

# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County
NWSGrossRoad, 2192 Feet Novthout

for the property located at of CHASSL Road which is presently zoned DR 3.5-H

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

SEE ATTACHMENT

REV 9/15/98

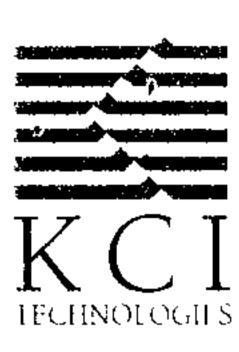
Property is to be posted and advertised as prescribed by the zoning regulations.

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.

٠,

#### Legal Owner(s): Contract Purchaser/Lessee: Mary Land Landmark Homes Name - Type or Print Name - Type or Print Signature; Signature Amirault Pau1 Name - Type or Print Telephone No. Address Zip Code Signature State City P.O. Box 216 Attorney For Petitioner: Telephone No. Address Kingsville, MD 21087 Howard L. Alderman, Jr Zip Code State City Name - Type or Print Representative to be Contacted: NORWALA 尼計 Signature Levin & Gann, P.A. Raymond J. Hopkins Company Name Nottingham Centre, 8th Floor 410-316-7800 North Park Drive Telephone No. Telephone No. Address Address 502 Washington Avenue 21030 Hunt Valley, MD 21204 Towson, MD Zip Code State City Zip Code City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_\_\_\_\_ Case No. 04-088-SPH UNAVAILABLE FOR HEARING Reviewed By JNP Date 8/22/03



#### Engineers - Planners - Schenitsis - Construction Managers

10 North Park Drivi · Hunt Valun, MD 21030-1846 · 410-316-7800 · (Fax) 410-316-7817

August 7, 2003

Baltimore County Zoning Office 111 W. Chesapeake Avenue Towson, MD 21204

Reference: Letter of Request for Special Hearing

Florio Property

KCI is requesting a special hearing for the 3<sup>rd</sup> Amended Final Development and Special Hearing Plan.

The Amendment will consist of removal of note e and to confirm the building setback chart as shown on Sheet 2 of 3 of the Approved 2<sup>nd</sup> Amended Final Development Plan dated 10/08/02.

If you have any further questions, please call me at (410) 316-7848.

Yours truly,

Raymond J. Hopkins

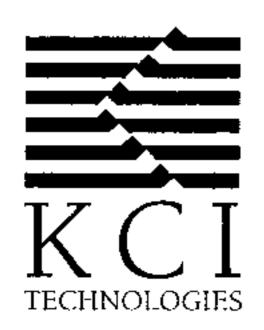
Senior Associate

jw

04-088-SPH

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ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

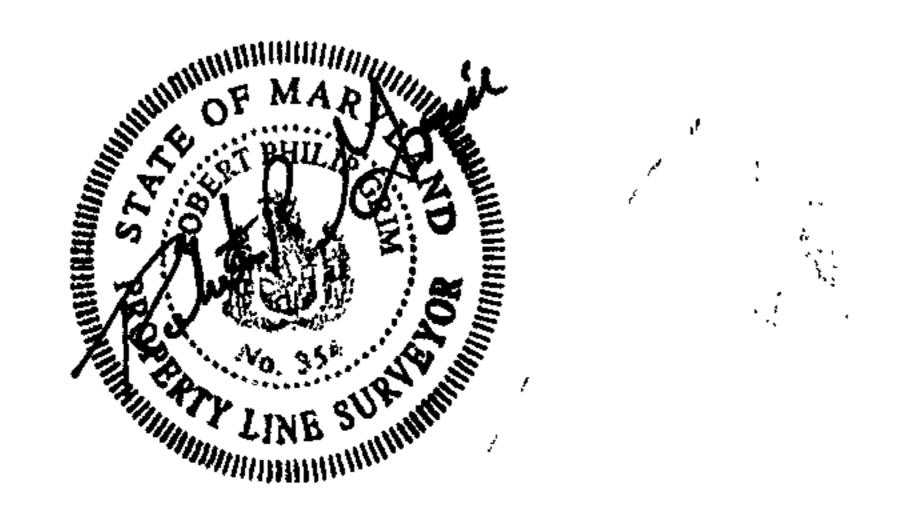
10 NORTH PARK DRIVE · HUNT VALLEY, MD 21030-1846 · 410-316-7800 · (FAX) 410-316-7817

# Zoning Description Florio Property at Cross Road 11th. Election District Baltimore County, Maryland

Commencing from the same at a point at the intersection of the centerline of Chapel Road and Cross Road; thence running along the approximate center of Cross Road a distance of 2,192 feet, more or less to the true point of beginning said point being at the southwest corner of the lands shown on the plan entitled, "2<sup>nd</sup>. AMENDED FINAL DEVELOPMENT PLAN, FLORIO PROPERTY"; thence leaving Cross Road and running:

- 1. North 49 degrees 09 minutes 42 seconds West a distance of 882.75 feet; thence
- 2. North 43 degrees 56 minutes 43 seconds East a distance of 388.40 feet; thence
- 3. South 49 degrees 09 minutes 42 seconds East 876.97 feet to a point in or near the centerline of Cross Road; thence running in or near the center of Cross Road
- 4. South 43 degrees 05 minutes 38 seconds West a distance of 388.13 feet to the place of beginning.

Containing 8.0 acres of land, more or less.



04-088-5PH

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

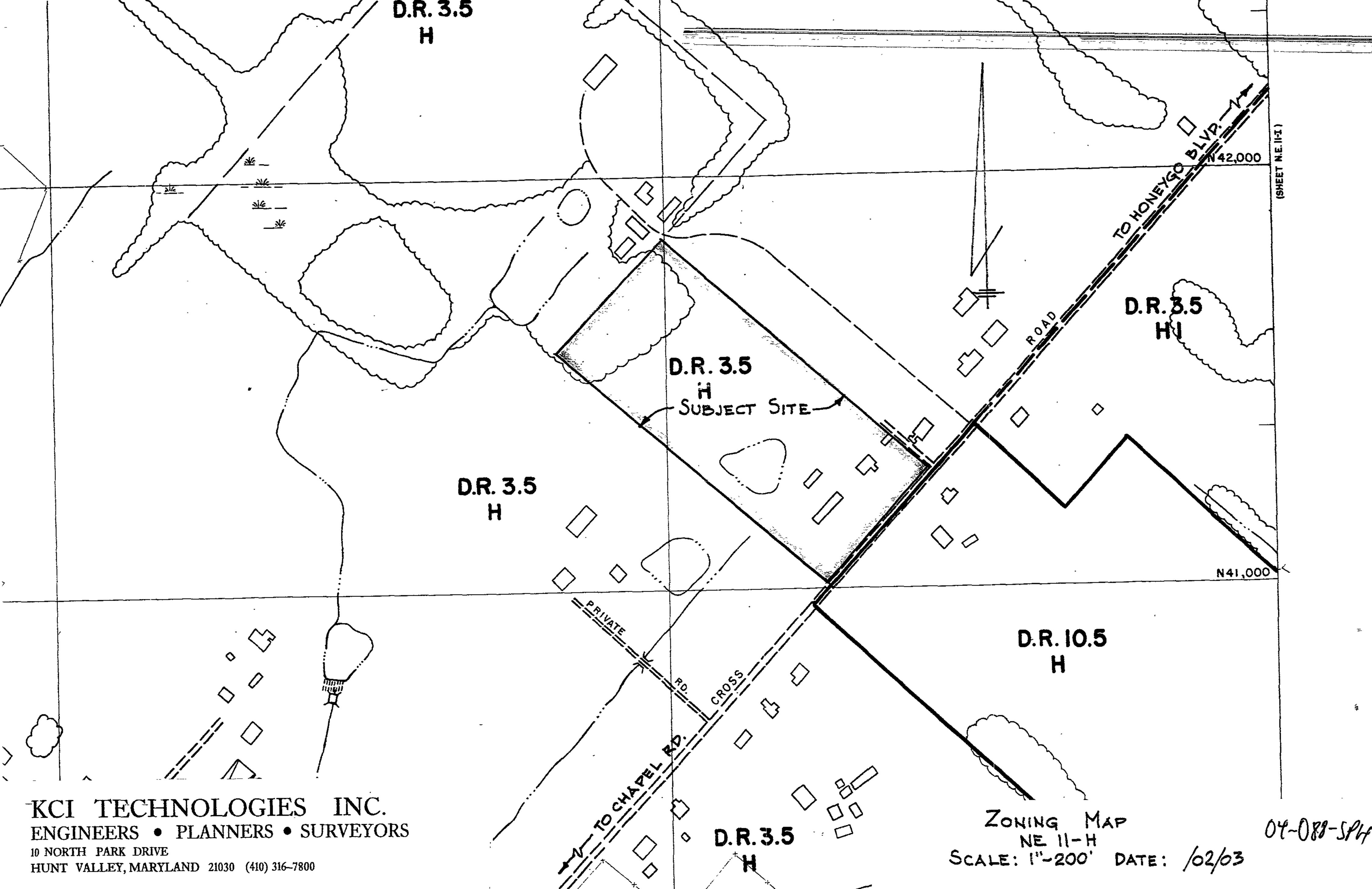
### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: D4-088-SPH  Petitioner: Marly and Land Mark Homes  Address or Location: NWSide of Cross Road (Floris Property)  Address or Location: 2192 Feet NE of EMAPELROAD (Floris Property)
PLEASE FORWARD ADVERTISING BILL TO:  Name: ERWANNO FLOSCIO
Address: 4030 NORTH POINT BCVD  BACTIMONE ME- 21222
Telephone Number: 410 × 477 - 2050





