

IN RE: PETITION FOR VARIANCE
SE/S Bright Sky Court, 155' NE
Centerline of Summer Woods Way
4th Election District
3rd Councilmanic District
(15 Bright Sky Court)

First Development Group, LLC
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-141-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, First Development Group, LLC. The variance request is for property located at 15 Bright Sky Court in the Reisterstown area of Baltimore County. The subject property is part of the Summer Woods residential development. The Petitioners are requesting a variance from Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 24 ft. distance between side building faces in lieu of the minimum required 25 ft. and to amend the last approved Final Development Plan of Summer Woods.

Appearing at the hearing on behalf of the request were Michael Thomasson, Vice President of First Development Group, LLC and Mitchell Kellman appearing on behalf of Daft, McCune & Walker. There were no protestants in attendance.

Testimony indicated that the property, which is the subject of this variance request, involves a townhouse development known as Summer Woods. Specifically involved in this request are Lots 127 and 128 of that subdivision. The two end of group townhouses situated on those lots are located 24 ft. from one another in lieu of the required 25 ft. In order to proceed with the construction of these townhomes, the variance request is necessary.

ORDERS RECEIVED FOR FILING

Date 11/13/00

By *W. J. J. J.*

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners 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).

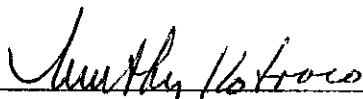
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of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

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 13th day of November, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 24 ft. distance between side

building faces in lieu of the minimum required 25 ft. and to amend the last approved Final Development Plan of Summer Woods, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 11/13/00
By R. Johnson



Baltimore County
Zoning Commissioner

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

November 14, 2000

Mr. Mitch Kellman
Daft, McCune & Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21286

Re: Petition for Variance
Case No. 01-141-A
Property: 15 Bright Sky Court

Dear Mr. Kellman:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: First Development Group, LLC
c/o Michael Thomasson, Vice-President
1332A Cape St. Claire Road
Annapolis, Maryland 21401



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 15 Bright Sky Court

which is presently zoned OR-2

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)

1301.2.C.1.c. to permit a 24-ft distance between side building faces in lieu of the minimum 25-ft and to amend the last approved final development plan of Summerwoods

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 the 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:

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):

First Development Group, LLC

Name - Type or Print

Signature

* Michael Thomasson, V.P.

Name - Type or Print

Title

Signature

* 1332 A Cape St. Claire Rd.

Address

Telephone No

* Annapolis, Maryland

City

State

Zip Code

Representative to be Contacted:

Daft-McCune-Walker, Inc / Att: mitch Kellman

Name

200 East Pennsylvania Ave

Address

Telephone No.

Towson, Maryland

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

TAG

Date

9/27/00

Case No. 01-141-A

11/13/00
By [Signature]
Date 11/15/98

ORDER RECEIVED FOR FILING

ZONING DESCRIPTION

15 Bright Sky Court

Beginning on the southeast side of Bright Sky Court, 62 feet wide, at the distance of 155 feet northeast of the centerline of Summer Woods Way, 50 feet wide. Being Lot 127 of the subdivision of the Amended Plat A of Summer Woods as recorded in Plat Book 71, Folio 79. Also known as 15 Bright Sky Court containing .065 of an acre in the 4th Election District and 3rd Councilmanic District.

Note: This description is for zoning purposes only.



Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

01-141-A

BALTIMORE COUNTY, MARY VD
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **26867**

DATE 9-24-00 ACCOUNT K001 6150
AMOUNT \$ 100.00

RECEIVED FROM: DMW

FOR: Residential Variance & Amendment
to FDP 15 Bright Sky Ct.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY: DMW
DATE: 9/27/00 TIME: 14:30:00
APPROVED: CASHIER DATE: 10/1/00
FOR: F20 ZONING VERIFICATION
RECEIPT: 100.00
EP: 100.00
Receipt in: 100.00
100.00 in: 100.00
Baltimore County, Maryland

01-141-A

CASHIER'S VALIDATION

**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: #01-141-A
15 Bright Sky Court
SE/S Bright Sky Court, 155
feet NE of centerline
Summer Woods Way
4th Election District
3rd Councilmanic District
Legal Owner(s): First

Development Group, LLC
Variance: to permit a 24-foot distance between side building faces in lieu of the minimum 25-feet and to amend the last approved Final Development Plan of Summer Woods.

