

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
S/S Westchester Avenue, 1,490' SW	* DEPUTY ZONING COMMISSIONER
of the c/l of Oella Avenue	* OF BALTIMORE COUNTY
(2637 Westchester Avenue)	* Case No. 97-219-SPH
1st Election District	*
1st Councilmanic District	
Fairwinds Management, L.C.	
Petitioners	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 2637 Westchester Avenue, located in the vicinity of Frederick Road in Oella. The Petition was filed by the owners of the property, Fairwinds Management, L.C., by James S. Patton, Manager, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek approval to amend the Final Development Plan for Lot 4 of the Kavanaugh Property to permit the placement of a dwelling unit in the non-density D.R.2 zoned portion of the subject property and with a front building setback of 25 feet, in lieu of the required D.R.1 zoned area of the lot in accordance with the Zoning Density Anomaly Policy of the Director of Permits and Development Management (PDM), pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were James Patton, representative of Fairwinds Management, L.C., Chris Rachuba, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of 0.584 acres, of which 0.448 acres are zoned D.R.2 and the remaining 0.136 acres are zoned D.R.1. The property is also known as Lot 4 of the Kavanaugh Property which received development plan approval on July 12, 1996. Lot 4 is proposed for development with a single family dwelling; however, due to the topography of the lot and its split zoning, the proposed dwelling must be situated towards the front of the lot in the D.R.2 zoned portion of the property. Thus, the relief requested in the special hearing is necessary in order to proceed with the proposed development. It should be noted that the proposed front setback of 25 feet will be consistent with other residences along this stretch of Westchester Avenue.

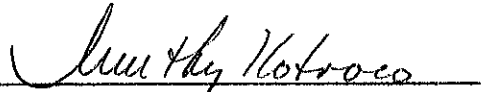
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of January, 1997 that the Petition for Special Hearing seeking approval to amend the Final Development Plan for Lot 4 of the Kavanaugh Property to permit the placement of a dwelling unit in the non-density D.R.2 zoned portion of the subject property and with a front building setback of 25 feet, in lieu of the required D.R.1 zoned

area of the lot pursuant to the Zoning Density Anomaly Policy of the Director of Permits and Development Management (PDM), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Lot 4 shall contain only one (1) density unit, which is being utilized by the proposed single family dwelling. There shall be no further subdivision of this property, also known as Lot 4 of the Kavanaugh Property.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 1/24/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

January 2, 1997

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S Westchester Avenue, 1,490' SW of the c/l of Oella Avenue
(2637 Westchester Avenue)
1st Election District - 1st Councilmanic District
Fairwinds Management, L.C. - Petitioners
Case No. 97-219-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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. James S. Patton, Fairwinds Management, L.C.
305 W. Chesapeake Avenue, Suite 118, Towson, Md. 21204

~~People's Counsel~~

File

MICROFILMED



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

2637 Westchester Avenue

which is presently zoned

DR-1/DR-2

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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

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

Contract Purchaser/Lessee:

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Howard L. Alderman, Jr.

(Type or Print Name)

Signature

(410) 321-0600

305 W. Chesapeake Ave., #113

Towson, Maryland 21204

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):

Fairwinds Management, LC.

(Type or Print Name)

Signature

James S. Patton, Manager

(Type or Print Name)

Signature

305 W. Chesapeake Ave., #118 (410) 296-2140

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

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

James S. Patton, P.E.

Name

305 W. Chesapeake Ave., #118 (410) 296-2140

Address

Towson, Maryland

21203

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
By
Revised 9/5/95

219

ATTACHMENT TO
PETITION FOR SPECIAL HEARING
2637 WESTCHESTER AVENUE

To amend the Final Development Plan and to permit the placement of a dwelling unit with a 25' front building setback within the non-density DR-2 portion of the lot in lieu of placing it within the DR-1 zoned area of the lot in accordance with the Zoning Density Anomaly Policy of the Director of Z.A.D.M. This action is pursuant to Section 500.7 (B.C.Z.R.).

