IN RE: PETITION FOR VARIANCE SW/corner Old Willow Road and Snow Meadow Lane 3rd Election District 2nd Councilmanic District

(1915 Old Willow Road)

TR-I Limited Partnership by Twin Ridge Apartments, Inc., Legal Owner and Brian A. Goldman, Esquire, Contract Purchaser Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER *

* OF BALTIMORE COUNTY

CASE NO. 04-015-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, TR-I Limited Partnership by Twin Ridge Apartments, Inc. general partner and Brian A. Goldman, Esquire, principal stockholder. The Petitioners are requesting variance relief for property located at 1915 Old Willow Road in the Pikesville area of Baltimore County. The variance request is from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a non-residential principal building (community recreation facility) to be located 10'-0" in lieu of the required 25'-0" side yard setback and 26'-0" in lieu of the required 30'-0" rear yard set back.

The property was posted with Notice of Hearing on August 25, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 16, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where

special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: The Office of Planning supports the Petitioner's request. However, the Petitioner was requested to comply with the requirements set forth in the Office of Planning ZAC comments dated July 30, 2003, a copy of which is attached hereto and made a part hereof. The Petitioner agreed to these provisions.

Interested Persons

Appearing at the hearing on behalf of the variance request was Brian A. Goldman, Esquire, the principal stockholder of the General Partner, Petitioner and Jon Fisher of Kann Associates who prepared the Plan shown as Petitioner's Exhibit No. 1. There were no Protestants or others in attendance. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

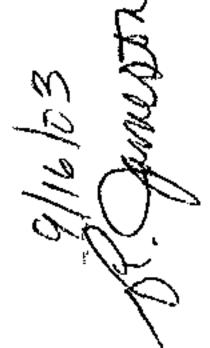
Testimony and evidence indicated that the property, which is the subject of this variance request, is a small part of a 314 apartment complex known as Twin Ridge Apartments which is zoned D.R.16. The specific portion of the subject property for which variance relief is requested is the pool house which supports the adjacent swimming pool and other recreational activities for

the apartment residents. Mr. Fisher's testimony was submitted in writing and proffered by Mr. Goldman that the pool house is thirty one years old and is the last major building to be renovated in the complex. As such, the uses of any such building today should be ADA accessible unlike the present structure. In addition, the present demands of tenants require new recreational facilities, storage space, exercise areas, modern business area and general updating. See "Fisher Testimony" for an excellent summary of the Petitioner's testimony.

In regard to the setback variance requests, testimony indicates the variance requests involve that part of the complex adjacent to Snow Meadow Lane. There are no uses across the Lane which would be adversely affected by this request. In addition, the site is constrained by its location at the far end of the apartment complex, all of which is fully built out. Testimony indicated that there was no available land nearby which could be purchased to alleviate the need for the variances.

Findings of fact and conclusions of law

Considering the testimony and evidence presented, I find that there are special circumstances or conditions existing on the premises that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations was requested and none shall be permitted as a result of the grant of these variances. Furthermore, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.



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

THEREFORE, IT IS ORDERED, this ______ day of September, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B01.2.C.1.a of the B.C.Z.R., to permit a non-residential principal building (community recreation facility) to be located 10'-0" in lieu of the required 25'-0" side yard setback and 26'-0" in lieu of the required 30'-0" rear yard set back, be and they are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;
- 2. The Petitioner shall comply with the recommendations made by the Office of Planning in their ZAC comment dated July 30, 2003, a copy of which is attached hereto and made a part hereof; and
- 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.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 16, 2003

Brian A. Goldman, Esquire Goldman & Vetter, P.A. 24th Floor 36 S. Charles Street Baltimore, Maryland 21201-3110

> Re: Petition for Variance Case No. 04-015-A

Property: 1915 Old Willow Road

Dear Mr. Goldman:

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

Joan V. Thursty

JVM:raj Enclosure

c: John G. Fisher c/o Kann & Associates 33 S. Gay Street Baltimore, MD 21202



Visit the County's Website at www.baltimorecountyonline.info



Petition for Variance

is the subject of this Petitlon.

to the Zoning Commissioner of Baltimore County

for the property located at 1915 Old Willow Road which is presently zoned DR16

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

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 Variance from Section(s)

1 B01.2.C.la NON-RESIDENTIAL PRINCIPAL BUILDING SET BACKS -- To permit a non-residential principal building (community recreation facility) to be located 10'-0" in lieu of the required 25'-0" sideyard and 26'-0" in lieu of the required 30'-0" rear yard.

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

Contract Purchaser/Lessee:	Legal Owner(s):
Brian A. Goldman, Esquire	TR-I Limited Partnership by Twin Ridge Apartments, Inc.
Name - Type or Print	Name - Type or Print
Signature 1 Clear Skys Court 410 653 0035	Signature Brian A. Goldman, Esquire
Address Baltimore MD 21209	Name - Type or Print
City State Zip Code Attorney For Petitioner:	Signature 1 Clear Skys Court 410 653 0035
Brian A. Goldman, Esquire	Address Telephone No Baltimore MD 21209
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature Goldman & Vetter, P. A.	Jon G. Fisher, AIA c/o Kann and Associates, Inc.
Company 24th Floor, 36 S. Charles Street 410 547 1400	Name 33 S. Gay Street 410 234 0900
Address Baltimore MD 21201-3110	Address Telephone No. Baltimore MD 21202
State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 04-015-A	ESTIMATED LENGTH OF HEARING
	UNAVAILABLE FOR HEARING
Reviewed By _	Dote 07 17.03



July 7, 2003

ZONING DESCRIPTION

TWIN RIDGE APARTMENTS

Beginning for the same on the easterly side of Rockland Hills Drive, a 60-foot right-of-way, at a point approximately 245 feet northerly of its intersection with the north side of Pimlico Road, a 60-foot wide right-of-way, thence running for the following twenty-five (25) courses and distances:

