

IN RE: PETITION FOR SPECIAL HEARING
W/S Philadelphia Road, 200' S of the c/l
Lloyd Avenue (Lots 2-17 Hagan/Hall Prop.,
Aka 5502-5516 & 5501-5519 Maudes Way)
11th Election District
5th Council District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-593-SPH

Hagan Hall, LLC, Legal Owners;
Brookfield Manor, LLC, Contract Purchasers *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Hagan Hall, LLC, by Timothy S. O'Shea, Managing Member, and the Contract Purchasers, Ryan Homes d/b/a Brookfield Manor, LLC, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve "The Carroll I, Elevation B" model as a concept home in the Honeygo District, and specifically within the above-referenced property, said concept home having a front entry garage recessed 4 feet behind the front façade of the dwelling in lieu of the required 8 feet, as provided in Section 259.9.C.3(a) of the B.C.Z.R. The subject property and requested relief is more particularly described on the site plan and "The Carroll I, Elevation B" drawings submitted into evidence and marked as Petitioner's Exhibits 1 and 2, respectively.

Appearing at the requisite public hearing in support of the request were Edmund Levendusky and Christopher Canapp on behalf of Ryan Homes, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. No individuals appeared in opposition to the request; however, William Libercci and Dennis Eckard, appeared on behalf of the Perry Hall Improvement Association, and adjacent neighbors William Diefenbach, and Mr. & Mrs. Mike Horwath appeared.

ORDER RECEIVED FOR FILING

Date

By

7/19/05
[Signature]

As evidenced by Community Exhibit 1, the Hagan Hall property was the subject of prior Cases Nos. XI-901 and 04-150-AHSA, in which development plan approval and variance relief for the proposed development with 17 single-family homes was approved on December 18, 2003 by Deputy Zoning Commissioner John V. Murphy. The property consists of 9.2 acres, more or less, split zoned D.R.-2H and R.O., and is located on the northwest side of Philadelphia Road, southwest of New Forge Road in Perry Hall.

At issue in the instant case is whether The Carroll I concept home would be compatible with and comply with the spirit and intent of the Honeygo Design Standards and guidelines set forth in the regulations. It should be noted that the Petitioners are not seeking to modify, change or reconfigure any of the previous development plan approvals.

Testimony and evidence offered revealed that Ryan Homes currently offers three distinct architectural model homes designed for the Honeygo area, ranging in size from 3,279 sq.ft. to 3,600 sq.ft. What is missing is a very marketable 3,000 sq.ft. home with a garage. The Carroll I model, with a front porch across the width of the living area, has been designed as an alternative and meets all the bulk and area standards of Section 259 of the B.C.Z.R. However, it is the required 8-foot recess behind the front façade of the dwelling that is not practical in the design of this concept home. The mandated setback would obligate the homeowner to enter the home from the garage, either through the kitchen or living room. As a result, Ryan Homes representatives met with the Office of Planning and the Perry Hall Improvement Association (PHIA) to see if they would agree to a 4-foot recess for the garage. The area planner encouraged Ryan Homes to file the instant Petition to seek approval of The Carroll I, Elevation B model as a "concept house" for this Honeygo District subdivision. The PHIA wanted a front porch added which gives the appearance that the garage is recessed 8 feet behind the front wall of the dwelling. The PHIA also wanted Elevation B to be amended to show a divider between the two-car garage openings. In view of these proposed modifications, the requested relief is necessary.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency; however, the Office of Planning, in its amended comments, has

7/19/05
Jep

requested certain conditions be imposed to insure compliance with the spirit and intent of the Honeygo Design Standards. Messrs. Libercci and Eckard agreed with the Office of Planning and had no objections to approval, so long as the relief granted is limited to this subdivision and for no more than seven lots therein. Mr. Diefenbach and Mr. & Mrs. Horwath concurred with these recommendations, but wanted assurances that the conditions and restrictions imposed in the Hearing Officer's Opinion and Order dated December 18, 2003, marked as Community Exhibit 1, and the site plan submitted in the instant case be enforced.

Based on the testimony and evidence presented, I am persuaded that the relief requested should be granted. Everyone agreed that the front porch is a good design and that the proposed concept home would be within the spirit and intent of the Honeygo District design guidelines, provided that the conditions set forth in the amended ZAC comment submitted by the Office of Planning are adhered to. I further find that the relief requested can be granted without detrimental impact to the general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of July 2005 that the Petition for Special Hearing seeking approval of "The Carroll I, Elevation B" model as a concept home in the Honeygo District, and specifically within the above-referenced property, said concept home having a front entry garage recessed 4 feet behind the front façade of the dwelling in lieu of the required 8 feet, as provided in Section 259.9.C.3(a) of the B.C.Z.R, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their 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.

