IN RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR VARIANCE/HONEYGO SPECIAL VARIANCE – SW/Corner Cross Road & Forge Road **(Forge Crossing)** 4th Election District 3rd Council District

Henry J. Kraft, Sr., et ux, Owners; Paul Amirault, Developer

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Cases Nos. XI-913 & 03-437-AHSA

*

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.), which permits consideration of a development plan and requests for zoning relief under a single public hearing. The development plan and Petitions were filed by the owners of the subject property, Henry J. Kraft, Sr., and his wife, Irene Kraft, and the Developer, Paul Amirault, Maryland Landmark New Homes Group, through their attorney, Howard L. Alderman, Jr., Esquire.

Pursuant to the development review regulations codified in Title 26 of the B.C.C., the Owners/Developers seek approval of a development plan, prepared by Colbert Matz Rosenfelt, Inc., for the proposed development of the subject property with 13 single family dwelling lots. In addition to development plan approval, the Owners/Developers request zoning variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Sections 259.8 and 4A02.4.G, the Threshold Limits – Honeygo Area, established by Section 259.7 of the B.C.Z.R., as follows: To permit the issuance of residential building permits for construction of single-family homes; the conveyance of sewage from the Belair Road sub-area to the Bean Run sub-area; and for such further relief as the nature of this case and development may require. The proposed subdivision is more particularly described on the two-page, redlined development plan submitted and marked into evidence as Developer's Exhibits 1A and 1B.

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 26, 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 September 25, 2002 at the Perry Hall Elementary School. 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 9, 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 1, 2003.

Appearing at the public hearing required for this project were Paul Amirault, on behalf of Maryland Landmark New Homes Group, Developer; Richard E. Matz, Professional Engineer who prepared the development plan/ and Howard L. Alderman, Jr., 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): Walt Smith, Project Manager; Bob Bowling, Development Plans Review; Ron Goodwin, Land Acquisition; and, Bruno Rudaitis, Zoning Review. Also appearing on behalf of the County were Anne Roane, Office of Planning (OP); R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook, Department of Recreation and Parks (R&P). Several citizens from the surrounding locale appears as interested persons. They included Lily Butt, Leonard and Mary Butt, Robert and Irene McCormick, Arthur Layton, Debra Berty, Ellsworth Buell, and Howard Willie. William Libercci appeared as a Protestant on behalf of the Perry Hall Improvement Association.

It must first be noted that although the Hearing Officer's Hearing was concluded on May 1, 2003, the record of the case remained open through May 16, 2003 at the request of and by agreement of all parties. It was indicated in open hearing that at that time, Baltimore County was in final negotiations for the construction of Phase II of the Honeygo Run Interceptor. This is a capital improvement project funded by Baltimore County to provide needed infrastructure (sewer) in the Honeygo area. The Honeygo area has been identified as a growth area and is subject to enhanced zoning regulations contained in Section 259 of the Baltimore County Code. Those regulations require that certain infrastructure (roads, sewers, etc.) be constructed before any new development is permitted in this area. The regulations further provide that upon the commencement of certain capital infrastructure projects, authorizations will be released to enable the Department of Permits and Development Management (DPDM) to issue building permits for private construction. In this case, a portion of the requested special variance relief would be rendered moot if a construction contract for Phase II of the Honeygo Run Interceptor had been awarded. Thus the record of the case was held open pending confirmation of same.

By amended development plan comment from Robert W. Bowling, Supervisor of the Development Plans Review division of DPDM, dated May 20, 2003, the undersigned Hearing Officer was advised that a "Notice to Proceed" had been issued for Phase II of the Honeygo Run Interceptor on May 7, 2003. A copy of the Notice to Proceed was attached to the amended comment. Under the zoning regulations, 305 authorizations were released and became available upon the commencement of that project. Therefore, sufficient authorizations exist for the subject proposal, and as such, that portion of the Petition for Honeygo Special Variance to allow the issuance of residential building permits, pursuant to Section 259.8 and 4A02.4.G of the B.C.Z.R. is therefore dismissed as moot.

Having resolved that issue, consideration is next given to the development plan. The Hearing Officer is required to consider the development plan in accordance with the standards set forth in Section 26-206 of the Baltimore County Code. That Section requires that the Hearing Officer identify any open issues or unresolved agency comments at the onset of the

public hearing. If there are any open issues/comments, then testimony and evidence is received from all parties.

In this regard, two County agency representatives identified what were characterized as minor housekeeping items. Specifically, Bruce Seeley on behalf of DEPRM indicated that a note needed to be added to the plan describing the protective covenants that are required for the forest buffer and forest conservation easement areas. That note should further reflect that the plan complies with the forest conservation regulations. Anne Roane on behalf of the Office of Planning indicated that the plan complied with the Residential Performance Standards required under Section 260 of the B.C.Z.R. That Section requires that residential development in the Honeygo area meet these standards. Ms. Roane further indicated that the floor plan for the model known as the "Rebecca Lauren" needed to be revised to reflect a side entry garage in accordance with that shown in the pattern book. Both of these issues were resolved in open hearing.

On behalf of the Zoning Review Division of DPDM, Mr. Rudaitis questioned whether sufficient residential density is available for the project and if the review process is appropriate. These issues warranted a fuller description of the subject property and proposal.

In this regard, the subject property is actually comprised of two parcels that are separated by a previously developed tract. In fact, some of the residents who reside on lots within that intervening tract appeared at the hearing in the instant case. The two parcels are identified on the development plan as Parcels 1 and 2, and contain a combined area of 5.76 acres, more or less zoned D.R.3.5H. Parcel 1 is the smaller of the two parcels (1.08 acres), and is located immediately adjacent to the intersection of Forge Road and Cross Road. Parcel 2 contains 4.86 acres in area, and has frontage on both Forge Road and Cross Road but is not located immediately adjacent to the intersection. Vehicular access to that parcel will be by way of a new public road that will enter the site from Forge Road and terminate within the property as a cul-de-sac. As shown on the plan, 13 single-family dwellings are proposed, 11 of which will be located on Parcel 2, and 2 are proposed for Parcel 1. All but one of the houses on Parcel 2 will have frontage

and access on the new proposed road; the last will have frontage on Cross Road. The two dwellings on Parcel 1 will front on Cross Road.

The issues raised by Mr. Rudaitis are two-fold; 1) whether there is sufficient density available to allow the 13 lots proposed, and 2) whether a development plan can be approved for two separate parcels that are not contiguous to one another. As to the first question, Mr. Matz offered a plat entitled "Devolution of Title", marked as Developer's Exhibit 2. This plat depicts the subject parcels that were once part of a larger tract owned by Mr. & Mrs. Kraft. As shown on that plat, there were a number of out-conveyances from the original tract over the years.

Mr. Matz opined, and Mr. Rudaitis agreed, that the relevant date for determining the density available to property zoned D.R. is September 19, 1970. This is the date that the D.R. zone was established by the passage of County Council Bill No. 100-70. As more particularly shown on Developer's Exhibit 2, there were out-conveyances from the originally configured Kraft property, both before and after September 19, 1970. Determining what lots were conveyed and thereby created is necessary to ascertain the density available and utilized since September 19, 1970. The testimony of Mr. Matz, as described on Developer's Exhibit 2, is persuasive to a finding that there were 28 density units available on September 19, 1970. This calculation is based upon the number of lots of record that were in existence on that date, and the acreage of each lot. It is clear that the proposed subdivision is within the total density associated with the overall tract and is therefore permitted under the B.C.Z.R.

The second issue raised by Mr. Rudaitis relates to the propriety of the development plan, given that same proposes a single development on two separate lots (i.e., Parcels 1 and 2) that do not directly abut one another. The unique history and development of this property is persuasive to a finding that consideration of a single development plan is appropriate. As noted above, Parcels 1 and 2 are under common ownership and were at one time part of the same original tract. Considering the development of these two parcels under a single plan is most appropriate and preferable to the alternative of considering the proposal as two separate developments.

The above discussion addresses the issues raised by County Agency representatives. The citizens who appeared at the hearing raised some general concerns regarding traffic in the area, etc.; however, there were no outstanding issues. Mr. Libercci raised an issue regarding certain of the lots that front the proposed internal road/cul-de-sac. The rear of those dwellings will face Forge Road and a question was presented as to whether those lots are considered "reverse frontage lots." Reverse frontage lots are prohibited in the Honeygo area, pursuant to Section 259.9.C.2 of the B.C.Z.R. The purpose of that regulation is to prevent the rear of houses from being visible to public streets.

In response to this issue, the Developer submitted into evidence Developer's Exhibit 1C, which shows that there will be substantial buffering and a significant distance between the rear of the houses and the road. Additionally, it is to be noted that the storm water management facility will be located between the rear of the houses and the road. This is significant in that the houses on those lots do not have any fee simple frontage on Forge Road. Moreover, the houses will be oriented towards the internal road.

