IN RE: PETITION FOR VARIANCE

BEFORE THE

N/S Cowenton Avenue, 850' W of

Philadelphia Road

ZONING COMMISSIONER

(Cowenton North)

11th Election District

OF BALTIMORE COUNTY

5th Council District

Case No. 06-242-A

Knight Group, LLC

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a

Petition for Variance filed by the owner of the subject property, Knight Group, LLC, through its attorney, John B. Gontrum, Esquire. As originally filed, the Petitioner requested a series of variances as follows: 1) From Section 259.9.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a minimum lot width of 70 feet in lieu of the required 85 feet for Lots 4–13, 16, 18-21, 25-26, 29-33 and 36-50; from Sections 259.8 and 4A02.4G.1 of the provisions set forth in Section 259.7.S of the B.C.Z.R. to allow certain lots to be connected in the Bird River sub-area in lieu of the Honeygo Run subarea and other certain lots to be connected in the Honeygo Run sub-area in lieu of the Bird River sub-area; from Sections 259.9G.3 and 504.2 of the B.C.Z.R. and Page 29 of Part II, Division VI, Section E of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit mountable curbs in lieu of the required standard vertical curbs; from Sections 260.4B, 259.9G.3 and 504.2 of the B.C.Z.R. and Page 31 of Part III, Division VI, Section E of the C.M.D.P. to provide for a cul-de-sac without a landscaped center; and, from Section 259.9G.3 and 504.2 of the B.C.Z.R. and Page 31 of Part III, Division VI, Bection E of the C.M.D.P. to provide for a cul-de-sac due to a special design situation and at least partially environmentally sensitive land areas. For reasons explained thereinafter, the Petitioners reduced the number of lots proposed, which reduced the lots requiring a lot width variance of 70 feet to Lots 32-46, only. The subject property and

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amended relief are more particularly described on the redlined site plan, which was submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioner were James Keelty, III, Michael Keelty, Mark Buda, and Wayne Knight, representatives of the Knight Group, LLC, property owners, and their attorney, John B. Gontrum, Esquire. Also appearing on behalf of the Petitioner were Charles Main and Kristy Bischoff of Daft-McCune-Walker, Inc., the consultants who prepared the site plan. Appearing on behalf of the Perry Hall Improvement Association, Inc., (PHIA) was William Libercci. Because an agreement had been reached prior to the hearing, the hearing proceeded on a proffer from Counsel for the Petitioners, John B. Gontrum, Esquire and was supplemented by Mr. Libercci.

Testimony and evidence offered disclosed that the subject property is located on the north side of Cowenton Avenue, between Philadelphia Road and the John F. Kennedy Memorial Highway (I-95) in White Marsh. The property contains a gross area of 19.47 acres, zoned D.R. 3.5H, and is presently unimproved. The Petitioners propose the residential development of the subject property and initiated the development review process earlier this year by filing a Concept Plan of the proposal with Baltimore County after which, a Community Input Meeting was held. The development originally proposed 52 individual single family lots with access points off of Cowenton Avenue and Nemrod Way. As shown on the site plan, a ridgeline runs through the property bisecting the tract between the Honeygo Run watershed and the Bird River watershed. The tract rises sharply from Cowenton Avenue and is completely wooded with evergreen plantings. Two storm water management ponds are proposed to serve the proposed development, and retention of a wooded buffer along Cowenton Avenue is shown on the plan. The property lies adjacent to the subdivision known as The Fields @ Perry Hall, which is currently under development. That property was the subject of variance and development proceedings in prior Cases Nos. XI-874 and 02-249-SPHA.

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In that the subject property is located in the Honeygo Overlay District, special zoning regulations apply to its development. Moreover, given the fact that the property straddles the Honeygo Run and Bird River sub-areas, relief is requested to allow certain lots to be connected to a different sub-area than would normally be applicable.

