

IN RE: PETITION FOR VARIANCE

N/Side of Winands Road, 119 feet E of
Adrienne Way
2nd Election District
4th Councilmanic District
(Lots 1 through 21 – McDonogh Green)

True Gospel Apostolic Faith Church, Inc.
Legal Owner
M & G Investments, LLC, *Contract Purchaser*
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
*
* **CASE NO. 2011-0190-A**

* * * * *

OPINION AND ORDER

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance. The Petition was filed by the True Gospel Apostolic Faith Church, Inc., legal owner of the subject property, and M&G Investments, LLC, contract purchaser. The variance relief as presented at the hearing is from B.C.Z.R. Section 1B01.2.C.1.b to permit: 1) on Lot Nos. 1 thru 11 and 17 thru 21, a rear yard setback of 20 feet in lieu of the 30 feet required; and 2) on Lots Nos. 12 thru 16, a rear yard setback of 15 feet in lieu of the 30 feet required.

The record in this case reflects that the subject property was properly posted and advertised as required by the Baltimore County Zoning Regulations (“B.C.Z.R.”). Appearing at the public hearing on this Petition were Geoffrey C. Schultz, PLS, President of McKee & Associates, Inc., the engineering/surveying/land planning firm that prepared the plat to accompany the Petition, and Michael S. Greenspun, Member of M&G Investments, LLC. The Petitioners were represented by Howard L. Alderman, Jr., Esquire. There were no Protestants or interested citizens present.

The proffered testimony indicated the subject property is a long, narrow parcel, binding on Winands Road to the south and terminating in an irregular configuration to the north. The subject

ORDER RECEIVED FOR FILING

Date 2-11-11

By [Signature]

property is comprised of approximately six acres, zoned D.R. 3.5, which has been previously approved by the Hearing Officer for Baltimore County in Case No. II-570, for 21 residential lots, two stormwater management reservations, a variety of easements and a dedicated area of active open space, all of which are depicted on the Plat to Accompany the Petition for Variance, accepted into evidence as Petitioners' Exhibit 1. During the previous development approval proceedings, based on the narrowness of the parcel, the County's Department of Public Works recommended a waiver of road right of way width and road paved section for the proposed development road known as Bald Eagle Court which the Hearing Officer granted.

The testimony proffered indicated that at the time of the development plan consideration, only the owner of the property and the developer were involved as there was no builder. A pattern book, requested by the County Office of Planning pursuant to B.C.Z.R. Section 260, depicting generic homes that could be built on the proposed lots was accepted into evidence during the development plan hearing. Well after approval of the development plan, Ryan Homes reached agreement to purchase the lots if homes compatible with the other, surrounding homes in the area could be constructed.

Ryan Homes and Mr. Greenspun worked with the Office of Planning to revise the original pattern book, to reflect the four Ryan home styles that have been approved by the Planning Office for construction in the County. To ensure compatibility with the newly constructed subdivisions that surround the subject property, exterior features were modified and an optional morning/sun room was included with each model. Once those features were incorporated, the Office of Planning approved the document entitled "Ryan Homes, McDonogh Greens PDM #02-750, Revised Pattern Book, January 2011", a copy of which was accepted as Petitioners' Exhibit 2.

ORDER RECEIVED FOR FILING

Date 2-11-11

By [Signature]

Proffered testimony described the subject property as an in-fill parcel, all lands around it having been developed previously. The development of the subject property, to be served by public water and sewerage facilities, is located within the Owings Mills designated Growth Area and was appropriately described as part of the County's residential Smart Growth objectives.

The proffered testimony described the necessity of the requested variance relief to meet the compatibility requirements of the Residential Performance Standards (B.C.Z.R. Section 260). The rear yard is often used for recreational activities and the morning/sunrooms that will project into the rear yard will provide for many of the same types of activities, but in an enclosed environmentally controlled area. Having reviewed the proposed relief and the Plat to Accompany the Petition, the Office of Planning submitted its Zoning Advisory Comments of "no objection to the requested relief", a copy of which was accepted as Petitioners' Exhibit 3.

The testimony offered, corroborated by the witnesses who were present and available to testify, was that the property is an in-fill, unique parcel, the width constraints of which have been recognized previously by Baltimore County. I am persuaded, based on the evidence and testimony presented, that the variance relief from the requirements from the B.C.Z.R. should be granted. To deny the requested relief would prohibit new dwellings that are compatible with the residential scheme of existing homes in the area. The Office of Planning reviewed the request and approved revisions to the McDonogh Green pattern book after a compatibility determination required by the Residential Performance Standards. Ryan Homes, the builder, would face real, practical difficulty attempting to secure or sell new homes that were not compatible with the community.

The evidence and proffered testimony were substantial and uncontradicted that the existing conditions render the subject property unique to other similarly zoned property in the community.

