IN RE: PETITION FOR VARIANCE NW/S of Harvestview Road, 520' SW centerline of Westminster Pike 4th Election District 3rd Councilmanic District **(302 Harvestview Road)**	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 04-025-A
Glyndon Development, LLC Paterakis/Tsakalos Family Partnership, LLP *Legal Owners* **and** Homes for Reisterstown II Ltd. Partnership CP Reisterstown II, LLC, Managing Gen'l Partner, *Contract Purchaser* *Petitioners*	* * * * * *	

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Glyndon Development, LLC, Paterakis/Tsakalos Family Partnership, LLP, Legal Owners and Homes for Reisterstown II Ltd. Partnership, CP Reisterstown II, LLC, Managing Gen'l Partner, Contract Purchaser. The Petitioners are requesting variance relief for property located at 302 Harvestview Road in the Reisterstown area of Baltimore County. The variance requests are as follows:

1. from Section 1B02.2.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a building height of 55 ft. in lieu of the maximum allowed 50 ft.;

2. from Section 400.1 of the B.C.Z.R., to permit an accessory structure (gazebo) in the front yard in lieu of the required rear yard; and

3. from Section 1B01.2.C.1.e of the B.C.Z.R., to permit a rear building face to front building face setback of 55 ft. in lieu of the required 60 ft.

The property was posted with Notice of Hearing on August 12, 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 12, 2003 to notify any interested persons of the scheduled hearing date.

ORDER RECEIVED FOR FILING
Date 8/28/03
By

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: NONE

Interested Persons

Appearing at the hearing on behalf of the variance requests were Dean Hoover, Civil Engineer and Land Planner, whose firm prepared the plan, and John Gordon, Contract Purchasers, and Petitioners. Arnold E. Jablon, Esquire and David Karceski, Esquire, represented the Petitioners. Renate Kirchgessner appeared and testified as a Protestant. She lives in an apartment in the existing senior housing community on lot 3 facing the new building.. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Findings of fact and conclusions of law

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 88,727 sq. ft. (2.0369 acres), more or less, zoned D.R.10.5. The subject property is presently vacant but is virtually surrounded by senior housing of similar nature as is

being proposed for this lot. The final plan is shown on Petitioner's Exhibit No. 3 which is identical to the plan submitted for review by the ZAC group with the exception that the zoning history previously presented on Petitioner's Exhibit No. 1 has been deleted as this applied to an adjacent property (lot 1). Also deleted inadvertently were the requests for variance which are now found in the Petition. The proposal is for senior housing of 77 units with 56 parking spaces which is four more than the minimum required. The building would be architecturally similar to that existing senior housing building on lot 1.

Mr. Jablon proffered Mr. Hoover's testimony that the project was constrained by the odd shape of the lot which the contract purchasers' did not create, the fact that the property was in a valley, the lot is surrounded by existing senior housing so that additional land is not available relieve the variance requests, and that the lot is the last portion of Reisterstown Village which was approved in 1992 to be developed. Consequently, the challenge was to fit the project into a defined and very constrained hole. Mr. Jablon further proffered that the identical variances had been granted for lot 1 in prior years. Mr. Gordon testified that his company specialized in building and operating senior housing projects and that should the variances be denied, there would be no market for smaller units permitted by the regulations as seniors are demanding room for full independent living. He further testified that the all-existing senior buildings are full with a waiting list of 59 people for this project.

Ms. Kirchgessner, the Protestant at the hearing, testified her concerns about the distance the northernmost 10 spaces are from the proposed building, traffic in the area, and that the new building would be too close to her apartment window. In response, the Petitioner suggested that they would landscape the area between the new building and the existing building on lot 3

Variances

The first request is to allow a building height of 55 feet in lieu of the required 50 feet. The Petitioner made it clear that this request was only to allow the new building to be

THEREFORE, IT IS ORDERED, this 28 day of August, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance: (1) from Section 1B02.2.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a building height of 55 ft. in lieu of the maximum allowed 50 ft.; (2) from Section 400.1 of the B.C.Z.R., to permit an accessory structure (gazebo) in the front yard in lieu of the required rear yard; and (3) from Section 1B01.2.C.1.e of the B.C.Z.R., to permit a rear building face to front building face setback of 55 ft. in lieu of the required 60 ft., be and they are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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;

2. The Petitioners shall be required to submit a landscape plan to Mr. Avery Harden, Landscape Architect for Baltimore County, for review and approval prior to the issuance of any building permits. This landscape plan shall only apply to landscaping in the area between the proposed new building and the existing building on Lot 3.

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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 28, 2003

Arnold E. Jablon, Esquire
David Karceski, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 04-025-A
Property: 302 Harvestview Road

Dear Mr. Jablon:

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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Printed with Soybean Ink
on Recycled Paper

Copies to:

John S. Gordon
c/o Third Centrum of Virginia, Inc.
21400 Ridgetop Circle, Suite 250
Sterling, VA 20166

Dean Hoover
1220 E. Joppa Road, Suite 550
Towson, MD 21246

Renate Kirchgessner
304 Candata Court
Reisterstown, MD 21136

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 302 Harvestview Road

which is presently zoned D.R.10.5

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

SEE ATTACHED

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

To be determined at hearing

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

SEE ATTACHED
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

SEE ATTACHED
Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Arnold E. Jablon
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue (410)494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

Arnold E. Jablon
Name

210 Allegheny Avenue (410)494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Case No. 04-025-A

RZV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By JRF Date 7/15/03

PETITION FOR VARIANCE
302 Harvestview Road

1. Variance from Section 1B02.2.A of the Baltimore County Zoning Regulations ("BCZR") to permit a building height of 55 feet in lieu of the maximum allowed 50 feet.

2. Variance from BCZR Section 400.1 to permit an accessory structure (gazebo) in the front yard in lieu of the required rear yard.

3. Variance from BCZR Section 1B01.2.C.1.e to permit a rear building face to front building face setback of 55 feet in lieu of the required 60 feet.

Petition for Variance
302 Harvestview Road
Signature Page

LEGAL OWNER:

Glyndon Development, LLC
Paterakis/Tsakalos Family Partnership, LLP, Member

By: Nicholas Tsakalos, General Partner

Nicholas Tsakalos
Signature
1515 Fleet Street
Baltimore, Maryland 21231
(410) 649-0030

By: JOHN PATERAKIS , GENERAL PARTNER

Signature
1515 Fleet Street
Baltimore, Maryland 21231
(410) 649-0030

TO1DOCS1/DHK01/#164752 v1

Petition for Variance
302 Harvestview Road
Signature Page

CONTRACT PURCHASER:

Homes for Reisterstown II Limited Partnership
CP Reisterstown II, LLC, Managing General Partner
Third Centrum of Virginia, Inc., Managing Member

By: John S. Gordon, Vice President

Signature
21400 Ridgetop Circle, Suite 250
Sterling, Virginia 20166
(703) 406-3471

TO1DOCS1/DHK01/#164752 v1

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

Zoning Description

Beginning for the same at a point located on the northwesterly side of Harvestview Road which has a proposed 60 foot width at the distance of 520 feet southwesterly of the centerline of the nearest intersecting street, Westminster Pike Road which has a width of 66 feet. **Thence** the following courses and distances:

South 33 degrees 47 minutes 17 seconds West, 20.00 feet; North 56 degrees 12 minutes 43 seconds West, 64.81 feet; North 07 degrees 56 minutes 04 seconds West, 109.97 feet; South 81 degrees 05 minutes 07 seconds West, 149.20 feet; South 88 degrees 57 minutes 21 seconds West, 172.03 feet; North 56 degrees 02 minutes 39 seconds West, 87.00 feet; North 31 degrees 03 minutes 00 seconds West, 26.86 feet; North 56 degrees 02 minutes 39 seconds West, 226.17 feet; South 33 degrees 57 minutes 21 seconds West, 27.40 feet; North 56 degrees 02 minutes 39 seconds West, 27.86 feet; South 33 degrees 57 minutes 21 seconds West, 94.68 feet; North 20 degrees 44 minutes 15 seconds West, 109.59 feet; North 38 degrees 58 minutes 01 seconds East, 341.78 feet; South 56 degrees 12 minutes 43 seconds East, 40.98 feet; South 33 degrees 47 minutes 17 seconds West, 100.12 feet; South 56 degrees 12 minutes 43 seconds East, 290.62 feet; South 33 degrees 47 minutes 17 seconds West, 165.80 feet; South 00 degrees 20 minutes 15 seconds East, 9.85 feet; South 56 degrees 02 minutes 39 seconds East, 80.71 feet; North 88 degrees 57 minutes 21 seconds East, 164.35 feet; North 81 degrees 05 minutes 07 seconds East, 168.17 feet; South 07 degrees 56 minutes 04 seconds East, 121.35 feet; South 56 degrees 12 minutes 43 seconds East, 55.85 feet to the point and place of beginning and being known as #302 Cantata Court.

