IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SW/Corner of Scotts Level Road and Brookford Circle **(St. Charles at Olde Court)** 2nd Election District 2nd Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 06-375-SPHA
St. Charles at Olde Court Partnership Petitioner	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for Baltimore County for consideration of a Petition for Special Hearing and Variance filed by the owner of the subject property, St. Charles at Olde Court Partnership (Petitioner). The Petitioner is desirous of constructing an addition to the existing maintenance building bringing it within 10 feet of the property line in lieu of the required 25 feet and a Special hearing to amend the zoning relief granted in Case No. 00-076-A.

Appearing on behalf of the Petitioner was Arnold Jablon, Esquire, Arthur Adler, Esquire and Long Van Bui, Professional Land Surveyor. There were no Protestants. The subject property and requested relief are more particularly described on the submitted site plan, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Testimony and evidence offered revealed that the Petitioner is desirous of constructing an addition onto the existing maintenance building, which will bring the structure within 10 feet of the property line. Proffered testimony indicated that the Petitioner needs additional storage space for equipment, tools and supplies used to maintain the grounds of the subject property. Testimony indicated that the subject facility was approved in the 1970's through the JSPC process, with the plan being vested in approximately 1975. The complex was "built out" by approximately 1976. Being a vested plan, the proposed addition is subject to the regulations that were in affect at the time of vesting, which is the RA zone, per the 1963 edition of the Baltimore County Zoning

ORDER RECEIVED FOR FILING
Date 4-14-06
By

Regulations. The RA zone was predecessor to the current D.R.16 zone. The proffered testimony and numerous exhibits submitted by Petitioner's attorney clearly demonstrates that there is no other practical location to place a second maintenance building without disturbing the limited open space on this property. The most practical solution is to keep the maintenance operations in a central location and at the same time protect the existing open space on this property. This case presents a good example of how variance relief can assist a property owner in the enjoyment and use of its property and at the same time protect the interests of the community.

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 and special hearing relief 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.

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 14th day of April, 2006 that the Petition for Variance to permit a side yard setback of 10 feet in lieu of the required 25 feet pursuant to Section 217.3 of the Baltimore County Zoning Regulations (1963 Edition) for an addition to the existing maintenance building, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED; and,

BE IT FURTHER ORDERED, that the Petition for Special Hearing to amend the site plan approved in Zoning Case No. 00-076-A to reflect the relief granted herein, all in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject to the following restriction:

1) Petitioners may apply for building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that

ORDER RECEIVED FOR FILING
Date 4-14-06
By Dawn

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 made within 30 days of the date of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 4-14-09
By Donna Siegel

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

April 14, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

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

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
SW/Corner of Scotts Level Road and Brookford Circle
(St. Charles at Olde Court)
2nd Election District – 2nd Council District
St. Charles at Olde Court Partnership - Petitioner
Case No. 06-375-SPHA

Dear Mr. Jablon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Robert A. Hoffman, Esquire, Venable, LLC, 210 Allegheny Avenue, Towson, Maryland 21204
St. Charles at Olde Court Partnership, c/o David S. Brown Enterprises, Ltd., 100 Painters Mill Road, Owings Mills, Md. 21117
Arthur Adler, Esquire, 100 Painters Mill Road, Suite 900, Owings Mills, Md. 21117
Mr. Long Van Bui, Professional Land Surveyor, 9243 Bellbeck Road, Parkville, Md. 21234
People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at ~~s/s of Stockmill Road~~ ~~w/s of Scotts Level Road~~ SW

which is presently zoned (RA) Now DR 1.5

SW Corner of Scotts Level Rd & Brookfield

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

an amendment to the site plan approved in
Case No. 00-076-A.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

St. Charles at Olde Court Partnership
Name - Type or Print

c/o David S. Brown Enterprises, Ltd.
Signature

Name - Type or Print

By:
Signature Howard S. Brown, Managing Partner

100 Painters Mill Road (410) 363-3434
Address — Telephone No.

Owings Mills, MD 21117
City — State — Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Robert A. Hoffman / dh
Signature

Venable LLP
Company

210 Allegheny Avenue (410) 494-6200
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue (410) 494-6200
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

ORDER RECEIVED FOR FILING
Date 4-24-02
By Bmo Sept

REV 9/15/98

Case No. 06 375 SPHA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING –

Reviewed By JL **Date** 2/02/06

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at ~~s/s of Stockmill Road, w/s of Scotts Level Road~~

which is presently zoned (RA) now DR 1le

SW Corner of Scotts Level Rd. & Brookford Circle

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Robert A Hoffman /dk
Signature

Venable LLP
Company

210 Allegheny Avenue (410) 494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

St. Charles at Olde Court Partnership
Name - Type or Print

c/o David S. Brown Enterprises, Ltd.
Signature

Name - Type or Print

By:
Signature Howard S. Brown, Managing Partner

100 Painters Mill Road (410) 363-3434
Address Telephone No.

Owings Mills, MD 21117
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue (410) 494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 2/02/06

Case No. 06 375 SPHA

REV 9/15/98

ADVERTISED FOR FILING
Date 4-14-06
By

PETITION FOR VARIANCE

S/s of Stockmill Road, W/s of Scotts Level Road

Variance to permit a side yard setback a minimum of 10 feet in lieu of the required 25 feet, pursuant to Section 217.3 of the Baltimore County Zoning Regulations (1963 Ed.).

Holiday Inn
SELECT

Bill 24-06 effective 3/17/06
does not apply to development
Prior to 6/82 or CRG plan
approval prior to ~~[illegible]~~ 1992
Vested

FOR RESERVATIONS 1-800-HOLIDAY

375

LONG VAN BUI
Professional Land Surveyor
9243 Bellbeck Road
Baltimore, MD 21234-1564
Phone: 410-581-2438
Fax: 410-668-3282
Cell: 410-262-5467
Email: lvbco@yahoo.com

January 18, 2006

ZONING DESCRIPTION

BEGINNING at a point on the west side of Scotts Level Road which is varying in width at the distance of 50 feet south of the centerline of Brookford Circle, a private street. Thence the following courses and distances:

N 79°55'00" W 356.30',
N 64°25'00" W 123.75',
S 64°19'07" W 636.00',
N 66°25'15" W 311.72',
S 44°56'10" W 254.93',
S 51°30'40" W 393.99',
S 52°07'50" W 179.12',
N 46°41'50" W 13.92',
N 29°40'46" W 226.42',
N 57°53'10" W 552.37',
N 63°30'00" E 2327.47',
R=730.00', L=121.44', CHD= S 44°09'12" E 121.30',
S 34°39'13" W 89.39',
N 36°00'55" E 18.25',
S 49°44'33" E 70.24',
R=639.07', L=490.25', CHD= S 27°45'57" E 478.32', and
S 05°47'20" E 355.05' to the place of beginning as recorded in Deed Liber 5398, Folio 475.

BEING Section 1 through Section 6 in the subdivision of "St. Charles at Olde Court (Milford Park)" as recorded in Baltimore County Plat Book No. 69, Folio 34, containing 1,632,296 square feet or 37.472 acres, more or less. Also known as St. Charles at Olde Court apartments and located in the Second Election District.

STATE OF MARYLAND
LONG VAN BUI
No. 20033
REGISTERED
PROFESSIONAL LAND SURVEYOR

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

315 JK

No. 1061

DATE 2/02/06 ACCOUNT 001 006 6150

AMOUNT $ 650.00

RECEIVED FROM: Varable

FOR: Unwitz SPHA 325.00 on @ 2
St Chas @ 2d Court

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-375-SPHA

Petitioner/Developer: ST. CHARLES

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: #06-375-SPHA

SW/corner of Scotts Level Road and Brookford Circle
Southwest Corner of Scotts Level Road and Brookford Circle
2nd Election District - 2nd Councilmanic District
Legal Owner(s): St. Charles At Olde Court Partnership

Special Variance: to permit a side yard setback a minimum of 10 feet in lieu of the required 25 feet.

Special Hearing: to permit an amendment to the site plan approved in Case No. 00-076-A.

