IN RE: DEVELOPMENT PLAN HEARING & PETITIONS FOR SPECIAL HEARING AND VARIANCE W/S Vincent Farm Lane E/S Vincent Road 15th Election District 5th Councilmanic District **(GAMBRILL PROPERTY)** Paul Amirault *Petitioner/Developer*	* * * * * * * *	BEFORE THE HEARING OFFICER OF BALTIMORE COUNTY Case Nos. XV-787 & 04-003-SPHA

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

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for Baltimore County as a requested approval of a Development Plan and Petitions for Special Hearing and Variance prepared by D.S. Thaler & Associates (civil engineers and landscape architects) proposing the development of the subject property with 15 single-family dwellings. The property, which is the subject of this request, comprises 31.72 acres and is zoned R.C.5. The subject property is located on the west side of Vincent Farm Lane and the east side of Vincent Road.

In addition to seeking approval of the Development Plan, the Petitioner is also requesting special hearing relief from Section 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Comprehensive Manual of Development Policies (C.M.D.P.), Part II, Section II, A, pp. 7-8, to approve panhandle lots for 2, 6, 7 and 13. The Petitioner had also requested variance relief as follows: (1) from Section 1A04.3.B.2 of the B.C.Z.R., to allow a principal building to be located 15 ft. from any lot line other than a street line in lieu of the required 50 ft. for Lots 1-8, 11-12 and 14-15; (2) from Section 1A04.3.B.2 of the B.C.Z.R., to allow a principal building to be located 35 ft. from any lot line other than a street line in lieu of the required 50 ft. for Lot 12; and (3) from Section 1A04.3.B.2 of the B.C.Z.R., to allow a principal building to be located 25 ft. from any lot line other than a street line in lieu of the required 50 ft. for Lot 5. However, at the HOH hearing the Petitioner modified their request for variances (as well as making redline changes to the Development Plan) such that it is now seeking relief: (1) from

Date 9/18/03
By R. Jones

Section 1A04.3.B.2 of the B.C.Z.R., to allow a principal building to be located 15 ft. from any lot line other than a street line in lieu of the required 50 ft. for Lots 1-8, 12 and 15; (2) from Section 1A04.3.B.2 of the B.C.Z.R., to allow a principal building to be located 15 ft. and 25 ft. from any lot line other than a street line in lieu of the required 50 ft. for Lots 11; (3) from Section 1A04.3.B.2 of the B.C.Z.R., to allow a principal building to be located 15 ft. and 25 ft. from any lot line other than a street line in lieu of the required 50 ft. for Lots 5 and 14; and (4) from Section 1A04.3.B.2 of the B.C.Z.R., to allow a principal building to be located 35 ft. from any lot line other than a street line in lieu of the required 50 ft. for Lot 12.

Appearing at the hearing on behalf of the Development Plan approval request and special hearing and variance relief were David S. Thaler and Alan Scoll, representing the engineering and site planning firm who prepared the Development Plan, Paul Amirault, the Petitioner/ Developer, Doug Eshelman, Jim Joyce, Eva Anders, Ray Giudice and Judd Maslack. G. Scott Barhight, Esquire represented the Developer/Petitioner.

Appearing as interested citizens in the matter were several residents of the surrounding community, namely Martin James, Leon Guest, David Walton, Deborah Betley and Robert Kaminski, (speaking for the Windlass Community Improvement Association).

Representatives of the various Baltimore County reviewing agencies also attended the hearing; namely, Jun Fernando (Zoning Review), Colleen Kelly (Land Acquisition), Rahee Famili (Development Plans Review) and Don Rascoe (Development Project Manager), all from the Office of Permits & Development Management; R. Bruce Seeley from the Department of Environmental Protection & Resource Management (DEPRM); Mark Cunningham from the Office of Planning; and Jan Cook from the Department of Recreation & Parks.

As to the history of the project, a Concept Plan Conference was scheduled on August 5, 2002, followed by a Community Input Meeting held on September 11, 2002 at the Glenmar Elementary School. Thereafter, a Development Plan Conference was held on August 13, 2003 and the Hearing Officer's Hearing was scheduled on September 5, 2003.

Date 9/18/03 By JE Jackson

Developer Issues

The Developer presented no issues for resolution and urged approval of the plan without modification.

County Issues

Except as noted, each of the County agency representatives stated that the plan as now defined by the redline Development Plan, Developer's Exhibit 1, meets all County code regulations and rules as far as their agency was concerned. The Developer's request for a waiver of Local Open Space has been granted. Notice to that effect was entered into the record by the representative of the Department of Recreation and Parks. A representative of the Department of Public Works indicated that Public Works recommended approval of the plan, but stated that permission to connect to public water and sewer on which the plan was dependent had been completed by the County but not by the State. The representative indicated that approval by the State was a formality and so the plan could be approved conditionally. See "Note Well " following. This representative also stated that the Department of Public Works was not asking for improvements to Vincent Road and, therefore, did not require a request for waiver as shown on the original plan. The Developer corrected the plan accordingly.

Community Issues

Generally, the citizens supported the plan but raised concerns about the widening of Vincent Road, drainage problems along Vincent Road and Lot 6, and mosquito problems from adjacent wetlands and proposed drainage systems.

Applicable Law

Section 26-206 of the B.C.Z.R. *Development Plan Approval.*

(a) (1) A public quasi-judicial hearing before the hearing officer is required prior to final action on a plan. The hearing may be informal in nature. The hearing officer shall regulate the course of the hearing as he may deem proper, including the scope and nature of the testimony and evidence presented.

(2) The hearing officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed plan, including

9/18/03 J. Johnson

regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Development Plan

Starting with the citizens concerns, the Developer's expert witness, Allen Scoll, Registered Professional Landscape Architect, testified that due to the fact that woodlands come up to the edge of the road, they were not proposing any road improvements along Vincent Road so as to preserve the rural nature of the area as much as possible. The County representative agreed, stating that such improvements would change the rural character of the area in contrast to other developments in the area, all of which opted not to improve the roadways. In regard to citizens concerns of drainage problems along Vincent Road, the Developer's other expert witness, David Thaler, Registered Professional Civil Engineer, stated that the Developer would clean up existing drainage swales along Vincent Road, along this Developer's frontage, making such improvements part of the Developer's grading plan. A note to this effect was added to the redline Development Plan. Regarding the mosquito problem, the Developer's experts indicated that it would be contrary to law to propose to drain the extensive wetlands areas which bisect the developable portions of the property. They gave assurances that the drainage systems they install will not increase the mosquito problem in the area. However tempting it may appear, they could not drain the wetlands which is the likely source of the citizens complaints. Finally, several of the citizens opined that the drainage system proposed would not be effective. The Developer's expert witnesses discussed the recent changes to the State's regulations regarding

drainage requiring that such systems be more environmentally friendly, tailored to the site under consideration, and having a water quality component. They opined that the drainage system proposed meets these new requirements and in fact should be effective while functioning in a more subtle manner.

The Developer's experts went on to say that this development was designed to be a low impact development which would likely become a textbook example of how to handle a complex and challenging site such as presented here.

Finds of Fact and Conclusions of Law

There were no other issues raised at the hearing that warranted that the Development Plan be denied. Based upon the recommendation of the cognizant County agencies, and testimony and evidence presented at the hearing, I will approve the redline development plan shown by Petitioner's Exhibit No. 1. I find that the Development Plan complies with the development regulations and applicable policies, rules and regulations promulgated pursuant to Section 2-416 et seq. of the Code, and that the Development Plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

Special Hearing

The Developer's expert witnesses testified that the panhandle lots were required in order to accomplish a low impact design. The alternative is to propose public roads to serve the developable lots with no road frontage. This would be in their opinion, damaging to the environment, greatly increasing impervious surfaces and storm water runoff. In addition, they testified that such road would be impractical to build with difficult turnarounds and extensive grading. To the contrary, the proposed turnarounds that serve several lots provide access to each lot by emergency vehicles while minimizing environmental impact.

Finds of Fact and Conclusions of Law

I find that, because of site constraints such as the extensive wetlands area bisecting the developable portions of the property, that the panhandle driveways associated with lots 2, 6, 7 and 13 meet the spirit, intent and letter of Code Section 26-266 which specifies that such

Date 9/18/03 By

driveways are permitted where they serve irregularly shaped parcels such as we have here, avoid development in environmentally sensitive areas which would be required for public roads, and where such public roads are neither feasible. I further find that these driveways would not be incompatible with the neighboring communities and dwellings and are required because of the topography of the site and to minimize site disturbance.

