

3/26/01
IN THE MATTER OF
THE APPLICATIONS OF
JOSEPH G. HOLTER AND
WINSOME HOMES, INC. –
LEGAL OWNERS

FOR SPECIAL HEARING
AND VARIANCE

Lots 2, 3, 4 & 5 of
Karinvale and Tract A
of the Holter Property
(Zoning Commissioner Case
No. 00-161-SPHA)

and

FOR VARIANCE

(Zoning Commissioners Case
No. 00-456-A)

BEFORE THE

COUNTY BOARD OF

APPEALS OF

BALTIMORE COUNTY

Case No.: 00-161-SPHA
00-456-A

* * * * *

CONSENT ORDER

An appeal was filed with this Board by Perry Hall Farms Joint Venture ("Perry Hall Farms"), Protestant, after the Zoning Commissioner of Baltimore County granted a Petition for Special Hearing and Petition for Variance in Case No. 00-161-SPHA filed by Petitioners Joseph G. Holter, Beverleigh A. Holter (now deceased), and Winsome Homes, Inc. In the Petition for Special Hearing, Petitioners requested an interpretation of Baltimore County Zoning Regulations ("B.C.Z.R.") Section 259.7.C regarding whether building permit authorizations had been properly issued by the Director of the Department of Permits and Development Management. In addition, Petitioners filed a Petition for Variance, seeking approval of a residential building to arterial road setback of twenty-five (25) feet in lieu of the permitted forty (40) feet for Lot 5 of the Karinvale subdivision.

A second appeal was filed with this Board by Perry Hall Farms after the Zoning Commissioner granted Petitioners' Petition for Variance in Case No. 00-456-A. The Petition for Variance sought relief from B.C.Z.R. Sections 259.7.D and E to permit the issuance of four (4) authorizations for four (4) residential building permits.

The parties have requested that this Board consolidate the appeals in Case No. 00-161-SPHA and in Case No. 00-456-A. The request to consolidate these cases is, therefore, hereby GRANTED.

Petitioners and Perry Hall Farms have negotiated in an effort to reach an agreement with regard to the disposal of Case Nos. 00-161-SPHA and 00-456-A. After such negotiations, the parties have advised this Board that they have entered into an Agreement, which is attached to this Consent Order. It is the intent of the parties that the Agreement be incorporated into any decision of the Board of Appeals and will be binding on and inure to the benefit of all parties to the Agreement and their successors and assigns for a period of fifteen (15) years from its effective date. The parties have submitted a Consent Order for the Board's signature intended to carry out the terms of the Agreement. The request for a Consent Order is hereby GRANTED.

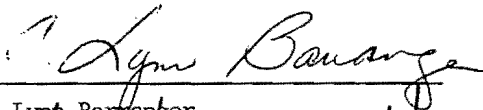
Therefore, IT IS ORDERED this 21st day of March 2001, by the County Board of Appeals of Baltimore County, that the Zoning Commissioner's Order in Case No. 00-161-SPHA, regarding the Petition for Special Hearing only, is hereby VACATED, rendering that portion of the decision null and void. The Order in Case No. 00-161-SPHA with regard to the Petition for Variance remains in effect and, with the withdrawal of the appeal by Perry Hall Farms is now final.

AND, it is hereby ORDERED, as agreed by the parties, that the appeals to the Petition for Variance in Case No. 00-161-SPHA and the Petition for Variance in Case No. 00-456-A are WITHDRAWN in accordance with the terms of the above-described Agreement.

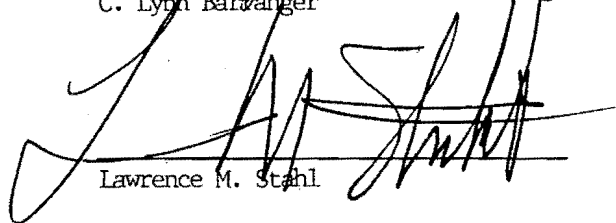
**COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY**



Lawrence S. Wescott, Chairman



C. Lynn Barzanger



Lawrence M. Stahl

TOIDOC51/DHK01/#110612 v1

AGREEMENT

This is an agreement between Perry Hall Farms Joint Venture (hereinafter "Perry Hall Farms"), Joseph G. Holter (hereinafter "Holter"), Winsome Homes, Inc. (hereinafter "Winsome Homes"), and John R. Clark, individually and as an Authorized Agent of and the President of Winsome Homes, Inc. (hereinafter "Clark").

