IN RE: PETITION FOR VARIANCE

Southwest corner of Cypress Drive and

Wilson Point Road

(Stansbury Apartments)

(#1A through #1F & #3 Cypress Drive)

15th Election District

6th Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-374-A

Stansbury Associates

Petitioner

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Stansbury Associates, by and through their attorney, Arnold Jablon, Esquire. The Petitioner seeks relief from Section 1B01.2.C.1.e, of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear building face to tract boundary setback of 22 feet, in lieu of the required 40 feet for a new apartment building. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing and testifying on behalf of the Petitioner was Thomas A. Church of Development Engineering Consultants, Inc., the consultant who prepared the site plan, and Arnold Jablon, Esquire, attorney for the Petitioner. There were no Protestants or other interested parties present.

Testimony proffered by Mr. Jablon indicated that the subject property is part of a larger apartment complex known as the "Stansbury Apartments". The Stansbury Apartments have been in continuous operation for the past 50 years. In July of 2005, a Petition for Zoning Map Correction was filed before the Baltimore County Board of Appeals, to correct an alleged rezoning error that had occurred during the 1996 Comprehensive Rezoning Process. The Board agreed that a portion of the overall tract was inadvertently rezoned from D.R.16 to D.R.3.5 contrary to the intent of the County Council. Consequently, the Board corrected the error and rezoned the

property back to its original D.R.16 zoning classification, which is the current zoning classification of the subject property. The two existing buildings presently located on the properly will be razed and replaced with a single building consisting of 18 units as indicated on Petitioner's Exhibit 1. The Middle River Volunteer Fire Department (MRVFD) borders the property on the South. Testimony and evidence indicated that representatives of the Fire Department had requested that the parking lot for the new building be located away from the Fire Department building, on the opposite side of the proposed apartment building as shown on the site plan. Petitioner's Exhibit 7 is a letter from James W. Akehurst, Sr., Vice-President of the MRVFD, indicating their support for the subject variance relief, that will permit the proposed building to be moved closer to the Fire Department building with the parking in the front of the building away from the Fire Department. The Wilson Point Civic Improvement Association (WPCIA) also supports this proposal as well as the proposed apartment locations as evidenced by their letter of February 24, 2006 (see Exhibit 7). By placing the parking lot in the front of the proposed building and adjacent to Cypress Drive, a public road, the residents will use the front entrances. This will provide a safer entrance condition than if the parking lot were placed behind the building that is a dark and isolated area. To do otherwise would require the entrance to be located in the back of the building, i.e., the side facing the Fire Department building. This would also require the access to the parking lot to be onedirectional only, which would create a difficulty for both the occupants or the proposed apartment building and the fire department, which would be adversely effected by having the parking adjacent to the fire house. Due to the unique elongated shape of the subject property, there are no other apparent options that could be employed to avoid the need for the requested variance relief and honor the request of the MRVFD and WPCIA.

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. I must consider the request in accordance with the mandate of *Cromwell v. Ward*, 102 Md. 691 (1995) and Section 307 of the B.C.Z.R. The Court interpreted the regulation to require that two tests be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief.

Secondly, upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome. In my judgment, there was evidence of unusual conditions or characteristics that are unique to this lot, namely, the elongated shape of the lot and the request from the MRVFD to have the parking lot placed away from the Fire Department building. An area variance may be granted where strict application of the zoning regulations would cause practical difficulty or undue hardship to the Petitioner and his property. *McLean v. Soley, 270 Md. 208* (1973). After due consideration of the testimony and evidence presented, I am convinced that practical difficulty or unreasonable hardship will result if the Variance is not granted. It has been established that special circumstances exist in this case and that the relief requested will not cause any injury to the public health, safety or general welfare, and otherwise meets the spirit and intent of the Baltimore County Zoning Regulations. Thus, I am persuaded to grant the variance.

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 should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of May 2006 that the Petition for Variance seeking relief from Section 1B01.2.C.1.e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear building face to tract boundary setback of 22 feet, in lieu of the required 40 feet for three new apartment buildings, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the following restrictions:

- 1. Petitioners may apply for a building permit and be granted same upon receipt of this Order; however, Petitioner is 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.
- 2. Compliance with the ZAC comments submitted by DEPRM relative to Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams,

wetlands, floodplains. A copy of this comment is attached hereto and made a part hereof.

- 3. Prior to the issuance of any permits, Petitioner shall submit detailed building elevation drawings of the proposed dwelling, a landscape plan that illustrates pedestrian circulation, any screening of the proposed parking area and proposed landscape plantings to the Office of Planning for review.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

WILLIAM J. WISHMAN, Zoning Commissioner

for Baltimore County

WJW:dlw



JAMES T. SMITH, JR. County Executive

May 9, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Arnold Jablon, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE

S/W Corner of Cypress Drive and Wilson Point Road

(Stansbury Apartments - #1A -1F & #3 Cypress Drive)

15th Election District - 6th Council District

Stansbury Associates - Petitioner

Case No. 06-374-A

Dear Mr. Jablon:

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

Zoning Commissioner for Baltimore County

WJW:dlw

c: Mr. Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore, Md. 21212
 Stansbury Associates, 2613 Cabover Drive, Hanover, Md. 21076
 Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, Md. 21401
 Office of Planning; DEPRM; People's Counsel; Case File