MICROFILMED

PATTON

Patton
Consultants
Ltd.
Engineering
& Site
Planning

ZONING DESCRIPTION

Lot #4 Kavanaugh Property

Beginning at a point on the south side of Westchester Avenue which is 30 feet wide (future 60 feet in width) at a distance of 1,490 feet southwest of Oella Avenue which is 50 feet wide. Thence the following courses and distance.

1. S 02° 54' 03" W - 312.72'
2. N 88° 36' 02" W - 75.03'
3. N 02° 54' 03" E - 305.67'
4. By a curve to the right
Radius 550'
 $\Delta = 46^{\circ} 02' 26''$
Chord = N 70° 42' 35" E,
An arc length of 75.60'

Being Lot #4 in the subdivision of Kavanaugh Property as recorded in Baltimore County Plat Book S.M. 68, Folio 141, containing 0.534 acres. Also known as 2637 Westchester Avenue and located in the 1st Election District.



MICROFILM

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

No. 029910

DATE 18 Nov 96 ACCOUNT R-001-6150
219 CAM
AMOUNT \$ 50.00

RECEIVED FROM: Fairwinds Management, Inc.

FOR: 2637 Westchester Ave
SPH

0349140280NICHRC

\$50.00

EA 0002:40PM11-18-96

DISTRIBUTION
CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 at 9:00 a.m.

Case: #97-219-054H (Item 219) 1/1
2637 Westchester Avenue 11
S/S Westchester Avenue
1400 SW Cella Avenue
1st Election District 1/1
1st Councilmanic
Legal Owner(s):
Fairwinds Management, L.C.
Special Hearing: to amend the Final Development Plan and to permit the placement of a dwelling unit with a 25-foot building setback within the non-density D.R.-2 portion of the lot in lieu of placing it within the D.R.-1 zoned area of the lot in accordance with the Zoning Density Anomaly Policy.
Hearing: Wednesday, December 18, 1996 at 9:00 a.m. in Rm. 108, County Office Building.

LAWRENCE E. SCHMIDT 1/1
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.

11/328 Nov. 28 - C102904

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Nov. 29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 28, 1996.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

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

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 219

Petitioner: Fairwinds MANAGEMENT LLC

Location: 2637 Westchester Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JAMES S. Patton

ADDRESS: 305 W. Chesapeake Ave #118
Towson MD 21204

PHONE NUMBER: 296-2140

AJ:ggs

(Revised 09/24/96)

MICROFILMED



TO: PUTUXENT PUBLISHING COMPANY
November 28, 1996 Issue - Jeffersonian

Please forward billing to:

James S. Patton, P.e.
305 W. Chesapeake Avenue #118
Towson, MD 21203
296-2140

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: 97-219-SPH (Item 219)
2637 Westchester Avenue
S/S Westchester Avenue, 1490' SW Oella Avenue
1st Election District - 1st Councilmanic
Legal Owner(s): Fairwinds Management, LC

Special Hearing to amend the Final Development Plan and to permit the placement of a dwelling unit with a 25 foot building setback within the non-density D.R.-2 portion of the lot in lieu of placing it within the D.R.-1 zoned area of the lot in accordance with the Zoning Density Anomaly Policy.

HEARING: WEDNESDAY, DECEMBER 18, 1996 at 9:00 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

November 22, 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: 97-219-SPH (Item 219)
2637 Westchester Avenue
S/S Westchester Avenue, 1490' SW Oella Avenue
1st Election District - 1st Councilmanic
Legal Owner(s): Fairwinds Management, LC

Special Hearing to amend the Final Development Plan and to permit the placement of a dwelling unit with a 25 foot building setback within the non-density D.R.-2 portion of the lot in lieu of placing it within the D.R.-1 zoned area of the lot in accordance with the Zoning Density Anomaly Policy.

HEARING: WEDNESDAY, DECEMBER 18, 1996 at 9:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Fairwinds Management, LC
James S. Patton, P.E.
Howard L. Alderman, Jr., Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 3, 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.

