

IN RE: **PETITION FOR VARIANCE**

SW/Side Liberty Road, 659' NW c/line of
Pikeswood Road

(Carriage Hills Townhouses)

2nd Election District

4th Council District

Clark Turner Companies

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0111-A

* * * * *

RULING ON MOTION FOR RECONSIDERATION

This matter returns to the undersigned on a Motion for Reconsideration of the Findings of Fact and Conclusions of Law and Order issued in this case on March 27, 2009. The Motion for Reconsideration was requested by Carole S. DeMilio, Esquire, Deputy People's Counsel of Baltimore County, and filed on April 23, 2009.

A brief overview of this project and history of the case is appropriate. The subject property known as the Carriage Hills Development is situated upon 18 acres of land located on the southwest side of Liberty Road near its intersection with Pikeswood Drive in the Randallstown community of northwestern Baltimore County. The property is owned by the Clark Turner Companies (CTC or Petitioner); a well known residential developer and home building company which is predominant in the Baltimore metropolitan area. The property is proposed with development of a large townhouse community, which will feature in excess of one hundred and fifty (150) units.

Originally, the proposed development and associated zoning relief were approved by the Hearing Officer/Zoning Commissioner of Baltimore County in Case Nos. II-649 and 04-026-A. This written decision approved a Development Plan for the proposed subdivision and certain

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Date 10-20-10

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variances associated therewith. At the time, the property was owned by Q-C Carriage Hills, LLC.

Q-C Carriage Hills, LLC never moved forward with the development and eventually filed for bankruptcy due to unforeseen financial difficulties. The property and project was then acquired by the Petitioner through the United States Bankruptcy Court. Following its acquisition, the Petitioner modestly revised the Development Plan and returned to the Office of the Zoning Commissioner for approval of those modifications and amendments to the Development Plan through Case No. 08-252-SPHA. Those changes were approved by the Order of the undersigned on March 18, 2008.

The instant case is the third case in the zoning history trilogy; however, deals with only a single issue related to the overall Development Plan. Specifically, the Petitioner submitted a Petition for Variance for the "entrance feature" and "signage" associated therewith proposed for the development. By my Order, dated March 27, 2009, certain variance relief was granted that approved a proposed accessory structure (gatehouse) and related signage for the property.

As stated in my prior Opinion and Order, a unique signature of any CTC residential development is the "entrance feature;" which serves as a gateway to the subdivision. In this case, the developer proposes a structure adjacent to the property's frontage on Liberty Road which includes an impressive accessory gatehouse and monument sign; featuring a stone base and arch, as well as a roof and copula type structure. This entrance feature will predominantly display the name of the community and will advertise the entrance to the site to travelers on Liberty Road.

As noted, following a public hearing on the proposal, I granted certain variances to approve the entrance feature and signage thereon. Those variances generally permitted the

height and area of the structure and signage to be greater than otherwise permitted. To the extent appropriate, the Findings of Fact and Conclusions of Law supporting that approval are incorporated herein. Following the issuance of that decision, a Motion for Reconsideration was filed by the Office of People's Counsel. Although People's Counsel had not appeared at the public hearing before me, that Office had entered its appearance in the case. The Motion for Reconsideration requested modifications of the relief granted which would result in a reduction in mass and height to the proposed structure. The Motion also indicated that the Office of People's Counsel and CTC's representatives were discussing modifications to what had been approved that would be acceptable to both parties.

Obviously, a significant lapse in time has occurred since the filing of that Motion and the issuance of this Order. The parties have advised that this is largely due to the current economic recession and changes that have been brought about to the housing market due to these circumstances. However, notwithstanding the delay, I have been advised that the parties have agreed to a compromise which they now request that I incorporate in this Opinion and Order. Having reviewed the proposed revisions and based upon the representations of the parties, I will therefore grant the Motion for Reconsideration and modify my prior decision as indicated herein below.

First, the proposed height of the accessory structure will be reduced to 31-feet, in lieu of the 38-feet previously approved. This height still exceeds the 15-foot limitation pursuant to B.C.Z.R. Section 400.3 and thus a variance to that section is still required. Second, the height of the actual signage is also adjusted accordingly so that it is now proposed to be 16-feet, 2-inches in height rather than the 19-feet previously approved. This amended request also requires a

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variance, given that B.C.Z.R. Section 450.4.I.2¹ permits a max height of 6-feet for a sign. Finally, the area of the face of the sign is likewise reduced from 50-feet to 32-feet, in lieu of the maximum permitted 25-feet. Again, a variance is still required, notwithstanding this reduction in area.

Attached to correspondence of counsel advising of this agreement is a schematic rendering of the proposed sign, which shall be entered as "Petitioner's Exhibit 1 – Motion for Reconsideration." This schematic depicts the accessory structure and signage, as modified pursuant to the agreement of the parties.

As noted above, I hereby incorporate the findings previously made and hereby affirm that the Petitioner has met the requisite standard for the granting of variance relief. I find that the Petitioner has presented the required testimony as to standards of uniqueness, practical difficulty and compliance with the spirit and intent of the B.C.Z.R. as required under B.C.Z.R. Section 307 and case law. In that I previously made such findings in granting the variance as originally proposed, I adopt them by reference herein to support the granting of the Motion for Reconsideration and the revisions to the relief previously approved.

For the reasons set forth above, the Motion for Reconsideration shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of October 2010, that the Motion for Reconsideration shall be GRANTED; and

IT IS FURTHER ORDERED that the Revised Variance relief from Sections 400.1, 400.3 and 450.4 Attachment 1.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building to be located in either a front and/or side yard, rather than the permitted rear

¹ The Table of Sign Regulations was moved to the end of Article 4 in 2008. It is now referred to as Attachment 1 and should now be cited 450.4 Attachment 1.2.

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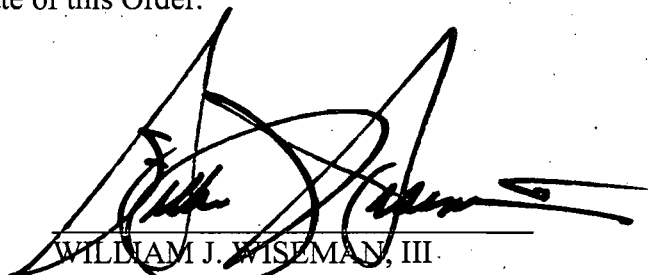
By

103

yard and to be located not in the third of the lot farthest removed from any street for a corner lot; to allow an accessory structure to have a height of 31 feet in lieu of the maximum permitted 15 feet, and to allow a sign height of 16 feet, 2 inches, in lieu of the maximum 6 feet and a maximum square footage area of 32 feet per side (face) in lieu of the maximum permitted 25 feet for a community sign, in accordance with Petitioner's Exhibit 1 – Motion for Reconsideration, be and is hereby GRANTED.

