IN RE: DEVELOPMENT PLAN HEARING And PETITION FOR VARIANCE - N/S Sterling Ave., E/S Wampler Rd. **(Sterling Reserve)**	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR BALTIMORE COUNTY
15th Election District 6th Council District	*	Cases Nos. XV-836 and 05-263-A
	*	
Iron Horse Properties, LLC Contract Purchaser/Developer/Petitioner	*	

* * * * * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined hearing pursuant to Section 32-4-230 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to the development regulations codified in Article 32, Title 4 thereof, the Owners/Developers seek approval of a redlined development plan prepared by Daft-McCune-Walker, Inc. for the proposed residential development of the subject property with 15 single-family detached dwelling units. In addition, variance relief is requested from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (BCZR) for Lots 1, 3 and 4 as follows: a) to allow a side building face to tract boundary setback of 16.8 feet in lieu of the required 25 feet for Lot 1; and, b) to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 3 and 4. The proposed subdivision is more particularly described on the redlined development plan submitted and marked into evidence as Developer's Exhibit 3.

As to the history of this project through the development review process, codified in Article 32 of the B.C.C., a concept plan of the proposed development was prepared and a conference held on August 2, 2004. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the

Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on September 9, 2004 at the Middle River Middle School. Subsequently, a development plan is prepared, based upon the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on January 12, 2005. The development plan reviewed at the DPC was accepted into evidence as Developer's Exhibit 2. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan ("the redlined plan") incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held on February 2, 2005. The redlined plan was accepted into evidence as Developer's Exhibit 3.

Appearing at the public hearing on behalf of the Developer were Doug Eshelman, Jim Joyce, and Judd Maslack; Kristy Bischoff and Charles Main, II with Daft-McCune-Walker, Inc. (DMW), the consultants who prepared the development plan; and G. Scott Barhight, Esquire, attorney for the Developers. Mr. Main's Curriculum Vitae was accepted into evidence as Developer's Exhibit 1. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Walt Smith, Project Manager; Bob Bowling, Development Plans Review; Stephany Wright, Land Acquisition; and John Lewis, Office of Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP), Jan Cook, Department of Recreation and Parks, and John Oltman, Department of

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Environmental Protection and Resource Management (DEPRM). Two interested citizens, Ms. Carol Doda and Mr. Darl Mairose, appeared and informally testified.

The subject property under consideration is an irregularly shaped parcel located on the north side of Sterling Avenue and the east side of Wampler Road in eastern Baltimore County. The property contains a gross area of approximately 7.79 acres, zoned D.R. 2, and is comprised of several parcels which are currently owned by a number of individuals as identified on the development plan; however, is under contract of sale to Iron Horse Properties, LLC. As noted above, the Developer proposes a residential subdivision of 15 single-family detached dwellings. As shown on the plan, access to the subdivision will be by way of a new public road, identified as Road A, which will access the site from Wampler Road just north of the proposed Lot 1, and extend into the property as a loop road. Other specifics of the development plan, including storm water management, forest conservation, Homeowners Association Common Areas, and landscaping are more particularly described on the plan.

Pursuant to Sections 32-4-227 and 228 of the B.C.C., which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, G. Scott Barhight, Esquire, indicated on behalf of the Developer that there were no unresolved issues. Mr. Barhight explained that while the Developer had initially requested permission for the proposed public roads to be constructed with 28 feet of paving on a 40-foot County right-of-way, the Department of Public Works denied this request. The Developer redlined the development plan to comply with the requirements of the Department of Public Works. The redlined plan shows that the proposed public roads will be constructed with 30 feet of paving on a 50 foot County right-of-way. There were no other open issues identified by any of the representatives from the County agencies.

The interested citizens at the hearing raised a concern regarding traffic from the proposed development. Mr. Main, the professional engineer retained by the Developer, testified and addressed this concern. He testified that per the current Basic Services Transportation Area Map, the surrounding intersections in this area are neither failing nor deficient. Mr. Main further testified that the site distance for the access road is adequate and that the additional traffic that will be generated by the proposed development would not detrimentally impact the adjacent road system. Thus, I find that the proposed development will not adversely impact existing traffic conditions. In addition, Mr. Mairose expressed concern that further development could result in increased real property taxes.

As noted on the plan, the development will be served by public water and sewer. At the time of the public hearing, the Baltimore County Water Supply & Sewerage Plan showed that the portion of the property fronting on Wampler Road, which includes the proposed Lot 1, is designated as W-1/S-1, and the remainder is designated as W-5/S-5. The entire property is located within the Urban Rural Demarcation Line (URDL) and that portion of the property which is currently designated W-5/S-5 is currently being processed for approval to a change to W-3/S-3. Specifically, on February 7, 2005, the Department of Public Works, via a letter from David L. Thomas to Ray E. Anderson, notified the Maryland Department of the Environment (MDE) that the Baltimore County Council approved an amendment to the Baltimore County Water and Sewerage Plan on January 22, 2002. Pursuant to County Council Resolution 3-02, the Middle River-Bird River Area Plan shows that this area of the property, which is currently designated W-5/S-5, is now designated W-3/S-3. Per Section 26.03 of the Code of Maryland Regulations (COMAR) and Section 9-507 of the Environmental Article of the Annotated Code of Maryland, the MDE must approve the County's amendments to its Water Supply & Sewerage Plan. While that approval from the MDE is pending, the Developer may proceed through the development

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process, including this public hearing process. The MDE approval must be obtained, however, prior to the recordation of the Plat. This project is not the first to be in this situation. Mr. Robert W. Bowling, Supervisor for the Bureau of Development Plans Review of the Department of Permits and Development Management sent a letter to me dated February 17, 2005 confirming the property's current designations and the pending approval of the change for the W-5/S-5 portion of the property to W-3/S-3, and recommending approval of the plan contingent upon the sewer and water designations being changed. Both Mr. Bowling's February 17, 2005 letter and Mr. Thomas' February 7, 2005 letter are a part of the County's file for this matter.

As to the impact on environmental resources, the plan shows Afforestation and Mitigation Planting Areas. As noted above, the plan has been reviewed by DEPRM and determined to be in compliance with all storm water management and ground water management regulations. The redlined plan notes minor amendments to storm water calculations and DEPRM's revised development plan comment was accepted as County's Exhibit 1.

With regard to meeting the Open Space requirements and as noted on the plan, the Department of Recreation and Parks has approved the Developer's payment of a fee to the Local Open Space Revenue Account, pursuant to Section 32-6-108 of the B.C.C., since the plan proposes only 15 single-family detached dwellings. This approval by the Department of Recreation and Parks is documented in their letter dated January 27, 2005, which was accepted into evidence as County's Exhibit 2.

The School Impact Analysis approved by the Office of Planning indicates that the proposed development will generate four additional elementary school students, two additional middle school students and two additional high school students. Thus, the proposed development will have minimal impact on the enrollment at the surrounding public schools.

Finally, the Developer's Pattern Book, which was originally submitted with the development plan and provides proposed elevations for the proposed single-family detached dwellings, was amended at the request of the Office of Planning to include additional elevations. The revised Pattern Book was approved by the Office of Planning and accepted into evidence as Developer's Exhibit 4.

The Baltimore County Code is clear regarding the standards that must be applied when the Hearing Officer considers a development plan. The Hearing Officer must approve any plan that satisfies the rules, regulations and policies adopted by Baltimore County regarding development. Based upon the testimony and evidence presented, I find that the development plan as submitted meets all County rules, regulations and standards for development in Baltimore County and shall therefore be approved.

Turning to the Petition for Variance, relief is requested as set forth above from Section 1B01.2.C.1.b of the B.C.Z.R. to allow a side building face to tract boundary setback of 16.8 feet in lieu of the required 25 feet for Lot 1, and to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 3 and 4.

As to the variance for Lot 1, testimony offered by Mr. Main indicated that the only adjacent parcel is not subdividable nor is it subject to further development. Additionally, the distance between the proposed dwelling on Lot 1 and the existing dwelling on the adjacent parcel far exceeds the setback requirements. The variances are necessary due to the irregular shape of the property. Wampler Road will ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way. Logically, the dwelling on Lot 1 should be consistent in size with the rest of the proposed development. Notably, Lot 1 is one of the largest lots evidencing the fact that it is the property's unique shape which drives the need for the variance relief.

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As to the variances for Lots 3 and 4, testimony from Mr. Main explained that the grant of these variances would not decrease the distances between the proposed dwellings on these lots and the existing structures on the adjacent parcels, which exceeds the requirements. Again, the need for the variances is largely driven by the unique shape of the property. As evidenced by the redlined plan marked as Developer's Exhibit 3, the property's irregular shape, namely the triangular shaped spike of land just south of Lot 4 which will contain the sewer line running to Wampler Road, is what causes these lots to be slightly squeezed closer together. It is the shape of the property and the fact that the road must run in front of these lots and the sewer must run below and behind lot 4 which causes the need for the relief. The unique shape of the property causes a gap between lots 4 and 5, and but for these unique characteristics, the distance between Lots 3 and 4 could meet the requirements.

Finally, the Office of Planning is not opposed to the Developer's request for variance relief. Based upon these factors, I find that the requirements of Section 1B01.2.C.1.b have been met for variance relief to be granted. The uniqueness associated with the property is its unusual configuration, which drives the location of the lots. I find that the Developer would suffer a practical difficulty and unreasonable hardship if relief were denied. Finally, relief can be granted without incurring a detrimental impact to adjacent properties or the surrounding locale. Thus, I am persuaded to grant this relief.

Pursuant to the zoning and development regulations of Baltimore County as contained with the B.C.Z.R. and Article 32, Section 4 of the B.C.C., the redlined development plan (Developer's Exhibit 3) shall be approved consistent with the comments contained herein and the Petition for Variance relief, as shown on the redlined zoning plan (Developer's Exhibit 5) shall be granted, subject to the restrictions set forth below.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this 23rd day of February, 2005, that the redlined development plan for Sterling Reserve, identified herein as Developer's Exhibit 3, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (BCZR) for Lots 1, 3 and 4 as follows: a) to allow a side building face to tract boundary setback of 16.8 feet in lieu of the required 25 feet for lot 1; and b) to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 3 and 4, in accordance with Developer's Exhibit 5, be and is hereby GRANTED, subject to the following conditions:

1. The Developer/Petitioner is permitted to proceed, however, the Developer/Petitioner is hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein could be rescinded.