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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8.29.03

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

RE: Baltin

Baltimore County

Item No. 088

JHP

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,

do

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



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 September 2, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 2, 2003

Item No.:

(088)- 097

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

DATE: September 15, 2003

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Cross Road

**INFORMATION:** 

Item Number: 04-088

Petitioner: Maryland Landmark Homes

Zoning: DR 3.5H

Requested Action: Special Hearing

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided a 6-foot privacy opaque fence is erected along the rear property line of lots 14-19.

The Department of Recreation and Parks is planning active recreation, and lighted parking area adjacent to the eastern boundary of the subject property. This office is of the opinion that in addition to providing privacy of the rear yards, the opaque fence will mitigate any potential conflict between property owners and users of the park, and encroachment onto the County park.

Prepared by:

**Section Chief:** 

AFK/LL:MAC:

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** September 26, 2003

Department of Permits & Development Management

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

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 8, 2003 Item Nos 088, 089, 090, 091, 092, 093, 094, 096, and 097

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 \*
NW/side of Cross Rd, 2,192 NE Chapel Rd
11<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts \*
Legal Owner(s): Maryland Landmark Homes
Paul Amirault

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

\* FOR

**BALTIMORE COUNTY** 

04-088-SPH

\* \* \* \* \* \* \* \* \*

#### **ENTRY OF APPEARANCE**

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this day of September, 2003, a copy of the foregoing Entry of Appearance was mailed to Raymond J Hopkins, 10 North Park Drive, Hunt Valley, MD 21030, & Howard L Alderman, Jr, Esquire, Levin & Gann, PA, 502 Washington Avenue, 8<sup>th</sup> Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED


SEP 0 5 2003

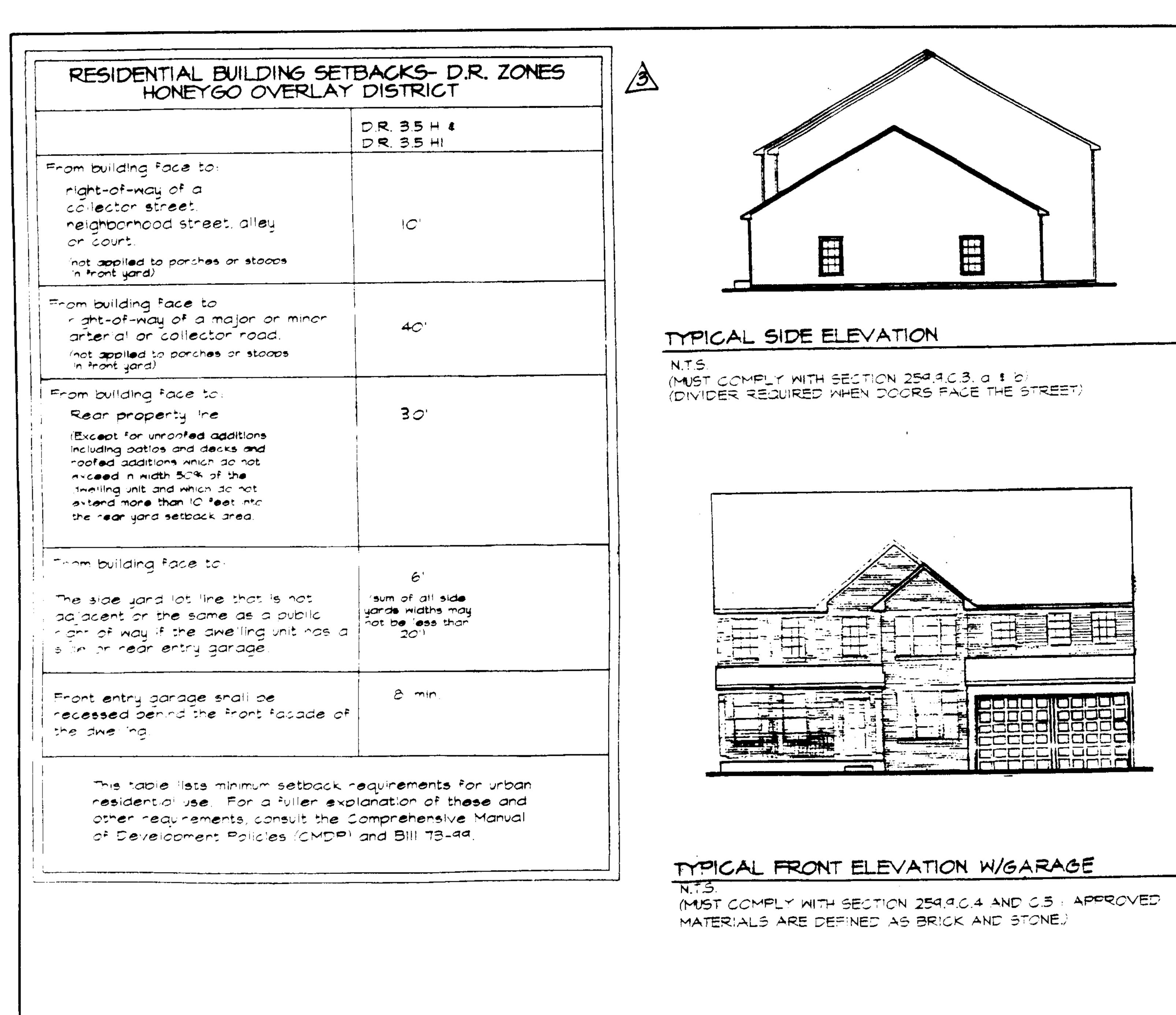
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Per.....

