IN RE: **PETITION FOR VARIANCE**	*	BEFORE THE
N/S Winands Road, 286' NW c/line Dutchmill Road	*	ZONING COMMISSIONER
(8624/8626 Winands Road & 8629/8631 Windmill Road)	*	OF
2nd Election District 4th Council District	*	BALTIMORE COUNTY
Winands Ventures, LLC, *Legal Owners;* Patriot Homes, Inc., *Contract Purchaser*	*	**Case No. 07-447-A**
Petitioners	*	

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance. The Petition was filed by Winands Ventures, LLC, the legal owner, and Patriot Homes, Inc., the contract purchaser. The Variance relief from Section 1B01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) pertains to window to tract boundary setbacks, window to window setbacks, window to property line setback and building to building setbacks specified in the now superseded *Comprehensive Manual of Development Policies* (the "Old CMDP"), made applicable to the subject property because it was approved (before being divided into four lots) as Lot No. 81 of the Owings Overlook Development. The specific relief for each lot is described in the following table:

Lot No.	Variance window-tract	Variance building-tract	Variance window-window	Variance building-building	Variance window-property line
81	25 feet	25 feet	27 feet	27 feet	---
82	29 feet	29 feet	30 feet	30 feet	---
83	---	---	30 feet	30 feet	10 feet
84	---	---	27 feet	27 feet	---

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Date 8-28-07
By

Additionally, the Petitioners request approval of an amendment to the final development plan for Owings Overlook consistent with the relief requested.

Appearing at the requisite public hearing in support of this Petition were Ms. Julie Miller, on behalf of Patriot Homes, Inc., G. Dwight Little, PE, of Little & Associates, Inc., the engineering firm that prepared the site plan and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. Mr. David Green, the Fourth (4th) District Planner for the Baltimore County Office of Planning, was also in attendance as well as adjacent property owners and interested neighbors, namely; Derrick Burnett, Michele Cole-Burnett and Harry Hawkins, who live in the Owings Overlook Development. At the outset, Mr. Alderman noted that the written comments submitted by Mr. Green and referred to as the Zoning Advisory Committee (ZAC) comments were neutral as to the requested relief, other than his office's request that conditions be imposed for landscaping and screening.

The proffered testimony disclosed that the subject property is comprised of four (4) lots of record, two of which are 0.30 ± acres in size, and two of which are 0.39 ± acres in size, all presently served by public water and sewerage systems and zoned D.R.3.5. The original County Review Group (CRG) development Plan for Owings Overlook was approved by the County Review Group on August 18, 1986. A refinement to that CRG development Plan was approved on March 8, 2004 to reflect the resubdivision of Lot 81, into Lot Nos. 81, 82, 83 and 84, the four lots which are the subject of this hearing. The plan prepared by Mr. Little includes all information required by the zoning petition submission checklist and accurately depicts the subject property which was accepted into evidence as Petitioners' Exhibit 1. The evidence presented revealed that subsequent to the refinement, an amendment to the final development plan was approved and a subdivision plat, entitled "Partial Amended Plat of Owings Overlook" was recorded among the Plat Records of Baltimore County creating the four (4) lots. A reduced

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copy of that recorded Plat was introduced as Petitioners' Exhibit 3. The portions of the Old CMDP from which variance relief is sought were introduced as Petitioners' Exhibit 2.

The testimony evidenced that if the four lots comprising the subject property *were not part of the Owings Overlook Development*, no zoning relief would be necessary because the lots and the improvements proposed on each lot meet all currently adopted provisions of the B.C.Z.R. The developmental approval of the four subject lots and the recordation of the partial, amended subdivision Plat pre-dated the adoption of County Council Bill No. 24-06 which modified the procedures for amendments to development plans and applicability of current regulations. That legislation, which modified Section 32-4-262 of the *Baltimore County Code,* provides that:

> Section 32-4-262.(2) – "Any **material amendment** to an approved residential Development Plan or plat shall be reviewed in accordance with this title, and with respect to that portion of the original plan or plat to which the amendment pertains, **the amendment shall be reviewed for compliance with all current law and regulations, including the development regulations and the zoning regulations.**" (Emphases added.)

Since the resubdivision of Lot No. 81 into the four subject lots was determined in 2004 to be a non-material amendment, the Office of Zoning required the Petitioners to seek relief from the above-described provisions of the Old CMDP. It was clear from the proffered testimony and evidence that to permit the subject property to be improved with single-family dwellings that are consistent with the other newly constructed homes in the area the requested relief should be granted.

The citizens in attendance were not opposed to the relief requested, although they have enjoyed for years existing, mature trees and the view of the undeveloped and partially wooded subject property. Consistent with the view of the citizens and as noted above, the Office of Planning submitted a ZAC comment, dated August 10, 2007, that requested a condition that compact, dense screening and a wood privacy fence be installed along the eastern property line.

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The citizens in attendance were in agreement with that comment but desired to discuss with the Petitioners and their representatives the type and extent of screening they believed appropriate and desired consideration of the existing mature vegetation. A short break was taken to allow such discussion. At the resumption of the hearing, Mr. Alderman presented a marked-up copy of the Petitioners' site plan. As marked, this plan depicted the community's desired extent of evergreen landscaping, which comprises approximately 240 feet of the eastern property line of the subject property. The citizens recognized that several of the larger trees on the subject property would have to be removed in the placement and construction of the homes and driveways. To address the citizens' concerns, a note was added that the builder/developer should preserve existing, mature trees, to the extent possible after consultation with the County's landscape architect. With the notes that were added to the plan and the defined limits of the landscaping to be added to the Petitioners' property (not on the adjoining properties), the citizens were satisfied with the proposed homes and relief requested. To ensure that the adjoining properties retain a view of the landscaping to be retained and installed, no privacy fence will be required. The marked-up plan was accepted into evidence as Petitioners' Exhibit 4.

With respect to the comments of the Office of Planning regarding screening along the western property line and along the common, interior property line, G. Dwight Little, P.E. offered testimony in response. Unknown to the Office of Planning is that Patriot Homes, Inc. will be constructing the homes on the lots to the west, shown on Petitioners' Exhibits 1 & 4 as the "Ostendorf Property". In Mr. Little's professional opinion, given that the same builder will be constructing homes on both properties, boundary line and interior landscaping and widow to window relationships are best decided by the home purchasers. Upon learning of the common builder, Mr. Green advised me that he concurred with Mr. Little's assessment.

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I am persuaded, based on the evidence and testimony presented, that variance relief from the requirements from the Old CMDP should be granted, if certain conditions are applied. These new homes are designed and located to comply with all present day requirements of the B.C.Z.R. To deny the requested relief and force compliance with outdated requirements would unduly burden the Petitioners and result in less than a compatible development.

The evidence and proffered testimony were substantial that the history of the subject property and its required compliance with outdated and superseded standards render it unique to other similarly zoned property being developed in the community. The lots exist, having been previously approved by a non-material amendment to a CRG development Plan and recorded; therefore the requested relief will not result in any increase of residential density. As acknowledged by Mr. Little, the relief requested is the minimum relief necessary to permit the development of these lots and that the landscaping and tree retention conditions described below, as requested by the community, ensure that justice is done to the Petitioners and to the owners in the area. The spirit and intent of the B.C.Z.R. will be observed by permitting homes that comply with present day requirements and homes that are compatible with other homes in the area.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 28th day of August, 2007, that the Petition for Variance seeking relief from Section 1B01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and applicable Comprehensive Manual of Development Policies (CMDP): i) to permit a window to tract boundary setback of 25 feet for Lot No. 81 and 29 feet for Lot No. 82 in lieu of the 35 feet required; ii) to permit a building to tract setback of 25 feet for Lot No. 81 and 29 feet for Lot No. 82 in lieu of the 30 feet required; iii) to permit a window to window setback of 27 feet for Lot

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No. 81, 30 feet for Lot No. 82, 30 feet for Lot No. 83 and 27 feet for Lot No. 84 in lieu of the 40 feet required; iv) to permit a building to building setback of 27 feet for Lot No. 81, 30 feet for Lot No. 82, 30 feet for Lot No. 83 and 27 feet for Lot No. 84 in lieu of the 40 feet required; and v) to permit a window to property line setback of 10 feet in lieu of 15 feet required for Lot No. 83, in accordance with Petitioners' Exhibits 1 and 4, be and are hereby GRANTED, subject to the following restrictions:

1) Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The Developer shall, to the extent possible, save existing, mature trees after consultation with Avery Harden, Baltimore County Landscape Architect, prior to grading the lot(s).

3) As depicted on Petitioners' Exhibit 4, there shall be 240 feet of landscaping installed on the subject property parallel to the eastern property line, consistent with the location shown on that Exhibit and the applicable Note contained thereon.

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

IT IS FURTHER ORDERED that the Final Development Plan for Owings Overlook and all prior amendments thereto be amended consistent with the relief granted herein.

Any appeal of this decision must be made within thirty (30) days of the date of the Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 8-28-07
By

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 28, 2007

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
502 Washington Avenue, Suite 800
Towson, Maryland 21204

RE: **PETITION FOR VARIANCE**
N/S Winands Road, 286' NW c/line Dutchmill Road
(8624/8626 Winands Road & 8629/8631 Windmill Road)
2nd Election District - 4th Council District
Winands Ventures, LLC, *Legal Owners;*
Patriot Homes, Inc., *Contract Purchaser* - Petitioners
Case No. 07-447-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 restrictions in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Julie Miller, Patriot Homes, Inc., 10211 Wincopin Cicle, Suite 300, Columbia, Md. 21044
G. Dwight Little, P.E., Little & Associates, Inc., 1055 Taylor Avenue, Suite 307, Towson, Md. 21286
Derrick Burnett & Michele Cole-Burnett, 8627 Windmill Road, Randallstown, Md. 21133
Harry Hawkins, 4115 Windmill Circle, Randallstown, Md. 21133
Avery Harden, Baltimore County Landscape Architect, PDM
People's Counsel; David Green, Office of Planning; File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8624&8626 Windands Rd/8629&8631 Windmill Road

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)

SEE ATTACHED

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:

PATRIOT HOMES, INC.
Name - Type or Print

By: Mark O. Topf
Signature

10211 WINCOPIN CIRCLE, SUITE 300 410-423-0470
Address Telephone No.

COLUMBIA MD 21044
City State Zip Code

Legal Owner(s):

WINANDS VENTURES, LLC
Name - Type or Print

By:
Signature

Cindy Huntzberry
Name - Type or Print

Signature 10211 Wincopin Circle Suite 180
~~113 WESTMINSTER ROAD, SUITE 200 (410) 833-3700~~

Address Columbia 410-423-0418 Telephone No.
~~REISTERSTOWN~~ MD ~~21136~~ 21044
State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire
Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor
Company

502 Washington Avenue 410-321-0600
Address Telephone No.

Towson, MD 21204
City State Zip Code

Representative to be Contacted:

G. DWIGHT LITTLE, PE LITTLE & ASSOCIATES, INC.
Name

1055 TAYLOR AVENUE, SUITE 307 410-296-1636
Address Telephone No.

TOWSON MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CTM Date 4/13/07

Case No. 07-447-A

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 8-28-07
By DW

Attachment 1
PETITION FOR VARIANCE

CASE NO: 07- -A

Address: 8624 & 8626 Winands Road
8629 & 8631 Wndmill road
Legal Owners: Winands Ventures, LLC
Contract Purchaser: Patriot Homes, Inc.

REQUESTED RELIEF:

I. Variances from BCZR§ 1B01.2.C.2 and the applicable CMDP (as previously adopted and applicable to this development) as follows:

"A" Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.5.a (as previously adopted and applicable to this development) to permit a window to tract boundary setback as shown by lot in the Table below in lieu of the 35 feet required; and

"B" Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.5.b (as previously adopted and applicable to this development) to permit a building to tract boundary setback as shown by lot in the Table below in lieu of the 30 feet required; and

"C" Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.6.c (as previously adopted and applicable to this development) to permit a window to window setback as shown by lot in the Table below in lieu of the 40 feet required; and

"D" Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.3.b (as previously adopted and applicable to this development) to permit a building to building setback as shown by lot in the Table below in lieu of the 40 feet required; and

"E" Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.6.b (as previously adopted and applicable to this development) to permit a window to property line setback as shown by lot in the Table below in lieu of the 15 feet required; and

II. To amend the final development plan for Owings Overlook and all prior amendments thereto consistent with the relief granted.

447

JUSTIFICATION:

A. Irregularly shaped lots;
B. Existing topographic and environmental constraints; and
C. For such further reasons that will be presented at the hearing on this Petition.

VARIANCE TABLE:

Lot No.	Variance A	Variance B	Variance C	Variance D	Variance E
81	25 feet	25 feet	27 feet	27 feet	---
82	29 feet	29 feet	30 feet	30 feet	---
83	---	---	30 feet	30 feet	10 feet
84	---	---	27 feet	27 feet	---

447

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8624&8626 Windands Rd/8629&8631 Windmill Road

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)

SEE ATTACHED

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:

PATRIOT HOMES, INC.
Name - Type or Print

By: Mark O. Topf
Signature

10211 WINCOPIN CIRCLE, SUITE 300 — 410-423-0470
Address — Telephone No.

COLUMBIA — MD — 21044
City — State — Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire
Name - Type or Print

Howard L. Alderman Jr.
Signature

Levin & Gann, PA Nottingham Centre, 8th Floor
Company

502 Washington Avenue — 410-321-0600
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

Legal Owner(s):

WINANDS VENTURES, LLC
Name - Type or Print

By: Cindy Huntzberry
Signature

Cindy Huntzberry
Name - Type or Print

Signature
10211 Wincopin Circle 410-423-0418
~~113 WESTMINSTER ROAD, SUITE 200~~ ~~(410) 833-3700~~
Address — Telephone No.

Columbia MD
~~REISTERSTOWN~~ ~~MD~~ ~~21136~~ 21044
City — State — Zip Code

Representative to be Contacted:

G. DWIGHT LITTLE, PE LITTLE & ASSOCIATES, INC.
Name

1055 TAYLOR AVENUE, SUITE 307 — 410-296-1636
Address — Telephone No.

TOWSON — MD — 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM Date 9/13/07

Case No. 07-447-A

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 8-28-07
By DW

Attachment 1
PETITION FOR VARIANCE

CASE NO: 07- - A

Address:	8624 & 8626 Winands Road 8629 & 8631 Wndmill road
Legal Owners:	Winands Ventures, LLC
Contract Purchaser:	Patriot Homes, Inc.

REQUESTED RELIEF:

I. Variances from BCZR§ 1B01.2.C.2 and the applicable CMDP (as previously adopted and applicable to this development) as follows:

"**A**" Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.5.a (as previously adopted and applicable to this development) to permit a window to tract boundary setback as shown by lot in the Table below in lieu of the 35 feet required; and

"**B**" Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.5.b (as previously adopted and applicable to this development) to permit a building to tract boundary setback as shown by lot in the Table below in lieu of the 30 feet required; and

"**C**" Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.6.c (as previously adopted and applicable to this development) to permit a window to window setback as shown by lot in the Table below in lieu of the 40 feet required; and

"**D**" Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.3.b (as previously adopted and applicable to this development) to permit a building to building setback as shown by lot in the Table below in lieu of the 40 feet required; and

"**E**" Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.6.b (as previously adopted and applicable to this development) to permit a window to property line setback as shown by lot in the Table below in lieu of the 15 feet required; and

II. To amend the final development plan for Owings Overlook and all prior amendments thereto consistent with the relief granted.

JUSTIFICATION:

A. Irregularly shaped lots;
B. Existing topographic and environmental constraints; and
C. For such further reasons that will be presented at the hearing on this Petition.

VARIANCE TABLE:

Lot No.	Variance A	Variance B	Variance C	Variance D	Variance E
81	25 feet	25 feet	27 feet	27 feet	---
82	29 feet	29 feet	30 feet	30 feet	---
83	---	---	30 feet	30 feet	10 feet
84	---	---	27 feet	27 feet	---

447

Description to Accompany Petition
for Zoning Variance Hearing

#8624 Winands Road
Second Election District
Fourth Councilmanic District
Baltimore County, Maryland

Beginning for the same at a point on the north side of Winands Road (70 feet wide), said point being 286 feet northwest of the centerline of Dutch Mill Road (50 feet wide). Being known and designated as Lot 84 as shown on the plat entitled "Partial Amended Plat of Owings Overlook", which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 78, Folio 05; containing 0.299 of an acre of land, more or less.

