

IN RE: **DEVELOPMENT PLAN HEARING and
PETITION FOR SPECIAL HEARING**
W/S Old Hanover Rd. @ SW Corner Frye Rd.
(Elseroad Property)
4th Election District
3rd Council District

S. Glenn and Ruth Elseroad
Legal Owner/Developer

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* **Case Nos. IV-623 &
05-392-SPH**

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 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 review regulations codified in Article 32, Title 4 thereof, the Owners/Developers seek approval of a redlined development plan, prepared by McKee & Associates, Inc., for the proposed residential development of the subject property with 5 single-family dwellings lots. In addition to development plan approval, a Petition for Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) seeking the approval of (1) modification to the relief granted in Case No. 02-029-SPH to recognize the pre-existing dwelling on Parcel 210 (held intact since 1954) and, in accordance with B.C.Z.R. Section 304, approve a lot line adjustment with commonly owned, adjoining Parcel 364 to enlarge Parcel 210 from 0.15 + acres to a minimum of 1.0 acre in size; (2) the accumulation of lot density among Parcel Nos. 363 & 364 to permit subdivision thereof in a clustered configuration to further promote the retention of existing agricultural operations thereon; and (3) for such additional relief as the nature of this case as presented at the time of the hearing on the Petition may require. The proposed subdivision and requested relief are more particularly described on the two-page, redlined development plan submitted into evidence and marked as Developer's Exhibit 1A & 1B.

JADER RECEIVED FOR FILING

Date

7-9-99

By

D. J. [Signature]

As to the history of this project through the development review process codified in Article 32 of the Baltimore County Code, a concept plan of the proposed development was prepared and a conference held thereon on June 14, 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. The CIM in this case was held on July 12, 2004 at the Boring Volunteer Fire Company. 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. Often the development plan has been revised to incorporate changes suggested at the CPC and/or CIM. In this case, the DPC has held on August 17, 2005. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held on September 8, 2005. By agreement of all parties, the record of the case was held open for a period of approximately ten months to allow the Department of Environmental Protection and Resource Management (DEPRM) additional time to review and comment on the stormwater management proposed for this site. The review now completed, this decision follows.

Appearing at the requisite public hearing held for this project were Mr. and Mrs. Elseroad and Howard L. Alderman, Jr., Esquire, representing the property owners. Also appearing was Guy C. Ward, on behalf of McKee & Associates, Inc., the consultant who prepared the development plan for this project. Numerous representatives of the various

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Date 7-6-06

By 12-3-06

Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Christine Rorke, Project Manager; Dennis Kennedy, Development Plans Review; Joe Happel, Land Acquisition; and, Lloyd Moxley, Zoning Review. Also appearing on behalf of the County were Donnell Ziegler, Office of Planning (OP); R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook, Department of Recreation and Parks (R&P). Community members and an adjacent owner from the surrounding locale namely Vincent and Kelly Palmiotto, Bruce Nolte, George Neubeck, and Tobe Carter attended as interested persons.

The subject property under consideration is comprised of an assemblage of three separate parcels, each separately deeded and each with its own tax bill and tax account number, located on the west side of Old Hanover Road at the southwest corner of Frye Road in Boring, Maryland. The property contains a gross area of approximately 20.00 acres, zoned R.C.2, and is presently improved with a single-family dwelling (Parcel No. 210) constructed in the early 1900's and is too small to be further subdivided. Testimony from Mr. Nolte was that this home has been occupied until nearly one year ago. Parcels 363 and 364, as confirmed in Case No. 02-029-SPH, each have sufficient acreage/density for two, new lots. Thus, the redlined development plan depicts a total of five lots, one existing (Parcel 210) which is to be enlarged to minimum standards and four proposed.

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 outstanding issues. As noted above, Mr. Bruce Seeley of the Department of Environmental Protection and Resource Management (DEPRM) advised that staff of that Department had, within

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Date

By

the previous two days, requested that the location of the stormwater management facility be relocated. Additional analyses were required regarding the suitability of the outfall. At the request of DEPRM and the concurrence of Mr. Alderman, it was agreed that the record in this matter would be held open to permit DEPRM personnel the time necessary to review and analyze issues related to stormwater management.

Three members of the community testified about the redlined development plan presented at the time of the hearing. Mr. Bruce Nolte, who lives to the south of the subject development property commented generally about stormwater in the area, the potential impact of the proposed development on the value of his property and the aesthetic view that he currently enjoys to the north. He requested that the developer give consideration to moving the homes on proposed Lots 2, 3 & 4 further forward and away from his property. Mr. Nolte introduced several photographs of his presently unimpaired view in support of his request for relocation of the houses. Mr. Ward complied and made redline changes as requested by Mr. Nolte.

Mr. Vincent Palmiotto, who lives in the immediate area indicated that he had reviewed the redlined plan submitted as Developer's Exhibit 1 and found that the redline changes addressed his concerns. Mr. George Neubeck, a neighbor and Vice-President of the Hanover Road Association, Inc. testified about the positive reputation that Mr. Elseroad has in the community, both personally and as an occasional developer. Mr. Neubeck is also the chairman of the "Watchdog Committee" that monitors issues of development and zoning in the area. Additionally, Mr. Neubeck indicated that Mr. Elseroad had addressed the Hanover Road Association at it last meeting to discuss the development proposed and the response of the Association's members in attendance was positive and strongly in support of the proposed development. Shortly after the hearing, Mr. Neubeck sent

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Date

7-9-88

By

D. J. [Signature]

an email message to me confirming his testimony and the position of the Hanover Road Association, Inc. relative to the proposed development plan.

As agreed at the hearing, once the issues involving stormwater management and suitable outfall had been addressed to the satisfaction of the County, Mr. Guy Ward was to prepare a further redlined plan to be submitted for my review and approval. On June 21, 2006, my office received from Mr. Ward a copy of the revised, redlined plan showing a relocated stormwater management facility and a supplemental sheet which depicts, in detail, the off-site storm drain system presented to the County for review and approval. Accompanying the material received from Mr. Ward was approval of the on-site stormwater management system by DEPRM and approval, by Development Plans Review Section on behalf of the Department of Public Works (DPW), of the design and suitability of the off-site storm drain system. Both of these agencies recommended approval of the further redlined development plan and accompanying supplemental/second sheet.

Included in the redlined revision of the development plan submitted is a shift to the north of the homes proposed on Lot Nos. 2 and 3 and to the west on Lot No. 4, to address the comments received from Mr. Nolte. Also shown in additional redlining on the revised development plan are changes to address revised lot acreages and general comments received about a driveway that is to remain.