Hearing: Monday, March 20, 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

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) 887-3391.

3/028 Mar. 2 85993

CERTIFICATE OF PUBLICATION

3/2, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/2, 2006.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

(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

February 21, 2006

Baltimore County

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

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: 06-375-SPHA
SW/corner of Scotts Level Road and Brookford Circle
Southwest Corner of Scotts Level Road and Brookford Circle
2nd Election District, 2nd Councilmanic District
Legal Owners: St. Charles At Olde Court Partnership

Special Variance to permit a side yard setback a minimum of 10 feet in lieu of the required 25 feet.

Special Hearing to permit an amendment to the site plan approved in Case No. 00-076-A.

Hearing: Monday, March 20, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:raj

c: Robert A. Hoffman, Esq., Venable LLP, 210 Allegheny Ave., Towson, MD 21204
St. Charles at Olde Court Partnership, c/o David S. Brown Enterprises, Ltd., 100 Painters Mill Road, Owings Mills, MD 21117

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN *APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 4, 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.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 2, 2006 Issue - Jeffersonian

Please forward billing to:
Amy Dontell (410-494-6244)
Venable LLP
210 Allegheny Ave.
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: 06-375-SPHA
SW/corner of Scotts Level Road and Brookford Circle
Southwest Corner of Scotts Level Road and Brookford Circle
2nd Election District, 2nd Councilmanic District
Legal Owners: St. Charles At Olde Court Partnership

Special Variance to permit a side yard setback a minimum of 10 feet in lieu of the required 25 feet.

Special Hearing to permit an amendment to the site plan approved in Case No. 00-076-A.

Hearing: Monday, March 20, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 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 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 06 375 SPHA

Petitioner: St. Charles at Olde Court Partnership

Address or Location: W/S of Scotts level Rd, 50 feet South of ~~Brookfield~~ Brookford Circle

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: Venable, LLP
210 Allegheny Avenue,
Towson, Maryland 21204

Telephone Number: (410) 494-6244

Revised 7/11/05 - 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

March 13, 2006

Robert A. Hoffman
Venable LLC
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 06-375-SPHA, Southwest Corner of Scotts Level Road & Brookford Circle

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

WCR:amf

Enclosures

c: *People's Counsel*
St. Charles at Olde Court Partnership c/o David S. Brown Enterprises, Ltd. 100 Painters Mill Road Owings Mills 21117

Printed on Recycled Paper

Baltimore County
Fire Department

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 20, 2006

Item No.: Item Numbers 375 through 386

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
Department of Permits & Development Management

DATE: February 27, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

DAK

SUBJECT: Zoning Advisory Committee Meeting
for February 27, 2006
Item Nos. 375, 376, 377, 378, 379, 380, 381, 382, 384, 385, and 386

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-02272006.doc

BW
3/20

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 23, 2006

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

FEB 2 1 2006

SUBJECT: S/W corner of Scotts Level Road and Brookford Circle

INFORMATION:

Item Number: 6-375

Petitioner: St. Charles at Olde Court Partnership

Zoning: DR 16

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request for variance. However, the Office of Planning recommends the petitioner revise/correct the vicinity map attached to the proposed site plan. The aforementioned map reads "Millford Lane" it should read " Milford Mill Road"

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

Prepared by: Curtis Murray

Division Chief: Lyn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-375.doc

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: February 22, 2006

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

RE: Baltimore County
Item No. 375 (JLL)
St. Charles at Old
Court Partnership

Dear. Ms. Matthews:

We have reviewed the referenced item and have no objection to approval.

However the owner may be required to obtain a District Permit regarding any development improvements or construction activity which would affect the I-695 right-of-way.

Should you require any additional information regarding this subject, please contact Larry Gredlein at 410-545-5606 or by E-mail (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING AND VARIANCE SW corner of Scotts Level Rd & Brookford Circle* 2nd Election & 2nd Councilmanic Districts Legal Owners: St Charles at Olde Court Pship * Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-375-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2006, a copy of the foregoing Entry of Appearance was mailed Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

RECEIVED
FEB 2 , 2006
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 06-375 SPHA

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site PLAN	
No. 2	AERIAL VIEW OF Apt. Complex + Vacinity	
No. 3	BRD OF APPEALS ORDER # 5747 - ZONING Reclassification	
No. 4	1963 Ed. - ZONING REGULATION Sect 217.3	
No. 5	1B02.3 - TABLE	
No. 6	REVISED JSPC PLAN THRU DRC	
No. 7	ZONING CASE NO. 00-076A	
No. 8	Photos 8A Plat - Reference 8B	
No. 9	ZONING MAP	
No. 10		
No. 11		
No. 12		

RE: PETITION FOR RECLASSIFICATION
from an "R-6" Zone to an "R-A" Zone,
W/S Scotts Level Road, 1110' from
Milford Mill Road
Second District
Leon A. Crane, Petitioner

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 5747

OPINION

This is a petition to reclassify 35.55 acres of land, more or less, lying on the west side of Scotts Level Road approximately 1110 feet north of Milford Mill Road, having a frontage on Scotts Level Road for a distance of approximately 560 feet, therefrom on Scotts Level Road in the Second District of Baltimore County, from [illegible] Zone to an "R-A" Zone.

The property has a depth of 2337 feet in a straight line from Scotts Level Road to its northern most boundary. The southern boundary is rather irregular and [illegible] and for approximately one-half its distance abuts the property of the Milford Mill Swimming Club. The remaining one-half of the southern boundary abuts two properties known as Grinage and [illegible]

The northernmost boundary of the property fronts on the newly constructed portion of Scotts Level Road which has been widened and improved from the northerly extremity of this property southerly to the intersection of Scotts Level and Milford Mill Road.

Scotts Level Road, at this location, is parallel to and contiguous to the Baltimore County Beltway except for an intervening grass plot or unimproved area owned by the State of Maryland as a part of the right-of-way of the Baltimore County Beltway.

The northerly boundary of the subject property is contiguous to a number of properties located on a dirt road known as Hickory Avenue or Lane which extends in a westerly direction from Scotts Level Road.

The westerly boundary abuts unimproved land with a ravine type topography and is heavily wooded.

It is the unanimous opinion of the Board of Appeals that the zoning map adopted for this area on November 15, 1962 placing the subject property in an "R-6" classification was in error. The record clearly demonstrates that nine building permits were issued on the Milford Mill Swimming Club property between December 2, 1949 and March 24, 1961. All of these improvements were completed prior to the adoption of the zoning map on November 15, 1962. They include a bath house, dance pavilion, a shelter, a second bath house, an indoor pool, bath house addition, two swimming pools and a fence. In addition to the above there was another

PETITIONER'S

EXHIBIT NO. 3

PETITION
W/S Scotts Level Rd. 1110' from
Milford Mill Rd.
2nd
#5747

cream type stand as well as a picnic pavilion and tables.

As would be expected in a development of this character, there are loud speakers throughout the picnic area which is immediately contiguous to the southern boundary of the property in question. There is also a repair shop for the equipment used on this property which is contiguous to the southern boundary of the subject property.

In reviewing the original zoning map for this area dating back to 1945, the property on this map was indicated as a pond, subsequently listed as a picnic ground and recreation area, and still later as a day camp for children. There was no evidence placed before the Board to indicate that the County Council had any additional knowledge of the nature and extent of the uses that were being made of this property at the time the land use map was adopted allowing the property to remain as a non-conforming use. It was clear that the Planning Board was not aware of the extent of the use on the contiguous swimming pool property at the time they recommended "R-6" zoning for the subject tract. Whether the Council did or did not have any additional information, it is the opinion of the Board that the proper consideration was not given to the effect that the Milford Mill Swimming Club had on adjoining undeveloped properties to the north.

Further, the board is of the opinion that proper consideration as to the character and use of properties surrounding the subject property was not given. The Gray and Frey properties adjacent to the southern boundary is unimproved except for a few run-down dilapidated buildings which have a more deterring effect than if there were no improvements at all.

