

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Ingleside Ave., 183.99 ft.
from c/l inters. Ingleside * ZONING COMMISSIONER
Ave. and Calverton Street
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District
Legal Owners: Milton Porter & * Case No. 98-309-A
Lynda Rodgers
Contract Purchaser: Signature *
Land Management LLC

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property known as 706 Ingleside Avenue in Catonsville. The Petition was filed by Milton F. Porter and Lynda C. Rogers, property owners, and Signature Land Management LLC, Developer. Variance relief is requested from Section 1B01.2.C.1.b. of the BCZR, as follows:

1. to permit a minimum distance of 25 ft. from a rear building face to a rear property line; and to permit a minimum distance of 15 ft. from a rear building face to rear property line, both in lieu of the 30 ft. required; and,
2. to permit a minimum distance of 18 ft. from a side building face to a side building face in lieu of the 20 ft. required; and,
3. to permit a minimum distance of 20 ft. from a front building face to a public right of way in lieu of the 25 ft. required.

The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Milton F. Porter, co-Petitioner/property owner, and Harold Paris, Jr. on behalf of Signature Land Management LLC, Developer. Also present was Rick Chadsey, of George W. Stephens, Jr. & Associates, Inc., the engineers/consultants who prepared the plan. The Petitioner was represented

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Date

By

4/26/98
M. Dorval

by Howard L. Alderman, Jr., Esquire. Although there were no Protestants present from the community, Diana Itter appeared from the Office of Planning.

The property consists of a gross area of 3.68 acres, of which 0.90 acre is zoned D.R.5.5 and the remaining 2.18 acres are zoned D.R.10.5. The property is a rectangularly shaped parcel with frontage on Ingleside Avenue in Catonsville. Presently the property is improved with an existing single family 2-1/2 story framed dwelling, known as 706 Ingleside Avenue. The dwelling sits on the front portion of the site adjacent to Ingleside Avenue and the balance of the property is unimproved.

The Developer proposes development of the subject site with 20 additional single family dwellings, so that the property will contain a total of 21 units. Essentially, the Developer proposes constructing an internal road into the site which will terminate as a cul-de-sac at the rear of the property. The single family dwellings will face this road on both sides thereof.

Approval of the development plan initially submitted for this project was rendered by Deputy Zoning Commissioner, Timothy M. Kotroco, by opinion and Order dated October 28, 1997 in case No. I-463. Additionally, special hearing and variance relief was granted by Deputy Commissioner Kotroco's in that Order under zoning case No. 98-44-SPHA. Subsequent to the hearing in the instant case, I reviewed Deputy Commissioner Kotroco's Order, which provides an approval of several waivers which had been sought by the Developer as to Public Works standards, approved the development plan and granted special hearing and variance relief.

As to the issues before me, the Developer indicated that it had decided to change the plan as to the particulars of the development. Under the previously approved development plan, the project proposed 10

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Date 11/21/98
By M. J. J. J.

duplex units. That is, the previously approved plan proposed 10 duplexes (20 units total) in addition to the existing single family dwelling. At the hearing before me, testimony and evidence offered was that marketing and economic conditions had changed thereby requiring an amendment to the plan. As shown on the plan submitted to me, (Petitioner's Exhibit No. 1) 20 single family dwelling units (as opposed to duplex units) are proposed. It was indicated that single family units would be more appropriate for the neighborhood and more easily marketed.

Mr. Chadsey described the changes to the plan in detail and the reasons behind this amendment. He also pointed out that the project had the same overall density as the previously approved plan and that development of the site with single family units would be more esthetically pleasing and appropriate with the surrounding community. He also indicated that the project was "under density", insofar as the number of units permitted by the property's D.R.10.5 and D.R.5.5 zoning classification.

As noted above, there were no Protestants who appeared at the hearing, although testimony was received from Diana Itter from the Office of Planning. Additionally, a written Zoning Plans Advisory Committee (ZAC) comment from that office was submitted and is contained within the case file. Ms. Itter's testimony and the comment offered generally concludes that although the proposed development of 20 single family units constitutes the same residential density to the site as the previously approved duplex development, the present plan significantly overcrowds the site. That is, in that there are 20 individual structures, as opposed to 10 buildings with 2 units in each, the setbacks between buildings have been minimized and the amount of yard space reduced. Based upon these concerns, the Office of Planning requested the opportunity to review additional submissions by the Developer to address items such as the development

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Date

By

4/24/98
M. Hark

of private yard space, architectural floor plans and building elevations, landscaping and integrated site details.

In considering the merits of the plan before me, I am appreciative of the fact that the project is "under density" insofar as the number of units which are permitted on this acreage based on the property's zoning classification. Nonetheless, I am obligated to permit only responsible development. Ultimately, the market will pass upon the desirability of the proposed project. Nonetheless, the zoning process requires that I consider impacts on the neighborhood and adjacent properties in considering whether the variance should be granted.

It is clear that the Developer has maximized every available square foot of this site to increase the number of dwellings proposed. The plan represents a "shoehorning" of the maximum number of units which could reasonably be situated on this property. Particularly troublesome are lots 10 and 11. These are located towards the rear of the property, adjacent to the cul-de-sac. Due to the fact that the roadway widens at that point to accommodate the circular configuration of the cul-de-sac, the yard areas of lots 10 and 11 are significantly reduced. This is also a consideration for lot 12, which is located on the other side of the street. However, the fact that lot 12 is the last unit on that side of the road, allows the appearance of a larger side yard and area of open space adjacent thereto; which mitigates the loss of the front yard space. Unfortunately, as to lot 10, which is sandwiched between lots 9 and 11 on the sides and the widening cul-de-sac on the front, no adjacent area of open space can be utilized.

Based upon this consideration, I am persuaded to grant the Petition for Variance which has been requested, but modify the plan. Relief will be granted to permit the insufficient sized setbacks as set out in the

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Date

4/21/98

By

M. Horak

Petition. However, in so granting, I shall impose, as a restriction, a requirement that the Developer eliminate one lot on the south side of the proposed road. Specifically, lot 10 need be eliminated. The elimination of this lot will provide additional area which can be distributed among the yard areas of the other lots on the south side of the road. Additionally, it might present, for example, an opportunity to shift one of the guest parking spaces on the northside of the cul-de-sac to the south side, thereby providing additional yard space on that portion of the tract.