STATE OF MARYLAND
PATTIANNE SMITH
No. 21267
PROFESSIONAL LAND SURVEYOR
7-19-06

447

Description to Accompany Petition
for Zoning Variance Hearing

#8626 Winands Road
Second Election District
Fourth Councilmanic District
Baltimore County, Maryland

Beginning for the same at a point on the north side of Winands Road (70 feet wide), said point being 356 feet northwest of the centerline of Dutch Mill Road (50 feet wide). Being known and designated as Lot 81 as shown on the plat entitled "Partial Amended Plat of Owings Overlook", which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 78, Folio 05; containing 0.394 of an acre of land, more or less.

STATE OF MARYLAND
PATTIANNE SMITH
No. 21267
PROFESSIONAL LAND SURVEYOR
7-19-06

Description to Accompany Petition
for Zoning Variance Hearing

#8629 Windmill Road
Second Election District
Fourth Councilmanic District
Baltimore County, Maryland

Beginning for the same at a point on the south side of Windmill Road (60 feet wide), said point being where the centerline of Windmill Circle (50 feet wide) intersects said south side of Windmill Road. Being known and designated as Lot 83 as shown on the plat entitled "Partial Amended Plat of Owings Overlook", which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 78, Folio 05; containing 0.299 of an acre of land, more or less.

STATE OF MARYLAND
PATTIANNE SMITH
No. 21267
PROFESSIONAL LAND SURVEYOR
7-19-06

Description to Accompany Petition
for Zoning Variance Hearing

#8631 Windmill Road
Second Election District
Fourth Councilmanic District
Baltimore County, Maryland

Beginning for the same at a point on the south side of Windmill Road (60 feet wide), said point being where the centerline of Windmill Circle (50 feet wide) intersects said south side of Windmill Road. Being known and designated as Lot 82 as shown on the plat entitled "Partial Amended Plat of Owings Overlook", which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 78, Folio 05; containing 0.394 of an acre of land, more or less.

STATE OF MARYLAND
PATTIANNE SMITH
No. 21267
PROFESSIONAL LAND SURVEYOR
7-19-06

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 26611

DATE 4/3/07 ACCOUNT R001 006 6150

AMOUNT $ 325 00

RECEIVED FROM: CENTURY FAMILY OF BUILDERS

FOR: 07-447-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTIVITY	TIME	REF
4/03/2007	4/03/2007	10:27:19	4

ACCOUNT NAME
RECEIPT # 54727 4/03/2007 CLU
dept 5 029 DEPOSIT VERIFICATION
CR NO. 026611
Receipt Tot 325.00
325.00 CR 0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

August 9, 2007

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

Dear Mr. Alderman:

RE: Case Number: 07-447-A, 8624 & 8626 Winands Road, 8629 & 8631 Windmill Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 13, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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
Ms. Huntzberry Winands Ventures, LLC 10211 Wincopin Circle, Suite 180 Columbia 21044
Patriot Homes, Inc. 10211 Wincopin Circle, Suite 300 Columbia 21044

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 16, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For April 16, 2007
Item Nos. 07-440, 442, 444, 445, 446, 447, 448, 451, and 452

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-04132007.doc

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: April 9, 2007

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

RE: Baltimore County
Item No. 7-447-A
8624 & 8626 Winands Rd
8629 & 8631 " "
Winands Wentries

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. 7-447-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,

Michael P. Bailey
For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

From: Curtis Murray
To: Wiley, Debra
Date: 08/09/07 4:06:09 PM
Subject: Re: Planning Comment for Bill - 8/13 Hearing

Debbie,

I will coordinate with Dave Green as he is the area planner for this case and get comments to you.

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
410-887-3480
Fax: 410-887-5862
cjmurray@co.ba.md.us

>>> Debra Wiley 08/09/07 3:53 PM >>>
Hi Curtis,

Bill is conducting a hearing Monday, 8/13 @ 11 AM and we do not have a Planning comment for the following:

07-447-A
8624 & 8625 Winands Rd., 8629 & 8631 Windmill Rd.
N/side of Winands Rd., 286 feet northwest of c/line Dutchmill Rd.
2nd Election District - 4th Council District
Legal Owner(s): Winands Ventures, LLC
Contract Purchaser: Patriot Homes, Inc.

Thanks!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Comments Rec'd	8/9
DPR ✓	
SHA ✓	
FD ✓	
DP ✓ (tabled)	Rec'd 8/13
Notice ✓	
Posting ✓	
~~PC Appearance~~ ✓	

From: Debra Wiley
To: Murray, Curtis
Date: 08/09/07 3:53:11 PM
Subject: Planning Comment for Bill - 8/13 Hearing

Hi Curtis,

Bill is conducting a hearing Monday, 8/13 @ 11 AM and we do not have a Planning comment for the following:

07-447-A
8624 & 8625 Winands Rd., 8629 & 8631 Windmill Rd.
N/side of Winands Rd., 286 feet northwest of c/line Dutchmill Rd.
2nd Election District - 4th Council District
Legal Owner(s): Winands Ventures, LLC
Contract Purchaser: Patriot Homes, Inc.

Thanks!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

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

April 10, 2007

ATTENTION: Zoning Review planners

Distribution Meeting of: April 9, 2007

Item No.: 439, 440, 441, 442, 443, 445, 446, 447, 448, 449, 450, 451, 452, and 453.

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

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

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

cc: File

Case No.: 07-447 A 8624 & 8626 8629 & 8631 WINDMILL RD

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site Plan Owings Overlook	Overhead Aerial Dipiction of Trees
No. 2	CMDP Applicable Regulations	
No. 3	Reduced Version of Record Plat Depicting 4 Lots	
No. 4	Modifications to Petitioner No. 1 - Landscape screening on Western boundary.	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PROTESTANT'S

EXHIBIT NO. 1

Case No.: 07-447 A 8624 & 8626 / 8629 & 8631 WINDMILL RD

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site Plan Owings Overlook	Overhead Aerial Dipiction of Trees
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No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

8624 Winands Rd et al

CASE NAME Winands Ventures Property
CASE NUMBER 07-447-A
DATE 13 Aug 07

PLEASE PRINT CLEARLY

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Howard L. Alderman, Jr., Esquire	Levin & Gann, PA Suite 800	TOWSON, MD 21204	halderman@LevinGann.com
[redacted]	502 Washington Avenue	[redacted]	[redacted]
G. DWIGHT LITTLE, PE	Little & Assoc, Inc	Towson MD 21286	
	1055 Taylor Ave Suite 307		
Julie Miller	Patriot Homes		
	10211 Wincopin Circle	Columbia	

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DERRICK BURNETT	8627 WINDMILL RD.	RANDALLSTOWN MD, 21133	ABJDBG@COMCAST.NE
Michele Cole-Burnett	8627 Windmill Rd	Randallstown MD. 21133	AVONLADY1264@comcast.net
HARRY HAWKINS	4115 WINDMILL CIR.	RANDALLSTOWN MD 21133	

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 10, 2007

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

SUBJECT: 8624 & 8626 Winands Road and 8629 & 8631 Windmill Road

INFORMATION:

Item Number: 7-447

Petitioner: Winands Ventures, LLC

Zoning: DR 3.5

Requested Action: Variance

RECEIVED
AUG 13 2007
BY:

SUMMARY OF RECOMMENDATIONS:

An inspection of the proposed site revealed that the petitioner's request for variances could be mitigated with effective screening (landscaping). As such, the petitioner should:

1. Provide compact dense evergreen screening along the propose site's western property line to mitigate the impact of variance A and B.
2. Provide screening along the common property line and offset windows so as not to be facing each other to mitigate variance C and D.
3. Provide compact dense evergreen screening and wood privacy fence along the eastern property line to effectively screen the proposed site from existing lots (8627 and 8625 Windmill Road) and thus mitigate the impact of variance E.

The Office of Planning recommends that the petitioner's requests for variance be approved provided the aforementioned items are addressed. The petitioner must submit a landscape plan reflecting the aforementioned to the Office of Planning for approval prior to applying for any building permits.

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

Reviewed by: Cindy Murray

Division Chief: Lynn Lolar
AFK/LL: CM

W:\DEVREV\ZAC\7-447.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 10, 2007

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

SUBJECT: 8624 & 8626 Winands Road and 8629 & 8631 Windmill Road

INFORMATION:

Item Number: 7-447

Petitioner: Winands Ventures, LLC

Zoning: DR 3.5

Requested Action: **Variance**

SUMMARY OF RECOMMENDATIONS:

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

Reviewed by: Cindy Murray

Division Chief: Lynn Lolar
AFK/LL: CM

W:\DEVREV\ZAC\7-447.doc

CERTIFICATE OF POSTING

RE: Case No.: 07-447-A

Petitioner/Developer: PATRIOT HOMES, LLC.

Date of Hearing/Closing: ~~JUNE 27, 2007~~ AUGUST 13, 2007

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

#8624/26 WINANDS ROAD & #8629/31 WINDMILL ROAD

The sign(s) were posted on ~~JUNE 11, 2007~~ JULY 27, 2007
(Month, Day, Year)

Sincerely,

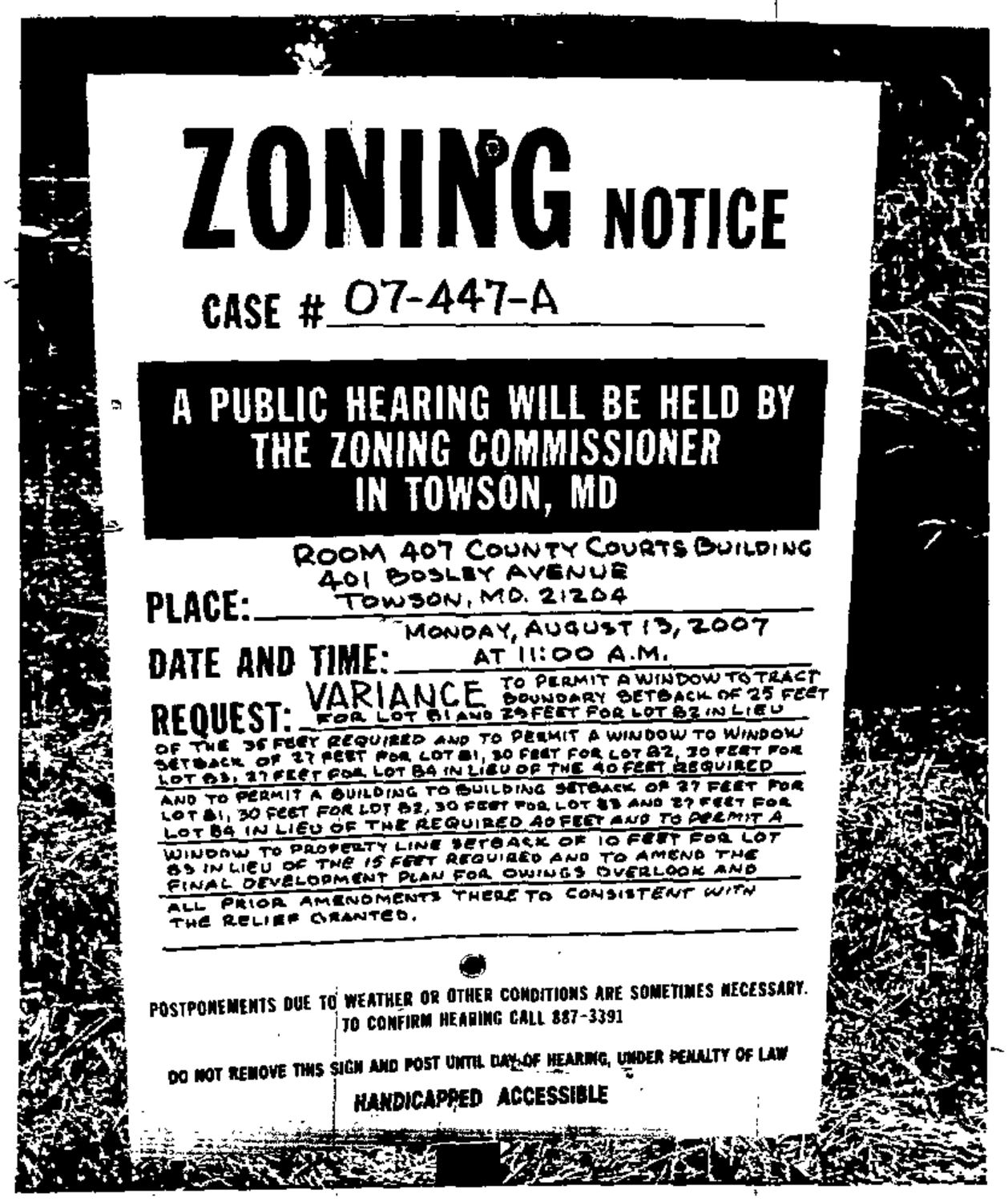
Garland E. Moore
(Signature of Sign Poster and Date)

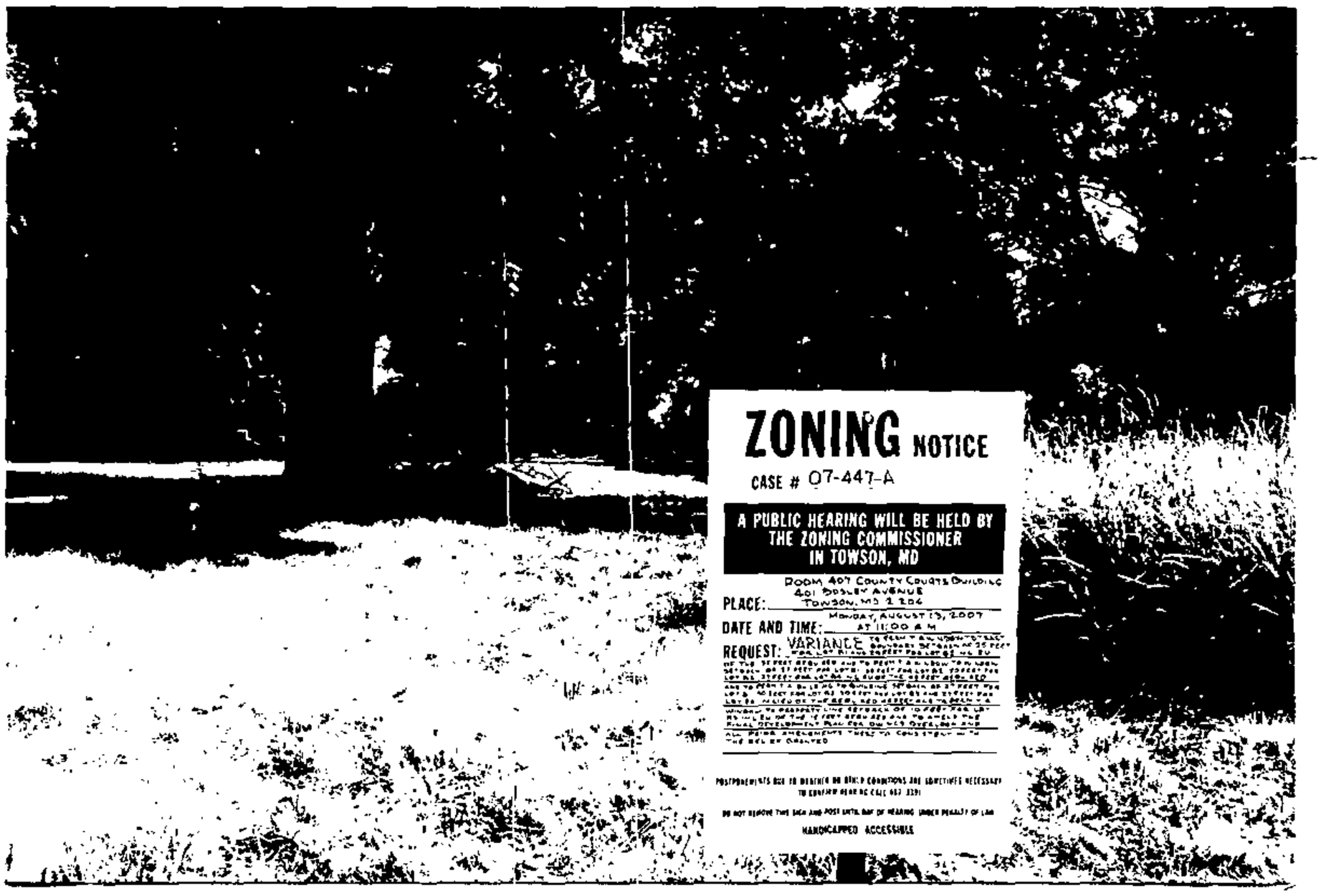
GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)




ZONING NOTICE
CASE # 07-447-A
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD
PLACE:
DATE AND TIME:
REQUEST: VARIANCE
HANDICAPPED ACCESSIBLE

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: #07-447-A
8624 & 8626 Winands Road, 8629 & 8631 Windmill Road
N/side of Winands Road, 286 feet northwest of centerline of Dutchmill Road
2nd Election District - 4th Councilmanic District
Legal Owner(s): Winands Ventures, LLC
Contract Purchaser: Patriot Homes, Inc.

