IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE

NW/S Wilkens Avenue, 200' NE centerline of Fairway Avenue

1st Election District

1st Councilmanic District

(W/S Wilkens Avenue @ SW/C Valley Road) *

* BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 03-367-SPHA

Valley Road Limited Partnership

Grayson Development Company, LLC

General Partner

By: David B. Vannoy, President

Petitioners

* * * * * * *

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, The Valley Road Limited Partnership. The special hearing request is to amend the previously approved site plan in Case No. 03-156-SPHA. The variance requests involve decks that are to be constructed on the rear of the dwellings located on Lots #6-9, #13, #16, #18, #23, #27, #35, #38, #43-45 and #57. The Petitioner is requesting permission to construct decks which extend 12 ft. from the rear of these homes in lieu of the permitted 7.5 ft.

Appearing at the hearing on behalf of the special hearing and variance requests were Kevin Wingate, appearing on behalf of the developer of the property, Don Mitten, a representative of Morris & Ritchie Associates, the engineers who prepared the site plan of the property, and David Karceski, attorney at law, representing the Petitioner. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing and variance relief, is a community known as "Hidden Bluff". This community has approximately 58 homes and is located on the west side of Wilkens Avenue at the southwest corner of Valley Road in Catonsville. The homes in this community are currently under construction. The

Selection of the Select

Petitioners are requesting approval at this time to construct 12 ft. decks on the rear of these homes. In order to provide a 12 ft. deck on some of the homes within this community, the variance request is necessary given the setback distances from the rear of these homes to the rear property line.

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

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance and special hearing are not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Furthermore, the special hearing request to amend the previously approved site plan in Case No. 03-156-SPHA shall also granted.

Pursuant to the advertisement, posting of the property, and public hearing held on the petitions and for the reasons given above, I believe that the special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 3¹ day of April, 2003, that the Petitioners' special hearing request to amend the previously approved site plan in Case No. 03-156-SPHA and the variance request to allow decks that are to be constructed on the rear of the dwellings located on Lots #6-9, #13, #16, #18, #23, #27, #35, #38, #43-45 and #57 to extend 12 ft. from the rear of these homes in lieu of the permitted 7.5 ft., be and they are hereby GRANTED, subject, however, to the following restriction:

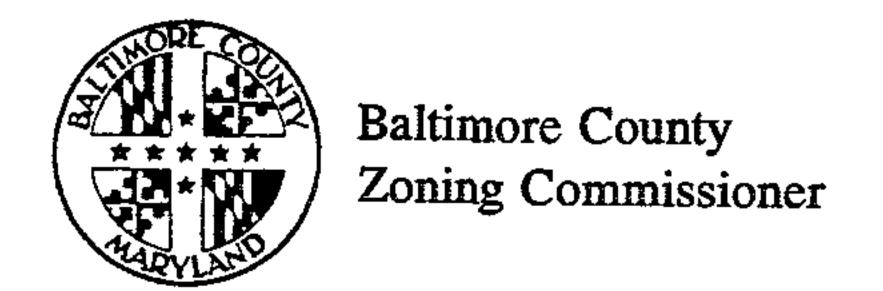
1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

April 3, 2003

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

Re: Petitions for Special Hearing & Variance

Case No. 03-367-SPHA

Property: W/S Wilkens Avenue @ SW/C Valley Road

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been approved 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,

Luffy llotroco
Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Don Mitten Morris & Ritchie Associates 110 West Road, Suite 245 Towson, MD 21204 Kevin Wingate Koren Development Co. 8815 Centre Park Drive, Ste. 400 Columbia, MD 21045



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

W/S Wilkens Avenue @ SW/C Valley Road

which is presently zoned D.R.3.5

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

Special hearing to amend the site plan approved in Case No. 03-156-SPHA.