The developer, through his representatives, has addressed all County comments and has modified the proposed development plan to address community comments received at the hearing. After reviewing the redlined development plan, the supplemental sheet which is now part of it and the post-hearing approvals from DEPRM and Development Plans Review, I find that there are no issues which remain open or unaddressed.

NOT RECEIVED FOR FILING
Date 7-9-09
By [Signature]

Petition for Special Hearing:

In addition to the development plan filed, the owners have also filed a Petition for Special Hearing requesting approval of a modification to the relief granted in Case No. 02-029-SPH with respect to the recognition of the dwelling on Parcel No. 210 relative to its replacement with a new dwelling and a lot line adjustment with the adjoining Parcel No. 364 to make Parcel No. 210 a minimum of 1.0 acres in size. Additionally, the Petitioners have requested an accumulation of existing density between Parcels 363 and 364 to permit a cluster lot configuration in promotion of the retention of existing agricultural operations.

The Zoning Advisory Committee (ZAC) which reviews and provides comments on proposed zoning relief generated written comments which are part of the zoning case file. Mr. Ward, testifying as Petitioners expert, indicated that the Petitioners would meet the Office of Planning's recommendations in the relocation of the replacement dwelling on Parcel 210, with required screening, would locate the driveway of Lot 5 as requested and will provide the residential articulation features requested on the side elevation of the dwelling on Lot 5 that faces Old Hanover Road. No other reviewing agency had any comment on the relief requested.

In support of their requested relief, the Petitioners offered the redlined development plan as Petitioner's Exhibit No. 1. Mr. Ward testified that the proposed development shown thereon was consistent with the relief requested. Regarding the accumulation of unused density on Parcels 363 & 364, the Petitioners through Mr. Ward introduced a copy of the Zoning Commissioner's Order, dated September 26, 2001, in Case No. 02-029-SPH (Petitioner's Exhibit No. 2), a copy of the Plat to accompany the Petition in that prior case (Petitioner's Exhibit No. 3) and the Boundary Exhibit introduced in that prior case (Petitioner's Exhibit No. 4).

From the testimony and evidence presented the proposed lot line adjustment will increase the size of improved Parcel 210 to 1.01 +/- acres, meeting the minimum lot size of B.C.Z.R. Section 1A01.3B.2. Mr. Ward testified that the homes were clustered to permit the existing agricultural/crop uses as shown on Petitioner's Exhibit No. 1 to continue. I find that the clustering of the replacement and proposed homes on the south side of the subject property will leave the northern acreage available for continuation of agricultural uses.

Based on the testimony and evidence produced by the Petitioners, I find that the development plan as submitted meets all County rules, regulations and standards for development and should be approved. The uncontradicted testimony of Petitioner's expert, Mr. Ward, regarding the screening proposed, both on and off-site and the relocated access to the subject property and proposed lots as shown on Petitioner's Exhibit No. 1, together with Petitioners' willingness to comply with the design recommendations of the Office of Planning are all factors that I considered in rendering my decision. I am persuaded that, subject to the conditions below, the lot line adjustment to enlarge existing Parcel 210 to a minimum of 1.0 acre and the clustering of the four additional lots proposed, together with an amendment of the plat submitted in the prior zoning case should be approved as they will not be detrimental to the health, safety or general welfare of the public or the community. The requested relief will not create congestion in the roads or overcrowd the land and will, in fact, retain a large area of the subject property for agricultural uses.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Article 32, Section 4 of the Baltimore County Code, the two-page, redlined development plan (Developer's Exhibit 1) shall be approved consistent with the comments contained herein, and the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 6th day of July 2006 that the development plan for **Elseroad Property**, identified herein as Developer's Exhibit 1A and 1B, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing filed pursuant to Section 500.7 of the B.C.Z.R. seeking the approval of (1) a modification to the relief granted in Case No. 02-029-SPH to recognize the pre-existing dwelling on Parcel 210 (held intact since 1954) and, in accordance with Baltimore County Zoning Regulations (B.C.Z.R.) Section 304, approve a lot line adjustment with commonly owned, adjoining Parcel 364 to enlarge Parcel 210 from 0.15 + acres to a minimum of 1.0 acre in size; (2) the accumulation of lot density among Parcel Nos. 363 & 364 to permit subdivision thereof in a clustered configuration to further promote the retention of existing agricultural operations thereon; and (3) for such additional relief as the nature of this case as presented at the time of the hearing on the Petition may require, 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) As noted on the redlined development plan (Developer's Exhibit No. 1A and B), prior to the issuance of a building permit for Lot 1, the owner/developer shall submit building plans including elevations (all sides) for this lot to the Office of Planning for approval.
- (3) A final landscape plan must be submitted to and approved by the Office of Planning, and to the Development Plans Review Section of Permits and Development Management (Avery Harden – Landscape Architect) prior to approval of the subdivision plat.
- (4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