Variance: to permit a window to tract boundary setback of 25 feet for Lot 81 and 29 feet for Lot 82 in lieu of the 35 feet required and to permit a window to window setback of 27 feet for Lot 81, 30 feet for Lot 82, 30 feet for Lot 83, 27 feet for Lot 84 in lieu of the 40 feet required and to permit a building to building setback of 27 feet for Lot 81, 30 feet for Lot 82, 30 feet for Lot 83 and 27 feet for Lot 84 feet in lieu of the required 40 feet required and to permit a window to property line setback of 10 feet for Lot 83 in lieu of the 15 feet required and to amend the final development plan for Owings Overlook and all prior amendments thereto consistent with the relief granted.

Hearing: Monday, August 13, 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 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.

7/331 July 26 143043

CERTIFICATE OF PUBLICATION

7/26/, 2007

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 7/26/, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

RE: PETITION FOR VARIANCE 8624/8626 Winands Rd & 8629/8631 Windmill Rd N/S Windands Rd, 286' NW c/line Dutchmill* 2nd Election & 4th Councilmanic Districts Legal Owner(s): Winands Ventures, LLC Contract Purchaser(s): Patriot Homes, Inc Petitioner(s)	* * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-447-A

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and documentation filed in the case.

RECEIVED
APR 16 2007
Per.....

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 16th day of April, 2007, a copy of the foregoing Entry of Appearance was mailed Dwight Little, c/o Little & Associates, Inc, 1055 Taylor Avenue, Suite 305, Towson, MD 21286 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204 , Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY

MARYLAND

May 18, 2007

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: 07-447-A
8624 & 8626 Winands Road, 8629 & 8631 Windmill Road
N/side of Winands Road, 286 feet northwest of centerline of Dutchmill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Winands Ventures, LLC
Contract Purchaser: Patriot Homes, Inc.

Variance to permit a window to tract boundary setback of 25 feet for Lot 81 and 29 feet for Lot 82 in lieu of the 35 feet required and to permit a window to window setback of 27 feet for Lot 81, 30 feet for Lot 82, 30 feet for Lot 83, 27 feet for Lot 84 in lieu of the 40 feet required and to permit a building to building setback of 27 feet for Lot 81, 30 feet for Lot 82, 30 feet for Lot 83 and 27 feet for Lot 84 feet in lieu of the required 40 feet required and to permit a window to property line setback of 10 feet of 10 feet for Lot 83 in lieu of the 15 feet required and to amend the final development plan for Owings Overlook and all prior amendments thereto consistent with the relief granted.

Hearing: Monday, August 13, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Fl., Towson 21204
Ms. Huntzberry, Winands Ventures, LLC, 10211 Wincopin Circle, Ste. 180, Columbia 21044
Patriot Homes, Inc., 10211 Wincopin Circle, Ste. 300, Columbia 21044

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 28, 2007.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 26, 2007 Issue - Jeffersonian

Please forward billing to:
Winands Ventures, LLC c/o Kelly Thomasello 410-423-0470
10211 Wincopin Circle, Ste. 300
Columbia, MD 21044

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:

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8624 & 8626 Winands Road, 8629 & 8631 Windmill Road
N/side of Winands Road, 286 feet northwest of centerline of Dutchmill Road
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Contract Purchaser: Patriot Homes, Inc.

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Hearing: Monday, August 13, 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.

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

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)

June 8, 2007

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME	TELEFAX NO.
Timothy M. Kotroco, Director	410-887-5708
William J. Wiseman, III, Zoning Commissioner	410-887-3468
c: Mark D. Tofil, Div. President	410-423-0459
G. Dwight Little, Jr., PE	410-296-1639
Ms. Kristen Matthews	410-887-5708

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 2

CLIENT/MATTER: Case No. **07-477-A**
Scheduled Hearing: June 27, 2007 @ 2:00 p.m.

COMMENTS: **Gentlemen: Dwight Little is not available on the re-scheduled date. I request to reschedule follows. Thank you.**

[x] ORIGINAL WILL BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible.
My return FAX Number is (410) 296-2801.

WARNING: UNAUTHORIZED INTERCEPTION OF THIS TELEFAX COMMUNICATION
COULD BE A VIOLATION OF FEDERAL AND MARYLAND LAW.

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for expenses. Thank You.

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

June 8, 2007

Kristen: OK to postpone JMK

VIA TELEFAX & REGULAR MAIL

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

William J. Wiseman, III, Esquire
Baltimore County Zoning Commissioner
410 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: 8624 & 8626 Winands Road; 8629 & 8631 Wndmill road
Legal Owners: Winands Ventures, LLC
Contract Purchaser: Patriot Homes, Inc.
Case No. **07-477-A** 07-447-A
Scheduled Hearing: June 27, 2007 @ 2:00 p.m.
Request for Postponement and Immediate Rescheduling

Dear Messrs. Wiseman and Kotroco:

This hearing was rescheduled previously due to a conflict in Mr. Wiseman's schedule. Upon receiving the revised hearing date, our engineer/expert, G. Dwight Little, Jr., P.E., has advised that he is unavailable on June 27, 2007. Therefore, I respectfully request that the hearing on the above-referenced case be **postponed** and that it be **rescheduled as soon as possible. If Kristen will contact me before rescheduling the hearing I will ensure that the date is clear with all concerned.**

Thank you and please contact me if there is any problem with this request.

Very truly yours,

Howard L. Alderman, Jr./mw

Howard L. Alderman, Jr.

HLA/gk
c: Mark D. Tofil, Div. President (**via telefax only**)
G. Dwight Little, Jr., PE (**via telefax only**)
Ms. Kristen Matthews (**via telefax only**)

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

June 8, 2007

VIA TELEFAX & REGULAR MAIL

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

William J. Wiseman, III, Esquire
Baltimore County Zoning Commissioner
410 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: 8624 & 8626 Winands Road; 8629 & 8631 Wndmill road
Legal Owners: Winands Ventures, LLC
Contract Purchaser: Patriot Homes, Inc.
~~Case No. 07-477-A~~ 07-447-A
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Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
c: Mark D. Tofil, Div. President (**via telefax only**)
G. Dwight Little, Jr., PE (**via telefax only**)
Ms. Kristen Matthews (**via telefax only**)

Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.5.a (as previously adopted and applicable to this development) to permit a window to tract boundary setback ~~as shown by lot in the Table below~~ in lieu of the 35 feet required; and

OF 25' FOR LOT 81 AND 29' FOR LOT 82

Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.5.b (as previously adopted and applicable to this development) to permit a building to tract boundary setback ~~as shown by lot in the Table below~~ in lieu of the 30 feet required; and

OF 29' FOR LOT 82

Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.6.c (as previously adopted and applicable to this development) to permit a window to window setback ~~as shown by lot in the Table below~~ in lieu of the 40 feet required; and

OF 27' FOR LOT 81, 30' FOR LOT 82, 30' FOR LOT 83, 27' FOR LOT 84

Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.3.b (as previously adopted and applicable to this development) to permit a building to building setback ~~as shown by lot in the Table below~~ in lieu of the 40 feet required; and

OF 27' FOR LOT 81, 30' FOR LOT 82, 30' FOR LOT 83
27' FOR LOT 84

Variances from BCZR§ 1B01.2.C.2 and CMDP §V.B.6.b (as previously adopted and applicable to this development) to permit a window to property line setback ~~as shown by lot in the Table below~~ in lieu of the 15 feet required; and

OF 10' FOR LOT 83

AND TO AMEND . . . . .

BALTIMORE COUNTY

MARYLAND

May 18, 2007

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: 07-447-A
8624 & 8626 Winands Road, 8629 & 8631 Windmill Road
N/side of Winands Road, 286 feet northwest of centerline of Dutchmill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Winands Ventures, LLC
Contract Purchaser: Patriot Homes, Inc.

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Hearing: Wednesday, June 27, 2007 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Fl., Towson 21204
Ms. Huntzberry, Winands Ventures, LLC, 10211 Wincopin Circle, Ste. 180, Columbia 21044
Patriot Homes, Inc., 10211 Wincopin Circle, Ste. 300, Columbia 21044

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 12, 2007.**
(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.

NOTICE OF ZONING HEARING

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Hearing: Wednesday, June 27, 2007 at 2:00 p.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 6/670 June 12 138438

Changed made per B. Wiseman's request.
5/18/07

CERTIFICATE OF PUBLICATION

6/14/, 2007

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 6/12/, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 12, 2007 Issue - Jeffersonian

Please forward billing to:
Winands Ventures, LLC c/o Kelly Thomasello 410-423-0470
10211 Wincopin Circle, Ste. 300
Columbia, MD 21044

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: 07-447-A
8624 & 8626 Winands Road, 8629 & 8631 Windmill Road
N/side of Winands Road, 286 feet northwest of centerline of Dutchmill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Winands Ventures, LLC
Contract Purchaser: Patriot Homes, Inc.

Variance to permit a window to tract boundary setback of 25 feet for Lot 81 and 29 feet for Lot 82 in lieu of the 35 feet required and to permit a window to window setback of 27 feet for Lot 81, 30 feet for Lot 82, 30 feet for Lot 83, 27 feet for Lot 84 in lieu of the 40 feet required and to permit a building to building setback of 27 feet for Lot 81, 30 feet for Lot 82, 30 feet for Lot 83 and 27 feet for Lot 84 feet in lieu of the required 40 feet required and to permit a window to property line setback of 10 feet of 10 feet for Lot 83 in lieu of the 15 feet required and to amend the final development plan for Owings Overlook and all prior amendments thereto consistent with the relief granted.

Hearing: Wednesday, June 27, 2007 at 2:00 p.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.

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

May 9, 2007

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

NOTICE OF ZONING HEARING

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Hearing: Thursday, June 28, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Fl., Towson 21204
Ms. Huntzberry, Winands Ventures, LLC, 10211 Wincopin Circle, Ste. 180, Columbia 21044
Patriot Homes, Inc., 10211 Wincopin Circle, Ste. 300, Columbia 21044

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 13, 2007.**
(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.

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ZONING COMMISSIONER FOR BALTIMORE COUNTY

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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: 07-447-A

Petitioner: WINANDS VENTURES, LLC.

Address or Location: #8624 AND #8626 WINANDS ROAD
#8629 AND #8631 WINDMILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: WINANDS VENTURES, LLC. C/O KELLY THOMASELLO

Address: 10211 WINCOPIN CIRCLE, SUITE 300
COLUMBIA, MD 21044

Telephone Number: 410-423-0470

Revised 2/20/98 - SCJ

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

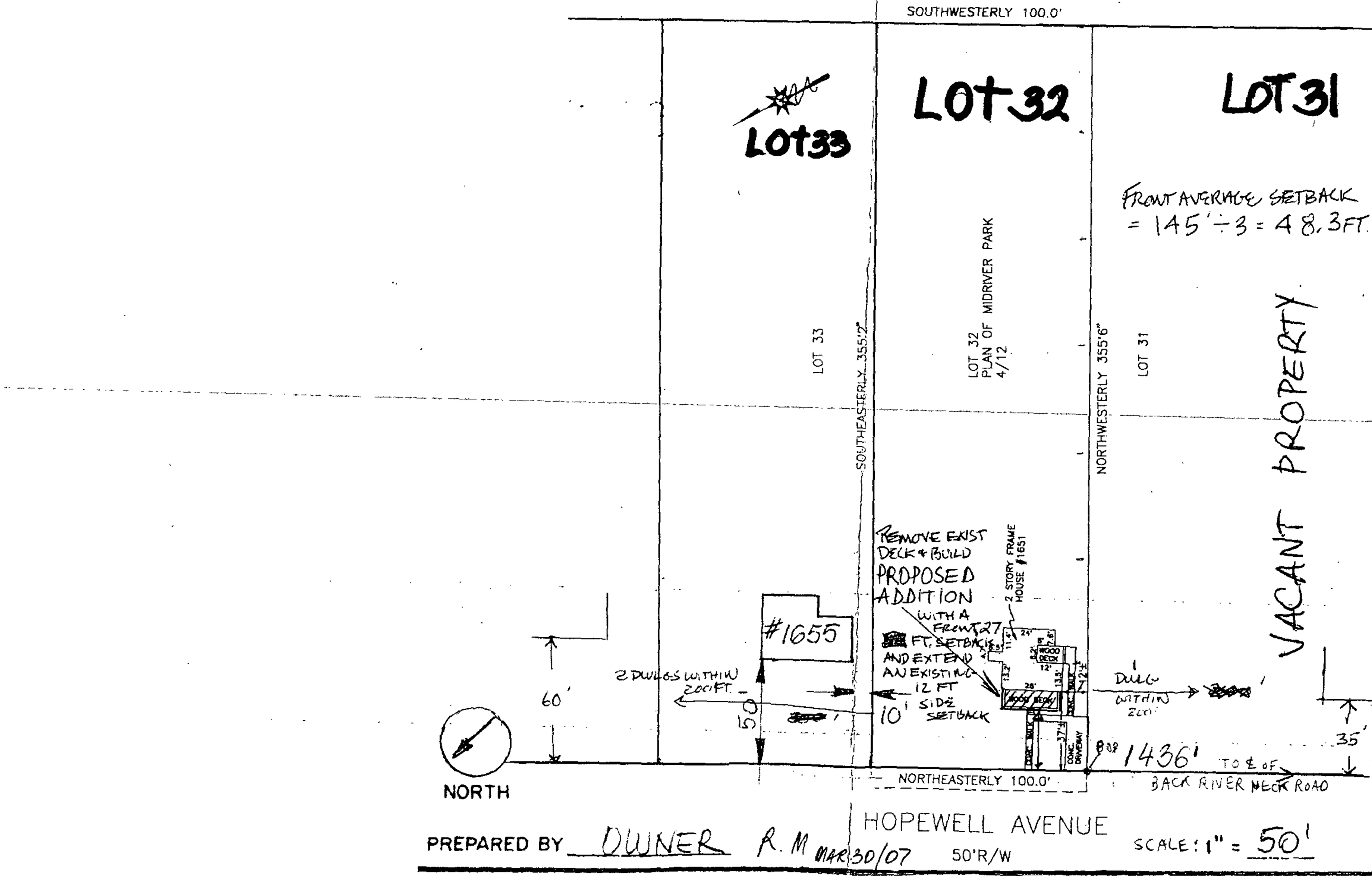
PROPERTY ADDRESS 1651 HOPEWELL AVE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME MIDRIVER PARK

