

IN RE: PETITION FOR ZONING * BEFORE THE
 VARIANCE *
 Stonegate II at Patapsco * ZONING COMMISSIONER
 Beg. 128' E of Mavvry *
 Road and Cantwell Road, * OF BALTIMORE COUNTY
 then 435' S of Cantwell *
 Road * Case No. 97-522-SPHA
 1st Election District
 1st Councilmanic District*
 Prestige Development, *
 Inc. *
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for a number of residential townhouse lots contained within the residential subdivision under construction known as Stonegate II at Patapsco. This community, which was approved for developed under the name, Winsten Estates, is located not far from the Patapsco Valley State Park in southwestern Baltimore County. The Petition is filed by the property owner, namely, Prestige Development, Inc. to approve an amendment to the latest Final Development Plan ("FDP"). However, relief is actually requested to permit the builder, Pulte Homes to construct townhomes including the requested variances. Within the Petition for Zoning Variance, relief is requested from a number of sections from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Design Manual of Development Policies (C.M.D.P.). Specifically, the variances requested are as follows:

1. Window to window setback of 25 ft. in lieu of the required 40 ft. as required by Section (1B01.2.C.2.b of the

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 7/16/97
 [Signature]
 Date

B.C.Z.R. and the previous Section V.B.6.c of the C.M.D.P.) for lots 135 and 136.

2. Window to lot line setback of 12.5 ft. in lieu of the 15 ft. as required by Section 1B01.2.C.2.b of the B.C.Z.R. and the previous Section V.B.6.b of the C.M.D.P. for lots 135, 136, 141, 142, 147, 148, 153, 154, 159, and 160.

3. Height to height setback of 25 ft. in lieu of 40 ft. for facing elevation heights of 30 ft. as required by Section 1B01.2.C.1 and the previous Section V.B.3.b of the C.M.D.P. between lots 135, 136, 141, 142, 147, 148, 153, 154, 159, and 160.

Appearing at the public hearing held for this case was David S. Thaler of David S. Thaler & Associates, civil engineers, the engineer who prepared the site plan marked as Petitioner's Exhibit No. 1. The Petitioner was represented by Neil J. Schechter, Esquire of Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC. There were no protestants present.

Uncontradicted testimony and evidence presented was that the subject parcel is the last phase of a townhouse community which has been built incorporating the same variances requested in this Petition, which variances were previously granted in prior zoning hearing Case No. 94-41-A. It is clear that this proposed use is entirely consistent with the architecture and use of the surrounding locale not only the prior phases of Stonegate II, but also other townhouse communities

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Date

By

7/16/97
J. H. Hark

located adjacent to the site (i.e., Fairbrook Community) as well as apartment and condominium buildings nearby.

As shown both on the Petition and site plan, the specific lot variances are limited and relate to a number of requirements contained both in the B.C.Z.R. and C.H.D.P. It is significant to note that the C.M.D.P. has been comprehensively amended since C.R.G. approval was given to the project in 1986. However, since Petitioner is operating under a plan approved prior to that date, the prior C.M.D.P. regulations are controlling. It is significant that if the current regulations were applied, none of the requested variances would be necessary.

Testimony and evidence presented at the hearing by David Thaler indicates that the project is well designed and attractive. Pulte Homes who built the prior portion of the community and plans to build the final portion enjoys an excellent reputation and this development will be similar to other townhouse communities built by Pulte Homes throughout Baltimore County. According to Mr. Thaler's proffered testimony, the requested variances are needed in order to achieve architectural continuity and integrity with the previously built portions of the community and to deal effectively with the unique constraints of the narrow area of land and other site constraints such as an existing storm water pond; and to meet the demands of the market. Mr. Thaler indicated that without the variances, the units would be unattractive, inconsistent with the rest of

the community, lacking in natural light and nearly unmarketable. For example, if the requested relief were denied, the unique configuration of the project would restrict the builder's ability to build side windows, decks and other amenities which are demanded by prospective homeowners in the market place. It is clear, that if the variances are granted, Pulte can build a better product more suited to the needs of the house buying public.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Cromwell v. Ward, 102 Md. App. 691 (1995); McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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

Based upon the testimony and evidence presented, all of which is uncontradicted, I am persuaded that the granting of the

ORDER RECOMMENDED FOR FILING
Date 11/6/97
By M. Howard

variances will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. Further, the Petitioner will suffer practical difficulty if the variances are denied. It has been established that special circumstances exist that are peculiar to this site and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the property due to these conditions. Lastly, the variances requested will not cause any injury to the public health, safety and general welfare. For all of these reasons, the variances will be granted.