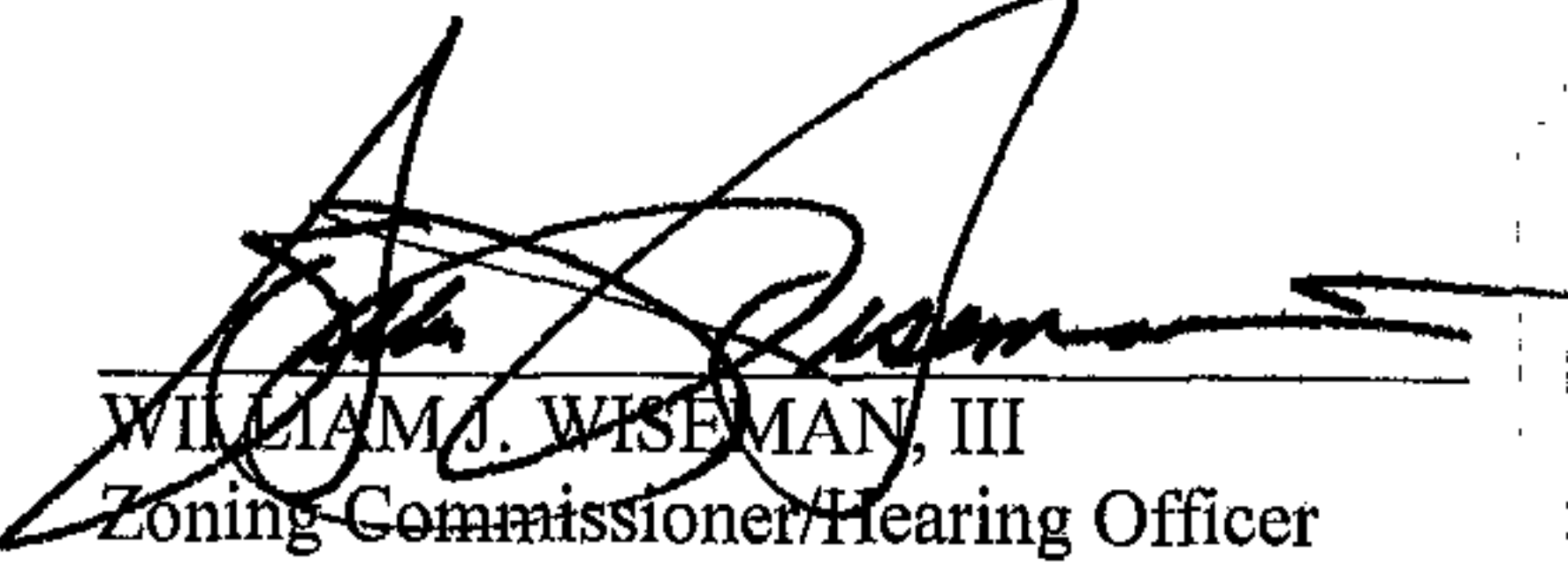
ORDER RECEIVED FOR FILING

Date 7-9-06

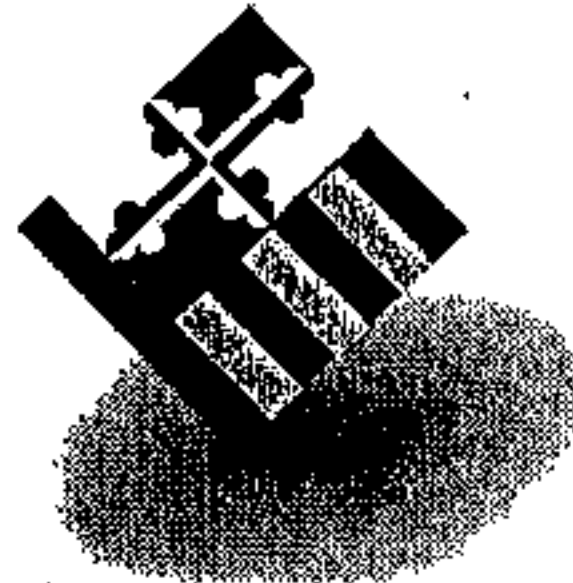
By [Signature]

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

WJW:dlw


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

ORDER REVIEWED FOR FILING
Date 7-6-06
By D. Wiley



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 6, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

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

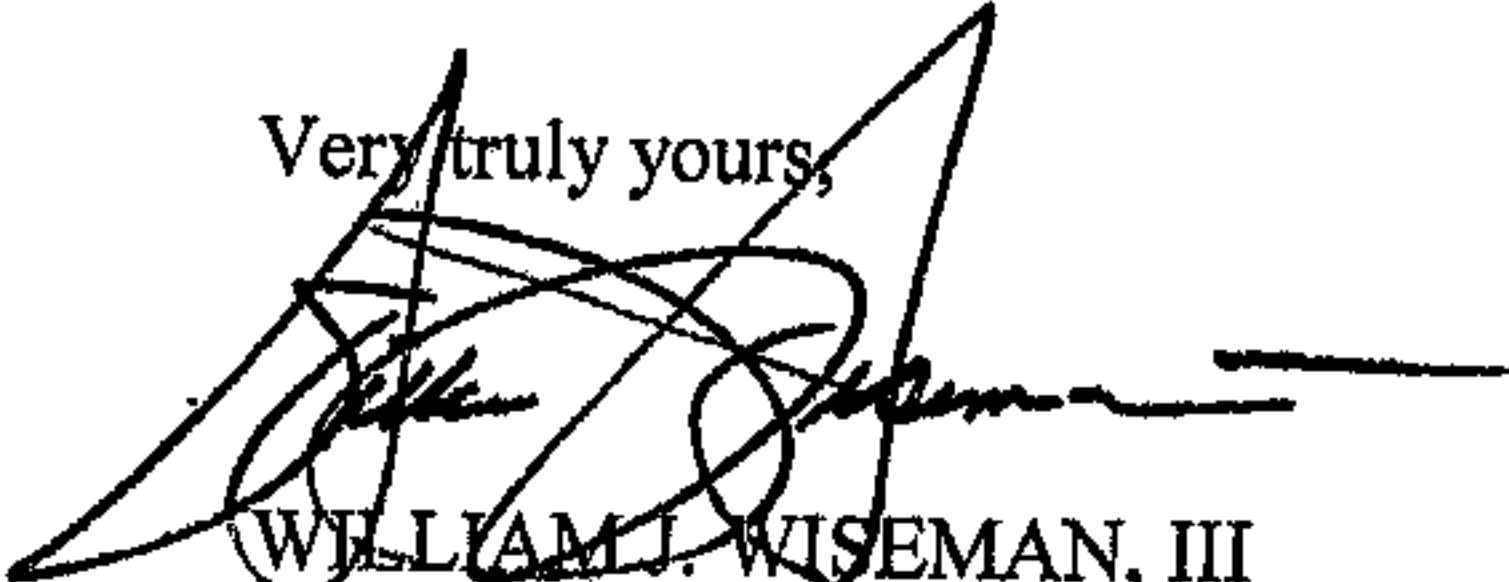
**RE: DEVELOPMENT PLAN HEARING and
PETITION FOR SPECIAL HEARING
(Elseroad Property)**
4th Election District – 3rd Council District
S. Glenn and Ruth Elseroad – Owners/Developers
Case Nos. IV-623 & 05-392-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Special Hearing granted with conditions, 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:dlw

- c: Mr. and Mrs. S. Glenn Elseroad, 5423 Mt. Gilead Road, Reisterstown, Md. 21136
Mr. Guy C. Ward, McKee & Associates, Inc., 5 Shawan Rd., Ste. 1, Cockesville, Md. 21030
Mr. & Mrs. Vincent J. Palmiotto, 14622 Old Hanover Rd., Reisterstown, Md. 21136
Mr. Bruce Nolte, 14618 Old Hanover Rd., Reisterstown, Md. 21136
Mr. George Neubeck, 14301 Hanover Pike, Reisterstown, Md. 21136
Mr. Tobe Carter, II, P.O. Box 33, Boring, Md. 21020
Ms. Chris Rorke, , DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File
Avery Harden, Baltimore County Landscape Architect



