ORDER MECEIVED FOR FILING
Date 10 - 31 - 655
By

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
E/S side of Anvil Way, 44 ft. wide, 62 ft.
South of c/l of Stevenson Lane
9th Election District
5th Councilmanic District
(225, 227, 231, 233, 235, 237,
239, & 241 Anvil Way)

Rodgers Choice, LLC

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

FOR

*

*

*

BALTIMORE COUNTY

CASE NO. 06-130-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, Rodgers Choice, LLC, Owners. The Petitioner is requesting special hearing and variance relief for property owned at 225, 227, 231, 233, 235, 237, 239, and 241 Anvil Way in the Rodgers Forge area of Baltimore County. The variance request is filed pursuant to Section 1B01.2.C.1.c and 301.1A from the B.C.Z.R. (including the relevant policies of CMDP Section II, Single-Family Attached) to permit setbacks from rear building face and rear deck, respectively, to rear property line, as described below, in lieu of the required setbacks:

- Lot 13 (225 Anvil Way) to permit a 20 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;
- Lot 14 (227 Anvil Way) to permit a 20 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;
- Lot 16 (231 Anvil Way) to permit a 28 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 18 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;
- Lot 17 (233 Anvil Way) to permit a 22 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;

ORDER NECEWED FOR FILING

Date

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By

- Lot 18 (235 Anvil Way) to permit a 28 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 16 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;
- Lot 19 (237 Anvil Way) to permit a 28 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 18 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;
- Lot 20 (239 Anvil Way) to permit a 24 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 14 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback; and
- Lot 21 (241 Anvil Way) to permit a 23 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 13 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback.

The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the amendment of an approved final development plan, pursuant to B.C.Z.R., Section 1B01.3A.7, for the Final Development Plan Rodgers Choice; such that the FDP will be consistent with the site plan that is the subject of this petition.

The property was posted with Notice of Hearing on October 2, 2005, 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 October 4, 2005, to notify any interested persons of the scheduled hearing date.

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 Comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated September 23, 2005, in support of these requests, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Mitch Kellman, Zoning Consultant, and Mark Buda for the corporate Petitioner. Stuart D. Kaplow, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Kaplow proffered that the subject property is the site of the previously approved final development plan known as "Rodgers Choice". This site contains 6.5 acres and 42 town homes

are in the process of being constructed on the property, which surrounds the old Weiskettle home on Stevenson Lane. He indicated that this case arises because the County approved the final development plan in error, the County issued building permits in error and the Petitioner is now constructing town houses on lots 13 through 21 according to the approved plan. The problem, which was recently discovered, is that several of these homes and rear decks are too close to the rear property lines according to the present zoning regulations. For example lot 13's rear deck is 20 feet from the rear property line. It should have been 22.5 feet. Another example is the house and deck on lot 21. In this case the rear building face is 23 feet from the rear property line and rear deck 13 feet from the rear property line. The zoning regulations require 30 feet and 22.5 feet respectively. Mr. Kaplow surmised that the error may have been that the County and Petitioner applied dimensions of prior regulations.

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Again these units are under construction and several have contracts of sale pending. Mr. Kaplow indicated that his client wrote to the five closest community associations and contacted He presented letters of support from the every buyer to let them know of the problem. Stevenson Mews Association and Armagh Village Homeowners Association which were entered as Petitioner's exhibit 2 A and 2 B. Finally he presented an additional letter of support from the Office of Planning indicating that the requests are internal to the site and should not affect The Special Hearing would allow the Final Development Plan to be adjacent properties. amended to reflect the requested change in dimensions.

In support of the request for variance, Mr. Kaplow pointed out that the site was carved out the contract purchasers if the zoning regulations were strictly enforced as several feet of house

and deck would have to be removed to comply with the regulations. He noted that granting the variances would not increase the density of the development beyond that otherwise allowed, as the number of dwelling is the same as approved in the final development plan. Finally he indicated that as the Office of Planning has pointed out, these requests are internal to the site and will have no detrimental affect on the neighborhood.

Findings of Fact and Conclusions of Law

I find that the site is unique in a zoning sense in that the site was carved around the old Weiskettle house, which the community wanted to preserve. As such it is irregularly shaped narrow tract. I also find that it would be a hardship on the Petitioner and the contract purchasers if the zoning regulations were strictly enforced as several feet of house and deck would have to be removed to comply with the regulations.