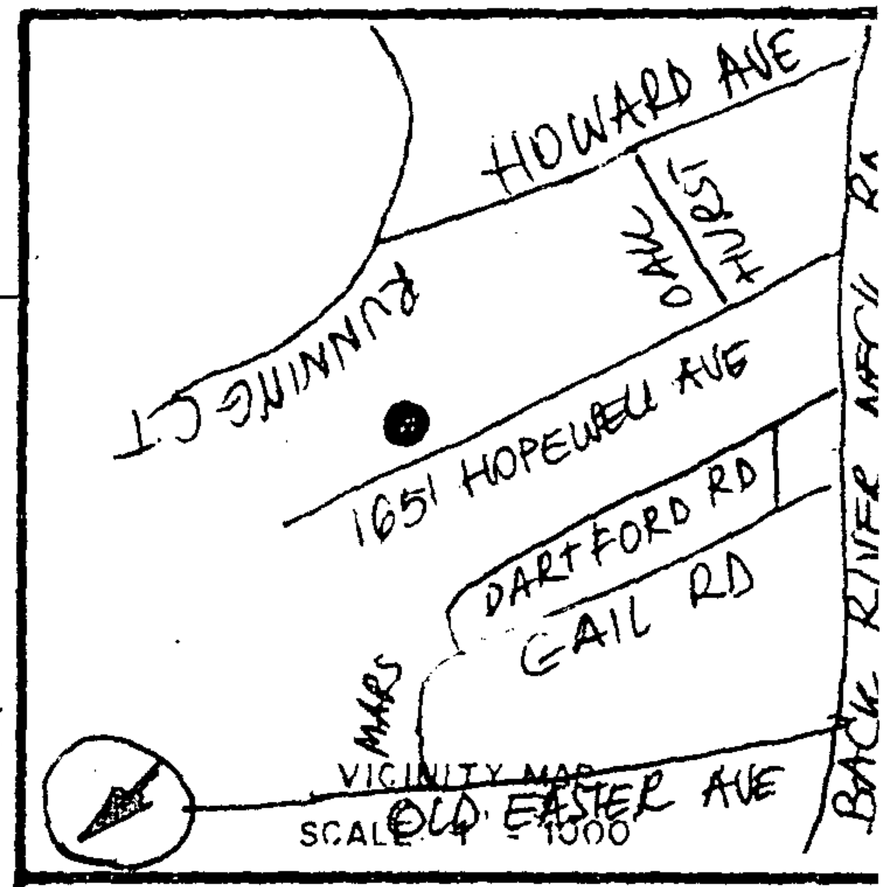
PLAT BOOK # 4 FOLIO # 12 LOT # 32 SECTION # ____

OWNER RICHARD MODZELEWSKI



SCALE: 1" = 50'

PREPARED BY DWNER R.M MAR 30/07



LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # 090C3

ZONING DR 2

LOT SIZE 0.9 ACREAGE 35500 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☑	☐
WATER	☑	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒ ?
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
JL	442	

THIS BOOKLET BELONGS TO:

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

PORTIONS OF THE

GUIDE

INCLUDING: ALSO:

TYPICAL SETBACKS
GUIDE FOR PLANNING COMMISSION SUBDIVISIONS
ANIMAL RELATED USES

ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
2

COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES

V.B.3 HEIGHT DISTANCE FACTOR

a. The maximum building height permitted within zoning classification is shown in Table 5-5. Height of a building is the vertical distance between the ~~average~~ grade at the foundation and the ~~average~~ elevation of the roof. The roof is the portion of a building above the last story.

b. In any D.R. Zone, the minimum horizontal distance between elevations of buildings not mutually attached are as shown in Figure 5-2 below. Buildings shall be considered mutually attached if there are any above-grade structural connections between them.

Zoning Classification	Maximum Height of Buildings in Feet
D.R. 1	50
D.R. 2	50
D.R. 3.5	50
D.R. 5.5	50
D.R. 10.5	50
D.R. 16	60

Table 5-5. Maximum Building Height by Zone (ALSO SEE S. 1B02.2.A

* NO MORE AVERAGE HEIGHT-SUPERCEDED BY ZONING DEFINITION "BUILDING HEIGHT" Bill # 151-88 (effective 11/27/88) SAME AS ZONING POLICY # RM-6 (8/22/85) MEASURED FROM THE HIGHEST POINT AT EXTERIOR NATURAL GRADE TO THE HIGHEST POINT ON THE STRUCTURE. (see diagrams in policy # RM-6) next page

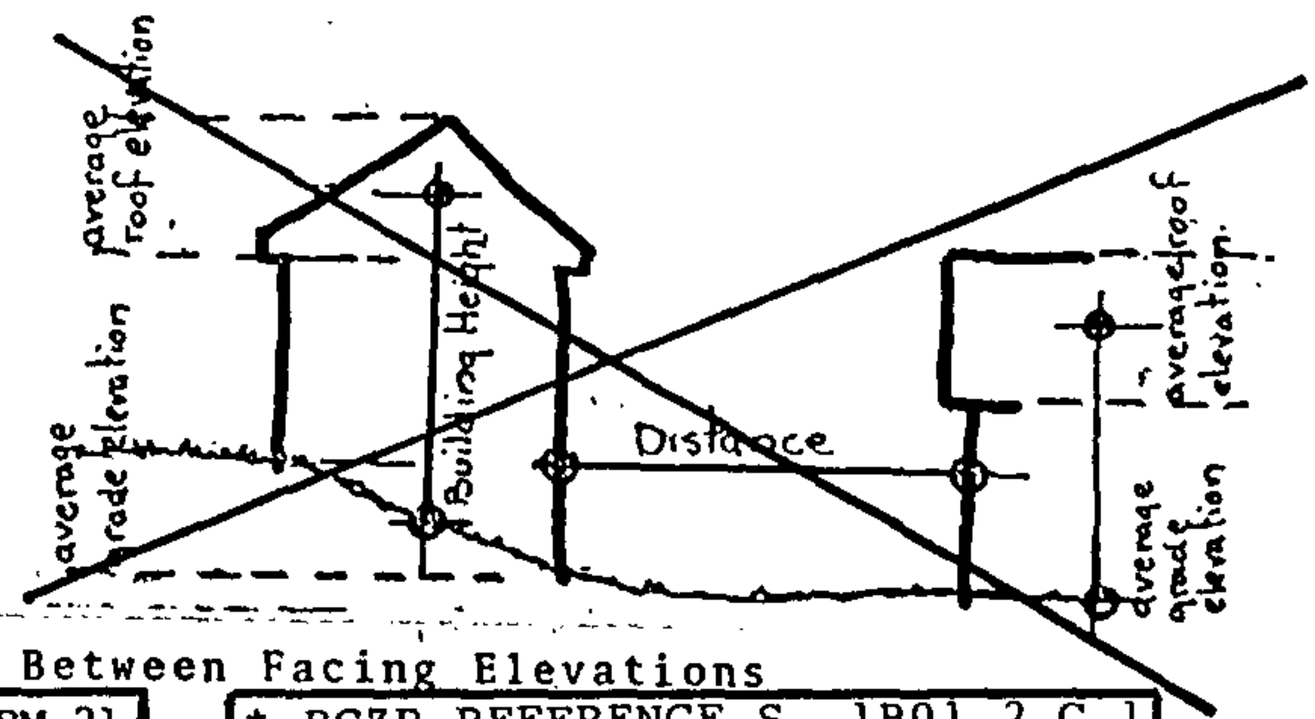
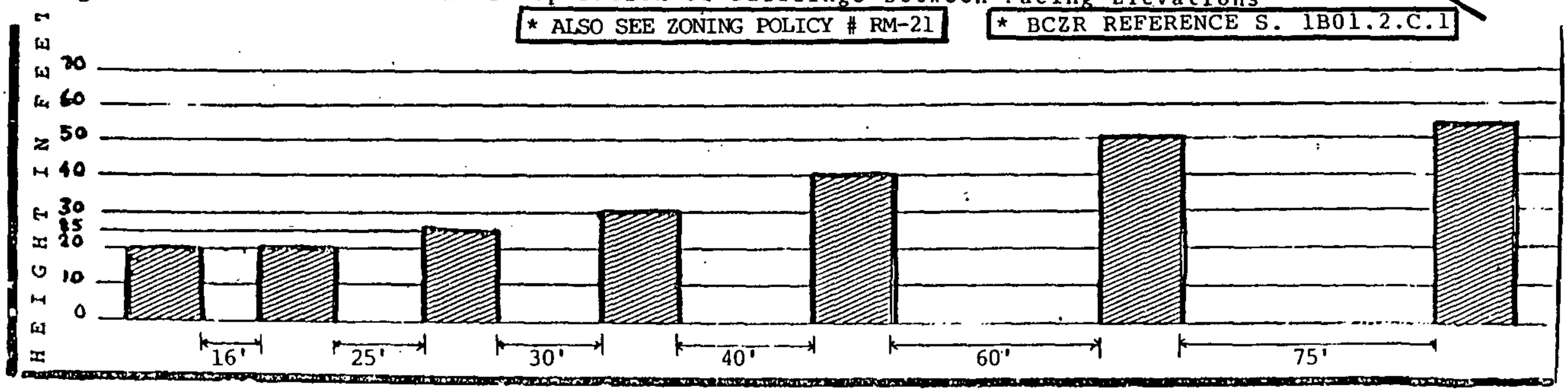


Figure 5-2. Minimum Horizontal Separation of Buildings Between Facing Elevations

* ALSO SEE ZONING POLICY # RM-21

* BCZR REFERENCE S. 1B01.2.C.1



V.B.4 BULK FACTOR

V.B.4.a. Elevation Width

*ALSO REFERENCE SECTION 1B01.2.B.2 (BCZR)

Maximum width of any elevation of a detached building or group of attached buildings shall be 300 feet, except when authorized under special exception procedures as provided in Section 502. See Figure 5-3.

V.B.4.b. Passageway Width

*ALSO REFERENCE SECTION 1B01.2.B.3 (BCZR)

The minimum width of an exterior passageway or areaway between attached buildings or between portions of a single building shall be ten feet. See Figure 5-3.

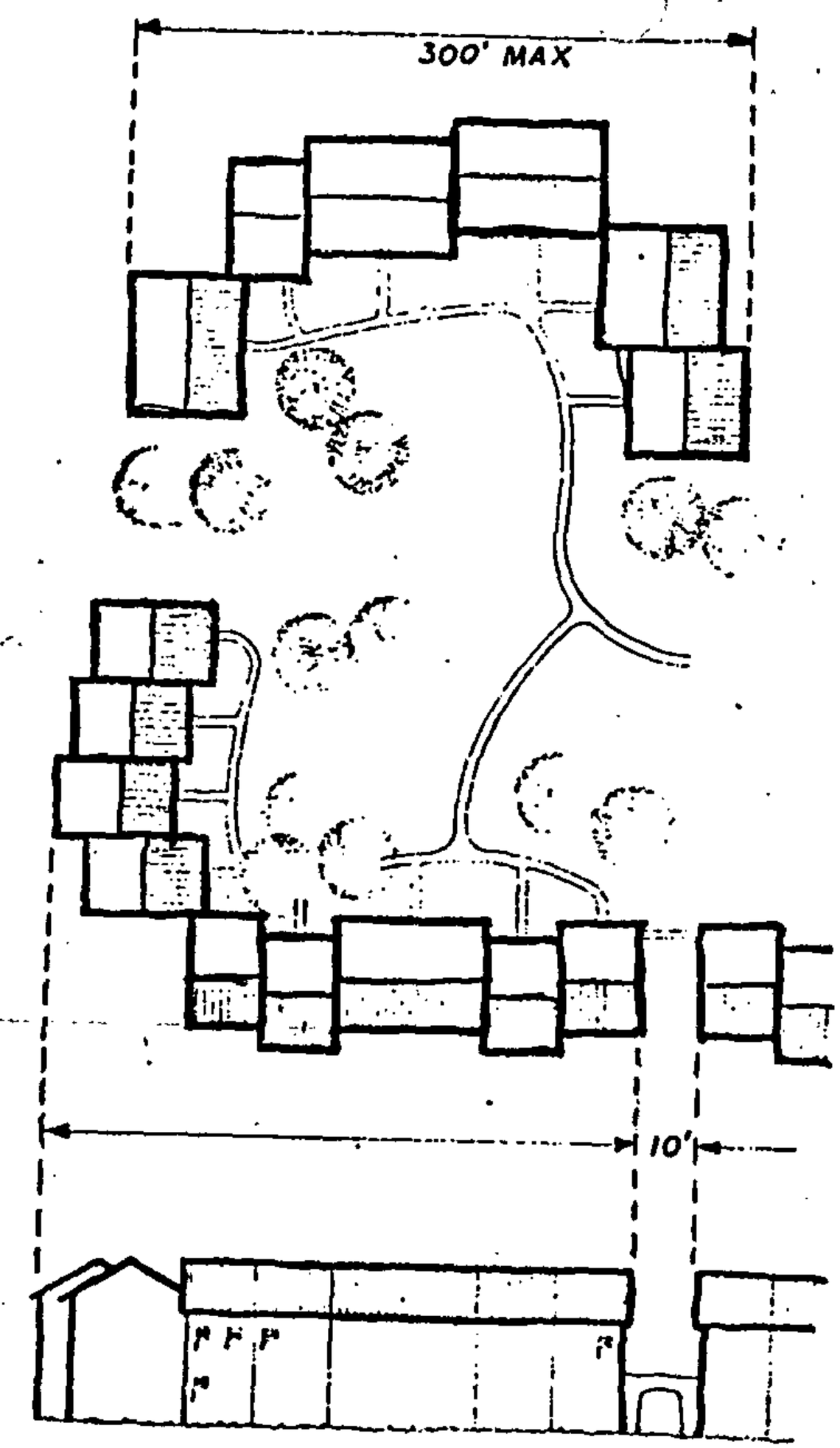


Figure 5-3

V.B.5 TRACT BOUNDARY RELATIONSHIP

V.B.5.a. WINDOW TO TRACT BOUNDARY

Where any window faces any tract boundary that is not a street line prior to development, the window shall be a minimum of 35 feet from the tract boundary except in residential transition areas or small subdivisions as governed by Subsection 1B02.3 of the Zoning Regulations. See Figure 5-4.

* REFERENCE SECTION 1B01.2.C.2.a B.C.Z.R.

V.B.5.b. BUILDING TO TRACT BOUNDARY

Any portion of a building must be a minimum distance of 30 feet from any tract boundary that is not a street line prior to development except in Residential Transition Areas or small subdivisions as governed by Subsection 1B02.3 of the Zoning Regulations.

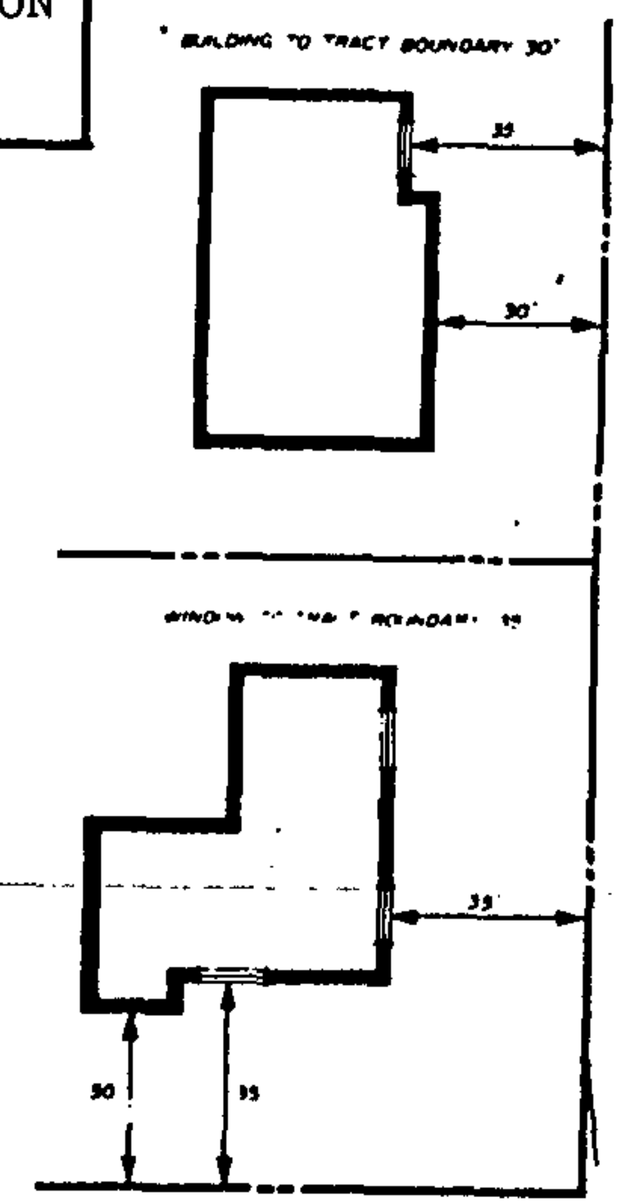


Figure 5-4

V.B.6 WINDOW DISTANCE FACTOR

* SEE SECTION V.B.6.d for Townhouses, Garage Townhouses and mixed.