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Old Hanover & Frye Roads, SW corner
which is presently zoned RC-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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Howard L. Aldeman, Jr., Esquire
Name - Type or Print City
Signature
Levin & Garn, P.A.
Company Suite 800
502 Washington Avenue 410-321-0600
Address Telephone No.
Towson, MD 21204
City State Zip Code

Legal Owner(s):

S. Glenn Elseroad
Name - Type or Print
Signature
Ruth L. Elseroad
Name - Type or Print
Signature
5423 Mount Gilead Road 410-429-3990
Address Telephone No.
Reisterstown MD 21136
State Zip Code

Representative to be Contacted:

Guy C. Ward, RS McKee & Associates, Inc.
Name
Five Shawan Place, Suite 100 410-527-1555
Address Telephone No.
Hunt Valley Maryland 21030
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 2/4/05

Case No. 05-392-SPH

RE 1/15/98

MAILED 7-9-06
JAN 11 2006
RECEIVED FOR FILING

ATTACHMENT

PETITION FOR SPECIAL HEARING

CASE NO: 05- -SPH

Address: Old Hanover & Frye Road

Petitioners: S. Glenn & Ruth L. Elseroad

Present Zoning: RC-2

REQUESTED RELIEF:

"why the Zoning Commissioner should" [1] approve a modification to the relief granted in Case No. 02-029-SPH to recognize the pre-existing dwelling on Parcel 210 (held intact since 1954) and, in accordance with BCZR § 304, approve a lot line adjustment with commonly owned, adjoining Parcel 364 to enlarge Parcel 210 from 0.15 ± acres to a minimum of 1.0 acre in size; [2] approve the accumulation of lot density among Parcel Nos. 363 & 364 to permit subdivision thereof in a clustered configuration to further promote the retention of existing agricultural operations thereon; and [3] for such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard E. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com

05-392-SPH

Zoning Description for the Elseroad Property:

Beginning at point located on the West Side of Old Hanover Pike which is 20 feet wide, +/-, at a distance of 0 feet, +/- South of the centerline of the nearest improved intersecting street, Frye Road, which is 20 feet wide, +/- as recorded in deed Liber 16847 folio 388, Liber 16865 folio 128 and Liber 16856 folio 122 and thence running for the 27 courses and distances as follows:

1. South 04 degrees 30 minutes 25 seconds East 169.12 feet,
2. South 21 degrees 45 minutes 25 seconds East 231.10 feet,
3. South 48 degrees 39 minutes 54 seconds 180.86 feet,
4. South 32 degrees 03 minutes 18 seconds East 63.07 feet,
5. South 39 degrees 04 minutes 18 seconds West 36.92 feet,
6. South 39 degrees 04 minutes 18 seconds West 2.80 feet,
7. South 42 degrees 32 minutes 51 seconds West 32.68 feet,
8. South 40 degrees 07 minutes 31 seconds West 33.91 feet,
9. South 35 degrees 14 minutes 30 seconds West 29.70 feet,
10. South 36 degrees 49 minutes 42 seconds West 27.03 feet,
11. South 55 degrees 58 minutes 33 seconds West 23.78 feet,
12. South 80 degrees 35 minutes 59 seconds West 30.99 feet,
13. North 82 degrees 19 minutes 58 seconds West 36.81 feet,
14. North 80 degrees 04 minutes 58 seconds West 60.98 feet,
15. North 83 degrees 54 minutes 32 seconds West 60.49 feet,
16. North 86 degrees 11 minutes 32 seconds West 66.40 feet,
17. North 84 degrees 28 minutes 20 seconds West 137.87 feet
18. North 81 degrees 53 minutes 27 seconds West 82.80 feet,
19. North 87 degrees 12 minutes 40 seconds West 24.14 feet,
20. North 00 degrees 03 minutes 22 seconds East 12.51 feet,
21. South 76 degrees 48 minutes 14 seconds West 156.75 feet,
22. South 76 degrees 48 minutes 14 seconds West 501.60 feet,
23. North 19 degrees 04 minutes 51 seconds West 693.00 feet,
24. North 76 degrees 28 minutes 52 seconds East 501.60 feet,
25. South 22 degrees 31 minutes 08 seconds East 11.55 feet,
26. North 75 degrees 28 minutes 52 seconds East 119.63 feet,
27. South 89 degrees 22 minutes 57 seconds East 676.28 feet to the point of beginning.

Containing 871,198 S.F.+/-, or 19.99 acres,+/-.

Also know as the "Elseroad Property" PDM #IV- 623 and located in the 4th Election District , 3rd Councilmanic District.

ORE COUNTY, MARYLAND
IF BUDGET & FINANCE
LANEUS RECEIPT

No. 141444

2/4/05 ACCOUNT 0010066150

AMOUNT \$ 325.00

McKEE & ASSOC

ED # 390 05-392-SPH

10 CORNER OLD HANOVER & FAYE RDS

DN
CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DATE
2/01/2005	2/04/2005	09:25:04	2
ED # 390	05-392-SPH		
CHECK # 301344	2/04/2005		0010066150
5	520 ZONING VERIFICATION		
431444			
Recpt for	\$325.00		
\$325.00	OK	\$325.00	14
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: #08-392-SPH

Old Hanover & Frye Roads

S/west of corner of Old Hanover & Frye Roads

4th Election District -- 2nd Councilmanic District

Legal Owner(s): S. Glenn & Ruth L. Elseroad

Special Hearing: (1) to approve a modification to the relief granted in Case No. 02-029-SPH, to recognize the pre-existing dwelling on Parcel 210, to approve a lot line adjustment with commonly owned, adjoining Parcel 364 to enlarge Parcel 210 from 0.15 +/- acres to a minimum of 1.0 acre in size, (2) To approve the accumulation of lot density among Parcel Nos. 363 & 364 to permit subdivision thereof in a clustered configuration to further promote the retention of existing agricultural operations thereon, (3) for such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require.

