IN RE: PETITION FOR VARIANCE
N/W corner Stevenson Lane
and Fairway Drive
9th Election District
5th Councilmanic District
(1100 Stevenson Lane)

Kenneth P. Heaps

Petitioner

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 04-237-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, Kenneth P. Heaps. The Petitioner is requesting variance relief for property located at 1100 Stevenson Lane in the Towson area of Baltimore County. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a 42.50 ft. setback in lieu of the required 50 ft. for construction of a proposed dwelling.

The property was posted with Notice of Hearing on December 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 December 23, 2003 to notify any interested persons of the scheduled hearing date.

#### Applicable Law

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

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area,

off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments from the Office of Planning request certain conditions be met should the petition be approved as indicated in their ZAC comment dated December 1, 2003, a copy of which is attached hereto and made a part hereof.

#### **Interested Persons**

Appearing at the hearing on behalf of the variance request were Tom Church, the Petitioner's engineer and Benjamin Bronstein, Esquire, attorney for Petitioner. William Clark Esquire, appeared on behalf of the protestants opposed to the variance request, along with Donald Gerding, Zoning Chair of The Greater Towson Council of Community Associations, Jo Manvan, Frank Wesolowski and Patricia Sullivan. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### **Testimony and Evidence**

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 33,448 sq. ft. and is zoned DR.3.5. It is improved with an existing home. Petitioner's Exhibit No. 1A indicates that the Petitioner proposes to divide the property so that one more home can be built thereon. The property is located on Stevenson Lane across from the Country Club of Maryland.

PUER RECEIVED FOR FELTING

The Knollwood-Donnybrook Improvement Association and the Petitioner have negotiated a settlement of the issues involved in this case and have committed that agreement to writing dated February 23, 2004. These agreements incorporate all concerns of the community and the comments from the Office of Planning to the extent they may be applicable. These covenants are to be recorded in the Land Records of Baltimore County, a copy of which is attached hereto and made a part hereof and by agreement of the parties and are to become the conditions attached to any variance granted by this Commission.

In regard to the variance request, the Mr. Bronstein indicated that the need for a variance was triggered by the Department of Public Works' requirement that additional land along Stevenson Road be dedicated to the County. The present right-of-way is 40 ft. wide but the County wants to increase the right-of-way to 60 ft. Consequently, the proposed home will be 7.5 ft. short of the required 50 ft. side yard setback with the wider right-of-way. Otherwise, the proposed home meets all County requirements. Mr. Bronstein proffered that a widened Stevenson Lane will never be built, but that the requirement for the wider right-of-way creates special circumstance on the property which, if the variance were not granted, would result in hardship and practical difficulty for the owner.

#### Findings of fact and conclusions of law

I find that there are special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship to the Petitioner. No increase in residential density beyond that otherwise allowable by the Zoning Regulations was requested by the Petitioners. Furthermore, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner

PADER RECEIVED FOR FILING

Date

By

A Company

By

as to grant relief without injury to the public health, safety and general welfare. The covenants with the Towson Council indicate such.

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

THEREFORE, IT IS ORDERED, this 2 day of March, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a 42.50 ft. setback in lieu of the required 50 ft. for construction of a proposed dwelling, be and it is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;
- 2. The Declaration of Covenants, Conditions and Restrictions dated January 8, 2004 attached hereto shall become conditions of approval of this variance and shall be enforceable by Baltimore County in addition to any private enforcement which may be available to the parts of said Declaration;
- 3. The Petitioner must comply with the ZAC comments received from the Office of Planning dated December 1, 2003, a copy of which is attached hereto and made a part hereof;
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

John V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

#### Zoning Commissioner

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



# Baltimore County

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

March 2, 2004

Benjamin Bronstein, Esquire 29 W. Susquehanna Avenue, Suite 205 Towson, Maryland 21204

> Re: Petition for Variance Case No. 04-237-A Property: 1100 Stevenson Lane

Dear Mr. Bronstein:

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

JVM:raj Enclosure



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

#### Copies to:

C. William Clark, Esquire Nolan, Plumhoff & Williams 502 Washington Avenue, Suite 700 Towson, MD 21204

Tom Church 6603 York Road Baltimore, MD 21212

Jo Marvan 701 Thornwood Court Towson, MD 21286

Frank Wesokowski 907 Fairway Drive Towson, MD 21286

Patricia Sullivan 909 Fairway Drive Towson, MD 21286

Donald Gerding 335 Old Trail Baltimore, MD 21212



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 1100 Stevenson Lane

which is presently zoned DR 3.5

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

is the subject of this Petition.

