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IN RE: PETITION FOR VARIANCE * BEFORE THE
N/S Proposed Green Tree Road, *
343'NW of c/l Howard Square Dr.; * DEPUTY ZONING COMMISSIONER
NE/S Proposed Green Tree Road, *
65'NW of c/l Howard Square Dr. * OF BALTIMORE COUNTY
(Avalon, Secs. 1 and 2) *
Avalon Associates, LLC * Case No. 97-182-A
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for the property known as Sections 1 and 2 of Avalon, located in the vicinity of Reisterstown Road and McDonogh Road in Owings Mills. The Petition was filed by the owners of the property, Avalon Associates, LLC, by John Colvin, member, through their attorney, Stuart Kaplow, Esquire. The Petitioners seek variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) for a number of residential lots contained in this subdivision as more particularly described in the Petition filed. Furthermore, the specific variance requests are outlined on Petitioner's Exhibit 1, a substituted attachment referenced in the Petition for Variance, a copy of which will be incorporated into this Order. The relief requested is more particularly described on the respective site plans submitted for Sections 1 and 2 of Avalon, which were accepted and marked into evidence as Petitioner's Exhibits 2A and 2B.

Appearing at the hearing on behalf of the Petition were John B. Colvin, a representative of Avalon Associates, LLC, Tom Repsher and George Gavrelis, Professional Engineers with Daft-McCune-Walker, Inc., who prepared the site plans for this property, and Stuart D. Kaplow, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Mindy Per and Louis Greenfeld, both residents of nearby Cradock Estates.

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J. Carroll Holzer, Esquire, appeared on behalf of the Cradock Estates Homeowners' Association, and Howard L. Alderman, Jr., Esquire, appeared on behalf of the Valley Village Associates.

Testimony and evidence offered revealed that the property which is the subject of this request consists of two adjoining parcels located within the overall subdivision of Avalon and identified as Sections 1 and 2 thereof on Petitioner's Exhibits 2A and 2B. Petitioner's Exhibit 2A depicts the 46 single family lots proposed for Section 2 of this subdivision, while Petitioner's Exhibit 2B depicts the 61 single family lots proposed for Section 1, which has come to be known as the "narrow lot" subdivision. Sections 1 and 2 comprise only a small segment of Avalon, which is large enough in scale to encompass both the east and west sides of Reisterstown Road. These two smaller Sections are located on the north side of proposed Green Tree Road, north of Stone Chapel Lane. In any event, the subdivision of Avalon received CRG approval approximately eight years ago. At that time, a mix of 72 townhouses and 42 single family homes were proposed. However, due to the numerous and lengthy appeals that have followed since Avalon received CRG approval, Sections 1 and 2 have not been built out. Apparently, over the course of the past eight years, market trends and building designs have changed in this area of Baltimore County. Thus, the Petitioners have made a market decision to alter the types of homes to be built in Sections 1 and 2 of Avalon and now propose to construct larger, single family homes. Specifically, townhomes are no longer proposed for the site. Instead, the Petitioners propose to build 46 single family dwellings in Section 2, the "large lot" subdivision and 61 single family dwellings in Section 1, the "small lot" subdivision.

Overall, the Petitioner plans to construct 107 single family homes, or 7 homes less than the number previously approved by the CRG in the 1980s.

The Petitioner submitted architectural renderings of the homes he proposes to construct in Sections 1 and 2. These homes are quite large and could not be built on the subject lots without the requested variances. Furthermore, as noted above, the subdivision of Avalon was approved under the old CRG process. Many of the building and setback requirements that were in effect when Avalon received approval have now changed. Current standards allow developers to construct homes closer together, having more windows, and lesser setback requirements. However, inasmuch as Sections 1 and 2 were approved under the old CRG process, the relief requested is necessary in order to proceed with development. It is not unusual for developers who have had subdivisions previously approved under the old CRG process to come before the Zoning Commissioner's office, seeking blanket variance relief to allow development to proceed in accordance with today's standards. Furthermore, many developers must adjust to market demands and building strategies that conform with current trends. This has required many developers to revisit the Zoning Commissioner's office requesting variance relief for lots that were previously approved under the old CRG process. The variance relief gives developers the flexibility necessary to compete in an ever-changing housing market. This is particularly true of this area in Reisterstown, where some developments have not been as successful as originally projected, mostly as a result of consumer trends. Nevertheless, this developer believes that the types of homes he now proposes to construct in Sections 1 and 2 of Avalon are what the current market dictates, and should be permitted.

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Date 12/14/96
By [Signature]

On behalf of the Petitioner, Tom Repshur and George Gavrelis with the engineering firm of Daft-McCune-Walker, Inc., appeared and testified as experts in the area of land planning and landscape architecture. These gentlemen clearly stated on direct testimony, as well as on cross-examination, that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for the Petitioner. Furthermore, both gentlemen testified that these variances are in strict harmony with the spirit and intent of the B.C.Z.R. and that granting same will not result in any detriment to the health, safety or general welfare of the surrounding locale. Both gentlemen testified that no lesser relief would do substantial justice to this developer.

While two individuals appeared, apparently as Protestants in this matter, neither were called to testify in opposition to the Petitioner's request. Mr. Alderman and Mr. Holzer, while cross-examining the Petitioner's witnesses, called no witnesses to contest the variances being requested. Mr. Pat Keller, Director of the Office of Planning, did appear at the hearing and offered testimony, basically in support of his agency's comment dated November 14, 1996. Mr. Keller made certain recommendations in his testimony which were consistent with the written comment submitted by his office. However, some issues raised by the Office of Planning had not been resolved as of the date of the hearing. The Petitioners agreed to resolve those issues with the Office of Planning and submit written documentation of same. By letter dated November 26, 1996, Stuart Kaplow, attorney for the Petitioner, advised this office that all issues with the Planning Office have been resolved. Therefore, my approval of the relief requested shall be conditioned upon the Petitioner's compliance with the agreement

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By [Signature]

reached between them and the Office of Planning, as outlined in the letter dated November 26, 1996.

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

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

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

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

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

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227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

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

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

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

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1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

After considering the testimony offered by the Petitioners as well as the failure of any Protestant to testify in opposition, I find that the relief requested in the Petition for Variance should be granted. The testimony of Mr. Repshur and Mr. Gavrelis was clear and concise and demonstrated that the Petitioner overwhelmingly satisfies the requirements of Section 307.1 of the B.C.Z.R., as well as the various Maryland cases that have interpreted that Section. The testimony offered at the hearing demonstrated that the Petitioner is clearly attempting to develop Sections 1 and 2 with a superior product. Doing away with townhomes and replacing same with larger, upscale single family dwellings will be a tremendous benefit to not only the residents of Avalon, but to all those residents who live nearby. It is difficult to determine why any resident of the surrounding area would oppose the variances being requested by the Petitioners, especially given the fact that the overall density has been reduced by seven (7) units. As stated previously, it is common for developers to alter the style and types of homes they propose to build in a subdivision,

due to market demands or housing trends, particularly when that subdivision was approved many years ago. This has forced many developers to come before this Zoning Commissioner's Office to request blanket variances for lots approved some time ago for a particular type of home, when they now propose to construct a different style and type of house.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of December, 1996 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) for a number of residential lots contained in this subdivision, in accordance with the specific variance requests outlined on Petitioner's Exhibit 1, and the substituted attachment referenced in the Petition for Variance, a copy of which is attached hereto, and as more particularly described on the respective site plans submitted for Sections 1 and 2 of Avalon, in accordance with Petitioner's Exhibits 2A and 2B, be and are 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.

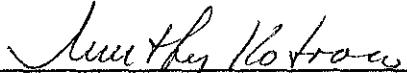
2) In accordance with the agreement reached between the Petitioner and the Office of Planning, as outlined in the letter dated November 26, 1996, at such time as a Landscape Plan is submitted to the Department of Permits and Development Management the Petitioner shall submit a landscape plan for review and approval by the Director of the Office of Planning for landscaping Square Lots 1, 2, and 37 and Narrow Lots 4, 5, 57, 58, 32 thru 34, and 21 thru 24.

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3) When applying for any permits, the site plan and landscaping plans 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 12/16/16
By [Signature]

IN THE MATTER OF
THE APPLICATION OF
AVALON ASSOCIATES, LLC
FOR A VARIANCE ON PROPERTY
LOCATED ON THE NORTH SIDE
PROPOSED GREEN TREE RD, 343'
NW OF C/L HOWARD SQUARE DR;
NE/S PROPOSED GREEN TREE RD,
65' NW OF C/L HOWARD SQUARE
DRIVE (AVALON, SECS. 1 AND 2)
3RD ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 97-182-A

* * * * *

O P I N I O N

This case comes to the County Board of Appeals of Baltimore County based on a Petition for Variance which was granted with restrictions by the Deputy Zoning Commissioner by Order dated December 6, 1996.

Stuart J. Kaplow, Esquire, was counsel for the Developer, Avalon Associates, LLC. Julius W. Lichter, Esquire, represented Valley Village Associates; and J. Carroll Holzer, Esquire, represented Cradock Estates Homeowners' Association. All three counsel offered brief opening statements in support of their respective positions and what they would attempt to prove at the hearing. The case itself involves a request for variance for Section 1 and 2 of the Avalon property which is located in the area of Reisterstown Road and McDonogh Road, Owings Mills, in Baltimore County. The Petitioners were seeking variance relief for a number of residential lots within the subdivision and more specifically identified within Petitioner's Exhibit No. 1, and involved Sections 1 and 2 of Avalon, which were also submitted into evidence at the hearing.

George Gavrelis, Daft-McCune-Walker, Inc., testified in support of the Petitioner's request. Daft-McCune-Walker, Inc., had

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prepared the site plans for the project; and Mr. Gavrelis has appeared before this Board in many hearings as an expert in the field of land planning. He was accepted as an expert by all counsel. Mr. Gavrelis opined that he first became familiar with the Avalon project when the CRG process was in effect in the 1990s; and, then later in the Fall of 1996 when the need for variances was considered. Petitioner's Exhibit No. 1 outlining a listing of the various variances being requested, along with Petitioner's No. 2A and 2B, representing Sections 1 and 2 respectively, were admitted into evidence. Mr. Gavrelis testified that Avalon was a 142-acre development situated on both sides of Reisterstown Road intersecting Old Cradock Road, enjoying a diversity of zones (R.O., D.R.'s, and R.C's). Section 1 and Section 2 physically encompass only a very small portion of the total Avalon property. The Subdivision of Avalon had received CRG approval roughly 8 years ago, with Section 1 being dedicated to 72 townhouses, and Section 2 dedicated to 42 single-family detached homes. However, Sections No. 1 and No. 2 have never been developed since that time due to various appeals and other sundry reasons. Mr. Gavrelis opined that since the time of the CRG approval, conditions have changed in the new home building market in this particular area of Baltimore County. Surveys and demographic statistics have concluded that townhouses would not be saleable for the proposed site.

The Petitioners were proposing to eliminate the townhouses and construct 46 single-family dwellings in Section 2 (the larger lot subdivision) and 61 single-family homes in Section 1 (the smaller lot subdivision). Mathematically, the Petitioner was proposing to

build 107 single-family homes, or seven homes less than the number previously approved by the CRG in the early 1980s. However, Mr. Gavrelis explained that in order to achieve the design intent of the new homes contemplated, due to present day required setbacks and side window restrictions, variances were being requested because many of the originally approved building and setback requirements have significantly changed since the original CRG approval was granted. Present standards permit developers to construct homes in proximity with more windows and reduced setbacks. Mr. Gavrelis stated that the nearby Cobblestone and Weston projects were very similar in nature to those being requested for the Avalon project. Petitioner's Exhibits 8A and 8B were admitted into evidence and represented photos of the Weston and Cobblestone communities. Mr. Gavrelis testified that Weston involved narrow homes, fairly long in length, and Cobblestone, likewise, involved uniform widths. He also stated that it was important to look at the property as a whole, and that the two sections in question were unique in that they are part of a larger development tract (213 acres) with diverse zones that do impact land usage. He further stated that, in the area of practical difficulty, there was no way to achieve density with the CRG, but admitted that strict compliance would not prevent use of the property, but not the way that the Developer has designed it. Mr. Gavrelis testified that he did not believe Section 2 could be built as approved by the CRG without the variances. He also stated that the development plan was consistent with the spirit of the zoning rules and regulations and that the variances could be granted

without injury to others, which included the factors relative to health, safety and general welfare of the community.

Mr. Gavrelis also cited the presence of two major streams which run through the property, the presence of wetlands, some steep slopes, and other limitations of development due to physical land constraints. He also indicated a desire on the part of the Developer to preserve what many considered to be an historic structure which was used as a sales center, but which would be converted to a Community Center in later years. Mr. Gavrelis also testified to the road patterns in the area which impacted development strategy.

On cross-examination by Mr. Holzer, Mr. Gavrelis admitted that there literally were hundreds of variances that were being requested, and that in 1991, when the plan had been approved, the Developer could have built the approved units, just not homes as devised under the new plan. He also agreed that the Weston development was a PUD without variances, and that it was his belief that the Board of Appeals did not grant variances in the Weston case.

At the conclusion of the Petitioner's case-in-chief, a Motion to Dismiss was offered by both Mr. Holzer and Mr. Lichter, based upon the allegation that the Petitioner had failed to meet the criteria required under Cromwell v. Ward (102 Md.App. 691, 1995) and several other cases which have been decided by the higher Maryland courts, and in particular the uniqueness aspect which is fully addressed in both Cromwell v. Ward and the Chesterhaven Beach case (103 Md.App. 324).

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Mr. Kaplow also made a Motion to Dismiss before the Board relative to the standing of both Valley Village Associates and Cradock Estates Homeowners' Association on the basis that they were not persons "aggrieved or feeling aggrieved" as required by Section 26-132 of the Baltimore County Code. Mr. Holzer proffered that Cradock Estates Homeowners' Association was an association that pays property taxes to Baltimore County and the State of Maryland, and that the Association owned four parcels and had adjoining and contiguous property which had been conveyed to the Association but which may or may not have been recorded. It was his belief that the Association did have standing as required by the Baltimore County Code.

Mr. Kaplow disagreed with Mr. Holzer's proffer and stated that the basic issue was whether or not the homeowners' association has standing as an "aggrieved person" under Section 26-132(b) and questioned the Association's geographical limits, and that neither protestant had any legal rights of such a nature which would specifically impact that relief which they were requesting, and in fact the relief requested would actually reduce the number of units by seven, and further that he had heard no evidence presented during the hearing as to how this Association or Valley Village would be affected in any way by the variance request.

Mr. Lichter indicated that he joined with Mr. Holzer's Motion to Dismiss on the bases as argued by Mr. Holzer and that his Association had heard nothing from the Petitioner to this point in time as to their right to be a party to the proceedings. The Board took a recess to review their individual notes and the evidence

which had been offered during the hearing, and reconvened to rule on the various Motions which had been filed during the hearing. The granting of variances is governed by Section 307.1 of the Baltimore County Zoning Regulations, which provides, in relevant part, that variances may be granted:

"...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance...would result in practical difficulty or unreasonable hardship."

The Court of Special Appeals, in Cromwell v. Ward, 102 Md.App. 691 (1995), has construed this regulation to mean that obtaining a variance is basically a two-step process: The first step requires a finding that the subject property is unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. The second step requires a finding that denial of the requested variance would result in practical difficulty or unreasonable hardship. The question, therefore, which must be addressed by the Board and responded to relative to the evidence and testimony presented at the hearing is basically (1) is the subject property unique and are there special circumstances or conditions that exist which are peculiar to the land; (2) will strict compliance with the regulations result in practical difficulty or unreasonable hardship; and (3) if the variance were granted, would it be detrimental to the surrounding area. The Board's conclusion with regard to each of these issues must be supported by detailed factual findings, and the party seeking the

variance bears the burden of showing that each requirement is satisfied.

While the Board has considerable respect for the expert standing of Mr. Gavrelis in matters of land planning, the Board must conclude that the testimony and evidence produced at the hearing was not sufficient to convince the Board members that the subject property qualifies for the numerous variances that were being requested. The Board is of the opinion that there were no circumstances or conditions that were peculiar to the land or structure that was the subject of the variance request. A "peculiar" condition is one that is "uncommon," "unusual," or "distinguished" in character or nature from others (Random House Dictionary of the English Language, 1967); and, as the Court of Appeals stated in the Easter case, 195 Md. 400, the existence of special circumstances must be tested against "other property in the neighborhood," and in the North case, 99 Md.App. 514, "...the property must have an inherent characteristic not shared by other properties in the area." There must be special circumstances that can be tested against other properties in the area or neighborhood that are subject to the same zoning restrictions. The reason is quite obvious. For a variance to be granted without such a showing, the exceptions to a particular restriction will ultimately swallow up the rule. The Board has observed by way of the testimony and evidence that what is present in this situation is a development plan that was approved in 1991 that could have gone forward without variances, but did not; and that this Board is now being requested to sanction changes, not because of the uniqueness

of the land, but rather because the market has changed and a different style of housing may be required based on marketing reports conducted by the Developer. Admittedly, the substitute housing is very attractive and may be more favorably marketed. However, the testimony very clearly shows that, in the absence of granting the variances requested, alternate plans can be developed that will ensure adequate usage of the sites involved.

Additionally, the Board has no difficulty in concluding that the property does not contain unique characteristics. It is the Board's conclusion that the variance request is driven more for the purpose of profit and the need for the variances has been self-inflicted by the Developer. It is the Developer who has drawn the plan and configured the lots in such a manner as to require the requested variances. We cannot conclude from the testimony that the plan as presented is the only one possible, and it certainly appears reasonable to conclude that a plan could have been drawn providing for lots without the requested variances.

For these reasons, the Board declines to grant the requested variances on the ground that the Developer has failed to establish the uniqueness criteria and, further, that the hardship or practical difficulty experienced by the Developer was self-inflicted, and nothing precludes the development of the property under the existing plan with various requested variances being denied.

As to the Motion to Dismiss the appeal filed by the Developer based upon Section 26-132 of the Baltimore County Code, that section recites: "Any person or persons, jointly or severally, or

any taxpayer aggrieved or feeling aggrieved by any decision or order of zoning administration and development management shall have the right to appeal therefrom to the county board of appeals." Those appeals shall be heard and disposed of by the County Board of Appeals as may be provided in the Charter and in the Board's own Rules of Procedure. Under (B), the term, "persons aggrieved or feeling aggrieved" includes a duly constituted civic, improvement or community association provided the property or issue which is the subject of the final order being appealed is located within the geographical limits of the association, said limits to be defined and determined by the first of the following criteria found applicable (1-3). Section (B) is general in nature, and was crafted in that manner by the County Council deliberately to enable any such aggrieved person to have his or her day in court. While Counsel for both corporations representing the protestants have not seen fit to disclose or be specific as to how they are impacted or are in any way different from having a general interest, such as is the concern shared by the public in general, or such a nature or type as to give the members of the association a valid and discernible property interest therein or right thereto, nevertheless this Board has traditionally taken a very liberal view of what constitutes a "person aggrieved" or "feeling aggrieved." In Morris v. Residential and Development Corporation, 278 Md. 417, 365 A.2d 34 (1976), the Court of Appeals held that under Maryland common law, anyone clearly identifying himself for the record as having an interest in the outcome of a matter being considered by an administrative agency becomes a party to the proceeding absent

a reasonable agency or other regulation providing for a more formal method of becoming a party. In that case, the Court noted that the format before an administrative agency is intentionally designed to be informal so as to encourage citizen participation. Again, citing Morris, the Court of Appeals held that the appellant clearly established himself as a party before the administrative agency merely by being present and providing testimony at the agency's administrative hearing. Such a determination clearly follows the Court's long-standing tradition of allowing standing to one who expresses an interest in the case before an administrative agency. In Baxter v. Montgomery County, 248 Md. 111-113, 235 A.2d 536 (1967), the Court also held that merely submitting a name in writing as a protestant is sufficient, and in Bzyniarski v. Montgomery County, 247 Md. 137, 143, 230 A.2d 289, 293-294 (1967) merely appearing and testifying before the agency was sufficient, and in Dubay v. Crane, 240 Md. 180, 184, 213 A.2d 487-489 (1995), simply identifying oneself on the record as a party was sufficient.

Therefore, it is clear that, in administrative actions, standing is established through merely expressing an interest on a matter before an agency considering the proceedings, inquiry or investigation. It is the conclusion of the Board, therefore, that the protestants are proper parties to appeal the matter in question within the broad liberal interpretations of being a "person feeling aggrieved."

O R D E R

THEREFORE, IT IS THIS 4th day of September, 1997 by

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the County Board of Appeals of Baltimore County

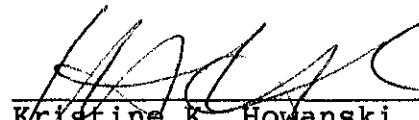
ORDERED that Petitioner's Motion to Dismiss the appeals of Appellants /Protestants in these proceedings be and the same is hereby DENIED; and it is further

ORDERED that Protestants' Motion to Dismiss this matter for Petitioner's failure to meet his burden of proof be and the same is GRANTED; and it is further

ORDERED that Petitioner's request for variances for Sections 1 and 2 of Avalon are therefore DENIED.

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

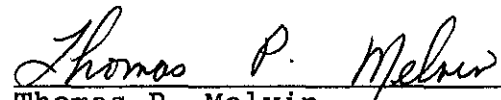
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Kristine K. Howanski, Chairman



Charles L. Marks



Thomas P. Melvin

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
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410-887-3180

September 4, 1997

J. Carroll Holzer, P.A.
HOLZER AND LEE
305 Washington Avenue, Ste 502
Towson, MD 21204

Julius W. Lichter, Esquire
LEVIN & GANN, P.A.
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. 97-182-A
Avalon Associates, LLC

Dear Counsel:

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

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

Very truly yours,


Kathleen C. Bianco
Administrator

Enclosure

cc: Stuart J. Kaplow, Esquire
John Colvin, Avalon Assoc.
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED

IN THE MATTER OF:
AVALON ASSOCIATES, LLC
Proposed Green Tree Road,
NW of Howard Square Drive
(Avalon, Secs. 1 and 2)
3rd E; 3rd C

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case #97-182-A

* * * * *

MOTION TO DISMISS

AVALON ASSOCIATES, LLC, Petitioner, by its attorneys, Stuart D. Kaplow and Stuart D. Kaplow, P.A., respectfully requests that the County Board Of Appeals dismiss the appeal noted by Valley Village Associates and for cause says:

1. That Protestant, Valley Village Associates, is apparently the owner and operator of an office and retail complex fronting on Reisterstown Road.

2. That "[a] person whose sole reason for objecting to the board's action is to prevent competition with his established business is not a person aggrieved." *Kreatchman v. Ramsburg*, 224 Md. 209 (1961).

3. That Protestant can not allege that its personal or property rights are specially or adversely affected by this Board's contemplated action because the change to the already approved plan (i.e., a reduction in number of residential units and change from townhouse units to single family units) has no implications nor affects beyond the limited area that is the subject of this action, as a component of the larger Avalon subdivision.

4. Whatever, the Protestant's interests may be, it is not a person aggrieved or feeling aggrieved.

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WHEREAS, the Petitioner respectfully requests:

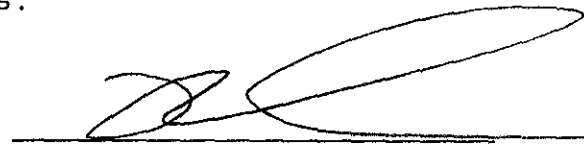
A. That the appeal by Valley Villages Associates be dismissed; and

B. For such other and further relief as the nature of this cause may require.


Stuart D. Kaplow
Stuart D. Kaplow, P.A.
502 Baltimore Avenue
Towson, MD 21204
410-339-3910
Attorneys for Petitioners

Certificate of Service

I HEREBY CERTIFY that on this 3 day of June, 1997, a copy of the foregoing motion was hand delivered to J. Carroll Holzer, Esquire, attorney for Appellants Cradock Estates Homeowners Association, and to Julius W. Lichter, Esquire, attorney for Appellant Valley Village Associates.


Stuart D. Kaplow

MICROFILMED

IN THE MATTER OF:
AVALON ASSOCIATES, LLC
Proposed Green Tree Road,
NW of Howard Square Drive
(Avalon, Secs. 1 and 2)
3rd E; 3rd C

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case #97-182-A

* * * * *

MOTION TO DISMISS

AVALON ASSOCIATES, LLC, Petitioner, by its attorneys, Stuart D. Kaplow and Stuart D. Kaplow, P.A., respectfully requests that the County Board Of Appeals dismiss the appeal noted by Cradock Estates Homeowners' Association [sic] and for cause says:

1. It is not clear who or what has appealed the decision of the Deputy Zoning Commissioner granting the variances requested, as noted by J. Carroll Holzer's Notice Of Appeal.

2. The Notice Of Appeal identifies the "Appellants" (plural) as only "Cradock Estates Homeowners Association," a presumably unincorporated association because the name does not contain a suffix such as Inc., Co., Ltd. or some other designation required by Maryland corporate law.

3. That as an unincorporated association, the entity is a partnership comprised of its members.

4. That whatever type of entity the Protestant may be, it is significant that no entity using the name "Cradock Estates Homeowners Association" owns real estate nor pays Property Taxes to Baltimore County.¹

¹ A cursory review of both the land records for Baltimore County and the records of the State Department of Assessments and Taxation indicates the common elements in the Cradock Estates subdivision are owned by Diversified Cradock Estates Limited Partnership, a limited partnership unrelated to the Protestant.

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4. That whatever type of entity the Protestant may be, it does not have standing to maintain this appeal because "it has no property interest of its own - separate and distinct from that of its individual members - which may be affected by any of the alleged acts under attack." *Citizens Planning & Housing Assn'n v. County Executive of Baltimore County*, 273 Md. 333 (1974).

5. Protestant does not have standing because the association is neither a taxpayer nor an aggrieved party. *Largo Civic Ass'n v. Prince George's County*, 21 Md. App. 76 (1974).

6. Protestant does not satisfy the definition of a community association as a "person aggrieved or feeling aggrieved," in Baltimore County Code Section 26-132(b), in that the property which is the subject of the Deputy Zoning Commissioner's order is not "located within the geographic limits of the association;" nor is within the association's "assessable tax base," nor of "such a nature as to personally and specifically affect, damage, or impact the members of that associations in a way different from that suffered by the members of any other associations ...;" "or of such a nature or type as to give the members of the association a valid and discernable property interest ..."

7. Whatever, the Protestant may be, partnership, corporation or whatever, it is not a person aggrieved or feeling aggrieved.

