IN THE MATTER OF BEFORE THE THE APPLICATION OF

COUNTY BOARD OF APPEALS BLACKHORSE RUN JOINT VENTURE

FOR SPECIAL HEARING AND

VARIANCE ON PROPERTY LOCATED OF

ON THE WEST SIDE WYNFIELD DR

163' SOUTH OF C/L OF LYONS \* BALTIMORE COUNTY MILL RD (LYONSWOOD, SECTIONS

B&C-4 KENTBURY COURT, LOT #50)\* CASE NO. 98-445-SPHA

2ND ELECTION DISTRICT

3RD COUNCILMANIC DISTRICT

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Deputy Zoning Commissioner in Case No. 98-445-SPHA in which the requested relief as to 4 Kentbury Court, Lot #50 only was granted.

WHEREAS, the Board is in receipt of a letter of dismissal of appeal filed by Ricky F. Patterson, Appellant /Protestant, filed April 6, 1999 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant /Protestant requests that the appeal filed in this matter be dismissed with prejudice as of this date;

IT IS HEREBY ORDERED this 9th day of April , 1999 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED with prejudice.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Charles L. Marks Margaret Worrall

Lynn Barranger



## County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

April 9, 1999

Mr. Ricky F. Patterson 6 Kentbury Court Owings Mills, MD 21117

RE: In the Matter of Blackhorse Run Joint Venture / 4 Kentbury Court /Case No. 98-445-SPHA

Dear Mr. Patterson:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotto E. Redeliffe
Kathleen C. Bianco

Administrator

encl

CC: Robert A. Hoffman, Esquire
Mr. Eugene Clark
Michael Paul Smith, Esquire
Richard E. Matz, P.E. /
Colbert Matz Rosenfelt
Mr. Edward A. Personette, Jr.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - W/S Wynfield Dr.,

163'S of c/l of Lyons Mill Rd. (Lyonswood, Sections B & C) 2nd Election District

3rd Councilmanic District

Blackhorse Run Joint Venture Petitioner \* BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 98-445-SPHA

\*

THIRD AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, this matter came before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Blackhorse Run Joint Venture, seeking approval of an amendment to the previously approved Final Development Plan for Lyonswood, Sections B and C, respectively, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) to permit development of many of the remaining lots in this subdivision.

WHEREAS, numerous residents from the surrounding community appeared as Protestants in the matter, expressing concern mainly about those lots that were located immediately adjacent to their respective properties. Thus, a decision on the matter was delayed to allow both sides an opportunity to resolve their respective concerns. Ultimately, an agreement was reached by and between the parties, and by Order issued November 9, 1998, the requested variances were granted, subject to certain terms and conditions. Subsequent to the issuance of the original Order, an Amended Order was issued, dated November 21, 1998, to clarify the relief granted due to the complexity of the variance requests and the fact that some of the requests had been withdrawn.

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Development Policies (C.M.D.P.) for Lot 50 at 4 Kentbury Court, to permit a side yard setback of 12 feet on the side adjacent to Lot 51 and a side yard setback of 13 feet on the side adjacent to Lot 49, as more particularly shown on the site plan submitted with the Motion for Reconsideration, a copy of which is attached hereto and made a part hereof..

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued November 9, 1998, the Amended Order dated November 21, 1998, and the Second Amended Order dated December 17, 1998, except as modified herein, shall remain in full force and effect.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204
Mr. Edward A. Personette, Jr., 801 Stone Barn Road, Towson, Md. 21204
Mr. Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc.
2835-G Smith Avenue, Baltimore, Md. 21209
Michael Paul Smith, Esquire, Bodie, Nagle, Dolina, Smith & Hobbs
143 Main Street, Reisterstown, Md. 21136
People's Counsel; Case Files

2/5/99

IN RE:

PETITIONS FOR SPECIAL HEARING

AND VARIANCE - W/S Wynfield Drive

163' S of c/l of Lyons Mill Road (Lyonswood, Sections B & C)

2nd Election District

3rd Councilmanic District

Blackhorse Run Joint Venture

Petitioner

BEFORE THE

\*

DEPUTY ZONING

\* COMMISSIONER OF

\* BALTIMORE COUNTY

\* Case No. 98-445-SPHA

# RESPONDENT WITHDRAWAL OF THE MOTION TO STRIKE PETITIONER'S MOTION FOR RECONSIDERATION

James I. Cobb, Respondent, by his attorney Michael Paul Smith and Bodie, Nagle, Dolina, Smith & Hobbs, P.A., requests that the Respondent's Motion to Strike Petitioner's Motion for Reconsideration be withdrawn.

Respectfully submitted,

Michael Paul Smith Bodie, Nagle, Dolina, Smith & Hobbs, P.A.

143 Main Street

Reisterstown, MD 21136

(410) 833-1221

Attorney for James I. Cobb

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this day of day of 1999, a copy of the aforegoing Motion to Strike Petitioner's Motion for Reconsideration was mailed by first class mail, postage prepaid to: Robert A. Hoffman, Esq., 210 Allegheny Avenue, P.O. Box 5517, Towson, Maryland, 21285, Attorney for Blackhorse Run Joint Venture, Petitioner, and Ernestine Durham, Lyonswood Homeowners Association, 4225 Wynfield Drive, Owings Mills, Maryland, 21117.

Michael Paul Smith, Esquire

## BODIE, NAGLE, DOLINA, SMITH & HOBBS

A PROFESSIONAL ASSOCIATION ATTORNEYS AT LAW

143 Main Street Reisterstown, MD 21136 (410) 833-1221 Fax: (410) 833-0026 Web Site: http://www.bodienagle.com E-Mail: bodienagle.com

Martin J. Smith (1938-1992)

C. Arthur Eby, Jr. (Retired)

Towson Office:

21 West Susquehanna Avenue Towson, MD 21204-5279 (410) 823-1250

Fax: (410) 296-0432

**Harford County Office:** 

112 W. Pennsylvania Ave., Suite 103 Bel Air, MD 21014 (410) 836-8943

Company of the property of the

Fax: (410) 893-9701

Of Counsel:

Wallace Dann

Thomas G. Bodie

Thomas J. Dolina

John J. Nagle, III \*

Michael Paul Smith

Michael G. Dellaven

Colleen C. Halloran

Cynthia L. Maskol

Chester H. Hobbs, IV \*

Kelly A. Koermer

David L. Thurston

Michael F. Fenton \*\*

\* Also Admitted in DC

\*\* Admitted in PA Only

February 6, 1999

Zoning Commission of Baltimore County County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Attn: Deputy Zoning Commissioner

RE: Case No.: 98-445-SPHA

Dear Sir/Madam:

Enclosed please find Respondent's Withdrawal of the Motion to Strike Petitioner's Motion for Reconsideration.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Michael Paul Smith

MPS/cd

Robert A. Hoffman, Esquire cc:

Ernestine Durham

1/15/19

IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE - W/S Wynfield Drive

163' S of c/l of Lyons Mill Road (Lyonswood, Sections B & C)

2nd Election District

3rd Councilmanic District

Blackhorse Run Joint Venture

Petitioner

BEFORE THE

\* DEPUTY ZONING

\* COMMISSIONER OF

\* BALTIMORE COUNTY

\* Case No. 98-445-SPHA

### MOTION TO STRIKE PETITIONER'S MOTION FOR RECONSIDERATION

James I. Cobb, Respondent, by his attorney Michael Paul Smith and Bodie, Nagle, Dolina, Smith & Hobbs, P.A., requests that the Petitioner's Motion for Reconsideration be stricken, and in support thereof states as follows:

- 1. On November 9, 1998, the Deputy Zoning Commissioner entered his Findings of Facts and Conclusions of Law setting forth the variances to be issued in this matter.
- 2. The Findings of Fact and Conclusions of Law as to Lot 50 of Kentberry Court were subsequently amended on November 21, 1998.
- 3. Petitioner's Motion for Reconsideration was filed on January 14, 1999, pursuant to Rule 2(k) of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County.
- 4. According to Rule 2(k), a motion for reconsideration of an order issued by the zoning commissioner must be made within 30 days of the original order.

5. Because more than 30 days have passed since the original order was issued by the Deputy Zoning Commissioner, Petitioner's Motion for Reconsideration is not timely.

WHEREFORE, Respondent James I. Cobb respectfully requests that the Petitioner's Motion for Reconsideration be STRICKEN and the relief demanded therein be DENIED.

Respectfully submittee

Michael Paul Smith Bodie, Nagle, Dolina, Smith & Hobbs, P.A.

143 Main Street

Reisterstown, MD 21136

(410) 833-1221

Attorney for James I. Cobb

### **CERTIFICATE OF SERVICE**

Michael Paul Smith, Esquire

IN RE:	PETITIONS FOR SPECIAL HEARING						BEF	ORE T	HE
	AND VARIANCE - W/S Wynfield Drive				ىلە	* DEPUTY ZONING			
	163' S of c/l of Lyons Mill Road				*	DEP	UTY Z	ONING	
	(Lyonswood, Sections B & C)					*	COL	AN ATOOT	ONED OF
	2nd Election District  3rd Councilmanic District					•	CON	тосторт	ONER OF
	314 Councilli	iaine D	ASU ICI			*	RAT	TIMOR	E COUNTY
	Blackhorse Run Joint Venture Petitioner						Discriminate Coorts		
						*	Case No. 98-445-SPHA		
		*	*	*	*	*	*	*	*
<u>ORDER</u>									
IT I	S HEREBY ORI	DERE	D, on th	nis	day	of			, 1999, that
Petitioner's Motion for Reconsideration be and is hereby STRICKEN.									
					•				
							Judg	e	
							_		

1/14/99

IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE - W/S Wynfield Dr.,

163'S of c/l of Lyons Mill Rd.
(Lyonswood, Sections B & C)

2<sup>nd</sup> Election District

3<sup>1d</sup> Councilmanic District

Blackhorse Run Joint Venture Petitioner BEFORE THE

\* DEPUTY ZONING

\* COMMISSIONER OF

\* BALTIMORE COUNTY

\* Case No. 98-445-SPHA

### MOTION FOR RECONSIDERATION

Petitioner Blackhorse Run Joint Venture, by Robert A. Hoffman with Venable,
Baetjer and Howard, LLP, its attorney, in accordance with Rule 2(K) of the Rules of Practice
and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, files
this Motion for Reconsideration, as follows:

- 1. During the zoning hearing in this matter, the Deputy Zoning Commissioner suggested that the Petitioner and the Lyonswood Community Association attempt to come to some agreement on the particular variances requested. Following the hearing, the Community Association's representative, Ernestine Durham, sent two letters to the Deputy Zoning Commissioner outlining the Association's position with regard to the variances.
- 2. On November 9, 1998, the Deputy Zoning Commissioner entered his Findings of Fact and Conclusions of Law setting out the variances to be granted in this matter, including that a variance was granted for Lot 50 (#4) of Kentbury Court, allowing for a 50-55 foot wide house centered on the lot.
- 3. Before receiving that order, counsel for the Petitioner, Robert Hoffman, wrote a letter to the Deputy Zoning Commissioner incorporating Ms. Durham's letter and

attempting to outline the agreement reached. This agreement included that certain variances would remain the same, some would be reduced, and others would be withdrawn, including the variance for Lot 50 (#4) of Kentbury Court. On the basis of that letter, the Deputy Zoning Commissioner issued Amended Findings of Fact and Conclusions of Law on November 21, 1998, conforming his order to Mr. Hoffman's letter.

- 4. Following a request by the Association, on December 17, 1998, the Deputy Zoning Commissioner issued a second Amended Findings of Fact and Conclusions of Law clarifying the relief granted.
- 5. A building permit was issued (Permit No. B355925) for Lot 50 (#4) of Kentbury Court, and, earlier this month, Ryan Homes, builder for this lot, began construction of the home. Believing the variance relief granted in the Deputy Zoning Commissioner's order of November 9, 1998, was still in effect for this lot, Ryan laid the foundation for this lot in substantial compliance with that variance as shown the site plan attached to this motion as Exhibit 1. The foundation was laid for a 50 foot house (the minimum granted in the original order), and the foundation was approximately centered on the lot (being off from center by ½ foot). See Exhibit 1.
- 6. According to the engineers for the project, Colbert Matz Rosenfelt, Inc., because the house is to be constructed without windows on the side facing Lot 49, the house actually requires no variances for that side of the lot. On the side of the lot facing Lot 51, the following variances are still needed: Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 20 feet in lieu of the required 30

feet; and Variance from Section 504 of the Baltimore County Zoning Regulations and Section V.B.6.B of the Comprehensive Manual Development Policies for window to lot line separation of 12 feet in lieu of the required 15 feet.

7. Counsel for the Petitioner believes that, given the existence of more than one Lot 50 and the fact that some lots were sold in the interim, there was some confusion as to the relief needed and that the Petition for Variance for this lot was inadvertently withdrawn.

