

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE - S/S Bensmill Court,
125' E of the c/l Carolstowne Court
(Lots 59-120, Reisterstown Village)
4th Election District
3rd Councilmanic District

Glyndon Development LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-254-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Glyndon Development LLC, by J. Michael Coburn, Authorized Agent, through their attorney, Patricia A. Malone, Esquire. The Petitioners request a special hearing to approve an amendment to the Final Development Plan for Reisterstown Village, Section 3, Lots 59 through 120 thereof, and the previously approved site plan in prior Case No. 93-118-A to reflect the proposed modifications. In addition, the Petitioners request variance relief from Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side building face to side building face setbacks of 15 feet in lieu of the required 25 feet for Lots 63, 64, 72 and 73; side building face to street right-of-way setbacks of 15 feet in lieu of the required 25 feet for Lots 67 and 68; rear building face to rear property line setbacks of 20 feet in lieu of the required 30 feet for Lots 59 through 72, Lots 79 through 94, Lot 96, and Lots 103 through 108, and a 15-foot rear property line setback in lieu of the required 30 feet for Lots 73 through 78, and Lot 95. In addition, the Petitioners request a variance from Section 301.1 of the B.C.Z.R. to permit a deck encroachment into the required 20-foot rear property line setback of 3.75 feet (25% of 20-foot rear setback) for Lots 59 through 72, Lots 79 through 94, Lot 96 and Lots 103 through 108; and, a deck encroachment into the required 15-foot rear property line setback of 5 feet (25% of 15-foot rear setback) for Lots 73 through 78 and Lot 95 in lieu of the maximum allowed 22.5 feet (25% of required 30-foot rear setback)

ORDER RECEIVED FOR FILING

Date

By

encroachment permitted. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of the request were J. Michael Coburn, agent for Glyndon Development LLC, owners of the subject property; Dean Hoover, a Landscape Architect who assisted in the site plan preparation; Mitch Ensor, a representative of Bob Ward Companies; Jeffrey Powers of Powers Homes; and Patricia A. Malone, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons.

Testimony and evidence offered revealed that the lots which are the subject of the special hearing and variance requests before me are located along Bensmill Court in the residential subdivision known as Reisterstown Village in Owings Mills. The lots in question contain a combined area of 4.86 acres, more or less, split zoned D.R.10.5 and D.R. 3.5, and are presently unimproved. The Petitioners have recently contracted with two builders, namely Powers Homes and Bob Ward Companies, to develop the lots with single family townhouse dwelling units. The originally approved plan for this project was submitted into evidence as Petitioner's Exhibit 2. Testimony indicated that the Petitioners recently amended the plan to provide additional areas of open space. As a result, a special hearing is necessary to approve the revisions to the plan and a series of variances are being requested for those lots which were affected by the modifications.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. It appears that the revisions to the plan will result in a better layout for the proposed development and that the relief requested will not result in any detrimental impact to the surrounding locale. Moreover, there were no adverse Zoning Advisory Committee comments submitted regarding the relief requested.

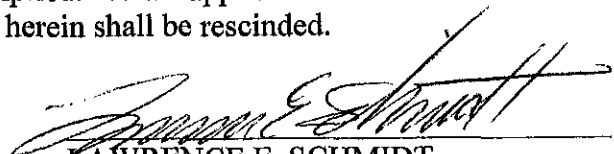
Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of February, 2000 that the Petition for Special Hearing seeking approval of an amendment to the Final Development Plan for Reisterstown Village, Section 3, Lots 59 through

120 thereof, and the previously approved site plan in prior Case No. 93-118-A to reflect the proposed modifications thereto, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side building face to side building face setbacks of 15 feet in lieu of the required 25 feet for Lots 63, 64, 72 and 73; side building face to street right-of-way setbacks of 15 feet in lieu of the required 25 feet for Lots 67 and 68; rear building face to rear property line setbacks of 20 feet in lieu of the required 30 feet for Lots 59 through 72, Lots 79 through 94, Lot 96, and Lots 103 through 108, and a 15-foot rear property line setback in lieu of the required 30 feet for Lots 73 through 78, and Lot 95; and, from Section 301.1 of the B.C.Z.R. to permit a deck encroachment into the required 20-foot rear property line setback of 3.75 feet (25% of 20-foot rear setback) for Lots 59 through 72, Lots 79 through 94, Lot 96 and Lots 103 through 108; and, a deck encroachment into the required 15-foot rear property line setback of 5 feet (25% of 15-foot rear setback) for Lots 73 through 78 and Lot 95 in lieu of the maximum allowed 22.5 feet (25% of required 30-foot rear setback) encroachment permitted, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their permits 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 2/3/06
By [Signature]

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCES – S/S Bensmill Court,	*	ZONING COMMISSIONER
125' E of the c/l Carolstowne Court	*	
(Lots 59-120, Reisterstown Village)	*	OF BALTIMORE COUNTY
4 th Election District	*	
3 rd Councilmanic District	*	Case No. 00-254-SPHA
	*	
Glyndon Development LLC	*	
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

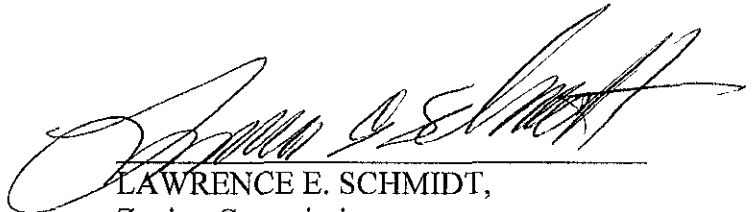
On January 3, 2000, the Zoning Commissioner entered his Findings of Fact and Conclusions of Law setting out the variances granted in the above-referenced case. This amended order is intended to revise the relief granted in the previous order only with regard to the permitted deck encroachment to correct a error in transcription.

