

86-79-A PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 1.1.B01.2.C.5 (MDP V.S.2.a.1) to permit a fifteen (15) foot setback for window to street right-of-way

in lieu of a Twenty Five (25) foot setback for Lots

1 thru 5, Johnnycake Subdivision, of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

- The required R/W width for Johnnycake Rd. is sixty (60) feet, however, the State Highway Administration owns land that creates an existing R/W width of eighty three feet which leaves an excess of approximately sixteen (16) feet of R/W on the north side of Johnnycake Road.
- The twenty five (25) foot setback from the existing R/W line would require additional clearing of this narrow wooded site which would decrease the Vegetative Buffer to 1-270 and increase the storm water runoff.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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: Legal Owner(s):
(Type or Print Name) DE CHIARO LIMITED PARTNERSHIP
Signature: [Signature] General Partner
Address: (Type or Print Name)
City and State: Signature
Attorney for Petitioner: 700 Fairmount Avenue 823-0637
(Type or Print Name) Address Phone No.
Townson, Maryland 21204 City and State
Signature Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Johnson, Mirmiran & Thompson, P.A.
City and State Name
810 Gleneagles Court 821-6500
Attorney's Telephone No.: Address Phone No.
Baltimore, Maryland 21204

ORDERED BY The Zoning Commissioner of Baltimore County, this 17th day of July, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 20th day of August, 1985, at 10:15 o'clock.

[Signature]
Zoning Commissioner of Baltimore County.

(over)

Case No. 86-79-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 17th day of July, 1985.

Petitioner: DeChiaro Limited Partnership
Petitioner's Attorney: Johnson, Mirmiran & Thompson, P.A.
cc: Johnson, Mirmiran & Thompson, P.A.
810 Gleneagles Court, Baltimore, Md. 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 9, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

060
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

DeChiaro Limited Partnership
700 Fairmount Avenue
Towson, Maryland 21204

RE: Item No. 392 - Case No. 86-79-A
Petitioner - DeChiaro Limited Partnership
Variance Petition

Gentlemen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:nr

Enclosures

cc: Johnson, Mirmiran & Thompson, P.A.
810 Gleneagles Court
Baltimore, Maryland 21204

C. R. G. MEETING AGENDA

JOHNNYCAKE
December 19, 1984
10:00 a.m.

- Convene Meeting
- Introductory statement concerning aims and goals of development regulations
- Introduction of County representatives
- Presentation of Plan by developer's representative
- Comments of County agencies
- Citizens' comments or questions
- Developer's response
- County Review Group decision
- Adjourn meeting

SIGN IN

Name Address
[Signature] 700 Fairmount Ave. Towson, Md. 21204
[Signature] 6 Harry Rd. C. Crosville 21228
[Signature] 7017 Johnny Cake Rd.
Veit 134170 21207

COUNTY REVIEW GROUP MEETING MINUTES

Wednesday, December 19, 1984

JOHNNYCAKE
District 1 C1

COUNTY REVIEW GROUP - THOSE PRESENT*

Gilbert Benson, Chairman - Dept. of Public Works
Susan Carrell, Co-Chairman - Office of Planning

Agency Representatives

Greg Jones - Traffic Engineering
Harris Shalowitz - Developers Engineering Division

Developer and/or Representatives

Lawrence Rachuba - DeChiaro/Rachuba (Developer)
Gregory Luck - DeChiaro Ltd.
John Harrington - DeChiaro Ltd.
Gary B. Blucher - DeChiaro Ltd.
Ray Rachuba - DeChiaro Ltd.
George Lambros - Johnson, Mirmiran & Thompson (Engineer)

*Attachment - Interested Citizens

Mr. Benson opened the meeting at 10:00 a.m., introduced the committee and explained the purpose of the meeting.

Mr. Lambros presented the plan. They propose to develop this tract into 12 lots with access to a portion of the lots to be by panhandles. Improvements are planned for Johnnycake Road as shown on the plan. A portion of the property indicates a State right-of-way for Johnnycake Road.

Ms. Carrell summarized the written staff comments submitted from Fire Prevention, Health Dept., Dept. of Recreation & Parks, Traffic Engineering, Planning, Zoning, Developers Engineering Division, and Storm Water Management Section. These comments are made a part of these minutes, and a copy was also given to the developer and developer's engineer. A fire flow test is required for this subdivision. Open space is required, and the developer may request a waiver. Access to Lots 48, 9 and 12 needs to be proposed from panhandle driveways. Sanitary sewer is to be extended and a storm drain outfall is required prior to recording. Storm water management is also required. Gross acreage is to be shown on the plan. Developer's engineer must restudy the panhandle lots; Lots 5, 6, 7, 10 and 11 are inappropriate lots and the houses will be too close to the expressway. This area must be restudied by the developer's engineer. Planning proposes that a public road be provided instead of panhandles.

JOHNNYCAKE

-2-

December 19, 1984

There will be a Continued Meeting scheduled for this proposal. Four issues remain to be resolved as follows: 1) storm drain outfall; 2) gross acreage; 3) the direction the houses will face and the location of same; 4) restudy the layout for Lots 5, 6, 7, 10 and 11. This meeting was adjourned at 11:00 a.m.

COUNTY REVIEW GROUP MEETING MINUTES

Thursday, May 23, 1985

JOHNNYCAKE PROPERTY
District 1 C1

COUNTY REVIEW GROUP - THOSE PRESENT

Catherine Warfield, Chairman - Dept. of Public Works
Eugene Bober, Co-Chairman - Office of Planning

Agency Representatives

Harris Shalowitz - Developers Engineering Div.

Developer and/or Representatives

Gary B. Blucher - DeChiaro Ltd. Partnership
Larry Rachuba - DeChiaro Ltd. Partnership
George Lambros - JMT

Mrs. Warfield opened the meeting at 3:15 p.m.

Mr. Lambros presented a revised plan.

Mr. Bober summarized comments from Traffic Engineering, Fire Prevention Bureau, Developers Engineering Division, Planning, Zoning, and Storm Water Management Review Section, which are made part of these minutes.

Lots 6, 7, and 8, as shown on the revised plan, meet zoning requirements and a variance will be requested for front setbacks on lots 1 through 5.

All other comments have been satisfied; therefore, the plan was approved.

The meeting was adjourned at 3:30 p.m.

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #392 (1984-1985)

Property Owners: DeChiaro Limited Partnership
N/S Johnnycake Road 298.30' N/E Woodcliff Ave
District 1

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Since no public facilities are involved, this office has no comment.

Very truly yours,

[Signature]
JAMES A. MARKLE, P.E., Chief
Bureau of Public Service

JAM:PMO:bp

cc: File

BALTIMORE COUNTY, MARYLAND
 SUBJECT: COUNTY REVIEW GROUP COMMENTS
 FROM: OFFICE OF PLANNING AND ZONING
 DATE: December 18, 1984

PROJECT NAME: Johnnycake Road
 COUNCIL & ELECTION DISTRICT: I-262

PLAN: XXXXXXXXXXXXXXXX
 PLAN EXTENSION:
 REVISED PLAN:
 PLAT:

The Office of Planning and Zoning has reviewed the subject plan dated October 13, 1984 and has the following comments:

The panhandle lots #5, 6, 7, 10 and 11 are inappropriate. The lots are congested; they are too close to the expressway; and they are oriented front to back which is not acceptable. The design of these lots require restudy which includes more consideration of the proximity of the expressway. The design should also include the provision of public roads for access instead of the use of panhandle driveways. Section 22-85 of the Development Regulations states that panhandle driveways may be permitted where such lots would not be detrimental to adjacent properties and would be in the interests of prospective users.

Susan Carrell
 S. Carrell

BALTIMORE COUNTY, MARYLAND
 SUBJECT: COUNTY REVIEW GROUP COMMENTS
 FROM: OFFICE OF PLANNING AND ZONING
 DATE: May 21, 1985

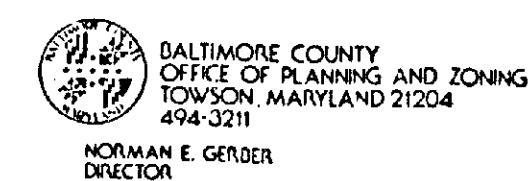
PROJECT NAME: Johnnycake Road
 COUNCIL & ELECTION DISTRICT: I-262

PLAN:
 PLAN EXTENSION:
 REVISED PLAN:
 PLAT:

Johnnycake Road at Woodcliff Avenue. This is a continued meeting. The Plan has been revised in conformance with this office's comments with regard to panhandle lots. The plan is acceptable to the Office of Planning and Zoning.

A Final Landscape Plan prepared by a registered landscape architect must be approved by this office prior to issuance of any grading or building permits.

Eugene A. Bober
 Eugene A. Bober



Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

JULY 24, 1985

Re: Zoning Advisory Meeting of JUNE 25, 1985
 Item # 392: DECHIAIO LIMITED PARTNERSHIP
 Location: N/5 JOHNNYCAKE RD. 298.36'
 N/2 WOODCLIFF AVENUE.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ The parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on [unclear].
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [unclear].
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change are re-evaluated annually by the County Council.
- ☒ A CRG PLAN I-262 (JOHNNYCAKE) WAS APPROVED ON 5/23/85. APPROVAL EXPIRES 5/23/88.

cc: James Howell

Eugene A. Bober
 Chief, Current Planning and Development

8/20
 86-79-A

BALTIMORE COUNTY, MARYLAND
 SUBJECT: COUNTY REVIEW GROUP COMMENTS
 FROM: ZONING OFFICE
 DATE: December 19, 1984

PROJECT NAME: Johnnycake Road
 LOCATION: Johnnycake Road
 DISTRICT: 1st Election District

PLAN: ☒
 DEVELOPMENT PLAN:
 PLAT:

The following comments were written on the CRP plan dated October 13, 1984. These revisions must occur prior to plan approval.

1. The gross site area may include 1/2 of any right of way which the property shuts up to 30 feet in width. A note should be on the plan which indicates that up to 30 feet of both I-70 and Johnnycake Rd. have been included in determining the gross area.
2. There are two different acreages shown as gross area in note 6 - 2.72 acres and 3.52 acres. This must be revised to reflect the correct gross area as described above. If the correct gross acreage is 2.72 acres only 9 lots are permitted. If it is 3.52 acres, 12 lots are permitted.
3. The required setback for the rear yards of lots which adjoin I-70 is 35 feet from any window to the tract boundary not 30 feet as shown.
4. The front setback for Lots 1 and 12 is the average of the setback of the home on the adjacent lot and 30 feet. The front yard should be dimensioned on the adjacent house and the average noted on the final development plan.

Diana Iiter
 DIANA IITER
 Zoning Associate III

DI:eb

BALTIMORE COUNTY, MARYLAND
 SUBJECT: COUNTY REVIEW GROUP COMMENTS
 FROM: ZONING OFFICE
 DATE: May 23, 1985
 (continued meeting)

PROJECT NAME: JOHNNYCAKE PROPERTY
 LOCATION: Johnnycake Road
 DISTRICT: 1st Election District

PLAN: ☒
 DEVELOPMENT PLAN:
 PLAT:

The following comments were written on the CRG plan revised 12/14/84.