THE THE THE T

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at #1A through 1F and #3 Cypress Dr. DR 16 which is presently zoned ____

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)

TO BE DETERMINED AT HEARING

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

			I/We do solemn perjury, that I/we is the subject of	e are the li	egal owner(s	inder the position of the position in the posi	penalties of roperty which
Contract Purchaser/Lesse	<u>ee:</u>		Legal Owner	<u>r(s):</u>			
		. <u></u>	Stansbury A	Associa	tes		•
Name - Type or Print			Name - Type or P	rint	}		
Signature			Signature	X			
Address		Telephone No.	Name - Type or Pr	rint	· 	,	
City	State	Zip Code	Signature	·	, 		<u></u>
Attorney For Petitioner:			2613 Cabove	er Dr.	(410) 5	553-070	
Arnold Jablon			Hanover,	MD	2	21076	Telephone No
Name - Type or Bright			City	· —	Sta	ite	Zip Code
Signature Venable LLP			Representati Arnold Jabl		s Comacn	<i>20.</i>	
Company 210 Allegheny Avenue	(410)	494-6200	Name		<u>, , , , , , , , , , , , , , , , , , , </u>		101 1000
Address	(410)	Telephone No.	210 Alleghe Address	ny Aver	nue		494-6200 Telephone No.
Towson, MD		21204	Towson,	MD		21204	•
Towson, MD	State	Zip Code	City		Sta		Zip Code
·91	_		i	OFFICE	USE ON	<u>Y</u>	/
Case No. $D637$	4 A	· · .	ESTIMATED I	LENGTH	OF HEAR	ING	[HR
Division of the state of the st			UNAVAILABLE Reviewed By	E FOR H	EARING C	ate _2	102/06

PETITION FOR VARIANCE ATTACHED SHEET

#1A Through 1F and #3 Cypress Drive

1. Variance to allow a minimum rear building face to tract boundary setback of 22 feet, in lieu of the 40 feet required under Section 1B01.2.C.1.e of the Baltimore County Zoning Regulations.

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

314

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

ZONING DESCRIPTION FOR A PORTION OF STANSBURY MANOR APARTMENTS (#1A THROUGH #1F AND #3 CYPRESS DRIVE)

BEGINNING FOR THE SAME at a point on the southwest side of Wilson Point Road, 100 feet wide more or less, said point being 25 feet more or less, southwesterly of the centerline of the nearest improved street Cypress Drive, 50 feet more or less wide. Thence the following courses and distances:

- 1) Along the southwest side of Wilson Point Road, with a curve to the left having a radius of 799.94 feet and an arc length of 123.67 feet,
- 2) Thence leaving the southwest side of Wilson Point Road, South 59 degrees 17 minutes 21 seconds West, 283.05 feet,
 - 3) North 03 degrees 42 minutes 39 seconds West 111.80 feet,
 - 4) South 44 degrees 45 minutes 06 seconds West 163.39 feet,
- 5) North 31 degrees 15 minutes 54 seconds West, 49.22 feet to the southeast side of Cypress Drive.
- 6) Thence along the southeast side of Cypress Drive, North 59 degrees 17 minutes 21 seconds East, 412.30 feet to the point of beginning.

Being part of the land described in a deed recorded in the Land Record of Baltimore County in Liber 4944, Folio 615 containing 36,560 square feet or 0.839 acres of land, more or less.

Also known as #1A through #1F and #3 Cypress Drive located in the 15th Election District.

CASHIER'S VALIDATION DISTRIBUTION WHITE - CASHIER RECEIVED FROM: FOR:

AMOUNT \$

ACCOUNT.

 \checkmark

DATE

MARYLAND

BALTIMORE COUNTY,

OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

PINK - AGENCY

YELLOW - CUSTOMER

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: #06-374-A
#1A through #1F and #3
Cypress Drive
Southwest corner of Cypress Drive and Wilson
Point Road
15th Election District
6th Councilmanic District
Legal Owner(s): Stansbury
Associates

Variance: to allow a minimum rear building face to tract boundary setback of 22 feet in fleu of the 40 feet required.

Hearing: Thursday, March 16, 2006 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

Baltimore County
NOTES: (1) Heatings are
Handicapped Accessible;
for special accommodations Please Contact the
Zoning Commissioner's Office at (410) 887-3868.

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

JT 2/740 Feb. 28 85864

CERTIFICATE OF PUBLICATION

32, 2000
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 228 , 2006.
The Jeffersonian
🗖 Arbutus Times
🖵 Catonsville Times
Towson Times
Owings Mills Times
□ NE Booster/Reporter`
North County News
No the state of th

TEDAL ADVERTISING

Wellusan

BALTIMORE COUNTY, MARYLAN OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE ACCOUNT AMOUNT FOR: MONTECON ACCOUNT ACCOUNT	日本語 「高田」 「日本」 「日本日」 「日日」 「日日」 「日日」 「日日」 「日日」 「日
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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Case: #06-374-A

#1A through #1F and #3
Cypress Drive
Southwest corner of Cypress
Drive and Wilson Point Road 15th Election District 6th Councilmanic District Legal Owner(s): Stansbury Associates

Variance: to allow a minimum rear building face to tract boundary setback of 22 feet in Ileu of the 40 feet

required:

Hearing: Wednesday, March 29, 2006 at 2:00 p.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III Zoning Commissioner for Baitimore County
NOTES: (1) Hearings are

Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

ing Review Office at (410) 887-3391.