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of February, 2000, that the Petition for Variance, seeking relief from Section 301.1 of the Baltimore County Zoning Regulations to permit a deck encroachment into the required 20 foot rear property line setback of 5 feet (25% of 20 foot rear setback) for Lots 59 through 72, Lots 79 through 94, Lot 96, and Lots 103 through 108; and a deck encroachment into the required 15 foot rear property line setback of 3.75 feet (25% of the 15 foot rear setback) for Lots 73 through 78 and Lot 95 in lieu of the maximum allowed 22.5 feet (25% of the required 30 foot rear setback), in accordance with Petitioners' Exhibit 1, be and hereby is GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING

Date 2/23/00
By [Signature]

- 1) 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.


LAWRENCE E. SCHMIDT,
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 2/23/10
By [Signature]



Baltimore County
Zoning Commissioner

February 23, 2000

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Patricia A. Malone, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
(Lots 59-120, Reisterstown Village)
Glyndon Development, LLC - Petitioners
Case No. 00-254-SPHA

Dear Ms. Malone:

Enclosed please find a copy of the Amended Order in the above-captioned matter. As we previously discussed, the original Findings of Facts and Conclusions of Law, dated February 3, 2000, contained a mistaken transcription of numbers relating to the calculation of the permitted deck encroachment. These figures were inadvertently taken from the language contained in an early draft of the Petition for Variance, which was subsequently amended and properly reflected on the site plan submitted at the hearing. Thus, the enclosed Amended Order is necessary to correct the error.

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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. J. Michael Coburn, Glyndon Development, LLC
603 South Bond Street, Baltimore, Md. 21231
Mr. Mitch Ensor, Bob Ward Companies
2700 Philadelphia Road, Edgewood, Md. 21040
Mr. Jeffrey Powers, Powers Homes
11459 Cronhill Drive, Owings Mills, Md. 21117
Mr. Dean Hoover, 859 International Drive, Linthicum, Md. 21090
People's Counsel; Case File

Census 2000

For You, For Baltimore County

Census 2000



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1-88 Bensenville Ct, S. of Bensenville
WS Reisterstown Rd, SW of Village Center Rd, (Reisterstown Village Center Rd, Section 3)

which is presently zoned DR10.5 and DR3.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

special hearing to amend the previously approved Final Development Plan and site plan previously approved in Zoning Case No. 93-118-A.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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:

See attached.
Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Patricia A. Malone
Name - Type or Print _____
Signature _____
Venable, Baetjer & Howard, LLP
Company _____
210 Allegheny Avenue 410-494-6200
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Glyndon Development LLC
Name - Type or Print _____
By: [Signature]
Signature _____
J. Michael Coburn, Authorized Agent
Name - Type or Print _____

Signature _____
603 South Bond Street 301-982-9400
Address _____ Telephone No. _____
Baltimore MD 21231
City _____ State _____ Zip Code _____

Representative to be Contacted:

Patricia A. Malone
Name _____
210 Allegheny Avenue 410-494-6200 day & evening
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 12/16/99

Case No. 00-254-S017A

ORDER RECEIVED FOR FILING

Date

12/15/98

Contract Purchasers:

Powers Homes

By: Jeff Powers
Jeff Powers, Vice-President

11459 Cronhill Drive
Suite P
Owings Mills, Maryland 21117
410-581-3700

Bob Ward Companies

By: Bob Ward

2700 Philadelphia Road
Edgewood, Maryland 21040
410-679-5000



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1-88 Bensmill Ct S of Bens Mill
WS Reisterstown Rd, SW of Village Center Rd. (Reisterstown Vill. PUB,

which is presently zoned DR10.5 and DR3.5 Sec. 3

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)

See attached.

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

To be determined at hearing.

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:

See attached

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Patricia A. Malone

Name - Type or Print

Signature

Venable, Baetjer & Howard, LLP

Company

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

Glyndon Development, LLC

Name - Type or Print

By: *[Signature]*

Signature

J. Michael Coburn, Authorized Agent

Name - Type or Print

Signature

603 South Bond Street

301-982-9400

Address

Telephone No.

Baltimore

MD

21231

City

State

Zip Code

Representative to be Contacted:

Patricia A. Malone

Name

210 Allegheny Avenue

day & evening

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BK

Date 12/16/99

Case No. 00-254-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 12/16/99

By [Signature]

Variance Request (Section 3, Reisterstown Village)

- 1. Variance of Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations to permit side building face to side building face setbacks of 15 feet in lieu of 25 feet for Lot Nos. 63, 64, 72 and 73.**
- 2. Variance of Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations to permit side building face to street right of way setbacks of 15 feet in lieu of the 25 feet required for Lot Nos. 67 and 68.**
- 3. Variance of Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations to permit rear building face to rear property line setbacks of 20 feet for Lot Nos. 59 – 72, 79 – 94, 96, and 103 – 108; and 15 feet for Lot Nos. 73 – 78 and 95, in lieu of the 30 feet required.**
- 4. Variance of Section 301.1 of the Baltimore County Zoning Regulations to allow 3.75 foot deck encroachment into the 20 foot rear property line setback (25% of 20 foot rear setback) for Lot Nos. 59 – 72, 79 – 94, 96 and 103 – 108; and; 5 foot deck encroachment into the 15 foot rear property line setback (25% of 15 foot rear setback) for Lot Nos. 73 – 78 and 95, in lieu of the 22.5 foot (25% of required 30 foot rear setback) encroachment permitted.**

Contract Purchasers:

Powers Homes

By: Jeff B. Powers
Jeff Powers, Vice-President

11459 Cronhill Drive
Suite P
Owings Mills, Maryland 21117
410-581-3700

Bob Ward Companies

By: BWC

2700 Philadelphia Road
Edgewood, Maryland 21040
410-679-5000

**ZONING DESCRIPTION FOR PORTION OF 2ND AMENDED PLAT THREE
REISTERSTOWN VILLAGE**

Beginning at a point on the south side of Bensmill Court, which is 62 feet wide at the approximate distance of 125 feet east of the centerline of the nearest improved intersecting street Carolstowne Court which is 80 feet wide.