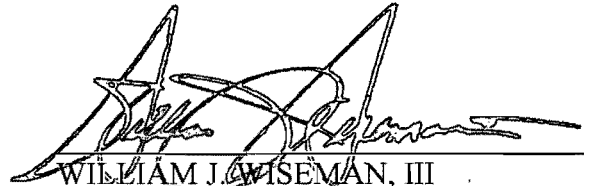
ORDER RECEIVED FOR FILING

Date

By

- 2) Compliance with the recommendations made by the Office of Planning within its amended ZAC comments dated July 6, 2005, a copy of which is attached hereto and made a part hereof. The use of The Carroll I, Elevation B model home is limited to only seven lots within the subject Hagan-Hall Property, only.
- 3) Prior to the issuance of any permits, Petitioners shall modify the development plan for the Hagan Hall Property approved in prior Case No. XI-901 to incorporate the Office of Planning recommendations set forth above.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued on December 18, 2003 in prior Cases Nos. XI-901 and 04-150-AHSA shall remain in full force and effect.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 7/19/06
By [Signature]

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

July 19, 2005

Howard L. Alderman, Jr., Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
W/S Philadelphia Road, 200' S of the c/l Lloyd Avenue
(5502-5516 & 5501-5519 Maudes Way)
11th Election District – 5th Council District
Hagan Hall, LLC, Owners; Brookfield Manor, LLC, Contract Purchasers - Petitioners
Case No. 05-593-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been 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,

A handwritten signature in black ink, appearing to read "W. J. Wiseman III", is written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Timothy S. O'Shea, Hagan Hall, LLC
2416 East Joppa Road, Baltimore, Md. 21234
Mr. Edmund Levendusky, Brookfield Manor, LLC
7939 Honeygo Boulevard, Suite 100, Baltimore, Md. 21236
Mr. William Libercci, 19 Shawn Street, Baltimore, Md. 21236
Mr. Dennis Eckard, 39 Bangert Avenue, Perry Hall, Md. 21128
Mr. William Diefenbach, 5524 Edwin Court, White Marsh, Md. 21162
Mr. & Mrs. Mike Horwath, 5528 Edwin Court, White Marsh, Md. 21162
Office of Planning; People's Counsel; Case File

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Maudes Way [Hagan/Hall Property]
which is presently zoned DR 2-H

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:

Brookfield Manor, LLC

Name - Type or Print

Signature

7939 Honeygo Blvd., Suite 100 410-931-6833

Address Telephone No.
Baltimore MD 21236

City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire

Name - Type or Print

Signature

Levin & Gann, PA

Company
502 Washington Avenue, Suite 800 410-321-0600

Address Telephone No.

Towson Maryland 21204

City State Zip Code

Legal Owner(s):

Hagan Hall, LLC

Name - Type or Print

Signature

TIMOTHY S. O'SHEA - SOLE MEMBER

Name - Type or Print

Signature

2416 East Joppa Road 410-686-1320

Address Telephone No.

Baltimore MD 21234

City State Zip Code

Representative to be Contacted:

Charles Merritt Merritt Development Consultants

Name

2416 East Joppa Road 410-663-5525

Address Telephone No.

Baltimore MD 21234

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 4.00 hr.

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 5-16-05

(per JNP-mtg)

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 5/19/05
By [Signature]

Attachment 1

PETITION FOR SPECIAL HEARING

CASE NO: 05- -SPH

Address: Maude's Way [Hagan / Hall Property]

Legal Owners: Hagan Hall, LLC

Contract Purchaser: Brookfield Manor, LLC

Present Zoning: DR 2-H

REQUESTED RELIEF:

"why the Zoning Commissioner should approve": [1] the Carroll I home as a concept house in the Honeygo District and specifically within the above-referenced property, having a front entry garage recessed four feet behind the front facade of the dwelling; and [2] for such further relief as the nature of this project and request may require for the proposed house plans and design to be presented at the time of the hearing on this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. 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

ORDER RECEIVED FOR FILING
Date 7/19/16
By [Signature]

593

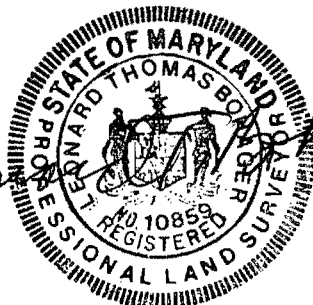
MERRITT DEVELOPMENT CONSULTANTS, INC.