Variances

The Petitioner's experts testified that R.C.5 zoning requires 50 foot setbacks from lot lines and were designed for more rural areas where public water and sewer were not available. These public facilities are going to be available shortly to this development and so more dense development is not only feasible but expected. They testified that the Petitioner's request for 15 or 25 foot setbacks instead of 50 feet should be judged based on the extreme difficulty that this site poses, where two thirds of the site comprises wetlands or forest conservation areas. They further opined that the property was unique in that the extensive wetlands on the property greatly constrain the areas which can be developed. The shape of the developable areas (pods) are themselves very irregular, being dictated by the wetlands and forest conservation areas. In addition, the Petitioner's experts point out that, because the site contains 31-acres, the Developer should be able to build 21 homes but is only asking for only 15. Finally, they testified that the spirit and intent of the R.C.5 land was to create one acre lots which this development meets fully.

Findings of Fact and Conclusions of Law

I find there are special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations was requested and, in fact, the Development Plan is designed to develop the property at substantially less density than would otherwise be allowed. Finally, I find that the requested variances can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

Date 9/18/03
By M. Gunster

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 18 day of September, 2003, that the Development Plan submitted into evidence as Developer's Redline Plan, Exhibit No. 1, for the project known as the "Gambrill Property", be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the special hearing to approve panhandle driveways as shown on Developer's Redline Plan, Exhibit No. 1, pursuant to CMDP Part III, Section II, A, pages 7 and 8 , be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the Petitioner's modified request for variances as follows: (1) from Section 1A04.3.B.2 of the B.C.Z.R., to allow a principal building to be located 15 ft. from any lot line other than a street line in lieu of the required 50 ft. for Lots 1-8, 12 and 15; (2) from Section 1A04.3.B.2 of the B.C.Z.R., to allow a principal building to be located 15 ft. and 25 ft. from any lot line other than a street line in lieu of the required 50 ft. for Lots 11; (3) from Section 1A04.3.B.2 of the B.C.Z.R., to allow a principal building to be located 15 ft. and 25 ft. from any lot line other than a street line in lieu of the required 50 ft. for Lots 5 and 14; and (4) from Section 1A04.3.B.2 of the B.C.Z.R., to allow a principal building to be located 35 ft. from any lot line other than a street line in lieu of the required 50 ft. for Lot 12, are hereby GRANTED

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
HEARING OFFICER
FOR BALTIMORE COUNTY

JVM:raj

Date 9/18/03
R. Jackson

NOTE WELL

The Developer proposed, and County agencies have agreed, that this property may be developed using public water and sewer. Testimony indicated that this RC 5 zoned property ordinarily would not be eligible to have public sewer but that the Developer had successfully petitioned the County to change the Master Water and Sewer Plan to allow public sewer connections to the property. However State approval of this amendment to the Master Water and Sewer Plan has not yet been received. The representative of the Department of Public Works testified that State approval was a formality and the plan should be approved conditionally.

Notice is given that the Baltimore Circuit Court in the matter of Oella Mill, Civil Action No. 03- C-03-0016 has ruled that such conditional approval is prohibited. This case is on appeal to the Court of Special Appeals and as such presents no precedent herein.

Finally attention is called to Section 26-206 (o)

" In approving a plan, the hearing officer may impose such conditions, as may be deemed necessary or advisable based upon such factual findings as may be supported by evidence for the protection of surrounding and neighboring properties. Such conditions may only be imposed if:

(1) The condition is based upon a comment which was raised or a condition which was proposed or requested by a party;

(2) Without the condition there will be an adverse impact on the health, safety or welfare of the community;

(3) The condition will alleviate the adverse impact; .....(emphasis supplied)

Under a plain reading of the code, there may be no basis for conditional approval by the Hearing Officer of a plan which does not have final approvals and thus meet all County regulations on the day of the Hearing Officer's Hearing. The Code seems to indicate only conditions for the benefit of the surrounding community may be applied.

There was no evidence in this case that State approval of the amended Master Water and Sewer Plan was an issue or would not be approved. This plan is approved without conditions.

9/18/03
D. Jameson

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

September 17, 2003

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

Re: Hearing Officer's Hearing No. XV-787 & Case No. 04-003-SPHA
Property: W/S Vincent Farm Lane, E/S Vincent Road
15th Election District, 5th Councilmanic District
(Gambrill Property)

Dear Mr. Barhight:

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

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

Very truly yours,

John Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Copies to:

David S. Thaler
Alan Scoll
D.S. Thaler & Associates
7115 Ambassador Road
Baltimore, MD 21244

Printed on Recycled Paper

Paul Amirault
P. O. Box 216
Kingsville, MD 21087

Doug Eshelman
7013 Meandering Stream Way
Fulton, MA 20759

Jim Joyce
9202 Georgia Bell Drive
Perry Hall, MD 21128

Eva Anders
1183 Gateway Drive
Annapolis, MD 21401

Ray Giudice
525 E. Seminary Avenue
Towson, MD 21286

Judd Maslack
603 St. Francis Road
Towson, MD 21286

Martin James
5812 Gambrill Road
White Marsh, MD 21162

Leon Guest
5814 Gambrill Road
White Marsh, MD 21162

David Walton
1501 Vincent Road
White Marsh, MD 21162

Deborah Betley
5804 Gambrill Road
White Marsh, MD 21162

Robert Kaminski
10504 Vincent Road
White Marsh, MD 21162

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at E/S Vincent Road, 600 ' S' Ebenezer Road

which is presently zoned R.C.5

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

Please see attached

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

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

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Gambrill Farms One, L.L.C.
Name - Type or Print

Signature

Douglas F. Eshelman, Member
Name - Type or Print

Signature

7013 Meandering Stream Way
Address — Telephone No.

Fulton, MD 20759
City — State — Zip Code

Attorney For Petitioner:

Jennifer R. Busse
Name - Type or Print

Signature

Whiteford, Taylor & Preston
Company

210 W. Pennsylvania Ave 410-832-2077
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

Representative to be Contacted:

Jennifer R. Busse
Name

210 W. Pennsylvania Ave 410-832-2077
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 7-1-03

Case No. 04-003-SPHA

ORDER RECEIVED 9/18/03 for Appeal

REV 9/15/98

Attachment to Zoning Petition for Special Hearing
For Property: Gambrill Farms I
Zoning Item #

Panhandles

BCZR § 504.2 – Petition for Special Hearing to approve panhandle lots 2, 6-7 and 13 pursuant to BCZR § 504.2 and CMDP, Part III, Section II, A, pp. 7-8.

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at E/S Vincent Road, 600' S'Ebenezer R
which is presently zoned R.C. 5

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

Please see attached

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

to be provided at hearing

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

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

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Gambrill Farms One, L.L.C.
Name - Type or Print

Signature

Douglas F. Eshelman, member
Name - Type or Print

Signature

7013 Meandering Stream Way
Address Telephone No.

Fulton, MD 20759 (410) 832-2077
City State Zip Code

Attorney For Petitioner:

Jennifer R. Busse
Name - Type or Print

Signature

Whiteford, Taylor & Preston
Company

210 W. Pennsylvania Ave 410-832-2077
Address Telephone No.

Towson, MD 21204
City State Zip Code

Representative to be Contacted:

Jennifer R. Busse
Name

210 W. Pennsylvania Ave 410-832-2077
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 7/1/03

Case No. 04-003-SPHA

REV 9/15/98

Attachment to Zoning Petition for Variances
For Property: Gambrill Farms I
Zoning Item #

Setbacks

BCZR § 1A04.3.B.2 – A Variance to allow a principal building to be located 15′ from any lot line other than a street line in lieu of the required 50′ for lots 1-8, 11-12, and 14-15.

BCZR § 1A04.3.B.2 – A Variance to allow a principal building to be located 35′ from any lot line other than a street line in lieu of the required 50′ for lot 12.

BCZR § 1A04.3.B.2 – A Variance to allow a principal building to be located 25′ from any lot line other than a street line in lieu of the required 50′ for lot 5.

