IN RE: DEVELOPMENT PLAN HEARING AND PETITION FOR VARIANCE S/S Morrisway Road, W of Pleasant Hill Lane 4th Election District 3rd Councilmanic District (Rosemary Ridge, a/k/a Kruse Property)	* * * *	BEFORE THE HEARING OFFICER OF BALTIMORE COUNTY Case Nos. IV-588 & 03-287-A
Foster Communities of Maryland *Developers/Petitioners*	*	

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

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan and a Petition for Variance. The owner of the property is seeking the approval of a Development Plan proposing the development of this 10.7 acre parcel of property into 17 single-family residential lots. The Development Plan bears Case No. IV-588 and the project is known as "Rosemary Ridge" a/k/a "Kruse Property". In addition to seeking approval of the Development Plan, the Petitioner has also requested a variance to permit a single-family dwelling on Lot #1 to have a rear yard setback of 20 ft. and an open projection setback of 10 ft. in lieu of the required 30 ft. and 22-½ ft. respectively. This variance request was filed pursuant to Case No. 03-287-A.

Appearing at the hearing on behalf of the Development Plan and variance request were, Steven Gudeman, representing the Developer of the property, Scott Lindgren and Dwight Little who worked on the preparation of the Development Plan, and G. Scott Barhight, attorney at law, representing the Developer. Alan Betten, attorney at law, appeared at the hearing, as well as his client Terry Kruse. There were no protestants at the hearing.

As is usual and customary, representatives of the various Baltimore County reviewing agencies also attended the hearing; namely, Terry Curtis (Public Works), Ron Goodwin, (Land Acquisition) Bob Bowling (Development Plans Review) and Walt Smith (Development Project Manager), all from the Office of Permits & Development Management; R. Bruce Seeley from the Department of Environmental Protection & Resource Management (DEPRM); and Mark

2/21/03 R. Jameson

Cunningham from the Office of Planning.

As to the history of the project, a Concept Plan Conference was held on May 13, 2002. A Community Input Meeting was held at the Pikesville Public Library on June 17, 2002 and a Development Plan Conference followed on January 29, 2003. A Hearing Officer's Hearing for this development was held on February 20, 2003 in Room 106 of the County Office Building.

At the commencement of the hearing, Mr. Barhight requested that the Development Plan Hearing proceed separate and apart from the variance request. Testimony regarding the Development Plan was presented by Mr. Scott Lindgren, who appeared on behalf of Gerhold, Cross & Etzel, the surveying firm who prepared Developer's Exhibit No. 1. Mr. Lindgren testified that this Developer proposes to subdivide the subject parcel into 17 single-family residential lots. The property comprises 10.7 acres and is zoned D.R.3.5. The site is located on the south side of Morrisway Road, west of its intersection with Pleasant Hill Lane in Owings Mills. The testimony and evidence presented at the hearing further revealed that there were no unresolved issues or comments regarding the Development Plan and all representatives from the Baltimore County reviewing agencies indicated that the plan as submitted met their approval. Accordingly, the Development Plan submitted into evidence as Developer's Exhibit No. 1 shall be approved.

At the conclusion of the testimony regarding the Development Plan, Mr. Barhight proffered the testimony regarding the variance request. This variance request involves only Lot #1 and the house and deck to be constructed on that lot. As can be seen by reviewing the Development Plan, the parcel to be developed tapers and narrows as it approaches Morrisway Road. This causes Lot #1 to be irregularly shaped and the northeast corner of the house to be constructed on that lot to be situated 20 ft. from the rear property line in lieu of the required 30 ft. Additionally, the corner of the deck to be constructed on the rear of that house will have a setback of 10 ft. in lieu of the required 22-½ ft. In order for the house to be situated in that fashion, the variance request is necessary.

2/21/03 R. Jamison

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2. whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Development Plan and Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' Development Plan and Variance request should be granted.

2/23/03
JC Jamison

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 21st day of February, 2003, that the Development Plan submitted into evidence as Developer's Exhibit No. 1 entitled "Rosemary Ridge", formerly known as the "Kruse Property, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the variance request to permit a single-family dwelling on Lot #1 to have a rear yard setback of 20 ft. and an open projection setback of 10 ft. in lieu of the required 20 ft. and 22-½ ft., be and is hereby GRANTED.

