IN RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL VARIANCE - N/S Forge Road, W of Forge View Road **(Lauren Woods – fka Black Iron Knoll)**

11th Election District – 6th Council District

Harford Joint Venture, Owner;
The Rachuba Group, Developer

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Cases Nos. XI-798 & 03-127-SPVAH

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a single combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). Pursuant to the development review regulations codified in Title 26 thereof, the Owners/Developers seek approval of a red-lined development plan prepared by Matis Warfield, consulting engineers, for the proposed residential development of the subject property to be known as Lauren Woods, formerly known as Black Iron Knoll. In addition, certain zoning relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, special variance and variance relief is requested from Section 259.7 of the B.C.Z.R. for 12 authorizations (12 building permits) in the Bean Run Sub-area of the Honeygo District, pursuant to Section 4A02.4G of the B.C.Z.R. In addition, special hearing relief is requested, if necessary, to approve certain waivers from the Department of Public Works standards for certain public improvements. Specifically, the Owner/Developer requests the following: 1) a waiver of sidewalk construction along a proposed interior road (Anvil Court); 2) to allow a 24-foot closed paving section on a 50-foot right-of-way in lieu of the required 30-foot closed paving section on a 50-foot right-of-way for a proposed interior road (Anvil Court); and, 3) to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

The subject property consists of a gross area of 15.1124 acres, more or less, zoned D.R.-1H, and is located on the north side of Forge Road, just west of that road's intersection with Forge View Road in the Honeygo District of Perry Hall. The subject property and requested relief

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are more particularly described on the red-lined development plan(s) submitted into evidence and marked as Developer's/Petitioner's Exhibits 1 and 5.

As to the history of this project through the development review process codified in Title 26 of the Baltimore County Code (B.C.C.), a concept plan of the proposed development was prepared and a conference held thereon on December 17, 2001. As required, a Community Input Meeting (CIM) was held on January 24, 2002 at the Rosedale Library. Subsequently, a development plan was submitted and a conference held thereon on October 30, 2002. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the combined hearing held before me on November 22, 2002.

Appearing at the Hearing Officer's Hearing required for this project were Larry Rachuba and Chris Rachuba, representatives of The Rachuba Group, Developer; Steve Warfield, on behalf of Matis Warfield, the consultants who prepared the development plan/site plan for this project; Salvatore Crupi; Joe Caloggero, a traffic engineer with The Traffic Group; and Alan Betten, Esquire, attorney for the Owners/Developers. 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; Dennis Kennedy, Development Plans Review; Colleen Kelly, Land Acquisition; and, John Alexander, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); R. Bruce Seeley and Todd Taylor, Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook, Department of Recreation and Parks (R&P). Numerous citizens from the surrounding locale appeared as interested persons, including Dennis Eckard and William Libercci, Sr., representatives of the Perry Hall Improvement Association, and Howard Wille, a nearby resident. Also appearing were Paul Amirault, owner/developer of an adjacent tract, known as the Enclave at Perry Hall; Richard Matz, the engineer who developed the plan for that project; and, Howard L. Alderman, Jr., Esquire, attorney for Mr. Amirault.

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As noted above, the subject property is an irregularly shaped parcel with frontage on the north side of Forge Road near I-95 in the Perry Hall/Honeygo area of northeastern Baltimore County. The property contains approximately 15.1124 acres, zoned D.R.-1H. The D.R.1 zoning classification is a residential zone that permits development at the density of one (1) house per acre. The "H" overlay district represents properties in the Honeygo District of the White Marsh area of Baltimore County. White Marsh is a designated growth area, and the Honeygo District regulations impose heightened standards to assure a high quality development in this area.

The development plan that has been submitted for approval in this case actually features two alternative proposals. (See Developer's Exhibits 1 and 5). The first alternative is shown as Option 1 and proposes 12 single-family dwelling lots. As more particularly shown on Developer's Exhibit 1, Option 1 proposes the construction of a public road leading into the interior of the site from the property's frontage on Forge Road. That public road will be known as Anvil Court. The road will terminate as a cul-de-sac within the interior of the property. Option 1 shows five houses with frontage on Anvil Court will be located on the south side of the property near Forge Road. A storm water management facility and areas of forest conservation and forest buffer then bisect the interior of the property. In the northern portion of the site, Anvil Court terminates as a cul-de-sac and there are seven additional houses clustered therein.

The second option is identified as Option 3.[1] Option 3, which is more particularly shown on Developer's Exhibit 5, proposes development of the tract with 11 single-family dwelling lots. That plan shows a substantially similar layout on the south side of the property along Forge Road. That is, there are five lots clustered in that part of the overall tract; however, on the north side of the property abutting the cul-de-sac in Anvil Court, there are six single family dwelling lots shown as opposed to the seven in Option 1. But for the change in the number of lots proposed, the details of the plans for both Options 1 and 3 are largely the same.

[1] Apparently, the Developer originally proposed multiple options. Ultimately, all were disregarded but for Options 1 and 3. There is no longer an Option 2. For simplicity, the numbers of the Options were preserved as Options 1 and 3.

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In addition to the alternative development plans, the Owner/Developer also seeks variance relief under the Petition for Variance (Honeygo Special Variance) and Petition for Special Hearing. Under the Petition for Special Variance, relief is requested from Section 259.7 of the B.C.Z.R. to allow up to 12 authorizations in the Bean Run Sub-area of the Honeygo District, pursuant to Section 4A02.4G of the B.C.Z.R. Special hearing relief is requested to obtain approval from certain Department of Public Works' standards. These are: 1) to allow a waiver of sidewalk construction along a proposed interior road (Anvil Court); 2) to allow a 24-foot closed paving section on a 50-foot right-of-way in lieu of the required 30-foot closed paving section on a 50-foot right-of-way for a proposed interior road (Anvil Court); and, 3) to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

The public hearing held in this matter was bifurcated to consider the development plan and zoning relief separately. As to the requirements for development plan approval, the Developer contended that, pursuant to Section 26-206 of the B.C.C., there were no open issues or unresolved comments that needed to be addressed. But for the relief requested in the underlying zoning Petitions, representatives for the Developer proffered that the proposed plans were in compliance with all County standards and regulations for land development. It is to be particularly noted that both plans show the required public works improvements. That is, both plans show the requisite road width for Anvil Court to be 30 feet, sidewalks on both sides of that street, and standard concrete curb and gutter. If the requested waivers are approved, the Developer proposes to amend the plans accordingly.

Representatives of the reviewing agencies of Baltimore County confirmed that there were no outstanding issues or unresolved comments. In this regard, Ms. Kelly indicated that there were no outstanding issues from the Bureau of Land Acquisition, and Mr. Alexander indicated that there were no outstanding issues from the Zoning Review division of DPDM. Mr. Seeley identified a small revision that might be required as to the areas of forest conservation and storm water management. He indicated that the plan could be conditionally approved, subject to final

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approval by DEPRM, regarding these minor issues. Mr. Kennedy indicated that the plan complied with the Department of Public Works' requirements. As noted above, the plan shows all public works' standards, notwithstanding the Developer's request that certain of those requirements be waived or modified. In this regard, Mr. Kennedy indicated that the Department of Public Works does not object to mountable curb and gutter; however, that agency does not support the waiver of sidewalks adjacent to the proposed interior road and also objects to a 24-foot road width in lieu of the required 30 feet.

It is also to be noted that Ms. Rorke, Project Manager, indicated that the plan has been revised significantly during the development review process. As has frequently been stated in describing the County's review process, same is evolutionary in nature. (See Monkton Preservation Association v. Gaylord Brooks Realty Corp., 107 Md. App. 573 (1996)). That is, the development review regulations encourage the ongoing refinement of a plan so as to resolve issues and bring the plan into compliance with County standards. The fact that two options of this plan have been submitted for consideration and that prior plans contain significant differences is not problematic in this case. Rather, it is indicative of the intent of the review process to encourage ongoing amendment and revision of a plan in an attempt to satisfy the concerns of all parties.

Finally, the participation of Mr. Amirault through his counsel is of interest. As noted above, Mr. Amirault owns the adjacent tract located just south of the subject property, known as the Kelkerry, LLC property, which was previously approved for development as the "Enclave at Perry Hall." Due to site constraints associated with that tract, the Developer of that parcel is unable to provide direct access and utilities to two lots in that subdivision. To remedy that problem, the Developer of the subject property has agreed to convey a 24-foot wide, fee simple strip located at the end of the cul-de-sac between proposed Lots 8 and 9. This strip will provide a means of vehicular access and allow the extension of public utilities to two lots within the Enclave at Perry Hall subdivision. Both of those lots are over 30,000 sq.ft. in area, and were shown on the approved development plan for that subdivision. In exchange for this conveyance, it was agreed that if additional acreage for forest buffer or storm water management are required for the Lauren

Woods project, the Owner/ Developer of the Enclave at Perry Hall will provide same from their tract for such purposes.

The agreement by and between these adjacent Developers was described as set out above during the course of the hearing. Following that description, Mr. Alexander from the Zoning Review Division of DPDM noted that relief should be granted to incorporate the conveyance of this 24-foot wide strip as a non-density transfer. To the extent required, the undersigned will approve the non-density conveyance of the 24-foot strip area to the Kelkerry, LLC property.

As to the development plans, Mr. Eckard and Mr. Libercci from the Perry Hall Improvement Association, as well as Mr. Wille, voiced no concern or objections; however, they are opposed to the requested zoning relief.

Based upon the testimony and evidence offered, it is clear that the development plans as proposed meet all regulations requirements and standards contained within Title 26 of the B.C.C. Thus, both plans shall be approved subject, of course, to the grant of the zoning relief, which is required.

Turning first to the Petition for Special Hearing, attention is given to the requested waiver of public works' standards. Those standards may be waived, pursuant to the provisions of Section 26-172(a) of the Baltimore County Code (B.C.C.) As noted above, Mr. Kennedy on behalf of the Department of Public Works, indicated his agency's agreement that mountable curb and gutter could be installed in lieu of the standard concrete curb and gutter. Thus, a waiver of that requirement shall be granted in that there is agreement on this issue and the waiver request meets the requirements of Section 26-172(a). Given the nature of this development, mountable curb and gutter is appropriate.

The second waiver request relates to the width of Anvil Court. As noted above, the Developer seeks a reduced width of 24 feet in lieu of the required 30 feet. The Department of Public Works does not support this waiver. In my view, several factors support the grant of that waiver. First, the road will bear limited traffic. Under either Option, there will be no more than

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12 houses in this subdivision, in addition to the two houses in the Enclave at Perry Hall development that will be provided access via a 24-foot wide strip at the end of this road. Thus, there will be no more than 14 individual dwellings utilizing this road, which suggests that there will be minimal traffic volumes. Secondly, it is clear from the plan that the site contains environmental constraints, including areas of forest, steep slopes, etc. A reduction in the area of impervious surface brought about by the reduction in the paving width of the road would reduce these environmental impacts. Third, off-street parking will be provided to the proposed dwellings by lengthy driveways and garages. In opposition to the waiver, the Department of Public Works expressed concerns that a reduction in the road width could cause inappropriate traffic congestion in that the road would be 6 feet narrower than required. Obviously, this could present an issue for vehicles passing in opposite directions, as well as an issue for construction traffic and larger vehicles that might utilize the road. Most importantly, a reduction in width could cause a problem insofar as access by emergency vehicles (fire trucks) and maintenance vehicles (trash trucks). After due consideration of this issue, I am persuaded that, from a practical standpoint, those factors that support a waiver override the concerns against; however, what might be viewed as the practical solution is not the test/standard required under Section 26-172. Rather, that Section imposes upon the Developer a significant burden before a waiver can be granted. In this case, there is no indication that compliance with the full standard would cause undue hardship upon the Developer. Indeed, the plan shows full road width improvements. Therefore, although I encourage the Department of Public Works to revisit this issue, I will not require that the road width be reduced to 24 feet. It shall remain at a width of 30 feet; however, if upon further review the Department of Public Works concurs that a reduction is appropriate, same shall meet the spirit and intent of this Order and the plan can be modified accordingly.

The final issue relates to a waiver of sidewalks. As noted above, sidewalks are shown on the plan to be located on both sides of the street. Due to the limited number of lots in this subdivision and character of the area, I believe that sidewalks on both sides of the road would serve no real purpose and thus, are not necessary. In this regard, I will require sidewalks only on

the north side of Anvil Court, where the greater number of houses will be served. In my view, a single sidewalk will be sufficient to provide pedestrians an area off the road on which to walk.

The final issue for consideration arises from the variance relief requested. As noted above, relief is requested from Section 259.7 of the B.C.Z.R. to permit 12 authorizations in the Bean Run Sub-area of the Honeygo District, pursuant to Section 4A02.4G of the B.C.Z.R. This issue raised opposition by Mr. Libercci and Mr. Eckard and also resulted in an adverse Zoning Advisory Committee (ZAC) comment from the Office of Planning. A review of the Honeygo standards in this regard is appropriate. The Honeygo standards are set out within Sections 259.4 through 259.9 of the B.C.Z.R. As noted in the statement of the legislative intent for the Honeygo District, as set out in Section 259.4, the intent of the standards is to insure that development of infrastructure in the area will coincide with the approval of building permits and subsequent construction.

The regulations govern both the rate and density of development in the Honeygo District. As to density, the regulations establish a maximum number of authorizations for the entire Honey District. A single authorization corresponds to the issuance of a single building permit. In addition to establishing a set number of authorizations for the entire Honeygo District, the regulations provide for additional authorizations within four established sub-areas of the District (i.e., Bean Run, Honeygo Run, Bird Run, and Belair Road). Thus, the density for the Honeygo District is regulated by both the number of authorizations which can be issued for the District at large, as well as the number of authorizations available for the respective sub-areas.

The rate of growth is also regulated by the Honeygo District standards. Specifically, the regulations provide that authorizations become available only upon a triggering event, such as a capital improvement project (i.e., road construction, sewer construction, etc.). As infrastructure is built out, more authorizations become available and may be issued.

The Zoning Commissioner is authorized to variance the standards set out in Section 259.7 of the B.C.Z.R., pursuant to Section 259.8 thereof. Moreover, the Zoning Commissioner shall apply the requirements set out in Section 4A02.4G of the B.C.Z.R. when considering such

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variance requests. It is well settled that the zoning authority shall determine the legislative intent in considering any regulation. (See State v. Fabritz, 76 Md. 416 (1975)). Moreover, regulations should be read in harmony so as to fulfill the purposes and goals of the legislation. (See Maryland Industrial Development Financing Authority v. Meadow-Croft, 243 Md. 515 (1966)). Thus, under these principles, it is clear that variances granted by the Zoning Commissioner do not impact the **density** permitted by the Honeygo regulations; rather, the grant of the variance accelerates the **rate** at which authorization/building permits are issued. The representatives of the Perry Hall Improvement Association argued at the hearing that by a grant of the variance, the overall allowable density of the Honeygo district would be increased. This is clearly not the case. It is incumbent upon the Zoning Review Division of DPDM to keep accurate records of the number of authorizations issued within the Honeygo District, either by right, or through the special variance process. Those total authorizations cannot exceed the total permitted for a given sub-area or the Honeygo area at large. Moreover, authorizations can be approved by the grant of a special variance that will accelerate the timing of the release of those authorizations before the completion of certain capital improvement projects. Indeed, that is what is requested in this case.