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

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

303.1 to allow a 42.50 foot setback in lieu of the required 50 ft.

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

- 1. The Configuration of the Property;
- 2. The Topography of the Property;
- 3. And for such other reasons as may be demonstrated at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

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

Contract Purchaser/Lessee: Legal Owner(s): N/A Kenneth P. Heaps Name - Type or Print Name - Type of Pant Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: 8 Foxway Terrace 410-339-7166 Address Telephone No. Benjamin Bronstein Baltimore Maryland 21286 Name - Type or Print< Zip Code City State ignature Representative to be Contacted: Thomas A. Church Development Engineering Consultants, Inc. geompany Name 29 West Susquehanna Avenue, Suite 205 6603 York Road 410-296-0200 410-377-2600 **Regulator** Telephone No. Telephone No. Address ntowson Maryland 21204 Baltimore 21212 Maryland Zip Code State Zip Code City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING. UNAVAILABLE FOR HEARING Reviewed By LTIL Date

## DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road Baltimore, Maryland 21212 (410) 377-2600 (410) 377-2625 Fax

# ZONING DESCRIPTION FOR

#### 1100 STEVENSON LANE

BEGINNING at the intersection of the northwest side of Stevenson Lane, which is a 45.00 foot wide right-of-way, with the northeast side of Fairway Drive, which is a 30.00 foot wide right-of-way, thence the following courses and distances: North 78 degrees 10 minutes 00 seconds West 224.00 feet; North 11 degrees 50 minutes 00 seconds East 148.46 feet; South 79 degrees 10 minutes 30 seconds East 226.55 feet; South 12 degrees 49 minutes 00 seconds West 148.51 feet to the point of beginning, as recorded in Deed Liber 8523, Folio 537.

Being Lots 1, 2 and 18 in the Subdivision of Rodgers Forge Summit as recorded in Baltimore County Plat Book 13, Folio 111.

Containing 33,448 square feet or 0.768 acres of land, more or less.

Also known as 1100 Stevenson Lane and located in the 9th Election District.

02-159

January 7, 2003

+ 237

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 30494	PAID RECEIPT
DATE ACCOUNT	1-006-6150	HUSINESS ACTUAL TIME 1/07/2003 11/07/2003 11:34:19 REG HS02 HAIL JEVA JEE >>> ECEIPT # 306494 11/07/2003
RECEIVED Denjanin Dronskin	25-00	CR NO. 050494 Recet Tot \$65.00 \$65.00 CX
FOR: 1100 Stevenson Lane		Baltimore County, Maryland
DISTRIBUTION - PINK - AGENCY YELLOW - CUSTOMER	04-237-A	

**FLN** 

CASHIER'S VALIDATION



#### NOTICE OF ZONING

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: #04-237-A 1100 Stevenson Lane N/west corner of Stevenson Lane, and Fairway Drive 9th Election District 5th Councilmanic District Legal Owner(s): Kenneth Heaps Variance: to allow a 42.50 foot setback in lieu of the required 50 feet.

Wednesday, Hearing: January 7, 2004 at 11:88 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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

(2) For information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.

