

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
 PETITIONS FOR SPECIAL HEARING and
 VARIANCE – NE/S East Joppa Road, * ZONING COMMISSIONER
 NW/S JFK Highway (I-95)
 11th Election District * OF BALTIMORE COUNTY
 5th Councilmanic District * Cases Nos. XI-837 & 00-421-SPHA
 Rawle Family, L.P., John R. Moore, et ux,
 and Anna Moore, Owners; *
 The Ryland Group, Contr. Purchaser/Developer
 * * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Zoning Commissioner/Hearing Officer as a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code. The Owners/Developers seek development plan approval and zoning relief for the proposed residential development of the parcel known as Moore's Orchard. The property consists of six separate parcels currently owned by the Rawle Family Limited Partnership and individual members of the Moore family; however, is under contract to be developed by the Ryland Group, Inc., t/a Ryland Homes, with 121 single family dwellings. In addition to development plan approval, the Owners/Developers request a special hearing to determine whether waivers from Public Works Standards are necessary, and, if required, to approve waivers from the following standards: 1) to allow construction of an acceleration and deceleration lane on Joppa Road in lieu of making improvements to a 40-foot paving section; 2) to allow a waiver of sidewalk construction along Joppa Road; 3) to allow a waiver of sidewalk construction on the north side of proposed Road "A" from Joppa Road to proposed Road "B"; 4) to allow a radius less than 380° on Road "A" to accommodate the principal alignment of proposed Road "A" as requested by the Baltimore County Department of Recreation and Parks; 5) to allow a radius less than 380° on proposed Road "A" to permit minimization of environmental impacts; and 6) to allow a closed paving section of 24 feet on a 40-foot right-of-way (offset for sidewalk on one side) in lieu of the required 30-foot road section on a 50-foot right-of-way along a portion of proposed Road "A". In addition to the special

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hearing request, the Owners/Developers request a special variance from Section 259.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Sections 259.8 and 4A02.4.F thereof, to permit the issuance of building permits for construction in accordance with the Moore's Orchard Development plan. Lastly, the Owners/Developers seek variance relief from the B.C.Z.R. as follows: From Section 259.9.B.3 to permit lot widths of 70 feet along both the front walls and rear walls of the dwelling units in lieu of the required 85 feet; from Section 259.9.F.5 of the B.C.Z.R. and Division VI, Section E of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a sidewalk along one side of proposed Road "A" in lieu of both sides; from Section 259.9.F.5 and Division VI, Section E of the C.M.D.P. to not provide a sidewalk along the portion of the property that fronts on Joppa Road; and from Section 259.9.C.2 and Division VI, Section E of the C.M.D.P. to permit a reverse fronting lot. The subject property and requested relief are more particularly described on the final red-lined development plan submitted into evidence and marked as Developer's Exhibits 2A & 2B.

The Developer has submitted its plan to Baltimore County for review in accordance with the development review process codified in Title 26 of the Baltimore County Code. That review officially commenced with the submission of a concept plan at a conference on July 19, 1999. As required, a community input meeting was held on August 18, 1999 at the Perry Hall Elementary School. Subsequently, a development plan was submitted and a conference held thereon on May 17, 2000. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a final red-lined development plan incorporating these comments was submitted at the Hearing Officer's Hearing which was conducted in its entirety on May 31, 2000. It is to be particularly noted that the plan in this case has been frequently amended and has evolved to the present proposal. Indeed, the development regulations anticipate frequent changes and amendments to development plans as they are reviewed. (See Monkton Preservation Assoc. v. Gaylord Brooks Realty Corp., 107 Md. App. 573 (1996). The regulations anticipate that a Developer's plan will change as input is received from both County agencies and interested citizens. The fact that the plan undergoes this

examination and alteration on an ongoing basis is anticipated and is an encouraged by-product of the process. The fact that the plan is significantly different from that originally proposed is neither improper nor unexpected.

At the public hearing required for this project, John and Thelma Moore, and Gus Moore, co-Owners of the subject property appeared in support of the project, as did Doug Eshelman and Ed Gold, on behalf of The Ryland Group, Inc., Contract Purchasers/Developers of the subject property. Also appearing on behalf of the Owners/Developers were David S. Thaler, Alan E. Scoll and Ernest I. Sheppe, representatives of D.S. Thaler & Associates, Inc., who prepared the development plan for this project; Mickey Cornelius, a Traffic Engineering Expert retained by the Developers; and, Jennifer Busse, Esquire and G. Scott Barhight, Esquire, attorneys for the Owners/Developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including Dave Flowers (Project Manager), Don Rascoe, and Phil Martin, Developer's Plans Review Division of the Department of Permits and Development Management (PDM); Mitchell Kellman, Zoning Review Division of PDM; Lynn Lanham with the Office of Planning (OP); John Weber, Director, and Jan M. Cook and Bob Bendler, representatives of the Department of Recreation & Parks (R&P); Alli Cauthorn and Bruce Seeley of the Department of Environmental Protection and Resource Management (DEPRM); and, Thomas Hamer, Deputy Director of the Department of Public Works (DPW). Appearing as Protestants in the matter were Dennis Eckard and Dale Pennewill, nearby residents from the Perry Hall area.

Testimony and evidence offered revealed that the subject property consists of a gross area of 82.9 acres, split zoned D.R.3.5H (54.96 acres), D.R.3.5 HI (27.54 acres), and D.R.2H (0.4 acres). The property is bordered by I-95 to the north/west and Joppa Road to the east/south. Presently the site is largely undeveloped and is used as an active orchard (peaches and apples) and a farm. There are two existing dwellings on the site that will be retained. The property is divided by a large area featuring environmental constraints, including a stream, wetlands, 100-year floodplain, forest, and open fields.

As more particularly shown on the development plan (Developer's Exhibits 2A & 2B), the property will be developed with 121 single family homes. Development will be clustered to the western portion of the site. Specifically, 119 homes will be grouped in the western portion of the property abutting I-95. The 2 existing dwellings, which are to be retained, are located on the eastern portion of the site. The central portion of the property contains the environmental features noted above. That area, which consists of approximately 30.74 acres, will be dedicated to Baltimore County as a park. It will contain three athletic fields for use as active recreational open space and areas of the stream, floodplain, and forest will be retained in their natural state.

In accordance with the Baltimore County Code and administrative procedure, the development plan and the Petitions for Special Hearing and Variance were considered separately. Consideration was first given to the propriety of the development plan, pursuant to Section 26-206 of the development review regulations set forth in the Baltimore County Code. Thereafter, the zoning relief was considered.