Further support for this interpretation is found in prior decisions of the Zoning Commissioner's Office. In the matters of Ermanno Florio (Case No. 99-331-SPH and 01-205-A), Moore's Orchard (Case No. XI-837 and 00-421-SPHA) and Baltimore Air Park (Case No. XI-829 and 00-252-A), special variance relief was requested, pursuant to Section 259.8 of the B.C.Z.R. Testimony and evidence offered therein was that existing utilities were available to serve the respective properties, and that the proposed development would not impact the capital improvement projects that had not begun. In those cases, relief was granted to provide authorizations that were not yet available. However, no additional authorizations were created.

In support of its request, the Developer offered the expert testimony of Messrs. Matis and Calogerro. Mr. Matis, a civil engineer, testified that water/sewer facilities were available to serve this site. Mr. Calogerro, a traffic engineer, testified that the anticipated traffic that will be generated by this project will be minimal and will not adversely impact the surrounding road

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system. He further opined that capital improvements to roads in the area need not be completed before this subdivision is built out. Mr. Eckard disagreed. He contended capital improvements in the area need be completed before authorizations are issued.

Upon due consideration of the testimony and evidence offered, I am persuaded to grant the Petition for Special Variance. I find that the Developer/Petitioner has met the requirements of Section 4A02.4G of the B.C.Z.R., particularly given the modest number of homes proposed.

It is to be noted that there is no indication that I need approve either development plan Option 1 or Option 3. The testimony and evidence offered demonstrated that both plans comply with the standards, regulations, and requirements and thus both shall be approved. Additionally, I will grant the non-density transfer of the 24-foot wide strip shown on the plans at the end of Anvil Court to the Enclave at Perry Hall, and approve the waiver of public works standards to allow a mountable curb and gutter in lieu of the required concrete. However, I will deny the waiver request to allow a 24-foot paved road width and will require sidewalks only on one side of Anvil Court. Moreover, the Petition for Special Variance shall be granted, consistent with my direction to the Department of Public Works.

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

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 5th day of December, 2002 that the red-lined development plans for Lauren Woods, identified herein as Developer's/Petitioner's Exhibits 1 and 5, be and are hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Variance seeking relief from Section 259.7 of the B.C.Z.R. for 12 authorizations (12 building permits) in the Bean Run Sub-area of the Honeygo District, pursuant to Section 4A02.4G of the B.C.Z.R., be and is hereby APPROVED; and,

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IT IS FURTHER ORDERED that a non-density transfer of the 24-foot strip shown on the plan to the Enclave at Perry Hall, pursuant to the agreement reached by and between the Developer of the subject property and Kelkerry, LLC, Owner/Developer of the Enclave at Perry Hall, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a waiver to allow sidewalk construction on only the north side of Anvil Court, and to permit mountable curb and gutter in lieu of the required standard concrete curb and gutter, be and is hereby approved, and as such, the Petition for Special Hearing is GRANTED, in part; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow a 24-foot closed paving section in lieu of the required 30 feet, be and is hereby DENIED.

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

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

LES:bjs

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Date 12/3/02
By

Baltimore County
Zoning Commissioner

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

December 5, 2002

Alan Betten, Esquire
Kandel, Klitenic, Kotz, Betten & Thernow, LLC
502 Washington Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and
PETITIONS FOR SPECIAL HEARING AND SPECIAL VARIANCE
N/S Forge Road, W of Forge View Road
(Lauren Woods – fka Black Iron Knoll)
11th Election District – 6th Council District
Harford Joint Venture, Owner; The Rachuba Group, Developer
Case No. XI-789 & 03-127-SPVAH

Dear Mr. Betten

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plans have been approved, and the Petitions for Special Hearing and Special Variance granted in part and denied in part, 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. Larry Rachuba and Chris Rachuba, The Rachuba Group
946-A Marimich Court, Eldersburg, Md. 21784
Mr. Joe Caloggero, The Traffic Group, 9900 Franklin Sq.Dr., #H, Baltimore, Md. 21236
Mr. Steve Warfield, Matis Warfield, 10540 York Road, Suite M, Hunt Valley, Md. 21030
Mr. Paul Amirault, 5 Woodmar Court, Kingsville, Md. 21087
Mr. Richard Matz, Colbert Matz Rosenfelt, 2835 Smith Ave., #G, Baltimore, Md. 21209
Howard Alderman, Jr., Esquire, Levin & Gann, 502 Washington Ave., #800, Towson, 21204
Mr. Dennis Eckard, 39 Bangert Avenue, Perry Hall, Md. 21128
Mr. William Libercci, Sr., 19 Shawn Court, Baltimore, Md. 21236
Mr. Howard Wille, 9115 Kilbride Road, Perry Hall, Md. 21128
Chris Rorke, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

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on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at the North side of Forge Road, 750-feet WEST of Forge View Road, and 2770-feet EAST of Correlli Lane which is presently zoned D.R. 1-H

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

WHETHER A PETITION FOR SPECIAL HEARING IS NECESSARY FOR THE APPROVAL OF WAIVERS FROM PUBLIC WORKS STANDARDS, AND IN THE ALTERNATIVE TO APPROVE WAIVERS FROM THE PUBLIC WORKS STANDARDS LISTED ON THE ATTACHED SHEET.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

The Rachuba Group
Name - Type or Print

By: Mr. Lawrence Rachuba
Signature

946-A Marimich Court — (410) 781-3400
Address — Telephone No.

Eldersburg — MD — 21784
City — State — Zip Code

Attorney For Petitioner:

Mr. Alan Betten
Name - Type or Print

By: Mr, Alan Betten
Signature

Kandel, Klitenic, Kotz, Betten, and Thernow, LLC
Company

502 Washington Avenue — (410) 339-7100
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Legal Owner(s):

Harford Joint Venture
Name - Type or Print

By: Mr. Rodney Ortel
Signature

Name - Type or Print

By: Mr. Rodney Ortel
Signature

9403 Harford Road — (410) 667-1854
Address — Telephone No.

Baltimore, — MD — 21234
City — State — Zip Code

Representative to be Contacted:

Mr. Rodney Ortel
Name

9403 Harford Road — (410) 667-1854
Address — Telephone No.

Baltimore — MD — 21234
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By RDD Date 9/13/02

Case No. 03-127-SAHSPH

REV 9/15/98

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ATTACHMENT TO PETITION FOR SPECIAL HEARING

RE: LAUREN WOODS (FORMERLY BLACK IRON KNOLL)
PDM # XI-798

Waivers requested from Public Works Standards:

1) To allow a waiver of sidewalk construction along the proposed interior road of the development
2) To allow a 24' closed paving section on a 50-foot right-of-way in lieu of 30-foot closed paving section on a 50-foot right-of-way for proposed interior road.
3) To allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the propose interior road.

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Item # 127

Honeygo Special Variance

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at the North side of Forge Road, 750-feet WEST of Forge View Road, and 2770-feet EAST of Correlli Lane which is presently zoned D.R. 1-H

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

259.7 OF B.C.Z.R. FOR 12 AUTHORIZATIONS IN THE BEAN RUN SUBAREA OF THE HONEYGO DISTRICT and Sec. 4A02.4.G

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

TO BE DETERMINED AT HEARING

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

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

Contract Purchaser/Lessee:

The Rachuba Group
Name - Type or Print

By: Mr. Lawrence Rachuba
Signature

946-A Marimich Court (410) 781-3400
Address Telephone No.

Eldersburg MD 21784
City State Zip Code

Attorney For Petitioner:

Mr. Alan Betten
Name - Type or Print

By: Mr, Alan Betten
Signature

Kandel, Klitenic, Kotz, Betten, and Thernow, LLC
Company

502 Washington Avenue (410) 339-7100
Address Telephone No.

Towson MD 21204
City State Zip Code

Legal Owner(s):

Harford Joint Venture
Name - Type or Print

By: Mr. Rodney Ortel
Signature

Name - Type or Print
By: Mr. Rodney Ortel
Signature

9403 Harford Road (410) 667-1854
Address Telephone No.

Baltimore, MD 21234
City State Zip Code

Representative to be Contacted:

Mr. Rodney Ortel
Name

9403 Harford Road (410) 667-1854
Address Telephone No.

Baltimore MD 21234
City State Zip Code

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ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By RJ Date 9/13/02

Case No. 03-127-SAHSPH

REV 9/15/98

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BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 17179

DATE 9/13/02 ACCOUNT 001 006 6150

AMOUNT $ 650.00

RECEIVED FROM: Matis Warfield Inc.

FOR: Zoning Case #03-127-SAHSPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME
9/19/2002 9/19/2002 09:14:27
REG WS06 WALKIN KMCM KXM DRAWER 4
>>RECEIPT # 103162 9/19/2002 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 017179
Recpt Tot $650.00
650.00 CK .00 CA
Baltimore County, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 055554

DATE 9/19/02 ACCOUNT 001-006-6150

AMOUNT $ 100.00

RECEIVED FROM: Matis Warfield, Inc.

FOR: 03-127-SAHSPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME
9/19/2002 9/19/2002 09:16:2
REG WS06 MAIL KMCM KXM DRAWER 4
>>RECEIPT # 103163 9/19/2002 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 055554
Recpt Tot $100.00
100.00 CK .00 CA
Baltimore County, Maryland

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: #03-127-SAHSPH
4900 Black Forge Road
N/S Black Forge Road, 715' +/- W centerline Forge View Road
11th Election District – 5th Councilmanic District
Legal Owner(s): Rodney Ortel, Harford Joint Venture

Special Variance: for 12 authorizations in the Bean Run Subarea of the Honeygo District. **Special Hearing:** to allow a waiver of sidewalk construction along the proposed interior road of the development; to allow a 24 foot closed paving section on a 50-foot right-of-way in lieu of 30 foot closed paving section on a 50-foot right-of-way for proposed interior road; to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

Hearing: Monday, October 21, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

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

10/035 Oct. 3 C566376

CERTIFICATE OF PUBLICATION

10/3/, 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 10/3/, 2002.

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

S. Wilkinson

LEGAL ADVERTISING

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Hearing: Friday, November 22, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
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11/019 Nov. 7 C572981

CERTIFICATE OF PUBLICATION

11/7/, 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 11/7/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

RE:	**PETITION FOR SPECIAL VARIANCE AND SPECIAL HEARING**	*	BEFORE THE
	HONEYGO	*	ZONING COMMISSIONER
	4900 Black Forge Rd. N/side Forge Rd. 715' +/- west of ctrl Forge View Road	*	FOR
	11th Election District 5th Councilmanic District	*	BALTIMORE COUNTY
	Legal Owner: Rodney Ortel, Harford Joint Venture	*	03-127-SAHSPH
	Contract Pur.: The Rachuba Group Petitioner(s)	*	

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

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 25th day of September, 2002, a copy of the foregoing Entry of Appearance was mailed to Rodney Ortel, 9403 Harford Road, Baltimore, MD 21234, Alan Betten, Esquire, 502 Washington Avenue, Towson, MD 21204 Attorney for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 3, 2002 Issue – Jeffersonian

Please forward billing to:
Matis Warfield Inc
10540 York Road
Suite M
Hunt Valley MD 21030

410 683-7004

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:

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HEARING: Monday, October 21, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 7, 2002 Issue – Jeffersonian

Please forward billing to:
Matis Warfield Inc
10540 York Road
Suite M
Hunt Valley MD 21030

410 683-7004

NOTICE OF ZONING HEARING

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HEARING: Friday, November 22, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

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

September 23, 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:

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4900 Black Forge Road
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HEARING: Monday, October 21, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDR
Director

C: Alan Betten, Kandel Klitenic Kotz Betten & Thernow, 502 Washington Avenue, Towson 21204
Harford Joint Venture, Rodney Ortel, 9403 Harford Road, Baltimore 21234
The Rachuba Group, Lawrence Rachuba, 946-A Marimich Court, Eldersburg 21784

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BYSATURDAY, OCTOBER 5, 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.

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

APPROVED SIGN POSTERS

Staff Sergeant Robert A. Black 1508 Leslie Road Dundalk, MD 21222	Telephone: Cell: Pager: Work:	410-282-7940 410-499-7940 410-373-9662 410-288-3284
Bruce E. Doak Gerhold, Cross & Etzel, Ltd. Suite 100, 320 E. Towsontown Boulevard Towson, MD 21286	Telephone: Fax:	410-823-4470 410-823-4473
Stacy Gardner Shannon-Baum Signs, Inc. 105 Competitive Goals Drive Eldersburg, MD 21784	Telephone: Toll Free: Fax:	410-781-4000 800-368-2295 410-781-4673
Thomas J. Hoff 406 W. Pennsylvania Avenue Towson, MD 21204	Telephone: Fax:	410-296-3668 410-296-5326
Richard Hoffman 904 Dellwood Drive Fallston, MD 21047	Telephone:	410-879-3122
Linda M. Jones Daft-McCune-Walker, Inc. 200 East Pennsylvania Avenue Towson, MD 21286	Telephone: Fax:	410-296-3333 410-296-4705
Garland E. Moore 3225 Ryerson Circle Baltimore, MD 21227	Telephone: Mobile:	410-242-4263 410-382-4470
Patrick M. O'Keefe, Sr. 523 Penny Lane Hunt Valley, MD 21030	Telephone: Cell: Fax:	410-666-5366 410-905-8571 410-666-0929

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WCR/SCJ – Revised 4/6/01

Baltimore County
Department of Permits and
Development Management

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

October 10, 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:

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Arnold Jablon GDZ
Director

C: Alan Betten, Kandel Klitenic Kotz Betten & Thernow, 502 Washington Avenue, Towson 21204
Harford Joint Venture, Rodney Ortel, 9403 Harford Road, Baltimore 21234
The Rachuba Group, Lawrence Rachuba, 946-A Marimich Court, Eldersburg 21784

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 7, 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.