Containing an area of 88,727 square feet or 2.0369 acres of land, more or less and being located in the Fourth Election District of Baltimore County, Maryland.

STATE OF MARYLAND
DONALD N. MITTER
No. 16581
PROFESSIONAL ENGINEER

#025

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax. (410) 821-1748 www.mragta.com

Abingdon, MD (410) 515-9000 ✦ Annapolis Junction, MD (410) 792-9792 ✦ Towson, MD (410) 821-1690 ✦ Georgetown, DE (302) 855-5734 ✦ Wilmington, DE (302) 326-2200

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 27034

DATE 7-15-03 ACCOUNT 001-006-6150

AMOUNT $ 325.00

RECEIVED FROM: First Centrum LLC

FOR: 3rd Supplemental Petition Variance

ITEM # C25
Taken by: JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIPT
PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/16/2003	7/15/2003	15:15:30	2

REG W904 WALKIN BOOL DWD
RECEIPT # 234744 7/15/2003 OFLH
Dept 5 528 ZONING VERIFICATION
GR NO. 027034
Recpt Tot $325.00
325.00 CK .00 CA
Baltimore County, Maryland

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: #04-025-A
302 Harvestview Road
N/westerly side of Harvestview Road at the distance of 520 feet southwesterly of the centerline of Westminster Pike
4th Election District – 3rd Councilmanic District
Legal Owner(s): Glyndon Development, Paterakis/Tsakalos Family Partnership, Nicholas Tsakalos and John Paterakis
Contract Purchaser: Homes for Reisterstown II Ltd. Partnership, John Gordon, V.P.

Variance: to permit a building height of 55 feet in lieu of the maximum allowed 50 feet. To permit an accessory structure in the front yard in lieu of the required rear yard. To permit a rear building face to front building face setback of 55 feet in lieu of the required 60 feet.

Hearing(s): Wednesday, August 27, 2003 at 2:00 p.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.

JT 8/651 Aug 12 C620163

CERTIFICATE OF PUBLICATION

8/14/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/12/, 2003.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-025-A

Petitioner/Developer: NICKOLAS TSAKALOS AND JOHN PATERAKIS

Date of Hearing/Closing: 8/27/03

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

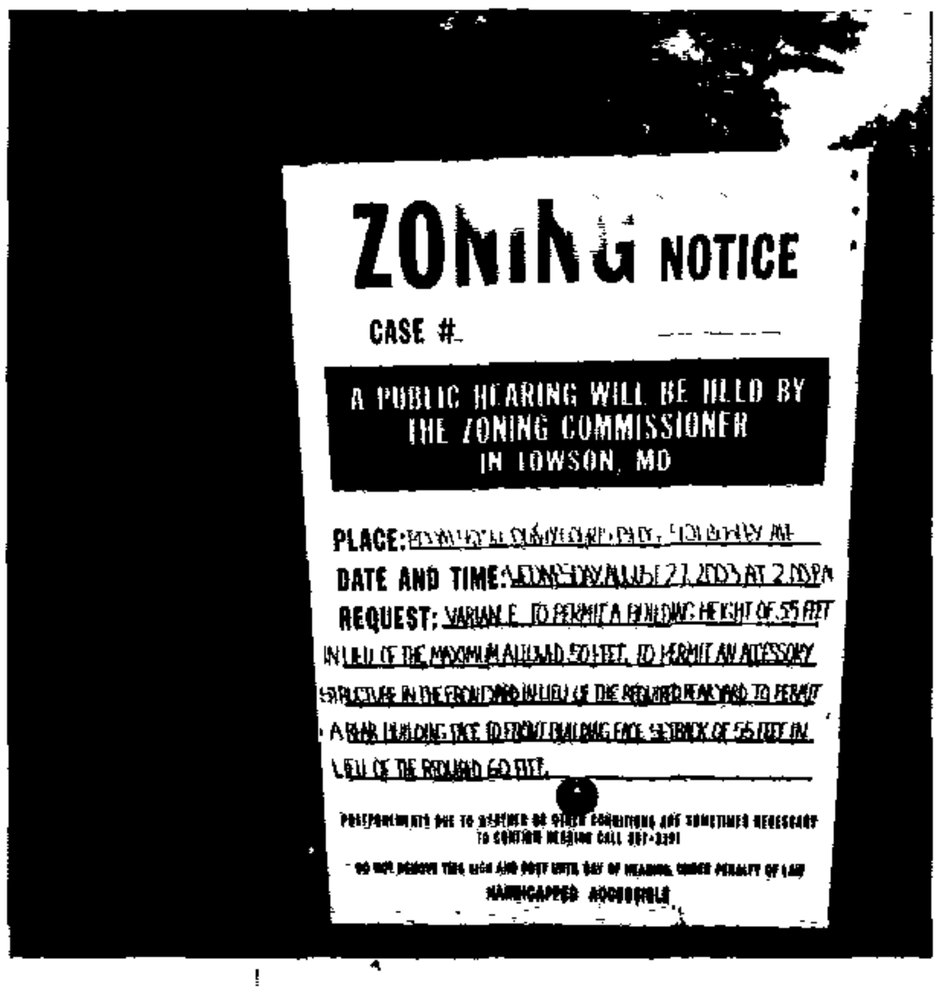
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at

302 HARVESTVIEW ROAD

The sign(s) were posted on 8/12/03
(Month, Day, Year)



Sincerely,

8/12/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

Baltimore County
Department of Permits and
Development Management

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

July 23, 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: 04-025-A
302 Harvestview Road
N/westerly side of Harvestview Road at the distance of 520 feet southwesterly of the centerline of Westminster Pike
4th Election District – 3rd Councilmanic District
Legal Owners: Glyndon Development, Paterakis/Tsakalos Family Partnership, Nicholas Tsakalos and John Paterakis
Contract Purchaser: Homes for Reisterstown II Ltd. Partnership, John Gordon, V.P.

Variance to permit a building height of 55 feet in lieu of the maximum allowed 50 feet. To permit an accessory structure in the front yard in lieu of the required rear yard. To permit a rear building face to front building face setback of 55 feet in lieu of the required 60 feet.

Hearings: Wednesday, September 10, 2003, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Arnold E. Jablon, Venable, Baetjer & Howard, LLP, 210 Allegheny Avenue, Towson 21204
Nicholas Tsakalos, John Paterakis, 1515 Fleet Street, Baltimore 21231
John S. Gordon, V.P., Homes for Reisterstown Ltd. Partnership, 21400 Ridgetop Circle, Ste. 250, Sterling VA 20166

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.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 26, 2003 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

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: 04-025-A
302 Harvestview Road
N/westerly side of Harvestview Road at the distance of 520 feet southwesterly of the centerline of Westminster Pike
4th Election District – 3rd Councilmanic District
Legal Owners: Glyndon Development, Paterakis/Tsakalos Family Partnership, Nicholas Tsakalos and John Paterakis
Contract Purchaser: Homes for Reisterstown II Ltd. Partnership, John Gordon, V.P.

Variance to permit a building height of 55 feet in lieu of the maximum allowed 50 feet. To permit an accessory structure in the front yard in lieu of the required rear yard. To permit a rear building face to front building face setback of 55 feet in lieu of the required 60 feet.

Hearings: Wednesday, September 10, 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.

APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 12, 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.

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on Recycled Paper

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 04-025-A

Petitioner: GLYNDON DEVELOPMENTS, LLC

Address or Location: 302 HARVESTVIEW ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY DONTELL

Address: 210 ALLEGHENY AVE

TOWSON MARYLAND 21204

Telephone Number: (410) 494-6244

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

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

August 25, 2003

Arnold E. Jablon
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Jablon:

RE: Case Number: 04-025-A, 302 Harvestview Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 15, 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

WCR:klm

Enclosures

c: People's Counsel
Nicholas Tsakalos, John Paterakis, 1515 Fleet Street, Baltimore 21231
John Gordon, Homes for Reisterstown II, 21400 Ridgetop Circle, Ste. 250, Sterling VA 20166

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on Recycled Paper

Baltimore County
Fire Department

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, 022-026 025

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

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on Recycled Paper

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.29.03

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

RE: Baltimore County
Item No. 025 LTM

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,

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

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

SHA State Highway Administration — Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.22.03

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

RE: Baltimore County
Item No. 025 JRF

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,

K. A. McDonald

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 22, 2003

RECEIVED
JUL 23 2003
ZONING COMMISSIONER

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case 04-020 and 04-25**

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

Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC

W:\DEVREV\ZAC\nocomment.doc

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 302 Harvestview Rd; NW/side Harvestview Rd, 520' SW c/line Westminster Pike 4th Election & 3rd Councilmanic Districts Legal Owner(s): Nicholas Tsakalos & John Paterakis, Glydon Development, LLC Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-025-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio
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 25th day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to, Arnold E. Jablon, Esquire, Venable, Baetjer & Howard, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
JUL 25 2003
Per.....

