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FOR FILING

ORDER RECEIV

IN RE: PETITION FOR VARIANCE &
SPECIAL HEARING RELIEF
SW/S of Windsor Mill Rd., 123 ft. SE
centerline of Rona Road
2nd Election District
4th Councilmanic District
(Schneider Property)

Thomas W. Sperl

Petitioner

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-202-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, Thomas W. Sperl. The Petitioner is requesting variance relief for property located at #2, #4, #6, #8, #10, #12, #14 Graces Will Way and 6823 & 6825 Windsor Mill Road (Schneider Property) in the western area of Baltimore County. Variance relief is requested as follows:

A. Building Separation between homes and/or widow to window separation on Lots 3-9:

From Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B3 of the CMDP (Comprehensive Manual of Development Policies)(as previously adopted and applicable to this development approved by the CRG), to permit a non-windowed building face to building face separation of 20 ft. in lieu of the required (depending on height of buildings) of 25°, 30°, 40° or 60° and/or from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B6.c of the CMDP, to permit 20° between building faces with windows in lieu of the 40° required; and

B. Front Building Face to Public ROW, Street centerline or Property Line on Lots 4-9:

From Section 1B01.2.C.3 of the B.C.Z.R. and Section V.B9 of the CMDP (as previously adopted and applicable to this development approved by the CRG), to permit the distance between a building to the centerline of Graces Will Way, public right-of-way or properly line of 25 ft. in lieu of the 50 ft. required; and

C. Side Window to Street ROW, Lot 9:

From Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B6.a of the CMDP (as previously adopted and applicable to this development approved by the CRG), to permit a side window to street right-of-way of 15 ft. in lieu of the 25 ft. required; and

D. Building to Tract Boundary/Window to Tract Boundary on Lot 2:

From Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.b of the Comprehensive Manual of Development Policies (as previously adopted and applicable to this development approved by the CRG), to permit the distance between a non-windowed building face and a tract boundary of 15 ft. in lieu of the 30 ft. required; or from Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a of the Comprehensive Manual of Development Policies (as previously adopted and applicable to this development approved by the CRG), to permit the distance between a windowed building face and a tract boundary of 15 ft. in lieu of the 35 ft. required; and

E. Windowed Rear Building Fact to Tract Boundary of Lots 2-9:

From Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a (as previously adopted and applicable to this development approved by the CRG), to permit the distance between a windowed building face and a tract boundary of 30 ft. in lieu of the 35 ft. required.

In addition, the Petitioner requests special hearing relief pursuant to Section 1B01.3A.7.b of the B.C.Z.R., to amend the Final Development Plan for the "Schneider Property" and all prior amendments thereto consistent with the relief granted and the plan to accompany this petition.

The property was posted with Notice of Hearing on November 21, 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 November 20, 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-treet 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 request was Charles Merritt, Developers' Consultant. Howard L. Alderman, Jr., Esquire, represented the Petitioner. Evelyn Pon, William Lambert, Gordon and Hilde Haney, adjacent and nearby property owners attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence was proffered by Mr. Alderman which indicated that the property, which is the subject of this variance request, was approved in 1993 by the CRG review. The plat was recorded and ready for development but problems with storm water management facilities in other nearby subdivisions held up building the eight new homes on this 9-lot subdivision. The Petitioner is not asking for any more lots or greater density than has been previously approved by the CRG. Apparently the delays have now been overcome and the CRG development is about to be built.

The purpose of this series of variances is to allow the builder to offer larger homes with more amenities such as windows on the sides of the new homes, which are allowed under the present regulations. Essentially, the variances would bring the development up to present standards. Mr. Alderman proffered that similar variances had been granted in Case Nos. 02-031 and 02-032 for adjoining subdivisions and homes built to present standards would generally be more compatible with the surrounding communities.

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 Petitioner's variance and special hearing requests should be granted.

