ORDER RECEIVED FOR FILING Date 2/3/19 IN RE: DEVELOPMENT PLAN HEARING and

PETITIONS FOR SPECIAL HEARING AND VARIANCE and PETITION FOR

HONEYGO SPECIAL VARIANCE - E/S Cowenton Ave., S of E. Joppa Road

(Moores Meadows II)
11th Election District

5th Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case Nos. XI-910 & 03-428-SPHAHSA

Paul Snyder, et ux, Owners;
Joppa Road East, LLC, C.P./Developer

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a single public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (Code) for consideration of a development plan, prepared by D. S Thaler & Associates, Inc., and Petitions for Special Hearing and Variance and Honeygo Special Variance. Pursuant to the development review regulations codified in Title 26 thereof, the Owners, Paul and Dorothy Snyder, and the Contract Purchasers/Developers, Joppa Road East, LLC, seek approval of a red-lined development plan, for the proposed residential development of the subject property with 25 single family dwellings. In addition to development plan approval, Petitions for Special Hearing and Variance relief as well as a Petition for Honeygo Special Variance relief is requested. Specifically, the applicants request special hearing and special variance relief from the threshold limits contained in Section 259.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Sections 259.8 and 4A02.4.G thereof, to permit the issuance of building permits for construction. In addition, a special hearing is requested to allow the sewer infrastructure servicing all lots to pass through the Bird River sub-area. Lastly, a variance/waiver is requested from Sections 259.9.G.3 and 504.2 of the B.C.Z.R., and Pg. 29, Part III, Division 6, Section 8 of the Comprehensive Manual of Development Policies (C.M.D.P.), pursuant to Section 26-172 of the Baltimore County Code, to permit concrete mountable curbs in lieu of the required standard vertical concrete curb. In addition, variance relief is requested from Section 1B01.2.C.1.b and 504.2 and Pg. 5, Part III, Division 6, Section 8 of the

C.M.D.P. to allow for side building setbacks to a tract boundary of 10 feet in lieu of the required 15 feet for Lots 15, 16 and 25. The proposed development and requested relief are more particularly described on the two-page, red-lined development plan submitted into evidence and marked as Developer's Exhibits 3A and 3B.

This proposal has been reviewed in accordance with the development review regulations codified in Title 26 of the Baltimore County Code. The process described therein is initiated by the filing of a concept plan, which is a schematic representation of the proposed development. The concept plan is submitted for review at a conference held by and between representatives of the Developer and the County at a Concept Plan Conference (CPC), which in this case was conducted on August 5, 2002. Thereafter, as required, a Community Input Meeting (CIM) is conducted during evening hours at a public facility in the vicinity of the proposed development. The CIM provides an opportunity for residents of the locale to review and offer comment on the proposal. The CIM for this project was held on August 27, 2002 at the Perry Hall Public Library. Subsequently, a development plan is submitted for review at a conference held again between the Developer and County agency representatives. Often the development plan has been revised to incorporate changes suggested at the CPC and/or CIM. The Development Plan Conference (DPC) in this case was held on April 16, 2003. Following the DPC, the appropriate reviewing agencies submit development plan comments and a public hearing on the proposal is ultimately conducted before the Zoning Commissioner/Deputy Zoning Commissioner. In this case, the Hearing Officer's Hearing was held before me on May 8, 2003.

Appearing at the public hearing required for this project were Paul and Dorothy Snyder, Property Owners; Doug Eshelman, a representative of Joppa Road East, LLC, Contract Purchasers/ Developers; and Judd Maslack and Jim Joyce. Also appearing in support of the project were David S. Thaler, Alan E. Scoll, Mariceleste Miller, and Mark S. Vaszil on behalf of D.S. Thaler & Associates, Inc., the consultants who prepared the development plan; and G. Scott Barhight, 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): Donald Rascoe, Project Manager; Bob Bowling and Phil Martin, Development Plans Review; Bill Miner, Land Acquisition; and, Jeff Perlow, Zoning Review. Also appearing on behalf of the County were Anne Roane, 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). Appearing from the surrounding community were Stephen Martin, and William Libercci on behalf of the Perry Hall Improvement Association.

The property under consideration is an irregular shaped parcel, approximately 12.97 acres in area, zoned D.R.3.5H, and is presently unimproved. The H zoning designation is applicable in that the property is located within the Honeygo District of Perry Hall. The property has minimal frontage on Cowenton Avenue and is located between that road and East Joppa Road, north of I-95. The two-page, red-lined development plan marked into evidence as Developer's Exhibits 3A and 3B, depicts the proposed residential subdivision. There are 25 single-family dwelling lots proposed. Additionally, the plan shows a storm water management reservation area (1.41 acres), as well as Homeowners' Association Active and Passive Open Space. Additionally, the project shows areas of forest buffer and forest buffer easement.

The subject proposal is part of a three-phased project of development in this area. Immediately to the south and east of the subject property is a larger tract which has been designated for development as Moores Meadows I. The development plan for that project was approved by Deputy Zoning Commissioner/Hearing Officer Timothy M. Kotroco on April 29, 2002 in Case No. XI-728. The Moores Meadows I project relates to development of a larger tract, and approval was granted for 60 single-family dwelling units. Additionally, there is a smaller tract, known as the Martin parcel, that abuts the subject property immediately to the south. This parcel is also proposed for development with 6 single-family dwellings.

It is anticipated that these three projects will be developed in conjunction with one another. Vehicular access to the subject property will be by way of the extension of a road into the site from the Moores Meadows I subdivision. That proposed road system is more particularly

shown within the vicinity map on Developer's Exhibits 3A and 3B. Essentially, access into the overall tract will be provided both from the west (Cowenton Avenue) and east (East Joppa Road). The details of the plan are more particularly shown on the two-page, red-lined development plan.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, Counsel for the Developer identified one unresolved issue, which relates to potential access from the site to an adjacent property immediately to the north. That property, identified as the Schott property, is presently undeveloped. That parcel immediately abuts the subject property to the north and also has frontage along East Joppa Road. In that the Honeygo District is a designated growth area, it is anticipated that the Schott property will ultimately be developed. The Office of Planning requested that the development plan for Moores Meadows II be amended so as to provide vehicular access and a road connection to the Schott property.

Testimony and evidence was received on this issue from all parties. In order to promote better traffic flow and ease potential congestion, I believe that an amendment of the plan to establish that connection is warranted. In this regard, the Developer offered two proposals. One is to eliminate the dwelling on Lot 5 and locate a right-of-way for a future road connection through that lot (See Developer's Exhibit 6A). The second alternative locates the road in the same area; however, does not result in the loss of the building lot (See Developer's Exhibit 6B). Under that scenario, other lots will be reduced in size and width; however, variance relief would ultimately be necessary to permit lot widths of less than 85 feet as required by the Honeygo regulations.

As noted in open hearing, I believe that the first alternative is preferable. A grant of variance relief to allow a reduction in lot widths is not warranted. Thus, the plan shall be amended to show the potential connection of the public road through proposed Lot 5 to the Schott property. Accordingly, the proposed number of dwelling units is now reduced to 24.

Testimony was also offered regarding the construction of this connecting road. In that it will serve the Schott property, it seems appropriate that the potential developers of that parcel actually undertake the road construction. The Developer in this case will be required to provide

the necessary right-of-way and grading for the road. Additionally, sidewalks shall be installed on either side of the proposed right-of-way so that public notice is given that a roadway will ultimately be constructed at that location. Thus, the issue of the road connection is resolved.

There were several minor issues identified by the County agency representatives who were present. Mr. Taylor from DEPRM indicated that a fence was to be added around that area of the property labeled "Baltimore County Forest Buffer Easement" area. Additionally, further labeling regarding the potential development of the Martin tract. These additional notations can easily be added to the plan. Additionally, Mr. Perlow from the Zoning Review Division of DPDM requested certain changes to the typical dwellings shown on Page 2 of the plan. These changes will be added to insure compliance with the Honeygo setback requirements and that access and maneuvering areas for side and rear loaded garages is sufficient. That comment was resolved by the addition of notations to the plan at the hearing.