May 28, 2003

Gambrills Farm One
Description to Accompany Zoning Petition
(for Zoning purposes only)

Beginning at a point located approximately 620 feet North of the intersection of Keithley Road and Vincent Farm Road, said point having Baltimore County coordinates of N 28,040, W 54,558 and running for the following twenty four courses and distances:

1. North 83°47'29" East 254.85 feet, more or less, to a point; thence,
2. North 06°09'01" West 99.97 feet, more or less, to a point; thence,
3. North 83°47'29" East 50.00 feet, more or less, to a point; thence,
4. North 06°09'01" West 24.00 feet, more or less, to a point; thence,
5. North 83°47'29" East 415.00 feet, more or less, to a point; thence,
6. North 06°12'31" West 40.91 feet, more or less, to a point; thence,
7. North 84°54'52" East 403.42 feet, more or less, to a point; thence,
8. South 81°35'58" East 227.60 feet, more or less, to a point; thence,
9. South 01°43'03" East 1060.29 feet, more or less, to a point; thence,
10. South 84°48'21" West 986.03 feet, more or less, to a point; thence,
11. South 85°37'54" West 53.16 feet, more or less, to a point; thence,
12. South 85°03'23" West 225.12 feet, more or less, to a point; thence,
13. North 16°41'23" East 107.58 feet, more or less, to a point; thence,
14. South 85°03'23" West 227.12 feet, more or less, to the center of Vincent Farm Road; thence,
15. North 16°30'29" East 113.71 feet, more or less, to a point; thence,
16. North 15°15'29" East 145.19 feet, more or less, to a point; thence,
17. North 10°19'59" East 106.71 feet, more or less, to a point; thence,

04-003-SPHA

18. North 06°33'29" East 92.15 feet, more or less, leaving the center of Vincent Farm Road; thence,

19. North 84°52'29" East 225.49 feet, more or less, to a point; thence,

20. North 06°04'29" East 101.94 feet, more or less, to a point; thence,

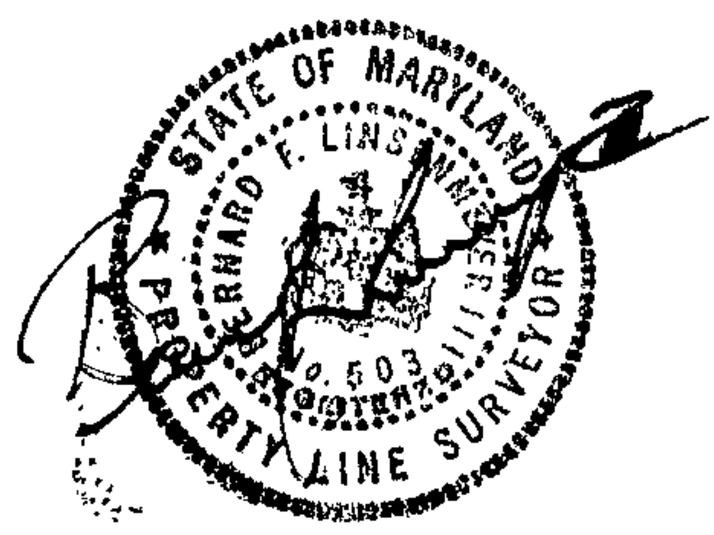
21. South 84°52'29" West 226.19 feet, more or less, to the center line of Vincent Farm Road; thence,

22. North 00°02'29" East 98.18 feet, more or less, to a point; thence,

23. North 02°24'31" West 100.08 feet, more or less, to a point; thence,

24. North 04°41'31" West 100.00 feet, more or less, to the place of beginning.

Containing approximately 32.25 acres located in the Fifteenth Election District and Sixth Councilmanic District of Baltimore County.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25060

DATE 7-1-03 ACCOUNT 001-C[illegible]-6150

AMOUNT $ 800.00

RECEIVED FROM: Whiteford Taylor & Preston L.L.P.

FOR: E/S Vincent Rd. 600' S Ebenezer Rd. Vc. & SPH ITEM C[illegible]03-500A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/02/2003	7/01/2003	15:01:55	2

REG WS02 WALKIN JEWJEE
>>RECEIPT # 278118 7/01/2003 OFLN
Dept 5 529 ZONING VERIFICATION
CR NO. 025060
Rcpt Tot $800.00
800.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #04-003-SPHA
E/side of Vincent Road, 600' south of Ebenezer Road
E/side of Vincent Road, 600' south of Ebenezer Road
15th Election District - 6th Councilmanic District
Legal Owner(s): Gambrill Farms One, LLC, Douglas Eshelman, Member

Special Hearing: to approve panhandle lots 2, 6-7, and 13 pursuant to BCZR 504.2 and CMDP, Part III, A, pp. 7-8.
Variance: to permit a principal building to be located 15 feet from any lot line other than a street line in lieu of the required 50 feet for lots 1-8, 11-12, and 1-15. To permit a principal building to be located 35 feet from any lot line other than a street line in lieu of the required 50 feet for lot 12. To permit a principal building to be located 25 feet from any lot line other than a street line in lieu of the required 50 feet for lot 5.
Hearing: Friday, September 5, 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.