Hearing: Thursday, September 8, 2008 at 9:00 a.m. in Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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 8/7/12 August 23

63830

CERTIFICATE OF PUBLICATION

8/25/2005

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 8/23/2005.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: August 24, 2005

RE: Case Number: 05-392-SPH

Petitioner/Developer: S. Glenn and Ruth Elseroad

Date of Hearing/Closing: September 8, 2005 9AM

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

the corner of Old Hanover and Frye Roads

The sign(s) were posted on August 24, 2005

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. Lawrence Pilson

(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1

(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)

**ATTACH PHOTOGRAPH OF
SIGN POSTED ON PROPERTY
HERE**

Revised 3/1/01 - SCJ

ZONING NOTICE

CASE #05-312-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWNSHIP, MD

When:

Mayor's Hearing

Time:

Location:

Subject:

Case #

Applicant

Address

City

State

Zip

Phone

PLEASE PRINT

DATE AND TIME OF HEARING

REQUEST

PLEASE PRINT THE NAME OF THE PERSON WHO IS REQUESTING THE HEARING AND THE ADDRESS OF THE PROPERTY TO BE HEARD.

PLEASE PRINT THE NAME OF THE PERSON WHO IS REQUESTING THE HEARING AND THE ADDRESS OF THE PROPERTY TO BE HEARD.

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08 08

PLEASE PRINT THE NAME OF THE PERSON WHO IS REQUESTING THE HEARING AND THE ADDRESS OF THE PROPERTY TO BE HEARD.



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

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

July 15, 2005

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: 05-392-SPH

Old Hanover & Frye Roads

S/west corner of Old Hanover & Frye Roads

4th Election District – 2nd Councilmanic District

Legal Owners: S. Glenn & Ruth L. Elseroad

Special Hearing (1) to approve a modification to the relief granted in Case No. 02-029-SPH, to recognize the pre-existing dwelling on Parcel 210, to approve a lot line adjustment with commonly owned, adjoining Parcel 364 to enlarge Parcel 210 from 0.15 +/- acres to a minimum of 1.0 acre in size. (2) To approve the accumulation of lot density among Parcel Nos. 363 & 364 to permit subdivision thereof in a clustered configuration to further promote the retention of existing agricultural operations thereon, (3) for such additional relief as the nature of this case as presented at the time of the hearing on this Petition may required.

Hearing: Thursday, September 8, 2005 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Howard L. Alderman, Levin & Gann, 502 Washington Avenue, Ste. 800, Towson 21204
Mr. & Mrs. Elseroad, 5423 Mount Gilead Road, Reisterstown 21136
Guy Ward, McKee & Associates, Inc., 5 Shawan Place, Ste. 100, Hunt Valley 21030

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 24, 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.

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



TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 23, 2005 Issue - Jeffersonian

Please forward billing to:
S. Glenn Elseroad
5423 Mount Gilead Road
Reisterstown, MD 21136

410-429-3990

NOTICE OF ZONING HEARING

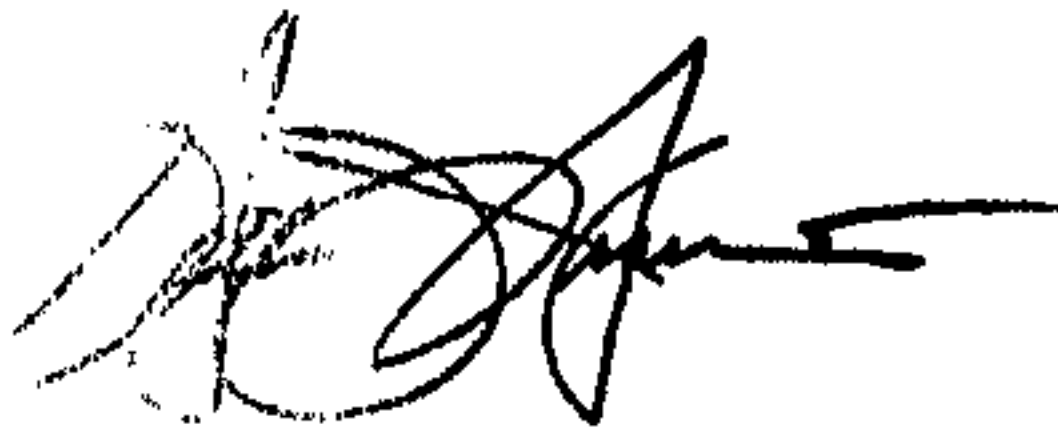
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-392-SPH

Old Hanover & Frye Roads
S/west corner of Old Hanover & Frye Roads
4th Election District – 2nd Councilmanic District
Legal Owners: S. Glenn & Ruth L. Elseroad

Special Hearing (1) to approve a modification to the relief granted in Case No. 02-029-SPH, to recognize the pre-existing dwelling on Parcel 210, to approve a lot line adjustment with commonly owned, adjoining Parcel 364 to enlarge Parcel 210 from 0.15 +/- acres to a minimum of 1.0 acre in size. (2) To approve the accumulation of lot density among Parcel Nos. 363 & 364 to permit subdivision thereof in a clustered configuration to further promote the retention of existing agricultural operations thereon, (3) for such additional relief as the nature of this case as presented at the time of the hearing on this Petition may required.

Hearing: Thursday, September 8, 2005 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204



WILLIAM J WISEMAN III
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: _____

Petitioner: S. Glenn Elseroad

Address or Location: Old Hanover & Frye Roads, S/W corner

PLEASE FORWARD ADVERTISING BILL TO:

Name: S. Glenn Elseroad

Address: 3423 Mount Gilboa Rd
Reisterstown, MD 21136

Telephone Number: 410-429-3990

**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

August 29, 2005

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

Dear Mr. Alderman:

RE: Case Number: 05-392-SPH

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 4, 2005.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
S. Glenn and Ruth L. Elseroad 5423 Mount Gilead Road Reisterstown 21236
Guy C. Ward, McKee & Associates 5 Shawan Place, Ste. 100 Hunt Valley 21030

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



Fire Department

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



Baltimore County

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

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

February 14, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 22, 2005

Item No.: 379, 380-392, 394

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.