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

ARNOLD JABLON
(410) 494-6298

aejablon@venable.com

25 August 2003

Timothy M. Kotroco, Director
Department of Permits and Development Management
County Office Building
111 West Chesapeake Ave
Towson, Maryland 21204

Re: REQUEST FOR ZONING CONFIRMATION–
Meadows of Reisterstown Village
E.D. 4; Councilmanic District 3;
Tax Account #: 2300010256

Dear Mr. Kotroco:

This office represents Homes for Reisterstown II Limited Partnership, who is developing the site known as Meadows of Reisterstown II Senior Apartments, 302 Cantata Court, Reisterstown, Maryland. Our client's lender is requiring confirmation from Baltimore County that 77 units for the elderly are permitted at this location.

Our client intends to develop a single, four-story structure on the site that will provide 77 units for the elderly, as are more particularly shown on the site plan submitted in Case NO. 4-025A. Indeed, our client has received building permits for the retaining wall (B543156) and for the building (B541124). The sole purpose of this confirmatory letter is to receive acknowledgement from the Department of Permits and Development Management that a total of 77 units for the elderly are permitted at this location. Thus, I am herewith requesting such confirmation from you.

It would be appreciated if you would sign on the appropriate signature line provided below. Your signature would acknowledge confirmation that 77 units for the elderly at the above location is permitted.

Sincerely,

Arnold Jablon

5/5/04

Timothy Kotroco, Director
Department of Permits and Development Management

Date

RECEIVED
MAY 6 2004
04-1311
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Zoning Commission Meeting Baltimore Courthouse,
Wednesday, August 27, at 2:00 pm.
887-3391
Case No. 04025-A

Sign up to speak.

Re: Variance to permit rear building face to front building face
setback of 55 feet in lieu of the required 60 feet.

My name is Renate Kirchgessner, I live at 304 Cantata Ct, Apt. 316, my living room window is facing the lot where a setback to 55 feet is requested.

I am sure you have looked at the site and surrounding properties.
There are already three senior apartment buildings on Cantata Court with about 240 apartments. All three buildings are close together. There are existing problems with parking as well as access to emergency and trash pick-up vehicles due to narrow winding road.

I can understand that the builder Homes For America/First Centrum wants to get their money back on their investment but they are doing it at the expense of the existing dwellings by overbuilding on the lot in question.

They are requesting a variance for the minimum distance between buildings and having to place parking spaces in basically inaccessible areas - especially for seniors - which will create further traffic problems and difficulties. These parking lots are **far away** from the perimeter of the main building; for instance one such area of 10 parking places is at the back of our 304 dwelling at the end of a small access road. [illegible]

A building of that seize for 77 apartments is **too big for that small piece of land.**

What I am asking is to go back to redesign this building **to fit the** lot.

Pro #1

PLEASE PRINT CLEARLY

CASE NAME 303 Harvestview Rd.
CASE NUMBER 04-025-A
DATE 8/26/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DAVID KARCESKI ARNOLD JABLON	210 ALLEGHENY AVE	TOWSON MD 21204	
JOHN S. GORDON FIRST DENTRUM	21400 RIDGETOP CIRCLE, #250 STERLING, VA 20166	STERLING, VA 20166	
DEAN HOOVER	1220 E JOPPA ROAD Suite 550 TOWSON MD 21286		

Case Number 04-025-A

PLEASE *PRINT* LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Renate Name	Address	City, State	Zip Code
R. Kirchgessner	304 Candata Ct.	Reisterstown, Md	21136

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS #	CITY, STATE, ZIP	E- MAIL
Renate Kirchgessner	304 Cantata Ct. 316	Reisterstown, Md.	21136

EXHIBIT 5

The Meadows of Reistertown II
Senior Apartments
February 25, 2003

The undersigned residents of Reisterstown Village support the development of the Meadows of Reisterstown II Senior Apartments:

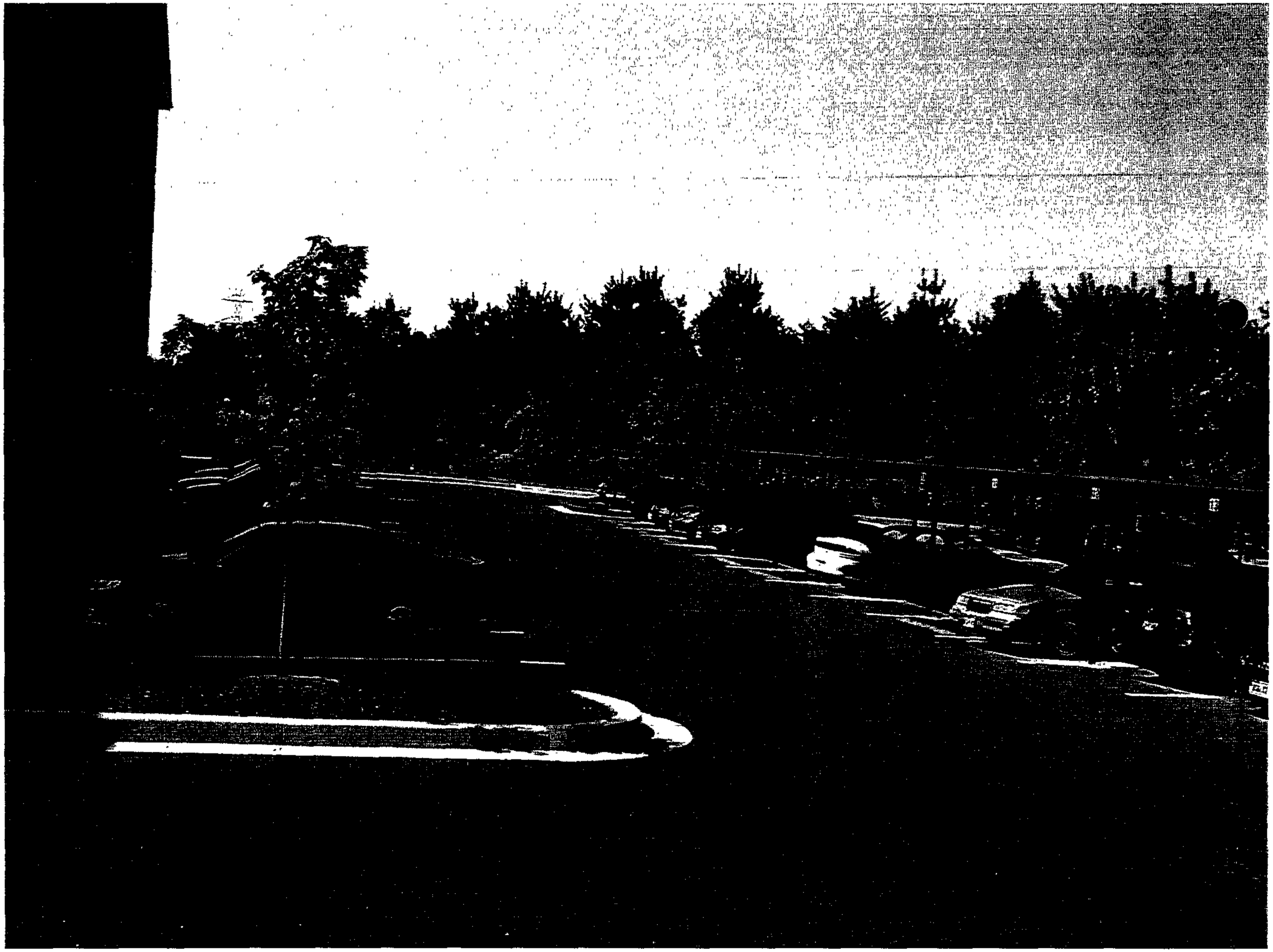
Edna Lyons
Bessie Lenzey
Patricia Mays
Dorothy Jones
Annie Fast
Peta M Morris
Jean Jones
Christine Fast
Jeanette Fulton
LeRoy Fulton

