DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING AND VARIANCE **2231' SW of East Joppa Road (PARKSIDE)** **11th Election District** **5th Councilmanic District** **Legal Owners: R. Messick, N. Lauenstein, V. Kowalsky, C. Hergenroeder** **Contract Purchaser: Parkside LLC,** **Petitioners.**	* * * * * *	**BEFORE THE** **ZONING COMMISSIONER** **FOR** **BALTIMORE COUNTY** **Case Nos. XI-875 & 03-034-SPHA**

* *

AMENDED DEVELOPMENT PLAN ORDER

Before the Hearing Officer is the Motion for Reconsideration and Supplemental Memorandum in Support thereof, filed by Baltimore County, Maryland. In response to said Motion and Supplemental Memorandum, the parties have met and conferred on numerous occasions. Upon the agreement of the parties, the Hearing Officer's Opinion and Development Plan Order, dated and issued November 8, 2002, is hereby amended as follows:

With regard to Comment #3, the Department of Recreation & Parks had requested a modification to the note on the plan relating to Local Open Space, a modification opposed by the Developer. This Hearing Officer rejected this requested modification, and held that "the Developer should only be required to dedicate the land that encompasses Parcel A to Baltimore County, and to grade same to the specifications of the Department of Recreation and Parks." Opinion, at 9. This Hearing Officer also held that said "conveyance and grading be concurrent with the development of the adjacent parkland by Baltimore County." Opinion, at 10.

The parties are in agreement, however, that the note on the plan relating to the Local Open Space should read:

> Parcel 'A' Local Open Space to be dedicated and conveyed to Baltimore County at no cost. Athletic field to be graded, seeded, stabilized, and constructed by developer to the specifications set forth in **Exhibit A**, Grading, Seeding, and Stabilization, attached hereto and incorporated herewith, contemporaneously with the grading and development of Lots 35 through 42 on the north side of the relocated development access road and west of the relocated and extended Rexis Avenue, and subject to final acceptance by the Department of Recreation and Parks.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this 30th day of December, 2002, that the Hearing Officer's Opinion and Development Plan Order dated November 8, 2002, be and it is hereby, amended so that Restriction No. 4, appearing on page 12 thereon, now reads as follows:

> 4) The Developer shall dedicate and convey Parcel A to Baltimore County, at no cost, and shall grade, seed, stabilize, and construct same as an athletic field, to the specifications set forth in **Exhibit A**, Grading, Seeding, and Stabilization, attached hereto and incorporated herewith, contemporaneously with the grading and development of Lots 35 through 42 on the north side of the relocated development access road and west of the relocated and extended Rexis Avenue, and subject to final acceptance by the Department of Recreation and Parks.

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, Maryland

The parties are in agreement, however, that the note on the plan relating to the Local Open Space should read:

> Parcel 'A' Local Open Space to be dedicated and conveyed to Baltimore County at no cost. Athletic field to be graded, seeded, stabilized, and constructed by developer to the specifications set forth in **Exhibit A**, Grading, Seeding, and Stabilization, attached hereto and incorporated herewith, contemporaneously with the grading and development of Lots 35 through 42 on the north side of the relocated development access road and west of the relocated and extended Rexis Avenue, and subject to final acceptance by the Department of Recreation and Parks.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this 30th day of December, 2002, that the Hearing Officer's Opinion and Development Plan Order dated November 8, 2002, be and it is hereby, amended so that Restriction No. 4, appearing on page 12 thereon, now reads as follows:

> 4) The Developer shall dedicate and convey Parcel A to Baltimore County, at no cost, and shall grade, seed, stabilize, and construct same as an athletic field, to the specifications set forth in **Exhibit A**, Grading, Seeding, and Stabilization, attached hereto and incorporated herewith, contemporaneously with the grading and development of Lots 35 through 42 on the north side of the relocated development access road and west of the relocated and extended Rexis Avenue, and subject to final acceptance by the Department of Recreation and Parks.

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2231' SW of East Joppa Road (PARKSIDE)	*	**ZONING COMMISSIONER**
11th Election District	*	**FOR**
5th Councilmanic District		
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EXHIBIT A

GRADING, SEEDING, and STABILIZATION

I. DESCRIPTION

.01 Grading: This work shall consist of the preparation of subgrade and fine grading for all unpaved areas within the limits of Parcel A.

.02 Seeding: This work shall consist of soil preparation, fertilizing, applying compost, liming as required, seeding, mulching, over seeding, and refertilizing, within the limits of Parcel A.

II. QUALITY ASSURANCE

.01 All landscaping and seeding work shall comply with the Water Quality Improvement Act of 1998, including compliance with requirements for soil testing prior to nutrient application.

III. MATERIALS AND EQUIPMENT

.01 TOPSOIL: Shall be fertile, friable soil with a sandy-loam composition. Topsoil shall not contain any subsoil. Topsoil shall be free from plants, plant parts, Bermuda grass, Quack grass, Johnson grass, Nutsedge, poison ivy, Canada thistle, and other plant material. It shall not contain any slag, cinders, lumps, sticks, roots, trash, glass, rocks, gravel, stones, woodchips, sawdust, or any other extraneous material. Either borrow or stockpiled topsoil may be used and both must be in accordance with this specification.

A. Salvaged topsoil shall not contain any extraneous material in excess of 3/8" diameter, and no more than 10%, by weight, shall exceed a 4.75 mm (No. 4) sieve. The contractor shall be responsible to determine the method to achieve this requirement. **SCREENING TOPSOIL IS RECOMMENDED.**

B. Topsoil for playing field areas shall have an organic content by weight of NOT LESS THAN 2.5 PERCENT. Topsoil for all other planted areas shall have an organic content by weight of not less than 1.5%. On-site topsoil may be amended with "Leafgro" compost material, or approved equal, to meet the required minimums.

C. Topsoil shall have a pH value of not less than 6.0 and not more than 7.5. pH of on-site topsoil may be adjusted through the application of lime to meet specified values.

D. Topsoil shall have soluble salts less than 500 parts per million.

.02 COMPOST: Shall have a minimum organic matter content of 60 percent. Compost shall be screened to ¼ inches and shall be non-toxic to plants. Compost shall be "Leafgro" or approved equal, as determined by the Department of Recreation and Parks (the "Department").

.03 LIMESTONE: Shall be ground agricultural limestone. Lime shall contain not less than 85% total carbonates and shall be ground to such fineness that at least 50% will pass through a 100-mesh sieve and 98% will pass through a 20-mesh sieve.

.04 Initial FERTILIZER: Shall be commercial grade, standard analysis. It shall conform to all State and Federal regulations, and shall be fully labeled in accordance with Maryland State Law. SPECIFIC FERTILIZER ANALYSIS SHALL BE DETERMINED BY "THE DEPARTMENT" FOLLOWING A SOIL TEST REPORT OBTAINED BY THE CONTRACTOR.

.05 GRASS SEED: Shall be fresh, clean, new crop seed.

A. Seed lots shall be state certified and blended under the supervision of the Maryland Department of Agriculture, Turf and Seed section. All seed lots shall have been pre-tested by the Maryland Seed Laboratory to insure compliance with these specifications.

B. All seed used in the mix shall be a variety recommended in the latest edition of the "Agronomy Update" issued by the University of Maryland, Maryland Cooperative Extension, for use in Maryland. Tall Fescue shall be an improved turf-type variety (K-31 is NOT acceptable.) Seed mix shall include 30% Grande Tall Fescue, or other recommended rhizomous, tall fescue variety, to be approved by the Department.

C. All seed and labeling shall fully comply with the Maryland Seed law and these specifications.

D. Seed shall be packed in 50-lbs. net weight, in new, clean, poly woven bags, tightly woven to prevent leaking and contamination. Each container shall have an accurate analysis tag, and a certification tag permanently affixed to it.

E. Seed mixes shall be composed of the following varieties mixed in the proportion shown and tested to the following minimum percentages of purity and germination. The seed mix shall be approved by the Department prior to purchase by the Developer or his Contractor (the "Contractor").

F. Minimum Percentages:

SEED MIXTURE TO BE:	% BY WEIGHT	% PURITY	% GERMINATION
Kentucky Bluegrass	10%	98%	85%
Turf-type Tall Fescue	40%	98%	90%
Grande Tall Fescue	30%	98%	90%
Perennial Rye Grass	20%	98%	85%

.06 MULCH shall be in accordance with Baltimore County Sediment and Erosion Control requirements.

.03 LIMESTONE: Shall be ground agricultural limestone. Lime shall contain not less than 85% total carbonates and shall be ground to such fineness that at least 50% will pass through a 100-mesh sieve and 98% will pass through a 20-mesh sieve.

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.02 Seeding: This work shall consist of soil preparation, fertilizing, applying compost, liming as required, seeding, mulching, over seeding, and refertilizing, within the limits of Parcel A.

II. QUALITY ASSURANCE

.01 All landscaping and seeding work shall comply with the Water Quality Improvement Act of 1998, including compliance with requirements for soil testing prior to nutrient application.

III. MATERIALS AND EQUIPMENT

.01 TOPSOIL: Shall be fertile, friable soil with a sandy-loam composition. Topsoil shall not contain any subsoil. Topsoil shall be free from plants, plant parts, Bermuda grass, Quack grass, Johnson grass, Nutsedge, poison ivy, Canada thistle, and other plant material. It shall not contain any slag, cinders, lumps, sticks, roots, trash, glass, rocks, gravel, stones, woodchips, sawdust, or any other extraneous material. Either borrow or stockpiled topsoil may be used and both must be in accordance with this specification.

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B. Topsoil for playing field areas shall have an organic content by weight of NOT LESS THAN 2.5 PERCENT. Topsoil for all other planted areas shall have an organic content by weight of not less than 1.5%. On-site topsoil may be amended with "Leafgro" compost material, or approved equal, to meet the required minimums.

C. Topsoil shall have a pH value of not less than 6.0 and not more than 7.5. pH of on-site topsoil may be adjusted through the application of lime to meet specified values.

D. Topsoil shall have soluble salts less than 500 parts per million.

.02 COMPOST: Shall have a minimum organic matter content of 60 percent. Compost shall be screened to ¼ inches and shall be non-toxic to plants. Compost shall be "Leafgro" or approved equal, as determined by the Department of Recreation and Parks (the "Department").

IV. SUBMITTALS

.01 Samples and labels of all materials, and seed certifications shall be submitted to the Department seven (7) working days prior to delivery.

.02 The Contractor shall submit topsoil analysis for on-site and borrow topsoil to the Department prior to placement of any topsoil on-site. The topsoil analysis shall be conducted and certified by a recognized, independent testing agency (the "Testing Agency").

A. On-site topsoil shall be tested prior to stripping. One test shall be required for each proposed sports field. The sample for each test shall be a composite of soil samples obtained from twelve (12) locations scattered over each field and mixed to form a uniform product.

B. One topsoil test shall be required for each 200 cy of borrow topsoil to be used.

C. Topsoil analysis shall indicate:

- Soil textural analysis (% sand, silt, clay by hydrometer method), pursuant to published Maryland State Highway Administration specifications.
- Standard sieve analysis, with % material greater than ½" diameter, pursuant to published Maryland State Highway Administration specifications.
- Percent organic content, as determined by a Loss on Ignition Test.
- Nutrient analysis including pH, phosphorus, potash, magnesium and calcium, with recommendations for soil amendments or fertilizers to correct deficiencies, in lbs/acre.

D. Topsoil shall be certified by the Testing Agency as meeting the specifications set out in III.0.1.

V. EXECUTION

.01 GENERAL: Depending on the extent of regrading, topsoil shall be separated and stockpiled prior to rough grading procedures, or plant material shall be removed and the area then graded.

.02 SUBGRADE PREPARATION AND TOPSOILING

A. General:

1) Strip and stockpile topsoil in accordance with Baltimore County standard specifications.

2) Following the stripping of topsoil, perform excavation within the grading limits to establish subgrade a minimum of four (4) inches below finished grade, and in conformance with the grades established on the approved Development Plan.

3) Where rock or other unsuitable material is encountered, remove unsuitable material to minimum two (2) inches below established subgrade.

4) Transport all suitable excavated material to fill areas and place as indicated on the approved Development Plan.

B. Grading:

1) Grade all areas, including transition areas. The finished subgrade surface shall be uniform, smooth, free from irregular surface changes, and properly compacted. The finished subgrade surface shall be that ordinarily obtainable from blade grader operations. **COMPACTION OF TOP 6" SUBGRADE IN FILL AREAS DESIGNATED FOR TURF AND LANDSCAPING SHALL NOT EXCEED 85% STANDARD PROCTOR.** The contractor shall submit two compaction tests per field to the Department's engineer for review and approval of compliance with the compaction requirement.

2) Prior to topsoiling and finish grading, all rough graded areas shall be corrected, adjusted and/or repaired, and brought to proper elevation. All mounds and ridges shall be leveled, gullies and depressions filled, and other necessary repairs performed. The Department shall inspect and approve the subgrade elevations prior to the Contractor proceeding with topsoiling.

Inspection: No topsoiling or finished grading work shall occur until a representative of the Department inspects and approves the subgrade. The Contractor shall provide sufficient notice to avoid an undue delay in the continuation of work.

C. Topsoil

1) No spreading of topsoil shall occur when the soil is in a muddy or frozen condition.

2) Screen on-site topsoil or otherwise prepare to meet required specifications for removal of rock and other unsuitable material.

3) Placement by spreading topsoil over all graded areas within the limits of work not designated for pavement, to a minimum **depth of four (4) inches after compaction.**

.03 FINE GRADING

A. All grading and shaping operations shall be completed prior to seeding. The surface shall conform to finish grade and be free of water retaining depressions. The soil shall be friable and of uniformly firm texture.

B. No fine grading shall occur when the soil is in a muddy or frozen condition.

C. Final surface for all areas shall be within one (1) inch of the required grade. **Sports fields shall be graded** on the specified slope to a general tolerance of one (1) inch total deviation when measured from one end of the specified plan to the other or any point between the sides of said plane.

D. Finished grade shall be inspected and approved by the Department before seeding commences. The Contractor shall perform spot elevation at twenty-five feet (25') on center on a grid over the entire field including a twenty-foot (20') wide safety zone

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3) Where rock or other unsuitable material is encountered, remove unsuitable material to minimum two (2) inches below established subgrade.

around the perimeter of the field after completion of light compaction and prior to commencing seeding. Prior to commencing seeding, the Contractor and the Department shall visually inspect the field and the Contractor shall cure all holes, swales, and washboarding to the satisfaction of the Department.

.04 LIMESTONE AND FERTILIZER:

A. Lime: The rate of application (if needed) shall be determined by the Department, based on the results of the soil test.

B. Fertilizer: The analysis, nutrient sources, and rate of application shall be determined by the Department, based on the results of the soil test.

.05 SEEDING AND MULCHING:

A. Seedbed shall be in a good, friable condition and shall not be muddy or hard. If it has become hard, it shall be tilled to friable condition again, and reinspected.

B. Rate: The minimum application rate for non-sports field areas shall be 250 pounds per acre (6 LBS/1000 FT^2) seed mix, unless specific rates are dictated to the Contractor. Sports field areas shall be seeded at a minimum rate of 350 pounds per acre.

C. Seeding Season:

Spring - (March 15 to May 15)

Fall - (August 15 to November 15)

Seed shall be sown within the above timeframes, as soon as the soil is dry enough to allow proper penetration of a seedbed. Seeding shall not be performed during windy weather or when the ground is wet or otherwise untillable.

D. Seeding method:

1) Hydroseeding: Each tank of hydroseeding slurry shall include the fertilizer and seed, as specified, and a maximum of one bale of green dyed fiber mulch combined with 1200 gallons of water.

The slurry shall not be prepared more than two hours prior to commencement of hydroseeding work.

Hydroseeders shall be equipped with an agitation system capable of keeping all the solids in a state of suspension.

2) Mulch:

Seeded areas must be straw mulched immediately upon completion of seeding unless mulch was part of the hydroseed application.

Application rate: Mulch shall be applied at a rate of 3,000 pounds per acre in a uniform manner.

Mulch shall be tacked immediately thereafter by use of wood cellulose fiber, or a crimping roller to prevent loss of materials, erosion and uneven germination.

VI. ACCEPTANCE

.01 Acceptable turf shall be that which is healthy, vigorous, covering ninety-five (95) percent of the soil surface in unit increments of one (1) square yard, with no bare areas six (6) inches square or larger.

.02 Seeded areas that fail to show an adequate stand of grass within eight weeks shall be raked, refertilized, reseeded, and remulched at the Contractor's expense.

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Baltimore County
Zoning Commissioner

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

December 30, 2002

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

RE: MOTION FOR RECONSIDERATION –
DEVELOPMENT PLAN HEARING and
PETITIONS FOR SPECIAL HEARING & VARIANCE (Parkside)
SE/S Honeygo Boulevard, 2,231' SW of E. Joppa Road
11th Election District – 6th Council District
Messick, Kowalsky, Lauenstein, & Hergenroeder, Owners;
Parkside LLC, Contract Purchaser/Developer
Case No. XI-875 & 03-034-SPHA

Dear Mr. Barhight & Ms. Busse:

Enclosed please find a copy of the decision rendered in the above-captioned matter. Pursuant to the agreement reached by and between all parties, the Hearing Officer's Opinion and Development Plan Order dated November 8, 2002 be and is hereby amended 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: Messrs. D. S. Thaler & Alan Scoll, D. S. Thaler & Associates, Inc.
7115 Ambassador Road, Baltimore, Md. 21244
C. Robert Loskot, Esquire, Baltimore County Office of Law
Don Rascoe, DPDM; Recreation & Parks; People's Counsel; Board of Appeals; Case File

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2231' SW of East Joppa Road (PARKSIDE)	*	**ZONING COMMISSIONER**
11th Election District	*	**FOR**
5th Councilmanic District		
Legal Owners: R. Messick, N. Lauenstein, V. Kowalsky, C. Hergenroeder	*	**BALTIMORE COUNTY**
Contract Purchaser: Parkside LLC,	*	**Case Nos. XI-875 & 03-034-SPHA**
Petitioners.	*	

* *

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF <u>MOTION FOR RECONSIDERATION</u>

Baltimore County, Maryland, by Edward J. Gilliss, County Attorney, and C. Robert Loskot, Assistant County Attorney, pursuant to Rule 2 K of the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer of Baltimore County, Baltimore County Zoning Regulations, Appendix G, hereby supplements its previously filed Motion for Reconsideration of the Hearing Officer's Opinion and Development Plan Order, only as it regards Comment #3 from the Department of Recreation and Parks, and says:

1. On December 6, 2002, the County filed its Motion requesting that the Zoning Commissioner/Hearing Officer reconsider his Opinion and Development Plan Order (the "Opinion") in the instant cases, only with regard to Comment #3 set for in said Opinion. In footnote 1 in its Motion, the County stated:

> A dispute exists regarding the exact content of Mr. Thaler's remarks on this issue. The developer contends that Mr. Thaler testified only that the developer would grade "Parcel A." The County contends that Mr. Thaler testified, pursuant to prior discussions with Rec & Parks personnel, that the developer would build the athletic field. Accordingly, the County has ordered

a copy of the transcript and will supplement this Motion with copies of the relevant testimony as soon as the transcript is received.

