IN RE: PETITION FOR VARIANCE * BEFORE THE

5039 Springhouse Circle

(Springhouse Station Lot 56) * DEPUTY ZONING COMMISSIONER

Regency Homes Corp.

OF BALTIMORE COUNTY

Petitioner

* Case No.: 98-124-A

* * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for Lot 56, Springhouse Station, located at 5039 Springhouse Circle. The Petition was filed by the owner of the property, Regency Homes Corp., by Charles Weinstein, Senior Vice-President, through their attorney, Joseph F. Devlin, Esquire. The Petitioner seeks two (2) variances, one (1) permitting a 27 foot rear building face setback to property line and a second permitting a 22 foot street right-of-way setback.

Appearing at the hearing on behalf of the Petition were Alan Scoll of D.S. Thaler & Assoc., Inc., Charles Weinstein and Ronald Mattei of Regency, and Joseph F. Devlin, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the property is a residential lot located on a curved street thereby necessitating application of a radius to establish the street setback. The curved nature of the lot makes the property somewhat unusual when the applicable setbacks are applied from the street.

The Petitioner stated that the variances were necessitated due to a failure on the part of a subcontractor mason who poured the foundation and erected the walls to properly locate the residence. By virtue of this mistake, the home has been shifted approximately 3 feet closer to the street than originally contemplated.

of Harring

Petitioner seeks a variance of 3 feet to the required 30 foot rear building face setback to property line, as well as a variance to permit a 22 foot street right-of-way setback in lieu of the required 25 feet.

After due consideration of the evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of these variance requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety or general welfare. Further, the granting of Petitioner's request is in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this _______ day of November, 1997, that the Petition for Variance seeking relief from Section 1B01.2.C.1.b(B.C.Z.R.) and Section II.A.5(C.M.D.P.) permitting a 27 foot rear building face setback to property line and permitting a 22 foot street right-of-way setback are granted.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner for Baltimore County



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

November 7, 1997

Joseph F. Devlin, Esquire 791 Aquahart Road, Suite 122 Glen Burnie, Maryland 21061

RE: Case No. 98-124-A

Petition for Zoning Variance Regency Homes Corp., Petitioner

Dear Mr. Devlin:

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

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:mmn att.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

5039 Springhouse Circle (Springhouse Station Lot 56)

which is presently zoned

DR 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)

Section 1801.2.C.1.b (BCTR) and Section II.A. 5 (CMDP), to permit a 22' street right of way so track in low of 25. To permit a 27' rear building face so track to the property line in low of the required 30'so track.

practical difficulty) to allow a 20' creat building face setback to property line in liou of the required 30' setback: During excavation, while the lot had been properly surveyed, staked, and marked, the excavator damaged the marks and incorrectly sited the home resulting in the foundation being erected 4' closer to the rear line than originally intended. The hardship and/or practical difficulty of moving the dwelling far outweighs the benefits of an additional 4 feet at the rear of the dwelling.

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.

				I/We do solamnly declare and affirm, under the legal owner(s) of the property which is the subjection	penalties of perjury, that I/we are the act of this Petrion.
Contract Purchaser/Lessee:	1			Legal Owner(s):	:
				Regency Homes Corp.	•
(Type or Print Name)				(Type or Bant Name) CHARLES VA	JENSTAN
	1		b	in killy intert	55 511
Signature	, , 			Signature	
			•		
Address	<u> </u>			(Type or Print Name)	
			•		•
City .	State	Zipcode		Signature	(h) cu
Attorney for Petitioner:					(410)841-6220
Joseph F. Devlin (Type or Print Name)		···		49 Old Solomons Island	Rd., Suite 301
(Type of Filet Name)	•			Address	Phone No
(1)				Annapolis, MD 21401	
Signature				City Name, Address and phone number of legal owner	State Zipcode
Law Office of Jose	eph F. Dev	zlin		to be contacted.	or topications
791 Aquahart Road				Joseph F. Devlin	<i>:</i>
Address	Phone		•	Name	2 (440) 566 5560
Glen Burnie	MD State	Zipcode		791 Aquahart Rd. S-122	
(410) 766-7760	-	zipcode			Phone No.
(4)() /00-//00		, saming	.	OFFICE USE (
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- √~		*Q	1	REVIEWED BY: SMIR	DATE 10/1/17
		- V	200		