correspondence

②

3

4



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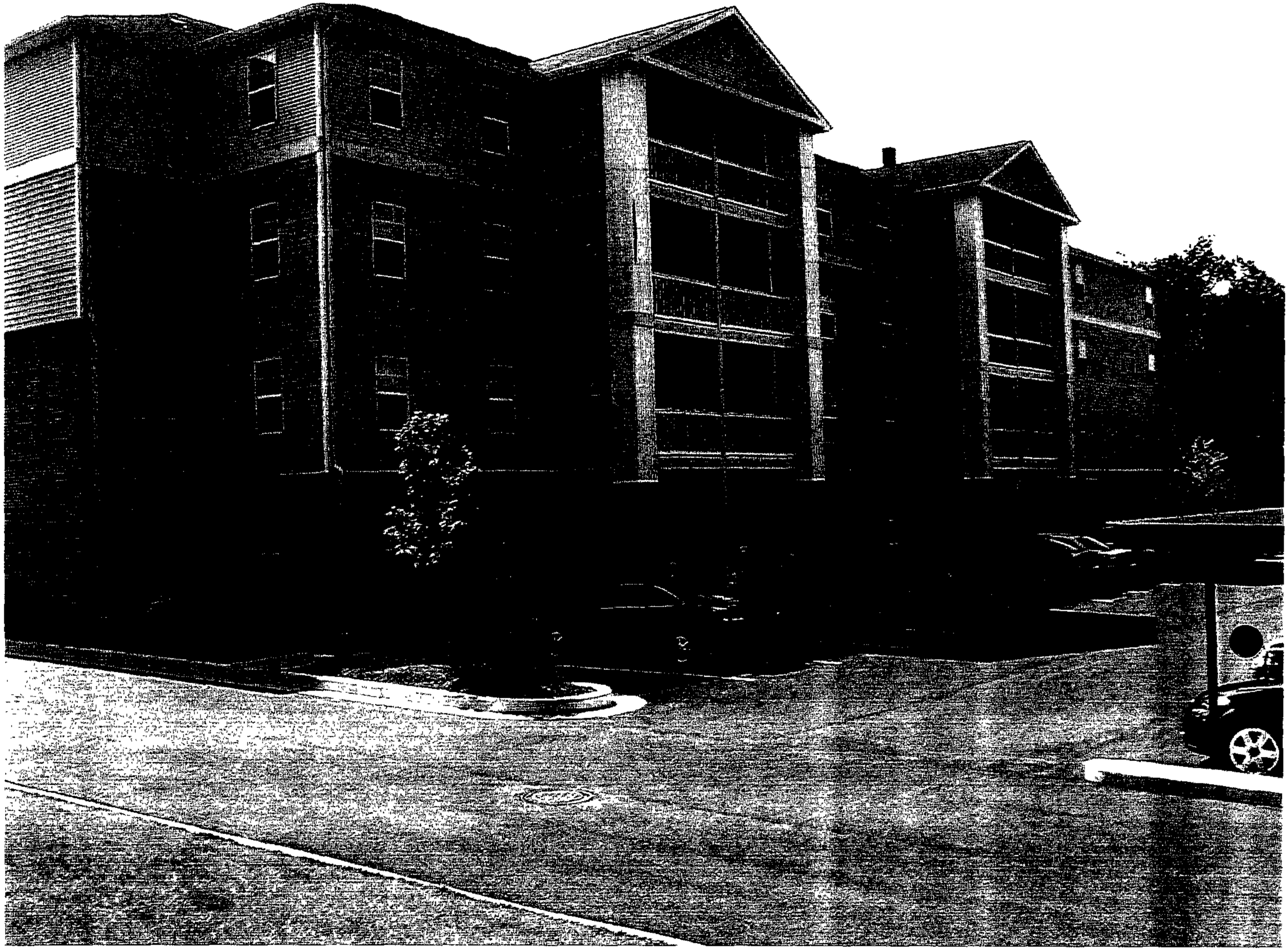

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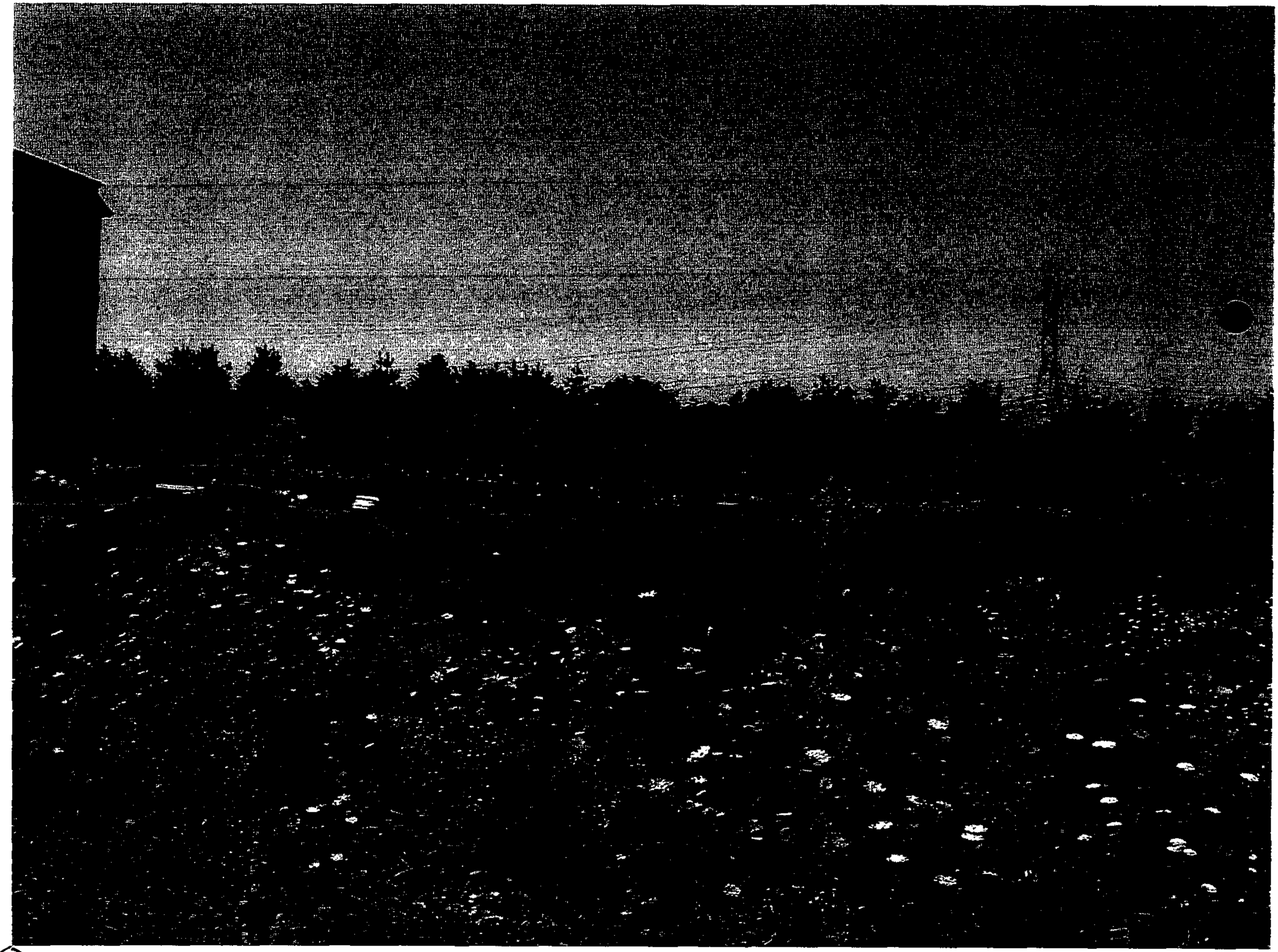