Said transcript was received on Friday, December 13, 2002. In pertinent part, the transcript reveals that the developer agreed to grade, seed, and stabilize "Parcel A:"

> BY MR. BARHIGHT: And it's my understanding that the Developer has agreed to grade that area and stabilize and seed that area sufficient to accommodate a soccer type use which, I guess, would have to be graded over the lot line to a degree?
>
> MR. SCOLL: That's probably - in terms of grading over the lot line, that's probably correct.
>
> * * * * *
>
> BY MR. LOSKOT: The one other comment that I have, and I don't know whether to, you know, proffer it or offer it and have Mr. Barhight agree or ask it to Mr. Scoll, so I'll just put it this way. The County requests that the final revised red line include a specific note with regard to the open space that will be located adjacent to the former Schwartz property and conveyed to the County that that note will specifically reference the grading and seeding and stabilizing requirements to County standards for use as a soccer/lacrosse field. If the Developer is amenable to that, will agree to that, that closes my question.
>
> BY MR. BARHIGHT: Absolutely. In the drawing that ultimately finds its way into your file, we'll make sure that note is on there.
>
> BY MR. SCHMIDT: That's fine.

Transcript of Hearing, October 4, 2002, at 225, 234-235, a copy of which is attached hereto as **Exhibit 1**.

Accordingly, Comment #3 should have reflected a modification by the Department of Recreation and Parks to the note on the plan relating to Local Open Space, in conformity with the agreement made on the record by the Developer. The note should have read

> Parcel 'A' Local Open Space to be dedicated and conveyed to Baltimore County at no cost. Athletic field to be graded, seeded, and stabilized by developer to the specifications and approval of the Department of Recreation and Parks prior to the issuance of any building permits for this development.

The Hearing Officer consequently should grant the County's Motion for Reconsideration, as herein amended, approve this modified language, and revise his Opinion to hold that the Developer should, pursuant to its agreement made on the record, be required to dedicate the land that encompasses Parcel A to Baltimore County, and to grade, seed, and stabilize same to the specifications of the Department of Recreation and Parks.

WHEREFORE, Baltimore County respectfully requests the Hearing Officer/Zoning Commissioner to grant its Motion for Reconsideration, as amended herein, accept the language proposed by the Department of Recreation and Parks in Comment #3 as modified herein, order the Development Plan to be so amended, and revise his Opinion so that the grading, seeding, and stabilization of "Parcel A" should occur contemporaneously with the development of the subdivision.

Respectfully submitted,

EDWARD J. GILLISS
County Attorney

C. Robert Loskot

C. ROBERT LOSKOT
Assistant County Attorney
400 Washington Avenue, Room 219
Towson, Maryland 21204
410-887-4420

Attorneys for Baltimore County, Maryland

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 17th day of December, 2002, that a copy of the foregoing Supplemental Memorandum in Support of Motion for Reconsideration, was hand delivered, to:

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON LLP
210 West Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

Attorneys for Petitioners / Developers

Arnold Jablon, Director
Department of Permits and Development Management
111 West Chesapeake Avenue
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Towson, Maryland 21204

C. ROBERT LOSKOT
Assistant County Attorney

VOLUME II

IN RE:

PARKSIDE PUD
Development case no: XI875
_______________________________/

The above-entitled matter was continued for Development hearing on Friday, October 4, 2002, commencing at 10:35 a.m. at the Baltimore County Office Building, W. Chesapeake Avenue, Towson, Maryland 21204, before Lawrence Schmidt, Hearing Examiner.

APPEARANCES:

ROBERT LOSKOT, ESQUIRE
On behalf of Baltimore County

SCOTT BARHIGHT, ESQUIRE
On behalf of Developer

REPORTED BY: Paula J. Eliopoulos

Q And it's my understanding that the Developer has agreed to grade that area and stabilize and seed that area sufficient to accommodate a soccer type use which, I guess, would have to be graded over the lot line to a degree?

A That's probably -- in terms of grading over the lot line, that's probably correct.

I would think that we would want to coordinate with the Department of Recreation and Parks with regard to their overall grading for the site and then provide the grading on site and as much off site as necessary in order to accommodate what they need for a soccer field.

Q A couple other real quick points. Are any of these lots on this plan now reverse frontage lots?

A No. There are no reverse frontage lots proposed in this portion of the property.

Q In this portion as identified by the alternate layout, is it the same number of lots or have we actually increased this area by one lot?

A We have. There were originally 13 lots in

this area and we've increased that to 14 lots.

Q But in terms of what was originally filed, which is Developer's Exhibit 1, is there still a decrease from what was originally filed by one lot?

A Yes. We were originally 43, now there's 42 lots proposed.

Q Is it also the understanding of the Developer in this case that this drawing, Parkside alternate layout, 10-4-02 will be incorporated into a revised red line drawing to be filed in the record of this proceedings after this hearing today to include all of the red line comments as well as the revisions indicated by alternate layout 10-4-02?

A Yes, we will. Per Commissioner Schmidt's request we will revise the red line that was presented as Petitioner's 3, I believe --

Q Yes.

A -- and provide additional copies that reflect the latest set of changes.

MR. BARHIGHT: Mr. Commissioner, I would like to introduce the red line marked Parkside

alternate layout 10-4-02 as Developer's Exhibit 8. I believe that's where we are, are we on 8?

MR. SCHMIDT: We are. That's what I have. I will accept that, 10-4-02 as Developer's Exhibit 8.

Q Now, Mr. Scoll, this new plan raises a couple of issues one of which I'd like to address directly.

Could you please, for the record, identify the location of the zone line again on alternate layout 10-4-202 which is now Developer's Exhibit 8.

A As we have sketched out this alternate Exhibit, the zone line that separates the DR-35H from the DR-2H goes north south down the middle of Honeygo Boulevard.

It turns into the site just about in the center of the proposed entrance location for the subdivision. And we've tried to design the entrance road so that it more or less follows that zone line. And we've been able to do that up until approximately lots 11 and 12, at which point the zone line keeps going straight and the subdivision road has to take a

turn.

So the zoning line, that separation between the two zones occurred well -- occurred through the front yard probably of lots 11 and 12.

Q Will that zone line occur anywhere withing the likely building envelopes for those two lots?

A Probably not.

Q In any event, is there sufficient zoning density in each respective zone area to support the actual number of lots that are within that particular zone?

A Actually, I believe so, but we really --

Q Subject to somebody else disagreeing with us --

A Let's just be sure about it.

Q Okay.

A Yes.

Q So then each zone density can stand alone to support the density of lots that are shown within that particular zone?

A Yes.

entirety frontage on a public road.

I think it's important to put it all into the proper context of what will be the ultimate end result because this is not going to be typical local open space owned by the HOA.

It's going to be properly incorporated into a County park. I think that you can take all of that into account in determining whether it meets the local open space requirements. I don't know whether Mr. Loskot would agree with that analysis or not.

MR. SCHMIDT: Okay.

MR. BARHIGHT: I think --

THE WITNESS: That being said, this plan does meet the subdivision requirements.

MR. BARHIGHT: No other questions of this witness at this time.

MR. SCHMIDT: Mr. Loskot, anything on cross examination?

MR. LOSKOT: If you would just bear with me a moment.

MR. SCHMIDT: Sure.

EXAMINATION BY MR. LOSKOT:

Q Mr. Scoll, very briefly. Mr. Barhight asked you about circulating the revised red line that incorporates alternate layout 10-4-02.

Needless to say, part of that also -- that process would be through Ms. Roark would be circulation to Recreation and Parks. It's just that when Mr. Barhight asked you, he did not include Recreation & Parks in the litany of agencies.

MR. BARHIGHT: That's obviously fine.

A Obviously Recreation & Parks is number one on the list.

Q The one other comment that I have, and I don't know whether to, you know, proffer it or offer it and have Mr. Barhight agree or ask it to Mr. Scoll, so I'll just put it this way.

The County requests that the final revised red line include a specific note with regard to the open space that will be located adjacent to the former Schwartz property and conveyed to the County that that note will specifically reference the grading and

seeding and stabilizing requirements to County standards for use as a soccer/lacrosse field.

If the Developer is amenable to that, will agree to that, that closes my question.

MR. BARHIGHT: Absolutely. In the drawing that ultimately finds its way into your file, we'll make sure that note is on there.

MR. SCHMIDT: That's fine.

MR. LOSKOT: No further questions.

MR. SCHMIDT: Thank you, Mr. Scoll.

MR. BARHIGHT: I'd like to call Mr. Thaler to the stand briefly.

DAVID THALER,

after having been first duly sworn according to law, was examined and testified as follows:

EXAMINATION BY MR. BARHIGHT:

Q Mr. Thaler, could you please state your full name and business address for the record.

A David S. Thaler, 7115 Embassador Road, Baltimore.

Q Are you a licensed professional engineer

in the State of Maryland?

A I am.

Q How many years have you practiced as a civil engineer?

A 27.

MR. BARHIGHT: I'd like to offer Mr. Thaler as an expert in civil engineering, development planning and zoning in Baltimore County.

MR. LOSKOT: No objection.

MR. SCHMIDT: So accepted.

EXAMINATION BY MR. BARHIGHT:

Q Mr. Thaler, are you familiar with the project we've been discussing for the last day and a half?

A Yes, sir.

Q And you have been intimately involved in the design and configuration and resolution of unresolved issues in the Parkside project?

A Yes, sir.

Q With that familiarity, are you also familiar with the portion of the Baltimore County

IN RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING And VARIANCE - SE/S Honeygo Blvd., 2,231' SW of E. Joppa Road (PARKSIDE) 11th Election District 6th Council District

Ruth E. Messick, Norman W. Lauenstein, Virginia L. Kowalsky & Constance Hergenroeder, Owners; Parkside, LLC, Contract Pur./Developers

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. XI-875 & 03-034-SPHA

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a single public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.), for consideration of a development plan and Petitions for Special Hearing and Variance. The development plan and Petitions were filed by the owners of the subject property, Ruth E. Messick, Norman W. Lauenstein, Virginia L. Kowalsky, and Constance Hergenroeder, and the Contract Purchasers/Developers, Parkside, LLC, through their attorney, G. Scott Barhight, Esquire. Pursuant to the development review regulations codified in Title 26 of the B.C.C., the Owners/Developers seek approval of a development plan, prepared by D.S. Thaler & Associates, Inc. for the proposed residential development of the subject property with 44 single family dwellings. In addition, special hearing relief was requested to approve that none of the proposed lots shown on the plan are "reverse frontage lots," as that term is defined in the Baltimore County Zoning Regulations (B.C.Z.R.). In the alternative, relief was requested to allow those lots determined to be "reverse frontage lots" by the Zoning Commissioner to be individually identified by proposed lot number. In addition, variance relief was requested from the B.C.Z.R. and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Sections 259.9.G.3 and 504.2 of the B.C.Z.R. and Part III, Division VI, Section E, p.26 of the C.M.D.P. to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, and, to permit a cul-de-sac without a landscaped median in lieu of providing same (Variance Requests 1 and 3, respectively); from Section 259.9.F.4 to permit a cul-de-sac or court length of 2,100' feet in lieu of the maximum

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allowed 400 feet (Variance Request #2); from Sections 259.9.B.4 and 1B01.2.C.b of the B.C.Z.R. to permit a side building face to tract boundary setback of 20 feet in lieu of the required 25 feet for Lot 38 (Variance Request #4); and from Sections 259.9.C.2, 259.9.G.3 and 504.2 of the B.C.Z.R., and Part III, Division VI, Section E, p.6 of the C.M.D.P. to permit a reverse frontage where none is permitted for each lot identified as a "reverse frontage lot", if any, pursuant to the Petition for Special Hearing (Variance Request #5).

The subject property is an irregular shaped parcel generally located between Honeygo Boulevard and Cowenton Avenue, north of the John F. Kennedy Memorial Highway (I-95) in the Honeygo-White Marsh growth area of eastern Baltimore County. The property is comprised of five separate parcels, which contain a combined gross area of 35.98 acres, more or less, split zoned D.R.2H (28.06 acres), D.R.3.5H (5.48 acres), and D.R.1 (2.44 acres). The five parcels are individually owned as described above and are being combined to form one tract that will be acquired by Parkside LLC for the purpose of residential development. The proposed development and requested zoning relief are more particularly described on the two-page, red-lined development plan, last revised on October 9, 2002, and submitted into evidence and marked as Developer's/Petitioner's Exhibits 9A and 9B.

As noted above, the property is an irregularly shaped parcel in the Honeygo-White Marsh growth district. Due to its unique configuration, the property can be described as having a relatively narrow frontage, but significant depth when viewed from Honeygo Boulevard. Parkside, LLC proposes the construction of a new public road that will access the site from Honeygo Boulevard. The proposed road will lead into the interior of the community and ultimately terminate as a cul-de-sac. The plan shows the development of single family lots on both sides of this interior road. The property also has significant environmental constraints that limit development. Those constraints are more particularly shown on the development plan and include areas of forest, steep slopes and floodplain/wetlands.

The procedural history of the proposed development of this tract is of particular note. In July 2001, the Developer filed a concept plan for the property as a Planned Unit Development

(PUD). Thereafter, as required under the development review regulations in Title 26 of the B.C.C., a Community Input Meeting (CIM) was held on September 6, 2001. On October 1, 2001, the Baltimore County Council passed Bill No. 83-01 which prohibited PUDs in the Honeygo area. With the passage of this law, the plan effectively became null and void. Parkside, LLC subsequently revised its development proposal and submitted a second concept plan, dated March 1, 2002. A concept plan conference was held thereafter on March 18, 2002. Subsequently, the Office of Planning and Department of Recreation and Parks jointly filed a Petition for Special Hearing under Case No. 02-483-SPH seeking a determination from the Office of the Zoning Commissioner as to whether this proposal constituted a Master Plan conflict. Under the development regulations, any plan for which a Master Plan conflict is identified need be referred to the Planning Board (See Section 26-207, B.C.C.). The Department of Recreation and Parks desired to acquire a portion of the subject property for use as part of an adjacent public park. Thus, it was their position that the proposal constituted a Master Plan conflict, which would mandate referral of the plan to the Planning Board and no doubt slow or stop the Developer from obtaining approval of its project.

The Petition for Special Hearing was considered by the undersigned Zoning Commissioner on June 21, 2002. Representatives of the various County agencies appeared at that time and were represented by Counsel from the County's Office of Law. Also appearing were representatives of the property owners and Parkside, LLC and their Counsel. Following that hearing and the submission of post-hearing memoranda, the undersigned issued an Opinion and Order in the matter on August 1, 2002, finding that there was no Master Plan conflict and that referral to the Planning Board was not required. In view of that decision, Parkside, LLC moved forward with its development proposal through the development review process.

As noted above, the revised concept plan for this project was submitted and a conference held thereon on March 18, 2002. Thereafter, on April 11, 2002, the requisite CIM was conducted. Following the decision on the Petition for Special Hearing, a development plan conference was held on September 11, 2002. The Hearing Officer's Hearing was conducted over two dates, October 3rd and 4th, 2002.

Appearing at the requisite Hearing Officer's Hearing were representatives of the property owners, the developer and their consultants. They included Norman Lauenstein, one of the property owners, Doug Eshelman and Ray Giudice, principals of Parkside, LLC, the Contract Purchaser/Developer, and representatives of D.S. Thaler & Associates, Inc., the consultants who prepared the development plan. They included David S. Thaler, Alan Scoll, Mark Vaskel, Laura Sheffield and Judd Maslack. Also present was Mickey Cornelius, a traffic engineer with The Traffic Group, and Patrick J. B. Donnelly. The Owners/Developers were represented by attorneys G. Scott Barhight and Jennifer Busse. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Chris Rorke, Project Manager; Bob Bowling, Development Plans Review; David Bayer, Department of Public Works (DPW); William A. Miner, Land Acquisition; and, John Sullivan, Zoning Review. Also appearing on behalf of the County were Lynn Lanham and Anne Roane, Office of Planning (OP); R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM); and John Weber, Pat McDougall, and Jean Tansey from the Department of Recreation and Parks (R&P). C. Robert Loskot, Esquire, from the Office of Law, appeared on behalf of the County's interests. There were no citizens from the surrounding locale or other interested persons present.

The proposed development of the subject property has undergone significant change during the review process. The concept plan originally submitted was significantly different from what is now proposed. For example, under the original development plan, a driveway was proposed from the cul-de-sac to provide access further into the property to two additional lots (Lots 25 & 26). Ultimately, these lots were removed and the driveway eliminated. Notwithstanding this and other changes, however, there remained a significant number of "open issues" at the onset of the hearing.

The conduct of the Hearing Officer's Hearing in this case was unusual, given the nature of the proposed development and the previous litigation under the County's Petition for Special Hearing. Section 26-206 of the Baltimore County Code sets out the Hearing Officer's responsibility when considering development plans. Essentially, the Hearing Officer is required to determine whether there are any outstanding issues or unresolved comments from the reviewing County agencies. In this regard, notwithstanding the undersigned's previous Opinion and Order in the Petition for Special Hearing, the Department of Recreation and Parks and the Office of Planning continue to oppose the plan, due to the County's desire to acquire a portion of the site in conjunction with a nearby park.

In this regard, the County has acquired property immediately to the north and south of the subject site along Honeygo Boulevard for development as a regional park. That portion of the subject property owned by Ruth Messick and Virginia Kowalsky essentially separates those parcels. Thus, the County is desirous of acquiring that portion of the subject site to "link" these adjacent parcels. The record of this case will disclose that significant testimony and evidence was offered at the hearing regarding this issue. Ultimately, the undersigned Zoning Commissioner suggested an alternative that might eliminate some points of contention between the parties. This alternative would essentially relocate the access point of the new road leading into the property from Honeygo Boulevard to a point south of where shown on the plan. Additionally, a loop in the road would also be eliminated and the road straightened. As a result of these changes, the dwelling lots could be shifted to the south, thereby creating a useable area which could be conveyed to Baltimore County for use in conjunction with its park property immediately to the north. Moreover, a trail connection was proposed through the subject property to link the County's parkland. As a result of the discussion that ensued on this alternative, the hearing was adjourned with instructions that the Developer revise its plan and resubmit same. Moreover, this resubmittal was to be reviewed by the County agency representatives. The record of the case was held open until October 24, 2002 to allow ample time for resubmittal and review.

