IN RE: DEVELOPMENT PLAN HEARING & PETITIONS FOR SPECIAL HEARING AND VARIANCE E/S of Middle River Rd., S of Bird River Rd. 15th Election District 6th Councilmanic District **(MIRAMAR LANDING PUD R-1)**	*	BEFORE THE HEARING OFFICER OF BALTIMORE COUNTY Case Nos. XV-819 & 04-528-SPHA
Miramar Development, LLC *Developer/Petitioner*	*	

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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/Authorization Plan for the "Miramar Landing PUD R-1", prepared by KCI Technologies. The Developer is proposing the development of the subject property into 156 single-family dwellings, 584 townhouses and 100 senior apartments. The subject property is located on the east side of Middle River Road, south of Bird River Road in the eastern area of Baltimore County. The particulars of the manner in which the property is proposed to be developed are more specifically shown on Developer's Exhibit No. 5, the Development/Authorization Plan entered into evidence at the hearing.

In addition, the Petitioner also requested special hearing relief pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1. from Section 500.7 for approval of a modification of standards from B.C.Z.R. Section 504.2 and CMDP to permit an increase in the number of attached units to 8 units in lieu of the maximum permitted 6 units (Lots 26-64, 71-115, 138-174, 251-281, 285-292, 311-318, 323-329, 336-342, 355-406, 418-425, 635-648, 656-669, 688-694, 699-746; and

2. from Section 500.7 for approval of a modification of standards from B.C.Z.R., Section 504.2 and CMDP to permit a maximum building length for a group of attached units of 193 ft. in lieu of the permitted 180 ft. (Lots 598-603, 621-626).

The Petitioner also requested variance relief from the B.C.Z.R. as follows:

Single-Family Detached Units:

1. variance from Section 260.2.E.1.a to permit a minimum lot width as narrow as 39 ft. in lieu of the required 75 ft. (Lots 426-581);

2. variance from Sections 1B01.2.C.1.b and 260.2.E.1.b to permit a minimum front yard setback adjacent to an arterial roadway (Middle River Road) of 20 ft. in lieu of the required 40 ft. (Lots 546-559);

3. variance from Section 260.2.E.1.b to permit a minimum front yard setback of 10 ft. in lieu of the required 20 ft. (Lots 426-500, 506-513, 516-545, 560-581);

4. variance from Section 260.2.E.1.c to permit a minimum rear yard setback of 28 ft. in lieu of the required 40 ft. (Lots 430-500, 514-555);

5. variance from Section 260.2.E.1.c to permit a minimum rear yard setback of 18 ft. in lieu of the required 40 ft. to permit the construction of a deck (Lots 429-504, 506-581);

6. variance from Section 1B01.2.C.1.b to permit a minimum side building face to side building face of 15 ft. in lieu of the required 20 ft. (Lots 426-503), 506-559, 561-581);

7. variance from Section 1B01.2.C.1.b to permit a minimum side building face to public street right-of-way of 13 ft. in lieu of the required 15 ft. (Lot 514);

8. variance from Section 1B01.2.C.1.b to permit a minimum side building face to public street right-of-way adjacent to an arterial roadway (Middle River Road) of 15 ft. in lieu of the required 35 ft. (Lot 560);

9. variance from Section 1B01.2.C.1.b to permit a minimum side building face to paving of a private road of 12 ft. in lieu of the required 25 ft. (Lots 435, 444, 449, 458, 459, 484, 490, 495, 513, 541, 546, 560, 561);

32' Single-Family Attached Units:

10. variance from Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit of 14 ft. in lieu of the required 25 ft. (Lots 582-737, 739-746);

11. variance from Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way for a garage unit of 13 ft. in lieu of the required 25 ft. (Lots 582, 590, 603, 612, 656, 662, 669, 670, 683, 746);

12. variance from Section 301.1 to permit a porch to encroach an additional 6 ft. into the front building setback (Lots 582-737, 739-746);

13. variance from Section 1B01.2.C.1.c to permit a minimum rear building face to rear property line setback of 20 ft. in lieu of the required 30 ft. (Lots 582-746);

14. variance from Section 1B01.2.C.1.c to permit a minimum rear building face to rear property line setback of 10 ft. in lieu of the required 30 ft. for the construction of a deck (Lots 582-746);

15. variance from Sections 1B01.2.B.2 and 504.2 and CMDP to permit a maximum

building length for a group of attached units of 257 ft. in lieu of the maximum permitted 180 ft. (Lots 635-641, 642-648, 656-669, 688-694, 699-746);

16. variance from Section 1B01.1.B.1.c from the requirement to provide a 50 ft. residential transition area buffer on the southeast corner of the property and to allow clearing, grading, and landscaping and the construction of Lot 739 in this area;

17. variance from Section 1B01.1.B.1.c to permit a 37 ft. residential transition area setback on the southeast corner of the property in lieu of the required 75 ft. to allow the construction of Lots 738-740;

20' Single-Family Attached (Rear Entry Garage) Units:

18. variance from Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit adjacent to an arterial roadway (Middle River Road) of 20 ft. in lieu of the required 45 ft. (Lots 71-94, 109-126);

19. variance from Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit of 20 ft. in lieu of the required 25 ft. (Lots 2-70, 95-108, 127-182, 319-354);

20. variance from Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way adjacent to an arterial roadway (Middle River Road) of 10 ft. in lieu of the required 45 ft. setback (Lots 95, 108);

21. variance from Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way of 15 ft. in lieu of the required 25 ft. (Lots 32, 33, 101, 102, 167, 168);

22. variance from Section 1B01.2.C.1.c to permit a minimum rear building face to rear property line setback of 20 ft. in lieu of the required 30 ft. for the construction of a deck (Lots 49-94, 96-181, 319-354);

23. variance from Section 1B01.2.C.1.c to permit a minimum distance from building face to tract boundary of 20 ft. in lieu of the required 30 ft. (Lots 319-335);

24. variance from Section 1B01.2.C.1.c to permit a minimum distance from building face to tract boundary adjacent to an arterial roadway (Middle River Road) of 10 ft. in lieu of the required 50 ft. (Lots 71-95, 108-126);

25. variance from Section 504.2 and Comprehensive Manual of Development Policies to permit a minimum private yard area of 0 sq. ft. in lieu of the required 500 sq. ft. (Lots 3-18, 21-31, 34-93, 96-108, 110-143, 145-174, 176-183, 319-334, 337-341, 344-354);

26. variance from Section 1B01.1.B.1.c from the requirement to provide a 50 ft. residential transition area buffer adjacent to the existing gas station and to allow clearing, grading, and landscaping in this area;

27. variance from Section 1B01.1.B.1.c to permit a 58 ft. residential transition area setback in lieu of the required 75 ft. to allow the construction of Lot 71.

28. variance from Section 1B01.1.B.1.c and CMDP to permit a maximum building height of 50 ft. within the 100 ft. residential transition area in lieu of the maximum permitted 35 ft. (Lots 71-73);

20' Single-Family Attached (Front Entry Garage) Units:

29. variance from Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit of 18 ft. in lieu of the required 25 ft. (Lots 184-318, 355-425);

30. variance from Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way of 15 ft. in lieu of the required 25 ft. (Lots 236, 237, 245, 285, 292, 293, 301, 302, 310, 318, 355, 368, 377, 390, 407, 417;

31. variance from Section 1B01.2.C.1.c to permit a minimum rear building setback of 20 ft. in lieu of the required 30 ft. (Lots 184-318, 355-425);

32. variance from Section 1B01.2.C.1.c to permit a minimum rear building face to rear property line setback of 10 ft. in lieu of the required 30 ft. for the construction of a deck (Lots 184-318, 355-425);

33. variance from Section 1B01.2.C.1.c to permit a minimum distance from a building face to tract boundary of 15 ft. in lieu of the required 30 ft. (Lots 184-216, 236, 237, 301, 302, 318);

34. variance from Section 504.2 and CMDP to permit a minimum private yard area of 400 sq. ft. in lieu of the required 500 sq. ft. (Lots 185-190, 243-244, 247-249, 252-257, 260-265, 268-272, 275-280, 283, 286-291, 294-295, 298-300, 303-305, 308, 309, 312-317, 356-360, 362-367, 370-375, 378-382, 385-389, 392-397, 400-405, 408-410, 413-416, 419-424;

Housing for the Elderly (Senior Apartments)

35. variance from Section 1B01.2.C.1.e to permit a minimum front or rear building face to tract boundary setback of 20 ft. in lieu of the required 40 ft. (Lot 1);

36. variance from Section 504.2 and CMDP to permit a maximum building height of 60 ft. in lieu of the required 50 ft. in the DR 5.5 zone (Lot 1);

37. variance from Section 504.2 and CMDP to permit a maximum building length of 323 ft. in lieu of the permitted 240 ft. for a multi-family building (Lot 1);

The property was posted with Notice of the Hearing for the Development Plan on May 26, 2004 for 20 days prior to the hearing, in order to notify all interested citizens of the requested

zoning relief. In addition, a Certificate of Posting was posted at the property on June 10, 2004 and the Notice of Zoning Hearing was published in "The Jeffersonian" newspaper on June 10, 2004 to notify any interested persons of the scheduled hearing date regarding the special hearing and variance requests.

Appearing at the hearing on behalf of the Development Plan approval request were Richard L. Smith, David Flowers, Matthew T. Allen, George G. Perdikakis, Jeff Hettleman and Tobi Kester, on behalf of the Petitioners. Robert A. Hoffman, Esquire represented the Petitioners.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, John N. Lewis (Zoning Review), Robert Bowling (Development Plans Review), Don Rascoe (Development Management) and Bill Minor (Bureau of Land Acquisition), all from the Office of Permits & Development Management ("PDM"); John Oltman from the Department of Environmental Protection and Resource Management ("DEPRM"); Jen German and Lynn Lanham from the Office of Planning; Jan Cook from the Department of Recreation & Parks; Mark Camponeschi and Ghassan Shah from the Baltimore County Public Schools and William Jones from the Department of Economic Development.

Appearing as interested citizens in the matter were Kathy Stumpf, James Seigle, Belinda Torres and Kathryn Hudson.

As to the history of the project, the original Concept Plan Conference was held on March 8, 2004 and a Community Input Meeting followed on March 30, 2004 at Kenwood High School. A Development Plan Conference was held on June 2, 2004 and a Hearing Officer's Hearing was held on June 25, 2004 in Room 407 of the County Office Building.

Developer Issues

The Developer raised issues of a possible conflict in interpretation of County regulations

between the Planning Office and the Department of Recreation and Parks regarding landscaping of the park/open space areas of the Development Plan. The Developer's representatives noted that requirements for open space are defined differently in the PUD regulations.

Also, the Developer noted that the changes proposed to the Glenmar Elementary School and surrounding public property, which would be funded by the Developer, have not been approved by the Board of Education. The Developer noted that in presenting the plan before such approval, it was taking a substantial risk that the Development Plan might have to be amended through another hearing process for substantial changes or modification for minimal changes. Two representatives from the Board of Education attended the hearing and emphasized this point.

County Issues

All County agencies reviewing the Redline Development Plan indicated that the plan meets all County regulations within their agency's jurisdiction with the following notations:

Public Works

The representative of the Department of Public Works indicated that his department required the Developer to conduct a traffic study. This was reviewed and approved by the department and resulted in an additional turn lane being added to the plan on Compass Road.

Office of Planning

The representative of the Office of Planning indicated that further discussions between herself and the Department of Recreation & Parks would take place regarding the final landscape design of the park/open space areas shown on the plan. As such, she was confident that these could be resolved as details to the plan, and that there was no need for this Hearing Officer to resolve these issues and waive further proceedings in this regard.

The representative from the Office of Planning noted that the Concept Plan for this Planned Unit Development was considered by and approved by the Planning Board pursuant to

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Section 26-202 m of the Baltimore County Code. See Joint Planning/Developer's Exhibit No. 2. She noted that all changes to the Development Plan required by the Planning Board have been incorporated into the Redline Development Plan.

Department of Recreation & Parks

The representative of the Department of Recreation & Parks indicated that he had spoken to the Office of Planning representative regarding landscaping of park/open space areas of the plan and was equally confident that these matters would be resolved as details of the plan to follow and waiver resolution of such by this Hearing Officer. The Developer agreed and waived its right for such resolution of these issues.

The representative noted that the plan lacked two acres in open space. The PUD regulations require the greater of 20% of the gross area of a PUD-R tract or 1,000 sq. ft. per dwelling unit as open space. However, under Section III G of the Departments Local Open Space Manual, the Developer may provide additional improvements to the site that will compensate for the lack of local open space provided the value of the improvements exceed the value of the missing local open space. Toward that end, the representative indicated that his department had negotiated improvements to the Glenmar Elementary School building and property in the amount of $580,000 in lieu of the two acres of open space. He also indicated that the Department of Recreation & Parks placed the sum of $210,000 on the two acres, thereby fulfilling the requirements of the Open Space Manual, Section III G 2.

Department of Environmental Protection and Resource Management

The representative of DEPRM provided written comments that the Redline Development Plan met the regulations for which that department had jurisdiction. However, although the department and the Developer had reached agreement on the Forest Buffer Variance, the representative noted that the Developer had not accepted the terms to the Variance in writing. This was resolved as shown in Developer's Exhibit No. 18. Finally, the representative, citing the complexity of the plan, requested an additional opportunity to review the final plan prior to final approval.

Bureau of Land Acquisition

The representative from Land Acquisition indicated that notes were missing on the Redline Development Plan regarding certain roads to be closed and various rights-of-way. These matters were resolved in parallel with the hearing and ultimately the representative indicated that he reviewed the additional information on the plan, which resolved these matters.

Economic Development

The representative from the Office of Economic Development indicated his office's support for this plan. He noted that this was an essential part of the renaissance work being conducted by the County in the Middle River area of the County. The site presently contains apartments, which were built as temporary housing in World War II for workers employed at the nearby armaments factories. These apartments had deteriorated in recent years and were in great need of repair or replacement as proposed here. He noted that, unlike several other projects in the area, this project was not on the water and included affordable housing so needed in the County. When questioned by several community members, he indicated that homes would start at $169,000.

Board of Education

In a most unusual, but most welcome appearance at these hearings, two representatives of the Board of Education attended the hearing. They indicated that the Board of Education regards a school to be overcrowded when the student body reaches 90 % of the school's design capacity. They noted that the Board of Education had not approved the improvements to the school building and grounds being proposed by the Developer. They indicated that there was no practical way to expand the capacity of Glenmar Elementary and that the addition of students from this project may require the County to provide a new elementary school. As it happens, there is a new school site available in the area.

The representatives also recognized that this is an area in need of redevelopment and that having a comprehensive plan to do so is a great opportunity for the community and described the plan as a "signature piece". They noted that the plan would be implemented over four years,

which would give the Board of Education and the County the time to adjust to new student enrollment. Consequently, there was no need to resolve all issues immediately, although the County Executive and the Superintendent of Schools have apparently already discussed this matter.

When asked whether the contribution to the school by the Developer could be reapportioned by the Board of Education, perhaps giving more to the educational aspects of the school rather than physical plant, the representatives of the Board indicated that was a possibility.

Community Issues

Two members of the community attended and participated in the hearing. Ms. Stump expressed concern that the density of housing being proposed would be detrimental to the community. She indicated that there were 350 residences presently on the site and that the Developer was proposing 850 units. She was primarily concerned about overcrowding the Glenmar Elementary School, but also noted that there was a problem with water pressure in the area, which this project would likely make worse. She was also concerned with traffic generated by the project and water runoff onto the adjacent community. She noted that there were several other large projects on the drawing board in this area. Some of those projects had already had Community Input Meetings, but not all had reached the Hearing Officer's Hearing stage at this time. She noted that her County Councilman intended to form a Bird River Study Group to look at development in the area and that this Development Plan should be held until the group has a chance to study the issues.

In response to her concerns regarding overcrowding at the Glenmar Elementary School, the Developer pointed out that the school impact analysis (shown on the Redline Development Plan, page D-02) indicates that the additional students from this project will not trigger an "overcrowded school district" as defined by Section 26-493 (a) (3), i.e. that the school district will not exceed 120 % of capacity even though Kenwood High School is projected to have 126% of capacity. Mr. Hoffman explained that the County Code allows consideration of adjacent

school district capacity, which in the case of Kenwood High shows 172 can be sent to adjacent schools to reduce the burden on Kenwood High School. After considering adjacent school capacity there would be no districts that would meet the "overcrowded school districts" definition.

In regard to Ms. Stump's concern regarding water pressure, the representative of the Department of Public Works indicated that his department was aware of the problem and had initiated three additional water mains in the area. He indicated that the County had approved major water projects that are presently being built or that are close to being built. He indicated that this project would take four or five years to build out and by that time the new water system would provide adequate pressure.

He also briefly reviewed the storm water management proposal that shows five new storm water management facilities on site. He explained that the site design will handle the quantity of storm water runoff generated on site and that the new SWM facilities are primarily designed for water quality. He noted that the Developer will replace all existing curb and gutter within the project and that this should improve handling of storm water. He indicated that the redline design meets all the storm water management requirements. However, he noted that the Developer will be required to show in the detail design phase that the County storm drains in the area are adequate to the task of handling run off from the site.

Mr. Seigle is a present tenant of the Glenmar Apartments, which would be razed if the plan were approved. He complained about the lack of effective help received from the County regarding his relocation to affordable housing in the area. He was concerned that not enough publicity had been given to this plan by the local media, which was reflected in the low attendance at the hearing. He also pointed to marathon sporting events held in the area where a large number of participants park on the roadways, and that with the additional traffic generated by this project traffic problems could be very difficult.

The representative of the Department of Public Works indicated that the traffic study conducted by the Developer showed that the road capacity was adequate except for the added

turn lane on Compass Road. However, he noted that even if sports fans park their cars along Middle River Road, the road is wide enough to accommodate this occasional parking. He also pointed to the traffic calming designs in Compass Road as an improvement to the present traffic situation. He left for future study by the County any need for signal improvements at the intersections of Middle River and Compass Roads and Middle River and Bird River Roads as the result of this project.

Mr. Hoffman noted that there was essentially no parking on the present Glenmar Elementary School property for recreational uses, but that the plan shows 130 spaces will be added for such recreational uses on the property as a result of improvements to the school funded by the Developer. See discussion of school improvements to compensate for open space as above.

Subsequent Community Issues

After the hearing was concluded, I received a telephone call and fax from Mr. Seigle who indicated that, although he testified at the June 25, 2004 hearing, he had more testimony to give. He believed that the case would take several days to complete and consequently came to the hearing room on June 28, 2004 expecting to find the hearing in progress. After the hearing, I also received a telephone call from Robert Romadka, Esquire who indicated that he was calling for several neighbors who also came to the hearing on June 28, 2004 expecting to be able to testify in the case. In fact, the hearing was completed on June 25, 2004.

I explained that the case had concluded but invited Mr. Seigle and Mr. Romadka's neighbors to submit any further evidence in writing so that the Developer would have a chance to respond. Mr. Seigle sent in additional written testimony, which I have marked as Protestant's Exhibit No. 1 and entered into the record of the case. No evidence was received from Mr. Romadka's neighbors. The Developer's response to this new testimony is marked as Developer's Exhibit No. 21 and is also entered into the record of this case.

Mr. Seigle's written comments indicate that Middle River Road needs to be widened because of new traffic from this project. In addition, he mentions damage caused by water

runoff during construction, problems with public utilities such as water, electric and sewer that cannot handle the needs of the new project, and inadequate sewer lines.

Mr. Hoffman, the Developer's Attorney, responded to this later evidence in his July 9, 2004 letter that I have marked as Developer's Exhibit No. 21 and entered into the record of the case. In addition to other information, Mr. Hoffman notes that there are no deficient intersections involved in this site, that the County has approved the storm water management plan for the site, including suitable outfall and existing water and sewer systems that will be upgraded as the result of this project.

Thereafter I received a letter in opposition to the project from Robert Funk dated July 2, 2004 which I have marked a protestant's exhibit 2. He was concerned that the property not be developed with more dwelling units than the 400 units presently on site so as not to contribute to the over development of the area. He also suggested the senior housing building be moved away from the ball fields and school for the peace and enjoyment of the seniors living there. He also wanted widening and improvement of area roads at the developer's expense. Finally he thought the developer should contribute to the improvement of the local elementary and middle school.

Mr. Hoffman responded to this letter in his letter of July 13, 2004 which I have marked as Developer's exhibit 22 and made part of the record of this case. He points out that the Developer's traffic engineer submitted a traffic study to the County who reviewed same and suggested the needed improvement in area roadways. He also mentioned that the Developer would be making substantial improvements to water and sewer system as part of the project. Finally he noted that the Development Plan contains a landscape plan which addresses the issues of landscaping presented.

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Amended Petitions

At the hearing, the Petitioner presented the following changes to the Petition for Variances and Petition for Special Hearing requested for the subject PUD:

Variances

14. variance from Section 1B01.2.C.1.c **and Section 301.1** to permit a minimum rear building face to rear property line setback of 10 ft. in lieu of the required 30 ft. for the construction of a deck (Lots 582-746);

19. variance from Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way **or property line** for a garage unit of 20 ft. in lieu of the required 25 ft. (Lots 2-70, 95-108, 127-182, 319-354, **399-420**);

21. variance from Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way of 15 ft. in lieu of the required 25 ft. (Lots 32, 33, 101, 102, 167, 168, **399, 409, 410, 420**);

22. variance from Section 1B01.2.C.1.c **and Section 301.1** to permit a minimum rear building face to rear property line setback of 20 ft. in lieu of the required 30 ft. for the construction of a deck (Lots 49-94, 96-181, 319-354, **399-420**);

25. variance from Section 504.2 and Comprehensive Manual of Development Policies to permit a minimum private yard area of 0 sq. ft. in lieu of the required 500 sq. ft. (**Lots 2**-18, **20**-31, **33-47**, **50-93**, **95**-108, 110-143, 145-174, **176, 177**, **179**-183, 319-334, **336-342**, 344-354, **399-420**);

29. variance from Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit of 18 ft. in lieu of the required 25 ft. (Lots 184-318, 355-**398**);

30. variance from Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way of 15 ft. in lieu of the required 25 ft. (Lots 236, 237, 245, 285, 292, 293, 301, 302, 310, 318, 355, 368, 377, 390, ~~**407, 417**~~;

31. variance from Section 1B01.2.C.1.c to permit a minimum rear building setback of 20 ft. in lieu of the required 30 ft. (Lots 184-318, 355-**398**);

32. variance from Section 1B01.2.C.1.c **and Section 301.1** to permit a minimum rear building face to rear property line setback of 10 ft. in lieu of the required 30 ft. for the construction of a deck (Lots 184-318, 355-**398**);

34. variance from Section 504.2 and CMDP to permit a minimum private yard area of 400 sq. f ft. in lieu of the required 500 sq. ft. (Lots 185-190, 193-196, 199-202, 205-207, 210-215, 218-221, 224-227, 230-235, 238-240, 243-244, 247-249, 252-257, 260-265, 268-272, 275-280, 283, 286-291, 294-295, 298-300, 303-305, 308, 309, 312-317, 356-360, **363**-367, 370-375, 378-382, 385-389, 392-397, ~~**400-405, 408-410, 413-416, 419-424**~~;

38. **Variance from B.C.Z.R., Section 1B01.1.B.1.c and the CMDP to permit a maximum building height of 50 ft. within the 100 ft. residential transition area in lieu of the maximum permitted 35 ft. (Lots 737-741).**

39. **Access Variance: A variance from Section 102.4 of the B.C.Z.R. to allow Lots 399-409 to abut and have access to a 20.0 ft. private right-of-way in lieu of the required 30.0 ft. public right-of-way.**

Special Hearing

1. from Section 500.7 for approval of a modification of standards from B.C.Z.R. Section 504.2 and CMDP to permit an increase in the number of attached units to 8 units in lieu of the maximum permitted 6 units (*Lots* 26-64, 71-115, 138-174**, 184-191, 209-216, 229-236**, 251-281, 285-292, 311-318, 323-329, 336-342, 355-**398**, ~~**418-425**~~, 635-648, 656-669, 688-694, 699-746; and

2. from Section 500.7 for approval of a modification of standards from B.C.Z.R., Section 504.2 and CMDP to permit a maximum building length for a group of **6** attached units of 193 ft. in lieu of the permitted 180 ft. (Lots 598-603, 621-626).

Applicable Law

Review of Planned Unit Developments

(q) In the review of PUDs the hearing officer may:

(1) Approve the authorization plan as submitted by the planning board;
(2) Approve the plan with such additional modifications or conditions deemed necessary to meet the standards of this section; or
(3) Deny the plan.

(r) The hearing officer may approve a PUD development plan only upon a finding that:

(1) In due consideration of the comments or reports submitted by other agencies or officials, the proposed development meets the intent, purpose, conditions and standards o this section;
(2) The proposed development will not create conditions as set forth in paragraphs A, B, C, D, E or F of subsection 502.1 of the county zoning regulations and will constitute a good design, use and layout of the proposed site;
(3) There is a reasonable expectation that the proposed development will be developed to the full extent of and fully in accordance with the PUD development plan (including development schedules contained therein), in light of: evidence as to the applicant's or developer's financial responsibility in general and with respect to the development proposed; pertinent market data submitted by the applicant, by county agencies or officials, or by others; development cost; general economic conditions which may be anticipated at the time the development or any phase thereof is to be financed; and all other factors which may reasonably as ascertained and have a bearing on the findings;
(4) The development, as approved, would comply with all applicable provisions of the zoning regulations, and the resolution of any conflict between other county laws or technical requirements and the plan must be approved by the hearing officer and incorporated within the plan as finally approved;

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(5) The plan is in accordance with the planning objectives and requirements of section 430 of the county zoning regulations, and comprehensive manual of development policies, and the zoning regulations in general;
(6) The project is in conformance with the goals, objectives, and recommendations of the master plan or area plans; and
(7) The development does not violate the provisions of any deed or covenants attached to the property.

(s) If modifying a PUD development plan, the hearing officer may grant waivers or variances, special exceptions or special hearings as deemed necessary for the plan to meet the intent, purposes and standards of this section;

(t) The hearing officer's order granting approval of a PUD development plan shall include a statement supported in detail by an explanation of each finding, any additional statements or documentation needed to set forth adequately the basis of the decision, and statements and explanations of any requirements or conditions attached to the grant of the plan. (Bill No. 1, 1992 §3; Bill No. 29-95, §§ 1, 3, 5-21-95; Bill No. 69-95, §10, 7-1-95; Bill No. 46-01, §1, 8-4-01; Bill No. 101-01, §1, 1-24-02)

Section 500.7 of the B.C.Z.R. *Special Hearings.*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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."

Testimony and Evidence

Testimony proffered by Mr. Hoffman and testimony and evidence presented at the hearing by Ms. Kester, a registered landscape architect, indicated that the redline plan met all County regulations.

