IN RE: PETITION FOR VARIANCE
NW/S of Cub Hill Road, 1000' SE
of Cromwell Bridge Road
9th Election District
6th Councilmanic District
(NW/S Cub Hill Road, 100' SE
of Cromwell Bridge Road)

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-200-A

Cub Hill Road Ltd. Partnership Petitioner

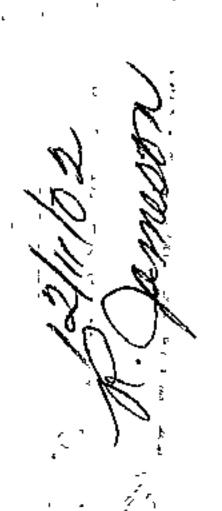
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*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, the Cub Hill Road Ltd. Partnership. The variance request involves property located on the northwest side of Cub Hill Road, 100 ft. southeast of Cromwell Bridge Road. The subject property is split-zoned D.R.1 and D.R.2. The variance request is as follows:

- 1. From Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Bill 100, 1970) and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP), to permit a minimum distance of 7 ft. from dwelling unit window to property line in lieu of the required 15 ft. for Lot Nos. 27 through 29 and 50 through 63.
- 2. From Section 504 (Bill 100, 1970) and Section V.B.6.a. of the CMDP, to permit a minimum distance of 10 ft. from dwelling unit window to street right-of-way in lieu of the required 25 ft. for Lot Nos. 27 through 29 and 50 through 59.
- 3. From Section 1B01.2.C.2.b and 504 (Bill 100, 1970) and Section V.B.6.c of the CMDP, to permit a minimum distance of 14 ft. between facing windows of different dwelling units on the same subdivision in lieu of the required 40 ft. for Lot Nos. 27 and 28, 28 and 54, 54 and 55, 55 and 56, 56 and 57, 57 and 58, 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 and 63, 50 and 51, 51 and 52, 52 and 53, and 29 and 50; and
- 4. From Sections 1B01.2.C.6 and 504 (Bill 100, 1970) and Section V.B.3.b of the CMDP, to permit a minimum horizontal distance of 14 ft. between buildings 25 to 30 ft. in height in lieu of the required 30 ft. for Lot Nos. 27 and 28, 28 and 54, 54 and 55, 55 and 56, 56 and 57, 57 and 58, 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 and 63, 50 and 51, 51 and 52, 52 and 53, and 29 and 50.



Appearing at the hearing on behalf of the variance request were Charles Main, II and Mitch Kellman, representing Daft, McCune & Walker, the engineering firm who prepared the site plan of the property, Ron Schaftel and David Altfeld, appearing on behalf of the developer of the site and David Karceski, attorney at law, representing the Petitioner. Appearing as an interested citizen in the matter was Ruth Baisden, representing the Greater Parkville Community Council. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, is an extension of a previous CRG approved plan known as "Cromwell Woods". That project received approval in 1987. At this time, the property owner is interested in approving 20 new additional single-family residential lots, which are to be constructed adjacent to the existing community known as "Cromwell Woods". The subject site is located on the southeast side of Cromwell Bridge Road and takes access from Raven Ridge Road. The developers herein propose to extend Raven Ridge Road in the fashion depicted on Petitioner's Exhibit 1A, 1B and 1C, the site plan submitted into evidence.

At issue in the case are two parcels of property, one of which will contain nine (9) single-family residential lots and the other eleven (11) single-family residential lots. The land to be developed sits on top of a ridge that runs parallel to Cromwell Bridge Road. There are steep slopes located on either side of the area to be developed. This affords this developer only a narrow strip of developable land flat enough to construct homes thereon. In order to proceed with the development of the property as proposed on Petitioner's Exhibit Nos. 1A, 1B and 1C, the variances previously mentioned are necessary.

It is important to note that the Developer of the property met with and entered into an agreement with representatives of the Cromwell Woods community. Submitted into evidence, as

Petitioner's Exhibit No. 2 is a written agreement between this Developer and the Cromwell Woods Association Inc. This Developer has agreed to perform certain improvements to the existing Cromwell Woods community and has agreed to certain terms and conditions regarding the new homes to be constructed on the property to be developed. The obligations of the Developer are more specifically recited in the agreement, which was accepted into evidence as Petitioner's Exhibit No. 2.

As sated previously, Ms. Ruth Baisden appeared at the hearing on behalf of the Greater Parkville Community Council. Ms. Baisden had no objection to the development of the property consistent with the site plan submitted into evidence and the Development Agreement entered into with the adjacent community association.

Based on the testimony and evidence offered at the hearing, I find that the variance relief should be granted to allow the development to proceed as proposed.

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

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been

established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED, this _____day of December, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance as follows:

- 1. From Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Bill 100, 1970) and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP), to permit a minimum distance of 7 ft. from dwelling unit window to property line in lieu of the required 15 ft. for Lot Nos. 27 through 29 and 50 through 63.
- 2. From Section 504 (Bill 100, 1970) and Section V.B.6.a. of the CMDP, to permit a minimum distance of 10 ft. from dwelling unit window to street right-of-way in lieu of the required 25 ft. for Lot Nos. 27 through 29 and 50 through 59.
- 3. From Section 1B01.2.C.2.b and 504 (Bill 100, 1970) and Section V.B.6.c of the CMDP, to permit a minimum distance of 14 ft. between facing windows of different dwelling units on the same subdivision in lieu of the required 40 ft. for Lot Nos. 27 and 28, 28 and 54, 54 and 55, 55 and 56, 56 and 57, 57 and 58, 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 and 63, 50 and 51, 51 and 52, 52 and 53, and 29 and 50; and
- 4. From Sections 1B01.2.C.6 and 504 (Bill 100, 1970) and Section V.B.3.b of the CMDP, to permit a minimum horizontal distance of 14 ft. between buildings 25 to 30 ft. in height in lieu of the required 30 ft. for Lot Nos. 27 and 28, 28 and 54, 54 and 55, 55 and 56, 56 and 57, 57 and 58, 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 and 63, 50 and 51, 51 and 52, 52 and 53, and 29 and 50.

be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

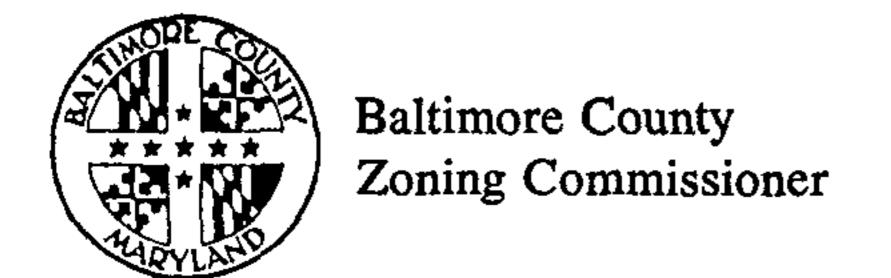
1) The Developer shall be required to comply with the conditions of the agreement entered into with the Cromwell Woods Association Inc., said agreement being entered into evidence as Petitioner's Exhibit No. 2.

