

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
ZONING VARIANCE
SW/S Lyons Mill Road, 200 ft. E * ZONING COMMISSIONER
of Lyonsfield Boulevard
2nd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District
Whitehurst Corporation * Case No. 97-572-SPHA
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and a Petition for Variance for the residential community known as Whitehurst, located adjacent to Whitehurst Court and Lyonswood Drive at Lyons Mill Road. The Petitions were filed by the Whitehurst Corporation by David E. Gonzales, President, property owner/developer. Special Hearing relief is requested to approve an amendment to the Final Development Plan for "Lyonswood" in accordance with the variance relief requested in the Petition for Variance. The Petition for Variance seeks relief, as follows:

1. A variance from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side to side building separation of 20 ft. in lieu of 40 ft. required for buildings greater than 30 ft. in height, for lots 1 through and including 36, Block "A"; lots 1 through and including 31, Block "B", and lots 33 through and including 34, Block "B"
2. A variance from Section 1B01.2.C.2.b., of the BCZR and Section V.B.6.c., CMDP, pursuant to Section 504, of the BCZR to allow a 20 ft. side window to side window separation for building face and 16 ft. for bay window faces, in lieu of 40 ft. window to window required separation, for lots 1 through and including 36, Block "A", lots 1 through and including 31, Block "B", and lots 33 through and including 34, Block "B".
3. A variance from Section V.B.6.b., CMDP, pursuant to Section 504, of the BCZR to allow a window setback of 10 ft. from side building face and 8 ft. from bay window face in lieu of 15 ft. required window to property

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Date

By

line setback, for lots 1 through and including 33, Block "A", lots 35 through and including 36, Block "A", lots 1 through and including 31, Block "B", and lots 33 through and including 34, Block "B".

The subject property and requested relief are more particularly shown on the plan to accompany the Petitions for Special Hearing and Variance.

Appearing at the public hearing held for this case was David Gonzales, President of Whitehurst Corporation, Petitioner. Also present was Charles Stapf, Jr., of Stapf Homes, Builder. Testifying in support of the Petition was Timothy Madden, a landscape architect, from Morris, Ritchie and Associates. Robert Capalongo, also from Morris and Ritchie Associates, appeared at the hearing. The Petitioner was represented by Howard L. Alderman, Jr., Esquire. There were no Protestants present.

Testimony and evidence presented was that the Petition relates to a portion of that part of the residential development known as Lyonswood, aka Whitehurst. This is a development which was approved by the County Review Group under the prior development regulations. The subject Petitions relate to but a section of the overall development, containing 70 units. Section 1 of the entire development is approximately 119 acres. Blocks A and B of Section 1, which are the subject of this Petition, encompass approximately 36 acres. The property is predominantly zoned D.R.3.5, with a portion of D.R.5.5.

Mr. Madden testified that a series of blanket variances are sought for 69 of the 70 units of Blocks A and B of Section 1. The variances requested relate to requirements concerning distances between buildings, windows and property lines. Mr. Madden also testified that this project is subject to the requirements of the CMDP which was in effect at the time of the CRG approval. Those regulations have been changed since the CRG plan was approved for this project so that variance relief would not be necessary if the current regulations were applicable.

As a basis for the variance relief, Mr. Madden testified that the site is unique and contains a number of inherent development constraints. A significant portion of the property contains steep slopes and wetlands and is, therefore, unbuildable. Moreover, the Transcontinental Gas Line bisects a portion of the property, further reducing the buildable area. In order to develop a product suitable in today's market, the Petitioner is requesting the variance relief described above. Mr. Madden also testified that there would be no increase in residential density of the property brought about by the relief requested, nor would there be any adjustment to lot lines. The variances seek only approval to modify the standards as they relate to the distances between dwellings, windows and property lines.

Based upon the testimony and evidence presented, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. It is to be noted that a letter was received from the Lyonswood Homeowners Association indicating opposition to the request if there was any increase in residential density or the size of lots would be reduced. As noted above, the requested relief neither increases density nor reduces lot size. In my judgment, a grant of the variance will cause no detrimental impact on the surrounding locale. Moreover, due to the site constraints described above and present marketing conditions, a denial of the variances would cause the property owner a practical difficulty.