2416 E. Joppa Road
Baltimore, Maryland 21234
Phone: 410-663-5525
Fax: 410-663-4315

Zoning Description for lots 2 thru 9 and lots 11 thru 17 Hagan Hall Property

Beginning at a point on the west side of Philadelphia Road (MD Route 7) which is 80 feet at a distance of 200 feet south of the centerline of Lloyd Avenue which is 50 feet wide. Being lots 2 thru 9 and 11 thru 17 of the subdivision known as Hagan Hall as recorded in Baltimore County Plat Book 77 Folio 073 containing 6.023 acres also known as #5502 thru #5516 and #5501 thru #5519 Maudes Way and located in the 11th Election District, 5th Councilmanic District.

Leonard Thomas



5-16-05

593

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DATE 5-16-05 ACCOUNT R-001-006-6150

AMOUNT

\$ 800.00 (for)RECEIVED
FROM:

FOR:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME DRH

5/17/2005 5/16/2005 10:24:52

EG MSD4 WALKIN DRH THH

RECEIVED 313729 5/16/2005 OFH

EPT 5 528 ZONING VERIFICATION

R NO. 444382

Receipt Tot: \$800.00

\$800.00 CA \$00.00 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: #05-593-SPH
5502-5516 & 5501-5519 Maude's Way
W side of Philadelphia Road 200 feet south of
centerline of Lloyd Avenue
11th Election District 15th Councilmanic District
Legal Owner(s): Hagan Hall, LLC, Timothy O'Shea

Special Hearing: to approve the Carroll home as a concept house in the Honeygo District and specifically within the above referenced property having a front entry garage recessed 4 feet behind the front facade of the dwelling and for such further relief as the nature of this project and request may require for the proposed house plans and design to be presented at the time of the hearing on this petition.

Hearing: Wednesday, July 6, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley 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/6/690 June 21 55955

CERTIFICATE OF PUBLICATION

6/22/ 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 6/21/ 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: 6/21/05

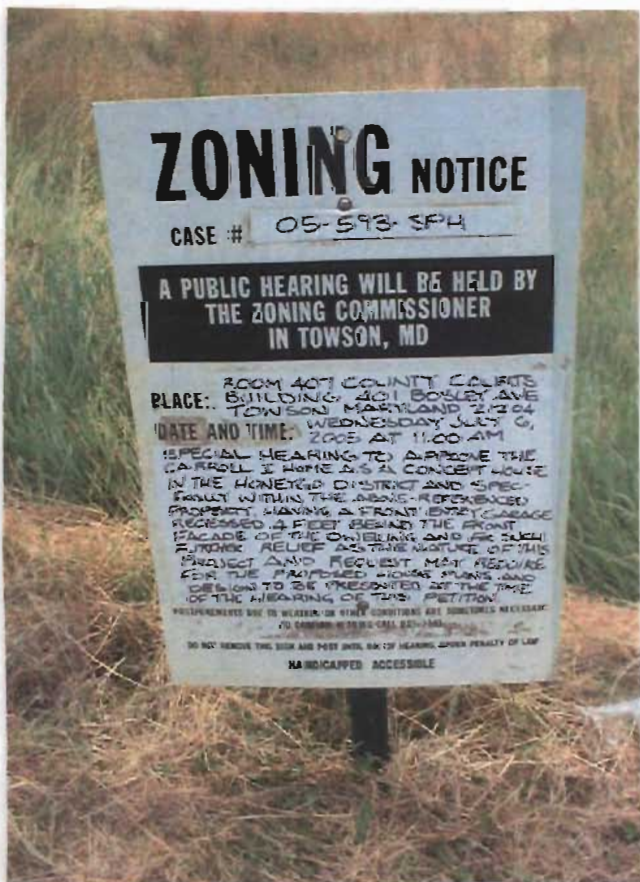
RE: Case Number: 05-593- SFH

Petitioner/Developer: BROOKFIELD MANOR, LLC

Date of Hearing/ Closing: JULY 6, 2005

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 WEST SIDE OF PHILADELPHIA ROAD, 200
SOUTH OF LLOYD AVE.

