IN RE: PETITION FOR SPECIAL HEARING
S/S Winands Road, 488 ft.
W of Nemo Road
2nd Election District
4th Councilmanic District
(8821 Winands Road)

Kathleen M. & Keith A. Nicholas Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 03-536-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner on a Petition for Special Hearing for the property located at 8821 Winands Road in the Randallstown community of Baltimore County. The Petition was filed by Keith A. Nicholas and Kathleen M. Nicholas, property owners. Special Hearing relief is requested to approve the First Amended Final Development Plan of "Falcon Ridge", to create two additional lots on existing Lot No. 47 (total of 50 lots). The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the First Amended Red Lined Final Development Plan for "Falcon Ridge".

Appearing at the requisite public hearing held for this case were Keith A. and Kathleen M. Nichols, property owners. Also present was Scott A. Lindgren, the surveyor from Gerhold, Cross & Etzel, Ltd. who prepared the First Amended Red Lined Final Development Plan and Andre Henry. Appearing as interested parties were Brian Oliver, James Forbes, Robert Bensal, Jerome Richards and Andre Arter.

Testimony and evidence presented was that the subject property under consideration is part of a larger tract that has been developed as a residential community known as "Falcon Ridge". The overall tract is approximately 16.953 acres in area, zoned D.R.3.5. The property is located at the southwest corner of the intersection of Winands Road and Nemo Road in Randallstown.

This subdivision was approved by the CRG. (County Review Group) on October 14, 1987. At that time, the CRG was responsible for review of proposed development in Baltimore County. The proofed CRG plan provided for 48 single-family dwelling lots. Additionally, the plan provided for a relatively larger area of local open space to be owned and maintained by Baltimore County. That area of open space is located immediately adjacent to the intersection. The plan also shows a storm water management reservation area. Vehicular access to this property was by way of a new public road known as "Falcon Ridge Drive". That road entered the site from the north (Winands Road) and crossed the entire length of the property. The second entrance was by way of Nemo Road.

The plan also shows that Lot No. 47 retained an existing two-story, single-family dwelling known as "8821 Winands Road". That lot is approximately 245 ft. wide and 290 ft. deep and is slightly less than one acre in area. The Petitioners, Mr. & Mrs. Nicholas are owners of that lot.

They propose a subdivision of that lot so as to create two new lots. The existing dwelling will be retained as Lot No. 47. The new lot to the east of the existing lot will be created as Lot No. 49. A second lot to the west of the existing dwelling will be created to be known as Lot No. 50. Both new lots will be developed with single-family dwellings.

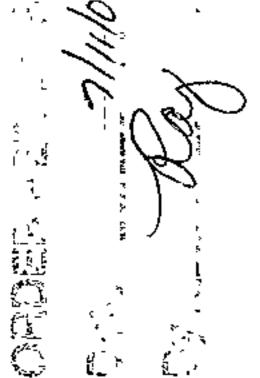
It is to be noted that there is sufficient density to accommodate this request. Based upon the property's D.R.3.5 zoning and total gross acreage of 16.953 acres, there is density for 59 dwelling lots. The proposed subdivision will bring the total number of lots on the overall tract to 50, which is less than the density permitted. Moreover, it is to be emphasized that there will be compliance with all zoning and development regulations. That is, there are no zoning variances necessary. All required setbacks and area requirements are satisfied. Thus, it is to be noted that

the property is served by public water and sewer, and connections to these public utilities are available.

The neighbors who appeared are concerned about the potential impacts of the proposed development. They are concerned about the buffering and any landscaping to existing dwellings, as well as the retention of open space. Concerns were also expressed over the impact on existing property values.

The Petitioners responded to these concerns. They indicated that landscaping would be installed and existing trees would be retained as possible. Additionally, the open space retained is greater than required under County regulations. Finally, it is indicated that the proposed houses will be consistent with houses in the neighborhood and will include attached garages.