2. A revised Zoning Plan will be filed with the Zoning Office to be placed in the record of Case No. 05-263-A, which includes all of the redline revisions identified on the approved Development Plan (Developer's Exhibit 3).

3. No record plat for the proposed development shall be approved until such time as the Water and Sewer Plan has been amended to change the designation of that area from W-5/S-5 to W-3/S-3.

Any appeal of this Order shall be taken in accordance with Baltimore County Code Section 32-3-401 and Section 32-4-281.

WILLIAM J. WISEMAN, III
Zoning Commissioner/Hearing Officer for
Baltimore County

WJW:bjs

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WILLIAM J. WISEMAN, III
Zoning Commissioner/Hearing Officer for
Baltimore County

WJW:bjs

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III , Zoning Commissioner

February 23, 2005

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

RE: DEVELOPMENT PLAN HEARING & PETITION FOR VARIANCE
N/S Sterling Avenue, E/S Wampler Road
(Sterling Reserve)
15th Election District – 6th Council District
Iron Horse Properties, LLC – Owners/Developers
Cases No. XV-836 & 05-263-A

Dear Mr. Barhight & Ms. Busse:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner/Hearing Officer
for Baltimore County

WJW:bjs

cc: Mr. Doug Eshelman, 7013 Meandering Stream Way, Fulton, Md. 20759
Mr. Judd Maslack, 603 St. Francis Road, Towson, Md. 21286
Messrs. Charles V. Main, II, Eric J. Chobnicki & Ms. Kristy Bishoff
Daft-McCune-Walker, Inc., 200 E. Pennsylvania Avenue, Towson, Md. 21286
Mr. Jim Joyce, 9202 Georgia Bell Drive, Perry Hall, Md. 21128
Ms. Anna Enova, 425 Gusryan Street, Baltimore, Md. 21224
Ms. Carol A. Doda, 623 Maryland Avenue, Essex, Md. 21221
C. E. Baughman, 933 Wampler Road, Middle River, Md. 21220
Mr. Darl Mairose, 929 Wampler Road, Middle River, Md. 21220
Walt Smith, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

Eastside Wampler Rd,
for the property located at north of Sterling Ave
which is presently zoned D.R. 2

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

Please see attached

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

Reasons tobbe presented at hearing

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

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

Contract Purchaser/Lessee:

Iron Horse Properties, LLC Doug ESHELMAN
Name - Type or Print
By: ~~Judd Masiack~~, Member
Signature

603 Saint Francis Road
Address Telephone No.

Towson, MD 21204
City State Zip Code

Attorney For Petitioner:

Jennifer R. Busse/G. Scott Barbright
Name - Type or Print
Signature

Whiteford, Taylor & Preston
Company

210 W. Pennsylvania Ave 4th Flr
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

Please see attached
Name - Type or Print
Signature

Name - Type or Print
Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Jennifer R. Busse (410) 832-2077
Name

210 W. Pennsylvania Ave, 4th Flr
Address Telephone No.

Towson, MD 21204 (410) 832-2077
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By SJJ Date 11-18-04

Case No. 05-263-A

ORDER RECEIVED FOR FILING
Date 9/23/05
By

REV 9/15/98

05-263-A

ATTACHMENT TO PETITION FOR VARIANCE
Eastside of Wampler Road, North of Sterling Road
(Iron Horse Properties, LLC)

Variance from Section(s):

16.8 JRM

1B01.2.C.1.b to allow a side building face to tract boundary setback of ~~20~~ feet in lieu of the required 25 feet for Lot 1.

1B01.2.C.1.b to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 3 and 4.

ORDER RECEIVED FOR FILING
Date 12/23/15
By JRB

05-263-A

ATTACHMENT TO PETITION FOR VARIANCE
Eastside of Wampler Road, North of Sterling Road
(Iron Horse Properties, LLC)

Legal Owner:

Parcels 651 & 214:

Barry M. Heim
937 Wampler Road
Baltimore, Maryland 21220

Elaine G. Heim
937 Wampler Road
Baltimore, Maryland 21220

05-263-A

ATTACHMENT TO PETITION FOR VARIANCE
Eastside of Wampler Road, North of Sterling Road
(Iron Horse Properties, LLC)

Legal Owner:

Parcel 860:

John S Heim

John L. Heim
21 A Oak Grove Drive
Baltimore, Maryland 21220

05-263-A

ATTACHMENT TO PETITION FOR VARIANCE
Eastside of Wampler Road, North of Sterling Road
(Iron Horse Properties, LLC)

Legal Owner:

Parcel 860:

Barry M. Heim

Barry M. Heim
21 A Oak Grove Drive
Baltimore, Maryland 21220

05-263-A

ZONING DESCRIPTION
CASE NO. 05-263-A

PROPOSED LOTS 1, 3 & 4 ON THE DEVELOPMENT PLAN STERLING RESERVE PDM # 15-836. BEGINNING ON THE E/S WAMPLER ROAD APPROXIMATELY 800 FEET NORTH STERLING AVENUE ALSO BEING THE SOUTHEAST CORNER OF PROPOSED ROAD "A" AND WAMPLER ROAD, CONTAINING APPROXIMATELY 0.54 AC +/- LOCATED IN DISTRICT 15C6.

BALTIMORE COUNTY, MARYLAND 05 263 A
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 42862

DATE: 11-18-04 ACCOUNT: RCCI CCCGISC

AMOUNT: $ 195.00

RECEIVED FROM: Iron Horse Properties.
Revised Lots 1, 3, 4 of Stallock [illegible]

FOR: Rec - VAZ

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
11/18/2004 11/18/2004 15:34:40 2
REG [illegible] WALKIN [illegible]
RECEIPT # 271006 11/18/2004 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 042862
Recpt Tot $195.00
$195.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #05-263-A
E/side Wampler Road, n/of Sterling Avenue
N/east intersection of Wampler Road and Sterling Avenue
15th Election District — 6th Councilmanic District
Legal Owner(s): Barry M. Heim, John L. Heim, Elaine G. Heim
Contract Purchasers: Iron Horse Properties, LLC
by Doug Eshelman

Variance: to permit a side building face to tract boundary setback of 20 feet in lieu of the required 25 feet for Lot 1. To permit a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 3 and 4.

Hearing: Thursday, February 3, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

WILLIAM WISEMAN
Zoning Commissioner for Baltimore County

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

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

JT 1/702 Jan. 18 36175

CERTIFICATE OF PUBLICATION

1/20/, 2005

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 1/18/,2005.

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

S. Wilkinson

LEGAL ADVERTISING

BW
2/3

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Zoning Commissioner for Baltimore County
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J 1/453-A Jan. 27 37652

RECEIVED
JAN 3 2005
ZONING COMMISSIONER

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1/27/, 2005

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❑ Catonsville Times
❑ Towson Times
❑ Owings Mills Times
❑ NE Booster/Reporter
❑ North County News

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 18, 2005 Issue - Jeffersonian

Please forward billing to:
Jennifer Busse, Esq. 410-832-2077
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Fl.
Towson, MD 21204

NOTICE OF ZONING HEARING

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

CASE NUMBER: 05-263-A
E/side Wampler Road, n/of Sterling Avenue
N/east intersection of Wampler Road and Sterling Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Barry M. Heim, John L. Heim, Elaine G. Heim
Contract Purchasers: Iron Horse Properties, LLC, by Doug Eshelman

Variance to permit a side building fact to tract boundary setback of 20 feet in lieu of the required 25 feet for Lot 1. To permit a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 3 and 4.

Hearing: Thursday, February 3, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

WILLIAM WISEMAN
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Department of Permits and Development Management

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

Baltimore County

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

December 3, 2004

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Hearing: Thursday, February 3, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jennifer R. Busse, Whiteford, Taylor & Preston 210 W. Pennsylvania Ave., 4th Fl., Towson 21204
Barry & John Heim, 21 A Oak Grove Drive, Baltimore 21220
Barry & Elaine Heim, 937 Wampler Road, Baltimore 21220
Doug Eshelman, 603 Saint Francis Rd., Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 19, 2005.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number 05-263-A

Petitioner: Iron Horse Properties, LLC

Address or Location: East side Wampler Rd, North of Sterling Avenue

PLEASE FORWARD ADVERTISING BILL TO

Name: Jennifer Busse, Esq.

Address c/o Whiteford, Taylor & Preston
210 W. Pennsylvania Ave., Suite 400
Towson, MD 21204

Telephone Number: 410.832-2077

- 05-263-A

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

January 26, 2005

Jennifer R. Busse
G. Scott Barhight
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Fl.
Towson, Maryland 21204

Dear Ms. Busse and Mr. Barhight:

RE: Case Number: 05-263-A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 18 2004.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Iron Horse Properties, LLC. Doug Eshelman 603 St. Francis Road Towson 21204
Barry M. Helm 21 A Oak Grove Drive Baltimore 21220

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

November 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 29, 2004

Item No.: 251, 253, 255-266 (263)

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 9, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For December 6, 2004
Item Nos. 251, 253, 255, 256, 257,
258, 259, 260, 261, 263, 264, 265,
and 266

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

RWB:CEN:jrb

cc: File

ZAC-12-6-2004-NO COMMENT ITEMS-NO 251-266-12092004

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
DEPRM

DATE: December 10, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 29, 2004.

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

05-251
05-253
05-255
05-256
05-259
05-261
05-263
05-264
05-265

Reviewers: Sue Farinetti, Dave Lykens

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

SHA
Driven to Excel
State Highway Administration
Maryland Department of Transportation

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

Date: 11.26.04

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

RE: Baltimore County
Item No. 263 JRD

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR VARIANCE E/side Wampler Road N or Sterling Avenue 15th Election & 6th Councilmanic Districts Legal Owner(s): Barry, John & Elaine Heim Contract Purchaser(s): Iron Horse Properties, Doug Eshelman, Member Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-263-A

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

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to, Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

RECEIVED

Per.....