To the extent applicable, this Order shall supersede and replace the Order previously issued in this matter on March 27, 2009.

In accordance with Baltimore County Code (B.C.C.) Section 32-3-401, any appeal from this Order shall be filed within thirty (30) days of the date of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

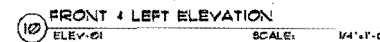
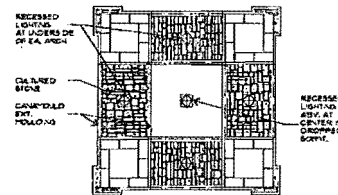
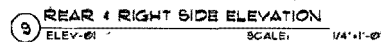
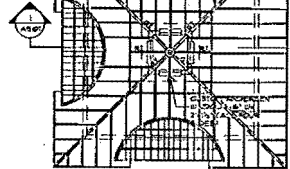
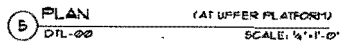
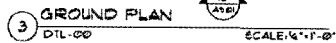
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Date 10-20-10

By 103

Date 10-20-10

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ELEVATION KEYNOTES

30. CONCRETE

- 01 CONCRETE FLOORING
- 02 CONCRETE BASE FOR COLUMN
- 03 SLAB
- 04 CERAMOTILE FLOORING

40. MASONRY

- 01 FINE CAST STONE PERCAMP
- 02 FINE CAST STONE WATER TABLE
- 03 UP-DOWN EDGE MASONRY TO SPECIFY
- 04 CHALKED STONE VENEER
- 05 CHALK FLOORING WALL
- 06 CHALK STONE CARVED IN WALL CAP
- 07 CONVALED FREESTYLE

50. METALS

- 01 METAL BRANDING HAND REATED ROOF
- 02 FLASHING

60. WOOD AND PLASTICS

- 01 FINE FASCIA BOARD ALUMINUM UNGRAINED
- 02 FINE STONE BOARD ALUMINUM UNGRAINED
- 03 FINE STONE BOARD ALUMINUM UNGRAINED
- 04 FINE STONE BOARD ALUMINUM UNGRAINED
- 05 FINE STONE BOARD ALUMINUM UNGRAINED
- 06 WOOD CUT TO PROFILE ARE ELEVATION
- 07 DRY LUMBER FOR ROOF INFORMATION
- 08 DRY LUMBER
- 09 DRY LUMBER FOR ROOF INFORMATION
- 10 DRY LUMBER FOR ROOF INFORMATION
- 11 DRY LUMBER FOR ROOF INFORMATION
- 12 DRY LUMBER FOR ROOF INFORMATION
- 13 DRY LUMBER FOR ROOF INFORMATION
- 14 DRY LUMBER FOR ROOF INFORMATION
- 15 DRY LUMBER FOR ROOF INFORMATION
- 16 DRY LUMBER FOR ROOF INFORMATION
- 17 DRY LUMBER FOR ROOF INFORMATION
- 18 DRY LUMBER FOR ROOF INFORMATION
- 19 DRY LUMBER FOR ROOF INFORMATION
- 20 DRY LUMBER FOR ROOF INFORMATION

70. SPECIFICATIONS

- 01 COMPONENT SYMBOL BY OWNER
- 02 FINAL CAP BY OWNER
- 03 COMPONENT SYMBOL BY OWNER (FROM 1121 802 ONLY)
- 04 COMPONENT MEDALLION BY OWNER
- 05 COMPONENT MEDALLION BY OWNER

ALL PERSONS, PLANE, VESSELS AND
AIR CRAFTS ENTERING OR LEAVING
THE UNITED STATES ARE SUBJECT TO THE
INSPECTION AND SEARCH BY THE
CUSTOMS AND BORDER PROTECTION
AGENCY. ALL PERSONS, PLANE, VESSELS
AND AIR CRAFTS ENTERING OR LEAVING
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AND AIR CRAFTS ENTERING OR LEAVING
THE UNITED STATES ARE SUBJECT TO THE
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CUSTOMS AND BORDER PROTECTION
AGENCY.

THE MARTIN ARCHITECTURAL GROUP, P.C.
ARCHITECTS AND LAND PLANNERS

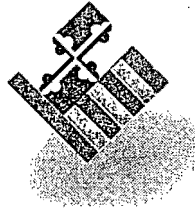
RECEIVED BY THE DIRECTOR OF THE FBI

[illegible]

PLANS, SECTIONS, ELEVATIONS & DETAILS

CARRIAGE HILLS COMMUNITY
FRONT ENTRY FEATURE
RANDALLSTOWN PD, BALTIMORE COUNTY
CLARK TURNER SIGNATURE HOMES

PETITIONER'S
MOTION FOR RECONSIDERATION
EXHIBIT NO. 1



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 20, 2010

Carole S. Demilio, Esquire
Deputy People's Counsel
Office of People's Counsel
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

RE: MOTION FOR RECONSIDERATION - PETITION FOR VARIANCE
SW/Side Liberty Road, 659' NW c/line of Pikeswood Road
(Carriage Hills Townhouses)
2nd Election District - 4th Council District
Clark Turner Companies - Petitioner
Case No. 2009-0111-A

Dear Ms. Demilio:

Enclosed please find a copy of the Ruling on the Motion for Reconsideration in the above-captioned matter.

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Lawrence E. Schmidt, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue,
Ste. 200, Towson, MD 21204
Fred Sheckells, Clark Turner Companies, 4685 Millenium Drive, Belcamp, MD 21017
Jim Hermann, Registered Landscape Architect, Morris and Ritchie Associates, Inc.,
1895 Eden Mill Road, Pylesville, MD 21132
People's Counsel; File

IN RE: **PETITION FOR VARIANCE**

S/Side Liberty Road, 659' NW c/line of
Pikeswood Road

(Carriage Hills Townhouses)

2nd Election District

4th Council District

Clark Turner Companies

Petitioner

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0111-A

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Clark Turner Companies, legal owner of the subject property, by and through its attorney, Sebastian A. Cross, Esquire with Gildea & Schmidt, LLC. Petitioner requests variance relief from Sections 400.1, 400.3 and 450.4.I.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building to be located in either a front and/or side yard, rather than the permitted rear yard and to be located not in the third of the lot farthest removed from any street for a corner lot; to allow an accessory structure to have a height of 38 feet in lieu of the maximum permitted 15 feet, and to allow a sign height of 19 feet in lieu of 6 feet and a maximum square footage of 50 feet per side (face) in lieu of 25 feet for a community sign. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Fred Sheckells, on behalf of Clark Turner Companies, legal owner, and Jim Hermann, Registered Landscape Architect, with Morris and Ritchie Associates, Inc. (MRA), the consultants who prepared the site plan. The Petitioner was represented by Lawrence E. Schmidt, Esquire with Gildea & Schmidt, LLC. There were no Protestants or other interested persons present.