- 1. North 03°45'00" West 159.64 feet, more or less, to a point;
- 2. Northwesterly 9.97 feet by a curve to the left, having a radius of 497.02 feet and a chord bearing North 04°19'29" West 9.97 feet, more or less, to a point;
- 3. North 86°15'00" East 62.05 feet, more or less, to a point;
- A. Northeasterly 78.90 feet by a curve to the right, having a radius of 705.00 feet and a chord bearing North 36°01'12"

 East 78.86 feet, more or less, to a point;
- 5. North 50°46'26" West 189.05 feet, more or less, to a point;
- 6. North 20°00'00" West 150.00 feet, more or less, to a point;
- 7. North 38°30'00" East 150.00 feet, more or less, to a point;
- 8. North 50°30'00" West 112.02 feet, more or less, to a point;
- 9. North 36°27'00" East 78.98 feet, more or less, to a point;
- 10. Northeasterly 161.27 feet by a curve to the right, having a radius of 300.00 feet and a chord bearing North 51°51'00"

 East 159.33 feet, more or less, to a point;
- 11. North 62°15'00" East 37.50 feet, more or less, to a point;
- 12. South 22°45'00" East 113.89 feet, more or less, to a point;

#015

Page 2 of 2 July 7, 2003 ZONING DESCRIPTION TWIN RIDGE APARTMENTS

Seginning for the same on the easterly side of Rockland Hills Drive, a 60-foot right-of-way, at a point approximately 245 feet northerly of its intersection

- 13. Southeasterly 129.11 feet by a curve to the right, having a radius of 330.00 feet and a chord bearing South 11°32'30"

 East 128.29 feet, more or less, to a point;
- 14. South 00°20'00" East 37.69 feet, more or less, to a point;
- 15. Due East 401.25 feet, more or less, to a point;
- 16. Due South 179.41 feet, more or less, to a point;
- 17. North 79°09'15" East 205.23 feet, more or less, to a point;
- 18. South 16°21'15" East 155.00 feet, more or less, to a point;
- 19. South 73°38'45" West 97.50 feet, more or less, to a point;
- 20. South 16°21'15" East 216.50 feet, more or less, to a point;
- 21. South 73°38'45" West 90.93 feet, more or less, to a point;
- 22. South 00°39'51" West 109.83 feet, more or less, to a point;
- 23, North 89°20'09" West 482.50 feet, more or less, to a point;
- 24. North 70°31'42" West 194.50 feet, more or less, to a point;
- 25. South 86°15'00" West 44.64 feet to the point of beginning.

 Containing 12.07 acres of land, more or less.

Being that tract of land known as "Section One, Twin Ridge Apartments," as recorded in the Land Records of Baltimore County, Maryland in Plat Book O.T.G. No. 34 folio 96 located in the Second Councilmanic District and the Third Election District of Baltimore County, Maryland.

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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: #04-015-A

1915 Old Willow Road
S/west corner of Old Willow Road and Snow Meadow Lane
3rd Election District - 2nd Councilmanic District
Legal Owner(s): TR-I Limited Partnership by Twin Ridge
Apartments, Inc., Brian Goldman, Esq., V.P.
Variance: to permit a non-residential principal building
(community recreation facility) to be located 10 feet - 0
Inches in lieu of the required 25 feet - 0 inches side yard
and 26 feet - 0 inches in lieu of the required 30 feet - 0
inches rear yard.

inches rear yard. Hearing: Wednesday, September 10, 2003 at 10:00 a.m. In Room 407, County Courts Building, 401 Bosley Ave-

nue.

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.

C622977 JT/8/760 Aug. 26

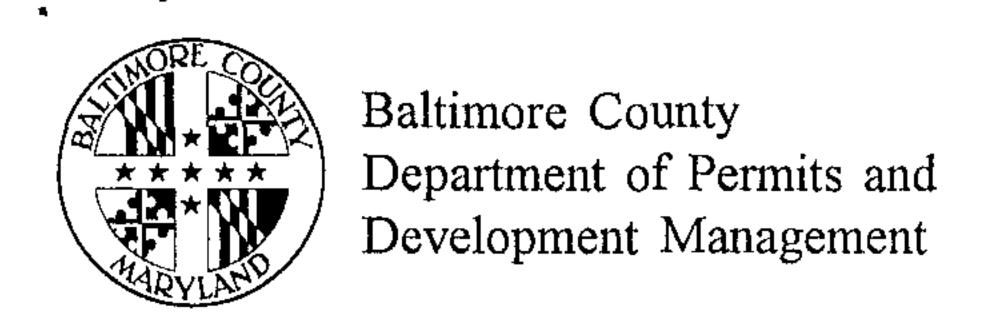
CERTIFICATE OF PUBLICATION

<u>8</u> 28,2003
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 826,2003.
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News
D/M/Man

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date:	816218
RE: Case Number: 04-015A Petitioner/Developer: TR-1 LIMITED F Date of Hearing/Closing: SEPT 10, Zoo	
This is to certify under the penalties of perjury that the new on the property located at <u>1915</u> oud w	cessary sing(s) required by law were posted conspicuously
The sign(s) were posted on 8 25 03 ZONING NOTICE GAS: N. OA: DIS-A A PUBLIC HEARING WILL BE HELD BY THE JONING COMMISSIONER IN TOWSON, MID PLACE: 401 BOSLEY AND. ROOM 407 PLACE: 401 BOSLEY AND. ROOM 407 PLACE: 401 BOSLEY AND. ROOM 407 REQUEST: VARIANCE TO FERMIT A HOM! RESIDENTIAL FEMICIPAL BUILDING (COMMUNITY RESIDENTIAL BUILDING (COMMUNITY RESIDEN	(Month, Day, Year) Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234 410-665-5562



Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

July 22, 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: 04-015-A

1915 Old Willow Road

S/west corner of Old Willow Road and Snow Meadow Lane

3rd Election District – 2nd Councilmanic District

Legal Owners: TR-I Limited Partnership by Twin Ridge Apartments, Inc., Brian Goldman, Esq., V.P.

