

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SW/End Mt. Wilson La., NE/S Winands Rd.,	*	DEPUTY ZONING COMMISSIONER
2000' SE Mary Ridge Dr.	*	OF BALTIMORE COUNTY
2nd Election District	*	CASE NO. 01-463-SPHA
2nd Councilmanic District	*	
(725 Mt. Wilson Lane)	*	
North Oaks Real Estate Partnership and	*	
Gwynn Falls Limited Partnership	*	
<i>Petitioners</i>		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, The North Oaks Real Estate Partnership and The Gwynns Falls Limited Partnership, requesting a special hearing to amend the special exception area previously approved in Case No. 86-2-XA and variance relief as is indicated on the attachment to the petition for variance.

Appearing at the hearing on behalf of the special hearing and variance relief were Wayne Caples and Thomas Mullan, appearing on behalf of the owners of the property, Rich Hoehn, Jill Schopf, Mitch Kellman and Ed Haile, all appearing on behalf of Daft, McCune & Walker, the engineers who prepared the site plan of the property and Rob Hoffman, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were many residents from the surrounding community, all of whom signed in on the Protestants' Sign-In Sheet.

Testimony and evidence indicated that the property, which is the subject of this special hearing and variance request, consists of 200.27 acres of land, split-zoned DR.3.5, DR.2 and DR.1. The subject property is currently the site of the North Oaks Convalescent and Nursing Home. That particular use occupies a small area of the center of the property itself. The

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 Date 8/22/01
 By [Signature]

remainder of the site is proposed to be developed with a mix of townhouse and single-family residential dwellings. The manner in which these homes are to be situated on the property is more particularly shown on Petitioners' Exhibits 1 and 2, the site plans submitted at the hearing. In order to proceed with the construction of these dwellings, the variances are necessary in that the Petitioners are bound by the design and development regulations that were in effect at the time this property received CRG approval. Those old development regulations that were in effect at that time require certain setback distances between the sides of homes, from windows to windows of those homes and certain setback distances between the buildings to be constructed on the property. The specific variance requests are more particularly shown on the site plan submitted which contains a chart of the many variances that are necessary in order for the development to proceed in the fashion depicted on the site plan. It should be noted that the North Oaks Retirement Community is proposing to construct these homes for persons who are 55 years of age or older. Apparently, this was a condition imposed by deed at the time that this owner purchased the subject property from the State of Maryland. Therefore, this developer is bound to only be permitted to sell these homes to an individual who is at least 55 years of age or older.

As stated previously, many residents from the surrounding community appeared at the hearing in strong opposition to the development of the property as proposed on this site plan. These residents, for the most part, reside on the southwest side of the property in the communities along Winands Road, Dutch Mill Road and Windmill Circle. Through the course of developing the subject property and modifying the old CRG plan for the site, much of the development on the property has been shifted to the west side of the property, closer to these particular residents. These residents were unaware that the old CRG plan had been modified

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By J. J. Spence

causing this development to be shifted in their direction. Their greatest objection to the development of the property was that they had no input in the modifications that were made to the old CRG plan. At the time of the hearing before me, this was the first time that they were made aware that the development had been shifted nearer their homes. They strongly objected to the proximity of this development to their houses and indicated that the developer had not been providing an adequate buffer between the houses to be built and their existing homes. These sentiments were strongly expressed by Mr. Wachter and his son, both of whom participated at the hearing, as well as Mr. Burnett and Mr. Carter, as well as others in attendance.

At the conclusion of the testimony and evidence which was offered at the public hearing held July 6, 2001, I asked that the developer schedule a public meeting with the many residents who appeared at the public hearing before me. Apparently, two meetings were held with the residents who attended the hearing wherein the concerns that they raised were taken into consideration by the developer and a new revised plan resubmitted to me, based on the meetings held with these residents. The new plan submitted for approval has a latest revision date of August 1, 2001. After listening to the concerns raised by the citizens, the developer, to their credit, has greatly increased the setbacks of the rear of the homes to be constructed along the western side of the property. In lieu of the previous rear yard setbacks of 35 ft. from the rear of the properties owned by many of the Protestants, the developer has increased this setback to 100 ft. This provides enough buffer area to allow existing vegetation to remain in this buffer area and also affords an area where additional plantings can be installed to further mitigate the effects of this new development on those existing residents around the perimeter of this property. I believe this 100 ft. buffer is more than sufficient to help to mitigate the effects of this

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Date 8/22/01

By J. P. G. [Signature]

development on these existing neighbors. The original plan submitted at the hearing failed to achieve this goal.

The revised plan for which consideration is given at this time has, in fact, altered the design of the development as a consequence of providing the larger 100 ft. buffer. Accordingly, the variances that were originally requested have also been modified to correspond to the modifications made to the plan. Therefore, the variances under consideration pursuant to this order are those as shown on the charts contained on the revised plan dated August 1, 2001.

After considering the testimony and evidence offered at the hearing and the efforts of the developer to mitigate the affects of this development on their neighbors to the west of the site and the revised site plan which has been marked as Petitioners' Exhibit 7A and 7B, I find that the special hearing request to amend the previously approved special exception area, as well as the variances as depicted on the charts shown on the face of the site plan itself should be approved.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to 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).

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Date

By

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance relief 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.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 2001, that the Petitioners' request for a special hearing to amend the special exception area previously approved in Case No. 86-2-XA and variance relief as contained within the chart located on Exhibit 7A, the revised site plan, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their 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.
2. The Petitioners shall be required to submit to Mr. Avery Harden, Landscape Architect for Baltimore County, a landscape plan depicting the vegetation that is to be retained along the rear of those homes situated on Windmill Circle, Dutch Mill Road, and Winands Road. This landscape plan shall not only show vegetation to be retained, but also any additional plantings that, at the discretion of Mr. Avery Harden, would be needed in order to further screen the new homes to be constructed on this property from the existing homes located on the aforementioned roads. Said landscape plan shall be submitted within sixty (60) days from the date of this order.
3. The entrance to this subdivision from Winands Road shall be a gated entrance which shall not be open for use by the general public. This may help to alleviate any short-cutting that may occur by virtue of this development being constructed.

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Date

By

4. The sale of any of these homes to be constructed upon the Petitioners' property shall be sold to residents, one of which must be at least be 55 years of age or older. This is consistent with the representations made at the hearing before me and the deed from which the Petitioners took title.
5. When applying for building permits, the site plan filed must reference this case and set forth and address the restrictions of this order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

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Date 8/22/01
By J.R. [Signature]



Baltimore County
Zoning Commissioner

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

August 22, 2001

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing & Variance
Case No. 01-463-SPHA
Property: SW/End Mt. Wilson Lane, NE/S Winands Road,
2000' SE Mary Ridge Drive

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special Hearing and Variance have 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,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Copies to:

Mr. Thomas Mullan
2330 West Joppa Road, Suite 210
Lutherville, MD 21093

Ed Haile, P.E.
Daft, McCune & Walker
200 E. Pennsylvania Avenue
Towson, MD 21204

Gustav, Mary & Eliguis Wachter
8570 Winands Road
Randallstown, MD 21133

Wayne D. Adams
4130 Windmill Circle
Randallstown, MD 21133

Lloyd Carter
4137 Dutch Mill Road
Randallstown, MD 21133

Bill Bralove
4272 Mary Ridge Drive
Randallstown, MD 21133

Noel Levy
1109 Silentglade Road
Owings Mills, MD 21117

Gwendolyn Wright
4127 Dutch Mill Road
Randallstown, MD 21133

Henry Smith
4122 Windmill Circle
Randallstown, MD 21133

Derrick Burnett
8627 Windmill Road
Randallstown, MD 21133

Michael Davis
4128 Windmill Circle
Randallstown, MD 21133



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 725 Mt. Wilson Lane

which is presently zoned DR 3.5, DR 2 and DR 1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

amend
Special Hearing to ~~delete~~ the special exception area
approved in Zoning Case 86-2-XA

MFK - 5/14/01

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print _____

Signature _____

Venable, Baetjers and Howard, LLP
Company _____

210 Allegheny Avenue (410) 494-6200
Address _____ Telephone No. _____

Towson, MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

SEE ATTACHED

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Representative to be Contacted:

Robert A. Hoffman
Name _____

210 Allegheny Avenue (410) 494-6200
Address _____ Telephone No. _____

Towson, MD 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 01-463-SP4A

Reviewed By CTM Date 5/1/01

**Mullan-North Oaks
Signature Page**

Legal Owner (s):

North Oaks Real Estate Partnership

By: Mullan-North Oaks
Limited Partnership

By: Rosedale Co., Inc.
General Partner

By: 

Norman W. Wilder
Vice-President

Gwynn Falls Limited Partnership

By: Mullan-North Oaks
Limited Partnership

By: Rosedale Co., Inc.
General Partner

By: 

Norman W. Wilder
Vice-President

c/o Norman W. Wilder
Mullan Enterprises, Inc.
2330 West Joppa Road
Suite 210
Lutherville, Maryland 21093
(410) 494-9200



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 725 Mt. Wilson Lane

which is presently zoned DR 3.5, DR 2 and DR 1

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

SEE ATTACHED.

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

TO BE DETERMINED AT HEARING

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print _____

Signature _____

Venable, Baetjer and Howard, LLP

Company _____

210 Allegheny Avenue (410) 494-6200

Address _____ Telephone No. _____

Towson, MD 21204

City _____ State _____ Zip Code _____

Legal Owner(s):

SEE ATTACHED

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Representative to be Contacted:

Robert A. Hoffman

Name _____

210 Allegheny Avenue (410) 494-6200

Address _____ Telephone No. _____

Towson, MD 21204

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

Case No. _____

R2/ 9/15/98

**Mullan-North Oaks
Signature Page**

Legal Owner (s):

North Oaks Real Estate Partnership

By: Mullan-North Oaks
Limited Partnership

By: Rosedale Co., Inc.
General Partner

By: 

Norman W. Wilder
Vice-President

Gwynn Falls Limited Partnership

By: Mullan-North Oaks
Limited Partnership

By: Rosedale Co., Inc.
General Partner

By: 

Norman W. Wilder
Vice-President

c/o Norman W. Wilder
Mullan Enterprises, Inc.
2330 West Joppa Road
Suite 210
Lutherville, Maryland 21093
(410) 494-9200

ATTACHMENT TO PETITION FOR VARIANCE
725 Mt. Wilson Lane

Window to Window

- A. Variance from Section 1B01.2.C.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section V.B.6.c of the Comprehensive Manual of Development Policies ("C.M.D.P.") to allow a minimum distance of 20 feet between windows in lieu of the required 40-foot window to window setback.
- B. Variance from B.C.Z.R. Section 1B01.2.C.2.b and C.M.D.P. Section V.B.6.c to allow a minimum distance of 25 feet between windows in lieu of the required 40-foot window to window setback.
- C. Variance from B.C.Z.R. Section 1B01.2.C.2.b and C.M.D.P. Section V.B.6.c to allow a minimum distance of 14 feet between sunroom/family room addition windows in lieu of the required 40-foot window to window setback.
- D. Variance from B.C.Z.R. Section 1B01.2.C.2.b and C.M.D.P. Section V.B.6.c to allow a minimum distance of 17 feet from bay window to window or 15 feet between bay windows in lieu of the required 40-foot window to window setback, if necessary.
- E. Variance from B.C.Z.R. Section 1B01.2.C.2.b and C.M.D.P. Section V.B.6.c to allow a minimum distance of 22 feet from bay window to window or 20 feet between bay windows in lieu of the required 40-foot window to window setback, if necessary.

Building Separation

- F. Variance from B.C.Z.R. Section 1B01.2.C.1 and C.M.D.P. Section V.B.3.b to allow a minimum distance of 20 feet between buildings in lieu of the required 30-foot separation between buildings with heights more than 25 feet but not more than 30 feet.
- G. Variance from B.C.Z.R. Section 1B01.2.C.1 and C.M.D.P. Section V.B.3.b to allow a minimum distance of 25 feet between buildings in lieu of the required 40-foot separation between buildings with heights more than 30 feet but not more than 40 feet.

Principal Building Setback

- H. Variance from B.C.Z.R. Section 1B02.2.B and C.M.D.P. Section V.B.2 to allow a 20-foot building setback from proposed street curb line for the proposed clubhouse in lieu of the required 50-foot front building setback for non-residential principal buildings in a D.R.3.5 zone, if necessary.

Description

To Accompany Petition For

Special Hearing

2.854 Acre Parcel

Northeast of Winands Road

Southeast of Mary Ridge Drive

Second Election District, Baltimore County Maryland



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

Beginning for same at the end of the following course and distance measured from the intersection of the centerline of Winands Road, with the centerline of Mt. Wilson Lane, and referring all courses of this description to the Grid Meridian of the Maryland Coordinate System-NAD83 (1991), (1) North 47 degrees 39 minutes 04 seconds East 2007.39 feet, thence leaving said beginning point and running the six following courses and distances, viz: (1) North 29 degrees 24 minutes 08 seconds East 13.13 feet, thence (2) North 60 degrees 35 minutes 52 seconds West 300.85 feet, thence (3) North 29 degrees 24 minutes 08 seconds East 176.02 feet, thence (4) South 60 degrees 35 minutes 52 seconds East 300.85 feet, thence (5) North 29 degrees 24 minutes 08 seconds East 18.78 feet, and thence (6) South 60 degrees 35 minutes 52 seconds East 51.86 feet to intersect the northwest face of an existing building, thence in part binding on the face of said building and in part binding on an extension of said building, in all, (7) South 29 degrees 24 minutes 08 seconds West 80.37 feet to intersect the extension of the northeast face of the aforesaid building thence binding on the said extension (8) South 60 degrees 35 minutes 52 seconds East 44.03 feet to the northwest end of said wall, thence binding