WHEREFORE, Petitioner respectfully requests that the Deputy Zoning

Commissioner reconsider his decision in this matter and grant the variance relief granted to
the Petitioner for Lot 50 (#4) of Kentbury Court in accordance with the attached site plan.

Respectfully submitted,

ROBERT A. HOFFMAN

210 Allegheny Avenue

P.O. Box 5517

Towson, Maryland 21285-5517

(410) 494-6200

Attorney for Petitioner

Blackhorse Run Joint Venture

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 1999, a copy of the foregoing MOTION FOR RECONSIDERATION was mailed to Ms. Ernestine Durham, Lyonswood Homeowners Association, 4225 Wynfield Drive, Owings Mills, Maryland 21117, and to Michael Paul Smith, Esquire, Bodie, Nagle, Dolina, Smith & Hobbs, 143 Main Street, Reisterstown, Maryland 21136, Attorney for Mr. James I Cobb.

RÖBERT A. HOFFMAN

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N RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE - W/S Wynfield Dr.,

163'S of c/l of Lyons Mill Rd. (Lyonswood, Sections B & C)

2nd Election District

3rd Councilmanic District

Blackhorse Run Joint Venture Petitioner \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 98-445-SPHA

\*

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### AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, this matter came before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Blackhorse Run Joint Venture, seeking approval of an amendment to the previously approved Final Development Plan for Lyonswood, Sections B and C, respectively, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) to permit development of many of the remaining lots in this subdivision.

Appearing at the hearing on behalf of the Petitions were Edward Personette, a Partner in the Blackhorse Run Joint Venture, Owner/Developer, Richard E. Matz, Professional Engineer who prepared the site plan for this property, and Robert A. Hoffman, Esquire, attorney for the Petitioner. Numerous residents from the surrounding community appeared as Protestants.

Extensive testimony and evidence was offered at the hearing by both sides. The Petitioners contended that the special hearing and variances were necessary due to the fact that the remaining undeveloped lots were smaller than those that had already been developed and it would be impossible to build the houses of similar size and design as those that already exist within this community.

Given that the variance requests were different for each of the remaining lots, the Protestants who appeared at the hearing were mainly concerned about those lots that were

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located immediately adjacent to their respective properties. A decision on the matter was delayed to allow both sides an opportunity to resolve their respective concerns, and by letter dated September 10, 1998 from Ms. Ernestine Durham on behalf of the Lyonswood Homeowners' Association to Mr. Edward Personette, Owner/Developer, this Deputy Zoning Commissioner was advised of the agreement reached by the parties on each of the variance requests. Based upon the agreement reached between the parties, I granted the special hearing and some of the variances requested, and dismissed other variance requests as moot, by my Order dated November 9, 1998.

Subsequent to the issuance of said Order, an Amended Order was issued, dated November 21, 1998, to clarify the relief granted due to the complexity of the variance requests and the fact that some of the requests had been withdrawn.

Subsequent to the issuance of said Amended Order, this Office was advised by Ms. Ernestine Durham on behalf of the Lyonswood Homeowners' Association, that the Amended Order was more confusing. However, of specific concern was the relief granted for Lot 50 (8 Devlon Court, and Lot 2 (4422 Wynfield Drive). Thus, after considering the concerns raised by Ms. Durham relative to these two lots, I am persuaded to issue a Second Amended Order to clarify the relief granted for the two lots in question.

THEREFORE, IT IS ORDERED by this Deputy Zoning Commissioner for Baltimore County this \_\_\_\_/7 day of December, 1998 that the Petition for Variance seeking relief from Sections 1B01.2.C.1, 1B01.2.C.2.b and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections V.B.3 and V.B.6.b and V.B.6.c of the Comprehensive Manual of Development Policies (C.M.D.P.) be and is hereby GRANTED, to permit a 44-foot wide house on Lot 50 (8 Devlon Court) and a 55-foot wide house on Lot 2 (4422 Wynfield Drive), both of which shall be centered on the lots. Furthermore, the lots must be staked to show the location of the proposed dwellings.

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IT IS FURTHER ORDERED that all other terms and conditions of the Order issued November 9, 1998 and the Amended Order dated November 21, 1998, shall remain in full force and effect.

TIMOTHY M./KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204
Mr. Edward A. Personette, Jr., 801 Stone Barn Road, Towson, Md. 21204
Mr. Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc.
2835-G Smith Avenue, Baltimore, Md. 21209
Mr. Maurizio Cenciarelli, 10 Devlon Court, Owings Mills, Md. 21117
People's Counsel; Case Files

11/20/90

-IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE - W/S Wynfield Dr.,

163'S of c/l of Lyons Mill Rd. (Lyonswood, Sections B & C)

2<sup>nd</sup> Election District

3<sup>rd</sup> Councilmanic District

Blackhorse Run Joint Venture Petitioners \* BEFORE THE

\* DEPUTY ZONING

\* COMMISSIONER OF

\* BALTIMORE COUNTY

\* Case No. 98-445-SPHA

## AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

On November 9, 1998, the Deputy Zoning Commissioner entered his Findings of Fact and Conclusions of Law setting out the variances granted in the above-referenced case. This amended order is intended to revise the relief granted in the previous order to reflect agreements made between the Petitioner and the Lyonswood Community Association. This Amended Findings of Fact and Conclusions of Law incorporates by reference all provisions of the original order relating to the facts and law as if set forth in their entirety in this amended order. The variance requests for Lot 33 (#12) of Windmere Court, Lot 35 (#11) of Windmere Court, Lot 50 (#4) of Kentbury Court, Lot 52 (#8) of Kentbury Court, and Lot 61 (#6) of Devlon Court, have been withdrawn and are not addressed in this order.

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of November, 1998, that the Petition for Variance, seeking relief from the following: Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies

ORDER RECENED/EGR FILING

for building to building separation of 26 feet (left side of lot) and 20 feet (right side of lot) in lieu of the required 30 feet for Lot 31 (#8) of Windermere Court; Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 24 feet (right side of lot only) in lieu of the required 30 feet for Lot 50 (#8) of Devlon Court; Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 27 feet (both sides of lot) in lieu of the required 30 feet for Lot 2 (#4422) of Wynfield Drive; Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 25 feet (left side of lot) and 22 feet (right side of lot) in lieu of the required 30 feet for Lot 74 (#7) of Lancashire Court; Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 22 feet (right side of lot only) in lieu of the required 30 feet for Lot 82 (#8) of Lancashire Court; Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 17 feet (left side of lot) and 21 feet (right side of lot) in lieu of the required 30 feet for Lot 58 (#5) of Bridgeton Court; Variance from Sections 1B01.2.C.2.B and 504 of the Baltimore County Zoning Regulations and Section V.B.6.C of the Comprehensive

Manual Development Policies for window to window separations of 20 feet in lieu of the required 40 feet for all aforementioned lots; and Variance from Section 504 of the Baltimore County Zoning Regulations; and Section V.B.6.B of the Comprehensive Manual Development Policies for window to lot line separations of 5 feet in lieu of the required 15 feet for all aforementioned lots; be and hereby are GRANTED, subject to the following restrictions:

The Petitioner may apply for its building permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco,

Deputy Zoning Commissioner for

**Baltimore County** 

#### TMK:bjs

cc: Mr. Edward A. Personette, Jr.

801 Stone Barn Road, Towson, Md. 21204

Mr. Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc. 2835-G Smith Avenue, Baltimore, Maryland 21209

Mr. Eric R. King, 6 Bridgeton Court, Owings Mills, Md. 21117

Mr. Eugene Mills, 4420 Wynfield Road, Owings Mills, Md. 21117

Mr. Gerald Bussie, 14 Windemere Court, Owings Mills, Md. 21117

Mr. Eugene Frazier, 9 Windemere Court, Owings Mills, Md. 21117

Mr. Alvin Reed, 11 Devlon Court, Owings Mills, Md. 21117

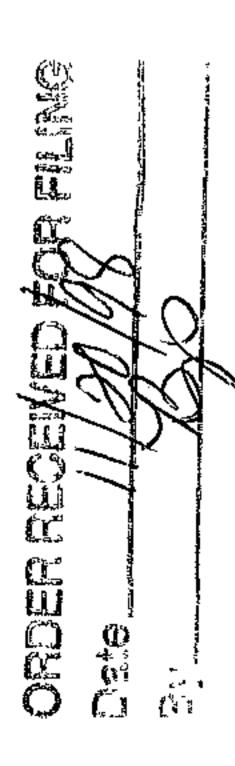
Mr. Maurizio Cenciarelli, 10 Devlon Court, Owings Mills, Md. 21117

Mr. Raft Woodus, 5 Windermere Court, Owings Mills, Md. 21117

Mr. & Mrs. Jeff Wise, 10 Kentbury Court, Owings Mills, Md. 21117

Mr. & Mrs. Ricky Patterson, 6 Kentbury Court, Owings Mills, Md. 21117 People's Counsel; Case File

Mr. John Falin, 7 Devlon Court, Owings Mills, Md. 21117



IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE - W/S Wynfield Dr.,

163'S of c/l of Lyons Mill Rd.

(Lyonswood, Sections B & C)

2nd Election District
3rd Councilmanic District

Rlackhorse Run Joint Venture Petitioner \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 98-445-SPHA

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### 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 owner of the subject property, Blackhorse Run Joint Venture, by Edward Personette Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitionor seeks approval of an amendment to the previously approved Final Development Plan for Lyonswood, Sections B and C, respectively, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Sections 1B01.2.C.1 and 504 of the B.C.Z.R., and Section V.B.3 of the C.M.D.P. to permit building to building separations of 20 feet in lieu of the required 30 feet; from Sections 1B01.2.c.2.B and 504 of the B.C.Z.R., and Section V.B.6.C of the C.M.D.P. to permit window to window separations of 20 feet in lieu of the required 40 feet; and from Sections V.B.6.b of the C.M.D.P., and Section 504 of the B.C.Z.R. to permit window to lot line separations of 5 feet in lieu of the required 15 feet, for Lots 50, 52, 58, 74, and 82 of Section B, and Lots 2, 31, 33, 35, 50 and 61 of Section C. 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.

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3y Appearing at the hearing on behalf of the Petitions were Edward Personette, a Partner in the Blackhorse Run Joint Venture, Owner/Developer, Richard E. Matz, Professional Engineer who prepared the site plan for this property, and Robert A. Hoffman, Esquire, attorney for the Petitioner. Appearing as Protestants were numerous residents from the surrounding community, all of whom signed the Protestants' Sign In Sheet.

Testimony and evidence offered revealed that the properties which are the subject of this hearing are located within Sections B and C of the Lyonswood Subdivision, which is located between Lyons Mill Road and Winands Road in Owings Mills. Several of the lots in this subdivision have already been developed with houses; however, many of those houses are larger than what was originally proposed when the engineer first designed this subdivi-The remaining undeveloped lots are smaller than those that have sion. already been developed and it will be impossible to build the same size as those that already exist on those remaining lots. In order to maintain the character of the existing community and build houses that will be comparable to those that have already been built, the requested special hearing and variances are necessary. Mr. Personette testified that he wants to maintain the property values of those homes already built and would like to continue to build houses of similar size and design throughout this development. He noted that he could build smaller houses thereby negating the need for variances; however, the value of those homes would be considerably less than the value of those that already exist.

As noted above, many residents of the existing Lyonswood community appeared in opposition to the Petitioner's request. Given that the requested variances were different for all of the lots in question, the residents were mainly concerned about those lots that were located immedi-

ORDER RECEIVED FOR FILING

ately adjacent to their respective properties. Thus, it was difficult to determine the position of each of these residents on each of the variance However, at the end of the hearing, I suggested that the Owner/ requests. Developer and these citizens continue their negotiations to resolve their respective differences concerning these variance requests and advise me once an agreement had been reached. After further discussions between the Owner/Developer and the citizens, the community was able to agree to some of the variance requests and advised this office accordingly. On behalf of the Lyonswood Homeowners' Association, Ms. Ernestine Durham submitted the position of each of the residents on each of the variance requests, by her letter dated September 10, 1998 to Mr. Edward Personette, a copy of which has been incorporated into the case file and made a part hereof. Based upon the agreement reached between the Lyonswood Homeowners' Association and the Owner/Developer, as set forth in the letter dated September 10, 1998, some of the requested variances shall be granted and others will be dismissed as moot.

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.