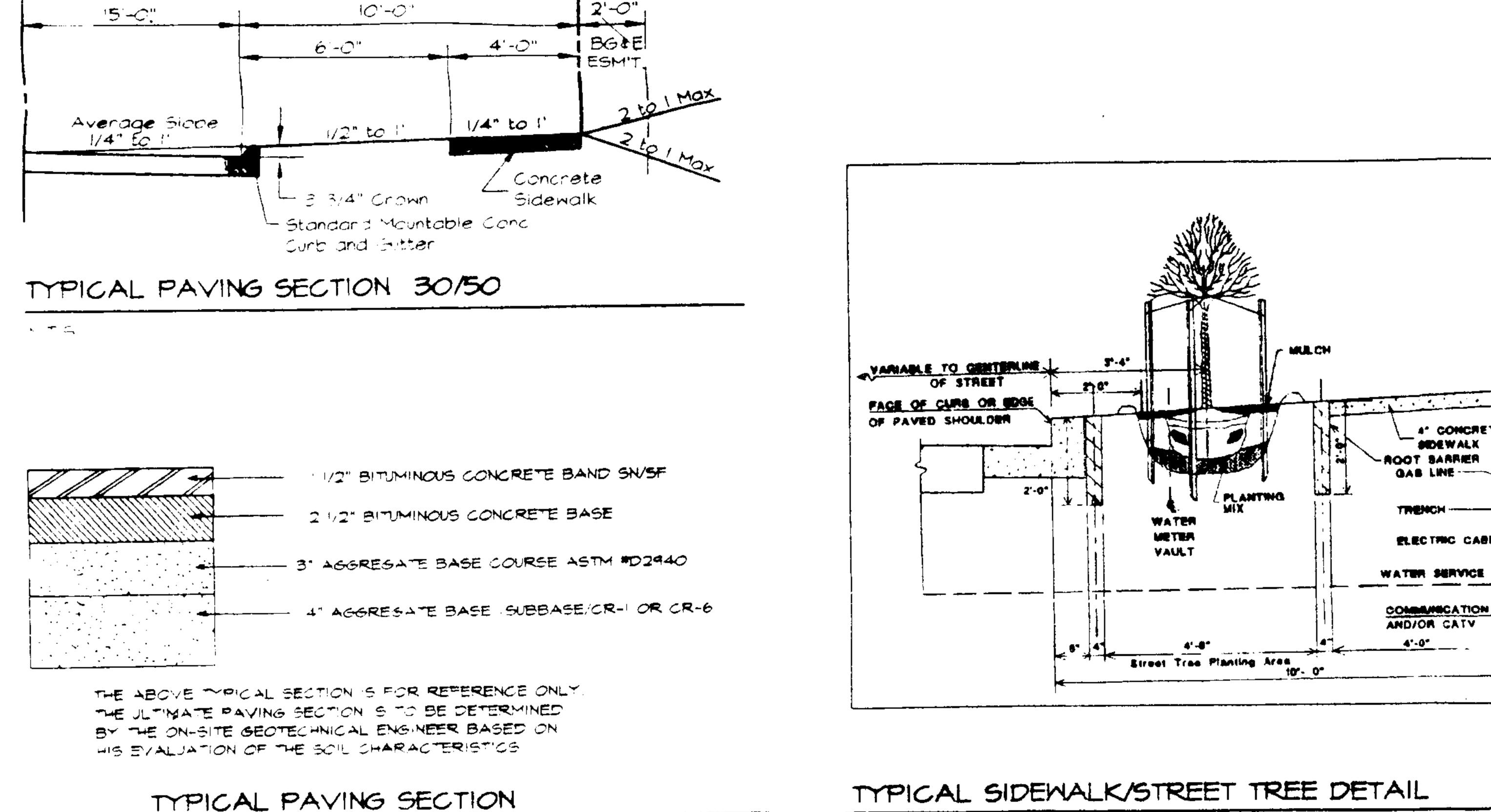
# ZONING HEARING FILE INTERNAL CHECKLIST Zoning Case No. 04-088-5P/4

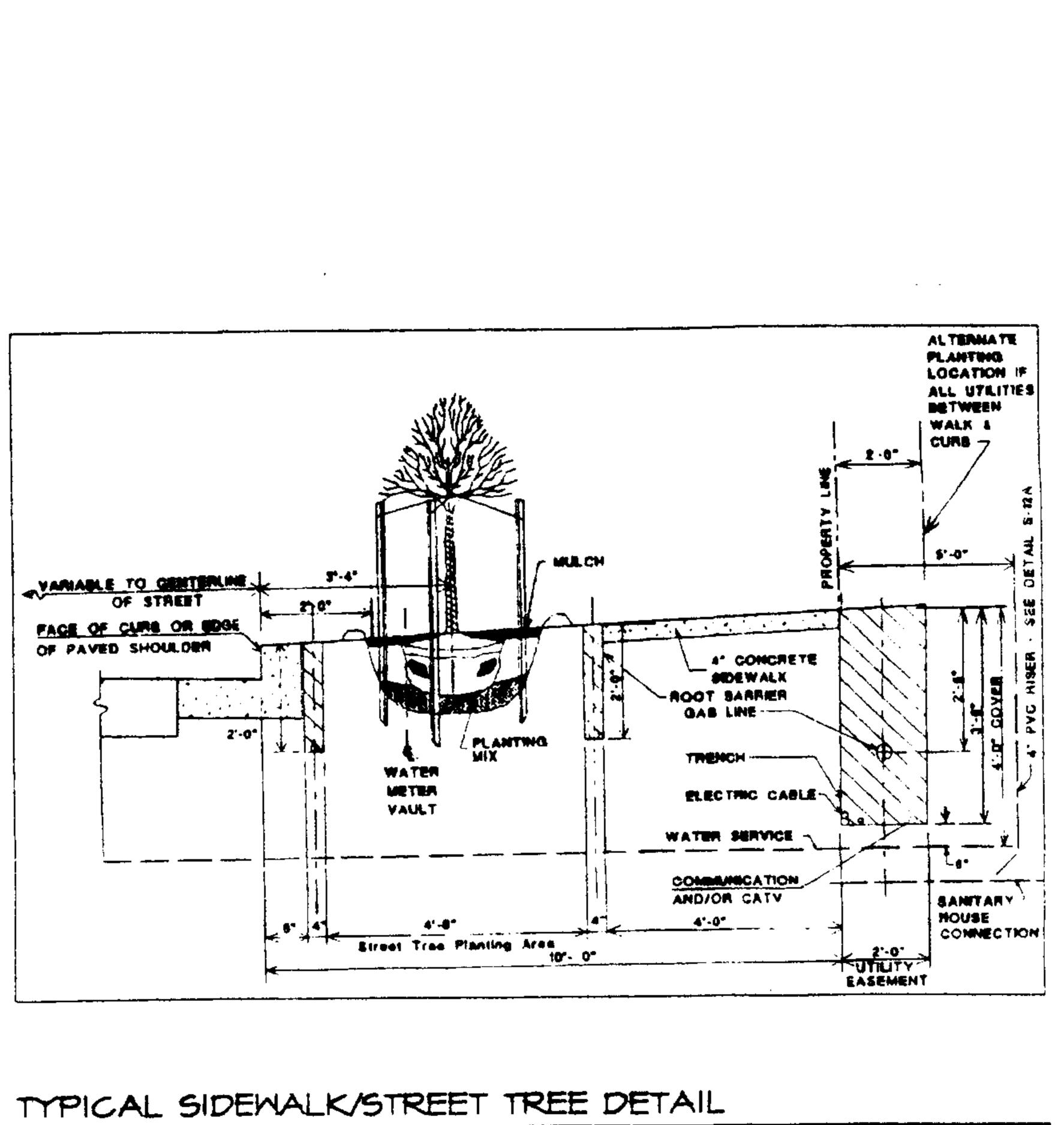
Date Completed/Initials	
	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
<del></del>	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least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



