

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – W/S Hanover Pike,
900' SW of Butler Road
(Lots 1 – 13 of Westgate)
4th Election District
3rd Council District

Sterling Land Company V, LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-513-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Sterling Land Company V, LLC, by Sterling Leppo, Member, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing to approve an amendment to the development plan and variance relief granted in prior Cases Nos. IV-448 and 97-439-A. In addition, the Petitioners request variance relief from Sections 1B01.2.C.1.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), and Table VI of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit decks (open projections) in the rear yard of the subject lots (with setbacks) as follows: Lots 1 thru 5, 16 feet in lieu of the required 22.5 feet; Lot 6, 10 feet in lieu of the required 12 feet (rear yard) and 15 feet (tract boundary); Lot 7, 10 feet in lieu of the required 15.75 feet; Lot 8, 13 feet in lieu of the required 20.25 feet; Lots 9 and 10, 16 feet in lieu of the required 22.5 feet; Lot 11, 18 feet in lieu of the required 22.5 feet; Lot 12, 16 feet in lieu of the required 22.5 feet; and, Lot 13, 16 feet in lieu of the required 22.5 feet (rear yard) and 15 feet (tract boundary). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Sterling Leppo, a principal of the Sterling Land Company V, LLC; Dwight Little, Professional Engineer who

ORDER RECEIVED FOR FILING

Date

By

prepared the site plan for this property; and, Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregularly shaped parcel located on the west side of Reisterstown Road, not far from Maryland Routes 128 and 140 in Reisterstown. The property consists of a gross area of 9.019 acres, more or less, zoned D.R.3.5 and is proposed for residential development with 13 single family homes. Vehicular access to the property will be by way of a new public road to be known as Westgate Road, which will lead into the site from Reisterstown Road. As noted above, the Petitioners obtained combined development plan approval (Case No. IV-448) and variance relief (Case No. 97-439-A) by Order issued September 29, 1997 by Deputy Zoning Commissioner Timothy M. Kotroco. Relevant portions of the development plan and variance relief granted in those cases are incorporated herein.

The Petitioners now come before me seeking approval of special hearing and variance relief to accommodate the potential construction of decks to the rear of the proposed dwellings on Lots 1 -13 of the subject subdivision. As shown on the site plan, each house is proposed to have a deck with a maximum depth of up to 14 feet and widths ranging from 38 feet to 50 feet, depending upon the width of the house. A series of variances are requested for slightly reduced rear property line or tract boundary setbacks as more particularly shown on the plan. It is to be noted that the variances requested do not constitute any material amendment to the previously approved plan. That is, the development plan approval was for 13 dwelling lots and that number remains the same. Additionally, the contour of each individual lot has not changed, nor has the configuration and location of the proposed public road. Moreover, the relief granted in the prior case incorporated a settlement agreement between the Petitioners/Developers and Mr. & Mrs. Matthew Martin, the adjacent property owner. The granting of the relief requested herein will not impact or alter the terms of that agreement. The requested variances are solely for the purpose of allowing each individual property owner to have a deck to the rear of their home, should they so desire.

After due consideration of the testimony and evidence presented, I am persuaded to grant the Petitions. In my view, the relief requested meets the spirit and intent of the zoning

ORDER RECEIVED FOR FILING
Date 8/15/01
By [Signature]

