ORDER REGENVED FOR FILING 34. IN RE: DEVELOPMENT PLAN HEARING and

PETITION FOR VARIANCE - W/S

York Road, N of Belfast Road

(Horner Property)

8th Election District

3rd Council District

The Joshua L. Horner Family L.P. and Anne E. Horner, Owners/Developers

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case Nos. VIII-805 & 04-512-A

*

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to the development review regulations codified in Title 26 thereof, the Owners/Developers seek approval of a two-page red-lined development plan, prepared by McKee and Associates, Inc., for the proposed residential development of the subject property with seven (7) single family dwelling units, one of which is existing. In addition, variance relief is requested from Section 26-266.4 of the Baltimore County Code (B.C.C.) to permit a panhandle driveway length in excess of 1,000 feet in an R.C. zone. The proposed subdivision and requested variance relief are more particularly described on the redlined development plan submitted and marked into evidence as Developer's Exhibit 1.

As to the history of this project through the development review process codified in Title 26 of the Baltimore County Code, a concept plan of the proposed development was prepared and a conference held thereon on February 2, 2004. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on February 25, 2004 at the Hereford High School. Subsequently, a development plan is prepared, based upon

ORDER RECEIVED FOR FILING Date 2/20/07 the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on June 16, 2004. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held on July 9, 2004.

Appearing at the public hearing required for this project were Rudi Horner on behalf of the Horner Family, property owners; Guy Ward, Professional Engineer with McKee and Associates, Inc., the consultants who prepared the development plan; Todd Morrill, Builder; and Howard Alderman, Jr., Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Christine Rorke, Project Manager; Robert Bowling, Development Plans Review; and, Donna Thompson, Zoning Review. Also appearing on behalf of the County were Lynn Lanham, Office of Planning (OP), and Jan Cook from the Department of Recreation and Parks. No one appeared from the surrounding community. In this regard, a letter was received on June 11, 2004 from G. Macy Nelson, Esquire entering his appearance as Counsel for the Greater Sparks Glencoe Community Council. However, on July 8, 2004, correspondence was received from Mr. Nelson striking his appearance and indicating that neither he nor any members of the Greater Sparks Glencoe Community Council would appear at the hearing or take any position on the proposed subdivision.

The subject property is an irregular shaped parcel located on the west side of York Road, north of Belfast Road in the Sparks area of northern Baltimore County. The property contains a gross area of 51.239 acres, more or less, zoned R.C.5. The property was previously approved for subdivision into three lots, under minor subdivision Case No. 92-190-M. Lot 2 has since been sold; Lot 3 contains the existing single family dwelling, known as 540 Belfast Road. and the balance of the property was retained as Tract A. The Owners now propose a re-

ORDER RECEIVED FOR FILING Date 2007 subdivision of Tract A and Lot 3 to create six additional single-family dwelling lots, including Lot 3, or seven lots total. Three of the lots will have frontage on York Road, while the other three are located in the interior of the site and will be served by a panhandle driveway off of Belfast Road. As shown on the plan, an existing panhandle driveway serves the dwelling at 540 Belfast Road, and is nearly 2200 feet in length. That driveway will be extended an additional 125 feet for a total length of approximately 2325 feet to serve the house on Lot 7 to be known as 542 Belfast Road. Another panhandle driveway will provide access to Lot 6 from Belfast Road.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, Counsel for the Developer indicated that there were no outstanding issues and that the plan complied with all development plan comments, rules, regulations and standards. The County agency representatives who were present corroborated his representations. Mr. Oltman testified on behalf of DEPRM that there were no outstanding issues; however, he advised that Paul Dennis of the Environmental Impact Review Division would submit an amended comment. Mr. Jan Cook from Recreation and Parks also indicated that he would be forwarding a letter indicating that a waiver of local open space requirements and a fee in lieu thereof had been approved by his agency. Both that letter and the revised comment from DEPRM were to be submitted for inclusion in the case file prior to the issuance of this Order. In addition, both Bob Bowling on behalf of the Department of Public Works, and Lynn Lanham for the Office of Planning indicated that they support the panhandle variance request, in view of the fact that the driveway at issue has existed for many years.

It is also to be noted that Mr. Alderman indicated that his client and their consultants had met with the Greater Sparks Glencoe Community Association and had resolved their concerns relative to this project. He further indicated that they were satisfied with the changes and modifications that had been made to the plan. In this regard, all of the proposed dwellings have been set back at least 150 feet from the front property line as required for development in the

ORDER REGENED FOR FILING

R.C.5 zone, pursuant to Bill No. 55-04, which was recently enacted by the Baltimore County Council.

Pursuant to Section 26-206 of the Baltimore County Code, the Hearing Officer is required to approve a plan when there are no open issues or unresolved comments, and all of the standards, rules and regulations for development in Baltimore County have been met. In that the development plan complies with all of these requirements, it must be approved.