on the southeast, southwest and southeast faces of the aforesaid building the three following courses and distances viz: (9) North 29 degrees 25 minutes 37 seconds East 20.02 feet, thence (10) South 60 degrees 27 minutes 47 seconds East 33.95 feet, and thence (11) North 29 degrees 25 minutes 05 seconds East 25.26 feet, thence leaving said building and running the seventeen following courses and distances viz: (12) South 60 degrees 35 minutes 52 seconds East 77.86 feet, thence (13) North 29 degrees 30 minutes 29 seconds East 63.37 feet, thence (14) South 60 degrees 29 minutes 31 seconds East 38.90 feet, thence (15) South 29 degrees 30 minutes 29 seconds West 35.04 feet, thence (16) South 60 degrees 29 minutes 31 seconds East 136.35 feet, thence (17) South 29 degrees 30 minutes 29 seconds West 35.05 feet, thence (18) North 60 degrees 29 minutes 31 seconds West 56.16 feet, thence (19) South 15 degrees 48 minutes 30 seconds East 99.33 feet, thence (20) South 74 degrees 11 minutes 30 seconds West 17.00 feet, thence (21) South 15 degrees 48 minutes 30 seconds East 50.00 feet, thence (22) South 74 degrees 11 minutes 30 seconds West 130.00 feet, thence (23) North 15 degrees 48 minutes 30 seconds West 50.00 feet, thence (24) South 74 degrees 11 minutes 30 seconds West 17.00 feet, thence (25) North 15 degrees 48 minutes 30 seconds West 56.35 feet, thence (26) North 60 degrees 35 minutes 52 seconds West 113.95 feet, thence (27) South 29 degrees 24 minutes 08 seconds West 19.15 feet, and thence (28) North 60 degrees 35 minutes 52 seconds West 127.80 feet to the point of beginning containing 2.854 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 30, 2001

Project No. 84142.JB (L84142.JB-3)



CERTIFICATE OF POSTING

RE: Case No.: 01-463-SPHA

Petitioner/Developer: MULLEN, ETAL
% AMY-DONTELL (VBH)

Date of Hearing/Closing: 7/6/01

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 the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at END MT. WILSON OFF
(4 SIGNS) ON SITE RELSTERSTOWN RD. & @
END OFF WINARDS RD.

The sign(s) were posted on 6/16/01 & 6/18/01
(Month, Day, Year)

Sincerely,

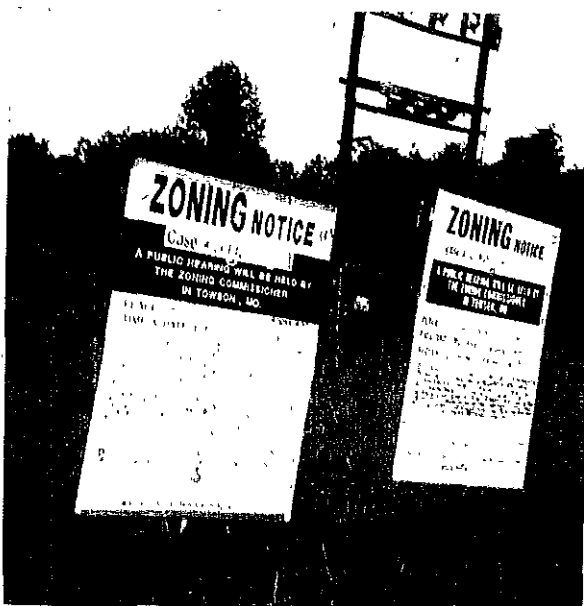
6/20/01
Patrick M. O'Keefe
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)



01-463-SPHA
% AMY-DONTELL (VBH)
MULLEN 7/6/01

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: #01-483-SPHA

725 Mt. Wilson Lane

SW/End Mt. Wilson Lane, NE/S Winands Road, 2000'

SE Mary Ridge Drive

2nd Election District - 2nd Councilmanic District

Legal Owner(s): Norman W. Wilder, VP

Special Hearing: to amend the special exception area approved in zoning case 86-2-XA. **Variances:** Window-to-window to allow a minimum distance of 20 feet between windows in lieu of the required 40-foot window to window setback, to allow a minimum distance of 25 feet between windows in lieu of the required 40 foot window to window setback, to allow a minimum distance of 14 feet between sunroom/family room addition windows in lieu of the required 40 foot window to window setback, to allow a minimum distance of 17 feet from bay window to window or 15 feet between bay windows in lieu of the required 40 foot window to window setback, if necessary, to allow a minimum distance of 22 feet from bay window to window or 20 feet between bay windows in lieu of the required 40 foot window to window setback, if necessary, Building separation to allow a minimum distance of 20 feet between buildings in lieu of the required 30 foot separation between buildings with heights more than 25 feet but not more than 30 feet; to allow a minimum distance of 25 feet between buildings in lieu of the required 40 foot separation between buildings with heights more than 30 feet but not more than 40 feet; Principal Building Setback to allow a 20 foot building setback from proposed street curb line for the proposed clubhouse in lieu of the required 50 foot front building setback for non-residential principal buildings in a D.R.3.5 zone, if necessary.

Hearing: Friday, July 6, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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

6/169 June 21

0475934

CERTIFICATE OF PUBLICATION

6/21, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/21, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

**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/neighbor 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: 01-463-SP17A
Petitioner: NORTH OAKS REAL ESTATE PARTNERSHIP
Address or Location: 725 MT. WILSON LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY DONTELL
Address: 210 ALLEGHENY AVE
TOWSON, MARYLAND 21204
Telephone Number: (410) 494 6200

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 21, 2001 Issue – Jeffersonian

Please forward billing to:

Amy Dontell
Venable Baetjer & Howard LLP
210 Allegheny Avenue
Towson MD 21204

410 494-6200

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: 01-463-SPHA

725 Mt. Wilson Lane

SW/End Mt. Wilson Lane, NE/S Winands Road, 2000' SE Mary Ridge Drive

2nd Election District – 2nd Councilmanic District

Legal Owner Norman W. Wilder VP

Special Hearing to amend the special exception area approved in zoning case 86-2-XA. Variance Window-to-window to allow a minimum distance of 20 feet between windows in lieu of the required 40-foot window to window setback, to allow a minimum distance of 25 feet between windows in lieu of the required 40 foot window to window setback, to allow a minimum distance of 14 feet between sunroom/family room addition windows in lieu of the required 40 foot window to window setback, to allow a minimum distance of 17 feet from bay window to window or 15 feet between bay windows in lieu of the required 40 foot window to window setback, if necessary, to allow a minimum distance of 22 feet from bay window to window or 20 feet between bay windows in lieu of the required 40 foot window to window setback, in necessary. Building separation to allow a minimum distance of 20 feet between buildings in lieu of the required 30 foot separation between buildings with heights more than 25 feet but not more than 30 feet; to allow a minimum distance of 25 feet between buildings in lieu of the required 40 foot separation between buildings with heights more than 30 feet but not more than 40 feet; Principal Building Setback to allow a 20 foot building setback from proposed street curb line for the proposed clubhouse in lieu of the required 50 foot front building setback for non-residential principal buildings in a D.R.3.5 zone, in necessary.

HEARING: Friday, July 6, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT 602
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.



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

June 5, 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: 01-463-SPHA

725 Mt. Wilson Lane

SW/End Mt. Wilson Lane, NE/S Winands Road, 2000' SE Mary Ridge Drive

2nd Election District – 2nd Councilmanic District

Legal Owner Norman W. Wilder VP

Special Hearing to amend the special exception area approved in zoning case 86-2-XA. Variance Window-to-window to allow a minimum distance of 20 feet between windows in lieu of the required 40-foot window to window setback, to allow a minimum distance of 25 feet between windows in lieu of the required 40 foot window to window setback, to allow a minimum distance of 14 feet between sunroom/family room addition windows in lieu of the required 40 foot window to window setback, to allow a minimum distance of 17 feet from bay window to window or 15 feet between bay windows in lieu of the required 40 foot window to window setback, if necessary, to allow a minimum distance of 22 feet from bay window to window or 20 feet between bay windows in lieu of the required 40 foot window to window setback, in necessary. Building separation to allow a minimum distance of 20 feet between buildings in lieu of the required 30 foot separation between buildings with heights more than 25 feet but not more than 30 feet; to allow a minimum distance of 25 feet between buildings in lieu of the required 40 foot separation between buildings with heights more than 30 feet but not more than 40 feet; Principal Building Setback to allow a 20 foot building setback from proposed street curb line for the proposed clubhouse in lieu of the required 50 foot front building setback for non-residential principal buildings in a D.R.3.5 zone, in necessary.

