IN RE: PETITION FOR VARIANCE

Cor. NW/S Lambourne Road & SW/S Yorkward Road & Fairmount Avenue 9th Election District 4th Councilmanic District

(21-31 Dunvale Road, swc of Dunvale and Yorkward Road)

Consolidated Hampton, LLC By and through Robert B. Becker Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 02-021-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the property, the Consolidated Hampton, LLC, by and through Robert B. Becker, one of its members. The variance request involves a project located on property between Dunvale Road and Lambourne Road in the Towson area of Baltimore County. The Petitioners are proposing to construct 264 apartment units within the complex proposed to be built on that property. In furtherance of the construction of the apartment building on the property, the Petitioners have requested several variances.

The variances were modified at the hearing before me to more accurately depict the relief requested. The first variance requested by the Petitioners is from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a minimum distance of 38 ft. between the apartment building and the center line of Lambourne Road and 33 ft. between the apartment building and York Road and Fairmount Avenue, all of which is in lieu of the 60 ft. required for this R.A.E.2 zone. The second variance is from Section 201.3.C.1 of the B.C.Z.R., to allow a 10 ft. street line building envelope in lieu of the required 15 ft. for the R.A.E.2 zone. The third variance is from Section 201.3.C.1 of the B.C.Z.R., to allow a minimum distance of 15 ft. between the building and the property line (other than a street line) in lieu of the required 30

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ft. The fourth variance is from Section 201.3.C.2 of the B.C.Z.R., to allow a minimum distance of 15 ft. between the building windows and the property line (other than a street line) in lieu of the required 25 ft. in the R.A.E.2. zone. The last two variance requests are for that side of the building that faces towards the property shown on the site plan submitted as being owned by Marsden Chevrolet. Apparently, that property is occupied by Griffith Honda at this time. The variance which garnered the most attention of the persons who appeared in opposition to the Petitioners' request involved the variance on the Lambourne Road side of the property.

Appearing at the hearing on behalf of the variance requests were Mitch Kellman, a representative of Daft, McCune & Walker, Patrick Casey, Robert Becker and Todd Tilson, appearing on behalf of the owner and developer of the property and Rob Hoffman, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were a great number of residents of the surrounding community, all of whom signed in on the Protestants' Sign-In Sheet. Most of these Protestants were represented by J. Carroll Holzer, attorney at law.

By way of historical background, it should be noted that this project came before this Deputy Zoning Commissioner last year for approval of similar variance relief. A public hearing was held on that matter and an ultimate decision rendered the 20th day of October, 2000 approving the Petitioners' variance request. At that time, the property was improved with multiple apartment buildings which have since been torn down. The Petitioners are now in the process of constructing the new apartment building on the subject property. In the course of proceeding with the development of the property, the engineers realized that two projections of this building require additional variance relief over and above that which was granted previously by me, in my Order dated October 20, 2000.

As can be seen by reviewing the site plan and also the side elevation drawings submitted into evidence as Protestants' Exhibit No. 2, the apartment building to be constructed on this property contains architectural features which causes the building façade to be stepped back in certain areas. That is, the sides of this building itself are not straight linear walls, but have offsets to break up the mass of the building itself. Two projections of the building are called into question by virtue of the variance relief sought herein.

Another unique architectural feature to the design of this building is that the parking garage for the residents who will ultimately occupy the apartments therein is located entirely within the interior of this apartment building. There are two entrances into this parking garage, one taking access from Dunvale Road, the other from Lambourne Road. The entrance into the parking garage from Dunvale Road involves a 30 ft. wide section of the building façade itself. The wider entrance to the parking garage is located on the Lambourne Road side of the building and involves a section of the building containing a width of 60 ft. These entrances into the parking garage protrude slightly more than the remainder of the façade of the building itself. At the time that the Petitioners and their engineers came before me in October of 2000, they were unaware that the offset above these garage entrances would require additional variance relief. Once the Petitioners began constructing the building and surveys were performed on the actual improvements being constructed on the property, it was discovered that the building in question required additional zoning relief. Therefore, the Petitioners are requesting the variance relief in this case to accommodate the improvements that are already under construction at this time.

