

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
2 Holly Leaf Court, N/S of Greenbriar Way at
Holly Leaf Ct, 790' N of c/l Bird River Rd,
15th Election District, 6th Councilmanic

Legal Owners: Bird River LLC

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-225-SPHA

* * * * *

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to Thomas A. Church, P.E., Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

December 14, 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: 99-225-SPHA

2 Holly Leaf Court

N/S Greenbriar Way at Holly Leaf Court, 790' N of centerline Bird River Road

15th Election District – 6th Councilmanic District

Legal Owner: Bird River LLC

Special Hearing to amend the latest recorded final Development Plan. Variance to permit a side yard setback of 24 feet in lieu of the required 25 feet.

HEARING: Monday, January 11, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", followed by a stylized mark that looks like "41".

Arnold Jablon
Director

c: Bird River LLC
Development Engineering Consultants, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 27, 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.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
December 24, 1998 Issue – Jeffersonian

Please forward billing to:

Development Engineering Consultants, Inc.
6603 York Road
Baltimore, MD 21212

410-377-2600

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: 99-225-SPHA

2 Holly Leaf Court

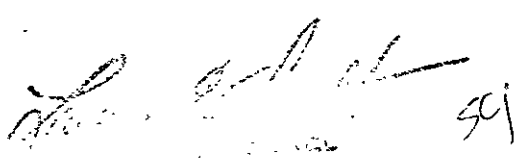
N/S Greenbriar Way at Holly Leaf Court, 790' N of centerline Bird River Road

15th Election District – 6th Councilmanic District

Legal Owner: Bird River LLC

Special Hearing to amend the latest recorded final Development Plan. Variance to permit a side yard setback of 24 feet in lieu of the required 25 feet.

HEARING: Monday, January 11, 1999 at 2:00 p.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

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.: 225-

Petitioner: DEVELOPMENT ENGINEERING/ Tom Curran

Location: #2 HENRY LEAF COURT

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DEVELOPMENT ENGINEERING CONSULTANTS, INC.

ADDRESS: 6603 YORK ROAD

BALTIMORE, MD, 21212

PHONE NUMBER: 410-377-2600

AJ:ggs

(Revised 09/24/96)

99-225-SPHA

225.

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 12-13-98

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-225-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: TO PERMIT A 24 FT. SIDE YARD SETBACK
IN LIEU OF THE REQUIRED 35 FT. TO A SIDE
STREET

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

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

HANDICAPPED ACCESSIBLE

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – N & E/S Greenbriar
Way, 280', 580' & 790' N of the c/l of
Bird River Road (2 Holly Leaf Court and
1 and 33 Greenbriar Way)
15th Election District
6th Councilmanic District

Bird River LLC
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Cases Nos. 99-225-SPHA,
99-226-SPHA, and 99-227-SPHA
*

* * * * *

AMENDED ORDER

WHEREAS, this matter came before this Deputy Zoning Commissioner for consideration of companion Petitions for Special Hearing and Variance filed by the owners of the subject properties, Bird River L.L.C., by Carl F. Wagner, Partner, seeking approval of an amendment to the Last Recorded Final Development Plan for Greenbriar at White Marsh, and variance relief from Section 1B01.2.C.1.c (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: In Case No. 99-225-SPHA, a side yard setback of 24 feet in lieu of the required 25 feet is requested for a proposed dwelling on Lot 42 (2 Holly Leaf Court); in Cases Nos. 99-226-SPHA and 99-227-SPHA, side yard setbacks of 24 feet each in lieu of the required 25 feet are requested for proposed dwellings on Lots 84 and 100 (33 and 1 Greenbriar Way, respectively). The subject properties and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Carl Wagner, a representative of the Bird River L.L.C., and Thomas A. Church, Professional Engineer who prepared the site plans of these properties. There were no Protestants or other interested persons present.

Testimony and evidence presented at the hearing revealed that the subject properties are located in the residential subdivision known as Greenbriar at White Marsh, which was approved many years ago as a 100-lot subdivision of single family townhouse dwelling units; however, the

ORDER RECEIVED FOR FILING
Date 2/1/99

site was never developed. The Petitioners recently purchased the property with the intention of developing same as originally proposed; however in reviewing the previously approved plan, it was determined that three of the lots, namely, Lots 42, 84 and 100 as described above, did not meet side yard setback requirements. Thus, the instant Petitions were filed to bring these lots into compliance with the zoning regulations, before constructing any homes.

Furthermore, the Petitioners indicated at the hearing that they were considering some minor modifications to the proposed dwellings to allow for the potential of a second floor bay window in the front bedroom of any unit and an increased width from 18 feet to 20 feet for all end units. The Petitioners indicated that they intended to present a revised development plan to the Development Review Committee (DRC) for review and approval, and that additional variances might be necessary if the revised plan was approved. By Order issued January 19, 1999, I granted the special hearing and variance relief for Lots 42, 84 and 100 as requested.