<u>Variance</u> to permit a non-residential principal building (community recreation facility) to be located 10 feet — 0 inches in lieu of the required 25 feet — 0 inches side yard and 26 feet — 0 inches in lieu of the required 30 feet — 0 inches rear yard.

Hearings:

Wednesday, September 10, 2003, at 10:00 a.m. in Room 407, County

Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: TR-I Limited Partnership by Twin Ridge Apartments, Inc., Brian Goldman, Esq., 1 Clear Skys Ct. Baltimore 21209

Brian Goldman, Goldman & Vetter, P.A., 36 S. Charles St., 26th Floor, Baltimore 21201-3110 Jon G. Fisher, A/A c/o Kann & Associates, Inc., 33 S. Gay Street, Baltimore 21202

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 26, 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, August 26, 2003 Issue - Jeffersonian

Please forward billing to:

Brian A. Goldman, Esq. TR-I Limited Partnership 1 Clear Skys Court Baltimore, MD 21209

410-653-0035

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: 04-015-A

1915 Old Willow Road

S/west corner of Old Willow Road and Snow Meadow Lane

3rd Election District – 2nd Councilmanic District

Legal Owners: TR-I Limited Partnership by Twin Ridge Apartments, Inc., Brian Goldman, Esq., V.P.

<u>Variance</u> to permit a non-residential principal building (community recreation facility) to be located 10 feet — 0 inches in lieu of the required 25 feet — 0 inches side yard and 26 feet — 0 inches in lieu of the required 30 feet — 0 inches rear yard.

Hearings: Wednesday, September 10, 2003, at 10:00 a.m. in Room 407, County

Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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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

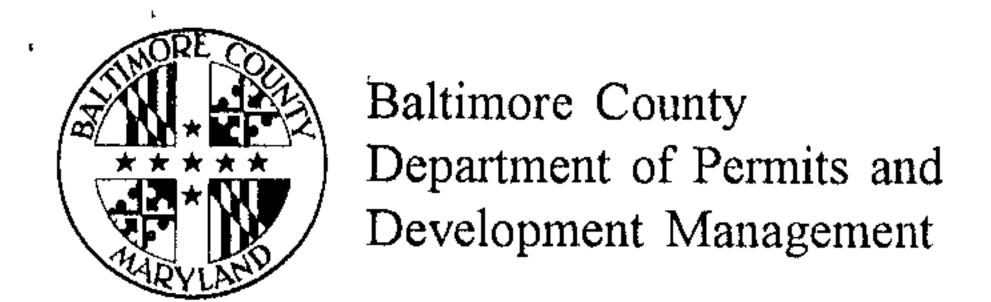
<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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 News	paper Advertising:
	per or Case Number:
	r Location: 1915 Old Willow Way, Baltimore, MD 21209
_	ORWARD ADVERTISING BILL TO: rian A. Goldman, Esquire
Address:	TR-I Limited Partnership
	1 Clear Skys Court
	Baltimore, MD 21209
Telephone	Number: 410 653 0035



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

September 5, 2003

Brian Goldman Goldman & Vetter 36 S. Charles Street, 24th Floor Baltimore, MD 21201-3110

Dear Mr. Goldman:

RE: Case Number: 04-015-A, 1915 Old Willow Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 17, 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.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel TR-I Ltd., Twin Ridge Apts., Inc., 1 Clear Skys Ct., Baltimore 21209 Jon Fisher, Kann & Assoc., 33 S. Gay St., Baltimore 21202





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 21, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 21, 2003

Item No.:

015-020, 022-026

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, Administrator

JRA

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7. 22.03

Baltimore County

Item No. 015

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

Dear. Ms. Hart:

۳

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.

RE:

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

mallo

DATE: July 30, 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

4

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1915 Old Willow Road

INFORMATION:

Item Number:

04-015

Petitioner:

TR-I Limited Partnership by Twin Ridge Apartments, Inc.

Zoning:

DR 16

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the proposed addition is constructed in accordance with the attached building elevations.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director Department of Permits &

Development Management

DATE: September 12, 2003

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 28, 2003 Item Nos. 015, 017, 018, 020, 022, 023, 024, 025, and 026

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 VARIANCE * BEFORE THE

1915 Old Willow Rd; SW corner Old Willow
Rd and Snow Meadow Ln * ZONING COMMISSIONER

3rd Election & 2nd Councilmanic Districts
Legal Owner(s): TR-I Ltd Pship by Twin * FOR
Ridge Aparments, Inc
Contract Purchaser(s): Brian A Goldman * BALTIMORE COUNTY

Petitioner(s) * 04-015-A

* * * * * * * * *

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to, Jon G. Fisher, AIA c/o Kann and Associates, Inc, 33 S Gay Street, Baltimore, MD 21202, and to Brian A. Goldman, Esquire, Goldman & Vetter, P.A., 35 S Charles Street, 24th Floor, Baltimore, MD 21201-3110, Petitioner(s).

RECEIVED

People's Counsel for Baltimore County

PETER MAX ZIMMERMAN

JUL 2 5 2003

Per....