The revised CRG plan addresses the CRG comments dated 12/19/84 which were written on a somewhat different lay out.

The revised plan generally meets zoning requirements for CRG plan approval with one exception. The front setback is a minimum 25' from the right-of-way line not 15' and 20' as shown for Lots 1-8. If a Variance is proposed due to the large right-of-way width in the vicinity of the aforementioned lots and the desire to retain the wooded buffer area along I-70, it should be so noted on the plan. If CRG plan approval occurs, approval of the final development plan and building permits for any lots which require a front yard setback variance will be contingent upon the outcome of the Variance Hearing.

Diana Iiter
 DIANA IITER
 Zoning Associate III

DI:bg

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE
 EUGENE A. BOBER, Chief
 Current Planning and Development Div.
 TO: Office of Planning and Zoning
 FROM: Comprehensive Planning Division
 DATE: 19 DEC 84

SUBJECT: CRG Comments on JOHNNYCAKE

GENERAL COMMENTS:
 RETAIN WOODS REAR OF LOT 1, 7, 10, 11 + WHERE POSSIBLE

HISTORICAL COMMENTS:
 No historic or archaeological sites--J. McGrain

ENVIRONMENTAL COMMENTS:
 WHAT ABOUT NOISE ANALYSIS?

LOS COMMENTS:

TRANSPORTATION COMMENTS:
 ALIGN DRIVEWAY W/ WOODCLIFF AVE.

COASTAL CRITICAL AREA COMMENTS:

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE
 EUGENE A. BOBER, Chief
 Current Planning and Development Div.
 TO: Office of Planning and Zoning
 FROM: Comprehensive Planning Division
 DATE: 23 MAY 85

SUBJECT: CRG Comments on JOHNNYCAKE PROPERTY

GENERAL COMMENTS: IN GROSS ACRES CAN THEY USE REAR FRONTAGE OF I-70?

HISTORICAL COMMENTS: No historical or archaeological sites--J. McGrain

ENVIRONMENTAL COMMENTS:

LOS COMMENTS:

TRANSPORTATION COMMENTS:
 No Conflict w/ transportation element of Master Plan

COASTAL CRITICAL AREA COMMENTS:

DEPARTMENT OF TRAFFIC ENGINEERING
 BALTIMORE COUNTY, MARYLAND
 TO: Mr. Robert A. Morton
 FROM: C. Richard Moore
 DATE: December 18, 1984

SUBJECT: C.R.G. COMMENTS

PROJECT NAME: Johnnycake Road
 PROJECT NUMBER & DISTRICT: 101
 LOCATION: Johnnycake Road @ Woodcliff

C.R.G. PLAN: ☒
 DEVELOPMENT PLAN:
 RECORD PLAT:

The access for lots 4, 8, 9, and 12 needs to be off of the proposed panhandle driveways.

C. Richard Moore
 C. Richard Moore
 Assistant Traffic Engineer

CRG/GMJ/csm

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments Date 12/10/84
From: Dept. of Recreation and Parks

Project Name: JOHNNYCAKE ROAD Preliminary Plan
Project Number: 84278 Development Plan
Location: Johnnycake Rd. at Woodcliff Rd. Final Plat
Districts: 1, C-1 CRG Plan X

COMMENTS:

Local Open Space is required and the developer has requested a waiver of same. This will be reviewed at the December 12, 1984 Board of Recreation and Parks meeting.

Albert R. Svehla, Jr.
Acting Facilities Planner

ARS:by

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Brooks Stafford, Director
Environmental Support Services

Date: December 17, 1984

FROM: Stephanie A. Taylor
Waste and Water Quality Management

SUBJECT: ENVIRONMENTAL EFFECTS REPORT Johnnycake

CRG MEETING December 19, 1984 (Date) 10:00 AM (Time)

PLAN REVIEW NOTES

1. Residential subdivision with 12 lots on 2.72 acres. (Describe site)
2. Public water and Public sewer is proposed.
3. No streams. (Describe streams on-site)
5. No wetlands. (Describe wetland soils on-site)
6. Storm Water Management is required.
7. proposed impervious area.

RESPONSES

The Environmental Effects Report is not approved. In order to receive approval, the following checked items/conditions must be met.

The Environmental Effects report is approved, subject to the following checked items/conditions.

- A. No development is allowed in (soil/name & symbol)
- B. A revised site plan indicating no development in must be submitted.

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

12-17-84 Date

JOHNNYCAKE

Subdivision Name, Section and/or Plat

Developer and/or Engineer: John Mirmiran & Thompson
Johnnycake
Public Public
Water Sewer
No. of Lots 12 Total Acreage 2.72
Watershed or Units

COMMENTS ARE AS FOLLOWS:

- Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 434-2762.
- Soil percolation test have been conducted. Revised plans, must be submitted prior to approval of plat, are not required and the plat can be approved as submitted. Contact this office for more complete information, 434-2762.
- Public sewers, public water, must be utilized and/or extended to serve the property.
- A Hydrogeological Study and Environmental Effects Report for this subdivision, must be submitted, are not required, is incomplete and must be revised, has/have been reviewed and approved.
- A Water Appropriation Permit Application, must be submitted, has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.
- It is recommended the plan, be approved as submitted, be approved as submitted subject to the following conditions noted: on the attached memo dated 12-17-84.
- It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS: JLP

SS 783R

CRG Meeting of Dec. 19, 1984
JOHNNYCAKE

1. Density appears to preclude infiltration.
2. If this site drains to Dead Run, 100 year management is required as well as a tie.
3. Pond size not checked.

G. L. J. J. J.
12/10/84

BALTIMORE COUNTY, MARYLAND

Date: December 3, 1984

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
Captain Joseph Kelly

PROJECT NAME Johnnycake PRELIMINARY PLAN
PROJECT NUMBER CRG Agenda 12/19/84, 10:00 AM TENTATIVE PLAN
LOCATION: Johnnycake & Woodcliff Av. DEVELOPMENT PLAN
DISTRICT: 1 FINAL PLAT

Comments:

1. Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1981 Edition.
2. Fire flow test is required to be conducted by the Baltimore City Water Dept. on Johnnycake Road as close to proposed site as possible. Test results are to be forwarded to the office of the Fire Protection Engineer.
3. Proposed panhandle driveways must be a minimum of 16 feet in width and of a hard surface capable of supporting emergency apparatus, weighing 50,000 pounds on two axes.

BALTIMORE COUNTY, MARYLAND

Date: May 16, 1985

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
Captain Joseph Kelly

PROJECT NAME: Johnnycake Property
PROJECT NUMBER: CRG Agenda 5/23/85, 3:15 pm
LOCATION: Johnnycake Road and Woodcliff Avenue DISTRICT: 1

COMMENTS:

- (x) 1. Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1981 Edition.
- (x) 2. Fire flow test is required to be conducted by the Baltimore City Water Dept. on Johnnycake Road as close to proposed site as possible. Test results are to be forwarded to the office of the Fire Protection Engineer.
- () 3. Proposed panhandle driveways must be a minimum of 16 feet in width and of a hard surface capable of supporting emergency apparatus, weighing 50,000 pounds on two axes.
- () 4. Access road shall be posted with Fire Lane signs along its entire length.
- () 5. Standard cul-de-sac or t-turnaround shall be provided at deadend street near
- () 6. All roads shall have a minimum width of 20 feet.
- () 7. Driveways in excess of 300 feet shall have standard cul-de-sac or t-turnaround.
- () 8. Maximum angle of departure (grade percentage) shall not exceed 6% per NFPA Standard #1701. Angle of departure in excess of 6% would prohibit emergency fire apparatus from gaining access to the site.
- () 9. Submitted site plan fails to indicate proposed fire hydrant spacing at feet intervals in accordance with Baltimore County Standard Design Manual.
- () 10. All self-service stations shall have at least one attendant on duty while the station is open to the public. The attendant's primary function shall be to supervise, observe and control the dispensing of Class I liquids while said liquids are actually being dispensed, according to NFPA 30, 1981 Edition, Section 7-3.4.3 and Section 7-3.4.4.



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2556
434-4500

PAUL H. KENCKE

CHIEF

July 2, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

SL: Property Owner: DeChiara Limited Partnership

Location: N/S Johnnycake Road 298.30' N/E Woodcliff Avenue

Item No.: 392

Zoning Agenda: Meeting of June 25, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments, at this time.

* Fire flow test by Balto. City Water Dept. is required to determine available water supply
REVIEWER: [Signature] Approved: [Signature] Fire Protection
Planning Group
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
434-3610

July 18, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 392 Zoning Advisory Committee Meeting are as follows:

Property Owner: DeChiara Limited Partnership
Location: N/S Johnnycake Road 298.30' N/E Woodcliff Avenue
District: 1st.

APPLICABLE RULES AND ORDINANCES:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Building and Code (Annotated, 1980) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland architect or Engineer is/are not required on plans and technical data.
- () Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- () All the Groups except B-1, Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. For the Groups require a one hour wall if closer than 1'-0" to an interior lot line. For wall built on an interior lot line shall require a fire or party separator wall within 1'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and content, item type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- () The proposed variance appears to conflict with Section(s) of the Baltimore County Building Code.
- () When filing for a required Change of Use/Temporary Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from the " " to the " " or to the " " See Section 212 of the Building Code.
- () The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 214.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- () Comments: Please, also be aware of exit and rescue windows required from the One and Two Family Code.
- () These unvaried comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the final action of any permit. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 112 Chesapeake Avenue, Towson, Maryland 21204.

LJZ/RS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner..... Date: August 2, 1985.....
Norman E. Gerber, Director
FROM: Office of Planning and Zoning.....
SUBJECT: Zoning Petition No. 86-79-A..

A CRG plan was approved on May 23, 1985.

REG:JGH:slm

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

IN RE: PETITION ZONING VARIANCES
N/S of Johnnycake Road, 27'
NW of the centerline of Wood-
cliff Avenue - 1st Election
District
DeChiaro Limited Partnership,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-79-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit setbacks of 15 feet from window to street right of way instead of the required 25 feet for Lots 1 through 5 of Johnnycake subdivision, as more particularly shown on Petitioner's Exhibit 1.

The Petitioner, by Lawrence Rachuba, its General Partner, appeared and testified. George Lambros, a registered engineer, also appeared and testified on behalf of the Petitioner. Francis Windfelder and Robert McNaney, nearby property owners, did not appear to oppose the requested variances but to obtain clarification. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.3.5 and located on Johnnycake Road opposite Woodcliff Avenue, has been subdivided into 12 lots, known as Johnnycake. Interstate 70 (I-70) is adjacent to the rear of the tract. The subdivision fronts on Johnnycake Road, which is a State controlled right of way from Woodcliff Avenue west and a County right of way from Woodcliff Avenue east. The County maintains a 60-foot right of way and a 40-foot roadway while the State maintains an 83-foot right of way and a 40-foot roadway. Lots 1 through 5 front on the State maintained portion of Johnnycake Road. In order to maintain as much of a buffer as possible between the proposed houses and I-70, it is necessary to maintain a 15-foot setback from the State right of way. If the requested variances were denied, the houses would need to be moved back 10

feet, and it would be necessary to remove existing trees which would otherwise be a part of the buffer. Actually, the houses affected would be the same distance from the centerline of the street as the houses fronting on the County portion of Johnnycake Road. It is certainly not expected that the State will expand Johnnycake Road to the extent where the houses would be impacted.