INTRODUCTION

A. Perry Hall Farms is the developer of a major residential subdivision known as "Perry Hall Farms" located south of the intersection of Cross Road and Forge Road in Baltimore County.

B. Winsome Homes and Holter are developing a five-lot subdivision known as "Karinvale" located along Holter Road in Baltimore County, one of the lots (Lot 1) containing Holter's dwelling.

C. The parties are aware of the plans to develop the respective properties and have reviewed the land use and zoning regulations concerning such development. The parties want assurance that they can develop their properties without interference and/or objection by the others with respect to development, permitting, zoning, or other governmental approvals.

D. The parties recognize that Clark is the President of Winsome Homes. Perry Hall Farms desires Clark's participation in this Agreement as an additional party, to be bound by the terms of this Agreement individually with respect to the promises, obligations, and responsibilities of Winsome Homes and other terms and conditions of this

Agreement. Accordingly, to induce Perry Hall Farms to enter into this Agreement, Clark agrees to be bound individually as described in this paragraph.

E. Perry Hall Farms Joint Venture is made up of two entities: JTL Corporation, General Partner, and John T. Lupton Trust, Limited Partner. These parties agree to be bound by the terms of this Agreement with respect to the promises, obligations, and responsibilities of Perry Hall Farms as evidenced by the signature of David S. Gonzenbach as agent for these entities.

AGREEMENT

Accordingly, Perry Hall Farms, Holter, Winsome Homes, and Clark, in consideration for the mutual promises, responsibilities, and undertakings stated herein, agree, as follows:

1. Perry Hall Farms has taken an appeal from the decision of the Zoning Commissioner for Baltimore County on the Petition for Special Hearing and the Petition for Variance in Case No. 00-161-SPHA. Perry Hall Farms has also taken an appeal from the decision of the Zoning Commissioner for Baltimore County on the Petition for Special Variance in Case No. 00-456-A. After execution of this Agreement, the parties agree that Perry Hall Farms will withdraw its appeal in Case No. 00-456-A. The parties further agree that Holter and Winsome Homes will withdraw their Petition for Special Hearing in Case No. 00-161-SPHA, leaving the Petition for Variance only remaining in that case. Perry Hall Farms agrees simultaneously to withdraw its appeal relating to the variance portion of the decision in Case No. 00-161-SPHA. The parties agree jointly to request that the Baltimore County Board of Appeals remand the case back to the Zoning Commissioner

with instructions to vacate the special hearing portion of the decision only, leaving the variance relief in tact, or to pursue whatever procedural avenues are necessary to obtain the same result.

2. With the dismissal of the appeals referenced in Paragraph 1 and the withdrawal and vacation of the special hearing relief in Case No. 00-161-SPHA, Perry Hall Farms hereby agrees not to directly or indirectly, or through any surrogates, affiliates, or any other related party, object, oppose, or otherwise interfere with the development of the Karinvale subdivision (or the development of any other property in which Holter, Winsome Homes, or Clark have now or in the future acquire an interest), including but not limited to, any hearings, appeals, or any other action before or involving any governmental, administrative, or judicial body, at any level, where the development of Holter, Winsome Homes, or Clark's property is an issue or under consideration. Perry Hall Farms further hereby covenants not to sue Holter, Winsome Homes, or Clark or participate in any governmental, administrative, or judicial proceeding that would adversely impact the development of Holter, Winsome Homes, or Clark's property. Perry Hall Farms hereby releases and waives any right it has or would have to contest or object to any governmental, administrative, or judicial approval of the development of Holter, Winsome Homes, or Clark's property.