HEARING: Friday, July 6, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon 672
Director

C: Robert A Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Ave.,
Towson 21204
Norman W Wilder, Mullan Enterprises Inc, 2330 W Joppa Road, Suite 210,
Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 21, 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.



Baltimore County
Department of Permits and
Development Management

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

June 29, 2001

Robert A Hoffman Esquire
Venable Baetjer & Howard LLP
210 Allegheny Avenue
Towson MD 21204

Dear Mr. Hoffman:

RE: Case Number: 01-463-SPHA, 725 Mt. Wilson Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 1, 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 Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Norman W Wilder, Mullan Enterprises Inc, 2330 W Joppa Road, Suite 210,
Lutherville 21093
People's Counsel



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 3, 2001

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

SUBJECT: 725 Mt. Wilson Lane

INFORMATION:

Item Number: 01-463
Petitioner: Robert A. Hoffman, Venable, Baetjer, and Howard, LLP
Property Size: 200 acres
Zoning: DR 3.5, DR 2, DR 1
Requested Action: Special Hearing, Variance
Hearing Date: July 6, 2001

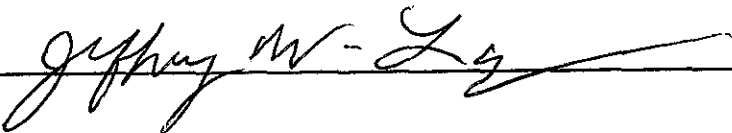
REQUEST:

The request in this case is to amend the special exception approved in case 86-2-XA, and to approve eight variances dealing primarily with window to window setbacks, building separation, and principal building setbacks for the North Oaks residential development. The North Oaks project, located on the site of the former Mt. Wilson Hospital, will consist of 183 apartment units in the renovated hospital building, 247 newly constructed townhouse condominium units, 52 single family condominium units, 299 single family dwelling units, and 97 future apartment units in the original hospital facility. A total of 922 parking spaces will be provided on site.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval of this request.. The relief sought through the variances is required for the purpose of improving the site plan and architecture of the development from an aesthetic perspective, and will not affect any surrounding property. The special exception and variances requested are in compliance with the 2nd amended CRG plan, approved May 4, 2000.

Section Chief



AFK:LH:lsn

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 5, 2001

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

SUBJECT: *Zoning Advisory Committee Meeting*
For May 29, 2001
Item Nos. 461, 463, 464, 465, 466, 467,
469, 470, 472, 473, 474, 475, 478, 480,
483, and 006

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

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

June 5, 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

RE: Property Owner: 463

Location: DISTRIBUTION MEETING OF May 21, 2001

Item No.: 463

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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

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

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



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: 5/9/01

TO: Zoning Commissioner, File

FROM: Lloyd T. Moxley

SUBJECT: Case No. 01-463-SPHA

After careful review of the zoning records for this property and the materials submitted with the Petition for Special Hearing and Variance in the above referenced case, the Office of Zoning Review has determined the following.

- That the Special Exception Area considered in Case No. 86-2-XA was described on the site plan accompanying the petitions (revised May 22, 1985) by the following note: "The requested Special Exception and Variances are intended, if granted, to apply only to the existing multi-stored building and its proposed addition." This same note was on the site plan filed in case No. 88-19-XSPH.
- That the Office of Zoning Review accepts the 10.32 acre Phase I area as shown on the Partial Development Plan, Phase I, North Oaks Life Care Center approved on 12/2/1988 as the area upon which the Special Exception was granted in Case 86-2-XA.
- That with one exception, the amended area proposed by this case is smaller than and located within the aforementioned Phase I area.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
725 Mt. Wilson Lane, SW/end Mt. Wilson Ln, NE/S *
Winands Rd, 2000' SE of Mary Ridge Dr * FOR
2nd Election District, 2nd Councilmanic *
Legal Owner: North Oaks Real Estate Partnership, et al. * BALTIMORE COUNTY
Petitioner(s) *
Case No. 01-463-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **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 4th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

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



OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6262

rahoffman@venable.com

August 6, 2001

HAND-DELIVERED

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Case No. 01-463-SPHA
North Oaks Real Estate Partnership/Gwynns Falls
Limited Partnership, Petitioners

Dear Mr. Kotroco:

I am writing to provide you with an update regarding the above-referenced case. Since the hearing before you, Wayne Caples of Koren Development, who is a developer's representative for the Petitioner, has met twice with a large number of neighbors on the Winands Road side of the proposed development. The first meeting, held on July 18, 2001, was attended by approximately 40 neighbors. The primary concerns raised by the neighbors involved screening and buffering the adjacent properties. To address those concerns, following that meeting, Mr. Caples proposed extensive revisions to the Winands Road side of the development. I am pleased to report that the neighbors responded positively after reviewing those modifications at the second meeting on August 2, 2001.

The modifications presented on August 2 are shown in color on the enclosed Plan labeled "Alternate Layout No. 3." With regard to that layout, you should note that the setback of the proposed dwellings to the neighboring houses along Dutch Mill Road, Windmill Circle, and the Wachter property along Winands Road have been increased to approximately 99-100 feet, a significant increase over the setback of 35 feet originally proposed. This increased setback also leaves significant room (approximately 50 feet in most instances) for retaining existing vegetation and supplementing the existing vegetation within the setback area. There would be exceptions for installation of open space, storm water management, and certain utilities. Also enclosed is a Page 2 of 2 entitled "Sections - North Oaks 725 Mount Wilson Lane" showing the screening.

Timothy M. Kotroco, Deputy Zoning
August 6, 2001
Page 2

Making these changes would necessitate revising the variance relief requested by the Petitioner. To that end, I have enclosed a revised "Plan to Accompany Zoning Variance and Special Hearing" with the latest revision date of August 1, 2001. Mr. Caples advises me that the neighbors attending the meeting on August 2 approve of the plan revisions, but would like some assurance that the development would proceed only in accordance with those revisions. We are, therefore, requesting that, in any order you may issue approving the requested relief, you condition the relief on the development proceeding only in accordance with the enclosed revised "Alternative Layout No. 3."

We would also request certain additional requirements be imposed consistent with our discussions with Bill Bralove at Renew, Inc. First, Petitioner would extend the BGE gas line to the existing right-of-way of Merry Ridge Drive subject to Old Mill Estates providing the necessary easements or property interests to make such an off-site extension. Second, Petitioner will not exclusively utilize the Winands Road entrance as its construction entrance, but will utilize Mount Wilson Lane for construction traffic as well.

Thank you for your time and patience in allowing us to reach this point.