The County Review Group (CRG) approved the proposed site plan on May 23, 1985.

Mr. Lambros testified that, in his opinion, the Baltimore County Zoning Regulations (BCZR) will be satisfied if the variances are granted.

The Petitioner seeks relief from Section 1801.2.C.6, BCZR, and Section V.B.6.a, Comprehensive Manual of Development Policies (CMDP), pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

- 2 -

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of August, 1985, that the Petition for Zoning Variances to permit setbacks of 15 feet from window to street right of way instead of the required 25 feet for Lots 1 through 5 of Johnnycake subdivision be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for its building permit 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 such time as the applicable 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.

Lawrence Rachuba
Lawrence Rachuba
People's Counsel

ORDER RECEIVED FOR FILING
DATE August 22, 1985
BY *John H. Lawrence*
ADMINISTRATIVE ASSISTANT

- 3 -

PETITION FOR VARIANCE
1st Election District

LOCATION: North side of Johnnycake Road, 27 ft. Northwest of the centerline of Woodcliff Avenue
DATE AND TIME: Tuesday, August 20, 1985 at 10:15 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance from Section 1 B01.2.C.6 (CMDP V.B.6.a.) to permit a fifteen (15) foot setback for window to street right-of-way in lieu of a twenty-five (25) foot setback for Lots 1 thru 5, Johnnycake Subdivision.

Being the property of DeChiaro Limited Partnership as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Johnson, Mirmiran and Thompson, P.A.
PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS

JOHNNYCAKE

Mets and Bounds Description of a parcel of land lying and being in the First Election District of Baltimore County, Maryland and described in accordance with a plan made by Johnson, Mirmiran and Thompson, P.A. in October 1984 and revised in December, 1984 and as shown on a plat of survey entitled "Plat To Accompany Petition For Variance Johnnycake".

BEGINNING for the same in the Right-of-Way of Johnnycake Road said place of beginning being distant North 79 degrees 50 minutes 54 seconds West 27.32 feet from the corner formed by the intersection, of the centerline of Woodcliff Avenue and the centerline of Johnnycake Road as shown on a plan of "Woodcliff" Subdivision, Section 1 dated July 16, 1953 and recorded among the land records of Baltimore County in Liber G.L.B. No. 19, folio 50 on August 17, 1953 and running thence through the right-of-way of Johnnycake Road (1) North 16 degrees 31 minutes 50 seconds East 18.98 feet, running thence along the Northern Right-of-Way line of Johnnycake Road the two following courses and distances; (2) North 41 degrees 40 minutes 16 seconds West 58.83 feet, (3) North 73 degrees 28 minutes 10 seconds West 322.50 feet to the Eastern Right-of-Way line of vacant land of MSHA, thence along the Eastern Right-of-Way line of MSHA (4) North 02 degrees 02 minutes 40 seconds West 41.15 feet to the Southern Right-of-Way line of Interstate 70 running thence along the Southern Right-of-Way line of I-70 the following four courses and distances; (5) North 87 degrees 26 minutes 58 seconds East 48.36 feet, (6) South 89 degrees 14 minutes 51 seconds East 58.25 feet, (7) South 75 degrees 17 minutes 43 seconds East 146.54 feet, (8) South 78 degrees 11 minutes 16 seconds East 30.08 feet to the intersection of the Southern Right-of-Way line of Interstate 70 and the Northwestern corner of the parcel of land of Elizabeth Butler recorded among the land records in Liber 55, folio 419 and running thence along the Western property line of said Elizabeth Butler (9) South 39 degrees 15 minutes 00 seconds West 261.83 feet to the centerline of Johnnycake Road and running thence along the centerline of Johnnycake Road the two following courses and distances (10) North 84 degrees 24 minutes 00 seconds West 140.50 feet, (11) North 74 degrees 14 minutes 00 seconds West 157.80 feet to the place of beginning. Containing 2.72 acres of land more or less.

BEING a part of 2nd parcel recorded in Liber W.J.R. 3526, Folio 558 among the land records of Baltimore County.

Revised description
Item #372
7/18/85

810 GLENVIEW CT. • SUITE 200 • BALTIMORE, MD. • 21204 • (410) 821-6500
SILVER SPRING, MD. FARMERS VA. ROCKY HILL, CT. YORK, PA.

RE: PETITION FOR VARIANCE
N/S of Johnnycake Rd.,
27' NW/Centerline of
Woodcliff Ave., 1st Dist.
DeCHIARO LIMITED PARTNERSHIP,
Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-79-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 24th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Lawrence K. Rachuba, General Partner, DeChiaro Limited Partnership, 700 Fairmount Ave., Towson, MD 21204, Petitioner; and Johnson, Mirmiran & Thompson, P.A., 810 Glenview Ct., Towson, MD 21204, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

Office of
PATUXENT
Publishing Corp.
10750 Leno Parkway
Columbia, MD 21044

August 1 19 85

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCE

was inserted in the following:
☐ Catonsville Times
☐ Arbutus Times
weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 3 day of August, 1985, that is to say,
the same was inserted in the issues of

August 1, 1985

PATUXENT PUBLISHING CORP.
BY *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

vs.

CERTIFICATE OF PUBLICATION OF

JAN 28 1985

DeChiaro Limited Partnership
700 Fairmount Avenue
Towson, Maryland 21204

July 19, 1985

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
N/S of Johnnycake Rd., 27' NW of the
centerline of Woodcliff Avenue
1st Election District
DeChiaro Limited Partnership - Petitioner
Case No. 86-79-A

TIME: 10:15 a.m.

DATE: Tuesday, August 20, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland


Zoning Commissioner
of Baltimore County

cc: Johnson, Mimiran & Thompson, P.A.
810 Gleneagles Court
Baltimore, Maryland 21204



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

August 15, 1985

DeChiaro Limited Partnership
700 Fairmount Avenue
Towson, Maryland 21204

RE: Petition for Variance
N/S of Johnnycake Rd., 27' NW of the
centerline of Woodcliff Avenue
1st Election District
De Chiaro Limited Partnership - Petitioner
Case No. 86-79-A

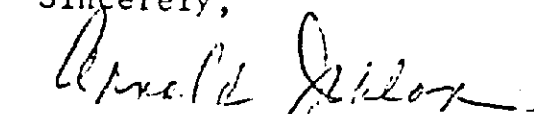
Dear Sir,

This is to advise you that \$ 45.81 is due for advertising
and posting of the above property. This fee must be paid before
an Order is issued.

This fee must be paid and the zoning sign and post returned
on the day of the hearing. Do not remove sign until day of the
hearing.

Please make the check payable to Baltimore County, Maryland,
and remit to Zoning Office, Room 113, County Office Building,
Towson, Maryland 21204, before the hearing.

Sincerely,


ARNOLD JABLON
Zoning Commissioner

PETITION FOR VARIANCE
1st Election District
LOCATION: North side of Johnny-
cake Road, 27 ft. Northwest of the
centerline of Woodcliff Avenue
DATE AND TIME: Tuesday, August
20, 1985 at 10:15 a.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland
The Zoning Commissioner of Balti-
more County, by authority of the Zon-
ing Act and Regulations of Baltimore
County, will hold a public hearing:
Petition for Variance from Section 1
B01.2.C.6 (CMDP V.B. & a) to permit
a fifteen (15) foot setback for windows to
street right-of-way in lieu of a twenty-
five (25) foot setback for Lots 1 thru 5,
Johnnycake Subdivision.
Being the property of DeChiaro
Limited Partnership as shown on the
plat filed with the Zoning Office.
In the event that this Petition is
granted, a building permit may be
issued within the thirty (30) day appeal
period. The Zoning Commissioner
will, however, entertain any request for
a stay of the issuance of said permit
during this period for good cause
shown. Such request must be received
in writing by the date of the hearing set
above or made at the hearing.
By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Aug. 1.