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

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: 2.11.05

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

RE: Baltimore County
Item No. 392 DT

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,

Steven D. Foster, Chief
Engineering Access Permits Division

BW
9/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 6, 2005

RECEIVED

APR - 8 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Elseroad, Glenn Property – Old Hanover Road

INFORMATION:

Item Number: 5-392

Petitioner: S. Glenn Elseroad

Zoning: RC 2

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

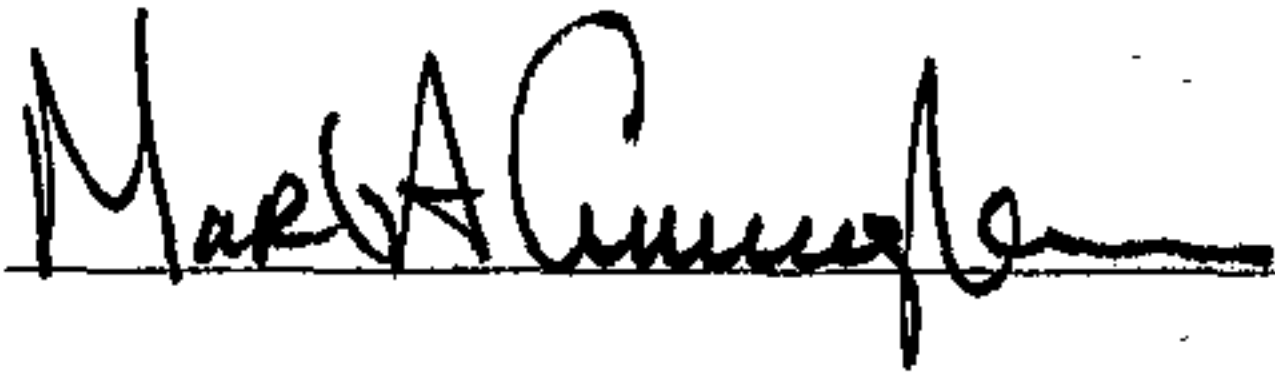
The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Identify the existing agricultural operation associated with the subject development.
2. Relocate the proposed dwelling on the lot adjacent to Old Hanover Road (Lot 5) as far west as possible and provide an unorganized and dense combination of evergreen and deciduous trees along Old Hanover Road. Said screening shall be so installed as to screen the rear yard from vehicular view along Old Hanover Road.
3. Show the driveway location of Lot 5. Said driveway shall be located on the far end of the proposed dwelling away from Old Hanover Road.
4. The side elevation of the proposed dwelling on Lot 5 that faces Old Hanover Road shall be articulated with such features as a door, porch, bay windows, etc., and shall not be left as a blank wall. The exterior finish of said façade shall consist of the same material as the front of the units such as brick or stone. Add an note to the Development Plan addressing this issue.

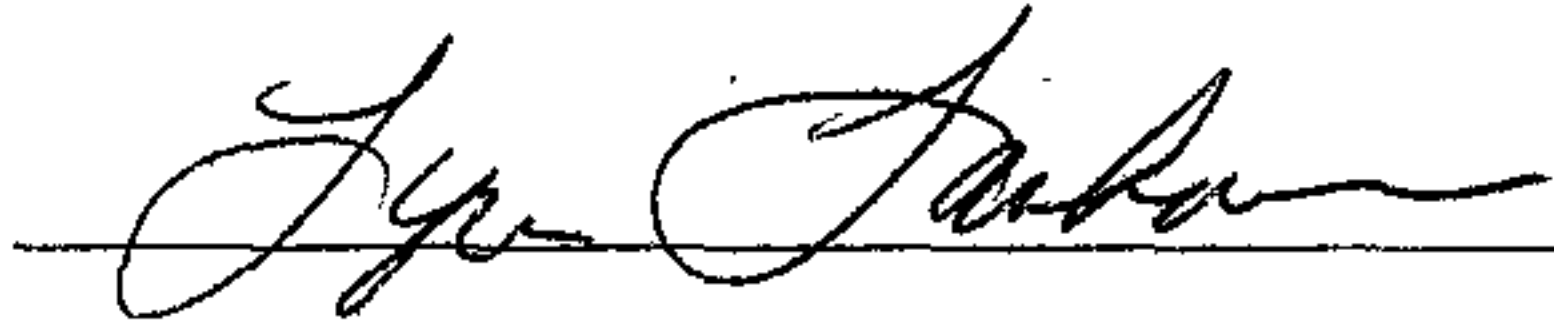
5. Provide elevation (all sides) of the proposed dwelling mentioned in comment 4 above.
6. The conditions stated herein shall be binding on the Development Plan (Elseroad, Glenn Property – PDM# IV-623) associated with the subject property.
7. The subject request shall not take place independently of the aforementioned Development Plan. If the subject lot line adjustment is done independently of the Development Plan, it shall be considered a Minor Subdivision.

For further information concerning the matters stated herein, please contact Mark A. Cunningham at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 7, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For February 22, 2005
Item Nos. 379, 380, 381, 383, 384, 386,
387, 388, 390, 391, 392, 393, and 394

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SW corner Old Hanover & Frye Roads *
4th Election & 2nd Councilmanic Districts * ZONING COMMISSIONER
Legal Owner(s): S. Glenn & Ruth L. Elseroad *
Petitioner(s) * FOR
* BALTIMORE COUNTY
* 05-392-SPH

* * * * *

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 and documentation filed in the case.

RECEIVED

Per.....

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 17th day of February, 2005, a copy of the foregoing Entry of Appearance was mailed to Guy C. Ward, McKee & Associates, Inc, 5 Shawan Road, Suite 100, Hunt Valley, MD 21030 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

McKee & Associates, Inc

*Civil Engineering, Surveying, Real Estate Development,
Land Planning, Natural Resource Planning*

Shawan Place, 5 Shawan Road, Suite 1, Hunt Valley, MD 21030

Tel: (410) 527-1555 Fax: (410) 527 1563 E-Mail : gcw@mckeeinc.com

Memo

To: Kristen Mathews, PDM Zoning Review
From: Guy C. Ward
CC: file
Date: 8/1/2005
Re: Zoning Special Hearing Case 05-392-sph

Per our conversation, I am enclosing 12 copies of the revised Special Hearing / Site Development Plan per our conversation. Please substitute these plans for the original plans filed in the above listed zoning case. The zoning request has not changed, nor has anything in relationship to the request as shown on the plans. The major revisions involve the addition of the Stormwater Management facility and the Forest Buffer Easement as shown on the later plans. Please let me know if there are any questions or problems making this substitution.

Thanks for your assistance with this matter.

Guy C. Ward



September 5, 2005

RECEIVED

SEP 8 2005

ZONING COMMISSIONER

Dear Baltimore County Zoning:

I am writing this letter regarding the Else Road property.
(05-392-SPH).

I will not be able to come to the hearing on September 8th, but I want to give my input about it.

I do not support putting 5 lots on this 20 acre property. This area has a small town rural character. This should be protected, not developed. There are not many of these areas left, once they are gone, you lose that character forever.

