

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCES - Parcel 1: N/End
Horseman Court & Huntshire Road, * DEPUTY ZONING COMMISSIONER
253' N of the c/l Foxfield Road:
Parcel 2: SE/S Breeders Cup Cir. * OF BALTIMORE COUNTY
461' N of the c/l Foxfield Road;
(Foxridge, Parcel D, Phases 5&6) * Case No. 98-300-SPHA

Olney Town Center Dev. Corp. *
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Olney Town Center Development Corporation, by Kei Tsukiji, President of Aoki Homes, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek approval of an amendment to the previously approved Final Development Plan for Foxridge, Parcel D, Phases 5 and 6, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section V.B.7 of the Comprehensive Manual of Development Policies (C.M.D.P.), pursuant to Section 504 of the B.C.Z.R. to permit private open space of as little as 370 sq.ft. with a minimum dimension of 9 feet, in lieu of the required 500 sq.ft. with a dimension of 15 feet for Lots 65, 215, 218-221, 224-225, 228-231, 234-237, 240-243, 246-248, 251-253, 256-259 and 262; 2) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit as little as 13 feet from a window, or 10 feet from a bay window, if necessary, to the rear or front property line, in lieu of the required 15-foot window to property line setback for Lots 64, 215, 217, 218, 220, 224, 228, 230, 232-237, 240, 242, 243 and 250-260; 3) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit as little as 11 feet, 6 inches from a side window, or as little as 12 feet from a side bay window, if necessary

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Date 4/2/99

By [Signature]

to the side property line in lieu of the required 15-foot setback for lots 62, 208, 216, 217, 222, 223, 226, 227, 232, 233, 238, 245, 249, 254, 255, 260 and 261; 4) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504, to permit as little as 2 feet, 6 inches from a bay window to a side property line, if necessary, in lieu of the required 15-foot setback for Lots 94, 95, and 215-263; 5) from Section V.B.5.a of the C.M.D.P., pursuant to Sections 504 and 1B01.2. C.2.a of the B.C.Z.R. to permit as little as 24 feet from a bay window to the tract boundary line, if necessary, in lieu of the required 35 feet for Lots 238, 254, 255, 257-261; 6) from Section V.B.6.a of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit as little as 10 feet from a front bay window to the street right-of-way, if necessary in lieu of the required 13 feet for Lots 216, 217, 219, 221, 222, 226, 232, 237-239, 241, 244, 245, 250-260 and 263; 7) from Section V.B.6.a of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit as little as 21 feet, 6 inches from a side window, and as little as 22 feet from a side bay window, or as little as 21 feet from a back bay window, to the street right-of-way, if necessary, in lieu of the required 25 feet for Lots 239 and 250; and, 8) from Section V.B.6.c of the C.M.D.P to permit a window to window setback of as little as 18 feet, a bay window-to-bay window setback of 11 feet, if necessary, or a bay window to bay window setback of 5 feet, if necessary, in lieu of the required 40 foot window to window setback for Lots 94, 95, and 215-263. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Joe Nason, a representative of Olney Town Center Development Corporation, and Robert

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A. Hoffman, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the property which is the subject of this request concerns several undeveloped lots located adjacent to the Foxridge townhouse development. Testimony indicated that these lots are part of a subdivision originally approved for development with a mix of single family and townhouse dwelling units by the Southern Land Company. Apparently, the developer of Foxridge, Aoki Homes, has been so successful with its development, that the Southern Land Company has entered into an agreement to sell the remaining lots to them for inclusion in the Foxridge development. However, in order for Aoki Homes to develop these lots with townhouse dwelling units consistent with the existing Foxridge development, the requested variances are necessary. In addition, an amendment to the Final Development Plan for Foxridge, Parcel D, Phases 5 and 6 thereof is necessary to incorporate the subject lots.

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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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.