Ms. Roane from the Office of Planning indicated that issues raised by her office had also been resolved. The Developer is to submit colorized building elevation drawings of the proposed dwellings so that the Office of Planning can evaluate the proposal in accordance with the residential performance standards established in Section 260 of the B.C.Z.R. Additionally, the Developer will provide a dimensioned floor plan of the proposed "Ryan Jason" model home to the Office of Planning, clearly indicating an 8-foot garage setback as required under the Honeygo regulations. There is no variance requested from that requirement for any of the proposed models.

Mr. Libercci identified no issues relating to the development plan on behalf of the Perry Hall Improvement Association. He did raise a question regarding the widths of certain lots within the subdivision; however, Mr. Perlow addressed this issue. Pursuant to the requirements of the B.C.Z.R., lot widths are determined for subdivisions in the Honeygo District by measuring such lots at the front and rear building lines. For so long as the lots measure a minimum of 85 feet in width, they meet the Honeygo requirements. As shown on the plan, some of the lots are irregularly shaped and may be a greater or less distance along the rear or front property lines. It is

clear that the relevant point of measurement is at the front and rear building line and thus, the plan shall comply with the 85-foot width requirement at those locations.

Mr. Martin, a resident of the community, also expressed concerns regarding traffic in the area. There was significant testimony offered by County agency representatives and the Developer regarding road improvements. Obviously, Honeygo is a growth area and has experienced significant construction in recent years. Additionally, nearby projects, including Moores Meadows I and Moores Orchard, have been approved. Ultimately, improvements will be made by Developers and/or Baltimore County to widen East Joppa Road in this vicinity. It is anticipated that these road improvements will ease congestion. Additionally, a parking lot is proposed on the Moores Orchard property which will assist during drop-off and pick-up times at the nearby Chapel Hill Elementary School. The subject property does not have direct access to East Joppa Road and it would be inappropriate to require this Developer to undertake off-site road improvements. This Developer will be required as part of the development of Moores Meadows I to improve Joppa Road. In that the subject property is landlocked, those improvements will no doubt be completed before the subject property is developed and occupied. It is anticipated that appropriate road improvements will be made in a timely manner through development and County capital projects.

But for these additions, corrections and modifications, it is clear that the plan meets all County requirements and regulations for development. Thus, as amended, the plan shall be approved pursuant to Section 26-206 of the Baltimore County Code.

As noted above, certain variance relief is also requested. A Petition for Special Variance was filed pursuant to Section 259 of the Honeygo regulations. The Perry Hall Improvement Association objects to that variance and an adverse comment was also received from the Office of Planning. However, during the hearing it was disclosed by representatives of the Department of Public Works that the special variance is unnecessary. That is, the County has entered into a contract for infrastructure (sewer improvements) in the area. The entry of this contract constitutes "commencement" as defined in Section 259.5 of the B.C.Z.R., and thus,

additional authorizations (building permits) may be released. An additional 305 permits are now available in that Baltimore County has issued a "Notice to Proceed" to the contractor for construction. Thus, the Petition for Special Variance is rendered moot and therefore shall be dismissed. It is also to be noted, as set out in a prior opinion of this Office (Lauren Woods, f/k/a Black Iron Knoll, Case No. XI-798) that the grant of special variance relief does not creation additional authorizations. Rather, as explained in the decision rendered in that case, it accelerates authorizations so that same may be utilized prior to the triggering events identified in the Code relative to infrastructure. Additionally, Section 259.7.C of the Code exempts certain projects from the authorization process. Those exemptions are not subject to the authorization process, either by right or by variance. In any event, it is clear that the Petition for Special Variance is moot in this instance. There are sufficient authorizations available to permit the proposed project.

Variance relief is also requested regarding certain public works requirements. As noted above, approval for the construction of mountable concrete curbs in this subdivision rather than the standard block curbs is requested. The Department of Public Works, pursuant to Section 26-172 of the Code also supports this variance request as a waiver. There was no opposition expressed at the hearing and it was indicated that mountable curbs are favored and appropriate in Honeygo. Pursuant to the testimony and evidence presented, I find that the variance/waiver request is appropriate in this case and that standards for such relief have been met. Thus, the project may be constructed with mountable curbs.

The second variance relates to three lots. These are uniquely shaped lots located adjacent to the tract boundary. Two of the lots (Lots 15 and 16) abut the Martin property to the south; the third lot (Lot 25) abuts the Moores Meadows I subdivision. It was indicated at the hearing that the Developer is desirous of constructing a development that is consistent with the theme of the Moores Meadows I subdivision and the development of the Martin property. In order to keep a consistent distance between houses, variance relief is requested. Mr. Scoll testified that development of the three projects identified earlier in this opinion will be an integrated development into a single community. The granting of the requested relief for the three lots will

allow appropriate aesthetic transition from one development into the next. In sum, I am persuaded that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. and that relief should be granted.

The final issue for consideration is under the Petition for Special Hearing. Mr. Vaszil a representative of D. S. Thaler and Associates, Inc., described the relief necessary here. The subject property is located within the Honeygo Run watershed. Section 259 established four separate subareas for sewage within the Honeygo District. Gravity sewers will be installed within the bed of the public road that extends into the subject property. These sewers will ultimately lead to a connection within the Moores Meadows I subdivision. That connection is located within the Bird River watershed. Ultimately, however, the sewage will be transmitted into the Honeygo Run watershed area. Relief is requested only to allow the sewer line to cross into the Bird River watershed and then back into the Honeygo Run watershed. Sewer will be provided for this project in accordance with the Honeygo regulations. Relief is only to allow the line to briefly cross over into another sewage sub-area.

Based upon the testimony and evidence offered, I am persuaded that special hearing relief should be granted. The Perry Hall Improvement Association did not object to this relief when the proposal was detailed and explained at the hearing. Additionally, the relief requested in the Petition for Special Hearing enjoys the support of 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 amended development plan marked as Developer's Exhibit 6A shall be approved consistent with the comments contained herein, and the restrictions set forth hereinafter. Moreover, the Petitions for Special Hearing and Variance relief shall be granted, and the Petition for Honeygo Special Variance dismissed as moot.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this day of May, 2003 that the red-lined development plan for Moores Meadows II, identified herein as Developer's Exhibit 6A, be and is hereby APPROVED; and,

ORDER RECEIVED FOR FILING
Date

By

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow the sewer infrastructure servicing all lots to pass through the Bird River sub-area, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 259.9.G.3 and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Page. 29, Part III, Division 6, Section 8 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit concrete mountable curbs in lieu of the required standard vertical concrete curb and from Section 1B01.2.C.1.b and 504.2 and Pg. 5, Part III, Division 6, Section 8 of the C.M.D.P. to allow for side building setbacks to a tract boundary of 10 feet in lieu of the required 15 feet for Lots 15, 16 and 25, in accordance with Developer's Exhibit 6A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking a waiver from Department of Public Works Standards to allow concrete mountable curb in lieu of the required vertical concrete curb, pursuant to Section 26-172 of the Baltimore County Code, be and is hereby GRANTED, in accordance with Developer's Exhibit 6A, be and is hereby GRANTED, subject to the following restrictions:

- 1) The plan shall be amended to show the right-of-way, grading and sidewalks for potential road connection will be through Lot 5 and the elimination of the proposed dwelling for that lot.
- 2) The plan shall be amended to add a note and fence around the Baltimore County Forest Conservation Easement areas and other notations as required by the Department of Environmental Protection and Resource Management (DEPRM).
- 3) Colorized building elevation drawings of the proposed dwellings will be submitted to the Office of Planning to insure compliance with the residential performance standards set forth in Section 260 of the B.C.Z.R.
- 4) All garages will be setback a minimum of 8 feet as required under the Honeygo regulations.

IT IS FURTHER ORDERED that the Petition for Special Hearing/Special Variance seeking relief from the threshold limits contained in Section 259.7 of the Baltimore County Zoning

Regulations (B.C.Z.R.), pursuant to Sections 259.8 and 4A02.4.G thereof, to permit the issuance of building permits for construction, be and is hereby DISMISSED AS MOOT.

