Property Location: Southeast side of Lakeside Boulevard,
north of Lyons Mill Road, west of Samuel Owings Drive
Petition for Variance

Dear Mr. Richards:

I am hereby drop filing the enclosed Petitions for Variance with regard to the above captioned property. This request has been previously reviewed by Kate Milton and, pursuant to Zoning Enforcement, there are no outstanding zoning violations on site. Enclosed for submittal are the following documents:

1. Petition for Variance (3)
2. Zoning description (3)
3. Site Plans (12)
4. 200' Zoning Maps, page 2 of Site Plan (12)
5. Check in the amount of \$650.00 (maximum fee)

DROP-OFF
5/10/96

If you have any questions, please give me a call.

Sincerely,

Barbara W. Ormord

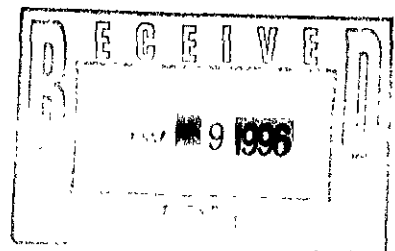
Barbara W. Ormord
Legal Assistant

bw

cc: Robert A. Hoffman, Esquire

TO1DOCS1/BAW01/0024268.01

MICROFILM



MESSAGE CONFIRMATION
TRANSMISSION

MAY-16-'96 THU 13:31

MICROFILMED

REF: 12: 0200
REF: 12: 413-887-8726

P-0000

NO.	DATE	EXT.	TIME	INITIALS	NAME	PHONE	TELETYPE	TELETYPE	TELETYPE
100	05-16	10	10	10	10	10	10	10	10
100	05-16	10	10	10	10	10	10	10	10

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Rob Hoffman
Steven KORZN

210 Allegheny Ave 21204
8815 Center Penn Dr Col MD
21045
200 EAST PENNSYLVANIA AVE. 21286

MARK E. PEWS1

TOM REPSHER2

11



Printed with Soybean Ink
on Recycled Paper

NOT FILMED

PETITIONER'S EXHIBIT

REVISED ZONING VARIANCE REQUEST

Petitioner's
#1

Building to Existing Street Right-of-Way

- A. Variance from Section 1B01.2.C.3, BCZR Section V.B.9, CMDP, pursuant to Section 504 BCZR, to allow as little as 23' from side building face to existing public street right-of-way in lieu of required 25' for Lot 77, if necessary.

Window to Side Lot Line

- B. Variance from Section V.B.6.b, CMDP, pursuant to Section 504 BCZR, to allow as little as 10' from window to lot line in lieu of the required 15' for Lots 6, 7, 13, 14, 27, 33, 34, 40, 45, 46, 53, 58, 59, 65, 66, 71, 72, 77, 78, 83, 84, 89, 90, 94, 95, 101, 106, 107, 112, 113, 120, 126, 127, 134, 135, 141, 142, and 149.

Window to Window

- C. Variance from Section 1B01.2.C.2.b, BCZR and CMDP, Section V.B.6.c, pursuant to Section 504 BCZR, to allow as little as 25' from window to window in lieu of the required 40' for Lots 6, 7, 13, 14, 27, 28, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 100, 101, 106, 107, 112, 113, 126, 127, 141, and 142, if necessary.

Front Window to Center Line of Street Travel Way

- D. Variance from Section V.B.6.d, (1988) CMDP, pursuant to Section 504 BCZR, to allow as little as 11' from front bay window to street right-of-way in lieu of required 13' setback for Lots 13, 20, 33, 47, 60, 65, 94, 114, 119, 121, 126, 127, 136, 141 and 142, if necessary.

Window to Street Right-Of-Way

- E. Variance from Section V.B.6.a, CMDP, pursuant to Section 504 BCZR, to allow as little as 19' from side window to street right-of-way in lieu of required 25' setback for Lots 19, 20, 77, 78, 119 and 135, if necessary.

Building to Building

- F. Variance from Section 1B01.2.C.1 BCZR and CMDP, Section V.B.3, pursuant to Section 504 BCZR, to allow as little as 25' between building to building in lieu of required 30' for heights between 25' and 30' for Lots 13, 14, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 112, 113, 126, 127, 141 and 142.

IN RE: PETITION FOR VARIANCE * BEFORE THE
SE/S Lakeside Blvd., 350' E of * DEPUTY ZONING COMMISSIONER
Owings Mills Blvd., N/S of Lyons * OF BALTIMORE COUNTY
Mill Rd., approx. 1100' W of *
Painters Mill Road * Case No. 96-448-A
(Village of Painters Mill, Sec. 3)
Lyons Mill Associates Ltd. Part.,
Continental Realty Investors Corp., G.P. - Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as Village of Painters Mill, Section 3 thereof, located on the southeast side of Lakeside Boulevard between Owings Mills Boulevard and Painters Mill Road in Owings Mills. The Petition was filed by the owners of the property, the Lyons Mill Associates Limited Partnership, by John A. Luetkemeyer, Jr., President, Continental Realty Investors Corporation, a General Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: 1) from Section 1801.2.C.3 of the B.C.Z.R. and Section V.B.9 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a distance from side building face to existing public street right-of-way of as little as 23 feet in lieu of the required 25 feet for Lot 77, if necessary; 2) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a window to lot line setback of as little as 10 feet in lieu of the required 15 feet for Lots 6, 7, 13, 14, 27, 33, 34, 40, 45, 46, 53, 58, 59, 65, 66, 71, 72, 77, 78, 83, 84, 89, 90, 94, 95, 101, 106, 107, 112, 113, 120, 126, 127, 134, 135, 141, 142 and 149; 3) from Section 1801.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit

a window to window setback of as little as 25 feet in lieu of the required 40 feet for Lots 6, 7, 13, 14, 27, 28, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 100, 101, 106, 107, 112, 113, 126, 127, 141, and 142, if necessary; 4) from Section V.B.6.d of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a front bay window to street right-of-way setback of as little as 11 feet in lieu of the required 13 feet for Lots 13, 20, 33, 47, 60, 65, 94, 114, 119, 121, 126, 127, 136, 141 and 142, if necessary; 5) from Section V.B.6.a of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a side window to street right-of-way setback of as little as 19 feet in lieu of the required 25 feet for Lots 19, 20, 77, 78, 119 and 135, if necessary; and, 6) from Section 1801.2.C.1 of the B.C.Z.R., and Section V.B.3 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a building to building setback of as little as 25 feet in lieu of the required 30 feet for building heights between 25 feet and 30 feet for Lots 13, 14, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 112, 113, 126, 127, 141 and 142. The subject property and relief requested are more particularly described on the Revised Zoning Variance Request form marked as Petitioner's Exhibit 1, and the two-page site plan submitted and marked into evidence as Petitioner's Exhibits 2A and 2B.

Appearing at the hearing on behalf of the Petition were Steven Koren, a representative of Lyons Mills Associates Limited Partnership, property owners, Mark E. Pews and Tom Repsher, representatives of Daft-McCune-Walker, Inc., the engineering/architectural firm which prepared the site plan for this property, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants at the hearing.

- 2 -

Testimony and evidence offered revealed that the subject property, known as Section 3 of the Village of Painters Mill, consists of 19.86 acres, more or less, zoned D.R. 16 and is proposed for development with 149 townhouse units. The subject development received CRG approval in April 1986, and therefore, is bound by the old C.M.D.P. standards as to the design and spacing of the proposed dwellings. Testimony revealed, however, that the Petitioners wish to construct these homes in accordance with present C.M.D.P. standards which would permit the new design and layout of these homes as set forth on Petitioner's Exhibits 2A and 2B. Therefore, the relief requested is necessary in order to proceed. The Petitioners believe that developing the property as proposed will offer a more attractive product to potential homeowners, providing more open space and a better overall layout. The Office of Planning is in agreement with the Petitioners' position, as evidenced by the support expressed in their Zoning Plans Advisory Committee (ZAC) comments dated June 6, 1996.

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.

- 3 -

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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance 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 relief 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of June, 1996 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: 1) from Section 1801.2.C.3 of the B.C.Z.R. and Section V.B.9 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a distance from side building face to existing public street right-of-way of as little as 23 feet in lieu of the required 25 feet for Lot 77, if necessary; 2) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504 of

- 4 -

the B.C.Z.R., to permit a window to lot line setback of as little as 10 feet in lieu of the required 15 feet for Lots 6, 7, 13, 14, 27, 33, 34, 40, 45, 46, 53, 58, 59, 65, 66, 71, 72, 77, 78, 83, 84, 89, 90, 94, 95, 101, 106, 107, 112, 113, 120, 126, 127, 134, 135, 141, 142 and 149; 3) from Section 1801.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a window to window setback of as little as 25 feet in lieu of the required 40 feet for Lots 6, 7, 13, 14, 27, 28, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 100, 101, 106, 107, 112, 113, 126, 127, 141, and 142, if necessary; 4) from Section V.B.6.d of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a front bay window to street right-of-way setback of as little as 11 feet in lieu of the required 13 feet for Lots 13, 20, 33, 47, 60, 65, 94, 114, 119, 121, 126, 127, 136, 141 and 142, if necessary; 5) from Section V.B.6.a of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a side window to street right-of-way setback of as little as 19 feet in lieu of the required 25 feet for Lots 19, 20, 77, 78, 119 and 135, if necessary; and, 6) from Section 1801.2.C.1 of the B.C.Z.R., and Section V.B.3 of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit a building to building setback of as little as 25 feet in lieu of the required 30 feet for building heights between 25 feet and 30 feet for Lots 13, 14, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 112, 113, 126, 127, 141 and 142, in accordance with Petitioner's Exhibits 2A and 2B, be and is hereby GRANTED, subject to the following restriction:

- 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

- 5 -

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

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

TMK:bjs

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

June 27, 1996

(410) 887-4386

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

RE: PETITION FOR VARIANCE
SE/S Lakeside Blvd., 350' E of Owings Mills Blvd.
N/S of Lyons Mill Rd., approx. 1100' W of Painters Mill Road
(Village of Painters Mill, Sec. 3)
Lyons Mill Associates Ltd. Part., Continental Realty Investors Corp.,
G.P. - Petitioners
Case No. 96-448-A

Dear Mr. Hoffman:

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

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

Very truly yours,

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

cc: Mr. John A. Luetkemeyer, Jr., President, Continental Realty Inv. Corp.
17 W. Pennsylvania Avenue, Towson, Md. 21204

Messrs. Tom Repsher and Mark Pews, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286

People's Counsel

file

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at Southeast side of Lakeside Boulevard, north of Lyons Mill Road, west of Samuel Owings Drive which is presently zoned DR16

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 part of hereof, hereby petition for a Variance from Section(s)

See Attached.

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 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.