Hearing: Wednesday, November 8, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please 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

10/180 Oct. 19 C427627

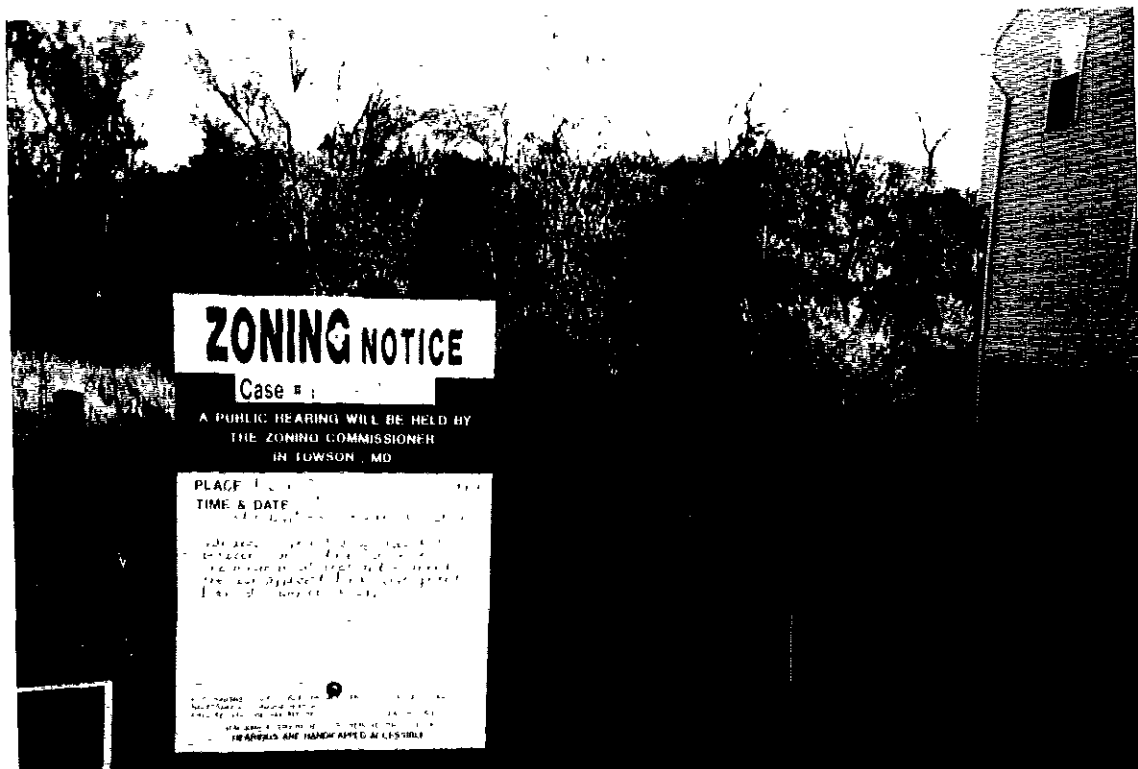
CERTIFICATE OF PUBLICATION

TOWSON, MD, 10/19/, 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 10/19/, 2000.

J. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING



CERTIFICATE OF POSTING

RE: Case No.