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

IT IS, THEREFORE, ORDERED, this 12th day of August, 1997, that approval to amend the Final Development Plan for "Lyonswood", be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.1 of the BCZR to allow a side to side building separation of 20 ft. in lieu of 40

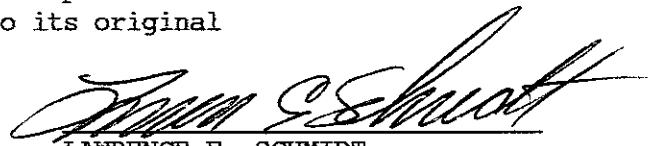
ORDER RECEIVED FOR FILING
Date 8/12/97
By Mr. [Signature]

ft. required for buildings greater than 30 ft. in height, for lots 1 through and including 36, Block "A"; lots 1 through and including 31, Block "B", and lots 33 through and including 34, Block "B", be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.2.b., of the BCZR and Section V.B.6.c., CMDP, pursuant to Section 504, of the BCZR to allow a 20 ft. side window to side window separation for building face and 16 ft. for bay window faces, in lieu of 40 ft. window to window required separation, for lots 1 through and including 36, Block "A", lots 1 through and including 31, Block "B", and lots 33 through and including 34, Block "B", be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section V.B.6.b., CMDP, pursuant to Section 504, of the BCZR to allow a window setback of 10 ft. from side building face and 8 ft. from bay window face in lieu of 15 ft. required window to property line setback, for lots 1 through and including 33, Block "A", lots 35 through and including 36, Block "A", lots 1 through and including 31, Block "B", and lots 33 through and including 34, Block "B", be and is hereby GRANTED, subject, however, to the following restriction:

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

LES:mmm

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning

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

August 11, 1997

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

RE: Petitions for Special Hearing and Variance
Property: Whitehurst Ct. and Lyonswood Drive @ Lyonsmill Rd.
Case No. 97-572-SPHA
Whitehurst Corporation, Petitioner

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petitions 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 black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

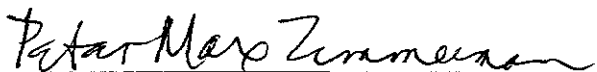
c: Mr. David E. Gonzales, President
Whitehurst Corporation{
17 Glenberry Court
Phoenix, Maryland 21131

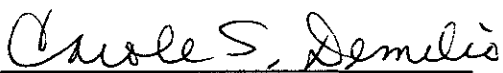


RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
SW/S Lyons Mill Rd, 200' E of Lyonsfield	*	OF BALTIMORE COUNTY
Blvd, 2nd Election Dist., 2nd Councilmanic	*	ZONING COMMISSIONER
Whitehurst Corporation		
Petitioner	*	CASE NO. 97-572-SPHA
* * * * *		

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
 People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Whitehurst Court & Lyonswood Drive
at Lyonsmill Road

which is presently zoned D.R. 3.5 &
5.5

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

See Attachment 1

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.

(Type or Print Name)

Signature

LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

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):

Whitehurst Corporation

(Type or Print Name)

By

Signature

David E. Gonzales, President

(Type or Print Name)

Signature

17 Glenberry Court 410-785-9630

Address

Phone No

Phoenix, MD 21131

City

State

Zipcode

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

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204
Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 HRS

the following dates

Next Two Months

ALL

☒

OTHER

REVIEWED BY:

JRA

DATE

6/19/97

ATTACHMENT 1

PETITION FOR SPECIAL HEARING

Property Location: Whitehurst Court and Lyonswood Drive @ Lyons Mill Road

Owner: Whitehurst Corporation

Current Zoning: DR 3.5 & 5.5

Request:

to approve an amendment to the Final Development Plan for
"Lyonswood" in accordance with the variance relief requested in
a Petition for Variance filed contemporaneously herewith.



