

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – NW/S Cross Road,
2191.48' NE of Chapel Road
(9534 Cross Road)
11th Election District
7th Council District

Ermanno Florio
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Cases Nos. 99-331-SPH & 01-205-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed separately by the owner of the subject property, Ermanno Florio. Specifically, in February 1999, the Petitioner filed for special hearing relief under Case No. 99-331-SPH seeking approval of 19 authorizations (building permits) in the Belair Road Sub-area of the Honeygo District, due to the availability of existing public water and sewer facilities to the subject site. At the public hearing held on April 7, 1999, Mario (Ermanno) and Lois Florio, property owners, appeared, as did Newton A. Williams, Esquire, attorney for the Petitioner. Appearing as interested persons were Robert Lund, a nearby resident, and John R. Clark, owner of property in a neighboring subdivision, and his attorney, Ronald A. Decker, Esquire. Subsequent to the hearing, written comments were received from the Office of Planning, through the County's Office of Law, wherein certain issues were raised and objections expressed in opposition to the Petitioners' request. Specifically, those comments opined that this Zoning Commissioner was prohibited from granting the relief requested in the form presented. Due to the lengthy exchange of correspondence that followed regarding this issue, an opinion was not rendered in Case No. 99-331-SPH.

Subsequently, realizing the legal roadblocks presented by his Petition for Special Hearing, Mr. Florio requested relief in an alternate form through the Petition for Variance filed in November, 2000 in Case No. 01-205-A. Under Case No. 01-205-A, the Petitioner seeks relief

ORDER RECEIVED FOR FILING

Date

By

from Section 259.7.S of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit sewer connections from the Belair Road Sub-area to a sewer interceptor in a different sub-area (Bean Run). In addition, the Petitioner requests consolidation of this variance request with the special hearing relief requested in Case No. 99-331-SPH. In that the Petitions request similar relief and present common questions of law and fact, this single opinion is issued.

Appearing at the variance hearing in support of the request were Ermanno Florio, property owner, and Ray Hopkins, a representative of KCI Technologies, Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present.

The subject property at issue is a rectangular shaped parcel located on the northwest side of Cross Road, just east of Chapel Road in Perry Hall. The property contains approximately 8.0 acres in area, zoned D.R.3.5, and is located within the Honeygo Overlay District. As noted above, the Petitioner proposes to develop the site with 19 single family homes, as shown on the site plan submitted into evidence in Case No. 99-331-SPH and marked as Petitioner's Exhibit 1. That plan shows the construction of a new public road, to be known as Florio Drive, which will transect the property from Cross Road to the southeast, into an adjacent property to the northeast. In addition to the proposed 19 homes, the plan also shows areas of forest conservation and forest buffer easements. Additionally, a storm water management reservation area is proposed.

The proposal for this subdivision proceeded through the development review process, as codified in Title 26 of the Baltimore County Code, and was approved by Order of the undersigned Zoning Commissioner on March 14, 1996. Although development plan approval was granted, development of the site has not occurred due to the lack of infrastructure and the Honeygo regulations contained within Section 259 of the B.C.Z.R. That Section was enacted and incorporated as part of the zoning regulations to provide standards for development in the Honeygo District. The requirements contained therein are intended to insure that development in that area will not outpace the installation of infrastructure and that a high degree of quality will be maintained in the development of each individual parcel.

For the purposes of infrastructure, the Honeygo District was divided into four sub-areas; namely, the Belair Road, Honeygo, Bird River, and Bean Run sub-areas. Additionally, the regulations contained within Section 259 of the B.C.Z.R. created a limited number of "authorizations" which could be issued to prospective developers by the Director of the Department of Permits and Development Management (DPDM). By limiting the number of authorizations available, the regulations intend to insure that the infrastructure is in place before development occurs.

As noted above, the subject property is located in the Belair Road sub-area. At this time, there are no authorizations available to this area. Thus, by law, the Petitioner's project has been placed on "hold." Nonetheless, testimony and evidence presented shows that the subject property abuts an adjoining development, known as Perry Hall Farms, and that public sewer exists in front of the Florio property in the form of an 8-inch sanitary sewer. Moreover, although the property is located in the Belair Road sub-area, it is not dependent on the completion of the infrastructure therein, because of the availability of existing improvements which were constructed as a result of the development of Perry Hall Farms. Similarly, a 12-inch water main is located in the bed of Cross Road, along the frontage of the Florio property.