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

After due consideration of the testimony and 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 subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of April, 1998 that the Petition for Special Hearing seeking approval of an amendment to the previously approved Final Development Plan for Foxridge, Parcel D, Phases 5 and 6, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1) From Section V.B.7 of the Comprehensive Manual of Development Policies (C.M.D.P.), pursuant to Section 504 of the B.C.Z.R., to permit private open space of as little as 370 sq.ft. with a minimum dimension of 9 feet, in lieu of the required 500 sq.ft. with a dimension of 15 feet for Lots 65, 215, 218-221, 224-225, 228-231, 234-237, 240-243, 246-248, 251-253, 256-259 and 262; 2) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504

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of the B.C.Z.R., to permit as little as 13 feet from a window, or 10 feet from a bay window, if necessary, to the rear or front property line, in lieu of the required 15-foot window to property line setback for Lots 64, 215, 217, 218, 220, 224, 228, 230, 232-237, 240, 242, 243 and 250-260; 3) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit as little as 11 feet, 6 inches from a side window, or as little as 12 feet from a side bay window, if necessary, to the side property line in lieu of the required 15-foot setback for Lots 62, 208, 216, 217, 222, 223, 226, 227, 232, 233, 238, 245, 249, 254, 255, 260 and 261; 4) from Section V.B.6.b of the C.M.D.P., pursuant to Section 504, to permit as little as 2 feet, 6 inches from a bay window to a side property line, if necessary, in lieu of the required 15-foot setback for Lots 94, 95, and 215-263; 5) from Section V.B.5.a of the C.M.D.P., pursuant to Sections 504 and 1B01.2. C.2.a of the B.C.Z.R. to permit as little as 24 feet from a bay window to the tract boundary line, if necessary, in lieu of the required 35 feet for Lots 238, 254, 255, 257-261; 6) from Section V.B.6.a of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit as little as 10 feet from a front bay window to the street right-of-way, if necessary in lieu of the required 13 feet for Lots 216, 217, 219, 221, 222, 226, 232, 237-239, 241, 244, 245, 250-260 and 263; 7) from Section V.B.6.a of the C.M.D.P., pursuant to Section 504 of the B.C.Z.R., to permit as little as 21 feet, 6 inches from a side window, and as little as 22 feet from a side bay window, or as little as 21 feet from a back bay window, to the street right-of-way, if necessary, in lieu of the required 25 feet for Lots 239 and 250; and, 8) from Section V.B.6.c of the C.M.D.P. to permit a window to window setback of as little as 18 feet, a bay window-to-bay window setback of 11 feet, if necessary, or a bay window to

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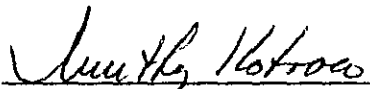
Date 4/2/88

By [Signature]

bay window setback of 5 feet, if necessary, in lieu of the required 40 foot window to window setback for Lots 94, 95, and 215-263, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

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4/2/98
Rp



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

April 7, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
Parcel 1: N/End Horseman Court & Huntshire Road, 253'N of the c/l
Foxfield Road; Parcel 2: SE/S Breeders Cup Cir., 461' N of the c/l
Foxfield Road; (Foxridge, Parcel D, Phases 5&6)
Olney Town Center Dev. Corp. - Petitioner
Case No. 98-300-SPHA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Messrs. Kei Tsukiji and Joe Nason, Olney Town Center Dev. Corp.
10500 Little Patuxent Parkway, Suite 650, Columbia, Md. 21044

People's Counsel; Case Files





Petition for Variance ³⁰⁰ and Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at North and northeast of Foxfield Road, southeast and west of Breeders Cup Circle (Foxridge)

which is presently zoned DR1.0; DR3.5; DR5.5; DR10.5; DR16

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 part of hereof, hereby petition for a Variance from Section(s)

See attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardships or practical difficulty)

To be determined at hearing.

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 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:

(Type or Print Name)

Signature

Address

City

Attorney for Petitioner

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

Signature

240 Allegheny Ave.

Address

Towson

MD

State

21204

Zipcode

(410) 494-6200

Phone No

Drop-Off

Review

2/11/98 ac

ORDER RECEIVED

Date

By



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):

Olney Town Center Development Corporation

(Type or Print Name)

By:

Signature ~~Joseph Nason~~ Kei Tsukiji, President

(Type or Print Name)

Signature

10500 Little Patuxent Parkway, Suite 650

Address

410-964-3255

Phone No

Columbia

City

MD

State

21044

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

98-300-SPHA

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AH92-00E-BP

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000000 11
1110 1000

ZONING VARIANCES

1. Private Open Space

Variance from Sec. V.B.7, CMAP, pursuant to Sec. 504 BCZR, to allow as little as 370 square feet in lieu of 500 square feet of private open space with a minimum dimension of 9 feet in lieu of 15 feet required for Lots 65, 215, 218-221, 224-225, 228-231, 234-237, 240-243, 246-248, 251-253, 256-259 and 262.