Pursuant to the agreement reached by and between the Petitioners and the PHIA, the number of lots proposed has been reduced to 48 and an amended site plan showing the revised proposal was submitted into evidence as Petitioner's Exhibit 1. As a result, the number of lots for which lot width variances had been requested has been reduced from 37 of the 52 originally proposed lots to 15 of the now proposed 48 lots. In short, the developer has reduced the number of lots in the subdivision by 4 and the number of variances from approximately 70% of the proposed development to 30%. The 15 lots requiring lot width variances (Lots 32-46) are shown on Petitioner's Exhibit 1 along the northern border of the property and abut lots previously granted variances in the prior case noted above (Fields @ Perry Hall). Mr. Libercci noted that the location of these lots was such that the variances would not be aesthetically offensive and would allow the majority of the subdivision to be developed in accordance with the regulations.

Although neither the proposal's proximity to properties granted variances in the past, nor agreements among the parties are sufficient legal reasons to grant a variance, the Petitioner demonstrated that certain unique characteristics of the subject property justify the requested variances and the retention of the 3 remaining lots that would be lost without the requested relief.

It was proffered that but for the unique factors pertaining to the Property, 53 lots would be feasible under the development and zoning regulations. The location of the ridgeline in relationship to the Property necessitates two storm water management ponds. Ample room exists on the site to place one pond with a suitable outfall. However there is no feasible alternative given the topography of the Property that

would allow one pond to handle the storm water runoff. As a result, 5 lots that otherwise would have been able to have been built have been lost.

In addition, the development of the adjacent property resulted in a road connection at Nemrod Way into the Property. That road connection dictates that a connection road be placed on the Property in a particular location. Another lot is lost because of the location of that connection in relation to one of the storm water management ponds. Two more lots are lost as a result of retaining the landscaping along Cowenton Road.

The subject site is the only property that is wooded and has a wooded tree line on Cowenton Avenue. The Property rises swiftly from Cowenton Avenue such that the existing trees will effectively screen lots and an adjacent storm water management pond. Such screening is desired by the community. If the Petitioner had not retained the screening, it could gain two additional lots by reconfiguring the storm water management facility.

Based on the uncontested proffer and the exhibits introduced into evidence. I find that the subject property has characteristics unique from nearby properties therefore meeting the first prong of the test set forth in *Cromwell v. Ward*, 102 Md. App. 691 (1995). It should be noted that *Cromwell* critiqued an earlier Court of Appeals case, *McLean v. Soley*, 270 Md. 208 (1973). In *McLean*, a variance was granted from a window to tract boundary requirement based on the applicant's desire to retain existing trees. The *Cromwell* Court noted that the *McLean* opinion makes no mention that the practical difficulty "resulted from the fact that that the uniqueness of the property caused the ordinance to have a different impact on it than on adjoining property... If the presence of trees on a particular lot was unique, that might have been a basis, but the court did not make that connection." *Id.* at 215. Although *McLean* can not be overturned by a lower court's ruling and is still considered "good law", I note the critique and I also note that the issue was addressed in the present case to the point where the uniqueness

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of the trees on the Property was addressed as well as their relationship to the roadway and the topography of the site.

Based on the physical characteristics of the site, I believe that strict compliance with the 85-foot lot width requirement on the lots would create a practical difficulty. I also believe that by reducing the number of variances sought and by locating them in a place acceptable to the community, the Petitioner has sought relief that would not do substantial injustice to the applicant or to other property owners in the district nor would it be outside the spirit of the ordinance.

Section 259.8 of the BCZR states in pertinent part, "[t]he Zoning Commissioner may not grant a variance from the standards established in Section 259.7 as provided in Section 4A02.4G of these regulations, unless the variance request involves property that is bisected by two or more sub-areas identified in Section 259.7..." Petitioner's request to have 5 lots use the Honeygo Run sub-area sewer interceptor instead of the Bird River sewer interceptor was not opposed. There is no question that the Property is bisected by the two sub-areas, and that the ridgeline runs through several of the proposed lots. It was proffered that substantial regrading of the Property must occur, and the request to access the Honeygo Run sub-area for the lots is justified by the topography of the site. The parties agreed that there was ample capacity in the Honeygo Run sub-area to permit the shift of lots.