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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Whitehurst Court & Lyonswood Drive
at Lyonsmill Road

which is presently zoned DR 3.5 & 5.5

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

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

See Attachment 1

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

See Attachment 1

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.

(Type or Print Name)

Signature

LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Attorney's Phone No.: (410) 321-0600

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):

Whitehurst Corporation

(Type or Print Name)

By: David E. Gonzales

Signature

David E. Gonzales, President

(Type or Print Name)

Signature

17 Glenberry Court 410-785-9630

Address

Phone No

Phoenix, MD 21131

City

State

Zipcode

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

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204
Tel.: (410) 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL ☒ OTHER

REVIEWED BY: JRA

DATE

6/19/97

ATTACHMENT 1

PETITION FOR VARIANCE

Property Location: Whitehurst Court and Lyonswood Drive @ Lyons Mill Road

Owner: Whitehurst Corporation

Current Zoning: DR 3.5 & 5.5

ZONING VARIANCES REQUESTED:

Variance 'A'

Variance from Section 1B01.2.C.1, B.C.Z.R. and Section V.B.3.b, C.M.D.P. pursuant to Section 504, B.C.Z.R. to allow a side to side building separation of 20 feet in lieu of 40 feet required for buildings greater than 30 feet in height, for Lots 1 through and including 36, Block 'A', Lots 1 through and including 31, Block 'B' and Lots 33 through and including 34, Block 'B'.

Variance 'B'

Variance from Section 1B01.2.C.2.b, B.C.Z.R. and Section V.B.6.c., C.M.D.P. pursuant to Section 504, B.C.Z.R. to allow a 20 foot side window to side window separation for building face and 16 foot for bay window faces in lieu of 40 foot window to window required separation, for Lots 1 through and including 36, Block 'A', Lots 1 through and including 31, Block 'B' and Lots 33 through and including 34, Block 'B'.

Variance 'C'

- Variance from Section V.B.6.b., C.M.D.P. pursuant to Section 504, B.C.Z.R. to allow a window setback of 10 feet from side building face and 8 feet from bay window face in lieu of 15 feet required window to property line setback, for Lots 1 through and including 33, Block 'A', Lots 35 through and including 36, Block 'A', Lots 1 through and including 31, Block 'B' and Lots 33 through and including 34, Block 'B'.

Justification:

1. Shape, size and configuration of recorded lots;
2. Modification of design and setback standards subsequent to plat approval and recordation to bring into compliance with currently adopted standards;
3. Such further reasons and justification as will be presented at the time of the hearing on this Petition.

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



572

ZONING DESCRIPTION

BEGINNING at a point distant 200 feet more or less measured southwesterly along the east side of Lyons Mill Road (ultimate 75 feet wide), from the centerline of Lyonsfield Boulevard, 80 feet wide. Thence the following courses and distances:

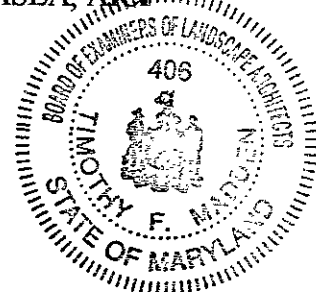
North 48° 49'56" West 4.85 feet, By a curve to the right with a radius of 917.50 feet, an arclength of 396.35 feet, and a chord of North 61° 12'27" East 392.27 feet, By a curve to left with a radius of 992.50 feet, an arclength of 169.98 feet, and a chord of North 66° 54'36" West 230.65 feet, North 60° 14'15" East 295.46 feet, South 57° 43'50" East 1233.85 feet, South 56° 10'34" East 231.64 feet, South 87° 11'55" East 74.45 feet, South 49° 10'11" West 959.65 feet, North 62° 36'50" West 1543.42 feet, North 46° 47'05" East 185.28 feet, North 43° 12'55" West 176.26 feet, to the place of beginning.

CONTAINING 35.675 Acres of land more or less.

BEING known as LYONSWOOD SECTION 1 PLATS 1 and 2 as recorded in Plat Book SM 62, Folio 72 and 73 respectively, and located in the Second Election District of Baltimore County, Maryland.