The homes on the northern boundary of the property, located on Hickory Avenue or Lane, are little more than what are commonly known as "shacks"; some having outside privies and being in a general state of disrepair. The junk yard atmosphere created by these properties again would have a deterring effect on the development of the subject property.

The Milford Mill Swimming Club has a normal closing hour of 10 P. M. 11 P. M. on Saturdays, with a possibility of even later closing for private parties. As many as 9625 people have attended various activities during a single week during the summer months, with a high of 2455 people on a single day during the summer months. Such activities could hardly be described as being conducive to residential development of the contiguous land to the north for either individual or semi-detached homes.

The fact that the land to the south and to the west has been developed in individual cottage residences does not, in itself, make the subject property suitable for "R-6" development. These homes are separated from the major activities of the swimming club by a parking area and a wooded area. These properties front toward Milford Mill Road and either face other single family residences, unimproved properties, or the Milford Mill Senior High School on the south side of Milford Mill Road. Further, these individual

homes are completely out of sight of the submarginal properties on Hickory Lane.

The Board has always felt that the primary reason for the placement of the "R-A" Zone in conjunction with commercially used or commercially zoned strip areas was to create a buffer strip between the commercial and cottage residential uses and to protect residential development from further encroachment from the commercial uses or commercial zoning. Certainly no one can deny that the Milford Mill Swimming Club today is a commercial establishment whether it is zoned for such uses or whether it is being used under a nonconforming classification. If one were to apply for a commercial recreation enterprise including a dance hall, the regulations, as they exist at the present time, would require "B-M" zoning. Therefore, the reclassification of the subject tract from "R-O" to "R-A" seems quite appropriate.

Furthermore, such reclassification cannot, in the Board's opinion, have any adverse effect on any of the surrounding properties. In fact, it would have the opposite effect on both the submarginal properties contiguous to the north and to the south. Certainly the erection of garden-type apartments would not have an adverse effect on the Milford Mill Swimming Club, and the wooded ravine type property to the west would certainly act as a buffer between the subject property and the residential developments to the west.

The property is located on an adequate road leading from the subject property to Milford Mill Road and thence to the Baltimore County Beltway. The property is also located favorably with regard to shopping areas and schools of all types.

Testimony from Dr. Walter Worthington Ewell, an expert in the field of traffic, was that there would be no traffic congestion or traffic hazard due to the reclassification of the subject property.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 4TH day of February, 1964 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby granted.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1957 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[illegible]
CHAIRMAN

[illegible]

Note: Mr. Steinbach did not sit [illegible]

BALTIMORE COUNTY, MARYLAND
OFFICE OF LAW

BALTIMORE COUNTY

ZONING REGULATIONS

1963

RECEIVED
AUG 28 1964
OFFICE OF LAW

BOOK Nº 124

BALTIMORE COUNTY, MARYLAND
OFFICE OF LAW

This is the property of:

Name William E. Hammond

Address _____

_____

Phone _____

PETITIONER'S EXHIBIT NO. 4

R. A. Zone—Residence, Apartments

Section 215—USE REGULATIONS

The following uses only are permitted:

215.1—Uses permitted and as limited in R. 6 Zone;

215.2—Apartment houses;

215.3—Community garage when located not less than 60 feet from the front lot line and, in the case of a corner lot, 30 feet from the side street line except when combined within the main building and provided further that any such garage which is erected on a corner lot within 60 feet of any side street line, shall be distant not less than 10 feet from the party lot line intersecting such side street line.

215.4—Office for the conduct of business incidental to the rental, operation, service, and maintenance of the project, provided that no such office shall occupy a floor area greater than that of one dwelling unit. Such office shall be located within an apartment building, or if housed separately, in a permanent building in harmony with the general character of the apartment served.

215.5—Special Exceptions—the following uses when permitted as Special Exceptions (see Sections 270 and 502):

Boarding or rooming houses;

Boat yard;

Commercial beach, with provision of adequate parking area; and permitting dressing facilities, snack bar, picnic area, and boat rental;

Community building, swimming pool, or other structural or land use devoted to civic, social, recreational, and educational activities; off-street parking areas shall be provided to such extent and be so located as the Zoning Commissioner or County Board of Appeals, on appeal, shall agree to be needed in relation to their surroundings;

Conservatory, music and the arts;

Convalescent home;

Elevator apartment buildings or office buildings, including accessory business uses for the convenience of its tenants and as conditioned in Section (402A) 402.4;

Excavations, controlled (see Section 403);

Funeral establishment;

Golf course, country club, or other outdoor recreation clubs; also quasi-public camp, including day camps but no such uses shall be located on less than five acres, and no building, parking lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line;

Hospital, Class B (see Section 407);

Marina;

Offices and office buildings;

Private Colleges, nursery or dancing schools, dormitories, fraternity and sorority houses, but excluding business and trade schools;

Public utility uses other than those noted in Section 200.11 (see Section 411);

Wireless transmitting and receiving structure.

Section 216—HEIGHT REGULATIONS

Maximum building height—35 feet, except that any building may exceed such height of 35 feet provided that at no point it projects above a line sloping inward and upward at a 45 degree angle from the 35 foot elevation at the established building line, as defined in Section 101.

Section 217—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

217.1—For two-family dwellings, same as in R. G. Zone; for one-family dwellings and other per-

mitted uses except apartments, offices, and office buildings, same as in R. 6 Zone. (see also Section 304).

217.2—Front Yard—For apartment houses, offices and office buildings, the front building line shall be not less than 30 feet from the front lot line and not less than 60 feet from the center line of the front street.

217.3—Side Yards—For apartment houses, offices, and office buildings, not less than 25 feet from any building to a side property line.

217.4—Rear Yard—For apartment houses, offices, and office buildings, not less than 30 feet from any building to the rear property line.

217.5—Where more than one apartment building is placed on a lot, there shall be not less than 60 feet between the long dimensions of any buildings or building groups regardless of relation between front and rear facades; not less than 25 feet between the ends of buildings, except that if opposing end walls contain windows that provide over 25% of the light and ventilation to one or more living rooms, the minimum distance between ends of buildings shall be 40 feet.

217.6—Offstreet Parking (see Section 409)—Not more than 50% of any yard area may be used for parking.

217.7—Density—Gross and net densities, as defined in Section 101, shall not exceed respectively 16 and 18 families per acre, except that for a building with four or more stories there may be an increase of one-half dwelling unit per story, including all stories. This number of additional units may be multiplied by the acreage of the apartment tract, but if there is more than one building with over four stories, only the building with the greatest number of stories may be multiplied by the number of acres in calculating the higher permitted density.

1B02.3 Special regulations for certain existing developments or subdivisions and for small lots or tracts in D.R. Zones.

A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:

1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;

2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;

3. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;

4. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than one-half acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or

5. Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.

B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in Subsection A.2 shall be in accordance with the tentatively approved subdivision plan therefor. Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.

C. Development standards for small lots or tracts.

1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

PETITIONER'S
EXHIBIT NO. 5

Zoning Classification	Minimum Net Lot Area per Dwlling Unit (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	--	30
D.R.10.5	3,000	20	10	10	--	50
D.R.16	2,500	20	10	25	--	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.

IN RE: PETITION FOR VARIANCE SW/S Scotts Level Road, 1700 +/- SE of Old Court Road (aka Milford Park) 2nd Election District 2nd Councilmanic District (7900 Brookford Circle) St. Charles at Olde Court Partnership Petitioners	* * * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 00-076-A

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, The St. Charles at Olde Court Partnership. The variance request involves an apartment complex known as the "St. Charles at Old Court" which is located on the west side of Scotts Level Road, 1700 feet south of Old Court Road. Specifically, the variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow detached garages to be located in the front and side yards of the apartment buildings.