As to the development plan, the Code requires that the Hearing Officer initially identify any unresolved agency comments or open issues. After the identification of such issues, testimony and evidence is taken to address and resolve same. In this regard, Mr. Barhight, on behalf of the Developer, indicated that there were no outstanding issues or agency comments as far as the Developer was concerned. That is, he proffered that the development plan met all County agency requirements and satisfied the regulations as contained in Title 26 of the Code. His position was largely corroborated by those County agency representatives who were present. However, certain issues were raised by those representatives in open hearing and the Developer agreed that the plan was subject to and would be amended in accordance with those comments.

Testifying from the Department of Recreation & Parks (R&P) was John Weber, the Director of that County agency. Mr. Weber indicated that under the current R&P requirements, as codified in the Local Open Space Manual and the Baltimore County Code, the Developer is required to provide 1.8 acres of active use open space. Additionally, Mr. Weber testified that .978 acres of passive open space is required. In order to best meet these requirements, Mr. Weber's

Department and the Developers have had ongoing negotiations. As to the passive open space requirements, R&P supports a waiver of same in exchange for the payment of a fee in lieu of that requirement. The amount of that payment will be approximately \$58,200, which will be utilized for the construction of a parking lot.

As to the active use open space requirements, the plan shows that three (3) fields will eventually be installed. Two of the athletic fields, which are suitable for soccer and lacrosse, are located in the southwest portion of the site, immediately adjacent to Joppa Road. A third softball/baseball field is to be located in the northwest quadrant of the site, immediately adjacent to Chapel Hill Elementary School and a softball field presently in use on that property. In fact, it is anticipated that the proposed softball/baseball field on the subject property will be used in conjunction with the existing elementary school recreation facilities, in view of its proximity to same. The soccer/lacrosse fields will be served by a parking area south of the proposed access road leading into the site from Joppa Road.

Apparently, certain negotiations between the Department of Recreation and Parks and the Developer remain at issue. However, Mr. Weber indicated that the County and the Developer were agreeable to the framework of an agreement that was reached by the parties. That is, the Developer will ultimately dedicate approximately 43 acres to Baltimore County, including the areas featuring the environmental constraints outlined above, and the areas for the three fields and parking area described herein. This land will be transferred without cost to the County. Additionally, the Developer will design and prepare appropriate drawings for the construction of the areas of active open space. However, construction will be undertaken by Baltimore County. In Mr. Weber's opinion, this arrangement satisfies all requirements administered by the Department of Recreation and Parks.

The Department of Recreation and Parks' requirements were further discussed by Jan Cook of that Department. Mr. Cook requested the insertion of a note on the plan indicating that the project will comply with all applicable provisions of the County's Local Open Space Manual, except as they might be modified and agreed to through negotiations between Mr. Weber and the

Developer. It is the intent of this restriction to require compliance with that County agency's requirements while allowing Mr. Weber and the Developer to continue to negotiate the details of the conveyance and the development of active areas of open space as outlined above. Thus, with that understanding, the Department of Recreation & Parks supports the plan.

Testimony and evidence was also received from Bruce Seeley on behalf of the Department of Environmental Protection and Resource Management (DEPRM). He indicated that the red-lined plan was generally acceptable to DEPRM and would continue to undergo review as required under Phase II of the development review process. He did request that this Hearing Officer insert language in this opinion ratifying DEPRM's ability to continue to review the plan for compliance with that agency's requirements prior to final signature by the Project Manager. This request is appropriate. As to other requirements (e.g., storm water management, etc.), Mr. Seeley indicated that the plan was in compliance.

Testimony was also received from Tom Hamer and Phil Martin regarding Department of Public Works' (DPW) issues. Although originally expressing a willingness to consider a waiver of the requirement for full improvements to that side of Joppa Road that fronts this property on its western border, Messrs. Hamer and Martin indicated that the Department was not agreeable to such a waiver at this time. Thus, the plan shall be amended so as to show full road improvements along this property's frontage on Joppa Road, including road widening as is necessary, and the installation of curb, gutter and sidewalk. Secondly, Messrs. Hamer and Martin indicated that the plan needed to be modified to reduce the turning radius on proposed Road "B". Proposed Road "B" will be a public road located within the interior of the property, providing vehicular access to designated Lots 1 through 12 and 114 through 119. The turning radius of that road needs to be modified and the Developer indicated that such a change was acceptable and could be completed without impact to the plan.

Third, the Department of Public Works will require a widening of the main access road that will serve the interior of this site from Joppa Road. Although it is agreed that the road will be narrower within those areas of environmental sensitivity, the plan shall be changed to

show a widening of that road to 36 feet (on a 50-foot right-of-way). Presently, the plan shows the road at a width of 30 feet (on a 50-foot right-of-way) in these areas. Thus, the plan shall be amended. In view of the fact that there is no change to the designated width of the right-of-way, this change does not impact adjacent lots or other features of the plan. These three changes as outlined above were agreeable to the Developer and the plan shall therefore be amended accordingly.

In addition to these three changes to the plan, the Department of Public Works does support a waiver of certain Public Works' standards. Specifically, those waiver requests include allowing: 1) sidewalk construction on the north side of proposed Road "A" only, from Joppa Road to its intersection with proposed Road "B"; 2) a radius of less than 380° on proposed Road "A" to accommodate the principal alignment of Road "A", at the request of the Department of Recreation & Parks; 3) a radius of less than 380° degrees on proposed Road "A" to permit minimization of environmental impacts; and, 4) a 24-foot closed paving section on a 40-foot right-of-way (offset for sidewalk on one side) in lieu of the required 30-foot road section on a 50-foot right-of-way along a portion of proposed Road "A". This waiver request is recommended and supported in view of the environmental constraints associated with this property and in order to reduce impacts thereon. A fifth waiver request would allow the project to have mountable curb and gutter. It was explained by Mr. Martin that mountable curb and gutter along roads within the interior of the community would be acceptable to his Department.

These waiver requests are supported by the Department of Public Works and are therefore recommended to this Hearing Officer in accordance with Section 26-172 of the Baltimore County Code. Two previously requested waivers, relative to road improvements to Joppa Road and sidewalks along Joppa Road, are not supported by the Department of Public Works as set out herein. The Developer has now agreed to install those improvements.

Testimony was also received from Lynn Lanham of the Office of Planning (OP). Ms. Lanham indicated that the project met the provisions of the recently enacted Adequate Public Facilities Law and will not cause inappropriate crowding of existing schools. She also indicated

that the Office of Planning had received proposed building elevation drawings and that those are in compliance with the requirements for the Honeygo area. She also noted that a significant number of the lots (70% of the total) had been widened from the originally proposed 70-foot width to 85 feet. This resulted in a reduction of the total number of lots within the project and this change is supported by the Office of Planning. Ms. Lanham also wanted assurances that berming and planting along I-95 are required in order to buffer this development from the impacts associated with that interstate road system. Lastly, the project will be built out with certain aesthetic features (e.g. picket fences).