As noted above, the Petitioner originally sought relief through the Petition for Special Hearing filed in Case No. 99-331-SPH, seeking approval of "19 authorizations in the Belair Road sub-area...due to the fact that water and sewer are available to the site." As a result of the legal roadblocks presented by that Petition, Mr. Florio requested relief in an alternate form through the Petition for Variance filed in Case No. 01-205-A. In that matter, the Petitioner requests variance relief from Section 259.7.S of the B.C.Z.R. That Section governs sewer connections and allows the Director of DPDM to authorize connections to completed sewer interceptors in certain circumstances. Moreover, the Petitioner seeks relief, pursuant to Section 259.8 of the B.C.Z.R., which allows the Zoning Commissioner to variance the requirements of Section 259.7 thereof. Such variances shall be granted after the application of those standards established in Section 4A02.4.F of the B.C.Z.R.

Although the Office of Planning and the Office of Law raised certain concerns and objections to the grant of the special hearing relief, it is to be noted that the Office of Planning supports the Petitioner's request for variance relief in Case No. 01-205-A. Within its Zoning Advisory Committee (ZAC) comments offered in this case, the Office of Planning, "...supports the request to permit sewer connections from the Belair Road sub-area to a sewer interceptor in a different sub-area and to consolidate the above variance with Case No. 99-331-SPH." The Department of Public Works concurs. Through the Development Plans Review division of the Department of Permits and Development Management (DPDM), the Department of Public Works agrees that "...sewerage the Florio property in the directions (sic) of the Bean Run sub-area is the best way. It will save the County from extending the 8-inch diameter sewer in Honeygo Boulevard."

Section 4A02.4.F of the B.C.Z.R. requires a finding that; 1) the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and, 2) that the granting of the Petition will not adversely affect the person whose application was filed prior to the Petitioner's application, in accordance with Section 4A02.3.G.2(b) of the B.C.Z.R.

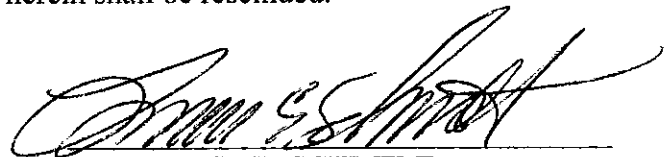
Based upon the testimony and evidence offered, I am persuaded that these requirements have been met. It is clear that the demand or impact of the proposed development will be less than that assumed by the district standard in this case, inasmuch as sewer and water lines are in place. Moreover, the grant of the Petition for Variance will not adversely affect any person who had filed an application prior to the Petitioner's application. In sum, I concur with the position advanced by the Petitioner, the Office of Planning, and the Department of Public Works. The appropriate remedy in this case is to grant the Petition for Variance approving relief from the requirements of Section 259.7.S. This will allow the Developer to establish the appropriate connections to the existing improvements along the frontage of this property. Thus, the Petition for Variance shall be granted and the Petition for Special Hearing dismissed as moot.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the Petition for Special Hearing shall be dismissed as moot, and the Petition for Variance granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of January, 2001 that the Petition for Special Hearing in Case No. 99-331-SPH seeking approval of 19 authorizations (building permits) in the Belair Road Sub-area of the Honeygo District, due to the availability of existing public water and sewer facilities to the subject site, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 01-205-A seeking relief from Section 259.7.S of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Section 259.8 thereof, to permit sewer connections from the Belair Road Sub-area to a sewer interceptor in a different sub-area (Bean Run), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is 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.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 1/24/01
By [Signature]



Baltimore County
Zoning Commissioner

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

January 24, 2001

Mr. Ermanno Florio
4030 North Point Boulevard
Baltimore, Maryland 21222

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
NW/S Cross Road, 2,191.48' NE of Chapel Road
(9534 Cross Road)
11th Election District – 7th Council District
Ermanno Florio - Petitioner
Cases Nos. 99-331-SPH and 01-205-A

Dear Mr. Florio:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been dismissed as moot, 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. John R. Clark
2820 Reckord Road, Fallston, Md. 21047
Ronald Decker, Esquire
4111 E. Joppa Road, Suite 201, Baltimore, Md. 21236
Office of Law; Office of Planning; DPW; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9534 Cross Rd. Perry Hall ²¹¹²⁸

which is presently zoned D.R.3.5.-H

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)

Section 259.7.S, to permit sewer connection from the Belair Rd. sub area to a sewer interceptor in a different sub area ("Beon Run") and to consolidate this variance with Case #99-331-SPH.

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

The sewer line is already installed in front of property and footage assement has already been determined by Baltimore Co.
AND ADDITIONAL HARDSHIPS/PRACTICAL DIFFICULTIES TO BE RAISED 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Ermanno Florio

Name - Type or Print

Signature

Name - Type or Print

Signature

4030 North Pt. Blvd. 410-477-2050

Address Telephone No.