Contractor's Certificate:

ORDER RECEIVED FOR FILING
Date 6/27/96
By [Signature]
City Towson State MD Zip 21204
Address 210 Allegheny Ave. Phone No. (410) 494-6200
Name Robert A. Hoffman
Venable, Baetjer and Howard, LLP
City Towson State Md Zip 21204
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted
Robert A. Hoffman
Venable, Baetjer and Howard, LLP
210 Allegheny Ave., Towson, MD 21204 (410) 494-6200
Address Phone No.

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

Legal Owner(s):

Lyons Mill Associates Limited Partnership
By: Continental Realty Investors Corp., General Partner

By: [Signature]
Signature

John A. Luetkemeyer, Jr., President
(Type or Print Name)

Signature

c/o Continental Realty Corporation
17 W. Pennsylvania Avenue 296-4900
Address Phone No.

Towson Maryland 21204
City State Zip

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted
Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave., Towson, MD 21204 (410) 494-6200
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
Unavailable for Hearing the following dates
Next Two Months
ALL OTHER
REVIEWED BY: DATE

DROP OFF
NO REVIEW
5/10/96 a/cr

ZONING VARIANCE REQUEST

Building to Existing Street Right-of-Way

- A. Variance from Section 1B01.2.C.3, BCZR Section V.B.9, CMDP, pursuant to Section 504 BCZR, to allow as little as 23' from side building face to existing public street right-of-way in lieu of required 25' for Lot 75, if necessary.

Window to Side Lot Line

- B. Variance from Section V.D.6.b, CMDP, pursuant to Section 504 BCZR, to allow as little as 10' from window to lot line in lieu of the required 15' for Lots 6, 7, 12, 13, 26, 31, 32, 38, 43, 44, 51, 56, 57, 63, 64, 69, 70, 75, 76, 81, 82, 87, 88, 92, 93, 99, 104, 105, 110, 111, 118, 124, 125, 129, 130, 134, 135, 141, 142 and 149.

Window to Window

- C. Variance from Section 1B01.2.C.2.b, BCZR and CMDP, Section V.B.6.c, pursuant to Section 504 BCZR, to allow as little as 25' from window to window in lieu of the required 40' for Lots 6, 7, 12, 13, 26, 27, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 99, 104, 105, 110, 111, 118, 124, 125, 129, 130, 134, 135, 141, 142, if necessary.

Front Window to Center Line of Street Travel Way

- D. Variance from Section V.B.6.d, (1988) CMDP, pursuant to Section 504 BCZR, to allow as little as 11' from front bay window to street right-of-way in lieu of required 13' setback for Lots 19, 31, 45, 50, 58, 63, 92, 112, 117, 119, 124, 129, 134, 136, 141 and 142, if necessary.

Window to Street Right-Of-Way

- E. Variance from Section V.B.6.a, CMDP, pursuant to Section 504 BCZR, to allow as little as 19' from side window to street right-of-way in lieu of required 25' setback for Lots 18, 19, 75 and 76, if necessary.

Building to Building

- F. Variance from Section 1B01.2.C.1 BCZR and CMDP, Section V.B.3, pursuant to Section 504 BCZR, to allow as little as 25' between building to building in lieu of required 30' for heights between 25' and 30' for Lots 12, 13, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 110, 111, 129, 130, 141 and 142.

TOIDOC51BAW010023594.01

Description

To Accompany Petition for Zoning Variance

18.847 Acre Parcel

Village of Painters Mill, Section 3

Northwest Side of Samuel Owings Drive

Second Election District, Baltimore County, Maryland

DMW

Draft-MPC/Stone-Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21206

410-296-3333

Fax 410-296-3333

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the northwest side of Samuel Owings Drive, 60 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 Samuel Owings Drive with the centerline of Lyons Mill Road (1) Northeasterly along said centerline of Samuel Owings Drive 361 feet, more or less, and thence (2) Northwesterly 30 feet, more or less, to the point of beginning, thence leaving said point of beginning and running the sixteen following courses and distances, viz: (1) South 87 degrees 02 minutes 00 seconds West 288.33 feet, thence (2) South 31 degrees 57 minutes 58 seconds West 84.31 feet, thence (3) South 87 degrees 13 minutes 28 seconds West 299.86 feet, thence (4) North 02 degrees 40 minutes 52 seconds West 244.23 feet, thence (5) North 87 degrees 02 minutes 00 seconds East 257.14 feet, thence (6) Northeasterly by a line curving to the left with a radius of 98.00 feet for a distance of 40.29 feet (the arc of said curve being subtended by a chord bearing North 75 degrees 15 minutes 18 seconds East 40.01 feet and having a beginning tangent bearing of North 87 degrees 02 minutes 00 seconds East and a departing tangent bearing of North 63 degrees 28 minutes 37 seconds East), thence (7) Northeasterly by a line curving to the right with a radius of 142.00 feet for a distance of 54.80 feet (the arc of said curve being