I also find that these variances were not self imposed. While undoubtedly the Petitioner submitted a plan that was in error, the County approved the final development plan in error, and issued the building permits in error. The Petitioner followed the approved plan and building permits. Now that the structures are under construction, the Petitioner finds these errors and cannot correct them by paper adjustments to the plan. I find sufficient involvement and participation by the County to negate any inference the requests are self-imposed.

Granting these variances will not increase the density of the development beyond that otherwise allowed, as the number of dwellings is the same as approved in the final development plan. Finally 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. As the Office of Planning has pointed out, these requests are

10-31-05

internal to the site and will have no detrimental affect on the neighborhood. The nearby community associations support the requests. Consequently I will grant the requested variances.

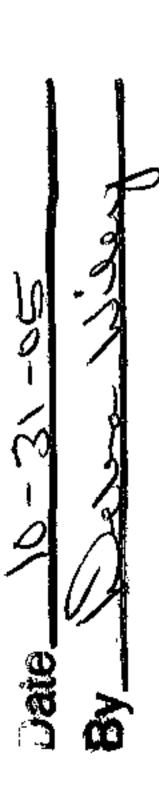
Similarly I will grant the request to amend the final development plan under Section 1B01.3.A.7. I find that the requirement to disclose the proposed changes to prospective residents and to those who may have relied on the original development plan under Section 1B01.3.A.1, subsection 1.a have been complied with by the public hearing held on October 20, 2005 and the Petitioner's efforts to contact and notify every contract purchaser. Having granted the requested variances, I further find that the proposed changes comply with applicable regulations, standards and policies. In regard to the Planning Office comments in support of these requests, I find that the Office of Planning comments constitute the certification by the Director of Planning that this plan meets the spirit and intent of the regulations and does not violate the spirit and intent of the original development plan pursuant to Section 1B01.3.A.7.c.(4). I also make such findings and so certify.

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 request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 31 day of October, 2005, that the Petitioners' request for the following variances:

- Lot 13 (225 Anvil Way) to permit a 20 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;
- Lot 14 (227 Anvil Way) to permit a 20 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;
- Lot 16 (231 Anvil Way) to permit a 28 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 18 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;

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- Lot 17 (233 Anvil Way) to permit a 22 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;
- Lot 18 (235 Anvil Way) to permit a 28 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 16 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;
- Lot 19 (237 Anvil Way) to permit a 28 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 18 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;
- Lot 20 (239 Anvil Way) to permit a 24 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 14 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback; and
- Lot 21 (241 Anvil Way) to permit a 23 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 13 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback be and are hereby GRANTED; and

IT IS FURTHER ORDERED that special hearing relief to approve the amendment of an approved final development plan, pursuant to B.C.Z.R., Section 1B01.3A.7, for the Final Development Plan Rodgers Choice; such that the FDP will be consistent with the site plan that is the subject of this petition, be and is hereby GRANTED.

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:dlw

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

October 31, 2005

Stuart D. Kaplow, Esq. 15 East Chesapeake Avenue Towson, Maryland 21286

> Re: Petition for Special Hearing Case No. 06-130-SPHA

Property: 225, 227, 231, 235, 237, 239, & 241 Anvil Way)

Dear Mr. Kaplow:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:dlw Enclosure

c: Mr. Michael J. Keelty, Managing Member, Rodgers Choice, LLC, P.O. Box 528, Timonium, MD 21094

Mr. Mark Buda, P.O. Box 528, Timonium, MD 21094

Mr. Mitch Kellman, 200 E. Pennsylvania Ave., Towson, MD 21286



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



Date.

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

225, 227, 231, 283, 235, 237, 289

for the property located at AND 241 ANIL WAY

which is presently zoned DR 16

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHMENT #1

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.