Mr. Cook, the Developer's traffic expert, testified that the traffic study conducted under his supervision showed that the additional turn lane on Compass Road was the only change to the plan . However, he noted that a great part of the traffic congestion at the intersection of Compass and Middle River Roads is being caused by lack of lane markings in the intersection. He indicated that he would request the County to study this problem and was fairly confident that significant improvement would result from simply marking lanes in the roadway. He also noted that when the extension of Rt. 43, which is now under construction, is completed in 2006, there will be a significant reduction of traffic on Middle River Road. In regard to parking for sports events along Middle River Road, he also testified that he agreed with the representative from the Department of Public Works, that one lane in each direction was adequate for travel even with vehicles parked on the shoulder. He noted that 130 parking spaces are being proposed on the grounds of the elementary school where today there are only a few spaces for staff.

Mr. Gold, Chief Operating Officer of Ryland Homes in the area, expressed his unbridled pleasure at the opportunity to create a new community from scratch using the PUD format. He noted the unusual opportunity to find 100 + acres in one ownership in need of redevelopment. He testified that Ryland would be assisting the County in finding homes for the 400 tenants displaced by the redevelopment. As designed and built in the 1940's, the site had over 1,000 dwelling units but many have been removed due to lack of repair and maintenance.

He noted that the present site without the PUD could be developed in 1,119 dwelling units if fully built under the present zoning regulations, which include DR 3.5, DR 5.5, DR 10.5,

and DR 16. He testified that he could simply build according to the present zoning and not request any variances. To do so, he would have to have three and four story apartment buildings that would be out of character with the neighborhood. In addition, this would not be an integrated comprehensive design.

By using the PUD vehicle, he has the flexibility to provide a higher degree of project design and not necessarily what the regulations allow. He proposes 840 dwelling units with full community amenities including phased housing for different needs from starter townhouses to senior condominiums. Each section incorporates unique design features with amenities such as a walking path around the elementary school, a lake which doubles as a filter system for storm water management, and park/open space that provides a center for the community. Every house faces a street, but he will vary the height and offset of each townhouse to breakup the uniformity associated with these developments. Many homes have access to alleys, which he observes are wider than required and serve as a ready access to parking pads and garages. Finally, he notes that he has carefully matched the style of home in the adjacent communities so that the new homes will blend in with neighborhood. There would be investment by the Developers of over $20 million by the time the project is completed.

Mr. Gold noted that the school is the focus of the plan and so he proposes to donate land to increase the size of the school grounds and to improve the entrance and appearance of the school. However, in regard to concerns about overcrowding at the school, he noted his company's extensive experience in marketing townhouses and single family homes. He acknowledged that the single-family detached and 32 ft. townhouses will be attractive to families with children and that those children will attend local schools. However, contrary to what one might expect, 20 ft. wide townhouses have not been attractive to families but rather to singles, just married couples and empty nesters. Of course, one would not expect children in the

proposed senior housing units. Consequently, Mr. Gold testified that more than half of the dwellings proposed will not be occupied by families, and will thus lessen the impact of additional children on the school districts from the project.

In regard to requirements for approval of PUD residential developments as given in Section 26-206 (r) 3, he noted that Ryland homes is a Fortune 500 Company with assets of over two billion dollars, and that this project will be financed by Mercantile Mortgage Corporation, a strong local bank. See Developer's Exhibit Nos. 5A, 5B and 6. In addition, the senior housing portion of the project will be conducted by the Shelter Group, a well known and respected developer of housing for the elderly.

In regard to the request for variances, he testified that following the zoning regulations did not always make sense. For example, on the rear loaded town homes, he noted that the regulations required a 35 ft. rear yard setback. Designing to these regulations means paving 35 ft. of driveway simply to get to the garage. This discourages community and unnecessarily increases impervious surface and resulting storm water runoff. In contrast, the PUD format allows him to bring the garages close to the alley and reduces these drawbacks.

Matthew Allen, registered civil engineer, explained that the five storm water management facilities handled water quality only as the quantity was handled on site distributed across the project. He noted that the lake would become a community amenity and double as a water quality filter as well. This plan would result in an overall improvement in storm water management because at present, the site has neither quantity or quality water management. In addition, all existing water and sewer lines would be replaced with new infrastructure designed to today's standards.

In regard to the Developer's request for Special Hearing, Mr. Allen testified that considering each criteria given in Section 502.1 of the B.C.Z.R., he believed that permitting 8

attached town homes in lieu of the allowed 6 units and permitting a maximum building length of 193 ft. in lieu of 180 ft. allowed would not adversely affect the health, safety, and welfare of the community. Specifically, he noted that under the existing zoning regulations, 1,119 dwelling units could be built but that the Developer is proposing only 840 units. He also testified that it would take 5 years to build out this project so that adjustments to school enrollment could be accommodated by the County and Board of Education. He noted that there would be a great improvement to both schools and parks in the area as the result of this project.

Mr. Hoffman proffered the testimony of Mr. Jeff Hettleman, Executive Vice President of the Shelter Group, who indicated that one component of the plan was to provide 100 dwelling units for seniors in a building located adjacent to the school. However, these units will only start to meet the need for such housing in the area.

Mr. Hoffman proffered the testimony of Richard Smith, expert land consultant, who indicated that the development did not violate the provisions of any deed or covenant and that the plan is compatible with the Master Plan and specifically the Middle River – Bird River Area Plan adopted by the County Council in January 2002. See Developer's Exhibit No. 20.

Finds of Fact and Conclusions of Law

Special Hearing

The Developer requests approval of a modification of standards from B.C.Z.R. Section 504.2 and CMDP to permit an increase in the number of attached units to 8 units in lieu of the maximum permitted 6 units for Lots 26-64, 71-115, 138-174, 184-191, 209-216, 229-236, 251-281, 285-292, 311-318, 323-329, 336-342, 355-398, 635-648, 656-669, 688-694, 699-746; and modification of standards from B.C.Z.R., Section 504.2 and CMDP to permit a maximum building length for a group of 6 attached units of 193 ft. in lieu of the permitted 180 ft. (Lots 598-603, 621-626).

I find the request for 8 attached units and 193 ft. building length reasonable and wholly justified under the circumstances of this plan. I further find that neither would adversely impact the surrounding community nor would it be a detriment to the health, safety, and welfare of the community. I will grant the relief requested if this turns out to be a zoning case.

However, in my opinion the requests for special hearing and the requests for variances are not needed in qualified PUD R projects. Residential PUD developments are addressed in Section 430 of the B.C.Z.R. My review of the intent and specifications for these developments indicates that these projects are to fall outside of the normal review process. Section 430.3.E states " The PUD R is neither a zone nor a district. It is a development approval process……". The stated intent is to provide flexibility in design, creatively designed neighborhoods and a higher degree of project design as compared to convention applications of the regulations.

The PUD regulations speak of allowing increased density than would be allowed under the normal regulations in certain circumstances. If variance rules applied and increased density were justified, one would need to variance density. Section 307 specifically forbids this. Consequently, density regulations in PUD projects cannot apply. Similarly, the intent to have flexible design, higher standards, etc. in the PUD regulations, as compared to the normal regulations, describe an alternative and parallel approval process in which normal requests for special hearing and variances simply do not apply.

I understand that the Zoning Office requested that the Developer add the Special Hearing and Variances and in an abundance of caution, the Developer agreed. Mr. Hoffman argued at the hearing that neither were necessary and I agree with him. Presumably, the Zoning Office interprets Section 26-206 (s) to indicated that these are required because this section gives the Zoning Commissioner the ability to grant variances and special hearings when modifying the plan. However, I believe this section must be read with section (q), which give the hearing

officer three options: approve the plan as presented; modify the plan, or deny the plan. I believe this to mean that the plan presented may have many deviations from the zoning regulations and that after testimony and evidence the hearing officer may modify the plan. I then read section (s) to say that in modifying the plan, the hearing officer may grant additional relief as necessary.

Finally, there is a very practical problem in having conventional variances in PUD R plans. By design these are ordinarily large tracts. The PUD regulations speak of tracts exceeding 100 acres. The developer then creates an extraordinary design, which inherently does not follow the setback regulations as one example. However, by definition this would be a self-imposed hardship as the developer had a huge blank site to begin with and chose to violate the setback regulation. No conventional variance can be granted under the circumstances. This, of course, means that the developer must follow the conventional rules, which are against the very nature of PUD R regulations. I do not think the legislative intent was to grant on one hand and forbid on the other. Rather, I interpret the PUD regulations a wholly separate from and in parallel with the conventional regulations.

I know of no guidance from the courts on this question and certainly recognize that the matter is unclear. In the same abundance of caution, I will approve the requests for special hearing.

Variances

Again, I do not believe the variances are needed in PUD R projects, but having said that I find that special circumstances or conditions exist that are peculiar to the land or structure, which is the subject of the variance request. The property is bisected by Compass Road. This may not be a river running through it, but I find that it makes the property unique. In addition, there are 400+ apartments in poor condition in a revitalization area of the County that need to be razed, or replaced. I find that the existence of these apartments on the property is a peculiar structure and

therefore qualifies the site as unique.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. As stated so often, this is a comprehensive design in which complying with the conventional regulations makes for a lesser less creative design. I find that to be a hardship on both the Developer and the County.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations is requested. In fact, the developer is only requesting 840 units where under conventional regulations it would be entitled to 1,119 dwelling units.

Finally, I find 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. See the extensive discussion below.

PUD R Development Plan

The County Code gives specific criteria to be considered in a Hearing Officer's review of the development plan.

County comments or reports

All County agencies indicated that the Development Plan meets all County regulations. Beyond that, the Office of Economic Development gave the project its enthusiastic support as the present Glenmar Apartments are in poor condition, having been built as temporary housing for WWII factory workers. This is a revitalization area for the County and consequently the County supports this private redevelopment of 100 acres in an economically stressed area of the County. The new housing will provide housing for area residents from starter homes to senior housing in a remarkably concise and effective design. I find that the proposed development meets the intent, purpose, conditions and standards of the regulations as described by the County agencies.

Criteria of paragraphs A, B, C, D, E or F of subsection 502.1 B.C.Z.R.

This is part of the criteria for special exceptions that require before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;

I find that the Development Plan will improve the health, safety and welfare of the community. Housing which is in poor condition will be replaced with a planned community, which Mr. Gold describes as a "showplace". I concur with his opinion.

B. Tend to create congestion in roads, streets or alleys therein;

This is one of the principal issues from the protestants. They are understandably concerned that the additional 480 dwelling units will cause congestion on the area roads. I note that a full traffic study was done by the Developer and reviewed and approved by the County Traffic Engineering section of the Department of Public Works. This study showed that a substantial change (an additional turn lane being added to the plan on Compass Road) was needed and subsequently added to the plan. Mr. Cook described some of the present problems at area intersections as simply lack of lane markings in the roadways, particularly left turn lane markings at intersections. This seems relatively easy to solve but is the County's responsibility to implement. My concern is whether this will happen given the demands on the Traffic Engineering office. Consequently, I will require that the Developer prepare a lane marking plan for the affected intersections and submit same to Baltimore County who will hopefully implement the plan expeditiously. I realize that this is an unusual condition, but hopefully the Developer will see that this is in its best interest as well.

I also note that Mr. Bowling, representing the Department of Public Works, finds the roads adequate to accommodate traffic from the new housing.

Mr. Seigle makes an excellent point regarding the problem with parking on the roadways during special sports events in the area. I note, however, that if the plan is accepted by the Board of Education, 130 new parking spaces will be added to the school for parking solely for recreational use. In addition, the plan provides nearly 700 parking spaces over what is required by the parking regulations. This will hopefully provide some improvement to the problem, which Mr. Seigle describes.

Considering all the testimony and evidence regarding traffic, I find that the plan will not tend to create congestion in roadways.

C. Create a potential hazard from fire, panic or other danger;

I have no evidence to suggest that the project will be constructed in any manner that will create such dangers. However, I note that one of the protestant's concerns was lack of water pressure in the area. Mr. Bowling acknowledged that problem but then described the steps being taken by the County to alleviate the situation. I have no reason to believe this will not be successful.

D. Tend to overcrowd land and cause undue concentration of population;

I note Mr. Gold's testimony that there were once over 1,000 dwelling units on the site during WWII. He also testified if there was no Planned Unit Development, and if the site were developed to its present potential under existing regulations, 1,119 dwelling units would be allowed. He is proposing 840 dwelling units.

Mr. Funk suggested that the density stay the same as the 400 units presently on the site. This is understandable but there is no method I am aware of within the law to limit density to existing dwellings when the zoning on the property allows more than twice that amount. I also have no evidence that the plan will overcrowd the land or cause undue concentration of population.

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

See the above regarding water and sewer issues. Concerns about school overcrowding is another of the principal concerns of the protestants. Again this seems understandable. The Developer is proposing 840 dwelling units of which 740 would be non-senior housing. The present apartment complex has 420 dwelling units so that one could expect 340 additional units to produce more children for area schools. For example, Glenmar Elementary, around which the project is built, is presently under capacity. However, as the school impact analysis shows, with the additional children from this project, the elementary school will be 10% over capacity. Representatives from the Board of Education opined that any school that is at 90 % capacity is considered "overcrowded".

However, the County Code Section 26-493 (a) (3) specifies that an over crowded school is one in which the enrollment of the school exceeds 120 % of state-rated capacity. This 120% is the threshold above which the development plan can be stopped or altered. The Office of Planning has the responsibility to review the Developer's school impact analysis and recommend a halt or delay of plans that trigger an "overcrowded school". That agency tells me that schools are not "overcrowded" according to the Code even though Kenwood High School exceeds the 120% threshold. This is because the Code also allows for use of capacity of nearby schools, which in this case brings Kenwood High under the threshold.

One can debate the merits of any definition of "overcrowding". The County Code is very clear. In spite of what may be apparent to the contrary, there are no schools that will become overcrowded as the result of this development.

I take some comfort in Mr. Gold's extensive experience in marketing real estate and on which he bases his opinion that many of the narrow town homes will not attract families.

Essentially, he is saying that because of this design, there actually will be fewer families occupying the homes than the standard County predictions.

I take a great deal of comfort from the presence and participation at the hearing by representatives of the Board of Education. This tells me this potential problem is very well known and that planning is underway for solutions that may include a new elementary school on a site already selected by the Board. I realize that the Board has not approved the improvements to the Glenmar Elementary School but all evidence indicates that Board personnel are actively engaged in the project. As Mr. Shah from the Board so aptly put it, this plan is a "signature piece" and a rare opportunity to work with a planned community. He noted there are perhaps four years before the project is fully built out, which he believed should be enough time to make sure everything is in place so that the children from this project and the community can benefit.

Mr. Funk makes a point that the senior housing be moved to a quieter place on site away from the school and play fields. I must admit this was my initial reaction as well until I realized that that might not be the best for seniors or for the children. Seniors need to be where the action is and where they can contribute to the community with wisdom and grace. After some thought I agree with the Shelter Groups location of this housing.

Finally, in regard to parks, the Development Plan creates community parks which includes a wet lake that will enhance the life of not only the residents of the project but the community as a whole.

Considering all evidence in this regard, I find that the project will not interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences or improvements;

F. Interfere with adequate light and air;

I have no evidence that indicates that the proposed plan will interfere with adequate light

and air.

In summary, I find that the Development Plan will not adversely affect the surrounding community and meets all the criteria of Section 502.1 A, B, C, D, E and F.

Design, use and layout of the proposed site

I further find that the proposed plan will constitute a good design use and layout of the proposed site. Great effort in design and review of that design by the County has obviously gone into the plan. Details such as how a home will be oriented along the roadway are but one example of how far the plan has progressed. The walkway, wet lake, parks and alleys all show me that this Development Plan is an excellent use of the site.

Chances of Success

Mr. Gold's testimony was uncontroverted that Ryland homes is a Fortune 500 Company with assets of over two billion dollars, and that this project will be financed by Mercantile Mortgage Corporation, a strong local bank. See Developer's Exhibit Nos. 5A, 5B and 6. In addition, Ryland's extensive marketing experience was demonstrated by Mr. Gold's testimony regarding the likely mix of owners in each category of housing. In addition, the senior housing portion of the project will be conducted by the Shelter Group, a well-known and respected developer of housing for the elderly. I find there is a reasonable expectation that the proposed development will be developed to the full extent of and fully in accordance with the PUD development plan.

Compliance with Applicable Regulations

I find the development, as approved, would comply with all applicable provisions of the zoning regulations. I do not believe, as discussed above, that variances are needed for this or any qualified PUD R project.

Objectives and requirements of section 430 B.C.Z.R.

I further find that the plan meets the Legislative intent of Section 430 of the B.C.Z.R. The plan utilizes the flexibility allowed under the PUD regulations to arrive at a development of creatively designed neighborhoods which provide a higher degree of project design than obtained through the conventional application of these regulations. As one example, if there was no PUD and the developer fully utilized the zoning density the site would be filled with high rise apartment houses, which would tower over the adjacent community of two-story homes.

The Developer has not asked for an increase in residential density or uses not permitted by the underlying zoning. In fact, the density is lower than allowed under the regulations. I further find that the Development Plan is in the public interest, and compatible with surrounding, existing and proposed land uses. Considering all the evidence presented, I find this PUD-R is not detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties, nor does it constitute a nuisance because of traffic, noise, parking or other activities which would adversely affect the character or use of such properties.

Master/Area Plan

Based on the testimony of Mr. Smith, I find the project is in conformance with the goals, objectives, and recommendations of the master plan and area plans;

Deeds/Covenants

Again, based on Mr. Smith's testimony, I find that the development does not violate the provisions of any deed or covenants attached to the property.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 14 day of July, 2004, that the redline Development/Authorization Plan for the "Miramar Landing PUD R-1", submitted into evidence as "Developer's Exhibit No. 5", be and is hereby APPROVED subject to the following conditions:

1. The Developer shall prepare a lane-marking plan for the affected intersections in and about the site and shall submit same to Baltimore County for implementation.

IT IS FURTHER ORDERED, that the Petition for Special Hearing, as amended, pursuant to the B.C.Z.R. as follows:

1. from Section 500.7 for approval of a modification of standards from B.C.Z.R. Section 504.2 and CMDP to permit an increase in the number of attached units to 8 units in lieu of the maximum permitted 6 units (Lots 26-64, 71-115, 138-174, 184-191, 209-216, 229-236, 251-281, 285-292, 311-318, 323-329, 336-342, 355-398, 635-648, 656-669, 688-694, 699-746; and

2. from Section 500.7 for approval of a modification of standards from B.C.Z.R., Section 504.2 and CMDP to permit a maximum building length for a group of 6 attached units of 193 ft. in lieu of the permitted 180 ft. (Lots 598-603, 621-626).

be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petitions for Variance, as amended, pursuant to the B.C.Z.R. as follows:

Single-Family Detached Units:

1. variance from Section 260.2.E.1.a to permit a minimum lot width as narrow as 39 ft. in lieu of the required 75 ft. (Lots 426-581);

2. variance from Sections 1B01.2.C.1.b and 260.2.E.1.b to permit a minimum front yard setback adjacent to an arterial roadway (Middle River Road) of 20 ft. in lieu of the required 40 ft. (Lots 546-559);

3. variance from Section 260.2.E.1.b to permit a minimum front yard setback of 10 ft. in lieu of the required 20 ft. (Lots 426-500, 506-513, 516-545, 560-581);

4. variance from Section 260.2.E.1.c to permit a minimum rear yard setback of 28 ft. in lieu of the required 40 ft. (Lots 430-500, 514-555);

5. variance from Section 260.2.E.1.c to permit a minimum rear yard setback of 18 ft. in lieu of the required 40 ft. to permit the construction of a deck (Lots 429-504, 506-581);

6. variance from Section 1B01.2.C.1.b to permit a minimum side building face to side building face of 15 ft. in lieu of the required 20 ft. (Lots 426-503), 506-559, 561-581);

7. variance from Section 1B01.2.C.1.b to permit a minimum side building face to public street right-of-way of 13 ft. in lieu of the required 15 ft. (Lot 514);

8. variance from Section 1B01.2.C.1.b to permit a minimum side building face to public street right-of-way adjacent to an arterial roadway (Middle River Road) of 15 ft. in lieu of the required 35 ft. (Lot 560);

9. variance from Section 1B01.2.C.1.b to permit a minimum side building face to paving of a private road of 12 ft. in lieu of the required 25 ft. (Lots 435, 444, 449, 458, 459, 484, 490, 495, 513, 541, 546, 560, 561);

32' Single-Family Attached Units:

10. variance from Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit of 14 ft. in lieu of the required 25 ft. (Lots 582-737, 739-746);

11. variance from Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way for a garage unit of 13 ft. in lieu of the required 25 ft. (Lots 582, 590, 603, 612, 656, 662, 669, 670, 683, 746);

12. variance from Section 301.1 to permit a porch to encroach an additional 6 ft. into the front building setback (Lots 582-737, 739-746;

13. variance from Section 1B01.2.C.1.c to permit a minimum rear building face to rear property line setback of 20 ft. in lieu of the required 30 ft. (Lots 582-746);

14. variance from Section 1B01.2.C.1.c and Section 301.1 to permit a minimum rear building face to rear property line setback of 10 ft. in lieu of the required 30 ft. for the construction of a deck (Lots 582-746);

15. variance from Sections 1B01.2.B.2 and 504.2 and CMDP to permit a maximum building length for a group of attached units of 257 ft. in lieu of the maximum permitted 180 ft. (Lots 635-641, 642-648, 656-669, 688-694, 699-746);

16. variance from Section 1B01.1.B.1.c from the requirement to provide a 50 ft. residential transition area buffer on the southeast corner of the property and to allow clearing, grading, and landscaping and the construction of Lot 739 in this area;

17. variance from Section 1B01.1.B.1.c to permit a 37 ft. residential transition area setback on the southeast corner of the property in lieu of the required 75 ft. to allow the construction of Lots 738-740;

38. variance from B.C.Z.R., Section 1B01.1.B.1.c and the CMDP to permit a maximum building height of 50 ft. within the 100 ft. residential transition area in lieu of the maximum permitted 35 ft. (Lots 737-741).

20' Single-Family Attached (Rear Entry Garage) Units:

18. variance from Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit adjacent to an arterial roadway (Middle River Road) of 20 ft. in lieu of the required 45 ft. (Lots 71-94, 109-126);

19. variance from Section 1B01.2.C.1.c to permit a minimum front building setback to

public street right-of-way or property line for a garage unit of 20 ft. in lieu of the required 25 ft. (Lots 2-70, 95-108, 127-182, 319-354, 399-420);

20. variance from Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way adjacent to an arterial roadway (Middle River Road) of 10 ft. in lieu of the required 45 ft. setback (Lots 95, 108);

21. variance from Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way of 15 ft. in lieu of the required 25 ft. (Lots 32, 33, 101, 102, 167, 168, 399, 409, 410, 420);

22. variance from Section 1B01.2.C.1.c and Section 301.1 to permit a minimum rear building face to rear property line setback of 20 ft. in lieu of the required 30 ft. for the construction of a deck (Lots 49-94, 96-181, 319-354, 399-420);

23. variance from Section 1B01.2.C.1.c to permit a minimum distance from building face to tract boundary of 20 ft. in lieu of the required 30 ft. (Lots 319-335);

24. variance from Section 1B01.2.C.1.c to permit a minimum distance from building face to tract boundary adjacent to an arterial roadway (Middle River Road) of 10 ft. in lieu of the required 50 ft. (Lots 71-95, 108-126);

25. variance from Section 504.2 and Comprehensive Manual of Development Policies to permit a minimum private yard area of 0 sq. ft. in lieu of the required 500 sq. ft. (Lots 2-18, 20-31, 33-47, 50-93, 95-108, 110-143, 145-174, 176, 177, 179-183, 319-334, 336-342, 344-354, 399-420);

26. variance from Section 1B01.1.B.1.c from the requirement to provide a 50 ft. residential transition area buffer adjacent to the existing gas station and to allow clearing, grading, and landscaping in this area;

27. variance from Section 1B01.1.B.1.c to permit a 58 ft. residential transition area setback in lieu of the required 75 ft. to allow the construction of Lot 71.

28. variance from Section 1B01.1.B.1.c and CMDP to permit a maximum building height of 50 ft. within the 100 ft. residential transition area in lieu of the maximum permitted 35 ft. (Lots 71-73);

<u>20' Single-Family Attached (Front Entry Garage) Units</u>:

29. variance from Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit of 18 ft. in lieu of the required 25 ft. (Lots 184-318, 355-398);

30. variance from Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way of 15 ft. in lieu of the required 25 ft. (Lots 236, 237, 245, 285, 292, 293, 301, 302, 310, 318, 355, 368, 377, 390);

31. variance from Section 1B01.2.C.1.c to permit a minimum rear building setback of 20 ft. in lieu of the required 30 ft. (Lots 184-318, 355-398);

32. variance from Section 1B01.2.C.1.c and Section 301.1 to permit a minimum rear building face to rear property line setback of 10 ft. in lieu of the required 30 ft. for the construction of a deck (Lots 184-318, 355-398);

33. variance from Section 1B01.2.C.1.c to permit a minimum distance from a building face to tract boundary of 15 ft. in lieu of the required 30 ft. (Lots 184-216, 236, 237, 301, 302, 318);

34. variance from Section 504.2 and CMDP to permit a minimum private yard area of 400 sq. ft. in lieu of the required 500 sq. ft. (Lots 185-190, 193-196, 199-202, 205-207, 210-215, 218-221, 224-227, 230-235, 238-240, 243-244, 247-249, 252-257, 260-265, 268-272, 275-280, 283, 286-291, 294-295, 298-300, 303-305, 308, 309, 312-317, 356-360, 363-367, 370-375, 378-382, 385-389, 392-397);

Housing for the Elderly (Senior Apartments)

35. variance from Section 1B01.2.C.1.e to permit a minimum front or rear building face to tract boundary setback of 20 ft. in lieu of the required 40 ft. (Lot 1);

36. variance from Section 504.2 and CMDP to permit a maximum building height of 60 ft. in lieu of the required 50 ft. in the DR 5.5 zone (Lot 1);

37. variance from Section 504.2 and CMDP to permit a maximum building length of 323 ft. in lieu of the permitted 240 ft. for a multi-family building (Lot 1);

Access Variance

39. variance from Section 102.4 of the B.C.Z.R. to allow Lots 399-409 to abut and have access to a 20.0 ft. private right-of-way in lieu of the required 30.0 ft. public right-of-way.

be and they are hereby APPROVED.

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

ORDERED By ... Date ...