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

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

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

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

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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

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

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

To Kristen:
OK.
Tim

November 19, 2004

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

Re: Sterling Reserve
PDM No. XV-836
Zoning Item No. 05-263-A

Dear Mr. Kotroco:

Please accept this letter as a request for a combined hearing pursuant to Baltimore County Code §32-4-230. The Development Plan in this matter was filed today. The zoning map in this matter will be filed on November 29, 2004.

Thank you for your cooperation in this matter.

Sincerely,

Jennifer R. Busse

Jennifer R. Busse

JRB:sll
cc: Mr. Donald T. Rascoe
Mr. Judd Maslack
Ms. KristyBischoff
Mr. Charles V. Main, II, P.E.

320835

File 05-263A

Carl Richards - Re: filing fee question

From: Carl Richards
To: Busse, Jennifer R.
Date: 1/13/2005 5:20 PM
Subject: Re: filing fee question

Notwithstanding the fact that we operate within time constraints distributing original and revised public hearing materials to reviewing agencies, and detailed county reviews could result in an unsolisited comment that could change the variance numbers anytime. One of this office's missions is to timely distribute materials, and if it is not timely, typically the petitioner would roll the dice with the hearing officer which could result in a postponed hearing to give all agencies time to review revised petitions and plans. If the attorney or their client insists on "full speed ahead" without confirming pertinent detailed zoning information from all agencies (see zoning hearing checklist) , then it is entirely possible that a later, more intensive review would generate a more detailed comment that could differ from a concept plan comment. It is very clear on the petition filing checklist that these agencies should be contacted for specific zoning filing information, obviously with emphasis on factors that could impact the zoning request. However in THIS PARTICULAR CASE , if you can confirm that , in accordance with the checklist, the agency was contacted as stated above, this office would not charge $100.00 for processing revised public hearing materials. I'm not sure the county made a mistake, if the agency was not contacted for specific information that could impact the zoning relief.

>>> "Busse, Jennifer R." <jbusse@wtplaw.com> 1/13/2005 10:29:04 AM >>>
Hi - with regard to what we talked about last night - please accept this e-mail as my request that you reconsider your request =

I filed for a zoning variance on a property which is also proceeding through the development process. The combined hearing is set for 2/3/05. (Zoning Item 05-263-A) Yesterday, we had the DPC and Bob Bowling's comment included a request for a 60' ROW where his CPC comment requested a 50' ROW. This happens to impact one of the lots for which we filed a zoning variance. The effect is a slight amendment to our setback - we filed for a 20' setback in lieu of the required 25' and now we need a 16.8' setback in lieu of the required 25'. You has asked that I pay a $100 fee to amend my zoning petition. I don't think that is fair - this amendment is a result of a mistake by a County agency. Luckily - posting and advertising are not yet due so we can quickly fix this and submit new plans showing the 16.8' setback. Therefore, the purpose of my e-mail is to respectfully request that you consider waiving the $100 fee in this instance. Thanks! You can call me if that is easier - 410-832-2077. I met with Kristin this morning and amended the petitions and the engineer is getting me new plans today. Kristen can fix advertising in time and I can fix posting - posting is not due until Tuesday.

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204
direct dial - 410-832-2077
fax - 410-832-2015

SITE DATA

ZONE (MAP NE 5-1)	ACRES	UNITS ALLOWED	UNITS PROPOSED
D.R.2	7.74	15	15

THESE PARCELS AS SHOWN ON THE PLAN HAVE BEEN HELD INTACT SINCE 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THESE PROPERTIES AS SHOWN ON THE PLAN HAS EVEN BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	PROPOSED UNITS	PARKING REQUIRED	PARKING PROVIDED	AVG. DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
SINGLE-FAMILY	15	30	30	150	N/A	N/A
TOTAL	15	30	30	150	N/A	N/A

SITE DATA

OWNER:	P.651 & 214 BARRY M. & ELAINE G. HEIM 937 WAMPLER ROAD BALTIMORE, MD 21220 P.860 JOHN L. HEIM & BARRY M. HEIM 21A OAK GROVE DRIVE BALTIMORE, MD 21220
DEVELOPER:	IRON HORSE PROPERTIES, LLC 603 SAINT FRANCIS ROAD BALTIMORE, MD 21286
TAX ACCOUNT NUMBER:	1508301001, 1508301000 & 1506450930
GROSS SITE AREA:	7.79 ACRES ±
NET SITE AREA:	7.74 ACRES ±
ZONING:	D.R.2
DEED REFERENCE:	13291/748 & 10888/617
TAX MAP:	90 & 82
GRID:	6 & 24
PARCEL:	651, 214 & 860
ELECTION DISTRICT:	15
COUNCILMANIC DISTRICT:	6
CENSUS TRACT:	4517.01
REGIONAL PLANNING DISTRICT:	322A
SCHOOL DISTRICTS:	
ELEMENTARY SCHOOL:	GLENMAR
MIDDLE SCHOOL:	MIDDLE RIVER
HIGH SCHOOL:	KENWOOD
WATERSHED:	5 - BIRD RIVER
SUB-SEWERSHED:	15 - BIRD RIVER RUN.

SITE NOTES

1. THERE ARE NO 100-YEAR FEMA MAPPED FLOODPLAINS ON-SITE.
2. THIS IS NOT A DESIGNATED SITE AS PER THE MARYLAND ARCHEOLOGICAL SURVEY.
3. THERE ARE NO KNOWN DESIGNATED HISTORIC STRUCTURES OR AREAS ON-SITE AS PER THE LANDMARKS PRESERVATION COMMISSION OR THE MARYLAND HISTORICAL TRUST INVENTORY.
4. THERE IS NO KNOWN PREVIOUS ZONING HISTORY ASSOCIATED WITH THIS PROPERTY.
5. A REQUEST TO THE DIRECTOR OF PUBLIC WORKS HAS BEEN MADE TO ALLOW A 40 FOOT RIGHT-OF-WAY WITH 28 FEET OF PAVING.
6. A JOINT PERMIT APPLICATION IS NECESSARY FOR THE FILLING OF AN ISOLATED WETLAND.
7. BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
8. THE EXISTING HAND DUG WELL LOCATED ON LOT 1 MUST BE BACKFILLED BY A LICENSED WELL DRILLER AND ABANDONED PRIOR TO APPROVAL OF THE RECORD PLAT.
9. THE EXISTING BUILDINGS LABELED "TO BE REMOVED" SHALL BE RAZED BY THE DEVELOPER AFTER THE RECORD PLAT IS RECORDED.
10. ALL SIGNAGE SHALL BE COMPLIANT WITH BCZR SECTION 450.
11. OPEN SPACE REQUIRED - 9,750 SF ACTIVE AND 5,250 SF PASSIVE OR A COMBINATION THEREOF AS SPECIFIED IN SECTION III.D.3; OPEN SPACE PROVIDED - 0 SF, WAIVER REQUESTED AND FEE IN LIEU TO BE PAID.
12. THE PROPOSED ROAD AND STORMWATER MANAGEMENT FACILITY SHALL BE PUBLIC.
13. THE PROPOSED PUBLIC ROAD AND HIGHWAY WIDENING AREAS SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND.
14. THE SWM RESERVATION SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND.
15. ALL DRAINAGE AND UTILITY EASEMENTS, FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND.
16. SEWER SERVICE TO THE BASEMENTS OF LOTS 5-8 AND 10-15 WILL BE PROVIDED BY INTERNAL GRINDER PUMPS. IN THESE HOMES, THE WASTEWATER WILL HAVE TO BE PUMPED AT THE HOME OWNER'S EXPENSE.
17. VERIFICATION OF THE STORMWATER MANAGEMENT OUTFALLS IS CONTAINED IN THE PRELIMINARY SWM HYDROLOGY COMPUTATIONS REPORT. ALL OUTFALLS WERE DETERMINED TO BE SUITABLE.
18. THE AVERAGE DISTANCE FROM THE CENTERLINE OF WAMPLER ROAD TO THE GNIBUS AND BAUGHMAN PROPERTIES IS 45.5 FEET. THE DISTANCE FROM THE CENTERLINE OF WAMPLER ROAD TO THE PROPOSED HOUSE ON LOT 1 IS 50 FEET. THEREFORE, THE REQUIREMENTS OF BCZR SECTION 303.1 ARE MET.
19. A VARIANCE TO THE SWM REGULATIONS HAS BEEN REQUESTED TO ALLOW 0.26 ACRES OF UNTREATED IMPERVIOUS.
20. LOTS 3, 5, 6, 14 & 15 WILL HAVE PRINCIPLE STRUCTURES OF SUFFICIENT SIZE, SHAPE OR LOCATION THAT WILL ACCOMMODATE AN OPEN PROJECTION OF AT LEAST 10'.
21. THE SIDE OF THE DWELLINGS ON LOTS 2, 7 & 8 THAT FACE THE RIGHT-OF-WAY SHALL INCLUDE DOUBLE WINDOWS OR DOORS, PORCHES, ETC. AND SHALL NOT BE LEFT AS BLANK WALLS. THIS STANDARD SHALL APPLY TO BOTH SIDES OF THE DWELLING ON LOT 9.

FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT NOTES

STANDARD NON-DISTURBANCE NOTE:

"THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT."

PROTECTIVE COVENANTS NOTE:

"ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS."

Single-Family Detached, Two-Family Alternative Site Design Dwellings

	D.R. 1 & 2 Zones (feet)	D.R.3.5, 5.5, 10.5 & 16 Zones (feet)	Alternative Site Design Dwellings: Zero & Zipper Lots All D.R. Zones (feet)	Alternative Site Design Dwellings: Neo-Traditional All D.R. Zones (feet)
From front building face to:				
Public street right-of-way or property line	25	25	25	15
Arterial or collector	-	-	-	25
From side building face to:				
Side building face	30	16 < 20 high 20 > 20 high	16	16 < 20 high 20 > 20 high
Public street right-of-way	25	15	15	15
Paving of a private road	30	25	25	25
Tract boundary	25	15	15	15
From rear building face to:				
Rear property line	30	30	20	50
Public street right-of-way	30	30	20	50
Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.				

The table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).

OPEN SPACE PROPOSAL

Open Space Required for 15 lots:
9,750 s.f. Active
5,250 s.f. Passive
Open Space Provided for 15 lots:
0 s.f. Active
0 s.f. Passive
Waiver requested and fee in lieu to be paid by the developer.