WHEREAS, the Petitioner respectfully requests:

A. That the appeal by "Appellants Cradock Estates Homeowners Association" be dismissed; and

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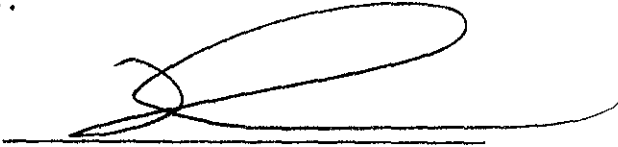
B. For such other and further relief as the nature of this cause may require.



Stuart D. Kaplow
Stuart D. Kaplow, P.A.
502 Baltimore Avenue
Towson, MD 21204
410-339-3910
Attorneys for Petitioners

Certificate of Service

I HEREBY CERTIFY that on this 3 day of June, 1997, a copy of the foregoing motion was hand delivered to J. Carroll Holzer, Esquire, attorney for Appellants Cradock Estates Homeowners Association, and to Julius W. Lichter, Esquire, attorney for Appellant Valley Village Associates.



Stuart D. Kaplow

MICROFILMED

IN RE:

PETITION FOR VARIANCE
N/S Proposed Green Tree Road,
343' NW of c/l Howard Square Dr.;
NE/S Proposed Green Tree Road,

65' NW of c/l Howard Square Dr.
(Avalon, Secs. 1 and 2)

Avalon Associates, LLC
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-182-A

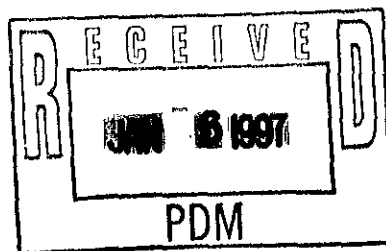
* * * * *

NOTICE OF APPEAL

Appellants Cradock Estates Homeowners Association by and through their attorney
J. Carroll Holzer and Holzer and Lee, hereby note an appeal to the County Board of Appeals
from the decision of the Deputy Zoning Commissioner of Baltimore County rendered on
December 6, 1996.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore
County to cover the costs of the appeal.

Respectfully submitted,



J. Carroll Holzer and Lee
J. Carroll Holzer
Holzer and Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204
Attorney for Appellants

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CERTIFICATE OF SERVICE

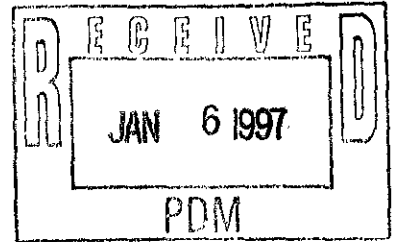
I HEREBY CERTIFY that on the 6th day of January, 1997 a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Stuart D. Kaplow, Esq., 502 Baltimore Avenue, Towson, MD 21204 and Howard Alderman, Esq., 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204.

J. Carroll Holzer
J. Carroll Holzer

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)



JULIUS W. LICHTER

January 6, 1997

HAND DELIVERED

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

HAND DELIVERED

Timothy M. Kotroco, Deputy Zoning
Commissioner of Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Appeal from the Final Action of the Deputy Zoning
Commissioner of Baltimore County of December 6, 1996,
granting the Petition for Variance of Avalon Associates,
LLC in Case No. 97-182-A.

Dear Gentlemen:

Please note an Appeal on behalf of Valley Village Associates
from the final action of the Deputy Zoning Commissioner of
Baltimore County on December 6, 1996 granting the Petition for
Variance of Avalon Associates, LLC in Case No. 97-182-A.

The requisite filing fee is enclosed.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Julius W. Lichter".

Julius W. Lichter

Enclosure
JWL/rdp

MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 6, 1996

Stuart D. Kaplow, Esquire
502 Baltimore Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
N & NE/S Prop. Green Tree Rd, 343' & 65' NW of c/l Howard Square Dr.
(Avalon, Secs. 1 and 2)
Avalon Associates, LLC - Petitioner
Case No. 97-182-A

Dear Mr. Kaplow:

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

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

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. John Colvin, Avalon Associates, LLC
124 Slade Avenue, Suite 200, Baltimore, Md. 21208

J. Carroll Holzer, Esquire, 305 Washington Avenue, Towson, Md. 21204

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

Messrs. George E. Gavrelis and Tom Repshur, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286

Mr. Louis Greenfeld, 9207 Harvest Rush Road, Owings Mills, Md. 21117
Ms. Mindy Per, 14 Dandelion Court, Owings Mills, Md. 21117

People's Counsel; Case File

MICROFILMED

RE: PETITION FOR VARIANCE

Section I: N/S proposed Greene Tree Rd,
343' NW of c/l Howard Square Dr and NE of
Stone Chapel Rd and Reisterstown Rd.
Section II: NE/S proposed Greene Tree Rd,
65' NW of c/l Howard Square Dr and NE of
Stone Chapel Rd and Reisterstown Rd.
3rd Election District, 3rd Councilmanic

Avalon Associates, LLC
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-182-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November, 1996, a copy of the foregoing Entry of Appearance was mailed to Stuart D. Kaplow, Esq., 502 Baltimore Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

182



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at NW side of Green Tree Rd. N of Stone Chapel La.

which is presently zoned DR-3.5

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

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

(See Attached)

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

That the property is unique and unusual such that the uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property.

Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

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

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

Contract Purchaser/Lessee:

Type or Print Name

Signature

Address

State Zipcode

Attorney for Petitioner

Stuart D. Kaplow
Type or Print Name

Stuart D. Kaplow, P.A.

Signature

502 Baltimore Avenue 410-339-3910
Address Phone No.

Towson MD 21204
City State Zipcode

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

Legal Owner(s).

Avalon Associates, LLC
Type or Print Name

Signature

John Colvin, member
Type or Print Name

Signature

124 Slade Avenue, #200 410-486-1234
Address Phone No.

Baltimore MD 21208
City State Zipcode

Name, Address and phone number or representative to be contacted

Stuart D. Kaplow
Name
502 Baltimore Avenue
Towson, MD 21204 410-339-3910
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____ MICROFILMED

ORDER RECEIVED FOR FILING

Date

DROP OFF
NO REVIEW

10/15/96
WER



Printed with Soybean Ink
on Recycled Paper



Avalon

Listing of Variances Requested

Section 1

October 9, 1996

Part I

A. CMDP Section V.B.6.a pursuant to Section 504 B.C.Z.R. to permit Window to Street Right-of-Way separation as follows:

1. Front Window to Street Right-of-Way: 20' separation in lieu of required 25', if necessary.
2. Side Window to Street Right-of-Way: 20' separation in lieu of required 25', if necessary.
3. Front Window to Street Right-of-Way: 10' separation in lieu of required 25', if necessary.
4. Corner Lot Side Window to Street Right-of-Way: 10' separation in lieu of required 25', if necessary.
5. Corner lot Side Window to Street Right-of-Way: 3' separation in lieu of required 25', if necessary.
6. Side Bay Window to Street Right-of-Way: 1' separation in lieu of required 25', if necessary.

B. CMDP Section V.B.6.b pursuant to Section 504 B.C.Z.R. to permit Window to Property Line separation as follows:

1. Window to Side Lot Line: 3 foot separation in lieu of required 15 feet, if necessary.
2. Window to Front Lot Line: 10 foot separation in lieu of required 15 feet, if necessary.
3. Bay Window to Side Lot Line: 1 foot separation in lieu of required 15 feet, if necessary.

C. Section 1B01.2.C.2.b . B.C.Z.R. and CMDP Section V.B.6.c pursuant to Section 504 B.C.Z.R. to permit Window to Window separation as follows:

1. Side Window to Side Window: 10 foot separation in lieu of required 40 feet, if necessary; 6 foot separation between Bay Windows, if necessary.
2. Side Window to Rear Window: 29 foot separation in lieu of required 40 feet, if necessary; 25 foot separation between Bay Windows, if necessary.
3. Side Window to Rear Window: 23 foot separation in lieu of required 40 feet, if necessary; 19 foot separation between Bay Windows, if necessary.

ORDER RECEIVED FOR FILING

Date

By

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4. Rear Window to Rear Window: 36 foot separation in lieu of required 40 feet, if necessary; 32 foot separation between Bay Windows, if necessary.

D. Section 1B01.2.C.1 B.C.Z.R. and CMDP Section V.B.3.b. pursuant to Section 504 B.C.Z.R. to permit Building to Building height/distance separation as follows:

1. Building to Building: 10 foot separation in lieu of required 40 feet for heights of 30 feet to 40 feet; and 10 foot in lieu of required 30 feet for heights of 25 feet to 30 feet, if necessary.

E. Section 1B01.C.2.a. B.C.Z.R. and CMDP Section V.B.5.a pursuant to Section 504 B.C.Z.R. to permit Window to Tract Boundary separation as follows:

1. Window to Tract Boundary: 15 foot separation in lieu of required 35 feet, if necessary.
2. Window to Tract Boundary: 6 foot separation in lieu of required 35 feet, if necessary.

F. Section 1B01.2.C.Z.a. B.C.Z.R. and CMDP Section V.B.5.a pursuant to Section 504 B.C.Z.R. to permit Bay Window to Tract Boundary separation as follows:

1. Bay Window to Tract Boundary: 13 foot separation in lieu of required 35 feet, if necessary.
2. Bay Window to Tract Boundary: 4 foot separation in lieu of required 35 feet, if necessary.

G. CMDP Section V.B.5.b pursuant to Section 504 B.C.Z.R. to permit Building to Tract Boundary separation as follows:

1. Building to Tract Boundary: 15 foot separation in lieu of the required 30 feet, if necessary.
2. Building to Tract Boundary: 6 foot separation in lieu of the required 30 feet, if necessary.

H. CMDP Section V.B.8 pursuant to Section 504 B.C.Z.R. to permit Garage Carport Setback separation as follows:

Garage to Street: 20 foot separation in lieu of the required 22 feet.

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ORDER RECEIVED FOR FILING
Date 12/1/96
By [Signature]

Part II

Assuming Part I variances are granted, the following variances for projections into yards are requested:

Section 301.1A B.C.Z.R. and CMDP Section V.B.5.b pursuant to Section 504 B.C.Z.R. to permit open, unenclosed decks or patios to project into required yard in lieu of the required 25% maximum as follows:

A. Projection Separation to Tract Boundary:

1. Building/Window separation to Tract Boundary per variance is 15 feet. Variance request to permit an open, unenclosed deck or patio to project 4 feet in lieu of the permitted 3.75 foot projection and the normal 7.5 feet.
2. Building/Window separation to Tract Boundary per variance is 6 feet. Variance request to permit an open, unenclosed deck or patio to project 4 feet in lieu of the permitted 1 foot projection and the normal 7.5 feet.

B. Projection Separation to Side Property Line

1. Building/Window separation to Side Property Line per variance is 3 feet. Variance request to permit an open, unenclosed deck or patio to project 2 feet in lieu of the permitted .75 foot projection and the normal 3.75 feet.
2. Building/Window separation to Side Property Line per variance is 3 feet, if necessary. Variance request to permit an open, unenclosed deck or patio to project 4 feet into a minimum 5 foot side yard in lieu of the permitted 1.25 foot projection and the normal 3.75 feet.

ORDER RECEIVED FOR FILING

Date

By

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ORDER RECEIVED FOR FILM
 Date 12/6/96
 By [Signature]

AVALON SECTION 1
 NOVEMBER 11, 1996

VARIANCES REQUESTED

Part I

Lot	A-1	A-2	A-3	A-4	A-5	A-6	B-1	B-2	B-3	C-1	C-2	C-3	C-4	D	E-1	E-2	F-1	F-2	G-1	G-2	H
1	X						X		X	X		X		X							X
2	X						X		X	X		X		X							X
3	X		X		X		X		X	X		X		X							X
4	X						X		X	X		X		X							X
5	X						X		X	X				X							X
6				X			X		X	X				X							X
7	X	X					X		X	X				X							X
8	X						X		X	X				X							X
9	X						X		X	X				X							X
10	X						X		X	X				X							X
11	X						X		X	X				X							X
12	X						X		X	X				X							X
13							X	X	X	X				X							X
14	X						X	X	X	X				X							X
15							X	X	X	X				X							X
16							X	X	X	X				X							X
17							X	X	X	X				X							X
18	X						X		X	X				X							X
19	X						X		X	X				X	X				X		X
20	X				X		X		X	X				X	X				X		X
21	X						X		X	X				X		X					X
22	X						X		X	X				X							X
23	X						X		X	X				X							X
24			X				X		X	X		X		X							X
25		X					X		X	X				X							X
26	X						X		X	X				X							X
27	X						X		X	X				X							X
28	X						X		X	X				X							X
29	X	X					X		X	X				X							X
30	X						X		X	X				X							X
31	X		X		X	X	X		X	X	X			X							X

Part II

Lot	A-1	A-2	B-1	B-2
1			X	X
2			X	X
3			X	X
4			X	X
5			X	X
6			X	X
7			X	X
8			X	X
9			X	X
10			X	X
11			X	X
12			X	X
13			X	X
14			X	X
15			X	X
16			X	X
17			X	X
18			X	X
19			X	X
20			X	X
21		X	X	X
22			X	X
23			X	X
24			X	X
25			X	X
26			X	X
27			X	X
28			X	X
29			X	X
30			X	X
31			X	X

ORDER RECEIVED FOR FILING

Date

12/16/96

By

[Signature]

AVALON SECTION 1
NOVEMBER 11, 1996

VARIANCES REQUESTED

Part I

Lot	A-1	A-2	A-3	A-4	A-5	A-6	B-1	B-2	B-3	C-1	C-2	C-3	C-4	D	E-1	E-2	F-1	F-2	G-1	G-2	H
32	X						X		X	X	X			X							X
33	X						X		X	X				X							X
34	X						X		X	X				X			X		X		X
35	X						X		X	X				X			X		X		X
36	X						X		X	X				X							X
37	X						X		X	X				X							X
38	X		X		X		X		X	X				X							X
39	X						X		X	X				X							X
40	X						X		X	X				X							X
41	X						X		X	X				X							X
42	X						X		X	X				X							X
43	X						X		X	X				X							X
44	X						X		X	X				X							X
45	X						X		X	X				X							X
46	X						X		X	X				X							X
47	X						X		X	X				X							X
48	X						X		X	X				X							X
49	X						X		X	X				X							X
50			X		X		X		X	X				X							X
51	X						X		X	X				X							X
52	X						X		X	X				X							X
53	X						X		X	X				X							X
54	X		X		X		X		X	X				X							X
55	X						X		X	X				X							X
56	X						X		X	X				X							X
57	X						X		X	X				X							X
58	X						X		X	X				X							X
59	X		X		X		X		X	X				X							X
60	X						X		X	X				X							X
61	X	X					X		X	X				X							X

Part II

Lot	A-1	A-2	B-1	B-2
32			X	X
33			X	X
34	X		X	X
35		X	X	X
36			X	X
37			X	X
38			X	X
39			X	X
40			X	X
41			X	X
42			X	X
43			X	X
44			X	X
45			X	X
46			X	X
47			X	X
48			X	X
49			X	X
50			X	X
51			X	X
52			X	X
53			X	X
54			X	X
55			X	X
56			X	X
57			X	X
58			X	X
59			X	X
60			X	X
61			X	X

MICROFILMED

Avalon

Listing of Variances Requested

Section 2

November 11, 1996

Part I.

- A. CMDP Section V.B.6.a pursuant to Section 504 B.C.Z.R. to permit Window to Street Right-of-Way separation as follows:
1. Front Window to Street Right-of-Way: 20' separation in lieu of required 25', if necessary.
 2. Front Window to Street Right-of-Way: 15' separation in lieu of required 25', if necessary.
 3. Front Window to Street Right-of-Way: 13' separation in lieu of required 25', if necessary.
 4. Side Window to Street Right-of-Way: 8' separation in lieu of required 25', if necessary.
- B. CMDP Section V.B.6.b pursuant to Section 504 B.C.Z.R. to permit Window to Property Line separation as follows:
1. Window to Side Lot Line: 3 foot separation in lieu of required 15 feet, if necessary.
 2. Window to Front Lot Line: 12 foot separation in lieu of required 15 feet, if necessary.
 3. Window to Front Lot Line: 12 foot separation in lieu of required 15 feet, if necessary.
- C. Section 1B01.2.C.2.b B.C.Z.R. and CMDP Section V.B.6.c pursuant to Section 504 B.C.Z.R. to permit Side Window to Side Window separation as follows:
1. Side Window to Side Window: 20 foot separation in lieu of required 40 feet, if necessary; 16 foot separation between Bay Windows, if necessary.
 2. Side Window to Side Window: 18 foot separation in lieu of required 40 feet, if necessary; 14 foot separation between Bay Windows, if necessary.
 3. Side Window to Side Window: 16 foot separation in lieu of required 40 feet, if necessary; 12 foot separation between Bay Windows, if necessary.
 4. Side Window to Side Window: 12 foot separation in lieu of required 40 feet, if necessary; 8 foot separation between Bay Windows, if necessary.

ORDER RECEIVED FOR FILING

Date

By

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D. Section 1B01.2.C.1 B.C.Z.R. and CMDP Section V.B.3 pursuant to Section 504 B.C.Z.R. to permit Building to Building height/distance separation as follows:

1. Building to Building: 20 foot separation in lieu of required 40 feet for heights of 30 feet to 40 feet; and 20 foot in lieu of required 30 feet for heights of 25 feet to 30 feet, if necessary.
2. Building to Building: 18 foot separation in lieu of required 40 feet for heights of 30 feet to 40 feet; and 18 foot in lieu of required 30 feet for heights of 25 feet to 30 feet, if necessary.
3. Building to Building: 16 foot separation in lieu of required 40 feet for heights of 30 feet to 40 feet; and 16 foot in lieu of required 30 feet for heights of 25 feet to 30 feet, if necessary.
4. Building to Building: 12 foot separation in lieu of required 40 feet for heights of 30 feet to 40 feet; and 12 foot in lieu of required 30 feet for heights of 25 feet to 30 feet, if necessary.

E. Section 1B01.2.C.2.a. B.C.Z.R. and CMDP Section V.B.5.a pursuant to Section 504 B.C.Z.R. to permit Window to Tract Boundary separation as follows:

1. Window to Tract Boundary: 30 foot separation in lieu of required 35 feet, if necessary.
2. Window to Tract Boundary: 28 foot separation in lieu of required 35 feet, if necessary.
3. Window to Tract Boundary: 24 foot separation in lieu of required 35 feet, if necessary.
4. Window to Tract Boundary: 20 foot separation in lieu of required 35 feet, if necessary.
5. Window to Tract Boundary: 15 foot separation in lieu of required 35 feet, if necessary.

F. CMDP Section V.B.5.b pursuant to Section 504 B.C.Z.R. to permit Building to Tract Boundary separation as follows:

1. Building to Tract Boundary: 28 foot separation in lieu of the required 30 feet, if necessary.
2. Building to Tract Boundary: 24 foot separation in lieu of the required 30 feet, if necessary.
3. Building to Tract Boundary: 20 foot separation in lieu of the required 30 feet, if necessary.

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Date

By

MICROFILMED

4. Building to Tract Boundary: 15 foot separation in lieu of the required 30 feet, if necessary.
- G. Section 1B01.2.C.2.b B.C.Z.R. and CMDP Section V.B.6.c pursuant to Section 504 B.C.Z.R. to permit Window to Window separation as follows:
1. Front Window to Side Window: 33 foot separation in lieu of the required 40 feet, if necessary; 29 foot separation with Bay Windows, if necessary.
 2. Front Window to Side Window: 27 foot separation in lieu of the required 40 feet, if necessary; 23 foot separation between Bay Windows, if necessary.
 3. Front Window to Side Window: 20 foot separation in lieu of the required 40 feet, if necessary; 16 foot separation between Bay Windows, if necessary.
 4. Side Window to Rear Window: 30 foot separation in lieu of the required 40 feet, if necessary; 26 foot separation between Bay Windows, if necessary.
- H. CMDP Section V.B.8 pursuant to Section 504 B.C.Z.R. to permit Garage Carport Setback separation as follows:

Garage to Street: 20 foot separation in lieu of the required 22 feet.

Part II.

Assuming Part I variances are granted, the following variances for projections into yards are requested:

Section 301.1 B.C.Z.R. and CMDP Section V.B.5.b pursuant to Section 504 B.C.Z.R. to permit open, unenclosed decks or patios to project into required yard in lieu of the required 25% maximum as follows:

- A. Projection Separation to Tract Boundary:
1. Building/Window separation to Tract Boundary per variance is 28 feet. Variance request to permit an open, unenclosed deck or patio to project 12 feet in lieu of the permitted 7 foot projection and the normal 7.5 feet.
 2. Building/Window separation to Tract Boundary per variance is 25 feet. Variance request to permit an open, unenclosed deck or patio to project 12 feet in lieu of the permitted 6.25 foot projection and the normal 7.5 feet.
 3. Building/Window separation to Tract Boundary per variance is 20 feet. Variance request to permit an open, unenclosed deck or patio to project 12 feet in lieu of the permitted 5 foot projection and the normal 7.5 feet.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

4. Building/Window separation to Tract Boundary per variance is 15 feet. Variance request to permit an open, unenclosed deck or patio to project 12 feet in lieu of the permitted 3.75 foot projection and the normal 7.5 feet.

B. Projection Separation to Rear Property Line

1. Variance to permit an open, unenclosed deck or patio to project 12 feet into the 20 foot rear yard in lieu of the permitted 5 foot projection.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

AVALON SECTION 2
NOVEMBER 11, 1996

VARIANCES REQUESTED

Part I

Part II

Lot	A-1	A-2	A-3	A-4	B-1	B-2	B-3	C-1	C-2	C-3	C-4	D-1	D-2	D-3	D-4	E-1	E-2	E-3	E-4	E-5	F-1	F-2	F-3	F-4	G-1	G-2	G-3	G-4	H
1	X				X					X				X	X													X	X
2					X					X				X	X													X	X
3					X					X				X	X													X	X
4					X					X				X	X													X	X
5					X					X				X	X													X	X
6					X					X				X	X													X	X
7					X					X				X	X													X	X
8					X					X				X	X													X	X
9					X					X				X	X													X	X
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18					X					X				X	X													X	X
19					X					X				X	X													X	X
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30					X					X				X	X													X	X
31					X					X				X	X													X	X
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40					X					X				X	X													X	X
41					X					X				X	X													X	X
42					X					X				X	X													X	X
43					X					X				X	X													X	X
44					X					X				X	X													X	X
45					X					X				X	X													X	X
46					X					X				X	X													X	X

Lot	A-1	A-2	A-3	A-4	B-1
1					X
2					X
3					X
4					X
5					X
6					X
7					X
8					X
9					X
10					X
11					X
12					X
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36					X
37					X
38					X
39					X
40					X
41					X
42					X
43					X
44					X
45					X
46					X

MICROFILMED

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

No. *ITEM 182*
023399

DROP-OFF PETITION; NO REVIEW

DATE 10/18/96 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Questar Builders
#020 - VARIANCE
Avalon - Section 1
FOR: _____

03A9110040MICHRG \$250.00
BA COLL:25AM10-18-96

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

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

No. *029887*

DATE 1/6/97 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Levin & Gann, P.A.
FOR: Appeal # 97-182-A

02A9110270MICHRG \$210.00
BA COLL:17AM03-07-97

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED *Rye*

CERTIFICATE OF POSTING

RE: Case No.: 97-182-A

Petitioner/Developer: AVALON ASSOC, ETAL
& STUART KAPLOW, ESQ

Date of Hearing/Closing: 11/15/96

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

PETITION
EXHIBIT 9

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at THE ENDS OF
GREENTREE ROAD, HOWARD SQUARE ROAD AND
STONE CHAPEL ROAD

The sign(s) were posted on

10/31/96
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 11/1/96
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

666-5366
(Telephone Number)

END GREENE TREE RD.

C. @ END OF HOWARD SQUARE RD.

MICROFILMED

C. @ END OF STONE CHAPEL RD.

ZONING NOTICE

Case #: 97-182-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE ROOM 106 COUNTY OFFICE BLDG.
TIME & DATE: FRI NOV 15, 1996 AT 11:00 A.M.
VARIANCES
AVALON - 46 STONE CHAPEL ROAD

ZONING NOTICE

Case #: 97-182-A
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

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

No.

029887

DATE 1/6/97 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Levin & Gann, P.A.

FOR: Appeal # 97-182-A

02A91HD279M1CHRC \$210.00

BA 6009116AM03-07-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

RJE

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

No.

029885

DATE 1/6/97 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: J. Carroll Holzer

FOR: Appeal # 97-182-A

02A91HD279M1CHRC \$210.00

BA 6009116AM03-07-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

RJE

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

No.

029885

DATE 1/6/97 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: J. Carroll Holzer

FOR: Appeal # 97-182-A

02A91HD279M1CHRC \$210.00

BA 6009116AM03-07-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

RJE

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TO: PUTUXENT PUBLISHING COMPANY
October 31, 1996 Issue - Jeffersonian

Please forward billing to:

Stuart D. Kaplow, Esq.
502 Baltimore Avenue
Towson, MD 21204
339-3910

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: 97-182-A (Item 182)

Section I:

N/S proposed Greene Tree Road, 343' NW of c/l Howard Square Drive and NE of Stone Chapel Road and Reisterstown Road

Section II:

NE/S Proposed Greene Tree Road, 65' NW of c/l Howard Square Drive and NE of Stone Chapel Road and Reisterstown Road

3rd Election District - 3rd Councilmanic

Legal Owners: Avalon Associates, LLC

Variance for Section I to permit window to street right-of-way setbacks of 57 out 61 lots, to permit window to property line setbacks for 61 out of 61 lots, to permit window to window setbacks for 61 out of 61 lots, to permit building to building setbacks for 61 out of 61 lots, to permit window to tract boundary setbacks for 5 out 61 lots and to permit bay window to tract boundary setbacks for 5 out 61 lots, to permit building to tract boundary setbacks for 5 out of 61 lots, to permit garage carports setbacks for 61 out of 61 lots, to permit open decks or patios projection separation to tract boundary setbacks for 3 out 61 lots, and to permit projection separation to side property line setbacks of 61 out 61 lots; for Section II to permit window to street-right of way setbacks for 39 out 46 lots, to permit window to property line setbacks for 46 out of 46 lots, to permit side window to side window setbacks for 45 out 46 lots, to permit building to building setbacks for 45 out of 46 lots, to permit window to tract boundary setbacks for 14 out of 46 lots, to permit building to tract boundary setbacks for 11 out of 46 lots, to permit window to window setbacks for 8 out of 46 lots, to permit garage carport setbacks for 3 out of 46 lots, to permit open, unenclosed decks or patios projection separation to tract boundary setbacks for 11 out of 46 lots, and to permit projection separation to rear property line setbacks for 11 out of 46 lots.