The undersigned Zoning Commissioner is familiar with the subject property by virtue of several prior cases. Testimony and evidence offered revealed that the subject property under

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consideration is an 18-acre parcel known as Carriage Hills and located on the southwest side of Liberty Road near its intersection with Pikeswood Drive in the Randallstown. The property is zoned OR-2 and is presently unimproved and vacant. As will be discussed below, it is irregularly shaped and features a series of site constraints. These include an existing utility line/easement which traverses the property to accommodate a natural gas line. Additionally, there is an existing right-of-way that enters the property from Liberty Road to the north. At one time, this right-of-way was to be used to accommodate the construction of Metropolitan Boulevard, however, that road was never built.

The surrounding community is predominantly residential in character, however there are several institutional uses nearby. Specifically, immediately abutting the property on the east side is the Holy Family Catholic Church and School. Immediately to the west of the Carriage Hills property is the Colonial Baptist Church. To the south (rear) of the site is a large apartment complex (800+ units) known as the Carriage Hill Apartments. Immediately across the street from the subject property are several business/commercial uses. Liberty Road (MD Route 26) is a major thoroughfare, which runs in an east to west direction in front of the subject property from Baltimore City through Baltimore County and into Carroll County. Near Baltimore City, the Liberty Road corridor is commercial; however, it becomes more residential in nature at this location in Baltimore County.

The history of the proposed development of this property is significant. At one time, the subject property was owned by Q-C Carriage Hills LLC (hereinafter "Q-C"). This developer proposed the site for a townhouse development and its plans were processed pursuant to the County's development review regulations as contained in Article 32 of the Baltimore County Code (B.C.C.). Q-C's proposed development was the subject of the major subdivision development review processes and was reviewed by the designated reviewing agencies of Baltimore County. Ultimately, pursuant to that process, the matter came in for a public hearing before the County's Hearing Officer/Zoning Commissioner. At that public hearing, Q-C requested approval of its Development Plan, as well as a series of zoning variances which were necessary to accommodate

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Date 3-27-09
By 23

the proposed layout of the development. By Order of this Commission in Case Nos. II-649 and 04-026-A, dated November 12, 2003, the Development Plan was approved and the variances granted. Certain restrictions were also incorporated into that decision. There was no appeal of that decision and it became final.

Subsequently, Q-C apparently suffered financial setbacks and ultimately filed for bankruptcy. Testimony offered at the instant hearing was that the Turner Companies acquired the site through proceedings in the United States Bankruptcy Court. Turner then retained MRA to review the previously approved Development Plan and determine if the residential development as shown thereon was feasible. The Development Plan approved by the Hearing Officer/Zoning Commissioner, although subject to review by Baltimore County, is not a final plan. Rather, it is schematic in nature. Under law, the plan is further refined and additional details are added. A Final Development Plan (FDP) is then submitted to the County and later a plat is recorded in the Land Records of Baltimore County. Q-C never submitted a FDP nor recorded a plat. Thus, MRA was retained by Clark Turner Companies to ascertain whether the approved plan could proceed to FDP and ultimately record plat under current requirements and market conditions.

MRA reviewed the plan and determined that the same was viable. However, a series of changes were necessary to accommodate the changes in the market since 2003, as well as to ensure compliance with the County's evolving regulations as they relate to development. MRA prepared a revised plan which divided the proposed development into two (2) sections; shown as Phase I and Phase II. The development in Phase I will remain as proposed under the original approved Q-C Plan. The development in the area shown as Phase II required certain variances and special hearing approval. Those petitions (variance and special hearing) were considered by this Commissioner in Case No. 08-252-SPHA. By my written Opinion and Order dated March 18, 2008, the variances and special hearing approval was granted to enable the development of this site as proposed in the revised Development Plan. That Opinion not appealed is now final. Additionally, an FDP and plat have been filed and recorded as required.

COPIES RECEIVED FROM PLANS
Date 3-27-09
By [Signature]

The matter now returns to the undersigned for an additional variance in the instant case. This variance request relates entirely to a proposed "amenity" identification sign which is to be constructed on a portion of the property immediately adjacent to Liberty Road and therefore does not directly change the plan in any significant aspect. It was indicated at the hearing that Clark Turner Companies builds a quality home product and enjoys a favorable reputation for their home building throughout the Baltimore Metropolitan area. One signature of a Clark Turner development is the entrance signage. In this case, a monument type sign is proposed as more particularly shown on the site plan (Petitioner's Exhibit 1). The proposed signage contains a stone base and arch, as well as a roof and copula type structure. The name of the development, "Carriage Hills" is displayed within the signage.

Three (3) separate variances are required in order to approve this monument sign package. First, the sign will be located on a corner lot within the property which will ultimately be owned by the homeowners association. This lot immediately abuts Liberty Road and an access road (Peace Chance Drive) to be constructed leading into the interior of the site. Pursuant to B.C.Z.R. Section 400.1, an accessory structure must be located in the third of the lot farthest removed from the intersection. Obviously this requirement is not practical in this instance. The purpose of the sign, *to direct visitors into the site and identify the residential subdivision*, can be accommodated only if the sign is visible from Liberty Road. Thus, the sign will be located immediately adjacent to the intersection. It will not be located within the right-of-way nor cause any detrimental impact or interference with vehicular or pedestrian traffic. However variance relief is required so the sign is visible for traffic traveling in both directions on Liberty Road. If situated on that portion of the lot as required, it would not be functional.

ORIGINAL FILED FOR RECORD
Date 3-27-09
By 1033

The second variance requested is to accommodate the height of the accessory structure. As noted above, the sign is a monument type structure which reaches the height of approximately 38 feet. This height is required for identification purposes and so the sign is visible to traffic approaching on this major thoroughfare. It is an attractively designed structure which is consistent with the architectural theme of the development. As with other Clark Turner developments, it will also serve as an appropriate gateway to the community. Moreover, given the character of Liberty Road at this location and the character of the neighborhood, it is compatible with the locale.

Finally, variance relief is requested from B.C.Z.R. Section 450.4.I.2 to allow a sign height of 19 feet and square footage of 50 feet per face. The height requirement in this regard relates to the actual area of the lettering and location of the face of the sign within the structure.

At the public hearing, the Petitioners submitted a series of exhibits in support of the variances requested. These include a series of photographs of the site and locale. These photographs were persuasive that the proposed sign and its location and size are appropriate. As noted above, Liberty Road is a major corridor which contains four (4) lanes of traffic (two east and two west). Additionally, given the mixed uses in the vicinity, there is significant signage in the area; and the design and size is appropriate. Given the residential character of the project, the sign is designed and is compatible with the residential project proposed and the neighborhood. Finally, it is to be noted that there were no Protestants present and no adverse Zoning Advisory Committee (ZAC) comments were submitted. Turner has consulted with its neighbors regarding the project and a pattern book was reviewed and approved by the Office of Planning. That agency supports the Petitioner's request.