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

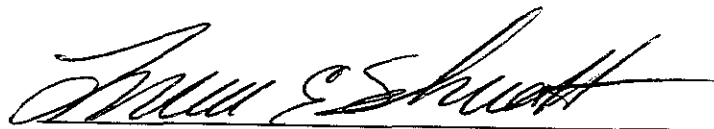
DATE RECORDED FOR FILING
7/16/97
Date 7/16/97
By M. D. [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of July, 1997 that a variance for window to window setback of 25 ft. in lieu of the 40 ft. as required by Section 1B01.2.C.2.a of the B.C.Z.R. and the previous Section V.B.5.a of the C.M.D.P. for lots 135 and 136 is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance for window to lot line setback of 12.5 ft. in lieu of the 15 ft. as required by Section 1B01.2.C.2.b of the B.C.Z.R. and the previous Section V.B.6.b of the C.M.D.P. for lots 135, 136, 141, 142, 147, 148, 153, 154, 159, and 160, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance for height setback of 25 ft. in lieu of 40 ft. for facing elevation heights of 30 ft. as required by Section 1B01.2.C.1 and the previous Section V.B.3.b of the C.M.D.P. between lots 135, 136, 141, 142, 147, 148, 153, 154, 159, and 160 be and is hereby GRANTED subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

RECEIVED
2/16/97
Mr. Board
By: _____

R19344.199



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 16, 1997

Neil J. Schechter, Esquire
The Garrett Building
233 E. Redwood Street
Baltimore, Maryland 21202-3332

RE: Petitions for Special Hearing and Variance
Case No. 97-522-SPHA
Stonegate II at Patapsco
Legal Owner: Prestige Dev. Corp.

Dear Mr. Schechter:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing and Variance have been granted with restriction.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", with a stylized flourish at the end.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

c: David S. Thaler, D.S. Thaler & Assoc., Inc.
7115 Ambassador Road
Baltimore, Md. 21244



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
Stonegate II at Patapsco, Beginning 128'	*	ZONING COMMISSIONER
E of Mavvry Road and Cantwell Road,	*	
then 435' S of Cantwell Road	*	OF BALTIMORE COUNTY
1st Election District, 1st Councilmanic	*	
	*	CASE NO. 97-522-SPHA
Prestige Development Corporation	*	
Petitioner	*	
* * * * *		

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 31st day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Nancy E. Paige, Esq., 233 E. Redwood Street, Baltimore, MD 21202, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Special Hearing

97-522-SPHA

to the Zoning Commissioner of Baltimore County

for the property located at

S. of Intersection of Maury Road and
Cantwell Road

which is presently zoned D.R. 10.5

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

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

Amendment to latest approved F.D.P.

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

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

Contract Purchaser Lessee

Legal Owner(s)

Type or Print Name

Prestige Development Corp.
(Type or Print Name)

Signature

By Alan Klatsky
Signature Alan Klatsky, Pres.

Address

ALAN KLATSKY
(Type or Print Name)

City State Zipcode

Signature

Attorney in Person

8010 Derby Lane (410) 356-4700
Address Phone No.

Nancy E. Paige
(Type or Print Name)

Owings Mills, MD 21117
City State Zipcode

Nancy E. Paige
Signature

Name Address and phone number of representative (if not connected)

233 E. Redwood Street (410) 576-4294
Address Phone No.

same
Name

Baltimore, MD 21202
City State Zipcode

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ next 12 months

ALL _____ OTHER _____

REVISED BY _____ DATE _____

522



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

S. of Intersection of Maury Road and
Cantwell Road

97-522-5PHA

which is presently zoned D.R. 10.5

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):

- 1) 1B01.2.C.2.b. (B.C.Z.R. 1981 Ed.) and former Sec. V.B.6.c. (CMDP Superseded 4/16/92)
- 2) Former Sect. V.B.6.b. (CMDP Superseded 4/16/92)
- 3) Sect. 1B01.2.C.1 (B.C.Z.R. 1981 Ed.) and former Sec. V.B.3.b. (CMDP Superseded 4/16/92)

