

IN RE: PETITION FOR SPECIAL HEARING
& VARIANCE

N/S of St. Thomas Lane, 600 ft. E
centerline of Reisterstown Road
4th Election District
2nd Councilmanic District
(10 St. Thomas Lane)

Adam Skolnik, Managing Member
Charter Homes, LLC
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 05-236-SPHA

*

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* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by the Office of People's Counsel. The Petitioner originally requested a special hearing and variance relief for property located at 10 St. Thomas Lane in Baltimore County. The special hearing request was for a waiver pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a waiver from Plate D-19 of the Public Works Manual, for a minimum building setback of 0 ft. from a riverine floodplain freeboard line in lieu of 20 ft. required. In addition, a variance was requested from Section 303.1 of the B.C.Z.R., to allow a setback from the front building face of a single-family dwelling to a public street right-of-way of 22 ft. in lieu of the 50 ft. required.

WHEREAS, on January 26, 2005, the Office of People's Counsel filed a timely Motion for Reconsideration of this Deputy Zoning Commissioner's Order dated December 29, 2004. The Motion for Reconsideration was officially accepted by this office for filing on January 26, 2005.

WHEREAS, subsequent to the passing of the Order, the Office of People's Counsel requested that this office modify the December 29, 2004 Order and add conditions to require

ORDER RECEIVED FOR FILING

2/10/05

flay

disclosure of the floodplain situation to prospective purchasers and to require compliance with conditions recommended by the Director of Public Works in his November 26, 2004 inter-office correspondence.

WHEREAS, the Petitioners, in their letter dated February 1, 2005, have agreed to comply with the recommendations set forth in the Office of People's Counsel Motion for Reconsideration dated January 26, 2005 as follows:

1. To disclose in writing, the floodplain waiver and December 29, 2004 opinion, order and reconsideration ruling to prospective purchasers. The contract of sale will include a written provision and the contract is contingent on the seller providing a copy of the decision to the purchaser and the purchaser acknowledging receipt of same in writing;
2. That they are in compliance with the satisfaction of elevation requirements of DPW Design Manual Plate D-19, the December 7, 2004 comment from DPW and the December 27, 2004 comment from the Office of Planning; and
3. That the Petitioners shall record the December 29, 2004 Order and this Order on Motion for Reconsideration in the Land Records for Baltimore County.

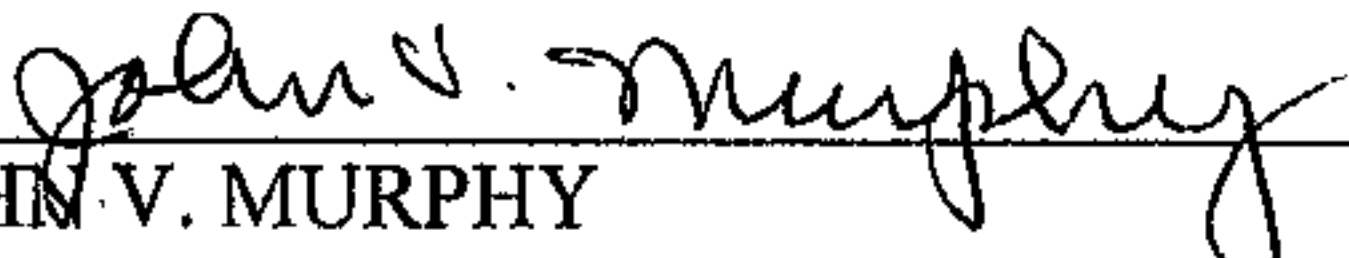
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10 day of February, 2005, that the Office of People's Counsels request to modify and add conditions to the Deputy Zoning Commissioner's Order dated December 29, 2004, be and is hereby GRANTED with the following conditions:

1. That the Petitioners shall record the December 29, 2004 Order and this Order on Motion for Reconsideration in the Land Records for Baltimore County;
2. That the Petitioners will disclose in writing the floodplain waiver, the December 29, 2004 Order, and this Order to prospective purchasers. The contract of sale will include a written provision that the contract is contingent on the seller providing a copy of the decision to the purchaser and the purchaser acknowledging receipt of same in writing; and
3. That the Petitioners shall comply with the elevation requirements of DPW Design Manual Plate D-19, the December 7, 2004 comment from DPW, and the December 27, 2004 comment from the Office of Planning.

ORDER RECEIVED FOR FILING
Date 02/10/05
By Ray

IT IS FURTHER ORDERED, that all other terms and conditions of my previous decision shall remain in full force and effect.

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

ORDER RECEIVED FOR FILING

DATE 2/10/05

BY Ray

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

February 10, 2005

Peter Max Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
Room 47, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Order on Motion for Reconsideration
Case No. 05-236-SPHA
Property: 10 St. Thomas Lane

Dear Mr. Zimmerman & Ms. Demilio:

Enclosed please find an Order on Motion for Reconsideration prepared by this office in response to the Motion for Reconsideration filed by your office on January 26, 2005.

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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Adam Skolnik & Steven Knecht, Charter Homes, LLC, 3230 Bethany Lane, #8
Ellicott City, Maryland 21042
Kirk Halpin, Esquire, 10211 Wincopin Circle, #600, Columbia, Maryland 21044
Bob Rosenfelt, Colbert, Matz, Rosenfelt, 2835 G Smith Ave., Baltimore, MD 21209
Kimberly & David Simonetti, 6 St. Thomas La., Owings Mills, MD 21117

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



IN RE: PETITION FOR SPECIAL HEARING
& VARIANCE

N/S of St. Thomas Lane, 600 ft. E
centerline of Reisterstown Road
4th Election District
2nd Councilmanic District
(10 St. Thomas Lane)

Adam Skolnik, Managing Member
Charter Homes, LLC
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-236-SPHA

*

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Adam Skolnik, Managing Member, Charter Homes, LLC. The Petitioners are requesting a special hearing and variance for property they own at 10 St. Thomas Lane. The special hearing request is for a waiver pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a waiver from Plate D-19 of the Public Works Manual, for a minimum building setback of 0 ft. from a riverine floodplain freeboard line in lieu of 20 ft. required. In addition, a variance is requested from Section 303.1 of the B.C.Z.R., to allow a setback from the front building face of a single-family dwelling to a public street right-of-way of 22 ft. in lieu of the 50 ft. required.

The property was posted with Notice of Hearing on December 11, 2004, 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 14, 2004 to notify any interested persons of the scheduled hearing date.

Amended Petition

The Petitioner noted at the outset of the hearing that after receiving the comments from Development Plans Review regarding the 60 ft. right-of-way for St. Thomas Lane and concerns of the neighbors, the Petitioner amended the site plan to show a smaller home and reduce the

ORDER RECEIVED FOR FILING

12/29/04

By

By

requested setback from the front building face of a single-family dwelling to a public street right-of-way of from 22 ft. previously requested to 30 ft. This is in lieu of the 50 ft. required.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings.*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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: A ZAC comment was received from the Planning Office dated December 27, 2004 stating that Petitioners must further articulate the proposed home, a copy of which is attached hereto and made a part hereof. The Bureau of Development Plans Review also submitted ZAC comments dated December 7, 2004 stating that the Petitioners must show the ultimate right-of-way for St. Thomas Lane as 60 ft., a copy of which is attached hereto

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12/29/04

Ray

and made a part hereof. Finally, the Department of Public Works comment dated November 26, 2004 indicated that the Department recommended approval of the waiver of the setback from the 100 year floodplain under the circumstances of this case.

