

IN RE: PETITION FOR VARIANCE * BEFORE THE
E/S Windermere Court, 450' E *
of the c/l of Wynfield Drive * DEPUTY ZONING COMMISSIONER
(11 Windermere Court) *
2nd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Case No. 97-501-A
Blackhorse Run J.V., Owners;
Butler Homes, Inc., Contract Purchasers *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

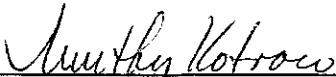
This matter was scheduled for a public hearing on June 25, 1997 to consider a Petition for Variance filed by the owners of the subject property, Blackhorse Run Joint Venture, and the Contract Purchasers, Butler Homes, Inc., through their attorney, Steven M. Rosen, Esquire. The Petitioners sought relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies {C.M.D.P.}) to permit a minimum building to building distance of 30 feet in lieu of the required 30 feet, and an amendment to the Second Amended Final Development Plan for Lyonswood, Section C, Lot 35 thereof, in accordance with the site plan submitted with the Petition.

Prior to the hearing date, the matter was postponed at the request of Counsel for the Petitioners and was to be rescheduled at a later date before this Deputy Zoning Commissioner. However, by letter dated March 13, 1998, Counsel for the Petitioners advised this office that the Owners/Contract Purchasers wished to withdraw their request for variance.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of March, 1998 that the Petition for Variance seeking relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies {C.M.D.P.}) to permit a minimum building to building

ORDER FILED FOR FILING
Date 3/24/98
By [Signature]

distance of 20 feet in lieu of the required 30 feet, and an amendment to the Second Amended Final Development Plan for Lyonswood, Section C, Lot 35 thereof, in accordance with the site plan prepared by Colbert Matz Rosenfelt, Inc., dated March 21, 1997, a copy of which was submitted with the Petition filed, be and is hereby DISMISSED WITHOUT PREJUDICE.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:hjs

cc: Steven M. Rosen, Esquire, Abramoff, Neuberger & Linder, LLP
250 West Pratt Street, Suite 800, Baltimore, Md. 21201

Mr. Edward Personette, Blackhorse Run J.V.,
9508 Winands Road, Owings Mills, Md. 21117

Mr. Stanley Yaffe, Vice President, Butler Homes, Inc.
3405 Fielding Road, Baltimore, Md. 21208

People's Counsel; Case File

ORDER RECORDED FOR FILING
Date 3/24/98
By [Signature]

RE: PETITION FOR VARIANCE * BEFORE THE
11 Windermere Court, E/S Windermere Ct, *
450'+/- E of c/l Wynfield Drive * ZONING COMMISSIONER
2nd Election District, 3rd Councilmanic * OF BALTIMORE COUNTY
Legal Owner(s): Blackhorse Run Joint Venture
Contract Purchaser(s): Butler Homes, Inc.
Petitioners * CASE NOS. 97-501-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 5th day of June, 1997, a copy of the foregoing Entry of Appearance was mailed to Steven M. Rosen, Esq., Abramoff, Neuberger & Linder, 250 W. Pratt Street, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11 Windermere Court

97-501-A

which is presently zoned DR-16

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) 1B01.2.C.6(V.B.3 CNDP) of the BCZR to permit a minimum building to building distance of 20 feet in lieu of the required 30 feet and to amend the Second Amended Final Development Plan for Lyonswood Lot 35, Section C.

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

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:

Stanley Yaffe, V. Pres.
Butler Homes, Inc.

(Type or Print Name)

Signature

3405 Fielding Road

Address

Baltimore MD 21208

City

State

Zipcode

Attorney for Petitioner

Steven M. Rosen, Esq.

(Type or Print Name)

Signature

Abramoff, Neuberger & Linder
250 W. Pratt St. 410-539-8300

Address

Phone No.

Baltimore, MD 21201

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):

Edward Personette, Partner
Blackhorse Run Joint Venture

(Type or Print Name)

Signature

(Type or Print Name)

Signature

9508 Winands Road 410-321-4788

Address

Phone No

Owings Mills, MD 21117

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Richard E. Matz, P.E.
Colbert Matz Rosenfelt, Inc.

Name

3723 Old Court Rd #206 410-653-3838

Address

Phone No

Baltimore, MD 21208

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL OTHER

REVIEWED BY:

DATE

501

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper





97-501-A

ZONING DESCRIPTION

Beginning at a point on the east side of Windermere Court, which is 50 feet wide, at the distance of 450 feet east of the centerline of the nearest improved intersecting street, Wynfield Drive, which is 50 feet wide. Being Lot No. 35, Section C, Plat 2 in the subdivision of Lyonswood, as recorded in Baltimore County Plat Book No. 62, Folio No. 79, containing 0.1486 acres. Also known as 11 Windermere Court and located in the 2nd Election District.