Tim Madden

Timothy F. Madden, ASLA, AICP
Principal



☐ 139 N. MAIN STREET SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☒ 110 WEST ROAD, SUITE 105
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
FAX (410) 792-7395

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Board of Zoning Appeals, will hold a public hearing on the following:

Sub. Maryland 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Case 49-572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Whitehurst Corporation
Special Hearing: to approve an amendment to the Final development Plan for Lyonswood. Variance: to allow a side to side building separation of 20 feet in lieu of 40 feet for Lots 1 through and including 36, Block 'A', Lots 1 through and including 31, Block 'B' and Lots 33 through and including 34, Block 'B', to allow a 20 foot window to window separation, and 116 foot bay window faces in lieu of 40 foot for Lots 1 through and including 36, Block 'A', Lots 1 through and including 31, Block 'B' and Lots 33 through and including 34, Block 'B', to allow a window setback of 10 feet and 8 feet in lieu of 15 feet for Lots 1 through and including 33, Block 'A', Lots 35 through and including 36, Block 'A', Lots 1 through and including 31, Block 'B' and Lots 33 through and including 34, Block 'B'.

Hearing: Tuesday, August 5, 1997 at 2:00 p.m., Room 407 Courts Bldg., 401 Basley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 397-2333.

For information on this hearing, call (410) 397-2333.

7/177 JULY 10 0156032

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 10, 1977

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 July 10, 1977.

THE JEFFERSONIAN,
A. Henickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **038112**

DATE 6-19-97 ACCOUNT P.0016150

AMOUNT \$ 650.00

WHITE HOURS CO. INC. 17 C. LEWIS BLVD. BALTIMORE, MD 21201

RECEIVED FROM: 020 CON. LAR. 040 CON. SEC. HOURS = 650

FOR: _____

DISTRIBUTION
 WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

572

PAID RECEIPT
 PROCESS ACTUAL TIME
 6/19/1997 6/19/1997 10:17:01
 REG 4505 CASHIER BTRY BKT DRAWER 5
 ; MISCELLANEOUS CASH RECEIPT
 Receipt # 01819 OR NO. 038112
 CHECK: FMS \$650.00
 Baltimore County, Maryland

CASHIER'S VALIDATION

RE: Case No.: 97-572-SPHA

Petitioner/Developer: DAVID GONZALES, ETAL

c/o TIM MADDEN

Date of Hearing/Closing: 8/5/97

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 END LYONSWOOD DR.,
@ LYONS MILL RD. @ WHITEHURST DR. - 3 LOCATIONS

The sign(s) were posted on 7/13/97
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 7/15/97
(Signature of Sign Poster and Date)

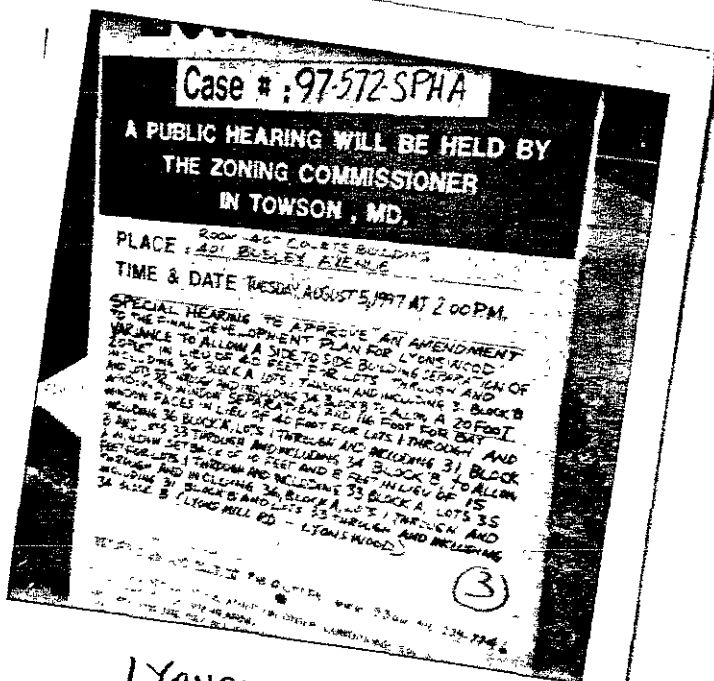
Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