The Developer has indeed revised its plan and proceeded as set forth above. The newly revised plan, which has been marked and accepted into the record as Developer's Exhibits 9A and 9B, shows that the new public road has been realigned, certain lots relocated, and the plan significantly altered. These alterations have also significantly impacted the nature of the zoning relief requested. Originally, special hearing relief was requested for a determination that none of the proposed lots on the original plan were "reverse frontage" lots, as defined in the B.C.Z.R., and if any lots were determined to be such by the Zoning Commissioner, that those lots be so designated. The "new" plan submitted as Developer's Exhibits 9A and 9B effectively eliminates these lots and this issue from consideration. Under the new plan, none of the lots have frontage (rear) on Honeygo Boulevard. Rather the lots have been designed so that the side yards of the dwellings thereon will abut that road. Thus, the question presented under the Petition for Special Hearing is moot.

Additionally, variance relief was requested from various Sections of the B.C.Z.R. and C.M.D.P. Specifically, five variances were sought as identified above and in the Petition for Variance. Certain of the variance requests are made moot by virtue of the new plan. Variance Request #5 is no longer necessary in that there are no longer any "reverse frontage" lots. Also, Variance Request #2 has been amended in that the length of the cul-de-sac is now approximately 1900 feet in lieu of the originally proposed 2100 feet. The new length still exceeds the maximum permitted 400 feet; however, the variance request has been revised, accordingly. However, Variance Requests #1, #3 and #4 remain at issue and will be discussed hereinafter.

Although certain of the issues between County agencies and the Developer were resolved by the newly revised plan, some issues remain unresolved and thus need be addressed. The first such identified issue relates to the lot now shown as Lot 15 on the plan. This lot is unusual when compared with the other lots proposed in this subdivision in that the location of the proposed building envelope does not directly face the public road proposed. As shown on the revised plan, all of the other lots proposed for this subdivision are rectangular in shape. However, Lot 15 is an inverted "L" shape, 40 feet wide at the front property line. The lot then extends away from the road and widens to a rectangular building area, 120 feet by 95 feet in dimension, to the rear of Lots 14 and 16. It is within that area of the lot that the building envelope is located.

As was the case with the earlier plan, the Office of Planning objects to this lot. The revised Office of Planning comment indicates that this agency considers Lot 15 to be a panhandle lot and that same is unacceptable. To the contrary, the Developer argues that this lot is not a panhandle lot, in that it is more than 30 feet wide at the road. Moreover, the Developer notes that much of the property is unbuildable, due to environmental constraints. The area of the parcel where Lot 15 is situated is relatively flat and will provide the potential owner with a desirable building location. For these reasons, the Developer contends that the area shown as Lot 15 should be developed.

Section 26-168 of the Baltimore County Code sets out definitions used in the development regulations. Therein, a panhandle lot is defined as "A lot so shaped and situated that its only frontage or access to a local collector street is a narrow strip of land which is held in-fee… and which may contain panhandle driveway, water and sewer lines or other utilities." Moreover, a panhandle driveway is defined as "A paved roadway that serves one or more abutting panhandle lots and provides vehicular access to the local street or to a collector street…"

The above definitions of panhandle lot and panhandle driveway clearly do not establish specific dimensions to describe panhandle lots. Rather, the definitions note that panhandle lots have "narrow" road frontage. Panhandle driveways are regulated in Section 26-266 of the Code. That Section establishes minimum dimensions for in-fee strips on which the driveways are located. The fact that Lot 15 exceeds those minimum dimensions does not mean that it is not a panhandle lot. Rather, I find it significant that the definition of a panhandle lot describes same as a lot so shaped or situated that its frontage or access is a "narrow" strip of land that is held in-fee. Whether the 40-foot width in this case is construed to be "narrow" is the question properly presented here. In my judgment, the nature of this lot is such that same should be considered a panhandle lot. The Developer is correct that the 40-foot width of the lot at the road exceeds the minimum panhandle width requirement. However, when compared with the other lots in this subdivision, that width is significantly narrower. As more particularly shown on the plan, most of the lots are at least twice that dimension. This lot, when compared to other proposed lots is irregularly shaped and has a narrow frontage. For these reasons, it meets the general definition of panhandle lot as established in Section 26-168(gg) of the B.C.Z.R. Moreover, the narrow frontage and peculiar shape of Lot 15 are inconsistent with the enhanced Honeygo standards for residential lots in the D.R. zone. For all of these reasons, I find that the lot is a panhandle lot and concur with the recommendation of the Office of Planning. A panhandle lot is not warranted here (See Section 26-266, B.C.C.). Therefore, the plan shall be amended so that Lot 15 is eliminated.

The second issue between the County and the Developer relates to comments received from Eric Rockel of the Bureau of Land Acquisition, which were based upon demands received from the Department of Recreation and Parks. Specifically, there are nine specific objections that are numbered and identified in Mr. Rockel's correspondence. In response thereto, Developer's Counsel submitted a letter dated October 24, 2002 addressing each of those comments. It is first to be noted that the Developer consents to the requirements in Comments 5, 6, 7 and 9, and thus, the plan shall be revised accordingly.

The remaining comments identified by the Department of Recreation and Parks are addressed as follows. Comment #1 notes that the Department of Recreation and Parks seeks ownership of Lot 35. This lot is located immediately adjacent to the County's property and will be most impacted by the County's use of adjacent parkland. The Developer's correspondence indicates that the requested transfer of ownership of Lot 35 to the Department of Recreation and Parks is inconsistent with the agreement reached on the record at the Hearing Officer's Hearing on October 4, 2002. The Developer further argues that under the revised development plan, the Department of Recreation and Parks is receiving a reconfigured open space larger than what is required, at no cost to the County.

I agree with these assertions. As amended and revised, the new plan meets the County's recreational open space requirements. Moreover, the plan provides that the Developer will convey, at no cost to the County, a valuable and usable portion of the subject property for use in conjunction with the adjacent park property. I find no basis in the development regulations to require this Developer to convey the land which encompasses Lot 35. I am appreciative of the County's desire to obtain as much of this property as possible for development in conjunction with its adjacent parkland. The County may attempt to do so by other lawful means (e.g., exercise its

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power of eminent domain); however, under the development regulations, there is no basis that justifies the dedication of this lot. It is unfortunate that the Department of Recreation and Parks has retreated from the reasonable framework proposed in open hearing.

Comment #2 from the Department of Recreation and Parks requests that the development plan be modified to show the grading of the local open space that is required for the athletic field. The Developer avers that showing the final grade for the open space on the development plan at this time is unnecessary and can be dealt with appropriately during Phase 2 of the development review process. Although that indeed might be the usual case, the unusual nature of these proceedings warrants compliance with this comment. The ongoing revision of this plan justifies that the grade be shown on the development plan at this time so as to avoid future question and argument. Simply stated, a definitive resolution of this issue at this time is preferable to the deferral of this matter to Phase 2 of the review process. Thus, I will require compliance with Comment #2.

Comment #3 from the Department of Recreation and Parks requests a modification to the note on the plan relating to Local Open Space. Specifically, that agency requests that the note read, "Parcel A, Local Open Space, to be dedicated and conveyed to Baltimore County at no cost. Athletic field to be built by Developer to the specifications and approval of the Department of Recreation and Parks prior to the issuance of any building permits for this development." The Developer objects with the wording of this note. Rather, the Developer's revised plan shows that this note reads, "Parcel A, Baltimore County Open Space, to be dedicated to Baltimore County at no cost, to be graded by Developer to the specifications of the Department of Recreation and Parks - 2.0 acres, plus or minus."

In my judgment, the Developer should only be required to dedicate the land that encompasses Parcel A to Baltimore County, and to grade same to the specifications of the Department of Recreation and Parks. Parcel A will be used for an athletic field and thus, the grading of same is seemingly the primary component in the "construction" of the field. I do not believe that

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the Developer should be required to construct the athletic field, rather only to grade and convey that area at no cost to the County.

Insofar as the timing, it seems appropriate that this conveyance and grading be concurrent with the development of the adjacent parkland by Baltimore County. Thus, whenever Baltimore County is actively "constructing" the athletic fields and facilities immediately adjacent to the subject property, Parcel A shall be graded and conveyed to the County. It is the intent of this decision to require the Developer to grade and convey Parcel A in a reasonable time frame contemporaneously with the adjacent park. Obviously, that conveyance cannot be before the final, non-appealable, approval of the development plan.

Unresolved Comment #4 relates to access between the County's parkland to the north and south of the subject site. As shown on the plan and discussed at the hearing, access is proposed to be provided by way of a pedestrian path near Rexis Avenue. The Department of Recreation and Parks requests that this access be relocated to between Lots 41 and 42 and Lots 1 and 2. I disagree with the Department of Recreation and Parks' demand in this regard. From a "pedestrian friendly" standpoint, the link between the parcels is most appropriately located adjacent to Rexis Avenue and then extended between proposed Lots 7 and 8. This provides a reasonable point of access, particularly given the location of the existing access provided by the sidewalk along Honeygo Boulevard. Moreover, the Developer correctly notes that from an engineering perspective, the proposed access between Lots 41 and 42 will be difficult given traffic concerns and grading issues. An access at that point would be near the intersection of the new public road and Honeygo Boulevard and could be dangerous for pedestrians from a safety standpoint. Moreover, the grades are more difficult. For these reasons, I concur with the location of the Developer's planned access and will not require an alteration of same.

Lastly, unresolved Comment #8 relates to the insertion of notes to the plan. These notes are contained within the Department of Public Works' development plan comment dated October 3, 2002. The argument over this insertion is technical in nature. Simply stated, the County requests that these comments be added by way of red-line notes, whereas the Developer believes that same is unnecessary. Again, given the contentious history of this case, I believe that clarification at this point is preferable. Thus, the Developer shall amend the plan to incorporate the Department of Public Works' development plan comment dated October 3, 2002 by W. William Korpman, III, Chief Bureau of Engineering and Construction.

Turning to the zoning relief, as noted above, the zoning Petitions filed are markedly changed due to the amendments to the plan. Specifically, the Petition for Special Hearing is moot, as is Variance Request #5 relative to "reverse frontage" lots. As to Variance Request #2, same will be granted, as amended, to permit a cul-de-sac or court length of 1900 feet in lieu of the maximum allowed 400 feet. The unusual configuration of the property and environmental constraints associated therewith, and the ongoing changes to the plan, all justify this variance. Additionally, Variance Requests #1 and #3 will also be approved. These relate to the nature of the cul-de-sac and the fact that same does not feature a landscape median. The B.C.Z.R. and C.M.D.P. require a through street or street connection to another neighborhood. This is not possible on this tract, given the topography and environmental constraints associated therewith. The property will be connected to Rexis Avenue and the proposed realignment of the road is appropriate. Additionally, given the narrowness of the property, a landscape median cannot be provided. Again, I easily find that the proposal meets the requirements set out in Section 307 for variance relief to be granted here.

The final variance under consideration is Request #4 relative to the existing single family dwelling, previously identified as Lot 38, but now shown on the plan as Lot 33. Thereon, a side building face to tract boundary setback of 20 feet is proposed in lieu of the required 25 feet. This is an existing condition which is unaffected by the proposed development. The existing dwelling will remain and variance relief is appropriate to legitimize these existing conditions.

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. Moreover, the Petition for Special Hearing shall be dismissed as moot, and the Petition for Variance, as amended, shall be granted as set forth above.

11/8/02

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 9th day of November, 2002 that the two-page, red-lined development plan for Parkside, identified herein as Developer's Exhibits 9A and 9B, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Sections 259.9.G.3 and 504.2 of the B.C.Z.R. and Part III, Division VI, Section E, p.26 of the C.M.D.P. to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, and, to permit a cul-de-sac without a landscaped median in lieu of providing same (Variance Requests 1 and 3, respectively); from Section 259.9.F.4 to permit a cul-de-sac or court length of 1900' feet (as modified) in lieu of the maximum allowed 400 feet (Variance Request #2); and from Sections 259.9.B.4 and 1B01.2.C.b of the B.C.Z.R. to permit a side building face to tract boundary setback of 20 feet in lieu of the required 25 feet for Lot 33 (previously identified as Lot 38) (Variance Request #4), in accordance with Developer's Exhibits 9A and 9B, be and is hereby GRANTED, subject to the following restrictions:

1) The Developer shall amend the plan to incorporate the development plan comment submitted by W. William Korpman, III, Chief Bureau of Engineering and Construction, Department of Public Works, dated October 3, 2002.

2) Pursuant to the recommendation made by the Office of Planning, the plan shall be amended to eliminate Lot 15.

3) The Developer shall amend the plan to bring same into compliance with Comments 2, 5, 6, 7, 8 and 9 of the development plan comment submitted by the Department of Recreation and Parks.

4) The Developer shall dedicate Parcel A to Baltimore County, at no cost, and grade same to the specifications of the Department of Recreation and Parks, at such time as Baltimore County is actively "constructing" the athletic fields and facilities immediately adjacent to the subject property. The Developer shall not be required to construct the athletic field, rather, only the grading and conveyance of Parcel A shall be required.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve that none of the proposed lots shown on the plan are "reverse frontage lots," as that term is defined in the Baltimore County Zoning Regulations (B.C.Z.R.), or, in the alternative, to allow those lots determined to be "reverse frontage lots" by the Zoning Commissioner to be individually identified by proposed lot number, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 259.9.C.2, 259.9.G.3 and 504.2 of the B.C.Z.R., and Part III, Division VI, Section E, p.6 of the C.M.D.P. to permit a reverse frontage where none is permitted for each lot identified as a "reverse frontage lot", if any, pursuant to the Petition for Special Hearing (Variance Request #5), be and is hereby DISMISSED AS MOOT.

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

Baltimore County
Zoning Commissioner

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

November 8, 2002

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

RE: DEVELOPMENT PLAN HEARING and
PETITIONS FOR SPECIAL HEARING & VARIANCE
(Parkside)
SE/S Honeygo Boulevard, 2,231' SW of E. Joppa Road
11th Election District – 6th Council District
Messick, Kowalsky, Lauenstein, & Hergenroeder, Owners;
Parkside LLC, Contract Purchaser/Developer
Case No. XI-875 & 03-034-SPHA

Dear Mr. Barhight & Ms. Busse:

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 as moot, and the Petition for Variance (as amended) 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. Norman W. Lauenstein, 809 Eastern Boulevard, Baltimore, Md. 21221
Mr. Ray Giudice, 525 E. Seminary Avenue, Towson, Md. 21286
Mr. Doug Eshelman, 5635 Vantage Point Road, Columbia, Md. 21044
Messrs. D. S. Thaler & Alan Scoll, D. S. Thaler & Associates, Inc.
7115 Ambassador Road, Baltimore, Md. 21244
Mr. Mickey Cornelius, The Traffic Group, 9900 Franklin Sq.Drive, Baltimore, Md. 21236
Mr. Patrick J. B. Donnelly, 111 South Calvert Street, Baltimore, Md. 21202
Don Rascoe, DPDM; Bruce Seeley, DEPRM; David Bayer, DPW; Lynn Lanham, OP;
John Weber, R&P; People's Counsel; Case File

FLOOD PLAIN

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at SE/S Honego Blvd., 2231' SW of E. Joppa Rd which is presently zoned DR 3.5H, DR 2H, and DR1

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

Please see attached

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:

Parkside, LLC
Name - Type or Print

07/18/02
Signature Douglas F. Eshelman, Authorized Member

5635 Vantage Point Rd. 410-884-9972
Address Telephone No.

Columbia, MD 21044
City State Zip Code

Attorney For Petitioner:

G. Scott Barhight, Esquire
Dino C. La Fiandra, Esquire
Name - Type or Print

Signature

Whiteford, Taylor & Preston L.L.P.
Company

210 W. Penna. Ave., #400 410-832-2000
Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

Please see attached
Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Dino C. La Fiandra, Esquire
Name

210 W. Penna. Ave., #400 410-832-2000
Address Telephone No.

Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JNP Date 7/18/02

Case No. 03-034-SPHA

ORDER RECEIVED FOR FILING
Date 11/6/02
By

REV 9/15/98

Petition for Special Hearing

Continuation Sheet

35.98 Acres at E/S Honeygo Boulevard, 2231' S E. Joppa Road

Relief Requested:

A determination that none of the proposed lots shown on the combined zoning and development plan are "reverse frontage lots" within the meaning of the Baltimore County Zoning Regulations.

If, upon this Petition for Special Hearing, the Zoning Commissioner determines that one or more of the proposed lots are "reverse frontage lots", then the Petitioner respectfully requests that the "reverse frontage lots" be individually identified, by proposed lot number.

254504

11/8/02

03-034-SPHA

Petition for Special Hearing

Continuation Sheet

35.98 Acres at E/S Honeygo Boulevard, 2231' S E. Joppa Road

Legal Owners:

Ruth E. Messick
9102 Rexis Avenue
Perry Hall, Maryland 21221
410-256-9625

Ruth E. Messick Date

Norman W. Lauenstein
324 Ida Avenue
Perry Hall, Maryland 21221
410-529-5384

Norman W. Lauenstein 06-21-02
Norman W. Lauenstein Date

Virginia Kowalsky
1162 River Bay Road
Annapolis, Maryland 21401

Virginia Kowalsky Date

Constance Hergenroeder
9067 Rexis Avenue
Perry Hall, Maryland 21128
410-256-1577

Constance Hergenroeder 6/21/02
Constance Hergenroeder Date

ORDER RECEIVED FOR FILING
Date 11/8/02
By

03-034-SPHA

Petition for Special Hearing

Continuation Sheet

35.98 Acres at E/S Honeygo Boulevard, 2231' S E. Joppa Road

Legal Owners:

Ruth E. Messick
9102 Rexis Avenue
Perry Hall, Maryland 21221
410-256-9625

Ruth E. Messick 7/05/02
Ruth E. Messick Date

Norman W. Lauenstein
324 Ida Avenue
Perry Hall, Maryland 21221
410-529-5384

Norman W. Lauenstein 06-21-02
Norman W. Lauenstein Date

Virginia Kowalsky-RAMIREZ
1162 River Bay Road
Annapolis, Maryland 21401

Virginia Kowalsky Ramirez 7/05/02
Virginia Kowalsky-RAMIREZ Date

Constance Hergenroeder
9067 Rexis Avenue
Perry Hall, Maryland 21128
410-256-1577

Constance Hergenroeder 6/21/02
Constance Hergenroeder Date

ORDER RECEIVED FOR FILING
Date 11/8/02
By

03-034-SPHA

FLOOD PLAIN

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at SE/S Honeygo Blvd., 2231' SW of E. Joppa Rd. which is presently zoned DR 3.5H, DR 2H, and DR1

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)

Please 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)

Please see attached.