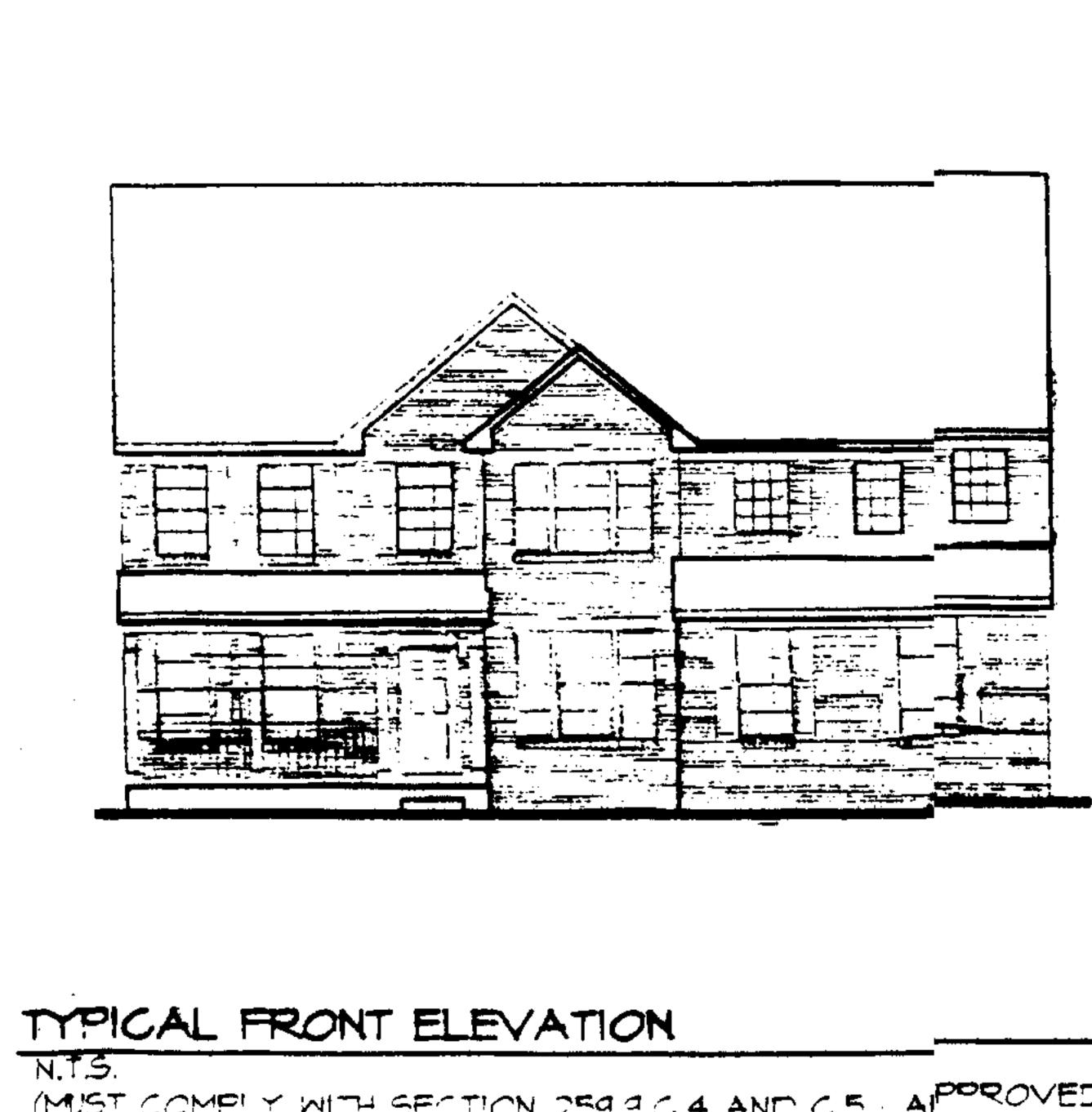


25'-0"





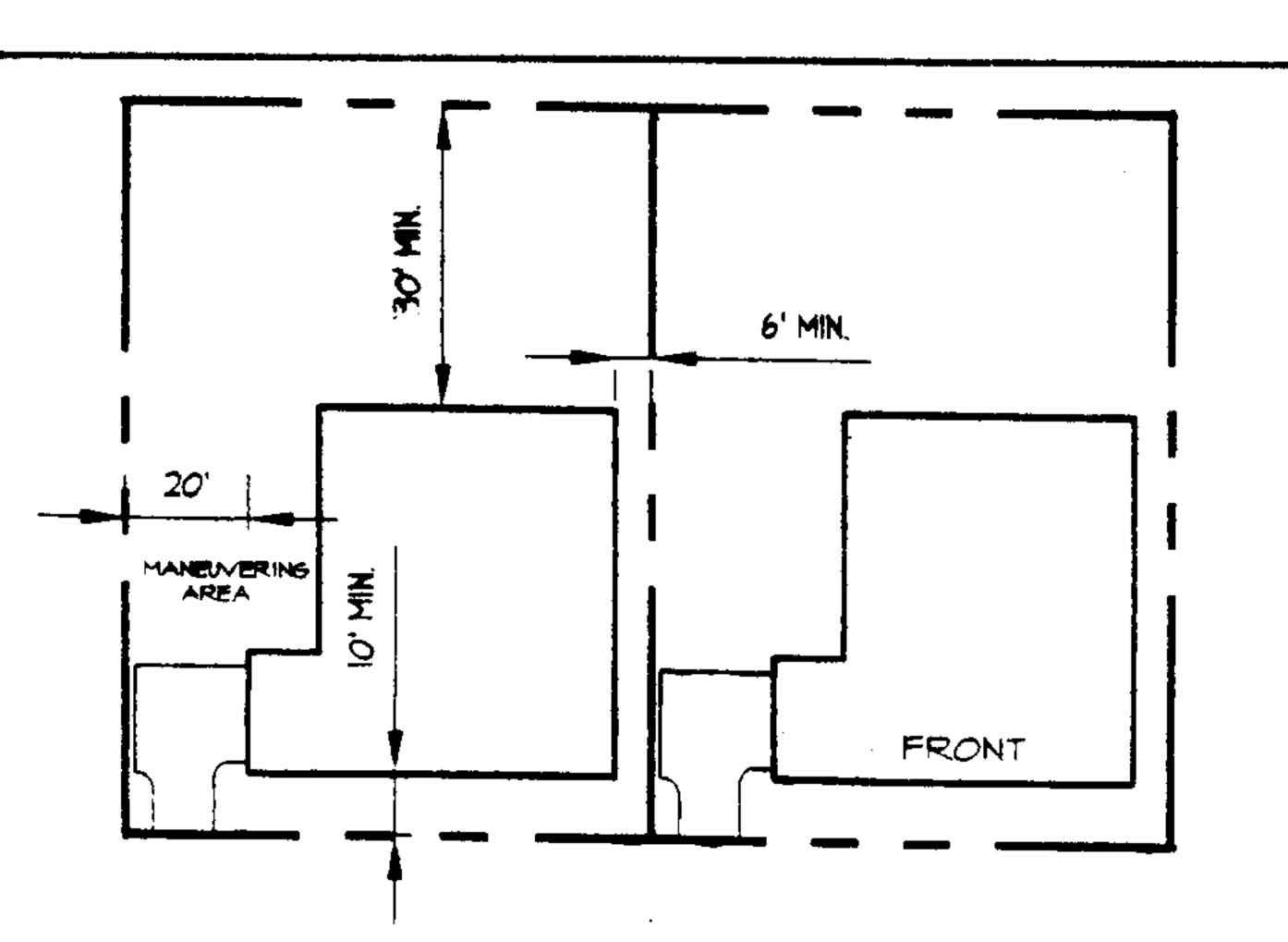
(BALTO. CO. PLATE G-5A)



