

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
 PETITION FOR VARIANCE - W/S of * ZONING COMMISSIONER
 Rolling Road, N of Windsor Mill *
 (Deer Run at Mayfield) * OF BALTIMORE COUNTY
 2nd Election District *
 2nd Councilmanic District * Case No. II-592 & 00-127-A
 Mayfield W., LLC and *
 David & Kathleen Noakes *
 Owners/Developers *

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for consideration of a development plan prepared by Morris & Ritchie and Associates, Inc., for the proposed development of the subject property by Mayfield W., LLC and David and Kathleen Noakes, Owners/Developers, with 122 single family dwellings. In addition to development plan approval, the Owners/Developers request variance relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front building face to a public street right-of-way setback of 15 feet and a front building face to a property line setback of 5 feet in lieu of the required 25 feet for each; to permit a side building face to side building face setback of 16 feet in lieu of the required 20 feet, and a side building face to tract boundary setback of 10 feet in lieu of the required 15 feet; and to permit a rear building face to rear property line or tract boundary of 8 feet in lieu of the required 30 feet.

Pursuant to Section 26-206.1 of the Baltimore County Code, the public hearing on the variance Petition was combined with the Hearing Officer's Hearing on the development plan. The subject property and relief sought are more particularly described on the development plan/site plan submitted into evidence and marked as Developer's Exhibit 1.

It is to be noted that the subject property is divided into two sections. That is, 74 of the proposed units are located on that portion of the property which is accessed from Mayfield Avenue and is referred to as Mayfield West. The remaining units (Lots 75 through 122) are accessed from

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Rolling Road and are shown on the plan as Mayfield East. It is the lots on Mayfield East for which variance relief is being requested.

The subject property is an irregular shaped parcel containing a gross area of 45.96 acres, more or less, split zoned D.R.5.5 (45.76 acres) and R.C.5 (.20 acres), and is located between Rolling Road and Mayfield Road on the north side of Windsor Mill Road in western Baltimore County. The site is generally unimproved at the present time and contains an area of wetlands, a 100-year floodplain and woods.

As to the history of this project through the development review process, a concept plan for the 44 single family detached homes on the eastern portion of the site was originally submitted and a conference held thereon on March 22, 1999. Subsequently, the Owners/Developers combined the eastern and western portions of the property and submitted additional concept plans which were reviewed by the County on April 26, 1999 and August 16, 1999. As required, a community input meeting on the overall project was held on September 7, 1999 at the Winfield Elementary School. Subsequently, a development plan was submitted and a conference held thereon on October 27, 1999. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the initial hearing held before me on November 19, 1999. Although testimony and evidence on the project was received on that date, the hearing was continued for consideration of an unresolved issue identified at that time by the Department of Environmental Protection and Resource Management (DEPRM). The Hearing Officer's Hearing was reconvened on December 13, 1999.

Appearing at one or both of the Hearing Officer's Hearings on behalf of the Developer were Morris H. Wolf, a principal of Mayfield W. LLC, Owners/Developers of the subject property; Robert F. Bradley, the Professional Engineer who prepared the site plan; Kal Bhatti, Architect; and Lyndon Hart with Morris & Ritchie Associates, Inc. The Owners/Developers were represented by G. Scott Barhight, Esquire. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including Lynn Lanham with the

Office of Planning; R. Bruce Seeley, Pat Farr and John Russo with DEPRM; Jan Cook with the Department of Recreation and Parks; and, Walter Smith (Project Manager), Robert W. Bowling (Developer's Plans Review), Colleen Kelly (Land Acquisition), Shawan Parker, Lloyd Moxley and Mitch Kellman (Zoning Review), all divisions of the Department of Permits and Development Management (DPDM). Numerous residents from the surrounding locale appeared out of interest. These included Annie R. Gordon, Warren Hack, Ella White Campbell, Jet Reid, Beverly Carmelia, and Sadie G. Henriques. Many of these witnesses offered testimony about existing public schools which would be impacted by the proposed development. Their testimony will be detailed hereinafter.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. For such issues and comments identified, testimony and evidence is to be taken so that the Hearing Officer can decide those issues.

Clearly, this is a case which has benefited from the communication fostered by the development regulations. Apparently, when initially proposed, there was significant opposition to the project. However, consensus was reached on many of the outstanding issues so that by the time of the Hearing Officer's Hearing, many issues had been resolved. Nonetheless, there were certain open issues which need resolution herein.

The primary issue identified by those members of the community who were present related to the impact of the project on the schools which will serve this development. Testimony was received from representatives of the administration for several of these schools, including Hebbville Elementary, Old Court Middle, and Randallstown and Milford Mill High Schools. The testimony offered by these witnesses concerned the current overcrowding situation at these schools and the impact of the single family residences proposed here. In this regard, it is to be noted that the Developer in this case has apparently taken an active interest in this issue. All sides indicated that Mr. Wolf, on behalf of the Developer, had been in ongoing communication with the administration of these schools and has made a written financial commitment to assist the

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students and staff at Hebbville Elementary School. This commitment is to be applauded and represents the best of the goals of the development review process; to foster a relationship between the Developer and community.

In any event, this Hearing Officer recognizes the County-wide issue of overcrowded schools and facilities which need modernization. However, my jurisdiction on this issue is limited. The written information submitted to me by the Board of Education indicated that the schools in this area can accommodate the additional students expected to be generated by this development. The community's concerns, although indeed appropriate, are better addressed legislatively and as a County-wide initiative. It is to be noted that the County Council has recently enacted basic services legislation as to this issue. The passage of this legislation is surely warranted. However, I am persuaded that the project should move ahead, in that I do not believe that the project will so adversely impact the school system as to warrant a denial of the plan. To the contrary, the financial commitment guaranteed by the Developer through Mr. Wolf will no doubt be of great assistance to the students at Hebbville Elementary School. Moreover, it is to be noted that this project is under zoning density. That is, 251 units would be permitted, based upon the size of the overall tract, and its D.R. 5.5 zoning classification; however, only 122 are proposed.

A second issue identified by members of the community is relatively minor in the scheme of the overall development, but significant for the individual resident affected. Specifically, the development plan shows an existing residential lot immediately adjacent to Rolling Road on the east side of the project. The property at issue is owned by Minnie Naimaster. Ms. Naimaster is apparently elderly and it was represented at the hearing that changing her address from a Rolling Road street address to the new public road name proposed would be detrimental. This issue was resolved at the hearing through an agreement that for so long as Ms. Naimaster kept a mailbox or means of identification on Rolling Road, her property could remain with its present address, irrespective of the fact that her dwelling will face the new public road. A

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restriction consistent with this agreement will be entered as a condition to this Order to insure that this issue is resolved.

There were several other relatively minor community issues identified at the hearing which have been resolved through agreement by the Developer and are shown as part of the red-lined changes on the plan. These include a realignment of the sewer line to allow connection by a neighbor (Christian Smith); the raising of a series of outbuildings which would impact the Liebno property; and the agreement for certain buffering and landscaping on that portion of the site adjacent to the Wilkensen property.

Turning next to the issues raised by Baltimore County, a primary matter was raised by the Department of Environmental Protection and Resource Management (DEPRM). That agency, through Pat Farr, its representative, indicated that at the initial hearing that the plan could not then be approved. Although acknowledging that the Developer's grading, erosion, sediment control, and storm water management plans had been reviewed and were acceptable, Ms. Farr indicated that the Environmental Impacts Review Division of DEPRM could not then approve the plan. Apparently, there were questions raised relative to the location of a sewer line and storm drain through a forest buffer area. Additionally, the Forest Conservation Plan and accompanying worksheet had not been reviewed and approved. Moreover, the Forest Retention Investigation Report had not been finalized. Due to these outstanding issues, the matter was continued. When the hearing was reconvened, Ms. Farr presented a letter authored by her agency dated December 10, 1999 to the Developer. That letter fully addressed the issues identified hereinabove. The letter set out a series of conditions and requirements required by DEPRM which the Developer indicated were appropriate. Thus, the plan can now be approved, subject to the Developer's compliance with the terms and conditions of DEPRM's letter of December 10, 1999. Such conditional approval of the plan is appropriate.

The second issue raised by the County which remained unresolved was identified by Mr. Moxley of the Zoning Review Division of the Department of Permits and Development Management (DPDM) at the initial hearing. For ease of review, Mr. Moxley recommended that

the plan be amended by the insertion of a chart depicting the proposed setbacks for each of the individual lots for which variance relief is sought. The request in this regard does not actually go to the merits of the development plan and requested variances per se, rather, to designing a method by which subsequent reviewers of the project can easily identify the variances being requested and the lots at issue. In response to this concern, Mr. Bradley testified that the plan was prepared so that each individual lot within the eastern portion of the subdivision is shown with its maximum area of building envelope. That is, it is envisioned that the homebuilder retained for this project will offer different models and house sizes. It is presently unknown which models will be selected by individual purchasers of particular lots. Therefore, the Developer is unable to produce a definite chart at the present time identifying the ultimate setbacks that will be maintained. However, by showing the building envelopes and minimum setbacks, the Developer will depict the maximum variances to be utilized.

This is a difficult issue to resolve. It is clear that both the Developer and the Zoning Office desire the same result (i.e., easy identification of the variances requested and the lots at issue), but differ as to how that issue can be resolved. After an analysis of the plan, however, I am persuaded that a chart is not necessary. For so long as the plan shows both the maximum building envelopes and the minimum setbacks, a chart will not be necessary. However, the plan should be amended by insertion of a note indicating those lot numbers for which variance relief is obtained.

The third issue identified by the County relates to a comment from the Office of Planning. That agency desires that a road connection be shown to provide access to an assisted living facility which is proposed to be developed on the adjacent property. The Office of Planning, as a matter of policy, encourages connected roadways from one property to the next to promote a sense of neighborhood and easy access from one community to the next. This also eases traffic congestion in the area. The Developer believes that such a connection is inappropriate here in that it disrupts the scheme of this development. Moreover, assuming the assisted living facility project moves forward, few of the residents of that facility will own cars

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and the roadway could present a security risk to those elderly residents. Based on the testimony and evidence offered, I am not going to require the Developer to provide that access.

There were other issues identified by the County at the initial hearing but were now resolved by way of a series of red-lined changes. These included a resolution of the Office of Planning's concern over the proposed sign package (i.e., a note has been added to the plan that the proposed signs will comply with Section 450 of the B.C.Z.R.); access to adjacent off-site open space has been provided in response to a response from Recreation & Parks; landscaping and a privacy fence between Lots 84 and 85, and 95 and 96 have been agreed to; and, an agreement has been reached as to the building materials and architectural style of those houses to be built on Lots 76 through 122.

Turning next to the Petition for Variance, a series of zoning variances were requested for those dwellings to be constructed on the eastern portion of the property. The proposed homes will be a maximum 25 feet by 52 feet in dimension and between 1200 to 1600 sq.ft. in size. Variance relief is requested to allow development of the single family houses in the manner that is proposed. Based upon the testimony and evidence presented, I am persuaded to grant the variance. I find that the property is unique, due to its site constraints, including topography and environmentally sensitive areas, and that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Developer. I also find that no adverse impact will result. Thus, the relief requested should be granted.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the Petition for Variance granted, subject to the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 23rd day of December, 1999 that the development plan for Deer Run at

Mayfield, identified herein as Developer's Exhibit 1, be and is hereby APPROVED consistent with the comments contained herein; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front building face to a public street right-of-way setback of 15 feet and a front building face to a property line setback of 5 feet in lieu of the required 25 feet for each; to permit a side building face to side building face setback of 16 feet in lieu of the required 20 feet, and a side building face to tract boundary setback of 10 feet in lieu of the required 15 feet; and to permit a rear building face to rear property line or tract boundary of 8 feet in lieu of the required 30 feet, in accordance with Developer's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Owners/Developers may apply for their building permit and be granted same upon receipt of this Order; however, they are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within sixty (60) days of the date of this Order and prior to the issuance of any permits, the Developer shall submit a revised development plan which more clearly depicts which lots require variance relief.
- 3) Compliance with the terms and conditions set forth in DEPRM's letter of December 10, 1999, a copy of which is attached hereto and made a part hereof.
- 4) When applying for a building permit, the site plan/development plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner/Hearing Officer
for Baltimore County



Baltimore County
Department of Environmental Protection
and Resource Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

December 10, 1999

Mr. Bob Bradley
Morris & Ritchie Associates, Inc.
110 West Road Suite 245
Towson, Md. 21204

Re: Deer Run at Mayfield
Revised Alternatives Analysis
Forest Conservation Issues

Dear Mr. Bradley:

Environmental Impact Review (EIR) staff of this Department has reviewed the revised Alternatives Analysis for the above referenced site. We have also reviewed the revised Forest Retention Investigation Report, preliminary Forest Conservation Plan, Forest Conservation Worksheet for the site. These submittals are dated December 8-10, 1999. While there are still outstanding issues regarding the submittals, we acknowledge that your staff are moving in the right direction toward obtaining approvals. Additionally, it is the desire of this Department to allow your client to proceed to the next step in the development process. Given these facts, we will not request another continuance of the Hearing Officer's Hearing, scheduled for December 13, 1999. However, we will be asking the Hearing Officer to conditionally approve the Development Plan to ensure that these issues are resolved.

Specific comments regarding our review of your submittals are as follows:

Forest Buffer Regulations- Alternatives Analysis

The subject alternatives analysis proposes impacts to the Forest Buffer Easement, and wetlands contained therein, for the purpose of constructing a sewer line, storm drain outfall, and mulched trail. We acknowledge that the no other feasible alternative exists for locating the sewer line and storm drain outfall. However mitigative measures, including both onsite and offsite measures, are necessary in order to adequately offset water quality impacts associated with your proposal. Therefore, in accordance with Section 14-342(b)(1) of the Baltimore County Code, your proposal to place a sewer line and storm drain outfall in the Forest Buffer Easement is hereby approved with the following conditions:

1. Final calculations for disturbances to wetlands and remaining portions of the Forest Buffer Easement must be clarified and corrected prior to submittal of the Forest Buffer Protection Plan. For instance, please explain how the entire Forest Buffer is forested and the total forest buffer impacts are 13,850 square feet; yet the total forest cleared in the forest buffer is 9900 square feet.

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2. The Environmental Effects Report submitted with the revised Alternatives Analysis states that mitigation for the proposed impacts will be fee-in-lieu paid to Baltimore County. Given that payment of a fee-in-lieu of mitigation is not an option; regardless of whether State or Federal agencies accept such a fee; the Environmental Effects Report shall be modified to include mention of both onsite and offsite mitigation. This modification shall be made by December 31, 1999.
3. As agreed to by both the property owner and the Director of this Department at a meeting held on November 22, 1999, mitigation for the proposed impacts to resources within the Forest Buffer Easement will be determined by the Department and will be the responsibility of the Developer. We will provide you with an opportunity to submit a conceptual mitigation plan for the Forest Buffer impacts associated with this project. However, if we do not receive an acceptable conceptual mitigation plan for all Forest Buffer impacts by March 31, 2000; we reserve the right to choose a mitigation site and to determine the type and amount of mitigation that will be required for the Forest Buffer impacts.