The sign(s) were posted on 6/20/05
(Month, Day, Year)



Charles E. Merritt

(Signature of Sign Poster)

Charles E. Merritt
9831 Maqledt Road
Baltimore, MD 21234
410-665-5562



May 23, 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: 05-593-SPH

5502-5516 & 5501-5519 Maudes Way
W/side of Philadelphia Road, 200 feet south of centerline of Lloyd Avenue
11th Election District – 5th Councilmanic District
Legal Owners: Hagan Hall, LLC, Timothy O'Shea

Special Hearing to approve the Carroll I home as a concept house in the Honeygo District and specifically within the above-referenced property, having a front entry garage recessed 4 feet behind the front façade of the dwelling and for such further relief as the nature of this project and request may require for the proposed house plans and design to be presented at the time of the hearing on this petition.

Hearing: Wednesday, July 6, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Ave., Ste. 800, Towson 21204
Timothy O'Shea, 2416 East Joppa Rd., Baltimore 21234
Charles Merritt, 2416 East Joppa Rd., Baltimore 21234
Brookfield Manor, LLC, 7939 Honeygo Blvd., Ste. 100, Baltimore 21236

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 21, 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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 21, 2005 Issue - Jeffersonian

Please forward billing to:
Brookfield Manor, LLC
7939 Honeygo Blvd., Ste. 100
Baltimore, MD 21236

410-931-6833

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: 05-593-SPH

5502-5516 & 5501-5519 Maudes Way

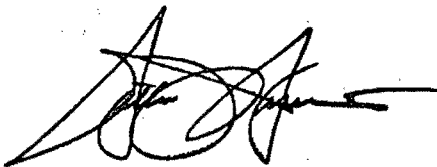
W/side of Philadelphia Road, 200 feet south of centerline of Lloyd Avenue

11th Election District – 5th Councilmanic District

Legal Owners: Hagan Hall, LLC, Timothy O'Shea

Special Hearing to approve the Carroll I home as a concept house in the Honeygo District and specifically within the above-referenced property, having a front entry garage recessed 4 feet behind the front façade of the dwelling and for such further relief as the nature of this project and request may require for the proposed house plans and design to be presented at the time of the hearing on this petition.

Hearing: Wednesday, July 6, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley 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: 05-593 SPH
Petitioner: BROOKFIELD MANOR LLC
Address or Location: MAJDES WAY

PLEASE FORWARD ADVERTISING BILL TO:

Name: BROOKFIELD MANOR LLC
Address: 7939 HONEYGO BLVD SUITE 100
BAITIMORE MD 21236

Telephone Number: 410 931-6833

Revised 2/20/98 - SCJ

**Department of Permits and
Development Management**

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



Baltimore County

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

June 27, 2005

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

Dear Mr. Alderman:

RE: Case Number: 05-593-SPH

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 16, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Hagan Hall, LLC Timothy O'Shea 2416 E. Joppa Road Baltimore 21234
Brookfield Manor, LLC 7939 Honeygo Blvd. Baltimore 21236
Charles Merritt Merritt Development 2416 E. Joppa Road Baltimore 21234

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

May 20, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 20, 2005

Item No.: 584-587, 589-594

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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Insp. Tribble
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



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



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

Maryland Department of Transportation

Date: 5.20.05

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

RE: Baltimore County
Item No. 593 JJS

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
7/6

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr ^{JDO}
DEPRM

DATE: June 14, 2005

SUBJECT: Zoning Item # 05-593
Address Hagan Hall Property

RECEIVED

JUN 14 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of May 31, 2005

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Mike Kulis, Sue Farrinetti

Date: June 14, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 6, 2005

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

SUBJECT: 5502-5516 and 5501-5519 Maudes Way
AMENDED COMMENTS

INFORMATION:

Item Number: 5-593

Petitioner: Hagan Hall, LLC

Zoning: DR 2-H

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and does not oppose the petitioner's request subject to the following conditions:

1. The "Carroll I" model house (see attached) may be used on no more than seven lots in the subject subdivision.
 2. The "Carroll I" model shall be limited to elevation "B" that includes a mandatory front porch across the entire front façade, not including the garage.
 3. The porch shall be at least 6 feet wide to accommodate a useable area for chairs and access.
 4. The "Carroll I" model front entry garage shall be recessed at least four feet behind the front facade of the dwelling" and the garage doors shall include a divider.
- The use of this concept house "Carroll I" will apply only to this specific subdivision and not to the Honeygo District in general.
5. The elevation shall be corrected to show these dimensions and restrictions.
 6. All other Honeygo standards shall apply.