I will not precisely dictate the manner and layout of the development after this restriction is incorporated. I will leave these details to the Developer and its consultants, with input from the Office of Planning. The Developer shall be required to submit an amended plan to the Office of Planning for review and approval by that agency. Such comment shall allow a maximum of 19 new single family dwellings, in addition to the one existing. The Office of Planning shall review that plan for consideration of the issues as identified in the ZAC comments and those considerations set out hereinabove.

With the imposition of this restriction, I believe that the plan satisfies the requirements of Section 307 of the BCZR and that variance relief should, therefore, be granted, consistent with the comments hereinabove and the restriction which follows.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of April 1998 that a variance from Section 1B01.2.C.1.b of the BCZR to permit a minimum distance of 25 ft. from a rear building face to a rear property line, and to permit a minimum dis-

ORDER RECEIVED FOR FILING

Date

By

4/21/98
M. Hawk

tance of 15 ft. from a rear building face to rear property line, both in lieu of the 30 ft. required, be and is hereby GRANTED; and

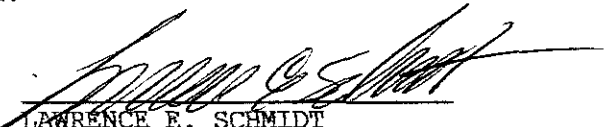
IT IS FURTHER ORDERED that a variance to permit a minimum distance of 18 ft. from a side building face to a side building face in lieu of the 20 ft. required, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a minimum distance of 20 ft. from a front building face to a public right of way, in lieu of the 25 ft. required, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Developer shall eliminate lot No. 10 on the south side of the proposed cul-de-sac. The area created by the elimination of this lot shall be distributed among the yard areas of the other proposed lots in the development.

3. The Developer shall submit an amended plan to the Office of Planning for review and approval consistent with that agency's ZAC comment and the comments offered herein.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 4/21/98
By Mr. Hootch

LES/mmm

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Ingleside Ave., 183.99 ft.
from c/l Inters. Ingleside * ZONING COMMISSIONER
Avenue and Calverton Street
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District
Legal Owners: Milton Porter * Case No. 98-309A
and Lynda Rodgers
Contract Purchaser: Signature
Land Management, LLC

* * * * *

RULING ON MOTION FOR RECONSIDERATION

This matter comes before the Zoning Commissioner on a Motion for Reconsideration by Signature Land Management, LLC, co-Petitioner; seeking clarification and reconsideration of the Findings of Fact and Conclusions of Law issued by me on April 21, 1998. For reasons fully set forth within the Motion for Reconsideration, the Petitioner seeks an amendment of my prior Findings and Order and an approval of an amended site plan, attached to the Motion for Reconsideration and received as Petitioner's Exhibit C.

By way of background, the subject property at issue is known as 706 Ingleside Avenue in Catonsville. The property is owned by Milton F. Porter and Lynda C. Rodgers and under contract of sale for Signature Land Management, LLC, Developer. The Petitioners previously filed a Petition for Variance seeking a series of variances as they related to rear building faces to property lines, side building faces to other side building faces, front building faces to public right of way lines. The matter came before me for an evidentiary hearing on March 30, 1998. On April 21, 1998, the Petition was granted and the variances approved. However, several restrictions were attached to the grant of the relief, including the elimination of lot No. 10.

The Petition for Reconsideration seeks an elimination of that restriction. As noted above, the amended site plan (Petitioner's Exhibit No. C) calls for retention of all of the lots, however, they are laid out in a

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Date

By

8/10/98
M. Dora

slightly different fashion as originally proposed.

There was no public opposition to the Petition at the hearing before me. However, opposition was raised from the Office of Planning. In large part, the restrictions were entered and the decision made to eliminate lot 10 in view of Planning's comment. The amended plan (Petitioner's Exhibit C) has been submitted to the Office of Planning. Pursuant to a written comment received from that department by Diana Itter, the Office of Planning raises no objection to the amended plan. However, that office requested three conditions be attached to any approval of the amended plan. Specifically, it is requested by Planning that fencing be required on the rear side and front yards to assure privacy and that the fencing be architecturally compatible with the house exterior to assure privacy. Second, the Office of Planning requests that a schematic landscape plan with sufficient quantities of plantings to assure privacy and reduce the type massing of buildings and paving. This landscaping should include foundation planting and landscaping to reduce the dominance of parking pads. Third, the Office of Planning seeks a slight shift of the house on lot 11.

Based upon the information submitted within both the Petitioners' Motion for Reconsideration and the comment from the Office of Planning, I am persuaded to approve the amended plan. In my judgment, such an amendment is appropriate and consistent with the spirit and intent of the zoning regulations. In that the prior Order was stricken by a subsequent Order of May 20, 1998 which granted the Motion for Reconsideration and allow my office an opportunity to study the issue, an amended Order shall, therefore, be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of August 1998, that a variance from Section 1B01.2.C.1.b. of the Baltimore County Zoning Regulations (BCZR) to permit

ORDER RECEIVED FOR FILING
Date 8/16/98
By M. D. Smith

a minimum distance of 25 ft. from a rear building face to a rear property line, and to permit a minimum distance of 15 ft. from a rear building face to rear property line, both in lieu of the 30 ft. required, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a minimum distance of 18 ft. from the side building face to a side building face, in lieu of the required 20 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a minimum distance of 20 ft. from a front building face to a public right of way, in lieu of the 25 ft. required, be and is hereby GRANTED; and,

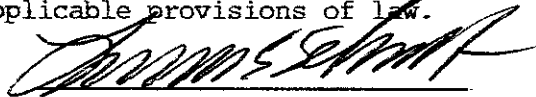
IT IS FURTHER ORDERED that Petitioner's Exhibit No. C, (i.e, the amended site plan) be and is hereby APPROVED and ADOPTED, and that development of the subject property shall be in accordance therewith; subject, however, to the following restrictions:

1. Fencing will be required on the rear side and/or front yards to assure privacy, and architecturally compatible with the house exterior will be required for rear, side and/or front yards to assure privacy. A schematic representation of said fencing shall be submitted to and approved by the Office of Planning.

2. A schematic landscape plan shall be submitted to the Office of Planning for review and approval showing sufficient quantities of landscaping and plant material to assure privacy and reduce the type massing of buildings and paving. This should include foundation planting and landscaping to reduce the dominance of parking pads.

