IN RE: PETITION FOR VARIANCE

SE side of Pot Spring Road; 420' SW of c/line of Old Bosley Road 8th Election District 3rd Council District

(10356 Pot Spring Road)

George W. Denlein Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2011-0326-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by Edward C. Covahey, Jr. with Covahey, Boozer, Devan & Dore, P.A., on behalf of the legal owner, George W. Denlein. The Petitioner is requesting Variance relief under Sections 1A04.3.A and 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to permit a dwelling with a height of 43 feet in lieu of the required 35 feet; and, if necessary, (2) to permit a west property line set back of 36 feet in lieu of the required 50 feet, and (3) to amend the approved Final Development Plan, Jones Property (PDM No. VIII-658) approved November 6, 2001. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the variance request were Petitioner George W. Denlein and James Grammer, Professional Land Surveyor with McKee & Associates, Inc., the consultant who prepared the site plan for this property. Also appearing was Edward C. Covahey, Jr., attorney for Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

ORDER RECEIVED FOR FILING

Date (-15-1)

By ______

Testimony and evidence revealed that the subject property is an unimproved lot which is irregularly shaped, contains 1.257 acres, and is zoned R.C.5. The Petitioner purchased the property in 2002 (See Deed, marked as Exhibit 2) and it is located within a subdivision approved in 2001 (See Exhibit 5, Order in PDM VIII-658) on what was commonly known as the "Jones Property."

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments received on June 7, 2011, from the Department of Environmental Protection and Sustainability (DEPS), indicate that Groundwater Management will need to review any proposed building permit for a dwelling on this site. There were no adverse ZAC comments received from any of the County reviewing agencies.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Under Cromwell and its progeny, to obtain variance relief requires a showing that:

(1) The property is unique; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

The Petitioner has met this test when the subject property is compared to the other lots on the cul-de-sac. The Petitioner's lot drops off from its point of ingress to the rear of the lot. Mr. Grammer testified that the elevation at the cul-de-sac is approximately 25 feet higher than at the rear of the lot. Hence the request for the height variance, lest the home be virtually invisible from the road through the subdivision. In fact, though the B.C.Z.R. provides a height limitation of 35 ORDER RECEIVED FOR FILING

Date	6-15-1	1	
Ву	X		2

feet in an RC 5 zone (B.C.Z.R. § 1A04.3.A), Mr. Grammer testified and provided evidence (see Chart marked as Exhibit 11) that every one of the other five (5) houses on the cul-de-sac exceed a height of 35 feet.

The subject property is unique in another respect: as seen on the site plan, Lot #3 (known as 10356 Pot Spring Road) "pinches in" (to use the words of Mr. Grammer) where it joins the culde-sac, and is in that respect very different than the 5 adjoining lots which all have wide openings at the mouth of the lot. This fact, along with the presence of the septic reserve area at the rear (See Exhibit 7) further constricts the building envelope available to Petitioner.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty and/or hardship. As explained by Mr. Grammer, the Petitioner would be unable to construct the home he has been planning to build and for which architectural renderings have been prepared (See Exhibit 9). Indeed, the subdivision is subject to onerous restrictive covenants (See Exhibit 8) and Petitioner has already had his proposed dwelling approved by the architectural committee (See Exhibit 12), and Mr. Grammer opined that the Petitioner could not build the home which has been approved without variance relief.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED, this _____ day of June 2011 by this Administrative Law Judge that Petitioner's Variance request from Sections 1A04.3.A and

ORDER RECEIVED FOR FILING

Date 10-15-11

1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to permit a dwelling with a height of 43 feet in lieu of the required 35 feet; and (2) to permit a west property line set back of 36 feet in lieu of the required 50 feet be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Final Development Plan, Jones Property PDM VIII-658, be and hereby is AMENDED in accordance with the terms of this Order.