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 special hearing and variance relief, as modified, are not granted. Specifically, relief shall be granted to allow the following: a 50-foot wide house on Lot 31, a 44-foot wide house on Lot 50, and a 40' x 35' house on Lot 61 of Section C, and a 55-foot wide house on Lot 2, a 70-foot wide house on Lot 74, a 50-foot wide house on Lot 82, a 50-55 foot wide house on Lot 50, and a 45-foot wide house on Lots 52 and 58 of Section B, all of which shall be centered on the lots. The relief requested for Lots 33, 35, and 61 of Section C shall be dismissed as moot. 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 these Petitions held, and for the reasons given above, the special hearing and variance requests, as modified, shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of November, 1998 that the Petition for Special Hearing to approve an amendment to the previously approved Final Development Plan for Lyonswood, Sections B and C, and variance relief from Sections 1801.2.C.1, 1801.2.C.2.b and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections V.B.3 and V.B.6.b and V.B.6.c of the

DRUER REGENCED RILING 3y Ste Control of the State Comprehensive Manual of Development Policies (C.M.D.P.) be and is hereby GRANTED, to permit a 50-foot wide house on Lot 31, a 44-foot wide house on Lot 50, and a 40' x 35' house on Lot 61 of Section C, and a 55-foot wide house on Lot 2, a 70-foot wide house on Lot 74, a 50-foot wide house on Lot 82, a 50-55 foot wide house on Lot 50, and a 45-foot wide house on Lots 52 and 58 of Section B, all of which shall be centered on the lots, in accordance with the agreement reached between the Owner/Developer and the Lyonswood Homeowner's Association, as set forth in the letter dated September 10, 1998, a copy of which is attached hereto and made a part hereof, subject to the following restrictions:

- 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.
- 2) Prior to the issuance of any building permits, the Petitioner shall submit a revised site plan incorporating the relief granted herein, pursuant to the letter dated September 10, 1998.

relief from Sections 1B01.2.C.1, 1B01.2.C.2.b and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections V.B.3 and V.B.6.b and V.B.6.c of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a 50-foot wide house on Lot 33, a 45-foot wide house on Lot 35, and a 50-foot wide house on Lot 50 of Section C, and a 70-foot wide house on Lot 52 of Section B, be and are hereby DISMISSED AS MOOT.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

z(d:XMT



# Baltimore County Zoning Commissioner Office of Planning and Zoning

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

November 9, 1998

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

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE (Lyonswood, Sec. B & C)
W/S Wynfield Drive, 163'S of c/l of Lyons Mill Road
2nd Election District - 3rd Councilmanic District
Blackhorse Run Joint Venture - Petitioner
Case No. 98-445-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, as modified herein, 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,

PTMOPHY M KOPROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. Edward A. Personette, Jr.

801 Stone Barn Road, Towson, Md. 21204

Mr. Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc.

2835-G Smith Avenue, Baltimore, Md. 21209

Mr. Eric R. King, 6 Bridgeton Court, Owings Mills, Md. 21117

Mr. Eugene Mills, 4420 Wynfield Road, Owings Mills, Md. 21117

Mr. Gerald Bussie, 14 Windermere Court, Owings Mills, Md. 21117

Mr. Eugene Frazier, 9 Windemere Court, Owings Mills, Md. 21117

Mr. Alvin Reed, 11 Devlon Court, Owings Mills, Md. 21117

Mr. John Falin, 7 Devlon Court, Owings Mills, Md. 21117

Mr. Maurizio Cenciarelli, 10 Devlon Court, Owings Mills, Md. 21117

Mr. Raft Woodus, 5 Windermere Court, Owings Mills, Md. 21117

Mr. & Mrs. Jeff Wise, 10/Kentbury Court, Owings Mills, Md. 21117

Mr. & Mrs. Ricky Patterson, 6 Kentbury Court, Owings Mills, Md. 21117 People's Counsel; Case Files



OR FILING

ORDER RE

# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at Sec. B, Lots 50,52,58,74,82 Sec. C. Lots 2.31,33,35,50,61

which is presently zoned D.R.-3.5,

#445

This Petition shall be filed with the Department of Permits & Development Management D.R.-5.5 & D.R.- 6 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) 1B01.2.C.1 & 504, BCZR & CMDP V.B.3. FOR BUILDING-TO-BUILDING SEPARATION OF 20 FT. IN LIEU OF 30 FT. REQUIRED; SEC. 1B01. 2.C.2B & 504, BCZR & CMDP V.B.6.C. FOR WINDOW-TO-WINDOW SEPARATION OF 20 FT. IN LIEU OF 40 FT. REQUIRED, & SEC. CMDPV.B.6.b. & 504 BCZR FOR WINDOW-TO-LOT LINE SEPARATION OF 5 FT. IN LIEU OF 15 FT. REQUIRED.

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 Baitimore County.

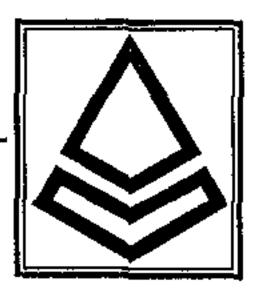
\*\* And Special Hearing to amend the previously approved Final Development Plan.

	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;	Legal Cwnor(s): Edward Personette, Partner Blackhorse Run Joint Venture
(Type or Print Name)	(Type or Print Name)  Chward A. Versonette
Signature	Signature
Address	EDWARD A. PERSUNETTE, JR. PARTNI (Type or Print Name)
City State Zipcode	Signature
Atterney for Petitioner:	
Robert A. Hoffman, Esq.	801 Stone Barn Road 410-321-4788
(Type or Prior Name)	Address Phone No TOWSON, MD 21204
Venable, Baetjer & Howard	City  State  Zipcode  Name, Address and phone number of representative to be contacted.  Dri orbitation Till Market Till Market Till Till Till Till Till Till Till Til
10 Allegheny Ave. 410-494-6262	Richard E. Matz, P.E.
Towson MD 21204	Colbert Matz Rosenfelt, Inc.
State Zipcode	2835-G Smith Avenue 410-653-3838  Address Phone No. Paltimore MD 21209 CFFICEUSE ONLY
	ESTIMATED LENGTH OF HEARING Urwavailable for Hearing
	the following dates Hext Two Months
Printed with Scybean Ink on Recycled Paper	ALLOTHER
Revised 9/5/95	REVIEWED BY: PATE 5-20-98
	1 1 A

70'443 JPHH

## Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



# DESCRIPTIONS FOR VARIANCES FOR LYONSWOOD BLANKET VARIANCES:

### **ZONING DESCRIPTION**

BEGINNING AT A POINT ON THE WEST SIDE OF WYNFIELD DRIVE WHICH IS OF VARIABLE WIDTH, AT A DISTANCE OF 163 FEET (MORE OR LESS) SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, LYONS MILL ROAD, WHICH IS 75 FEET WIDE. BEING LOT NO. 2 IN THE SUBDIVISION OF LYONSWOOD, SECTION C PLAT 2 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 62, FOLIO NO. 79, CONTAINING 0.2117 ACRES. ALSO KNOWN AS 4422 WYNFIELD DRIVE AND LOCATED IN THE SECOND ELECTION DISTRICT.

BEGINNING AT A POINT ON THE NORTH SIDE OF WINDERMERE COURT WHICH IS 50 FEET WIDE, AT A DISTANCE OF 258 FEET (MORE OR LESS) EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, WYNFIELD DRIVE, WHICH IS 50 FEET WIDE. BEING LOT NO. 31 IN THE SUBDIVISION OF LYONSWOOD, SECTION C PLAT 2 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 62, FOLIO NO. 79, CONTAINING 0.1588 ACRES. ALSO KNOWN AS 8 WINDERMERE COURT AND LOCATED IN THE SECOND ELECTION DISTRICT.

BEGINNING AT A POINT ON THE NORTH SIDE OF WINDERMERE COURT WHICH IS 50 FEET WIDE, AT A DISTANCE OF 402 FEET (MORE OR LESS) EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, WYNFIELD DRIVE, WHICH IS 50 FEET WIDE. BEING LOT NO. 33 IN THE SUBDIVISION OF LYONSWOOD, SECTION C PLAT 2 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 62, FOLIO NO. 79, CONTAINING 0.2064 ACRES. ALSO KNOWN AS 12 WINDERMERE COURT AND LOCATED IN THE SECOND ELECTION DISTRICT.

BEGINNING AT A POINT ON THE EAST SIDE OF WINDERMERE COURT WHICH IS 50 FEET WIDE, AT A DISTANCE OF 498 FEET (MORE OR LESS) EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, WYNFIELD DRIVE, WHICH IS 50 FEET WIDE. BEING LOT NO. 35 IN THE SUBDIVISION OF LYONSWOOD, SECTION C PLAT 2 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 62, FOLIO NO. 79, CONTAINING 0.1486 ACRES. ALSO KNOWN AS 11 WINDERMERE COURT AND LOCATED IN THE SECOND ELECTION DISTRICT.

98.445-SPHA

2835 Smith Avenue, Suite G Baltimore, Maryland 21209 Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

BEGINNING AT A POINT ON THE NORTH SIDE OF DEVLON COURT WHICH IS OF VARIABLE WIDTH, AT A DISTANCE OF 346 FEET (MORE OR LESS) EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, WYNFIELD DRIVE, WHICH IS 50 FEET WIDE. BEING LOT NO. 50 IN THE SUBDIVISION OF LYONSWOOD, SECTION C PLAT 1 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 62, FOLIO NO. 78, CONTAINING 0.2311 ACRES. ALSO KNOWN AS 8 DEVLON COURT AND LOCATED IN THE SECOND ELECTION DISTRICT.

BEGINNING AT A POINT ON THE SOUTH SIDE OF DEVLON COURT WHICH IS OF VARIABLE WIDTH, AT A DISTANCE OF 263 FEET (MORE OR LESS) EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, WYNFIELD DRIVE, WHICH IS 50 FEET WIDE. BEING LOT NO. 61 IN THE SUBDIVISION OF LYONSWOOD, SECTION C PLAT 1 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 62, FOLIO NO. 78, CONTAINING 0.2818 ACRES. ALSO KNOWN AS 9 DEVLON COURT AND LOCATED IN THE SECOND ELECTION DISTRICT.

BEGINNING AT A POINT ON THE NORTH SIDE OF LANCASHIRE COURT WHICH IS 50 FEET WIDE, AT A DISTANCE OF 211 FEET (MORE OR LESS) NORTHWESTERLY OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, LYONSWOOD DRIVE, WHICH IS 50 FEET WIDE. BEING LOT NO. 82 IN THE SUBDIVISION OF LYONSWOOD, SECTION B PLAT 2 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 62, FOLIO NO. 76, CONTAINING 0.1828 ACRES. ALSO KNOWN AS 8 LANCASHIRE COURT AND LOCATED IN THE SECOND ELECTION DISTRICT.

BEGINNING AT A POINT ON THE WEST SIDE OF LANCASHIRE COURT WHICH IS 50 FEET WIDE, AT A DISTANCE OF 273 FEET (MORE OR LESS) NORTHWESTERLY OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, LYONSWOOD DRIVE, WHICH IS 50 FEET WIDE. BEING LOT NO. 74 IN THE SUBDIVISION OF LYONSWOOD, SECTION B PLAT 2 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 62, FOLIO NO. 76, CONTAINING 0.2217 ACRES. ALSO KNOWN AS 7 LANCASHIRE COURT AND LOCATED IN THE SECOND ELECTION DISTRICT.

BEGINNING AT A POINT ON THE WEST SIDE OF KENTBURY COURT WHICH IS 50 FEET WIDE, AT A DISTANCE OF 269 FEET (MORE OR LESS) NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, LYONSWOOD DRIVE, WHICH IS 50 FEET WIDE. BEING LOT NO. 52 IN THE SUBDIVISION OF LYONSWOOD, SECTION B PLAT 2 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 62, FOLIO NO. 76, CONTAINING 0.2520 ACRES. ALSO KNOWN AS 8 KENTBURY COURT AND LOCATED IN THE SECOND ELECTION DISTRICT.

# 445

BEGINNING AT A POINT ON THE WEST SIDE OF KENTBURY COURT WHICH IS 50 FEET WIDE, AT A DISTANCE OF 105 FEET (MORE OR LESS) NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, LYONSWOOD DRIVE, WHICH IS 50 FEET WIDE. BEING LOT NO. 50 IN THE SUBDIVISION OF LYONSWOOD, SECTION B PLAT 2 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 62, FOLIO NO. 76, CONTAINING 0.1894 ACRES. ALSO KNOWN AS 4 KENTBURY COURT AND LOCATED IN THE SECOND ELECTION DISTRICT.

BEGINNING AT A POINT ON THE SOUTHWESTERLY SIDE OF BRIDGETON COURT WHICH IS 50 FEET WIDE, AT A DISTANCE OF 192 FEET (MORE OR LESS) NORTHEAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, LYONSWOOD DRIVE, WHICH IS 50 FEET WIDE. BEING LOT NO. 58 IN THE SUBDIVISION OF LYONSWOOD, SECTION B PLAT 1 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 62, FOLIO NO. 75, CONTAINING 0.1696 ACRES. ALSO KNOWN AS 5 BRIDGETON COURT AND LOCATED IN THE SECOND ELECTION DISTRICT.