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

- 1) To allow a window-to-window setback of 25 ft in lieu of the required 40 ft (Lots 135, 136, 141, 142, 153, 154, 159, and 160)
- 2) To allow a window-to-lot line setback of 12.5 ft in lieu of the required 15 ft (Lots 135, 136, 141, 142, 147, 148, 153, 154, 159, and 160)
- 3) To allow a height-to-height setback of 25 ft in lieu of the required 40 ft (Lots 135, 136, 141, 142, 153, 154, 159, and 160)

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

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

Contact Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

Prestige Development Corp.
(Type or Print Name)

Signature

By Alan Klatsky
Signature Alan Klatsky, Pres.

Address

(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner

Nancy E. Paige
(Type or Print Name)

8010 Derby Lane (410) 356-4700
Address Phone No

Nancy E. Paige
Signature

Owings Mills, MD 21117
City State Zipcode
Name, Address and phone number of rep representative to be contacted

233 E. Redwood Street (410) 576-4294
Address Phone No
Baltimore, MD 21202
City State Zipcode

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates: _____ Next Two Months

ALL ☒ OTHER ☐

REVIEWED BY CAM DATE 19 MAY 97



Printed with Soybean Ink
on Recycled Paper

522

April 30, 1997

**STONEGATE II AT PATAPSCO
(WINSTEN ESTATES)**

(DESCRIPTION FOR ZONING PURPOSES ONLY)

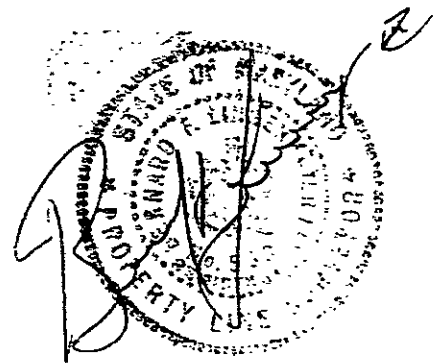
97-522 - SPA

Beginning at a point located approximately 128 feet, more or less, east of the intersection of Maury Road and Cantwell Road, thence 435 feet south of Cantwell Road, and running the following eight (8) courses and distances:

1. South $35^{\circ}17'16''$ West 522.43 feet to a point; thence,
2. North $75^{\circ}42'44''$ West 50.00 feet to a point; thence,
3. South $72^{\circ}17'16''$ West 169.00 feet to a point; thence,
4. South $67^{\circ}20'32''$ West 115.29 feet to a point; thence,
5. North $29^{\circ}15'53''$ East 784.48 feet to a point; thence,
6. South $54^{\circ}42'44''$ East 128.88 feet to a point; thence,
7. South $49^{\circ}08'35''$ East 73.35 feet to a point; thence,
8. South $54^{\circ}42'44''$ East 90.00 feet to the point of beginning.

Containing approximately 3.76 acres of land, more or less.

SAM/BL/gfl/D#6/Descriptions/Stonegate II/April 30 1997



NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Request of the Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #97-622-SPHA
Storegate II at Patuxent
beginning 120' E of Marvyn
Road and Carwell Road that
435.5 of Carwell Road
1st Election District
1st Councilmanic
Legal Owner(s):
Prestige Development Corp.

Special Hearing: to approve an amendment to the latest approved FDP. Variance: to allow a window-to-window setback of 25 feet in lieu of the required 40 feet (lots 135, 136, 141, 153, 154, 159, and 160); to allow a window-to-lot line setback of 12.5 feet in lieu of the required 15 feet (lots 135, 136, 141, 142, 147, 148, 153, 154, 159, and 160); and to allow a height-to-height setback of 25 feet in lieu of the required 40 feet (lots 135, 136, 141, 142, 153, 154, 159, and 160).

Hearings: Wednesday, July 2, 1997 at 2:30 p.m., Room 407, Courts Building, 401 Busley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations please call (410) 867-3383.
(2) For information concerning the file, and/or hearing, please call (410) 867-3391.

0/036 June 6 C146611

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/5, 1997

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 6/5, 1997.