THEREFORE, IT IS ORDERED, this 12 day of December, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance as follows:

A. Building Separation between homes and/or widow to window separation on Lots 3-9:

From Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B3 of the CMDP (Comprehensive Manual of Development Policies)(as previously adopted and applicable to this development approved by the CRG), to permit a non-windowed building face to building face separation of 20 ft. in lieu of the required (depending on height of buildings) of 25°, 30°, 40° or 60° and/or from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B6.c of the CMDP, to permit 20° between building faces with windows in lieu of the 40° required; and

B. Front Building Face to Public ROW, Street centerline or Property Line on Lots 4-9:

From Section 1B01.2.C.3 of the B.C.Z.R. and Section V.B9 of the CMDP (as previously adopted and applicable to this development approved by the CRG), to permit the distance between a building to the centerline of Graces Will Way, public right-of-way or properly line of 25 ft. in lieu of the 50 ft. required; and

C. Side Window to Street ROW, Lot 9:

From Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B6.a of the CMDP (as previously adopted and applicable to this development approved by the CRG), to permit a side window to street right-of-way of 15 ft. in lieu of the 25 ft. required; and

D. Building to Tract Boundary/Window to Tract Boundary on Lot 2:

From Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.b of the Comprehensive Manual of Development Policies (as previously adopted and applicable to this development approved by the CRG), to permit the distance between a non-windowed building face and a tract boundary of 15 ft. in lieu of the 30 ft. required; or from Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a of the Comprehensive Manual of Development Policies (as previously adopted and applicable to this development approved by the CRG), to permit the distance between a windowed building face and a tract boundary of 15 ft. in lieu of the 35 ft. required; and

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E. Windowed Rear Building Fact to Tract Boundary of Lots 2-9:

From Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a (as previously adopted and applicable to this development approved by the CRG), to permit the distance between a windowed building face and a tract boundary of 30 ft. in lieu of the 35 ft. required,

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

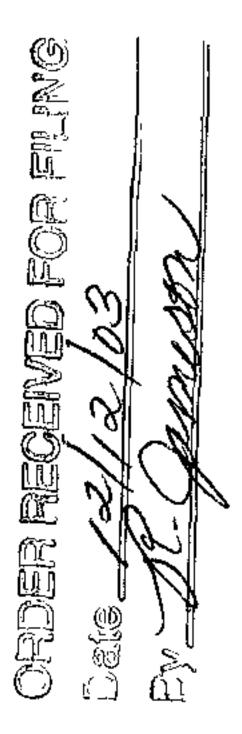
IT IS FURTHER ORDERED, that the Petitioner's request for Special Hearing relief filed pursuant to Section 1B01.3A.7.b of the B.C.Z.R., to amend the Final Development Plan for the "Schneider Property" and all prior amendments thereto consistent with the relief granted and the plan to accompany this petition, be and is hereby GRANTED.

JOHN V. MURPHY

DEPUTY ZONING COMMISŠIONER

FOR BALTIMORE COUNTY

JVM:raj



CRUER RECEIVED FOR Date IN RE: PETITION FOR VARIANCE & SPECIAL HEARING RELIEF SW/S of Windsor Mill Rd., 123 ft. SE centerline of Rona Road 2nd Election District 4th Councilmanic District (Schneider Property)

> Thomas W. Sperl Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 04-202-A

ORDER ON MOTION FOR RECONSIDERATION

*

WHEREAS, this matter came before this Deputy Zoning Commissioner on December 8, 2003 on a Petition for Variance filed by Thomas W. Sperl, Petitioner. The case involved whether or not the homes approved by the CRG in 1993 would be allowed to be physically larger and have amenities such as windows which were not allowed under the 1993 regulations, After the hearing on this matter, the variance request was granted by Order dated December 12, 2003.

WHEREAS, one of the citizens who attended the hearing, Ms. Evelyn Pon, has filed a motion for reconsideration (letters dated December 15 & 29, 2003) in this matter regarding the approval of the development plan and public roadways (Graces Will Way connection to Nasam Road) for the proposed development on the Schneider Property. Ms. Pon is concerned that the Petitioner will encroach upon her property in the future to obtain 10 ft. to meet the road needs of the new development.

Findings of Fact and Conclusions of Law

I find that Ms. Pon's reconsideration request must be denied because the issue she now raises was not before this Hearing Officer at the hearing held on December 8, 2003. The issue she refers to pertains to matters already approved in 1993 in the previously filed Development Plan and have been recorded in the Land Records for Baltimore County. The variances in this case involved whether or not the homes would be allowed to be physically larger and have amenities such as

ORDER RECEIVED FOR FILING
Date

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windows, which were not allowed under the 1993 regulations. This case did not involve approval of the development plan and roadways, which are Ms. Pon's particular concern.