Thence running the following courses and distances:

1. North 85 degrees 13 minutes 35 seconds West, 19.57 feet,
2. South 04 degrees 46 minutes 25 seconds West, 18.00 feet,
3. North 85 degrees 13 minutes 35 seconds West, 5.90 feet,
4. South 04 degrees 46 minutes 25 seconds West, 85.00 feet,
5. South 22 degrees 14 minutes 44 seconds West, 83.87 feet,
6. South 04 degrees 46 minutes 25 seconds West, 100.00 feet,
7. North 85 degrees 13 minutes 35 seconds West, 17.05 feet,
8. South 24 degrees 18 minutes 08 seconds West, 33.76 feet,
9. North 65 degrees 41 minutes 52 seconds West, 50.03 feet,
10. South 08 degrees 13 minutes 55 seconds West, 55.01 feet,
11. North 85 degrees 13 minutes 35 seconds West, 15.77 feet,
12. North 85 degrees 13 minutes 35 seconds West, 380.00 feet,
13. North 04 degrees 46 minutes 25 seconds East, 96.00 feet,
14. North 85 degrees 13 minutes 35 seconds West, 9.26 feet,
15. North 03 degrees 11 minutes 23 seconds East, 28.98 feet,
16. North 19 degrees 55 minutes 38 seconds East, 56.17 feet,
17. North 36 degrees 29 minutes 49 seconds East, 300.00 feet,
18. North 46 degrees 10 minutes 14 seconds East, 87.50 feet,
19. South 85 degrees 13 minutes 35 seconds East, 326.95 feet,
20. South 12 degrees 53 minutes 03 seconds West, 85.35 feet,
21. North 88 degrees 08 minutes 44 seconds West, 9.92 feet,
22. South 04 degrees 46 minutes 25 seconds West, 62.00 feet to the point of beginning

Being Lots 59 – 120, Second Amended Plat Three in the subdivision of Reisterstown Village as recorded in Baltimore County Plat Book #72 Folio #1, containing an area of 4.86 acres of land, more or less. Also known as #1 - #88 Bensmill Court and located in the 4th Election District of Baltimore County, Maryland.

Note: This Zoning Description is to accompany a Petition for Variance. It may not be utilized for the transfer of land.



#254

No. 076696

AMOUNT \$ 2,000.00

FOR: Mr. J. Edgar Hoover

YELLOW - CUSTOMER

[illegible]

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD, 1-4, 2000

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 1-4, 2000.

S. Wilkinson
THE JEFFERSONIAN,
LEGAL ADVERTISING

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: #00-254-SPHA

1-88 Bensmill Court

S/S Bensmill Court, 125' E of centerline Carlistowne Court

4th Election District - 3rd Councilmanic District

Legal Owner(s): Glyndon Development LLC

Contract Purchaser: Powers Homes & Bob Ward Companies

Special Hearing: to amend the previously approved Final Development Plan and site plan approved in zoning case number 93-118-A. **Variance:** to permit side building face to side building fact setbacks of 15 feet in lieu of 25 feet; to permit side building face to street right of way setbacks of 15 feet in lieu of 25 feet; to permit rear building face to rear property line setbacks of 20 feet and 15 feet in lieu of the 25 feet previously approved in case number 93-118-A; and to allow a 5-foot deck encroachment into the 20-foot rear property line setback and 3.75-foot deck encroachment into the 15-foot-rear property line setback in lieu of the 22.5 foot required setback.

Hearing: Wednesday, January 19, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JTU/01/603 Jan. 4

C361500

CERTIFICATE OF POSTING

RE: CASE #00-254-SPHA
PETITIONER/DEVELOPER
[Powers Homes]
DATE OF Hearing
[Jan 19, 2000]

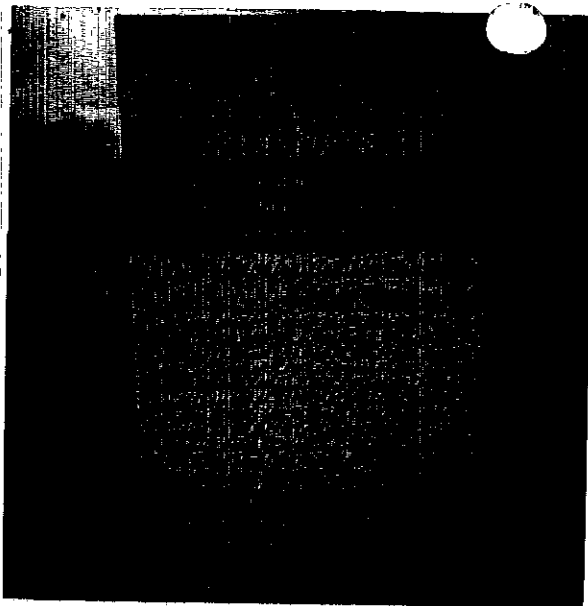
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
1-88 Bensmill Court Baltimore, Maryland 21136

The sign(s) were posted on _____ 1-4-00 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ [410]-687-8405 _____
[Telephone Number]

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE

1-88 Bensmill Court (Even numbers only),
S/S Bensmill Ct, 125' E of c/l Carlstowne Ct
4th Election District, 3rd Councilmanic

Legal Owner: Glyndon Development LLC
Contract Purchaser: Powers Homes & Bob Ward Cos.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-254-SPHA

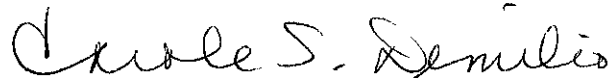
* * * * *

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



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of December, 1999 a copy of the foregoing Entry of Appearance was mailed to Patricia A. Malone, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioners.