Section 259.9G.3 of the BCZR subjects projects in the Honeygo area to the Honeygo Overlay District Design Guidelines contained in the CMDP, Division VI, Subsection E thereof. On Page 29 of those Design Guidelines it states, "[s]tandard vertical curbs are required for safety and storm water management. Mountable curbs are not allowed." Petitioner seeks to vary this provision in this subdivision, and has the support of the county agencies reviewing the Petition as well as the community, primarily due to safety issues.

Mountable curbs are used extensively throughout Baltimore County, including the Honeygo area. The reasons stated in the Guidelines for standard vertical curbs no longer apply because mountable curbs as now constructed under public works guidelines serve the same purpose. It was proffered that Mr. Main, if called upon to testify, would have testified that the mountable curb now used in construction would be easier to maintain and would actually be safer than the standard vertical curb on this site. In view of the general consensus in favor of use of mountable curbing on this site, the variance should be granted.

Section 260.4B of the BCZR and the Honeygo Guidelines states that design elements such as center landscaping should be used in cul-de-sac construction. Petitioner requests a variance from those provisions based on the location and circumstances attendant to the particular cul-de-sac proposed in this development. This request is likewise unopposed. The requested cul-de-sac is located in the southernmost corner of the Property. It is clear that because of the required location of the storm water management pond and the configuration of the Property, which bumps out to access this area, a cul-de-sac is required. A center island would not serve the stated aesthetic purpose of the regulation because it would enlarge the cul-de-sac considerably without adding to the aesthetics of the site. Moreover, there is a valid purpose in providing additional landscaped area along the rear of the lot at the end of the cul-de-sac to buffer the lot from the historic site abutting the Property to the east. Based on the location of the cul-de-sac and the advantage in minimizing its size, the requested variance from the requirement of a center landscaped island should be granted.

Finally, Petitioner has sought approval for the use of a cul-de-sac in connection with the development. This request is sought in part because of conflicting provisions in the regulations. Section 259.9F.4 of the BCZR permits cul-de-sacs as part of the Honeygo Regulations. The length of a cul-de-sac, however, is regulated. The CMDP

Honeygo Guidelines state on Page 31, "[c]ourts may only occur for special design situations and between environmentally sensitive land areas." The cul-de-sac issue raised by Petitioner is not an issue requiring a variance from standards as much as an issue permitting a cul-de-sac based on certain findings made at the hearing. Those conditions allowing a deviation from the Guidelines appear to be present in this case as discussed above. There is a special design situation created because of the location of storm water management and the configuration of the Property. Again, this is a request in which all who reviewed the plan and the request have concurred. For all of these reasons, the relief requested should be granted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of December, 2005 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: 1) From Section 259.9.B.3 of the B.C.Z.R. to allow a minimum lot width of 70 feet in lieu of the required 85 feet for Lots 32-46 (as amended); from Sections 259.8 and 4A02.4G.1 of the provisions set forth in Section 259.7.S of the B.C.Z.R. to allow certain lots to be connected in the Bird River subarea in lieu of the Honeygo Run sub-area and other certain lots to be connected in the Honeygo Run sub-area in lieu of the Bird River sub-area; from Sections 259.9G.3 and 504.2 of the B.C.Z.R. and Page 29 of Part II, Division VI, Section E of the C.M.D.P. to permit mountable curbs in lieu of the required standard vertical curbs; from Sections 260.4B, 259.9G.3 and 504.2 of the B.C.Z.R. and Page 31 of Part III, Division VI, Section E of the C.M.D.P. to provide for a cul-de-sac without a landscaped center; and, from Section 259.9G.3 and 504.2 of the B.C.Z.R. and Page 31 of Part III, Division VI, Section E the C.M.D.P. to provide for a cul-de-sac due to a special design situation and at least partially environmentally sensitive land areas, in accordance with the revised site plan

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marked as Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of

the Baltimore County Code.