Page 1 of 3

subtended by a chord bearing North 74 degrees 31 minutes 59 seconds East 54.46 feet and having a beginning tangent bearing of North 63 degrees 28 minutes 37 seconds East and a departing tangent bearing of North 85 degrees 35 minutes 20 seconds East), thence (8) North 42 degrees 02 minutes 00 seconds East 14.21 feet thence (9) North 02 degrees 58 minutes 00 seconds West 11.77 feet, thence (10) South 87 degrees 02 minutes 00 seconds West 88.00 feet, thence (11) North 02 degrees 58 minutes 00 seconds West 216.75 feet, thence (12) North 75 degrees 05 minutes 30 seconds West 85.06 feet, thence (13) South 62 degrees 40 minutes 00 seconds West 46.00 feet, thence (14) South 77 degrees 20 minutes 00 seconds West 31.00 feet, thence (15) South 84 degrees 24 minutes 28 seconds West 116.96 feet, and thence (16) North 02 degrees 40 minutes 52 seconds West 573.30 feet to the south side of Lakeside Boulevard, 80 feet wide, thence running with and binding on said south side of Lakeside Boulevard (17) Northeasterly by a line curving to the left with a radius of 710.00 feet for a distance of 224.86 feet (the arc of said curve being subtended by a chord bearing North 75 degrees 30 minutes 43 seconds East 223.93 feet and having a beginning tangent bearing of North 84 degrees 35 minutes 06 seconds East and a departing tangent bearing of North 66 degrees 26 minutes 19 seconds East), thence leaving said south side of Lakeside Boulevard and running the eleven following courses and distances, viz: (18) South 06 degrees 48 minutes 34 seconds East 24.82 feet, thence (19) South 16 degrees 10 minutes 00 seconds East 19.00 feet, thence (20) South 27 degrees 40 minutes 00 seconds East 65.00 feet, thence (21) South 13 degrees 40 minutes 00 seconds East 31.00 feet, thence (22) South 08 degrees 20 minutes 00 seconds East 104.00 feet, thence (23) South 04 degrees 10 minutes 00 seconds West 26.00 feet, thence (24) South 16 degrees 13 minutes 41 seconds West 57.37 feet, thence (25)

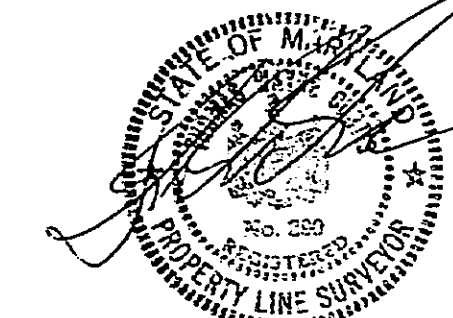
Page 2 of 3

North 52 degrees 41 minutes 51 seconds East 349.22 feet, thence (26) South 38 degrees 31 minutes 00 seconds East 37.51 feet, thence (27) North 52 degrees 41 minutes 51 seconds East 226.26 feet, thence (28) South 43 degrees 55 minutes 35 seconds East 670.70 feet to the said northwest side of Samuel Owings Drive, thence running with and binding on said northwest side of Samuel Owings Drive, the three following courses and distances, viz: (29) South 49 degrees 00 minutes 15 seconds West 440.86 feet, thence (30) Southwesterly by a line curving to the left with a radius of 730.00 feet for a distance of 299.46 feet (the arc of said curve being subtended by a chord bearing South 37 degrees 15 minutes 08 seconds West 297.37 feet and having a beginning tangent bearing of South 49 degrees 00 minutes 15 seconds West and a departing tangent bearing of South 25 degrees 30 minutes 00 seconds West, thence (31) Southwesterly by a line curving to the left with a radius of 732.00 feet for a distance of 25.00 feet (the arc of said curve being subtended by a chord bearing South 26 degrees 20 minutes 47 seconds West 25.00 feet and having a beginning tangent bearing of South 27 degrees 19 minutes 29 seconds West and a departing tangent bearing of South 25 degrees 22 minutes 05 seconds West) to the point of beginning; containing 18.847 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 29, 1996

Project No. 85020.W



Page 3 of 3

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 24, 1996

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, 1996

THE JEFFERSONIAN,

A. Henshaw
LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 2nd Date of Posting 5/2/96
Posted for: Varian
Petitioner: Lyons Mill Associates Limited Partnership
Location of property: 8070 Lakeside Blvd.
Location of Signs: Signs posted on property, one on each side of road.
Remarks:
Posted by: [Signature] Date of return: 5/1/96
Number of Signs: 1

GG'S
CARL SAID Z
SIGNS — ONE ON
LAKESIDE AND ONE
ON LYONS MILL
Sophia

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 5/13/96 ACCOUNT 001-6150
AMOUNT \$650.00 (WCR)
RECEIVED FROM: Venable, Baetjer & Howard/Continental Realty
#070 - MAXIMUM FEE (MULTI VAR)
Village of Painters Mill
FOR: 01400H0127HIC#RC \$650.00
BA 0039144R05-14-96
VALIDATION OR SIGNATURE OF CASHIER 96-448

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 5/14/96 ACCOUNT 001-6150
AMOUNT \$70.00 (WCR)
RECEIVED FROM: Venable, Baetjer & Howard
#080 - ISMG POSTING
2 Signs 96-448-A
FOR: 034918007HIC#RC \$70.00
BA 0011274R05-14-96
VALIDATION OR SIGNATURE OF CASHIER

TO: POTENTIAL PUBLISHING COMPANY

May 23, 1996 Issue - Jeffersonian

Please forward billing to:

Barbara Ormond
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204
494-6200

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: 96-448-A (Item 449)
Village of Painters Mill, Section 3
S/S Lakeside Boulevard, 350' E of Owings Mills Boulevard; also W/S Lyons Mill Road, approximately 1100' W of Painters Mill Road
2nd Election District - 3rd Councilmanic
Legal Owner(s): Lyons Mill Associates Limited Partnership