3. The house location on lot 11 shall be shifted as shown on the amended site plan and the building envelope adjusted accordingly.

4. Any appeal of this decision shall be made in accordance with the applicable provisions of law.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/16/98
By M. G. Gault

LES/mmh



Baltimore County
Zoning Commissioner
Office of Planning

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

August 7, 1998

Howard L. Alderman, Jr., Esquire
Levin and Gann
305 W. Chesapeake Avenue, Suite 405
Towson, Maryland 21204

RE: Case No. 98-309-A
Petition for Variance
Motion for Reconsideration
706 Ingleside Avenue/Calverton Court

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Ruling on Motion for Reconsideration has been granted, with restrictions, 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,

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. Harold Paris, Jr.
Signature Land Management LLC
104 Church Lane, Suite 204
Pikesville, Md. 21208
- c: Mr. Milton F. Porter
Mr. Linda C. Rodgers
706 Ingleside Avenue
Baltimore, Maryland 21228
- c: Mr. Rick Chadsey
George William Stephens, Jr. and Assoc.
658 Kenilworth Drive, Suite 100
Towson, Maryland 21204

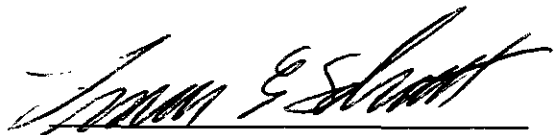


IN RE: PETITION FOR ZONING VARIANCE	*	BEFORE THE
E/S Ingleside Ave., 183.99 ft.		
from c/l inters. Ingleside	*	ZONING COMMISSIONER
Ave. and Calverton Street		
1st Election District	*	OF BALTIMORE COUNTY
1st Councilmanic District		
Legal Owners:Milton Porter &	*	Case No. 98-309-A
Lynda Rodgers		
Contract Purchaser: Signature *		
Land Management LLC		
* * * * *		

ORDER

Upon the Petitioners' Motion for Reconsideration filed herein, it is hereby, this 20th day of May 1998, by the Zoning Commissioner of Baltimore County, ORDERED that the Findings of Fact and Conclusions of Law and Order issued on April 21, 1998 be and is hereby STRICKEN, subject to the further Findings of Fact and Conclusions of Law and Order to be issued seasonably in this case.

LES:mmn


 LAWRENCE E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

IN RE: PETITION FOR ZONING VARIANCE
E/S Ingleside Avenue, 183.99 ft. From c/l
of Ingleside Avenue and Calverton
Street
1st Election District
1st Councilmanic District

Milton Porter & Lynda Rodgers,
Owners,

Signature Land Management, LLC,
Contract Purchaser,

Petitioners

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No.: 98-309-A

PETITIONERS' MOTION FOR RECONSIDERATION

Signature Land Management, LLC, a Maryland limited liability company ("Signature") (co-Petitioner in the above-captioned case), by its attorneys, LEVIN & GANN, PA and Howard L. Alderman, Jr., moves, for reconsideration of the *Findings of Fact and Conclusions of Law*, issued by Lawrence E. Schmidt, Zoning Commissioner for Baltimore County on April 21, 1998 (the "Order"), for the following reasons:

INTRODUCTION

On March 30, 1998, the Petitioners' Petition for Variance in the above-referenced matter was considered in a public hearing by the Zoning Commissioner for Baltimore County. At the hearing, there were no Protestants present. The Petitioners presented uncontradicted testimony by and through their expert engineer, Frederick N. Chadsey, PE, justifying the relief requested. The Baltimore County Office of Planning, who had submitted written, advisory comments on the Variance Petition filed, offered verbal elaboration of its written comments through the appearance and non-expert testimony of Ms. Diana Itter, the County Planner assigned to the area of the County in which the subject property is located.

The Petitioners are not proposing development of the subject property with Alternative Housing or Alternative Housing Lot Types (referred to collectively herein as “Alternative Housing Types”) as those terms are used in the *Comprehensive Manual of Development Policies*. Rather, the Petitioners are proposing to change, for the uncontroverted reasons specified, the previously approved duplex housing development to a single-family detached development, more consistent with the development of the area surrounding the subject property. As Mr. Chadsey noted in his sworn, expert testimony, the comments offered by the Office of Planning (both written and by Ms. Itter) reflect an apparent confusion by that Office. The conditions requested by the Office of Planning are applicable only to Alternative Housing Types.

The *Order*, apparently in acceptance of Ms. Itter’s non-expert “opinion” that the proposed development overcrowds the site, states that the “Developer has maximized every available square foot of this site to increase the number of dwellings proposed. The plan represents a ‘shoehorning’ of the maximum number of units which could reasonably be situated on this property.” *Order* at 4. The *Order* then suggests that the proposed yard areas for lots 9 through 12 are “significantly reduced.” *Id.* In further reliance on the erroneous proposition of the Office of Planning, the *Order* then requires elimination of Lot 10 and the distribution of the yard area associated with that lot to other “lots on the south side of the road.” *Order* at 5.

Unless the Commissioner grants the relief requested herein, Signature will be left with a development plan that is based on erroneous conclusions of fact and may, based on prevailing economics and unique site constraints, be unbuildable. The correction of the Commissioner’s reliance on erroneous information presented by the Office of Planning is easily made without prejudice to the public (there were no residents of the area in opposition to the plan) or the Petitioners.

REQUEST FOR RELIEF

The issues involved in this case stand to have a major financial impact on Signature. This case presents substantive issues which Signature suggests were correctly presented, but decided based on erroneous information. Signature does not contest the authority of the Hearing Officer/Zoning Commissioner as established by the Baltimore County Development Regulations and the Baltimore County Zoning Regulations. Rather, Signature is requesting that the Zoning Commissioner reconsider the exhibits in the record as presented by the Petitioners. The plan presented by the Petitioners is, as correctly noted in the *Order*, under total available density. Moreover, the following facts are established clearly by Petitioners' Exhibit No. 1:

1. The development plan already approved for the subject property [PDM File No. I-463] reflects 20 new, semi-detached (duplex) homes, each 25' by 30' and each with 10' sideyard setbacks on the only open side of each unit. In contrast, the proposed plan of development reflects 20 new single-family detached homes (like all of the other homes in the immediate area), each 20' by 32' in size and each having 15 feet of open space on the side. Therefore the overall massing/footprint of the proposed development is **less than already approved** and results in **more open area available to each unit**.
2. There is no "shoehorning" of dwellings on the subject property. Clearly, through the use of slightly smaller units, Signature would be able to construct (within the existing and proposed relief) a total of 27 units which is **the maximum density** on the subject property.
3. As is evident on Petitioners' Exhibit No. 1, the proposed dwelling on Lot No. 11 can be shifted to the east, thereby providing additional yard area for Lot No. 10 and between Lot Nos. 10 and 11. This can be done to accomplish the concern of the Zoning Commissioner (*See Order* at 5) **without** the elimination of another lot which translates into a great financial burden for the Petitioners. Lot No. 11 (just like Lot No. 12) still enjoys the benefit and buffering characteristics of the adjacent forest buffer area. [Attached hereto and incorporated herein as Exhibit "A" is a copy of a portion of Petitioners' Exhibit No. 1 with the areas of concern identified by the Commissioner highlighted in Yellow. Also Attached hereto and incorporated herein as Exhibit "B" is a proposed modification of Petitioners' Exhibit No. 1 which shows a re-alignment of Lot Nos. 10 & 11, with the resultant yard areas shown in Green.]
4. Although not entirely clear, the *Order* suggests that the **developer**, Signature, provide "architectural floor plans and building elevations" for review and approval

by the Office of Planning. These are not drawings and specifications that are prepared in the development approval stage of a project. Rather, once the approved development is sold to a builder, plans and elevations are submitted in connection with building permit issuance. It is an unwarranted burden to require the non-builder of homes on the subject property to submit such drawings and elevations.

5. The complete misunderstanding and mis-interpretation by the Office of Planning, accepted in error by the Zoning Commissioner, is further evidenced by the fact that the subject property is located in **Catonsville**, far from the Chesapeake Bay Critical Area. The *Order* suggests that consistency with the Office of Planning's ZAC Comment is a pre-requisite for plan approval. [See Enumerated Condition 3 at page 5] Page 2 of the Office of Planning ZAC Comment states "Additional submissions are required by the Director of Planning **pursuant to Section 26-203.(d).(20)** for review of design and house type" (Emphasis added.) As the Hearing Officer is no doubt aware, a development plan proposed in the Chesapeake Bay Critical Area requires that a critical area findings report be submitted in conjunction with any such development plan. Moreover, Baltimore County Code Section 26-203(d)(20) provides that such a development plan (critical area project) include "All additional information required for critical area review, pursuant to section 26-442(a)". Neither Section of the County Code is applicable or pertinent here - the subject property is not even near the established boundaries of the Chesapeake Bay Critical Area; any reliance thereon or reference to these sections of the County Code or the provisions of either is clearly erroneous.
6. The information requested by the Office of Planning in its ZAC Comment is neither required by the zoning regulations or the comprehensive manual of development policies and therefore should not be applied to a single-family development proposed in conformance with the neighborhood in which it is located.

For all of the above-stated reasons, and in the manifest interest of justice and fair and equitable application of the Baltimore County Development Regulations and the Baltimore County Zoning Regulations, Petitioners hereby request that the Zoning Commissioner for Baltimore County reconsider his *Order* and issue a new Order, making reference to the facts in evidence as recited above and incorporating the following relief:

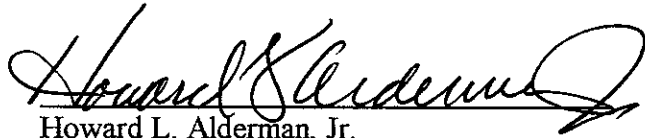
- A. Delete the required elimination of Lot No. 10 as shown on Petitioners' Exhibit No. 1;
- B. Order that the Petitioners submit a revised plan shifting the location of the dwelling on Lot No. 11 further to the east to provide additional open area for Lot No. 10, consistent with the

revisions described herein and as shown on Exhibit "C", attached hereto and incorporated herein;

C. Delete the third enumerated restriction of the *Order* in its entirety and require only that the Developer submit a Schematic Landscape Plan for review and approval;

D. Require a note on the development plan that any future requests for decks or other open projections must comply with Baltimore County Zoning Regulations Sections 301 and 400; and

E. For such further relief as the nature of this Case may require in consideration of justice and fair and equitable application of the laws and regulations of Baltimore County.

A handwritten signature in black ink, appearing to read "Howard L. Alderman, Jr.", with a stylized flourish at the end.

Howard L. Alderman, Jr.

Levin & Gann, P.A.

305 West Chesapeake Avenue

Suite 113

Towson, Maryland 21204

(410) 321-0600

Attorneys for Petitioners

W-32

UNDEVELOPED

W-32,250

EXHIBIT
A

ROBERT S. & JEANETTE M. HEFFNER
6241 / 470

JOHN B. RUSTIC
1916/479

N85°25'12"E

640.09'

CENTER OF STREAM
LIMIT OF WETLANDS

3 GUEST
PARKING SPACES

3 GUEST
PARKING SPACES

BLDG. SETBACK
TO FOREST BUFFER
EASEMENT

5' SIDEWALK
EASEMENT

P.R. 10.5
D.R. 5.5

STABLES

GARAGE

STONE
FENCING

M. & PAMELA K. PACHECO
S.M. 9319/066

625.36'

Y R/W
100'

UNDEVELOPED

W-3

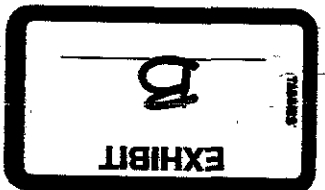
RUSTIC
479

ROBERT S. & JEANETTE M. HEFFNER
6241 / 470

N85°25'12"E

640.09'

CHAIN LINK FENCE



LIMIT OF WETLANDS
CENTER OF STREAM

8" SANITARY SEWER

215.01'

EASEMENT (R/W) B&C

600°39'06"E

D.R. 10.5
D.R. 5.5

BLDG. SETBACK
TO FOREST BUFFER
EASEMENT

3 GUEST
PARKING SPACES

3 GUEST
PARKING SPACES

B SIDEWALK
EASEMENT

3

4

5

6

7

8

9

10

11

12

13

KIPACHECO
1066

N85°25'12"W

625.36'

WARREN GROUP HOMESITES

COUNTY R/W
P 1001

215.05'