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Attachment 1 Petition for Special Hearing

To approve the amendment of an approved final development plan, pursuant to BCZR Section 1B01.3.A.7, for the Final Development Plan Rodgers Choice, such that the FDP will be consistent with the site plan that is the subject of this petition.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1/2 225, 227, 231, 233, 235, 237, 239 AND 211 Anni Which is presently zoned 1/2 16

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

SEE ATMIENT A'

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

SEE ATLANTENT'B'

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

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

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

		is the subject of this Petition.	
Contract Purchaser/Lessee:		Legal Owner(s):	
		RODGEDS CHOKE ILL	
Name - Type or Print	Name	me - Type or Print	
Signature		Signature Milliam J. KERTY, MINING ME1862	
Address Telephor	ne No.	Name - Type or Print	
City State Zip	Code	Signature	_
Attorney For Petitioner:		10.80x 528 40-252-8600	
STUNDE D KARLONE		Address Telephone	e No.
Name - Type or Print	City		
		Representative to be Contacted:	
Signature D. KAROW, J.A.		STONET DIKASION	
Company 15 Ence CHESAPENKE NE 40.339	· 3 910	Name SE. CHESARENKE DWE. 40.337.3910)
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Case No. 06-130-5PHA		ESTIMATED LENGTH OF HEARING	
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Attachment A Petition for Zoning Variance

Variance from BCZR Section 1B01.2.C.1.c. and 301 1A (including the relevant policies of CMDP Section II, Single-Family Attached) to permit setbacks from rear building face and rear deck, respectively, to rear property line, as described below, in lieu of the required setbacks:

Lot 13 (225 Anvil Way) to permit a 20 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;

Lot 14 (227 Anvil Way) to permit a 20 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;

Lot 16 (231 Anvil Way) to permit a 28 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 18 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;

Lot 17 (233 Anvil Way) to permit a 22 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;

Lot 18 (235 Anvil Way) to permit a 28 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 16 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;

Lot 19 (237 Anvil Way) to permit a 28 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 18 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback;

Lot 20 (239 Anvil Way) to permit a 24 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 14 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback; and

Lot 21 (241 Anvil Way) to permit a 23 feet setback from rear building face to rear property line, in lieu of the required 30 feet setback, and a 13 feet setback from edge of rear deck to rear property line, in lieu of the required 22.5 feet setback.

Attachment B Petition for Zoning Variance

This residential property that is the subject of an approved development plan is unique and unusual in a manner different from the nature of the surrounding properties (i.e., topography, shape, historical significance, etc.) such that the uniqueness causes the zoning regulations to impact disproportionately upon the property. And practical difficulty or undue hardship resulting from the disproportionate impact of the ordinance caused by the property's uniqueness exists. All of which will be demonstrated at the public hearing on this Petition.

7+130

ZONING DESCRIPTION

for 237,234 225, 228, 231, 233, 235, 238, 230, 241 Anvil Way

Beginning at a point on the east side of Anvil Way, 44 feet wide, at a distance of 62 feet south of the centerline of Stevenson Lane. Being Lots 13, 14, 16, 17, 18, 19, 20, 21 of the Rodgers Choice Subdivision, as recorded in Plat Book 76, folio 81. Also know as 225, 227, 231, 233, 235, 237, 239, 241 Anvil Way in the 9th Election District and 5th Councilman's District, Baltimore County, Maryland.



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Daltimore County, Maryland

CASHIER'S VALIDATION

RODGERS CHOICE LLC		BALCOU	BALTIMORE COUNTY, MD
Invoice Date Invoice #	Voucher # Description	Gross 800.00	Discount Net Invoice
08/29/05 082905	140545 ZONING VARIANCES		
08/29/2005	Check Ro	020651	800.00

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 of the property identified herein as follows:

Case: #06-130-8PHA

225 227 224 228 225 227 220 8 244 ABUIL MAN.

225, 227, 231, 233, 235, 237, 239 & 241 Ahvil Way E/side of Anvil Way, 62 feet south of centerline of

Stevenson Lane 9th Election District - 5th Councilmanic District Legal Owner(s): Rodgers Choice, LLC, Michael Keelty,

Managing Member Special Hearing: to approve the amendment of an approved final development plan for Rodgers Choice, such that the FDP will be consistent with the site plan that is the subject of this petition. Variance: for Lot 13 (225 Anvil) to permit a 20 ft. setback from edge of rear deck to rear property line in lieu of the required 22.5-foot setback; Lot 14 (227 Anvil) to permit a 20 ft. setback from edge of . rear deck to rear property line, in lieu of the required 22.5 ft. setback; Lot 16 (231 Anvill) to permit a 28 ft. setback from rear building face to rear property line in lieu of the required 30 ft setback and a 18 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft. setback; Lot 17 (233 Anvil) to permit a 22 ft. setback from edge of rear deck to rear property line, in lieu of the required 22,5 ft. setback; Lot 18 (235 Anvil) to permit a 28 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and a 16 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft; Lot 19 (237 Avil) to permit a 28 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and 18 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft; Lot 20 (239 Anvill) to permit a 24 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and a 14 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft. setback; Lot 21 (241 Anvil) to permit a 23 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and a 13 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft. setback.