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:

Parkside, LLC
Name - Type or Print

07/18/02
Signature Douglas F. Eshelman, Author.Membr

5635 Vantage Point Rd. 410-884-9972
Address Telephone No.

Columbia MD 21044
City State Zip Code

Legal Owner(s):

Please see attached.
Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

G.Scott Barhight, Esquire
Dino C. La Fiandra, Esquire
Name - Type or Print

Signature

Whiteford, Taylor & Preston L.L.P.
Company

210 W. Penna. Ave., #400 410-832-2000
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

Dino C. La Fiandra, Esquire
Name

210 W. Penna. Ave., #400 410-832-2000
Address Telephone No

Towson MD 21204
City State Zip Code

OFFICE USE ONLY

Case No. 03-034-SPHA

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JNP Date 7/18/02

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 11/8/02
By

Petition for Variance

Continuation Sheet

35.98 Acres at E/S Honeygo Boulevard, 2231′ S E. Joppa Road

Relief Requested:

Variance from BCZR sections 259.9.G.3 and 504.2, and from CMDP, Part III, Division VI, Section E, p. 26, to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood.

Variance from BCZR sections 259.9.F.4 to permit a cul-de-sac or court of 2100′ ± length in lieu of the maximum permitted length of 400′.

Variance from BCZR sections 259.9.G.3 and 504.2, and from CMDP, Part III, Division VI, Section E, p. 31 to permit a cul-de-sac without a landscaped median in lieu of providing the required landscaped median.

Variance from BCZR sections 259.9.B.4 and 1B01.2.C.b, to permit a side building face to tract boundary set back on Lot 38 of 20 feet, in lieu of the minimum side building face to tract boundary set back of 25 feet.

Variance from BCZR sections 259.9.C.2, 259.9.G.3 and 504.2, and from CMDP, Part III, Division VI, Section E, p. 6, to permit a reverse frontage, where none is permitted for each lot, if any, identified as a "reverse frontage lot" by the Zoning Commissioner pursuant to the Petition for Special Hearing.

Proof of hardship and practical difficulty justifying the requested relief will be presented at the hearing.

11/8/02

03-034-SPHA

Petition for Variance

Continuation Sheet

35.98 Acres at E/S Honeygo Boulevard, 2231' S E. Joppa Road

Legal Owners:

Ruth E. Messick
9102 Rexis Avenue
Perry Hall, Maryland 21221
410-256-9625

____
Ruth E. Messick Date

Norman W. Lauenstein
324 Ida Avenue
Perry Hall, Maryland 21221
410-529-5384

Norman W. Lauenstein 06/07/02
Norman W. Lauenstein Date

Virginia Kowalsky
1162 River Bay Road
Annapolis, Maryland 21401

____
Virginia Kowalsky Date

Constance Hergenroeder
9067 Rexis Avenue
Perry Hall, Maryland 21128
410-256-1577

Constance Hergenroeder 6/7/02
Constance Hergenroeder Date

ORDER RECEIVED FOR FILING
Date 11/8/02
By

03-034-SPHA

Petition for Variance

Continuation Sheet

35.98 Acres at E/S Honeygo Boulevard, 2231' S E. Joppa Road

Legal Owners:

Ruth E. Messick
9102 Rexis Avenue
Perry Hall, Maryland 21221
410-256-9625

Ruth E. Messick 6/14/02
Ruth E. Messick Date

Norman W. Lauenstein
324 Ida Avenue
Perry Hall, Maryland 21221
410-529-5384

Norman W. Lauenstein 06/07/02
Norman W. Lauenstein Date

Virginia Kowalsky –RAMIREZ
1162 River Bay Road
Annapolis, Maryland 21401

Virginia Kowalsky-Ramirez 6/17/02
Virginia Kowalsky-Ramirez Date

Constance Hergenroeder
9067 Rexis Avenue
Perry Hall, Maryland 21128
410-256-1577

Constance Hergenroeder 6/7/02
Constance Hergenroeder Date

11/9/02

03-034-SPHA

Petition for Variance

Continuation Sheet

35.98 Acres at E/S Honeygo Boulevard, 2231' S E. Joppa Road

Relief Requested:

Variance from BCZR sections 259.9.G.3 and 504.2, and from CMDP, Part III, Division VI, Section E, p. 26, to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood.

Variance from BCZR sections 259.9.F.4 to permit a cul-de-sac or court of 2100' ± length in lieu of the maximum permitted length of 400'.

Variance from BCZR sections 259.9.G.3 and 504.2, and from CMDP, Part III, Division VI, Section E, p. 31 to permit a cul-de-sac without a landscaped median in lieu of providing the required landscaped median.

Variance from BCZR sections 259.9.B.4 and 1B01.2.C.b, to permit a side building face to tract boundary set back on Lot 38 of 20 feet, in lieu of the minimum side building face to tract boundary set back of 25 feet.

Variance from BCZR sections 259.9.C.2, 259.9.G.3 and 504.2, and from CMDP, Part III, Division VI, Section E, p. 6, to permit a reverse frontage, where none is permitted for each lot, if any, identified as a "reverse frontage lot" by the Zoning Commissioner pursuant to the Petition for Special Hearing.

Proof of hardship and practical difficulty justifying the requested relief will be presented at the hearing.

July 18, 2002

PARKSIDE
Description to Accompany Zoning Petition
(for Zoning purposes only)

Beginning at a point located on the south eastern right-of-way line of Honeygo Boulevard, 70' wide, approximately 2,231 feet south west of the intersection of Honeygo Boulevard and E. Joppa Road, said point having Baltimore County coordinates of N 37,460, E 47,382 and running for the following thirty six courses and distances:

1. South 43°13'28" East 669.33 feet, more or less to a point; thence,
2. South 45°45'47" West 278.54 feet, more or less to a point; thence,
3. South 46°03'16" East 229.81 feet, more or less to a point; thence,
4. South 45°02'19" West 299.05 feet, more or less to a point; thence,
5. South 49°24'30" East 1081.95 feet, more or less to a point; thence,
6. South 07°05'49" West 6.49 feet, more or less to a point; thence,
7. South 83°15'50" West 59.20 feet, more or less to a point; thence,
8. South 07°50'50" West 50.35 feet, more or less to a point; thence,
9. South 34°00'50" West 56.00 feet, more or less to a point; thence,
10. South 15°40'20" West 205.83 feet, more or less to a point; thence,
11. South 88°12'10" East 970.07 feet, more or less to a point; thence,
12. South 00°38'10" East 24.00 feet, more or less to a point; thence,
13. North 88°12'10" West 450.19 feet, more or less to a point; thence,
14. South 89°46'00" West 233.55 feet, more or less to a point; thence,

03-034-SPHA

15. South 73°35'00" West 95.59 feet, more or less to a point; thence,

16. South 47°27'20" West 94.17 feet, more or less to a point; thence,

17. South 18°01'47" West 98.37 feet, more or less to a point; thence,

18. South 33°27'56" West 103.58 feet, more or less to a point; thence,

19. South 52°00'10" West 80.17 feet, more or less to a point; thence,

20. South 52°00'10" West 33.35 feet, more or less to a point; thence,

21. South 02°24'20" East 186.75 feet, more or less to a point; thence,

22. South 19°17'50" East 53.63 feet, more or less to a point; thence,

23. South 05°30'10" West 151.82 feet, more or less to a point; thence,

24. South 41°04'50" East 33.00 feet, more or less to a point; thence,

25. South 16°25'10" West 151.39 feet, more or less to a point; thence,

26. North 49°20'50" West 11.79 feet, more or less to a point; thence,

27. North 53°50'50" West 138.60 feet, more or less to a point; thence,

28. North 79°36'50" West 184.80 feet, more or less to a point; thence,

29. North 39°37'59" West 263.16 feet, more or less to a point; thence,

30. North 09°51'40" West 708.78 feet, more or less to a point; thence,

31. North 51°56'05" East 272.14 feet, more or less to a point; thence,

32. North 46'57'46" West 700.17 feet, more or less to a point; thence,

33. North 46°43'22" West 231.79 feet, more or less to a point; thence,

34. North 45°11'41" East 445.72 feet, more or less to a point; thence,

35. North 43°05'08" West 607.73 feet, more or less to a point; thence,

36. North 38°54'52" East 538.05 feet, more or less to a point; thence,

Containing approximately 35.61 acres located in the 11th Election District and 5th Councilmanic District of Baltimore County.

STATE OF MARYLAND
BERNARD F. LINSENMEYER III
503
REGISTERED
PROPERTY LINE SURVEYOR

\\DELLSERVER\ADMIN\CORRESPONDENCE\PROJECTS\PARKSIDE P U D\DESCRIPTION TO ACCOMPANY ZONING PETITION BAM RTF

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 14414

DATE 7/18/02 ACCOUNT R-001-006-6150

AMOUNT $ 650.00

RECEIVED FROM: Whiteford Taylor & Preston LLP

FOR: SES of Merritt Blvd 2271' SW of E. Joppa Rd
03-034-SPHA (Parkside Rd.)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME
7/19/2002 7/18/2002 14:35:15
REG WS05 WALKIN RBOG LRB DRAWER 5
>RECEIPT # 279596 7/18/2002 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 014414
Recpt Tot $650.00
650.00 CK .00 CA
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: #03-034-SPHA
SE/side Honeygo Blvd.
SE/side of Honeygo Blvd., 2231' southwest of E. Joppa Road
11th Election District - 5th Councilmanic District
Legal Owner(s): Ruth Messick, Norman Lauenstein, Virginia Kowalsky, and Constance Hergenroeder
Contract Purchaser: Parkside, LLC

Special Hearing: to approve that none of the proposed lots shown on the combined zoning and development plan are "reverse frontage lots" within the meaning of the BCZR. If determined that one or more of the proposed lots are "reverse frontage lots", then the "reverse frontage lots", be individually identified, by proposed lot number **Variance:** to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood; to permit a cul-de-sac or court 2100' +/- length in lieu of the maximum permitted length of 400'; to permit a cul-de-sac without a landscaped median in lieu of providing the required landscaped median; to permit a side building face to tract boundary setback on Lot 38 of 20 feet, in lieu of the minimum side building face to tract boundary setback of 25 feet; and to permit a reverse frontage, where none is permitted for each lot, if any, identified as a "reverse frontage."

Hearing: Thursday, October 3, 2002 & Friday, October 4, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue, to coincide w/Parkside.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/9/721 Sept. 17 C563173

CERTIFICATE OF PUBLICATION

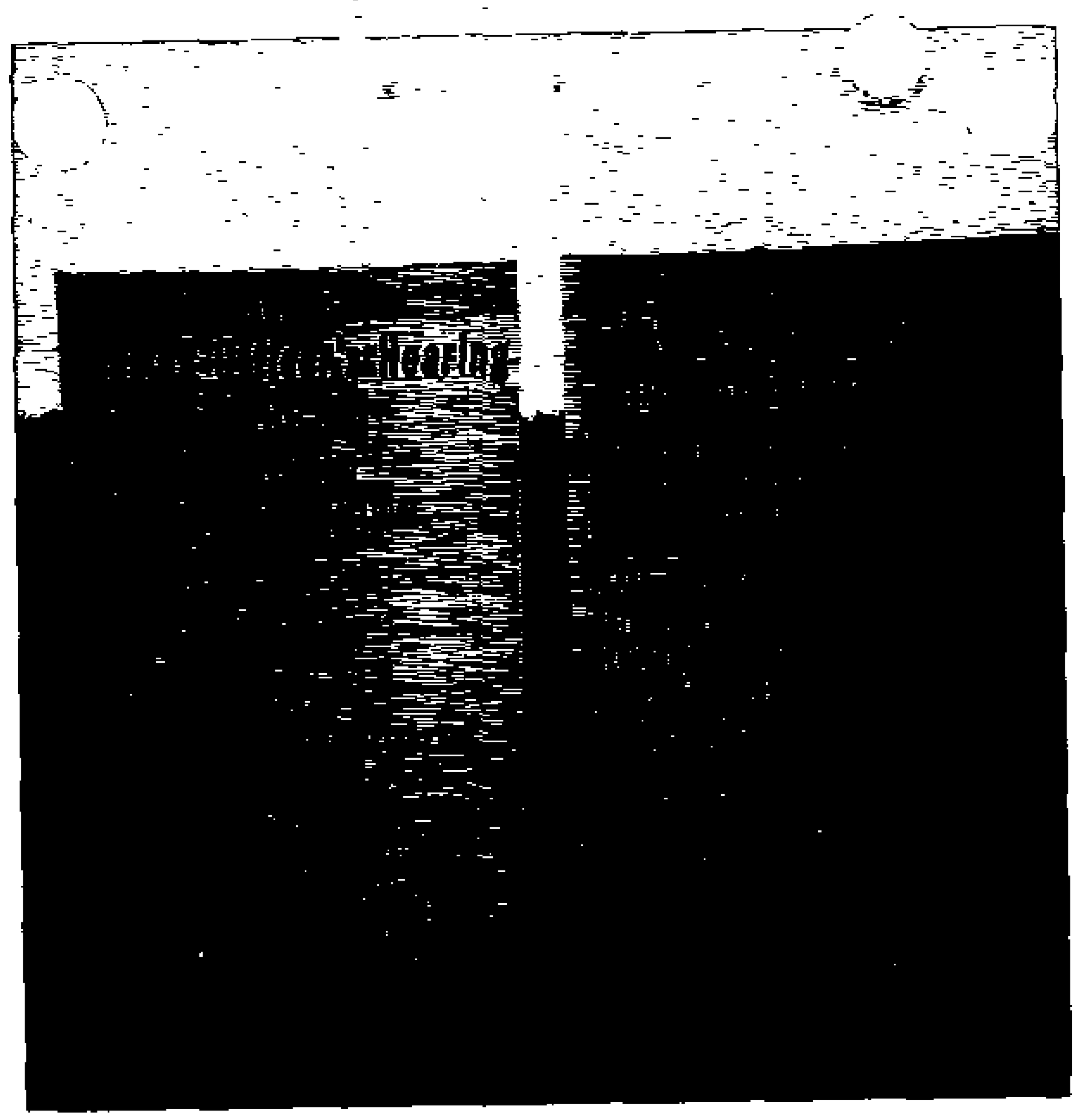
9/19/, 2002

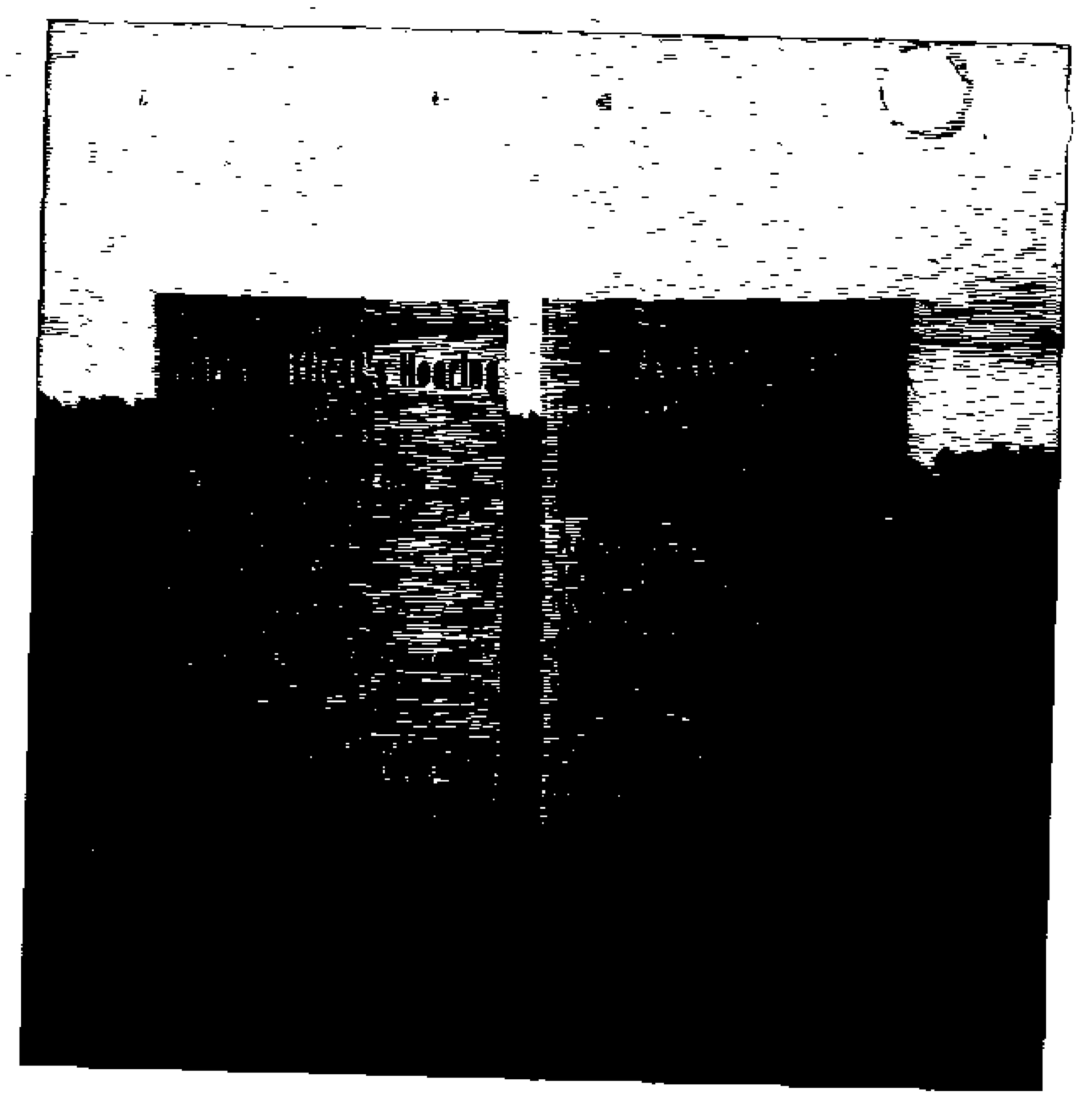
THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/17/, 2002.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING


Hearing


Hearing

CERTIFICATE OF POSTING

RE: Case No.: 03-034-SPHA

Petitioner/Developer: Parkside, LLC

Date of Hearing/Closing: *

* Hearing Officers Hearing 10/3 & 4/02
Zoning Hearing 10/3/02

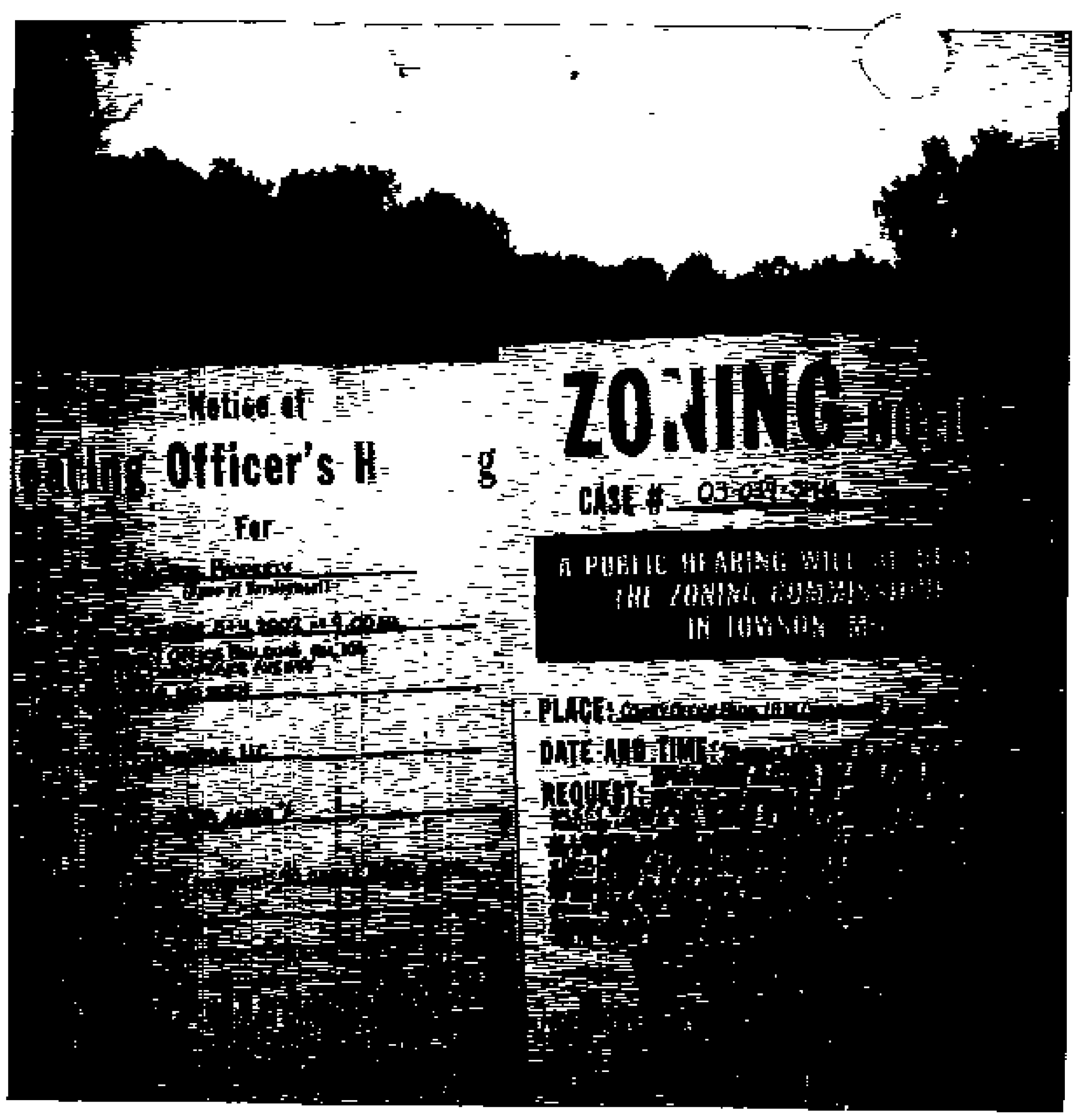
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at (1) sign @ Cowenton Ave, (1) sign @ Rexis Ave, and (1) sign @ Honeygo Blvd. Perry Hall, MD

The sign(s) were posted on August 30, 2002
(Month, Day, Year)



Sincerely,

Stacy Gardner 8/30/02
(Signature of Sign Poster and Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
(Address)

ELDERSBURG, MD. 21784
(City, State, Zip Code)

410-781-4000
(Telephone Number)

RE:	PETITION FOR SPECIAL HEARING & VARIANCE	*	BEFORE THE
	SE/side of Honeygo Blvd. 2231' SW of East Joppa Rd. (Parkside)	*	ZONING COMMISSIONER
	11th Election District 5th Councilmanic District	*	FOR
	Legal Owner:R Messick, N. Lauernstein, V. Kowalsky, C. Hergenroeder	*	BALTIMORE COUNTY
	Contract Purchaser: Parkside LLC Petitioner(s)	*	03-034-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 5th day of August, 2002, a copy of the foregoing Entry of Appearance was mailed to Dino C. La Fiandra, Esquire, WHITEFORD, TAYLOR & PRESTON LLP, 210 West Pennsylvania Avenue, Suite 400, Towson, Maryland 21204 Attorney for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 17, 2002 Issue – Jeffersonian

Please forward billing to:
Dino LaFiandra 410-832-200
210 W. Pennsylvania Ave., #400
Towson, MD 21204

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: 03-034-SPHA
SE/side Honeygo Blvd.
SE/side of Honeygo Blvd., 2231' southwest of E. Joppa Road
11th Election District – 5th Councilmanic District
Legal Owners: Ruth Messick, Norman Lauenstein, Virginia Kowalsky, and Constance Hergenroeder
Contract Purchaser: Parkside, LLC

Special Hearing to approve that none of the proposed lots shown on the combined zoning and development plan are "reverse frontage lots" within the meaning of the BCZR. Variance to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood; to permit a cul-de-sac or court 2100' +/- length in lieu of the maximum permitted length of 400'; to permit a cul-de-sac without a landscaped median in lieu of providing the required landscaped median; to permit a side building face to tract boundary setback on Lot 38 of 20 feet, in lieu of the minimum side building face to tract boundary setback of 25 feet; and to permit a reverse frontage, where none is permitted for each lot, if any, identified as a "reverse frontage."

HEARING: Thursday, October 3, 2002 & Friday, October 4, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue, to coincide w/Parkside

Lawrence E. Schmidt

Change

LAWRENCE E. SCHMIDT GDZ
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.

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

August 1, 2002

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: 03-034-SPHA
SE/side Honeygo Blvd.
SE/side of Honeygo Blvd., 2231' southwest of E. Joppa Road
11th Election District – 5th Councilmanic District
Legal Owners: Ruth Messick, Norman Lauenstein, Virginia Kowalsky, and Constance Hergenroeder
Contract Purchaser: Parkside, LLC

Special Hearing to approve that none of the proposed lots shown on the combined zoning and development plan are "reverse frontage lots" within the meaning of the BCZR. Variance to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood; to permit a cul-de-sac or court 2100' +/- length in lieu of the maximum permitted length of 400'; to permit a cul-de-sac without a landscaped median in lieu of providing the required landscaped median; to permit a side building face to tract boundary setback on Lot 38 of 20 feet, in lieu of the minimum side building face to tract boundary setback of 25 feet; and to permit a reverse frontage, where none is permitted for each lot, if any, identified as a "reverse frontage."

HEARING: *Thursday, October 3, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue*

Arnold Jablon
Director

C: Ruth E. Messick, 9102 Rexis Avenue, Perry Hall 21128
Norman W. Lauenstein, 324 Ida Avenue, Perry Hall 21128
Virginia Kowalsky, 1162 River Bay Road, Annapolis 21401
Constance Hergenroeder, 9067 Rexis Avenue, Perry Hall 21128
Dino LaFiandra, 210 W. Pennsylvania Ave., Towson 21204
Parkside, LLC, Douglas Esheiman, 5635 Vantage Point Rd., Columbia 21044

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPT. 18, 2002.**
(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

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

August 5, 2002

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: 03-034-SPHA
SE/side Honeygo Blvd.
SE/side of Honeygo Blvd., 2231' southwest of E. Joppa Road
11th Election District – 5th Councilmanic District
Legal Owners: Ruth Messick, Norman Lauenstein, Virginia Kowalsky, and Constance Hergenroeder
Contract Purchaser: Parkside, LLC

Special Hearing to approve that none of the proposed lots shown on the combined zoning and development plan are "reverse frontage lots" within the meaning of the BCZR. Variance to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood; to permit a cul-de-sac or court 2100' +/- length in lieu of the maximum permitted length of 400'; to permit a cul-de-sac without a landscaped median in lieu of providing the required landscaped median; to permit a side building face to tract boundary setback on Lot 38 of 20 feet, in lieu of the minimum side building face to tract boundary setback of 25 feet; and to permit a reverse frontage, where none is permitted for each lot, if any, identified as a "reverse frontage."

HEARING: Thursday, October 3, 2002 & Friday, October 4, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Building,111 W Chesapeake Avenue, to coincide w/Parkside

Arnold Jablon
Director GDZ

c: Ruth E Messick, 9102 Rexis Avenue, Perry Hall 21128
Norman W. Lauenstein, 324 Ida Avenue, Perry Hall 21128
Virginia Kowalsky, 1162 River Bay Road, Annapolis 21401
Constance Hergenroeder, 9067 Rexis Avenue, Perry Hall 21128
Dino LaFiandra, 210 W. Pennsylvania Ave., Towson 21204
Parkside, LLC, Douglas Esheiman, 5635 Vantage Point Rd., Columbia 21044

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPT. 18, 2002.**
(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.

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: 03-034-SPHA

Petitioner: MESSICK/LAUENSTEIN/KOWALSKY/HERGENROEDER

Address or Location: SES of Honeygo Blvd., 2231' SW of E. Joppa Road (Parkside)

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino LaFiandra

Address: 210 W. Pennsylvania Ave, #400
Towson, MD ~~21[illegible]~~ 21204

Telephone Number: 410-832-2000

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

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

September 27, 2000

Ruth E Messick
9102 Rexis Avenue
Perry Hall MD 21128

Dear Ms. Messick:

RE: Case Number: 03-034-SPHA, Honeygo Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 28, 2002.

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: Norman W Lauenstein, 324 Ida Avenue, Baltimore 21221
Virginia Kowalsky-Ramirez, 1162 River Bay Road, Annapolis 21401
Constance Hergenroeder, 9067 Rexis Avenue, Perry Hall 21128
Parkside LLC, Douglas F Eshelman, 5635 Vantage Point Road, Columbia 21044
Dino C LaFiandra, Whiteford Taylor & Preston, 210 W Pennsylvania Avenue, Suite 400, Towson 21204
People's Counsel

Baltimore County
Fire Department

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

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

July 30, 2002

ATTENTION: George Zahner

RE:

Property Owner:

Location: S/E Honeygo Blvd.

Item No.: 034

Dear Mr. Zahner:

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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual, Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

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

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 200 Edition prior to occupancy.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

10/3/44

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS /TGT

DATE: August 16, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 29, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

34

31-37, 40,41

Maryland Department of Transportation
State Highway Administration

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

Date: 7.29.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 034 JHP

Dear. Mr. Zahner:

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,

L. J. Gredl

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

Maryland Department of Planning

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

July 30, 2002

Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda - case numbers 03-031-A, 03-032-A, 03-033-SPH, 03-034-SPHA, 03-035-SPH, 03-036-A, 03-037-A, 03-038-A, 03-039-A, 03-040-SPH & 03-041-A**

To whom it may concern:

The Maryland Department of Planning has received the above-referenced information on 7/29/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

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

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

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

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

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

DINO C. LA FIANDRA
DIRECT NUMBER
410 832-2084
DLafiandra@wtplaw com

July 10, 2002

Via Hand Delivery

Mr. George Zahner
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Parkside, LLC - Scheduling Combined Hearing

Dear Mr. Zahner:

This office represents Parkside, LLC. On June 28, 2002, our client filed a development plan for its property in Honeygo. Today, Parkside "drop-filed" petitions for special hearing and variance for the same property. Parkside has requested a combined development and zoning hearing, and the development plan notes this request.

As we know, you are responsible for scheduling the hearings on these matters, and accordingly we wanted to make you aware of the request for a combined hearing under Baltimore County Code, § 26-206.1.

As always, your kind attention is greatly appreciated. Should you have any questions, please contact me.

Sincerely,

Dino C. La Fiandra

Dino C. La Fiandra

257184

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
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DLafiandra@wtplaw com

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TOWSON, MARYLAND 21204-4515

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

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WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

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

July 11, 2002

Via Hand Delivery
Mr. John Sullivan
Zoning Planner II
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Parkside, LLC - Drop File Zoning Petitions for Variance, Special Hearing

Dear Mr. Sullivan:

Enclosed herewith for "drop-filing" are the following materials relating to the proposed Parkside development in Honeygo:

1. Three copies each of signed Petition for Variance and Petition for Special Hearing.
2. 12 copies of zoning plan.
3. One zoning description.
4. One 200' scale zoning map.
5. One check to Baltimore County, Maryland for $650.00, as the filing fee.

Both you and Jeff Perlow have reviewed this plan at least twice. There are no outstanding zoning violations for this property. Please let me know the case number and provide a copy of the receipt for the check when you can.

03-034-SPHA

Should you have any questions, please let me know.

Sincerely,

Dino C. La Fiandra

Dino C. La Fiandra

DCL:

Enclosures

03-034-SPMA

OFF SEE ME J.L. ~~01-034-SPH~~ 15: Planning – check wording 8/15

JNP

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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TELEPHONE 703 836-5742
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DINO C. LA FIANDRA
DIRECT NUMBER
410 832-2084
DLafiandra@wtplaw.com

RECEIVED
02-2716
AUG 15 2002
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

August 15, 2002

Via Hand Delivery
Mr. Arnold Jablon, Director
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Zoning Case No. ~~01~~ 03-034-SPHA (Parkside)

Dear Mr. Jablon:

I have the Notice of Zoning Hearing prepared by your office in the above-referenced case. I note that the Notice omits one of the items of variance relief requested. Namely, "*Variance from BCZR sections 259.9.F.4 to permit a cul-de-sac or court of 2100' ± length in lieu of the maximum permitted length of 400'*", which was requested as the second item in the Petition for Variance, was not included among the items listed in the Notice. I also note that the Notice does not indicate the BCZR and CMDP sections from which variances are sought. we don't do

Furthermore, with regard to the Petition for Special Hearing, the Notice omits the second item of relief requested, "*If, upon this Petition for Special Hearing, the Zoning Commissioner determines that one or more of the proposed lots are 'reverse frontage lots', then the Petitioner respectfully requests that the 'reverse frontage lots' be individually identified, by proposed lot number.*" I have attached a copy of the Notice of Zoning Hearing and the Petitions for Variance and Special Hearing for your quick reference.

I will instruct the sign poster to include the missing language on the sign to be posted on the property. However, for the purposes of the newspaper advertisement of the hearing, I would request that you ensure that a complete listing of the requested relief is indicated in the advertisement.

Thank you for your assistance. Should you have any questions, please contact me.

Sincerely,

Dino C. La Fiandra

Encl.

C: Parkside, LLC
Mr. George Zahner, DPDM

260029

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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

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DLafiandra@wtplaw.com

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FAX 202 331-0573

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

To: George
File 7/22/02

July 17, 2002

<u>Via Hand Delivery</u>
Mr. Carl Richards, Supervisor
Baltimore County Bureau of Zoning Review
111. W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Follow-up on Drop-Filing for "Parkside" (Jeff Perlow, Planner)

Dear Mr. Richards:

As we discussed by telephone yesterday, the enclosed letter from Patrick Donnelly, Esquire, counsel for the property owners, indicates that the signatures of Ms. Messick-Ramirez and Ms. Kowalski appearing on the Petition for Variance are in fact originals. Please review the letter, and advise me that your office will accept the petitions with the signatures as shown.

Sincerely,

Dino C. La Fiandra

Dino C. La Fiandra

DCL:

Enclosure

257761

RECEIVED
JUL 17 2002
By ____________

NILES, BARTON & WILMER, LLP
ATTORNEYS AT LAW
SUITE 1400
111 S. CALVERT STREET
BALTIMORE, MARYLAND 21202-6185

WASHINGTON, D. C. 20006
1616 H STREET, N.W.
202-737-0512

TELEPHONE 410-783-6300
FACSIMILE 410-783-6363
WEBSITE www.niles-law.com

WRITER'S DIRECT CONTACT

June 17, 2002

Mr. Douglas Eshelman
5635 Vantage Point Road
Columbia, MD 21044

Re: Messick-Ramirez Property
Rexis Avenue

Dear Doug:

Enclosed are the three executed originals of the Petition for Variance tht you sent my client for execution.

Very truly yours,

Patrick J. B. Donnelly

fig
10/3

PETITION FOR SPECIAL HEARING AND VARIANCE	*	**BEFORE THE**
SE/S Honeygo Blvd.	*	**ZONING COMMISSIONER**
2231' SW of East Joppa Road (Parkside)		
11th Election District	*	**FOR**
5th Councilmanic District		
Legal Owner: R. Messick, N. Lauenstein, V. Kowalsky, C. Hergenroeder	*	**BALTIMORE COUNTY**
Contract Purchaser: Parkside LLC, Petitioners.	*	**Case No. 03-034-SPHA**
	*	

* *

NOTICE OF ENTRY OF APPEARANCE

Please enter the appearance of Edward J. Gilliss, County Attorney, and C. Robert Loskot, Assistant County Attorney, as counsel for Baltimore County, Maryland, in the captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy C. Robert Loskot, Assistant County Attorney, on all correspondence mailed or documentation filed in this matter.

