IN RE: DEVELOPMENT PLAN HEARING NW/S of Cross Road, NE of Chapel Road 11th Election District 5th Councilmanic District **(CROSS ROADS PROPERTIES)**		*	BEFORE THE HEARING OFFICER OF BALTIMORE COUNTY
Cross Honeygo LLC *Developer/Petitioner*		*	Case Nos. XI-941 & 04-356-A

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

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as "Cross Roads Properties" prepared by D. S. Thaler & Associates, Inc. The Developer is proposing to develop the subject property into 51 lots in the Honeygo area. The subject property is located on the northwest side of Cross Road, northeast of Chapel Road. The particulars of the manner in which the property is proposed to be developed are more specifically shown on Developer's Exhibit No. 1, the Development Plan entered into evidence at the hearing.

In addition to seeking approval of the Development Plan, the Petitioner has also requested variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

1. from Sections 259.9.G.3 & 504.2 and page 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP") to allow for concrete mountable curbs in lieu of the requirements for standard vertical concrete curbs; and

2. from Sections 259.9.G.3 and 504.2 and page 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies (C.M.D.P.), to allow for sidewalk on one side of a public street in lieu of the requirement for sidewalk on both sides of a public street.

The property was posted with Notice of the Hearing for the Development Plan on March 4, 2004 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, the property was posted with Notice of Hearing for the variance request on March 14, 2004 and a Notice of Zoning Hearing was published in "The Jeffersonian" newspaper on March 16, 2004 to notify any interested persons of the scheduled hearing date.

Appearing at the hearing on behalf of the Development Plan approval request was David Thaler, appearing on behalf of D. S. Thaler & Associates, Inc., the firm who prepared the Development Plan. Stacy MacArthur, Paul Amirault and Alan Scoll appeared on behalf of the Petitioners. Scott Barhight, Esquire represented the Petitioners at the hearing.

Appearing as interested citizens in the matter were Louise Landenklos, Louise Tanner and Mary Floyd. Mary Stricklin indicated that she was an adjacent property owner.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Donna Thompson (Zoning Review), Bob Bowling (Development Plans Review), Ron Goodwin (Bureau of Land Acquisition) and Walt Smith (Development Management), all from the Office of Permits & Development Management; R. Bruce Seeley and John Oltman from the Department of Environmental Protection and 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 held on August 4, 2003 and a Community Input Meeting followed on September 11, 2003 at the Perry Hall Community Hall. A Development Plan Conference was held on March 10, 2004 and a Hearing Officer's Hearing was held on April 1, 2004 in Room 106 of the County Office Building.

Developer Issues

The Developer raised no issues in presenting the Redline Development Plan and recommended its approval as submitted subject to approval of the companion variance requests.

County Issues

The County agency representatives indicated that the Redline Plan met all applicable County regulations except:

The representative from zoning requested that a note be added to the Development Plan and the Final Development Plan indicating that that no building permits would be issued without Honeygo Allocations approval. The Developer agreed and placed the note on the Redline Plan.

ORDER RECEIVED FOR FILING
Date 4/2/04
By R. Ormsby

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The representative from the Department of Public Works indicated that the Redline Plan met all the County regulations within the jurisdiction of his department if the two variances were approved. He recommended approval of both.

The representative from DEPRM indicated that the Redline Plan met all of his agency's requirements but wanted to clarify the note on the Redline Plan regarding extension of the sewer line between Lots 24 and 25. He was concerned that the adjacent property owner would be lead to believe that DEPRM was approving the proposed extension of the sewer line. The Redline Plan shows that the owners of the adjacent property affected by this note would be Esther Dietz, Joan Parsons, et. al, and is designated as Parcel 12. However, at the hearing, the only citizen not associated with the Petitioner was Mary Stricklin who indicated that she owned that property. As mentioned below, she requested that the sewer line be extended to this property. After some discussion, the Developer agreed to this request and did add a note to indicate that the extension was a "possible future" sanitary sewer extension which satisfied DEPRM's concern.

Community Issues

The only community issue was raised by Mary Stricklin who indicated that she owned the property adjacent to Lots 24 and 25 on the Redline Development Plan. She requested and the Developer agreed that the Redline Plan should show the extension of the sewer line to her property. The change was made to the plan with the additional note requested by DEPRM.

Applicable Law

Section 307 of the B.C.Z.R. *Variances*

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area 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."

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 testimony or evidence regarding any potential impact of any approved development upon the proposed plan.

(3) The hearing officer shall make findings for the record and shall render a decision pursuant to the requirements of this section.

(b) The hearing officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated pursuant to section 2-416 et seq. of the Code, provided that the final approval of a plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

(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 part;

(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; and

(4) The condition does not reduce by more than twenty (20) percent the number of dwelling units proposed by a residential Development Plan in a D.R.5.5, DR 10.5, or DR 16 zone, and no more than twenty (20) percent of the square footage proposed by a non-residential Development Plan. This subsection is not applicable to a PUD Development Plan.

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Testimony and Evidence

The property on which the development is proposed is 37 acres, zoned DR 3.5H and located in the Belair Road Subarea of the Honeygo Overlay District. The Developer proposes to build 51 single-family homes on the property as shown on the Redline Plan Developer's Exhibit Nos. 1A and 1B. The new subdivision would be served by public water and sewer and would meet all storm water management requirements. Public roads would connect the new community to Cross Road and adjacent communities as required by the Honeygo Regulations.