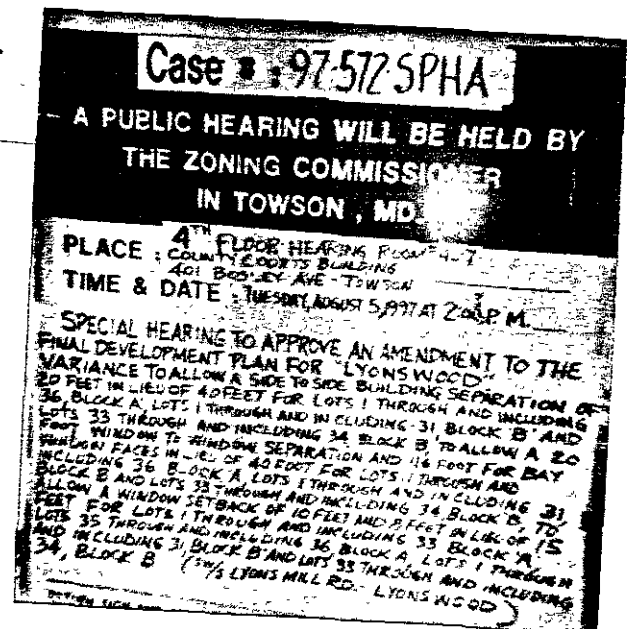
(Address)

Hunt Valley MD 21030



LYONSWOOD

H-8/5/97C 200



LYONSWOOD

H-8/5/97



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.: 572

Petitioner: WHITEHURST CORPORATION

Location: WHITEHURST COURT AND LYONSWOOD DRIVE AT LYONSMILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: WHITEHURST CORPORATION c/o DAVID GONZALES

ADDRESS: 17 GLENBERRY COURT
PHOENIX, MD 21131

PHONE NUMBER: (410) 785-9630

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.: 97-572-A

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

PLACE: *

DATE AND TIME: *

REQUEST: ¹²VARUENCES: SIDE BLDG SEP. OF 20 FT. IN LIEU OF 40 FT. FEWER 30 FT. HIGH,
2. 20 FT. SIDE WINDOW SEPARATION (16 FT. FOR BAY WINDOWS).
LOTS 1-36 BLOCK A, 1-31, 33 & 34 BLOCK B, 32 & 35 WINDOW SEPARATION OF 10 FT.
(8 FT. FOR BAY WINDOW) FROM PROPERTY LINE IN LIEU OF 15 FT. FOR LOTS 1-33,
PLOTS 35 & 36 BLOCK A, 1-31, 33 & 34 BLOCK B.

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: PUTTUXENT PUBLISHING COMPANY
July 10, 1997 Issue - Jeffersonian

Please forward billing to:

Whitehurst Corporation
c/o David Gonzales
17 Glenberry Court
Phoenix, MD 21131
410-785-9630

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: 97-572-SPHA
SW/S Lyons Mill Road, 200' E of Lyonsfield Boulevard
2nd Election District - 2nd Councilmanic
Legal Owner(s): Whitehurst Corporation

Special Hearing to approve an amendment to the Final development Plan for "Lyonswood".
Variance to allow a side to side building separation of 20 feet in lieu of 40 feet for Lots 1 through and including 36, Block "A", Lots 1 through and including 31, Block "B" and Lots 33 through and including 34, Block "B", to allow a 20 foot window to window separation and 116 foot for bay window faces in lieu of 40 foot for Lots 1 through and including 36, Block "A", Lots 1 through and including 31, Block "B" and Lots 33 through and including 34, Block "B", to allow a window setback of 10 feet and 8 feet in lieu of 15 feet for Lots 1 through and including 33, Block "A", Lots 35 through and including 36, Block "A", Lots 1 through and including 31, Block "B" and lots 33 through and including 34, Block "B".