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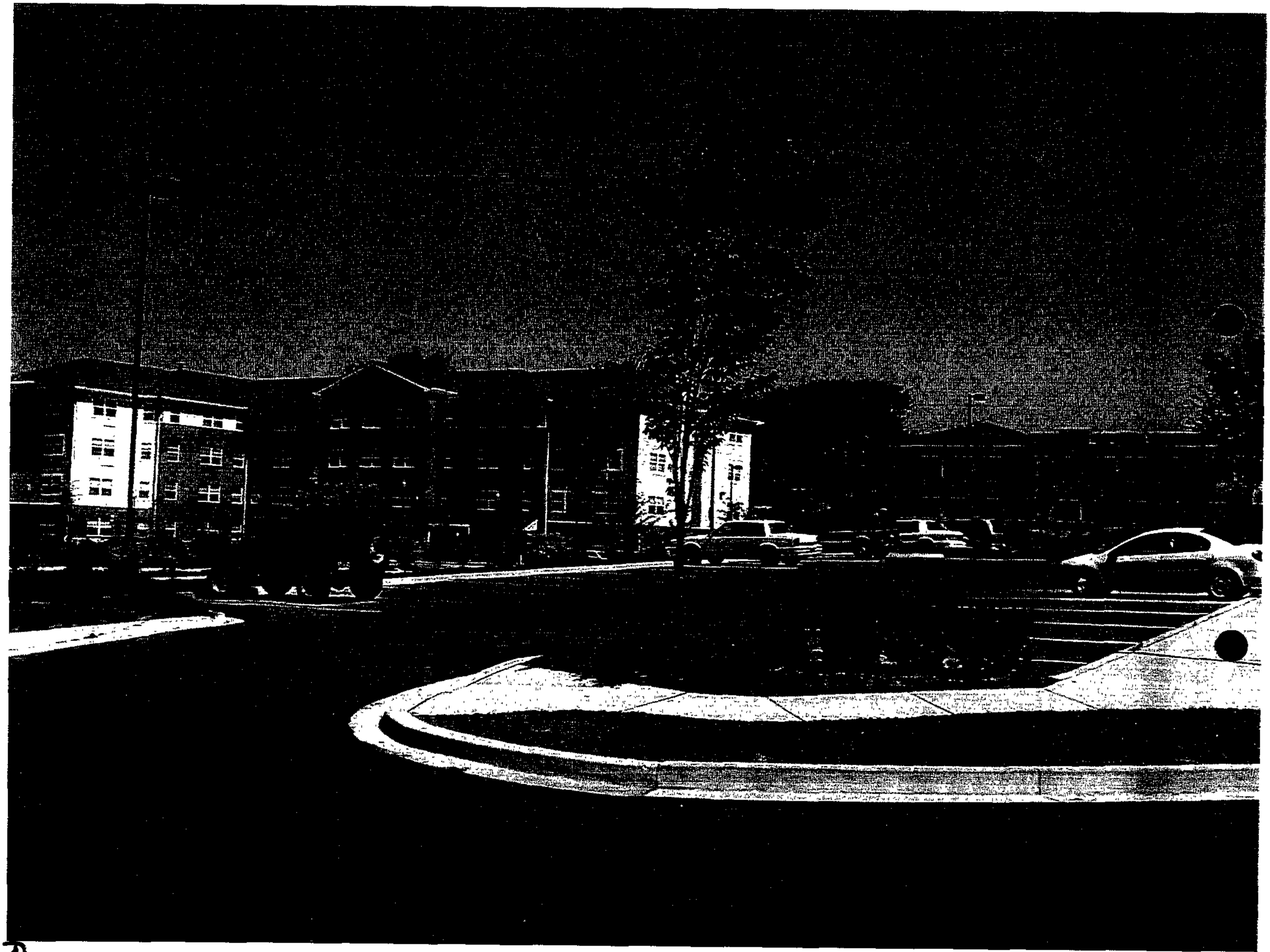

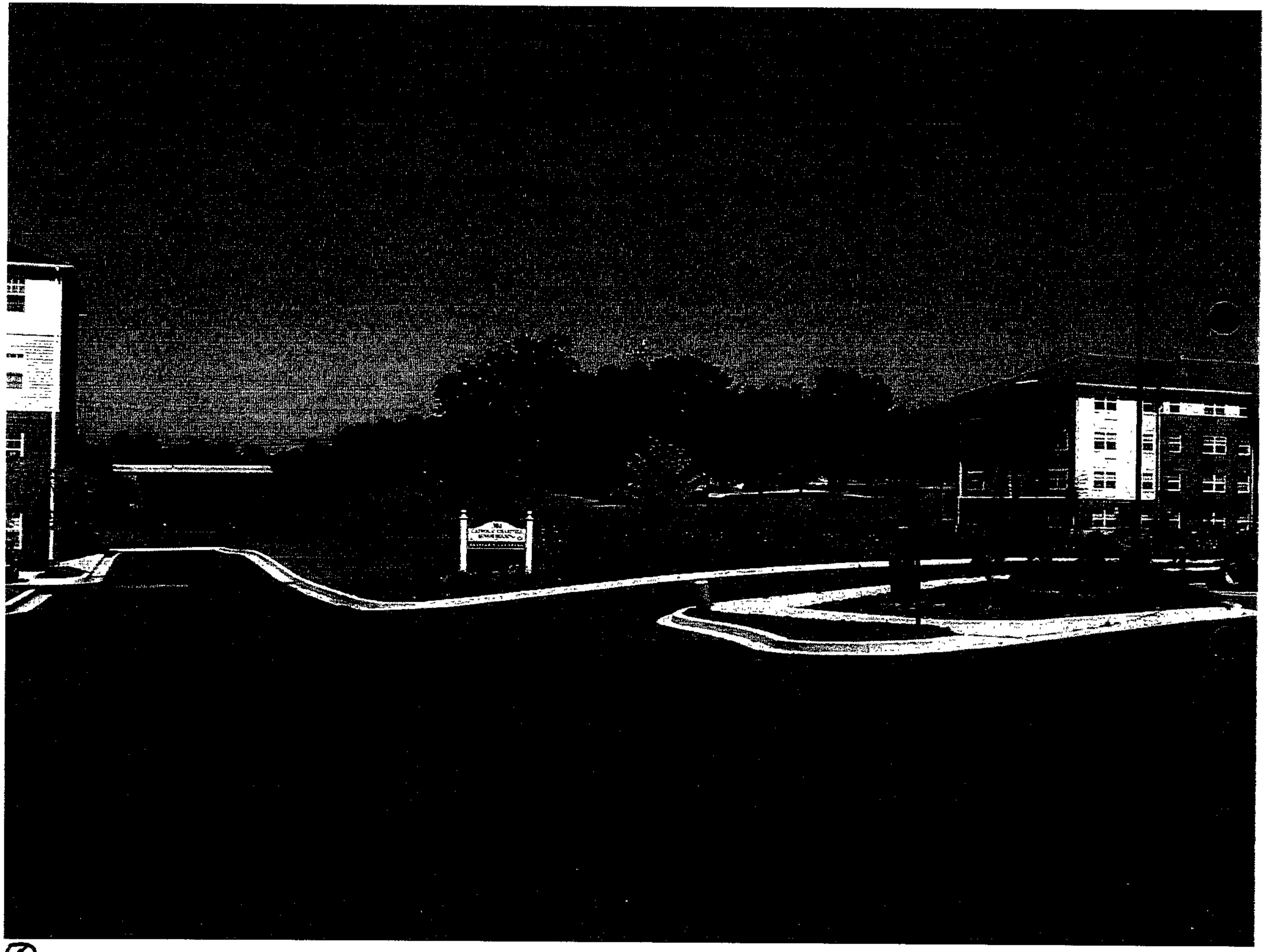

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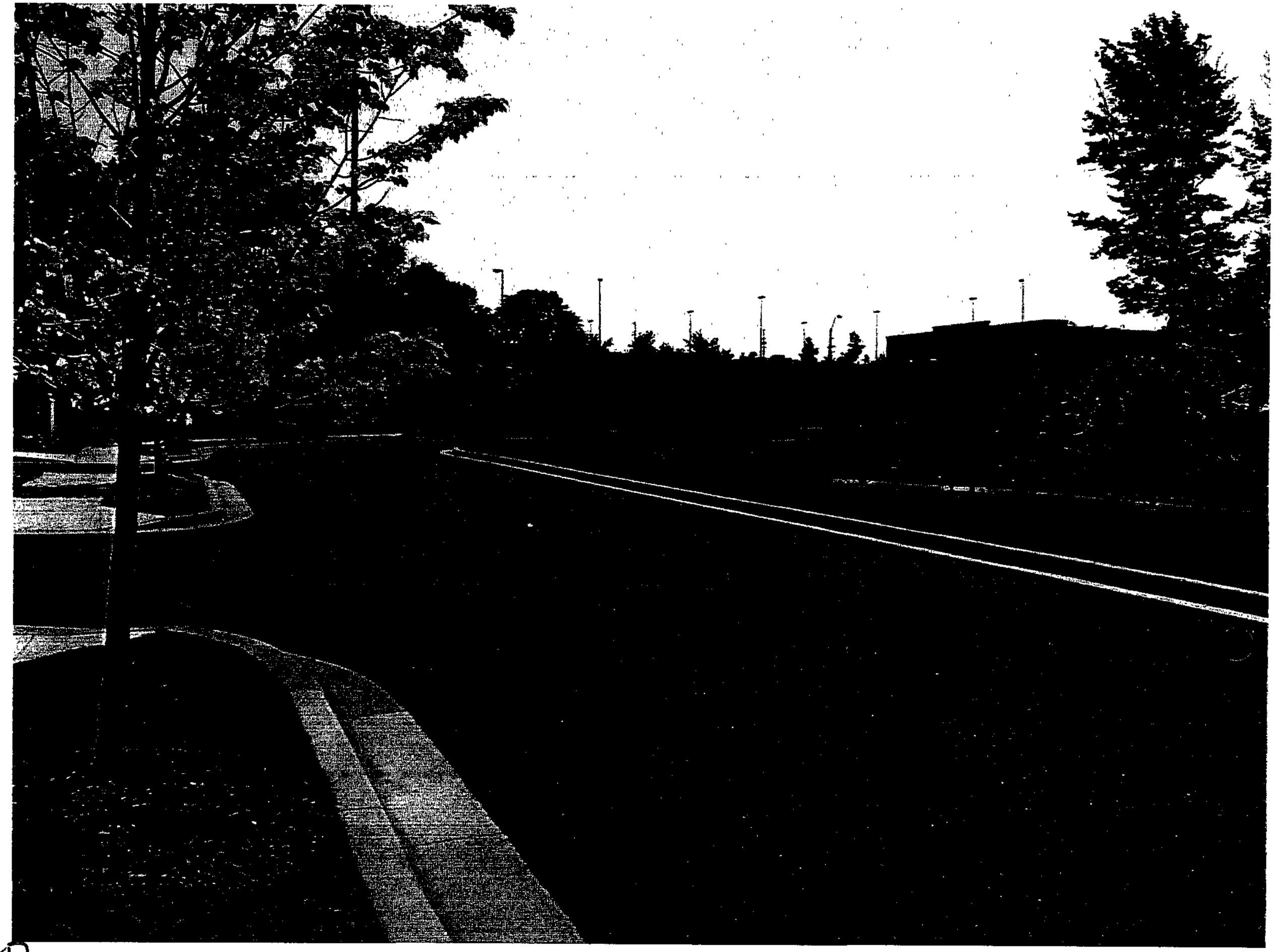