UNRECORDED





Baltimore County
Department of Permits and
Development Management

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

December 13, 1996

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, #113
Towson, MD 21204

RE: Item No.: 219
Case No.: 97-219-SPH
Petitioner: Fairwinds Management

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 18, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

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

WCR/re
Attachment(s)

PAID 10/11/96



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

12/18/96
97-219

TO: Arnold Jablon, Director
Permits and Development Management

DATE: December 5, 1996

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

SUBJECT: 2637 Westchester Avenue

INFORMATION:

Item Number: 219
Petitioner: Fairwinds Management, LC.
Property Size:
Zoning: DR-1 and DR-2
Requested Action:
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Hearing to approve an amendment to the Final Development Plan and to permit the placement of a dwelling unit with 25' of the front building setback within a non-density DR-2 portion of the lot in lieu of placing it within the DR-1 zoned area of the lot.

An analysis of the plan accompanying the Petition for Special Hearing reveals a dwelling could be placed within the DR-1 portion of Lot 4; however, such placement would be incompatible with the location of the building envelopes for Lots 2, 3, 5, and 6, and the existing dwellings along Westchester Avenue. Strict compliance with the regulations would be inconsistent with both the spirit and intent of the Zoning Regulations and good planning principles. Therefore, this office recommends the Petitioner's request be granted conditioned upon a restriction that there be no future subdivision of Lot 4.

Prepared by: Jeffrey W. Lay

Division Chief: Gary L. Keller

AFK/JL:vjc

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 11/26/96

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF NOV. 25, 1996.

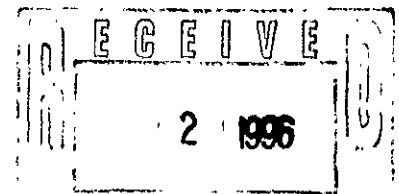
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 213, 214, 215, 216, 217,
218 and 219.



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

cc: File

MICROFILMED



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

TO: PDM

DATE: Dec. 3, 95

FROM: R. Bruce Seeley *RBS/gp*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Dec 2, 96

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

Item #'s:

#

219

220

223

225

227

228

231

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: December 5, 1996

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

SUBJECT: Zoning Advisory Committee Meeting
for December 9, 1996
Item Nos. 185, 219, 220, 221, 222,
223, 225, 226, 227, 228, 229, 230,
& 231

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

RWB:HJO:jrb

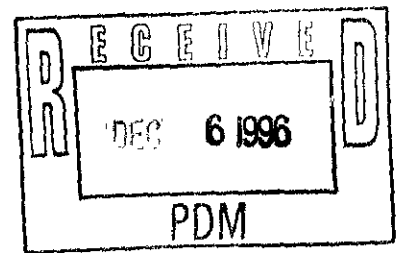
cc: File

RECEIVED
DEC 11 1996

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500



Office of the Fire Marshal
(410) 887-4880

DATE: 12/05/96

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

RE: Property Owner: FAIRWINDS MANAGEMENT, L.C.

Location: S/S WESTCHESTER, 1490' SW DELLA AVE. (2637 WESTCHESTER AVE.)

Item No.: 219

Zoning Agenda: SPECIAL HEARING

Gentlemen:

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

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.

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

cc: File



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

PETITION PROBLEMS

#185 --- MJK

1. Where has this been?? Receipt and petition are dated 10/21/96.

#219 --- CAM

1. Need authorization for person signing for legal owner.

#220 --- MJK

1. Need authorization for person signing for legal owner.
2. Receipt was not given to petitioner - still in the file.

#223 --- MJK

1. Need typed or printed title of person signing for legal owner.
2. Need authorization for person signing for legal owner.