Any conceptual mitigation plan submitted to the Department shall include mitigation for the forested wetlands and the remainder of the Forest Buffer at a minimum 2:1 rate. We may consider out-of-kind mitigation (e.g., planting forest along an unvegetated stream) for wetland impacts at a 4:1 rate. In any case, the mitigation shall adequately offset water quality impacts associated with the sewer line, storm drain outfall, and mulched trail. Please be advised, proposing wetland mitigation on one site and mitigation for the remainder of the impacts on another site may not adequately offset water quality impacts and, therefore, may not be acceptable.

4. Any forest or wetlands planted to mitigate for Forest Buffer impacts shall not be double-counted to meet Forest Conservation requirements.
5. Prior to grading and sediment control plan approval, a Forest Buffer Protection Plan detailing onsite and offsite mitigative measures shall be submitted by the developer and approved by Environmental Impact Review of the Department. The plan shall include both during-construction protection measures and mitigation for permanent Forest Buffer/wetland impacts, and shall include all "conditions and management practices for working in nontidal wetlands and buffers" included with your latest Alternatives Analysis package. The plan shall also address the following issues relative to long-term trail maintenance: (1) What will happen to the mulch during periods of high water? (2) What type of equipment will be used to bring new mulch to interior/wetland portions of the trail?
6. Details of the above during-construction protection measures, and timing of onsite mitigation planting, shall also be included in the specifications and construction sequence on the sediment control plan.
7. Prior to grading permit issuance, an Environmental Agreement shall be signed by the developer, and a Forest Buffer Protection Plan security shall be posted with the

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Department.

8. The Forest Buffer Protection Plan (both onsite and offsite components) shall be implemented in full within one (1) year of grading permit issuance for the project.
9. State and Federal permits for all proposed wetland and buffer impacts shall be obtained, and copies of the permits submitted to the Department, prior to the issuance of a Baltimore County grading permit for the project.

Forest Conservation Issues

1. The Forest Retention Investigation Report has been revised to include a narrative outlining several site design constraints. Thus, the issue of providing justification for clearing priority forest and for clearing below the break-even point has been addressed to our satisfaction. We also acknowledge that the Development Plan layout was revised to retain additional forest contiguous to the forest buffer, and to eliminate retention of the isolated area of forest within the development. Given these facts, the Forest Retention Investigation Report is hereby approved.

I would like to point out that we have always considered the entire forest onsite to be "priority" forest, given that it is greater than twenty (20) acres in size and connected to other large forested areas offsite (see Page 32 of the Baltimore County Forest Conservation Technical Manual). Discussion of the "priority" status of forest stands in the report focuses primarily on forest structure and species composition. While we acknowledge that the forest is not in a pristine condition; large, contiguous forests inherently have value for forest-dependent species regardless of the forest condition. Additionally, please note that the forest "priority" status of stands (based upon structure and species composition) of stands F-1B, F-2B, F-2A, and F-2C is inconsistent with information provided in the Forest Stand Delineation for the project.

2. The Forest Conservation Worksheet submitted December 8, 1999 is hereby approved.
3. The Preliminary Forest Conservation Plan contained onsite protection measures and one possible offsite planting area (i.e., Paradise Farm). Given the large amount of reforestation, offsite planting will be required for the entire amount of reforestation owed for this project. Buying into an approved Forest Retention Bank or payment of a fee-in-lieu of reforestation are not acceptable options for this project. The Paradise Farm site is generally acceptable, but will only account for about a quarter of the required planting. Prior to Final Forest Conservation Plan approval, an additional planting area must be found for the remainder of the planting requirement.

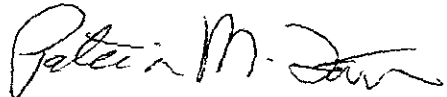
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A copy of this letter, signed by the developer/property owner, shall be returned to the Department by December 31, 1999. Failure to return a signed copy of the letter to the Department by the specified date may result in delays in processing of other submittals for this project.

If you have any questions, please contact Mr. John Russo or me at (410) 887-3980.

Sincerely yours,



Patricia M. Farr, Program Supervisor
Environmental Impact Review

I/we agree to the above conditions to bring my property into compliance with the Baltimore County Regulations for the Protection of Water Quality, Streams, Wetlands, and Floodplains; and the Baltimore County Forest Conservation Regulations.

Property Owner Date

Property Owner Date

c: George G. Perdikakis
 Thomas L. Vidmar
 R. Bruce Seeley
 Walt Smith, PDM

JGR/deerrunmayfieldaa2

12/23/99
[Handwritten initials]



Baltimore County
Zoning Commissioner

December 22, 1999

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

G. Scott Barhight, Esquire
Julie A. DiGrigoli, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE
W/S Rolling Road, N of Windsor Mill Road
(Deer Run at Mayfield)
2nd Election District - 2nd Councilmanic District
Mayfield W., LLC and David & Kathleen Noakes - Owners/Developers
Case Nos. II-592 & 00-127-A

Dear Mr. Barhight & Ms. DiGrigoli:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Variance granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Morris Wolf, President, Mayfield W., LLC
3202 N. Rolling Road, Baltimore, Md. 21244-2025
Messrs. Robert Bradley & Lyndon Hart, Morris & Ritchie Associates, Inc.
110 West Road, Suite 245, Towson, Md. 21204
Mr. Kal Bhatti, 6120 Baltimore National Pike, 2nd Floor, Baltimore, Md. 21228
Ms. Annie R. Gordon and Mr. Warren Hack, Hebbville Elementary School
3335 Washington Avenue, Baltimore, Md. 21244
Ms. Ella White Campbell, 8544 Stevenswood Road, Baltimore, Md. 21244
Mr. Jet Reid, 304 Belltown Road, Baltimore, Md. 21244
Ms. Beverly Carmelia, 8518 Stevenswood Road, Baltimore, Md. 21244
Ms. Sadie Henriques, 3304 Courtleigh Drive, Baltimore, Md. 21244
Mr. Walt Smith, Proj. Mgr., DPDM; Pat Farr, DEPRM; Lynn Lanham, OP; Bob Bowling,
Developer's Plans Review, DPDM; Jan Cook, Rec & Parks; People's Counsel; Case File

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Mayfield Avenue & Rolling Rd.

West side of Rolling Road ±2,000

which is presently zoned DR5.5

L.F. North of Windsor Mill Road

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

In accordance with Plan to Accompany Petition for Variance, see attached.

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

To be presented at hearing.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

By its Member:
Mayfield W., LLC Mayfield W, Inc.
Name - Type or Print
Signature [Signature]
Morris H. Wolf, Pres.
1301 York Road 410-321-7650
Address Telephone No.
Lutherville MD 21093
City State Zip Code

Attorney For Petitioner:

G. Scott Barhight
Julie A. DiGrigoli
Name - Type or Print
Signature [Signature]
Whiteford, Taylor & Preston LLP
Company Suite 400
210 W. Pennsylvania Ave. 410-832-2000
Address Telephone No.
Towson, Md 21204
City State Zip Code

Legal Owner(s):

By its Member:
Mayfield W., LLC Mayfield W, Inc.
Morris Wolf Pres.
Name - Type or Print
Signature [Signature]
David O. Noakes
Kathleen A. Noakes
Name - Type or Print
Signature [Signature]
3202 N. Rolling Road contact
Address Counsel
Baltimore MD 21244-2025 Telephone No.
City State Zip Code

Representative to be Contacted:

G. Scott Barhight
Julie A. DiGrigoli
Name Whiteford, Taylor & Preston LLP
#400, 210 W. Pennsylvania Avenue
Address 410-832-2000 Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 DAYS

UNAVAILABLE FOR HEARING
Reviewed By _____ Date 9/23/99

Case No. CO-127-A

Schedule with HOH

ORDER RECEIVED FOR FILING
Date 9/23/99

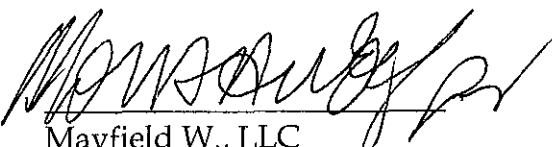
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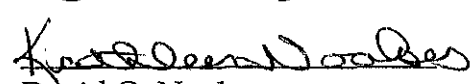
PETITION FOR VARIANCE (Con.)

Property located at: Mayfield Avenue & Rolling Road

In accordance with the Plan to Accompany Petition for Variance, the undersigned and legal owner(s) of the property hereby petition for a Variance from Section(s):

- 1) 1B01.2C.1.b of BCZR to permit a 15 foot setback from front building face to public street right-of-way and 5 foot setback from front building face to property line in lieu of the 25 feet permitted.
- 2) 1B01.2C.1.b of BCZR to permit a 16 foot setback from side building face to side building face in lieu of the 20 feet permitted, and a 10 foot setback from side building face to tract boundary in lieu of 15 feet permitted.
- 3) 1B01.2C.1.b of BCZR to permit an 8 foot setback from rear building face to rear property line or tract boundary in lieu of the 30 feet permitted.
- 4) As shown on site plan - 20.


Mayfield W., LLC
By its Member:
Mayfield W, Inc.
Morris H. Wolf, President



David O. Noakes
Kathleen A. Noakes

ORDER RECEIVED FOR FILING
Date 12/23/11
By [Signature]

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



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ZONING DESCRIPTION

BEGINNING at a point on the westerly right of way of Rolling Road 30 foot wide, at a distance of 2000 feet more or less, northwesterly from the intersection of the centerlines of Windsor Mill Road, 60 foot wide and Rolling Road thence the following courses and distances:

South 08°42' 58" East, 164.36 feet, South 80°33' 12" West 308.29 feet, South 23°53' 56" West 19.41 feet, North 64°36' 32" West 91.40 feet, South 34°41' 28" West 20.68 feet, North 45°34' 32" West 51.20 feet, North 51°15' 50" West 1,482.92 feet, North 41°44' 18" East 256.01 feet, South 53°16' 42" East 127.54 feet, South 56°15' 31" East 1,530.40 feet, South 81°09' 16" West 109.76 feet, South 06°28' 28" West 68.90 feet, by a non-tangential curve to the left with a radius of 253.54 feet, an arc length of 67.00 feet, and a chord of North 88°51' 16" East 66.81 feet, North 88°17' 03" East 48.00 feet by a tangential curve to the left of a radius of 25.00 feet, an arc length of 39.27 feet, and a chord of North 36°17' 02" East 35.36 feet to a point of tangency, North 08°38' 14" West 39.84 feet, South 56°15' 14" East 19.83 feet to the place of beginning.

CONTAINING 12.432 acres of land more or less.

BEING known as 3202 North Rolling Road (Tax Map 87, Parcel 594) and also (Tax Map 87, Parcel 60) and located in the Second Election District of Baltimore County.



Mark A. Busch
Property Line Surveyor #508

GP mak\s\10039\zonngdesc\072799

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☒ 110 WEST ROAD, SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9792 (301) 776-1690
FAX (410) 792-7395

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

No. 072155

DATE 9/23/99 ACCOUNT 70016150
AMOUNT \$ 650.00

RECEIVED FROM: WHITEFORD TAYLOR & PRESTON

FOR: MULTIPLE RES VARIANCES

7703 / 1

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESSED ACTUAL TIME
9/23/99 9/23/99 1000:59
NO. 072155 CASHIER RES FUND 072155
Dept 5 523 JUDICIAL VERIFICATION
Receipt # 072155
CRID. 072155
Receipt Tot 650.00
650.00 OF
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #00-127-A

W/S Rolling Road, 2000' N of Windsor Mill Road

2nd Election District - 2nd Councilmanic District

Legal Owner(s): Mayfield W., LLC and David & Kathleen Noakes

Contract Purchaser(s): Mayfield W., LLC

Variance: To permit a 15 foot setback from front building face to public street right-of-way and 5 foot setback from front building face to property line in lieu of the 25 feet permitted; to permit a 16 foot setback from side building face to side building face in lieu of the 20 feet permitted, and a 10 foot setback from side building face to tract boundary in lieu of 15 feet permitted; to permit an 8 foot setback from rear building face to rear property line or tract boundary in lieu of the 30 feet permitted, as shown on site plan.

Hearing: Friday, November 19, 1999 at 9:00 a.m. in Room 106, County Office Bldg., 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/10/721 Oct 19 6347414

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/22, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Tues 10/19 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 00-127-A
PETITIONER/DEVELOPER:
(Deer Run at Mayfield)
DATE OF Hearing
(Nov. 19, 1999)

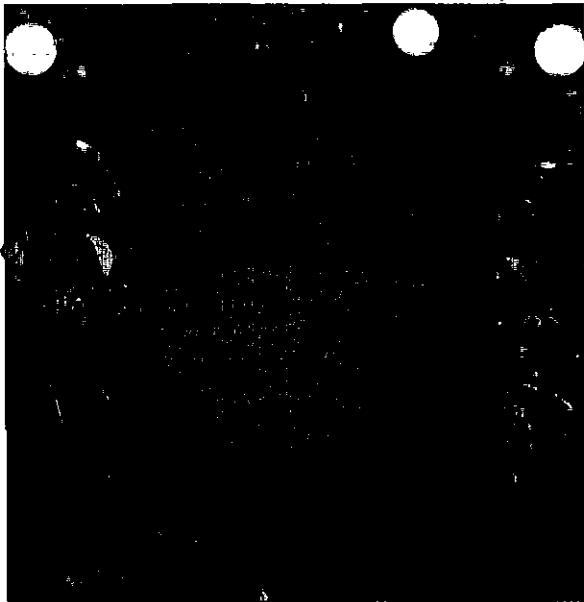
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
Posted on Rolling, Windsor Mill & Mayfield Rds. Baltimore, Maryland 21244__

The sign(s) were posted on _____ 11-3-99 _____
(Month, Day, Year)



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

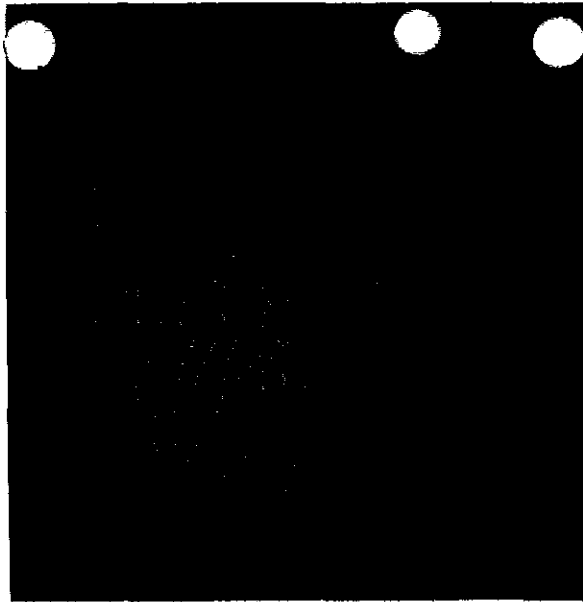
____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

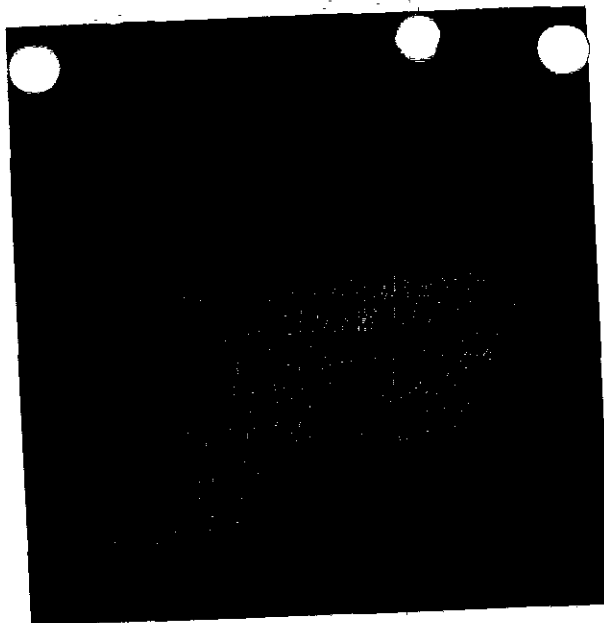
____ Baltimore, Maryland 21221 ____

____ (410)-687-8405 ____
(Telephone Number)

MAYFIELD ROAD



ROLLING ROAD



WINDOR MILL RD.