Subsequent to the hearing, the Petitioners submitted a revised development plan of this project, which included the modifications set forth above, to the DRC for their review and approval. By letter dated February 2, 1999, the Petitioners advised this Deputy Zoning Commissioner that they had obtained DRC approval of the revised development plan and thus, an amendment of the prior Order issued by me in this matter was necessary to reflect those modifications. A copy of the revised development plan was submitted with their letter and has been marked as Petitioner's Exhibit 1A. Inasmuch as the revised plan marked as Petitioner's Exhibit 1A has received DRC approval, and the fact that there were no Protestants at the hearing, I am persuaded to grant the Petitioner's request.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of February, 1999 that the Order issued January 19, 1999 be and the same shall hereby be AMENDED as follows: the Petitions for Special Hearing filed in

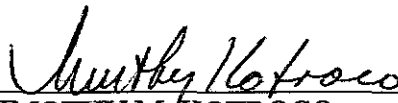
companion Cases Nos. 99-225-SPHA, 99-226-SPHA, and 99-227-SPHA, seeking approval of an amendment to the development plan for Greenbriar at White Marsh, in accordance with the Second Amended Final Development Plan for Greenbriar at White Marsh, marked as Petitioner's Exhibit 1A, be and are hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitions for Variance seeking relief from Section 1B01.2.C.1.c (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: a side yard setback of 24 feet in lieu of the required 25 feet for Lot 42 (2 Holly Leaf Court), and side yard setbacks of 24 feet in lieu of the required 25 feet each for Lots 84 and 100 (33 and 1 Greenbriar Way, respectively), in accordance with Petitioner's Exhibit 1A, be and are hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.1.c of the B.C.Z.R. to permit front yard setbacks of 13 feet in lieu of the required 15 feet for Lots 1, 5, 7, 9, 11, 13, 15, 18, 22, 24, 27, 32, 34, 36, 47, 48, 54, 61, 65, 66, 67, 69, 70, 72, 74, 75, 77, 79, 81, 83, 85, 87, 89, 95, 97 and 99, and side yard setbacks of 14 feet in lieu of the required 15 feet for Lots 15, 27, 28, 36, 41, 48, 61, 62, 69, 74, 75, 89 and 90, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.1.c of the B.C.Z.R. to permit side yard setbacks of 11 feet for Lot 37, 5 feet for Lot 94, and 9 feet for Lot 95, in lieu of the required 15 feet each, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued January 19, 1999 shall remain in full force and effect.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Carl Wagner, Bird River L.L.C.

P.O. Box 404, Brooklandville, Md. 21022

Mr. Thomas A. Church, Development Engineering Consultants, Inc.

6603 York Road, Baltimore, Md. 21212

People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 2/1/99
by [signature]

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – N & E/S Greenbriar
Way, 280', 580' & 790' N of the c/l of
Bird River Road (2 Holly Leaf Court and
1 and 33 Greenbriar Way)
15th Election District
6th Councilmanic District

Bird River LLC
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Cases Nos. 99-225-SPHA,
99-226-SPHA, and 99-227-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as companion Petitions for Special Hearing and Variance filed by the owners of the subject properties, Bird River L.L.C., by Carl F. Wagner, Partner. The Petitioners request approval of an amendment to the Last Recorded Final Development Plan for Greenbriar at White Marsh, and variance relief from Section 1B01.2.C.1.c (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: In Case No. 99-225-SPHA, a side yard setback of 24 feet in lieu of the required 25 feet is requested for a proposed dwelling on Lot 42 (2 Holly Leaf Court); in Cases Nos. 99-226-SPHA and 99-227-SPHA, side yard setbacks of 24 feet each in lieu of the required 25 feet are requested for proposed dwellings on Lots 84 and 100 (33 and 1 Greenbriar Way, respectively). The subject properties and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Carl Wagner, a representative of the Bird River L.L.C., and Thomas A. Church, Professional Engineer who prepared the site plans of these properties. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject properties are located within the residential subdivision known as Greenbriar at White Marsh, which was approved many years

ORDER RECEIVED FOR FILING
Date 1/19/04
By [Signature]

ago as a 100-lot subdivision of single family townhouse dwelling units and was never developed. Mr. Wagner testified that the Petitioners recently purchased the property and intend to commence development of the site with 100 townhouses as proposed; however, in reviewing the plan, it was determined that three of the lots, namely, Lots 42, 84 and 100, do not meet the required side yard setbacks. Thus, Mr. Wagner has filed the special hearing and variance relief to bring these lots into compliance with the zoning regulations, before he commences construction of the homes.

