CACHE REGIMED FOR FILES

IN RE: DEVELOPMENT PLAN HEARING and

PETITION FOR VARIANCE - N/S

Windsor Mill Road, 918' W of the c/l

Rolling Road

(Rolling Oaks II)

2nd Election District

4th Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case Nos. II-681 & 05-221-A

Rolling Oaks Development II, LLC Owners/Developers

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

*

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 32-4-230 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to the development review regulations codified in Article 32, Title 4 thereof, the Owners/Developers seek approval of a redlined development plan, prepared by STV, Inc., for the proposed residential development of the subject property with 79 single-family detached dwelling units. In addition to development plan approval, the Owners/Developers also filed a Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as more particularly described on the Schedule attached thereto. At the hearing, the Developer submitted an amended Schedule and now seeks relief from the B.C.Z.R. as follows: (1) From Section 1B01.2.C.1.b to permit a minimum distance of 15 feet from side building face to side building face in lieu of the required 20 feet for Lots 1 through 80, (2) from Section 1B01.2.C.1.b to permit a minimum distance of 12 feet from side of building face to arterial public street right-of-way in lieu of the required 35 feet for Lots 13, 14, 49 and 50; (3) from Section 301.1.A of the B.C.Z.R. to permit open projections (decks) for Lots 1 through 80 with a rear yard setback of 10 feet in lieu of the required 22.5 feet, (4) from Section 1B01.2.C.1.b to permit a minimum distance of 22 feet from front building face to public street right-of-way in lieu of the required 25 feet for Lots 66, 70 and 75; (5) from Section 450.4.1.2.V and 450.4.1.2.1.V to permit two freestanding community signs, each having a sign face area of 28 sq.ft. in lieu of the maximum allowed 25 sq.ft., and to allow a height of 7 feet in lieu of the maximum allowed 6 feet;

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and (6) from Section 1B01.2.C.1.b of the B.C.Z.R. to permit a minimum distance of 7.5 feet from side building face to a tract boundary for Lot 42. The proposed subdivision and requested relief are more particularly described on the two page, redlined development plan submitted and marked into evidence as Developer's Exhibit 1.

As to the history of this project through the development review process codified in Article 32 of the Baltimore County Code, a concept plan of the proposed development was prepared and a conference held thereon on August 30, 2004. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. The CIM in this case was held on September 22, 2004 at the Old Court Middle School. Subsequently, a development plan is prepared, based upon the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on December 15, 2004. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held on December 30, 2004.

Appearing at the requisite public hearing held for this project were Craig Carlson, on behalf of Rolling Oaks Development II, LLC, Owners/Developers, and Benjamin Bronstein, Esquire, attorney for the owners/Developers. Also appearing were Anthony J. Corteal, Jr., Kay Morin, Ken Green and Jennifer Leonard, all on behalf of STV Inc., the consultants who prepared the development plan for this project, and Craig Rodgers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Christine Rorke, Project Manager; Bob Bowling, Development Plans Review; William Miner,

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Land Acquisition; and, Donna Thompson, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); John Oltman, Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook, Department of Recreation and Parks (R&P). There were no citizens from the surrounding locale or other interested persons present.

The subject property under consideration is an irregularly shaped parcel located with frontage on the north side of Windsor Mill Road, just west of its intersection with Rolling Road in western Baltimore County. The property contains a gross area of approximately 21.56 acres, zoned D.R.5.5, and is currently improved with two dwellings, known as 7520 and 7600 Windsor Mill Road, and several outbuildings, all of which will be razed. The site was previously used as a farm and contained a lumberyard; however, all existing improvements will be removed to make way for the proposed development. In this regard, at the preliminary stage of the hearing, Counsel for the Owners/Developers advised that as a result of the reconfiguration of an internal road, to be known as Betty's Way, the Owners/Developers have added another lot and now propose 80 single-family detached dwellings. The reconfigured road and lot adjustments are more particularly shown on the revised redlined development plan, which was submitted into evidence and marked as Developer's Exhibit 2. An amended Schedule to the Petition for Variance was submitted to modify the relief requested to accommodate the addition of Lot 80. In addition, a new request identified as Item 6 thereon seeks relief from Section 1B01.2.C.1.b of the B.C.Z.R. to permit a minimum distance of 7.5 feet from side building face to a tract boundary for Lot 42.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, no open issues were identified and most of the County representatives present indicated that the plan complies with their respective departments' regulations and requirements. However, an issue was raised relative to this project's possible conflict with the County's Master Water and Sewer Plan. In this regard, half of the property is designated as being located within the W-3/S-3 Capital Facilities Area, while the other half is shown within the W-6/