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 22, 1999

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: 00-254-SPHA

1-88 Bensmill Court

S/S Bensmill Court, 125' E of centerline Carlstowne Court

4th Election District – 3rd Councilmanic District

Legal Owner: Glyndon Development LLC

Contract Purchaser: Powers Homes & bob Ward Companies

Special Hearing to amend the previously approved Final Development Plan and site plan approved in zoning case number 93-118-A. Variance to permit side building face to side building face setbacks of 15 feet in lieu of 25 feet; to permit side building face to street right of way setbacks of 15 feet in lieu of 25 feet; to permit rear building face to rear property line setbacks of 20 feet and 15 feet in lieu of the 25 feet previously approved in case number 93-118-A; and to allow a 5-foot deck encroachment into the 20-foot rear property line setback and 3.75-foot deck encroachment into the 15-foot rear property line setback in lieu of the 22.5-foot required setback.

HEARING: Wednesday, January 19, 2000 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the number "54" written below it.

Arnold Jablon, Director

c: Patricia Malone, Esquire, 210 Allegheny Avenue, Towson 21204
Glyndon Development, 603 South Bond Street, Baltimore 21231
Powers Homes, 11459 Cronhill Drive, Suite P, Owings Mills 21117
Bob Ward Companies, 2700 Philadelphia Road, Edgewood 21040

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 4, 2000.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 4, 2000 Issue – Jeffersonian

Please forward billing to:
Barbara W. Ormord
210 Allegheny Avenue
Towson, MD 21204

410-494-6201

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: 00-254-SPHA

1-88 Bensmill Court

S/S Bensmill Court, 125' E of centerline Carlstowne Court

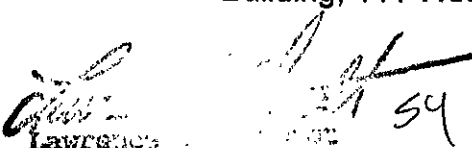
4th Election District – 3rd Councilmanic District

Legal Owner: Glyndon Development LLC

Contract Purchaser: Powers Homes & bob Ward Companies

Special Hearing to amend the previously approved Final Development Plan and site plan approved in zoning case number 93-118-A. Variance to permit side building face to side building face setbacks of 15 feet in lieu of 25 feet; to permit side building face to street right of way setbacks of 15 feet in lieu of 25 feet; to permit rear building face to rear property line setbacks of 20 feet and 15 feet in lieu of the 25 feet previously approved in case number 93-118-A; and to allow a 5-foot deck encroachment into the 20-foot rear property line setback and 3.75-foot deck encroachment into the 15-foot rear property line setback in lieu of the 22.5-foot required setback.

HEARING: Wednesday, January 19, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue



LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 00-254-SP4A
Petitioner: Glyndon Development LLC
Address or Location: 1-88 Bensmill Court (Even Numbers Only)

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara W. Ormrod
Address: ~~WINTERM~~ 210 Allegheny Avenue
Towson, Md 21204.
Telephone Number: 410-494-6201



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 13, 2000

Mws. Patricia A. Malone
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

Dear Mws. Malone:

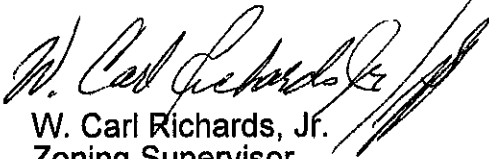
RE: Case Number 00-254-SPHA , Reisterstown Village

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 16, 1999.

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, please do not hesitate to contact the commenting agency.

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

c:



B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: January 6, 2000

FROM: *RWB* Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for January 3, 2000
 Item Nos. 245, 246, 247, 248, 249,
 250, 251, 252, 253, 254, 255, 256,
 257, 259, and 261

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

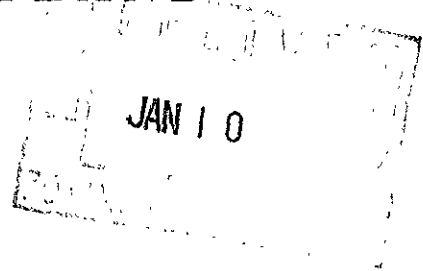
RWB:HJO:jrb

cc: File

L253
1/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



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

Date: January 10, 2000

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): 253, 254, 261, and 262

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:

AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 1.5.00

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

RE: Baltimore County
Item No. 254 BR

RECEIVED JAN 06 2000

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,

Ken Kenneth A. McDonald Jr., 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

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

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

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
(410) 494-6206

pamalone@venable.com

February 11, 2000

HAND-DELIVERED

Lawrence E. Schmidt, Zoning
Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: PETITIONS FOR SPECIAL HEARING AND VARIANCE
S/S Bensmill Court, 125'E of the c/l Carolstowne Court
(Lots 59-120, Reisterstown Village)
4th Election District – 3rd Councilmanic District
Glyndon Development, LLC – Petitioners
Case No. 00-254-SPHA

Dear Mr. Schmidt:

As we discussed in detail earlier this week, your Findings of Fact and Conclusions of Law and accompanying Order issued in the above-referenced matter on February 3, 2000, contain a mistaken transcription of numbers relating to the calculation of the permitted deck encroachment. This error resulted from a early draft of the petition language, which contained the mistake, being included in your file. The other petitions in your file and the site plan introduced at the hearing, though, do contain the corrected language. I apologize for any confusion this has created.

In order to correct the mistake, I have attached a proposed Amended Findings of Fact and Conclusions of Law for your approval.

Kind regards.