92045,2VARIANCE,DOC

WILLIAM OF MARY OF MARY OF THE PARTY OF THE

OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	
DATE 3/5/99 ACCOUNT 200/-6/50	MINISTER COMPLEMENT WITH MANY AND A COMPLEMENT WITH MANY MANY AND A COMPLEMENT WITH MANY MANY AND A COMPLEMENT WITH MANY MANY MANY MANY MANY MANY MANY MANY
AMOUNT \$ 2/0.00	- Respect is (MHY) (in the Line of the Lin
RECEIVED Completion (attendar)	- Mathiagra County, Waryland
FOR: Applace 98-445-SMA Clavarica CA	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION
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BALTIMORE COUNTY, MAR' ND  OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  DATE 5-20-78 ACCOUNT F01-6150  ITEM 070-55HA  AMOUNT \$ 650	PROCESS OFFICE TWO STATES OF THE PROCESS OF THE PRO
FROM: COUBERT MATZ ROSENTECT, INC.  FOR: VARIANCE & SPH TO AMEND FID, F  DISTRIBUTION	Haltime Courty, Navyland 445, SPHA
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

BALTIMORE COUNTY, MATTLAND

#### 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 Tow-son, Maryland on the property identified herein as follows:

Case: #98-445-SPHA
S/S Lyons Mill Road, 1900'
+/- W from centerline
Painters Mill Road
(Lyonswood Subdivision)
2nd Election District
3rd Councilmanic District
Legal Owner(s);
Blackhorse Run Joint
Venture

Special Hearing: to amend the previously approved Final Development Plan. Variance: to permit building-to-building separation of 20 feet in lieu of 30 feet required; to permit window-to-window separation of 20 feet in lieu of 40 feet required; and to permit window-to-lot line separation of 5 feet in lieu of 15 feet required. Hearing: Monday, July 6, 1998 at 10:00 a.m., in Room 407, County Courts Bidg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Gall (410) 887-3353.

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

6/363 June 18 . c237419 .

## CERTIFICATE OF PUBLICATION

<del></del>
TOWSON, MD., 6/18/, 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 ofsuccessive
weeks, the first publication appearing on $618$ , $1998$ .
-
THE JEFFERSONIAN,
a. Handeson

LEGAL AD. - TOWSON

RE: Case No.: 98-445-SPHA

BLACKHORSE RUN

Petitioner/Developer: JOINT VENTURE

YO ROBERT HOFFMAN, ESQ.

Date of Hearing/Closing: 7/6/98 RM, 407 C.C.B

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 11-SEPARATE LOCATIONS

#44#8-KENTBURY CT., #5 BRIDGETON CT., #84#9 DEVLON CT., #74#8 LANCASTERSHIRE CT.,
#44ZZ WYNFIELD DRIVE 4#8, #114#12-WINDERMERE CT.

The sign(s) were posted on (Month, Day, Year)

Sincerely,

Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

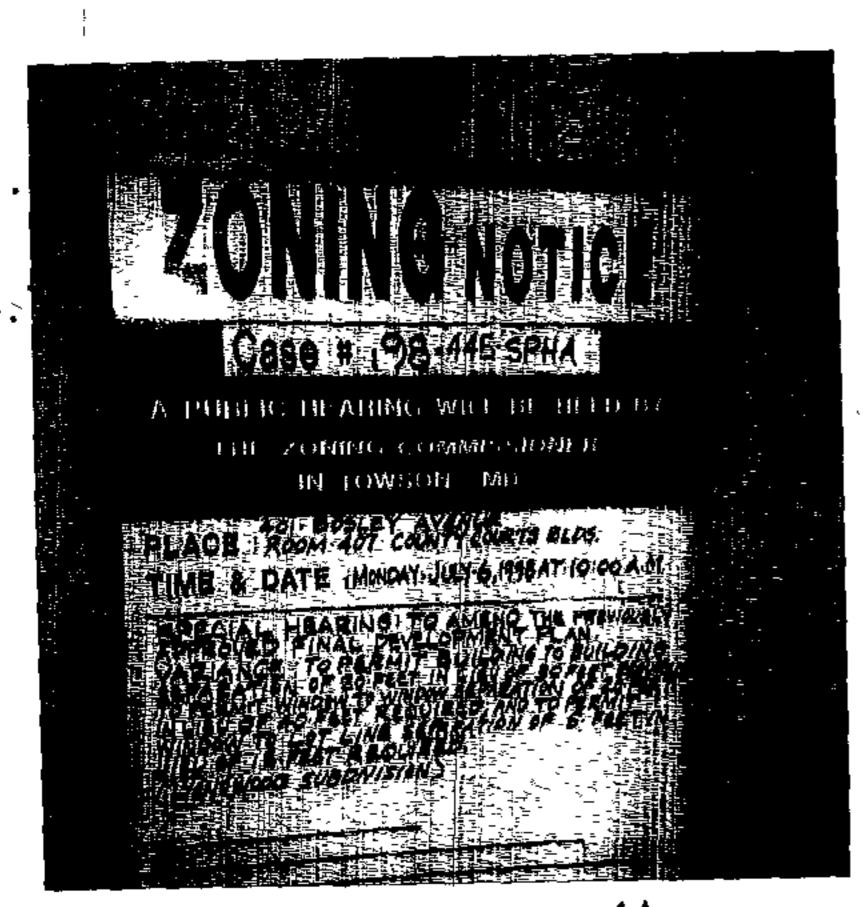
523 PENNY LANE

(Address) HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366 ; CELL. 410.905.8571

(Telephone Number)



BLACKHORSE RUN JOINT VENTURE
P. 6/20/98 H-7/6/98

CY

# CERTIFICATE OF POSTING

Į.	E: Case No.: <u>98-445-5PHA</u>
•	Petitioner/Developer:
	BLACKHORSE RUN V.V.
	Date of Hearing/Closing:
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 perjuster were posted conspicuously on the property located	
The sign(s) were posted on $\frac{3}{\sqrt{35}} \frac{49}{99}$	onth, Day, Year)
	Sincerely,
	Jan (Signature of Sign Poster and Date)
	GARY C. FREUND
	(Printed Name)
•	(Address)
•	(City, State, Zip Code)
	(Telephone Number)

Post-it\* Fax Note Date 7671 TO L. SCHMIDT From P.M.O.KEEFE Co./Dept. ZONING COMM. Ço. Phone #-410-887-4386 Fax 40-887-34-68

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

Attention: Ms. Gwandolyn Stephens

RE: Case No.: 78-445-5PHA

Potitioner/Developer: DINT YENTURE

46 ROBERT HOFFMAN, ESP

Date of Hearing/Closing: 7/6/98

2M. 407 C.C.B.

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 11-SEPARATE LOCATIONS:

#41 B. KENTBURY CT., #5 BRIDGETON CT., #8149 DEVLON CT., #75 B. LANCASTERSHIKE CT.,

The sign(s) were posted on

Ladies and Gentlemen:

#4422 WYNFIELD DRIVET #8, #11 + 12 - WINDERMERE CT.

(Month, Day, Year)

Sincerely.

(Signature of Jign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

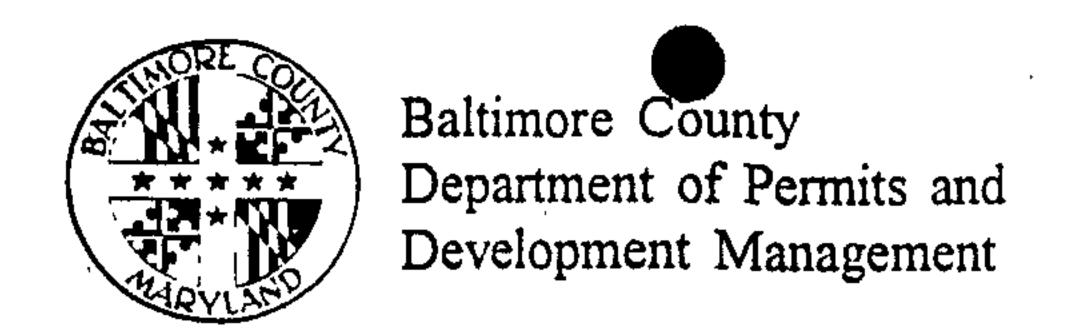
(City, State; Zip Code)

(Telephone Number)

HEARING WILL HE HELD BY IN TOWSON, MD PLACE (MONANT) COURTS BUILDING THE & DATE MANDAY, MAY 6 1996 AT \$14 FOR AN PREUL PERFUG TO AMENO THE PREVIOUSLY APPROVED

LYONISWOOD SUBDIVISION
11. SIGNS POSTED ONSITE

Format for Sign Printing, Black Letters on White Backgrou	ind:
ZONING	NOTICE
Case No.:_9	8.445 SPHA
A PUBLIC HEARING W THE ZONING COM IN TOWSON	IMISSIONER
ACE:	
FOUEST: PETITION FOR WINDS SEPARATION OF 20 OF 40 FT. REQUIRED, & SEC. CMDDV P. 6.15. FOR WINF 5 FT. IN LIEU OF 15 FT. REQUIRED. **	FT: IN LIEU OF 30 FT. REQUIRED; STC. DOW-TO-WINDOW SEPARATION OF 20 FT. IN 501-BOOK FOR WINDOW-TO-LOT LINE SEPAR
Special Hearing to amend the previous of LXPNS WOOD GECT.	isly approved Final Development Plan.
STPONEMENTS DUE TO WEATHER OR OTHER CONI TO CONFIRM HEARING	DITIONS ARE SOMETIMES NECESSARY. G CALL 887-3391.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY	OF HEARING UNDER PENALTY OF LAW
HANDICAPPED A	CCESSIBLE



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

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

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

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

ARNOLD	JABLON, DIRECTOR
For newspaper advertising:	~,
Item No.: 45	
Petitioner: Blackhorse Run Joint Vent	uve
Location: Lynswood Subdivisor	- <u>+</u>
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: Barbara W. Ormord, legal A	essistant
ADDRESS: LAY VERMEIR Dring 210 Allegh	
Towson, led 21204	0
PHONE NUMBER: 410 - 494-6201	<del></del>

AJ:ggs

(Revised 09/24/96)



TO: PATUXENT PUBLISHING COMPANY June 18, 1998 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormord, Legal Assistant

410-494-6201

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: 98-445-SPHA

S/S Lyons Mill Road, 1900' +/- W from centerline Painters Mill Road (Lyonswood Subdivision)

2nd Election District - 3rd Councilmanic District Legal Owner: Blackhorse Run Joint Venture

<u>Special Hearing</u> to amend the previously approved Final Development Plan. <u>Variance</u> to permit building-to-building separation of 20 feet in lieu of 30 feet required; to permit window-to-window separation of 20 feet in lieu of 40 feet required; and to permit window-to-lot line separation of 5 feet in lieu of 15 feet required.

**HEARING**:

Monday, July 6, 1998 at 10:00 a.m. in Room 407, County Courts Building,

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 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

June 8, 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: 98-445-SPHA

S/S Lyons Mill Road, 1900' +/- W from centerline Painters Mill Road (Lyonswood Subdivision)

2nd Election District - 3rd Councilmanic District Legal Owner: Blackhorse Run Joint Venture

Special Hearing to amend the previously approved Final Development Plan. <u>Variance</u> to permit building-to-building separation of 20 feet in lieu of 30 feet required; to permit window-to-window separation of 20 feet in lieu of 40 feet required; and to permit window-to-lot line separation of 5 feet in lieu of 15 feet required.

**HEARING:** 

Monday, July 6, 1998 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon
Director

c: Robert A. Hoffman, Esquire Blackhorse Run Joint Venture Colbert Matz Rosenfelt Inc.

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



#### County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

March 19, 1999

#### NOTICE OF ASSIGNMENT

CASE #: 98-445-SPHA

IN THE MATTER OF: BLACKHORSE RUN JOINT VENTURE Owner/Developer Lyonswood, Sections B & C 4 Kentbury Court, Lot #50 2nd E; 3rd C

(Appeal from 3rd Amended findings of Fact and Conclusions of Law of DZC /Relief granted as to 4 Kentbury Court, Lot #50 only)

#### ASSIGNED FOR:

WEDNESDAY, APRIL 7, 1999 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

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No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

> Kathleen C. Bianco Administrator

Appellant /Protestant CC:

Ricky F. Patterson

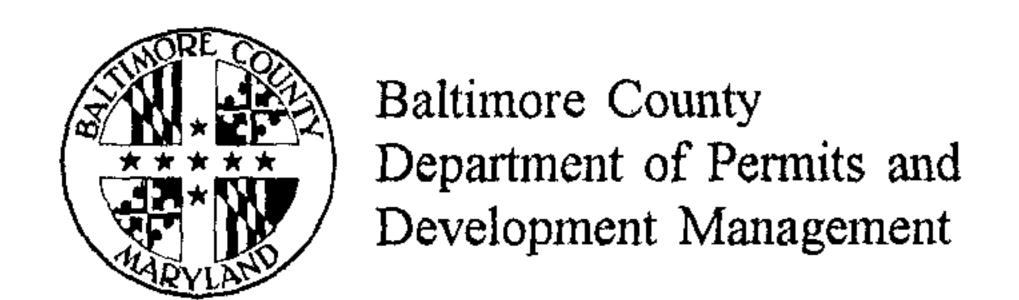
Counsel for Petitioner Petitioner : Robert A. Hoffman, Esquire

Edward Personette, Partner Blackhorse Run Joint Venture

Richard E. Matz, P.E. /Colbert Matz Rosenfelt, Inc. Eugene Clark /E. Clark & Associates

Michael Paul Smith, Esquire

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney



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

June 29, 1998

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

RE: Item No.: 445

Case No.: 98-445-SPHA

Petitioner: Edward Personette

Location: Lyonswood

Subdivision

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 May 20, 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,

W. Carl Richards, Jr. Zoning Supervisor

WCR:ggs

cc: Richard E. Matz, P.E.