HEARING OFFICER'S ORDER

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this 23rd day of February, 2005, that the redlined development plan for Sterling Reserve, identified herein as Developer's Exhibit 3, be and is hereby APPROVED; and,

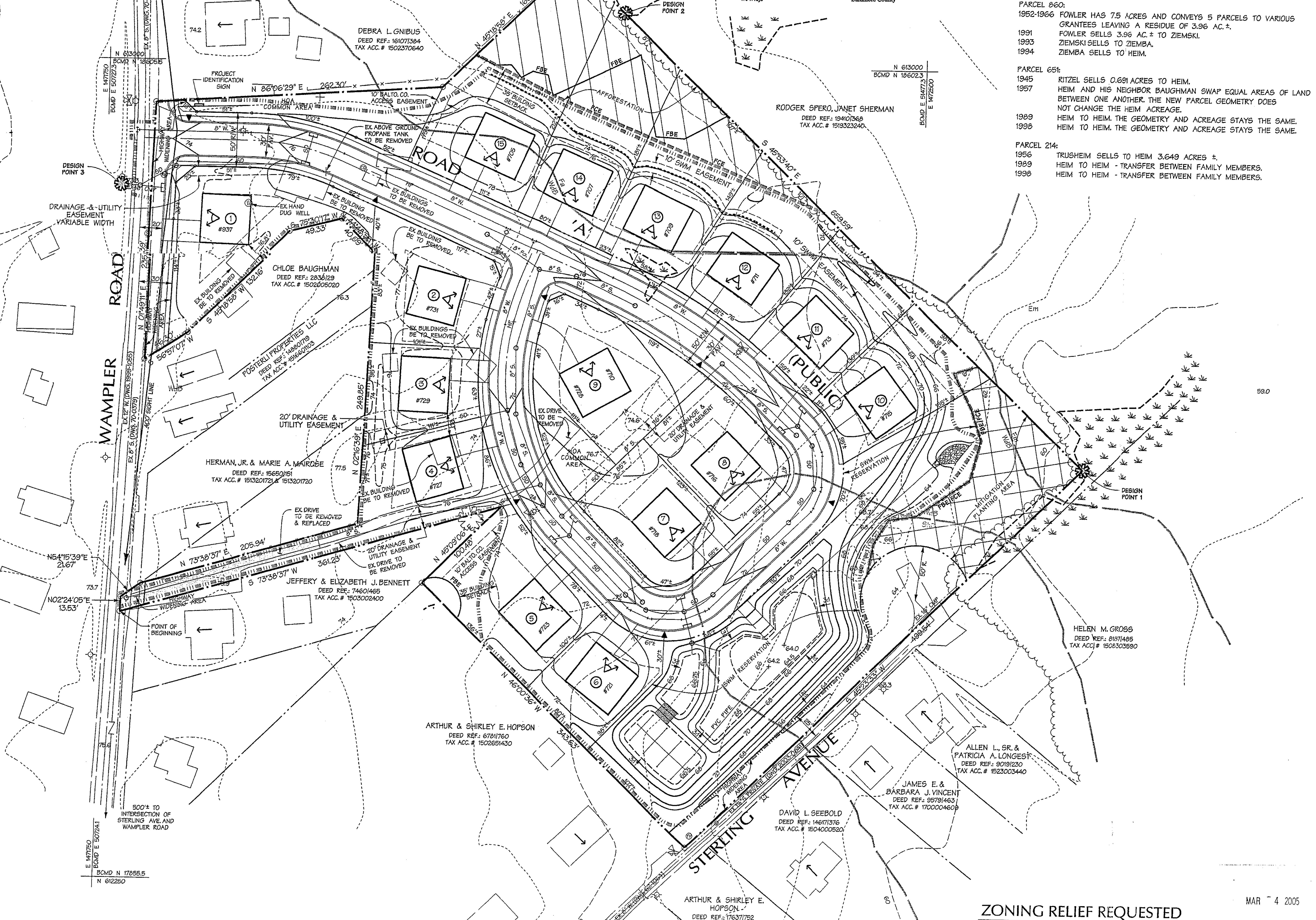
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (BCZR) for Lots 1, 3 and 4 as follows: a) to allow a side building face to tract boundary setback of 16.8 feet in lieu of the required 25 feet for lot 1; and b) to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 3 and 4, in accordance with Developer's Exhibit 5, be and is hereby GRANTED, subject to the following conditions:

1. The Developer/Petitioner is permitted to proceed, however, the Developer/Petitioner is hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein could be rescinded.
2. A revised Zoning Plan will be filed with the Zoning Office to be placed in the record of Case No. 05-263-A, which includes all of the redline revisions identified on the approved Development Plan (Developer's Exhibit 3).
3. No record plat for the proposed development shall be approved until such time as the Water and Sewer Plan has been amended to change the designation of that area from W-5/S-5 to W-3/S-3.

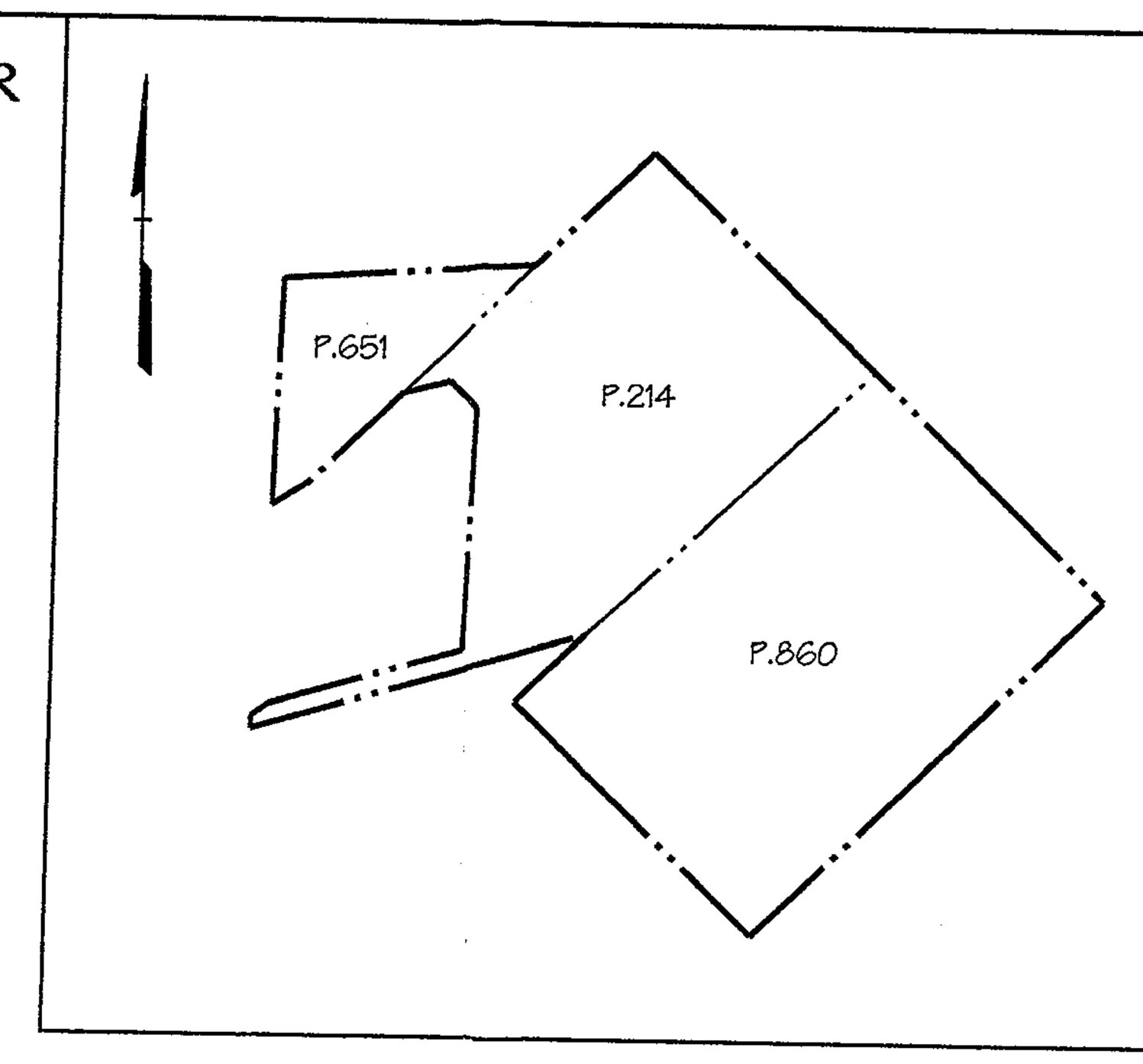
Any appeal of this Order shall be taken in accordance with Baltimore County Code Section 32-3-401 and Section 32-4-281.