Variance to allow as little as 23 feet from side building face to existing public street right-of-way in lieu of required 25 feet for Lot 75, if necessary; to allow as little as 10 feet from window to lot line in lieu of required 15 feet for Lots 6, 7, 12, 13, 26, 31, 32, 37, 38, 43, 44, 51, 56, 57, 63, 64, 69, 70, 75, 76, 81, 82, 87, 88, 92, 93, 99, 104, 105, 110, 111, 118, 124, 125, 129, 130, 134, 135, 141, 142, and 149; to allow as little as 25 feet from window to window in lieu of the required 40 feet for Lots 6, 7, 12, 13, 26, 27, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 98, 99, 104, 105, 110, 111, 124, 125, 129, 130, 141, and 142, if necessary; to allow as little as 11 feet from front bay window to street right-of-way in lieu of required 13 foot setback for Lots 19, 31, 45, 50, 56, 63, 92, 112, 117, 119, 124, 129, 134, 136, 141, and 142, if necessary; to allow as little as 19 feet from side window to street right-of-way in lieu of required 25 foot setback for Lots 18, 19, 75 and 76, if necessary; and to allow as little as 25 feet between building to building in lieu of required 30 feet for heights between 25 feet and 30 feet for Lots 12, 13, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 110, 111, 129, 130, 141 and 142.

HEARING: WEDNESDAY, JUNE 19, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAMONCE 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.



Baltimore County
Department of Permit 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 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: 96-448-A (Item 449)
Village of Painters Mill, Section 3
S/S Lakeside Boulevard, 350' E of Owings Mills Boulevard; also W/S Lyons Mill Road, approximately 1100' W of Painters Mill Road
2nd Election District - 3rd Councilmanic
Legal Owner(s): Lyons Mill Associates Limited Partnership

Variance to allow as little as 23 feet from side building face to existing public street right-of-way in lieu of required 25 feet for Lot 75, if necessary; to allow as little as 10 feet from window to lot line in lieu of required 15 feet for Lots 6, 7, 12, 13, 26, 31, 32, 37, 38, 43, 44, 51, 56, 57, 63, 64, 69, 70, 75, 76, 81, 82, 87, 88, 92, 93, 99, 104, 105, 110, 111, 118, 124, 125, 129, 130, 134, 135, 141, 142, and 149; to allow as little as 25 feet from window to window in lieu of the required 40 feet for Lots 6, 7, 12, 13, 26, 27, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 98, 99, 104, 105, 110, 111, 124, 125, 129, 130, 141, and 142, if necessary; to allow as little as 11 feet from front bay window to street right-of-way in lieu of required 13 foot setback for Lots 19, 31, 45, 50, 56, 63, 92, 112, 117, 119, 124, 129, 134, 136, 141, and 142, if necessary; to allow as little as 19 feet from side window to street right-of-way in lieu of required 25 foot setback for Lots 18, 19, 75 and 76, if necessary; and to allow as little as 25 feet between building to building in lieu of required 30 feet for heights between 25 feet and 30 feet for Lots 12, 13, 31, 32, 37, 38, 43, 44, 50, 51, 56, 57, 63, 64, 69, 70, 81, 82, 87, 88, 92, 93, 110, 111, 129, 130, 141 and 142.

HEARING: WEDNESDAY, JUNE 19, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Lyons Mill Associates Limited Partnership
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE REMOVED 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.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

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

June 12, 1996

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 449
Case No.: 96-448-A
Petitioner: John Luetkemeyer, Jr.

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 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 Ruslyn Bubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/cw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: June 6, 1996

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

SUBJECT: Village of Painters Mill

INFORMATION:

Item Number: 449
Petitioner: Lyons Mill Associates Limited Partner
Property Size: 18.847 acres
Zoning: D.R.-16
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This petitioner is requesting a variance to building to existing street right-of-way, window to side of lot line, window to window, front window to center line of street travel way, window to street right-of-way, and building to building.

The Office of Planning recommends APPROVAL of the petitioner's request for the variance for window to side lot line, window to window, front window to center line of street travel way, and window to right-of-way. The provision of windows or doors on the sides of the buildings will be an improvement over the blank walls that would otherwise be provided.

Division Chief: *Eric McDaniel*
PK/JL:Emc

VPM/PZONE/P2054

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 28, 1996

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

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

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

RWB:HJO:jrb

cc: File

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5510

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: LYONS MILL ASSOCIATES LIMITED PARTNERSHIP

Location: E/S WARDS CHAPEL RD., 0.5 MILES S OF LIBERTY RD. (4214 WARDS CHAPEL ROAD)

Item No.: 449 Zoning Agenda: VARIANCE

Gentlemen:

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

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

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

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

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

cc: File

Printed with Soybean Ink
on Recycled Paper



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. 449 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

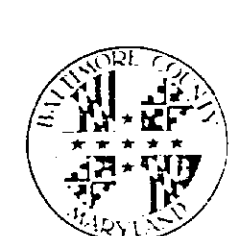
Thank you for the opportunity to review this item.