3. With the dismissal of the appeals referenced in Paragraph 1 and the withdrawal and vacation of the special hearing relief in Case No. 00-161-SPHA, Holter, Winsome Homes, and Clark, and each of them, hereby agree not to directly or indirectly, or through any surrogates, affiliates or any other related party, object, oppose, or otherwise interfere with the development of Perry Hall Farms subdivision (or the development of any

other property in which Perry Hall Farms has now or in the future acquires an interest), including, but not limited to, any hearings, appeals, or any other action before or involving any governmental, administrative, or judicial body, at any level, where the development of Perry Hall Farms' property is an issue or under consideration. Holter, Winsome Homes, and Clark, and each of them, further hereby covenant not to sue Perry Hall Farms or to participate in any governmental, administrative, or judicial proceeding that would adversely impact the development of Perry Hall Farms' property. Holter, Winsome Homes, and Clark, and each of them, hereby release and waive any right they have or would have to contest or object to any governmental, administrative, or judicial approval of the development of Perry Hall Farms' property.

4. This Agreement will expire by its own terms fifteen (15) years from its effective date.

5. In the event of any breach of this Agreement by any party, the non-breaching party or parties will be entitled to reasonable expenses, including reasonable attorney's fees, incurred in remedying the breach or in recovering damages for such breach. This Agreement is enforceable by injunctive relief, specific performance, and action for the recovery of damages incurred, including, but not limited to, any damages related to delay in the development of the properties in question.

6. This Agreement is to be construed, interpreted, and applied in accordance with Maryland law.

7. The Agreement is binding on and shall inure to the benefit of the parties and their respective representatives, successors, and assigns.

8. Any individual signing on behalf of a corporate entity warrants and represents that he has the authority to do so and to bind the corporation.

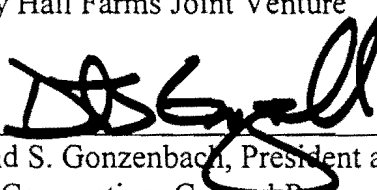
9. This document embodies the complete agreement between the parties, and there are no other promises, agreements, representations, or warranties except as stated herein. Any amendments or modifications to this Agreement must be in writing and signed by all parties.

10. This Agreement may be executed in separate counterparts.

CONCLUSION

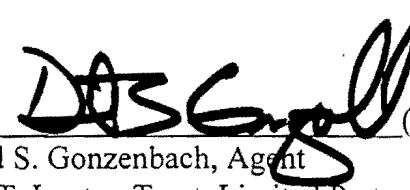
ACCORDINGLY, this Agreement (comprising six (6) pages, including signatures) is signed and sealed, and shall be effective as of the date of the latest signature below ("the effective date"), as follows:

Perry Hall Farms Joint Venture

BY:  (SEAL)
David S. Gonzenbach, President and Agent
JTL Corporation, General Partner

9-18-00

Date

BY:  (SEAL)
David S. Gonzenbach, Agent
John T. Lupton Trust, Limited Partner

9-18-00

Date

Joseph G. Holter (SEAL)
Joseph G. Holter

10-12-2000
Date

Winsome Homes, Inc.

John R. Clark (SEAL)
BY: John R. Clark, President

10/12/2000
Date

John R. Clark (SEAL)
John R. Clark, Individually

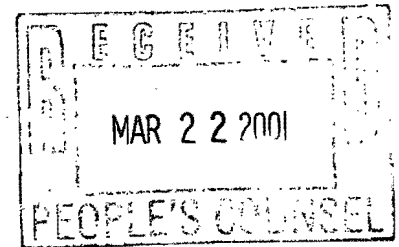
10/12/2000
Date



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

as per



March 21, 2001

Robert A. Hoffman, Esquire
Patricia A. Malone, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

Ronald A. Decker, Esquire
MOORE, CARNEY, RYAN, & LATTANZI, LLC
4111 E. Joppa Road
Baltimore, MD 21236

RE: *In the Matter of: Joseph G. Holter and Winsome Homes, Inc.*
Case No. 00-161-SPHA and Case No. 00-456-A

Dear Counsel:

Enclosed please find a copy of the Consent Order issued this date by the County Board of Appeals of Baltimore County in the subject matter. This file will be closed upon the expiration of 30 days from today's date.