Interested Persons

Appearing at the hearing on behalf of the variance request were Adam Skolnik and Steven Knecht, for the Petitioner LLC, Robert Rosenfelt, civil engineer, from the firm that drafted the Plan to Accompany. Kirk Halpin, Esquire represented the Petitioners. David and Kimberly Simonetti, representing the Reisterstown/Glydon Coordinating Council, and Dr. Cheryl Hizer appeared at the hearing as interested citizens. 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 contains 0.34 acres, more or less, and is zoned DR 3.5. The property is presently vacant having been the location of a prior home, which according to Ms. Simonetti became in poor condition and was destroyed by the prior owner. County records show that the home was destroyed by fire. Nevertheless all agreed a home could be rebuilt on the property.

As the amended request for variance was for less relief than originally requested, there was no objection to the Petitioner amending its request for variance to allow a setback from the front building face of a single-family dwelling to a public street right-of-way of 30 ft. in lieu of the 50 ft. required. The amendment was the result of incorporating the comments from Development Plans Review regarding the 60 ft. right-of-way for St. Thomas Lane and concerns of the neighbors. As a result, the Petitioner amended the site plan to show a smaller home and reduce the requested setback from the front building face of a single-family dwelling to a public street right-of-way of from 22 ft. previously requested to 30 ft. This is in lieu of the 50 ft. required.

ORDER RECEIVED FOR FILING

12/29/04
Ray

The Petitioner would like to construct another single-family dwelling approximately where the old home was located but out of the 100 year floodplain which occupies the rear yard. See Petitioner's Exhibit 1. Mr. Rosenfelt, the Petitioner's civil engineer testified that because of the floodplain and 60 ft. right-of-way for St. Thomas Lane, the property is unique from a zoning standpoint. He also indicated there is no room on the lot to build a home if the County regulations are strictly enforced because the 20 ft. setback from the floodplain and the 50 ft. setback from St. Thomas Lane use up all the useable area of the lot. He also indicated that the proposed use meets all the criteria of Section 307 of the B.C.Z.R. as the proposal is for a single-family dwelling to be constructed in a neighborhood of single-family homes. He indicated that the Petitioner's representatives met first with the Valleys Planning Council and then with the Reisterstown/Glydon Coordinating Council. The revised plat to accompany reflects the desires of the community to the extent possible. He also noted that the comment from Public Works does not mean the new home would have to be elevated above the floodplain level as many new homes along the waterfront must now be. Rather, since the home was outside the floodplain no elevation of the first floor is required. The plans do include a basement with no doorway to the outside as the windows meet all requirements for safety should flooding occur.

The Petitioner agreed to notify prospective homebuyers of the waiver of the setback from the floodplain so that should a large storm occur the County would not be in a position to have to purchase this property as it was forced to do with other properties in similar circumstances. The Petitioner noted that one of the reasons the Department of Public Works supported the waiver was because the home could be rebuilt, by right, on the footprint of the original home, which was inside the floodplain. He noted this was a safer location.

Mr. Simonetti who represents the Reisterstown/Glydon Coordinating Council agreed that many of the suggestions from the community were incorporated into the amended plat. However, he expressed his concern that the large holly tree on the #8 St. Thomas Lane side of

12/29/04
By: [Signature]

the property be preserved. He also requested that there be no entrances on the sides of the home. The Petitioner's representative indicated that the Petitioner would also like to keep the holly tree but indicated accidents happen on construction sites in spite of best intentions. Should the holly tree be damaged, he indicated the Petitioner would replace the tree with another although not as large a holly tree. He also agreed not to locate any doors on the sides of the home. Kimberly Simonetti expressed her concern that the community have some input to the design of windows on either side of the new home. The Petitioner indicated he would work with the community at the articulation stage of design requested by the Office of Planning. She noted that St. Thomas Lane is an historic area of the County although presently not listed as such with the County. She remarked that the Huff family lived in these homes for eight generations but as the family waned in size and strength the homes began to deteriorate. She was concerned that the new home be compatible in style and construction with the neighborhood. Dr. Hizer indicated that she was buying #8 next door and wanted to be sure the trees and flora now between the properties would remain. The Petitioner agreed to work with the community through the Office of Planning to see that these concerns were incorporated into the final design of the home to the extent possible.

Findings of fact and conclusions of law

In regard to the request for variance, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property has the 100 year floodplain in the rear and an expanded right-of-way for St. Thomas Lane in the front. As such, I find it unique in a zoning sense. In addition, I find strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. If the regulations are strictly enforced there is no practical use the Petitioner can make of the property. The setback both front and back take up all useable land. I find that no increase in residential density beyond that otherwise allowable by the Zoning

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12/29/04
Ray

Regulations will occur by granting the requested variances as there previously was a home at this location. Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The Petitioner has taken both the County and community concerns into account and will work with the community through the Office of Planning on the design, construction and landscaping of the new home.

I also approve the special hearing request to allow a waiver from Plate D-19 of the Public Works Manual, for a minimum building setback of 0 ft. from a riverine floodplain freeboard line in lieu of 20 ft. required. I am guided by Section 32-8-303 of the BCC and find that under the circumstance the new home will not be located in the floodplain, there will be no increase in flood heights, impact on public safety or create nuisances. Because the Petitioner will notify future buyers of the property, I find that there will not be an extraordinary public expense or a victimization of the public. Finally I find that, given the variance granted above, the proposed home will meet all State and local regulations.

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

THEREFORE, IT IS ORDERED, this 29 day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a waiver from Plate D-19 of the Public Works Manual, for a minimum building setback of 0 ft. from a riverine floodplain freeboard line in lieu of 20 ft. required, be and is hereby GRANTED subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner must notify all future owners of the property by suitable recordation in the Land Records of Baltimore County of the Petitioners' request for waiver of the 20 ft.

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Date

12/29/04

By

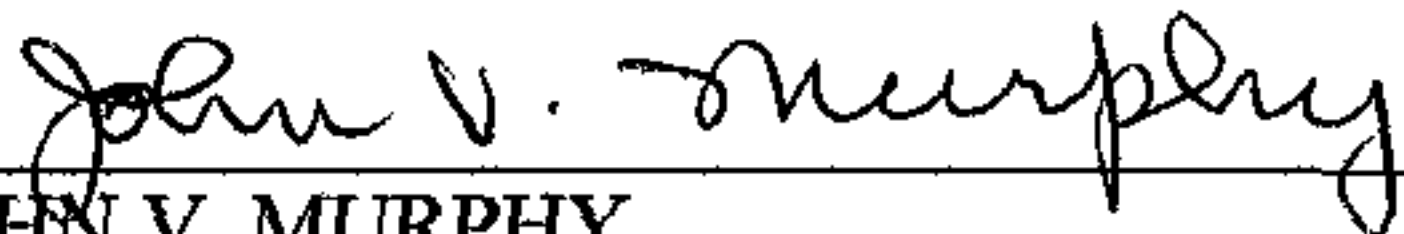
Ray

setback from the 100 year floodplain and the granting by this Commission of that waiver; and

2. The home erected on the property shall conform to the amended Plan to Accompany Petitioners Exhibit 1.

IT IS FURTHER ORDERED, that the amended variance requested from Section 303.1 of the B.C.Z.R., to allow a setback from the front building face of a single-family dwelling to a public street right-of-way of 30 ft. in lieu of the 50 ft. required, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

3. 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;
4. Compliance with the ZAC comments submitted by the Department of Public Works dated December 7, 2004, a copy of which is attached hereto and made a part hereof;
5. Compliance with the ZAC comments submitted by the Office of Planning dated December 27, 2004, a copy of which is attached hereto and made a part hereof; and
6. 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

ORDER RECEIVED FOR FILING
12/29/04
Ray

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

December 29, 2004

Kirk Halpin, Esquire
10211 Wincopin Circle, #600
Columbia, Maryland 21044

Re: Petitions for Special Hearing & Variance
Case No. 05-236-SPHA
Property: 10 St. Thomas Lane

Dear Mr. Halpin:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have 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,

A handwritten signature in dark ink, appearing to read "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Adam Skolnik & Steven Knecht, Charter Homes, LLC, 3230 Bethany Lane, #8
Ellicott City, Maryland 21042
Bob Rosenfelt, Colbert, Matz, Rosenfelt, 2835 G Smith Ave., Baltimore, MD 21209
Kimberly & David Simonetti, 6 St. Thomas La., Owings Mills, MD 21117
Dr. Cheryl A. Hizer, 8 St. Thomas La., Owings Mills, MD 21117

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 10 St. Thomas Lane

which is presently zoned D.R.-3.5

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve A waiver of S-32-4-304...