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

Contract Purchaser	<u>/Lessee:</u>		I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): SEE ATTACHED								
Name - Type or Print			Name - Type or Print			·					
Signature	······································		Signature			· · · · · · · · · · · · · · · · · · ·					
Address		Telephone No.	Name - Type or Print		<u> </u>	· <u> </u>					
City	State	Zıp Code	Signature		<u></u>						
Attorney For Petition	<u>ner:</u>		<u></u>								
Deb 3 11-C6			Address			Telephone No.					
Robert A. Hoffman Name - Type or Print Signature		hk	City Representative	to be Cont	State acted:	Zip Code					
Venable, Baetjer	and Howard,	LLP	Robert A. Hof:	fman							
Company 210 Allegheny Ave	nue (410)	494-6200	Name 210 Allegheny	Avenue	(410)	494-6200					
Address Thwson, Mar	yland 2	Telephone No.	Address Towson,	Maryland	21	Telephone No. 204					
C.X.	State	Zip Code	City		State	Zip Code					
			<u>0</u> 1	FFICE USE	ONLY						
			ESTIMATED LEN	NGTH OF H	EARING						
Case No. 03-36	7-SPHA		UNAVAILABLE F	OR HEARIN	16	<u> </u>					

Reviewed By D.THOMPSON Date 11003

Legal Owner:

Valley Road Limited Partnership

Grayson Development Company, LLC, General Partner

By: David B. Vannoy, President

Signature

9025 Chevrolet Drive, Suite K Ellicott City, Maryland 21042

(410) 461-5900

Legal Owner:

Parcel 1294

John F. Schatz

5444 Wilkens Avenue

Baltimore, Maryland 21228

(410) 744-6349

By: Mary L. Schatz

5444 Wilkens Avenue

Baltimore, Maryland 21228

(410) 744-6349

Contract Purchaser:

Grayson Homes at Hidden Bluff, LLC By: David B, Vannoy, Vice-President

 $M \setminus M$

Signature

9025 Chevrolet Drive, Suite K Ellicott City, Maryland 21042

(410) 461-5900



203

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at W/S Wilkens Avenue @ for the property located at SW/C Valley Road

which is presently zoned D.R.3.5

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

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)

BE DETERMINED AT HEARING.

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

	I/We do solemnly declare and affirm, under the penaltic perjury, that I/we are the legal owner(s) of the property is the subject of this Petition.	ies of / which							
Contract Purchaser/Lessee:	Legal Owner(s):								
Name - Type or Print	SEE ATTACHED								
- · · · · · · · · · · · · · · · · · · ·	Name - Type or Print								
Signature	Signature								
Address Telephone No.	Name - Type or Print	<u>. </u>							
City State Zip Code	Signature	 :							
Attorney For Petitioner:									
Robert A. Hoffman	Address	none No.							
Name - Type or Print, A Hoffm Sh		Ip Ccce							
Signature	Representative to be Contacted:								
Venable, Baetjer and Howard, LLP	Robert A. Hoffman								
Company	Name								
210 Allegheny Avenue (410) 494-6200	210 Allegheny Avenue (410) 494-62	200							
Telephone No.	Address								
Nowson, Maryland 21204	Towson, Maryland 21204								
State Zip Code	City State Zi;	p Cose							
	OFFICE USE ONLY								
Gase No. 03-367-SPHA	ESTIMATED LENGTH OF HEARING								
27 9 115 198	UNAVAILABLE FOR HEARING Reviewed By D.THOMPSON Date 2 10 0	3							

Petition for Variance

Variance from Section 301.1 of the Baltimore County Zoning Regulations to allow open porches to extend a maximum of 12 feet into the required rear yard of Lots 6-9, 14, 16, 18, 23, 27, 35, 38, 43-45 and 57 in lieu of the permitted 7.5 feet.

Legal Owner:

Valley Road Limited Partnership

Grayson Development Company, LLC, General Partner

By: David B. Vannoy, President

Signature

9025 Chevrolet Drive, Suite K Ellicott City, Maryland 21042

(410) 461-5900

Legal Owner:

Parcel 1294

By: John F. Scharz

5444 Wilkens Avenue

Baltimore, Maryland 21228

(410) 744-6349

By: man

Mary L/Schatz

5444 Wilkens Avenue

Baltimore, Maryland 21228

(410) 744-6349

Contract Purchaser:

Grayson Homes at Hidden Bluff, LLC

By: David B. Vannoy, Vice-President

Signature

9025 Chevrolet Drive, Suite K Ellicott City, Maryland 21042

(410) 461-5900

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



ZONING DESCRIPTION

Beginning at a point located on the northwesterly side of Wilkens Avenue which has a variable width at the distance of 200 feet northeasterly of the centerline of the nearest improved intersecting street, Fairway Avenue, which has a width of 40 feet. Thence the following courses and distances:

North 49 degrees 36 minutes 52 seconds West, 665.75 feet; North 30 degrees 53 minutes 52 seconds West, 457.92 feet; North 03 degrees 37 minutes 52 seconds West, 237.08 feet; North 78 degrees 43 minutes 08 seconds East, 1067.00 feet; South 76 degrees 46 minutes 52 seconds East, 186.89 feet; South 12 degrees 37 minutes 31 seconds West, 30.98 feet; South 77 degrees 22 minutes 29 seconds East, 237.21 feet; South 22 degrees 51 minutes 56 seconds East, 82.06 feet; South 30 degrees 12 minutes 02 seconds West, 387.02 feet; South 38 degrees 57 minutes 21 seconds West, 881.37 feet; South 50 degrees 43 minutes 22 seconds East, 46.79 feet; South 37 degrees 23 minutes 04 seconds West, 24.80 feet to the point and place of beginning, and being all of (1) lands laid out and shown on a plat entitled "Final Plat One – Hidden Bluff" and recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 74, folio 33, and (2) lands laid out and shown on a plat entitled "Final Plat Two – Hidden Bluff" and recorded among the Land Re

Containing 1081634 square feet or 24.8309 acres of land and being located in the First Election District of Baltimore County, Maryland.



³⁴⁴⁵⁻A BOX HILL CORPORATE CENTER DRIVE, ABINGDON, MD 21009

^{☐ 110} WEST ROAD, SUITE 245, TOWSON, MD 21204

^{☐ 9090} JUNCTION DRIVE, SUITE 9, ANNAPOLIS JUNCTION MD 20701

^{■ 410-515-9000 ■} FAX 410-515-9002

^{## 410-821-1690 ##} FAX 410-821-1748

^{■ 410-792-9792 ■} FAX 410-792-7395

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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: #03-367-SPHA
W/S Wilkens Avenue at S/w corner Valley Road
W/side Wilkens Avenue and southwest corner Valley, Road
1st Election District - 1st Councilmanic District
1st Election District - 1st Councilmanic District
Legal Owner(s): Valley Road Limited Partnership
Legal Owner(s): Valley Road Limited Partnership
Grayson Development Co., LLC, David B. Vannoy, President, John and Mary Schafz
Contract Purchaser: Grayson Homes at Hidden Bluff.
LLC
LLC

Special Hearing: to amend the site plan approved in Case, No. 03-156-SPHA. Variance: to permit open porches to extend a maximum of 12 feet into the required yards of Lot 6-9, 14, 16, 18, 23, 27, 35, 38, 43-45, and 57 all in lieu. Hearing: Wednesday, April 2, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 3/698 March 18

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200

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

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

LEGAL ADVERTISING

PROCEIVED VELLAPLE CHETTER + HOWARD OF WALLEY TO BAILTIBUTION WHITE-CASHIER PINK-AGENCY YELLOW-CUSTOMER AMOUNT \$ 800.00 AMOUNT \$ 800.00 PECEIVED VELLAPLE CHETTER + HOWARD OF WALLDATION AMOUNT \$ 800.00 PECEIVED VELLAPLE CHETTER + HOWARD OF WALLDATION CASHIER'S VALIDATION CASHIER'S VALIDATION	AMOUNT \$ 800.00 VENANCE CHETTER + HOWARD PINK-AGENCY YELLOW-CUSTOMER PINK-AGENCY YELLOW-CUSTOMER
VENABLE CHETTER + HOWARD SWILKENS ME (W SW COR OF WALLEY D) SH PINK-AGENCY YELLOW-CUSTOMER	WILKENS NEWS SUCOCOF WILLEY DINK-AGENCY YELLOW-CUSTOMER
SWILKENS NE WSWCOZOF WILLEY ZD.	MILKENS AVE CONSTONER PINK-AGENCY YELLOW-CUSTOMER
ER PINK-AGENCY YELLOW-CUSTOMER	PINK - AGENCY YELLOW - CUSTOMER
ER PINK - AGENCY YELLOW - CUSTOMER	PINK - AGENCY YELLOW - CUSTOMER

-

- -.