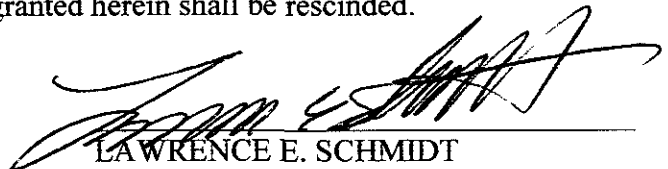
regulations and will not result in any detriment to the health, safety or general welfare of the surrounding locale. Moreover, there were no Protestants present and no adverse comments were submitted by any Baltimore County reviewing agency. Thus, it appears that the relief requested can be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of August, 2001 that the Petition for Special Hearing to approve an amendment to the development plan and variance relief granted in prior Cases Nos. IV-448 and 97-439-A, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B01.2.C.1.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), and Table VI of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit decks (open projections) in the rear yard of the subject lots (with setbacks) as follows: Lots 1 thru 5, 16 feet in lieu of the required 22.5 feet; Lot 6, 10 feet in lieu of the required 12 feet (rear yard) and 15 feet (tract boundary); Lot 7, 10 feet in lieu of the required 15.75 feet; Lot 8, 13 feet in lieu of the required 20.25 feet; Lots 9 and 10, 16 feet in lieu of the required 22.5 feet; Lot 11, 18 feet in lieu of the required 22.5 feet; Lot 12, 16 feet in lieu of the required 22.5 feet; and, Lot 13, 16 feet in lieu of the required 22.5 feet (rear yard) and 15 feet (tract boundary), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 8/15/01
By [Signature]



**Baltimore County
Zoning Commissioner**

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

August 16, 2001

Howard L. Alderman, Jr., Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
W/S Hanover Pike, 900' SW of Butler Road
(Lots 1 – 13 of Westgate)
4th Election District – 3rd Council District
Sterling Land Company V, LLC - Petitioners
Case No. 01-513-SPHA

Dear Mr. Alderman:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Sterling Leppo, Sterling Land Company V, LLC
P.O. Box 264, Finksburg, Md. 21048
Mr. G. Dwight Little, W. Duvall & Associates
530 E. Joppa Road, Towson, Md. 21204
People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Westgate

which is presently zoned DR 3.5/MLR

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)

SEE ATTACHED

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

HOWARD L. ALDERMAN, JR. ESQUIRE

Name - Type or Print

City

Signature

Levin & Gann, P.A.

Company

502 Washington, Ave., 8th Fl. 410-321-0600

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

STERLING LAND COMPANY V, LLC

Name - Type or Print

By:

Signature Sterling Leppo, Authorized Member

Name - Type or Print

Signature

P.O. Box 264

410-833-9001

Address

Telephone No.

Finksburg

MD

21048

State

Zip Code

Representative to be Contacted:

G. DWIGHT LITTLE, PE

Name W. Duvall & Associates:

530 East Joppa Rd.

410-583-9571

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JNP

Date 6/4/01

Case No. 01-513-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

By

Attachment 1
PETITION FOR VARIANCE & SPECIAL HEARING

CASE NO: 01-513-SPHA

Address: Westgate/Hanover Pike - Reisterstown Road

Legal Owner: Sterling Land Company V, LLC

Present Zoning: DR 3.5

REQUESTED RELIEF:

A variance from BCZR §§ 1B01.2.C.1.b & 301.1.A and Table VI of the CMDP to permit open decks (open projections) in the rear yard as shown for each lot below and to amend the relief granted in Case No. 97-439-A as shown on the approved plan in that case, consistent with the relief requested hereby for the proposed improvements shown on the plat to accompany this Petition, and to amend the Final Development Plan for Westgate consistent herewith.

Lot No.	Variance Requested
1	16' in lieu of the 22.5' required (rear yard)
2	16' in lieu of the 22.5' required (rear yard)
3	16' in lieu of the 22.5' required (rear yard)
4	16' in lieu of the 22.5' required (rear yard)
5	16' in lieu of the 22.5' required (rear yard)
6	10' in lieu of the 12' required (rear yard)
6	** in lieu of the 15' required (tract boundary)
7	10' in lieu of the 15.75' required (rear yard)
8	13' in lieu of the 20.25' required (rear yard)
9	16' in lieu of the 22.5' required (rear yard)
10	16' in lieu of the 22.5' required (rear yard)
11	18' in lieu of the 22.5' required (rear yard)
12	16' in lieu of the 22.5' required (rear yard)
13	16' in lieu of the 22.5' required (rear yard)
13	** in lieu of the 15' required (tract boundary)

JUSTIFICATION:

- ⬢ highly irregular shape of tract and Lots;
- ⬢ topographic constraints
- ⬢ wetlands and other environmental constraints; and
- ** ⬢ For such further reasons as will be presented at the time of the hearing held on this petition.