ORDER RECEIVED FOR FILING

Date 2-11-11

3

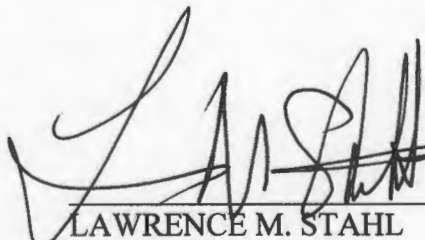
By [Signature]

The relief requested is the minimum relief necessary to permit compatible homes to be constructed. Other, larger developments have proceeded in the community, leaving this narrow parcel as an in-fill property. No additional residential density results from the requested relief and the relief brings the subject property into compliance with development already existing in the community. The spirit and intent of the setback requirements and the Residential Performance Standards of the B.C.Z.R. will be observed by granting of the requested relief.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 14th day of February, 2011, that the Petition for Variance relief from B.C.Z.R. Section 1B01.2.C.1.b to permit: 1) a rear yard setback of 20 feet in lieu of the 30 feet required on Lot Nos. 1 thru 11 and 17 thru 21; and 2) a rear yard setback of 15 feet in lieu of the 30 feet required on Lots Nos. 12 thru 16 shall be and hereby are GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. 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.

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


LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 2-11-11 4

By [signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 11, 2011

HOWARD L. ALDERMAN, JR., ESQUIRE
LEVIN & GANN PA
502 WASHINGTON AVENUE, 8TH FLOOR
TOWSON MD 21204

Re: Petition for Special Hearing and Variance
Case No. 2011-0190-A
Property: Lots 1 through 21 – McDonogh Green

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Geoffrey C. Schultz, McKee & Associates, Inc., 5 Shawan Road, Cockeysville MD 21030
Michael S. Greenspun, M&G Investments LLC, 1498 Reisterstown Road, Suite 338,
Pikesville MD 21208
Otto Richardson, Jr., President, True Gospel Apostolic Faith Church, Inc., 2715 Grindon
Avenue, Baltimore MD 21214



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at Lots 1 through 21 - "McDonogh Green" PDM No. 02-750
which is presently zoned DR - 3.5

Deed Reference: 15762 / 064 Tax Account # 0202570060

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.)

For reasons to be introduced at the zoning 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:

M & G Investments, LLC Michael S. Greenspan, Pres.
Name - Type or Print

Signature

1498 Reisterstown Road

443-375-0324

Address

Telephone No.

Baltimore

MD

21208

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esq.

Name - Type or Print

Signature

Levin & Gann, PA

Company

502 Washington Ave. 8th Fl. 410-321-0600

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

True Gospel Apostolic Faith Church, Inc

Name - Type or Print

Signature

Otto Richardson, Jr., President

Name - Type or Print

Signature

2715 Grinde Ave.

Address

Telephone No.

Baltimore

MD

21214

City

State

Zip Code

Representative to be Contacted:

Geoffrey C. Schultz

Name

5 Shawan Road

Address

Telephone No.

Cockeysville

MD

21030

City

State

Zip Code

Case No. 2011-0190-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by [Signature]

Date 12/9/10

REV 8/2007

ORDER RECEIVED FOR FILING

Date 2-11-11

By [Signature]

ZONING VARIANCE REQUESTS

McDONOGH GREEN

Requesting variances to Section 1B01.2.C.1.b to permit a rear yard setback of 20 feet for lots 1-11 and 17-21 and a rear yard setback of 15 feet for lots 12-16 in lieu of the required 30 feet.

0190-A

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

Zoning Description
Lots 1 through 21
McDonogh Green
2nd Election District
4th Councilmanic District
Baltimore County, MD



Beginning at a point on the North side of Winands Road, said point being 119 feet more or less east of the center of Adrienne Way, thence running N 23° 41' 00" E 992.32 feet, N 64° 58' 55 E 243.21 feet, S 66° 04' 39" E 65.87 feet, S 22° 50' 16" W 1175.15 feet, and N 66° 15' 15" W 243.73 feet to the place of beginning.

Containing 6.004 acres of land as described in deed Liber 15762 Folio 54.

2011-0190-A

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: # 2011-0190-A

Lots 1 thru 21 - McDonogh Green

N/s of Winands Road, 119+/- feet east of the centerline of Adrienne Way

2nd Election District - 4th Councilmanic District

Legal Owner(s): True Gospel Apostolic Faith Church, Inc.

Contract Purchaser: M & G Investments, LLC,

Michael Greenspan

Variance: to permit a rear yard setback of 20 feet for lots 1 thru 11 and 17-21 and a rear yard setback of 15 feet for lots 12-16 in lieu of the required 30 feet.

Hearing: Tuesday, February 1, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON

Director of Permits, Approvals and Inspections 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.