TR-I Limited Partnership
Zoning Commission of Baltimore County
Case No. 04-015-A

Petition for V

Petition for Variance to permit a non-residential principal building (community recreational facility) to be located 10 feet in lieu of the required 25 feet side yard and 26 feet in lieu of the required 30 feet rear yard

Section 307, Variances, Baltimore County Zoning Regulations

What special circumstances or conditions exist that are peculiar to the land or structure, which is subject to the variance request:

- A. The location of the swimming pool is existing and was approved in the original development plan for Twin Ridge Apartments over thirty (30) years ago.
- B. The location of the existing community recreational facility is existing and was approved in the original development plan for Twin Ridge Apartments over Thirty (30) years ago.
- C. There is a lack of required storage space for pool chairs, tables, maintenance equipment, spare parts and other related items.
- D. Twin Ridge Apartments has to keep up with the times (people are now using exercise rooms and business centers).
- E. There is a desire to make the new community recreational facility, pool house, exercise room, business center and storage space architecturally compatible with the recently renovated apartment buildings.
- F. There is a desire to have the community recreational facility comply with the Americans for Disabilities Act.
- G. The Thirty (30) year old community recreational facility requires structural repairs and renovations.
- H. There has been a change in the current design criteria for community recreational facilities associated with apartment complexes.
- I. There is no other open space in the apartment development for this community recreational facility, which needs to be near the swimming pool.
- J. The operation of an apartment community today requires amenities competitive with other newer apartment communities.
- K. Existing utilities water, sewer, telephone, electricity.

TR-I Limited Partnership Zoning Commission of Baltimore County Case No. 04-015-A

Petition for Variance to permit a non-residential principal building (community recreational facility) to be located 10 feet in lieu of the required 25 feet side yard and 26 feet in lieu of the required 30 feet rear yard

Section 307, Variances, Baltimore County Zoning Regulations

Why would strict compliance with the Zoning Regulations for Baltimore County result in practical difficulty or unreasonable hardship:

- A. A thirty (30) year old apartment community needs to be competitive with other newer apartment communities and provide its residents with what they demand, including:
 - 1. Exercise room;
 - 2. Modern business center;
 - 3. Furniture around the pool and storage;
 - 4. Toilet facilities which comply with the Americans for Disabilities Act; and
 - 5. Showers
- B. The existing community recreational facility and all surrounding roads already exist in their present location and they cannot be moved.
- C. To move exercise room to comply with setback it will have to go closer to the existing swimming pool and it would become a safety hazard and would require the reconstruction of a portion of the pool.

TR-I Limited Partnership Zoning Commission of Baltimore County Case No. 04-015-A

Petition for Variance to permit a non-residential principal building (community recreational facility) to be located 10 feet in lieu of the required 25 feet side yard and 26 feet in lieu of the required 30 feet rear yard

Section 307, Variances, Baltimore County Zoning Regulations

Why is the requested variances in strict harmony with the spirit and intent of said side yard and rear yard requirements:

- A. The area surrounding the proposed community recreational facility is largely low density and vacant land due to location of swimming pool and surrounding deck.
- B. Most of the community recreational building already exists in its proposed location and this request is only for a small addition.
- C. The addition to the community recreational facility for the exercise room and storage is compatible with the existing building and does not affect the harmony of the entire site.
- D. Because of curve in road new addition will not affect sight lines.
- E. Not impinging upon surrounding community, as property across the street is two tennis courts.

TR-I Limited Partnership , Zoning Commission of Baltimore County Case No. 04-015-A

Petition for Variance to permit a non-residential principal building (community recreational facility) to be located 10 feet in lieu of the required 25 feet side yard and 26 feet in lieu of the required 30 feet rear yard

Section 307, Variances, Baltimore County Zoning Regulations

Why will requested Variance not injure the public health, safety or general welfare?

- A. There is a need to make the renovated building comply with the Americans for Disabilities Act.
- B. Exercise is good for health;
- C. The new design is much safer as it will completely renovate a wood frame structure that is over thirty years old.
- D. The addition to the club house will not block road visibility.
- E. Not an obstruction to any streets or intersection.

Nonresidential principal building setbacks in DR Zones.

Nonresidential Principal Building Setbacks

	Front Yard (feet)	Side Yard Interior (feet)	Corner Street Side (feet)	Rear Yard (feet)
D.R.1	' 70	40	65	50
D.R.2	60	30	50	40
D.R.3.5	50	20	35	30
D.R.5.5	40	20	35	30
D.R.10.5	25	20	35	50
D.R.16	30	25	25	30

b. Single-family detached, two-family alternative site design dwellings.

Single-Family Detached, Two-Family Alternative Site Design Dwellings

			Alternative Site Design Dwellings	
	D.R. 1 & 2 Zones (feet)	D.R.3.5, 5.5, 10.5 & 16 Zones (feet)	Zero & Zipper Lots All D.R. Zones (feet)	Neo- Traditional All D.R. Zones (feet)
From front building face to: Public street right-of-way	25	25	25	15
or property line	2.5	2.5		
Arterial or collector	-	<u>_</u>	-	25
From side building face to: Side building face	30	16 < 20 high	16	16 < 20 high
		20 > 20 high		20 > 20 high
Public street right-of-way	25	15	15	15
Paving of a private road	30	25	25	25
Tract boundary	25	15	15	15
From rear building face to:	- 0	• 0		
Rear property line	30	30	20	50
Public street right-of-way	30	30	20	50
Additional setbacks: Setbacks for buildings		-		
located adjacent to		<u>-</u>	į	
arterial roadways shall be			;	
increased by an additional				
20 feet. This table lists minimum setback requirements and build	J	and and all the Period Called	unlanding of these and asher are	