Turning next to the variance request, as noted above, the existing panhandle driveway that serves 540 Belfast Road has existed for many years at its present length of 2200 feet and will only be extended another 125 feet to provide access to three additional lots. I find that the property is unique, given its unusual configuration and shape, and the fact that the panhandle driveway has existed for many years is a compelling factor to support the grant of relief. In sum, the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. for variance relief.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the development plan shall be approved and the Petition for Variance granted, consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this ______ day of July 2004 that the red-lined development plan for the Horner Property, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 26-266.4 of the Baltimore County Code (B.C.C.) to permit a panhandle driveway length in excess of 1,000 feet in an R.C. zone, in accordance with Developer's Exhibit 1, be and is hereby GRANTED.

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

LAWRENCE E. SCHMIDT

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

July 20, 2004

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 502 Washington Avenue, Suite 800 Towson, Maryland 21204

DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE RE: W/S York Road, N of Belfast Road

(Horner Property)

8th Election District – 3rd Council District The Joshua L. Horner Family L.P. and Anne E. Horner - Owners/Developers Case No. VIII-805 & 04-512-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Variance granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

Ms. Rudi Horner, 12 Loveton Farms Court, Sparks, Md. 21152 CC:

Mr. Guy Ward, McKee & Associates, 5 Shawan Road, Hunt Valley, Md. 21030

Mr. Todd Morrill, 2401 Benson Mill Road, Sparks, Md. 21152

G. Macy Nelson, Esquire, 401 Washington Avenue, Suite 803, Towson, Md.

Don Rascoe, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case/File



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

LES:bjs

Zoning Description
Tract A and Lot 3 (a.k.a 540 Belfast Road) of "Horner Property"
8th Election District
Baltimore County, Maryland

Beginning at a point on the North side of Belfast Road, which is 60 feet wide at a distance of 3450 feet, more or less West of the centerline of York Road, which is 66 feet wide. Thence running the twenty-one following courses and distances:

- 1) North 74 degrees 29 minutes 41 seconds East 90.64'
- 2) North 88 degrees -10 minutes -01 seconds East 252.89'.
- 3) North 09 degrees -00 minutes -01 seconds East 523.86',
- 4) South 80 degrees -59 minutes -59 seconds East 30.00',
- 5) North 09 degrees -00 minutes -01 seconds East 282.36 "
- 6) North 08 degrees -42 minutes -24 seconds East 325.39',
- 7) North 88 degrees -43 minutes -49 seconds East 1387.58 ',
- 8) South 01 degrees -20 minutes -18 seconds East 352.18',
- 9) North 89 degrees -13 minutes -10 seconds East 302.69',
- 10) South 20 degrees -43 minutes -38 seconds East 510.65',
- 11) South 89 degrees -13 minutes -10 seconds West 401.88',
- 12) South 00 degrees 46 minutes 50 excends Feet 170 002
- 12) South 00 degrees -46 minutes -50 seconds East 170.00',
- 13) South 89 degrees -13 minutes -10 seconds West 463.58',
- 14) South 20 degrees -43 minutes -38 seconds East 501.21',
- 15) North 82 degrees -10 minutes -16 seconds West 1334.52,
- 16) North 59- degrees 46 minutes -26 seconds West 287.12',
- 17) North 54 degrees -39- minutes 06 seconds West 797.59',
- 18) South 09 degrees -00 minutes -01 seconds West 503.66', 19) South 88 degrees -10 minutes -01 seconds West 274.10',
- 20) South 74 degrees -29 minutes -41 seconds West 76.28',
- 21) North 35 degrees -13 minutes -59- seconds West 31.87' to the point of beginning

Containing 2,110,525 square feet or 48.451 acres, more or less. As recorded in Baltimore County Land Records in deed references Liber 12577 folio 408, Liber 10248 folio 75, and Liber 14163 folio 442. Also known as Lot 3 (540 Belfast Road) and Tract "A" of Horner Property Baltimore County Minor Subdivision Plan #92-190-M and located in the 8th Election District, 3rd Councilmanic District.

OU-512-A

BALTIMORE COUNTY, MARYLA) OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT
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CASHIER'S VALIDATION

MOTICE OF ZONDIG 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: # 04-512-A

540 Belfast Road

N/side of Belfast Road, 3,450 feet west of centerline of York Road

8th Election District — 3rd Councilmanic District
Legal Dwner(s): Anne E. Horner
Variance: to permit a panhandle driveway in excess of
1,000 feet in an RC-Zoned property.
Hearing: Friday, July 9, 2064 at 9:00 a.m. in Room
407, County Courts Building, 401 Bosley 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.

10062 6/279 June 24

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on 624 , 2004 .
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
Phillenson.