01-141-A

Petitioner/Developer

First Development
Group, LLC

Date of Hearing/Closing

Wednesday, November 8,
2000 at 11:am

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under penalties of perjury that the necessary sign(s) required by
law were posted conspicuously for the property known as

15 Bright Sky Court
of "Summer Woods"

The signs were posted on

October 19, 2000.
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster and Date)

Mitchell J. Kellman

(Printed Name)

200 East Pennsylvania Avenue

Towson, MD 21286

(Address)

410-296-3333

(Telephone Number)



RE: PETITION FOR VARIANCE
15 Bright Sky Court, SE/S Bright Sky Ct,
155' NE of c/l Summer Woods Way
4th Election District, 3rd Councilmanic

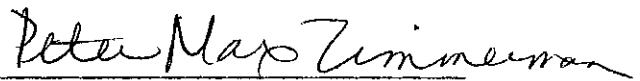
Legal Owner: First Development Group, LLC
Petitioner(s)

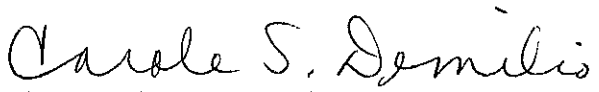
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-141-A

* * * * *

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 16th day of October, 2000 a copy of the foregoing Entry of Appearance was mailed to Mitch Kellman, Daft-McCune-Walker, Inc., 200 E. Pennsylvania Avenue, Towson, MD 21286, representative 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

October 6, 2000

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: 01-141-A

15 Bright Sky Court

SE/S Bright Sky Court, 155-feet NE of centerline Summer Woods Way

4th Election District – 3rd Councilmanic District

Variance to permit a 24-foot distance between side building faces in lieu of the minimum 25-feet and to amend the last approved Final Development Plan of Summer Woods.

HEARING: Wednesday, November 8, 2000 at 11:00 a.m. in Room 407, County Court Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon". Below the signature, the initials "GDZ" are written in a smaller, simpler font.

Arnold Jablon
Director

C: Michael Thomasson, VP, First Development Grp., LLC, 1332A Cape St. Claire Road
Annapolis 21401
Mitch Kellman, Daft, McCune, Walker, Inc. 200 E. Pennsylvania Ave, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY OCTOBER 20, 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
Thursday, October 19, 2000 Issue – Jeffersonian

Please forward billing to:

Mitch Kellman
DMW, Inc.
200 E. Pennsylvania Avenue
Towson, MD 21286

410 296-3333

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: 01-141-A

15 Bright Sky Court

SE/S Bright Sky Court, 155-feet NE of centerline Summer Woods Way

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HEARING: Wednesday, November 8, 2000 at 11:00 a.m. in Room 407, County Court Building, 401 Bosley Avenue



Lawrence E. Schmidt

G D Z

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: 01-141-A

Petitioner: First Development Group, LLC

Address or Location: 15 Bright Sky Court

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mitch Kellman at DMW, Inc

Address: 200 E. Pennsylvania Ave
Towson, MD 21286

Telephone Number: 410 - 296-3333

Revised 2/20/98 - SCJ

01-141-A



Baltimore County
Department of Permits and
Development Management

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

November 3, 2000

Mitch Kellman
Daft-McCune-Walker, Inc
200 E. Pennsylvania Avenue
Towson, MD 21286

Dear Mr. Kellman:

RE: Case Number: 01-141-A, 15 Bright Sky Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 27, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. *CDZ*
Supervisor, Zoning Review

WCR:

Enclosures

C: Michael Thomasson, VP, First Development Group LLC
1332A Cape St. Claire Road, Annapolis 21401
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: November 9, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For October 16, 2000
Item Nos. 118, 136, 137, 138, 140, 141,
142, 143, 144, and 145

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

October 12, 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 OCTOBER 10, 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:

118, 137, 140, 141, 142, 144, 145, 146, 147,

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

cc: File

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: October 19, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of October 10, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
118	9616 Reisterstown Road
136	1501 Francke Avenue
137	7659 Old Battle Grove Road
138	6300 Baltimore National Pike
139	8335 Philadelphia Road
140	1401 Broadway Road
141	15 Bright Sky Court
142	14400 Green Road
144	8204 Anita Road
145	404 Kauffman Road