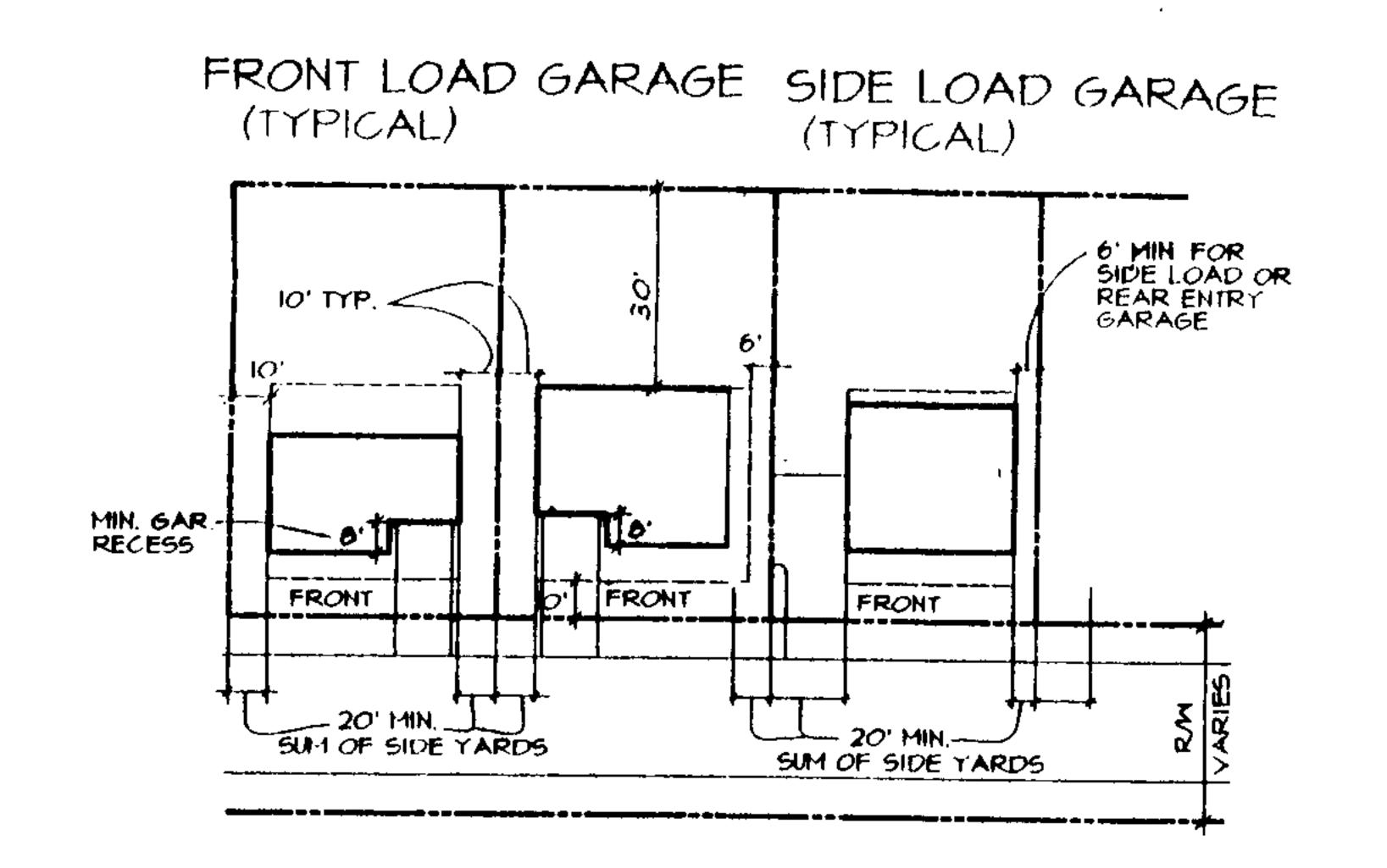
TYPICAL SIDE ELEVATION WSIDE LOAD GARAGE

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

(MUST COMPLY WITH SECTION 259.9.C.4 AND C.5 : AIPPROVED MATERIALS ARE DEFINED AS BRICK AND STONE,



PROPOSED TYP. SIDE ENTRY GARAGE LOT LAYOUT DETAIL



N.T.S. Florio Drive Is not a major or minor arterial or collector road. Note: \* Per Section 409: 18' minimum is required for offstreet parking in front of a garage.

COMPLIANCE WITH THE FOLLOWING DEVELOPMENT STANDARDS MUST BE APPROVED (L.E. INITIALED AND DATED) -BY THE OFFICE OF PLANNING. PRIDIR TO APPUCATION FOR BUILDING PERMIT. 295.9 Development standards for H and H1 Overlay Districts (BM No. 176-1994) These standards are intended to be additions to, modifications of and exceptions from the standards are intended to be additions to, moc standards required by the underlying zoning classification on the land in the area. All conflicts are to be resolved in accordance with Stubsection G (see Sections 259.9.G.1 through 259.9.G.4 below) of this section. ALSO SEE NOTE 26 SHEET 2 A. Uses. (Bill No. 73-1999) 3. Accessory structures, including; but not limited to solar panels,

EXCERPTS FROM THE HONEYGO DEVELOPMENT STANDARDS

B. Bulk and area standards. (Bill Nos. 40-1999; 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 regulation ns do not apply.

permitted in the front yard of any principal use.

Except for properties with approved development plans or CRG plans. the minimum width for any single family detached lot is 85 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 districts, the minimum residential dwelling setbacks are: a. Ten feet from the right-of-way of a collector street,

neighborhood street, allery or court as defined in the Honeygo Overlay District design giuidelines; b. Forty feet from the right-of-way of a major or minor arterial or collector road, as defined in these regulations;

Not applied to porches or stoops in front yards; and d. Six feet from a side yar'd lot line that is not adjacent or the same as a 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.

TYPICAL LOT LAYOUT

# (Bill No. 73-1999)

Building and site design standards.

- 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, 1995, a front entry garage shall be recessed at least eight feet behind the front façade of the dwelling. A two-car garage facing the street shall have two individual doors separated by a divider. The front façade of all garages, including the divider and not including the garage doors, shall be constructed of the same approved materials as the front façade of the building.
- . 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 façade of the building.
- 4. The exterior surface on the front façade of all residential dwellings, not including the garage doors, shall consist of at least 70% of approved materials. (Bill Nos. 40-1997; 73-199)

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 feet high shall also be setback at least five feet from any public right-of-way other than an alley.
- Roofs shall be pitched in accordance with the Honeygo Overlay District Design Guidelines.

2:1 INTERIOR SUPSS.

8. Stormwater management pond slopes, where management is not -provided through a regional facility, shall not exceed a ratio of 3:1,-AS APPROVED DEVELOPMENT PLAN AND AS APPROVIAL BY DEPRAY WHOER BILL NO. 105-84 WITH 3:1 EXTERIOR SLOPES AND

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

# F. Parking standards

- 1. The provision of Section 409.6 of these regulations apply except as provided in this subsection. (Bill No. 73-1999)
- 2. The provisions of Section 102.4 of these regulations do not apply and any lot may have sole access to an alley with a right-of-way of at least
- Off-street parking bays are not permitted.
- 4. A cul-de-sac or court shall not exceed 400 feet in length unless, as determined by the Director of Environmental Protection and Resource Management, a longer length is needed to prevent encroachment on protected areas.
- . All streets shall have sidewalks and shall be planted with trees according to the standards for the street classification, as defined by the Honeygo Overlay District Design Guidelines.

# Application

THE DEVELOPMENT PLAN FOR THIS SITE

WAS APPROVED ON MARCH 22, 1996.

- . 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.
- i. In addition to the requirements of this section, residential and commercial development in the area shall be subject to the Honevgo Overlay Districts Design Guidelines. (Bill No. 40-1997)
- 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 17, 1992.

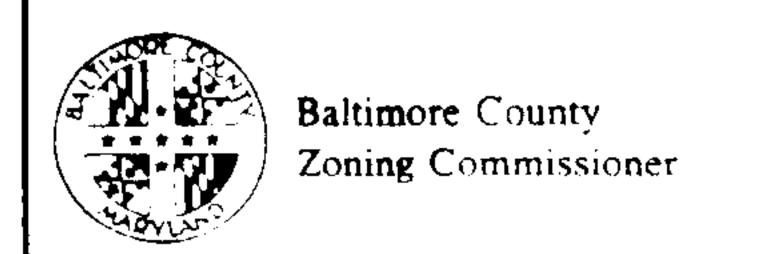
THIS FINAL DEVELOPMENT PLAN COMPLIES WITH ALL COUNTY COMMENTS AND IS IN AGREEMENT WITH THE DEVELOPMENT OR CRG PLANS AND ALL OTHER APPROVED PLANS AND/OR ZONING AND DEVELOPMENT HEARING ORDERS.

THIS SITE IS IN THE HONEYGO OVERLAY DISTRICT H AND H-1 AND IS WITHIN THE BELAIR ROAD SUBAREA AND IS SUBJECT TO THE APPLICABLE HONEYGO AREA REGULATIONS AS WELL AS

OTHER BALTIMORE COUNTY ZONING REGULATIONS.