THEREFORE, IT IS ORDERED, this _____ day of January, 2004, by the Deputy Zoning Commissioner for Baltimore County, that Ms. Pon's Motion for Reconsideration be DENIED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date 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

December 10, 2003

Howard L. Alderman, Jr., Esquire Levin & Gann Nottingham Centre, 8th Floor 502 Washington Avenue Towson, Maryland 21204

Re: Petition for Variance
Case No. 04-202-A
Property: Schneider Property

Dear Mr. Alderman:

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

Sohn merphy

JVM:raj Enclosure



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

Copies to:

Thomas Sperl
Thomas Sperl Enterprises
2414 E. Joppa Road
Baltimore, MD 321234

Charles Merritt Merritt Development 9831 Magledt Road Baltimore, MD 21234

Evelyn Pon 6819 Windsor Mill Road Baltimore, MD 21207

William Lambert 2819 Rona Road Baltimore, MD 21207

Gordon Haney Hilde Haney 2032 Read Road Baltimore, MD 21207



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Schneider Property
which is presently zoned DR 5.5

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)

SEE ATTACHED

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:		Legal Owner(s	<u>s):</u>	
		Thomas W. St	gerl	
Name - Type or Print	<u>, , , , , , , , , , , , , , , , , , , </u>	Name - Type or Print		
Signature	······································	Signature	<u></u>	
Address	Telephone No.	Name - Type or Print		<u> </u>
City	te Zip Code	Signature	<u> </u>	<u> </u>
-		4208 Ebenezer	Road	410-256-1000
Attorney For Petitioner:		Address	<u> </u>	Telephone No.
Howard L. Alderman, Jr., E	squire	City	Stale	Zip Code
Lewey Klederw	le for	Representativ	e to be Contacted:	
Signature Signature & Gann, PA Nottingham	Centre, 8th Floor	Charles Merritt	C/O Merritt Developn	nent Consultants, Inc.
Company	-321-0600	Name 9831 Magledt F	Road	410-663-5525
Address	Telephone No.	Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.
Towson, MD 21204	•	Baltimore,	Maryland	21234
City	te Zip Code	City	State	Zip Code
,			OFFICE USE ONLY	
CES No CA - 207	'A	ESTIMATED LENGT	TH OF HEARING	
Case No	Reviewed	By LTM	HEARING	53
REV0/15/98			•	

Attachment 1 PETITION FOR VARIANCE & SPECIAL HEARING RELIEF

CASE NO: 04- 202 - SPHA

Address:

Graces Will Way

Legal Owners:

Thomas W. Sperl

REQUESTED RELIEF:

VARIANCES:

$oldsymbol{A}$. Building Separation between homes and/or window to window separation on Lots 3-9:

From BCZR§ 1B01.2.C.1 and CMDP §V.B3 (as previously adopted and applicable to this development approved by the CRG) to permit a non-windowed building face to building face separation of 20 feet in lieu of the required (depending on height of buildings) of 25', 30', 40' 0r 60' and/or from BCZR§ 1B01.2.C.2.b and CMDP §V.B6.c to permit 20' between building faces with windows in lieu of the 40 feet required; and

B. Front Building Face to Public ROW, Street Centerline or Property Line on Lots 4-9:

From BCZR§ 1B01.2.C.3 and CMDP §V.B9 (as previously adopted and applicable to this development approved by the CRG) to permit the distance between a building to the centerline of Graces Will Way, public right-of-way or property line of 25 feet in lieu of the 50 feet required; and

C. Side Window to Street ROW Lot 9:

From BCZR§ 1B01.2.C.2.a and CMDP §V.B6.a (as previously adopted and applicable to this development approved by the CRG) to permit a side window to street right-of-way of 15 feet in lieu of the 25 feet required; and

D. Building to Tract Boundary/Window to Tract Boundary on Lot 2:

From BCZR§ 1B01.2.C.2.a and CMDP §V.B.5.b (as previously adopted and applicable to this development approved by the CRG) to permit the distance between a non-windowed building face and a tract boundary of 15 feet in lieu of the 30 feet required; or from BCZR§ 1B01.2.C.2.a and CMDP §V.B.5.a (as previously adopted and applicable to this development approved by the CRG) to permit the distance between a windowed building face and a tract boundary of 15 feet in lieu of the 35 feet required; and

707 Page 1 of 2

E. Windowed Rear Building Face to Tract Boundary on Lots 2-9:

From BCZR§ 1B01.2.C.2.a and CMDP §V.B.5.a (as previously adopted and applicable to this development approved by the CRG) to permit the distance between a windowed building face and a tract boundary of 30 feet in lieu of the 35 feet required.