Printed with Soybean Ink
on Recycled Paper

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: 03-127-SAHSPH

Petitioner: Lauren Woods / Black Iron Knoll

Address or Location: N/s 4900 Blk. Forge Rd

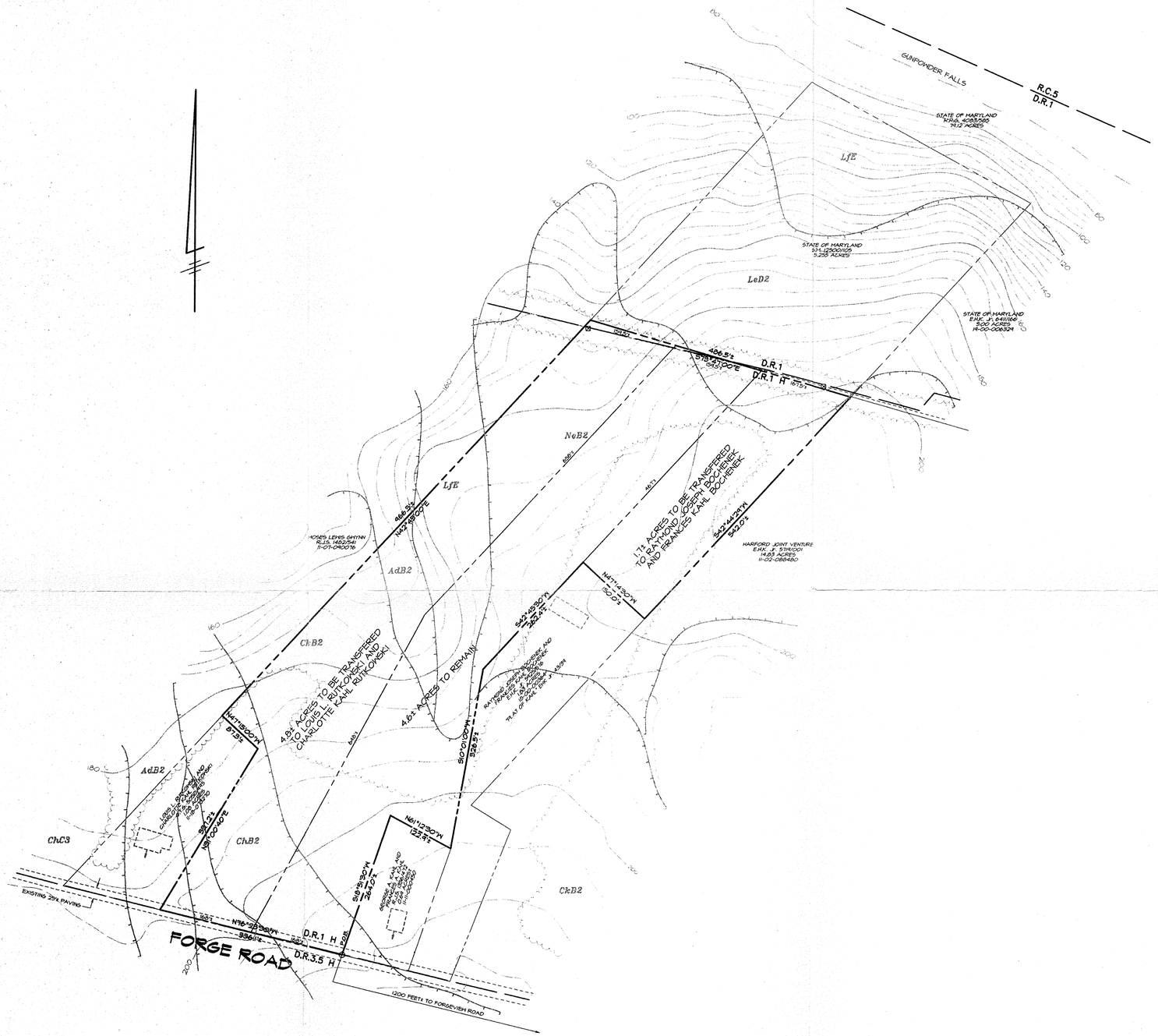
PLEASE FORWARD ADVERTISING BILL TO:

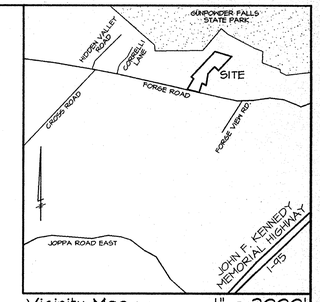
Name: Matis Warfield Inc

Address: 10540 York Rd, Suite M
Hunt Valley, Maryland 21030

Telephone Number: 410 683 7004

Revised 2/20/98 - SCJ





Vicinity Map 1" = 2000'

GENERAL NOTES

1. THE PROPERTY LINES SHOWN HEREON WERE TAKEN FROM THE TITLE DEEDS.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAP NO. NE 11-1.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 31.
4. CENSUS TRACT 4113.04 A.D.C. MAP & GRID 29 J-4
   WATERSHED 03 SUBSENERSHED 20
   SCHOOL DISTRICT 143 REGIONAL PLANNING DISTRICT 317B
5. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS APPARENT ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. ALL DENSITY RIGHTS WILL BE RETAINED IN THE REMAINING PARCEL.

SPECIAL HEARING REQUESTED TO APPROVE:

1. THE NON-DENSITY TRANSFER OF 1.7 ACRES± TO AN AJOINING OWNER.
2. THE NON-DENSITY TRANSFER OF 4.8 ACRES± TO AN AJOINING OWNER.

320

STATE OF MARYLAND BRUCE EDWIN BOLK No. 531 REGISTERED PROFESSIONAL LAND SURVEYOR LINE SURVEYOR

SYMBOLS LEGEND

- SOIL LINE
- WOODS LINE
- ZONING LINE
- EXISTING PAVING
- CONTOURS
- EXISTING DWELLING

OWNER
FRANCES A. KAHL
4828 FORGE ROAD
PERRY HALL, MARYLAND 21128

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
AdB2, BtB	Severe: slow permeability	Moderate: slope	Moderate: slope
ChB2, CkB2	Slight to moderate	Slight	Moderate: slope
ChC3, CkC2	Slight to moderate	Slight	Severe: slope
CkD2	Moderate: slope; moderate permeability.	Moderate: slope	Severe: slope
LeD2, LfE	Severe: slope	Severe: slope	Severe: slope
NeB2	Moderate: moderate permeability.	Slight	Moderate: slope

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL HEARING
KAHL PROPERTY

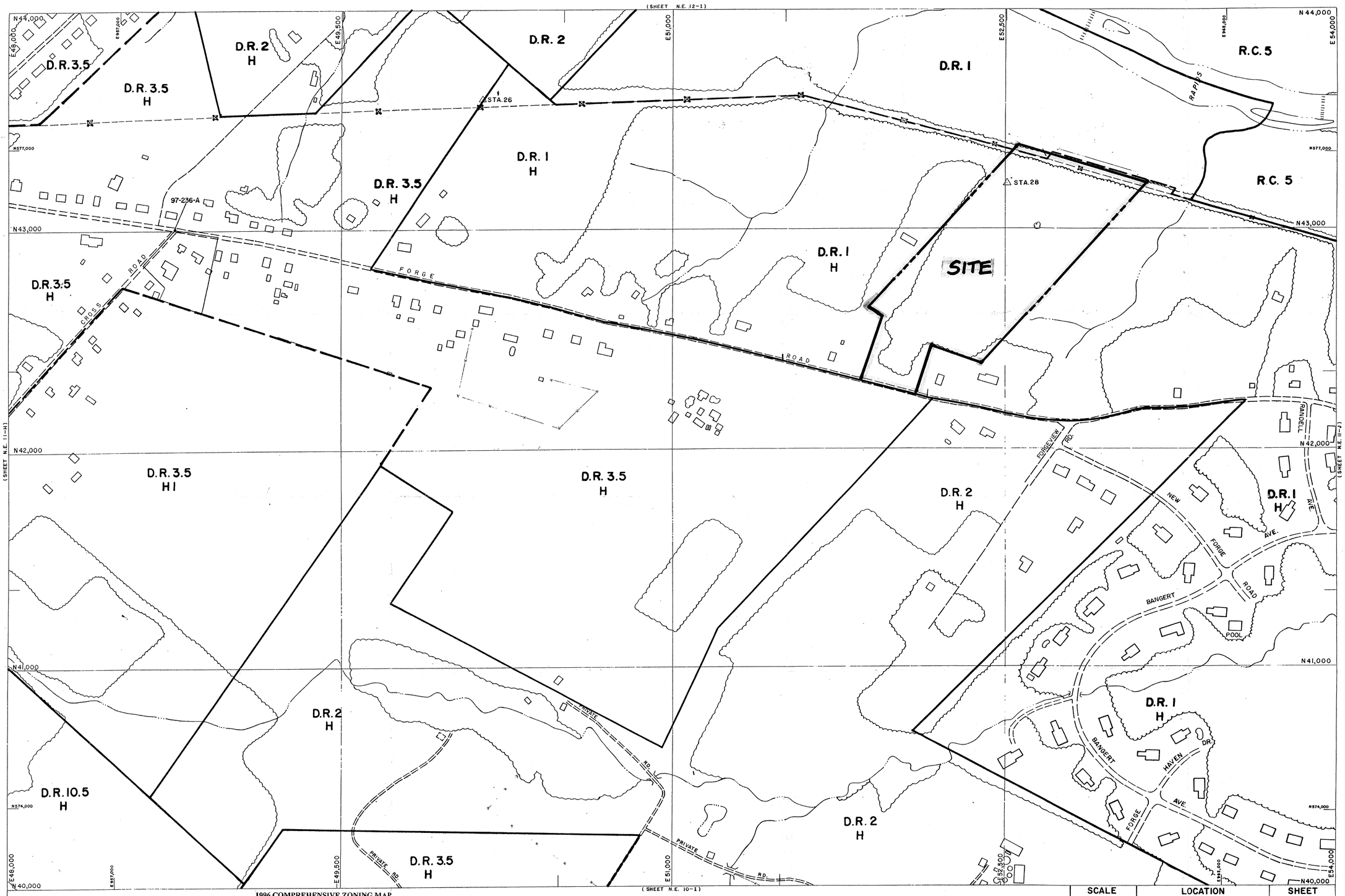
FORGE ROAD
Deed Ref: G.L.B. No. 2088 folio 14
Tax Account No.: 11-11-000451
Zoned D.R.-1H
Tax Map 63; Grid 24; Parcel 30
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 100' MARCH 4, 1998

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	TECHNICIANS: D.J.F.	FILE: X:\KAHL\ZONING.PRO

98-320-SPH



Q - SE
M - NE

1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kamenetz
Chairman, County Council

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

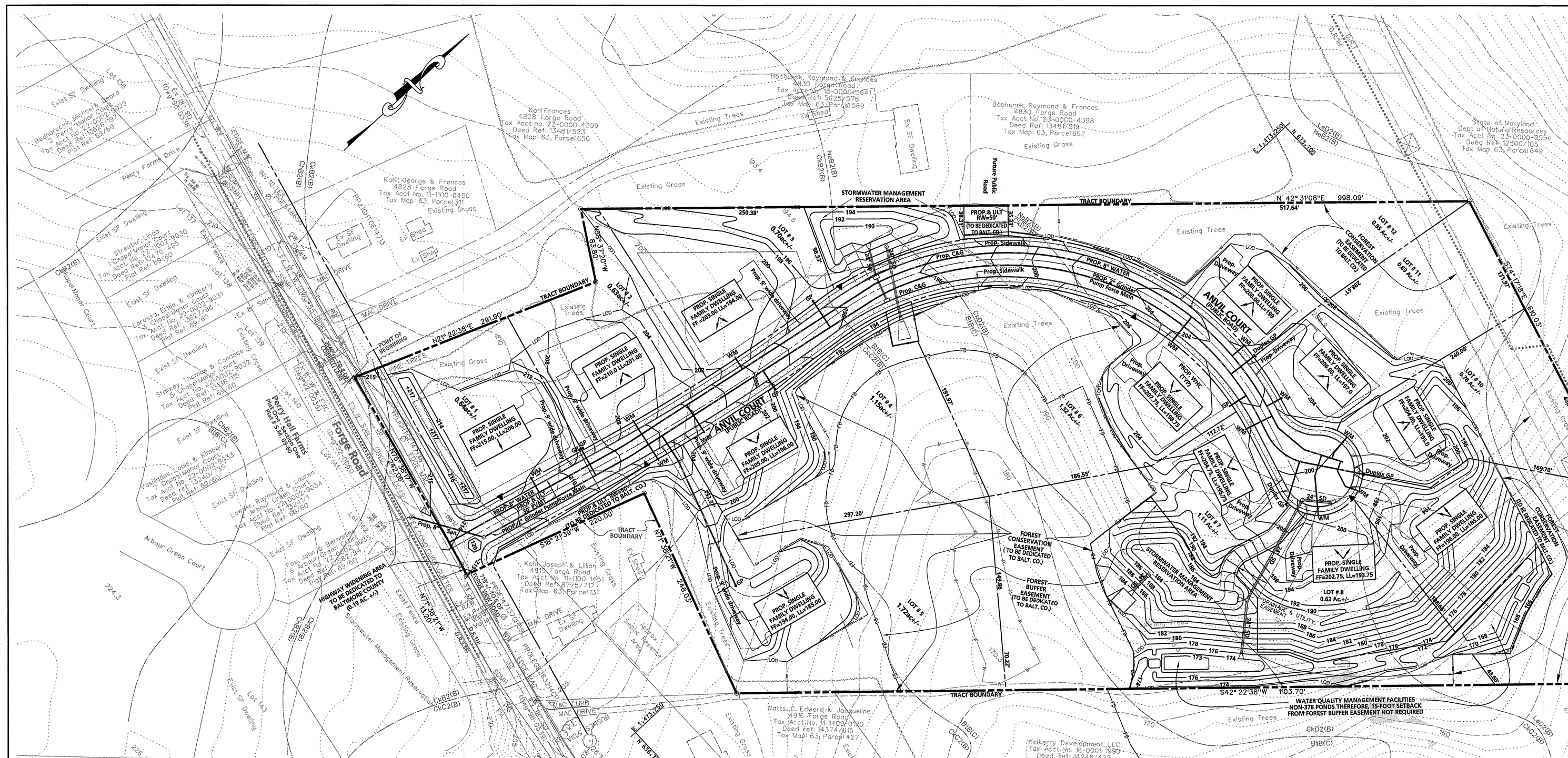
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	PERRY HALL GUNPOWDER VICINITY	N.E. 11-I
DATE OF PHOTOGRAPHY JANUARY 1986		

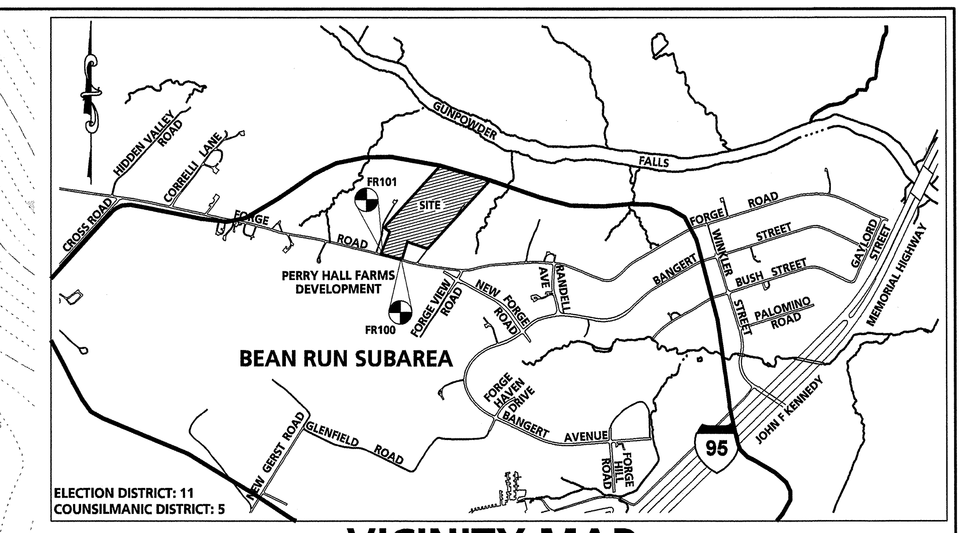
N/S 4900 Blk Forge Rd

Item #127

NE 11-I



PLAN
Scale: 1"=50'



VICINITY MAP

SCALE: 1" = 1000'

COORDINATES, BEARINGS, AND ELEVATIONS SHOWN HEREON ARE BASED ON STATE OF MARYLAND COORDINATES (NAD83/NAV88) USING THE FOLOWING BALTIMORE COUNTY CONTROL POINTS:

FR100, PIN ON NORTH SIDE OF FORGE ROAD
Elevation = 212.88
N=636,695.4273
E=1,472,980.8846

FR101, PIN ON NORTH SIDE OF FORGE ROAD
Elevation = 214.91
N=636,750.6699
E=1,472,765.0786

LEGEND

- EXISTING CONTOURS — 620 — 625
- SLOPES 25% OR STEEPER
- SOIL TYPE BOUNDARY — LfD (B) KeC2 (C)
- EXISTING TREE LINE
- PROPOSED LOT # — LOT # 9
- AVERAGE DAILY TRAFFIC — 120
- Tract Boundary
- Property Line
- Proposed Contour — 420
- Existing Storm Drain — 15" RCCP
- Proposed Storm Drain — 15" RCCP
- Existing Sanitary — EX. SAN
- Proposed Sanitary — 10" SAN
- Existing Water — 8" WATER
- Proposed Water — 8" WATER
- Existing Curb
- Proposed Conc. Curb
- Zoning Line — B.R. / D.R. 5.5
- Forest Buffer Easement — FB
- Limit Of Disturbance — LOD
- Flood Plain — FP
- Forest Conservation Easement — FCE
- Area To Be Replanted
- Building Envelope

SITE DATA

AREA OF PROPERTY - 15.1124 ACRES +/-
NET AREA OF PARCEL 285 - 14.8324 ACRES +/-
NET AREA OF PARCEL 6 - 0.28 ACRES +/-
EXISTING ZONING - D.R.1-H. HONEYGO OVERLAY DISTRICT (BEAN RUN SUBAREA)
EXISTING USE - VACANT - MOSTLY WOODED LOT
PROPOSED USE - 12-SINGLE FAMILY RESIDENCES WITH SIDE ENTRY GARAGES
DEED REFERENCE - 6370/225 (PARCEL 285) & 5719/1 (PARCEL 6)
TAX MAP • 63, GRID 24, PARCEL 285 & 6
PLAT REFERENCE: N/A
TAX ACCOUNT NO. 11-1100-0625 (PARCEL 285) & 11-0208-8480 (PARCEL 6)
CENSUS TRACT: 4113.04
REGIONAL PLANNING DISTRICT: 317B
ELEMENTARY SCHOOL DISTRICT: 130 - CHAPEL HILL E.S.
LAND MANGEMENT AREA: GROWTH AREA - WHITE MARSH
WATERSHED: 10 - LOWER GUNPOWDER
WATER SERVICE AREA: W-5 MASTER PLAN AREA (WATER PLAN MAP: W-17B)
SUBSEWERSHED: 109
TRANSPORTATION ZONE: 'D' LEVEL OF SERVICE
ZIP CODE: 21128

PREVIOUS PERMITS - UNKNOWN
DEVELOPMENT APPROVALS: NONE
PRIOR ZONING CASES: NONE
SIGNAGE - NONE PROPOSED AT THIS TIME; HOWEVER ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES.