The relief granted herein shall be subject to the following:

- 1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at his 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 will be required to return and be responsible for returning said property to its original condition.
- 2. Petitioner shall comply with the ZAC comments received from the Department of Environmental Protection and Sustainability (DEPS), dated June 7, 2011, which indicate that Groundwater Management will need to review any proposed building permit for a dwelling on this site

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

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 6-15-11

By_

4



KEVIN KAMENETZ County Executive

June 15, 2011

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

EDWARD C. COVAHEY, JR., ESQUIRE COVAHEY BOOZER DEVAN & DORE PA 614 BOSLEY AVENUE TOWSON MD 21204

> Re: Petition for Variance Case No. 2011-0326-A Property: 10356 Pot Spring Road

Dear Mr. Covahey:

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,

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:pz

Enclosure



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 10356 Pot Spring Road

which is presently zoned D.R.5 RC-5

Deed Reference: 17257 / 481 Tax Account # 8-2400000013

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)

Section 1A04.3.A. of the Baltimore County Zoning Regulations to permit a dwelling with a height of 43' in lieu of the required 35', and if necessary

Section 1A04.3.B.2.b to permit a west property line set back of 36' in lieu of the required 50', and to amend the approved Final Development Plan, Jones Property (PDM No. VIII-658) approved November 6, 2001.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

The subject property is unique in that the lot building envelope is 10' below the culde-sac and the property is subject to a 20' Baltimore County Access Easement to the Storm Water Management Reservation and further, the shape of the lot precludes construction of a dwelling situate to the rear of the lot because of the existence of the septic reserve area.

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 perjury, that I/we are the legal is the subject of this Petition.	owner(s) of th	e property which
Contract Purchaser/Les	see:		Legal Owner(s):		
Name - Type or Print			George W. Denlein Name - Type or Print Lucy W. Du	len	
Signature			Signature		
Address		Telephone No.	Name - Type or Print		77000
City	State	Zip Code	Signature		. , , , , , , , , , , , , , , , , , , ,
Attorney For Petitioner:			P.O. Box 18471		410-686-3782
THEORIE TO TO THE OTHER			Address		Telephone No.
Edward C. Covahey,	Jr.		Baltimore	MD	21237-0471
Name - Type or Print			City	State	Zip Code
-			Representative to be C	ontacted:	
Signature Covahey, Boozer, Devai	n & Dore, P.	Α.	Edward C. Covahey,	Jr., Esq.	
Company 614 Bosley Avenue	41	10-828-9441	Name 614 Bosley Avenue	144	410-828-9441
Address		Telephone No.	Address		Telephone No.
Towson	MD	21204	Towson	MD	2 12 0 4
City	State	Zip Code	City	State	Zip Code
ORDER REC	26-A EIVED FOR	R FILING Unav	Office Use Only mated Length of Hearing	TIA.	/1
REV 8/20/07	-11	Rev	iewed by A - SUI Date	te_5141	11

Supplement to Petition for Variance – 10356 Pot Spring Road

2. Without the requested variances, the Petitioner will sustain a practical difficulty and unreasonable hardship in that:

- a) The dwelling may not be constructed in compliance with the Stonewall Architectural Guidelines that require the dwelling be constructed in "traditional architectural styles such as, Georgian, Federal, Victorian Farmhouse, New England Farmhouse, New England Cape Cod, Southern Colonial, and Southern Tidewater".
- b) A dwelling cannot be constructed in compliance with the Stonewall Architectural Guidelines and that is compatible with the neighborhood without the grant of the requested variances.

0425kcr01

2011-0326-A

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning Real Estate Development

ZONING DESCRIPTION 10356 POT SPRING ROAD 8TH ELECTION DISTRICT BALTIMORE COUNTY, MD

Beginning at a point on the southeast side of Pot Spring Road, being 60-feet wide, said point being situated 420 feet southwesterly from the centerline of Old Bosley Road, and being known and designated as Lot 3 as shown on Plat of Jones Property, which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 74, page 74. Containing 1.257 acres of land, more or less. Also known as 10356 Pot Spring Road and located in the 8th Election District, 3rd Councilmanic District.

