IN THE MATTER OF THE APPLICATION OF LIKENS BROTHERS, LLC - LEGAL OWNER* FOR VARIANCE ON PROPERTY LOCATED ON THE NE/S LIKENS ROAD, 144' NW C/L ROBIN LYNNE COURT 4, 11, 15, 17, 30, 31, 35, 37, 39, 41, 43 DOVEFIELD ROAD

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

Case No. 01-328-A

11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on appeal filed by Barbara & Brian Milburn; Eileen Ertel; Richard Pirieski; Steve and Karen Weir; and Patti and Paul Janowiak, Appellants /Protestants, and on appeal filed by the Office of People's Counsel for Baltimore County, from the April 18, 2001 Order of the Zoning Commissioner in which the subject Petition was granted with restrictions.

WHEREAS, the Board is receipt of a letter of withdrawal of the Petition for Variance filed June 25, 2001 by Benjamin Bronstein, Esquire, counsel for Likens Brothers, LLC, Petitioner (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner requests that the Petition for Variance filed in the abovereferenced matter be withdrawn as of June 25, 2001,

IT IS THEREFORE, this 17th day of July , 2001, by the County Board of Appeals of Baltimore County

ORDERED that said Petition for Variance filed in Case No. 01-328-A is WITHDRAWN AND DISMISSED, and that the Zoning Commissioner's Order of April 18, 2001, including any and all relief granted therein, is rendered null and void.

> **COUNTY BOARD OF APPEALS** OF BALTIMORE COUNTY

Charles L. Marks

Margayét Worrall



County Board of Appeals of Baltimore County

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

July 17, 2001

ij

Benjamin Bronstein, Esquire EVANS, GEORGE AND BRONSTEIN Susquehanna Building, Suite 205 29 W. Susquehanna Avenue Towson, MD 21204

RE: In the Matter of: Likens Brothers, LLC /Petitioner Case No. 01-328-A

Dear Mr. Bronstein:

Enclosed please find a copy of the Order of Dismissal of Petition issued this date by the County Board of Appeals of Baltimore County in the subject matter in which the above-referenced Petition has been withdrawn and dismissed.

Inasmuch as the subject Petition for Variance has been withdrawn, there is no further action pending before the Board of Appeals with the issuance of the subject Order.

Very truly yours,

Charlotte E Radelife
Kathleen C. Bianco

Administrator

Enclosure

Cc: Thomas G. Likens, Member
Likens Brothers, LLC
Thomas A. Church Development
Engineering Consultants
Barbara & Brian Milburn
Eileen Ertel
Richard Pirieski
Steve and Karen Weir
Patti & Paul Janowiak
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner

Arnold Jablon, Director /PDM

ORDER REGENYED FOR FILING
Date
By

By

IN RE: PETITION FOR VARIANCE
NE/S Likens Road, 144' NW of the c/l
Robin Lynne Court (Lots 6-12, 15, 26,
27, 31 and 33 of Likens Property)

11th Election District 5th Council District

Likens Brothers, LLC Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 01-328-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Likens Brothers, LLC, through Thomas G. Likens, member. The Petitioners seek relief from Section 1B01.2.C.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 22 feet in lieu of the required 25 feet, and to amend the final development plan of the Likens Property for the following properties: Lot 6, also known as 31 Dovefield Road; Lot 7, 33 Dovefield Road; Lot 8, 35 Dovefield Road; Lot 9, 37 Dovefield Road; Lot 10, 39 Dovefield Road; Lot 11, 41 Dovefield Road; Lot 12, 43 Dovefield Road; Lot 15, 30 Dovefield Road; Lot 26, 17 Dovefield Road; Lot 27, 30 Dovefield Road; Lot 31, 4 Dovefield Road; and Lot 33, 11 Dovefield Road. The requested relief for each lot is more particularly described on the record plat submitted and marked into evidence as Petitioner's Exhibit 1, and the approved development plan for this subdivision, identified as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the request were Thomas G. Likens and John J. Likens, members of the Likens Brothers, LLC, owners of the subject property, and Thomas A. Church, Professional Engineer with Development Engineering Consultants, Inc., who prepared the site plan for this property. Appearing as interested persons were Tim and Cathy Whiting, nearby residents of the area, who have contracted to purchase one of the lots in this subdivision. No one appeared in opposition to the request; however, correspondence was received from two other residents in the community who voiced their objections to the variance request.

Testimony and evidence offered revealed that the lots under consideration are located within the subdivision known as Dovefield, which was previously approved for development with with 32 single family homes by the undersigned Hearing Officer, pursuant to the Order issued by me on January 22, 1999 in Case No. XI-799. That written decision fully describes the characteristics of the property and the history of the proposal as same proceeded through the development review process in Baltimore County. A subsequent Order was issued by Deputy Zoning Commissioner/Hearing Officer Timothy M. Kotroco, on January 27, 2000, which approved the addition of another lot so that a total of 33 lots are now proposed. Since the date of those approvals, the project has proceeded through Phase II of the development review process as codified in the County Code, and construction has begun. In fact, it was indicated at the hearing that some of the lots have been sold, built on and are now occupied. Other lots are under contract for sale or under construction. In fact, correspondence was received from new residents in the community relative to the instant request. The subject property contains approximately 12.0 acres in area, zoned D.R.5.5 and is located in Perry Hall, just north of Snyder Lane, at the intersection of Likens Road and Robin Lynne Court.

Mr. Church indicated at the hearing that the record plat for this subdivision contained a note (Note No. 11), stating that some of the houses in this subdivision would maintain a minimum setback of 22 feet from the street right-of-way. This note is apparently consistent with a long-standing policy by the Department of Permits and Development Management (DPDM) relative to the required front yard setbacks. In this regard, Section 1B01.2.C.1.B of the B.C.Z.R. requires a 25-foot front yard setback. This setback need be maintained from the front building wall of the dwelling and/or the front wall of an attached garage. Mr. Church indicated at the hearing that County policy allowed that setback to be modified to 22 feet for an attached garage, for so long as the dwelling was set back 22 feet. That is, he indicated that a 3-foot reduction in the required setback was permitted for attached garages. Notwithstanding this "policy", it is clear that Section 1B01.2.C.1.B of the B.C.Z.R. requires a 25-foot front setback and that this setback must be

maintained for any part of the primary structure, including an attached garage. Thus, the Petitioners filed the instant Petition.

Mr. Church indicated at the hearing that the variance was requested and necessary in order to accommodate the market and provide a degree of flexibility in the construction of single family homes on the property. Specifically, he indicated that many of the model homes offered at the site feature off-set garages, so that the front building wall of the house is off-set from the front wall of the garage. This provides an improved aesthetic appearance and a more appropriate architectural design, than an extended, straight front wall for both the dwelling and the garage. Mr. Church also indicated that a denial of the variance would require the relocation of the dwellings on the affected lots 3 feet towards the rear of the property, which would reduce the area of available rear yard space for these houses. It was indicated that potential customers of this subdivision prefer a larger rear yard for decks, play equipment, etc.

Mr. & Mrs. Whiting appeared at the hearing and are contract purchasers of a lot which will be impacted by the requested variance. Upon hearing Mr. Church's explanation of the need for the variance, they endorsed the proposal, preferring a larger rear yard. Additionally, it is to be noted that Mr. Church indicated that Lot 33 of the subdivision does not require variance relief. Thus, the variance request for this lot (11 Dovefield Road) was eliminated from the Petition.

Although there were no Protestants present, correspondence was received from two residents in the community who voiced their opposition to the variance. Moreover, written Zoning Advisory Committee (ZAC) comments were received from several Baltimore County reviewing agencies which merit evaluation. Specifically, a comment was received from Robert W. Bowling, Supervisor of the Development Plans Review Division of the Department of Permits and Development Management (DPDM) regarding the variance request for Lot 31. Mr. Bowling indicated that Lot 31 was impacted by the location of the T-turnaround along its frontage and that variance relief for this lot should be denied in that it would interfere with this turnaround. In this regard, Mr. Church indicated that sufficient distance exists so that there would be no conflict with

ORDER RECEIVED FOR FILING By the T-turnaround area. Subject to the confirmation of this opinion by Development Plans Review, I will grant the variance for Lot 31 for so long as there is no conflict.