ZONING LINES FROM 2000 ZONING MAP (NE 11-I).

AS KNOWN TO THE APPLICANT, THERE ARE NO KNOWN HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED.

FEMA MAP NO. 240010-0295B - SITE IS LOCATED WITHIN FLOOD ZONE C, AREA OF MINIMAL FLOODING. SITE IS APPROXIMATELY 300' AWAY FROM 100 YEAR FLOOD PLAIN.

TRANSIT SERVICES ARE NOT ANTICIPATED AS BEING REQUIRED FOR THIS DEVELOPMENT.

BULK REGULATIONS

BULK REGULATIONS PER DR.1-H FOR DEVELOPMENT	
SINGLE-FAMILY RESIDENTIAL PRINCIPLE BUILDINGS	MINIMUM SETBACK
FROM RIGHT-OF-WAY OF A COLLECTOR STREET, NEIGHBORHOOD STREET, ALLEY, OR COURT	10 FEET
FROM THE RIGHT-OF-WAY OF A MAJOR OR MINOR ARTERIAL OR COLLECTOR ROAD	40 FEET
FROM SIDE YARD LOT LINE IF THE DWELLING IS DESIGNED TO HAVE A SIDE OR REAR ENTRY GARAGE. (SUM OF SIDE YARDS MUST BE EQUAL TO OR GREATER THAN 20-FEET.)	6 FEET
FROM REAR PROPERTY LINE, EXCEPT FOR UNROOFED ADDITIONS INCLUDING PATIOS AND DECKS, AND ROOFED ADDITIONS WITH A WIDTH THAT IS LESS THAN OR EQUAL TO 50% OF THE BUILDING WIDTH AND WHICH EXTENDS LESS THAN OR EQUAL TO 10-FEET INTO THE REAR YARD SETBACK AREA.	50 FEET

PANHANDLE LOTS PERMITTED IN D.R.1 BUT NO MORE THAN TWO LOTS CAN SHARE A DRIVEWAY AND LOTS MUST EXCEED 30,000-SF IN AREA.
MINIMUM LOT WIDTH = 85-FEET AT THE FRONT AND REAR WALL LINES EXTENDED.
ACCESSORY STRUCTURES (MINIMUM SETBACK = 2.5')
MAXIMUM BUILDING HEIGHT = 50 FEET

PETITIONS FILED:

VARIANCES:
1.) VARIANCE TO SECTION 259.7 OF B.C.Z.R. FOR 12 AUTHORIZATIONS IN THE BEAN RUN SUBAREA OF THE HONEYGO DISTRICT DUE TO THE FACT THAT WATER AND SEWER ARE AVAILABLE TO THE SITE.

WAIVERS:
1.) SPECIAL HEARING FOR WAIVER OF PUBLIC WORKS STANDARDS TO ALLOW A 24-FOOT PAVING SECTION ON A 50-FOOT RIGHT-OF-WAY IN LIEU OF THE REQUIRED 30-FOOT ROAD ON ON A 50-FOOT RIGHT-OF-WAY.
2.) SPECIAL HEARING FOR WAIVER OF PUBLIC WORKS STANDARDS TO ALLOW A WAIVER OF SIDEWALK CONSTRUCTIONON BOTH SIDES OF THE PROPOSED ROAD.
3.) SPECIAL HEARING FOR WAIVER OF PUBLIC WORKS STANDARDS TO ALLOW THE DEVELOPMENT TO HAVE MOUNTABLE CURB AND GUTTER IN LIEU OF THE STANDARD CONCRETE CURB AND GUTTER ALONG THE PROPOSED INTERIOR ROAD.

CUL-DE-SAC LENGTH:
A CUL-DE-SAC IN EXCESS OF 400-FEET IN LENGTH IS PROPOSED FOR THIS PROJECT TO PREVENT ENCROACHMENT ON THE PROTECTED FOREST BUFFER AREA. THEREFORE, WE ARE HEREBY REQUESTING THAT THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT (DEPRM) MAKE A DETERMINATION THAT THIS LENGTH IS NECESSARY TO PREVENT THE ABOVE LISTED ENCROACHMENT.

GRINDER PUMPS:
DUE TO THE GRADES ON SITE, AND THE ENVIRONMENTAL CONSTRAINTS, THE DEVELOPER IS HEREBY REQUESTING TO UTILIZE GRINDER PUMPS AND AN ASSOCIATED FORCE MAIN TO PROVIDE SEWER SERVICE TO THE PROPOSED LOTS.

NOTES:
1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT OR FOREST CONSERVATION EASEMENTS , EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)

Matis Warfield
consulting engineers
10540 york road suite n
hunt valley, maryland 21030
telephone 410-683-7904
facsimile 410-683-7908
www.matiswarfield.com

Owner
Harford Joint Venture
C/O Mr. Rodney Ortel
9403 Harford Road
Baltimore, Maryland 21234
(410) 667-1854

Developer
The Rachuba Group
C/O Mr. Lawrence Rachuba
946-A Marimich Court
Eldersburg, Maryland 21784
(410) 781-3400

HEARING OFFICER'S HEARING AND ZONING HEARING TO BE COMBINED

Item #127

PLAN TO ACCOMPANY PETITION FOR VARIANCE AND SPECIAL HEARING

LAUREN WOODS
(Formerly Black Iron Knoll)

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT: 11
COUNSILMANIC DISTRICT: 5

AUGUST 26, 2002

PDM File#: XI(11)-798

Baltimore County
Department of Permits and
Development Management

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

November 15, 2002

Mr. Alan Betten
Kandel, Klitenic, Kotz, Betten, and Thernow, LLC
502 Washington Avenue
Towson, MD 21204

Dear Mr. Betten:

RE: Case Number: 03-127-SAHSPH, the North side of Forge Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 13, 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.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
The Rachuba Group, Lawrence Rachuba, 946-A Marimich Court, Eldersberg 21784
Harford Joint Venture, Rodney Ortel, P.O. Box 1094, Cockeysville 21030

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on Recycled Paper

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

September 24, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 127
116-117, 121-130

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

cc: File

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 21, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For September 30, 2002
Item No. 127

The Bureau of Development Plans Review has reviewed the subject-zoning item.

We recommend against the *Request for Waivers* for the 24-foot paving section on a 50-foot right-of-way and the sidewalk construction on both sides of proposed road.

The request is, however, being granted for mountable curb and gutter in lieu of standard concrete curb and gutter along the proposed interior road.

RWB:CEN:jrb

cc: File

Sum 10/21 11/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 26, 2002

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

SEP 2 7 2002

SUBJECT: 4900 Block of Forge Road

INFORMATION:

Item Number: 03-127

Petitioner: Harford Joint Venture

Zoning: DR 1H

Requested Action: Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request for the waiver of public works standards germane to Section 259.7 of the Baltimore County Zoning Regulation that requires the "commencement" of certain infrastructure improvements (widening of Forge Road and Cross Road) prior to the issuance of building permits. The premise of Section 259.4 through Section 259.9 is based on the principle that development coincides with infrastructure improvements. Area residents already complain that their roads are overburdened with traffic. Funds for the widening of Forge Road and Cross Road have been allocated for fiscal year 2004. No building permits in the Bean Run Subarea should be issued until that time. In addition, this office does not support the request to waive the construction of any sidewalks along the proposed road.

The Office of Planning supports the petitioner's request to allow a 24-foot paving section on a 50-foot right-of-way, and to allow the development to have mountable curb and gutter along the proposed interior road.

Prepared by: Mark A. Cumings

Section Chief: Lynn Lochner

AFK/LL:MAC:

W:\DEVREV\ZAC\03-127.doc

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9.24.02

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

RE: Baltimore County
Item No. 127 RDD

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,

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

My telephone number is _____

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

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

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

MDP
Maryland Department of Planning

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

September 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda re: case numbers 03-106-SPH, 03-116-A, 03-117-A, 03-118-A, 03-119-A, 03-120-XA, 03-121-A, 03-122-A, 03-123-XA, 03-124-A, 03-125-A, 03-126-A, 03-127-SAHSPH, 03-128-A, 03-129-A, 03-130-A**

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 09/23/02. 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

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 03-127-SAH SPH

Date Completed/Initials	
9-20-02	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
9-20-02	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
9-23-02	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
10-9-02	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
10-10-02	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
GD 2	~~10-3~~ 11-7 ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Baltimore County
Department of Permits and
Development Management

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

October 9, 2002

Mr. Alan Betten
Kandel Klitenic Kotz Betten & Thernow
502 Washington Avenue
Towson MD 21204

Dear Mr. Betten:

RE: Case Number 03-127-SAHSPH, N/S Forge Road

The above matter, previously scheduled for Monday, October 21, 2002 9:00 a.m. in Room 407, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

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

Very truly yours,

Arnold Jablon GDZ
Director

AJ: gdz

C: Mr. Rodney Ortel, Harford Joint Venture, 9403 Harford Road, Baltimore 21234
The Rachuba Group, Mr. Lawrence Rachuba, 946-A Marimich Court, Eldersburg 21784

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on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 27, 2003

C. William Clark, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Notre Dame Preparatory School*
Case No. CBA-03-127 /PDM IX-703

Dear Mr. Clark:

The Board is in receipt of your **Motion to Dismiss or Deny Appeal** filed on October 20, 2003 in the subject matter. A copy of your Motion will be forwarded to the appropriate Board members along with the response to be filed by Mr. Holzer.

The Board will receive argument on your Motion as a preliminary matter when it convenes for hearing as scheduled on Tuesday, December 9, 2003 at 10:00 a.m. Upon reaching a decision on your Motion, the Board will either go forward with the hearing on the merits of the appeal, or the appeal will be dismissed.

Should you have any questions, please call me.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

c: School Sisters of Notre Dame
Mitch Kellman /Daft McCune Walker, Inc.
J. Carroll Holzer, Esquire
James and Ruth Synodinos, et al
Pat Keller, Director /Planning
Lawrence E. Schmidt /Zoning Commissioner
Christine Rorke, Project Manager /PDM
Timothy M. Kotroco, Director /PDM

RECEIVED
OCT 29 2003
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

11/13/02

Rodney Ortel called. He stated his address was incorrect and he would not see anything that was mailed there. He asked me to change his address.

New Address: Harford Joint Venture
Rodney Ortel
P.O. Box 1094
Cockeysville 21030

Transmittal

Matis Warfield
consulting engineers

10540 york road • suite m
hunt valley, maryland 21030
phone 410-683-7004
facsimile 410-683-1798

To: Zoning Review
Baltimore County PADM
111 W. Chesapeake Ave Rm111
Towson, Maryland 21204
Attn:

Date: August 27, 2002
Re: Lauren Woods
(Black Iron Knoll)
Petition for Variance
And Spec. hearing

We are: ☐ Forwarding ☒ Herewith ☒ Submitting ☐ Under separate cover ☐ Returning

Number	Item
3	Petitions for Variance & Spec. Hearing
12	Copies of Plan to Accompany Petition for Variance & Spec. Hearing
3	Property Descriptions
1	Copy of Zoning Map with Property Outlined
1	Check made Payable to Baltimore County in the amount of $650.00

☐ For your use
☐ For your review
☐ For processing
☐ Approval requested
☐ Meeting requested
☐ As requested
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ Please return to this office
☐ Please call when ready

Remarks:

AUG 27 2002

cc: Larry Rachuba

By: Salvatore C. Crupi, E.I.T.

Item # 127

IN RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL VARIANCE - N/S Forge Road, W of Forge View Road **(Lauren Woods – fka Black Iron Knoll)**

11th Election District – 6th Council District

Harford Joint Venture, Owner;
The Rachuba Group, Developer

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Cases Nos. XI-798 & 03-127-SPVAH

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a single combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). Pursuant to the development review regulations codified in Title 26 thereof, the Owners/Developers seek approval of a red-lined development plan prepared by Matis Warfield, consulting engineers, for the proposed residential development of the subject property to be known as Lauren Woods, formerly known as Black Iron Knoll. In addition, certain zoning relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, special variance and variance relief is requested from Section 259.7 of the B.C.Z.R. for 12 authorizations (12 building permits) in the Bean Run Sub-area of the Honeygo District, pursuant to Section 4A02.4G of the B.C.Z.R. In addition, special hearing relief is requested, if necessary, to approve certain waivers from the Department of Public Works standards for certain public improvements. Specifically, the Owner/Developer requests the following: 1) a waiver of sidewalk construction along a proposed interior road (Anvil Court); 2) to allow a 24-foot closed paving section on a 50-foot right-of-way in lieu of the required 30-foot closed paving section on a 50-foot right-of-way for a proposed interior road (Anvil Court); and, 3) to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

The subject property consists of a gross area of 15.1124 acres, more or less, zoned D.R.-1H, and is located on the north side of Forge Road, just west of that road's intersection with Forge View Road in the Honeygo District of Perry Hall. The subject property and requested relief

ORDER RECEIVED FOR FILING
Date 12/5/02
By

are more particularly described on the red-lined development plan(s) submitted into evidence and marked as Developer's/Petitioner's Exhibits 1 and 5.

As to the history of this project through the development review process codified in Title 26 of the Baltimore County Code (B.C.C.), a concept plan of the proposed development was prepared and a conference held thereon on December 17, 2001. As required, a Community Input Meeting (CIM) was held on January 24, 2002 at the Rosedale Library. Subsequently, a development plan was submitted and a conference held thereon on October 30, 2002. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the combined hearing held before me on November 22, 2002.