A waiver from Plate D-19 of the Public Works Design Manual, for a minimum building setback of 0 feet from a riverine floodplain freeboard line in lieu of 20 feet required.

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

I, or we, agree to pay expenses of above Special Hearing, 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:

Name -- Type or Print

Signature

Address.

Telephone No.

City

State Zip Code

Attorney For Petitioner:

Name -- Type or Print

Signature

Company

Address

Telephone No.

State Zip Code

Legal Owner(s):

Adam Skolnik, Managing Member, Charter Homes LLC

Name -- Type or Print

Signature

Name -- Type or Print

Signature

3230 Bethany Lane

410-480-3213

Address.

Telephone No.

Ellicott City

MD 21042

City

State Zip Code

Representative to be Contacted:

Robert S Rosenfelt, P.E.

COLBERT MATZ ROSENFELT, INC (eve) 410-358-8262

2835 Smith Avenue, Suite G (day) 410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2 hrs

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 11-9-04

ORDER RECEIVED FOR FILING

Date

By

Case No.

05-236 SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10 St. Thomas Lane

which is presently zoned D.R.-3.5

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 of thereof, hereby petition for a Variance from Section(s)

303.1, BCZR, for a setback from the front building face of a single-family dwelling to a public street right-of-way of 22 feet in lieu of 50 feet required.

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

Reasons to be presented at the hearing.

Property 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:

Name – Type or Print

Signature

Address.

Telephone No.

City

State Zip Code

Attorney For Petitioner:

Name – Type or Print

Signature

Company

Address

Telephone No.

City

State Zip Code

Legal Owner(s):

Adam Skolnik, Managing Member, Charter Homes LLC

Name – Type or Print

Signature

Name – Type or Print

Signature

3230 Bethany Lane

410-480-3213

Address.

Telephone No.

Ellicott City

Md. 21042

City

State Zip Code

Representative to be Contacted:

Robert S Rosenfelt, P.E.

COLBERT MATZ ROSENFELT, INC (eve) 410-358-8262

2835 Smith Avenue, Suite G

(day)

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

Case No. 05-236 SPHA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING See SPH

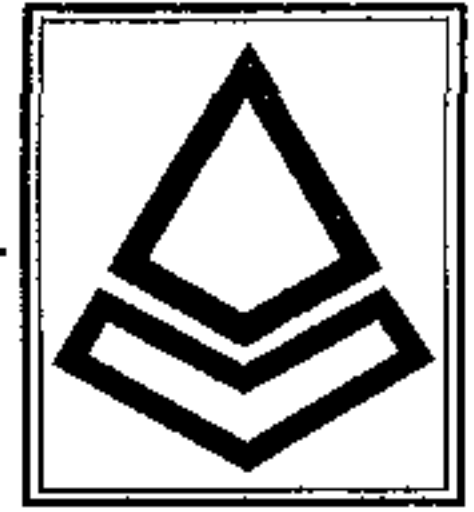
UNAVAILABLE FOR HEARING

Reviewed By [Signature]

Date 11-9-04

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

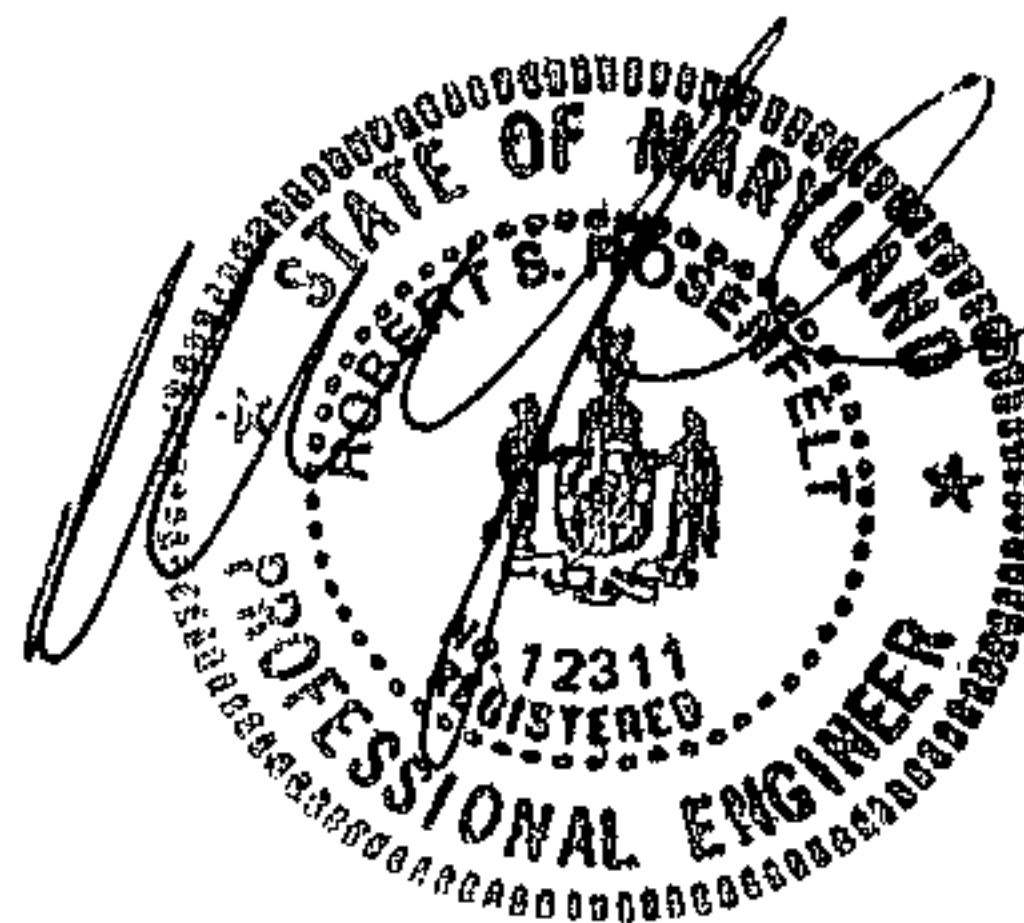


ZONING DESCRIPTION 10 ST. THOMAS LANE

Beginning at a point on the north side of St. Thomas Lane, which is 20 feet wide, at the distance of 600 feet east of Reisterstown Road, which is 66 feet wide, thence the following courses and distances:

North 48° East 0', 70 feet;
North 42° West 0', 210 feet;
South 42° West 0', 70 feet, thence
South 42° East 0', 212 feet to the Point of Beginning.

As recorded in Deed Liber 20280, folio 419 and containing 14,810 square feet (0.34 acre, more or less). Also known as 10 St. Thomas Lane and located in the 4th Election District, 2nd Councilmanic District.