8/201 Aug. 21 C621795

CERTIFICATE OF PUBLICATION

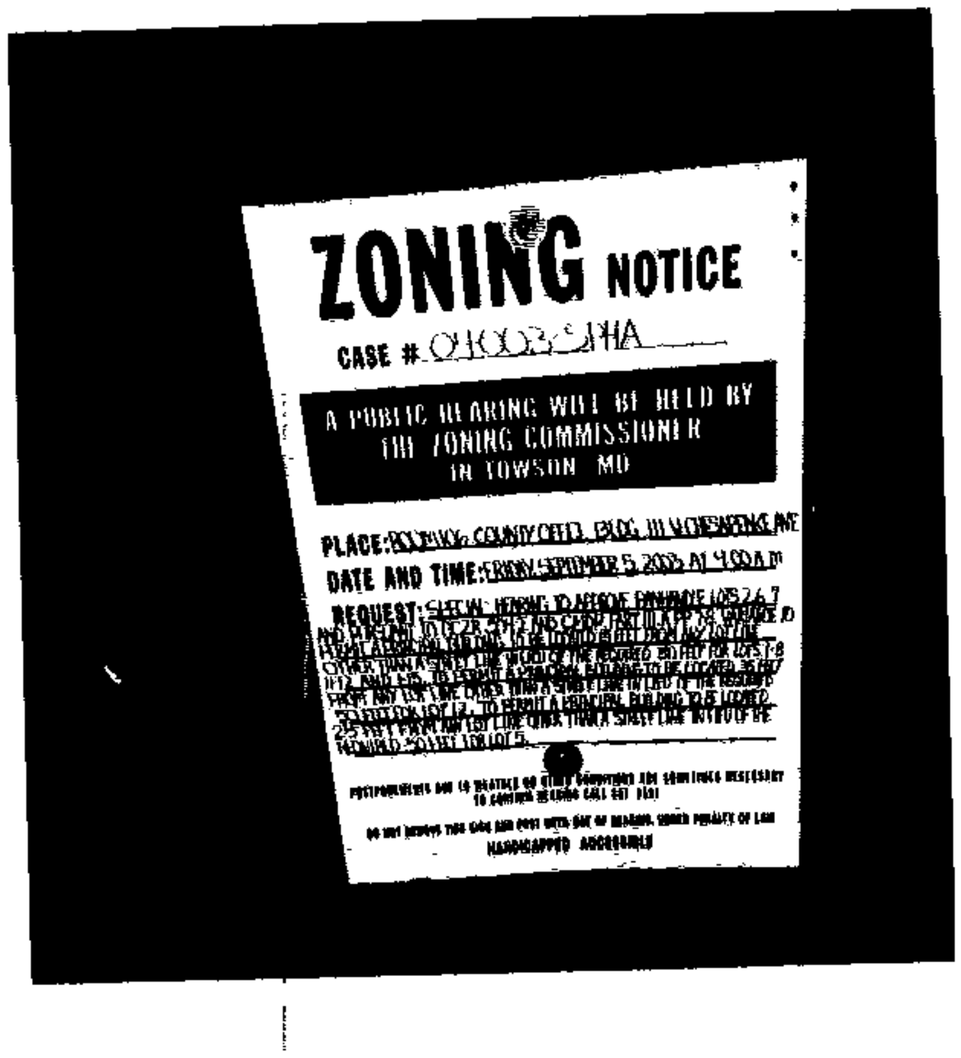
8/21/, 2003

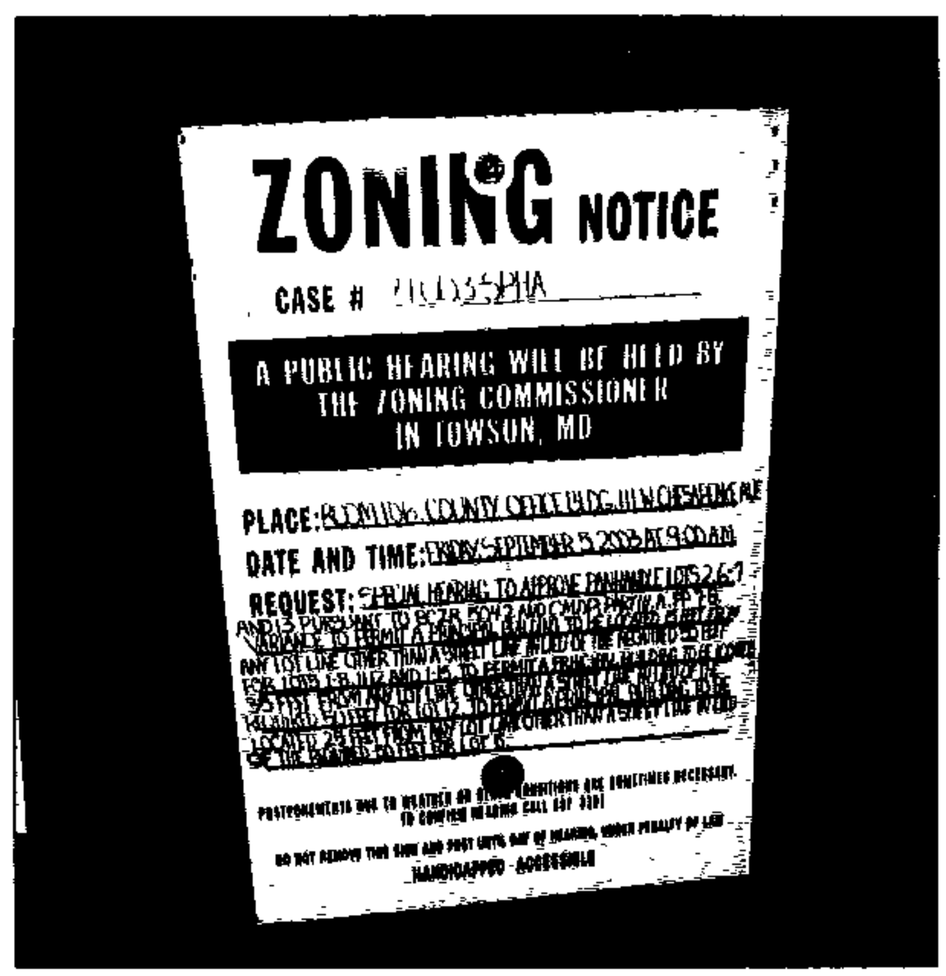
THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/21/, 2003.

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

S. Wilkinson

LEGAL ADVERTISING


ZONING NOTICE
CASE # 01-003-SPHA
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD
PLACE:
DATE AND TIME:
REQUEST:
HANDICAPPED ACCESSIBLE


ZONING NOTICE
CASE # 01-003-SPHA
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD
PLACE:
DATE AND TIME:
REQUEST:
HANDICAPPED - ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 04-003-SPHA

Petitioner/Developer: GAMBRILL FARMS ONE, LLC DOUGLAS ESHELMAN

Date of Hearing/Closing: 9/5/03

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 E/SIDE OF VINCENT RD 600' SOUTH OF EBENEZER RD E/SIDE OF VINCENT RD (3 SIGNS)

The sign(s) were posted on 8/7/03
(Month, Day, Year)

Sincerely,

8/7/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

9/96
cert.doc

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 21, 2003 Issue - Jeffersonian

Please forward billing to:
Jennifer R. Busse, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Ste. 400
Towson, MD 21204

410-832-2077

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: 04-003-SPHA
E/side of Vincent Road, 600' south of Ebenezer Road
E/side of Vincent Road, 600' south of Ebenezer Road
15th Election District – 6th Councilmanic District
Legal Owner: Gambrill Farms One, LLC, Douglas Eshelman, Member

Special Hearing to approve panhandle lots 2, 6-7, and 13 pursuant to BCZR 504.2 and CMDP, Part III, A, pp. 7-8. Variance to permit a principal building to be located 15 feet from any lot line other than a street line in lieu of the required 50 feet for lots 1-8, 11-12, and 1-15. To permit a principal building to be located 35 feet from any lot line other than a street line in lieu of the required 50 feet for lot 12. To permit a principal building to be located 25 feet from any lot line other than a street line in lieu of the required50 feet for lot 5.

Hearings: Friday, September 5, 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

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

July 15, 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: 04-003-SPHA
E/side of Vincent Road, 600' south of Ebenezer Road
E/side of Vincent Road, 600' south of Ebenezer Road
15th Election District – 6th Councilmanic District
Legal Owner: Gambrill Farms One, LLC, Douglas Eshelman, Member

Special Hearing to approve panhandle lots 2, 6-7, and 13 pursuant to BCZR 504.2 and CMDP, Part III, A, pp. 7-8. Variance to permit a principal building to be located 15 feet from any lot line other than a street line in lieu of the required 50 feet for lots 1-8, 11-12, and 1-15. To permit a principal building to be located 35 feet from any lot line other than a street line in lieu of the required 50 feet for lot 12. To permit a principal building to be located 25 feet from any lot line other than a street line in lieu of the required50 feet for lot 5.

Hearings: Friday, September 5, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Jennifer R. Busse, Whiteford, Taylor & Preston, 210 W. Pennsylvania Ave., Ste. 400 Towson 21204
Gambrill Farms One, LLC, Douglas Eshelman, Member, 7013 Meandering Stream Way, Fulton 20759

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 21, 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.

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on Recycled Paper

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 04-003-SPHA

Petitioner: Gambrill Farms I, LLC

Address or Location: E/S Vincent Road, 600' S Ebenezer Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Busse, Esq.

Address: Whiteford Taylor + Preston, LLP
210 W. Pennsylvania Ave., Ste. 40
Towson, MD 21204

Telephone Number: 410 832 2077

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

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

August 29, 2003

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

Dear Mrs. Busse:

RE: Case Number: 04-003-SPHA, E/side of Vincent Road, 600' S' of Ebenezer Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 1, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Gambrill Farms One, Douglas Eshelman, 7013 Meandering Stream Way, Fulton 20759

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7·16·01

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

RE: Baltimore County
Item No. 003 JRF

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,

L. J. Gredlein

for 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

July 16, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 14, 2003

Item No.: 002-014 003

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

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 9, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For July 21, 2003
Item Nos. 001, 002, 003, 005, 006,
007, 008, 009, 010, 011, 013, and 014

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 AND VARIANCE	*	BEFORE THE
	E/side Vincent Road, 600 feet S Ebenezer Rd	*	ZONING COMMISSIONER
	15th Election & 6th Councilmanic Districts		
	Legal Owner(s): Gambrill Farms One, LLC	*	FOR
	Douglas F. Eshelman, Member		
	Petitioner(s)	*	BALTIMORE COUNTY
		*	04-003-SPHA

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

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 22nd day of July, 2003, a copy of the foregoing Entry of Appearance was mailed to Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
JUL 22 2003
Per.....

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

July 15, 2003

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

Re: **Zoning Advisory Committee Agenda,07/21/03 re: case numbers 04-1-SPH, 04-2-A, 04-3-SPHX, 4-4-SPH, 4-5-SPH, 4-6-SPHA, 4-7-SPHA, 4-8-A, 4-9-A, 4-10-SPHX, 4-11-SPHX, 4-12-SPH, 4-13-A, 4-14-SPHA**

Dear Ms. Hart:

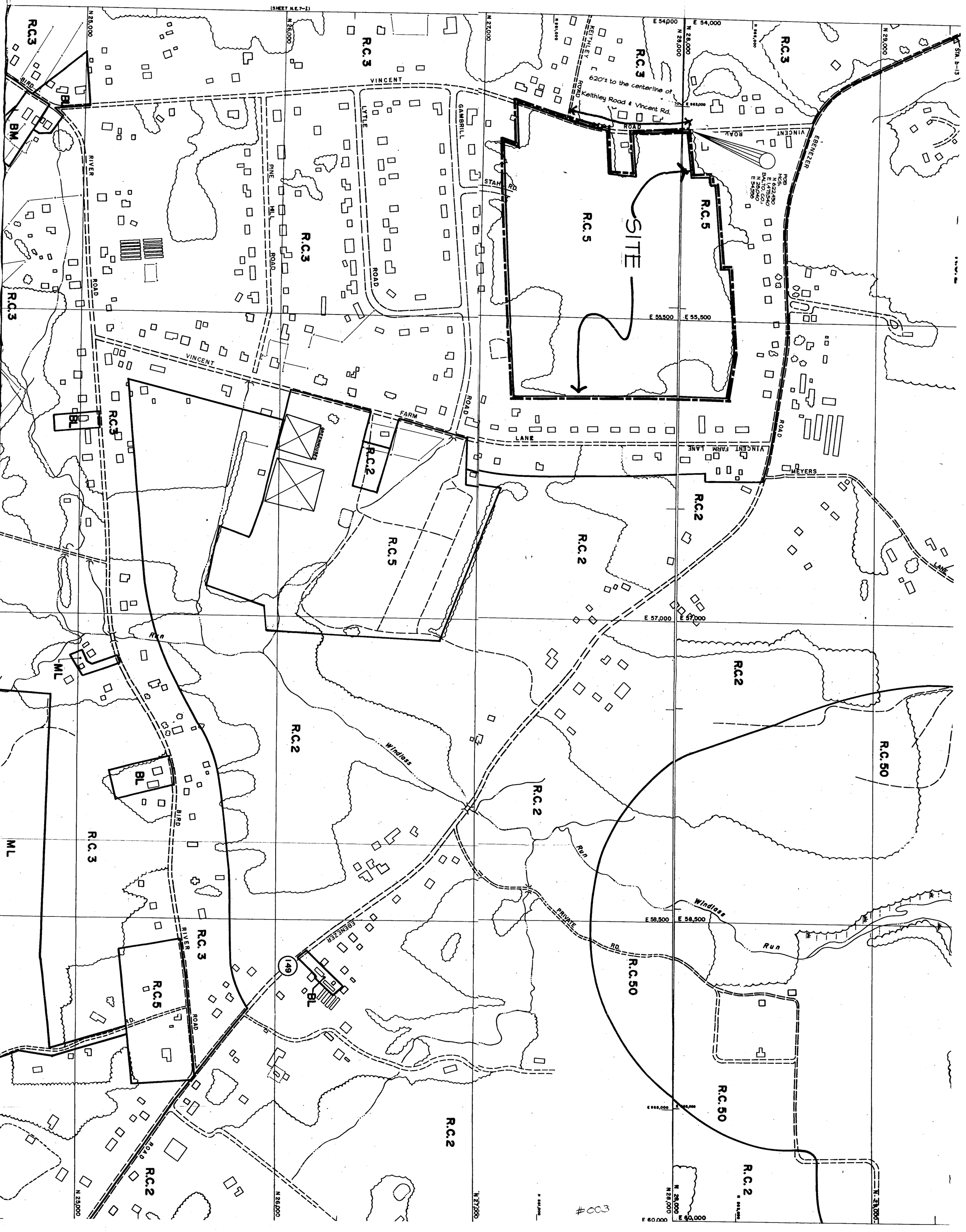
The Maryland Department of Planning has received the above-referenced information on 07/14/03. The information has been submitted to Mr. Mike Nortrup.

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
Planning Services

cc: Mike Nortrup



2000 Baltimore County
200 Scale Zoning Map (NE-7J and NE-8J)
To Accompany Zoning Petition

ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 6 May 2003

Gambrill Farms One

NORTH

0' 50' 100' 200' 400'
SCALE: 1" = 200' - 0"

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

GAMBRILL FARMS ONE

DEVELOPMENT PLAN & SCHEMATIC LANDSCAPE PLAN
PLAT TO ACCOMPANY ZONING PETITION

VICINITY MAP

SCALE: 1"=2000'

LEGEND

EXISTING: TRACT BOUNDARY; INTER. CONTOUR; ROAD; FIRE HYDRANT; ZONING LINE; SOILS; SANITARY SEWER; LIGHT; EASEMENT; TREES; STORM DRAIN; UTILITY POLE; INDEX CONTOUR; WETLANDS; 25% SLOPES; 100-YR. FLOODPLAIN

PROPOSED: FOREST BUFFER EASEMENT; FIRE HYDRANT; LIGHT; MAJOR DECIDUOUS TREE; INDEX CONTOUR; SANITARY SEWER; FOREST RETENTION; MINOR DECIDUOUS TREE; INTER. CONTOUR; WATER; STORM DRAIN; EVERGREEN TREE; EASEMENT; SHRUBS; ADT; PROPOSED TREELINE

HEARING OFFICER'S HEARING AND ZONING HEARING TO BE COMBINED

PROJECT NAME: GAMBRILL FARMS ONE

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

COUNCILMANIC DIST.: 6
ELECTION DIST.: 15
REGIONAL PLANNING DISTRICT: 322
PROJECT MANAGER: DONALD T. RASCOE
CRM: SEPTEMBER 11, 2002
PDM #: XV-787
ZONING HEARING CASE#:
APPROVAL DATE:

APPLICANT: GAMBRILL FARMS ONE, LLC.
1019 Meandering Stream Way
Fulton, MD 20754-2903

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

DATE: MAY 2003
SCALE: 1"=50'
C.I.: 2'
PROJ. NO.: 2311
SHEET 1 OF 2

NORTH MCS

SCALE: 1"=50'

GENERAL NOTES

1. DEVELOPMENT NA-16: GAMBRILL FARMS ONE
2. APPLICANT:
   Gambrill Farms One, L.L.C.
   7013 Meandering Stream Way
   Fulton, Maryland 20759-2903
   410.792.2936
3. OWNER:
   Charles A. Gambrill, Jr.
   Sarah Poe
   10149 Vincent Farm Lane
   White Marsh, Maryland 21162
4. PLAN PREPARED BY:
   D.S. Thaler & Associates, Inc.
   7115 Ambassador Road P.O. Box 47428
   Baltimore, Maryland 21244-7428
   410.944.9241
   ATTN: Alan E. Scott, R.L.A.
5. PROPERTY REFERENCES:

PARCEL	TAX ACCOUNT #	AREA	DEED REF.	HELD SINCE	TAX MAP-GRID	ADC MAP
P. 85	1801000060	32.25 AC±	10741/843	1942	83-J	50-A11

Boundary: Colbert Matz Rosenfelt, Inc. (February, 2002)

Topography: D.S. Thaler & Associates (April 2003) & Baltimore County - OIT GIS (Tile 0838A) - (see plan)

Utilities: Baltimore County Key Map (11-56)
Baltimore County Design Drawings as noted.

Zoning: Baltimore County 2000 Scale Zoning Map (2000) (NE-6J & TJ)

Soils: U.S.D.A. Baltimore County Soil Survey Manual (Map 81)

Wetlands: Human & Rohde, Inc. (July 2002)
Approval Pending

Floodplain: D.S. Thaler & Associates (May 2003)

Forest Stand Delineation: Human & Rohde, Inc. (July 2002)
Approved by DEPRM - July 24, 2002

Forest Conservation Worksheet: D.S. Thaler & Associates, Inc. (May 2003)

Forest Buffer: Colbert Matz Rosenfelt, Inc. (June 2002)
Approval pending

6. GENERAL DATA:
   Election District: 15 — Watershed: Bird River
   Census Tract: 4512 — Subwatershed: 15 N
   Councilmanic District: 6 — Regional Planning District: 322

School Information:

School Districts: Glenmar ES/ Middle River MS/ Perry Hall High (2002-2003)

	State Rated Capacity (SRC)	Enrollment Sept. 30,2002	Enrollment Total Projected	Projected # pupils for this project	Capacity Actual	Capacity Rated	Projected # pupils as % of SRC
Elementary:	341	371	375	4	--	22	44.3%
Middle:	1,027	901	904	3	--	87	88.4%
High School:	2,110	2,281	2,289	3	154	--	108.2%

7. SITE INFORMATION
   A. Acreage:
      Gross = 32.25 Ac± (50' R/W x 694' = 0.59 Ac±)
      Net = 31.72 Ac± (after widening)
   B. Existing Zoning: RC 5 ● 32.25 Ac±
   C. Density Calculations:
      Allowed: RC 5 x 32.25 Ac± = 21 dwellings
      Proposed: 15 single family detached dwellings
      This property as shown on the plan has been held intact since 1942 (according to deeds). No known part of the gross area of this property as shown on the plan has been utilized, recorded or represented as density or area to support any off-site dwellings.
   D. Parking:
      Required: 2 spaces per unit
      Proposed: 2 spaces per unit or 30 spaces
   E. Open Space: "All Open Space shall be in compliance with the Local Open Space Manual, Latest Edition."

      Open Space Required:
      4,750 SF ACTIVE OPEN SPACE
      5,250 SF PASSIVE OPEN SPACE
      or a combination thereof as specified in Section III.D.3.

      Open Space Provided:
      WAIVER REQUESTED AND A FEE-IN-LIEU TO BE PAID.
   F. Landscape requirements as specified in the Baltimore County Landscape Manual, adopted August 7, 2000 and as amended.
      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 (PU) =
      1 major deciduous tree (2-2-1/2" cal.) or
      2 minor deciduous trees (1-1/2" cal.) or
      2 evergreen trees (6' ht.) or
      5 shrubs or
      class A: 24- 30" ht.
      class B: 18" ht.
      500 S.F. of ground cover or
      10 herbaceous/perennial (1 gal.)*or
      20 herbaceous/perennial (1 qua.)
      *to meet Class D screening requirements only.