LES:bjs

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



Baltimore County Zoning Commissioner

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

Fax: 410-887-3468

May 14, 2003

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

DEVELOPMENT PLAN HEARING and RE:

PETITIONS FOR SPECIAL HEARING & VARIANCE and

PETITIONS FOR SPECIAL VARIANCE

(Moores Meadows II)

E/S Cowenton Avenue, S of E. Joppa Road 11th Election District – 6th Council District

Paul Snyder, et ux, Owners; Joppa Road East, LLC, Contract Purchasers/Developers

Case No. XI-910 & 03-428-SPHAHSA

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved, the Petitions for Special Hearing and Variance granted, and the Petition for Special Variance dismissed as moot, 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:bis

Mr. & Mrs. Paul Snyder, 9205 Cowenton Avenue, Perry Hall, Md. 21128 cc:

Mr. Doug Eshelman, Joppa Road East LLC

7013 Meandering Stream Way, Fulton, Md. 20759-2303

Messrs. D. S. Thaler & Alan Scoll, D. S. Thaler & Associates, Inc.

7115 Ambassador Road, Baltimore, Md. 21244

Mr. William Libercci, 19 Shawn Court, Baltimore, Md. 21236

Mr. Steve Martin, 5423 E Joppa Road, Perry Hall, Md. 21128

Don Rascoe, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case/File



ORDER RE(

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 920% Cowenton Ave
which is presently zoned D.R. 3.5H

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

Please see attached

The state of the s

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.

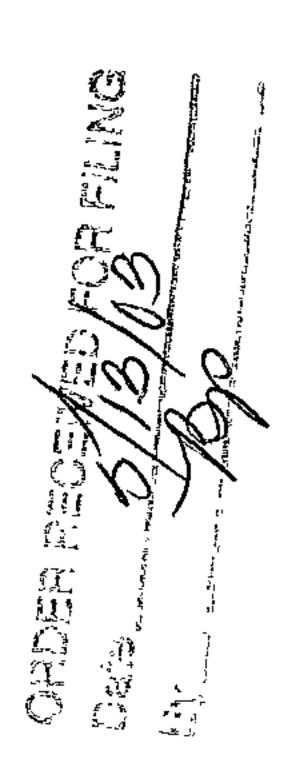
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee; <u>Legal Owner(s):</u> Paul Snyder <u>Joppa Meadows East, LLC</u> Name - Type or Print Name - Type or Print, Signature Douglas F. Eshleman, Member Signature 410 832 2077 Dorothy Snyder 7013 Meandering Stream way Address Telephone No. Name - Type or Print 20759 Fulton, MD Zip Code State Signature 410-832-2077 9205 Cowenton Ave <u>Attorney For Petitioner:</u> Address Telephone No. 21128 Jennifer R. Busse Perry Hall, MD Name - Type or Rrint City Zip Code State Representative to be Contacted: Signature Jennifer R. Busse Whiteford, Taylor & Preston Company Name 210 W. Pennsylvania Ave 410~832-2077 210 W. Pennsylvania Ave 410-832-2077 FOR FILING Address Address Telephone No. Telephone No. 21204 Towson, MD <u> 21204</u> Towson, MD Zip Code City State State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 03-428-SPHAHSA UNAVAILABLE FOR HEARING __ Date 3/18/03 Reviewed By ____ REV 9/15/98

ATTACHMENT TO PETITION FOR SPECIAL HEARING 9205 Cowenton Avenue Petitioner/Contract Purchaser: Joppa Meadows East, LLC

1. Special Hearing to allow the sewer infrastructure servicing all lots to pass through the Bird River subarea.

274468





Petition for Variance and

to the Zoning Commissioner of Baltimore County

for the property located at	9205	Cowenton	<u>Avenue</u>		
which is	preser	itly zoned	D.R.	3.5H	

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

Please see attached

Contract Purchaser/Lessee:

221 9115198

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

reasons to be présented 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.

j	Joppa Meadows East, LLC	
Ñ	Name - Type or Print	
<u>s</u>	Signature passage February Mombor	
	Signature Douglas F. Eshelman, Member	0.0000
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1	Fulton, MD 21759 City State	The Code
C	City	Zip Code
	Attorney For Petitioner:	
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	Jennifer R. Busse	
	Name - Type or Print	
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S	Signature	
FILING	Whiteford, Taylor & Preston	
	Company	
	210 W. Pennsylvania Ave 410-832-	-2077
FOR FOR	Address	elephone No.
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Q	Towson, MD 21204 State	Zip Code
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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.

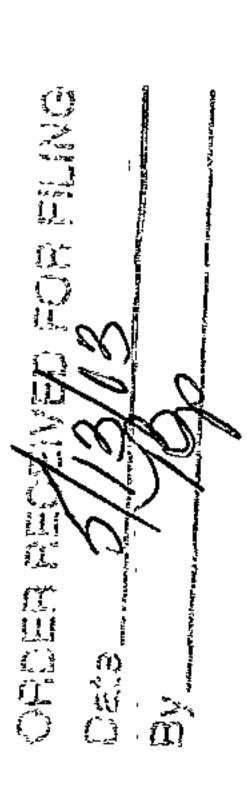
Legal	Owner(s):	•	

Paul Snyder
Name - Type or Print
Haul Snyder
Signature
Dorothy Snyder
Name - Type or Pfint
Dorothy Snigder
Signature
9205 Cowenton Avenue 410.832-2077
Address Telephone No.
Perry Hall, MD 21128
City State Zip Code
Representative to be Contacted:
Jonnifer D. Busse
Jennifer R. Busse
Name
Name 210 W. Pennsylvania Ave, 410-832-2077 Address Towson, MD, 21204
Name 210 W. Pennsylvania Ave, 410-832-2077
Name 210 W. Pennsylvania Ave, 410-832-2077 Address Towson, MD 21204
Name 210 W. Pennsylvania Ave, 410-832-2077 Address Telephone No. Towson, MD 21204 City State Zip Code

ATTACHMENT TO PETITION FOR VARIANCE 9205 Cowenton Avenue Petitioner/Contract Purchaser: Joppa Meadows East, LLC

- 1. Honeygo Special Variance from the threshold limits contained in BCZR § 259.7 pursuant to BCZR § 259.8 and BCZR § 4A02.4.G (incorrectly referred to as "4A02.4.F" in § 259.8), to permit the issuance of building permits for construction pursuant to the Moores Meadows II Development Plan.
- 2. Variance from BCZR § 259.9.G.3, BCZR § 504.2, and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP") to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs.
- 3. Variance from BCZR § 1B01.2.C.1.b, BCZR § 504.2, and p. 5 of Part III, Division VI, Section E of the CMDP to allow a 10' side building setback to the tract boundary in lieu of the required 15' for lots # 15, 16, and 25.

274468



MOORES MEADOW II (Description for Zoning Purposes Only)

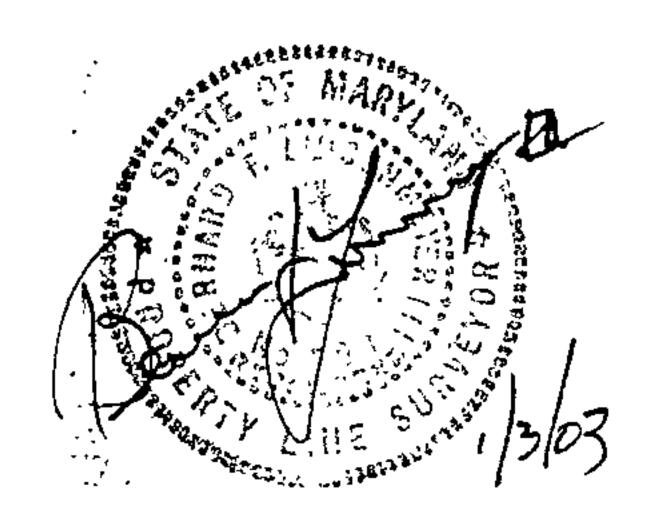
Beginning at a point located approximately 1,800 feet, more or less, south of the intersection of the centerline of Cowenton Avenue and East Joppa Road thence, running the following seventeen (17) courses and distances:

- 1. North 88°54'58" East 425.12 feet to a point; thence,
- 2. North 03°13'44" East 183.94 feet to a point; thence,
- 3. South 87°31'24" East 384.46 feet to a point; thence,
- 4. South 47°13'24" East 314.10 feet to a point; thence,
- 5. South 09°45'05" West 652.67 feet to a point; thence,
- 6. South 77°26'15" West 374.46 feet to a point; thence,
- 7. North 27°07'00" West 337.00 feet to a point; thence,
- 8. North 53°07'54" East 69.90 feet to a point; thence,
- 9. North 02°32'13" East 14.82 feet to a point; thence,
- 10. North 83°45'46" West 297.38 feet to a point; thence,
- 11. North 03°01'36" East 75.99 feet to a point; thence,
- 12. South 88°54'58" West 10.76 feet to a point; thence,
- 13. North 03°01'36" East 52.13 feet to a point; thence,
- 14. North 88°54'58" East 101.00 feet to a point; thence,
- 15. North 02°59'58" East 200.00 feet to a point; thence,

page 2 of 2 MOORES MEADOW II (Description for Zoning Purposes Only) January 3, 2003

- 16. South 88°54'58" West 291.48 feet to a point; thence,
- 17. North 02°59'58" East 50.13 feet to the point of beginning.