JT 3/701 Mar. 14 87826

CERTIFICATE OF PUBLICATION

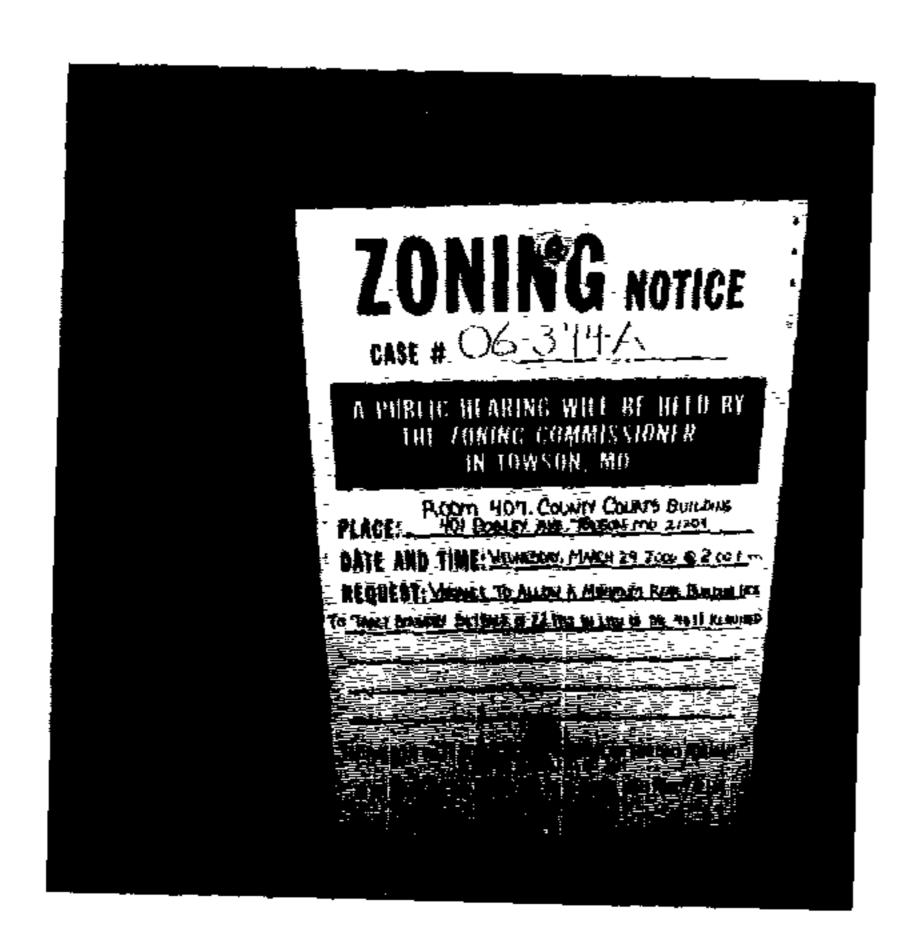
3/16/,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
Que Linson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: 06-3							
•	Petitioner	Developer: SZŽ	WSBURY					
		CIATES	in the special state of the sta					
	Date of H	earing/Closing: 3_	29-06					
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		•	i					
ATTN: Kristen Matthews {(410) 887-3394}		1						
Ladies and Gentlemen:	•							
This letter is to certify under the penalties of penalties of penalties of posted conspicuously on the property located a		sign(s) required by	law were					
#IA TOROUGH	LE AND #3	CYPRESS	DRIVE					
The sign(s) were posted on	3 · /4-06- (Month, Day, Year)	# (: 	**************************************					
	formations made a mate.							

Sincerely,



Robert Bleck 3-15-00
(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

Department of Permits and Development Management

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



Baltimore County

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

February 17, 2006

REVISED 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: 06-374-A

#1A through #1F and #3 Cypress Drive
Southwest corner of Cypress Drive and Wilson Point Road
15th Election District— 6th Councilmanic District
Legal Owner: Stansbury Associates

Variance to allow a minimum rear building face to tract boundary setback of 22 feet in lieu of the 40 feet required.

Hearing: Thursday, March 16, 2006 @ 9:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco

Director

TK: raj

C: Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204 Stansbury Associates, 2613 Cabover Drive, Hanover, MD 21076

NOTES: (1) THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 1, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, February 21, 2006 Issue - Jeffersonian

Please forward billing to: Amy Dontell

(410-494-6244)

Venable, LLP

210 Allegheny Avenue Towson, MD 21204

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: 06-374-A

#1A through #1F and #3 Cypress Drive

Southwest corner of Cypress Drive and Wilson Point Road

15th Election District—6th Councilmanic District

Legal Owner: Stansbury Associates

Variance to allow a minimum rear building face to track boundary setback of 22 feet in lieu of the 40 feet

required. Muni

Hearing: Wednesday, March 8, 2006 @-16,00 a.m., Room 407, County Courts Building, 401 Bosley

Avenue Towson 21204.

WILLIAM J. WISEMAN, III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL NOTES: (1) ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 28, 2006 Issue - Jeffersonian

Please forward billing to:

Amy Dontell

(410-494-6244)

Venable, LLP

210 Allegheny Avenue Towson, MD 21204

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: 06-374-A

#1A through #1F and #3 Cypress Drive Southwest corner of Cypress Drive and Wilson Point Road 15th Election District— 6th Councilmanic District

Legal Owner: Stansbury Associates

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Hearing: Thursday, March 16, 2006 @ 9:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue Arowson 21204.