WILLIAM J. WISEMAN, III
Zoning Commissioner/Hearing Officer for Baltimore County

WJW:bjs



PARCEL MAP



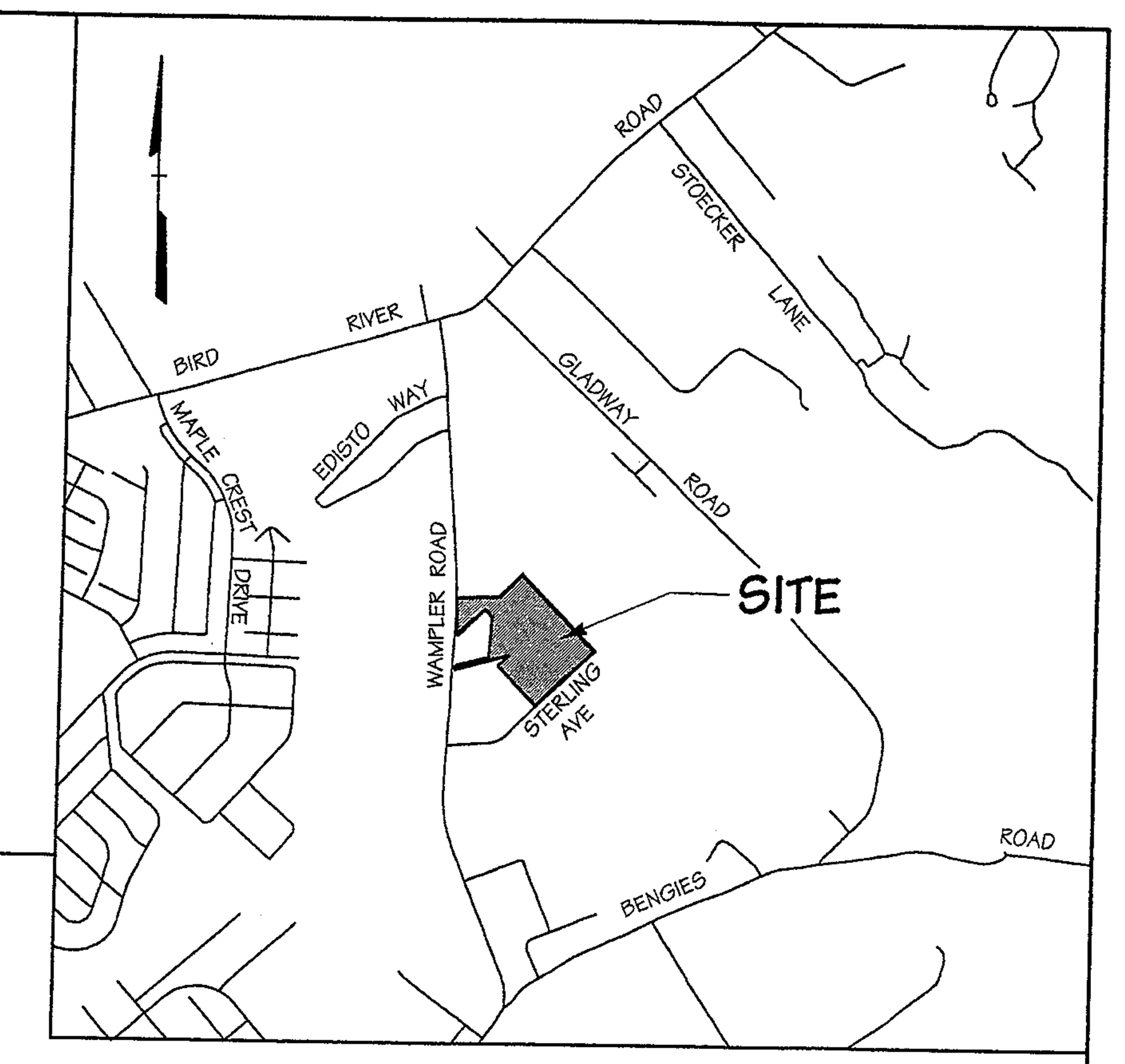
SCALE: 1"=200'

PARCEL 860:
1952-1966 FOWLER HAS 7.5 ACRES AND CONVEYS 5 PARCELS TO VARIOUS GRANTEES LEAVING A RESIDUE OF 3.96 AC.±.
1991 FOWLER SELLS 3.96 AC.± TO ZIEMSKI.
1993 ZIEMSKI SELLS TO ZIEMBA.
1994 ZIEMBA SELLS TO HEIM.

PARCEL 651:
1945 RITZEL SELLS 0.691 ACRES TO HEIM.
1957 HEIM AND HIS NEIGHBOR BAUGHMAN SWAP EQUAL AREAS OF LAND BETWEEN ONE ANOTHER. THE NEW PARCEL GEOMETRY DOES NOT CHANGE THE HEIM ACREAGE.
1989 HEIM TO HEIM. THE GEOMETRY AND ACREAGE STAYS THE SAME.
1998 HEIM TO HEIM. THE GEOMETRY AND ACREAGE STAYS THE SAME.

PARCEL 214:
1956 TRUSHEIM SELLS TO HEIM 3.649 ACRES ±.
1989 HEIM TO HEIM - TRANSFER BETWEEN FAMILY MEMBERS.
1998 HEIM TO HEIM - TRANSFER BETWEEN FAMILY MEMBERS.

VICINITY MAP



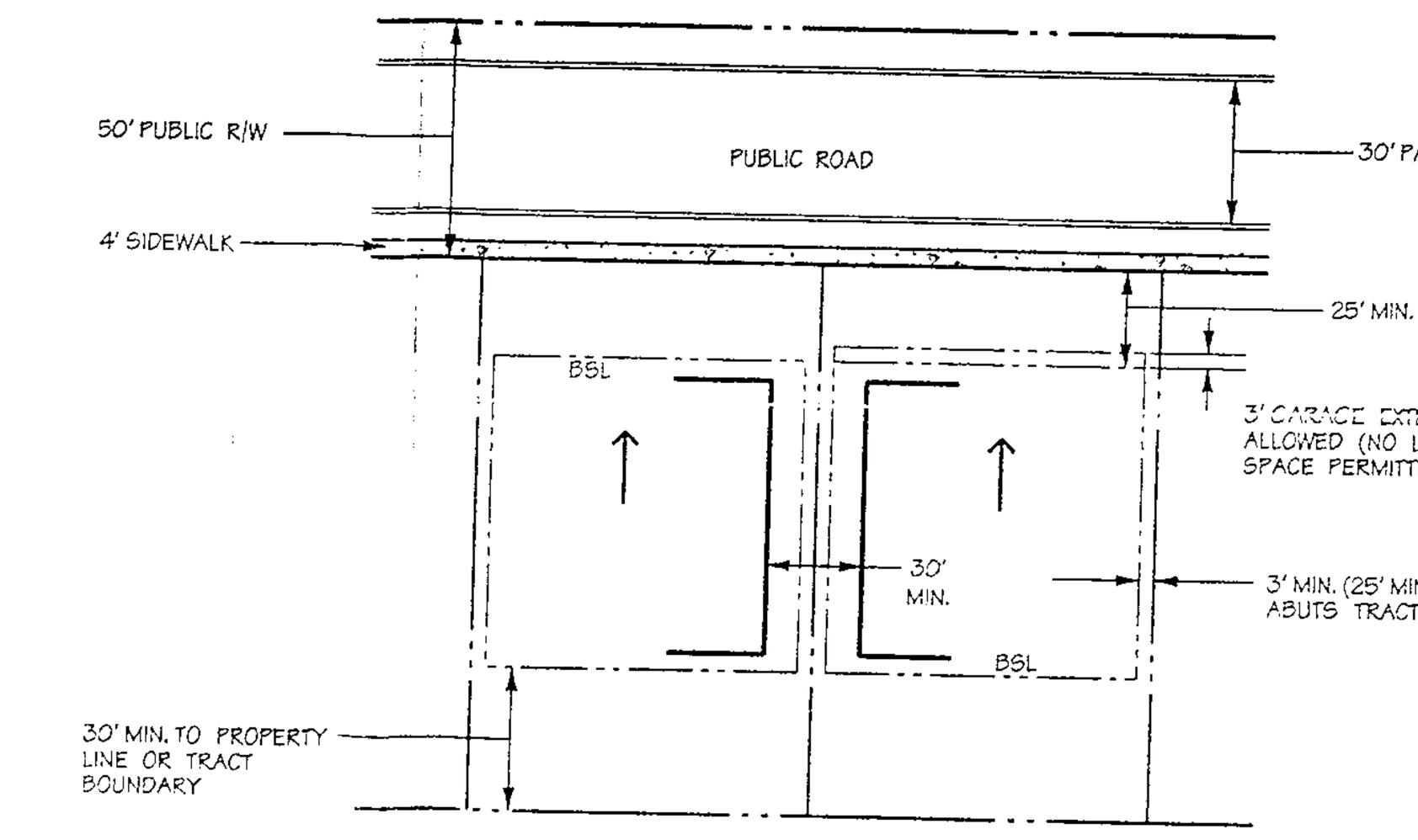
SCALE: 1"=1000'

LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING CONTOURS (580, 582)
- SPOT ELEVATION (+100.4)
- EDGE OF PAVEMENT
- ℄ OF EXISTING ROAD
- EXISTING TREE LINE
- EASEMENT LINE
- SOILS LINE (MbC2 / GcB2)
- FOREST BUFFER EASEMENT (FBE)
- FOREST CONSERVATION EASEMENT (FCE)
- WETLAND LIMITS
- WETLANDS
- PROPOSED CURB & GUTTER
- PROPOSED WATER (8" W.)
- PROPOSED SEWER (8" S.)
- PROP. STORM DRAIN (SD)
- PROPOSED CONTOURS (580, 582)
- PROPOSED STREET LIGHT
- PROPOSED LEVEL SPREADER
- LIMIT OF DISTURBANCE

DATA SOURCES:

1. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON BALTIMORE COUNTY OFFICE OF INFORMATION TECHNOLOGY GIS DATED MARCH 1995.
2. ZONING LINES, IF SHOWN HEREON, HAVE BEEN DIGITIZED FROM BALTIMORE COUNTY 2000 COMPREHENSIVE ZONING MAPS. THE D.R. 2 ZONING IS IN CONFORMANCE WITH THE ZONING FOUND ON THE BALTIMORE COUNTY, "MY NEIGHBORHOOD" WEB ADDRESS DATED 1-25-05.
3. BOUNDARY INFORMATION SHOWN HEREON WAS FIELD RUN BY DMW IN AUGUST, 2004.



TYPICAL LOT

(D.R. 2)
NOT TO SCALE

NOTE: DRAINAGE AND UTILITY EASEMENTS MUST BE A MINIMUM OF 18 INCHES AWAY FROM DWELLINGS IN ORDER TO ACCOMODATE FOOTERS.

DESIGN POINT	TYPE OF FACILITY	CREDITS	WQv REQUIRED (Acft) (AFTER CREDITS)	Rev REQUIRED (Acft / Ac)	Cpv REQUIRED (Acft) (AFTER CREDITS)	Qp10	Qp100
1	SURFACE SAND FILTER (F-1) & EXTENDED DETENTION	NATURAL AREA CONSERVATION & GRASS SWALE	0.151	0.025 / 0.29	0.266	N/A	N/A
2	N/A	NATURAL AREA CONSERVATION & SHEET FLOW TO BUFFER	N/A		N/A (LESS THAN 2 CFS)	N/A	N/A
3	TRADEOFF & VARIANCE REQUESTED	N/A	VARIANCE TO BE REQUESTED		N/A (LESS THAN 2 CFS)	N/A	N/A

MAR - 4 2005

ZONING RELIEF REQUESTED

1. VARIANCE FROM BCZR SECTION 1B01.2.C.1.b TO ALLOW A SIDE BUILDING FACE TO TRACT BOUNDARY SETBACK OF 16.8 FEET IN LIEU OF THE REQUIRED 25 FEET FOR LOT 1.
2. VARIANCE FROM BCZR SECTION 1B01.2.C.1.b TO ALLOW A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 20 FEET IN LIEU OF THE REQUIRED 30 FEET FOR LOTS 3 AND 4.