A similar written comment was received from the Department of Environmental Protection and Resource Management (DEPRM) regarding Lot 33. In this regard, it is to be noted that the variance request for this lot was withdrawn so the issue is therefore moot. However, Mr. Church indicated that the forest buffer easement would not be disturbed by the location of the proposed building envelope for the dwelling on this lot. DEPRM also noted in their comments that the project need comply with the regulations for the protection of water quality, streams, wetlands and floodplains, and forest conservation regulations. In this regard, development of the property continues to be governed by the approved development plan and Orders issued thereon.

Based upon the testimony and evidence presented, I am persuaded to grant the variance. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. and the granting of a variance consistent with the identified policy is appropriate. However, relief will be restricted, consistent with the ZAC comments submitted by the Development Plans Review Division of DPDM and DEPRM.

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

this day of April, 2001 that the Petition for Variance seeking relief from Section 1B01.2.C.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 22 feet in lieu of the required 25 feet, and to amend the final development plan for Lots 6 through 12, 15, 26, 27 and 31 of the Likens Property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) The relief granted herein as to Lot 31 (4 Dovefield Road) is conditioned upon there being no conflict with the T-turnaround located along the front portion of the property. In the event a conflict arises, the variance for this lot shall be rescinded.
- 3) Compliance with the ZAC comments submitted by Development Plans Review Division of DPDM, dated March 8, 2001, and DEPRM, dated March 8, 2001, copies of which are attached hereto and made a part hereof.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 22 feet in lieu of the required 25 feet for Lot 33 of the Likens Property (11 Dovefield Road), be and the same is hereby DISMISSED AS MOOT.

AWRENCÉ E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at SEE ATTACHED LIST. which is presently zoned DR-5.5

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

1B01.2.C.1.B TO ALLOW A 22' FRONT SETBACK IN LIEU OF REQUIRED 25' AND TO AMEND THE FINAL DEVELOPMENT PLAN.

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

LOTS WERE DESIGNED WITH THE UNDERSTANDING THAT 22' FROM STREET RIGHT-OF-WAY OR FRONT PROPERTY LINE TO GARAGE WAS ALLOWED, SUBSEQUENTLY, DWELLINGS ARE DESIGNED FOR THIS ALLOWANCE.

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.

Contract Purchaser/Lessee: N/A Name - Type or Print Signature Address Telephone No. City State Zip Code Attorney For Petitioner: Name - Type or Print Signature U. Add ess Telephone No. State Zip Code h# No. 0/-328-A 20 9/15198 C CC

ORDER RE

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.

Legal Owner(s):

THOMAS G. LIKENS, MEMBER

Name Type or Print		
Signature	<u> </u>	-
Name - Type or Print	<u> </u>	<u> </u>
Signature		· · · · · · · · · · · · · · · · · · ·
LIKENS BROTHERS, L.L.C.	_	410-256-5473
Address		Telephone No.
4250 CHAPEL ROAD PERRY HALL.	MD	21128
City	State	Zip Code
Representative to be Con THOMAS A. CHURCH, P.E. DEVELOPMENT ENGINEERIN	1	ILTANTS, INC.
Name	,	duy o eve.
6603 YORK ROAD	· 	410-377 - 2600
Address		Telephone No.
BALTIMORE,	MD	21212
City	State	Zip Code
OFFICE USE	ONLY	•
ESTIMATED LENGTH OF H	EARING	<u></u>
UNAVAILABLE FOR HEARI Reviewed By	NG	2/15/01

LOTS SUBJECT OF VARIANCE REQUEST

ADDRESS	LOT NUMBER
# 4 DOVEFIELD ROAD	31、
#11 DOVEFIELD ROAD	33 -
#15 DOVEFIELD ROAD	27 -
#30 DOVEFIELD ROAD	15•
#31 DOVEFIELD ROAD	6 *
#33 DOVEFIELD ROAD	7.
#35 DOVEFIELD ROAD	8*
#37 DOVEFIELD ROAD	9 *
#39 DOVEFIELD ROAD	10*
#41 DOVEFIELD ROAD	11.
#17 DOVEFIELD ROAD	26
#43 DOVEFIELD ROAD	12.

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

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

ZONING DESCRIPTION FOR VARIOUS LOTS - THE LIKENS PROPERTY

Beginning at a point on the northeast side of Likens Road which is 50 feet wide at the distance of 144 feet, more or less northwest of the centerline of the nearest improved intersecting street, Robin Lynne Court, which is 50 feet wide.

Being Lots #31, 33, 27, 26, 15, 6, 7, 8, 9, 10, 11 & 12 in the subdivision of Likens Property as recorded in Baltimore County Plat Book S.M. 72, Folio 112.

Containing 524,810 square feet or 12.048 acres of land, more or less.

Also known as #4, 11, 15, 17, 30, 31, 33, 35, 37, 39, 41 & 43

Dovefield Road and located in the 11th Election District, 5th

Councilmanic District.

97-121

2-14-2001



01-328-17

LAW OFFICES

GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
georgbron@aol.com

HARRIS JAMES GEORGE BENJAMIN BRONSTEIN CONSTANCE K. PUTZEL OF COUNSEL

June 22, 2001

Ms. Kathleen C. Bianco, Administrator Board of Appeals for Baltimore County Courthouse - Room 49 400 Washington Avenue Towson, Maryland 21204

RE: Case # 01-328

Likens Brothers, LLC - Petitioner

Lots 6-12, 15, 26, 27, 31 and 33 of Likens l

Lots 6-12, 15, 26, 27, 31 and 33 of Likens Property NE/S Likens Road, 144' NW of c/l Robin Lynne Court

Dear Ms. Bianco:

Please be advised that I represent the Petitioner in the above-entitled case. An appeal has been noted to the Board of Appeals by People's Counsel from the decision of the Zoning Commissioner dated April 18, 2001.

An amendment to the Comprehensive Manual of Development Policies (CMDP) has been approved. The relief requested in the Petition is therefore moot. Please withdraw the Petition filed in this case.

Very truly yours,

GEORGE & BRONSTEIN, LLP

Benjamin Brønstein

BB/mlh

cc: Peter Max Zimmerman

People's Counsel for Baltimore County

Thomas G. Likens Likens Brothers, LLC

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

01 JUN 25 PM 1: 10

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: #01-328-A
4, 11, 15, 17, 30, 31, 33, 35, 37, 39, 41, 43 Dovefield Road-NE/S Likens Road, 144' NW of centerline Robin Lynne Court 11th Election District 5th Councilmanic District Legal Owner(s): Likens Brothers, LLC

Variance: to allow a 22-foot front setback in lieu of the required 25 feet setback for lots 6-12, 15, 26-27, & 31-33; and to amend the Final Development Plan,

Hearing: Thursday, April 5, 2001 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.

JT/3/706 Mar. 20 C457524

CERTIFICATE OF PUBLICATION

TOWSON, MD,		3 23	, 20 <u>C</u>
THIS IS TO CERTIF	Y, that the ann	exed advert	isement was
published in THE JEFFERS	SONIAN, a week	dy newspaper	published in
Towson, Baltimore County, I	Md., once in each	of	successive
weeks, the first publication	appearing on	320	, 20 <u>O</u>
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	ė		i.
		FERSONIA	AN,
	LEGAL AF	VERTISIN	G

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

93752

DATE 5-/0-0/

ACCOUNT 001-006-6150

AMOUNT \$ 210.00

FROM: BARBARA MILBURN

FOR: APPEAL VARIANCE 01-328-A DOVEFIELD RUAD (LIKENS PROPERTY) LEGAL OWNER LIKENS BROTHERS LLC

DISTRIBUTION WHITE - CASHIER PINK - AGENCY

. YELLOW - CUSTOMER

PAYMENT ACTUAL 5/11/2001 5/10/2001 15:09:48

RELIGION CASHTER KOAS KHO DRAMER, > RECEIPT # 174204

5" 528 ZONING VERIFICATION

CR 110. 093752

Recet Tot 210,00 210.00 CK

Bultimore County, Maryland.