WILLIAM J. WISEMAN, III

Zoning Commissioner For Baltimore County

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JAMES T. SMITH, JR. County Executive

December 22, 2005

WILLIAM J. WISEMAN III Zoning Commissioner

John B. Gontrum, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

PETITION FOR VARIANCE RE:

N/S Cowenton Avenue, 850' W of the c/l Philadelphia Road

(Cowenton North)

11th Election District – 5th Council District

Knight Group, LLC - Petitioner

Case No. 06-242-A

Dear Mr. Gontrum:

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

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

WISEMAN, III Zoning Commissioner

for Baltimore County

WJW:bjs

Mr. Wayne Knight, 8814 Cowenton Avenue, Perry Hall, Md. 21128 cc: Mr. James Keelty, III, Knight Group, LLC, P.O. Box 528, Timonium, Md. 21093 Mr. Charles Main, II and Ms. Kristy Bischoff, Daft-McCune-Walker, Inc.

200 E. Pennsylvania Avenue, Towson, Md. 21204

Mr. William Libercci, 19 Shawn Court, Baltimore, Md. 21236

Office of Planning; People's Counsel; Case File



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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at N/S Cowenton Avenue which is presently zoned D.R. 3.5 H

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

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

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Site topography and proposed landscape buffer, justify requested variances, as well as other good and sufficient reasons to be presented at the time of hearing.

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

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

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Wayne Knight nuthon ized Penson Knight Group, LLC James Keelty, III, Manager Name - Type or Print Name - Type or Print AHOLIN Signature Signature Box 528 410-252-8600 P.O. Name - Type or Print Telephone No. Address 21093 MD Timonium. Zip Code Signature State City Cowenton Avenue 410-335-5424 **Attorney For Petitioner:** Telephone No. Address 21128 MD Perry Hall John B. Gontrum Zip Code State City Name - Type or Print Representative to be Contacted: 'Signature Taylor & Preston, LLP Whiteford, Company Name 410-832-2000 <u> 210 W. Pennsylvania Ave.</u> Telephone No. Telephone No. Address Address 21204 MDTowson Zip Code Zip Code State City **Stity** State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

Reviewed By

UNAVAILABLE FOR HEARING

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REQUESTED VARIANCES

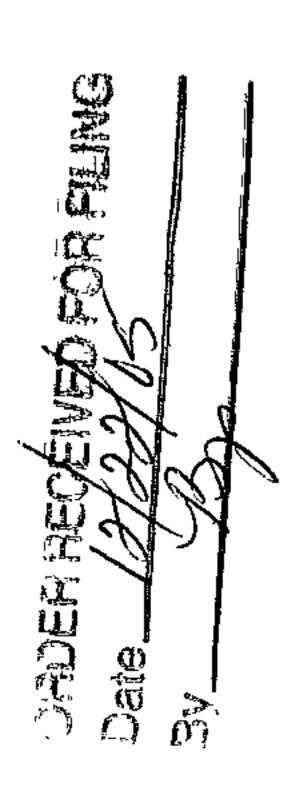
From BCZR Section 259.9.B.3 to allow a minimum of lot width of 70-feet in lieu of the required 85-feet for lots 4-13, 16, 18-21, 25-26, 29-33 and 36-50.

To BCZR Section 259.8 and BCZR Section 4A02.4G.1 from the provisions of Section 259.7.S to allow lots to be connected in the Bird River subarea in lieu of the Honeygo Run subarea and lots to be connected in the Honeygo Run subarea in lieu of the Bird River subarea. The subdivision straddles both subareas.

From BCZR Section 259.9G.3, BCZR Section 504.2 and Page 29 of Part III, Division VI, Section E of the CMDP to allow mountable curbs in lieu of standard vertical curbs.

From BCZR Section 260.4B, BCZR Section 259.9G.3, BCZR Section 504.2 and Page 31 of Part III, Division VI, Section E of the CMDP to provide for a cul-de-sac without a landscaped center.

From BCZR Section 259.9G.3, BCZR Section 504.2 and Page 31 of Part III, Division VI, Section E of the CMDP to provide for a cul-de-sac due to a special design situation and at least partially environmentally sensitive land areas.



