IN RE: PETITION FOR VARIANCE

N/S Brushwood Drive, 80' & 147'

NW of Academy Avenue

(336 & 338 Brushwood Drive)

4th Election District 2nd Council District

BALTIMORE COUNTY

OF

BEFORE THE

Gordon Development Company, Inc.

Owner

Regional Homes of Maryland, Inc. Contract Purchaser

Petitioners

ZONING COMMISSIONER

Case No. 07-201-A

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, Gordon Development Company, Inc., by its representative, Michael Greenspun, and Regional Homes of Maryland, Inc., contract purchaser/developer, through its attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as set forth below:

- Variances from B.C.Z.R. Section 1B01.2.C.1.b and B.C.Z.R. Section 301.1.A as follows:
 - Variance from B.C.Z.R. Section 1B01.2C.1.b to permit a side building to 'A' tract boundary setback as shown by lot in the table below in lieu of the required 15 feet; and
 - B' Variance from B.C.Z.R. Section 1B01.2C.1.b to permit a rear building face to rear property line setback as shown by lot in the table below in lieu of the required 30 feet; and
 - "C" Variance from B.C.Z.R. Section 301.1.A to permit a carport or open porch to rear property line setback as shown in the table below in lieu of the required 22.5 (75% of 30 feet), and
- II. To amend the Final Development Plan for Roland Property and all prior amendments thereto consistent with relief granted.

LOT NO.	VARIANCE 'A'	VARIANCE 'B'	VARIANCE 'C'
4	8 feet	12 FEET	3 FEET
5		23 FEET	15 FEET

The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Michael Greenspun, a principal of Gordon Development Company, Inc.; G. Dwight Little, a professional engineer with Little & Associates, Inc. who prepared the site plan for this property; and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is rectangularly shaped with frontage on the northeast side of Brushwood Drive, just north of Gwynnbrook Avenue in the subdivision known as "Roland Property" in Owings Mills. The property consists of Lot 4 (336 Brushwood Drive) and contains approximately 0.1849 acres (8,055 square feet) while Lot 5 (338 Brushwood Drive) consists of 0.1362 acres (5,934 square feet). Both lots are zoned D.R.3.5 and proposed for residential development with single-family homes. In this regard, development plan approval platting Lots 4 and 5 was obtained in 2005 and recorded.

As more particularly shown on the site plan, the property is wedged between an in-fee BGE right-of-way easement on the northwest side of Lot 4 and a Baltimore County Storm Water Management Facility that runs behind the rear of both lots and surrounds Lot 5 on the southeast side. The variance relief requested in order to develop the lots is internal and to the rear abutting the undevelopable land which encompasses the BGE easement and the County's storm water management reservation. It is also noted that the northern most corner of Lot 4 is further restricted by the triangular configuration created by the BGE property line placing the proposed deck within three feet of this right-of-way easement line. As a result of these constraints, rear yard variances are needed to maintain consistent front yard depths for the houses to be erected (B.C.Z.R. Section 303.1) in conformity with the neighborhood. Moreover, it should be noted that some of the variances noted on the table of requested relief are somewhat of a misnomer. This is so in view of (1) the triangular BGE property line and (2) the

zoning reviewer departing from past practices, in this case, of generally measuring perpendicular with a building line rather than diagonally as shown on the site plan.

As to the petitions seeking approval of the Table 'C' variances to accommodate the potential construction of decks to the rear of the dwellings, each house is proposed to have a deck with a depth of 6' and widths of 8' (Lot 4) and 10' (Lot 5). These and the variances to reduce rear property line or tract boundary setbacks as shown on the plan do not constitute any material amendment to the previously approved plan. It is also noted that the contract purchaser did not participate in the preparation of the development plan and the configuration of these two lots which are the most shallow of all the lots in the Roland property subdivision. Further, there will be no increase of residential density and variance relief would be necessary for any development on the subject lots.