Attachment(s)

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

## INTER-OFFICE CORRESPONDENCE

TQ:

POM

FROM:

R. Bruce Seeley.

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

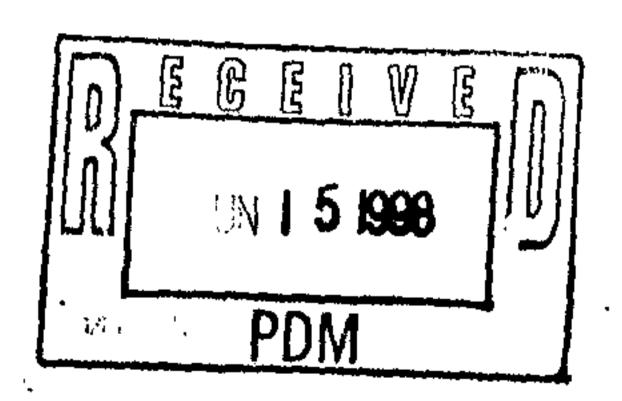
Mesting Date: 1107

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

Item #'s: 44/

RBS:sp

BRUCE2/DEPRM/TXTSBP





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

June 12, 1998

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

RE: Property Owner: BLACKHORSE RUN JOINT VENTURE

Location: DISTRIBUTION MEETING OF JUNE 8, 1998

Item No.:

445

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



#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

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

**DATE**: June 8, 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):

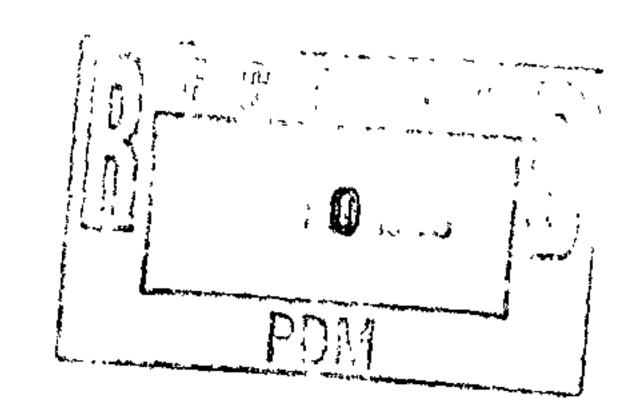
Item Nos. 443, 444, 445, 450, 452, 455, 456, 462, 464, and 465

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:\_\_

Division Chief: (

AFK/JL





Parris N. Glendening Governor David L. Winstead Secretary Parker F. Williams

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County 6.6.5% RE: Item No.

Administrator

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Bredh.

Ronald Burns, Chief

**Engineering Access Permits** 

Division

LG

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: June 23, 1998

Department of Permits & Development

Management

FROM:

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for June 15, 1998

Item Nos. 442, 443, 444, 445, 450, 451, 452, 453, 454, 455, 457, 458,

459, 462, 463, 464, 465

Use Permit for Farmer's Roadside Stand

John D. Barone & Beverlae Barone E/S York Road, 260' S of Sparks Road

(14943 York Road)

16844 Wesley Chapel Road

Case No. 98-381-SPHA

1820 Clearwood Road Case No. 98-438-SPHA

Hereford Plaza

Case No. 97-308-SPHA

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

RWB:HJO:jrb

cc: File

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE	*	BEFORE THE
Lyonswood Subdivision, S/S of Lyons Mill Rd, 1900' +/- W from c/l Painters Mill Rd, 2nd Election	*	ZONING COMMISSIONER
District, 3rd Councilmanic	*	FOR
Legal Owners: Blackhorse Run Joint Venture	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 98-445-SPHA
		alo alo alo alo alo

#### 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 of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

People's Counsel for Baltimore County

Reter May Emmanan

Carole S. Demilio

Deputy People's Counsel

aarle S. Demilio

Old Courthouse, Room 47

400 Washington Avenue

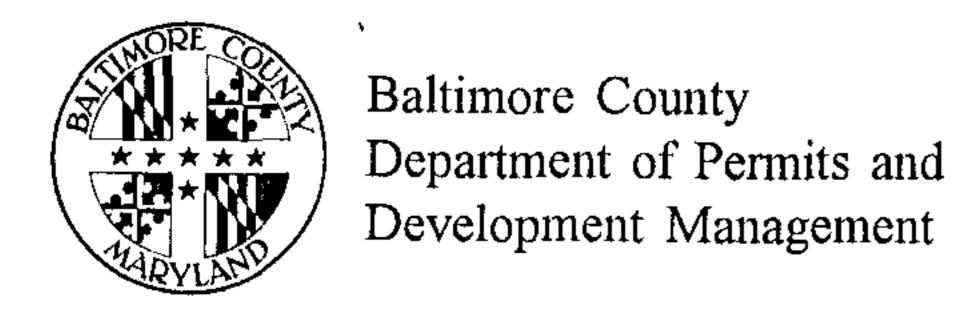
Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

March 9, 1999

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

Dear Mr. Hoffman:

RE: Petition for Variance, Case No.: 99-445-SPHA, 4 Kentbury Court, 2nd Election District:, Blackhorse Run Joint Venture - Petitioner

Please be advised that an appeal of the above referenced case was filed in this office on March 5, 1999 by Mr. Ricky F. Patterson. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

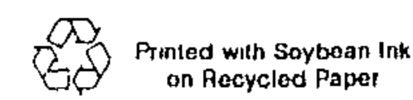
Arnold Jablon Director

AJ:cjs

c: People's Counsel

Mr. Edward A. Personette, Jr., 801 Stone Barn Road, Towson, Maryland 21204 Mr. Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835-G Smith Avenue, Baltimore Maryland 21209

Michael Paul Smith, Esquire, Bodie, Nagle, Dolina, Smith & Hobbs, 143 Main Street, Reisterstown, MD 21136



Petition for Variance and Special Hearing W/S Wynfield Drive, 163' S of c/l of Lyons Mill Road (Lyonswood, Sections B & C - 4 Kentbury Court, Lot #50) 2nd Election District - 3rd Councilmanic District Blackhorse Run Joint Venture - Owner - Petitioner Case Number: 98-445-SPHA

Petition for Variance and Special Hearing

Description of Property

Certificate of Posting (Capy replaced whom gind From PPM 3/15/99)

Certification of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheet

Letter from Graylin E. Smith to Lawrence E. Schmidt dated July 1, 1998

Letter from John Falin, Major to Zoning Commission dated August 27, 1998

Letter from Ernestine Durham to Ed Personnette dated September 10, 1998

Letter from Robert A. Hoffman, Esquire to Timothy M. Kotroco dated November 10, 1998

Letter from Michael Paul Smith, Esquire to Peter DeLoge dated January 8, 1999

Letter from Michael Paul Smith, Esquire to Peter DeLoge dated January 15, 1999

Findings of Fact and Conclusions of Law from Deputy Zoning Commissioner dated November 9, 1999

Amended Findings of Fact and Conclusions of Law from Deputy Zoning Commissioner dated November 21, 1998

√2nd Amended Findings of Fact and Conclusions of Law from Deputy Zoning Commissioner dated December 17, 1998

Motion for Reconsideration submitted by Robert A. Hoffman dated January 14, 1999

Motion to Strike Petitioner's Motion for Reconsideration submitted by Michael Paul Smith, Esquire dated January 15, 1999

Respondent Withdrawal of the Motion to Strike Petitioner's Motion for Reconsideration submitted by Michael Paul Smith, Esquire dated February 5, 1998 (Granted in Part, Dismissed as Moot in part)

√3rd Amended Findings of Fact and Conclusions of Law from Deputy Zoning Commissioner dated February 10, 1999

✓ Notice of Appeal for 4 Kentbury Court ONLY received on March 5, 1999 from Mr. Ricky F. Patterson

c: People's Counsel of Baltimore County, MS #2010 Timothy Kotroco, Deputy Zoning Commissioner Arnold Jablon, Director of PDM

Mr. Edward A. Personette, Jr., 801 Stone Barn Road, Towson, Maryland 21204 Mr. Richard E. Matz, P. E., Colbert Matz Rosenfelt, Inc. 2835-G Smith Avenue Baltimore, Maryland 21209

Michael Paul Smith, Esquire, Bodie, Nagle, Dolina, Smith & Hobbs, 143 Main Street, Reisterstown, MD 21136

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

Ricky F. Patterson, 6 Kentbury Court, Owings Mills, MD 21117

Mr. Eugene Clark, E. Clark & Associates, 5602 Key Avenue, Baltimore, MD 21215-4019 FAX 410-578-0761; Phone 410-578-9852

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VE

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 15, 2000

Permits & Development Management

FROM:

Charlotte E. Radcliffe County Board of Appeals

SUBJECT: Closed Files /Case Nos.:

98-468-SPHXA /Abraham P. Korotki

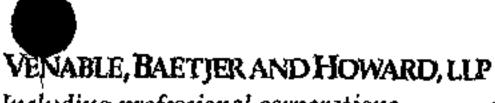
99-72-A /Joseph F. Evering, Jr. & Alban Tractor Co.

98-490-A /Patrick Lynch, et ux

98-445-SPHA /Blackhorse Run Jt. Venture

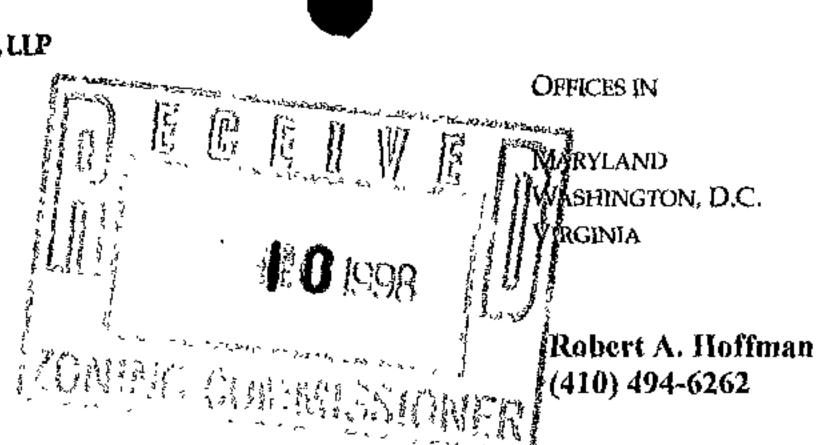
Since no appeals were taken from the Board's Orders in the above captioned cases, we are hereby closing the files and returning same to you herewith.

Attachment (Nos. 98-468-SPHXA; 99-72-A; 98-490-A & 98-445-SPHA)



Including professional corporations

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com





November 10, 1998

HAND-DELIVERED

Timothy M. Kotroco, Deputy Zoning Commissioner for Baltimore County Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Re: <u>Petiti</u>

Petition for Variance/Special Hearing

Lyonswood Subdivision (Sections B and C)

Case No: 98-445-SPHA

Petitioner: Edward Personette

Dear Mr. Kotroco:

With regard to the above-referenced matter, I am writing to confirm that my client, Edward Personette, has reached an agreement with the Lyonswood Homeowners Association on the building to building separation variance for some of the lots. The substance of this agreement was outlined in a letter, dated September 16, 1998, to Mr. Personette from Ernestine Durham. I believe you received a copy of this letter.

In Ms. Durham's letter, the agreement on the particular lots in question was stated in terms of "house width." For instance, for Lot 31 of Windermere Court, the parties agreed that a house width of 50 feet in lieu of the permitted 35 feet would be permitted. For your convenience, we have converted these "house widths" to the appropriate building to building separation distances.

#### Windermere Court:

Lot 31 (#8): Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 26 feet (left side of lot) and 20 feet (right side of lot) in lieu of the required 30 feet.



Timothy M. Kotroco November 10, 1998 Page 2

#### Devlon Court:

Lot 50 (#8): Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 24 feet (right side of lot only) in lieu of the required 30 feet.

#### Wynfield Drive:

Lot 2 (#4422): Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 27 feet (both sides of lot) in lieu of the required 30 feet.