Representatives of the community who were present also commented on the development plan. These included Dennis Eckard from the Perry Hall Improvement Association, and Dale Pennewill, both residents of the area. Mr. Eckard initially voiced objections to the process and lack of input from the community. Although the development review regulations do require a community input meeting, they do not require that the Developer obtain the consent of the community to make changes to its plan. I find that the Developer in this case has satisfied both the letter of the law, as well as the spirit and intent of the development review regulations. As noted above, those regulations anticipate the ongoing evolution of the project. I find that the community has had sufficient access and availability to the plan, and that the required community input meeting was conducted. Mr. Eckard also objects to the reduction of certain of lot widths from 85 feet to 70 feet, which will be discussed hereinafter in considering the zoning relief requested.

Mr. Pennewill raised certain concerns regarding the project. He supports the improvements to Joppa Road which are now required by the Department of Public Works. He was also concerned over the waiver of sidewalks on the south side of the road through the environmentally sensitive areas, and the mountable curb and gutter. In my judgment, these features of the plan are appropriate and I am not persuaded by Mr. Pennewill's objections. The mountable curb and gutter will not adversely impact storm water runoff or drainage and is

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appropriate. Additionally, I agree with the Department of Environmental Protection and Resource Management that a limited disturbance of the environmentally sensitive areas is warranted.

Testimony was also taken from Alan Scoll regarding all of these issues and the record of the case speaks for itself regarding his opinions. Generally, I believe this plan to be appropriate and a well thought out proposal. This project represents a well-conceived and designed layout. It will provide needed park, recreation and open space to residents of not only the proposed Moore's Orchard community, but the area at large. The Developer should be commended for its agreement to dedicate such a large park area to the County. I am satisfied that the development plan (Developer's Exhibit 2A), as modified by the changes discussed herein, complies with all County regulations and requirements, and thus, shall be approved.

Turning to the zoning relief, there are actually three distinct requests at issue. The first is contained within the Petition for Special Hearing. Therein, a series of six waivers are being requested from the requirements of the Department of Public Works. Procedurally, Petitions for Special Hearing requesting such waivers are filed when a project is exempt from the Hearing Officer's Hearing requirement. When a Hearing Officer's Hearing is required and conducted, waivers can be granted in accordance with the proceedings therein, pursuant to Section 26-172 of the Code. I find that the Petition for Special Hearing is superfluous and unnecessary. The waivers identified earlier in this opinion are granted, pursuant to my approval of the development plan. The Petition for Special Hearing is not necessary and thus, shall be dismissed as moot.

The second prong of the relief requested relates to the Petition for Variance and Items 2 through 5 set forth therein. The requested variances are all from Section 259.9 of the B.C.Z.R. which imposes the heightened requirements fostering superior design and construction in the Honeygo area. Specifically, variance relief is requested to permit lot widths of 70 feet in lieu of the required 85 feet; to allow sidewalk on one side of proposed Road "A" in lieu of both sides; to not provide sidewalk along a portion of the property that fronts Joppa Road; and, to permit a reversed fronting lot. Although the variances from the sidewalk requirements are also part of the

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public works waiver requests, variance relief is necessary in that these requirements are also contained within the zoning regulations.

Mr. Thaler offered testimony regarding these variances. He discussed the requests from both a practical standpoint as well as the legal requirements set out in Section 307 of the B.C.Z.R. and the case law. (See, e.g., Cromwell v. Ward, 102 Md. App. 691 (1995)). From a purely practical standpoint, Mr. Thaler noted that the Developer was conveying to Baltimore County a large area for park use. This conveyance and the environmental constraints associated with that portion of the property limit potential development on the site. Mr. Thaler believes that the final red-lined plan submitted into evidence as Developer's Exhibits 2A and 2B resulted from a series of negotiations and represents an appropriate and desirable development. I agree.

As to the legal requirements, this property, in its entirety, is indeed unique. It is bordered on one side by a major traffic corridor (I-95), is irregularly shaped, and contains varied and significant environmental constraints. These natural and man-made features all support a finding of uniqueness as required under Cromwell, *infra*. Practical difficulty for this case arises from the fact that the Developer could not design and construct a reasonable layout if strict adherence to the requirements were required. Finally, since all of the variances requested are internal (i.e., relate to the proposed lot lines within the four corners of this property) there will clearly be no detrimental impact to adjacent or surrounding lots. For these reasons, I accept Mr. Thaler's testimony that, from both a practical and legal standard, variance relief should be granted.

The final component of this case relates to a request for special variance relief from Section 259.7 of the B.C.Z.R., pursuant to Sections 259.8 and 4A02.4F of the B.C.Z.R., to permit the issuance of building permits for construction in accordance with the development plan. Testimony was taken on this issue from Messrs. Mickey Cornelius and David Thaler. Essentially, this requests relates to a moratorium on the issuance of building permits for this project until certain improvements are completed to Cross Road and Forge Road. Mr. Cornelius indicated that when these road improvements are made, 600 allocations for building permits will become available, pursuant to the B.C.Z.R.

Mr. Cornelius discussed extensively the traffic patterns in the area and the expected traffic to be generated from this site. After discussing the existing and proposed road system, he concluded that this development would have virtually no impact on the new roads. Mr. Cornelius outlined the routes by which anticipated traffic would access I-95 and eastbound Joppa Road, etc. He opined, based upon his studies, that this project would have less of an impact than that assumed by the District standard that would otherwise restrict or prohibit the development.

Mr. Thaler also offered testimony on this issue and the requirements set out in Sections 259.7, 259.8 and 4A02.4F of the B.C.Z.R. Using Mr. Cornelius' factual testimony and conclusions as a basis, Mr. Thaler testified that special variance relief should be granted. He specifically found that the grant of the special variance would not adversely impact any other individual and that there were sufficient allocations available to accommodate this proposal.

Based upon the undisputed testimony of Messrs. Thaler and Cornelius, I am persuaded to grant the special variance. I find that the legal standards required for the grant of this relief have been met.

In summary, the development plan as submitted, with the modifications set out herein, shall be approved. Moreover, the Petition for Special Hearing shall be dismissed as moot, and the Petition for Variance shall also be granted. I believe that the proposed development is appropriate and satisfies the spirit and intent of both the zoning and development regulations. This project satisfies the spirit and intent of the high quality goal-oriented Honeygo standards. Although certain zoning variances are being requested, they are legally justified and warranted in view of the overall benefits to be realized by this development. Thus, the plan shall be approved and the Petition for Variance granted as set forth above.