4/1/97

501

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

501

035039

DATE 5-6-97 ACCOUNT Room - 6150

AMOUNT \$ 100.00

RECEIVED R. Raffee FROM: 1010 WINDHAMERE CT.

FOR: VAR. (010) 50.00
PAID FDP (641) 50.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

PAID RECEIPT

05/06/97 OF 5 APR R 3735
Dept 5 513 ZONING VERIFICATION
OR NO. 035039

\$100.00 OK P-A-E-D
Baltimore County Maryland
Office Of Budget & Finance

CASHIER'S VALIDATION

RE: Case No: 97-501-A
 Petitioner/Developer: YAFFEE, ETAL
 % DICK WATZ
 Date of Hearing/Closing: 6/25/97

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

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 #11 WINDERMERE CT.

The sign(s) were posted on 6/9/97
 (Month, Day, Year)

Sincerely,

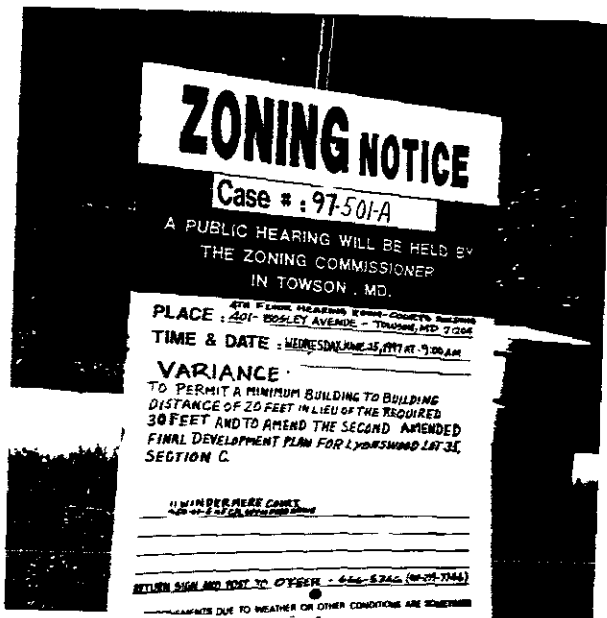
 (Signature of Sign Poster and Date)

Patrick M. O'Keefe
 (Printed Name)

523 Penny Lane
 (Address)

Hunt Valley, MD 21030
 (City, State, Zip Code)

(410) 666-5366 Page (410) 646
 (Telephone Number)

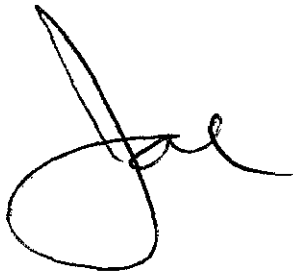


97-501-A
 #11 WINDERMERE CT.
 H: 6/25/97 P: 6/9/97

5/6/97

NOTE TO FILE:

D. MATZ DROPPED
THIS OFF FOR 2ND
REVIEW. EXHBT. "B"
FAX'ed THIS DATE.

A handwritten signature, possibly reading "Joe", written in dark ink. It features a large, stylized capital 'J' followed by a cursive 'oe'.

Permit* Fax Note

7671

Date 5/6/97 #

Request for Zoning: Variance, Special Exception, or Special Hearing

To D. MATZ

From J. MERZKY

Date to be Posted: Anytime before but no later than *

Co./Dept.

Co.

Phone #

Phone #

Fax #

Fax #

Format for Sign Printing, Black Letters on White Background:

Re: 97-501-A: POSTING

ZONING NOTICE

Case No.: 97-501-A

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

PLACE: *

DATE AND TIME: *

REQUEST: A VARIANCE TO PERMIT A BUILDING TO
BUILDING SETBACK OF 20' IN LIEU OF THE
REQUIRED 30 FT. AND TO AMEND THE
SECOND AMENDED DEVELOPMENT PLAN OF
LYONSWOOD, LOT 35, SECTION C.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

653-7953

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 501

Petitioner: BUTLER HOMES, INC.

Location: 11 WINDERMERE COURT

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RICHARD YATTE

ADDRESS: 3405 FIELDING RD.