HEARING: FRIDAY, NOVEMBER 15, 1996 at 11:00 a.m. in Room 106, County Office Building.

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

October 25, 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: 97-182-A (Item 182)

Section I: N/S proposed Greene Tree Road, 343' NW of c/l Howard Square Drive and NE of Stone Chapel Road and Reisterstown Road

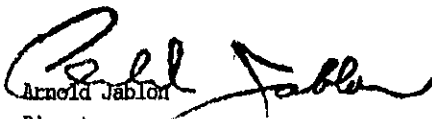
Section II: NE/S Proposed Greene Tree Road, 65' NW of c/l Howard Square Drive and NE of Stone Chapel Road and Reisterstown Road

3rd Election District - 3rd Councilmanic

Legal Owners: Avalon Associates, LLC

Variance for Section I to permit window to street right-of-way setbacks of 57 out 61 lots, to permit window to property line setbacks for 61 out of 61 lots, to permit window to window setbacks for 61 out of 61 lots, to permit building to building setbacks for 61 out of 61 lots, to permit window to tract boundary setbacks for 5 out 61 lots and to permit bay window to tract boundary setbacks for 5 out 61 lots, to permit building to tract boundary setbacks for 5 out of 61 lots, to permit garage carports setbacks for 61 out of 61 lots, to permit open decks or patios projection separation to tract boundary setbacks for 3 out 61 lots, and to permit projection separation to side property line setbacks of 61 out 61 lots; for Section II to permit window to street-right of way setbacks for 39 out 46 lots, to permit window to property line setbacks for 46 out of 46 lots, to permit side window to side window setbacks for 45 out 46 lots, to permit building to building setbacks for 45 out of 46 lots, to permit window to tract boundary setbacks for 14 out of 46 lots, to permit building to tract boundary setbacks for 11 out of 46 lots, to permit window to window setbacks for 8 out of 46 lots, to permit garage carport setbacks for 3 out of 46 lots, to permit open, unenclosed decks or patios projection separation to tract boundary setbacks for 11 out of 46 lots, and to permit projection separation to rear property line setbacks for 11 out of 46 lots.

HEARING: FRIDAY, NOVEMBER 15, 1996 at 11:00 a.m. in Room 106, County Office Building.


Arnold Jablon
Director

cc: Avalon Associates, LLC
Stuart D. Kaplow, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 31, 1996.
(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.





County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 27, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-182-A

IN THE MATTER OF: AVALON ASSOCIATES, LLC -
Petitioner Proposed Green Tree Road, NW of Howard
Square Drive (Avalon, Secs. 1 and 2) 3rd E; 3rd C

(Petition for Variance GRANTED with restrictions)

ASSIGNED FOR: TUESDAY, JUNE 3, 1997 at 11:00 a.m.;
WEDNESDAY, JUNE 4, 1997 at 10:00 a.m. /Day #2, if needed

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said
requests must be in writing and in compliance with Rule 2(b) of the
Board's Rules. No postponements will be granted within 15 days of
scheduled hearing date unless in full compliance with Rule 2(c). For
further information, see Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants/Protestants: Julius W. Lichter, Esquire
(Valley Village Associates)
Counsel for Appellants/Protestants: J. Carroll Holzer, Esquire
(Cradock Estates Homeowners Assn.)

Counsel for Developer : Stuart J. Kaplow, Esquire
Developer : John Colvin, Avalon Assoc.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: November 14, 1996

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

SUBJECT: AVALON

INFORMATION:

Item Number: 182

Petitioner: Avalon Associates, LLC

Property Size: 14±

Zoning: DR 3.5

Requested Action: Various Number of Variances

Hearing Date: 11/ 15 /96

The Petitioner is requesting a multitude of variances in order to accommodate the provision of 46 single-family detached dwellings, and 61 single-family detached narrow lot dwellings. The previously approved CRG for these sections provided for 72 town homes and 42 single-family detached dwellings.

The Baltimore County Zoning Regulations are quite clear regarding building setbacks in the DR 3.5 zone. In addition, special zoning regulations (setbacks) were created for Alternate Housing Types. Those regulations were adopted by the Planning Board and County Council in 1992. These regulations were developed with input and concurrence of the Baltimore Homebuilders Association. Stated quite simply, building setbacks in the DR 3.5 zone are 25' building front to street, 30' building rear to property line, 20' building side to building side, 15' building side to street. For Alternate Building Types, the setbacks are 25' building front to street, 20' building rear to property line, 16' building side to building side, and 15' building side to street.

The number of the variances which this Petitioner is requesting is more closely related to a PUD type development. The particular project, however, was not developed under PUD guidelines.

SUMMARY OF RECOMMENDATIONS:

The Planning Office has reviewed the Petitioner's request and provides the following recommendations:

1. Larger Lot Single-family Detached Units

- a. Minimum setbacks for buildings in order to assure orderly development and avoid overcrowding should be provided.

- Setbacks between buildings should not be less than 16 feet.

MICROFILMED

MEMO TO: Arnold Jablon, Director, PDM
SUBJECT: AVALON - Item Number 182
November 14, 1996

- Setbacks between building sides and a street or a section (tract) boundary should not be less than 13 feet.
 - Setbacks for rear yards should not be less than 20 feet.
 - Setbacks for front yards should not be less than 15 feet.
- b. A Landscape Plan which includes fencing should be approved by the Director, Office of Planning for Lots 1, 2, and 37, prior to the issuance of building permits. Greene Tree Road is a major residential collector road and the proximity of the rear of these units and how these units will impact this public road is a concern.
2. Narrow Lot Single-family Detached Units
- a. Minimum setbacks for these buildings, especially since the site design mimics the Z - Lot Type Alternate Dwelling Unit, should be as follows.
- Setbacks between buildings should not be less than 12-14 feet. The example of a 10 foot side yard setback, as can be seen at Weston in Owings Mills New Town, is too narrow.
 - Setbacks between a building side and street or section (tract) boundary should not be less than 10 feet.
 - Setbacks for rear yards should not be less than 20 feet.
 - Setbacks for front yards should not be less than 20 feet.
- b. A Landscape Plan which includes fencing should be approved by the Director, Office of Planning for Lots 4, 5, 57, 58, 32-34, and 21-24 due to the location of rear yards being located along streets. As stated previously, the impact of those units on the public right-of-way are a concern to Staff.
- c. A condition which requires that deck areas not be located adjacent to one another (see Typical House and Deck Locations) should be provided in order to assure privacy.

In summary, Staff has worked closely with the Petitioner to discuss issues, view existing development sites and reconcile differences. Although many of the concerns raised by Staff can or will be addressed, some of the minimum setback requirements still remain unresolved. Staff supports variances which reduce the building setbacks, however, the exact minimums remain in dispute.

Prepared by: John T. Keln

Division Chief: _____

AFK/JL:bjs

ITEM182.PK/PZONE/ZAC1

Pg. 2

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/07/96

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

RE: Property Owner: AVALON ASSOCIATES, LLC
Location: SECTION 1: N/S PROPOSED GREENE TREE RD. 343' N/W OF
CENTERLINE HOWARD SQUARE DR. AND NE OF STONE CHAPEL RD. AND
REISTERSTOWN RD.; SECTION 2: NE/S PROPOSED GREENE TREE RD. 65' NW

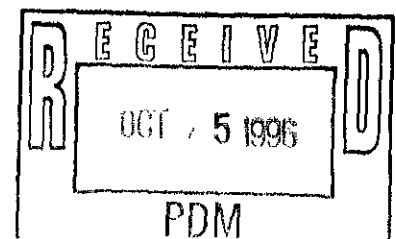
Item No.: 182

Zoning Agenda: VARIANCE&2

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



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

John Alexander

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: November 6, 1996

FROM: *PWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for November 4, 1996
Item Nos. 175, ... 177, 178, 180,
181, and 182

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

RWB:HJO:jrb

cc: File



Baltimore County
Department of Permits and
Development Management

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

November 8, 1996

Stuart D. Kaplow, Esquire
502 Baltimore Avenue
Towson, MD 21204

97-182-A
Sept
11/15/96

RE: Drop-Off Petition Review (Item #182)
Avalon, Section 1
3rd Election District

Dear Mr. Kaplow:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

John Lewis does not recall reviewing this site for variance requests.

The fee is \$650.00 (maximum fee). The fee paid was \$250.00; therefore, \$400.00 is owed to Baltimore County.

Staff was able to discuss certain concerns on building envelopes, which did not appear to reflect the variance requests in several instances. A schematic grading plan, which was not part of the filing package, was subsequently reviewed with the developer's engineer. The additional detail on this plan has basically resolved the concerns of the staff. We advised the developer's engineer that this plan should be made part of the petitioners exhibits and so recommend to the zoning commissioner.

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Stuart D. Kaplow, Esquire
November 12, 1996
Page 2

Staff strongly suggests that petitions with a multitude of variances be processed through the normal petition filing process and not dropped-off without a very important review.

Also, staff suggests that if there are any required amendments on the FDP, that they could be handled by special hearing.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Lewis". The signature is fluid and cursive, with a large initial "J" and "L".

John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

January 7, 1997

Stuart D. Kaplow, Esquire
502 Baltimore Avenue
Towson, MD 21204

RE: Petition for Zoning
Variance
N/S Proposed Green Tree
Rd., 343' NW of c/l Howard
Square Dr.; NE/S Proposed
Green Tree Rd., 65' NW of
c/l Howard Square Dr.
(Avalon, Secs. 1 and 2)
3rd Election District
3rd Councilmanic District
Avalon Associates, LLC -
Petitioner
Case No. 97-182-A

Dear Mr. Kaplow:

Please be advised that an appeal of the above-referenced case was filed in this office on January 6, 1996 by J. Carroll Holzer, Esquire on behalf of Cradock Estates Homeowners Association and Julius W. Lichter, Esquire on behalf of Valley Village Associates. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel



APPEAL

Petition for Zoning Variance
N/S Proposed Green Tree Road, 343' NW of c/l Howard Square Drive;
NE/S Proposed Green Tree Road, 65' NW of c/l Howard Square Drive
(Avalon, Secs. 1 and 2)
3rd Election District - 3rd Councilmanic District
Avalon Associates, LLC - Petitioner
Case No. 97-182-A

Petition for Zoning Variance

Description of Property

Certificate of Publication not Found

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits:

- 1 - Listing of Variances Requested, Sections 1 and 2 dated November 11, 1996
- 2A-2B - Plans to Accompany Special Hearing and Variances
- 3 - Partial Print of Original CRG "Avalon"
- 4 - Partial Print of Proposed CRG "Avalon"
- 5 - Display with Photographs (Greyrock)
- 6A - Avalon Narrow Lot Patio
- 6B - Avalon Square Lots
- 7A-7B - Exhibits to Accompany Special Hearing and Variances
- 8A - Display with Photographs (Weston)
- 8B - Display with Photographs (Cobblestone)
- 9 - Certificate of Posting
- 10A-10B - Exhibit to Accompany Special Hearing and Variances

Letter from Stuart D. Kaplow, Esquire to Arnold F. Keller, III,
Director of Office of Planning dated November 26, 1996

Deputy Zoning Commissioner's Order dated December 6, 1996 (Granted)

Notice of Appeal received on January 6, 1997 from J. Carroll Holzer,
Esquire on behalf of Cradock Estates Homeowners Association

Notice of Appeal received on January 6, 1997 from Julius W. Lichter,
Esquire on behalf of Valley Village Associates

c: Julius W. Lichter, Esquire, Levin & Gann, 305 W. Chesapeake
Avenue, Baltimore, MD 21204
J. Carroll Holzer, Esquire, Holzer and Lee, 305 Washington Avenue,
Suite 502, Towson, MD 21204
Stuart D. Kaplow, Esquire, 502 Baltimore Avenue, Towson, MD 21204
Mr. John Colvin, Avalon Associates, LLC, 124 Slade Avenue, #200,
Baltimore, MD 21208
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

MICROFILMED

APPEAL

Petition for Zoning Variance
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(Avalon, Secs. 1 and 2)
3rd Election District - 3rd Councilmanic District
Avalon Associates, LLC - Petitioner
Case No. 97-182-A

✓ Petition for Zoning Variance

✓ Description of Property

Certificate of Publication not Found

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 - ✓ 10A-10B - Exhibit to Accompany Special Hearing and Variances
- LARGE - IN CRA CLOSET { 5, 6A, 6B, 7A-7B, 8A, 8B
- LARGE - IN CRA CLOSET { 8A, 8B

✓ Letter from Stuart D. Kaplow, Esquire to Arnold F. Keller, III, Director of Office of Planning dated November 26, 1996

✓ Deputy Zoning Commissioner's Order dated December 6, 1996 (Granted)

✓ Notice of Appeal received on January 6, 1997 from J. Carroll Holzer, Esquire on behalf of Cradock Estates Homeowners Association

✓ Notice of Appeal received on January 6, 1997 from Julius W. Lichter, Esquire on behalf of Valley Village Associates

c: * Julius W. Lichter, Esquire, Levin & Gann, 305 W. Chesapeake Avenue, Baltimore, MD 21204

* J. Carroll Holzer, Esquire, Holzer and Lee, 305 Washington Avenue, Suite 502, Towson, MD 21204

Stuart D. Kaplow, Esquire, 502 Baltimore Avenue, Towson, MD 21204

Mr. John Colvin, Avalon Associates, LLC, 124 Slade Avenue, #200, Baltimore, MD 21208

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

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Attended 6/03/97 hearing; added to file as interested parties:

Lillian Berger
113 Ruth Eager Court
Baltimore, MD 21208 410-486-8626

Lawrence Young
21 Mary Carroll Court
Baltimore, MD 21208 410-602-0835

MICROFILMED

Case No. 97-182-A

VAR -For number of residential lots contained in subdivision as more particularly described in Petition filed; as outlined on Petitioner's No. 1, a substituted attachment referenced in Petition for Variance (copy incorporated in DZC's Order).

12/06/96 -Deputy Zoning Commissioner's Order in which Petition for Variance was GRANTED.

1/22/97 -Letter from Stuart D. Kaplow, Esquire, entering appearance on behalf of Petitioner, Avalon Associates, LLC; requesting consideration for early hearing date, should such become available.

2/18/97 -Advised Mr. Kaplow that this matter would come up for hearing early June; he requested an additional day be assigned and held for this matter inasmuch as it would be a de novo hearing.

3/27/97 -Notice of Assignment for hearing scheduled for Tuesday, June 3, 1997 at 11:00 a.m.; and, if needed, for a second day on Wednesday, June 4, 1997 at 10:00 a.m. sent to the following:

Julius W. Lichter, Esquire
(Valley Village Associates)
J. Carroll Holzer, Esquire
(Cradock Estates Homeowners Assn.)
Stuart J. Kaplow, Esquire
John Colvin, Avalon Assoc.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

6/03/97 -Motion to Dismiss appeal of Cradock Estates Homeowners' Assn. and Motion to Dismiss appeal of Valley Village Associates filed by Stuart Kaplow, Esquire, on behalf of Avalon Associates prior to start of hearing this date; copies provided by Mr. Kaplow to all parties.

- Hearing on merits concluded this date; public deliberation scheduled by the Board for Wednesday, June 4, 1997 at 11:00 a.m.; all parties advised of this date and time at conclusion of hearing.

- Notice of Deliberation prepared and posted in CBA office; copies of same sent by FAX this date to Messrs. Holzer, Kaplow and Lichter. Copies will be provided CBA panel prior to start of deliberation on 6/04/97.

6/04/97 -Publicly deliberated; Denied Petitioner's Motion to Dismiss as to standing; Granted Protestants' Motion to dismiss for failure by Petitioner to establish requirement for variances; written Order to be issued by Board; appellate period to run from date of written Order.

MICROFILMED



County Board of Appeals of Baltimore County

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

June 3, 1997

NOTICE OF DELIBERATION

7068

Having concluded this case on June 3, 1997, the County Board of Appeals scheduled the following date and time for deliberation at the conclusion of the case in the matter of:

AVALON ASSOCIATES, LLC -Petitioner
CASE NO. 97-182-A

DATE AND TIME : Wednesday, June 4, 1997 at 11:00 a.m.
LOCATION : Room 48, Basement, Old Courthouse

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants/Protestants: Julius W. Lichter, Esquire [FAX]
(Valley Village Associates)
Counsel for Appellants/Protestants: J. Carroll Holzer, Esquire [FAX]
(Cradock Estates Homeowners Assn.)

Counsel for Developer : Stuart J. Kaplow, Esquire [FAX]
Developer : John Colvin, Avalon Assoc.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

MICROFILMED

COPIED: K

Post-It® Fax Note	7871	Date	6/3	# of pages	1
To	A. Jablon	From	KATH. BIANCO		
Co./Dept.	PDM	Co.			
Phone #		Phone #	887-3180		
Fax #	887-5708	Fax #			

RECEIVED	
JUN 4 1997	PDM

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Avalon Associates, LLC -Petitioners
 Case No. 97-182-A

DATE : June 4, 1996 @ 11:00 a.m.

BOARD /PANEL : Kristine K. Howanski, Acting Chair (KKH)
 Charles L. Marks (CLM)
 Thomas P. Melvin (TPM)

SECRETARY : Kathleen C. Bianco
 Legal Administrator

Those present at this deliberation included Julius W. Lichter, Esquire, on behalf of Valley Village Associates, Appellants /Protestants; J. Carroll Holzer, Esquire, on behalf of Cradock Estates Homeowners Association; and Stuart J. Kaplow, Esquire, on behalf of John Colvin and Avalon Associates, LLC, Developer. People's Counsel did not participate in these proceedings.

KKH: We will start the deliberation phase at this point in Case No. 97-182-A, Avalon Associates. And before us for deliberation are the three Motions to Dismiss. Probably in proper order, the first would be the issue of standing of the two associations and third being the Motion to Dismiss for failure to establish a prima facie case. And the only thing left after that would be the issue on the merits and standards established. My custom on deliberation after opening is to hear from my colleagues first, and today, I have particular interest in this, and I do want to turn to Mr. Marks, if you are ready to go...

CLM: Let me state up front to counsel on both sides of the aisle I did very thoroughly review my notes and applicable law and evidence submitted to the Board yesterday. Section 26-132 fully enunciates how appeals may be made to the County Board of Appeals: (a) states "any person or person, jointly or severally, or any taxpayer aggrieved or feeling aggrieved by any decision or order of the zoning commissioner or the director of zoning administration and development management shall have the right to appeal therefrom to the county board of appeals." These appeals shall be heard and disposed of by the county board of appeals as may be provided in the Charter and the Board's rules. Under (b), persons aggrieved or feeling aggrieved includes community association provided the property or issue which is the subject of what is being appealed is located in the limits of the association as defined; the provisions are somewhat very specific. Section b., however, is more general in nature, and I believe was crafted in that manner by the County Council to enable aggrieved person to have his or her day in court.

MICROFILMED

While counsel for both corporations have not seen fit to be specific as to how they are impacted or any different from the general interest, to give members of the associations interest therein, nevertheless, this Board has traditionally taken a liberal view of persons aggrieved or feeling aggrieved.

In Morris, decided in 1976, Court of Appeals held, under Maryland common law, anyone identifying himself as having interest in the matter being considered by the administrative agency becomes a party, absent reasonable agency regulation providing for a more formal method. The court held that the format before an administrative agency is designed to be informal to encourage citizen participation. In Morris, the Appellant established himself as a party merely by being present and providing testimony at the agency's administrative hearing; such determination clearly the court's position to allow standing to one expressing interest before an administrative office.

In Baxter, decided in 1967, the Court held that merely submitting name in writing as protestant, and in Brenarski decided in 1967, merely appearing and testifying before the agent was sufficient to give cause for protestant to have interest in the case; in Debois, decided in 1965, simply identifying oneself on the record as a party was sufficient.

Therefore, it is clear, at least to me, that in administrative actions standing is established by expressing interest in a matter before the agency. In my opinion, case law and applicable provisions of Section 26-132(b) are liberal enough to empower the protestants with standing.

In addition, Counsel for Developer has cited res judicata. The issue of standing, if it was to be one, should have been raised before this point in time, and if the principle of res judicata is applicable, it would appear that the time to raise the issue was prior to litigation and not just prior to hearing. Jurisdictional questions can be raised at any time, but this part is merely my opinion.

For the reasons expressed by the Board in the final Order, I believe the Motions to Dismiss as to Cradock Estates and Valley Village should be dismissed. As to the Developer's -- that provisions sets forth four requirements that must be met before a variance can be granted: (1) special circumstances; (2) strict compliance; (3) spirit and intent; and (4) public health, safety and general welfare.

The Board's conclusions must be supported by detailed, factual findings, and the party seeking the variance bears the burden. The Board must find based on testimony and evidence that there are circumstances peculiar to the land or structure which are

the subject of the variance request. A peculiar condition is "uncommon" or "unusual" or "distinguished in character or nature from others" -- Random House, 1967 Edition.

As the Court of Appeals explained in the Easter case, existence of special circumstances must be tested against other properties in the neighborhood; in North, the property must have inherent characteristic not shared by others in the neighborhood. Must be special circumstances that can be tested against other properties in the neighborhood. The reason is obvious -- if variance can be granted without showing -- then exceptions to restriction will ultimately swallow up the rule.

I have reviewed the notes and exhibits, and while I have considerable respect for Mr. Gavrelis, I have difficulty that his testimony was sufficient that such property qualifies for the variances requested. What we have is a development plan approved in 1991 that could have gone forward without variances but did not. Asking to sanction changes now because the market has changed and a different style of housing might be required on marketing reports -- substitute housing is attractive and may be more favorably marketed -- but in the absence of granting the variances requested, alternate plans can be developed to assure adequate usage of the site. Possibly should include changes when the real estate market changes; what was viable in 1991 may not be in 1997. However, that is for the legislative authority or courts to decide. Until that time, we are bound by what we have.

In my opinion, elements of uniqueness imposed by Cromwell v. Ward have not been satisfied by the Developer. Having found that, it is not necessary to move on to practical difficulty or unreasonable hardship, but I will. Based on my review of my notes at the hearing, the property is still capable of development without variances; no practical difficulty.

It appears to me that the variances requested are driven by economics and the need for variances has been inflicted by the Developer himself. The Developer drew up the plan in 1991. He laid out buildings and roads; plan could have been drawn up providing for lots without variances. Practical difficulty or hardship is self-inflicted; nothing precludes development of the property under existing plan with variances denied.

Motion to Dismiss filed by Protestants should be granted having failed uniqueness and practical difficulty required by statute and case law.

KKH: I'm coming at this a little differently. First off, I did look at the case law on aggrieved persons, in particular Brenarski.

I do not believe the associations are aggrieved parties. But our statute is different; if it were simply a question of whether or not they are a "person aggrieved," they may not qualify. I agree with the law on this; I believe that by simply filing a claim and being a nearby property owner, you have established a prima facie case that you are aggrieved party.

But the evidence was presented from the other side to suggest there was no cause for grief in this particular case. And the way I did this -- I did not like the notion that Sections 1 and 2 are fully enclosed within the development plan as precluding anyone from ever protesting. Could be elsewhere to the entire property and never have a claim.

I believe they have a prima facie case, but what I find interesting is the property is self-contained; how could you factually be an aggrieved person in that situation? Nonetheless, I do share your perceptions that our statute is broader than that because of "feeling aggrieved" concept. That concept, because that language is there, puts me back in that same camp. I did not share your position they are aggrieved as a factual matter. I do believe that our statute as drafted is liberal enough that it does provide these neighborhoods with standing. You already handled res judicata issue; we may not agree the time is good, but the issue of standing can be raised at any time; was considered by Court on the order issued from this Board in the Southland Hills Improvement Association. I do think that we are obliged to consider that issue, whether raised two seconds before the close of the case. On that thin ground, therefore, I would have to agree at the moment that Motion to Dismiss would be denied. But because they feel aggrieved.

As to the variances, we probably have less of a divergence. I looked at the uniqueness issue and was not persuaded by Mr. Gavrelis' testimony. First, he talked about zoning differences and yet the statute does require us to consider impact to section itself. Zoning occurred outside of 1 and 2; 1 and 2 had consistent zoning. As to issue of public water and sewer, it also seemed to be a bit of a red herring in that it may be applicable standard for other sections but 1 and 2 had public sewer. Conditions about which they were discussing were present and not preventing neighborhood or these sections from being developed as a whole.

The barn being preserved, road patterns -- nothing discussed that was not already in existence; is not unique to all large neighborhoods to varying degrees. I did not find uniqueness.

The one part that troubled me, however, if I were permitted to go beyond that in terms of practical difficulty -- was the

testimony on the part of Thomas Repshur regarding Section 2 that he did not believe Section 2 could be built without variances, but again, Mr. Marks, I would have to share your perception that, if that was the case, it was inflicted by the Developer itself for reasons I cannot really guess.

What we heard about very clearly was that the change in this instance was being prompted -- and I don't mean irrationally; it's perfectly rational -- prompted by the change in marketing and so forth. And yet, that is their privilege and I don't believe this Board can delve into legislative area.

I do not read case law or variance statute at this time to permit us to substitute our judgement because we find the plan a more attractive one; even though I will admit I found it more attractive.

For those reasons, I would deny the Motion to Dismiss as to standing, and grant the Motion to Dismiss for failure to establish what is required for variances.

TPM: I also believe that the request for dismissal brought to this Board should not have been done just before this hearing. As to the matter of variances for lots 1 and 2, I see no differences than what is there, and no uniqueness. There is a stream, but Cradock Estate property also has a stream. As far as the barn, Kris has addressed this -- this is not unique.

I am therefore in agreement with them that the variances should be denied.

KKH: Are you comfortable with my "feeling aggrieved" or do you want to stay with what you were ---

CLM: I don't have any problems with that.

KKH: Then we appear to be in concurrence at this point, and we will, in a timely fashion, issue an opinion that will constitute the record from which an appeal can be made.

That brings this deliberation to a close at this point.

* * * * *

Respectfully submitted,


Kathleen C. Bianco, Administrator

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 8, 1998
Permits & Development Management

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

SUBJECT: Closed File: Case No. 97-182-A
Avalon Associates, LLC
3rd E; 3rd C

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-182-A)

MICROFILMED

STUART D. KAPLOW, P.A.

ATTORNEYS AT LAW
502 BALTIMORE AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (410) 339-3910
FACSIMILE (410) 339-3912

January 10, 1996

County Board of Appeals
For Baltimore County
Attn: Robert O. Schuetz, Chairman
400 Washington Avenue
Towson, MD 21204

Re: Appeal from decision of the Deputy Zoning Commissioner
Avalon Associates, LLC
Case No. 97-182-A

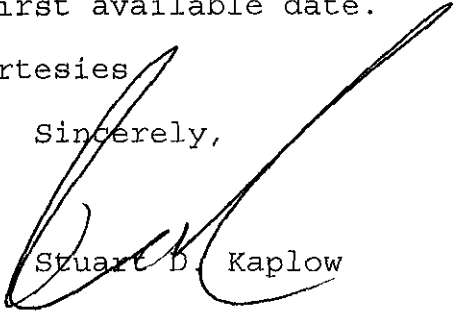
Dear Mr. Schuetz:

Please enter the appearance of Stuart D. Kaplow and Stuart D. Kaplow, P.A., as counsel for the petitioner, Avalon Associates, LLC, in the above noted appeal from the December 6, 1996 decision of the Deputy Zoning Commissioner.