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 are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject properties and that strict compliance with the zoning regulations would unduly restrict the use of the land due to the special conditions unique to these particular parcels. 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.

ORDER RECEIVED FOR FILING
Date 11/19/99
By [Signature]

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 should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of January, 1999 that the Petitions for Special Hearing filed in companion Cases Nos. 99-225-SPHA, 99-226-SPHA, and 99-227-SPHA, seeking approval of an amendment to the development plan for Greenbriar at White Marsh, specifically, Lots 42, 84, and 100 thereof, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitions for Variance seeking relief from Section 1B01.2.C.1.c (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: a side yard setback of 24 feet in lieu of the required 25 feet for Lot 42 (2 Holly Leaf Court), and side yard setbacks of 24 feet in lieu of the required 25 feet each for Lots 84 and 100 (33 and 1 Greenbriar Way, respectively), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, 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.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 1/19/99

By 



Baltimore County
Zoning Commissioner
Office of Planning

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

January 19, 1999

Mr. Carl Wagner
Bird River L.L.C.
P.O. Box 404
Brooklandville, Maryland 21022

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N and E/S Greenbriar Way, 280' N of the c/l Bird River Road
(2 Holly Leaf Court, 1 and 33 Greenbriar Way)
15th Election District – 6th Councilmanic District
Bird River LLC - Petitioners
Cases Nos. 99-225-SPHA, 99-226-SPHA & 99-227-SPHA

Dear Mr. Wagner:

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

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

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Thomas A. Church
Development Engineering Consultants, Inc.
6603 York Road, Baltimore, Md. 21212

People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at # 2 HOLLY LEAF COURT

which is presently zoned DR-3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.C.1.c(City) to Permit

SIDE YARD SETBACK OF 24 FT. IN LIEU OF THE REQUIRED 25 FT

AND SPECIAL HEARING TO AMEND THE LATEST RECORDED FINAL DECISION of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) TO ALLOW A SIDE SETBACK OF 24' FROM THE RIGHT-OF-WAY OF GREENBRIAR WAY IN LIEU OF THE REQUIRED 25'. THE OWNER DESIRES TO MAINTAIN A STANDARD 20' WIDE END OF GROUP TOWNHOUSE WHICH WOULD NOT BE POSSIBLE WITH THE 25' SETBACK.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

BIRD RIVER L.L.C.

Name - Type or Print

Signature

CARL F. WAGNER, PARTNER

Name - Type or Print

Signature

P.O. BOX 404

410/841-0049

Address

Telephone No.

BROOKLANDVILLE

MD

21022

City

State

Zip Code

Representative to be Contacted:

THOMAS A. CHURCH, P.E.

DEVELOPMENT ENGINEERING

Name CONSULTANTS, INC.

6603 YORK ROAD

410/377-2600

Address

Telephone No.

BALTIMORE

MD

21212

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By SD Date 11-3

225.

ORDER RECEIVED FOR FILING
Date 11/15/98
227 9115198

ZONING DESCRIPTION

FOR

#2 HOLLY LEAF COURT

Beginning at a point on the north side of Greenbriar way which is 50 feet wide at a distance of 790 feet north of the centerline of the nearest improved intersecting street Bird River Road which is 70 feet wide. Being Lot #42, Section A in the subdivision of Greenbriar at White Marsh as recorded in Baltimore County Plat Book No. 69, Folio No. 135, containing 3,847 square feet. Also known as #2 Holly Lane Court and located in the 15th Election District, 6th Councilmanic District.

97-103

11/16/98



44-225-SPHA
225

**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: #99-225-SPHA
2 Holly Leaf Court
N/S Greenbriar Way at Holly
Leaf Court, 790' N of center-
line Bird River Road
15th Election District
6th Councilmanic District
Legal Owner(s): Bird River
LLC

Special Hearing: to amend
the latest recorded final Devel-
opment Plan. **Variance:** to
permit a side yard setback of
24 feet in lieu of the required
25 feet.

Hearing: Monday, January
11, 1999 at 2:00 p.m. in
Room 407, County Courts
Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

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

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

12/29/97 Dec. 24 C280853

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/23/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 12/23/, 1998.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 062387

DATE 11-30-98 ACCOUNT R-001-6150

AMOUNT \$ 650

RECEIVED FROM: DAVID C. FLETCHER ENGINEERING

FOR: 3 LOTS - VARIANCE COM. LOTS 42, 54, & 100 GREENBRIAR AT WHITE CREST

33 GREENBRIAR DR #1 GREENBRIAR DR #2 11421 W. LEE CT.
3 LOTS - \$650
TOTAL \$650

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
11/30/1998	11/30/1998	11:32:34
REG 4805	CASHIER LSHT LXS	DRAPER 5
5 MISCELLANEOUS CASH RECEIPT		
Receipt #	085414	OFFIC
CP NO.	062387	