V.B.6.a. WINDOW TO STREET RIGHT-OF-WAY

A minimum distance of 25 feet must be maintained between any dwelling unit window or windowed door* and the street right-of-way. See Figure 5-5.

*A windowed door is a door of which more than 30% of the door area is glass.

An exception to this setback may be made by the Planning Board where units face onto a short culdesac and where structural layout and physical design of cluster would benefit from reduction of setback minimum.

Distance is measured either from a parallel line or within an area formed by an acute angle of less than 75 degrees from window or windowed door surface.

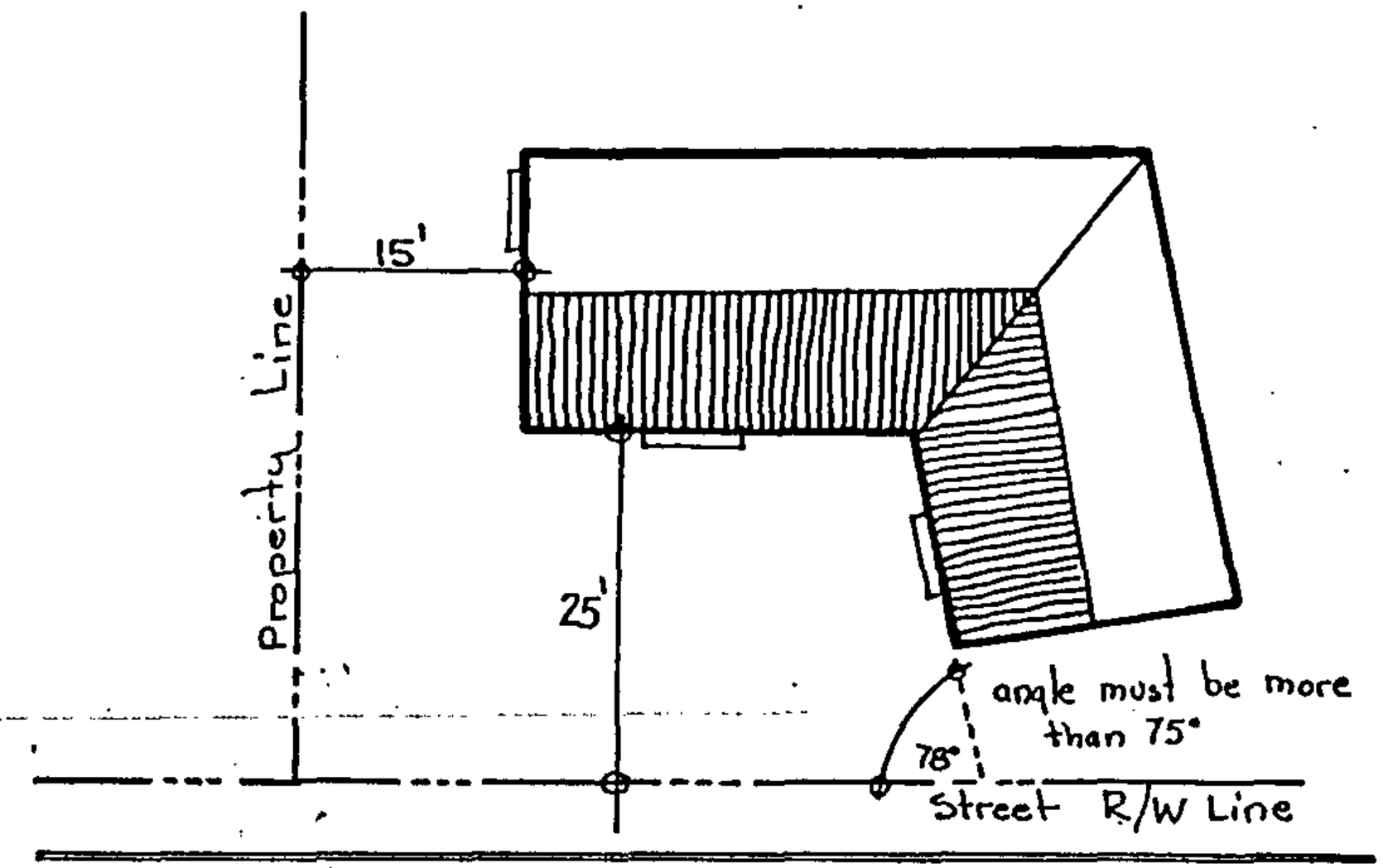


Figure 5-5

* SEE SECTION V.B.6.d for Townhouses, Garage Townhouses and mixed

V.B.6.b. WINDOW TO PROPERTY LINE

A minimum distance of 15 feet must be maintained between any dwelling unit window or windowed door* and the property line, except in residential transition areas or in small subdivisions as governed by Subsection 1B02.3 of the Zoning Regulations. See Figure 5-6. See Section V.B.6.c. for exceptions.

*A windowed door is a door of which more than 30% of the door area is glass.

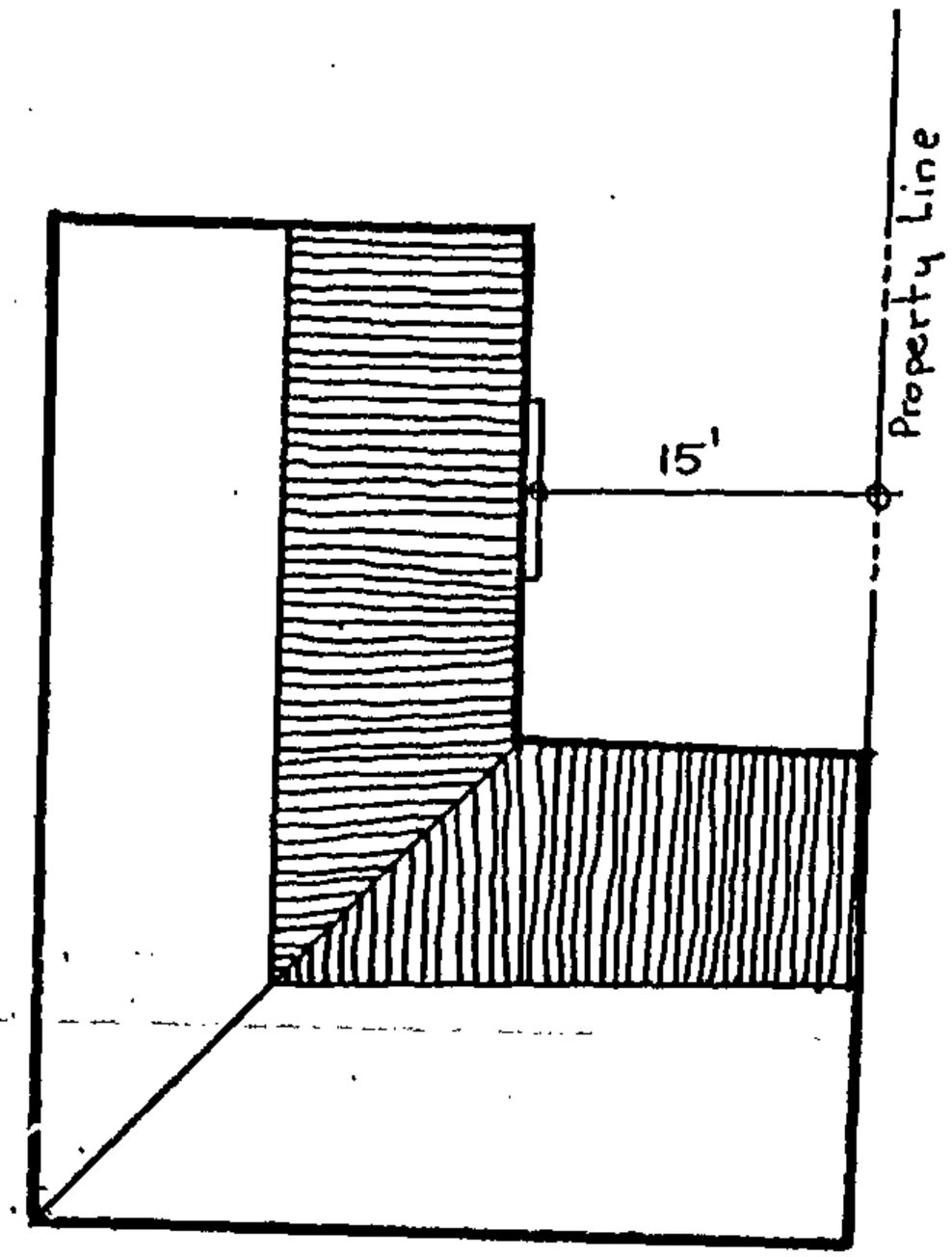


Figure 5-6

V.B.6.c. WINDOW TO WINDOW

*REFERENCE SECTION
1B01.2.C.2.b
B.C.Z.R.

The minimum distance between any facing window of different dwelling units on the same subdivision must be 40 feet. See Figure 5-7. Facing windows are defined as two windows that face each other to the extent that one is visible through the other; or windows whose surfaces are either parallel or within the area formed by an acute angle of less than 75 degrees of the window surface.

Exception to the window to window and the window to property line is made in cases where there is a door with 30% or less of the door area in glass, a high window where the sill is 5'-0" above finished floor, in cellar or basement window two feet or less in height, where architectural techniques such as clearstory or glass brick windows are used or where topography limits view.

Tinted or frosted glass panes are not considered as a permanent means of blocking vision.

A site design solution to the window to window distance would be to stagger the units as illustrated.

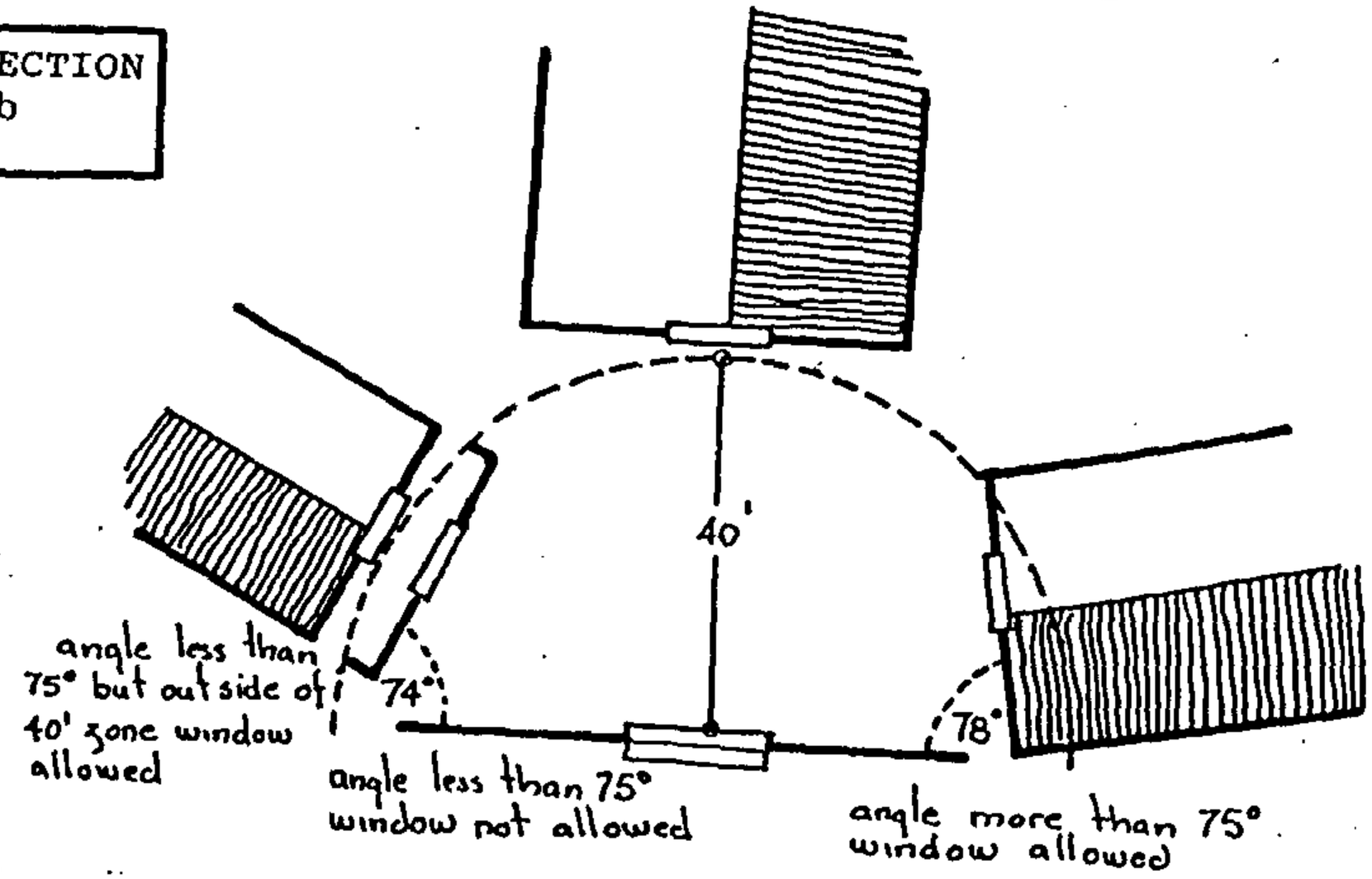
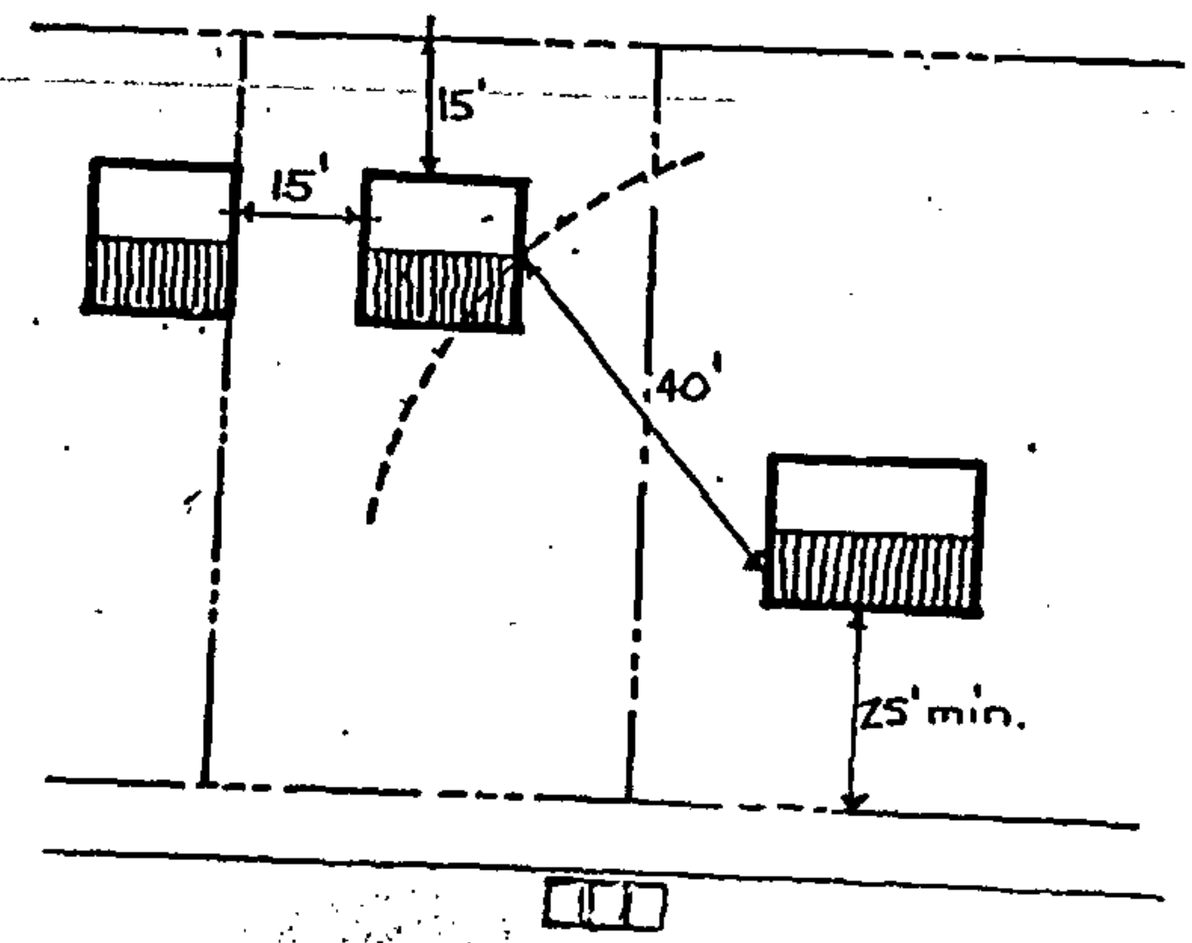


Figure 5-7



V.B.7 PRIVATE SPACE FACTOR

To ensure adequate private yard space (private yard space is defined as that area of open land that is sold and belongs to the dwelling unit), a minimum area of 500 square feet is required. The 500 square feet must be in one contiguous area with a minimum depth of 15'-0". Covered areas such as porches that could possibly be enclosed at a later date cannot be calculated in this minimum space.