JVM:raj

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Middle River Road

which is presently zoned DR 3.5; DR 5.5; DR 10.5; DR 16 & BL

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)

SEE ATTACHED

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

TO BE DETERMINED AT HEARING

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

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

Contract Purchaser/Lessee:

SEE ATTACHED
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue (410) 494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

SEE ATTACHED
Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue (410) 494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By JNP Date 5/14/04

Case No. 04-528-SPHA

REV 9/15/98

Petition for Variance

Single-Family Detached Units:

1. Variance from BCZR Section 260.2.E.1.a to permit a minimum lot width as narrow as 39 feet in lieu of the required 75 feet (Lots 426-581);

2. Variance from BCZR Sections 1B01.2.C.1.b and 260.2.E.1.b to permit a minimum front yard setback adjacent to an arterial roadway (Middle River Road) of 20 feet in lieu of the required 40 feet (Lots 546-559);

3. Variance from BCZR Section 260.2.E.1.b to permit a minimum front yard setback of 10 feet in lieu of the required 20 feet (Lots 426-500, 506-513, 516-545, 560-581);

4. Variance from BCZR Section 260.2.E.1.c to permit a minimum rear yard setback of 28 feet in lieu of the required 40 feet (Lots 430-500, 514-555)

5. Variance from BCZR Section 260.2.E.1.c to permit a minimum rear yard setback of 18 feet in lieu of the required 40 feet to permit the construction of a deck (Lots 429-504, 506-581);

6. Variance from BCZR Section 1B01.2.C.1.b to permit a minimum side building face to side building face of 15 feet in lieu of the required 20 feet (Lots 426-503, 506-559, 561-581);

7. Variance from BCZR Section 1B01.2.C.1.b to permit a minimum side building face to public street right-of-way of 13 feet in lieu of the required 15 feet (Lot 514);

8. Variance from BCZR Section 1B01.2.C.1.b to permit a minimum side building face to public street right-of-way adjacent to an arterial roadway (Middle River Road) of 15 feet in lieu of the required 35 feet (Lot 560);

9. Variance from BCZR Section 1B01.2.C.1.b to permit a minimum side building face to paving of a private road of 12 feet in lieu of the required 25 feet (Lots 435, 444, 449, 458, 459, 484, 490, 495, 513, 541, 546, 560, 561).

32' Single-Family Attached Units:

10. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit of 14 feet in lieu of the required 25 feet (Lots 582-737, 739-746);

04-528-SPHA

Petition for Variance
(continued)

11. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way for a garage unit of 13 feet in lieu of the required 25 feet (Lots 582, 590, 603, 612, 656, 662, 669, 670, 683, 746);

12. Variance from BCZR Section 301.1 to permit a porch to encroach an additional 6 feet into the front building setback (Lots 582-737, 739-746);

13. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum rear building face to rear property line setback of 20 feet in lieu of the required 30 feet (Lots 582-746);

14. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum rear building face to rear property line setback of 10 feet in lieu of the required 30 feet for the construction of a deck (Lots 582-746);

15. Variance from BCZR Sections 1B01.2.B.2 and 504.2 and CMDP to permit a maximum building length for a group of attached units of 257 feet in lieu of the maximum permitted 180 feet (Lots 635-641, 642-648, 656-669, 688-694, 699-746);

16. Variance from BCZR Section 1B01.1.B.1.c from the requirement to provide a 50 foot residential transition area buffer on the southeast corner of the property and to allow clearing, grading, and landscaping and the construction of Lot 739 in this area;

17. Variance from BCZR Section 1B01.1.B.1.c to permit a 37 foot residential transition area setback on the southeast corner of the property in lieu of the required 75 feet to allow the construction of Lots 738-740.

20' Single-Family Attached (Rear Entry Garage) Units:

18. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit adjacent to an arterial roadway (Middle River Road) of 20 feet in lieu of the required 45 feet (Lots 71-94, 109-126);

19. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit of 20 feet in lieu of the required 25 feet (Lots 2-70, 95-108, 127-182, 319-354);

04-528-SPHA

Petition for Variance
(continued)

20. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way adjacent to an arterial roadway (Middle River Road) of 10 feet in lieu of the required 45 feet setback (Lots 95, 108);

21. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way of 15 feet in lieu of the required 25 feet (Lots 32, 33, 101, 102, 167, 168);

22. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum rear building face to rear property line setback of 20 feet in lieu of the required 30 feet for the construction of a deck (Lots 49-94, 96-181, 319-354);

23. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum distance from building face to tract boundary of 20 feet in lieu of the required 30 feet (Lots 319-335);

24. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum distance from building face to tract boundary adjacent to an arterial roadway (Middle River Road) of 10 feet in lieu of the required 50 feet (Lot 71-95, 108-126);

25. Variance from BCZR Section 504.2 and CMDP to permit a minimum private yard area of 0 square feet in lieu of the required 500 square feet (Lots 3-18, 21-31, 34-93, 96-108, 110-143, 145-174, 176-183, 319-334, 337-341, 344-354);

26. Variance from BCZR Section 1B01.1.B.1.c from the requirement to provide a 50 foot residential transition area buffer adjacent to the existing gas station and to allow clearing, grading, and landscaping in this area;

27. Variance from BCZR Section 1B01.1.B.1.c to permit a 58 foot residential transition area setback in lieu of the required 75 feet to allow the construction of Lot 71.

28. Variance from BCZR Section 1B01.1.B.1.c and CMDP to permit a maximum building height of 50 feet within the 100 foot residential transition area in lieu of the maximum permitted 35 feet (Lots 71-73);

20' Single-Family Attached (Front Entry Garage) Units:

29. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum front building setback to public street right-of-way for a garage unit of 18 feet in lieu of the required 25 feet (Lots 184-318, 355-425);

04-528-SPHA

Petition for Variance
(continued)

30. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum side building face to public street right-of-way of 15 feet in lieu of the required 25 feet (Lots 236, 237, 245, 285, 292, 293, 301, 302, 310, 318, 355, 368, 377, 390, 407, 417);

31. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum rear building setback of 20 feet in lieu of the required 30 feet (Lots 184-318, 355-425);

32. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum rear building face to rear property line setback of 10 feet in lieu of the required 30 feet for the construction of a deck (Lots 184-318, 355-425);

33. Variance from BCZR Section 1B01.2.C.1.c to permit a minimum distance from a building face to tract boundary of 15 feet in lieu of the required 30 feet (Lots 184-216, 236, 237, 301, 302, 318);

34. Variance from BCZR Section 504.2 and CMDP to permit a minimum private yard area of 400 square feet in lieu of the required 500 square feet (Lots 185-190, 193-196, 199-202, 205-207, 210-215, 218-221, 224-227, 230-235, 238-240, 243-244, 247-249, 252-257, 260-265, 268-272, 275-280, 283, 286-291, 294-295, 298-300, 303-305, 308, 309, 312-317, 356-360, 362-367, 370-375, 378-382, 385-389, 392-397, 400-405, 408-410, 413-416, 419-424);

Housing for the Elderly (Senior Apartments):

35. Variance from BCZR Section 1B01.2.C.1.e to permit a minimum front or rear building face to tract boundary setback of 20 feet in lieu of the required 40 feet (Lot 1);

36. Variance from BCZR Section 504.2 and CMDP to permit a maximum building height of 60 feet in lieu of the required 50 feet in the DR 5.5 zone (Lot 1);

37. Variance from BCZR Section 504.2 and CMDP to permit a maximum building length of 323 feet in lieu of the permitted 240 feet for a multi-family building (Lot 1);

04-528-SPHA

Petition for Variance

Signature Page
Middle River Road
Parcel 509

Legal Owner:

Thomas M. Tillman, Jr., President
Tillman Company, Inc.
160 West Clayton Street
Athens, Georgia 30603-1308
(706) 548-5201

TO1DOCS1/#184332 v1

Petition for Variance

Signature Page
Middle River Road
Parcel 509

Contract Purchaser:

Mark C. Sappenstein, President
Miramar Development, LLC
28 Walker Avenue
Baltimore, Maryland 21208
(410) 653-4600

TO1DOCS1/#184467 v1

04-528-SPHA

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

Zoning Description

Beginning at a point located on the easterly side of Middle River Road which has a width of 60 feet at the distance of 190 feet southeasterly of the centerline of the nearest intersecting street, Langley Road which has a width of 60 feet. **Thence** the following courses and distances, viz:

North 19 degrees 23 minutes 00 seconds West, 701.18 feet; Northwesterly by a tangential curve to the right having a radius of 324.52 feet, an arc length of 12.75 feet, the chord of said arc bearing North 18 degrees 15 minutes 28 seconds West, 12.75 feet; North 17 degrees 07 minutes 55 seconds West, 366.44 feet; Northeasterly by a tangential curve to the right having a radius of 20.00 feet, an arc length of 32.47 feet, the chord of said arc bearing North 29 degrees 22 minutes 12 seconds East, 29.02 feet; North 75 degrees 38 minutes 53 seconds East, 256.60 feet; Northeasterly by a tangential curve to the left having a radius of 1140.00 feet, an arc length of 666.23 feet, the chord of said arc bearing North 59 degrees 08 minutes 59 seconds East, 656.79 feet; North 42 degrees 24 minutes 26 seconds East, 1137.10 feet; South 07 degrees 23 minutes 14 seconds East, 347.02 feet; South 47 degrees 53 minutes 04 seconds East, 1178.10 feet; South 53 degrees 23 minutes 42 seconds West, 1768.33 feet; North 19 degrees 18 minutes 44 seconds West, 145.20 feet; South 53 degrees 23 minutes 42 seconds West, 30.00 feet; North 19 degrees 18 minutes 44 seconds West, 241.92 feet; South 53 degrees 04 minutes 07 seconds West, 745.29 feet to the point and place of beginning, being located southerly of Compass Road and easterly of Middle River Road.

Containing an area of 60.4016 acres of land more or less, and being located in the Fifteenth Election District of Baltimore County, Maryland.

STATE OF MARYLAND
MICHAEL LEE RAY
11041
PROFESSIONAL LAND SURVEYOR
5-11-04

04-528-SPHA

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD (410) 515-9000 ✦ Annapolis Junction MD (410) 792-9792 ✦ Towson, MD (410) 821-1690 ✦ Georgetown, DE (302) 855-5734 ✦ Wilmington, DE (302) 326-2200

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

Zoning Description

Beginning at a point located on the southeasterly side of Bird River Road which has a paving width of 24 feet at the distance of 660 feet northeasterly of the centerline of the nearest intersecting street, Middle River Road which has a width of 60 feet. **Thence** the following courses and distances, viz:

South 63 degrees 55 minutes 34 seconds East, 1481.68 feet; South 07 degrees 23 minutes 14 seconds East, 208.23 feet; South 42 degrees 24 minutes 26 seconds West, 1113.63 feet; Northwesterly by a non-tangential curve to the left having a radius of 55.00 feet, an arc length of 48.96 feet, the chord of said arc bearing North 89 degrees 24 minutes 42 seconds West, 47.36 feet; Southwesterly by a non-tangential curve to the right having a radius of 665.00 feet, an arc length of 263.98 feet, the chord of said arc bearing South 74 degrees 51 minutes 13 seconds West, 262.25 feet; South 03 degrees 22 minutes 56 seconds West, 109.75 feet; South 82 degrees 51 minutes 21 seconds West, 455.11 feet; South 12 degrees 45 minutes 36 seconds East, 184.57 feet; South 75 degrees 38 minutes 53 seconds West, 20.40 feet; North 12 degrees 49 minutes 54 seconds West, 145.30 feet; South 77 degrees 10 minutes 56 seconds West, 119.43 feet; Northwesterly by a non-tangential curve to the right having a radius of 1619.00 feet, an arc length of 7.56 feet, the chord of said arc bearing North 08 degrees 45 minutes 47 seconds West, 7.56 feet; North 08 degrees 37 minutes 45 seconds West, 588.89 feet; Northwesterly by a tangential curve to the right having a radius of 2845.18 feet, an arc length of 55.13 feet, the chord of said arc bearing North 08 degrees 04 minutes 27 seconds West, 55.12 feet; Northeasterly by a compounded curve to the right having a radius of 20.00 feet, an arc length of 13.95 feet, the chord of said arc bearing North 14 degrees 04 minutes 11 seconds East, 13.67 feet; North 06 degrees 36 minutes 53 seconds West, 64.25 feet; Northwesterly by a non-tangential curve to the right having a radius of 20.00 feet, an arc length of 14.09 feet, the chord of said arc bearing North 27 degrees 04 minutes 34 seconds West, 13.80 feet; Northwesterly by a compounded curve to the right having a radius of 2845.18 feet, an arc length of 39.33 feet, the chord of said arc bearing North 05 degrees 18 minutes 41 seconds West, 39.33 feet; North 04 degrees 54 minutes 55 seconds West, 543.07 feet; Northwesterly by a tangential curve to the left having a radius of 2430.00 feet, an arc length of 139.61 feet, the chord of said arc bearing North 06 degrees 33 minutes 40 seconds West, 139.59 feet; Northeasterly by a reverse curve to the right having a radius of 100.00 feet, an arc length of 92.30 feet, the chord of said arc bearing North 18 degrees 14 minutes 02 seconds East, 89.06 feet; North 48 degrees 09 minutes 02 seconds West, 2.83 feet; North 44 degrees 38 minutes 40 seconds East, 197.24 feet; North 43 degrees 28 minutes 52

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD (410) 515-9000 ✦ Annapolis Junction, MD (410) 792-9792 ✦ Towson, MD (410) 821-1690 ✦ Georgetown, DE (302) 855-5734 ✦ Wilmington, DE (302) 326-2200

04-528-SPHA

seconds East, 419.99 feet to the point and place of beginning, being located southerly of Bird River Road and easterly of Middle River Road.

Containing a gross area of 51.8235 acres of land, more or less.

Saving and Excepting from the above described parcel a portion of the lands described in a deed dated June 14, 1956 from the United States of America to the Board of Education of Baltimore County, Maryland and recorded among the Land Records of Baltimore County, Maryland in Liber G.L.B. 2953, folio 307, said lands being described as follows, to wit:

Beginning at a point located South 32 degrees 56 minutes 16 seconds East, 362.31 feet from the beginning of the first course of the above described parcel; Thence Southeasterly by a non-tangential curve to the right having a radius of 326.41 feet, an arc length of 217.80 feet, the chord of said arc bearing South 39 degrees 10 minutes 59 seconds East, 213.78 feet; South 20 degrees 04 minutes 04 seconds East, 154.36 feet; Southeasterly by a tangential curve to the left having a radius of 347.75 feet, an arc length of 266.19 feet, the chord of said arc bearing South 41 degrees 59 minutes 49 seconds East, 259.74 feet; South 63 degrees 55 minutes 34 seconds East, 292.83 feet; Southeasterly by a tangential curve to the right having a radius of 30.00 feet, an arc length of 54.00 feet, the chord of said arc bearing South 12 degrees 21 minutes 17 seconds East, 47.00 feet; Southwesterly by a reverse curve to the left having a radius of 1792.06 feet, an arc length of 300.73 feet, the chord of said arc bearing South 34 degrees 24 minutes 33 seconds West, 300.38 feet; South 29 degrees 36 minutes 06 seconds West, 205.24 feet; Southwesterly by a tangential curve to the right having a radius of 30.00 feet, an arc length of 35.31 feet, the chord of said arc bearing South 63 degrees 19 minutes 41 seconds West, 33.31 feet; Southwesterly by a reverse curve to the left having a radius of 250.37 feet, an arc length of 69.62 feet, the chord of said arc bearing South 89 degrees 05 minutes 16 seconds West, 69.40 feet; South 81 degrees 07 minutes 16 seconds West, 141.98 feet; Northwesterly by a tangential curve to the right having a radius of 332.23 feet, an arc length of 539.17 feet, the chord of said arc bearing North 52 degrees 23 minutes 14 seconds West, 481.92 feet; North 05 degrees 53 minutes 44 seconds West, 421.90 feet; Northeasterly by a tangential curve to the right having a radius of 254.24 feet, an arc length of 224.24 feet, the chord of said arc bearing North 19 degrees 22 minutes 16 seconds East, 217.04 feet; North 44 degrees 38 minutes 16 seconds East, 155.60 feet; Northeasterly by a tangential curve to the left having a radius of 489.50 feet, an arc length of 128.96 feet, the chord of said arc bearing North 37 degrees 05 minutes 27 seconds East, 128.58 feet; Northeasterly by a reverse curve to the right having a radius of 30.00 feet, an arc length of 48.29 feet, the chord of said arc bearing North 75 degrees 35 minutes 37 seconds East, 43.24 feet to the point and place of beginning. Containing 15.0154 acres of land, more or less.

Containing a net area of 36.8081 acres of land, more or less, and being located in the Fifteenth Election District of Baltimore County, Maryland.

04-528-SPHA

5-11-04

NOTICE OF ZONING HEARING

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

Case: #04-528-SPHA

Middle River Road
E/side of Middle River Rd., between Bird River and Pawnee Rds., n/of S/side of Compass Rd.
15th Election District - 6th Councilmanic District
Legal Owner(s): Thomas Tillman, Jr., President
Contract Purchaser: Mark Sapperstein, President

Special Hearing: to allow modification of standards to permit building length for a group of single-family attached homes of 193 ft. instead of 180 ft. and to allow modification of standards to permit 8 single-family attached homes in-group instead of 6. **Variance:** to permit lot width as narrow as 39-ft. instead of 75 ft., front yard setback of 10-20 ft. instead of 20/40 ft. (arterial); rear yard setback of 18-28 ft. instead of 40 ft.; front building face/public street right-of-way setback of 14-20 ft. instead of 25/45 ft. (arterial); an additional porch encroachment of 6 ft. into front building setback; side building face setback of 15 ft. instead of 15-25 ft./35-45 ft. (arterial); side building face/paving of private road setback of 12 ft. instead of 25 ft.; rear building face/rear property line setback of 10-20 ft. instead of 30 ft.; building face/tract boundary setback of 10-20 ft. instead of 30/50 ft. (arterial); minimum private yard area of 0-400 sq. ft. instead of 500 sq. ft.; building length of 257 ft. instead of 180 ft.; building height of 50 ft within 100 ft. RTA instead of 35 ft., from requirement to provide 50 ft. RTA to allow clearing, grading, and landscaping, and construction of Lot 739; a 37 ft. and 58 ft. RTA setback instead of 75 ft. to allow construction of Lots 71 and Lots 738-740, front building face or rear building face to tract boundary setback of 20 ft. instead of 40 ft., building height of 60 ft. instead of 50 ft.; building length of 323 ft. instead of 240 ft.

Hearing: Friday, June 25, 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 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.

6/082 June 10 8134

CERTIFICATE OF PUBLICATION

6/10/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/10/, 2004.

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

P. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 37265

DATE 5/14/04 ACCOUNT R-001-006-6150

AMOUNT $ 650.00

RECEIVED FROM: Miramar Development, LLC

FOR: Special Hearing & Variance (04-528-SPHA)

ES of MIDDLE RIVER ROAD, N. AND S. OF COMPASS ROAD

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
5/14/2004	5/14/2004	10:50:00	2

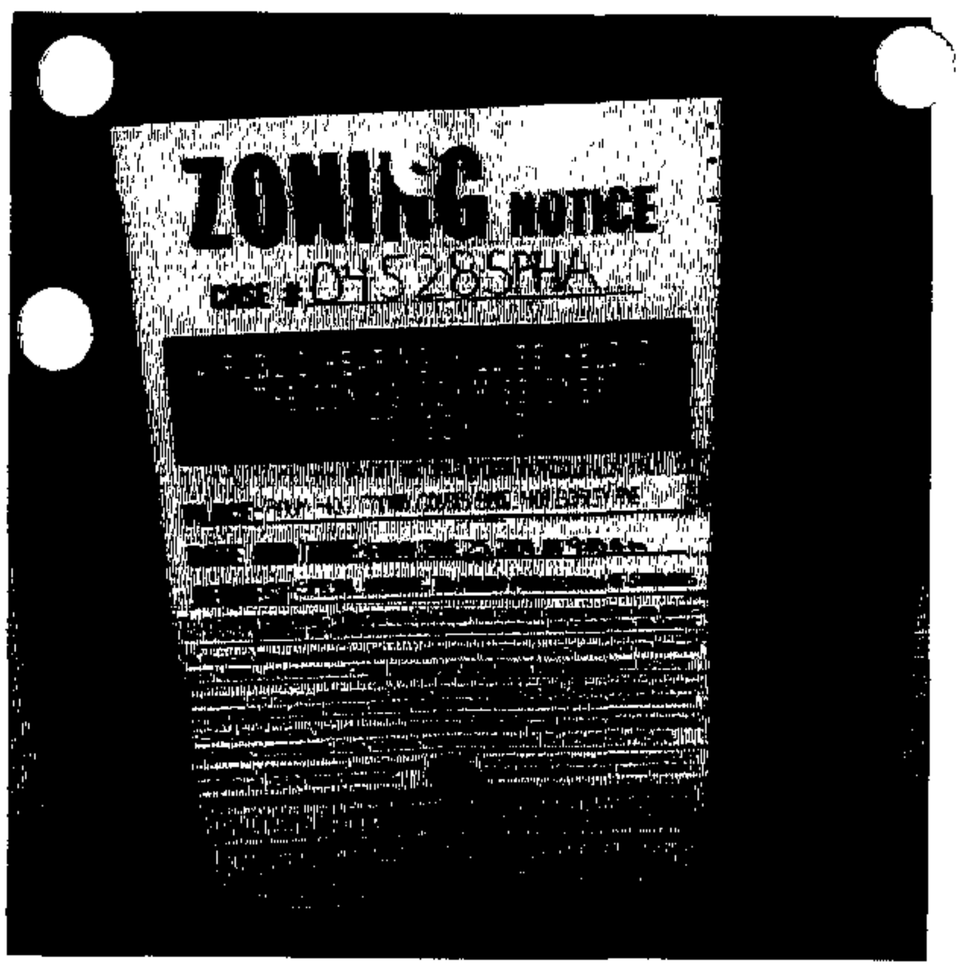
REG WS04 WALKIN DOCL DNR
>RECEIPT # 265666 5/14/2004 DELN
Dept 5 528 ZONING VERIFICATION
CR NO. 037265
Recpt Tot $650.00
$650.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

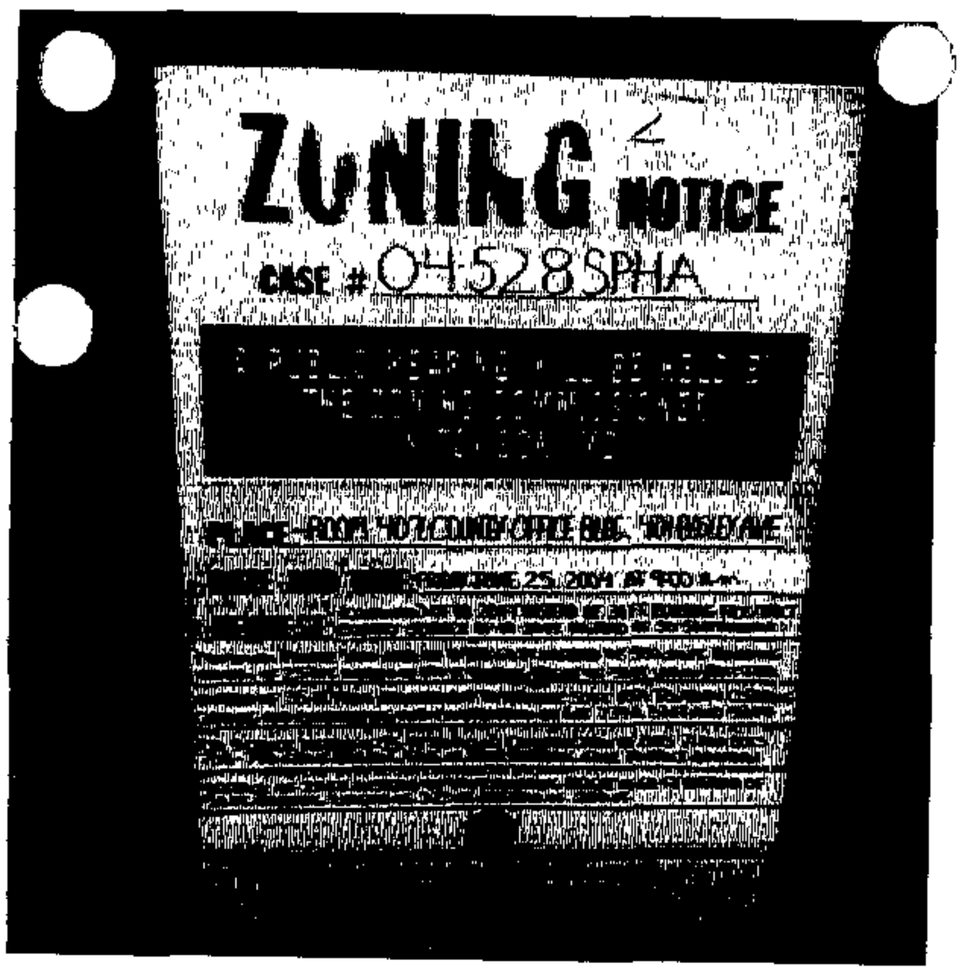
Posting/Advertising Language for Miramar Landing
Zoning Relief

Case No. 04-528-SPHA

Variance to permit lot width as narrow as 39 ft. instead of 75 ft.; front yard setback of 10-20 ft. instead of 20 ft./40 ft. (arterial); rear yard setback of 18-28 ft. instead of 40 ft.; front building face/public street right-of-way setback of 14-20 ft. instead of 25 ft./45 ft. (arterial); an additional porch encroachment of 6 ft. into front building setback; side building face/side building face setback of 15 ft. instead of 20 ft.; side building face/public street right-of-way setback of 10-15 ft. instead of 15-25 ft./35-45 ft. (arterial); side building face/paving of private road setback of 12 ft. instead of 25 ft.; rear building face/rear property line setback of 10-20 ft. instead of 30 ft.; building face/tract boundary setback of 10-20 ft. instead of 30 ft./50 ft. (arterial); minimum private yard area of 0-400 sq. ft. instead of 500 sq. ft.; building length of 257 ft. instead of 180 ft.; building height of 50 ft. within 100 ft. RTA instead of 35 ft.; from requirement to provide 50 ft. RTA to allow clearing, grading, and landscaping and construction of Lot 739; a 37 ft. and 58 ft. RTA setback instead of 75 ft. to allow construction of Lot 71 and Lots 738-740; front building face or rear building face to tract boundary setback of 20 ft. instead of 40 ft.; building height of 60 ft. instead of 50 ft.; building length of 323 ft. instead of 240 ft.; **Special Hearing** for modification of standards to permit 8 single-family attached homes in group instead of 6; modification of standards to permit building length for group of single-family attached homes of 193 ft. instead of 180 ft.