Very truly yours,



Robert A. Hoffman

RAH:mar

cc: All names from Protestants' sign-in sheet, attached
All names listed on 08/02/01 meeting sign-in sheet, attached

To: Mr. Timothy Kotroco Fax { 887
3468

Deputy zoning Commissioner
Baltimore, MD.

From: Gustave Watter / Geo.

Re: CASE # 01-463-SPHA

DATE: July 19th, 2001

Dear Mr. Kotroco:

Thank you for your
Cooperation in this matter.

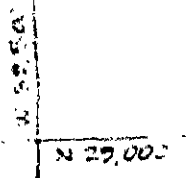
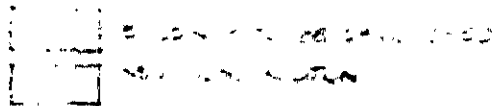
Additional Signatures of

Protestants to Varnier / zoning

Requests will be submitted
Shortly.

PLAN TO APPLY FOR THE EXISTING MULTI-STORY BUILDING AND
PROPOSED ADDITION.

LEGEND



PRINTED

JUN 26 1985

DAFT-MCCUNE-WALKER, INC.

PLAT TO ACCOMPANY PETITIONS FOR
VARIANCE AND SPECIAL EXCEPTION

NORTH OAKS

PETITION
EXHIBIT



DAFT - MCCUNE - WALKER, INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
530 E. JOFFA ROAD
TOWSON, MD 21204
TELEPHONE: (301) 796-3333

SCALE: 1"=100'

DATE: JAN. 4, 1985

I.O. # 84142

REVISED: MAY 15, 1985
MAY 22, 1985



Wf

86-2-XA

LOCAL OPEN SPACE

ROAD

General Notes

1. Applicant/Developer: **NORTH OAKS PARTNERSHIP**
c/o William W. Winters
15 Charles Place, Suite 400
Baltimore, Maryland 21201
(301) 732-4200
2. Planning District 2; Councilman's District 2 - 2nd SENATE TRAC 5026.1
3. Watershed 22; Subwatershed 13.

4. Site Overview: Net - 302.99 Acres +/-
Gross - 235.28 (Includes 15 feet of Vienna Road Right-Of-Way)
Open Space: Required - 304 Units @ 238 S.F./Unit = 132,800 S.F.
= 3.04 Acres +/-
Proposed - 30 Acres +/-
Open space will be maintained by the Owner.
Parking: Required - 200 Apartment Units for the
Eligible 0.5 Acres/Unit = 100
21 Comprehensive Care
0.01/Unit = 2.1
10 Semi-Intensive Care
0.01/Unit = 1.0
4 Single Family
0.25/Unit = 1.0
Total: 112.3 Spaces
Proposed - 131 Spaces - 8 S.C. Spaces = 139 Spaces
Current Zoning and Density: Allowable 45 Units/Acre +/- (S.B. 1) = 45 Units
150 Units/Acre +/- (S.B. 2.3) = 500 Units
Total: 545 Units
Proposed - Apartment Units for the Elderly
Including Single Family
Units for Seniors = 1
Total: 104 Units

In addition to these number of proposed dwelling units, there will be 21 comprehensive care beds and 10 semi-intensive care beds in the first floor of the main building.
All apartment units will be located for the elderly and will be leased.

5. Landscape Planting Quantity:

Required - 844.52 Tree Plantings @ 1 Tree/40 S.F. = 21.1 Trees
304 Dwelling Units @ 1 Tree/Dwelling Unit = 304 Trees
Total: 325.2 Trees

A modification of standards will be requested for the site as follows: DAY LAND-SCAPED AREA PLANTING SHALL BE INSTALLED IN TREES TO BE AS:

6. There are no known well or septic areas in use on the site. Private sanitary sewer and water are on-site.

7. Soils	With Saturated Material	Without Saturated Material	Grade and Slope
Cedrus (Ca)	Flooding Hazard	Flooding Hazard	Flooding Hazard
Delaware (Dab)	Moderate Moderately High Water Table	Slight	Moderate Moderately High Water Table; Slope
Elkton (Eab)	Slight	Slight	Moderate, Slope
Glenelg (Gc2) (Gc2)	Slight Moderate: Slope Severe: Slope	Slight Moderate: Slope Severe: Slope	Moderate: Slope Severe: Slope Severe: Slope
Glenville (Gcb)	Severe: High Water Table	Moderate: High Water Table	Severe: High Water Table
Hager (Hb2) (Hb2) (Hb2)	Severe: Slope Moderate: Slope Severe: Slope	Severe: Slope Moderate: Slope Severe: Slope	Severe: Slope Severe: Slope Severe: Slope
Malvin (Mb) 2	Severe: High Water Table; Poor Natural Drainage	Severe: High Water Table; Poor Natural Drainage	Severe: High Water Table; Poor Natural Drainage

8. Existing wooded areas will remain.
9. Three existing buildings are historically significant and will remain. (They are identified on the plan.)

10. Current Ownership: STATE OF MARYLAND DEPT. OF HEALTH & GENERAL SERVICES
MAYOR'S OFFICE - HEALTH ADMINISTRATION OF CITY OF BALTIMORE
OR TRANSFORMATION
LIBR 5961 FD-10 26
Brid Reference: Liber 596, Folio 6437
Property Number: 92-15-738238

11. Estimated Average Daily Flows: 204 Units @ 3.3 = 673.2 ADT's

12. A review of stormwater management has been requested since there will be less than a 5% increase in the 5yr peak discharge rate.

13. The limits of wetlands approximately coincide with the limits of the 100 Year Flood. There are no known critical areas, archaeological sites, endangered species habitat, or hazardous materials on the site.

14. ALL ROADS - UTILITIES ON SITE ARE PRIVATE WITH THE EXCEPTION OF THE SENATE TRAC INTERCEPT SEWER.



THE REQUESTED SPECIAL EXCEPTION AND VARIANCES ARE INTENDED, IF GRANTED, TO APPLY ONLY TO THE EXISTING MULTI-STORIED BUILDING AND ITS PROPOSED ADDITION.

W 39,500
N 29,000

JUN 26 1985

PLAT TO ACCOMPANY PETITIONS FOR VARIANCE AND SPECIAL EXCEPTION

NIGHTLY CHAVES

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10-10-2001 BY 60322 UCBAW/AJ

Abstract

A - 100%	<u>Roads and</u>
100% RASPTLY	<u>Traffic</u>
F - 100% RASPTLY	Flooding Hazard
C - 60	Moderate.
	Moderately High
	Water Erosion Slopes
E - 80	Moderate. Slope
- B -	Moderate Slope
B - 100% RASPTLY	Severe Slope

19 July 2001

The Honorable Timothy Kotroco, Deputy Zoning Commissioner
Baltimore County Office of Zoning and Planning
401 Bosley Ave., Room 405
Towson, Maryland 21204
RE Case #01-463-SPHA Job #B4142JG

Dear Deputy Commissioner Kotroco:

On July 18, 2001 residents of the Randallstown community met at Winands Elementary School with Mr. Wayne Capeles, project manager for the North Oaks Development, and discussed in detail the proposed subdivision. The consensus of opinion from those residents at the meeting and other residents of the community is that there are not adequate buffers along the perimeters of the site development. In addition, most of those in attendance felt that the density should be reduced and the plan modified to provide a more compatible plan with the existing community, and homes adjacent to the development.

As a compromise, many suggestions were offered and Mr. Capeles requested that we meet again in two weeks after he confers with the development owners.