Very truly yours,

Charlotte E. Rodoliff for

Kathleen C. Bianco
Administrator

Enclosure

c: Perry Hall Farms Joint Venture
Joseph G. Holter
John R. Clark, President
Winsome Homes, Inc.
Robert Linhard
✓ People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





Baltimore County
Department of Permits and
Development Management

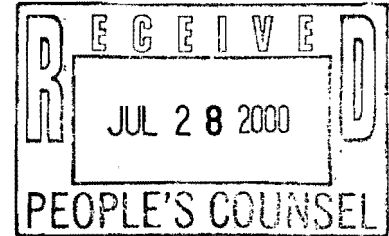
CD/PMZ

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

410-887-3391

July 24, 2000

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-0147



Dear Mr. Hoffman:

JOSEPH HOLTER + WINDSOR HOMES

RE: Case NO. 00-456-A, 11341, 11343, 11345, and 11347 Holter Rd., 15th Election District

Please be advised that an appeal of the above-referenced case was filed in this office on July 11, 2000. 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 at 410-887-3180.

NOTE: The subject property will be posted with the date, time, and location of the appeal hearing. If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

Sincerely,

Arnold Jablon
Director

AJ:kew

c:

✓ People's Counsel

Joseph G. Holter, 11340 Philadelphia Rd., Baltimore, Md. 21162
John R. Clark, 2820 Reckord Rd., Fallston, Md. 21047

*This is
too confusing
to post up!!*



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APPEAL

**Petition for Variance
11341, 11343, 11345 Holter Rd
N/S Old Philadelphia Rd., 40 feet S of the c/l Holter Rd.
11th Election District - 5th Councilmanic District
Joseph G. Holter and Winsome Homes, Inc. Legal Owner
Case No. 00-456-A**

Petition for Variance (filed 5/4/00)

Description of Property

Notice of Zoning Hearing (dated 5/18/00)

Certification of Publication (5/30/00 The Jeffersonian)

Certificate of Posting (Posted 5/27/00 by Patrick M. O'Keefe)

Entry of Appearance by People's Counsel (Not Found)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet (None)

Citizens Sign-In Sheet (None)

Zoning Advisory Committee Comments (4)

Petitioners Exhibits:

- 1A-1B Plat to accompany variance (dated 5/27/99)**
- 2A-2F Site Photos to accompany Variance**
- 3- Letter from Arnold Jablon to Ronald A Decker, Esquire (dated 7/29/99)**
- 4- Memo from Mitchel Kellman to Arnold Jablon (dated 2/14/00)**
- 5- Honeygo Area Information Map**
- 6- Honeygo Area Unit Authorization Chart**
- 7- Letter from Mitchell Kellman, Planner II to John K. Clark, President (dated 7/8/99)**
- 8- Memo from Douglas N. Silber, Esquire to Arnold F. Pat Keller, Director of Planning Office, George Perdikakis, Director DEPRM, Charles R. Olsen, Director Department of Public Works, Michael H. Davis, Executive Office, David Flowers, Permits & Development Management, John F. Weber, and Director Department Recreation & Parks,**

Miscellaneous (Not Marked as Exhibits):

Zoning Commissioner's Order dated June 30, 2000 (Granted with restrictions)

Notice of Appeal received on July 11, 2000, from Robert A. Hoffman, Esquire on behalf of Perry Hall Farms Joint Venture, Petitioner

**C: Joseph G. Holter, 11340 Philadelphia Rd., Baltimore, Maryland 21162
John R. Clark, President, 2820 Reckard Rd., Fallston, Md. 21047
People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Arnold Jablon, Director of PDM**

6/29/00

IN RE: PETITION FOR VARIANCE
N/S Old Philadelphia Road, 40' S of
the c/l Holter Road
(Lots 2, 3, 4 & 5 of Karinvale)
11th Election District
5th Council District

Joseph G. Holter, Owner Lots 4 & 5, and
Winsome Homes, Inc., Owner Lots 2 & 3

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-456-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance for the properties known as Lots 2, 3, 4 and 5 of the residential subdivision known as Karinvale, located in the Honeygo community of eastern Baltimore County. The lots are also known as 11341, 11343, 11345 and 11347 Holter Road, respectively. The Petition was filed by Joseph G. Holter, owner of Lots 4 & 5, and Winsome Homes, Inc., by John R. Clark, President and owner of Lots 2 & 3, through their attorney, Ronald A. Decker, Esquire. The Petitioners request variance relief from Sections 259.7.D and E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the issuance of four authorizations for four residential building permits. The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibits 1A and 1B.