Appearing at the Hearing Officer's Hearing required for this project were Larry Rachuba and Chris Rachuba, representatives of The Rachuba Group, Developer; Steve Warfield, on behalf of Matis Warfield, the consultants who prepared the development plan/site plan for this project; Salvatore Crupi; Joe Caloggero, a traffic engineer with The Traffic Group; and Alan Betten, Esquire, attorney for the Owners/Developers. 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; Dennis Kennedy, Development Plans Review; Colleen Kelly, Land Acquisition; and, John Alexander, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); R. Bruce Seeley and Todd Taylor, Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook, Department of Recreation and Parks (R&P). Numerous citizens from the surrounding locale appeared as interested persons, including Dennis Eckard and William Libercci, Sr., representatives of the Perry Hall Improvement Association, and Howard Wille, a nearby resident. Also appearing were Paul Amirault, owner/developer of an adjacent tract, known as the Enclave at Perry Hall; Richard Matz, the engineer who developed the plan for that project; and, Howard L. Alderman, Jr., Esquire, attorney for Mr. Amirault.

ORDER RECEIVED FOR FILING
Date 12/3/02
By

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ORDER RECEIVED FOR FILING
Date 12/3/02
By

As noted above, the subject property is an irregularly shaped parcel with frontage on the north side of Forge Road near I-95 in the Perry Hall/Honeygo area of northeastern Baltimore County. The property contains approximately 15.1124 acres, zoned D.R.-1H. The D.R.1 zoning classification is a residential zone that permits development at the density of one (1) house per acre. The "H" overlay district represents properties in the Honeygo District of the White Marsh area of Baltimore County. White Marsh is a designated growth area, and the Honeygo District regulations impose heightened standards to assure a high quality development in this area.

The development plan that has been submitted for approval in this case actually features two alternative proposals. (See Developer's Exhibits 1 and 5). The first alternative is shown as Option 1 and proposes 12 single-family dwelling lots. As more particularly shown on Developer's Exhibit 1, Option 1 proposes the construction of a public road leading into the interior of the site from the property's frontage on Forge Road. That public road will be known as Anvil Court. The road will terminate as a cul-de-sac within the interior of the property. Option 1 shows five houses with frontage on Anvil Court will be located on the south side of the property near Forge Road. A storm water management facility and areas of forest conservation and forest buffer then bisect the interior of the property. In the northern portion of the site, Anvil Court terminates as a cul-de-sac and there are seven additional houses clustered therein.

The second option is identified as Option 3.[1] Option 3, which is more particularly shown on Developer's Exhibit 5, proposes development of the tract with 11 single-family dwelling lots. That plan shows a substantially similar layout on the south side of the property along Forge Road. That is, there are five lots clustered in that part of the overall tract; however, on the north side of the property abutting the cul-de-sac in Anvil Court, there are six single family dwelling lots shown as opposed to the seven in Option 1. But for the change in the number of lots proposed, the details of the plans for both Options 1 and 3 are largely the same.

[1] Apparently, the Developer originally proposed multiple options. Ultimately, all were disregarded but for Options 1 and 3. There is no longer an Option 2. For simplicity, the numbers of the Options were preserved as Options 1 and 3.

ORDER RECEIVED FOR FILING
Date 12/5/02
By

In addition to the alternative development plans, the Owner/Developer also seeks variance relief under the Petition for Variance (Honeygo Special Variance) and Petition for Special Hearing. Under the Petition for Special Variance, relief is requested from Section 259.7 of the B.C.Z.R. to allow up to 12 authorizations in the Bean Run Sub-area of the Honeygo District, pursuant to Section 4A02.4G of the B.C.Z.R. Special hearing relief is requested to obtain approval from certain Department of Public Works' standards. These are: 1) to allow a waiver of sidewalk construction along a proposed interior road (Anvil Court); 2) to allow a 24-foot closed paving section on a 50-foot right-of-way in lieu of the required 30-foot closed paving section on a 50-foot right-of-way for a proposed interior road (Anvil Court); and, 3) to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

The public hearing held in this matter was bifurcated to consider the development plan and zoning relief separately. As to the requirements for development plan approval, the Developer contended that, pursuant to Section 26-206 of the B.C.C., there were no open issues or unresolved comments that needed to be addressed. But for the relief requested in the underlying zoning Petitions, representatives for the Developer proffered that the proposed plans were in compliance with all County standards and regulations for land development. It is to be particularly noted that both plans show the required public works improvements. That is, both plans show the requisite road width for Anvil Court to be 30 feet, sidewalks on both sides of that street, and standard concrete curb and gutter. If the requested waivers are approved, the Developer proposes to amend the plans accordingly.

Representatives of the reviewing agencies of Baltimore County confirmed that there were no outstanding issues or unresolved comments. In this regard, Ms. Kelly indicated that there were no outstanding issues from the Bureau of Land Acquisition, and Mr. Alexander indicated that there were no outstanding issues from the Zoning Review division of DPDM. Mr. Seeley identified a small revision that might be required as to the areas of forest conservation and storm water management. He indicated that the plan could be conditionally approved, subject to final

Order Entered on Filing
Date 12/5/12
By

In addition to the alternative development plans, the Owner/Developer also seeks variance relief under the Petition for Variance (Honeygo Special Variance) and Petition for Special Hearing. Under the Petition for Special Variance, relief is requested from Section 259.7 of the B.C.Z.R. to allow up to 12 authorizations in the Bean Run Sub-area of the Honeygo District, pursuant to Section 4A02.4G of the B.C.Z.R. Special hearing relief is requested to obtain approval from certain Department of Public Works' standards. These are: 1) to allow a waiver of sidewalk construction along a proposed interior road (Anvil Court); 2) to allow a 24-foot closed paving section on a 50-foot right-of-way in lieu of the required 30-foot closed paving section on a 50-foot right-of-way for a proposed interior road (Anvil Court); and, 3) to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

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Date 12/5/12
By

approval by DEPRM, regarding these minor issues. Mr. Kennedy indicated that the plan complied with the Department of Public Works' requirements. As noted above, the plan shows all public works' standards, notwithstanding the Developer's request that certain of those requirements be waived or modified. In this regard, Mr. Kennedy indicated that the Department of Public Works does not object to mountable curb and gutter; however, that agency does not support the waiver of sidewalks adjacent to the proposed interior road and also objects to a 24-foot road width in lieu of the required 30 feet.

It is also to be noted that Ms. Rorke, Project Manager, indicated that the plan has been revised significantly during the development review process. As has frequently been stated in describing the County's review process, same is evolutionary in nature. (See Monkton Preservation Association v. Gaylord Brooks Realty Corp., 107 Md. App. 573 (1996)). That is, the development review regulations encourage the ongoing refinement of a plan so as to resolve issues and bring the plan into compliance with County standards. The fact that two options of this plan have been submitted for consideration and that prior plans contain significant differences is not problematic in this case. Rather, it is indicative of the intent of the review process to encourage ongoing amendment and revision of a plan in an attempt to satisfy the concerns of all parties.

Finally, the participation of Mr. Amirault through his counsel is of interest. As noted above, Mr. Amirault owns the adjacent tract located just south of the subject property, known as the Kelkerry, LLC property, which was previously approved for development as the "Enclave at Perry Hall." Due to site constraints associated with that tract, the Developer of that parcel is unable to provide direct access and utilities to two lots in that subdivision. To remedy that problem, the Developer of the subject property has agreed to convey a 24-foot wide, fee simple strip located at the end of the cul-de-sac between proposed Lots 8 and 9. This strip will provide a means of vehicular access and allow the extension of public utilities to two lots within the Enclave at Perry Hall subdivision. Both of those lots are over 30,000 sq.ft. in area, and were shown on the approved development plan for that subdivision. In exchange for this conveyance, it was agreed that if additional acreage for forest buffer or storm water management are required for the Lauren

Woods project, the Owner/ Developer of the Enclave at Perry Hall will provide same from their tract for such purposes.

The agreement by and between these adjacent Developers was described as set out above during the course of the hearing. Following that description, Mr. Alexander from the Zoning Review Division of DPDM noted that relief should be granted to incorporate the conveyance of this 24-foot wide strip as a non-density transfer. To the extent required, the undersigned will approve the non-density conveyance of the 24-foot strip area to the Kelkerry, LLC property.

As to the development plans, Mr. Eckard and Mr. Libercci from the Perry Hall Improvement Association, as well as Mr. Wille, voiced no concern or objections; however, they are opposed to the requested zoning relief.

Based upon the testimony and evidence offered, it is clear that the development plans as proposed meet all regulations requirements and standards contained within Title 26 of the B.C.C. Thus, both plans shall be approved subject, of course, to the grant of the zoning relief, which is required.

Turning first to the Petition for Special Hearing, attention is given to the requested waiver of public works' standards. Those standards may be waived, pursuant to the provisions of Section 26-172(a) of the Baltimore County Code (B.C.C.) As noted above, Mr. Kennedy on behalf of the Department of Public Works, indicated his agency's agreement that mountable curb and gutter could be installed in lieu of the standard concrete curb and gutter. Thus, a waiver of that requirement shall be granted in that there is agreement on this issue and the waiver request meets the requirements of Section 26-172(a). Given the nature of this development, mountable curb and gutter is appropriate.

The second waiver request relates to the width of Anvil Court. As noted above, the Developer seeks a reduced width of 24 feet in lieu of the required 30 feet. The Department of Public Works does not support this waiver. In my view, several factors support the grant of that waiver. First, the road will bear limited traffic. Under either Option, there will be no more than

ORDER RECEIVED FOR FILING
Date 12/5/02
By

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As to the development plans, Mr. Eckard and Mr. Libercci from the Perry Hall Improvement Association, as well as Mr. Wille, voiced no concern or objections; however, they are opposed to the requested zoning relief.

Based upon the testimony and evidence offered, it is clear that the development plans as proposed meet all regulations requirements and standards contained within Title 26 of the B.C.C. Thus, both plans shall be approved subject, of course, to the grant of the zoning relief, which is required.

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12 houses in this subdivision, in addition to the two houses in the Enclave at Perry Hall development that will be provided access via a 24-foot wide strip at the end of this road. Thus, there will be no more than 14 individual dwellings utilizing this road, which suggests that there will be minimal traffic volumes. Secondly, it is clear from the plan that the site contains environmental constraints, including areas of forest, steep slopes, etc. A reduction in the area of impervious surface brought about by the reduction in the paving width of the road would reduce these environmental impacts. Third, off-street parking will be provided to the proposed dwellings by lengthy driveways and garages. In opposition to the waiver, the Department of Public Works expressed concerns that a reduction in the road width could cause inappropriate traffic congestion in that the road would be 6 feet narrower than required. Obviously, this could present an issue for vehicles passing in opposite directions, as well as an issue for construction traffic and larger vehicles that might utilize the road. Most importantly, a reduction in width could cause a problem insofar as access by emergency vehicles (fire trucks) and maintenance vehicles (trash trucks). After due consideration of this issue, I am persuaded that, from a practical standpoint, those factors that support a waiver override the concerns against; however, what might be viewed as the practical solution is not the test/standard required under Section 26-172. Rather, that Section imposes upon the Developer a significant burden before a waiver can be granted. In this case, there is no indication that compliance with the full standard would cause undue hardship upon the Developer. Indeed, the plan shows full road width improvements. Therefore, although I encourage the Department of Public Works to revisit this issue, I will not require that the road width be reduced to 24 feet. It shall remain at a width of 30 feet; however, if upon further review the Department of Public Works concurs that a reduction is appropriate, same shall meet the spirit and intent of this Order and the plan can be modified accordingly.

The final issue relates to a waiver of sidewalks. As noted above, sidewalks are shown on the plan to be located on both sides of the street. Due to the limited number of lots in this subdivision and character of the area, I believe that sidewalks on both sides of the road would serve no real purpose and thus, are not necessary. In this regard, I will require sidewalks only on

the north side of Anvil Court, where the greater number of houses will be served. In my view, a single sidewalk will be sufficient to provide pedestrians an area off the road on which to walk.

The final issue for consideration arises from the variance relief requested. As noted above, relief is requested from Section 259.7 of the B.C.Z.R. to permit 12 authorizations in the Bean Run Sub-area of the Honeygo District, pursuant to Section 4A02.4G of the B.C.Z.R. This issue raised opposition by Mr. Libercci and Mr. Eckard and also resulted in an adverse Zoning Advisory Committee (ZAC) comment from the Office of Planning. A review of the Honeygo standards in this regard is appropriate. The Honeygo standards are set out within Sections 259.4 through 259.9 of the B.C.Z.R. As noted in the statement of the legislative intent for the Honeygo District, as set out in Section 259.4, the intent of the standards is to insure that development of infrastructure in the area will coincide with the approval of building permits and subsequent construction.

The regulations govern both the rate and density of development in the Honeygo District. As to density, the regulations establish a maximum number of authorizations for the entire Honey District. A single authorization corresponds to the issuance of a single building permit. In addition to establishing a set number of authorizations for the entire Honeygo District, the regulations provide for additional authorizations within four established sub-areas of the District (i.e., Bean Run, Honeygo Run, Bird Run, and Belair Road). Thus, the density for the Honeygo District is regulated by both the number of authorizations which can be issued for the District at large, as well as the number of authorizations available for the respective sub-areas.

The rate of growth is also regulated by the Honeygo District standards. Specifically, the regulations provide that authorizations become available only upon a triggering event, such as a capital improvement project (i.e., road construction, sewer construction, etc.). As infrastructure is built out, more authorizations become available and may be issued.

The Zoning Commissioner is authorized to variance the standards set out in Section 259.7 of the B.C.Z.R., pursuant to Section 259.8 thereof. Moreover, the Zoning Commissioner shall apply the requirements set out in Section 4A02.4G of the B.C.Z.R. when considering such

ORDER RECEIVED FOR FILING
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By

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Date 12/5/02
By

variance requests. It is well settled that the zoning authority shall determine the legislative intent in considering any regulation. (See State v. Fabritz, 76 Md. 416 (1975)). Moreover, regulations should be read in harmony so as to fulfill the purposes and goals of the legislation. (See Maryland Industrial Development Financing Authority v. Meadow-Croft, 243 Md. 515 (1966)). Thus, under these principles, it is clear that variances granted by the Zoning Commissioner do not impact the **density** permitted by the Honeygo regulations; rather, the grant of the variance accelerates the **rate** at which authorization/building permits are issued. The representatives of the Perry Hall Improvement Association argued at the hearing that by a grant of the variance, the overall allowable density of the Honeygo district would be increased. This is clearly not the case. It is incumbent upon the Zoning Review Division of DPDM to keep accurate records of the number of authorizations issued within the Honeygo District, either by right, or through the special variance process. Those total authorizations cannot exceed the total permitted for a given sub-area or the Honeygo area at large. Moreover, authorizations can be approved by the grant of a special variance that will accelerate the timing of the release of those authorizations before the completion of certain capital improvement projects. Indeed, that is what is requested in this case.

Further support for this interpretation is found in prior decisions of the Zoning Commissioner's Office. In the matters of Ermanno Florio (Case No. 99-331-SPH and 01-205-A), Moore's Orchard (Case No. XI-837 and 00-421-SPHA) and Baltimore Air Park (Case No. XI-829 and 00-252-A), special variance relief was requested, pursuant to Section 259.8 of the B.C.Z.R. Testimony and evidence offered therein was that existing utilities were available to serve the respective properties, and that the proposed development would not impact the capital improvement projects that had not begun. In those cases, relief was granted to provide authorizations that were not yet available. However, no additional authorizations were created.