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Description

To Accompany Petition

For Zoning and Special Variance Hearing

Cowenton Avenue

Eleventh Election District, Baltimore County, Maryland



Daft•McCunc•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the following course and distance measured from the point formed by the intersection of the centerline of Philadelphia Road (Maryland Route 7) with the centerline of Cowenton Avenue, (1) Northwesterly along the centerline of Cowenton Avenue 850 feet, more or less, to the point of beginning, said point being at the beginning of the first or North 49 degrees 33 minutes 20 seconds West 172.43 foot line of that land conveyed by Marlene D. Dawson, personal representative of the Estate of Marvin E. Smith, William W. Smith, surviving Trustee of Trust B under the will of Kenneth G. Smith, William W. Smith, individually, and Geraldine J. Smith and William W. Smith, Co-Trustees of the residuary trust under the will of Gilbert K. Smith to Knight Group LLC by deed dated December 17, 1999, and recorded among the Land Records of Baltimore County, Maryland, in Liber S.M. 14216, Folio 291, said point also being in the center of Cowenton Avenue, thence binding on and running with the center of Cowenton Avenue five courses and distances, referring all courses and distances of this description to the Maryland Grid Meridian (NAD 83/1991): (1) North 53 degrees 24 minutes 38 seconds West 29.70 feet, thence (2) North 50 degrees 04 minutes 51 seconds West 69.67 feet, thence (3) North 48 degrees 55 minutes 17 seconds West 92.31 feet, thence (4) North 48 degrees 12 minutes 25 seconds West

526.46 feet, and thence (5) North 48 degrees 36 minutes 08 seconds West 111.92 feet to the end of the second line of said deed, said point also intersecting the southern subdivision outline of the plats entitled "The Fields @ Perry Hall," as recorded among the Plat Records of Baltimore County, Maryland, in Plat Book S.M.75, Pages 136, 135, and 134 thence binding on and running with said southern subdivision outline of said plats, (6) North 75 degrees 29 minutes 50 seconds East 1368.68 feet to the intersection of the southern and eastern outline of said subdivision as recorded among the Plat Records of Baltimore County, Maryland, in Plat Book S.M. 75, Page 134, thence binding on and running with all of the eastern outline of said plat, (7) South 18 degrees 39 minutes 39 seconds East 551.99 feet to the end of the fourth or South 18 degrees 39 minutes 34 seconds East 552.41 foot line of the first mentioned deed, thence leaving said subdivision outline and said fourth line of said deed, running with and binding on all of the fifth through twelfth lines of said deed, (8) South 30 degrees 50 minutes 31 seconds West 483.67 feet, thence (9) North 53 degrees 38 minutes 41 seconds West 10.00 feet, thence (10) North 56 degrees 59 minutes 40 seconds West 9.97 feet, thence (11) South 31 degrees 03 minutes 37 seconds West 165.15 feet, thence (12) North 56 degrees 03 minutes 28 seconds West 125.59 feet, thence (13) North 31 degrees 06 minutes 30 seconds East 59.52 feet, thence (14) North 56 degrees 32 minutes 15 seconds West 420.00 feet, thence (15) South 30 degrees 56 minutes 45 seconds West 204.06 feet to the point of beginning; containing 19.465 acres of land, more or less, as now surveyed by Daft-McCune-Walker, Inc., in August 2005.