Containing approximately 12.98 acres of land, more or less, located in the Eleventh Election District and the Fifth Councilmanic District of Baltimore County, Maryland.



HI (CORRESPONDENCE) PROJECTS (MOORES MEADOWS II) ZONING DESCRIPTION DOC

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: #03-428-SPHAHSA

9205 Cowenton Avenue

Beginning at 1,800 feet south of the Intersection of

Cowenton Avenue and E. Joppa Road 11th Election District-2nd Councilmanic District

Legal Owner(s): Paul and Dorothy Snyder Contract Purchaser. Joppa Meadow East, LLC

Honeygo Special Variance and Variance: to permit the issuance of building permits. To permit concrete mountable curbs in lieu of the required standard vertical concrete curbs. To permit a 10-foot side building setback to the tract boundary in lieu of the required 15 feet for lots #15, 16, and 25. Special Hearing: to allow the sewer infrastructure servicing all lots to pass through the Bird River Sub area

Hearing: Thursday, May 8, 2003 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.

JT/4/750 April 22

C599553

CERTIFICATE OF PUBLICATION

424,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $4 22 $,2003.
`
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

	BALTIMORE COUNTY, MARY OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 4 7	49
	DATE 3/13/03	ACCOUNT 1 001-006-61	<u> </u>
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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: <u>03-428- SP HAHSA</u>
Petitioner/Developer:
Joppa Road East, LLC
Date of Hearing/Closing: 5-8+03

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 9205 Cowenton Ave (1,800 ft. South of the Intersection of Cowenton Ave & E. Joppa Rd.)

Perry Hall, MD 21128

ZONING

CASE # 03-428 SFF

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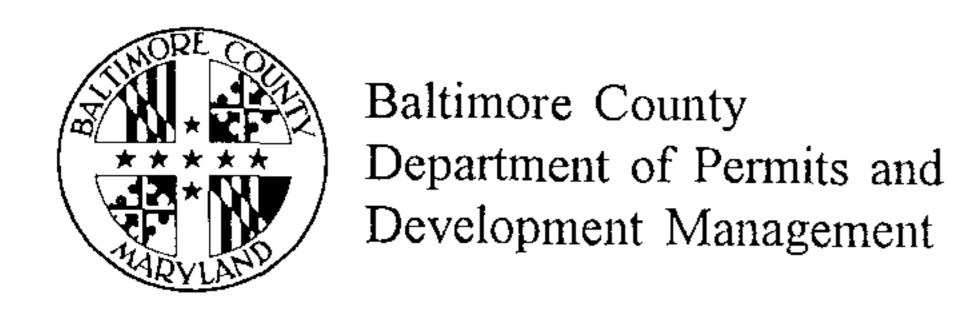
(Signature of Sign Poster and Date)

Stacy Gardney

SHANNON Frinted Name and Date

105 COMPETITIVE GOALS DR. ELDERSBURG, PPD. 21784

(City, State, Zip Code) 410-78/-4100



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

Fax: 410-887-5708

March 26, 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: 03-428-SPHAHSA

9205 Cowenton Avenue

Beginning at 1,800 feet south of the Intersection of Cowenton Avenue and E. Joppa Road

11th Election District – 2nd Councilmanic District

Legal Owners: Paul and Dorothy Snyder

Contract Purchaser: Joppa Meadow East, LLC

HONEYGO Special Variance and Variance to permit the issuance of building permits. To permit concrete mountable curbs in lieu of the required standard vertical concrete curbs. To permit a 10-foot side building setback to the tract boundary in lieu of the required 15 feet for lots #15, 16, and 25. Special Hearing to allow the sewer infrastructure servicing all lot to pass through the Bird River Sub area.

Hearings:

Thursday, May 8, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: Paul and Dorothy Snyder, 9205 Cowenton Avenue, Perry Hall 21128
Jennifer R. Busse, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson 21204
Joppa Meadows East, LLC, Douglas Eshelman, Member, 7013 Meandering Stream Way, Fulton 21759

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 23, 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, April 22, 2003 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, MD 21204

410-832-2077

NOTICE OF ZONING HEARING

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LAWRENCE E. SCHMIDT

A Comment of the second of the

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

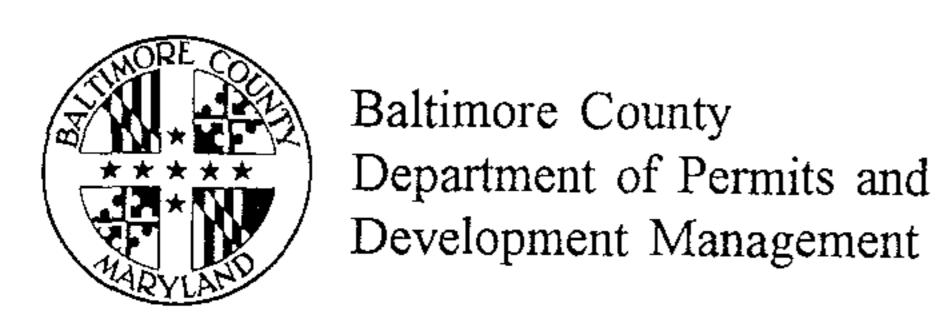
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: <u>D3-428-SPHAHSA</u> Petitioner: <u>Paul Shyder</u>
Address or Location: 9205 Cowenton Ave.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Jeun Busse. Address: Whitehad Taylor & Preston
Telephone Number: 410 832 2077



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 2, 2003

Jennifer R. Busse, Esq. Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, MD 21204

Dear Mrs. Busse:

RE: Case Number: 03-428-SPHAHSA, 9205 Cowenton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 18, 2003.

The Zohing 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:klm

Enclosures

c: People's Counsel

Paul and Dorothy Snyder, 9205 Cowenton Avenue, Perry Hall 21128

Joppa Meadows East, LLC, Douglas Eshelman, 7013 Meandering Stream Way, Fulton 21759



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

JMP

MARYLAND DEPARTMENT OF TRANSPORTATION

RE:

Date: 3.25.03

Baltimore County

Item No. 428

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

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,

1.1. Dul Kenneth A. McDonald Jr., Chief Engineering Access Permits Division



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

March 26, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 24, 2003

Item No.:

407-418, 420-430 42X

Dear Ms. Hart:

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.

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

cc: File

for

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 31, 2003

MAR 3 1 2003
WG COMMISSIONER

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9205 Cowenton Avenue

INFORMATION:

Item Number:

03-428

Petitioner:

Paul Snyder

Zoning:

DR 3.5H

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's requested variance from the threshold limits contained in BCZR Section 259.7. The intent of the threshold limits is to pace development so that it coincides with the required infrastructure improvements. Cowenton Avenue is a narrow country road, therefore burdening it with the additional traffic generated by the proposed development prior to the commencement of widening that road will have a negative impact on the community.