CERTIFICATE OF POSTING

RE: Case No.: 03-367-9PHA

Petitioner/Developer: GRAY SON HOMES

AT HIDDEN BLUFF, LLC

Date of Hearing/Closing: 4/2/03

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

٠,

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 \(\omega / \omega \) \(\omega / \omeg

CB 387 SP A CONTROL OF THE PROPERTY OF THE PRO

Sincerely,

(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

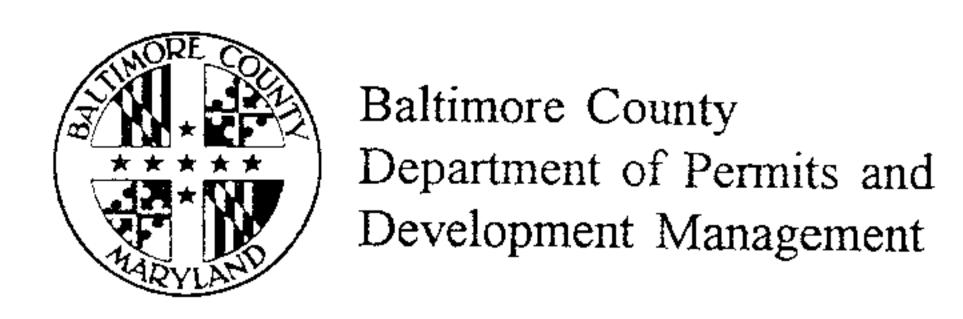
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

Fax: 410-887-5708

March 4, 2003

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: 03-367-SPHA

W/S Wilkens Avenue at S/w corner Valley Road W/side Wilkens Avenue and southwest corner Valley Road 1st Election District – 1st Councilmanic District

Legal Owner: Valley Road Limited Partnership Grayson Development Co., LLC,

David B. Vannoy, President, John and Mary Schatz

Contract Purchaser: Grayson Homes at Hidden Bluff, LLC

<u>Special Hearing</u> to amend the site plan approved in Case No. 03-156 SPHA. <u>Variance</u> to permit open porches to extend a maximum of 12 feet into the required yards of Lot 6-9, 14, 16, 18, 23, 27, 35, 38, 43-45, and 57 all in lieu of the permitted 7.5.

Hearings:

Wednesday, April 2, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon Director

AJ:rlh

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

Valley Road Limited Partnership Grayson Dev. Co., LLC, General Partner, David B. Vannoy President, 9025 Chevrolet Drive, Suite K, Ellicott City 21042 John and Mary Schatz, 5444 Wilkens Avenue, Baltimore 21228

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 18, 2003.

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

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, March 18, 2003 Issue - Jeffersonian

Please forward billing to:

Amy Dontel Venable, Baetjer & Howard 210 Allegheny Avenue

Towson, MD 21204

410-494-6244

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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: 03-367-SPHA

W/S Wilkens Avenue at S/w corner Valley Road

W/side Wilkens Avenue and southwest corner Valley Road

1st Election District – 1st Councilmanic District

Legal Owner: Valley Road Limited Partnership Grayson Development Co., LLC,

David B. Vannoy, President, John and Mary Schatz

Contract Purchaser: Grayson Homes at Hidden Bluff, LLC

Special Hearing to amend the site plan approved in Case No. 03-156 SPHA. Variance to permit open porches to extend a maximum of 12 feet into the required yards of Lot 6-9, 14, 16, 18, 23, 27, 35, 38, 43-45, and 57 all in lieu of the permitted 7.5.

Hearings:

Wednesday, April 2, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401

Bosley Avenue

averance P. Schooling of

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

> FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

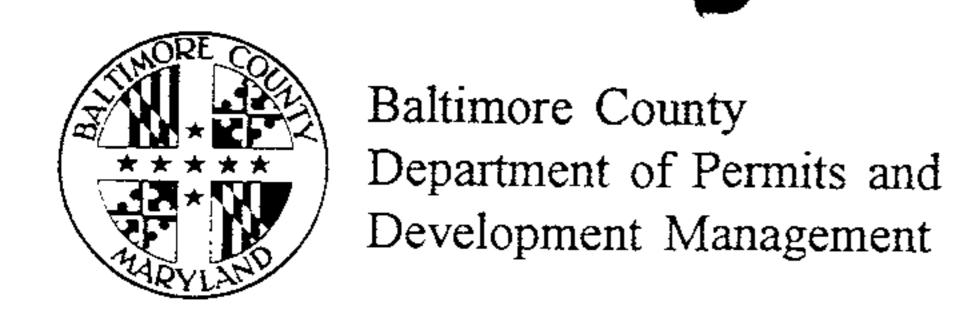
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