EX. DEDIC. TO
RIGHT OF WAY

EX. DEDIC. TO
RIGHT OF WAY

EX. DEDIC. TO
RIGHT OF WAY

EX. DEDIC. TO
RIGHT OF WAY

EX. DEDIC. TO
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EX. DEDIC. TO
RIGHT OF WAY



Baltimore County
Zoning Commissioner
Office of Planning

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

April 21, 1998

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

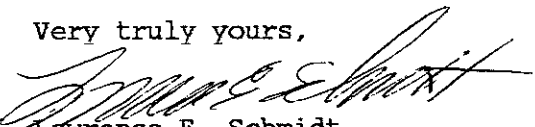
RE: Petition for Variance
Case No. 98-309-A
Property Location: 706 Ingleside Avenue

Dear Mr. Alderman:

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

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

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

c: Mr. Harold Paris, Jr.
Signature Land Management LLC
104 Church Lane, Suite 204
Pikesville, Md. 21208
c: Mr. Milton F. Porter
Ms. Linda C. Rodgers
706 Ingleside Avenue
Baltimore, Maryland 21228



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

706 Ingleside Avenue

which is presently zoned DR 5.5 & 10.5

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

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

SEE ATTACHED

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

SEE ATTACHED

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/LESSOR

SIGNATURE LAND MANAGEMENT LLC

(Type or Print Name)

by: Harold Paris, Jr.
Signature

104 Church Lane, Suite 204

Address

Pikesville, Maryland 21208

City

State

Zipcode

Attorney for Petitioner

Howard L. Alderman, Jr.

Howard L. Alderman, Jr.
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):

MILTON F. PORTER

(Type or Print Name)

Milton F. Porter
Signature

LINDA C. RODGERS

(Type or Print Name)

Linda C. Rogers
Signature

706 Ingleside Avenue 410-788-3369

Address

Phone No.

Baltimore, Maryland 21228

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or 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: JRF

DATE

2/24/98

309

98-309-A

Petition for Variance
[continuation sheet]

LEGAL OWNERS: **Milton F. Porter & Linda C. Rogers**

Property Address: **706 Ingleside Avenue**

Variance Relief Requested from § 1B01.2.C.1.b, as shown on the Plat to accompany this Petition:

- ▶ to permit: i) a minimum distance of 25' from a rear building face to rear property line; and ii) a minimum distance of 15' from a rear building face to rear property line, both in lieu of the 30' required; and
- ▶ to permit a minimum distance of 18' from a side building face to a side building face in lieu of the 20' required; and
- ▶ to permit a minimum distance of 20' from a front building face to a public right-of-way in lieu of the 25' required.

Justification:

- inability to utilize the subject property for an approved, permitted purpose;
- long, narrow shape of existing lot;
- configuration of existing improvements which are to remain; and
- such further justification as will be presented at the time of the hearing on this Petition.

February 17, 1998

DESCRIPTION TO ACCOMPANY

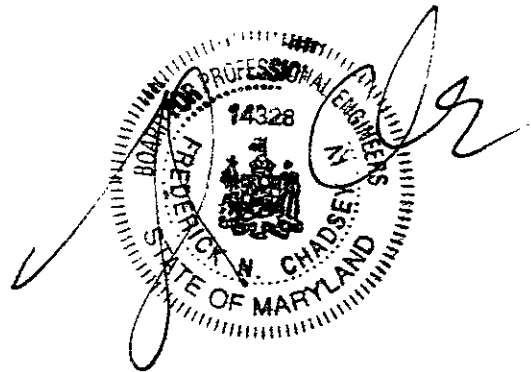
VARIANCE

**1-ST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
CONTAINING 3.10 ACRES OF LAND, MORE OR LESS**

Beginning for the same at a point in the bed of Ingleside Avenue, said point being distant North 07 degrees 46 minutes 03 seconds West 183.99 feet from the centerline intersection of Ingleside Avenue and Calverton Street, thence leaving said point of beginning and the bed of Ingleside Avenue and running the three following courses:

1. North 85 degrees 25 minutes 12 seconds East 640.09 feet
2. South 00 degrees 39 minutes 06 seconds East 215.01 feet and
3. South 85 degrees 25 minutes 12 seconds West 625.36 feet to a point in or near the center of Ingleside Avenue. thence running in or near the center thereof
4. North 04 degrees 34 minutes 48 seconds West 214.50 feet to the point of beginning.
Containing 3.10 acres of land, more or less.

(Note: The above description is for zoning purposes only and is not to be used for conveyances or agreements.



309

98-309-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 050937

DATE: 2/24/98 ACCOUNT: P-001-015-000

AMOUNT \$ 650.00

RECEIVED FROM: Signature Land Management

070 Combination Variance
706 Ingleside Ave

FOR:

98-309-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
PROCESS 070601 10M-
2/25/1998 2/24/1998 15:26:03
DEPT: GENERAL JRC JMR DEBARK 2
S. HESSEL LAMORE CASH RECEIPT
Receipt # 050937
CR NO. 050937

150.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

**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: #98-309-A
708 Ingleside Avenue
E/S Ingleside Avenue, 183.99
from centerline of intersection
Ingleside Ave. and Calverton
St.

1st Election District
1st Councilmanic District
Legal Owner(s)
Milton F. Porter & Linda C.
Rodgers
Contract Purchaser
Signature Land Management,
LLC

Variance to permit a minimum distance of 25 feet and 15 feet from a rear building face to rear property line in lieu of the 30 feet required; to permit a minimum distance of 18 feet from a side building face to a side building face in lieu of the 20 feet required; and to permit a minimum distance of 20 feet from a front building face to a public right-of-way in lieu of the 25 feet required.

Hearing: Monday, March 30,
1998 at 8:00 a.m. in Room
407 County Courts Bldg.
401 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) 887-3351.

3/199 Mar. 12 C213167

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/12, 19 98

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 3/12, 19 98.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE Case No. 98-309-A

Petitioner/Developer: SIGNATURE LAND-
MANAGEMENT, LLC

HI ALDERMAN, ESQ

Date of Hearing/Closing: 3/30/98

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 # 706 INGLESIDE AVE.