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

December 11, 2002

David Karceski, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

> Re: Petition for Variance Case No. 03-200-A

> > Property: NW/S Cub Hill Road, 100' SE of Cromwell Bridge Road

Dear Mr. Karceski:

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,

Muthy 160000

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

Copies to:

Ronald Schaftel
David Altfeld
111 S. Calvert Street, Suite 2820
Baltimore, MD 21202

Mitch Kellman Charles Main II Daft, McCune & Walker 200 E. Pennsylvania Avenue Towson, MD 21204

Ruth Baisden c/o Greater Parkville Community Council 7706 Oak Avenue Baltimore, MD 21234



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at N/W side of Cub Hill Road, for the property located at 1000' S/E of Cromwell Bridge Road

which is presently zoned D.R.1 and D.R.2

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.

	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
	Cub Hill Road Limited Partnership
Name - Type or Print	Cub Hill, Inc., General Partner Name-Tage of Puro
Signature	SignatureBy: Ronald O. Schaftel, President
Address Telephone N	o. Name - Type or Print
City State Zip Cod	Signature Suite 2820
Attorney For Petitioner:	111 S. Calvert Street (410) 347-4800
Robert A. Hoffman	Address Baltimore, Maryland 21202
Name - Type or Print	City State Zip Code
Signature Down J. H. Kum/Mk	Representative to be Contacted:
-Venable, Baetier and Howard, T.L.P.	Robert A. Hoffman
Company	Name
210 Allegheny Avenue (410)494-620	
Address Telephone No Towson, Maryland 21204	Address Telephone No. Towson, Maryland 21204
City State Zip Cod	e City State Zip Code
	OFFICE USE ONLY
Case No. 03-200-A	ESTIMATED LENGTH OF HEARING
221 415198	UNAVAILABLE FOR HEARING Date 10/25/02

PETITION FOR VARIANCE

- 1. Variance from Section 504 of the Baltimore County Zoning Regulations ("BCZR") (Bill 100, 1970) and Section V.B.6.b of the Comprehensive Manual of Development Policies ("CMDP") to permit a minimum distance of 7 feet from dwelling unit window to property line in lieu of the required 15 feet for Lot Nos. 27 through 29 and 50 through 63.
- 2. Variance from BCZR Section 504 (Bill 100, 1970) and Section V.B.6.a of the CMDP to permit a minimum distance of 10 feet from dwelling unit window to street right-of-way in lieu of the required 25 feet for Lot Nos. 27 through 29 and 50 through 59.
- Variance from BCZR Sections 1B01.2.C.2.b and 504 (Bill 100, 1970) and Section V.B.6.c of the CMDP to permit a minimum distance of 14 feet between facing windows of different dwelling units on the same subdivision in lieu of the required 40 feet for Lot Nos. 27 and 28, 28 and 54, 54 and 55, 55 and 56, 56 and 57, 57 and 58, 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 and 63, 50 and 51, 51 and 52, 52 and 53 and 29 and 50.
- Variance from BCZR Sections 1B01.2.C.6 and 504 (Bill 100, 1970) and Section V.B.3.b of the CMDP to permit a minimum horizontal distance of 14 feet between buildings 25 to 30 feet in height in lieu of the required 30 feet for Lot Nos. 27 and 28, 28 and 54, 54 and 55, 55 and 56, 56 and 57, 57 and 58, 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 and 63, 50 and 51, 51 and 52, 52 and 53 and 29 and 50.

TO1DOCS1/DHK01/#146341 v1

Description

To Accompany Petition for Zoning Variance

35.24 Acre Parcel

Northwest Side of Cub Hill Road

Southeast of Cromwell Bridge 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 at the end of the following course and distance measured from the intersection of the centerline of Cromwell Bridge Road with the centerline of Cub Hill Road, (1) Southeasterly and southwesterly along the centerline of Cub Hill Road, 1,000 feet, more or less, thence binding on the centerline of said Cub Hill Road, the three following courses and distances, viz: (1) South 39 degrees 22 minutes 33 seconds West 18.90 feet, thence (2) South 26 degrees 52 minutes 33 seconds West 145.20 feet, and thence (3) South 07 degrees 55 minutes 03 seconds West 112.82 feet, thence leaving Cub Hill Road and running for the following thirty-one courses and distances, viz: (4) North 79 degrees 22 minutes 51 seconds West 284.17 feet, thence (5) South 15 degrees 52 minutes 29 seconds East 106.70 feet, thence (6) South 15 degrees 47 minutes 29 seconds East 88.92 feet, thence (7) South 50 degrees 05 minutes 53 seconds West 101.29 feet, thence (8) North 14 degrees 18 minutes 11 seconds West 133.41 feet, thence (9) South 69 degrees 32 minutes 38 seconds West 342.12 feet, thence (10) South 09 degrees 02 minutes 38 seconds West 90.88 feet, thence (11) South 48 degrees 11 minutes 05 seconds West 395.51 feet, thence (12) South 40 degrees 30 minutes 25 seconds East 151.52 feet, thence (13) South 44 degrees 28 minutes 11 seconds West 108.32 feet, thence (14) South 20 degrees 23 minutes 09 seconds East 198.75 feet, thence (15) South 16