I would kindly request that this matter be scheduled for hearing before the Board on the very first available date.

Thank you in advance for your courtesies

Sincerely,


Stuart D. Kaplow

SDK:tbm

cc: Julius W. Lichter, Esquire
J. Carroll Holzer, Esquire
Mr. John Colvin

61-100000-15
MICROFILMED

STUART D. KAPLOW, P.A.
ATTORNEYS AT LAW
502 BALTIMORE AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (410) 339-3910
FACSIMILE (410) 339-3912

182

DROP - OFF
10/15/96

October 15, 1996

Via Hand Delivery

Department of Permits and Development Management
Attn: Mr. W. Carl Richards, Jr.
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Drop Off Filing of Petition for Variance
Avalon Associates, L.L.C.

Dear Carl:

Please accept for drop off (expedited) filing the following related to proposed variances for the Avalon development (be aware that given the size of the request, the property has been separated for the purposes of this petition onto two sheets):

- 3 original Petitions for Variance;
- 12 copies of the each of the two Variance Request Plats (including the required zoning map section);
- 3 legal descriptions of each of the two areas (for zoning purposes); and
- 1 check payable to Baltimore County in the amount of \$285.

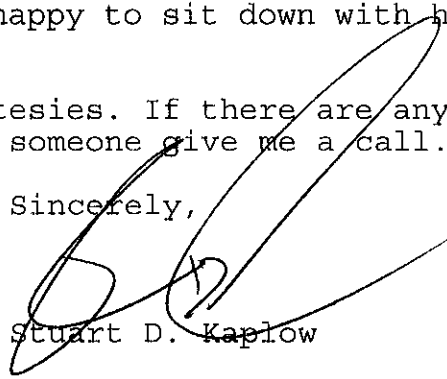
Your efforts at processing this petition and having this matter scheduled for a timely hearing are greatly appreciated.

There are no violations on this property.

Be aware that while he has not yet seen this plan, John Lewis has reviewed prior plans for this development. Given the complexity of this request, I would be happy to sit down with him to review the submittal.

Thank you in advance for your courtesies. If there are any problems with this request, please have someone give me a call.

Sincerely,


Stuart D. Kaplow

SDK:tbm

cc: Mr. John B. Colvin

MICROFILMED

STUART D. KAPLOW, P.A.

ATTORNEYS AT LAW
502 BALTIMORE AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (410) 339-1910
FACSIMILE (410) 339-1912

November 26, 1996

Arnold F. Keller, III, Director
Office of Planning
410 Bosley Avenue
Towson, MD 21204

Re: Avalon Zoning Variance Hearing
Case No. 97-182-A

Dear Pat:

This letter is written in furtherance of your comments at the public hearing before the Deputy Zoning Commissioner on the above noted variance.

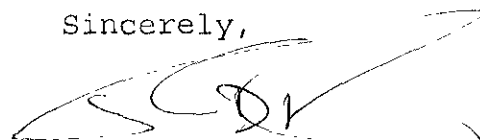
The petitioner, Avalon Associates, LLC, agrees that:

Accepting that the relationship of the rear of residential units to public streets is an esthetic concern expressed by the Office of Planning, at the time of Landscape Plan submission to PADM, Avalon Associates, LLC will present to the Director of the Office of Planning for his review and approval a plan for landscaping for Square Lots 1, 2, and 37 and for Narrow Lots 4, 5, 57, 58, 32 thru 34, and 21 thru 24.

And, on behalf of the petitioner, I will request that this language be incorporated in any order of the Deputy Zoning Commissioner in this matter.

Thank you for all of your courtesies.

Sincerely,



Stuart D. Kaplow

SDK:tbm

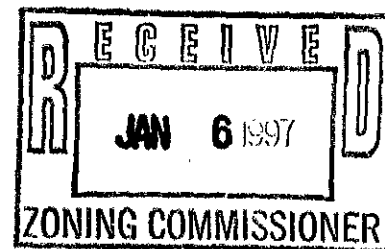
cc: Mr. John B. Colvin

MICROFILMED

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

File
ELLIS LEVIN (1893-1960)



JULIUS W. LICHTER

January 6, 1997

HAND DELIVERED

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

HAND DELIVERED

Timothy M. Kotroco, Deputy Zoning
Commissioner of Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Appeal from the Final Action of the Deputy Zoning
Commissioner of Baltimore County of December 6, 1996,
granting the Petition for Variance of Avalon Associates,
LLC in Case No. 97-182-A.

Dear Gentlemen:

Please note an Appeal on behalf of Valley Village Associates
from the final action of the Deputy Zoning Commissioner of
Baltimore County on December 6, 1996 granting the Petition for
Variance of Avalon Associates, LLC in Case No. 97-182-A.

The requisite filing fee is enclosed.

Very truly yours,

Julius W. Lichter
Julius W. Lichter

Enclosure
JWL/rdp

MICROFILMED

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-538-3700
TELECOPIER 410-625-0050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

FILIS LEVIN (1953-1960)

JULIUS W. LICHTER

June 4, 1997

By Telefax

Kristine A. Howanski, Chair
County Board of Appeals for Baltimore County
The Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE *In the Matter of Avalon Associates, LLC*
Case No. 97-182-A
Motion to Dismiss

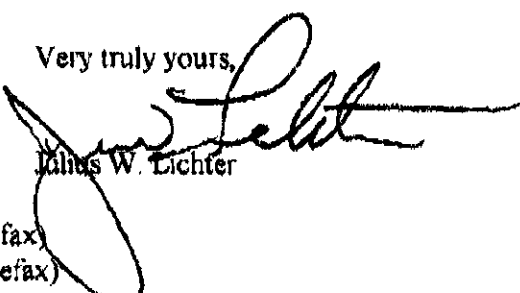
Dear Ms. Howanski

I am writing to bring to your attention provisions of the Baltimore County Code and the Baltimore County Zoning Regulations as well as the decision of the Court of Appeals in *Sugarloaf Citizens' Association v. Department of the Environment*, 344 Md. 271, 686 A.2d 605 (1996) regarding "aggrieved persons".

The broad language of BCZR Section 500.10 which states that "any person or persons . . . or any taxpayer . . . feeling aggrieved" has standing to appeal a decision of the Zoning Commissioner mirrors the Court of Appeals' decisions which consistently hold that neighboring property owners and taxpayers generally have standing. The Court of Appeals has reiterated on a number of occasions that property owners and taxpayers who live in close proximity to the subject property, i.e. adjoining property owners or property owners up to three-fourths of a mile away, are *prima facie* aggrieved.

I trust that you and the other members of the Board will consider the expansive language of the Baltimore County Zoning Regulations and the Baltimore County Code as well as the Court of Appeals' broad definition of aggrieved persons for purposes of standing in your deliberations this morning

Very truly yours,


Julius W. Lichter

JWL/rdp

cc J. Carroll Holzer, Esquire (By Telefax)
Stuart D. Kaplow, Esquire (By Telefax)

RECEIVED POST-HEARING
DAY ONERECEIVED
COUNTY BOARD OF APPEALS
97 JUN -4 AM 11:06

MICROFILMED

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
105 W. CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

FACSIMILE TRANSMITTAL COVER SHEET

DATE: June 4, 1997

NAME: Board of Appeals

FIRM:

FAX NO.: (410) 887 3182

FROM: Julius W. Lichter

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 2

SUBJECT: Avalon

RECEIVED POST-HEARING
DAY ONE

97 JUN -4 AM 11:04

RECEIVED
COUNTY BOARD OF APPEALS☐ ORIGINAL TO FOLLOW VIA MAIL/OVERNIGHT COURIER/HAND-DELIVERY☒ ORIGINAL WILL NOT BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible. My return FAX Number is (410) 296-2801.

CLIENT/MATTER:

TRANSMITTED BY: Is

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TO ARRANGE FOR RETURN TO US OF THE DOCUMENT THAT YOU RECEIVED.

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PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

STEVE D KAPLAN

502 BALTIMORE AVE 21204

JOHN B COWIN

120 SUDS AVE 21208

TOM REPSHER

200 E PENNSYLVANIA AVE.

George E. Garrehs

DMW " " "



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

J. Carroll Holzer on
behalf of Cradock Estate
Homeowners

305 Washington Ave 21204

Howard L. Alderman Jr, Esq on
behalf of Valley Village Associates

305 W. Chesapeake Ave #13
Towson MD 21204

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PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

Louis Greenfeld

ADDRESS

9207 Harvest Road 2117



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<u>NAME</u>	<u>ADDRESS</u>
Mindy Per (Cradock Estates)	15 Pandemon Ct 21117

GREY ROCK CONDOMINIUMS

Lillian Berger
113 Ruth Eager Ct 21208
410-486-8626

LAWRENCE YOUNG
21 MARY CARROLL CT 21208
410-602-0835

Petitioner Substituted Affidavit to
Variance Request

Avalon

Listing of Variances Requested

Section 1

November 11, 1996

Part I

A. CMDP Section V.B.6.a pursuant to Section 504 B.C.Z.R. to permit Window to Street Right-of-Way separation as follows:

1. Front Window to Street Right-of-Way: 20' separation in lieu of required 25', if necessary.
2. Side Window to Street Right-of-Way: 20' separation in lieu of required 25', if necessary.
3. Front Window to Street Right-of-Way: 10' separation in lieu of required 25', if necessary.
4. Corner Lot Side Window to Street Right-of-Way: 10' separation in lieu of required 25', if necessary.
5. Corner lot Side Window to Street Right-of-Way: 3' separation in lieu of required 25', if necessary.
6. Side Bay Window to Street Right-of-Way: 1' separation in lieu of required 25', if necessary.

B. CMDP Section V.B.6.b pursuant to Section 504 B.C.Z.R. to permit Window to Property Line separation as follows:

1. Window to Side Lot Line: 3 foot separation in lieu of required 15 feet, if necessary.
2. Window to Front Lot Line: 10 foot separation in lieu of required 15 feet, if necessary.
3. Bay Window to Side Lot Line: 1 foot separation in lieu of required 15 feet, if necessary.

C. Section 1B01.2.C.2.b . B.C.Z.R. and CMDP Section V.B.6.c pursuant to Section 504 B.C.Z.R. to permit Window to Window separation as follows:

1. Side Window to Side Window: 10 foot separation in lieu of required 40 feet, if necessary; 6 foot separation between Bay Windows, if necessary.
2. Side Window to Rear Window: 29 foot separation in lieu of required 40 feet, if necessary; 25 foot separation between Bay Windows, if necessary.
3. Side Window to Rear Window: 23 foot separation in lieu of required 40 feet, if necessary; 19 foot separation between Bay Windows, if necessary.

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4. Rear Window to Rear Window: 36 foot separation in lieu of required 40 feet, if necessary; 32 foot separation between Bay Windows, if necessary.
- D. Section 1B01.2.C.1 B.C.Z.R. and CMAP Section V.B.3.b. pursuant to Section 504 B.C.Z.R. to permit Building to Building height/distance separation as follows:
1. Building to Building: 10 foot separation in lieu of required 40 feet for heights of 30 feet to 40 feet; and 10 foot in lieu of required 30 feet for heights of 25 feet to 30 feet, if necessary.
- E. Section 1B01.C.2.a. B.C.Z.R. and CMAP Section V.B.5.a pursuant to Section 504 B.C.Z.R. to permit Window to Tract Boundary separation as follows:
1. Window to Tract Boundary: 15 foot separation in lieu of required 35 feet, if necessary.
 2. Window to Tract Boundary: 6 foot separation in lieu of required 35 feet, if necessary.
- F. Section 1B01.2.C.Z.a. B.C.Z.R. and CMAP Section V.B.5.a pursuant to Section 504 B.C.Z.R. to permit Bay Window to Tract Boundary separation as follows:
1. Bay Window to Tract Boundary: 13 foot separation in lieu of required 35 feet, if necessary.
 2. Bay Window to Tract Boundary: 4 foot separation in lieu of required 35 feet, if necessary.
- G. CMAP Section V.B.5.b pursuant to Section 504 B.C.Z.R. to permit Building to Tract Boundary separation as follows:
1. Building to Tract Boundary: 15 foot separation in lieu of the required 30 feet, if necessary.
 2. Building to Tract Boundary: 6 foot separation in lieu of the required 30 feet, if necessary.
- H. CMAP Section V.B.8 pursuant to Section 504 B.C.Z.R. to permit Garage Carport Setback separation as follows:
- Garage to Street: 20 foot separation in lieu of the required 22 feet.

Part II

Assuming Part I variances are granted, the following variances for projections into yards are requested:

Section 301.1A B.C.Z.R. and CMDP Section V.B.5.b pursuant to Section 504 B.C.Z.R. to permit open, unenclosed decks or patios to project into required yard in lieu of the required 25% maximum as follows:

A. Projection Separation to Tract Boundary:

1. Building/Window separation to Tract Boundary per variance is 15 feet. Variance request to permit an open, unenclosed deck or patio to project 4 feet in lieu of the permitted 3.75 foot projection and the normal 7.5 feet.
2. Building/Window separation to Tract Boundary per variance is 6 feet. Variance request to permit an open, unenclosed deck or patio to project 4 feet in lieu of the permitted 1 foot projection and the normal 7.5 feet.

B. Projection Separation to Side Property Line

1. Building/Window separation to Side Property Line per variance is 3 feet. Variance request to permit an open, unenclosed deck or patio to project 2 feet in lieu of the permitted .75 foot projection and the normal 3.75 feet.
2. Building/Window separation to Side Property Line per variance is 3 feet, if necessary. Variance request to permit an open, unenclosed deck or patio to project 4 feet into a minimum 5 foot side yard in lieu of the permitted 1.25 foot projection and the normal 3.75 feet.

AVALON SECTION 1
NOVEMBER 11, 1996

VARIANCES REQUESTED

Part I

Lot	A-1	A-2	A-3	A-4	A-5	A-6	B-1	B-2	B-3	C-1	C-2	C-3	C-4	D	E-1	E-2	F-1	F-2	G-1	G-2	H
1	X						X		X	X		X		X							X
2	X						X		X	X		X		X							X
3	X		X		X		X		X	X		X		X							X
4	X						X		X	X		X		X							X
5	X						X		X	X				X							X
6			X	X			X		X	X				X							X
7	X	X					X		X	X				X							X
8	X						X		X	X				X							X
9	X						X		X	X				X							X
10	X						X		X	X				X							X
11	X						X		X	X				X							X
12	X						X		X	X				X							X
13							X	X	X	X				X							X
14	X						X	X	X	X				X							X
15							X	X	X	X				X							X
16							X	X	X	X				X							X
17							X	X	X	X				X							X
18	X						X		X	X				X							X
19	X						X		X	X				X	X		X	X			X
20	X				X		X		X	X				X	X		X	X			X
21	X						X		X	X				X		X				X	X
22	X						X		X	X				X							X
23	X						X		X	X				X							X
24			X				X		X	X		X		X							X
25		X					X		X	X	X			X							X
26	X						X		X	X				X							X
27	X						X		X	X		X		X							X
28	X						X		X	X		X		X							X
29	X	X					X		X	X		X		X							X
30	X						X		X	X	X			X							X
31	X		X		X	X	X		X	X	X			X							X

Part II

Lot	A-1	A-2	B-1	B-2
1			X	X
2			X	X
3			X	X
4			X	X
5			X	X
6			X	X
7			X	X
8			X	X
9			X	X
10			X	X
11			X	X
12			X	X
13			X	X
14			X	X
15			X	X
16			X	X
17			X	X
18			X	X
19			X	X
20			X	X
21		X	X	X
22			X	X
23			X	X
24			X	X
25			X	X
26			X	X
27			X	X
28			X	X
29			X	X
30			X	X
31			X	X

AVALON SECTION 1
NOVEMBER 11, 1996

VARIANCES REQUESTED

Part I

Lot	A-1	A-2	A-3	A-4	A-5	A-6	B-1	B-2	B-3	C-1	C-2	C-3	C-4	D	E-1	E-2	F-1	F-2	G-1	G-2	H
32	X						X		X	X	X			X							X
33	X						X		X	X				X							X
34	X						X		X	X				X	X		X		X		X
35	X						X		X	X				X	X		X		X		X
36	X						X		X	X				X							X
37	X						X		X	X		X		X							X
38	X		X		X		X		X	X		X		X							X
39	X						X		X	X		X		X							X
40	X						X		X	X		X		X							X
41	X						X		X	X				X							X
42	X						X		X	X				X							X
43	X						X		X	X		X		X							X
44	X						X		X	X		X		X							X
45	X						X		X	X			X	X							X
46	X						X		X	X			X	X							X
47	X						X		X	X				X							X
48	X						X		X	X			X	X							X
49	X						X		X	X			X	X							X
50			X		X		X		X	X		X		X							X
51	X						X		X	X		X		X							X
52	X						X		X	X		X		X							X
53	X						X		X	X		X		X							X
54	X		X		X		X		X	X		X		X							X
55	X						X		X	X		X	X	X							X
56	X						X		X	X		X	X	X							X
57	X						X		X	X				X							X
58	X						X		X	X		X		X							X
59	X		X		X		X		X	X		X		X							X
60	X						X		X	X		X		X							X
61	X	X					X		X	X		X		X							X

Part II

Lot	A-1	A-2	B-1	B-2
32			X	X
33			X	X
34	X		X	X
35		X	X	X
36			X	X
37			X	X
38			X	X
39			X	X
40			X	X
41			X	X
42			X	X
43			X	X
44			X	X
45			X	X
46			X	X
47			X	X
48			X	X
49			X	X
50			X	X
51			X	X
52			X	X
53			X	X
54			X	X
55			X	X
56			X	X
57			X	X
58			X	X
59			X	X
60			X	X
61			X	X

Avalon

Listing of Variances Requested

Section 2

November 11, 1996

Part I.

- A. CMDP Section V.B.6.a pursuant to Section 504 B.C.Z.R. to permit Window to Street Right-of-Way separation as follows:
1. Front Window to Street Right-of-Way: 20' separation in lieu of required 25', if necessary.
 2. Front Window to Street Right-of-Way: 15' separation in lieu of required 25', if necessary.
 3. Front Window to Street Right-of-Way: 13' separation in lieu of required 25', if necessary.
 4. Side Window to Street Right-of-Way: 8' separation in lieu of required 25', if necessary.
- B. CMDP Section V.B.6.b pursuant to Section 504 B.C.Z.R. to permit Window to Property Line separation as follows:
1. Window to Side Lot Line: 3 foot separation in lieu of required 15 feet, if necessary.
 2. Window to Front Lot Line: 12 foot separation in lieu of required 15 feet, if necessary.
 3. Window to Front Lot Line: 12 foot separation in lieu of required 15 feet, if necessary.
- C. Section 1B01.2.C.2.b B.C.Z.R. and CMDP Section V.B.6.c pursuant to Section 504 B.C.Z.R. to permit Side Window to Side Window separation as follows:
1. Side Window to Side Window: 20 foot separation in lieu of required 40 feet, if necessary; 16 foot separation between Bay Windows, if necessary.
 2. Side Window to Side Window: 18 foot separation in lieu of required 40 feet, if necessary; 14 foot separation between Bay Windows, if necessary.
 3. Side Window to Side Window: 16 foot separation in lieu of required 40 feet, if necessary; 12 foot separation between Bay Windows, if necessary.
 4. Side Window to Side Window: 12 foot separation in lieu of required 40 feet, if necessary; 8 foot separation between Bay Windows, if necessary.

D. Section 1B01.2.C.1 B.C.Z.R. and CMDP Section V.B.3 pursuant to Section 504 B.C.Z.R. to permit Building to Building height/distance separation as follows:

1. Building to Building: 20 foot separation in lieu of required 40 feet for heights of 30 feet to 40 feet; and 20 foot in lieu of required 30 feet for heights of 25 feet to 30 feet, if necessary.
2. Building to Building: 18 foot separation in lieu of required 40 feet for heights of 30 feet to 40 feet; and 18 foot in lieu of required 30 feet for heights of 25 feet to 30 feet, if necessary.
3. Building to Building: 16 foot separation in lieu of required 40 feet for heights of 30 feet to 40 feet; and 16 foot in lieu of required 30 feet for heights of 25 feet to 30 feet, if necessary.
4. Building to Building: 12 foot separation in lieu of required 40 feet for heights of 30 feet to 40 feet; and 12 foot in lieu of required 30 feet for heights of 25 feet to 30 feet, if necessary.

E. Section 1B01.2.C.2.a. B.C.Z.R. and CMDP Section V.B.5.a pursuant to Section 504 B.C.Z.R. to permit Window to Tract Boundary separation as follows:

1. Window to Tract Boundary: 30 foot separation in lieu of required 35 feet, if necessary.
2. Window to Tract Boundary: 28 foot separation in lieu of required 35 feet, if necessary.
3. Window to Tract Boundary: 24 foot separation in lieu of required 35 feet, if necessary.
4. Window to Tract Boundary: 20 foot separation in lieu of required 35 feet, if necessary.
5. Window to Tract Boundary: 15 foot separation in lieu of required 35 feet, if necessary.

F. CMDP Section V.B.5.b pursuant to Section 504 B.C.Z.R. to permit Building to Tract Boundary separation as follows:

1. Building to Tract Boundary: 28 foot separation in lieu of the required 30 feet, if necessary.
2. Building to Tract Boundary: 24 foot separation in lieu of the required 30 feet, if necessary.
3. Building to Tract Boundary: 20 foot separation in lieu of the required 30 feet, if necessary.

4. Building to Tract Boundary: 15 foot separation in lieu of the required 30 feet, if necessary.
- G. Section 1B01.2.C.2.b B.C.Z.R. and CMDP Section V.B.6.c pursuant to Section 504 B.C.Z.R. to permit Window to Window separation as follows:
1. Front Window to Side Window: 33 foot separation in lieu of the required 40 feet, if necessary; 29 foot separation with Bay Windows, if necessary.
 2. Front Window to Side Window: 27 foot separation in lieu of the required 40 feet, if necessary; 23 foot separation between Bay Windows, if necessary.
 3. Front Window to Side Window: 20 foot separation in lieu of the required 40 feet, if necessary; 16 foot separation between Bay Windows, if necessary.
 4. Side Window to Rear Window: 30 foot separation in lieu of the required 40 feet, if necessary; 26 foot separation between Bay Windows, if necessary.
- H. CMDP Section V.B.8 pursuant to Section 504 B.C.Z.R. to permit Garage Carport Setback separation as follows:

Garage to Street: 20 foot separation in lieu of the required 22 feet.

Part II.

Assuming Part I variances are granted, the following variances for projections into yards are requested:

Section 301.1 B.C.Z.R. and CMDP Section V.B.5.b pursuant to Section 504 B.C.Z.R. to permit open, unenclosed decks or patios to project into required yard in lieu of the required 25% maximum as follows:

- A. Projection Separation to Tract Boundary:
1. Building/Window separation to Tract Boundary per variance is 28 feet. Variance request to permit an open, unenclosed deck or patio to project 12 feet in lieu of the permitted 7 foot projection and the normal 7.5 feet.
 2. Building/Window separation to Tract Boundary per variance is 25 feet. Variance request to permit an open, unenclosed deck or patio to project 12 feet in lieu of the permitted 6.25 foot projection and the normal 7.5 feet.
 3. Building/Window separation to Tract Boundary per variance is 20 feet. Variance request to permit an open, unenclosed deck or patio to project 12 feet in lieu of the permitted 5 foot projection and the normal 7.5 feet.

4. Building/Window separation to Tract Boundary per variance is 15 feet. Variance request to permit an open, unenclosed deck or patio to project 12 feet in lieu of the permitted 3.75 foot projection and the normal 7.5 feet.

B. Projection Separation to Rear Property Line

1. Variance to permit an open, unenclosed deck or patio to project 12 feet into the 20 foot rear yard in lieu of the permitted 5 foot projection.

AVALON SECTION 2
NOVEMBER 11, 1996

VARIANCES REQUESTED

Part I

Lot	A-1	A-2	A-3	A-4	B-1	B-2	B-3	C-1	C-2	C-3	C-4	D-1	D-2	D-3	D-4	E-1	E-2	E-3	E-4	E-5	F-1	F-2	F-3	F-4	G-1	G-2	G-3	G-4	H
1	X				X					X				X															X
2					X					X				X															X
3					X					X				X															X
4					X					X				X															X
5					X					X				X															X
6					X					X				X															X
7		X			X					X				X															X
8		X			X					X				X															X
9		X			X					X				X															X
10		X			X					X				X															X
11					X					X				X															X
12					X					X				X															X
13					X					X				X															X
14					X					X				X															X
15					X					X				X															X
16					X					X				X															X
17					X					X				X															X
18					X					X				X															X
19					X					X				X															X
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21					X					X				X															X
22					X					X				X															X
23					X					X				X															X
24					X					X				X															X
25					X					X				X															X
26					X					X				X															X
27					X					X				X															X
28					X					X				X															X
29					X					X				X															X
30					X					X				X															X
31					X					X				X															X
32					X					X				X															X
33					X					X				X															X
34					X					X				X															X
35					X					X				X															X
36					X					X				X															X
37					X					X				X															X
38					X					X				X															X
39					X					X				X															X
40					X					X				X															X
41					X					X				X															X
42					X					X				X															X
43					X					X				X															X
44					X					X				X															X
45					X					X				X															X
46					X					X				X															X

Part II

Lot	A-1	A-2	A-3	A-4	B-1
1					X
2					X
3					X
4					X
5					X
6					X
7					X
8					X
9					X
10					X
11					X
12					X
13					X
14					X
15					X
16					X
17					X
18					X
19					X
20					X
21					X
22					X
23					X
24					X
25					X
26					X
27					X
28					X
29					X
30					X
31					X
32					X
33					X
34					X
35					X
36					X
37					X
38					X
39					X
40					X
41					X
42					X
43					X
44					X
45					X
46					X

PROTESTANT
EXHIBIT #1

THIS DEED, Made this day of March, in the year one thousand nine hundred and ninety-six, by and between DIVERSIFIED-CRADOCK ESTATES LIMITED PARTNERSHIP, a Maryland Limited Partnership, party of the first part, Grantor; and CRADOCK ESTATES HOMEOWNERS' ASSOCIATION, INC., a body corporate of the State of Maryland, party of the second part, Grantee.