The Developer agreed to place a notation on Exhibit No. 1, as requested by the Zoning Office, to the effect that no building permits would be issued without allocation letters having been granted under the Honeygo regulations.

In regard to the variances requested, proffered testimony indicated that there was no need for a sidewalk along the southeast portion of the cul-de-sac designated as "Court C". This portion of the road borders the Baltimore County drainage and utility easement only. No home would be built in this area, thus there is no one to use a sidewalk on this side of the road. In fact, the Petitioner pointed out that the easement is an area to be protected so there should be no sidewalk to dissuade persons from walking in that area. In addition, testimony indicated that the request to waive sidewalks in this area meet all the criteria given in Section 307 of the B.C.Z.R. and would not adversely affect the surrounding community.

Similarly, proffered testimony on the issue of mountable curbs indicated that the homes and garages could be not be located with certainty at this stage of development. These would clearly be within building envelopes but would likely vary from lot to lot as buyers chose among many options. As such, if the Developer installed standard straight curb and gutter in the development, there would likely be many places where the curb and gutter would have to be

removed to allow the proper curb cut and vehicular access to the garage. The Developer submitted Exhibit No. 2 which shows the various curb designs approved by the County which includes the mountable curb proposed herein. The Developer's engineer offered that this is the curb preferred by the Department of Public Works. In addition, testimony indicated that the request to have mountable curbs in this area meet all the criteria given in Section 307 of the B.C.Z.R. and would not adversely affect the surrounding community. Notice again is taken that the representative of the Department of Public Works recommended approval of both variances

Findings of Fact and Conclusions of Law

After considering the evidence and testimony in this case I find that 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. It would make little sense to remove concrete curbing once installed to allow the new homeowner to access his/her garage. No increase in residential density beyond that otherwise allowable by the Zoning Regulations was requested or would be permitted as a result of any such grant of these variances. Furthermore, I find that such variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Consequently I will grant the variances requested.

I further 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 Baltimore County Code, and that the plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Consequently I will approve the Redline Development Plan.

ORDER RECEIVED FOR FILING
Date 4/26/4
By

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I further 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 Baltimore County Code, and that the plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Consequently I will approve the Redline Development Plan.

ORDER RECEIVED FOR FILING
Date 4/26/11
By P. Grundy

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 2 day of April, 2004, that the variances requested as follows:

1. from Sections 259.9.G.3 & 504.2 and page 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP") to allow for concrete mountable curbs in lieu of the requirements for standard vertical concrete curbs; and

2. from Sections 259.9.G.3 and 504.2 and page 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies (C.M.D.P.), to allow for sidewalk on one side of a public street in lieu of the requirement for sidewalk on both sides of a public street

be and they are hereby GRANTED; and

IT IS FURTHER ORDERED that the Redline Development Plan known as "Cross Roads Properties", submitted into evidence as "Developer's Exhibit Nos. 1A and 1B", be and they are hereby APPROVED.

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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 4/2/04
By R. Jamison

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

April 2, 2004

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

Re: Hearing Officer's Hearing Case Nos. XI-941 & 04-356-A
Property: NW/S of Cross Road, NE of Chapel Road
11th Election District, 5th Councilmanic District
(Cross Roads Properties)

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above-captioned case. The Development Plan and request for variance for the Cross Roads Properties have been approved 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 V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Copies to:

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

D. S. Thaler, Stacy MacArthur
and Alan Scoll
D. S. Thaler & Associates, Inc.
P. O. Box 47428
Baltimore, Maryland 21244

Louise Landenklos
9510 Cross Road
Perry Hall, MD 21128

Louise Tanner
4228 Chapel Road
Perry Hall, MD 21128

Mary Floyd
4411 Forge Road
Perry Hall, MD 21128

Mary Stricklin
7907 Bradshaw Road
Upper Falls, MD 21156

Copies to:

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

D. S. Thaler, Stacy MacArthur
and Alan Scoll
D. S. Thaler & Associates, Inc.
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Perry Hall, MD 21128

Louise Tanner
4228 Chapel Road
Perry Hall, MD 21128

Mary Floyd
4411 Forge Road
Perry Hall, MD 21128

Mary Stricklin
7907 Bradshaw Road
Upper Falls, MD 21156

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at NW/S of Cross Rd, NE Chapel Rd

which is presently zoned D.R. 3.5H

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

Reasons 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:

Iron Horse Properties, LLC
Name - Type or Print
by: Douglas F. Eshelman,
[illegible]
Signature
9202 Georgia Bell Drive 410-832-2077
Address Telephone No.
Perry Hall, MD 21280
City State Zip Code

Attorney For Petitioner:

G. Scott Barhight/Jennifer R. Busse
Name - Type or Print
[illegible]
Signature
Whiteford, Taylor & Preston
Company
210 W. Pennsylvania Ave (410) 832-2077
Address Telephone No.
Towson, MD 21204
City State Zip Code

Legal Owner(s):

Please see attached - For Parcel 1280
Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

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 ________

Case No. 04-356-A

Reviewed By D. THOMPSON Date 2/3/04

ORDER RECEIVED FOR FILING
Date 4/2/04
By [illegible]

REV 9/15/98

ATTACHMENT TO PETITION FOR VARIANCE

"Crossroads"
NW/S Cross Road, NE Chapel Road

Relief Requested:

"V-1"
Pursuant to BCZR § 259.9.G.3, BCZR § 504.2, and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP"), variance to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs.