ZONING NOTICE
CASE # 04528SPHA

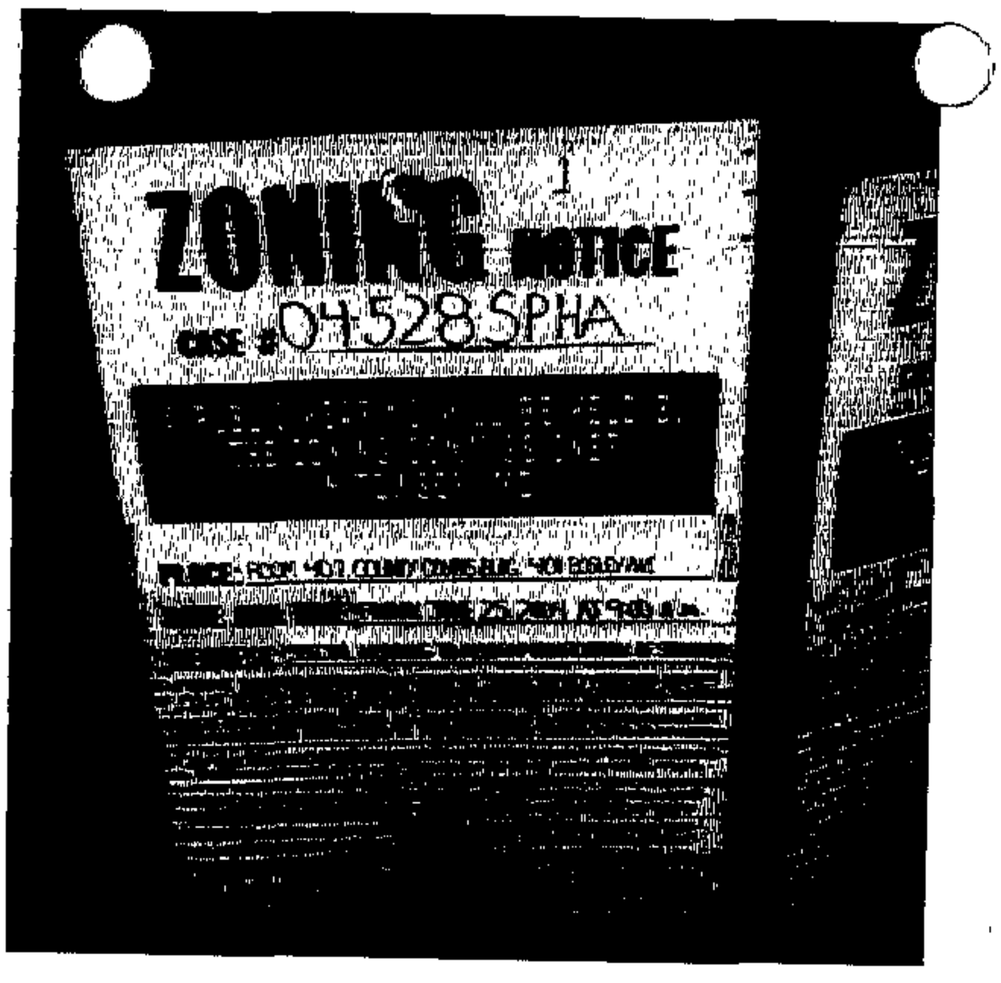
A (1)


ZONING NOTICE
CASE # 04528SPHA

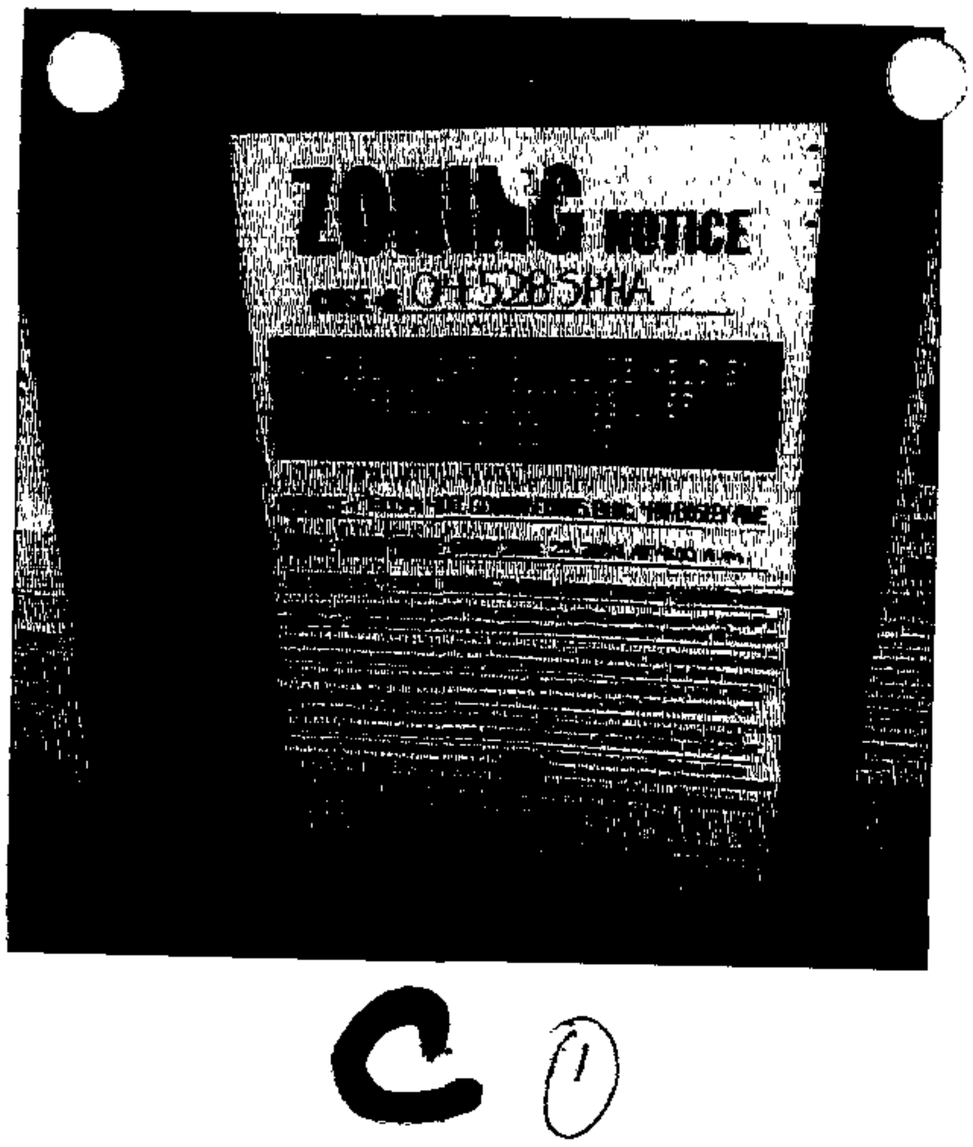
A (2)


ZONING NOTICE
CASE # 04528SPHA

B (2)


ZONING NOTICE
CASE # 04528SPHA

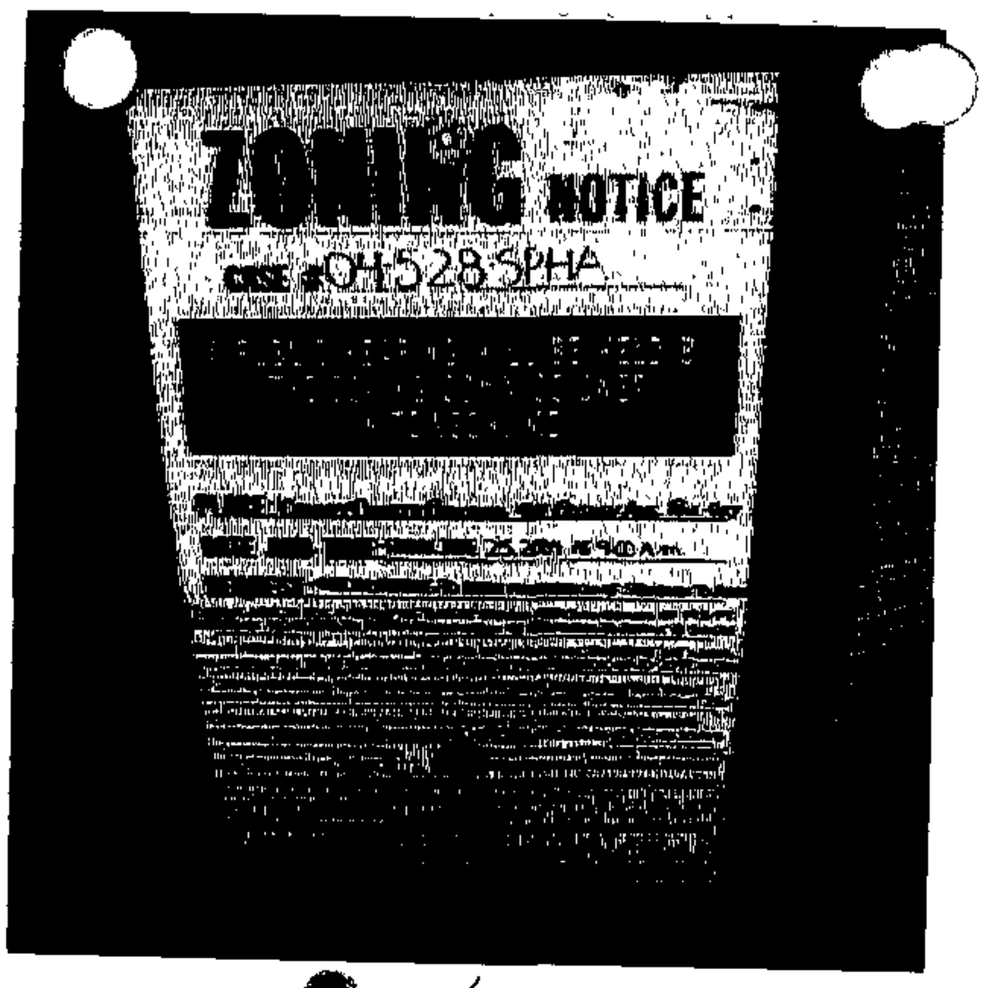
B (1)


ZONING NOTICE
CASE #04-528-SPHA

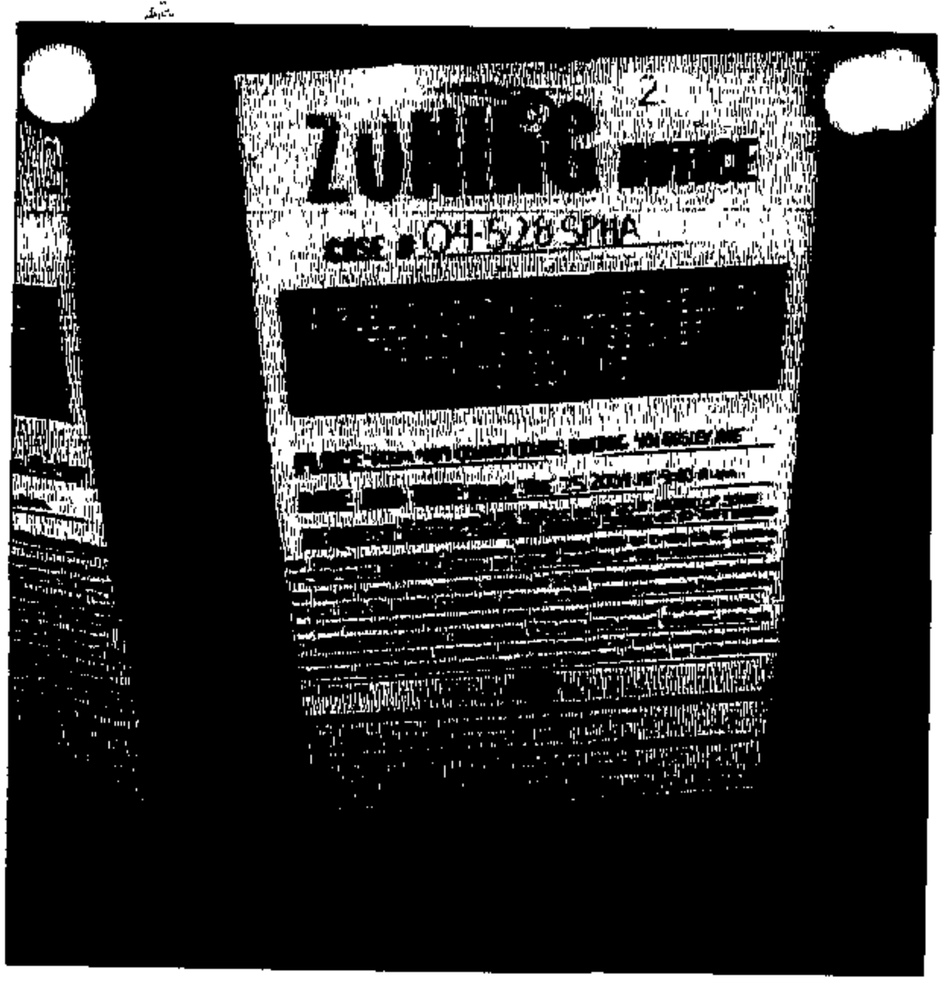
C 1


ZONING NOTICE
CASE #04-528-SPHA

C 2


ZONING NOTICE
CASE #04-528-SPHA

D 1


ZONING NOTICE
CASE #04-528-SPHA

D 2

CERTIFICATE

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:

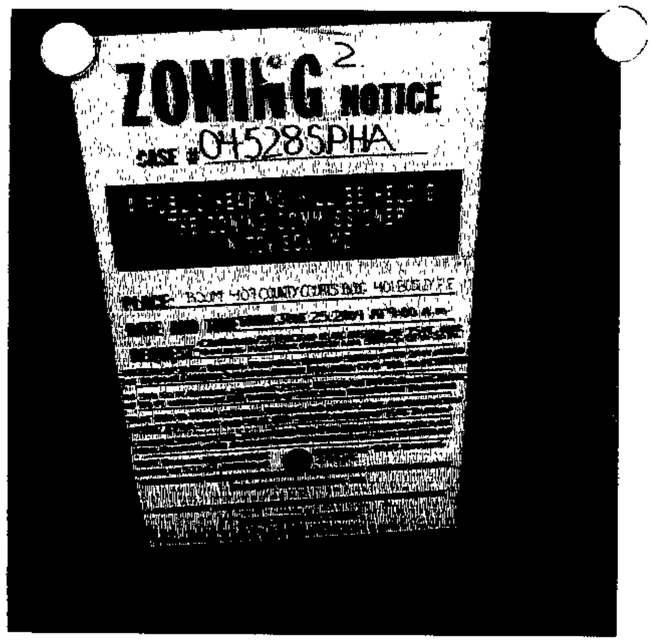
This letter is to certify under the penalties of perjur
posted conspicuously on the property located at: ___

5 SIGNS, 2 FOR EACH ZONI

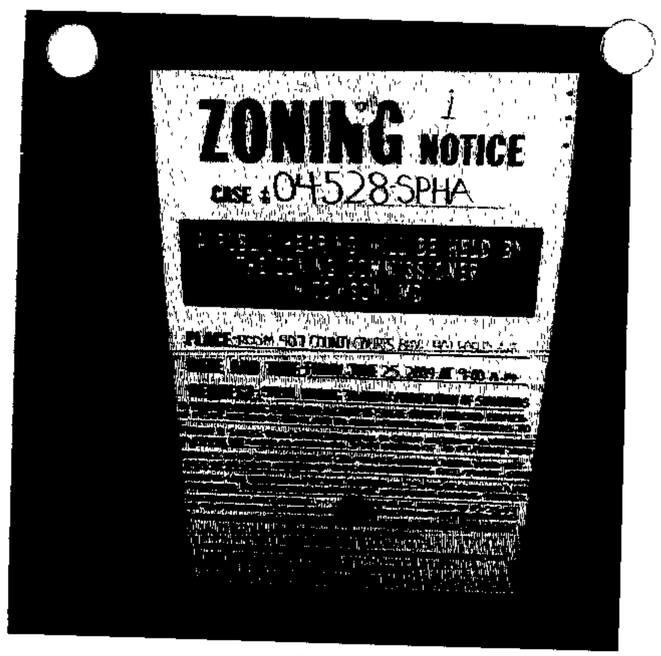
COMPASS & MIDDLERIVER, MIDDLER
LANNERTON & COMPASS

The sign(s) were posted on _____ JI
(Mo

Sinc



E (2)



E (1)

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

May 21, 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: 04-528-SPHA
Middle River Road
E/side of Middle River Rd., between Bird River and Pawnee Rds., n/of S/side of Compass Rd.
15th Election District – 6th Councilmanic District
Legal Owner: Thomas Tillman, Jr., President
Contract Purchaser: Mark Sapperstein, President

Special Hearing to allow modification of standards to permit building length for a group of single-family attached homes of 193 ft. instead of 180 ft. and to allow modification of standards to permit 8 single-family attached homes in-group instead of 6. Variance to permit lot width as narrow as 39-ft. instead of 75 ft., front yard setback of 10-20 ft. instead of 20/40 ft. (arterial); rear yard setback of 18-28 ft. instead of 40 ft.; front building face/public street right-of-way setback of 14-20 ft. instead of 25/45 ft. (arterial); an additional porch encroachment of 6 ft. into front building setback; side building face setback of 15 ft. instead of 15-25 ft./35-45 ft. (arterial); side building face/paving of private road setback of 12 ft. instead of 25 ft.; rear building face/rear property line setback of 10-20 ft. instead of 30 ft.; building face/tract boundary setback of 10-20 ft. instead of 30/50 ft. (arterial); minimum private yard area of 0-400 sq. ft. instead of 500 sq. ft.; building length of 257 ft. instead of 180 ft.; building height of 50 ft. within 100 ft. RTA instead of 35 ft., from requirement to provide 50 ft. RTA to allow clearing, grading, and landscaping, and construction of Lot 739; a 37 ft. and 58 ft. RTA setback instead of 75 ft. to allow construction of Lots 71 and Lots 738-740, front building face or rear building face to tract boundary setback of 20 ft. instead of 40 ft., building height of 60 ft. instead of 50 ft.; building length of 323 ft. instead of 240 ft.

Hearing: Friday, June 25, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, Venable, 210 Allegheny Ave., Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 10, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 10, 2004 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson, MD 21204

410-494-6200

NOTICE OF ZONING HEARING

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E/side of Middle River Rd., between Bird River and Pawnee Rds., n/of S/side of Compass Rd.
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Hearing: Friday, June 25, 2004, at 9:00 a.m. in Room 407, County Courts Building,
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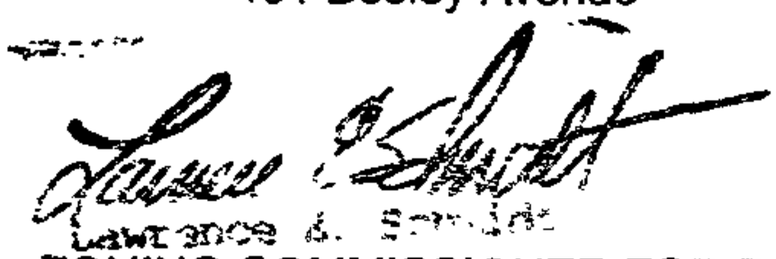


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 04-528-SPHA

Petitioner: [redacted] TILLMAN COMPANY, INC.

Address or Location: ES of Middle River Road, N and S of Compass Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: 210 Allegheny Ave
Towson MD 21204

Telephone Number: (410) 494-6200

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

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

June 17, 2004

Robert A. Hoffman
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number 04-528-SPHA, Middle River Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 14, 2004.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Mark Sapperstein Miramar Development 28 Walker Blvd. Baltimore 21208

MIR/MAR 6/25

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED
JUN 16 2004
ZONING COMMISSIONER

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/JOD

DATE: June 9, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 24, 2004

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

04-518
04-524
04-525
04-528

Reviewers: Sue Farinetti, Dave Lykens

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

6/25
MIRIMAR
HOH

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 3, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For June 1, 2004
Item Nos. 516, 518, 519, 524, 525,
527, and 528

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

RWB:CEN:jrb

cc: File

Post-it® Fax Note 7671	Date 6/9/04	# of pages ▶ 3
To Robin	From Carol Brown	
Co./Dept Zoning Comm Off	Co. DPR	
Phone #	Phone # 3751	
Fax # 3468	Fax # 9877	

ZAC-06-01-2004-NO COMMENT ITEMS – 516-529-06032004

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 3, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For June 1, 2004
Item Nos. ~~516~~, 518, 519, 524, 525,
527, and 528

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

RWB:CEN:jrb

cc: File

ZAC-06-01-2004-NO COMMENT ITEMS – 516-529-06032004

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

State Highway Administration — Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.25.04

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

RE: Baltimore County
Item No. 528 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,

K. A. McDonald

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

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 9, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 1, 2004

Item No.: 516, 518, 519-522, 524, 525, 527-529 528

Dear Ms. Hart:

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

6. The Fire Marshal's Office has no comments at this time.

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

cc: File

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

(410) 494-6285 dhkarceski@venable.com

February 21, 2006

HAND-DELIVERED
Timothy M. Kotroco, Director
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Plan Refinement – Miramar Landing
E/S Middle River Road, South of Bird Road
15th Election District, 6th Councilmanic District
Case Nos. XV-819 & 04-528-SPHA

Dear Mr. Kotroco:

This firm represents the legal owner of the above-referenced property known as "Miramar Landing." Our client has an approved development plan to build 840 residential units on the property and now proposes to revise the plan by slightly adjusting the position of 156 single-family detached units within the established lot lines. I am writing to confirm that this refinement of the development plan, as described in detail below, is within the spirit and intent of an Order issued by the Hearing Officer on July 14, 2004 (the "2004 Order").

By way of brief history, the Hearing Officer/Deputy Zoning Commissioner, John V. Murphy, approved the development plan for Miramar Landing, a Petition for Special Hearing, and a Petition for Variance in the 2004 Order. I have enclosed for your review copies of the 2004 Order and the approved development plan, entitled "DEVELOPMENT/ AUTHORIZATION PLAN—MIRAMAR LANDING" (the "Development Plan"). The 2004 Order identifies the zoning relief for the lots of Miramar Landing. Among the approved variances for single-family detached units were: (1) "variance from Section 1B01.2.C.1.b to permit a minimum side building face to side building face of 15 ft. in lieu of the required 20 ft." for lots 426-503, 506-559, and 561-581; (2) "variance from Section 1B01.2.C.1.b to permit a minimum side building face to public street right-of-way of 13 ft. in lieu of the required 15 ft." for lot 514; and (3) "variance from Section 1B01.2.C.1.b to permit a minimum side building face to paving of a private road of 12 ft. in lieu of the required 25 ft." for lots 435, 444, 449, 458, 459,

484, 490, 495, 513, 541, 546, 560, and 561. These three variances are the only variances relevant to the proposed amendments to the Development Plan.

Our client's intended revisions are shown in red on the enclosed plan, entitled "PLAN TO ACCOMPANY SPIRIT & INTENT LETTER" (the "Spirit and Intent Plan"), as well as on three detailed drawings, also enclosed. A chart on page D-10 of the Spirit and Intent Plan lists the 156 lots affected by the proposed changes (Lots 426-581). Under the Development Plan, each lot contains a twenty-six foot wide dwelling unit, which abuts a lot line on one side and is fifteen feet from the opposite lot line, thereby establishing a fifteen foot setback between adjacent units. As shown on Page D-10 of the Spirit and Intent Plan, our client proposes to shift each dwelling unit three feet from the lot line it previously abutted, such that the unit will be constructed three feet from the lot line on one side, instead of zero feet, and twelve feet from the lot line on the other side, instead of fifteen feet.

The 156 affected lots are grouped together on the property. (See Development Plan, p. D-8). The above-described minor changes will uniformly shift the dwellings on the lots and, therefore, no changes or additions to the variance relief granted by way of the 2004 Order are necessary. The enclosed drawing, labeled "SINGLE FAMILY DETACHED (Moved 3' From Property Line – Interior Units)," shows that each interior adjacent dwelling unit will shift three feet off the lot line and not require further side building face setback relief. With regard to the variance for side building face to public road setback, the enclosed drawing, labeled "SINGLE FAMILY DETACHED (Moved 3' From Property Line – Public Road)," indicates that on Lot 514, the only lot for which this variance is required, the dwelling unit will be downsized from twenty-six feet wide to twenty-two feet wide. No additional variance relief is, therefore, required for Lot 514. With regard to the variance for side building face to private road setback, on seven of the thirteen lots—Lots 435, 444, 449, 458, 459, 484, and 490—the minor shift will not move the units within the permitted twelve foot setback. On the other six lots—Lots 495, 513, 541, 542, 546, and 569—the dwelling units will be downsized from twenty-six feet wide to twenty-two feet wide. (See Spirit and Intent Plan, p. D-10). The enclosed drawing, labeled "SINGLE FAMILY DETACHED (Moved 3' From Property Line)," confirms that the minor shift on these six lots will likewise not require further setback relief. Therefore, the minor adjustments proposed in the Spirit and Intent Plan do not require any variance relief beyond that granted in the 2004 Order.

I recently met with W. Carl Richards, Jr., Supervisor of the Zoning Review Office, to discuss the 2004 Case and the minor revisions outlined in this letter. He expressed some optimism that these changes to the Development Plan would be considered within the spirit and

intent of the 2004 Order. He also requested that we provide the enclosed redlined plans and drawings to document the proposed changes. At this time, I am requesting that you confirm, by countersignature below, your agreement that the minor adjustments to the Development Plan for Miramar Landing, as shown on the Spirit and Intent Plan, are within the spirit and intent of the 2004 Order.

With this letter, I have enclosed a check in the amount of $50.00 made payable to "Baltimore County, Maryland" to cover the administrative costs associated with your review. If you need any further information to complete your review, please feel free to call me.

