IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE - NW/S Wilkens Avenue,

200' NE of the c/l Fairway Avenue * ZONING COMMISSIONER

(Hidden Bluff, Lots 2 and 54)

1st Election District * OF BALTIMORE COUNTY

1st Council District

* Case No. 03-580-SPHA

BEFORE THE

Valley Road L.P. and
Grayson Development Co., LLC -

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Valley Road Limited Partnership and Grayson Development Company, LLC, and the Contract Purchasers, Grayson Homes at Hidden Bluff, LLC, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special hearing to approve an amendment to the previously approved site plan in Case No. 03-367-SPHA, and an amendment to the Final Development Plan for Hidden Bluff, Lots 2 and 54, only, to incorporate the proposed modifications. In addition, variance relief is requested from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit open porches to extend a maximum of 12 feet into the required rear yard for Lots 2 and 54 in lieu of the allowed 7.5 feet (to allow open porches with a rear yard setback of 18 feet in lieu of the minimum required 22.5 feet). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Donald N. Mitten, a representative of Morris & Ritchie Associates, Inc., the engineers who prepared the site plan for this property, and David Karceski, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

The subject property is part of the residential subdivision, known as Hidden Bluff, which obtained development plan approval under Case No. I-483 and is currently being developed

20/62 Comment of the 20/63

with 58 single-family dwellings. The property is located on the west side of Wilkens Avenue at the southwest corner of Valley Road in Catonsville, near the University of Maryland for Baltimore County and the Spring Grove State Hospital. Special hearing and variance relief was originally requested in Case No. 02-544-SPHA for certain front, side and rear building face to adjacent buildings. Thereafter, in Case No. 03-156-SPHA, special hearing and variance relief was granted to allow other reduced setbacks and an amendment to the previously approved plan. Finally, in Case No. 03-367-SPHA, the Petitioners sought identical relief as is requested in the instant case to allow decks of 12 feet in depth in lieu of the permitted 7.5 feet for Lots 6 through 9, 14, 16, 18, 23, 27, 35, 38, 43 through 45, and 57. By his Order dated April 3, 2003, Deputy Zoning Commissioner Timothy M. Kotroco granted that relief. Apparently, the relief was necessitated given the setback distances from the rear of those homes to the rear property line. The Petitioners now come before me seeking relief as set forth above for Lots 2 and 54, which were not identified in prior Case No. 03-367-SPHA.

Based upon the testimony and evidence offered, I am easily persuaded that relief should be granted as set forth above, and that the site plan and development plan should be amended accordingly. The Findings of Fact and Conclusions of Law and Order issued by Deputy Zoning Commissioner Kotroco in the prior case are applicable and are thereby incorporated herein.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of August, 2003 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in Case No. 03-367-SPHA, and an amendment to the Final Development Plan for Hidden Bluff, Lots 2 and 54, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit open porches to extend a maximum of 12 feet into the required rear yard for Lots 2 and 54 in lieu of the allowed 7.5 feet (to

allow open porches with a rear yard setback of 18 feet in lieu of the minimum required 22.5 feet), in accordance with Petitioner's Exhibit 1, be and is hereby GRNATED, subject to the following restriction:

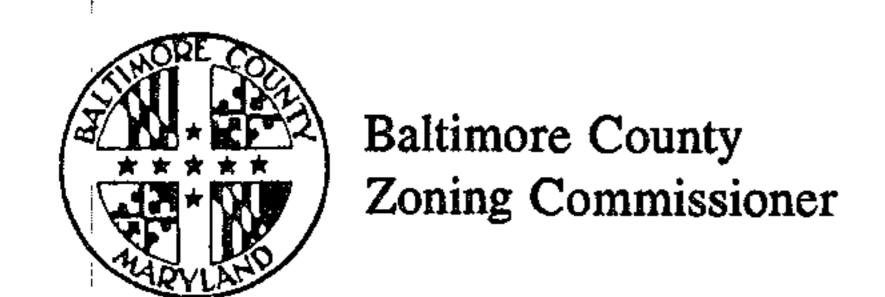
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order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