ORDER RECEIVED FOR FILING

Date 7/14/05

By [Signature]

\\NCH_NW\\VOL3\\WORKGRPS\\DEVREV\\ZAC\\5-593amend.doc

8. If approved, the Development Plan shall be modified to show these restrictions (PDM # XI-901.

For further information concerning the matters stated herein, please contact Kevin Gambrell at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

ORDER RECEIVED FOR FILING

Date

7/19/15

By



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 2, 2005

FROM: ^{DAK} Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 6, 2005
Item No. 583, 584, 588, 590, 591, 592, 593

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-06022005.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
5502-5516 & 5501-5519 Maudes Way; W/side
Philadelphia Road, 200' S c/line Lloyd Ave * ZONING COMMISSIONER
11th Election & 5th Councilmanic Districts
Legal Owner(s): Hagan Hall, LLC * FOR
by Timothy O'Shea - Sole Member
Contract Purchaser(s): Brookfield Manor, LLC* BALTIMORE COUNTY
Petitioner(s)
* 05-593-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.

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 20th day of May, 2005, a copy of the foregoing Entry of Appearance was mailed to Chuch Merritt, Merritt Development Consultants, Inc, 9831 Magledt Road, Baltimore, MD 21234 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAY 20 2005

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NAME 5-5 93-SPH
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME _____
CASE NUMBER OS-593-SP4
DATE 07-06-05

[illegible]