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, the Petition for Special Hearing shall be dismissed, and the Petition for Variance shall be granted, subject to the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 13th day of June, 2000 that the development plan for Moore's Orchard, identified herein as Developer's Exhibits 2A and 2B, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve waivers from Public Works' standards as follows: 1) to allow construction of an acceleration and deceleration lane on Joppa Road in lieu of making improvements to a 40-foot paving section; 2) to allow a waiver of sidewalk construction along Joppa Road; 3) to allow a waiver of sidewalk construction on the north side of proposed Road "A" from Joppa Road to proposed Road "B"; 4) to allow a radius less than 380 feet on Road "A" to accommodate the principal alignment of proposed Road "A" as requested by the Baltimore County Department of Recreation and Parks; 5) to allow a radius less than 380' on proposed Road "A" to permit minimization of environmental impacts; and 6) to allow a closed paving section of 24 feet on a 40-foot right-of-way (offset for sidewalk on one side) in lieu of the required 30-foot road section on a 50-foot right-of-way along a portion of proposed Road "A", be and is hereby DISMISSED as moot; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking special variance relief from Section 259.7 of the B.C.Z.R., pursuant to Section 259.8 and 4A02.4F of the B.C.Z.R., to permit the issuance of building permits for construction in accordance with the development plan, in accordance with Developer's Exhibits 2A and 2B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 259.9.B.3 to permit lot widths of 70 feet along both the front walls and rear walls of the dwelling units in lieu of the required 85 feet; from Section 259.9.F.5 of the B.C.Z.R. and Division VI, Section E of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a sidewalk along one side of proposed Road "A" in lieu of both sides; from Section 259.9.F.5 and Division VI, Section E of the C.M.D.P. to not provide a sidewalk along the portion of the property that fronts on Joppa Road; and from Section 259.9.C.2 and Division VI, Section of the C.M.D.P. to permit a reverse fronting lot, in accordance with Developer's Exhibits 2A and 2B, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Developers may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners 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) Prior to the issuance of any permits, the Developer shall submit a revised development plan incorporating the modifications agreed to and set out herein. The revised plan shall show full road improvements along this property's frontage on Joppa Road, including widening as is necessary, and the installation of curb, gutter and sidewalk; a reduction in the turning radius on proposed Road "B"; and a change in the width of paving on the main access road from 30 feet to 36 feet (on a 50-foot right-of-way).
- 3) Building elevation drawings and design features, including fencing, shall be submitted for review and approval by the Office of Planning prior to the issuance of any permits. Said building and design features shall be in accordance with the Honeygo standards.
- 4) DEPRM shall continue to review the plan for compliance with that agency's comments and regulations prior to final signature on the plan by the Project Manager.
- 5) Compliance with the requirements of the Local Open Space Manual, except as modified by the Director of the Department of Recreation & Parks.
- 6) When applying for any permits, the site 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.



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

LES:bjs

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Baltimore County
Zoning Commissioner

June 13, 2000

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

G. Scott Barhight, Esquire
Jennifer Busse, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/S East Joppa Road, NW/S JFK Highway (I-95) (Moore's Orchard)
11th Election District - 5th Councilmanic District
Rawle Family, L.P., John R. Moore, et ux, and Anna Moore, Owners;
The Ryland Group, Contract Purchaser/Developer
Cases Nos. XI-837 & 00-421-SPHA

Dear Mr. Hayes:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved, the Petition for Special Hearing dismissed, 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. John Moore, 5246 Joppa Road, Perry Hall, Md. 21128
Mr. Gus Moore, 5228 E. Joppa Road, Perry Hall, Md. 21128
Messrs. Doug Eshelman and Ed Gold, Ryland Homes
7250 Parkway Dr., Ste. 520, Hanover, Md. 21076
Mr. John R. Clark, 2820 Reckord Road, Fallston, Md. 21047
Mr. Davis Meadows, 5225 E. Joppa Road, Perry Hall, Md. 21128
Mr. Mickey Cornelius, 9900 Franklin Sq.Dr., Suite H, Baltimore, Md. 21236
Messrs. David S. Thaler, Alan E. Scoll & Ernest I. Sheppe, D. S. Thaler & Assoc., Inc.
7115 Ambassador Road, P.O. Box 47428, Baltimore, Md. 21244
Mr. Dennis Eckard, 39 Bangert Avenue, Perry Hall, Md. 21128
Mr. Dale Pennewill, 5122 E. Joppa Road, Perry Hall, Md. 21128
Don Rascoe, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File



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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at E. Joppa Rd. E of I-95 and N of
which is presently zoned DR 3.5 Joppa Rd
and DR 3.5H1

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

whether a Petition for Special Hearing is necessary
for the approval of waivers from Public Works Standards
And in the Alternative to approve waivers from the
Public Works Standards listed on the attached
sheet.

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

I, or we, agree to pay expenses of above Special Hearing, 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:

The Ryland Group/Ed Gold, Pres.
Name - Type or Print

Signature
Ste. 520, 7250 Parkway Dr. 410.782.2411
Address Telephone No.
Hager MD 21076
City State Zip Code

Attorney For Petitioner:

Jennifer R. Busse/G. Scott Barhight
Name - Type or Print
J Busse
Signature
Whiteford, Taylor & Preston
Company
210 W. Pennsylvania Ave. 410.832.2077
Address Telephone No.
4th Floor, Towson, MD 21204
City State Zip Code

Legal Owner(s):

Rawle Family Limited Partnership
Name - Type or Print

Signature
Rosalie M. Rawle-General
Name - Type or Print
Partner

Signature
2507 Old Joppa Rd. 410.832.2077
Address Telephone No.
Joppa, MD 21085
City State Zip Code

Representative to be Contacted:

Jennifer R. Busse
Name
Whiteford, Taylor & Preston
Address Telephone No.
410.832.2077
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By uca Date 4.28.00

Case No. 00-421-SPHA

REV 9/15/98

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ATTACHMENT TO PETITION FOR SPECIAL HEARING

Re: Moore's Orchard
PDM # XI-837

Waivers requested from Public Works Standards:

- 1) To allow construction of an acceleration and deceleration lane on Joppa Rd. in lieu of improvements to a 40 foot paving section.
- 2) To allow a waiver of sidewalk construction along Joppa Rd.
- 3) To allow a waiver of sidewalk construction on the north side of Road "A" from Joppa Rd. to Road "B".
- 4) To allow a radius less than 380' on Road "A" to accommodate the principal alignment of Road "A" as requested by the Baltimore County Department of Recreation and Parks.
- 5) To allow a radius less than 380' on Road "A" to permit minimization of environmental impacts.
- 6) To allow a 24' closed paving section on a 40' Right - of - Way (offset for sidewalk on one side) in lieu of a 30' road section on a 50' Right-of-Way along a portion of Road "A".

