IN RE: PETITION FOR SPECIAL HEARING S/S Green Tree Road, 254.88 ft. E of Howard Square Drive 3rd Election District 2nd Councilmanic District (Green Tree Road)	*	BEFORE THE
	*	DEPUTY ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	CASE NO. 03-477-SPH
Distinctive Developers, LLC, *Legal Owner* **and** Prestige Development, Inc., *Contract Purchaser*	*	
Petitioners	*	

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Distinctive Developers, LLC and the contract purchaser, Prestige Development, Inc. The special hearing request involves property located on the south side of Green Tree Road, which property is known as "Phase IV of the Grey Rock Mansion" Development Plan. The special hearing request before me is to approve an amendment to the Provisory Sections of the Fourth Amended Partial Development Plan for Grey Rock Phase I and the Original Partial Development Plan for Grey Rock Phase II.

Appearing at the hearing on behalf of the special hearing request were Lou Bivona and Rob Skudrna and their attorney, Robert Hoffman, appearing on behalf of the owners of the property. Also appearing was Brent Petersen on behalf of G. W. Stephens, the engineers who prepared the site plan of the property, along with Alan Klatsky, appearing on behalf of the contract purchaser of the site, and Jennifer Busse and G. Scott Barhight, attorneys at law, appeared representing the contract purchaser. Interested citizens were also in attendance, namely, Betsy Frahm, Lucille Rogers and Marty Hylbom. John Lewis appeared on behalf of the Department of Permits & Development Management.

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Petitioner's Exhibit 7A

Testimony and evidence indicated that the property, which is the subject of this special hearing request, is known as "Phase IV of Grey Rock". The property comprises 6.99 acres and is split-zoned D.R.3.5, D.R.10.5 and BR. The property is currently improved with the Grey Rock Mansion as is depicted on the site plan. The remaining portion of Phase IV was previously zoned commercial and was at one time going to be developed with office space. However, as a result of the 2000 Comprehensive Zoning process, the zoning on the property was changed from commercial to D.R.3.5. In accordance with its residential zoning, the developer herein proposes to construct 11 single-family residential dwellings on the property. These 11 new homes will take access from Green Tree Road in the manner depicted on the site plan. There will be no interconnection of the road which services these 11 new homes to the existing Grey Rock Road which services the mansion property. However, in order to proceed with the development of the property with these 11 homes, the special hearing request is necessary.

It should be noted that the proposal has already received CRG approval for these new homes. The citizens who appeared at the hearing, who are residents of the surrounding community, do not object to the construction of these 11 new homes. In fact, they favor this proposal over any former proposals to develop the property in a commercial fashion.

As stated previously, Mr. John Lewis, a representative of the Department of Permits & Development Management, appeared at the hearing over a technical matter that pertained to this application. Mr. Lewis stated that the provisory sections that affect this Phase IV of Grey Rock should not have been imposed upon this section in the first place. He is concerned, however, that Phase I and Phase II of Grey Rock would not necessarily reflect the changes that are proposed pursuant to this request. I find, after considering Mr. Lewis' concerns, that the approval of this special hearing request and the development plan submitted herein is sufficient to update the files

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and development plans for Phase I and Phase II of Grey Rock. Therefore, the developer shall be required to file a copy of this plan in those files so that these changes are accurately reflected therein.

After considering the testimony and evidence offered at the hearing, I find that the special hearing request should be granted. The Petitioners produced testimony and evidence that satisfies the provisions of Section 502.1 as they apply and pertain to this proposal. Furthermore, the approval of the special hearing request shall be contingent upon the developer satisfying the conditions as stated within the comment from the Office of Planning dated May 5, 2003.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14th day of May, 2003, that the Petitioners' Request for Special Hearing, to approve the amendment of the Provisory Sections of the Fourth Amended Partial Development Plan for Grey Rock Phase I and the Original Partial Development Plan for Grey Rock Phase II, be and is hereby APPROVED, subject to the following conditions and restrictions:

1. The developer shall be required to submit a copy of the approved Final Development Plan for Grey Rock Phase IV in the files associated with Phase I of Grey Rock and Phase II of Grey Rock.

2. The developer shall be required to comply with the comment dated May 5, 2003 from the Office of Planning relative to architectural elevation drawings and landscaping treatment as enunciated therein.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

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