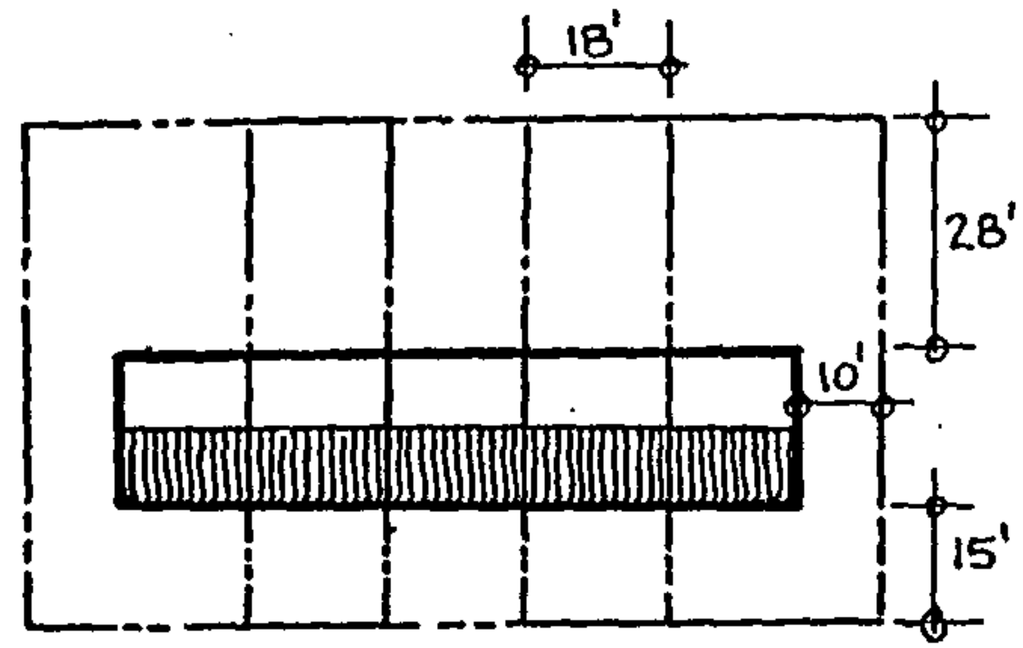


Figure 5-10a

Modify Section V.B.7. as follows:

* adopted by the Baltimore County Planning Board 11/17/88

V.B.7. PRIVATE SPACE FACTOR

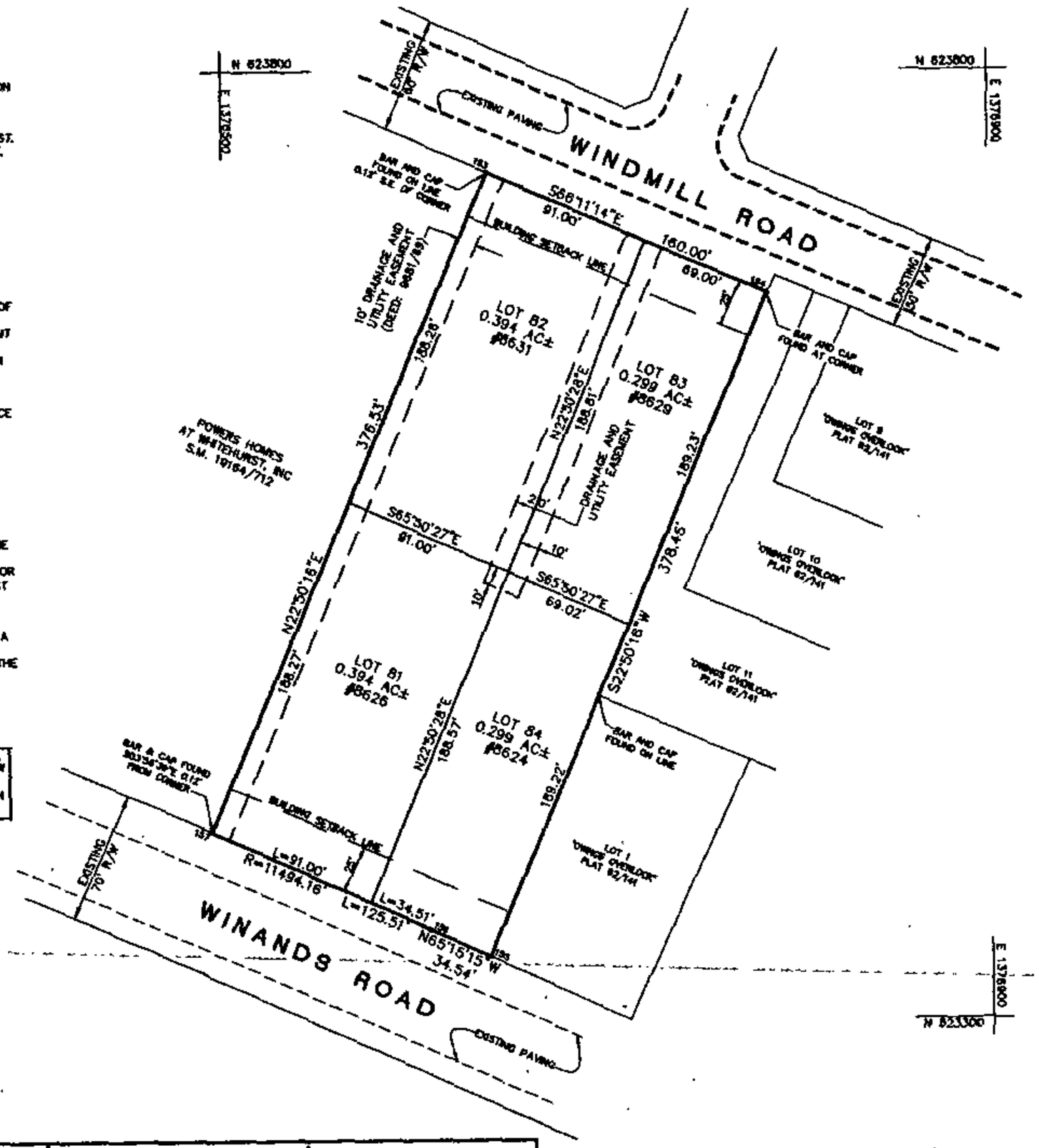
To ensure adequate private yard space (private yard space is defined as that area of open land that is sold and belongs to the dwelling unit), a minimum area of 500 square feet is required. The 500 square feet must be in one contiguous area with a minimum depth of 15'-0". For group housing or townhouses with garage units, this area must be located to the rear of the unit. Covered areas such as porches that could possibly be enclosed at a later date cannot be calculated in this minimum space. The land area under an uncovered deck, at-grade or elevated, may be included in the calculation of minimum private yard space.

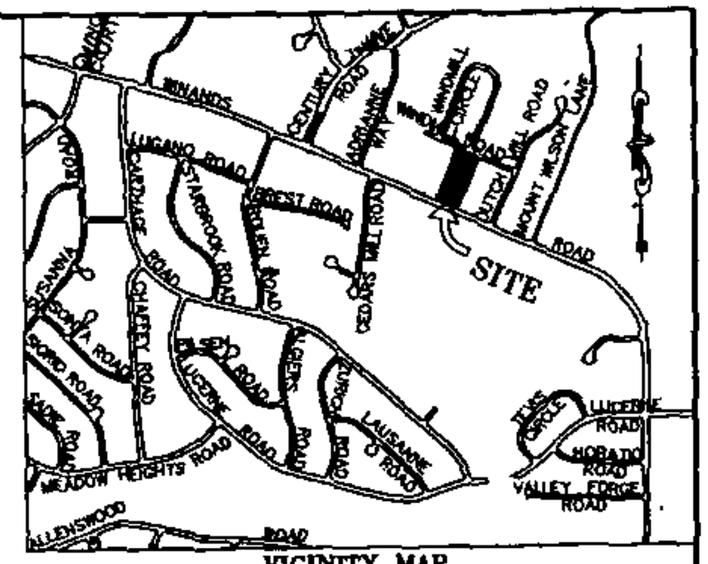
The example shown in Figure 5-10a provides one area of 500 square feet to meet required private yard space. The side and front yard area is too small in depth or overall size to be calculated as adequate yard space.

86-378-A G
86-441-A G

GENERAL NOTES

1) HIGHWAYS AND HIGHWAY WIDENINGS, SLOPE EASEMENTS, DRAINAGE AND UTILITY EASEMENTS, ACCESS EASEMENTS, FOREST BUFFER AREAS IN FEE OR EASEMENT, FOREST CONSERVATION AREAS IN FEE OR EASEMENT AND STORMWATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON ARE RESERVED UNTO THE OWNER AND EXCEPT FOR THOSE INDICATED AS PRIVATE ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE OWNER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS WILL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST, UNTIL SUCH TIME AS SAID CONVEYANCE IS ACCEPTED BY BALTIMORE COUNTY, THE OWNER AUTHORIZES BALTIMORE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT TO ENTER UPON THE PROPERTY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING AND REPAIRING ROAD, UTILITY LINES AND FACILITIES AND STORMWATER MANAGEMENT PONDS AND FACILITIES.
2) THE STREETS AND/OR ROADS SHOWN HEREON AND MENTION HEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
3) THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY CODE, SECTION 28-218.
4) THE RECORDING OF THIS PLAT DOES NOT GUARANTEE THE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
5) THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
6) ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT AND DEPARTMENT OF PUBLIC WORKS.
7) THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.
8) THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES ADOPTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
9) THIS SITE IS LOCATED IN THE GWYNNS FALLS SEWERSHED.
10) THE APPROVAL OF THIS PLAT IS BASED UPON A REASONABLE EXPECTATION THAT THE WATER AND SEWER SERVICE WHICH IS PLANNED FOR THIS DEVELOPMENT WILL BE AVAILABLE WHEN NEEDED. HOWEVER, BUILDING PERMITS MAY NOT BE ISSUED UNTIL THE PLANNED WATER AND SEWER FACILITIES ARE COMPLETED AND DETERMINED TO BE ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.
11) THE LOTS CREATED BY THIS SUBDIVISION PLAT ARE SUBJECT TO A FEE OR ASSESSMENT TO COVER OR DEFRAY ALL OR PART OF THE DEVELOPER'S COST OF INSTALLATION OF WATER AND SEWER FACILITIES, PURSUANT TO THE BALTIMORE COUNTY CODE SECTION 32-4-310. THIS FEE OR ASSESSMENT, WHICH RUNS WITH THE LAND, IS A CONTRACTUAL OBLIGATION BETWEEN THE DEVELOPER AND EACH OWNER OF THIS PROPERTY AND IS NOT IN ANY WAY A FEE OR ASSESSMENT OF BALTIMORE COUNTY.
12) COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE MARYLAND STATE COORDINATE SYSTEM AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:
GIS #152 N 621724.006 E 1379257.547
AZ.MK. #152 276°-04'-18.7"
13) TOTAL AREA OF LOTS = 1.386 AC±
TOTAL AREA OF PLAT = 1.386 AC±
14) REASON FOR PARTIAL AMENDMENT: TO SUBDIVIDE LOT B1 INTO LOTS B1, B2, B3 AND B4. THIS CHANGE WAS APPROVED BY THE DEVELOPMENT REVIEW COMMITTEE AS A REFINEMENT ON FEBRUARY 9, 2004 (DRC NO. 020904F).
15) THE FIRST REVISED C.R.G. PLAN FOR THIS PROPERTY WAS APPROVED ON APRIL 9, 2004.





VICINITY MAP
1"=1000'

COORDINATE TABLE		
POINT	NORTH	EAST
153	623746.9447	1378636.8593
154	623682.3450	1378785.2385
155	623333.5625	1378838.3535
156	623348.0207	1378606.9852
157	623399.9330	1378492.7200

CURVE DATA					
FROM-TO	RADIUS	DELTA	LENGTH	TANGENT	CHORD BEARING
155-156	11494.16'	0°37'32"	125.51'	62.75'	N65°34'01"W 125.50'

PLAT RECORDED 15.00
TOTAL 15.00
Rec# 3401 Rem # 3661
SP TD Fil # 3348
Aug 30, 2005 03:28 pm

Filed for record
78 005
Date AUG 30 2005
Test: Suzanne Mensh
Clerk

S.M. 78 - 005

PARTIAL AMENDED PLAT OF OWINGS OVERLOOK

PREVIOUSLY RECORDED AS PART OF 'REVISED PLAT ONE OF TWO FORMERLY WINANDS VALLEY ESTATES NOW KNOWN AS OWINGS OVERLOOK' PLAT BOOK S.M. 62 FOLIO 141

2ND ELECTION/4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50' JANUARY 6, 2005

APPROVED BY THE DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT PURSUANT TO SECTION 26-215(c), BALTIMORE COUNTY CODE
Donald T. Rascoe — 8-30-05
DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT — DATE

APPROVED:
Thomas L. Ulmer Deputy — 7/13/05
DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT — DATE

P.W.A. COMPLETED DDP N/A 8-29-05
FINAL PLAT CHECKED:
PDM 7-18-05
ENGINEERING DAK 5/16/06
STREET NAMES/HOUSE NOS. 3-22-05
REC. & PARKS 4-18-05

NOTE:
I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE 3RD AMENDED FINAL DEVELOPMENT PLAN APPROVED ON NOVEMBER 8, 2004 AND HAVE PREPARED WITH DUE DILIGENCE THIS RECORD PLAT, PURSUANT TO THAT APPROVED PLAN.

OWNER

POWERS HOMES AT WHITEHURST, INC.
113 WESTMINSTER ROAD
REISTERSTOWN, MD. 21136-1026

DEED REF: 19164/712

TAX ACCT. NO: 02-2100008303

OWNER'S CERTIFICATION

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT TO THE BEST OF ITS KNOWLEDGE THE REQUIREMENTS OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INSOFAR AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

POWERS HOMES AT WHITEHURST, INC.
BY: JEFFREY B. POWERS, PRESIDENT — 2-23-05 DATE

SURVEYOR'S CERTIFICATION

THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF MARYLAND DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INSOFAR AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF MARKERS.