1/10/2011

264813

CERTIFICATE OF PUBLICATION

1/13/2011

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 1/13/2011.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Department of **PIA**
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

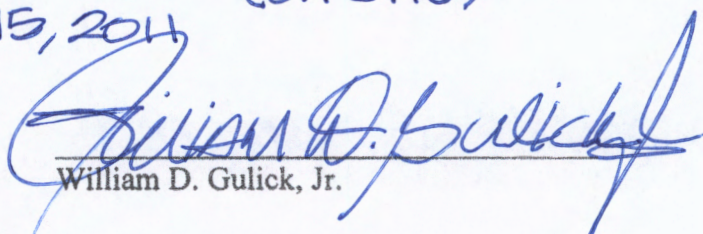
Date: **JAN. 15, 2011**

Attention: **ZONING OFFICE**
MS. KRISTEN LEWIS

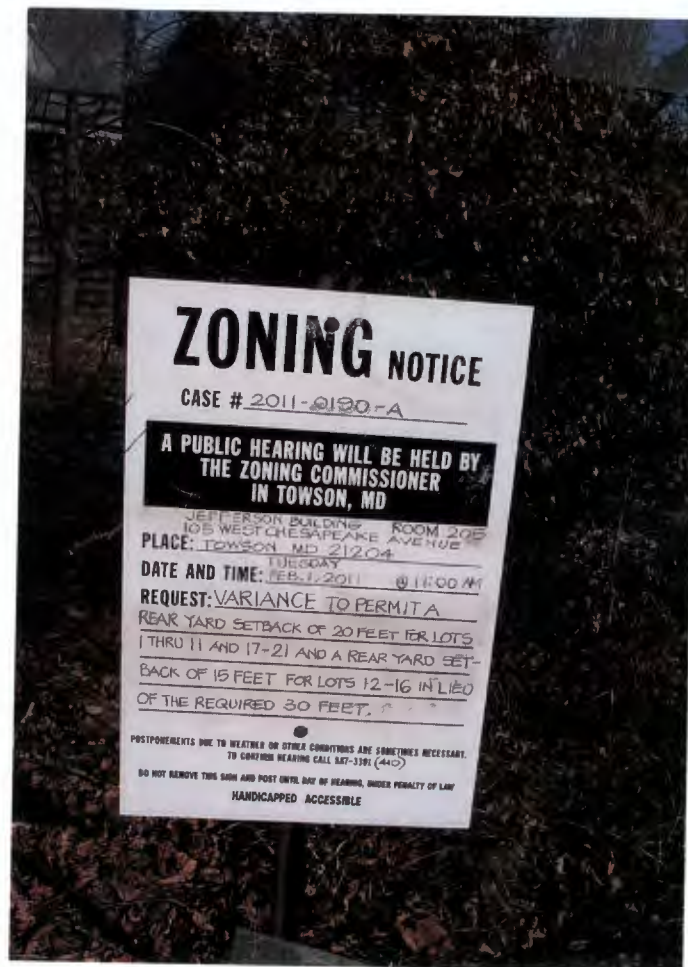
Re: Case Number: **2011-0190-A**
Petitioner/Developer: **M&G INVESTMENTS, LLC, MICHAEL GREENSPAN**
Date of Hearing/Closing: **FEB. 1, 2011**

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: **NORTH SIDE WINANDS ROAD (ON SITE)**

The sign (s) were posted on: **JAN. 15, 2011**


William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
January 7, 2011
*Department of Permits and
Development Management*

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0190-A

Lots 1 thru 21 – McDonogh Green

N/s of Winands Road, 119+/- feet east of the centerline of Adrienne Way

2nd Election District – 4th Councilmanic District

Legal Owners: True Gospel Apostolic Faith Church, Inc.

Contract Purchaser: M & G Investments, LLC, Michael Greenspan

Variance to permit a rear yard setback of 20 feet for lots 1 thru 11 and 17-21 and a rear yard setback of 15 feet for lots 12-16 in lieu of the required 30 feet.

Hearing: Tuesday, February 1, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Fl., Towson 21204

Michael Greenspan, 1498 Reisterstown Road, Baltimore 21208

Geoffrey Schultz, 5 Shawan Road, Cockeysville 21030

Otto Richardson, Jr., 2715 Grindon Avenue, Baltimore 21214

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 15, 2011.**
- (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.**



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROGO, Director
January 6, 2011
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: 2011-0190-A

Lots 1 thru 21 – McDonogh Green

N/s of Winands Road, 119+/- feet east of the centerline of Adrienne Way

2nd Election District – 4th Councilmanic District

Legal Owners: True Gospel Apostolic Faith Church, Inc.

Contract Purchaser: M & G Investments, LLC, Michael Greenspan

Variance to permit a rear yard setback of 20 feet for lots 1 thru 11 and 17-21 and a rear yard setback of 15 feet for lots 12-16 in lieu of the required 30 feet.

Hearing: Monday, February 1, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Fl., Towson 21204

Michael Greenspan, 1498 Reisterstown Road, Baltimore 21208

Geoffrey Schultz, 5 Shawan Road, Cockeysville 21030

Otto Richardson, Jr., 2715 Grindon Avenue, Baltimore 21214

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY.**
- (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, January 13, 2011 Issue - Jeffersonian

Please forward billing to:

Michael Greenspan
1498 Reisterstown Road, Ste. 338
Baltimore, MD 21208

443-375-0324

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: 2011-0190-A

Lots 1 thru 21 – McDonogh Green

N/s of Winands Road, 119+/- feet east of the centerline of Adrienne Way

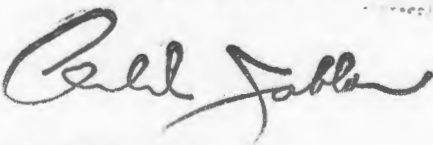
2nd Election District – 4th Councilmanic District

Legal Owners: True Gospel Apostolic Faith Church, Inc.