JT/12/755 De23 C642274

# CERTIFICATE OF PUBLICATION

LEGAL ADVERTISING



RE: Case No.: 04-237-A

Petitioner/Developer: 5600E7H

146APS

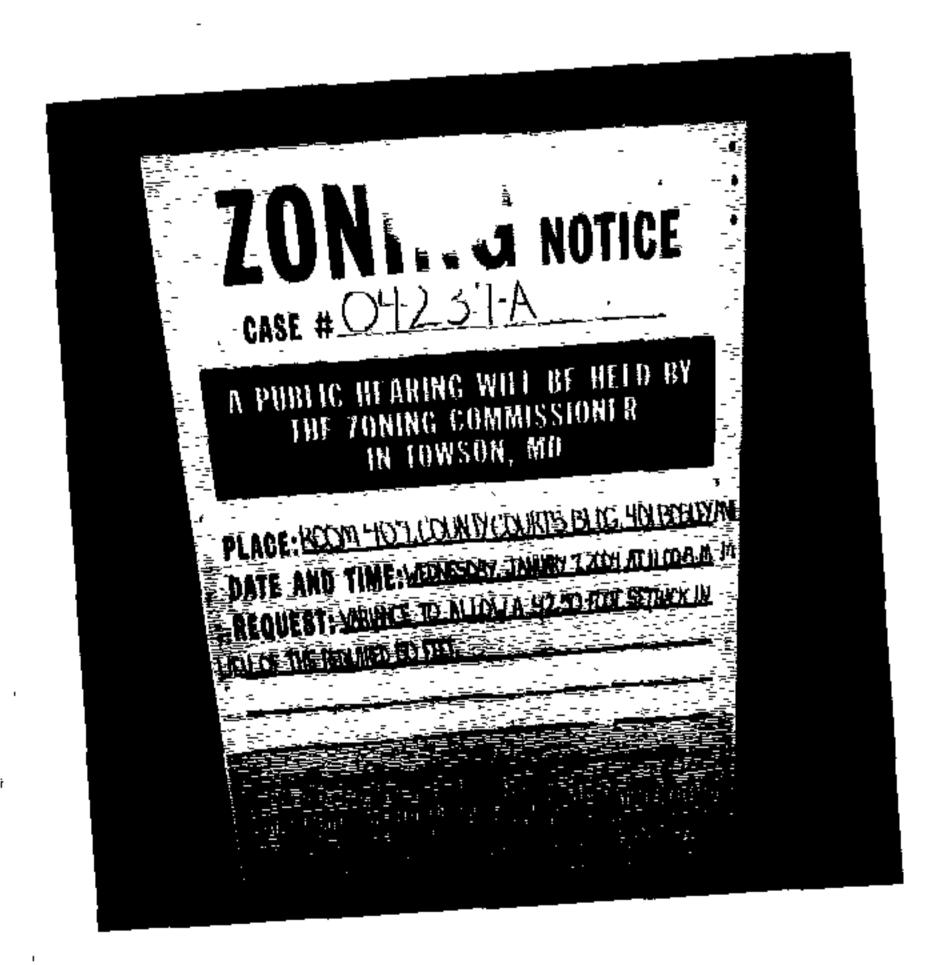
Date of Hearing/Closing: 47/04

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

ATTN: Becky Hart {(410) 887-3394}

Ladies and Gentlemen:

Sincerely,



12/21/0-
(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

# Department of Permits and Development Management

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



#### Baltimore County

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

December 3, 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: 04-237-A

1100 Stevenson Lane
N/west corner of Stevenson Lane, and Fairway Drive
9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Kenneth Heaps

Variance to allow a 42.50-foot setback in lieu of the required 50 feet.

Hearing: Wednesday, January 7, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Benjamin Bronstein, 29 W. Susquehanna Avenue., Ste. 205, Towson 21204 Kenneth Heaps, 8 Foxway Terrace, Baltimore 21286 Thomas Church, 6603 York Road, Baltimore 21212

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 23, 2003.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 23, 2003 Issue - Jeffersonian

Please forward billing to:

Development Engineering Consultants, Inc.

6603 York Road Baltimore, MD 21212 410-377-2600

#### **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: 04-237-A

1100 Stevenson Lane

N/west corner of Stevenson Lane, and Fairway Drive

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Kenneth Heaps

Variance to allow a 42.50-foot setback in lieu of the required 50 feet.

Hearing: Wednesday, January 7, 2004 at 11:00 a.m. in Room 407, County Courts

Building,

401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

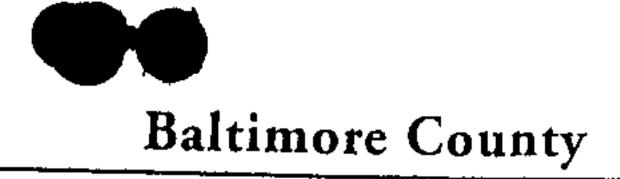
#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

<u>For Newspaper Advertising:</u>			
tem Number or Case Number: O4-237-A			
Petitioner: KENNETH P. HEAPS			
Address or Location: 1100 STEVENSON LANE			
PLEASE FORWARD ADVERTISING BILL TO:			
Vame: <u>DEVELOPMENT ENGINEERING CONSULTANTS, INC.</u>			
Address: 6603 YORK ROAD			
BALTIMORE, MD 21212			
elephone Number: 410-377-2600			

# Department of Permits at Development Management

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





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

January 2, 2004

Benjamin Bronstein 29 West Susquehanna Avenue, Ste. 205 Towson, MD 21204

Dear Mr. Bronstein:

RE: Case Number: 04-237-A, 1100 Stevenson Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 7, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. C. J. D. La D.

WCR:klm

Enclosures

c: People's Counsel Kenneth Heaps, 8 Foxway Terrace, Baltimore 21286 Thomas Church, 6603 York Road, Baltimore 21212





Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11.24.63

RE:

Baltimore County

Item No. Z37

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

Dear. Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

1. 1. Gradh

My telephone number/toll-free number is



#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 1, 2003

Department of Permits and Development Management

FROM:

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

**SUBJECT:** 

1100 Stevenson Lane

**INFORMATION:** 

Item Number:

04-237

Petitioner:

Kenneth P. Heaps

Zoning:

DR 3.5

Requested Action:

Variance

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

The Office of Planning does not oppose the petitioner's request provided the existing row of trees along Stevenson Lane are retained and protected during the construction of the proposed dwelling.