	Required	Proposed
A. STREET FRONTAGE: (Condition A) Adjacent Road ● 1 PU/40 L.F.	796 LF±/40= 19.0 PU.	19.0 PU.
Interior Road ● 1 PU/20 L.F.	200 LF±/20= 10.0 PU.	10.0 PU.
H. REAR & SIDE YARD: (Condition H) Class "A" screen (minimum installed height of 30" for shrubs and 6' for evergreen trees) 1 PU/ 15 LF	826 LF±/15= 55.0 PU.	55.0 PU.
D. PANHANDLE LOTS (Condition "D") Panhandle Driveway (Interior Road) ● 1 PU/20 L.F.	745 LF±/20= 37.3 PU.	37.3 PU.
Front to side yard buffer A "Class A" screen may be required.	475 LF±/15= 31.7 PU.	31.7 PU.
SECTION 206.2.A.4 Rear yard buffer between dwellings existing on May 25, 2001 and rear yards of abutting new dwellings. 1 PU/ 15 LF	550 LF±/15= 36.6 PU.	36.6 PU.
TOTAL:	191.6 PU.	191.6 PU.

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

8. No Zoning Case History has been found.
9. Soil and Slope Mitigation Measures:
   The developer shall do the following in those areas where severe or moderate soil limitations are indicated and/or steep slopes occur:
   a. Insure that grading plans consider protection of these areas from increase in run-off. This may include draining roof down spouts and drives into storm drains.
   b. Stabilization of disturbed areas in accordance with approved sediment control practices.
   c. Consider geotechnical assistance with on-site inspectors as appropriate.
10. Waiver request for required sidewalks is being applied for. See request.
11. Future signs shall conform with BCZR Section 450 and all zoning policies.
12. Building envelopes and/or footprints shown are for illustrative purposes and may not represent the final location for any particular dwelling. Final house locations will be subject to the various standards and limitations illustrated by the details and charts included on this plan.
13. There are no known existing wells or septic systems on site.
14. "Any Forest Conservation Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."
15. "There shall be no clearing, grading, construction or disturbances of vegetation in the Forest Conservation Easement except as permitted by Baltimore County Department of Environmental Protection and Resource Management."
16. "Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."
17. "There shall be no clearing, grading, construction or disturbances of vegetation in the Forest Buffer Easement except as permitted by Baltimore County Department of Environmental Protection and Resource Management."
18. 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 301 and 400 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits.)
19. Maximum building coverage is 15% of any lot. Maximum building height allowed is 35 feet. Two story homes are proposed.
    All lots are for sale.
20. According to Glenn Hage, Office of Planning, MTA, the nearest MTA service to this site is at the intersection of Belair Road (US Route 1) and Ebenezer Road (bus line #51). The MTA offers bus service out Route 40 thru a private contractor.
21. The "Recommended Areas of Critical State Concern" map included on this sheet indicates that the general Perry Hall/White Marsh area is a "ground water problem area". No ground water extraction is proposed for this development.
22. A CRT was held on September 11, 2002. The minutes which identify all comments can be found in PDM File No. XV-787, on file in Room 123 of the Baltimore County Office Building, III West Chesapeake Avenue, Towson, MD 21204.
23. There are no known limitations established by the Courts, County Board of Appeals, Planning Board or Zoning Commissioner or need development on this site. Individuals or groups which would limit proposed development on this site.
24. There are no buildings, properties or sites within or contiguous to the proposed development included on the Maryland Historical Trust Inventory of Historic Properties, Baltimore County Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archaeological Survey, nor any Baltimore County Historic District or National Register Historic District covering the proposed development.
25. A Hydrogeologic Report and an Environmental Effects Report has been filed concurrently with this Development Plan.
26. A Preliminary Forest Conservation Plan and worksheet has been filed independently of this plan in accordance with Section 14-408.

27. This site does not lie within the limits of the Chesapeake Bay Critical Area. No additional information is requested by the Department of Environmental Protection and Resource Management to determine compliance with the Critical Area Local Protection Program pursuant to Section 26-442(a).
28. Proposed roads will be public.
    All proposed public roads are indicated for dedication to Baltimore County and will be offered for dedication at no cost to the County. The proposed roads are neither arterial nor collector roads.
29. The Bureau of Traffic Engineering and Planning has confirmed that the subject site is not within a traffic deficient area per Ruth Lin (5.28.03).
30. There are no rights-of-way recorded along the applicable section of Vincent Road, per the Baltimore County Bureau of Land Acquisition.
31. Refuse collection and mail delivery will be by Baltimore County curbside (front).
32. No obstructions of any kind may be placed in any Baltimore County right-of-way or in the entrance to the proposed stormwater management area, except by express written permission by an authorized signatory for Baltimore County.
33. Parcels designated as "H.O.A." will be dedicated to the Homeowners Association.
34. UTILITIES: Public water and sewer will be provided.
35. USE: The existing site is Vacant.
    The proposed use is Residential.
36. ENVIRONMENTAL: There are no known critical areas, archaeological sites endangered species, or hazardous materials* on the site.
    *As known to the applicant, location and description of hazardous materials as defined by Section 1-101 of the Environmental Article of the Annotated Code of Maryland, as from time to time amended.
37. AVERAGE DAILY TRIPS (ADTS): Average daily trips as calculated from the Baltimore County Comprehensive Manual of Development Policy
    Single Family: 15 units x 10/unit = 150 ADTS
38. STORMWATER MANAGEMENT: Subject to Stormwater Management variance request (from the one-year storm).
    Stormwater management facilities will be owned and maintained by the Home Owners Association or by Baltimore County.
    Stormwater management facilities shall be screened with landscaping from adjacent residential properties.
    Preliminary hydrology computations have been provided to DEPRM with the filing of the Development Plan.
    The Hydrology Report verifies that the outfalls are suitable.
39. GRADING: Grading shown is schematic only.
40. VEGETATION: Existing vegetation will be retained in areas not needed for construction or grading. Existing vegetation consists of woods & scrub areas.
41. SIGHT LINES: Proposed sight lines are shown on the plan and will be cleared and graded and kept permanently clear to ensure unobstructed sight lines.
42. STORAGE TANKS: There are no known underground storage tanks on site.
43. LIGHTING: Proposed lighting is shown as ▲.
    Lighting is schematic and subject to change.

SECTION 260, RESIDENTIAL PERFORMANCE STANDARDS

[Bill Nos. 34-2001; 58-2001 EN(1)]

260.1 Scope; statement of legislative intent performance standards.

A. This section applies to all residential development of four or more lots in Baltimore county that is located within the urban/rural demarcation line.

B. Insert: evaluation of compliance

1. These performance design standards are intended to ensure that residential development in Baltimore County conforms with a higher quality of design.
2. The evaluation of compliance shall occur as part of the review of development projects.
3. The Office of Planning may require the submittal of sufficient information, such as building elevations and grading plans, from which a finding can be made on compliance of the project with the standards.
4. Deviation from the standards may be allowed only if clearly necessary to:
   a. Comply with another standard.
   b. Comply with environmental regulations or otherwise protect resources; or
   c. Achieve the best development design, considering other goals in the Comprehensive Manual of Development Policies.

C. Consideration of findings, deviation from standards.

1. The Office of Planning's findings shall be made by the Director of Planning and submitted to the hearing officer or to the Director of Permits and Development Management, as applicable.
2. The hearing officer or the Director of Permits and Development Management, as applicable, shall consider the findings presented by the Director of Planning or the Director's designee before a development Plan is approved.
3. After considering the findings, the hearing officer of the Director of Permits and Development Management may deviate from the standards only in accordance with the requirements in Paragraph B.4 of this subsection.

260.2 Site Planning

A. A development proposal shall:

1. Retaining the existing quality vegetation of the site to the fullest extent possible and protect the root system of that vegetation during construction.
2. Integrate locally significant features of the site, such as distinctive buildings, vistas, topographic features, specimen trees, tree stands, hedgerows, monuments, landmarks, ruins and gardens, into the site design and retain the character of the features and their settings.
3. Coordinate buildings design, site layout, and grading so that grade transitions are gradual and respect the existing topography.
4. Provide a landscaped buffer between the rear yards of dwelling existing on May 25, 2001, and the rear yards of abutting new dwellings.
5. Provide for smooth transitions between neighborhoods by arranging and orienting the proposed buildings and site improvement to complement those in the surrounding neighborhood.
6. Provide transitions with respect to setbacks, street patterns, and building-to-street grade relationship.