"V-2"
Pursuant to BCZR § 259.9.G.3, BCZR § 504.2, and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP"), variance to allow for sidewalk on one side of a public street in lieu of the requirement for sidewalk on both sides of a public street.

04-356-A

ATTACHMENT TO PETITION FOR VARIANCE

"Crossroads"
NW/S Cross Road, NE Chapel Road

Legal Owner for *Parcel 1280*:

Catherine L. Oppenheim
4260 Chapel Road
Perry Hall, MD 21128

Catherine L Oppenheim
Signature

December 23, 2003

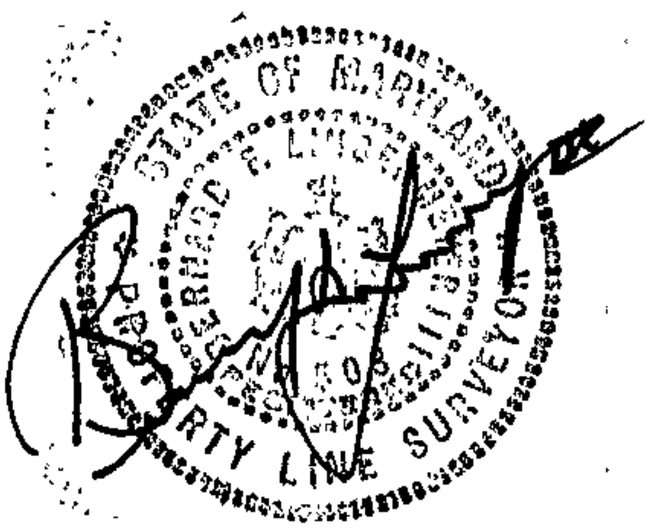
ZONING DESCRIPTION

CROSSROADS PROPERTY

Beginning for the same in the center of Cross Road at a point approximately 332 feet southwesterly from the intersection of Florio Drive, thence running the following twelve (12) courses and distances:

1. South 42°40'07" West 616.07 feet, more or less, to a point; thence,
2. North 50°06'14" West 359.20 feet, more or less, to a point; thence,
3. South 42°53'37" West 361.68 feet, more or less, to a point; thence,
4. South 50°06'14" East 360.62 feet, more or less, to a point; thence,
5. South 42°40'07" West 30.04 feet, more or less, to a point; thence,
6. North 50°06'14" West 1,065.77 feet, more or less, to a point; thence,
7. South 42°47'14" West 210.11 feet, more or less, to a point; thence,
8. North 50°05'33" West 725.11 feet, more or less, to a point; thence,
9. North 43°25'40" East 928.34 feet, more or less, to a point; thence,
10. South 49°09'42" East 712.00 feet, more or less, to a point; thence,
11. North 46°04'18" East 320.44 feet, more or less, to a point; thence,
12. South 49°09'42" East 1,046.80 feet, more or less, to the point of beginning.

Containing 36.9991 acres of land, more or less.



H:\CORRESPONDENCE\PROJECTS\Crossroads Property\Zoning Description BFL gf 12 23 03.doc

ON-356-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 32612

DATE 2/3/04 ACCOUNT 001006615D

AMOUNT $ 650.00

RECEIVED FROM: WHITEFORD, TAYLOR & PRESTON, LLP

FOR: ITEM # 356 04-356-A

NW/S OF CROSS RD., NE CHAPEL RD. BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
2/06/2004	2/03/2004	15:33:05	2

REG USER1 MAIL JEDA JEE
RECEIPT # 319774 2/03/2004 OFLH
Dept 5 538 ZONING VERIFICATION
CK NO. 032612
Recpt Tot $650.00
$650.00 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: #04-356-A
N/west side of Cross Road, n/east of Chapel Road
N/west side of Cross Road, 332 feet s/west of Florio Drive
11th Election District - 5th Councilmanic District
Legal Owner(s): Parcel 1280 – Catherine Oppenheim; 1353 – Perry Hall Center, LLC; 103 – Louise Laudenklos & Louise Tanner, & for Parcel 1281 – William Dietz
Contract Purchaser: Iron Horse Properties, LLC by Douglas Eshelman

Variance: to permit concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs and for a sidewalk on one side of public street in lieu of the requirement for sidewalk on both sides of a public street.

Hearing: Thursday, April 1, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/3/699 Mar. 16 C654769

CERTIFICATE OF PUBLICATION

3/16/, 2004

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 3/16/, 2004.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-356-A