11/8/08

236

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: #05-236-SPHA

10 St. Thomas Lane

N/side of St. Thomas Lane, 600 feet east of Reisterstown Road

4th Election District - 2nd Councilmanic District

Legal Owner(s): Adam Skolnik, Managing Member, Charter Homes, LLC

Special Hearing: to allow a waiver from Plate D-19 of the Public Works Manual, for a minimum building setback of 0 feet from a riverine floodplain freeboard line in lieu of 20 feet required. **Variance:** to allow a setback from the front building face of a single family dwelling to a public street right-of-way of 22 in lieu of 50 feet required.

Hearing: Tuesday, December 28, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

WILLIAM WISEMAN

Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/12/646 Dec. 14

32906

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 of 1 successive weeks, the first publication appearing on 12/14/, 2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Check No. 42659
05-2363248

DATE 11-9-04 ACCOUNT R-001-006-6150

AMOUNT \$ 130.00

RECEIVED FROM Charter Homes LLC

FOR Residential Vermont Special Housing
for 1057 Thomas Court
Bedford, MA

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

RECEIVED - FROM TIME DATE
11/09/2004 11:04:51
SIS UNIT MAIL FID THE
CASHIER'S SIGNATURE
FOR 500 THOMAS COURT
2ND FL BEDFORD
MA 01730
Amount Paid \$130.00
\$130.00 04 11/09/04
Baltimore County, Maryland

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

RE: Case Number 05-236-SPHA

Date December 14, 2004

Petitioner/Developer ADAM SKOLNIK/CHARTER HOMES/ROBERT ROSENFELT

Date of (Hearing/Closing) DECEMBER 28, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 10 ST. THOMAS LANE

The sign(s) were posted on

December 11, 2004

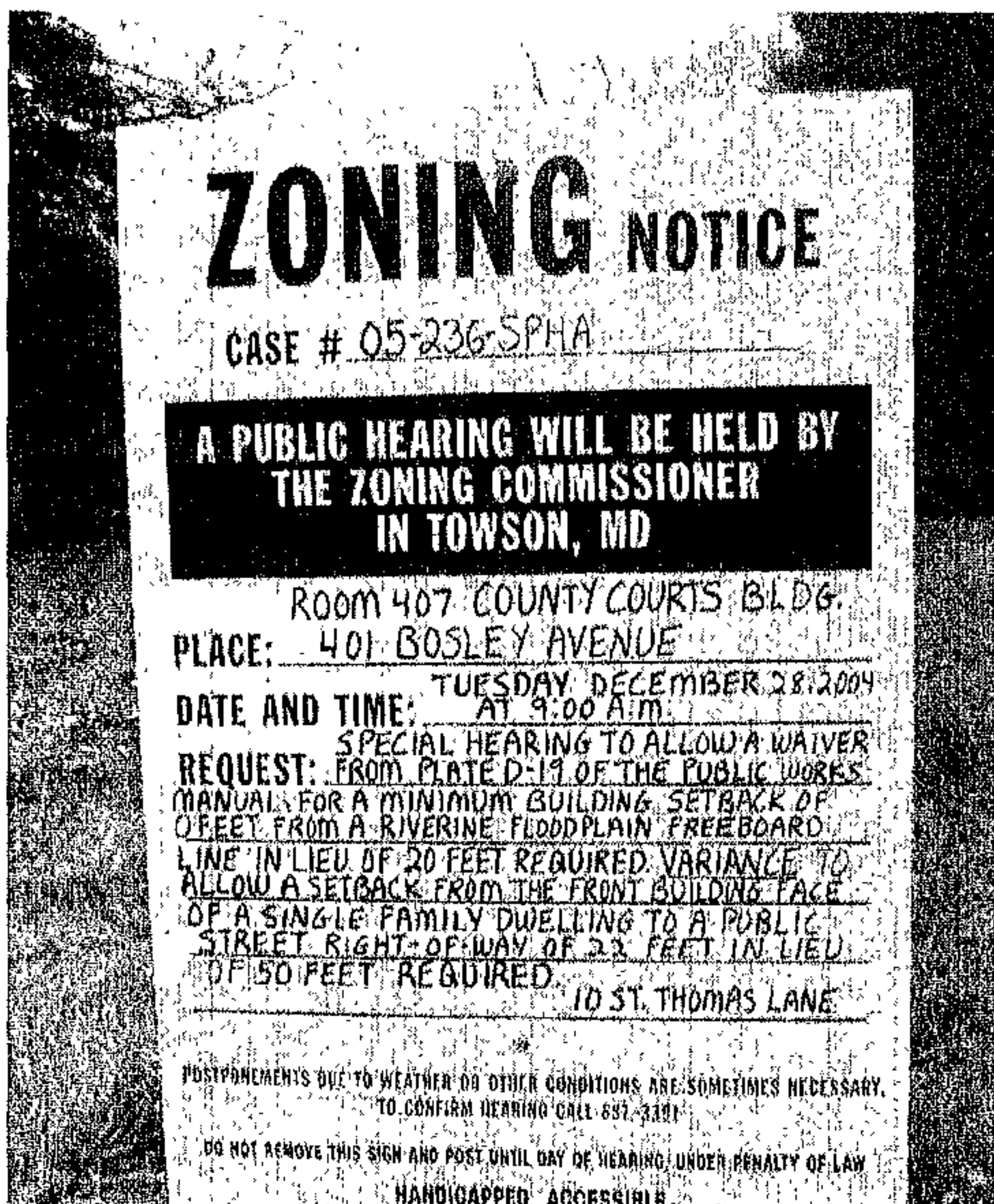
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 14, 2004 Issue - Jeffersonian

Please forward billing to:
Adam Skolnik
Charter Homes, LLC
3230 Bethany Lane
Ellicott City, MD 21042

410-480-3213

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: 05-236-SPHA

10 St. Thomas Lane

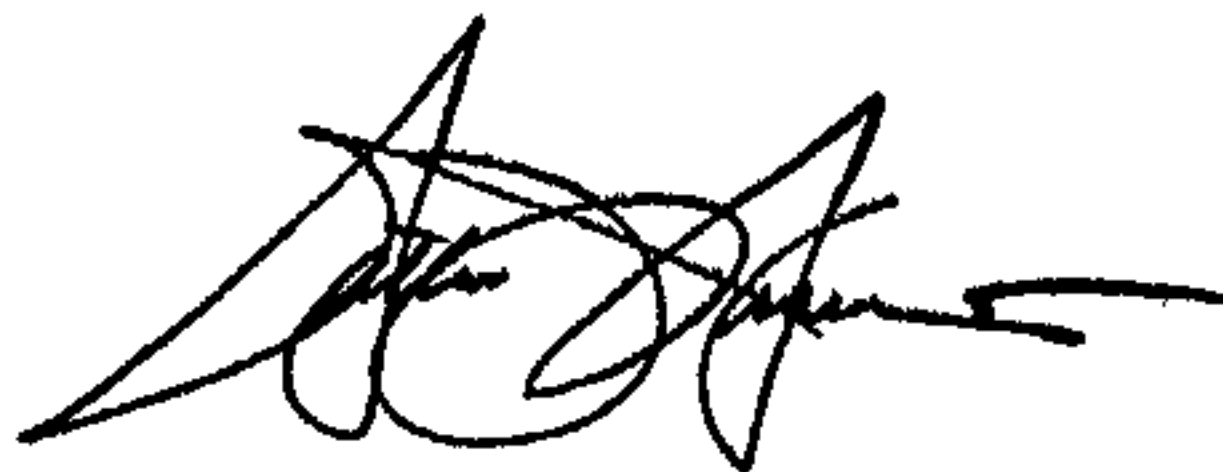
N/side of St. Thomas Lane, 600 feet east of Reisterstown Road

4th Election District – 2nd Councilmanic District

Legal Owner: Adam Skolnik, Managing Member, Charter Homes, LLC

Special Hearing to allow a waiver from Plate D-19 of the Public Works Manual, for a minimum building setback of 0 feet from a riverine floodplain freeboard line in lieu of 20 feet required. Variance to allow a setback from the front building face of a single family dwelling to a public street right-of-way of 22 in lieu of 50 feet required.