B. Reverse-frontage lots are permitted only if the petitioner can demonstrate that adequate setbacks, topography, berming, landscaping or building design will effectively screen private yard space and decks from the public view. Fences may not be located closer than 20 feet to a public right-of-way.

C. Panhandle lots are not permitted as a matter of right. Panhandles must conform to Section 26-236 of the Baltimore County Code and to the standards in the Comprehensive Manual of Development Policies.

D. The minimum width for any single-family detached lot located in the South Perry Hall - White Marsh area north of Ridge Road is 75 feet as measured along both the front wall and rear wall of the dwelling unit. This subsection does not apply to alternative site design dwellings permitted in accordance with Section 1B01.1.A.1.B.

260.3 Open space. A development proposal shall:

A. Integrate open space areas into the proposed development by:

1. Creating focal points along streets;
2. Locating landscaped open green spaces in view of the development entrance or adjoining public street;
3. Planning a linked network of natural and landscaped open areas connected by pedestrian/bike trails; and
4. Orienting dwelling units around open areas or squares.

B. Incorporate significant features, such as stands of trees, into open areas.

C. Link the development's open areas to the surrounding neighborhood open areas, including public parks, walks, and bike trails, and include both functional and visual continuity, e.g., by matching the design of a bike trail in the proposed development to the bike trail located in the adjoining property.

260.4 Streets and Parking

A. A development proposal shall:

1. Provide for at least one street connection to an adjoining neighborhood or an adjoining property, not including the principal access in the subdivision, in order to facilitate good traffic circulation.
2. Design streets to slow traffic by offsetting alignments. Reducing street width, reducing the length of blocks, and employing the use of traffic management devices such as roundabouts, chokers, chicanes, etc., to accomplish traffic calming.
3. Allow on-street parking.
4. Provide pedestrian and bicycle access to commercial areas and community facilities on site within the development and to the surrounding neighborhood.
5. Provide street and parking accommodations which complement the surrounding neighborhood.

B. Cuts-de-sac may be used if it is demonstrated that a street connection is not feasible due to site conditions such as severe grade transitions or sensitive natural features, or an alternative site layout is not feasible. If cuts-de-sac are used, developments should consist of a balance of street patterns (cuts-de-sac and connections). If cuts-de-sac are used, design elements such as center landscaping and traffic circles shall be used.

C. Street widths and front yard setbacks may be reduced in accordance with traditional neighborhoods design standards.

260.5 Landscape design.

A. A development proposal shall:

1. Landscape public open spaces to invite users. Particularly emphasizing the intended entrance to the open space.
2. In addition to plant material, use fences, walls or earth forms to provide effective and attractive screens and buffers where necessary.
3. Provide for, or reinforce and maintain, a continuous street tree canopy by preserving healthy street trees or, if they are not present, planting new trees. The canopy shall be comprised of trees of the same species or trees with design characteristics and growth habits that are similar to those of existing street trees.
4. Include the design for site signage on the schematic landscape plan. If it is not possible, the signage design may be included in the final development plan and shall not approved before issuance of any building permit.

260.6 Buildings

A. A development proposal shall:

1. Provide variety in housing types or design, while maintaining continuity in scale, rhythm, proportion and detail.
2. Orient the front of the dwelling toward the street and incorporate prominent entries and porches or stoops into front building facades.
3. Adhere to a consistent front building setback for all dwellings on a same street or square, so that the fronts of dwelling define a uniform street edge.
4. Design decks, balconies and porches as components of the building following dominant building lines, proportions and style, and in a scale appropriate to the available space on the site. Decks shall be screened to minimize visibility from a public street.
5. Design accessory structures at a scale appropriate to the dwellings and design storage buildings and garage with the same architectural theme as the principal building on the site, providing consistency in material, color, roof pitch, and style.
6. Extend the finish material of the exteriors of buildings to grade, or, if this is not possible, to within 12 inches of grade, on all sides of the building excluding foundation walls which shall use a finished quality material such as decorative concrete blocks, poured concrete with brick pattern, or stucco, and provide landscaping along the foundation.
7. Use similar materials and design elements on all building facades and articulate all building facades using coordinated architectural features such as porches, windows, doors, chimneys, gables, and dormers.

B. Garages may not become the dominant street feature. Garage doors shall use items such as windows, decorative patterns, and color to relieve the visual impact of the house from the street.

Agsys\corr\baltocostand\sec260

PANHANDLE DRIVEWAY DETAIL
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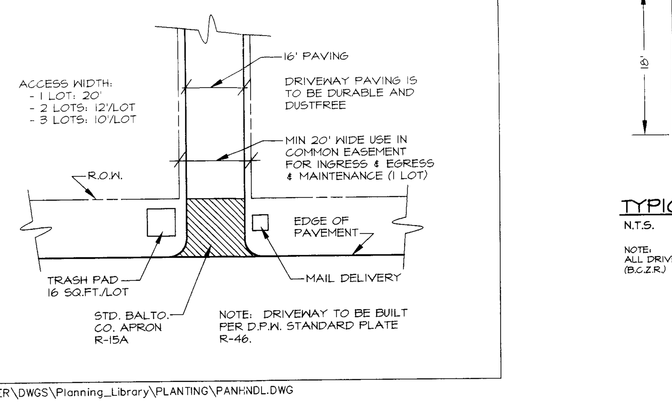

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TYPICAL PARKING SPACE DETAIL
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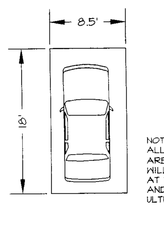
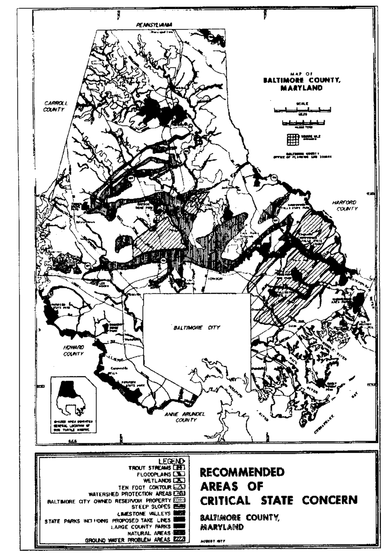
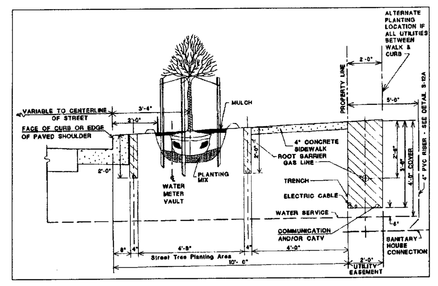


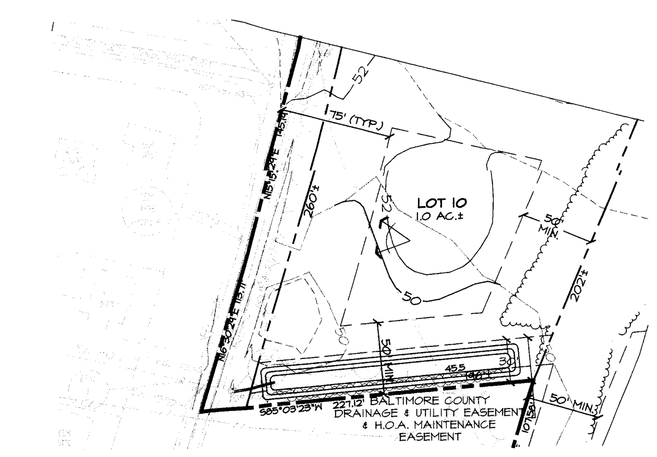
NOTE:
ALL PARKING AND MANEUVERING AREAS (MACADAM OR CONCRETE) WILL BE PAVED BY THE BUILDER AT THE TIME OF HOUSE CONSTRUCTION AND WILL BE MAINTAINED BY THE ULTIMATE HOMEOWNER.





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

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



SUITABLE OUTFALL STATEMENT

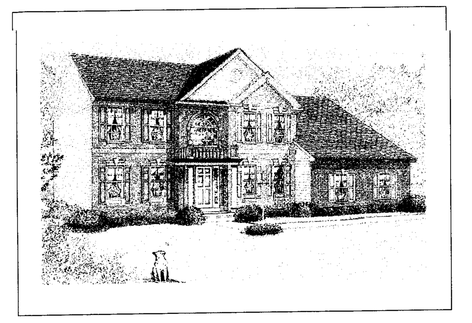
The stormwater discharge from the roadside portion of Lots 10 through 15 will be captured within an existing storm drain system along Vincent Road. The drainage area to this system has been reduced slightly from the original design. The existing system has adequate capacity to accept the discharge. Drainage from the remainder, or rear, of Lots 11, 12, 14, and 15 and from Lot 13 will sheet flow into the forest buffer and wetlands behind the lots where it will be attenuated through the natural system before entering the existing onsite stream channel, approximately 400 feet to the southeast of the lots.