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 1, 1985

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
August 1, 1985

THE JEFFERSONIAN,



Publisher

Cost of Advertising

22

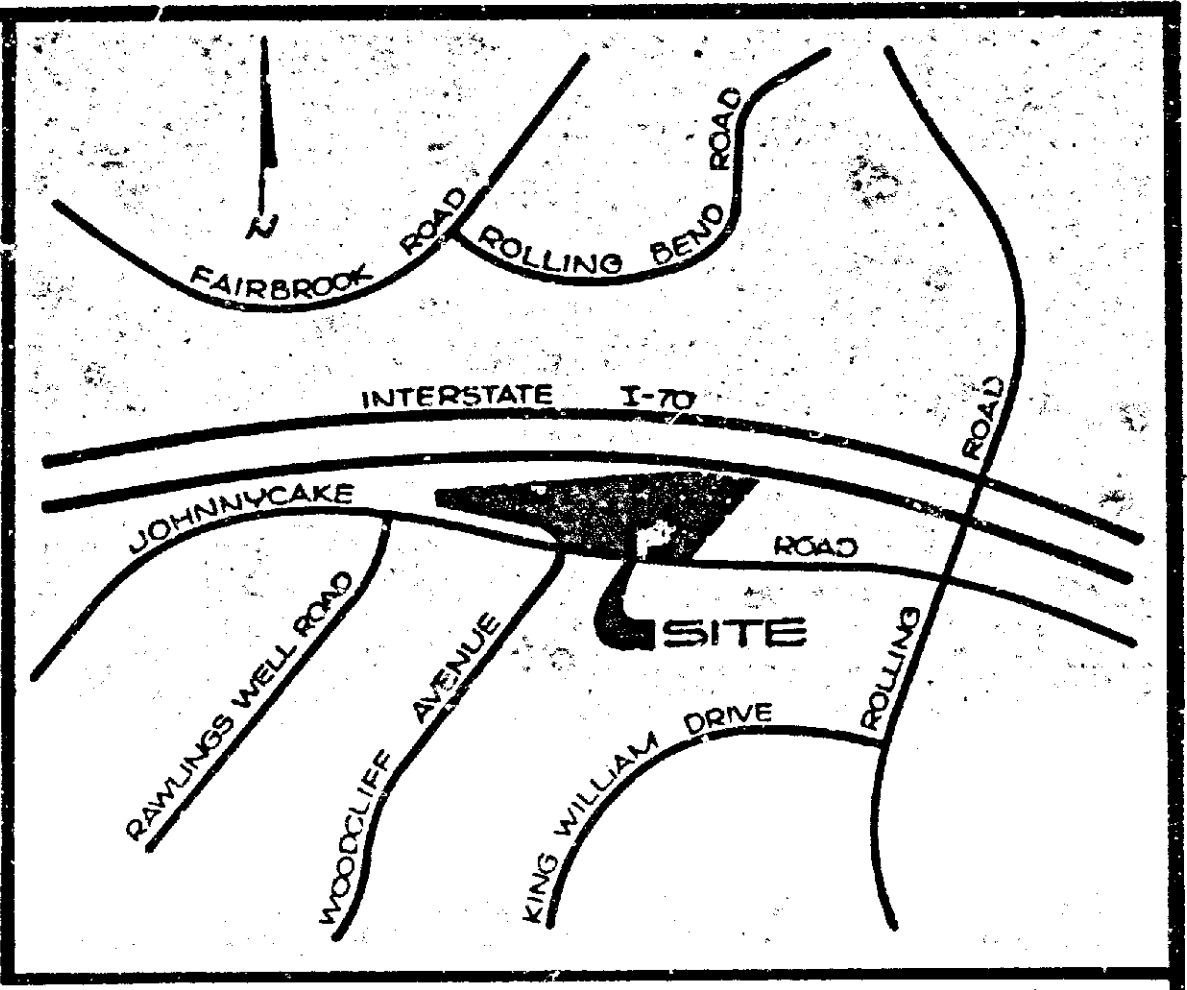
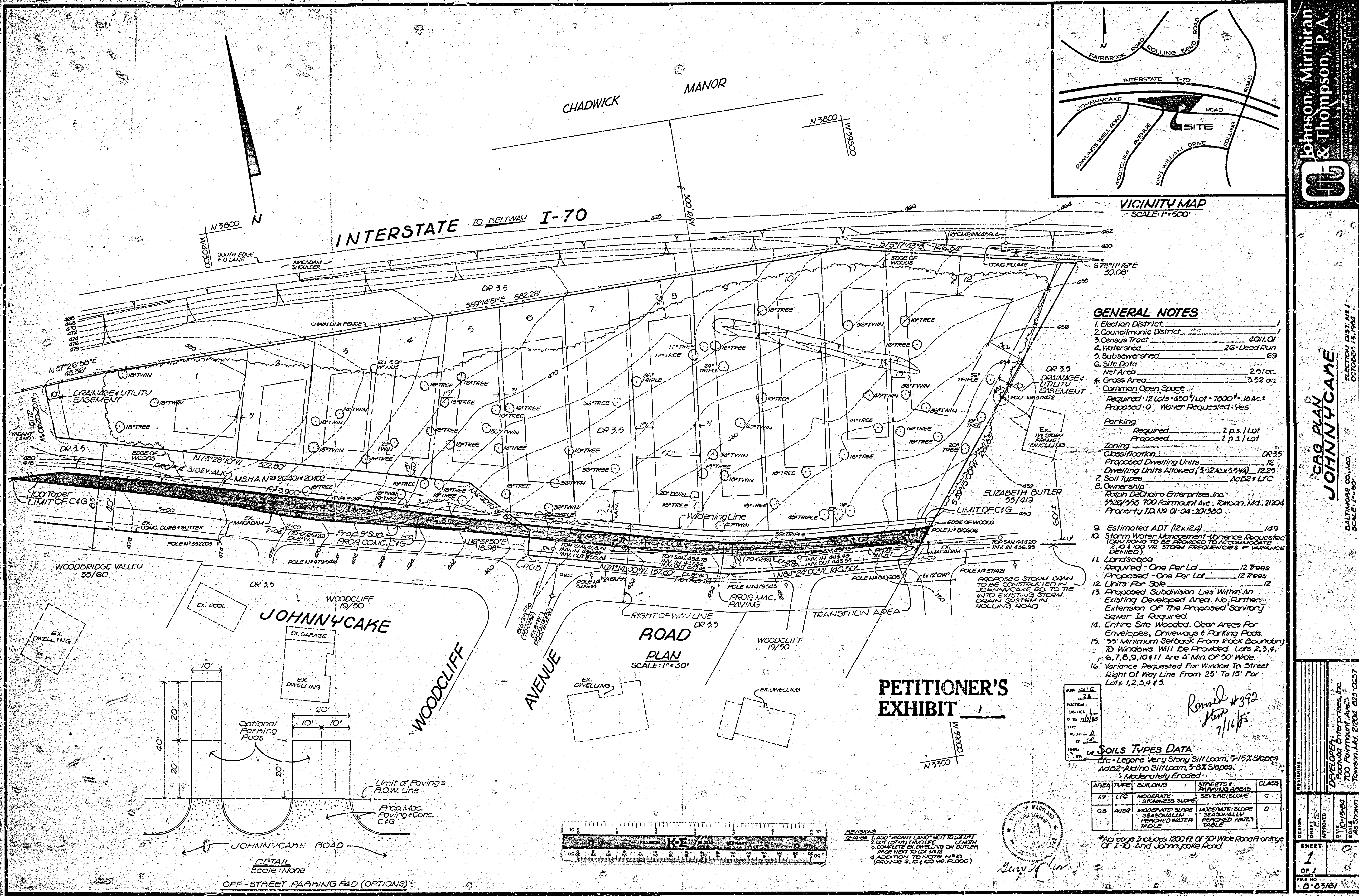
CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

86-79-A

District: 1st
Posted for: Variance
Petitioner: DeChiaro Limited Partnership
Location of property: N/S Johnnycake Rd. 27' NW of centerline of
Woodcliff Ave.
Location of Signs: N/S Johnnycake Rd. Approx. 25' NW of centerline
of Woodcliff Ave. in front of subject property
Remarks:
Posted by: S. J. Arator
Signature
Number of Signs: 1
Date of Posting: 7-30-85
Date of return: August 2, 1985

BALTIMORE COUNTY, MARYLAND		No. 007309
OFFICE OF FINANCE - REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE: 8-21-85	ACCOUNT: R-01-615-000	
AMOUNT \$ 35.00		
RECEIVED FROM: Rachuba Enterprises		
FOR: Balance for Ad #370		
Baltimore County and Non-Resident		
VALIDATION OR SIGNATURE OF CASHIER		

BALTIMORE COUNTY, MARYLAND		No. 012587
OFFICE OF FINANCE - REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE: 8-21-85	ACCOUNT: R-01-615-000	
AMOUNT \$45.81		
RECEIVED FROM: Rachuba Enterprises		
FOR: Advertising & Posting Case No 86-79-A		
B B061*****4581** 8216F		
VALIDATION OR SIGNATURE OF CASHIER		



VICINITY MAP
SCALE: 1" = 500'

GENERAL NOTES

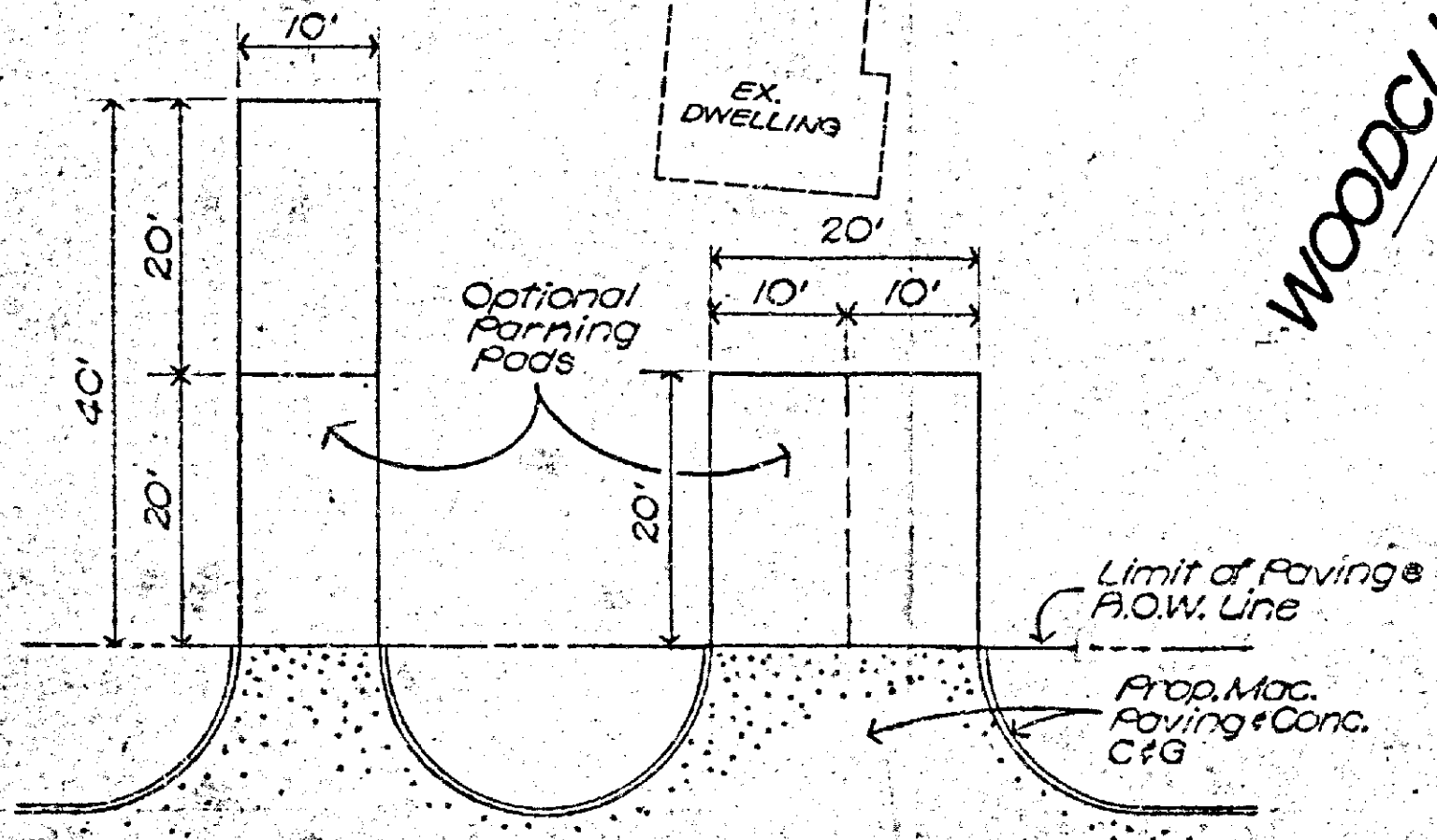
- 1. Election District
- 2. Councilmanic District
- 3. Census Tract
- 4. Watershed
- 5. Subwatershed
- 6. Site Data
 - Net Area
 - Gross Area
- Common Open Space
 - Required: 12 Lots x 650' / Lot = 7800' = .18 Ac
 - Proposed: 0 Waiver Requested: Yes
- Parking
 - Required
 - Proposed
- Zoning
 - Classification
 - Proposed Dwelling Units
 - Dwelling Units Allowed
- 7. Soil Types
- 8. Ownership
 - Ralph DeChairo Enterprises, Inc.
 - 7728/558 700 Fairmount Ave., Towson, Md. 21204
 - Property ID: N9 01-04-201360
- 9. Estimated ADT (12x12.4)
- 10. Storm Water Management - Variance Requested (Open Pond to be provided to accommodate 2, 10 & 100 yr. storm frequencies if variance denied)
- 11. Landscaping
 - Required - One Per Lot
 - Proposed - One Per Lot
- 12. Units For Sale
- 13. Proposed Subdivision Lies Within An Existing Developed Area. No Further Extension Of The Proposed Sanitary Sewer Is Required.
- 14. Entire Site Wooded. Clear Areas For Envelopes, Driveways & Parking Pads.
- 15. 35' Minimum Setback From Track Boundary To Windows Will Be Provided. Lots 2, 3, 4, 6, 7, 8, 9, 10 & 11 Are A Min. Of 50' Wide.
- 16. Variance Requested For Window To Street Right Of Way Line From 25' To 15' For Lots 1, 2, 3, 4 & 5.