Based upon the testimony and evidence presented, it is clear that the Petitioners have the right, as set forth in the regulations, to subdivide the property as proposed. As noted above, the overall development is under density and there are no zoning variances or other peculiar relief which need be required for the proposed subdivision. Moreover, based upon the testimony and evidence offered, I am persuaded that the subdivision will not detrimentally impact adjacent properties. For these reasons, the Petition for Special Hearing shall be granted. However, in approving the request, I will impose a condition/restriction to minimize impacts on the existing neighborhoods. Specifically, the Office of Planning has suggested that vegetative screening be installed on the eastern property line of Lot No. 49 and along the rear property line of Lot Nos. 49, 47 and 50. This recommendation shall be incorporated as a condition to the approval, to provide a buffer from existing residences.



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

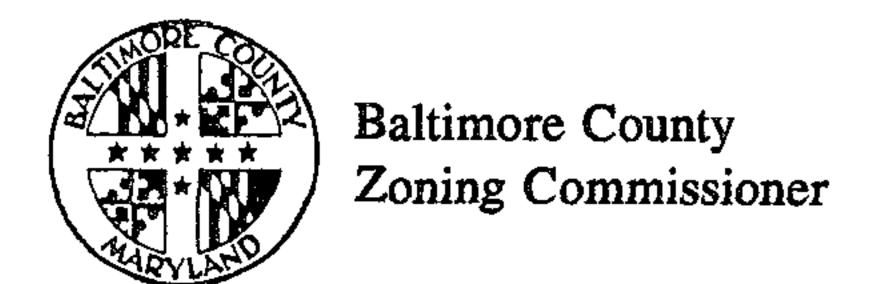
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this ///day of July, 2003, that as to the Petitioners' Special Hearing request, to approve the First Amended Final Development Plan of "Falcon Ridge" and to create two additional lots on existing Lot No. 47 (total of 50 lots), be and is hereby GRANTED, subject, however, to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Compliance with the recommendations made by the Office of Planning in the Zoning Advisory Committee (ZAC) comment dated June 9, 2003.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj



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

Fax: 410-887-3468

July 11, 2003

Mr. & Mrs. Keith A. Nicholas 8821 Winands Road Randallstown, Maryland 21133

> Re: Petition for Special Hearing Case No. 03-536-SPH Property: 8821 Winands Road

Dear Mr. & Mrs. Nicholas:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Hearing 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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure

#### Copies to:

Scott Lindgren Gerhold, Cross & Etzel, Ltd. 320 E. Towsontown Boulevard, #100 Towson, MD 21286

Andre Henry 8210 Scotts Level Road Pikesville, MD 21208

Brian Oliver 8802 Falcon Ridge Drive Randallstown, MD 21133

James Forbes 8801 Falcon Ridge Drive Randallstown, MD 21133

Robert H. Bensal 8810 Falcon Ridge Drive Randallstown, MD 21133

Andre Arter 4000 Nemo Road Randallstown, MD 21133



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	8821	Winands	Road	
which is	prese	ntly zone	d D.R.3.5	· · · · · · · · · · · · · · · · · · ·

I/We do solemnly declare and affirm, under the penalties of

UNAVAILABLE FOR HEARING

perjury, that I/we are the legal owner(s) of the property which

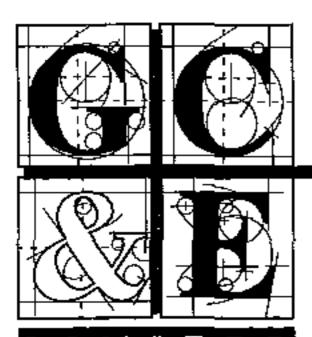
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section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

The 1st Amended Final Development Plan "Falcon Ridge" TO CREATE TWO ADDITIONAL LOTS ON EXISTING LOT# 47 (TOTAL OF 50 LOTS)

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.

