

IN RE: **PETITION FOR VARIANCE**
NE corner of White Marsh Blvd.
and Campbell Blvd.
15th Election District
6th Council District
(10500-10506, 10514-10518, 10526
Windlass Run Road)

Windlass Overlook Two, LLC
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0118-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by Windlass Overlook Two, LLC, the legal property owner. The Petition for Variance seeks variance relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear yard setback of nineteen (19) feet in lieu of the required thirty (30) feet and relief from Section 301.1 of the BCZR to permit a rear yard setback of nineteen (19) feet in lieu of the required twenty-two (22) feet, for lots 7, 8, 9, 10, 11, 12, 13, 14, and 15 of the Windlass Overlook subdivision.

The subject property and requested relief are more fully described 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 requested relief was Mr. Robb Aumiller, on behalf of the property owner, Windlass Overlook Two. Adam D. Baker appeared as Counsel for the Petitioner. David Martin, of Martin and Phillips Design Associates, Inc., an expert retained by Petitioner, also attended the hearing. There were no Protestants or other persons present, and the file does not contain any letters of protest or opposition from neighboring owners. The Petitioner did, however, submit letters in support of the Petition for Zoning Variance from Brian Powell, who owns property adjacent to the Windlass Overlook subdivision and from Elizabeth Salvage, of Ryan

ORDER RECEIVED FOR FILING

Date 12-23-11

pm

Homes, which has been contracted to construct the single family homes on the property. The letters were introduced into evidence as Petitioner's Exhibits 3 and 4, respectively. As no one appeared at the hearing in opposition to the request, counsel for the Petitioner proceeded by way of a modified proffer.

Testimony and evidence revealed that the subject property (herein referred to as the "Property") is a 19.997 acre parcel located on the north side of MD 43 (Philadelphia Road) and is currently zoned DR 3.5. In 2006, a Development Plan proposing a thirty (30) lot subdivision with single-family detached dwellings was approved by Baltimore County (PAI No. 15-854). In 2007, the Property was rezoned from DR 2 to DR 3.5 as a result of the Middle River Community Plan. In 2008, the Baltimore County Design Review Committee ("DRC") approved modifications to building setbacks and notes of the approved Development Plan to reflect the new DR 3.5 zoning (DRC No. 082508J).

The Property is currently improved with the road network, as shown on the 2006 Development Plan, and a single family dwelling on Lot 1. Lot 1 is owned by Jomy and Mary Antony, but is currently leased to Ryan Homes for use as the model home for the Windlass Overlook subdivision. Windlass Overlook Two, LLC owns the remaining lots on the Property (lots 2-30).

As detailed on Petitioner's Exhibit 1, the Property comprises approximately 19.997 gross acres in Middle River. For lots 7-15, the Petitioner desires to include an architectural feature known as a "morning room" which will protrude from the rear of the dwelling. In addition, for these lots, the Petitioner would like the option of attaching a deck to the dwelling that would protrude no farther into the setback than the proposed morning room. At the time at which the Development Plan was approved, Ryan Homes had not been contracted to construct the dwellings on the

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Date 12-23-11 2

By [Signature]

Property, nor had the exact design of the dwellings been finalized. The design of the dwellings that were part of the 2006 approval was a rough estimate. The pattern book for the Windlass Overlook development has been updated and approved to reflect the current vision for the design of the dwellings. It is for these reasons that the Petitioner filed the Petition for Variance from Sections 1B01.2.C.1.b and 301.1 of the B.C.Z.R.

In addition to the site plan, marked into evidence as Petitioner's Exhibit 1, the Petitioner introduced a comprehensive plan for the Windlass Overlook subdivision. To the west of the Property is another parcel which is owned by the Petitioner and on which approval has been granted for a development plan for a thirty-one (31) lot subdivision of single family detached dwellings. The adjacent parcel is currently undeveloped and, while the development plan has been approved, a plat has not yet been recorded.

The vision for the two parcels was to develop them into a single residential subdivision. In considering the proposed development, the Baltimore County Office of Planning recommended that the developer consider a neo-traditional design that would incorporate a variety of housing types. In light of market forces, however, the parcels have progressed through the development approvals process at different paces. Planning's neo-traditional design aspirations have been slightly modified to reflect a more homogenous variety of housing with a sixty-one (61) lot subdivision improved with single family detached dwellings.