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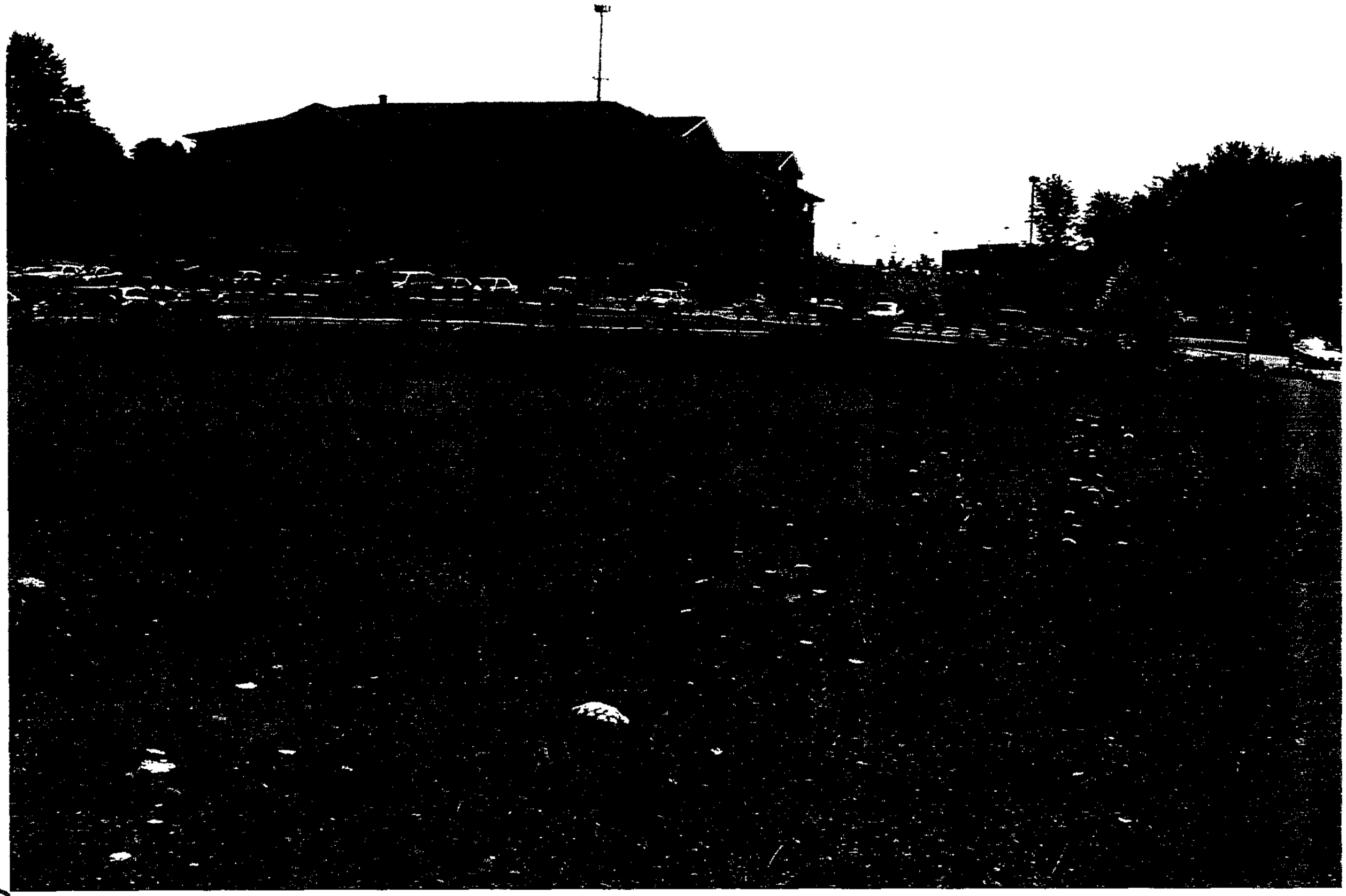

PLAN NOTES

1. OWNED: GLYNDON DEVELOPMENT LLC
P.O. BOX 1144
COLLEGE PARK, MD 20741-1144

2. CONTRACT PURCHASER: HOMES OF REISTERSTOWN II
LIMITED PARTNERSHIP
21400 RIDGETOP CIRCLE, SUITE 250
STERLING, VA 20166
ATTN: JACK GORDON
PHONE: (703)-406-3471

3. PLAN PREPARED BY: MORRIS & RITCHIE ASSOCIATES, INC.
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MD 21286
(410) 821-1690
ATTN: JIM HERMANN

4. NET SITE AREA = 88,724.82 SF. OR 2.0369 AC.±
GROSS SITE AREA = 89,324.82 SF. OR 2.0506 AC.±

5. SITE ZONING – DR 10.5 (DENSITY RESIDENTIAL 10.5) AS INDICATED ON MAP 16–K.

6. EXISTING USE: VACANT
7. PROPOSED USE: CLASS A HOUSING FOR THE ELDERLY
32 TWO BEDROOM APTS
45 ONE BEDROOM APTS
77 TOTAL APTS

8. PROPOSED HEIGHT: FOUR STORY BUILDING – MAX HEIGHT 55'
SEE VARIANCE REQUEST #1.

9. FIRE HYDRANTS ARE INDICATED ON THE PLAN.

10. REQUIRED PARKING:
77 DWELLING UNITS @ 1 SPACE/1.5 UNITS = 52 SPACES
(INCLUDING 3 HANDICAPPED)

11. PROPOSED PARKING 56 SPACES (INCLUDING 6 HANDICAPPED SPACES)

12. REQUIRED SETBACKS:
BUILDING FACE TO BUILDING FACE – 60'
BUILDING FACE TO PUBLIC R/W – 25'
(45' ADJACENT ARTERIAL ROADWAY)
SIDE BUILDING FACE TO SIDE BUILDING FACE
1' OF SETBACK PER 1' OF HEIGHT TO SOFFIT
LINE OF TALLEST BUILDING – NOTE LESS THAN 30'
BUILDING FACE TO TRACT BOUNDARY
FRONT OR REAR BUILDING FACE – 40'
SIDE BUILDING FACE – 30'

13. THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN.

14. SIGNAGE SHALL CONFORM WITH THE B.C.Z.R. REQUIREMENTS.

15. ADDRESS: 302 HARVEST VIEW ROAD

16. SCREENING AND LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL.

17. PARKING AND DRIVE ISLES SHALL BE PAVED PER SECTION 409.8 (B.C.Z.R.).

18. LIGHTING FIXTURES SHALL BE ARRANGED AND SELECTED TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.

19. GAZEBO AND COVERED PARKING ARE CONSIDERED ACCESSORY STRUCTURES. MAXIMUM HEIGHT OF ACCESSORY STRUCTURES IN DR ZONES IS 15 FT. (SEE SECTION 400 – B.C.Z.R.)