Hearing: Tuesday, December 28, 2004 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley 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 23, 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: 05-236-SPHA

10 St. Thomas Lane

N/side of St. Thomas Lane, 600 feet east of Reisterstown Road

4th Election District – 2nd Councilmanic District

Legal Owner: Adam Skolnik, Managing Member, Charter Homes, LLC

Special Hearing to allow a waiver from Plate D-19 of the Public Works Manual, for a minimum building setback of 0 feet from a riverine floodplain freeboard line in lieu of 20 feet required.
Variance to allow a setback from the front building face of a single family dwelling to a public street right-of-way of 22 in lieu of 50 feet required.

Hearing: Tuesday, December 28, 2004 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Adam Skolnik, Charter Homes, LLC, 3220 Bethany Ln., Ellicott City 21042
Robert Rosenfelt, 2835 Smith Avenue, Ste. G, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 13, 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.

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



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number 05-236 SPH A
Petitioner. Charter Homes, LLC, Adam Skolnik
Address or Location. site 10 ST. Thomas Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name. Same
Address 3230 Bethany Lane
Ellicott City, Md. 21042
Telephone Number: 410 ~~480~~ 480-3213

**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

Adam Skolnik
Charter Homes, LLC
3230 Bethany Lane
Ellicott City, Maryland 21042

Dear Mr. Skolnik:

RE: Case Number:05-236-SPH , 10 St. Thomas Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 9, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Robert S. Rosenfelt, P.E. 2835 Smith Avenue, Ste. G. Baltimore 21209

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



Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 22, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 22, 2004

Item No.: 227-241, 243, 245-249

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

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 7, 2004

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2004
Item No. 236

The Bureau of Development Plans Review has reviewed the subject-zoning item.

A 60-foot right-of-way for St. Thomas Lane shall be shown, and the requested variance to be modified accordingly.

The issue related to flood plain is subject to the comments by the Department of Public Works.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 27, 2004

RECEIVED

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

DEC 27 2004

SUBJECT: 10 Saint Thomas Lane

ZONING COMMISSIONER

INFORMATION:

Item Number: 05-236

Petitioner: Charter Homes LLC

Zoning: DR 3.5

Requested Action: Special Hearing and Variance

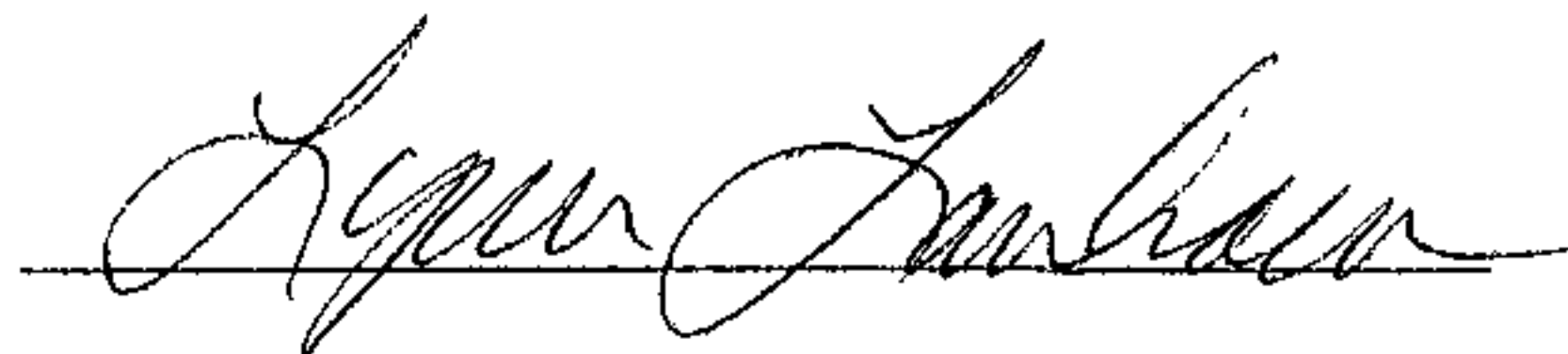
SUMMARY OF RECOMMENDATIONS:

The petitioner submitted a revised site plan on December 23, 2004 showing a smaller proposed dwelling with a 40 foot front setback amending the original variance request, which was 22 feet in lieu of the required 50 foot front setback. The special hearing to approve a waiver of Section 32-4-304 of the Baltimore County code to allow a 0-foot in lieu of 20 feet from a riverine floodplain freeboard is still required.

The Office of Planning reviewed the petitioner's request and supports the front yard variance request as shown on the revised plan. The office supports the revised building elevation drawings provided the same building materials are utilized on all four building facades and additional articulation in terms of windows are added to the side elevations.

The Office of Planning defers to the Department of Public Works concerning the Special Hearing request.

Division Chief:
AFK/LL



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



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

Maryland Department of Transportation

Date: 11.22.04

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

RE: Baltimore County
Item No. 236 JJ3

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
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director,
Permits & Development Management

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works



DATE: November 26, 2004

SUBJECT: Case No. 05-236 SPH
Special Hearing to permit construction of an addition to an existing
dwelling in a riverine floodplain

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

This waiver involves a single family detached dwelling located in the riverine floodplain. The dwelling had been damaged by fire and then razed. The Building Code (3112.2 (2)) would allow the structure to be rebuilt in its original footprint subject to an approved waiver and the same requirements as construction in the tidal floodplain (e.g. elevated).

The subject waiver requests that the dwelling be located outside the riverine floodplain, but with zero setback from the 100-year floodplain line. DPW Design manual Plate D-19 requires a 20-foot setback from the 100-year floodplain + one foot vertical freeboard boundary. Since the request places the new dwelling in a location having less risk of flooding than that which would be allowed by right, this department recommends **approval** of the waiver.

ECA/DLT/s

Attachments: Petitioner site plan.

CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources;
Steve Walsh; Bob Bowling (attn: Rahee Famili)



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

January 26, 2005

RECEIVED *pull*

JAN 26 2005

ZONING COMMISSIONER

CAROLE S. DEMILIO
Deputy People's Counsel

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

Re: Adam Skolnik, Managing Member, Charter Homes, LLC - Petitioners
10 Saint Thomas Lane
05-236-SPHA

Dear Mr. Murphy,

Please accept this letter as a Rule 4k motion for reconsideration of your order dated December 29, 2004. The Purpose is to add conditions to require disclosure of the floodplain situation to prospective purchasers and to require compliance with conditions recommended by the Director of Public Works in his November 26, 2004 Inter-Office Correspondence.

The attached November 26, 2004 Department of Public Works' recommendation to approve the waiver for development adjacent to the floodplain is based on the existence of a previous house on the property inside the floodplain. The prior owner apparently razed that house after it was damaged by fire. The new location would presumably be less hazardous but nevertheless within the area from which the law ordinarily excludes new homes. The departmental correspondence does indicate, however, that the building should be subject to pertinent elevation requirements.

Whether or not the development of a new house adjacent to the floodplain satisfies Code Sec. 32-8-303(a)(3) is, at best, questionable. That section requires:

"A determination that the granting of a waiver will not increase flood heights, impact public safety, incur extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and state laws and ordinances."

The floodplain law is intended to prevent flood damage by requiring the placement of homes a safe distance from the known floodplain. To be sure, this is an inexact science. It is unclear whether the Commissioner's decision finds that this law has been satisfied in all respects.