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Date

By

ATTACHMENT TO PETITION FOR VARIANCE *and petition for Special Hearing*

SIGNATURES OF ADDITIONAL PROPERTY OWNERS :

For property located at E. Joppa Rd., East of I-95 and North of Joppa Rd.,
presently zoned D.R. 3.5 H and D.R. 3.5 H1

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

John R. Moore
Name - Type or Print

Thelma R. Moore
Name - Type or Print

John R. Moore
Signature

Thelma R. Moore
Signature

5246 Joppa Rd
Address - Street

5246 Joppa Rd.
Address - Street

Perry Hall, MD 21128
City, State, Zip

Perry Hall, MD 21128
City, State, Zip

410. 256. 5973
Telephone Number

410. 256. 5973
Telephone Number

ORDER RECEIVED FOR FILING

Date 6/13/08

By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at E. Joppa Rd, East of I-95 + North of Joppa Rd
which is presently zoned DL 3.5 H + D23.5 H1

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)

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 the 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:

The Ryland Group, Inc. / Ed Gold, Pres.
Name - Type or Print
Signature *Ed Gold*
Address *Suite 520, 7350 Parkway Dr.* Telephone No. *410-782-2411*
City *Hanover* State *MD* Zip Code *21076*

Attorney For Petitioner:

G. Scott Barhight / Jennifer R. Busse
Name - Type or Print
Signature *G. Scott Barhight / Jennifer R. Busse*
Company *Whiteford, Taylor & Preston L.L.P.*
Address *210 W. Pennsylvania Ave* Telephone No. *(410) 832-2050*
City *Towson, MD* State Zip Code *21204*

Legal Owner(s):

Rawle Family Limited Partnership
Name - Type or Print
Signature *Rosalie M. Rawle - Emil Paul*
Name - Type or Print
Signature *ROSALIE M. RAWLE*
Address *2507 Old Joppa Rd.* Telephone No. *410-832-2077*
Signature *Joppa, Md. 21085*
Address *See Attached for signatures of two (3) additional property owners*
City State Zip Code *Three*

Representative to be Contacted:

G. Scott Barhight
Name *Whiteford, Taylor & Preston, L.L.P.*
Address *210 W. Pennsylvania Ave* Telephone No. *(410) 832-2050*
City *Towson, MD* State Zip Code *21204*

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING *W/HOH* *3-4 hrs*

UNAVAILABLE FOR HEARING
Reviewed By *mtk* Date *4/6/98*

Case No. *00-421-SPHA*

Date *4/6/98*

ORDER RECEIVED FOR FILING

ATTACHMENT TO PETITION FOR VARIANCE

and Petition for Special Hearing

SIGNATURES OF ADDITIONAL PROPERTY OWNERS:

For property located at E. Joppa Rd., East of I-95 and North of Joppa Rd.,
presently zoned D.R. 3.5 H and D.R. 3.5 H1

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

George Moore

Name - Type or Print

Name - Type or Print

George F. Moore for Anna W. Moore Est.

Signature

Signature

5242 E. Joppa Rd.

Address - Street

Address - Street

Perry Hall, MD 21128

City, State, Zip

City, State, Zip

410.256.5982

Telephone Number

Telephone Number

ORDER RECEIVED FOR FILING

Date

By

ATTACHMENT TO PETITION FOR VARIANCE =

Petitioner hereby petitions for a Variance from the threshold limits contained in Baltimore County Zoning Regulation (BCZR) Section 259.7, pursuant to BCZR Section 259.8 and BCZR Section 4A02.4.F, to permit the issuance of building permits for construction pursuant to the Moore's Orchard Development Plan.

Petitioner hereby petitions for a Variance from BCZR § 259.9.B.3 to permit lot widths of 70 feet along both the front walls and rear walls of the dwelling units in lieu of the required 85 feet.

Petitioner hereby petitions for a Variance from BCZR § 259.9.F.5 and CMDP Division VI, Section E to allow a sidewalk along one side of proposed Road A in lieu of both sides of proposed Road A.

Petitioner hereby petitions for a Variance from BCZR § 259.9.F.5 and CMDP Division VI, Section E to not provide a sidewalk along the portion of the property that fronts on Joppa road.

Petitioner hereby petitions for a Variance from BCZR § 259.9.C.2 and CDMP Division VI, Section E to allow a reverse fronting lot.

ORDER RECEIVED FOR FILING

Date

By

6/13/11


March 15, 2000

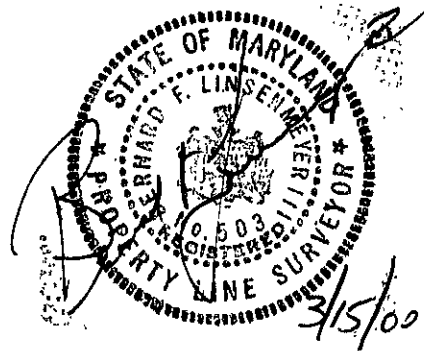
Moore's Orchard
Zoning Hearing
(Description for Zoning Purposes Only)

Beginning for the Second at a point in the center of Old Joppa Road, running with and binding on the southwestern right-of-way of (relocated) Joppa Road, the said point being southeasterly 2740 feet, more or less, from the intersection of New Gerst Road and Joppa Road, thence running the following ten (10) courses and distances:

1. South 89°30'37" East 52.21 feet, to a point, thence
2. South 48°30'09" East 150.00 feet, to a point, thence
3. South 41°06'27" East 155.39 feet, to a point on the northwestern right-of-way line of aforesaid J.F.K. Memorial Highway, thence running with and binding on said J.F.K. Memorial Highway as shown on State Roads Commission of Maryland plat 14710
4. South 33°44'44" West 121.63 feet to a point on the northeastern right- of-way line of aforesaid Plat 14711, thence running with and binding on said right-of-way line the following two (2) courses and distances; viz
5. North 56°15'16" West 40.00 feet, to a point, thence
6. South 33°44'44" West 33.51 feet, to a point, thence
7. North 46°37'39 West 119.35 feet, to a point, thence
8. with a curve to the right, having a radius of 173.62 feet, an arc length of 139.09 feet, subtended by a chord bearing and chord distance of North

PROPERTY DESCRIPTION
Moore's Orchard
March 15, 2000

- 23°40'39" West 135.40 feet, to a point, thence
9. North 00°43'39" West 65.31 feet, to a point, thence
10. with a curve to the left, having a radius of 287.68 feet, an arc length of 51.89 feet, subtended by a chord bearing and chord distance of North 05°53'40" West 51.82 feet, the point of beginning.
- Containing 1.1002 acres of land, more or less.