SPECIAL HEARING:

Amendment of Final Development Plan:

To amend, pursuant to BCZR §1B01.3A.7.b, the final development plan for Schneider Property and all prior amendments thereto consistent with the relief granted and the Plan to Accompany this Petition.

JUSTIFICATION:

- A. Irregularly shaped lots;
 - B. Existing topographic and environmental constraints;
- C. Will bring prior approved layout into compliance with current regulations; and
- D. For such further reasons that will be presented at the hearing on this Petition.

#202

September 21, 2003

ZONING DESCRIPTION FOR #2, #4, #6, #8, #10, #12, #14 GRACES WILL WAY and #6823, #6825 WINDSOR MILL ROAD

Beginning at a point on the southwest side of Windsor Mill Road which is 60 feet wide at the distance of 123 feet southeast of the centerline of the nearest improved intersecting street, Rona Road, which is 50 feet wide. Being Lots 1 through 9, inclusive, in the subdivision of Schneider Property as recorded in Baltimore County Plat Book #64, Folio #44, containing 1.4260 acres. Also known as 2, 4, 6, 8, 10, 12, 14 Graces Will Way and 6823, 6825 Windsor Mill Road and located in the 2nd Election District, 2nd Councilmanic District.

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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: #04-202-A Schneider Property

S/west side Windsor Mill 123 feet southeast centerline Rona Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Thomas W. Speri

Variance: to permit a non-windowed building face to building face separation of 20 feet in lieu of the required (depending on height of buildings) of 25', 30', 40', or 60'. To permit 20 feet between building faces with windows in lieu of 40 feet required. Front building face to public Row, street or property line on lots 4-9. To permit the distance between a building to the centerline of Graces Will Way, public right-of-way or property line of 25 feet in lieu of the 50 ft. required, side windows to street right-of-way lot 9. To permit a side window to street right-of-way of 15 feet. To permit a side window to street right-of-way of 15 feet in lieu of the 25 feet required. Building to tract boundary/window to tract boundary on lot 2. To permit the distance between a non-window building face and a tract boundary of 15 feet in lieu of the 30 feet required or to permit the distance between a windowed building face and tract boundary of 15 in lieu of the 35 feet. Windowed rear building face to tract boundary on Lots 2-9 to permit the distance between a windowed building face and a tract boundary of 30 feet in lieu of the 35 feet required.

Hearing: Monday, December 8, 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 Com-

missioner's Office at (410) 887-4386. (2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

11/202 Nov. 20 <u> C6377£/</u>

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of _____successive weeks, the first publication appearing on Mov. 20,20 03 The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date:	21/03
RE: Case Number: Od-ZOZ-A Petitioner/Developer: Thomas W. SPER Date of Hearing) Closing: DEC. 8 200:3	
This is to certify under the penalties of perjury that the necess on the property located at <u>WINDSOR MILL</u> ROSE ROSD	•
The sign(s) were posted on Nov. Z1 Zoc (Mo	onth, Day, Year)
	Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234 410-665-5562

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 10, 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: 04-202-A

Schneider Property
S/west side Windsor Mill 123 feet southeast centerline Rona Road
2nd Election District – 4th Councilmanic District

Legal Owner: Thomas W. Sperl

Variance to permit a non-windowed building face to building face separation of 20 feet in lieu of the required (depending on height of buildings) of 25', 30', 40', or 60 '. To permit 20 feet between building faces with windows in lieu of 40 feet required. Front building face to public Row, street or property line on lots 4-9. To permit the distance between a building to the centerline of Graces Will Way, public right-of-way or property line of 25 feet in lieu of the 50 ft. required, side windows to street right-of-way lot 9. To permit a side window to street right-of-way of 15 feet in lieu of the 25 feet required. Building to tract boundary/window to tract boundary on lot 2. To permit the distance between a non-window building face and a tract boundary of 15 feet in lieu of the 30 feet required or to permit the distance between a windowed building face and tract boundary of 15 in lieu of the 35 feet. Windowed rear building face to tract boundary on Lots 2-9 to permit the distance between a windowed building face and a tract boundary of 30 feet in lieu of the 35 feet required.

Hearings:

Monday, December 8, 2003 at 2:00 p.m. in Room 407, County Courts Buildings, 401

Bosley

Timothy Kotroco

Director

TK:rlh

C: Thomas W. Sperl, 4208 Ebenezer Road, Baltimore 21236
Charles Merritt, 9831 Magledt Road, Baltimore 21234
Howard L. Alderman, Levin & Gann, Levin & Gann, Nottingham Centre, 8th Fl., Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 22, 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.