			is the subject of this Peti	tion.		
Contract Purchaser/	<u>Lessee:</u>		Legal Owner(s):			
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Signature			Signature  Kathleen M. Nich	holas		
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aty	State	Zip Code	Signature		41	1.0
Attorney For Petition	ner:		8821 Winands Roa	ad		96–6958
			Address		·····	Telephone No.
<del></del>			Randallstown		MD	21133
tame - Type or Print			City		State	Zip Code
9 - 6	<u>.                                    </u>	····	Representative to I	<u>be Conta</u>	acted:	
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### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

536

April 25, 2003

# ZONING DESCRIPTION #8821 Winands Road

Beginning for the same on the south side of Winands Road, 70 feet wide, 468 feet, more or less, west of the center of Nemo Road, 60 feet wide, and being known as Lot 47, "Falcon Ridge" Platbook S.M. No. 58 folio 119.

Containing 1.637 Acres of land, more or less.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.



BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  No. 23515 No. 23515
DATE 5/08/03 ACCOUNT 00/0066/50
AMOUNT \$ 65.00
RECEIVED Combald Lives & Typed
FOR: 1000 (FDP 1+47
DISTRIBUTION

YELLOW - CUSTOMER

WHITE - CASHIER

PINK - AGENCY

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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: #03-536-SPH
8821 Winands Road
S/side Winands Road, 488
feet west of Nemo Road
2nd Election District
4th Councilmanic District
Legal Owner(s): Keith A
and Kathleen M. Nicholas
Special Hearing: to permit
the first amended Final Development Plan "Falcon
Ridge" to create two additional lots on existing Lot #
47 (total of 50 lots).
Hearing: Wednesday, June
25, 2003 at 11:00 a.m. in
Room 106, County Office
Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

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

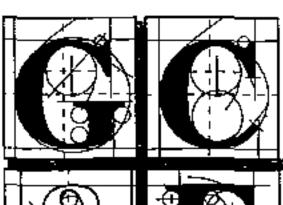
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/6/671 June 10 C608789

# CERTIFICATE OF PUBLICATION

6/13/,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 6/10/2003.
<b></b>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. William

LEGAL ADVERTISING



# Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906



Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone. (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

#### **CERTIFICATE OF POSTING**

RE: CASE # 03-536-SPH PETITIONER/DEVELOPER: Keith and Kathleen Nicholas DATE OF HEARING: June 25, 2003

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

**ATTENTION: REBECCA HART** 

**LADIES AND GENTLEMEN:** 

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

#### **LOCATION:**

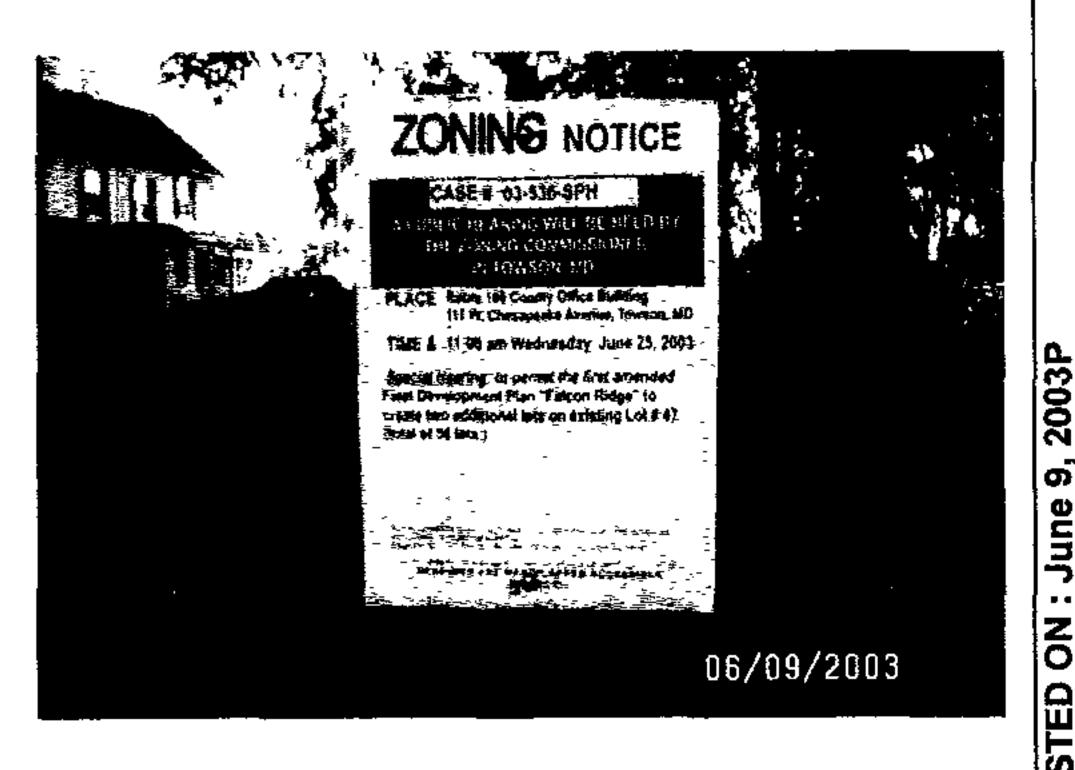
S/side Winands Road, 488 feet west of Nemo Road