	er Advertising:			_		
Item Number o	r Case Number:	03-36	1-5911	1-		
Petitioner:	VARLEY Ro.	to LIMITED	PART	VENSTIP		
Address or Loc	ation: _w/s	Wilkens Are	rue B	Swk	Valley	Rose
	VARD ADVERTIS					
Address:	Tows w	eny Aven	<u>e</u>		<u> </u>	
	Tows wo	11/2/20				
Telephone Nun	nber: 470) 494 6	244			



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

March 28, 2003

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

Dear Mr. Hoffman:

RE: Case Number: 03-367-SPHA, W/S Wilkens Avenue @ SW/C Valley Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 10, 2003.

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. Supervisor, Zoning Review

U. Callidal)

WCR:klm

Enclosures

c: People's Counsel Valley Road Ltd. Partnership, Grayson Development Co., General Partner, David Vannoy, Pres., 9025 Chevrolet Drive, Suite K, Ellicott City, MD 21042 John and Mary Schatz, 5444 Wilkens Avenue, Baltimore, MD 21228



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

February 14, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 18, 2003

Item No.:

361-364, (367/& 368, 370 & 371

Dear Ms. Hart:

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.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., Governor · Michael S. Steele, Lt. Governor · Trent M. Kittleman, Acting Secretary

Date: 2.19.03

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

RE:

Baltimore County

Item No. 347

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/1/372. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

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

Very truly yours,

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

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BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon	REC	EIVED
FROM:	R. Bruce Seeley (785 TuT	APR	4 2003
DATE:	April 2, 2003	ZONING COI	MINONIAL
SUBJECT:	Zoning Item <u>367</u> Address <u>Wilkens Avenue Va</u>		MNICCININ
Zoning	g Advisory Committee Meetin	g of <u>2/18/03</u>	
	epartment of Environmental Pents on the above-referenced 2	rotection and Resource Management oning item.	has no
an ext	•	rotection and Resource Management ove-referenced zoning item to determations apply to the site.	_
	epartment of Environmental P lowing comments on the abov	rotection and Resource Management e-referenced zoning item:	offers
	development of the property the Protection of Water Qual	on or within 200 feet of the property, may need to comply with the Regulatity, Streams, Wetlands and Floodplair 350 of the Baltimore County Code).	tions for
<u>X</u>		must comply with the Forest ection 14-401 through 14-422 of the	
	<u> </u>	must comply with the Chesapeake Extions 26-436 through 26-461, and ounty Code).	-
	Additional Comments:		
	See the attached sheet for add	ditional comments.	

Reviewer: John Russo

Date: 3/6/03

Hidden Bluff
Zoning Petition Comments
Zoning item #367

Additional Comments:

1. Remove Variance Granted note #4. On November 1, 2002, this Department approved a request to reduce the 35 foot setback from the Forest Conservation Easement on lots 27 and 32. Add the following note to all future plans:

"In accordance with Baltimore County Forest Conservation Policy 06-93, the required 35 foot setback from the Forest Conservation Easement was reduced to 27 feet on lot 32 and 33 feet on lot 16. Conditions were placed on this approval to reduce forest conservation impacts. These conditions include, but are not limited to posting permanent protective signage along the Forest Conservation Easement."

- Show and label the 35 foot building setback from the Forest Conservation Easement on all future plans. Please be advised the 35 foot setback line must reflect the revised setback shown on the exhibit to reduce the setbacks on lots 27 and 32 filed with our office.
- 3. Revise the Petition for Variance to read "open deck" rather than "open porch" as stated. Open decks without roofs are allowed in the 35 foot principle structure setback from the Forest Conservation Easement. However, an open porch with a roof is not allowed in the 35 foot setback unless a request is submitted and approved by DEPRM. This would apply to Lots 16, 18, 27, 35 and 38 as well any other proposed porch with a roof that extends into the 35 foot setback. Add the following note to all future plans for this project:

"Any structures with roofs connected to the principle structure that extend into the 35 foot setback shown will require approval from DEPRM."