Balto., Md. 21222

City State Zip Code

Representative to be Contacted:

Same as above

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING
Reviewed By JNP Date 11/16/00

ORDER RECEIVED FOR FILING

Case No. 01-205-A

Date 9/13/98

By



**Zoning Description
Florio Property
7.97 Acre Parcel
11th Election District
Baltimore County, Maryland**

Beginning for the same at a point in the center of Cross Road, said point being distant North 43 degrees 20 minutes 28 seconds East 2191.48 feet from the intersection of the northeasterly right of way line of Chapel Road and the centerline of Cross Road, said point also being the same point of beginning as in a deed dated April 14, 1993, and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 9714 at Folio 581; thence leaving said centerline and binding on a tract of land now or formerly owned by Leroy C. Laudenklos and Wife and recorded among the Land Records of Baltimore County, Maryland G.L.B. 3150 at Folio 7

- 1) North 49 degrees 35 minutes 22 seconds West 882.75 feet; thence leaving said line and binding on a tract of land now or formerly owned by Paul P. Ragonese et. al. and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 10249 at Folio 368
 - 2) North 44 degrees 13 minutes 22 seconds East 400.12 feet; thence still binding on said tract of land in part and also binding on a tract of land now or formerly owned by Sandra Jo. Clay and Mary Rose Campeggi and recorded among the Land Records of Baltimore County, Maryland S.M. 9714 at Folio 581
 - 3) South 48 degrees 57 minutes 59 seconds East 876.15 feet to intersect the aforesaid centerline of Cross Street; thence binding on said centerline
 - 4) South 43 degrees 20 minutes 28 seconds West 390.22 to the point of beginning
- Containing 347019 square feet or 7.967 acres of land more or less

Being all of same tract of land as in a deed between the Estate of Milton B. Schott Sr. and Ermanno Florio and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 8335 at Folio 308

01-205-A

**BALTIMORE COUNTY, MAP AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No.

676

DATE

11/16/00

ACCOUNT

R-01-6150

AMOUNT

\$ 250.00

RECEIVED
FROM:

Fernando Florio

FOR:

Debit (01-205-A)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT

ACTION

TIME

11/16/2000 11:16:30 AM 10:14:56

REG USED CASHIER USE IF- BROWNS

Dept 5 525 EQUIPMENT VERIFICATION

Ref: 01-205-A

OF: 01-205-A

Receipt To:

250.00

750.00 CR

100.00 CR

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: #01-205-A
9534 Cross Road (19 Lots)
NW/S Cross Road, 2191.48'
NE of Chapel Road
11th Election District
5th Councilmanic District
Legal Owner(s): Ermanno Florio

Variance: to permit sewer connection from the Belair Road subarea to a sewer interceptor in a different subarea (Bean Run) and to consolidate this variance with Case Number 99-331-SPH.

Hearing: Monday, January 8, 2001, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley 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.

12/146 Dec. 21 C440516

CERTIFICATE OF PUBLICATION

TOWSON, MD, 12/21/, 2000

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 12/21/, 2000.

S. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

**RE: CASE # 01-205-A
PETITIONER/DEVELOPER
(Ermanno Florio)
DATE OF Hearing
(1-8-01)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

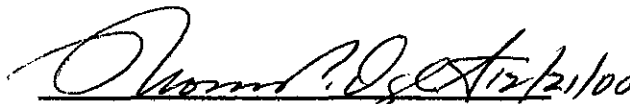
LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

9534 Cross(19 Lots) Road Baltimore , Maryland 21128_____

THE SIGN(S) WERE POSTED ON_____ 12-21-00_____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____THOMAS P. OGLE SR. _____

_____325 NICHOLSON ROAD _____

_____BALTIMORE, MARYLAND 21221 _____

_____410-687-8405 _____
(TELEPHONE NUMBER)

ZONING NOTICE

Case # 101-205-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE *Rm 467 County Court Bldg. 401 Barclay Ave.*
TIME & DATE *9:00 AM Mon. January 8, 2001*

*VARIANCE TO PERMIT SEWER CONNECTION FROM THE
BALDWIN ROAD SUBAREA TO A SEWER INTERSECTION
IN A DIFFERENT SUBAREA (DEAN RUN) AND TO
CONSOLIDATE THIS VARIANCE WITH CASE
NUMBER 99-331-SPH.*

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 410-339-1111 THE DAY BEFORE THE SCHEDULED HEARING DATE.
IF THE HEARING DATE FALLS ON A HOLIDAY, THE HEARING WILL BE HELD ON THE
NEXT BUSINESS DAY. HEARINGS ARE HANDICAPPED ACCESSIBLE.

9534 Cross Road

RE: PETITION FOR VARIANCE
9534 Cross Road (19 Lots), NW/S Cross Rd,
2191' NE of Chapel Rd
11th Election District, 5th Councilmanic

Legal Owner: Ermanno Florio
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-205-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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



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 28th day of November, 2000 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Ermanno Florio, 4030 North Point Blvd., Baltimore, MD 21222, Petitioner.