P:\SDSK\Proj\11-034\Zoning Info\11-034 Zoning Description.doc

2011-0326-A

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NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2011-0326-A
10356 Pot Spring Road
S/east side of Pot Spring Road, 420 feet s/west of centerline of Old Bosley Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): George Denlein
Variance: to permit a dwelling with a height of 43 feet in lieu of the required 35 feet, and if necessary, to permit a west property line setback of 36 feet in lieu of the required 50 feet, and to amend the approved Final Development Plan, Jones Property (PDM #V111-658) approved November 6, 2001.

Hearing: Tuesday, June 7, 2011 at 2:30 p.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 Administrative Hearings Office at (410) 887-3868.

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

CERTIFICATE OF PUBLICATION

***	3/19/2011
THIS IS TO CERT	IFY, that the annexed advertisement was published
in the following weekl	y newspaper published in Baltimore County, Md.,
once in each of	_successive weeks, the first publication appearing
on 5/19, 201	1
The Jef	fersonian
☐ Arbutus	Times
☐ Catonsv	rille Times
☐ Towson	Times
☐ Owings	Mills Times
☐ NE Boo	ster/Reporter
☐ North (County News

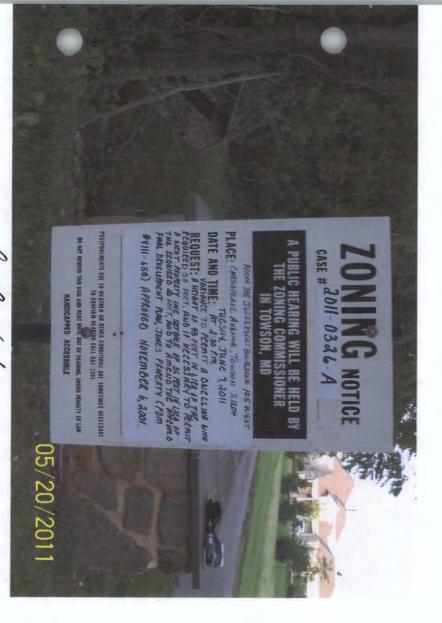
LEGAL ADVERTISING

Wilkingon

CERTIFICATE OF POSTING

RE: Case No 2011-0326-1

	Petitioner/Developer GEOULE, DENLEIN MCKEE & ASSO.
	Date Of Hearing/Closing: 6/7/11
Baltimore County Department Permits and Development Ma County Office Building, Room 111 West Chesapeake Avenu	anagement 111
Attention:	
Ladies and Gentlemen	
This letter is to certify under posign(s) required by law were posit	enalties of perjury that the necessary posted conspicuously on the property 10356 POT SPEINC ROAD
This algn(s) were posted on	May 20, 2011 Month, Day, Year Sincerely.
	malundolo skolu
	Signature of Sign Poster and Date
	Martin Ogle 60 Chelmsford Court Baltimore, Md, 21220 443-629-3411



TO: PATUXENT PUBLISHING COMPANY

Thursday, May 19, 2011 Issue - Jeffersonian

Please forward billing to:

George Denlein P.O. Box 18471 Baltimore, MD 21237

410-686-3782

NOTICE OF ZONING HEARING

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CASE NUMBER: 2011-0326-A

10356 Pot Spring Road

S/east side of Pot Spring Road, 420 feet s/west of centerline of Old Bosley Road

8th Election District – 3rd Councilmanic District

Legal Owners: George Denlein

Variance to permit a dwelling with a height of 43 feet in lieu of the required 35 feet, and if necessary, to permit a west property line setback of 36 feet in lieu of the required 50 feet, and to amend the approved Final Development Plan, Jones Property (PDM #VIII-658) approved November 6, 2001.