In addition, the side building wall of the proposed dwelling that faces Stevenson Lane shall be articulated with windows, etc., and shall not be left as a blank wall. Submit an elevation of the side building wall to Karin Brown for review and approval prior to the issuance of any building permits. Mrs. Brown can be reached at 410-887-3480.

Prepared by:

**Section Chief:** 

AFK/LL:MAC:



#### INTEROFFICE CORRESPONDENCE

DATE: December 15, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 1, 2003 Item Nos. 234, 236 (237) 239, 240, 241, 242, 243, 244, 245, 251, 252, 253, 254,

and 255

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

RWB:CEN:jrb

cc: File





PETITION FOR VARIANCE RE: 1100 Stevenson Lane; NW corner Stevenson

Lane and Fairway Drive

9<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts

Legal Owner(s): Kenneth P Heaps Petitioner(s) BEFORE THE

ZONING COMMISSIONER

FOR

\*

BALTIMORE COUNTY \*

04-237-A

\*

#### ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

RECEIVED

DEC 0 8 2003

Per. bh

CAROLE S. DEMILIO Deputy People's Counsel

Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of December, 2003, a copy of the foregoing Entry of Appearance was mailed to, Thomas A Church, Development Engineering Consultants, Inc, 663 York Road, Baltimore, MD 21212 & to Benjamin Bronstein, 29 W Susquehanna Avenue, Suite 205, Towson, MD 21204, Attorney for Petitioner(s).

Marine 20M

People's Counsel for Baltimore County

#### <u>DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS</u>

This Declaration is made this 6 day of 700, 200, by Kenneth P. Heaps, 8 Fox Way Terrace, Baltimore, Maryland 21286.

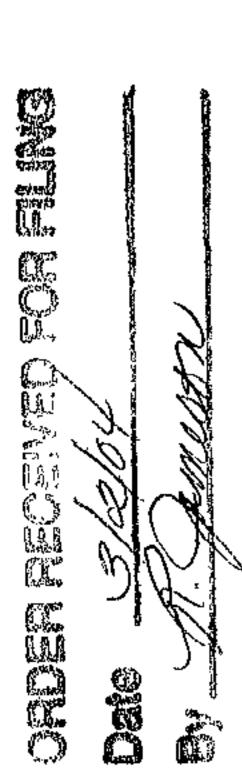
#### RECITALS

- A. Declarant is the owner of a lot of land (the "Land"), containing in the aggregate approximately .992 acres, more or less, located in the 9<sup>th</sup> Election District of Baltimore County, Maryland, known as 1100 Stevenson Lane. The Land is more particularly described in a deed recorded among the Land Records of Baltimore County at Liber 8523, Folio 537.
  - B. At the present time, the Land is zoned DR 3.5.
  - C. The Land is currently partially improved by a dwelling house.
- D. Declarant has submitted a request to Baltimore County for a subdivision in order to erect an additional dwelling home on a specific lot for the Land. Knollwood filed a Petition for Special Hearing under Case No. 03-502-SPH to have certain issues with respect to the Land determined by the Zoning Commissioner.
- F. Knollwood is an incorporated association of Baltimore County residents interested in preserving the existing character and quality of life of residential areas in the vicinity of the Land.
- G. Knollwood desires to have land and the use thereof subjected to certain restrictions to assure that future use does not have a deleterious effect on nearby residential areas.
- H. Declarant, in recognition of the concerns of Knollwood, is willing to place certain restrictions on the Land in return for the agreement of Knollwood to withdraw its Petition for Special Hearing stated above and not to oppose the requested lot line adjustment.
- I. In order to make the covenants, restrictions and conditions contained in this Agreement binding and fully effective on the Land, and on the present and future owners and occupants thereof, the parties have entered into this Agreement, to the end and with the intent that Declarant, and its successors and assigns, will hold, use, and hereafter convey the Land subject to the said covenants, restrictions, and conditions.

NOW, therefore, in consideration of the sum of Five Dollars (\$5.00) the promises contained herein, and other good and valuable consideration, the Declarant declares as follows:

# ARTICLE I COVENANTS, CONDITIONS, AND RESTRICTIONS

1. a. Declarant, his heirs, successors and assigns shall not further subdivide the Land upon approval by Baltimore County of the plan in "Exhibit A" attached.