#229 --- JRF

1. Need telephone number for legal owner.

MICROFILMED

11/26/96

RE: PETITION FOR SPECIAL HEARING
2637 Westchester Avenue, S/S Westchester
Avenue, 1490' SW Oella Avenue
1st Election District, 1st Councilmanic
Fairwinds Management, LC
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-219-SPH

* * * * *

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 16th day of December, 1996, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

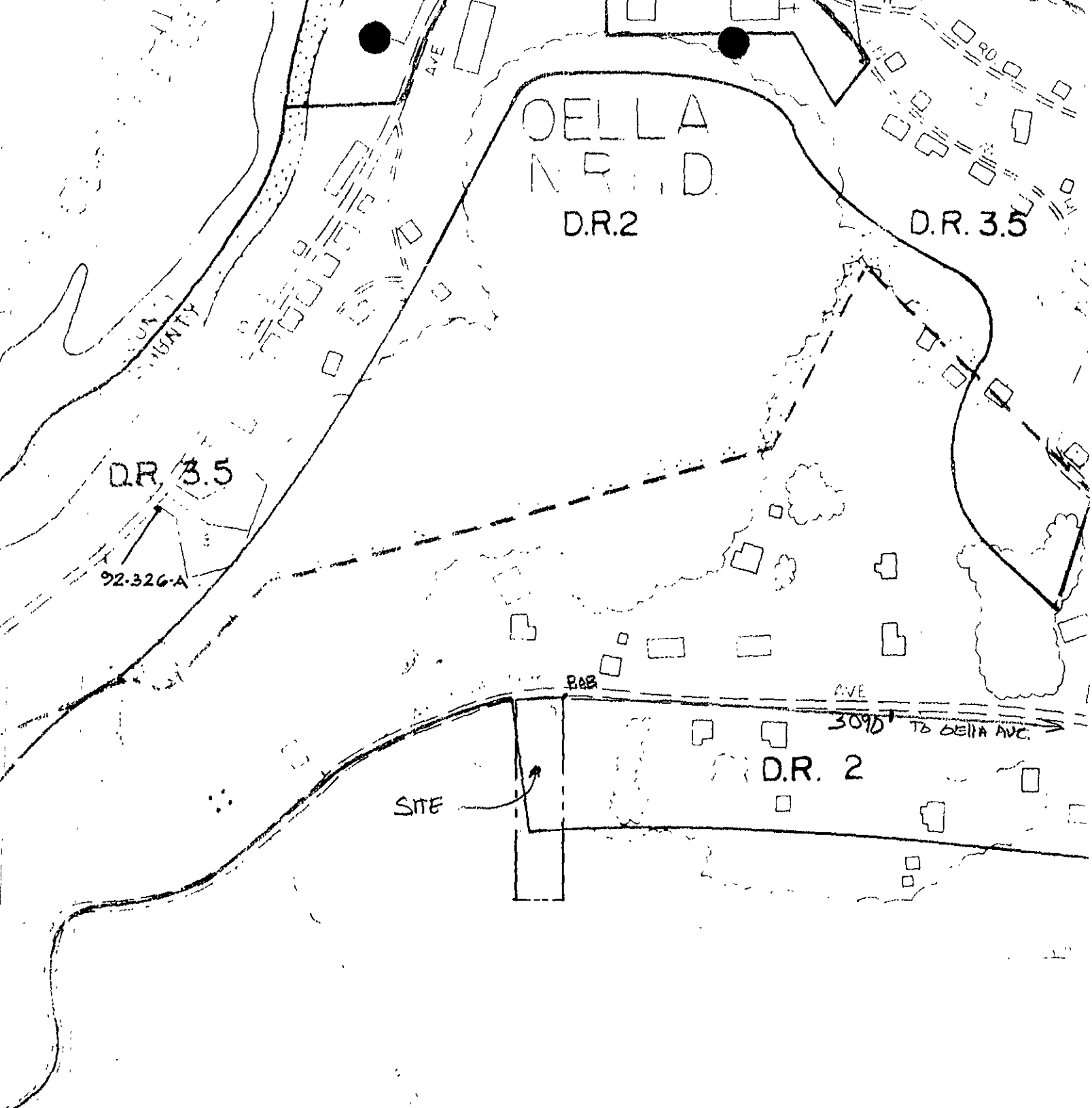
NAME

ADDRESS

JAMES S. PATTON
Howard L. Alderman Jr Esq
Chris Radaba

305 W. CHESAPEAKE AVE Suite 113 Towson
305 W Chesapeake Ave #113 21204
946-A Merimich CT Eldersburg, MD 21784





MICROFILMED

PATTON

Patton Consultants Ltd., Engineering & Site Planning
 305 West Chesapeake Avenue, Suite 118
 Towson, Maryland 21204
 410-296-2140 Fax: 410-296-0419