S-6 area. As shown on the revised development plan, a red line has been drawn through the center of the property showing the locations of the W-3/S-3 and W-6/S-6 areas. Testimony indicated that the Owners/Developers filed a Petition with the Planning Board to change the W-6/S-6 designation to W-3/S-3 designation and that the Planning Board made a blanket ruling agreeing to change everything located within the URDL designated area. However, the County Council rejected the Board's recommendation, stating that they wanted to review proposed changes on an individual basis rather than granting blanket approvals. The County Executive is now considering the matter and an Executive Order concerning this issue is anticipated.

The County's Water and Sewer Master Plans have been developed in accordance with State law. The requirements for same are set out in Title 9, Subtitle 5, of the Environmental Article of the Annotated Code of Maryland. Essentially, the Annotated Code requires that each County in Maryland have a sewer and water Master Plan that is approved by the Maryland Department of the Environment (MDE). The Plan categorizes properties within the jurisdiction for public water and public sewer service. The "W-6" and "S-6" classifications designate Phase 2 of the subject property as an "Area of future consideration" for public water and sewer facilities. Thus, public sewer and public water facilities are not available to Phase 2 at the present time.

The Annotated Code also authorizes a process by which the County's master sewer and water plan can be amended. Essentially, an amendment is accomplished by the issuance of an executive order from the County Executive and a referral for consideration of same by the Planning Board. Upon recommendation of the Planning Board, the Baltimore County Council would ultimately approve an amendment, and thereafter, submit same for approval by the MDE. As noted above, an Executive Order to resolve this issue is pending before the County Executive.

In any event, the Owners/Developers have requested approval of the development plan as submitted. However, in view of the amendments made at the hearing, the Developer agreed that no record plat for Phase 2, which includes newly added Lot 80, would be accepted for consideration until the Water and Sewer Plan amendment set forth above is obtained. None of the County agency representatives present had any objections to the proposal. Some other minor

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issues were raised at the hearing by County agency representatives; however, were resolved during the course of proceedings. In this regard, Donna Thompson on behalf of Zoning Review raised an issue concerning the variance requested for the decks; however, subsequent to the hearing that opposition was withdrawn. Christine Rorke, Project Manager, wanted house numbers changed as a result of the reconfiguration of Buds Circle. John Oltman on behalf of DEPRM submitted a revised development plan comment indicating that all of the storm water management issues had been resolved. Two redlined changes were made on the plan to resolve two minor concerns raised by William Miner on behalf of Land Acquisition. Jan Cook on behalf of the Department of Recreation and Parks indicated that no waivers had been requested and that all of his agency's concerns had been addressed on the redlined plan. Bob Bowling recommended a waiver of the required sidewalk between Lots 13 and 14 on Buds Circle; however, suggested that a sign be posted between them to advise handicapped individuals to cross the street. Mark Cunningham requested and the Developer agreed to make certain revisions to Pages 3, 4, 5 and 6 of the Pattern Book. Subsequent to the hearing, the revised Pattern Book incorporating the requested changes was submitted and approved by the Office of Planning. But for these minor issues which were resolved at the hearing, all of the County agency representatives present indicated that the plan met their respective agency's requirements, rules and regulations and should be approved.