It was explained during the hearing that the uniqueness of the property justifies the requested variances. As made clear by the evidence and testimony presented, Petitioner explained that the Office of Planning, in its review of the proposed Windlass Overlook development, ardently advocated for a neo-traditional planning scheme. In light of the unique shape of the Property, in conjunction with the environmentally protected areas on the eastern portion of the Property, the

ORDER RECEIVED FOR FILING

Date 12-23-11

3

By PS

neo-traditional development scheme resulted in a subdivision with smaller and, in some instances, oddly shaped lots. With less space on which to construct the dwellings, it presented challenges for adhering to the setback requirements. It is this site's development history together with the current configuration of the lots and environmentally protected areas that render the property unique in the context of this case. The Petitioner further indicated, that a strict interpretation of the applicable setback requirements would create a practical difficulty requiring Petitioner to make changes to the design of the proposed dwellings that would result in a less attractive, less marketable home.

With regard to any adverse impact, the lots for which the variance relief is sought back up to (1) property owned by the Petitioner, (2) property owned by the Powells, who have submitted a letter in support of the variances, and (3) the environmentally protected areas of the Property. As a result, granting the variance relief would not adversely impact any of the surrounding community..

It is important to note that no reviewing County agency issued Zoning Advisory Committee (ZAC) comments asking for a denial of any of the requested relief.

After due consideration of the testimony and evidence presented, it is clear that Petitioner has met the standards set forth in B.C.Z.R. Section 307, and that the variance relief should be granted. The subject property is unique due to its development history and existing site conditions and requiring Petitioner to adhere strictly to the requirements of the B.C.Z.R. would cause a practical difficulty. Finally, I find that no adverse impact will result if the requested relief is granted.

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

ORDER RECEIVED FOR FILING

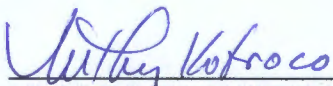
Date 12-23-11

By PM

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 23rd day of December, 2011 that the Petition for Variance relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear yard setback of nineteen (19) feet in lieu of the required thirty (30) feet and relief from Section 301.1 of the BCZR to permit a rear yard setback of nineteen (19) feet in lieu of the required twenty-two (22) feet, for lots 7, 8, 9, 10, 11, 12, 13, 14, and 15 of the Windlass Overlook subdivision be and is hereby GRANTED.

The relief granted herein is subject to the following condition:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 12-23-11

By pm



KEVIN KAMENETZ
County Executive

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

December 23, 2011

ADAM D. BAKER, ESQUIRE
WHITEFORD, TAYLOR & PRESTON, L.L.P.
TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MD 21204-5025

RE: Petition For Variance
Case No. 2012-0118-A
10500-10506, 10514-10518, 10526 Windlass Run Road

Dear Mr. Baker:

Enclosed please find a copy of the decision rendered 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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 9 Separate Addresses (see attached) which is presently zoned D.R. 3.5
 Deed References: 029822 039 (same for all 9 addresses) 10 Digit Tax Account # 9 Separate Tax Accts (see attached)
 Property Owner(s) Printed Name(s) Windlass Overlook Two, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. X 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 below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

To be presented at the hearing.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

ORDER RECEIVED FOR FILING
 12-23-11

Name - Type or Print
 Signature
 Date
 Mailing Address City State
 Zip Code Telephone # Email Address

Attorney for Petitioner:

John B. Gontrum
 Name - Type or Print
 Signature
 Towson Commons, Ste 300, One W. Pennsylvania Ave, Towson, MD
 Mailing Address City State
 21204 / 410-832-2055 / jgontrum@wtplaw.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Windlass Overlook Two, LLC
 By: MacKenzie Development Company, Manager,
 By: Robert J. Aumiller, Jr., Vice President
 Signature #1 Signature #2
 2328 W. Joppa Road, Suite 200, Lutherville, MD
 Mailing Address City State
 21093 / 410-494-4883 / rjaumiller@mackenziecommercial.com
 Zip Code Telephone # Email Address

Representative to be contacted:

John B. Gontrum
 Name - Type or Print
 Signature
 Towson Commons, Ste 300, One W. Pennsylvania Ave, Towson, MD
 Mailing Address City State
 21204 / 410-832-2055 / jgontrum@wtplaw.com
 Zip Code Telephone # Email Address

CASE NUMBER 2012-0118-A Filing Date 10/27/11 Do Not Schedule Dates: Reviewer DT

REV. 10/4/11

Adam Baker, Esq.