#### Lancashire Court:

Lot 74 (#7): Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 25 feet (left side of lot) and 22 feet (right side of lot) in lieu of the required 30 feet.

#### Lancashire Court:

Lot 82 (#8): Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 22 feet (right side of lot only) in lieu of the required 30 feet.

#### Bridgeton Court:

Lot 58 (#5): Variance from Sections 1B01.2.C.1 and 504 of the Baltimore County Zoning Regulations and Section V.B.3 of the Comprehensive Manual of Development Policies for building to building separation of 17 feet (left side of lot) and 21 feet (right side of lot) in lieu of the required 30 feet.



Timothy M. Kotroco November 10, 1998 Page 3

For each of the lots listed above, Mr. Personette has also requested a variance from Sections 1B01.2.C.2.B and 504 of the Baltimore County Zoning Regulations and Section V.B.6.C of the Comprehensive Manual Development Policies for window to window separations of 20 feet in lieu of the required 40 feet and a variance from Section 504 of the Baltimore County Zoning Regulations and Section V.B.6.B of the Comprehensive Manual Development Policies for window to lot line separations of 5 feet in lieu of the required 15 feet. The agreement with the Lyonswood Homeowners Association does not alter this request.

With regard to Lot 33 (#12), Windmere Court, and Lot 35 (#11), Windmere Court, no agreement could be reached. Also, Lot 50 (#4), Kentbury Court, Lot 52 (#8), Kentbury Court, and Lot 61 (#6), Devlon Court, have been sold. On behalf of Mr. Personette, I would like to withdraw the requests for variance and special hearing for these five lots.

If you have any questions regarding this matter or need any further information, please feel free to give me a call.

Yours truly,

Robert A. Hoffman

RAH/pam

cc:

Mr. Edward J. Personette, Jr.

Ms. Ernestine Durham

TO1DOCS1/PAM01/0072234.01

PAUL A. RADER General



JOHN BUSBY
Territorial Commander

#### FOUNDED IN 1865 BY WILLIAM BOOTH

DIVISIONAL HEADQUARTERS FOR MARYLAND AND WEST VIRGINIA

814 LIGHT STREET BALTIMORE, MARYLAND 21230 FAX (410) 539-7744

MAJOR JOHN FALIN
Divisional Commander

TELEPHONE (410) 347-9944

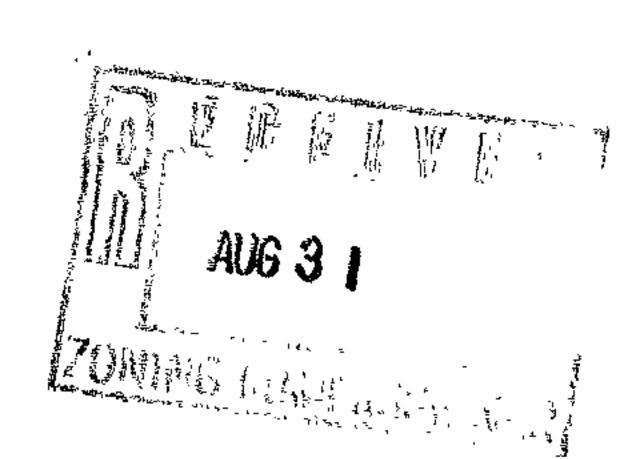
August 27, 1998

Zoning Commission 401 Bosley Avenue, Room 407 County Court Building Towson, MD 21204

RE:

98-445SPHA

9 Devlon Court, Lot 8 Lyonswood Community Owings Mills, MD 21117



#### Dear Zoning Commission:

On Monday, July 6th at 10:00 a.m. we met in your hearing room to discuss the request for exemption on a series of lots in the Lyonswood Community. During the course of that two hour meeting, Mr. Ed Personette told us time and time again he did not want to do anything which would devalue our properties. That was the reason he was asking for an exemption to put a larger home on a variety of lots in order to preserve the value of current home owner properties.

You may recall the two neighbors on either side of 9 Devlon Court, in this case 7 and 11, had no argument with putting up a home. It was never our argument. We were only concerned with three issues:

- 1. Value of our home
- 2. Water retention on the lot
- 3. Privacy

We were told that if they put up an 1800 square foot home the value of our properties would decline. Therefore, he was asking for an exemption to put up, in our case, a 2940 square foot home which would draw the house closer to the property line, but overall keep the value of our houses in balance.

Much to our surprise following a week's vacation, we come and find that a foundation has been laid and when we queried a variety of individuals, starting with Ryan Homes, the contractors, EPA, Code Enforcement and your office, we were led to believe that no permit had been issued for any structure, let alone an 1800 square foot facility.

I am well aware that the terminology, "buyer beware" is part and parcel when buying a home. However, while in your courtroom one got the distinct impression that you were just as concerned about our property values as we were. I believe we were all misled and lulled into a sense of complacency and that in response to this hearing, Ed Personette decided to construct those homes as a matter of spite and an attitude of, "I'll show you."

Too late to do anything? Probably. But I can tell you it is not fair and the value of our home is significantly less than when we made the purchase, only eight months ago.

Do we have any recourse? Is he simply going to get away with this? Am I wasting my time with phone calls and letter writing?

Thank you so much for you help, God bless you.

Sincerely,

John Falin, Major

Divisional Commander

JF:mrw

Thomas G. Bodie

John J. Nagle, III \*

Thomas J. Dolina

Chester H. Hobbs, IV \*

Michael Paul Smith

Michael G. DeHaven

Jason C. Hess

Of Counsel:
Wallace Dann
David L. Thurston
Kelly A. Koermer
Michael F. Fenton \*\*

Cynthia L. Maskol

\* Also Admitted in DC

\*\* Admitted in PA Only

BODIE, NAGLE, DOLINA,

SMITH & HOBBS

A PROFESSIONAL ASSOCIATION ATTORNEYS AT LAW

143 Main Street
Reisterstown, MD 21136
(410) 833-1221
Fax: (410) 833-0026

Web Site: http://www.bodienagle.com

B-Mail: bodienagie.com

Martin J. Smith

(1938-1992)

Arthur Eby, Jr. (Retired)

Towson Office:

21 West Susquehanna Avenue Towson, MD 21204-5279

Fax: (410) 823-1250 Fax: (410) 296-0432

Harford County Office:

112 W. Pennsylvania Ave., Suite 103

Bel Air, MD 21014

(410) 836-8943 Fax: (410) 893-9701

Fax:

January 15, 1999

Peter DeLoge Ryan Homes 11460 Cronridge Drive, Suite 128 Owings Mills, Maryland 21117

RE: Lot 50 of Kentberry Court

Dear Mr. DeLoge:

In accordance with our conversation of January 14, 1999, it is my understanding that the developer, its engineer, and the attorney have confirmed that the variance request for Lot 50 of Kentberry Court was withdrawn. It is further my understanding that unless and until the matter is corrected, no additional development of this lot will occur. The only exception to the foregoing as I understand it is that there will be some efforts to clean up the lot and make sure that there is not any inappropriate runoff. Thank you for your cooperation to date. If another position is being taken, please contact me immediately.

If you have any questions, please do not hesitate to communicate with me.

Michael Paul Smith

MPS/cd

cc: James I. Cobb

Zoning Commissioner's Office Robert A. Hoffman, Esquire BODIE, NAGLE, DOLINA,

SMITH & HOBBS

A PROFESSIONAL ASSOCIATION ATTORNEYS AT LAW

> 143 Main Street Reisterstown, MD 21136 (410) 833-1221 Fax: (410) 833-0026

Web Site: http://www.bodienagle.com

E-Mail: bodienagle.com

January 8, 1999

Martin J. Smith (1938-1992)

Arthur Eby, Jt.

(Retired)

Towson Office:

(410) 296-0432

'21 West Susquehanna Avenue Towson, MD 21204-5279 (410) 823-1250

Harford County Office:

112 W. Pennsylvania Avc., Suite 103

Bel Air, MD 21014 (410) 836-8943

Fax: (410) 893-9701

Of Counsel: Wallace Dann David L. Thurston Kelly A. Koermer Michael F. Fenton \*\*

Thomas G. Bodie

Thomas J. Dolina

John J. Nagle, III \*

Michael Paul Smith

Cynthia L. Maskol

Jason C. Hess

Michael G. DeHaven

Chester H. Hobbs, IV \*

\* Also Admitted in DC

\*\* Admitted in PA Only

Peter DeLoge Ryan Homes 11460 Cronridge Drive, Suite 128 Owings Mills, Maryland 21117

Lot 50 of Kentberry Court RE:

Dear Mr. DeLoge:

In accordance with our conversation of January 7, 1999, I represent James I. Cobb of Lot 49 of Kentberry Court. Mr. Cobb has hired me to investigate the applicability of any zoning regulations on the development of Lot 50. As I have seen, the block foundation has been laid on Lot 50. Your engineer was kind enough to forward the recent zoning decisions relative to this property. It appears that the variance request for Lot 50 of Kentberry Court was withdrawn and there is not a variance with respect to same. As such, I think the current development of Lot 50 would not be in keeping with the applicable zoning provisions. Keep in mind my investigation is ongoing. I hope to have it wrapped up within the next two business days. In order to avoid any additional risk to yourselves and to give me an opportunity to clear these matters, I request that you cease and desist construction until two business days have expired. Your cooperation in this regard would be greatly appreciated.

If you have any questions, please to not hesitate to dontact me.

MPS/cd

cc: James I. Cobb

Zoning Commissioner's Office

## BODIE, NAGLE, DOLINA, SMITH & HOBBS

A PROPESSIONAL ASSOCIATION ATTORNEYS AT LAW

143 Main Street

Reinterstown, MD 21136

(410) 833-1221

Pax; (410) 833-0026

Web Site: http://www.bodisnagle.com R-Mail: bodienagle.com Martin J. Smith (1938-1992)

C. Arthur Eby, Ir. (Ketired)

Towach Office: 21 West Susquehamma Avenue Towach, MD 21204-5279 (410) 823-1250 Fax: (410) 296-0432

Harford County Office: 112 W. Pennsylvania Ave., Svite 103 Bel Air, MD 21014 (410) 836-8943 Fax: (410) 893-9701

\* Also Admitted in DC
\*\* Admitted in PA Only

Thomas (). Bodie

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Michael Paul Smith

Michael G. Dellaven

Collect C. Hallores

Cynthia L. Maskol

David L. Thurston

Kelly A. Koumer

Michael F. Penton \*\*

Of Councils

Wallace Dema

Chance H. Hobbs, IV "

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If there are any problems with the transmission, please call (410) 833-1221 as soon as possible.

Page 2/4

P. 002/003

#### SETTLEMENT AGREEMENT

- I, James I. Cobb, execute this Settlement Agreement, in consideration of Five Thousand Five Hundred Dollars (\$5,500.00) and agree, as follows:
- 1. I hereby agree not to directly or indirectly, or through any surrogates, affiliates or any related party, object, oppose, or otherwise interfere with the development and/or construction of the proposed house in its present location on Lot 50 (#4) of Kentbury Court, including, but not limited to, any hearings, appeals, or any other action before or involving any governmental, administrative, or judicial body, at any level.
- 2. I agree to instruct my attorney, Michael Paul Smith, to withdraw the Motion to Strike filed in Case No. 98-445-SPHA on my behalf and to permit the Deputy Zoning Commissioner to rule on the Motion For Reconsideration without inference by the and to permit the zoning relief requested by Petitioner to be restored for Lot 50 (#4) of Kentbury Court.
- 3. With regard to the Five Thousand Five Hundred Dollars (\$5,500,00) being paid by Petitioner Blackhorse Run Joint Venture, I agreed: (i) that Five Hundred Dollars will be released immediately to Michael Paul Smith for payment of attorney's fees owed to him by me on this matter; and (ii) that the remaining Five Thousand Dollars (\$5,000.00) will be held by Mr. Smith and will be released to me if and when a final determination has been made, either in Case No. 98-445-SPHA or in any other case, that all requested relief for development and construction of the house in its present location is granted.

(SEAL)

In the event Petitioner is not able to achieve a final determination 4, that all requested relief is granted, I agree that Mr. Smith will return the Five Thousand Dollars (\$5,000.00) to Robert A. Hoffman for return to his client, Blackhorse Run Joint Venture.

Accordingly, this SETTLEMENT AGREEMENT is now signed, under seal, on

this \_\_\_\_\_\_day of\_

IN RE:

PETITIONS FOR SPECIAL HEARING

AND VARIANCE - W/S Wynfield Drive

163' S of c/l of Lyons Mill Road (Lyonswood, Sections B & C)

2nd Election District

3rd Councilmanic District

Blackhorse Run Joint Venture

Petitioner

\* BEFORE THE

DEPUTY ZONING

\* COMMISSIONER OF

\* BALTIMORE COUNTY

\* Case No. 98-445-SPHA

### RESPONDENT WITHDRAWAL OF THE MOTION TO STRIKE PETITIONER'S MOTION FOR RECONSIDERATION

James 1. Cobb, Respondent, by his attorney Michael Paul Smith and Bodie, Nagle, Dolina,

Smith & Hobbs, P.A., requests that the Respondent's Motion to Strike Petitioner's Motion for

Reconsideration be withdrawn.