2. Window to Property Line/Tract Boundary

- a. Variance from Sec. V.B.6.b, CMAP, pursuant to Sec. 504 BCZR, to allow as little as 13 feet from window, or 10 feet from bay window if necessary, to rear or front property line in lieu of required 15 foot window to property line setback for Lots 64, 215, 217, 218, 220, 224, 228, 230, 232-237, 240, 242, 243 and 250-260.
- b. Variance from Sec. V.B.6.b, CMAP, pursuant to Sec. 504 BCZR, to allow as little as 11 feet 6 inches from side window, or as little as 12 feet from side bay window, to side property line in lieu of required 15 foot setback for Lots 62, 208, 216, 217, 222, 223, 226, 227, 232, 233, 238, 245, 249, 254, 255, 260 and 261, if necessary.
- c. Variance from Sec. V.B.6.b, CMAP, pursuant to Sec. 504 BCZR, to allow as little as 2 feet 6 inches from bay window to side property line in lieu of required 15 foot setback for Lots 94, 95, and 215-263, if necessary.
- d. Variance from Sec. V.B.5.a, CMAP, pursuant to Sec. 504 BCZR, and Sec. 1B01.2.C.2.a, BCZR, to allow as little as 24 feet from a bay window to the tract boundary line in lieu of required 35 foot setback for Lots 238, 254, 255, 257, ~~and~~ 261, if necessary.

Through YMK

3. Window to Street Right-of-Way

- a. Variance from Sec. V.B.6.a, CMAP, pursuant to Sec. 504 BCZR, to allow as little as 10 feet from front bay window to street right-of-way in lieu of required 13 foot setback for Lots 216, 217, 219, 221, 222, 226, 232, 237-239, 241, 244, 245, 250-260, and 263, if necessary.
- b. Variance from Sec. V.B.6.a, CMAP, pursuant to Sec. 504 BCZR, to allow as little as 21 feet 6 inches from side window, as little as 22 feet from side bay window, or as little as 21 feet from back bay window, to street right-of-way in lieu of required 25 foot setback for Lots 239 and 250, if necessary.

4. Window to Window

Variance from Sec. V.B.6.c, CMAP, pursuant to Sec. 604 BCZR, to allow as little as 18 foot window-to-window setback, 11 foot bay window-to-window setback, if necessary, or a 5 foot bay window setback, if necessary, in lieu of required 40 foot window-to-window setback for Lots 94, 95, 215 through 263.

to Bay window YMK

SPECIAL HEARING

Special hearing to amend the previously approved Final Development Plan.

ORDER RECEIVED FOR FILING

Date 4/2/98

By [Signature]



Petition for Variance and Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at North and northeast of Foxfield Road, southeast and west of Breeders Cup Circle (Foxridge)
which is presently zoned DR3.5; DR5.5

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

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

See attached.

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

To be determined at hearing.

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 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 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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

Signature

210 Allegheny Ave. (410) 494-6200
Address Phone No

Towson MD 21204
City State Zipcode

Legal Owner(s):

Olney Town Center Development Corporation
(Type or Print Name)

By:

Signature Kei Tsukiji, President

(Type or Print Name)

Signature

10500 Little Patuxent Parkway, Suite 650 410-964-3255
Address Phone No

Columbia MD 21044
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204 (410) 494-6200
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing the following dates