After due consideration of the testimony and evidence presented, I am persuaded to grant the petition. In my view, the relief requested meets the spirit and intent of the zoning regulations and will not result in any detriment to the health, safety or general welfare of the surrounding locale. Moreover, there were no Protestants present and no adverse comments were submitted by any Baltimore County reviewing agency. It is noted, however, that the Office of Planning conditioned approval on the architectural elevation drawings being in accordance with "the Tyler" prepared by D.W. Taylor. Mr. Little pointed out that he had identified the site plan accordingly. The uniqueness of the property is its unusual configuration and layout of the houses, which is dictated by the environmental constraints associated with these two parcels. Thus, it appears that the relief requested should be granted. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner, Regional Homes of Maryland, Inc.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, on this _______ day of January, 2007, that the Petition for Variance seeking approval from the Baltimore County Zoning Regulations (B.C.Z.R.) as set forth below:

- I. Variances from B.C.Z.R. Section 1B01.2.C.1.b and B.C.Z.R. Section 301.1.A as follows:
 - 'A' Variance from B.C.Z.R. Section 1B01.2C.1.b to permit a side building to tract boundary setback as shown by lot in the table below in lieu of the required 15 feet; and
 - 'B' Variance from B.C.Z.R. Section 1B01.2C.1.b to permit a rear building face to rear property line setback as shown by lot in the table below in lieu of the required 30 feet; and
 - 'C' Variance from B.C.Z.R. Section 301.1.A to permit a carport or open porch to rear property line setback as shown in the table below in lieu of the required 22.5 (75% of 30 feet), and
- II. To amend the Final Development Plan for Roland Property and all prior amendments thereto consistent with relief granted.

LOT NO.	VARIANCE 'A'	VARIANCE 'B'	VARIANCE 'C'
4	8 feet	12 FEET	3 FEET
5		23 FEET	15 FEET

in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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

Zoning Commissioner for Baltimore County

Date 1-22-01



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 22, 2007

Howard L. Alderman, Esquire Levin & Gann 502 Washington Avenue, 8th Floor Towson, MD 21204

RE: PETITION FOR VARIANCE

N/S Brushwood Drive, 80' & 147' NW of Academy Avenue

(336 & 338 Brushwood Drive)

4th Election District - 2nd Council District

Gordon Development Company, Inc., Owner; Regional Homes of Maryland, Inc.,

Contract Purchaser - Petitioners

Case No. 07-201-A

Dear Mr. Alderman:

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

£ 5

VILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: Mr. Michael Greenspun, Gordon Development Company, Inc. 103 Sudbrook Lane, Suite 10, Baltimore, Md. 21208 Messrs. G. Dwight Little & John Motsco, Little & Associates, Inc., 1055 Taylor Avenue, Suite 307, Towson, Md. 21286 People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 336 AND 338 BRUSHWOOD DRIVE (LOTS 4 65)
which is presently zoned _______ DR-3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part 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 DISCUSSED 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: Legal Owner(s): CHARLES A. REGIONAL HOMES OF MARYLAND, INC. GORDON DEVELOPMENT COMPANY, INC. Name - Type or Print Name Type or Print Signature MICHAEL GREENSPUN, DEVELOPER Signature CUHIP BUDRATON 8 GREENSPRING RD, SUITE 200 (410) 356-9110 Address Telephone No. Name - Type or Print **OWINGS MILLS** MARYLAND 21117 City State Zip Code Signature 103 SUDBROOK LN SUITE 10 Attorney For Petitioner: (410) 486-9290 Address Telephone No. BALTIMORE MARYLAND 21208 Name - Type or Print City Zip Code State TO BE DETERMINED Representative to be Contacted: Signature JOHN MOTSCO, LITTLE & ASSOCIATES, INC. Сотралу Name 1055 TAYLOR AVENUE, SUITE 307 (410) 296-1636 Address Telephone No Address Telephone No. TOWSON MARYLAND 21286 City State Zip Code Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING Reviewed By CA IDE. NEUEIVED FUN FILING REV 9/15/98

ATTACHMENT TO PETITION FOR VARIANCE FOR #336 AND #338 BRUSHWOOD DRIVE (LOTS 4 & 5)

REQUESTED RELIEF

- I. VARIANCES FROM BCZR§ 1B01.2.C.1.b AND BCZR§ 301.1.A AS FOLLOWS:
 - "A" VARIANCE FROM BCZR§ 1B01.2.C.1b TO PERMIT
 A SIDE BUILDING TO TRACT BOUNDARY SETBACK
 AS SHOWN BY LOT IN THE TABLE BELOW IN LIEU
 OF THE REQUIRED 15 FEET; AND
 - "B" VARIANCE FROM BCZR\$ 1B01.2.C.1.b TO PERMIT A REAR BUILDING FACE TO REAR PROPERTY LINE SETBACK AS SHOWN BY LOT IN THE TABLE BELOW IN LIEU OF THE REQUIRED 30 FEET; AND
 - "C" VARIANCE FROM BCZR§ 301.1.A TO PERMIT A CARPORT OR OPEN PORCH TO REAR PROPERTY LINE SETBACK AS SHOWN IN THE TABLE BELOW IN LIEU OF THE REQUIRED 22.5 (75% OF 30 FEET); AND
- II. TO AMEND THE FINAL DEVELOPMENT PLAN FOR ROLAND PROPERTY AND ALL PRIOR AMENDMENTS THERETO CONSISTENT WITH RELIEF GRANTED.