THE JEFFERSONIAN,
A. H. Emick
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 19 May 97 ACCOUNT R-001-6150
#527
CAN AMOUNT \$ 650.00

PAID RECEIPT
05/19/97 03 6 VLM R 5001
Dept 5 513 ZONING VERIFICATION
CR NO. 038086
\$650.00 CK P-A-I-D
Baltimore County Maryland
Office Of Budget & Finance

RECEIVED FROM: Prestige Development, Inc
FOR: SFH + Variance Stonegate @
Intepco

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 97-522-SPHA

Petitioner/Developer:
(Prestige Develop. Corp.)
Date of Hearing/Closing:
(July 2, 1997)

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

____ No addresses at this time Baltimore, Maryland 21244 _____

The sign(s) were posted on _____ Jun. 17, 1997 _____
(Month, Day, Year)

Sincerely,

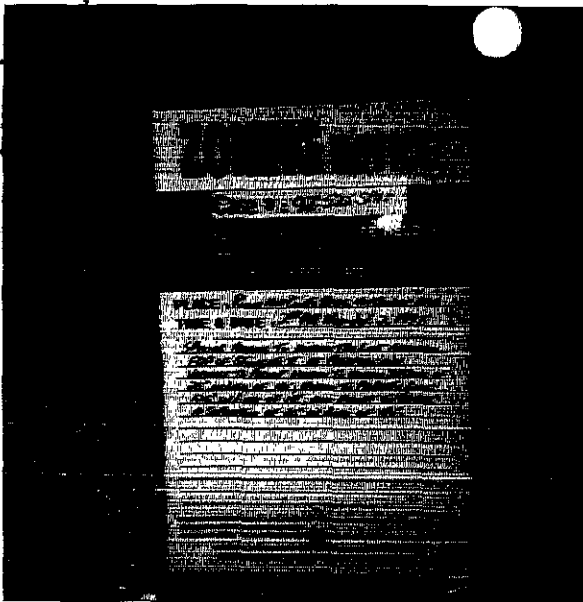

(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. _____
(Printed Name)

____ 325 Nicholson Road _____
(Address)

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____
(Telephone Number)



97-522-SPHA



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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (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.: 522

Petitioner: Prestige Development Inc

Location: S. of intersection of Haway Rd and Cartwell Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Alan Klatsky, Prestige Development, Inc.

ADDRESS: 8010 Derby Lane
Owings Mills MD 21117

PHONE NUMBER: 410 356-4700

AJ:ggs

(Revised 09/24/96)

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

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-522-58HA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to Amend the last Amended FDP
of Stragate II at Patapsco and variance to permit
window to window setback of 25' in lieu of 40'; window
to pt 12.5' in lieu of 15'; and Height to Height
a separation of 25' in lieu of 40'

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

TO: PUTUMENT PUBLISHING COMPANY
June 5, 1997 Issue - Jeffersonian

Please forward billing to:

Alan Klatsky
Prestige Development, Inc.
8010 Derby Lane
Owings Mills, MD 21117
410-356-4700

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: 97-522-SPHA
Stonegate II at Patapsco
beginning 128' E of Mavvy Road and Cantwell Road, then 435' S of Cantwell Road
1st Election District - 1st Councilmanic
Legal Owner(s): Prestige Development Corporation

Special Hearing to approve an amendeamt to the latest approved FDP.

Variance to allow a window-to-window setback of 25 feet in lieu of the required 40 feet (lots 135, 136, 141, 153, 154, 159, and 160); to allow a window-to-lot line setback of 12.5 feet in line of the required 15 feet (lots 135, 136, 141, 142, 147, 148, 153, 154, 159, and 160); and to allow a height-to-height setback of 25 feet in ieu of the required 40 feet (lots 135, 136, 141, 142, 153, 154, 159, and 160).

HEARING: WEDNESDAY, JULY, 2, 1997 at 2:00 p.m., Room 407 Courts Building, 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 30, 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: 97-522-SPHA

Stonegate II at Patapsco

beginning 128' E of Mavvry Road and Cantwell Road, then 435' S of Cantwell Road

1st Election District - 1st Councilmanic

Legal Owner(s): Prestige Development Corporation

Special Hearing to approve an amendent to the latest approved FDP.