Based upon the testimony and evidence presented, I am persuaded to grant the petition for variance. The proposed redevelopment project as a whole is appropriate for the vicinity and will

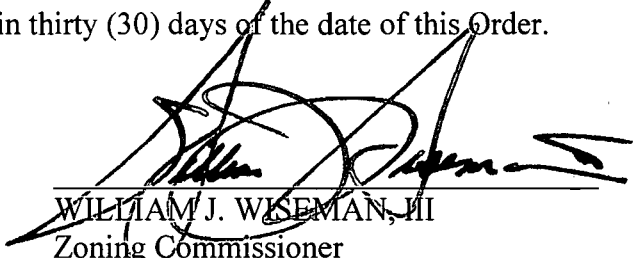
ORDER RECEIVED FOR FILING
Date 3-27-09
By [signature]

upgrade the community. The particular structure/signage proposed in this case is also appropriate for the size of the community, and I find that the Petitioner meets the requirements of B.C.Z.R. Section 307 and that relief should be granted. I find that there are unique circumstances and characteristics associated with this property that justify the variances requested. I also find that a denial of the variances would cause practical difficulty; to wit, that visibility to the development would be compromised and unduly limited. Finally, I find that the proposal is consistent with the spirit and intent of the B.C.Z.R. and that the proposal will not detrimentally impact the neighborhood.

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

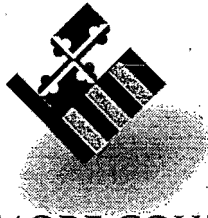
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of March 2009 that the Petition for Variance seeking relief from Sections 400.1, 400.3 and 450.4.I.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building to be located in either a front and/or side yard, rather than the permitted rear yard and to be located not in the third of the lot farthest removed from any street for a corner lot; to allow an accessory structure to have a height of 38 feet in lieu of the maximum permitted 15 feet, and to allow a sign height of 19 feet in lieu of 6 feet and a maximum square footage of 50 feet per side (face) in lieu of 25 feet for a community sign, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

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Date 3-27-09
By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 27, 2009

Lawrence E. Schmidt, Esquire
Sebastian A. Cross, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

IN RE: PETITION FOR VARIANCE

S/Side Liberty Road, 659' NW c/line of Pikeswood Road
(Carriage Hills Townhouses)
2nd Election District - 4th Council District
Clark Turner Companies - Petitioner
Case No. 2009-0111-A

Dear Counsel:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", written over a circular stamp or seal.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Fred Sheckells, Clark Turner Companies, 4685 Millenium Drive, Belcamp, MD 21017
Jim Hermann, Registered Landscape Architect, Morris and Ritchie Associates, Inc.,
1895 Eden Mill Road, Pylesville, MD 21132
People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: Carriage Hills

which is presently zoned: O.R.-2

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):

Please see attachment

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 PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Clark Turner Companies

Name - Type or Print

Signature

Dan Whitehurst, Land Development Manager

Name - Type or Print

Signature

4685 Millenium Drive

(410) 575-6000

Address

Telephone No.

Belcamp

MD

21017

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

Case No.

2009-Q111-A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

D.T.

Date

10/22/08

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

3-27-09

By

DW

Attachment to Petition for Variance
Carriage Hills

- A. §400.1 for an accessory building to be located in either a front and/or side yard, rather than the permitted rear yard and to be located not in the third of the lot farthest removed from any a street for a corner lot.
- B. §400.3 to allow an accessory ^{structure} building height of 38' in lieu of the permitted 15 feet.
- C. §450.4.I.2 to allow a sign height of 19 feet in lieu of 6 feet and a maximum square footage of 50 feet in lieu of 25 feet for a community sign.

per side (face)

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



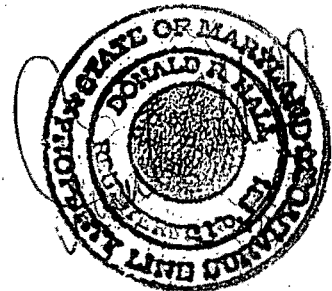
September 8, 2008

ZONING DESCRIPTION

Beginning at a point on the southerly right of way of Liberty Road, Maryland Route 26, a variable width right of way, approximately forty-four feet from the centerline of said road at a point approximately 659 feet northwest from the center of Pikeswood Road, a variable width right of way, said point is labeled as point 1456 on a Plat entitled "Final Plat 1 of 2, Phase I, Carriage Hills Townhouses" and recorded among the Plat Records of Baltimore County in Plat Book S.M.78 folio 380, running thence the following courses and distances, viz:

South 21°22'06" West 205.49 feet; North 59°52'54" West 68.48 feet; North 16°16'04" West 21.72 feet; North 27°20'46" East 176.49 feet; North 73°52'28" East 16.81 feet, and; S59°32'01" East 49.86 feet to the point of beginning, being located along the southwesterly side of said Liberty Road.

Containing an area of 14,605 square feet or 0.335 acres of land, more or less, and being located in the Second Election District, Fourth Councilmanic District, of Baltimore County, Maryland.



9-8-08

2009-0111-A

P:\15341\SURVEY\Descriptions\15341 Zoning Description-rev.doc

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mraqta.com

Abingdon, MD	+	Laurel, MD	+	Towson, MD	+	Georgetown, DE	+	Wilmington, DE	+	York, PA
(410) 515-9000		(410) 792-9792		(410) 821-1690		(302) 855-5734		(302) 326-2200		(717) 751-6073

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 28952

Date: 10/22/08

PAID RECEIPT

BUSINESS : ACTUAL : TIME : DRW
 /23/2008 : 10/22/2008 14:37:00 : 2

REV : 0502 : RATE : 0000 : JGA : JEE
 RECEIPT : 1099478 : 10/22/2008 : OFFL

5 : 500 : ZONING VERIFICATION

0. 023967.

Receipt Tot \$325.00

0325000 CK \$ 00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325.00

Total: 325.00

Rec
From:

GILDEA

For:

2009-0111-A

CARRIAGE HILLS

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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: # 2009-0111-A

Carriage Hills

S/side of Liberty Road, 659 feet n/west of centerline of Pikeswood Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Clark Turner Companies

Variance: for an accessory building to be located in either a front and/or side yard, rather than the permitted rear yard and to be located not in the third of the lot farthest removed from any street. To allow an accessory building height of 38 feet in lieu of the permitted 15 feet. To allow a sign height of 19 feet in lieu of 6 feet and a maximum square footage of 50 feet in lieu of the allowed 25 square feet for a community sign.