PETITION FOR VARIANCE
Windlass Overlook (aka Powell Property)

Petition for Variance from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations to permit a rear yard setback of nineteen (19) feet in lieu of the required thirty (30) feet and twenty-two (22) feet, respectively, for lots 7, 8, 9, 10, 11, 12, 13, 14 and 15 of the Windlass Overlook subdivision as shown on the plan to accompany the zoning variance request and as more particularly described in the Addendum to this Petition.

1975469

2012-0118-A

Petition for Zoning Hearing

Addendum

Lot #	Address	Deed Reference	10 Digit Tax Account
7	10208 New Bridge Road, Middle River, MD 21220	029822 039	25-00-007219
8	10500 Windlass Run Road, Middle River, MD 21220	029822 039	25-00-007220
9	10502 Windlass Run Road, Middle River, MD 21220	029822 039	25-00-007221
10	10504 Windlass Run Road, Middle River, MD 21220	029822 039	25-00-007222
11	10506 Windlass Run Road, Middle River, MD 21220	029822 039	25-00-007223
12	10514 Windlass Run Road, Middle River, MD 21220	029822 039	25-00-007224
13	10516 Windlass Run Road, Middle River, MD 21220	029822 039	25-00-007225
14	10518 Windlass Run Road, Middle River, MD 21220	029822 039	25-00-007226
15	10526 Windlass Run Road, Middle River, MD 21220	029822 039	25-00-007227

MARTIN

MARTIN
&
PHILLIPS

PHILLIPS

&

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

October 27, 2011

ZONING DESCRIPTION

Windlass Overlook aka Powell Property Subdivision

PAI # 15-854

Plat Ref: R.D.A. 79 / 102

Beginning for the same property, recorded in the land records of Baltimore County in liber 79, folio 102 and located on Tax Map 83 Parcel 145, at a point at the centerline intersections of Whitemarsh Boulevard (SHA Rte. 43) having a varied right of way and Campbell Boulevard 70' wide thence N56° 37' 28" E, 74.39' feet more or less to a point of beginning southwestern corner of the subject property, thence the following courses and distances:

- 1) N47° 19' 47"W, 583.51', thence
- 2) N37° 35' 32"E, 552.60' thence
- 3) S52° 24' 15"E, 386.59', thence
- 4) S37° 34' 13"W, 190.00', thence
- 5) N70° 35' 13"E, 546.32' thence
- 6) S02° 45' 22" W, 973.14' thence
- 7) N86° 57' 55" W, 799.82' back to the point of beginning

Containing 871,069.32 square feet or 19.997 Acres of Land more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.

TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8595
FAX: 410.321.1175



2012-0118-A

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

No. **74477**

Date: **10/27/11**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				675.00

Total: **675.00**

Rec
From:

WHITEFORD TAYLOR & PRESTON LLC

For:

2012-0118-A

LOTS 7-15 POWELL PROP.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

RECEIVED BY: **10/27/2011 11:51:22**
 RECEIPT # **74477**

\$ 675.00

074477

675.00

675.00

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0118-A

10500-10506, 10514-10518, 10526 Windlass Run Road
N/east corner of White Marsh Boulevard & Campbell Boulevard

15th Election District — 6th Councilmanic District
Legal Owner(s): Windlass Overlook Two, LLC

Variance: to permit a rear yard setback of nineteen feet in lieu of the required thirty feet and twenty two feet, respectively, for lots 7, 8, 9, 10, 11, 12, 13, 14 and 15 of the Windlass Overlook subdivision as shown on the plan to accompany the zoning variance request and as more particularly described in the Addendum to this petition.