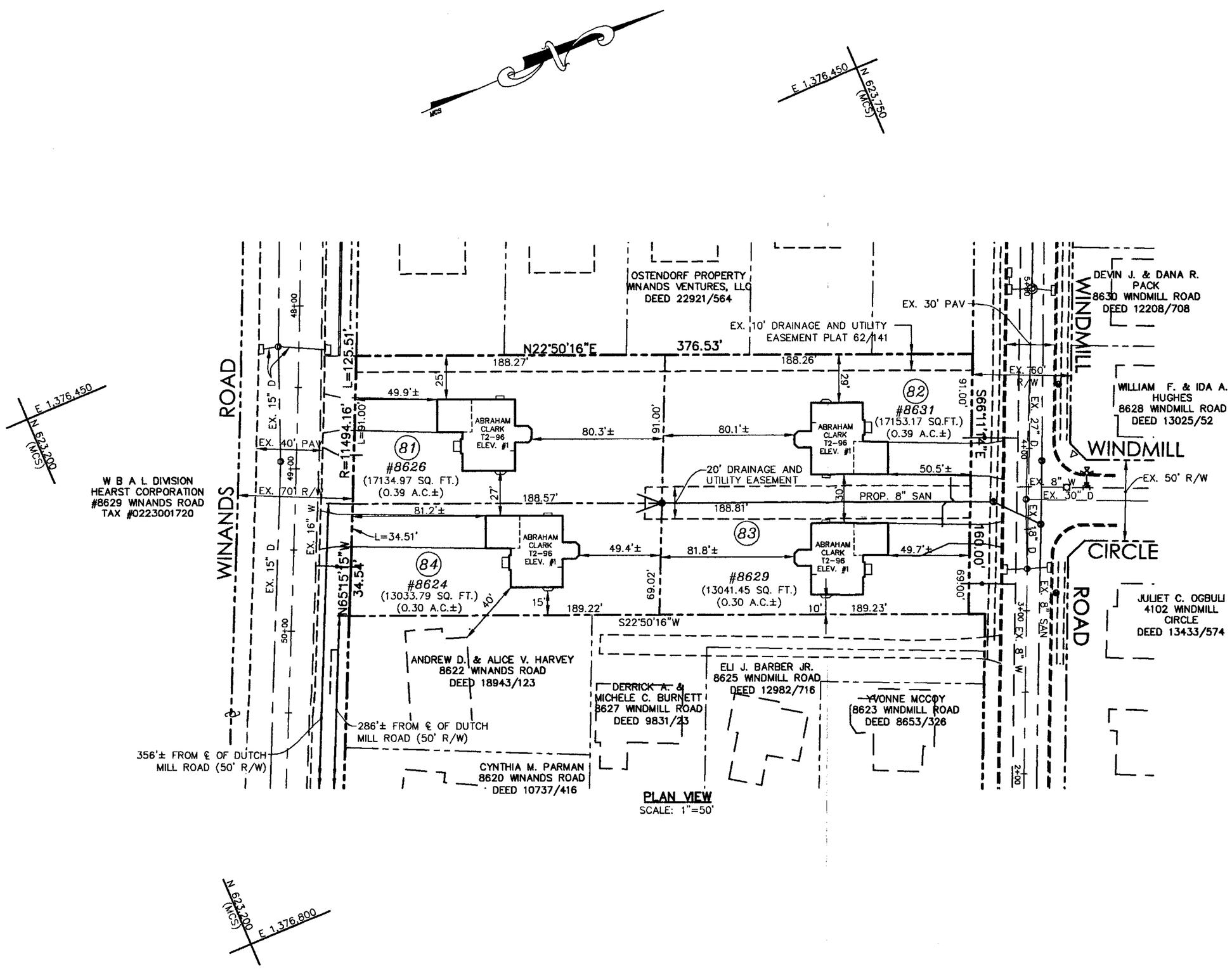
LEONARD T. BOHAGER — 2-16-05
REG NO. 10850 — DATE

LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

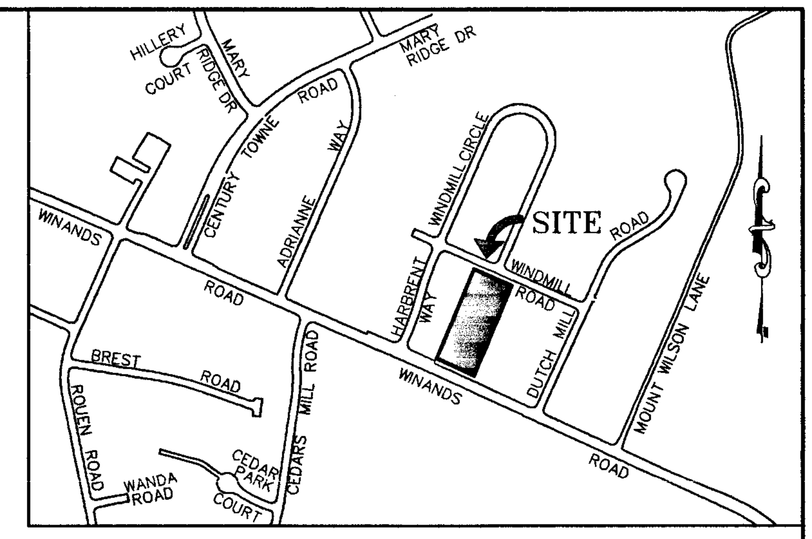
DRAWN: JGW CHECKED: LTB PROJECT NUMBER: 03765

PETITIONERS' EXHIBIT 3

MSA SSU 1286 \ 11435
P11587



PLAN VIEW
SCALE: 1"=50'



VICINITY MAP
SCALE: 1"=500'

REQUESTED RELIEF

I. VARIANCES FROM BCZR§ 1B01.2.C.2 AND THE APPLICABLE CMDP (AS PREVIOUSLY ADOPTEDAND APPLICABLE TO THIS DEVELOPMENT) AS FOLLOWS:

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"B" VARIANCES FROM BCZR§ 1B01.2.C.2 AND CMDP §V.B.5.b (AS PREVIOUSLY ADOPTED AND APPLICABLE TO THIS DEVELOPMENT) TO PERMIT A BUILDING TO TRACT BOUNDRY SETBACK AS SHOWN BY LOT IN THE TABLE BELOW IN LIEU OF THE 30 FEET REQUIRED; AND

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II. TO AMEND THE FINAL DEVELOPMENT PLAN FOR OWINGS OVERLOOK AND ALL PRIOR AMENDMENTS THERETO CONSISTENT WITH RELIEF GRANTED.

JUSTIFICATION

A. IRREGULARLY SHAPED LOTS;
B. EXISTING TOPOGRAPHIC AND ENVIRONMENTAL CONSTRAINTS; AND
C. FOR SUCH FURTHER REASONS THAT WILL BE PRESENTED AT THE HEARING ON THIS PETITION.

LOT NO.	VARIANCE "A"	VARIANCE "B"	VARIANCE "C"	VARIANCE "D"	VARIANCE "E"
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82	29 FEET	29 FEET	30 FEET	30 FEET	–
83	–	–	30 FEET	30 FEET	10 FEET
84	–	–	27 FEET	27 FEET	–

NOTES:
1. ENTIRE SITE IS ZONED D.R. 3.5
2. NO PRIOR ZONING VARIANCES FOR THESE LOTS.
3. NO 100 YEAR FLOODPLAIN IS PRESENT ONSITE

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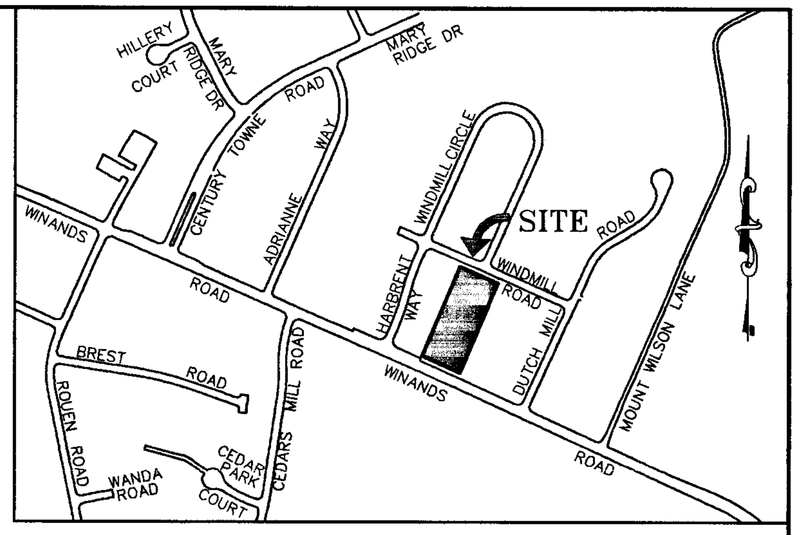
STATE OF MARYLAND — G. DWIGHT LITTLE — NO. 16019 — REGISTERED PROFESSIONAL ENGINEER

PROPERTY ADDRESS #8624 AND 8626 WINANDS ROAD
#8629 AND 8631 WINDMILL ROAD
SUBDIVISION NAME PARTIAL AMENDED PLAT OF OWINGS OVERLOOK
PLAT BOOK # 78 FOLIO # 5 LOT # 81,82,83,84 SECTION # –
OWNER WINANDS VENTURES, LLC.

PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE HEARING
OWINGS OVERLOOK

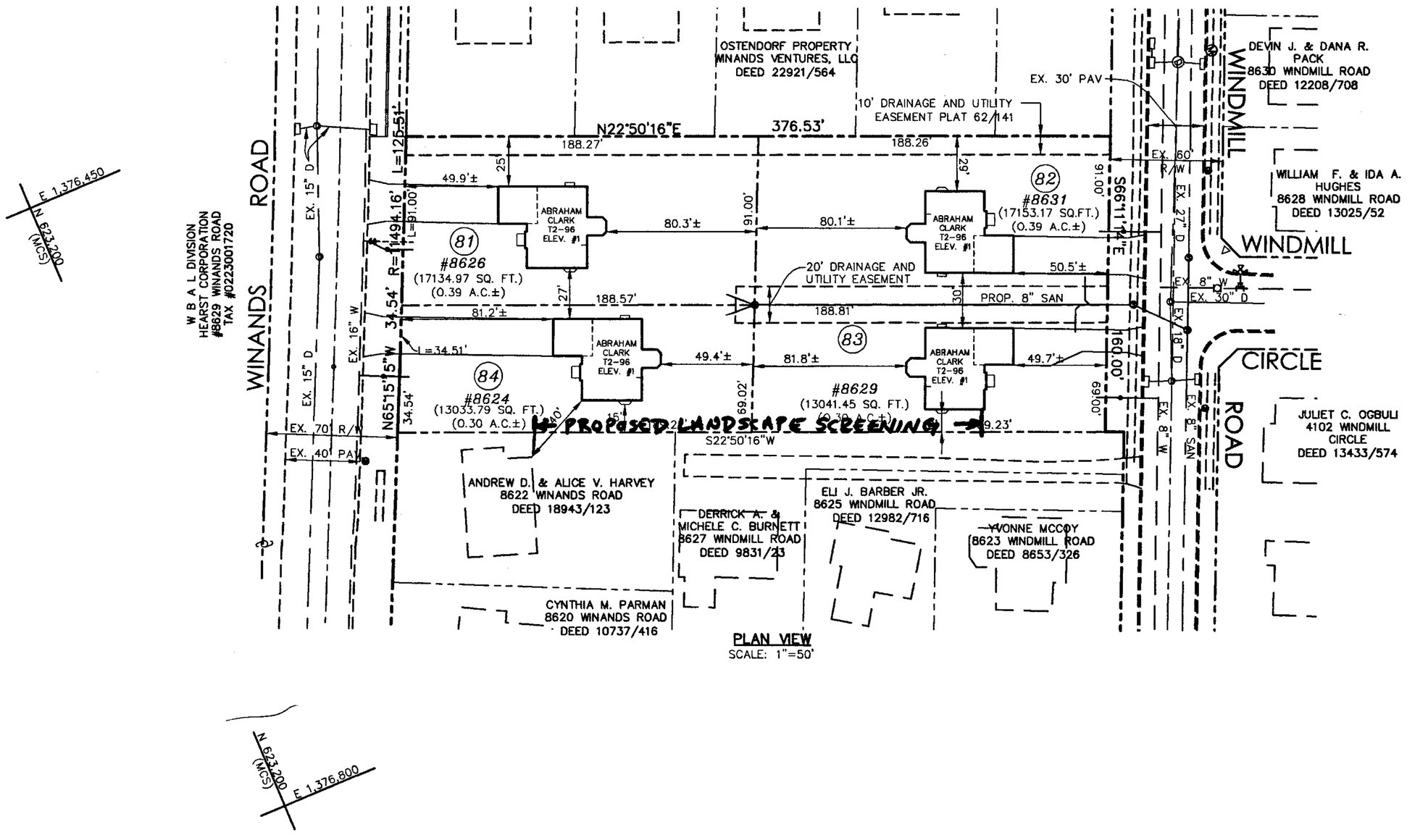
BALTIMORE COUNTY, MD SEPTEMBER 25, 2006
ELECTION DISTRICT NO. 2C4 SCALE: AS SHOWN

PETITIONER'S EXHIBIT
1



VICINITY MAP

SCALE: 1"=500'



PLAN VIEW

SCALE: 1"=50'

REQUESTED RELIEF

1) VARIANCE FROM SECTION 1B01.2.C.6 (B.C.Z.R.) AND SECTION V.B.2 (C.M.D.P.), TO ALLOW FOR 25' WINDOW TO TRACT BOUNDARY IN LIEU OF THE REQUIRED 35', FOR LOT 81.
2) VARIANCE FROM SECTION 1B01.2.C.6 (B.C.Z.R.) AND SECTION V.B.2 (C.M.D.P.), TO ALLOW FOR 29' WINDOW TO TRACT BOUNDARY IN LIEU OF THE REQUIRED 35', FOR LOT 82.
3) VARIANCE FROM SECTION 1B01.2.C.6 (B.C.Z.R.) AND SECTION V.B.2 (C.M.D.P.), TO ALLOW FOR 25' BUILDING TO TRACT BOUNDARY IN LIEU OF THE REQUIRED 30', FOR LOT 81.
4) VARIANCE FROM SECTION 1B01.2.C.6 (B.C.Z.R.) AND SECTION V.B.2 (C.M.D.P.), TO ALLOW FOR 29' BUILDING TO TRACT BOUNDARY IN LIEU OF THE REQUIRED 30', FOR LOT 82.
5) VARIANCE FROM SECTION 1B01.2.C.6 (B.C.Z.R.) AND SECTION V.B.2 (C.M.D.P.), TO ALLOW FOR 27' WINDOW TO WINDOW IN LIEU OF THE REQUIRED 40', FOR LOTS 81, AND 84.
6) VARIANCE FROM SECTION 1B01.2.C.6 (B.C.Z.R.) AND SECTION V.B.2 (C.M.D.P.), TO ALLOW FOR 30' WINDOW TO WINDOW IN LIEU OF THE REQUIRED 40', FOR LOTS 82, AND 83.
7) VARIANCE FROM SECTION 1B01.2.C.6 (B.C.Z.R.) AND SECTION V.B.3 (C.M.D.P.), TO ALLOW FOR 27' BUILDING TO BUILDING SEPARATION, IN LIEU OF THE REQUIRED 40' FOR LOTS 81, AND 84.
8) VARIANCE FROM SECTION 1B01.2.C.6 (B.C.Z.R.) AND SECTION V.B.3 (C.M.D.P.), TO ALLOW FOR 30' BUILDING TO BUILDING SEPARATION, IN LIEU OF THE REQUIRED 40' FOR LOTS 82, AND 83.
9) VARIANCE FROM SECTION 1B01.2.C.6 (B.C.Z.R.) AND SECTION V.B.2 (C.M.D.P.), TO ALLOW FOR 10' WINDOW TO PROPERTY LINE IN LIEU OF THE REQUIRED 15', FOR LOT 83.

AND TO AMEND THE FINAL DEVELOPMENT PLAN.

