IN RE: DEVELOPMENT PLAN HEARING
SE/S Cross Road, NE of Chapel Road

11th Election District 5<sup>th</sup> Councilmanic District

(ROHE PROPERTY (New Submittal))

Cross Honeygo LLC

Developer/Petitioner

\* BEFORE THE

\* HEARING OFFICER

\* OF BALTIMORE COUNTY

Case Nos. XI-940 & 04-393-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 "The Rohe Property" prepared by D. S. Thaler & Associates, Inc. The Developer is proposing to develop the subject property into 21 lots in the Honeygo area. The subject property is located on the southeast 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. Pursuant to 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 requirement for standard vertical concrete curbs;
- 2. Pursuant to 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;
- 3. Pursuant to 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 500 linear feet of 24 ft. pavement width on a 40 ft. right-of-way in lieu of the requirement for 30 ft. pavement on a 50 ft. right-of-way;
- 4. Pursuant to Sections 259.9.6.3 and 504.2 and pages 26 and 31 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies (C.M.D.P.), to

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permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially surrounded by environmentally constrained areas; and

5. Pursuant to Section 259.9.F.4, to permit a cul-de-sac or court of 1,580 ft. +/- in length in lieu of the maximum permitted length of 400 ft.

The property was posted with Notice of the Hearing for the Development Plan on April 10, 2004 for 20 working 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 April 24, 2004 and a Notice of Zoning Hearing was published in "The Jeffersonian" newspaper on April 27, 2004 to notify any interested persons of the scheduled hearing date.

Appearing at the hearing on behalf of the Development Plan approval request was Doug Eshelman, Petitioner, David Thaler, Stacy McArthur, Mariceleste Miller, Mark Vaszil, and Jim Joyce on behalf of D. S. Thaler & Associates, Inc., the firm who prepared the Development Plan and Paul Amirault. Scott Barhight, Esquire and Song Oh, Esquire represented the Petitioners at the hearing.

Appearing as an interested citizen in the matter was William Libercci of the Perry Hall Improvement Association. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Jeffrey Perlow (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"); Lynn Lanham from the Office of Planning; and Jan Cook from the Department of Recreation & Parks.

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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 8, 2003 at the Perry Hall Community Hall. A Development Plan Conference was held on April 21, 2004 and a Hearing Officer's Hearing was held on May 14, 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 Development Plan met all applicable County regulations except:

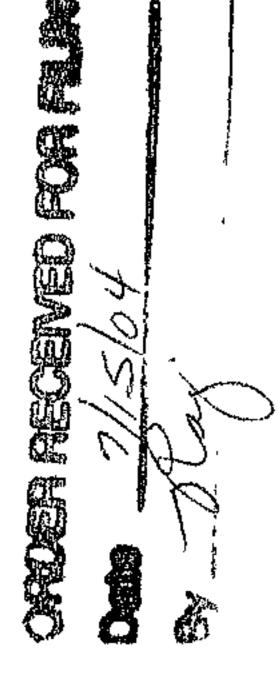
#### **DEPRM**

The representative from DEPRM indicated that his agency had open issues with diverting storm water proposed by the Developer and recommended keeping the record open in the case to allow more time to determine whether or not the plan met the County regulations. The Developer agreed to keep the record open. Neither the County nor the Developer waived their right for a full review of unresolved differences before this Hearing Officer.

#### Department of Public Works

Although the representative of the Department of Public Works indicated that the Redline Development Plan met all of his agency's regulations, he did note for the record the following items:

- That the Developer had agreed to add a customary note to the redline and final development plans. This note would warn the potential homebuyers in this subdivision of the potential for farm nuisances coming from the horse farm to the south.
- That the four lots on the eastern side of the development would be served temporarily by grinder pumps that would pump effluent into the public sewer on the western side of the development. This will be a temporary arrangement until the gravity operated



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sewer line arrives on this side of the development through adjacent subdivisions. He further indicated that when the gravity sewer was available the home owners of these four lots would have to connect at their expense, but that the Developer was installing most of that system in parallel with the grinder pump system to minimize the cost and difficulty of the future connection.

• That he indicated his agency's support for the Developer's request for Public Works Waivers to have: a paved width of Road A to allow a 24 ft. paving section on a 40 ft. right-of-way in lieu of the required 30 ft. paving section on a 50 ft. right-of-way; and no sidewalk along the south side of a portion of Road A

#### Recreation and Parks

The representative of the Department of Recreation & Parks indicated that the plan met all regulations for which his agency was responsible except that the Development Plan does not meet the local open space requirements. As there are 21 lots proposed, approximately 21,000 sq. ft. of local open space is required. The Developer has request a waiver of providing the local open space under the circumstances and the representative of Recreation & Parks supported that request.

#### Office of Planning

The representative of the Office of Planning indicated that the Redline Development Plan now meets the regulations for which her agency is responsible, including presenting the potential homebuyer with the option of having a garage with access from the side or having the garage set back from the front of the house 8 ft. if front access to the garage is desired.

#### Community Issues

Mr. Libercci from the Perry Hall Improvement Association questioned whether the regulations allowed front loaded garages. The representative from the Office of Planning

explained that after research into this issue, she determined that the options proposed by the Developer described above were allowed. He also indicated that he disagreed with the Department of Public Works allowing any road through the wetlands area which is located between the two development pods.

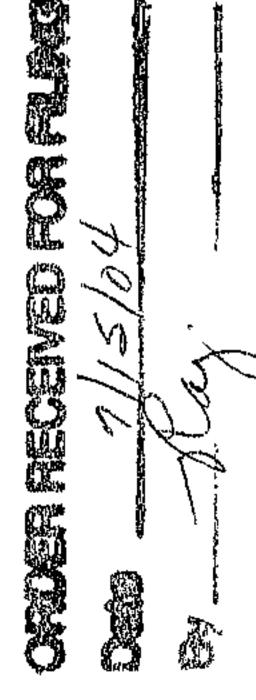
#### Applicable Law

#### 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.

#### Testimony and Evidence

Ms. McArthur presented the Redline Development Plan for the Developer. She indicated that the property was 24 acres and was split zoned DR 3.5 H and DR 10.5 H. Considering zoning density alone, the property could have up to 116 dwellings, but the Developer was proposing 21 lots primarily because the property contains wetland and streams. The plan indicates that there would be two pods of development separated by the stream and wetlands in the center of the property. Seventeen lots would be located close to Cross Road while four lots would be located across the stream on the east side of the property. The new homes would have access to the public road, Cross Road, via an entrance that is aligned with the public road across Cross Road.

Echoing the remarks of the representative of the Department of Recreations & Parks, she indicated that the best interests of the County would be served by granting the requested waiver

of open space, as the Developer was providing large swaths of forest and stream buffers.

Moreover, the fee paid by the Developer in lieu of providing an additional half an acre of open space would be more useful to the County recreation programs in the area.

Mr. Thaler, the Developer's civil engineer, testified that in response to concerns of downstream flooding in the area, the Developer opted to manage the full 100 year storm plan even though managing a one year storm plan is all that is required. He further indicated that the Developer had provided 12 acres of forest buffer in excess of the minimum requirements under the regulations. He also recounted that the property had been farmed in two parts that were separated by the central stream for many years and that a farm road connected these parts with a small bridge across the stream. He noted that the proposed road was located essentially on the existing farm road and bridge. He opined that he could have proposed connecting the two development pods with an additional road to the north side of the property but that this would produce additional storm water runoff and disrupt more wetlands and streams. The Developer will mitigate the loss of wetlands caused by the installation of the new road by installing new wetlands north of the proposed bridge.

Finally, in regard to the variance requests, he opined that the mountable curbs were preferable to the standard curb. Otherwise, when the new homes were actually built and driveways located, the curbing installed as part of the development phase would often have to be removed and replaced. This he indicated was wasteful.

He also recommended approval of installing sidewalks only on one side of the road that serves the four lots as being unnecessary and producing additional storm water runoff without additional benefit to the homeowners.

Recounting the location of the new road to connect the four-lot pod to the public street, he indicated that he wanted to keep the impervious areas to a minimum and that traffic to and from these four lots would be minimal. As a result, he opined that a 24 ft. wide road was more than adequate.

He also noted that the Developer was providing a large right-of-way area on the west side of the property to allow for connection to a public road in developments that are likely to appear in that area. He indicated that no one could predict exactly where those connections would be located but that providing the right-of-way would permit street connections in the future that would satisfy the regulations to that effect. As this connection does not presently exist, the roadway layout resulted in a cul-de-sac instead of a through public street, and one that was approximately 1,000 ft. long in lieu of the maximum 400 ft. in length. Again, Mr. Thaler indicated that he could have proposed a street to the north to connect the two pods, but that this would have a greater negative impact on the wetlands and stream without any real benefit to the homeowners of the four lots to the east. Again, he emphasized that the proposed road and bridge were the minimum width and located in the exact location of the existing farm road and bridge.

#### Findings of Fact and Conclusions of Law

#### Open Space Waiver

I find that providing an additional one half acre of open space for this development would not substantially benefit the new homeowners given the rural nature of the development, the size of the proposed lots, and the extensive wetlands and forest buffers provided. I will accept the recommendation of the Department of Recreation & Parks to approve the waiver of open space

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and allow the Developer to pay a fee in lieu thereof that can be used more effectively in the area for recreation activities.

#### Public Works Waivers

The Developer has requested that I approve two Public Works Waivers: 1) a paved width of Road A to allow a 24 ft. paving section on a 40 ft. right-of-way in lieu of the required 30 ft. paving section on a 50 ft. right-of-way; and 2) no sidewalk along the south side of a portion of Road A. Again, I accept the recommendation of the department and approve these waiver requests. It is clear to me from the evidence that the four lots to the east need a public road with minimal width and right-of-way. There should be little traffic generated by these four lots. Any wider roadway or right-of-way will only increase the impervious surface thereby increasing storm water runoff that is already a problem downstream. A wider roadway would also have a greater negative impact on the wetlands and stream existing on the property. Similarly, I find no public benefit to installing side walks on the south side of the public roadway in the area of the four lots, but again I can see the negative environmental impact of installing these sidewalks.

#### Zoning Variances

The Developer has requested zoning variances from several sections of the B.C.Z.R. as set forth above. In regard to the first variance request to allow mountable curbs, I agree with the Developer's engineer that removing concrete standard curbs when the actual location of the homes and garages is known would be unreasonable. I will approve this request as I have for several nearby developments. Variance requests 2 and 3 are identical to the Public Works Waivers above and I will approve these requests for the reasons given above. Variance 4 is requested to allow a cul-de-sac in lieu of a through street. I note that an additional through street connection will likely appear when the subdivision to the south is developed. The Developer is

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providing a large right-of-way area to insure that this connection happens. In the meantime, I agree that allowing the proposed cul-de-sac can minimize the environmental impact. Similarly, I shall approve the last variance request for a longer than normal cul-de-sac of approximately 1,500 ft. as this length will likely be greatly reduced once the public road to the south is determined. This is the best approach environmentally, given the peculiar conditions on the property pertaining to wetlands and streams.

After considering the evidence and testimony in each request, 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 that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. I further find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will be produced as a result of granting these variances. Furthermore, I find that these 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.

#### Development Plan

Mr. Libercci, from the Perry Hall Improvement Association, questioned whether the regulations allowed front loaded garages. The representative from the Office of Planning explained that after research into this issue, she determined that the options proposed by the Developer described above were allowed. I have no reason to doubt her research or her office's interpretation of the Honeygo regulations in this regard.

Mr. Libercci also indicated that he disagreed with the Department of Public Works allowing any road through the wetland area, which is located between the two development pods. Testimony indicated that the road was in the same location as the existing farm road and bridge

over the stream. Wetlands will be created to compensate for that taken by the new road. On balance, I do not see this as a new and harmful intrusion of the wetlands and stream but simply use of a road that has existed for many years.

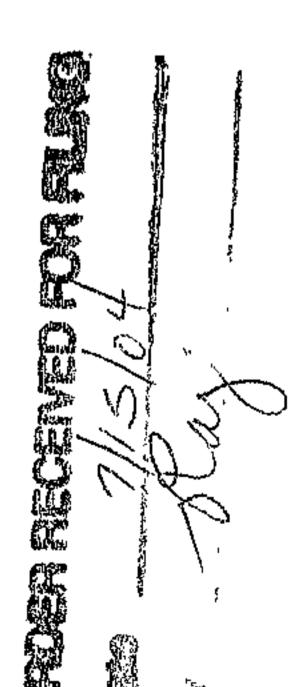
I find that the Development Plan complies with the Development Regulations and applicable policies, rules and regulations promulgated pursuant to Section 2-416 et seq. of the Baltimore County Code, and that the plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Consequently, I will approve the Development Plan.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this <u>if</u> day of July, 2004, that the Developers request to pay a fee in lieu of providing local open space, be and is hereby GRANTED: and

IT IS FURTHER ORDERED, that the Developer's request to waive 1) a paved width of Road A, to allow a 24 ft. paving section on a 40 ft. right-of-way in lieu of the required 30 ft. paving section on a 50 ft. right-of-way; and 2) no sidewalk along the south side of a portion of Road A, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the zoning variances requested as follows:

- 1. Pursuant to 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 requirement for standard vertical concrete curbs;
- 2. Pursuant to 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;
- 3. Pursuant to 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 500 linear feet of 24 ft. pavement width on a 40 ft. right-of-way in lieu of the requirement for 30 ft. pavement on a 50 ft. right-of-way;



- 4. Pursuant to Sections 259.9.G.3 and 504.2 and pages 26 and 31 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies (C.M.D.P.), to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially surrounded by environmentally constrained areas; and
- 5. Pursuant to Section 259.9.F.4, to permit a cul-de-sac or court of 1,580 ft. +/- in length in lieu of the maximum permitted length of 400 ft.

be and they are hereby GRANTED; and

IT IS FURTHER ORDERED that the Redline Development Plan known as "The Rohe Property", submitted into evidence as "Developer's Exhibit No. 1", be and it is hereby APPROVED.