ORDER FOR FILING
Date 3/15/11
By [Signature]

01-513-SPHA

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners



530 East Joppa Road
Towson, Maryland 21286

Telephone: (410) 583-9571
Fax: (410) 583-1513

April 5, 2001

ZONING DESCRIPTION FOR WESTGATE

Beginning at a point on west side of Hanover Pike, 66 feet wide, at the distance of 900 feet southwesterly from the centerline of the nearest improved intersecting street, Butler Road, which is 60 feet wide; thence (1) N 79 degrees 58 minutes 52 seconds W 159.96 feet; (2) N 5 degrees 54 minutes 04 seconds E 85.00 feet; (3) N 79 degrees 58 minutes 52 seconds W 330.28 feet; (4) N 21 degrees 50 minutes 08 seconds E 10.22 feet; (5) N 79 degrees 58 minutes 52 seconds W 184.25 feet; (6) N 21 degrees 50 minutes 08 seconds E 507.85 feet; (7) S 84 degrees 24 minutes 43 seconds W 53.06 feet; (8) S 75 degrees 04 minutes 50 seconds W 181.04 feet; (9) S 66 degrees 04 minutes 44 seconds W 132.26 feet; (10) N 83 degrees 53 minutes 29 seconds W 50.69 feet; (11) S 58 degrees 37 minutes 03 seconds W 172.48 feet; (12) S 48 degrees 22 minutes 14 seconds W 239.15 feet; (13) S 77 degrees 06 minutes 32 seconds E 281.72 feet; (14) S 11 degrees 58 minutes 52 seconds W 362.95 feet; (15) S 85 degrees 11 minutes 19 seconds E 357.53 feet; (16) S 34 degrees 52 minutes 00 seconds E 74.32 feet; (17) N 07 degrees 36 minutes 32 seconds E 182.58 feet; (18) S 80 degrees 49 minutes 12 seconds E 564.05 feet; (19) N 05 degrees 59 minutes 10 seconds E 84.25 feet to the place of beginning. Being known as the subdivision of Westgate as recorded in Baltimore County Plat Book 71 folio 73, containing 9.019 acres, and located in the 4th Election District.



01-513-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 92981

DATE 6/4/01 ACCOUNT R-001-006-6150

AMOUNT \$ 650.00

RECEIVED FROM Mark Land & Mgt. Corp.

FOR Westgate Subdivision

01-S13-SPHA

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
7/05/2001	6/04/2001	11:46:45
W303	CASHIER LUTL	LOW DRYER
RECEIPT # 187125		
5	528 ZONING VERIFICATION	
R.D. 092981		

Receipt To: 650.00
650.00 OK .00
Baltimore County Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #01-513-SFHA

Westgate W/S Hanover Pike, 900' SW centerline Butler Road

4th Election District - 3rd Councilmanic District

Legal Owner(s): Sterling Leppo, Sterling Land Company LLC

Variance/Special Hearing: to permit open deck setbacks (open projections) in rear yard on Lot 5-1-13 less than the required as shown for each lot and to amend the relief granted in Case No. 87-439-A as shown on the approved plan in that case, consistent with the relief requested hereby for the proposed improvements shown on the plat to accompany this Petition, and to amend the Final Development Plan for Westgate consistent herewith. **Hearing: Thursday, August 2, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bayley 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) 887-4391.

File # 2682, July 17, 0481601

CERTIFICATE OF PUBLICATION

_____, 7/19/_____, 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 _____ successive weeks, the first publication appearing on 7/17/_____, 2001.

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

J. Wilkinson
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-513-SPNA

Petitioner/Developer: _____

STERLING LAND COMPANY V, LLC

Date of Hearing/Closing: 8-2-2001

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 W/S HANOVER PIKE

900' SW CENTERLINE BUTLER ROAD AT THE
"WESTGATE" DEV.