It should be noted that nothing has changed regarding the design, configuration and layout of the buildings being constructed today than that which was presented back in October of 2000. However, more accurate measurements have been made, particularly to the centerline of

Lambourne Road, which has changed the distances that were previously represented to this Deputy Zoning Commissioner. It cannot be overstated that the additional relief requested herein only involves that section of this apartment complex building consisting of a 60 ft. width along Lambourne Road which is the entrance into the parking garage and the 30 ft. width of the building that involves the entrance into the parking garage from the Dunvale Road side of the complex. The rest and remainder of the entire building complex will not be affected in any way by the variance relief requested at this time.

As stated previously, a great number of residents of the surrounding community appeared in opposition to the Petitioners' request. The majority of these residents reside in a newly constructed, very attractive apartment complex known as "The Valleys of Towson". The Valleys of Towson are located along Lambourne Road. Therefore, these residents who appeared in opposition are most concerned with the variance request that involves the 60 ft. section of the façade of the building along Lambourne Road, given its proximity to their homes. Accordingly, the Protestants did not take real issue with variance request nos. 3 and 4, which involved the side of the building that faces towards the Griffith Honda Automobile Dealership.

Regarding variance request nos. 3 and 4, involving the side of the building adjacent to Griffith Honda, Mr. Kellman testified that it was his opinion that the developer, based on the current survey of the property will, in fact, maintain the setback that was granted to them in my original Order dated October 20, 2000. In that case, they were permitted a setback of 17 ft. and Mr. Kellman's testimony was that they should, in fact, maintain that distance. It was, therefore, discussed, particularly by Mr. Griffin, one of the protestants who attended the hearing, that those variances be dismissed, since they are not necessary at this time. As stated previously, no one had any real opposition to that particular variance request. Mr. Kellman originally agreed that

they could be dismissed, given that the building should meet that setback distance. However, out of an abundance of caution and in case there may be a potential survey error, the Petitioners requested that they have the flexibility to come to as close as 15 ft. from the property line adjacent to the Griffith Automobile Dealership in the event an offset on the façade of the building currently under construction should protrude further from the building façade than what was anticipated.

It was explained at the hearing that there are times during the construction of a particular building that the contractors constructing same will make an error and cause an offset or protrusion to extend further than what the design originally called for. So as to prevent the developer from having to come back to an additional public hearing, in the event a mistake is made during construction, the variance requests, nos. 3 and 4, shall remain as presented and the developer shall be permitted a variance of 15 ft. between the façade of the apartment building and the property line which abuts the Griffith Honda Automobile Dealership. It is likely that the building itself will be situated 17 ft. from that property line and the variance not necessary. However, flexibility shall be given to this developer in light of the fact that no one actually opposed that particular variance request. As stated previously, that side of this building abuts commercial businesses and does not affect the many residents who reside in The Valleys of Towson.

Variance Request No. 2 seeks a minimum distance of 10 ft. for the street line building envelope in lieu of the required 15 ft. This involves a 10 ft. building envelope that circumvents the entire building as shown on this property. This 10 ft. building line is simply an imaginary line which requires the footprint of the building itself to be located therein. In reviewing the site plan submitted into evidence, it appears that the entire building constructed on this property is set

back a comfortable distance from this 10 ft. street line building envelope. This was requested by this Petitioner in an effort to again provide flexibility in the event a problem arises with a particular offset to this building. The only area where the building touches this 10 ft. line is on the Dunvale Road side of the property, where the 30 ft. wide entrance to the parking garage is located. Everywhere else on the property, the building is set back a safe distance from the 10 ft. imaginary line. Therefore, I believe it is appropriate to approve this variance request, given that it only involves a small 30 ft. wide section of this entire building.

Variance Request No. 1 is the variance that generated the most concern of the residents who attended the hearing. This particular variance request only involves the overhang which is contained on this apartment building over and above the entrances to the parking garage. This variance request does not affect any other portion of the building itself. The greatest amount of concern of those in attendance involved the distance of the apartment building to the centerline of Lambourne Road. The distance, as shown on the site plan submitted at the hearing before me, is 38 ft. from the center of Lambourne Road to the 10 ft. street line building envelope which was the subject of the Petitioners' second variance request. The closest part of the actual building itself to the center of Lambourne Road is 40 ft. That 38 ft. distance, as requested, is to the imaginary building envelope line and not to the structure itself. There is an additional 2 ft. between the imaginary building envelope line and the actual façade of this apartment building.