WILLIAM J. WISEMAN, III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 14, 2006 Issue - Jeffersonian

Please forward billing to:

Amy Dontell

(410-494-6244)

Venable, LLP

210 Allegheny Avenue Towson, MD 21204

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: 06-374-A

#1A through #1F and #3 Cypress Drive Southwest corner of Cypress Drive and Wilson Point Road 15th Election District—6th Councilmanic District Legal Owner: Stansbury Associates

Variance to allow a minimum rear building face to tract boundary setback of 22 feet in lieu of the 40 feet required.

Hearing: Wednesday, March 29, 2006 @ 2:00 p.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WIŠEMAN, III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.

(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

March 7, 2006

REVISED 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: 06-374-A

#1A through #1F and #3 Cypress Drive Southwest corner of Cypress Drive and Wilson Point Road 15th Election District— 6th Councilmanic District Legal Owner: Stansbury Associates

Variance to allow a minimum rear building face to tract boundary setback of 22 feet in lieu of the 40 feet required.

Hearing: Wednesday, March 29, 2006 @ 2:00 p.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco Director

TK: raj

C: Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204 Stansbury Associates, 2613 Cabover Drive, Hanover, MD 21076

NOTES: (1) THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 14, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising: Item Number or Case Number:	1
Petitioner: Stansbury Associates	
Address or Location: #IA-IF E 153 (VOCESS	Dive
PLEASE FORWARD ADVERTISING BILL TO: Name: Amy Dontell	
Address: 210 Allegheny Avenue	
Tauson 40. 21204	
Telephone Number: (410) 494 - (2) 344	

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

March 6, 2006

Arnold Jablon Venable LLP 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Jablon:

RE: Case Number: 06-374-A, #1A through AF and #3 Cypress Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 2, 2006.

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

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

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. Callidal D.

WCR:amf

Enclosures

c: People's Counsel

Stansbury Associates 2613 Cabover Drive Hanover 21076



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

arnold Joblon

disint have

property posterol.

Had to postpone

hearing & resched.

for 3/29/06@2:00 P.M.

Must repost & readu.

N83/1/06



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 February 24,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 13, 2006

Item No.: Item Numbers 356,364,366 through 374

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.

LT. Roland P. Bosley Jr. Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 21, 2006

Department of Permits & Development Management

DIM

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 20, 2006

Item Nos. 356, 364, 366, 367, 369, 370,

371, and 374

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-02212006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

2006



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM

DATE:

February 27, 2006

SUBJECT:

Zoning Item # 06-374A

Address

1 A-F and 3 Cypress Drive

Stansbury Apartments

Zoning Advisory Committee Meeting of 2/13/2006

The	Department of Environmental Prote	ection and Resource	Management 1	has no
con	iments on the above-referenced zoni	ng item.		

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Note that Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Property must comply with Intensely Developed Area regulations of the Baltimore County Code. Specifically new development and redevelopment shall use best management practices that reduce pollutant loading by 10% of the on-site level before the development or redevelopment. Property also contains developed woodland and development shall be designed to minimize the clearing of forest.

Reviewer: Marth

Martha Stauss, EIR

Date: 2/27/2006

S:\Devcoord\ZAC06-374.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: February 28, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

#s1A – 1F and #3 Cypress drive

INFORMATION:

Item Number:

6-374

Petitioner:

Stansbury Associates, c/o Arnold Jablon

Zoning:

DR 16

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and does not oppose the granting of this relief for the proposed construction of an 18 unit apartment building, provided that the following information is submitted to this office for review and approval prior to the issuance of building permit:

- Detailed building elevations including exterior materials, massing, color and architectural detail.
- A landscape plan that illustrates pedestrian circulation (sidewalks shall be provided along Cypress Drive and Wilson Point Road) and any screening of the proposed parking area and proposed landscape plantings.

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

Prepared by:

Division Chief:

AFK/LL: CM

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

Maryland Department of Transportation

Date: 2.10.01

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

RE:

Baltimore County

Item No. 374

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

1. J. Greet

RE: PETITION FOR VARIANCE
#1A-1F & #3 Cypress Drive; SW corner
Cypress Drive & Wilson Point Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Stansbury Associates
Petitioner(s)

*

BEFORE THE

ZONING COMMISSIONER

FOR

*

BALTIMORE COUNTY

* 06-374-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 10th day of February, 2006, a copy of the foregoing Entry of Appearance was mailed to, Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