The sign(s) were posted on JULY 16, 2001.
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

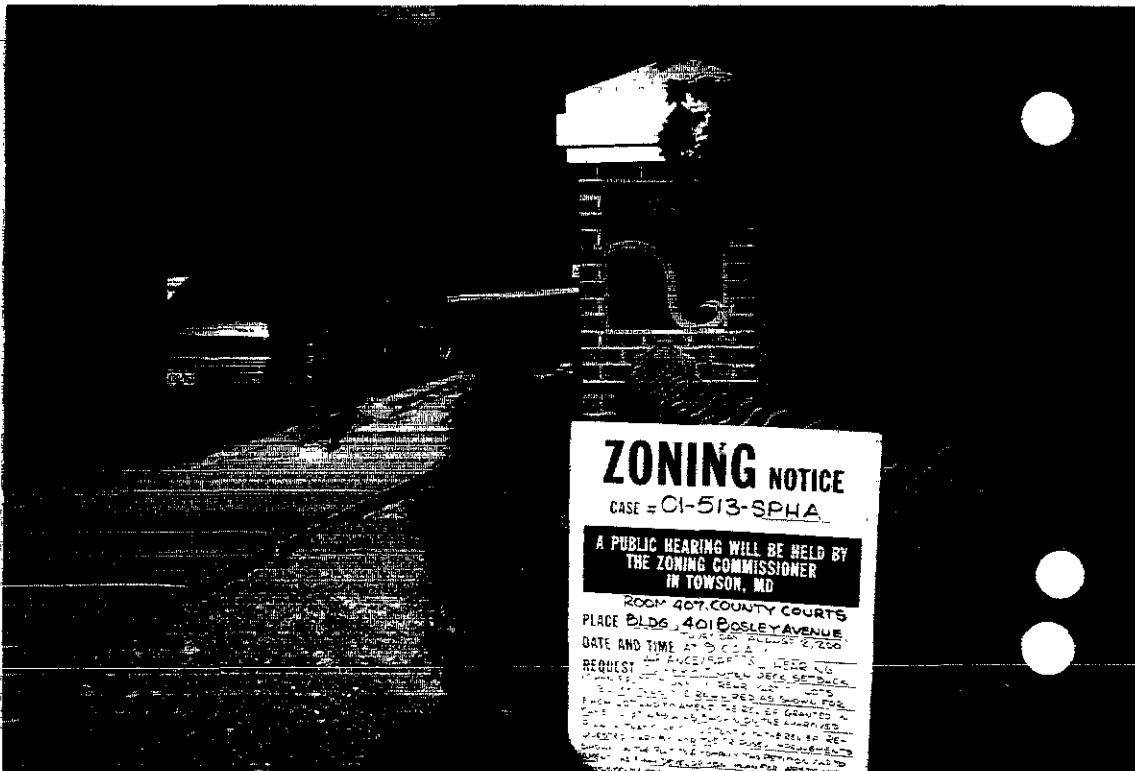
(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)