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

The state of the s



August 28, 2003

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

Fax: 410-887-3468

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

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE NW/S Wilkens Avenue, 200' NE of the c/l Fairway Avenue (Hidden Bluff, Lots 2 and 54) 1st Election District – 1st Council District Valley Road L.P. and Grayson Development Company, LLC, Owners; Grayson Homes at Hidden Bluff, Contract Purchasers - Petitioners Case No. 03-580-SPHA

Dear Mr. Karceski:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

Mr. David Vannoy, President, Grayson Development Company, LLC 9025 Chevrolet Drive, Suite K, Ellicott City, Md. 21042
 Mr. Donald M. Mitten, Morris & Ritchie Assoc., Inc. 1220-C East Joppa Road, Towson, Md. 21286
 People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at SW/C Valley Road

W/S Wilkens Avenue @

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. 03-367-SPHA and to amend the Final Development Plan for Hidden Bluff. DHK

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.

			I/We do solemnly declare and perjury, that I/we are the legal is the subject of this Petition.	affirm, under the owner(s) of the p	penalties of property which
Contract Purchaser/	<u>Lessee:</u>		Legal Owner(s):		
SEE ATTACHED			SEE ATTACHED		
Name - Type or Print			Name - Type or Print		
Signature		<u> </u>	Signature		····
Address	<u> </u>	Telephone No.	Name - Type or Print		
City	State	Žip Code	Signature		
Attorney For Petition Robert A. Hot			Address		Telephone No.
Name - Type or Print	1 1/sk		City Panracantativa to be Ca	State	Zip Code
Signature		1 T.D	Representative to be Co	miaciea:	
Venable, Baet Company	Jer and Howa	ira, LLP	Robert A. Hoffman Name		
210 Allegheny	7 Ave	(410) 494-6200	210 Allegheny Ave.	(410)	494-6200
Address		Telephone No.	Address		Telephone No.
Towson	MD	21204	Towson,	MD	21204
City	State	Zip Code	City	State	Zip Code
2 3			OFFICE US	SE ONLY	
CONTON TO THE PARTY OF THE PART			ESTIMATED LENGTH OF	HEARING _	
Case \bullet 0. $\underline{03-56}$	80-SPHA		UNAVAILABLE FOR HEA	RING	
REV 9115198		Revie	wed By JNP D	ate <u>6 /</u>	0/03

Signature Page

Legal Owner:

Valley Road Limited Partnership

Grayson Development Company, LLC, General Partner

By: David Vannoy, President

Signature

9025 Chevrolet Drive, Suite K Ellicott City, Maryland 21042

(410) 461-5900

Signature Page

Contract Purchaser:

Grayson Homes at Hidden Bluff, LLC

By: David Vannoy, Vice President

Signature

9025 Chevrolet Drive, Suite K Ellicott City, Maryland 21042

(410) 461-5900



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at SW/C Valley Road

which is presently zoned D.R. 3.5

I/We 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

REV 9/15/98

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

70 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. <u>Contract Purchaser/Lessee:</u> <u>Legal Owner(s):</u> SEE ATTACHED SEE ATTACHED Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City Zip Code State Signature **Attorney For Petitioner:** Address Telephone No. Robert A. Hoffman Name - Type or Print City State Zip Code Representative to be Contacted: Signature Venable Baetjer and Howard, LLP Robert A. Hoffman Company Name 210 Allegheny Avenue 210 Allegheny Avenue (410) 494-6200494-6200 (410)Address Telephone No. Address Telephone No. Towson \mathbf{M} 21204 Towson, MD 21204 Zip Code City State City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING ___ Case No. 53-580-5PHA UNAVAILABLE FOR HEARING

Date

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 2 and 54 in lieu of the permitted 7.5 feet. (To allow open porches with a rear yard setback of 18 feet in lieu of the minimum required 22.5 feet.)