HEARING: TUESDAY, AUGUST 5, 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

July 2, 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: 97-572-SPHA

SW/S Lyons Mill Road, 200' E of Lyonsfield Boulevard

2nd Election District - 2nd Councilmanic

Legal Owner(s): Whitehurst Corporation

Special Hearing to approve an amendment to the Final development Plan for "Lyonswood".

Variance to allow a side to side building separation of 20 feet in lieu of 40 feet for Lots 1 through and including 36, Block "A", Lots 1 through and including 31, Block "B" and Lots 33 through and including 34, Block "B", to allow a 20 foot window to window separation and 116 foot for bay window faces in lieu of 40 foot for Lots 1 through and including 36, Block "A", Lots 1 through and including 31, Block "B" and Lots 33 through and including 34, Block "B", to allow a window setback of 10 feet and 8 feet in lieu of 15 feet for Lots 1 through and including 33, Block "A", Lots 35 through and including 36, Block "A", Lots 1 through and including 31, Block "B" and lots 33 through and including 34, Block "B".

HEARING: TUESDAY, AUGUST 5, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in dark ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Arnold Jablon
Director

cc: Whitehurst Corporation
Howard L. Alderman, Jr., Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 21, 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

July 29, 1997

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

RE: Item No.: 572
Case No.: 97-572-SPHA
Petitioner: Whitehurst Corporation

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 June 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 "W. 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

DATE: 10/07/96

July 2, 97
kh

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

RE: Property Owner: Whitehurst Corporation

Location: DISTRIBUTION MEETING OF June 30, 1997

Item No.: 572 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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





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 7.1.97
Item No. 572 JRA

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

DATE: 7/6/97

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

SUBJECT: Zoning Advisory Committee
Meeting Date: June 30, 97

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

Item #'s:

572

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 16, 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. 572

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 W. Long

Division Chief:

Carol L. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: July 9, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
for July 7, 1997
Item Nos. 565, 571, 572, 573,
576, 577, 578

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

RWB:HJO:jrb

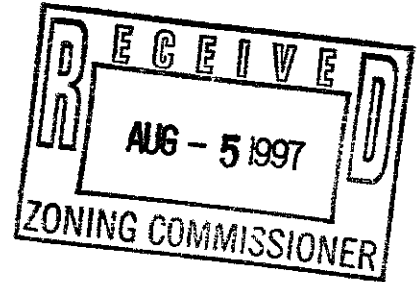
cc: File



Lyonswood Homeowners Association
9320 Lyonswood Drive
Owings Mills, MD 21117

August 5, 1997

Baltimore County Zoning Commissioner
Case #



Mark Seals,
President—Lyonswood Community Organization
9320 Lyonswood Dr.
Owings Mills, MD 21117

Dear Zoning Commissioner:

The Lyonswood Community Organization would like to go on record concerning the variance request for the Whitehurst subdivision.

The residents of the Lyonswood Community Organization will be directly impacted by any changes to the character or development plans of the Whitehurst Community and we are opposed to any variance request that will increase the residential density allowed or that will reduce the size of the current lots. We are also opposed to any changes that would have an adverse impact on the natural environment.

If you have any questions, please feel free to contact Mark Seals at (410) 998-9598 or during working hours at (410) 345-5600.