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

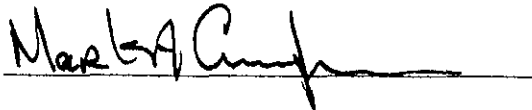
DATE: October 25, 2000

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

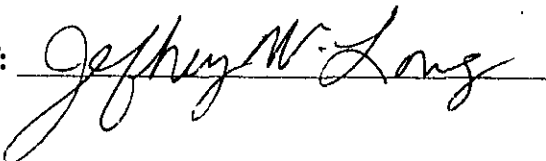
SUBJECT: Zoning Advisory Petition(s): Case(s) 01-135, 01-140, 01-141, and 01-145.

The Office of Planning has reviewed the above referenced case(s) 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



**Maryland Department of Transportation
State Highway Administration**

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

Date: 10.11.00

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

RE: Baltimore County
Item No. 141 TAG

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,

for 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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

01-141-A

ADDRESS

Mitch Kellman, DMW Inc

200 E. Pennsylvania Ave
Towson, MD 21286

Mike Thompson

1332-A Cape St. Charles Rd.
Annapolis, MD 21401



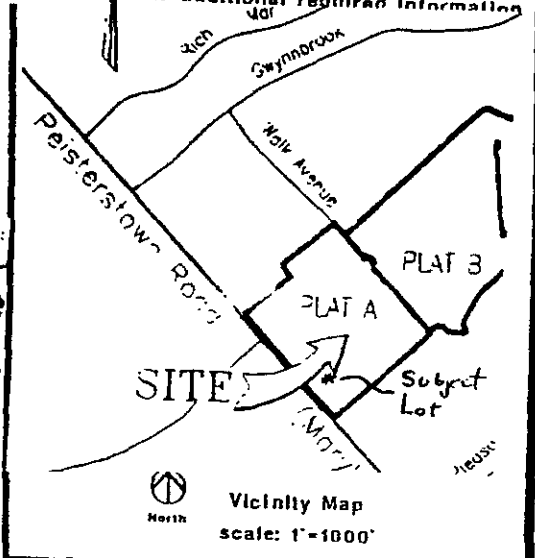
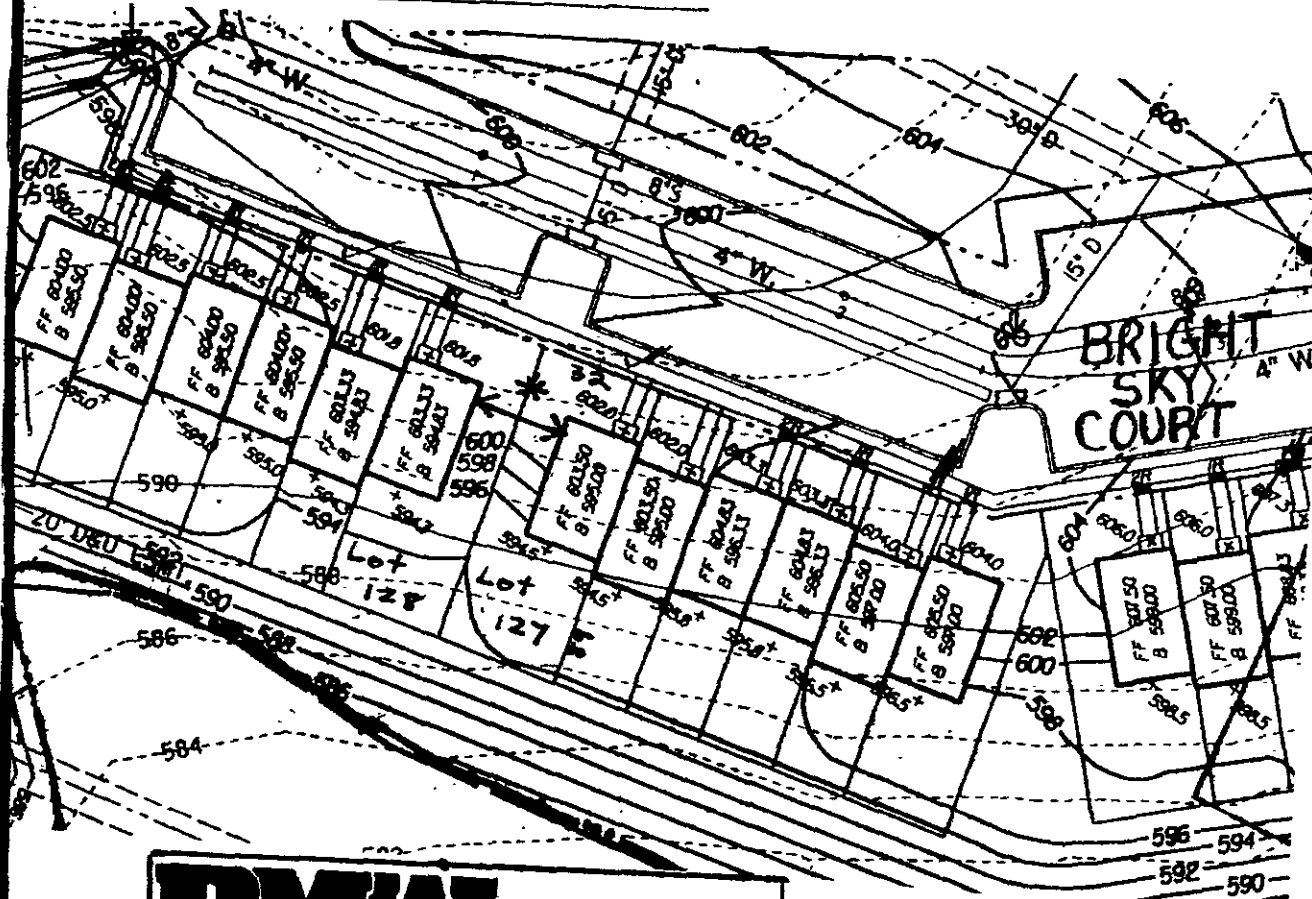
Plat to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