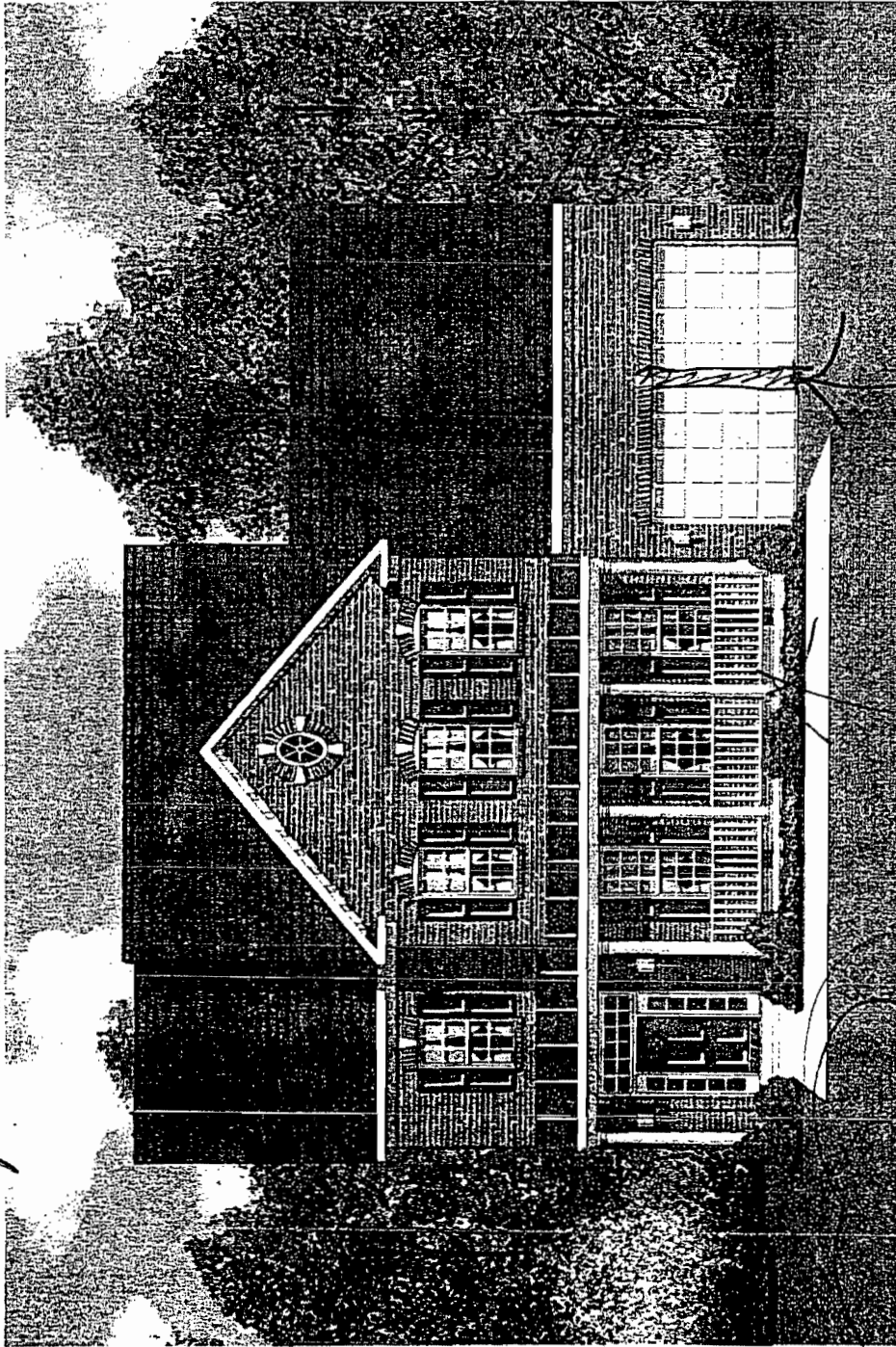
ORDER RECEIVED FOR FILING

Date

7/19/15

By

Rep



ELEVATION B

Divider
Full Porch

2015

THE CARROLL I



Ryan
Homes

WELCOMING FAMILIES HOME FOR OVER 50 YEARS

Case No.:

05-593-SPH

Exhibit Sheet

Petitioner/Developer

Communities
Protestant

No. 1	Site Plan	Prior Hott Decision
No. 2	Carroll Carroll elevation B	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

RE: DEVELOPMENT PLAN HEARING,	*	BEFORE THE
PETITION FOR VARIANCE & PETITION	*	HEARING OFFICER
FOR HONEYGO SPECIAL VARIANCE	*	
NW/S of Philadelphia Road,	*	OF BALTIMORE COUNTY
SW of New Forge Road	*	
11th Election District	*	Case Nos. XI-901 & 04-150-AHSA
5th Councilmanic District	*	
(HAGAN HALL PROPERTY)	*	
	*	
K & B HOMES, LLC	*	
<i>Petitioner/Developer</i>	*	

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for Baltimore County as a requested approval of a Development Plan and Petition for Special Hearing prepared by Little & Associates, Inc., the engineers who prepared the Development plan proposing the development of the subject property with 17 single-family dwellings. The property, which is the subject of this request, comprises 9.2 acres and is zoned DR-2H and RO. The subject property is located on the northwest side of Philadelphia Road, southwest of New Forge Road.

In addition to seeking approval of the Development Plan, the Petitioner is also requesting variance relief from Section 259.9B.4.b. of the Baltimore County Zoning Regulations (B.C.Z.R.), (i) to permit a front yard setback for the existing dwelling to remain 24 ft. in lieu of the 40 ft. required, (ii) from Section 259.9F.4 of the B.C.Z.R., to permit a cul-de-sac with a length of 800 +/- ft. in lieu of the 400 ft. maximum; (iii) to permit the design, size, location, shape, configuration, continued use and any further improvement of the existing dwelling and garage which pre-date the adoption of the design requirements in B.C.Z.R., Section 259. The Petitioner is also requesting Honeygo Special Variances from the B.C.Z.R. pursuant to Sections 259.8 and 4A02.f[F]G, as follows: (i) from Section 259.7, the Threshold Limits -- Honeygo Area to permit the issuance of residential building permits for construction of single-family homes as shown on the Development Plan entitled Hagan/Hall Property and any and all amendments thereto approved or proposed; (ii) from Section 259.7S.1 to permit the sewerage system for the

Community's
PROTESTANT'S

EXHIBIT NO. 1

proposed lots to be connected to a sewerage interceptor outside of the Honeygo Area.

The file indicates that the property was posted with the required signs indicating the time and place of the zoning and development plan hearing on October 31, 2003 and notice given to the public on the zoning issues on November 20, 2003 by publication in the Jeffersonian newspaper.

Interested Persons

Appearing at the hearing on behalf of the Development Plan approval request and special hearing relief were Dwight Little and Chris Hanson of Little & Associates, Inc., representing the engineering firm who prepared the Development Plan and Mickey Cornelius, Traffic Engineer. Howard L. Alderman, Jr., Esquire, represented the Developer/Petitioner.

William Libercci, Perry Hall Improvement Association, appeared as a protestant. Appearing as an interested citizen in the matter were Mr. and Mrs. Mike Horwath, and William Diefenbach, nearby property owner.