A COMBINED HEARING HAS BEEN REQUESTED IN ACCORDANCE WITH BALTIMORE COUNTY CODE SECTION 32-4-230.

I, [signature] certify under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development

PLAN TO ACCOMPANY HEARING OFFICER'S ORDER

3/8/05 [signature]
DATE PROJECT MANAGER

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

Development Plan

Sterling Reserve

Wampler Road
PDM #15-836

15th Election District
6th Councilmanic District
Baltimore County, Maryland

NAD83

STATE OF MARYLAND — CHARLES VICTOR MAIN — No. 20784 — REGISTERED PROFESSIONAL ENGINEER — 3-2-05

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE HEARING OFFICER'S ORDER DATED FEBRUARY 23, 2005, AND HAVE PREPARED WITH DUE DILIGENCE THIS DEVELOPMENT PLAN PURSUANT TO THAT ORDER.

ISSUE DATES	
REVIEW:	11-16-04
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	
DRAWN:	KMB/RDW
DESIGNED:	KMB
CHECKED BY:	
DATE CHECKED:	
SCALE:	1" = 50'
PROJECT NO.:	04022.00

DATE	BY	REVISIONS
3-1-05	DMW	ADDED REDLINE REVISIONS FROM 2-3-05 HOH AND ADDED HEARING OFFICER'S ORDER

04022104022.dwl

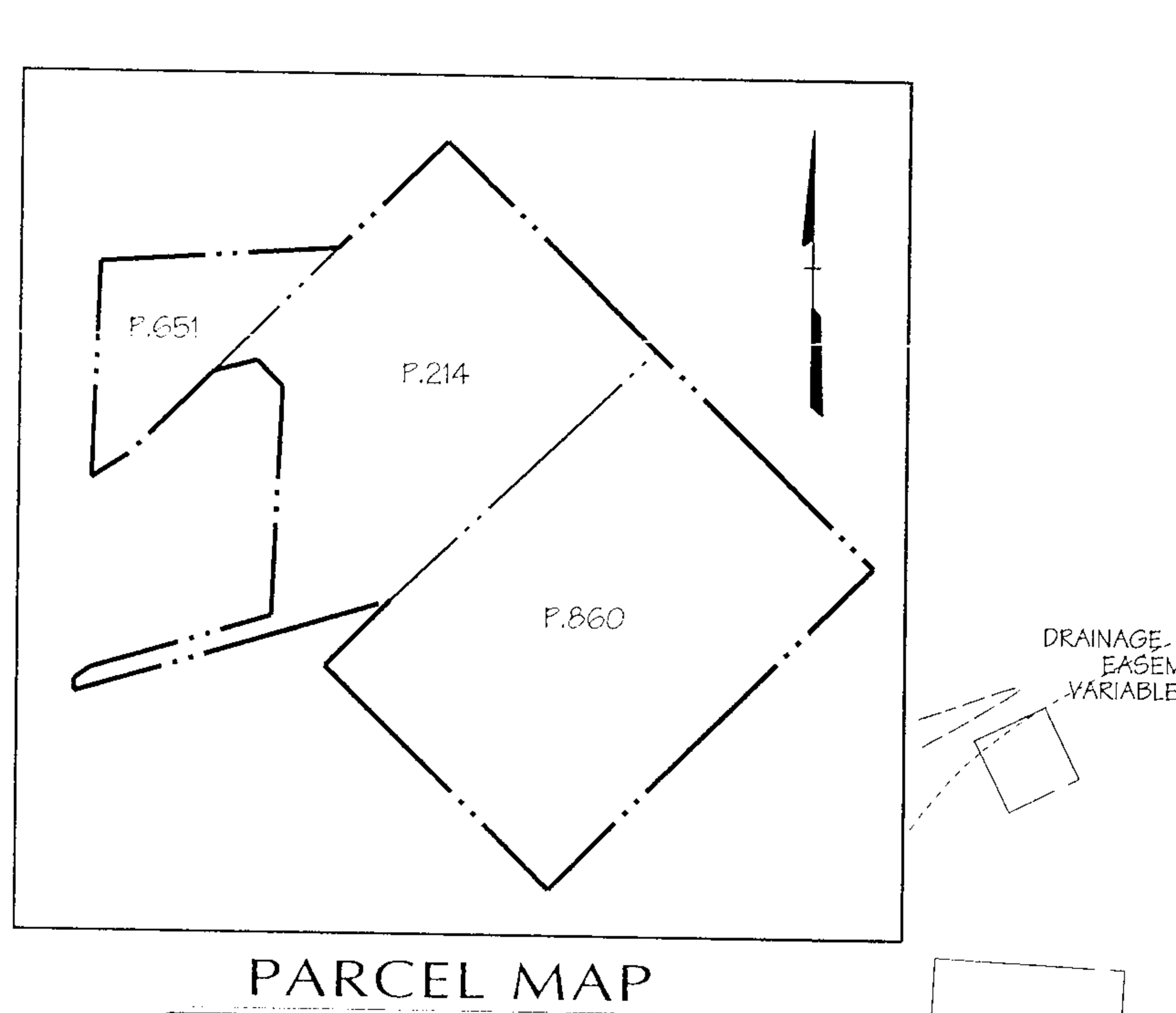
SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	PROPOSED UNITS	PARKING REQUIRED	PARKING PROVIDED	AVG. DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
SINGLE-FAMILY	15	30	30	150	N/A	N/A
TOTAL	15	30	30	150	N/A	N/A

SITE DATA

ZONE (MAP NE 5-1)	ACRES	UNITS ALLOWED	UNITS PROPOSED
D.R.2	7.74	15	15

THESE PARCELS AS SHOWN ON THE PLAN HAVE BEEN HELD INTACT SINCE 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THESE PROPERTIES AS SHOWN ON THE PLAN HAS EVEN BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.



PARCEL MAP

SCALE: 1"=200'

PARCEL 860:

- 1952-1956 FOWLER HAS 7.5 ACRES AND CONVEYS 5 PARCELS TO VARIOUS GRANTEES LEAVING A RESIDUE OF 3.96 AC. ±.
- 1991 FOWLER SELLS 3.96 AC. ± TO ZIEMSKI.
- 1993 ZIEMSKI SELLS TO ZIEMBA.
- 1994 ZIEMBA SELLS TO HEIM.

PARCEL 651:

- 1945 KITTEL SELLS 0.691 ACRES TO HEIM.
- 1957 HEIM AND HIS NEIGHBOR BAUGHMAN SWAP EQUAL AREAS OF LAND BETWEEN ONE ANOTHER. THE NEW PARCEL GEOMETRY DOES NOT CHANGE THE HEIM ACREAGE.
- 1989 HEIM TO HEIM. THE GEOMETRY AND ACREAGE STAYS THE SAME.
- 1998 HEIM TO HEIM. THE GEOMETRY AND ACREAGE STAYS THE SAME.

PARCEL 214:

- 1956 TRUSHEIM SELLS TO HEIM 3.649 ACRES ±.
- 1989 HEIM TO HEIM - TRANSFER BETWEEN FAMILY MEMBERS.
- 1998 HEIM TO HEIM - TRANSFER BETWEEN FAMILY MEMBERS.

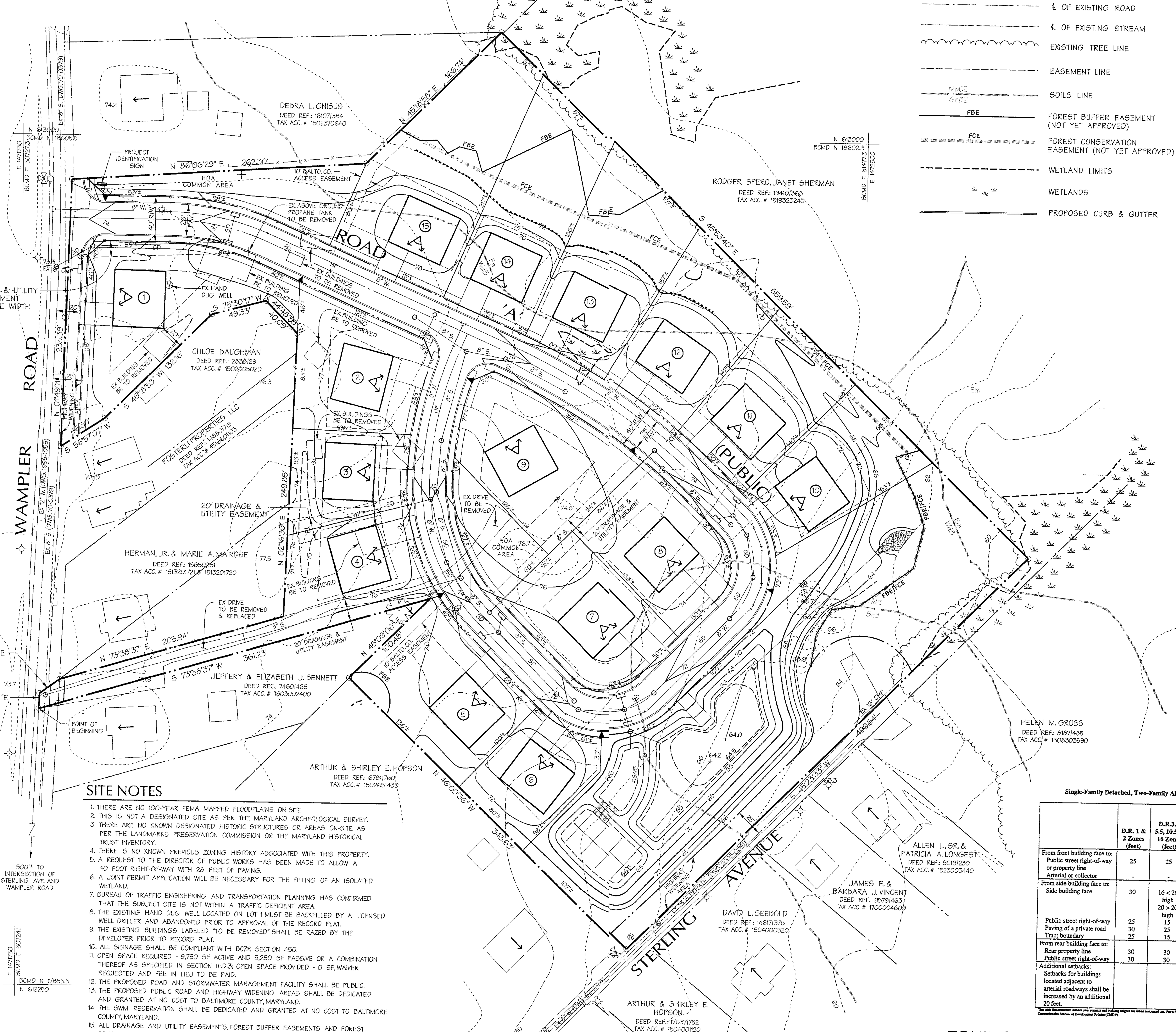
FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT NOTES

STANDARD NON-DISTURBANCE NOTE:

"THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT."