The stormwater discharge from Lots 6 through 9 will be captured within a proposed storm drain system in Stahl Road. This system will discharge into a swale which will be constructed along the boundary of Lot 6. The swale will be designed with adequate capacity for water quality treatment. A drainage swale currently exists along the tract boundary in this area. Discharge will then be released across a riprap energy dissipater and allowed to disperse into the natural onsite wetland system. Drainage from the sides of Lots 8 and 9 and from Lots 6 and 7 will sheet flow into the forest buffer and wetlands behind the lots where it will be attenuated through the natural system before entering the existing onsite stream channel, approximately 500 feet to the east of the lots.

The stormwater discharge from Lots 1 through 5 will be captured within a proposed storm drain system in Burleson Road and connect into an existing storm drain system in Vincent Farm Lane. This system has adequate capacity to accept the discharge from the development. A portion of the discharge will be diverted from the proposed storm drain system to provide water quality treatment within a swale that will be constructed along the boundary of Lot 5. Discharge will be released across a riprap energy dissipater and allowed to disperse into the natural wetland system. Drainage from the backs of Lots 2 and 3 and from Lots 4 and 5 will sheet flow into the forest buffer and wetlands behind the lots where it will be attenuated through the natural system before entering the existing onsite stream channel, approximately 200 feet to the south. Level spreaders will be incorporated with individual lot development in areas of the backyards where a gentle slope cannot be maintained to disperse the overland flows.

We anticipate no adverse impacts resulting from the rate, velocity, or degree of concentration of the runoff after development. Therefore, we conclude that the proposed outfalls into existing storm drain systems and wetlands constitute suitable outfalls based on criteria provided by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

FRONT ELEVATION A
N.T.S.

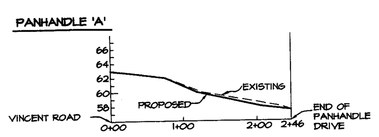


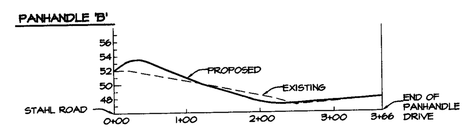
FRONT ELEVATION B
N.T.S.

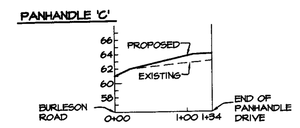
ALTERNATE 1-YEAR STORMWATER MANAGEMENT PROVISION

REQUIRED VOLUME: 5,227 C.F.
PROPOSED VOLUME: 5,348 C.F.
SCALE: 1"=50'

Note:
A variance for quantitative control of the 1-year storm, Cpv, will be requested for Area 1 of the proposed development. Areas 2 and 3 are exempt from 1-year storm management due to a discharge rate of less than 2 cfs for the 1-year storm. Quantitative control of the 10-year storm (Qp) and the 100-year storm (Qf) is not required, as there is no documented evidence of downstream flooding conditions nor is the site located within an interjurisdictional flood hazard watershed (see the Preliminary Stormwater Management Hydrology and Suitable Outfall Evaluation).







PANHANDLE DRIVEWAY PROFILES

SCALE
HOR. 1"=100'
VERT. 1"=10'

PUBLIC WORKS WAIVER REQUESTS

(W-1) Frontage improvements to Vincent Road including pavement widening, curb and gutter, sidewalks and additional street lights.

(W-2) Sidewalks along turn-arounds at the end of Stahl Road and Burleson Road.

ZONING VARIANCE REQUESTS

SETBACKS
Per section 1A04.3.B.2 (B.C.Z.R.)

		Lot Number 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
(V-1)	To allow a principal building to be located 15' from any lot line other than a street line in lieu of the required 50' setback.	X	X	X	X	X	X	X	X			X	X		X	X
(V-2)	To allow a principal building to be located 35' from any lot line other than a street line in lieu of the required 50' setback.												X			
(V-3)	To allow a principal building to be located 25' from any lot line other than a street line in lieu of the required 50' setback.					X										

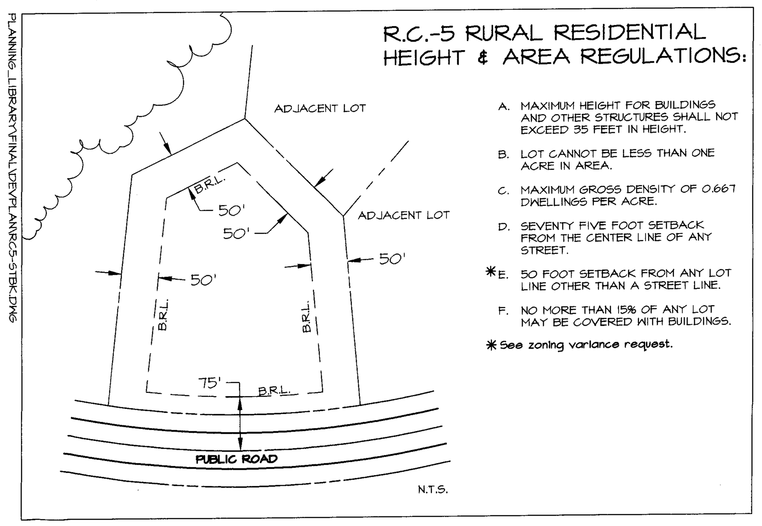
SOIL LIMITATIONS

SYMBOL	NAME	CAPABILITY UNIT	HOMES W/ BASEMENTS	HOMES W/O BASEMENTS	STREETS & PARKING LOTS
BlB	Beltsville silt loam, 2 to 5% slopes	IIe-13*	moderate	slight	moderate
En	Elkton silt loam	IIIw-4*	severe	severe	severe
LrB	Lenoir loam, 0 to 5% slopes	IIIe-5*	severe	severe	severe
SnB	Sassafras sandy loam, 2 to 5% slopes	IIe-5*	slight	slight	moderate
SnC2	Sassafras sandy loam, 5 to 10% slopes, severly eroded	IVe-5	slight	slight	severe
HdB	Hoodstown sandy loam, 2 to 5% slopes	IIe-36*	moderate	slight	moderate
HoA	Hoodstown loam, 0 to 2% slopes	IIw-1*	moderate	slight	moderate

* Denotes Prime & Productive Soil

SPECIAL HEARING REQUEST

A Special Hearing to approve panhandle lots pursuant to (B.C.Z.R.) Section 504.2 and CMDP, Part III, Section II, A, pp. 7-8.



A. MAXIMUM HEIGHT FOR BUILDINGS AND OTHER STRUCTURES SHALL NOT EXCEED 35 FEET IN HEIGHT.
B. LOT CANNOT BE LESS THAN ONE ACRE IN AREA.
C. MAXIMUM GROSS DENSITY OF 0.667 DWELLINGS PER ACRE.
D. SEVENTY FIVE FOOT SETBACK FROM THE CENTER LINE OF ANY STREET.
✱E. 50 FOOT SETBACK FROM ANY LOT LINE OTHER THAN A STREET LINE.
F. NO MORE THAN 15% OF ANY LOT MAY BE COVERED WITH BUILDINGS.

✱ See zoning variance request.

HEARING OFFICER'S HEARING AND ZONING HEARING TO BE COMBINED

PROJECT NAME:
GAMBRILL FARMS ONE

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

COUNCILMANIC DIST.: 6
ELECTION DIST.: 15
REGIONAL PLANNING DISTRICT: 322
PROJECT MANAGER: DONALD T. RASCOE
GIM: SEPTEMBER 11, 2002
PDM #: XV-787
ZONING HEARING CASE#:
APPROVAL DATE:

APPLICANT
GAMBRILL FARMS ONE, L.L.C.
7013 Meandering Stream Way
Fulton, MD 20759-2903

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
(410) 944-9241, (410) 944-3647

DATE: MAY 2003
SCALE: AS SHOWN
C.I.: 2'
PROJ. NO.: 2311
SHEET 2 OF 2

GAMBRILL FARMS ONE

DEVELOPMENT PLAN & SCHEMATIC LANDSCAPE PLAN
PLAT TO ACCOMPANY ZONING PETITION