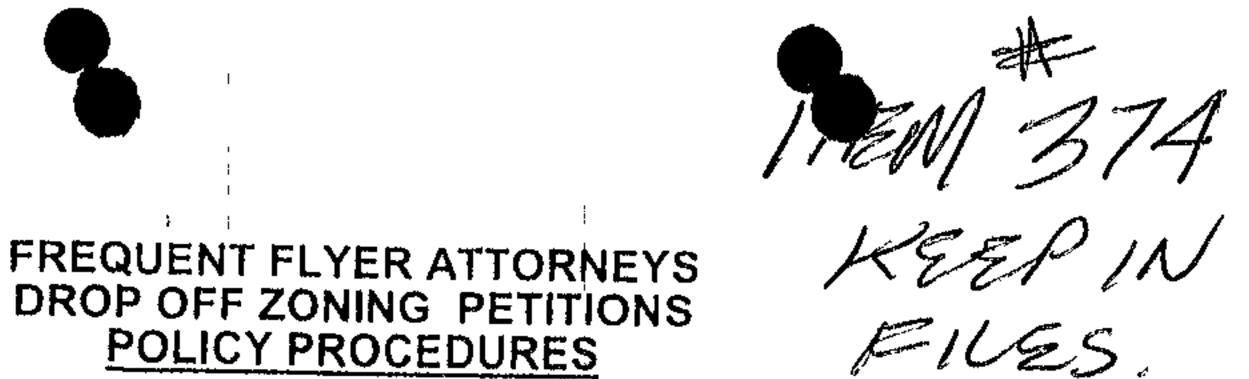
RECEIVED

FEB 1 0 2005

Per. M.J.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



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.
- 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 a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

3/22/05 JLL/rjc



210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 Telephone 410-494-6200 Facsimile 410-821-0147

www.venable.com

(410) 494-6244

aldontellvenable.com

06.31A-A

January 27, 2006

HAND DELIVERED

Mr. W. Carl Richards Department of Permits and Development Management County Office Building 111 West Chesapeake Avenue Towson, MD 21204

Re: Petition for Variance

Petitioner: Stansbury Associates

Location: #1A through 1F and #3 Cypress Drive

Dear Mr. Richards:

I am drop filing the enclosed Petition for Variance for the above-referenced property. This property is not in violation of any zoning laws. With this letter, I have enclosed the following documents:

- Petition for Variance (3)
- Zoning Descriptions (3)
- Site Plans (12)
- Newspaper advertising form (1)
- Check in the amount of \$325.00

If you have any questions or concerns regarding this filing, please give me a call.

Very truly yours,

Amy & Dontall

Paralegal

ALD Enclosures

TO1DOCS1/#220409 v1

JAN 3 0 2006

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Towson Office
409 Washington Avenue
Legal Advertising
Ph: 410-337-2425
FAX: 410-825-4278

Susan Wilkinson Ext. 3425
Ellen Harris Ext. 3418
Leah Dean Ext. 3432
Joanne Wernick Ext. 3512
Kathy Conahan Ext. 3417

Ext. 3513

Sue Thomas

1410 8857 ESO48

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109 WASHINGTON AVENUE # TOWSON # MD # 21204 # 410-337-2455