Appearing at the hearing on behalf of the request were Thomas Huff, professional engineer, and Julius W. Lichter, attorney at law, representing the Petitioner. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 37.5 acres, zoned D.R.16. The subject property is improved with an apartment complex consisting of 612 apartment units. In addition, the Petitioner has provided 1142 parking spaces! The Petitioner now proposes to construct garages for the residents who live at the apartment complex. Petitioner's Exhibit No. 1, the site plan of the property, shows the many apartment buildings situated on the property, as well as the proposed parking garages. The Petitioner proposes to install 201 garage units for his tenants. Naturally, the Petitioner will be utilizing the existing road system and parking lots upon which to construct these garage units. As a

PETITIONER'S

EXHIBIT NO. 7

the case with many of the apartment complexes in this area, the parking areas and road systems are located in the fronts of the apartment units themselves. Therefore, the garages to be constructed will be situated in the front and side yards of the apartment buildings and not in the rear yard. The rear yard of this particular apartment complex comprises mostly local open space and areas of existing vegetation. Accordingly, the Petitioner wishes to utilize the paved portions of the complex for the purpose of installing these garages. In order to proceed this way, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and is in the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED this 25th day of October, 1999, by this Deputy Zoning Commissioner, that the Petitioner's Request for Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow detached garages to be located in the front and side yards of the apartment buildings, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at his time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The proposed detached garages should be architecturally compatible with the existing buildings located within the complex.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

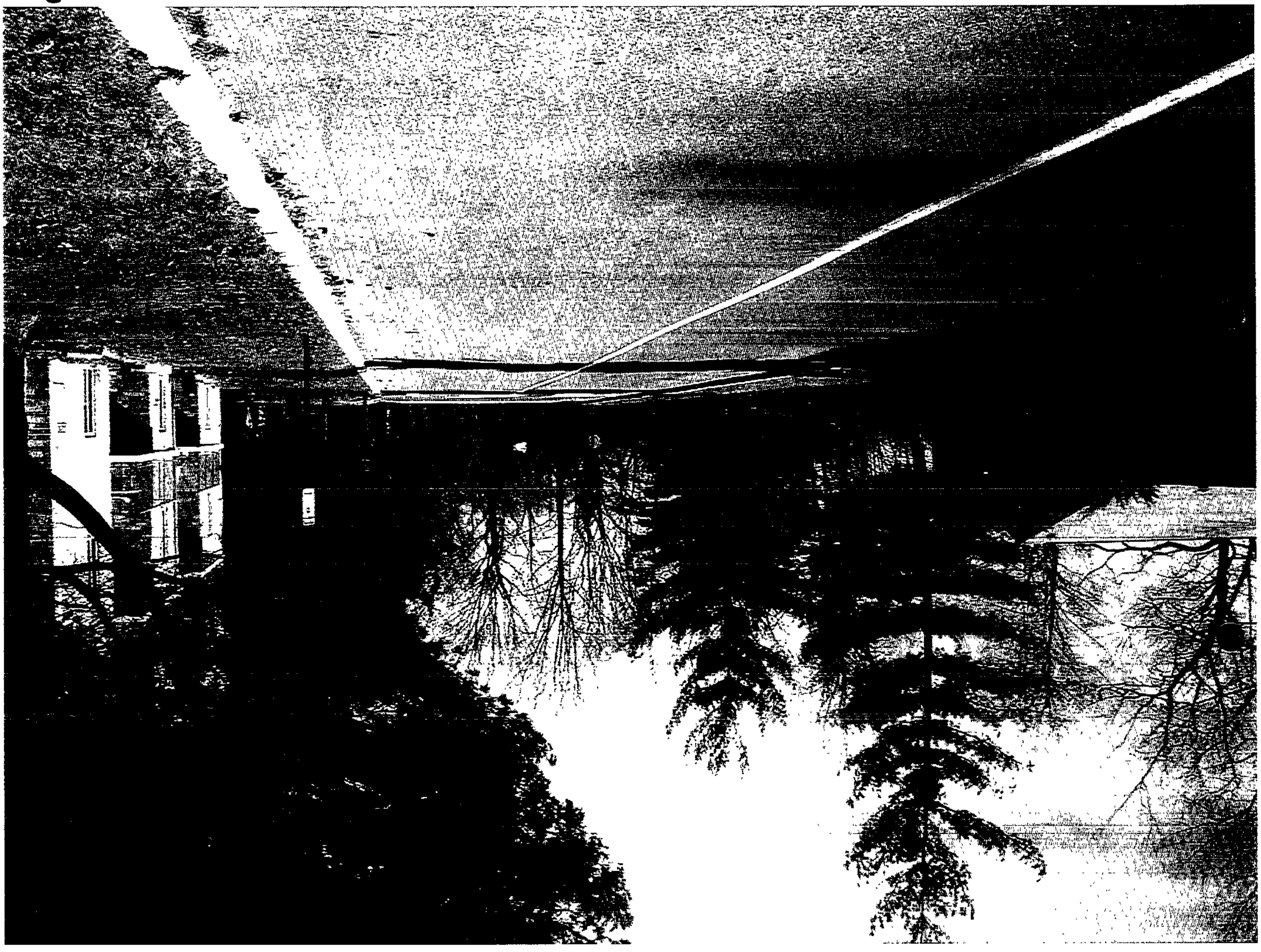
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

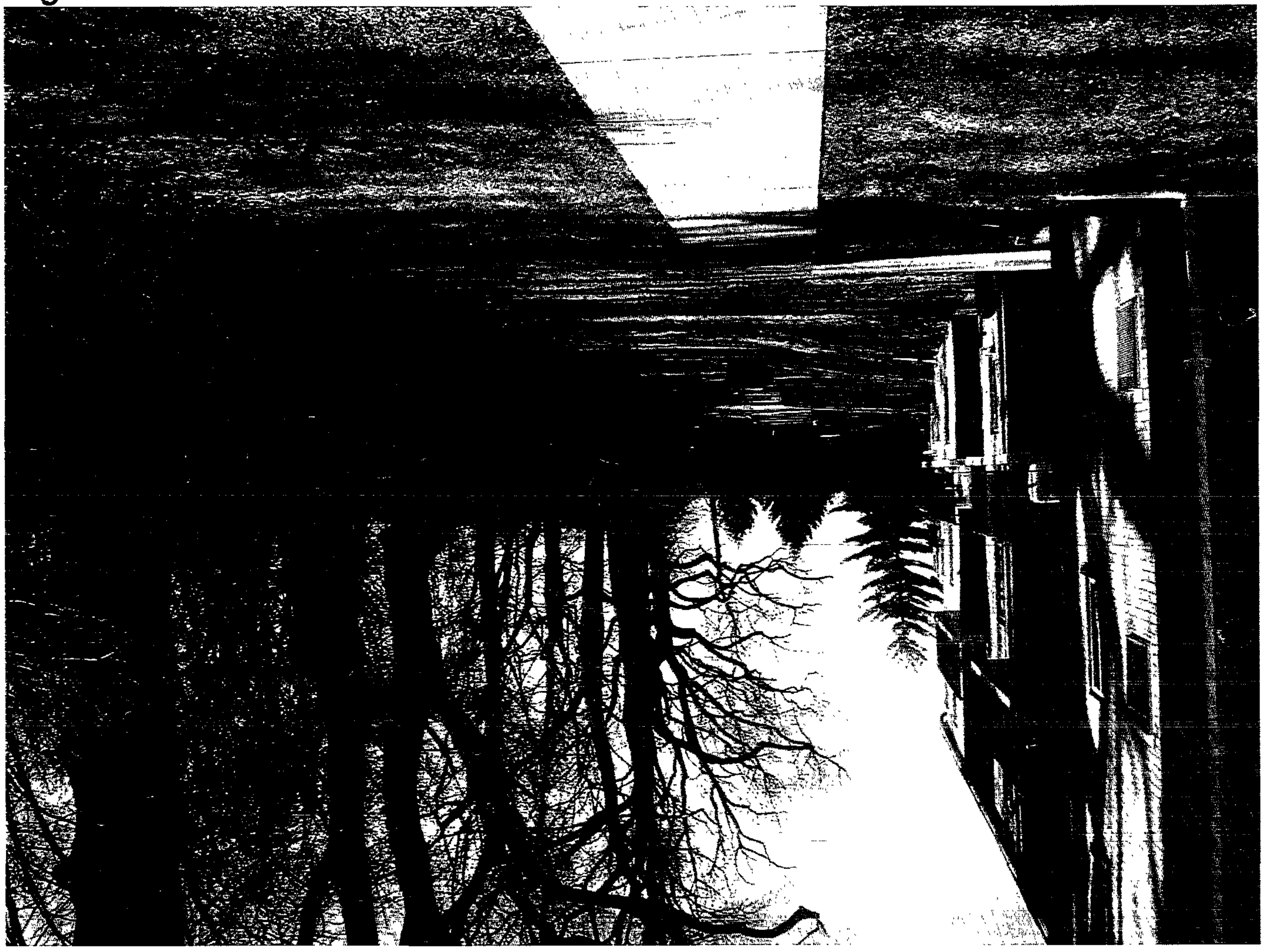
TMK:raj

10/25/99

PETITIONER'S

EXHIBIT NO. 8A





PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Arthur Abeles Esq	100 Painters Mill Rd, Ste 900	Owings Mills, Md 21117	arthur@davidsbrown.com
LONG VAN BUI	9243 BELLBECK ROAD	PARKVILLE, MD 21234	lvbco@yahoo.com
Arnold Jablon.			