March 30, 2000

Moore's Orchard
Zoning Hearing

(Description for Zoning Purposes Only)

Beginning for the First. at a point in the center of Joppa Road, said point being southeasterly 1,570 feet, more or less, from the center of New Gerst Road, thence running the following thirty-six (36) courses and distances:

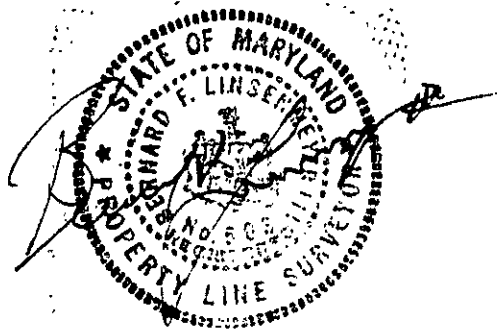
1. North 51°18'26" East 444.50 feet, more or less, to a point; thence
2. North 30°08'26" East 1,311.96 feet, more or less, to a point; thence
3. North 81°02'28" East 665.94 feet, more or less, to a point; thence
4. South 85°12'17" East 691.10 feet, more or less, to a point; thence
5. North 04°47'43" East 40.00 feet, more or less, to a point; thence
6. South 85°12'17" East 50.06 feet, more or less, to a point; thence
7. South 85°01'48" East 619.17 feet, more or less, to a point; thence
8. North 33°22'35" East 292.79 feet, more or less, to a point; thence
9. South 67°52'25" East 236.19 feet, more or less, to a point; thence
10. North 45°47'11" East 804.26 feet, more or less, to a point; thence
11. South 64°34'48" East 42.67 feet, more or less, to a point; thence
12. South 45°47'11" West 845.25 feet, more or less, to a point; thence
13. North 67°52'25" West 229.50 feet, more or less, to a point; thence
14. South 33°22'35" West 283.80 feet, more or less, to a point; thence

00-421-5PHA
421

15. North 85°01'48" West 32.11 feet, more or less, to a point; thence
16. South 35°25'01" West 367.85 feet, more or less, to a point; thence
17. South 45°16'46" West 520.02 feet, more or less, to a point; thence
18. South 44°10'11" East 100.00 feet, more or less, to a point; thence
19. South 45°49'49" West 410.09 feet, more or less, to a point; thence
20. South 45°27'52" West 524.36 feet, more or less, to a point; thence
21. South 39°13'52" West 308.87 feet, more or less, to a point; thence
22. South 39°30'31" West 123.66 feet, more or less, to a point; thence
23. North 29°04'50" West 245.98 feet, more or less, to a point; thence
24. South 50°47'54" West 104.86 feet, more or less, to a point; thence
25. South 23°30'44" East 168.03 feet, more or less, to a point; thence
26. South 31°14'47" West 603.47 feet, more or less, to a point; thence
27. North 48°30'09" West 131.32 feet, more or less, to a point; thence
28. North 44°41'18" West 150.33 feet, more or less, to a point; thence
29. North 58°42'23" West 50.80 feet, more or less, to a point; thence
30. North 58°45'14" West 154.46 feet, more or less, to a point; thence
31. North 63°05'06" West 52.36 feet, more or less, to a point; thence
32. North 75°32'07" West 54.66 feet, more or less, to a point; thence
33. South 34°55'28" West 15.00 feet, more or less, to a point; thence
34. North 54°42'58" West 11.10 feet, more or less, to a point; thence

35. North $54^{\circ}46'59''$ West 200.00 feet, more or less, to a point; thence
36. North $48^{\circ}23'29''$ West 600.00 feet, more or less, to the point of beginning.

Containing approximately 81.8 acres of land, more or less.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 080489

DATE 4/6/11 ACCOUNT 001-6150

By mmc AMOUNT \$ 650.00

RECEIVED FROM: _____

FOR: Wages - M. H. 1 - \$650.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

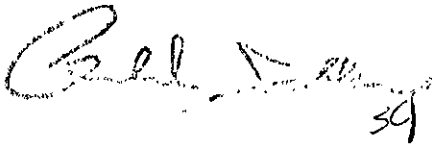
PAID TO ORDER
CASH
\$650.00
BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
RECEIVED
APR 11 2011
CASHIER'S VALIDATION

00-421-SPHA
CASHIER'S VALIDATION

HEARING OFFICER HEARING
PROJECT NAME: Moores Orchard
CASE NUMBER: 00-421-SPHA
Page 2

widths of 70 feet in lieu of the required 85 feet; to allow a sidewalk along one side of proposed Road "A" in lieu of both sides; to not provide a sidewalk along the portion of the property that fronts on Joppa Road; and to allow a reverse fronting lot.

HEARING: Thursday, June 22, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon", with a stylized flourish at the end.

Arnold Jablon
Director

c: G. Scott Barhight/Jennifer R. Busse, Esquires, 210 W. Pennsylvania Avenue,
Towson 21204
Rawle Family Limited Partnership, 2507 Old Joppa Road, Joppa 21085
Thelma & John Moore, 5246 Joppa Road, Perry Hall 21128
George Moore, 5242 E. Joppa Road, Perry Hall 21128
The Ryland Group, Inc., 7250 Parkway Drive, Suite 520, Hanover 21076

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 7 2000.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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.



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

April 28, 2000

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:

HEARING OFFICER HEARING
PROJECT NAME: Moores Orchard
Project Number: XI-837
Location: NE/S East Joppa Road, W-I-95
Acres:
Developer: Moores Orchard LLC
Engineer: DS Thaler
Proposal: 135 SFD, 1 EX SFD, 39 TH'S

*Date Confirmed
with Gen Bussie
before setting sg*

***** AND *****

CASE NUMBER: 00-421-SPHA
corner of NE/S of East Joppa Road and NW/S of I-95 (Moore's Orchard)
11th Election District – 5th Councilmanic District
Legal Owner: Rawle Family Limited Partnership & John R. Moore & Thelma R. Moore & George Moore
Contract Purchaser: The Ryland Group, Inc.

Special Hearing to allow construction of an acceleration and deceleration lane on Joppa Road in lieu of improvements to a 40-foot paving section; to allow a waiver of sidewalk construction along Joppa Road; to allow a waiver of sidewalk construction on the north side of Road "A" from Joppa Road to Road "B"; to allow a radius less than 380 feet on Road "A" to accommodate the principal alignment of Road "A" as requested by the Baltimore County Department of Recreation and Parks; to allow a radius less than 380 feet on Road "A" to permit minimization of environmental impacts; and to allow a 24-foot closed paving section on a 40-foot right-of-way (offset for sidewalk on one side) in lieu of a 30-foot road section on a 50-foot right-of-way along a portion of Road "A". Variance from the threshold limits contained in Section 259.7, pursuant to BCZR Section 259.8 and BCZR Section 4A02.4.F to permit the issuance of building permits; to permit lot



TO: PATUXENT PUBLISHING COMPANY
~~Tuesday, June 6, 2000~~ Issue - Jeffersonian

Please Change to
Tues., May 16
Thanks -
Soph

Please forward billing to:

G. Scott Barhight/Jennifer R. Busse
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

410-832-2050

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: 00-421-SPHA

corner of NE/S of East Joppa Road and NW/S of I-95 (Moore's Orchard)

11th Election District - 5th Councilmanic District

Legal Owner: Rawle Family Limited Partnership & John R. & Thelma R. Moore & George Moore
Contract Purchaser: The Ryland Group, Inc.