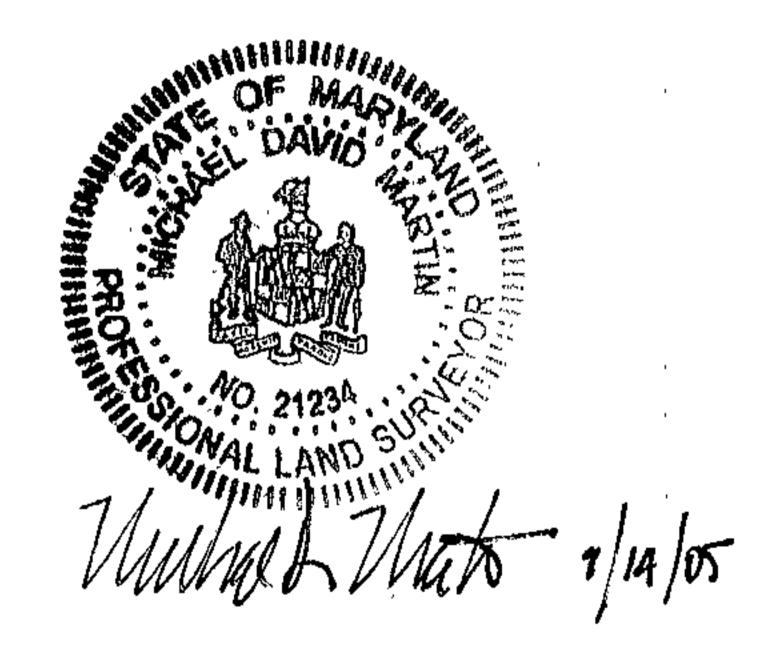
Being and comprising all of that land conveyed by Marlene D. Dawson, personal representative of the Estate of Marvin E. Smith, William W. Smith,

surviving Trustee of Trust B under the will of Kenneth G. Smith, William W. Smith, individually, and Geraldine J. Smith and William W. Smith, Co-Trustees of the residuary trust under the will of Gilbert K. Smith to Knight Group LLC by deed dated December 17, 1999, and recorded among the Land Records of Baltimore County, Maryland, in Liber S.M. 14216, Folio 291.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

September 14, 2005

Project No. 03147.C (L03147.C)



NOTICE OF ZONING HEARING

异颗甾. 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: #06-242-A

North side Cowenton Avenue, 850 feet west of Philadelphia Road
13th Election District - 1st Councilmanic District
Legal Owner(s): Wayne Knight, Knight Group, LLO--Variance: to allow a minimum of lot width of 70 feet in
lieu of the required 85 feet for lots 4-13, 16, 18-21, 25-26, 29-33, and 36-50, to allow lots to be connected in the
Bird River subarea in fleu of the Honeygo Run subarea
and lots to be connected in the Honeygo Run subarea
lieu of the Bird River subarea (the subdivision straddles
both subareas, to allow mountable curbs in fleu of
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WILLIAM J. WIŞEMAN, 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/11/717 Nov. 22

CERTIFICATE OF PUBLICATION

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT RECEIVED FROM:

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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

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Petitioner/Developer:	WAYNE
KNIGHT, KNIG	HI GROUP, L
Date of Hearing/Closi	ing: DEC 1420
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at:	**************************************
1/ 2-8-05 (Month, Day, Year)	**************************************
Sincerely, **Reduct Black (Signature of Sign Poster	/-29-05 (Date)
) (MARC)
SSG Robert Black	(
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(Print Name) 1508 Leslie Road	
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COWENTE: AV

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: 262424
Petitioner: FNOHT GROWP LLC
Address or Location: N/5 Congwood AVE 850 WOF
1-14/LADEL-PIAIA
PLEASE FORWARD ADVERTISING BILL TO:
Name: Curhiteland Toylor Preston LLP
Address: 210 W. Penna ane
Janson/MD 2/207
attu John Gentrum
Telephone Number: $4/0-832 2000$

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

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

November 8, 2005

Tel· 410-887-3353 • Fax: 410-887-5708 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: 06-242-A

N/S Cowenton Avenue

North side Cowenton Avenue, 850 feet west of Philadelphia Road.

13th Election District, 1st Councilmanic District

Legal Owner: Wayne Knight, Knight Group, LLC.

<u>Variance</u> to allow a minimum of lot width of 70 feet in lieu of the required 85 feet for lots 4-13,16, 18-21, 25-26, 29-33, and 36-50, to allow lots to be connected in the Bird River subarea in lieu of the Honeygo Run subarea and lots ot be connected in the Honeygo Run subarea in lieu of the Bird River subarea (the subdivision straddles both subareas, to allow mountable curbs in lieu of standard vertical curbs, to provide for a cul-de-sac without a landscaped center and to provide for a cul-de-sac due to a special design situation and at least environmentally sensitive land areas.