For all of these reasons, I find that the proposed houses are not reverse frontage lots and thus, are in compliance with the Honeygo regulations. Although the rear of those houses will face Forge Road, the storm water management pond separates the houses from the road. In that the lots are separated from the road and substantial buffering/landscaping is proposed, I find that these lots are not "reverse frontage lots" and are therefore allowed.

Although a portion of the Petition for Variance was rendered moot by the County's "Notice to Proceed" as discussed above, there is a remaining issue presented by that Petition. Specifically, the Developer seeks approval to permit the conveyance of sewage from the Belair Road sub-area to the Bean Run sub-area. It is to be noted that the B.C.Z.R. divide the Honeygo area into four sub-areas; namely, Belair Road, Bean Run, Honeygo Run, and Bird Run. The subject property is located in the Belair Road sub-area; however, is immediately adjacent to the Bean Run sub-area. The Developer proposes to connect the sewer for the proposed 13 single-family dwellings to a sewer line in the Bean Run sub-area. Special variance relief is requested to

allow the sewer for the proposed subdivision to be conveyed to a different sub-area than the one in which it is located.

Testimony was received from Mr. Bowling on this issue. He indicated that the Department of Public Works supports the variance and that there is sufficient capacity within the Bean Run sewer to accommodate the additional volumes anticipated by the proposed development. More importantly, he indicated that the proposed sewer connection is appropriate from an engineering standpoint. Specifically, the sewer system proposed will be a gravity system. Mr. Bowling indicated that his agency would oppose such a request to route sewage into a different sub-area if a pump was needed. However, since the Bean Run facility has sufficient capacity and a gravity system is practical, he believes the proposal is appropriate.

Testimony in opposition to the request was received from Karin Brown of the Office of Planning and Mr. Libercci, on behalf of the Petty Hall Improvement Association. Both spoke of the issue as a "matter of principle" and that the proposed conveyance of sewer to a different sub-area would be in violation of the wording of the regulations.

It is the cardinal rule of statutory construction to ascertain the intent of the legislature. (See State vs. Fabritz, 276 Md. 416 (1975). Fundamentally, the purpose of the Honeygo regulations is to insure high quality development in this designated growth area. Also, a central theme of the Honeygo standards is to require that infrastructure be in place to accommodate proposed development.

The testimony of Mr. Bowling was persuasive. It is clear that there is sufficient capacity in Bean Run to sewer the project as proposed. Additionally, the proposed system is consistent with engineering standards, which favor a gravity sewer system as opposed to a pump.

With all due respect to the opinions of Ms. Brown and Mr. Libercci, I find their position illogical and inconsistent with the true spirit and intent of the Honeygo regulations. Compliance only for the sake of compliance is, in the judgment of the undersigned, a narrow and shortsighted approach. To require this project to be sewered by infrastructure in the Belair Road sub-area ignores the realities of actual conditions at the site. There is an adjacent sewer that can

accommodate anticipated volumes within the standards of accepted engineering principles. Blind adherence to the strict wording of the regulations is simply not warranted in this case, given the existence of available and sufficient infrastructure. The testimony and evidence offered is persuasive to a finding that a variance should be granted, pursuant to Section 4A02.4.G(F) of the B.C.Z.R.

For the above reasons, the development plan shall be approved and the Petition for Variance granted in part, and dismissed as moot, in part. However, in approving the plan, I shall impose a condition pursuant to the standards set out in Section 26-206(o) of the Baltimore County Code. As shown on the plan, certain road improvements will be required along the subject property's frontage on both Forge Road and Cross Road. Given the separation of Parcels 1 and 2, these improvements will result in an hourglass configuration of those roads. That is, there are no improvements shown along the road frontage adjacent to the intervening lots that separate Parcels 1 and 2.

In this case, uniform road improvements shall be required along the frontage of this property both along Forge Road and Cross Road, from the point of intersection to the furthest point west on Forge Road, and southwest on Cross Road. This will ensure uniform road conditions from the intersection to the "end" of the property to be developed. I hereby find that the imposition of this condition satisfies all of the requirements mandated in Section 26-206(o). The imposition of this condition will improve traffic flow in the immediate area and benefit adjacent properties. Moreover, given the unique nature of this property and plan (i.e., two parcels separated by an intervening tract), the imposition of the condition is warranted. Although road improvements are generally only required to immediately adjacent highways, these "off-site" improvements will be required in this case. Likewise, although deference is ultimately given to the County's Board of Appeals, an appeal of the imposition of this condition should be considered an appeal of all of the issues discussed herein.

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 29th day of May 2003 that the two-page, red-lined development plan for Forge Crossing, identified herein as Developer's Exhibits 1A and 1B, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance/Honeygo Special Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Sections 259.8 and 4A02.4.G, the Threshold Limits – Honeygo Area, established by Section 259.7 of the B.C.Z.R. to permit the conveyance of sewage from the Belair Road sub-area to the Bean Run sub-area, in accordance with Developer's Exhibits 1A and 1B, be and is hereby GRANTED, subject to the following restriction:

1) Uniform road improvements shall be required along Forge Road and Cross Road, from the point of intersection to the furthest point west on Forge Road, and southwest on Cross Road, as more particularly described herein above.

IT IS FURTHER ORDERED that the Petition for Variance/Honeygo Special Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Sections 259.8 and 4A02.4.G, the Threshold Limits – Honeygo Area, established by Section 259.7 of the B.C.Z.R., to permit the issuance of residential building permits for construction of single-family homes; be and is hereby DISMISSED AS MOOT.

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

ORDER RECEIVED FOR FILING
Date 5/29/03
By bjs

LES:bjs

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 30, 2003

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
502 Washington Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR VARIANCE & HONEYGO SPECIAL VARIANCE - **(Henry J. Kraft Property, aka Forge Crossing)**
S/S Forge Road, W of Cross Road
11th Election District – 5th Council District
Estate of Irene Margaret Kraft, Owners; Maryland Landmark, Inc., Developer
Case Nos. XI-913 & 03-437-AHSA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved, and the Petition for Variance/Honeygo Special Variance granted in part, and dismissed as moot, 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: Mr. & Mrs. Joseph F. Kraft, 9728 Cross Road, Perry Hall, Md. 21128
Mr. Paul Amerault, V.P., Maryland Landmark, Inc., P.O. Box 216, Kingsville, Md. 21087
Mr. Richard Matz, Colbert Matz Rosenfelt, 2835 Smith Ave., #G, Baltimore, Md. 21209
Mr. William Libercci, Sr., 19 Shawn Court, Baltimore, Md. 21236
Mr. & Mrs. Leonard Butt, 4506 Forge Road, Perry Hall, Md. 21128
Ms. Lily Butt, 4512 Forge Road, Perry Hall, Md. 21128
Mr. Archie Laxton, 9909 Hidden Valley Road, Perry Hall, Md. 21128
Ms. Debra Berty, 11403 Smiloff Road, White Marsh, Md. 21162
Mr. Ellsworth Buell, 4515 Forge Road, Perry Hall, Md. 21128
Mr. Howard Wille, 9115 Kilbride Road, Perry Hall, Md. 21236
Mr. Walt Smith, Proj.Mgr., DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

Honeygo Special Variance and Petition for Variance

to the Zoning Commissioner of Baltimore County West

for the property located at Forge Road East of Cross

which is presently zoned DR 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)

SEE ATTACHED

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

SEE ATTACHED

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

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

Developer

Contract Purchaser/Lessee:

Maryland Landmark, Inc.
Name - Type or Print

By: Paul Schmidt, VP
Signature

PO Box 216 410-593-9881
Address Telephone No

Kingsville MD 21087
City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire
Name - Type or Print

Howard L. Alderman
Signature

Levin & Gann, PA Nottingham Centre, 8th Floor
Company

502 Washington Avenue 410-321-0600
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

Estate of Irene Margaret Kraft
Name - Type or Print

✓ Irene K. German McCormick
Signature By: Irene K. German McCormick, Personal Representative

Joseph F. Kraft
Name - Type or Print

By: Joseph F. Kraft, Personal Representative
Signature

9728 Cross Road 410-256-5191
Address Telephone No.

Perry Hall MD 21128
City State Zip Code

Representative to be Contacted:

Richard Matz, PE @ Colbert, Matz & Rosenfelt
Name

2835 Smith Avenue, Suite G 410-653-3838
Address Telephone No.

Baltimore MD 21209
City State Zip Code

ORDER RECEIVED FOR FILING
Date 3/21/03
By BR

Case No. 03-437-AHSA

REV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR **Date** 3/21/03

TO BE COMBINED WITH
HEARING OFFICER'S
HEARING
BCC § 26-206.1

Attachment 1
PETITION FOR SPECIAL HONEYGO VARIANCE

CASE NO: 03-437-AHSA

Address: Forge Road, West of Cross Road
Legal Owners: Henry & Irene Kraft
Contract Purchaser: Maryland Landmark, Inc.