SOILS TYPES DATA

CFC - Legere Very Silty Silt Loam, 3-15% Slopes
AdB2 - Adirondack Silt Loam, 3-8% Slopes,
Moderately Eroded

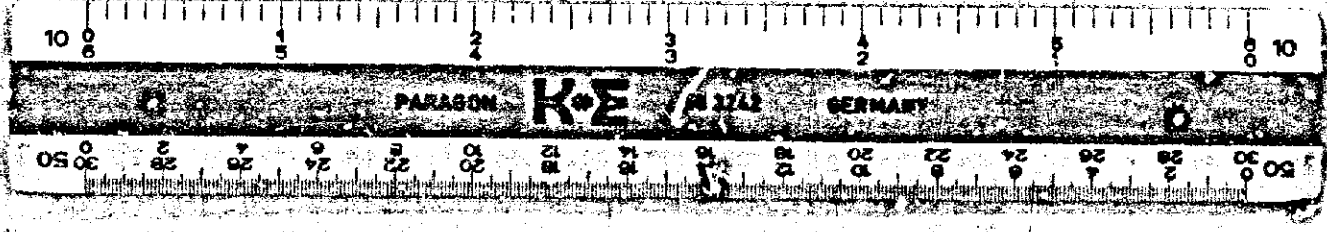
AREA	TYPE	BUILDING	STREETS & PARKING AREAS	CLASS
1.9	CFC	MODERATE STAININESS SLOPE	SEVERE SLOPE	C
0.8	AdB2	MODERATE SURFACE STAININESS SLOPE	MODERATE SLOPE	D

*Acreage Includes 1200 ft. Of 30' Wide Road Frontage Of I-70 And Johnny Cake Road



DETAIL Scale: None
OFF-STREET PARKING PAD (OPTIONS):

PETITIONER'S EXHIBIT 1



REVISIONS
1. ADD VACANT LAND NEXT TO LOT 1
2. COMPLETE EX. DWELLING ON OUTER
3. ADDITION TO LOT 12
4. ADDITION TO NOTE N9 10
(PROVIDE 2, 10 & 100 YR. FLOOD)



Johnson, Mirmiran & Thompson, P.A.

CAG PLAN JOHNNY CAKE

DEVELOPER: Ralph DeChairo Enterprises, Inc. 700 Fairmount Ave. Towson, Md. 21204

FILE NO: B-03161

SHEET 1 OF 1

ELECTION DIST. N9 1 OCTOBER 15, 1984

BALTIMORE CO., MD. SCALE: 1" = 30'

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: December 18, 1984
FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Johnnycake
PROJECT NUMBER: #84278
LOCATION: Johnnycake Road at Woodcliff Avenue
DISTRICT: 1C1

The Plan for the subject site, dated October 13, 1984, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 2.5 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, prior to the recording of a record plat.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Project #84278
Johnnycake
Page 2
December 18, 1984

HIGHWAY COMMENTS:

Johnnycake Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the subdivision or as may be required to establish line and grade.
- The submission of full cross-sections is deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way, at the Developer's cost.
- The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards and requirements for 11-inch thick paving.
- The relocation of any utilities or poles as required by the road improvements.

Security is required covering the cost of the curb and gutter and paving fronting on the lots that have both existing water and sewer.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Driveways shall be constructed in accordance with Baltimore County Standards (Detail 15A), with depressed curb and 7-inch concrete aprons within the right-of-way.

Project #84278
Johnnycake
Page 3
December 18, 1984

HIGHWAY COMMENTS: (Cont'd)

Panhandle Drives serving more than one lot shall be paved prior to occupancy.

Panhandles shall be a minimum of 20 feet in width to serve one lot and a minimum of 12 feet in width per lot where two or more lots are involved.

Covenants must be recorded prior to, or along with the recording of the plat, establishing a cross easement over the panhandles for access over and maintenance of the common panhandle driveway; and for installation and maintenance of the private water and/or sewer connections where applicable.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power after installation.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 4 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unencumbered area.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the dedicating in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

The Developer's engineer has not shown provisions for a suitable drainage outfall on the submitted plan.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Project #84278
Johnnycake
Page 4
December 18, 1984

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

Storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year, 10-year and 100-year frequency storm must be provided on the site, since the site drains to Dead Run.

Storm water management must comply with the requirements of the 1984 Baltimore County Storm Water Management Policy and Design Manual adopted September 11, 1984.

The Developer is responsible for the cost of temporary structures and measures required in the event of sectional development.

Temporary construction easements of adequate width are necessary adjacent to all offsite rights-of-way or easements where utility construction is planned. They should be indicated on the right-of-way plats and construction drawings.

The Developer shall provide a minimum 10-foot drainage and utility easement along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations, unless a similar easement has previously been provided along the property lines of the adjacent subdivision.

Project #84278
Johnnycake
Page 5
December 18, 1984

WATER AND SANITARY SEWER COMMENTS:

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

Public water mains exist to serve this site, as shown on the submitted plan. Metered water connections may be obtained from the Department of Permits and Licenses.

Public sewers exist to serve Lots 4 thru 12, as shown on the submitted plan. Permission to connect to the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

To serve Lots 1, 2 and 3, a public sewer must be extended approximately 210 feet in Johnnycake Road, as shown on the submitted plan.

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection, of public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

Where water and/or sewer exist, the total Water and/or Sanitary Sewer Connection Charge is determined, and payable, upon application for the Plumbing Permit. This charge is in addition to the normal front foot assessment and permit charges.

For Lots 1, 2 and 3, the total Sewer System Connection Charge is determined, and payable, upon receipt of bids for the utility construction contract.

The System Connection Charge for water and sewer is in addition to the normal front foot assessment and permit charges.

Water and sanitary sewer service connections shall be installed by a utility contractor prior to the road improvements and shall be included in the Public Works Agreement.

This site is subject to the sewer allocation policy as established by the Baltimore County Council.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

This project may be approved, subject to all the comments stated above.

EDWARD A. McDONOUGH, P.E., Chief
Developers Engineering Division

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: May 21, 1985

FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Johnnycake
PROJECT NUMBER: #84278
LOCATION: Johnnycake Road at Woodcliff Avenue
DISTRICT: 1C1

The Plan for the subject site, dated October 13, 1984, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

Previous Engineering Comments prepared on this project on December 18, 1984 remain in force as stated, unless specifically revised below.

HIGHWAY COMMENTS:

A road taper will be required at both ends of the subdivision to allow traffic to enter and leave the widened section of road safely. The Developer will be responsible for any offsite right-of-way costs to make these tapers work.

STORM DRAIN COMMENTS:

The Developer has been informed that he must design the ultimate drainage system to a suitable outfall. After the drain is designed and approved, the Developer has two options:

- He may advertise under a private County contract, in which case, he pays the entire cost of the drainage system.
- He may ask Baltimore County to build the drain under a County contract, in which case Baltimore County will contribute the difference between the cost to build a system to serve his property and the ultimate piping system.

This project may be approved, subject to conformance with all previous and current comments.

EDWARD A. McDONOUGH, P.E., Chief
Developers Engineering Division

DEPARTMENT OF TRAFFIC ENGINEERING
BALTIMORE COUNTY, MARYLAND

TO : Mr. James A. Markle DATE: May 22, 1985

FROM : C. Richard Moore

SUBJECT: C.R.G. Comments

PROJECT NAME: Johnnycake Property C.R.G. PLAN: X
PROJECT NUMBER & DISTRICT: 1C1 DEVELOPMENT PLAN:
LOCATION: Johnnycake Property RECORD PLAT:

This Department has no comments on proposed plan.

C. Richard Moore
Deputy Director
Traffic Engineering

CRN/GM/ccm

BALTIMORE COUNTY, MARYLAND
 SUBJECT: COUNTY REVIEW GROUP COMMENTS
 FROM: OFFICE OF PLANNING AND ZONING
 DATE: December 18, 1984

PROJECT NAME: Johnnycake Road
 COUNCIL & ELECTION DISTRICT: I-262

PLAN: XXXXXXXXXXXXXXXX
 PLAN EXTENSION:
 REVISED PLAN:
 PLAT:

The Office of Planning and Zoning has reviewed the subject plan dated October 13, 1984 and has the following comments:

The panhandle lots #5, 6, 7, 10 and 11 are inappropriate. The lots are congested; they are too close to the expressway; and they are oriented front to back which is not acceptable. The design of these lots require restudy which includes more consideration of the proximity of the expressway. The design should also include the provision of public roads for access instead of the use of panhandle driveways. Section 22-85 of the Development Regulations states that panhandle driveways may be permitted where such lots would not be detrimental to adjacent properties and would be in the interests of prospective users.

Susan Carrell
 S. Carrell

BALTIMORE COUNTY, MARYLAND
 SUBJECT: COUNTY REVIEW GROUP COMMENTS
 FROM: OFFICE OF PLANNING AND ZONING
 DATE: May 21, 1985

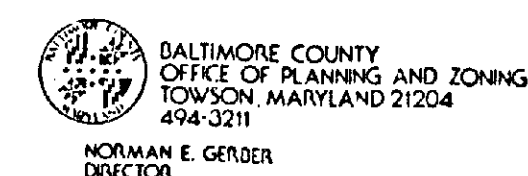
PROJECT NAME: Johnnycake Road
 COUNCIL & ELECTION DISTRICT: I-262

PLAN:
 PLAN EXTENSION:
 REVISED PLAN:
 PLAT:

Johnnycake Road at Woodcliff Avenue. This is a continued meeting. The Plan has been revised in conformance with this office's comments with regard to panhandle lots. The plan is acceptable to the Office of Planning and Zoning.

A Final Landscape Plan prepared by a registered landscape architect must be approved by this office prior to issuance of any grading or building permits.

Eugene A. Bober
 Eugene A. Bober



Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

JULY 24, 1985

Re: Zoning Advisory Meeting of JUNE 25, 1985
 Item # 392 DECHABRO LIMITED PARTNERSHIP
 Location: N/5 JOHNNYCAKE RD. 298.36'
 N/2 WOODCLIFF AVENUE

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ The parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on [unclear].
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [unclear].
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change are re-evaluated annually by the County Council.
- ☒ A CRG PLAN I-262 (JOHNNYCAKE) WAS APPROVED ON 5/23/85. APPROVAL EXPIRES 5/23/88.

cc: James Howell

Eugene A. Bober
 Chief, Current Planning and Development

8/20
 86-79-A

BALTIMORE COUNTY, MARYLAND
 SUBJECT: COUNTY REVIEW GROUP COMMENTS
 FROM: ZONING OFFICE
 DATE: December 19, 1984

PROJECT NAME: Johnnycake Road
 LOCATION: Johnnycake Road
 DISTRICT: 1st Election District

PLAN: ☒
 DEVELOPMENT PLAN:
 PLAT:

The following comments were written on the CRP plan dated October 13, 1984. These revisions must occur prior to plan approval.