Next Two Months

ALL OTHER

REVIEWED BY: DATE

REC'D 3-13-98

98-300-SPHA

AH92-008-8P

at 11:30 AM
PS

Description

To Accompany Petition for Zoning Variances

Lot 208, Foxridge

4173 Square Foot Parcel or 0.096 Acres±

Northeast of Foxfield Road

Southeast of Breeders Cup Circle

Second Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

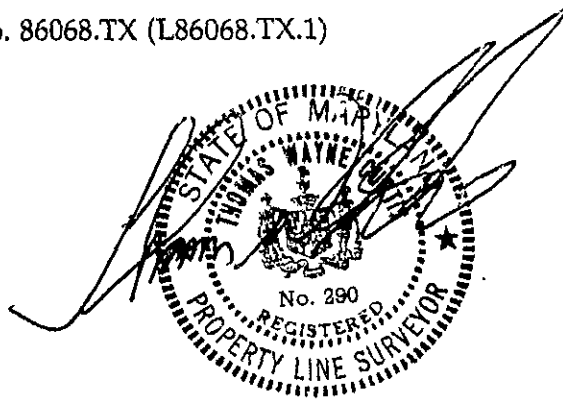
Beginning for the same on the southeast side of Breeders Cup Circle (62 feet wide) at the end of the two following courses and distances measured from the point formed by the intersection of the centerline of Foxfield Road (variable width) with the centerline of Breeders Cup Circle (1) Northeasterly along said centerline of Breeders Cup Circle 461 feet, more or less, and thence (2) Southeasterly 22 feet, more or less, to the point of beginning, thence running and binding on said southeast side of Breeders Cup Circle, referring all courses of this description to the Grid Meridian established in Baltimore County, Maryland, the two following courses and distances, viz: (1) Northeasterly by a line curving to the left with a radius of 272.00 feet for a distance of 24.11 feet (the arc of said curve being subtended by a chord bearing North 15 degrees 12 minutes 32 seconds East 24.10 feet and having a beginning tangent bearing of North 17 degrees 44 minutes 55 seconds East and a departing tangent bearing of North 12 degrees 40 minutes 09 seconds East), and thence (2) Northeasterly by a line curving to the left with a radius of 115.00 feet for a distance of 35.21 feet (the arc of said curve being subtended by a chord bearing North 76 degrees 27 minutes 39 seconds East 35.07 feet and having a beginning tangent bearing of North 85 degrees 13 minutes 52 seconds East and a departing tangent bearing of North 67 degrees 41 minutes 26 seconds East), thence leaving said side of road

running with the outline of Lot 208, as shown on "Amended Plat A, Resubidivision of Foxridge," and recorded among the Land Records of Baltimore County, Maryland, in Plat Book S.M. 67, Folio 93 (3) South 46 degrees 42 minutes 44 seconds East 97.66 feet, thence (4) South 43 degrees 17 minutes 16 seconds West 25.91 feet, and thence (5) North 59 degrees 53 minutes 36 seconds West 108.35 feet to the point of beginning; containing 4173 square feet or 0.096 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

August 21, 1997

Project No. 86068.TX (L86068.TX.1)



**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **048718**

DATE 2/11/98 ACCOUNT 001-6150

AMOUNT \$ 650.00 (MCR)

RECEIVED FROM: AOKI Corporation

FOR: #070 - SPECIAL HEARING & MULTI VARIANCES
Foxridge Case #98-300-SPHA
Drop-Off - No Review **CSPH + CN**

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHER'S VALIDATION

PAID RECEIPT
PROCESS 2/11/98 2/17/98 09:30:12
2/17/98 2/17/98 09:30:12
NET 001-6150 CASHIER LAM LIG DRAKER
5 MISCELLANEOUS RECEIPT
RECEIPT # 038718
DE NO. 048718
650.00 DEDU: 00
BALTIMORE COUNTY, MARYLAND

**NOTICE OF ZONING
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: #98-300-SPHA

Foxridge - Parcel 1
and Parcel 2

Parcel 1: N/nd Horseman
Court and Huntshire Road,
253' N of centerline Foxfield
Road

Parcel 2: SE/S Breeders Cup
Circle, 461' N of centerline
Foxfield Road

2nd Election District

3rd Councilmanic District

Legal Owner(s): Olney Town
Center Development Corpora-
tion

Special Hearing: to amend
the previously approved Final
Development Plan. **Variances:**
to permit as little as 370
square feet in lieu of 500
square feet of private open
space with a minimum dimen-
sion of 9 feet in lieu of 15 feet;
to allow as little as 13 feet from
window, or 10 feet from bay
window if necessary, to rear or
front property line in lieu of re-
quired 15 feet; to allow as little
as 11 feet, 6 inches from side
window, or as little as 12 feet
from side bay window, to side
property line in lieu of required
15 feet; to allow as little as 2
feet, 6 inches from bay win-
dow to side property line in
lieu of required 15 feet; to al-
low as little as 24 feet from a
bay window to the tract
boundary line in lieu of re-
quired 35 feet; to allow as little
as 10 feet from front bay win-
dow to street right-of-way in
lieu of required 13-foot set-
back; to allow as little as 21
feet, 6 inches from side win-
dow, as little as 22 feet from
side bay window, or as little as
21 feet from back bay window,
to street right-of-way in lieu of
required 25 feet; and to allow
as little as 18-foot window-to-
window setback, 11-foot bay
window-to-window setback, if
necessary, or a 5-foot bay
window setback, if necessary,
in lieu of required 40 feet.