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

December 1, 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:

CASE NUMBER: 01-205-A
9534 Cross Road (19 Lots)
NW/S Cross Road, 2191.48' NE of Chapel Road
11th Election District – 5th Councilmanic District
Legal Owner: Ermanno Florio

Variance to permit sewer connection from the Belair Road subarea to a sewer interceptor in a different subarea (Bean Run) and to consolidate this variance with Case Number 99-331-SPH.

HEARING: Monday, January 8, 2001, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".
6172

Arnold Jablon
Director

C: Ermanno Florio, 4030 North Pt. Blvd., Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 22, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 21, 2000 Issue – Jeffersonian

Please forward billing to:
Ermanno Florio
4030 North Point Blvd
Baltimore, MD 21222

410 477-2050

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: 01-205-A
9534 Cross Road (19 Lots)
NW/S Cross Road, 2191.48' NE of Chapel Road
11th Election District – 5th Councilmanic District
Legal Owner: Ermanno Florio

Variance to permit sewer connection from the Belair Road subarea to a sewer interceptor in a different subarea (Bean Run) and to consolidate this variance with Case Number 99-331-SPH.

HEARING: Monday, January 8, 2001, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt
G72

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/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: 01-205-A

Petitioner: Florio

Address or Location: 9534 Cross Road, Perry Hall, MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: ERMANNO FLORIO

Address: 4030 NORTH POINT BLVD
BALTIMORE MD - 21222

Telephone Number: 410-477-2050



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 8, 2001

Ermanno Florio
4030 North Point Boulevard
Baltimore, MD 21222

Dear Mr. Florio:

RE: Case Number: 01-205-A, 9534

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 16, 2000.

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

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

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: December 4, 2000

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 4, 2000
Item No. 205

The Bureau of Development Plans Review has reviewed the subject zoning item. The Department of Public Works agrees that sewerage the Florio Property in the directions of Bean Run subarea is the best way. It will save the county from extending the 8-inch diameter sewer up Honeygo Boulevard.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

November 30, 2000

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 November 27, 2000

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:

204, 205, 206, 207, and 210

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, 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

FROM: R. Bruce Seeley *RS*

DATE: December 5, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of November 27, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
204	11809 Meylston Drive
205	9534 Cross Road
206	8816 Howard Forest Lane
207	8818 Howard Forest Lane
208	6824 & 6826 Dogwood Road
210	1500 Maywood Avenue

See Item
1/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: December 5, 2000

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 9534 Cross Road

INFORMATION:

Item Number: 01-205

Petitioner: Ermanno Florio

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit sewer connection from the Belair Road sub-area to a sewer interceptor in a different sub-area and to consolidate the above variance with Case # 99-331 SHP.

Prepared by: Mark A. Coughlin

Section Chief: Jeffrey W. Long

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

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

Date: 11.27.00

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

RE: Baltimore County
Item No. 205 (JNP)

Dear Ms. Jackson:

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



**Baltimore County
Office of Law**

400 Washington Avenue
Towson, Maryland 21204
410-887-4420
Fax: 410-296-0931

July 21, 2000

Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
9534 Cross Road (Perry Hall Farms)
Emanno Florio - Petitioner
Case No. 99-331-SPH

Dear Commissioner Schmidt:

I received your letter of July 17, 2000, and forwarded it directly to Arnold F. ("Pat") Keller of the Office of Planning. As my sole involvement in the issue in this case comprised written advise given to the Office of Planning in response to a legal question posed by them, I do not believe it to be appropriate for me to respond directly to the issues raised. Rather, it is my understanding that Mr. Keller will respond to your inquiry on behalf of the Office of Planning.

Respectfully,

A handwritten signature in black ink, appearing to read "Douglas N. Silber".

Douglas N. Silber
Assistant County Attorney

DNS:n
cc: Arnold F. ("Pat") Keller
M.S. 3402

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: George Zahner
Department of Permits & Development Mgmt.

DATE: November 20, 2000

FROM: Lawrence E. Schmidt
Zoning Commissioner



SUBJECT: PETITION FOR SPECIAL HEARING
9534 Cross Road
Ermanno Florio – Property Owner/Petitioner
Case No. 99-331-SPH

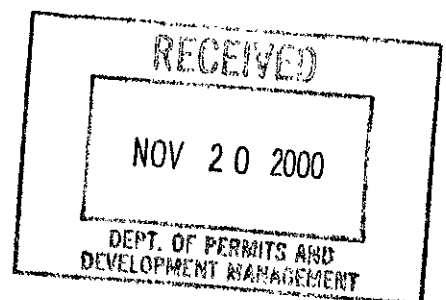
This is to advise you that the above-captioned matter, which was heard by me on April 7, 1999, remains an open case and a decision is still pending. By way of background, the Petitioner came before me seeking special hearing relief for approval of the issuance of 19 authorizations for the subject property, which is located in the Belair Road Sub Area of the Honeygo Run District.