Baltimore County has done such a GREAT job in protecting these beautiful valleys, with small rural towns to compliment the large tracks of farmland- much like the England country side.

Please don't grant this zoning exception. It will not add character to the area, but take it away.

Thankyou for considering my thoughts.



Marsha Chodurich
2900 Carrollton Rd
Annapolis, Md 21048

ELSEROAD PROPERTY S/H

CONFIRMATIONS

* - THAT, THE INTEGRITY OF THE TRACT BOUNDARIES FOR P. 210 HAS REMAINED "INTACT" SINCE 11/25/79 TO PRESENT "LOT OF RECORD"

* - THAT, PROVIDED P. 210 HAS IN FACT REMAINED INTACT SINCE SAID "79" DATE AND BY VIRTUE OF THE FACT THAT P 210 IS CURRENTLY IMPROVED WITH AN EXISTING SINGLE FAMILY DWELLING IT IS CONSIDERED TO ^{BE} DEVELOP^{ABLE} WITH A SINGLE FAMILY DWELLING

* - THAT, THE ADJUSTMENT OF THE COMMON E BETWEEN P 210 AND P 364 TO ENCOMPASS A MINIMUM OF 1 AC MEETS THE REQ OF § 1A01.3.B.2 AND THEREFORE THE PROVISIONS OF § 104 ^{DO NOT} ~~TO CONSIDER~~ APPLY

* THAT, THE ADJUSTMENT OF THE COMMON E BETWEEN P 210 AND P 364 DOES NOT ADVERSELY IMPACT THE 2 SUBDIVISION LOTS AVAILABLE TO P 364

* THAT, THE ADJUSTMENT OF THE COMMON E BETWEEN P 210 AND P 364 DOES NOT INCREASE THE AVAILABLE 5 SUBDIVISION LOTS (PROVIDED THE ABOVE IS CONFIRMED) ASSOCIATED WITH THE ENTIRE DEVELOPMENT

NOTES

ZONING DOES NOT FEEL

§ 304 IS THE PROPER VEHICLE
IN WHICH TO CONSIDER THIS SPUR
REQUEST DUE TO THE EXISTENCE
OF "SUFFICIENT ADJOINING PROPERTY"

CASE NAME ELSEREND PROP
CASE NUMBER _____
DATE 9/8/05

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

[illegible]

CASE NAME ELSE ROAD PROP
CASE NUMBER
DATE 9/8/05

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME ELSERAD PROPERTY
CASE NUMBER 1V-623
DATE 08 SEPT 05

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.: 05-392 SPH

(ELSE ROAD PROPERTY)

Combined Hearing - S. GLEN & RUTH L. ELSE ROAD
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN (IN DEVELOPMENT FILE)	
No. 2	ORDER 02-029 SPH	
No. 3	Site PLAN -	
No. 4	DEED PLOT EXHIBIT	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



OFFICIAL ZONING MAP TO ACCOMPANY PETITION
"ELSE ROAD PROPERTIES"

1. ALL LOTS SHOWN HEREON ARE FOR SINGLE FAMILY USE ONLY.
2. EXISTING LAND USE IS RESIDENTIAL AND AGRICULTURAL.
3. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CRITICAL AREAS, ARCHAEOLOGICAL SITES, SANDWICHED AREAS, OR OTHER SPECIAL MATERIALS ON THIS SITE.
4. BALTIMORE COUNTY MAKES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN HEREON TO ANY, OR PART OF ANY OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSES OF INSTALLING, MAINTAINING, OR OPERATING THE RIGHT OF ACCESS OR EXCAVATE THAT: AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, TELEPHONE, CABLE TELEVISION, OR CABLE TELEVISION.
5. OPEN SPACE REQUIRED: 600' OF OPEN SPACE OF PASSIVE OR A COMBINATORIAL OF THE 600' AS SPECIFIED IN SECTION II.D.4.10. OPEN SPACE PROVIDED=0 SF; WAIVER REQUESTED AND FEE IN LIEU TO BE PAID.
6. ALL LOTS SHOWN HEREON ARE TAKEN FROM BALTIMORE COUNTY YIC2 DATUM.
7. SOILS SHOWN HEREON ARE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP 12.
8. LOTS SHOWN HEREON SHALL OPERATE ON PRIVATE WELL AND SEPTIC SYSTEMS.
9. TOTAL AVERAGE DAILY TRIPS: 4 TO 124-50.
10. THERE ARE NO KNOWN OR SUSPECTED GAS OR FUEL TANKS ON THIS SITE.
11. MITIGATING MEASURES FOR SOILS WITH LIMITATIONS DUE TO STEEP SLOPES:
A. WHEREVER POSSIBLE, GRADING OR DISTURBING OF STEEP SLOPES SHALL BE AVOIDED.
B. ALL LOTS AND ROADS SHALL BE GRADED SO AS TO DIRECT ANY CONCENTRATED FLOW OF WATER FROM FLOWS DOWN THE AREAS OF STEEP SLOPES.
C. IF DISTURBED, ALL AREAS OF STEEP SLOPES SHALL BE PROPERLY VEGETATED TO ASSURE STABILITY AND PREVENT EROSION.
12. THERE ARE NO KNOWN WELLS OR SEPTIC AREAS WITHIN 100 FEET OF THE PROPERTY EXCEPT AS SHOWN.
13. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND/OR FOREST CONSERVATION EASEMENT, EXCEPT AS SPECIFICALLY APPROVED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
14. AN: FOREST BUFFER AND/OR FOREST CONSERVATION EASEMENTS SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
15. PRIOR TO THE FINAL APPROVAL OF ANY RECORD PLAT, A PERMANENT PRESERVATION EASEMENT ON THE CONSERVANCY AREA SHALL BE RECORDED AGAINST THE LAND RECORDS OF BALTIMORE COUNTY. THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE CONSERVANCY AREA EASEMENT SHALL BE GRANTED TO THE COUNTY OR SUCH OTHER AGENCY OR ENTITY WHICH THE COUNTY APPROVES, AND SHALL BE SUBJECT TO RESTRICTIONS OF FURTHER SUBDIVISION OF THE CONSERVANCY AREA. THE CONSERVANCY AREA AGREEMENT SHALL BE APPROVED BY THE BALTIMORE COUNTY ATTORNEY WHO SHALL CONSULT WITH THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
16. THE CLEAR RETAINED WIDTH OF THE CURB LINE AND THE CURB LINE SHALL BE CLEARED, GROED AND KEEP FREE OF ANY OBSTRUCTIONS.
17. THE PROPOSED PAVING DRIVE MUST MEET THE MINIMUM BALTIMORE COUNTY STANDARDS FOR PAVING TYPE, WIDTH AND BEARING CAPACITY.
18. NO SIGNAGE WILL BE PERMITTED ON THE DRIVE AND CONTAINING ANY SIGNAGE.
19. MAXIMUM BUILDING HEIGHT FOR NON-AGRICULTURAL PRINCIPAL BUILDINGS IS 35 FEET.
20. MORE THAN 15% OF ANY LOT IN A R-1 C ZONE MAY BE COVERED BY BUILDINGS.
21. THE LOT SHALL BE COVERED WITHIN THE PERCENT OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND PRIOR TO THE EXPIRATION OF THE OCCUPANCY PERMIT OF THAT LOT: LOT TO BE SERVED, HOWEVER COMES FIRST.
22. PRIOR ZONING REGULATIONS FOR THIS PROPERTY: CASE 02-029-SPH SEE OTHER THIS SITE.
23. THE ZONING REGULATIONS FOR THIS PROPERTY: CASE 02-029-SPH SEE OTHER THIS SITE.
24. OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS, ANY PART OR PARCEL OF THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL BE CONSIDERED AS SUCH. THE DENSITY OF THE DEVELOPMENT SHALL BE LESS THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.
25. THE ZONING SITE IS ZONED R-1.
26. A ZONING SPECIAL HEARING REQUEST WILL BE FILED WITH THE DEVELOPMENT PLAN, S REQUEST THIS SHEET.