degrees 44 minutes 51 seconds West 105.27 feet, thence (16) South 61 degrees 26 minute 51 seconds West 96.63 feet, thence (17) South 53 degrees 59 minutes 11 seconds West 79.06 feet, thence (18) North 83 degrees 10 minutes 09 seconds West 253.98 feet, thence (19) South 71 degrees 54 minutes 51 seconds West 50.00 feet, thence (20) South 62 degrees 42 minutes 14 seconds West 160.06 feet, thence (21) South 69 degrees 05 minutes 14 seconds West 199.92 feet, thence (22) North 37 degrees 21 minutes 13 seconds West 212.65 feet, to a point of nontangency, thence (23) Northeasterly by a line curving to the right, having a radius of 975.00 feet, for a distance of 62.92 feet (the arc of said curve being subtended by a chord bearing North 74 degrees 39 minutes 17 seconds East 62.91 feet), thence (24) North 13 degrees 29 minutes 39 seconds West 50.00 feet to a point of nontangency, thence (25) Southwesterly by a line curving to the left, having a radius of 1025.00 feet, for a distance of 147.57 feet (the arc of said curve being subtended by a chord bearing South 72 degrees 22 minutes 52 seconds West 147.45 feet), thence (26) North 21 degrees 44 minutes 38 seconds West 104.64 feet, thence (27) North 33 degrees 26 minutes 09 seconds West 526.18 feet, thence (28) North 56 degrees 33 minutes 52 seconds East 561.86 feet, thence (29) North 60 degrees 41 minutes 02 seconds East 103.10 feet, thence (30) South 88 degrees 28 minutes 39 seconds East 368.86 feet, thence (31) South 44 degrees 41 minutes 43 seconds East 32.01 feet, thence (32) North 46 degrees 03 minutes 08 seconds East 896.76 feet, thence (33) South 46 degrees 11 minutes 57 seconds East 412.43 feet, thence (34) North 43 degrees 48 minutes 03 seconds East 366.49 feet, and thence (35) South 49 degrees 25 minutes 57 seconds East 233.91 feet to the point of beginning; containing 35.24 acres of land, more or less, as surveyed by Daft-McCune-Walker, Inc., in April, 2002.

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

October 8, 2002

Project No. 91078 (L91078)



	CELLANEOUS RECEIP			No. 1891	•
DATE_	10-25-02	ACCOUNT_	<u> </u>	56-6150	
		AMOUNT .	\$ 650.	JU	<u> </u>
RECEIVI FROM:	ED Visnosia Br.				D
	TOWN SING	resident.	14/5 65-3	المراجع المستقي المستعدلات	# 200
FOR:	VARIANCE		*	ナー・トゥートゥ	y: JRF

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND

PINK - AGENCY

DISTRIBUTION

WHITE - CASHIER

INSTANCE OF THE FACE

HOUSE AND DEFENDED

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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: #03-200-A

N/W side of Cub Hill Road, 1000 feet southeast of

Cromwell Bridge Road

N/W side of Cub Hill Road, 1000 feet southeast of

Cromwell Bridge Road

9th Election District - 6th Councilmanic District

Legal Owner(s). Ronald O. Schaftel, President, Cub Hill Road Limited Partnership, Cub Hill, Inc. General Partner, Variance: to permit a minimum distance of 7 ft. from window to property line in heu of the required 15 feet for Lot Nos. 27 through 29 and 50 through 63. To permit a minimum distance of 10 feet from window to street right-ofway in lieu of the required 25 feet for Lot Nos. 27 and 29 and 50 through 59. To permit a minimum distance of 14 feet between facing windows in lieu of the required 40 feet for Lot Nos. 27, 28, 29; and 54, 54 and 55, 55 and 56, 56 and 57, 57 and 58, 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 and 63, 50 and 51, 51 and 52, and 53, and 29 and 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 and 63, 50 and 51, 51 and 52, and 53, and 29 and 50. To permit a minimum horizontal distance of 14 feet between building in lieu of the required 30 feet for Lot Nos. 27 and 28, 28 and 54, 54 and 55, 55 and 56, 56 and 57, 57 and 58, 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 and 63, 50 and 51, 51 and 52, 52 and 53 and 29 and 50. Hearing: Tuesday, December 10, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. C576120 JT 11/762 November 26

CERTIFICATE OF PUBLICATION

LEGAL ADVERTISING

CERTIFICATEDE POSTING

•	Petitioner/Developer: RONALD O.
•	SCHAFTEL PRESIDENT, CUB HILL RD
	SCHAFTEL PRESIDENT, CUB HILL RD LIMITED PARTNERShip
	Date of Hearing/Closing: 12/10/02
Baltimore County Department of Permits and Development Manager County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	44
Attention: Ms. Gwendolyn Stephen	i\$
Ladies and Gentlemen:	•
This letter is to certify under the pe	malties of perjury that the necessary sign(s) required by law property located at $\frac{N/W}{SIDE}$. $\frac{SIDE}{OF}$ CUB HILL RI
were posted conspicuously on the p	2 Consider the state of the sta
000 FT Southeast of C	JUDINWELL BRIDGE RA
	•
The sign(s) were posted on	11/24/02
	(Month, Day, Year)
	Sincerely,
ZONIN NOTICE	11/24/07
	(Signature of Sign Poster and Date)
Case # : (132(10)A	SSG ROBERT BLACK
THE ZONING COMMISSIONER IN TOWSON, MD.	(Printed Name)
PLACE ROW TO COUNT COUNTS FLOC. 401 BORLEY IVE	1508 Leslie Rd
TO DESCRIPT A REPORT OF THE TAXABLE PARTY OF THE PARTY OF	(Address)
THE THE PART OF THE PARTY OF TH	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

RE: Case No.: 03-200-A

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

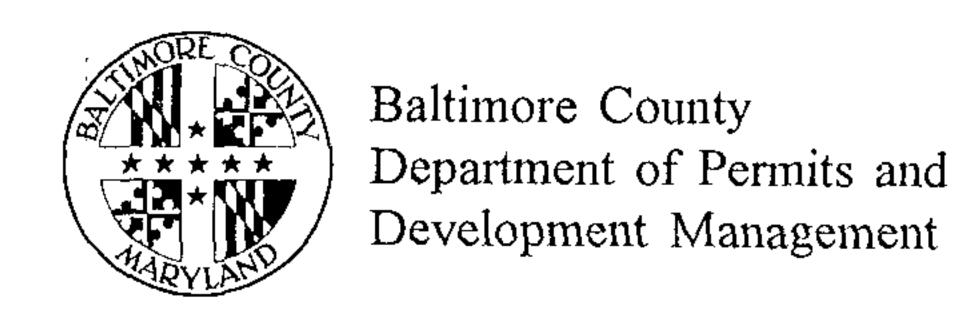
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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.