Jun 4/2

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: Zoning Advisory Petition(s): Case(s) 03-367 & 03-368

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:

RECEIVED

DATE: February 21, 2003

FEB 2 4 2003

Section Chief:

AFK/LL:MAC

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: February 27, 2003

TO:

Arnold Jablon, Director Department of Permits &

Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 24, 2003

Item Nos. 361, 362, 363, 364, 365, 366,

(367/368, 369, 370, and 371

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	W/S Wilkens Ave at SW corner Valley Rd W/S Wilkiens Ave & SW corner Valley Rd	*	ZONING COMMISSIONER
	1st Election & 1st Councilmanic Districts	*	FOR
	Legal Owner(s): David Vannoy, Pres. Valle	y	
	Rd Ltd Pship; John & Mary Schatz	*	BALTIMORE COUNTY
	Contract Purchaser(s): David Vannoy, VP		
	Grayson Homes at Hidden Bluff, LLC	*	03-367-SPHA
	Petitioners		

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 day of March, 2003, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

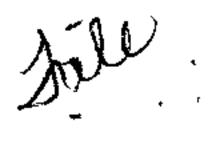
RECEIVED

MAR 0 3 2003

Per. bh

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County





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



MARYLAND
WASHINGTON, D.C.
VIRGINIA

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

dhkarceski@venable.com



April 16, 2003

<u>HAND-DELIVERED</u>

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

Re: Petitions for Special Hearing and Variance

W/S Wilkens Avenue, SW/C Valley Road

1st Election District, 1st Councilmanic District

Case No. 03-367-SPHA

Dear Mr. Kotroco:

I am in receipt of your Findings of Fact and Conclusions of Law and accompanying Order dated April 3, 2003, and respectfully request that a correction be made to your Order. While it is clear from the body of your Findings of Fact and Conclusions of Law that you intended to grant all the relief requested by way of the Petition for Variance filed in the case (copy enclosed), in the Order that relief is not granted for the correct lots.

Petitioner requested the following relief:

Variance from Section 301.1. of the Baltimore County Zoning Regulations to allow open porches to extend a maximum of 12 feet into the required rear yard of Lots 6-9, 14, 16, 18, 23, 27, 35, 38, 43-45 and 57 in lieu of the permitted 7.5 feet.

The Order granted the necessary relief for Lots 6-9, 16, 18, 23, 27, 35, 38, 43-45 and 57 and also Lot 13 for which a variance was not requested rather than Lot 14, which requires the variance. As I am sure you are aware, I need to make sure your Order is perfectly clear to ensure that our client, Grayson Development Company, LLC, does not have any problems at the permitting stage.



Timothy M. Kotroco, Deputy Zoning April 16, 2003 Page 2

I would, therefore, appreciate it if you would countersign this letter below in order to indicate your agreement that the relief granted applies to all of the lots listed on the Petition, including Lot 14. I am also requesting that you include this letter in the permanent case file for the case.

Thank you for your attention to this matter.

Very truly yours,

David H. Karceski

AGREED AND APPROVED:

Timothy M. Kotroco,

Deputy Zoning Commissioner

for Baltimore County

DHK

Enclosure

TO1DOCS1/DHK01/#158403 v1

Robert L. Ehrlich, Jr.

Michael S. Steele

Lt. Governor



Audreg E Scott Secretary

Florence E Burian
Deputy Secretary

February 21, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 02/24/03 re: ease numbers 03-361-A, 03-362-SPHA, 03-363-A, 03-364-SPHA, 03-365-SPHXA, 03-366-SPH, 03-367-SPHA, 03-368-A, 03-369-A, 03-370-A, 03-371-SPH

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 02/21/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