Hearing: Thursday, October 20, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley

Avenue, Towson 21204.

WILLIAM J. WISEMAN, III 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/10/617 Oct. 4

CERTIFICATE OF PUBLICATION

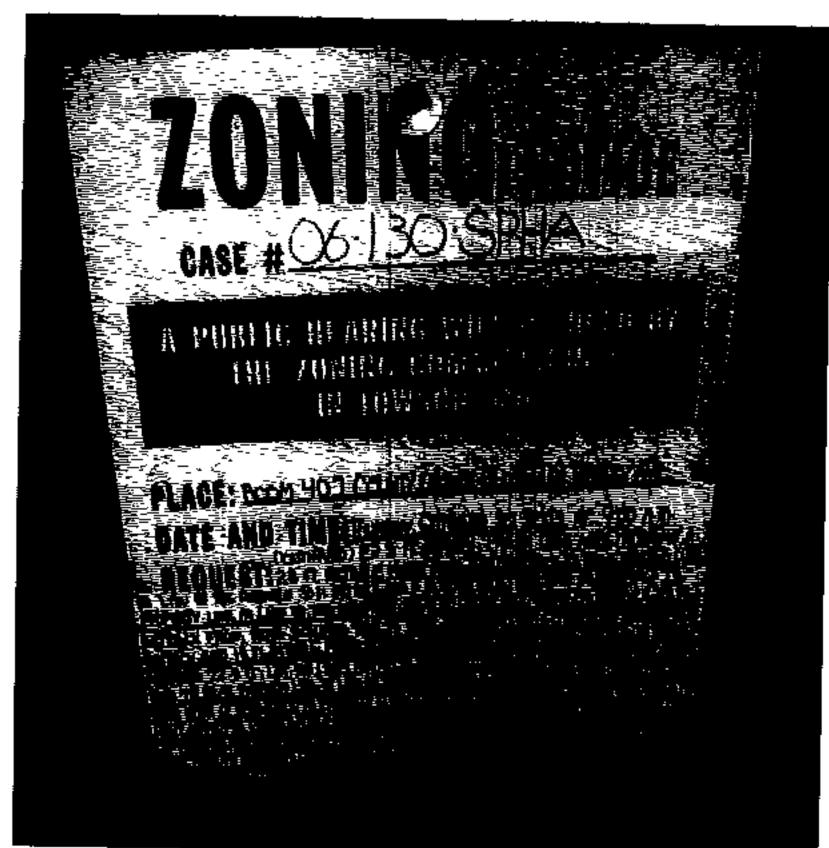
106,2005	
THIS IS TO CERTIFY, that the annexed advertiseme	ent was published
n the following weekly newspaper published in Baltimo	ore County, Md.,
once in each ofsuccessive weeks, the first publi	cation appearing
on 10 4 ,20 <u>75</u>	i
The Jeffersonian Arbutus Times	
☐ Catonsville Times	;
☐ Towson Times ☐ Owings Mills Times	i i
□ NE Booster/Reporter□ North County News	