PETITIONER'S
EXHIBIT NO. 2

DRC HISTORY:

[illegible] FOR FINANCING PURPOSES.

BUILDING PERMIT HISTORY:

[illegible]

ZONING HISTORY:

[illegible] OF 8.89 AC. (GROSS) FROM R-6 TO [illegible]

[illegible] OF 8.89 AC. (GROSS) FROM R-6 TO [illegible]

Order Date: [illegible]

" THEREFORE, IT IS ORDERED this 25th day of October, 1999, by this Deputy Zoning Commissioner, that the Petitioner's Request for Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow detached garages to be located in the front and side yards of the apartment buildings, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at his time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The proposed detached garages should be architecturally compatible with the existing buildings located within the complex.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order. "

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

U.D.R.C. HISTORY:

GENERAL SDP/C. PLAN WAS APPROVED 12/16/60.

PARKING CALCULATIONS:

	REQUIRED	PROVIDED	PLAT REFERENCE
SECTION ONE	156	206	56/40
SECTION TWO	156	324	56/40
SECTION THREE & FOUR	500	612	42/6
TOTAL	612	1142	

Notes:

Applicant:
David S. Brown Enterprises, Ltd.
100 Painters Mill Road, Suite 900
Owings Mills, MD 21117
Phone: 410-363-3434

Election District: 2
Councilmanic District: 2

Property Tax Account No.: 02-22-00-028753
Owner: St. Charles at Old Court Partnership
c/o David S. Brown Enterprises, Ltd.
100 Painters Mill Road
Owings Mills, MD 21117

Zoning: D.R. 16
Home residential Principal Building Setbacks:
Front Yard: 30'
Side Yard: 25'
Rear Yard: 30'

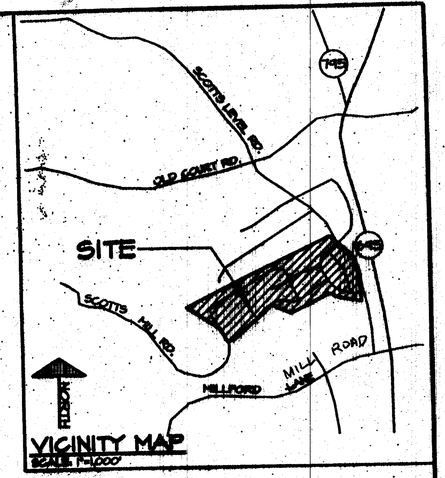
Net Area: 37.472 Acs / 1,632,280 Sft
Gross Area: 38.236 Ac±

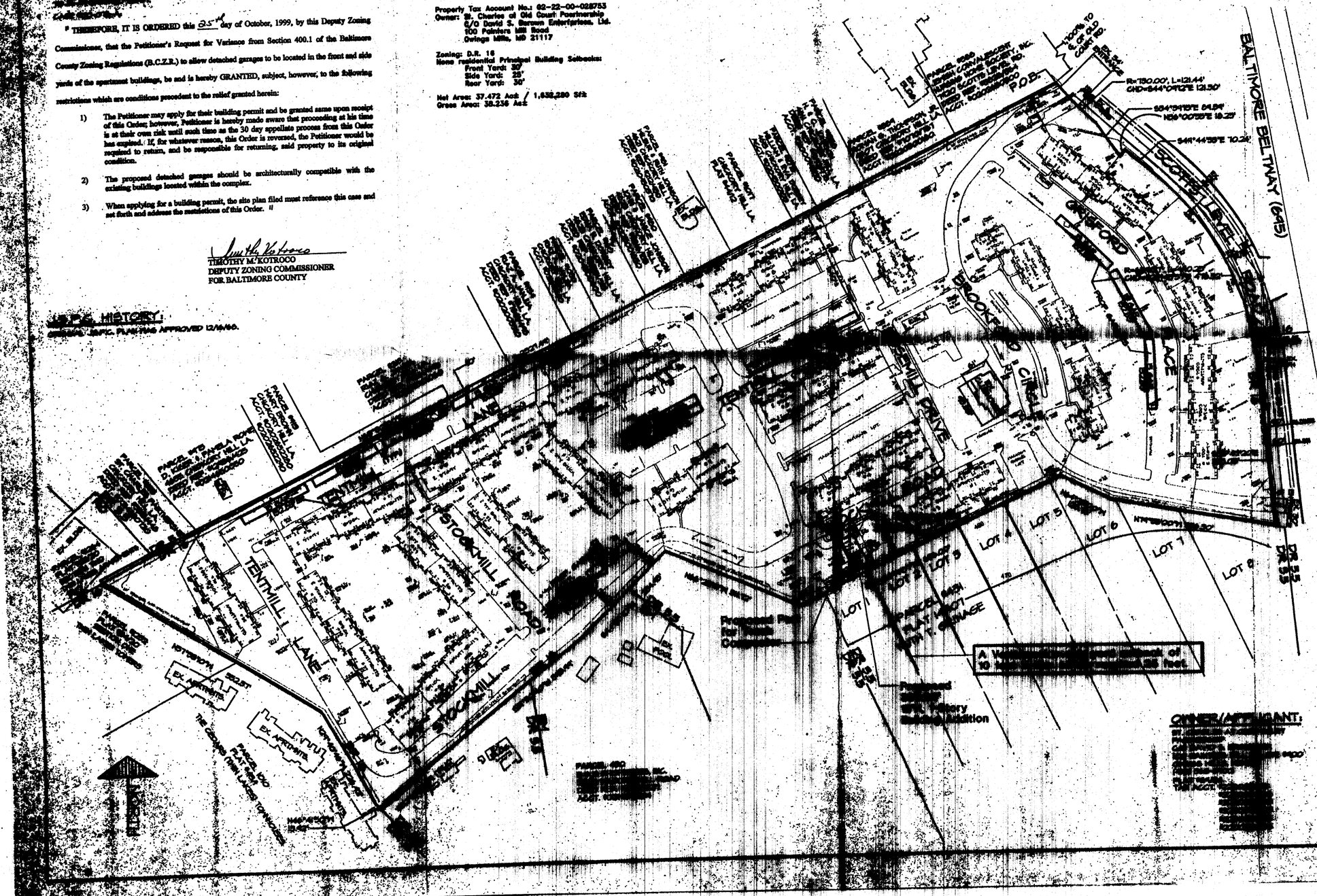
GENERAL NOTES:

1. THIS PROPERTY IS NOT WITHIN THE CRITICAL AREA.
2. THERE ARE NO EXISTING WELLS OR SEPTIC AREAS ON THE SITE.
3. THERE ARE NO KNOWN EXISTING STREAMS OR BODIES OF WATER ON THE SUBJECT PROPERTY.
4. AVERAGE HIGH OF EXISTING APARTMENT BUILDINGS = 44'±
5. THE PROPERTY IS NOT IN 100-YEAR FLOODPLAIN.