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

TO:

PATUXENT PUBLISHING COMPANY

Thursday, November 20, 2003 Issue - Jeffersonian

Please forward billing to:

Thomas W. Speri 4208 Ebenezer Road Baltimore, MD 21236

410-256-1000

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: 04-202-A

Schneider Property

S/west side Windsor Mill 123 feet southeast centerline Rona Road

2nd Election District – 4th Councilmanic District

Legal Owner: Thomas W. Sperl

Variance to permit a non-windowed building face to building face separation of 20 feet in lieu of the required (depending on height of buildings) of 25', 30', 40', or 60 '. To permit 20 feet between building faces with windows in lieu of 40 feet required. Front building face to public Row, street or property line on lots 4-9. To permit the distance between a building to the centerline of Graces Will Way, public right-ofway or property line of 25 feet in lieu of the 50 ft. required, side windows to street right-of-way lot 9. To permit a side window to street right-of-way of 15 feet in lieu of the 25 feet required. Building to tract boundary/window to tract boundary on lot 2. To permit the distance between a non-window building face and a tract boundary of 15 feet in lieu of the 30 feet required or to permit the distance between a windowed building face and tract boundary of 15 in lieu of the 35 feet. Windowed rear building face to tract boundary on Lots 2-9 to permit the distance between a windowed building face and a tract boundary of 30 feet in lieu of the 35 feet required.

Hearings:

Monday, December 8, 2003 at 2:00 p.m. in Room 407, County Courts Buildings, 401

Bosley

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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



Baltimore County Department of Permits and Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

The state of the s	
At the second se	MOLD JABLON, DIRECTOR.
For newspaper advertising:	
Item No.: OCH-ZOZ-A	
Petitioner: Thomas W. SPERL	
Location: Schneider Property	
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: Thomas W. SPERL	ı
ADDRESS: 4208 EBENEZER ROAD	
BACTIMORE MARTIAND ZIZZO	
PHONE NUMBER: 410 256-1000	
AJ:ggs	
	(Revised 09/24/96)

Department of Permits Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

December 4, 2003

Howard Alderman Levin & Gann 502 Washington Avenue, 8th Floor Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 04-202-A, Schneider Property

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 22, 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

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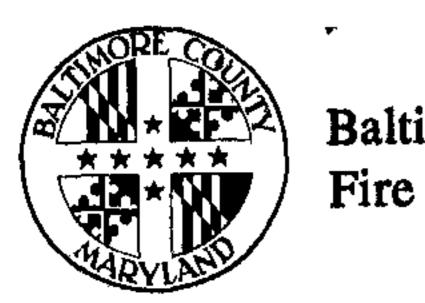
WCR:klm

Enclosures

c: People's Counsel
Thomas Sperl, 4208 Ebenezer Road, Baltimore 21234
Charles Merritt, 9831 Magledt Rd., Baltimore 21234



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



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 November 5, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 3, 2003

Item No.:

195, 197-211

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 13, 2003

TO: Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For November 10, 2003

Item Nos. 195, 196, 197, 198, 199, 200, 202, 203, 204, 205, 206, and 211

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
6823, 6825 Windsor Mill Road; SW/side
Windsor Mill, 123' SE c/line Rona Rd
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Thomas W Sperl
Petitioner(s)

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 04-202-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 or all correspondence sent documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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per Klim

CARÔLE 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 6th day of November, 2003, a copy of the foregoing Entry of Appearance was mailed to, Charles Merritt, Merrit Development Consultants, Inc, 9831 Magledt Road, Baltimore, MD 21234 & Howard L Alderman, Esquire, Levin & Gann, PA, 502 Washington Avenue, Towson, MD 21204, Attorney for Petitioner(s).

FEFER MAX ZIMMERMAN

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO:

Robert Bowling

DATE: January 6, 2004

Development Plans Review

FROM:

John V. Murphy
Deputy Zoning Commissioner

SUBJECT: Case No. 04-202-A

Property: Nos. 2, 4, 6, 8, 10, 12 & 14 Graces Will Way 6823 & 6825 Windsor Mill Road (Schneider Property)

Petitioner: Thomas W. Sperl

Would you kindly review the December 18 and 29, 2003 letters from Evelyn Pon, an adjacent property owner to the proposed 9-lot development. Also attached is a response from Howard Alderman, Esquire dated December 23, 2003. As you can see, Ms. Pon's primary concern is the present and future status of Graces Will Way. I would be most appreciative if you could address her concerns and let her know the County's perspective on how the development of these 9 lots would affect her property.