Subsequent to the hearing, I received a negative Zoning Advisory Committee (ZAC) comment from the Office of Planning which recommended a denial of the Petition. Attached thereto was a memorandum of support for that agency's recommendation from the County's Office of Law. Rather than issue an order in the matter, I suggested that the matter be scheduled for further proceedings at which time all parties could present their respective positions. Thereafter, then Counsel for the Petitioner (Newton Williams, Esquire) asked that the matter not be rescheduled for further proceedings in that Mr. Florio wanted to avoid the time and expense associated with an additional hearing. He further made several stipulations on behalf of his client in an effort to resolve the issues raised.

In any event, considerable time had passed with no resolution of the matter. In an effort to close the case, I advised Petitioner's Counsel and the Office of Law that I wished to resolve the matter, either by way of issuing a decision on the merits, dismissing the Petition for Special Hearing, with or without prejudice, or scheduling the matter for further proceedings. I understand, through conversations with Carl Richards and Jeff Perlow, that Mr. Florio is planning to file a Petition for Variance for the subject property within the next few weeks. This Petition is basically an addendum to the Petition for Special Hearing filed in the above-captioned matter. Therefore, when scheduling the variance case, please be sure to set the matter in before me. I am still holding the file in Case No. 99-331-SPH and will issue an opinion in both matters at the conclusion of the hearing on the Petition for Variance.

Thank you for your attention in this matter, and should you have any questions, please do not hesitate to call me.

cc: Mr. Ermanno Florio, 4030 North Point Blvd., Baltimore, Md. 21222
Messrs. Carl Richards & Jeff Perlow, PDM; Case File





Baltimore County
Zoning Commissioner

ATT: RAY
HOPKINS

February 14, 2001

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

Mr. Ermanno Florio
4030 North Point Boulevard
Baltimore, Maryland 21222

RE: DEVELOPMENT PLAN HEARING
NW/S Cross Road, 2,191.48' NE of Chapel Road (9534 Cross Road)
Case No. XI-735

TO JOHN
LEWIS

FROM RAY HOPKINS

Dear Mr. Florio:

This letter is to follow-up my letter to you of January 31, 2001 regarding the validity of the development plan in the above-captioned matter.

By way of background, development plan approval was granted on March 14, 1996 for the proposed subdivision/development of the subject property with 19 single family dwellings, in accordance with the red-lined development plan submitted therein. Under Section 26-216 of the Baltimore County Code, validity of a development plan expires five (5) years from the date of its approval. Thus, it was initially believed that validity of your plan would expire on March 14, 2001. However, a further review of Section 26-217 of the Code provides for a tolling of that expiration, by reason of a deficiency in the basic services for water, sewer or transportation (see Section 26-217(a)(1)). Further, that Code Section indicates that the approval of the plan shall be extended for so long as the deficiency exists which prohibits development.

In your case, you were prohibited from moving forward with your plan, due to the lack of authorizations available as set out in the zoning regulations for the Honeygo District. Therefore, the expiration of the plan has been extended, or tolled. However, by my Order of January 24, 2001 in combined Cases Nos. 99-331-SPH and 01-205-A, relief was granted to approve 19 authorizations, due to the availability of existing public water and sewer facilities adjacent to the subject site. Thus, in that the prohibition against development of your property has been remedied by that Order, expiration of the validity of your development plan will not occur until five (5) years from the date of that Order, or January 24, 2006.

Please do not hesitate to contact me should you have any further questions in this regard.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John R. Clark, 2820 Reckord Road, Fallston, Md. 21047
Ronald Decker, Esquire, 4111 E. Joppa Road, Suite 201, Baltimore, Md. 21236
Office of Law; Office of Planning; DPW; Don Rascoe, DPDM; People's Counsel; Case File
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PRIVATE

RD.

CROSS

1 SITE

FLORIO PROPERTY
9534 CROSS RD
PERCY HALL MD-21236
PHONE: 410-477-2050

01-205-A

LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- EXISTING STRUCTURE
- PROPERTY BOUNDARY
- EXISTING TREE LINE
- SOIL TYPES
- WETLAND LIMIT
- FOREST BUFFER LIMIT
- PROPOSED 4' WIDE SIDEWALK
- PROPOSED STREET LIGHT
- PROPOSED LOT LINE
- PROPOSED ROAD RIGHT-OF-WAY
- PROPOSED BUILDING ENVELOPE
- PROPOSED STREET TREE
- PROPOSED LANDSCAPE SCREENING
- EXISTING SUB AREA LINES
- SEE LOCATION PLAN

RELEASE SUMMARY

SWM Design Summary				
Design Storm	Allowable Release Rate	Facility Inflow	Facility Discharge	Water Surface Elevation (Ac. ft.)
2-Year	7.22 cfs	12.66 cfs	7.22 cfs	233.0 ft.
10-Year	19.81 cfs	28.20 cfs	19.81 cfs	233.5 ft.
100-Year	35.43 cfs	42.13 cfs	35.43 cfs	234.0 ft.