6.50 CHECK
Baltimore County, Maryland

99-225-SPHA

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 99-225-SPHA
Petitioner/Developer:
(Bird River LLC)
Date of Hearing/~~Closing~~:
(Jan 11, 1999)

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

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

2 Holly Leaf Court Baltimore, Maryland 21220 _____

The sign(s) were posted on _____ Dec. 26, 1998
(Month, Day, Year)

Sincerely,

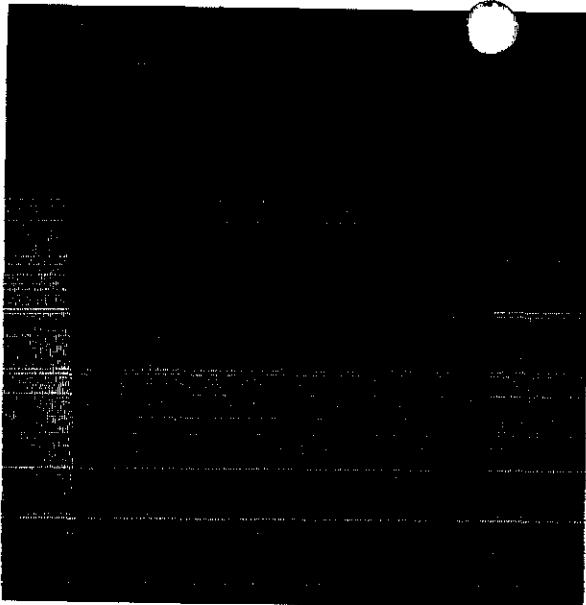

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)





Baltimore County
Department of Permits and
Development Management

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

January 7, 1999

Thomas A. Church, P.E.
Development Engineering Consultants, Inc.
6603 York Road
Baltimore, MD 21212

RE: Item No.: 225
Case No.: 99-225-SPHA
Location: 2 Holly Leaf Court

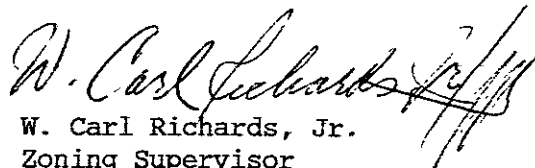
Dear Mr. Church:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on November 30, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



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

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 12/23/92

FROM: R. Bruce Seeley, Project Manager *ABS/jp*
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date:

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

Item #'s: 222 231
223
225
226
227
228
232
233
234

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: December 24, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for December 23, 1998
Item Nos. 222, 223, 224, 225, 226,
227, 228, 229, 231, 232, 233, 234,
and 235

AND

Revised Petitions and Plats for
Case #99-159-XA (8101 Bellona Avenue)

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

RWB:HJO:jrb

cc: File

ZONE1223.NOC



Baltimore County
Fire Department

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

December 11, 1998

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 14, 1998

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

223, 224, 225, 226, 227, 228, 229, 231, 234, and 235

REVIEWER: LT. HERB TAYLOR
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Jim
1/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: December 15, 1998

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

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 218, 220, 223, 224, 225, 226, 227, 228, 231, and 232

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

Jeffrey M. Long

AFK/JL



Maryland Department of Transportation
State Highway Administration

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

Date: 12.11.98

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

RE: Baltimore County
Item No. 225

JRA

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

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

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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

CARL WAGNER - BIRD RIVER LLC

P.O. BOX 20099 BALTIMORE, MD.

Tom Church - DEC

66603 York Rd



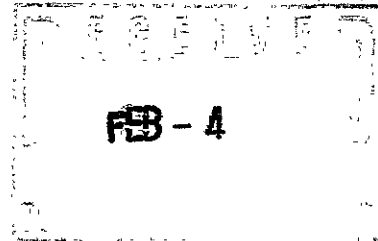
DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

February 2, 1999

Baltimore County
Office of Zoning
County Courts Building
Towson, MD 21204



Attention: Mr. Timothy M. Kotroco
Deputy Zoning Commissioner

Gentlemen:

Subject: Case No. 99-225, 99-226 and 99-227
Greenbriar at White Marsh 15th Election District
6th Councilmanic District
Our Contract No.: 97-102

We are in receipt of your Findings of Fact and Conclusions of Law for cases 99-225SPHA, 99-226SPHA and 99-227SPHA whereby you granted relief of the side yard setback requirements under Section 1B01.2.C.1.c of the BCZR for Lots 42, 84 and 100.

Pursuant to our meeting and because we have front yard and interior side yard setbacks, we went to the DRC where we received their concurrence and approval to revise the Final Development Plan for this project.