WITNESSETH, That in consideration of the sum of NO CONSIDERATION and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does grant and convey to the said party of the second part, its successors and assigns, in fee simple, all those parcels of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE FIRST THEREOF and being known and designated as Storm Water Management Area, 1.624 acres, more or less, as shown and designated on a plat entitled "Plat One of Cradock Estates", which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. No. 54, folio 77.

BEGINNING FOR THE SECOND THEREOF and being known and designated H.O.A. Open Space, 0.842 acres, more or less, as shown and designated on a plat entitled "Plat One of Cradock Estates", which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. No. 54, folio 77.

BEGINNING FOR THE THIRD THEREOF and being known and designated H.O.A. Storm Water Management Area, 1.7880 acres, more or less, as shown and designated on a plat entitled "Amended Plat for Part of Plat Two of Cradock Estates", which plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 59, folio 148.

BEGINNING FOR THE FOURTH THEREOF and being known and designated H.O.A. Open Space, 1.1628 acres, more or less, as shown and designated on a plat entitled "Amended Plat for Part of Plat Two of Cradock Estates", which plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 59, folio 148.

BEING part of all that property which by Deed dated January 15, 1986 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 7077, folio 50, was granted and conveyed by Rachuba Enterprises, Inc. unto Diversified-Cradock Estates Limited Partnership, the herein named Grantor.

TOGETHER with the buildings, thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

MICROFILMED

TO HAVE AND TO HOLD the said described parcels of ground and premises to the said party of the second part, its successors and assigns, in fee simple.

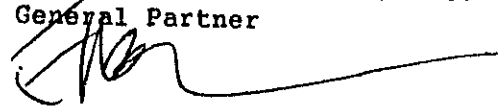
AND the said party of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the Grantor.

WITNESS:

DIVERSIFIED-CRADOCK ESTATES
LIMITED PARTNERSHIP

BY: D.I.A.-CRADOCK ESTATES, INC.
General Partner

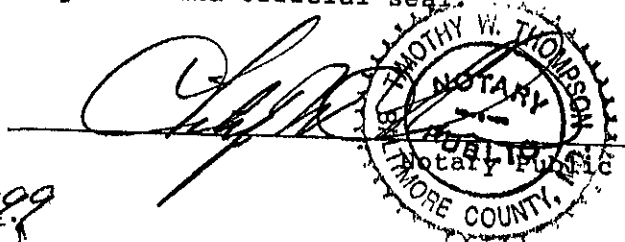
BY:  (SEAL)
Ellwood A. Sinsky, President

STATE OF MARYLAND, County of Baltimore, to wit:

I HEREBY CERTIFY, That on this 15 day of March, 1996, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Ellwood S. Sinsky who acknowledged himself to be the President of D.I.A.-CRADOCK ESTATES, INC., a corporation, General Partner of DIVERSIFIED-CRADOCK ESTATES LIMITED PARTNERSHIP, and that he as such President being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing in my presence, the name of the corporation by himself as such President of said Corporation as General Partner on behalf of said Limited Partnership.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission expires: MARCH 1, 1999



THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED UNDER THE
SUPERVISION OF THE UNDERSIGNED MARYLAND ATTORNEY.

Jerry S. Sopher

AFTER RECORDATION RETURN TO:

CONTINENTAL TITLE COMPANY
913 South Charles Street
Baltimore, Maryland 21230

Cradock Estates
JSS:av/7719V

ELLWOOD BUILDING CORPORATION

• 2416 Velvet Valley Way • Owings Mills, Maryland 21117 • (410) 363-6644

March 1, 1996

Mrs. Mindy Per, President
Cradock Estates Homeowners' Association, Inc.
14 Dandelion Court
Owings Mills, Maryland 21117

Re: Cradock Estates

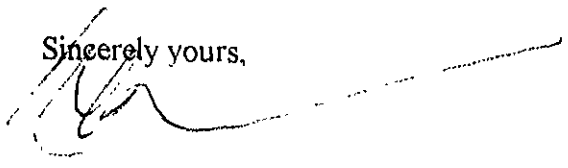
Dear Mindy:

Enclosed find copy of deed conveying all HOA parcels on the site of Cradock Estates to the Association.

Also enclosed is copy of my letter to Jerry S. Sopher, P.A. requesting that he record the same.

When I received recorded deed, I will forward to you for your records.

Sincerely yours,



Ellwood A. Sinsky

ELLWOOD BUILDING CORPORATION

March 1, 1996

• 2416 Velvet Valley Way • Owings Mills, Maryland 21117 • (410) 363-6644

Jerry S. Sopher, P.A.
913 South Charles Street
Baltimore, Maryland 21230

Re: Cradock Estates

Dear Jerry:

Enclosed find executed deed and paid tax bill.

Please record and send invoice.

I am trying to close this project completely in our files.

Sincerely yours,



CERTIFICATE OF POSTING

RE: Case No.: 97-182-A

Petitioner/Developer: AVALON ASSOC, ETAL
& STUART KAPLOW, ESQ

Date of Hearing/Closing: 11/15/96

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

PETITIONER'S
EXHIBIT NO. 9

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at THE ENDS OF
GREENTREE ROAD, HOWARD SQUARE ROAD AND
STONE CHAPEL ROAD

The sign(s) were posted on 10/31/96
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 11/14/96
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

666-5366
(Telephone Number)

END GREENE TREE RD.

C. END OF HOWARD SQUARE RD.

MICROFILMED

C. END OF STONE CHAPEL RD.

ZONING NOTICE

Case # 97-182-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE - ROOM 106, COUNTY OFFICE BLDG.

TIME & DATE - FRI NOV 15, 1996 AT 11:00 A.M.

VARIANCES

AVALON - E. STONE CHAPEL ROAD

ZONING NO.

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

97-182-A
AVALON

Z.C. HEARING

PET. EX NOS.

5, 6A & 6B,

8A & 8B

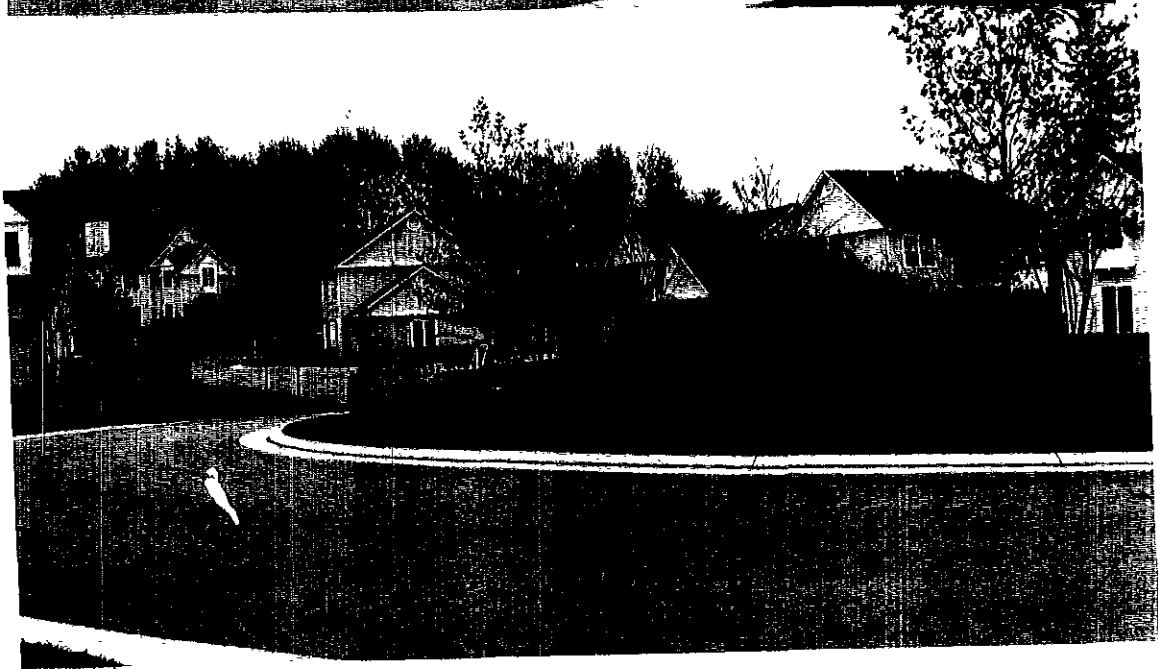
HEARING TO
BE SCHEDULED
APRIL OR MAY
1997

CBA Exhibits - same numbers

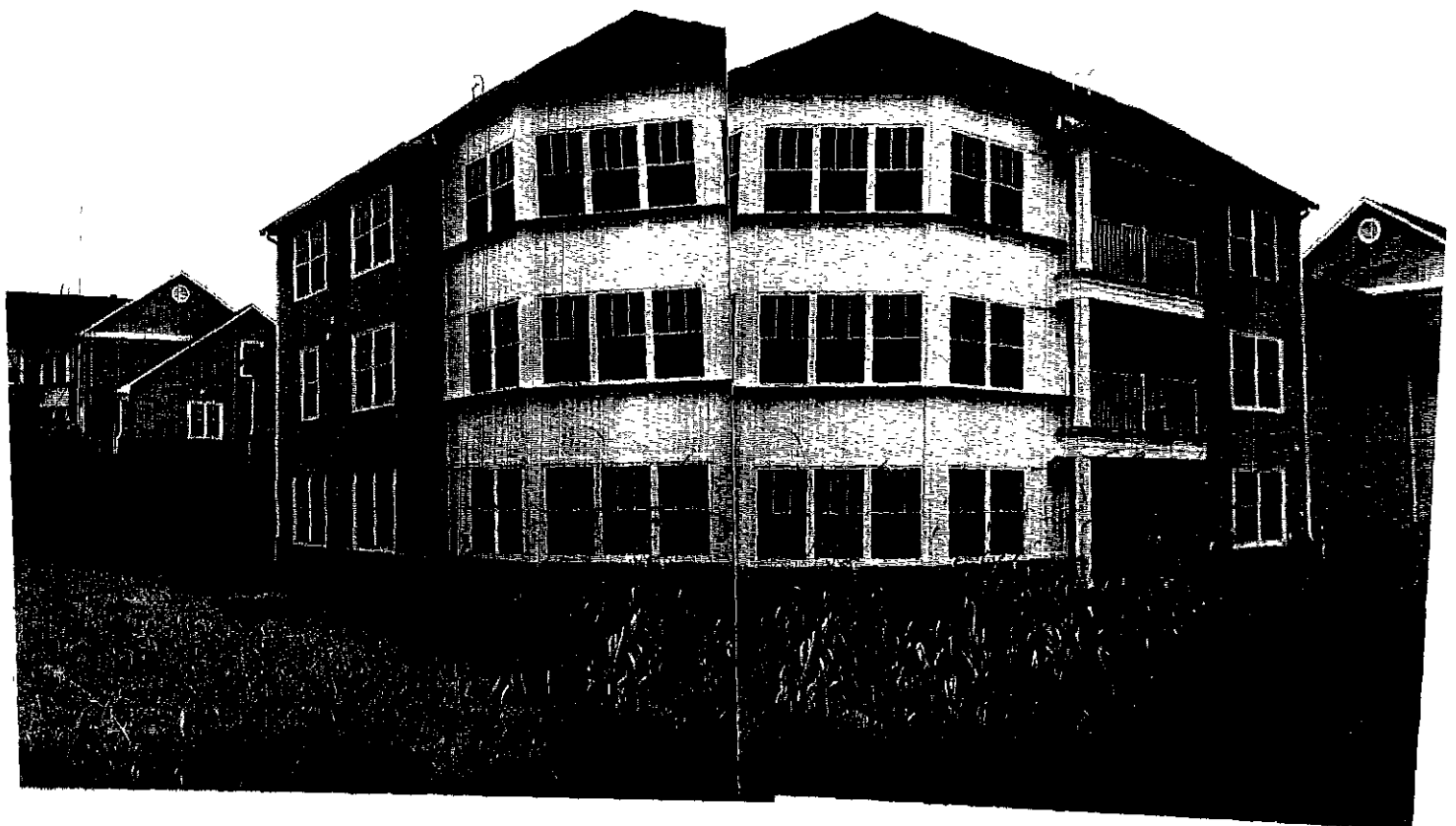
MICROFILMED

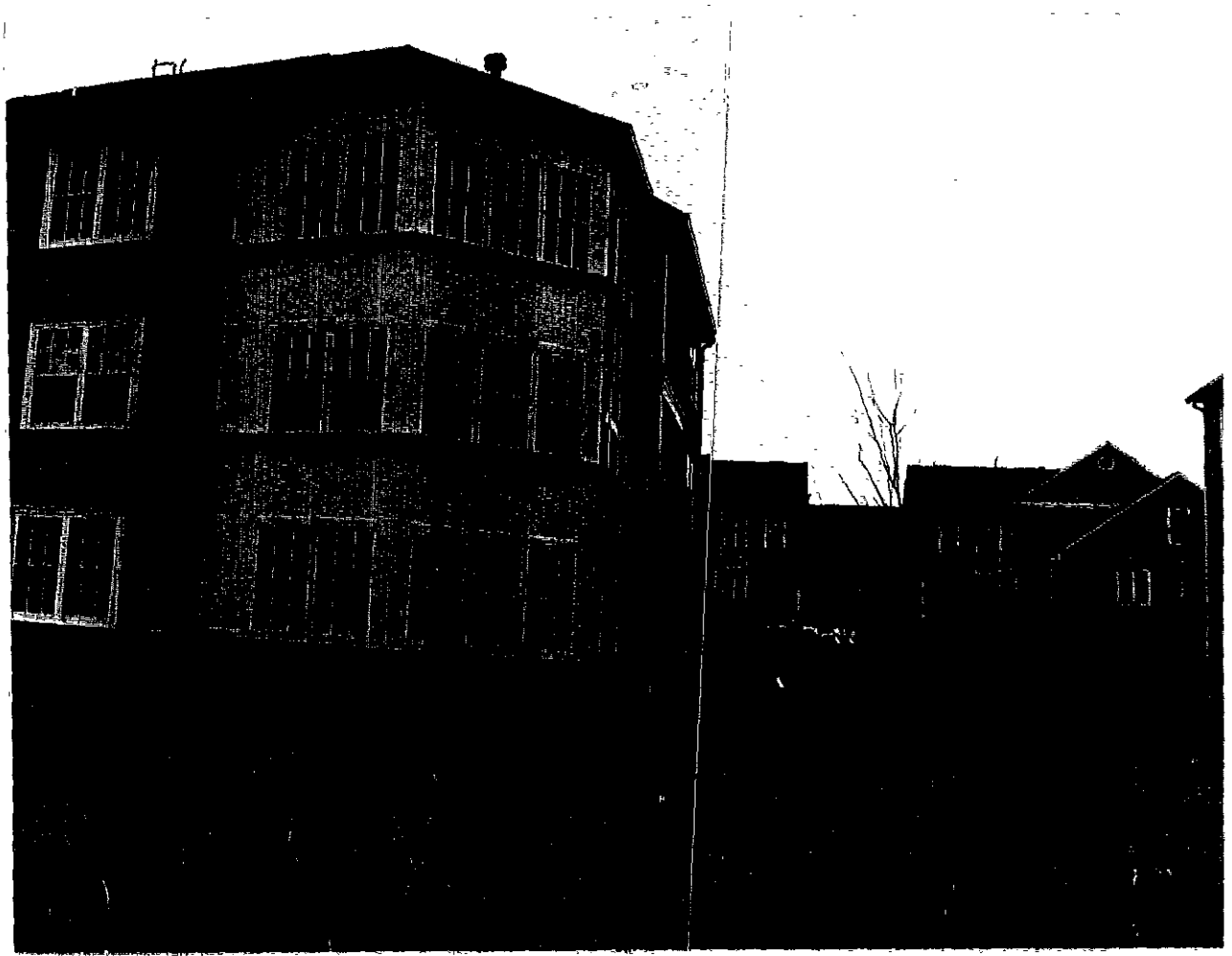
20. COHEN CHARLES J; COHEN KAREN D; Owner Occupied, 12 RUSH VINE CT, OWINGS MILLS, MD 21117-4524, Baltimore County, Maryland, MDPROP
21. DEBOIS JEFFREY L; DEBOIS LESLIE C; Owner Occupied, 9214 HARVEST RUSH RD, OWINGS MILLS, MD 21117-4519, Baltimore County, Maryland, MDPROP
22. DELSERONE B ANTHONY, JR; DELSERONE EDITH T; Owner Occupied, 9243 HARVEST RUSH RD, OWINGS MILLS, MD 21117-4523, Baltimore County, Maryland, MDPROP
23. DEUTSCH NEAL; DEUTSCH BONNIE; Owner Occupied, 213 BERRY VINE DR, OWINGS MILLS, MD 21117-4516, Baltimore County, Maryland, MDPROP
24. DIVERSIFIED CRADOCK ESTATES; LIMITED PARTNERSHIP, DANDELION CT, Baltimore County, Maryland, MDPROP
25. DIVERSIFIED CRADOCK ESTATES; LIMITED PARTNERSHIP, HARVEST RUSH RD, Baltimore County, Maryland, MDPROP
26. DIVERSIFIED CRADOCK ESTATES, HARVEST RUSH RD, Baltimore County, Maryland, MDPROP
27. DIVERSIFIED CRADOCK ESTATES, HARVEST RUSH RD, Baltimore County, Maryland, MDPROP
28. DUBIN PENNY; Owner Occupied, 10 DANDELION CT, OWINGS MILLS, MD 21117, Baltimore County, Maryland, MDPROP
29. EAGLE IRWIN; EAGLE CLAUDIA J; Owner Occupied, 201 BERRY VINE DR, OWINGS MILLS, MD 21117-4512, Baltimore County, Maryland, MDPROP
30. ECKHAUS STUART ROBERT; ECKHAUS SUZETTE WHITE; Owner Occupied, 9257 HARVEST RUSH RD, OWINGS MILLS, MD 21117-4523, Baltimore County, Maryland, MDPROP
31. EDELSON HARVEY; EDELSON RODNEY; Owner Occupied, 209 BERRY VINE DR, OWINGS MILLS, MD 21117-4516, Baltimore County, Maryland, MDPROP
32. EGORIN MARVIN; Owner Occupied, 208 BERRY VINE DR, OWINGS MILLS, MD 21117-4500, Baltimore County, Maryland, MDPROP
33. EPSTEIN DAVID A; EPSTEIN ELAINE C; Owner Occupied, 9247 HARVEST RUSH RD, OWINGS MILLS, MD 21117-4523, Baltimore County, Maryland, MDPROP
34. FALK STEWART J; FALK ELLEN M; Owner Occupied, 9219 HARVEST RUSH RD, OWINGS MILLS, MD 21117-4521, Baltimore County, Maryland, MDPROP
35. FAN PAT YUN; FAN YVONNE HO; Owner Occupied, 9249 HARVEST RUSH RD, OWINGS MILLS, MD 21117-4523, Baltimore County, Maryland, MDPROP
36. FEINTUCH JACK; FEINTUCH MIRIAM; Owner Occupied, 9233 HARVEST RUSH RD, OWINGS MILLS, MD 21117-4521, Baltimore County, Maryland, MDPROP
37. FELDMAN JEFFREY N; FELDMAN SHERRY L; Owner Occupied, 206 BERRY VINE DR, OWINGS MILLS, MD 21117-4500, Baltimore County, Maryland, MDPROP

MICROFILMED

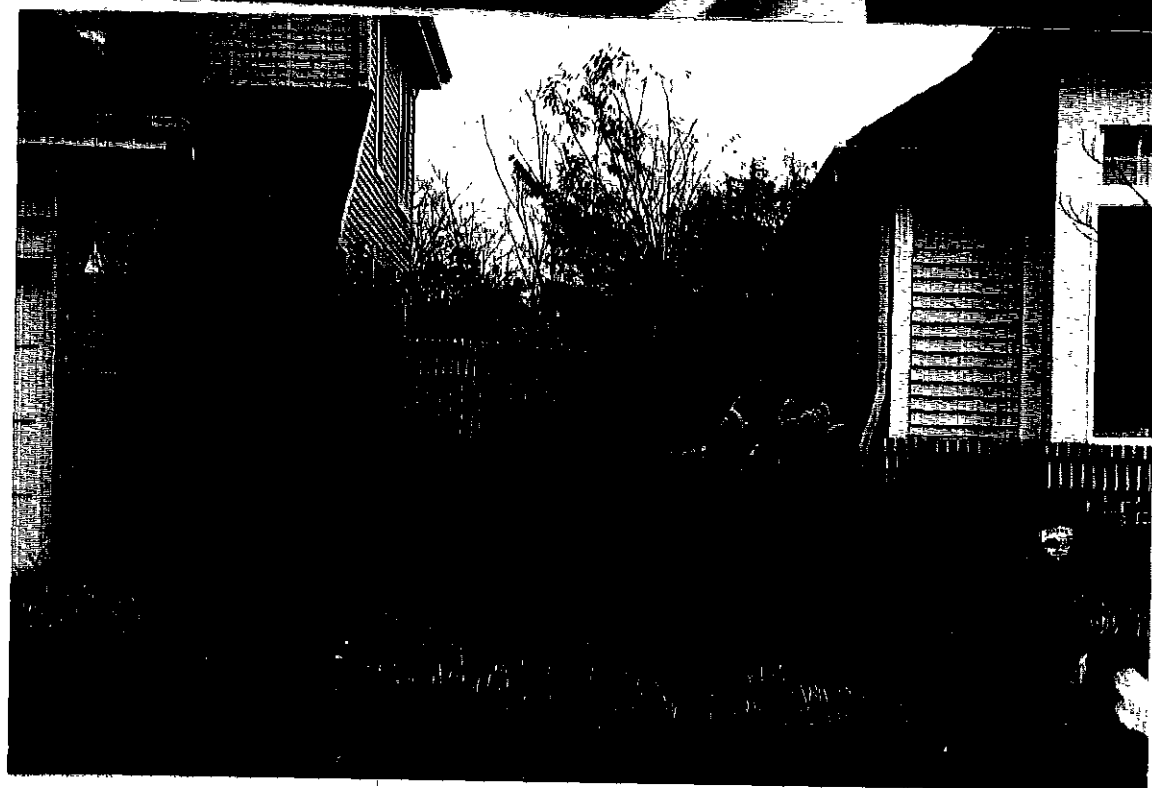






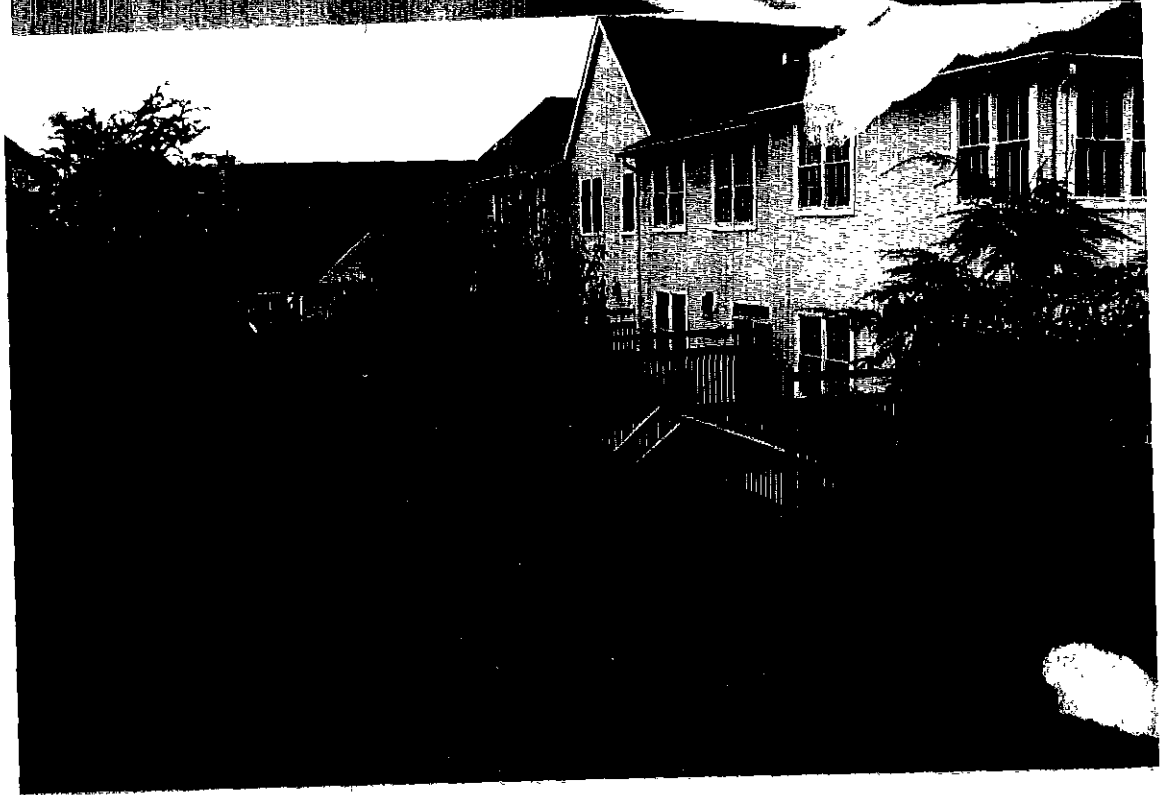
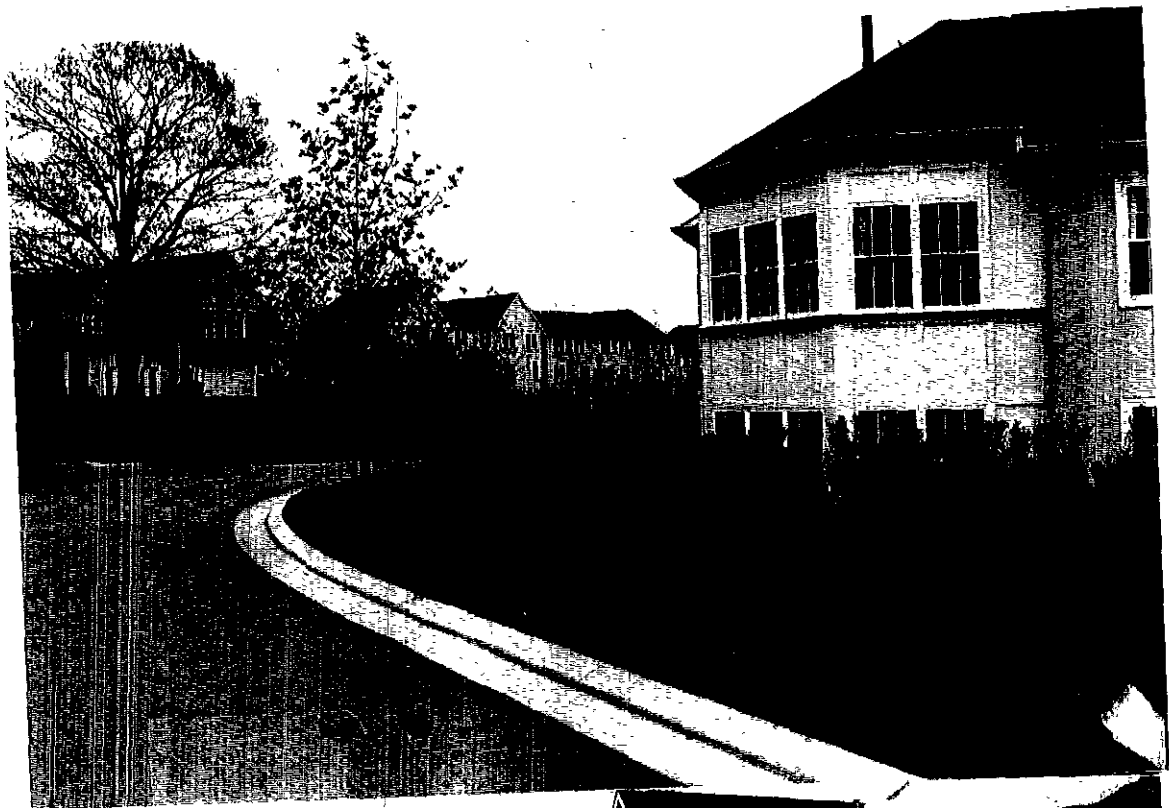