● 98-124-A

September 17, 1997

SPRINGHOUSE STATION, LOT NO. 56 (DESCRIPTION FOR ZONING PURPOSES ONLY)

Beginning at a point located approximately 227.7 feet northeast of the intersection of the centerline of Reston Lane and Springhouse Circle at the western right-of-way line of Springhouse Circle thence running the following four (4) courses and distances:

- 1. North 39°39'14" West 114.36 feet, more or less, to a point; thence,
- 2. North 50°20'46" East 88.15 feet, more or less, to a point; thence,
- 3. South 37°46′54" East 25.25 feet, more or less, to a point; thence,
- 4. Southwesterly 137.02 feet by a curve to the right, having a radius of 92.26 feet to the point of beginning.

Containing 8186 square feet (0.18 acres), more or less.

Known as 5039 Springhouse Circle. Also known as Lot Number 56 as shown on a Subdivision Plat entitled "Springhouse Station, Plat 1 of 2" as recorded in the Land Records of Baltimore County, Maryland in Plat Book S.M. No. 68 folio 62.

SAM/gfl/D#6-97-Description/Springhouse/9/17/97

#124

Exhibit B 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.: 98-124-A A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD PLACE: * DATE AND TIME: TO CONFIRM HEARING CALL 887-3391.

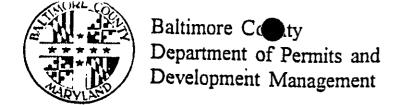
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

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

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.



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.

<u></u>	
ARNOLI) JABLON, DIRECTOR
For newspaper advertising:)
Item No.: 134	
Petitioner: Regency Homes Corp.	
Petitioner: Regency Homes Corp. Location: 5039 Spring house Circle	
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: Regina Homes	
ADDRESS: 49 OIN Solomons Island ON	7 Suite 301
Annaples MD 21401 PHONE NUMBER: (410) HOLLAND 841-6220	
AJ:ggs	(Revised 09/24/96)
98-124-	\wedge

	BALTIMORE COUNTY, MARYL/) OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.	044424		PROFESS ACTUAL TIME	و کهای می شده از ایگامی میکندود میکاست.
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	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		98-124-1	7	CASHIER'S VALIDATION	

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CERTIFICATE OF PUBLICATION

TOWSON, MD., Detoler 16, 1997

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Towson, Maryland</u> on the property identified herein as follows:

Case #98-124-A
5039 Sonnghouse Circle,
NW/S Sonnghouse Circle,
227 NE of of Reston Lane
14th Election District
6th Councilmanic
Legal Owner(s)

Regency Homes Corporation Variance: to permit a 22 foot street right-of-way setback in lieu of 25 feet; and to permit a 27 foot rear building face setback to the property line in lieu of the required 30 foot setback

Hearing: Monday, November 3, 1997 at 10:00. a.m., in Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for

Baltimore Collisty
NOTES (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (*10) 887-3353.
(2) For information, concerning the File and/or Hearing,
Please Call (410) 887-3391

RE: Case No.: 98-124-A

Petitioner/Developer: <u>REGENCY</u> HOMES, ETAL STACEY M & ARTHUR (D.S. THALER)

Date of Hearing/Closing: 11/3/97

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 #5039 SPRINGHOUSE CIRCLE

The sign(s) were posted on _

Sincerely

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

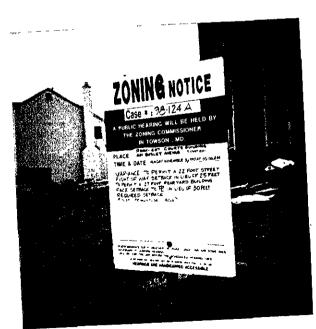
(Address)

Hunt Valley, MD 21030

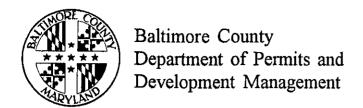
(City, State, Zip Code)

[410] 666-5366 -

(Telephone Number)



REGENCY/OST. 92-124-A # 5039 SPRINGHOUSE CIR P-10/15/9T



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

October 10, 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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 98-124-A
5039 Springhouse Circle
NW/S Springhouse Circle, 227' NE of c/l Reston Lane
14th Election District - 6th Councilmanic
Legal Owner(s): Regency Homes Corporation

Variance to permit a 22 foot street right-of-way setback in lieu of 25 feet; and to permit a 27 foot rear building face setback to the property line in lieu of the required 30 foot setback.