LEGAL ADVERTISING

NUKIN 802

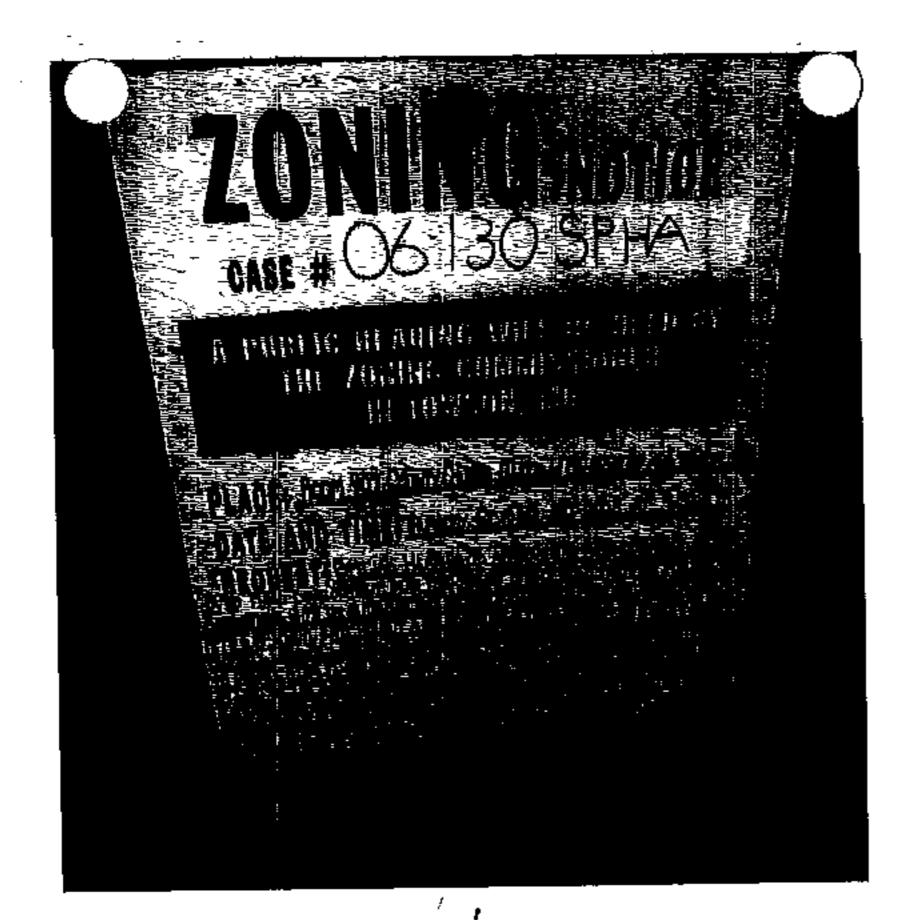
CERTIFICATE OF POSTING

RE: Case No.: 06 - 130 - SPHA Petitioner/Developer: ROGERS C/01CE, LLC Date of Hearing/Closing: 10-20-05 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} 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: _ 225, 227, 231, 233, 235, 237, 239 N 241 ANNIL WAY 10-2-05 The sign(s) were posted on _ (Month, Day, Year) Sincerely,



ANVIL WAY

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



ANY IL WAY

OCT 5 2005

DE 137 CONTROL TO STANDARD CONTROL

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 4, 2005 Issue - Jeffersonian

Please forward billing to:

Stuart D. Kaplow

15 E. Chesapeake Avenue

Towson, MD 212286

410-339-3910

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: 06-130-SPHA

225, 227, 231, 233, 235, 237, 239 & 241 Anvil Way

E/side of Anvil Way, 62 feet south of centerline of Stevenson Lane

9th Election District -- 5th Councilmanic District

Legal Owners: Rodgers Choice, LLC, Michael Keelty, Managing Member

Special Hearing to approve the amendment of an approved final development plan for Rodgers Choice, such that the FDP will be consistent with the site plan that is the subject of this petition. Variance for Lot 13 (225 Anvil) to permit a 20 ft. setback from edge of rear deck to rear property line in lieu of the required 22.5-foot setback; Lot 14 (227 Anvil) to permit a 20 ft. setback from edge of rear deck to rear property line, in lieu of the required 22.5 ft. setback; Lot 16 (231 Anvil) to permit a 28 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and a 18 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft. setback; Lot 17 (233 Anvil) to permit a 22 ft. setback from edge of rear deck to rear property line, in lieu of the required 22.5 ft. setback and a 16 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft; Lot 19 (237 Anvil) to permit a 28 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and 18 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft; Lot 20 (239 Anvil) to permit a 24 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and a 14 ft. setback from edge of rear deck to property line in lieu of the required 30 ft. setback and a 13 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and a 13 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback from edge of rear deck to property line in lieu of the required 30 ft. setback and a 13 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft. setback.