A) To the extent possible, mature trees along the eastern property line outside of building, utility and access areas should be retained.

B) RETENTION OF MATURE TREES SHALL BE COORDINATED WITH THE BALTIMORE COUNTY LANDSCAPE ARCHITECT.

PETITIONER'S EXHIBIT
ALL-STATE LEGAL
4

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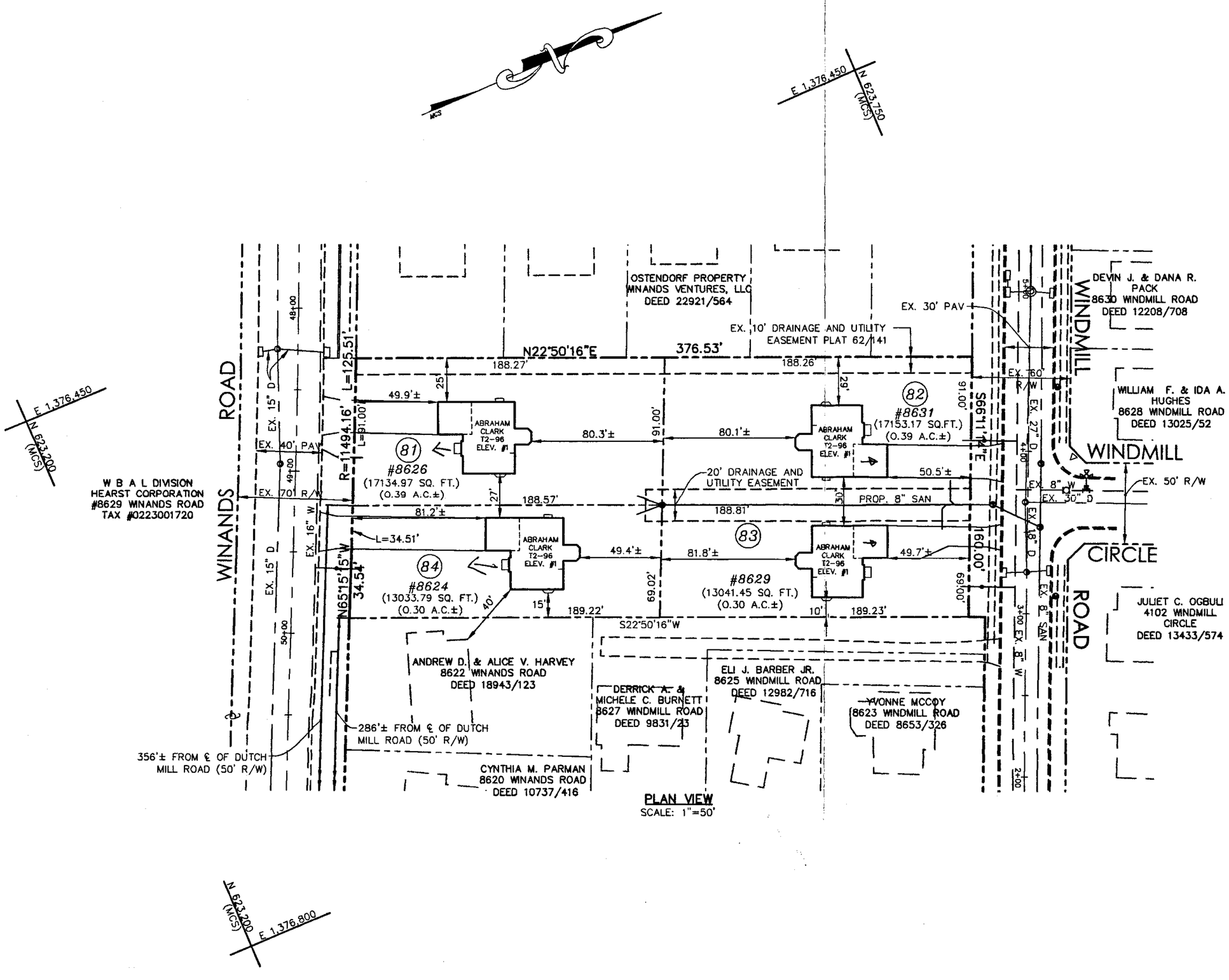
PROPERTY ADDRESS #8624 AND 8626 WINANDS ROAD
#8629 AND 8631 WINDMILL ROAD
SUBDIVISION NAME OWINGS OVERLOOK
PLAT BOOK # 62 FOLIO # 141 LOT # 81,82,83,84 SECTION # —
OWNER WINANDS VENTURES, LLC.

PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE HEARING
OWINGS OVERLOOK

BALTIMORE COUNTY, MD SEPTEMBER 13, 2006
ELECTION DISTRICT NO. 2C4 SCALE: AS SHOWN

Y:\OWINGS OVERLOOK 03765\dwg\EXHIBIT ZONE VARIANCE.dwg, 9/13/2006 4:54:10 PM, DesignJet 500+HPGL2 (C7708) (DRAFT MODE).pc3, Arch C - 18 x 24 In. (landscape), 1:50



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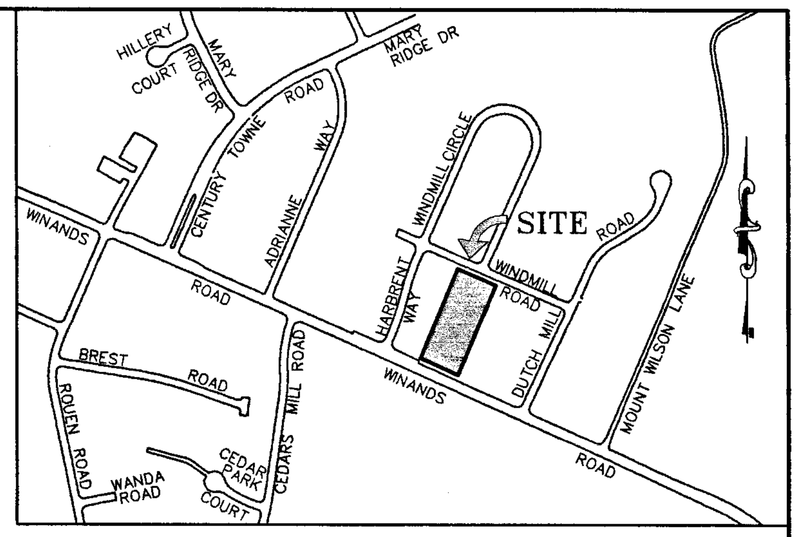

VICINITY MAP
SCALE: 1"=500'

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STATE OF MARYLAND
GREGORY LITTLE
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PLAN TO ACCOMPANY PETITION
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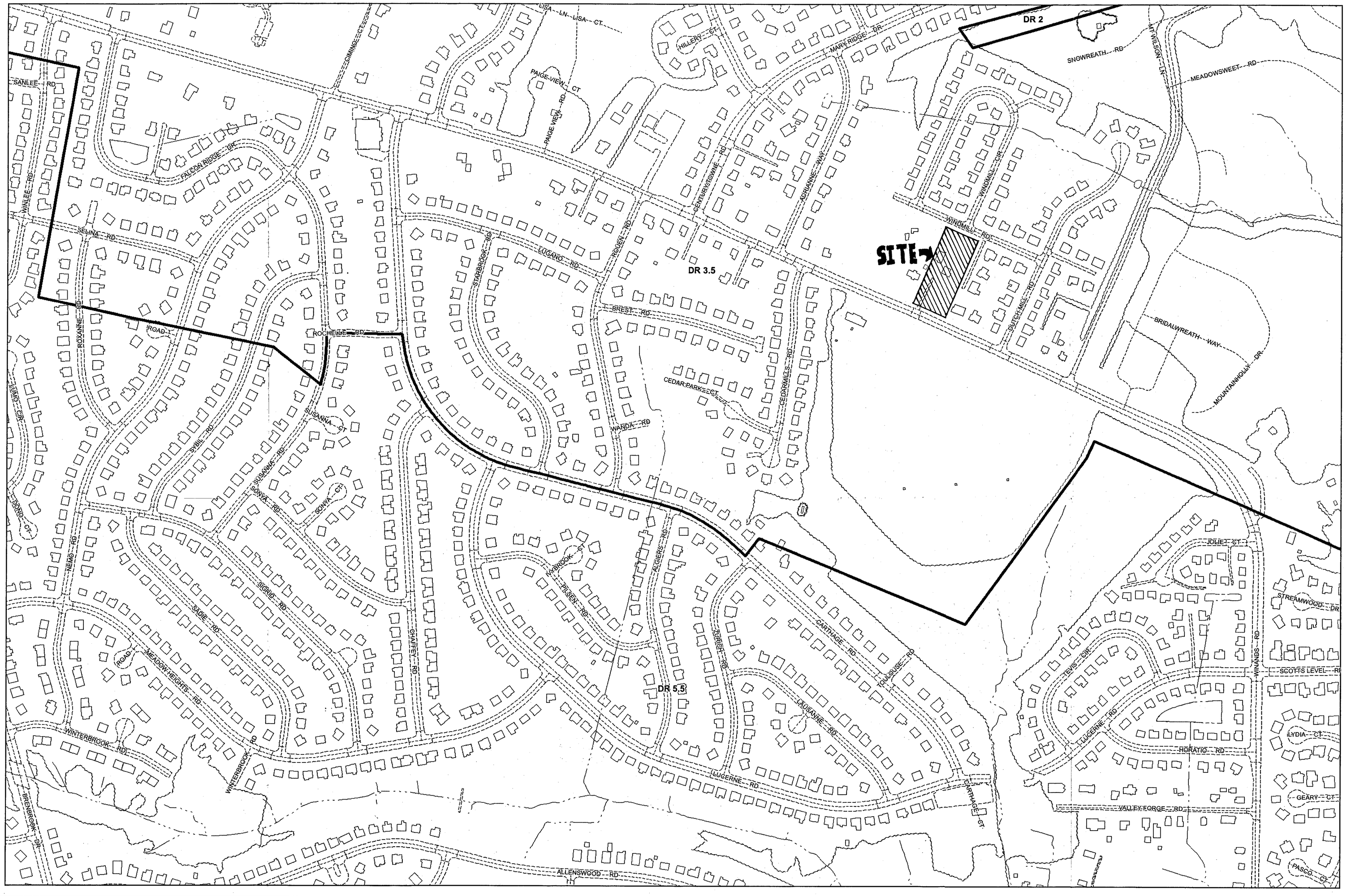
BALTIMORE COUNTY, MD SEPTEMBER 25, 2006
ELECTION DISTRICT NO. 2C4 SCALE: AS SHOWN



Plan Sheet: *077B1*

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

066C3	067A3	067B3	067C3	068A3
076C1	077A1	077B1	077C1	078A1
076C2	077A2	077B2	077C2	078A2

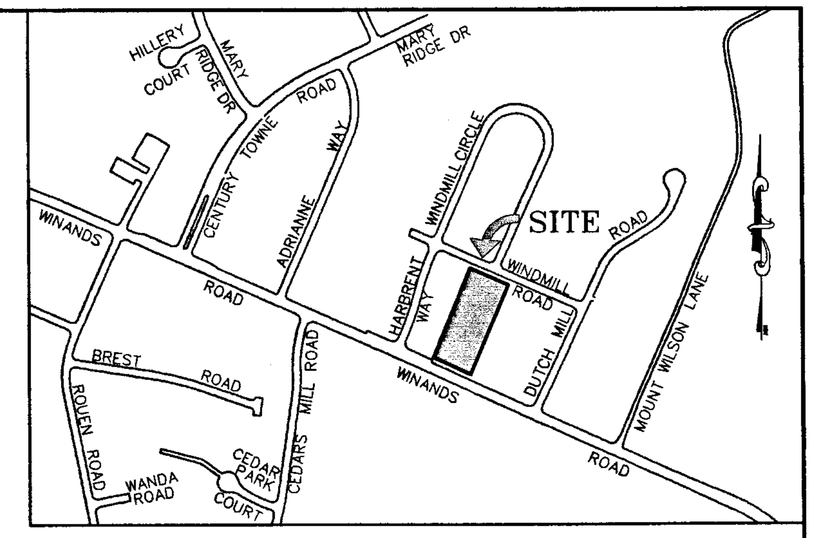
Scale

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



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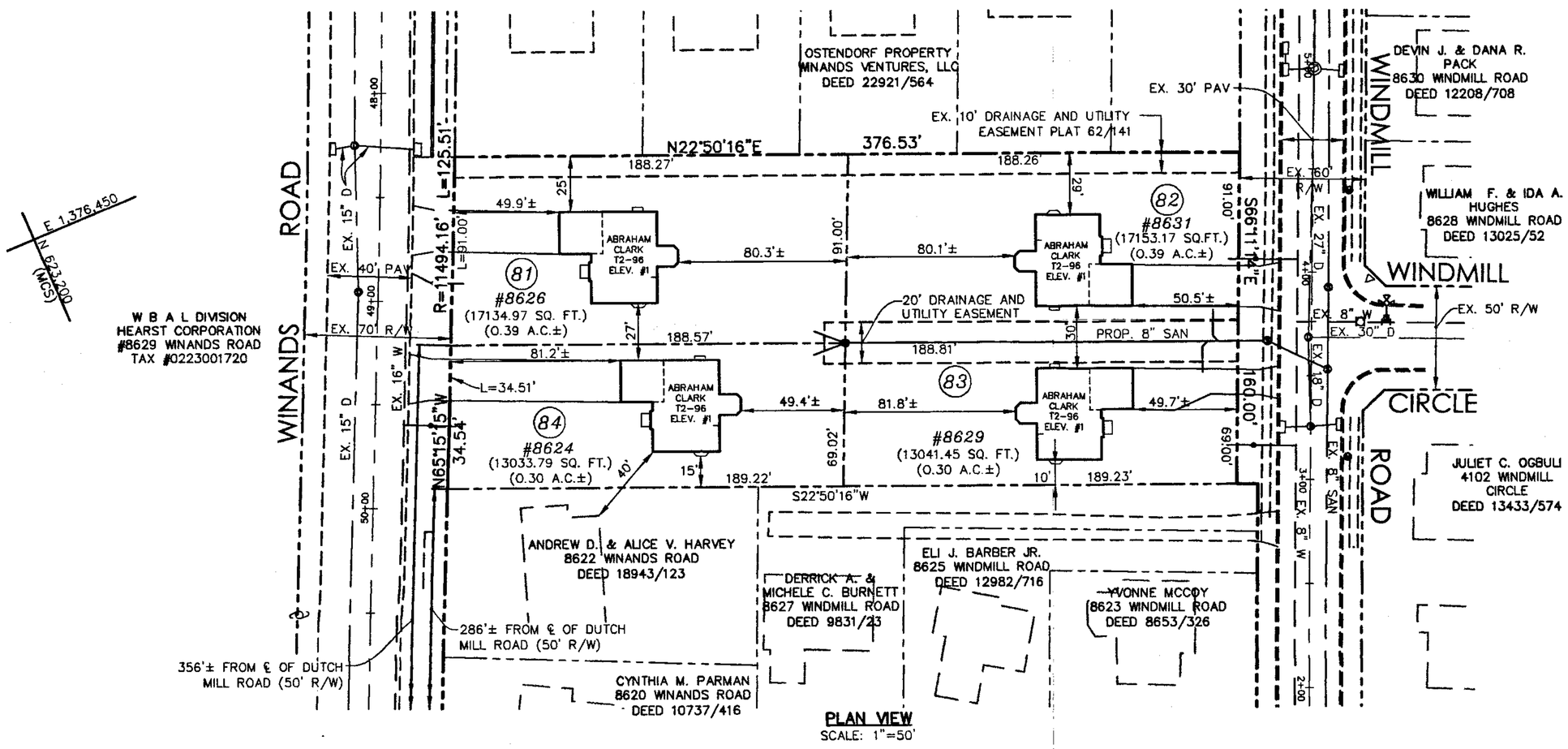

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BALTIMORE COUNTY, MD SEPTEMBER 25, 2006
ELECTION DISTRICT NO. 2C4 SCALE: AS SHOWN