DNM:\10757\petition2.doc\060903

Signature Page

Legal Owner:

Valley Road Limited Partnership

Grayson Development Company, LLC, General Partner

By: David Vannoy, President

Signature

9025 Chevrolet Drive, Suite K Ellicott City, Maryland 21042

(410) 461-5900

Signature Page

Contract Purchaser:

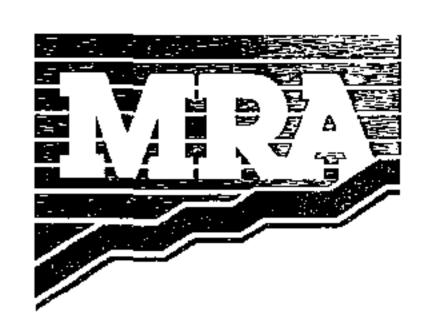
Grayson Homes at Hidden Bluff, LLC David Vannoy, Vice President By:

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 Records of Baltimore County, Maryland in Plat Book S.M. 74, folio 34.

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



110 West Road, Suite 245, Towson, MD 21204

(410) 821-1690

Fax: (410) 821-1748

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RECEIVED MISS & Rithie Associates, Inc. FOR:	Reset for \$260.00 CM (No.00) CM (
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

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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: #03-580-SPHA

W/side of Wilkens Avenue @ S/west comer of Valley Road N/west side of Wilkens Avenue, 200 feet N/east of Fairway Avenue 1st Election District - 1st Councilmanic District Legal Owner(s). David Vannoy, Valley Road Limited Partnership

Contract Purchaser. David Vannoy, Grayson Homes

Special Hearing: to amend the site plan approved in Case

No. 03-367-SPHA, and to amend the Final Development

Plan for Hidden Bluff Variance: to permit open porches to

extend a maximum of 12 feet into the required rear yard of Lots 2 and 54 in lieu of the permitted 7.5 feet. (To allow open porches with a rear yard setback of 18 feet in lieu of the minimum required 22.5 feet.)

Hearing: Monday, August 25, 2003 at 11:00 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. C619081 8/007 Aug. 7