In regard to the status of Case No. 04-202-A, the variances in this case involved whether or not the homes approved by the CRG in 1993 would be allowed to be physically larger and have amenities such as windows which were not allowed under the 1993 regulations. This case did not involve approval of the development plan and roadways, which are Ms, Pon's particular concern.

Having received her letters, I am required to consider this as a motion for reconsideration pursuant to Rule K, Appendix G, Rules of Practice & Procedure. However, because the concerns she raises in her letter are not the subject of the case before me, I will deny her motion. By considering her letters as a motion for reconsideration, I realize that I have extended the time for her to appeal to the Board of Appeals to 30 days from the date of the attached Order on Motion for Reconsideration.

Re: 04-202-A (Schneider Property)

Mr. Robert Bowling
January 6, 2004
Page –Two-

This does not mean that her concerns are not important. I believe that in writing to you, I have directed her inquiry to the person who will have the answers to her questions. Mr. Alderman's response clarifies his client's intentions and gives her reassurance, but I believe she would want to hear officially from the County.

JVM:raj

c: Howard L. Alderman, Jr., Esq.

Mr. Thomas Sperl

The Hon. Kenneth N. Oliver

Mr. Charles Merritt

Ms. Evelyn Pon

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Reconsideration (18)

See inter-office

memo to B. Bowling

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Re: 04-202-A (Schneider Property)

Mr. Robert Bowling
January 6, 2004
Page –Two-

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JVM:raj

c: Howard L. Alderman, Jr., Esq.
Mr. Thomas Sperl
The Hon. Kenneth N. Oliver
Mr. Charles Merritt
Ms. Evelyn Pon

Mo cover letter

Sent with Order or

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Reconsideration (18)

See inter-office

memo to B. Bowling

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HOWARD L. ALDERMAN, JR. halderman@LevinGann.com

DIRECT DIAL 410-321-4640

LAW OFFICES

LEVIN & GANN

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

December 23, 2003

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

RECEIVED

DEC 2 9 2003

ZONING COMMISSIONER

The Honorable John V. Murphy, Deputy Zoning Commissioner Baltimore County Zoning Commissioner's Office 401 Bosley Avenue, Suite 405 Towson, Maryland 21204

RE:

Schneider Property

Case No. 04-202-A

Dear Mr. Murphy:

I have just reviewed the letter, dated December 15, 2003, from Ms. Evelyn Pon to you regarding the above-referenced Case. Although the record in this case is <u>closed</u>, I believe it necessary for me to respond briefly to the concerns of Ms. Pon.

First, the <u>development</u> of this property was previously approved and never appealed, therefore, the development approval is final. A plat of subdivision is recorded among the Land Records of Baltimore County in Plat Book No. 64 at page 44. Second, the proceedings before you were in fact a "zoning" variance hearing, to permit homes to be constructed on the lots consistent with homes constructed on the adjoining and neighboring subdivisions. The issue before you is <u>not whether homes can be constructed on these lots</u> [that was decided years ago], rather it is whether or not the homes will be in keeping with the homes constructed in the neighborhood pursuant to <u>current Baltimore County Zoning Regulations</u>.

With respect to Graces Will Way, the road surface will be constructed completely on the property owned by my client who purchased the land, with the recorded plat, from Mr. Schneider. The recorded plat does shown the County's "ultimate" right of way extending onto the property of Ms. Pon. However, unless the County condemns that narrow strip of her land or unless Ms. Pon dedicates the land voluntarily to the County neither my client nor the County have any right to enter any portion of Ms. Pon's land. Merely showing a line on a plat does not convert private property to public use. Graces Will Way was approved for connection to Nasam Road, a public roadway, for purposes of ingress and egress for the previously approved lots.

All applicable codes will be met in the improvement of this prior approved development. The Department of Public Works has approved the "T" turn-around as shown on Petitioner's Exhibit No.1.

All of those present acknowledged that the current regulations permit housing types/locations

The Honorable John V. Murphy, Deputy Zoning Commissioner December 23, 2003
Page 2

that are better in design and value than those allowed by the regulations in 1991. As described at the hearing, both the Ameen and Mahogany subdivisions (also approved under the "old" zoning regulations) were the subject of separate hearings to permit home construction in accordance with the <u>current</u> regulations – the very relief sought for the Schneider Property.