Turning to the amended variance relief requested, testimony and evidence offered by Mr. Corteal was persuasive to a finding that the relief requested meets the requirements of Section 307 of the B.C.Z.R. It was indicated that the requested variances were necessary to maintain a neo-traditional land plan design consistent with the adjacent Rolling Oaks development and that no increase in residential density beyond that otherwise allowed by the regulations will result by granting the variances. In this regard, it is to be noted that the project is under-density. There are 80 single-family dwellings proposed, where 118 would be allowed, given the overall size of the property. Finally, no testimony or evidence was offered that the grant of the variances would cause any detrimental impact to surrounding properties. Thus, for all of these reasons, the Petition for Variance as amended shall be granted. However, the Bureau of Development Plans Review

requested that the granting of the variance requested under Item 6 be conditioned upon the Owners/Developers relocating the drainage and utility easement from Lot 42 to the adjacent property.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the Petition for Variance granted, subject to the restrictions set forth hereinafter.

IT IS FURTHER ORDERED that a waiver of Public Works requirements to eliminate the sidewalk between Lots 13 and 14 on Buds Circle be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief, as amended, from the Baltimore County Zoning Regulations (B.C.Z.R.): (1) from Section 1B01.2.C.1.b to permit a minimum distance of 15 feet from side building face to side building face in lieu of the required 20 feet for Lots 1 through 80, and (2) to permit a minimum distance of 12 feet from side of building face to arterial public street right-of-way in lieu of the required 35 feet for Lots 13, 14, 49 and 50; (3) from Section 301.1.A to permit open projections (decks) with a rear yard setback of 10 feet in lieu of the required 22.5 feet for Lots 1 through 80; (4) from Section 1B01.2.C.1.b to permit a minimum distance of 22 feet from front building face to public street right-of-way in lieu of the required 25 feet for Lots 66, 70 and 75; (5) from Section 450.4.1.2.V and 450.4.1.2.1.V of the B.C.Z.R. to permit two freestanding community signs, each having a sign face area of 28 sq.ft. in lieu of the maximum allowed 25 sq.ft., with a height of 7 feet in lieu of the maximum allowed 6 feet; and, (6) from Section 1B01.2.C.1.b to permit a minimum distance of 7.5 feet from side building face to a tract boundary for Lot 42, in accordance with Developer's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

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- 1) The Owners/Developers shall relocate the drainage and utility easement from Lot 42 to the adjacent property.
- 2) No record plat for Phase 2 of the proposed development shall be approved until such time as the Water and Sewer Plan has been amended to change the designation of that area from W-6/S-6 to W-3/S-3.

Any appeal of this decision must be taken in accordance with Section 26-209 of the

Baltimore County Code.

WJW:bjs

WILLIAM Y WHIEMAN, III

Zoning Commissioner/Hearing Officer

for Baltimore County

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 William J. Wiseman III, Zoning Commissioner

January 19, 2005

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

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE N/S Windsor Mill Road, 918' W of the c/l Rolling Road

(Rolling Oaks II)

2nd Election District – 4th Council District Rolling Oaks Development II, LLC – Owner/Developer Cases Nos. II-681 & 05-221-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Variance, as amended, granted in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner/Hearing Officer

for Baltimore County

Mr. Craig Carlson, 10045 Red Run Boulevard, #150, Owings Mills, Md. 21117 Mr. Anthony J. Corteal, Jr., STV Inc., 7125 Ambassador Road, Baltimore, Md. 21244

Mr. Craig Rodgers, 2 Tisbury Court, Baltimore, Md. 21236

Don Rascoe, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File



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

WJW:bis



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7520-7600 Windsor Mill Road (Rolling Oaks III

which is presently zoned DRJ.5 ph

This Patition 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 Schedule Attached

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

- 1. Configuration of the Property;
- 2. Topography of the Property; and
- 3. Such other and further reasons as may be demonstrated at the time of 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 perjury, that I/we are the legal is the subject of this Petition.	affirm, under owner(s) of t	the penalties of he property which
Contract Purchaser/Lessee:	Legal Owner(s):	·		
Name - Type or Print	······································	Rolling Oaks Development II Name - Wee of Fine	LLC	· · · · · · · · · · · · · · · · · · ·
				President/Mer
Signature	Signature			
	Craig Carlson, Authorized Member			
Address	Telephone No.	Name - Type of Print		
City	Zip Code	Signature	 _	
Attorney For Petitioner:		10045 Red Run Boulevard, Suite 150		410-356-9229
		Address		Telephone No.
Benjamin Bronstein		Owings Mills	MD	21117
Name - Lybe or Print		City	State	Zlp Code
2/m/2/		Representative to be C	ontacted:	
Signature		STV Incorporated		
Company		Name		
29 West Susquehanna Avenue, Suite 205	410-296-0200	7125 Ambassador Road		410-944-9112
Add ess	Telephone No.	Address		Telephone No.
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Amended Schedule to Petition for Variance