As is usual and customary, representatives of the various Baltimore County reviewing agencies also attended the hearing; namely, Jeff Perlow (Zoning Review), Ron Goodwin (Land Acquisition), Bob Bowling (Development Plans Review) and Walt Smith (Development Project Manager), all from the Office of Permits & Development Management; R. Bruce Seeley from the Department of Environmental Protection & Resource Management (DEPRM); Mark Cunningham from the Office of Planning; and Jan Cook from the Department of Recreation & Parks.

As to the history of the project, a Concept Plan Conference was scheduled on June 10, 2002, followed by a Community Input Meeting held on July 9, 2002 at the White Marsh Library. Thereafter, a Development Plan Conference was held on November 12, 2003 and the Hearing Officer's Hearing was scheduled on December 4, 2003.

Development Plan

Developer Issues

The Developer presented no issues for resolution and urged approval of the plan without

modification.

County Issues

Each county agency representative indicated on the record that their agency was satisfied with the redline plan which met all County requirements within that agency's jurisdiction. Notwithstanding the above, two issues were not fully resolved as of the date of the hearing. The first was that several easements on the north side of the property were needed in order to connect the sewer line to the public sewer in Philadelphia Road. The Land Acquisition representative indicated that his department was content to have the plan approved without these easements but that these easements would be required prior to record plat. The second issue was that the Recreation and Parks representative indicated that the Developer had requested a waiver of local open space, but that it was not yet approved by his Department as of the date of the hearing. Again he was content to go forward with the Development Plan. See Note Well. Finally, the Office of Planning opposed the requested Honeygo Special Variances and in that sense opposed the Development Plan. However, Planning had no technical development plan issues.

Protestant's Issues

Mr. Libercci, Perry Hall Improvement Association, opposed the requested Honeygo Special Variances and in that sense opposed the Development Plan. He testified that traffic from this subdivision would indeed use Forge Road and Cross Road and, therefore, the special variances should be denied.

Community Issues

Mr. Difenbach, adjacent property owner, wanted the Developer to be required to remove and replace dead trees in the line of trees along the boundary with the Apperson subdivision. The Developer agreed to remove the dead trees and replant according to the landscape plan to be submitted to the County. In addition, he requested the sewer clean-out on his property, now being utilized by the Hagan property, be capped since a different sewer design was being implemented on the plan and this clean-out would no longer be needed. The Developer agreed to this request.

Mr. Horwath was concerned about screening Lot 11 in the new development from his adjoining property. The Developer's engineer explained that the County requires that the Developer leave 25 ft. from the tract boundary undisturbed and can require additional plantings to screen adjoining properties from the new development. Within the 25 ft. area there is a 10 ft. wide utility easement. The Developer agreed to this condition and to submit a landscape plan to the County in order to screen New Lot 11 and New Lots 10 and 12 with evergreens.

Applicable Law

Section 26-206 of the B.C.Z.R. *Development Plan Approval*.

- (a) (1) A public quasi-judicial hearing before the hearing officer is required prior to final action on a plan. The hearing may be informal in nature. The hearing officer shall regulate the course of the hearing as he may deem proper, including the scope and nature of the testimony and evidence presented.
- (2) The hearing officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan.
- (3) The hearing officer shall make findings for the record and shall render a decision pursuant to the requirements of this section.
- (b) The hearing officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated pursuant to section 2-416 et seq. of the Code, provided that the final approval of a plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.
- (o) In approving a plan, the hearing officer may impose such conditions, as may be deemed necessary or advisable based upon such factual findings as may be supported by evidence for the protection of surrounding and neighboring properties. Such conditions may only be imposed if:
 - (1) The condition is based upon a comment which was raised or a condition which was proposed or requested by a part;
 - (2) Without the condition there will be an adverse impact on the health, safety or welfare of the community;

- (3) The condition will alleviate the adverse impact; and
- (4) The condition does not reduce by more than twenty (20) percent the number of dwelling units proposed by a residential Development Plan in a D.R.5.5, DR 10.5, or DR 16 zone, and no more than twenty (20) percent of the square footage proposed by a non-residential Development Plan. This subsection is not applicable to a PUD Development Plan.

Finds of Fact and Conclusions of Law

The property on which the development is proposed consists of 9 acres and is split-zoned DR 2H and RO. There are two existing homes on the property which are to remain. Fifteen new homes will be constructed for a total of 17 homes on the premises. The plan proposes to have two lots in the RO zone which front on Philadelphia Road. One of these lots will contain the first existing home. The remaining fifteen lots (with one existing home) are located in the Bean Run SubArea of the Honeygo growth area.