REQUESTED RELIEF:

Variances from *Baltimore County Zoning Regulations* (BCZR) pursuant to Sections 259.8 & 4A02.4.[F]G, the Threshold Limits - Honeygo Area established by § 259.7, to permit: i) the issuance of residential building permits for construction of single-family homes as shown on the development plan entitled *Forge Crossing* and any and all amendments thereto approved or proposed; ii) the conveyance of sewage from the Belair Road subarea to the Bean Run subarea for the proposed development; iii) and for such further relief as the nature of this case and development may require.

JUSTIFICATION:

A. Capital Projects relative to Authorizations are not affected by the development; or
B. Commencement of Capital Projects relative to Authorizations is anticipated in the near future; and
C. For such further reasons that will be presented at the hearing on this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

7/24/03 Pgo

#437

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

ZONING DESCRIPTION
FORGE CROSSING

PARCEL 1

Beginning at a point on the south side of Forge Road which is 70 feet wide, at a distance of 36 feet (west of) from the centerline of Cross Road, which is 60 feet wide, thence the following courses and distances:

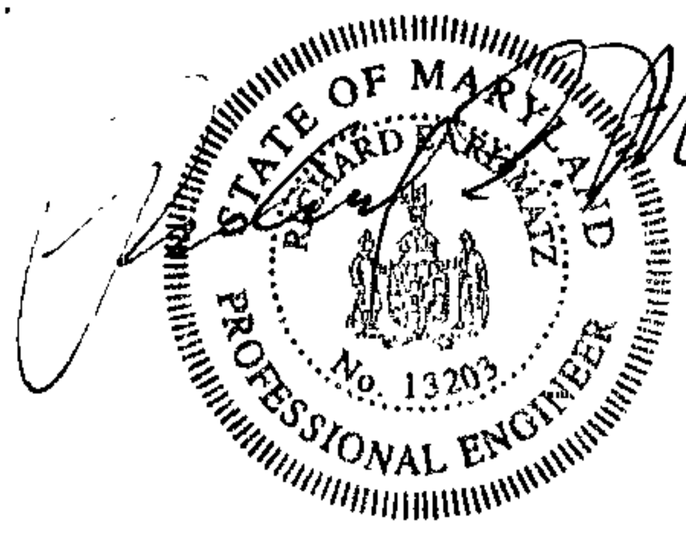
S 42°06'16" W 287.50 feet;
N 47°50'18" W 118.17 feet;
N 08°24'42" E 174.20 feet, thence
S 81°26'41" E 257.75 feet, to the point of beginning.

PARCEL 2

Beginning at point on the south side of Forge Road, which is 70 feet wide, at a distance of 550 feet, more or less, (west of) from the centerline of Cross Road, which is 60 feet wide, thence the following courses and distances:

S 15°29'49" W 177.95 feet;
S 69°23'06" E 165.70 feet;
S 42°09'42" W 216.02 feet;
S 47°50'18" E 202.01 feet;
S 42°06'16" W 79.74 feet;
N 64°23'12" W 606.25 feet;
N 24°25'01" E 407.11 feet, thence
S 81°26'41" E 323.16 feet, to the point of beginning.

Containing 5.50 acres, more or less. As recorded in Deed Liber 5373, folio 879 and located in the 11th Election District.



3/17/03

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

#437

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: #03-437-AHSA
Forge Road west of Cross
S/side Forge Road 36 feet west centerline Cross Road
11th Election District -- 5th Councilmanic District
Legal Owner(s): Estate of Irene Margaret Kraft

Honeygo Special Variance and Variance: to permit the issuance of residential building permits for construction of single-family homes plus any and all amendments that thereto approve or proposed. To permit the conveyance of sewage from the Belair Road sub area to the Bean Run sub area for the proposed development and for such further relief as the nature of this case and development may *require*.

Hearing: Thursday, May 1, 2003 at 9:00 a.m. in Room 106, 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.

JT/4/712 April 15 C598625

CERTIFICATE OF PUBLICATION

4/17/, 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 4/15/,2003.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22350

DATE 3/21/03 ACCOUNT [illegible] 6150

AMOUNT $ 800.00

RECEIVED FROM: Gilbert Mertz [illegible]

FOR: Variance Item, Special Exception

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item # 437

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
3/21/2003	3/21/2003	10:37:51	2

REG W50C WALKIN JEVA JEE
RECEIPT # 260177 3/21/2003 OFLN
Item 5 528 ZONING VERIFICATION
CR NO. 022350
Recpt Tot $800.00
800.00 CK .00 CA
Baltimore County, Maryland

CERTIFICATE OF POSTING

Date: APRIL 14, 2003

RE: Case Number 03-437-ANSA

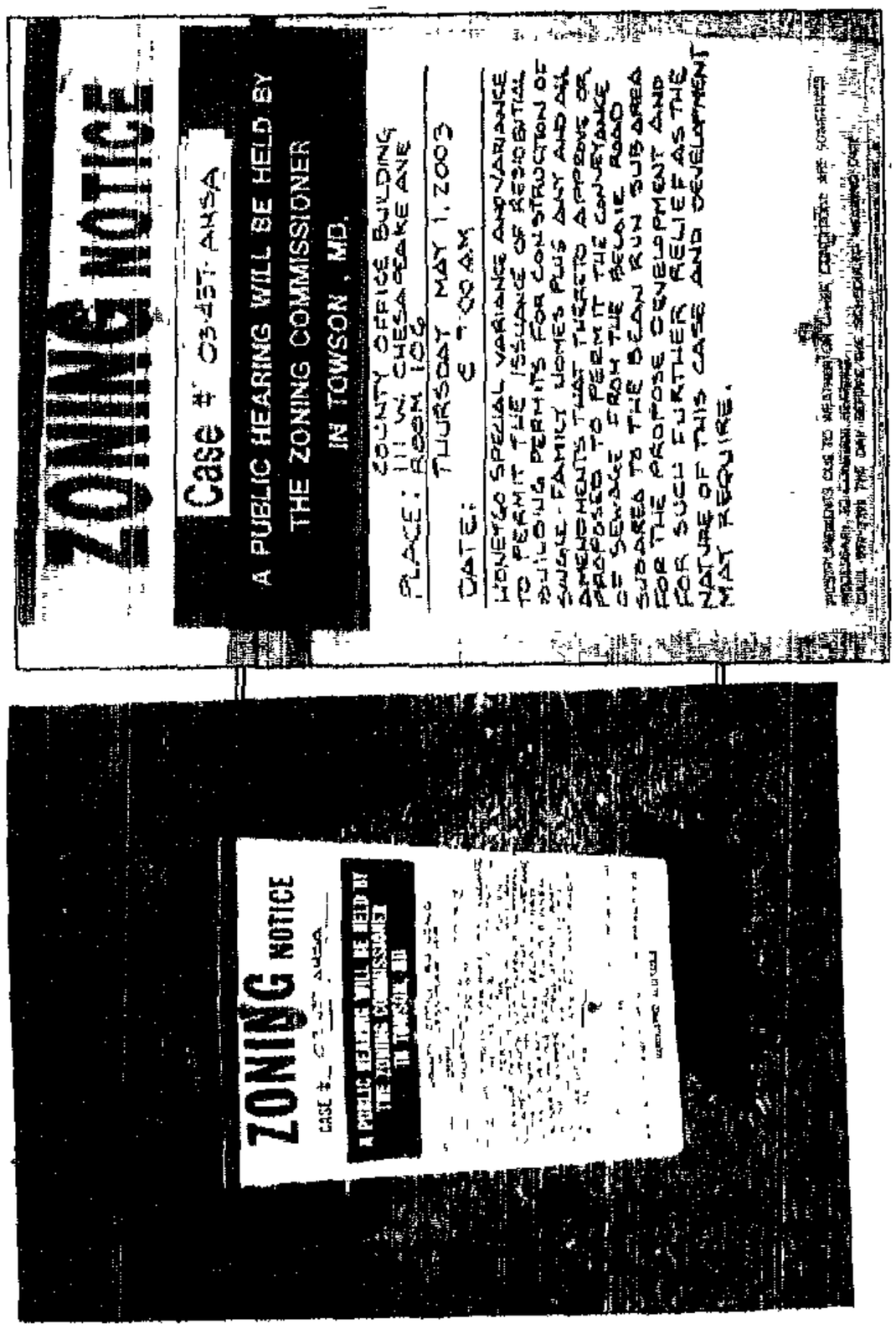
Petitioner/Developer: MARYLAND LANDMARK INC

Date of ~~Hearing~~/Closing: 5/1/03

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at (1) SIGN ON THE SOUTH SIDE OF FORGE ROAD 100'± WEST OF THE INTERSECTION OF CROSS RD.