Notwithstanding the above, this office supports the petitioner's request to permit concrete mountable curbs in lieu of the required standard vertical concrete curbs, and to allow a 10-foot side building setback to the tract boundary in lieu of the required 15 feet for lots 15, 16, and 25.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: April 15, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 31, 2003

Item Nos. 407, 408, 410, 411, 412, 414, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, and

430

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE
9205 Cowenton Ave; 1,800' S intersection * ZONING COMMISSIONER
of Cowenton Avenue & E Joppa Rd
11th Election & 5th Councilmanic Districts * FOR
Legal Owner(s): Paul & Dorothy Snyder
Contract Purchaser(s): Douglas F Eshelman, * BALTIMORE COUNTY
Member, Joppa Meadows East LLC

Petitioner(s) * 03-428-SPHAHSA

* * * * * * * *

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 day of March, 2003, a copy of the foregoing Entry of Appearance was mailed to Jennifer R Busse, Esquire, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Robert L. Ehrlich, Jr.

Michael S. Steele

Lt Governor



March 25, 2003

Audrey E. Scott Secretary

Florence E. Burian
Deputy Secretary

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 03/31/03 re: case numbers 03-407-SPH, 03-408-SPH, 03-409-A, 03-410-A, 03-411-A, 03-412-A, 03-413-A, 03-414-SPH, 03-415-A, 03-416-SPH, 03-417-SPH, 03-418-SPH, 03-419-SPHX, 03-420-A, 03-421-A, 03-422-A, 03-423-A, 03-424-SPH, 03-425-SPH, 03-426-SPH, 03-427-A, 03-428-SPHAHSA, 03-429-A, 03-430-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 03/25/03. The information has been submitted to Mr. Mike Nortrup.