Therefore, the request by the Petitioners involves a 60 ft. wide section of the side of the building facing Lambourne Road, which provides an entrance into the interior parking garage. This 60 ft. wide section is out of the total length of the building which measures approximately 480 ft. Therefore, this variance applies only to a small portion of the overall length of the entire side of the building. The remainder and great majority of the façade of the apartment building

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along Lambourne Road will maintain a distance to the centerline of Lambourne Road of approximately 60 ft.

The same holds true for the variance request for the entrance to the garage along Dunvale Road. That particular variance involves a protrusion on the side of the building containing a width of 30 ft. The remainder of the side of the building along Dunvale Road will have a much larger setback to the center of that street. Accordingly, there should be ample room within which this developer can provide the necessary landscaping and screening to provide for an attractive building design.

THEREFORE, after considering the testimony and evidence offered at the hearing, both for and against the variance requests, it is ORDERED, this 27 day of September, 2001, that the variance request, to allow a setback distance of 38 ft. from the 10 ft. street line building envelope to the center of Lambourne Road, be and is hereby GRANTED. This variance relief shall only apply to the 60 ft. wide area of the building where the garage entrance is located. It shall apply to no other portion of the building located on the Lambourne Road side of the apartment complex. The remainder of the Lambourne Road façade of the building shall be setback as represented on the site plan submitted into evidence. In addition, all landscaping as shown on the landscape plan submitted after the hearing as Protestants' Exhibit No. 1, shall be appropriately installed.

IT IS FURTHER ORDERED, that the variance to allow a building setback to the centerline of Yorkward Road of 33 ft. in lieu of the required 60 ft., shall also be GRANTED. That 33 ft. distance shall apply only to the side of the apartment complex building that faces Yorkward Road only and shall not apply to any other section of this building.

ORDER RECEIVED FOR FILING Date RAZIAL MANAGEMENTS

IT IS FURTHER ORDERED, that the variance to allow a 10 ft. street line building envelope in lieu of the required 15 ft., be and is hereby also GRANTED. The only portion of the façade of the building which utilizes this 10 ft. setback is the 30 ft. entrance from Dunvale Road into the parking garage. The remainder of the façade of this apartment complex is setback within this building envelope and shall be constructed as represented on the site plan.

IT IS FURTHER ORDERED, that the variance request to allow a minimum distance of 15 ft. between the building and 15 ft. between the building windows to the property line adjacent to the Griffith Honda Automobile Dealership, shall also be GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

September 27, 2001

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

> Re: Petition for Variance Case No. 02-021-A

Property: 21-31 Dunvale Road, swc of Dunvale and Yorkward Road

Dear Mr. Hoffman:

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

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

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

Copies to:

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

Patrick Casey 8603 Westwood Center Drive Vienna, VA 22152

Robert Becker Todd Tilson c/o Consolidated Hampton, LLC P. O. Box 1189 Brooklandville, MD 21022

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, MD 21286

Joseph & Nina Santiago 31 Lambourne Road Towson, MD 21204

William K. Wells 31 Lambourne Road, #501 Towson, MD 21204

Joseph H. Griffin 31 Lambourne Road, #106 Towson, MD 21204

Frank Kaufman 1021 Winsford Road Towson, MD 21204



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at of Dunvale Road, southwest corner located at of Dunvale Road and Yorkward Road

which is presently zoned R.A.E.2/B.R.-A.S.

iWe do solemnly declare and affirm, under the penalties of

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.

