

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Sihler Oaks Trail, 340 ft.
N of Mink Hollow Court * ZONING COMMISSIONER
4320 Sihler Oaks Trail
2nd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Legal Owner: McDonogh Oaks, LC * Case No. 98-356-A
Contract Purchaser: Ryan Homes, Inc.
Petitioners *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 4310 Sihler Oaks Trail, located in the McDonogh Oaks subdivision of Baltimore County. The Petition was filed by McDonogh Oaks, LC, property owner, and Ryan Homes, Inc., Contract Purchaser. Variance relief is requested from Section 1B01.2.C.1.b. of the Baltimore County Zoning Regulations (BCZR) to permit a minimum building to right of way setback of 20 ft., in lieu of the required 25 ft.; and to amend the Final Development Plan for McDonogh Oaks, lot 70. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance and to amend the FDP.

Appearing at the requisite public hearing held for this case was Kenneth J. Colbert, a professional engineer who prepared the site plan. The Petitioner was represented by Rachel Hess, Esquire. There were no Protestants or other interested persons present.

The subject property at issue is known as lot No. 70 in the McDonogh Oaks subdivision. This is a major subdivision located adjacent to McDonogh Road in the Owings Mills community of northwestern Baltimore County. The community is comprised of 116 lots on a large tract zoned D.R.3.5. Previous development plan approval was granted for this project and much of the subdivision has been built out.

ORDER RECEIVED FOR FILING
3/20/98
Dr. [Signature]
Date
By

The subject case comes before me as a result of a request for lot 70. Lot No. 70 is located adjacent to a newly built road known as Sihler Oaks Trail. This road terminates within the subdivision as a cul-de-sac immediately adjacent to lot 70. As a result of the widening of the road at its termination into a circular cul-de-sac, the area of the front yard of the subject lot has been reduced. As shown on the site plan, a 20 ft. front yard setback will be maintained, in lieu of the required 25 ft.

Mr. Colbert described the uniqueness of the property in terms of its configuration and location adjacent to the cul-de-sac. He also noted that the lot backs up to an area of forest conservation. He noted that a 35 ft. rear yard setback was required to be maintained from the forest conservation area. Based on these factors, he opined that variance relief was appropriate.

Based upon the testimony and evidence presented, I am persuaded that the Petition for Variance should be granted. The facts cited by Mr. Colbert are persuasive to support a finding that the property is unique by virtue of its location and configuration. Moreover, strict adherence to the regulations would cause a practical difficulty upon the Petitioner, in that a house at similar style and size to others in the neighborhood could not be constructed. Moreover, I am persuaded that relief can be granted without detrimental impact to the surrounding locale.

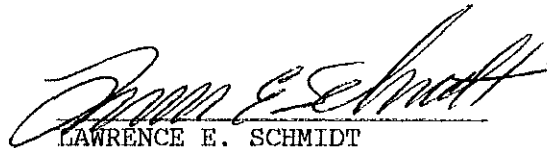
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of May, 1998 that a variance from Section 1B01.2.C.1.b. of the Baltimore County Zoning Regulations (BCZR) to permit a minimum building to right of way setback of 20 ft. in lieu of the re-

ORDERED FOR FILING
Date 5/20/98
By [Signature]

quired 25 ft.; and to amend the Final Development Plan for McDonogh Oaks,
lot 70, be and is hereby GRANTED, subject, however, to the following
restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their 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.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmm

ORDER RECEIVED FOR FILING
Date 5/20/98
By GM. Gooch



Baltimore County
Zoning Commissioner
Office of Planning

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

May 15, 1998

Rachel Hess
Attorney at Law
20 Crossroads Drive, Suite 215
Owings Mills, Maryland 21117

RE: Petition for Variance
Case No. 98-356-A
Property 4310 Sihler Oaks Trail
Legal Owner: McDonough Oaks, LC
Contract Purchaser: Ryan Homes, Inc.

Dear Ms. Hess:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restriction, 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 dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

c: Mr. Kenneth J. Colbert, P.E.
Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4310 SIHLER OAKS TRAIL

which is presently zoned DR 3.5

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B.O.L. 2. C. 1. 5 B.C.Z.R. TO PERMIT A MINIMUM BUILDING TO R/W SETBACK OF 20 FEET IN LIEU OF THE REQUIRED 25 FEET AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR MCDONOGH OAKS, LOT 70.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) THE UNIQUENESS AND PECULIARITY OF THE PROPERTY CAUSES THE ZONING PROVISIONS TO IMPACT DISPROPORTIONATELY UPON THE PROPERTY. PRACTICAL DIFFICULTY AND UNREASONABLE HARDSHIP RESULT FROM THE DISPROPORTIONATE IMPACT OF THE PROVISIONS OF THE ZONING REGULATIONS CAUSED BY THE PROPERTY'S UNIQUENESS.

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

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

Contract Purchaser/Lessee

KEVIN KERWIN, V.P.

RYAN HOMES, INC.