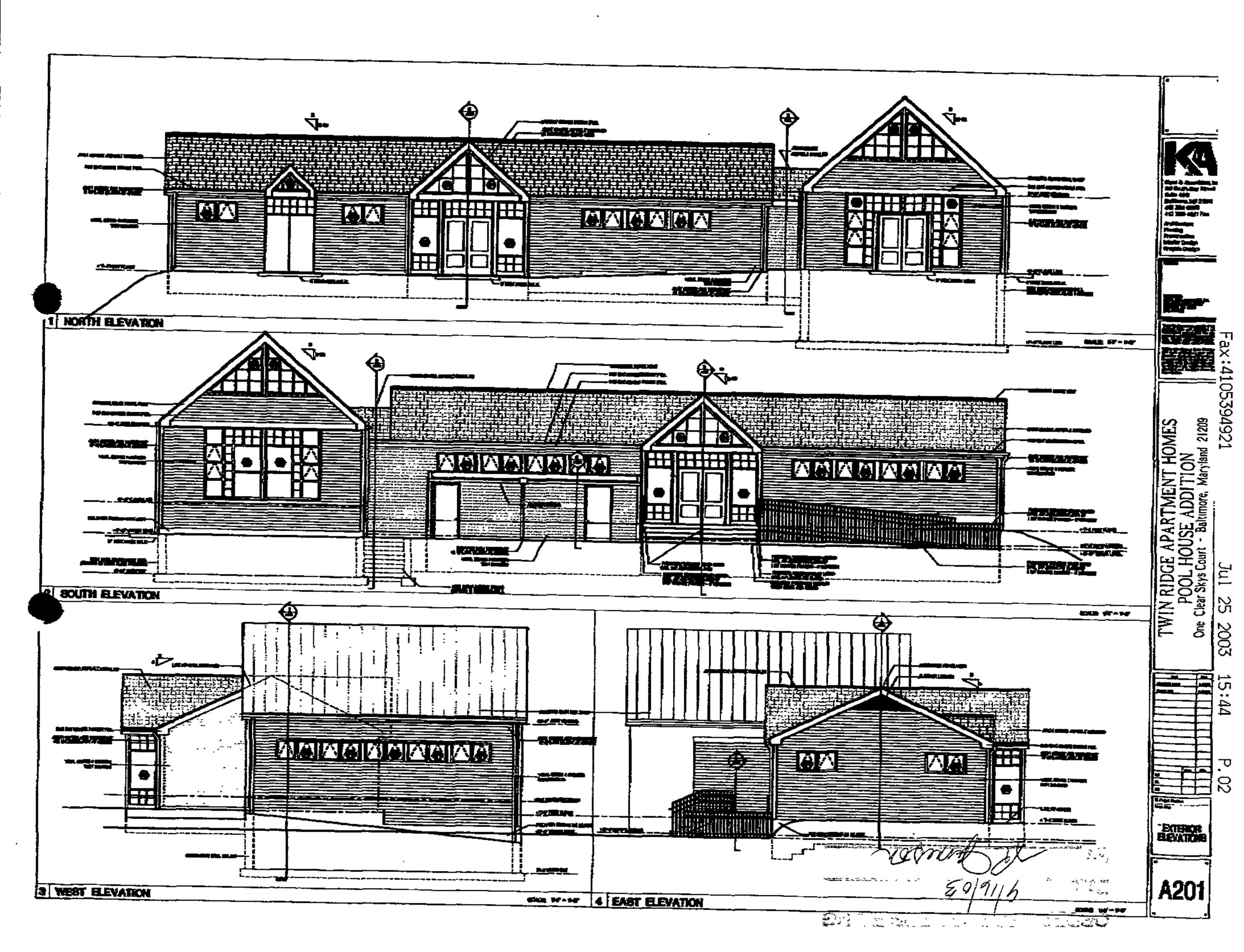
This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).