Surface Area: 20 Ac. ±
Structure Classification: A
Storage-High Product: 5.32 Ac. ft.
Watershed Area to Facility (acres): 8.96 Ac. ±
Level of Management Provided for Facility: 2, 10, & 100-Year provided
extended detention provided for 1.03 inch runoff for water quality

Watershed: Class 1
Stream Class: 3340 cfs
Water Quality: 1.84 ac. X 1815 cfs/mi
Floodproof: 1.0' above 100-year WS Elev.
This Facility is Public
Maintenance to be provided by Baltimore County Stormwater Management is approved under Bill No. 105-44

HONEYGO OVERLAY DISTRICT
SETBACK REQUIREMENTS

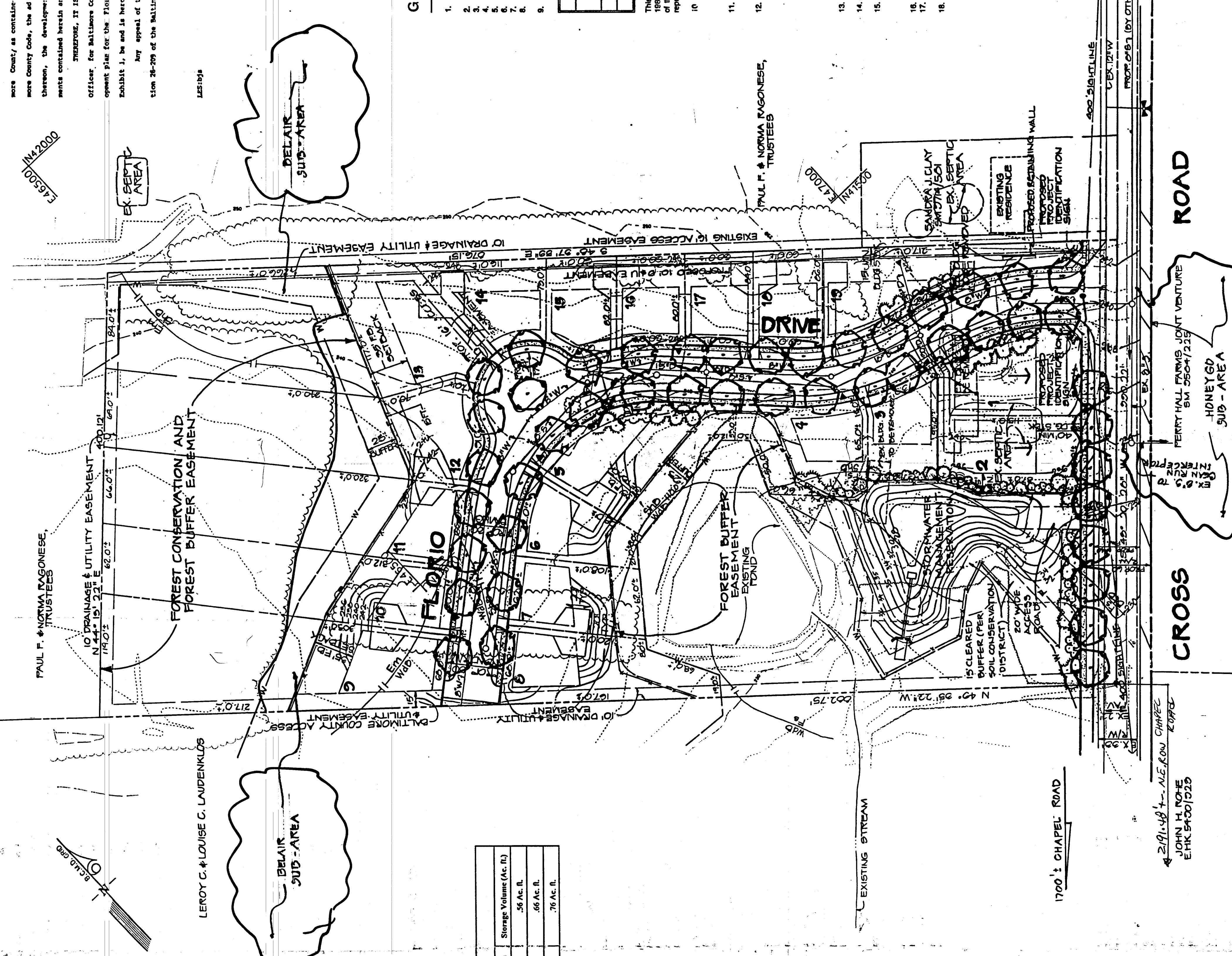
- From right-of-way of an alley
- From right-of-way of neighborhood street or court
- From right-of-way line of arterial or collector road
- Minimum building-to-building setback
- Minimum rear yard setback