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

Sincerely,


James R. Gatto

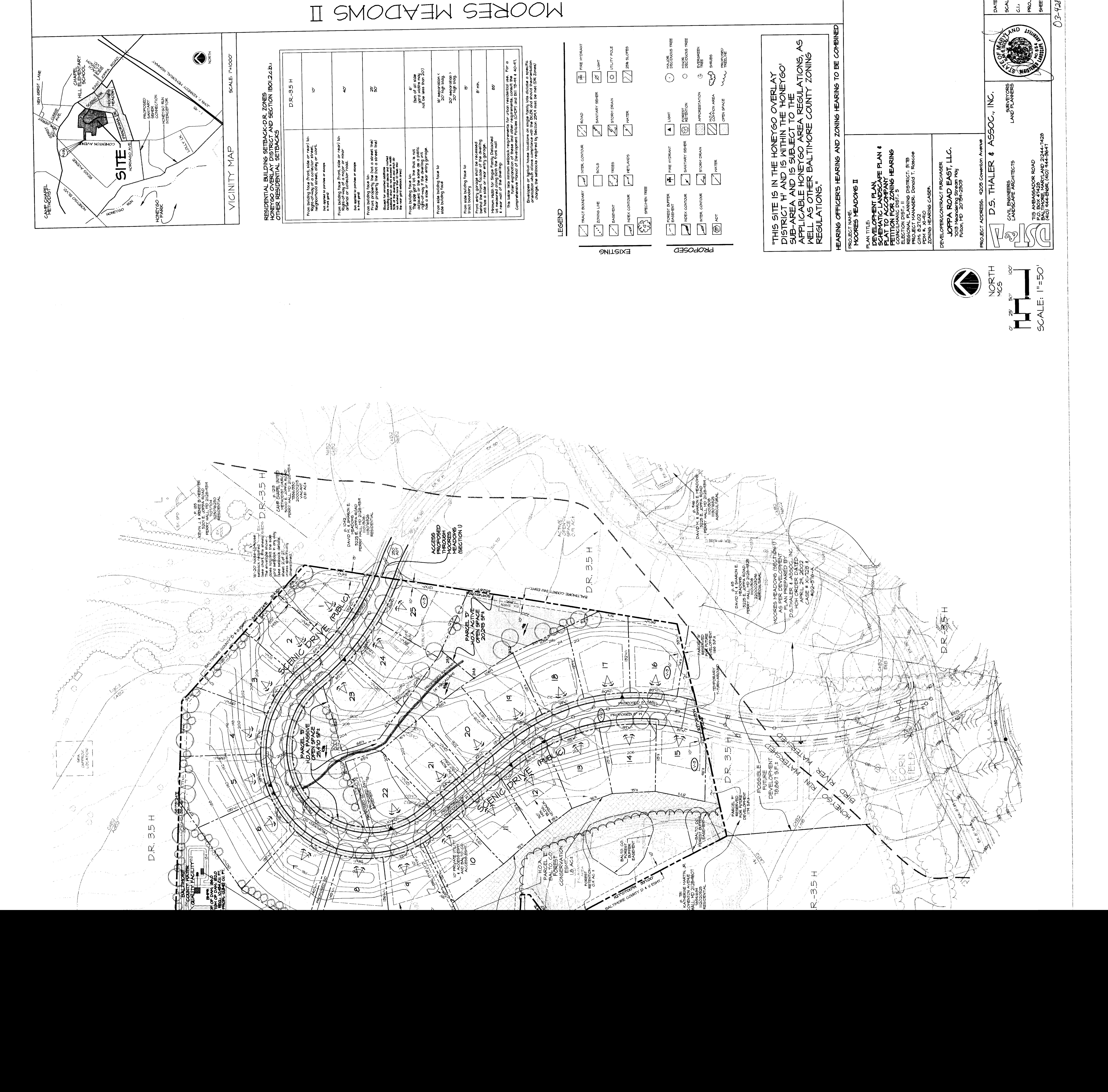
Manager

Metropolitan Planning

Local Planning Assistance Unit

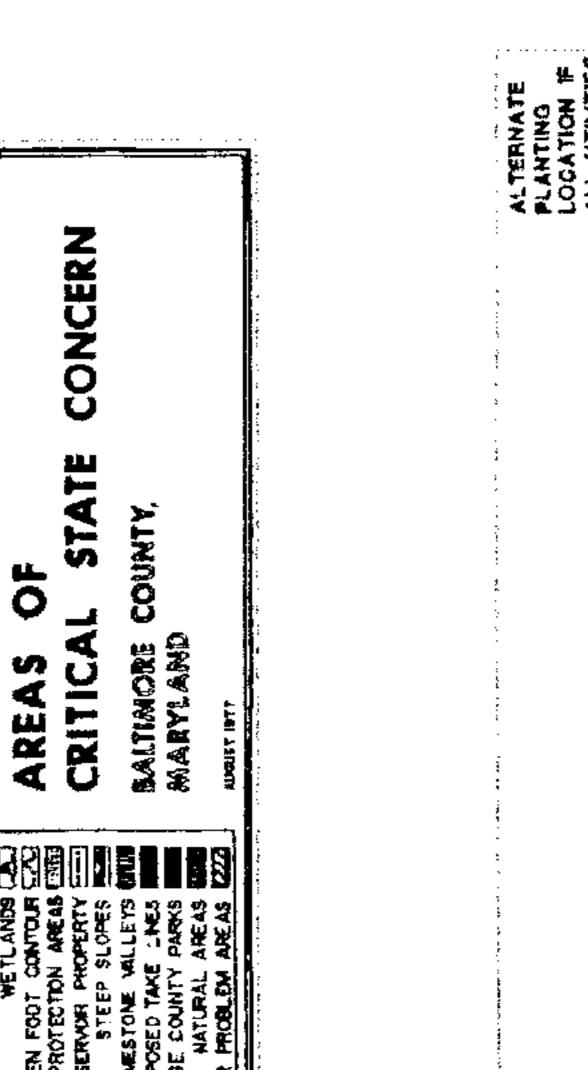
cc: Mike Nortrup

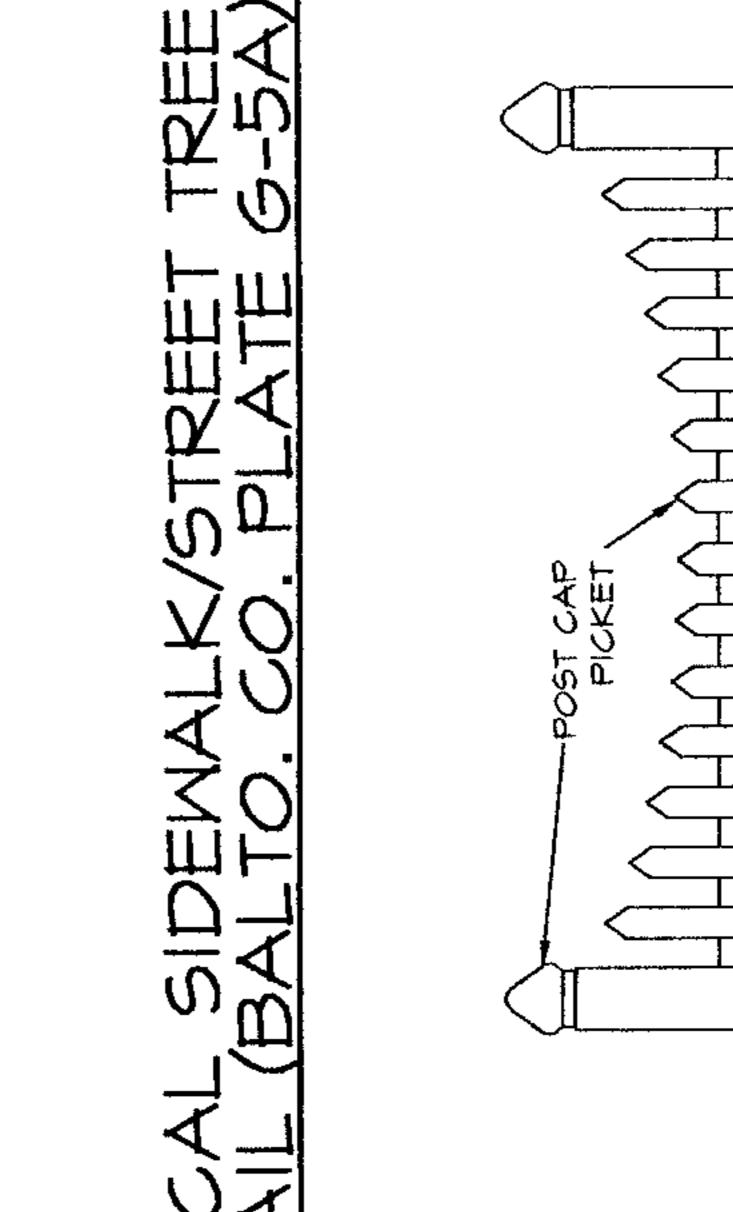