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

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

2/23/03
R. Johnston

Baltimore County
Zoning Commissioner

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

February 21, 2003

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

Re: Hearing Officer's Hearing No. IV-588 & Case No. 03-287-A
Property: S/S Morrisway Road, W of Pleasant Hill Lane
4th Election District, 3rd Councilmanic District
(Rosemary Ridge, a/k/a Kruse Property

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above-captioned cases. The Development Plan and Variance request have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits & Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Printed with Soybean Ink
on Recycled Paper

Copies to:

Alan Betten, Esquire
502 Washington Avenue
Towson, MD 21204

Scott Lindgren
320 E. Towsontown Blvd, Suite 100
Towson, MD 21286

Steven Gudeman
1121 Maiden Choice Lane
Baltimore, MD 21229

Dwight Little
1045 Taylor Ave., Suite 111
Towson, MD 21286

Terri Kruse
1857 Sir Richards Ct
Finksburg, MD 21048

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 18 Morrisway Road

which is presently zoned D.R. 3.5

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) 1B01.2.C.1.b. & 301.1.A

To permit a proposed single family dwelling on Lot 1 to have a rear yard setback of 20 feet and open projection (deck) to have a rear yard setback of 10 feet in lieu of the required 30 feet and 22 1/2 feet respectively.

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

The configuration of the property and the required right of way for the proposed road do not allow sufficient room to provide the required setback.

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:

Foster Communities of Maryland
Name - Type or Print

Signature Steven H. Gudeman, Executive V.P.

1121 Maiden Choice Lane 410 242-7017
Address Telephone No.

Baltimore MD 21229
City State Zip Code

Attorney For Petitioner:

Dino LaFiandra
Name - Type or Print

Signature

Whiteford, Taylor & Preston
Company

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

Towson MD 21204
City State Zip Code

Legal Owner(s):

Henry R. Earhart Irrevocable
Name - Type or Print

Living Trust
Signature

By: Terri Ann Hymiller Kruse, Trustee
Name - Type or Print

Signature

1857 Sir Richards Court
Address Telephone No.

Finksburg MD 21048
City State Zip Code

Representative to be Contacted:

Scott A. Lindgren
Gerhold, Cross & Etzel, Ltd.
Name

320 E. Towsontown Blvd #100 410 823-4470
Address Telephone No.

Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM Date 12/17/02

Case No. 03-287-A

REV 9/15/98

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax· (410) 823-4473 • www.gcelimited.com

December 16, 2002

ROSEMARY RIDGE
FORMERLY KNOWN AS
THE KRUSE PROPERTY
BALTIMORE COUNTY, MARYLAND

All that piece or parcel of land situate, lying and being in the Fourth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the south side of Morrisway Road, 260 feet, more or less, westerly from the intersection formed by Samuel Road and Pleasant Hill Road, and southerly 16 feet, more or less, perpendicular from the center line of Morrisway Road to the zoning point of beginning, thence running and binding on the south side of Morrisway Road (1) South 79 degrees 16 minutes 04 seconds West 16.44 feet, (2) North 82 degrees 00 minutes 28 seconds West 98.49 feet, thence leaving Morrisway Road, running and binding, the eleven following courses and distances, viz: (3) South 08 degrees 03 minutes 45 seconds West 336.59 feet, (4) North 81 degrees 15 minutes 26 seconds West 686.61 feet, (5) South 12 degrees 37 minutes 24 seconds West 83.75 feet, (6) North 69 degrees 09 minutes 36 seconds West 271.47 feet, (7) South 24 degrees 49 minutes 37 seconds East 422.34 feet, (8) South 55 degrees 25 minutes 41 seconds East 448.50 feet, (9) South 89 degrees 47 minutes 41 seconds East 91.70 feet, (10) North 44 degrees 53 minutes 41 seconds East 485.87 feet, (11) North 08 degrees 29 minutes 14 seconds East 38.50 feet, (12) South 81 degrees 12 minutes 26 seconds East 215.84 feet, and (13) North 09 degrees 58 minutes 55 seconds West 504.75 feet to the zoning point of beginning.