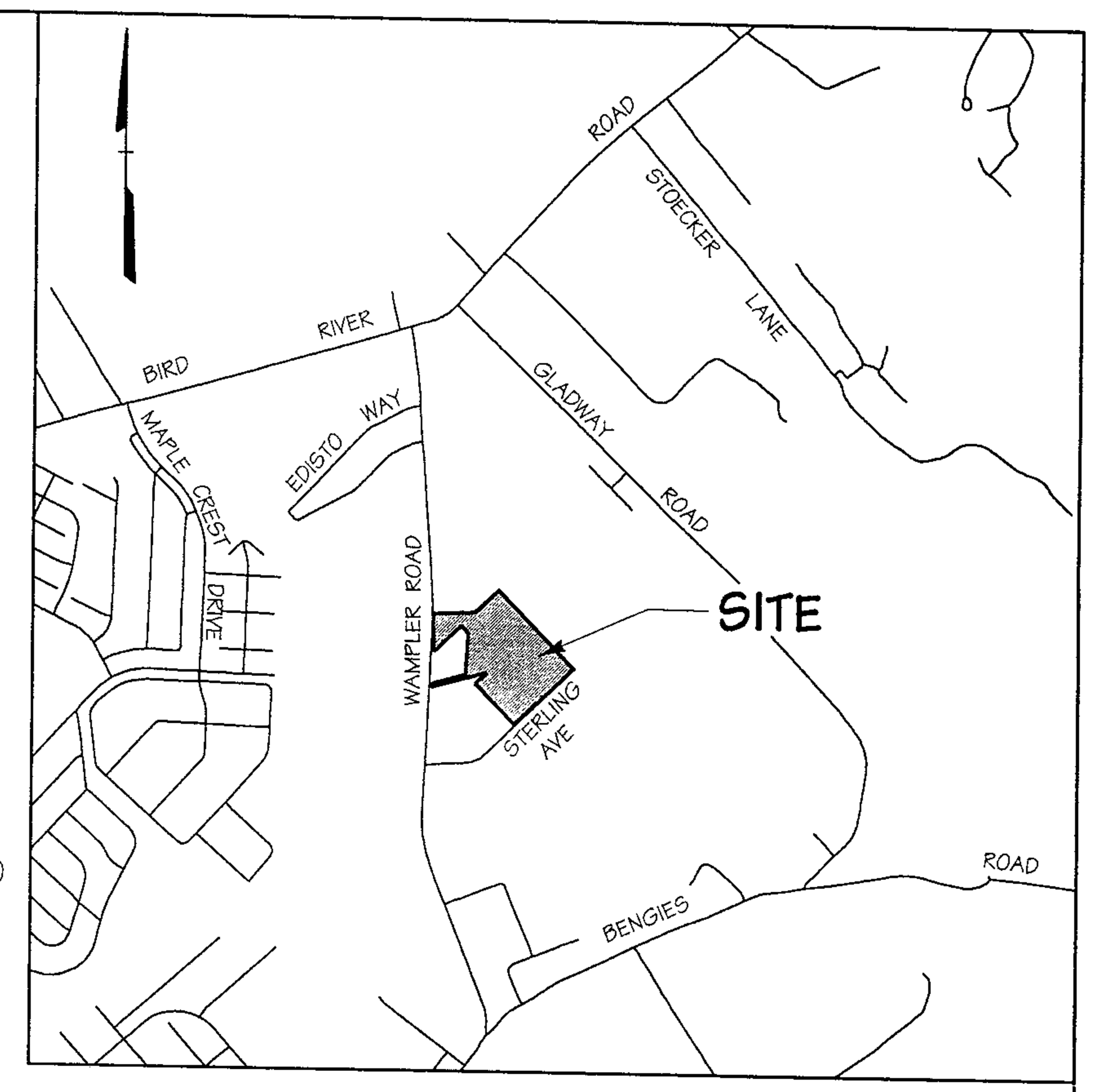
PROTECTIVE COVENANTS NOTE:

"ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS."



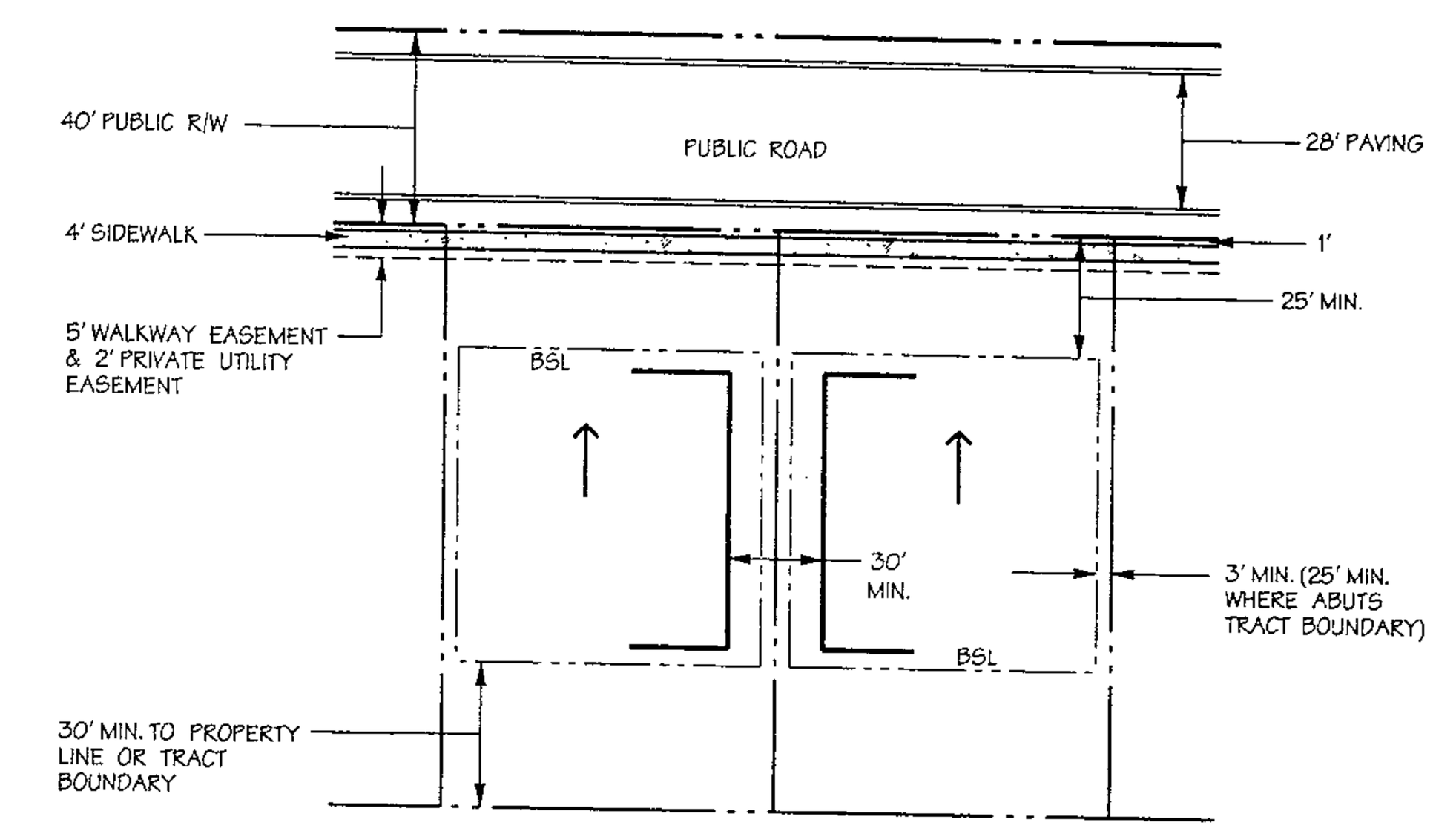
LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING CONTOURS
- SPOT ELEVATION
- EDGE OF PAVEMENT
- ℄ OF EXISTING ROAD
- ℄ OF EXISTING STREAM
- EXISTING TREE LINE
- EASEMENT LINE
- SOILS LINE
- FBE FOREST BUFFER EASEMENT (NOT YET APPROVED)
- FCE FOREST CONSERVATION EASEMENT (NOT YET APPROVED)
- WETLAND LIMITS
- WETLANDS
- PROPOSED CURB & GUTTER



VICINITY MAP

SCALE: 1"=1000'



TYPICAL LOT

(D.R. 2)

NOT TO SCALE

DATA SOURCES:

1. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON BALTIMORE COUNTY OFFICE OF INFORMATION TECHNOLOGY GIS DATED MARCH 1995.
2. ZONING LINES, IF SHOWN HEREON, HAVE BEEN DIGITIZED FROM BALTIMORE COUNTY 2000 COMPREHENSIVE ZONING MAPS.
3. BOUNDARY INFORMATION SHOWN HEREON WAS FIELD RUN BY DMW IN AUGUST, 2004.