Hearing: Thursday, October 20, 2005 at 9:00 a.m. in Room 407, County Courts Building,

401-Bosley Avenue Towson 21204

WILLIAM J WISEMAN III

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 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

September 15, 2005

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: 06-130-SPHA

225, 227, 231, 233, 235, 237, 239 & 241 Anvil Way
E/side of Anvil Way, 62 feet south of centerline of Stevenson Lane
9th Election District – 5th Councilmanic District
Legal Owners: Rodgers Choice, LLC, Michael Keelty, Managing Member

Special Hearing to approve the amendment of an approved final development plan for Rodgers Choice, such that the FDP will be consistent with the site plan that is the subject of this petition. Variance for Lot 13 (225 Anvil) to permit a 20 ft. setback from edge of rear deck to rear property line in lieu of the required 22.5-foot setback; Lot 14 (227 Anvil) to permit a 20 ft. setback from edge of rear deck to rear property line, in lieu of the required 22.5 ft. setback; Lot 16 (231 Anvil) to permit a 28 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and a 18 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft. setback; Lot 17 (233 Anvil) to permit a 22 ft. setback from edge of rear deck to rear property line, in lieu of the required 22.5 ft. setback and a 16 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft; Lot 19 (237 Anvil) to permit a 28 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and 18 ft. setback from edge of rear deck to property line in lieu of the required 22.5 ft; Lot 20 (239 Anvil) to permit a 24 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and a 14 ft. setback from edge of rear deck to property line in lieu of the required 30 ft. setback and a 13 ft. setback from rear building face to rear property line in lieu of the required 30 ft. setback and a 13 ft. setback from edge of rear deck to property line in lieu of the required 30 ft. setback and a 13 ft. setback from edge of rear deck to property line in lieu of the required 30 ft. setback and a 13 ft. setback from edge of rear deck to property line in lieu of the required 30 ft. setback and a 13 ft. setback from edge of rear deck to property line in lieu of the required 30 ft. setback and a 13 ft. setback from edge of rear deck to property line in lieu of the required 30 ft. setback and a 13 ft. setback from edge of rear deck to prop

Hearing: Thursday, October 20, 2005 at 9:00 a.m. in Room 407, County Courts Building,

401 Basley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Stuart D. Kaplow, 15 East Chesapeake Avenue, Towson 21286 Rodgers Choice, LLC, Michael Keelty, P.O. Box 528, Timonium 21094

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 5, 2005.

- (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 <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: 06-130-50	21/A
Petitioner: 1200GERS CHOICE, LLC	-
Address or Location: 225, 227, 231, 233, 2	
PLEASE FORWARD ADVERTISING BILL TO:	· · · · · · · · · · · · · · · · · · ·
Name: STUART D. KAPLOW	r
Address: 15 E. CHESAPEAKE AV	(E
Towson mo	,
Telephone Number: (410) 339-3910	

Revised 2/20/98 - SCJ

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

October 17, 2005

Stuart D. Kaplow 15 East Chesapeake Avenue Towson, Maryland 21286

Dear Mr. Kaplow:

RE: Case Number: 06-130-SPHA

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 1, 2005.

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.

U. Callinal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Rodgers Choice, LLC. Michael Keelty P.O. Box 528 Timonium 21094



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

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

September 13, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of September 19, 2005

Item No. 126,128,121, 130,132,133,136, and 137.

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

The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt Fire Marshal's Office 410-887-4880 MS-1102F

Cc:file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

DATE: September 19, 2005

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 26, 2005 Item Nos. 126, 128, 129, 130 132, 133, 134 and 135

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-09192005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 23, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Rodgers Choice

INFORMATION:

Item Number:

6-130

Petitioner:

Rodgers Choice, LLC

Zoning:

DR 16

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request for variances of the 30' rear setbacks for lots 16, 18, 19, 20 and 21 and supports the variances as shown. The requests are internal to the site and should not affect the adjacent properties.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

State Highway

Administration

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

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

Maryland Department of Transportation

Date:

9.13.05

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

RE:

Baltimore County, Item No. /327 LTM

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

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
225, 227, 231, 233, 235, 237, 239 & 241 Anvil *
Way; E/S Anvil Way, 62' S c/line Stevenson Ln
9th Election & 5th Councilmanic Districts
Legal Owner(s): Rodgers Choice, LLC
by Michael Keelty, Managing Member
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-130-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.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 15th day of September, 2005, a copy of the foregoing Entry of Appearance was mailed to of Stuart Kaplow, Esquire, 15 East Chesapeake Avenue, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED

SEP 1 5 2005

Per.....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Woodbrook Village Community Association 6212 Haddon Avenue Baltimore, Maryland 21212

October 23, 2002

Mr. Mark Buda Keelty Company P.O. Box 528 Timonium, Maryland 21094

Re: Weiskittel Property

Dear Mr. Buda:

I am writing on behalf of the Woodbrook Community Association to express our support for Keelty's plan with regard to the Weiskittel Property, located at the corner of Bellona Avenue and Stevenson Lane. Specifically, the plan that has been presented to our community calls for the construction of 42 townhouse units and includes the rehabilitation of the historic Weiskittel House.