1. The gross site area may include 1/2 of any right of way which the property shuts up to 30 feet in width. A note should be on the plan which indicates that up to 30 feet of both I-70 and Johnnycake Rd. have been included in determining the gross area.
2. There are two different acreages shown as gross area in note 6 - 2.72 acres and 3.52 acres. This must be revised to reflect the correct gross area as described above. If the correct gross acreage is 2.72 acres only 9 lots are permitted. If it is 3.52 acres, 12 lots are permitted.
3. The required setback for the rear yards of lots which adjoin I-70 is 35 feet from any window to the tract boundary not 30 feet as shown.
4. The front setback for Lots 1 and 12 is the average of the setback of the home on the adjacent lot and 30 feet. The front yard should be dimensioned on the adjacent house and the average noted on the final development plan.

Diana Iiter
 DIANA IITER
 Zoning Associate III

DI:eb

BALTIMORE COUNTY, MARYLAND
 SUBJECT: COUNTY REVIEW GROUP COMMENTS
 FROM: ZONING OFFICE
 DATE: May 23, 1985
 (continued meeting)

PROJECT NAME: JOHNNYCAKE PROPERTY
 LOCATION: Johnnycake Road
 DISTRICT: 1st Election District

PLAN: ☒
 DEVELOPMENT PLAN:
 PLAT:

The following comments were written on the CRG plan revised 12/14/84.

The revised CRG plan addresses the CRG comments dated 12/19/84 which were written on a somewhat different lay out.

The revised plan generally meets zoning requirements for CRG plan approval with one exception. The front setback is a minimum 25' from the right-of-way line not 15' and 20' as shown for Lots 1-8. If a Variance is proposed due to the large right-of-way width in the vicinity of the aforementioned lots and the desire to retain the wooded buffer area along I-70, it should be so noted on the plan. If CRG plan approval occurs, approval of the final development plan and building permits for any lots which require a front yard setback variance will be contingent upon the outcome of the Variance Hearing.

Diana Iiter
 DIANA IITER
 Zoning Associate III

DI:bg

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE
 EUGENE A. BOBER, Chief
 Current Planning and Development Div.
 TO: Office of Planning and Zoning
 FROM: Comprehensive Planning Division
 DATE: 19 DEC 84

SUBJECT: CRG Comments on JOHNNYCAKE

GENERAL COMMENTS:
 RETAIN WOODS REAR OF LOT 1, 7, 10, 11 + WHERE POSSIBLE

HISTORICAL COMMENTS:
 No historic or archaeological sites--J. McGrain

ENVIRONMENTAL COMMENTS:
 WHAT ABOUT NOISE ANALYSIS?

LOS COMMENTS:

TRANSPORTATION COMMENTS:
 ALIGN DRIVEWAY W/ WOODCLIFF AVE.

COASTAL CRITICAL AREA COMMENTS:

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE
 EUGENE A. BOBER, Chief
 Current Planning and Development Div.
 TO: Office of Planning and Zoning
 FROM: Comprehensive Planning Division
 DATE: 23 MAY 85

SUBJECT: CRG Comments on JOHNNYCAKE PROPERTY

GENERAL COMMENTS: IN GROSS ACRES CAN THEY USE REAR FRONTAGE OF I-70?

HISTORICAL COMMENTS: No historical or archaeological sites--J. McGrain

ENVIRONMENTAL COMMENTS:

LOS COMMENTS:

TRANSPORTATION COMMENTS:
 No Conflict w/ transportation element of Master Plan

COASTAL CRITICAL AREA COMMENTS:

DEPARTMENT OF TRAFFIC ENGINEERING
 BALTIMORE COUNTY, MARYLAND
 TO: Mr. Robert A. Morton
 FROM: C. Richard Moore
 DATE: December 18, 1984

SUBJECT: C.R.G. COMMENTS

PROJECT NAME: Johnnycake Road
 PROJECT NUMBER & DISTRICT: 101
 LOCATION: Johnnycake Road @ Woodcliff

C.R.G. PLAN: ☒
 DEVELOPMENT PLAN:
 RECORD PLAT:

The access for lots 4, 8, 9, and 12 needs to be off of the proposed panhandle driveways.

C. Richard Moore
 C. Richard Moore
 Assistant Traffic Engineer

CRG/GMJ/csm

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments Date 12/10/84
From: Dept. of Recreation and Parks

Project Name: JOHNNYCAKE ROAD Preliminary Plan
Project Number: 84278 Development Plan
Location: Johnnycake Rd. at Woodcliff Rd. Final Plat
Districts: 1, C-1 CRG Plan X

COMMENTS:

Local Open Space is required and the developer has requested a waiver of same. This will be reviewed at the December 12, 1984 Board of Recreation and Parks meeting.

Albert R. Svehla, Jr.
Acting Facilities Planner

ARS:by

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Brooks Stafford, Director
Environmental Support Services

Date: December 17, 1984

FROM: Stephanie A. Taylor
Waste and Water Quality Management

SUBJECT: ENVIRONMENTAL EFFECTS REPORT Johnnycake

CRG MEETING December 19, 1984 (Date) 10:00 AM (Time)

PLAN REVIEW NOTES

1. Residential subdivision with 12 lots on 2.72 acres. (Describe site)
2. Public water and Public sewer is proposed.
3. No streams. (Describe streams on-site)
5. No wetlands. (Describe wetland soils on-site)
6. Storm Water Management is required.
7. is proposed impervious area.

RESPONSES

The Environmental Effects Report is not approved. In order to receive approval, the following checked items/conditions must be met.

The Environmental Effects report is approved, subject to the following checked items/conditions.

- A. No development is allowed in (soil/name & symbol)
- B. A revised site plan indicating no development in must be submitted.

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH12-17-84
Date

JOHNNYCAKE

Subdivision Name, Section and/or Plat

Developer and/or Engineer: Barbara Enterprises, Inc.
John M. Mirmiran & Thompson

Public Public
Watershed No. of Lots 272 Total Acreage Water Sewer

COMMENTS ARE AS FOLLOWS:

- Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 434-2762.
- Soil percolation test have been conducted. Revised plans, must be submitted prior to approval of plat, are not required and the plat can be approved as submitted. Contact this office for more complete information, 434-2762.
- Public sewers , public water , must be utilized and/or extended to serve the property.
- A Hydrogeological Study and Environmental Effects Report for this subdivision, must be submitted, is incomplete and must be revised, has/have been reviewed and approved.
- A Water Appropriation Permit Application, must be submitted, has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.
- It is recommended the plan, be approved as submitted, be approved as submitted subject to the following conditions noted: on the attached memo dated 12-17-84
- It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS:

SS 783R

CRG Meeting of Dec. 19, 1984
JOHNNYCAKE

1. Density appears to preclude infiltration.
2. If this site drains to Dead Run, 100 year management is required as well as a tie.
3. Pond size not checked.

G. L. J. J. J.
12/10/84

BALTIMORE COUNTY, MARYLAND

Date: December 3, 1984

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
Captain Joseph Kelly

PROJECT NAME: Johnnycake PRELIMINARY PLAN
PROJECT NUMBER: CRG Agenda 12/19/84, 10:00 AM TENTATIVE PLAN
LOCATION: Johnnycake & Woodcliff Av. DEVELOPMENT PLAN
DISTRICT: 1 FINAL PLAT

Comments:

1. Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1981 Edition.
2. Fire flow test is required to be conducted by the Baltimore City Water Dept. on Johnnycake Road as close to proposed site as possible. Test results are to be forwarded to the office of the Fire Protection Engineer.
3. Proposed panhandle driveways must be a minimum of 16 feet in width and of a hard surface capable of supporting emergency apparatus, weighing 50,000 pounds on two axles.

BALTIMORE COUNTY, MARYLAND

Date: May 16, 1985

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
Captain Joseph Kelly

PROJECT NAME: Johnnycake Property
PROJECT NUMBER: CRG Agenda 5/23/85, 3:15 PM
LOCATION: Johnnycake Road and Woodcliff Avenue DISTRICT:

COMMENTS:

- (x) 1. Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1981 Edition.
- (x) 2. Fire flow test is required to be conducted by the Baltimore City Water Dept. on Johnnycake Road as close to proposed site as possible. Test results are to be forwarded to the office of the Fire Protection Engineer.
- () 3. Proposed panhandle driveways must be a minimum of 16 feet in width and of a hard surface capable of supporting emergency apparatus, weighing 50,000 pounds on two axles.
- () 4. Access road shall be posted with Fire Lane signs along its entire length.
- () 5. Standard cul-de-sac or t-turnaround shall be provided at deadend street near .
- () 6. All roads shall have a minimum width of 20 feet.
- () 7. Driveways in excess of 300 feet shall have standard cul-de-sac or t-turnaround.
- () 8. Maximum angle of departure (grade percentage) shall not exceed 6% per NFPA Standard #1701. Angle of departure in excess of 6% would prohibit emergency fire apparatus from gaining access to the site.
- () 9. Submitted site plan fails to indicate proposed fire hydrant spacing at feet intervals in accordance with Baltimore County Standard Design Manual.
- () 10. All self-service stations shall have at least one attendant on duty while the station is open to the public. The attendant's primary function shall be to supervise, observe and control the dispensing of Class I liquids while said liquids are actually being dispensed, according to NFPA 30, 1981 Edition, Section 7-3.4.3 and Section 7-3.4.4.



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2556
434-4500

PAUL H. KENCKE
CHIEF

July 2, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

SL: Property Owner: DeChiara Limited Partnership

Location: N/S Johnnycake Road 298.30' N/E Woodcliff Avenue

Item No.: 392

Zoning Agenda: Meeting of June 25, 1985

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- (x) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments, at this time.

* Fire flow test by Balto. City Water Dept. is required to determine available water supply
REVIEWER: Noted and
Planning Group Approved by Fire Protection
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
434-3610

July 18, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 392 Zoning Advisory Committee Meeting are as follows:

Property Owner: DeChiara Limited Partnership
Location: N/S Johnnycake Road 298.30' N/E Woodcliff Avenue
District: 1st.

APPLICABLE RULES AND ORDINANCES:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Building and Code (Annotated, 1980) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland architect or Engineer is/are not required on plans and technical data.
- () Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- () All the Groups except A-J Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. All the Groups require a one hour wall if closer than 1'-0" to an interior lot line. All wall built on an interior lot line shall require a fire or party separator wall within 1'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and content, item type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- () The proposed variance appears to conflict with Section(s) of the Baltimore County Building Code.
- () When filing for a required Change of Use/Temporary Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use to Use or to Mixed Use . See Section 312 of the Building Code.
- () The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 314.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- () Comments: Please, also be aware of exit and rescue windows required from the One and Two Family Code.
- () These unreviewed comments reflect only on the information provided by the developer submitted to the Office of Planning and Zoning and are not intended to be construed as the final action of any permit. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 Chesapeake Avenue, Towson, Maryland 21204.