Special Hearing to allow construction of an acceleration and deceleration lane on Joppa Road in lieu of improvements to a 40-foot paving section; to allow a waiver of sidewalk construction along Joppa Road; to allow a waiver of sidewalk construction on the north side of Road "A" from Joppa Road to Road "B"; to allow a radius less than 380 feet on Road "A" to accommodate the principal alignment of Road "A" as requested by the Baltimore County Department of Recreation and Parks; to allow a radius less than 380 feet on Road "A" to permit minimization of environmental impacts; and to allow a 24-foot closed paving section on a 40-foot right-of-way (offset for sidewalk on one side) in lieu of a 30-foot road section on a 50-foot right-of-way along a portion of Road "A". Variance from the threshold limits contained in Section 259.7, pursuant to BCZR Section 259.8 and BCZR Section 4A02.4.F to permit the issuance of building permits; to permit lot widths of 70 feet in lieu of the required 85 feet; to allow a sidewalk along one side of proposed Road "A" in lieu of both sides; to not provide a sidewalk along the portion of the property that fronts on Joppa Road; and to allow a reverse fronting lot.

HEARING: ~~Thursday, June 22, 2000~~ Wednesday, May 31 2000 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT, ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

**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/neighbor 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: 00-421-~~B~~PHA

Petitioner: The Ryland Group Inc.

Address or Location: Corner of NE/S of E. Joppa Rd.
NW NW/S of I-95

PLEASE FORWARD ADVERTISING BILL TO:

Name: G. Scott Barhight/Jennifer R. Busse / Winklerford, Taylor,
+ Pastin

Address: 210 W. Pennsylvania Ave
Towson, MD 21204

Telephone Number: (410) 832-2050



Baltimore County
Zoning Commissioner

April 19, 2001

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

G. Scott Barhight, Esquire
Jennifer Busse, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING & VARIANCE
NE/S East Joppa Road, NW/S JFK Highway (I-95) (Moore's Orchard)
11th Election District - 5th Council District
Rawle Family, L.P., John R. Moore, et ux, and Anna Moore, Owners;
The Ryland Group, Contract Purchaser/Developer
Cases Nos. XI-837 & 00-421-SPHA

Dear Mr. Barhight:

This is to acknowledge receipt of your letter dated April 11, 2001 regarding the above-captioned matter and my Order thereon, dated June 13, 2000. Your letter represents that the three clarifications identified are all agreed to by and between the Developer, The Ryland Group, and Baltimore County's Department of Recreation and Parks. If that is the case, then I find that the clarifications are in keeping with the spirit and intent of my Order. Indeed, it was my intent to encourage the Developer and the Department of Recreation and Parks to continue negotiations as to the specifics for the public recreational amenities associated with this development. I am pleased that those negotiations have resulted in an agreement.

I am forwarding a copy of this correspondence to Donald Rascoe, Project Manager, in the Department of Permits and Development Management (DPDM) for inclusion in the case file to insure that the clarifications are deemed consistent with my Order. If any of the County officials identified below as recipients of a copy of your letter aver that the clarifications are inconsistent with the Department of Recreation and Parks' goals or policies applicable to this project, I ask that they contact me immediately.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Virginia W. Barnhart, Esquire, Baltimore County Office of Law
Mr. John F. Weber, III, Director, Department of Recreation & Parks
Mr. Robert H. Bendler, Jr., Deputy Director, Department of Recreation & Parks
Ms. Jean Tansey, Chief, Planning & Construction Division, Department of Recreation & Parks
Mr. Edward W. Gold, Ryland Homes
7250 Parkway Dr., Ste. 520, Hanover, Md. 21076
Don Rascoe, DPDM; Case File

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



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

May 3, 2000

G. Scott Barhight, Esquire
Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston LLP
210 West Pennsylvania Avenue
Towson, MD 21204

*date changed
per AJ
scj*

Dear Mr. Barhight and Ms. Busse:

RE: Case Number 00-421-SPHA & Moore's Orchard HOH

The above matter, previously scheduled for June 22, 2000, has been changed at your request. The hearing has been **rescheduled for Wednesday, May 31, 2000 at 9:00 a.m. in room 106, County Office Building, 111 West Chesapeake Avenue.**

Please be advised that, as the individual requesting and receiving the new date, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,



Arnold Jablon
Director

AJ:scj

C: Rawle Family Limited Partnership, 2507 Old Joppa Road, Joppa 21085
Thelma & John Moore, 5246 Joppa Road, Perry Hall 21128
George Moore, 5242 E. Joppa Road, Perry Hall 21128
The Ryland Group, Inc., 7250 Parkway Drive, Suite 520, Hanover 21076



WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D C 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

JENNIFER R. BUSSE
DIRECT NUMBER
410 832-2077
jbusse@wtplaw.com

April 5, 2000

Arnold Jablon, Director
Department of Permits and Development Management
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

**Re: Moore's Orchard - PDM # II-837
Request for a Combined Hearing pursuant to § 26-601.1 of the
Baltimore County Code**

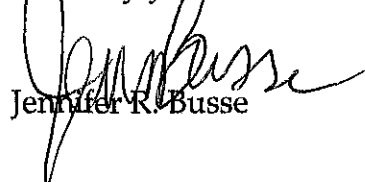
Dear Mr. Jablon:

Please accept this letter as Applicant Ryland Homes' written request, pursuant to § 26-601.1 of the Baltimore County Code, for a combined zoning and development plan approval hearing with respect to the above-referenced matter.

Ryland's engineer, D.S. Thaler & Associates, is simultaneously providing this letter with their development plan filing today. I have informed Dave Flowers, the project manager, that I am submitting this request. The filing appointment with regard to the petition for special hearing was Friday, March 3rd, 2000, at 3:00 p.m., but the actual filing of the plans, petitions and fee are being submitted along with this letter.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,


Jennifer R. Busse

421

00-421-SPHA

Arnold Jablon, Director

April 5, 2000

Page 2

JRB:jrb

cc: Dave Flowers
Doug Eshelman
Stacey McArthur

191721

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 816-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

May 1, 2000

NO
Per AS
6/22 date
stands
5/9/00 scj

Via Hand Delivery

Mr. Arnold Jablon, Esq.
Director
Department of Permits and Development Management
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: **Moore's Orchard -**
PDM # : II-837
Item # : 00-421

Dear Mr. Jablon:

Please accept this letter as confirmation of the combined hearing officer's hearing ("HOH") and zoning hearing date that you have kindly provided for the above referenced matter.