LOT NO.	VARIANCE "A"	VARIANCE "B"	VARIANCE "C"			
4	S FEET	12 FEET	3 FEET			
5	<u> </u>	23 FEET	15 FEET			

October 17, 2006

DESCRIPTION TO ACCOMPANY PLAN FOR ZONING VARIANCE

#336 BRUSHWOOD DRIVE FOURTH ELECTION DISTRICT THIRD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the northeast side of Brushwood Drive (50 feet wide), said point being situate northeasterly 136 feet, northerly 121 feet and northwesterly 147 feet, more or less from the centerline of Academy Avenue (60 feet wide). Being known and designated as Lot #4 as shown on the plat entitled "Plat of Roland Property" which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 77 folio 145; containing 0.1849 of an acre of land, more or less.

October 17, 2006

DESCRIPTION TO ACCOMPANY PLAN FOR ZONING VARIANCE

#338 BRUSHWOOD DRIVE FOURTH ELECTION DISTRICT THIRD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the northeast side of Brushwood Drive (50 feet wide), said point being situate northeasterly 136 feet, northerly 121 feet and northwesterly 80 feet, more or less from the centerline of Academy Avenue (60 feet wide). Being known and designated as Lot #5 as shown on the plat entitled "Plat of Roland Property" which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 77 folio 145; containing 0.1362 of an acre of land, more or less.

DISTRIBUTION WHITE - CASHI OFFICE O MISCEL BALTIM RECEIVED FROM: FOR:

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: # 07-201-A

336 & 338 Brushwood Drive (Lots 4 & 5)
N/side of Brushwood Drive, 80 feet and 147 feet n/west of Academy Avenue
4th Election District - 2nd Councilmanic District
Legal Owner(s): Gordon Development Company, Inc.
Contract Purchaser: Regional Homes of MD, Inc.
Variance: To permit a side building to boundary setback as shown by lot in the table below in lieu of the required 30 feet and to permit a carport or open porch to rear property line setback as shown by lot in the table below in lieu of the required 22.5 (75% of 30 feet) and to amend the Final Development Plan for Roland Property and all prior amendments thereto consistent with relief granted.
Hearing: Wednesday, January 10, 2007 at 1:00 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.

JT 12/784 Dec. 26

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in the following weekly newspaper published in Baltimore County, Md., once in each of THIS IS TO CERTIFY, that the annexed advertisement was 2000 successive weeks, the first publication appearing published

Memor

LEGAL ADVERTISING

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: # 07-201-A

336 & 338 Brushwood Drive (Lots 4 & 5)

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Hearing: Thursday, January 4, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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.
JT 12/681 Dec. 19

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in the following weekly newspaper published in Baltimore County, THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing Md.,

Les myn

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07 - 201-A

Petitioner/Developer: MICHAEL GREENSPUN

Date of Hearing/Closing: JAU. 10, Z004

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Christen Matthews

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s)

required by law were posted conspicuously on the propery located at # 336 \$ 338 BRUSHWOOD DRIVE

The sign(s) were posted on

(Month, Day, Year)

REVISEOSIGN

12-26-06 CHANBOD YOAR

From! 2006 TO! 2007

OLD MONEY® RECYCLED U.S. CURRENCY Sincerely,

(Signature of Sign Poster and Date)