ZONING NOTICE

CASE # CI-513-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

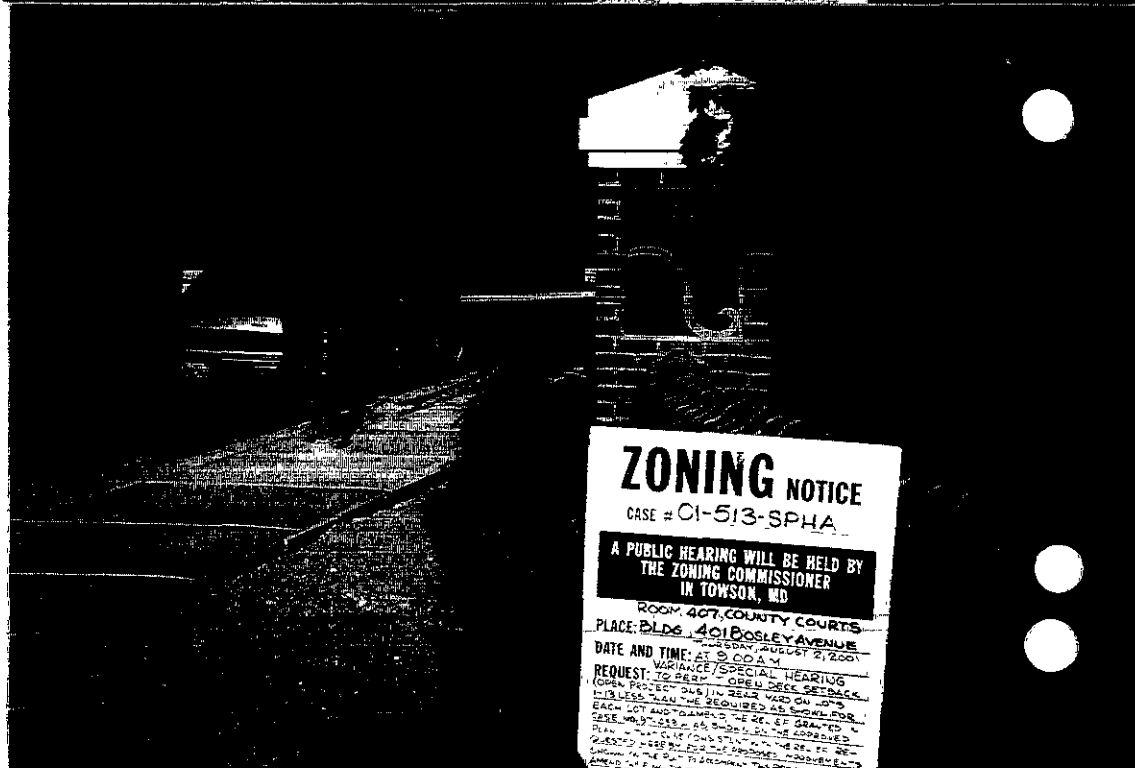
ROOM 407, COUNTY COURTS

PLACE BLDG. 401 BOSLEY AVENUE

DATE AND TIME AT 9:00 A.M. AUGUST 2, 2001

REQUEST VARIANCE/SPECIAL HEARING

TO PERM. OPEN SPACE SETBACK
IN LESS THAN THE REQUIRED 35 FEET
FOR EACH LOT AND TO GRANT A
CASE, MUST BE GRANTED A
PLAN. THAT THE COMMISSIONER
RECOMMENDS THE SETBACK BE GRANTED
AND THE SETBACK BE GRANTED



ZONING NOTICE

CASE # CI-513-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 407, COUNTY COURTS

PLACE BLDG. 401 BOSLEY AVENUE

DATE AND TIME AT 9:00 A.M. AUGUST 2, 2001

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PLAN. THAT THE COMMISSIONER
RECOMMENDS THE SETBACK BE GRANTED
AND THE SETBACK BE GRANTED

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 01-513-SPHA

Petitioner: STERLING LAND COMPANY V, LLC

Address or Location: Various Lots, Westgate Way

PLEASE FORWARD ADVERTISING BILL TO:

Name: STERLING LAND COMPANY V, LLC

Address: P.O. Box 264

Finksburg, Maryland 21048

Telephone Number: 410-833-9001

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday 17, 2001 Issue – Jeffersonian

Please forward billing to:

Sterling Land Company V LLC
Sterling Leppo
P O Box 264
Finksburg MD 21048

410 833-9001

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: 01-513-SPHA

Westgate

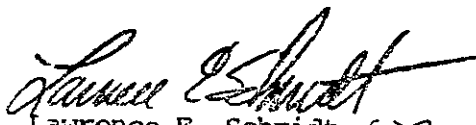
W/S Hanover Pike, 900' SW centerline Butler Road

4th Election District – 3rd Councilmanic District

Legal Owner: Sterling Leppo, Sterling Land Company V LLC

Variance/Special Hearing to permit open deck setbacks (open projections) in rear yard on Lot 5 1-13 less than the required as shown for each lot and to amend the relief granted in Case No. 97-439-A as shown on the approved plan in that case, consistent with the relief requested hereby for the proposed improvements shown on the plat to accompany this Petition, and to amend the Final Development Plan for Westgate consistent herewith.