Petitioner/Developer: IRON HORSE PROPERTIES / DOUG ESHELMAN

Date of Hearing/Closing: 4/1/04

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

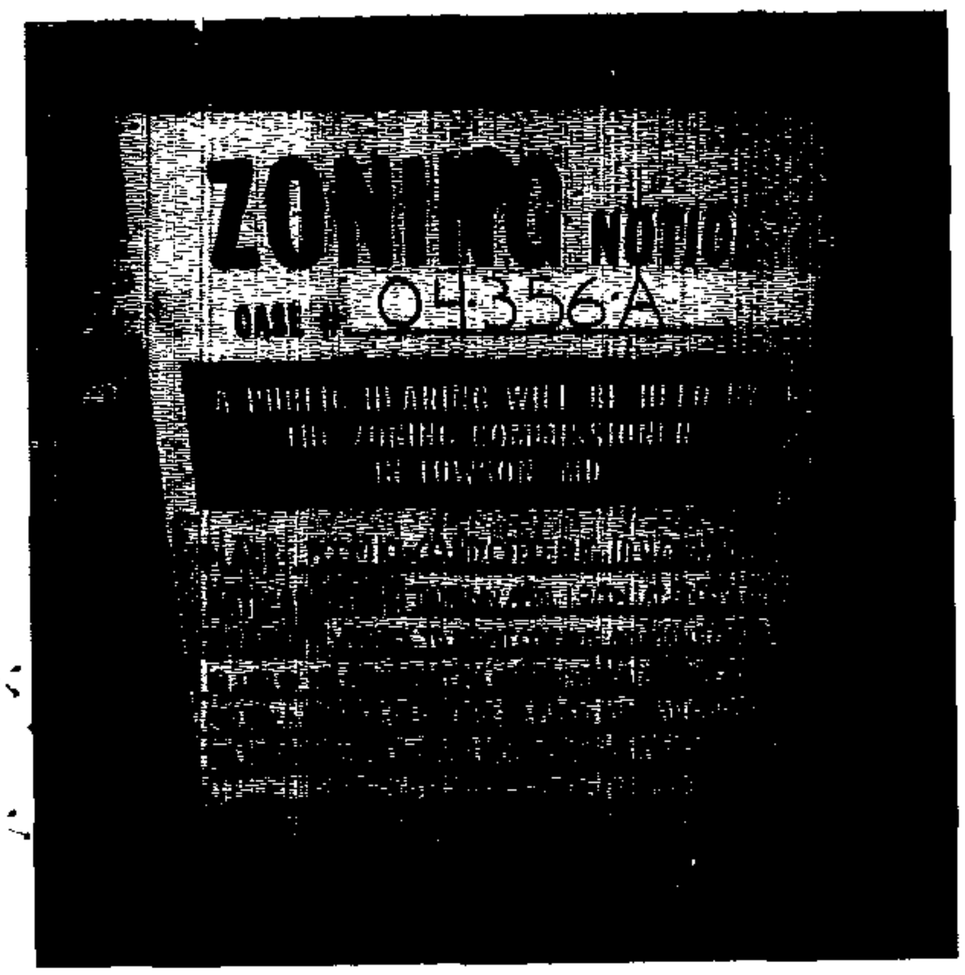
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 2 SIGNS POSTED

① N/WEST SIDE OF CROSS RD, N/E OF CHAPEL RD

② N/WEST SIDE OF CROSS RD / 332 FT S/W OF FLORIO DRIVE

The sign(s) were posted on 3/14/04
(Month, Day, Year)

Sincerely,



Robert Black 3/14/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

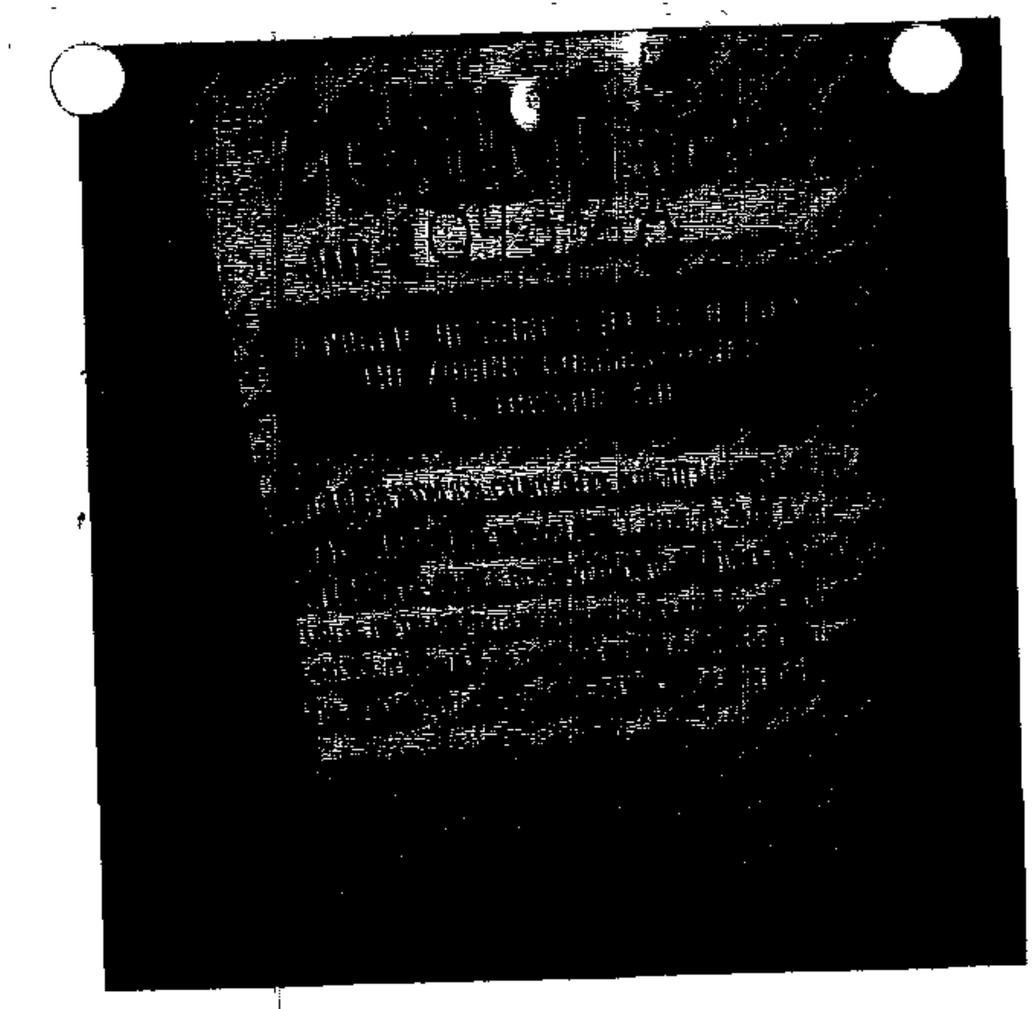
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RE:	PETITION FOR VARIANCE NW/side of Cross Road, NE Chapel Rd; NW/side Cross Rd, 332' SW of Florio Drive 11th Election & 5th Councilmanic Districts Legal Owner(s): William H. Dietz Contract Purchaser(s): Iron Horse Properties LLC, by Douglas F. Eshelman Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-356-A