- MINIMUM BUILDING SETBACK
- 4 feet
- 10 feet
- 40 feet
- 20 feet
- 30 feet

SOIL SERIES DATA

SYMBOL	DESCRIPTION	STREET/PARKING	HOUSES WITH BASEMENTS	HOUSES WITHOUT BASEMENTS
BIB	Beltville silt loam 2%-5% slopes	Moderate; seasonally parched H ₂ O table	Slight	Slight
Em	Elkton loam	Sewer; high H ₂ O table; poor natural drainage	Sewer; high H ₂ O table; poor natural drainage	Sewer; high H ₂ O table; poor natural drainage
Fs	Fallingdon loam	Sewer; high H ₂ O table; poor natural drainage	Sewer; high H ₂ O table; poor natural drainage	Sewer; high H ₂ O table; poor natural drainage
ShB	Sassafras sandy loam; 2%-5% slopes	Moderate; slope	Slight	Slight
WdB	Woodrow sandy loam; 2%-5% slopes	Moderate; high H ₂ O table; slope	Slight	Slight

DATE	REVISIONS	ENGINEERS AND PLANNERS
2/22/96	PER COUNTY COMMENTS	H NORTH PARK DRIVE HUNT VALLEY, MD 21057-9613 (410) 344-7000



Pursuant to the zoning and development plan regulations of Baltimore County, as contained in the S.C.Z.A. and Subtitle 17, if the Baltimore County Code, the development of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein in the restrictions set forth hereinafter.

WHEREFORE, IT IS REQUESTED that the Planning Commission and Hearing Officer for Baltimore County City this 14th day of March, 1996, ratify the development plan for the FLORIO PROPERTY, identified herein as Developer's Exhibit 1, be and is hereby APPROVED.

Any appeal of this decision must be taken in accordance with Section 16-209 of the Baltimore County Code.