ORDER RECEIVED FOR FILING

2/10/05

Raf

John V. Murphy, Deputy Zoning Commissioner
January 26, 2005
Page 2

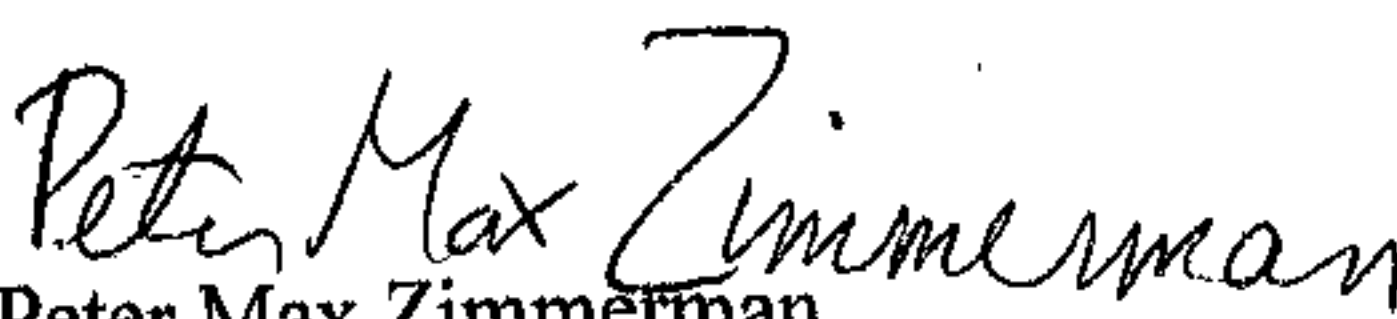
The opinion recognizes a concern that the county may feel pressure to purchase the home should it be damaged in a future storm, as happened in the past most memorably in the Villa Nova area after Hurricane Agnes in the 1970s. The opinion also states on the fourth page that the developer has pledged it will notify any prospective purchaser of the floodplain issue.

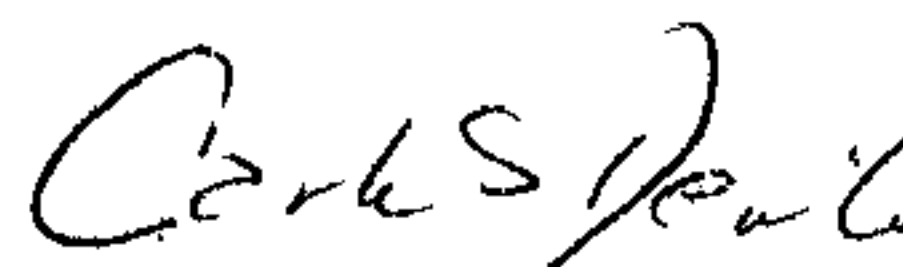
At least, the disclosure should be memorialized in a condition in the order. In other contexts where disclosure has been important, the Zoning Commissioner has included a condition that a copy of the decision be recorded in the land records. Here, in addition to this, the order should state explicitly that a condition of the waiver is that the developer must in writing, disclose the floodplain, waiver, and decision to prospective purchasers in any listing, offer, or advertising of the property. In addition, the contract of sale should include a written provision that the contract is contingent on the seller providing a copy of the decision to the purchaser and the purchaser acknowledging receipt of the same in writing. By "decision," we mean the December 29, 2004 opinion and order and the reconsideration ruling.

Compliance with the Department of Public Works' November 26, 2004 correspondence should also be an explicit condition, including satisfaction of elevation requirements of DPW Design Manual Plate D-19. The present Order requires compliance with the December 7, 2004 comment from DPW and the December 27, 2004 comment from the Office of Planning. It mentions the November 26, 2004 correspondence on the third page, but does not include in the Order a condition requiring compliance with the November 26, 2004 correspondence or pertinent elevation standards. We believe all the conditions should be similarly set forth in the Order.

Under these circumstances, this office respectfully requests that the December 29, 2004 Order be reconsidered and modified at least to include the conditions as described above.

Very truly yours,


Peter Max Zimmerman
People's Counsel for Baltimore County


Carole S. Demilio
Deputy People's Counsel for Baltimore County

PMZ/CSD/rmw

cc: Adam Skolnik
Robert S. Rosenfelt, P.E.
Edward Adams, Director of Public Works
David L. Thomas, Assistant to the Director of DPW

ORDER RECEIVED FOR FILING

2/10/05
Ray

CHARTER HOMES, LLC

3230 Bethany Lane
Suite 8
Ellicott City, MD 21042
Phone (410) 480-3213
Fax (410) 480-3215

RECEIVED

FEB - 4 2005



ZONING COMMISSIONER

February 1, 2005

John V. Murphy, Deputy Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, MD 21204

Re: Adam Skolnik, Managing Member, Charter Homes, LLC – Petitioners
10 Saint Thomas Lane
05-236-SPHA

Dear Mr. Murphy,

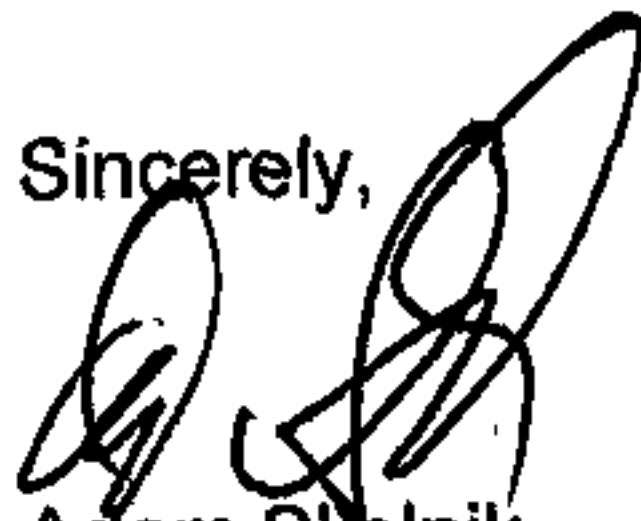
With regards to the request for a Rule 4k motion for reconsideration to you dated January 26, 2005 from the Baltimore County Office of People's Counsel, we offer the following:

We agree to disclose, in writing, the floodplain, waiver and December 29, 2004 opinion, order and the reconsideration ruling to prospective purchasers. The contract of sale will include a written provision that the contract is contingent on the seller providing a copy of the decision to the purchaser and the purchaser acknowledging receipt of the same in writing.

We are in compliance with the satisfaction of elevation requirements of DPW Design Manual Plate D-19, the December 7, 2004 comment from DPW and the December 27, 2004 comment from the Office of Planning.

In addition, we have recorded the original opinion with the Office of Land Records.

Sincerely,


Adam Skolnik
Managing Member
Charter Homes, LLC



EQUAL HOUSING
OPPORTUNITY

ADDER REVENUE : OR FILING

2/10/05

Ray

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
10 St. Thomas Lane; N/side St Thomas Lane,* ZONING COMMISSIONER
600' E of Reisterstown Road
4th Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): Adam Skolnik, Managing
Member, Charter Homes, LLC * BALTIMORE COUNTY
Petitioner(s) *
05-236-SPHA

* * * * *

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.

RECEIVED

NOV 24 2004

Per...

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to Robert S. Rosenfelt, P.E., Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

File

Zoning Hearings - 10 St. Thomas Lane**Location:** 2nd Council District**Sub Location:** County Courts Building, 401 Bosley Avenue, Rm. 407, Towson 21204**Date/Time:** 12/28/2004 9:00 AM - 12/28/2004 10:00 AM**CASE NUMBER:** 05-236-SPHA **Location:** N/side, St. Thomas Lane, 600 feet east of Relsterstown Road 4th Election**District Legal Owner:** Adam Skolnik, Managing Member, Charter Homes, LLC.**Description:**

Special Hearing to allow a waiver from Plate D-19 of the Public Works Manual, for a minimum building setback of 0 feet from a riverine floodplain freeboard line in lieu of 20 feet required. Variance to allow a setback from the front building face of a single family dwelling to a public street right-of-way of 22 in lieu of 50 feet required.