The front yard setback for the following units would be revised from 15 feet to 13 feet:

1, 5, 7, 9, 11, 13, 15, 18, 22, 24, 27, 32, 34, 36,
47, 48, 54, 61, 65, 66, 67, 69, 70, 72, 74, 75, 77,
79, 81, 83, 85, 87, 89, 95, 97, and 99.

These front yard setback changes would cover the potential of having a second floor bay window in the front bedroom which would project two feet over the established 15 foot line.

The side yard setback for the following units would be revised from 15 feet to 14 feet:

15, 27, 28, 36, 41, 48, 61, 62, 69, 74, 75, 89 and
90.

The side yard setback for unit 37 would require a reduction from 15 feet to 11 feet. Lot 94 would require a reduction from 15 feet to 5 feet and Lot 95 would require a reduction from 15 feet to 9 feet.

Baltimore County
Office of Zoning
February 2, 1999
Page No. 2

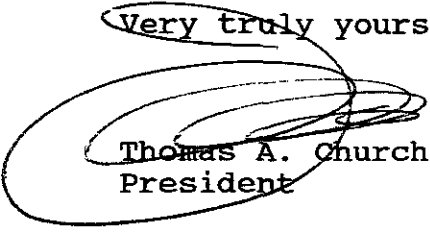
The side yard setbacks outlined above are not homeowner options and will be needed because of the increased width of the end units from 18 feet wide to 20 feet wide.

The front setbacks would only be affected if the homeowner elects the bay window option when purchasing the unit. However, to cover all bases, all of these front setbacks should be covered under a variance.

Since there were no protestants in the above cases, we discussed the possibility of including these variances in your order for cases 99-225, 99-226 and 99-227 to save time. We are holding settlements until this issue is resolved in order to preclude obtaining other signatures on the Final Development Plan revision.

Should you have any questions concerning the above, please feel free to call us at 410/377-2600.

Very truly yours,



Thomas A. Church
President

Enclosure - Redlined 2nd Amended Final Development Plan

cc: Bird River, LLC

Plat to accompany Petition for Zoning

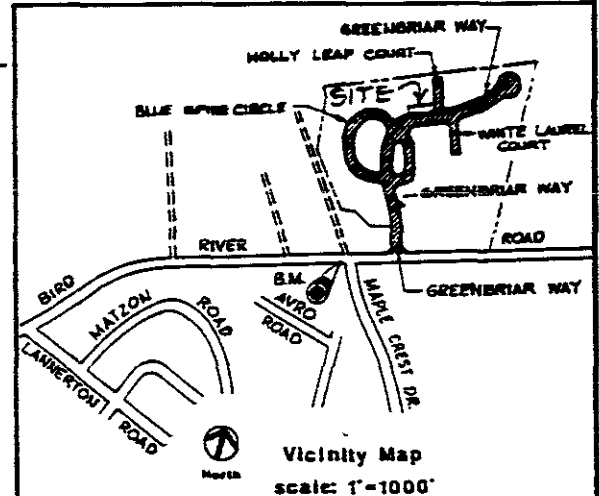
☒ Variance
☐ Special Hearing

PROPERTY ADDRESS: #2 HOLLY LEAF COURT

Subdivision name: GREENBRIAR AT WHITE MARSH

plat book# 62 ,folio# 135 ,lot# 42 ,section# N.A.

OWNER: BIRD RIVER L.L.C.



LOCATION INFORMATION

Election District: 15

Councilmanic District: 6

1"=200' scale map#: N.E. 6 I

Zoning: DR 3.5

Lot size: 0.094± 3847 SF
acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ yes ☒ no

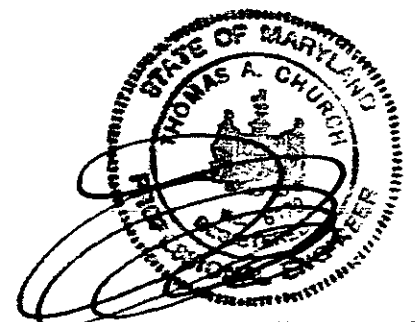
Prior Zoning Hearings:

NONE ON LOT 42

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

5007 225 99225-G



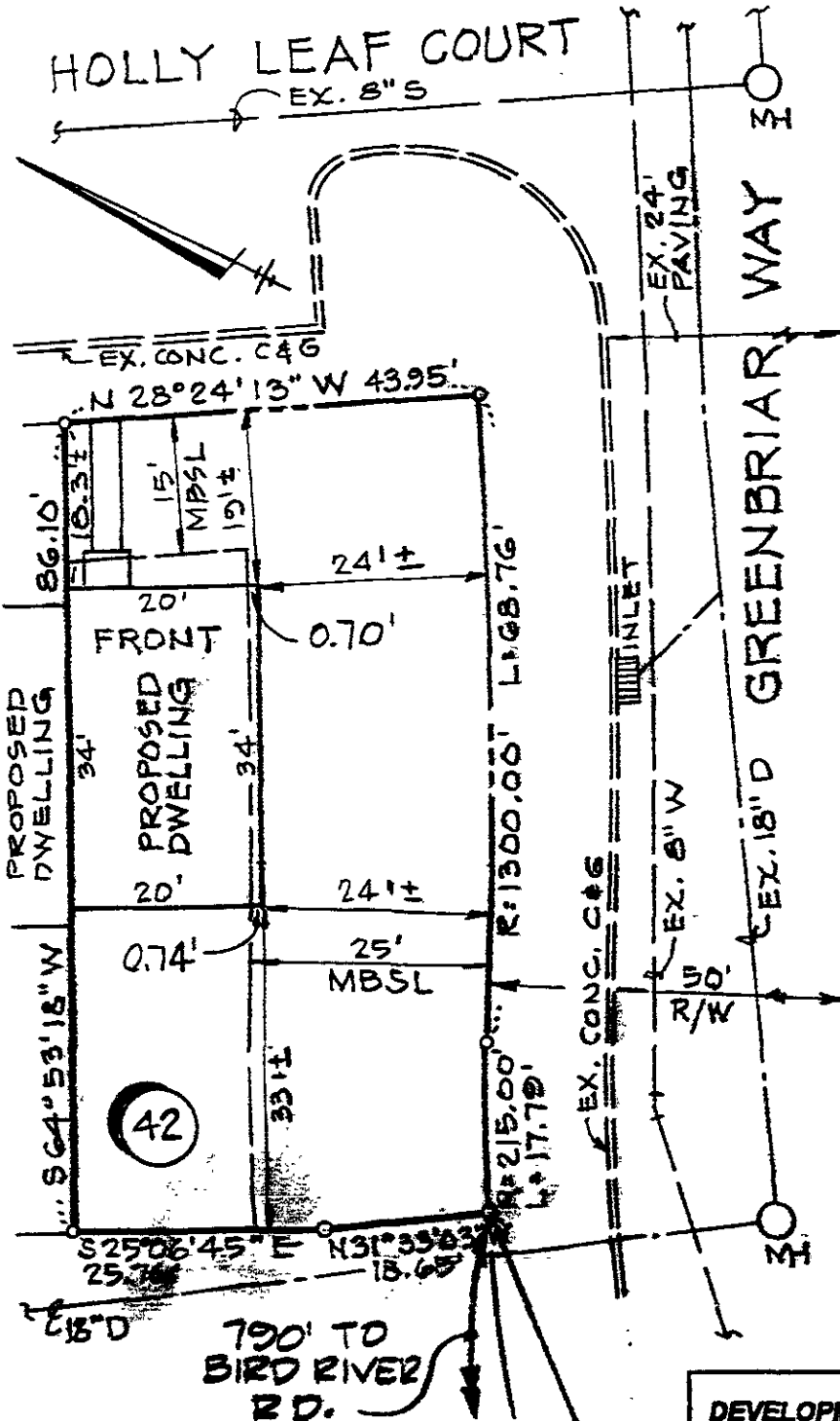
DEVELOPMENT ENGINEERING CONSULTANTS, INC.

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600

Scale: 1" = 20'

Issued: NOV. 11, 1998

225



790' TO
BIRD RIVER
RD.

POINT OF
BEGINNING

99-225-SPHA

PREPARED BY: ERA

ML-1M

BALTIMORE COUNTY ZONING MAP
MIDDLE RIVER VICINITY
MAP N.E. 6-I & N.E. 5-I , 1"=200'

D.R. 3.5

#2 HOLLY LEAF COURT

D.R. 3.5

POINT OF
BEGINNING

42

BLUE SPIRE CIRCLE
GREENBRIAR

D.R. 3.5

WHITE LAUREL
COURT

DR.5.5

D.R. 3.