(1) SIGN ON THE WEST SIDE OF CROSS ROAD, 500'± SOUTH OF FORGE ROAD

The sign(s) were posted on APRIL 14, 2003
(Month, Day, Year)



Charles E. Merritt
(Signature of Sign Poster)

CHARLES MERRITT
(Printed Name of Sign Poster)

9831 MAGUEDT ROAD
(Street Address of Sign Poster)

BALTO MD 21234
(City, State, Zip Code of Sign Poster)

410 665-5562
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

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

April 7, 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: 03-437-AHSA
Forge Road west of Cross
S/side Forge Road 36 feet west centerline Cross Road
11th Election District – 5th Councilmanic District
Legal Owner: Estate of Irene Margaret Kraft
Contract Purchaser: Maryland Landmark, Inc.

Honeygo Special Variance and Variance to permit the issuance of residential building permits for construction of single-family homes plus any and all amendments that thereto approve or proposed. To permit the conveyance of sewage from the Belair Road sub area to the Bean Run sub area for the propose development and for such further relief as the nature of this case and development may require.

Hearings: Thursday, May 1, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon
Director

AJ:rlh

C: Joseph F. Kraft, Personal Representative of the Estate of Irene Margaret Kraft, 9728 Cross Road, Perry Hall 21128
Howard L. Alderman, Jr., Levin & Gann, 502 Washington Avenue, Nottingham Centre, 8th Floor, Towson 21204
Richard Matz, Colbert, Matz & Rosenfelt, 2835 Smith Avenue, Suite G, Baltimore 21209
Maryland Landmark, Inc., Paul Amerault, P.O. Box 216, Kingsville 21087

NOTES. (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 16, 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
Tueday, April 16, 2003 Issue - Jeffersonian

Please forward billing to:
Paul Amerault
P.O. Box 216
Kingsville, MD 21087

410-593-9881

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: 03-437-AHSA
Forge Road west of Cross
S/side Forge Road 36 feet west centerline Cross Road
11th Election District – 5th Councilmanic District
Legal Owner: Estate of Irene Margaret Kraft
Contract Purchaser: Maryland Landmark, Inc.

Honeygo Special Variance and Variance to permit the issuance of residential building permits for construction of single-family homes plus any and all amendments that thereto approve or proposed. To permit the conveyance of sewage from the Belair Road sub area to the Bean Run sub area for the propose development and for such further relief as the nature of this case and development may require.

Hearings: Thursday, May 1, 2003 at 9:00 a.m. in Room 106, 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.

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: 03-437-AHSA

Petitioner: Maryland Landmark Homes

Address or Location: Forge Rd. West of Cross Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Paul Amirault, Maryland Landmark

Address: P.O. Box 216

Kingsville, Md. 21087

Telephone Number: 410-593-9881

Revised 2/20/98 - SCJ

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

April 25, 2003

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 03-437-AHSA, Forge Road west of Cross Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 21, 2003.

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:klm

Enclosures

c: People's Counsel
Estate of Irene Margaret Kraft, Irene German McCormick, Personal Representative,
Joseph F. Kraft, Personal Representative, 9728 Cross Road, Perry Hall 21128
Richard Matz, Colbert Matz Rosenfelt, 2835 Smith Avenue, Ste. G, Baltimore 21209
Maryland Landmark, Dal Amirault, P.O. Box 216, Kingsville 21087

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

SHA
Driven to Excel
State Highway Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.1.03

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

RE: Baltimore County
Item No. 437 BR

Dear. Ms. Hart:

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 K.A. McDonald

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

Baltimore County
Fire Department

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

April 1, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2003

Item No.: 431 - 437, 441 - 444

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 7, 2003

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

RECEIVED
APR 18 2003
ZONING COMMISSIONER

SUBJECT: Forge Road

INFORMATION:

Item Number: 03-437

Petitioner: Estate of Margaret Kraft

Zoning: DR 3.5H

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request to waive the threshold limits entailed in Section 259.7 of the Baltimore County Zoning Regulations or to permit the conveyance of sewage from the Belair Road Subarea to the Bean Run Subarea for the proposed development. The intent of the threshold limits is to pace development so that in coincides with the required infrastructure improvements. The widening of Forge Road is scheduled for fiscal year 2004. No building permits should be issued beyond the allowed 200 authorizations until the commencement of this capital improvement.

Prepared by: _____

Section Chief: _____
AFK/LL:MAC:

W:\DEVREV\ZAC\03-437 doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 21, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For April 7, 2003
Item Nos. 431, 432, 433, 435, 436,
437, 438, 439, 440, 441, 442, 443,
and 444

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

RWB:CEN:jrb

cc: File

ZAC-4-7-2003-NO COMMENT ITEMS-04212003

RE:	PETITION FOR VARIANCE AND HONEYGO SPECIAL VARIANCE	*	BEFORE THE
	Forge Road W of Cross; S/side Forge Rd, 36' W c/line Cross Road	*	ZONING COMMISSIONER
	11th Election & 5th Councilmanic Districts	*	FOR
	Legal Owner(s): Irene K German McCormick And Joseph F Kraft, PR for Estate of Irene Margaret Kraft	*	BALTIMORE COUNTY
	Petitioner(s)	*	03-437-AHSA

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

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 2nd day of April, 2003, a copy of the foregoing Entry of Appearance was mailed to, Richard Matz, PE, Colbert, Matz & Rosenfelt, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, and to Howard Alderman, Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
APR 02 2003
Per bh

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

1" = 200'

N.E. 11-H
N.E. 11-I

N44,000 N44,000

E48,000 E48,000

E957,000

D.R.3.5

D.R.3.5
H

D.R.2
H

RICHLYN DRIVE

N577,000 N577,000

FORGE ROAD

P.O.B.

P.O.B.