Contract Purchaser: M & G Investments, LLC, Michael Greenspan

Variance to permit a rear yard setback of 20 feet for lots 1 thru 11 and 17-21 and a rear yard setback of 15 feet for lots 12-16 in lieu of the required 30 feet.

Hearing: Monday, February 1, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections 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/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: 2011-0190-A
Petitioner: M & G INVESTMENTS, LLC
Address or Location: LOTS 1 THRU 21 "McDonagh Green"

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael S. Greenspan, Member
Address: 1498 REISTERSTOWN ROAD, Suite 338
Baltimore, Md. 21208

Telephone Number: 443-375-0324



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 26, 2011

True Gospel Apostolic Faith Church, Inc.
Otto Richardson, Jr. President
2715 Grindon Avenue
Baltimore, Maryland 21214

Dear Mr. Richardson:

RE: Case Number 2011-0190-A Address Lots 1 through 21 "McDonogh Green" PDM No. 02-750

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 9, 2010. 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: People's Counsel
Geoffrey C. Schultz 5 Shawan Road Cockeysville MD 212230
Howard L. Alderman, Jr. Esq. Levin & Gann, PA 502 Washington Avenue Towson, MD 21204
M & G Investment, LLC Michael S. Greenspan 1498 Reisterstown Rd. Baltimore MD 21208

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 3, 2011
Item Nos. 2011- 189, 190 and 191

DATE: December 15, 2010

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

DAK:CEM:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-01032011 -NO COMMENTS.doc



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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: DEC. 17, 2010

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

RE: Baltimore County
Item No 2011-0190-A
BALD EAGLE COURT
TRUE GOSPEL APOSTOLIC FAITH
VARIANCE -

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. 2011-0190-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,

¹
Fos Steven D. Foster, Chief
Access Management Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

December 15, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: December 20, 2010

Item No.:

Variance: MC-2011-0189-A (R732461) and 2011-0190-A (R732479)

Administrative Variance: 2011-0191-A (R732487)

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

Comments:

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George Klunk, Interim Director
Department of Permits and
Development Management

DATE: January 3, 2011

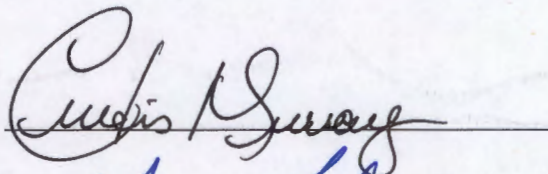
FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-190- Variance**

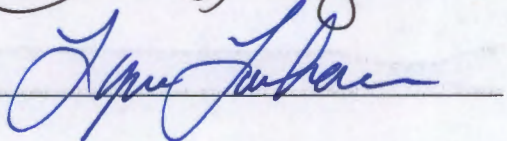
The Office of Planning has no objection to the requested relief. The Office of Planning is currently reviewing revisions to the pattern book for Ryan Homes. The builder has indicated a desire to offer sunrooms to the rear of the homes and homes with increased depth over those originally shown on the approved plans.

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

Prepared By:



Division Chief:
CM/LL



RECEIVED

JAN 10 2011

ZONING COMMISSION

RE: PETITION FOR VARIANCE * BEFORE THE
Bald Eagle Court; North side of *
Winands Road, 119 ft E of Adrienne Way * ZONING COMMISSIONER
2nd Election & 4th Councilmanic Dists. *
Legal Owner: True Gospel Apostolic * FOR
Faith Church, Inc. *
Contract Purchaser: M&G Investments LLC * BALTIMORE COUNTY
Petitioners. *
2011-190-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED
DEC 21 2010
40

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of December, 2010, a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, and Howard Alderman, Esquire, Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, Maryland 21204, Attorney for Petitioner(s).

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

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.3A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 02 Account Number - 0202570060

Owner Information

Owner Name:	TRUE GOSPEL APOSTOLIC FAITH CHURCH INC	Use:	RESIDENTIAL
Mailing Address:	2715 GRINDON AVE BALTIMORE MD 21214-2813	Principal Residence:	NO
		Deed Reference:	1) /15762/ 54 2)

Location & Structure Information

Premises Address	Legal Description
8636 WINANDS RD	5.866 AC 8636 WINANDS RD 4280F SE OF MCDONOUGH RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
77	4	1268						1	Plat Ref:

Special Tax Areas	Town
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5.86 AC	04