Hearing: Thursday, March
19, 1998 at 11:00 a.m., in
Room 407, County Courts
Bldg., 401 Rosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3383.

(2) For information concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

2/4/98 Feb. 26 C209769

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/26, 1998

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 2/26, 1998.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No.:

98-300-SPHA

Petitioner/Developer:

FOX RIDGE DEV., ETAL

Date of Hearing/Closing:

3/19/98

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

N/S FOXFIELD RD

J.C. / HORSEMAN & BREEDERS

CUP- CTS

The sign(s) were posted on

3/1/98

(Month, Day, Year)

SIGNS
FIXED
RMD

Sincerely,

Patrick M. O'Keefe 3/2/98

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

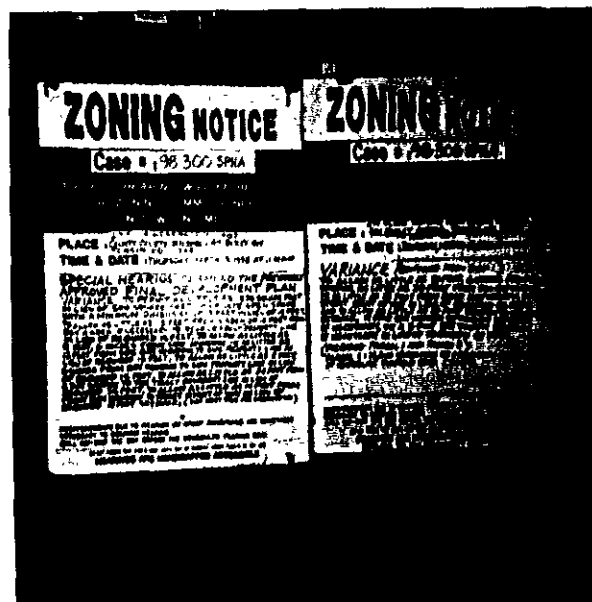
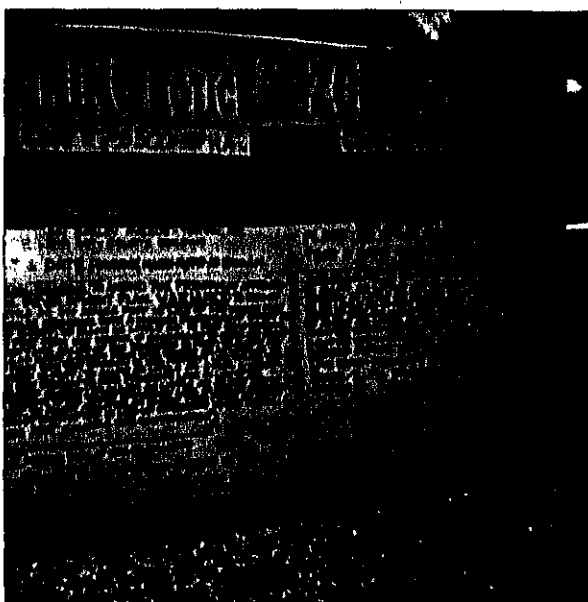
(City, State, Zip Code)

(410) 666-5366

Page 410-8571

(Telephone Number)

9796
cert doc



CERTIFICATE OF POSTING

RE: Case No. 98-300-SPHA
Petitioner/Developer:
(Olney Town Ctr. Dev. Corp.)
Date of Hearing/Closing:
(Mar. 19, 1998)