The sign(s) were posted on

1 by Patrick M. O'Keefe 3/14/98
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/14/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

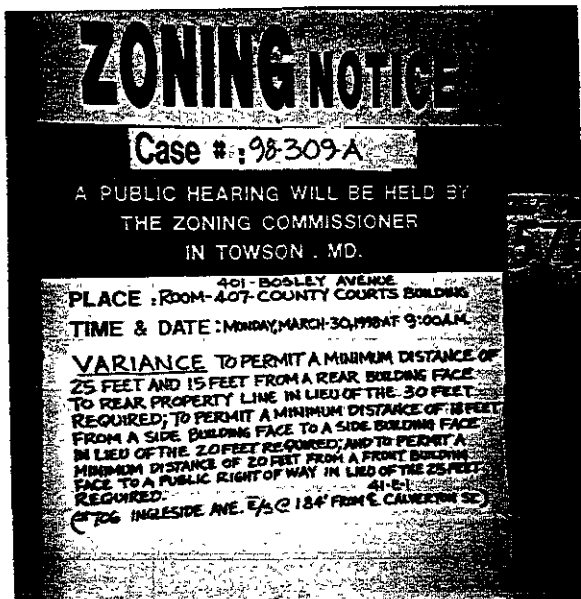
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



#706 INGLESIDE AVE

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.: 98-309-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Variance - To permit a minimum distance of 25'
from a rear bldg. face to rear property line; and a minimum
distance of 15' from a rear building face to rear property line,
both in lieu of the required 30'

- To permit a minimum distance of 15' from a side building
face in lieu of the required 20'

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO CONFIRM HEARING CALL 887-3391.
- And To permit a minimum distance of 20' from a front building
face to a public right of way in lieu of the required 25'.

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

HANDICAPPED ACCESSIBLE

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 98-309-A
Petitioner: MILTON F. PORTER, LINDA C. ROGERS & SIGNATURE LAND MANAGEMENT LLC
Address or Location: 706 INGLESIDE AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: SIGNATURE LAND MANAGEMENT LLC
Address: 104 CHURCH LANE SUITE 204
~~BALTIMORE MD 21204~~ Pikesville MD 21208 *
Telephone Number: 410-653-0386

Revised 2/20/98 - SCJ

*corrected via TC with
city on 3-2-98 scj

TO: PATUXENT PUBLISHING COMPANY
March 12, 1998 Issue - Jeffersonian

Please forward billing to:

Signature Land Management, LLC 410-653-0386
104 Church Lane
Suite 204
Pikesville, MD 21208

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: 98-309-A

706 Ingleside Avenue

E/S Ingleside Avenue, 183.99' from centerline of intersection Ingleside Ave. and Calverton St.

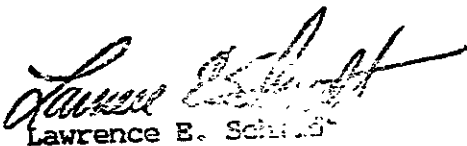
1st Election District - 1st Councilmanic District

Legal Owner: Milton F. Porter & Linda C. Rodgers

Contract Purchaser: Signature Land Management, LLC

Variance to permit a minimum distance of 25 feet and 15 feet from a rear building face to rear property line in lieu of the 30 feet required; to permit a minimum distance of 18 feet from a side building face to a side building face in lieu of the 20 feet required; and to permit a minimum distance of 20 feet from a front building face to a public right-of-way in lieu of the 25 feet required.

HEARING: Monday, March 30, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue.



Lawrence E. Schmidt

SES

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

March 3, 1998

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: 98-309-A

706 Ingleside Avenue

E/S Ingleside Avenue, 183.99' from centerline of intersection Ingleside Ave. and Calverton St.

1st Election District - 1st Councilmanic District

Legal Owner: Milton F. Porter & Linda C. Rodgers

Contract Purchaser: Signature Land Management, LLC

Variance to permit a minimum distance of 25 feet and 15 feet from a rear building face to rear property line in lieu of the 30 feet required; to permit a minimum distance of 18 feet from a side building face to a side building face in lieu of the 20 feet required; and to permit a minimum distance of 20 feet from a front building face to a public right-of-way in lieu of the 25 feet required.

HEARING: Monday, March 30, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue.

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

Arnold Jablon
Director

c: Howard L. Alderman, Jr., Esquire
Milton Porter & Linda Rodgers
Signature Land Management, LLC

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 15, 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 25, 1998

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

RE: Item No.: 309
Case No.: 98-309-A
Petitioner: Milton F. Porter, et al
Contract Purchaser: Signature Land Management, Inc.

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 February 24, 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 black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)





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 3/3/98
Item No. 310 wcl

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto ~~MD/US~~ 122 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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: 3/11/98

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

SUBJECT: Zoning Advisory Committee
Meeting Date: March 9, 98

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

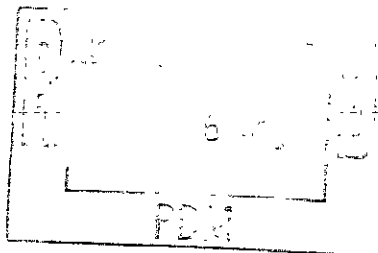
Item #'s:

309

316

RBS:sp

BRUCE2/DEPRM/TXTS8P



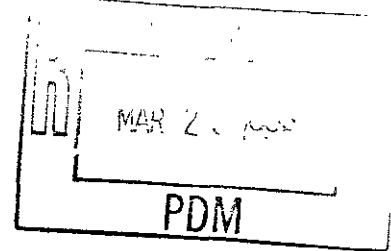


Baltimore County
Fire Department

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

March 17, 1988

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



RE: Property Owners: MILTON F. ACSTER AND LINDA C. PODGERS

Location: DISTRIBUTION MEETING OF

Item No.: 309 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.