DR 1

219

2637 WESTCHESTER AVENUE

SCALE 1" = 200'	LOCATION ELLCOTT	SHEET SW
DATE OF PHOTOGRAPHY JANUARY 1985	CITY	3-1

Policy: Density Anomalies:

With the advent of County Council Bill #2-92, effective 3/2/92, (for D.R. zones) and due to the fact that in R.C. zones and now with only a few exceptions in the D.R. zones: (1) in 10.5 or 16 or non-residential zone that allows residential uses, (2) P.U.D.s, and (3) elderly housing, the D.R. density permitted is strictly zone specific. This unfortunately does not allow for flexibility or a method of addressing a proposal that is not strictly zone specific. When a proposal is made that does not strictly comply with the standards, the Director of Z.A.D.M. will determine if a special hearing may be requested before the Zoning Commissioner separately or concurrent with the development proposal, pursuant to Section 500.7 (B.C.Z.R.) to determine when and how density should be calculated. The following anomalies of the zone specific density standards have been encountered:

1. 2 D.R. zones (D.R.-3.5 and 5.5) exist on a development tract and density has been fully utilized within the 3.5 zone. In addition to the permitted and proposed complete lots in the D.R.-3.5 zone, the plan proposes a portion of a proposed lot or dwelling within the D.R.-3.5 zone.
2. A small tract that would be regulated by the small lot table in Section 1B02.3.C (B.C.Z.R.) (less than 6 lot potential) is proposed for development and is bifurcated by a D.R. zone line separating two different D.R. zones. There is insufficient net area in one or both of the zones to separately support the lots in the zone(s) they are proposed. The lots are proposed so that a combination of the separate percentages of the total, not lot requirement, in each zone would equal the whole number 1 for each lot. This method of combining the net lot density potential of the separate zones has never been permitted; however, it may be an equitable solution due to the fact that when a small tract is split zoned, one or both of the net zoned areas could be useless in contributing to the net density potential of the ownership tract.
3. Subdivision is proposed that would not be regulated by the small lot table which is bifurcated by a D.R. zone line and would qualify for a minor subdivision in the development regulations. After 3/2/92, County Council Bill #2-92 density in most D.R. zones cannot accrue across the zone line and all or portions of one or both of the gross zoned areas could be useless in contributing to the gross density potential of the ownership tract. If the density potential of the separate gross zoned areas were combined (as permitted prior to 3/2/92), the resulting density may permit an additional dwelling.

When a zoning density anomaly is encountered in the development review process, the Director of Z.A.D.M. shall consider recommendations for action from the Director of O.P.Z. These recommendations shall include, but not be limited to, any possible conflicts with the purpose of the B.C.Z.R. and development regulations including the design and compatibility.