Appearing at the requisite public hearing in support of the request were John R. Clark and Joseph G. Holter, respective owners of the lots identified above, and Ronald A. Decker, Esquire, attorney for the Petitioners. Also present were David Karceski, Esquire, attorney for an adjacent property owner, and Bob Linhard, a nearby resident of the area. There were no Protestants or other interested persons present.

The four lots under consideration in the instant case were actually created by the development of an adjacent tract, known as the Holter Property, by Messrs. Holter and Clark. That adjacent tract is approximately 14 acres in area and was developed with 36 single family homes. Mr. Clark indicated that due to constraints associated with the public road that was constructed for

the Holter development, the four subject lots were not developed with the Holter subdivision. Cumulatively, the lots under consideration total .772 acres in area, more or less, zoned D.R.3.5 and remain unimproved. Photographs of the lots and area in question (Petitioner's Exhibits 2A through 2F) show that the Holter Property has been developed and that public utilities and improvements have been constructed. Specifically, Holter Road has been built out and public water and sewer are available in the bed of that roadway. As shown on the plan, the subject lots are immediately adjacent to Holter Road and lie adjacent to the intersection of that road and Maryland Route 7 (Philadelphia Road). As noted above, the lots are presently unimproved, but are proposed for development with single family dwellings by the Petitioners.

Development of these four lots is governed by Section 259 and Article 4A of the B.C.Z.R. Sections 259.4 through 259.9 of the B.C.Z.R. sets out the standards for development in the Honeygo H and H1 overlay districts. The Honeygo Overlay Districts were legislatively established to implement the Honeygo Area Plan, an amendment to the Master Plan 1989-2000. That area was created to insure that development of infra-structure would coincide with the issuance of building permits. The scheme of development in the Honeygo area is to foster heightened design elements and a regional approach to development.

Section 259.7 of the B.C.Z.R. sets out the threshold limits for development within the overall Honeygo area. Sub-section 259.7.D sets out the area threshold requirements and restricts the number of building permit authorizations which can be issued. As noted above those authorizations are issued only upon completion of the necessary infra-structure. Section 259.7.E identifies sub-areas within the Honeygo district. That Section also limits the number of building permit authorizations which can be issued in the respective sub-areas. The subject properties, in addition to their location within the Honeygo area at large, are situated within the Bean Run sub-area. It need be emphasized, as indicated during Mr. Clark's testimony, that all public improvements and utilities in the immediate vicinity have been completed. Holter Road has been constructed and dedicated and public sewer and water is available to the subject lots from the bed of that road. Nonetheless, the Petitioner has been prohibited from securing building permits for

these lots. By letter dated July 8, 1999 (Petitioner's Exhibit 7), the Baltimore County Department of Permits and Development Management (PDM) advised the Petitioners that the subject lots would be placed on a waiting list for the issuance of building permits because all authorizations within the Bean Run sub-area and Honeygo area had been exhausted.

The history of this process and a detailed discussion of these sections of the B.C.Z.R. are set out in this Zoning Commissioner's Opinion in prior Case No. 00-161-SPHA. Therein, I discussed the legislative history of this Section and the issuance of authorizations. By my Order dated March 23, 2000, I granted the Petitioners' request for special hearing and variance relief to effectuate development of the subject four lots.