RE: PETITION FOR VARIANCE
Rolling Road, W/S Rolling Rd,
2000' N of Windsor Mill Rd
2nd Election District, 2nd Councilmanic

Legal Owner: Mayfield W., LLC and
David & Kathleen Noakes
Contract Purchaser: Mayfield W., LLC
Petitioner(s)

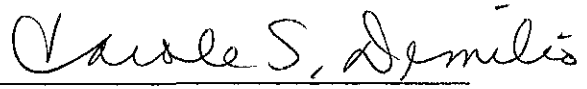
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-127-A

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October, 1999 a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

October 13, 1999

NOTICE OF ZONING HEARING

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

*CASE NUMBER: 00-127-A

W/S Rolling Road, 2000' N of Windsor Mill Road

2nd Election District - 2nd Councilmanic District

Legal Owner(s): Mayfield W., LLC and David & Kathleen Noakes

Contract Purchaser(s): Mayfield W., LLC

VARIANCE: To permit a 15 foot setback from front building face to public street right-of-way and 5 foot setback from front building face to property line in lieu of the 25 feet permitted; to permit a 16 foot setback from side building face to side building face in lieu of the 20 feet permitted, and a 10 foot setback from side building face to tract boundary in lieu of 15 feet permitted; to permit an 8 foot setback from rear building face to rear property line or tract boundary in lieu of the 30 feet permitted, as shown on site plan.

---AND---

****HEARING OFFICER'S HEARING**

DEER RUN AT MAYFIELD FKA MAYFIELD

Project Number: II-592

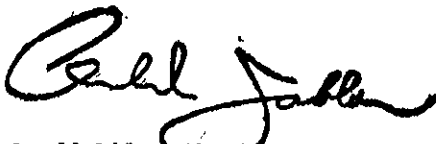
W/S Rolling Road, N Windsor Mill Road

Developer: Mayfield W, LLC

Engineer: Morris & Ritchie Associates

PROPOSAL: 122 single family dwellings.

HEARING: FRIDAY, NOVEMBER 19, 1999 IN ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE.



Arnold Jablon, Director

cc: G. Scott Barhight, Esq./Julie A. DiGrigoli, Esq.
Mayfield W., LLC.

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY *NOVEMBER 4, 1999; **OCTOBER 20, 1999.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 00-127-A

Petitioner: Mayfield W, LLC

Address or Location: West side of Rolling Road
+ 2,000 L.F. North of Windsor
mill Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Julie DiGrigoli, Esquire

Address: 210 W. Pennsylvania Ave, Suite 400
Towson, MD 21204

Telephone Number: 410-832-2084



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 12, 1999

Ms. Julie A. DiGrigoli
Whiteford, Taylor & Preston LLP
210 W. Pennsylvania Ave, Ste 400
Towson, MD 21204

Dear Ms. DiGrigoli:

RE: 00-127-A , Mayfield Avenue & Rolling Road

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

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

October 10, 1999

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 12, 1999

Item No.: See Below

Dear Ms. Stephens:

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

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112
114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124
125, 126, 127, 128 and 129

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 227-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

RECEIVED JAN 06 2000

FROM: R. Bruce Seeley *RBS*

DATE: October 22, 1999

SUBJECT: Zoning Item #127
Deer Run, Mayfield Ave & Rolling Road

Zoning Advisory Committee Meeting of October 12, 1999

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 8-25-99

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

RE: Baltimore County
Item No. 127 JLL

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

REQUEST FOR HOH

PROJECT MANAGER: **WALTER SMITH**

NAME: **DEER RUN AT MAYFIELD FKA
MAYFIELD**

NUMBER: **02-592**

LOCATION: **W/S ROLLING RD, N WINDSOR MILL
RD**

ACRES: **45.96**

DEVELOPER: **MAYFIELD W, LLC ATTN MORRIS
WOLF**

ENGINEER: **MORRIS & RITCHIE ASSOCIATES
INC ATTN SCOTT ROUK**

PROPOSAL: **122 SFDS**

REVIEWER:

DOES THIS NEED A SPECIAL EXCEPTION OR A VARIANCE

YES ☒ NO ☐

ITEM NUMBER AND/OR DROP-OFF DATE #00127A FOR
VARIANCE, ET AL.