Containing 10.658 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

Scott A. Linder
12/16/02

#287

X:\FosterKruse\zoningdescrip..doc

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. [illegible]

DATE [illegible] ACCOUNT [illegible]

AMOUNT $ [illegible]

RECEIVED FROM: [illegible]

FOR: [illegible]

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #03-287-A
18 Morris Way Road
S/side Morris Way Road, 260 feet west of Pleasant Hill Lane
4th Election District - 3rd Councilmanic District
Legal Owner(s): Henry R. Earhart Irrevocable Living Trust by Terri Ann Hymiller Kruse, Trustee
Contract Purchaser: Foster Communities of Maryland of Maryland, Steven Gudeman, Executive V.P.

Variance: to permit a proposed single-family dwelling on Lot 1 to have a rear yard setback of 20 feet and an open projection (deck) to have a rear yard setback of 10 feet in lieu of the required 30 feet and 22½ feet respectively.

Hearing: Thursday, February 20, 2003 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

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

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

2/011 Feb. 6 C586171

CERTIFICATE OF PUBLICATION

2/6/, 2003

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 2/6/, 2003.

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

S. Wilkinson

LEGAL ADVERTISING

Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone. (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

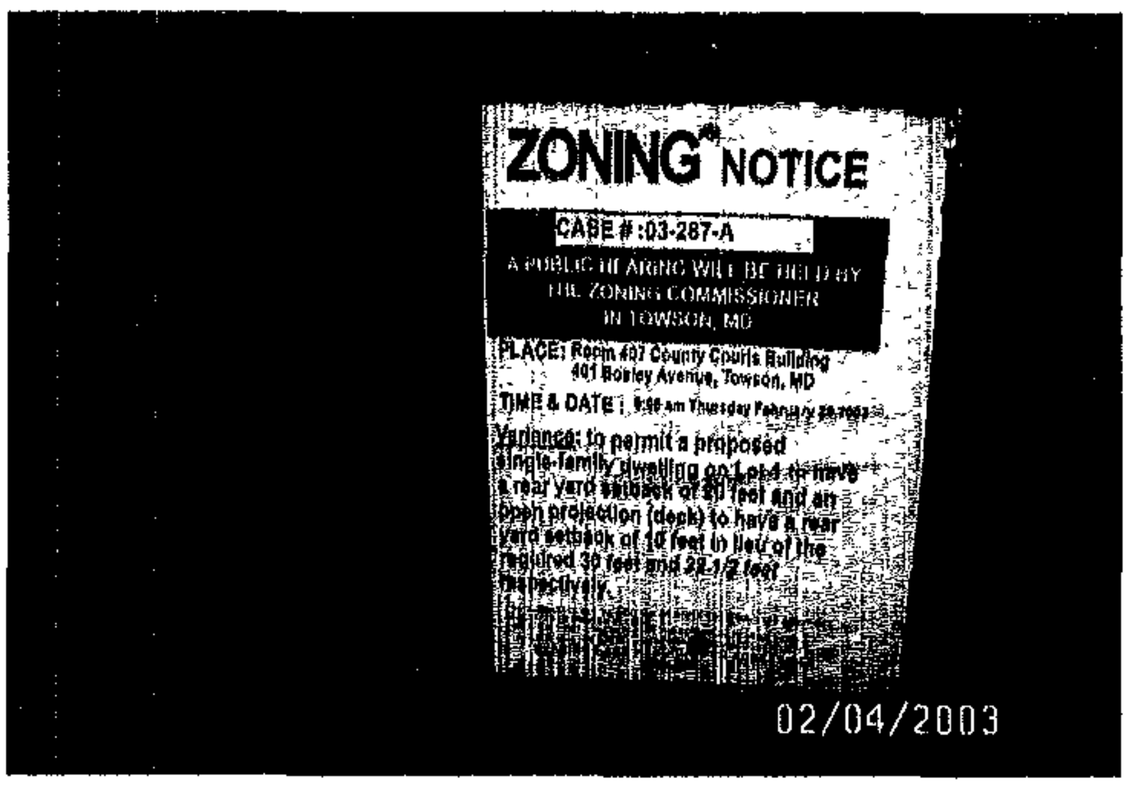
RE: CASE # 03-287-A
PETITIONER/DEVELOPER:
Foster Communities
DATE OF HEARING:
February 20 , 2003