Hearing: Tuesday, June 7, 2011 at 2:30 p.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 ADMINISTRATIVE HEARINGS

OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, May 19, 2011 Issue - Jeffersonian

Please forward billing to:

George Denlein P.O. Box 18471 Baltimore, MD 21237 410-686-3782

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105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

Item Number or Case Number: 2011-0326-A
Petitioner: George W. Denlein
Address or Location: 10356 Pot Spring Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: George W. Den lein
Name: George W. Denlein Address: P.O. Box 18471
Baltimore, MD 21237-0471
Telephone Number: 410 686-3782



KEVIN KAMENETZ County Executive

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

May 26, 2011

Mr. George W. Denlein P. O. Box 18471 Baltimore, MD 21237

RE: Case Number 2011-0326A, 10356 Pot Spring Road

Dear Mr. Denlein,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 4, 2011. 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,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel Edward C. Covahey, Jr., 614 Bosley Avenue, Towson, MD 21204



KEVIN KAMENETZ County Executive JOHN J. HOHMAN, Chief Fire Department

May 17,2011

County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: May 16, 2011

Item No.:

Administrative Variance: 2011-0324A, 2011-0328A - 0329A.

Special Hearing: 2011-0152-SPHA, 2011-0330-SPH.

Variance: 2011-0152-SPHA, 2011-0326A, 2011-0327-SPHA, 2011-0331A - 0332A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3RD Floor Towson, Maryland 21286 Office: 410-887-4880 dmuddiman@baltimorecountymd.gov

cc: File



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

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

Maryland Department of Transportation

Date: 5-17-11

Ms. Kristen Matthews Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County

Item No. 2011-0326-A

Variance George W. Denlien 10356 Pot Spring Road

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 - 0326-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

Access Management Division

SDF/rz

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

David Lykens, Department of Environmental Protection and Sustainability

(DEPS) - Development Coordination

DATE:

June 7, 2011

SUBJECT:

DEPS Comment for Zoning Item

11-326-A

Address

10356 Pot Spring Road

(Denlein Property)

Zoning Advisory Committee Meeting of May 16, 2011.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Groundwater Mgmt. will need to review any proposed building permit for a dwelling on this site.

Reviewer: Dan Esser; Groundwater Management

RECEIVED

JUN 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 25, 2011

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 30, 2011

Item Nos. 2011-152, 324, 326, 327,328, 329, 331

And 332'

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

DAK:CEN cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05302011 -NO COMMENTS.doc

RE: PETITION FOR VARIANCE

10356 Pot Spring Road; SE/S Pot Spring Road,
420' SW of c/line of Old Bosley Road

8th Election & 3rd Councilmanic Districts
Legal Owner(s): George W. Denlein

**

Petitioner(s)

BEFORE THE

ADMINSTRATIVE LAW

JUDGE FOR

BALTIMORE COUNTY

2011-326-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.

Peter Max Limmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

MAY 13 2011

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 13th day of May, 2011, a copy of the foregoing Entry of Appearance was mailed to Edward Covahey, Jr., Esquire, Covahey Boozer Devan & Dore PA, 614 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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10356 POT SPRINGS ROAD TIMBERLINE PARK (PDM File/Project # 8-541) 2200004221 Pt. Bk. 62, Folio 36 Lot # 11 PDM # 080541 10360 Pt. BkJFolio # 062 2200004220 2400000011 Lot # 1 Lot # 10 2400000016 Lot# 6 10358 10352 2400000012 Lot# 2 3 CD 2400000015 Lot # 5 10354 NF 16-A 052A2 Lot # 4 JONES, ISAAC PROPERTY (PDM File/Project # 8-658) 2400000013 Lot # 3 RC₆ 2400000025 Pt. Bk. 74, Folio 74 Lot# 0

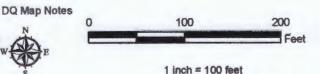
McKEE & ASSOCIATES, INC. 5 Shawan Road Hunt Valley, Md 21030 Tel: 410-527-1555 Fax: 410-527-1563

2011-0326-A



Publication Date: April 25, 2011 Publication Agency: Department of Permits & Development Management Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot





Case No.: 2011 - 326-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Am Plan	
No. 2	11-13-2002 DEED	
No. 3	FDP PDM VIII-658	
No. 4	Subdivision Plant	
No. 5	Kotroco aginion 01-421	
No. 6	Site Plan	
No. 7	Ensement to BC	
No. 8	architectual Guidelines Decl- of Cougnants	
No. 9	architettual Elevations	
No. 10	Photos	
No. 11	Adjacent Dwelling Hots.	
No. 12	Gaylord Brooks letter 5-27-11	