Hearing: Tuesday, January 13 2009 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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) 887-4386.

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

JT 12/822 Dec. 30

191411

CERTIFICATE OF PUBLICATION

1/2/2009

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 12/30/2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0111-A

Petitioner/Developer: _____

Clark Turner Companies

Date of Hearing/Closing: Jan 13 09

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

Attn : Kristin 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 property located at: _____

Carriage Hills

The sign(s) were posted on _____ Dec 29 08
(Month, Day, Year)

Sincerely,

Robert Black Dec 30, 08

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0111-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

Room 104 JEFFERSON BUILDING
PLACE 105 W. CHESAPEAKE AVE. TOWSON 21204

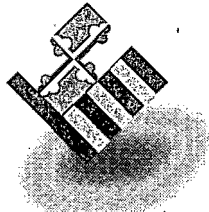
DATE AND TIME TUESDAY, JANUARY 13, 2009 AT 11:00 A.M.

REQUEST VARIANCE FOR AN ACCESSORY BUILDING TO BE LOCATED

IN EITHER A FRONT AND/OR SIDE YARD, RATHER THAN THE PERMITTED
REAR YARD AND TO BE LOCATED NOT IN THE THIRD OF THE LOT FARTHEST
REMOVED FROM ANY STREET. TO ALLOW AN ACCESSORY BUILDING
HEIGHT OF 30 FEET IN LIEU OF THE PERMITTED 15 FEET. TO ALLOW
A SIGN HEIGHT OF 19 FEET IN LIEU OF 6 FEET AND A MAXIMUM SQUARE
FOOTAGE OF 50 FEET IN LIEU OF THE ALLOWED 25 SQUARE FEET FOR A COMMUNITY
SIGN.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 2, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

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: 2009-0111-A

Carriage Hills

S/side of Liberty Road, 659 feet n/west of centerline of Pikeswood Road

2nd Election District – 4th Councilmanic District

Legal Owners: Clark Turner Companies

Variance for an accessory building to be located in either a front and/or side yard, rather than the permitted rear yard and to be located not in the third of the lot farthest removed from any street. To allow an accessory building height of 38 feet in lieu of the permitted 15 feet. To allow a sign height of 19 feet in lieu of 6 feet and a maximum square footage of 50 feet in lieu of the allowed 25 square feet for a community sign.

Hearing: Tuesday, January 13, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, 600 Washington Avenue, Ste. 200, Towson 21204
Dan Whitehurst, Clark Turner Co., 4685 Millenium Drive, Belcamp 21017

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 29, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 30, 2008 Issue - Jeffersonian

Please forward billing to:

Sebastian Cross

410-821-0070

Gildea & Schmidt

600 Washington Avenue, Ste. 200

Towson, MD 21204

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0111-A

Carriage Hills

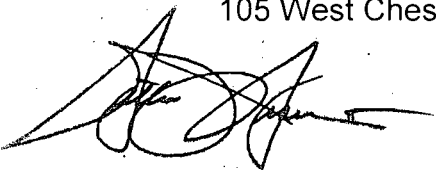
S/side of Liberty Road, 659 feet n/west of centerline of Pikeswood Road

2nd Election District – 4th Councilmanic District

Legal Owners: Clark Turner Companies

Variance for an accessory building to be located in either a front and/or side yard, rather than the permitted rear yard and to be located not in the third of the lot farthest removed from any street. To allow an accessory building height of 38 feet in lieu of the permitted 15 feet. To allow a sign height of 19 feet in lieu of 6 feet and a maximum square footage of 50 feet in lieu of the allowed 25 square feet for a community sign.

Hearing: Tuesday, January 13, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake 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
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 2009-0111-A

Petitioner: Clark Turner Companies

Address or Location: Carriage Hills

PLEASE FORWARD ADVERTISING BILL TO:

Name: Sebastian A. Cross

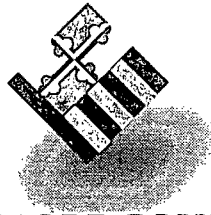
Address: 600 Washington Ave.

Suite 200

Towson, MD 21204

Telephone Number: 4108210070

Revised 7/11/05 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
January 08, 2009

Sebastian A. Cross
Gildea & Schmidt, LLC
600 Washington Ave.
Towson, MD 21204

Dear: Sebastian A. Cross

RE: Case Number 2009-0111-A, Carriage Hills

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 22, 2008. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Clark Turner Companies; 4685 Millenium Dr.; Belcamp, MD 21017



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

November 10, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 03, 2008

Item Numbers: Item Number 0109 ¹¹¹ through 0125

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

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

November 20, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 17, 2008

ItemNumbers ~~2011-1-1~~ 126, 0127, 0128, 0129, 0130, 0131, 0132, 0133, 0135, 0137, 0138, 0140

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
Department of Permits & Development
Management

DATE: November 24, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For November 24, 2008
Item No.: ~~2009-111~~ 121, 126, 127,
128, 130, 131, 132, 133, 137, 138 & 140

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

DAK:CEN:cab
cc: File

ZAC-11242008-NO COMMENTS

BW 1/13 11 am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 3, 2008

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

RECEIVED
DEC 3 2008

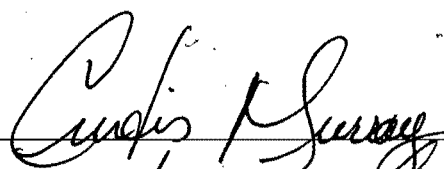
BY: _____

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-111- Variance**

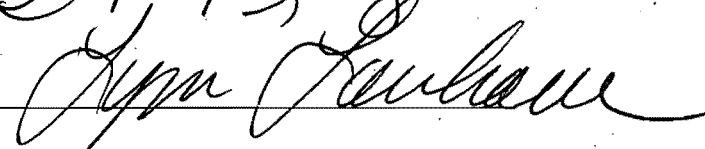
The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's variance requests.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By: _____



Division Chief:
CM/LL



RE: PETITION FOR VARIANCE * BEFORE THE
Carriage Hills; S/S Liberty Road, 659' *
NW of c/line Pikeswood Road * ZONING COMMISSIONER
2nd Election & 4th Councilmanic Districts *
Legal Owner(s): Clark Turner Companies * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-111-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

NOV 24 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 2008, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Bill Wiseman - Clark Turner sign case (Carriage Hills)

From: "Larry Schmidt" <lschmidt@gildeallc.com>
To: <wwiseman@baltimorecountymd.gov>
Date: 6/9/2009 2:58 PM
Subject: Clark Turner sign case (Carriage Hills)
CC: <csdemil@aol.com>

Mr. Commissioner: Carole Demilio and I received the letter from your able deputy Mr. Bostwick inquiring about the status of the above and the pending Motion for Reconsideration while you were drinking wine, eating lots of good food and ogling women in Italy. I am happy to report that I think we have a deal, subject to the agreement of the principle at my client, Clark Turner Signature Homes. If agreed, I will be submitting a revised schematic of the proposed sign and a proposed opinion/order. I will of course run these documents by Ms. Demilio for her scrutiny.