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

ATTENTION: REBECCA HART

LADIES AND GENTLEMEN:

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



POSTED ON : February 4, 2003

LOCATION:
18 Morrisway Road

DATE:
February 5, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

RE:	PETITION FOR VARIANCE	*	BEFORE THE
	18 Morrisway Road; Sside Morrisway Rd,		
	260ft W of Pleasant Hill Lane	*	ZONING COMMISSIONER
	4th Election District		
	3rd Councilmanic District	*	FOR
	Legal Owner(s): Henry R. Earhart Irrevocable		
	Living Trust	*	BALTIMORE COUNTY
	Contract Purchaser(s): Foster Communties		
	of MD	*	03-287-A

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

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 23rd day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to, Scott A. Lindgreen, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd, Suite 100, Towson, MD 21286 & to Dino LaFiandra, Whiteford, Taylor & Preston, LLP, 210 W. Pennsylvania Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 6, 2003 Issue - Jeffersonian

Please forward billing to:
Foster Communities of Maryland
1121 Maiden Choice Lane
Baltimore, MD 21229

410-242-7017

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: 03-287-A
18 Morris Way Road
S/side Morris Way Road, 260 feet west of Pleasant Hill Lane
4th Election District – 3rd Councilmanic
Legal Owner: Henry R. Earhart Irrevocable Living Trust by Terri Ann Hymiller Kruse, Trustee
Contract Purchaser: Foster Communities of Maryland of Maryland, Steven Gudeman, Executive V.P.

Variance to permit a proposed single-family dwelling on Lot 1 to have a rear yard setback of 20 feet and an open projection (deck) to have a rear yard setback of 10 feet in lieu of the required 30 feet and 22 ½ feet respectively.

Hearings: Thursday, February 20, 2003 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

January 2, 2003

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: 03-287-A
18 Morris Way Road
S/side Morris Way Road, 260 feet west of Pleasant Hill Lane
4th Election District – 3rd Councilmanic
Legal Owner: Henry R. Earhart Irrevocable Living Trust by Terri Ann Hymiller Kruse, Trustee
Contract Purchaser: Foster Communities of Maryland of Maryland, Steven Gudeman, Executive V.P.

Variance to permit a proposed single-family dwelling on Lot 1 to have a rear yard setback of 20 feet and an open projection (deck) to have a rear yard setback of 10 feet in lieu of the required 30 feet and 22 ½ feet respectively.

Hearings: Thursday, February 20, 2003 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon
Director

AJ:rlh

C: Dino LaFiandra, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, #400, Towson 21204
Terri Ann Hymiller Kruse, Trustee, 1857 Sir Richards Court, Finksburg 21048
Scott Lindgren, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd, #100, Towson 21286
Foster Care Communities, Steven H. Gudeman, Exec. V.P., 1121 Maiden Choice Lane, Baltimore 21229

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 5, 2003.**
(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: 03-287-A

Petitioner: FOSTER COMMUNITIES, OF MARYLAND

Address or Location: 18 MORRISWAY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: FOSTER COMMUNITIES OF MARYLAND

Address: 1121 MAIDEN CHOICE LANE
BALTIMORE, MARYLAND 21229

Telephone Number: 410-242-7017

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

February 14, 2003

Dina LaFiandra
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 400
Towson, MD 21204

Dear Ms. LaFiandra:

RE: Case Number: 03-287-A, 18 Morrisway Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 17, 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:klm

Enclosures

c: People's Counsel
Scott Lindgren,Gerhold, Cross, Etzel, 320 E. Towsontown Blvd, # 100, Towson, MD 21286
Steven Gudeman, Foster Communities of MD, 1121 Maiden Choice Ln, Balto. MD 21229
Terri Kruse, Trustee, 1857 Sir Richards Ct, Finksburg, MD 21048

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on Recycled Paper

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 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

December 31, 2002

ATTENTION: George Zahner

Distribution Meeting of December 23, 2002

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:

257-290

281

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

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 27, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 30, 2002
Item Nos. 257, 258, 259, 260, 261, 262,
263, 264, 265, 266, 267, 268, 270, 271,
272, 273, 274, 275, 276, 277, 278, 279,
280, 281, 282, 283, 284, 285, 286, 287,
288, 289, and 290

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

2/20
Jim

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 30, 2002

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

31

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-287 & 03-290**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12·30-02

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

RE: Baltimore County
Item No. 287 LTM

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

Maryland Department of Planning

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

December 27, 2002

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

Re. **Zoning Advisory Committee Agenda, 12/30/02 re: case numbers 03-257-A, 03-258-SPHA, 03-259-SPHA, 03-260-A, 03-261-A, 03-262-A, 03-263-A, 03-264-SPH, 03-265-A, 03-266-XA, 03-267-A, 03-268-A, 03-270-A, 03-271-A, 03-272-A, 03-273-A, 03-274-A, 03-275-A, 03-276-A, 03-277-XA, 03-278-SPH, 03-279-A, 03-280-A, 03-281-SPHA, 03-282-A, 03-283-SPHA, 03-284-A, 03-285-A, 03-286-A, 03-287-A, 03-288-A, 03-289-A, 03-290-A**

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 12/26/02. The information has been submitted to Mr. Mike Nortrup.

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

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

RECEIVED
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

December 17, 2002

Ms. Rebecca Hart
Baltimore County Office of Zoning
111 W. Chesapeake Avenue, Room 107
Towson, Maryland 21204

Re: Rosemary Ridge

Dear Ms. Hart:

Concerning the Zoning Variance request for Rosemary Ridge, we would like to have a combined Zoning Hearing and Hearing Officer's Hearing. We will be submitting the Development Plan within the next few days.

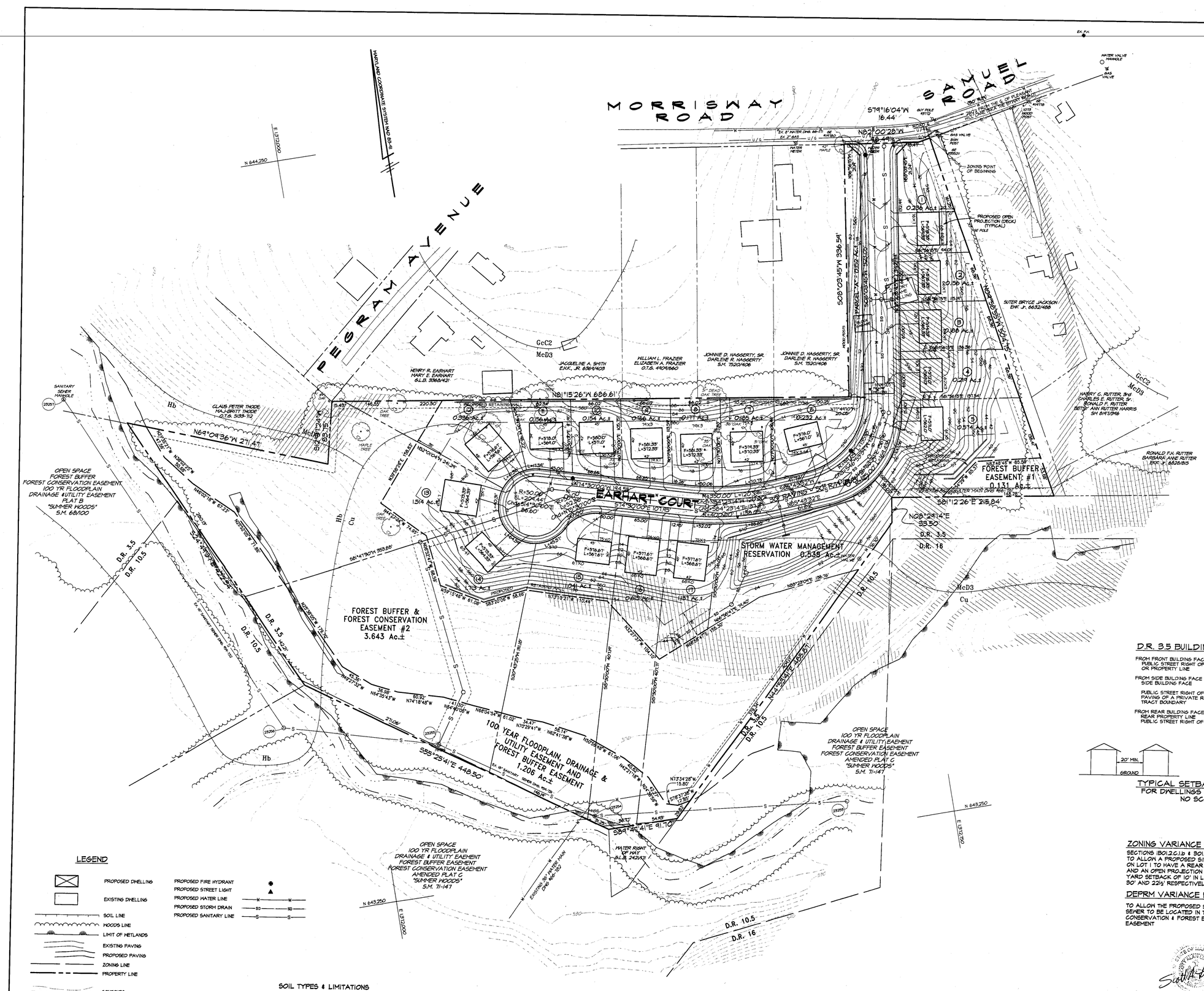
Thank you for your consideration of this request. Should you have any questions, or would like to discuss this, please call me at 410-823-4470.