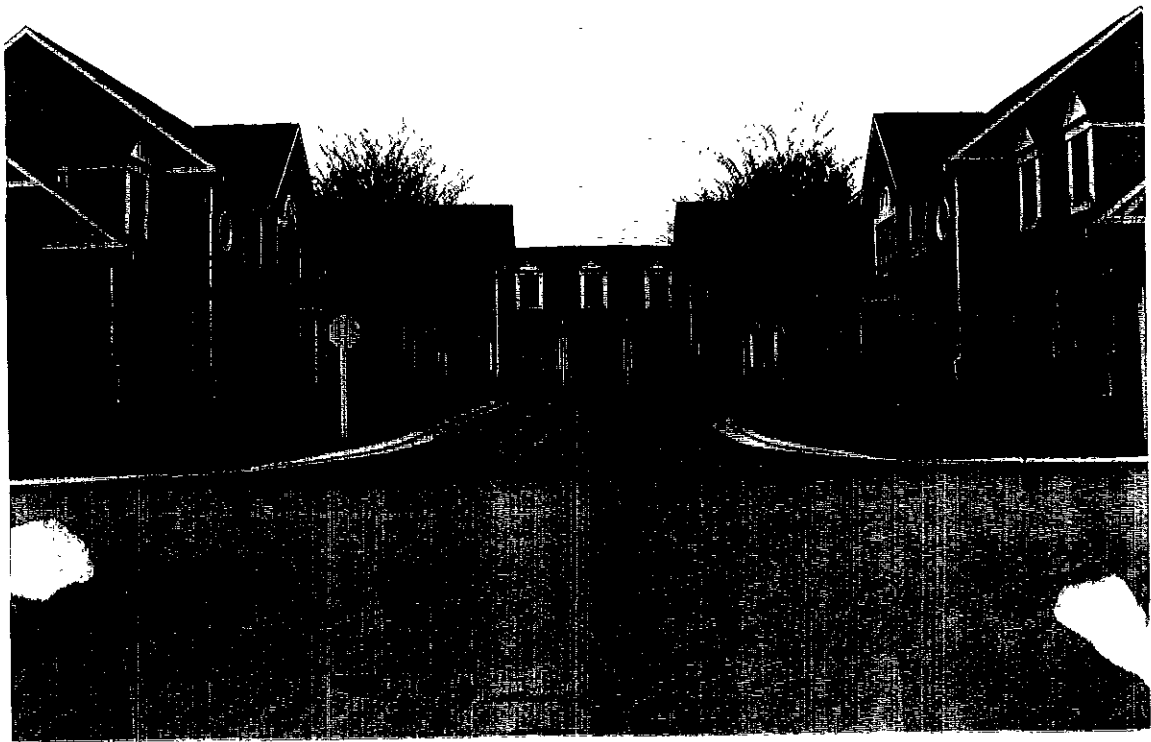


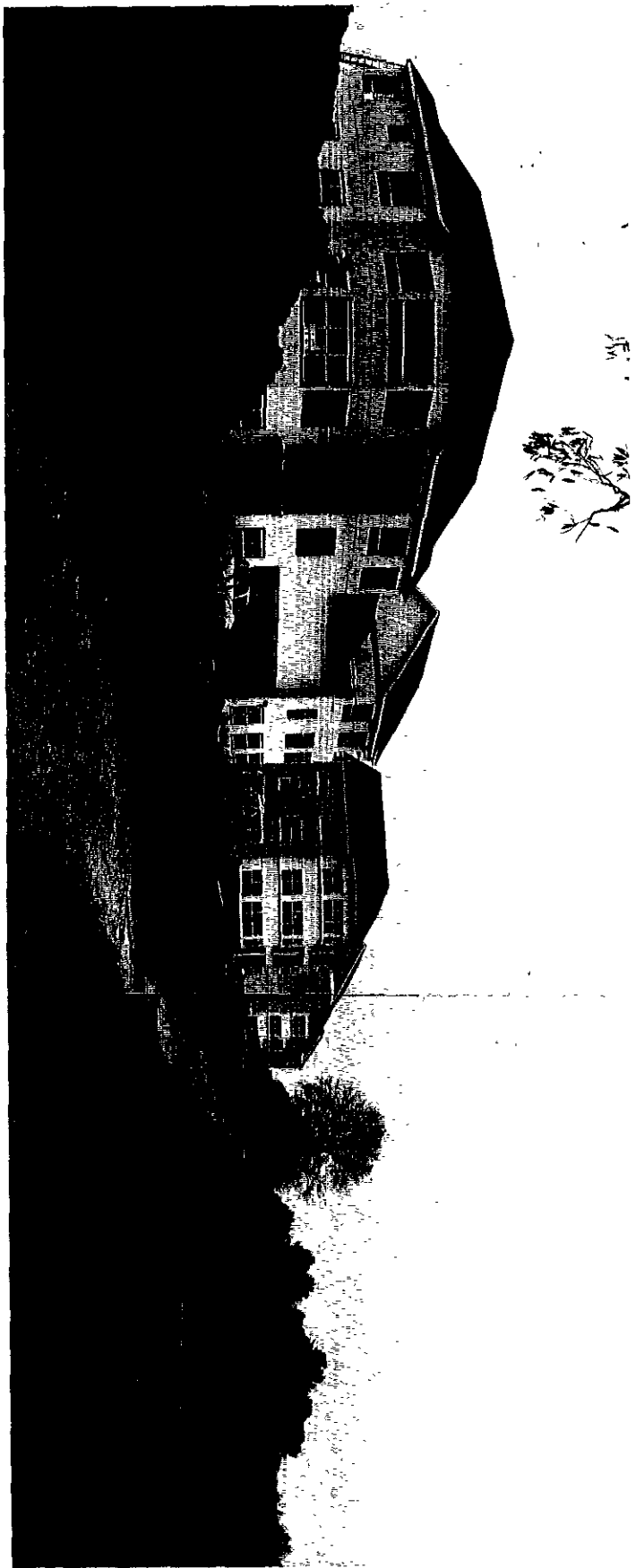








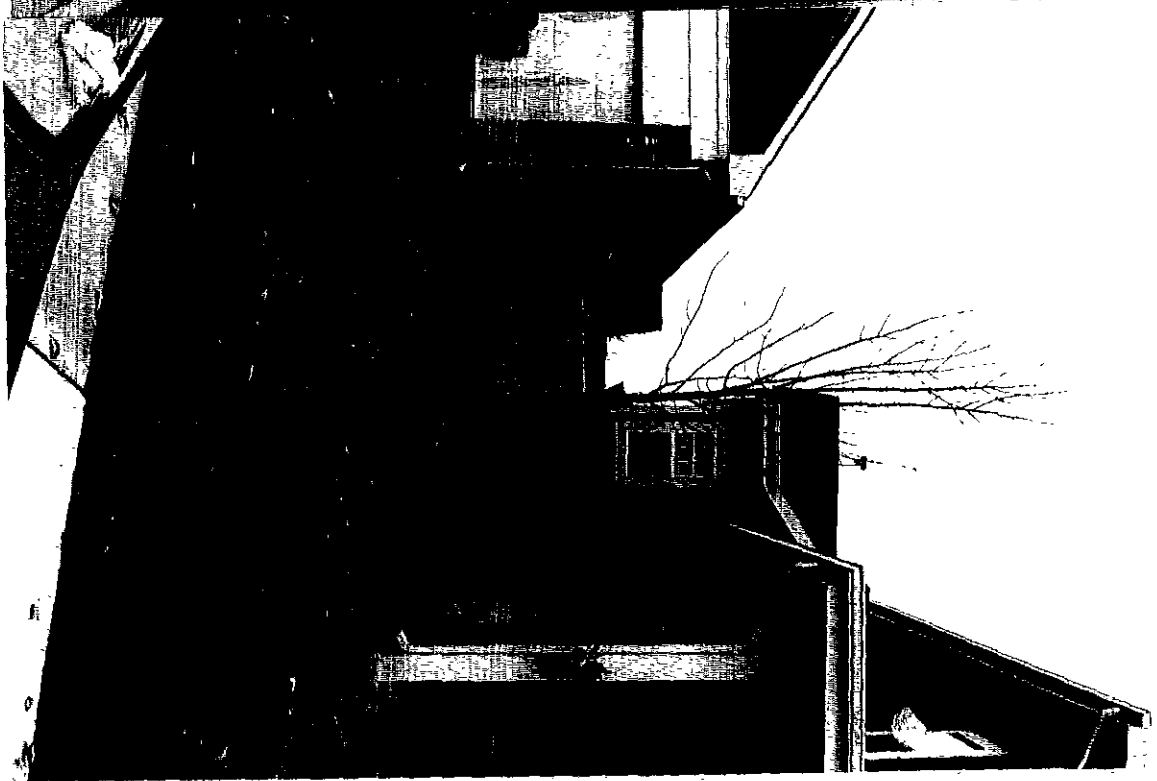












LEVIN & CANN

305 W CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

[illegible]



County Board of Appeals of Baltimore County

HEARING ROOM - Room 301
County Office Building

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

MOTION ONLY HEARING

May 19, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-304-A

LENCO DEVELOPMENT CO., INC.

NE/sides Hilmer Avenue, 380' E Mace Avenue
Lots 1, 5, 13 Hilmer Avenue
(Silver Spring Terrace)

15th Election District
5th Councilmanic District

VAR -side yard setback of 8' in lieu of req. 35'

3/16/89 -Z.C.'s Order that Petition for Variance
is GRANTED.

Upon receipt of a Motion to Dismiss filed by Counsel for Petitioner, this case has been set in for a MOTION ONLY HEARING on June 6, 1989. There will be no testimony or evidence received on June 6 on the merits of the case.

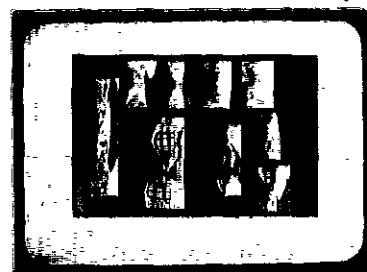
ASSIGNED FOR:

TUESDAY, JUNE 6, 1989 at 9:00 a.m.

cc: John B. Gontrum, Esquire Counsel for Appellee /Petitioner
Mr. Michael Zullo
Leonard M. Zullo, M.D. Appellee /Petitioner
Lenco Development Co., Inc.
Stuart Jay Robinson, Esquire Counsel for Wellington H. Welch, et ux
Mr. & Mrs. Wellington H. Welch
Ms. Gertrude Scharmer Appellant /Protestant
Mr. William F. Bafitis
Mr. Joseph Scharmer
Mr. James H. Coleman
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary

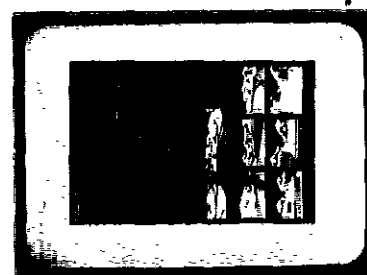
11 182 A



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

11 62 A



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

11 62 A



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN



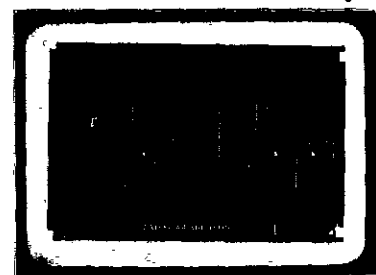
MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

91182-A



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

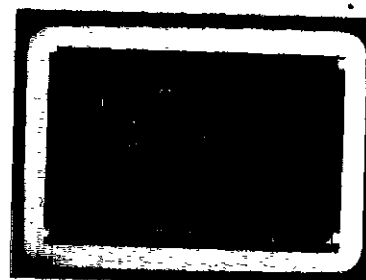
91112-1



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

91112-1



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

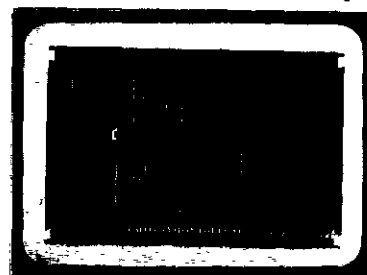
9. 182 A



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

11 182 -A



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN.

11 182 -A



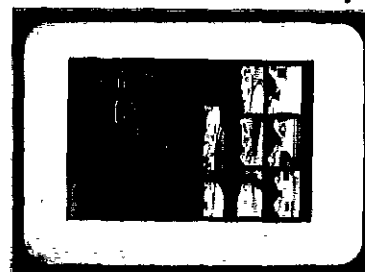
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3M, St. Paul, MN



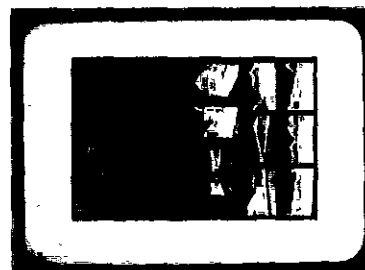
MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

71-182-A



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

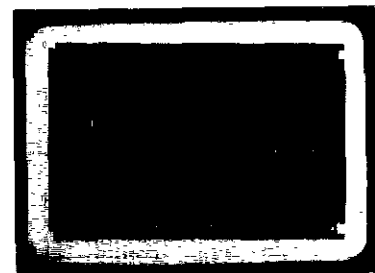
71-182-A



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

71-182-A



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

17-182-A



MM 5024 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

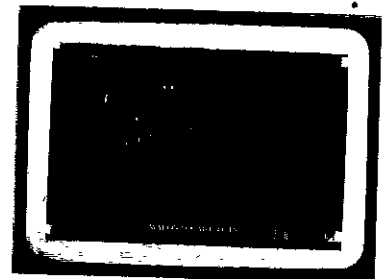
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MM 5024 FILMSORT® & DUPLICARD® Cards

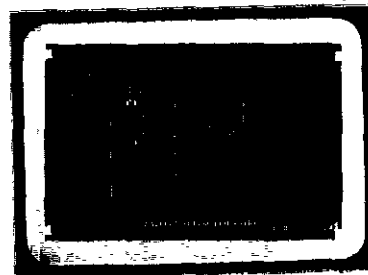
3M, St. Paul, MN

17-182-B



MM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN



3M, St. Paul, MN

13A



3M, St. Paul, MN



DATA SOURCES

HOLY TRINITY FAIR
R.L.S. 1286/24

AREA OF DISTURBANCE THIS SHEET 62,000 SQ. FT. OR MORE

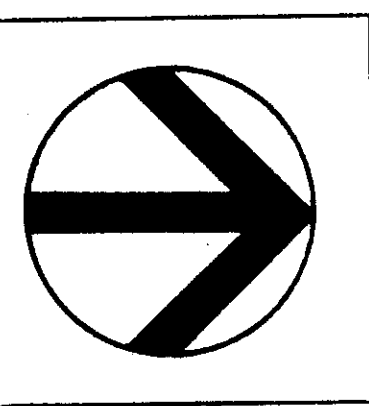
DMW
Dobson & McQuinn, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
(410) 286-5533
Fax: 286-4705

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

Final Grading Plan

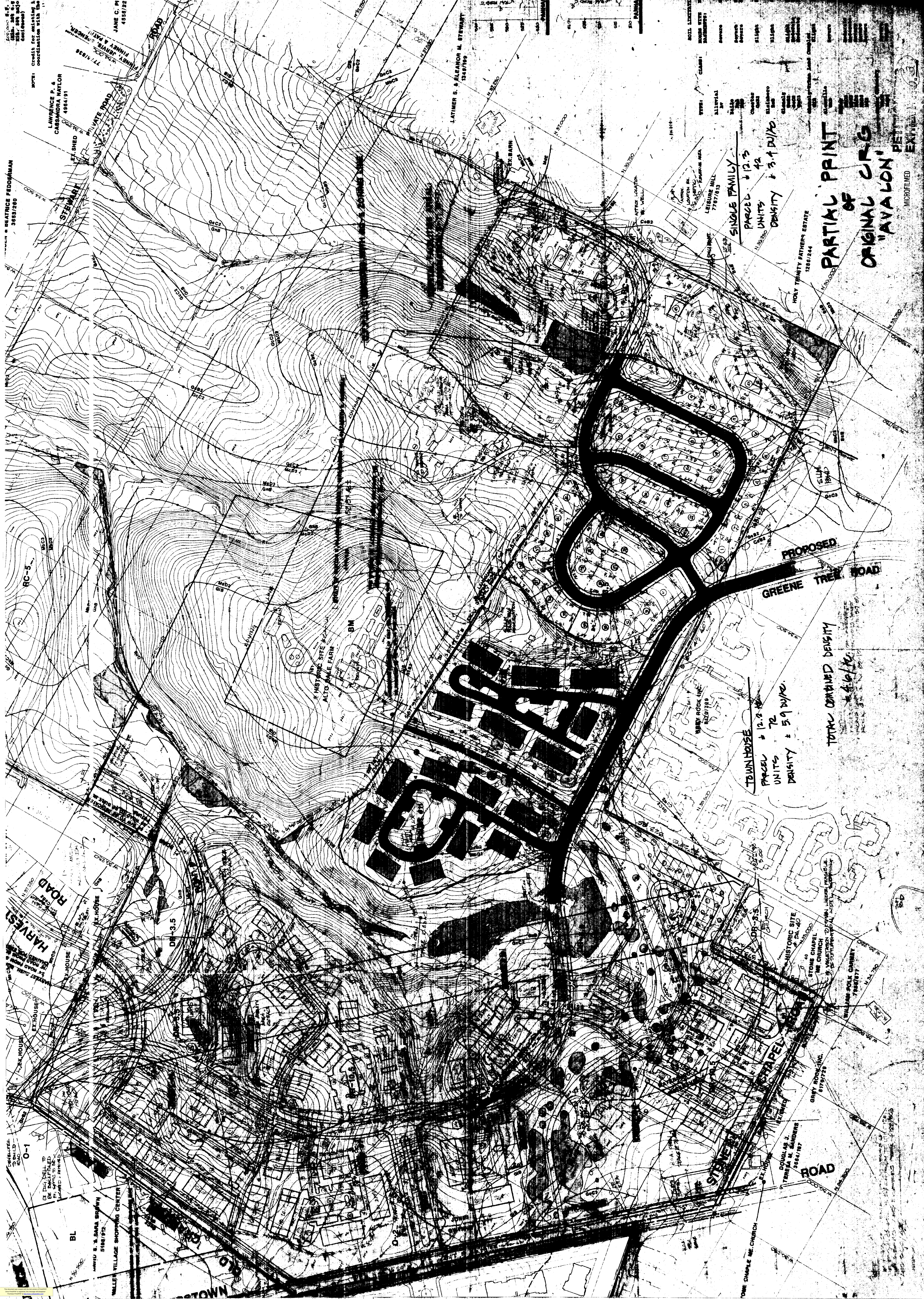
AVALON - EAST
PHASE 1

ISSUE DATES	
REVIEW	0-1-74
DESIGNED	
DRAWN	
CHECKED	
DATE CHECKED	0-1-74
SCALE	1"=50'
PROJECT NO.	2420A.B
DRAWING	ESC-4 OF 19



REVISIONS	
DATE	BY
00-24-24	ESC-4 OF 19
REVISIONS	
DATE	BY
00-24-24	ESC-4 OF 19

- LEGEND**
- LIMIT OF DISTURBANCE
 - PROPERTY LINE
 - WETLAND LIMIT
 - EXISTING VEGETATION LIMIT
 - EXISTING CONTOURS
 - EXISTING IMPROVEMENTS
 - PROPOSED CONTOURS
 - R/W LINE
 - PROPOSED ROAD
 - PROPOSED BUILDINGS
 - EASEMENT LINE



- LEGEND**
- LIMIT OF DISTURBANCE
 - PROPERTY LINE
 - WETLAND LIMIT
 - EXISTING VEGETATION LIMIT
 - EXISTING CONTOURS
 - EXISTING IMPROVEMENTS
 - PROPOSED CONTOURS
 - R/W LINE
 - PROPOSED ROAD
 - PROPOSED BUILDINGS
 - EASEMENT LINE



THIS IS A SCHEMATIC PLAN SHOWING
GENERAL INTENT AND IS FOR
ILLUSTRATIVE PURPOSES ONLY.



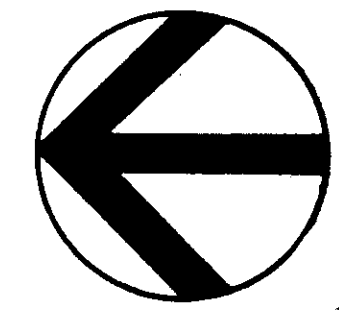
Dan McCune Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

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

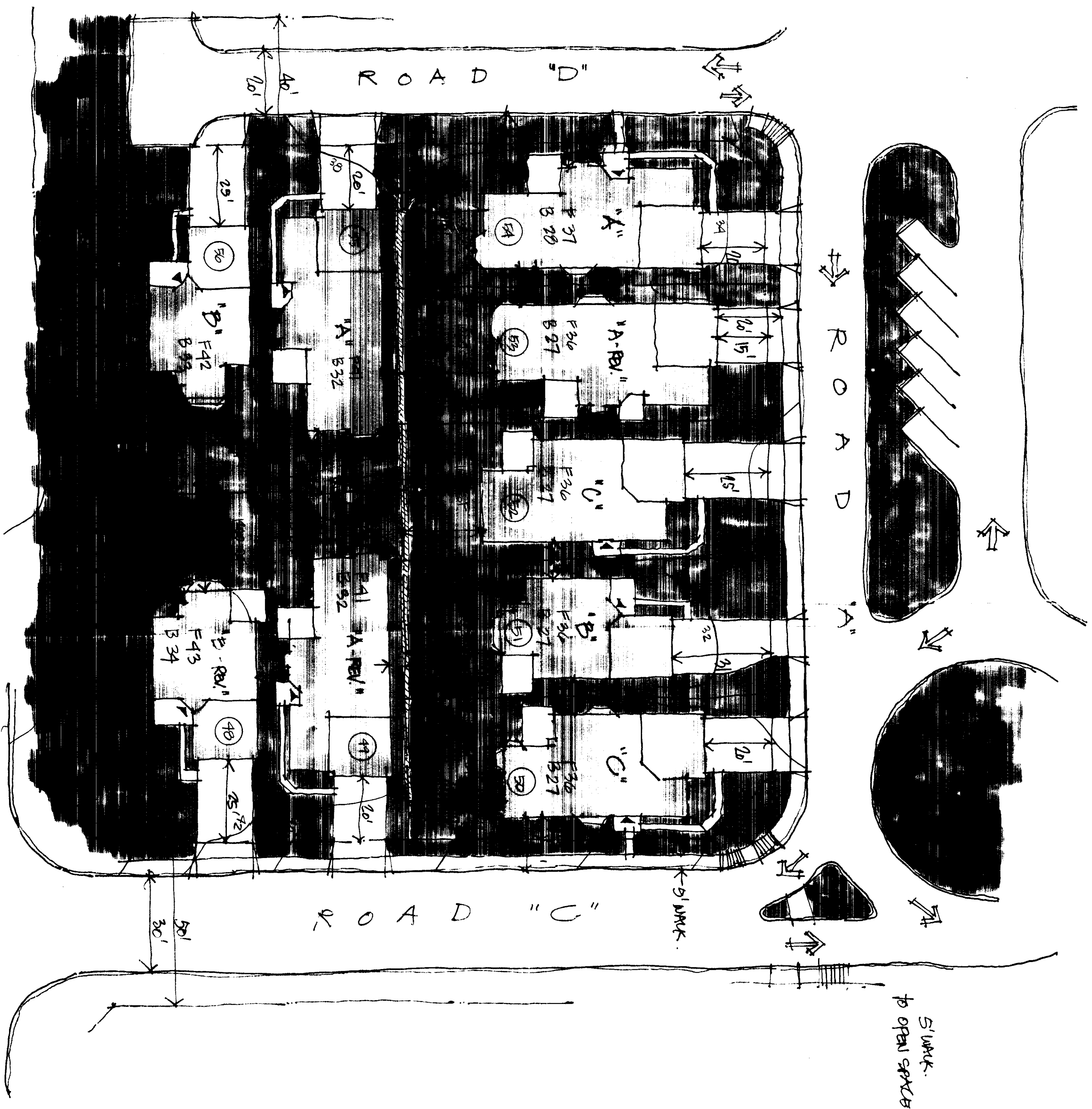
Exhibit To Accompany
Special Hearing and Variances

PROJECT NO. AVALON
SECTION 1

SECTION 1
SECTION 1
SECTION 1



REVISIONS		ISSUE DATES	
DATE	BY	REVIEW	DATE
		BY	
		PERMIT	
		CONSTRUCTION	
		BASE	
		CRANK	
		REVISIONS	
		CHECKED BY	
		DATE CHECKED	
		SCALE	
		PROJECT NO.	
		DRAWING	



SCHEMATIC NARROW LOT LAYOUT

THIS IS A SCHEMATIC PLAN SHOWING
GENERAL INTENT AND IS FOR
ILLUSTRATIVE PURPOSES ONLY.