HEARING: MONDAY, NOVEMBER 3, 1997 at 10:00 a.m. in Room 407 Courts Building, 401 Bosley Avenue.

Arnold Jablon Director

cc: Regency Homes Corporatin
Joseph F. Devlin, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 19, 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.

TO: PUTUXENT PUBLISHING COMPANY
October 16, 1997 Issue - Jeffersonian

Please foward billing to:

Regency Homes 49 Old Solomons Island Road, Suite 301 Annapolis, MD 21401 410-841-6220

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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 98-124-A
5039 Springhouse Circle
NW/S Springhouse Circle, 227' NE of c/l Reston Lane
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Legal Owner(s): Regency Homes Corporation

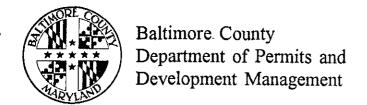
Variance to permit a 22 foot street right-of-way setback in lieu of 25 feet; and to permit a 27 foot rear building face setback to the property line in lieu of the required 30 foot setback.

HEARING: MONDAY, NOVEMBER 3, 1997 at 10:00 a.m. in 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.



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

October 29, 1997

Joseph F. Devlin, Esquire Law Office of Joseph F. Devlin 791 Aquahart Road, Suite 122 Glen Burnie, MD 21061

> RE: Item No.: 124

> > Case No.: 98-124-A

Petitioner: Regency Homes Corp.

Dear Mr. Devlin:

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 October 1, 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,

W. Cont Richard W. Carl Richards, Jr.

Zoning Supervisor

WCR/re Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: October 10, 1997

Dept. of Permits & Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 120, 121, 122, 123, 126, 129, and 131

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Division Chief:

AFK/JL

JOSEPH F. DEVLIN

ATTORNEY AT LAW

Law Office of Joseph F. Devlin 791 Aquahart Road

Suite 122

Glen Burnie, Maryland 21061

410-766-7760 410-766-7768

Home. 410-267-7463

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

MC9

DATE: (3c+15,97

FROM:

R. Bruce Seeley . R. S S / P / Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: (747)

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

RBS:sp

BRUCE2/DEPRM/TXTSBP



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

October 16, 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 October 14, 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 the property.

3. The Fire Marshall's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-1891. MS-1103F

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: October 20, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for October 20, 1997

Item Nos. 120, (124,) 127, 129, 130,

& 131

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

Lile

RE: PETITION FOR VARIANCE * BEFORE THE

5039 Springhouse Circle, NW/S Springhouse
Cir, 227' NE of c/l Reston Lane * ZONING COMMISSIONER

14th Election District, 6th Councilmanic * OF BALTIMORE COUNTY

Regency Homes Corporation Petitioner * CASE NO. 98-124-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned 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