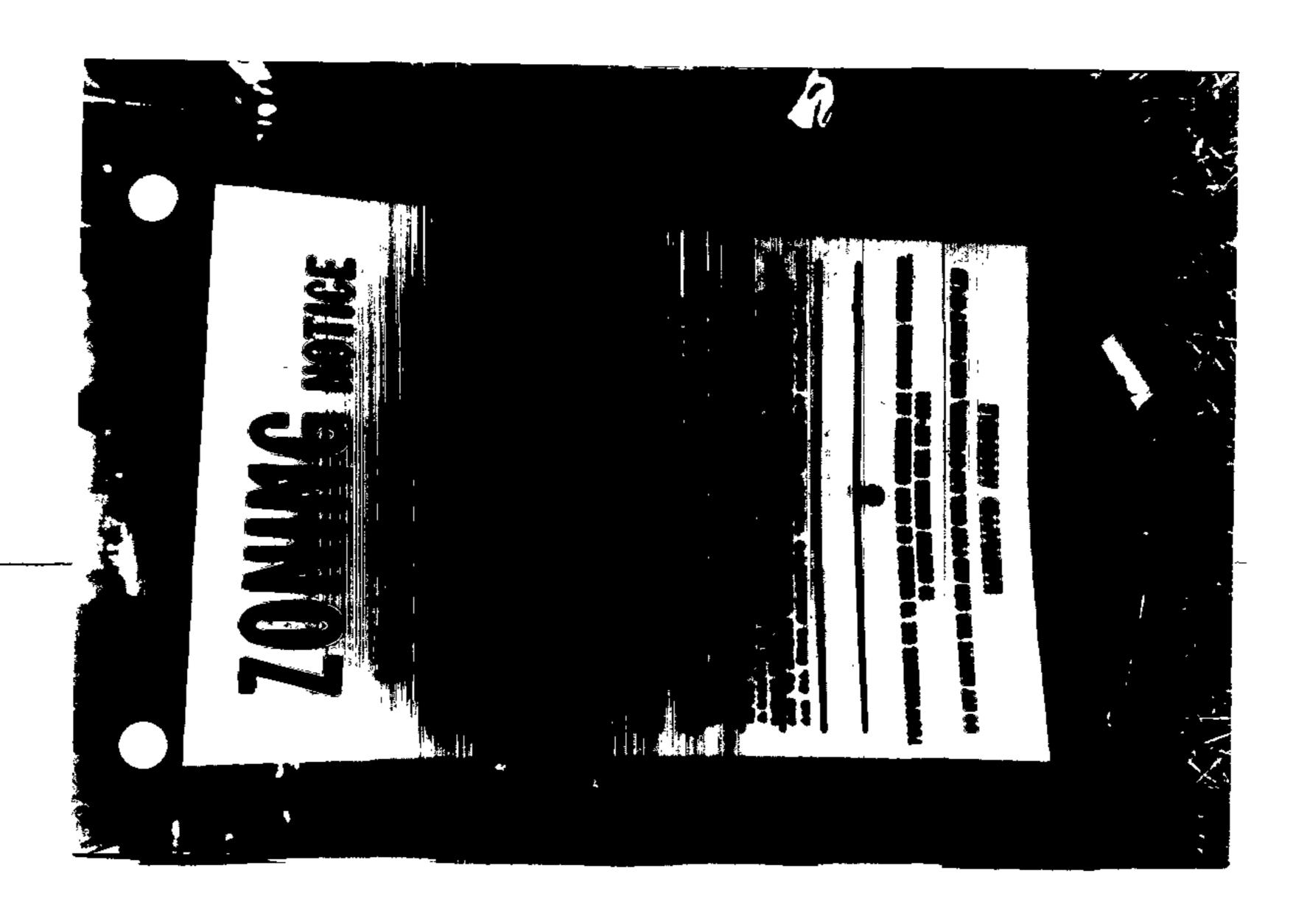
CARLAGE E. MOORE (Printed Name)

3225 RYERSON CIRCLE (Address)

BAUTIMORE, MD, 21227 (City, State, Zip Code)

(410) 242-4263

(Telephone Number)





IN RE:

PETITION FOR VARIANCE

336 and 338 Brushwood Road

4th Election District

2nd Councilmanic District

Gordon Development Company, Inc., Owner

and

Regional Homes of MD, Inc., Contract Purchaser

Petitioners

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 07-201-A

ENTRY OF APPEARANCE

Mr. Commissioner:

Please enter the appearance of the undersigned legal counsel in the above-captioned matter on behalf of Gordon Development Company, Inc. and Regional Homes of MD, Inc., Petitioners.

This case is scheduled to be heard on Thursday, January 4, 2007 at 11:00 a.m. in Room 407.

Howard L. Alderman, Jr.

Levin & Gann, P.A.