(Type or Print Name)

Signature

11460 CRONRIDGE DRIVE

SUITE 128

Address

OWINGS MILLS, MD

21117

City

State

Zipcode

Attorney for Petitioner

RACHEL HESS

(Type or Print Name)

Signature

20 CROSSROADS DRIVE

SUITE 215

Address

410-581-0600

Phone No.

OWINGS MILLS, MD

21117

City

State

Zipcode

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

Legal Owner(s)

RUSSELL J. DICKENS, MGR.

MCDONOGH OAKS, L.C.

(Type or Print Name)

Signature

(Type or Print Name)

Signature

6820 ELM STREET

SUITE 200

703-734-9730

Address

Phone No.

MCLEAN, VA

22101-6001

City

State

Zipcode

Name Address and phone number of representative to be contacted

KENNETH J. COLBERT, P.E.

COLBERT MATZ ROSENFELT, INC.

Name

2835 SMITH AVENUE SUITE G

BALTIMORE, MD 21209

410-653-3838

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

REVIEWED BY

DATE

3/26/98

Printed with Soybean Ink
on Recycled Paper

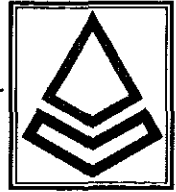
Zoning Administration

Baltimore County

98-356-A

Colbert Matz Rosenfelt, Inc.

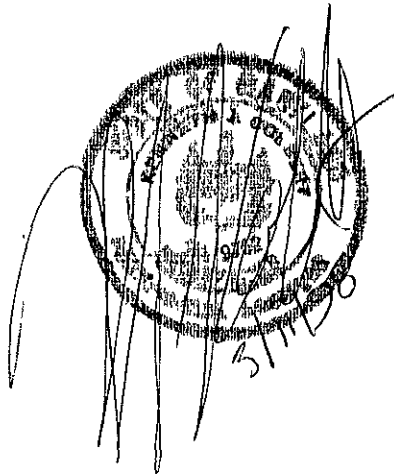
Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION

BEGINNING AT A POINT ON THE WEST SIDE OF SIHLER OAKS TRAIL, WHICH IS 50 FEET WIDE, AT THE DISTANCE OF 340 FEET NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, MINK HOLLOW COURT, WHICH IS 50 FEET WIDE. BEING LOT NO. 70 IN THE SUBDIVISION OF MCDONOGH OAKS, SHEET 3 OF 5 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 68, FOLIO NO. 116, CONTAINING 0.216 ACRES. ALSO KNOWN AS 4310 SIHLER OAKS TRAIL AND LOCATED IN THE SECOND ELECTION DISTRICT.

96087.DES.VAR.DOC



98-356-A

**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: #98-356-A
4310 Sihler Oaks Trail
W/S Sihler Oaks Trail, 340' N
of Mink Hollow Court,
2nd Election District
3rd Councilmanic District
Legal Owner(s): McDonogh
Oaks, L.C.
Contract Purchaser: Ryan
Homes, Inc.

Variance: to permit a minimum building to right-of-way setback of 20 feet in lieu of the required 25 feet and to attend the Final Development Plan for McDonogh Oaks, Lot 70.

Hearing: Friday, May 15, 1998 at 9:00 a.m., in Room 106, County Office Bldg., 111 West Chesapeake 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.

4/534 April 30 C224672

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/30, 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 4/30, 1998.

THE JEFFERSONIAN,

G. Henrickson

LEGAL AD - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

98-356-A
JLL

No. 051839

DATE 3/26/98 ACCOUNT R0016150
AMOUNT \$ 100.00

RECEIVED FROM: Colbert Maty

FOR: RV plug and amend FDP

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS AMOUNT TIME
5/26/1998 5/26/1998 13:32:00
REG 0505 CASHIER R0016150 DRT DRAMER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 058244
CR NO. 051839

100.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

98-356-A

RE: PETITION FOR VARIANCE
4320 Sihler Oaks Trail, W/S Sihler Oaks
Trail, 340' N of Mink Hollow Ct.
2nd Election District, 3rd Councilmanic

Legal Owner: McDonogh Oaks, LC
Contract Purchaser: Ryan Homes, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-356-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

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 15th day of April, 1998, a copy of the foregoing Entry of Appearance was mailed to Rachel Hess, Esq., 20 Crossroads Drive, Suite 215, Owings Mills, MD 21117, attorney for Petitioners.

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

April 2, 1998

NOTICE OF ZONING HEARING

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4310 Sihler Oaks Trail
W/S Sihler Oaks Trail, 340' N of Mink Hollow Court
2nd Election District - 3rd Councilmanic District
Legal Owner: McDonogh Oaks, L.C.
Contract Purchaser: Ryan Homes, Inc.

Variance to permit a minimum building to right-of-way setback of 20 feet in lieu of the required 25 feet and to amend the Final Development Plan for McDonogh Oaks, Lot 70.

HEARING: Friday, May 15, 1998 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon". Below the signature, the letters "scj" are written in a smaller, cursive script.