CERTIFICATE OF POSTING

RE Case No OI-328-A

Pennoner Developer LIKENS, ETH

T. CHURCH

Date of Hearing Closing 4/5/01

Baltimore County Department of Permits and Development Management County Office Building, Room 11 111 West Chesapeake Avenue Towson, MD 21204

Attention Ms. Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalues of perjury that the necessary sign(s) required by 'aswere posted conspicuously on the property located at NE CORNER

DOYEFIELD RD. O LIKENS RD.

The sign(s) were posted on

01-328A BE HELD BY THE A DATE PLANT IN STAND IN GO AM White hand it for Front theo strakes where White the state of the control of the state ित स्थापन मान्यापन स्थापन स्थापन

DOVEFIELD RD. @ LIKENS 4/5/01 TOM CHURCH

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 2103C (City, State, Zip Code) 410-666:5366; CELL-40905.857!

(Telephone Number)

CASE NO. 01-328-A

LIKENS BROTHERS - Petitioner

NE/s Likens Road, 144' NW of the c/l Robin Lynne Court (Lots 6-12, 15, 26, 27, 31 and 33 of Likens Property)

11th Election District

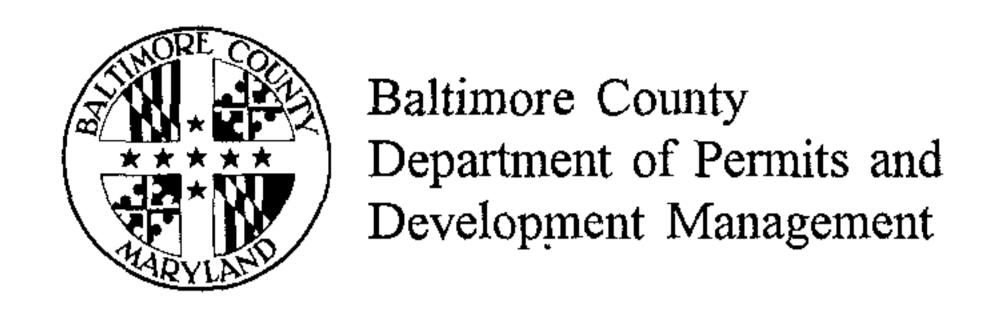
(Printed Name)

Appealed 5/10/01

Attachment – (Plan to accompany Petition - Petitioner's Exhibit No. 2)

**********COMPLETE AND RETURN BELOW INFORMATION*********

CERTIFICATE OF POSTING	
TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204	
Attention: Charlotte Radcliffe Appeals Clerk	
RE: Case No	
property located at LOT B DOUEFIELD RO.	_
The sign(s) was posted on $6/4$, 2001.	
By Jay C Jewn (Signature of Sign Poster) GARY C. FREUND	



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

Fax: 410-887-5708

March 2, 2001

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: 01-328-A 4,11,15,17,30,31,33,35,37,39,41,43 Dovefield Road NE/S Likens Road, 144' NW of centerline Robin Lynne Court 11th Election District – 5th Councilmanic District Legal Owner: Likens Brothers, LLC

<u>Variance</u> to allow a 22-foot front setback in lieu of the required 25 feet setback for lots 6-12, 15, 26-27, & 31-33; and to amend the Final Development Plan.

HEARING: Thursday, April 5, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

602

Arnold Jablon Director

C: Thomas G Likens, Member, Likens Brothers LLC, 4250 Chapel Road, Perry Hall 21128 Thomas A Church PE, Development Engineering Consultants Inc, 6603 York Road, Baltimore 21212

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 20, 2001.

- (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, March 20, 2001Issue – Jeffersonian

Please forward billing to:

Thomas A Church PE
Development Engineering Consultants Inc
6603 York Road
Baltimore MD 21212

410 377-2600

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-328-A

4,11,15,17,30,31,33,35,37,39,41,43 Dovefield Road

NE/S Likens Road, 144' NW of centerline Robin Lynne Court

11th Election District – 5th Councilmanic District

Legal Owner: Likens Brothers, LLC

Variance to allow a 22-foot front setback in lieu of the required 25 feet setback for lots 6-12, 15, 26-27, & 31-33; and to amend the Final Development Plan.

HEARING: Thursd

Lawrence E. Schmidt

Thursday, April 5, 2001 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

GDZ

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 F PERMITS AND DEVELOMENT 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.

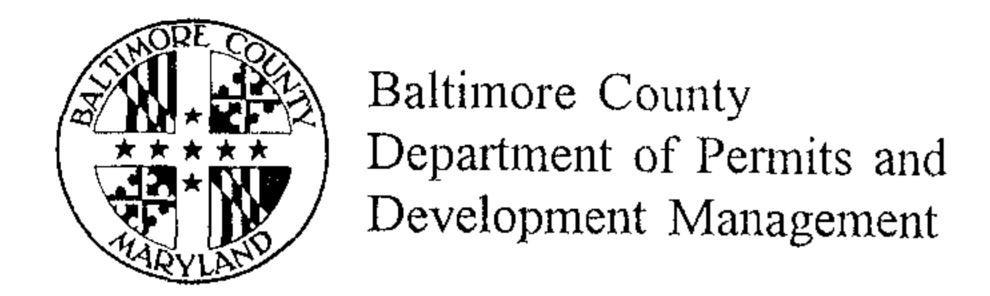
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	,
Item Number or Case Number: 01-328-A	
Petitioner: THOMAS G. LIKENS	
Address or Location: LIKENS BROTHERS, L.L.C., 4250 CHAPEL ROAD, PERRY HALL, MD 2	
PLEASE FORWARD ADVERTISING BILL TO:	
Name:	
Address: DEVELOPMENT ENGINEERING CONSULTANTS, INC.	
6603 YORK ROAD, BALTIMORE, MD 21212	
Telephone Number: 410-377-2600	

Revised 2/20/98 - SCJ

01-328-A

-16-



Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900

Fax: (410) 887-2824

April 2, 2001

Thomas G Likens Member Likens Brothers LLC 4250 Chapel Road Perry Hall MD 21128

Dear Mr. Likens:

RE: Case Number: 01-328-A, Dovefield Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 15, 2001.

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.

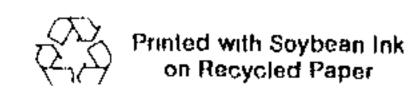
Very truly yours,
W. Carl Bulland Jr.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Thomas A Church PE, Development Engineering Consultants Inc, 6603 York Road, Baltimore 21212
People's Counsel



4/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: February 26, 2001

FEB 28

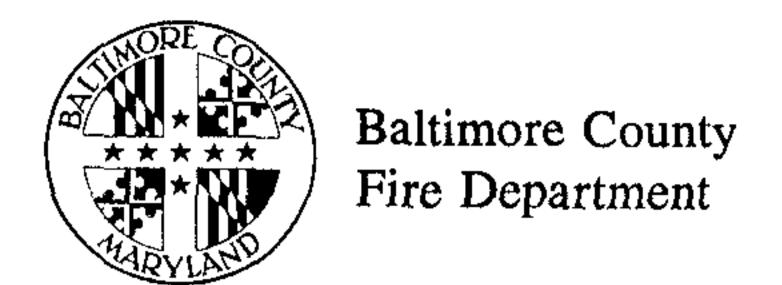
SUBJECT: Zoning Advisory Petition(s): Case(s) 01-317, 01-328, 01-330, and 01-331

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



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

February 28, 2001

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

Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 26, 2001

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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME REGARDING THE FOLLOWING ITEM #'S.

328, 329, 330, 331, AND CASE #01-319-SPHA,

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 8, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 5, 2001 Item No. 328

The Bureau of Development Plans Review has reviewed the subject zoning item.

Verify building set back for Lot 31, if modified it may conflict with tee-turnaround (4 Dovefield Avenue).