8th Floor, Nottingham Centre

502 Washington Avenue

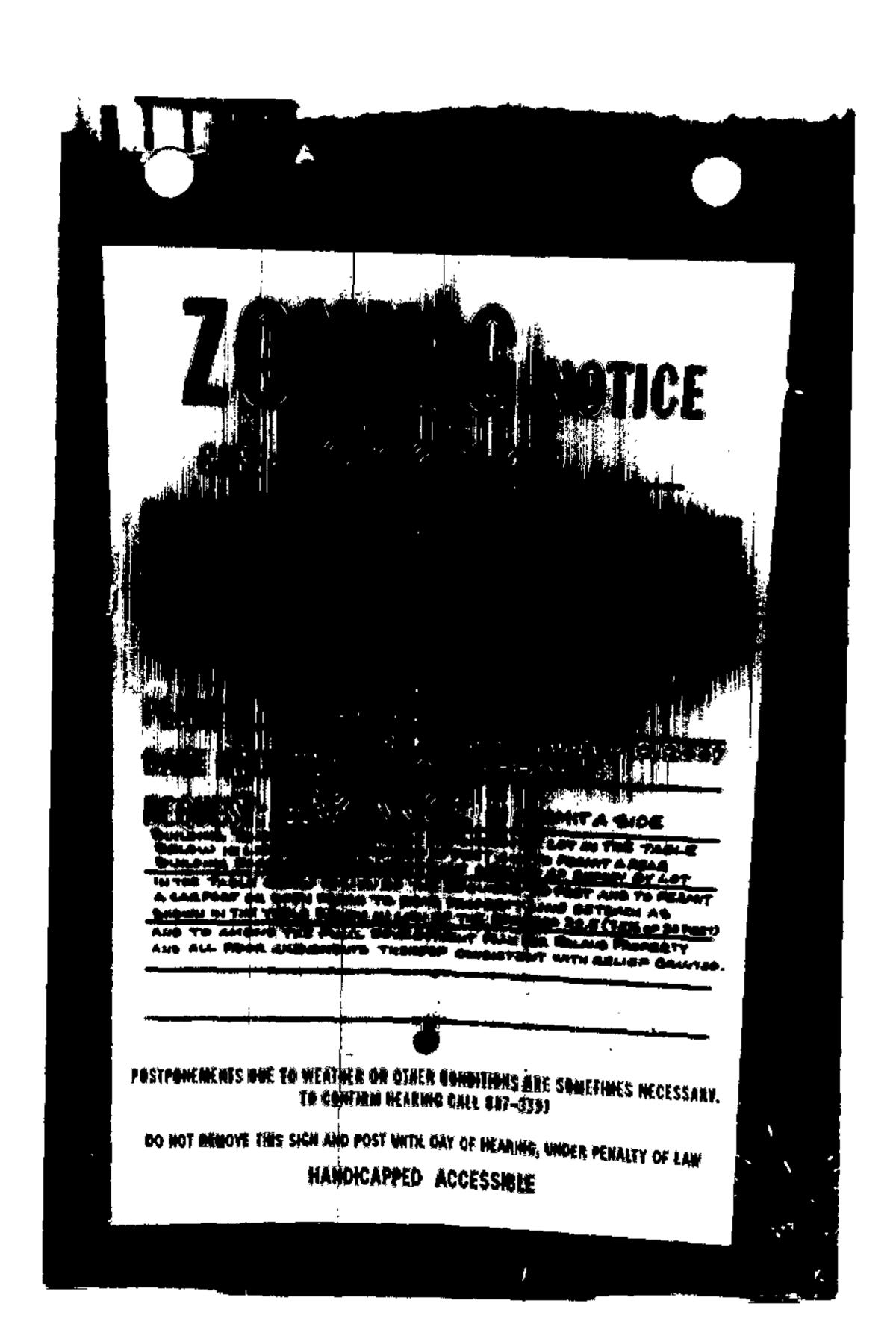
Towson, Maryland 21204

410.321.0600 [voice]

410.296.2801 [fax]

Halderman@LevinGann.com [e-mail]

Attorneys for Petitioners



RE: PETITION FOR VARIANCE
336 & 338 Brushwood Dr N/S Brushwood
Dr, 80' & 147' NW Academy Avenue
4th Election & 2nd Councilmanic Districts
Legal Owner(s): Gordon Development Co,
Inc by Michael Breenspun, Developer
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 07-201-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/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 13th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, John Motsco, c/o Little & Associates, Inc, 1055 Taylor Avenue, Suite 305, Towson, Md 21286, Representative for Petitioner(s).