BALTO. MD. 21208

PHONE NUMBER: 825-4200

AJ:ggs

(Revised 04/09/93)



TO: PUTUMENT PUBLISHING COMPANY
May 28, 1997 Issue - Jeffersonian

Please forward billing to:

Richard Yaffe
3405 Fielding Road
Baltimore, MD 21208
410-825-4200

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-501-A
11 Windermere Court
E/S Windermere Court, 450' +/- E of c/l Wynfield Drive
2nd Election District - 3rd Councilmanic
Legal Owner(s): Blackhorse Run Joint Venture
Contract Purchaser(s): Butler Homes, Inc.

Variance to permit a minimum building to building distance of 20 feet in lieu of the required 30 feet and to amend the Second Amended Final Development Plan for Lyonswood Lot 35, Section C.

HEARING: WEDNESDAY, JUNE 25, 1997 at 9:00 a.m., 4th floor hearing room Courts Bldg., 401 Bosley Avenue.

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.



Baltimore County
Department of Permits and
Development Management

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

May 19, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-501-A
11 Windermere Court
E/S Windermere Court, 450'+/- E of c/l Wynfield Drive
2nd Election District - 3rd Councilmanic
Legal Owner(s): Blackhorse Run Joint Venture
Contract Purchaser(s): Butler Homes, Inc.

Variance to permit a minimum building to building distance of 20 feet in lieu of the required 30 feet and to amend the Second Amended Final Development Plan for Lyonswood Lot 35, Section C.

HEARING: WEDNESDAY, JUNE 25, 1997 at 9:00 a.m., 4th floor hearing room Courts Bldg., 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, sweeping "A" and "J".

Arnold Jablon
Director

cc: Blackhorse Run Joint Venture
Richard E. Matz, P.E.
Butler Homes, Inc.
Steven M. Rosen, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 10, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

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

June 24, 1997

Steven M. Rosen, Esquire
Abramoff, Neuberger & Linder
250 W. Pratt Street
Baltimore, MD 21201

RE: Item No.: 501
Case No.: 97-501-A
Petitioner: Edward Personette

Dear Mr. Rosen:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 6, 1997.

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 (410-887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a circular official stamp.

W. Carl Richards, Jr.
Zoning Supervisor

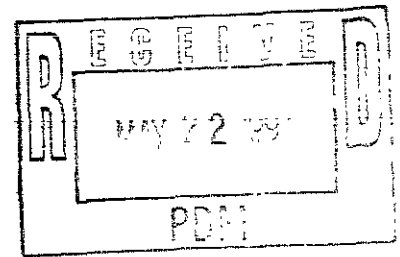
WCR/re
Attachment(s)



Baltimore County Government
Fire Department



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



(410) 887-4500

May 20, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 27, 1997

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:

501, 502, 505, 506, 507, 508, 509, 510, 511, and 512

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 987-4881. ME-1102F

cc: File



X Attach original petition

Due Date 5/29/97

To: Arnold L. Jablon

From: Bruce Seeley *BS/ep*

Subject: Zoning Item #501

Lyonswood

Zoning Advisory Committee Meeting of May 19, 1997

 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

 The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

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

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

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X Development of the property must comply with the 1986 Water Quality Management Policy.

B A L T I M O R E C O U N T Y, M A R Y L A N D

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

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

Date: May 29, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
 for May 27, 1997
 Item No. 501

The Development Plans Review Division has reviewed the subject zoning item. Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement.

Baltimore City's Bureau of Water and Wastewater policy prohibits the location of the water service meter within either roadways or driveways.

RWB:HJO:jrb

cc: File

ZONE527.501



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 5.16.97
Item No. 501 JCM

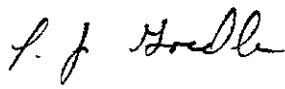
Dear Ms. Eubanks:

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

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,


for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

ABRAMOFF, NEUBERGER AND LINDER, LLP

ATTORNEYS AT LAW
SUITE 800
250 WEST PRATT STREET
BALTIMORE, MARYLAND 21201

3/16/98
cg

DAVID B. ABRAMOFF
ANILKUMAR J. HOFFBERG
YAAKOV S. NEUBERGER
RITA A. LINDER
RICHARD S. LEHMANN
STEVEN M. ROSEN
NANCY HAAS
COUNSEL
STEPHEN F. BISBEE

(410) 539-8300
TELECOPIER (410) 539-8304

March 13, 1998

Mr. Carl Richards
Baltimore County Zoning Supervisor
111 West Chesapeake Avenue
Towson, Maryland 21204

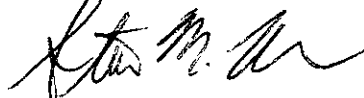
Re: 11 Windermere Court
Case No. 97-501-A

Dear Mr. Richards:

In accordance with our discussions, I am writing on behalf of my client, Butler Homes, to confirm that they are withdrawing their request for the zoning variance of the above-referenced lot.