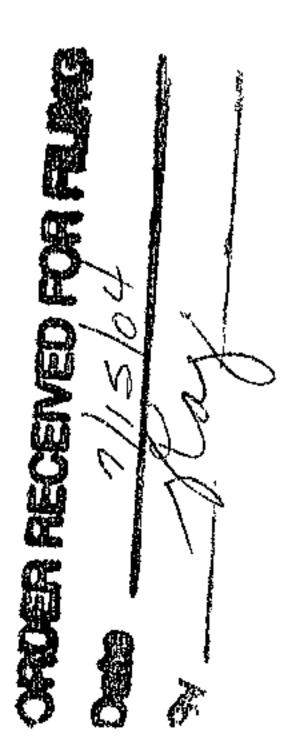
Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



#### 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

June 15, 2004

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

Re: Hearing Officer's Hearing Case Nos. XI-940 & 04-393-A Property: SE/S Cross Road, NE of Chapel Road 11th Election District, 5th Councilmanic District (Rohe Property)

Dear Messrs. Barhight & Oh:

Enclosed please find the decision rendered in the above-captioned cases. The Development Plan for the Rohe Property and Petition for Variance 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

c: Paul Amirault, P. O. Box 216, Kingsville, MD 21087
D.S. Thaler, Mariceleste Miller, Stanley McArthur, Mark S. Vaszil, Jim Joyce
DS Thaler & Assoc., Inc., 7115 Ambassador Road, Baltimore, MD 21244
Doug Eshelman, 7013 Meandering Stream, Fulton, MD 20759
William Libercci, Perry Hall Improvement Assn.



Visit the County's Website at www.baltimorecountyonline.info





# Petition for Variance

to the Zoning Commissioner of Baltimore County'

for the property located at SE/S Cross Road, ME Chapmil Rd, 332 which is presently zoned D.R. 3,5H D. 10.51.0

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

Please see attached

Contract Purchaser/Lessee:

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.

Legal Owner(s):

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.

#### Cross Honeygo, LLC N/A Name - Type or Print Name - Type or Print Signature Signature Douglas F. Eshelman Name - Type or Print Telephone No. Address Signature Zip Code State City 7013 Meandering Stream Way Attorney For Petitioner: Telepione No. Address 410) 832-12077 Fulton, MD 21075 Jennifer R. Busse/G. Scott Barhight Zip Code State City Name - Type or Print Representative to be Contacted: Signature V Jannifer R. Busse Name Taylor & Preston Company 410) 872-2077 210 W. Pennsylvania Ave (410) 83202077 210 W. Pennsylvania Ave Telephone No. Address Telephone No. Ad Iress 21204 MDTowson, 21204 Towson, MD p Code Stare Zip Code State CIH OFFICE USE ONLY ESTIMATED LENGTH OF HEARING B4-393-A Case No. UNAVAILABLE FOR HEARING

Reviewed By \_\_\_\_\_\_\_\_

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#### ATTACHMENT TO PETITION FOR VARIANCE

"Rohe Property"
SE/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.

"V-3"

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 500 linear feet of 24' pavement width on a 40' right-of-way in lieu of the requirement for 30' pavement on a 50' right-of-way.

"V-4"

Pursuant to BCZR § 259.9.G.3, BCZR § 504.2, and pp. 26 and 31 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP"), variance to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially surrounded by environmentally constrained areas.

"V-5"

Pursuant to BCZR § 259.9.F.4, variance to permit a cul-de-sac or court of 1580' + /- in length in lieu of the maximum permitted length of 400'.

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04-393.A

December 23, 2003

#### ZONING DESCRIPTION

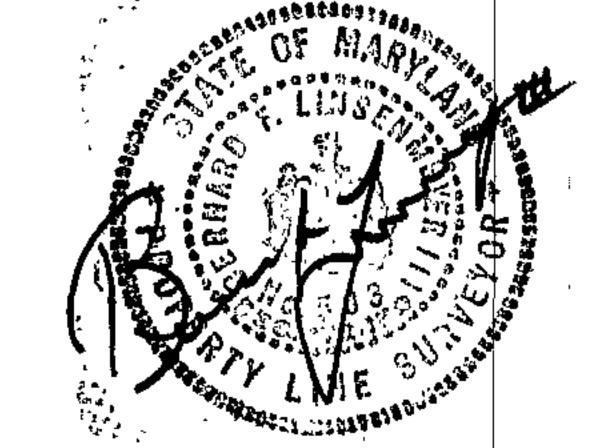
#### ROHE PROPERTY

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 for the following eight (8) courses and distances:

- 1. South 49°06'42" East 1,816.62 feet, more or less, to a point, thence
- 2. South 43°38'18" West 598.98 feet, more or less, to a point; thence,
- 3. North 49°38'55" West 1,807.08 feet, more or less, to a point; thence,
- 4. North 42°40'07" East 229.91 feet, more or less, to a point, thence,
- 5. South 43°28'32" East 200.64 feet, more or less, to a point, thence,
- 6. North 42°43'39" East 237.52 feet, more or less, to a point; thence,
- 7. North 47°31'01" West 200.43 feet, more or less, to a point; thence,
- 8. North 42°40'07" East 162.23 feet, more or less, to the point of beginning.

Containing 24.1727 acres of land, more or less.

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# CORRECTED MOTICE OF ZOMMG 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: #04-393-A

SE/S of Cross Road, 332 feet s/west of Florio Drive 11th Election-District — 5th Countilmanic District Legal Owner(s): Cross Honeygo, LLC, Douglas Eshelman, Member

Variance: to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs, to allow for sidewalk on one side of a public street; lieu of the requirement for sidewalk on hoth sides of a public street.

Variance: to allow for concrete mountable curbs in lieu of the requirement for sidewalk on for the requirement for sidewalk on a feet of 24 feet pavement width on a 40-foot right-of-way in lieu of the requirement for 30 feet pavement on a 50-foot right-of-way, to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially sufrounded by environmentally constrained area, and to permit a cul-de-sac or court, 1,580 feet +/- in length of 400 feet.

Hearing: Friday, May 14, 2004, at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeale. Ave.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 4/815 Apr. 27

Contact the Zoning Review Office at (410) 887-3391.

# OF PUBLICATION

-2002 L

Y, that the annexed advertisement was published successive weeks, the first publication appearing ewspaper published in Baltimore County, Md., in the following weekly n THIS IS TO CERTIF once in each of

女 The Jeffersonian

- Arbutus Times
- Catonsville Times
  - Towson Times
- Owings Mills Times
- ☐ NE Booster/Reporter
- North County News

MUNIUS.

LEGAL ADVERTISING

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

"SE/S of Gross Road

Seast side of Cross Road, 332 feet sweet of Florio Drive 11th Election District - 5th Councilmanic District
Legal Owner(s): Cross Hongo, L.C. Dougles Esternar, Member 14 and 16 and 16

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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C657355

# OF PUBI

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CERTIFY, that the annexed advertisement was published

THIS IS TO

in the following weekly newspaper published in Baltimore County, Md.,

successive weeks, the first publication appearing ೪ once in each of

¥ The Jeffersonian

🗗 Arbutus Times

Catonsville Times

🖵 Towson Times

Owings Mills Times

☐ NE Booster/Reporter North County News 1 Silling

LEGAL ADVERTISING





## CERTIFICATE OF POSTING

RE: Case No.: 04-393-A.

Petitioner/Developer: CROSS HONEYGO

LLC, DOUGLAS ESHELMAN, MEMBER

Date of Hearing/Closing: MAY 14 2004

**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: E SIDE OF CROSS RD 332 FEET SINGST FLORIO DRIVE

The sign(s) were posted on

(Month, Day, Year)

Sincerely,

ZONING	NOTICE	
CASE #	1969 17 19 <del>- 188</del>	
A PUBLIC HEARING WILL H THE ZONING COMMISS IN TOWSON, MD	IONER E	الجرون المراز أوارا والمراز
PLACE: HOOM ING COLINGY OF THE HIGG HIS DATE AND TIME: FREEZY MAN 14 2004 A	1900 Am	
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THE THE PROPERTY OF A SHORE CONNECTED TO A SHORE CO	Andrew Residence	
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Postar	+ Black	11/2 17
(Signatur	e of Sign Poster)	(Date)
SS	SG Robert Black	
······································	(Print Name)	
15	508 Leslie Road	
	(Address)	<u> </u>
Dunda	alk, Maryland 212	22
(Cit	y, State, Zip Code	;)
. (4	410) 282-7940	•
(Te	lephone Number)	<del></del>

#### 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

March 19, 2004

#### CORRECTED 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: 04-393-A

SE/S of Cross Road S/east side of Cross Road, 332 feet s/west of Florio Drive 11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District Legal Owners: Cross Honeygo, LLC, Douglas Eshelman, Member

<u>Variance</u> to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs, 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, to allow a 500 linear feet of 24 feet pavement width on a 40-foot right-of-way in lieu of the requirement for 30 feet pavement on a 50-foot right-of-way, to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially surrounded by environmentally constrained area, and to permit a cul-de-sac or court, 1,580 feet +/- in length of 400 feet.

Hearing: Friday, May 14, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: Jennifer Busse/ Scott Barhight, 210 W. Pennsylvania Ave., Ste. 400, Towson 21204 Douglas Eshelman, Cross Honeygo, LLC, 7013 Meandering Stream Way, Fulton 21075

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 29, 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.

Visit the County's Website at www.baltimorecountyonline.info

TO: PATUXENT PUBLISHING COMPANY

Tuesday, April 27, 2004 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse

410-832-2077

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue, Ste. 400

Towson, MD 21204

#### CORRECTED 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: 04-393-A

SE/S of Cross Road

S/east side of Cross Road, 332 feet s/west of Florio Drive

11th Election District – 5th Councilmanic District

Legal Owners: Cross Honeygo, LLC, Douglas Eshelman, Member

Variance to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs, 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, to allow a 500 linear feet of 24 feet pavement width on a 40-foot right-of-way in lieu of the requirement for 30 feet pavement on a 50-foot right-of-way, to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially surrounded by environmentally constrained area, and to permit a cul-de-sac or court, 1,580 feet +/- in length of 400 feet.

Hearing: Friday, May 14, 2004 at 9:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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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

March 12, 2004

#### CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-393-A

SE/S of Cross Road
S/east side of Cross Road, 332 feet s/west of Florio Drive
11<sup>th</sup> Election District ~ 5<sup>th</sup> Councilmanic District

Legal Owners: Cross Honeygo, LLC, Douglas Eshelman, Member

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Hearing: Thursday, May 13, 2004 at 9:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: Jennifer Busse/ Scott Barhight, 210 W. Pennsylvania Ave., Ste. 400, Towson 21204 Douglas Eshelman, Cross Honeygo, LLC, 7013 Meandering Stream Way, Fulton 21075

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 28, 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.

Visit the County's Website at www.baltimorecountyonline.info

TO: PATUXENT PUBLISHING COMPANY

Tuesday, April 27, 2004 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue, Ste. 400

Towson, MD 21204

410-832-2077

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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:

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11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Cross Honeygo, LLC, Douglas Eshelman, Member

Variance to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs, 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, to allow a 500 linear feet of 24 feet pavement width on a 40-foot right-of-way in lieu of the requirement for 30 feet pavement on a 50-foot right-of-way, to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially surrounded by environmentally constrained area, and to permit a cul-de-sac or court, 1,580 feet +/- in length of 400 feet.

Hearing: Thursday, May 13, 2004 at 9:00 a.m. in Room 106, County Office Building,

AWYROTE A SAUGUNE

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.

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# 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

March 12, 2004

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

Dear Ms. Busse & Mr. Barhight:

RE: Case Number: 04-393-A

The above matter, previously scheduled for April 16, 2004, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco

Director

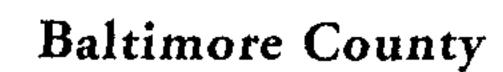
TK:klm

C: Douglas Eshelman, Cross Honeygo, LLC, 7013 Meandering Stream Way, Fulton 21075

#### 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





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

March 5, 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: 04-393-A

SE/S of Cross Road
S/east side of Cross Road, 332 feet s/west of Florio Drive
11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District
Legal Owners: Cross Honeygo, LLC, Douglas Eshelman, Member

<u>Variance</u> to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs, 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, to allow a 500 linear feet of 24 feet pavement width on a 40-foot right-of-way in lieu of the requirement for 30 feet pavement on a 50-foot right-of-way, to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially surrounded by environmentally constrained area, and to permit a cul-de-sac or court, 1,580 feet +/- in length of 400 feet.