Respectfully submitted,

Michael Paul Smith
Bodie, Nagle, Dolina,
Smith & Hobbs, P.A.
143 Main Street
Reisterstown, MD 21136
(410) 833-1221

Attorney for James I. Cobb

CERTIFICATE OF SERVICE

of the aforegoing Motion to Strike Petitioner's Motion for Reconsideration was mailed by first class mail, postage prepaid to: Robert A. Hoffman, Esq., 210 Allegheny Avenue, P.O. Box 5517, Towson, Maryland, 21285, Attorney for Blackhorse Run Joint Venture, Petitioner, and Ernestine Durham, Lyonswood Homeowners Association, 4225 Wynfield Drive, Owings Mills, Maryland, 21117.

Michael Paul Smith, Esquire

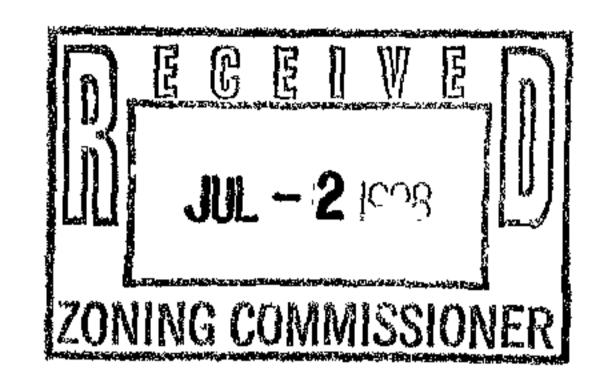
Zoning Commissioner) owings Mills Mal 2117 This Letter establishes the request on 3/5/99 for an appeal of the Variance quanted to 4 Kenthary in Case # 98-445-5PHA. The granting of this Variance Will, in My openion, vegatively empaix the Value of My peoperty at 6 Kenthury Court addutionally, I Wouldlike to be Made aware of the "Unique" issues Which Hate This Property elligible for the Variance. The Scheduling of a formal affect Would be qually appleaded Sucht Satten. Rick J. F. PATTERSon Ow nen 6 Kent hur y Court owings Hills Hll The Fifth of Harch, 1999

6 Devion Court
Owings Mills, Maryland 21117
July 1, 1998

Lawrence E. Schmidt Zoning Commissioner Baltimore County Government 401 Bosley Avenue Towson, Maryland 21204

Re: Case 98445-5PHA

Dear Mr. Schmidt:



This letter is in response to the hearing scheduled for July 6. 1998 related to revising the development planfor the Lyonswood community in Owings Mills (realots at 8 and 9 Devlon Court)

I live at 6 Devion Court and oppose all three of the changes proposed. As I live next door to one of the lots effected. I would be one of four families directly affected by the changes. Because of the small size of the lots in the Lyonswood development, these changes will negatively effect the attractiveness and value of the houses adjacent to these two lots. I have a large window on the side of my house and if the restrictions are reduced to 40 feet between houses and only 5 feet from the property line, I would lose my privacy.

I oppose these three changes as they will negatively affect the community and there is no compelling reason to make these changes. When the Lyonswood community was formed and these two lots were subdivided, it was known that these restrictions would be on those lots and thus the type homes that were planned for these lots. There is no reason to change this plan.

The current restrictions have served this community well, and, since the community is nearly complete. I feel it is not necessary to alter the present restrictions. Also, I believe that the views of the four families most effected by these changes should be given the most consideration.

I would like to testify against these proposed changes at the meeting scheduled for July 6, 1998, however, I will be in San Francisco on business from June 26 to July 11, 1998. I was only made aware of this meeting on Saturday, June 19, 1998 and am requesting a delay on the hearing of this meeting until a later date. I feel this request is reasonable since, as I stated previously, mine is one of the four houses directly effected.

Please send any correspondence regarding this matter to me at my work address below and it will be forwarded to me. I will not receive mail at my home until I return.

Graylin E. Smith
Arthur Andersen. (LP
120 Bast Baltiman: Secon
Baltimore, Maryland 21202
(410) 234-3815

Thank you very much for your attention to this matter and your reply to my request for a delay in the hearing.

Very truly yours,

Graylin E. Smith Homeowner

urgent facsimile

To:

Mr. Lawrence E. Schmidt

Company:

Fax Number:

+1 (410) 8873468

**Business Phone:** 

From:

**Arthur Andersen** 

Fax Number:

+1 (410) 410 234 3853

Business Phone:

Home Phone:

Pages:

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Date/Time:

7/2/98 11:51:57 AM

Subject:

Case 98 45 5PHA



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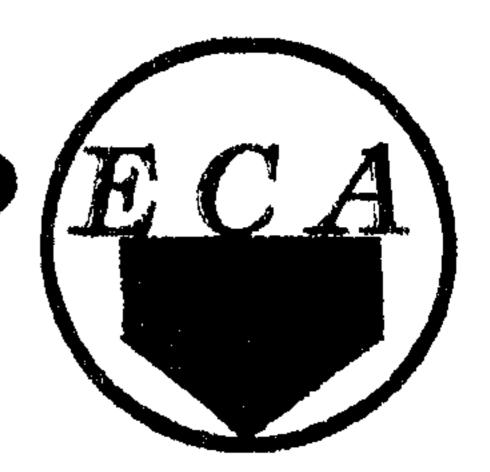
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#### E. CLARK & ASSOCIATES

5602 KEY AVENUE BALTIMORE, MD 21215-4019 (410) 578-9352 FAX: (410) 578-0761



March 18, 1999

Fax to: 410-887-3182

Baltimore County Board of Appeals Chuck Marks, Chairman Kathleen Bianco, Legal Administrator 400 Washington Avenue, Room 49 Towson, Maryland 21204

Re:

Lyonswood Community • Owings Mills

Lot 50, Block B • 4 Kentbury Court

Case No.: 98-445-SPHA

Dear Mr. Marks & Ms. Bianco:

I was advised by Mr. Timothy M. Kotroco, Deputy Zoning Commissioner on March 18, 1999 that the referenced matter has been forwarded to your office for final resolution. I am requesting that this matter be placed at the top of your docket so, that a final resolution can be had within the next two weeks. The reason for this extraordinary request is as follows.

The issue with regards to this variance request in the Lyonswood Community and specifically Lot 50, Block B, or 4 Kentbury Court has been ongoing since July 1998. The -Community Association approved the variance in September 1998. Mr. Kotroco approved the variance by his November 9, 1998 Order. The 30 day appeal period expired on December 10, 1998. The builder began laying the foundation around December 23, 1998. By the time the foundation was completed, a few weeks later, another adjoining property owner filed an exception to the variance, stating that it was technically deficient. This matter was apparently worked out between the attorneys' and Mr. Kotroco issued another ruling, again granting the variance on February 10, 1999. Prior to the expiration of the second thirty day appeal period, the other adjoining property owner, Ricky F. Patterson filed the instant appeal that is before you. Throughout the past sixty days, no construction has taken place. The house, on the referenced lot, which I have contracted to be built was scheduled for completion by the end of this month. Because of January appeal, I had already agreed to a new delivery date of late May 1999.

The appeal before you has placed all parties to the contract in an untenable position. I have remained at my current residence since selling my home on June 1, 1998, with the

E. CLARK & ASSOCIATES

5780761

Letter to: Baltimore County Board of Appeals . March 18, 1999

expectation at the time that I would be moved by December 1998. I have obtained three lengthy extension from the new owner, however, I have promised to be out by June 1999. Since, I run a home based consulting business, it is difficult move into an apartment for an indeterminate period, and, such a limbo status will do irreparable harm to my business and earnings.

I have spoke with Mr. Kevin Kerwin, Vice President of Ryan Homes, the builder, and he advises that their attorney met with Mr. Patterson, the instant complainant, to determine what his reasons were for his appeal, and what he wanted in order to withdraw the same so that construction could proceed. Mr. Kerwin, advises that Mr. Patterson wanted money. In most situations, where there is a frivolous complaint, and money is the reason for pursing the same, it is construed to be extortion. I am confident that the Appeals Board will want to expeditiously hear this case, and ensure that Mr. Patterson's wanton act does not irreparably injure either the developer, Ryan Homes, myself or others.

Please advise upon receipt of this fax letter with regards to the earliest day that you can plug this case into the Board's schedule. I dare say that with the order and appeal record that is before you, that this matter should take no more than 15 minutes.

Please telephone and fax me your response.

Sincerely,

Eugene Clark



#### County Board of Appeals of Baltimore County

#### OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FACSIMILE COVER PAGE

**DATE:** March 23, 1999

TO: Rob Hoffman /VENABLE FAX #: 410-821-0147

TELEPHONE #:

FROM: Kathi

FAX NUMBER: 410-887-3182

TELEPHONE: 410-887-3180

TOTAL # OF PAGES (including this page): three (3)

ORIGINAL BY MAIL: Yes \_\_\_\_ No \_X\_\_

Rob--

Attached for your information is a copy of the letter we received from Mr. Clark regarding Case No. 98-445-SPHA.

Call me if you have any questions.

kathi

WARNING: Unauthorized interception of this telephonic communication could be a violation of Maryland and Federal Law.

The documents accompanying this FAX contain information belonging to the sender. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or have received this facsimile copy in error, please immediately notify us by telephone to arrange for return of the original documents to us.



To: Whom It May Concern (Zoning Commissioner) From: BICKY & Camille PATTERSON & Kenthury Court OWINGS Mills MC 2117

Subject: Case # 98-445-SPHA Variance for 4 Kenthary Court (Lot #50)

This Letter establishes the request on 3/5/99 for an affect of the Variance granted to 4 Kentbury in Case # 98-445-5/HA.

The granting of this Variance Will, in My openion, vegatively emfait the Value of My Property ax & Kentbury Court. aclationally, I Wouldlike to be Made aware of the "Unique" issues Which Hake this property elligible for the Variance. The Acheluling of a formal affect Would be greatly applemated

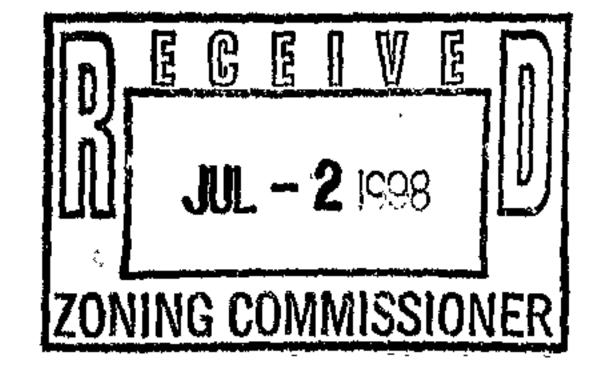
Sicht fatt Ricky F. PATTERSON OWNER & Kentbury Court owings Hills HU The Lighth of Harch, 1999

6 Devlon Court Owings Mills, Maryland 21117 July 1, 1998

Lawrence E. Schmidt Zoning Commssioner Baltimore County Government 401 Bosley Avenue Towson, Maryland 21204

Re: Casc 98445-5PHA

Dear Mr. Schmidt:



This letter is in response to the hearing scheduled for July 6, 1998 related to revising the development plantor the Lyonswood community in Owings Mills (re: lots at 8 and 9 Devion Court)

I live at 6 Devion Court and oppose all three of the changes proposed. As I live next door to one of the lots effected. I would be one of four families directly affected by the changes. Because of the small size of the lots in the Lyonswood development, these changes will negatively effect the attractiveness and value of the houses adjacent to these two lots. I have a large window on the side of my house and if the restrictions are reduced to 40 feet between houses and only 5 feet from the property line, I would lose my privacy.

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Please send any correspondence regarding this matter to me at my work address below and it will be forwarded to me. I will not receive mail at my home until I return.

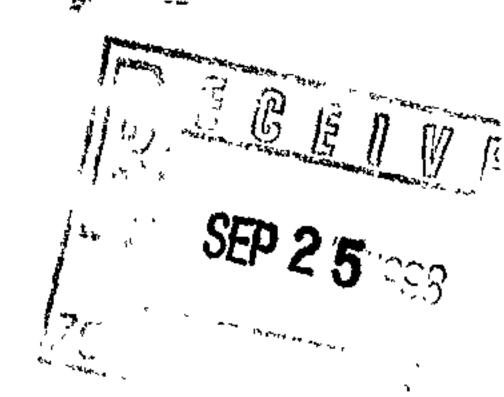
Graylin E, Smith Arthur Andersen LLP 120 Bast Baltin ere Street Baltimore, Maryland 21202 (410) 234-3815

Thank you very much for your attention to this matter and your reply to my request for a delay in the hearing.