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PETITIONER'S SIGN-IN SHEET

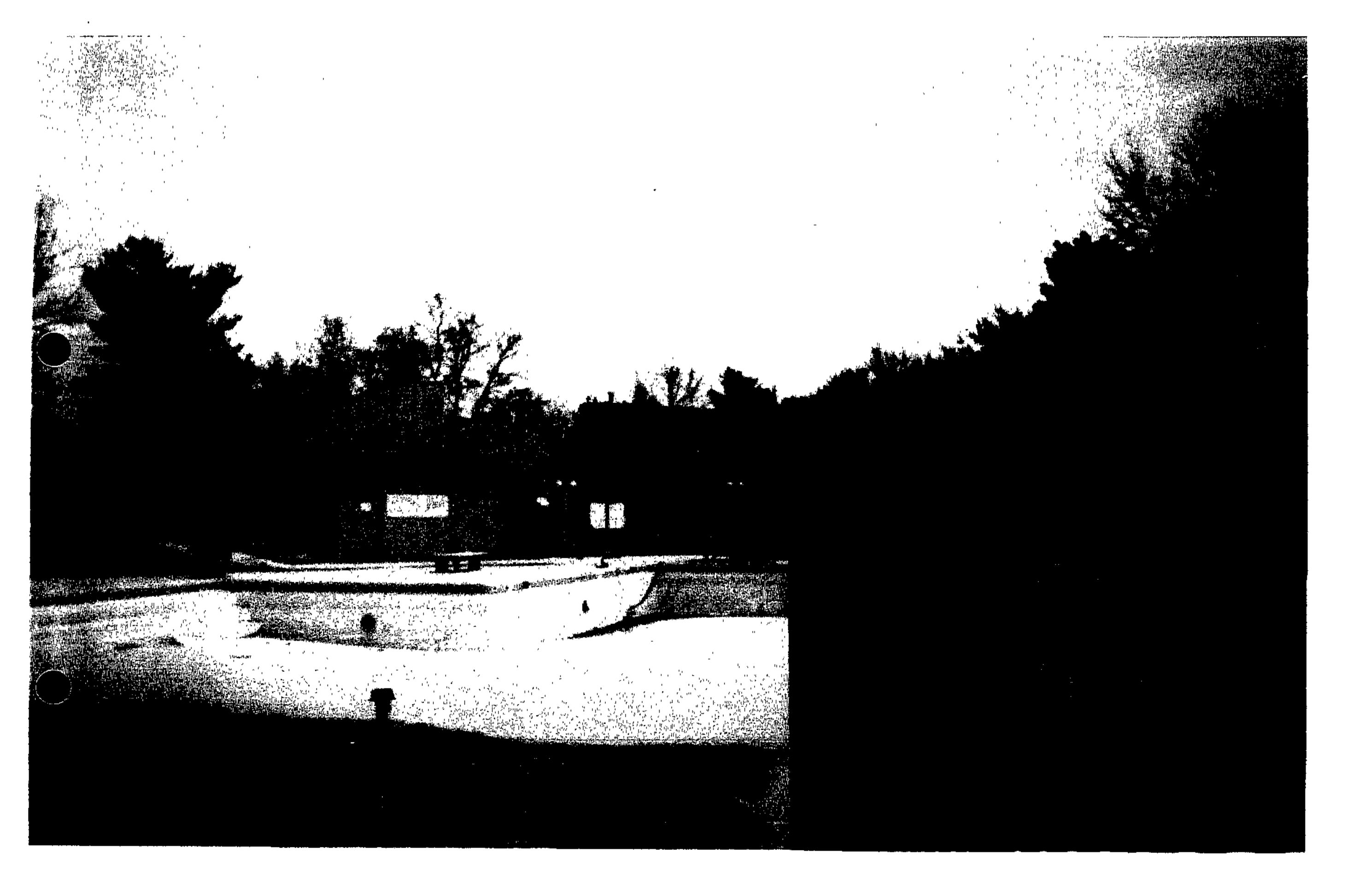
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Jon G. Fisher	C/O Kann & Assoc. 33 S. Gay Street	Baltimore, MD 21202	ifishere ka-architects.com
BRIAN A. GOLDMAN	GOLOMAN & VETTER, P.A. 36 S. CHARLES ST. ST. 2401	BALTIMORE MO 21201	GAOLDEN DVETTER VRAM
			GADLAMAN PGOLDMAN VETTER.COM
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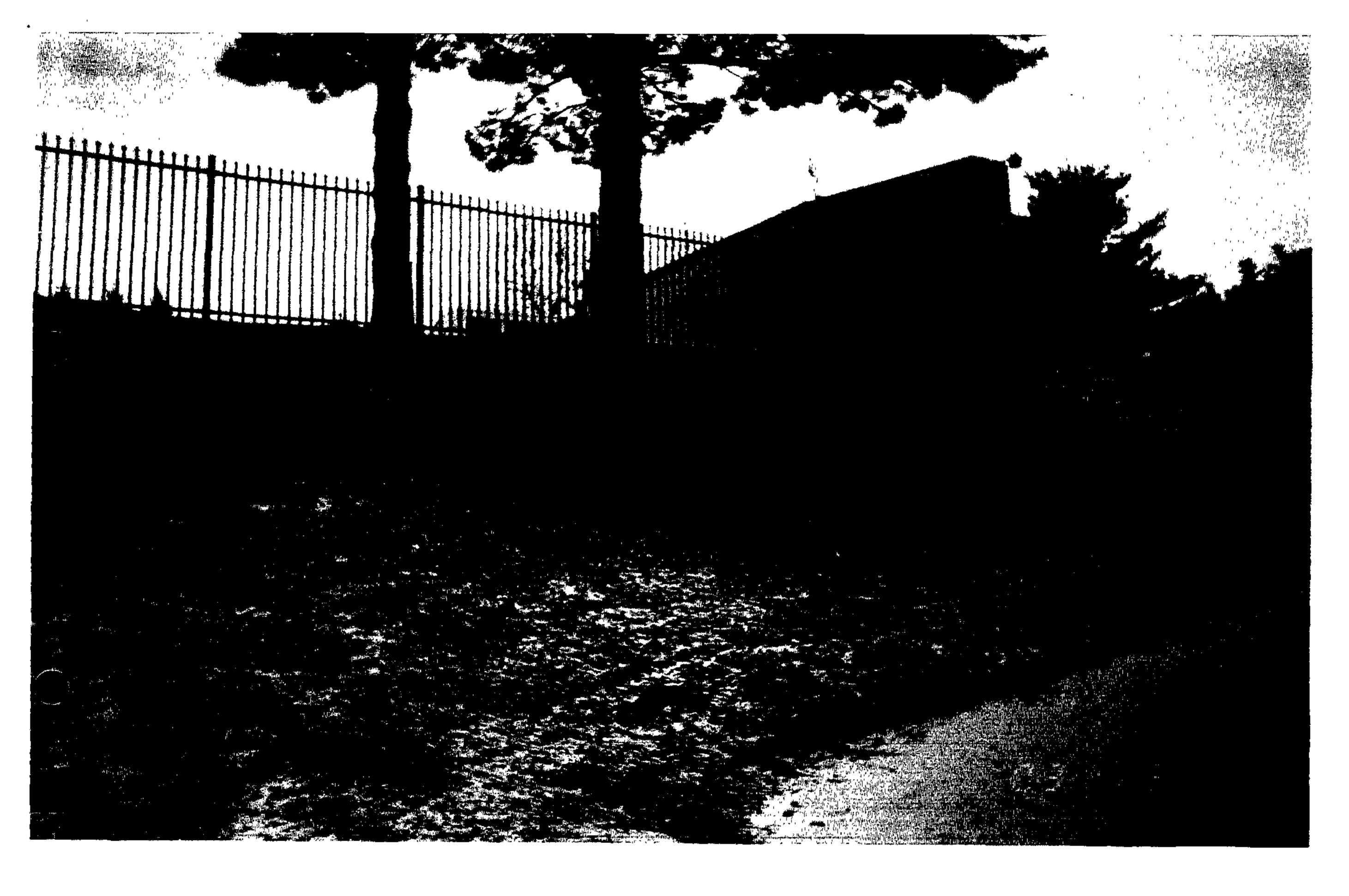