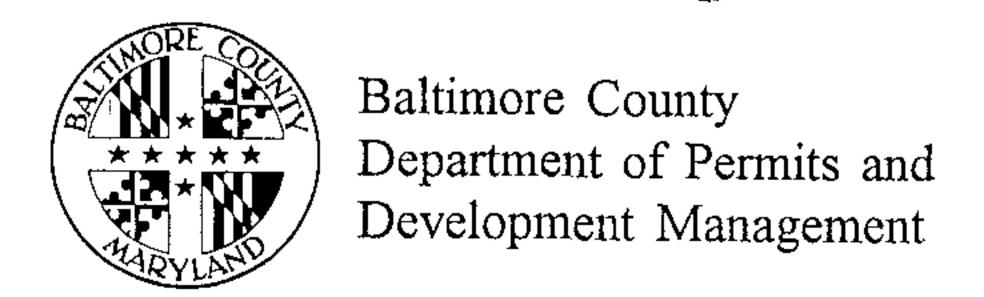
**DATE:** June 10, 2003

SIGNATURE OF SIGN POSTER

**BRUCE DOAK** 

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX





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

Fax: 410-887-5708

May 19, 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: 03-536-SPH

8821 Winands Road S/side Winands Road, 488 feet west of Nemo Road 2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District Legal Owner: Keith A. and Kathleen M. Nicholas

Special Hearing to permit the first amended Final Development Plan "Falcon Ridge" to create two additional lots on existing Lot # 47 (total of 50 lots).

Hearings:

Wednesday, June 25, 2003 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon Director

AJ:rlh

C: Keith A. Nicholas, Kathleen M. Nicholas, 8821 Winands Road, Randallstown 21133 Scott Lindgren, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontowne Blvd., #100, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 10, 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, June 10, 2003 Issue - Jeffersonian

Please forward billing to:

Keith A. and Kathleen M. Nicholas 8821 Winands Road Randallstown, MD 21133

410-496-6958

#### **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: 03-536-SPH

8821 Winands Road
S/side Winands Road, 488 feet west of Nemo Road

2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District
Legal Owner: Keith A. and Kathleen M. Nicholas

Special Hearing to permit the first amended Final Development Plan "Falcon Ridge" to create two additional lots on existing Lot # 47 (total of 50 lots).

Hearings: Wednesday, June 25, 2003 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

LAWRENCE E. SCHMIDT

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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.





# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

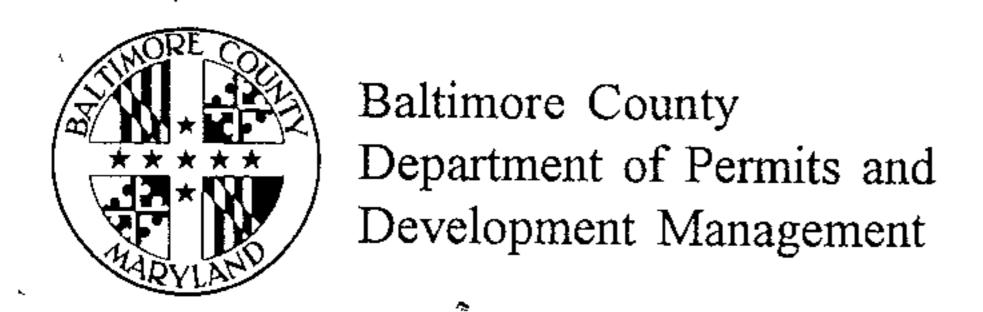
#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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:
Petitioner: KEITH A. & KATHLEEN M. NICHOLAS
Address or Location: 8821 MINANDS ROAD
PLEASE FORWARD ADVERTISING BILL TO:
Name: KEITH A. 4 KATHLEEN M. NICHOLAS
Address: 8821 WINANOS ROAD
RANDALLSTOWN, MD 21133
Telephone Number: 410-496-6958



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

Fax: 410-887-5708

June 20, 2003

Keith A. Nicholas Kathleen M. Nicholas 8821 Winands Road Randallstown, MD 21133

Dear Mr. and Mrs. Nicholas:

RE: Case Number: 03-536-SPH, 8821 Winands Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 8, 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. Callilal D

WCR:klm

Enclosures

People's Counsel C: Scott Lindgren, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., #100, Towson 21286



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

() ปิธิบรณหลังขาน ใน โรมส (ลยังเนา) ห

RE:

Date: 5. 27.03

Baltimore County

Item No. 534

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

Dear. Ms. Hart:

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,

/~ F

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



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

June 3, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 19, 2003

Item No.:

532-(836) 538-542

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.

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

cc: File

# BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 9, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

JUN 1 2 2003

ZONING COMMISSIONER

SUBJECT:

8821 Winands Road

**INFORMATION:** 

**Item Number:** 

03-536

Petitioner:

Keith A. Nicholas

Zoning:

DR 3.5

Requested Action:

Special Hearing

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request providing an effective vegetative screening is provided along the eastern side property line of lot 49 and along the rear property line of lots 49, 47 and 50. Said vegetative screening shall consist of a double row of evergreen and deciduous trees. Submit a landscape plan to this office for review and approval prior to the issuance of any building permits.

Prenared by:

**Section Chief:** 

AFK/LL:MAC:

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** May 30, 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 May 27, 2003 Item Nos. 532, 533, 534, 535, 536, 538, 542, and 543

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

8821 Winands Rd; S/side Winands Rd,

488' W Nemo Rd

2<sup>nd</sup> Election & 4<sup>th</sup> Councilmanic Districts Legal Owner(s): Keith & Kathleen Nichols

Petitioner(s)

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 03-536-SPH

\* \* \* \* \* \* \* \* \*

#### **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/

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 <u>J3</u> day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to Scott Lindgren, Gerhold, Cross & Etzel, Ltd, 320 Towsontown Blvd, Suite 100, Towson, MD 21286, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

COPY

# DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS, made this \_\_\_\_\_ day of \_\_\_\_\_ 198\_\_ by Falcon Ridge Limited Partnership, Declarant.

WHEREAS said Declarant is the owner of the property shown on the plat of Falcon Ridge, which plat is intended to be recorded among the land records of Baltimore County contemporaneous with the recordation of this Declaration.