RE: 7520-7600 Windsor Mill Road

- 1. Section 1B01.2.C.1.b to permit a minimum distance of 15 ft from side building face to side building face in lieu of the required 20 ft for Lots 1 through 80.
 - 2. Section 1B01.2.C.1.b to permit a minimum distance of 12 ft from side of building face to public street right-of-way in lieu of the required 35 ft for Lots 13, 14, 49 and 50.
- 3. Section 301.1.A to permit open projections (decks) for Lots 1 through 80 with a rear yard setback of 10 ft in lieu of the required 22.5 ft.
- 4. Section 1B01.2.C.1.b to permit a minimum distance of 22 ft from front building face to public street right-of-way in lieu of the required 25 ft for Lots 66 and 70 and 75.)
 - 5. Section 450.4.1.2.V and 450.4.1.2.1V to permit two free standing community signs each having a sign face area of 28 sq ft in lieu of the permitted 25 sq ft, and to allow for a maximum height of 7 ft in lieu of the permitted 6 foot height.

6. Section 1B01.2.C.1.b to permit a minimum distance of 7.5 ft from side building face to tract boundary for Lot 42.

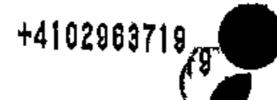
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provided drawings of whiting easement can be relocated on located on site next door.

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Schedule to Petition for Variance

RE: 7520-7600 Windsor Mill Road

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coust a various from 1. Section 11301.2.C.1.b to permit a minimum distance of 15 ft from side building face to side building face in lieu of the required 20 ft for Lots 1 through 79.

> 2. Section 11301.2.C.1.b to permit a minimum distance of 12 ft from side of building face to arterial public street right-of-way in lieu of the required 35 ft for Lots 13, 14, 49 and 50.

3. Section 3()1.1.A to permit open projections (decks) for Lots 1 through 79 with a rear yard setback of 10 ft in lieu of the required 22.5 ft.

4. Section 11301.2.C.1.b to permit a minimum distance of 22 ft from front building face to public street right-of-way in lieu of the required 25 ft for Lots 66 and 25.

5. Section 450.4 .2 to permit two free standing community signs each having a sign face area of 28 sq ft in lieu of the permitted 25 sq ft, and to allow for a maximum height of 7 ft in lieu of the permitted 6 foot height.

The Code requires that notice of today's hearings be provided to neighbors and interested parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign NOV 26 2004 by Garland E. MOORE an approved sign poster and shows the time, date, place and subject matter of the hearing.

The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication.

I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED

()5-221-A

Schedule to Petition for Variance

RE: 7520-7600 Windsor Mill Road

- 1. Section 11301.2.C.1.b to permit a minimum distance of 15 ft from side building face to side building face in lieu of the required 20 ft for Lots 1 through 79.
- 2. Section 1B01.2.C.1.b to permit a minimum distance of 12 ft from side of building face to arterial public street right-of-way in lieu of the required 35 ft for Lots 13, 14, 49 and 50.
- 3. Section 3()1.1.A to permit open projections (decks) for Lots 1 through 79 with a rear yard setback of 10 ft in lieu of the required 22.5 ft.
- 4. Section 1301.2.C.1.b to permit a minimum distance of 22 ft from front building face to public street right-of-way in lieu of the required 25 ft for Lots 66 and 25.
- 5. Section 450.4 .2 to permit two free standing community signs each having a sign face area of 28 sq ft in lieu of the permitted 25 sq ft, and to allow for a maximum height of 7 ft in lieu of the permitted 6 foot height.