Hearing: Tuesday, December 20, 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 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.
JT 12/6/11 December 6 292276

CERTIFICATE OF PUBLICATION

12/8/2011

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 12/6/, 2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0118-A

RE: Case No.: _____

Petitioner/Developer: _____

Windlass Overliik Two, LLC

December 20, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

10500-10506, 10541-10518, 10526 Windlass Run Road

December 2 2011

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

Sincerely,

December 3, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

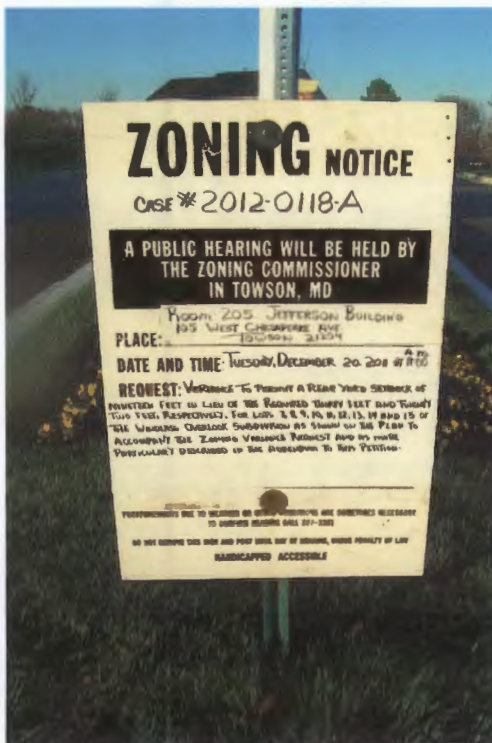
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

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

November 22, 2011

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 NUMBER: 2012-0118-A

10500-10506, 10541-10518, 10526 Windlass Run Road
N/east corner of White Marsh Boulevard & Campbell Boulevard
Legal Owners: Windlass Overlook Two, LLC

Variance to permit a rear yard setback of nineteen feet in lieu of the required thirty feet and twenty two feet, respectively, for lots 7,8,9,10,11,12,13,14 and 15 of the Windlass Overlook subdivision as shown on the plan to accompany the zoning variance request and as more particularly described in the Addendum to this petition.

Hearing: Tuesday, December 20, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: John Gontrum, One W. Pennsylvania Avenue, Ste. 300, Towson 21204
Robert Aumiller, Windlass Overlook II, LLC, 2328 W. Joppa Rd., Ste. 200, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 5, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 6, 2011 Issue - Jeffersonian

Please forward billing to:
Adam Baker, Esq.
Whiteford, Taylor & Preston
One W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2052

NOTICE OF ZONING HEARING

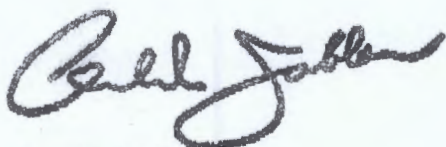
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Hearing: Tuesday, December 20, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE 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.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0118-A
Petitioner: WINDLASS OVERLOOK TWO LLC
Address or Location: LOTS 7-15, POWELL PROPERTY

PLEASE FORWARD ADVERTISING BILL TO:

Name: ADAM BAKER, ESQ
Address: WHITEFORD, TAYLOR & PRESTON LLP
TOWSON COMMONS, SUITE 300
ONE W. PENNSYLVANIA AVE, TOWSON, MD 21204
Telephone Number: 410-832-2052

Revised 2/17/11 DT

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
10500-10506, 10514-10518, 10526 Windlass		
Run Road, NE corner of White Marsh Blvd	*	OF ADMINSTRATIVE
& Campbell Blvd		
15 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Windlass Overlook Two, LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-118-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

NOV 1 0 2011

.....

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November, 2011, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 1 W Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: January 24, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0118-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 23, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

Patricia Zook - 2012-0118-A -- 30 day appeal period up

From: Patricia Zook
To: Adams, Sarah; Wiley, Debra; Zook, Patricia
Date: 1/23/2012
Due: 1/23/2012
Subject: 2012-0118-A -- 30 day appeal period up

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

CASE NAME _____
CASE NUMBER 2012-118-A
DATE December 20, 2011

[illegible]

TK 11Am
12/20 205

CASE NO. 2012- 018-12

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

11-16

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

NC

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

11-8

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 12-6-11

SIGN POSTING Date: 12-2-11 by Block

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Debra Wiley - ZAC Comments - Distribution Meeting of 11/7/11

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 11/4/2011 6:37 PM
Subject: ZAC Comments - Distribution Meeting of 11/7/11

Hi there,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision. Thank you.