APPROVALS

DEVELOPMENT PLAN – 7TH REFINEMENT – DRC NO. 09209C
PDM NO. III–305 DATED OCTOBER 15, 1999.

CASE NO. 93-118 A – PETITION FOR VARIANCE FROM B.C.Z.R. SECTION 1B01.2.C.1 TO PERMIT A REAR YARD SETBACK OF 25 FT. IN LIEU OF THE REQUIRED 30 FT. FOR EACH OF THE 312 LOTS WHICH COMPRISE THE REISTERSTOWN VILLAGE P.U.D. WAS GRANTED ON NOVEMBER 20, 1992 (ONLY APPLIES TO TOWNHOUSE LOTS.)

CASE NO. 00-251-SPHA – PETITION FOR VARIANCE FROM B.C.Z.R. SECTION 1B02.2.A TO PERMIT A BUILDING HEIGHT OF 55 FEET IN LIEU OF 50 FT. PERMITTED.

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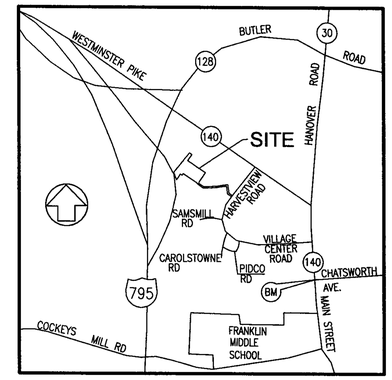
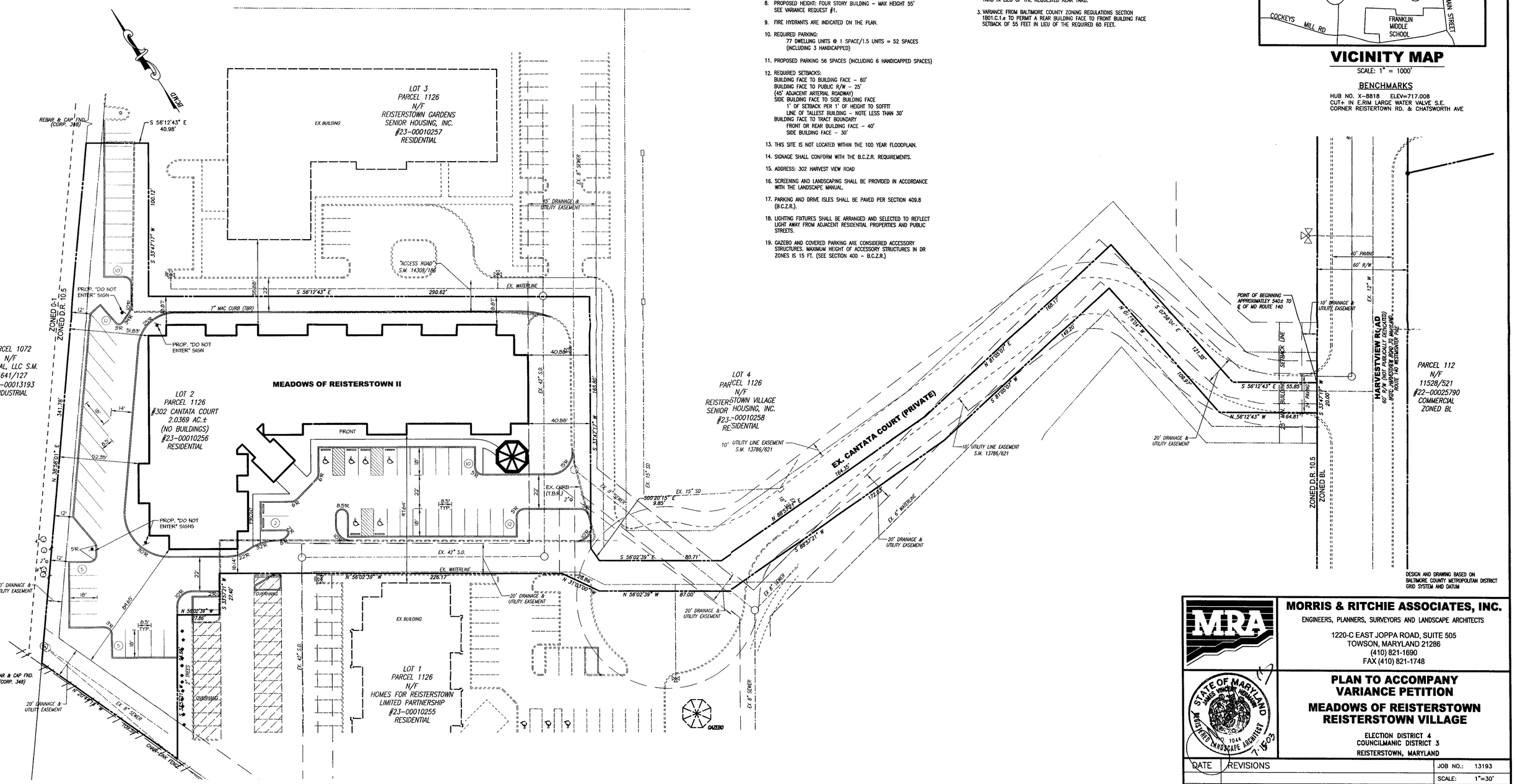


VICINITY MAP

SCALE: 1" = 1000'

BENCHMARKS

HUB NO. X–8818 ELEV=717.008
CUT+ IN E.RIM LARGE WATER VALVE S.E. CORNER REISTERTOWN RD. & CHATSWORTH AVE



PLAN

SCALE: 1"=30'

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

STATE OF MARYLAND — JAMES VINCENT HERMANN — NO. 1041 — REGISTERED LANDSCAPE ARCHITECT — 7-15-03

PLAN TO ACCOMPANY VARIANCE PETITION
MEADOWS OF REISTERSTOWN REISTERSTOWN VILLAGE

ELECTION DISTRICT 4
COUNCILMANIC DISTRICT 3
REISTERSTOWN, MARYLAND

DATE	REVISIONS		
		JOB NO.:	13193
		SCALE:	1"=30'
		DATE:	7/11/03
		DRAWN BY:	TAC
		DESIGN BY:	JVH
		REVIEW BY:	JVH
		SHEET:	1 OF 1

#025 Pet #1

EXH 2

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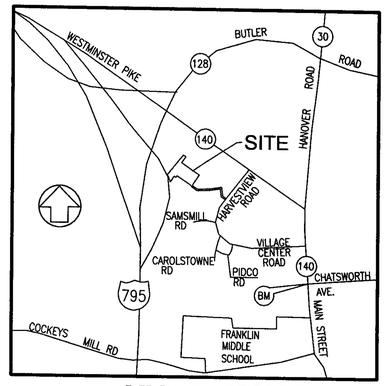
EXHIBIT 2



VICINITY MAP

SCALE: 1" = 1000'