MICROFILMED

RECEIVED

OCT 22 1992

OFFICE OF
PLANNING & ZONING

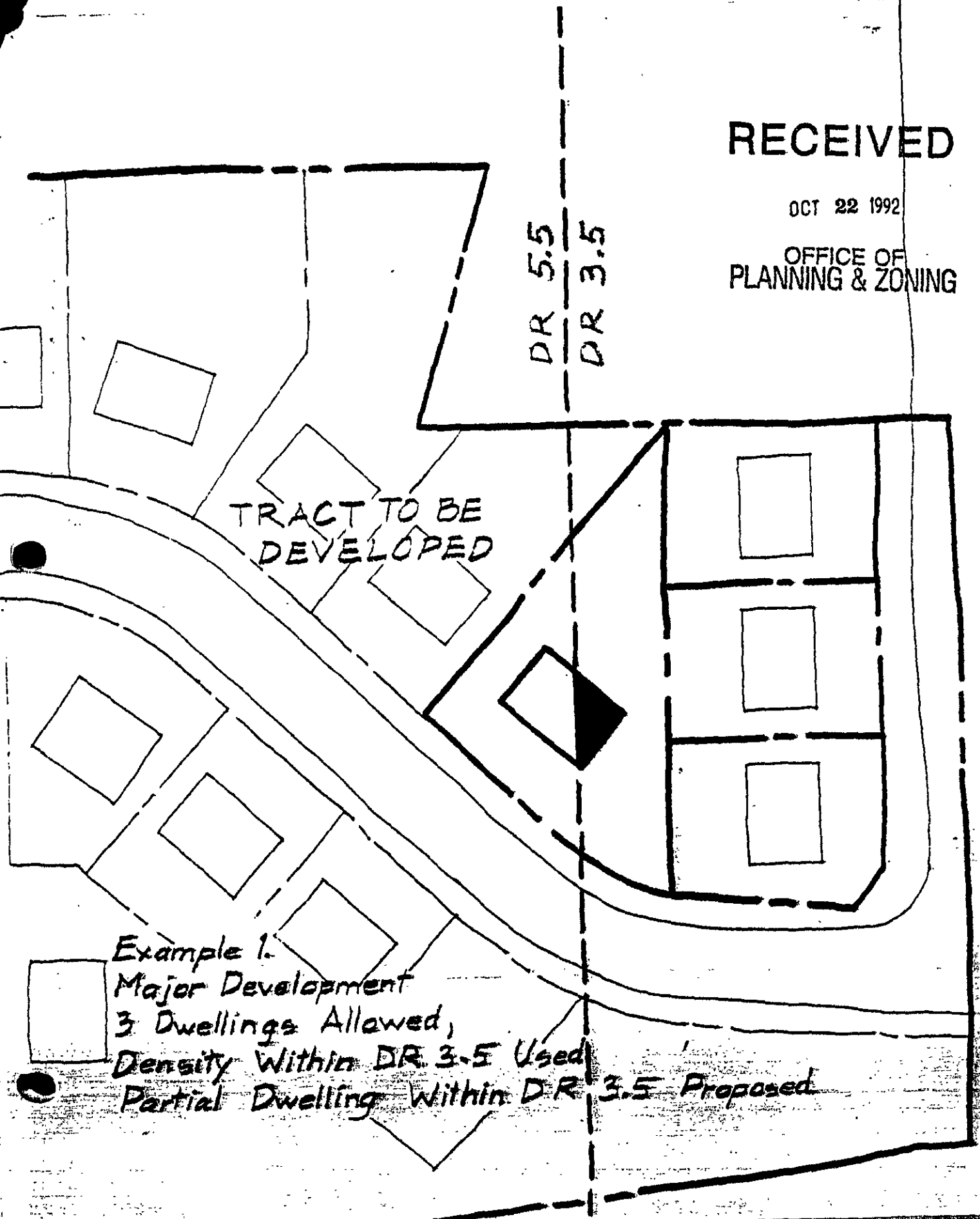
DEVELOPMENT NO. 2

DENSITY • ANOMALY • # 1

RECEIVED

OCT 22 1992

OFFICE OF
PLANNING & ZONING



5 9500
W 49000

EX. DWLG.
RESIDENTIAL
ROBERT E. MILLER &
WANDA F. MILLER
TAX # 0113552800
4268/443

RESIDENTIAL
HISTORIC ELICOTT
PROPERTIES, INC.
TAX # 0107471050
8007/622

RESIDENTIAL
BRETT A. REEVES &
REBECCA A. REEVES
TAX # 0112002231
7410/774

AVENUE

WESTCHESTER

FUT. 60' R/W

EX. PAVING
DR-2 162.71
DR-1 0.395 AC. ±

N 70° 15' 26" E
L = 14.30'

N 64° 37' 53" E
L = 85.37'