- b. The location of any and all permanent houses, living quarters or structures for habitation, or any building accessory thereto, or any other structure shall be outside of the area shown labeled "Area of no Building," or as shown on the Plat attached hereto as "Exhibit A."
- c. To the extent possible, Declarant will not remove the trees shown on Exhibit A during the construction of the dwelling proposed on Exhibit A.

#### ARTICLE II BINDING EFFECT: DURATION

Declarant shall cause these covenants, restrictions, and conditions to be recorded among the Land Records of Baltimore County, Maryland. A copy of the covenant as recorded, together with evidence of their recordation. The covenants shall run with and be binding upon the Land, and upon all present and future owners thereof, and shall inure to the benefit of each of the parties respectively, and their successors and assigns, in perpetuity. In the event the Declarant is unable to secure subdivision of the land into two lots together with a building permit for an additional dwelling house as shown on "Exhibit A", Declaration shall be declared null and void and each party shall be free to pursue its rights under the Baltimore County Zoning and Development Regulations as if this declaration had never been executed.

#### ARTICLE III ENFORCEMENT

If any party to this Agreement, or any party's successor, is required to institute legal action to enforce the terms of this Agreement, and is successful thereafter (whether by judgment or by settlement) in obtaining enforcement of the Agreement, that party or successor shall be entitled to recover reasonable attorneys' fees and other reasonable costs of the action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees and costs under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the Agreement with written notice of the violation, and only if the alleged violator has failed to remedy or to make substantial progress toward remedying the violation within sixty (60) days after receipt of this notice may legal action be instituted.

#### ARTICLE IV AMENDMENTS

Prior to its recordation among the Land Records of Baltimore County, Maryland, this Agreement may be amended only by a written instrument in recordable form, signed by both of the parties hereto. Following its recordation among the Land Records of Baltimore County, this Agreement may be amended only by a written instrument, signed by Knollwood or its successor and the legal owner or owners of the Land and recorded among the Land Records of Baltimore County, Maryland. If Knollwood is no longer in existence or otherwise defunct, the owner of the land is entitled to the appointment of a Trustee to act on their behalf upon application to a Court of Equity.

NAME OF THE PARTY OF THE PARTY

# PRDER RECEIVED FOR FILLING

# ARTICLE V MISCELLANEOUS PROVISIONS

The parties warrant and represent that they have taken all necessary action required to be taken by their respective charters, by-laws, or other organizational documents to authorize the execution of this Declaration.

This Declaration, which may be executed in counterparts, contains the entire understanding of the parties.

Each of the parties warrants that it has carefully read and understands this Declaration, is cognizant of the terms hereof, and has had ample time to consult with counsel of choice regarding its respective rights and obligations in connection herewith.

Failure, in any instance, to enforce any of the covenants, restrictions, and conditions contained in this Declaration shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring prior or subsequent thereto.

The invalidity of any of the provisions of this Declaration shall not affect any of the other provisions, all of which shall remain in full force and effect.

Each conveyance and subsequent conveyances of the Property or any portion of the Property by Declarant, shall be deemed to be subject to this Declaration, whether or not the deed conveying the Property shall so state.

The failure to strictly enforce these covenants shall not be deemed a waiver of the right to do so at any time. Upon the recordation of this declaration and conveyance of the additional lot being created, Heaps shall have no further personal liability.

This Declaration is the entire agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this Declaration as of the day and year first above written.

WITNESS/ATTEST:

Michille above

(SEAL)