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

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of February, 2004, a copy of the foregoing Entry of Appearance was mailed to, G. Scott Barhight, Esquire and Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
FEB 24 2004
Per.....

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 16, 2004 Issue - Jeffersonian

Please forward billing to:
Jennifer Busse 410-832-2077
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

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: 04-356-A
N/west side of Cross Road, n/east of Chapel Road
N/west side of Cross, Road, 332 feet s/west of Florio Drive
11th Election District – 5th Councilmanic District
Legal Owners: Parcel 1280 – Catherine Oppenheim; 1353 – Perry Hall Center, LLC, 103 – Louise Laudenklos & Louise Tanner, & for Parcel 1281 – William Dietz
Contract Purchaser: Iron Horse Properties, LLC by Douglas Eshelman

Variance to permit concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs and for a sidewalk on one side of public street in lieu of the requirement for sidewalk on both sides of a public street.

Hearing: Thursday, April 1, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M Kotroco, Director

February 23, 2004

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: 04-356-A
N/west side of Cross Road, n/east of Chapel Road
N/west side of Cross, Road, 332 feet s/west of Florio Drive
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Hearing: Thursday, April 1, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco
Director

TK:klm

C: G. Scott Barhight/Jennifer Busse, 210 W. Pennsylvania Ave., Towson 21204
Catherine Oppenheim, 4620 Chapel Road, Perry Hall 21128
Isidoros Roros, Perry Hall Center, LLC, 1027 30th St., NW, Washington DC 20007
Louise Laudenklos & Louise Tanner, 9510 Cross Road, Perry Hall 21128
William Dietz, 9422 Cross Road, Perry Hall 21128
Douglas Eshelman, 9202 Georgia Bell Dr., Perry Hall 21280

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 17, 2004.**
(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.

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: 04-356-A

Petitioner: IRON HORSE PROPERTIES, LLC

Address or Location: NW/S OF CROSS RD, NE CHAPEL RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JENNIFER R. BUSSE, ESQUIRE

Address: WHITEFORD, TAYLOR + PRESTON
210 W. PENNSYLVANIA AVE.
TOWSON, MD 21204

Telephone Number: 410-832-2077

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

March 30, 2004

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

Dear Mr. Barhight and Ms. Busse:

RE: Case Number: 04-356-A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 3, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb
Enclosures
c: People's Counsel
Iron Horse Properties, LLC 9202 Georgia Bell Drive Perry Hall 21280
Catherine Oppenheim 4620 Chapel Road Perry Hall 21128
Perry Hall Center 1027 30th Street NW Isidoros Roros Washington DC 20007
Louise Laudenklos 9510 Cross Road Perry Hall 21128
Louise D. Tanner 9510 Cross Road Perry Hall 21128

Fire Department

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

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

February 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 17, 2004

Item No.: ~~355~~-366 (356)

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.

6. 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

INTEROFFICE CORRESPONDENCE

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

DATE: March 12, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For February 23, 2004
Item Nos. 355, 356, 357, 359, 362,
and 366

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

RWB:CEN:jrb

cc: File

ZAC-02-23-2004-NO COMMENT ITEMS –355-366-02242004

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley

DATE: March 22, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 17, 2004

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-356
04-357
04-359
04-365
04-366

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

File BW 3/14 P.P.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To Kristen: OK to Dismiss this case. It is not necessary. Please advise the applicant accordingly. T

To: Timothy Kotroco, Director
Department of Permits and Development Management

Attn.: Kristen Matthews

From: Edward C. Adams, Jr., Director
Department of Public Works

Date: February 7, 2005

Subject: Case No. 5-365-SPH
Middle River Business Center – AV Williams Property
Floodplain Waiver

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, " In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

A diversion of drainage area entirely within the development tract boundary was requested by the developer's engineer on January 13, 2005, and was approved January 27, 2005 by this department. After diversion, the drainage area tributary to the portion of the site for which this waiver is requested is less than 30 acres. Appendix B to the Bureau of Development Plans Review Policy Manual presents the DPW definition of 100-year floodplain as "...that area inundated by the runoff from a 30 acre or greater drainage area..." Therefore there is no regulated riverine floodplain under which the requested fill and development are prohibited.