NOTE:

LIGHTING: LIGHTING SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
UTILITIES: SITE IS SERVED BY PUBLIC WATER & SEWER LOCATION IN SCOTTS LEVEL ROAD. ALL ON SITE UTILITIES ARE PRIVATE.
BOUNDARY: ON-SITE BUILDINGS, ROADS, UTILITIES AND OTHER FEATURES SHOWN HEREON ARE TAKEN FROM SPELLMAN, LARSON & ASSOCIATES, INC. AS BUILT LOCATION SURVEY DATED NOV. 2, 1998.
ELEVATION: FOR BUILDING ELEVATION SEE SHEET 2 OF 2.





DRC HISTORY:

DRC [illegible] - RESUBDIVISION FOR FINANCING PURPOSES.
DRC [illegible] - ADD COURTYARD
DRC [illegible] - ADD GARAGES

BUILDING PERMIT HISTORY:

[illegible]

ZONING HISTORY:

- [illegible] RECLASSIFICATION OF 35.55 AC. (GROSS) FROM 'R-6' TO [illegible]
- [illegible] FROM ALLOCATION OF 5.26 AC.± (GROSS) FROM 'R-6' TO 'R' AS GRANTED 5/4/71.
- CASE #80-278-A: THEREFORE, IT IS ORDERED THIS 25TH DAY OF OCTOBER, [illegible], BY THE DEPUTY ZONING COMMISSIONER, THAT THE PETITIONER'S [illegible] REGULATIONS (B.C.Z.R.) TO ALLOW DETACHED GARAGES [illegible] FROM SECTION 400.1 OF THE BALTIMORE COUNTY [illegible] (B.C.Z.R.) TO ALLOW DETACHED GARAGES TO BE LOCATED [illegible] YARDS OF THE APARTMENT BUILDINGS, BE AND IS [illegible] SUBJECT, HOWEVER, TO THE FOLLOWING RESTRICTIONS WHICH [illegible] TO THE RELIEF GRANTED HEREIN.
  1. THE PETITIONER MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT HIS TIME IS AT THEIR OWN RISK UNTIL THE 30 DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
  2. THE PROPOSED DETACHED GARAGES SHOULD BE ARCHITECTURALLY COMPATIBLE WITH THE EXISTING BUILDINGS LOCATED WITHIN THE COMPLEX.
  3. WHEN APPLYING FOR A BUILDING PERMIT, THE SITE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

J.S.P.C. HISTORY:

ORIGINAL J.S.P.C. PLAN WAS APPROVED 12/16/68.

PARKING CALCULATIONS:

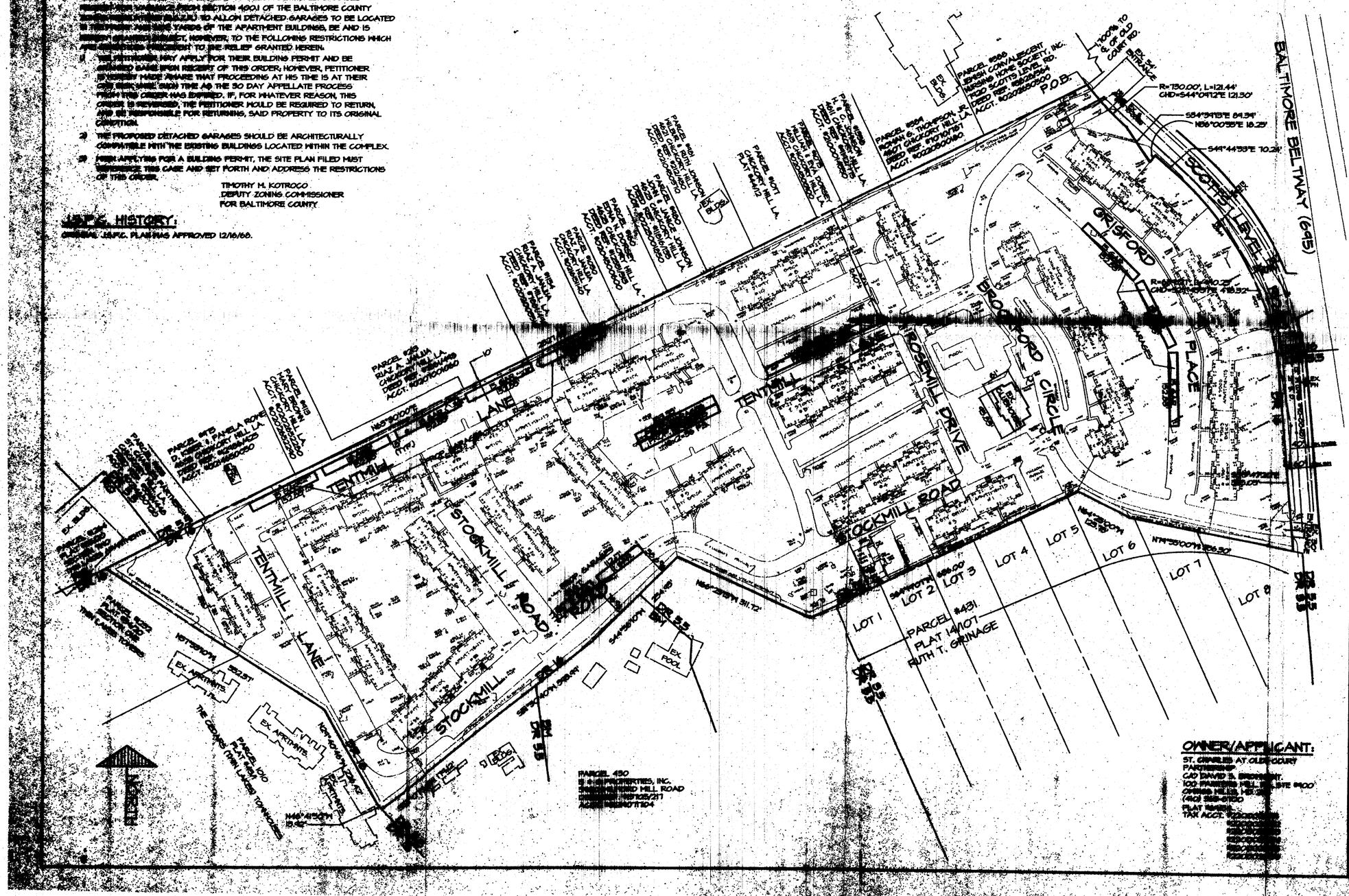
	REQUIRED	PROVIDED	PLAT REFERENCE
SECTION ONE	156	206	36/18
SECTION TWO	156	324	36/18
SECTION THREE & FOUR	300	612	42/6
TOTAL	612	1142	

GENERAL NOTES:

1. THIS PROPERTY IS NOT WITHIN THE CRITICAL AREA.
2. THERE ARE NO EXISTING WELLS OR SEPTIC AREAS ON THE SITE.
3. THERE ARE NO KNOWN SPRINGS, STREAMS OR BODIES OF WATER ON THE SUBJECT PROPERTY.

NOTE:

LIGHTING: LIGHTING SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
UTILITIES: SITE IS SERVED BY PUBLIC WATER & SEWER LOCATION IN SCOTTS LEVEL ROAD. ALL ON SITE UTILITIES ARE PRIVATE.
BOUNDARY: ON-SITE BUILDINGS, ROADS, UTILITIES AND OTHER FEATURES SHOWN HEREON ARE TAKEN FROM SPELLMAN, LARSON & ASSOCIATES, INC. AS BUILT LOCATION SURVEY DATED NOV. 2, 1995.
ELEVATION: FOR BUILDING ELEVATION SEE SHEET 2 OF 2.



ZONING HISTORY:

[redacted]

[redacted] HISTORY:

[redacted]

[redacted]

[redacted] AC. (GROSS) FROM RA-0' TO

[redacted] AC. (GROSS) FROM RA-0'

[redacted]

" THEREFORE, IT IS ORDERED this 25th day of October, 1999, by this Deputy Zoning Commissioner, that the Petitioner's Request for Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow detached garages to be located in the front and side yards of the apartment buildings, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at his time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The proposed detached garages should be architecturally compatible with the existing buildings located within the complex.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order. "

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

[redacted] HISTORY:

[redacted] PLAN WAS APPROVED 12/4/68.