0017257 481

Pet. 2

This Deed

08-240000013 Tax Account No./Parcel Identifier 13th day of_ November ,2002 , by and between STONEWALL ASSOCIATES, INC., A MD. CORPORATION party(ies) of the first part, and GEORGE W. DENLEIN party(ies) of the second part: Witnesseth, that in consideration of the sum of \$ 290, 105.00 receipt of which is hereby acknowledged, and which party(ies) of the first part certify under the penalties of perjury as the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said party(ies) of the first part do(es) grant and convey unto the party(ies) of the second part in fee simple as SOLE OWNER all that property situate in Baltimore County, State of Maryland, BEING KNOWN AND DESIGNATED AS Lot No. 3 as shown on a subdivision plat entitled "PLAT OF JONES PROPERTY" which plat is recorded among the Plat Records of Baltimore County, Maryand in Plat Book No. 74, folio 74 which has an address of 10356 POT SPRING ROAD, Subject to covenants, easements and restrictions of record. To Have and to Hold said land and premises above described or mentioned and hereby intended to be conveyed, together with the buildings, and improvements thereupon erected, made or being, and all and every title, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for the proper use only, benefit and behalf forever of said party(ies) of the second part in fee simple. Being the same property described in Liber 15955 folio 401 , among the said Land Records. And the said party(ies) of the first part covenants that it will warrant specially the property hereby conveyed and that it will execute such further assurances of said land as may be requisite or a cessary. In Testimony Whereof, the said STONEWALL ASSOCIATES, INC., A MD. hath CORPORATION on the 13th , 2002 caused these presents to be signed by day of November MOORE its President and attested by its Secretary and its corporate seal to be hereunto affixed; and doth hereby appoint its true and lawful attorney in fact to acknowledge and deliver these presents as its act and deed.

I certify that this instrument was prepared under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

BA CIRCUIT COURT (Land Records) [MSA CE 62-17112] SM 17257, p. 0481. PriNET TONIGO POR 1005.

tichard a Niperportos

Attorney

President

Seto 81/6/

IN RE: DEVELOPMENT PLAN HEARING

& PETITION FOR VARIANCE

E/S Pot Spring Road S Old Bosley Road 8th Election District 4th Councilmanic District

(Isaac Jones, Jr., et al. Property)