I therefore recommend that the waiver be considered moot and the issue withdrawn.

The developer shall observe all applicable DPW Design Manual requirements for grading and drainage, as well as all applicable forest buffer design standards of the Department of Environmental Protection and Resource Management.

ECA/DLT/s
CC: Matis Warfield, Consulting Engineers (Attn. Nick Brater); John Joyce, State Coordinating Office, Maryland Department of Natural Resources; Tom Vidmar (Attn. Glenn Shaffer); Bob Bowling (attn: Dennis Kennedy); Steve Walsh, Terry Curtis

T:\Users\dthomas\Home\General\MSDLT\PHONELOG\Log2005\Flood Waiver - AV Williams - Case No 5-365-SPH.doc

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

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

State Highway Administration — Driven to Excel

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.20.04

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

RE: Baltimore County
Item No. 356 DT

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,

K. A. McDonald Jr.

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

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: February 17, 2004

TO: Zoning Commissioner and File

FROM: Donna Thompson, Planner II, Zoning Review

SUBJECT: Petition for Variance, 04-356-A
NW/S of Cross Rd. NE Chapel Rd.
Proposed subdivision for "Crossroads"

Not withstanding Section 259.9 of the BCZR for Honeygo Regulations and the development plan approval process, the Zoning Review office feels that a waiver of the Public Works standards should be addressed on the petition and should be advertised and not merely noted on plan.

DT

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

JENNIFER R. BUSSE
DIRECT NUMBER
410 832-2077
jbusse@wtplaw.com

February 10, 2004

Timothy M. Kotroco, Director
Office of Permits & Development Management
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Crossroads Development
Zoning Item No. 04-356-A; PDM No. XI-941

Dear Mr. Kotroco:

Please accept this letter as Iron Horse Properties' written request, pursuant to Baltimore County Code §26-601.1, for a combined zoning and development plan hearing with respect to the above-referenced matter.

Please do not hesitate to contact me with any questions or concerns. Thank you for your consideration of this request.