			is the subject of this Petit	iegai owner(s) of t ion.	ne property which
Contract Purch	naser/Lessee:		Legal Owner(s):		
No.			Consolidated Hamp	ton, LLC	
Name - Type or Print			Name Type or Print		
Signature			Signature		
	1.7.4.		Robert B. Becker,	Member	
Address		Telephone No.	Name - Type or Print		-
City	State	Zip Code	Signature		
Attorney For Pe	etitioner:		P. O. Box 1189	410-823-	-8100
			Address		Telephone No
Patricia A. Ma	alone		Brooklandville,	MD	21022
Name - Type or Print			City	State	Zip Code
Signature			Representative to b	e Contacted:	
•	jer and Howard, LL	ם	Description A. M. T.		
Сртрару	er and noward, hi	<u> </u>	Patricia A. Malon Name	<u>e</u>	
210 Allegheny	Avenue 410	-494-6200	210 Allegheny Ave	nue 410	0-494-6200
Address		Telephone No.	Address		Telephone No.
Towson,	MD	21204	Towson,	MD	21204
City	State	Zip Code	City	State	Zip Code
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ATTACHMENT TO PETITION FOR VARIANCES

Consolidated Hampton, LLC 21 – 31 Dunvale Road

35 mil

38' to Yorkward Fairmant

- Variance from Baltimore County Zoning Regulations ("BCZR") Section 1. 201.3.C.1 to allow a minimum distance of 39 feet between the building and the center line of a street in lieu of the required 60 feet in the R.A.E.2 zone.
- 2. Variance from BCZR Section 201.3.C.1 to allow a minimum distance of 10 feet between the building and the street line in lieu of the required 15 feet in the
- Variance from BCZR Section 201.3.C.2 to allow a minimum distance of 15 feet between the building windows and the property line (other than a street line) in lieu of the required 25 feet in the R.A.E.2 zone. 3.
- 4.

TO1DOCS1/DHK01/#103996 v2

世02/

Description

To Accompany Petition for Zoning Variance

3.430 Acre Parcel

Northwest Side of Lambourne Road

Southwest Side of Yorkward Road

Ninth 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 the same at the point formed by the intersection of the northwest side of Lambourne Road, 60 feet wide, with the southwest side of Yorkward Road, 60 feet wide, and being at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Lambourne Road with the centerline of Yorkward Road (1) South 58 degrees 29 minutes 11 seconds West 30 feet, and thence (2) North 31 degrees 25 minutes 01 second West 30 feet to the point of beginning, thence leaving said beginning point and binding on the said side of Lambourne Road (1) South 58 degrees 29 minutes 11 seconds West 521.86 feet, thence leaving the said road and running the three following courses and distances, viz: (2) North 31 degrees 41 minutes 26 seconds West 195.00 feet, thence (3) South 58 degrees 29 minutes 11 seconds West 20.00 feet, and thence (4) North 31 degrees 41 minutes 26 seconds West 100.52 feet to intersect the southeast side of Dunvale Road, 60 feet wide, thence binding thereon the two following courses and distances, viz: (5) North 57 degrees 45 minutes 59 seconds East 340.45 feet to a point of curvature, and thence (6) Southeasterly by a line curving to the right with a radius of 200.00 feet for a distance of 317.01 feet (the arc of said curve being subtended by a chord bearing

South 76 degrees 49 minutes 32 seconds East 284.85 feet) to intersect the southwest side of Yorkward Road, thence binding thereon (7) South 31 degrees 25 minutes 01 second East 99.47 feet to the point of beginning; containing 3.430 acres of land, more or less.

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

August 24, 2000

Project No. 89117.B (L87117.B)

The Zoning Commissioner of Baltmore County by authority of the Zoning Act and Regulations of Baltmore County with node a public hearing in <u>Lowson, Maryland</u> on the property identified herein as follows:

Zetsa Durvale Road

Cor. NW/S Lambourne Road & SW/S Yorkward Road &

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handlcapped Accessible; for
Special accommodations Please Contact the Zoning Comspecial accommodations Please Contact the Zoning Cominssioner's Official (410).897-4386.
(2) For Information concerting, the File and/or Hearing.
(2) For Information concerting the File and/or Hearing.
(2) For Information concerting the File and/or Hearing.
(2) For Information concerting the File and/or Hearing.