ESTIMATED LENGTH OF HEARING: 1 ~~12~~ DAY

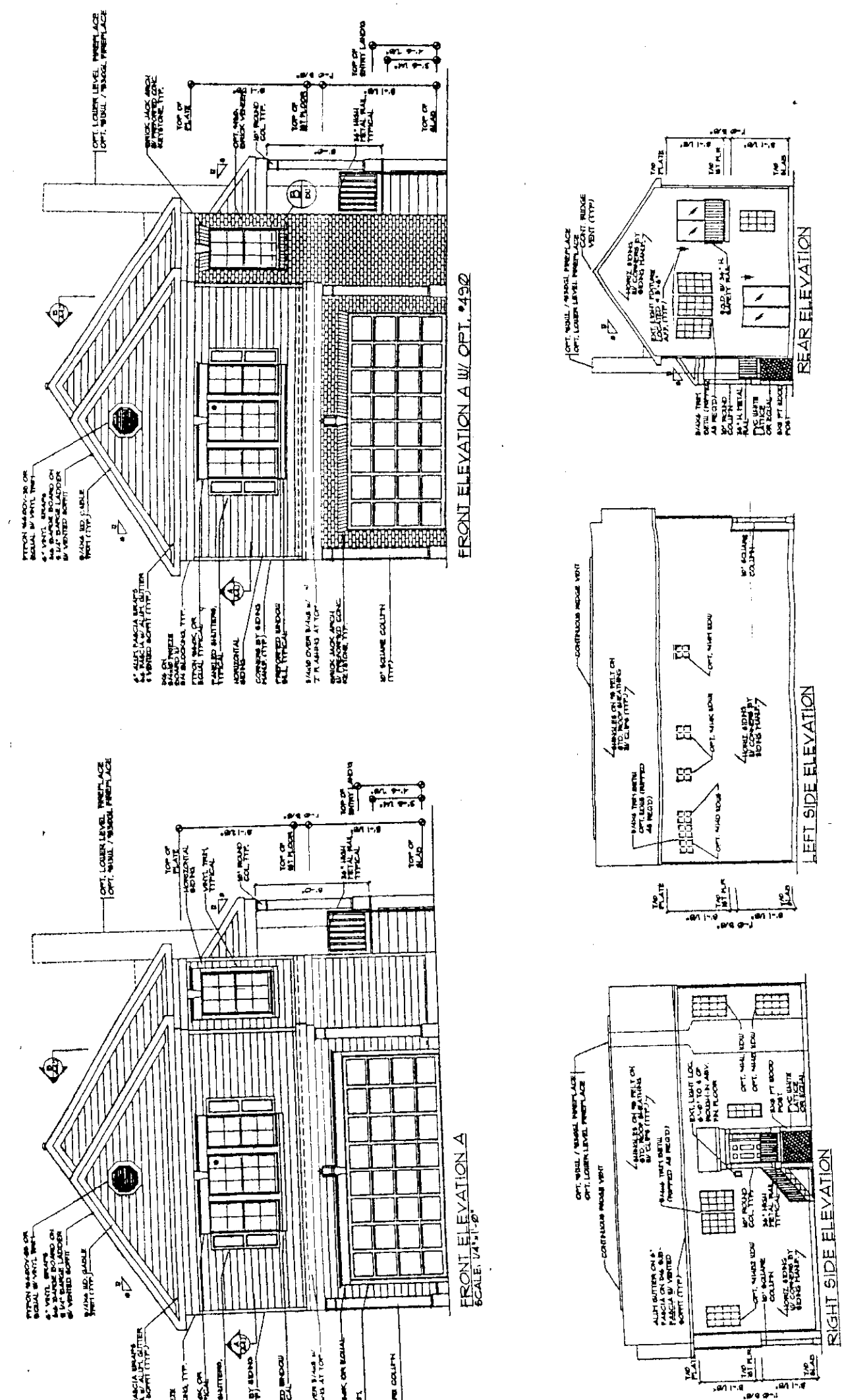
ATTORNEY: SCOTT BARHIGHT

OPPOSING ATTORNEY: NONE

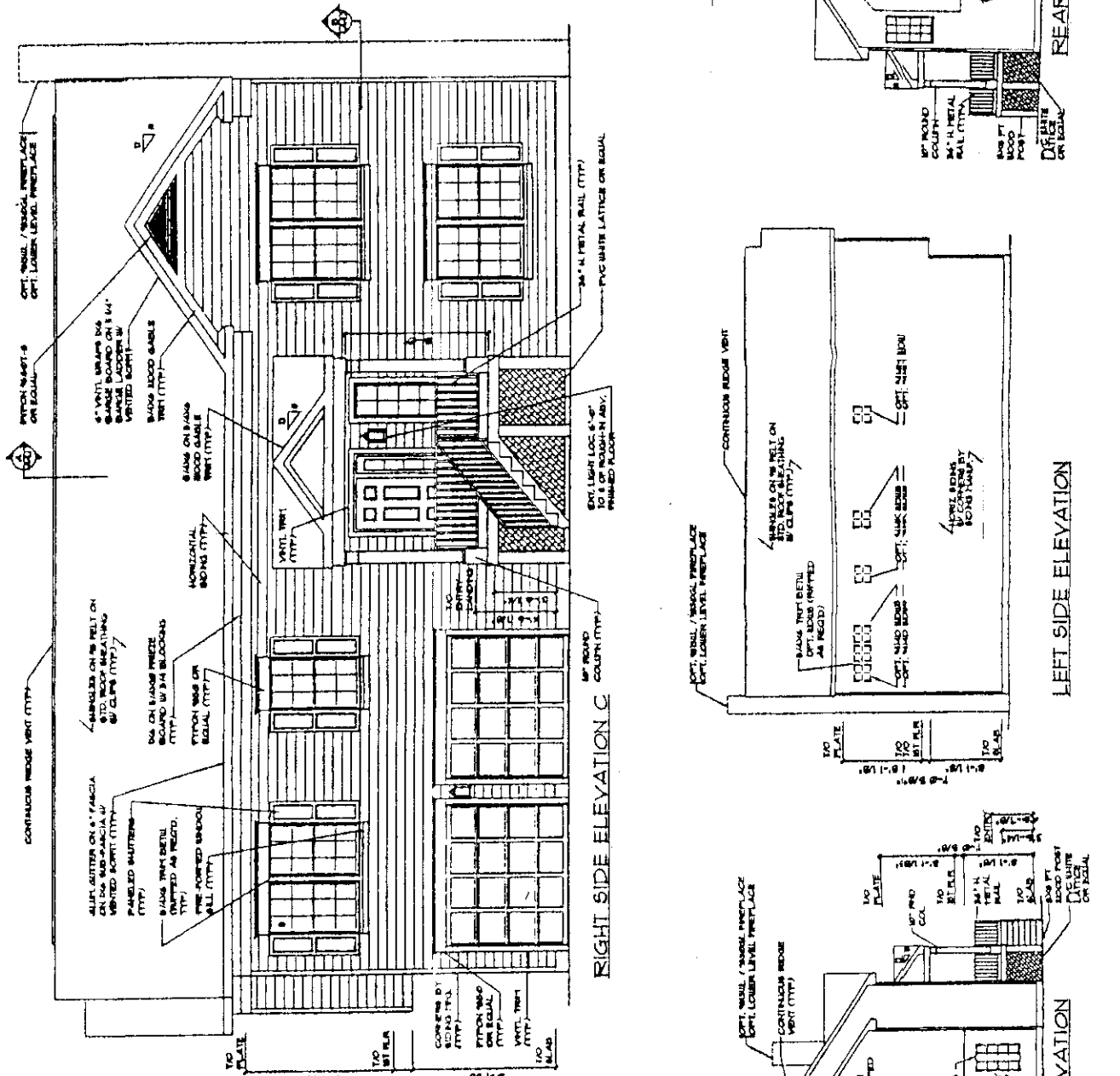
DATE (S) NOT TO SET: NONE

THE KITTY HAWK

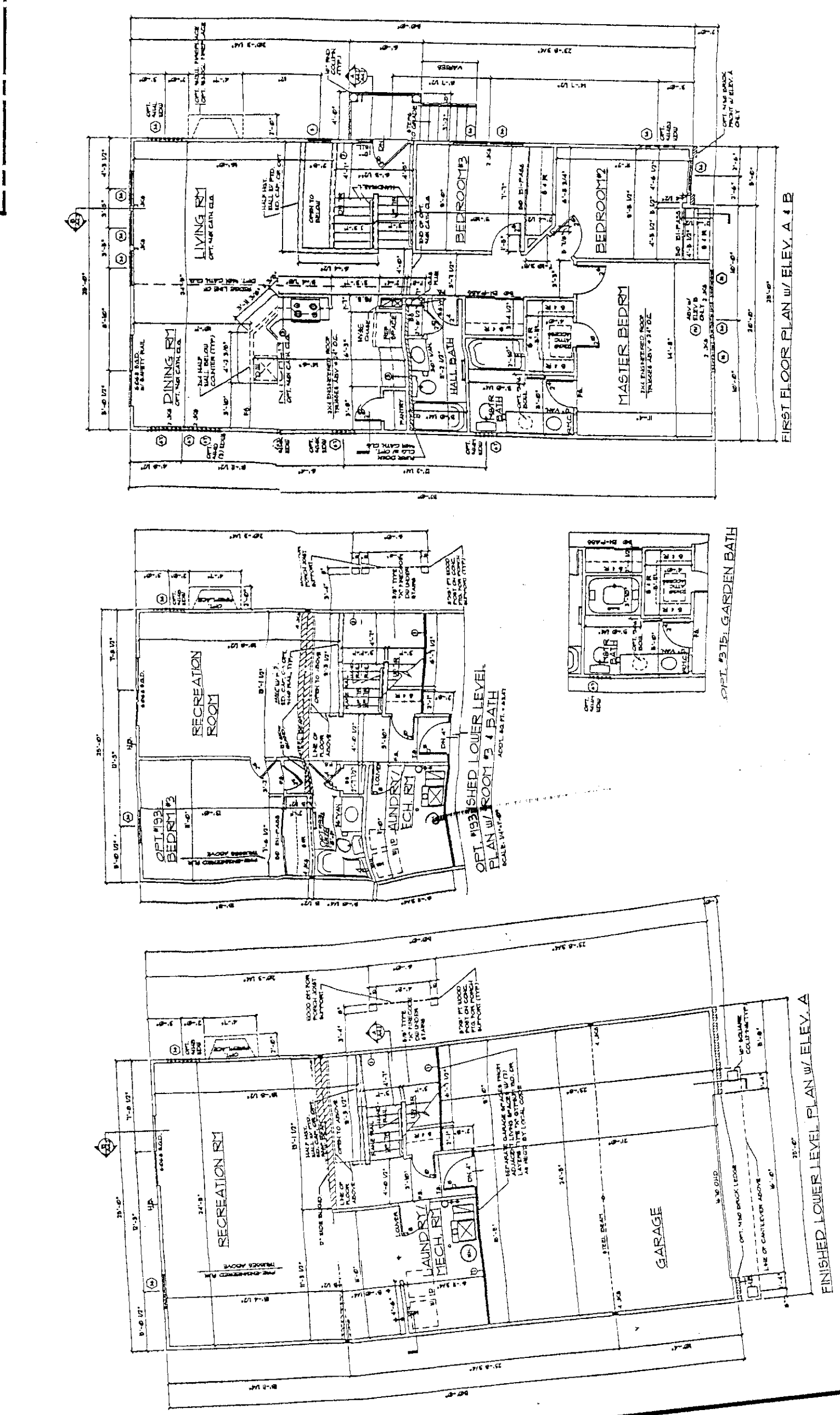
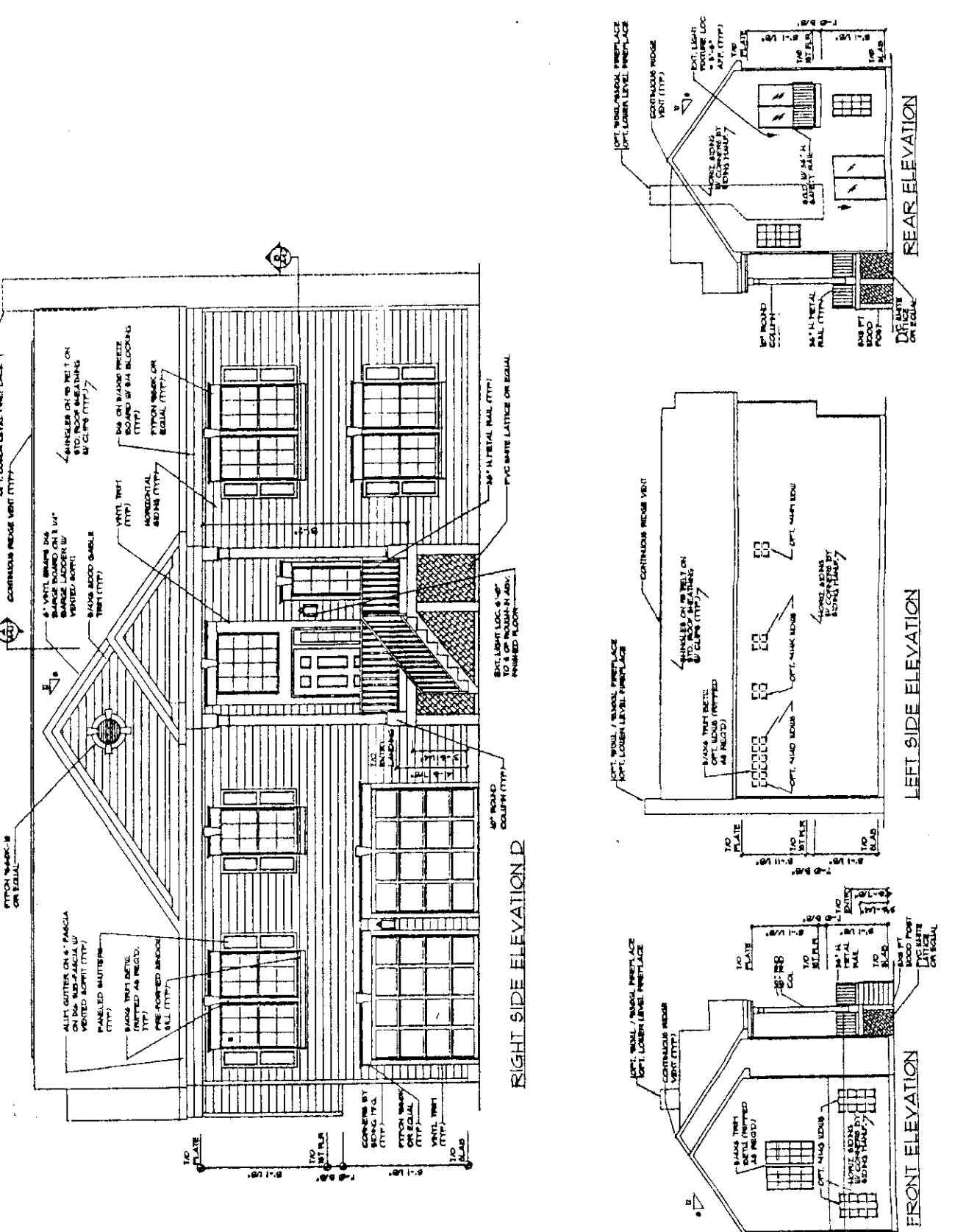
OPTION A:



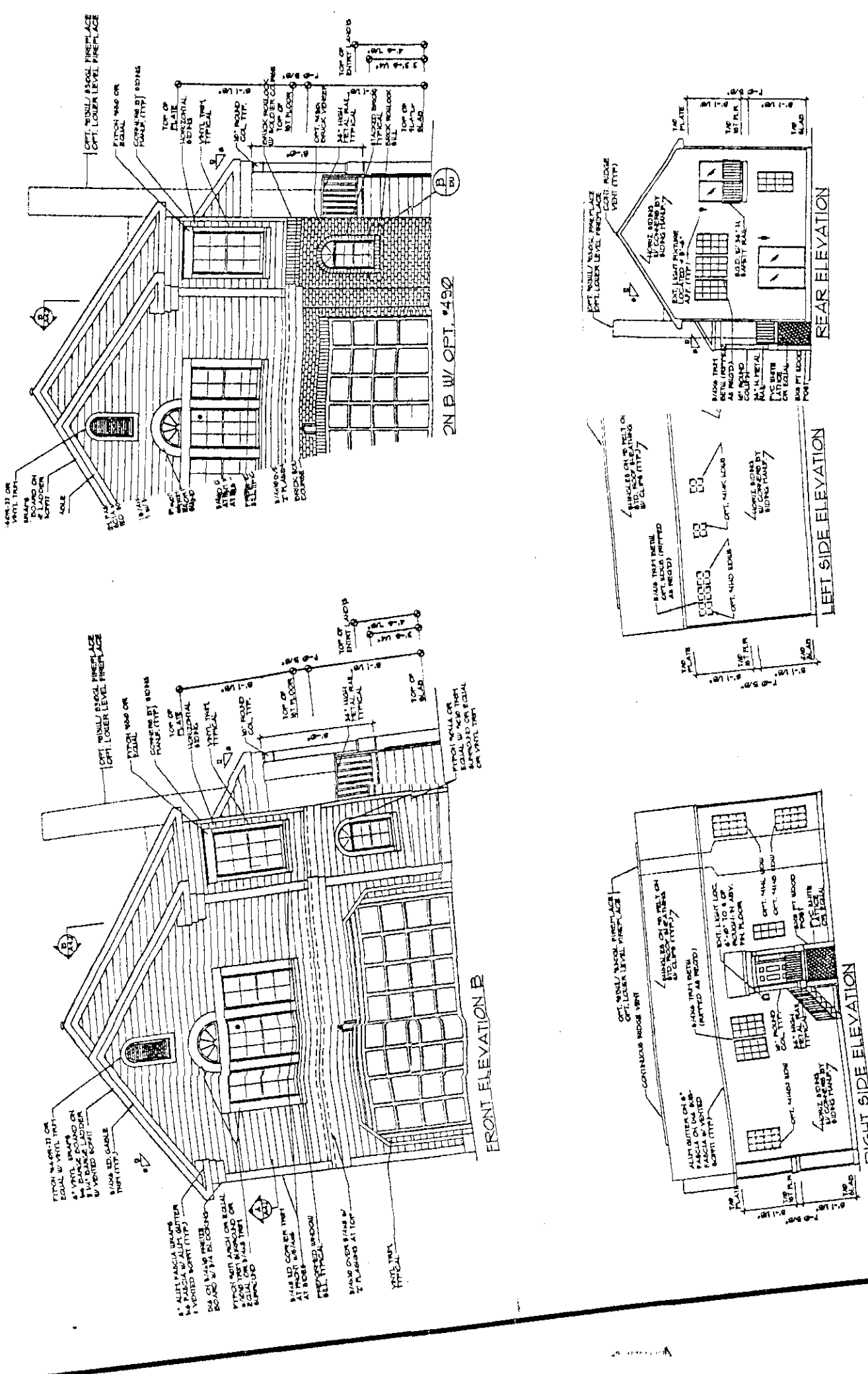
OPTION C:



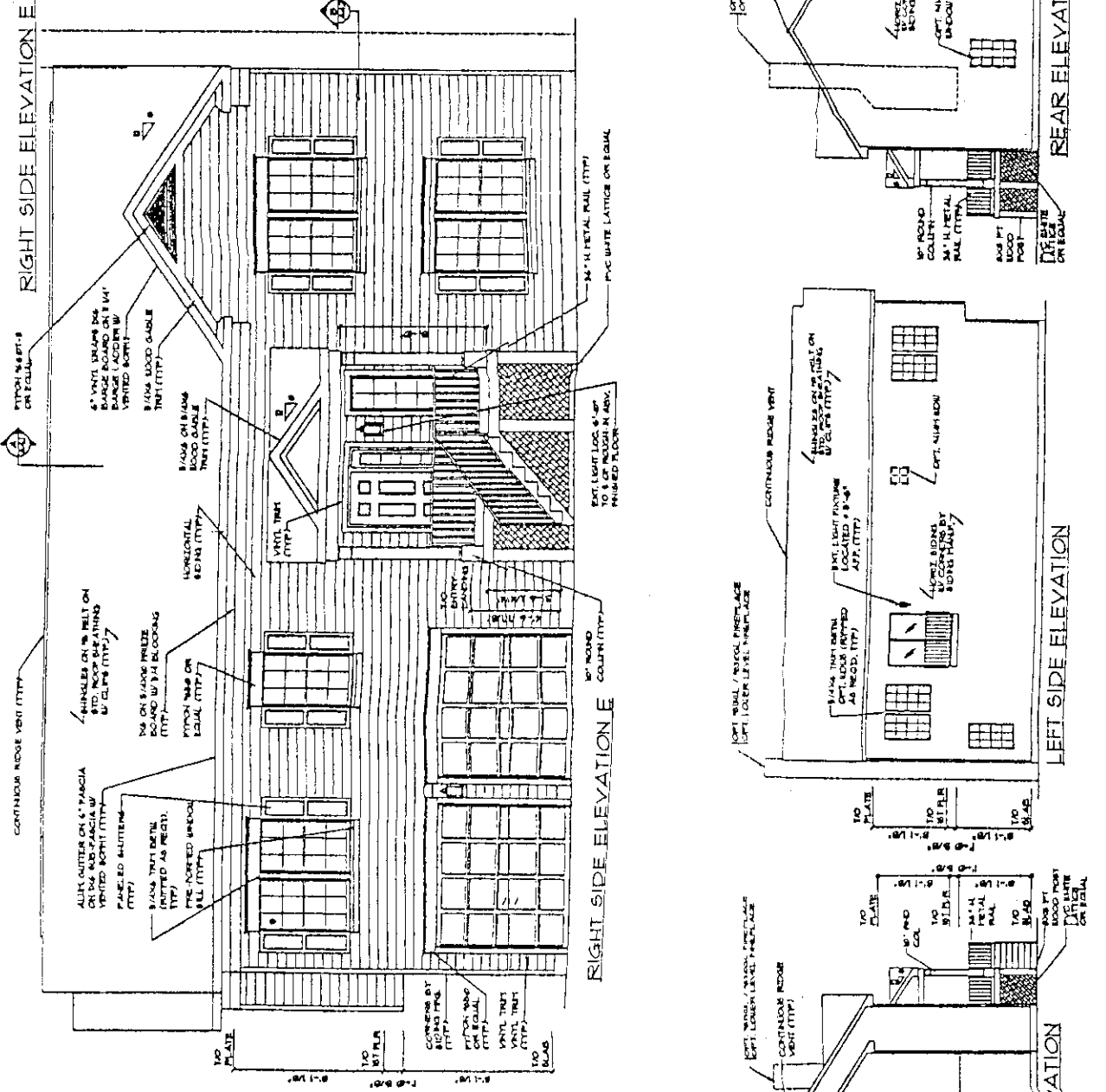
OPTION D:



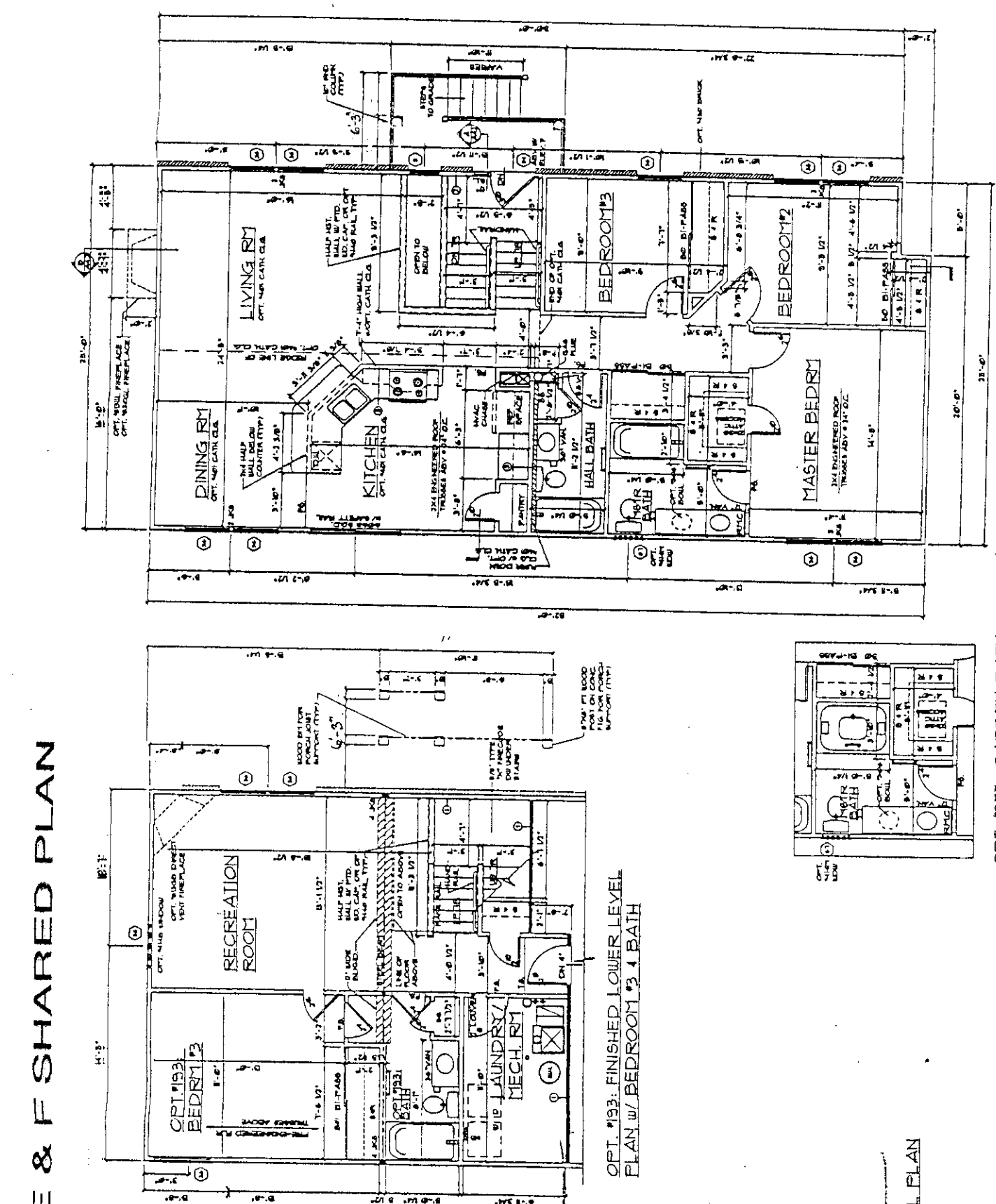
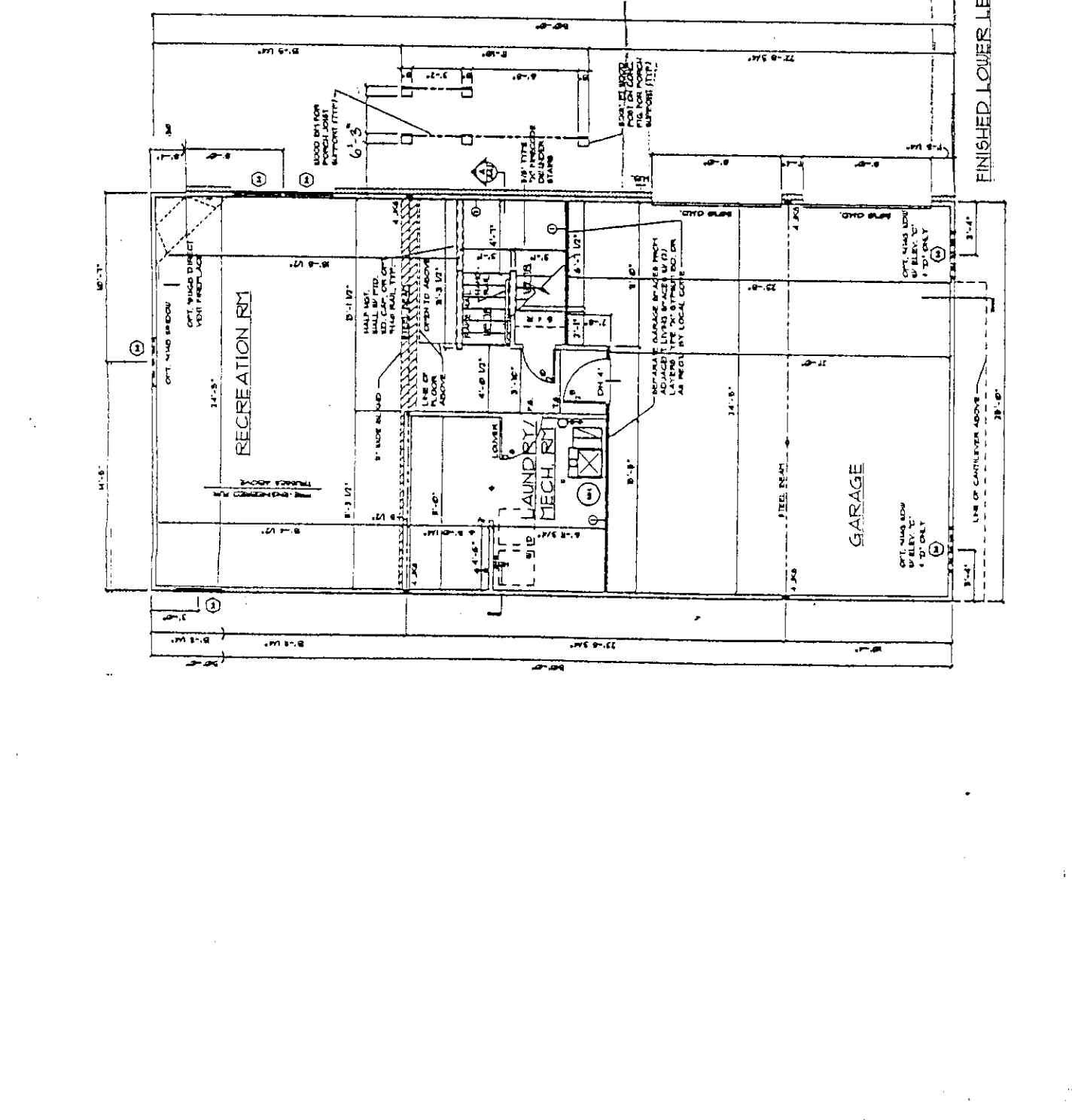
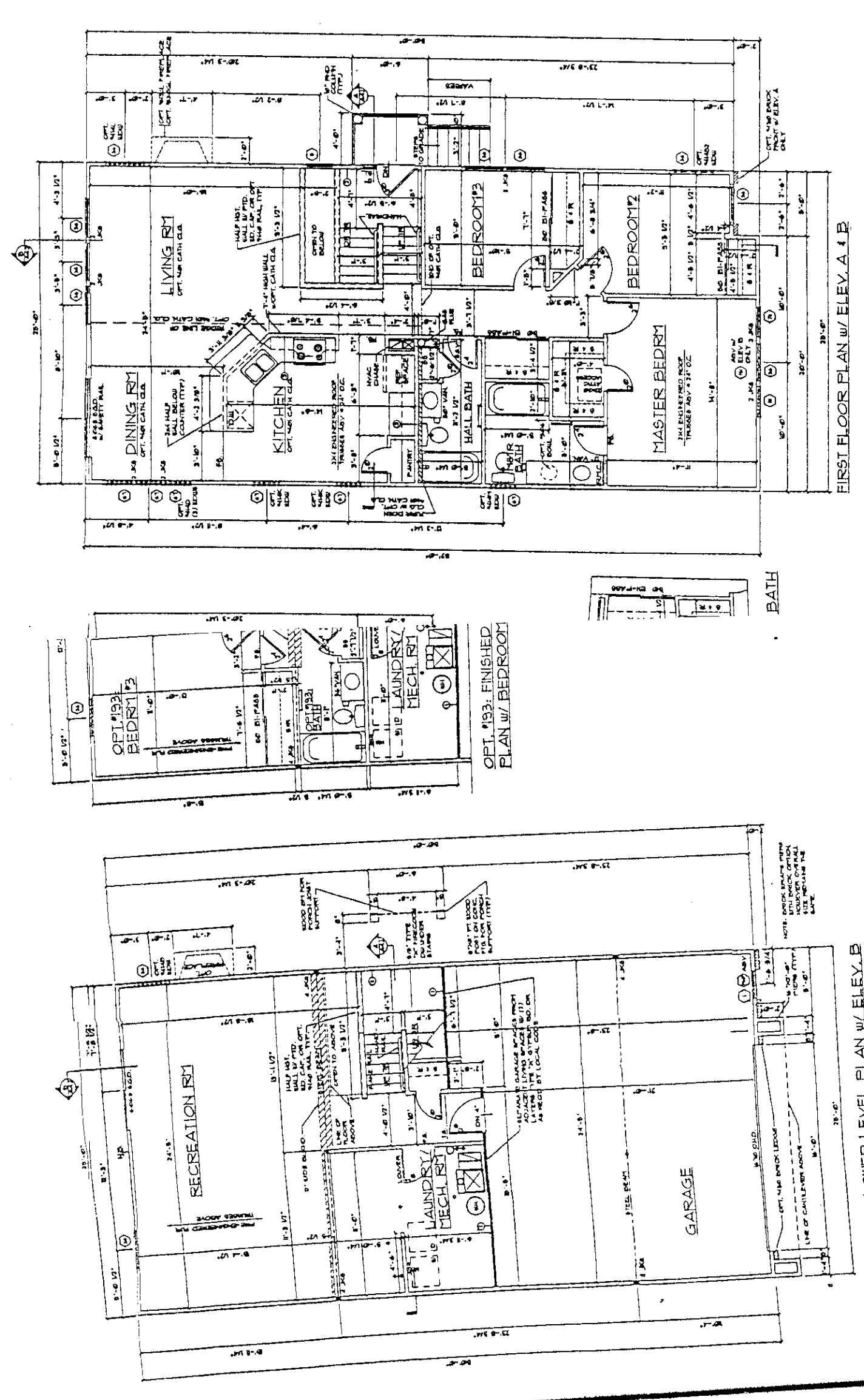
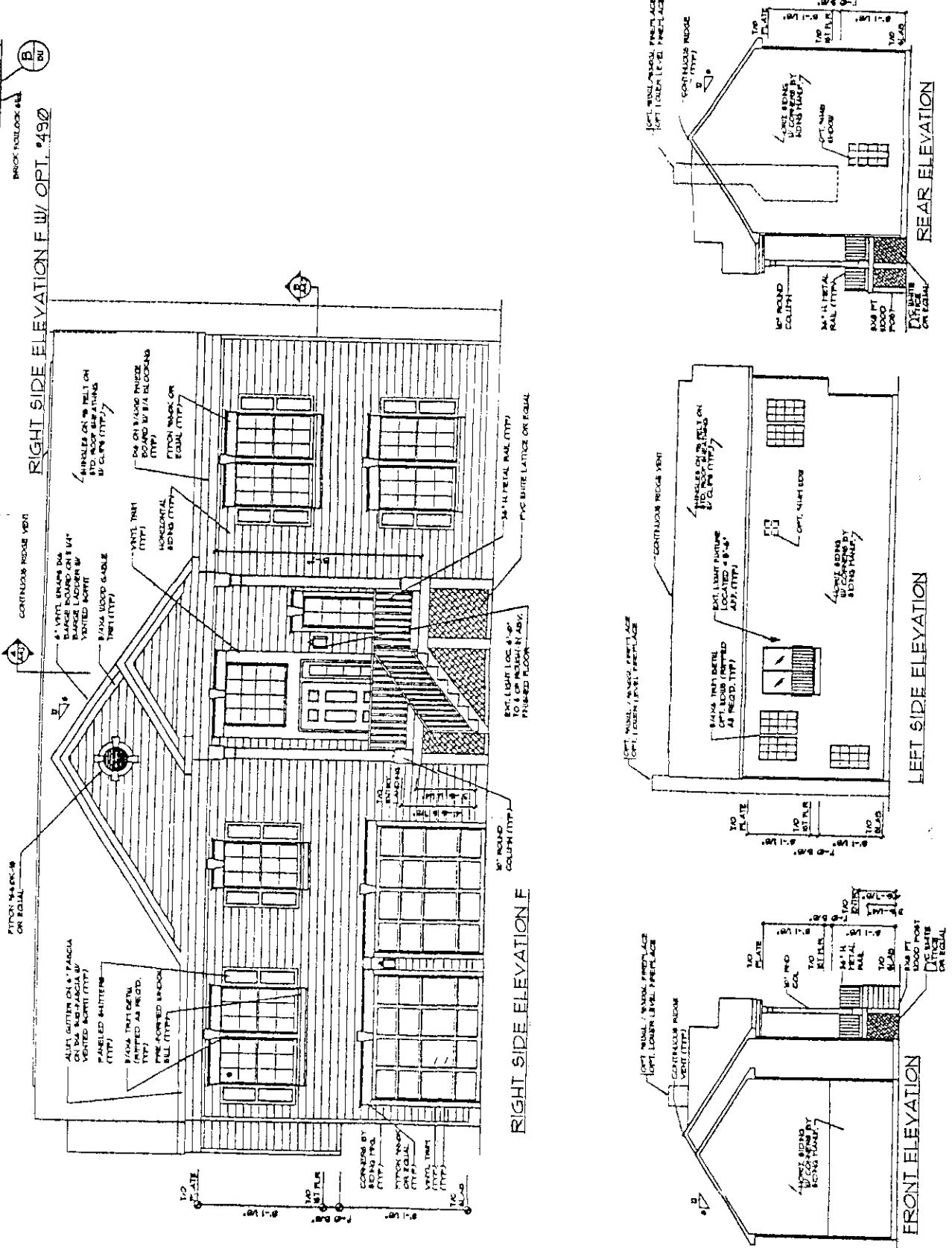
OPTION B



OPTION E:

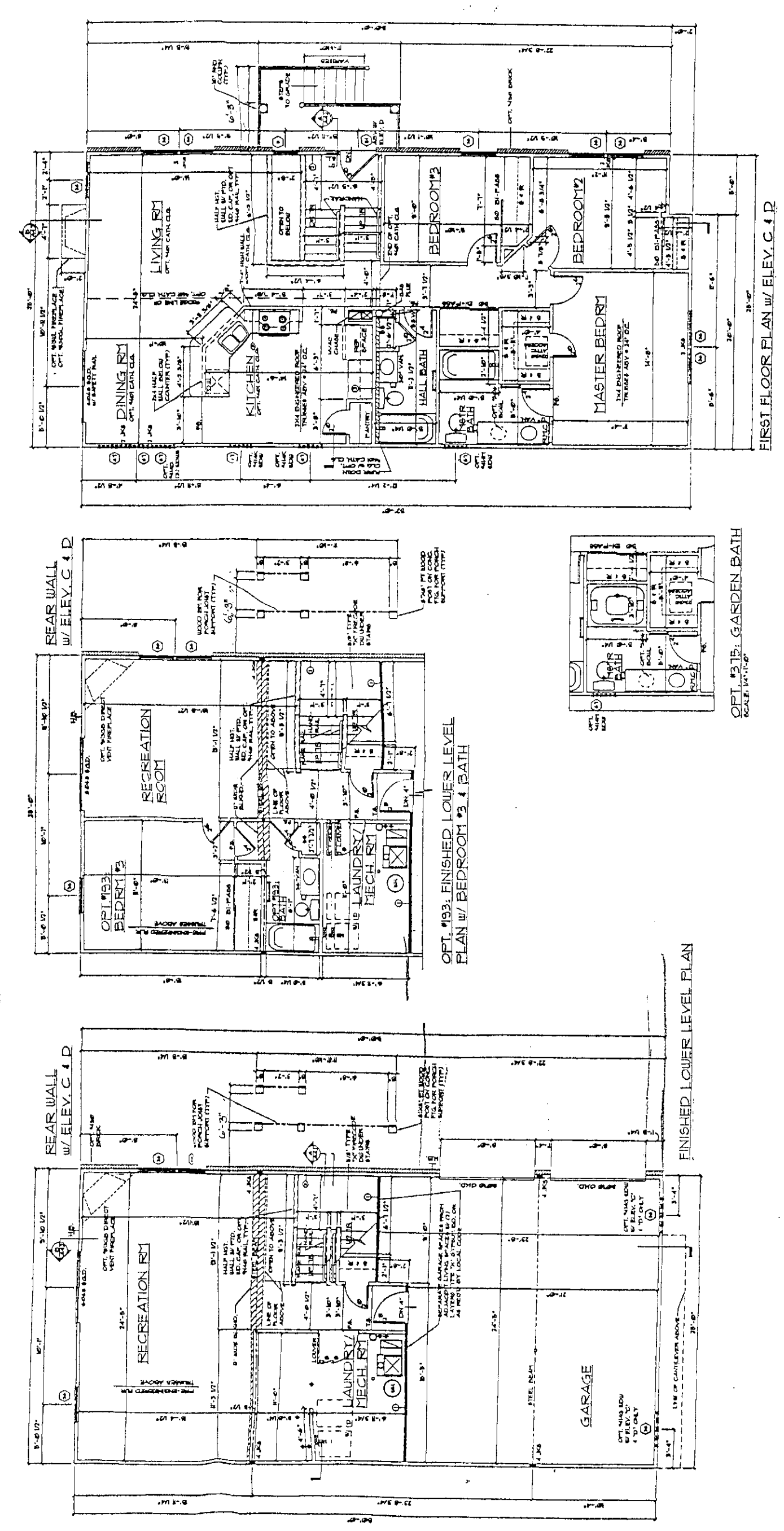
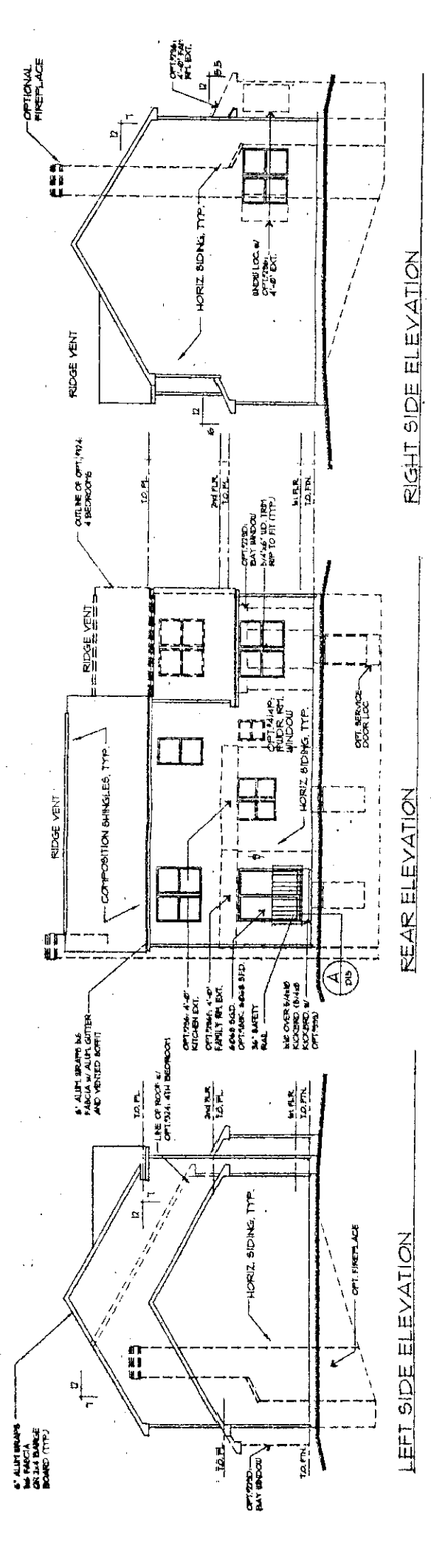
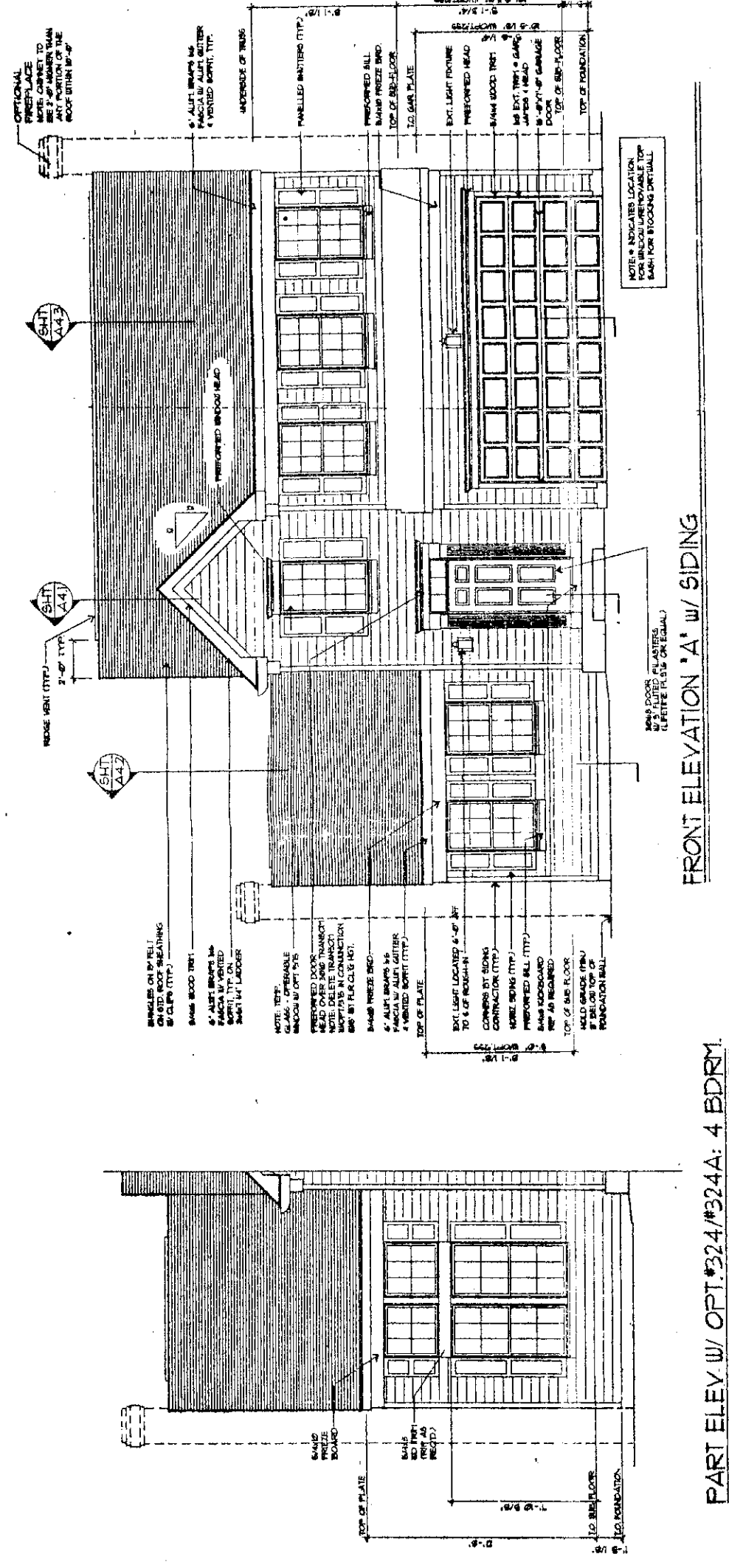


OPTION F:

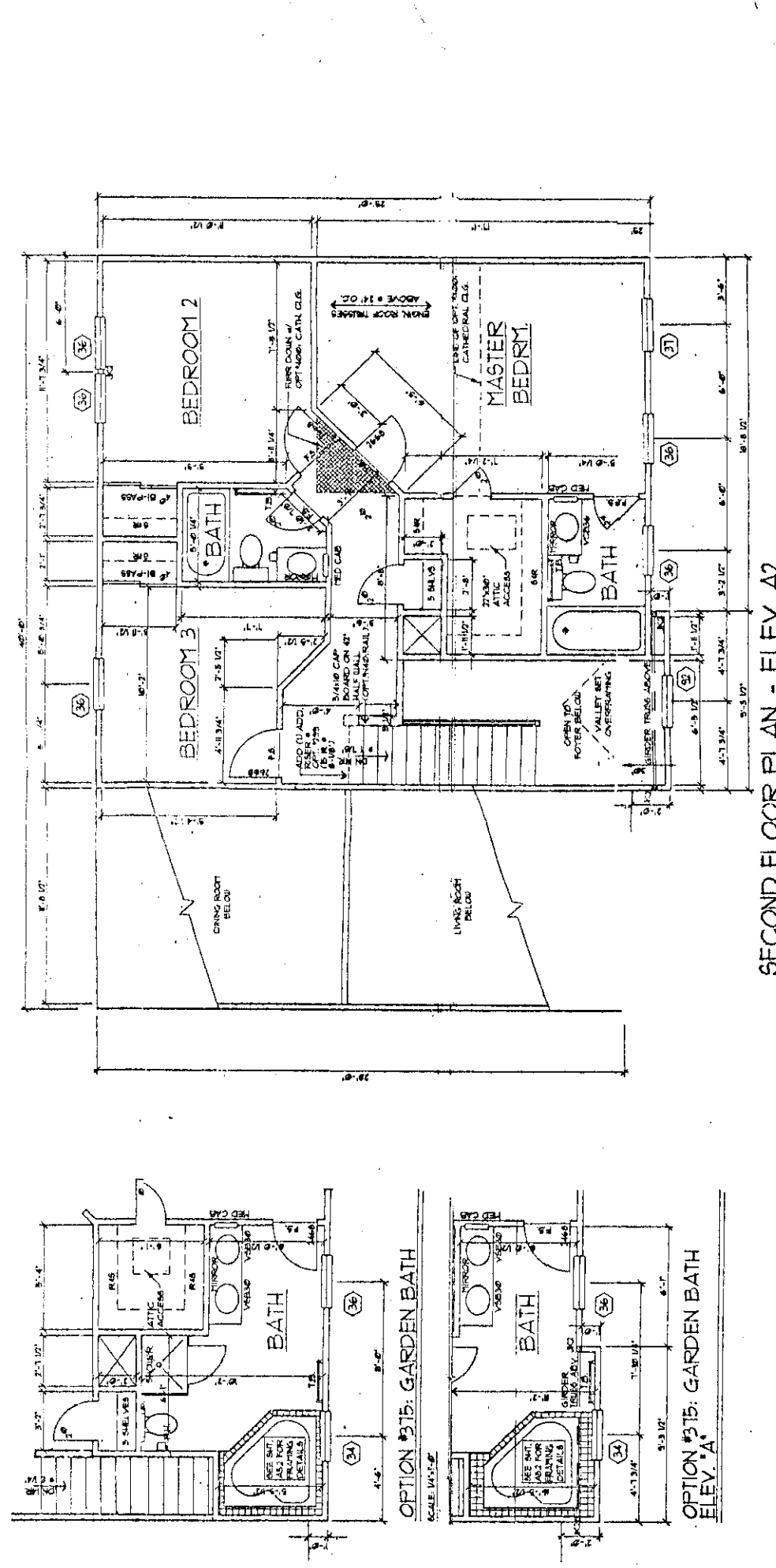
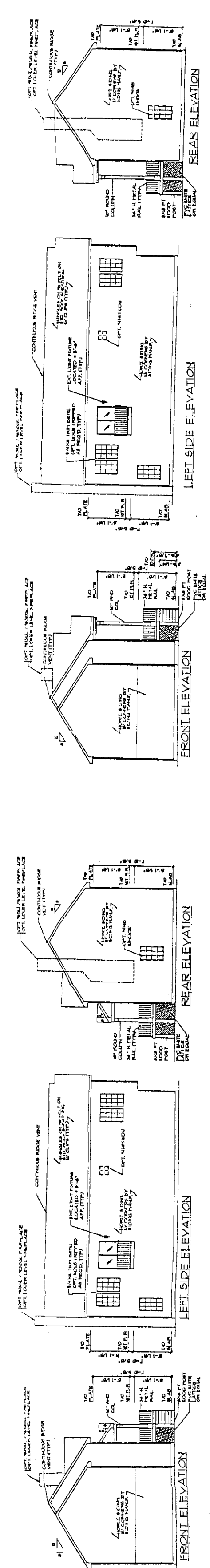
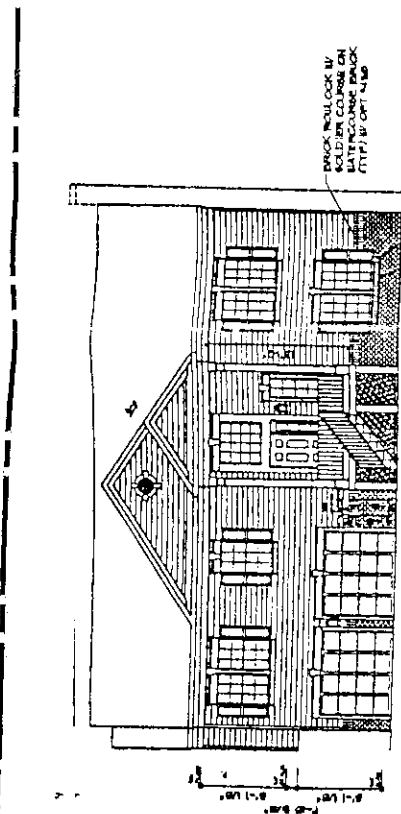
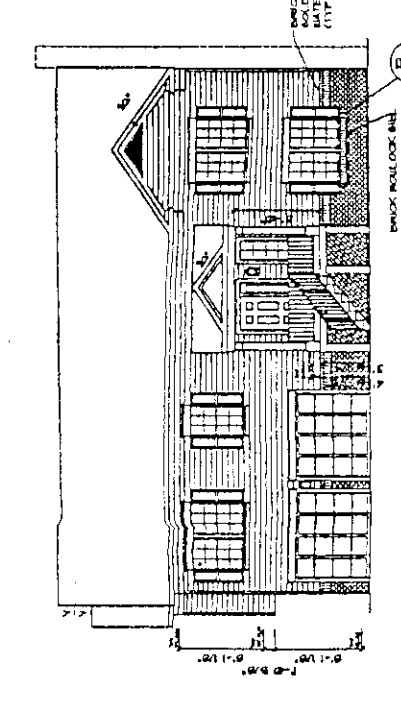
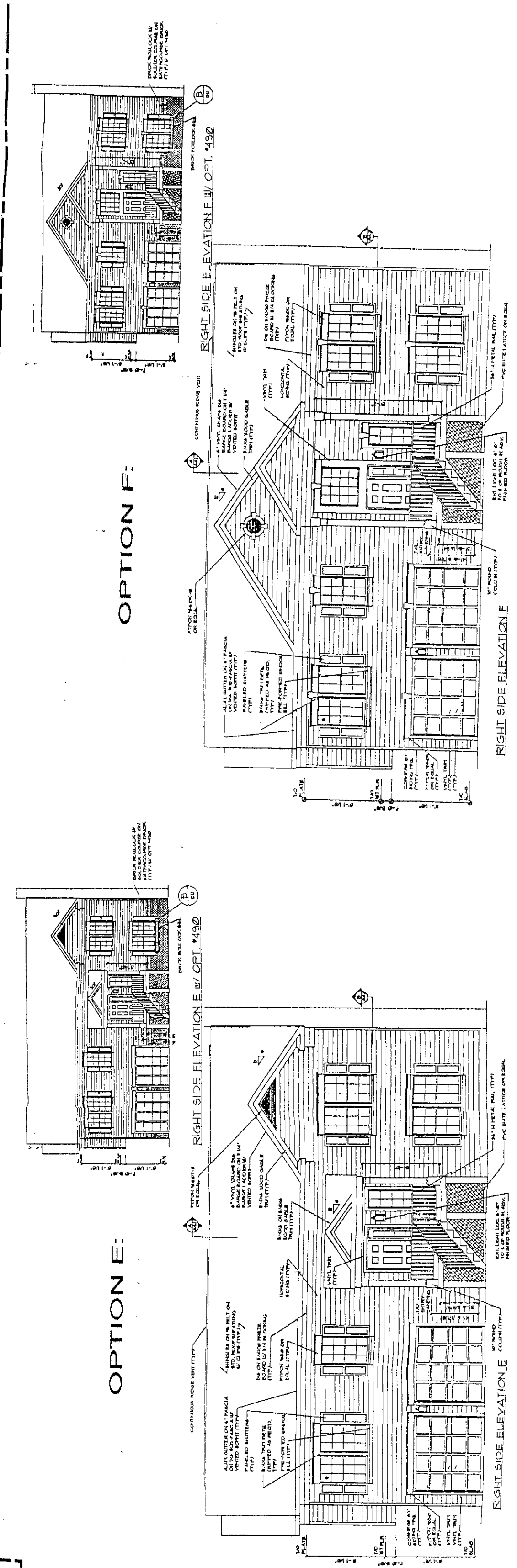
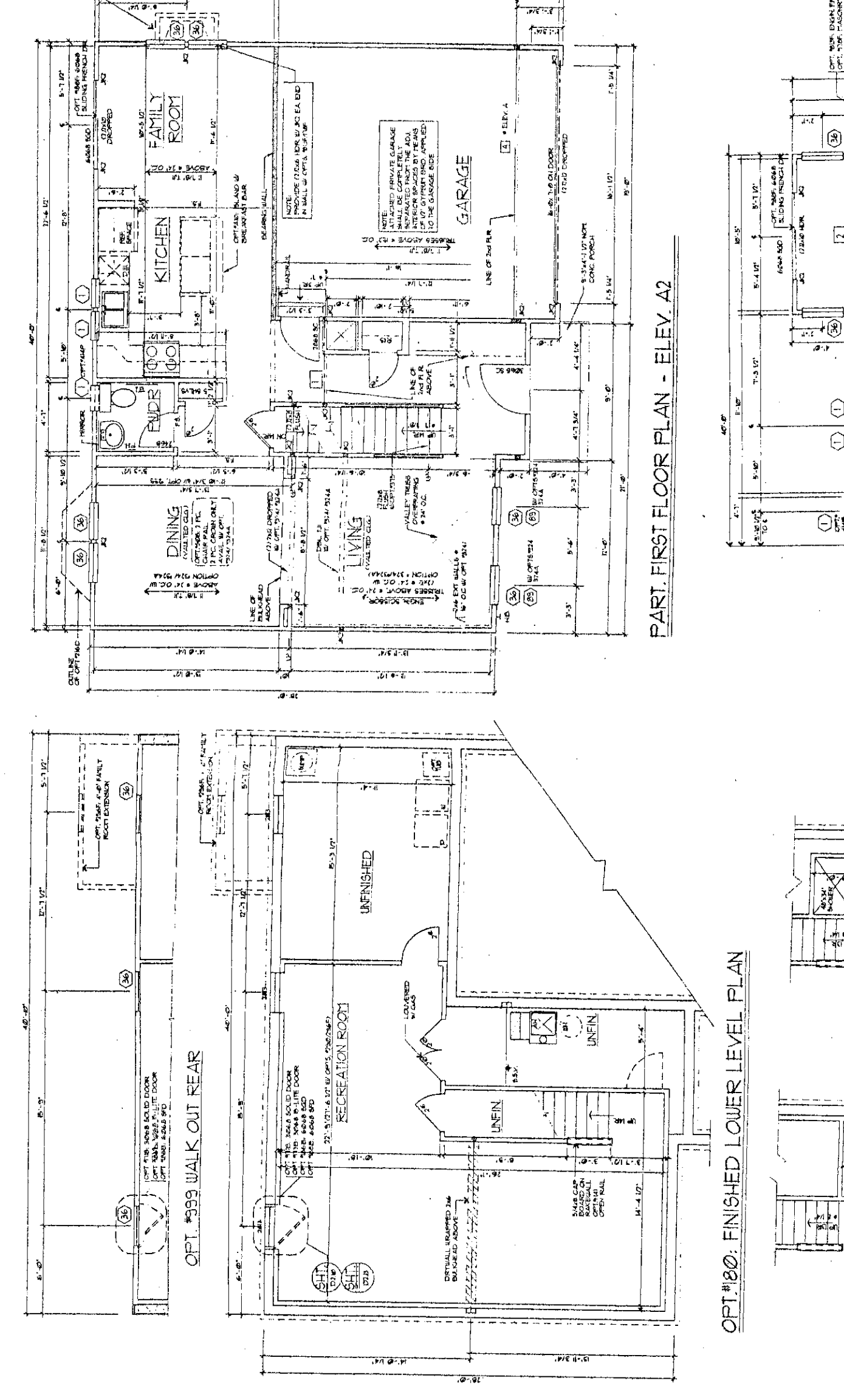


E & F SHARED PLAN

THE GARNETT II



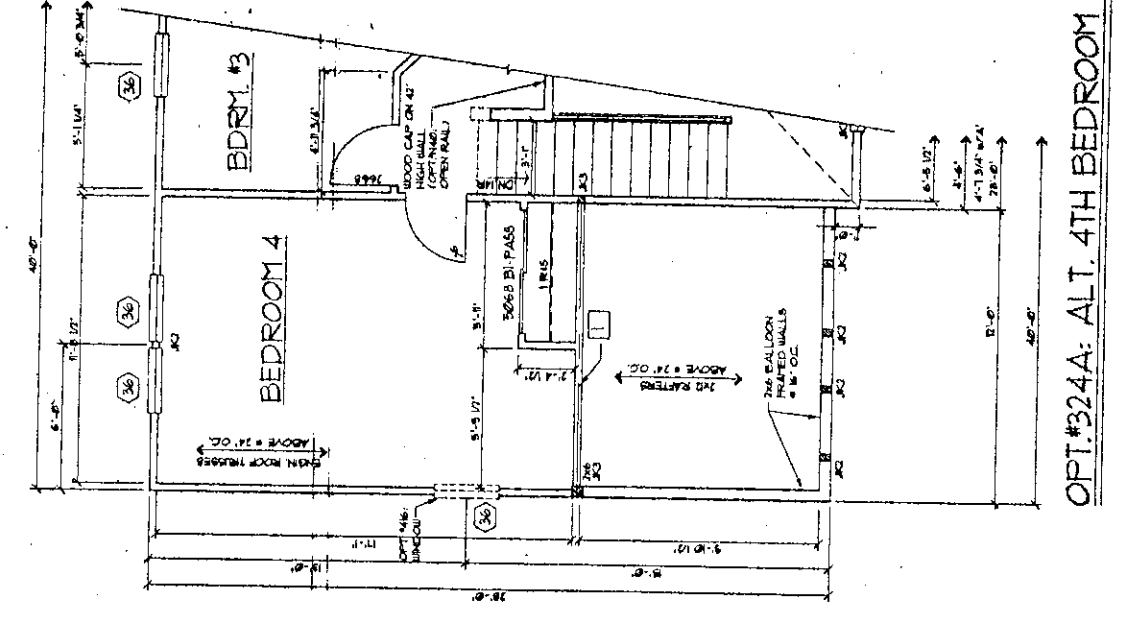
C & D SHARED PLAN:



00-127-A

MODELS, OPTIONS & LAYOUT
FOR ILLUSTRATIVE PURPOSES ONLY
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
10 WEST ROAD SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