HEARING: Thursday, August 2, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt 602

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.



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 25, 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: 01-513-SPHA

Westgate

W/S Hanover Pike, 900' SW centerline Butler Road

4th Election District – 3rd Councilmanic District

Legal Owner: Sterling Leppo, Sterling Land Company V LLC

Variance/Special Hearing to permit open deck setbacks (open projections) in rear yard on Lot 5 1-13 less than the required as shown for each lot and to amend the relief granted in Case No. 97-439-A as shown on the approved plan in that case, consistent with the relief requested hereby for the proposed improvements shown on the plat to accompany this Petition, and to amend the Final Development Plan for Westgate consistent herewith.

HEARING: Thursday, August 2, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon GDZ
Director



C: Howard L Alderman Jr Esquire, Levin & Gann PA, 502 Washington Avenue,
8th Floor, Towson 21204
Sterling Leppo, Sterling Land Company V LLC, P O Box 264, Finksburg 21048
G Dwight Little PE, W Duvall & Associates, 530 E Joppa Road, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 18, 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

July 30, 2001

Howard L Alderman Jr Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson MD 21204

Dear Mr. Alderman:

RE: Case Number: 01-513-SPHA, Westgate

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 4, 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: Sterling Leppo, Sterling Land Company V LLC, P O Box 264, Finksburg 21048
G. Dwight Little PE, W. Duvall & Associates, 530 E. Joppa Road, Towson 21204
People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 18, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For July 2, 2001
Item Nos. 502, 503, 505, 506, 507, 508,
509, 510, 511, 512, 513, 516, 517, 519,
and 520

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 25, 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: SEE BELOW

Location: DISTRIBUTION MEETING OF June 25, 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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

502, 503, 504, 505, 508, 510, 511, 512, 513, 515, 516, 517,
518, and 519

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

cc: File

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



*Jim
8/6
8/2*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 2, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-513, & 01-522

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:

Mark A. Cunningham

JUL

3

Section Chief:

Jeffrey W. Low

AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 6.25.01

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

RE: Baltimore County
Item No. 513 JHP

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 30 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE

Westgate, W/S Hanover Pike,
900' SW of c/I Butler Rd
4th Election District, 3rd Councilmanic

Legal Owner: Sterling Land Company V, LLC
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-513-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