REVIEWER: LT. ROBERT F. BAUERWALD

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: March 13, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for March 16, 1998
Item No. 309

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

RWB:HJO:jrb

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE
706 Ingleside Avenue, E/S Ingleside Ave.
183.99' from c/l intersection Ingleside * ZONING COMMISSIONER
Ave and Calverton St, 1st Election *
District, 1st Councilmanic * OF BALTIMORE COUNTY

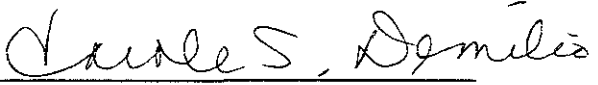
Legal Owners: Milton Porter & Linda Rodgers
Contract Purchaser: Signature Land Management LLC
Petitioners * CASE NO. 98-309-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
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 20th day of March, 1998, 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



Baltimore County
Zoning Commissioner
Office of Planning

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

April 21, 1998

Ms. Mary E. Clark
3 Lodge Road
Catonsville, Maryland 21228

RE: Property generally known as 706 Ingleside Ave.
Case No. 98-309-A

Dear Ms. Clark:

Thank you for your recent letter regarding the above matter. As you may be aware, a public hearing was held on the merits of the proposed plan on March 30, 1998. The public notice of that hearing was provided by the posting of the sign on the property and a placement of a written advertisement in The Jeffersonian Newspaper. It was unfortunate that no one from the neighborhood appeared at that hearing to provide any input of the community's concerns as to the proposed development.

In any event, I am enclosing a copy of the written decision which I have just issued in this case, same being self explanatory. I trust that the attached addresses your questions and concerns. However, if you have any further questions, or would like to discuss this matter, please do not hesitate to contact me.

Very truly yours,

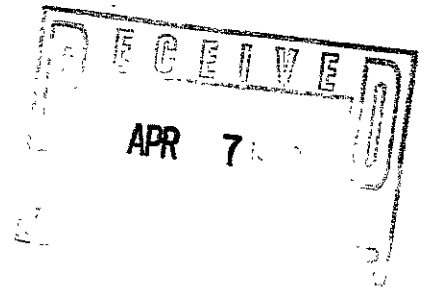
A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.



From: Mary E. Clark
3 Lodge Road
Catonsville, MD
21228

To: Mr. Lawrence Schmidt, Zoning Commissioner
Case Number: 98-309-A



Dear Sir,

I am a thirty-eight year old female, I have a great job in Howard County with an engineering firm. I have lived at Three Lodge Road for eight years and have been a active participant in a few of these neighborhood changes. Please review the four reasons why I don't want the changes of property lines made to case no. 98-309-A , no. 706 Ingleside Ave.

- a. There are two new housing projects already scheduled for our neighborhood. The neighborhood tried to fight the developments but lost each time. I feel that there is enough space for housing already allotted. I don't want even more houses pressed onto even smaller lots with odd shaped housing configurations.
- b. There are many questions about the proposed road (extension of Long View) and traffic patterns that have not been answered and allowing a more compact hosing development will only compound a problem that has yet to be fully addressed.
- c. There is a glut on the market of lower priced houses in the direct neighborhood and an even greater number of like houses for sale in the Catonsville area. Why not build fewer but larger homes on bigger lots and increase the value of the neighborhood. The house across from me has been for sale for over a year. Maybe this area has reached saturation point on housing?
- d. When addressing a new development or proposed road change on paper I know that traffic patterns, street noise, signals and one hundred other developmental issues are looked at. Now think of me, sitting in my kitchen, looking out of my window wondering what mess is going to end up in my back yard. The trees that will come down, the new houses will be right next to my property line. I am one of the lucky people that can pick up and move to a protected area in Howard County. Baltimore County is sending me the message that there is no thought given to existing established neighborhoods when new development is planed.

Again I am opposed to the changes on Case No. 98-309-A . Please inform me as to how the permit changes went and is there an area map that the average citizen can look at to better understand all of the proposed changes to be made in this area in Catonsville?

Thank you for your time and effort.
Sincerely,

Mary E. Clark
Mary E. Clark

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

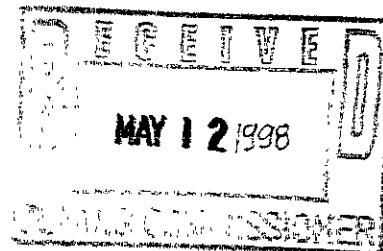
ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.
halderma@counsel.com

May 11, 1998

VIA HAND DELIVERY

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
401 Bosley Avenue
Suite 405
Towson, Maryland 21204



RE: 706 Ingleside Avenue/Calverton Court
Petition for Variance/Case No. 98-309-A
Motion for Reconsideration

Dear Mr. Schmidt:

Although my clients were greatly disturbed by your April 21, 1998 Order in the above-referenced matter, they have attempted to address the core concern expressed by you. In that vein, I enclose herewith a Motion for Reconsideration of your prior Order, together with Exhibits which reflect a modification of Petitioners' Exhibit No. 1 from the Hearing, in response to the concerns stated in your Order. The modifications were made without the loss of an additional lot (the project is already under density) which would be financially burdensome to my clients.

I would appreciate it if you would reconsider your prior Order for the reasons stated in the enclosed Motion. Please note that the 30 day appeal period expires on May 21, 1998; we would request your action on the enclosed Motion prior to that date.

Thank you for your attention and consideration in this matter.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk
Enclosure
c: Signature Land Management, LLC

SUMMARY OF RECOMMENDATIONS:

Lots 10, 11 and 12 with their 15 foot rear yard setbacks are undesirable lots. The reduced private yard areas on these and other lots must be offset by higher quality design standards. If variances are granted, additional information must be submitted to the Office of Planning prior to development plan approval.

Additional submissions are required by the Director of Planning pursuant to Section 26-203.(d).(20) for review of design and house type are as follows:

1. A detailed site plan showing the development of the private yard spaces to include proposals for decking and/or patios. (Refer to the CMDP, pages 9 through 11 of the Residential Standards, for specifics of coverage and location. [Fencing will be required on rear, side and/or front yards to assure privacy. Fencing architecturally compatible with the house exterior will be required on rear, side and/or front yards to assure privacy.]
2. Architectural floor plans and building elevations of all four facades (label materials and colors) prepared by a registered architect and appended to the Development Plan.
3. A Schematic Landscape Plan with sufficient quantities to assure privacy and reduce the tight massing of buildings and paving. This should include foundation planting and landscaping to reduce the dominance of parking pads.
4. A coordinated package of site details integrated with landscaping, including details for paving, fences, lighting, entry signs, and open space amenities; and
5. Details for community paths and open space.