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
1-800-735-2255 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Department of Permits and
Development Management

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

May 23, 1996

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

RE: Preliminary Petition Review (Item #449)
Village of Painters Mill, Section 3
2nd Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements had been addressed. A subsequent review by the staff has revealed incomplete filing information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

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

Very truly yours,

Catherine A. Milton
Catherine A. Milton
Planner I
Zoning Review

CAM:scj

Enclosure (receipt)

c: Zoning Commissioner

RE: PETITION FOR VARIANCE - Section 3, SE/S
Village of Painters Mill - Section 3, SE/S
Lakeside Blvd, 350' E of Owings Mills
Blvd; also N/S Lyons Mill Road, approx.
1100' W of Painters Mill Road, 2nd
Election District, 3rd Councilmanic
Lyons Mill Associates Limited Partnership
Petitioners
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-448-A

ENTRY OF APPEARANCE

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

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

Joseph S. Demilio
JOSEPH S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2185

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June, 1996, 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

VENABLE, BAETJER AND HOWARD, LLP
ATTORNEYS AT LAW

210 Allegheny Avenue
Towson, MD 21204-5517
(410) 494-4521 / (410) 494-4522

ATTORNEYS
VENABLE
BAETJER AND HOWARD, LLP
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-4522

October 15, 1996

Via Hand Delivery:

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Village of Painters Mill, Section 3

Dear Tim:

This firm represents Lyons Mills Associates Limited Partnership, legal owner of the above-referenced property. The Final Development Plan ("FDP") for the subject property known as Section 3 of the Village of Painters Mills indicates that "single family, townhouse, and/or apartment condo residences with accessory parking are permitted uses at this site". The property owner proposes to develop 149 townhouse units on the site and the necessary variances were granted in Case No. 96-448-A by the Findings of Fact and Conclusions of Law dated June 27, 1996.

In the processing of the building permits, Mitch Kellman of the Zoning Office informed us that a special hearing may be necessary to amend the FDP to reflect the development of the townhouse units. We disagree that any amendment is necessary in light of the above referenced FDP language. Alternatively, Mr. Kellman agreed that the FDP may be amended if you found that the "amendment" is within the spirit and intent of the Variance case. Clearly, if we had known that a special hearing to amend the FDP was required, we would have requested it at the time of the Variance case by adding the simple language "and to amend the FDP" to the Variance Petitions. Accordingly, we believe that it is within the spirit and intent of the Findings of Fact and Conclusions of Law rendered in Variance Case No. 96-448-A to allow an amendment to the Final Development Plan without an additional hearing.

VENABLE
ATTORNEYS AT LAW

Timothy Kotroco
Deputy Zoning Commissioner
October 15, 1996
Page 2

It is therefore respectfully requested that you determine, by countersigning below, that an amendment to the FDP is in the spirit and intent of the Variance Order. I have enclosed a copy of the Variance plat, Order and Final Development Plan for your review.

Very truly yours,

Robert A. Hoffman
Robert A. Hoffman

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

10/15/96
Date

RAH:pmp

TO:\DOCS\BAW\0022138.01

VENABLE
ATTORNEYS AT LAW

May 8, 1996

Hand Delivery

Mr. Carl Richards
Department of Permits & Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Legal Owner: Lyons Mill Associates Limited Partnership
Property Location: Southeast side of Lakeside Boulevard,
north of Lyons Mill Road, west of Samuel Owings Drive
Petition for Variance

Dear Mr. Richards:

I am hereby drop filing the enclosed Petitions for Variance with regard to the above captioned property. This request has been previously reviewed by Kate Milton and, pursuant to Zoning Enforcement, there are no outstanding zoning violations on site. Enclosed for submittal are the following documents:

1. Petition for Variance (3)
2. Zoning description (3)
3. Site Plans (12)
4. 200' Zoning Maps, page 2 of Site Plan (12)
5. Check in the amount of \$650.00 (maximum fee)

If you have any questions, please give me a call.

Sincerely,

Barbara W. Ormord
Barbara W. Ormord
Legal Assistant

bw

cc: Robert A. Hoffman, Esquire

TO:\DOCS\BAW\0022138.01

PLEASE CONFIRMATION
TRANSMISSION

NOV 15 1996 THU 10:41

TELEPHONE: 410-887-8708

F-0000

NOV 15 1996 THU 10:41
TELEPHONE: 410-887-8708
F-0000

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Rob Hoffman
Stouven Koen
MARK E. PEUSE
TOM REPSHOLZ

ADDRESS
210 Allegany Ave 21204
8815 Central Ave D, Cal MD 21045
200 EAST PENNSYLVANIA AVE. 21206

PETITIONER'S EXHIBIT

REVISED
ZONING-VARIANCE REQUEST

Building to Existing Street Right-of-Way

- A. Variance from Section 1B01.2.C.3, BCZK Section V.B.9, CMDP, pursuant to Section 504 BCZR, to allow as little as 23' from side building face to existing public street right-of-way in lieu of required 25' for Lot 77, if necessary.

Window to Side Lot Line

- B. Variance from Section V.B.6.b, CMDP, pursuant to Section 504 BCZR, to allow as little as 10' from window to lot line in lieu of the required 15' for Lots 6, 7, 12, 14, 27, 33, 34, 40, 45, 46, 53, 58, 59, 65, 66, 71, 72, 77, 78, 83, 84, 89, 90, 94, 95, 101, 106, 107, 112, 113, 120, 126, 127, 134, 135, 141, 142, and 149.

Window to Window

- C. Variance from Section 1B01.2.C.2.b, BCZR and CMDP, Section V.B.6.c, pursuant to Section 504 BCZR, to allow as little as 25' from window to window in lieu of the required 40' for Lots 6, 7, 13, 14, 27, 28, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 100, 101, 106, 107, 112, 113, 126, 127, 141, and 142, if necessary.