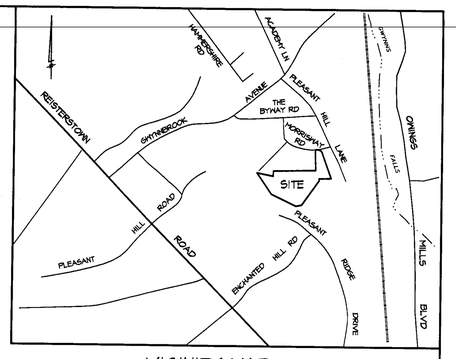
Sincerely,

Scott A. Lindgren

Scott A. Lindgren
Professional Land Surveyor #21081
Project Manager

C:\My Documents\hart dot





VICINITY MAP
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 58A2 & 58B2.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 21.
4. CENSUS TRACT 4042.02 A.D.C. MAP & GRID 16 G-9
   WATERSHED GWYNNS FALLS SUBSENERSHED 67
   SCHOOL DISTRICT 24 REGIONAL PLANNING DISTRICT 306B
5. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER.
8. THE 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)
9. A.D.T.S (1 x 124 + 21)B
10. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
11. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
12. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
13. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE AT LEAST JANUARY 19, 1954. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
14. THE 100 YEAR FLOODPLAIN SHOWN HEREON WAS TAKEN FROM A FLOOD STUDY PREPARED BY DAFT, McCUNE & WALKER FOR "SUMMER WOODS".
15. ALL EXISTING STRUCTURES ARE TO BE REMOVED.
16. TWO PARKING SPACES WILL BE PROVIDED WITH EACH DWELLING ONE OR BOTH OF THESE MAY BE IN AN ENCLOSED GARAGE.
17. LOCAL OPEN SPACE REQUIRED FOR 17 UNITS IS 17,000 SQ. FT. OR 0.390 ACRES. OPEN SPACE REQUIRED - 11,050 SQ. FT. ACTIVE AND 5,950 SQ. FT. PASSIVE; OPEN SPACE PROVIDED - 0SF, A WAIVER OF LOCAL OPEN SPACE WILL BE REQUESTED

DELINQUENT ACCOUNTS CERTIFICATION

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

THE ABOVE STATED PARAGRAPH ONLY PERTAINS TO ACCOUNTS DUE TO BALTIMORE COUNTY, MARYLAND.