Hearing: Wednesday, December 14, 2005 at 10:00 a.m., in Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

Muthy Kotroco

TK: clb

C: John B. Gontrum 210 W. Pennsylvania Avenue Towson 21204 Wayne Knight 8814 Cowenton Avenue Perry Hall 21128 Knight Group, LLC P.O. Box 528 Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 30, 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 22, 2005 Issue - Jeffersonian

Please forward billing to:

Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

410-832-2000

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: 06-242-A

N/S Cowenton Avenue

North side Cowenton Avenue, 850 feet west of Philadelphia Road.

13th Election District, 1st Councilmanic District

Legal Owner: Wayne Knight, Knight Group, LLC.

<u>Variance</u> to allow a minimum of lot width of 70 feet in lieu of the required 85 feet for lots 4-13,16, 18-21, 25-26, 29-33, and 36-50, to allow lots to be connected in the Bird River subarea in lieu of the Honeygo Run subarea and lots of the connected in the Honeygo Run subarea in lieu of the Bird River subarea (the subdivision straddles both subareas, to allow mountable curbs in lieu of standard vertical curbs, to provide for a cul-de-sac without a landscaped center and to provide for a cul-de-sac due to a special design situation and at least environmentally sensitive land areas.

Hearing: Wednesday, December 14, 2005 at 10:00 a.m., in Room 106, Baltimore County

Office

Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM WORSEMAN

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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 25, 2005

Department of Permits and Development Management

FROM:

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

SUBJECT:

N/S Cowenton Avenue

INFORMATION:

Item Number:

6-242

Petitioner:

Wayne Knight

Zoning:

DR 3.5H

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following recommendations:

- 1. BCZR Section 259.9.B.3 specifically states that the minimum lots widths must be at least 85 feet wide within the Honeygo Overlay District. The subject development proposes lots of 70 feet for more than 70% of the total units composing the development.
- 2. The Office of Planning recognizes the need for residential subdivision to abide by the strict standards for adequate water and sewerage. This is reaffirmed by BCZR Section 259.8, BCZR Section 4A02.4,G.1 and BCZR Section 259.7.S. However, in instances such as these, the Office of Planning will defer to the Department of Public Works, as they have purview of public water and sewerage.
- 3. The Office of Planning does not oppose the petitioner's request to allow mountable curbs in lieu of standard vertical curbs as per section 259.G.3 and Section 504.2 of the BCZR as well as page 29 of Part III, Division VI, Section E of the CMDP.
- 4. As per the formal comments submitted with the Concept Plan for the subject property, the Office of Planning recommends that the petitioner's provide a landscaped center island in the cul-de-sac labeled proposed road "B".

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

Prepared by: Junes June

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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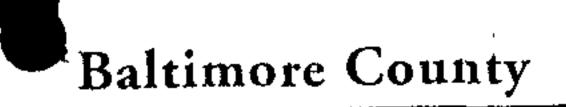
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For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Fire Department

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





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 9, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: October 31, 2005

Item No.: 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 233, 234, 235, 236, 237, 238, 239, 241 and 242

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.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 16, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 7, 2005

Item No. 242

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

This office has no objection for this project to be served by two different sewer subareas as long as the proposed sewers are gravity sewers and not pumped sewers. The use of mountable curb is acceptable for this project.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 242-11162005.doc



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

Maryland Department of Transportation

Date:

11.15.05

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

RE:

Baltimore County
Item No. 242

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

1. 1. Houlh

Engineering Access Permits Division

PETITION FOR VARIANCE RE:

BEFORE THE

N/S Cowenton Avenue, 850' W Philadelphia Road

11th Election & 5th Councilmanic Districts

ZONING COMMISSIONER

Legal Owner(s): Wayne Knight,

Knight Group, LLC

FOR

Contract Purchaser(s): Knight Group,

LLC by James Keelty, III

BALTIMORE COUNTY

Petitioner(s)