Thank you,

Mark Seals

Mark Seals,
President, Lyonswood Community Organization

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

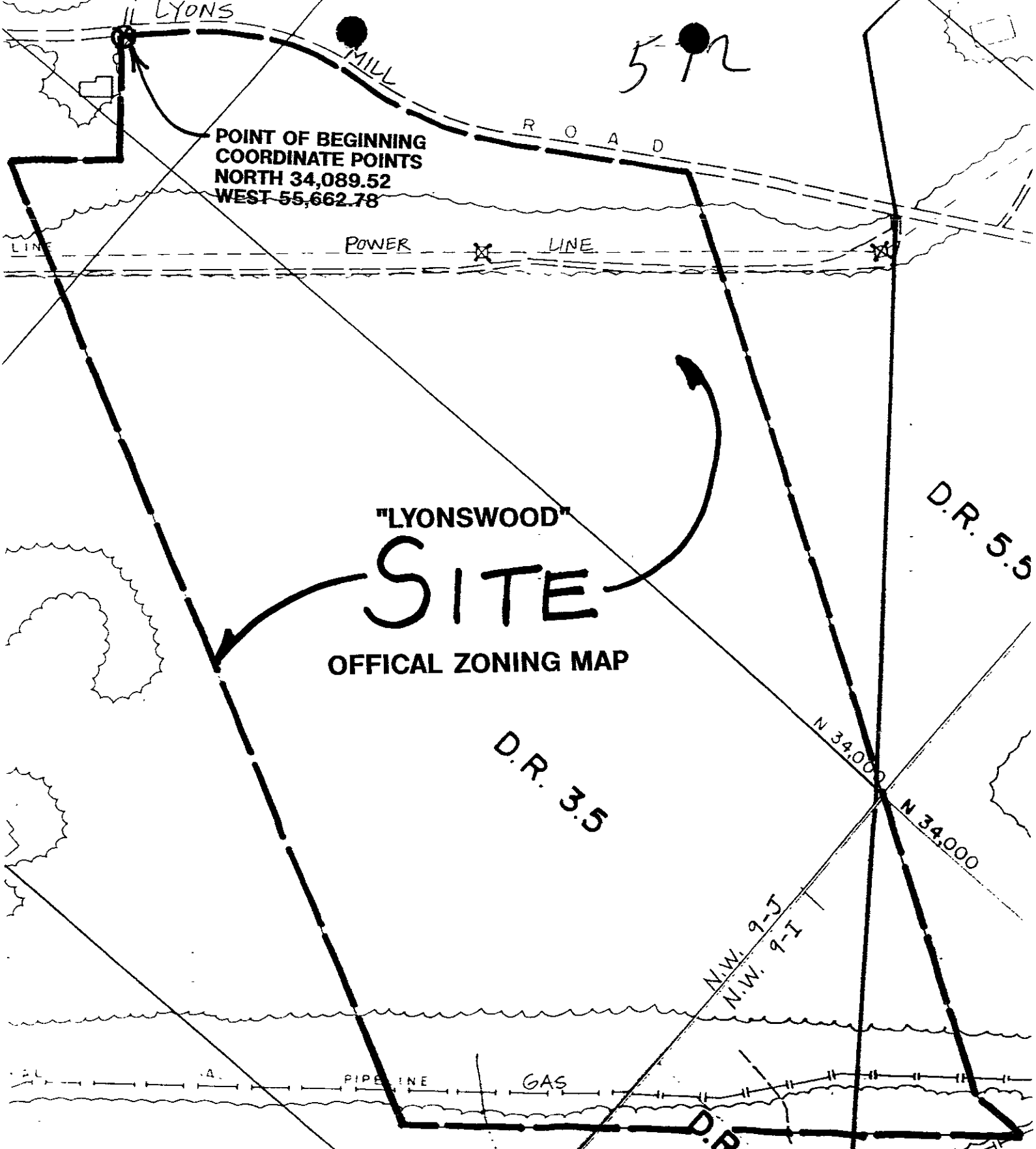
ADDRESS

Builder
Developer

Tim Madden, MRA
Charles Stepf Jr. Stepf Homes
DAVE GONZALES
BOB CAPALONGO, MRA
Howard L. Alderman Jr Esq

110 West Rd. Towson, Md.
213 E. Jannetville Rd Forest Hill Md
17 GLENBERRY CT. PICOCA MD 21131
110 WEST RD. TOWSON, MD
305 W. Chesapeake Ave #113
Towson MD 21204





SCALE 1" = 200' ±	LOCATION HARRISONVILLE VICINITY	SHEET N.W. 9-J	SCALE 1" = 200' ±	LOCATION Mc DONOUGH VICINITY	SHEET N.W. 9-I
DATE OF PHOTOGRAPHY JANUARY 1986			DATE OF PHOTOGRAPHY JANUARY 1986		