Surveying • Land Planning • Engineering
585 McAllister Street Hanover, Pennsylvania 17331
(717) 637-5674 • FAX (717) 633-1987
worleysurveying@earthlink.net

ZONING DESCRIPTION ROLLING OAKS DEVELOPMENT II, LLC NOS. 7520 – 7600 WINDSOR MILL ROAD NEAR HEBBVILLE, BALTIMORE COUNTY, MARYLAND

BEGINNING at a 1" dia. steel pin on the northeast side of Windsor Mill Road (existing 30 feet wide right of way) distant 918 feet northwesterly from the intersection of the pavement centerline of said Windsor Mill Road and the pavement centerline of Rolling Road, at Hebbville, thence running upon said northeast side of Windsor Mill Road, the two following courses and distances,

- 1. North 65° 55' 44" West 864.08 feet to a point, thence
- 2. North 65° 39' 39" West 532.65 feet to a point, thence leaving Windsor Mill Road and running as follows,
- 3. North 20° 52' 49" East 850.47 feet to a point, thence
- 4. South 49° 59' 02" East 1,635.19 feet to a point, thence
- 5. South 41° 44' 34" West 422.36 feet to the place of beginning as recorded in Deed Liber S.M. 20444, Folio 453 and including the lands as described and recorded in said Deed and Deed Liber S.M. 20444, Folio 436 and Deed Liber S.M. 20444, Folio 442.

CONTAINING 21.5611 acres of land, more or less. Also, known as Nos. 7520 – 7600 Windsor Mill Road, near Hebbville and located in the Second (2nd) Election District.

WORLEY SURVEYING

Mark A. Riddle

MD Professional Land Surveyor No. 10899

For: STV INCORPORATED

MAR/ cab 3885-04 PROSESSION ALLANDS

05-221-A

October 22, 2004

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: #05-221-A
7620-7600 Minds

7620-7600 Windsor Mill Road (Rolling Oaks II) N/east side of Windsor Mill Road, 918 feet n/west of Rolling Road

2nd Election District - 4th Councilmanic District Legal Owner(s): Rolling Oaks Development II, LLC, Craig Carlson, Member

Variance: to permit a minimum distance of 15 feet from side building face to side building face in lieu of the required 20 feet for Lots 1 thru 79, to permit a minimum distance of 12 feet from side of building face to arterial public street right-of-way in lieu of the required 35 feet for Lots 13, 14, 49 and 50 to permit open projections (decks) for Lots 1 thru 79 with a rear yard setback of 10 feet in lieu of the required 22.5 feet, to permit a minimum distance of 22 feet from front building face to public street right-of-way in lieu of the required 25 feet for Lots 66 and 25, to permit two free standing community signs each having a sign face area of 28 sq. ft. In lieu of the permitted 26 sq. ft. and to allow for a maximum height of 7 feet in lieu of the permitted 6 foot height.

Hearing: Thursday, December 30, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

Avenue, Towson 21204

WILLIAM WISEMAN

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handleapped 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/12/653 Dec. 14

CERTIFICATE OF PUBLICATION

12/16/,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing
on 12/14,20 <u>04.</u>
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