We will keep you advised.

Jealously yours,

Larry Schmidt

Lawrence E. Schmidt

Gildea & Schmidt, LLC

600 Washington Avenue

Suite 200

Towson, MD 21204

(410) 821-0070

(410) 821-0071 - fax

This email contains information from the law firm of Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Gildea & Schmidt, LLC by telephone immediately.



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 23, 2009

HAND DELIVERED

William J. Wiseman, III, Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

APR 23 2009

ZONING COMMISSIONER

Re: PETITION FOR VARIANCE
Clark Turner Companies-Petitioner
Carriage Hills; S/S Liberty Road, 659'NW of c/line Pikeswood Road
Case No: 09-111-A

Dear Mr. Wiseman,

Please consider this letter as a Motion for Reconsideration of your decision dated March 27, 2009 in which you granted certain variances for location and height of an accessory building encompassing a free-standing sign, which also required variances. Our office had some concerns about the size of the structure and particularly the size of the sign itself.

I have met with Mr. Schmidt, the attorney for Petitioner. It appears the Petitioner may make some modifications requiring lesser variances than originally requested, which I believe would comport more with BCZR 450.

In light of this, Mr. Schmidt and I agreed that I would submit this letter to you, with all due respect, so that he and I could further discuss the terms of a modified Order and concomitant amended site plan.

If you agree, we shall contact you if this matter has been resolved and submit the terms for a modified Order for your consideration.

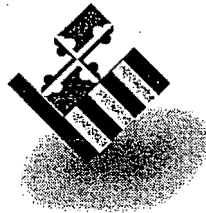
Thank you in advance.

Very truly yours,

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel

cc: Lawrence E. Schmidt, Esquire

BW 1/13/09
Order 3/27/09



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

April 28, 2009

Carole S. Demilio, Esquire
Deputy People's Counsel
Office of People's Counsel
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

RE: PETITION FOR VARIANCE

S/Side Liberty Road, 659' NW c/line of Pikeswood Road
(Carriage Hills Townhouses)
2nd Election District - 4th Council District
Clark Turner Companies - Petitioner
Case No. 2009-0111-A

Dear Ms. Demilio:

This is to confirm that your letter of April 23, 2009 has been accepted as a Motion for Reconsideration of the Order issued by me in the above-captioned matter on March 27, 2009. Pursuant to Rule 4K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, any party may file a Motion for Reconsideration within thirty (30) days of the date of an Order. Thus, the Motion in this case was timely filed.

The purpose of this letter is to advise all parties that I will waive the 30-day requirement which deals with a final resolution within 30 days from the date of the Motion's filing. This is done to give you and Mr. Schmidt time to discuss the terms of a modified Order and hopefully lead to your reaching an amicable resolution.

Should you have any questions, please give me a call.

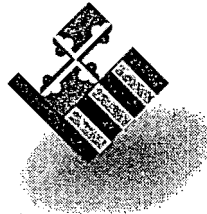
Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Lawrence E. Schmidt, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue,
Ste. 200, Towson, MD 21204
Fred Sheckells, Clark Turner Companies, 4685 Millenium Drive, Belcamp, MD 21017
Jim Hermann, Registered Landscape Architect, Morris and Ritchie Associates, Inc.,
1895 Eden Mill Road, Pylesville, MD 21132
People's Counsel; File



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 4, 2009

Carole S. Demilio, Esquire
Deputy People's Counsel
Office of People's Counsel
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: PETITION FOR VARIANCE

S/Side Liberty Road, 659' NW c/line of Pikeswood Road
(Carriage Hills Townhouses)
2nd Election District - 4th Council District
Clark Turner Companies - Petitioner
Case No. 2009-0111-A

Dear Counsel:

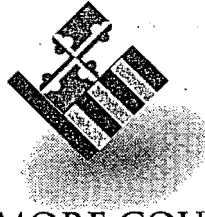
I'm writing in Bill's absence (since he's enjoying a vacation) to request a short response as to the status of your negotiations.

I trust you will give us the benefit of your advice at your earliest opportunity.

Very truly yours,

A handwritten signature in cursive script that reads "Debra L. Wiley".

Debra L. Wiley
Legal Administrative Secretary
for Zoning Commissioner



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 20, 2010

Carole S. Demilio, Esquire
Deputy People's Counsel
Office of People's Counsel
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: PETITION FOR VARIANCE

S/Side Liberty Road, 659' NW c/line of Pikeswood Road

(Carriage Hills Townhouses)

2nd Election District - 4th Council District

Clark Turner Companies - Petitioner

Case No. 2009-0111-A

Dear Counsel:

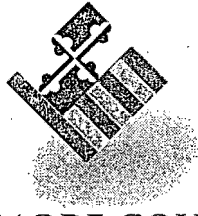
The case file, as you know, has been retained in my office pending resolution of the Motion for Reconsideration filed by the Office of People's Counsel. One of my New Year resolutions, as I can't lose even one pound, is to move many of the old cases out of my office. Has an agreement been reached? Is a revised amenity sign elevation being prepared? I would appreciate a short response as to the status of this matter.

I shall await your advice.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bill Wiseman III", written over a large, stylized, abstract graphic that resembles a signature or a set of initials.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 10, 2010

Carole S. Demilio, Esquire
Deputy People's Counsel
Office of People's Counsel
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: PETITION FOR VARIANCE

S/Side Liberty Road, 659' NW c/line of Pikeswood Road
(Carriage Hills Townhouses)
2nd Election District - 4th Council District
Clark Turner Companies - Petitioner
Case No. 2009-0111-A

Dear Counsel:

For reasons not readily known to me, this matter must no longer be one of the more important cases in your offices. Therefore, I am returning the file to DPDM for safekeeping.

Should the status change and an agreement reached, please contact my office so the file can be retrieved.

Thanks.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. J. Wiseman III', written over the typed name.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

c: ✓ Kristen Lewis, DPDM

From: Debra Wiley
To: csdemil@aol.com; Ischmidt@gildeallc.com
Date: 9/3/2009 11:19 AM
Subject: Clark Turner Sign Case - 2009-0111-A (Carriage Hills Townhouses)

Good Morning,

In your last correspondence to Bill, 6/9/09, you indicated that you might have a deal, subject to the agreement of your client, Clark Turner Signature Homes. You also indicated that you'd be submitting a revised schematic of the proposed sign and proposed Order, all of which would be run by Ms. Demilio for her scrutiny.