Prepared by: Diana Utter

Division Chief: Gary L. Kerns

AFK/JL:lsn

Larry,

Planning is OK w new concept
provided they do the 3 things * is comment
Any Q please call me

(returning your originals)

*
uniform
privacy
fencing

*

* shift house on
lot 11 as
outlined -
adjust
building
envelope
acceptably

Hearing 3/30

BALTIMORE COUNTY, MARYLAND

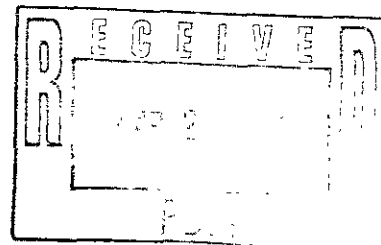
INTER-OFFICE CORRESPONDENCE

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

DATE: March 24, 1998

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

SUBJECT: 706 Ingleside Avenue



INFORMATION:

Item Number: 309
Petitioner: Milton F. Porter & Linda C. Rogers
Zoning: DR 5.5 & DR 10.5
Hearing Date: March 30, 1998

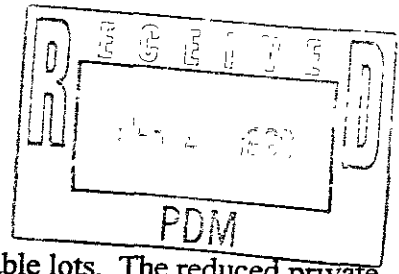
The development proposal known as Calverton Courts is for 21 single family houses on a property that is zoned DR 5.5 and DR 10.5. Numerous variances are requested for front, rear and side to side building setback. Previously, a development plan for 20 semi-detached houses and 1 existing single family house was approved by a hearing officer's hearing on October 28, 1997.

This housing proposal in lieu of semi-detached housing would be considered a material change to the development plan.

While the proposal does not increase the overall density, the proposed development creates a higher density design with 20 feet wide by 32 feet deep single family houses on 38 foot wide lots. The separation between houses is proposed to be +/- 18 feet. Off-street parking is proposed for two cars in the front yard.

The prior development plan approval was granted with waivers to public works standards to allow a 30-foot wide paved roadway on a 40-foot wide right-of-way. A 5-foot wide sidewalk easement was created outside of and adjacent to the right-of way for Calverton Court. These waivers also reduce the openness of the site.

The loss of openness due to the massing of homes along street frontages, parking pads and the reduction of private open yard areas must be offset by higher quality design standards.



SUMMARY OF RECOMMENDATIONS:

Lots 10, 11 and 12 with their 15 feet rear yard setbacks are undesirable lots. The reduced private yard areas on these and other lots must be offset by higher quality design standards. If variances are granted, additional information must be submitted to the Office of Planning prior to development plan approval.

Additional submissions are required by the Director of Planning pursuant to Section 26-203.(d).(20) for review of design and house type are as follows:

1. A detailed site plan showing the development of the private yard spaces to include proposals for decking and/or patios. (Refer to the CMDP, pages 9 through 11 of the Residential Standards, for specifics of coverage and location. Fencing will be required on rear, side and/or front yards to assure privacy. Fencing architecturally compatible with the house exterior will be required on rear, side and/or front yards to assure privacy.)
2. Architectural floor plans and building elevations of all four facades (label materials and colors) prepared by a registered architect and appended to the Development Plan.
3. A Schematic Landscape Plan with sufficient quantities to assure privacy and reduce the tight massing of buildings and paving. This should include foundation planting and landscaping to reduce the dominance of parking pads.
4. A coordinated package of site details integrated with landscaping, including details for paving, fences, lighting, entry signs, and open space amenities; and
5. Details for community paths and open space.

Prepared by: Diana Attler

Division Chief: Gary L. Kerner

AFK/JL:lsn



Baltimore County
Zoning Commissioner

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401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
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June 23, 1999

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: Porter/Rodgers Property; Signature Land Management LLC - Contract Purchaser
Case Nos. I-463 & 98-44-SPHA; 98-309-A

Dear Mr. Alderman:

I have reviewed your letter of May 18, 1999 and the enclosures thereto. I have also received correspondence from the Office of Planning regarding that agency's concurrence in your request that I find that the revised Plat to Accompany the Petition for Zoning Variance, revised most recently on April 21, 1999 (the "Currently Revised Plat"), is within the spirit and intent of the above-referenced zoning and development approvals, subject to the conditions and restrictions specified herein.

After completing my review, there is no doubt that the Currently Revised Plat presents a more traditional pattern of housing development on the subject property, which is a long, narrow lot. The homes shown on the Currently Revised Plat are oriented toward the street and each includes a garage incorporated as part of the dwelling. The parties have met with representatives of the Office of Planning and agreed to certain landscaping and fencing requirements. The pattern of development shown on the Currently Revised Plan, being a more traditional development pattern with far less concrete massing, obviates the need for the extensive, prior conditions and restrictions imposed.

Given that no modification of the prior approved variance relief is sought, I find that the pattern of development as shown on the Currently Revised Plat is within the spirit and intent of the orders issued in the above-referenced cases, provided that: i) landscaping is provided in accordance with the landscape manual, including without limitation foundation plantings; and ii) a uniform, perimeter fencing standard, as approved by Avery Harden, the County's Landscape Architect, is made applicable to any boundary fences constructed along the north and south tract boundaries of the land being developed and that the same standard is also incorporated in the private *Declaration of Covenants and Restrictions* applicable to the homes to be constructed on

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Howard L. Alderman, Jr, Esquire

June 23, 1999

Page 2 (Re: Porter/Rodgers Property; Signature Land Management LLC - Contract Purchaser
Case Nos. I-463 & 98-44-SPHA; 98-309-A)

the subject property, in lieu of the conditions and restrictions specified in the orders listed above. I will sign the three copies of the Currently Revised Plat that you have provided to me and send those signed copies and three copies of this letter to the Department of Permits and Development Management for inclusion in each of the three cases listed above.

This finding applies only to the Currently Revised Plat as submitted. The conditions specified in this letter shall replace the conditions and restrictions contained in the above-referenced orders.

Sincerely,



LAWRENCE E. SCHMIDT

Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Carol McEvoy (w/copy of Currently Revised Plat)
Case File Nos. I-463, 98-44-SPHA; and 98-309-A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Howard L. Alderman Jr Esq

RICK CHADSEY

HAROLD PARIS^{IS} JR.

Milton J. Porter

305 W Chesapeake Ave #113 21204

658 KENILWORTH DR. #100 21204

104 CHURCH LA - 21208

600 Woodhurst Way 21228

also present

Donna Tiller