CERTIFICATE OF PUBLICATION

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

The Jeffersonian

☐ Catonsville Times ☐ Arbutus Times

☐ Towson Times

Owings Mills Times

☐ NE Booster/Reporter

North County News

No.	1791		PAID RECEIPT HYPERT ACTUAL TIME
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RE Case No 02-021-A

Petitioner/Developer HAMPTON, ETAL F-821-0147 - YOVENABLE / AMY DONTELL

Date of Hearing/Closing. 9/11

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

Attention: Ms Gwendolyn Stephens & GEORGE ZAHNER

Ladies and Gentlemen:

of pages

Phone #

At" brand fax transmittal memo 7671

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 #21 +031

S TOWSONTOWNE BLVD 3-SIGNS ONSITE

The sign(s) were posted on

Sincerely,

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

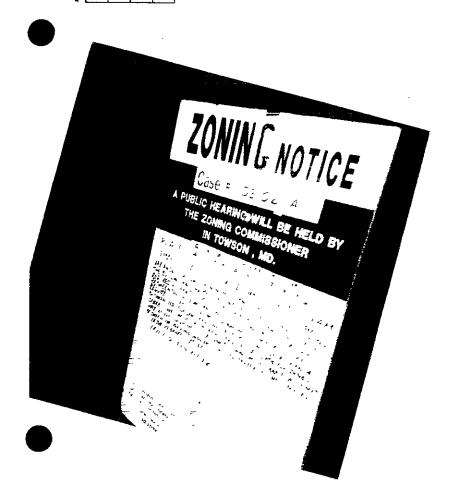
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366 ; CELL: 410.905-8571

(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or	Case Number: OZ-OZI-A
Petitioner:	CONSOLIOATED HAMPTON, LLC
Address or Loc	ation: 21-31 DUNVALE ROAD
Name:	WARD ADVERTISING BILL TO:
Name:	
Name:A	MY DONTELL

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 28, 2001 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable Baetjer & Howard LLP 210 Allegheny Avenue Towson MD 21204 410 494-6244

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: 02-021-A 21 – 31 Dunvale Road

Cor. NW/S Lambourne Road & SW/S Yorkward Road & Fairmount Avenue

9th Election District – 4th Councilmanic District

Legal Owner: Consolidated Hampton LLC, Robert B Becker

<u>Variance</u> to allow a minimum distance of 33 feet between the building and the center line of a street in lieu of the required 60 feet; to allow a minimum distance of 10 feet between the building and the street line in lieu of the required 15 feet; to allow a minimum distance of 15 feet between the building and the property line (other than a street line) in lieu of the required 30 feet (for buildings over 40 feet in height); to allow a minimum distance of 15 feet between the building windows and the property line (other than a street line) in lieu of the required 25 feet.

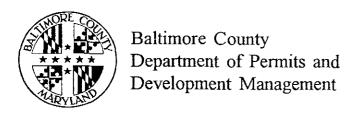
HEARING: Tuesday, September 11, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ 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.



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

Fax: 410-887-5708

August 9, 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: 02-021-A 21 – 31 Dunvale Road

Cor. NW/S Lambourne Road & SW/S Yorkward Road & Fairmount Avenue

9th Election District – 4th Councilmanic District

Legal Owner: Consolidated Hampton LLC. Robert B Becker

<u>Variance</u> to allow a minimum distance of 33 feet between the building and the center line of a street in lieu of the required 60 feet; to allow a minimum distance of 10 feet between the building and the street line in lieu of the required 15 feet; to allow a minimum distance of 15 feet between the building and the property line (other than a street line) in lieu of the required 30 feet (for buildings over 40 feet in height); to allow a minimum distance of 15 feet between the building windows and the property line (other than a street line) in lieu of the required 25 feet.

HEARING:

Tuesday, September 11, 2001 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

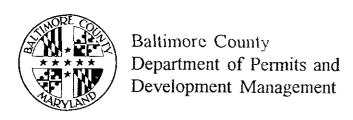
Arnold Jablon GDZ

Director

C: Consolidated Hampton LLC, Robert B Becker, P O Box 1189, Brooklandville 21022 Patricia A Malone, Venable Baetjer & Howard LLP, 210 Allegheny Ave, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 27, 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.



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

September 7, 2001

Patricia A Malone Venable Baetjer & Howard LLP 210 Allegheny Avenue Towson MD 21204

Dear Ms. Malone:

RE: Case Number: 02-021-A, 21 - 31 Dunvale Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 12, 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. 60て Supervisor, Zoning Review

W. Carl (inchard, Jr.

WCR: gdz

Enclosures

c: Robert B Becker, Consolidated Hampton LLC, P O Box 1189, Brooklandville 21022 People's Counsel

Jin Jin

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 6, 2001

Department of Permits & Development Mgmt.