Frustrated through its attempts to obtain relief pursuant to that Petition for Special Hearing, the Petitioners have filed the instant Petition for Variance of the threshold limits for the Honeygo area and Bean Run sub-area. A variance of those standards is expressly permissible and within the Zoning Commissioner's jurisdiction, pursuant to Section 259.8 of the B.C.Z.R. Moreover, in considering any such variances, the Zoning Commissioner shall consider the standards of Section 4A02.4.F of the B.C.Z.R. Those Sections require that the Zoning Commissioner find, "1) That the demand or impact of the development proposed will be less than that assumed by the District standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and, 2) that the granting of the Petition will not adversely affect the person whose application was filed prior to the Petitioner's application in accordance with Section 4A02.3.G.2.b."

As indicated in a memo from Mitchell J. Kellman, Planner II with the Department of Permits and Development Management (PDM) to Arnold Jablon, Director of that agency, dated February 14, 2000, in order for additional authorizations to become available within the Bean Run sub-area, the Forge Road capital project from Cross Road to Forge View Road, and the Cross Road capital project from Honeygo Boulevard to Forge Road, must commence. That is, improvements to Forge Road and Cross Road must be undertaken in order for additional authorizations to become available.

In this regard, Mr. Clark submitted a map of the general area (Petitioner's Exhibit 5) and offered testimony regarding this issue. That map shows the location of the Holter Property in addition to those sections of Forge Road and Cross Road which are subject to the County's Capital Improvement Program. Testimony and evidence offered was persuasive that potential residents of the four lots at issue will not impact those sections of the identified roadways which must be improved. That is, Mr. Clark indicated that the roads are a significant distance away (approximately 2.5 miles) from this small subdivision. Additionally, Mr. Clark traced the probable routes that individuals travelling to and from the subject properties would utilize. Most drivers would use Philadelphia Road to reach I-95 and access points north and south of the development. To travel west (towards Towson), drivers would use Joppa Road. Motorists travelling in a westerly direction from the site are moving away from the proposed road improvements.

I find the testimony of Mr. Clark credible and appropriate. In my judgment, the testimony and evidence offered was persuasive to a finding that the impact of this proposed four-lot subdivision will be less than that assumed by the District standard which would otherwise restrict or prohibit the development. Moreover, in that this subdivision is the first subdivision to be served on the County's waiting list, I find that the granting of the Petition will not adversely affect the person whose application was filed prior to the Petitioner's application.

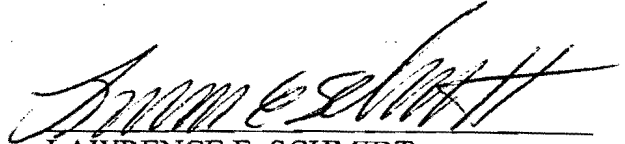
For these reasons, the Petition for Variance shall be granted. This proposed four-lot subdivision will cause negligible impact to the road network in the area. More importantly, the proposed improvements, which at the present time, prohibit the issuance of building permits, are unaffected by the development of this small subdivision. I find that the facts and evidence presented meet the test at law and that the Petition for Variance should be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of June, 2000 that the Petition for Variance seeking relief from Sections 259.7.D and E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the issuance of four

authorizations for four residential building permits, in accordance with Petitioner's Exhibits 1A & 1B, be and is hereby GRANTED, subject to the following restriction:

- 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.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

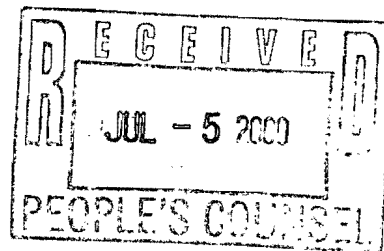


Baltimore County
Zoning Commissioner

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

June 29, 2000

Ronald A. Decker, Esquire
Moore, Carney, Ryan and Lattanzi, LLC
4111 E. Joppa Road, Suite 201
Baltimore, Maryland 21236



RE: PETITION FOR VARIANCE
N/S Old Philadelphia Road, 40' S of the c/l Holter Road
(Lots 2, 3, 4 and 5 in Karinvale)
11th Election District - 5th Councilmanic District
Joseph G. Holter and Winsome Homes, Inc. - Petitioners
Case No. 00-456-A