PARKING CALCULATIONS:

	REQUIRED	PROVIDED	FLAT REFERENCE
SECTION ONE	156	309	88/40
SECTION TWO	156	324	88/40
SECTION THREE & FOUR	300	512	42/6
TOTAL	612	1142	

Notes:

Applicant:
David S. Brown Enterprises, Ltd.
150 Pelsters Mill Road, Suite 200
Owings Mills, MD 21117
Phone: 410-363-3434

Election District: 2
Councilmanic District: 2

Property Tax Account No.: 02-22-00-028753
Owner: St. Charles at Old Court Partnership
c/o David S. Brown Enterprises, Ltd.
150 Pelsters Mill Road
Owings Mills, MD 21117

Zoning: B.R. 16
Name residential Principal Building Setbacks:
Front Yard: 30'
Side Yards: 20'
Rear Yard: 30'

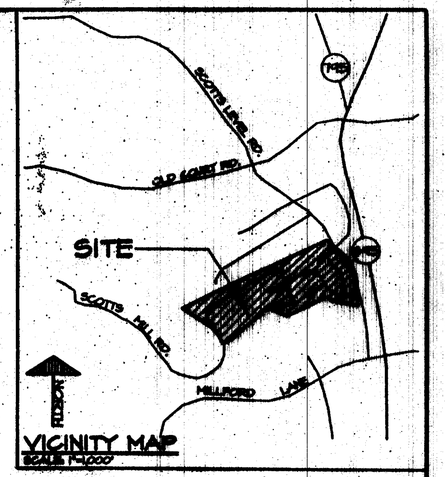
Net Area: 37.472 Acs / 1,632,380 Sf±
Gross Area: 38.236 Acs

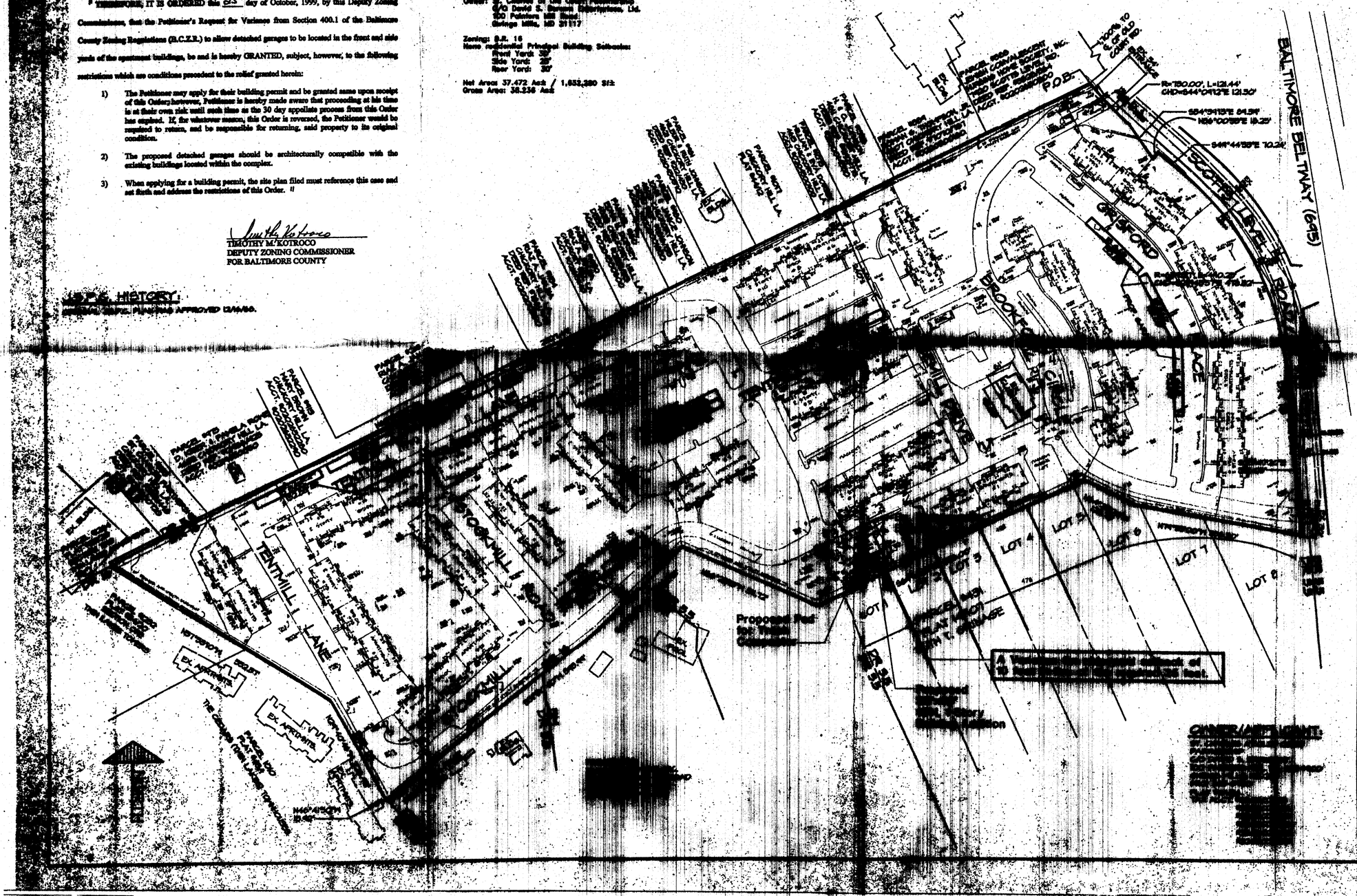
GENERAL NOTES:

1. THIS PROPERTY IS NOT WITHIN THE CRITICAL AREA.
2. THERE ARE NO WETLANDS AND NO CEMETERIES OR BURIAL GROUNDS ON THE SITE.
3. THERE ARE NO KNOWN [illegible] OR BODIES OF WATER ON THE SUBJECT PROPERTY.
4. AVERAGE HIGH OF EXISTING APARTMENT BUILDINGS = 44'±
5. THE PROPERTY IS NOT IN 100-YEAR FLOODPLAIN.

NOTE:

LIGHTING: LIGHTING SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
UTILITIES: SITE IS SERVED BY PUBLIC WATER & SEWER LOCATION IN SCOTTS LEVEL ROAD. ALL ON SITE UTILITIES ARE PRIVATE.
BOUNDARY: ON-SITE BUILDING, ROADS, UTILITIES AND OTHER FEATURES SHOWN HEREON ARE TAKEN FROM SPELLMAN, LARSCH & ASSOCIATES, INC. AS BUILT LOCATION SURVEY DATED NOV. 2, 1988.
ELEVATION: FOR BUILDING ELEVATION SEE SHEET 2 OF 2.