Overwhelmingly, the residents are aggrieved by the fact that approval of the Winands Rd. /Mt. Wilson Lane subdivision dissalowed any community input or objection from residents of Randallstown.

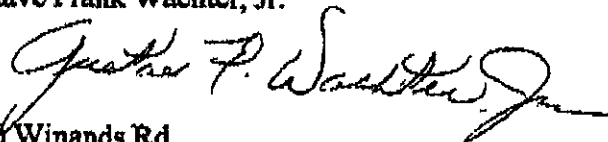
The signatures of protestants being submitted to you today are homeowners in the community who are opposing approval of the variances requested at the hearing on July 6, 2001.

We respectfully request that these variances be denied by the Office of Planning and Zoning and hope that the North Oaks owners and developers would be willing to sit down and reach some compromise.

Please contact me for any reason at home at 410-655-4013 or cell 410-802-0982.

Respectfully Yours,

Gustave Frank Wachter, Jr.



8570 Winands Rd.
Randallstown, MD 21133

cc: Residents in attendance of meeting at Winands Elementary, July 18, 2001.

**Affadavit of Protestants Opposing Approval of Special Exceptions
in Case #01-463-SPHA Job No. B4142.JG North Oaks Development**

As a resident of Randallstown and the community surrounding the proposed development on Winands Rd. and Mt. Wilson Ln., I object to and oppose the North Oaks Retirement Sub-division for the following reasons:

1. The initial plan approved by the Baltimore County Planning and Zoning Office in May of 2000 in no way reflects in its site development plan any sub-division on the intersection of Winands Rd. and Mt. Wilson Ln.
2. The Planning and Zoning Office allowed the developer to redraw the approved plan of May 2000 thereby creating a different site development which includes a major sub-division at Winands Rd. and Mt. Wilson Ln. consisting of over 60 homes, town homes, and condos. This approval was given by the Planning and Zoning Office/ Development Review Committee without a public hearing or an opportunity for community input or opposition.
3. The proposed sub-division will level approximately 30 acres of untouched forest that has existed for several hundred years. Moreover, the proposed sub-division encroaches within 30 feet of fragile wetlands which would dramatically impact the environment, forestation, and wildlife that has existed for hundreds of years.
4. The increased population of the community resulting from the sub-division will severely impact the traffic patterns on Winands Rd., McDonough Rd., and Liberty Rd. and will overburden the fire department, police, and emergency rescue services.
5. Approval of the special exceptions and variances which were requested (# 01-463-SPHA) on 7-6-01 by the developer would adversely affect the community, enabling North Oaks to increase the density and number of dwellings on the site. In addition, granting approval of the height and distance variances is incompatible with the existing homes in the community and not in compliance with the spirit and intent of the existing distance and height regulations of Baltimore County.

Name	Address	Signature
1. Phillip Ross III	4117 Dutchmill Rd	Phillip Ross III
2. Pramjit Singh	4121 DUTCH MILL RD	Pramjit Singh
3. Geraldyn Wright	4122 Dutch Mill Rd	Geraldyn Wright
4. Valerie Tate	4129 Dutchmill Rd	Valerie Tate
5. DELRIS L. MOORE	4135 DUTCH MILL ROAD	Delris L. Moore
6. Edward C. Neal	4139 Dutch mill road	Edward C. Neal
7. NEJA PROBYAK	4140 Dutchmill rd	Neja Probyak
8. Roxanne Carter	4128 Dutch Mill Rd	Roxanne Carter
9. James M. Jackson	8620 Windmill rd	James M. Jackson
10. Jim White	8674 Windmill Rd	Jim White
11. Eli Warner	8625 Windmill Rd	Eli Warner
12. Ambrose Warden	4106 Windmill Cir	Ambrose Warden
13. Maria WATKINS	4126 Windmill circle	Maria Watkins
14. DIANNE K. ADAMS	4130 Windmill circle	Dianne K. Adams
15. Hanna Gaglio	4132 Windmill circle	Hanna Gaglio
16. Wanda JACK	4140 Windmill Cir	Wanda Jack
17. Elina Yurentov	4125 Windmill Cir	Elina Yurentov
18. JULIAN B. ROSEMOND JR	4117 WINDMILL C.R.	Julian B. Rosemond Jr
19. Sandra Tillman	4123 Windmill CR	Sandra Tillman
20. Gail Kearson-Gough	4109 Windmill Circle	Gail Kearson-Gough

**Affadavit of Protestants Opposing Approval of Special Exceptions
in Case #01-463-SPHA Job No. B4142.JG North Oaks Development**

As a resident of Randallstown and the community surrounding the proposed development on Winands Rd. and Mt. Wilson Ln., I object to and oppose the North Oaks Retirement Sub-division for the following reasons:

1. The initial plan approved by the Baltimore County Planning and Zoning Office in May of 2000 in no way reflects in its site development plan any sub-division on the intersection of Winands Rd. and Mt. Wilson Ln.
2. The Planning and Zoning Office allowed the developer to redraw the approved plan of May 2000 thereby creating a different site development which includes a major sub-division at Winands Rd. and Mt. Wilson Ln. consisting of over 60 homes, town homes, and condos. This approval was given by the Planning and Zoning Office/ Development Review Committee without a public hearing or an opportunity for community input or opposition.
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5. Approval of the special exceptions and variances which were requested (# 01-463-SPHA) on 7-6-01 by the developer would adversely affect the community, enabling North Oaks to increase the density and number of dwellings on the site. In addition, granting approval of the height and distance variances is incompatible with the existing homes in the community and not in compliance with the spirit and intent of the existing distance and height regulations of Baltimore County.

Name	Address	Signature
1. Robert	30 Sp... St	Robert
2. James	2 ...	James
3. Mary	...	Mary
4. ...	8020 ...	...
5. Andrea A. Carter	4137 Dutch mill rd	Andrea A. Carter
6. Lloyd Carter	4137 Dutch mill rd	Lloyd P. Carter
7. Delia A. Abo		
8. Jeff Gavin	4320 Marynook Ln	Jeff Gavin
9. Michael K Davis	4128 Windmill Cir	Michael K Davis
10. Steven Lockridge	4124 Windmill Cir	Steven Lockridge
11. Sharrta Meredith	4124 Windmill Cir	Sharrta Meredith
12. Robert W. Reckling	8619 Windmill Rd	Robert W. Reckling
13. Shirlene Reckling	8619 Windmill Rd	Shirlene Reckling
14. ...	4129 Dutch mill Rd	...
15. Henry Smith	4122 Windmill Circle	Henry Smith
16.		
17.		
18.		
19.		
20.		

**Affidavit of Protestants Opposing Approval of Special Exceptions
in Case #01-463-SPHA Job No. B4142.JG North Oaks Development**

As a resident of Randallstown and the community surrounding the proposed development on Winands Rd. and Mt. Wilson Ln., I object to and oppose the North Oaks Retirement Sub-division for the following reasons:

1. The initial plan approved by the Baltimore County Planning and Zoning Office in May of 2000 in no way reflects in its site development plan any sub-division on the intersection of Winands Rd. and Mt. Wilson Ln.
2. The Planning and Zoning Office allowed the developer to redraw the approved plan of May 2000 thereby creating a different site development which includes a major sub-division at Winands Rd. and Mt. Wilson Ln. consisting of over 60 homes, town homes, and condos. This approval was given by the Planning and Zoning Office/ Development Review Committee without a public hearing or an opportunity for community input or opposition.
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5. Approval of the special exceptions and variances which were requested (# 01-463-SPHA) on 7-6-01 by the developer would adversely affect the community, enabling North Oaks to increase the density and number of dwellings on the site. In addition, granting approval of the height and distance variances is incompatible with the existing homes in the community and not in compliance with the spirit and intent of the existing distance and height regulations of Baltimore County.