IN RE: PETITION FOR SPECIAL HEARING
SW/Corner Old Hanover Road and
Frye Road
(Noble Property)
46th Election District
3rd Council District

William C. Noble
Petitioner

• • • • •

FINDINGS OF FACT AND CONCLUSIONS OF LAW

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20 day of September, 2001 that the Petition for Special Hearing seeking approval and confirmation of the density associated with their respective parcels of the subject property, as they existed prior to the reconfiguration that occurred by deed dated July 31, 1981, recorded in the Land Records of Baltimore County at E.H.K., Jr. 6340, folio 676, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until the 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 shall be rescinded.
- 2) Prior to the issuance of any permits and within sixty (60) days of the date of this Order, the Petitioner shall record a new deed in the Land Records of Baltimore County which references this case and sets forth and addresses the terms and conditions of this Order.
- 3) Any proposed development on the subject property must comply with all other development, environmental and zoning regulations, including, but not limited to, those contained in Title 26 of the Baltimore County Code and the B.C.C.Z.R.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMITT
Zoning Commissioner
for Baltimore County

LES:bjp

“While the *Laurens Commission* should” [1] approve a modification to the relief granted in Case No. 02-029-SP1 to recognize the pre-existing dwelling on Parcel210 (the initial parcel since 1954) and, in accordance with BCZR § 304, approve a lot line adjustment with concurrently owned, adjoining Parcel 364 to enlarge Parcel 210 from 0.15 ± acres to a minimum of 1.0 acre ±; [2] approve the accumulation of lot density among Parcel Nos. 364 & 364 to permit subdivision thereof in a clustered configuration to further promote the retention of existing agricultural operations thereon; and [3] for such additional relief as the nature of this case, as presented at the time of the hearing on this Petition may require.

NOT TO SCALE

NOT TO SCALE

Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

JAMES W. McKEE
MARYLAND REG. No. 9012

I, _____, 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.

THE PROPERTIES SHOWN HEREON HAVE BEEN HELD INTACT SINCE 11/13/2001.
THE ZONING COMMISSIONS ORDER IN CASE NO. 02-029-SPH PERMITTED THE
RE CONFIGURATION OF THE LOTS AND THE CONFIRMATION OF THE DENSITY AS I
EX HUSTED PRIOR TO JULY 31, 1981. THE DEVELOPER'S ENGINEER HAS CONFIRMED
THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE
PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR
AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

MAP SYMBOL	SOIL SERIES	HOMESTES LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC 'K' VALUE	CAPABILITY UNIT	
GcB2	GLENELG	SLIGHT	SLIGHT	NO	0.32	Ile-4
GgC2	GLENELG	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32	Ile-4
GnB	GLENVILLE	SEVERE: WATER	SEVERE: WATER	NO	0.32	Ile-16
MbC2	MAJOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	Ile-25
EhB2	ELIOAK	SLIGHT	SLIGHT	NO	0.32	Ile-4
GnA	GLENVILLE	SEVERE: WATER	SEVERE: WATER	NO	0.32	Ilw-1
ChB2	CHILLUM	SLIGHT	SLIGHT TO MODERATE	NO	0.32	Ils-7
MbB2	MAJOR	SLIGHT	SLIGHT	NO	0.37	Ile-25
MbD3	MAJOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.37	Vle-3

SCALE: 1" = 1000'

GROSS AREA OF SITE = 20.00 AC±
NET AREA OF SITE = 19.29 AC±
HIGHWAY WIDENING AREA = 0.71 AC±
DEED REFERENCE: P. 363 18865/122
DEED REFERENCE: P. 364 18865/128
DEED REFERENCE: P. 210 18645/388
COUNCILMANIC DISTRICT: 3
TAX ACCOUNT NO.: P. 363 23--00-013176
P. 364 23--00-013177
P. 210 23--00-013178
TAX MAP 31, GRID 17, PARCEL NE 363, 364, 210
CENSUS TRACT: 4046
REGIONAL PLANNING DISTRICT: 303
SCHOOL DISTRICT: FRANKLIN ELEMENTARY
FRANKLIN MIDDLE
FRANKLIN HIGH
WATERSHED: 14
SUBWATERSHED: 81
EX. ZONING: RC-2
No. OF LOTS ALLOWED (RC-2): (2 LOTS BETWEEN 2 & 100 AC)
P. 363 = 7.96 AC± = 2 LOTS
P. 364 = 11.81 AC± = 2 LOTS
P. 210 = 0.15 AC± = 1 LOTS
TOTAL = 5 LOTS
No. OF LOTS PROPOSED (RC-2): 5 LOTS
200 SCALE MAP REFERENCE: NW22J & NW21J

OLD HANOVER ROAD AND FRYE ROAD

4th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
3RD COUNCILMANIC DISTRICT
SCALE: 1" = 100' DATE: NOVEMBER 5, 2004

P.D.M. # IV-623

MAI JOB #02-121

05-392-SPH