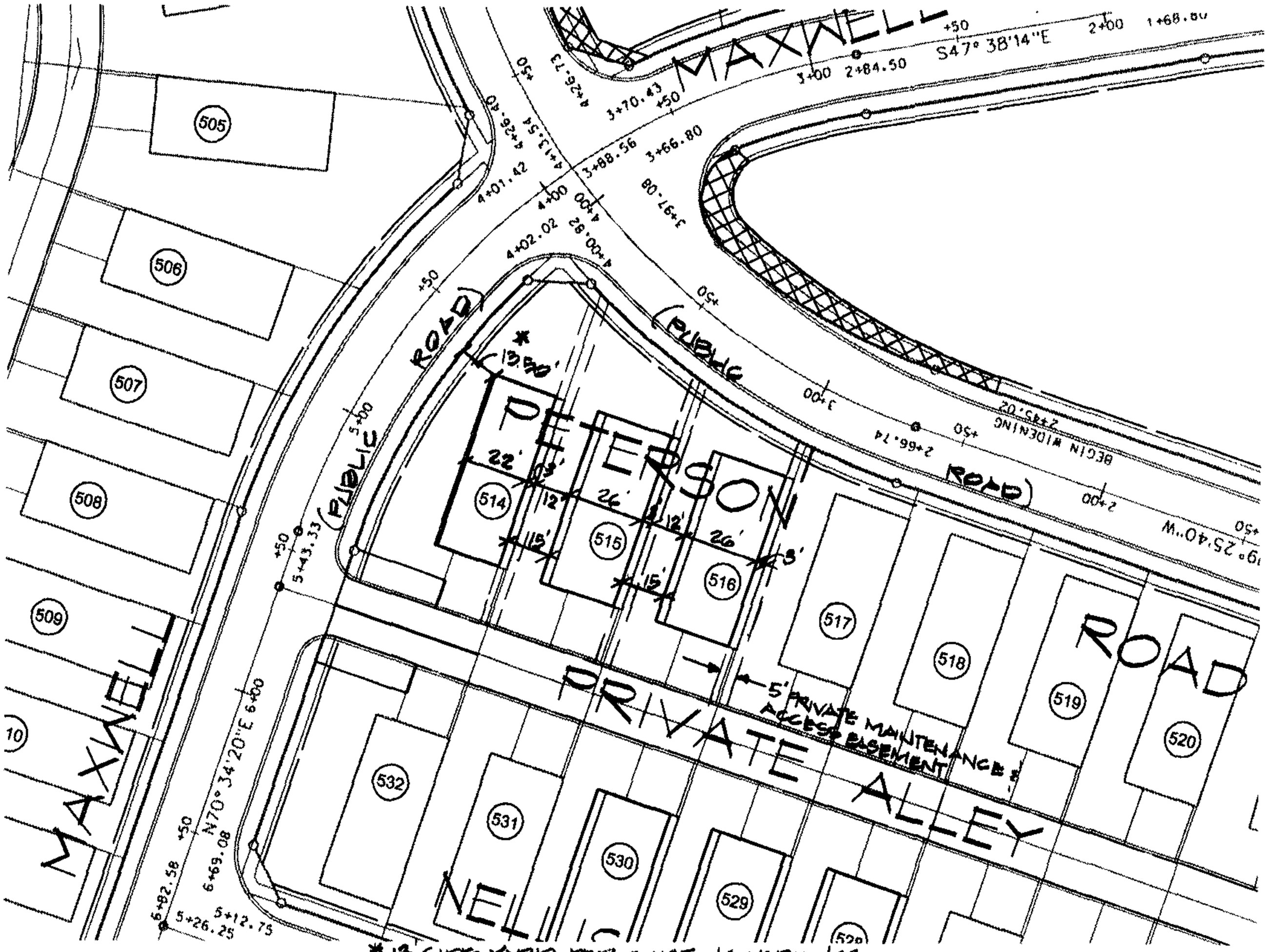
Very truly yours,

David H. Karceski

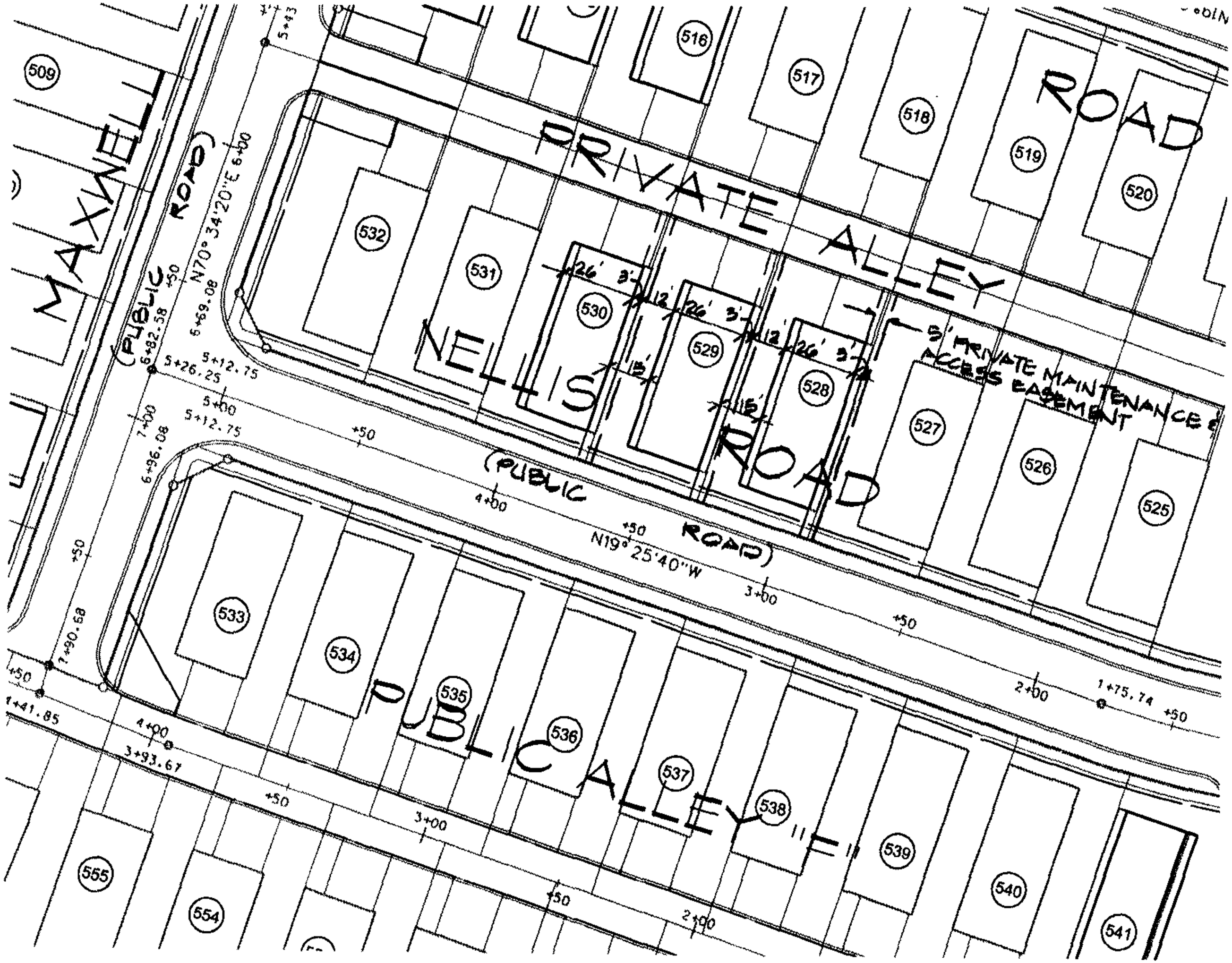
DHK : cdm
Enclosure

REVIEWED AND APPROVED AS BEING IN THE SPIRIT & INTENT OF ZONING CASE # 04-538-SPHA

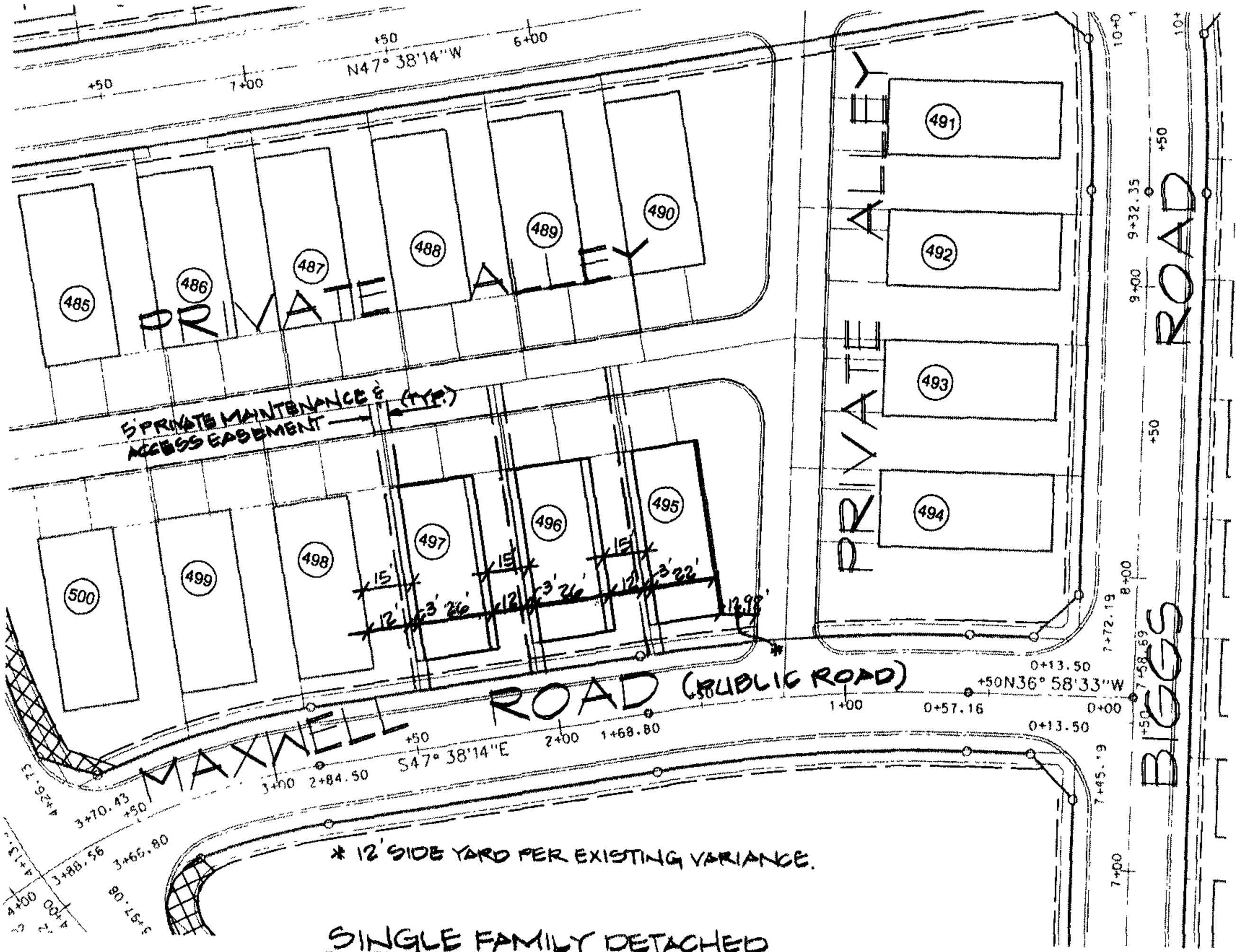
for Timothy M. Kotroco, Director
Department of Permits and
Development Management



SINGLE FAMILY DETACHED
(MOVED 3' FROM PROPERTY LINE- PUBLIC ROAD)
N.T.S.



SINGLE FAMILY DETACHED
(MOVED 3' FROM PROPERTY LINE - INTERIOR UNITS)



* 12' SIDE YARD PER EXISTING VARIANCE.

SINGLE FAMILY DETACHED

(MOVED 3' FROM PROPERTY LINE)

TYPICAL SCENARIO N.T.S.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/JJD

DATE: June 9, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 24, 2004

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

04-518
04-524
04-525
(04-528)

Reviewers: Sue Farinetti, Dave Lykens

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

SITE

POINT OF BEGINNING

POINT OF BEGINNING

ZONING MAPS NE 4-H, NE 4-I, NE 5-H, NE 5-I

0 200' 400'

SCALE: 1" = 200'

ML-IM

PDM # XV-819

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

PLAN TO ACCOMPANY VARIANCE
AND SPECIAL HEARING APPLICATION
ZONING EXHIBIT

MIRAMAR LANDING

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS

JOB NO:	13222
SCALE:	1" = 200'
DATE	05/14/04
DRAWN BY	KC
DESIGN BY	JH/SD
REVIEW BY	JH
SHEET	1 OF 1

04-528-SPHA

OWNER / APPLICANT / CONSULTANT:

1 PROPERTY OWNER
TILLMAN COMPANY, INC
6212 YORK ROAD
BALTIMORE, MD 21212
ATTN BRUCE CAMPBELL
PHONE: 410-435-4600

2 DEVELOPER / APPLICANT
MIRAMAR DEVELOPMENT, LLC
28 WALKER AVENUE
BALTIMORE, MARYLAND 21208
ATTN MARK SAPPERSTEIN
PHONE: 410-653-4600

3 PLAN PREPARED BY
MORRIS & RITCHIE ASSOCIATES, INC (MRA)
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
ATTN JAMES V HERMANN, ASSOCIATE, RLA
PHONE: 410-821-1690

SITE DATA / GENERAL NOTES:

1 GROSS ACREAGE — 101 82 ACRES ± *
NET ACREAGE — 98 15 ACRES ±
2 EXISTING ZONING — D R 3 5, D R 5 5, D R 10 5, D R 16, & BL**
3 EXISTING LAND USE — RESIDENTIAL & COMMERCIAL
4 PROPERTY INFORMATION
a TAX ACCOUNT NUMBER — 1522350120, 1522350121, 1522350122
b DEED REFERENCE — G L B 2940/357 (1956), W J R 3948/409 (1962/1956)
c COUNCILMANIC DISTRICT — 6
d ELECTION DISTRICT — 15
e CENSUS TRACT — 4514
f ADC MAP LOCATION — MAP 37, GRID, F2, F3, G2, & G3
g ZONING MAP REFERENCES — NE 5H, 5I, 4H, & 4I
h TAX MAP — 82&90
i PARCEL — 509
j WATERSHED — BACK RIVER WATERSHED
k SUBSEWERSHED — 4
* NET AREA PLUS ½ OF THE TRACT BOUNDARY ALONG THE PUBLIC STREET RIGHT–OF–WAY THAT THE PROPERTY IS NOT DENIED ACCESS TO, UP TO A MAXIMUM OF 30 FEET
** NOT PART OF THIS PUD–R1 DEVELOPMENT PLAN

5 **DWELLING UNITS PROPOSED:**
SINGLE FAMILY DETACHED — 156 UNITS (3 STORIES)
ATTACHED SINGLE FAMILY (32' UNIT) — 165 UNITS (3 STORIES)
REAR GARAGE ATTACHED SINGLE FAMILY (20' UNIT) — 218 UNITS (3 STORIES)
FRONT GARAGE ATTACHED SINGLE FAMILY (20' UNIT) — 207 UNITS (3 STORIES)
1 BEDROOM UNITS=80
2 BEDROOM UNITS=20
TOTAL SENIOR APARTMENT UNITS — 100 UNITS (4 STORIES)
TOTAL DWELLING UNITS PROPOSED: 846 UNITS

6 DENSITY CALCULATIONS
D R –3 5 (2 66 AC± X 3 5) — 9 31 DU
D R –5 5 (41 23 AC± X 5 5) — 226 77 DU
D R –10 5 (1 62 AC± X 10 5) — 17 01 DU
D R –16 (53 74 AC± X 16) — 859 84 DU
BL (2 57 AC±) — N/A
TOTAL DENSITY UNITS PERMITTED — 1112 93 DU

7 LOT #1 CONTAINS 100 CLASS A APARTMENTS FOR THE ELDERLY
8 THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1962 THE DEVELOPER'S LANDSCAPE ARCHITECT 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
9 OPEN SPACE
• REQUIRED OPEN SPACE
(SINGLE FAMILY FEE SIMPLE UNITS)
ACTIVE OPEN SPACE(746 UNITS X 650 S F) — 484900 S F ±(11 13 AC±)
PASSIVE OPEN SPACE(746 UNITS X 350 S F) — 261100 S F ±(5.99 AC±)
PUD–R OPEN SPACE REQUIREMENTS 101 82 AC± X 20%) — 20 36 AC±
*OPEN SPACE FOR PROPOSED SENIOR, CLASS A, MULTIFAMILY DWELLING UNITS ARE PROPOSED TO BE WAIVED
• PROPOSED OPEN SPACE
ACTIVE OPEN SPACE — 424274 S F ±(9 74 AC±)
PASSIVE OPEN SPACE — 314939 S F ±(7 23 AC±)
HOA COMMON AREA — 140263 S F ±(3 22 AC±)
ACTIVE OPEN SPACE ON GLENMAR ELEM SCHOOL — 427324 S F ±(9 81 AC±)
TOTAL OPEN SPACE — 1306800 S F ±(30 00 AC±)

10 PROPOSED DENSITY UNIT CALCULATIONS
*DENSITY UNITS(D R 3 5, 5 5 &10 5)(324) — 324 DENSITY UNITS
**DENSITY UNITS(D R 16)
(3 BEDROOMS OR MORE =1 5 DENSITY UNITS)x(422) — 633 DENSITY UNITS
**ELDERLY HOUSING UNITS
80–1 BEDROOM UNITS — 60 DENSITY UNITS
20–2 BEDROOM UNITS — 20 DENSITY UNITS
TOTAL PROPOSED DENSITY UNITS — 1037 DENSITY UNITS
*BEDROOM COUNTS NOT APPLICABLE IN D.R 3 5, 5 5 OR 10 5 ZONES
1 DWELLING UNIT=1 DENSITY UNIT IN D R. 3 5, 5 5 &10 5 ZONES
**BEDROOM COUNTS ARE APPLICABLE IN D R 16 ZONE
1 BEDROOM UNIT = 0 75 DENSITY UNIT (APPLIES TO D R 16 ZONE)
2 BEDROOM UNIT = 1 00 DENSITY UNIT (APPLIES TO D R 16 ZONE)
3 BEDROOM UNIT = 1 50 DENSITY UNIT (APPLIES TO D R 16 ZONE)

11 AVERAGE DAILY TRIPS(ADT'S)
SINGLE–FAMILY DETACHED HOUSE (10 0 ADT'S x 156 UNITS) — 1560 ADT'S
TOWNHOUSE (SINGLE–FAMILY ATTACHED)(8 5 ADT'S x 590 UNITS) — 5015 ADT'S
RETIREMENT COMMUNITY (3 5 ADT'S x 100 UNITS) — 350 ADT'S
TOTAL ADT'S — 6925 ADT'S

12 PARKING
RESIDENTIAL PARKING REQUIRED (2 PS/DWELLING UNIT) X 746 = 1492 PS
RESIDENTIAL PARKING PROVIDED
156 SFD UNITS X 4 PARKING SPACES(2 IN GARAGE & 2 IN DRIVEWAY) — 624 PS
165 32' SFA UNITS X 2 PARKING SPACES(1 IN GARAGE & 1 IN DRIVEWAY) — 330 PS
218 20' SFA–R UNITS X 4 PARKING SPACES(2 IN GARAGE & 2 IN DRIVEWAY) — 872 PS
207 20' SFA–F UNITS X 2 PARKING SPACES(1 IN GARAGE & 1 IN DRIVEWAY) — 414 PS
PROPOSED PARKING AT GLENMAR ELEM SCHOOL — 130 PS
TOTAL PARKING SPACES PROVIDED — 2370 PS
*RESIDENTIAL OVERFLOW/VISITOR PARKING CALCULATIONS
165 32' SFA UNITS X 2 PARKING SPACES(1 CAR GARAGE) X 30% — 99 PS
218 20' SFA–R UNITS X 2 PARKING SPACES(2 CAR GARAGE) X 15% — 65 4 PS**
207 20' SFA–F UNITS X 2 PARKING SPACES(1 CAR GARAGE) X 30% — 124 2 PS
TOTAL OVERFLOW/VISITOR PARKING REQUIRED — 288 6 PS***
*THERE ARE NO OVERFLOW/VISITOR PARKING REQUIREMENTS FOR THE SINGLE FAMILY DETACHED UNITS THE PROPOSED PLAN PROVIDES 312 ADDITIONAL PARKING SPACES FOR THE SINGLE FAMILY FAMILY DETACHED UNITS
**436 OVERFLOW/VISITOR PARKING SPACES PROVIDED
***OVERFLOW/VISITOR PARKING PROVIDED AS PARALLEL PARKING ON THE PROPOSED PUBLIC ROADWAYS (PROPOSED RIGHT–OF–WAY & PAVING WIDTHS ARE LARGER THAN REQUIRED AND ARE PROPOSED TO ACCOMMODATE THE OVERFLOW/VISITOR PARKING ON THE PUBLIC ROADWAYS)
SENIOR HOUSING
100 DWELLING UNITS @ 1 PARKING SPACE/1 5 UNIT = 66 67 PARKING SPACES REQUIRED
83 PARKING SPACES PROVIDED

13 ALL PUBLIC UTILITIES WILL BE LOCATED AS REQUIRED PER BALTIMORE COUNTY REGULATIONS
14 STORMWATER MANAGEMENT WILL BE PROVIDED AS REQUIRED
15 THIS SITE HAS PUBLIC WATER AND SEWER
16 ALL PROPOSED ROADS ARE TO BE PUBLIC AND DEDICATED TO BALTIMORE COUNTY AT NO COST (INCLUDING SIDEWALKS)
17 ALL ALLEYS ARE PROPOSED TO BE PRIVATE WITH A 20' PUBLIC ACCESS, DRAINAGE AND UTILITY EASEMENT
18 ALL EXISTING ROADWAYS WITHIN THE LIMITS OF THE TRACT BOUNDARY ARE PRIVATE ROADS (THE EXCEPTION BEING COMPASS ROAD (80' WIDE PUBLIC RIGHT–OF–WAY)).
19 ALL REQUIRED STREETLIGHTS SHALL MEET BALTIMORE COUNTY STANDARDS AND WILL BE INCLUDED AND LOCATED IN FINAL DESIGN
20 SIGNAGE
COMMUNITY ENTRANCE SIGNAGE IS PROPOSED AT THE MAIN ENTRANCE (SEE PLANS FOR DETAILS/LOCATION) IN ADDITION TO COMMUNITY REGULATORY SIGNS ALL SIGNS WILL CONFORM TO SECTION 450 BALTIMORE COUNTY ZONING REGULATION (BCZR)
21 THERE ARE NO 100–YEAR FLOOD PLAINS ON SITE PER FEMA FLOOD PLAIN MAP 240010 0430 B
22 BOUNDARY INFORMATION GENERATED FROM A FIELD SURVEY COMPLETED DECEMBER 2003 BY MORRIS & RITCHIE ASSOCIATES, INC
23 EXISTING TOPOGRAPHY FROM MRA TOPOGRAPHY SURVEY DATED APRIL 13, 2004 (SUPPLEMENTED BY BALTIMORE COUNTY GIS TOPOGRAPHY)
24 ALL EXISTING STRUCTURES ARE TO BE RAZED BY THE DEVELOPER PRIOR TO BUILDING PERMIT
25 THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON SITE. THERE ARE KNOWN UNDERGROUND STORAGE TANKS ADJACENT TO THE SITE:
AMOCO OIL COMPANY – GAS STATION
TAX ACCT #2300004665
DEED REF #14259/584
PARCEL #1390
26 THERE ARE NO KNOWN HISTORICALLY DESIGNATED SITES AS PER THE MARYLAND ARCHAEOLOGICAL SURVEY
27 PER LORI A BYRNE, MARYLAND DEPARTMENT OF NATURAL RESOURCES THERE ARE NO KNOWN THREATENED OR ENDANGERED PLANT OR ANIMAL SPECIES WITHIN THIS PROJECT SITE (MARCH 12, 2004)
28 ACCORDING TO JOHN MCGRAIN, COUNTY HISTORIAN, THERE ARE NO 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 OR ANY BALTIMORE COUNTY HISTORIC DISTRICT OR NATIONAL REGISTER HISTORIC DISTRICT COVERING THE PROPOSED DEVELOPMENT
29 THE PUD–R PROCESS IS BEING UTILIZED TO TRANSFER DENSITY ACROSS ZONING LINES WITHIN THE TRACT BOUNDARY IN ORDER TO IMPLEMENT A HIGHER QUALITY OF DESIGN. THE EXISTING LAND PLAN WAS DESIGNED TO HOUSE WORLD WAR II WORKERS AT MARTIN STATE AIRPORT THE EXISTING SITE CONTAINED OVER 900 RESIDENTIAL UNITS TODAY 408 UNITS STILL EXIST THE CURRENT UTILITY INFRASTRUCTURE WAS DESIGNED TO SERVICE THE 900 PLUS RESIDENTIAL UNITS THE PROPOSED PUD–R PLAN CONTAINS A SIGNIFICANTLY LOWER NUMBER OF UNITS THE EXISTING SCHOOL SYSTEM HAS CURRENT CAPACITY TO MEET THE PROPOSED DEVELOPMENT
30 THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (C B C A).
31 ALL LOTS, WITH THE EXCEPTION OF LOT #1, THE ELDERLY HOUSING FACILITY, ARE FOR SALE.
32 MAXIMUM BUILDING HEIGHT IS 50 FEET IN D R 3 5, 5 5 & 10 5 ZONES AND MAXIMUM BUILDING HEIGHT IN D R 16 ZONE IS 60 FEET. ALL PROPOSED STRUCTURES ARE WITHIN THE REQUIRED BUILDING HEIGHT LIMIT W/ THE EXCEPTION OF THE SENIOR HOUSING BUILDING LOCATED ON LOT #1. A VARIANCE IS BEING REQUESTED
33 ALL DRIVEWAYS AND PARKING AISLES WILL COMPLY WITH SECTION 409.4 (BCZR).
34 ALL PARKING, MANEUVERING AND AISLE AREAS WILL BE PAVED (ASPHALT) AND PERMANENTLY STRIPED.
35 THE DEVELOPER WILL BE RESPONSIBLE FOR PAVING DRIVEWAYS.
36 ANY GARAGE SPACES UTILIZED FOR PARKING CANNOT BE CONVERTED TO LIVING SPACE OR OTHER USES.
37 THE FOLLOWING HAZARDOUS MATERIALS ARE LOCATED AT THE EXISTING MAINTENANCE AREA (3.3 VICTORIA ROAD). ALL HAZARDOUS MATERIALS WILL BE REMOVED AND DISPOSED OF IN ACCORDANCE WITH BALTIMORE COUNTY REGULATIONS.
• 2–275 GALLON ABOVE GROUND OIL STORAGE TANKS.