Isaac A. Jones, Jr., et al Petitioner/Developer BEFORE THE

* HEARING OFFICER

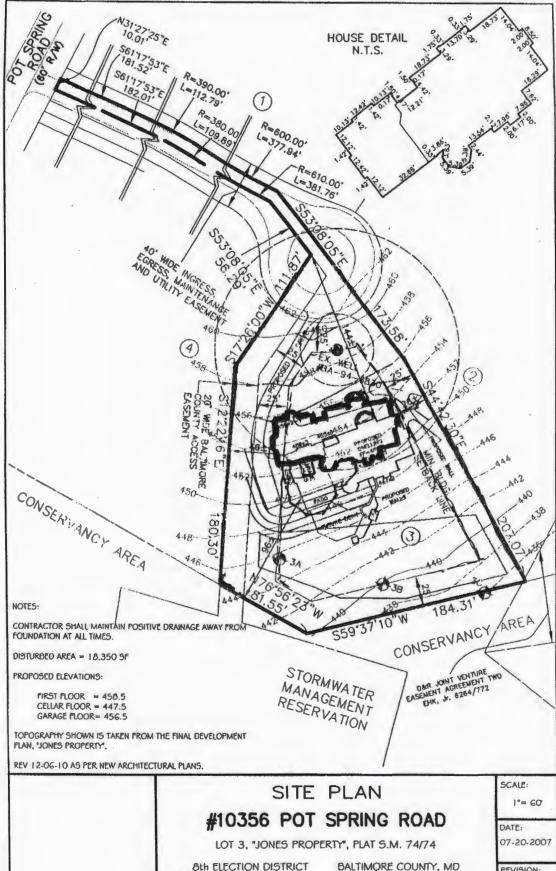
* OF BALTIMORE COUNTY

Case No. VIII-658 & 01-421-A

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County as a requested approval of a Development Plan and a Petition for Variance involving property located on the east side of Pot Spring Road, south of its intersection with Old Bosley Road, located in the Cockeysville area of Baltimore County. The property owner is seeking approval of a Development Plan prepared by Daft, McCune & Walker, Inc., depicting the development of the subject property which contains 52.746 acres, more or less, split-zoned RC 4 and RC 5 into 13 single-family residential lots. In addition, the property owner is requesting variances for Lots 1-6 of that subdivision.

Appearing at the hearing on behalf of the Variance and Development Plan approval request were, Charles Main, Mitch Kellman, Eric Hadaway and Tony Vitti, all appearing on behalf of Daft, McCune & Walker, Inc., the engineering firm who prepared the site plan and development plans for the subject property. Steven Smith appeared on behalf of the contract purchaser. Rob Hoffman, attorney at law, represented the Petitioner/Developer. As is usual and customary, representatives of the various Baltimore County reviewing agencies also attended the hearing; namely, John Alexander (Zoning Review), Christine Rorke (Development Project Manager) and Ron Goodwin (Land Acquisition), all from the Office of Permits & Development Management; R. Bruce Seeley, Paul Dennis and Todd Taylor from the Department of Environmental Protection and Resource Management (DEPRM); Mark Cunningham from the Office of Planning; and Jan Cook from the Department of Recreation & Parks. Finally, two



PUSCOSNYTHING (-) SHOREGIST SHOULD SH

COLO MONS and Assessed to

DRAWN BY:

JWE

CHECKED BY: JOG MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Natural Resources Planning

Patural Resource Planning — Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD
COCKEYSVILE, MARYLANO 21030
TELEPHONE (410) 827–1853
FACSINE: (410) 827–1854

REVISION: 12-06-2010

JOB No.: 07 - 134B

0027126 666

RW: 02-015

J.O. 5-1-9621

Item/(AE)

Election District: 8th

DEED OF EASEMENT AND AGREEMENT

WHEREAS, Grantor obtained fee simple title to certain real property being commonly known as "JONES PROPERTY" by deed dated January 10, 2002, and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 15966, folio 401 et. seq. (the "Property"), said premises being also designated as:

ALL THAT LAND SHOWN/CONTAINED IN A CERTAIN SUBDIVISION PLAT ENTITLED, "PLAT OF JONES PROPERTY", WHICH PLAT IS RECORDED AMONG THE PLAT RECORDS OF BALTIMORE COUNTY IN PLAT BOOK NO. 74, FOLIO 74. AID LAND TO INCLUDE, BUT NOT LIMITED TO, LOTS 1-13, ALL EASEMENT, RESERVATION AND CONSERVANCY AREAS, OPEN SPACE AND ROAD BEDS AS SHOWN ON SAID PLAT; and

WHEREAS, in the Declaration of Covenants, Conditions and Restrictions for Stonewall Homeowners Association, Inc., dated January 16, 2002, and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 16033, folio 382 et seq. and on the aforesaid Plat, the Grantor reserved the right to grant easements to Baltimore County, Maryland; and

WHEREAS, the Grantee desires to enter on, through, and across the land hereinafter described (the "Easement Area"), for the purpose of ingress and egress, said Easement Area being a portion of the Property, and the Grantor is willing to grant such right.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar, the receipt

16033 382

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR STONEWALL HOMEOWNERS ASSOCIATION, INC.

THIS DECLARATION (the "Declaration") is made this <u>//e</u> day of January, 2002 by STONEWALL ASSOCIATES, INC., a Maryland corporation (the "Declarant").