2012-0115-A - 445 Neepier Road
Administrative Variance (Closing Date: 11/21)

2012-0116-A - 7526 Holabird Avenue
No hearing date as of 11/04

2012-0117-A - 2211 Wiltonwood Road
No hearing date as of 11/04

2012-0118-A - 10500-10506; 10514-10518; 10526 Windlass Run Rd.
No hearing date as of 11/04

2012-0119-A - 313 Homberg Avenue
Administrative Variance (Closing Date: 11/21)

Thanks.

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



KEVIN KAMENETZ
County Executive

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

December 13, 2011

Windlass Overlook Two, LLC
Robert Aumiller, Jr., Vice President
2328 W. Joppa Road
Lutherville, MD 21093

RE: Case Number 2012-0118-A, 9 Separate Addresses

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 27, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
John Gontrum, Towson Commons, Ste. 300, One Pennsylvania Ave, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For November 21, 2011
Item Nos. 2012-115, 116, 117, 118
And 119

DATE: November 16, 2011

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-11212011 -NO COMMENTS.doc



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

Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-8-11

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

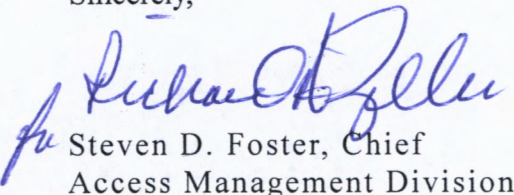
RE: Baltimore County
Item No. 2012-0118-A
Variance
Windlass Overlook Two, LLC
Robert F. Aumiller.
10500-10506, 10514-10518; 10526
Windlass Run Road

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. 2012-0118-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,


Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2226 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

County Administrative Law Judge
Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

September 23, 2011

Re: Variance Request – Powell Property

Dear Sir:

My name is Brian Powell, and my parents sold the adjacent tract of land, now known as the Powell property several years ago for development.

My wife and I live at and now own 10205 Bevans Lane directly behind lots 8-11 of the subdivision recorded in the land records of Baltimore County in Plat Book 79, folio 102. The developer has shown me the proposed variance petition to revise the building setbacks on lots 7-15. It appears from the recorded plat lots 7 and 12-15 only impact the developer's property, but the variance request, if granted, would perhaps cause the dwellings proposed to be located on lots 8-11 to be 20' from my property line instead of 30' from the property line.

After reviewing the petition and the site plan accompanying the variance I have no objection to the variance and indeed support it. I believe that the variance, if granted, will allow greater flexibility in the types of housing design, which ultimately can only benefit the neighborhood. Although it is perhaps true that smaller houses could be built on the property without a variance, I would not like to have the less expensive dwellings adjacent to mine. The developer has gone out of its way over the years to accommodate the residents of Bevans Lane, and if the variance permits a more desirable dwelling, I support it.

Very truly yours,

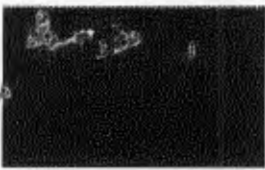


Brian Powell
10205 Bevans Lane
Middle River, Maryland 21220

PETITIONER'S

EXHIBIT NO.

3



**Ryan
Homes**
ryanhomes.com

PETITIONER'S

EXHIBIT NO. 4

Baltimore County Office of Administrative Hearings
Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

December 15, 2011

Re: Powell Property Variance Request; Case No. 2012-0118-A

Dear Sir:

Please accept this letter on behalf of Ryan Homes. Ryan Homes has entered into an agreement to purchase and construct single family dwellings on each of the lots within the Powell Property. We are aware of the requested variance relief and are in full support. If granted, the variance will permit greater flexibility in dwelling design and will, in our opinion, provide an opportunity to design and construct more desirable houses. While this will certainly benefit the Powell Property, it will also benefit the surrounding community.

Should you have any questions, please feel free to contact me.

Sincerely,

Elizabeth Selwage
Administrative Manager

8019 Corporate Drive, Ste. A • Baltimore, Maryland 21236 • 410-931-6833 • FAX 410-931-6839

"We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status or national origin."