OFFICE OF PLANNING AND ZONING DIRECTOR OF PLANNING I HEREBY CERTIFY THAT I REVIEWED WITH DUE DILIGENCE THE APPROVED DEVELOPMENT PLAN DATED MARCH 22, 1996 AND HAVE PREPARED WITH DUE DIRECTOR OF FOR

DILIGENCE THIS FINAL DEVELOPMENT PLAN PURSUANT TO THAT APPROVED DEVELOPMENT PLAN. 3RD AMENDED FINAL DEVELOPMENT AND SPECIAL HEARING PLAN ENGINEERS AND PLANNERS 9EPT. 6,2001 13218 DULANEY VALLEY ROAD GLEN ARM, MD. 21057-9613 (410) 477- 2050 FLORIO PROPERTY NORTH PARK DRIVE Check · · ------AS SHOWN HUNT VALLEY, MARYLAND 21030 ) ∂esign ELECTION DISTRICT 11 BALTIMORE COUNTY COUNCILMANIC DISTRICT 5 (410) 316-7800 2ND AMENDED PLAN



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

Mr. Frmanno Florio 4030 North Point Boulevard Baitimore, Maryland

11 PETITIONS FOR SPECIAL HEARING AND VARIANCE NW S Cross Road, 21, 91, 48' NF of Chapel Boad. (9534 Cross Road) 1th Election District The Council District Ermanno Florio - Petitioner ases Nos 90 331 SPH and 05-205-A

Dear Mr. Florio

[ ] S 518

Enclosed prease find a copy of the decision rendered in the above-captioned matter. tention for Special Hearing has been dismissed as moot, and the Petition for Variance granted, it accordance with the attached Order

In the event any party finds the decision rendered is unfavorable, any party may file an greenlite the County Board of Appeals within thirty (30) days of the date of this Order. For " information or filing an appeal, please contact the Department of Permits and Development Management office at 88 100

> The Contract of the state of th LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

Mr. John R. & Jack 2820 Reckord Road, Fallston, Md (2194) Ronald Decker, Esquire 4111 E. Joppa Road, Suite 201, Baltimore, Md., 21236 Office of Law Office of Planning, DPW People's Coursel: Case File

IN RESPECITIONS FOR SPECIAL HEARING \* BEFORE THE AND VARIANCE - NW 3 Cross Road.

1191 48' NE of Chapel Road ZONING COMMISSIONER (20134 Cross Road) OF BALTIMORE COUNTY 1th Election District <sup>28</sup> Council District

Ermanno Florio Petitioner

Cases Nos. 99-331-SPH & 01-205-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Zoning Commissioner for consideration of Petitions for Special trearing and Variance filed separately by the owner of the subject property, Ermanno Florio Specifically, in February 1909, the Petitioner filed for special hearing relief under Case No. 39-337-SPH seeking approval of 19 authorizations (building permits) in the Belair Road Subarea of the Honevgo District, due to the availability of existing public water and sewer facilities to the subject site. At the public hearing held on April 7, 1000, Mario (Ermanno) and Lois Florio, property owners, appeared, as did Newton A. Williams, Esquire, attorney for the Petitioner. Appearing as inferested persons were Robert Lund, a nearby resident, and John R. Clark, owner of property in a neighboring subdivision, and his attorney, Robald A. Decker, Esquire. Subsequent to the hearing, written comments were received from the Office of Planning, through the County's Office of Law, wherein certain issues were raised and it ections expressed in opposition to the Petitioners request. Specifically, those comments opined that this Zoning Commissioner was promibited from granting the repet requested in the corresponded. Due to the lengths exchange of correspondence that followed regarding this issue, in opinion was not rendered in Case No. 99

Sid-content's realizing the legal roadblocks presented by his Petition for Special Hearing, Mr. Morio requested relief in an alternate form the such the Patition for Variance filled in November, 2000 in Color Society 208-A. Under Case No. 19-205-A, the Petitioner seeks relicit from Section 259.7.S of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit sewer connections from the Belair Road Sub-area to a sewer interceptor in a different sub-area (Bean Run). In addition, the Petitioner requests consolidation of this variance request with the special hearing relief requester in Case No. 99-331-SPH. In that the Petitions request similar relief and present common questions of law and fact, this single opinion is issued.

Appearing at the variance hearing in support of the request were Ermanno Florio. property owner, and Ray Hopkins, a representative of KCI Technologies, Inc., who prepared the site plan for the property. There were no Profestants or other interested persons present.

The subject property at issue is a regrangular shaped parcel located on the northwest side of Cross Road, just just out Chanel Road in Perry Hall. The property contains approximately 8 Lacres in area, zoned D.R.F., and is located within the Honevgo Overlay District. As noted above, the Petitioner proposes to develop the site with 19 single family homes, as shown on the site plan sit mitted into evidence in Case No. 99-111. SPH and marked as Petitioner's Exhibit 1. That plan shows the construction of a new public road, to be known as Florio Drive, which will transect the property from Cross Road to the southeast, into an adjacent property to the northeast. In addition to the proposed (2 homes, the plan also shows areas of forest conservation and forest). miffer easements. Additionally, a storm water management reservation area is proposed.

The proposal for this subdivision proceeded through the development review process. Tas codified in Fifle 26 of the Baltimore County Code, and was approved by Order of the ondersomed commissioner on March (→) 196. Although levelopment plan approval was manted, levelopment of the site has not occurred line to the lack of infrastructure and the Honeygo regulations contained within Section 259 of the BCZR. That Section was enacted and incorporated as part of the coning regulations to provide standards for development in the Honeygo. District. The requirements contained therein are intended to insure that development in that area will not surpace the installation of infrastructure and that a high degree of quality will be maintained in the development of each individual parcel.

For the purposes of infrastructure, the Honeygo District was divided into four subareas; namely, the Belair Road, Honeygo, Bird River, and Bean Run sub-areas. Additionally, the regulations contained within Section 259 of the B.C.Z.R. created a limited number of "authorizations" which could be issued to prospective developers by the Director of the Department of Permits and Development Management (DPDM). By limiting the number of authorizations available, the regulations intend to insure that the infrastructure is in place before development occurs.

As noted above, the subject property is located in the Belair Road sub-area. At this time, there are no authorizations available to this area. Thus, by law, the Petitioner's project has been placed on "hold." Nonetheless, testimony and evidence presented shows that the subject property abuts an adjoining development, known as Perry Hall Farms, and that public sewer exists in front of the Florio property in the form of an 8-inch sanitary sewer. Moreover, although the property is located in the Belair Road sub-area, it is not dependent on the completion of the infrastructure therein, because of the availability of existing improvements which were constructed as a result of the development of Perry Hall Farms. Similarly, a 12-inch water main is located in the bed of Cross Road, along the frontage of the Florio property.

As noted above, the Petitioner originally sought relief through the Petition for Special Hearing filed in Case No. 99-331-SPH, seeking approval of "19 authorizations in the Belair Road" sub-area...due to the fact that water and sewer are available to the site." As a result of the legal roadblocks presented by that Petition. Mr. Florio requested relief in an alternate form through the Petition for Variance filed in Case No. 01-205-A. In that matter, the Petitioner requests variance relief from Section 259.7.8 of the B C.Z.R. That Section governs sewer connections and allows the Director of DPDM to authorize connections to completed sewer interceptors in certain circumstances. Moreover, the Petitioner seeks relief, pursuant to Section 259.8 of the B.C.Z.R., which allows the Zoning Commissioner to variance the requirements of Section 259.7 thereof. Such variances shall be granted after the application of those standards established in Section 4A02.4.F of the B.C.Z.R.

Although the Office of Planning and the Office of Law raised certain concerns and objections to the grant of the special hearing relief, it is to be noted that the Office of Planning supports the Petitioner's request for variance relief in Case No. 01-205-A. Within its Zoning Advisory Committee (ZAC) comments offered in this case, the Office of Planning, "... supports the request to permit sewer connections from the Belair Road sub-area to a sewer interceptor in a different sub-area and to consolidate the above variance with Case No. 99-331-SPH." The Department of Public Works concurs. Through the Development Plans Review division of the Department of Permits and Development Management (DPDM), the Department of Public Works agrees that "...sewering the Florio property in the directions (sic) of the Bean Run sub-area is the best way. It will save the County from extending the 8-inch diameter sewer in Honevgo Boulevard."

Section 4A02.4.F of the B.C.Z.R. requires a finding that; I) the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and, 2) that the granting of the Petition will not adversely affect the person whose application was filed motor to the Petitioner's application, in accordance with Section 4A02.3.G.2(b) of the B.C.Z.R.