For Newspaper Advertising:
Item Number or Case Number: 33-200-A Petitioner: (48 1/14 Port) LIMITED PARTMENSITY
Address or Location: N/Wside Cus Hill Pland, 5/E.f Cus mwell Bridge Roa
PLEASE FORWARD ADVERTISING BILL TO: Name: Duntell
Name:/my Durtel
Address: 200 Alesberry Avenue
Tower Mary/and 21204
Teiephone Number: (410) 494 - 6244

Revised 2/20/98 - SCJ



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

Fax: 410-887-5708

November 6, 2002

NOTICE OF ZONING HEARING

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CASE NUMBER: 03-200-A

N/W side of Cub Hill Road, 1000 feet southeast of Cromwell Bridge Road N/W side of Cub Hill Road, 1000 feet southeast of Cromwell Bridge Road 9th Election District – 6th Councilmanic District

Legal Owner: Ronald O. Schaftel, President, Cub Hill Road Limited Partnership, Cub Hill, Inc., General Partner

Variance to permit a minimum distance of 7 ft. from widow to property line on lieu of the required 15 feet for Lot Nos. 27 through 29 and 50 through 63. To permit a minimum distance of 10 feet from window to street right-of-way in lieu of the required 25 feet for Lot Nos. 27 and 29 and 50 through 59. To permit a minimum distance of 14 feet between facing windows in lieu of the required 40 feet for Lot Nos. 27, 28, 29, and 54, 54 and 55, 55 and 56, 56 and 57, 57 and 58, 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 and 63, 50 and 51, 51 and 52, and 53, and 29 and 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 and 63, 50 and 51, 51 and 52, and 53, and 29 and 50. To permit a minimum horizontal distance of 14 feet between building in lieu of the required 30 feet for Lot Nos. 27 and 28, 28 and 54, 54 and 55, 55 an 56, 56 and 57, 57 an 58, 58 and 59, 59 and 60, 60 and 61, 61 and 62, 62 an 63, 50 and 51, 51 and 52, 52 and 53 and 29 and 50.

HEARING:

Tuesday, December 10, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401

Bosley Avenue

Arnold Jablon Director

AJ:rlh

C: Cub Hill Road Limited Partnership, Cub Hill, Inc., General Partner, 111 S. Calvert Street, Suite 2820, Baltimore 21220 Robert A. Hoffman, Venable, Baetjer & Howard, 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, NOVEMBER 25, 2002.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, November 26, 2002 Issue - Jeffersonian

Please forward billing to:

Amy Dontel Venable, Baetjer & Howard 210 Allegheny Avenue Towson, MD 21204 410-494-6244

NOTICE OF ZONING HEARING

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CASE NUMBER: 03-200-A

N/W side of Cub Hill Road, 1000 feet southeast of Cromwell Bridge Road N/W side of Cub Hill Road, 1000 feet southeast of Cromwell Bridge Road

9th Election District – 6th Councilmanic District

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Tuesday, December 10, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401

Bosley Avenue

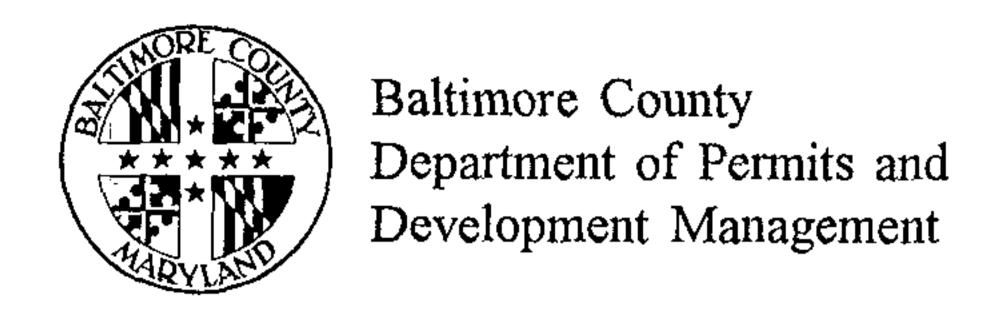
LAWRENCE E. SCHMIDT

Lawrence B. 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



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

December 6, 2002

Robert A. Hoffman Venable, Baetjer & Howard 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 03-200-A, N/W side of Cub Hill Road, 1000' S/E of Cromwell Bridge Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 25, 2002.

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. Ir

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel Cub Hill Road Limited Partnership, Cub Hill, Inc., General Partner, Ronald Schaftel, President, 111 S. Calvert St., Suite 2820, Baltimore 21202



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F Williams Administrator

Date: //- 6 -0 2

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 200

JRF

Dear. Mr. Zahner:

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



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

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 7, 2002

ATTENTION: George Zahner

Property Owner: Distribution Meeting of November 4, 2002

Location:

Item No.:

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

193-202

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 29, 2002

TO:

Arnold Jablon, Director Department of Permits &

Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 12, 2002

Item Nos. 193, 194, 195, 196, 197, 198, 199, 200, 201, and 202

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RB/76T

DATE:

November 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of November 4, 2002

JBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

193-202

Ju 10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 9, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-200

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC

RE:	PETITION FOR VARIANCE NW/side of Cub Hill Road, 1000'	*	BEFORE THE
	southeast of Cromwell Bridge Road 9th Election District	*	ZONING COMMISSIONER
	6 th Councilmanic District	*	FOR
	Legal Owner: Cub Hill Road Ltd. Partners	ship	
	Cub Hill, Inc. General Partner	*	BALTIMORE COUNTY
	Ronald O. Schaftel, President		
	Petitioner(s)	*	03-200-A

* * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 6th day of November, 2002, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, VENABLE, BAETJER & HOWARD, LLP, 210 Allegheny Avenue, Towson, MD 21204 Attorney for Petitioner(s).

DECEIVED NOW

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

December 7, 2002

Cromwell Woods Homeowners Association, Inc. 9 Lochwell Court Baltimore, MD 21234

Arnold Jablon, Director
Baltimore County Department of Permits
and Property Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case #03-200-A

Dear Mr. Jablon,

I'm writing to inform you of the position of the Cromwell Woods Homeowners Association, Inc. in regard to the hearing on the above referenced case scheduled on Tuesday, December 10, 2002.

The Association supports the approval of the variance of the side yard setback to not less than seven (7) feet so that larger houses may be constructed while maintaining the existing character and harmony of the Cromwell Woods community.

The Association does not support any variances to reduce the required 25' from window to street right-of-way.

Please feel free to contact me with any questions.

oseph J. DiMaggio

Vice-President

Cromwell Woods Homeowners Association

PLEASE PRINT CLEARLY

CASE	NAME	Cu	ele 7	lel)	
CASE	NUMBER	Q3	-20	0-A	_
$DATE_{\perp}$	121	/	,		-

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
RUTH BAISDEN Greafes Parkville Com	MOUNCIÍ	410668-2580 Pl	apacelocplinet ease send hintoes
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CASE	NAME	Bil	Nill
CASE	NUMBER		•
DATE		10/02	,

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DAMO KARCEINY	210 Atlaheny Ane	TONSUN MD 21204	
Mitch Kellman	200 E. Penn. Al	Jousun 21286	
ROHALDO, SCHOSTEL	111 S. CALVET ST. 5-2820		7 1202
Charles Main I	200 E. Penn. Ave. 3#	Towson MD ZIZBG	· ·
DAVID ALTFELD	11) 5. CALVERT St. 5-2820	BALTO. 4P. 21202	
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AGREEMENT

THIS AGREEMENT (this "Agreement"), entered into this <u>8</u> day of September, 2002, by and among CUB HILL ROAD LIMITED PARTNERSHIP, a Maryland limited partnership ("Cub Hill") and CROMWELL WOODS ASSOCIATION INC., a Maryland corporation ("Cromwell Woods").