In support of its request, the Developer offered the expert testimony of Messrs. Matis and Calogerro. Mr. Matis, a civil engineer, testified that water/sewer facilities were available to serve this site. Mr. Calogerro, a traffic engineer, testified that the anticipated traffic that will be generated by this project will be minimal and will not adversely impact the surrounding road

ORDER RECEIVED FOR FILING
Date 12/5/02
By

system. He further opined that capital improvements to roads in the area need not be completed before this subdivision is built out. Mr. Eckard disagreed. He contended capital improvements in the area need be completed before authorizations are issued.

Upon due consideration of the testimony and evidence offered, I am persuaded to grant the Petition for Special Variance. I find that the Developer/Petitioner has met the requirements of Section 4A02.4G of the B.C.Z.R., particularly given the modest number of homes proposed.

It is to be noted that there is no indication that I need approve either development plan Option 1 or Option 3. The testimony and evidence offered demonstrated that both plans comply with the standards, regulations, and requirements and thus both shall be approved. Additionally, I will grant the non-density transfer of the 24-foot wide strip shown on the plans at the end of Anvil Court to the Enclave at Perry Hall, and approve the waiver of public works standards to allow a mountable curb and gutter in lieu of the required concrete. However, I will deny the waiver request to allow a 24-foot paved road width and will require sidewalks only on one side of Anvil Court. Moreover, the Petition for Special Variance shall be granted, consistent with my direction to the Department of Public Works.

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

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 5th day of December, 2002 that the red-lined development plans for Lauren Woods, identified herein as Developer's/Petitioner's Exhibits 1 and 5, be and are hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Variance seeking relief from Section 259.7 of the B.C.Z.R. for 12 authorizations (12 building permits) in the Bean Run Sub-area of the Honeygo District, pursuant to Section 4A02.4G of the B.C.Z.R., be and is hereby APPROVED; and,

ORDER RECEIVED FOR FILING
Date 12/5/02
By

system. He further opined that capital improvements to roads in the area need not be completed before this subdivision is built out. Mr. Eckard disagreed. He contended capital improvements in the area need be completed before authorizations are issued.

Upon due consideration of the testimony and evidence offered, I am persuaded to grant the Petition for Special Variance. I find that the Developer/Petitioner has met the requirements of Section 4A02.4G of the B.C.Z.R., particularly given the modest number of homes proposed.

It is to be noted that there is no indication that I need approve either development plan Option 1 or Option 3. The testimony and evidence offered demonstrated that both plans comply with the standards, regulations, and requirements and thus both shall be approved. Additionally, I will grant the non-density transfer of the 24-foot wide strip shown on the plans at the end of Anvil Court to the Enclave at Perry Hall, and approve the waiver of public works standards to allow a mountable curb and gutter in lieu of the required concrete. However, I will deny the waiver request to allow a 24-foot paved road width and will require sidewalks only on one side of Anvil Court. Moreover, the Petition for Special Variance shall be granted, consistent with my direction to the Department of Public Works.

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

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ORIGINAL/FOR FILING
Date 12/5/02

IT IS FURTHER ORDERED that a non-density transfer of the 24-foot strip shown on the plan to the Enclave at Perry Hall, pursuant to the agreement reached by and between the Developer of the subject property and Kelkerry, LLC, Owner/Developer of the Enclave at Perry Hall, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a waiver to allow sidewalk construction on only the north side of Anvil Court, and to permit mountable curb and gutter in lieu of the required standard concrete curb and gutter, be and is hereby approved, and as such, the Petition for Special Hearing is GRANTED, in part; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow a 24-foot closed paving section in lieu of the required 30 feet, be and is hereby DENIED.

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

ORDER RECEIVED FOR FILING
Date 12/13/02
By

Baltimore County
Zoning Commissioner

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

December 5, 2002

Alan Betten, Esquire
Kandel, Klitenic, Kotz, Betten & Thernow, LLC
502 Washington Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and
PETITIONS FOR SPECIAL HEARING AND SPECIAL VARIANCE
N/S Forge Road, W of Forge View Road
(Lauren Woods – fka Black Iron Knoll)
11th Election District – 6th Council District
Harford Joint Venture, Owner; The Rachuba Group, Developer
Case No. XI-789 &03-127-SPVAH

Dear Mr. Betten

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plans have been approved, and the Petitions for Special Hearing and Special Variance granted in part and denied in part, 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. Larry Rachuba and Chris Rachuba, The Rachuba Group
946-A Marimich Court, Eldersburg, Md. 21784
Mr. Joe Caloggero, The Traffic Group, 9900 Franklin Sq.Dr., #H, Baltimore, Md. 21236
Mr. Steve Warfield, Matis Warfield, 10540 York Road, Suite M, Hunt Valley, Md. 21030
Mr. Paul Amirault, 5 Woodmar Court, Kingsville, Md. 21087
Mr. Richard Matz, Colbert Matz Rosenfelt, 2835 Smith Ave., #G, Baltimore, Md. 21209
Howard Alderman, Jr., Esquire, Levin & Gann, 502 Washington Ave., #800, Towson, 21204
Mr. Dennis Eckard, 39 Bangert Avenue, Perry Hall, Md. 21128
Mr. William Libercci, Sr., 19 Shawn Court, Baltimore, Md. 21236
Mr. Howard Wille, 9115 Kilbride Road, Perry Hall, Md. 21128
Chris Rorke, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at the North side of Forge Road, 750-feet WEST of Forge View Road, and 2770-feet EAST of Correlli Lane which is presently zoned D.R. 1-H

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

WHETHER A PETITION FOR SPECIAL HEARING IS NECESSARY FOR THE APPROVAL OF WAIVERS FROM PUBLIC WORKS STANDARDS, AND IN THE ALTERNATIVE TO APPROVE WAIVERS FROM THE PUBLIC WORKS STANDARDS LISTED ON THE ATTACHED SHEET.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

The Rachuba Group
Name - Type or Print

By: Mr. Lawrence Rachuba
Signature

946-A Marimich Court **(410) 781-3400**
Address Telephone No.

Eldersburg **MD** **21784**
City State Zip Code

Attorney For Petitioner:

Mr. Alan Betten
Name - Type or Print

By: Mr, Alan Betten
Signature

Kandel, Klitenic, Kotz, Betten, and Thernow, LLC
Company

502 Washington Avenue **(410) 339-7100**
Address Telephone No.

Towson **MD** **21204**
City State Zip Code

Legal Owner(s):

Harford Joint Venture
Name - Type or Print

By: Mr. Rodney Ortel
Signature

Name - Type or Print

By: Mr. Rodney Ortel
Signature

9403 Harford Road **(410) 667-1854**
Address Telephone No.

Baltimore, **MD** **21234**
City State Zip Code

Representative to be Contacted:

Mr. Rodney Ortel
Name

9403 Harford Road **(410) 667-1854**
Address Telephone No.

Baltimore **MD** **21234**
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By RDD Date 9/13/02

Case No. 03-127-SAHSPH

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 9/25/02
By

ATTACHMENT TO PETITION FOR SPECIAL HEARING

RE: LAUREN WOODS (FORMERLY BLACK IRON KNOLL)
PDM # XI-798

Waivers requested from Public Works Standards:

1) To allow a waiver of sidewalk construction along the proposed interior road of the development
2) To allow a 24' closed paving section on a 50-foot right-of-way in lieu of 30-foot closed paving section on a 50-foot right-of-way for proposed interior road.
3) To allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the propose interior road.

ORDER RECEIVED FOR FILING
Date 12/5/12
By

Item # 127

Honeygo Special Variance

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at the North side of Forge Road, 750-feet WEST of Forge View Road, and 2770-feet EAST of Correlli Lane which is presently zoned D.R. 1-H

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

259.7 OF B.C.Z.R. FOR 12 AUTHORIZATIONS IN THE BEAN RUN SUBAREA OF THE HONEYGO DISTRICT and Sec. 4A02.4.G

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

TO BE DETERMINED AT HEARING

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

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

Contract Purchaser/Lessee:

The Rachuba Group
Name - Type or Print

By: Mr. Lawrence Rachuba
Signature

946-A Marimich Court **(410) 781-3400**
Address Telephone No

Eldersburg **MD** **21784**
City State Zip Code

Attorney For Petitioner:

Mr. Alan Betten
Name - Type or Print

By: Mr, Alan Betten
Signature

Kandel, Klitenic, Kotz, Betten, and Thernow, LLC
Company

502 Washington Avenue **(410) 339-7100**
Address Telephone No.

Towson **MD** **21204**
City State Zip Code

Legal Owner(s):

Harford Joint Venture
Name - Type or Print

By: Mr. Rodney Ortel
Signature

Name - Type or Print

By: Mr. Rodney Ortel
Signature

9403 Harford Road **(410) 667-1854**
Address Telephone No.

Baltimore, **MD** **21234**
City State Zip Code

Representative to be Contacted:

Mr. Rodney Ortel
Name

9403 Harford Road **(410) 667-1854**
Address Telephone No.

Baltimore **MD** **21234**
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By RJD Date 4/13/02

Case No. 03-127-SAHSPH

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 4/12/02
By

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 17179

DATE 9/13/02 ACCOUNT 001 006 6150

AMOUNT $ 650.00

RECEIVED FROM: Matis Warfield Inc.

FOR: Zoning Case #03-127-SAHSPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME
9/19/2002 9/19/2002 09:14:27
REG WS06 WALKIN WICH KAM DRAWER 6
RECEIPT # 105162 9/19/2002 OTHER
Dep 5 528 ZONING VERIFICATION
CK NO. 017179
Recpt Tot $650.00
650.00 CK .00 CA
Baltimore County, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 055554

DATE 9/19/02 ACCOUNT 001 006 6150

AMOUNT $ 100.00

RECEIVED FROM: Watts, Waffles, Inc.

FOR: 03-127-SAHSPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME
9/19/2002 9/19/2002 [illegible]
REG WS06 MATT KAM KAM DRAWER [illegible]
RECEIPT # 105[illegible] 9/19/2002 OTHER
Dep 5 528 ZONING VERIFICATION
CK NO. 055554
Recpt Tot $100.00
100.00 CK .00 CA
Baltimore County, Maryland

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: #03-127-SAHSPH
4900 Black Forge Road
N/S Black Forge Road, 715' +/- W centerline Forge View Road
11th Election District – 5th Councilmanic District
Legal Owner(s): Rodney Ortel, Harford Joint Venture

Special Variance: for 12 authorizations in the Bean Run Subarea of the Honeygo District. **Special Hearing**: to allow a waiver of sidewalk construction along the proposed interior road of the development; to allow a 24 foot closed paving section on a 50-foot right-of-way in lieu of 30 foot closed paving section on a 50-foot right-of-way for proposed interior road; to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

Hearing: Monday, October 21, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

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

10/035 Oct. 3 C566376

CERTIFICATE OF PUBLICATION

10/3/, 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 10/3/, 2002.

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

S. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

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Case: #03-127-SAHSPH
4900 Black Forge Road
N/S Black Forge Road, 715' +/- W centerline Forge View Road
11th Election District - 5th Councilmanic District
Legal Owner(s): Rodney Ortel, Harford Joint Venture

Special Variance: for 12 authorizations in the Bean Run Subarea of the Honeygo District. **Special Hearing:** to allow a waiver of sidewalk construction along the proposed interior road of the development; to allow a 24 foot closed paving section on a 50-foot right-of-way in lieu of 30 foot closed paving section on a 50-foot right-of-way for proposed interior road; to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

Hearing: Friday, November 22, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

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

11/019 Nov. 7 C572981

CERTIFICATE OF PUBLICATION

11/7, 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 11/7, 2002.

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

S. Wilkinson

LEGAL ADVERTISING

RE:	**PETITION FOR SPECIAL VARIANCE AND SPECIAL HEARING**	*	BEFORE THE
	HONEYGO	*	ZONING COMMISSIONER
	4900 Black Forge Rd. N/side Forge Rd. 715' +/- west of ctrl Forge View Road	*	FOR
	11th Election District 5th Councilmanic District	*	BALTIMORE COUNTY
	Legal Owner: Rodney Ortel, Harford Joint Venture	*	03-127-SAHSPH
	Contract Pur.: The Rachuba Group Petitioner(s)	*	

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

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 25th day of September, 2002, a copy of the foregoing Entry of Appearance was mailed to Rodney Ortel, 9403 Harford Road, Baltimore, MD 21234, Alan Betten, Esquire, 502 Washington Avenue, Towson, MD 21204 Attorney for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 3, 2002 Issue – Jeffersonian

Please forward billing to:
Matis Warfield Inc
10540 York Road
Suite M
Hunt Valley MD 21030

410 683-7004

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: 03-127-SAHSPH
4900 Black Forge Road
N/S Black Forge Road, 715' +/- W centerline Forge View Road
11th Election District – 5th Councilmanic District
Legal Owner: Rodney Ortel, Harford Joint Venture

Special Variance for 12 authorizations in the Bean Run Subarea of the Honeygo District. Special Hearing to allow a waiver of sidewalk construction along the propose interior road of the development; to allow a 24 foot closed paving section on a 50-foot right-of-way in lieu of 30 foot closed paving section on a 50-foot right-of-way for proposed interior road; to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

HEARING: Monday, October 21, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 7, 2002 Issue – Jeffersonian

Please forward billing to:
Matis Warfield Inc
10540 York Road
Suite M
Hunt Valley MD 21030

410 683-7004

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: 03-127-SAHSPH
4900 Black Forge Road
N/S Black Forge Road, 715' +/- W centerline Forge View Road
11th Election District – 5th Councilmanic District
Legal Owner: Rodney Ortel, Harford Joint Venture

Special Variance for 12 authorizations in the Bean Run Subarea of the Honeygo District. Special Hearing to allow a waiver of sidewalk construction along the propose interior road of the development; to allow a 24 foot closed paving section on a 50-foot right-of-way in lieu of 30 foot closed paving section on a 50-foot right-of-way for proposed interior road; to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

HEARING: Friday, November 22, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

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

September 23, 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: 03-127-SAHSPH
4900 Black Forge Road
N/S Black Forge Road, 715' +/- W centerline Forge View Road
11th Election District – 5th Councilmanic District
Legal Owner: Rodney Ortel, Harford Joint Venture

Special Variance for 12 authorizations in the Bean Run Subarea of the Honeygo District. Special Hearing to allow a waiver of sidewalk construction along the propose interior road of the development; to allow a 24 foot closed paving section on a 50-foot right-of-way in lieu of 30 foot closed paving section on a 50-foot right-of-way for proposed interior road; to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

HEARING. Monday, October 21, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: Alan Betten, Kandel Klitenic Kotz Betten & Thernow, 502 Washington Avenue, Towson 21204
Harford Joint Venture, Rodney Ortel, 9403 Harford Road, Baltimore 21234
The Rachuba Group, Lawrence Rachuba, 946-A Marimich Court, Eldersburg 21784

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BYSATURDAY, OCTOBER 5, 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.