N43,000 N43,000

PARCEL 1

PARCEL 2

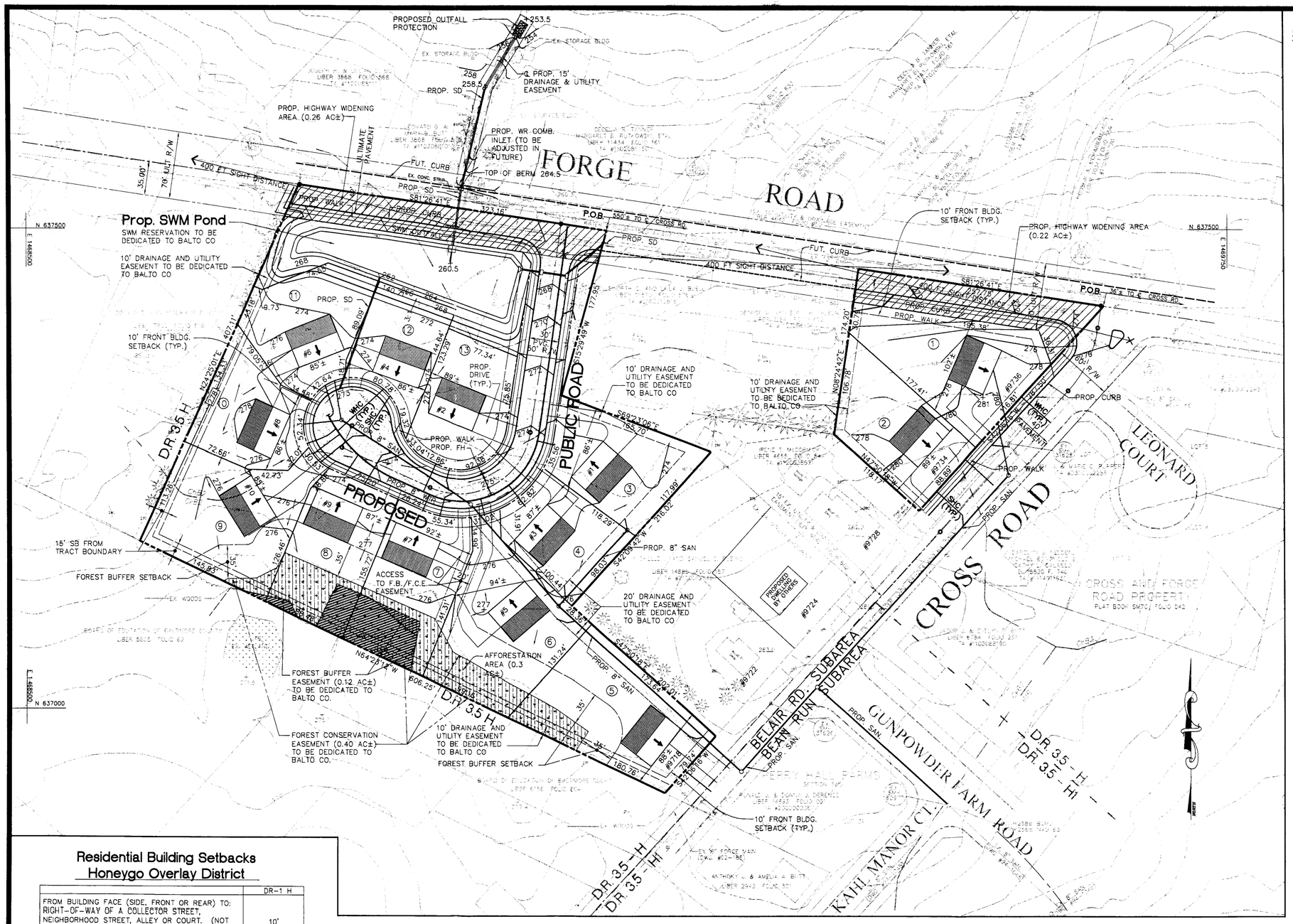
D.R.3.5
H

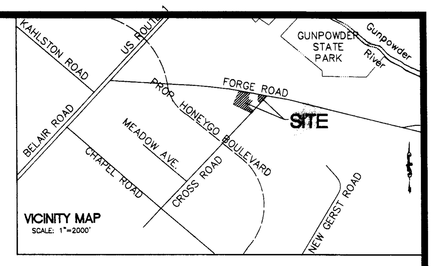
CROSS ROAD

D.R.3.5
H1

N42,000 N42,000

#437





Site Data/General Notes

1. OWNER:
HENRY J. KRAFT, SR.
IRENE KRAFT
9728 CROSS RD.
PERRY HALL MD 21128-9582

DEVELOPER:

PAUL AMIRAULT
MARYLAND LANDMARK NEW HOMES GROUP
P.O. BOX 216
KINGSVILLE, MD. 21087
410-593-9881

2. TAX ACCOUNT NO: 1102086350
TAX MAP NO. 63, PARCEL 236
DEED REFERENCE: 5373/879

NET AREA: PARCEL 1 0.91 ACRES
PARCEL 2 4.59 ACRES
TOTAL 5.50 ACRES

GROSS AREA: PARCEL 1 1.08 ACRES
PARCEL 2 4.86 ACRES
TOTAL 5.94 ACRES

3. ZONED: D.R. 3.5 H
ZONING MAP NE-11-I AND NE-11-H
LOTS ALLOWED: 21
LOTS PROPOSED: 13
EX. USE: VACANT
PROP. USE: SINGLE-FAMILY RESIDENTIAL
PARKING REQUIRED @ 2 PER UNIT = 26
PARKING PROPOSED: 26 SPACES
ADT'S 13 X 10 PER UNIT/DAY: 130

4. CENSUS TRACT: 4113.04
WATERSHED: 3
SUBSEWERSHED: 21
ELECTION DISTRICT: 11
COUNCILMANIC DISTRICT: 5

5. EXISTING TOPOGRAPHY SHOWN HEREON IS FIELD RUN BY COLBERT MATZ ROSENFELT, INC. DATED JUNE, 2002 AND FROM BALTIMORE COUNTY GIS TILE 1063c3

6. THERE ARE NO BUILDINGS, PROPERTIES OR SITES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY OF HISTORIC PROPERTIES, THE BALTIMORE COUNTY PRELIMINARY OR FINAL LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHAEOLOGICAL SURVEY, OR IDENTIFICATION OF ANY BALTIMORE HISTORIC DISTRICT, OR NATIONAL REGISTER DISTRICT COVERING THE PROPOSED DEVELOPMENT.

7. THERE ARE NO HAZARDOUS MATERIALS ON THIS PROPERTY.

8. THIS SITE IS NOT WITHIN THE 100-YEAR FLOODPLAIN.

9. THIS SITE LIES WITHIN THE BELAIR ROAD SUBAREA OF THE HONEYGO AREA.

10. THERE ARE NO KNOWN WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS OF ANY KIND ON THIS SITE.

11. I, PAUL AMIRAULT, HEREBY 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:

Paul Amirault/REM — MARCH 18, 2003
SIGNATURE — DATE

12. THIS PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.

13. THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.

14. FOREST CONSERVATION/FOREST BUFFER EASEMENT NON-DISTURBANCE NOTE:

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION AND FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

THE DEVELOPER IS RESPONSIBLE FOR ENSURING THAT BALTIMORE COUNTY IS GRANTED ADEQUATE ACCESS TO ALL FOREST BUFFER, FOREST CONSERVATION AND FLOODPLAIN EASEMENT AREAS.

15. DENSITY CALCULATION: THE DENSITY TO SUPPORT THIS DEVELOPMENT IS PER THE DENSITY PLAT AND CHART SHOWN ON SHEET 2.

16. THERE HAVE BEEN NO ZONING HEARINGS FOR THIS SITE.

17. OPEN SPACE REQUIRED:
ACTIVE: 8,450 S.F.
PASSIVE: 4,550 S.F.
TOTAL: 13,000 S.F.
OPEN SPACE PROVIDED:
WAIVER REQUESTED AND FEE IN LIEU TO BE PAID.

18 TOTAL DISTURBED AREA: 203,350 SQ. FT. (4.67 AC. ±)

19. NO SIGNS ARE PROPOSED FOR THIS SITE.

20. STORMWATER MANAGEMENT WILL BE PROVIDED VIA MICROPOOL-EXTENDED DETENTION POND. REVISED SWM CALCULATIONS WERE SUBMITTED TO BALTO. CO. ON 12/06/02.

21. ALL FENCING SHALL BE IN CONFORMANCE WITH THE HONEYGO OVERLAY DISTRICT DESIGN GUIDELINES, AND ANY FENCE MORE THAN THREE (3) FEET HIGH SHALL ALSO BE SETBACK AT LEAST FIVE (5) FEET FROM ANY PUBLIC RIGHT OF WAY OTHER THAN AN ALLEY. LANDSCAPING SHALL BE PROVIDED ON THE STREET SIDE OF A FENCE.

22. HIGHWAY WIDENING AREA TO BE DEDICATED AT NO COST TO BALTIMORE COUNTY.

23. THERE ARE NO AREAS OF CRITICAL STATE CONCERN ON THIS SITE.

24. PROPOSED SIGHT LINES ARE SHOWN ON THE PLAN AND WILL BE CLEARED AND GRADED AND KEPT PERMANENTLY CLEAR TO ENSURE UNOBSTRUCTED SIGHT AT ALL TIMES.

25. PROPOSED LIGHTING WILL BE AS SHOWN ON ROAD DRAWINGS.

26. SIDEWALKS SHALL BE PROVIDED ON ALL PUBLIC ROADS.

27. BUILDING FOOTPRINTS SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY AND MAY NOT REPRESENT THE ACTUAL FOUNDATION PLAN.

28. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 259.9, 301 AND 400 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS). ACCESSORY STRUCTURES ARE LIMITED BY SECTION 259.9.A.3, OPEN PROJECTIONS; BY SECTION 259.9.B.4.c AND e.(1), (2) AND 303.1, AND FENCES BY SECTION 259.3.C.6. IN FRONT YARDS. PER SECTION 259.9.G, THE HONEYGO REGULATIONS CONTROL WHERE THERE IS CONFLICT WITH OTHER BALTIMORE COUNTY REGULATIONS. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOODPLAIN AREAS OR HYDRIC SOILS.

29. MAXIMUM BUILDING HEIGHT ALLOWED IS 50 FEET. TWO-STORY HOMES ARE GENERALLY PROPOSED.

30. ACCORDING TO THE MASS TRANSIT ADMINISTRATION (MTA), THE NEAREST MTA SERVICE TO THIS SITE IS AT THE INTERSECTION OF BELAIR ROAD (US ROUTE 1) AND FORGE ROAD (BUS LINE #15).

Site Data/General Notes (cont'd.)

31. THE "RECOMMENDED AREAS OF CRITICAL STATE CONCERN" MAP, INCLUDED ON THIS SHEET, INDICATES THE GENERAL PERRY HALL/WHITE MARSH AREA AS A "GROUND WATER PROBLEM AREA". NO GROUND WATER EXTRACTION IS PROPOSED FOR THIS DEVELOPMENT.

32. THE CIM WAS HELD ON SEPTEMBER 25, 2002. THE MINUTES, WHICH IDENTIFY ALL COMMENTS, CAN BE FOUND IN PDM FILE NO. XI-913, ON FILE IN ROOM 123 OF THE BALTIMORE COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVENUE, TOWSON, MD 21204.

33. THERE ARE NO KNOWN LIMITATIONS ESTABLISHED BY THE COURTS, COUNTY BOARD OF APPEALS, PLANNING BOARD OR ZONING COMMISSIONER OR RESTRICTIVE COVENANTS RECORDED WITH INDIVIDUALS OR GROUPS WHICH WOULD LIMIT PROPOSED DEVELOPMENT ON SITE.

34. A HYDROGEOLOGICAL REPORT AND AN ENVIRONMENTAL EFFECTS REPORT HAS BEEN FILED CONCURRENTLY WITH THIS DEVELOPMENT PLAN.

35. A PRELIMINARY FOREST CONSERVATION PLAN AND WORKSHEET HAS BEEN FILED INDEPENDENTLY OF THIS PLAN IN ACCORDANCE WITH SECTION 14-408.