Stories	Basement	Type	Exterior

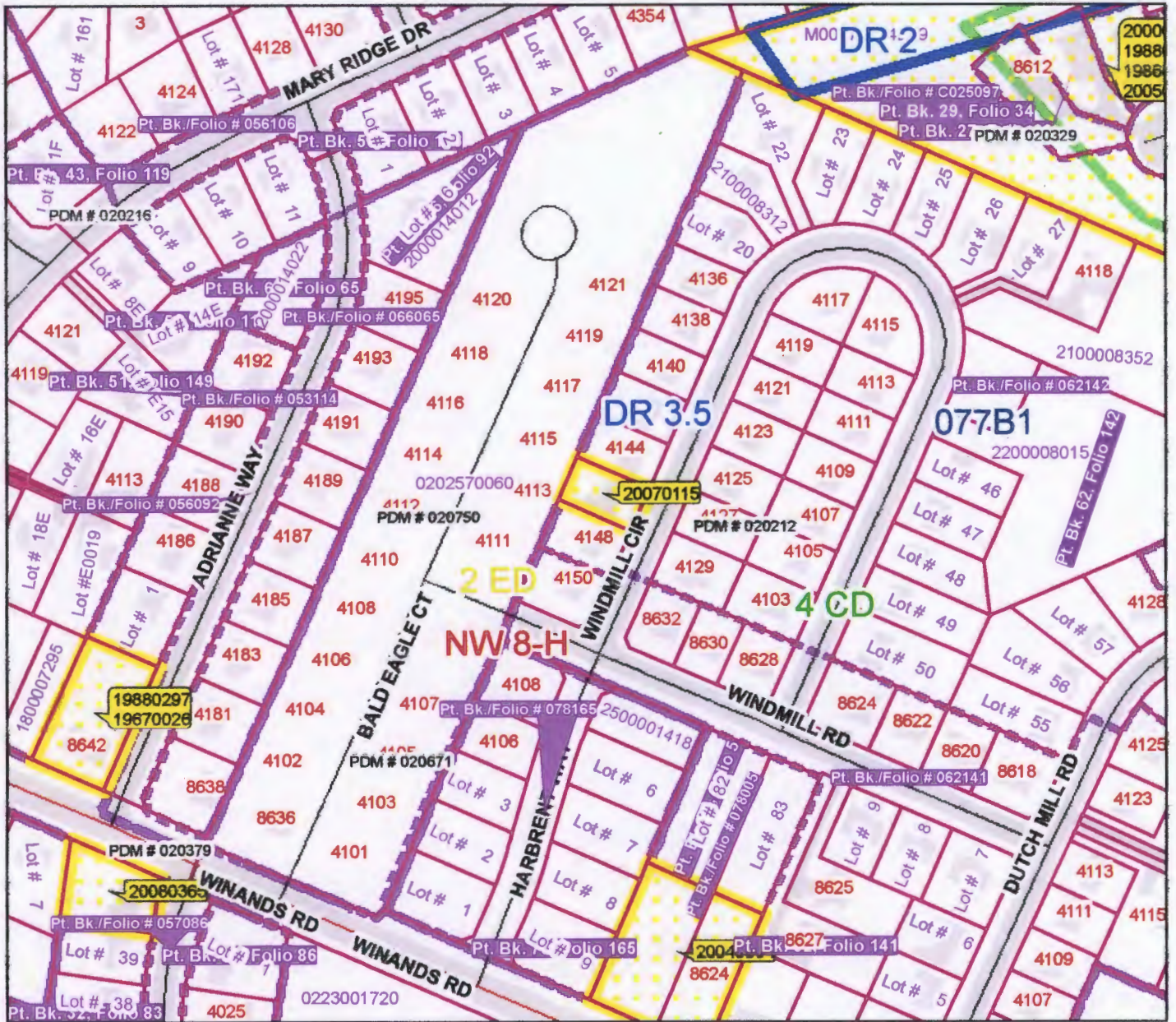
Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	202,020	202,000		
Improvements:	0	0		
Total:	202,020	202,000	202,000	202,000
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BOUIS GRACE CRANDELL	Date:	11/16/2001	Price:	\$455,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/15762/ 54	Deed2:	
Seller:	BOUIS GEORGE E	Date:	02/04/1987	Price:	\$0

McDonogh Green Development



2011-0190-A



Publication Date: December 09, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



A horizontal scale bar with markings at 0, 200, and 400 feet. The bar is divided into segments, with the first segment from 0 to 200 feet being shaded black and the subsequent segments being white.

1 inch = 200 feet

True Gospel Apostolic Faith
Church Inc. / M+G
CASE NAME Christmonts LLC
CASE NUMBER 2011-0190-A
DATE 2-1-11

[illegible]

Case No.:

2011-0190-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2	Pattern book	
No. 3	OP comment	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Ryan Homes

McDonogh Greens
PDM #: 02-750
Revised Pattern Book

January 2011



RECEIVED

10
JAN 01 2011

OFFICE OF PLANNING
APPROVED LTM
1/10/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George Klunk, Interim Director
Department of Permits and
Development Management

DATE: January 3, 2011

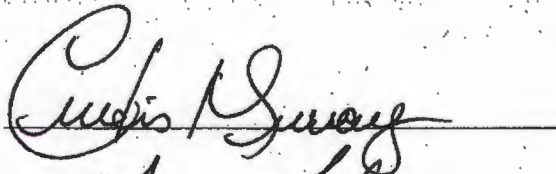
FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-190- Variance

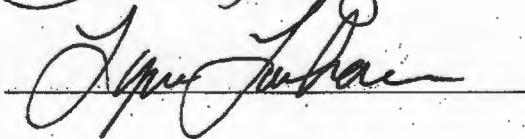
The Office of Planning has no objection to the requested relief. The Office of Planning is currently reviewing revisions to the pattern book for Ryan Homes. The builder has indicated a desire to offer sunrooms to the rear of the homes and homes with increased depth over those originally shown on the approved plans.