WHEREAS the Declarant has agreed to develop said property with a general scheme and plan of development and

WHEREAS the Declarant has adopted the covenants and restrictions hereinafter set forth to protect purchasers of lots in Falcon Ridge from depreciation in the value thereof and to assure them of uniformity of development of said property and to facilitate sale of said property in said development by virtue of such protection.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That the said Falcon Ridge Limited Partnership, Declarant, does hereby establish and impose upon all the lots shown on the aforesaid Plat the following protective restrictions and covenants, to be observed and enforced by the Declarant hereto, its respective successor, heirs and assigns, as well as by all purchasers of lots shown on said plat, to wit:

- 1. UNIT SIZE: The land included in the subdivision known as Falcon Ridge shall be used for private residential homesite use only. Any dwelling house erected thereon shall contain a minimum living floor area of 1000 square feet which 1000 square feet shall not include any area in garages, attic, porches, patio or terraces.
- 2. DATE OF COMPLETION: Any structure constructed on said homesite shall be completed in every exterior detail within nine months from the date of beginning of such construction. No temporary structures, trailer, tent, garage or other outbuildings shall be placed on said parcel of land to be occupied as a dwelling.
- 3. LAND USE AND BUILDING TYPE: The land in said tract, and any lot or lots now or hereafter laid out thereon, shall be used for residential purposes only, except and provided as follows:
- A. Real Estate Sales Offices, including Sales Trailers, Construction Offices, and Signs may be erected, maintained and operated on any part of said land and in any building or structure now or hereafter erected thereon during the combined construction and sales period.

B. Any part of any dwelling now or hereafter erected on said land may be used as a physician's office or dentist's office without hospital facilities, for the treatment of patients and for the practice of said professions, provided that the physician or dentist using such office resides in the same dwelling in which such office is located.

#### 4. BUILDING LOCATION:

- A. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded Plats or any amendment to or resubdivision thereof.
- B. For the purpose of this covenant, eaves, steps, carports and open porches shall not be considered as a part of a building.
- C. An encroachment into the aforesaid setback areas of not more that twelve (12) inches shall not constitute a violation of these restrictions.
- EASEMENTS: Easements for installation and maintenance of utilities and surface and subgrade drainage facilities are reserved as shown on the recorded Plats. In addition to drainage and utility easements shown on the recorded plats all lot lines are the center line of a ten (10) foot drainage and utility easement, except lot lines through or adjacent to structures. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow or drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained constantly by the Owner of the lot except for those improvements for which a public authority or utility company is responsible. Further, the Baltimore Gas & Electric Company shall have the right to place upon the lots at such locations as may be deemed necessary by the Baltimore Gas & Electric Company, electric transformers, transformer pads and telephone pedestals.
- 6. CONSTRUCTION PRIOR TO BUILDING DWELLING HOUSE: Any garage, garden house, fence or other structure of any kind to be erected on said homesite must not be constructed prior to the dwelling house.
- 7. DWELLINGS PER LOT: No more than one dwelling shall be erected on each lot.
- 8. LIVESTOCK AND POULTRY: No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.

- 9. UNSIGHTLY PROPERTY: No above-ground pools, TV saucer receivers, abandoned inoperative vehicles, boats, trailers, campers, mobile homes, recreational vehicles, or trucks above three-quarter ton pickup size shall be permitted upon any lot. Furthermore, no permanent clothes lines shall be constructed on any lot.
- 10. OUTDOOR STORAGE: No outdoor storage of any materials or equipment or the repair or dismantling of automotive vehicles or other type of equipment shall be permitted; except for the owner working on his own personal vehicles.
- 11. NUISANCES: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
- 12. SIGNS: No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more that one square foot; one sign of not more that five square feet advertising the property for sale or rent; or signs used by the Declarant, its heirs, personal representatives, successors or assigns, to advertise the property during the construction and sales period.
- 13. FENCES: No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback lines as shown on the recorded Plats or any amendment to or resubdivision thereof. Where two adjacent houses are of different distances from the street, no fence or wall between the two shall be closer to the street than the front wall of the house most distant from the street. No fence or wall shall exceed 42 inches in height and shall not interfere with the underground or surface drainage structural pipes or ditches. This restriction shall not apply to enclosures of swimming pools, patios or open garden courts and shall not apply to retaining walls required by topography.
- 14. ARCHITECTURAL CONTROL: No building, fence, wall, patio enclosure, swimming pool or structure of any kind shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing location of the structure, fence or wall have been approved by the Declarant, its heirs, successors and assigns as to quality of workmanship and materials, harmony of exterior design with existing structures and as to location with respect to topography and finish grade elevation; which approval shall not be arbitrarily withheld.
- 15. TRASH OR DEBRIS: No trash or debris shall be permitted to accumulate upon any lot within the subdivision. Each lot shall be maintained in a neat and uncluttered manner.
- 16. TRASH RECEPTACLES: All receptacles for trash shall be kept in the garage, outbuildings, or in an enclosed area in a side yard, or in the rear yard of the lot.