RWB:HJO:jrb

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date:

2.26.01

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

RE:

Baltimore County

Item No. 328

BR

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,

P. J. Hardle

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

ROM:		R. Bruce Seele	ey Ms
DATE:		March 8, 2001	
SUBJE	CT:	Zoning Item	#328 Dovefield Road (Likens Property)
	Zoning	g Advisory Con	nmittee Meeting of February 26, 2001
			vironmental Protection and Resource Management has no ve-referenced zoning item.
	an exte	ension for the re	vironmental Protection and Resource Management requests view of the above-referenced zoning item to determine the numeral regulations apply to the site.
<u> </u>		-	vironmental Protection and Resource Management offers at on the above-referenced zoning item:
-	<u>X</u>	Protection of V	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Sections h 14-350 of the Baltimore County Code).*
•	<u>X</u>	-	of this property must comply with the Forest Regulations (Section 14-401 through 14-422 of the inty Code).
•		Critical Area F	of this property must comply with the Chesapeake Bay Regulations (Sections 26-436 through 26-461, and other e Baltimore County Code).
•	<u>X</u>	to the Forest B to the front set	eld Court (i.e. Lot 33) must conform to the 35 foot setback suffer Easement. Therefore, EIR requests that the variance back enforced by zoning not be granted as it coincides with oned 35 foot setback.
		,	•

Reviewer: Glenn Shaffer Date: March 8, 2001

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

December 21, 2001

TO:

Arnold Jablon, Director

Permits & Development Management

Attn.: w. Carl Richard, Jr.

FROM:

Theresa R. Shelton
Board of Appeals

SUBJECT:

CLOSED APPEAL CASE FILE(S)

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file that is attached herewith.

CASE NUMBER

NAME

LOCATION

01-328-A

Likens Brothers, LLC

Dovefield Rd; NE/s Likens Rd.

Attachments: SUBJECT FILES ATTACHED

RE: PETITION FOR VARIANCE 4, 11, 15, 17, 30, 31, 33, 35, 37, 39, 41, 43 Dovefield Road, NE/S Likens Rd, 144' NW of c/l Robin Lynne Ct 11th Election District, 5th Councilmanic

Legal Owner: Likens Brothers, LLC Petitioner(s)

BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

Case No. 01-328-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 27th day of February, 2001 a copy of the foregoing Entry of Appearance was mailed to Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel May 11, 2001

Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204
Hand-delivered

Re: PETITION FOR VARIANCES

4, 11, 15, 17, 30, 31, 33, 35, 37, 39, 41, 43 Dovefield Road, (Lots 6-12, 15, 26, 27, 31, and 33 of Likens Property)
NE/S Likens Rd, 144' NW of c/l Robin Lynne Ct,
11th Election Dist., 5th Councilmanic

Likens Brothers, LLC, Petitioners

Case No.: 01-328-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated April 18, 2001 of the Baltimore County Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

DECEIVED
MAY 11 2001
By CD 2

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

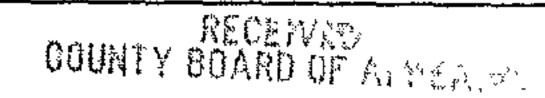
Deputy People's Counsel

PMZ/CSD/caf

cc: Likens Brothers, LLC, 4250 Chapel Road, Perry Hall, MD 21128, Petitioner

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

Eileen Ertel, Richard Pirieski, Steve & Karen Weir, Paul & Patti Janowiak, Brian & Barbara Milburn, c/o Brian & Barbara Milburn, 28 Dovefield Road, Perry Hall, MD 21128, Protestants





Baltimore County 01 MAY 17 PM 12: 00
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

May 16, 2001

Thomas G Likens, Member Likens Brothers LLC 4250 Chapel Road Perry Hall MD 21128

Dear Mr. Likens:

RE: Case No. 01-328-A, Address 4,11,15,17,30,31,33,35,37,39,41,41 Dovefield Road

Please be advised that an appeal of the above-referenced case was filed in this office on May 10, 2001 by Barbara & Brian Milburn on behalf of themselves and Eileen Ertel, Richard Pirieski, Steve and Karen Weir and Patti and Paul Janowiak and on May 11, 2001 by the People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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.

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

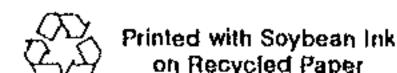
Sincerely,

Arnold Japlon GD"

Director

AJ: gdz

c: Thomas A Church, Development Engineering Consultants Inc, 6603 York Road, Baltimore 21212 Barbara & Brian Milburn, 28 Dovefield Road, Perry Hall 21128 People's Counsel



APPEAL

Petition for Variance
4,11,15,17,30,31,33,35,37,39,41,43 Dovefield Road
NE/S Likens Road, 144' NW centerline Robin Lynne Court
11th Election District — 5th Councilmanic District
Likens Brothers, LLC - Legal Owner
Case No.: 01-328-A

Petition for Variance (dated 2/15/01) Zoning Description of Property Notice of Zoning Hearing (dated 3/2/01) Certification of Publication (The Jeffersonian issue 3/20/01) , Certificate of Posting (Patrick M O'Keefe posted 3/18/01) Entry of Appearance by People's Counsel (2/27/01) Petitioner(s) Sign-In Sheet (1 page) ずrotestant(s) Sign-In Sheet (none) াৰ্যerested Persons (1 page) →Citizen(s) Sign-In Sheet (none) Zoning Advisory Committee Comments Petitioners' Exhibits: 4.15t Amended Subdivision Plat of Likens Property dated 2/16/00 Plat to Accompany Petition for Variance dated 6/19/00 Protestants' Exhibits: None Miscellaneous (Not Marked as Exhibits): É-mail to Arnold Jablon from Betty J Sherman Office Administrator dated *3*/20/01 Letter to Mr. Jablon from Barbara L Milburn dated 3/23/01 · Grading PLAN (2 sheet) Zoning Commissioner's Order (4/18/01 - GRANTED with following restrictions) Wotige of Appeal received on \$/10/01 from Barbara & Brian Milburn Notice of Appeal received on \$/11/01 from People's Counsel for Baltimore County c:

Thomas G. Likens, Member /Likens Brothers, LLC
Thomas A. Church Development Engineering Consultants
Barbara & Brian Milburn
Eileen Ertel
Richard Pirieski
Steve and Karen Weir
Patti & Paul Janowiak
People's Counsel for Baltimore County
Pat Keller, Director of Planning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM
Time Cathy Wwiting, 12 Congaree CT, Bando, no 21236

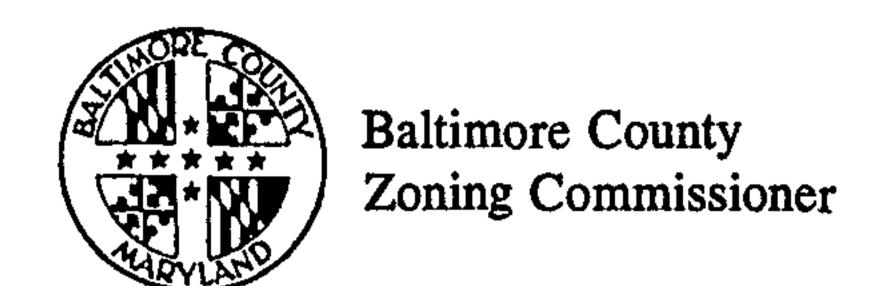
Likens Brothers, LLC – Legal Owner /Petitioner

4/18/01 – ZC Granted variance request with restrictions

6/25/01 – Letter of withdrawal of petition filed by Benjamin Bronstein, Esquire, on behalf of Petitioner, Likens
Brothers, LLC. Order of Dismissal of Petition to be issued

7/11/01 – Letter from Peter Zimmernan in response to Mr. Bronstein's withdrawal. Requests that matter be scheduled for a hearing as Appellants are entitled to a special exception hearing.

7/16/01 – Order of Dismissal of Petition prepared for issuance; inasmuch as Petition has been withdrawn, nothing is currently pending before the Board in this matter; only jurisdiction (appeals from ZC Order re Variance petition) has been withdrawn via withdrawal of Petition. No further action can be taken by the Board with the exception of an Order of Dismissal of Petition, which will render null and void any relief granted by the Zoning Commissioner in this matter.