Based upon the testimony and evidence offered. I am persuaded that these requirements have been met. It is clear that the demand or impact of the proposed development will be less than that assumed by the district standard in this case, inasmuch as sewer and water lines are in place. Moreover, the grant of the Petition for Variance will not adversely affect any person who had filed an application prior to the Petitioner's application. In sum, I concur with the position advanced by the Petitioner, the Office of Planning, and the Department of Public Works. The appropriate remedy in this case is to grant the Petition for Variance approving relief from the requirements of Section 259.7.S. This will allow the Developer to establish the appropriate connections to the existing improvements along the frontage of this property. Thus, the Petition for Variance shall be granted and the Petition for Special Hearing dismissed as moot.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the Petition for Special Hearing shall be dismissed as moot, and the Petition for Variance granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this XY May of January, 2001 that the Petition for Special Hearing in Case No. 99-331-SPH seeking approval of 19 authorizations (building permits) in the Belair Road Sub-area of the Honeygo District, due to the availability of existing public water and sewer facilities to the subject site, be and is hereby DISMISSED AS MOOT; and.

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 01-205-A seeking relief from Section 259.7.8 of the Baltimore County Zoning Regulations (B.C.Z.R.). pursuant to Section 259.8 thereof, to permit sewer connections from the Belair Road Sub-area to a sewer interceptor in a different sub-area (Bean Run), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LES:5<sub>15</sub>

Zoning Commissioner for Baltimore County

Baltimore County Department of Environmental Protection and Resource Management

Office of the Districtor 401 Bosley Avenue, Smin 415 Towson! Marshaum 247004

February 13, 2001

4030 North Point Road Baltimore, MD 21222

Mr. Ermanno Florio

RE: Florio Property 2" Commission Property Forest Buffer Vattering Request

## Dear Mr. Florio:

This Department received the above referenced variance request to the Regular the Protection of Water Quality, Streams, Wetlands and Floodplains on Feb. "" \* If granted, the variance would allow four additional lots in the approved major subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the Levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the Levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the Levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the Levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the Levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the Levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the Levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the Levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the Levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the Levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to the levis subdivision (specifically lots 5, 6, 7, & 10) to have 15 foot setbacks to have 15 Easement in lieu of the required 35 feet.

A similar variance was previously granted by this Department on January 🥳 🔭 5.1 allow a reduced setback of 15 feet on lots 4, 11, & 12 with permanent protect along the entire Forest Buffer Easement. However, there was some confusion whether that variance granted relief on two or three lots. Therefore to classic " position, that 1995 variance shall affect lots 4, 11, & 12 only and its condition in the same

In order to grant a variance, the director must find that an unreasonable hard ship would result from a literal interpretation of the regulations and that minimal introquality would result were the variance granted. We have concluded that the Markon in of the resources on the property causes a practical difficulty. Moreover, v unreasonable hardship exists in that you bought this property at a higher if (D.R. 5.5 & D.R. 16) and only to have it downzoned by Baltimore County shortly thereafter. Furthermore, Baltimore County's Zoning Regulations 1 since development plan approval to now allow front entry garages. Having and Short parking in garages attached to the dwellings would significantly increase " marketability of the development. Thus, in order to minimize devaluation of New III property, you are proposing 19 lots with the majority having front entry garalges to take advantage of this opportunity to increase the value of the units in this subdix and

Although there are no direct impacts to the Forest Buffer Easement proposed, the chief concern in granting this variance is the potential for additional encroachment into the Forest Buffer Easement by future homeowners due to reduced yard area.

Based on these findings and pursuant to our February 8, 2001 meeting with you and your engineer, it the intention of this Department to grant a variance for lot 5 only contingent upon the following:

- 1. Lot 5 may have a 20 foot setback in lieu of the required 35 feet provided the lot grading does not extend into the Forest Buffer. . No reduction in Forest Buffer or its setback shall occur on any other lots in this
- . As previously required, a permanent fence shall be erected along the entitre Forest Buffer Easement onsite and "Forest Buffer-Do Not Disturb" signs posted behind each house abutting the Forest Buffer Easement. This fence shall be installed prior to
- building permit issuance for the affected lots. 4. There shall be no disturbance of the Forest Buffer for any lot grading, hobuse or driveway construction, etc. under any circumstances.
- 5. A copy of this letter shall be provided and the Baltimore County-approverd development plan shown to any and all potential homebuvers prior to setitlement. Written documentation that this has occurred must be submitted to the Ernvironmental Impact Review (EIR) section of this Department prior to EIR approval of any permit for any lot containing or adjacent to Forest Buffer Easement. If the buildout/ownership of this project is transferred, this requirement to notify funure
- homeowners also transfers. 6. The following note must appear on all plans submitted for this project anid all plans provided or shown to potential homebuvers:
- "A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffeer Easement and building setback shown hereon are reflective of the fact that this Variance was granted. Permanent fencing and posting of the Forest Buffer Easemeint were required as conditions of this variance to reduce water quality impact. S.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an ameended variance request.

Please sign the statement below/on the next page to indicate your agreement to conditions of both the 1995 variance and this variance and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may rernder this approval null and void, or may result in delays in the processing of plans for this project.

If there are any questions regarding this decision, please contact Ms. Patricia Farr at (410)

Markel George G. Perdikakis

Bruce Seeley, Development Coordination

I/we agree to the above conditions to bring my/our property into compliance. With Regulations for the Protection of Water Quality, Streams, Wetlands and Floo<sup>odplains</sup>.

Property Owner's Signature

ERMHNNO FEORIO

Contract Purchaser's Signature

Contract Purchaser's Printed Name

GENERAL NOTES

GROSS ACREAGE: 8.0 ± NET ACREAGE: 8.0 ±

CURRENT ZONING: DR - 3.5, HONEYGO OVERLAY DISTRICT (BELAIR ROAD

SUBAREA – H AND H1) CURRENT USE: SINGLE FAMILY RESIDENTIAL

PROPOSED USE: SINGLE FAMILY DETACHED RESIDENTIAL

DEED REFERENCES: TAX MAP 72, PARCEL 100 - SM 8335/308

TAX ACCOUNT NUMBER:1119007225 CENSUS TRACT: 4113.04 WATERSHED:

SUBSEWERSHED: 22 DENSITY CALCULATIONS:

	REQUIRED / PERMITTED	PROPOSED
LOT	@ 3.5 DWELLINGS / ACRE= 28 LOTS	19
PARKING SPACES	(2) 2 / LOT = 68	38
OPEN SPACE	TO BE WAIVED	FEE-IN-LIEU

THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE OCTOBER 30 1989. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS. PARKING SHALL ALSO BE SUBJECT TO 259.9.F, BCZR.