MARTIN

MARTIN
&
PHILLIPS

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204CURRICULUM VITAE**DAVID L. MARTIN, L.A.****Martin & Phillips Design Associates, Inc., Principal
Director of Land Planning / Landscape Architecture****Professional Registration:** Landscape Architect
Maryland - No. 776
Pennsylvania - No. 573-E**Education:**The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971**Professional Affiliations:**American Society of Landscape Architects, Member
Urban Land Institute, Member

Professional practice includes 40 years of land planning, landscape architecture, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has been practicing in the Greater Baltimore Metropolitan region since 1987 and has been qualified as an expert in land planning, site planning, and zoning cases in Anne Arundel County, Baltimore County, Howard County, Harford County, Cecil County, Bel Air, Aberdeen, Havre de Grace, Perryville, Port Deposit and Federal District Court of Baltimore.

Prior to his relocation to Maryland, Mr. Martin practiced landscape architecture and land planning in Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

As President of Martin & Phillips Design Associates, Inc. Mr. Martin supervises community planning, site development, subdivision development plans, and master planning efforts. He also offers zoning testimony and interpretation on land planning issues before zoning commissioners, boards of appeals, planning commissions, and elected bodies. Mr. Martin facilitates community input meetings, and presents Development Plans in Baltimore County and oversees the preparation of special exception and variance plan requests. He also directs the design of parks, amenity features, lighting plans and landscape plans associated with residential, commercial and institutional projects.

Significant projects include Developments of Regional Impact (DRI) in the State of Florida including: Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Representative local projects include: Hollywoods, Monmouth Meadows, Greenbriar, Bainbridge Development, Forge Landing, Owings Mills Commerce Center, The Avenue at Whitemarsh, Cedar Lane Farms P.U.D., Westwicke, Beaverbrook, Biddison Property, Bridle Ridge, Green Spring Station, Home Depot of Owings Mills, Bel Air and Timonium, Ashland Market Place, Powell Property, and Baker Property, Highlands Corporate Park, Preston Gateway North Industrial Park, Catholic Charities Senior Housing at the Village Crossroads and the Brandywine PUD.

Mr. Martin has prepared numerous comprehensive-zoning petitions in Baltimore County during the 1992, 1996, 2000, 2004 and 2008 CZMP processes and has a thorough understanding of the principles of Euclidean zoning and their application throughout the Baltimore Metro region. He also served on an ad-hoc committee that authored the Service Employment (SE) Zone of Baltimore County and the Public Affairs Committee for NAIOP. He has extensive experience dealing with all of the Baltimore Regional Area County's development regulations.

TK
12/20
11 AM

Case No.: 2012-0118-A - Windsor Run Rd.