FAX COVER SHEET

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Date: 2/21/06	Susan Nukurson	
To:	Jeffersonen	
Fax uumber:	410-895-4278	
From:	Dalia - Romania DAM	
Fax number:	<u>410-887-339</u>	
Number of pages (including this cover sheet):	5	
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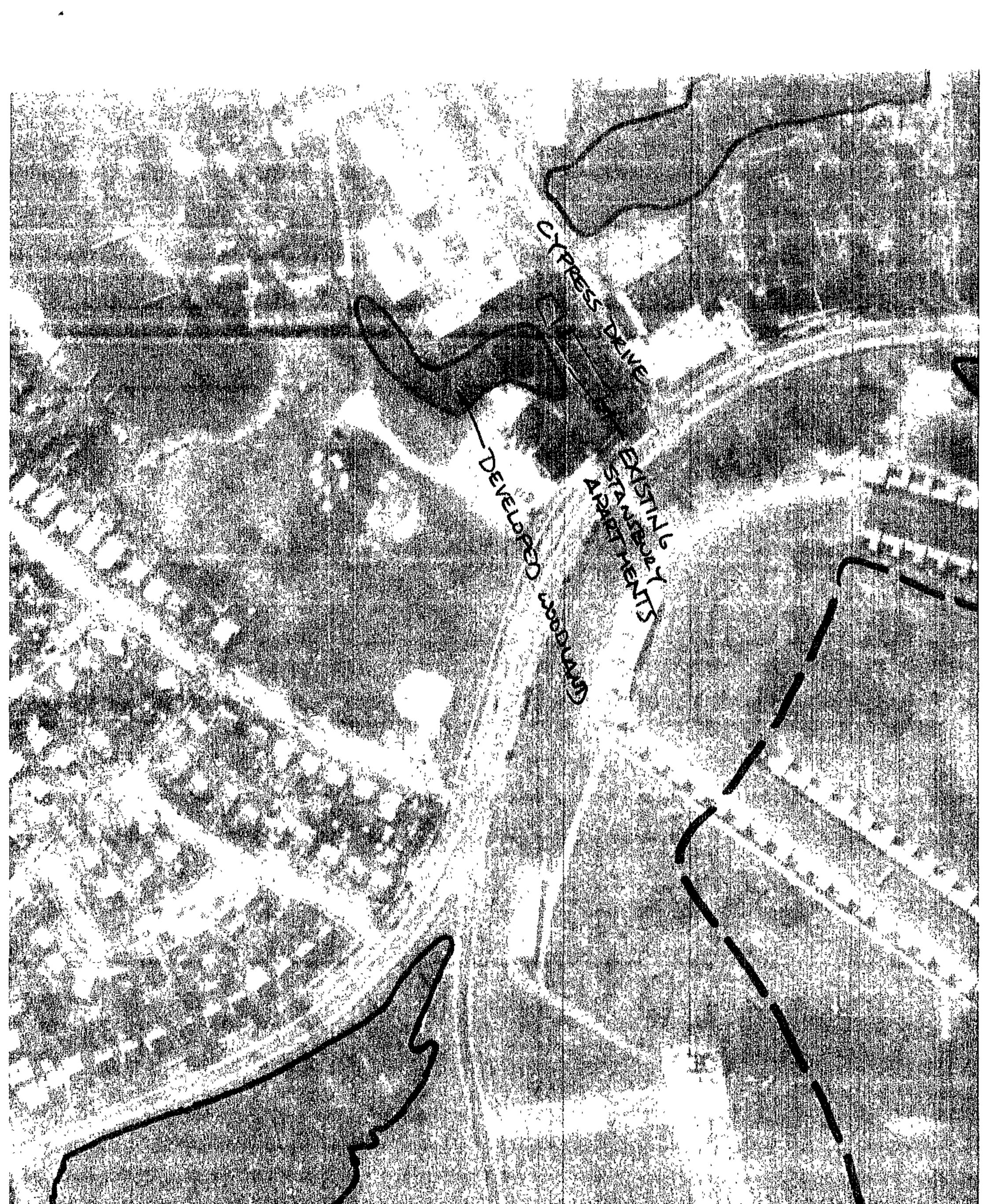
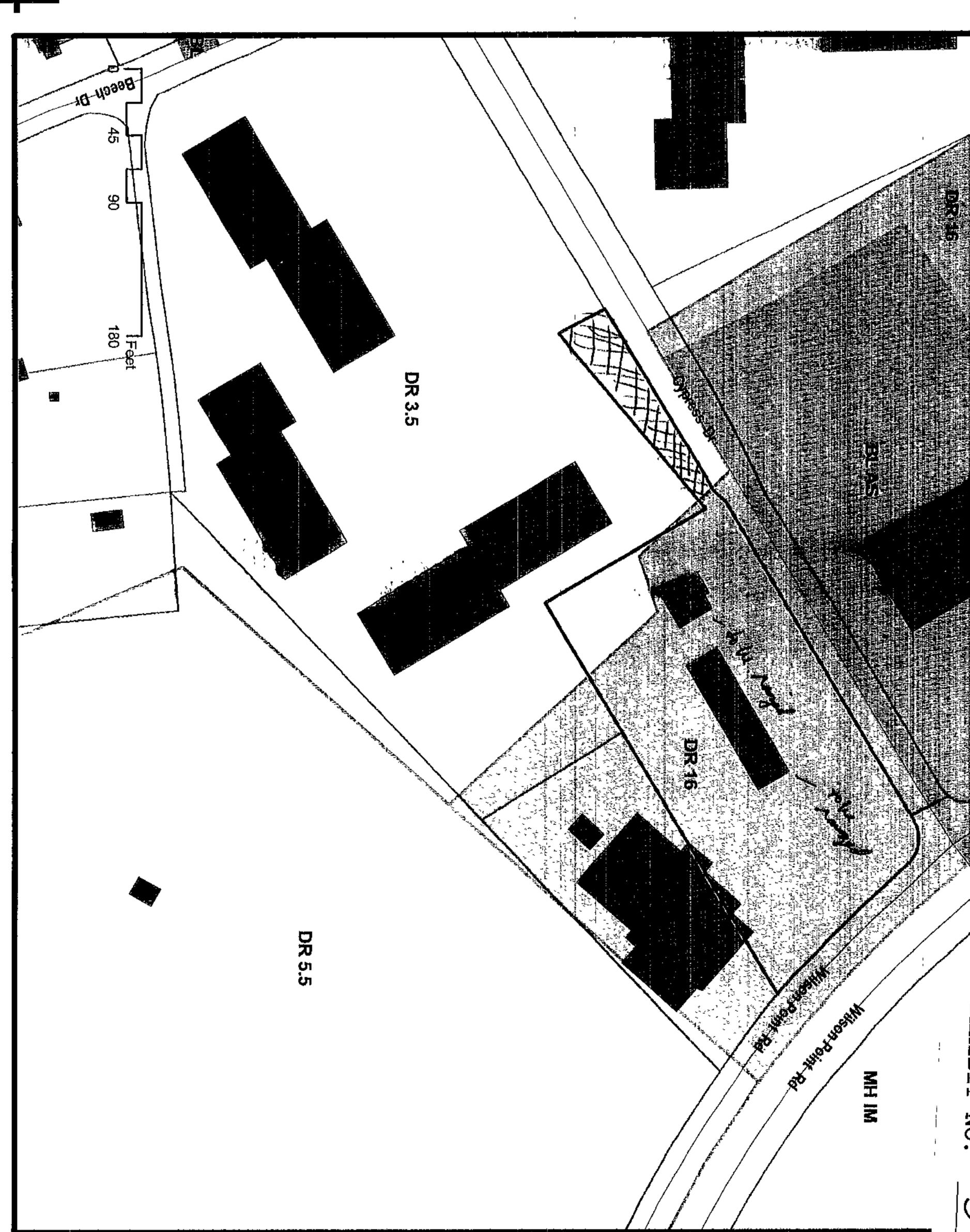


Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2	ZONING MAP	· · · · · · · · · · · · · · · · · · ·
No. 3	QUADRANT MAP. (ZONINGMAP)	<u></u>
No. 4	1989 TOPO - SINCE THEN CHEBAPENTE VILLAGE APTS RAZED IN THE 1990'S	
No. 5	APTS RAZED IN THE 1990'S ORDER FROM CBA	
No. 6	Wilson Point Civia Impromer Assoc Support	
No. 7	Middle Pavis Voluntur Frie Dept- Support	
No. 8	- Support	
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IN THE MATTER OF THE APPLICATION OF STANSBURY ASSOCIATES -LEGAL OWNER; AND BALTIMORE COUNTY, MARYLAND -PETITIONERS FOR MAP CORRECTION ON PROPERTY LOCATED ON THE W/S WILSON POINT ROAD AND CYPRESS ROAD MAP 91, GRID 13, PARCEL 164

* BEFORE THE

* COUNTY BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

CASE NO. M.C. 05-05

5TH COUNCILMANIC DISTRICT

OPINION

This case comes before the Board on a Petition for Zoning Map Correction filed by Jay L. Liner, County Attorney, and Nancy C. West, Assistant County Attorney pursuant to Article 32, § 32-3-231 of the Baltimore County Code (BCC).

A hearing was held before the Board on July 7, 2005. Arnold Jablon, Esquire, and VENABLE, LLP, represented Stansbury Associates, Legal Owner/Petitioner of the subject property at Wilson Point Road and Cypress Road in Baltimore County. Ms. West represented the County before the Board, and Peter Max Zimmerman, People's Counsel for Baltimore County, appeared on behalf of his office. A public deliberation was held on July 7, 2005.

Background

Stansbury Associates is the fee simple owner of a 21.53-acre parcel of land located on the west side of Wilson Point Road in the Essex section of Baltimore County. The property is presently split-zoned D.R. 16 and D.R. 3.5. In 1996, as part of and pursuant to Baltimore County's 1996 Comprehensive Zoning Map Process ("CZMP"), the Baltimore County Office of Planning ("Office of Planning") initiated a staff issue to rezone approximately 28.1 acres of land. The existing zoning was then D.R. 5.5 on 7.6 acres, D.R. 16 on 18.3 acres, and B.L. on 2.2 acres for a total of 28.1 acres. The Office of Planning requested that the property be rezoned to some combination of D.R. 3.5, D.R. 5.5, D.R. 16, and/or B.L. The particulars are contained in Issue No. 5-022 in the Council Log of Issues.

PETITIONER'S

Jeffrey Mayhew, Chief of Community Planning for the Office of Planning in Baltimore County testified that the Office of Planning received a letter from Arnold Jablon, Esquire, representing Stansbury Associates indicating that there was an error in the 200-scale zoning map relative to the property owned by Stansbury on Wilson Point and Cypress Roads. Mr. Mayhew notified Mr. Jablon by letter dated June 17, 2005 that his office had investigated the matter and, based upon a review of the 2004 Baltimore County 200-scale zoning map and the 1996 Baltimore County Zoning Map Final Long of Issues, his office had concluded that an error occurred while implementing the final intent of the Baltimore County Council during the 1996 CZMP by changing areas of the subject property from D.R. 16 to D.R. 3.5. Mr. Mayhew informed Mr. Jablon that his office would initiate a Petition for Zoning Map Correction to correct the technical drafting error and reflect the County Council's intent.

Mr. Mayhew also testified before the Board that his office has received a letter from Councilman Vincent J. Gardina with respect to the matter. This letter was received into evidence as County Exhibit No. 4. Mr. Gardina stated that he was the Councilman for the Fifth District at the time and that the County Council's decision for the 1996 CZMP Issue No. 5-022 resulted in 25.6 acres being rezoned D.R. 3.5 and 2.5 acres being rezoned to B.L. He stated that this reflected his intention at the time. Mr. Gardina also stated that it had come to his attention that the area associated with the CZMP Issue No. 5-022 was drawn incorrectly by the Office of Planning. The Issue inadvertently included a portion of Stansbury Associates property, thereby inadvertently rezoning a portion of their property from D.R. 16 to D.R. 3.5. Councilman Gardina stated that he concurred with the proposed changes as they were consistent with the intent of the County Council during the 1996 CZMP with respect to the property. Mr. Mayhew presented two plats of the property showing the existing zoning and the proposed zoning. There were two small pieces of property, 0.21 acre and 0.08 acre, which had inadvertently been rezoned from D.R. 16 to D.R. 3.5. Mr. Mayhew stated that these two pieces should have remained zoned D.R. 16 since they were attached to the property which is owned by Stansbury Associates. He stated that there was a drafting error by his office in

the 1996 zoning maps, and that this error should be corrected by the Board.

Decision

Section 32-3-231, Baltimore County Code, "Notice by Property Owner," states as follows:

(a) Notice of error by property owner.

The owner of property may give written notice to the Director of Planning that the zoning map last enacted by the County Council does not accurately reflect the zoning classification enacted by the County Council on the owner's property during any comprehensive zoning process.

(b) Allegations of error.

The notice given by a property owner under subsection (a) of this section shall allege an error due to:

(i) A technical drafting error made by the Office of Planning in transferring the County Council's enacted zoning classification to the comprehensive zoning map;

* * * * * *

Section 32-3-232 of the BCC requires the Director of Planning to investigate the matter and to file a Petition with the Board of Appeals for correction of the zoning classification if the Director finds that an error exists, and the owner gives written authorization to the Petitioner.