LEGAL ADVERTISING

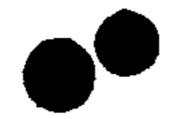




CERTIFICATE OF POSTING

	4	Date: Jine 11, 2004
RE:	Case Number 04-512-A	
	Petitioner/Developer: Joshua L. Homer Trust	and Ann Homer
	Date of Hearing/Closing: Friday, July 9, 200	
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	This is to certify under the penaltics as	
ve te i	This is to certify under the penalties of perjury	y that the necessary sign(s) required by law
rere	posted conspicuously on the property located :	at540 Belfast Road and also the
	•	
	The sign(s) were posted on June 10,	2004
		(Month, Day, Year)
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		L'Aawrener Filson
		(Signature of Sign Poster)
		J. Lawrence Pilson
		McKee and Associates, Inc.
		(Printed Name of Sign Poster)
	Hooving Officer's lossing	5 Shawan Road, Suite 1
	The state of the s	(Street Address of Sign Poster)
:		Cockeysville, MD 21030
:	Beyers produced the second sec	
		(City, State, Zip Code of Sign Poster)
		(410) 527 - 1555
		(Telephone Number of Sign Poster)





CERTIFICATE OF POSTING

	•	Date: June 11, 2004
RE:	Case Number 04-512-A	
	Petitioner/Developer: Joshua L. Homer Tr	
	Date of Hearing/Closing: Friday, July 9,	2004, 9am
	This is to certify under the penalties of per	rjury that the necessary sign(s) required by law
were	posted conspicuously on the property locat 15300 block of York Road	ed at 540 Belfast Road and also the
	•	······································
	The sign(s) were posted on June	10, 2004
		(Month, Day, Year)
	•	
		L'Aawrener Filson
		(Signature of Sign Poster)
		J. Lawrence Pilson
		McKee and Associates, Inc.
		(Printed Name of Sign Poster)
		5 Shawan Road, Suite 1
,		(Street Address of Sign Poster)
	Berefoher Lands Anna L	Cockeysville, MD 21030
		(City, State, Zip Code of Sign Poster)
		(410) 527–1555
		(Telephone Number of Sign Poster)



Petition for Variance

to the Zoning Commissioner of Baltimore County

Horner Prop. 540 Belfast Rd. & for the property located at Adjacent 47 Acres +/- located N/S of Belfast Road, 3450 feet west of York Road which is presently zoned __RC-5______

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

26-256.(4) of the Baltimore County Code

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

To penuit a parhandle driveway in excess of 1000 ft in an RC-Zoned property. Practical difficulty exists in that the existing parhandle drive serving existing Lot 3 is over 1000 ft. long. Other good and sufficient testimony to be offered at the time of 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:

Legal Owner(s):

Signature Signature Guy C. Ward		George Raymond Schulte —
Address Telephone No. Name - Type pr Print Signature Signature 5'40 Belfast Road (410) 472-9281 Address Telephone No. Sparks, MD 21152-9100 Signature City State Zip Code Representative to be Contacted: Signature Ouy C. Ward	Name - Type or Print	Name - Type or Print
Attorney For Petitioner: Howard L. Alderman, Jr. Name - Type or Print Signature Signature Signature 540 Belfast Road (410) 472–9281 Address Telephone No. Sparks, MD 21152–9100 State Zip Code Representative to be Contacted: Guy C. Ward	Signature	Anne E. Horner
Attorney For Petitioner: Howard L. Alderman, Jr. Name - Type or Print Signature Signature Signature 540 Belfast Road (410) 472–9281 Address Telephone No. Sparks, MD 21152–9100 State Zip Code Representative to be Contacted: Guy C. Ward	Address Telephone No.	Name - Type or Print Ethynz
Address Telephone No. Howard L. Alderman, Jr. Sparks, MD 21152-9100 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Ouy C. Ward	City State Zıp Code	Signature
Howard L. Alderman, Jr. Name - Type or Print City Address Sparks, MD 21152–9100 State Zip Code Representative to be Contacted: Signature Quy C. Ward	Attorney For Petitioner:	540 Belfast Road (410) 472-9281
Name - Type or Print City State Zip Code Representative to be Contacted: Signature Quy C. Ward	Zittoiliey i of t otherwise.	
Name - Type or Print City State Zip Code Representative to be Contacted: Signature Quy C. Ward	Howard L. Alderman, Jr.	Sparks, MD 21152-9100
Signature Signature Guy C. Ward	Name - Type or Print	City State Zip Code
Mevine and Gann. P.A. Guy C. Ward		Representative to be Contacted:
	Signature	
Cardinary 17 Name	Levine and Gann. P.A.	Guy C. Ward
Notturgham Centre, 8th Floor On Washington Avenue (410) 321-0600 Shawan Road, Suite 1 (410) 527-1555	Corppany Nottingham Centre, 8th Floor	Name 5 Shawan Road, Suite 1 (410) 527-1555
Address Telephone No. Address Telephone No.		Address Telephone No.
Towson, MD 21204 Cockeysville, MD 21030	Towson, MD 21204	Cockeysville, MD 21030
City State Zip Code City State Zip Code	City Slate Zip Code	City State Zip Code
OFFICE USE ONLY	4	OFFICE USE ONLY
ase No. 045(2-5) ESTIMATED LENGTH OF HEARING	ase No. 04.512-5	ESTIMATED LENGTH OF HEARING
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A RECEIVED FOR FILING

TO:

PATUXENT PUBLISHING COMPANY

Thursday, June 24, 2004 Issue - Jeffersonian

Please forward billing to:

The Joshua L. Horner Family LTD Partnership

15418 York Road Sparks, MD 21152= - 410-472-9281

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: 04-512-A

540 Belfast Road

N/side of Belfast Road, 3,450 feet west of centerline of York Road

8th Election District – 3rd Councilmanic District

Legal Owner: Anne E. Horner

Variance to permit a panhandle driveway in excess of 1,000 feet in an RC-Zoned property.