BACKGROUND

- A. Cub Hill is the owner and/or developer of certain lots or parcels of land located on Cub Hill Road and Smith Avenue in Baltimore County, Maryland, which are outlined in red on Exhibit A, attached hereto and incorporated herein (the "Property").
- B. Cromwell Woods is a homeowners association, which owns certain parcels of land in the subdivision commonly known as Cromwell Woods, and which represents all of the owners of property within the subdivision.
- C. The Property is in the immediate vicinity of certain lots that are located in the Cromwell Woods subdivision.
- D. In connection with the subdivision and development of the Property, Cromwell Woods has requested that Cub Hill make certain improvements within the Cromwell Woods subdivision in consideration of Cromwell Woods' agreement to support and not to oppose the subdivision and development of the Property or to appeal the plan of subdivision for the Property, which was approved by the County Review Group ("CRG") on August 8, 2002, and Cub Hill has agreed to make such improvements, subject to the terms and conditions of this Agreement.

WITNESSETH

NOW, THEREFORE, in consideration of the mutual covenants, agreements and obligations contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Cub Hill's Obligations.

- a. During the subdivision and development of the Property and thereafter, Cub Hill agrees not to cut or clear the wooded area that is shown within the area shown as "Limit of Forest Clearing" on Exhibit A, which is attached hereto and incorporated herein.
- b. Cub Hill agrees to install two (2) stop signs at the intersections of Ravenridge Road at Wood Raven Court and Ravenridge Road at Lochwell Court within the Cromwell Woods subdivision. The stop signs will be located on Wood Raven Court and Lochwell Court. Cub Hill also agrees to cause a yellow median paint line to be placed on the center line of Ravenridge Road from the intersection of Satyr Hill Road to the intersection of Lochwell Court in accordance with the Approval (defined hereafter).
- c. Cub Hill agrees to install the signs described in paragraph 1.b of this Agreement within fifteen (15) days after Cub Hill commences construction of the road through the Property. The stop signs shall meet applicable regulations of Baltimore County, Maryland for the size, design and placement of such signs.
- d. Cromwell Woods has requested that Cub Hill install up to three (3) asphalt speed bumps on Ravenridge Road in such locations as Cromwell Woods shall designate in writing to Cub Hill. To date, Baltimore County, Maryland has refused to permit the installation of such speed bumps. If Baltimore County approves the installation of up to three (3) speed bumps on Ravenridge Road within three (3) years after the date of this Agreement, then Cub Hill agrees to cause such speed bumps to be installed in a good and workmanlike manner in

accordance with applicable regulations within ninety (90) days after Baltimore County grants such approval, provided that Cromwell Woods has given Cub Hill written notice of the locations that Cromwell Woods designates for the speed bumps.

- e. Cub Hill agrees to make a one-time contribution in the aggregate amount of Ten Thousand Dollars (\$10,000.00) (the "Landscaping Fee") to Cromwell Woods, which shall be used by Cromwell Woods in its sole discretion primarily for landscaping along Ravenridge Road in the Cromwell Woods subdivision. Cub Hill agrees to pay Five Thousand Dollars (\$5,000.00) of the Landscaping Fee before beginning construction of work on the Property. Cub Hill agrees to pay the remaining Five Thousand Dollars (\$5,000.00) of the Landscaping Fee within six (6) months after the date of the first payment.
- f. Cub Hill agrees to place restrictive covenants on the lots that are depicted and designated on Exhibit A as Lots 53 through and including 63. Said restrictive covenants shall include, but not necessarily be limited to, the following restrictions:
- i. Each house constructed on each lot shall not be less than two thousand two hundred (2,200) square feet.
- ii. Each house constructed on each lot shall have a "Colonial" style front and a minimum of a two-car attached garage. The front of each house (that side which faces the road through the Property) shall be brick, stucco, stone, high quality imitation stone or similar materials, provided that such materials are of similar quality as is found on houses that are located in the Cromwell Woods subdivision.
- g. All of the obligations of Cub Hill described in this paragraph 1 shall be performed at no expense or liability to Cromwell Woods. Once the obligations of Cub Hill described in paragraphs 1.b and 1.d (if applicable) are completed, Cub Hill shall have no further

liability with respect to the repair, maintenance or replacement of the improvements described in said paragraphs.

2. Cromwell Woods' Obligations.

- a. Cromwell Woods agrees to support and not to oppose, directly or indirectly, the approval of the plan of subdivision for the Property, or of any order granting a special hearing, variance or amendment to any of the foregoing in connection therewith, provided that any such plan, special hearing, variance or amendment shall not (i) increase the number of lots to be developed upon the Property or (ii) permit cutting or clearing in the area designated on Exhibit A hereto as "Limit of Forest Clearing", or (iii) extend Ravenridge Road beyond the property line of the Property.
- b. Cromwell Woods agrees not to file an appeal of the approval of Cub Hill's subdivision plan for the Property by the CRG, which was granted on August 8, 2002 (the "Approval").
- c. Cromwell Woods acknowledges that Cub Hill plans to request that the Zoning Commissioner for Baltimore County (the "Zoning Commissioner") approve variances of the applicable side yard setback requirements, provided that such setbacks shall not be less than seven feet (7'). Cromwell Woods acknowledges that the granting of such variances will allow larger houses to be constructed upon the Property and agrees to support such variances by having representatives attend a hearing or hearings before the Zoning Commissioner or submitting written testimony in support of such variances, provided that Cub Hill gives Cromwell Woods at least ten (10) days prior notice of such hearings.

3. Condition Precedent.

The duty of each party to perform its obligations under this Agreement is contingent upon and will automatically terminate and be of no further force and effect, and the

parties shall have no further rights, duties or obligations unto each other pursuant hereto, if the Approval is appealed.

4. Miscellaneous Provisions.

- a. This Agreement shall bind the parties hereto, their successors, heirs and assigns.
- b. This Agreement shall be governed by the laws of the State of Maryland, without regard to conflicts of laws.
- c. The parties shall have all rights and remedies at law and in equity to enforce this Agreement.
- d. This Agreement contains all of the agreements of the parties with respect to the subject matter hereof and cannot be modified, except by written agreement of the parties.
- e. Each person who signs this Agreement represents and warrants to each other party hereto that he has full right, power and authority to enter into and carry out the provisions of this Agreement and that no further consents or approvals are required to make this Agreement the binding obligation of the party on whose behalf each person signs this Agreement.
- f. The parties hereto expressly disclaim any partnership, joint venture or similar relationship or arrangement.
- g. This Agreement may be signed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same agreement.