WELLOS-221A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

ACE: TOWLOW, MD 2/204

DATE AND THE AT 9 OO A.M. REQUEST VARIANCE TO PERMIT A MINIMUM DIBYANCE

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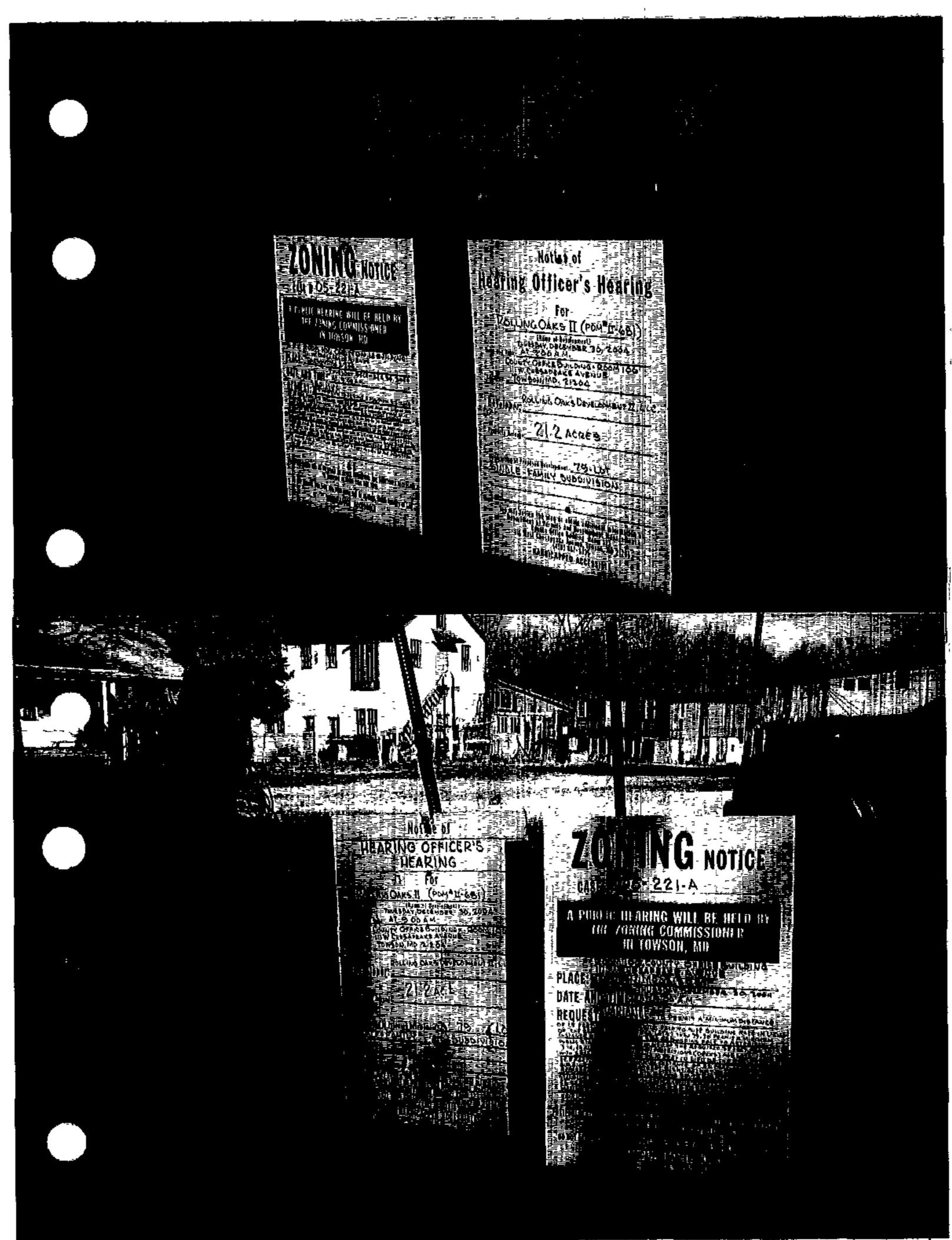
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NOV 29 2004

DEFT OF PERIMINATIONS



Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

The sign(s) were posted on _

Towson, MD 21204

Attention: Becky Hart



RE: Case No.: 05-221-A Petitioner/Developer: ROLLING OAKS DEV. II, UCC Date of Hearing/Closing: DEC. 30, 2004 Permits and Development Management 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 7520 AND 7600 WINDSOR NOV. 26, 2004 Sincerely, (Signature of Sign Poster and Dato) GARLANDE, MOORE (Printed Name) 3225 RYERSON CIRCLE (Address) PAUTINIORE, MD. 21227 (City, State, Zip Code) C410) 242-4263

(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 14, 2004 Issue - Jeffersonian

Please forward billing to:

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

410-296-0200

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: 05-221-A

7520-7600 Windsor Mill Road (Rolling Oaks II)

N/east side of Windsor Mill Road, 918 feet n/west of Rolling Road

2nd Election District – 4th Councilmanic District

Legal Owners: Rolling Oaks Development II, LLC, Craig Carlson, Member

Variance to permit a minimum distance of 15 feet from side building face to side building face in lieu of the required 20 feet for Lots 1 thru 79, to permit a minimum distance of 12 feet from side of building face to arterial public street right-of-way in lieu of the required 35 feet for Lots 13, 14, 49 and 50 to permit open projections (decks) for Lots 1 thru 79 with a rear yard setback of 10 feet in lieu of the required 22.5 feet, to permit a minimum distance of 22 feet from front building face to public street right-of-way in lieu of the required 25 feet for Lots 66 and 25, to permit two free standing community signs each having a sign face area of 28 sq. ft. in lieu of the permitted 25 sq. ft. and to allow for a maximum height of 7 feet in lieu of the permitted 6 foot height.