Hearing: Friday, July 9, 2004 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

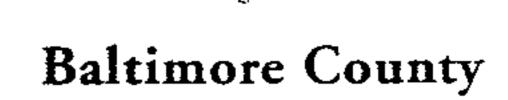
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

May 18, 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: 04-512-A

540 Belfast Road

N/side of Belfast Road, 3,450 feet west of centerline of York Road

8th Election District – 3rd Councilmanic District

Legal Owner: Anne E. Horner

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Hearing: Friday, July 9, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Howard Alderman, Levin & Gann, 502 Washington Ave., 8th Fl., Towson 21204 Anne Horner, 540 Belfast Road, Sparks 21152-9100 Guy Ward, 5 Shawan Rd., Ste. 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 24, 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





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.

Petitioner: The Joshua L. Horner Family Limited Parameters Address or Location: 540 Belfast Rd. & Adj 47 knest (Tract & Horner	Paper
Address or Location: 540 Belfast Rd. & Adj 47 koust (Troot & Horrer	Poper
	,
PLEASE FORWARD ADVERTISING BILL TO: Name: The Joshva L. Horner Family Limited Partnership Address: 15418 York RD Sparks, MD 21152	•

Revised 2/20/98 - SCJ

Department of Permit 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

June 28, 2004

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

Dear Mr. Alderman:

RE: Case Number:04-512-A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 6, 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,
U. Call Rill D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C: Anne E. Horner 540 Belfast Road Sparks 21152 Guy C. Ward 5 Shawan Road, Ste. 1 Cockeysville 21030

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

May 18, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 18, 2004

Item No.: 512

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 panhandle driveway shall provide areas for emergency vehicles to pass. These areas shall be no less than 16' wide and 75' long. Refer to Concept Plan Comments of January 21, 2004

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F



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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

May 24, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 17, 2004

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

04-495

04-502

04-503

04-506

04-507

04-508

04-509

04-512

04-513

04-514

04-517

Reviewers:

Sue Farinetti, Dave Lykens

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 2, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 24, 2004

Item Nos. 502, 503, 507, 508, 509, 512, 513, 514, 515, and 517

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

RWB:CEN:jrb

cc: File



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.17.04

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

RE:

Baltimore County

Item No.

512

SRA

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,

1.1. Bredl

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

My telephone number/toll-free number is





PETITION FOR VARIANCE RE:

540 Belfast Road; N/side Belfast Rd,

3,450' W of c/line York Rd

8th Election & 3rd Councilmanic Districts

Legal Owner(s): Anne E. Horner

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER *

FOR

BALTIMORE COUNTY

04-512-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

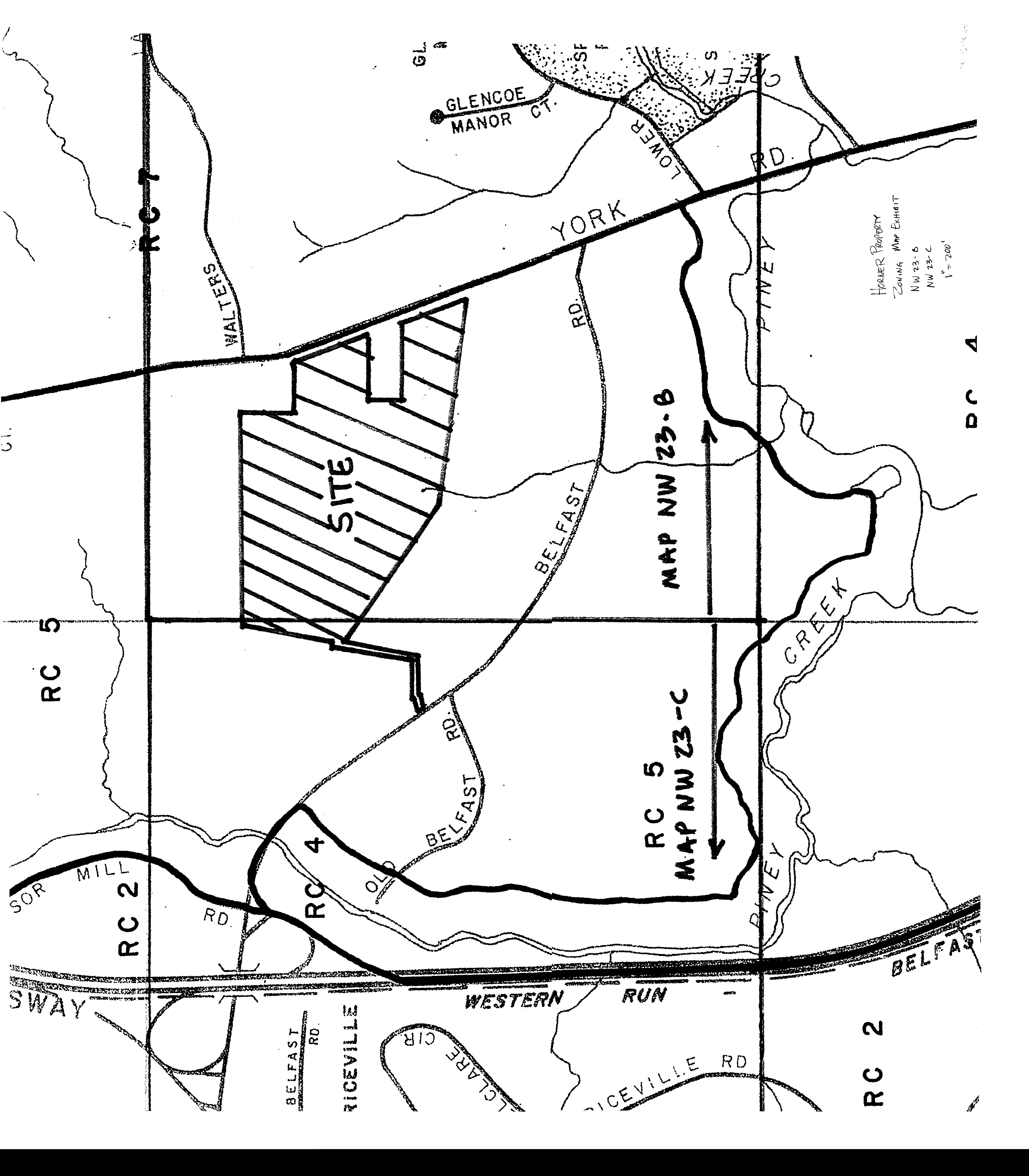
I HEREBY CERTIFY that on this 19th day of May, 2004, a copy of the foregoing Entry of Appearance was mailed to, Guy C. Ward, 5 Shawan Road, Suite 1, Cockeysville, 21030 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAY 1 9 ZUIK

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



GENERAL NOTES

EXCEPT AS SHOWN.

ALL LOTS SHOWN HEREON ARE FOR SINGLE FAMILY USE ONLY. EXISTING LAND IS RESIDENTIAL, AGRICULTURAL AND FOREST. 3. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITAT OR HAZARDOUS MATERIALS ON THIS SITE. 4. BALTIMORE COUNTY MAKES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN HEREON TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TELEVISION. 5. INDIVIDUAL LOT GRADING WILL BE ACCOMPLISHED BY THE INDIVIDUAL HOME BUILDING

CONTRACTOR(S). OPEN SPACE RÉQUIRED-3,900sf ACTIVE AND 2,100sf PASSIVE OR A COMBINATION THEREOF AS SPECIFIED IN SECTION III.D.3; OPENSPACE PROVIDED-WAIVER REQUESTED AND FEE IN LIEU TO BE PAID.

TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP SOILS SHOWN HEREON ARE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP 9. LOTS SHOWN HEREON SHALL OPERATE ON PRIVATE WELL AND SEPTIC SYSTEMS. 10. A STORM WATER MANAGEMENT WAIVER WAS GRANTED ON

11. TOTAL AVERAGE DAILY TRIPS: 6 LOTS x 12.4= 74ADT's. 12. THERE ARE NO KNOWN EXISTING UNDERGROUND FUEL TANKS ON THIS SITE. 13. MITIGATING MEASURES FOR SOILS WITH LIMITATIONS DUE TO STEEP SLOPES: a. WHEREVER POSSIBLE, GRADING OR DISTURBING OF STEEP SLOPES SHALL BE AVOIDED. b. ALL LOTS AND ROADS SHALL BE GRADED SO AS TO DIRECT ANY CONCENTRATED STORM WATER FLOWS AWAY FROM AREAS OF STEEP SLOPES. c. IF DISTURBED, ALL AREAS OF STEEP SLOPES SHALL BE PROPERLY VEGETATED TO ASSURE STABILITY AND PREVENT EROSION.

15. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND/OR FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT. 16. ANY FOREST BUFFER AND/OR FOREST CONSERVATION EASEMENTS SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE

14. THERE ARE NO KNOWN WELLS OR SEPTIC AREAS WITHIN 100 FEET OF THE PROPERTY

OF THESE AREAS. 17. PRIOR TO THE FINAL APPROVAL OF ANY RECORD PLAT, A PERMANENT PRESERVATION EASEMENT ON THE CONSERVANCY AREA SHALL BE RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY TO RUN WITH THE LAND AND CONTINUE IN PERPETUITY. THE CONSERVANCY AREA EASEMENT SHALL BE GRANTED TO THE COUNTY OR SUCH OTHER AGENCY OR ENTITY WHICH THE COUNTY APPROVES, AND SHALL PERMANENTLY RESTRICT FURTHER SUBDIVISION OF THE CONSERVANCY AREA. THE CONSERVANCY AREA AGREEMENT SHALL ALSO BE IN A FORM APPROVED BY THE COUNTY ATTORNEY WHO SHALL CONSULT WITH THE DIRECTOR OF ENVIRONMENTAL

PROTECTION AND RESOURCE MANAGEMENT. 18. THE AREA BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS. 19. THE PROPOSED PANHANDLE DRIVE MUST MEET THE MINIMUM BALTIMORE COUNTY

STANDARDS FOR PAVING TYPE, WIDTH AND BEARING CAPACITY. 20. NO SIGNAGE WILL BE USED TO DENOTE THE SUBDIVISION NAME. 21. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1.) P.396-9/29/93, 2.) P.327+10/12/93, 3.) P.326-10/12/93, 4.) P.34-10/12/93, THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS. 22. ALL EXISTING BUILDINGS AND THEIR ASSOCIATED USES ARE TO REMAIN.

23. MAXIMUM BUILDING HEIGHT FOR NON-AGRICULTURAL PRINCIPAL BUILDINGS IS 35 FEET. 24. NO MORE THAN 15% OF ANY LOT IN AN R.C. 5 ZONE MAY BE COVERED BY BUILDINGS 25. THE PANHANDLE SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST. 26. THERE ARE NO KNOWN PRIOR ZONING HEARINGS FOR THIS PROPERTY. 27. A ZONING VARIANCE AND/OR SPECIAL HEARING WILL BE FILED WITH THE DEVELOPMENT PLAN TO ADDRESS

SEC. 26-266-(4), BALT. CO. CODE (PANHANDLE REGULATIONS). A WAIVER TO PUBLIC STANDARDS MAY ALSO BE REQUESTED TO ADDRESS THIS ISSUE, IF NECESSARY. 28. PRIOR TO ISSUANCE OF BUILDING PERMITS FOR LOTS 1,4 AND 5 HOUSE PLANS INCLUDING ELEVATIONS AND BUILDING MATERIAL LISTS MUST BE SUBMITTED FOR REVIEW AND APPROVAL TO THE BALTIMORE COUNTY OFFICE OF PLANNING TO DETERMINE COMPATABILITY WITH THE OTHER EXISTING RESIDENCES IN THE AREA.

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

SITE DATA

. 2000 CENSUS TRACT: 408100 2. 2000 CENCUS BLOCK: 4081002 LAND MANAGEMENT AREA: AGRICULTURAL PRESERVATION AREA . COUNCILMANIC DISTRICT: 3RD 5. ELEMENTARY SCHOOL DISTRICT: SPARKS 6. MIDDLE SCHOOL DISTRICT: HEREFORD 7. HIGH SCHOOL DISTRICT: HEREFORD

8. REGIONAL PLANNING DISTRICT: 304 9. WATERSHED: LOCH RAVEN 10. SUBSEWERSHED: 81

11. ZIP CODE: 21152 12. 200 SCALE ZONING MAP: NW 23B & NW 23C 13. EXISTING ZONING: RC-5

14. GROSS TRACT AREA(INCLUDE AC. FROM LOT 2 & LOT 2 WIDENING): 51.239 AC.± 15. NET TRACT AREA(LESS LOT 2 & ALL HIGHWAY WIDENING): 48.451 AC.± 16. DEED REFERENCE: 12577/408, 10248/75 & 14163/442

17. NO. LOTS EXISTING: 2 & TRACT A 18. NO. LOTS ALLOWED: $(51.239 \times 0.667 = 34)$ 19. NO. OF LOTS PROPOSED: 7 LOTS (INCLUDES LOT 2)

20. PARKING REQUIRED: 2 SPACES PER LOT = 12 (LOT 1 & 3-7) 21. PARKING PROPOSED: 2+ SPACES PER LOT = 12 MINIMUM 22. TAX MAP 34 GRID 3 PARCEL 34

TAX ACCOUNT NUMBER: 08-08065951 TAX MAP 34 GRID 3 PARCEL 396 TAX ACCOUNT NUMBER: 22-00018332 TAX MAP 28 GRID 21 PARCEL 327 TAX ACCOUNT NUMBER: 22-00018039

TAX MAP 28 GRID 21 PARCEL 326 TAX ACCOUNT NUMBER: 22-00018038

ACCESSORY STRUCTURE NOTE:

a) ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.) b) ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.