LJZ/RS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner..... Date: August 2, 1985.....
Norman E. Gerber, Director
FROM: Office of Planning and Zoning.....
SUBJECT: Zoning Petition No. 86-79-A..

A CRG plan was approved on May 23, 1985.

REG:JGH:slm

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

IN RE: PETITION ZONING VARIANCES
N/S of Johnnycake Road, 27'
NW of the centerline of Wood-
cliff Avenue - 1st Election
District
DeChiario Limited Partnership,
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-79-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit setbacks of 15 feet from window to street right of way instead of the required 25 feet for Lots 1 through 5 of Johnnycake subdivision, as more particularly shown on Petitioner's Exhibit 1.

The Petitioner, by Lawrence Rachuba, its General Partner, appeared and testified. George Lambros, a registered engineer, also appeared and testified on behalf of the Petitioner. Francis Windfelder and Robert McNaney, nearby property owners, did not appear to oppose the requested variances but to obtain clarification. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.3.5 and located on Johnnycake Road opposite Woodcliff Avenue, has been subdivided into 12 lots, known as Johnnycake. Interstate 70 (I-70) is adjacent to the rear of the tract. The subdivision fronts on Johnnycake Road, which is a State controlled right of way from Woodcliff Avenue west and a County right of way from Woodcliff Avenue east. The County maintains a 60-foot right of way and a 40-foot roadway while the State maintains an 83-foot right of way and a 40-foot roadway. Lots 1 through 5 front on the State maintained portion of Johnnycake Road. In order to maintain as much of a buffer as possible between the proposed houses and I-70, it is necessary to maintain a 15-foot setback from the State right of way. If the requested variances were denied, the houses would need to be moved back 10

feet, and it would be necessary to remove existing trees which would otherwise be a part of the buffer. Actually, the houses affected would be the same distance from the centerline of the street as the houses fronting on the County portion of Johnnycake Road. It is certainly not expected that the State will expand Johnnycake Road to the extent where the houses would be impacted.

The County Review Group (CRG) approved the proposed site plan on May 23, 1985.

Mr. Lambros testified that, in his opinion, the Baltimore County Zoning Regulations (BCZR) will be satisfied if the variances are granted.

The Petitioner seeks relief from Section 1801.2.C.6, BCZR, and Section V.B.6.a, Comprehensive Manual of Development Policies (CMDP), pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

- 2 -

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of August, 1985, that the Petition for Zoning Variances to permit setbacks of 15 feet from window to street right of way instead of the required 25 feet for Lots 1 through 5 of Johnnycake subdivision be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for its building permit 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 such time as the applicable 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.

Lawrence Rachuba
Lawrence Rachuba
People's Counsel

ORDER RECEIVED FOR FILING
DATE August 22, 1985
BY *John H. Lawrence*
ADMINISTRATIVE ASSISTANT

- 3 -

PETITION FOR VARIANCE
1st Election District

LOCATION: North side of Johnnycake Road, 27 ft. Northwest of the centerline of Woodcliff Avenue
DATE AND TIME: Tuesday, August 20, 1985 at 10:15 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance from Section 1 B01.2.C.6 (CMDP V.B.6.a.) to permit a fifteen (15) foot setback from window to street right-of-way in lieu of a twenty-five (25) foot setback for Lots 1 thru 5, Johnnycake Subdivision.

Being the property of DeChiario Limited Partnership as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Johnson, Mirmiran and Thompson, P.A.
PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS

JOHNNYCAKE

Mets and Bounds Description of a parcel of land lying and being in the First Election District of Baltimore County, Maryland and described in accordance with a plan made by Johnson, Mirmiran and Thompson, P.A. in October 1984 and revised in December, 1984 and as shown on a plat of survey entitled "Plat To Accompany Petition For Variance Johnnycake".

BEGINNING for the same in the Right-of-Way of Johnnycake Road said place of beginning being distant North 79 degrees 50 minutes 54 seconds West 27.32 feet from the corner formed by the intersection, of the centerline of Woodcliff Avenue and the centerline of Johnnycake Road as shown on a plan of "Woodcliff" Subdivision, Section 1 dated July 16, 1953 and recorded among the land records of Baltimore County in Liber G.L.B. No. 19, folio 50 on August 17, 1953 and running thence through the right-of-way of Johnnycake Road (1) North 16 degrees 31 minutes 50 seconds East 18.98 feet, running thence along the Northern Right-of-Way line of Johnnycake Road the two following courses and distances; (2) North 41 degrees 40 minutes 16 seconds West 58.83 feet, (3) North 73 degrees 28 minutes 10 seconds West 322.50 feet to the Eastern Right-of-Way line of vacant land of MSHA, thence along the Eastern Right-of-Way line of MSHA (4) North 02 degrees 02 minutes 40 seconds West 41.15 feet to the Southern Right-of-Way line of Interstate 70 running thence along the Southern Right-of-Way line of I-70 the following four courses and distances; (5) North 87 degrees 26 minutes 58 seconds East 48.36 feet, (6) South 89 degrees 14 minutes 51 seconds East 58.25 feet, (7) South 75 degrees 17 minutes 43 seconds East 146.54 feet, (8) South 78 degrees 11 minutes 16 seconds East 30.08 feet to the intersection of the Southern Right-of-Way line of Interstate 70 and the Northwestern corner of the parcel of land of Elizabeth Butler recorded among the land records in Liber 55, folio 419 and running thence along the Western property line of said Elizabeth Butler (9) South 39 degrees 15 minutes 00 seconds West 261.83 feet to the centerline of Johnnycake Road and running thence along the centerline of Johnnycake Road the two following courses and distances (10) North 84 degrees 24 minutes 00 seconds West 140.50 feet, (11) North 74 degrees 14 minutes 00 seconds West 157.80 feet to the place of beginning. Containing 2.72 acres of land more or less.

BEING a part of 2nd parcel recorded in Liber W.J.R. 3526, Folio 558 among the land records of Baltimore County.

Revised description
Item #372
7/18/85

810 GLENVIEW CT. • SUITE 2ND • BALTIMORE, MD. • 21204 • (410) 821-6500
SILVER SPRING, MD. FARMERS VA. ROCKY HILL, CT. YORK, PA.

RE: PETITION FOR VARIANCE
N/S of Johnnycake Rd.,
27' NW/Centerline of
Woodcliff Ave., 1st Dist.
DeCHIARIO LIMITED PARTNERSHIP,
Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-79-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 24th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Lawrence K. Rachuba, General Partner, DeChiario Limited Partnership, 700 Fairmount Ave., Towson, MD 21204, Petitioner; and Johnson, Mirmiran & Thompson, P.A., 810 Glenview Ct., Towson, MD 21204, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

Office of
PATUXENT
Publishing Corp.
10750 Leno Parkway
Columbia, MD 21044

August 1 19 85

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCE

was inserted in the following:
☐ Catonsville Times
☐ Arbutus Times
weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 3 day of August, 1985, that is to say,
the same was inserted in the issues of

August 1, 1985

PATUXENT PUBLISHING CORP.
BY *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

vs.

CERTIFICATE OF PUBLICATION OF

AUG 28 1985

DeChiaro Limited Partnership
700 Fairmount Avenue
Towson, Maryland 21204

July 19, 1985

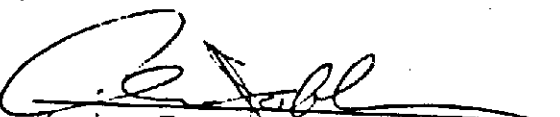
NOTICE OF HEARING

RE: PETITION FOR VARIANCE
N/S of Johnnycake Rd., 27' NW of the
centerline of Woodcliff Avenue
1st Election District
DeChiaro Limited Partnership - Petitioner
Case No. 86-79-A

TIME: 10:15 a.m.

DATE: Tuesday, August 20, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland


Zoning Commissioner
of Baltimore County

cc: Johnson, Mimiran & Thompson, P.A.
810 Gleneagles Court
Baltimore, Maryland 21204



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

August 15, 1985

DeChiaro Limited Partnership
700 Fairmount Avenue
Towson, Maryland 21204

RE: Petition for Variance
N/S of Johnnycake Rd., 27' NW of the
centerline of Woodcliff Avenue
1st Election District
De Chiaro Limited Partnership - Petitioner
Case No. 86-79-A

Dear Sir,

This is to advise you that \$ 45.81 is due for advertising
and posting of the above property. This fee must be paid before
an Order is issued.

This fee must be paid and the zoning sign and post returned
on the day of the hearing. Do not remove sign until day of the
hearing.

Please make the check payable to Baltimore County, Maryland,
and remit to Zoning Office, Room 113, County Office Building,
Towson, Maryland 21204, before the hearing.

Sincerely,


ARNOLD JABLON
Zoning Commissioner

PETITION FOR VARIANCE 1st Election District

LOCATION: North side of Johnny-
cake Road, 27 ft. Northwest of the
centerline of Woodcliff Avenue
DATE AND TIME: Tuesday, August
20, 1985 at 10:15 a.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland

The Zoning Commissioner of Balti-
more County, by authority of the Zon-
ing Act and Regulations of Baltimore
County, will hold a public hearing:

Petition for Variance from Section 1
B01.2.C.6 (CMDP V.B.6.a) to permit
a fifteen (15) foot setback for windows to
street right-of-way in lieu of a twenty-
five (25) foot setback for Lots 1 thru 5,
Johnnycake Subdivision.

Being the property of DeChiaro
Limited Partnership as shown on the
plan filed with the Zoning Office.

In the event that this Petition is
granted, a building permit may be
issued within the thirty (30) day appeal
period. The Zoning Commissioner
will, however, entertain any request for
a stay of the issuance of said permit
during this period for good cause
shown. Such request must be received
in writing by the date of the hearing set
above or made at the hearing.

By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Aug. 1.

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 1, 1985

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
August 1, 1985

THE JEFFERSONIAN,



Publisher

Cost of Advertising

22

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

86-79-A

District: 1st Date of Posting: 7-30-85

Posted for: Variance

Petitioner: DeChiaro Limited Partnership

Location of property: N/S Johnnycake Rd. 27' NW of centerline of

Woodcliff Ave.