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L = 85.37'

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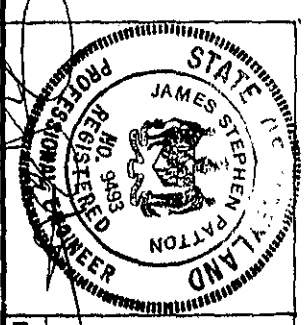
N 64° 37' 53" E
L = 85.37'

PATTON

KAVANAUGH PROPERTY
68/141
DEED REF. 11753/39
11855/521
TAX # 22-00-026623

Patton Consultants Ltd., Engineering & Site Planning
305 West Chesapeake Avenue, Suite 118
Towson, Maryland 21204
410-296-2140 Fax: 410-296-0419

LOCAL OPEN SPACE &
FOREST BUFFER &
FOREST CONSERVATION
EASEMENT

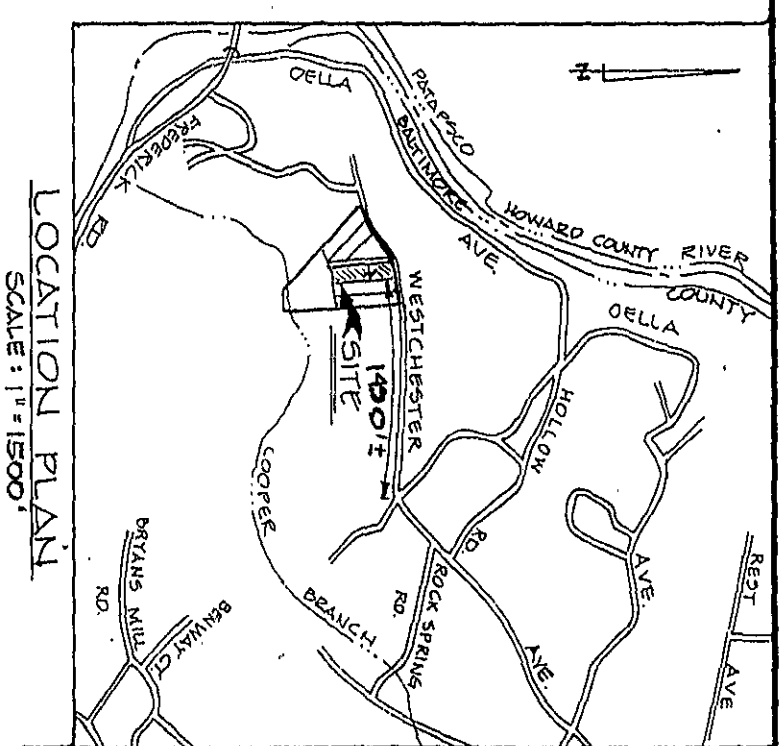


OWNER/DEVELOPER
FAIRWIND MANAGEMENT, LC.
305 W. CHESAPEAKE AVE.,
SUITE 118
TOWSON, MD. 21204
(410) 296-2140

PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING
#2637 WESTCHESTER AVENUE
LOT 4 - S.M. 68/141

DRAWN: MAT
CHECKED:
JOB# 25025
SCALE: 1" = 50'
DATE:
SHEET: 1

RESIDENTIAL



NOTES

1. PROPERTY ZONED: DR-2 & DR-1
 2. ELECTION DISTRICT: 1
 3. PROPERTY GROSS AREA:
DR-2 = 0.448 AC. ±
DR-1 = 0.136 AC. ±
TOTAL = 0.584 AC. ±
 4. PROPERTY NET AREA:
DR-2 = 0.398 AC. ±
DR-1 = 0.136 AC. ±
TOTAL = 0.534 AC. ±
- REQUIRED: 2 SPACES
PROPOSED: 2 SPACES
- TYPICAL SPACE = 8.5' X 18'
1 SPACE IN GARAGE
- PAVING TYPE = BITUMINOUS
- REZONING - COMPREHENSIVE 1992
NO ZONING CASES

EXHIBIT NO. 1