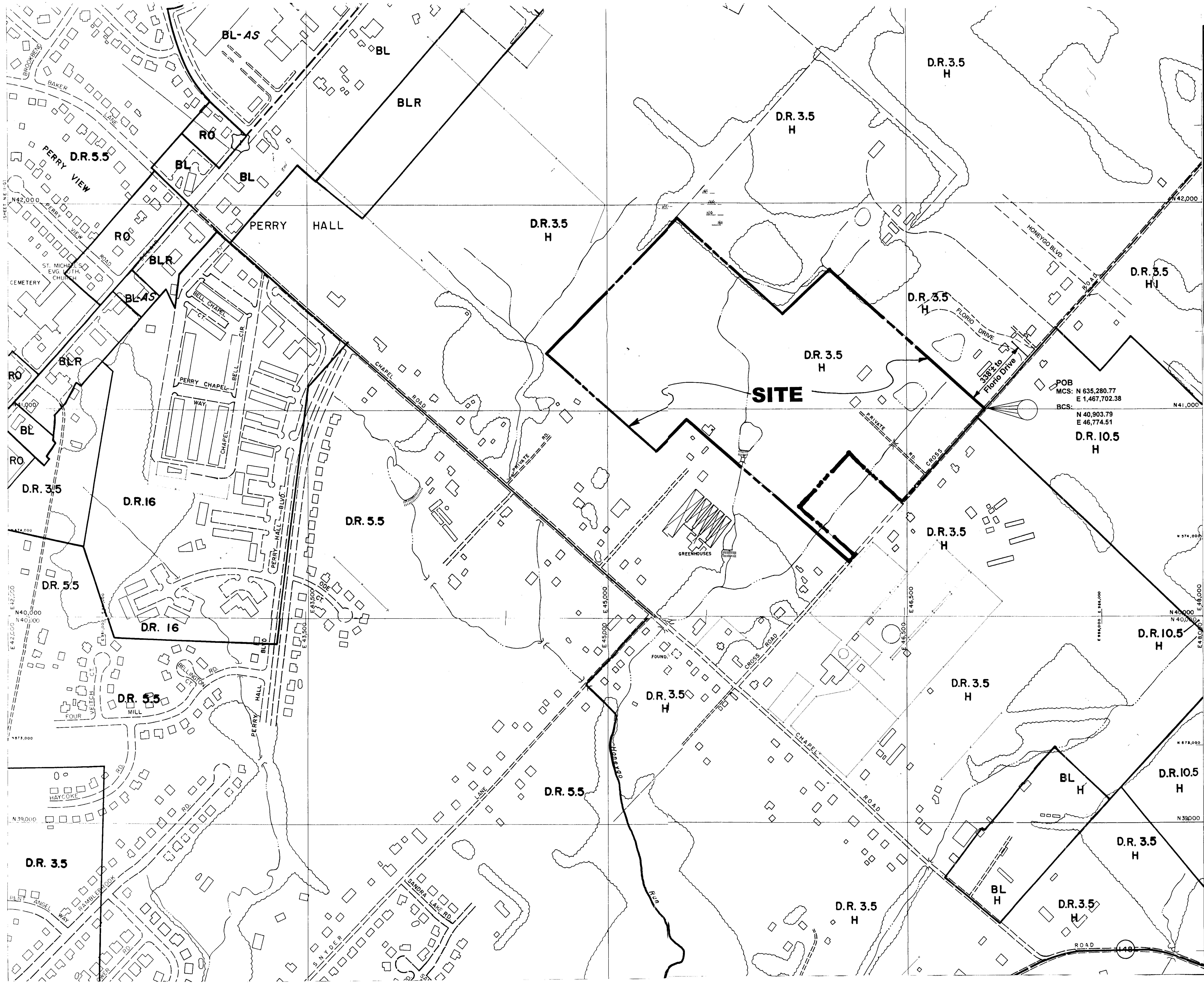
Sincerely,

Jennifer R. Busse

JRB:sll
cc: Mr. Carl W. Richards, Jr.
Ms. Donna Thompson
Mr. Walter T. Smith, Jr.
Iron Horse Properties, LLC
Alan E. Scoll, RLA

299532

RECEIVED
FEB 11 2004
04-310
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT



DST&A

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

NORTH

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

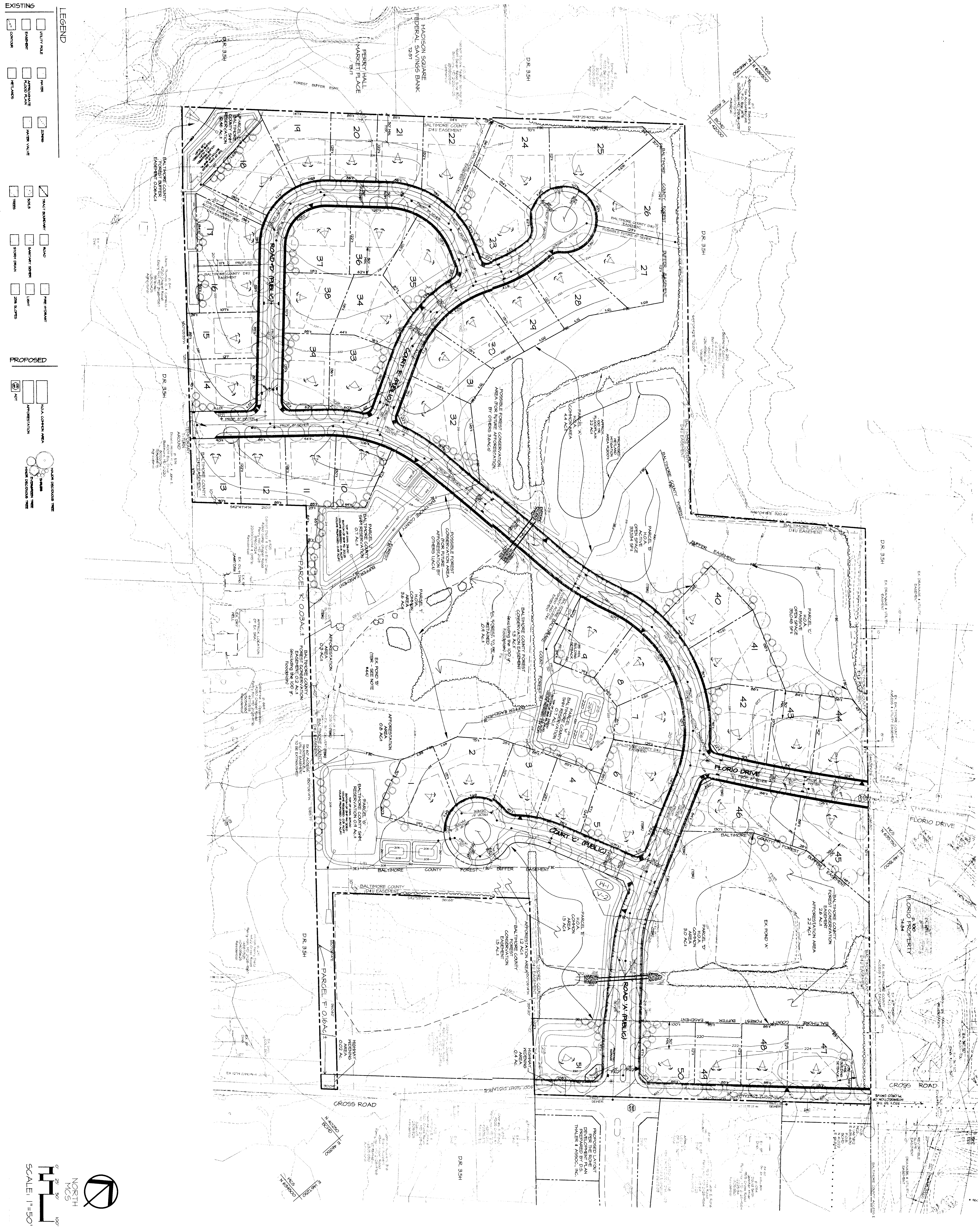
DATE: 12-22-03

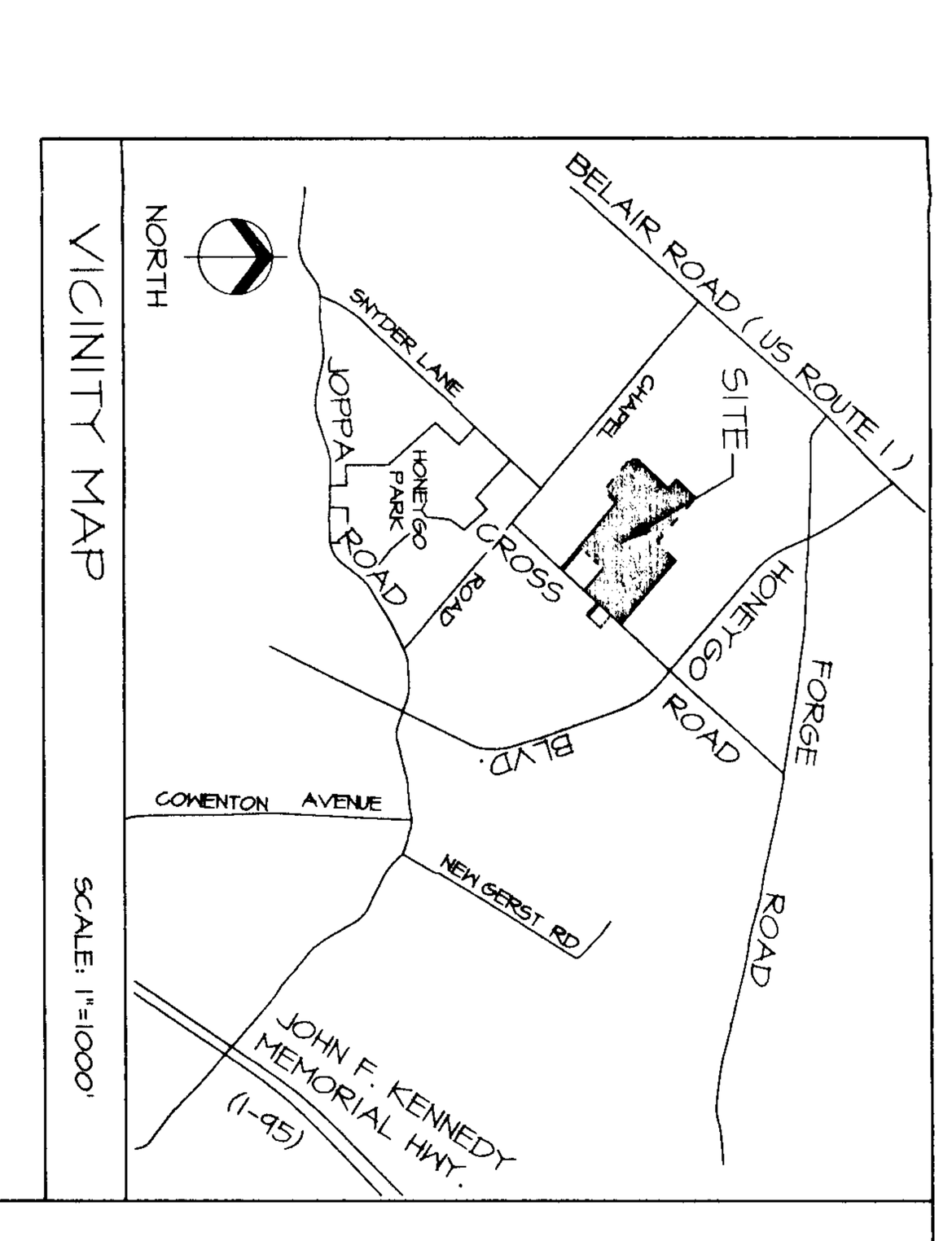
2000 Baltimore County
200 Scale Zoning Map (NE 10-H & NE 11-H)
To Accompany Special Hearing

CROSSROADS

ELECTION DISTRICT: 11 COUNCILMANIC DISTRICT: 5

04-356-A





PUBLIC WORKS WAIVER REQUEST

(W-1) Waiver to forego providing approximately 395 LF ± of sidewalk along Court 'C'.

REQUESTS FOR VARIANCE:

(V-1) Variance from BCZR Section 259.9.6.3, BCZR Section 504.2, and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP"), variance to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs.

(V-2) Variance from BCZR Section 259.9.6.3, BCZR Section 504.2, and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP"), variance to allow for sidewalk on one side of a public street in lieu of the requirement for sidewalk on both sides of a public street.

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

HEARING OFFICERS HEARING AND ZONING HEARING TO BE COMBINED

PROJECT NAME: CROSS ROADS

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

COUNCILMANIC DIST.: 5
REGIONAL PLANNING DISTRICT: 31B
ELECTION DIST.: 11
PROJECT MANAGER: WALTER T. SMITH
PDM #: XI-941
CIM: 9-11-03
APPROVAL:

DEVELOPER:
IRON HORSE PROPERTIES, LLC
9202 GEORGIA BELLE DRIVE
PERRY HALL, MD 21280
(410) 299.8927

DST&A
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: 1-21-04
SCALE: 1"= 50'
C.I.: 2'
PROJ. NO.: 2549
SHEET 1 OF 2

04-356-A

CROSSROADS

DEVELOPMENT PLAN, SCHEMATIC LANDSCAPE PLAN & PLAT TO ACCOMPANY ZONING PETITION