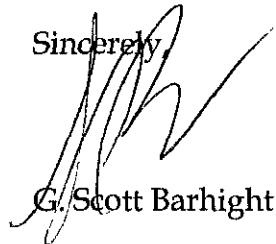
The date for these hearings is **Wednesday, May 31, 2000, at 9:00 a.m. in Room 106 of the County Office Building on Chesapeake Avenue.**

Additionally, you have kindly provided us with a Development Plan Conference date of **Wednesday, May 17, 2000, at 9:00 a.m.**

Please note that the May 31st hearing will be a combined HOH and zoning hearing and will need to be properly advertised as such. Our office has already confirmed the posting of this matter with Tom Ogle, a county certified sign poster. Mr. Ogle will be posting the signs for the HOH tomorrow at the property.

Thank you again for your cooperation in this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'G. Scott Barhight', written over the word 'Sincerely,'.

G. Scott Barhight

GSB:jrb

cc: The Honorable Lawrence E. Schmidt, Esq.
Mr. Donald T. Rascoe
Mr. Dave Flowers
Mr. Ed Gold
Mr. Douglas F. Eshelman
Mr. David S. Thaler

REQUEST FOR HOH

MANAGER

DAVID FLOWERS

FORM

XI-837

NAME

MOORES ORCHARD

ADDRESS

NE/S E JOAPA RD
W I-95

DEVELOPER

MOORES ORCHARD LLC

ENGINEER

DS THALER

PROPOSAL

135 SFD, 1 EX/ SFD, 39 TH'S

PLANNER

MITCH

DOES THIS NEED A SPECIAL EXCEPTION OR VARIANCE?

YES

NO

ITEM NUMBER AND/OR DROP OFF DATE
VARIANCE ET AL

FOR

ESTIMATED LENGTH OF HEARING

ATTORNEY

OPPOSING ATTORNEY

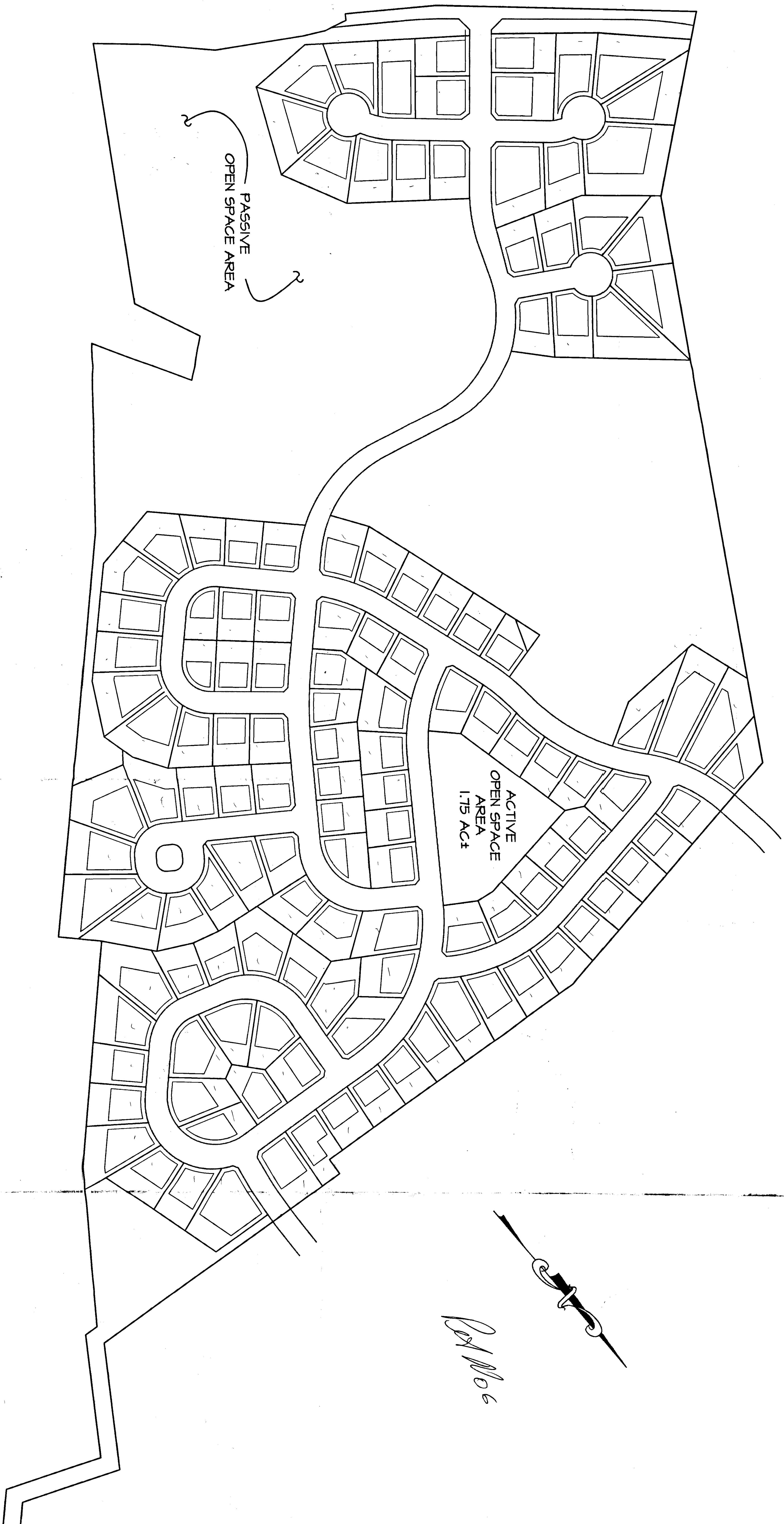
DATES NOT TO SET

Wed 5/31/00
9AM

Rm 106

THUR 6/22
9AM
Room 106

00-421-SPHA



0' 20' 40' 200'
SCALE: 1" = 100'-0"

DST

D. S. THALER & ASSOC., INC.

CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
(410) 944-5100 (410) 944-5647

LEGEND

	1/4 Acre Lot
	1/2 Acre Lot
	1 Acre Lot
	2 Acre Lot
	5 Acre Lot
	10 Acre Lot
	20 Acre Lot
	40 Acre Lot
	80 Acre Lot
	160 Acre Lot
	320 Acre Lot
	640 Acre Lot
	1280 Acre Lot
	2560 Acre Lot
	5120 Acre Lot
	10240 Acre Lot
	20480 Acre Lot
	40960 Acre Lot
	81920 Acre Lot
	163840 Acre Lot
	327680 Acre Lot
	655360 Acre Lot
	1310720 Acre Lot
	2621440 Acre Lot
	5242880 Acre Lot
	10485760 Acre Lot
	20971520 Acre Lot
	41943040 Acre Lot
	83886080 Acre Lot
	167772160 Acre Lot
	335544320 Acre Lot
	671088640 Acre Lot
	1342177280 Acre Lot
	2684354560 Acre Lot
	5368709120 Acre Lot
	10737418240 Acre Lot
	21474836480 Acre Lot
	42949672960 Acre Lot
	85899345920 Acre Lot
	171798691840 Acre Lot
	343597383680 Acre Lot
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