Hearing: Friday, April 16, 2004, at 10:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: Jennifer Busse/ Scott Barhight, 210 W. Pennsylvania Ave., Ste. 400, Towson 21204 Douglas Eshelman, Cross Honeygo, LLC, 7013 Meandering Stream Way, Fulton 21075

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

Visit the County's Website at www.baltimorecountyonline.info

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 1, 2004 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse

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:

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SE/S of Cross Road

S/east side of Cross Road, 332 feet s/west of Florio Drive

11th Election District - 5th Councilmanic District

Legal Owners: Cross Honeygo, LLC, Douglas Eshelman, Member

Variance to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs, 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, to allow a 500 linear feet of 24 feet pavement width on a 40-foot right-of-way in lieu of the requirement for 30 feet pavement on a 50-foot right-of-way, to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially surrounded by environmentally constrained area, and to permit a cul-de-sac or court, 1,580 feet +/- in length of 400 feet.

Hearing: Friday, April 16, 2004, at 10:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALLTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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# 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: 04-393-A
Petitioner: CROSS HONEYGO, LLC
Address or Location: SES of CROSS ROAD, 332 SW of FLORIO DRIVE
PLEASE FORWARD ADVERTISING BILL TO:
Name: Jenn Busse
Address: clo whiteford Taulor & Preston UP
210 W. Pennsylvania Ave. Suite 400
Tawson 400 21204
Telephone Number: 400 - 832 - 2077

Revised 2/20/98 - SCJ

#### Department of Permits Development Management

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





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

May 3, 2004

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

Dear Ms. Busse and Mr. Barhight:

RE: Case Number: 04-393-A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 26, 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 blans 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,
U. Call Rillal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:

Cross Honeygo, LLC 7013 Meandering Stream Way Fulton 21075

Visit the County's Website at www.baltimorecountyonline.info

# Fire Department

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



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

March 9, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 9,

2004

Item No.:

361, 364, 390-395,

397 & 398

Dear Ms. Hart:

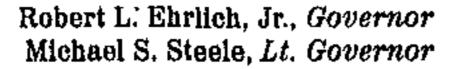
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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







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

MARY LAND DEPARTMENT OF TRANSPORTATION

Date:

RE:

3.5.04

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

**Baltimore County** 

Item No. 333

JHP

Dear. Ms. Matthews:

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,

you

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

My telephone number/toll-free number is \_

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley /1/19

DATE:

April 5, 2004

SUBJECT:

Zoning Items # \$ee List Below

Zoning Advisory Committee Meeting of March 8, 2004

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

04-361

04-390

04 - 391

64 202

04-305

04-396

04-397

Reviewers:

Sue Farinetti, Dave Lykens

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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 16, 2004

Department of Permits & Development Management

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

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For March 15, 2004 Item Nos. 364, 390, 391, 392 393, 394, 395, 396, and 397

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 VARIANCE

SE/S Cross Road, 332' SW

intersection of Florio Drive

11<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts

Legal Owner(s): Cross Honeygo, LLC,

Douglas F. Eshelman

**BEFORE THE** 

ZONING COMMISSIONER \*

**FOR** 

Petitioner(s) **BALTIMORE COUNTY** 

> \* 04-393-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

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 8<sup>th</sup> day of March, 2004, 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).

RECEIVED

MAR 0 8 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County





#### WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAIN'T PAUL STREET BAUTIMORE, 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

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

210 WEST PENNSYLVANIA AVENUE Towson, Maryland 21204-4515

> 410 832-2000 FAX 410 832-2015 www.wtplaw.com

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

1317 KING STREET ALEXANDRIA, VIRGINIA 22314-2928 TELEPI1ONB 703 836-5742 FAX 703 836-0265

To Krister.

March 9, 2004

### VIA FACSIMILE and REGULAR MAIL

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

Mr. Walter T. Smith, Jr. Department of Permits & Development Management Room 111 111 W. Chesapeake Avenue Towson, Maryland 21204

Rohe Property Re:

Zoning Item # 04-393-A and PDM # XI-940

Dear Ms. Matthews and Mr. Smith::

Please accept this letter as confirmation of my request that the combined hearing in this matter currently set for Thursday, May 13, 2004 be moved to Friday, May 14, 2004. I apologize for any inconvenience this may cause. As I explained via telephone yesterday, one of the expert witnesses we will be using for the hearing in this matter is currently scheduled to be before the Circuit Court on May 13, 2004.

Thank you again for your cooperation in this matter. Please feel free to contact me with any questions or concerns.

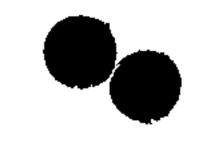
Sincerely,

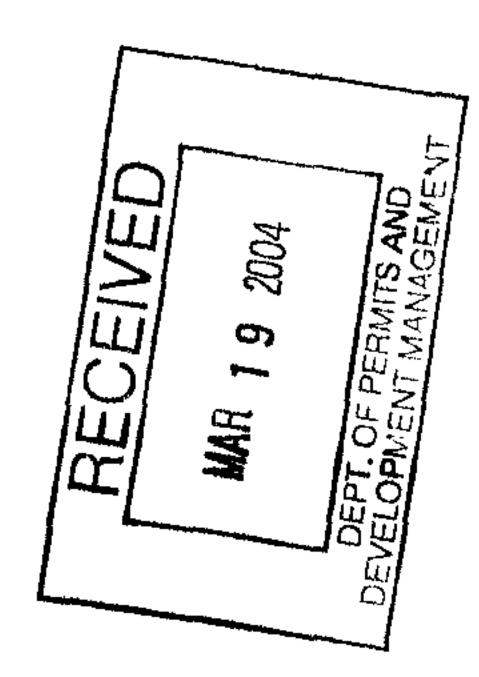
Jennifær R. Busse

JRB:sll

CC:

Cross Honeygo, LLC Stacey A. McArthur, RLA





#### WHITEFORD, TAYLOR & PRESTON

L,L.P.

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

> JENNIFER R. BUSSE DIRECT NUMBER 410 832-2077

jbusse@wtplaw.com

210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515

410 832-2000 FAX 410 832-2015 www.wtplaw.com 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

Request Granted Latroco

March 9, 2004

#### VIA FACSIMILE and REGULAR MAIL

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

Re: Rohe Property

Zoning Item # 04-393-A and PDM # XI-940

Dear Mr. Kotroco:

Please accept this letter as Cross Honeygo, LLC's 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:sl1

cc: Mr. Carl W. Richards, Jr.

Ms. Donna Thompson

Mr. Walter T. Smith, Jr.

Cross Honeygo, LLC

Stacey A. McArthur, RLA


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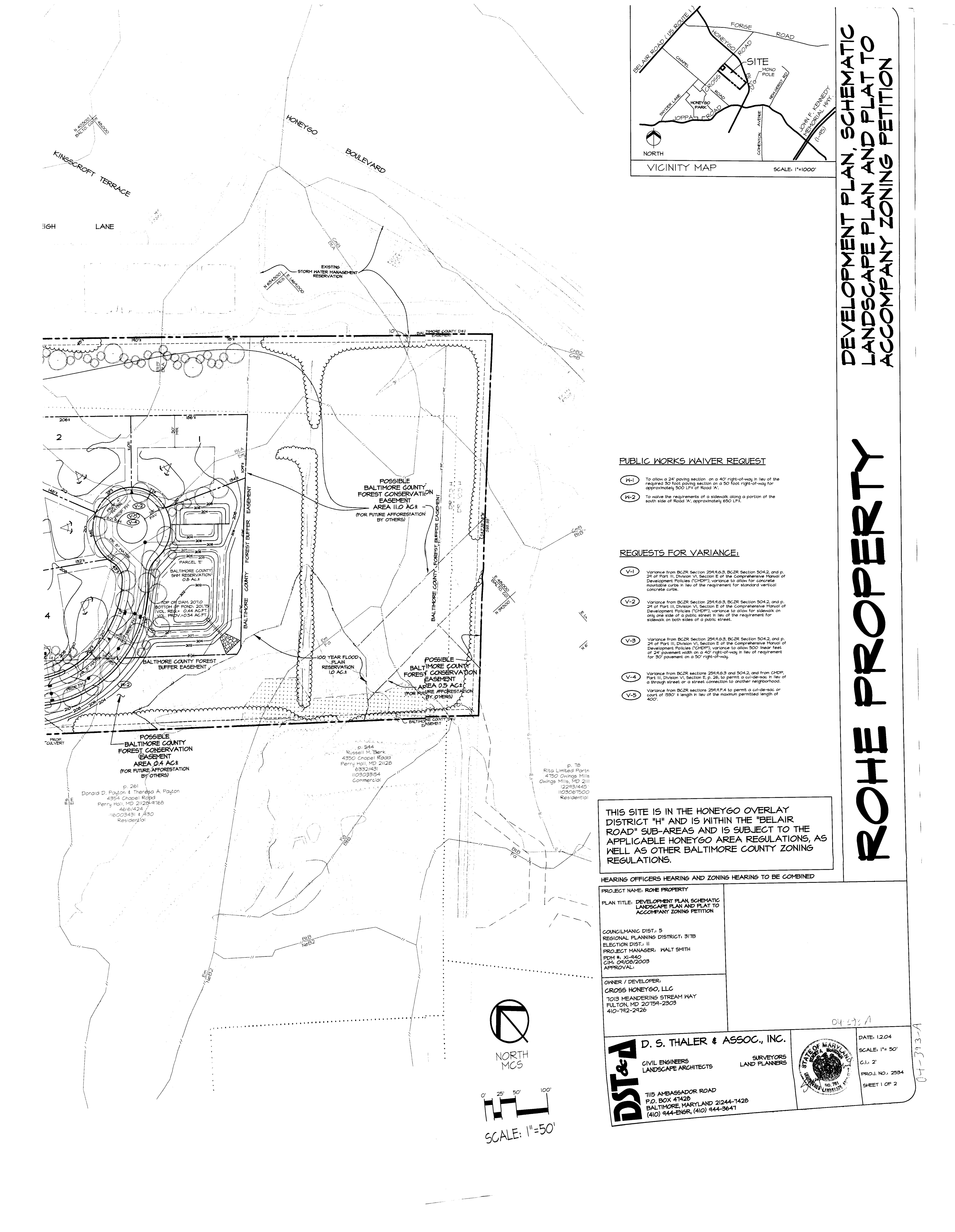
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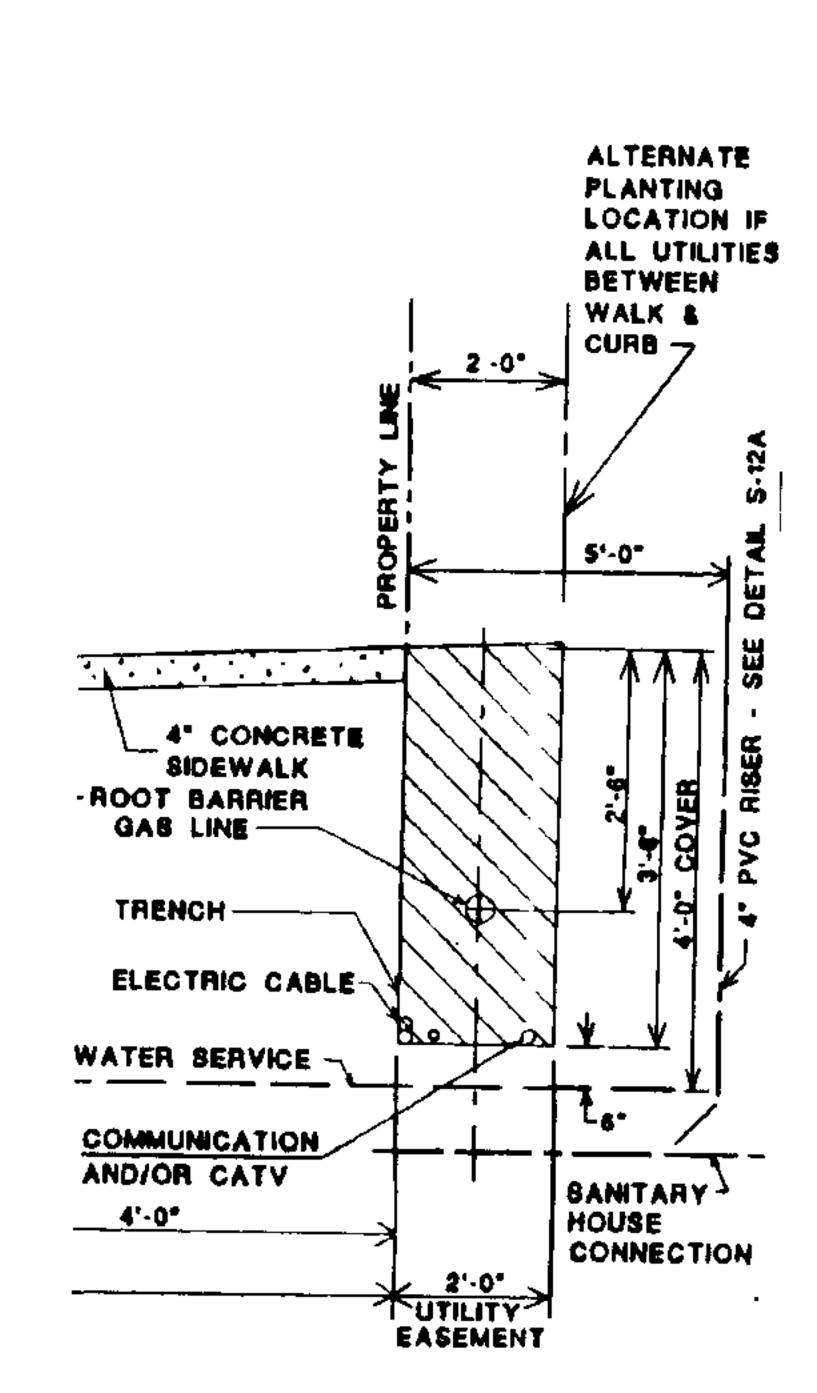
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DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT









TREE G-5A

DUNTS \_\_\_\_

Dist. 11C5

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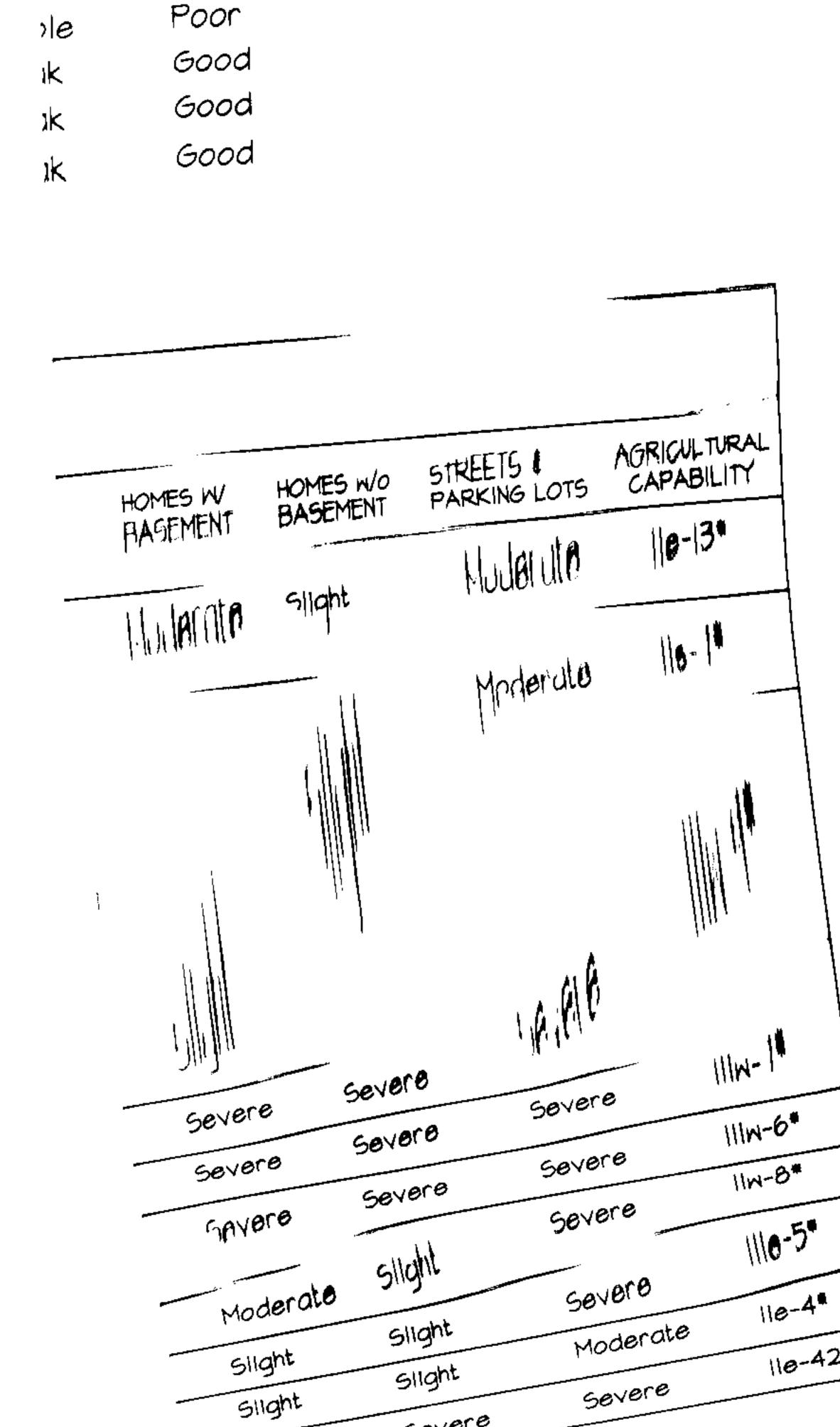
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# APPLICABLE EXCERPTS FROM THE HONEYGO DEVELOPMENT STANDARDS: 259.9 Development standards for H and HI Overlay Districts. [Bill No. 176-1994]

These standards are intented to be additions to, modifications of and exceptions from the standards required by the underlying zoning classification on the land in the area. All conflicts are to be resolved in accordance with Subsection G of this section.

- A. Uses. [BIII No. 73-1999] Back-to-back group homes are not permitted.
- 2. Retail establishments exceeding 65,000 square feet are not permitted.
- 3. Accessory structures, including but not limited to solar panels, antennas, satellite dishes, trash pads and storage sheds are not permitted in the front yard of any principal use.
- 3. Bulk and area standards. [Bill Nos. 40-1997; 73-1999]
  - 1. Except for nonresidential principal buildings or uses, and their accesory parking, the requirements of Section iBOI.I.B.I. (residential transition area) of these regulations do not apply.
  - 3. Except for properties with approved developmement 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 iBOI.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, alley or court as defined in the Honeygo Overlay District design guidelines;
- b. Forty feet from the right-of-way of a major or minor arterial or collector road, as defined in these régulations. (in this case, Joppa Road; except: see variance request V-3, for Lot 57 only);
- c. Not applied to porches or stoops in front yards; and
- d. Six feet from a side yard lot line that is not adjacent or the same as 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.
- e. Except for properties with approved development plans or CRG plans, 50 feet from the rear property line except for:
- (1) Unroofed additions, including patios and decks; and (2) Roofed additions which do not exceed in width 50% of the dwelling unit, and which do not extend more than 10 feet into the rear yard setback area.

# C. Building and site design standards.

- 1. Panhandle lots are not permitted unless:
- a. The underlying zoning of the land is D.R.I; b. No more than two lots share a driveway; and
- c. Lots exceed 30,000 square feet in area.

(Approved materials are brick and stone.)

2. Reverse frontage lots are not permitted.

# 3. [Bill No. 73-1999]

a. Except for properties with approved development plans or CRG plans, which shall be allowed front entry garages in accordance with the regulations in effect prior to January 14, 1995, a front entry garage shall be recessed at least eight feet behind the front facade of the dwelling. A two-car garage facing the street shall have two individual doors separated by a divider. The front facade of all garages, including the divider and not including the garage doors, shall be

constructed of the same approved materials as the front facade of the building.

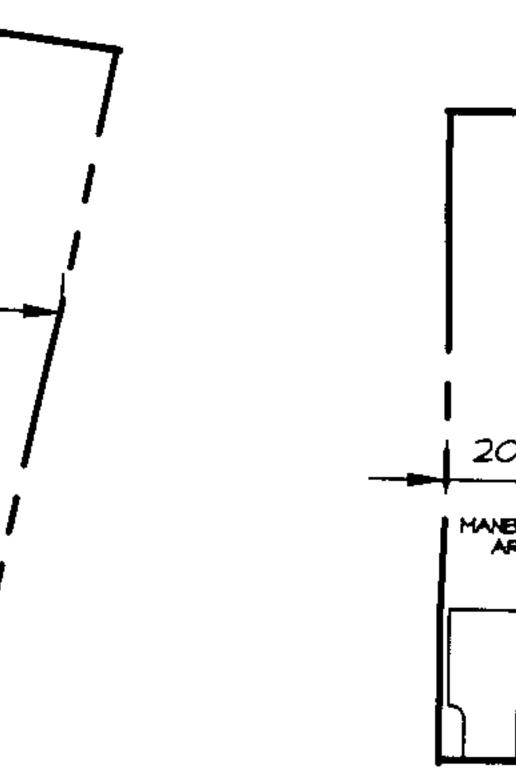
85' MIN.

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

- 4<sup>L</sup>. The exterior surface on the front facade of all residential dwellings, not including the garage doors, shall consist of at least 70% of approved materials. [Bill Nos. 40-1997; 73-1999]. (Approved materials are brick and stone.)
- 5. Building exteriors shall be of finished quality and similar architectural treatment, as
- defined in the Honeygo District Design Guidelines, to grade or, where that is not feasible, shall be finished to within 12 inches of grade on all sides of the building. 6. All fencing shall be in conformance with the Honeygo Overlay District Design Guidelines, and any fence more than three feet high shall also be setback at least five feet from any public right-of-way other than an alley.
- 1. Roofs shall be pitched in accordance with the Honeygo Overlay District Design Guidelines. (That is a minimum slope of 6:12 per p.8, "Building Design".)
- Stormwater management pond slopes, where management is not provided through a regional facility, shall not exceed a ratio of 3:1.
- 4. Rooftop equipment shall be screened so it is not visible from the ground level of
- 10. All inside group townhouses shall be at least 20 feet wide and all end of group townhouses shall be at least 22 feet wide. [Bill No. 40-1997].
- D. Sig<sup>jnage</sup> standards. Signs are permitted, subject to Sectin 450. [Bill No. 89-1997]
- E. Operate space standards. 2. Stream buffers, wetlands and steep slopes contiguous to streams and regulated by the Department of Environmental Protection and Resource Management (DEPRM) for
- environmental purposes shall be dedicated to Baltimore County, recorded by the county government among the land records of Baltimore County, and not used to meet the local open space requirements of the underlying zones.
- 4. At least 25% of the perimeter of any open space must abut public rights-of-way or fronts of buildings, and such open space shall be landscaped. 5. The county may accept a fee in lieu of providing required open space when such fee is
- in conformance with these regulations. The fee shall be established annually by the Baitlmore County Planning Board in accordance with the procedure set forth in Section 15-9 of the Baltimore County Code, 1988 Edition, as revised. [Bill No. 40-1997] 7. Fi<sup>=</sup>orest conservation areas and wetlands not contiguous with streams shall not be used to meet the local open space requirements of the underlying zones.
- F. Parki<sup>ln</sup>g standards 1. The provisions of Section 490.6 of these regulations apply except as provided in this
- 2. The provisions of Section 102.4 of these regulations do not apply and any lot may have stole access to an alley with a right-of-way of at leat 16 feet.
- 3. Off-street parking bays are not permitted.
- 4. A cul-de-sac or court shall not exceed 400 feet in length unless, as determinded by the Di<sup>vir</sup>ector of Environmental Protection and Resource Management, a longer length is needed to prevent encroachment on protected areas.
- 3. All streets shall have sidewalks and shall be planted with trees according to the stitandards for the street classification, as defined by the Honeygo Overlay District Design

#### G. Application.

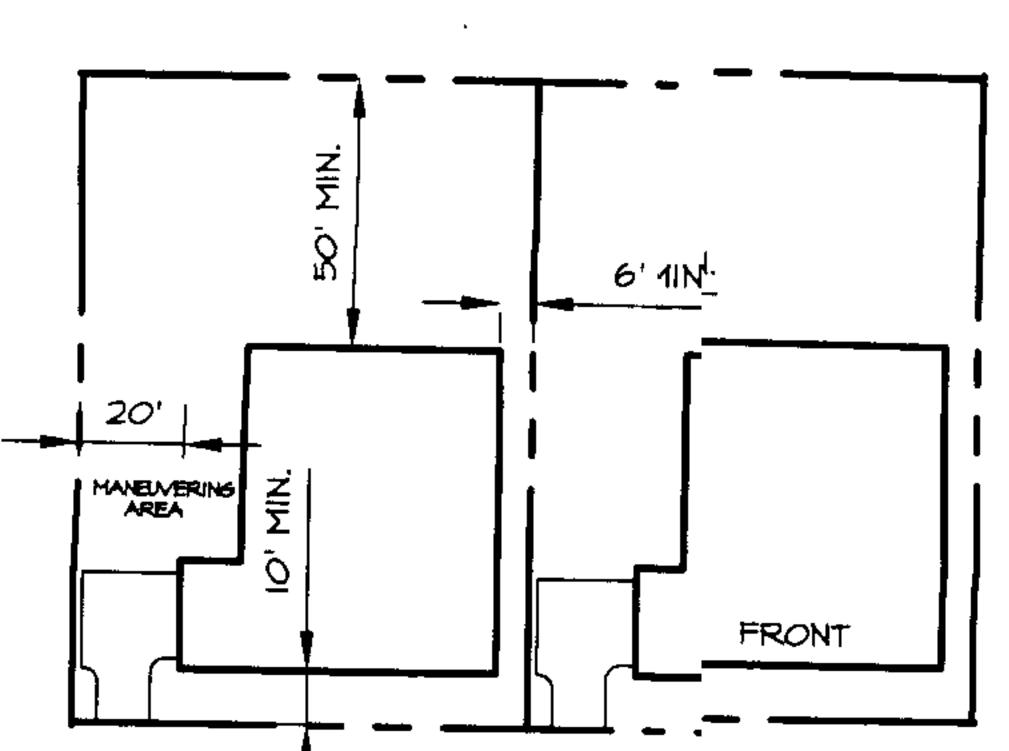
- . The provisions of this section shall govern in any situation where there is a conflict bestween this section and other regulations.
- 4. Whitere the provisions of this section are silent, the provisions of these regulations 2000 verning the underlying zone shall apply.
- ر. addition to the requirements of this section, residential and commercial development the area shall be subject to the Honeygo Overlay Districts Design Guidelines. [Bill