RECITALS

- A. Declarant is the owner of certain real property located in Baltimore County, Maryland, shown on that certain plat(s) entitled "Jones Property", such plat being recorded among the Plat Records of Baltimore County, Maryland in Plat Book 74, Folio 74, to be developed as residential homesites (the "Subdivision" or "Community").
- B. Declarant intends by this Declaration to impose upon the Property mutually beneficial restrictions under a general plan of improvement for the benefit of all Owners (hereinafter defined), as more particularly described herein. Declarant desires to provide a flexible and reasonable procedure for the overall development of the Property, and to establish a method for the administration, maintenance, preservation, use and enjoyment of the Property now or hereafter subjected to this Declaration.
- C. Declarant has caused or will cause a non-profit, non-stock corporation known as Stonewall Homeowners Association, Inc. (the "Association") to be formed in order to perform certain functions on behalf of the Owners of Lots within the Property (as such terms are defined below), including, but not limited to, the enforcement of the covenants, conditions and restrictions herein set forth, and for the management of the Common Areas (hereinafter defined) to be owned by, and the easements created for the use and benefit of, the Association, and collection and disbursement of the assessments and charges hereinafter created.
- D. The purpose of the Covenants, Conditions, and Restrictions ("Covenants") contained in this Declaration is to enhance the quality of the Subdivision, and to support the maximum property value for the Declarant and the future property Owners. Subject to the terms of this Declaration, the Declarant, the Association and each Owner, have the individual right to enforce the terms and conditions set forth in this Declaration against any violation by means as provided herein or by appropriate legal proceedings. The Declarant has no legal obligation to enforce these terms and conditions set forth in this Declaration, but may selectively act to further its own individual best interests.

NOW, THEREFORE, Declarant covenants and declares on behalf of itself and its successors and assigns, that the Property shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions, for the purpose of protecting the value and desirability, and enhancing the attractiveness of the Property and which shall run with the Property and (a) shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, personal

Pet#3



VIEW FROM DRIVEWAY SOUTHEASTERLY TOWARDS SUBJECT LOT



VIEW FROM BUILDING AREA TOWARDS REAR OF LOT

Pet \$10



VIEW FROM BUILDING AREA TOWARDS LOT 2 (#10358 POT SPRING ROAD)



VIEW FROM BUILDING AREA TOWARDS REAR OF LOT 2 (#10358 POT SPRING ROAD)



VIEW FROM BUILDING AREA TOWARDS LOT 4 (#10354 POT SPRING ROAD)



VIEW FROM BUILDING AREA TOWARDS POOL ON LOT 4 (#10358 POT SPRING ROAD)

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

10356 Pot Spring Road

Zoning Case No. 2011-0326-A 8th Election District 3rd Councilmanic District

Adjacent Dwelling Heights

Lot Number	Address	Height (+/- 6")
1	10360 Pot Spring Road	. 36
2	10358 Pot Spring Road	38
4	10354 Pot Spring Road	44
5	10352 Pot Spring Road	45
6	10350 Pot Spring Road	37

Dwelling heights were established by field survey on June 2, 2011 by McKee and Associates, Inc.

A+ 11



May 27, 2011

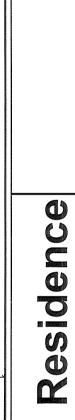
George W. Denlein G.W. Denlein & Associates, Inc. P.O. Box 18471 Baltimore, MD 21237-0471

Re: Conceptual House Plan Approval Stonewall, Lot 3

Dear George,

Please be advised that the plans for the above referenced property have been given Conceptual Approval by the Gaylord Brooks Architectural Committee, Inc. (GBAC). Construction cannot begin until Final Approval has been given. Phase 2, Final Approval, will be contingent upon the submission, review an approval of the following:

- Review Fees: Conceptual Review \$300.00 Final Review \$300.00
- Location of rainwater drainage lines from the house
- Location of outside heat pump / AC units, buried oil/propane tank and electric meters.
- Location and type of exterior lighting both attached to and detached from main dwelling (if any).
- Sediment control plan showing the limits of disturbance, location of all silt and super silt fence(s) necessary to protect areas where excavated materials will be stored during construction.



RELEASED PRELIMIN. BIDDING ● PERMIT CONSTRUCT

> as forcestass 0

Wesley David Burton AIA

1-20-07

DRAWN WOB