(CONTINUED) SITE DATA / GENERAL NOTES:

38 NO BALTIMORE COUNTY GRADING PERMIT SHALL BE ISSUED UNTIL AND UNLESS DOCUMENTATION OF STATE AND ARMY CORPS OF ENGINEERS APPROVAL TO IMPACT THE WETLANDS AND ASSOCIATED BUFFER IS RECEIVED BY BALTIMORE COUNTY DEPRM
39 THERE IS NO KNOWN ZONING HISTORY FOR THIS SITE ON FILE AT BALTIMORE COUNTY
40 THE CONCEPT PLAN WAS ACCEPTED FOR FILING ON FEBRUARY 18, 2004 WHICH IS PRIOR TO THE ENACTMENT OF BILL 19–04
41 WETLANDS WERE FIELD–DELINEATED BY GEO–TECHNOLOGY ASSOCIATES AND FIELD SURVEYED BY MORRIS & RITCHIE ASSOCIATES A PLAN WAS SUBMITTED TO DEPRM ON FEB 13, 2004 FOR APPROVAL BY BALTIMORE COUNTY AND WAS APPROVED ON APRIL 6, 2004
42 FOREST STAND DELINEATION PLAN AND WORKSHEETS WERE PREPARED BY GEO–TECHNOLOGY ASSOCIATES, INC AND WERE SUBMITTED TO DEPRM ON FEBRUARY 13, 2004 AND WERE APPROVED ON APRIL 6, 2004
43 THE EXISTING FIRE STATION, ELEMENTARY SCHOOL AND GAS STATION ARE NOT WITHIN THIS PUD R–1 TRACT OR BEING USED FOR DENSITY SUPPORT PURPOSES OR TO SUPPORT ZONING/CMPD STANDARDS
44 THE PROPOSED DEVELOPMENT WILL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL

Petition for Variance

Single-Family Detached Units

1 Variance from BCZR Section 260 2 E 1 a to permit a minimum lot width as narrow as 39 feet in lieu of the required 75 feet (Lots 426-581);

2 Variance from BCZR Sections 1B01 2 C 1 b and 260 2 E 1 b to permit a minimum front yard setback adjacent to an arterial roadway (Middle River Road) of 20 feet in lieu of the required 40 feet (Lots 546-559),

3 Variance from BCZR Section 260 2 E 1 b to permit a minimum front yard setback of 10 feet in lieu of the required 20 feet (Lots 426-500, 506-513, 516-545, 560-581),

4 Variance from BCZR Section 260 2 E 1 c to permit a minimum rear yard setback of 28 feet in lieu of the required 40 feet (Lots 430-500, 514-555)

5 Variance from BCZR Section 260 2 E 1 c to permit a minimum rear yard setback of 18 feet in lieu of the required 40 feet to permit the construction of a deck (Lots 429-504, 506-581);

6 Variance from BCZR Section 1B01 2 C 1 b to permit a minimum side building face to side building face of 15 feet in lieu of the required 20 feet (Lots 426-503, 506-559, 561-581),

7 Variance from BCZR Section 1B01 2 C 1 b to permit a minimum side building face to public street right-of-way of 13 feet in lieu of the required 15 feet (Lot 514),

8 Variance from BCZR Section 1B01 2 C 1 b to permit a minimum side building face to public street right-of-way adjacent to an arterial roadway (Middle River Road) of 15 feet in lieu of the required 35 feet (Lot 560),

9 Variance from BCZR Section 1B01 2 C 1 b to permit a minimum side building face to paving of a private road of 12 feet in lieu of the required 25 feet (Lots 435, 444, 449, 458, 459, 484, 490, 495, 513, 541, 546, 560, 561)

32' Single-Family Attached Units

10 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum front building setback to public street right-of-way for a garage unit of 14 feet in lieu of the required 25 feet (Lots 582-737, 739-746),

11 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum side building face to public street right-of-way for a garage unit of 13 feet in lieu of the required 25 feet (Lots 582, 590, 603, 612, 656, 662, 669, 670, 683, 746);

12 Variance from BCZR Section 301 1 to permit a porch to encroach an additional 6 feet into the front building setback (Lots 582-737, 739-746),

13 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum rear building face to rear property line setback of 20 feet in lieu of the required 30 feet (Lots 582-746);

14 Variance from BCZR Section 1B01.2 C 1 c to permit a minimum rear building face to rear property line setback of 10 feet in lieu of the required 30 feet for the construction of a deck (Lots 582-746);

15 Variance from BCZR Sections 1B01 2 B 2 and 504 2 and CMDP to permit a maximum building length for a group of attached units of 257 feet in lieu of the maximum permitted 180 feet (Lots 635-641, 642-648, 656-669, 688-694, 699-746),

16 Variance from BCZR Section 1B01 1 B 1 c from the requirement to provide a 50 foot residential transition area buffer on the southeast corner of the property and to allow clearing, grading, and landscaping and the construction of Lot 739 in this area,

17 Variance from BCZR Section 1B01 1 B 1 c to permit a 37 foot residential transition area setback on the southeast corner of the property in lieu of the required 75 feet to allow the construction of Lots 738-740

20' Single-Family Attached (Rear Entry Garage) Units

18 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum front building setback to public street right-of way for a garage unit adjacent to an arterial roadway (Middle River Road) of 20 feet in lieu of the required 45 feet (Lots 71-94, 109-126),

19 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum front building setback to public street right-of way for a garage unit of 20 feet in lieu of the required 25 feet (Lots 2-70, 95-108, 127-182, 319-354),

20 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum side building face to public street right-of-way adjacent to an arterial roadway (Middle River Road) of 10 feet in lieu of the required 45 feet setback (Lots 95, 108)

21 Variance from BCZR Section 1B01.2 C 1 c to permit a minimum side building face to public street right-of-way of 15 feet in lieu of the required 25 feet (Lots 32, 33, 101, 102, 167, 168),

22 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum rear building face to rear property line setback of 20 feet in lieu of the required 30 feet for the construction of a deck (Lots 49-94, 96-181, 319-354),

23 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum distance from building face to tract boundary of 20 feet in lieu of the required 30 feet (Lots 319-335),

24 Variance from BCZR Section 1B01.2 C 1 c to permit a minimum distance from building face to tract boundary adjacent to an arterial roadway (Middle River Road) of 10 feet in lieu of the required 50 feet (Lot 71-95, 108-126),

25 Variance from BCZR Section 504 2 and CMDP to permit a minimum private yard area of 0 square feet in lieu of the required 500 square feet (Lots 3-18, 21-31, 34-93, 96-108, 110-143, 145-174, 176-183, 319-334, 337-341, 344-354),

26 Variance from BCZR Section 1B01 1 B 1 c from the requirement to provide a 50 foot residential transition area buffer adjacent to the existing gas station and to allow clearing, grading, and landscaping in this area,

27 Variance from BCZR Section 1B01 1 B 1 c to permit a 58 foot residential transition area setback in lieu of the required 75 feet to allow the construction of Lot 71

28 Variance from BCZR Section 1B01 1.B 1 c and CMDP to permit a maximum building height of 50 feet within the 100 foot residential transition area in lieu of the maximum permitted 35 feet (Lots 71-73),

20' Single-Family Attached (Front Entry Garage) Units

29 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum front building setback to public street right-of-way for a garage unit of 18 feet in lieu of the required 25 feet (Lots 184-318, 355-425),

30 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum side building face to public street right-of-way of 15 feet in lieu of the required 25 feet (Lots 236, 237, 245, 285, 292 293, 301, 302, 310, 318, 355, 368, 377, 390, 407, 417),

31 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum rear building setback of 20 feet in lieu of the required 30 feet (Lots 184-318, 355-425),

32. Variance from BCZR Section 1B01 2 C 1 c to permit a minimum rear building face to rear property line setback of 10 feet in lieu of the required 30 feet for the construction of a deck (Lots 184-318, 355-425);

33 Variance from BCZR Section 1B01 2 C 1 c to permit a minimum distance from a building face to tract boundary of 15 feet in lieu of the required 30 feet (Lots 184-216, 236, 237, 301 302, 318),

34 Variance from BCZR Section 504.2 and CMDP to permit a minimum private yard area of 400 square feet in lieu of the required 500 square feet (Lots 185-190, 193-196, 199-202, 205-207, 210-215, 218-221, 224-227, 230-235, 238-240, 243-244, 247-249, 252-257, 260 265, 268-272, 275-280, 283, 286-291, 294-295, 298-300, 303-305, 308, 309 312-317, 356-360, 362-367, 370-375, 378-382, 385-389, 392-397, 400-405, 408-410, 413-416, 419-424),

Housing for the Elderly (Senior Apartments)

35 Variance from BCZR Section 1B01.2 C 1 e to permit a minimum front or rear building face to tract boundary setback of 20 feet in lieu of the required 40 feet (Lot 1),

36 Variance from BCZR Section 504.2 and CMDP to permit a maximum building height of 60 feet in lieu of the required 50 feet in the DR 5 5 zone (Lot 1),

37 Variance from BCZR Section 504 2 and CMDP to permit a maximum building length of 323 feet in lieu of the permitted 240 feet for a multi-family building (Lot 1),

Petition for Special Hearing

1. Special Hearing pursuant to BCZR Sections 500 7 for approval of a modification of standards from BCZR Section 504 2 and CMDP to permit an increase in the number of attached units to 8 units in lieu of the maximum permitted 6 units (Lots 26-64, 71-115, 138-174, 251-281, 285-292, 311-318, 323-329, 336-342, 355-406, 418-425, 635-648, 656-669, 688-694, 699-746),

2. Special Hearing pursuant to BCZR Sections 500 7 for approval of a modification of standards from BCZR Section 504 2 and CMDP to permit a maximum building length for a group of attached units of 193 feet in lieu of the permitted 180 feet (Lots 598-603, 621-626)

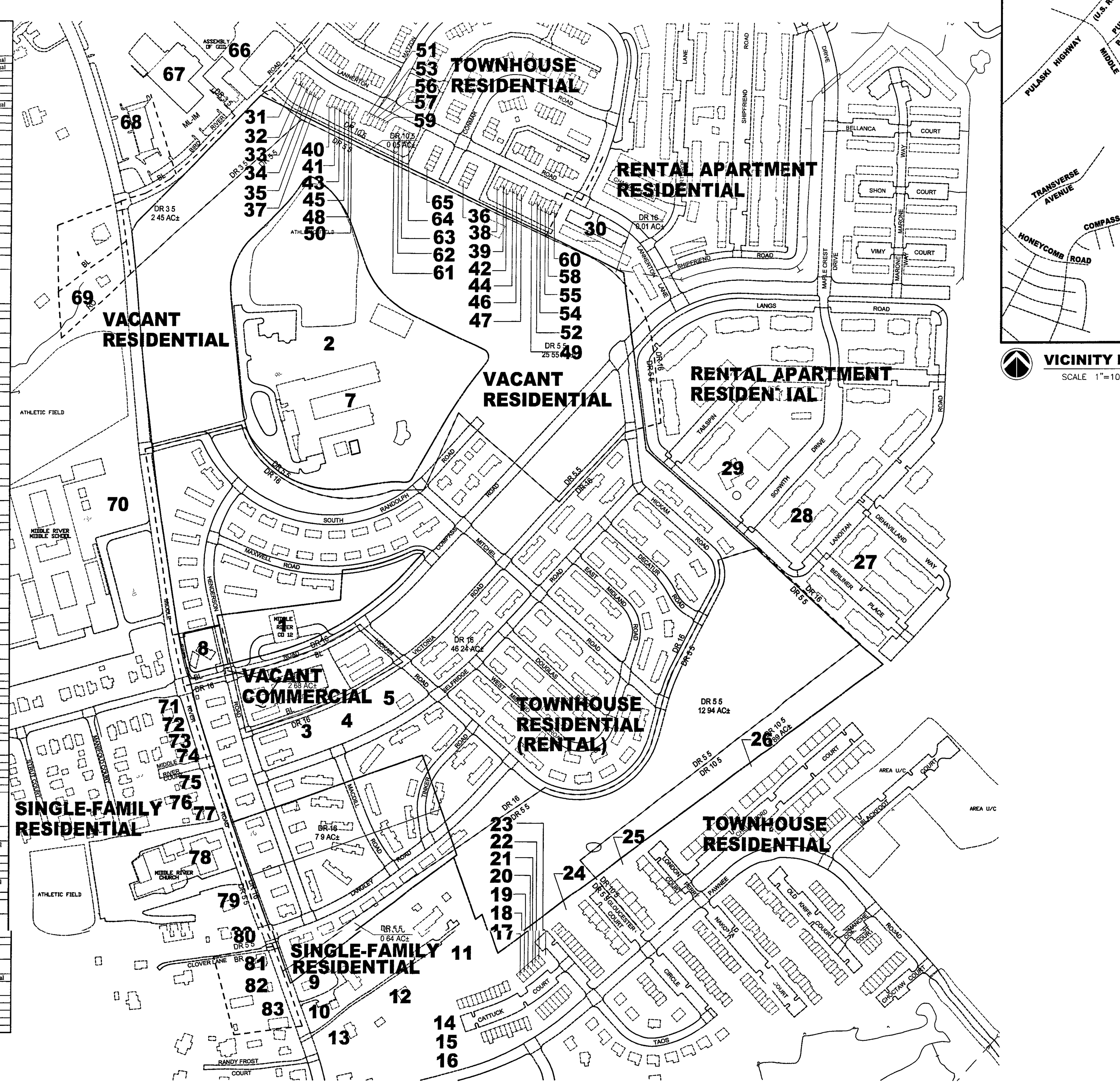
ADJACENT PROPERTY OWNERS

Property Owner Name	Tax Account Number	Deed Reference Number	Tax Map Number	Parcel Number	Lot Number	Zoning	Use
1 Baltimore County (Fire Dept)	1502190463	1) / 3971/ 540	90	509		DR16	Exempt Commercial
2 Board of Education B County	1502574072	1) / 2953/ 307	90	509		DR5 5	Exempt Commercial
3 Tillman Company, Inc	1522350120	1) / 2940/ 357	90	509		DR16	Apartments
4 Tillman Company, Inc	1522350121	1) / 3948/ 409	90	509		DR16	Apartments
5 Tillman Company Inc	1522350122	1) / 3948/ 409	90	509		DR16	Apartments
6 USA Farm Security Admn	1521450086		90	509			Exempt
7 Board of Education B County	1502574044		90	1000		DR5 5	Exempt Commercial
8 Amoco Oil Company	2300004665	1) / 14259/ 584	90	1390		BL	Commercial
9 Westfall Ronald & Mildred	1600001470	1) / 7438/ 274	90	1113	1	DR5 5	Residential
10 Yeager, Thomas G & Anna	1600001469	1) / 5110/ 214	90	1113	2	DR5 5	Residential
11 Alexander, George & Margaret	2200015942	1) / 11192/ 449	90	1368	3		Residential
12 Ramjohn, Nazim & Rampersad Yasmin	2200015941	1) / 10762/ 148	90	1367	2	DR5 5	Residential
13 Minton, Larry A	2200015940	1) / 16620/ 618	90	1366	1	DR5 5	Residential
14 Johnson Village Assoc	2000003453		90	1291		DR5 5	Residential
15 Johnson Village Assoc	2000003452		90	1291		DR5 5	Residential
16 Johnson Village Assoc	2000003454		90	1291		DR5 5	Residential
17 Weis, David T, 3rd	2000003414	1) / 13202/ 167 2) / 13201/ 162	90	1291	12	DR5 5	Residential
18 Clayton, Donald H	2000003415	1) / 18121/ 594	90	1291	13	DR5 5	Residential
19 Zubrowski, Gerald L & Linda M	2000003416	1) / 7561/ 546	90	1291	14	DR5 5	Residential
20 Yepez, Julio & Linda D	2000003417	1) / 7565/ 325	90	1291	15	DR5.5	Residential
21 Akers, Howard J & Mary M	2000003418	1) / 7542/ 239	90	1291	16	DR5 5	Residential
22 Stadler, Sharon Leigh	2000003419	1) / 15171/ 434	90	1291	17	DR5 5	Residential
23 Martins Ridge Homeowners Association, Inc	2000011512	1) / 8265/ 295	90	1314		DR5 5	Residential

Property Owner Name	Tax Account Number	Deed Reference Number	Tax Map Number	Parcel Number	Lot Number	Zoning	Use
24 Baltimore County	2000011186	1) / 9687/ 323	90	1293		DR5 5	Exempt
25 Baltimore County	2000011187	1) / 9687/ 323	90	1293		DR10 5	Exempt
26 Martins Ridge Homeowners Association	2000011190	1) / 8265/ 295	90	1293		DR10 5	Residential
27 Commons at White Marsh IVB LLC	1600004426	1) / 16735/ 160	90	1092		DR16	Commercial
28 Commons at White Marsh IVB LLC	1600014929	1) / 16735/ 160	90	1092		DR16	Apartments
29 Commons at White Marsh IVB LLC	1600006255	1) / 16735/ 147	90	1133		DR16	Apartments
30 Baltimore County	1502190692	1) / 4544/ 277	90	712		DR16	Exempt
31 Jenkins, Jeffrey Lee & Aeja	1502203020	1) / 7382/ 616	82	39	1	DR10 5	Residential
32 Lawrence, Ralph E. & Edith Marie	1502653240	1) / 14242/ 441	82	39	2	DR10 5	Residential
33 Robinson, James Gordon & Susan P	1525450590	1) / 8858/ 105	82	39	3	DR10.5	Residential
34 Weathers, Stephen G & Deborah D	1520660740	1) / 5884/ 800	82	39	4	DR10 5	Residential
35 Bender, Gilbert R. Jr & Kimberly A	1502653280	1) / 8597/ 409	82	39	5	DR10 5	Residential
36 Moorehead, Gilbert W & Lillian E	1513753170	1) / 4931/ 205	82	39	5	DR10 5	Residential
37 Caswell, Leroy W	1519391160	1) / 13861/ 84 2) / 13861/ 81	82	39	6	DR10 5	Residential
38 Green, Iris H	1508007090	1) / 11397/ 397	82	39	6	DR10 5	Residential
39 Cummins, Greg S & Rhonda L	1506572600	1) / 7074/ 408	82	39	7	DR10 5	Residential
40 Stallings, William H & Betty	1519715010	1) / 4908/ 388	82	39	7	DR10 5	Residential
41 Blunt, John F & Peggy	1508551521	1) / 7270/ 79	82	39	8	DR10 5	Residential
42 776 Lannerton LLC	1502655221	1) / 18181/ 725	82	39	8	DR10 5	Residential

Property Owner Name	Tax Account Number	Deed Reference Number	Tax Map Number	Parcel Number	Lot Number	Zoning	Use
43 Hillegass, William C & Pearl E	1508851280	1) / 3595/ 214	82	39	9	DR10 5	Residential
44 Roth, Raymond M & Sharon L	1505150330	1) / 8986/ 27	82	39	9	DR10.5	Residential
45 Kummer, David Michael & Wendy Rose	1519074110	1) / 8235/ 370	82	39	10	DR10 5	Residential
46 Secretary of Housing and Urban Development	1513856530	1) / 18053/ 95	82	39	10	DR10 5	Residential
47 Gadow, Eileen H	1508551800	1) / 16921/ 299	82	39	11	DR10 5	Residential
48 Shown, Richard Allen & Sharon Lynn	1501130580	1) / 7871/ 520	82	39	11	DR10 5	Residential
49 Samaroo, Martin & Taramathee	1502655240	1) / 11500/ 645	82	39	12	DR10 5	Residential
50 Young, Samuel Louis & Rhonda Gail	1510001300	1) / 8011/ 805	82	39	12	DR10 5	Residential
51 Carter, Nicole	1504751650	1) / 11755/ 386	82	39	13	DR10 5	Residential
52. Monnett, Sandra K	1523351330	1) / 11370/ 261	82	39	13	DR10 5	Residential
53 Dundon, Shawn Eric	1519391800	1) / 16709/ 70	82	39	14	DR10 5	Residential
54 Purvis, Mimi	1519271950	1) / 11522/ 529	82	39	14	DR10 5	Residential
55 Kohler, Charles E & Velma L	1523156530	1) / 11677/ 541	82	39	15	DR10 5	Residential
56 Scofield, Jamie L	1513129680	1) / 15226/ 475	82	39	15	DR10 5	Residential
57 Barys, Andrew	1502005320	1) / 12593/ 23	82	39	16	DR10 5	Residential
58 Young, Marilyn L.	1519512820	1) / 5550/ 612	82	39	16	DR10 5	Residential
59 Hoffner, Lloyd M & Bettie L	1508653160	1) / 3612/ 408	82	39	17	DR10 5	Residential
60 Umberger, Scott L	1513208480	1) / 16567/ 164	82	39	17	DR10 5	Residential
61 Janak, Ramhhanie John	1513108300	1) / 15587/ 334	82	39	18	DR10 5	Residential
62 White, Charles W Jr	1523350860	1) / 3611/ 581	82	39	19	DR10 5	Residential
63 Moyers, Gerald Alan	1502573650	1) / 11644/ 401	82	39	20	DR10 5	Residential
64 Hofsommer, Emerson R, Jr	1519271140	1) / 11485/ 1	82	39	21	DR10 5	Residential

Property Owner Name	Tax Account Number	Deed Reference Number	Tax Map Number	Parcel Number	Lot Number	Zoning	Use
65 Tew, Thomas J & Monnie A	1520200330	1) / 3642/ 593	82	39	26	DR10 5	Residential
66 Middle River Assembly of God	1800012956	1) / 5556/ 764	82	172		DR3 5	Exempt Commercial
67 Norvic, LLC	2300001849	1) / 17341/ 100	82	134		ML	Commercial
68 Norvic, LLC	2300001850	1) / 17341/ 100	82	542		BL-ML	Commercial
69 Spear, Joan V	1502200230	1) / 6635/ 21	90	1121		RO	Residential
70 Board of Education of Baltimore County	1502574078		90	138		DR5 5	Exempt Commercial
71 Wright, Betty J	1506451000	1) / 12347/ 171	90	570	161	DR5 5	Residential
72 Carter, Kenneth R & Theresa E	1508654150	1) / 10606/ 93	90	570	163	DR5 5	Residential
73 Myers, Sharon L & John C	1523504520	1) / 16019/ 387 2) / 16019/ 383	90	570	164	DR5 5	Residential
74 Wisniewski, Robert G, Sr	1513752630	1) / 6122/ 808	90	570	166	DR5 5	Residential
75 Mellon, William S, Sr & Allen, Frances H	1514650020	1) / 13990/ 629	90	570	167	DR5 5	Residential
76 Whittington, Michael Dean & Sandra L.	1508654160	1) / 8807/ 8	90	570	82	DR5 5	Residential
77 Middle River Baptist Church	1700008169	1) / 12157/ 216	90	855		DR5 5	Exempt Commercial
78 Welsch, Joseph F & Delores D	1523154430		90	854		DR5 5	Residential
79 Miller, Mary P	1503232120	1) / 14153/ 361	90	416		BR	Commercial
80 Miller, Mary P	1503232121	1) / 14153/ 361	90	416		BL	Commercial
81 Palmisano, Joseph E, Jr	1512000650	1) / 9033/ 10	90	740		BR	Commercial
82 Benson Richard L & Linda	1900010046	1) / 9484/ 441	90	690	1	BR	Commercial
83 Schneider, David Lee	1900010047	1) / 17905/596	90	690	2	BR	Commercial

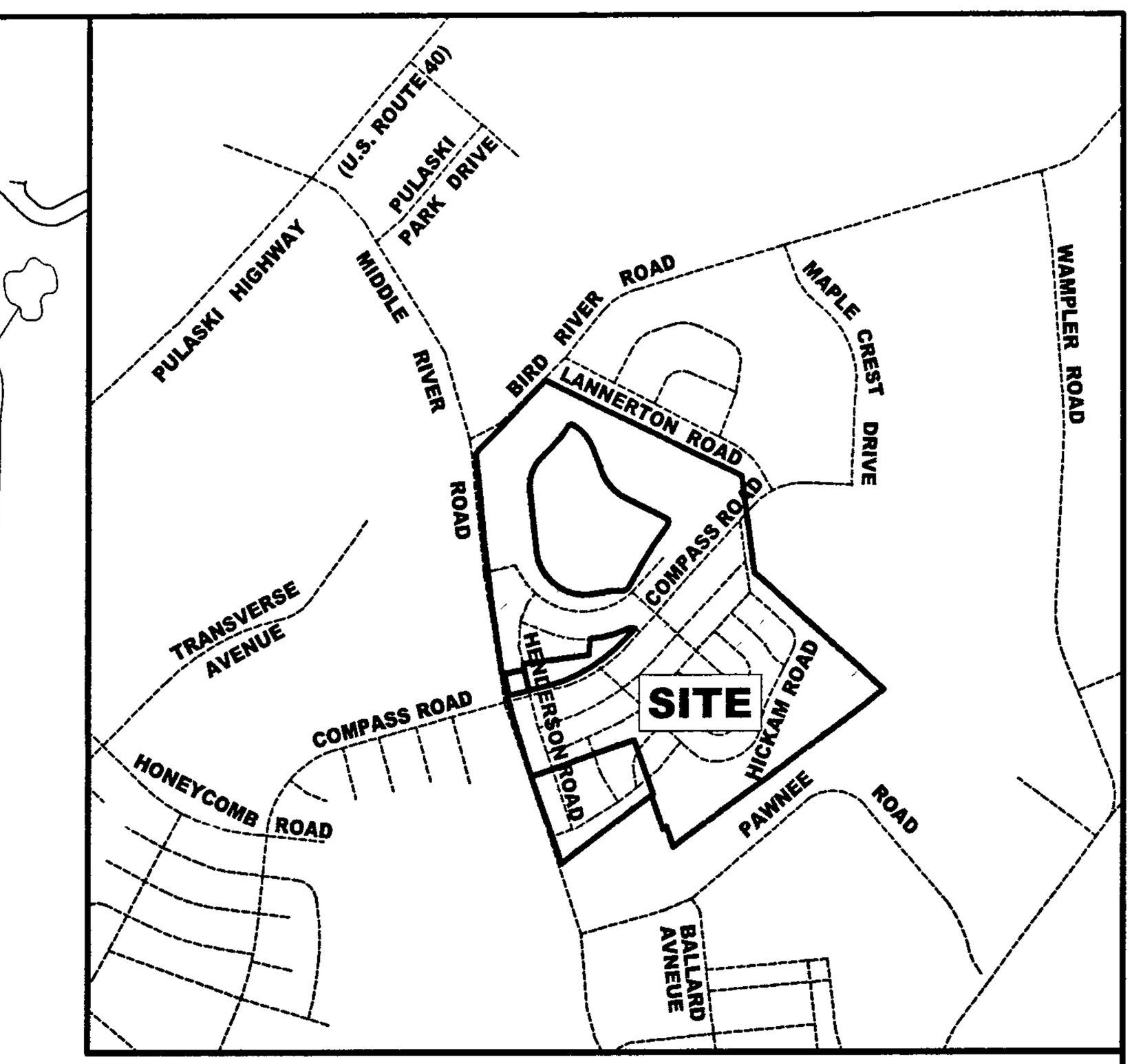


ADJACENT OWNERS MOSAIC
SCALE 1" = 200'