D.R. 3.5

ROAD

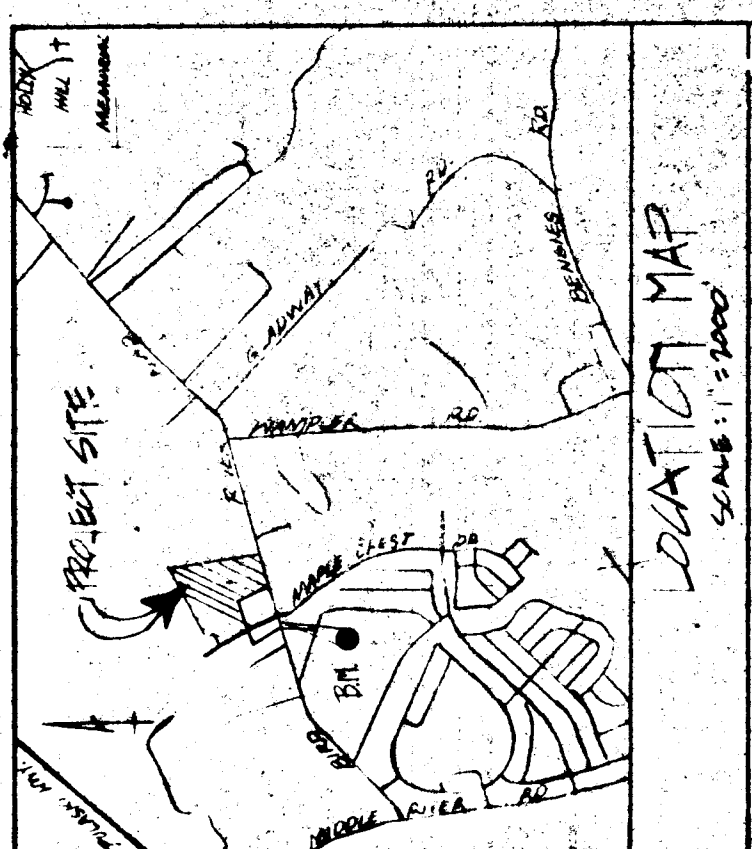
RIVER

MAPLE

99-225-SP11A

MLR-

RRS.



34 936 ELB 71442
7144890 E 18-1802
RR 40E - NW 1/4 S 32 E 8 N 32 E
OWNER: BIRD RIVER L.L.C.
10 PARK AVENUE
CROCKEYSVILLE, MD. 21030
DEED: LIBER 0012334 FOLIO 265
TAX ACCOUNT# 22-00-024871, #22-00-024980
Reason for 2nd FDP Retreatment

1. Revise road names
2. Eliminate H.O.A. areas and distributing that area to adjacent lots by adjusting lot lines
3. Change Owner and Deed Ref.
4. Changed Parcel ("A") designation to Parcel "Z"
5. Change Subdivision Name
6. Removed references to H.O.A.
7. Indicated SWM as public facility

2ND AMENDMENT
NO LOTS HAVE BEEN SOLD WITHIN 300'
OF THE 2ND AMENDMENT CHANGES ON THIS
FOR
NOTE
The 1000 of proposed Lots 9 through 15, 74, 75 and
1000 adjacent to the Forest Ranger Easement, shall
be jointly financed with split rail fencing. Any portion of
it temporarily disturbed by construction of roads or
adjacent to the road right of way or lot shall be
equipped with native species trees and shrubs to
enhance the future home owners from Chittenden County
and the surrounding area. The revegetation shall be completed prior
to the closing of the deed.

reference to Section 14-441 to allow a 50 foot Stream Buffer, and the required 100' Forest Buffer was granted by the Board of Supervisors of the County of DEPEMN on May 29, 1991. The following conditions of the Variance were agreed to:

- second page for this site shall be re-recorded to show the existing buffer shown hereon by notes and bounds and use of the same for protective measures restricting access to the forest buffer.
- Forest buffer and wetland areas temporarily disturbed by construction and millinery grading shall be revegetated with native species and grasses to restore the riparian habitat and to release of the grading activity.
- Grading buffer lands shall be owned by the State. "No disturbance" signs available from this Department shall be placed on the buffer lands to indicate that no disturbing shall be done prior to the release of the grading activity.
- Reconstruction re-planting plan for the storm water management ponds shall be prepared by a qualified environmental engineer and approved by the Department of Natural Resources, M. Design and Approval Division of this Department prior to construction.

These easements will not be maintained by Baltimore County.