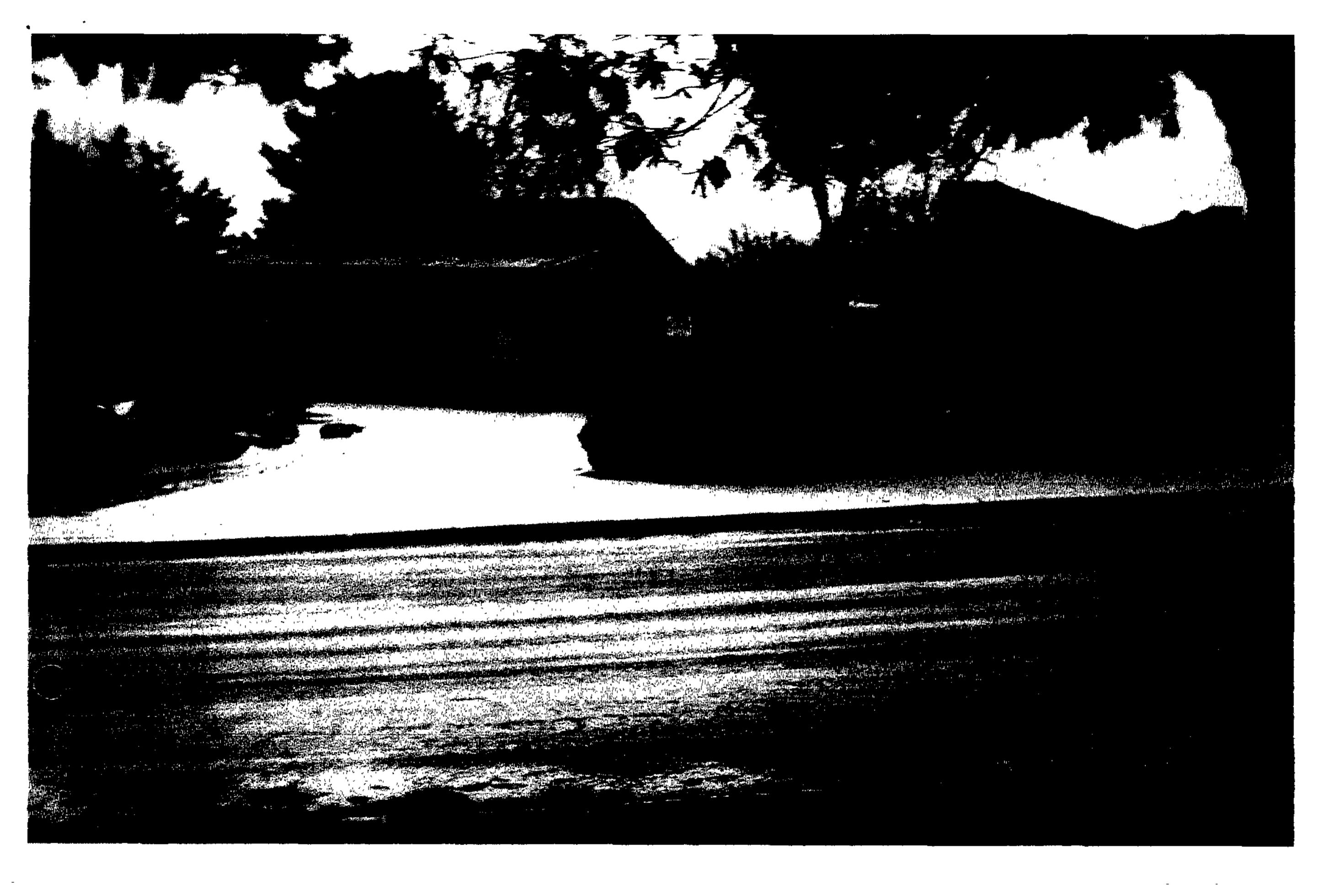
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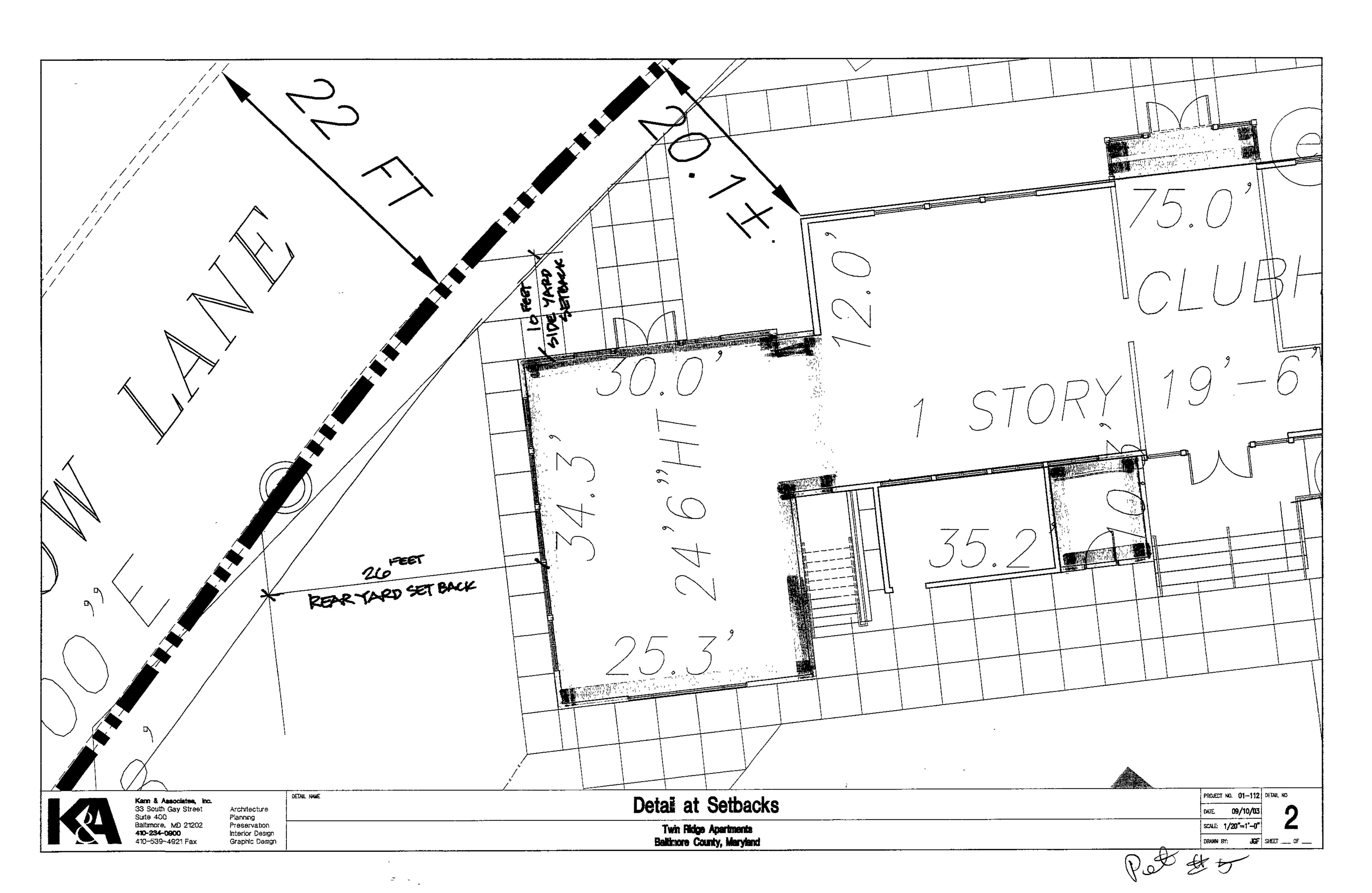