At your earliest convenience, Bill is asking if you would please advise us with the latest status.

Thank you for your usual cooperation and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

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DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

October 27, 2008

Via Hand Delivery

Ms. Donna Thompson
Baltimore County Zoning
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

**Re: Clark Turner/Carriage Hills
Case No.: 2009-111-A**

Dear Ms. Thompson:

Enclosed herein please find three (3) original executed Petitions for Variance, three (3) copies of the zoning description, and twelve (12) copies of the Plan to Accompany Sign Variance Application.

Should you have any questions or need further information regarding this matter, please do not hesitate to contact me. With kind regards, I am

Very truly yours,



Sebastian A. Cross

SAC: sf

CC: Dan Whitehurst, Clark Turner Companies
James Hermann, Morris & Ritchie Associates, Inc.
Lawrence E. Schmidt, Esquire

CASE NAME CARRIAGE HILLS
CASE NUMBER 2009-0111-A
DATE 1/13/09
ET

CASE NAME CARRIAGE HILLS
CASE NUMBER 2009-0111-A
DATE 1/13/09
ET

[illegible]

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITION FOR VARIANCE
SW/S Pikeswood Drive & Liberty Road * ZONING COMMISSIONER
(**Carriage Hills Townhouses**)
2nd Election District * OF BALTIMORE COUNTY
4th Council District * Case Nos. II-649 & 04-026-A
Q-C Carriage Hills, LLC
Owner/Developer *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to Title 26 thereof, the Owners/Developers, Q-C Carriage Hills, LLC request approval of a red-lined development plan for the proposed residential development of the subject property with 153 townhouse dwelling units. In addition, a series of variances are requested from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as set forth in the Petition for Variance filed in companion Case No. 04-026-A. Specifically, relief is requested from Section 1B01.2.C.1.c of the B.C.Z.R. and Part III, Section II, A. p.19 of the C.M.D.P. to permit: **(a)** minimum setbacks from front building face to a public street right-of-way or property line of 15 feet in lieu of the required 25 feet for proposed garage units on Lots 1-367 and 55-141; **(b)** minimum setbacks from side building face to a public street right-of-way of 15 feet in lieu of the required 25 feet for Lots 55, 66-67, 78-79, 90, 100, 107, 122, 135, 121 and 136; **(c)** minimum setbacks from rear building face to a public street right-of-way of 30 feet in lieu of the required 45 feet for Lots 1-12, 55-78, 100-106 and 136-141; **(d)** minimum setbacks from any building face to a tract boundary line of 15 feet in lieu of the required 30 feet for Lots 73-78, 101-106, 136-141 and 13-36; **(e)** from Section 301.1.A of the B.C.Z.R. to permit a minimum setback from the rear property line for decks or one-story open porches of 10 feet in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear yard for Lots 1 through 159; and **(f)**, from Part II, Section II, A, P.19 of the C.M.D.P. to permit minimum setbacks from

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

SW/S Liberty Road (MD 26), 28' NW of *

c/line of Pikeswood Drive (a Private Road) *

(Carriage Hills Townhouses) *

2nd Election District *

4th Council District *

Clark Turner Companies *

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-252-SPHA

* * * * *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance (including a request for Modification of Standards) filed by Clark Turner Companies (Turner), the owner of the subject property, by and through its attorney Lawrence E. Schmidt, Esquire. The Petitioner requests a special hearing to confirm that the zoning relief granted by the Hearing Officer/Zoning Commissioner in Case Nos. II-649 and 04-026-A remains valid under the revised plan which proposes the residential development of the property. A series of variances are requested from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as set forth in the Petition for Variance. Specifically, relief is requested from Section 1B01.2C.1.c¹ (Group House Chart) of the B.C.Z.R. and the C.M.D.P., Residential Standards page 27 to permit: (a) a minimum setback of 15' from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25', for Lots 1-32, 53-54, and 79-145; (b) a minimum setback of 15' from any building face to a tract boundary, in lieu of the required 30', for Lots 89-94 and 122-129; (c) a minimum setback of 15' from side building face to public street right-of-way, in lieu of the required 25', for Lots 7, 14, 52, 53, 95, 105-106, 121, 129, 130, and 145; (d) a

¹ As filed, the Petition for Variance erroneously referenced Section 1B01.C.1c of the regulations which was amended at the outset of the hearing by Mr. Schmidt.