01-18-96 Plat to Accompany Petition for Variance
Prepared by:
Long Van Bui
Professional Land Surveyor
5243 Belbeck Road
Baltimore, MD 21234
Phone: 410-661-2438
410-282-5467

Plat to Accompany Petition for Variance and Special Hearing
Proposed Maintenance Building Addition
Shackell Road

ST. CHARLES AT OLDE COURT
(aka MILFORD PARK)
SCOTTS LEVEL ROAD

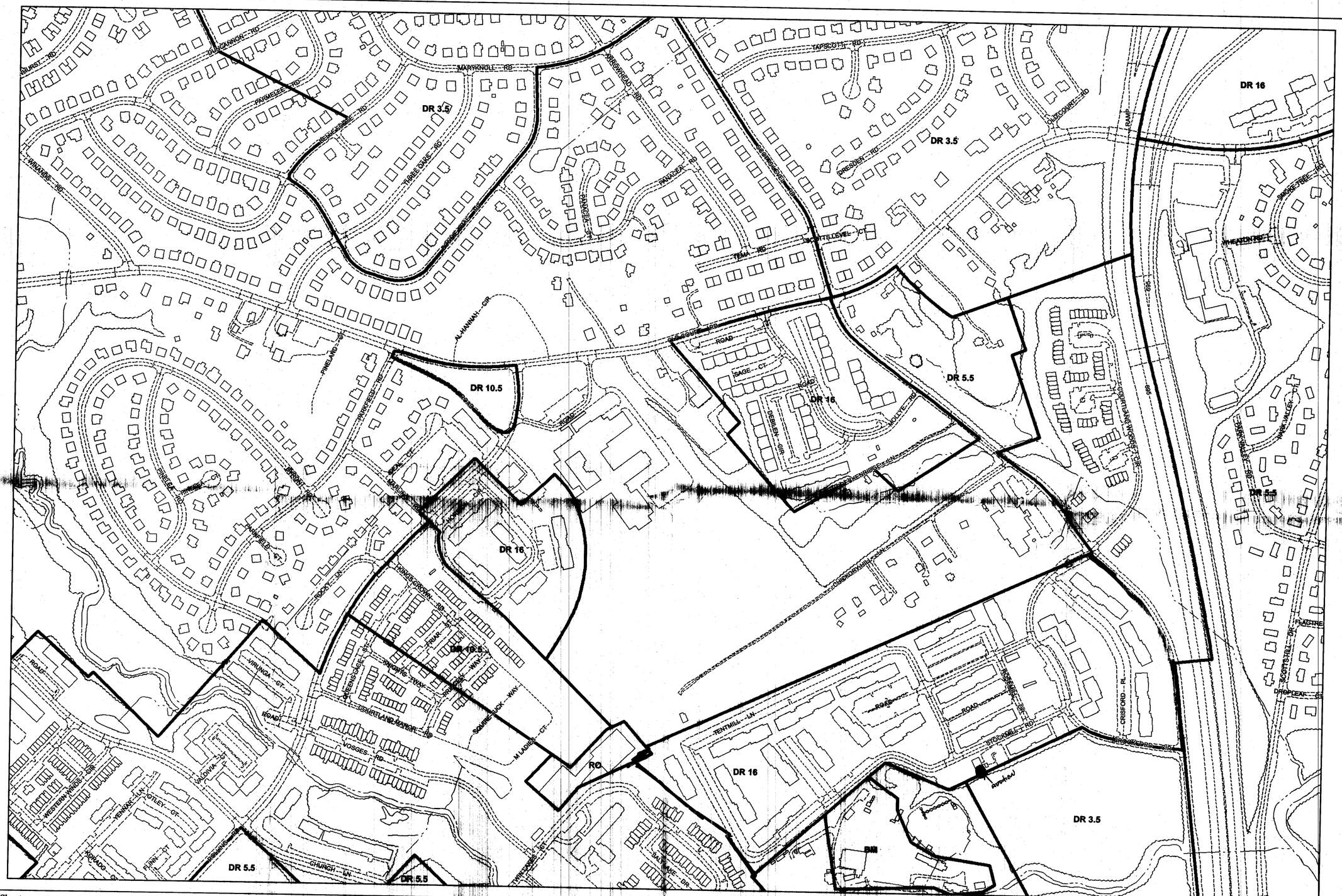
ELECTION DISTRICT 2 — COUNCILMANIC 2
BALTIMORE COUNTY, MD

375

REVISIONS:

SCALE: 1"=100'
DATE: 01-18-96
JOB NO.:
DESIGNED: STF
DRAWN: STF
CHECKED: LVB
DRAWING NUMBER:
SHEET: 1 OF 1

PETITIONER'S
EXHIBIT NO. 8B



Plan Sheet: *077C2*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

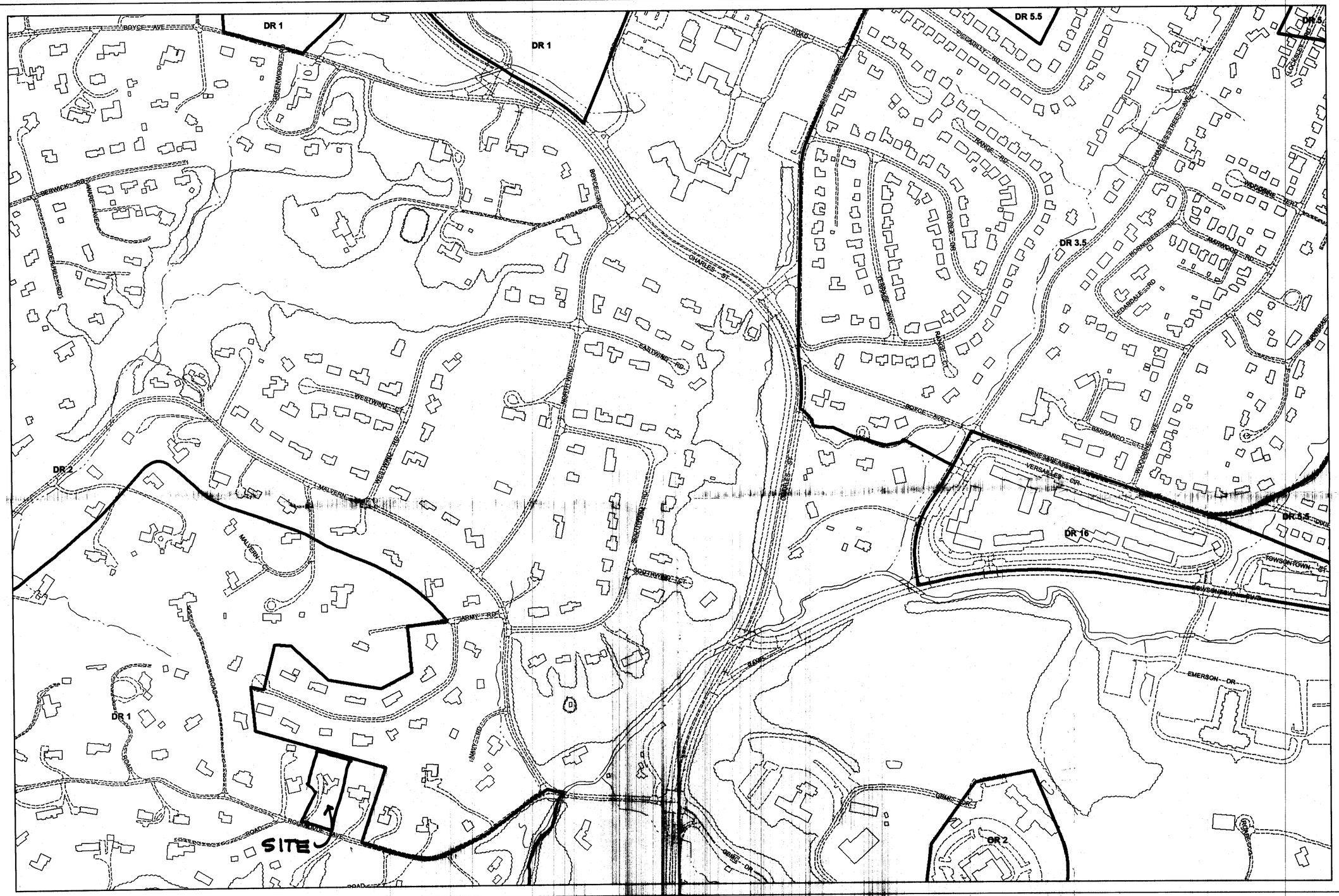
077A1	077B1	077C1	078A1	078B1
077A2	077B2	077C2	078A2	078B2
077A3	077B3	077C3	078A3	078B3

Scale
1" = 200'
0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County OIT/GIS Services Unit
1:2400, from 1996/98 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

PETITIONER'S EXHIBIT NO. 9



#376

Plan Sheet: *069C2*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Buildings
- Streams
- Roads
- Vegetation
- Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

069A1	069B1	069C1	070A1	070B1
069A2	069B2	069C2	070A2	070B2
069A3	069B3	069C3	070A3	070B3

Scale
1" = 200'
0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004