August 2, 2001

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

Fax: 410-887-3468

Mr. Thomas A. Church, President Development Engineering Consultants, Inc. 6603 York Road Towson, Maryland 21212

RE: PETITION FOR VARIANCE

NE/S Likens Road, 144' NW of the c/l Robin Lynne Court (Lots 6-12, 15, 26, 27, 31 and 33 of Likens Property)
11th Election District - 5th Council District
Likens Brothers, LLC - Petitioners
Case No. 01-328-A

Dear Mr. Church:

In response to your letter dated July 13, 2001 concerning the above-captioned matter, the following comments are offered.

As noted in your letter, I granted variance relief under Case No. 01-328-A by Order issued April 18, 2001. Thereafter, an appeal of my decision was apparently filed by the Office of People's Counsel on or about May 11, 2001. Your letter indicates that since the filing of that appeal, the law governing the regulation at issue has been changed by action of the Baltimore County Planning Board and Baltimore County Council. Apparently, this change in the law makes both the relief granted by me and subsequent appeal by People's Counsel moot.

I do not know how the Board will wish to handle this matter; however, by copy of this letter, I will forward your communication to that agency for their review and request that they advise us both accordingly how they wish to proceed. If appropriate, the case could be remanded to me for an expeditious resolution of this matter.

In any event, should you have any further questions in this regard, please do not hesitate to call the Board (887-3180), or me.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Peter Max Zimmerman, Esquire, Office of People's Counsel

Board of Appeals

Case File



Baltimore County Zoning Commissioner

August 2, 2001

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

Fax: 410-887-3468

Mr. Thomas A. Church, President Development Engineering Consultants, Inc. 6603 York Road Towson, Maryland 21212

RE: PETITION FOR VARIANCE

NE/S Likens Road, 144' NW of the c/l Robin Lynne Court (Lots 6-12, 15, 26, 27, 31 and 33 of Likens Property) 11th Election District - 5th Council District Likens Brothers, LLC – Petitioners Case No. 01-328-A

Dear Mr. Church:

In response to your letter dated July 13, 2001 concerning the above-captioned matter, the following comments are offered.

As noted in your letter, I granted variance relief under Case No. 01-328-A by Order issued April 18, 2001. Thereafter, an appeal of my decision was apparently filed by the Office of People's Counsel on or about May 11, 2001. Your letter indicates that since the filing of that appeal, the law governing the regulation at issue has been changed by action of the Baltimore County Planning Board and Baltimore County Council. Apparently, this change in the law makes both the relief granted by me and subsequent appeal by People's Counsel moot.

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In any event, should you have any further questions in this regard, please do not hesitate to call the Board (887-3180), or me.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Peter Max Zimmerman, Esquire, Office of People's Counsel Doard of Appeals Case File

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

July 13, 2001

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

Baltimore County Zoning Commissioner Suite 405 County Courts Building 401 Bosley Avenue Towson, MD 21204

Attention: Mr. Lawrence E. Schmidt

Zoning Commissioner

Gentlemen:

Subject:

Petition for Variance

Case No. 01-328-A

Reference is made to your decision rendered on April 18, 2001, which was later appealed by the People's Counsel dated May 11, 2001 (copy enclosed).

Since this all transpired, the Department of Planning, Pat Keller, in conjunction with the Planning Board recommended to the County Council that the CMDP be revised to include the 22 foot garage setback back into the law. This 22 foot setback was inadvertently omitted during the 1990 re-drafting of the CMDP.

The Council accepted and agreed with this revision. As of June 21, 2001 the 45 day study period had elapsed and the revision is now in effect.

Our concern is that the appeal sign is still posted on the property, and the people that requested the appeal have not been notified by anyone from Baltimore County.

We believe that your decision for the above case is now not necessary, and the appeal is moot.

We are asking for your opinion and direction in resolving this matter.

Very truly yours,

homas A. Church, President

Enclosures

cc: Likens Brothers, LLC

13



timore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel

May 11, 2001

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204
Hand-delivered

Re: <u>PETITION FOR VARIANCES</u>

4, 11, 15, 17, 30, 31, 33, 35, 37, 39, 41, 43 Dovefield Road, (Lots 6-12, 15, 26, 27, 31, and 33 of Likens Property)
NE/S Likens Rd, 144' NW of c/l Robin Lynne Ct,
11th Election Dist., 5th Councilmanic

Likens Brothers, LLC, Petitioners

Case No.: 01-328-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated April 18, 2001 of the Baltimore County Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsei

PMZ/CSD/caf

cc: Likens Brothers, LLC, 4250 Chapel Road, Perry Hall, MD 21128, Petitioner

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

Eileen Ertel, Richard Pirieski, Steve & Karen Weir, Paul & Patti Janowiak, Brian & Barbara Milburn, c/o Brian & Barbara Milburn, 28 Dovefield Road, Perry Hall, MD 21128, Protestants

PREMIET

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Baitimore County Council

DATE: May 7, 2001

FROM:

Arnold F. 'Pat' Keller, III

Secretary, County Planning Board

SUBJECT: Amendment to Comprehensive Manual of Development Policies -

Front yard setbacks for attached garages

The Director of the Department of Permits & Development Management requested that Planning Board adopt an amendment to the Comprehensive Manual of Development Policies (CMDP). Mr. labion believes that the amendment is "necessary to specify a distance that an attached gatage may extend into a street front setback as allowed by the definition of 'building face' (page 3) and 'other requirements' (page 6) in the CMDP. Division II, Section A."

Mr. Jablon explained and answered questions about the proposal at the Planning Board's meeting on March 1, 2001. Under the Board's standard procedure, the report was accepted then for purposes of a public hearing (on April 3th). No testimony was offered at the hearing. At the meeting on May 3, 2001, the Planning Board voted unintimously to insert the following text at the appropriate place in Division II, Section A. Residential Standards, and to amend the corresponding diagrams showing an attached gainge meeting the minimum setback to include the allowed exception:

Not withstanding any provision to the contrary, an attached garage may extend not more than three (3) feet into the street front yard setback specified in this Manual.

The amendment is hereby submitted to the County Council, which has 45 days (under Section 504.2 of the Bultimore County Zoning Regulations) to take alternative legislative action.

Arnold F. 'Pat' Keller, III

AFK:TD:rih

Thomas Peddicord Brian Rowe Arnold Jablon

MINEGGINEAPITIM/CHANGINGPRESSESTO 930791,400

Post-If Pax Note BEN PRONSTEIN Co./Degit.

May 7 -> Jenn 21: (45 days)

Arnold Jablon, Director Department of Permits and Development Manager 111 W. Chesapeake Avenue Towson, MD 21204

Re: PETITION FOR VARIANCE
4, 11, 15, 17, 30, 31, 33, 35, 37, 39, 41, 43
Dovefield Road,
NE/S Likens Rd, 144'NW of c/l Robin Lynne Ct.
11th Election District, 5th Councilmanic
Likens Brothers, LLC, Petitioners
Case No.: 01-328-A

Dear Mr. Jablon:

Please enter an appeal of the The Likens Brothers Property to the County Board of Appeals from the Findings of Fact and Conclusions of Law of the Baltimore County Zoning Commissioner dated April 18, 20001 in the above-entitled case.

Enclosed is our check in the amount of \$210.00 for the filing fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

(See Attached Signatures)

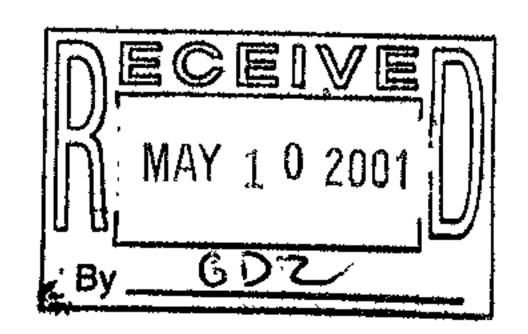
#32 Eileen Ertel 410-256-2019

16 Richard Pirieski

#36 Steve and Karen Weir 410-256-4440

#38 Barbara and Brian Milburn 410-529-1964

#39 Patti + Paul Janowiak 410-248-2128



cc. Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212, Representative for Petitioners

People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, MD 21204

Dear Mr. Jablon,

I am writing to appeal Case No. 01-328-A. I object very strenuously to any changes being made to the Dovefield development. Before purchasing my lot I examined the development plan and was assured by Mr. Likens sales agent that no changes could or would be made. Had I known this to be untrue I would not have purchased in this development.