By: Kenneth P. Heaps

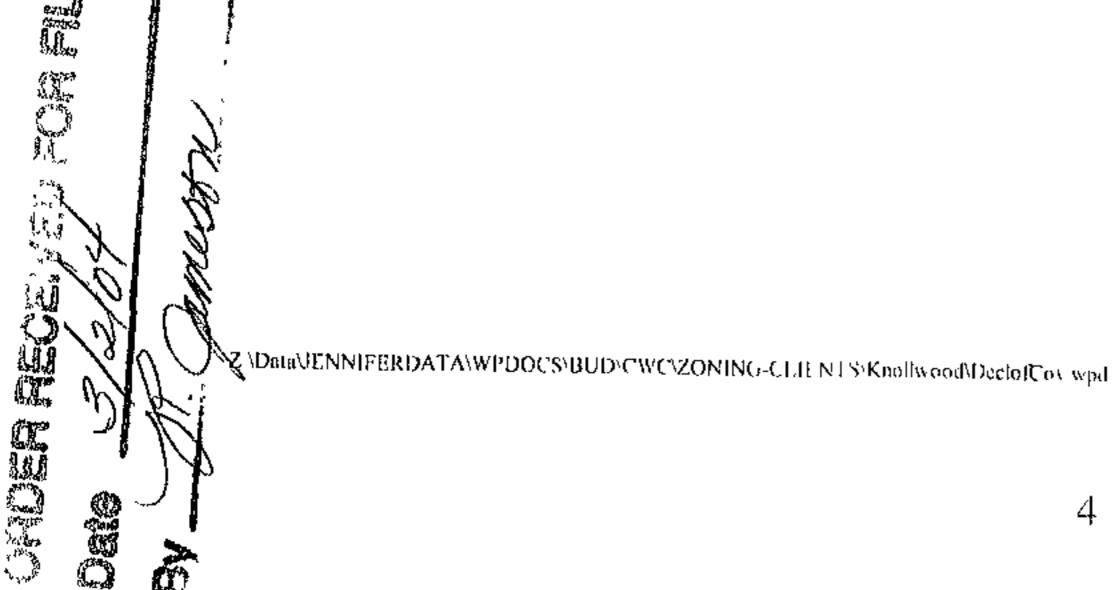
WITNESS/ATTEST:

KNOLLWOOD-DONNYBROOK IMPROVEMENT ASSOCIATION, INC.

By: Judy Gregory, Presiden

(SEAL)

STATE OF MARYLAND, COUNTY OF MARYLAND, to wit:
I HEREBY CERTIFY, that on this grand day of landuly, 2003, before
me, the subscriber, a Notary Public of the State of Maryland, in and for the jurisdiction aforesaid,
personally appeared Kenneth P. Heaps, and he acknowledged the foregoing document to be his free
and voluntary act.
AS WITNESS my hand and Notarial Seal.
My Commission Expires - 1-1-06
STATE OF MARYLAND, COUNTY OF MARYLAND, to wit:
I HEREBY CERTIFY, that on this 45 day of 10 / 10 / 10 / 2008, before
me, the subscriber, a Notary Public of the State of Maryland, in and for the jurisdiction aforesaid,
personally appeared Judy Gregory, President and duly authorized agent of Knollwood-Donnybrook
Improvement Association, Inc., and being so authorized, acknowledged the foregoing document to
be the free and voluntary act of Knollwood-Donnybrook Improvement Association, Inc.
AS WITNESS my hand and Notarial Seal.
Notary Public MARFORD CO.



Intake Planner



#### **DROP-OFF PETITIONS** PROCESSING CHECK-OFF

	Two Questions Answered on Cover Sheet:  Any previous reviews in the zoning office?  Any current building or zoning violations on site?
	Petition Form Matches Plat in these areas:  Address Zoning Legal Owner(s) Contract Purchaser(s) Request (if listed on plat)
	Petition Form (must be current PDM form) is Complete:  Request: Section Numbers Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities. Hardship/Practical Difficulty Reasons Legal Owner/Contract Purchaser: Signatures (originals) Printed/Typed Name and Title (if company) Attorney (if incorporated) Signature/Address/Telephone Number of Attorney
	Correct Number of Petition Forms, Descriptions and Plats
	200 Scale Zoning Map
	Check: Amount Correct? Signed?
	ZAC Plat Information:  Location (by Carl)Am/cor _ Stevenson La- and Fair way Dr
Item I	Number Assigned Date Accepted for Filing

Date Accepted for Filing



#### GTCCA

#### REPRESENTING MORE THAN 20 COMMUNITIES

PO BOX 5421, TOWSON, MD. 21285-5421 410-296-6732 drigsby@comcast.net

RESOLVED: That the GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, Inc. shall, from January 16, 2003 to January 31, 2004, assign official responsibility for review, representation, and action on all zoning and development matters to the EXECUTIVE BOARD and the Chair and Deputy Chairs of the Zoning Committee, which consist of the following members:

Donald R. Wright, President Judy Gregory, Treasurer Stacy Weiss, Corresponding

Stacy Weiss, Corresponding Secretary

J. Donald Gerding, Zoning Committee Chair \_

Richard Parsons, Zoning Committee Deputy Chair

335 OLD TRAIL BALTIMORE, MD 21212 410-825-0894

AS WITNESS: Our hands and seal this 16th day of January 2003

ATTEST: GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, Inc.