SITE DATA

OWNER:	P.651 & 214 BARRY M. & ELAINE G. HEIM 937 WAMPLER ROAD BALTIMORE, MD 21220
	P.860 JOHN L. HEIM & BARRY M. HEIM 21A OAK GROVE DRIVE BALTIMORE, MD 21220
DEVELOPER:	IRON HORSE PROPERTIES, LLC 603 SAINT FRANCIS ROAD BALTIMORE, MD 21286
TAX ACCOUNT NUMBER:	1508301001, 1508301000 & 1506450930
GROSS SITE AREA:	7.79 ACRES ±
NET SITE AREA:	7.74 ACRES ±
ZONING:	D.R.2
DEED REFERENCE:	13291/748 & 10888/617
TAX MAP:	90 & 82
GRID:	6 & 24
PARCEL:	651, 214 & 860
ELECTION DISTRICT:	15
COUNCILMANIC DISTRICT:	6
CENSUS TRACT:	4517.01
REGIONAL PLANNING DISTRICT:	322A
SCHOOL DISTRICTS:	
ELEMENTARY SCHOOL:	GLENMAR
MIDDLE SCHOOL:	MIDDLE RIVER
HIGH SCHOOL:	KENWOOD
WATERSHED:	5 - BIRD RIVER
SUB-SEWERSHED:	15 - BIRD RIVER RUN

SITE NOTES

1. THERE ARE NO 100-YEAR FEMA MAPPED FLOODPLAINS ON-SITE.
2. THIS IS NOT A DESIGNATED SITE AS PER THE MARYLAND ARCHEOLOGICAL SURVEY.
3. THERE ARE NO KNOWN DESIGNATED HISTORIC STRUCTURES OR AREAS ON-SITE AS PER THE LANDMARKS PRESERVATION COMMISSION OR THE MARYLAND HISTORICAL TRUST INVENTORY.
4. THERE IS NO KNOWN PREVIOUS ZONING HISTORY ASSOCIATED WITH THIS PROPERTY.
5. A REQUEST TO THE DIRECTOR OF PUBLIC WORKS HAS BEEN MADE TO ALLOW A 40 FOOT RIGHT-OF-WAY WITH 28 FEET OF PAVING.
6. A JOINT PERMIT APPLICATION WILL BE NECESSARY FOR THE FILLING OF AN ISOLATED WETLAND.
7. BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
8. THE EXISTING HAND DUG WELL LOCATED ON LOT 1 MUST BE BACKFILLED BY A LICENSED WELL DRILLER AND ABANDONED PRIOR TO APPROVAL OF THE RECORD PLAT.
9. THE EXISTING BUILDINGS LABELED "TO BE REMOVED" SHALL BE RAZED BY THE DEVELOPER PRIOR TO RECORD PLAT.
10. ALL SIGNAGE SHALL BE COMPLIANT WITH BCZR SECTION 450.
11. OPEN SPACE REQUIRED - 9,750 SF ACTIVE AND 5,250 SF PASSIVE OR A COMBINATION THEREOF AS SPECIFIED IN SECTION III.D.3; OPEN SPACE PROVIDED - 0 SF, WAIVER REQUESTED AND FEE IN LIEU TO BE PAID.
12. THE PROPOSED ROAD AND STORMWATER MANAGEMENT FACILITY SHALL BE PUBLIC.
13. THE PROPOSED PUBLIC ROAD AND HIGHWAY WIDENING AREAS SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND.
14. THE SWM RESERVATION SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND.
15. ALL DRAINAGE AND UTILITY EASEMENTS, FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND.
16. SEWER SERVICE TO THE BASEMENTS OF LOTS 5-8 AND 10-15 WILL BE PROVIDED BY INTERNAL GRINDER PUMPS.
17. VERIFICATION OF THE STORMWATER MANAGEMENT OUTFALLS IS CONTAINED IN THE PRELIMINARY SWM HYDROLOGY COMPUTATIONS REPORT.
18. THE AVERAGE DISTANCE FROM THE CENTERLINE OF WAMPLER ROAD TO THE GNIBUS AND BAUGHMAN PROPERTIES IS 45.5 FEET. THE DISTANCE FROM THE CENTERLINE OF WAMPLER ROAD TO THE PROPOSED HOUSE ON LOT 1 IS 50 FEET. THEREFORE, THE REQUIREMENTS OF BCZR SECTION 303.1 ARE MET.
19. A VARIANCE TO THE SWM REGULATIONS HAS BEEN REQUESTED TO ALLOW 0.31 ACRES OF UNTREATED IMPERVIOUS.

Single-Family Detached, Two-Family Alternative Site Design Dwellings

	D.R. 1 & 2 Zones (feet)	D.R.3.5, 5.5, 10.5 & 16 Zones (feet)	Alternative Site Design Dwellings: Zero & Zipper Lots All D.R. Zones (feet)	Alternative Site Design Dwellings: Neo-Traditional All D.R. Zones (feet)
From front building face to: Public street right-of-way or property line	25	25	25	15
Arterial or collector	-	-	-	25
From side building face to: Side building face	30	16 < 20 high 20 > 20 high	16	16 < 20 high 20 > 20 high
Public street right-of-way	25	15	15	15
Paving of a private road	30	25	25	25
Tract boundary	25	15	15	15
From rear building face to: Rear property line	30	30	20	50
Public street right-of-way	30	30	20	50
Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.				

This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).

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A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

Plan to Accompany Petition for Zoning Variance

Sterling Reserve

Wampler Road
PDM #15-836

15th Election District
6th Councilmanic District

Baltimore County, Maryland

NAD83

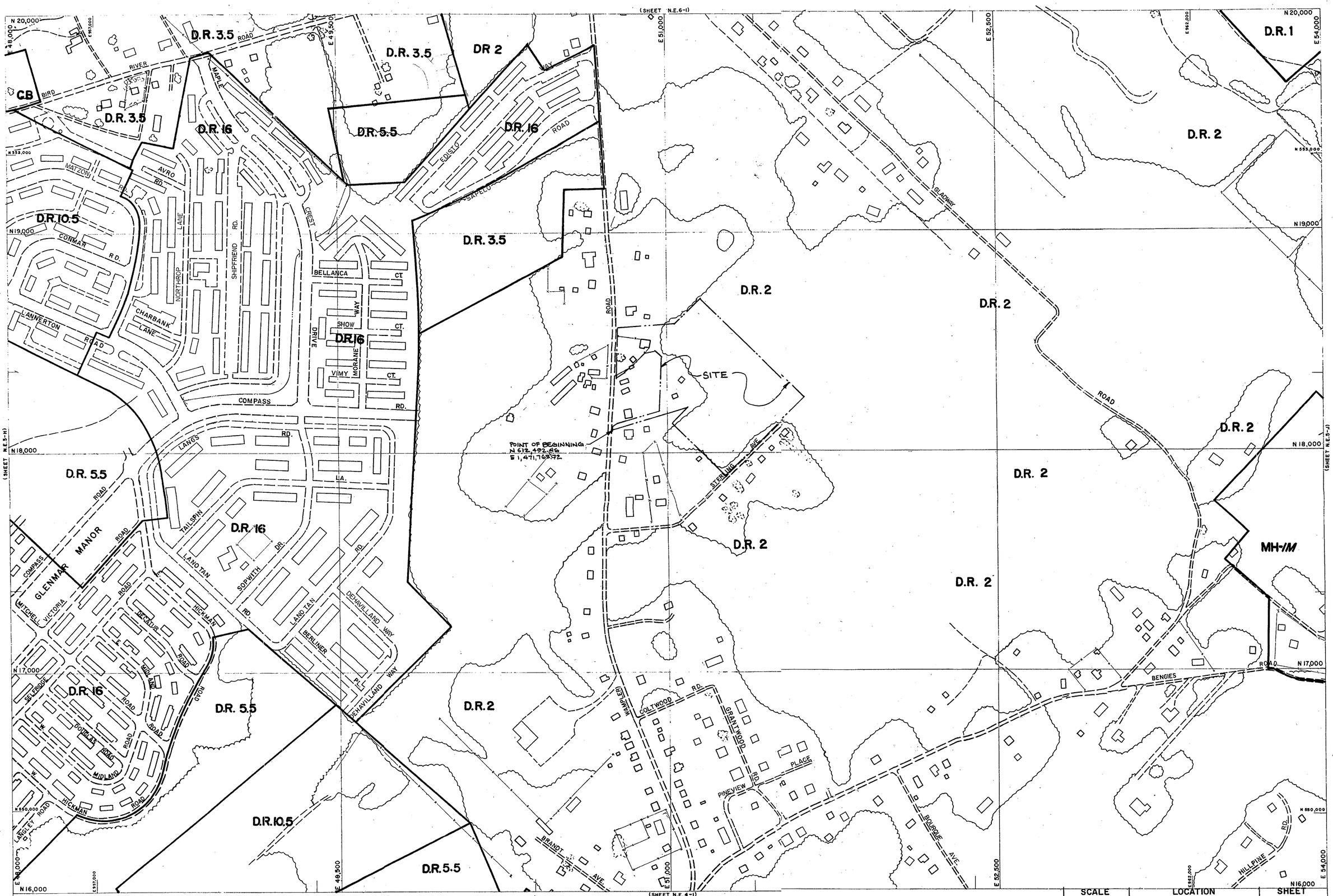
STATE OF MARYLAND · CHARLES VICTOR MARK III · NO. 20784 · REGISTERED PROFESSIONAL ENGINEER — 11-16-04

DATE	BY	REVISIONS

ISSUE DATES			
REVIEW:	11-16-04	BASE:	
BID:		DRAWN:	KMB
PERMIT:		DESIGNED:	KMB
CONSTRUCTION:		CHECKED BY:	KMB
SCALE:	1" = 50'	DATE CHECKED:	11-16-04
PROJECT NO.:	04022.00	DRAWING:	1 of 1

Tue Nov 16 13:32:31 2004 N:\04022\04022.z1

CS 263 : 7



I - NE
M - SE

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	BENGIES VICINITY	N.E. 5-I
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 51