EDWARD J. GILLISS
County Attorney

C Robert Loskot

C. ROBERT LOSKOT
Assistant County Attorney
400 Washington Avenue, Room 219
Towson, Maryland 21204
410-887-4420

Attorneys for Baltimore County, Maryland

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 5th day of September, 2002, that a copy of the foregoing Notice of Entry of Appearance, was mailed, first class, postage prepaid, to:

DINO C. LA FIANDRA, ESQUIRE
Whiteford, Taylor & Preston LLP
210 West Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

Attorneys for Petitioners

and was hand delivered to:

PETER MAX ZIMMERMAN, ESQUIRE
People's Counsel for Baltimore County
400 Washington Avenue, Room 47
Mail Stop 2010
Towson, Maryland 21204

ARNOLD JABLON, DIRECTOR
Department of Permits and Development Management
111 West Chesapeake Avenue
Mail Stop 1105
Towson, Maryland 21204

C. ROBERT LOSKOT
Assistant County Attorney

JNP
Intake Planner

7/12/02
Date Assigned

Parkside

DROP-OFF PETITIONS
PROCESSING CHECK-OFF

☑ **Two Questions Answered on Cover Sheet:**
Any previous reviews in the zoning office? Yes
Any current building or zoning violations on site? No

☑ **Petition Form Matches Plat in these areas:** SES of Honeygo Blvd (Not E. Side)
- Address No (2231' SW (Not South) of E. Joppa Road (~~[illegible]~~)
- Zoning YES
- Legal Owner(s) YES
- Contract Purchaser(s) No (Address Does Not Match)
- Request (if listed on plat) YES

☑ **Petition Form (must be current PDM form) is Complete:**
Request:
- Section Numbers YES
- Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities. YES
- Hardship/Practical Difficulty Reasons YES

Legal Owner/Contract Purchaser:
- Signatures (originals) NO (Not Original on 2 of the 4 owners)
- Printed/Typed Name and Title (if company)

Attorney (if incorporated)
Signature/Address/Telephone Number of Attorney

☑ **Correct Number of Petition Forms Descriptions and Plats** SES of Honeygo Blvd. (Not E. Side) Needs to Say 2231' SW (Not South) of E. Joppa Rd. and Needs to Match Net Acreage on Plan

☑ **200 Scale Zoning Map**

☑ **Check:** Amount Correct? Yes Signed? Yes

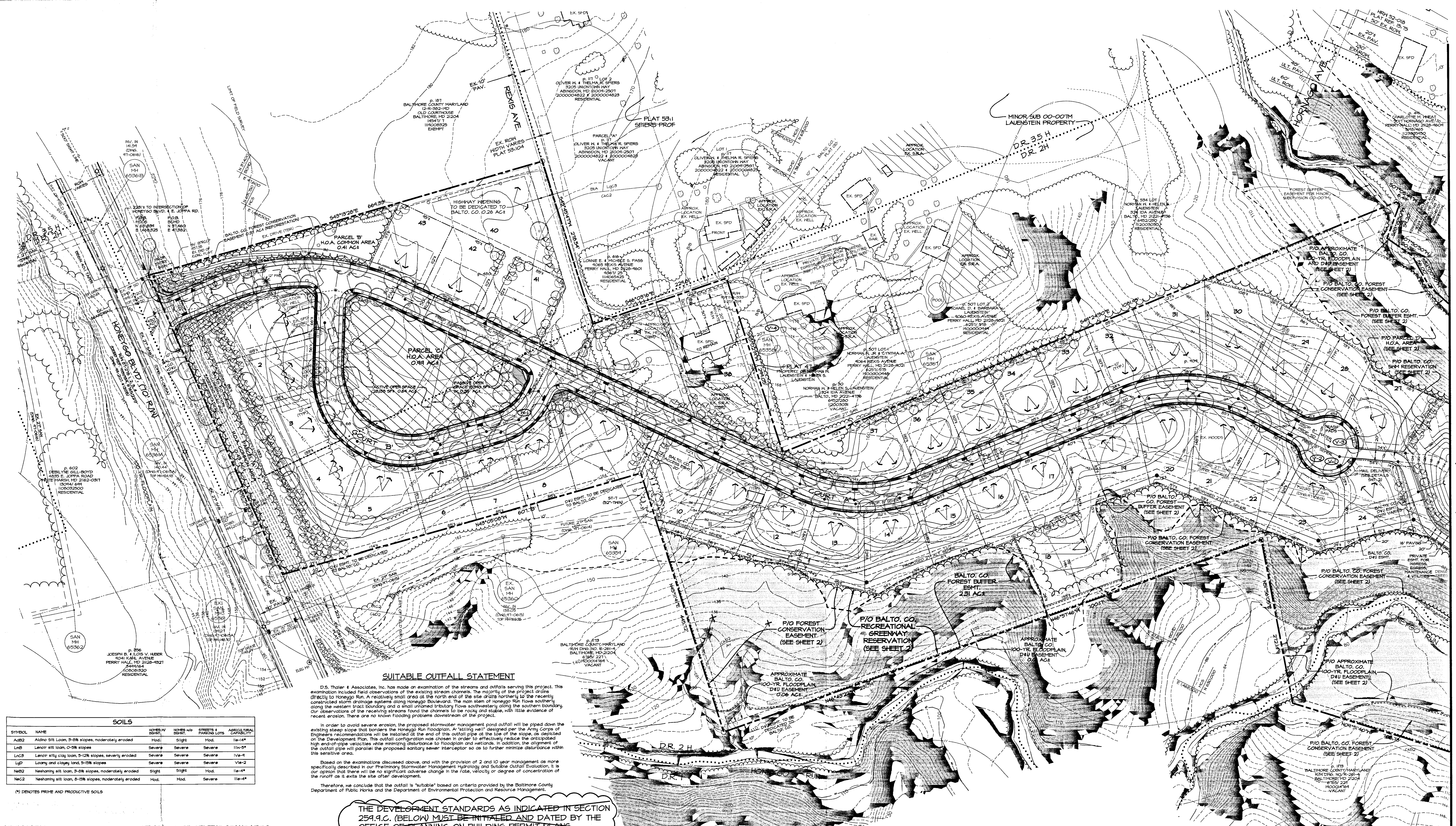
☑ **ZAC Plat Information:**
Location (by Carl) SE/S Honeygo Blvd. 2231 ft. SW Joppa Rd.
Zoning: DR 3.5H, DR 2H, DR 1 Net Acreage: 35.61 Doesn't Match Description Previous Hearing Listed With Decision
Election District 11 Councilmanic District 5 Case # None
Check to See if the Subject Site or Request is:
- CBCA No
- Floodplain YES (Riverine, but No Note on Plan) ~~[illegible]~~
- Elderly NO
- Historical NO (~~Ridge Site included in MD Archaeological Survey~~)
- Pawn Shop NO
- Helicopter NO
- *If Yes, Print Special Handling Category Here: FLOODPLAIN (Riverene)
- *If No, Print No

03-034-SPHA
Item Number Assigned

7/18/02
Date Accepted for Filing

ADD "Partially" Within "H" and "Honeygo Run" Subarea.
REMOVE INITIALED & DATED BY PLANNING

WCR/SCL – 9/5/00



SUITABLE OUTFALL STATEMENT

D.S. Thaler & Associates, Inc. has made an examination of the streams and outfalls serving this project. This examination included field observations of the existing stream channels. The majority of the project drains directly to Honeygo Run. A relatively small area at the north end of the site drains northerly to the recently constructed storm drainage systems along Honeygo Boulevard. The main stem of Honeygo Run flows southerly along the western tract boundary and a small unnamed tributary flows southwesterly along the southern boundary. Our observations of the receiving streams found the channels to be rocky and stable, with little evidence of recent erosion. There are no known flooding problems downstream of the project.

In order to avoid severe erosion, the proposed stormwater management pond outfall will be piped down the existing steep slope that borders the Honeygo Run floodplain. A "stilling well" designed per the Army Corps of Engineers recommendations will be installed at the end of this outfall pipe at the toe of the slope, as depicted on the Development Plan. This outfall configuration was chosen in order to effectively reduce the anticipated high end-of-pipe velocities while minimizing disturbance to floodplain and wetlands. In addition, the alignment of the outfall pipe will parallel the proposed sanitary sewer interceptor so as to further minimize disturbance within this sensitive area.

Based on the examinations discussed above, and with the provision of 2 and 10 year management as more specifically described in our Preliminary Stormwater Management Hydrology and Suitable Outfall Evaluation, it is our opinion that there will be no significant adverse change in the rate, velocity or degree of concentration of the runoff as it exits the site after development.

Therefore, we conclude that the outfall is "suitable" based on criteria provided by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

SOILS

SYMBOL	NAME	HOMES W/ BSMNT.	HOMES w/o BSMNT.	STREETS & PARKING LOTS	AGRICULTURAL CAPABILITY
AdB2	Aldino Silt Loam, 3-8% slopes, moderately eroded	Mod.	Slight	Mod.	IIe-14*
LmB	Lenoir silt loam, 0-5% slopes	Severe	Severe	Severe	IIIw-5*
LnC3	Lenoir silty clay loam, 5-12% slopes, severly eroded	Severe	Severe	Severe	IVe-9
LyD	Loamy and clayey land, 5-15% slopes	Severe	Severe	Severe	VIe-2
NeB2	Neshaminy silt loam, 3-8% slopes, moderately eroded	Slight	Slight	Mod.	IIe-4*
NeC2	Neshaminy silt loam, 8-15% slopes, moderately eroded	Mod.	Mod.	Severe	IIIe-4*

(*) DENOTES PRIME AND PRODUCTIVE SOILS

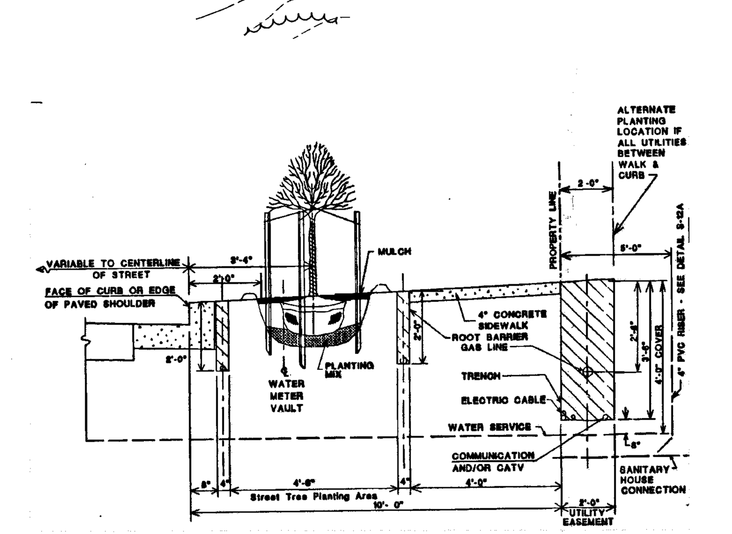
THE ~~DEVELOPMENT~~ STANDARDS AS ~~INDICATED IN~~ SECTION 259.9.C. (BELOW) ~~MUST BE INITIALED~~ AND DATED BY THE ~~OFFICE OF~~ PLANNING ON BUILDING PERMIT ~~PLANS.~~

APPLICABLE EXCERPTS FROM THE HONEYGO DEVELOPMENT STANDARDS:

259.9 Development standards for H and HI Overlay Districts. [Bill No. 176-1994]

C. Building and site design standards.

D. Signage standards. Signs are permitted, subject to Sectin 450. [Bill No. 89-1997]



TYPICAL SIDEWALK/STREET TREE DETAIL (BALTO. CO. PLATE G-5A)

N.T.S.

LEGEND

EXISTING

- TRACT BOUNDARY
- ZONING LINE
- EASEMENT
- INDEX CONTOUR
- INTER. CONTOUR
- SOILS
- TREES
- FIRE HYDRANT
- ROAD
- SANITARY SEWER
- STORM DRAIN
- WATER
- LIGHT POLES
- WETLANDS
- SPECIMEN TREE
- FLOODPLAIN
- STEEP SLOPES

PROPOSED

- FOREST BUFFER EASEMENT
- INDEX CONTOUR
- INTER. CONTOUR
- AVERAGE DAILY TRIPS
- LIGHT
- FIRE HYDRANT
- SANITARY SEWER
- STORM DRAIN
- WATER
- BALTO. CO. GREENWAY RESERVATION
- OPEN SPACE
- FOREST CONSERVATION EASEMENT
- TREELINE
- MAJOR DECIDUOUS TREE
- MINOR DECIDUOUS TREE
- EVERGREEN TREE
- SHRUBS
- GROUND COVER/ PERENNIALS/ GRASSES

PUBLIC WORKS WAIVER REQUEST

W-1

REQUESTS FOR VARIANCES:

V-1

V-2

V-3

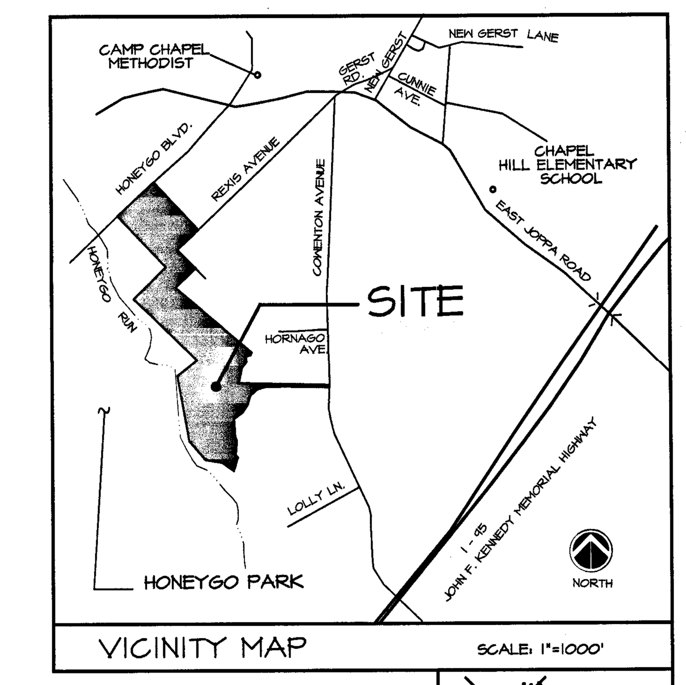
V-4

V-5

REQUESTS FOR SPECIAL HEARING:

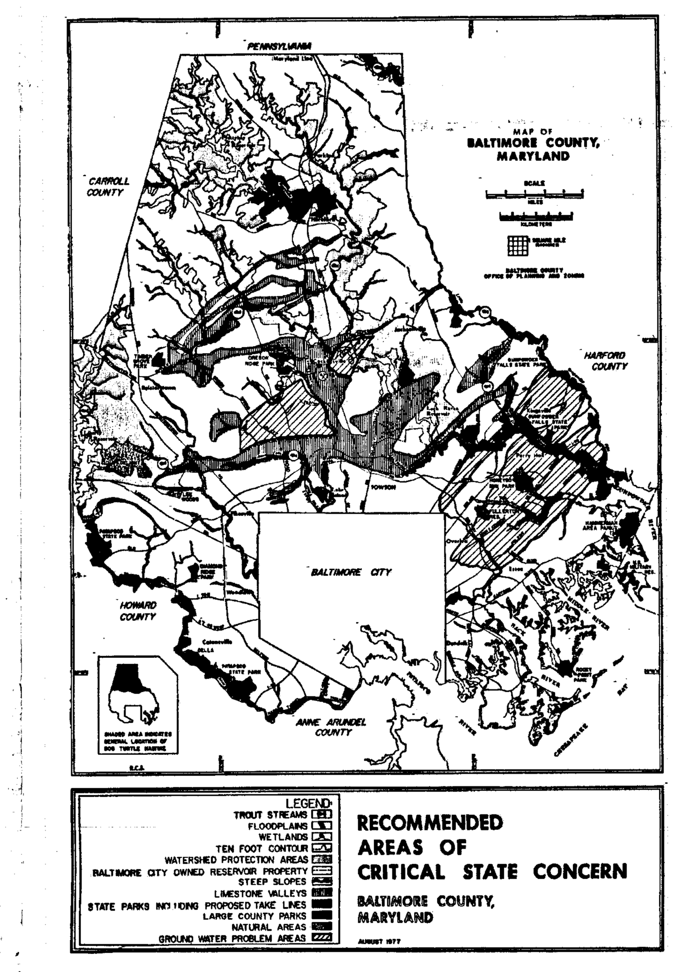
NORTH (MCS)

SCALE: 1"=50'



VICINITY MAP

SCALE: 1"=1000'



RECOMMENDED AREAS OF CRITICAL STATE CONCERN

BALTIMORE COUNTY, MARYLAND

AUGUST 1977

TROUT STREAMS
FLOODPLAINS
WETLANDS
TEN FOOT CONTOUR
WATERSHED PROTECTION AREAS
BALTIMORE CITY OWNED RESERVOIR PROPERTY
STEEP SLOPES
LIMESTONE VALLEYS
STATE PARKS INCLUDING PROPOSED TAKE LINES
LARGE COUNTY PARKS
NATURAL AREAS
GROUND WATER PROBLEM AREAS

CERTIFICATION OF DELINQUENT ACCOUNTS

I, ____________, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FROM ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

PARKSIDE

~~DEVELOPMENT PLAN~~ ~~SCHEMATIC LANDSCAPE PLAN~~ & PLAT TO ACCOMPANY ZONING PETITION

"THIS SITE IS IN THE HONEYGO OVERLAY DISTRICT 'H' AND IS WITHIN THE 'HONEYGO RUN' SUB-AREA AND IS SUBJECT TO THE APPLICABLE HONEYGO AREA REGULATIONS, AS WELL AS OTHER BALTIMORE COUNTY ZONING REGULATIONS."