Variance to allow a window-to-window setback of 25 feet in lieu of the required 40 feet (lots 135, 136, 141, 153, 154, 159, and 160); to allow a window-to-lot line setback of 12.5 feet in line of the required 15 feet (lots 135, 136, 141, 142, 147, 148, 153, 154, 159, and 160); and to allow a height-to-height setback of 25 feet in ieu of the required 40 feet (lots 135, 136, 141, 142, 153, 154, 159, and 160).

HEARING: WEDNESDAY, JULY, 2, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Prestige Development, Inc.
Nancy E. Paige, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 17, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING 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 26, 1997

Nancy E. Paige, Esquire
233 E. Redwood Street
Baltimore, MD 21202

RE: Item No.: 522
Case No.: 97-522-SPHA
Petitioner: Prestige Dev. Corp.

Dear Ms. Paige:

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 19, 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 black ink that reads "Carl Richards, Jr." The signature is written in a cursive style.

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

June 3, 1997

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

RE: Property Owner: PRESTIGE DEVELOPMENT CORP.
MOUNT DE SALES HIGH SCHOOL, INC.
GEORGE W. HICKEY
GRANITE MISSIONARY BAPTIST CHURCH
CSX TRANSPORTATION

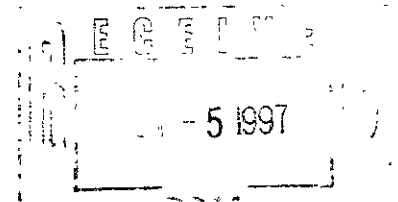
Location: DISTRIBUTION MEETING OF June 2, 1997

Item No.: 522, 525, 526, 529, AND 531 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.

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 (410) 887-4881, MS-1102F

cc: File



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: June 13, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
 for June 9, 1997
 Item No. 522

The Development Plans Review Division has reviewed the subject zoning item. The planting unit calculation note on the plan must include the entire rear frontage of the units abutting the proposed Oldstone Road.

RWB:HJO:jrb

cc: File

ZONE609.522



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 5.30.97
Item No. 522 CAM

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

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

TO: PDM
FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: June 2

DATE: 4/11/92

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

Item #'s: 522

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 9, 1997

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 516, 518 and 522

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

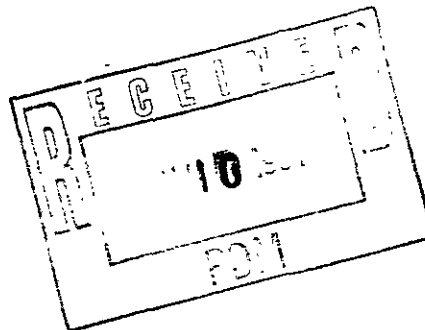
Prepared by:

Jeffrey M. Long

Division Chief:

Gary L. Kerns

AFK/JL



LAW OFFICES
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER, LLC
THE GARRETT BUILDING
233 E. REDWOOD STREET
BALTIMORE, MD 21202
TEL: 410-576-4000
FAX: 410-576-4246

FAX TRANSMITTAL

To: LAWRENCE E. SCHMIDT	Fax #: 410-887-3468
To: DAVID S. THALER	Fax #: 410-944-3684
To: ALAN KLATSKY	Fax #: 410-356-9218

From: Neil J. Schechter	Phone #: 410-576-4229	
Date: July 14, 1997	Time: 2:35 PM	Pages (including cover): 8
Ref #: R199\10943\54761		

MESSAGE:

ORIGINAL WILL NOT FOLLOW _____

ORIGINAL WILL FOLLOW BY _____

REGULAR MAIL

COURIER

OTHER _____

PRIVILEGED AND CONFIDENTIAL

THE INFORMATION SUPPLIED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE AND MAY BE LEGALLY PRIVILEGED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS REFERENCED ABOVE VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

IF THIS TRANSMISSION IS INCOMPLETE
OR ILLEGIBLE, PLEASE CALL OUR FAX
OPERATOR AT 410-576-4023.