36. RESIDENTIAL TRANSITION AREAS DO NOT APPLY TO RESIDENTIAL USES IN THE H AND HI OVERLAY DISTRICTS PER SECTION 259.9.B.1 E (BCZR).

37. ALL PROPOSED ROADS ARE PUBLIC. ALL ROADS AND EASEMENTS INDICATED FOR DEDICATION TO BALTIMORE COUNTY WILL BE OFFERED FOR DEDICATION AT NO COST TO THE COUNTY. THE PROPOSED ROADS ARE NEITHER ARTERIAL NOR COLLECTOR ROADS.

38. THE HONEYGO OVERLAY DESIGN GUIDELINES WERE ADOPTED BY THE COUNTY COUNCIL ON 3-17-97.

39. ALL DWELLINGS WILL MEET THE STANDARDS SET FORTH IN SECTION 259.9.A-G OF BCZR AND THE HONEYGO OVERLAY DISTRICT GUIDELINES. (SEE "EXCERPTS", SHEET 2.)

40. A FOREST CONSERVATION WORKSHEET AND REVISED PRELIMINARY FOREST CONSERVATION PLAN HAS BEEN SUBMITTED FOR BY DEPRM ON 9-04-02.

41. REFUSE COLLECTION AND MAIL DELIVERY WILL BE BY BALTIMORE COUNTY AT CURBSIDE (FRONT).

42. THERE ARE NO RESIDENTIAL TRANSITION AREAS.

43. PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND NFPA 101 LIFE SAFETY CODE, 1991 EDITION AND B.O.C.A. CODE, 1990 EDITION.

44. A LANDSCAPE PLAN MUST BE APPROVED BY BALTIMORE COUNTY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

45. GRADING SHOWN IS SCHEMATIC ONLY.

46. A COMBINED HOH/ZONING HEARING IS BEING REQUESTED.

47. REQUESTED RELIEF:
VARIANCE FROM BALTIMORE COUNTY ZONING REGULATIONS (BCZR) PURSUANT TO SECTIONS 259.8 & 4A02.4.[F]G, THE THRESHOLD LIMITS--HONEYGO AREA ESTABLISHED BY SEC. 259.7, TO PERMIT:I) THE ISSUANCE OF RESIDENTIAL BUILDING PERMITS FOR CONSTRUCTION OF SINGLE-FAMILY HOMES AS SHOWN ON THE DEVELOPMENT PLAN ENTITLED FORGE CROSSING AND ANY AND ALL AMENDMENTS THERETO APPROVED OR PROPOSED; II) THE CONVEYANCE OF SEWAGE FROM THE BELAIR ROAD SUBAREA TO THE BEAN RUN SUBAREA FOR THE PROPOSED DEVELOPMENT; III) AND FOR SUCH FURTHER RELIEF AS THE NATURE OF THIS CASE AND DEVELOPMENT MAY REQUIRE.

Residential Building Setbacks
Honeygo Overlay District

	DR-1 H
FROM BUILDING FACE (SIDE, FRONT OR REAR) TO: RIGHT-OF-WAY OF A COLLECTOR STREET, NEIGHBORHOOD STREET, ALLEY OR COURT. (NOT APPLIED TO PORCHES OR STOOPS IN FRONT YARD)	10'
FROM BUILDING FACE (SIDE, FRONT OR REAR) TO: RIGHT-OF-WAY OF A MAJOR OR MINOR ARTERIAL OR COLLECTOR ROAD. (NOT APPLIED TO PORCHES OR STOOPS IN FRONT YARD)	40'
FROM BUILDING FACE (SIDE, FRONT OR REAR) TO: REAR PROPERTY LINE (NOT A STREET LINE) (EXCEPT FOR UNROOFED ADDITIONS INCLUDING PATIOS AND DECKS AND ROOFED ADDITIONS WHICH DO NOT EXCEED IN WIDTH 50% OF THE DWELLING UNIT AND WHICH DO NOT EXTEND MORE THAN 10 FEET INTO THE REAR YARD SETBACK AREA)	50' (37.5' FOR UNROOFED ADDITIONS) (40' FOR ROOFED ADDITIONS)
FROM BUILDING FACE (SIDE, FRONT OR REAR) TO: THE SIDE YARD LOT LINE THAT IS NOT ADJACENT TO OR THE SAME AS A PUBLIC RIGHT OF WAY IF THE DWELLING UNIT IS DESIGNED TO HAVE A SIDE OR REAR ENTRY GARAGE.	6' (SUM OF ALL SIDE YARDS WIDTHS MAY NOT BE LESS THAN 20')
FRONT ENTRY GARAGE SHALL BE: RECESSED BEHIND THE FRONT FACADE OF THE DWELLING (A TWO CAR GARAGE FACING THE STREET SHALL HAVE TWO INDIVIDUAL DOORS SEPARATED BY A DIVIDER. THE FRONT FACADE OF ALL GARAGES, INCLUDING THE DIVIDER AND NOT INCLUDING THE GARAGE DOORS, SHALL BE CONSTRUCTED OF THE SAME MATERIALS AS THE FRONT FACADE OF THE BUILDING)	8' MIN.
FROM SIDE BUILDING FACE TO: SIDE BUILDING FACE	30' SEPARATION
FROM SIDE BUILDING FACE TO: PAVING OF A PRIVATE ROAD	30'
FROM SIDE BUILDING FACE TO: TRACT BOUNDARY	25'
MINIMUM WIDTH FOR ANY SINGLE FAMILY DETACHED LOT AS MEASURED ALONG BOTH THE FRONT WALL AND REAR WALL OF THE DWELLING UNIT	85'

This table lists minimum setback requirements for urban residential use in the Honeygo Overlay District. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policy (CMDP) and Section 259.9.B and 259.9.C of the Baltimore County Zoning Regulations (BCZR).

School Information

School District: Gunpowder/Perry Hall/Perry Hall

	State Rated Capacity (SRC)	Enrollment Sept. 30th	Enrollment Total Projected	Projected # pupils for this project	Capacity Above	Capacity Below	Projected # pupils as a % of SRC
Elementary:	579	482	487	5	--	92	84%
Middle:	1676	1504	1506	2	--	170	90%
High School:	2110	2,281	2284	3	174	--	108%

THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF P.D.M. BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OF PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN HEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.

Soils Limitations

SYMBOL	TYPE	HSG	HOMESITES W/BASEMENTS	HOMESITES W/O BASEMENTS	STREETS AND PARKING LOTS
BtB	BELTSVILLE SILT LOAM	C	MODERATE	SLIGHT	MODERATE
ChB2	CHILLUM SILT LOAM	B	SLIGHT	SLIGHT	MODERATE
ChC2	CHILLUM SILT LOAM	B	SLIGHT	SLIGHT	SEVERE
CkC2	CHILLUM-NESHAMINY SILT LOAM	B	SLIGHT	SLIGHT	SEVERE

Key

- PROP SPOT ELEV.
- PROPOSED CONTOUR
- EXISTING CONTOUR
- PROPOSED PAVING
- DIRECTION OF PROP. SURFACE DRAINAGE
- PROPOSED HIGHWAY WIDENING
- PROPOSED 2 STORY SINGLE FAMILY DWELLING
- FOREST BUFFER EASEMENT
- FOREST CONSERVATION EASEMENT
- AFFORESTATION AREA

THIS SITE IS IN THE HONEYGO OVERLAY DISTRICT H AND IS WITHIN THE BELAIR ROAD SUBAREA AND IS SUBJECT TO THE APPLICABLE HONEYGO AREA REGULATIONS, AS WELL AS OTHER BALTIMORE COUNTY ZONING REGULATIONS.

PDM NO. XI-913
DEVELOPMENT PLAN AND PLAN TO ACCOMPANY SPECIAL HONEYGO VARIANCE PETITION

FORGE CROSSING

ELECTION DISTRICT:11 COUNCIL DISTRICT:5
BALTIMORE COUNTY, MD.