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

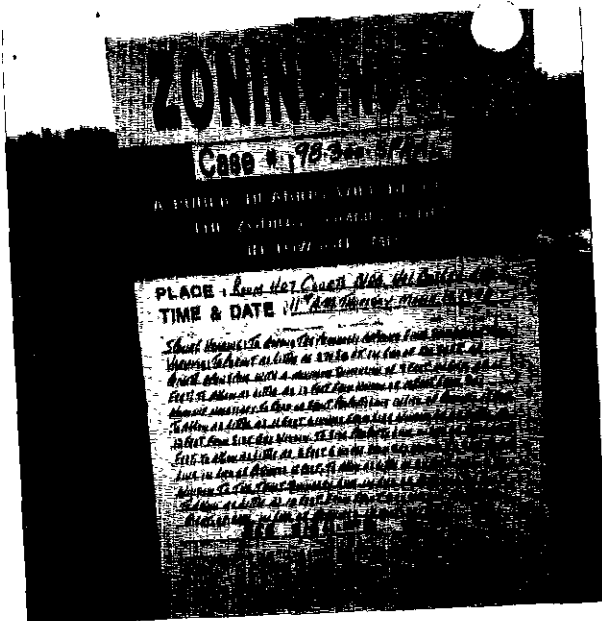
Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

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 _____

Foxridge-Parcel 1 & Parcel 2 Baltimore, Maryland 21233 _____

The sign(s) were posted on _____ Mar. 4, 1998 _____
(Month, Day, Year)



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

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

98-300-SPHA
SIGN #1

ZONING

Case # 78-300-SPHA

PLANNING DEPARTMENT, CITY OF CHICAGO
THE ZONING DEPARTMENT
IN CHARGE

PLACE: *Room 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 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*

TIME & DATE: *11:00 AM, March 18, 1978*

98-300-SPHA
SIGN #2

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.: 98-300-SPHA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to amend the previously approved Final Development Plan. Variance to permit as little as 370 square feet in lieu of 500 square feet of private open space with a minimum dimension of 9 feet in lieu of 15 feet; to allow as little as 13 feet from window, or 10 feet from bay window if necessary, to rear or front property line in lieu of required 15 feet; to allow as little as 11 feet, 6 inches from side window, or as little as 12 feet from side bay window, to side property line in lieu of required 15 feet; to allow as little as 2 feet, 6 inches from bay window to side property line in lieu of required 15 feet; to allow as little as 24 feet from a bay window to the tract boundary line in lieu of required 35 feet; to allow as little as 10 feet from front bay window to street right-of-way in lieu of required 13-foot setback; to allow as little as 21 feet, 6 inches from side window, as little as 22 feet from side bay window, or as little as 21 feet from back bay window, to street right-of-way in lieu of required 25 feet; and to allow as little as 18-foot window-to-window setback, 11-foot bay window-to-window setback, if necessary, or a 5-foot bay window setback, if necessary, in lieu of required 40 feet.

POSTPON:

TO CONFIRM HEARING CALL 887-3391.

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
February 26, 1998 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esquire 410-494-6200
Venable, Baetjer and Howad
210 Allegheny Avenue
Towson, MD 21204

NOTICE OF ZONING 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: 98-300-SPHA

Foxridge - Parcel 1 and Parcel 2

Parcel 1: N/end Horseman Court and Huntshire Road, 253' N of centerline Foxfield Road

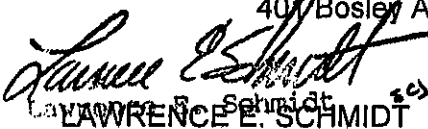
Parcel 2: SE/S Breeders Cup Circle, 461' N of centerline Foxfield Road

2nd Election District - 3rd Councilmanic District

Legal Owner: Olney Town Center Development Corporation

Special Hearing to amend the previously approved Final Development Plan. Variance to permit as little as 370 square feet in lieu of 500 square feet of private open space with a minimum dimension of 9 feet in lieu of 15 feet; to allow as little as 13 feet from window, or 10 feet from bay window if necessary, to rear or front property line in lieu of required 15 feet; to allow as little as 11 feet, 6 inches from side window, or as little as 12 feet from side bay window, to side property line in lieu of required 15 feet; to allow as little as 2 feet, 6 inches from bay window to side property line in lieu of required 15 feet; to allow as little as 24 feet from a bay window to the tract boundary line in lieu of required 35 feet; to allow as little as 10 feet from front bay window to street right-of-way in lieu of required 13-foot setback; to allow as little as 21 feet, 6 inches from side window, as little as 22 feet from side bay window, or as little as 21 feet from back bay window, to street right-of-way in lieu of required 25 feet; and to allow as little as 18-foot window-to-window setback, 11-foot bay window-to-window setback, if necessary, or a 5-foot bay window setback, if necessary, in lieu of required 40 feet.