HEARING OFFICER'S HEARING AND ZONING HEARING TO BE COMBINED

PROJECT NAME: PARKSIDE

PLAN TITLE: ~~DEVELOPMENT PLAN, SCHEMATIC LANDSCAPE PLAN~~ & PLAT TO ACCOMPANY ZONING PETITION

COUNCILMANIC DIST.: 5

ELECTION DIST.: 11

PROJECT MANAGER: CHRISTINE RORKE

REVISIONS:

DEVELOPER:

PARKSIDE, LLC
5635 VANTAGE POINT ROAD
COLUMBIA, MARYLAND 21044

PHONE: (410) 884-9972

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-ENGR, (410) 944-3647

DATE: 7-16-02

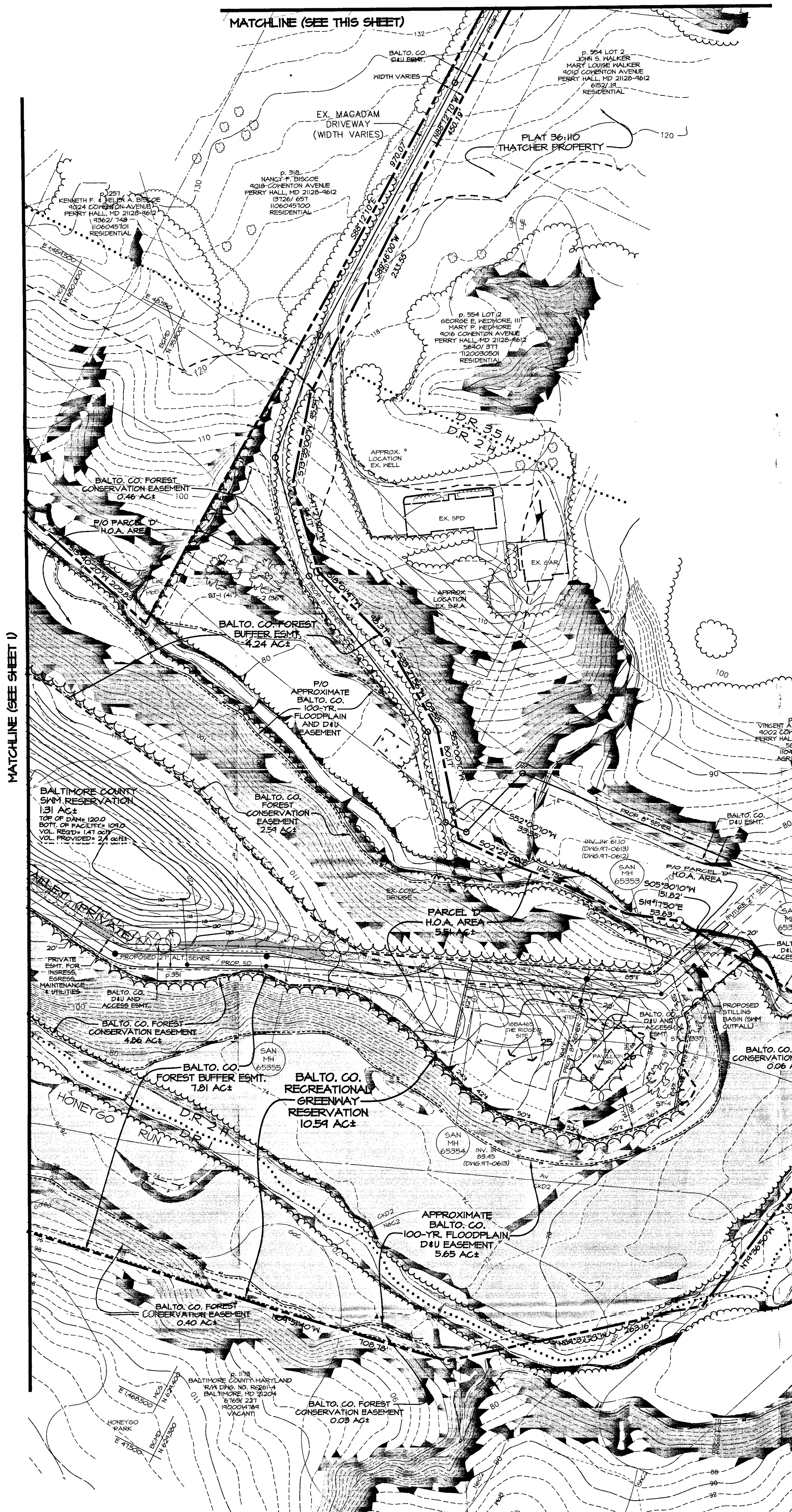
SCALE: 1"= 50'

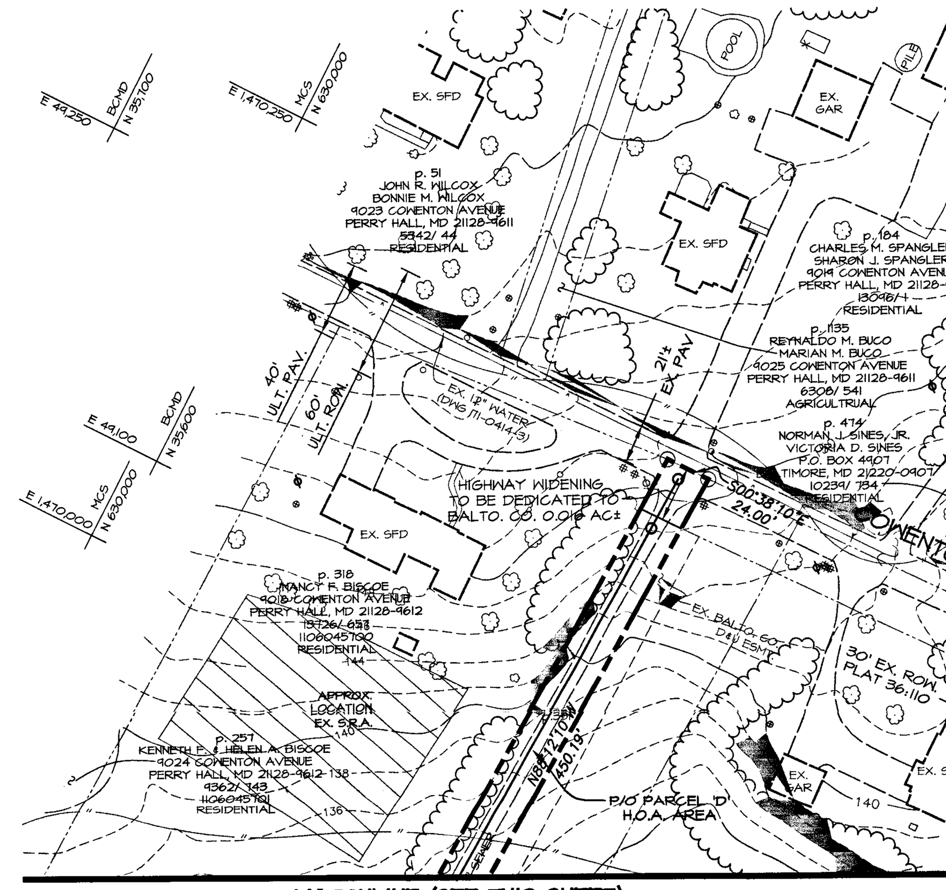
C.I.: 2'

SHEET 1 OF 2

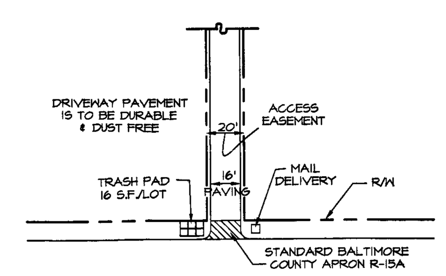
PROJ. NO.: 02497

03-034SPHA

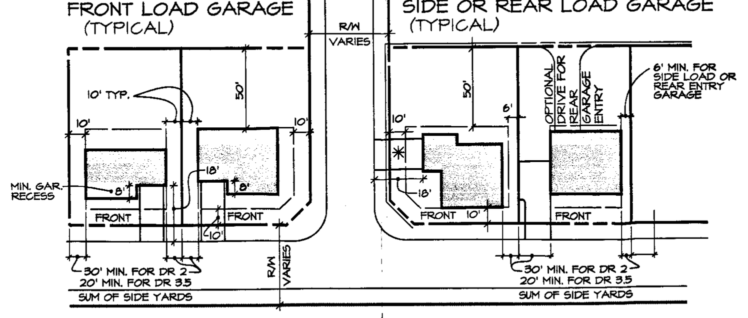




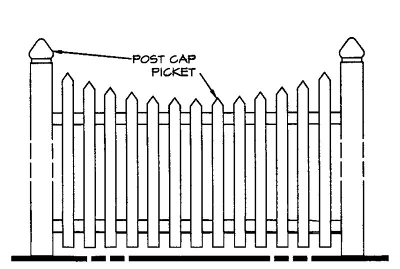
MATCHLINE (SEE THIS SHEET)



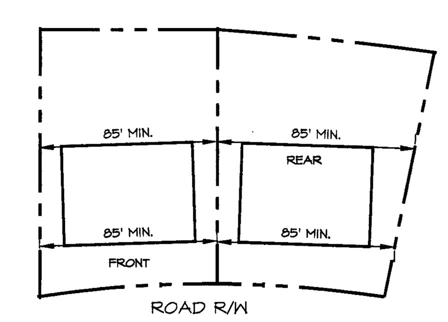
TRASH & MAIL DELIVERY PAD DETAIL
N.T.S.



TYPICAL LOT LAYOUT
N.T.S.
* Per Section 409 - 18' minimum is required for offstreet parking in front of a garage.

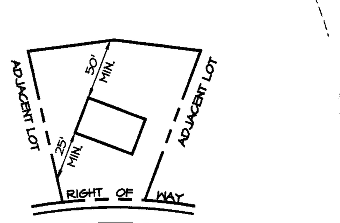


PICKET FENCE DETAIL
NO SCALE



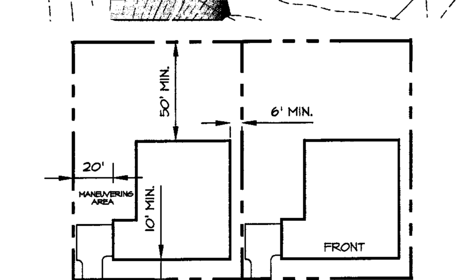
TYPICAL BUILDING ENVELOPE PER SECTION 259.9.B.3

NOTE THAT REGARDLESS OF THE ENVELOPE SHOWN ON THE PLAN (IN ACCORDANCE WITH THE HONEYGO SETBACK REQUIREMENTS), THE FINAL LOCATION OF ALL HOUSES MUST MEET THE MINIMUM LOT WIDTH REQUIREMENTS IN SECTION 259.9.B.3 BY MEASURING IN ACCORDANCE WITH THE DIAGRAM ABOVE. LOCATIONS WITHIN THE LOT AND THE FINAL HOUSE ORIENTATIONS MAY VARY AS LONG AS ALL SETBACKS AND LOT WIDTH REQUIREMENTS ARE MET.



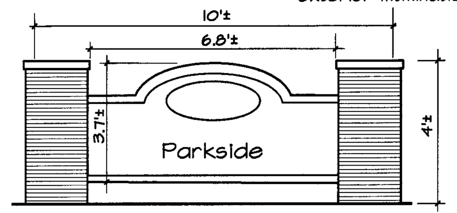
FRONT & REAR BUILDING FACE TO PROPERTY LINE SETBACK

PER SECTION 1B01.2.C.1.b. A 25' SETBACK IS REQUIRED FROM A FRONT BUILDING FACE TO A PROPERTY LINE (OTHER THAN A STREET RIGHT-OF-WAY LINE). A 30' SETBACK IS REQUIRED FROM A REAR BUILDING FACE TO A PROPERTY LINE (OTHER THAN A STREET RIGHT-OF-WAY LINE).
N.T.S.



PROPOSED TYPICAL SIDE ENTRY GARAGE LOT LAYOUT DETAIL
N.T.S.

25 SQ. FT. MAX. AREA exterior illumination



SCHEMATIC SIGN ELEVATION 'A'
N.T.S.

RESIDENTIAL BUILDING SETBACKS- D.R. ZONES		
	D.R. 1 & 2 ZONES (feet)	D.R. 3.5, 5.5, 10.5 & 16 Zones (feet)
From front building face to: Property line	25	25
Arterial or collector	—	—
From side building face to side building face	30	16 < 20 high; 20 ≥ 20 high
Public street right-of-way; Paving of private road; Tract boundary	25; 30; 25	15; 25; 15
Additional setbacks- Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.	20	20

This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).

Envelopes or typical house locations on single family lots dictate a specific orientation which allows compliance with the BCZR and should the orientation change, the setbacks required by Section 259.9. must be met. (DR Zones)

RESIDENTIAL BUILDING SETBACKS- D.R. ZONES HONEYGO OVERLAY DISTRICT		
	D.R. 3.5 H & D.R. 3.5 HI	D.R. 2 H
From building face to: right-of-way of a collector street, neighborhood street, alley or court. (not applied to porches or stoops in front yard)	10'	10'
From building face to: right-of-way of a major or minor arterial or collector road. (not applied to porches or stoops in front yard)	40'	40'
From building face to: Rear property line (Except for enclosed additions including porches and decks and roofed additions which do not exceed in width 50% of the dwelling unit and which do not extend more than 10 feet into the rear yard setback area)	30'	30'
From building face to: The side yard lot line that is not adjacent or the same as a public right of way if the dwelling unit has a side or rear entry garage.	6' (sum of all side yards widths may not be less than 20')	6' (sum of all side yards widths may not be less than 20' between dwellings)
Front entry garage shall be recessed behind the front facade of the dwelling.	8' min.	8' min.

This table lists minimum setback requirements for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP) and Bill 73-99.

GENERAL NOTES

1. DEVELOPMENT NAME: Parkside Property

2. APPLICANT:
Parkside, L.L.C.
5635 Vantage Point Road
Columbia, Maryland 21044
(410) 884-9972

3. OWNERS:

p. 68	p. 351 & 909	p. 480	p. 748
Ruth E. Messick	Norman W. Lauenstein	Virginia L. Kowalsky	Constance Hergenroeder
9102 Rexis Ave.	324 Ida Ave.	1162 River Bay Road	9067 Rexis Ave.
Perry Hall, MD 21128	Perry Hall, MD 21221	Annapolis, MD 21401	Perry Hall, MD 21128

4. PLAN PREPARED BY:
D.S. Thaler & Associates, Inc.
7115 Ambassador Road,
P.O. Box 47428
Baltimore, Maryland 21244
ATTN: Alan E. Scoll, R.L.A.
(410) 944-3647

5. PROPERTY REFERENCES:

PARCEL	TAX ACCOUNT #	AREA (PER DEED)	DEED REFERENCE	HELD SINCE	TAX MAP-GRID	ADC MAP
P. 68	1113040775	5.8 AC±	14037/357	1951	72 - 12	29-J7
P. 351	1102000577	13.0 AC±	6891/126	1953	72 - 12	29-J7
P. 480	1700003934	2.0 AC±	5586/382	1951	72 - 12	29-J7
P. 748	1119058750	3.7 AC±	6530/268	1958	72 - 12	29-J7
P. 909	1102000579	11.0 AC±	6891/126	1962	72 - 17	29-J7

Boundary: D.S. Thaler & Associates, Inc. (January 2002)

Topography: Wings Aerial Mapping Co., Inc. (April 2001) and D.S. Thaler & Associates, Inc. (January 2002). on-site as noted on plan. Baltimore County - OIT GIS (Tile 072c2) (Off-site)

Utilities: Baltimore County Key Map (M-NE & S-SW) Baltimore County Design Drawings as noted.

Zoning: Baltimore County 200 Scale Zoning Map (2000) (NE-9 H, 9 I, 10 H & 10 I)

Soils: U.S.D.A. Baltimore County Soil Survey Manual (Map 36)

Floodplain: D.S. Thaler & Associates, Inc. (November 2001).

Wetlands Delineation: American Land Concepts (December 2001, January 2002) Approved by DEPRM: March 11, 2002 There are no tidal wetlands on-site

Steep Slopes & Erodible Soils Analysis: D.S. Thaler & Associates, Inc. (January 2002) (Rev. April 2002) Approved by DEPRM: May 16, 2002

Forest Stand Delineation: American Land Concepts (June 2001) Approved by DEPRM: July 19, 2001

Forest Conservation Worksheet: American Land Concepts (June 2001) Approved by DEPRM: July 19, 2001

Forest Buffer Variance Request: D.S. Thaler & Associates, Inc. (June 2002)

Alternatives Analysis: D.S. Thaler & Associates, Inc. (June 2002)

6. GENERAL DATA:
Election District: 11 — Watershed: 6
Census Tract: 4113.04 — Subsewershed: 20
Councilmanic District: 5

School Information:
School District: Chapel Hill Elem./ Perry Hall Middle/ Perry Hall High (2001-2002)

	State Rated Capacity (SRC)	Enrollment Sept. 30th	Enrollment Total Projected	Projected # pupils for this project	Capacity Above	Capacity Below	Projected # pupils as a % of SRC
Elementary:	624	512	527	15 (43 x 0.334)	--	97	84.5%
Middle:	1,773	1,494	1,500	6 (43 x 0.136)	--	273	84.6%
High School	2,230	2,103	2,113	10 (43 x 0.224)	--	117	94.8%

7. SITE INFORMATION:
A. Acreage:
Gross = 35.98 Ac±
Net = 35.61 Ac±

B. Existing Zoning:
DR-3.5H @ 5.52 Ac±
DR-2H @ 28.03 Ac±
DR-1 @ 2.43 Ac±

C. Density Calculations:

		Allowed:	Proposed:
DR-1	@ 2.44 Ac± =	2.4 D.U.	0 D.U.
DR-2H	@ 27.95 Ac± =	55.9 D.U.	37 D.U.
DR-3.5H	@ 4.85 Ac± =	17.0 D.U.	6 D.U.
DR-3.5H	@ 0.37 Ac± =	1.3 D.U.	0 D.U.
		Total Allowed = 76.6 D.U.	Total Proposed = 43 D.U.

D. Parking: Required: 2 spaces per unit; Proposed: 2 spaces per unit or 86 spaces

E. Open Space:
"All Open Space shall be in compliance with the Local Open Space Manual, Latest Edition."

Required: Active Open Space @ 650 SF/unit:
650 SF x 43 units = 0.64 Ac± or 27,950 SF±
Passive Open Space @ 350 SF/unit:
350 SF x 43 units = 0.35 Ac± or 15,050 SF±
Total: 0.99 Ac± or 43,000 SF±

Proposed: Active Open Space:
0.64 Ac± or 28,138 SF±
Passive Open Space:
0.35 Ac± or 15,390 SF±
Total:
0.99 Ac± or 43,528 SF±

'All Local Open Space shall be in compliance with the Local Open Space Manual, Latest Edition.

"Temporary open space boundary markers, tree protection devices and four foot high snow fencing or approved equivalent shall be installed prior to any clearing or grading."

"Within the area shown as open space, disturbance beyond that which is shown on the development plan shall not be allowed without prior approval from the Department of Recreation and Parks."

"No utilities, whether public or private, including but not limited to, telephone, cable television, gas and electric, water, sewer and storm drains shall be placed or constructed on or within the areas labeled as open space without prior written consent from Baltimore County Department of Recreation and Parks."

"The design, construction and installation of all amenities as shown on the development plan shall be the responsibility of the developer."

"Within the area shown as 'Baltimore County Recreational Greenway Reservation', permitted uses may include: public access for hiking, bicycling, fishing, nature/environmental studies, and Baltimore County supervised trail improvements and maintenance, subject to approval by the Department of Environmental Protection and Resource Management."

F. Landscape requirements as specified in the Baltimore County Landscape Manual, adopted August 1, 2000 and as amended.

Note: Schematic Landscape Plan shown is preliminarily in nature and is to show compliance with the Baltimore County Landscape Manual. The Schematic Landscape Plan is subject to a Final landscape Plan.

1 Planting Unit (P.U.) =
1 major deciduous tree (2-2-1/2" cal.) or
2 minor deciduous trees (1-1/12" cal.) or
2 evergreen trees (6' ht.) or
5 shrubs or
class A: 24- 30" ht.
class B: 18" ht.
500 S.F. of ground cover or
10 herbaceous/perennial (1 gal.)*or
20 herbaceous/perennial (1 quart)
*To meet Class D screening requirements only.