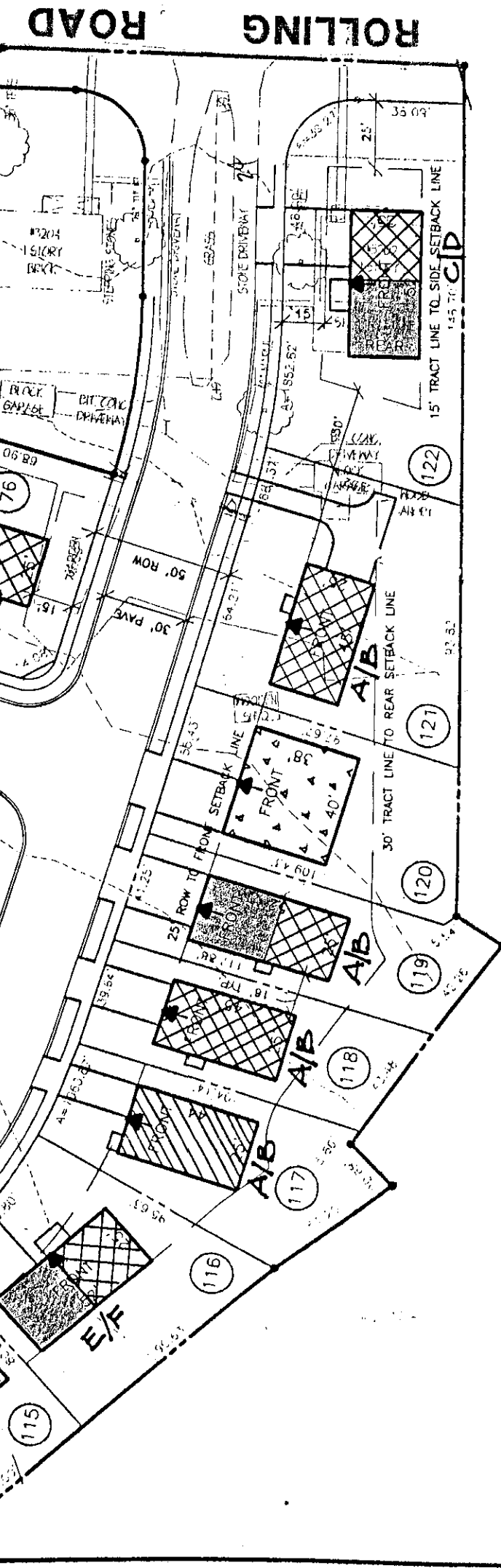
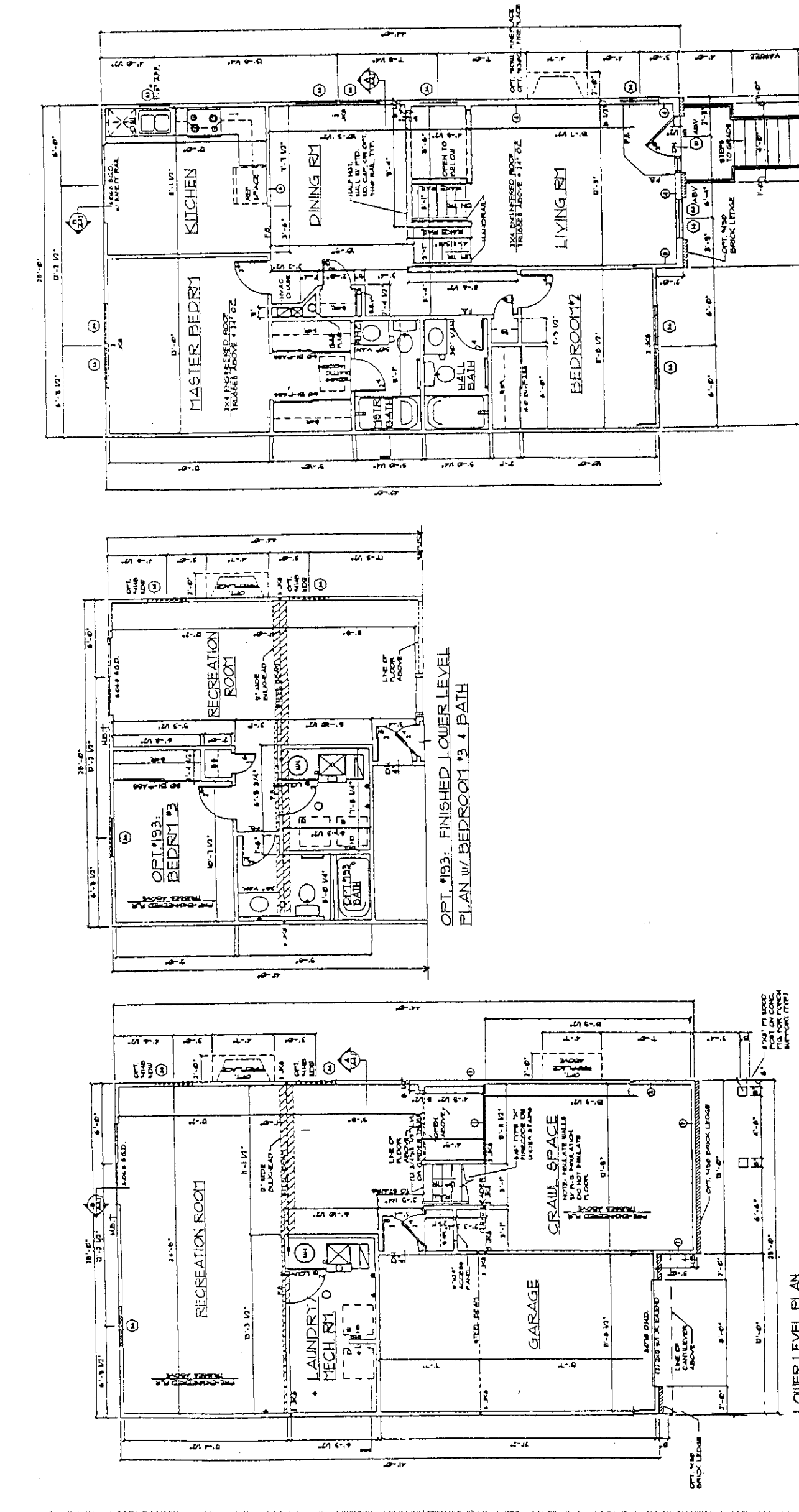
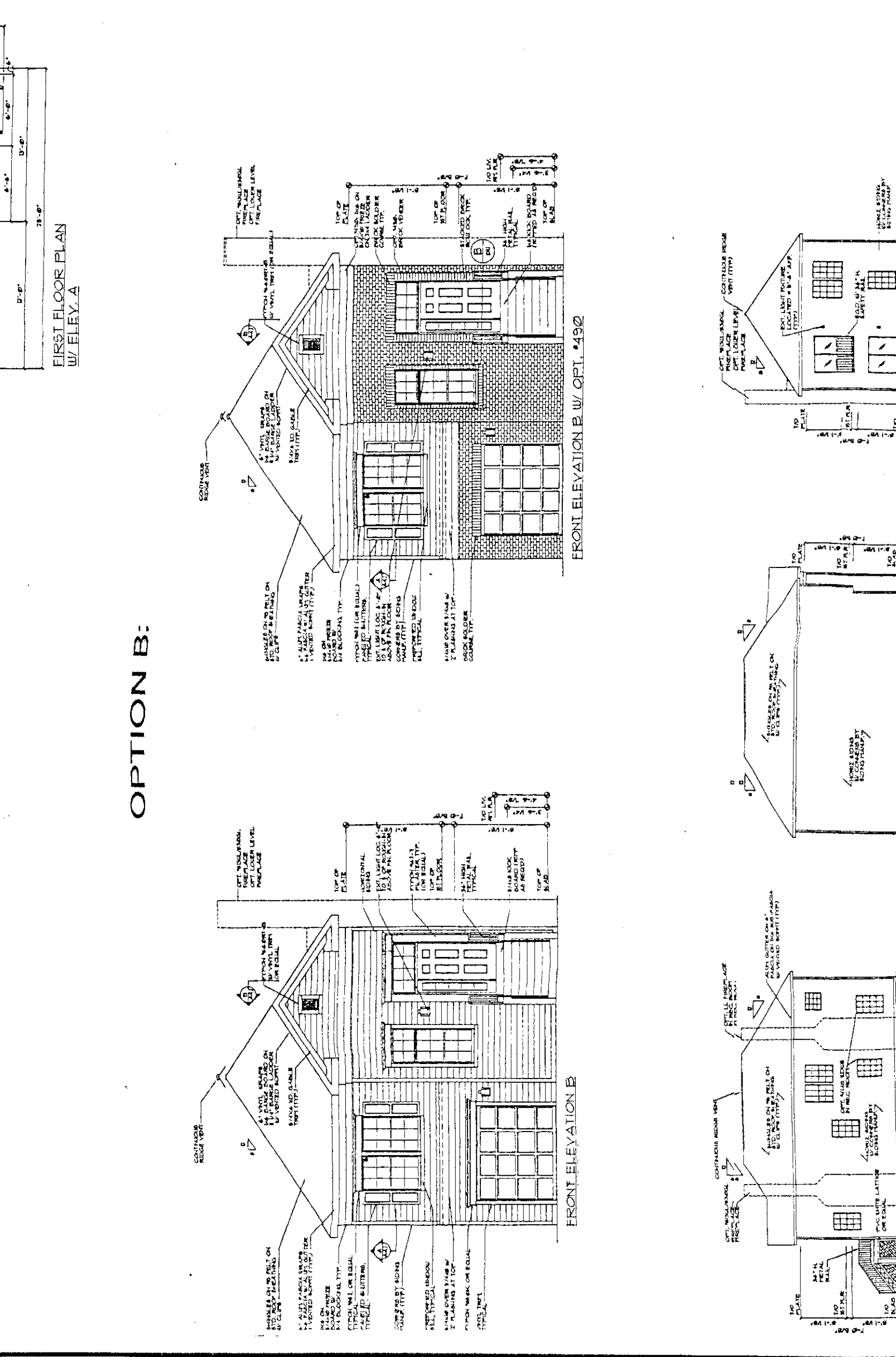
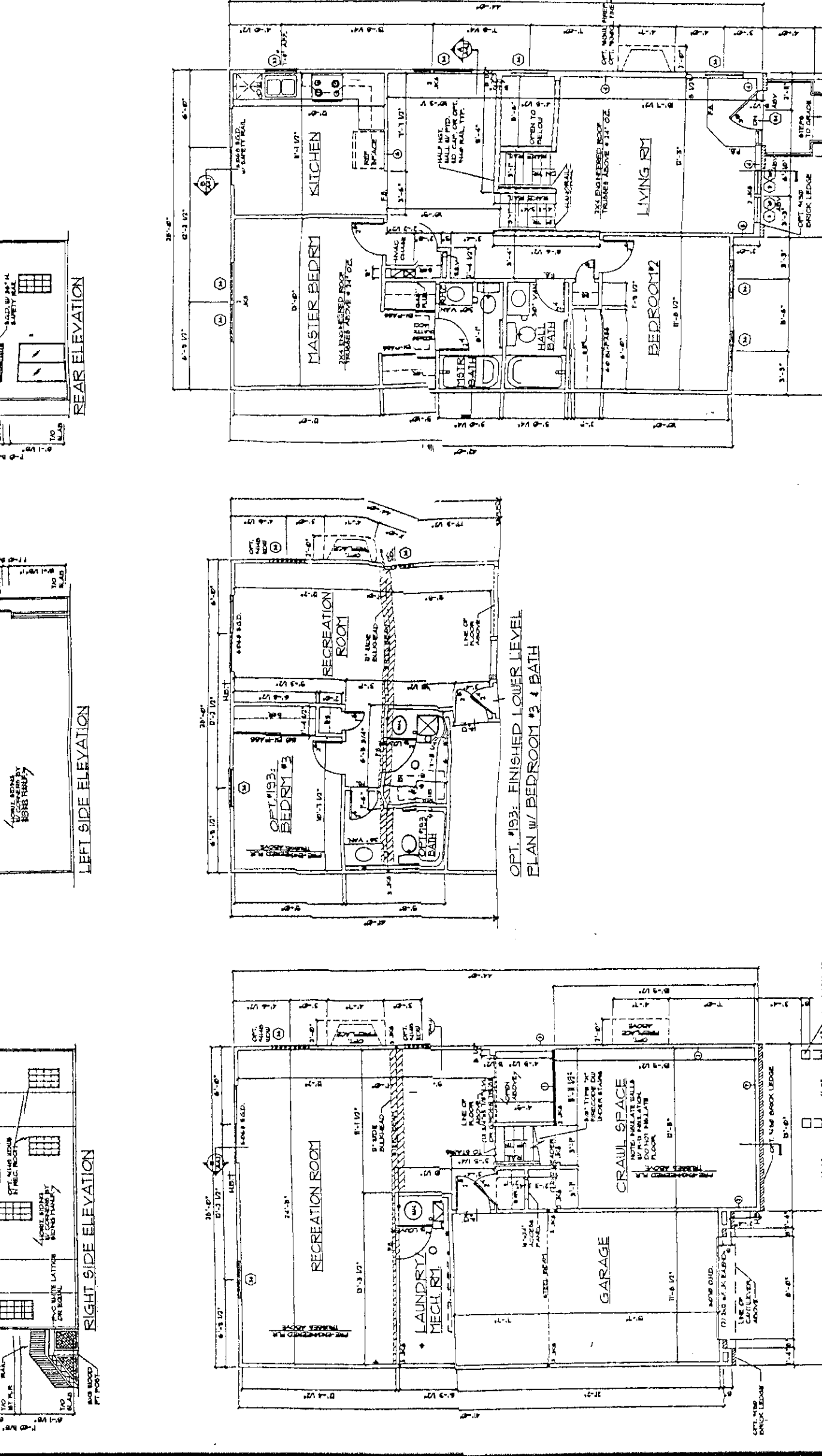
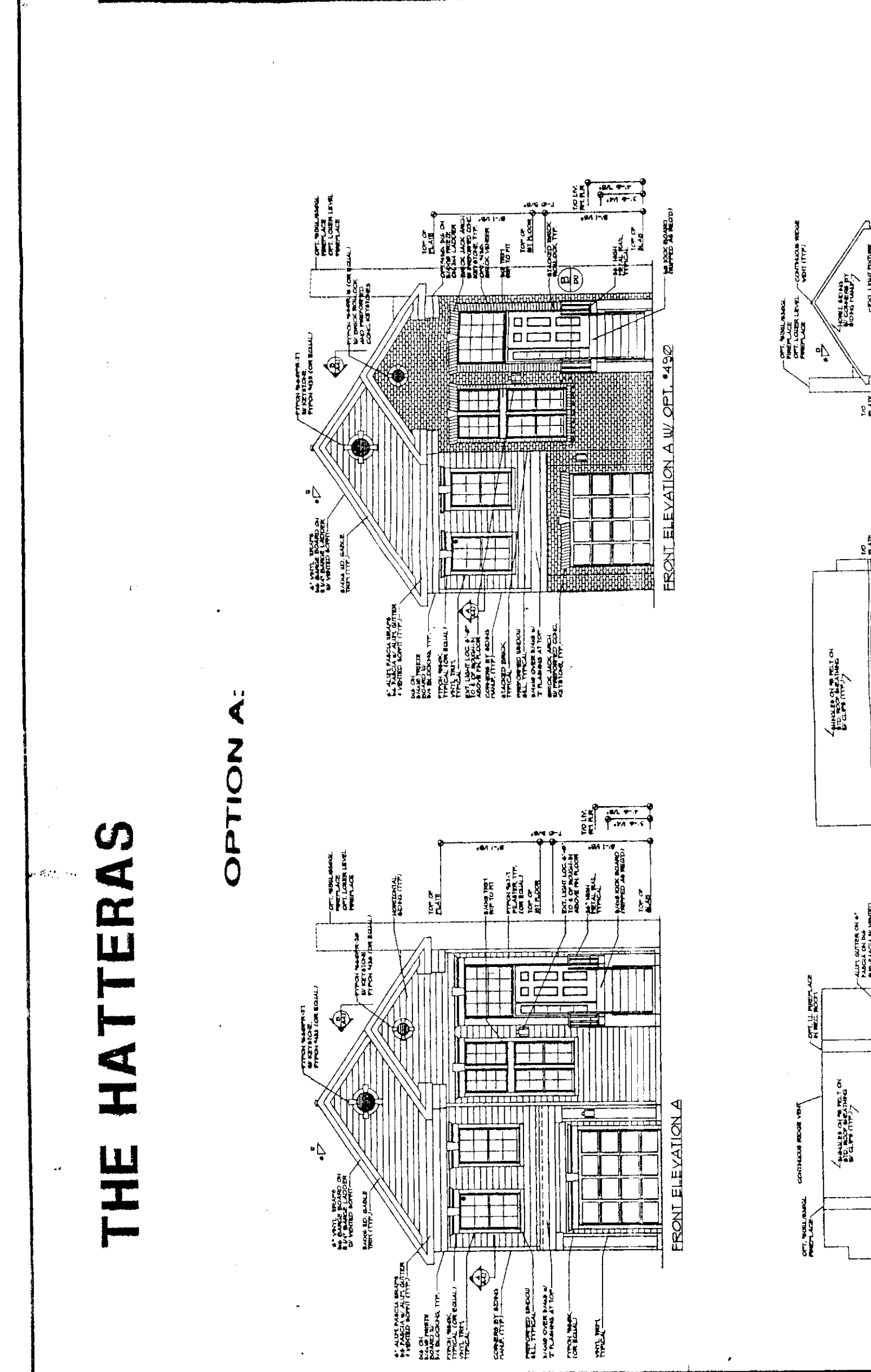
SUPPLEMENTAL ARCHITECTURAL EXHIBIT DEER RUN at MAYFIELD	
JOB NO.: 10039 SCALE: 1" = 50' DATE: 9-21-99 DRAWN BY: BHM CHECKED BY: BHM REVIEW BY: LHM SHEET: 1 OF 2	
DATE	REVISIONS



OPTION A, 4TH BEDROOM

THE MANTEO

OPTION D:



SUPPLEMENTAL ARCHITECTURAL EXHIBIT
DEER RUN at MAYFIELD
POM FILE # II-592
2nd FLOOR PLAN
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO: 10339
		SCALE: 1" = 50'
		DATE: 7-21-99
		DRAWN BY: EMM
		DESIGN BY: EMM
		REVIEW BY: LKH
		SHEET: 2 OF 2

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION HEBBVILLE	SHEET N.W. 5-H
DATE OF PHOTOGRAPHY JANUARY 1986		