{This space is intentionally left blank. Signatures follow.}

WHEREFORE, the parties execute this Agreement as of the day and year first above written.

WITNESS:

CUB HILL ROAD LIMITED PARTNERSHIP

By: Cub Hill, Inc., General Partner

By: Ronald O. Schaftel, President (SEAL)

CROMWELL WOODS ASSOCIATION INC.

Amawka Giraldo

Name. JOSEPH J. DIMAGGIN

Title: V. P.

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Baltimore County Government Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

Robert A. Hoffman, Esquire Venable, Raetjer and Howard 210 Allegheny Avenue Towson Maryland 21204

RE: Case No. 93-313-A

Petition for Zoning Variance Cromwell Woods Limited Partnership

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached 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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3731.

Very truly yours,

Lawrence E. Schmidt

Zoning Commissioner

LES:mmn att.

cc: Mr. John L. Tansey

Messrs. Edward Haile and Richard Baummer

Mr. Harvey C. Hess III

Mr. and Mrs. Thomas Shipley

Mr. Guy Schehlein

DETS RECEIVED FOR FILLING

3-65 20 - 54

IN RE: PETITION FOR ZONING VARIANCE *
NE/C Satur Hill Rd 84 ft

NE/S Satyr Hill Rd., 84 ft. SE of Cromwell Bridge Rd. (Cromwell Woods Subdivision). 9th Election District

9th Election District 6th Councilmanic District

Cromwell Woods Ltd. Partnership Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 93-313-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the residential lots in the Cromwell Woods Subdivision, located near Cromwell Bridge Road and Satyr Hill Road in Baltimore County, The Petitioner, Cromwell Woods Limited Partnership, seeks relief from a series of regulations as they relate to building to building, side window to street right of way, window to side lot line, and side window to side Specifically, relief is sought from Section 1801.2.C.1 window setbacks. of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policy (CMDP) to permit a 20 ft. building to building separation in lieu of the required 40 ft. for heights between 30 ft. and 40 ft., for lots 1 through 43; from Section V.B.6.a. of the CMDP to permit side window to street right of way separations of 15 ft. in lieu of the required 25 ft., for lots 1, 10, and 34; from Section V.B.6.b of the CMDP to permit window to side lot line separations of 10 ft. in lieu of the required 15 ft., for lots 1 through 43; and from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the CMDP to permit 20 ft, side window to side window separations in lieu of the required 40 ft. for lots 1 through 43. The provisions of the CMDP are applicable

ORDER RECEIVED FOR FILING Date to this property, pursuant to Section 504 of the B.C.Z.R. Further, all of the relief requested is more particularly shown on the site plan marked as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case was a representative of the developer/property owner, Cromwell Woods Limited Partnership, namely, John L. Tansey. Also appearing in support of the Petition were the project engineers, Dick Baummer and Ed Haile of Daft, McCune and Walker. The Petitioner was represented by Robert A. Hoffman, Esquire. Appearing in opposition was Harvey C. Hess, III, Mr. and Mrs. Thomas Shipley, and Guy Schehlein.

An overview of the subject property discloses that the site is part of a larger tract which is 86 acres in size. The subject parcel is 38.264 acres and is predominantly zoned D.R.; with a small portion of D.R.2. The property has previously undergone review through the development process (CRG) and the Petitioner has obtained approval to construct a residential subdivision of 43 single family dwellings. In fact, one of the lots has been developed. A number of other lots have been sold and several houses are under construction.

Mr. Tansey testified that notwithstanding the large acreage (38.264 acres) of the site, the actual building area is quite small. Specifically, there are steep slopes located on the north side of the site which prohibit any development on that portion of the tract. Thus, all of the lots have been compressed into a smaller area. Mr. Tansey testified that the developer's marketing scheme is to construct substantially sized homes consistent with other houses in the general community. Due to these marketing objectives and site constraints, little flexibility is available to the developer and potential homeowners if the setback provisions of the

B.C.Z.R. and C.M.D.P. are strictly observed. That is, many of the houses would not be permitted to have side windows and the architectural style of the dwellings would be compromised.

Mr. Tansey's testimony was echoed by Ed Haile, Chief Executive Officer/Engineer from Daft, McCune and Walker. He noted that, when the project originally obtained development approval, the buildable area of the property was thought to be approximately 20 acres. This was based on County maps and documents which were relied upon during the C.R.G. process. However, after C.R.G. approval was obtained, field surveys disclosed that the total buildable acreage was 17 acres. Thus, it was necessary to reduce many of the lots from a 100 ft. width to 80 ft. This has resulted in a smaller building envelope area which has necessitated the requested variances. Mr. Haile also commented that the proposed development is consistent with a subdivision on property which is zoned 3.5 acres; that is, the existing zoning classification and zoning regulations applicable thereto coupled with the site constraints of the property produce unusual circumstances which justify the granting of the variance.

Testifying in opposition to the Petition was Harry C. Hess, III. Frankly, it was difficult to determine the source of Mr. Hess's interest in this property and its development. He indicated that he is the owner/developer of an adjacent tract shown on the site plan as Hessian Woods. In fact, but for his ownership of a remaining unsold lot in that subdivision, he might lack standing to participate in this case. He does not live anywhere near the subject property and his development is already completed and puilt out except for the orphan lot which remains under his ownership.

ORDER RECEIVED FOR FILING Date By

ORDER RECEIVED FOR FILING

In any event, Mrs. Hess apparently encountered similar site constraints during the development of his project and believe that the subject Petitioner will not obtain a suitable economic return for its investment on the subject tract. Needless to say, that issue is the developer's concern and not related to the question presented to me.

Also testifying was Thomas Shipley. Mr. Shipley's interest is more understandable in that he owns property immediately adjacent to the sits. However, many of his concerns center on his obvious preference that the property not be developed at all. That is, Mr. Shipley complained about the manner in which the property received developmental approval through the C.R.G. process and many of the issues related thereto. His concerns did not specifically bear on the merits of the variances presented. In fact, many of the concerns voiced by Messrs. Hess and Ship ey dealt with the deficiencies of the CRG process from a community input standpoint. I concur that that process needed overhaul and, in fact, was replaced by the new/current development regulations which from the community participation and input. Nonetheless, these "development" issues are irrelevant to the narrow issue before me arising from the requested variance.