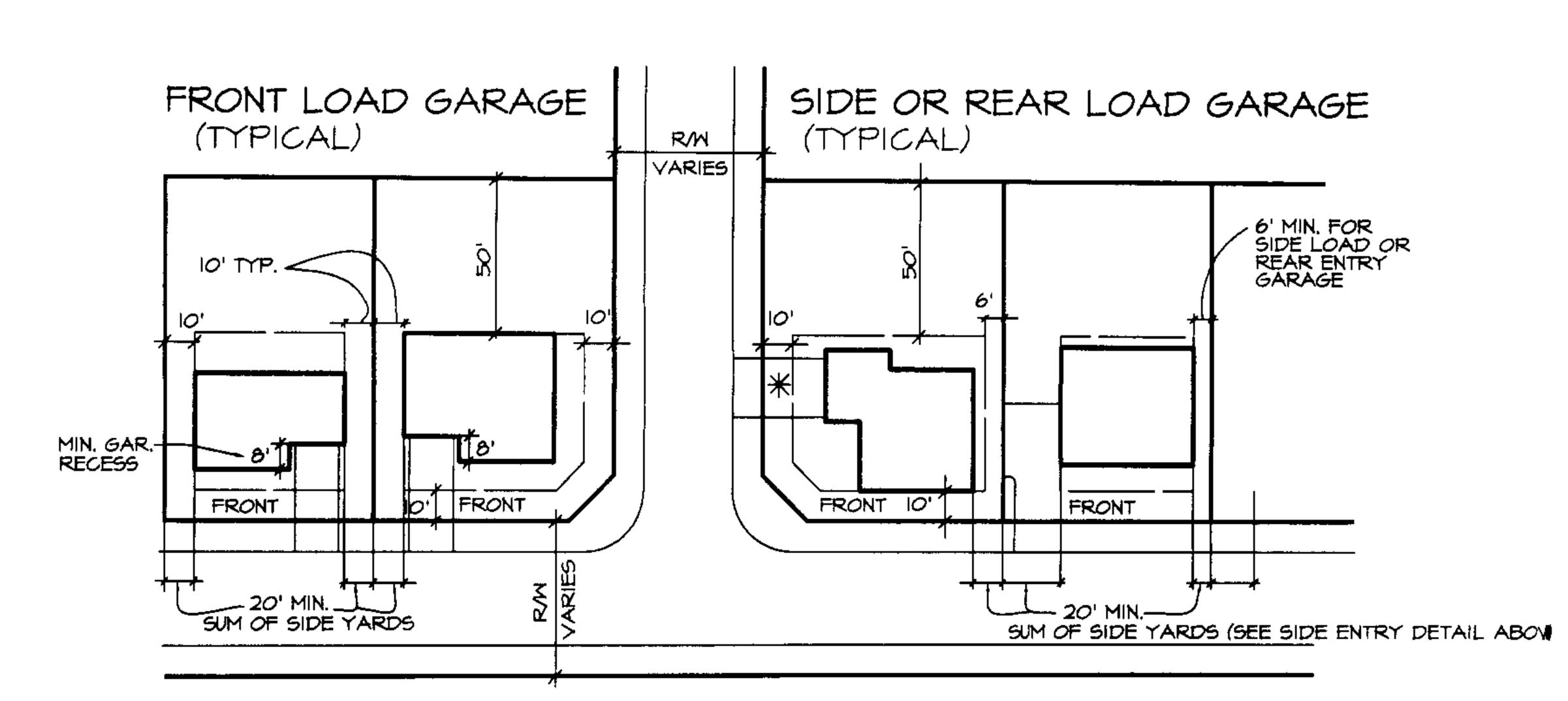
TYPICAL BUILDING ENVELOPE

ROAD R/W

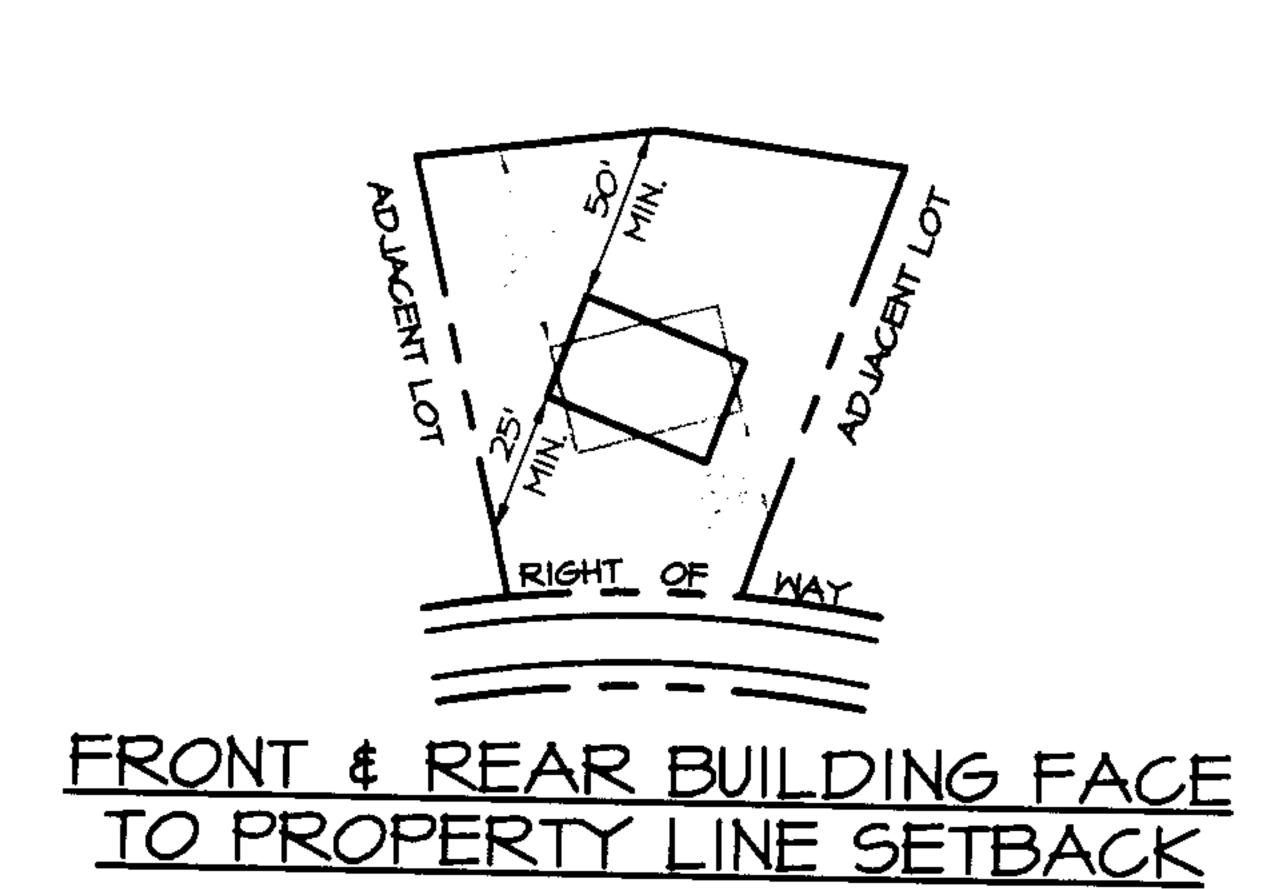
PER SECTION 259.9.B.3 N.T.S. NOTE THAT REGARDLESS OF THE ENVELOPE SHOWN ON THE PLAN (IN ACCORDANCE WITH THE HONEYGO SETBACK REQUIREMENTS), THE FINAL LOCATION OF ALL HOUSES MUST MEET THE MINIMUM LOT WIDTH REQUIREMENTS IN SECTION 259.9.B.3 BY MEASURING IN IN ACCORDANCE WITH THE DIAGRAM ABOVE. FINAL HOUSE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



PROPOSED TYP. SIDE ENTRY GARAGE LOT LAYOU'T DETAIL N.T.S.



TYPICAL LOT LAYOUT N.T.S. NOTE: Per Section 409: 18' minimum is required for offstreet parking in front of a garage.



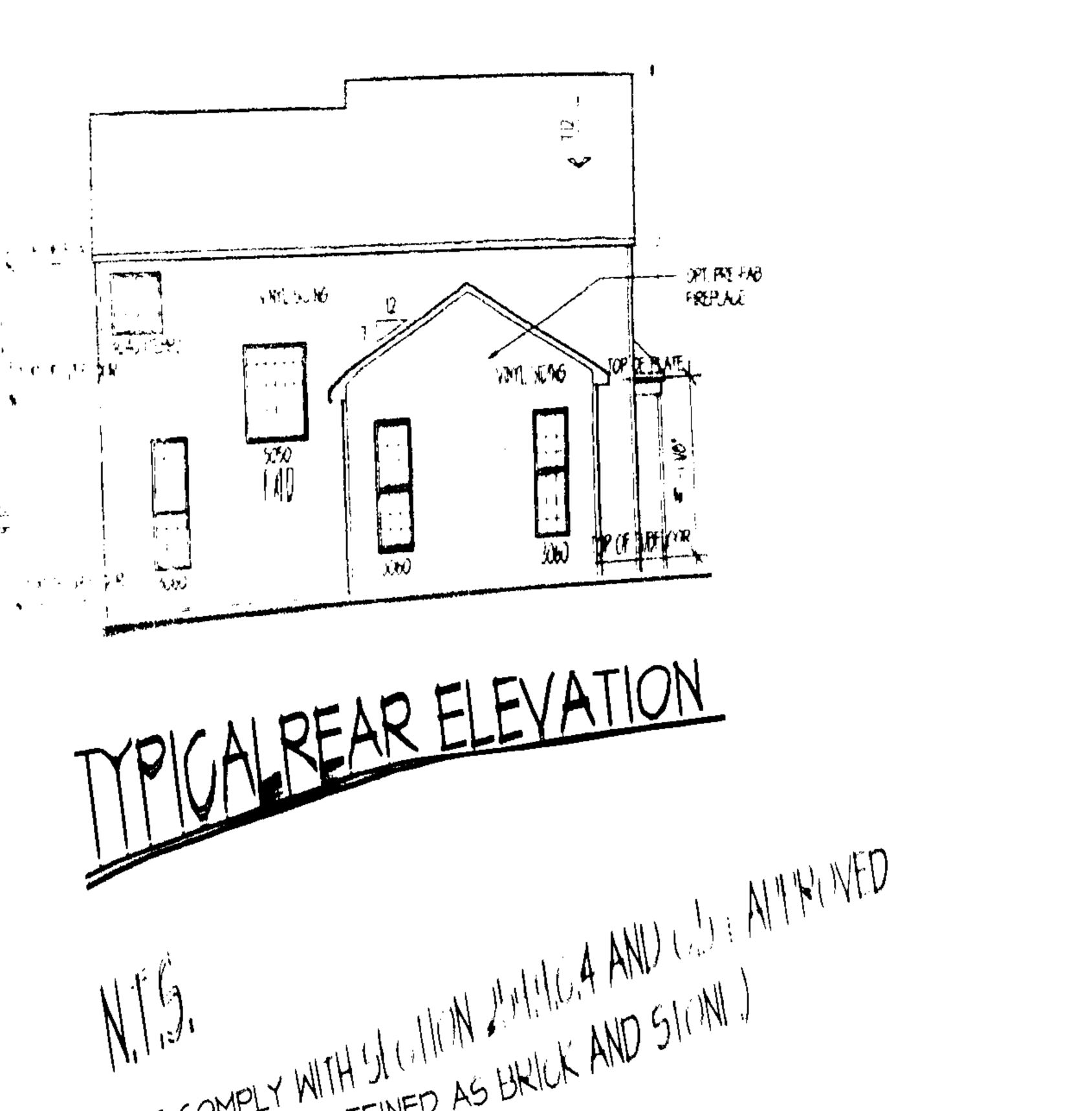
PER SECTION IBOI.2.C.I.b. A 25' SETBACK IS REQUIRED FROM A FRONT BUILDING FACE TO A PROPERTY LINE OR A STREET RIGHT-OF-WAY LINE\*, A 30' SETBACK IS REQUIRED FROM A REAR BUILDING FACE TO A PROPERTY LINE OR A STREET RIGHT-OF-WAY LINE\*