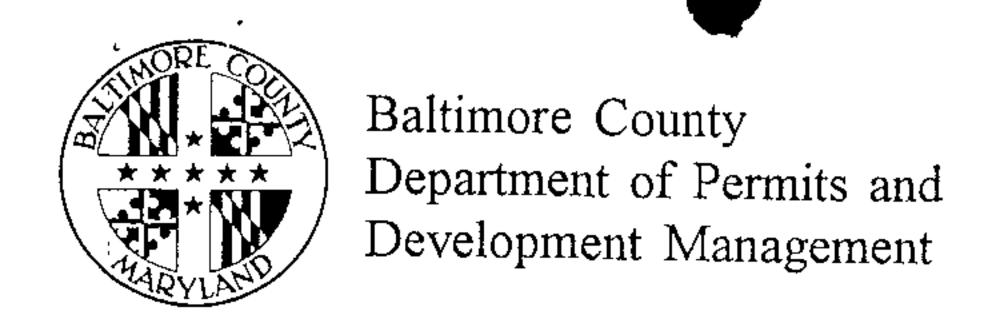
CERTIFICATE OF PUBLICATION

LEGAL ADVERTISING

CERTIFICATE POSTING

	Petitioner/Developer: DAVID UANNO
	GRAYSON HOMES
<i>y</i>	Date of Hearing/Closing: 925/03
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:	*
This letter is to certify under the penalties of	of perjury that the necessary sign(s) required by law
were posted conspicuously on the property OBJUNEST CORNER OF (WILKENS AVE 200 FEET	located at W/SIDE OF WILKENS AVE IALLEY RD WWEST SIDE OF
The state of the s	NEAST OF FAIRWAY AVE
The sign(s) were posted on	8/8/03
- -	(Month, Day, Yéar)
ZONING NOTICE	Sincerely,
A PUBLIC HEARING HELD BY	(Signature of Sign Poster and Date)
THE ZONING CUMMISSIONER IN TOWSON, MD	SSG ROBERT BLACK
PLACE: HOOM HOTI COMMITTED TO THE LATE HOLDER TO ME	
DATE AND TIME MONDAY, AUGUST 25, 2003 ATTI DOAM REQUEST: SETUAL HEARING TO AMEND THE SITE PLAN	(Printed Name)
APPRONED IN CIRE NO. () 3-34.7 SPHA AND TO AMEND THE FUNC DEVELOPMENT PLAN FOR HIDDEN BLUFF. WHANCE TO BEEN IT OPEN PORCHES TO EXTEND A MAXIMUM OF 12 FEET INTO THE REPUBLIC PLAN. MIND UP LOIS 2 AND 54 IN LIEU OF THE PERMUTED 7.5 FIET (TO NUMBER)	1508 Leslie Rd
CHEN FORCHES WITH A REAR YARD SETBACK OF 18 FEET IN LIEU OF THE	(Address)
POSTPONEMENTS BUE TO WEATHER ON OTHER CONDITIONS ARE SOMETIMES HECCESSANT.	Dundalk, Maryland 21222
DO NOT REMOVE THIS THEN AND POST HAVING CALL 147-334}	(City, State, Zip Code)
HANDICAPPED -ACCESSIBLE =	(410) 282-7940 (Telephone Number)
	(Telephone Number)

RE: Case No.: 03-580-SPHA



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

Fax: 410-887-5708

July 2, 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: 03-580-SPHA

W/side of Wilkens Avenue @ S/west corner of Valley Road N/west side of Wilkens Avenue, 200 feet N/east of Fairway Avenue 1st Election District — 1st Councilmanic District Legal Owner: David Vannoy, Valley Road Limited Partnership

Contract Purchaser: David Vannoy, Grayson Homes

<u>Special Hearing</u> to amend the site plan approved in Case No. 03-367-SPHA, and to amend the Final Development Plan for Hidden Bluff. <u>Variance</u> to permit open porches to extend a maximum of 12 feet into the required rear yard of Lots 2 and 54 in lieu of the permitted 7.5 feet. (To allow open porches with a rear yard setback of 18 feet in lieu of the minimum required 22.5 feet.)

Hearings:

Monday, August 25, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Robert Hoffman, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson 21204 David Vannoy, Valley Road Partnership, 9025 Chevrolet Drive, Ste. K, Ellicott City 21042

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 9, 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
Thursday, July 7, 2003 Issue - Jeffersonian

Please forward billing to:

Don Mitten Morris & Ritchie Associates 110 West Road, Ste. 245 Towson, MD 21204

410-821-1690

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: 03-580-SPHA

W/side of Wilkens Avenue @ S/west corner of Valley Road N/west side of Wilkens Avenue, 200 feet N/east of Fairway Avenue 1st Election District — 1st Councilmanic District Legal Owner: David Vannoy, Valley Road Limited Partnership Contract Purchaser: David Vannoy, Grayson Homes

Special Hearing to amend the site plan approved in Case No. 03-367-SPHA, and to amend the Final Development Plan for Hidden Bluff. <u>Variance</u> to permit open porches to extend a maximum of 12 feet into the required rear yard of Lots 2 and 54 in lieu of the permitted 7.5 feet. (To allow open porches with a rear yard setback of 18 feet in lieu of the minimum required 22.5 feet.)

Hearings: Monday, August 25, 2003 at 11:00 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 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