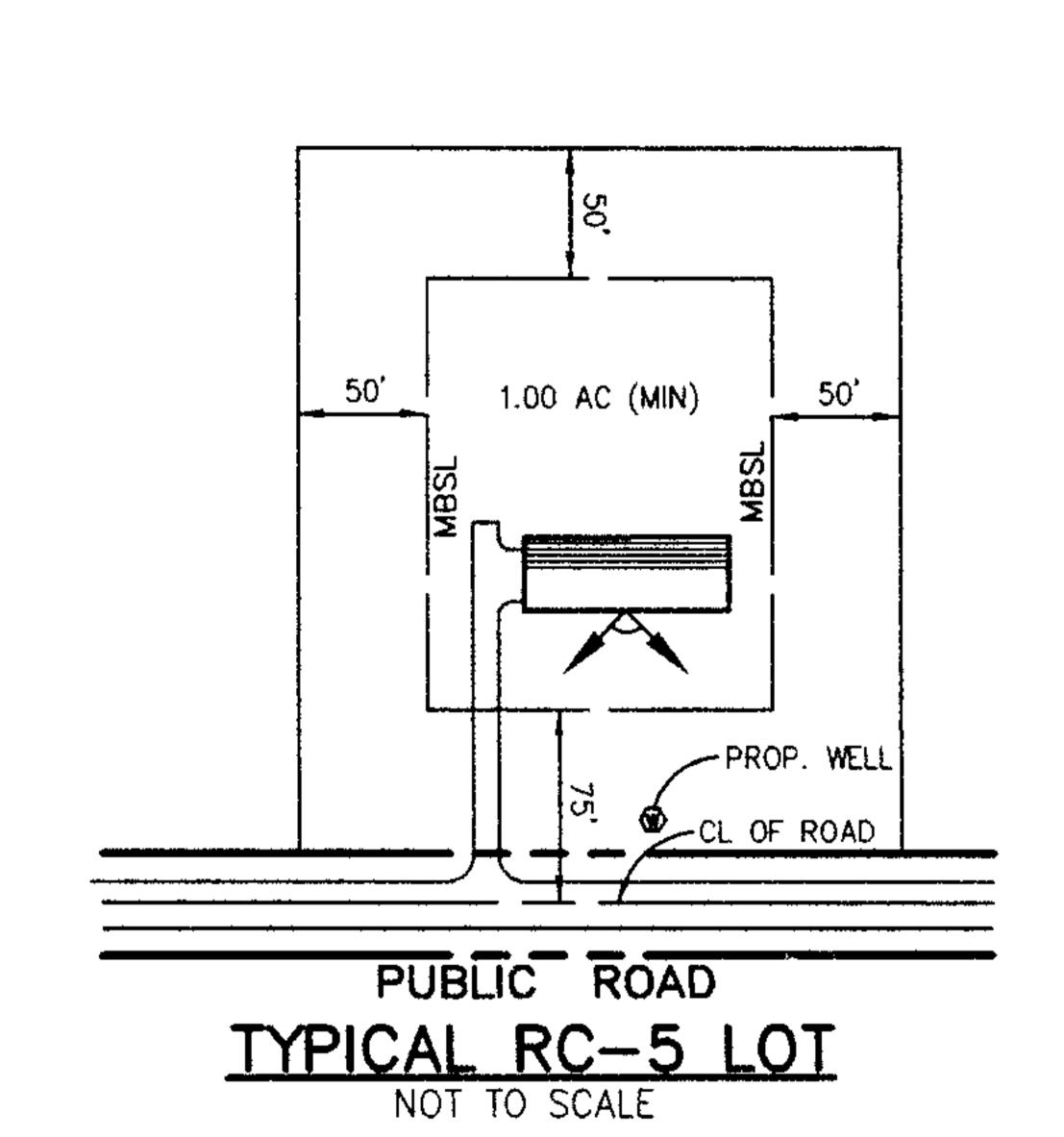
FOREST CONSERVATION NOTE

A FOREST CONSERVATION DECLARATION OF INTENT FOR AN INTRA-FAMILY TRANSFER WILL BE FILED WITH BALTIMORE COUNTY DEPRM TO MEET THE FOREST CONSERVATION REQUIREMENTS.

ZONING HEARING NOTES

THERE ARE NO KNOWN OUTSTANDING ZONING MOLATIONS.