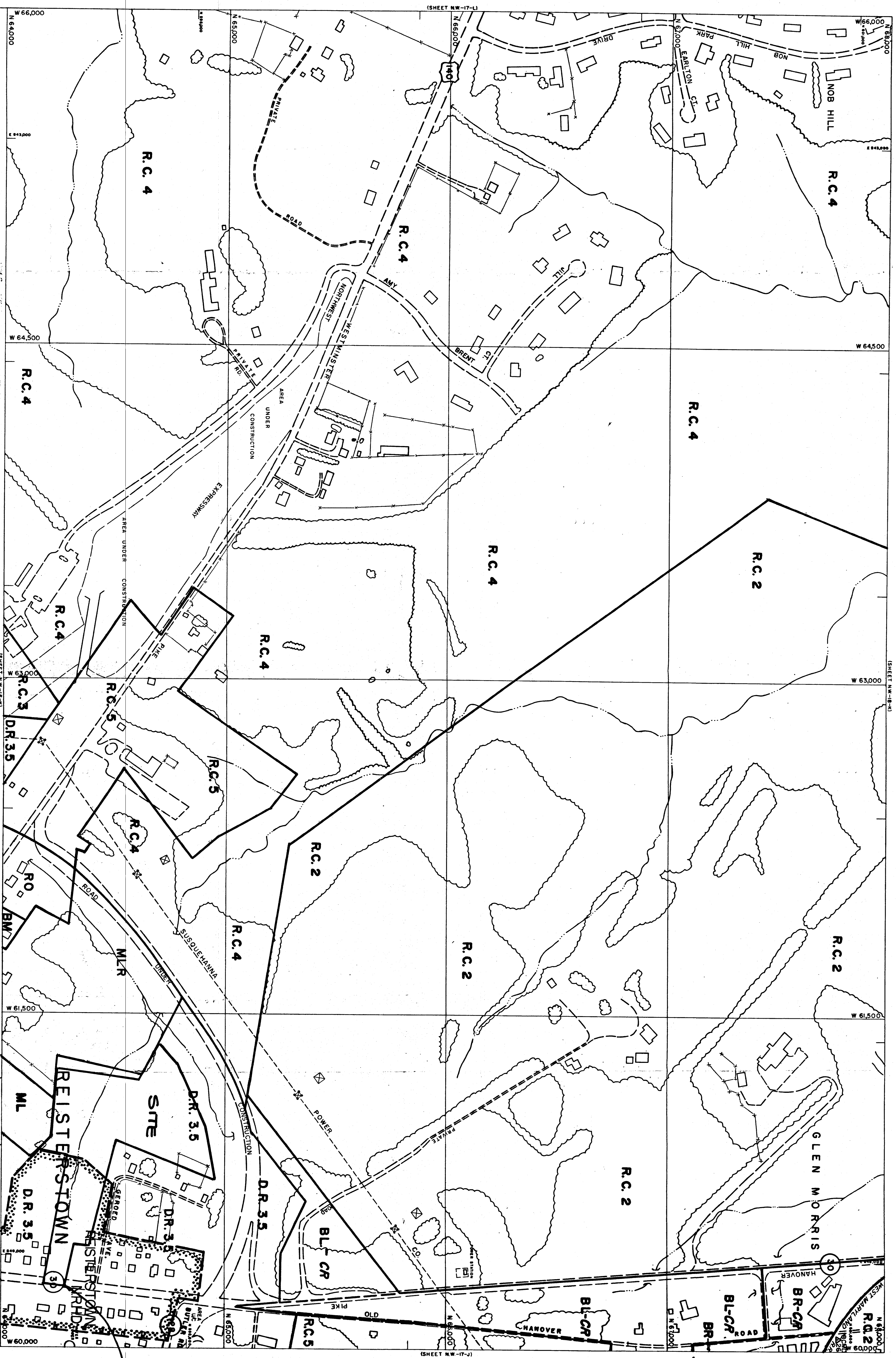
I HEREBY CERTIFY that on this 13th day of July, 2001 a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN

DATE 02 Aug 61

Bilder Deckbogen Cover-Wegpunkt



THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION REISTERSTOWN GLEN MORRIS	SHEET N. W. 17-K
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 17 K

01-573-SPH4

GENERAL NOTES

- The lots as shown for the Westgate subdivision are shown in the land records of Baltimore County in Plat Book SM 71-75.
- Development Plan was approved on 7/29/97.
- The site is located in the Patapsco River Watershed.
- 100 Year Floodplain exists on the site. No Floodplain exists on any lots shown.
- All utilities to service this subdivision are Public.
- The site is not in the Chesapeake Bay Critical Area.
- Existing Zoning is DR-3.5.
- Parking Requirements (This Plan) - Required - 20 Spaces Provided - 20 Spaces
- Prior Zoning History: Zoning Variance Petition for Case No. N-448-97-497A was granted by the Deputy Zoning Officer on Sept. 27, 1997 (See Plan).
- This site is NOT in a Historic District.

SUMMARY OF ZONING VARIANCES REQUESTED

Lot No.	Variance Requested
1	16' in lieu of the 22.5' required (rear yard)
2	16' in lieu of the 22.5' required (rear yard)
3	16' in lieu of the 22.5' required (rear yard)
4	16' in lieu of the 22.5' required (rear yard)
5	16' in lieu of the 22.5' required (rear yard)
6	10' in lieu of the 12' required (rear yard)
7	** in lieu of the 15' required (rear boundary)
8	10' in lieu of the 20.25' required (rear yard)
9	16' in lieu of the 22.5' required (rear yard)
10	16' in lieu of the 22.5' required (rear yard)
11	18' in lieu of the 22.5' required (rear yard)
12	16' in lieu of the 22.5' required (rear yard)
13	16' in lieu of the 22.5' required (rear yard)
13	** in lieu of the 15' required (rear boundary)