Arnold Jablon
Director

c: Rachel Hess, Esquire
Colbert, Matz, Rosenfelt, Inc.
McDonogh Oaks, L.C.
Ryan Homes, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 30, 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.**



TO: PATUXENT PUBLISHING COMPANY
April 30, 1998 Issue - Jeffersonian

Please forward billing to:

Kevin Kerwin 410-654-5720
Ryan Homes, Inc.
11460 Cronridge Drive
Suite 128
Owings Mills, MD 21117

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:

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Lawrence E. Schmidt

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 Ave.
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 356

Petitioner: MCDONOUGH OAKS, L.L.C.

Location: 4310 SIHLER OAKS TRAIL

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RYAN HOMES, INC KEVIN KERWIN

ADDRESS: 11460 CROFTIDGE DRIVE STE. 128
OWINGS MILLS, MD. 21117

PHONE NUMBER: 410-654-5720

AJ:ggs

48-356-A

(Revised 09/24/96)

Request for Zoning Variance, Special Exception, or Special Hearing

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

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 28-356-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A VARIANCE TO PERMIT A BUILDING TO STREET
RIGHT OF WAY SETBACK OF 20 FT. IN LIEU OF THE
REQUIRED 25 FT. AND TO AMEND THE FINAL DEV.
PLAN FOR McDONOUGH OAKS LOT #70,

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

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

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE Case No. 98-356-A
 Petitioner/Developer R. MATZ, ETAL
M^cDONOUGH OAK, ETAL
 Date of Hearing/Closing 5/15/98

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 #4310 SIHLER
OAKS TRAIL

The sign(s) were posted on 4/24/98
 (Month, Day, Year)

Sincerely,
Patrick M. O'Keefe 4/24/98
 (Signature of Sign Poster and Date)

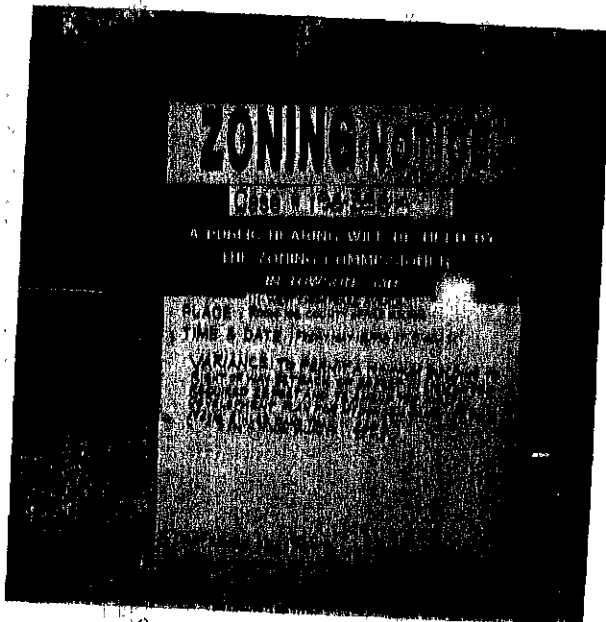
PATRICK M. O'KEEFE
 (Printed Name)

523 PENNY LANE
 (Address)

HUNT VALLEY, MD. 21030
 (City, State, Zip Code)

410-666-5366 ; CELL-410-905-857
 (Telephone Number)

FIXED-PAID



98-356-A
#4310 SIHLER OAKS TRAIL

HRG. 5/15/98

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: April 16, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
 for April 13, 1998
 Item Nos. 348, 350, 352, 353, 355,
 356, 357, 358, 359, and 360

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

RWB:HJO:jrb

cc: File

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

TO: PDM
FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

DATE: 4/2/98

SUBJECT: Zoning Advisory Committee
Meeting Date: April 6, 98

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

Item #'s: 350

353

354

356

358

360

RBS:sp

BRUCE2/DEPRM/TXTSBP



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 4-3-9 ✓
Item No. 356 JLL

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 3, 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. 320, 347, 356, 357, 358, and 360

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

Prepared by: Jeffrey M. Long

Division Chief: Gary L. Kerns

AFK/JL



Baltimore County
Fire Department

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

April 16, 1998

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

RE: Property Owner: MCDONOGH OAKS, L.C.

Location: DISTRIBUTION MEETING OF APRIL 6, 1998

Item No.: 356 Zoning Agenda:

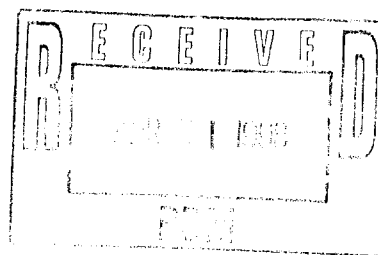
Gentlemen:

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 P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



D.R. 16

OR-2

MILL ROAD

OR-2

OR-2

N 34,000

(SHEET NW-9-M)

D.R. 5.5

ROAD

D.R. 3.5

N 33,000

"McDONOUGH OAKS"
68/114 THRU 118

N 566,000

D.R. 3.5

McDONOUGH

PRIVATE

D.R. 5.5

ROAD

LIBERTY
EXPRESSWAY

POB
TRAIL
SHILLER
OAKS

MINK
HOLLOW

COURT

SHADE