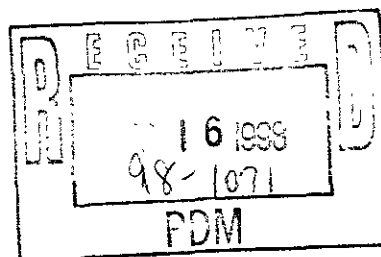
Thank you for your cooperation and assistance.

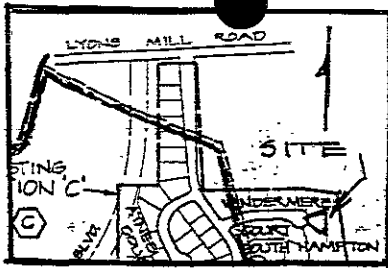
Very truly yours,



Steven M. Rosen

SMR:cm
cc: Mr. Richard M. Yaffe
Richard E. Matz, P.E.
075cm



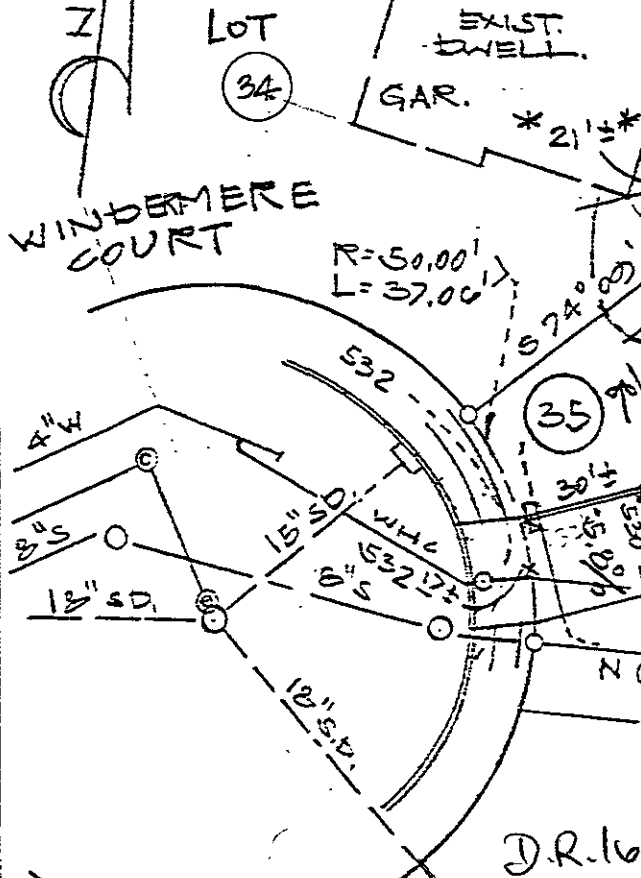


VICINITY MAP
1" = 1000'

PUBLIC WATER
PUBLIC SEWER
NOT IN CRITICAL AREA.

N.W.-9I

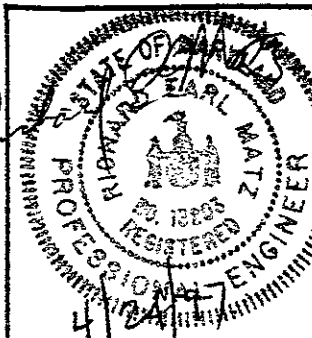
100'-
FLOODPLAIN
APPROX. 500.04' ± 24" E
(TRACT BOUNDARY)
256.02'
EXIST. STREAM
RESERVATION
50' BUFFER
108.20'
105.45'
522
520
8" S



OWNER!
BLACK HORSE RUN JOINT VENTURE
9508 WINANDS ROAD 21117
410-321-4788
NO PRIOR ZONING HEARINGS

LOT 36
97-501-A

PLAN TO ACCOMPANY VARIANCE AND TO AMEND THE 2nd AMENDED
SITE GRADING PLAN FINAL DEVELOPMENT PLAN
#11 WINDERMERE COURT
LOT 35 - SECT. 'C' - PLAT 2
"LYONSWOOD"
02/79
2ND ELECTION DISTRICT
BALTIMORE COUNTY, MD.
#561



Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners

3723 Old Court Road, Suite 206
Baltimore, Maryland 21208

Telephone: (410) 653-3838
Facsimile: (410) 653-7953



SCALE: 1" = 30' DATE: 3-21-97