RECEIVED

HOV 1 3 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 19, 2006 Issue - Jeffersonian

Please forward billing to:

Regional Homes of Maryland, Inc. 8 Greenspring Valley Road, Ste. 200 Owings Mills, MD 21117

410-356-9110

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: 07-201-A

336 & 338 Brushwood Drive (Lots 4 & 5)

N/side of Brushwood Drive, 80 feet and 147 feet n/west of Academy Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Gordon Development Company, Inc.

Contract Purchaser: Regional Homes of MD, Inc.

Variance to permit a side building to boundary setback as shown by lot in the table below in lieu of the required 15 feet and to permit a rear building face to rear property line setback as shown by lot in the table below in lieu of the required 30 feet and to permit a carport or open porch to rear property line setback as shown in the table below in lieu of the required 22.5 (75% of 30 feet) and to amend the Final Development Plan for Roland Property and all prior amendments thereto consistent with relief granted.

Hearing: Thursday, January 4, 2007 at 11:00 a.m. in Room 407, County Courts Building,

401 Besley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 26, 2006 Issue - Jeffersonian

Please forward billing to:

Regional Homes of Maryland, Inc. 8 Greenspring Valley Road, Ste. 200 Owings Mills, MD 21117

410-356-9110

CORRECTED 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: 07-201-A

336 & 338 Brushwood Drive (Lots 4 & 5)

N/side of Brushwood Drive, 80 feet and 147 feet n/west of Academy Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Gordon Development Company, Inc. Contract Purchaser: Regional Homes of MD, Inc.

<u>Variance</u> to permit a side building to boundary setback as shown by lot in the table below in lieu of the required 15 feet and to permit a rear building face to rear property line setback as shown by lot in the table below in lieu of the required 30 feet and to permit a carport or open porch to rear property line setback as shown in the table below in lieu of the required 22.5 (75% of 30 feet) and to amend the Final Development Plan for Roland Property and all prior amendments thereto consistent with relief granted.

Hearing: Wedgesday, January 10, 2007 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

Department of Permits and Development Management

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



Baltimore County

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

November 20, 2006

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: 07-201-A

336 & 338 Brushwood Drive (Lots 4 & 5)

N/side of Brushwood Drive, 80 feet and 147 feet n/west of Academy Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Gordon Development Company, Inc.

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Hearing: Thursday, January 4, 2007 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Michael Greenspun, 103 Sudbrook Lane, Ste. 10, Baltimore 21208 Chip Burton, 8 Greenspring Road, Ste. 200, Owings Mills 21117 John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 20,2006.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

NEW 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: 07-201-A

336 & 338 Brushwood Drive (Lots 4 & 5)

N/side of Brushwood Drive, 80 feet and 147 feet n/west of Academy Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Gordon Development Company, Inc.
 Contract Purchaser: Regional Homes of MD, Inc.

<u>Variance</u> to permit a side building to boundary setback as shown by lot in the table below in lieu of the required 15 feet and to permit a rear building face to rear property line setback as shown by lot in the table below in lieu of the required 30 feet and to permit a carport or open porch to rear property line setback as shown in the table below in lieu of the required 22.5 (75% of 30 feet) and to amend the Final Development Plan for Roland Property and all prior amendments thereto consistent with relief granted.

Hearing: Wednesday, January 10, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Michael Greenspun, 103 Sudbrook Lane, Ste. 10, Baltimore 21208 Chip Burton, 8 Greenspring Road, Ste. 200, Owings Mills 21117 John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 26, 2006.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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: 07-201-A									
Petitioner: GORDON DEVELOPMENT COMPANY, INC.									
Address or Location: #336 AND #338 BRUSHWOOD DRIVE (LOTS 4 € 5)									
PLEASE FORWARD ADVERTISING BILL TO:									
Name: REGIONAL HOMES OF MARYLAND, INC.									
Address: 8 GREENSPRING VALLEY ROAD									
SUITE 200									
OWINGS MILLS, MD 21117									
Telephone Number: (410) 356-9110									



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 3, 2007

Gordon Development Company, Inc. Michael Greenspun, Developer 103 Sudbrook Lane, Suite 10 Baltimore, MD 21208

Dear Mr. Greenspun:

RE: Case Number: 07-201-A, 336 and 338 Brushwood Drive (Lots 4 & 5)

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

U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Howard L. Alderman, Jr. Levin & Gann 502 Washington Avenue, 8th Floor Towson 21204
Regional Homes of Maryland, Inc. Chip Burton 8 Greenspring Road, Suite 200 Owings Mills
21117