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

This plan was prepared in compliance with the Development Regulations of Baltimore County

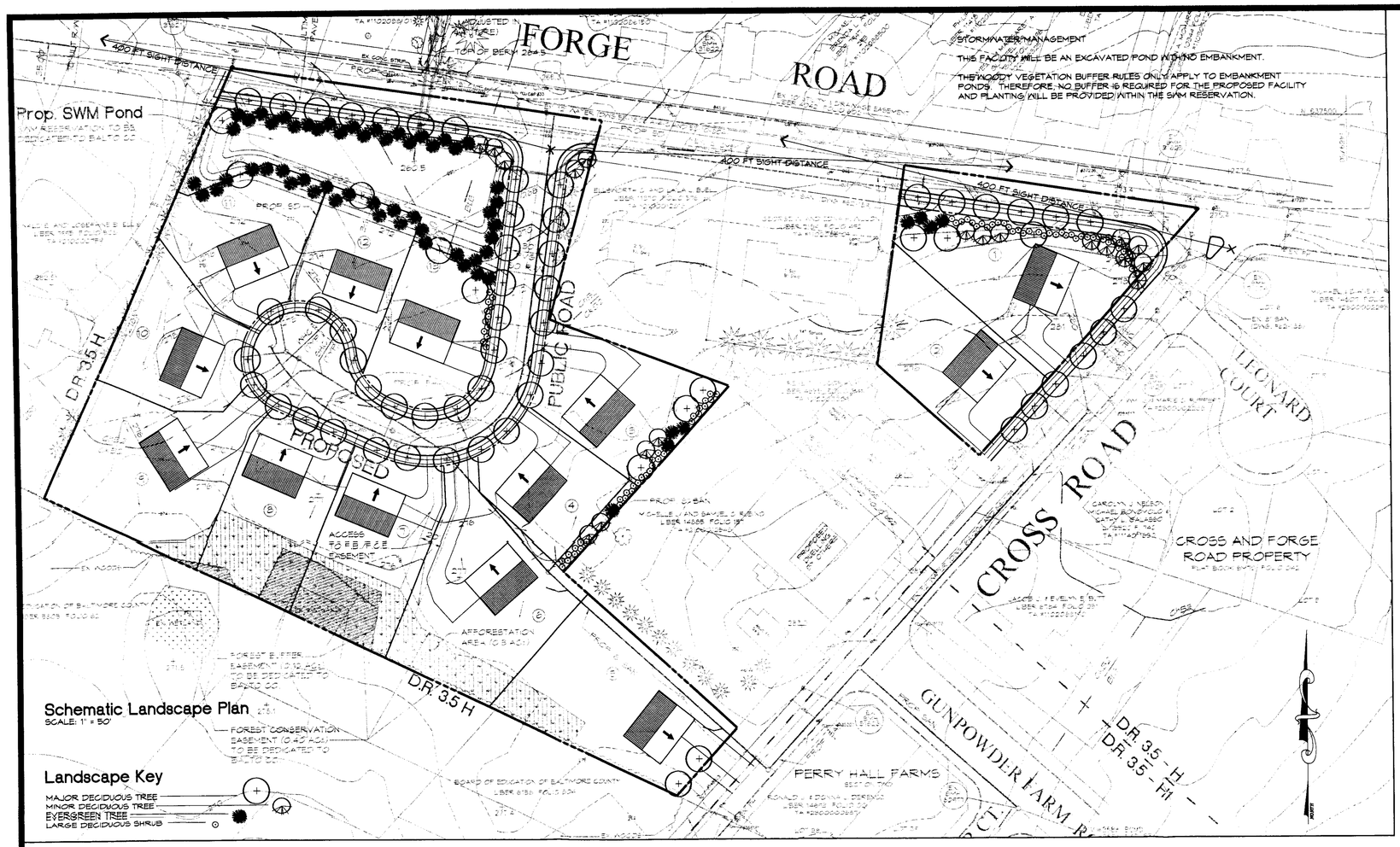
Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY

SCALE: 1"= 50'
DATE: 3/18/03
JOB NO.: 2001172
DESIGNED: TNW/EVT
DRAWN: TNW/EVT
CHECKED: JMF
FILE: 2001172 Dev Plan.dwg
DRAWING NUMBER: Z-1
SHEET 1 OF 2

EVT 3/18/03

#437



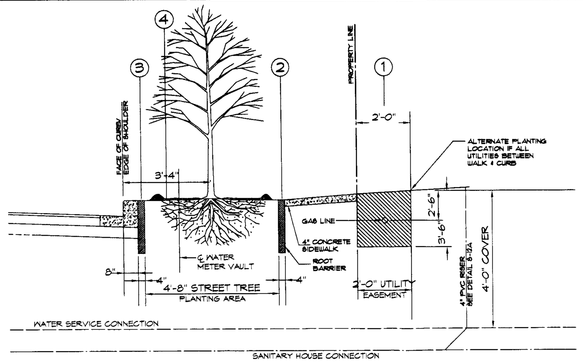
Schematic Landscape Plan

SCALE: 1" = 50'

FOREST CONSERVATION EASEMENT (0.40 AC±) TO BE FORECASTED TO BALTO CO

Landscape Key

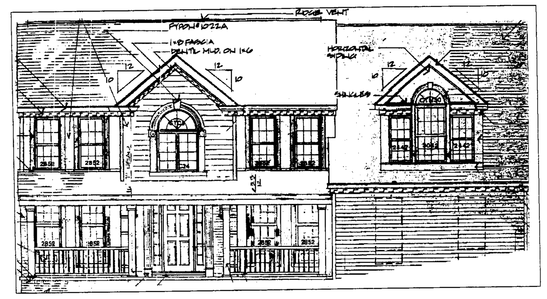
MAJOR DECIDUOUS TREE
MINOR DECIDUOUS TREE
EVERGREEN TREE
LARGE DECIDUOUS SHRUB



1. JOINT TRENCH FOR INSTALLATION OF GAS, ELECTRIC, COMMUNICATION AND CATV IN BGE EASEMENT/SANITARY HOUSE CONNECTION
2. ALTERNATE LOCATION FOR COMMUNICATION AND/OR CATV
3. RESERVED FOR STREET LIGHT POWER AND/OR SIGNALIZATION CABLES APPURTENANT TO HIGHWAY USE
4. FIRE HYDRANTS AND TRAFFIC SIGNS

Sidewalk/Street Tree Locations

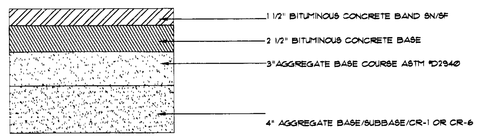
N.T.S



Typical Front Elevation

N.T.S

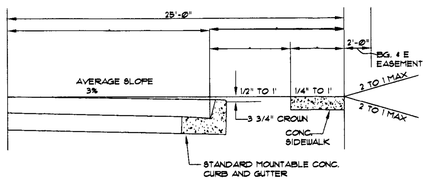
(MUST COMPLY WITH SECTION 259.9.C.4. AND C.5. APPROVED MATERIALS ARE DEFINED AS BRICK AND STONE.)



THE ABOVE TYPICAL SECTION IS FOR REFERENCE ONLY. THE ULTIMATE PAVING SECTION IS TO BE DETERMINED BY THE ON-SITE GEOTECHNICAL ENGINEER BASED ON HIS EVALUATION OF THE SOIL CHARACTERISTICS.

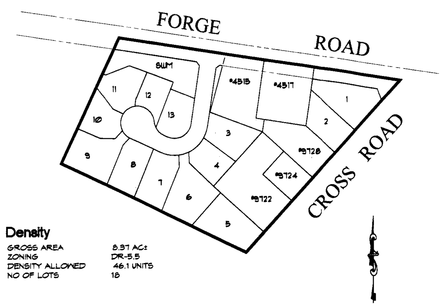
Typical Paving Section

N.T.S



Typical Paving Section 30/50

N.T.S



Density

GROSS AREA	8.37 AC±
ZONING	DR-5.5
DENSITY ALLOWED	46.1 UNITS
NO OF LOTS	18

Density Plat

SCALE: 1" = 200'

Excerpts from Honeygo Development Standards:

259.9 Development standards for H and HI Overlay Districts, Bill No. 176-1984. These standards are intended to be additions to, modifications of and exceptions from the standards required by the underlying zoning classification on the land in the area. All conflicts are to be resolved in accordance with Subsection G of this section.

A. Uses - Bill No. 73-1999

1. Back-to-back group homes are not permitted.

2. Retail establishments exceeding 65,000 square feet are not permitted.

3. Accessory structures, including but not limited to solar panels, antennas, satellite dishes, trash pads and storage sheds are not permitted in the front yard of any principal use.

B. Bulk and area standards. - Bills Nos. 40-1991 & 73-1999

1. Except for nonresidential principal buildings or uses, and their accessory parking, the requirements of Section 1B01.1.B.1. (residential transition area) of these regulations do not apply.

2. Institutional uses are subject to the bulk and area requirements of the underlying zone.

3. Except for properties with approved development plans or CRG plans, the minimum width for any single-family detached lot is 65 feet as measured along both the front wall and rear wall of the dwelling unit.