Mr. Likens was well aware that many of the lots would not accommodate the larger model homes that were being offered. I was directed by his agent to choose a lot which would accommodate the model I wanted. This eliminated many of the lots for which he is now requesting variances.

Now that more than half the homes are occupied it seems very unfair to grant variances. Allowing a house to jut out three in front of already existing houses would not only obstruct the view of the homes on either side but would negatively impact the value of my home

Enclosed please find a check in the amount of \$250 to cover the appeal fee.

110

Sincerely,

E leen to

32 DOVEFURE

410-256-2019

Dear Mr. Jablon,

I am writing to appeal Case No. 01-328-A. I object very strenuously to any changes being made to the Dovefield development. Before purchasing my lot I examined the development plan and was assured by Mr. Likens sales agent that no changes could or would be made. Had I known this to be untrue I would not have purchased in this development.

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200

Sincerely,

Da Obretteld Roads

410-248-2128

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Enclosed please find a check in the amount of \$250 to cover the appeal fee.

J10

Sincerely,

Sincerely,

1 Dryefield To

Perry Hall, MD 21128-942

Dear Mr. Jablon,

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Enclosed please find a check in the amount of \$250 to cover the appeal fee.

DIC

Steve War Sincerely,

Laren Mulein

26 Dovefuld Rd 410 2520 4440

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Enclosed please find a check in the amount of \$250 to cover the appeal fee.

210

Sincerely,

410-529-1964

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

People's Counsel

July 11, 2001

CAROLES. DEMILIO
Deputy People's Counsel

Ms. Kathleen C. Bianco
Legal Administrator
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: PETITION FOR VARIANCE

Lots 6-12, 15, 26, 27, 31, & 33 Likens Property NE/S Likens Rd, 144' NW of c/l Robin Lynne Ct

11th Election District, 5th Councilmanic LIKENS BROTHERS, LLC, Petitioners

Case No. 01-328-A

Dear Ms. Bianco:

We disagree with Mr. Bronstein's position in his June 22, 2001 letter to the Board. The citizen Appellants are entitled to a special exception hearing on the proposed amended site plan.

BCZR 1B01.3.A.7b (attached) requires a hearing for proposed amendments to a site plan after the sale of lots within the subdivision. Here, even if the proposed amendments comply with the Comprehensive Manual of Development Policies, certain property owners are entitled to a hearing to determine if the amendments comply with BCZR Sec.502.1 and are within the spirit and intent of the original plan. Some Appellants here abut the lots in question and all Appellants are within 300 feet of the lots to be amended.

For these reasons, we believe the CBA should proceed with the appeal under BCZR 1B01.3A.7 and schedule a hearing in this matter.

Ms. Kathleen C. Bianco
County Board of Appeals
of Baltimore County
July 11, 2001
Page Two

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Heter May Zimmeimangy

Carole S. Demilio

Deputy People's Counsel

CSD/caf Enclosure

cc: W. Carl Richards, Jr, Zoning Review Supervisor, Permits & Development Mgmt. Benjamin Bronstein, Esq., 29 W. Susquehanna Avenue, Towson, MD 21204, Attorney for Petitioners

Eileen Ertel, Richard Pirieski, Steve & Karen Weir, Paul & Patti Janowiak, Brian & Barbara Milburn, c/o Brian & Barbara Milburn, 28 Dovefield Road, Perry Hall, MD 21128, Protestants/Appellants

Ms. Theresa A. Smith, 2 Dovefield Road, Perry Hall, MD 21128, Protestant

- 2. Under the provisions adopted pursuant to the authority of Section 504.2, development in D.R. Zones may be made subject to additional standards of lot area, yard space, open-space distribution, building distribution or other aspects or characteristics of site planning or project design. Such standards shall be based upon specified existing, prospective or stipulated conditions or circumstances of development, and shall be designed to further the specific purposes of this article and the purposes of these zoning regulations in general.
- 3. Local open space. Local open space tracts in D.R. Zones shall be designed, established and maintained in accordance with the standards, guidelines and procedures set forth in the Baltimore County Local Open Space Manual as enabled in Section 26-283 of the Baltimore County Code, 1988 Edition, as revised.⁵

1B01.3 Plans and plats.

A. Development plans.

- 1. Purpose. This paragraph is intended:
 - a. To provide for the disclosure of development plans to prospective residents and to protect those who have made decisions based on such plans from inappropriate changes therein; and
 - b. To provide for review of residential development plans to determine whether they comply with these regulations and with standards and policies adopted pursuant to the authority of Section 504.
- 2. Partial development plan. For the purposes of this article, a "partial development plan" is a portion of a final development plan, and a partial or final development plan is "applicable" to a given lot if it covers all property in the subdivision within 300 feet of the given lot, in addition to the lot itself.
- 3. Subdivision lot sales, development and use subject to partial development plan. No interest in any lot which is in a D.R. Zone and is hereafter created by subdivision of a record lot existing on the effective date of this article or created by consolidation of such lots may be sold unless a final or partial development plan applicable to the lot has been approved as required under Paragraph 6, below; further, no use may be established and no construction may take place on any lot so created except in accordance with such a plan. The provisions of this paragraph shall not apply to Class A assisted living facilities. [Bill No. 188-1993]
- 4. Notice in conveyance. Any party who sells an interest in real property within an area covered by an approved partial or final development plan shall attach to the instrument of sale a notice directing the buyer's attention

Editor's Note: Former Subsection C, Open Space, Building Separation and Other Area Standards, which followed, was repealed by Bill No. 126-1992.

to the plan (including any amendment) and listing the location of the various certified copies which may be publicly inspected (Paragraph 6), together with a listing of the recorded plats covering all portions of the subdivision as a whole. The notice shall also generally apprise the buyer of the rights, requirements and remedies provided under the development plan, those provided under this article and these zoning regulations in general, and those set forth in provisions adopted pursuant to the authority of Section 504, and, to this end, the notice shall be on a form issued by the county and approved by the Office of Law, the Zoning Commissioner, and the Planning Board as being clear and sufficient for the purpose.

5. Forms and content of plans.

- a. Forms. Each partial development plan must be filed both as a separable document or set of documents and as part of a final development plan which includes all partial development plans as approved for other portions of the subdivision. Upon approval, each final development plan thus filed supersedes previous final development plans of the subdivision.
- Content. Each partial and final development plan must show: the locations, types and exterior dimensions of all proposed structures and all existing structures to be retained; generalized floor plans to scale; layout of parking facilities; streets and drives giving access to and lying within the tract; existing topography and major vegetation; proposed grading; common amenity open space (including local open space); all additional information that may be required under procedures adopted pursuant to the authority of Section 504; and all additional information which is necessary, as determined by the Director of the Department of Permits and Development Management, to ascertain whether the project will comply with the zoning and subdivision requirements of Baltimore County. The plan shall contain the note that landscaping and screening shall conform to the standards contained in the Baltimore County Landscape Manual adopted pursuant to Section 26-283 of Title 26 of the Baltimore County Code, 1988 Edition, as revised.
- 6. Initial review and approval procedure. Procedural steps and requirements in the submission and review of various preliminary versions of partial and final development plans shall be as established provisions adopted pursuant to the authority of Section 504 or, in the absence of such provisions, as established by the Office of Planning. In formulating such steps and requirements, the Planning Board or the Office of Planning shall effect maximum coordination between the integration with similar and related steps and requirements in the submission and review of plans pursuant to the subdivision regulations. If the partial and final development plans for a subdivision are approved by the Zoning Commissioner as complying with the zoning regulations, approved by the Director of Planning as being consistent with the subdivision regulations and any subdivision plans filed

pursuant thereto, and approved in such other manner as may be prescribed under provisions adopted pursuant to the authority of Section 504, copies of the plans, certified by the Zoning Commissioner and the Director of Planning as having been so approved, shall be filed with such county or state agencies as they may direct and as may otherwise be required, and shall be retained in the files of the Office of Planning, including the files of the Zoning Commissioner.