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on Recycled Paper

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

APPROVED SIGN POSTERS

Staff Sergeant Robert A. Black 1508 Leslie Road Dundalk, MD 21222	Telephone: 410-282-7940 Cell: 410-499-7940 Pager: 410-373-9662 Work: 410-288-3284
Bruce E. Doak Gerhold, Cross & Etzel, Ltd. Suite 100, 320 E. Towsontown Boulevard Towson, MD 21286	Telephone: 410-823-4470 Fax: 410-823-4473
Stacy Gardner Shannon-Baum Signs, Inc. 105 Competitive Goals Drive Eldersburg, MD 21784	Telephone: 410-781-4000 Toll Free: 800-368-2295 Fax: 410-781-4673
Thomas J. Hoff 406 W. Pennsylvania Avenue Towson, MD 21204	Telephone: 410-296-3668 Fax: 410-296-5326
Richard Hoffman 904 Dellwood Drive Fallston, MD 21047	Telephone: 410-879-3122
Linda M. Jones Daft-McCune-Walker, Inc. 200 East Pennsylvania Avenue Towson, MD 21286	Telephone: 410-296-3333 Fax: 410-296-4705
Garland E. Moore 3225 Ryerson Circle Baltimore, MD 21227	Telephone: 410-242-4263 Mobile: 410-382-4470
Patrick M. O'Keefe, Sr. 523 Penny Lane Hunt Valley, MD 21030	Telephone: 410-666-5366 Cell: 410-905-8571 Fax: 410-666-0929

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WCR/SCJ – Revised 4/6/01

Baltimore County
Department of Permits and
Development Management

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

October 10, 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: 03-127-SAHSPH
4900 Black Forge Road
N/S Black Forge Road, 715' +/- W centerline Forge View Road
11th Election District – 5th Councilmanic District
Legal Owner: Rodney Ortel, Harford Joint Venture

Special Variance for 12 authorizations in the Bean Run Subarea of the Honeygo District. Special Hearing to allow a waiver of sidewalk construction along the propose interior road of the development; to allow a 24 foot closed paving section on a 50-foot right-of-way in lieu of 30 foot closed paving section on a 50-foot right-of-way for proposed interior road; to allow the project to have mountable curb and gutter in lieu of the standard concrete curb and gutter along the proposed interior road.

HEARING: Friday, November 22, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: Alan Betten, Kandel Klitenic Kotz Betten & Thernow, 502 Washington Avenue, Towson 21204
Harford Joint Venture, Rodney Ortel, 9403 Harford Road, Baltimore 21234
The Rachuba Group, Lawrence Rachuba, 946-A Marimich Court, Eldersburg 21784

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 7, 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.

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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: 03-127-SAHSPH

Petitioner: Lauren Woods / Black Iron Knoll

Address or Location: N/s 4900 Blk. Forge Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Matis Warfield Inc

Address: 10540 York Rd, Suite M
Hunt Valley, Maryland 21030

Telephone Number: 410 683 7004

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

November 15, 2002

Mr. Alan Betten
Kandel, Klitenic, Kotz, Betten, and Thernow, LLC
502 Washington Avenue
Towson, MD 21204

Dear Mr. Betten:

RE: Case Number: 03-127-SAHSPH, the North side of Forge Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 13, 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.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
The Rachuba Group, Lawrence Rachuba, 946-A Marimich Court, Eldersberg 21784
Harford Joint Venture, Rodney Ortel, P.O. Box 1094, Cockeysville 21030

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on Recycled Paper

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

September 24, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 127
116-117, 121-130

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

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 21, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For September 30, 2002
Item No. 127

The Bureau of Development Plans Review has reviewed the subject-zoning item.

We recommend against the *Request for Waivers* for the 24-foot paving section on a 50-foot right-of-way and the sidewalk construction on both sides of proposed road.

The request is, however, being granted for mountable curb and gutter in lieu of standard concrete curb and gutter along the proposed interior road.

RWB:CEN:jrb

cc: File

Sim 10/31 11/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 26, 2002

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

SEP 27 2002

SUBJECT: 4900 Block of Forge Road

INFORMATION:

Item Number: 03-127

Petitioner: Harford Joint Venture

Zoning: DR 1H

Requested Action: Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request for the waiver of public works standards germane to Section 259.7 of the Baltimore County Zoning Regulation that requires the "commencement" of certain infrastructure improvements (widening of Forge Road and Cross Road) prior to the issuance of building permits. The premise of Section 259.4 through Section 259.9 is based on the principle that development coincides with infrastructure improvements. Area residents already complain that their roads are overburdened with traffic. Funds for the widening of Forge Road and Cross Road have been allocated for fiscal year 2004. No building permits in the Bean Run Subarea should be issued until that time. In addition, this office does not support the request to waive the construction of any sidewalks along the proposed road.

The Office of Planning supports the petitioner's request to allow a 24-foot paving section on a 50-foot right-of-way, and to allow the development to have mountable curb and gutter along the proposed interior road.

Prepared by: Mark A. Cumings

Section Chief: Lynn Lochner

AFK/LL:MAC:

W:\DEVREV\ZAC\03-127 doc

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9.24.02

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

RE: Baltimore County
Item No. 127 RDD

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,

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

My telephone number is _____

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

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

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

MDP
Maryland Department of Planning

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

September 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda re: case numbers 03-106-SPH, 03-116-A, 03-117-A, 03-118-A, 03-119-A, 03-120-XA, 03-121-A, 03-122-A, 03-123-XA, 03-124-A, 03-125-A, 03-126-A, 03-127-SAHSPH, 03-128-A, 03-129-A, 03-130-A**

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 09/23/02. 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

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 03-127-SAH SPH

Date Completed/Initials	
9-20-02	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
9-20-02	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
9-23-02	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
10-9-02	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
10-10-02	POSTPONEMENTS (type postponement letter, make appropriate copies; mail original and copies; send copy to zoning commissioner, file copy in hearing file, update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date, type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
GDZ	10-3 11:7 ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Baltimore County
Department of Permits and
Development Management

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

October 9, 2002

Mr. Alan Betten
Kandel Klitenic Kotz Betten & Thernow
502 Washington Avenue
Towson MD 21204

Dear Mr. Betten:

RE: Case Number 03-127-SAHSPH, N/S Forge Road

The above matter, previously scheduled for Monday, October 21, 2002 9:00 a.m. in Room 407, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

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

Very truly yours,

Arnold Jablon GDZ
Director

AJ: gdz

C: Mr. Rodney Ortel, Harford Joint Venture, 9403 Harford Road, Baltimore 21234
The Rachuba Group, Mr. Lawrence Rachuba, 946-A Marimich Court, Eldersburg 21784

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County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 27, 2003

C. William Clark, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Notre Dame Preparatory School*
Case No. CBA-03-127 /PDM IX-703

Dear Mr. Clark:

The Board is in receipt of your **Motion to Dismiss or Deny Appeal** filed on October 20, 2003 in the subject matter. A copy of your Motion will be forwarded to the appropriate Board members along with the response to be filed by Mr. Holzer.

The Board will receive argument on your Motion as a preliminary matter when it convenes for hearing as scheduled on Tuesday, December 9, 2003 at 10:00 a.m. Upon reaching a decision on your Motion, the Board will either go forward with the hearing on the merits of the appeal, or the appeal will be dismissed.

Should you have any questions, please call me.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

c: School Sisters of Notre Dame
Mitch Kellman /Daft McCune Walker, Inc.
J. Carroll Holzer, Esquire
James and Ruth Synodinos, et al
Pat Keller, Director /Planning
Lawrence E. Schmidt /Zoning Commissioner
Christine Rorke, Project Manager /PDM
Timothy M. Kotroco, Director /PDM

RECEIVED
OCT 29 2003
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

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11/13/02

Rodney Ortel called. He stated his address was incorrect and he would not see anything that was mailed there. He asked me to change his address.

New address: Harford Joint Venture
Rodney Ortel
P.O. Box 1094
Cockeysville 21030

Matis Warfield
consulting engineers

10540 york road • suite m
hunt valley, maryland 21030
phone 410-683-7004
facsimile 410-683-1798

Transmittal

To: Zoning Review
Baltimore County PADM
111 W. Chesapeake Ave Rm111
Towson, Maryland 21204
Attn:

Date: August 27, 2002
Re: Lauren Woods
(Black Iron Knoll)
Petition for Variance
And Spec. hearing

We are: ☐ Forwarding ☒ Herewith ☒ Submitting ☐ Under separate cover ☐ Returning

Number	Item
3	Petitions for Variance & Spec. Hearing
12	Copies of Plan to Accompany Petition for Variance & Spec. Hearing
3	Property Descriptions
1	Copy of Zoning Map with Property Outlined
1	Check made Payable to Baltimore County in the amount of $650.00

☐ For your use
☐ For your review
☐ For processing
☐ Approval requested
☐ Meeting requested

☐ As requested
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ Please return to this office
☐ Please call when ready

Remarks:

AUG 27 2002

cc: Larry Rachuba

By: Salvatore C. Crupi, E.I.T.

Item # 127

PLAN
Scale: 1"=50'

VICINITY MAP

SCALE: 1" = 1000'

COORDINATES, BEARINGS, AND ELEVATIONS SHOWN HEREON ARE BASED ON STATE OF MARYLAND COORDINATES (NAD83/NAV88) USING THE FOLOWING BALTIMORE COUNTY CONTROL POINTS:

FR100, PIN ON NORTH SIDE OF FORGE ROAD
Elevation = 212.88
N=636,695.4273
E=1,472,980.8846

FR101, PIN ON NORTH SIDE OF FORGE ROAD
Elevation = 214.91
N=636,750.6698
E=1,472,765.0786

. OF VEGETATION
, EXCEPT AS
PROTECTION AND

BUILDINGS ONLY.
CONSTRUCTED
OF THE BALTIMORE
BUILDING PERMITS.)

BULK REGULATIONS

BULK REGULATIONS PER DR.1-H FOR DEVELOPMENT	
SINGLE-FAMILY RESIDENTIAL PRINCIPLE BUILDINGS	MINIMUM SETBACK
FROM RIGHT-OF-WAY OF A COLLECTOR STREET, NEIGHBORHOOD STREET, ALLEY, OR COURT	10 FEET
FROM THE RIGHT-OF-WAY OF A MAJOR OR MINOR ARTERIAL OR COLLECTOR ROAD	40 FEET
FROM SIDE YARD LOT LINE IF THE DWELLING IS DESIGNED TO HAVE A SIDE OR REAR ENTRY GARAGE. (SUM OF SIDE YARDS MUST BE EQUAL TO OR GREATER THAN 20-FEET.)	6 FEET
FROM REAR PROPERTY LINE. EXCEPT FOR UNROOFED ADDITIONS INCLUDING PATIOS AND DECKS, AND ROOFED ADDITIONS WITH A WIDTH THAT IS LESS THAN OR EQUAL TO 50% OF THE BUILDING WIDTH AND WHICH EXTENDS LESS THAN OR EQUAL TO 10-FEET INTO THE REAR YARD SETBACK AREA.	50 FEET
PANHANDLE LOTS PERMITTED IN D.R.1 BUT NO MORE THAN TWO LOTS CAN SHARE A DRIVEWAY AND LOTS MUST EXCEED 30,000-SF IN AREA.	
MINIMUM LOT WIDTH = 85-FEET AT THE FRONT AND REAR WALL LINES EXTENDED.	
ACCESSORY STRUCTURES (MINIMUM SETBACK = 2.5')	
MAXIMUM BUILDING HEIGHT = 50 FEET	

PETITIONS FILED:

VARIANCES:
1.) VARIANCE TO SECTION 259.7 OF B.C.Z.R. FOR 12 AUTHORIZATIONS IN THE BEAN RUN SUBAREA OF THE HONEYGO DISTRICT DUE TO THE FACT THAT WATER AND SEWER ARE AVAILABLE TO THE SITE.

WAIVERS:
1.) SPECIAL HEARING FOR WAIVER OF PUBLIC WORKS STANDARDS TO ALLOW A 24-FOOT PAVING SECTION ON A 50-FOOT RIGHT-OF-WAY IN LIEU OF THE REQUIRED 30-FOOT ROAD ON ON A 50-FOOT RIGHT-OF-WAY.
2.) SPECIAL HEARING FOR WAIVER OF PUBLIC WORKS STANDARDS TO ALLOW A WAIVER OF SIDEWALK CONSTRUCTIONON BOTH SIDES OF THE PROPOSED ROAD.
3.) SPECIAL HEARING FOR WAIVER OF PUBLIC WORKS STANDARDS TO ALLOW THE DEVELOPMENT TO HAVE MOUNTABLE CURB AND GUTTER IN LIEU OF THE STANDARD CONCRETE CURB AND GUTTER ALONG THE PROPOSED INTERIOR ROAD.

CUL-DE-SAC LENGTH:
A CUL-DE-SAC IN EXCESS OF 400-FEET IN LENGTH IS PROPOSED FOR THIS PROJECT TO PREVENT ENCROACHMENT ON THE PROTECTED FOREST BUFFER AREA. THEREFORE, WE ARE HEREBY REQUESTING THAT THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT (DEPRM) MAKE A DETERMINATION THAT THIS LENGTH IS NECESSARY TO PREVENT THE ABOVE LISTED ENCROACHMENT.

GRINDER PUMPS:
DUE TO THE GRADES ON SITE, AND THE ENVIRONMENTAL CONSTRAINTS, THE DEVELOPER IS HEREBY REQUESTING TO UTILIZE GRINDER PUMPS AND AN ASSOCIATED FORCE MAIN TO PROVIDE SEWER SERVICE TO THE PROPOSED LOTS.

HEARING OFFICER'S HEARING AND ZONING HEARING TO BE COMBINED

Item # 127

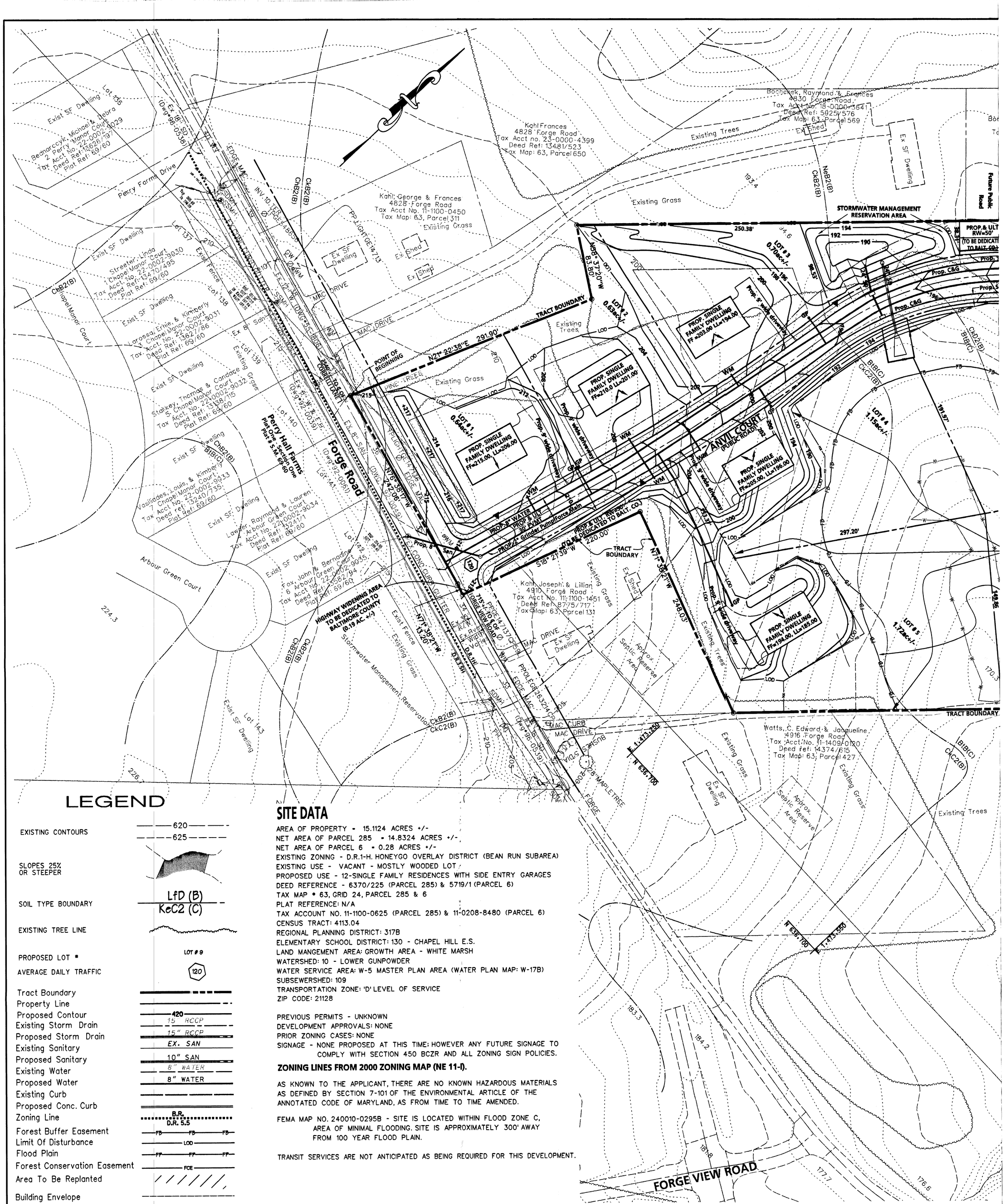
PLAN TO ACCOMPANY PETITION FOR VARIANCE AND SPECIAL HEARING