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

Prepared By:



Division Chief:
CM/LL



GENERAL NOTES

- ALL LOTS SHOWN HEREON ARE FOR SINGLE-FAMILY USE ONLY AND WILL BE FOR SALE.
- EXISTING LAND USE IS RESIDENTIAL.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIALS ON THE SUBJECT SITE.
- THERE ARE NO EXISTING UNDERGROUND FUEL TANKS ON THIS SITE.
- ALL LOTS WILL OPERATE ON PUBLIC WATER AND SEWER.
- SITE IS NOT LOCATED IN ANY DEFICIENT AREAS ON THE BASIC SERVICES MAPS PURSUANT TO SECTION 4A02, BCZR.
- EXISTING LAND USE WITHIN 200' OF SITE IS SINGLE FAMILY RESIDENTIAL.
- THERE ARE NO HISTORIC BUILDINGS ON THE SUBJECT SITE, AND THE SITE DOES NOT LIE IN A HISTORIC DISTRICT.
- THE PROPERTY AS SHOWN ON THIS PLAN HAS BEEN HELD INTACT SINCE 2/4/1935. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
- THERE HAVE BEEN NO PRIOR ZONING HEARINGS FOR THIS SITE.
- MAXIMUM HEIGHT OF PROPOSED SINGLE-FAMILY DWELLINGS IN DR ZONES IS 50 FEET, 2 STORY DWELLINGS ARE ANTICIPATED.
- THIS SITE IS NOT SUBJECT TO RTA, SINCE THE PROPOSED DWELLINGS ARE SINGLE FAMILY.
- ENVELOPES OR TYPICAL DWELLINGS AS SHOWN INDICATE A SPECIFIC ORIENTATION WHICH IS INTENDED TO ALLOW COMPLIANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES, SHOULD THE ORIENTATION CHANGE OR CREATE CONFLICTS WITH THE REGULATIONS OR POLICIES, THE ORIENTATION MUST BE CHANGED TO ALLEVIATE THE CONFLICT.
- THIS DEVELOPMENT IS SUBJECT TO THE "RESIDENTIAL PERFORMANCE STANDARDS" OF SECTION 260 OF THE BCZR.
- THIS SITE LIES WITHIN ZONING MAP NO. 07781.
- ALL EXISTING BUILDINGS ON THE SUBJECT PROPERTY ARE TO BE RAZED BY THE CONTRACT PURCHASER.
- THERE ARE NO 100-YEAR FLOOD PLAINS ON THE SUBJECT PROPERTY.
- THERE ARE NO PROPOSED SIGNS FOR THIS SITE AT THIS TIME, ANY FUTURE PROPOSED SIGNS WILL COMPLY WITH BCZR SECTION 450 AND WILL COMPLY WITH ALL ZONING POLICIES.
- THERE ARE NO STREAMS, OR WETLANDS ON OR WITHIN 100 FEET OF THE PROPERTY.
- THERE ARE NO WELLS OR SEPTIC AREAS WITHIN 100 FEET OF THE PROPERTY.
- NO GARAGES ARE PERMITTED CLOSER THAN 25 FEET TO THE RIGHT-OF-WAY LINE OF BALD EAGLE COURT OR WINDMILL ROAD.
- ALL PROPOSED HOUSES WILL FACE BALD EAGLE COURT.
- LOTS 1, 11, 17, AND 21 SHALL HAVE ARCHITECTURAL ARTICULATION TO INCLUDE BUT NOT LIMITED TO DOORS, WINDOWS, AND/OR TRIM ON THE SIDE FACADES FACING THE PUBLIC STREET RIGHT-OF-WAY.