Front Window to Center Line of Street Travel Way

- D. Variance from Section V.B.6.d, (1988) CMDP, pursuant to Section 504 BCZR, to allow as little as 11' from front bay window to street right-of-way in lieu of required 13' setback for Lots 13, 20, 33, 47, 60, 65, 94, 114, 119, 121, 126, 127, 136, 141 and 142, if necessary.

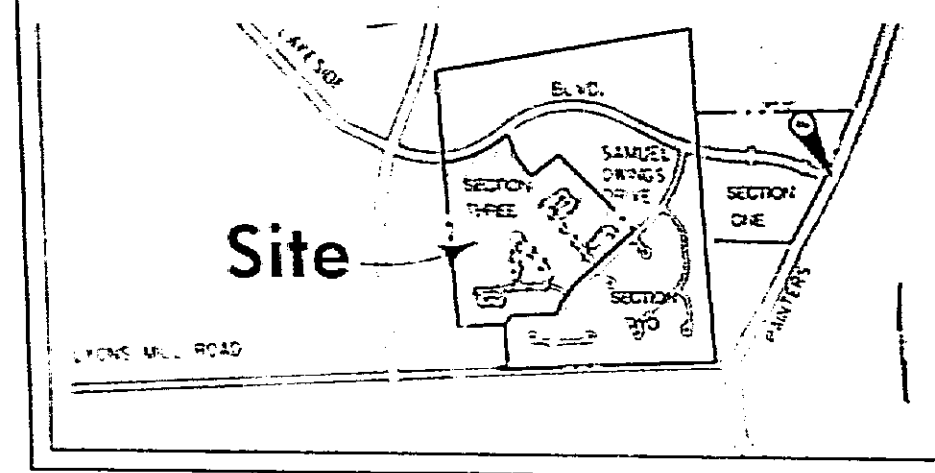
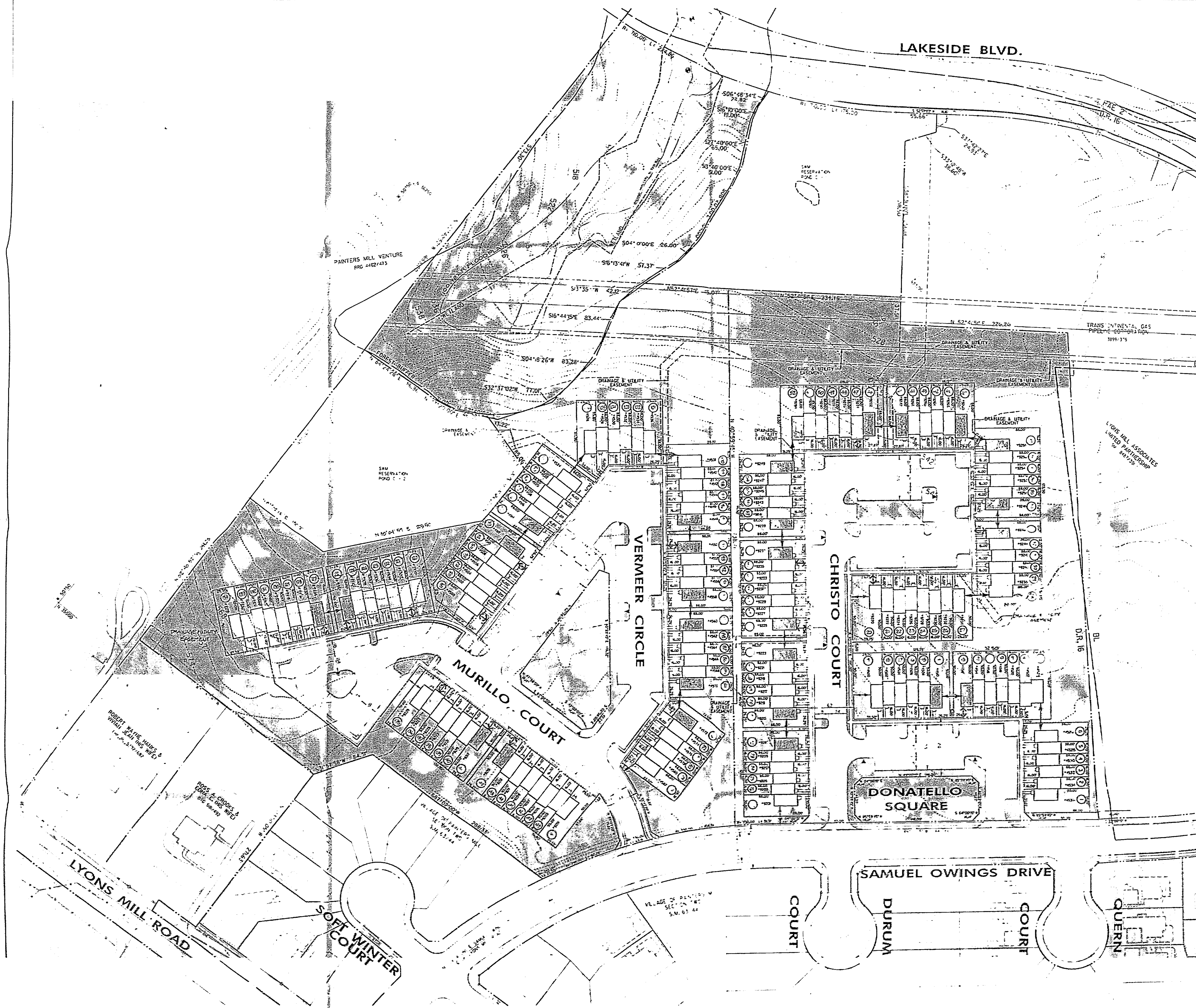
Window to Street Right-Of-Way

- E. Variance from Section V.B.6.a, CMDP, pursuant to Section 504 BCZR, to allow as little as 19' from side window to street right-of-way in lieu of required 25' setback for Lots 19, 20, 77, 78, 119 and 135, if necessary.