4. Except as provided in this section, the provisions of Section 1B01.2.C apply to development in the overlay districts. In the district, the minimum residential dwelling setbacks are:

a. Ten feet from the right-of-way of a collector street, neighborhood street, alley or court as defined in the Honeygo Overlay District design guidelines;

b. Forty feet from the right-of-way of a major or minor arterial or collector road;

c. Not applied to porches or stoops in front yards; and

d. Six feet from a side yard lot line that is not adjacent or the same as public right-of-way if the dwelling unit is designed to have a side or rear entry garage. However, the sum of all side yard widths may not be less than 20 feet.

e. Except for properties with approved development plans or CRG plans, 50 feet from the rear property line except for:

(1) Unroofed additions, including patios and decks; and
(2) Roofed additions which do not exceed fifty percent of the dwelling unit, and which do not extend more than 10 feet into the rear yard setback area.

f. In a DR-2-H Zone, the sum of all side yard setbacks may not be less than 30 feet between dwellings.

5. Commercial developments shall have:

a. The front side, visible from the street upon which the building fronts, at least 25 feet high;

b. A setback of no more than 15 feet from any building to the right-of-way upon which that building fronts; and

c. A fifteen-foot-wide landscaped buffer between any parking facilities and any public right-of-way, except that, along Honeygo Boulevard, a setback of 40 feet from any parking facility to the right of way is required.

C. Building and site design standards:

1. Panhandle lots are not permitted unless:

a. The underlying zoning of the land is D.R.1;
b. No more than two (2) lots share a driveway; and
c. Lots exceed 30,000 square feet in area.

2. Reverse frontage lots are not permitted.

3. Bill No. 73-1999:

a. Except for properties with approved development plans or CRG plans, which shall be allowed front entry garages in accordance with the regulations in effect prior to January 14, 1985, a front entry garage shall be recessed at least eight (8) feet behind the front facade of the dwelling. A two-car garage facing the street shall have two individual doors separated by a divider. The front facade of all garages, including the divider and not including the garage doors, shall be constructed of the same approved materials as the front facade of the building.

b. The exterior surface of a side-entry garage, not including the garage doors, which faces the front of the dwelling shall be constructed of the same approved materials as the front facade of the building.

4. The exterior surface on the front facade of all residential dwellings, not including the garage doors, shall consist of at least 10% of approved materials. - Bills Nos. 40-1991/73-1999.

5. Building exteriors shall be of finished quality and similar architectural treatment, as defined in the Honeygo District Design Guidelines, to grade or, where that is not feasible, shall be finished to within 12 inches of grade on all sides of the building.

6. All fencing shall be in conformance with the Honeygo Overlay District Design Guidelines, and any fence more than three (3) feet high shall also be setback at least five (5) feet from any public right of way other than an alley.

7. Roofs shall be pitched in accordance with the Honeygo Overlay District Design Guidelines.

8. Stormwater management pond slopes, where management is not provided through a regional facility, shall not exceed a ratio of 3:1.

9. Rooftop equipment shall be screened so it is not visible from the ground level of adjacent buildings.

10. All inside group townhouses shall be at least 20 feet wide and all end of group townhouses shall be at least 32 feet wide. - Bill No. 40-1991

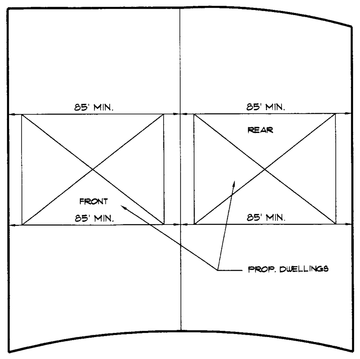
G. Application.

1. The provisions of this section shall govern in any situation where there is a conflict between this section and other regulations.

2. Where the provisions of this section are silent, the provisions of these regulations governing the underlying zone shall apply.

3. In addition to the requirements of this section, residential and commercial development in the area shall be subject to the Honeygo Overlay District's Design Guidelines. Bill No. 40-1991

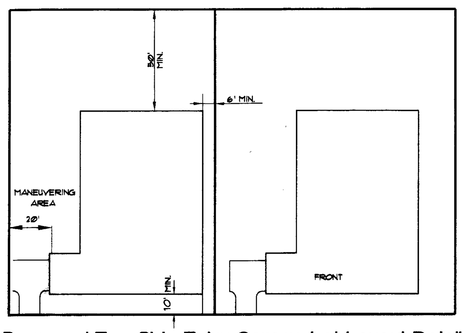
4. Notwithstanding the provisions of Section 26-216 of the Baltimore County Code 1988 Edition, as revised, the provisions of this section do not apply to any property with an unexpired CRG plan that was approved prior to May 18, 1992.



Typical Building Envelope Per Section 259.9.b.3

N.T.S

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



Proposed Typ. Side Entry Garage Lot Layout Detail

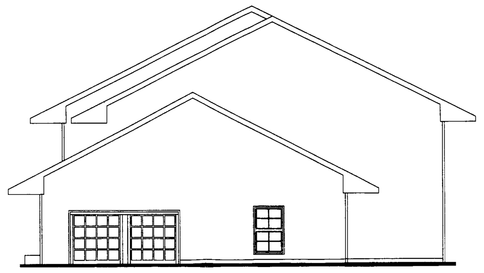
N.T.S

Landscape Information

LANDSCAPE REQUIREMENTS AS SPECIFIED IN THE BALTIMORE COUNTY LANDSCAPE MANUAL, ADOPTED OCTOBER 1, 1990. NOTE: SCHEMATIC LANDSCAPE PLAN SHOWN IS PRELIMINARY IN NATURE AND IS TO SHOW COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL. THE SCHEMATIC LANDSCAPE PLAN IS SUBJECT TO A FINAL LANDSCAPE PLAN.

1 PLANTING UNIT (P.U.) = 1 MAJOR DECIDUOUS TREE OR
2 MINOR DECIDUOUS TREES OR
3 EVERGREEN TREES OR
5 SHRUBS OR
500 S.F. OF GROUND COVER OR
20 ORNAMENTAL GRASSES

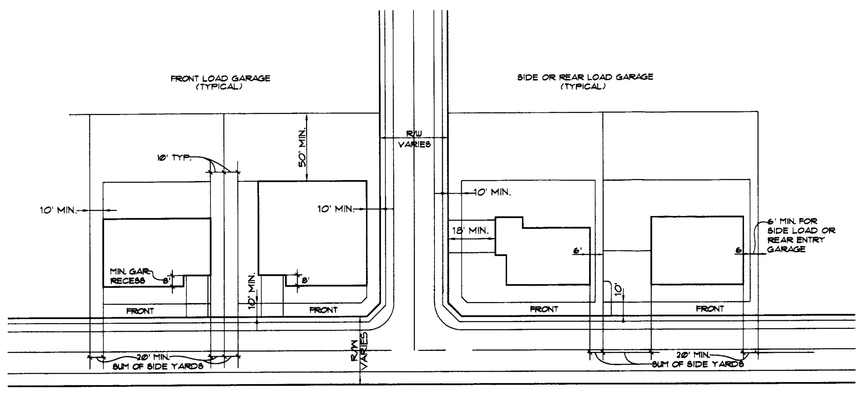
		REQUIRED:	PROPOSED:
ADJACENT ROAD:	1 P.U./40 L.F. MIN 75% MAJOR DECIDUOUS	948 LF/40= 23.7 P.U.	22.5 P.U.
INTERIOR ROAD:	1 P.U./20 L.F. MIN. 75% MAJOR DECIDUOUS	456 LF/20= 22.8 P.U.	33 P.U.
SWM FACILITY CUT PERIMETER	1 P.U./15 L.F.	280 LF/15= 18.7	29.5 P.U.
FILL PERIMETER	1 P.U./15 L.F.	330 LF/15= 22	
		TOTAL FOR SWM = 40.7	
RESID. REAR/SIDE YARD ADJ. TO STREET	1 P.U./15 L.F.	285 LF/15= 19 P.U.	22.5 P.U.
RESID. REAR YARD ADJACENT TO ADJ. REAR YARD	1 P.U./15 L.F.	215 LF/15= 14.3 P.U.	13.6 P.U.
TOTAL:		120.6 P.U.	121.1 P.U.



Typical Side Elevation W/Side Load Garage

N.T.S

(MUST COMPLY WITH SECTION 259.9.C.3..a & b.)
(DIVIDER REQUIRED WHEN DOORS FACE THE STREET)



Typical Lot Layout

N.T.S

PDM NO. XI-913

Development Plan AND Plan
To Accompany Special Honeygo Variance Petition

FORGE CROSSING

ELECTION DISTRICT:11 COUNCIL DISTRICT:5
BALTIMORE COUNTY, MD.

GRAPHIC SCALE
0 50 100 200
(IN FEET)
1 inch = 50ft.

STATE OF MARYLAND — JAMES F. MATZ — No. 13203 — PROFESSIONAL ENGINEER
3/6/03

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY

SCALE: 1"= 50'
DATE: 3/05/03
JOB NO.: 2001172
DESIGNED: TNW
DRAWN: TNW
CHECKED: JMF
FILE: 2001172 Dev Plan2.dwg
DRAWING NUMBER: DEV-2
SHEET 2 OF 2

TNW 3/05/03