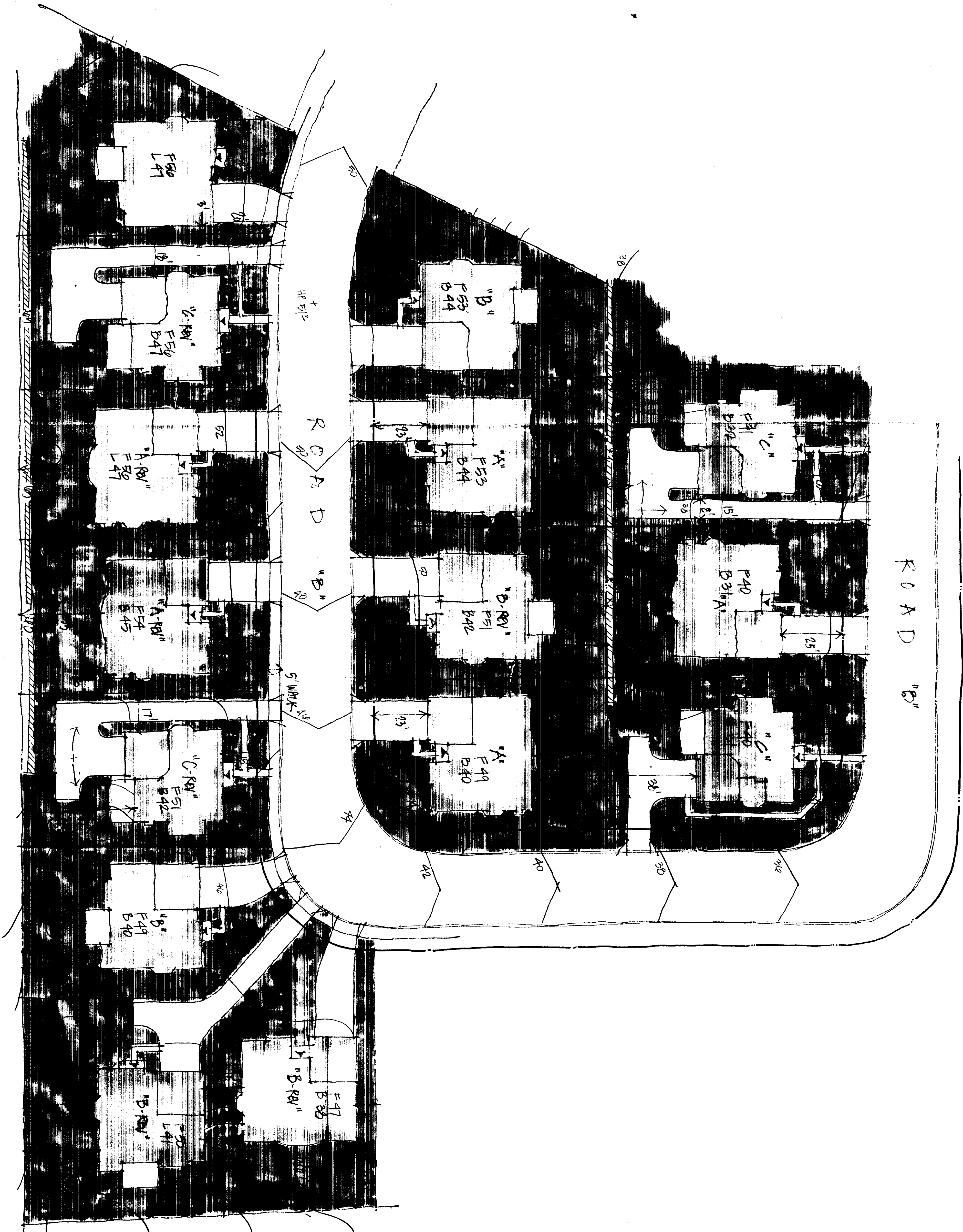
DMW
DRAFTING & DESIGN, INC.
700 East Broadway Avenue
New York, NY 10002-2126
(410) 296-3333
Fax 296-4705

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

Exhibit To Accompany
Special Hearing and Variances

AVALON
SECTION : 1

Shading District 3
11/14/10
SCHE : 1-201
440481-
MICROFILMED



SCHEMATIC WIDE LOT LAYOUT

THIS IS A SCHEMATIC PLAN SHOWING
GENERAL INTENT AND IS FOR
ILLUSTRATIVE PURPOSES ONLY.

DMW

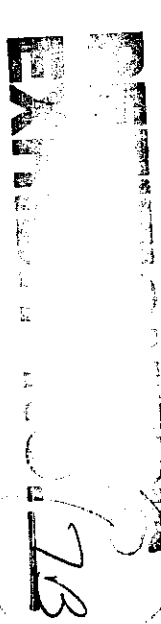
Dan McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
(410) 296-3333
Fax 296-4705

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

**EXHIBIT TO ACCOMPANY
SPECIAL HEARING AND VARIANCES**

SECTION 2

Section District 3
Concession District 3
Baltimore County, Maryland
11/14/10
SCALE 1"=20'
7/10/15



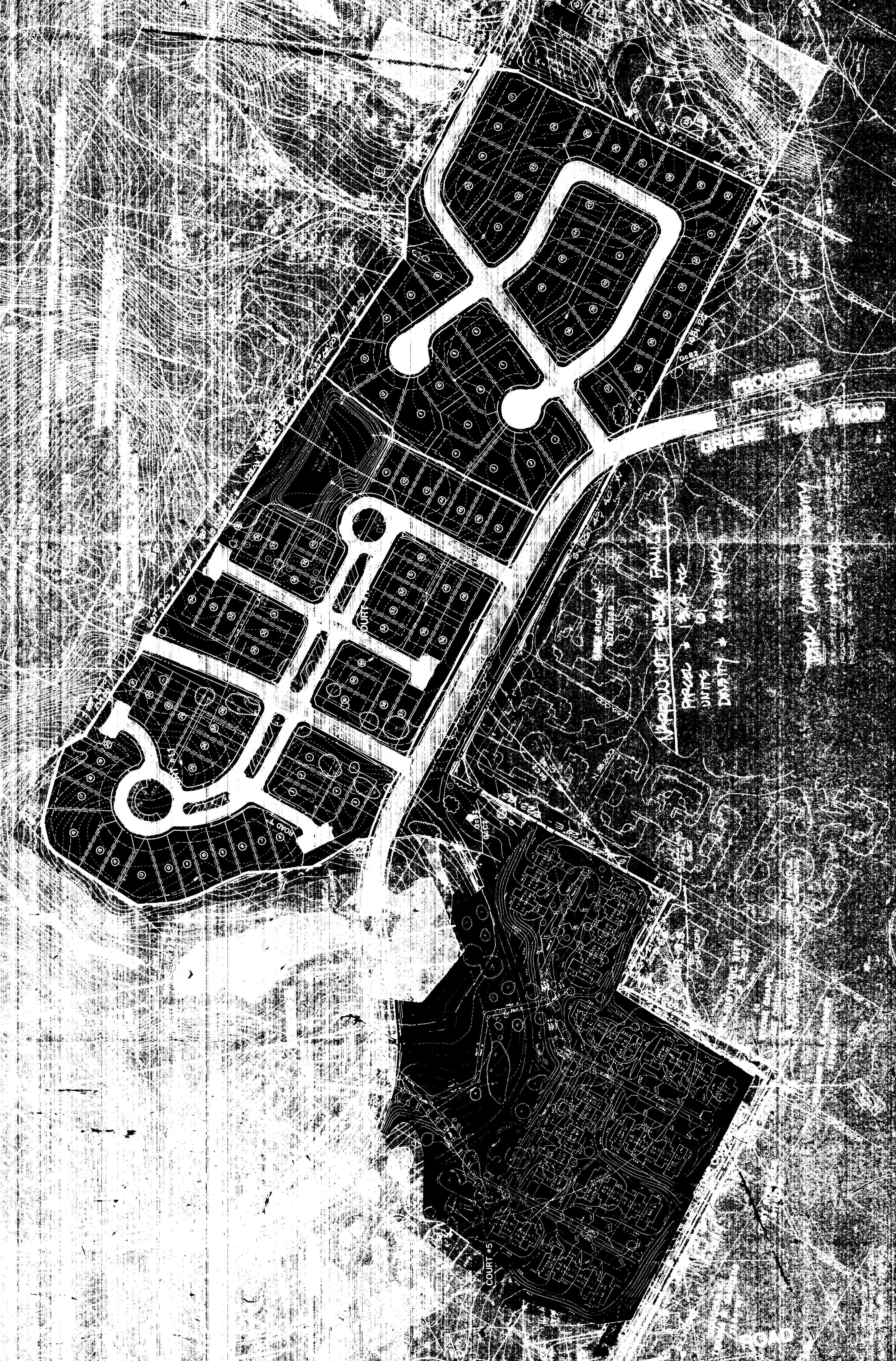
MICROFILMED

ENGINE & SURVEYING FIRM
3000 14th Ave
Denver, CO 80202

10/1/80

DIR OF CIVIL ENGINEERING
DENVER, CO 80202
11/8/80
DENVER, CO 80202

PETITION
EXHIBIT
PARTIAL PAINT
PROPOSED CRB
"AVALON" CORPORATION

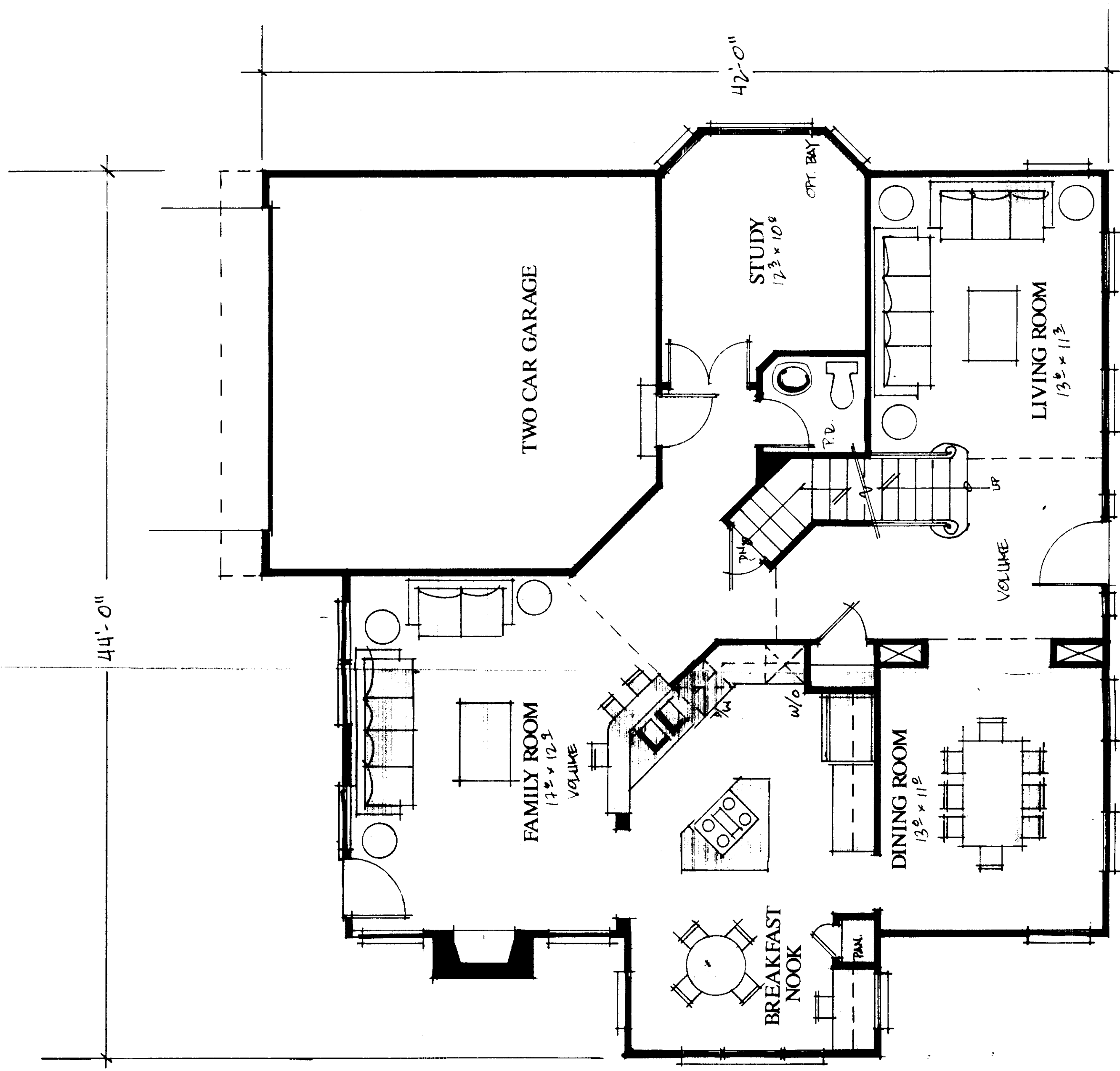


VARIOUS LOT SIZES
APPROX. 1/2 AC. TO
1/4 AC. TO 1/8 AC.
DENSITY 10 TO 20 UNITS

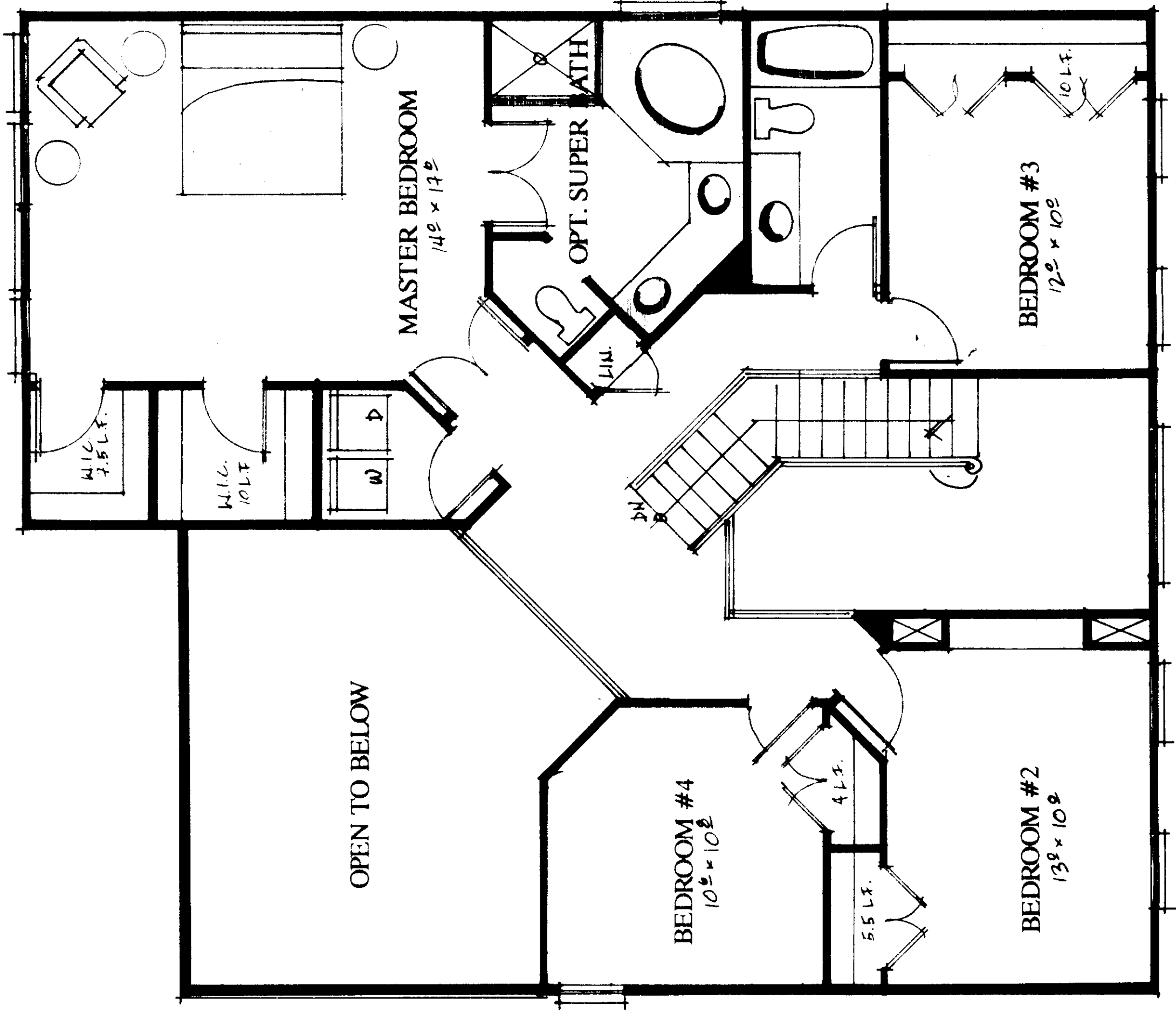
PROPOSED
COURT 45

COURT 45

AVALON ASSOC
97-182-R
Pettinelli's #13



FIRST FLOOR PLAN 1072 S.F.
OPT. BAY AT STUDY 17 S.F.



SECOND FLOOR PLAN 1150 S.F.

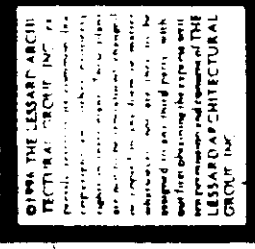
UNIT C 2372 S.F.

DATE: JULY 26, 1996

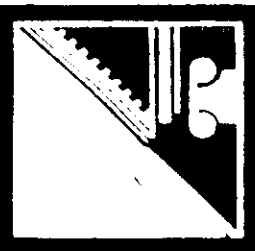
SCALE: 1/4" = 1'

AVALON ASSOCIATES L.L.C.

AVALON SQUARE LOTS



THE LESSARD ARCHITECTURAL GROUP
LLC.
8129 Boone Boulevard Suite 400 Vienna, VA 22182-7076 FAX 703/660-0118



MICROFILMED



FRONT ELEVATION
UNIT C

SCALE: 1/4" = 1' - 0"

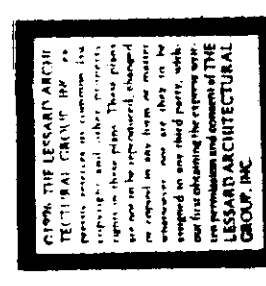
DATE: JULY 26, 1996

AVALON SQUARE LOTS

AVALON ASSOCIATES L.L.C.

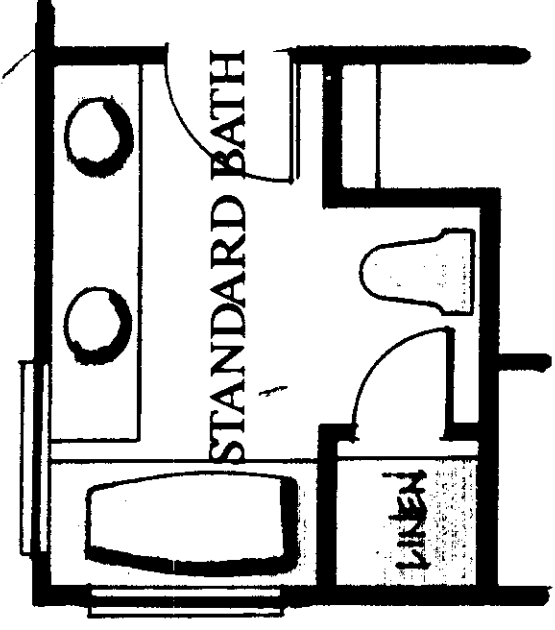


THE LESSARD ARCHITECTURAL GROUP
INC.
8129 Boone Boulevard Suite 640 Vienna, VA 22181-7076/60-9144 FAX 707/60-9138



PROPERTY

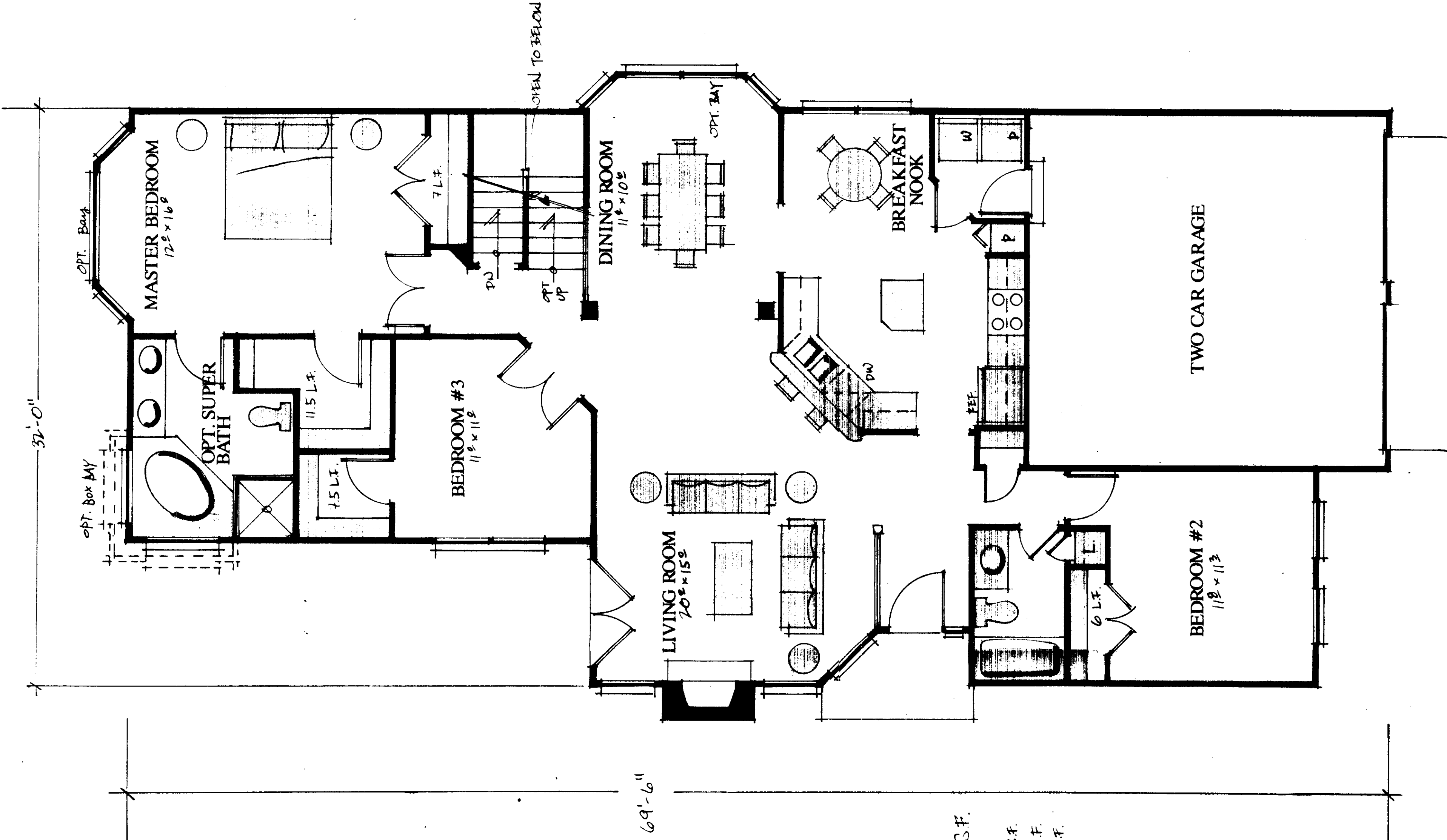
AVALON ASSOC.
#97-182-A
Petitioner's # 12-B



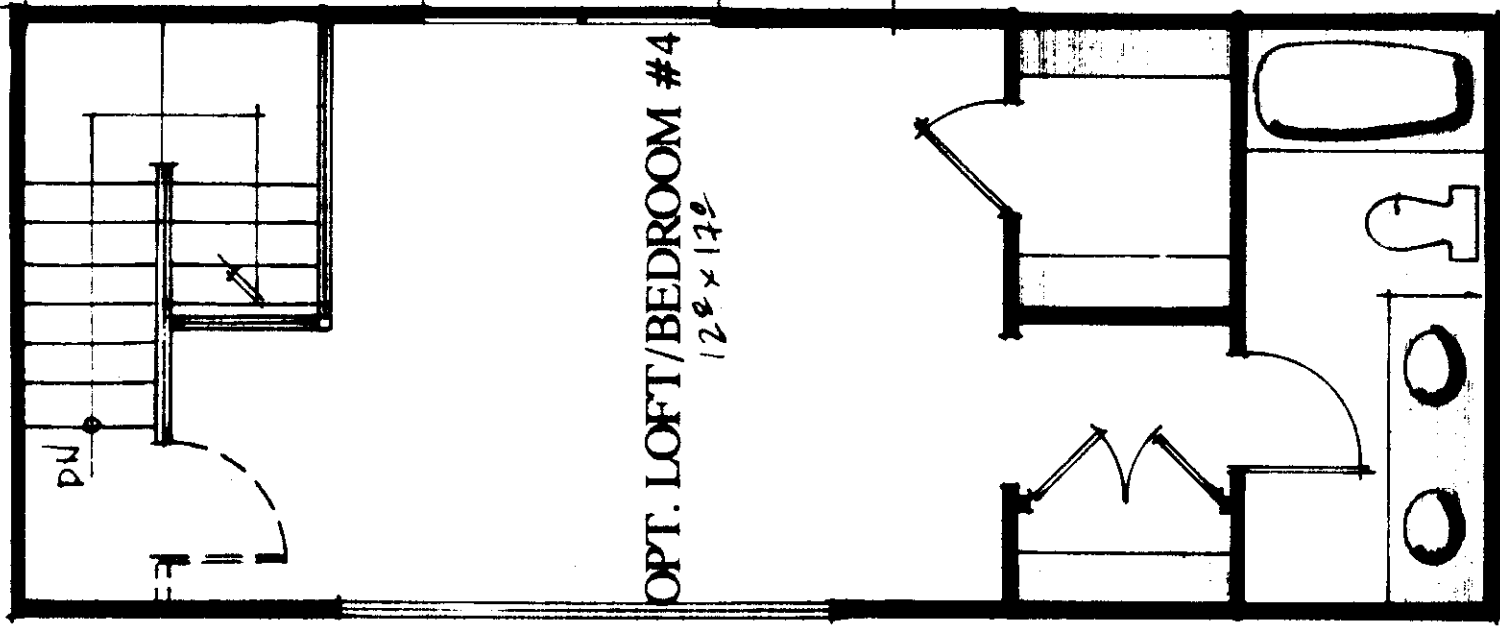
UNIT A

FIRST FLOOR PLAN 1550 S.F.

- OPT. BAY AT DINING 18 S.F.
- OPT. BAY AT M. BR. 18 S.F.
- OPT. Box BAY AT BATH 13 S.F.



OPT. LOFT/BEDROOM #4 307 S.F.