- 7. Amendment of approved development plans. After partial or final development plans have been approved as provided under Paragraph 6, preceding, they may be amended only as provided below:
 - a. Amendment prior to sale of interest in nearby property. The development plans may be amended by simple resubmission, or by the submission of appropriate documents of revision, subject to the same requirements as are applied to original plans, if there is no change with respect to any lot, structure or use within 300 feet of a lot or structure which has been sold since the original plans were filed.
 - b. Amendment after sale of interest in nearby property or upon demand for hearing. In the case of an amendment not allowed under Subparagraph a, by reason of sale of property within the area, or in case of a demand for hearing by an eligible individual or group, the plans may be amended through special exception procedures, in the manner provided under Section 502 and subject to the following provisions:
 - (1) The amendment must be in accord with the provisions of the Comprehensive Manual of Development Policies and with the specific standards and requirements of this article, as determined by the Office of Planning. The Director, on behalf of the Planning Board, shall notify the Zoning Commissioner accordingly. [Bill No. 29-1995]
 - (2) Only an owner of a lot abutting or lying directly across a street or other right-of-way from the property in question, an owner of a structure on such a lot, or a homes association (as may be defined under the subdivision regulations or under provisions adopted pursuant to the authority of Section 504) having members who own or reside on property lying wholly or partially within 300 feet of the lot in question are eligible to file a demand for hearing. [Bill No. 29-1995]
 - (3) It must be determined in the course of the hearing procedure that the amendment would be consistent with the spirit and intent of the original plan and of this article. [Bill No. 29-1995]
 - c. Amendment upon request by owner of lot within subdivision. The Zoning Commissioner may, without a public hearing but with the concurrence of the Director of Planning, amend the plans with respect



7 Por Plans
2000 (23)

Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204

410-887-4386

Fax: 410-887-3468

Mr. Thomas Church Development Engineering Consultants, Inc. 6603 York Road Baltimore, Maryland 21212

RE: DEVELOPMENT PLAN HEARING
(Likens Property)

11th Election District – 5th Council District

Case No. XI-799

Dear Mr. Church:

This letter is to follow-up our meeting this date concerning the above-captioned matter and the issue of whether variance relief for any of the lots in this development can be requested.

Based upon my review of the file, the approved development plan, and my Opinion and Order dated January 22, 1999, I agree that the note on the plan stating that no variances are permitted is erroneous. It was not my intent to preclude the ability of the property owner or its successors in title to Petition for variance relief. Indeed, my Order does not provide for any such prohibition. Rather, variance requests will be considered on a case-by-case, or lot-by-lot basis, as they are presented. In my judgment, the present note on the plan should be deleted.

Please call me if you have any further questions on the subject.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs/

cc: Mr. Carl Richards, PDM

Case File











LAW OFFICES

GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
georgbron@aol.com

HARRIS JAMES GEORGE BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

June 22, 2001

Ms. Kathleen C. Bianco, Administrator Board of Appeals for Baltimore County Courthouse - Room 49 400 Washington Avenue Towson, Maryland 21204

RE: Case # 01-328

Likens Brothers, LLC - Petitioner

Lots 6-12, 15, 26, 27, 31 and 33 of Likens Property NE/S Likens Road, 144' NW of c/l Robin Lynne Court

Dear Ms. Bianco:

Please be advised that I represent the Petitioner in the above-entitled case. An appeal has been noted to the Board of Appeals by People's Counsel from the decision of the Zoning Commissioner dated April 18, 2001.

An amendment to the Comprehensive Manual of Development Policies (CMDP) has been approved. The relief requested in the Petition is therefore moot. Please withdraw the Petition filed in this case.

Very truly yours,

GEORGE & BRONSTEIN, LLP

Benjamin Brønstein

BB/mlh

cç: Peter Max Zimmerman

People's Counsel for Baltimore County

Thomas G. Likens Likens Brothers, LLC

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

3/29/07 War full

28 Dovefield Rd Perry Hall, MD 21128 (410) 529-1964 March 23, 2001

Dear Mr. Jablon:

I oppose any attempt to alter any of the county requirements for the Dovefield development (case # 01-328-A). I purchased my home only after inspecting the development plan and being assured that it was in compliance with all Baltimore County requirements. I would not have purchased in this community had I anticipated any changes being made to the plan, at any time. Changing the setback from 25 feet to 22 feet will negatively impact the value of my property and prevent me from fully enjoying my home.

As an alternative, I suggest the remaining lots be entirely reconfigured, perhaps eliminating a few. This would provide ample space to accommodate larger model homes which, I understand, is the reason for the requested change.

Barbara L. Milbur

Barbara L. Milburn

3/21/01 Towar call t

MS. SMITH YOUR E-MAIL MESSAGE HAS BEEN FORWARDED TO MR. ARNOLD JABLON, DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT AND MR. LAWRENCE SCHMIDT, ZONING COMMISSIONER. THE INFORMATION YOU SEEK CAN BE OBTAINED FROM ONE OF THESE OFFICES. Betty J. Sherman Office Administrator

Baltimore County Office of Planning

PH: 410-887-3211

>>> < hawsmith@juno.com> 03/21/01 10:25AM >>> We are very interested in Case Number 01-328-A regarding Lots at Dovefield Road. The Hearing sign is very confusing and appears to list our lot number (30) as a lot applying for a variance. Our house is already completed. We are also very concerned that the builder is trying to "squeeze" a house between our house and another existing house. Lot 31 is listed in this "blanket" variance noting a front setback and to "amend the Final Development Plan" This is the phrase that alarms us. What exactly are these amendments to the Final Development Plan? How

effective would would be attending this hearing? Will it be a waste of our time or will we really be heard? We paid a \$25,000 lot premium in addition to the cost of our home. We are very interested in protecting our investment. Please advise. Thank you.

Theresa A. Smith
2 Dovefield Road (Lot 30)
Perry Hall, MD 21128
410.256.5482
hawsmith@juno.com

CASE NUMBER: 01-328-A

4,11,15,17,30-31,33,35,37,39,41,43 Dovefield Road

Location: NE/S Likens Road, 144' NW of centerline Robin Lynne Court

5th Councilmanic District, 11th Election District

Legal Owner: Likens Brothers, LLC

Contract Purchaser: N/A

VARIANCE to allow a 22 foot front setback in lieu of the required 25 feet setback for lots 6-12, 15, 26-27, & 31-33; and to amend the Final

Development Plan

Hearing: Thursday, 04/05/2001 at 11:00 a.m., Rm 407 Co Cts Bldg 401 Bosley Ave.

Talkello Talkello Hereguest The request 01-776

Baltimore County Public Schools

Dulaney High, Eastern Technical High, and Overlea High Schools

Auditorium/Stage Lighting/Dimmer System Upgrades

Bid Numbers: 5-546-01 Bid Due Date: February 27, 2001

•		Bidder's Mame	
	Urban Francis, LLC	Herbert Electric, Inc.	Fitzgerald Electric, Inc.
Dulaney High School			
Base Bid Price	\$209,400.00	\$248,000.00	- \$241,440.00
Alternate #1: Provide Air Conditioning in Projection Booth	\$7,000	\$10,350.00	\$3,300.00
Base Bid Price Plus Alternate #1	\$216,400.00	\$258,350.00	\$244,740.00
Eastern Technical High School			
Base Bid Price	\$76,000.00	\$82,750.00	\$90,430.00
Overlea High School			
Base Bid Price	\$180,000.00	\$191,300.00	\$218,680.00
Afternate # 1: Provide New Rigging System for Stage Lighting	\$7,000.00	\$9,400.00	\$6,000.00
Base Bid Price Plus Alternate #1	\$187,000.00	\$200,700.00	\$224,680.00
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RE: PETITION FOR VARIANCE 4, 11, 15, 17, 30, 31, 33, 35, 37, 39, 41, 43 Dovefield Road, NE/S Likens Rd, 144' NW of c/l Robin Lynne Ct 11th Election District, 5th Councilmanic

Legal Owner: Likens Brothers, LLC Petitioner(s)

BEFORE THE

- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 01-328-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

Peter May Zimmeinan

arales, Damilio

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 27th day of February, 2001 a copy of the foregoing Entry of Appearance was mailed to Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212, representative for Petitioners.