Contact: Kristen Matthews 410-887-3391**Online Map/Directions Site:** [http://http://www.mapquest.com/maps/map.adp?](http://http://www.mapquest.com/maps/map.adp?country=US&countryid=250&addtohistory=&searchtab=address&searchtype=address&address=401+Bosley+Avenue&city=Towso)[country=US&countryid=250&addtohistory=&searchtab=address&searchtype=address&address=401+Bosley+Avenue&city=Towso](http://http://www.mapquest.com/maps/map.adp?country=US&countryid=250&addtohistory=&searchtab=address&searchtype=address&address=401+Bosley+Avenue&city=Towso)

Jack - you have this
one. Dave Thomas test-
ified in one of my cases
Friday. He is off the
week of 12/28 2004
He wanted to let
you know that he
worked out an
arrangement where
no set back relief
is necessary. Call him.

62 BK

**BALTIMORE COUNTY, MD
DEPARTMENT OF PUBLIC WORKS
PERMIT REVIEW FORM**

Date: 02/22/05 Review By: **Robin Hurley/Dave Thomas** Phone: 410-887-3117

Applicant Name: Steven Knecht T/A: Charter Homes, LLC

Property Address: 10 St Thomas Lane Tax Acct #: 04-07-029970

Permit #: B583619 Tax Map: 58 Grid: 22 Parcel: 465 Lot:

WATER AND SEWER PLAN DESIGNATION

Water: EXISTING Sewer: EXISTING KeySheet:

Water Drawing: 1962-0853 Sewer Drawing: 1969-0330

FLOOD INSURANCE RATE MAP

Panel # 240010-0220C Zone: A

Tidal: Riverine: X Base Flood Elevation:

REVIEWERS' NOTES

Reviewed for Public Water, Public Sewer, Roads and Storm Drainage/Floodplains Only.

2-22-05

1. Adam Skolnik, Managing Member, Charter Homes, LLC - Petitioners, shall record the December 29, 2004 Order and the February 10, 2005 Order for Reconsideration in the Land Records of Baltimore County.

2. The Petitioners will disclose in writing the floodplain waiver, the December 29, 2004 Order and the February 10, 2005 Order to prospective purchasers. The contract of sale will include a written provision that the contract is contingent on the seller providing a copy of the decision to the purchaser and the purchaser acknowledging receipt of same in writing.

3. The Petitioners shall comply with the elevation requirements of DPW Design Manual Plate D-19, the December 7, 2004 comment from DPW, and the December 27, 2004 comment from the Office of Planning.

4-7-05 New Permit # assigned - Var. Case #05-236-SPHA

RECOMMENDATION

Approve: Approve as Noted: X HOLD:

Must Comply with Baltimore County Code Section 26-243 (*Public Improvements*):

Must Comply with Council Bill 173-93 (*Floodplain Ordinance*):

Other:

(h) *Same – Exception.* When required by the county as a condition of development, the requirement for County Council approval under subsection (g) of this section does not apply to county participation in the cost of construction of:

(1) Any of the following major water facilities provided the facility is not required exclusively for the supply of water to the development:

- (i) A water main 16 inches or greater in diameter;
- (ii) A water pumping station; and
- (iii) A water storage tank; or

(2) Any of the following major sewer facilities provided the facility is not required exclusively to service the development:

- (i) A sewer main with a county approved design flow of 2.3 million gallons per day or greater;
- (ii) A sewerage pumping station; and
- (iii) A sewerage holding tank.

(1988 Code, §§ 26-238, 31-1) (Bill No. 38-98, § 6, 6-20-1998; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 25, 7-1-2004)

Annotation—Title 23, § 291(12), of the code (1948) applied in Inter-City Land Company v. Baltimore County, 218 Md. 80, 145 A.2d 266 (1958).

§ 32-4-304. PUBLIC WORKS AGREEMENTS.

(a) *In general.*

(1) Except as provided in subsection (e) of this section, the county shall require the applicant to execute a public works agreement to ensure the completion of the public improvement or private improvement.

(2) The public works agreement shall delineate the applicant's obligations to:

- (i) Construct public improvements or private improvements; and
- (ii) Dedicate and convey to the county all necessary rights-of-way.

(b) *Submission of public works agreement.* The applicant shall submit:

(1) The public works agreement to the Department of Permits and Development Management on a form approved by the Department Director and the Office of Law; and

(2) All relevant information required by the Department of Permits and Development Management.

(c) *Approval or rejection of public works agreement.*

(1) Within 20 business days after receiving the proposed public works agreement, the Department of Permits and Development Management shall:

(i) Approve the public works agreement; or

(ii) Reject the public works agreement.

(2) If the Director of Permits and Development Management rejects the public works agreement, the Department shall provide the applicant with the reasons for its decision in writing.

(3) An applicant may resubmit a proposed public works agreement after receipt of notice of the Department of Permits and Development Management's decision to reject the proposed agreement.

(d) *Execution of agreement.* After approval by the Department of Permits and Development Management, the Department shall submit the public works agreement to the County Executive or the County Administrative Officer for execution.

(e) *Waiver.* The Director of Permits and Development Management may waive the requirement for a public works agreement if the Director determines that the public improvements are minimal public improvements, including:

(1) Fire hydrants;

(2) Water or sewer extensions;

(3) Storm drain extensions;

(4) Curb, gutter, or pavement projects;

(5) Traffic control devices; or

(6) Other similar improvements.

(1988 Code, §§ 26-239, 26-240) (Bill No. 38-98, § 6, 6-20-1998; Bill No. 79-01, § 2, 7-1-2004)

CASE NAME 10 St. Thomas Lane
CASE NUMBER 05-236-SPTA
DATE 12/28/2004

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME 10 St James Ln
CASE NUMBER 05-236-SPHA
DATE 12/28/04

CITIZEN'S SIGN-IN SHEET

[illegible]