Hearing: Thursday, December 30, 2004 at 9:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue, Towson 21204

WILLIAM WISEMAN

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

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

November 16, 2004

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: 05-221-A

7520-7600 Windsor Mill Road (Rolling Oaks II)
N/east side of Windsor Mill Road, 918 feet n/west of Rolling Road

2nd Election District — 4th Councilmanic District
Legal Owners: Rolling Oaks Development II, LLC, Craig Carlson, Member

Variance to permit a minimum distance of 15 feet from side building face to side building face in lieu of the required 20 feet for Lots 1 thru 79, to permit a minimum distance of 12 feet from side of building face to arterial public street right-of-way in lieu of the required 35 feet for Lots 13, 14, 49 and 50 to permit open projections (decks) for Lots 1 thru 79 with a rear yard setback of 10 feet in lieu of the required 22.5 feet, to permit a minimum distance of 22 feet from front building face to public street right-of-way in lieu of the required 25 feet for Lots 66 and 25, to permit two free standing community signs each having a sign face area of 28 sq. ft. in lieu of the permitted 25 sq. ft. and to allow for a maximum height of 7 feet in lieu of the permitted 6 foot height.

Hearing: Thursday, December 30, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Benjamin Bronstein, 29 W. Susquehanna Avenue, Ste. 205, Towson 21204 Craig Carlson, 10045 Red Run Blvd., Ste. 150, Owings Mills 21117 STV Incorporated, 7125 Ambassador Road, Baltimore 21244

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 15, 2004.
 - (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.



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number 05-221-A
Petitioner. ROLLING OAKS DEVELOPMENT IF, LLC.
Address or Location: 7520-7600 WINSOR MILL ROAD (ROLLING: OAKS II)
PLEASE FORWARD ADVERTISING BILL TO
Name: BENJAMIN BRONSTEIN
Address 29 WEST SUSQUEHANNA AVE, SUITE 205
TOWSON, MD 21204
Telephone Number: 410-296-0200

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

December 21, 2004

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

Dear Mr. Bronstein:

RE: Case Number: 05-221-A 7520-7600 Windsor Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 1, 2004.

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

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

Very truly yours,

u. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Rolling Oaks Development II, LLC. Craig Carlson 10045 Red Run Blvd.Ste. 150

Owings Mills 21117

STV Incorporated 7125 Ambassador Road Baltimore 21244



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



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 16, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 15, 2004

Item No.:

205, 221-226

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. 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 22, 2004

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 22, 2004

Item Nos. 20%, 221) 222, 224, and 225

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

RWB:CEN:jrb

cc: File



TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Ja

DEPRM

DATE:

December 6, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 15, 2004.

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-205 05-221 05-222 05-224 05-225 05-226

Reviewers:

Sue Farinetti, Dave Lykens

fu) 2/30

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr

DEPRM

DATE:

December 6, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 15, 2004.

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-205 05-221 05-222 05-224

05-225 05-226

Reviewers:

Sue Farinetti, Dave Lykens



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

Maryland Department of Transportation

Date: 11.17.04

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

RE:

Baltimore County
Item No 21

JHP

Dear. Ms. Matthews:

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,

Steven D. Foster, Chief

f. J. Halle

Engineering Access Permits Division

PETITION FOR VARIANCE RE:

RECEIVED

MOV 1876:

ж

7520 - 7600 Windsor Mill Road; NE/side Windsor Mill Rd, 918' NW Rolling Road

2nd Election & 4th Councilmanic Districts

Legal Owner(s): Rolling Oaks Development *

II, LLC, Craig Carlson, Authorized Member

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-221-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 Š. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