12-16-02

STEVEN H. GUDEMAN, EXECUTIVE VICE PRESIDENT — DATE

D.R. 3.5 BUILDING SETBACKS

FROM FRONT BUILDING FACE TO:	
PUBLIC STREET RIGHT OF WAY OR PROPERTY LINE	25'
FROM SIDE BUILDING FACE TO:	
SIDE BUILDING FACE	16'X20' HIGH 20'X20' HIGH
PUBLIC STREET RIGHT OF WAY	15'
PAVING OF A PRIVATE ROAD	25'
TRACT BOUNDARY	15'
FROM REAR BUILDING FACE TO:	
REAR PROPERTY LINE	30'
PUBLIC STREET RIGHT OF WAY	30'

TYPICAL SETBACK DETAILS
FOR DWELLINGS 22.0' IN HEIGHT
NO SCALE

OWNER
TERRI ANN HYMILLER KRUSE
1857 SIR RICHARDS COURT
FINKSBURG, MARYLAND 21048

DEVELOPER/ CONTRACT PURCHASER
FOSTER COMMUNITIES OF MD.
1121 MAIDEN CHOICE LANE
BALTIMORE, MARYLAND 21229
410-242-7017

DENSITY CALCULATIONS

GROSS AREA	10.658 Ac.±
AREA IN MORRISWAY ROAD	0.04 Ac.±
NET AREA	10.618 Ac.±
LOTS PERMITTED	10.658 x 3.5 = 37 Lots
LOTS PROPOSED	17

ZONING VARIANCE REQUEST
SECTIONS 1B01.2.C.1.b & B01.1.A:
TO ALLOW A PROPOSED SINGLE FAMILY DWELLING ON LOT 1 TO HAVE A REAR YARD SETBACK OF 20' AND AN OPEN PROJECTION (DECK) TO HAVE A REAR YARD SETBACK OF 10' IN LIEU OF THE REQUIRED 30' AND 22½' RESPECTIVELY

DEPRM VARIANCE REQUEST
TO ALLOW THE PROPOSED SANITARY SEWER TO BE LOCATED IN THE FOREST CONSERVATION & FOREST BUFFER EASEMENT

12/16/02

THIS PLAN IS SEALED AND CERTIFIED TO BE IN ACCORDANCE WITH THE CONCEPT PLAN AND ALL AGENCY COMMENTS

PDM FILE #IV-588
DEVELOPMENT PLAN AND PLAN TO ACCOMPANY A ZONING VARIANCE REQUEST
ROSEMARY RIDGE

FORMERLY KNOWN AS KRUSE PROPERTY
MORRISWAY ROAD
Deed Ref: S.M. No. 10765 folio 148
Tax Account Nos.: 04-05-000187, 04-05-000188 & 04-05-000189
Zoned D.R. 3.5; Map NW 13H & NW 13I
Tax Map 58; Grid 8; Parcel 147 & 146, Lots 7, 8 & 9
4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50' — September 26, 2002

LEGEND

PROPOSED DWELLING
EXISTING DWELLING
SOIL LINE
HOODS LINE
LIMIT OF WETLANDS
EXISTING PAVING
PROPOSED PAVING
ZONING LINE
PROPERTY LINE
CONTOURS
SLOPES ≥ 25%
PROPOSED FIRE HYDRANT
PROPOSED STREET LIGHT
PROPOSED WATER LINE
PROPOSED STORM DRAIN
PROPOSED SANITARY LINE

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
GcC2, McC2	Moderate: slope	Moderate: slope	Severe: slope
Cu	Severe: moderately high water table; flooding hazard.	Severe: flooding hazard	Severe: flooding hazard
Hb	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.
McD3	Severe: slope	Severe: slope	Severe: slope