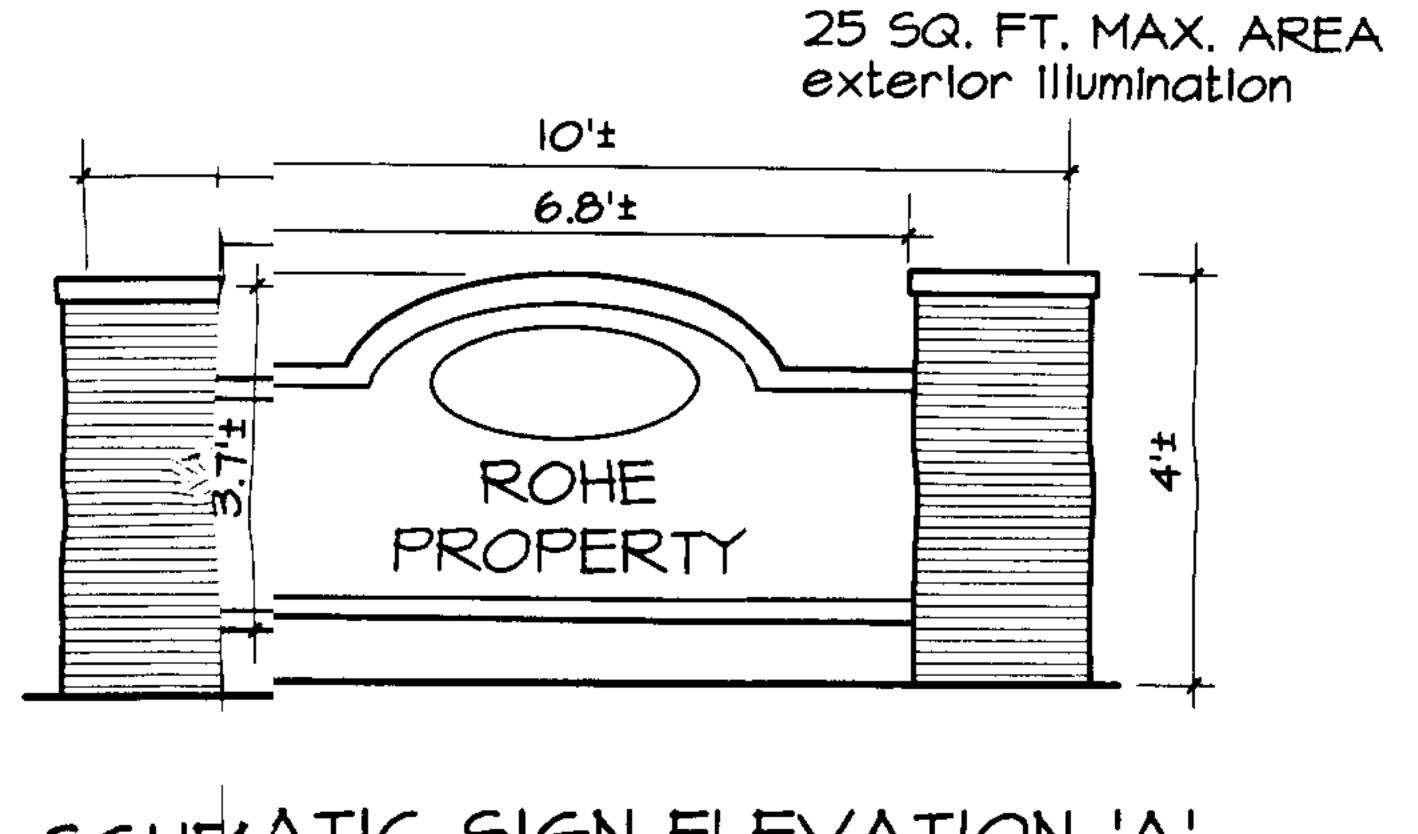
\*SUBJECT TO LISTED VARIANCE REQUESTS



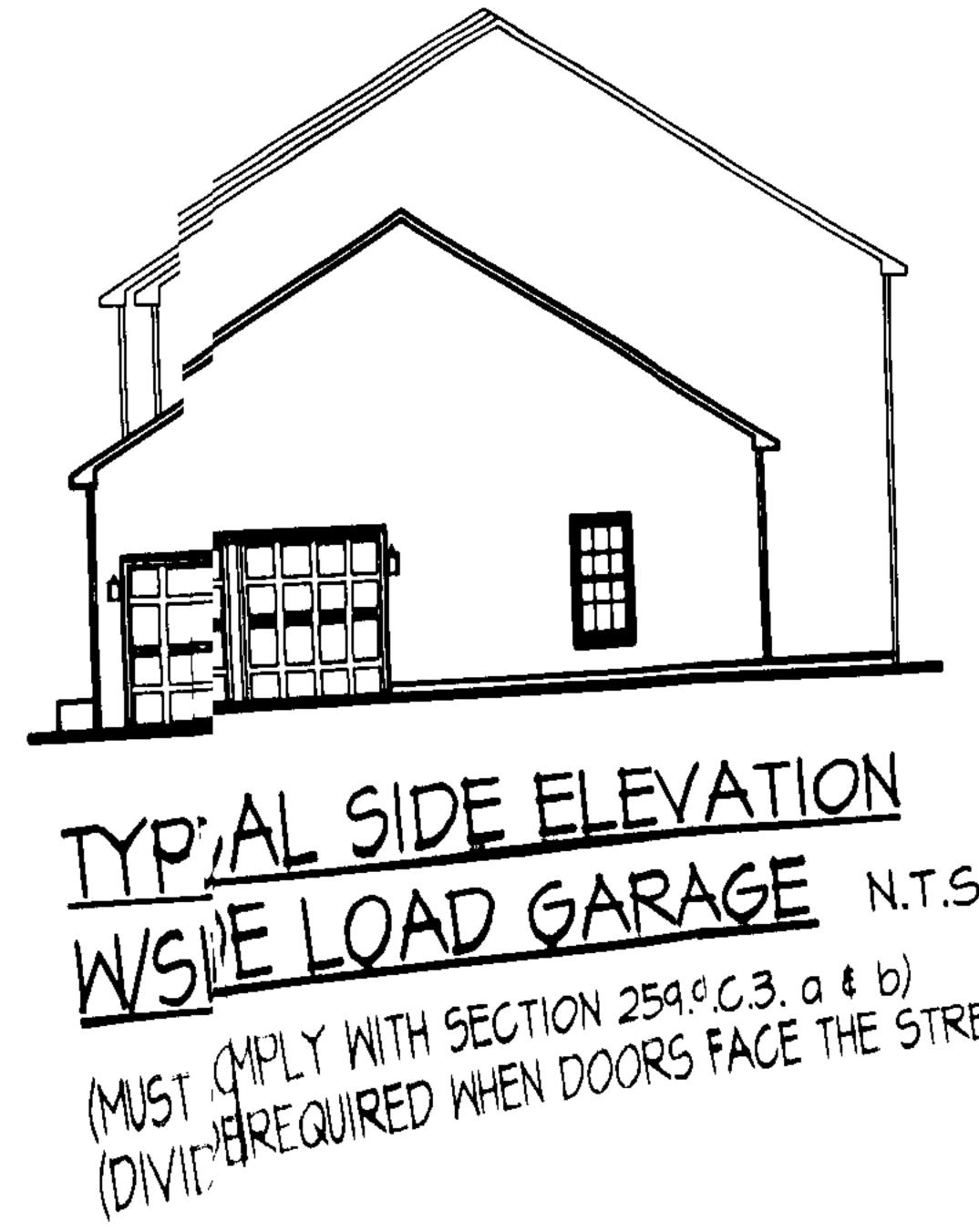
TYPICAL FRONT ELEVATION

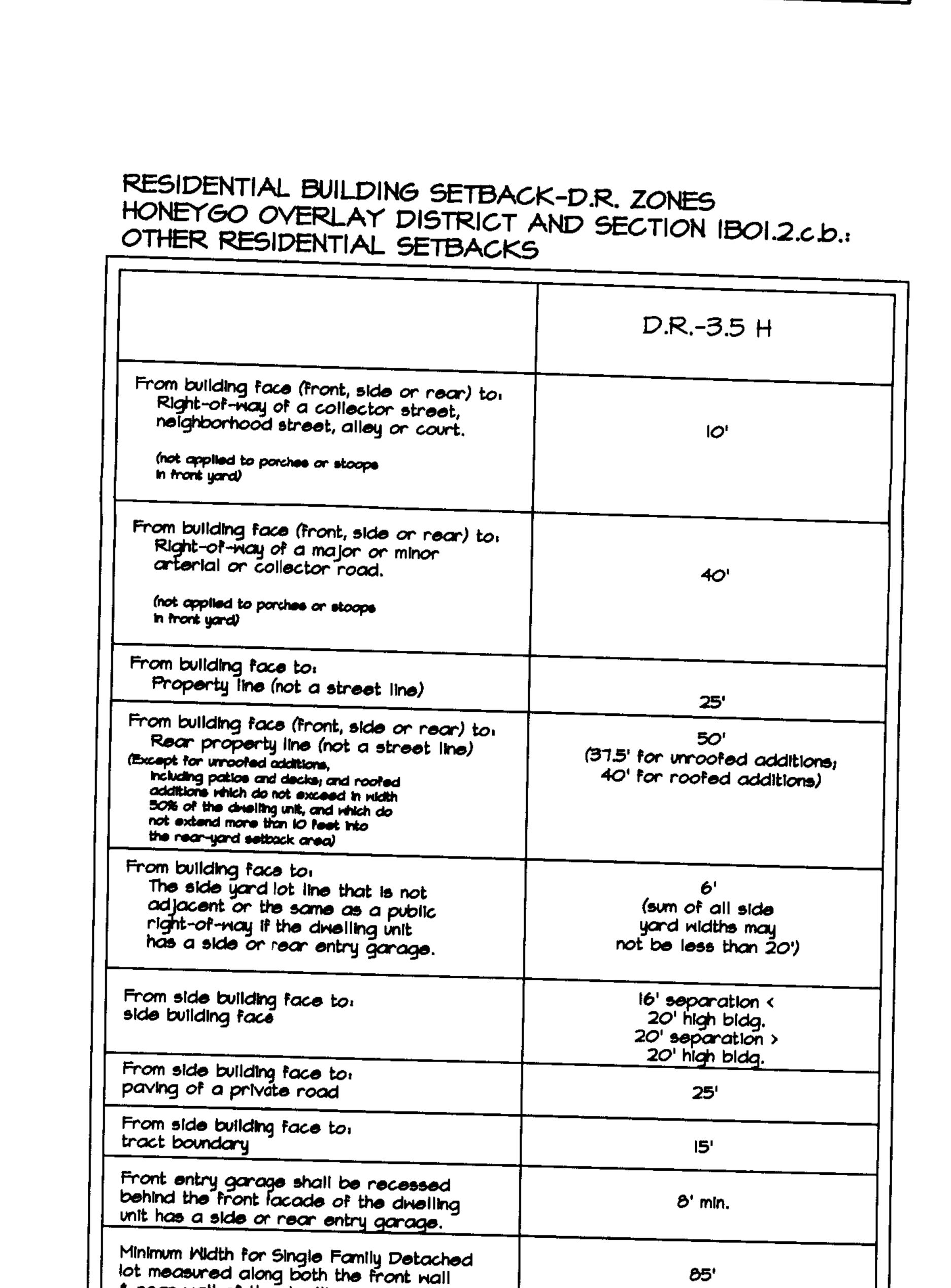
N.T.S. (MUST COMPLY WITH SECTION 259.9.C.4 AND C.5 : APPROVED MATERIALS ARE DEFINED AS BRICK AND STONE.)





SCHEIATIC SIGN ELEVATION 'A'





HONEYGO

JOPPAL CO

VICINITY MAP

NORTH

COUNTY

12 13h

SHOTO ANEA SERVICES
STREET, LOCATION OF
SOS THEFT, INAISE

PARK

BALTIMORE GTY

RECOMMENDED

BALTIMORE COUNTY.

CRITICAL STATE CONCERN

Envelopes or typical house locations on single family lots dictate a specific orientation which allows compliance with the BCZR and should theorientation change, the setbacks required by Section 259.9 must be met (DR Zones)

This table lists minimum setback requirements for urban residential use. For a

fuller explanation of these and other requirements, consult the

Comprehensive Manual of Development Policies (CMDP) and Bill 73-99 \$ 40-97.