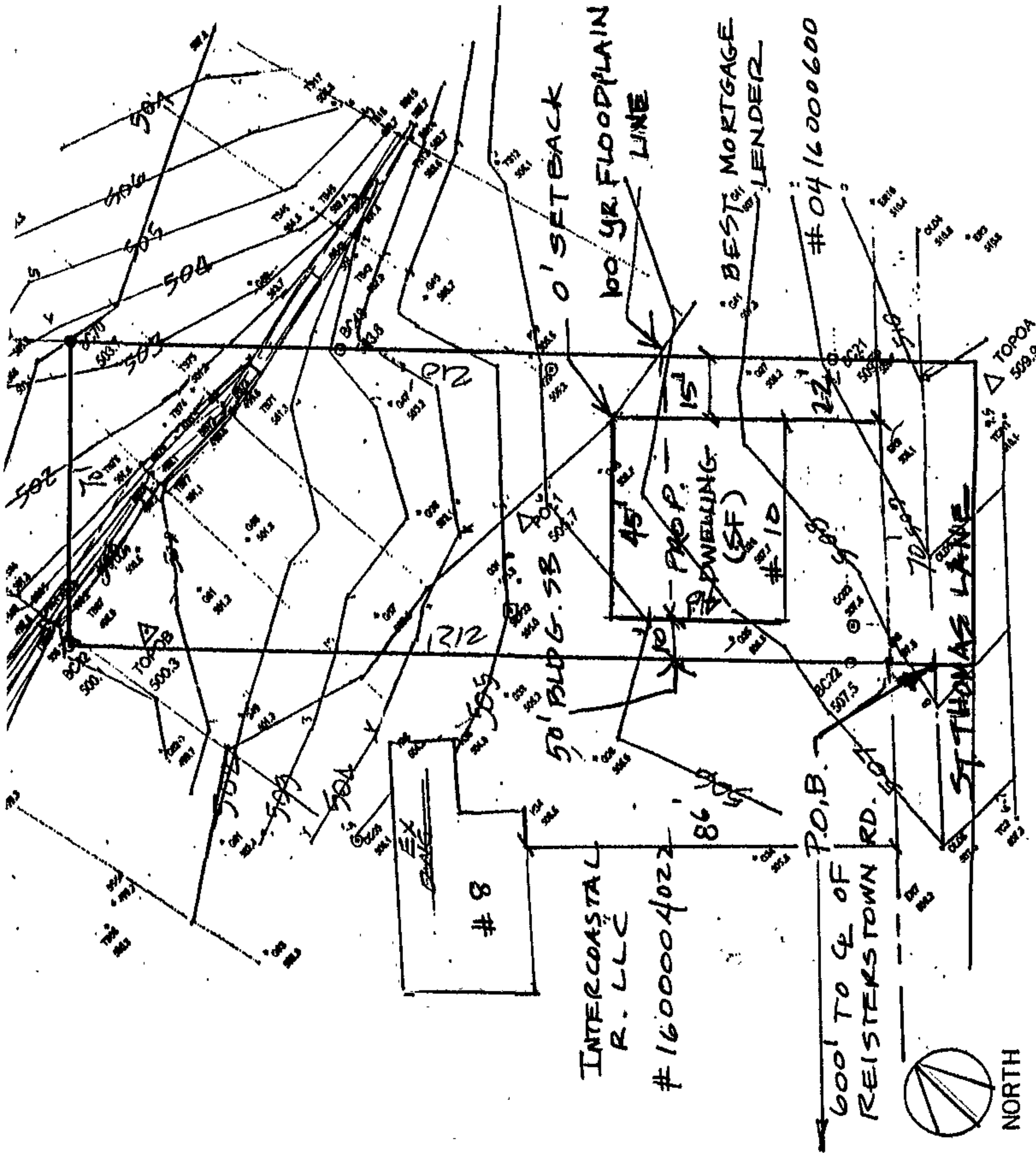
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 10 ST. THOMAS LANE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

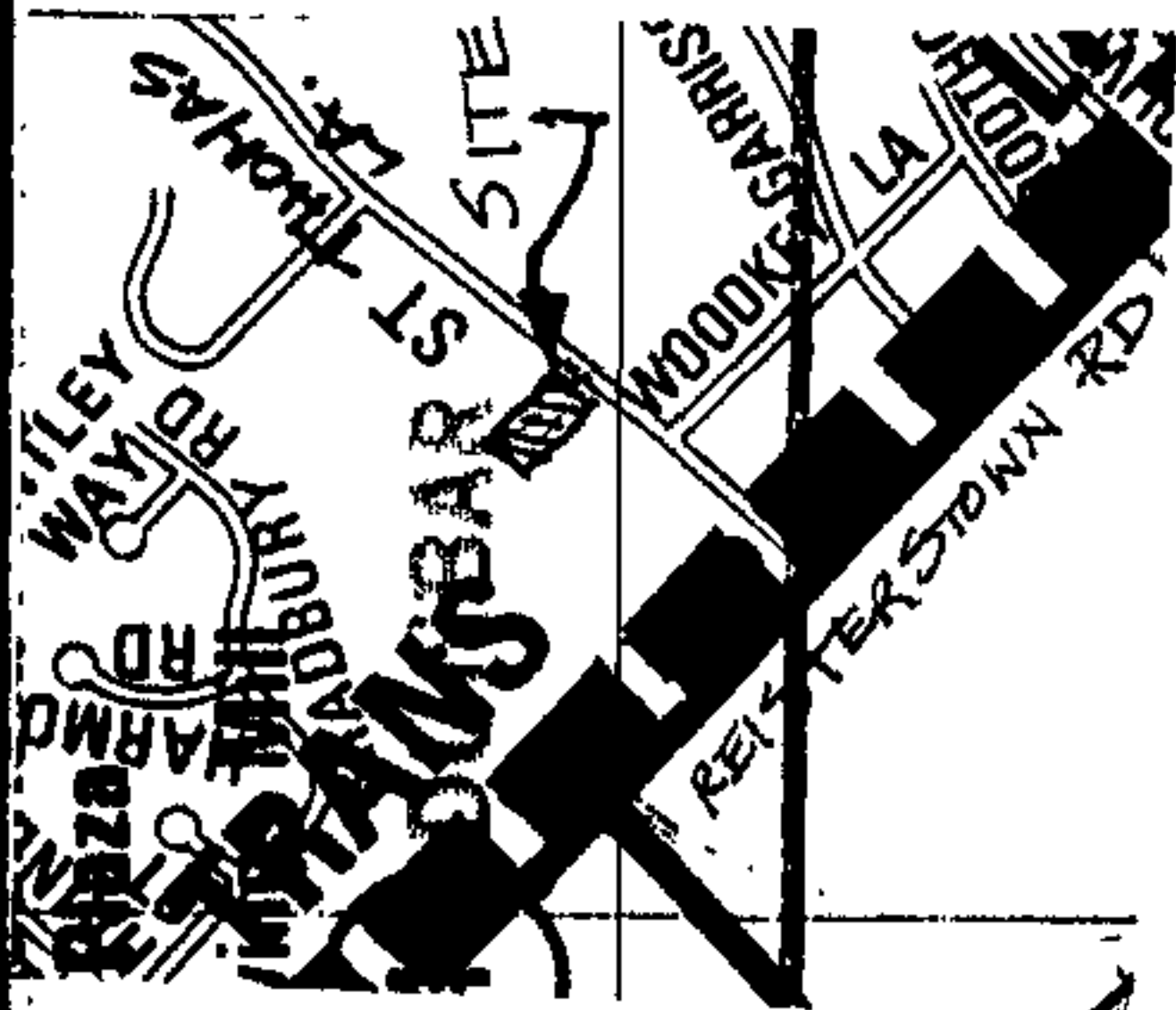
SUBDIVISION NAME N/A

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86	86	86	86
87	87	87	87
88	88	88	88
89	89	89	89
90	90	90	90
91	91	91	91
92	92	92	92
93	93	93	93
94	94	94	94
95	95	95	95
96	96	96	96
97	97	97	97
98	98	98	98
99	99	99	99
100	100	100	100

OWNER CHARTER HOMES LLC



PREPARED BY COLBERT MATZ ROSENFEET, INC. SCALE OF DRAWING: 1" = 40'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

4
ELECTION DISTRICT

COUNCILMANIC DISTRICT 2-

1"=200' SCALE MAP # NW 11-#

ZONING DR - 3.5

LOT SIZE 0.34 14,810 SF
ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWERS

WATER

YES NO

**CHESAPEAKE BAY
CRITICAL AREA**

100 YEAR FLOOD PLAIN

**HISTORIC PROPERTY/
BUILDING**

PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY

236

D.R. 3.5

W 43,500

D.R. 3.5

MAP N.W. 11-H

D.R. 3.5

SITE

BL

D.R. 3.5

#236

D.R. 16

POB

WOODKEY

LANE

GARRISON

WOODTHORNE RD.

OLIVE

GRE

D.R. 16

BL

RO

RO

MLR-1M

BRADBURY

HARMON ROAD

BENTLEY ROAD

PRIVATE

ST THOMAS LA

ST THOMAS LA