ta Max Zinnenas

CAROLE S. DEMILIO

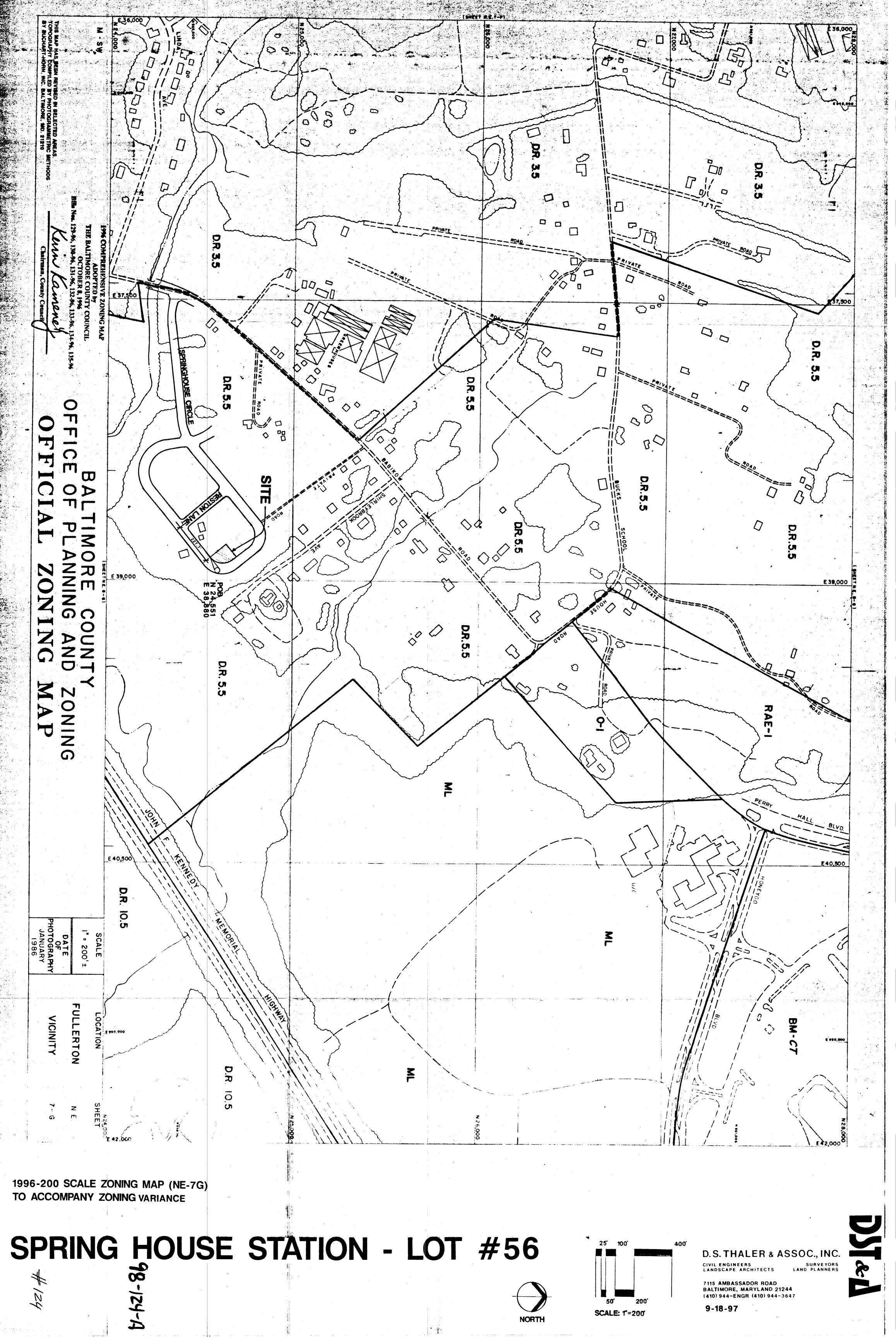
Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