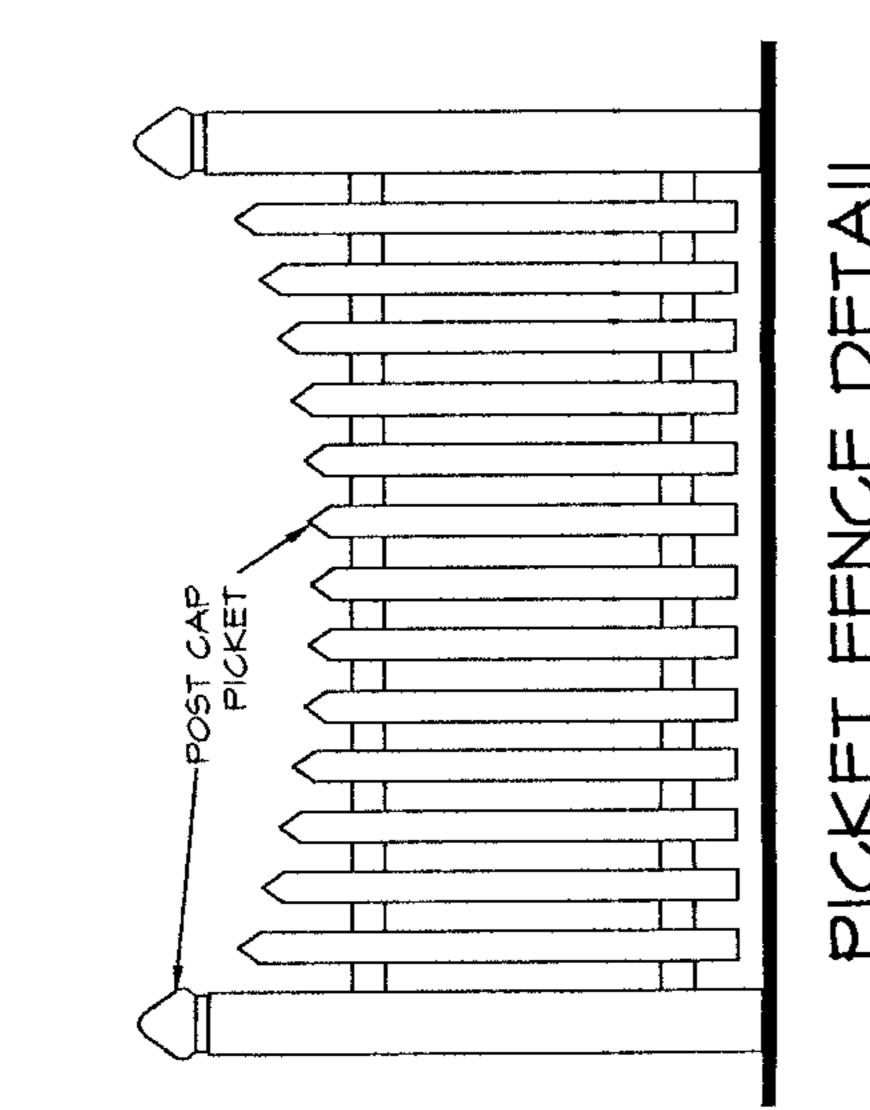


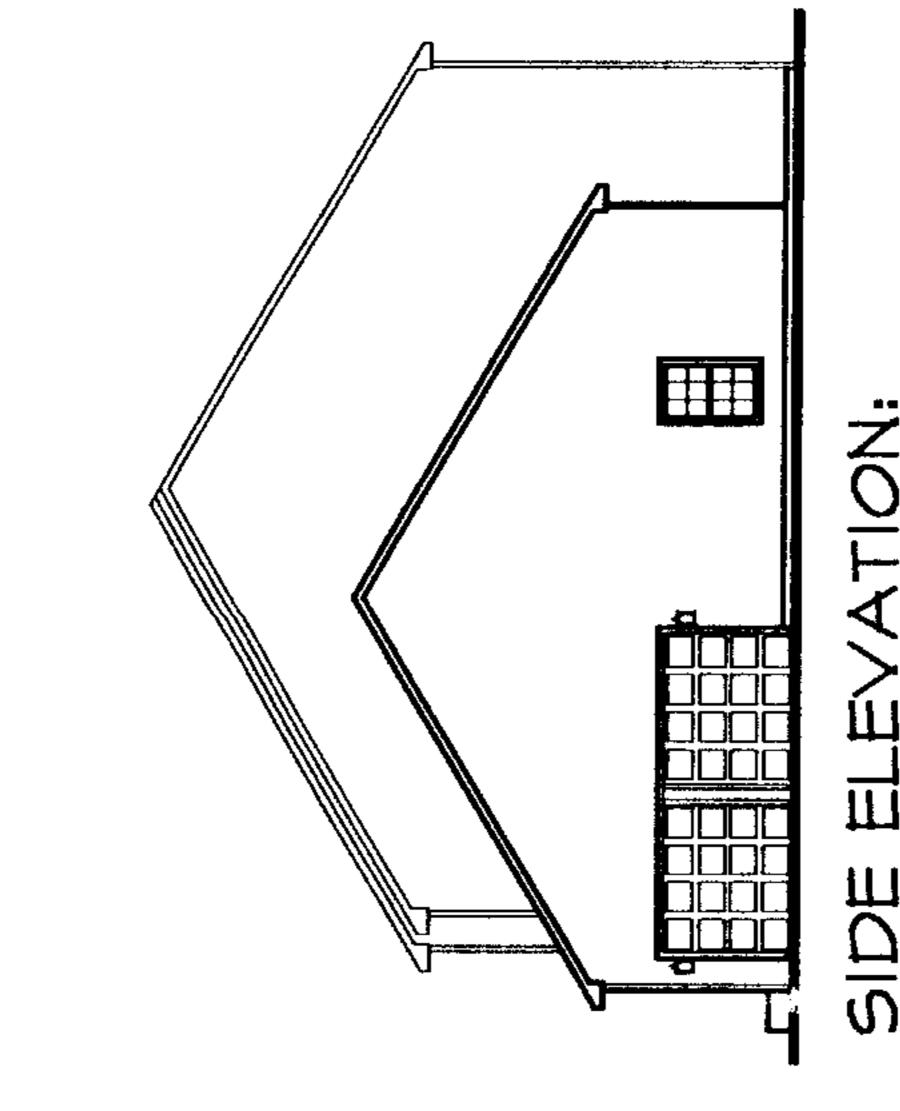
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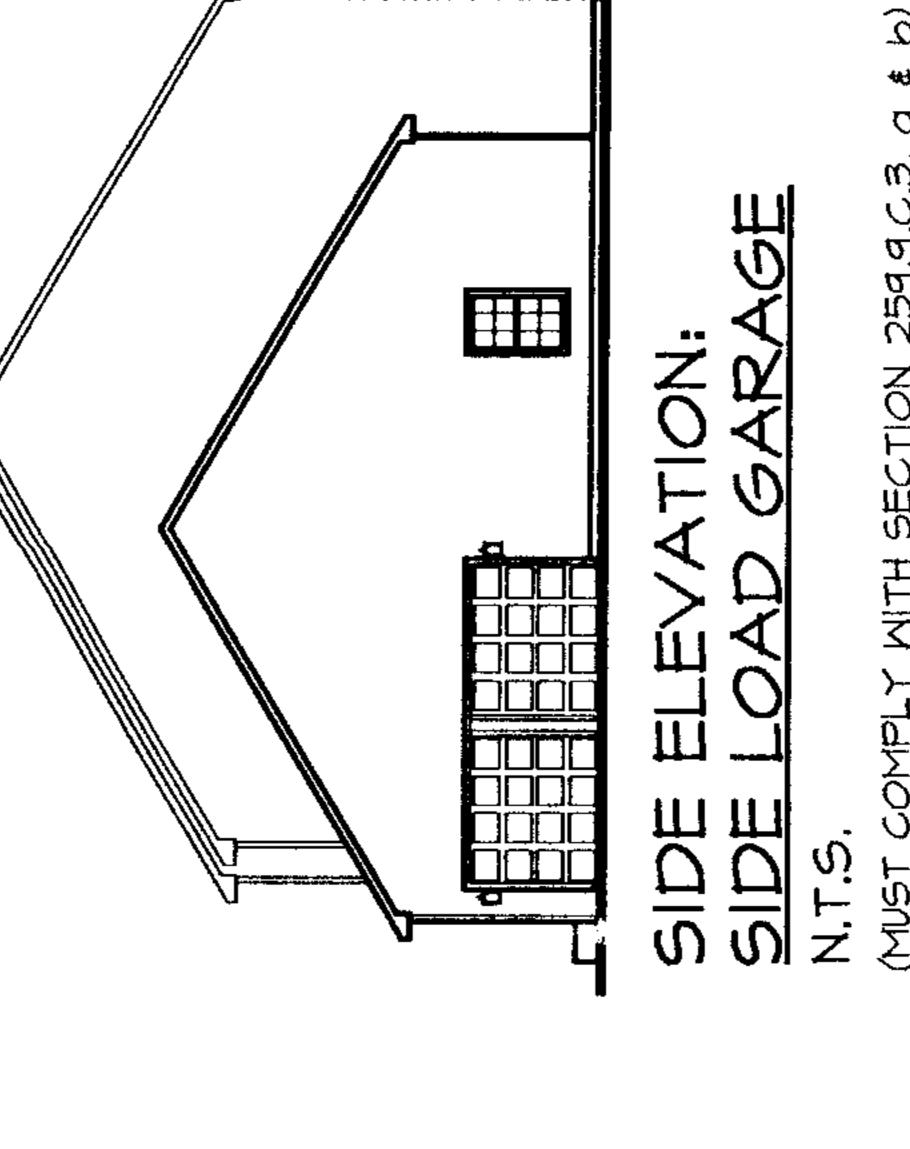
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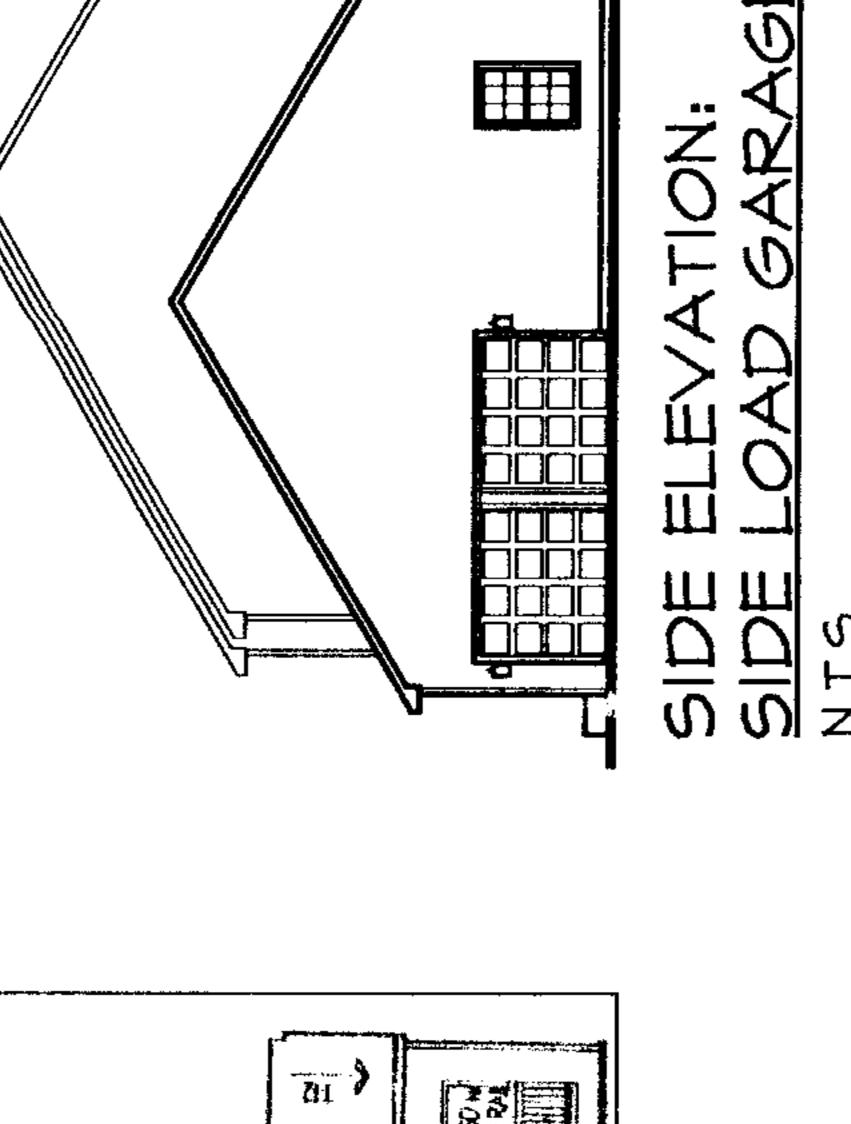