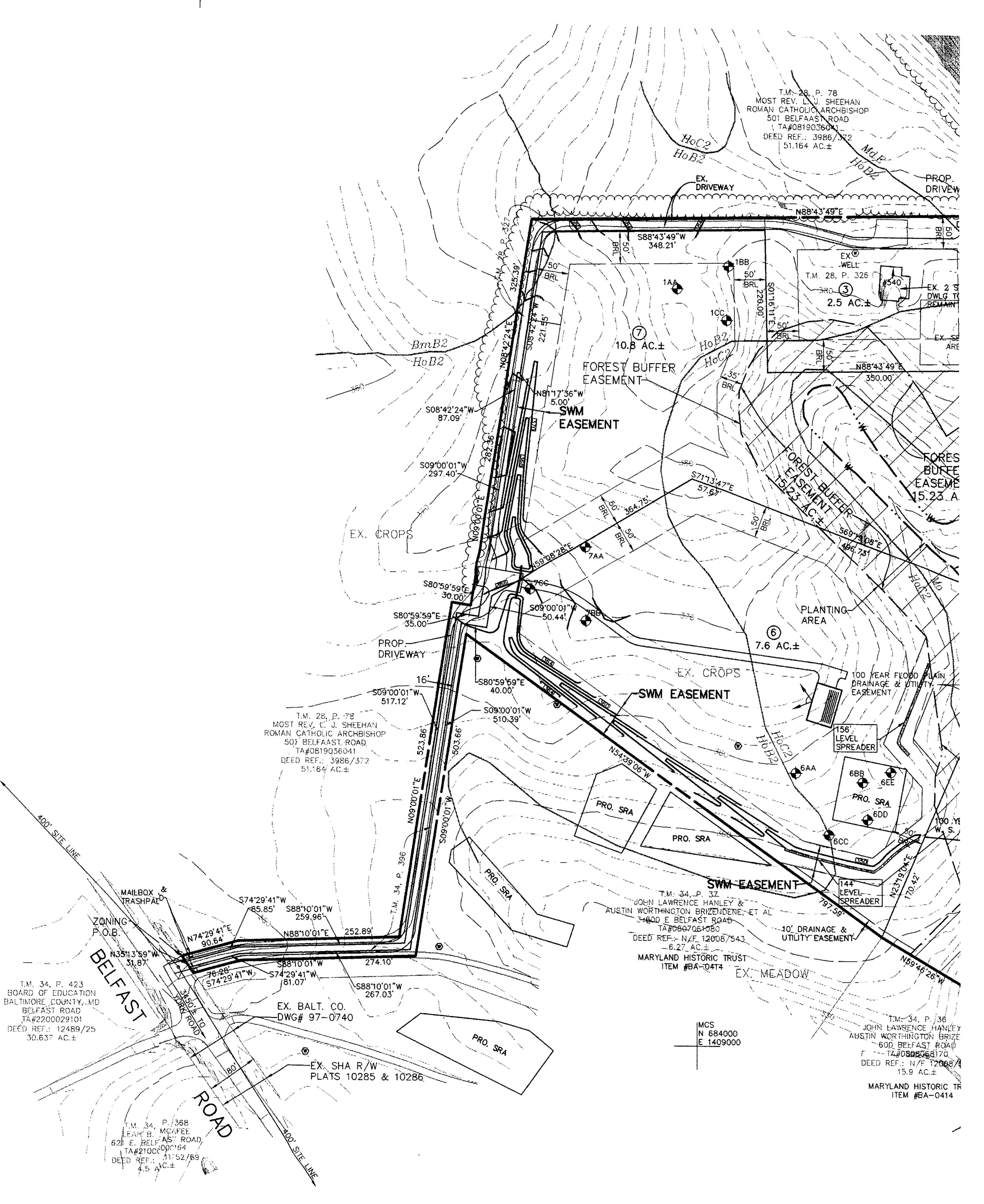
THE PROPOSED PANHANDLE DRIVE IS NOT LOCATED IN ANY FLOODPLAIN, CHESAPEAKE BAY CRITICAL AREA, OR HISTORIC DISTRICT.



SOILS LIMITATION CHART

HOB2 HOLLINGER SLIGHT SLIGHT NO 0.32 IIe-2 HoC2 HOLLINGER MODERATE: SLOPE MODERATE: SLOPE NO 0.32 IIIe-2 MbB2 MANOR SLIGHT SLIGHT NO 0.37 IIe-2 MbC2 MANOR MODERATE: SLOPE MODERATE: SLOPE NO 0.37 IIIe-2 MbD2 MANOR SEVERE: SLOPE SEVERE: SLOPE NO 0.37 IVe-2 McC3 MANOR SLIGHT SLIGHT NO 0.37 IVe-2 McC3 MANOR SLIGHT SLIGHT NO 0.37 IVe-2	MAP SYMBOL	SOIL SERIES	HOMESITES	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	'K' VALUE	CAPABILITY UNIT
MdE MANOR SEVERE: SLOPE SEVERE: SLOPE NO 0.37 VIE-3 Mo MELVIN SEVERE: WATER SEVERE: NATER NO 0.37 IVE-2	HoB2 HoC2 MbB2 MbC2 MbD2 McC3 McD3 MdE	HOLLINGER HOLLINGER MANOR MANOR MANOR MANOR MANOR MANOR MANOR	SLIGHT MODERATE: SLOPE SLIGHT MODERATE: SLOPE SEVERE: SLOPE SLIGHT SEVERE: SLOPE SEVERE: SLOPE SEVERE: SLOPE	SLIGHT MODERATE: SLOPE SLIGHT MODERATE: SLOPE SEVERE: SLOPE SLIGHT SEVERE: SLOPE SEVERE: SLOPE	NO NO NO NO NO	0.32 0.37 0.37 0.37 0.37 0.37 0.37	le-1 le-25 le-25 le-25 Ve-25 Ve-25 Ve-3 Ve-25 lle-25

BCMD N 91500 E -12500



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