John Motsco Little & Associates, Inc. 1055 Taylor Avenue, Suite 307 Towson 21286



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: November 8,2006

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

•

RE: Baltimore County

Item No. 7-201A

3564 358BRUSHWOODDRIVE

ROLLING PROPERTY

YARIAM CE - PERMIT SIDE

DAILDING TOTRACT BOUNDARY

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.7-201 A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

Fire Department

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



Baltimore County

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

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

November 9,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 13, 2006

Item Number(s): 193 through 201

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C) 443-829-2946 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 9, 2006

Department of Permits & Development

Management

ON

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 13, 2006

Item Nos. 07-193, 197, 198, 199, 200 and 201/

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-11132006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:	Timothy M. k	Cotroco								
FROM:	Dave Lykens,	Dave Lykens, DEPRM - Development Coordination								
DATE:	January 10, 2	007								
SUBJECT:	Zoning Item Address	# 07-201-A 336 and 338 Brushwood Drive (Regional Homes of Maryland, Inc Contract Purchaser)								
Zonir	ng Advisory Con	mmittee Meeting of November 6, 2006								
	•	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.								
The I the fo	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:									
	Protection of	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 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 Baltimore County Code).									
	Critical Area	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).								
<u>Addi</u>	ional Comment	<u>S:</u>								

Date: 11/30/06

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-201-A.doc

Reviewer: J. Livingston

LAW OFFICES

Levin & Gann

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

December 7, 2006

VIA TELEFAX & REGULAR MAIL

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 111
Towson, Maryland 21204

RE:

HOWARD L. ALDERMAN, JR.

halderman@LevinGann.com

DIRECT DIAL

410-321-4640

336 & 338 Brushwood Drive

Gordon Development Co., Inc., Owner

Case No. 07-201-A

Request for Rescheduling

Dear Mr. Kotroco:

I have been forwarded a copy of the Notice of Zoning Hearing, 2006, in the above-referenced matter. This case was filed and listed "To be Determined" as the attorney for the Petitioners. As you may recall, I have represented the Owner for several years. The hearing on this case is scheduled for Thursday, January 4, 2007 at 11:00 in the morning. I have a conflict with that date and time. I will be attending the Hearing Officer's Hearing for the Bull Property, set for 9:00 a.m. that same morning in Room 106 of the County Office Building.

Therefore, I would request that this matter be rescheduled. If Kristen will call me, I will coordinate a date and time that works for me, my client, witnesses and your office. Should you need any additional information from me in support of this request, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

c: Gordon Development Company, Inc.

Little & Associates, Inc.

[telefax only]

Ms. Kristen Hughes

[telefax only]

Case No.: 07-201-A	_ <u></u>
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Exhibit Sheet