PETER MAX ZIMMERMAN

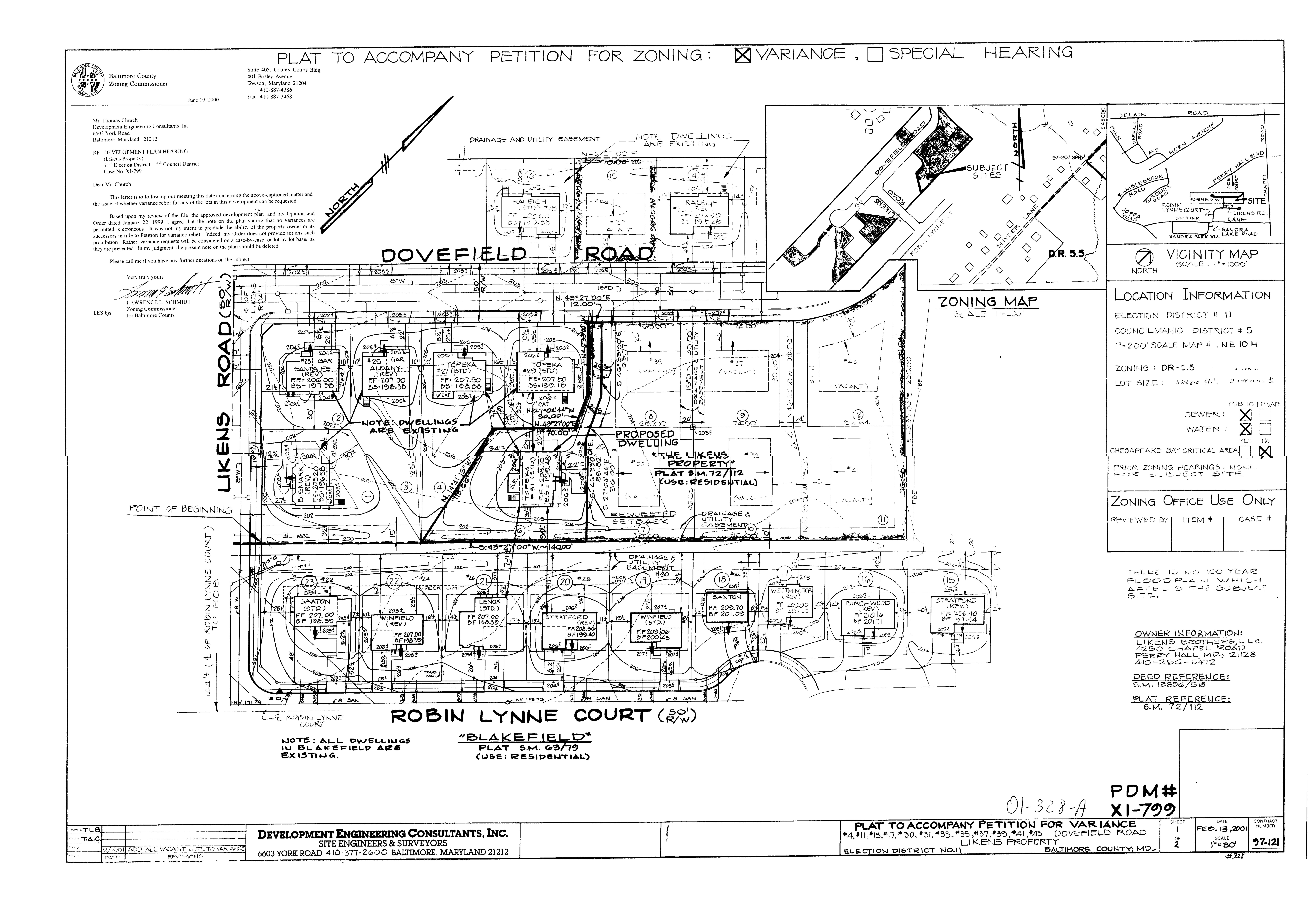
PETITIONER(S) SIGN-IN SHEET


NAME	ADDRESS
I.A. Church (DEC)	5603 York Rd. 21217
TA-Church (DEC) Thy T. Likens	2300 Junie AVI PRREVIOU/DU
T. G. Likens	4250 Chape/Rd 21128
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



INTERESTED PERSONS PROTEST SIGN-IN SHEET


NAME		ADDRESS
TIMY CATHY WHITING		ADDRESS 12 CONGAREE G. BANDIMDE
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, And the second	OWNER/S / DEVELOPER'S CERTIFICATION - AIR QUALITY I ACKNOWLEDGE THAT I AM RESPONSIBLE UNDER THE CODE OF MARYLAND REGULATIONS (26 II '06.05) TO PREVENT PARTICULATE MATTER KROM BECOMING AIRBORNE DUE TO GRADING, LAND CLEARING, EXCAVATION, CONSTRUCTION OR OTHER RELATED ACTIVITIES. I HAVE RESERVED A COPY OF "GUIDELINES TO THE AIR POLLUTION REGULATIONS FOR CONTROLLING EXCEBSIVE ABP (DUST) ON ACTIVITY SITES" WHICH INCLUDES A COPY OF COMAR 26.11.06 03. I WILL CONTACT THE BUREAU OF AIR QUALITY, FIELD SERVICES (887-3775) AT LEAST THREE DAYS PRIOR TO BEGINNING WORK. SIGNATURE OF OWNER/DEVELOPER TITLE DATE	OWNER'S / DEVELOPER'S CERTIFICATION I/WE CERTIFY THAT ALL GRADING ON THIS SITE WILL BE DONE IN ACCORDANCE WITH THE CURRENT GRADING REQUIREMENTS AS SET FORTH BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT AND WITH THE REQUIREMENTS SPECIFIED IN TITLE IA, ARTICLE VI OF THE BALTIMORE COUNTY CODE SIGNATURE OF OWNER / DEVELOPER TITLE DATE PRINT NAME
DRAINAGE AND UTILIT	TY EASEMENT	
1925 1925 1926 1926 1927 1927 1928 1928 1928 1928 1928 1928 1928 1928	TITIES TO THE TOTAL TOTA	ANNAPOLIS 22 BY 200 ANNAPOLIS 22 BY 200 DRAINAGE AND UTILITY EASEMENT 20 DRAINAGE AND UTILITY EASEMENT 30 DRAINAGE AND UTILITY EASEMENT AND 200 DRAINAGE AND UTILITY EASEMENT
II/3/00 SITE LOT 22 TOPEKA (STD) 7/11/00 LOT 28 RAISE HSE W/DRIVEC 1/2 6/28/00 LOT 32 LOWER HOUSE ELEV. 1' 6/16/00 LOT 32 RAISE ALL HOUSES 1' 6/16/00 LOT 32 RAISE ALL HOUSES 1' 6/10/00 SITE LOT 30 OLYMPIA (STD) S/10/00 SITE LOT 31 DOVER (STD.)		THIS PLAN IS SEALED AND CERTIFY AS BEING IN ACCORDANCE WITE THE DEVELOPMENT PLAN TO ACCORDANCE SHEET DATE CONTRACT
OWNER/DE	AREA DF DISTURBANCE: OTHERS, LLC OPEL ROAD LL, MARYLAND 21128 HO) 25G-5472 AREA DF DISTURBANCE: 98,813 SF = 8.9 ACRES! #4,*11,*15,*17, ELECTION DISTURBANCE: 90,813 SF = 8.9 ACRES! ELECTION DISTURBANCE: PLAT #4,*11,*15,*17, ELECTION DISTURBANCE:	#30, #31, #33, #35, #37, #39, #41, #43 DOVEFIELD ROAD 2 SCALE SCALE 1" = 30' 97-12