Name	Address	Signature
1. Kevin Alexander	4105 Windmill Circle	[Signature]
2. Ralph L. [unclear]	2619 [unclear] Rd	[Signature]
3. VERA GREEN	4104 [unclear] Rd	[Signature]
4. A Smith	4100 [unclear] Rd	[Signature]
5. Mara Rogers	4101 [unclear] Rd.	[Signature]
6. R. SRIDHARAN	4346 MARY RIDGE DRIVE	[Signature]
7. Kevin A. Bennett	4350 Mary Ridge Dr	[Signature]
8. Christopher J. [unclear]	4322 Mary Ridge Dr	[Signature]
9. [unclear]	4318 [unclear]	[Signature]
10. [unclear]	4312 Mary Ridge Dr	[Signature]
11. AL & Ethel Eldridge	4302 Mary Ridge Dr	[Signature]
12. Doris Rehbach	3 [unclear] Mill Ct	[Signature]
13. STEPHANIE GREEN	6 [unclear] Mill Ct	[Signature]
14. [unclear]	9 [unclear] Mill	[Signature]
15. F. Houston	11 [unclear] Mill Ct	[Signature]
16. [unclear]	21 [unclear] Mill Ct	[Signature]
17. [unclear]	10 [unclear] Mill Ct	[Signature]
18. [unclear]	20 [unclear] Mill Ct	[Signature]
19. [unclear]	24 [unclear] Mill Ct	[Signature]
20. Lisa McHanna	12 [unclear] Mill Ct	[Signature]

**Affadavit of Protestants Opposing Approval of Special Exceptions
in Case #01-463-SPHA Job No. B4142.JG North Oaks Development**

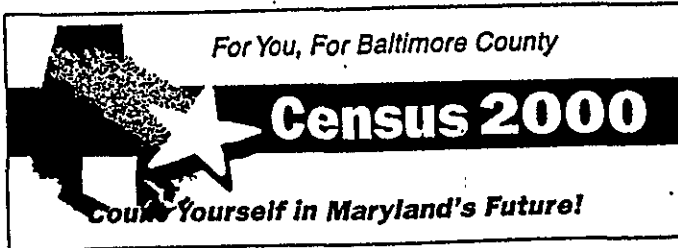
As a resident of Randallstown and the community surrounding the proposed development on Winands Rd. and Mt. Wilson Ln., I object to and oppose the North Oaks Retirement Sub-division for the following reasons:

1. The initial plan approved by the Baltimore County Planning and Zoning Office in May of 2000 in no way reflects in its site development plan any sub-division on the intersection of Winands Rd. and Mt. Wilson Ln.
2. The Planning and Zoning Office allowed the developer to redraw the approved plan of May 2000 thereby creating a different site development which includes a major sub-division at Winands Rd. and Mt. Wilson Ln. consisting of over 60 homes, town homes, and condos. This approval was given by the Planning and Zoning Office/ Development Review Committee without a public hearing or an opportunity for community input or opposition.
3. The proposed sub-division will level approximately 30 acres of untouched forest that has existed for several hundred years. Moreover, the proposed sub-division encroaches within 30 feet of fragile wetlands which would dramatically impact the environment, forestation, and wildlife that has existed for hundreds of years.
4. The increased population of the community resulting from the sub-division will severely impact the traffic patterns on Winands Rd., McDonough Rd., and Liberty Rd. and will overburden the fire department, police, and emergency rescue services.
5. Approval of the special exceptions and variances which were requested (# 01-463-SPHA) on 7-6-01 by the developer would adversely affect the community, enabling North Oaks to increase the density and number of dwellings on the site. In addition, granting approval of the height and distance variances is incompatible with the existing homes in the community and not in compliance with the spirit and intent of the existing distance and height regulations of Baltimore County.

	Name	Address	Signature
1.	William W. Blain	29 Jolie Ct	[Signature]
2.	Opal Blain	8606 Winands Rd	[Signature]
3.	Wayne D. Adams	4130 Winands Rd	[Signature]
4.	Sheila Henry	4119 Dutch Mill Rd	[Signature]
5.	Ed Henry	4119 Dutch Mill Rd	[Signature]
6.	Gustave Wastler	8370 Winands Rd	[Signature]
7.			
8.			
9.			
10.			
11.			
12.			
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14.			
15.			
16.			
17.			
18.			
19.			
20.			



FAX COVER SHEET



Date:

July 10, 2001

Number of Pages including cover sheet: 3

To:

Lige Nachter

Phone:

Fax #

c:

410-750-6382

From:

zoning Commissioner's
Office

Phone:

Fax #

410-887-3868

REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP

☐ Please comment

Re: 01-463-SPHA
North Oaks

Sign-In Sheets
(Hearing: 7/6/01)



Census 2000



For You, For Baltimore County



Census 2000



Case Number #01-463-SPH

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Gustave Wachter	8570 Winands Rd	21133 Randallstown	
Mary E. Wachter	8570 Winands Rd.	Randallstown, MD	21133
Wayne D. Adams	4130 Windmill Circle	Randallstown	21133
Lloyd R. Carter	4137 Dutchmill Rd	Randallstown, MD	21133
Bill Bralove	4272 Mary Ridge Dr	Rand MD	21133
Noel Levy	1109 Silentglade Rd.	Owings Mills MD	21117
Eligius J Wachter	(see above, Wachter)		
Gwendolyn B. Wright	4127 Dutch Mill Rd.	Randallstown	21133
CHRISTOPHER H. CHARLES		RANDALLSTOWN	21133
Henry L. Smith	4122 Windmill Circle	Randallstown	21133
Derrick A. Bunnett	8027 Windmill Rd.	RANDALLSTOWN	21133
Michael K. Davis	4128 Windmill Circle	Randallstown	21133

NORTH LAKE DEVELOPMENT 2ND MEETING NAME ADDRESS TELEPHONE#

WAYNE CAPLES DEVELOPER
 REPRESENTATIVE

DEBBIE A. BURNETT	8627 WINDMILL RD.	(410) 922-3696
CHARLENE COSTELLO	4111 WINDMILL CIRCLE	410-655-5452
PAUL and ETHEL RECKLING	8619 WINDMILL RD	410-922-2064
SWENSON & WRIGHT	4107 DUTCHMILL RD	410-655-2584
BOB TROTT	4155 DUTCHMILL RD.	(410) 655-2682
WAYNE ADAMS	4130 WINDMILL CIRCLE	(410-521-2180
JORDEN JETERSON	4118 WINDMILL RD.	410-655-8887
GILLEN HUNTER	4100 WINDMILL CIR	(410) 521-5352
ED & SHEILA HENCU	4119 DUTCHMILL RD	410 494-0318
RUTH & Ed Neal	4135 DUTCHMILL Rd.	(410) 655-0924
Jacqueline KENNEDY	4102 DUTCHMILL Rd	(410) 655-0218
JEFF GRUEN	4320 MARYRIDGE DR	410-655-1582
Carl Kraiss-Sough	4109 Windmill Circle	410-521-3836
James T Sough	" " "	" " "
BILL BRALOVE	4272 MARYRIDGE Dr	410-655-3955