T. DUVALL & ASSOCIATES, INC.
1000 E. BALTIMORE AVENUE
BALTIMORE, MD 21202
(410) 528-1234



OWNER/DEVELOPER
STERLING LAND COMPANY SE, LLC
204 E. BALTIMORE AVENUE
BALTIMORE, MD 21202
ATTN: STERLING LAND CO. MEMBER

WESTGATE

PLAN TO ACCOMPANY ZONING HEARING
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY MD
SCALE 1"=30'
DATE: 5-1-01

JNP 01513-SPHA

NO 1

LOUIS STANSFIELD
SH 76281980

JOSEPH F. SOLER
& WIFE
OTS 48701474

GLENN S. RECEL
& WIFE
SHL JR. 734143

JACK NICHOLS &
WIFE
GLB 21691912

H.O.A.
STORM WATER
MANAGEMENT
AREA

PRIVATE EASEMENT FOR
INGRESS, EGRESS, MAINT.
AND UTILITIES

FOREST BUFFER
EASEMENT

TOTAL SITE AREA 9.019 AC.

VICINITY MAP
SCALE 1"=1000'

CASE NO. N-448 & 97-497A

WHEREAS, IT IS ORDERED by the Deputy Zoning Officer/ Hearing Officer for Baltimore County this 29th day of September, 1997 that the development plan for Westgate (see City Council), identified herein as Developer's Exhibit 1, be and is hereby approved; and

IT IS FURTHER ORDERED that the Petitioner for Variance seeking relief from Section 3801.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) and the Comprehensive Manual of Development Policies (C.M.D.P.) to permit front yard to property line/road building from to street right-of-way setbacks of 10 feet for Lot 4 and 5 feet for Lot 5, both in lieu of the required 25 feet for each, to permit rear yard/road building from setbacks of 10 feet (Type A) or 16 feet (Type B) for Lot 6, 25 feet for Lot 7, and 27 feet for Lot 8; to permit side yard/road building from to street right-of-way setbacks of 14 feet (Type A) or 8 feet (Type B) in lieu of the required 15 feet for Lot 11 and from Section 431.1.b of the B.C.Z.R. to permit the decorative entrance wall signs totaling 148 sq. ft. in lieu of the permitted one sign of 18 sq. ft. each, in accordance with Developer's Exhibit 1/Petitioner's Exhibit 1, be and is hereby approved; and

IT IS FURTHER ORDERED that the amended variance request seeking relief from Sections 401.1, 401.2 and 401.3 and Section 381 of the B.C.Z.R. to permit the existing map to remain on the property with a height of 25 feet in lieu of the maximum permitted 18 feet, and a footprint larger than the existing lot at 81 square feet, and to permit said map to remain in its present location, which is not in the line of the lot setback removed from a public road, in accordance with Developer's Exhibit 1/Petitioner's Exhibit 1, be and is hereby approved; and

IT IS FURTHER ORDERED that the special hearing to approve waivers from Public Notice standards to allow a 21-foot paved section in lieu of the required 30-foot paved section, all of which sits on a 44-foot right-of-way, and to allow other and gettens to be constructed on only one side of this entrance road in lieu of the required two sides, in accordance with Developer's Exhibit 1/Petitioner's Exhibit 1, be and is hereby approved; and

IT IS FURTHER ORDERED that the applicant agreement between the Owner/Developer and Mr. and Mrs. Matthew Harris, entered into with the Deputy Zoning Officer and dated September 19, 1997, shall be interpreted into this Order, as if more fully set forth herein, and shall be enforceable as if a part of this Order; and

IT IS FURTHER ORDERED that the transfer of the map and amendment to the map be and is hereby approved as a proper and appropriate subdivision of this property and is in compliance with the B.C.Z.R. and all other applicable regulations.

Any appeal of this decision must be taken in accordance with Section 24-209 of the Baltimore County Code.

LOUIS STANSFIELD
SH 76281980
Hearing Officer