Building to Building

- F. Variance from Section 1B01.2.C.1 BCZR and CMDP, Section V.B.3, pursuant to Section 504 BCZR, to allow as little as 25' between building to building in lieu of required 30' for heights between 25' and 30' for Lots 13, 14, 33, 34, 39, 40, 45, 46, 52, 53, 58, 59, 65, 66, 71, 72, 83, 84, 89, 90, 94, 95, 112, 113, 126, 127, 141 and 142.

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LOCATION MAP

BENCH MARK

1. 1985 BENCH MARK
2. 1985 BENCH MARK
3. 1985 BENCH MARK
4. 1985 BENCH MARK

General Notes

1. Owner/Applicant: Lyons Mill Associates Limited Partnership, c/o Korte Development Co., Inc., 8815 Curve Park Drive, Suite 304, Columbia, MD 21045, (410) 740-1010
2. Election District: Councilman District 3 Census Tract 4021
3. Watershed: 23, Subwatershed 56
4. See Data:
 - A. Section 3 Acreage and Zoning: Gross Area Section 3 = 14.6 acres DR-16 (DR-16 is the zoning for the site and Samuel Owings Drive, whichever is less). Net Area Section 3 = 14.15 acres DR-16
 - B. Density Summary: Permitted = 14.15 Acres x 16.3 = 231.65 U D-16 DR-16 Proposed = 221.65 U D-16 Sec 3 (14.15 DR-16 lots)
 - C. Parking (Section 3 only): Required = 143 Lots @ 2.41 = 345 spaces Proposed = 324 Spaces
5. The Village of Painters Mill is a village with a minimum lot size of 200 feet of front property and a minimum lot width of 20 feet.
6. All on-site lighting will be arranged so as not to shine or reflect on adjoining streets or vehicles.
7. There are no streams or open drainage courses on or within 50 feet of the property except as shown.
8. The site will be served by public water, sewer, and storm drain system.
9. Fire hydrants will be located in accordance with Baltimore County Fire and Design Manual and the Fire Prevention Code.
10. On-site signs are not permitted on the property and are not shown for clarity.
11. There are no existing structures on this site.
12. CRG of Village of Painters Mill #83313 was approved on April 2, 1995.
13. A letter by Donald T. Rasmussen dated August 11, 1995 determined the Village of Painters Mill Section 3 to be eligible as a Village under the CRG Plan.
14. First Revised Second Amended CRG Plan approved January 12, 1996.

Data Sources

Field Run Topography
Aerial Photography
Design Drawings

- A. BUILDING TO EX. STREET FRONT. D. FRONT WINDOW TO C.L. OF STREET.
B. WINDOW TO SIDE LOT LINE. E. WINDOW TO STREET FRONT.
C. WINDOW TO WINDOW. F. BUILDING TO BUILDING.

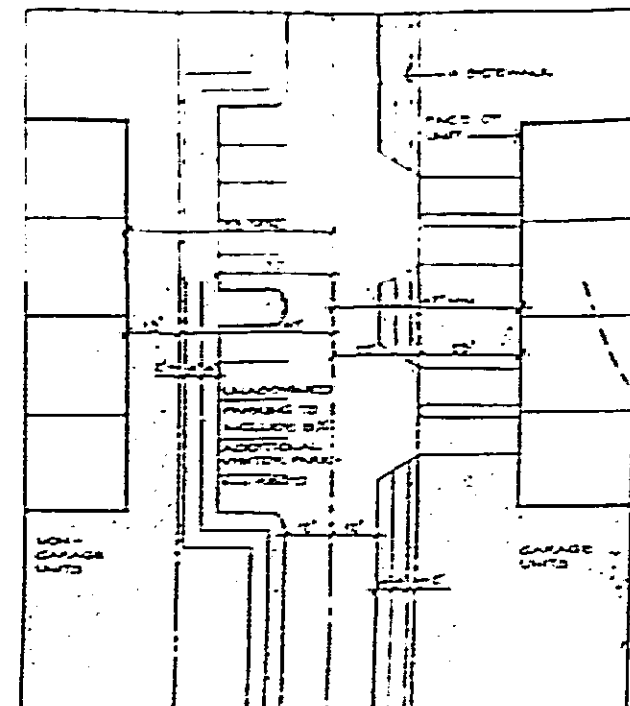
DMW
Dahl/McCune/Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
(410) 296-3333
Fax 296-4705

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

PLAT TO ACCOMPANY PETITION FOR VARIANCES VILLAGE OF PAINTERS MILL SECTION 3

BALTIMORE COUNTY, MD.	TOWNSHIP COUNCIL DISTRICT	SECTION ELECTION DISTRICT
	ISSUE DATES	REVIEW
		NO
		PETITION
		CONSTRUCTION

TYPICAL STREET DIMENSIONS & FRONT YARD SETBACKS



Setback from garage and side-parking areas
to be determined by the applicant
in accordance with the applicable zoning ordinance.

BALTIMORE COUNTY (H.D.)
CITY OF BALTIMORE (G.D.)

4/2/80
Resubmittal PLAN APPROVED

DATE 02/21/81

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