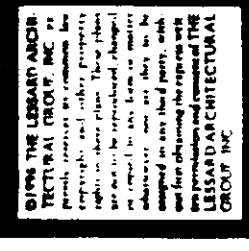


DATE: JULY 26, 1996

SCALE: 1/4" = 1'

AVALON ASSOCIATES L.L.C.

AVALON NARROW LOT PATIO



THE LESSARD ARCHITECTURAL GROUP
INC.
8279 Boone Boulevard Suite 400 Vienna, VA 22182-7076 703-460-9318 703-460-9318

REPRODUCED



FRONT ELEVATION
UNIT A

DATE: JULY 26, 1996

SCALE: 1/4" = 1' - 0"

AVALON ASSOCIATES L.L.C.

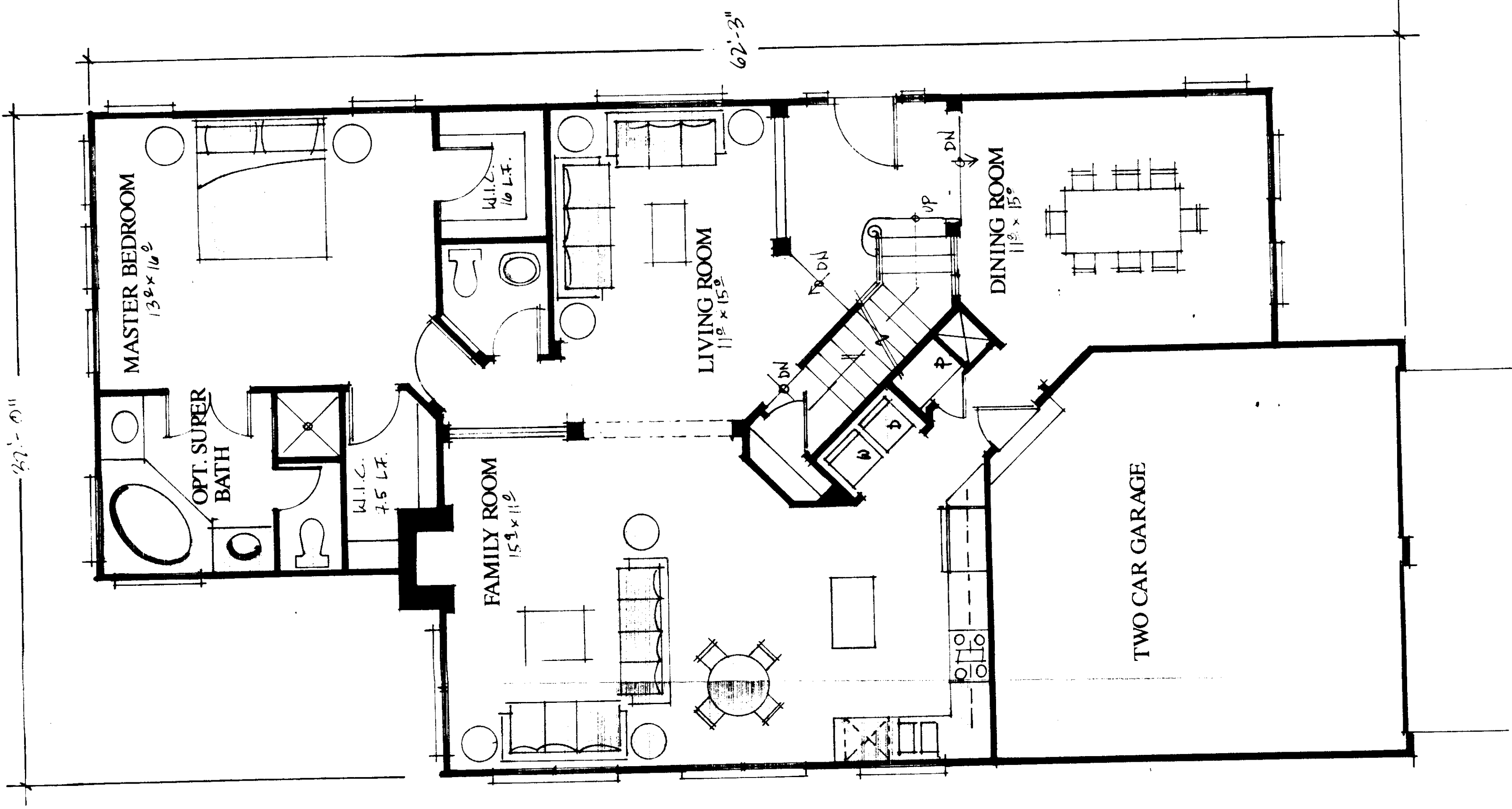
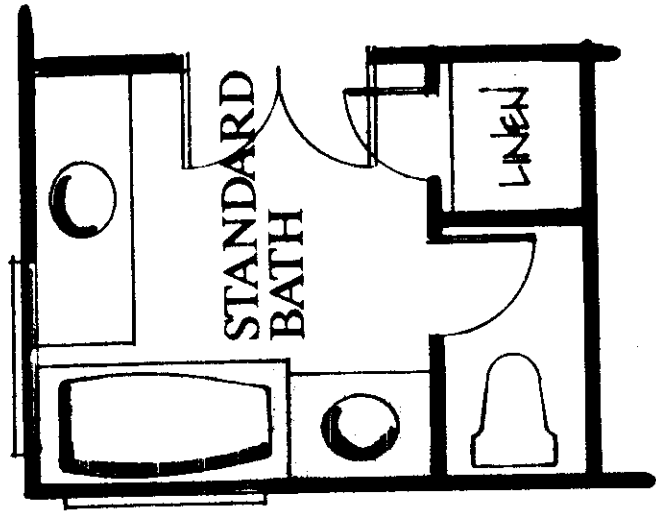
AVALON NARROW LOT PATIO

THE LESSARD ARCHITECTURAL GROUP
INC.
8120 Boone Boulevard Suite 400 Vienna, VA 22182-7076 703/766-5718



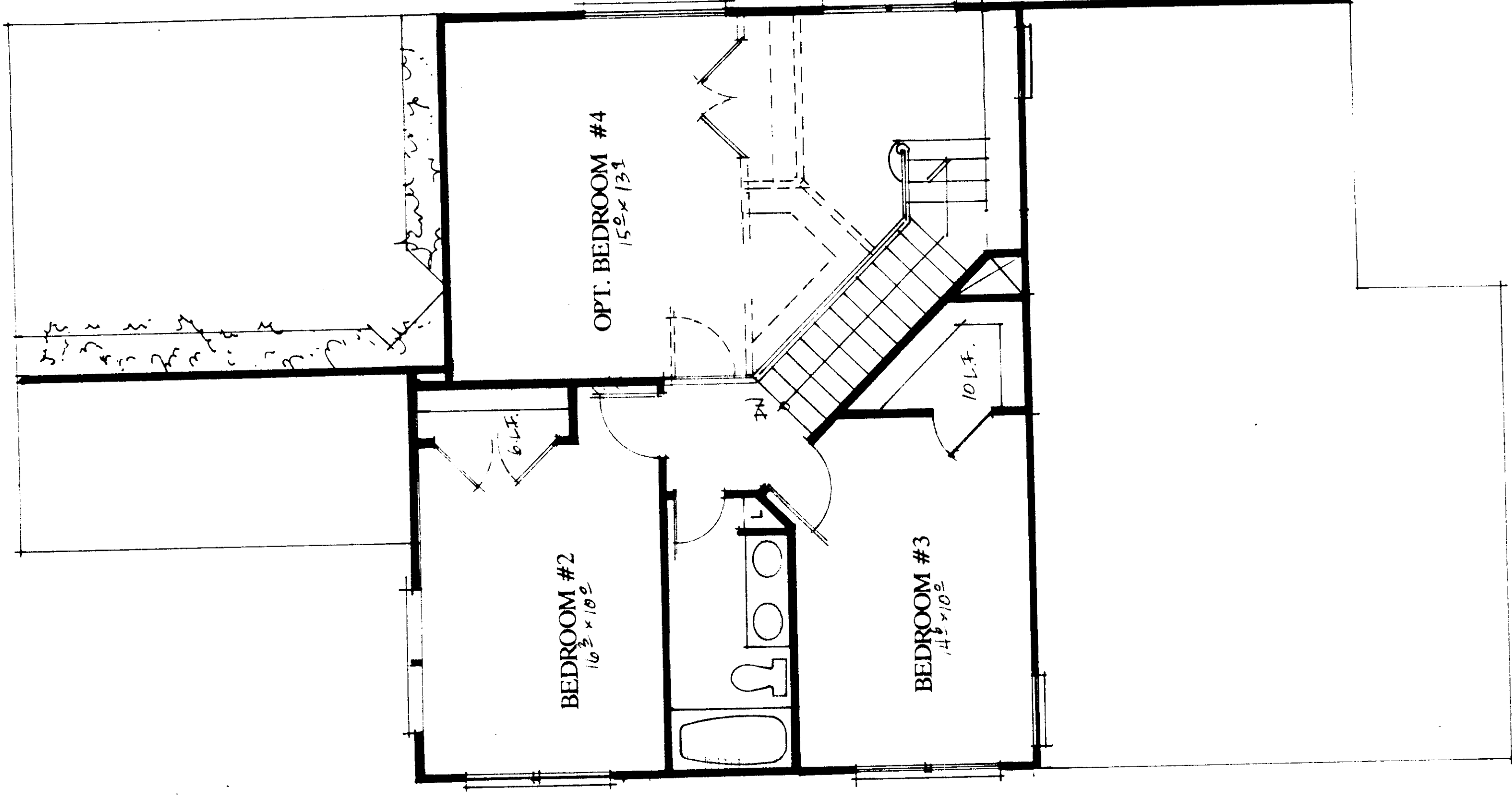
PHOTOFILMED

AVALON ASSOC.
97-182-A
Petitioner's #12-A



UNIT C 1813 S.F.

FIRST FLOOR PLAN 1268 S.F.



SECOND FLOOR PLAN 445 S.F.

OPT. BR. #4

225 S.F.

2/12

SCALE: 1/4" = 1'

DATE: JULY 26, 1996

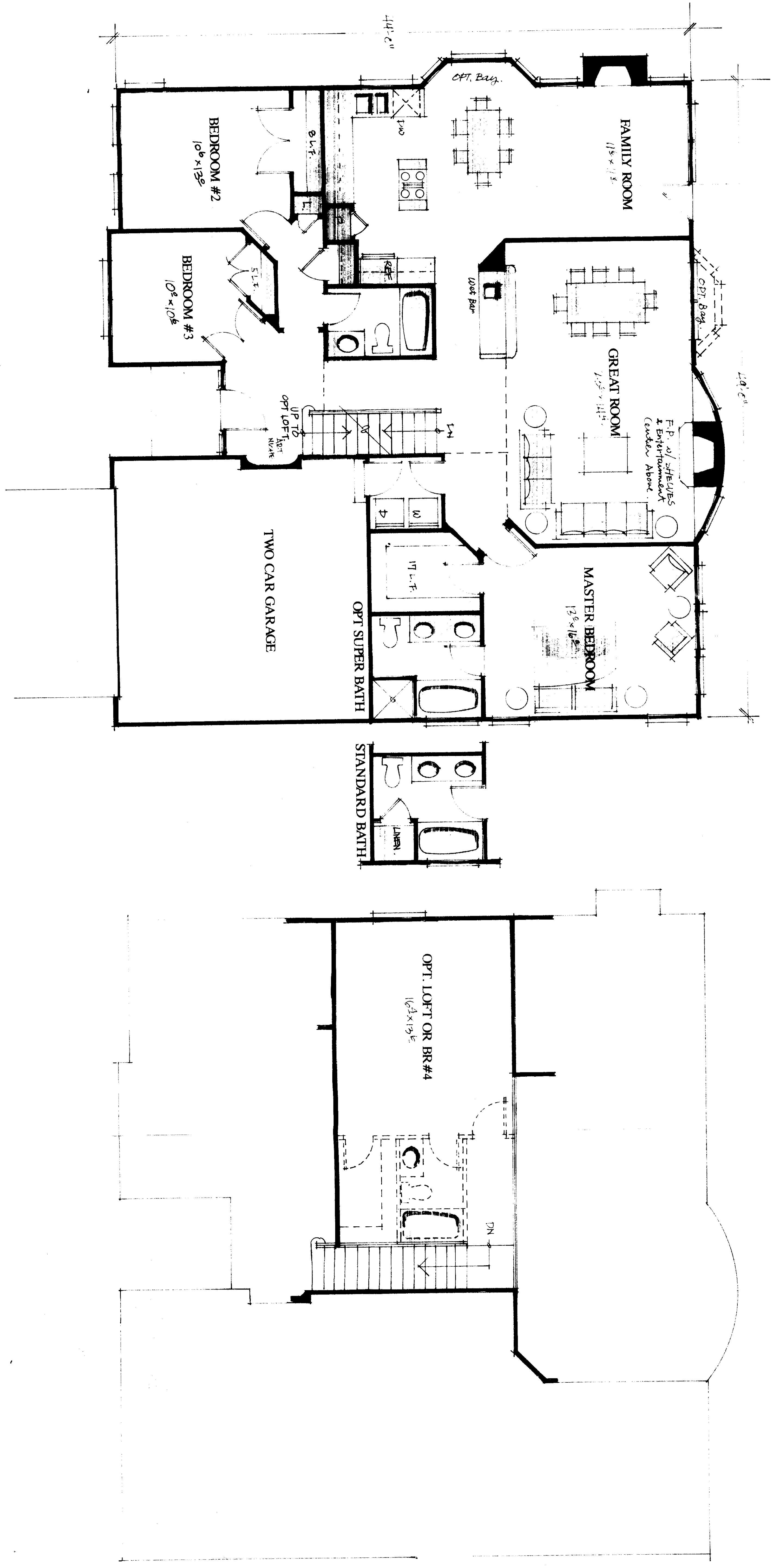
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Gregory Mery



UNIT A FLOOR PLAN 1729 S.F.

OPT. LOFT/BEDROOM #4 360 S.F.

OPT. BAY AT NECK 14 S.F.
OPT. BAY AT PINJINIA 13 S.F.

DATE: JULY 26, 1996

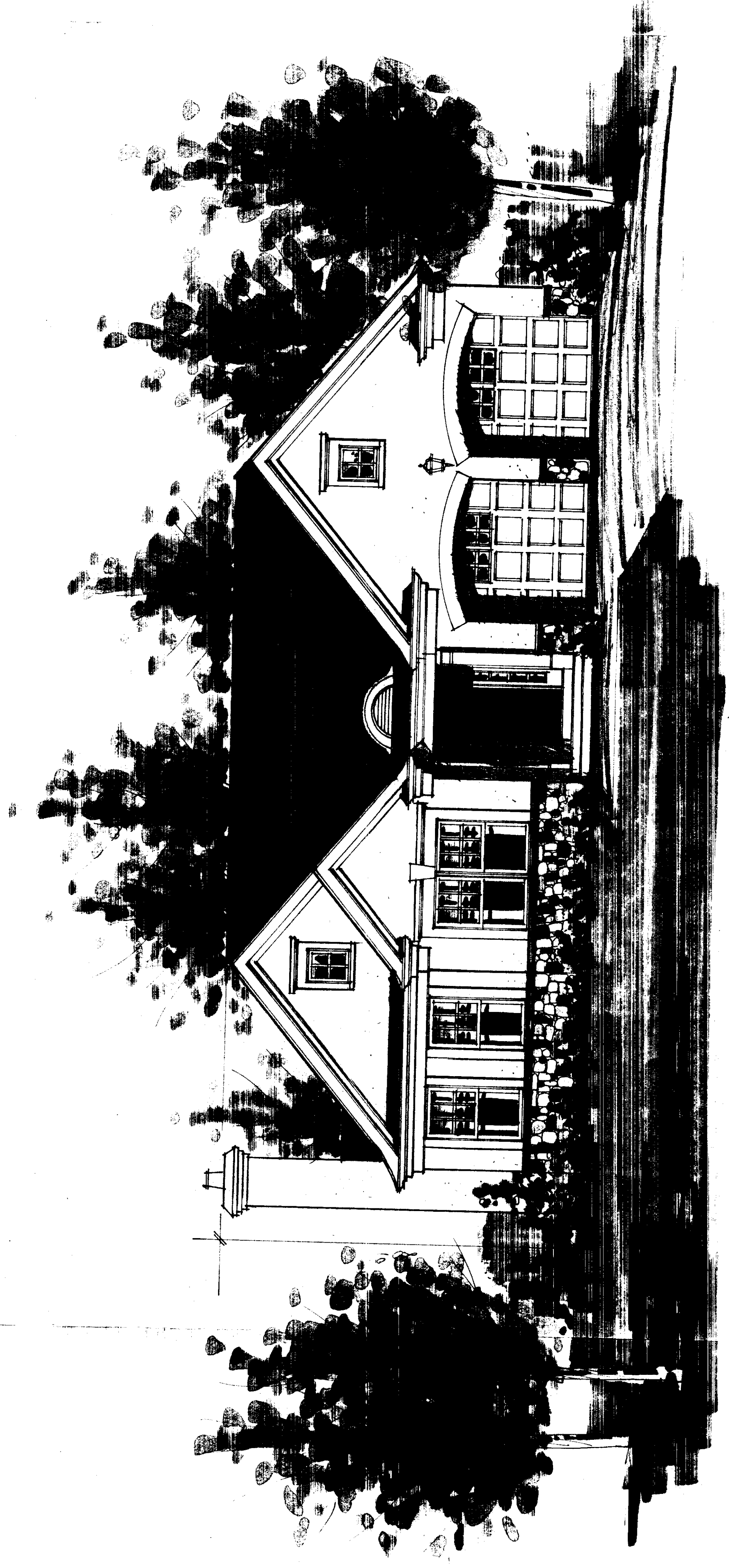
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PROJECT: MED



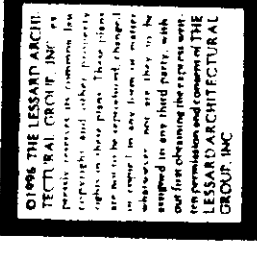
FRONT ELEVATION WITHOUT LOFT
UNIT A

DATE: JULY 26, 1996

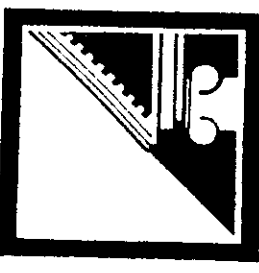
SCALE: 1/4" = 1' - 0"

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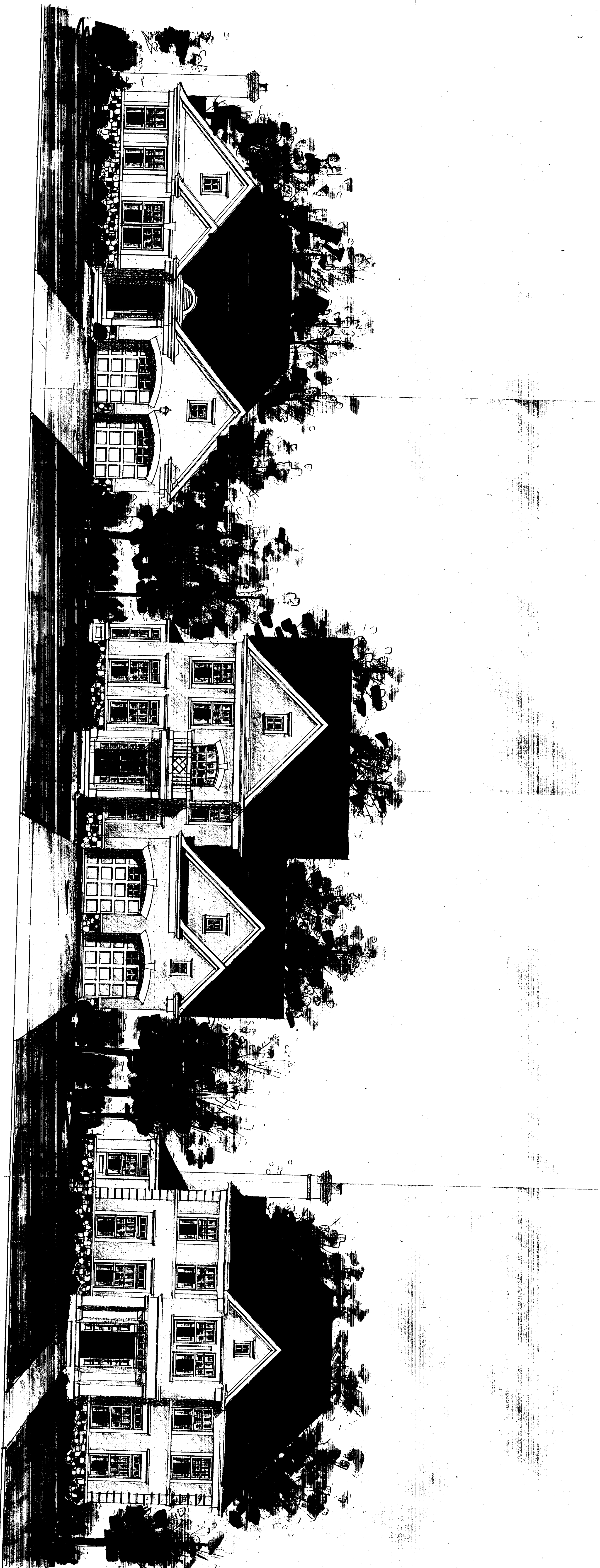
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UNITS 1-100



99-182-A

PETTER
EXHIBIT 6B

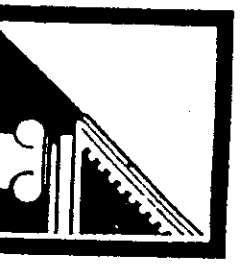
SCALE: 3/16" = 1'

AWALON ASSOCIATES L.L.C.

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UNIT B

99-182-A

64
EXT.

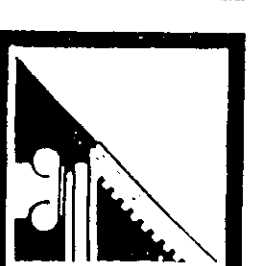
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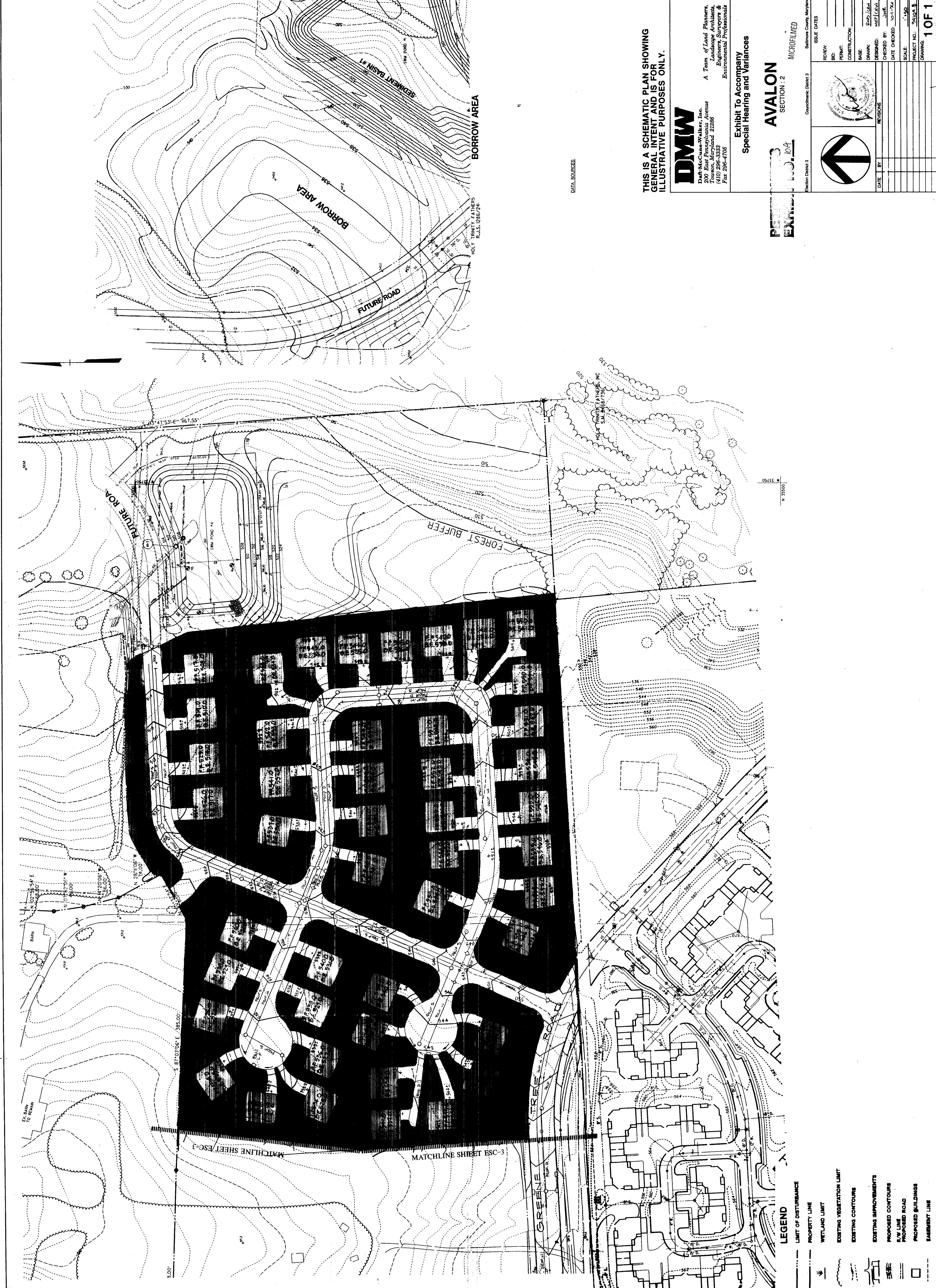
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Special Hearing and Variances

AVALON
SECTION: 2

MICROFILMED

Baltimore County, Maryland Geographic District 3		ISSUE DATES	
	REVIEW:	DATE	
	BY:	DATE	
	PERMIT:	DATE	
	CONSTRUCTION:	DATE	
	BASE:	DATE	
DATE	BY	REVISIONS	
PROJECT NO. 201004.0		SCALE	1"=50'
DRAWING		1 OF 1	

LEGEND

- LIMIT OF DISTURBANCE
- PROPERTY LINE
- WETLAND LIMIT
- EXISTING VEGETATION LIMIT
- EXISTING CONTOURS
- EXISTING IMPROVEMENTS
- PROPOSED CONTOURS
- FIN LINE
- PROPOSED ROAD
- PROPOSED BUILDINGS
- EASEMENT LINE