- A WAIVER OF THE OPEN SPACE REQUIREMENT WILL BE REQUESTED FROM THE BALTIMORE COUNTY DEPARTMENT OF RECREATION AND PARKS. THE OPEN SPACE REQUIREMENT FOR THIS PROJECT WILL BE MET BY A FEE-IN-LIEU PAYMENT SUBJECT TO 259.9.E. BCZR.
- A WAIVER WILL BE REQUESTED FROM THE BALTIMORE COUNTY DEPRM TO PERMIT GRADING IN THE FOREST BUFFER FOR THE PURPOSES OF STORMWATER MANAGEMENT
- A VARIENCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIROMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM THE REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS WHICH BECAME EFFECTIVE JANUARY 1, 1991. THE FOREST BUFFER EASEMENT SHOWN HEREON IS REFLECTIVE OF THE FACT THAT THIS VARIENCE WAS GRANTED. THE VARIENCE STIPULATES THAT ON LOTS 4 (LOT 18 ON CONCEPT PLAN) 11 AND 12, THE FOREST BUFFER SETBACK MAY BE REDUCED FROM A MINIMUM OF 35' TO A MINIMUM OF 15'. CONDITIONS WERE PLACED ON THE VARIENCE TO REDUCE WATER QUALITY IMPACTS.
- ALL EXISTING BUILDINGS ON THIS SITE ARE TO BE REMOVED PRIOR TO ANY CONSTRUCTION.
- ALL RESIDENTIAL UNITS PROPOSED ARE TO BE SINGLE FAMILY DETACHED RESIDENCES.
- THIS SITE IS WITHIN THE BOUNDARIES OF THE HONEYGO PLAN AREA. THE PROPOSED LAND USE, "SINGLE FAMILY DETACHED" RESIDENTIAL, IS CONSISTENT WITH THE PREDOMINANT LAND USE RECOMMENDED BY THE BALTIMORE COUNTY PLAN AND THE HONEYGO PLAN.
- THIS PROJECT WILL BE SERVED BY PUBLIC WATER AND SEWER. SITE LANDSCAPE PLANTING SHALL COMPLY WITH REQUIREMENTS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL. THE LANDSCAPE PLAN MUST BE APPROVED PRIOR TO BUILDING PERMIT APPLICATION.
- ESTIMATED NUMBER OF ADDITIONAL AVERAGE DAILY TRIPS (ADT'S) FOR THIS PROJECT: 198
- A VARIENCE WAS GRANTED BY THE BALTIMORE COUNTY DEPRM ON FEBRUARY 13. 2001 FOR LOT 5. THE FOREST BUFFER SETBACK MAY BE REDUCED FROM A MINIMUM OF 35' TO A MINIMUM OF 20'
- THE SITE IS PARTIALLY FORESTED. A SIMPLIFIED FOREST STAND DELINEATION HAS BEEN PREPARED, SUBMITTED AND APPROVED BY BALTIMORE COUNTY DEPRM. A FOREST CONSERVATION PLAN WAS SUBMITTED IN CONJUCTION WITH THE DEVELOPMENT PLAN. PROPOSED FOREST CONSERVATION AREAS WILL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
- TWO PERMANENT IDENTIFICATION SIGNS ARE PROPOSED FOR THIS PROJECT SUBJECT TO COMPLIANCE WITH SECTION 450 AND 259.9.D. BCZR. TOPOGRAPHY SHOWN IS FIELD-RUN TOPOGRAPHY BY KCI TECHNOLOGIES, INC.
- PRIVATE DRIVES ARE TO BE PAVED WITH A DURABLE DUSTLESS SURFACE BITUMINOUS PAVING. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF
- VEGETATION IN THE FOREST CONSERVATION EASEMENT AND FOREST BUFFER EASEMENT EXCEPT AS PERMITTED NY THE BALTIMORE COUNTY DEPARTMENT OF ENVIROMENTAL PROTECTION AND RESOURCE MANAGEMENT. ANY FOREST BUFFER OR FOREST CONSERVATION EASEMENT SHOWN HEREON IS
- SUBJECT TO PROTECTIVE CONVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL
- BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR). (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.) ACCESSORY STRUCTURES ARE ALSO LIMITED BY SECTION 259.9.A.3; OPEN PROJECTIONS BY SECTION 259.9.B.4.c, AND FENCES BY 259.9.C.6 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
- ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOODPLAINS AREAS OR HYDRIC SOILS. (NO 100 YEAR FLOODPLAINS EXIST ON THIS SITE.)
- THERE ARE NO KNOWN ARCHAEOLIGICAL OR HISTORICAL SITES ON THE PROPERTY. THE FISH, HERITAGE, AND WILDLIFE ADMINISTRATION HAS NO RECORD OF RARE. THREATENED OR ENDAGERED SPECIES HABITATS WITHIN THIS PROJECT SITE.
- ALL LOTS WILL BE SOLD IN FEE SIMPLE. THE FINAL DEVELOPMENT PLAN WAS APPROVED BY THE DIRECTOR OF P.D.M. BASED ON HIS INTERPRETAIONS OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND
- TRANSFERRED FOR THE PURPOSE OF OCCUPANCY. THE EXACT LOCATION FOR CURB CUTS FOR DRIVEWAY OR PARKING PAD ENTRANCES IS TO BE DETERMINED BY OWNER WHEN EXACT BUILDING MODELS BECOME AVAILABLE BUT PRIOR TO INSTALLATION OF STREET CURBS.
- PRIOR TO BUILDING PERMIT THE EXISTING HOUSE SHALL BURN ZED AND SEPTIC WILL SE BACKFILLED THERE ARE NO KNOWN EXISTING WELLS OR UNDERGROUND STORAGE TANKS ON
- THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA. THERE ARE NO KNOWN HAZARDOUS MATERIALS ON THIS SITE
- THERE ARE NO UNRESOLVED COMMENTS OR CONDITIONS TO THE CONCEPT PLAN AT THE TIME OF THE DEVELOPMENT PLAN SUBMITTAL.
- NO MTA BUS SERVICE IS PRESENTLY AVAILABLE TO THIS SITE.
- THERE SHALL BE NO DISTURBANCE TO THE 16' WIDE ACCESS EASEMENT AREA OR INTERFERENCE WITH THE RIGHTS OF THE PARTIES TO THE EASEMENT RESULTING FROM DEVELOPMENT OF THIS PROJECT.

THIS FINAL DEVELOPMENT PLAN COMPLIES WITH ALL COUNTY COMMENTS AND IS IN AGREEMENT WITH THE DEVELOPMENT OR CRG PLANS AND ALL OTHER APPROVED PLANS AND/OR ZONING AND DEVELOPMENT HEARING ORDERS

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Bultimore County

this day of June, 2002 that the Petition for Variance seeking relief from Sections

1 1B01.2.C.1.b, 301.1, and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a

f rear yard setback of 24 feet to lieu of the required 30 feet for Lot 3, and rear yard setbacks of 25

feet in lieu of the required 30 feet for Lots 4, 14, 15, 16, 17, 18, and 19. Additionally, relief is

requested to allow open projections (decks) for Lots 3, 4, 14, 15, 16, 17, 18, and 19 with rest

property line sethecks of 13 flot each in lieu of the required 22.5 flot, and approval of an

, annualment to the final development plan for the Florio Property to reflect the proposed '

modifications, in accordance with Publisher's Exhibit 1, be and is hearby GRANTED, subject to

1) The Petitioness may apply for their building permit and be granted some

2) All decks shall be constructed at ground elevation, only. There shall be

3) When applying for any pounds, the site plan filed must reference this case

HE L SCHOOL

this Order is reversed, the seller greated herein shall be received.

no dealer entending from the second floor of any dwelling

and set forth and address the restrictions of this Order.

CASE NO. 02-499-A

upon receipt of this Coder; however, Publishers are hereby made arrays

that proceeding at this time is at their own risk until the 30-day angest

period from the date of this Order has empired. If an appeal is filled and

the following probabilistics:

THIS SITE IS IN THE HONEYGO OVERLAY DISTRICT H AND H-1 AND IS WITHIN THE BELAIR ROAD SUBAREA AND IS SUBJECT TO THE APPLICABLE HONEYGO AREA REGULATIONS AS WELL AS OTHER BALTIMORE COUNTY ZONING REGULATIONS.

THE DEVELOPMENT PLAN FOR THIS SITE WAS APPROVED ON MARCH 22, 1996.

I HEREBY CERTIFY THAT I REVIEWED WITH DUE DILIGENCE THE APPROVED DEVELOPMENT PLAN DATED MARCH 22, 1996 AND HAVE PREPARED WITH DUE DIRECTOR OF POM DILIGENCE THIS FINAL DEVELOPMENT PLAN PURSUANT TO THAT APPROVED DEVELOPMENT PLAN.

OFFICE OF PLANNING AND DIRECTOR OF PLANNING

3RD AMENDED FINAL DEVELOPMENT AND SPECIAL HEARING PLAN FLORIO PROPERTY

SEPT. G. 2001 AS SHOWN

2ND AMENDED PLAN

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ENGINEERS AND PLANNERS HUNT VALLEY, MARYLAND 21030 (410) 316-7800

ERMANNO FLORIO 13218 DULANEY VALLEY ROAD GLEN ARM, MD. 21057-9613 (410) 477- 2050

ELECTION DISTRICT 11 BALTIMORE COUNTY

COUNCILMANIC DISTRICT 5

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ASHIER'S VALIDATION

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