Dear Mr. Decker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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. Joseph G. Holter, 11340 Philadelphia Road, White Marsh, Md. 21162
Mr. John Clark, Winsome Homes, Inc., 2820 Reckord Road, Fallston, Md. 21047
Mr. Bob Linhard, 5810 Allender Road, White Marsh, Md. 21162
David Karceski, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204
People's Counsel; Case File



Census 2000



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Census 2000



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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Lots 2, 3, 4 and 5 in Karinvale

11341, 11343, 11345, 11347 Holter Road

which is presently zoned DR 3.5H

11347 → 11341 Holter Rd

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) 259.7.D and 259.7.E. to permit the issuance of four authorizations for four residential building permits.

reviewed by 1/1/02

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The Director of the Department of Permits and Development Management has issued all of the authorizations permitted under the above referenced BCZR Sections. Petitioners have been informed that the Director of PDM's current interpretation of the applicable zoning regulations would deny the Petitioners an opportunity to receive authorizations until the year 2004. The subject lots are an extension of an existing subdivision known as Holter Property and all utilities are presently available to the lots, they

Cont'd.

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:

Ronald A. Decker, Esquire

Name - Type or Print

Signature (410) 529-4600

4111 E. Joppa Road, Suite 201

Company

Baltimore, Maryland 21236

Address

Telephone No.

City

State

Zip Code

Case No.

456

REV 9/15/98

Legal Owner(s):

11340 Philadelphia Rd.

Joseph G. Holter Baltimore, MD 21162

Name - Type or Print

Signature

Owner Lots 4 and 5

Winsome Homes, Inc.

Name - Type or Print

By:

Signature John R. Clark, President & Owner Lots

2820 Reckord Rd. (410) 893-9936 2 & 3

Address

Telephone No.

Fallston, Maryland 21047

City

State

Zip Code

Representative to be Contacted:

John R. Clark

Name

2820 Reckord Road (410) 893-9936

Address

Telephone No.

Fallston, Maryland 21047

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

1 HR

UNAVAILABLE FOR HEARING

Reviewed By

JL

Date

5/4/00

Petition for Variance
Lots 2, 3, 4 and 5 in Karinvale
Continued

they are served by adequate roads, that the impact of the development will be less than that assumed in the Honeygo area, and granting the petition will not adversely affect any other petitioner.

CB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

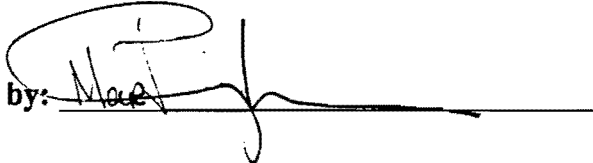
DATE: May 16, 2000

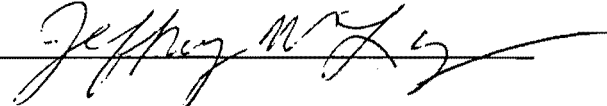
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 320, 451 and 456

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: 

Section Chief: 

AFK/JL:MAC



Baltimore County
Fire Department

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

May 16, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 15, 2000

Item No.: See Below

Dear Ms. Stephens:

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:

447, 449, 450, 451, 452, 454, 455, 456, 459, 460, 461, 446

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: **5-15-00**

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

RE: Baltimore County
Item No. **456** **JL**

Dear Ms. Jackson:

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,

to 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

RE: PETITION FOR VARIANCE
11341-47 Holter Road, SW/S Holter Road
and Old Philadelphia Road
11th Election District, 5th Councilmanic

Legal Owner: Joseph G. Holter (Lots 4 & 5) and
Winsome Homes, Inc. (Lots 2 & 3)
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-456-A

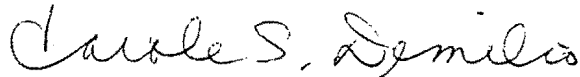
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



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 22nd day of May, 2000 a copy of the foregoing Entry of Appearance was mailed to Ronald A. Decker, Esq., 4111 E. Joppa Road, Suite 201, Baltimore, MD 21236, attorney for Petitioner(s).



PETER MAX ZIMMERMAN