Case Number #01-463-SPHA

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Gustave Wachter	8570 Winands Rd	21133 Randallstown	
Mary E. Wachter	8570 Winands Rd.	Randallstown, MD	21133
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Henry L. Smith	4122 Windmill Cir	Randallstown	21133
Terri A. Bennett	8027 Windmill Rd.	RANDALLSTOWN	21133
Michael K. Davis	4128 Windmill Circle	Randallstown	21133

407

PETITION FOR ZONING
SPECIAL EXCEPTION AND
SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a special exception 1801.2.B.2, to permit a maximum width of building elevation of 490 feet and 110 feet in lieu of the maximum allowed 300 feet and to amend the Variance granted in Case No. 86-2-XA

to be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above & if advertising posted, the upon filing of this N-29.010 petition, and further to pay the costs of the hearing and the restrictions of W-43.025 Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that the facts stated herein are true and correct, and that the property is the subject of this Petition.

Legal Owner(s):
State of Maryland
(Type of Petitioner)
Specialty: Thomas F. Mallan, III
Department of Health & Hygiene
13 Charles Plaza, Suite 400
Baltimore, Maryland 21201
(Type of Petitioner)

Control Purchaser:
North Oaks Partnership
201 W. Preston Street
Baltimore, Maryland 21201
(Type of Petitioner)
Specialty: John B. Howard, Esquire
Baltimore, Maryland 21201
(Type of Petitioner)

Attorney for Petitioner:
John B. Howard, Esquire
210 Allegheny Avenue,
Baltimore, Maryland 21204
(Type of Petitioner)
Specialty: John B. Howard, Esquire
210 Allegheny Avenue, P.O. Box 5517
Towson, Maryland 21206
(Type of Petitioner)

Attorney's Telephone No.: 823-4111
City and State: Baltimore, Maryland 21206
City and State: Baltimore, Maryland 21206
City and State: Baltimore, Maryland 21206

ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, this 18th day of July 1987, at 10:30 o'clock.
The subject matter of this petition be advertised, as required by the Zoning Regulations of Baltimore County, and that the restrictions of W-43.025 Baltimore County adopted pursuant to the Zoning Law of Baltimore County be enforced.

By: [Signature]
Zoning Commissioner of Baltimore County

(over)

Indeed, Section 1801.2.B.2, BZCR, requires that a variance to the maximum building width satisfy the requirements of Section 502, BZCR, and the evidence is clear that such requirements have been and will be satisfied.

The Petitioner seeks relief from Section 1801.2.B.2, pursuant to Section 502, and an amendment to the site plan pursuant to Section 500.7, BZCR.

It is clear that the BZCR permits the use requested by the Petitioner in a D.R.1 and D.R.3.5 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown

the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Petitioner*, 112 A.2d 1119 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads.

By: [Signature]
Zoning Commissioner of Baltimore County

(over)

IN THE MATTER OF THE APPLICATION OF THE STATE OF MARYLAND FOR A SPECIAL EXCEPTION AND SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

2077' SE OF THE CENTRAL LINE OF WINDAN ROAD, SOUTHEAST OF THE WESTERN MARYLAND RAILROAD
2nd & 3rd ELECTION DISTRICTS
2ND CONGRESSIONAL DISTRICT

CASE NO. 88-19-XSPH

ORDER OF DISMISSAL

This is an appeal from the decision of the Zoning Commissioner dated July 31, 1987 granting the Petition for Special Exception and Petition for Special Hearing on the subject property located in the 2nd and 3rd Election Districts of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed May 26, 1988 (a copy of which is attached heret and made a part hereof) from the attorney representing the Appellants; in the above-entitled case; and

WHEREAS, the said Appellants request that the appeal filed on behalf of said Appellants be dismissed and withdrawn as of May 26, 1988,

IT IS HEREBY ORDERED THIS 8th day of June, 1988 that the said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman
Henry H. Lewis
Thomas J. Hollinger

property's zoning classification, not in any other way be inconsistent with the spirit and intent of the BZCR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and amendment should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of July, 1987, that the petition for Special Exception to permit building elevation widths of 490 feet and 330 feet in lieu of the maximum allowed 300 feet be and the same is hereby GRANTED and, additionally, the amendment to the site plan filed in Case No. 86-2-XA to reflect same be approved and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

By: [Signature]
Zoning Commissioner of Baltimore County

cc: John B. Howard, Esquire
Julius W. Lichten, Esquire
People's Counsel

LEVIN, CANN & HANKIN
ATTORNEYS AT LAW
100 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL: 276-1000
FAX: 276-1000

May 25, 1988

Board of Appeals for Baltimore County
Room 200
Towson, Maryland 21204

RE: Case No. 88-19-XSPH
State of Maryland
Hearing Date: May 26, 1988

Dear Mr. Hackett:

Please accept this letter as notification that Appellants wish that their appeal be dismissed.

Very truly yours,
Julius W. Lichten

JWL:lap
cc: J. Michael Brennan, Esquire

ORDER RECEIVED FOR FILING

DATE: 5/26/88
FILED: 5/26/88

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING

Second and Third Election Districts
Baltimore County, Maryland

Beginning for the same at a point on the North side of Windan Road, said place of beginning being distant 2,077 feet, more or less, measured on said North side of Windan Road from

its intersection with the centerline of Round Road, thence leaving said place of beginning and running and binding on said North side of Windan Road, (1) South 65 degrees 49 minutes 32 seconds East 846.52 feet, thence leaving said North side of Windan Road and running the 15 following courses and distances,

viz: (2) North 42 degrees 25 minutes 20 seconds East 150.15 feet, thence (3) North 41 degrees 25 minutes 20 seconds East 558.97 feet, thence (4) South 38 degrees 03 minutes East 740.79 feet, thence (5) North 31 degrees 13 minutes 30 seconds East 881.06 feet, thence (6) North 83 degrees 29 minutes 52 seconds East 2,086.84 feet, thence (7) North 41 degrees 18 minutes 30 seconds East 323.45 feet, thence (8) North 69 degrees 49 minutes 45 seconds East 610.41 feet, thence (9) Northwest by a line curving to the right with a radius of 1,850 feet, for a distance of 120.71 feet (the arc of said curve being subtended by a chord bearing North 49 degrees 22 minutes 20 seconds West 120.00 feet), thence (10) North 46 degrees 36 minutes 45 seconds West 1,498.06 feet, thence (11) North 63 degrees 06 minutes 45

84142 JB

Second East 0.80 feet, thence (12) North 46 degrees 36 minutes 45 seconds West 813.14 feet, thence (13) South 43 degrees 23 minutes 15 seconds West 27.70 feet, thence (14) South 77 degrees 03 minutes 45 seconds West 3,948.38 feet, thence (15) South 66 degrees 10 minutes 31 seconds East 1,103.00 feet and thence (16) South 22 degrees 48 minutes 11 seconds West 1,187.92 feet to the place of beginning.

Containing 201.99 acres of land, more or less.

NOTE: THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

Our Job No: 84142
May 17, 1988

Page 2 of 2