PARKING & OVERFLOW / VISITOR CALCULATIONS

UNIT TYPE	UNIT QUANTITY	SPACES PER UNIT REQUIRED	SPACES PER UNIT TYPE REQUIRED	OVERFLOW/ VISITOR REQUIREMENT	OVERFLOW/ VISITOR REQUIRED	TOTAL SPACES REQUIRED	SPACES PER UNIT PROVIDED	TOTAL SPACES PROVIDED
SINGLE FAMILY DETACHED (SFD)	156	2	312	–	–	312	4	624
32' SINGLE FAMILY ATTACHED (32' SFA)	165	2	330	30%	99	429	2	330
20' SINGLE FAMILY ATTACHED REAR LOADED (20' SFA–R)	218	2	436	15%	65 4	501 4	4	872
20' SINGLE FAMILY ATTACHED FRONT LOADED (20' SFA–F)	207	2	414	30%	124 2	538 2	2	414
TOTAL	746	–	1,492	–	288 6*	1,780 6	–	2,240

*OVERFLOW / VISITOR PARKING PROVIDED AS PARALLEL PARKING ON THE PROPOSED PUBLIC ROADWAYS (PROPOSED PAVING WIDTH DESIGNED TO ACCOMMODATE OVERFLOW/VISITOR PARKING WITHIN PUBLIC RIGHT–OF–WAY)



VICINITY MAP
SCALE 1"=1000'

15 TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

PDM # XV-819

V-01

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

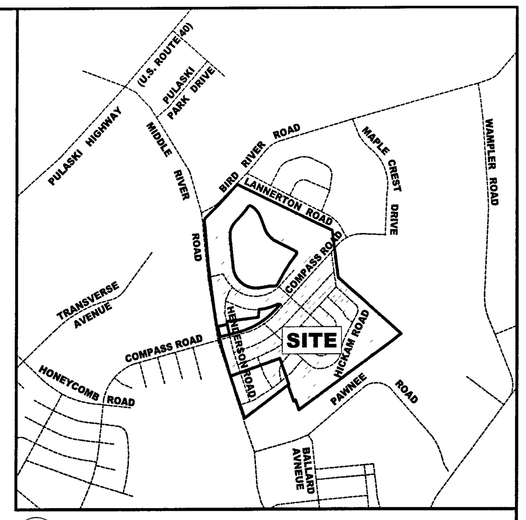
PLAN TO ACCOMPANY VARIANCE AND SPECIAL HEARING APPLICATION NOTES SHEET

MIRAMAR LANDING

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND — REGISTERED LANDSCAPE ARCHITECT — NO 1044

DATE	REVISIONS		
		JOB NO.	13222
		SCALE	AS NOTED
		DATE	05/14/04
		DRAWN BY	KC
		DESIGN BY	JH/SD
		REVIEW BY	JH
		SHEET	1 OF 8



VICINITY MAP
SCALE 1"=1000'

15 TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

OPEN SPACE CHART

LABEL	TYPE	ACREAGE
A-1	ACTIVE HOA OPEN SPACE *	9 81
A-2	ACTIVE HOA OPEN SPACE *	3 76
A-3	ACTIVE HOA OPEN SPACE	0 50
A-4	ACTIVE HOA OPEN SPACE	0 44
A-5	ACTIVE HOA OPEN SPACE	1 17
A-6	ACTIVE HOA OPEN SPACE	3 01
A-7	ACTIVE HOA OPEN SPACE	0 86
	ACTIVE TOTAL	19 55
C-1	COMMON HOA OPEN SPACE	0 04
C-2	COMMON HOA OPEN SPACE	0 02
C-3	COMMON HOA OPEN SPACE	0 04
C-4	COMMON HOA OPEN SPACE	0 04
C-5	COMMON HOA OPEN SPACE	0 06
C-6	COMMON HOA OPEN SPACE	0 06
C-7	COMMON HOA OPEN SPACE	0 14
C-8	COMMON HOA OPEN SPACE	0 50
C-9	COMMON HOA OPEN SPACE	0 17
C-10	COMMON HOA OPEN SPACE	0 01
C-11	COMMON HOA OPEN SPACE	0 01
C-12	COMMON HOA OPEN SPACE	0 01
C-13	COMMON HOA OPEN SPACE	0 02
C-14	COMMON HOA OPEN SPACE	0 02
C-15	COMMON HOA OPEN SPACE	0 02
C-16	COMMON HOA OPEN SPACE	0 02
C-17	COMMON HOA OPEN SPACE	0 01
C-18	COMMON HOA OPEN SPACE	0 01
C-19	COMMON HOA OPEN SPACE	0 01
C-20	COMMON HOA OPEN SPACE	0 01
C-21	COMMON HOA OPEN SPACE	0 02
C-22	COMMON HOA OPEN SPACE	0 04
C-23	COMMON HOA OPEN SPACE	0 05
C-24	COMMON HOA OPEN SPACE	0 02
C-25	COMMON HOA OPEN SPACE	0 02
C-26	COMMON HOA OPEN SPACE	0 02
C-27	COMMON HOA OPEN SPACE	0 02
C-28	COMMON HOA OPEN SPACE	0 02
C-29	COMMON HOA OPEN SPACE	0 02
C-30	COMMON HOA OPEN SPACE	0 02
C-31	COMMON HOA OPEN SPACE	0 02
C-32	COMMON HOA OPEN SPACE	0 02
C-33	COMMON HOA OPEN SPACE	0 06
C-34	COMMON HOA OPEN SPACE	0 03
C-35	COMMON HOA OPEN SPACE	0 02
C-36	COMMON HOA OPEN SPACE	0 04
C-37	COMMON HOA OPEN SPACE	0 02
C-38	COMMON HOA OPEN SPACE	0 02
C-39	COMMON HOA OPEN SPACE	0 20
C-40	COMMON HOA OPEN SPACE	0 18
C-41	COMMON HOA OPEN SPACE	0 03
C-42	COMMON HOA OPEN SPACE	0 12
C-43	COMMON HOA OPEN SPACE	0 02
C-44	COMMON HOA OPEN SPACE	0 05
C-45	COMMON HOA OPEN SPACE	0 08
C-46	COMMON HOA OPEN SPACE	0 11
C-47	COMMON HOA OPEN SPACE	0 02
C-48	COMMON HOA OPEN SPACE	0 02
C-49	COMMON HOA OPEN SPACE	0 05
C-50	COMMON HOA OPEN SPACE	0 06
C-51	COMMON HOA OPEN SPACE	0 28
C-52	COMMON HOA OPEN SPACE	0 08
C-53	COMMON HOA OPEN SPACE	0 02
C-54	COMMON HOA OPEN SPACE	0 02
C-55	COMMON HOA OPEN SPACE	0 02
C-56	COMMON HOA OPEN SPACE	0 04
C-57	COMMON HOA OPEN SPACE	0 02
C-58	COMMON HOA OPEN SPACE	0 04
C-59	COMMON HOA OPEN SPACE	0 02
C-60	COMMON HOA OPEN SPACE	0 04
	COMMON TOTAL	3 22
P-1	PASSIVE HOA OPEN SPACE	0 24
P-2	PASSIVE HOA OPEN SPACE	0 16
P-3	PASSIVE HOA OPEN SPACE	0 07
P-4	PASSIVE HOA OPEN SPACE	0 16
P-5	PASSIVE HOA OPEN SPACE	0 06
P-6	PASSIVE HOA OPEN SPACE	0 24
P-7	PASSIVE HOA OPEN SPACE	0 09
P-8	PASSIVE HOA OPEN SPACE	0 17
P-9	PASSIVE HOA OPEN SPACE	1 41
P-10	PASSIVE HOA OPEN SPACE	0 13
P-11	PASSIVE HOA OPEN SPACE	0 18
P-12	PASSIVE HOA OPEN SPACE	0 18
P-13	PASSIVE HOA OPEN SPACE	1 22
P-14	PASSIVE HOA OPEN SPACE	1 00
P-15	PASSIVE HOA OPEN SPACE *	1 92
	PASSIVE TOTAL	7 23
	OPEN SPACE OVERALL TOTAL ACRES	30 00

* DEDICATED TO BALTIMORE COUNTY

PEDESTRIAN CONNECTIONS TO LONDONPERRY COURT AND GLOUCESTER COURT WILL BE PROVIDED IF PROPOSED GRADING ALLOWS.

SITE LEGEND

- SETBACK LINES
- LOTLINES
- EX PROPERTY LINE
- EX R/W
- EX. 2' CONTOUR
- EX 10' CONTOUR
- PROP 2' CONTOUR
- PROP. 10' CONTOUR
- EX.. CURB & GUTTER
- PROP CURB & GUTTER
- EX SANITARY
- PROP SANITARY
- EX. STORM DRAIN
- PROP STORM DRAIN
- EX WATER
- PROP WATER
- PROP. EASEMENTS
- EX. WOODS LINE / VEGETATION
- PROP. WOODS LINE
- PROP ROADS CENTERLINE
- PROP BUILDING
- ZONING LINE
- LIMIT OF DISTURBANCE
- 25% SLOPE AREAS

OPEN SPACE

- ACTIVE OPEN SPACE AREA CREATED ON GLENMAR ELEMENTARY SCHOOL
- ACTIVE OPEN SPACE AREA TO BE DEDICATED TO BALTIMORE COUNTY
- ACTIVE HOA OPEN SPACE
- PASSIVE HOA OPEN SPACE
- PASSIVE OPEN SPACE AREA TO BE DEDICATED TO BALTIMORE COUNTY
- COMMOM HOA OPEN SPACE

NOTE

NUMBER OF AVERAGE DAILY TRIPS PER INTERSECTION.

NORTH
MARYLAND COORDINATE SYSTEM (MCS)

PDM # XV-819

V-02

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

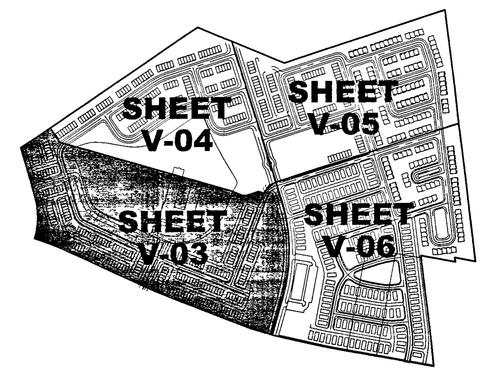
STATE OF MARYLAND — JAMES VINCENT HOWARD — NO. 1046 — REGISTERED LANDSCAPE ARCHITECT

PLAN TO ACCOMPANY VARIANCE
AND SPECIAL HEARING APPLICATION
SITE PLAN
(100 SCALE)

MIRAMAR LANDING

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	
		JOB NO.: 13222
		SCALE 1"=100'
		DATE. 05/14/04
		DRAWN BY KC
		DESIGN BY: JH/SD
		REVIEW BY. JH
		SHEET 2 OF 8



VICINITY MAP
SCALE 1"=1000'

15 TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

SITE LEGEND

- SETBACK LINES
- LOTLINES
- EX PROPERTY LINE
- EX R/W
- EX 2' CONTOUR
- EX 10' CONTOUR
- PROP 2' CONTOUR
- PROP 10' CONTOUR
- EX CURB & GUTTER
- PROP CURB & GUTTER
- EX SANITARY
- PROP SANITARY
- EX STORM DRAIN
- PROP STORM DRAIN
- EX WATER
- PROP WATER
- PROP EASEMENTS
- EX WOODS LINE / VEGETATION
- PROP WOODS LINE
- PROP ROADS CENTERLINE
- PROP BUILDING
- ZONING LINE
- LIMIT OF DISTURBANCE
- 25% SLOPE AREAS
- (# 3) PETITION FOR VARIANCE NUMBER REFERENCE

OPEN SPACE

- ACTIVE OPEN SPACE AREA CREATED ON GLENMAR ELEMENTARY SCHOOL
- ACTIVE OPEN SPACE AREA TO BE DEDICATED TO BALTIMORE COUNTY
- ACTIVE HOA OPEN SPACE
- PASSIVE HOA OPEN SPACE
- PASSIVE OPEN SPACE AREA TO BE DEDICATED TO BALTIMORE COUNTY
- COMMOM HOA OPEN SPACE

0 50 100
SCALE: 50'-0"

MARYLAND COORDINATE SYSTEM (MCS)

NORTH

PDM # XV-819

V-03

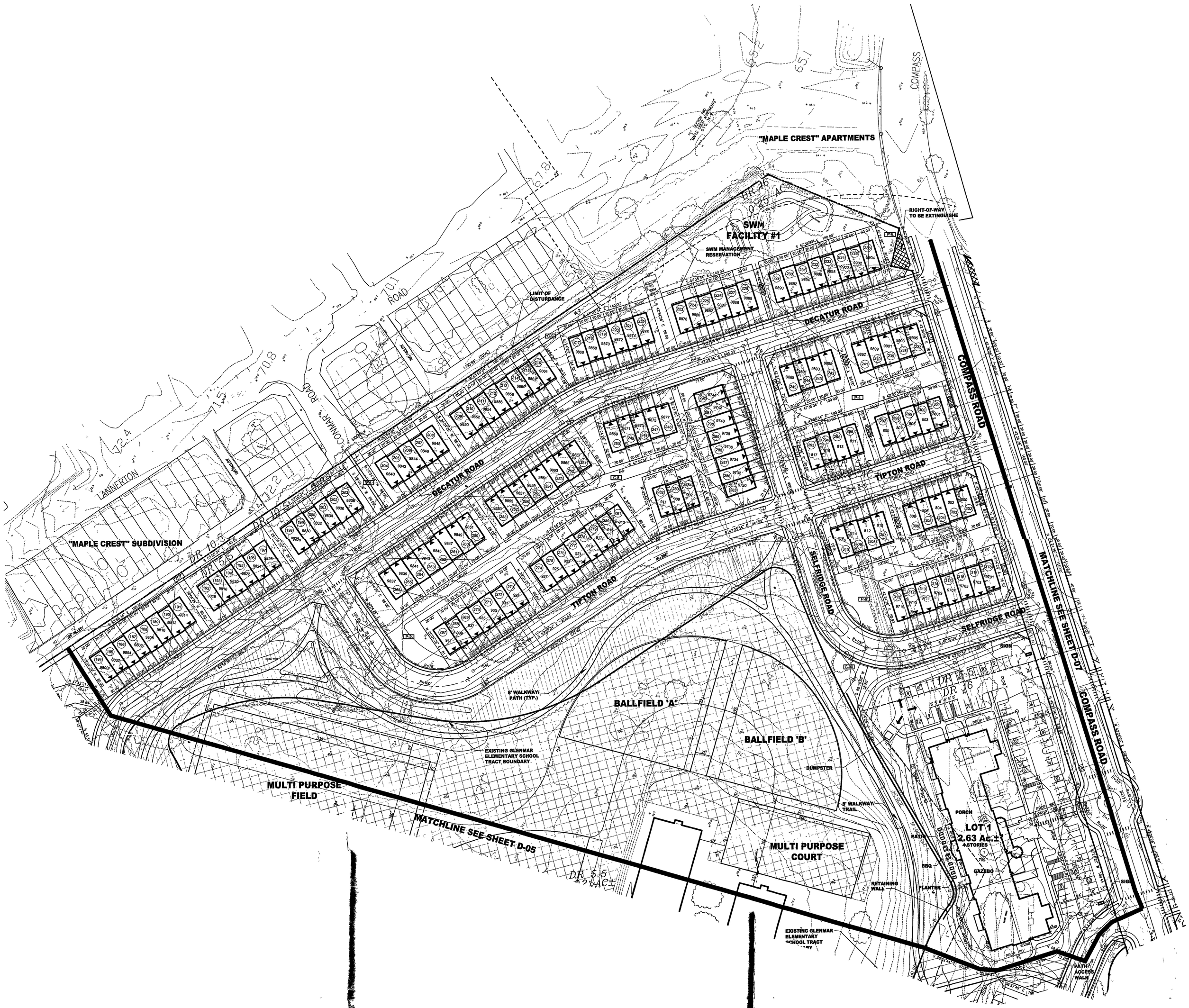
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

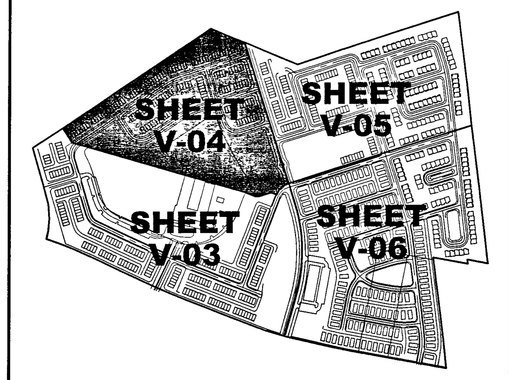
PLAN TO ACCOMPANY VARIANCE
AND SPECIAL HEARING APPLICATION
SITE PLAN - SHEET 1 OF 4
(50 SCALE)

MIRAMAR LANDING

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	13222
		SCALE:	1"=50'
		DATE:	05/14/04
		DRAWN BY	KC
		DESIGN BY	JM/SD
		REVIEW BY	JM
		SHEET	3 OF 8





VICINITY MAP
SCALE 1"=1000'

15 TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

SITE LEGEND

- SETBACK LINES
- LOTLINES
- EX PROPERTY LINE
- EX R/W
- EX 2' CONTOUR
- EX 10' CONTOUR
- PROP 2' CONTOUR
- PROP 10' CONTOUR
- EX CURB & GUTTER
- PROP CURB & GUTTER
- EX SANITARY
- PROP SANITARY
- EX STORM DRAIN
- PROP STORM DRAIN
- EX WATER
- PROP WATER
- PROP EASEMENTS
- EX WOODS LINE / VEGETATION
- PROP WOODS LINE
- PROP ROADS CENTERLINE
- PROP BUILDING
- ZONING LINE
- LIMIT OF DISTURBANCE

25% SLOPE AREAS

(# 1) PETITION FOR VARIANCE NUMBER REFERENCE

OPEN SPACE

- ACTIVE OPEN SPACE AREA CREATED ON GLENMAR ELEMENTARY SCHOOL
- ACTIVE OPEN SPACE AREA TO BE DEDICATED TO BALTIMORE COUNTY
- ACTIVE HOA OPEN SPACE
- PASSIVE HOA OPEN SPACE
- PASSIVE OPEN SPACE AREA TO BE DEDICATED TO BALTIMORE COUNTY
- COMMOM HOA OPEN SPACE

NORTH

MARYLAND COORDINATE SYSTEM (MCS)

PDM # XV-819

V-04

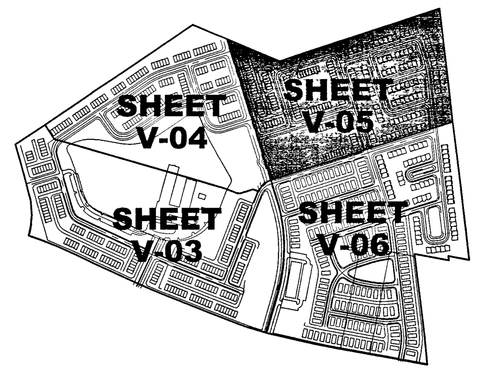
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

PLAN TO ACCOMPANY VARIANCE AND SPECIAL HEARING APPLICATION
SITE PLAN - SHEET 2 OF 4
(50 SCALE)

MIRAMAR LANDING

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	
		JOB NO.: 13222
		SCALE 1"=50'
		DATE: 05/14/04
		DRAWN BY KC
		DESIGN BY JH/SD
		REVIEW BY: JH
		SHEET 4 OF 8



VICINITY MAP
SCALE 1"=1000'

15 TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

SITE LEGEND

- SETBACK LINES
- LOTLINES
- EX PROPERTY LINE
- EX R/W
- EX 2' CONTOUR (112)
- EX 10' CONTOUR (110)
- PROP 2' CONTOUR (112)
- PROP 10' CONTOUR (110)
- EX CURB & GUTTER
- PROP CURB & GUTTER
- EX SANITARY (EX 8" SAN)
- PROP SANITARY (PROP 8" SAN)
- EX STORM DRAIN (EX 18" S.D)
- PROP STORM DRAIN (PROP 15" RCCP)
- EX WATER (EX 10" W)
- PROP WATER (PROP 10" W)
- PROP EASEMENTS
- EX WOODS LINE / VEGETATION
- PROP WOODS LINE
- PROP ROADS CENTERLINE
- PROP BUILDING
- ZONING LINE (ML-IM / BM-IM)
- LIMIT OF DISTURBANCE
- 25% SLOPE AREAS
- (# 1) PETITION FOR VARIANCE NUMBER REFERENCE

OPEN SPACE

- ACTIVE OPEN SPACE AREA CREATED ON GLENMAR ELEMENTARY SCHOOL
- ACTIVE OPEN SPACE AREA TO BE DEDICATED TO BALTIMORE COUNTY
- ACTIVE HOA OPEN SPACE
- PASSIVE HOA OPEN SPACE
- PASSIVE OPEN SPACE AREA TO BE DEDICATED TO BALTIMORE COUNTY
- COMMOM HOA OPEN SPACE

0 50 100
SCALE: 50'-0"

NORTH

MARYLAND COORDINATE SYSTEM (MCS)

PDM # XV-819

V-05

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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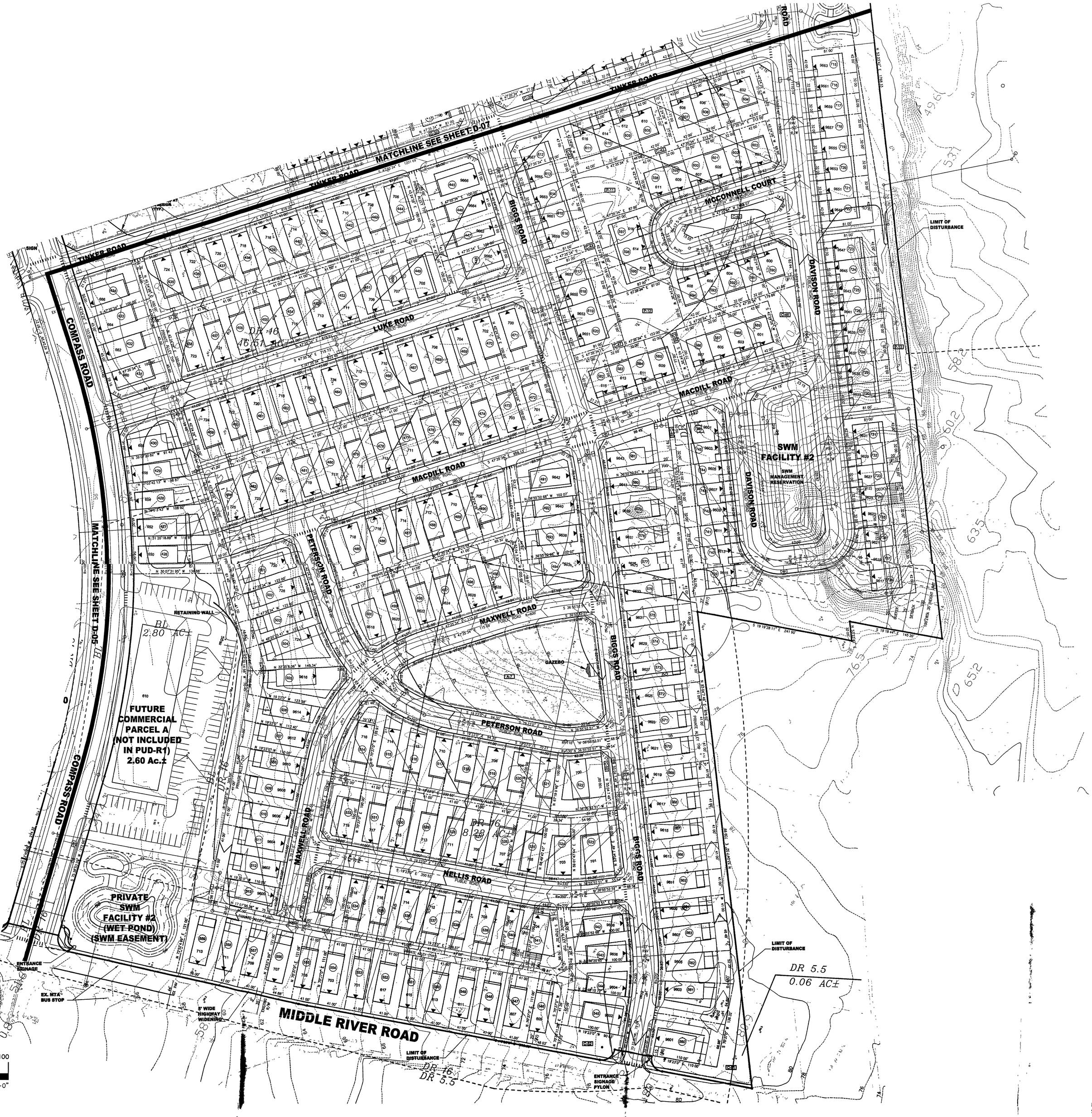
FAX (410) 821-1748

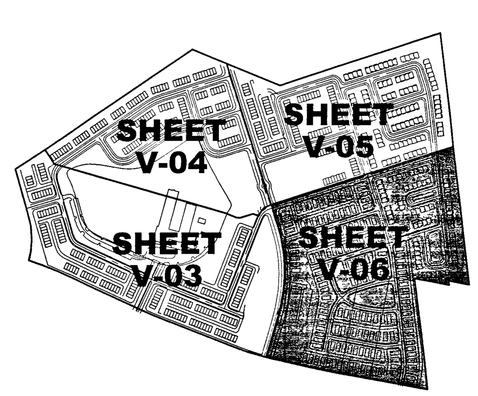
PLAN TO ACCOMPANY VARIANCE
AND SPECIAL HEARING APPLICATION
SITE PLAN - SHEET 3 OF 4
(50 SCALE)

MIRAMAR LANDING

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	13222
		SCALE	1"=50'
		DATE	05/14/04
		DRAWN BY	KC
		DESIGN BY	JH/SD
		REVIEW BY	JH
		SHEET	5 OF 8





VICINITY MAP
SCALE 1"=1000'

15 TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

SITE LEGEND

- SETBACK LINES
- LOTLINES
- EX PROPERTY LINE
- EX R/W
- EX 2' CONTOUR
- EX 10' CONTOUR
- PROP 2' CONTOUR
- PROP 10' CONTOUR
- EX CURB & GUTTER
- PROP CURB & GUTTER
- EX SANITARY
- PROP SANITARY
- EX STORM DRAIN
- PROP STORM DRAIN
- EX WATER
- PROP WATER
- PROP. EASEMENTS
- EX WOODS LINE / VEGETATION
- PROP WOODS LINE
- PROP ROADS CENTERLINE
- PROP BUILDING
- ZONING LINE
- LIMIT OF DISTURBANCE
- 25% SLOPE AREAS
- (# 1) PETITION FOR VARIANCE NUMBER REFERENCE