Bureau of Development Plans Review

SUBJECT: \ Zoning Advisory Committee Meeting

For August 13, 2001

Item Nos. 018, 019, 62, 022, 023, 025, 026, 028, 029, 030, 031, 032, 033,

035, and 057

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

RWB:HJO:jrb

cc: File

SED | 3



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

August 14, 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: 017-150 W Painters Mill Rd, LLLP 021 - Consolidated Hampton LLC Robert B. Becker

Location: DISTRIBUTION MEETING OF August 6, 2001

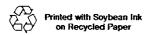
Item No.: 017 and 021

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.
- 9. THE ACCESS ROAD SHALL BE A MINIMUM OF 18 FEET IN WIDTH.

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



Serie

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

21-23 Dunvale Road

INFORMATION:

Item Number:

02-021

Petitioner:

Consolidated Hampton, LLC.

Zoning:

RAE -2 & BR-AS

SP - 1

DATE: September 5, 2001

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that due to the large size of the proposed structure, adequate landscaping and streetscape will be required which cannot be met within a 10 foot street line and building distance. As such, the variance relief should be limited to the areas projecting to accommodate the garage.

Prepared by

Section Chief.

AFK:MAC:



Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 8.10.01

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

Item No. 021 & BR

Dear. Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

1.1. Dredh

RE: PETITION FOR VARIANCE
21-31 Dunvale Road, Cor. NW/S Lambourne Rd
and SW/S Yorkward Rd & Fairmount Ave
9th Election District, 4th Councilmanic

Legal Owner: Consolidated Hampton LLC Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-21-A

* * * * * * * * * * * *

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

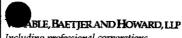
People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of August, 2001 a copy of the foregoing Entry of Appearance was mailed to Patricia A. Malone, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN



Including professional corporations

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

Writer's Direct Number: (410) 494-6285

dhkarceski@venable.com

October 24, 2001

HAND-DELIVERED

Timothy M. Kotroco, Deputy Zoning Commissioner for Baltimore County Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204

> Motion for Reconsideration Re:

> > Case No. 02-021-A

Petitioner: Consolidated Hampton, LLC

Dear Mr. Kotroco:

I have received your Findings of Fact and Conclusions of Law in the abovereferenced case, dated September 27, 2001. In the Order, you modified the relief granted in the prior zoning case (Case No. 01-090-A) on the property to accommodate the architectural features of the proposed apartment building. I would respectfully request that certain technical changes be made to the relief section of the Order as shown on the site plan introduced at the hearing regarding building to street line and building to street center line setbacks. The suggested changes do not in any way substantively alter the relief granted in your Order.

The changes are as follows:

ORDERED, this 27th day of September October, 2001, that the variance request, to allow a setback distance of 38 ft. in lieu of the required 60 ft. from the 10 ft. street line building envelope to the center line of Lambourne Road, be and is hereby GRANTED. This variance relief shall only apply to the 60 ft. wide area of the building where the garage entrance is located. It shall apply to no other portion of the building located on the Lambourne Road side of the apartment complex. The remainder of the Lambourne Road façade of the building shall be setback as represented on the site plan submitted into evidence. In



Timothy M. Kotroco, Deputy Zoning October 24, 2001 Page 2

addition, all landscaping as shown on the landscape plan submitted after the hearing as Protestants' Exhibit No. 1, shall be appropriately installed.

IT IS FURTHER ORDERED, that the variance to allow a building setback distance to the center line of Yorkward Road of 33 ft. in lieu of the required 60 ft. from the building envelope to the center line of Yorkward Road, shall also be GRANTED. That 33 ft. distance shall apply only to the side of the apartment complex building that faces Yorkward Road only and shall not apply to any other section of this building.

IT IS FURTHER ORDERED, that the variance to allow a 10 ft. street linesetback distance of 40 ft. in lieu of the required 60 ft. from the building envelope to the center line of Dunvale Road in lieu of the required 15 ft., be and is hereby also GRANTED. The only portion of the façade of the building which utilizes this 10 40 ft. setback is the 30 ft. entrance from Dunvale Road into the parking garage. The remainder of the façade of this apartment complex is setback within this building envelope and shall be constructed as represented on the site plan.