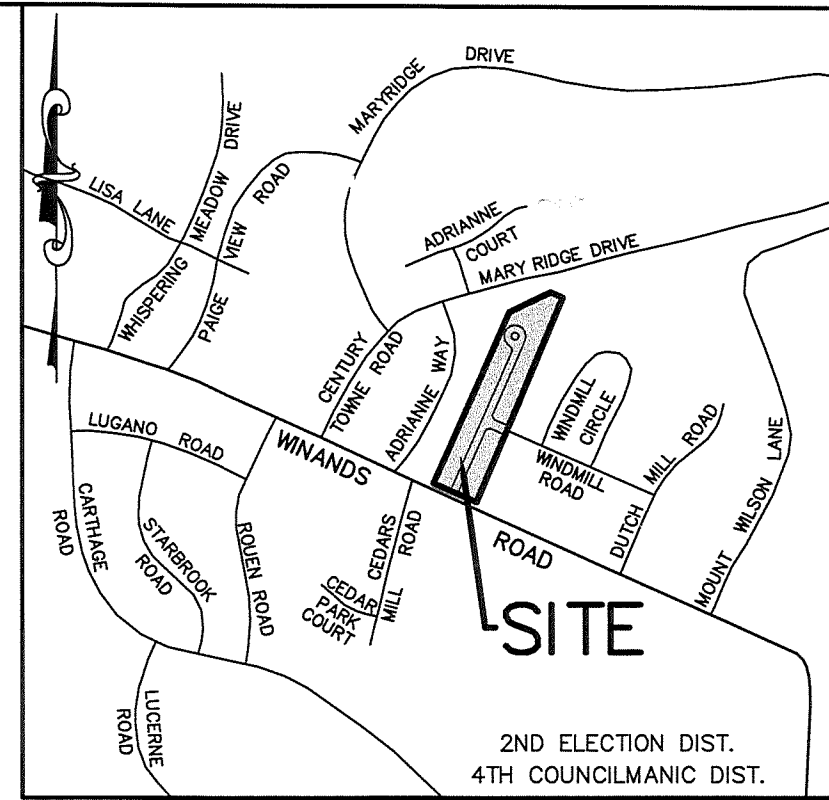
SITE DATA

- EXISTING ZONING
- GROSS AREA
- NO. OF LOTS ALLOWED(6.004x3.5) =
- NO. OF LOTS PROPOSED
- HIGHWAY WIDENING AREA (WINANDS ROAD)
- ROAD DEDICATION
- SWM RESERVATION AREAS
- HOA AREAS
- NET AREA OF LOTS
- PARKING REQUIRED (2 PER LOT)
- PARKING PROPOSED (2+ PER LOT)=
- AVERAGE DAILY TRIPS (21x12.4)=
- 2000 CENSUS TRACT
- 2000 CENSUS BLOCK GROUP
- LAND MANAGEMENT AREA
- COUNCILMANIC DISTRICT
- ELECTION DISTRICT
- ELEMENTARY SCHOOL DISTRICT
- MIDDLE SCHOOL DISTRICT
- HIGH SCHOOL DISTRICT
- REGIONAL PLANNING DISTRICT
- WATERSHED
- WATER SERVICE AREA
- SEWER SHED
- TRANSPORTATION ZONE
- ZIP CODE
- 200 SCALE ZONING MAP

DR-3.5
6,004 AC.±
21 LOTS
21 LOTS
0.056 AC.±
1.128 AC.±
0.390 AC.±
0.869 AC.±
3.563 AC.±
42 SPACES
42+ SPACES
261 TRIPS
402603
240054026032
GROWTH AREA-OWINGS MILLS
COUNCILMANIC DISTRICT
4
2
WINANDS
OLD COURT
RANDALLSTOWN
312
GWYNNS FALLS
PIKESVILLE FOURTH ZONE
64 & 65
0530
21133
77B1