SENT: _____

DATE: _____

TIME: _____

OPERATOR: _____

LAW OFFICES
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER, LLC
THE GARRETT BUILDING
233 EAST REDWOOD STREET
BALTIMORE, MARYLAND 21202-3332

410-576-4000

Telex 908041 BAL
Fax 410-576-4246NEIL J. SCHECHTER
410-576-4229

July 14, 1997

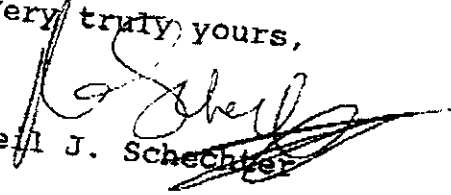
VIA TELECOPY NO. 410-887-3468
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
County Office Building, Room 109
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Case Number: 97-522-SPHA
Stonegate II at Patapsco
Legal Owner(s): Prestige Development Corporation

Dear Mr. Schmidt:

Enclosed is the draft Order which you requested at the hearing on July 2, 1997. I hope you and your family had a nice vacation. Thank you for your assistance in this matter.

Very truly yours,


Neil J. Schechter

Enc.

NJS:bh

cc: David S. Thaler (via telecopy)
Alan Klatsky (via telecopy)

*I called
Schechter
This OK, I
advised + asked
to submit
a clean
copy*

LAW OFFICES
GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER, LLC
THE GARRETT BUILDING
233 EAST REDWOOD STREET
BALTIMORE, MARYLAND 21202-3332

410-576-4000

Telex 908041 BAL

Fax 410-576-4246

NEIL J. SCHECHTER
410-576-4229
nschechter@gfirlaw.com

July 15, 1997

VIA FEDERAL EXPRESS

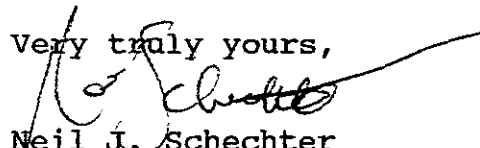
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
County Office Building, Room 109
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Case Number: 97-522-SPHA
Stonegate II at Patapsco
Legal Owner(s): Prestige Development Corporation

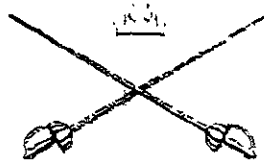
Dear Mr. Schmidt:

Enclosed are two copies of the draft Orders for your signature.

Very truly yours,


Neil J. Schechter

Enc.
NJS:bh
cc: David S. Thaler
Alan Klatsky

**Prestige Development, Inc.**

8010 Derby Lane
Owings Mills, Maryland 21117
(410) 356-4700
TELECOPIER (410) 356-9218

FACSIMILE TRANSMITTAL SHEET

DATE:

6/27/97

FROM:

ALAN KIATSKYTO: DAVID THALERCOMPANY: DS THALERFAX: 410 944-3684REGARDING: WINSTEN ESTATES

PAGES

9

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 5, 1993

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: 94-41-A (Item 42)

Beginning corner S/S Johnnycake and Fairbrook Roads, E/S Oldstone Road

Winsten Estates

1st Election District - 1st Councilmanic

Petitioner(s): Prestige Development, Inc.

HEARING: WEDNESDAY, SEPTEMBER 1, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit window to tract boundary setback of 30 feet in lieu of the 35 feet as required for lots 47 through 78 and lots 113 through 133 and to allow open projections of 22.5 feet in lieu of 26.25 feet; to permit side building face to a side building face setback of 25 feet in lieu of the 40 foot window to window setback between lots 54 and 55, 67 and 68, 74 and 75, 82 and 83, 88 and 89, 101 and 102, 112 and 113, 119 and 120, and 127 and 128; to permit height to height setback of 25 feet in lieu of 40 feet for facing elevation heights of 30 feet between lots 54 and 55, 67 and 68, 74 and 75, 82 and 83, 88 and 89, 101 and 102, 112 and 113, 119 and 120, and 127 and 128; to permit window to lot line setback of 12.5 feet in lieu of the 15 foot as required for lots 54, 55, 67, 68, 74, 75, 82, 83, 88, 89, 101, 102, 112, 113, 119, 120, 127 and 128; and to permit window to right-of-way setback of 24 feet and 4 inches for lots 1, 40, 22 and 23, 16 feet and 4 inches for lot 60, 14 feet and 4 inches for lot 97, and 11 feet for lot 61 in lieu of 25 feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Prestige Development, Inc.
Rick Chadsey
Newton A. Williams, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



SEND TO ALAN FLAISKY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 2, 1993

RECEIVED

SEP 7 1993

GEORGE WILLIAM STEPHENS, JR.
& ASSOC., INC.