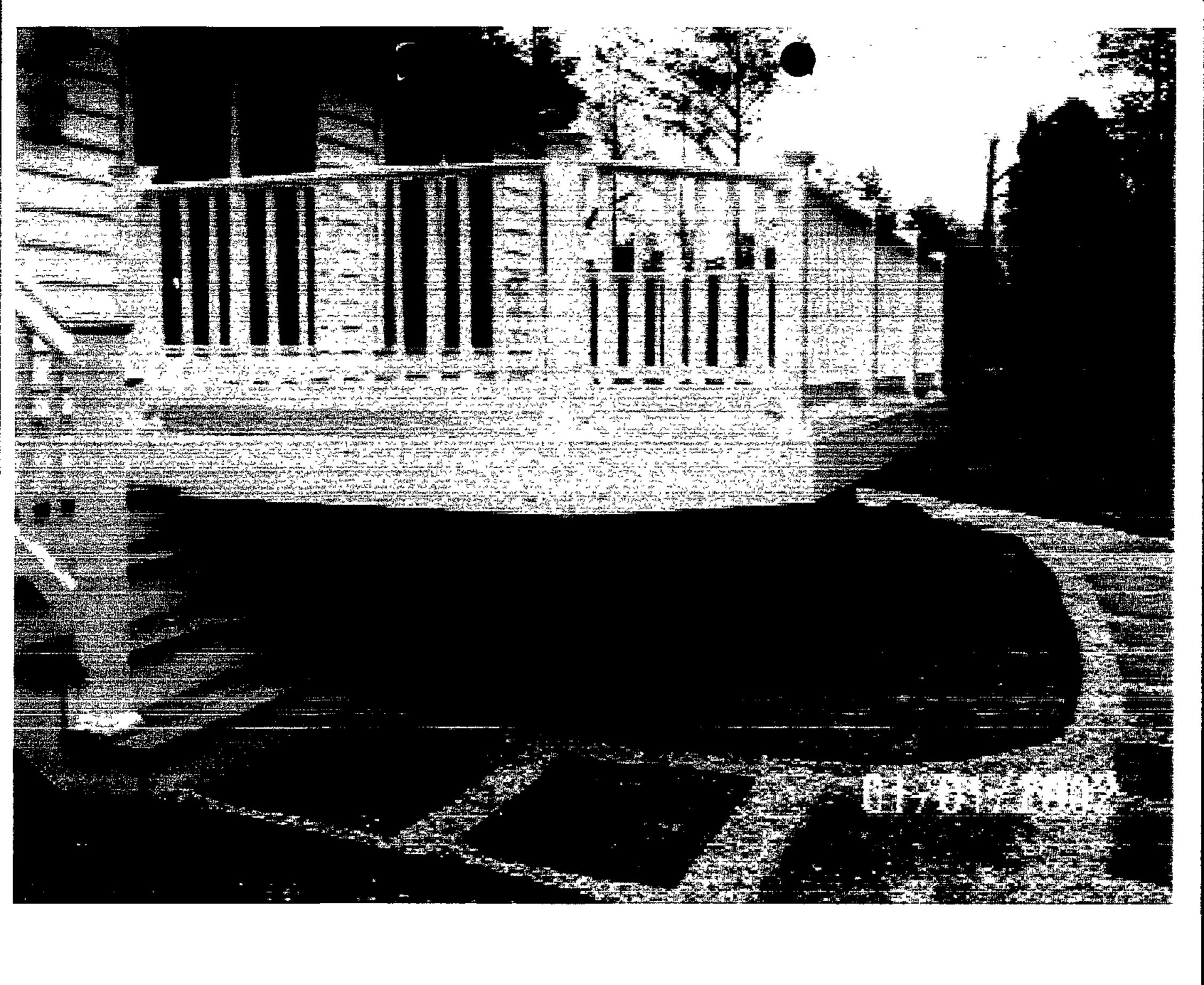
cc: Mike Nortrup

PLEASE PRINT CLEARLY

CASE NAME HULLEN ZA ZA BATARY SONTES DATE 4/02/03

PETITIONER'S SIGN-IN SHEET

E-MAIL	of dhkaruski@ventle.co	dmittena magta .com		Kwingal Chorender. Cam									
CITY, STATE, ZIP	2/2			Calindia, MD 21045									
VENARDRESSISCAMO Hom	2	MORRES & RITCHIE 185. 110 WESTRD.	en Irv. Lo. Sum		Sifeden								
NAME	カイカロをと	DON MITTEN /	Xery Wildate										



01/01/2002