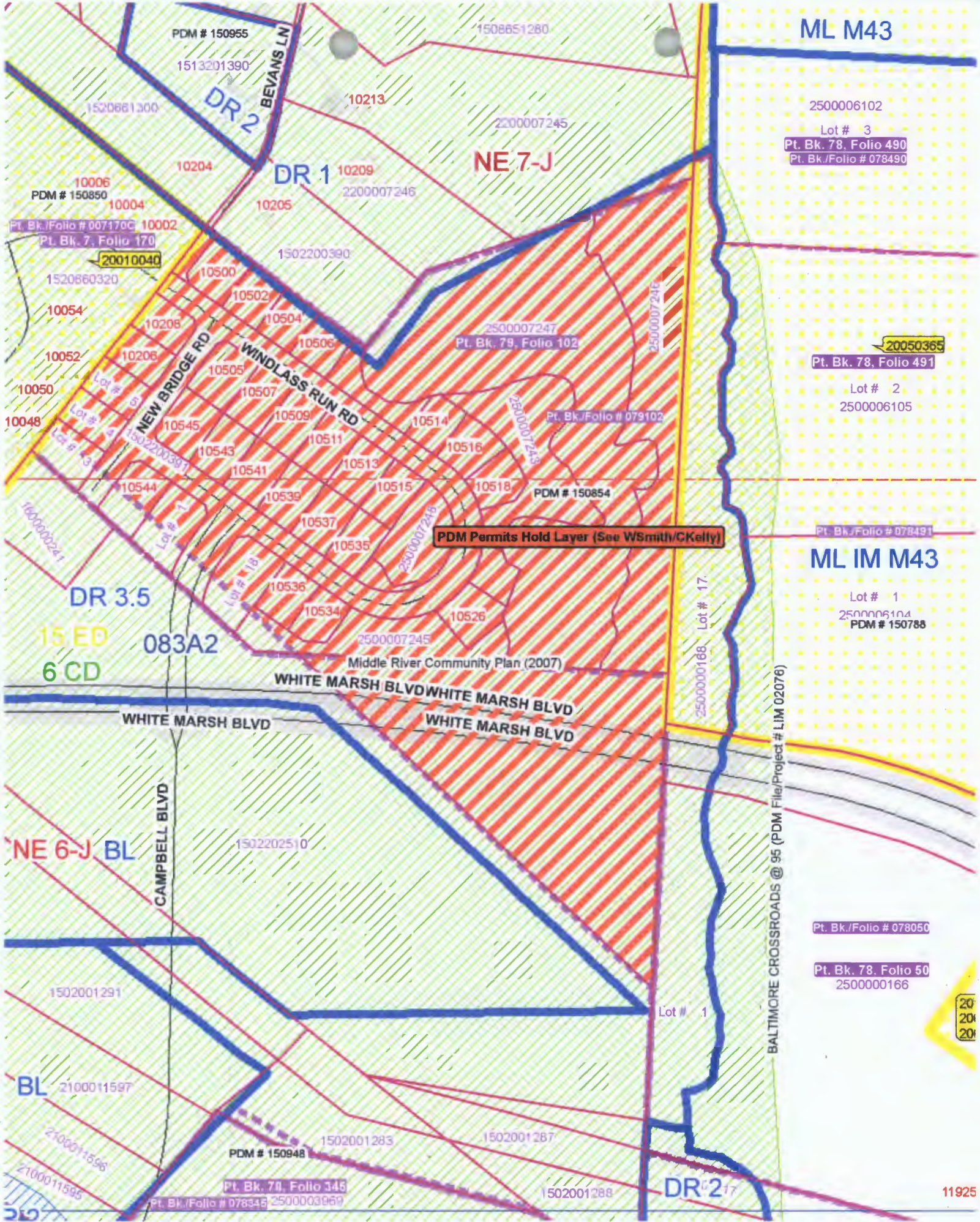
Exhibit Sheet

12/23/11
P38

Petitioner/Developer

Protestants

No. 1	Site Plan	
No. 2	Colored version	
No. 3	Powell Letter of Support	
No. 4	Letter from Ryan homes.	
No. 5	David Martin C.V.	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



ML M43

2500006102
Lot # 3
Pt. Bk. 78, Folio 490
Pt. Bk./Folio # 078490

20050365
Pt. Bk. 78, Folio 491
Lot # 2
2500006105

Pt. Bk./Folio # 078491
ML IM M43
Lot # 1
2500006104
PDM # 150788

Pt. Bk./Folio # 078050
Pt. Bk. 78, Folio 50
2500000166

BALTIMORE CROSSROADS @ 95 (PDM File/Project # LIM 02076)