Very truly yours,



Patricia A. Malone

PAM/sm
Enclosure
TO1DOCS1/95377 v1

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Patricia Malone

210 Allegheny Ave

Mitch ENSOR

2700 PHILADELPHIA ROAD

Jeffrey Powers

11459 Cranhill Dr. Owings Mills

J. MICHAEL COBURN

P.O. BOX 1144 COLLEGE PARK MD 20740

DEAN HOOVER

859 INTERNATIONAL DR LINCOLN MO



IN RE: PETITION FOR ZONING VARIANCE
W/S Reisterstown Road, 490' S
of the c/l of Westminster Pike
(Reisterstown Village PUD)
4th Election District
3rd Councilmanic District

Operating Engineers Local #37
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-118-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for Baltimore County as a Petition for Zoning Variance filed by the legal owners of the subject property, the Operating Engineers Local #37, by and through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 25 feet in lieu of the required 30 feet for each of the 312 lots which comprise the proposed Reisterstown Village Planned Unit Development (PUD), in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Operating Engineers as their financial consultant was Kim Von Paris of Financial Conservators, Inc. Also appearing on behalf of the Petitioners were Dean Hoover, a landscape architect, and Rick Chadsey, a professional engineer, both with George W. Stephens, Jr. & Associates, Inc., who prepared the site plan identified as Petitioner's Exhibit 1. The Petitioners were represented by Robert A. Hoffman, Esquire. Also present was Don Rascoe, Project Manager for this residential planned unit development (PUD-R) with Baltimore County's Zoning Administration and Development Management Office. There were no Protestants.

It should be noted that prior to this variance hearing, the Authorization Plan for the proposed Reisterstown Village PUD was subject to a development plan hearing which was approved by the Zoning Commissioner/

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FOR FILING
Date 11/20/92
By [Signature]

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Date 11/20/92
By [Signature]

Hearing Officer on September 24, 1992. At that hearing, the original plan submitted by the Petitioners provided for a rear yard setback of 30 feet for each of the 312 proposed dwelling units. However, when the rear yard dimension was scaled on the plan, it was discovered that only a 25-foot rear yard setback was provided. Accordingly, the Plan was revised to remedy this inconsistency by providing the required 30-foot rear yard setback for each lot.

The Petitioners are now seeking, by way of the instant variance request, to obtain a 25-foot rear yard setback for each lot with they originally anticipated and which the plan originally provided. Counsel for the Petitioners proffered testimony for Ms. Von Paris and Mr. Hoover as follows: 1) that the subject property, split zoned D.R. 3.5 and D.R. 10.5, contains a total area of approximately 56 acres of which 15 acres are protected wetlands or parklands; 2) that due to the loss of these 15 acres, the requested variance is needed to give flexibility for the layout of the townhouse units on the remaining 41 acres to ensure that the subdivision meets market demands; 3) that the requested variance would have no adverse effect upon the public health, safety, or general welfare; and, 4) that the granting of the subject variance would be in strict harmony with the spirit and intent of the rear yard setback requirements for D.R. zones. Finally, the Project Manager, Don Rascoe, stated that he had reviewed the requested variance and found it to be consistent with the approved Authorization Plan for the proposed subdivision.

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) what unreasonable practical burdens
- 2) what to apply district applied
- 3) what that the public

Anderson v. Md.
(1974).

It is clear each use, as proposed and will not result

After the it is clear that if the variance is circumstances or ture which is the merits from which of the land due to In addition, the public health, safety tioner's request: M.C.Z.R.

Pursuant public hearing on variance request

ORDER RECEIVED FOR FILING

Date 11/30/92
By [Signature]

ORDER RECEIVED FOR FILING

Date 11/30/92
By [Signature]

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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

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Date 11/20/82
By [Signature]

ORDER RECEIVED FOR FILING

Date 11/20/82
By [Signature]

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THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of November, 1992 that the Petition for Zoning Variance requesting relief from Section 1B01.2.C.1 of the B.C.Z.R. to permit a rear yard setback of 25 feet in lieu of the required 30 feet for each of the 312 lots which comprise the proposed Reisterstown Village PUD, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

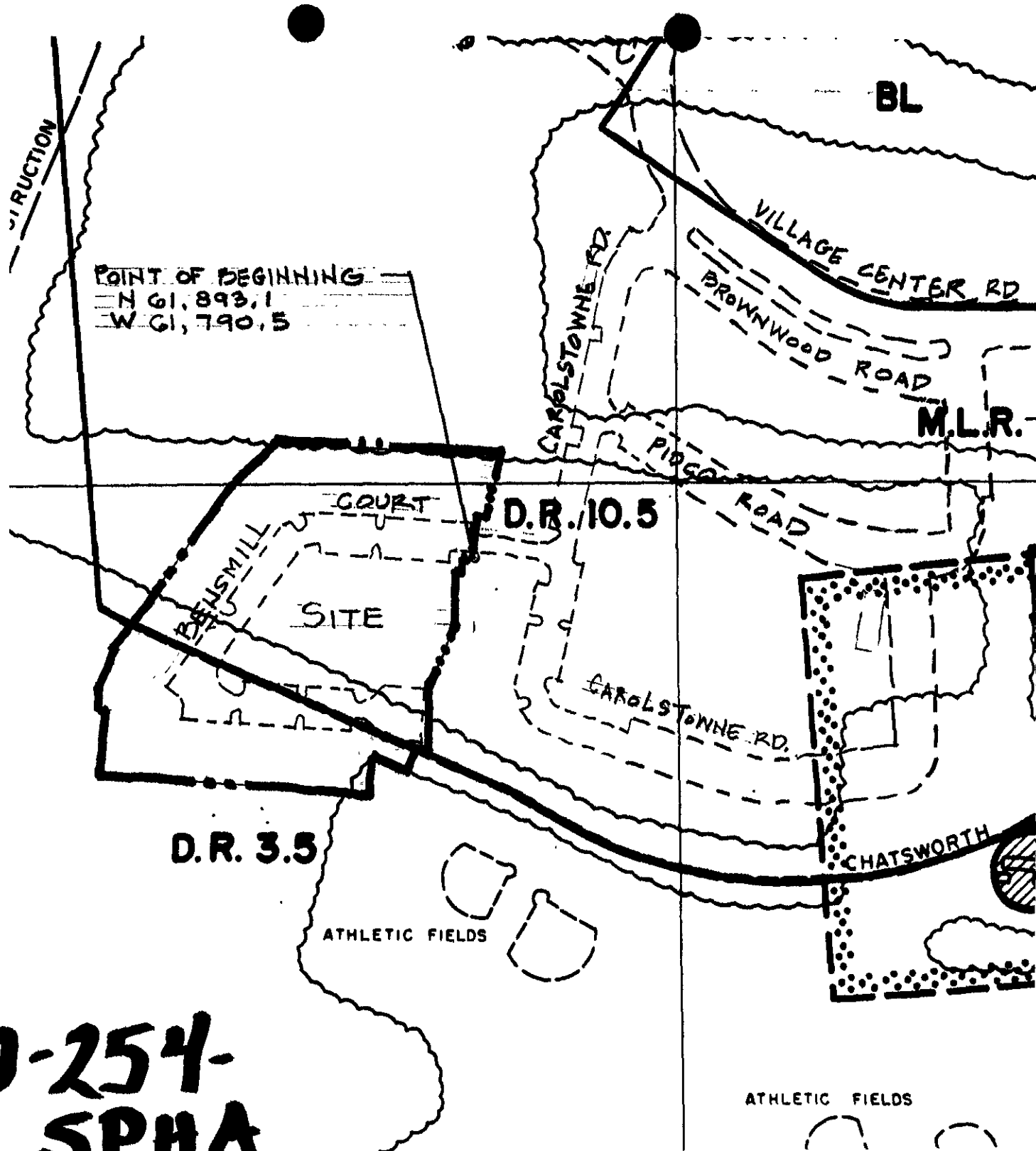
IT IS FURTHER ORDERED that the variance granted herein is deemed to be a refinement to the Authorization Plan approved in Case No. IV-305, pursuant to Section 430.11.C.6, and as such, is approved as a non-material amendment to the Plan without a further hearing.