Lastly, testimony was received from Mr. Schehlein. He is the owner of one of the subject lots in the subdivision and apparently attended the hearing to identify the issues presented. When the issue was explained, Mr. Schehlein appeared to support the Petition so that additional flexibility can be granted to builders during the construction of the homes. A brief comment is appropriate about the Zoning Plans Adviso / Committee memorandum from the Office of Planning and Zoning. Althoun supporting the Petition based upon the unusual site constraints, the Office of Planning and Zoning staff rejects the written rationale for variance set forth

in the Petition. I concur with the Office of Planning's analysis in this respect.

The Roman State of

A variance may be granted where strict application of the subject zoning regulation would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner 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 the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial 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, supra

It is clear from the testimony that if the variances are granted, the development of this site will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that the Petitioner will suffer a practical difficulty if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the site constraints unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health,

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safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

IT IS FURTHER ORDERED that a variance from Section V.B.6.a. of the CMDP to permit side window to street right of way separations of 15 ft. in lieu of the required 25 ft. for lots 1, 10; and 34, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section V.B.6.b of the CMDP to permit window to side lot line separations of 10 ft. in lieu of the required 15 ft., for lots 1 through 43, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1801.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the CMDP to permit 20 ft. side window to side window separations, in lieu of the required 40 ft. for lots 1 through 43, all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason,

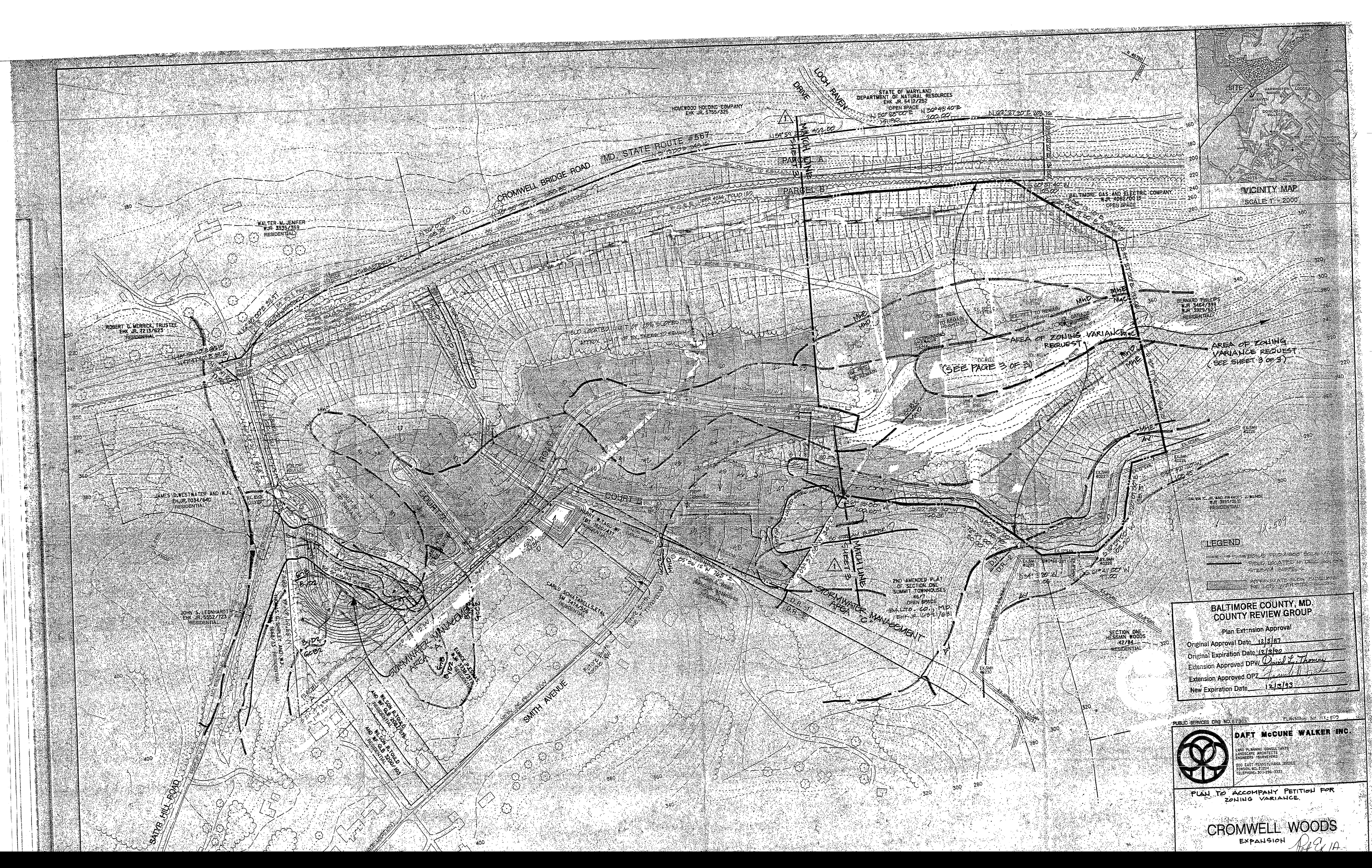
this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