	Required	Proposed
A. STREET FRONTAGE:		
(Condition A) Adjacent Road @ 1 PU/40 L.F.	583 LF±/40= 14.6 P.U.	14.6 P.U.
Interior Road @ 1 PU/20 L.F.	2,758 LF±/20= 139.3 P.U.	139.3 P.U.
Alley @ 1 PU/20 L.F.	821 LF±/20= 41.0 P.U.	41.0 P.U.
B. REAR & SIDE YARD: (Condition B) Class 'A' screen: (minimum installed height of 30" for shrubs and 6' for evergreen trees) 1 PU/ 15 LF	819 LF±/15= 54.6 P.U.	54.6 P.U.
I. SWM (Condition 'I') Screen adjoining properties, public and private roads when slopes are > 4: 1 Class 'A' screen. 1 PU/ 15 LF of perimeter measures at toe of fill slopes and top of cut slopes. No woody vegetation within 15 feet of the toe of fill embankments. 10 foot landscape strip between no planting zone and property line. No woody vegetation within 50 feet of inlet structure. Fencing shall be located min 10' from R/W.	1,083 LF±/15= 72.2 P.U.	72.2 P.U.
R. OPEN SPACE (Condition 'R') @ 1 PU/ 1,500 S.F. of required open space. Credit may be given for retention of existing trees	43,000SF±/1500= 28.6 P.U.	28.6 P.U.
TOTAL:	350.3 P.U.	350.3 P.U.

Credit may be applied for at time of Final Landscape Plan submittal.
The Final Landscape Plan will be approved prior to grading permit application.

8. UTILITIES: Public water and sewer will be provided.

9. USE: The existing use is Residential. The proposed use is Residential.

10. AVERAGE DAILY TRIPS (ADTS): Average daily trips as calculated from the Baltimore County Comprehensive Manual of Development Policy. Single Family: 43 units x 10/unit = 430 ADTS

11. STORMWATER MANAGEMENT: Stormwater management will conform to Baltimore County Standards.

Stormwater management facilities will be owned and maintaned by Baltimore County.

Stormwater management facilities shall be screened from adjacent residential properties.

Preliminary hydrology computations have been provided with the filing of the Development Plan.

The Hydrology Report verifies that the outfalls are suitable.

Slopes for the storm water management ponds shall not exceed a ratio of 3:1 per Section 259.9.C.8. (Baltimore County Zoning Regulations)

12. GRADING: Grading shown is schematic only. Grading on individual lots may vary according to builder/buyer preferences.

13. VEGETATION: Existing vegetation will be retained in areas not needed for construction or grading. Existing vegetation consists of woods and farm fields.

14. SIGHT LINES: Proposed sight lines are shown on the plan and will be cleared and graded and kept permanently clear to ensure unobstructed sight at all times.

15. STORAGE TANKS: There are no known underground storage tanks on site.

16. LIGHTING: Proposed lighting is shown as ▲. Lighting is schematic and subject to change.

17. ENVIRONMENTAL: There are no known critical areas, archaeological sites endangered species, or hazardous materials* on the site.

*As known to the applicant; location and description of hazardous materials as defined by Section 7-101 of the Environmental Article of the annotated Code of Maryland, as from time to time amended.

"Any Forest Conservation Easement or Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."

"There shall be no clearing, grading, construction or disturbances of vegetation in the Forest Conservation Easement or Forest Buffer Easement except as permitted by Baltimore County Department of Environmental Protection and Resource Management."

A Hydrogeological Report and an Environmental Effects Report has been filed concurrently with this Development Plan.

A Preliminary Forest Conservation Plan and worksheet has been filed independently of this plan in accordance with Section 14-408.

This site does not lie within the limits of the Chesapeake Bay Critical Area. No additional information is requested by the Department of Environmental Protection and Resource Management to determine compliance with the Critical Area Local Protection Program pursuant to Section 26-442(a).

A Forest Buffer Variance request and Alternatives Analysis has been submitted to DEPRM.

For the existing house to be removed, well and septic shall be field located, removed and backfilled by a licensed Master well driller and a licensed septic system contractor respectfully. A well abandonment report will be filed with Baltimore County Department of Environmental Protection & Resource Management at that time. If needed, a temporary easement will be recorded over the existing well and septic.

For the existing house to remain, at 9067 Rexis Avenue, well and septic shall remain until public utilities become available. When public utilities become available, well and septic shall be field located, removed and backfilled by a licensed Master well driller and a licensed septic system contractor respectively. A well abandonment report will be filed with Baltimore County Department of Environmental Protection & Resource Management at that time. The exisiting well and septic system appear to be contained within the area of lot 38, therefore, no temporary easements shall be necessary.

18. No Zoning Case History has been found.
This property as shown on the plan has been held intact since (see note #5) (according to deeds). No known part of the gross area of this property as shown on the plan has been utilized, recorded or represented as density or area to support any off-site dwellings. Existing buildings (as noted on the plan) to be removed will be razed by the developer prior to Record Plat.

19. Future signs shall conform with BCZR Section 450 and all zoning policies.

20. Building envelopes and/or footprints shown are for illustrative purposes and may not represent the final location for any particular dwelling. Final house location will be subject to the various standards and limitations illustrated by the details and charts included on this plan

21. Envelopes shown hereon are for the location of principal buildings only. Accessory structures and projections into yards may be constructed outside the envelope, but must comply with Sections 259.9, 301 and 400 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits.) Fencing shall comply with Section 259.9.C.6. (Baltimore County Zoning Regulations)

22. Maximum building height allowed is 50 feet. Two story homes are generally proposed.

23. Soil and Slope Mitigation Measures:
The developer shall do the following in those areas where severe or moderate soil limitations are indicated and/or steep slopes occur:
a. Insure that grading plans consider protection of these areas from increase in run-off. This may include draining roof down spouts and drives into storm drains.
b. Stabilization of disturbed areas in accordance with approved sediment control practices.
c. Consider geotechnical assistance with on-site inspectors as appropriate.

24. Sidewalks shall be provided on all public roads (subject to a waiver request for improvements to Cowenton Avenue).

25. According to Glenn Hoge, Office of Planning, MTA, the nearest MTA service to this site is at the intersection of Belair Road (US Route 1) and Joppa Road (bus line #15).

26. CIM meetings were held on September 6, 2001 and April 11, 2002. The minutes which identify all comments can be found in PDM File No. XI-875, on file in Room 123 of the Baltimore County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204.

27. There are no known limitations established by the Courts, County Board of Appeals, Planning Board or Zoning Commissioner or restrictive covenants recorded with individuals or groups which would limit proposed development on site.

28. There are no buildings, properties or sites within or contiguous to the proposed development included on the Maryland Historical Trust Inventory of Historic Properties, Baltimore County Preliminary or Final Landmarks List, the National Register of Historic Places or any Baltimore County Historic District or National Register Historic District covering the proposed development. The Ridge Site (18BA465) within the property, is included in the the Maryland Archaeological Survey and it was part of Phase I and II Investigations for the Proposed Honeygo Run Interceptor Aligment, White Marsh, Baltimore County, MD. Prepared in February, 2000.

29. All drainage and utility easements containing utilities shall be 20' wide.

30. The "Recommended Areas of Critical State Concern" map included on this sheet indicates the general Perry Hall/White Marsh area as a "ground water problem area". No ground water extraction is proposed for this development.

31. Residential Transition Areas do not apply to residential uses in the H and HI overlay Districts per Section 259.9.B.1. (BCZR)

32. The property is located in the Honeygo Subarea. All Honeygo density and area standards will be met or subject to a Public Zoning Hearing.

33. The Honeygo Overlay Design Guidelines were adopted by the County Council on 3-17-97. The Honeygo Regulations over ride conflicts with other Baltimore County Zoning Regulations.

34. All proposed roads are public. Alleys are private. Highway widenings for Cowenton and Rexis Avenues and all roads and easements indicated for dedication to Baltimore County will be offered for dedication at no cost to the County. The proposed roads are neither arterial or collector roads.

35. All dwellings will meet the standards set forth in Section 259.9.A-G of BCZR and the Honeygo Overlay District Guidelines.

36. All fencing shall be in conformance with the Honeygo Overlay District Design Guidelines, and any fence more than three feet high shall also be setback at least five feet from any public right-of-way line or alley. Landscaping shall be provided on the street side of the fence.

37. The Bureau of Traffic Engineering and Planning has confirmed that the subject site is within a traffic deficient area (Belair & Ebenezer) per Keith Link, however, Development Plans are currently being accepted due to the recent opening of the extension of Honeygo Blvd.

38. The private access driveway/alley for lots 25 and 28 shall be constructed in accordance with Baltimore County Panhandle Standards and Specifications.

39. Refuse collection and mail delivery will be by Baltimore County curbside (front), and at the alley entrance (see detail).

40. No obstructions of any kind may be placed in any Baltimore County right-of-way or in the entrance to the proposed stormwater management area, except by express written permission by an authorized signatory for Baltimore County.

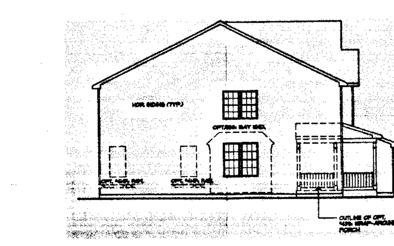
41. Parcels designated as "H.O.A." will be dedicated to the Homeowners Association.

42. A portion of the property is located within the 100 year floodplain.

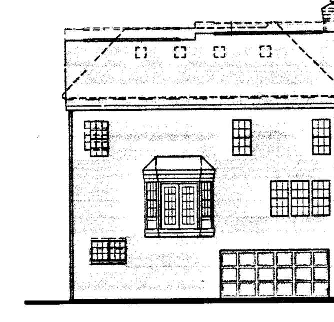
TYPICAL SIDE ELEVATION W/SIDE LOAD GARAGE
N.T.S.
(MUST COMPLY WITH SECTION 259.9.C.3. a. & b)
(DIVIDER REQUIRED WHEN DOORS FACE THE STREET)

TYPICAL FRONT ELEVATION
N.T.S.
(MUST COMPLY WITH SECTION 259.9.C.4 AND C.5 : APPROVED MATERIALS ARE DEFINED AS BRICK AND STONE)

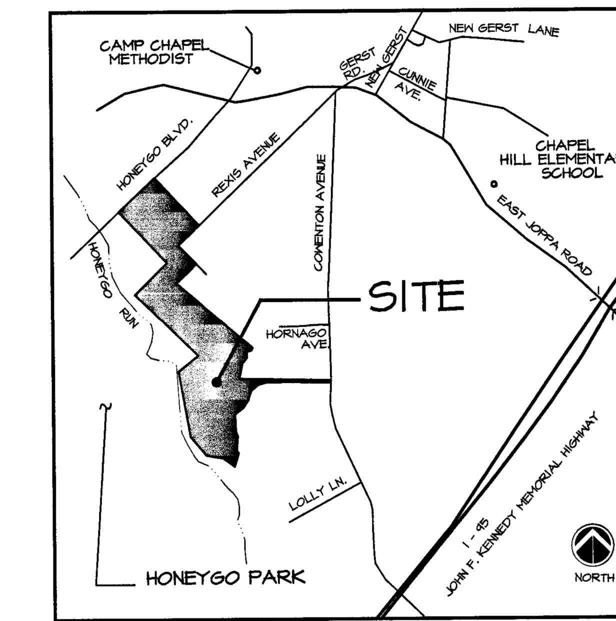
FRONT LOAD GARAGE
N.T.S.
(MUST COMPLY WITH SECTION 259.9.C.3.a, C.3.b, C.4 AND C.5 : APPROVED MATERIALS ARE DEFINED AS BRICK AND STONE)



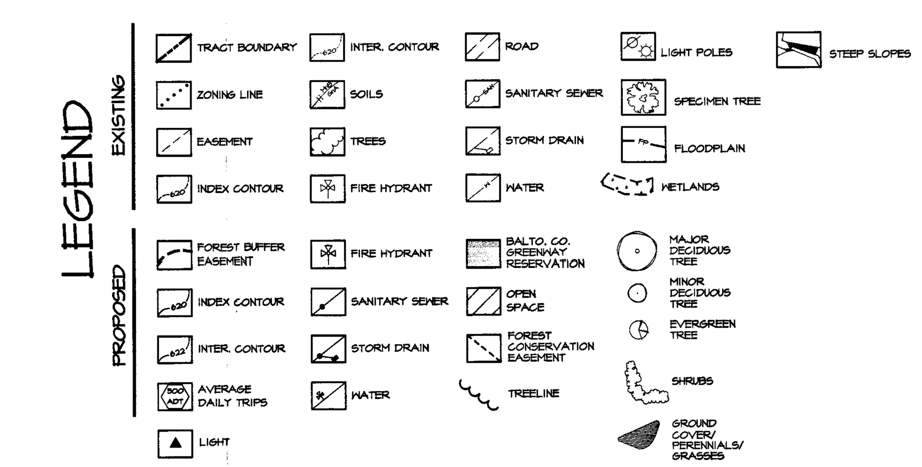
OTHER SIDE ELEVATION
N.T.S.
(MUST COMPLY WITH SECTION 259.9.C.5)



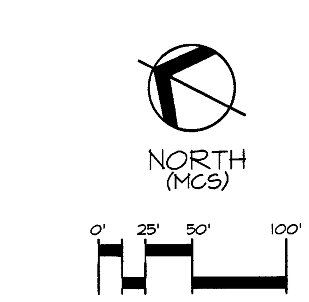
REAR ELEVATION WITH POSSIBLE GARAGE REAR ENTRY
N.T.S.
(MUST COMPLY WITH SECTION 259.9.C.5.)



VICINITY MAP — SCALE: 1"=1000'



LEGEND



NORTH (MCS)
SCALE: 1"=50'

DEVELOPMENT PLAN/ SCHEMATIC LANDSCAPE PLAN & PLAT TO ACCOMPANY ZONING PETITION

PARKSIDE

"THIS SITE IS IN THE HONEYGO OVERLAY DISTRICT 'H' AND IS WITHIN THE 'HONEYGO RUN' SUB-AREA AND IS SUBJECT TO THE APPLICABLE HONEYGO AREA REGULATIONS, AS WELL AS OTHER BALTIMORE COUNTY ZONING REGULATIONS."

HEARING OFFICER'S HEARING AND ZONING HEARING TO BE COMBINED

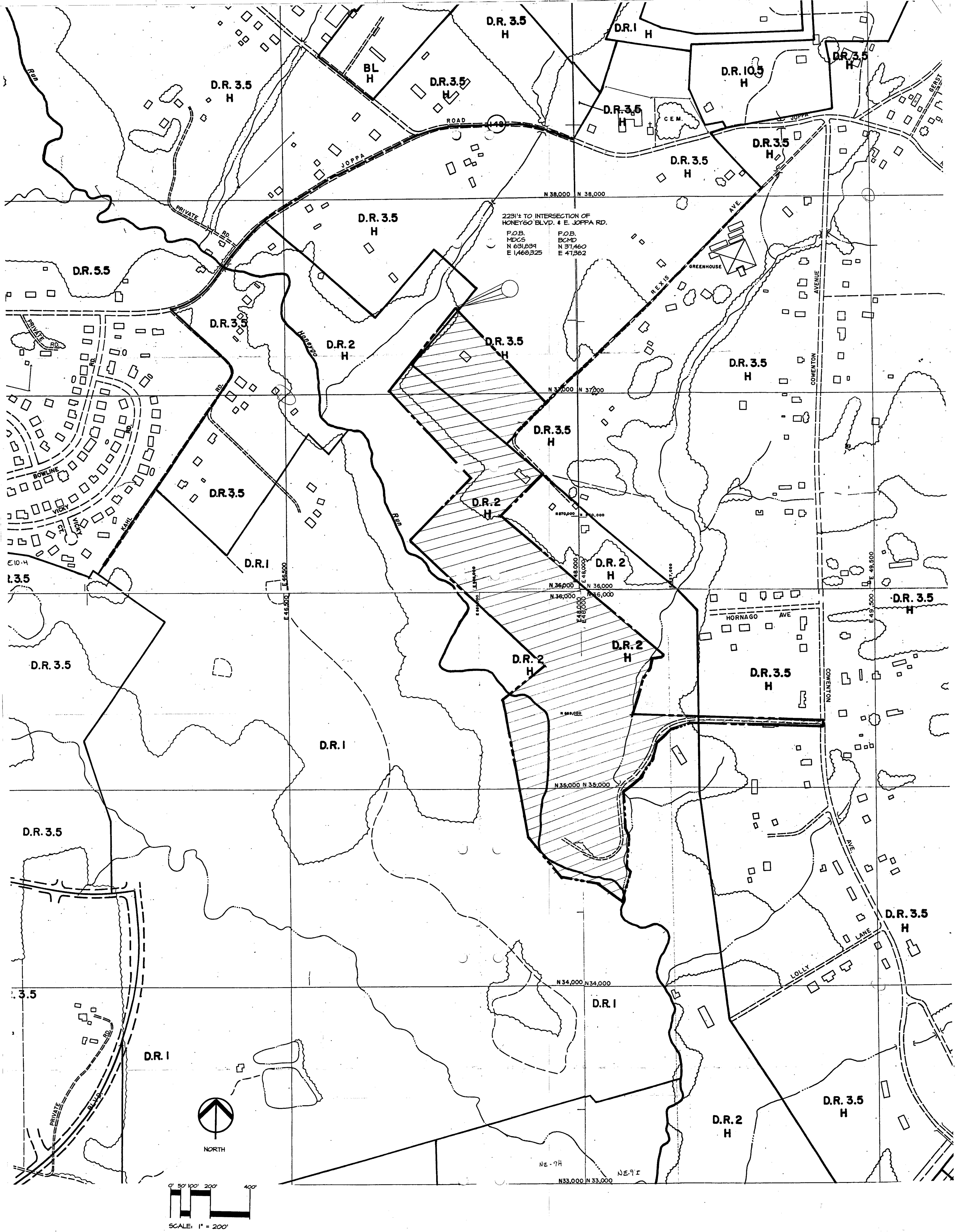
PROJECT NAME:
PARKSIDE
PLAN TITLE: ~~DEVELOPMENT PLAN/ SCHEMATIC LANDSCAPE PLAN &~~ PLAT TO ACCOMPANY ZONING PETITION
COUNCILMANIC DIST.: 5
ELECTION DIST.: 11
PROJECT MANAGER: CHRISTINE RORKE
PDM #: XI-875
APPROVAL:

REVISIONS:

DEVELOPER:
PARKSIDE, LLC
5635 VANTAGE POINT ROAD
COLUMBIA, MARYLAND 21044
PHONE: (410) 884-9972

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS — SURVEYORS
LANDSCAPE ARCHITECTS — LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
(410) 944-ENGR, (410) 944-3647

DATE: 7-16-02
SCALE: 1"= 50'
C.I.: 2'
SHEET 2 OF 2
PROJ. NO.: 02497



200 SCALE BALTIMORE COUNTY
2000 ZONING MAP (NE-9H, 9I, 10H & 10I) TO
ACCOMPANY ZONING PETITION

PARKSIDE

MARCH, 2002

D. S. THALER & ASSOC., INC.

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LANDSCAPE ARCHITECTS
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