PROPERTY ADDRESS: 15 Bright Sky Court
 Subdivision name: Summerwoods (Amended Plat A)

plat book # 71, folio # 79, lot # 127, section #

OWNER: PCS Homes

see pages 5 & 6 of the CHECKLIST for additional required information



LOCATION INFORMATION

Election District: 4th
 Councilmanic District: 3rd
 1"=200' scale map #: N.W. 13-I
 Zoning: OR-2
 Lot size: .065 acreage 2848(32x89) square feet

SEWER: ☒ public ☐ private
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐ yes ☒ no

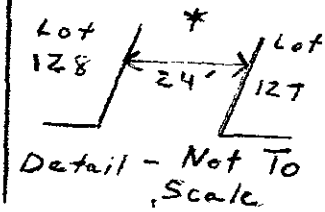
Prior Zoning Hearings:
none on this lot

Zoning Office USE ONLY!

reviewed by: TAG ITEM #: 141 CASE #: 01-141-A

DMW
 Daft · McCune · Walker, Inc.
 A Team of Land Planners,
 Landscape Architects,
 Engineers, Surveyors &
 Environmental Professionals

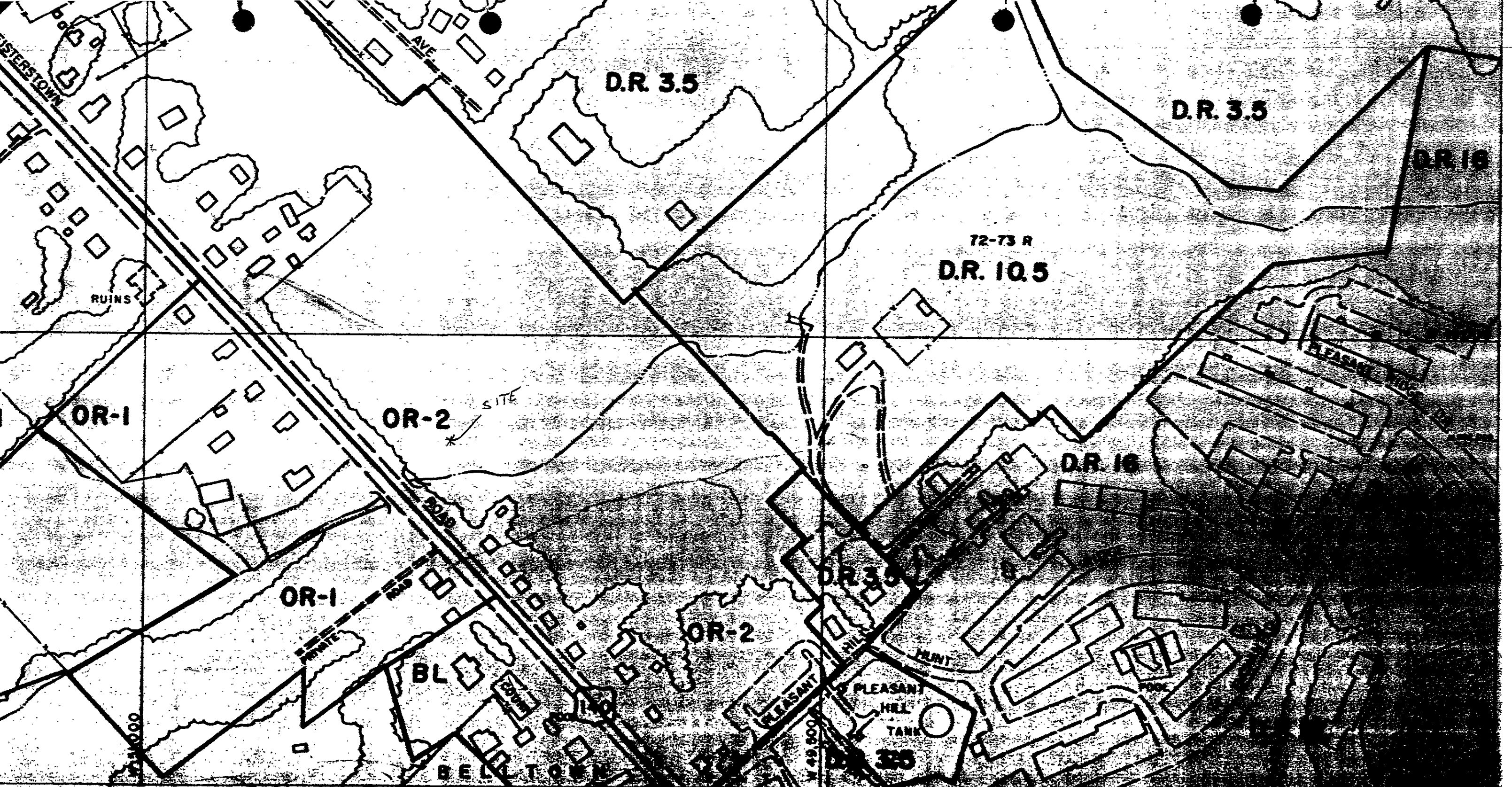
200 East Pennsylvania Avenue
 Towson, Maryland 21204
 410 296 3333
 Fax 296 4703



Scale of Drawing: 1"= 50'

North
 date: 9/13/2000
 prepared by: MJK

01-141-A Det. 24. #1



**MORE COUNTY
PLANNING AND ZONING
ZONING MAP**

SCALE
1" = 200' E
DATE
OF
PHOTOGRAPHY
JANUARY

BELCTOWN