- 17. TERM: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded. after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.
- 18. SEVERABILITY: Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.
- 19. DECLARANT'S RESERVED RIGHTS: Notwithstanding anything in this Declaration to the contrary, the Declarant, FALCON RIDGE LIMITED PARTNERSHIP, for itself, its heirs, personal representatives, successors and assigns, reserves the right to amend this Declaration to conform to any requirements of the Veterans Administration and or Federal Housing Administration, the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association without prior approval or all joinder by any lot owner or owners subject, however, to approval by Baltimore County, Maryland, for county requirements.
- 20. ENFORCEMENT OF COVENANTS AND RESTRICTIONS: The developer or any lot owner shall have the right to enforce, by any proceeding at law or in equity, all covenants and restrictions imposed by the provisions of this Declaration. Failure of the developer or any lot owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

AS WITNESS the hands and seals of the Developer the day and year first above written.

			Partner	** *** *** *** *** *** *** *** *** ***	<del></del>
ATTEST:	FALCO	N RIDGE	LIMITED	PARTNERSHIP,	DECLARANT

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this \_\_\_\_ day of \_\_\_\_\_, 1987, before me, the subscriber, a Notary Public of the State Of Maryland, personally appeared Ronald O. Schaftel, General Partner of Falcon Ridge Limited Partnership and he acknowledged the forefoeing Declaration of Covenants And Restrictions to be the act and deed of said partnership.

AS WITNESS my hand and Notarial Seal.

	Notary Public
mmision Evoires.	MAN A LUDITE

Robert L. Ehrlich, Jr.



Audrey E. Scott
Secretary

Florence E. Burlan
Deputy Secretary

Michael S. Steele

May 19, 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 05/27/03 re: case numbers 03-532-X, 03-533-A, 03-534-SPH, 03-535-A, 03-536-SPH, 03-537-XA, 03-538-A, 03-539-A, 03-540-A, 03-541-A, 03-542-A, 03-543-X

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 05/19/03. 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

Luin. Gatta

Planning Services

cc: Mike Nortrup

CASE NAME 8821 WINANDS ROAD CASE NUMBER 03-536-5PH DATE JUNE 25, 2003

# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
SCOTT A. LINDGREN	GERHOLD, CROSS & ETZEL, LTD. 320 E. TOWSONTOWN BLVD #100	TOUSON, MD 21286	
Keith A. Michalas	8821 Winands Rd.	Randalls joun 21133	
Kathleen Millicholas	8821 Willands Rd	Pondal191000 21193	
Andre Henry	8210Scotts Level Kd	1. Kesville Mazzzos	
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Case Number <u>03-536-5PH</u>

#### PLEASE <u>PRINT</u> LEGIBLY

#### PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
7 . 01.	BBOZ FA/CON Ridge Dr.	0 11/10 110	
Brian OliNER	RANDALICHOUN, LLA 2167 8801 FALCON 276. DR	Randallstown, MD	2115
AMOS FORBES		į (	۹,
2 cb / Bengal	8810 Polem Miss. Dr	))	) )
Jerome Richards	8812 FALCON Riber Dr	1	1 "
ANDRÉE PARTER		, ,	,,
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		Revised 4	/17/00