PLAN
SCALE: 1"=50'
50 0 50 100 150

FOREST BUFFER AND FOREST CONSERVATION EASEMENT NOTES

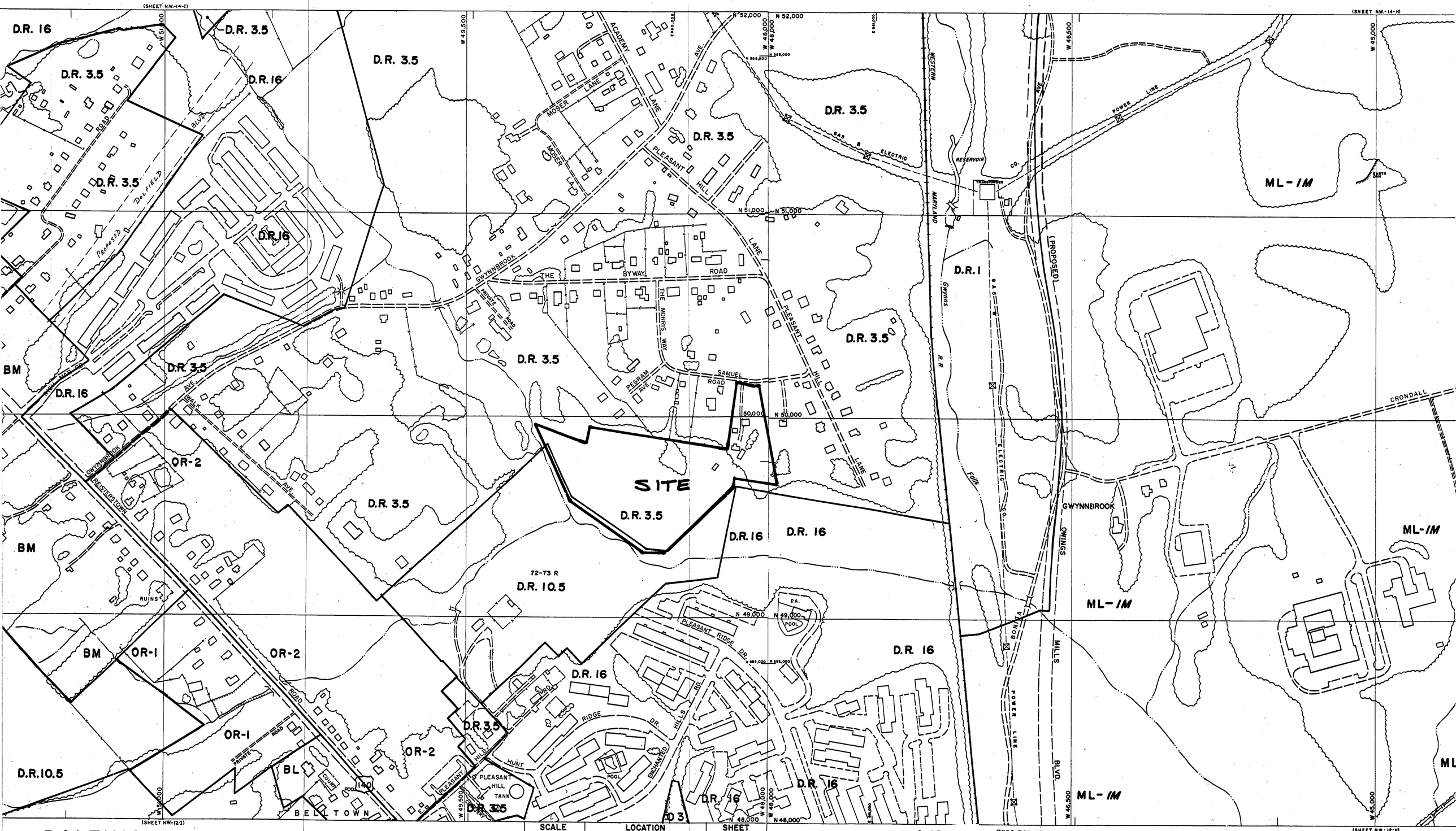
1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE THE FOREST BUFFER OR FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. ANY FOREST BUFFER OR FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO THE PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

REVISION	DATE
ZONING VARIANCE LANGUAGE REVISED	12/17/02

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

COMPUTED: S.A.L. | DRAWN: E.T.M. | CHECKED: S.A.L. | FILE:X:\FosterKruse\Devplan.pro

Lot Ex. #1 #2-87



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

NW 13 I

SCALE	LOCATION	SHEET
1" = 200'±	BELLTOWN	N.W. 13-I
DATE OF PHOTOGRAPHY JANUARY 1986		

T-SW T-SE
T-NW T-NE

NW 13 H

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

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUN
OFFICE OF PLANNING AN
OFFICIAL ZONING

#287