HEARING: Thursday, March 19, 1998 at 11:00 a.m. in Room 407, County Courts Building,
407 Bosley Avenue



LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

February 19, 1998

NOTICE OF ZONING HEARING

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Parcel 1: N/end Horseman Court and Huntshire Road, 253' N of centerline Foxfield Road

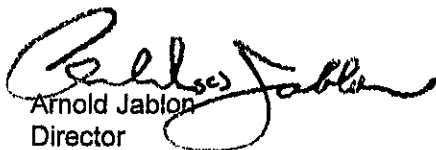
Parcel 2: SE/S Breeders Cup Circle, 461' N of centerline Foxfield Road

2nd Election District - 3rd Councilmanic District

Legal Owner: Olney Town Center Development Corporation

Special Hearing to amend the previously approved Final Development Plan. Variance to permit as little as 370 square feet in lieu of 500 square feet of private open space with a minimum dimension of 9 feet in lieu of 15 feet; to allow as little as 13 feet from window, or 10 feet from bay window if necessary, to rear or front property line in lieu of required 15 feet; to allow as little as 11 feet, 6 inches from side window, or as little as 12 feet from side bay window, to side property line in lieu of required 15 feet; to allow as little as 2 feet, 6 inches from bay window to side property line in lieu of required 15 feet; to allow as little as 24 feet from a bay window to the tract boundary line in lieu of required 35 feet; to allow as little as 10 feet from front bay window to street right-of-way in lieu of required 13-foot setback; to allow as little as 21 feet, 6 inches from side window, as little as 22 feet from side bay window, or as little as 21 feet from back bay window, to street right-of-way in lieu of required 25 feet; and to allow as little as 18-foot window-to-window setback, 11-foot bay window-to-window setback, if necessary, or a 5-foot bay window setback, if necessary, in lieu of required 40 feet.

HEARING: Thursday, March 19, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Arnold Jablon
Director

c: Robert A. Hoffman, Esquire
Olney Town Center Development Corporation

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 4, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

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

March 12, 1998

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 300
Case No.: 98-300-SPHA
Petitioner: Olney Town Center Development Corporation

Dear Mr. Hoffman:

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 February 11, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)



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: March 2, 1998

FROM:  Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for March 2, 1998
 Item Nos. 299, 300, & 305

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

RWB:HJO:jrb

cc: File

ZONE0302.NOC

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

TO: PDM
FROM: R. Bruce Seeley *RBS/41*
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: *Feb. 23, 98*

DATE: *2/25/98*

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

Item #'s: *299*
300
303
304

RBS:sp

BRUCE2/DEPRM/TXTSBP



Baltimore County
Fire Department

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

February 23, 1998

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

RE: Property Owner: Olney Town Center Development Corporation

Location: DISTRIBUTION MEETING OF February 23, 1998

Item No.: 300 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 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 2/23/98
Item No. 300

JJS

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

les
3/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 11, 1998

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 No. 300

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. Keller

AFK/JL

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
Parcel 1: N/end Horseman Court and Hunt-	*	ZONING COMMISSIONER
shire Rd, 253' N of c/l Foxfield Rd;		
Parcel 2: SE/S Breeders Cup Cir, 461' N	*	OF BALTIMORE COUNTY
of c/l Foxfield Rd (Foxridge)		
2nd Election District, 3rd Councilmanic	*	CASE NO. 98-300-SPHA
Olney Town Center Devel. Corp.	*	
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 13th day of March, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

March 3, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #300)
Foxridge
2nd Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Show zone lines (or are they shown on a submitted 200' scale zoning map with site highlighted).
2. Show on each lot the reason(s) for variance, i.e., setbacks and projections.
3. Explain your variance #2.c. "to allow as little as 2 feet 6 inches from bay window to side property line in lieu of required 15 foot setback for lot numbers 94, 95, and 215-263.



Robert A. Hoffman, Esquire
March 3, 1998
Page 2

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Sullivan, Jr.", written in a cursive style.

John J. Sullivan, Jr.
Planner II, Zoning Review

JJS:rye

Enclosure (receipt)

c: Zoning Commissioner



Baltimore County
Department of Permits and
Development Management

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

February 16, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition
Case Number 98-300-SPHA
Foxridge
2nd Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures



98-300-SPHA

AHQZ-00E-8P

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Rob Hoffman

Joe Mason

ADDRESS

210 A Meghery Ave 21204
10500 Little Patuxent Pkwy Suite 650