ADJACENT OWNER INFORMATION

#4100 HARBRENT WAY MANOR WAY ESTATES	DEED-27503/256 TA#-2500001409	#4140 WINDMILL CIRCLE WYETTA DENISE PACK	DEED-9285/112 TA#-2100008308	#4358 MARY RIDGE DRIVE RONALD ASHLEY DOUGHTY	DEED-8407/10 TA#-2000014940	#4191 ADRIANNE WAY EUGENE WILLIAMS YVONNE WILLIAMS	DEED-8614/589 TA#-2000014015
#4102 HARBRENT WAY MANOR WAY ESTATES	DEED-27503/256 TA#-2500001410	#4138 WINDMILL CIRCLE MODOUR A. O. OUGBEMI	DEED-26098/614 TA#-2100008309	#4356 MARY RIDGE DRIVE RICHARD GLASSGOW DIONNE JOHNSON-GLASSGOW	DEED-24853/439 TA#-2000014941	#4189 ADRIANNE WAY AUDREY M. MARRY NORMA C. MARRY	DEED-8615/745 TA#-2000014016
#4104 HARBRENT WAY MANOR WAY ESTATES	DEED-27503/256 TA#-2500001411	#4136 WINDMILL CIRCLE LINDA MCQUEERIRAS	DEED-11703/538 TA#-2100008310	#4354 MARY RIDGE DRIVE BORET D. ROSE WINZETTA V. ROSE	DEED-8633/688 TA#-2000014942	#4187 ADRIANNE WAY ABDULHAMID A. YOUSSEF	DEED-15137/203 TA#-2000014017
#4106 HARBRENT WAY MANOR WAY ESTATES	DEED-27503/256 TA#-2500001412	#4134 WINDMILL CIRCLE KEVIN B. CARTER GALE F. CARTER	DEED-9236/24 TA#-2100008311	#4352 MARY RIDGE DRIVE CHUKS KALLU	DEED-22516/148 TA#-2000014943	#4185 ADRIANNE WAY TARA E. PRINGLE-DINGUALL	DEED-12063/155 TA#-2000014018
#4108 HARBRENT WAY MANOR WAY ESTATES	DEED-27503/256 TA#-2500001413	#4132 WINDMILL CIRCLE THOMAS GEDDIE LTANYA GEDDIE	DEED-8697/749 TA#-2100008312	#4350 MARY RIDGE DRIVE KEVIN A. BURNETT KAREN A. BURNETT	DEED-8727/204 TA#-2000014944	#4183 ADRIANNE WAY AMAR SINGH HARMEEL SINGH	DEED-8992/696 TA#-2000014019
#4150 WINDMILL CIRCLE STEVE JONES	DEED-14690/21 TA#-2100008282	#4130 WINDMILL CIRCLE WAYNE DARRYL ADAMS DIANNE KATHLEEN ADAMS	DEED-8946/247 TA#-2100008313	#4197 ADRIANNE WAY LOUIS S. JOHNS CONSTANCE RAYMOND OLLIAN JOHN	DEED-8624/628 TA#-2000014012	#4181 ADRIANNE WAY RASHPAL S. CHANA	DEED-27374/355 TA#-2000014020
#4148 WINDMILL CIRCLE ROSCOE BATTLE ZORITA BROOKS BATTLE	DEED-24780/80 TA#-2100008304	#4128 WINDMILL CIRCLE WILLIAM TONNENSEN MONIQUE CROSBY	DEED-27662/88 TA#-2100008314	#4195 ADRIANNE WAY RHONDA L. RAYMOND	DEED-11257/602 TA#-2000014013	#8638 WINANDS ROAD DELOIS EDMONDSON ANIMA SHIAUN BAKARR	DEED-21444/463 TA#-2000014021
#4146 WINDMILL CIRCLE BURTON JACKSON YVETTE JACKSON	DEED-8843/414 TA#-2100008305	#4364 MARY RIDGE DRIVE MARTIN C. CHE CAROLINE K. NEE FOY CHE	DEED-26876/520 TA#-2000014937	#4193 ADRIANNE WAY GURMIT KAUR	DEED-20789/107 TA#-2000014014	#4030 CEDAR MILLS ROAD CHARLES L. GILMORE MARCIA GILMORE	DEED-16821/658 TA#-2100001275
#4144 WINDMILL CIRCLE JOHN HENRY DAVIS JR SONOVIA DENNA DAVIS	DEED-13452/264 TA#-2100008306	#362 MARY RIDGE DRIVE EDWARD C. DAHNE MARLENE Z. DAHNE	DEED-7952/364 TA#-2000014938			#4032 CEDAR MILLS ROAD KAREEM ROBINSON JENNIFER D. SPRINGFIELD-ROBINSON	DEED-18398/680 TA#-2100001276
#4142 WINDMILL CIRCLE YVETTE D. MCARTHUR KEVIN MCARTHUR	DEED-27488/719 TA#-2100008307	#4360 MARY RIDGE DRIVE CLAIBORNE B. SMITH ANNE LOUISE SMITH	DEED-11199/657 TA#-2000014939			#4027 CEDAR MILLS ROAD CHRISTOPHER A. BARNES CHER S. BARNES	DEED-20769/3 TA#-2100001237



LOT AREA TABLE

LOT	AREA
LOT 1	0.192 AC.
LOT 2	0.163 AC.
LOT 3	0.163 AC.
LOT 4	0.163 AC.
LOT 5	0.163 AC.
LOT 6	0.163 AC.
LOT 7	0.163 AC.
LOT 8	0.163 AC.
LOT 9	0.163 AC.
LOT 10	0.163 AC.
LOT 11	0.238 AC.
LOT 12	0.153 AC.
LOT 13	0.155 AC.
LOT 14	0.157 AC.
LOT 15	0.158 AC.
LOT 16	0.160 AC.
LOT 17	0.191 AC.
LOT 18	0.162 AC.
LOT 19	0.164 AC.
LOT 20	0.166 AC.
LOT 21	0.200 AC.

LEGEND

- EX. CONTOURS
- PROP. CONTOURS
- EX. WOODS LINE
- SOIL TYPES
- PROPOSED STORM DRAIN
- WATER LINES
- SEWER LINES
- PROPOSED STREET LIGHT
- PROPOSED DWELLING WITH SIDEWALK, DRIVEWAY AND DIRECTIONAL ARROW
- HOUSE DIRECTIONAL ARROWS
- PROPOSED PAVING

PREVIOUS HEARING INFORMATION

HEARING OFFICER'S ORDER

DIRE: DEVELOPMENT PLAN HEARING
150 Winands Road, Opposite of
Cedars Mill Road
(McDonogh Green)
2nd Election District
4th Council District
True Gospel Apostolic Faith Church, Inc.,
Legal Owner
Cedars Development Co., Inc.,
Contract Purchaser/Developer
Case No. 82-780

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 25th day of August 2010 that the redlined development plan for the McDONOGH GREEN PROPERTY, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to the following conditions:

- The Developer is permitted to proceed, however, the Developer is hereby made aware that doing so shall be at its own risk, until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the matter herein could be resolved.
- The subdivision plat may be recorded when approved, however, all existing septic system components serving the existing wastewater treatment located on the property shall be removed or properly abandoned before any existing permits, grading permits, road construction/underground utility installation permit or a permit to construct any new dwelling on the development property is issued.

Any appeal of this decision must be taken in accordance with Section 32-4281 of the Baltimore County Code.

WV:daw
McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
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