IT IS FURTHER ORDERED, that the variance to allow a setback distance of 10 ft. in lieu of the required 15 ft. from the building envelope to the street line of Lambourne Road, Yorkward Road, and Dunvale Road shall also be granted. That 10 ft. distance shall apply to the entire side of the building that faces Yorkward Road and be limited to the 60 ft. wide garage entrance area on Lambourne Road and the 30 ft. wide garage entrance area on Dunvale Road.

IT IS FURTHER ORDERED, that the variance request to allow a minimum distance of 15 ft. between the building and 15 ft. between the building windows to the property line adjacent to the Griffith Honda Automobile Dealership, shall also be GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.



Timothy M. Kotroco, Deputy Zoning October 24, 2001 Page 3

Thank you for your consideration of this matter.

Very truly yours,

David H. Karcesk

DHK

cc: J. Carroll Holzer, Esquire

Mr. Robert Becker Mr. Mitchell J. Kellman

TO1DOCS1/DHK01/#124988 v1

410 821 0147

TRANSACTION REPORT

Transmission

Transaction(s) completed

NO. TX DATE/TIME

DESTINATION

DURATION PGS.

RESULT MODE

588 OCT. 19 15 02

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ECM

VENABLE, BAETJER AND HOWARD LLP Including professional corporations

210 Allegheny Avenue Towson, Moryland 21204 (410) 494-6200, Fax (410) 821-0147 MARYLAND - WASHINGTON, D.C. - VIRGINIA



TO:

Mitch Kellman

FAX NUMBER:

410-296-4705

PHONE NUMBER:

SENDER:

David H. Karceski

SENDER'S FAX NUMBER:

(410) 821-0147

(410) 494-6285

SENDER'S ASSISTANT:

ASSISTANT'S PHONE NUMBER:

SENDER'S PHONE NUMBER:

(410) 494-6263

Mary Ann Regulski

DATE:

CLIENT/MATTER NUMBER:

PAGES, EXCLUDING COVER:

35860.157581

MESSAGE:

10/19/2001

Once you have had an opportunity to review the attached letter to the Deputy Zoning Commissioner, please give me a call to discuss.

Additionally, please confirm whether the 10 foot street line setback applies to the entire apartment building.

VENABLE, BAET JER AND HOWARD, LLP Including professional corporations

210 Allegheny Avenue Towson, Maryland 21204 (410) 494-6200, Fax (410) 821-0147

MARYLAND • WASHINGTON, D.C. • VIRGINIA



TO: FAX NUMBER: PHONE NUMBER:

Mitch Kellman 410-296-4705

SENDER: SENDER'S FAX NUMBER: SENDER'S PHONE NUMBER:

David H. Karceski (410) 821-0147 (410) 494-6285

SENDER'S ASSISTANT' ASSISTANT'S PHONE NUMBER:

Mary Ann Regulski (410) 494-6263

DATE: CLIENT/MATTER NUMBER: PAGES, EXCLUDING COVER:

10/19/2001 35860.157581 3

MESSAGE:

Once you have had an opportunity to review the attached letter to the Deputy Zoning Commissioner, please give me a call to discuss.

Additionally, please confirm whether the 10 foot street line setback applies to the entire apartment building.

If you require assistance with this transmission, please contact the sender

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. postal service. Thank you.

Case Number #02-021-A

PLEASE **PRINT** LEGIBLY

PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Rob Hoffman	210 Alleghan		21204
Mitch Kellman	200 E. Pennsylvan		21286
	8603 WEST WOOD CENTER PA	VIENNA VA	22192
Potent BELHER	P.0 Box1189	BALT, YO	21022
TODD TILSON	ſij	BAS YD	2102