Location of Signs: N/S Johnnycake Rd. Approx. 25' NW of centerline

of Woodcliff Ave. in front of subject property

Remarks:

Posted by: S. J. Arator Signature Date of return: August 2, 1985

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007309

DATE: 8-21-85 ACCOUNT: R-01-615-000

AMOUNT \$ 35.00

RECEIVED FROM: Rachuba Enterprises

FOR: Balance for Ad #370

Disbursement made from fund #100

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 012587

DATE: 8-21-85 ACCOUNT: R-01-615-000

AMOUNT \$45.81

RECEIVED FROM: Rachuba Enterprises

FOR: Advertising & Posting Case No. 86-79-A

B 8061*****4581** 8216F

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 1.1.B01.2.C.5 (MDP V.S.2.a.1) to permit a fifteen (15) foot setback for window to street right-of-way

in lieu of a Twenty Five (25) foot setback for Lots

1 thru 5, Johnnycake Subdivision, of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. The required R/W width for Johnnycake Rd. is sixty (60) feet, however, the State Highway Administration owns land that creates an existing R/W width of eighty three feet which leaves an excess of approximately sixteen (16) feet of R/W on the north side of Johnnycake Road.
2. The twenty five (25) foot setback from the existing R/W line would require additional clearing of this narrow wooded site which would decrease the Vegetative Buffer to 1-270 and increase the storm water runoff.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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: Legal Owner(s):
(Type or Print Name) DE CHIARO LIMITED PARTNERSHIP
Signature: Signature General Partner
Address: (Type or Print Name)
City and State: Signature
Attorney for Petitioner: 700 Fairmount Avenue 823-0637
(Type or Print Name) Address Phone No.
Townson, Maryland 21204 City and State
Signature Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Johnson, Mirmiran & Thompson, P.A.
City and State: Name
810 Gleneagles Court 821-6500
Attorney's Telephone No.: Address Phone No.
Baltimore, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of July, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 20th day of August, 1985, at 10:15 o'clock.

Cal Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 9, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

060
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

DeChiaro Limited Partnership
700 Fairmount Avenue
Towson, Maryland 21204

RE: Item No. 392 - Case No. 86-79-A
Petitioner - DeChiaro Limited Partnership
Variance Petition

Gentlemen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI, INC.
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:nr

Enclosures

cc: Johnson, Mirmiran & Thompson, P.A.
810 Gleneagles Court
Baltimore, Maryland 21204

C. R. G. MEETING AGENDA

JOHNNYCAKE
December 19, 1984
10:00 a.m.

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of Plan by developer's representative
5. Comments of County agencies
6. Citizens' comments or questions
7. Developer's response
8. County Review Group decision
9. Adjourn meeting

SIGN IN

Name Address
John DeChiaro 700 Fairmount Ave. Towson, Md. 21204
Samuel D. Veit 6 Harry Ridge C. Crosville 21208
Veit 7017 Johnny Cake Rd.
134-170 21207

COUNTY REVIEW GROUP MEETING MINUTES

Wednesday, December 19, 1984

JOHNNYCAKE
District 1 C1

COUNTY REVIEW GROUP - THOSE PRESENT*

Gilbert Benson, Chairman - Dept. of Public Works
Susan Carrell, Co-Chairman - Office of Planning

Agency Representatives

Greg Jones - Traffic Engineering
Harris Shalowitz - Developers Engineering Division

Developer and/or Representatives

Lawrence Rachuba - DeChiaro/Rachuba (Developer)
Gregory Luck - DeChiaro Ltd.
John Harrington - DeChiaro Ltd.
Gary B. Blucher - DeChiaro Ltd.
Ray Rachuba - DeChiaro Ltd.
George Lambros - Johnson, Mirmiran & Thompson (Engineer)

*Attachment - Interested Citizens

Mr. Benson opened the meeting at 10:00 a.m., introduced the committee and explained the purpose of the meeting.

Mr. Lambros presented the plan. They propose to develop this tract into 12 lots with access to a portion of the lots to be by panhandles. Improvements are planned for Johnnycake Road as shown on the plan. A portion of the property indicates a State right-of-way for Johnnycake Road.

Ms. Carrell summarized the written staff comments submitted from Fire Prevention, Health Dept., Dept. of Recreation & Parks, Traffic Engineering, Planning, Zoning, Developers Engineering Division, and Storm Water Management Section. These comments are made a part of these minutes, and a copy was also given to the developer and developer's engineer. A fire flow test is required for this subdivision. Open space is required, and the developer may request a waiver. Access to Lots 48, 9 and 12 needs to be proposed from panhandle driveways. Sanitary sewer is to be extended and a storm drain outfall is required prior to recording. Storm water management is also required. Gross acreage is to be shown on the plan. Developer's engineer must restudy the panhandle lots; Lots 5, 6, 7, 10 and 11 are inappropriate lots and the houses will be too close to the expressway. This area must be restudied by the developer's engineer. Planning proposes that a public road be provided instead of panhandles.

JOHNNYCAKE

-2-

December 19, 1984

There will be a Continued Meeting scheduled for this proposal. Four issues remain to be resolved as follows: 1) storm drain outfall; 2) gross acreage; 3) the direction the houses will face and the location of same; 4) restudy the layout for Lots 5, 6, 7, 10 and 11. This meeting was adjourned at 11:00 a.m.

COUNTY REVIEW GROUP MEETING MINUTES

Thursday, May 23, 1985

JOHNNYCAKE PROPERTY

District 1 C1

COUNTY REVIEW GROUP - THOSE PRESENT

Catherine Warfield, Chairman - Dept. of Public Works
Eugene Bober, Co-Chairman - Office of Planning

Agency Representatives

Harris Shalowitz - Developers Engineering Div.

Developer and/or Representatives

Gary B. Blucher - DeChiaro Ltd. Partnership
Larry Rachuba - DeChiaro Ltd. Partnership
George Lambros - JMT

Mrs. Warfield opened the meeting at 3:15 p.m.

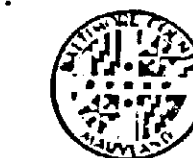
Mr. Lambros presented a revised plan.

Mr. Bober summarized comments from Traffic Engineering, Fire Prevention Bureau, Developers Engineering Division, Planning, Zoning, and Storm Water Management Review Section, which are made part of these minutes.

Lots 6, 7, and 8, as shown on the revised plan, meet zoning requirements and a variance will be requested for front setbacks on lots 1 through 5.

All other comments have been satisfied; therefore, the plan was approved.

The meeting was adjourned at 3:30 p.m.



HARRY J. PISTEL, P.E.
DIRECTOR

July 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #392 (1984-1985)

Property Owners: DeChiaro Limited Partnership
N/S Johnnycake Road 298.30' N/E Woodcliff Ave
District 1

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Since no public facilities are involved, this office has no comment.

Very truly yours,

JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:PMO:bp

cc: File

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: December 18, 1984
FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Johnnycake
PROJECT NUMBER: #84278
LOCATION: Johnnycake Road at Woodcliff Avenue
DISTRICT: 1C1

The Plan for the subject site, dated October 13, 1984, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 2.5 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, prior to the recording of a record plat.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Project #84278
Johnnycake
Page 2
December 18, 1984

HIGHWAY COMMENTS:

Johnnycake Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the subdivision or as may be required to establish line and grade.
- The submission of full cross-sections is deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way, at the Developer's cost.
- The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards and requirements for 11-inch thick paving.
- The relocation of any utilities or poles as required by the road improvements.

Security is required covering the cost of the curb and gutter and paving fronting on the lots that have both existing water and sewer.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Driveways shall be constructed in accordance with Baltimore County Standards (Detail 15A), with depressed curb and 7-inch concrete aprons within the right-of-way.

Project #84278
Johnnycake
Page 3
December 18, 1984

HIGHWAY COMMENTS: (Cont'd)

Panhandle Drives serving more than one lot shall be paved prior to occupancy.

Panhandles shall be a minimum of 20 feet in width to serve one lot and a minimum of 12 feet in width per lot where two or more lots are involved.

Covenants must be recorded prior to, or along with the recording of the plat, establishing a cross easement over the panhandles for access over and maintenance of the common panhandle driveway; and for installation and maintenance of the private water and/or sewer connections where applicable.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power after installation.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 4 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unencumbered area.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the dedicating in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

The Developer's engineer has not shown provisions for a suitable drainage outfall on the submitted plan.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Project #84278
Johnnycake
Page 4
December 18, 1984

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

Storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year, 10-year and 100-year frequency storm must be provided on the site, since the site drains to Dead Run.

Storm water management must comply with the requirements of the 1984 Baltimore County Storm Water Management Policy and Design Manual adopted September 11, 1984.

The Developer is responsible for the cost of temporary structures and measures required in the event of sectional development.

Temporary construction easements of adequate width are necessary adjacent to all offsite rights-of-way or easements where utility construction is planned. They should be indicated on the right-of-way plats and construction drawings.

The Developer shall provide a minimum 10-foot drainage and utility easement along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations, unless a similar easement has previously been provided along the property lines of the adjacent subdivision.

Project #84278
Johnnycake
Page 5
December 18, 1984

WATER AND SANITARY SEWER COMMENTS:

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

Public water mains exist to serve this site, as shown on the submitted plan. Metered water connections may be obtained from the Department of Permits and Licenses.

Public sewers exist to serve Lots 4 thru 12, as shown on the submitted plan. Permission to connect to the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

To serve Lots 1, 2 and 3, a public sewer must be extended approximately 210 feet in Johnnycake Road, as shown on the submitted plan.

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection, of public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

Where water and/or sewer exist, the total Water and/or Sanitary Sewer Connection Charge is determined, and payable, upon application for the Plumbing Permit. This charge is in addition to the normal front foot assessment and permit charges.

For Lots 1, 2 and 3, the total Sewer System Connection Charge is determined, and payable, upon receipt of bids for the utility construction contract.

The System Connection Charge for water and sewer is in addition to the normal front foot assessment and permit charges.

Water and sanitary sewer service connections shall be installed by a utility contractor prior to the road improvements and shall be included in the Public Works Agreement.

This site is subject to the sewer allocation policy as established by the Baltimore County Council.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

This project may be approved, subject to all the comments stated above.

EDWARD A. McDONOUGH, P.E., Chief
Developers Engineering Division

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: May 21, 1985

FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Johnnycake
PROJECT NUMBER: #84278
LOCATION: Johnnycake Road at Woodcliff Avenue
DISTRICT: 1C1

The Plan for the subject site, dated October 13, 1984, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

Previous Engineering Comments prepared on this project on December 18, 1984 remain in force as stated, unless specifically revised below.

HIGHWAY COMMENTS:

A road taper will be required at both ends of the subdivision to allow traffic to enter and leave the widened section of road safely. The Developer will be responsible for any offsite right-of-way costs to make these tapers work.

STORM DRAIN COMMENTS:

The Developer has been informed that he must design the ultimate drainage system to a suitable outfall. After the drain is designed and approved, the Developer has two options:

- He may advertise under a private County contract, in which case, he pays the entire cost of the drainage system.
- He may ask Baltimore County to build the drain under a County contract, in which case Baltimore County will contribute the difference between the cost to build a system to serve his property and the ultimate piping system.

This project may be approved, subject to conformance with all previous and current comments.

EDWARD A. McDONOUGH, P.E., Chief
Developers Engineering Division

DEPARTMENT OF TRAFFIC ENGINEERING
BALTIMORE COUNTY, MARYLAND

TO : Mr. James A. Markle DATE: May 22, 1985

FROM : C. Richard Moore

SUBJECT: C.R.G. Comments

PROJECT NAME: Johnnycake Property C.R.G. PLAN: X
PROJECT NUMBER & DISTRICT: 1C1 DEVELOPMENT PLAN:
LOCATION: Johnnycake Property RECORD PLAT:

This Department has no comments on proposed plan.

C. Richard Moore
Deputy Director
Traffic Engineering

CRN/GM/ccm