In summary, there is no legal means or mechanism to prohibit construction on the lots created in the Schneider Property. Likewise, regardless of the ultimate right-of-way shown on the recorded plat, there is no legal means for anyone to enter or construct improvements on the property of Ms. Pon except condemnation (and there is no public purpose to support condemnation action) or her voluntary dedication of land to the government. Therefore, the only remaining question is will the homes that can be constructed on the Schneider Property as of right be in keeping with the neighborhood or will they be smaller in size and without windows on certain elevations?

I trust that this letter has recounted the points that were made (or attempted to be made) at the hearing. Ms. Pon need not be concerned about anyone "taking" her property. Any encroachment on her property would be a trespass.

Thank you for the opportunity to respond to Ms. Pon's letter. I will send her and Councilman Oliver a copy of this letter for their respective files.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

c: Mr. Thomas Sperl

The Honorable Kenneth N. Oliver

Ms. Evelyn Pon

Mr. Charles Merritt

December 29, 2003

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DEC 3 1 2003

ING COMMISSIONER

The Honorable John V., Murphy, Deputy Zoning Commissioner Baltimore County Zoning Commissioner's Office 401 Bosley Avenue Suite 405 Towson, Maryland 21204

RE: Schneider Property Case No. 04-202-A

Dear Mr. Murphy,

This letter is in response to the December 23rd letter from Howard Alderman, Jr. regarding the above-referenced Case addressing my concerns stated in my letter of December 15, 2003.

My concern is the encroachment onto my property by up to 10 (ten) feet in the future to meet the road needs of this new development. The first hearing for the development of the Schneider property was about ten years ago. I spoke up then, voicing my feelings regarding the opening of Nasam Road to Graces Will Way for the purpose of ingress and egress for up to nine homes to be built. I expressed then of the short-comings of the road design (excluding usage of my property), especially the inadequate width to permit turn around of emergency, snow removal, and trash collection vehicles. This road is a dead end and does not have through access to Windsor Mill Road. My concerns must have gone to deaf ears as the Board members approved the layout without modifications and assumed I was to donate ten (10) feet of my property for a right-of-way. I did not know the case was closed until I attended the last meeting. I was not given the opportunity to object or appeal 10 years ago. Mr. Murphy mentioned any concerns were to be addressed to him within 30 (thirty) days of December 8th meeting, which led to my letter of December 15, 2003.

Mr. Alderman mentioned in his response letter that the only way my property could be taken (as I surely do not plan to donate it) is if it is condemned. Why should I anticipate a future of a portion of my property to be condemned by the County for the "ultimate right-of-way" or that I should consider "dedicating it to the government"? How can the Fire Marshal and The Department of Public Works approve less than Code road width requirements for access to these homes? Why can't this issue of "ultimate" right of way" be resolved NOW before construction by the Schneider property developer by setting aside enough of their property to eliminate the need for me to be concerned about the future sacrifice of my property, which I had purchased with hard earned money. I agree that building fewer or smaller homes would be a viable solution.

I look forward to your response to this letter and of the final decision by the builder. I will likewise send a copy of this letter to Mr. Howard Alderman, Jr., Mr. Thomas Sperl, The Honorable Kenneth N.Oliver, and Mr. Charles Merritt.

Sincerely,

Evelyn Pon

6819 Windsor Mill Road Baltimore, MD 21207

EVELYN PON 6819 WINDSOR MILL RD BALTIMORE, MD., 21207 (410-944-9378) RECEIVED

December 15, 2003

Department of Zoning Commissioners John V. Murphy 401 Bosley Avenue Towson, Maryland 21204

Subject:

Case No. 04-202A

DEC 1 8 2003

ZONNG COMMISSIONER D2A, on December 8,2003 at 100

I am writing in regards to the hearing I attended on case no. 04-202A, on December 8,2003 at UNL 2:00PM. If I had any questions and /or comments, you told me to get in touch with you within 30 days of the hearing date.

At the hearing, which was not zoning, but a variance hearing, we agreed the hearing would be informal, since only a few of were present. There was a tape made of these hearing.

I am questioning a statement made about the proposed development.

It was said the "plat" was made available (shown) to the county offices review group in development planning to look it over. The remark that followed was that the Fire Marshal looked and not really noting the width of Graces Will Way was only 20 feet and not 30 feet wide, short of code?, but he okayed it.