Very truly yours.

Graylin E. Smith Homeowner

Lyonswood HOA 4225 Wynfield Drive Owings Mills, MD 21117 September 10, 1998



Mr. Ed Personnette c/o Steve Rosen 3722 Birchmere Owings Mills, MD 21117

Dear Mr. Personnette,

Based on our discussions and the staking of most of the lots under discussion, I recontacted the residents involved in the zoning issue and the community's position is as outlined below. Since I will be out of town from September 11-18, 1998 and would like to see this issue resolved, I thought I would commit our position to writing. In doing so, if our position is not acceptable and you wish to pursue you have documentation for Judge Kotroco.

#### Windermere Court:

Lot 31 (#8) Current 35 Proposed 50 Agree. Lot 33 (#12) Current 30 Disagree. Proposed 50 Lot 35 (#11) Current 30 Proposed 45 Disagree.

#### **Devlon Court:**

Lot 50 (#8) Proposed 50 Agree to 44, please center house on lot. Current 40

Current 30X30 Lot 61 (#6)

Proposed 40X35 Sold

#### Wynfield Drive:

Lot 2 (#4422) Current 50 Proposed 70 Agree to at least 55, but would like to see staked first. (Was not Staked)

#### Lancashire Court:

Lot 74 (#7) Proposed 70 Current 40 Agree Lot 82 (#8) Proposed 60 Agree to 50 Current 40

#### Kentbury Court:

Sold, Anorove Proposed 50-55 Lot 50 (#4) Current 40 Proposed 55 Agree to at least 45, would like to see staked first. Lot 52 (#8) Current 40

(Sold)

#### Bridgeton Court:

Proposed 45 Agree. Lot 58 (#5) Current 30

Some residents after seeing the lots staked felt that a larger house would just be to close.

C) III TUCKO O If you have questions, please give me a call at (410) 998-9579. I will be checking my voice mail, so if I'm not available leave a message and I will get back to you.

Enestine Durham

cc: Judge Jim Kotroco

Lyonswood HOA 4225 Wynfield Drive Owings Mills, MD 21117 August 14, 1998

Mr. Ed Personnette c/o Steve Rosen 3722 Birchmere Owings Mills, MD 21117

Dear Mr. Personnette,

Judge Kotroco requested that we get back to him quickly regarding the zoning variances and our efforts to get together have been delayed by your need to meet with your engineers and the builders. For the next few weeks I will be in and out of town due to business and vacation travel, therefore I decided to drop you a note regarding the community's position on the request.

#### Windermere Court:

Lot 31 (#8)	Current 35	Proposed 50	Tentatively agree, would like to see staked first.
Lot 33 (#12)			Tentatively agree, would like to see staked first.
Lot 35 (#11)			Tentatively agree, would like to see staked first.

#### Devlon Court:

Lot 50 (#8) Current 30X30 Proposed 40X35 Agree

Lot 61 (#6) Current 40 Proposed 50 Agree to at least 45, but would like to see staked first.

#### Wynfield Drive:

Lot 2 (#4422) Current 50 Proposed 70 Agree to at least 55, but would like to see staked first.

#### Lancashire Court:

Lot 74 (#7) Current 40 Proposed 70 Agree

Lot 82 (#8) Current 40 Proposed 60 Agree to at least 50, would like to see staked first.

#### Kentbury Court:

Lot 50 (#4) Current 40 Proposed 50-55 Agree to at least 45, would like to see staked first.

#### Bridgeton Court:

Lot 58 (#5) Current 30 Proposed 45 Agree.

AIG I Q

In many instances it was difficult for us to visualize a house of the size requested on the lots. A walk through and staking, at least the four corners of the house, of each lot would be very helpful and could result in agreements to the requested variances.

Looking forward to working with you to resolve this issue to the mutual satisfaction of everyone. Please give me a call at (410) 998-9579. I will be checking my voice mail, so if I'm not available leave a message and I will get back to you.

cc: Judge Jim Kotroco

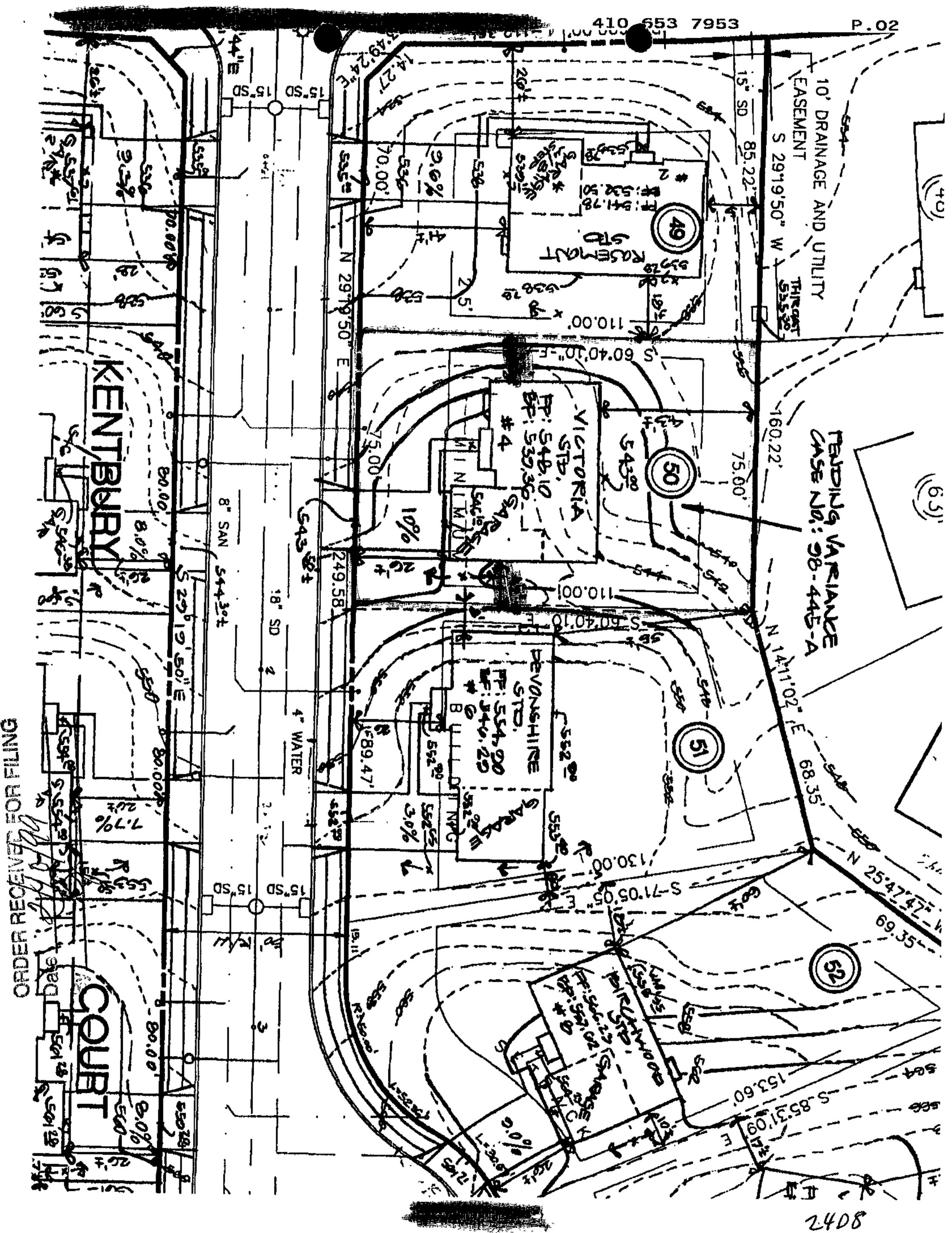
#### PROTESTANT(S) SIGN-IN SHEET


NAME	ADDRESS
ERIC R. KING	GBRIDGETON CT. OWINGS MILLS MD 21117
Engene/fills	4420 WyVFreld 2111
GERAND BUSSIE	14 WINDERMENE CT 2-111
Evene FRAZIER	9 aundonve Gr 21117
Alo. S Revo	11 Devlow Ct. 21117
JOHN FALIN	7 DOVCON GT 21117
MAURIZIO CENCIARElli	10 Devlow Ct 21117
Raft Woodus	5 Windermere Ct. 21117
Jeff Wisc	10 Kent Dary Ct 21117
ELAWE Wise	10 16ENTBURY CT Z117
RICKY PATTERSON	6 Kentbury Ct 2M7
CAmille PATTERSON	6 Kentbury ct 2007
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
#### PLEASE PRINT CLEARLY

#### PETITIONER(S) SIGN-IN SHEET

Rob HOTTE EN PERSONETTE RICHARD E. MATE	ADDRESS  Develops  Develops  2835 SMITH AVE, SUITE 6 2120







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Subsequent to the issuance of the first Amended Order, a Second Amended Order was issued on December 17, 1998 to clarify the relief granted for Lot 50 (8 Devlon Court, and Lot 2 (4422 Wynfield Drive).

Thereafter, a letter was received from Michael Paul Smith, Esquire, who had been hired by James I. Cobb, owner of Lot 49 of Kentbury Court, to investigate the applicability of any zoning regulations on the development of adjacent Lot 50 on Kentbury Court. Subsequently, on January 14, 1999, Counsel for the Petitioners filed a Motion for Reconsideration requesting relief for this particular lot and an amendment to the Second Amended Order to include the variance requested for this lot. Apparently, during the course of prior amendments to the relief being requested and granted for the numerous lots in this subdivision, some of which have duplicate lot numbers, but different street addresses, the variance relief originally sought for this particular Lot 50, also known as 4 Kentbury Court, was inadvertently withdrawn. However, a building permit was issued for this lot and the foundation for the proposed dwelling was subsequently laid. This prompted Mr. Cobb, adjoining owner of Lot 49 of Kentbury Court, to hire an attorney (Mr. Smith) to investigate the matter.

Since the filing of the Motion for Reconsideration, the Petitioners have had an opportunity to meet with Mr. Cobb to address his concerns and a settlement agreement has been reached between the parties to resolve their differences. By virtue of this settlement agreement, dated February 4, 1999, Mr. Cobb has withdrawn his opposition to the request for variance for Lot 50 at 4 Kentbury Court. Thus, in consideration of the agreement reached between the parties, and given the fact that the variance request for Lot 50 at 4 Kentbury Court was originally granted, the Motion for Reconsideration shall be granted, and an amended Order issued.

NOW, THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of February, 1999 that the Second Amended Order issued on December 17, 1998 be and the same shall hereby be AMENDED to GRANT variance relief from Sections 1B01.2.C.1, 1B01.2.C.2.b and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections V.B.3 and V.B.6.b and V.B.6.c of the Comprehensive Manual of

Case No. 98-445-SPHA

Appeal from 3rd Amended Findings of Fact & Conclusions of Law /SPH and VAR -Lot #50, 4 Kentbury Court, Lyonswood, Sections B & C

2/10/99 -D.Z.C.'s 3rd Amended Findings of Fact and Conclusions of Law in which Petitions for Special Hearing and Variance were GRANTED as to 4 Kentbury Court.

- 3/18/99 -Letter from Eugene Clark requesting consideration of this matter for hearing as soon as possible due to contractual arrangements and financial hardship which would result from additional delays (Mr. Clark has contracted for the building of the house on the instant lot; variance relief inadvertently withdrawn during course of amendments to DZC Orders; this appeal has been filed from the 3rd Amended Findings of Fact issued in this case).
- 3/19/99 Notice of Assignment for hearing scheduled for Wednesday, April 7, 1999 at 10:00 a.m. sent to following:

Ricky F. Patterson
Robert A. Hoffman, Esquire
Edward Personette, Partner
Blackhorse Run Joint Venture
Richard E. Matz, P.E. /Colbert Matz Rosenfelt, Inc.
Eugene Clark /E. Clark & Associates
Michael Paul Smith, Esquire
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

4/06/99 -Letter of dismissal filed by Ricky Patterson, Appellant, withdrawing his appeal, with prejudice. Inasmuch as Mr. Patterson is the sole Appellant in this matter, an Order of Dismissal will be issued by the Board in which this appeal will be dismissed with prejudice.

# Ricky F. Patterson 6 Kentbury Court Owings Mills, Maryland 21117

Charles L. Marks, Chairman Attention: Kathleen Bianco County Board of Appeals for Baltimore County Old Courthouse 400 Washington Avenue Towson, Maryland 21204

Re:

Petition for Variance – 4 Kentbury Court Blackhorse Run Joint Venture, Petitioner Case No. 98-445-SPHA

Dear Mr. Marks:

By way of this letter, I am requesting that my appeal of the above-referenced case be dismissed with prejudice. I no longer wish to pursue this appeal.

Sincerely,

Ricky F. Patterson