Any appeal of this decision must be taken in accordance with Section 26-132 of the Baltimore County Code.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

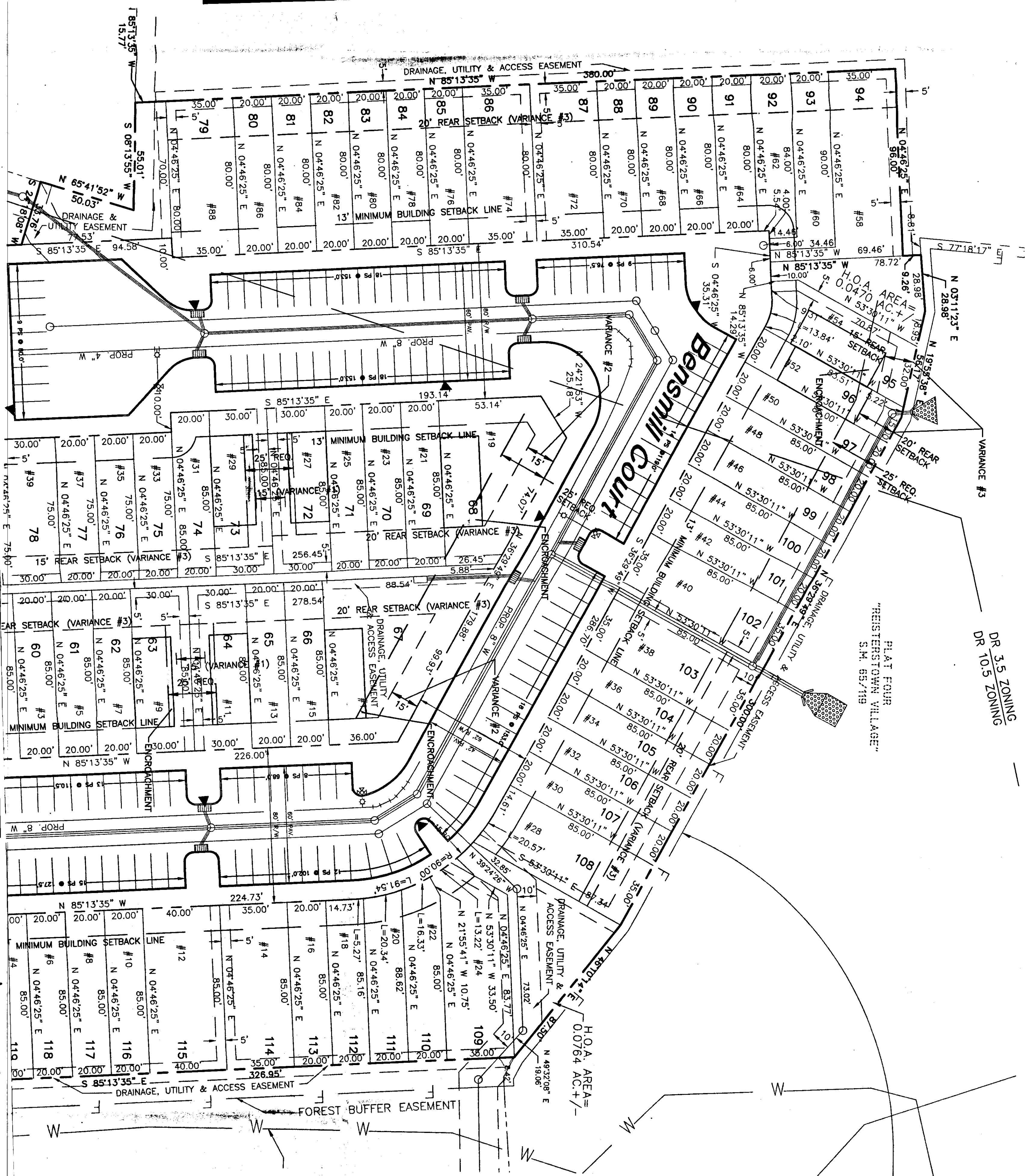
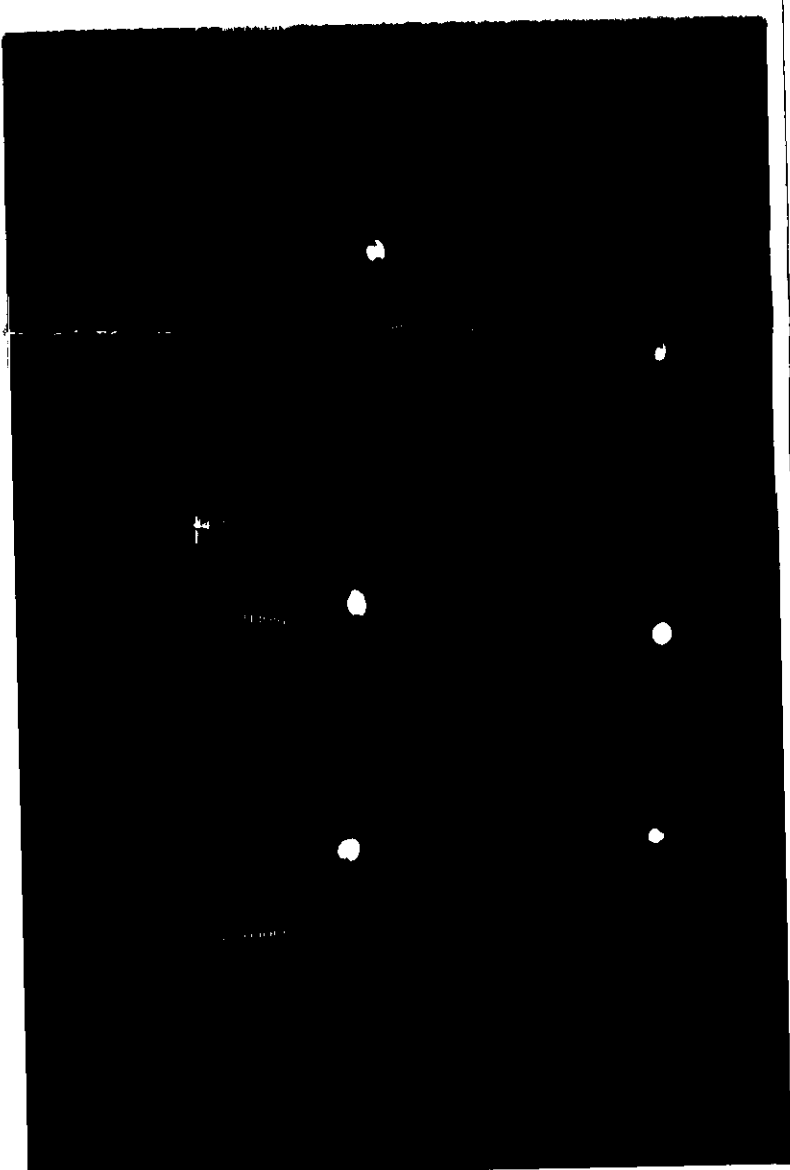
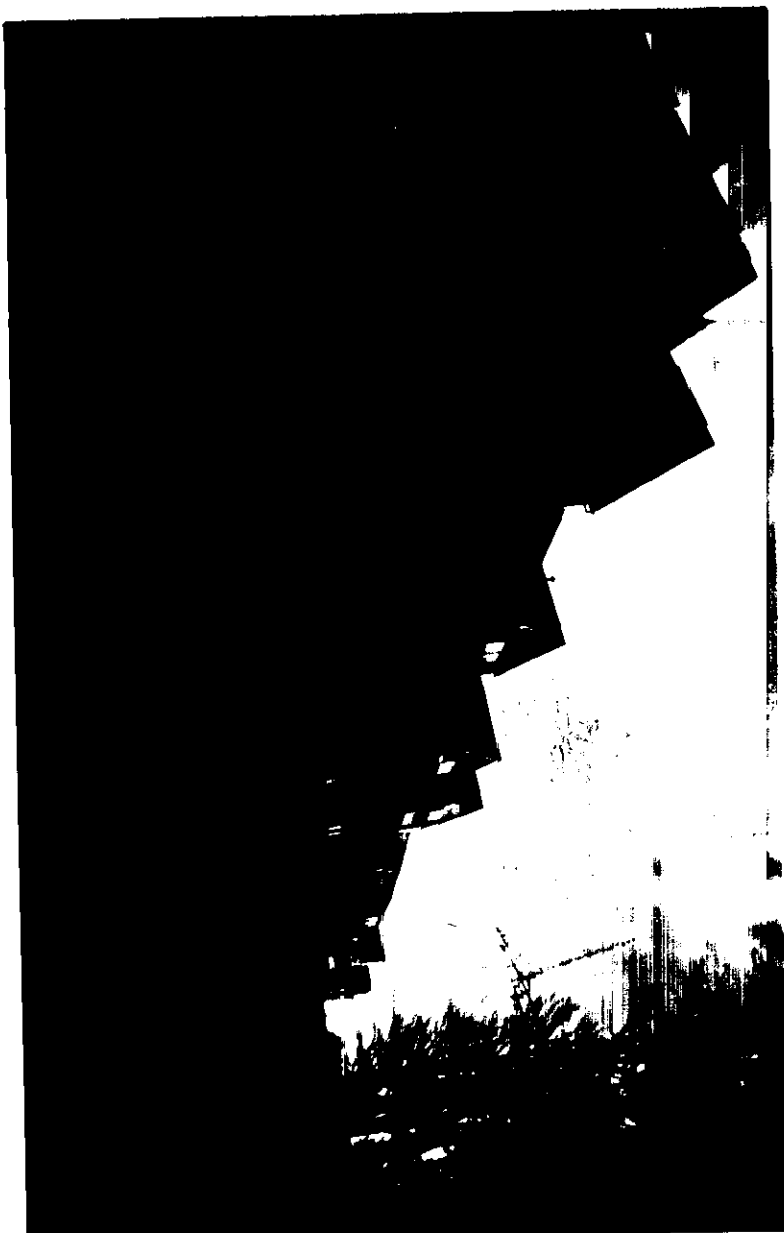
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ORDER RECEIVED FOR FILING
Date 11/30/92
By [Signature]



**00-254-
SPHA**

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY	REISTERSTOWN	N.W. 16-K
JANUARY 1986		#254



Chor # 11-254-591A





RECEIVED
HUB NO. X-8818 ELKV. 717.008
CUT + IN E. RIM LARGE WATER VALVE S.E.
CORNER REISTERSTOWN RD. & CHATSWORTH AVE.