2012-0118-A

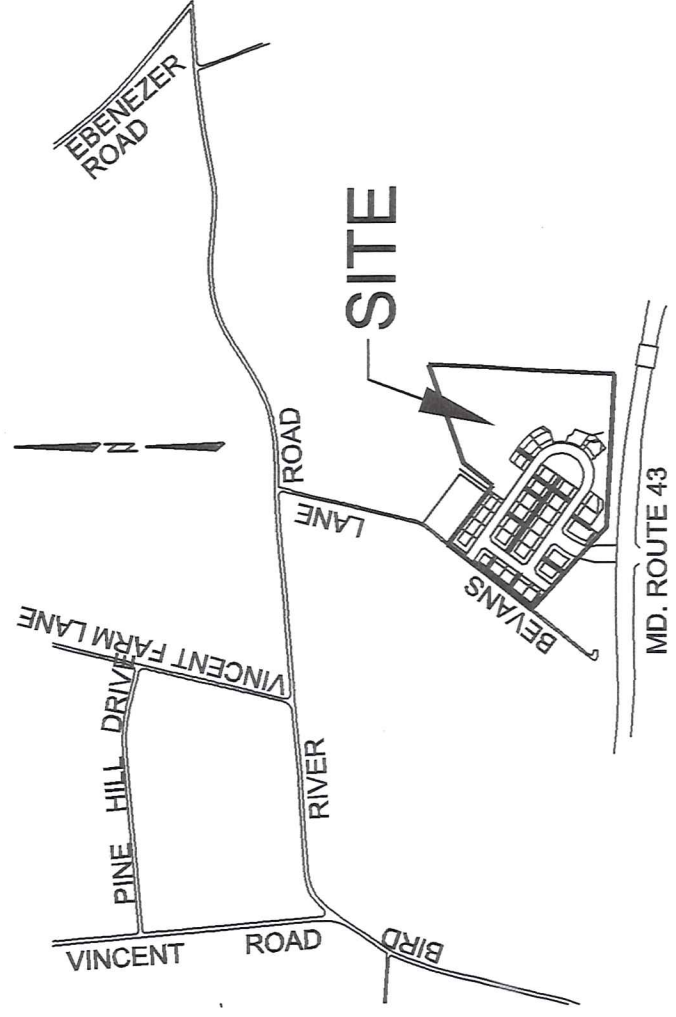
11925

ZONING RELIEF TABLE
NOTES: REQUESTING RELIEF FROM SECTION 18A & C.13 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.) FOR REDUCED REAR YARD SETBACKS AS NOTED IN THE TABLE BELOW.

LOT #	REQUESTED VARIANCE RELIEF	REAR YARD SETBACK REQUIRED
7	19' IN LIEU OF	30'
8	19' IN LIEU OF	30'
9	19' IN LIEU OF	30'
10	19' IN LIEU OF	30'
11	19' IN LIEU OF	30'
12	19' IN LIEU OF	30'
13	19' IN LIEU OF	30'
14	19' IN LIEU OF	30'
15	19' IN LIEU OF	30'

PARCEL 142
10100 BEVANS LANE
WINDLASS OVERLOOK LLC
2322 W. JOPPA RD., SUITE 200
LUTHERVILLE, MD 21093
TAX NO. 152060320
DEED - 27515 / 657

UNDEVELOPED
SUBDIVISION
10100 BEVANS LANE
PDM # 15-850



VICINITY MAP
SCALE 1"=100'

GENERAL NOTES

OWNER & PETITIONER:

WINDLASS OVERLOOK II, LLC
2322 WEST JOPPA RD.
LUTHERVILLE, MD 21093
PHONE: 410-694-7070
ATTENTION: ROBB AUMILLER

OWNER:

LOT 1
JOY & MARY ANTONY
10542 WINDLASS RUN RD
BALTIMORE, MD 21238

SUBDIVISION NAME - POWELL PROPERTY aka WINDLASS OVERLOOK
SUBDIVISION NO. - 15-850
PROPOSED ZONING - DR-3.5
PROPER SCALE ZONING MAP NO. 083 A-2

GENERAL NOTES

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2322 WEST JOPPA RD.
LUTHERVILLE, MD 21093
PHONE: 410-694-7070
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10542 WINDLASS RUN RD
BALTIMORE, MD 21238

SUBDIVISION NAME - POWELL PROPERTY aka WINDLASS OVERLOOK
SUBDIVISION NO. - 15-850
PROPOSED ZONING - DR-3.5
PROPER SCALE ZONING MAP NO. 083 A-2

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ATTENTION: ROBB AUMILLER

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BALTIMORE, MD 21238

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PROPER SCALE ZONING MAP NO. 083 A-2

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SUBDIVISION NAME - POWELL PROPERTY aka WINDLASS OVERLOOK
SUBDIVISION NO. - 15-850
PROPOSED ZONING - DR-3.5
PROPER SCALE ZONING MAP NO. 083 A-2

LEGEND
SOLID LINE
FOREST BUFFER
WETLANDS
STREAM
100 YR FLOODPLAIN
TRACT BOUNDARY
ADJACENT LOT LINE
EXISTING 2' CONTOUR
EXISTING ZONING LINE
EXISTING TREELINE
PROPOSED STREETLIGHT
PROP. LOT LINE
PROP. R/W LINE
FOREST BUFFER
ENHANCEMENT AREA

PETITIONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY
ZONING VARIANCE
WINDLASS OVERLOOK
AKA
POWELL PROPERTY SUBDIVISION
COUNCILMANIC DISTRICT - 15
ELECTION DISTRICT - 15