We believe that the new townhouse development will be an asset to our community and the surrounding area. The preservation of the Weiskittel House is an important component of the plan as it is an important part of the neighborhood and a reminder of the area's past.

Our recent meeting and subsequent discussions with you have specifically revolved around a common interest in seeing the Weiskittel House preserved. In addition to the Woodbrook Village community, a number of individuals from the surrounding communities as well as organizations including Historic Towson, the Baltimore County Historical Trust, and the Baltimore County planning department have endorsed your plan that includes the preservation of the Weiskittel House.

We applaud your efforts to work with the County to plan the townhouse development in a way that preserves the Weiskittel House and for working with surrounding communities to seek input for your plan.

Sincerely,

Vice President

Woodbrook Village Community Association

130

STEVENSON MEWS ASSOCIATION 35 Parliament Court Baltimore, MD 21212

May 22, 2003

Mr. James Keelty James Keelty & Co., Inc. 61 East Padonia Road Timoniuim, MD 21093

Dear Jim,

Last night at our annual association meeting we presented the plan which you presented to us at our meeting last week at my house on Wednesday, June 15th with Roger Mackubin, Mark Buda, you and me attending.

The general consensus was that the plan, as it exists on that drawing, was acceptable to the people who were at the meeting, with one member abstaining. Although this group represented a quorum, it did not include our entire association, and I cannot speak for those who were not in attendance.

Again, let me reiterate that the plan AS IS was acceptable to us, although there was a general concern that additional units to the 42 originally planned might at some point be added, and such an addition would cause us to withdraw our approval.

Thank you for your courtesy in keeping us informed as you go along, and I look forward to our mutual cooperation.

Cordially,

Dedi Whitaker, President Stevenson Mews Association

Dw

Cc: Roger Mackubin

Mark Buda

Q D D

08/25/05

P.O. BOX 528 TIMONIUM, MD 21094-0528 PHONE 410-252-8600 FAX 410-666-8806 www.keelty.com



May 24, 2002

Mr. Michael E. Holle Armagh Village Homeowners Assn. 103 Tyrone Road Baltimore, MD 21212

Re:

Weiskittel Property

Dear Mr. Holle:

Thank you for taking the time to review our Development Plan with your homeowners association.

Based upon our conversations, your association has agreed to support our forty-two (42) lot development plan with the following conditions:

- 1. We agree to maintain the Open Space at the intersection of Stevenson Lane and Bellona Avenue.
- 2. No additional units above the forty-two (42) will be added.
- 3. If the Rodgers Forge United Brethen Church will allow, we will provide landscaping to screen the rear lots on Tyrone Road from car headlights exiting Road B.
- 4. The project will generally be developed per the plan attached.

If this reflects our conversation, would you please acknowledge by signing below.

Thank you in advance for your cooperation.

Sincerely,

MB:chg

Michael L. Holle

Armagh Village Homeowners Association

Date

10:21

Office of Planning

401 Bosley Avenue, Suite 406

Towson, Maryland 21204

Tel: 410-887-3211 • Fax: 410-887-5862

E-mail: planning@co.ba.md.us



Baltimore County

James T. Smith, Jr., County Executive Arnold F. 'Pat' Keller, III, Director

August 19, 2005

Mr. Mark Buda The Keelty Company PO Box 528 Timonium, MD 21094-0528

Re:

Rodgers Choice

Zoning Variances

Dear Mr. Buda:

The Office of Planning has reviewed your request for variances of the 30' rear setbacks for lots 16, 18, 19, 20 and 21 and supports the variances as shown. The requests are internal to the site and should not affect the adjacent properties.

Please contact me at 410-887-3480 if I can provide additional information.

Sincerely,

Lynn Lanham

Division Chief, Development Review

LL:kma

C:

Printed on Accepted Paper

Kevin Gambrill, Office of Planning Curtis Murray, Office of Planning

W:\DEVREV\Leners\Rodges\ChuiceSupport doc's Website at www.baltimorecountyonline.info

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
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PLEASE PRINT CLEARLY

CASE NAME 237, 239, 241 Anui Way
CASE NUMBER 06 - 130 - SPHA
DATE Oct 20, 2005

PETITIONER'S SIGN-IN SHEET

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