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-41-A
Petition for Zoning Variance
Prestige Development, Inc.
Petitioner

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. Jim Dean, Pulte Homes, 1501 S. Edgewood St., 21227
c: Mr. Rick Chadsey, G.W. Stephens & Assoc. 658 Kenilworth Dr.
Suite 100, Towson, Md. 21204



IN RE:	PETITION FOR ZONING VARIANCE *	BEFORE THE
	Bag.cor. S/S Johnnycake and	
	Fairbrook Rds. E/S Oldstone Rd*	ZONING COMMISSIONER
	Winsten Estates	
	1st Election District *	OF BALTIMORE COUNTY
	1st Councilmanic District	
	* Case No. 94-41-A	
	Prestige Development, Inc.	
	Petitioner *	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for a number of residential townhouse lots contained within the residential subdivision under construction known as Parkview Crossing. This community, which was approved for developed under the name, Winsten Estates, is located not far from the Patapsco Valley State Park in southwestern Baltimore County. The Petition is filed by the property owner, namely, Prestige Development, Inc. However, relief is actually requested by the builder, Pulte Homes. Within the Petition for Zoning Variance, relief is requested from a number of sections from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Design Manual of Development Policies (C.M.D.P.). Specifically, the variances requested are as follows:

1. Window to tract boundary setback of 30 ft. in lieu of the 35 ft. as required by Section 1B01.2.C.2.a of the B.C.Z.R. and the previous Section V.B.5.a of the C.M.D.P. for lots 47 through 78 and lots 113 through 133 and Section 301.1 of the B.C.Z.R. to allow open projections of 22.5 ft. in lieu of 26.25 ft.

2. Side building face to a side building face setback of 25 ft. in lieu of the 40 ft. window to window setback as required by Section 1B01.2.C.2.b of the B.C.Z.R. and previous Section V.B.6.c of the C.M.D.P.

between lots 54 and 55, 67 and 68, 74 and 75, 82 and 83, 88 and 89, 101 and 102, 112 and 113, 119 and 120, and 127 and 128.

3. Window to lot line setback of 12.5 ft. in lieu of the 15 ft. as required by Section 1B01.2.C.2.b of the B.C.Z.R. and the previous Section V.B.6.b of the C.M.D.P. for lots 54, 55, 67, 68, 74, 75, 82, 83, 88, 89, 101, 102, 112, 113, 119, 120, 127 and 128.

4. Height to height setback of 25 ft. in lieu of 40 ft. for facing elevation heights of 30 ft. as required by Section 1B01.2.C.1 and the previous Section V.B.3.b of the C.M.D.P. between lots 54 and 55, 67 and 68, 74 and 75, 82 and 83, 88 and 89, 101 and 102, 112 and 113, 119 and 120, and 127 and 128.

5. Window to right of way setback as described below in lieu of 25 ft. as required by Section 1B01.2.C.2.b of the B.C.Z.R. and the previous Section V.B.6.a of the C.M.D.P. for 24 ft.4 inches for lots 1, 40, 22 and 23; 16 ft.4 inches for lot 60; 14 ft.4 inches for lot 97 and 11 ft. for lot 61.

Appearing at the public hearing held for this case was Jim Dean, representing Pulte Homes. Also appearing was Rick Chadsey, from G.W. Stephens & Associates, the engineer who prepared the site plan marked as Petitioner's Exhibit No. 1. The Petitioner was represented by Newton A. Williams, Esquire. There were no Protestants present.

Uncontradicted testimony and evidence presented was that the subject parcel is approximately 26.24 acres in area and is split zoned D.R.10.5 and D.R.2. The predominant zoning is D.R.10.5. The site is proposed for development as a townhouse community with 133 units. It is clear that this proposed use is entirely consistent with the uses in the surrounding locale. Specifically, there are other townhouse communities located adja-

cent to the site (i.e., Fairbrook Community) as well as apartment and condominium buildings nearby. The development obtained C.R.G. approval in 1986. Actual development and construction has been slowed, however, by several changes in the identity of the developer. However, at this time, the property owner has contracted with Pulte Homes to handle the actual construction.