Case No.: 2009-0111-A CARRIAGE Hills - Liberty Rd

Exhibit Sheet

Petitioner/Developer

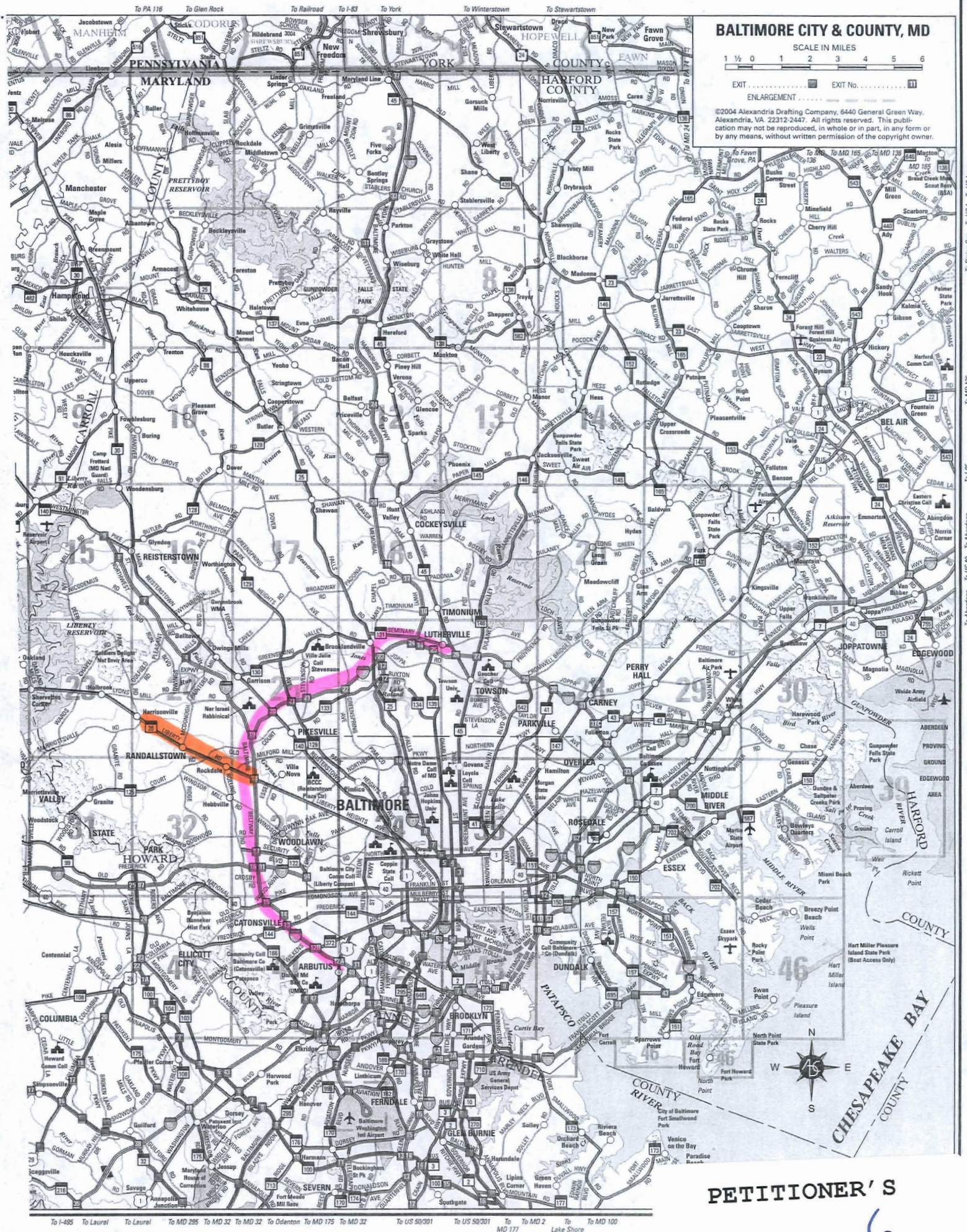
Protestant

No. 1	Site Plan	
No. 2 A-E	Photo's Existing Conditions.	
No. 3 A-E	Photo's Entranceway	
No. 4	Entrance @ Pikeswood Drive	
No. 5	Aerial Photographs	
No. 6	Vicinity Map	
No. 7	DEVELOPMENT PLAN NOTING LOT and SIGN LOCATION	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

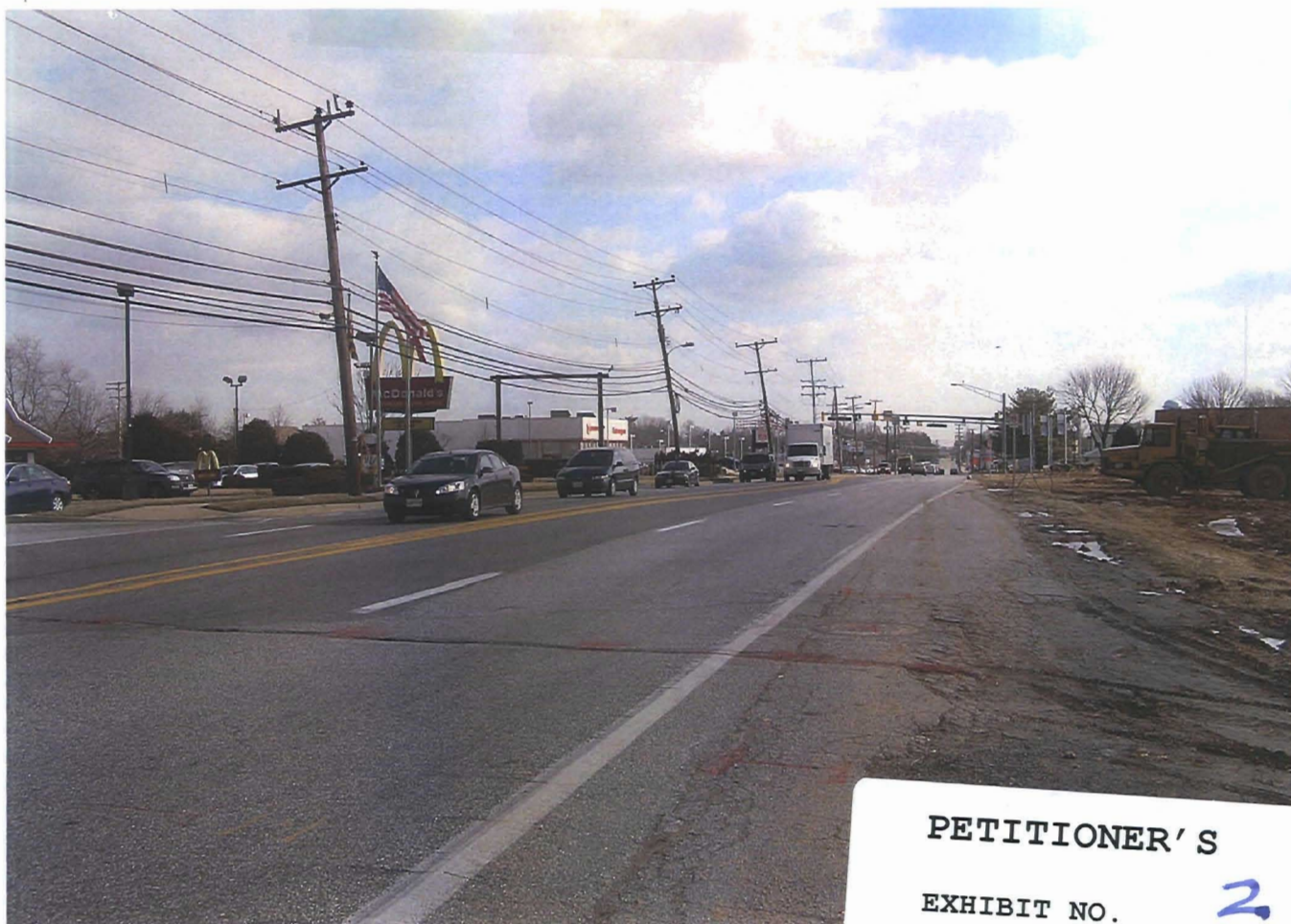
BALTIMORE CITY & COUNTY, MD

INDEX TO MAPS

Pages 2, 3, 4 and 5 provide you a Key to Abbreviations, Table of Contents, complete Step-by-Step guide to using your Street Map Book and Map Legend. Take a few minutes to familiarize yourself with this time-saving information.



E/B



2A

PETITIONER'S

EXHIBIT NO.

2



3B



3D



3C



3E



3A

PETITIONER'S

EXHIBIT NO.

3



3B



3C



3D



3E



PETITIONER'S

EXHIBIT NO.

4



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

SITE AERIAL PHOTOGRAPH
No 5
CARRIAGE HILLS

SCALE: N.T.S.

DATE: 02.07.08

DRAWN BY: MAB

DESIGN BY: MAB

BALTI
REVIEW

PETITIONER'S
EXHIBIT NO. *5*