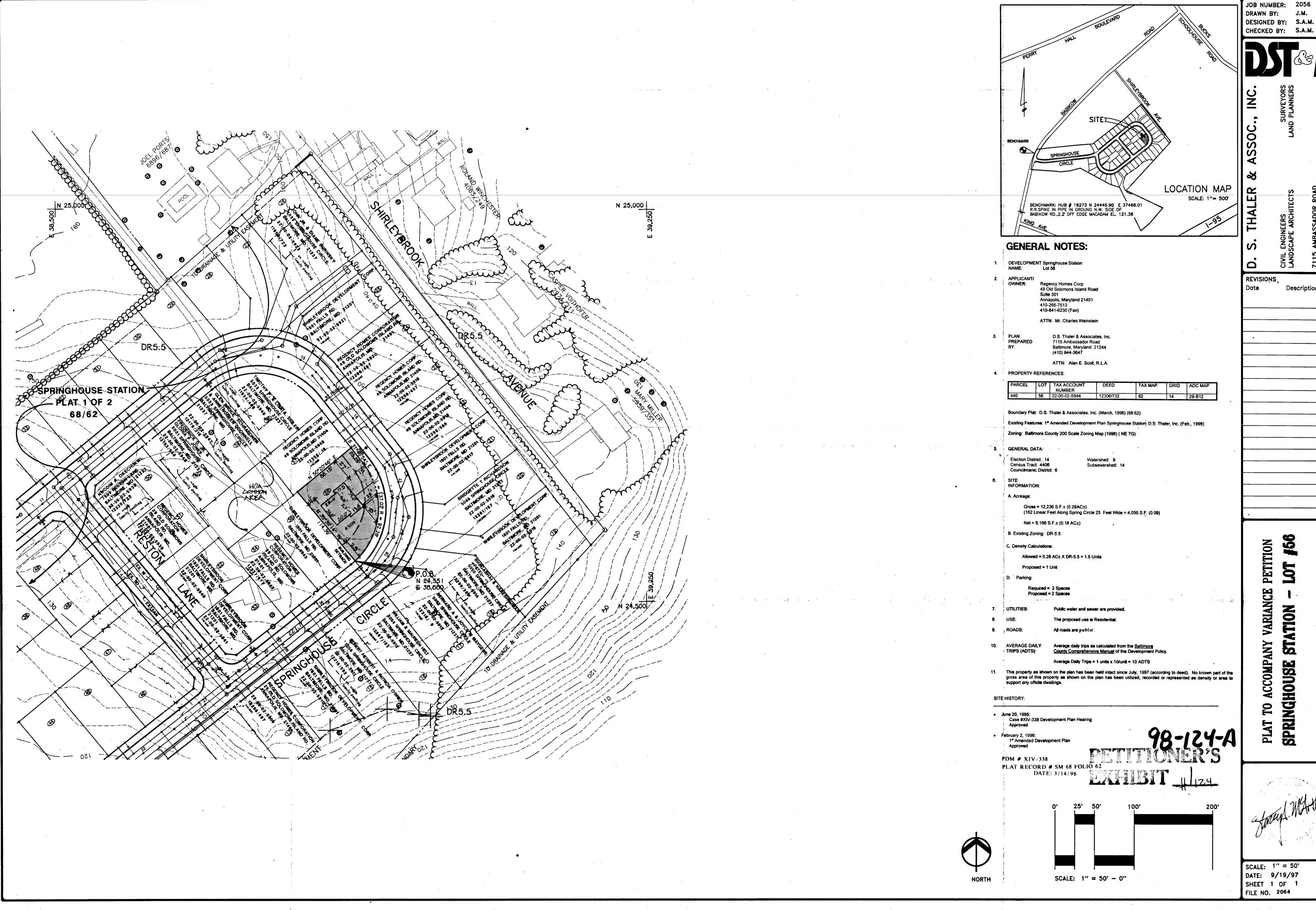
I HEREBY CERTIFY that on this Office day of October, 1997, a copy of the foregoing Entry of Appearance was mailed to Joseph F. Devlin, Esq., 791 Aquahart Road, Suite 122, Glen Burnie, MD 21061, attorney for Petitioner.

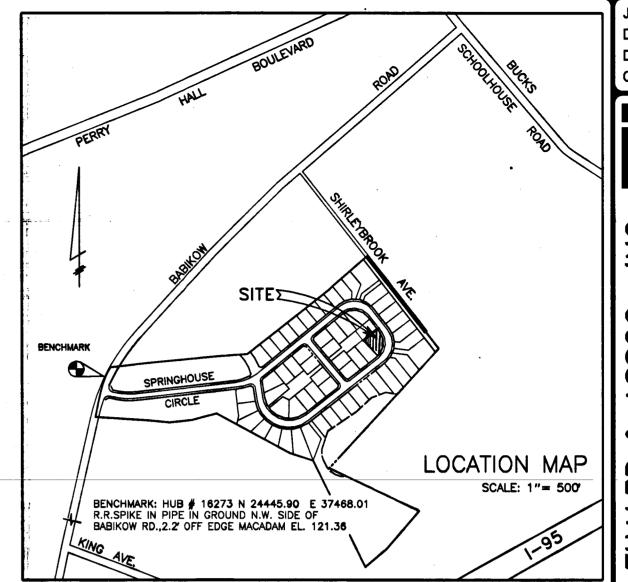
Leter May Zimmeinan PETER MAX ZIMMERMAN



SCALE: T=200

9-18-97





Description

LOT STATION SPRINGHOUSE

SCALE: 1" = 50" DATE: 9/19/97 SHEET 1 OF 1 FILE NO. 2064