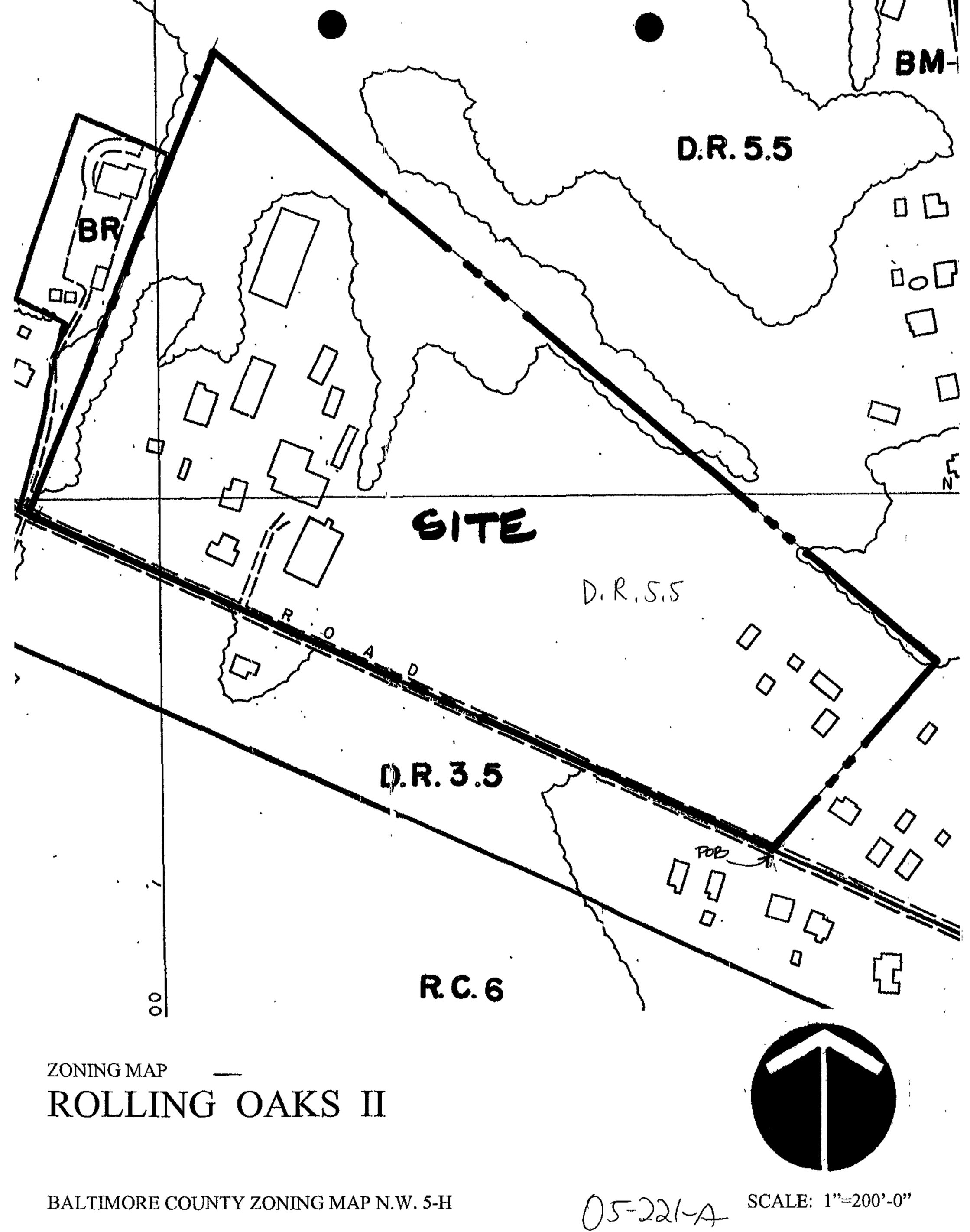
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to, STV Incorporated, 715 Ambassador Road, Baltimore, MD 21244 and to Benjamin Bronstein, Esquire, 29 Susquehanna Avenue, Suite 205, Towson, MD 21204, Attorney for Petitioner(s).

> Her May Dinnerman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



BALTIMORE COUNTY ZONING MAP N.W. 5-H