As shown both on the Petition and site plan, the specific lot variances are numerous and relate to a number of requirements contained both in the B.C.Z.R. and C.M.D.P. It is also significant to note that the C.M.D.P. has been comprehensively amended since C.R.G. approval was given to the project in 1986. However, in that the Petitioner is operating under a plan approved on that date, the prior C.M.D.P. regulations are controlling. It is particularly significant that if the existing regulations were applied, several of the variances would not be necessary and others would be reduced in scope.

It is further clear from the testimony and evidence presented that the project will be a well designed and attractive community. Pulte Homes enjoys an excellent reputation and this development will be similar to other townhouse communities built by Pulte Homes throughout Baltimore County. In order to achieve architectural continuity and meet the demands of the market, the requested variances are needed. Both Mr. Chadsey and Mr. Dean indicated that without the variances, the units would be unattractive and nearly unmarketable. For example, if the requested relief were denied, many of the units would not be able to feature side windows, decks and other amenities which are desired by prospective homeowners in the market place. It is clear, that if the variances are granted, Pulte can build a better product more suited to the needs of the house buying public.

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

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

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

Based upon the testimony and evidence presented, all of which is uncontradicted, I am persuaded that the granting of the variances will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. Further, the Petitioner will suffer practical difficulty if the variances are denied. It has been established that special circumstances exist that are peculiar to this site and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the property due to these conditions. Lastly, the variances requested will not cause any injury to the public health, safety and general welfare. For all of these reasons, the variances will be granted.

Notwithstanding my approval of the variances, a comment is appropriate as to the Zoning Plans Advisory Committee (ZAC) comment from the Department of Public Works. That comment suggests that, if the variances

are granted, more than minimum planting requirements of the Landscape Manual should be required. The Project Engineer indicated that a landscape plan was approved for this project after the C.R.G. approval in 1986. Further, the site plan shows significant landscaping and retention of existing buffering. For these reasons, I shall not incorporate the requirement requested by the Department of Public Works.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of September, 1993 that a variance for window to tract boundary setback of 30 ft. in lieu of the 35 ft. as required by Section 1B01.2.C.2.a of the B.C.Z.R. and the previous Section V.B.5.a of the C.M.D.P. for lots 47 through 78 and lots 113 through 133 and Section 301.1 of the B.C.Z.R. to allow open projections of 22.5 ft. in lieu of 26.25 ft., be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance for side building face to a side building face setback of 25 ft. in lieu of the 40 ft. window to window setback as required by Section 1B01.2.C.2.b of the B.C.Z.R. and previous Section V.B.6.c of the C.M.D.P. between lots 54 and 55, 67 and 68, 74 and 75, 82 and 83, 88 and 89, 101 and 102, 112 and 113, 119 and 120, and 127 and 128, be and is hereby GRANTED; and,

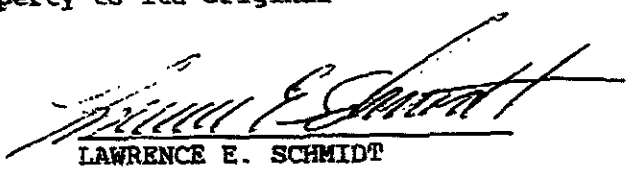
IT IS FURTHER ORDERED that a variance for window to lot line setback of 12.5 ft. in lieu of the 15 ft. as required by Section 1B01.2.C.2.b of the B.C.Z.R. and the previous Section V.B.6.b of the C.M.D.P. for lots 54, 55, 67, 68, 74, 75, 82, 83, 88, 89, 101, 102, 112, 113, 119, 120, 127 and 128, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance for height to height setback of 25 ft. in lieu of 40 ft. for facing elevation heights of 30 ft. as required by Section 1B01.2.C.1 and the previous Section V.B.3.b of the C.M.D.P. between lots 54 and 55, 67 and 68, 74 and 75, 82 and 83, 88 and 89, 101 and 102, 112 and 113, 119 and 120, and 127 and 128, be and is hereby GRANTED: and,

IT IS FURTHER ORDERED that a variance for a window to right of way setback as described below in lieu of 25 ft. as required by Section 1B01.2.C.2.b of the B.C.Z.R. and the previous Section V.B.6.a of the C.M.D.P. for 24 ft. 4 inches for lots 1, 40, 22 and 23; 16 ft. 4 inches for lot 60; 14 ft. 4 inches for lot 97 and 11 ft. for lot 61, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LES/mm


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County