ERMANNO FLORIO
Hearing Officer
for Baltimore County

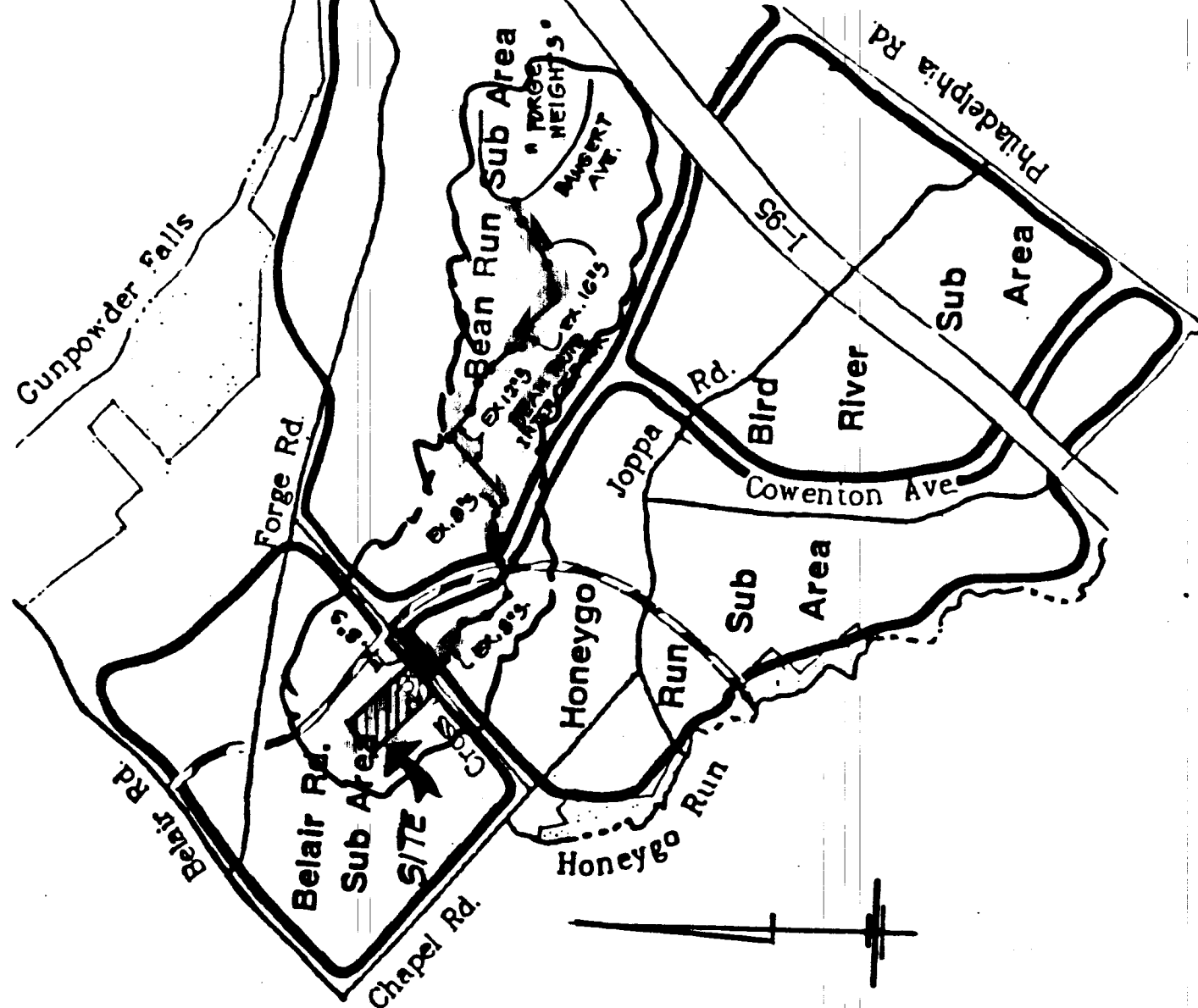
GENERAL NOTES

- Gross Acreage: 8.02
- Net Acreage: 8.02
- Current Use: Single Family Residential (SFR-1)
- Proposed Use: Single Family Residential (SFR-1)
- Deed Reference: Tax Map 72, Parcel 100 - SM 8335/908
- Tax Account Number: 1110007225
- Current Tract: 4113.04
- Subdivided: 22
- Density Calculators:

Lot	Required Permitted	Proposed
1	3.5 dwelling/acre = 28 bld	19
2	3.5 dwelling/acre = 28 bld	38
3	3.5 dwelling/acre = 28 bld	38

- The property as shown on the plan has been sold intact since October 30, 1995. The property is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east. The property is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east.
- A waiver of the open space requirement will be requested from the Baltimore County Department of Recreation and Parks. The open space requirement for this project is to be met by a dedicated open space area of 1.0 acre. The property is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east.
- A variance was granted by the Baltimore County Department of Planning and Zoning on 1/1/96. The variance was granted for the purpose of allowing the property to be used for a different purpose than that shown on the plan. The variance was granted for the purpose of allowing the property to be used for a different purpose than that shown on the plan.
- The property is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east. The property is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east.
- The property is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east. The property is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east.

LOCATION PLAN
SCALE: 1" = 2000'



- The site is partially forested. A simplified forest stand delineation has been prepared, submitted and approved by Baltimore County Department of Planning and Zoning. The site is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east.
- Topography shown is field-topography by KCI Technologies, Inc. The site is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east.
- There shall be no clearing, grading, construction, or disturbance of vegetation in the Forest Conservation Easement and Forest Buffer Easement except as permitted by the Baltimore County Department of Planning and Zoning. The site is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east.
- Any forest buffer or forest conservation easement shown hereon is for informational purposes only. The site is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east.
- Envelopes shown hereon are for the location of all principal buildings only. The site is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east.
- Accessory structures, fences and projections into yards may be located within the envelopes shown hereon. The site is located on the east side of the road and is bounded by the road to the north, the road to the south, and the road to the east.
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- The site is not in the Chesapeake Bay Critical Area.
- There are no known hazardous materials on the site.
- There are no known wetlands on the site.
- No MTA bus service is presently available to this site.
- There shall be no disturbance to the 16' wide access easement area or interference with the rights of the parties to the easement resulting from development of this project.

ZADM NO. XI-735

OFFICE OF PLANNING AND ZONING

Director of Planning
Zoning Commissioner



PLAT TO ACCOMPANY PETITION FOR VARIANCE
FLORIO PROPERTY
Baltimore County

OWNER/DEVELOPER: ERMANNIO FLORIO
13218 Dulany Valley Road
Glen Arm, Md. 21057-9613
(410) 477-2050

ENGINEERS AND PLANNERS
H NORTH PARK DRIVE
HUNT VALLEY, MD 21057-9613
(410) 344-7000

DATE	REVISIONS	ENGINEERS AND PLANNERS
2/22/96	PER COUNTY COMMENTS	H NORTH PARK DRIVE HUNT VALLEY, MD 21057-9613 (410) 344-7000

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01-205-A

George

WCR said

LES wants this

scheduled

ASAP

Sgh

11/20/00