Section 32-3-235 gives the Board the authority to conduct a hearing within 30 days after the Petition was filed and to issue an order within 10 days of the hearing if there is no opposition.

The Board concludes that the evidence fully supports the Petition that a technical drafting error was made by the Office of Planning in preparing the 200-scale zoning maps after the 1996 CZMP.

The Board finds that the present zoning designation on the 0.21 acre and 0.08 acre parcels attached to the Petitioner's property on Wilson Point Boulevard are incorrectly zoned D.R. 3.5 and that the Petitioner is entitled to the relief requested since the error was a technical drafting error made by the Office of Planning in transferring the County Council's enacted zoning classification to the Comprehensive Zoning Map. The subject parcel's present designation of D.R. 3.5 should be corrected and changed to D.R. 16.

ORDER

IT IS THEREFORE, this 14th day of July, 2005, by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Zoning Map Correction is Case No. M.C. 05-05 be and the same is hereby GRANTED; and it is further

ORDERED that the present zoning designation of the subject parcels (0.21 acre and 0.8 acre) in Case No. M.C. 05-05 be changed from D.R. 3.5 to D.R. 16; and it is further

ORDERED that the Office of Permits and Development Management make the necessary changes and corrections as set out herein on the latest Comprehensive Zoning Map for Baltimore County with regard to the subject parcels of land.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 et seq of the Maryland Rules.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chairman

Michael O. Ramsey

John P. Quinn

WILSON POINT CIVIC IMPROVEMENT ASSOCIATION BALLIMORE, MARYLAND 21220

February 24, 2006

Baltimore County, Maryland
Zoning Commissioner's Office
County Courthouse
401 Bosley Avenue
Towson, MD 21204

Gentlemen:

Subject:

Stansbury Mand Apartments

Case No. 06-37 A

The Wilson Point Community Association supports the proposed construction of an apartment complex on the southwest corner of Cypress Drive and Wilson Point Road. This location is just north of the existing Middle River Volunteer Fire Company.

We have used with the owner's engineer, Development Engineering Consultants, Inc. and have had an opportunity to review the Variance Plat and the design parameters for this future construction.

We believe this project will have a positive impact on our joint community. Hopefully, your office will reach a favorable decision and approve the requested variances for this case.

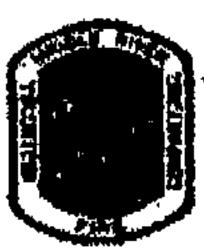
Very truly yours,

Jack Schultz, President

Wilson Point Community Aspociation

FEB 2 8 2006

PETITIONER'S



THE MIDDLE RIVER VOLUNTEER FIRE COMPANY INC.

1160 WILSON POINT POWD HIDDLE RIVER, MANNAL MED 21220

410-687-4507 07227-4507 22X 410-687~3160 STRIYON

EMPLIES AND LADDED COMPANY #22

March 9, 2006

Baltimore County, Maryland
Zoning Commissioner's Office
County Courthouse
401 Bosley Avenue
Towson, Maryland 21204

Gentleman:

Re: Stansbury Manor Apartments
Case # 06-374A

The Executive Board of the Middle River Volunteer Fire Company Inc. has met with a representative of Development Engineering Consultants, Inc. on February 1 and was presented with the future construction project of an apartment complex on the corner of Cypress Drive and Wilson Point Road.

After reviewing the Variance plot and the design parameters of this project. The Executive Board then presented this project to the general membership. I am happy to say, that at this the Officers and membership fully support the project.

We believe this project will be very positive to the Wilson Point community. Hopefully your office will make a favorable decision and approve the requested variances for this project.

Respectfully,

Keith B. Hardesty Sr.

President MRVFC

CC: file

James W. Akchurst Sr.

Vice-President

MRVFC

PETITIONER'S

WILSON POINT CIVIC IMPROVEMENT ASSOCIATION BALTIMORE, MARYLAND 21220

BW 29

February 24, 2006

MAR C 2006

Baltimore County, Maryland
 Zoning Commissioner's Office
 County Courthouse
 401 Bosley Avenue
 Towson, MD 21204

Gentlemen:

Subject:

Stansbury Manor Apartments

Case No. 06-374A

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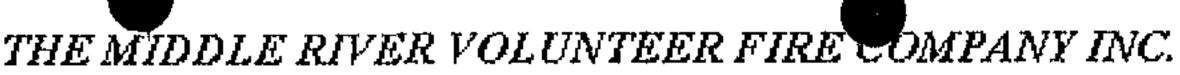
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Very truly yours,

Jack Schultz, President

Wilson Point Community Association

PETITIONER'S





1100 WILSON POINT ROAD MIDDLE RIVER, MARYLAND 21220 410-887-0326

OPERATIONS

410-687-4507

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410-687-3160

STATEON

ENGINE AND LADDER COMPANY #22

March 9, 2006

Baltimore County, Maryland Zoning Commissioner's Office County Courthouse 401 Bosley Avenue Towson, Maryland 21204

MAR 1 3 2006

COMMISSIONER

Gentleman:

Re: Stansbury Manor Apartments Case # 06-374A

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Her Blacking 1. Keith B. Hardesty Sr.

> President MRVFC

James M. Mahatt De. James W. Akehurst Sr.

Vice-President

MRVFC

file

PETITIONER'S

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

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