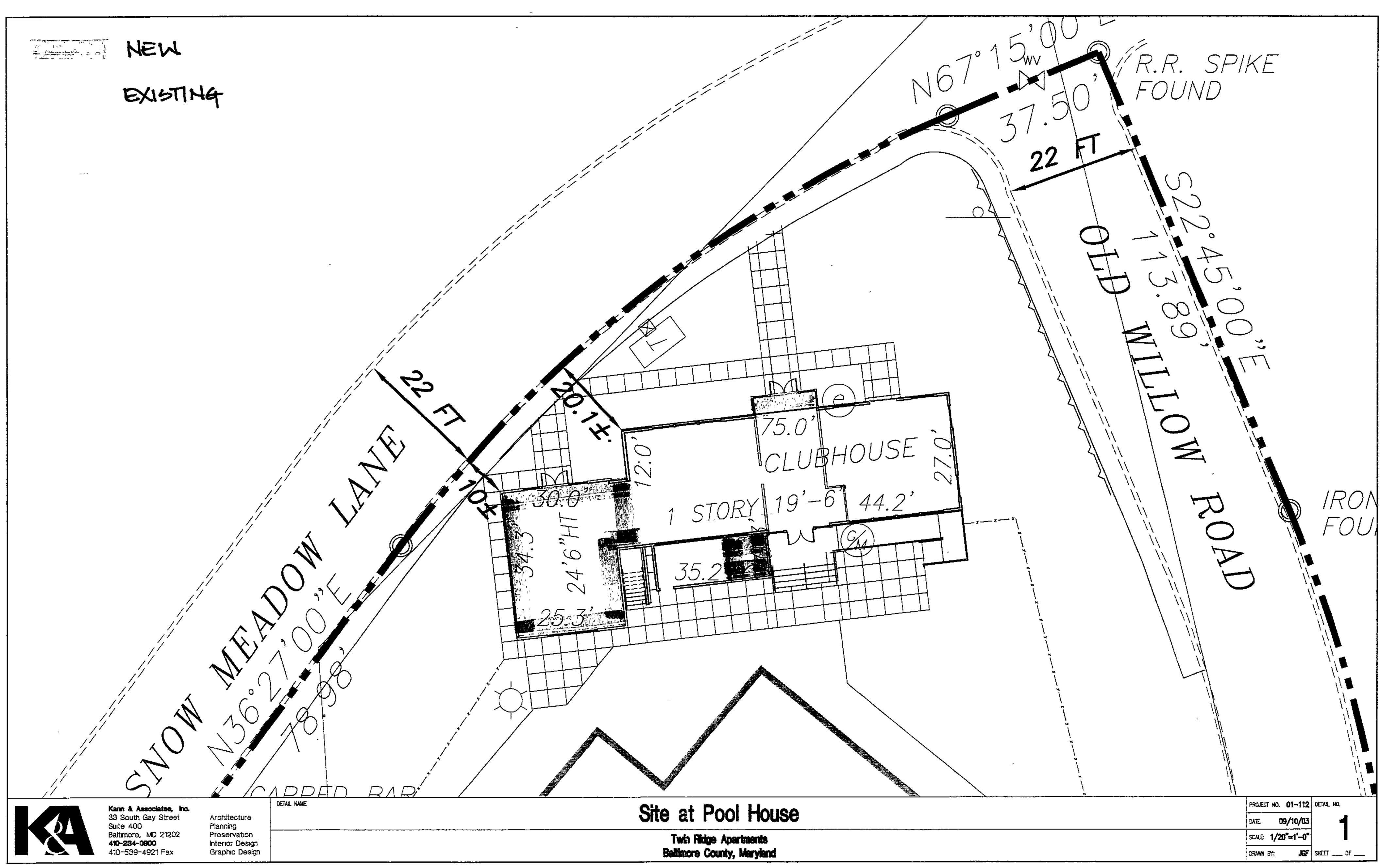













Peter 4



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