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

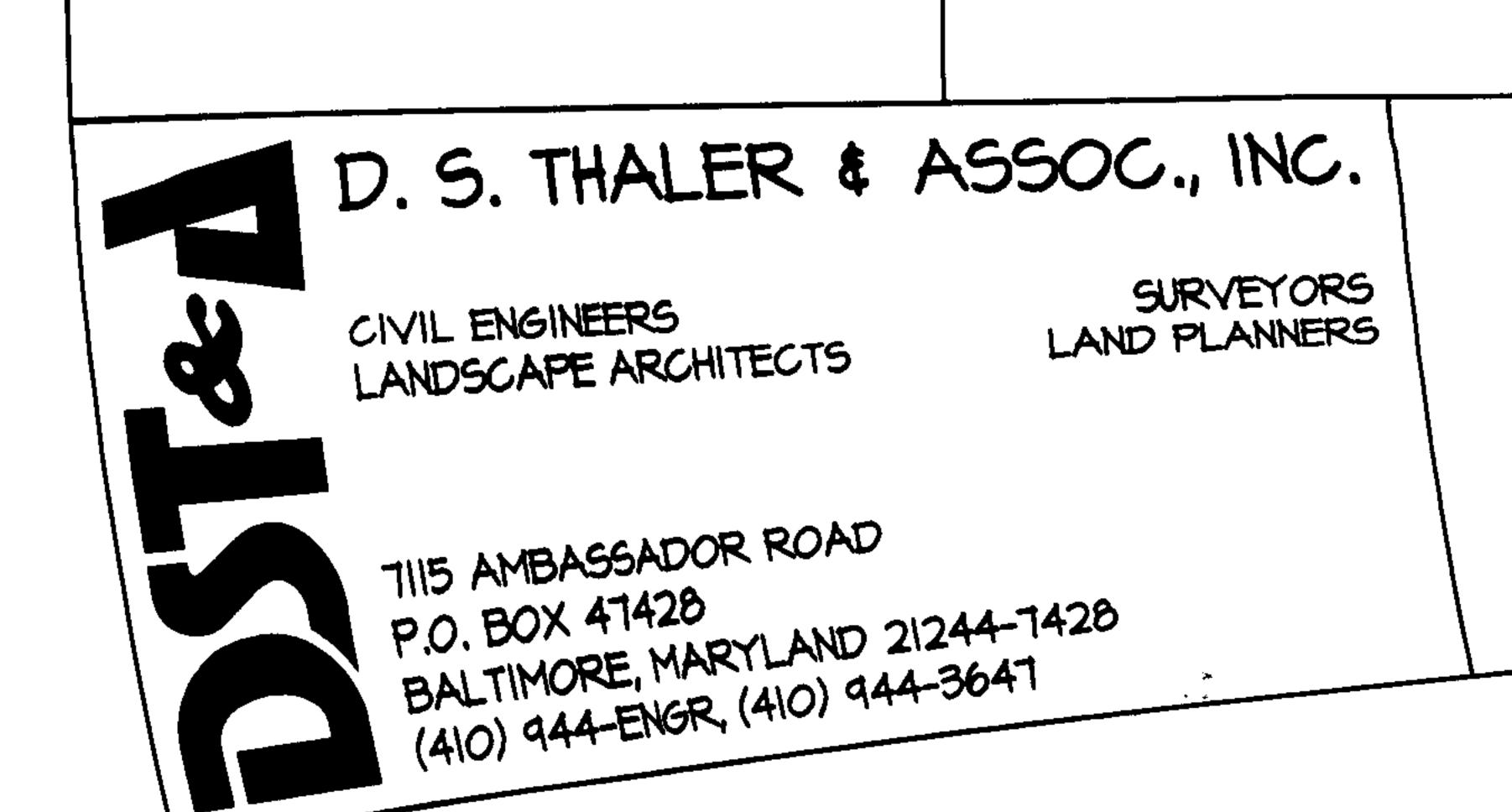
HEARING OFFICERS HEARING AND ZONING HEARING TO BE COMBINED

PROJECT NAME: ROHE PROPERTY PLAN TITLE: DEVEOPMENT PLAN, SCHEMATIC LANDSCAPE PLAN AND PLAT TO ACCOMPANY ZONING PETITION

\* rear wall of the dwelling:

COUNCILMANIC DIST.: 5 REGIONAL PLANNING DISTRICT: 317B ELECTION DIST.: II PROJECT MANAGER: WALT SMITH PDM #:XI-940 CIM: 09/08/2003 APPROVAL:

OWNER / DEVELOPER: CROSS HONEYGO, LLC 7013 MEANDERING STREAM WAY FULTON, MD 20759-2303 (410) 792-2926



SCALE: 1"=1000"

BALTIMORE COUNTY,

MARYLAND

HIL/AND PERSON

STREET PLANTING AND PRINCE

DATE: 1.2.04

C.I.: 2'

SCALE: 1"= 50"

PROJ. NO.: 02534

SHEET 2 OF 2

D.S. Thaler & Associates, Inc. (November 2003) 100 year floodplain exists on site Wetlands American Land Concepts (July 2003, revised November 2003) Delineation: Approved by DEPRM: 1.28.04 There are no tidal wetlands on-site Steep Slopes & D.S. Thaler & Associates, Inc. (May 2003, revised December 2003) Erodible Solis Approved by DEPRM: Pending Forest Stand American Land Concepts (April 2003) Delineation: Approved by DEPRM: 1.28.04 Forest Conservation Worksheet: D.S. Thaler & Associates, Inc. (June 2003, revised December 2003) Approved by DEPRM: 3.12.02

Approved by DEPRM: 3.12.02

Forest Buffer Variance Canted by DEPRM: Associates, Inc. (February2004)

Request:

Alternatives Analysis: D.S. Thaler & Associates, Inc. (February 2004)

Approved by DEPRM: Pending

GENERAL DATA:

Election District: 11 Watershed: Bird River

Census Tract: 413.04 Guita available to P.T.

Census Tract: 4113.04 Subsewershed: 25
Councilmanic District: 5 Regional Planning District: 317
School Information:
School District: Gunpowder Elem./Perry Hall Middle/Perry Hall High (2002-2003)

State Nated Capacity (SRC) Sept. 30th Total Projected # pupils for this project Above Below as a % of SRC Elementary: 564 482 490 8 -- 74 86.9% Middle: 1,676 1504 1507 3 -- 169 89.9% High School: 2,110 2,281 2,286 5 176 -- 108.3%

Adjacent High School District with additional capacity: Loch Raven High School

State Rated Enrollment Projected # pupils Capacity Projected # pupils as a % of SRC Above Below a

6. SITE INFORMATION: A. Acreage: Gro

Gross = 24.2 Act Net = 24.2 Act

B. Existing Zoning:

DR-3.5H • 19.6 Act

DR-10.5H • 4.6 Act

DR-10.5H • 4.6 Act

C. Density Calculations:

Allowed:

DR-3!

DR-3.5H • 19.6 Act = 68 dweilings DR-10.5H • 4.6 Act = 48 dwellings Total Allowed = 116 dwellings

oposed: 21 dwellings DR-3.5H: 68 density units - 21 density units = 47 density units remaining DR-10.5H: 48 density units - 2 density units = 46 density units remaining

D. Parking: Required: 2 spaces per unit
Proposed: 2 spaces per unit or 42 spaces

E. Open Space:

"All Open Space shall be in compliance with the Local Open Space Manual, Latest Edition."

Required: Open Space

13,650 SF± Active and 7,350 SF± Passive (or a combination thereof as specified in Section III.D.3.) Proposed: O SF-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 preliminarily in nature and is to show compliance with the Baltimore County Landscape Manual.

The Schematic Landscape Plan is subject to a Final Landscape Plan.

Planting Unit (P.U.) =

I major deciduous tree (2-2-1/2" cal.) or

2 minor deciduous trees (1-1/12" 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 qal.)\*or

20 herbaceous/perennial (l quart)

\*To meet Class D screening requirements only. Required Proposed A. STREET FRONTAGE: (Condition A) Adjacent Road 😨 | PU/40 L.F. 375 LF±/40= 9.3 P.U. 9.3 P.U. Interior Road 6 | PU/20 L.F. 2,125 LF±/20= 106.3 P.U. 106.3 P.U. M. REAR & SIDE YARD: (Condition M) Class 'A' screen: (minimum installed height of 30" for shrubs and 6' for evergreen trees) | PU/ |5 LF 400 LF±/15= 26.6 P.U. 26.6 P.U. SWM (Condition 'I') Screen adjoining properties, public and private roads when slopes are > 4: 1 Class 'A' screen 1 PU/15 LF of perimeter measures at toe of fill 275 LF±/15= slopes and top of cut slopes 18.3 P.U. 18.3 P.U. No woody vegetation within 15 feet of the toe of fill embankments. 10 foot landscape strip between no planting zone and property line. No woody vegetation within 50 feet of inlet structure. Fencing shall be located min 10' from R/W. R. OPEN SPACE (Condition 'R') ACTIVE- 650 SF/UNIT=13,650 SF @ | PU/ 1,500 S.F.= 9.1 P.U. 26,000 SF±/1500= 14.0 P.U. 14.0 P.U. PASSIVE- 350 SF/UNIT= 7,350 SF @ 1 PU/ 1,500 S.F.= 4.9 P.U.

174.5 P.U.

174.5 P.U.

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

7. UTILITIES: Public water and sewer will be provided.
Onsite utilities will be either public or private.

8. USE: The existing use is Agricultural
The proposed use is Residential.

Credit may be given for retention of existing trees

9. AVERAGE Average daily trips as calculated from the Baltimore DAILY County Comprehensive Manual of Development Policy TRIPS (ADTS): Single Family: 21 units x 10/unit = 210 ADTS

O. STORMWATER MANAGEMENT:

Stormwater management will conform to Baltimore County Standards.

Stormwater management facilities will be owned and maintaned by Baltimore County.

Stormwater management facilities shall be screened from adjacent residential properties.

Preliminary hydrology computations have been provided with the filing of the

The Hydrology Report verifies that the outfalls are suitable.

II. GRADING: Grading shown is schematic only.
 I2. VEGETATION: Existing vegetation will be retained in areas not needed for construction or grading. Existing vegetation consists of forest

Development Plan.

and farm fields.

T LINES: Proposed sight lines are shown on the plan and will be cleared and graded and kept permanently clear to ensure unobstructed sight at all times.

14. STORAGE There are no known underground storage tank(s) on site.
 TANKS:

Existing septic area (as noted) shall be field located, removed and backfilled by a licensed septic system contractor prior to Record Plat.

There are no known existing wells on site.

15. LIGHTING: Proposed lighting is shown as ▲.
Lighting is schematic and subject to change.

16. ENVIRONMENT<sup>TAL:</sup> 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 7-101 of the Environmental Article of the annotated Code of Maryland, as from time to time amended.

"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."

"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."

"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."

"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."

Forest Buffer Easement except as permitted by
Baltimore County Department of Environmental Protection and Resource Management."

A Hydrogeological Report and an Environmental Effects Report has been filled concurrently with this Development Plan.

A Preliminary Forest Conservation Plan and worksheet has been filed independently of this plan in accordance with Section 14-408.

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).

A Forest Buffer Variance request and Alternatives Analysis has been submitted to DEPRM.

"A variance was requested of the Baltimore County Department of Environmental Protection and Resource Management from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains to allow a reduction of the forest buffer by establishing good vegetative cover on the existing poor pasture cover within the Forest Buffer Easement. Conditions were placed on this variance to reduce water quality impacts. These conditions include, but were not limited to permanent fencing and posting of signage along the Forest Buffer Easement as well as establishing both good vegetative cover and reforestation in the Forest Buffer Easement.

17. No zoning case history has been found.
This property as shown on the plan has been held intact since (see note #4) (according to deed). No known part of the gross area of this property as shown on the plan has been utilized, riecorded or represented as density or area to support any off-site dwellings. See DRC Letter dated February 03, 2003

18. Future signs shall conform with BCZR Section 450 and all zoning policies.
19. Maximum buildinig height allowed is 50 feet. Two story homes are generally proposed.

20. 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.

21. Sidewalks shall be provided on all public roads (subject to waiver request)

22. According to G'lenn Hoge, Office of Planning, MTA, the nearest MTA service to this site is at the interse<sup>ection</sup> of Belair Road (US Route I) and Chapel Road (bus line #15).

23. The CIM was held on September 8, 2003. The minutes which identify all comments can be found in PDM File No. XI-940, on file in Room 123 of the Baltimore County Office Building, III West Chesapeake Avenue, Towson, MD 21204.

24. There are no known limitations established by the Courts, County Board of Appeals, Planning Board or Zoning Commissioner which would limit proposed development on site. Restrictive covienants have been recorded with neighboring parties.

25. 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, or any Baltimore County Historic District or National Register Historic District covering the proposed development.

26. All drainage and utility easements shall be 20' wide. Unless noted otherwise.

27. The "Recommenced Areas of Critical State Concern" map included on this sheet indicates the general Perry Hiall/White Marsh area as a "ground water problem area". No ground water extraction is proposed for this development.

28. There are no Residential Transition Areas (RTA's) on site.

29. All proposed ro<sup>3</sup>ads are public.

All roads and ei<sup>asements</sup> indicated for dedication to Baltimore County will be offered for dedication at no<sup>3</sup> cost to the County.

The proposed ai<sup>Ind/or</sup> existing roads are neither arterial nor collector roads.

30. The Bureau of Tiraffic Engineering and Planning has confirmed that the subject site not within a traffic deficient area (per Keith Link). 9.18.03

31. Parcels labeled 'H.O.A.' will be dedicated to a Homeowner's Association.
32. Open space is a<sup>1|so</sup> subject to compliance with Section 259.9E. BCZR.

33. Signs are also subject to compliance with Sections 102.5 and 259.9D. BCZR

34. Accessory struct<sup>tures</sup> are also subject to compliance with Section 259.9A.3., open projections<sup>5</sup> (including porches and steps in front yards) by Section 259.9B.4.c., 259.9B.4.e(1) and 259.9B.4.e.(2) and fences by Section 259.9C.6. BCZR

35. Accessory struct<sup>tures</sup>, including but not limited to solar panels, antennas, satellite dishes, trash pads and storage sheds are not permitted in the front yard of any principal use.

36. Refuse collection and mail delivery will be by Baltimore County curbside (front).

37. "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 signattory for Baltimore County."

38. Building envelopies and/or footprints shown are for Illustrative purposes and may not represent the fin<sup>nal</sup> location for any particular dwelling. Final house location will be subject to the various sti<sup>andards</sup> and limitations illustrated by the details and charts included on this plan.

39. Envelopes shown hereon are for the location of principal buildings only. Accessory structures and projections into yards may be constructed outside the envelope, but must comply with Sections 259.9, 301 and 400 of the Baltimore County Zoning Regulations. (Subject to coverants and applicable building permits.)

Fencing shall comply with Section 259.9.C.6. (Baltimore County Zoning Regulations)

40. The Honeygo Over<sup>lay Design</sup> Guidelines were adopted by the County Council on 3-17-97. The Honeygo Regi<sup>ulations</sup> over ride conflicts with other Baltimore County Zoning Regulations<sup>5</sup>.