**2ND AMENDED
FINAL DEVELOPMENT PLAN
GREENBRIAR AT WHITE MARSH
(FORMERLY KNOWN AS GREENFIELD
SUBDIVISION, SECTION 'A')**

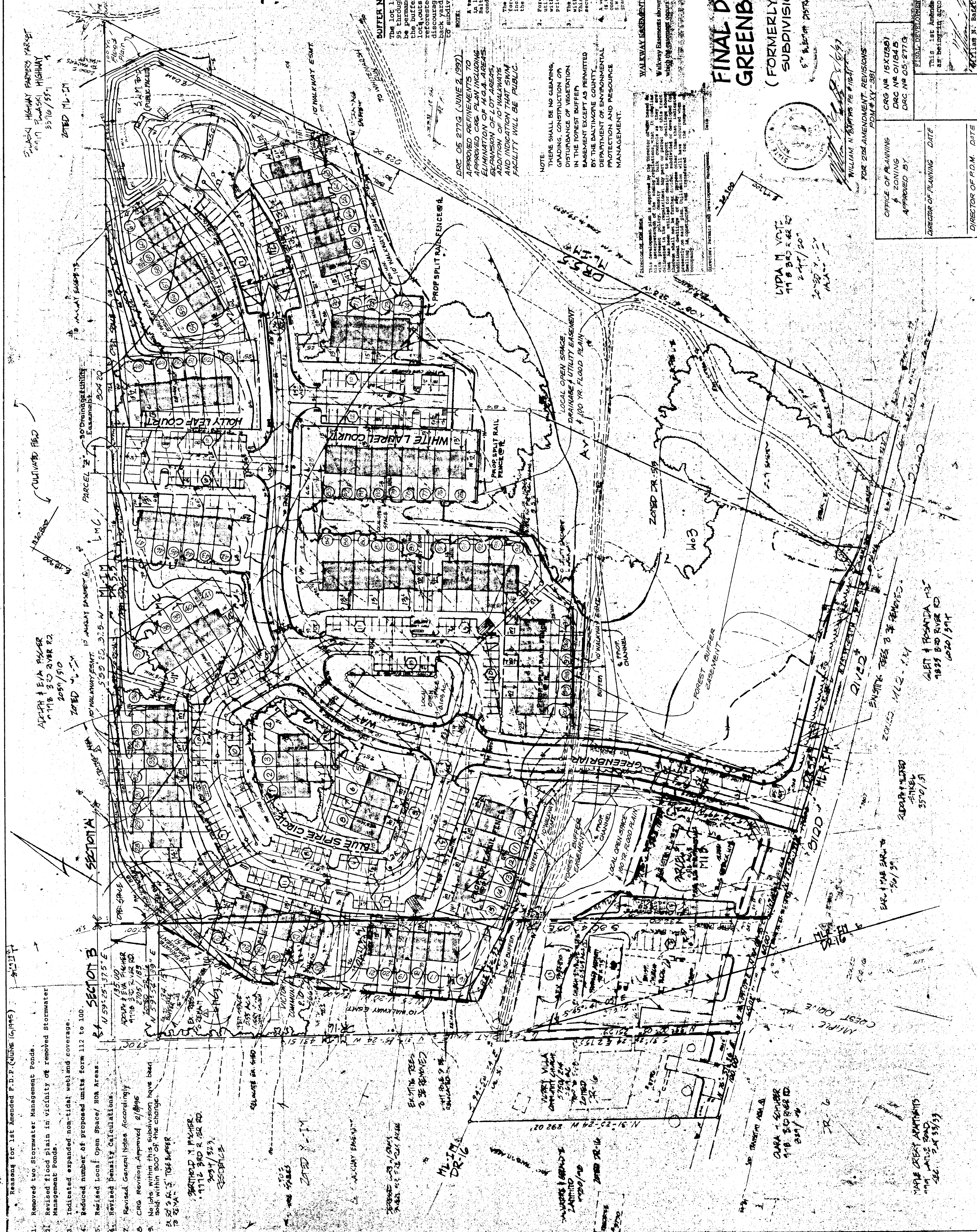
47 26
 SCALE: 1" = 50'
 JUNE 20, 1997
 SECTION 9-1996
 TULLY, PA 15083
 PAUL ROSE COUNTY, MD

JULY 23, 1971
 -BAFFS AND ASSOCIATES -
 1249 EGGLEBERT ROAD
 BALTIMORE, MARYLAND 21221
 (410) 591-2336

Final Development plan is sealed and certified
in accordance with the approved CEG/Development Plan.

5-5-97
Data

10 P.R. Md. Reg. No. 11641



Reasons for 1st Amended F.D.P. (JUNE 16, 1995)

1. Removed two Stormwater Management Ponds.
2. Revised flood plain in vicinity of removed Stormwater Management Ponds.
3. Indicated expanded non-tidal wetland coverage.
4. Reduced number of proposed units from 112 to 100.
5. Redefined Local Open Space/ HMA Areas.

	N 59° 52' 17.0" E	135.00'
	ADPAP + EVA FLECKER #110 30' VAR DO	
	2705 / 183	
	N 59° 52' 19" E	135.00'
	47.7	

Revised Density Calculations.

7. Revised General Notes Accordingly
8. CRG Revision Approved 2/8/96
9. No plots within this subdivision have been sold within 900' of the change.

97176 3RD R 152 RD.
 BERTHOLD M. PUGH.
 3004/1923.
 RESIDENCE

[illegible][illegible][illegible][illegible]

100-5000000
300/100
R-6
300/100
300/100

3
BIB
3282

NY
COST

3282

70-127258-2
KIT

MALE GREAT ADVENTURES
only, LARGE BAND
486, 2nd 3/39