		Revised	4/17/00

Case Number #02-021-A

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
J. Carroll Hober	508 Fairmant for	Towson	21286
Rosalio R. Rosetto	31 Lambourne Red	Toevson	21204
Vivian Boos	31 Lambourne Rd.	Lowson	21204
* Joseph m Santings	31 Lamburne Pd #401	Towson	21204
* nina fautrags	31 Lawbourne Rd	Towson	21204
La Verne Summer	31 Lambourne Rd	Jourson MD	21204
Marshee S. Turney	By Cambrum Pel.	6	4
Liesetotte Weiss	31 Lambourne Rd	TOW SOLAD	21204
Charles Mr. Weiss	31 Lambourac Rd.	an mount	21204
Kottum H Willerson	31 Lambourne Rd	Towson Md	21204
Edna K Hughes	31 Langeourne Rd	Toroson Md	21204
Bill Rockfund	11 11 507	11	1 (
BILL BOLAND	31 4 4 508	74	
alice Wells	31 " 501	11	11
Muliael Kaleria	31 " " 301	ę i	A
IC Hughed	31 " 1 303	11	4
* Um. P. WELLS	31 - 501	4	• •
* John H. GRIFFIN	31 " 106	21	14
andle W. or tralle	31 " " 208	٤,	1.
		Revised 4	/17/00

Case Number	#02-021-A
	

PLEASE <u>PRINT</u> LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Canace arente.	31 Lumbourne	Tourn	21264
Patrick M. Stafford	Sr. 11	"	,,
Jan Stafford	/ (, (۷,
FRAME KAUFMANN	1021 WINSFORM RD	Toman	21264
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<u> </u>			
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	,		
			
		Revised	4147100

Boltimore County Court Bldg, Rom 407

The undersigned indivduals are Condominium owners; in the Valleys of Tourson Condominium Building Societal at 31 Sambourne. Road. They object to the granting of the Zoning Variance requested by the developers of the Dulaney Crescent Apartment Building now under construction at Sambourne Bd., Tourson.

Signature	Unit number
Richard & Maria	#506
Dieliani Wells	#501
Jan Stafford	-525
Tank on Staffer S.	50h
Beg Skidmore	403
Maria Rattini	404
Halaca att - m. A	404
Lois Jurner	407
Marshaff 5. Tyrnert	407
La Verne Jimme	308
Lyonge Koch	307
Chales, Dayes	306
Perpy Voyes	306
Efrozene Kalezia	301
Michael D. Kaleys	301
John Hughes	303
Edna Duches	303
Lieselotte Weiss	305
Charles M. Weiss	305

Zoning Varience Hearing ase 02-0210 Pot Ext 3 Baltimore County Courthouse Room 407

We the undersigned are condominium owners of the Valleys of Towson Condomium located at 31 Lambourne Rd. We object to the granting of the zoning varience requested by the developer of the Crecent Apartment Building now under construction on Lambourne Road

Sianature	Printed Name	Unit No.
Canal K arente 1	Carroll K. Arconti	104
Kosemary Makon	Rosenary Mahon	103
Vivian Goos	VIVIAN GOOS	102
John H. Guffin	JOHN H. GRIFFIN	106
Mary & Griffin	MARY E. GRIFFIN	106
Wayne A. Speny	WAYNE A. SPERRY	105
allest R. William	Albert R. Wilkenson	308
Valley of Wilkerson	Kathryn H. Wilkerson	208
1 Vogano	SAL Vasquenz	205
7. Wa proets	Tira Vacquenz	205
Zelma Villiam	Zehma GibhiAM	206
	Dolly DAVIS	204
Dolly Davis Robert Hopis	ROBERT H. PAPIS	204
Michael Lujoura	1 7 7	103
Fail Lygarda	GAL KUJAWA	203
DATKCK	PATRICK KUTAWA	203
Chiles Deach	CHARLES GLOCK	201 201
Lilyan Marky	Charles & Glock	201
tharles VGlock	•	108
Tuginia & Vanderburg		405
Freda Mojoyas	S FREDA METAXAS CHRISTINE KRAM	202
Christine Kram	PATRICK SOKAS	408
Gent Solm	Dolores AbT	404
Folorie alt	MARIE E. RATTINI	40.4
Marie E. Rattini	Bill Boland	508
Bill Bolant	Barbara Boland	508
Barbara Boland		502
JEAN STAFFOR	PATRICK STAFFORDSK	502
Fatorick Stafford &		29

Signature Printed name Unit No Virgla Jemnia (Himmy) Virgil A. Simms (LS) 308 Curtis & Vanderburg fr. 108

29 31 Total 62 +2

Total 64