PLAN NOTES

1. AREA OF PETITION = 4.86 AC +/-
2. AREA OF LOTS = 3.013 AC +/-
3. SITE ZONING = DR 10.5 AND DR 3.5 AS INDICATED ON MAP N.W. 18-K
4. LOTS 59-120 AND AS DEPicted ON SECOND AMENDED RESUBDIVISION PLAN OF PLAT THREE REINTERSTEWIN WATER RECORDED AT S.M 72/1
5. EXISTING USE: VACANT
6. PROPOSED USE: RESIDENTIAL TOWNHOUSES (62 LOTS)
7. THE DENSITY ON THIS PLAN WAS TAKEN FROM THE APPROVED DEVELOPMENT PLAN.
8. PROPOSED HEIGHT = MAX. 50 FT. HT.
9. FIRE HYDRANTS ARE INDICATED ON THE PLAN.
10. REQUIRED PARKING = AS INDICATED ON THE APPROVED DEVELOPMENT PLAN.
11. PARKING PROVIDED = AS INDICATED ON THE APPROVED DEVELOPMENT PLAN.
12. FRONT BUILDING FACE TO A PUBLIC STREET R/W = 13 FT. FOR TOWNHOUSES THAT FRONT ON PERPENDICULAR PARKING.
13. SIDE BUILDING FACE TO SIDE BUILDING FACE OR PUBLIC STREET R/W = 25 FT.
14. THE SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
15. SIGNAGE SHALL CONFORM TO B.C.Z.R. REQUIREMENTS SECTION 402.
16. ADDRESS: #1 = 440 & #88 (EVEN NUMBERS ONLY) BENSUMM COURT
17. SCREENING AND LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL.
18. PARKING, AND ACCESS SIGNS SHALL BE PAVED PER SECTION 408B (B.C.Z.R.)

ZONING HISTORY

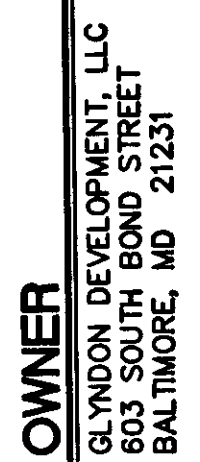
USE NO. 93.118. A - PETITION FOR VARIANCE FROM BCZR SECTION 1801.2.C.1 TO PERMIT A REAR YARD SETBACK OF 25 FT. LEU OF THE RECD. 30 FT. FOR EACH OF THE 312 LOTS WHICH ENCOMPRISE THE REISTERSTOWN VILLAGE P.U.D. WAS GRANTED ON NOVEMBER 20, 1992.

VARIANCE REQUEST

- [illegible]

SPECIAL HEARING

Special Hearing to amend the Final Development Plan and site plan previously approved in Zoning Case No.: 93-118-A



CONTRACT PURCHASERS

POWERS HOMES
111459 CRONHILL DRIVE
SUITE P
BOB WARD COMPANIES
2700 PHILADELPHIA ROAD
EDGEWOOD, MARYLAND 21040

GRAPHIC SCALE

50 25 0 50

SCALE IN FEET

APPROVALS

DEVELOPMENT PLAN - 7TH REFINEMENT - DRC NO. 09209C
 AM NO. III-305 DATED OCTOBER 15, 1999.

ADJACENT PROPERTY OWNERS – CAROLSTON DRIVE	ADDRESS	NAME	DEED REF.
	#177	GAUL, DANIEL & PAULETTE	14036/95
	#178	YOUNG, EMORY	14009/176
	#181	RODRIGUEZ MANUEL & CUADRADO WANDA	13954/140
	#183	SHUMAN, MARVIN	
	#185	PERRY, JAYSON SHANE	14068/19
	#187	BEJANIAN, DALYAN	13983/680
	#189	ALEXANDER, WILLIAM & GLORIA	14146/279
	#191	SLESS, FRANCOISE	14150/668
	#193	SEATON, KRISTIN	14150/668
	#195	WARD, MICHELLE ROBERT	14150/644
	#197	WARD, MICHELLE SHANE	14169/585
	#199	POWERS HOMES AT STONE MILL INC, SUITE P	13800/221
	#201	MAXA, JAMES	13627/568
	#203	CRILLO, MICHAEL	13852/520
	#205	HEIDMAN, ROBERT	13852/520
	#207	BOWEN, JARETT	13709/201
	#209	CARVER, JAMES & LISA	
	#211	GARGES, ROBERT & TRICIA	13709/173
	#219		13827/434

NO ORIGINATING CALLS MAY BE INITIATED BY ANY PERSON FIRM OR CORPORATION WITHOUT THE SPECIFIC WRITTEN PERMISSION OF BL COMPANIES



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 3, 2000

Patricia A. Malone, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
S/S Bensmill Court, 125' E of the c/l Carolstowne Court
(Lots 59-120, Reisterstown Village)
4th Election District - 3rd Councilmanic District
Glyndon Development, LLC - Petitioners
Case No. 00-254-SPHA

Dear Ms. Malone:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. J. Michael Coburn, Glyndon Development, LLC
603 South Bond Street, Baltimore, Md. 21231
Mr. Mitch Ensor, Bob Ward Companies
2700 Philadelphia Road, Edgewood, Md. 21040
Mr. Jeffrey Powers, Powers Homes
11459 Cronhill Drive, Owings Mills, Md. 21117
Mr. Dean Hoover, 859 International Drive, Linthicum, Md. 21090
People's Counsel; Case File

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