OPEN SPACE

- ACTIVE OPEN SPACE AREA CREATED ON GLENMAR ELEMENTARY SCHOOL
- ACTIVE OPEN SPACE AREA TO BE DEDICATED TO BALTIMORE COUNTY
- ACTIVE HOA OPEN SPACE
- PASSIVE HOA OPEN SPACE
- PASSIVE OPEN SPACE AREA TO BE DEDICATED TO BALTIMORE COUNTY
- COMMOM HOA OPEN SPACE

NORTH

MARYLAND COORDINATE SYSTEM (MCS)

PDM # XV-819

V-06

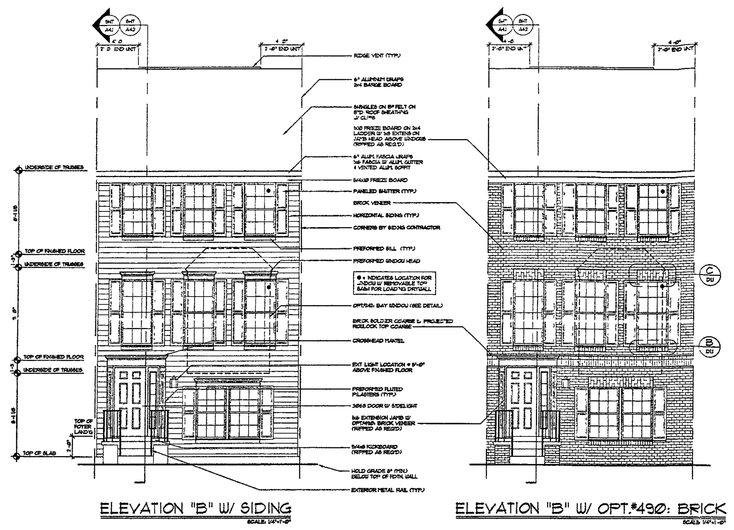
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

PLAN TO ACCOMPANY VARIANCE AND SPECIAL HEARING APPLICATION
SITE PLAN - SHEET 4 OF 4
(50 SCALE)

MIRAMAR LANDING

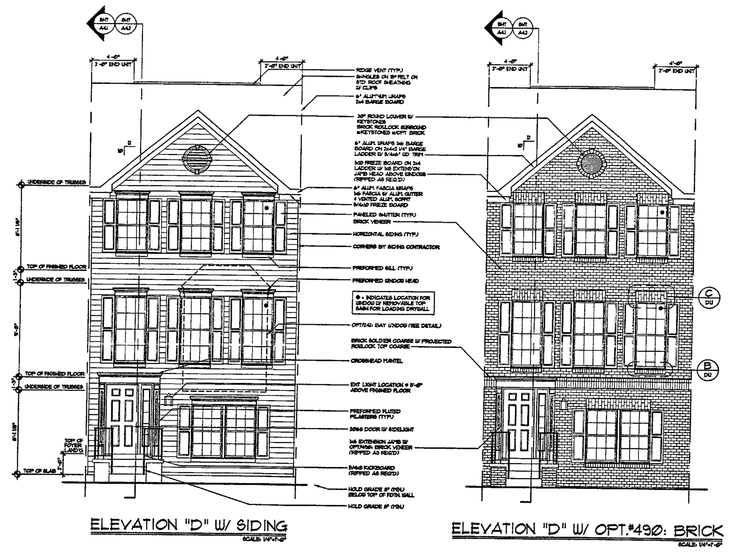
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	13222
		SCALE:	1"=50'
		DATE	05/14/04
		DRAWN BY	KC
		DESIGN BY	JH/SD
		REVIEW BY	JH
		SHEET.	6 OF 8



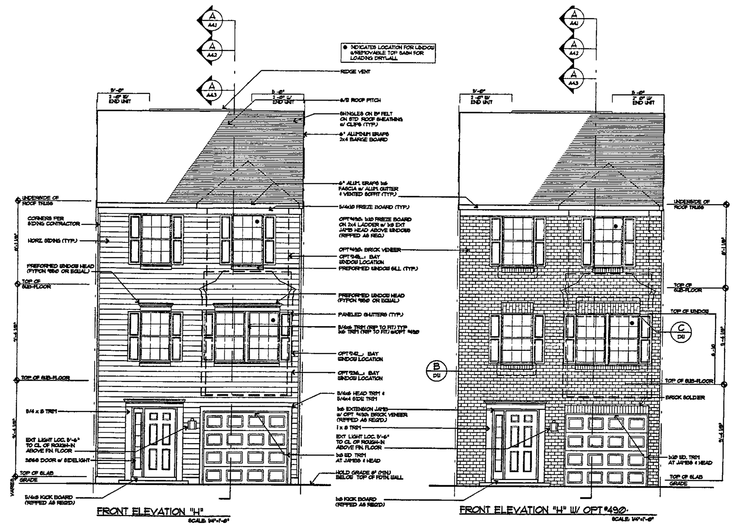
WOODFIELD ELEVATION "B"

20' SINGLE FAMILY ATTACHED REAR GARAGE
NOT TO SCALE



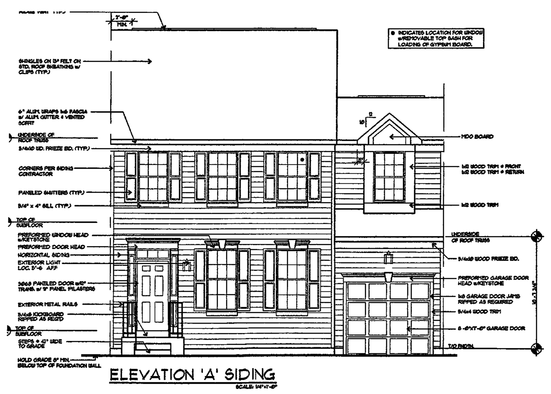
WOODFIELD ELEVATION "D"

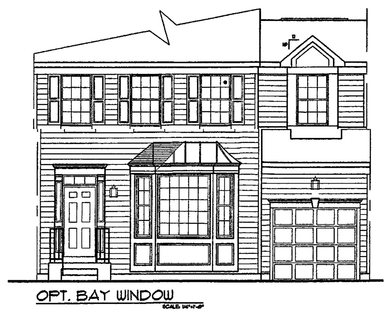
20' SINGLE FAMILY ATTACHED REAR GARAGE
NOT TO SCALE



CHESAPEAKE SERIES

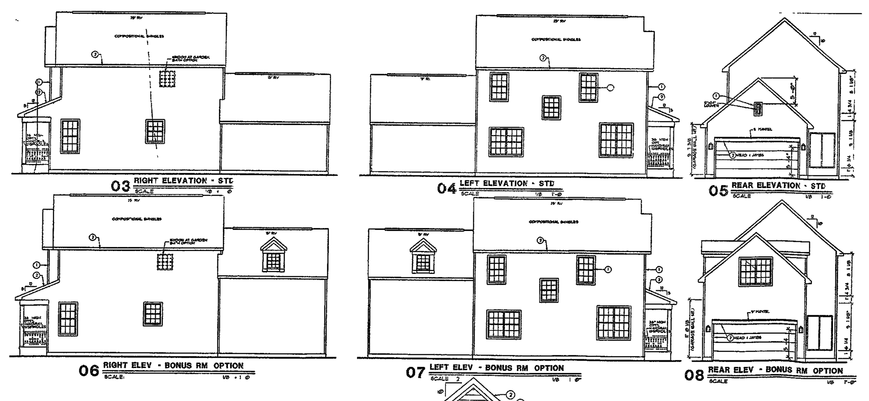
20' SINGLE FAMILY ATTACHED FRONT GARAGE
NOT TO SCALE

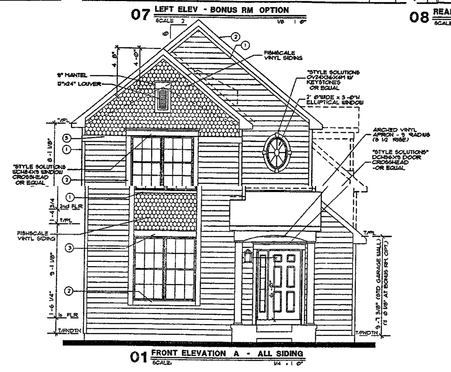




OXFORD TOWNS

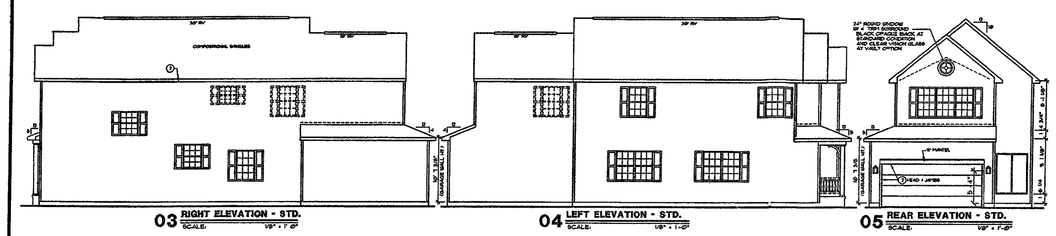
32' SINGLE FAMILY ATTACHED
NOT TO SCALE

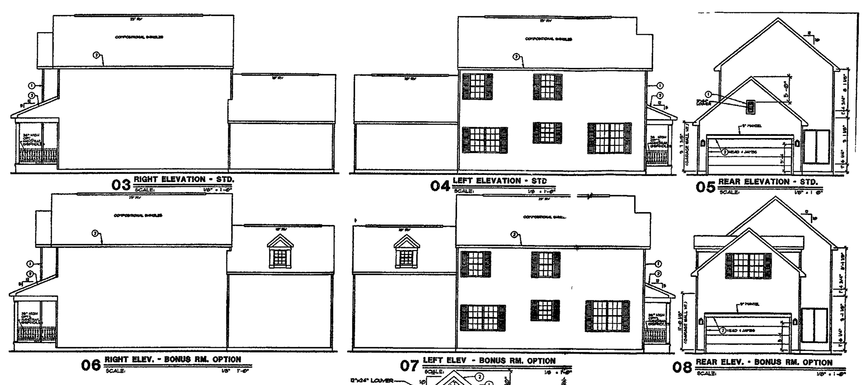


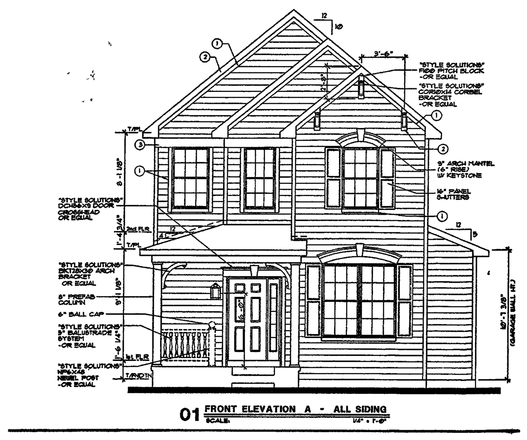


KINNELON "A"

SINGLE FAMILY DETACHED
NOT TO SCALE

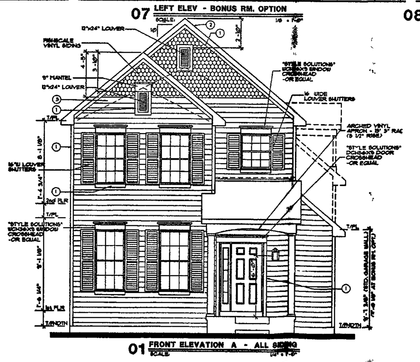






PATTERSON "A"

SINGLE FAMILY DETACHED
NOT TO SCALE

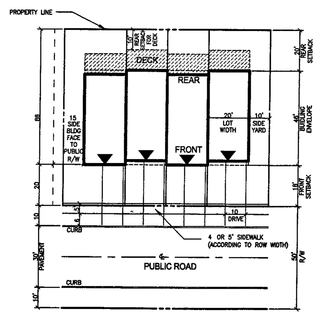


LONGPORT "A"

SINGLE FAMILY DETACHED
NOT TO SCALE

LOT LAYOUT DETAILS

NOT TO SCALE

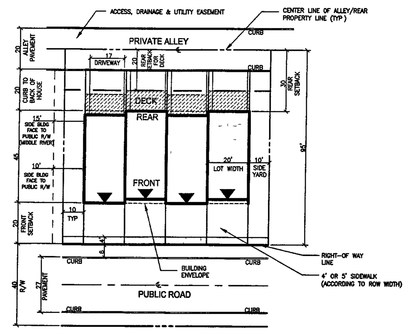


20' FRONT LOADED SINGLE-FAMILY
ATTACHED TOWNHOME
N.T.S.

PROPOSED PARKING PROVIDED

1 PARKING SPACES IN GARAGE
1 PARKING SPACES IN DRIVEWAY
2 TOTAL PARKING SPACES PROVIDED PER UNIT
207 PROPOSED UNITS
X 2 PARKING SPACES PER UNIT
414 TOTAL PARKING SPACES PROVIDED

* ANY BUILDING FACE TO TRACT BOUNDARY = 15'
** MINIMUM OF 400 SQUARE FEET OF PRIVATE YARD AREA

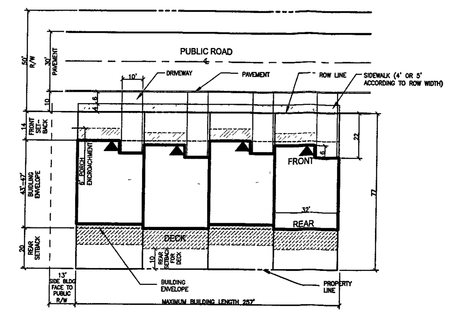


20' REAR LOADED SINGLE-FAMILY
ATTACHED TOWNHOME
N.T.S.

PROPOSED PARKING PROVIDED

2 PARKING SPACES IN GARAGE
2 PARKING SPACES IN DRIVEWAY
4 TOTAL PARKING SPACES PROVIDED PER UNIT
218 PROPOSED UNITS
X 4 PARKING SPACES PER UNIT
872 TOTAL PARKING SPACES PROVIDED

* ANY BUILDING FACE TO TRACT BOUNDARY = 20'
** ANY BUILDING FACE TO TRACT BOUNDARY ALONG AN ARTERIAL (MIDDLE RIVER = 10'
*** MINIMUM OF 0 SQUARE FEET OF PRIVATE YARD AREA

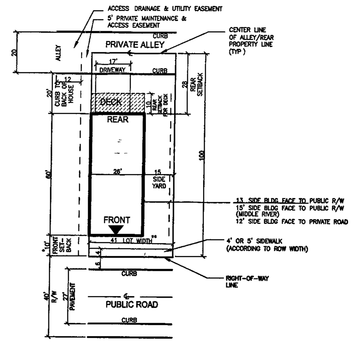


32' X 77'-81'
SINGLE-FAMILY ATTACHED
TOWNHOME
N.T.S.

PROPOSED PARKING PROVIDED

1 PARKING SPACES IN GARAGE
1 PARKING SPACES IN DRIVEWAY
2 TOTAL PARKING SPACES PROVIDED PER UNIT
165 PROPOSED UNITS
X 2 PARKING SPACES PER UNIT
330 TOTAL PARKING SPACES PROVIDED

* FRONT SETBACK ALONG MIDDLE RIVER ROAD = 20'
** MINIMUM LOT WIDTH = 39'



26' SINGLE-FAMILY DETACHED
HOMES -REAR LOADED
N.T.S.

PROPOSED PARKING PROVIDED

2 PARKING SPACES IN GARAGE
2 PARKING SPACES IN DRIVEWAY
4 TOTAL PARKING SPACES PROVIDED PER UNIT
156 PROPOSED UNITS
X 4 PARKING SPACES PER UNIT
624 TOTAL PARKING SPACES PROVIDED

PDM # XV-819

V-07

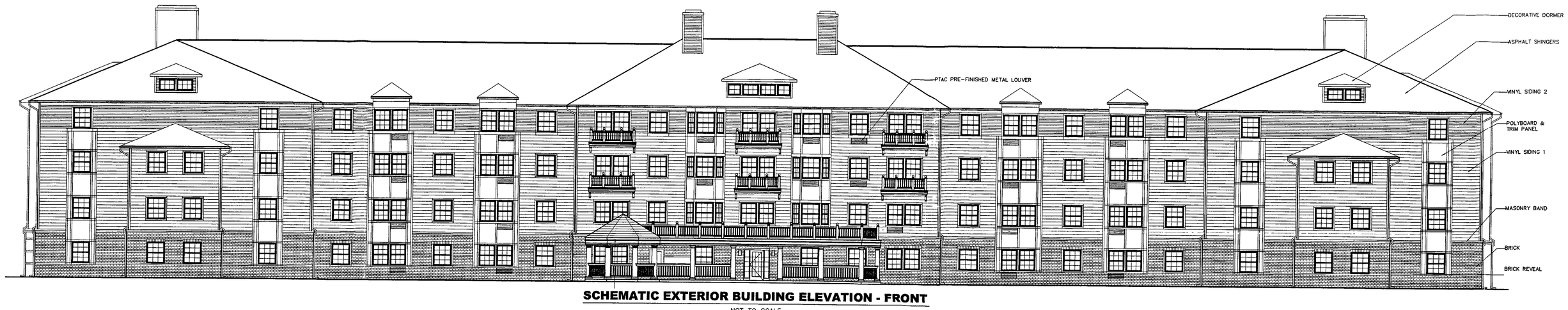
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

PLAN TO ACCOMPANY VARIANCE
AND SPECIAL HEARING APPLICATION
DETAIL SHEET 1 OF 2

MIRAMAR LANDING

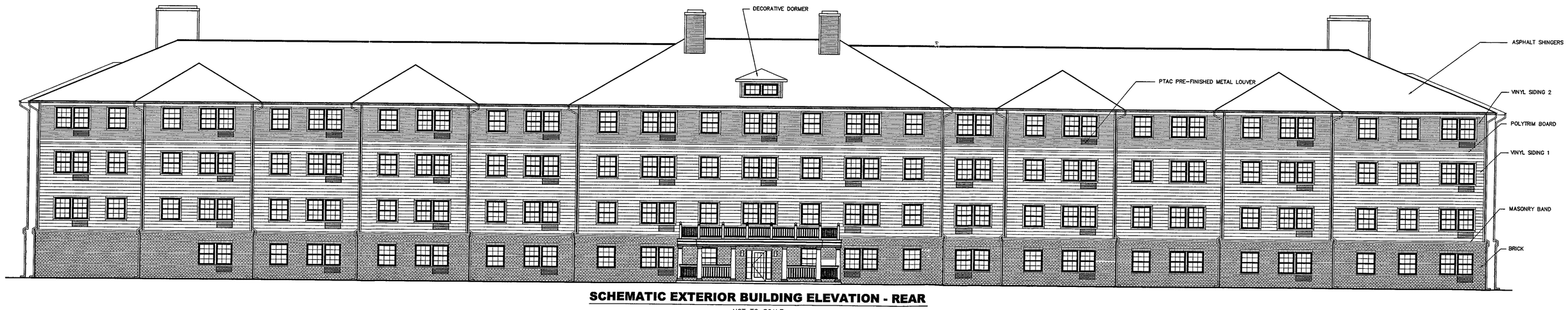
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	13222
		SCALE.	N/A
		DATE.	05/14/04
		DRAWN BY:	KC
		DESIGN BY.	JH/SD
		REVIEW BY:	JH
		SHEET.	7 OF 8



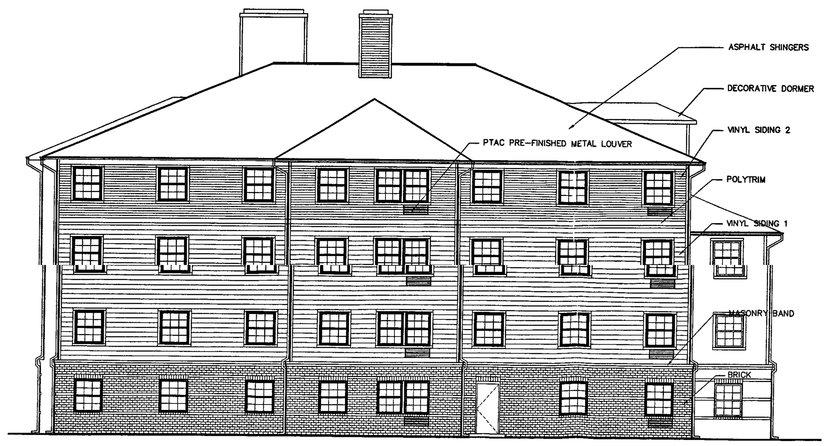
SCHEMATIC EXTERIOR BUILDING ELEVATION - FRONT

NOT TO SCALE



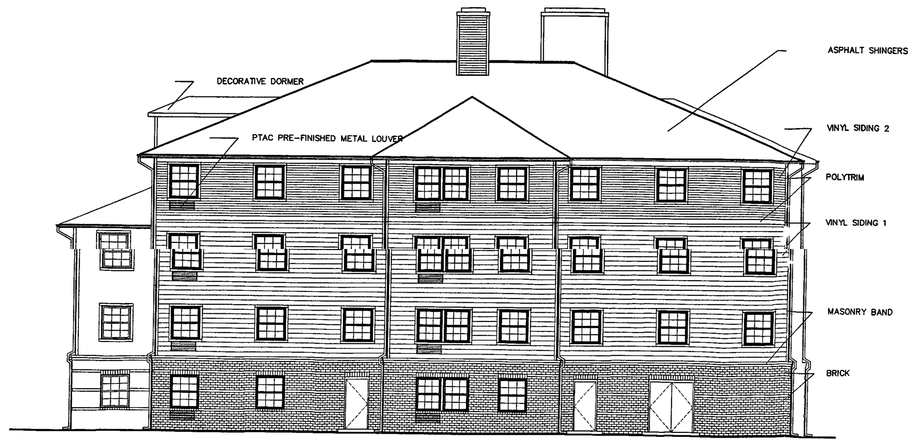
SCHEMATIC EXTERIOR BUILDING ELEVATION - REAR

NOT TO SCALE



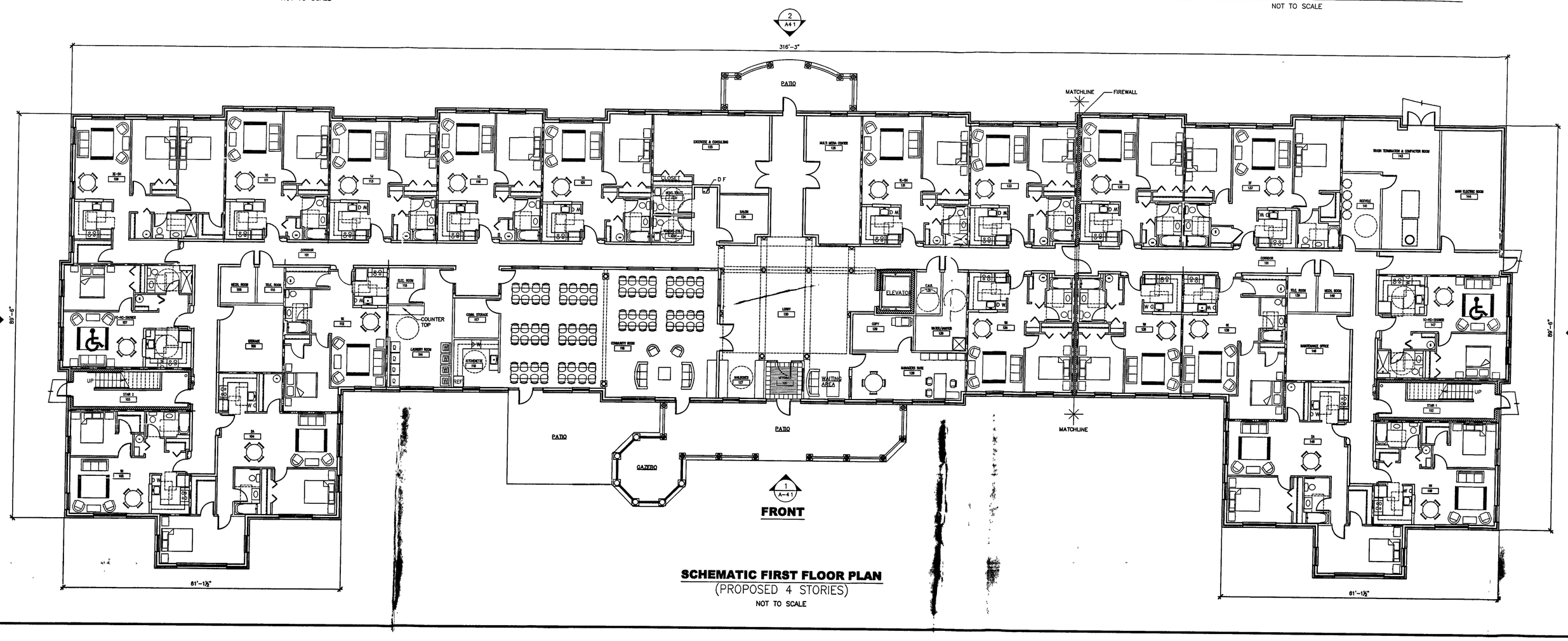
SCHEMATIC EXTERIOR BUILDING ELEVATION - SIDE

NOT TO SCALE



SCHEMATIC EXTERIOR BUILDING ELEVATION - SIDE

NOT TO SCALE



SCHEMATIC FIRST FLOOR PLAN

(PROPOSED 4 STORIES)

NOT TO SCALE

PDM # XV-819 **V-08**

FLOURA TEETER LANDSCAPE ARCHITECTS, INC.
306 W. FRANKLIN ST.
SUITE 103
BALTIMORE, MARYLAND 21201
410-528-8395

Hord Coplan Macht INC

ARCHITECTURE
LANDSCAPE ARCHITECTURE
PLANNING
INTERIOR DESIGN

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

STATE OF MARYLAND — JAMES VINCENT HOLLEY — No. 1044 — REGISTERED LANDSCAPE ARCHITECT — 5/14/04

PLAN TO ACCOMPANY VARIANCE
AND SPECIAL HEARING APPLICATION
DETAIL SHEET 2 OF 2

MIRAMAR LANDING

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO:	13222
		SCALE:	AS NOTED
		DATE:	05/14/04
		DRAWN BY:	KC
		DESIGN BY	JH/SD
		REVIEW BY	JH
		SHEET	8 OF 8

CERTIFICATE OF POSTING

RE: Case No.: 04-528-SPHA

Petitioner/Developer: MARK SAPPERSTIEN, PRES.

Date of Hearing/Closing: JUNE 25, 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: POSTED ON

5 SIGNS, 2 FOR EACH ZONING SIGN, LANGLEY & MIDDLE RIVER COMPASS & MIDDLE RIVER, MIDDLE & BIRD RIVER, BIRD RIVER & LANNERTON LANNERTON & COMPASS

The sign(s) were posted on JUNE 10, 2004
(Month, Day, Year)

Sincerely,

Robert Black 6/10/04
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)