41. All dwellings will meet the standards set forth in Section 259.9.A-G of BCZR and the Honeygo Overlay District Guidelines.

42. All fencing shall be in conformance with the Honeygo Overlay District Design Guideline's, 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. Landscaping sha<sup>ill</sup> be provided on the street side of the fence.

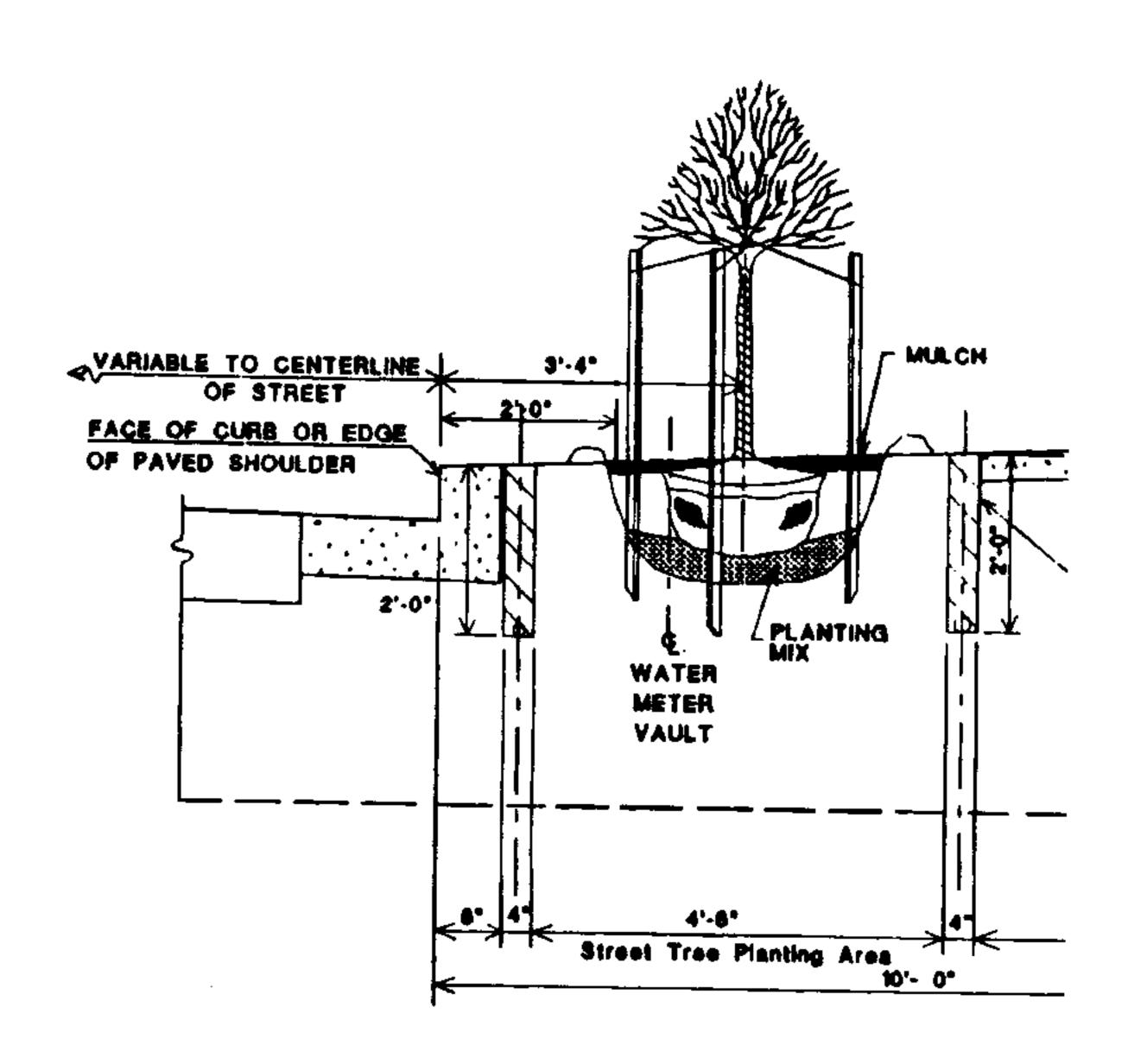
# SUITABLE OUTFALL STATEMENT

Two onsite streams coimbine at the southern corner of the property. D.S. Thaler & Associates, Inc. has made a visual examination of the two on-site stream systems. This examination included field observations of the existing channels and culvert crossinigs. Our observation of the streams found the channels to be silty and stable, with no apparent signs of erosion except downstream of the existing 21" RCP culvert. Both streams have banks that are heavily vegetated with shrubs and small trees. The central stream discharges through an existing culvert which has steep banks on its downstream side. The channel enters a flat, heavily wooded area before combining with the second on-site stream at the property line. The second stream flows through an existing 18" CMP culvert just upstream of the confluence.

A portion of the site is currently in active agricultural use. An analysis of site runoff, comparing current conditions with the proposed developed site has been performed to determine the impact on the existing streams and the downstream cuivert at Chapel Road (approximately 1250' southwest of the site). Under existing conditions, the analysis shows that runoiff overtops Chapel Road during a 100-year storm event. Under proposed conditions this condition is shown to be lessened. The analysis demonstrates that the 10- and 100-year discharge rates at the design point are reduced when compared with the discharge rates generated by the current agricultural use. The existing stream systems are found to provide suitable outfalls without the need to provide Qp and Qf management.

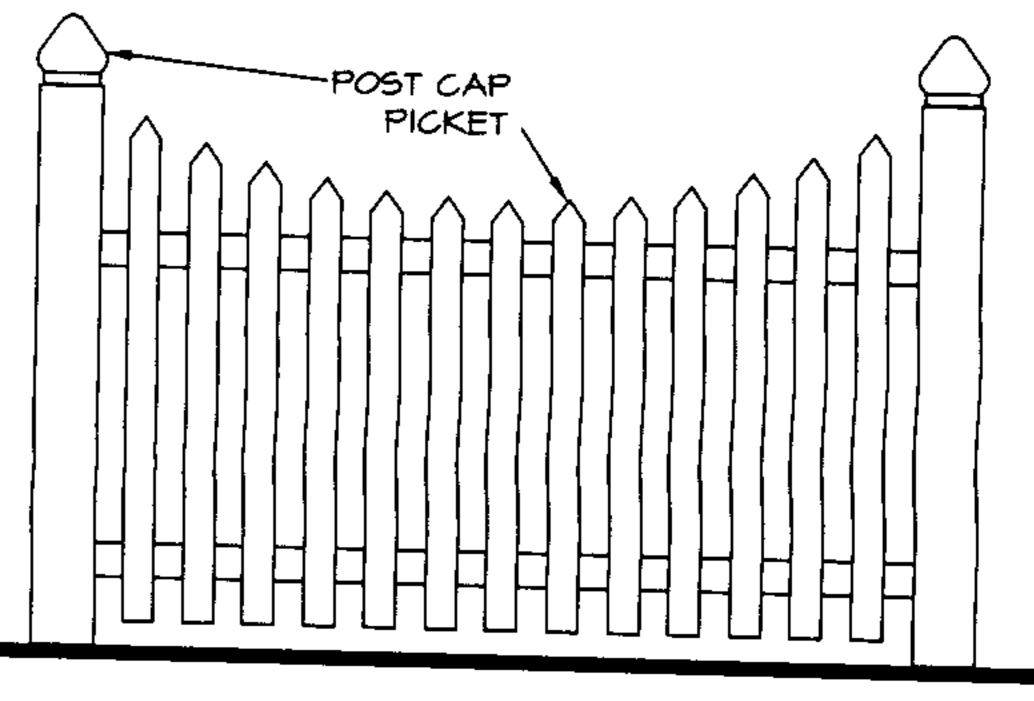
One stormwater managlement facility will be constructed for the development to provide for Wav, Rev, and Cpv. Discharge from BMP #1 will be directed into the forest buffer in the southwest corner of the site. A riprap velocity dissipater will be incorporated into the design to disperse the flows. With the provision of 1-year storm management and conveyance of the larger, less frequent storms, it is our opinion that there will be no significant adverse change in the rate, velocity or degree of concentration of the runoff from this facility as it exits the site after development.

Therefore, we conclude; that the outfall is "sultable" based on criteria provided by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.



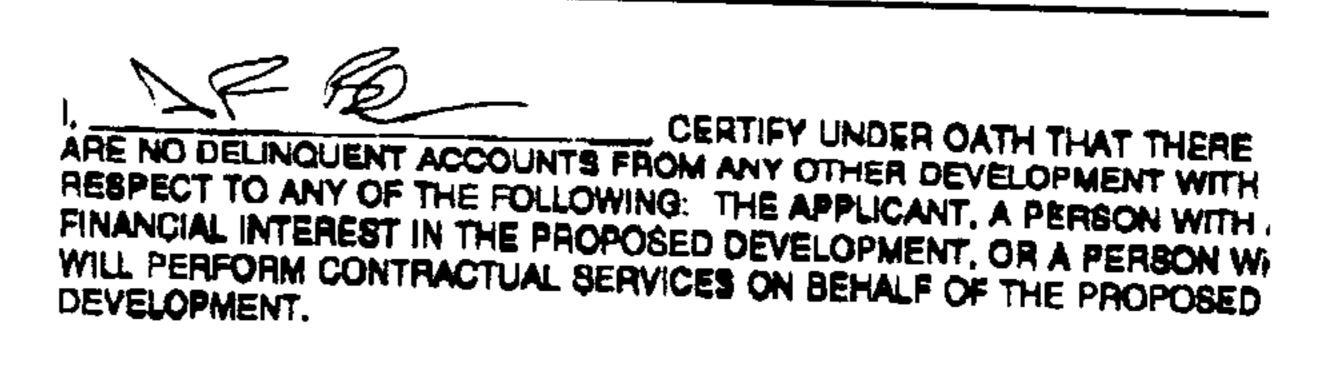
TYPICAL SIDEWALK/STREE DETAIL (BALTO. CO. PLATE

N.T.S.



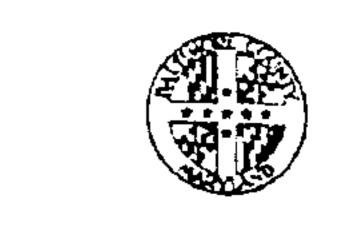
PICKET FENCE DETAIL N.T.S.

CERTIFICATE OF DELINQUENT ACC



DRC 012103C; D1st. 11C5

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue Towson, MD 21204

February 3, 2003

D. S. Thaler & Associates, Inc. 7115 Ambassador Road Baltimore, MD 21244

> RE: Rohe Property S/S Cross Read: N/S Cha DRC Number 012103C; I

Dear Sir or Madam:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maprovided in Section 602 (d) of the Baltimore County Charter, and Section Baltimore County Code, this letter constitutes an administrative order and description of a license, permit, approvided writer, or other form of permission you filed with this department.

Your request has been submitted for careful review and conside Development Review Committee (DRC), which is composed of representation of those departments involved in land-use decisions. These repredesignees of the directors of these departments. The purpose of the DPI compliance with Section 26-171 and Section 26-211 of the Baltimore Conto make recommendations to the Director, Department of Permits and Management (PDM).

The DRC has, in fact, met in an open meeting on January 13, 2003, following recommendations:

The DRC has determined that your project meets the requirement exemption under Section 26-171 (A) (9). Please provide copies of the n deeds to the Land Acquisition Office so our Geographical Information database files can be brought up-to-date.

I have reviewed the recommendations carefully, and I have determed the recommendations set forth above. It is this 3rd day of February 2003 decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be recopiect, your application will be processed subject to the conditions set for any plans, securities, or non-county permits that may be required in accounty, State, or Federal regulations.

Sincerely.

Arnold Jablon
Director

COMMO

White Pi

SPECIMEN TREE LIST

LABEL SIZE SCIENTIFIC

ST-1 37" Pinus strobus

ST-2 41" Acer rubrum

ST-3 38" Quercus alba

Red Mar ST-3 Quercus alba White Oc ST-4 Quercus alba White Oc ST-5 Quercus alba White Oc ST-6 Acer rubrum Red Mar ST-7 Quercus alba White Oc Acer rubrum Red Mar ST-9 Quercus phellos Millow Oc ST-10 Quercus palustris Pin Oak ST-II Quercus palustris Pin Oak ST-I2 Quercus palustris Pln Oak ST-13 Quercus phellos Millow Oc ST-14 Quercus phellos Millon Oc ST-15 Acer rubrum Red Map ST-16 Quercus alba White Oa ST-17 Quercus alba White Oa Quercus alba White Oa

	50IL5
SYMBOL	NAME
BtB	Beitsville silt loam, 0-3% slopes
ChB2	Chillum slit loam, 2-5% slopes, moderately eroded
Em	Elkton loam
Fs	Fallsington loam
Fa	Fallsington sandy loam
BtA	Beltsville silt loam, 0-2% slopes
ShC2	Sassafras sandy loam, 5-10% slopes, severely eroded
EsB	Eisinboro loam 3-8% slopes
CmB	Christiana loam, 2-5% slopes
(1	DENOTES PRIME AND PROPULATION

(\*) DENOTES PRIME AND PRODUCTIVE SOILS