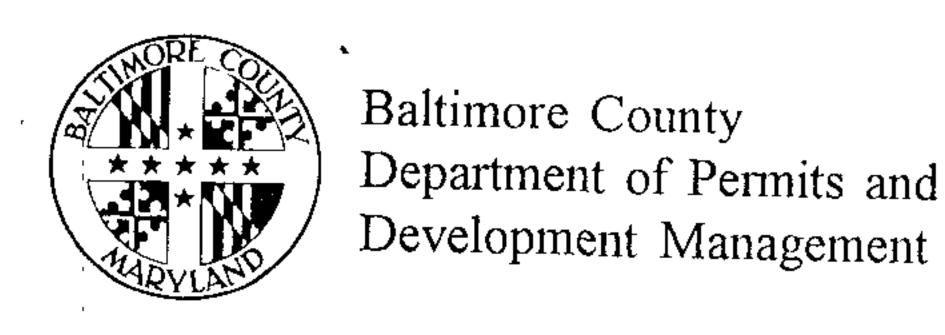
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 03-580-5PHA
Petitioner VALLEY ROAD LIMITED PARTNERSHIP
Petitioner: VALLEY ROAD LIMITED PARTNERSHIP Address or Location. 200 feet NE of Fairway Avenue
PLEASE FORWARD ADVERTISING BILL TO
Name MORRIS & RITCHIE ASSOCIATES (ATT DOW MITTEN)
Address 110 WEST RD
SUITE 245
Towson MD 21204.
Telephone Number: 410-821-1690.



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

August 22, 2003

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

Dear Mr. Hoffman:

RE: Case Number:03-580-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 June 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,

U. Cal Robal D W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:rlh

Enclosures

People's Counsel Valley Road Limited Partnership



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

July 1, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: June 30, 2003

Item No.:

577-**6**80, 583-588, 590-601

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.1.03

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

RE: Baltimore County

Item No. 580

JHP

Dear Ms. Hart:

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/VS 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,

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

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

DATE: July 1, 2003

RECEIVED

JUL - 1 2003 ZONING COMMISSIONER

Zoning Advisory Petition(s): Case 03-580 and 03-590 **SUBJECT:**

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.

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 5, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 7, 2003 Item Nos. 577, 578, 580, 581, 587, 589, 590, 593, 594, 595, 596, 597,

598, 599, and 600

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

RWB:CEN:jrb

cc: File

BEFORE THE PETITION FOR SPECIAL HEARING RE: AND VARIANCE ZONING COMMISSIONER W/side Wilkins Ave & SW corner Valley Rd* NW/side Wilkins Ave, 200' NE Fairway Ave 1st Election & 1st Councilmanic Districts FOR Legal Owner(s): David Vannoy, President BALTIMORE COUNTY Valley Road, LTM ж Contract Purchaser(s): David Vannoy, VP 03-580-SPHA Grayson Homes at Hidden Bluff, LLC Petitioner(s)

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.

RECEIVED

JUL 0 3 2003

Per.....

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 July, 2003, 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).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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) *

Valley Road Limited Partnership
Grayson Development Company, LLC
General Partner
By: David B. Vannoy, President
Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 03-367-SPHA

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

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 3^d 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

ZONING HERRING FILE INTERNAL CRECKLIST

Zoning Case No. <u>03-580.</u> <u>5P4/</u>{

Date Completed/Initials	
7-1-03	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp or front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date, make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
- Jew	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet) ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
r 	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Robert L. Ehrlich, Jr. Governor



Audrey E. Scott

Secretary

Michael S. Steele Lt. Governor

Florence E Burlan
Deputy Secretary

July 1, 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, 07/07/03 re: case numbers 03-577-A, 03-578-A, 03-579-SPH, 03-580-SPHA, 03-583-A, 03-584-A, 03-585-SPHXA, 03-586-SPH, 03-587-A, 03-588-A, 03-589-SPH, 03-590-A, 03-591-A, 03-592-A, 03-593-A, 03-594-A, 03-595-SPH, 03-596-SPH, 03-597-A, 03-598-SPHA, 03-599-A, 03-600-HAS & 03-601-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/01/03. 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

Cofamilia Galle

Manager

Metropolitan Planning Planning Services

cc: Mike Nortrup

PLEASE PRINT CLEARLY

CASEN	IAME	Hiller	B/hf	Popular	4
CASEN	IUMBĒ	R 03-580	J-5PH4		
DATE	8/2	5/03			

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	, E- MAIL
DAVID MACESES	210 Aleskeny frence	10000, M) 21204	Jakarceski Quen 131
	1220-C E. JOPPA RD TOWSON	Tausan, MD 21286	amitten@mragta.com
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