Secretary \

President

Thomas J. Renner William P. Englehart, Jr. Robert L. Hanley, Jr. Robert S. Glushakow Douglas L. Burgess C. William Clark Catherine A. Potthast E. Bruce Jones\*\* Cornelia M. Koetter\*

\* Also admitted in D.C. \*\*Also admitted In New Jersey

#### Law Offices

#### NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, NOTTINGHAM CENTRE **502 WASHINGTON AVENUE** TOWSON, MARYLAND 21204-4528 (410) 823-7800

TELEFAX: (410) 296-2765

email: npw@nolanplumhoff.com Web: www.nolanplumhoff.com

February 24, 2004

J. EARLE PLUMHOFF (1940-1988)

**NEWTON A. WILLIAMS** (Retired 2000)

RALPH E DEITZ (1918-1990)

#### VIA HAND DELIVERY

The Honorable John V. Murphy Deputy Zoning Commissioner for Baltimore County County Courts Building Suite 405 401 Bosley Avenue Towson, Maryland 21204

Re: 1100 Stevenson Lane

<u>Case No.: 04-237-A</u>

Dear Mr. Murphy:

Enclosed herein please find a fully executed copy of the Declaration of Covenants, Conditions and Restrictions which have been signed by both parties to the above captioned case. original will be filed with Land Records for Baltimore County. Pursuant to the signing of this document, you may issue your ruling in this case.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

C. William Clark

CWC/jkc

Benjamin Bronstein, Esquire CC:

Judy Gregory, President Knollwood Donnybrook Improv. Assoc.

Thomas J. Renner
William P. Englehart, Jr.
Robert L. Hanley, Jr.
Robert S. Glushakow
Douglas L. Burgess
C. William Clark
Catherine A. Potthast
E. Bruce Jones\*\*
Cornelia M. Koetter\*

\* Also admitted in D.C. 
\*\*Also admitted in New Jersey

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SUITE 700, NOTTINGHAM CENTRE 502 WASHINGTON AVENUE TOWSON, MARYLAND 21204-4528 (410) 823-7800 TELEFAX: (410) 296-2765

email: npw@nolanplumhoff.com

Web: www.nolanplumhoff.com

February 9, 2004

J. EARLE PLUMHOFF (1940-1988)

NEWTON A. WILLIAMS (Retired 2000)

(1918-1990)

#### VIA HAND DELIVERY

The Honorable John V. Murphy
Deputy Zoning Commissioner for Baltimore County
County Courts Building
Suite 405
401 Bosley Avenue
Towson, Maryland 21204

Re: 1100 Stevenson Lane

Case No.: 04-237-A

Dear Mr. Murphy:

Thank you for your recent letter concerning the above captioned file. I have reviewed a letter that Mr. Bronstein had sent to you and while the Petitioner has done what he said he would do at the time of the Hearing, the Petitioner has also made certain changes to the underlying agreement which are being reviewed by my client. I expect that they will be resolved favorably and would ask you to delay issuing any ruling in that matter for a period of ten (10) days while these matters are completed. For the record, my client has not yet signed the Covenant Agreement because of certain changes proposed in the underlying agreement by the Developer. If you have any questions, please contact me. Until then, I remain.

Very truly yours,

C. William Clark

EB 9 4

cc: Benjamin Bronstein, Esquire Judy Gregory, President Knollwood Donnybrook Improv. Assoc.

CWC/jkc

#### BENJAMIN BRONSTEIN

ATTORNEY AT LAW
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
Benbronstein@aol.com

RECEIVED
FEB - 6 2004

ZONING COMMISSIONER

February 5, 2004

The Honorable John V. Murphy
Deputy Zoning Commissioner for Baltimore County
County Courts Building - Suite 405
401 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Variance Case No.: 04-237-A 1100 Stevenson Lane

Dear Deputy Commissioner Murphy:

Please be advised that the Petitioner has complied with all of the requirements related to keeping the record open in the above-entitled case. The record should be closed and an Order issued.

Thank you for your kind consideration.

Benjamin Bronstein

BB/mlh

cc: C. William Clark, Esquire

2/9/04 Tc Bud Clark no agreement yet - luld record open to days - ok

as condition of variance?

Le'll pend letter

#### BENJAMIN BRONSTEIN

ATTORNEY AT LAW
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
Benbronstein@aol.com

November 6, 2003

Timothy Kotroco, Director Dept of Permits & Development Mgt County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

RE: 1100 Stevenson Lane

Dear Mr. Kotroco:

In reference to the above entitled property I am hereby enclosing the following:

- 1. Petition for Variance in triplicate;
- 2. Twelve (12) copies of the Plat to Accompany Petition;
- 3. Three copies of the description under seal;
- 4. Copy of the 200 Scale Zoning Map; and
- 5. Check to cover costs.

There are no violations.

Please enter my appearance on behalf of the Petitioner and advise me as to the hearing date.