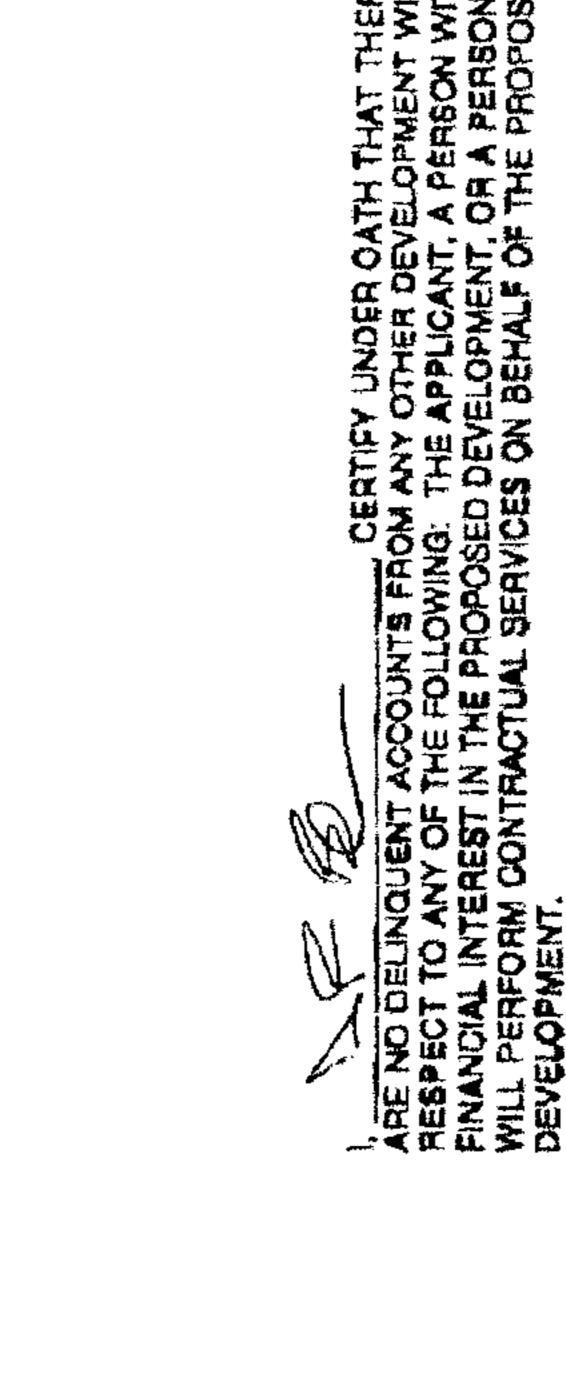


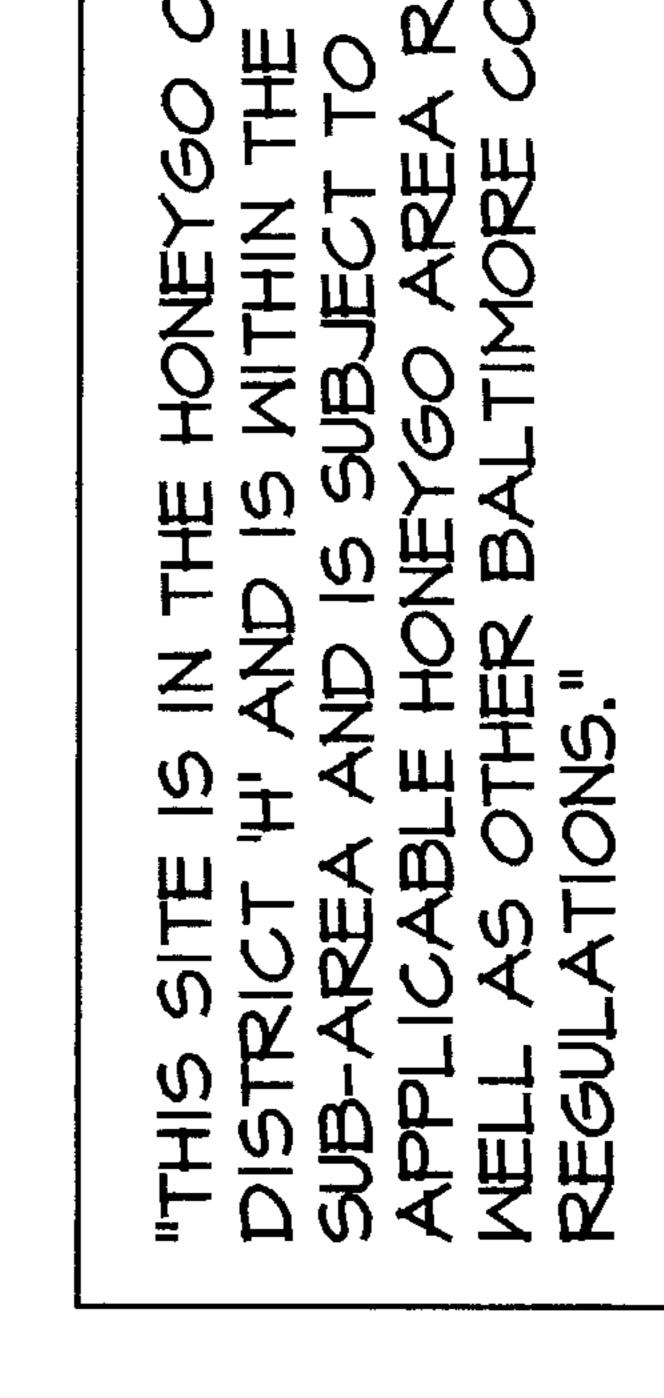


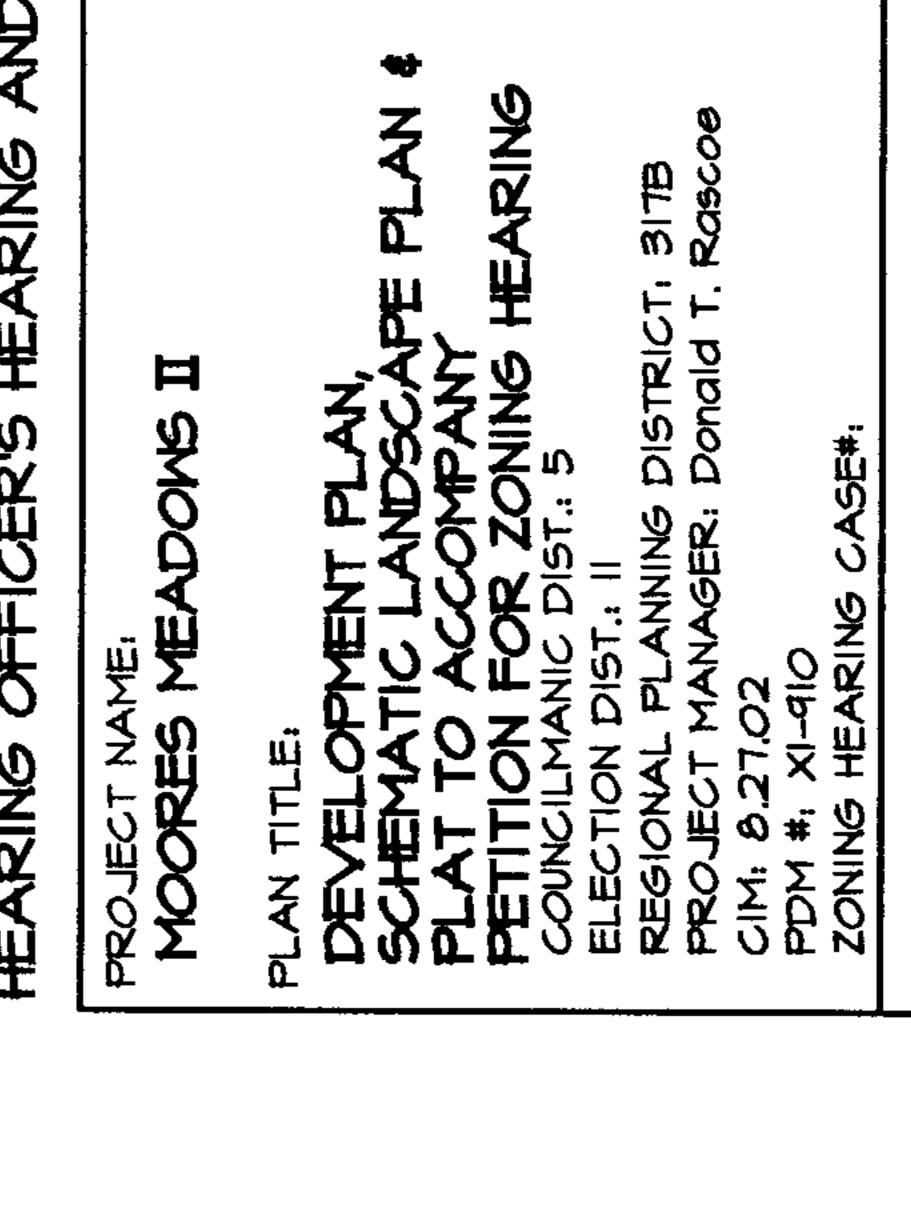












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