06-242-A

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all 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 7th day of November, 2005, a copy of the foregoing Entry of Appearance was mailed to, John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

KAPIN FILE# 242

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET BALTIMORE, MARYLAND 21202-1626 TELEPHONE 410 347-8700 FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXENT PARKWAY **SUITE 495** COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700 FAX 410 884-0719

JOHN B. GONTRUM

DIRECT NUMBER 410-832-2055 JGontrum@wtplaw.com

210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515 410 832-2000 FAX 410 832-2015 www.wtplaw.com

1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 TELEPHONE 202 659-6800 PAX 202 331-0573

115 ORONOCO STREET ALEXANDRIA, VIRGINIA 22314-1685 TELEPHONE 703 836-5742 PAX 703 836-3558

October 24, 2005

Via Hand Delivery

Mr. Timothy M. Kotroco, Director Baltimore County Department of Permits and Development Management 111 W. Chesapeake Avenue, Room 105 Towson, Maryland 21204

> **Drop-Off Filing: Petition for Variance** Re:

> > N/S Cowenton Avenue

PDM # 11-1001

Dear Mr. Kotroco:

Enclosed for filing for the above-referenced property, please find the following:

- Petition for Variance; (3)
- Zoning Description;
- Zoning Map;
- (12)Plats;
- Check in the amount of \$800.00 made payable to Baltimore County. (1)

Please contact me at the number noted above if you have any questions or concerns.

Sincerely,

JBG:ac Enclosures 345491

05-3067 00T 2.5 2005

KEEP FORM IN THE CASE FILE

ATTN: ZONING COMMISSIONER CASE NO. 06-242-A

FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

- 1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with <u>all</u> technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
- 2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
 - 3. When the attorney has dropped off a petition, it will only be reviewed for very basic necessary input, logging, and distribution information.

Some issues noted at filing drop-off intake

- 1. Contract Purchaser and Owner are both Knight Group, LLC.
- The Petition form does not include "Special" in Variance title nor does the Petition request make reference to the "Special Variance" text as is reflected in the plan title and text.
- 3. The sub area lines referenced as the rationale for allowing the "Special Variance" are not shown. They are needed on the plan to confirm the right to the "Special Variance."
- 4. The location of the curb and cul-de-sac Variances are not keyed as to location. Therefore, coverage on the entire site must be assumed.
- 5. No advertising form with Petition pack.

CASE NUMBER DATE

PETITIONERS SICK-IN SHEET

E- MAIL				
CITY, STATE, ZIP TOUSSO, MD 2/236	Timashillem mo 21044			
200 E. PENN. Ave.	825 328 " 528			
Krishi Bischoff Charles Maria	Marie Book Mann			

PLEASE PRINT CLEARLY

CASE NAME CASE NUMB DATE
CASE CASE DATE

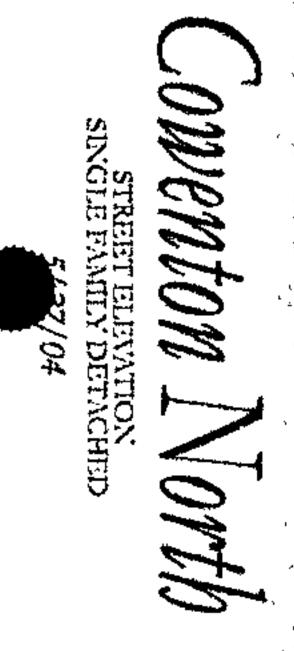
CITIZEN'S SIGN-IN SHEET

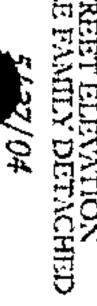
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CITY, STATE, ZIP	38 h 75 Md. 21236										
ADDRESS	19 ShAWN eT										
NAME	WM LIBERCCI										





builder/ developer





MAN+ASSOCIATES







builder/ developer

Cowenton Morth

STRUET BLEWYDON
SINGLE HAMILY DET ACHIED

5/27/04

HENNEM IN TASSOCIATES N architects+planners

Strong 143