Very thuly yours,

Benjamin Bronstein

BB/mlh
Enclosures

cc: Thomas Church, PE

CASE	NAME	j	,	
CASE	NUMBER_	04	-23	7-A
DATE	1/7	104		

# PETITIONER'S SIGN-IN SHEET

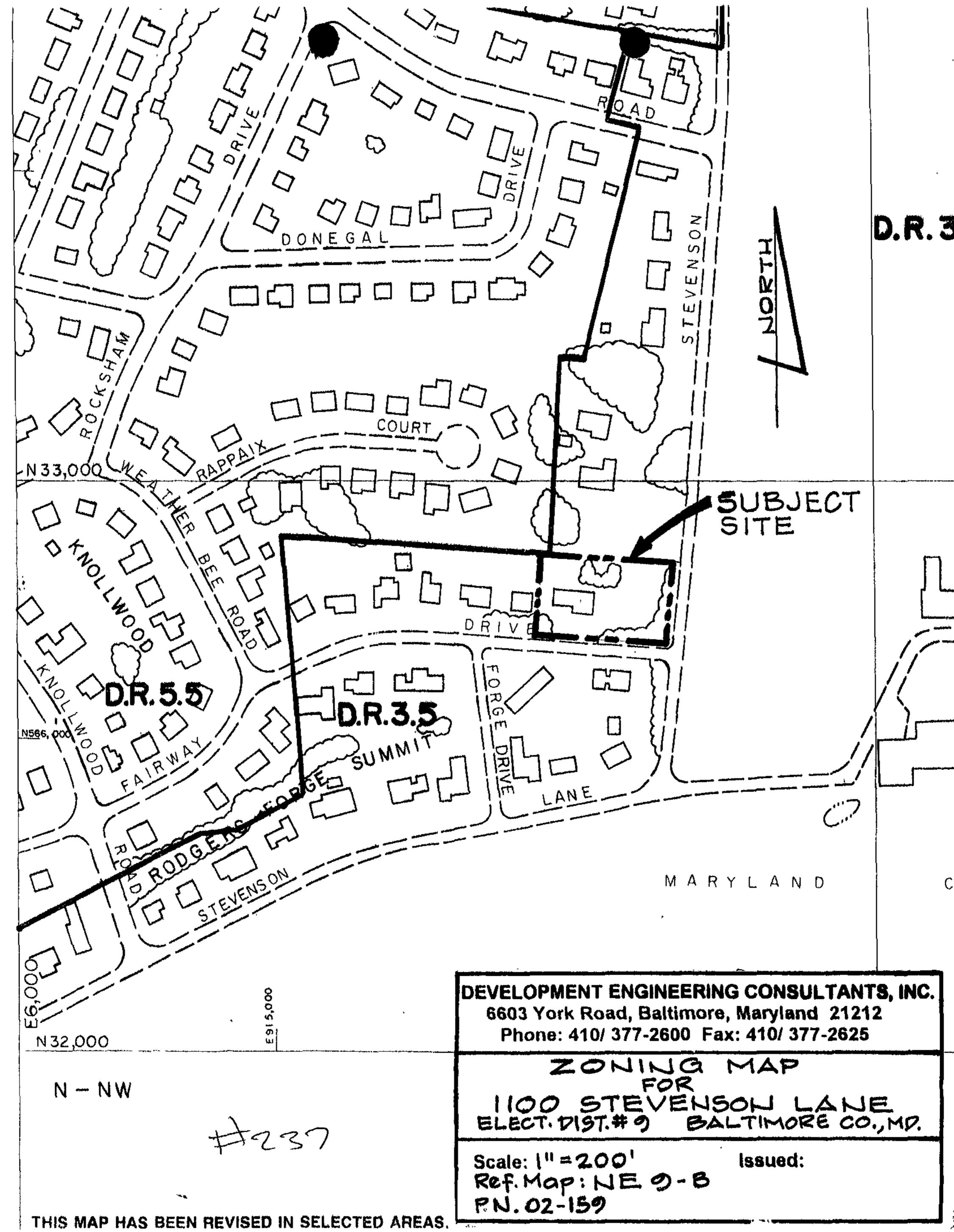
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
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	04-237-A
Case Number _	07-201-17

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

## PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
To Marvan	For Thornwood ct.	Towson, ws	21286
Just a Westershi	907 FAIRWAY DR	TOWSON, MD	2/286
Patera A. Sullivan	909 Fairway Dr	Towson, MD	21286-7902
Donald Gending:	35 Bld Tran 6 Toon		E15-0954
	502-WASHINGTON ANE		
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ORDER RECEIVED FOR FILING
Date 3/2/04
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