LAUREN WOODS
(Formerly Black Iron Knoll)

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT: 11
COUNSILMANIC DISTRICT: 5

AUGUST 26, 2002

PDM File#: XI(11)-798



LEGEND

EXISTING CONTOURS	620 / 625
SLOPES 25% OR STEEPER	
SOIL TYPE BOUNDARY	LfD (B) / KeC2 (C)
EXISTING TREE LINE	
PROPOSED LOT #	LOT # 9
AVERAGE DAILY TRAFFIC	120
Tract Boundary	
Property Line	
Proposed Contour	420
Existing Storm Drain	15" RCCP
Proposed Storm Drain	15" RCCP
Existing Sanitary	EX. SAN
Proposed Sanitary	10" SAN
Existing Water	8" WATER
Proposed Water	8" WATER
Existing Curb	
Proposed Conc. Curb	
Zoning Line	B.R. / D.R. 5.5
Forest Buffer Easement	FB
Limit Of Disturbance	LOD
Flood Plain	FP
Forest Conservation Easement	FCE
Area To Be Replanted	
Building Envelope	

SITE DATA

AREA OF PROPERTY - 15.1124 ACRES +/-
NET AREA OF PARCEL 285 - 14.8324 ACRES +/-
NET AREA OF PARCEL 6 - 0.28 ACRES +/-
EXISTING ZONING - D.R.1-H. HONEYGO OVERLAY DISTRICT (BEAN RUN SUBAREA)
EXISTING USE - VACANT - MOSTLY WOODED LOT
PROPOSED USE - 12-SINGLE FAMILY RESIDENCES WITH SIDE ENTRY GARAGES
DEED REFERENCE - 6370/225 (PARCEL 285) & 5719/1 (PARCEL 6)
TAX MAP • 63, GRID 24, PARCEL 285 & 6
PLAT REFERENCE: N/A
TAX ACCOUNT NO. 11-1100-0625 (PARCEL 285) & 11-0208-8480 (PARCEL 6)
CENSUS TRACT: 4113.04
REGIONAL PLANNING DISTRICT: 317B
ELEMENTARY SCHOOL DISTRICT: 130 - CHAPEL HILL E.S.
LAND MANGEMENT AREA: GROWTH AREA - WHITE MARSH
WATERSHED: 10 - LOWER GUNPOWDER
WATER SERVICE AREA: W-5 MASTER PLAN AREA (WATER PLAN MAP: W-17B)
SUBSEWERSHED: 109
TRANSPORTATION ZONE: 'D' LEVEL OF SERVICE
ZIP CODE: 21128

PREVIOUS PERMITS - UNKNOWN
DEVELOPMENT APPROVALS: NONE
PRIOR ZONING CASES: NONE
SIGNAGE - NONE PROPOSED AT THIS TIME; HOWEVER ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES.

ZONING LINES FROM 2000 ZONING MAP (NE 11-I).

AS KNOWN TO THE APPLICANT, THERE ARE NO KNOWN HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED.

FEMA MAP NO. 240010-0295B - SITE IS LOCATED WITHIN FLOOD ZONE C, AREA OF MINIMAL FLOODING. SITE IS APPROXIMATELY 300' AWAY FROM 100 YEAR FLOOD PLAIN.

TRANSIT SERVICES ARE NOT ANTICIPATED AS BEING REQUIRED FOR THIS DEVELOPMENT.

Matis Warfield
consulting engineers
10540 york road suite m
hunt valley, maryland 21030
phone 410-683-7004
facsimile 410-683-1798
www.matiswarfield.com

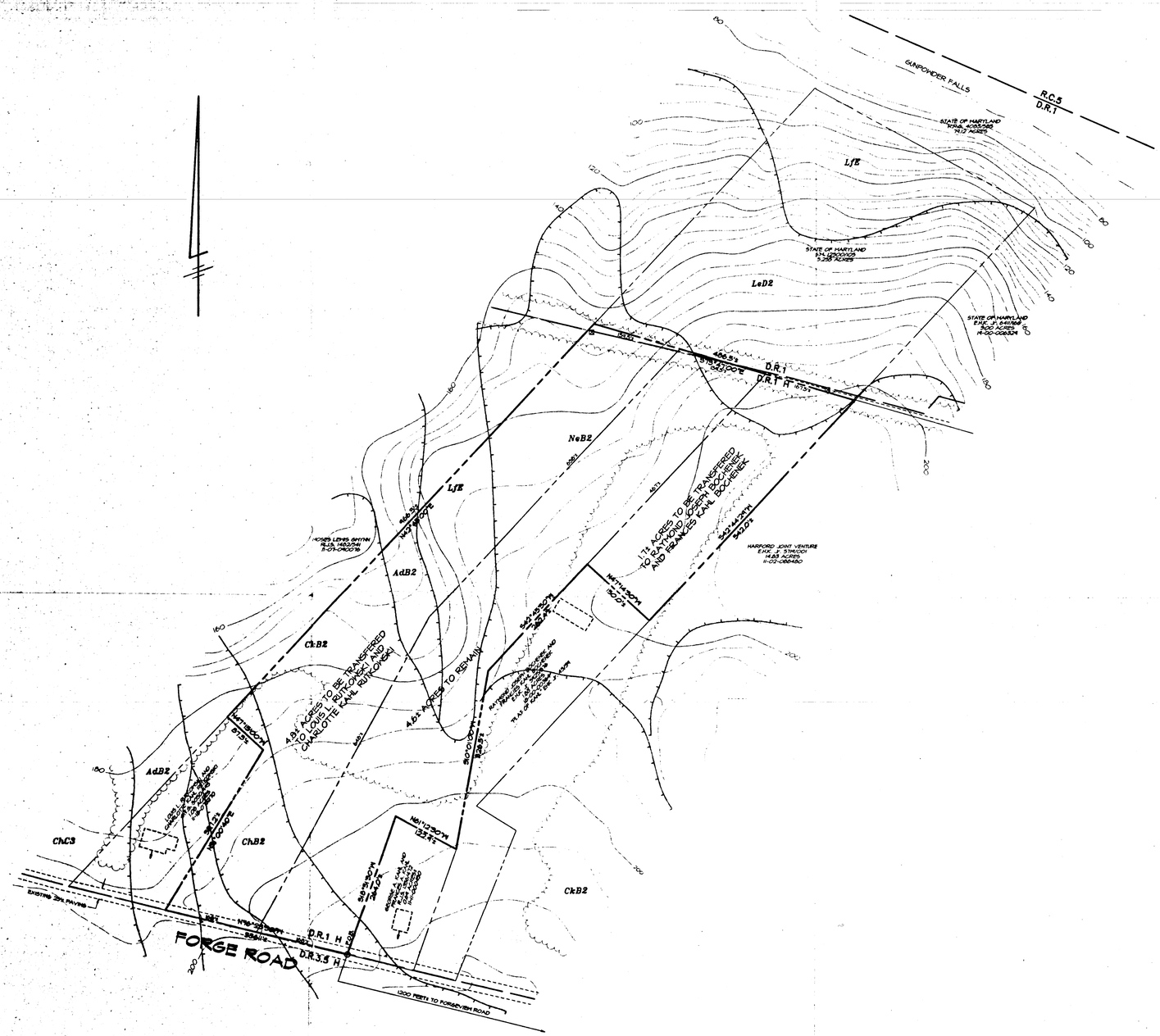
Owner

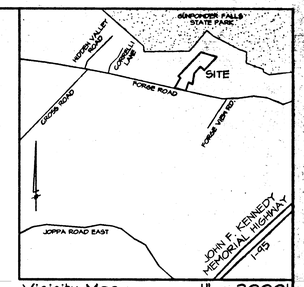
Harford Joint Venture
C/O Mr. Rodney Ortel
9403 Harford Road
Baltimore, Maryland 21234
(410) 667-1854

Developer

The Rachuba Group
C/O Mr. Lawrence Rachuba
946-A Marimich Court
Eldersburg, Maryland 21784
(410) 781-3400

NOTES:
1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE IN THE FOREST BUFFER EASEMENT OR FOREST CONSERVATION EASEMENTS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT.
2. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 301 COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE





Vicinity Map 1" = 2000'

GENERAL NOTES

1. THE PROPERTY LINES SHOWN HEREON WERE TAKEN FROM THE TITLE DEEDS.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAP NO. NE 11-1.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 51.
4. CENSUS TRACT 4113.04 A.D.C. MAP & GRID 29 J-4
   WATERSHED 03 SUBWATERSHED 20
   SCHOOL DISTRICT 143 REGIONAL PLANNING DISTRICT 317B
5. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS APPARENT ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. ALL DENSITY RIGHTS WILL BE RETAINED IN THE REMAINING PARCEL.

SPECIAL HEARING REQUESTED TO APPROVE:

1. THE NON-DENSITY TRANSFER OF 1.7 ACRES± TO AN AJOINING OWNER.
2. THE NON-DENSITY TRANSFER OF 4.8 ACRES± TO AN AJOINING OWNER.

320

STATE OF MARYLAND BRUCE EDWIN ANDERSON No. 531 REGISTERED PROPERTY LINE SURVEYOR

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL HEARING
KAHL PROPERTY

FORGE ROAD
Deed Ref: G.L.B. No. 2088 folio 14
Tax Account No.: 11-11-000451
Zoned D.R.-1H
Tax Map 63; Grid 24; Parcel 30
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

SYMBOLS LEGEND

- SOIL LINE
- WOODS LINE
- ZONING LINE
- EXISTING PAVING
- CONTOURS
- EXISTING DWELLING

OWNER
FRANCES A. KAHL
4828 FORGE ROAD
PERRY HALL, MARYLAND 21128

SOIL TYPES & LIMITATIONS

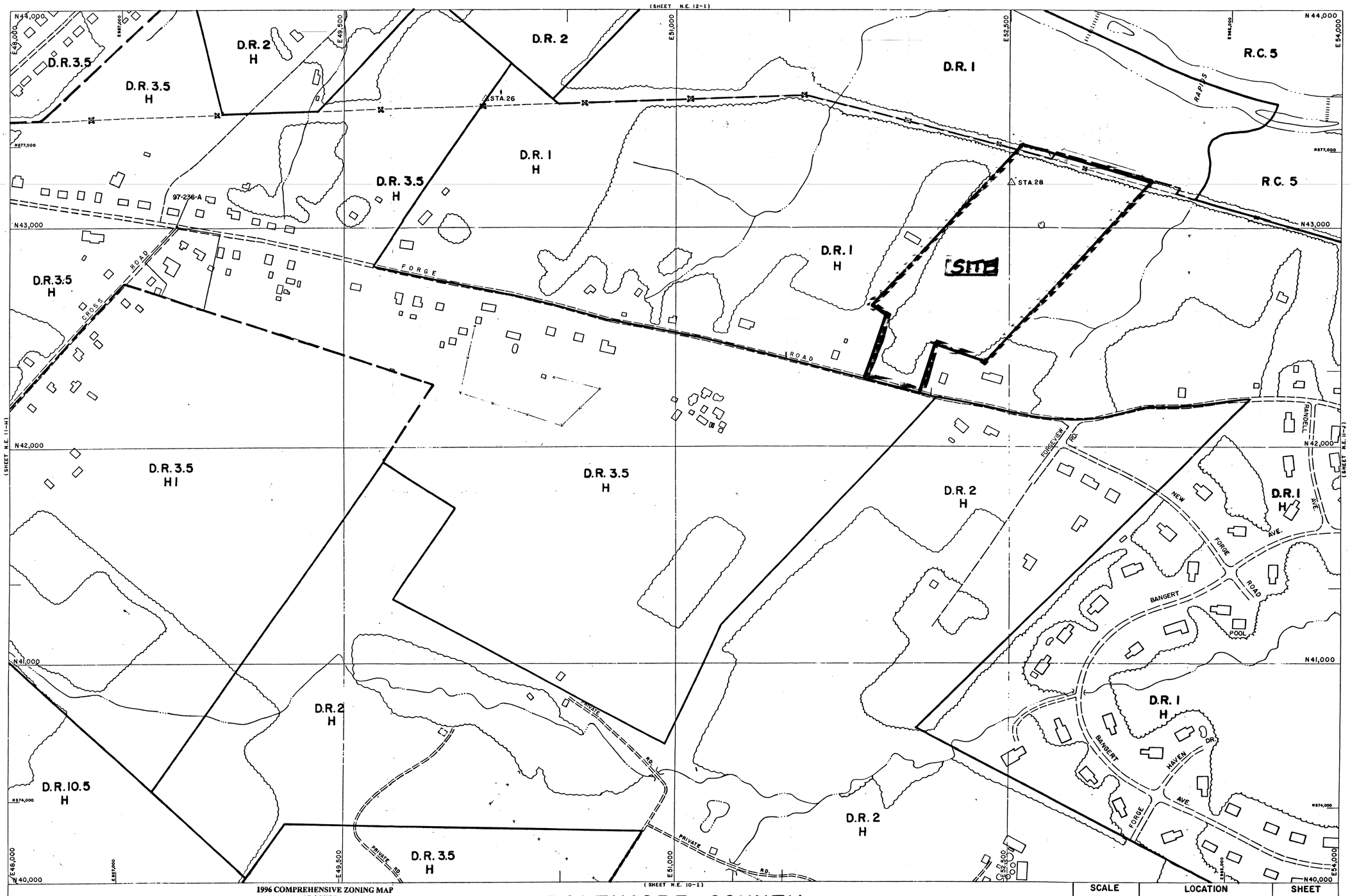
TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
AdB2, BLB	Severe: slow permeability	Moderate: slope	Moderate: slope
ChB2, CkB2	Slight to moderate	Slight	Moderate: slope
ChC3, CkC2	Slight to moderate	Slight	Severe: slope
CkD2	Moderate: slope; moderate permeability.	Moderate: slope	Severe: slope
LeD2, LfE	Severe: slope	Severe: slope	Severe: slope
NeB2	Moderate: moderate permeability.	Slight	Moderate: slope

Scale: 1" = 100' MARCH 4, 1998

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	TECHNICIAN: D.J.F.	FILE: X:\KAHL\ZONING.PRO

98-320-SPH



Q - SE
M - NE

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

1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kamenetz
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	PERRY HALL GUNPOWDER VICINITY	N.E. 11-I
DATE OF PHOTOGRAPHY JANUARY 1986		

N/s 4900 Blk Forge Rd

Item #127

NE 11-I