Ten (10) years ago, when this development was first proposed, my objection was this roadway and the turn about. It was necessitated my granting 10 feet along my property line. Mr. Schneider was well aware of my objection at the time. Because of this, now the turn around width is now shorten from 30 feet to 20 feet. How important is code? My fear is that there will be a change. Pressure for us to grant the extra 10 feet line along the property line before they start.

I assume the code law is for emergency and sanitation vehicles. What guarantees is there that they will not go ahead with the initial plans of 1990 and take the footage (maybe by mistake) when they start the roadway without a grant. My solution is before this starts to take the necessary footage from the four (4) to nine (9) lots proposed to be built.

I also noted on the future development review, Graces Will Way would be widen 10 feet on our property, when and if we plan to develop.

As an aside, Mr. Alderman, the attorney for the developer later noted, and he was unaware that Grace Will Way was a "T" turn. It does not exit into Windsor Mill Road. He had mentioned several times before this; the builders and planners are interested in the safety and welfare of the people who will be buying these homes. To me it is a danger to them because of the narrow turn and no ready exit to Windsor Mill Road.

Also opening up Nasam Road, being the only way out is not good.

I hope you will take all this into consideration. I hope to hear from you soon.

I am also sending a copy of this letter to my district councilman, Kenneth Oliver, so he can be aware of my concerns.

Sincerely Motwelyn Fon December 15, 2003

District Councilman #2
Kenneth Oliver
400 Washington Avenue
Towson, Maryland 21204

Copy to John V Murphy Bonery Dept, Case # 041202A

Dear Mr. Oliver:

I am enclosing a copy of a letter I mailed to John V. Murphy, of the Department of Zoning Commissioners concerning a proposed development on 6825 Windsor Mill Road. This is located next to my property, which is 6819 Windsor Mill Road.

I hope this letter is self-explanatory. The zoning hearing was actually a variance hearing. We didn't know that the original hearing was 10 years ago and was okayed, except the developer was waiting for SWM facility on the adjacent (Mahogany PK) development to be complete, to tie into it. They are now ready to tie into it.

They plan to begin this development in February 2004. At the original zoning hearing 10 years ago, I voiced our concerns, because of Graces Will Way. After the variance hearing, I am more concerned than ever. I hope my enclosed letter can be understood for the various concerns I have.

If you need to phone or come for a site inspection please let me know.

What are your thoughts about my concerns regarding this.

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DEC 1 8 2003

ZONING COMMISSIONER

CASE NAME Schneder Prototo CASE NUMBER 04-202 A DATE 08 Dec 03


CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
mance EVELYN	PON 6819 WINDSOR h	726 Rg 21207	
William Lawbert	2819 Kone Rd.	Bollon 196 2/2017	
GERDON HANCY	2032 READ FD.	13ANO. 2/207	
HIDE HANEY	2032 KEATRO.	BAKTO. 21207	
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CASE NAME SCHWEIDER	Roperty
CASE NUMBER OU-Zeo	
DATE OF DEC 03	

PETITIONER'S SIGN-IN SHEET

NAME/	ADDRESS	CITY, STATE, ZIP	E- MAIL
HOWARD STOWERMAN	Leving Gaun Site 800 502 abstrigt n Are	Tousa NO 21266	
	MERRITT DEVELOPMENT TO CONSULTANTS INC 9831 MAGNET ROAD ISOUR MD 21234		,,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	13000 MD 21234		
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ORDER RECEIVED FOR FILES

Mr. Alderman proffered that the variance requests were supported by the long narrow configuration of the lot, that this subdivision has the burden of providing roadways as compared to other subdivisions in the area, and that the homes allowed under the old CRG regulations were unduly restrictive for both the builder and the public to whom the homes would be offered. He also mentioned that the special hearing is only to amend the existing development plan, which would be needed if the variances were granted and would not affect the health safety or welfare of the community. Again there was no request for additional density.

Mr. Lambert, a nearby property owner, testified that Windsor Mill Road and Rona Road were over capacity and these eight homes would generate more traffic on those two roads. He related that the schools in the area are overcrowded and again that the children from these new homes would add to the existing problem. However, he recognized that the time to bring these objections to the County was back in 1993 when the plan was approved. The only issue here was the size of the homes and whether they could have windows. In regard to the latter issues, he had no objection. Similarly, Mr. Haney objected to the poor quality of homes being built today but recognized that those kinds of issues were not before the Commission in this case.

Findings of fact and conclusions of law

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. Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare.

I find that special circumstances or conditions exist that are peculiar to the land or structure