BENCHMARKS

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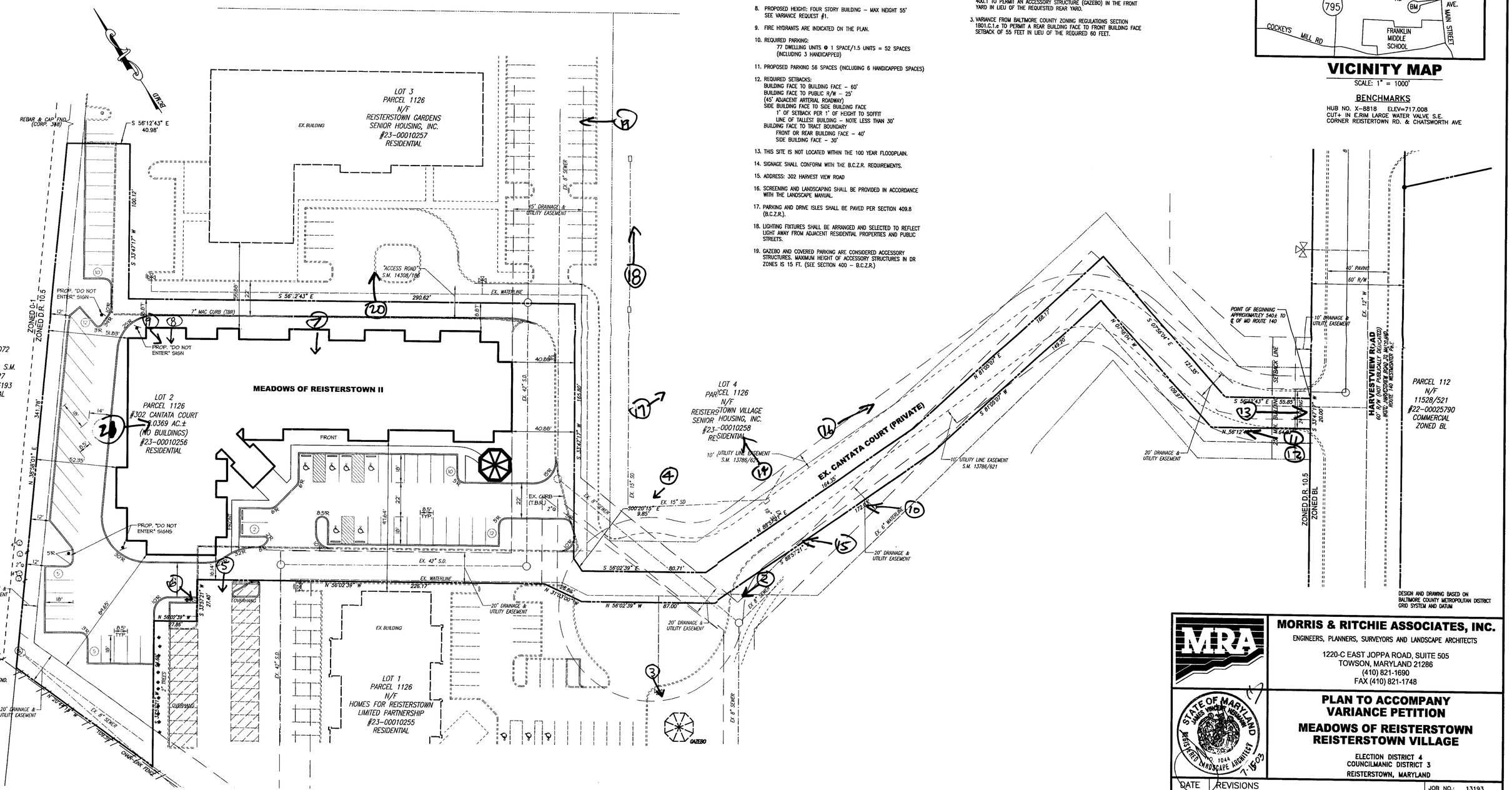
CUT+ IN E.RIM LARGE WATER VALVE S.E. CORNER REISTERTOWN RD. & CHATSWORTH AVE



PLAN

SCALE: 1"=30'

DESIGN AND DRAWING BASED ON BALTIMORE COUNTY METROPOLITAN DISTRICT GRID SYSTEM AND DATUM

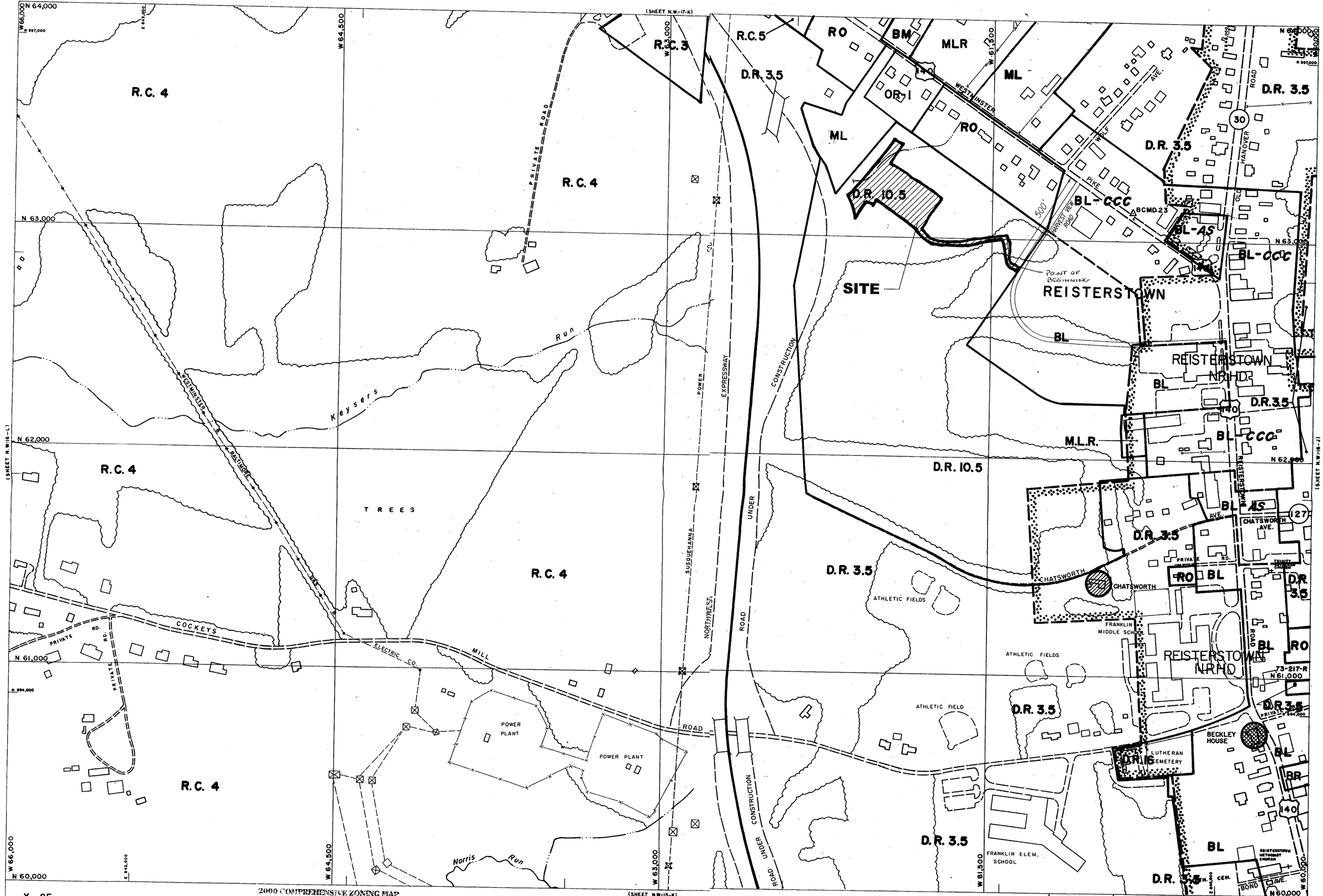
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

STATE OF MARYLAND — JAMES VINCENT HERMANN — No. 1044 — REGISTERED LANDSCAPE ARCHITECT — 7-15-03

PLAN TO ACCOMPANY VARIANCE PETITION
MEADOWS OF REISTERSTOWN
REISTERSTOWN VILLAGE
ELECTION DISTRICT 4
COUNCILMANIC DISTRICT 3
REISTERSTOWN, MARYLAND

DATE	REVISIONS		
		JOB NO.:	13193
		SCALE:	1"=30'
		DATE:	7/11/03
		DRAWN BY:	TAC
		DESIGN BY:	JVH
		REVIEW BY:	JVH
		SHEET:	1 OF 1

Case No. 04-025-A / filed 7/15/03



X - SE
Y - NE

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	REISTERSTOWN	N.W. 16-K
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 16 K

025

architecturally similar to the building on lot 1 which has a pitched roof as a prominent feature. No increase in floors or increase in density is being requested. See photo 2 of Petitioner's Exhibit No. 4 for a frontal view of the existing building on lot 1 and an indication of how the new building would be designed. Ms. Kirchgessner did not object to this request.

The second variance is to allow a gazebo in the front of the new building. Again, this request has already been approved for lot 1. See photo 3 of Petitioner's Exhibit No. 4. Mr. Jablon proffered that this would allow the senior residents of the new building to view the goings on in the project and be outside in an atmosphere conducive to conversation and discussion. Ms. Kirchgessner did not object to this request.

Finally, the Petitioner asks for relief from the requirement that the back of the new building be 55 feet rather than 60 feet from the side of the existing building on lot 1. Here, Ms. Kirchgessner did object, indicating that the new building would be too close to her apartment. Much discussion ensued regarding the possibility of meeting the zoning requirement by pushing the building towards lot 1. However, the Petitioner pointed out that this would require parking variances and the design of the parking area between buildings would be affected. The only other solution would be to reduce the size of the apartments offered by the operator or reduce the number of units. Neither alternative would be acceptable, given the waiting list for senior housing and senior's demand for livable space in senior apartments for full independent living. It appears the Petitioners have provided the best tradeoff under the circumstances of this constrained lot and location. They have offered to landscape the area between the new building and the existing building in which Ms. Kirchgessner resides, which I will require.

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 Petitioners, I find that the Petitioners' variance requests should be granted.