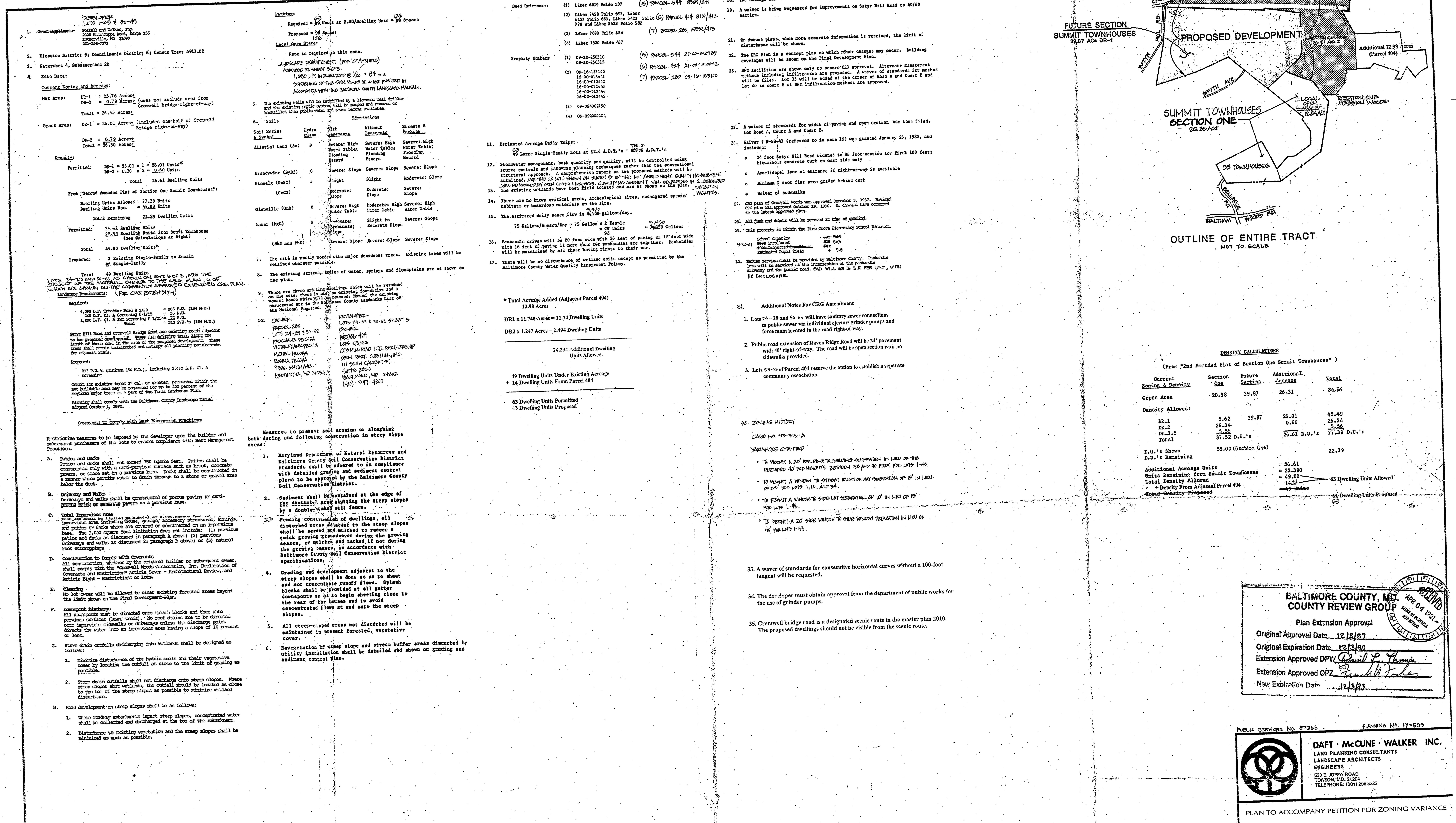
LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES/mmn

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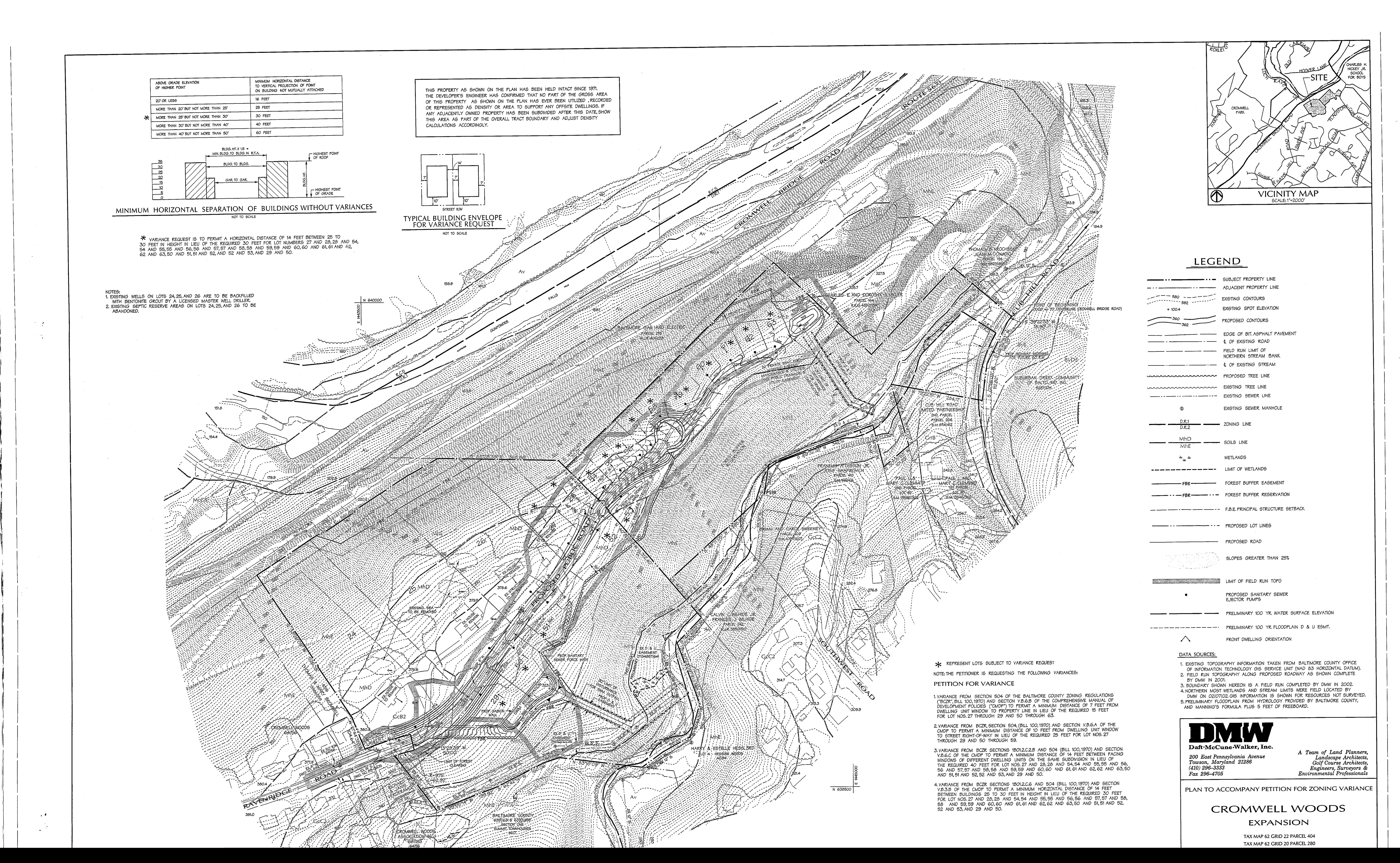
(5) PARCEL 344 8969/241 . 18. The storage tank on Lot 26 will be tested prior to record plat.


CROMWELL WOODS EXPANSION TAX MAP 62 GRID 22 PARCEL 404

TAX MAP 62 GRID 20 PARCEL 280

BALTIMORE COUNTY, MD

9th ELECTION DISTRICT





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