Petitioner/Developer

Protestant

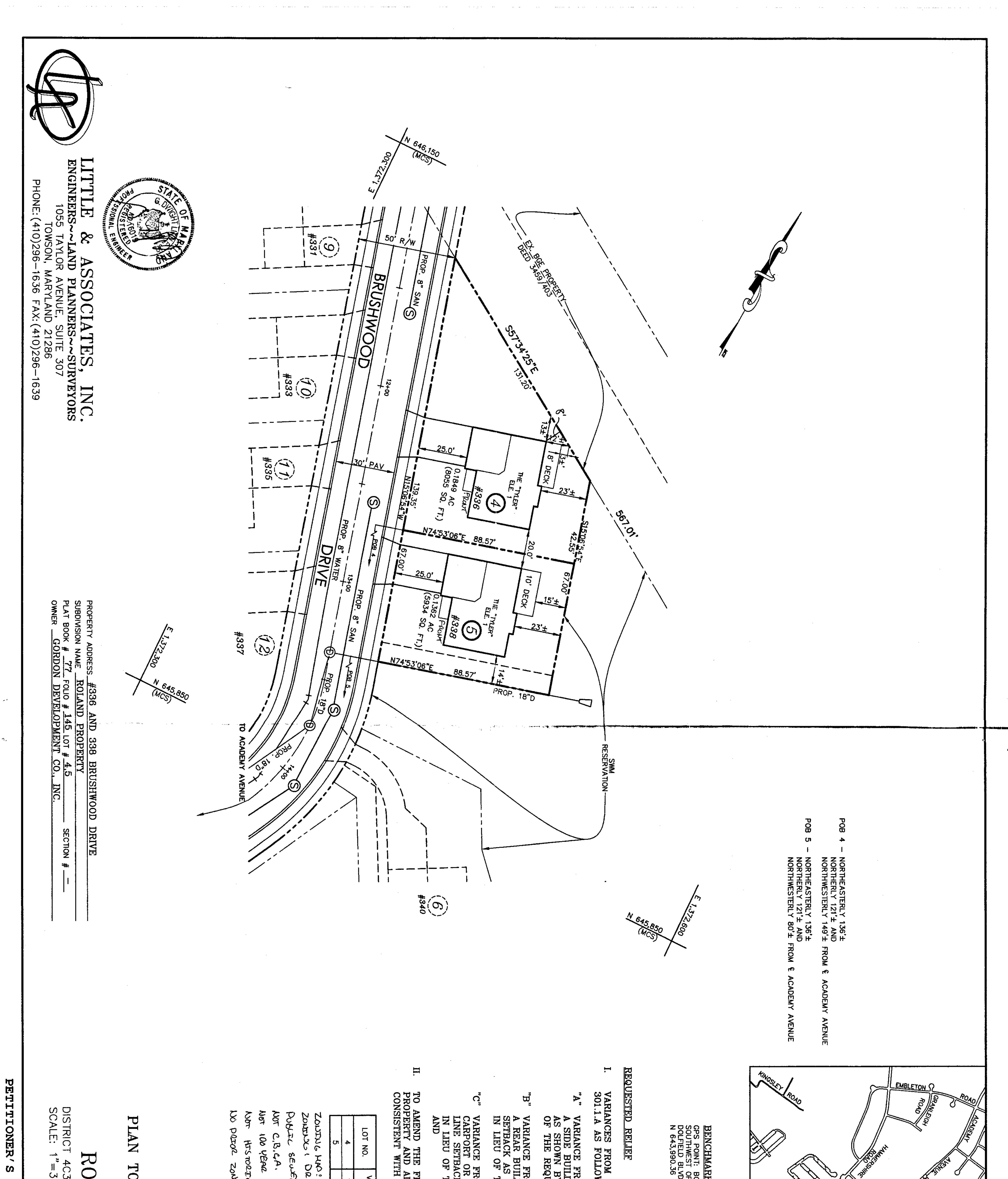
No. 2 No. 3 No. 4 No. 5 No. 6 No. 7 No. 8 No. 9	\		<u></u>
No. 3 No. 4 No. 5 No. 6 No. 7 No. 8 No. 9 No. 10 No. 11	No. 1	Site PLAN	
No. 4 No. 5 No. 6 No. 7 No. 8 No. 9 No. 10 No. 11	No. 2		
No. 4 No. 5 No. 6 No. 7 No. 8 No. 9 No. 10 No. 11	No. 3		
No. 5 No. 6 No. 7 No. 8 No. 9 No. 10 No. 11	No. 4		
No. 7 No. 8 No. 9 No. 10 No. 11	No. 5	,	
No. 7 No. 8 No. 9 No. 10 No. 11	No. 6		
No. 8 No. 9 No. 10 No. 11	No. 7		
No. 10 No. 11	No. 8		
No. 11	No. 9		
	No. 10		
	No. 11		
	No. 12		


PLEASE PRINT CLEARLY

NAME	NUMBER	
CASE	CASE	1

PETITIONER'S SIGN-IN SHEET

E- MAIL													
CITY, STATE, ZIP	3	Bultmore mi 21208	40512 am no										
ADDRESS	1055 Taylordus. 5ulk 307	W	Washinten,										
NAME	DWIGHT LITTE	in Green	Howard Alderman					-					





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 20, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

336 and 338 Brushwood Drive

INFORMATION:

Item Number:

7-201

Petitioner:

Gordon Development Company Inc.

Zoning:

DR 3.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The properties in question are two vacant lots, lots 4 and 5 in the recorded subdivision known as the Roland Property. The contract purchaser, Regional Homes of Maryland Inc. proposes a different and larger house type than the house type proposed at the time of the hearing officer's hearing. Each lot requires several variances for rear setback; lot 4 also requires a side yard setback variance to tract boundary. Additionally, lot 4 abuts a BGE right of way.

It appears that this request should also be a request for Special Hearing to amend the final development plan for the Roland Property.

If the requested variances are granted, the architectural elevation drawings must be in accordance with the drawings, house type "the Tyler" prepared by D.W. Taylor dated revised 4/21/05.

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

Prepared by:

Division Chief:

AFK/LL: CM