Except as the plan is affected by the special and zoning variances below, I find that the Redline Plan, Petitioner's Exhibit No. 1, complies with the development regulations and applicable policies, rules and regulations promulgated pursuant to section 2-416 et seq. of the Baltimore County Code. I further find that the final approval of a plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Therefore, I will approve the Redline Plan subject to the conditions below.

Zoning Variances

Amended Zoning Petition

The Permits and Development Management Departments representative noted a technical error in the petition for zoning variance in that the original petition requested relief from Section 259.9B.4 for the front yard setback regarding the existing home on Lot 1 which fronts on Philadelphia Road. This lot is located in an RO zone and so would be subject to front yard set back requirements of 45 ft. (instead of 40 ft.). The proper section of the B.C.Z.R. is 1B01.2.C.1 rather than 259.9B.4, which applies to properties in the Honeygo Area. The Petitioner agreed with the amendment and I have accepted the amendment to the zoning petition.

In regard to the basis of the front yard setback request, the Petitioner explained that Lot 1 contained an existing home whose front yard has existed for many years. Obviously, meeting the 45 ft. set back would require moving the home, which would create hardship and practical difficulty for the owner. Furthermore, the home has been there for years and has become part of the view from Philadelphia Road. There is no detriment to the health, safety and welfare of the surrounding community by leaving the home where it is. Similarly, to permit the design, size, location, shape, configuration, continued use and any further improvement of the existing dwelling and garage which pre-date the adoption of the design requirements in B.C.Z.R., Section 259 can be granted without any detriment to the general health, safety and welfare. To deny such would impose hardship and practical difficulty to the owner of this existing home.

In regard to the length of the cul-de-sac, the request is to allow a length of 800 ft. in lieu of the required 400 ft. Proffered testimony indicated that the lot is L-shaped and consequently has irregular boundaries. There are two large pockets of woods on the property, which must be preserved in the forest conservation area. Finally, the Storm Water Management facilities constrains the engineer's ability to locate interior roads on the property. The proffered testimony indicated that it was not possible to meet the Honeygo goal of providing interconnecting roads between subdivisions in this case. Consequently, the long cul-de-sac is the only feasible option.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to

the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights. None.

Findings of Fact and Conclusions of Law

Neither the protestants, the citizens, or the County agencies opposed the zoning variances. I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is an existing home on the property, which can be retained even with new homes being built. The front yard is what it is. Additionally, I find that there is no reasonable alternative to the long cul-de-sac, since the internal roadway can not connect to adjoining subdivisions. No increase in residential density beyond that otherwise allowable by the Zoning Regulations was requested. Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Therefore, I will approve the zoning variances requested.

Special Honeygo Variances

Applicable Law

Bill 79-03

A threshold issue is whether County Council Bill No. 79-03 applies to this case. This bill removed the Zoning Commissioner's power to grant Honeygo special variances in all but a few cases. The Petitioner argues that this case fits the first exception in the Bill, "that the property is bisected by 2 or more subareas identified in Section 259.7." However, I disagree with the Petitioner's interpretation of this exception. This property is zoned DR 2H and is partially located in the Bean Run SubArea. However, it is also zoned RO. RO is not a subarea identified in Section 259.7. Those subareas are Bean Run Subarea, Honeygo Run Subarea, Bird River Subarea and Belair Road Subarea.

Nevertheless, I agree with the fact that this plan meets the second exception. It is uncontested that the Concept Plan was accepted for filing prior to August 4, 2003. Therefore, I find that Bill No. 79-03 does not apply and this office retains the power to grant special Honeygo variances.

Applicable Law – Special Honeygo Variances

Section 259.4 of the B.C.Z.R. Statement of Legislative Intent for Honeygo Area and H Overlay Districts

The Honeygo Area and the H and H1 Overlay Districts are established to implement the Honeygo Area Plan, an amendment to the Master Plan 1989-2000. The area is created to ensure that the development of infrastructure will coincide with the approval of building permits. The districts are to provide for a unified traditional design, which will create a community instead of isolated subdivisions and commercial uses. It is expected that the Honeygo Area will include a neighborhood center surrounded by residential areas, which are connected to it, to each other, and to open space through a network of interconnected, continuous streets. It is intended that development be designed around public spaces, including the neighborhood center, roads and parks to serve as focal points for the community. The H and H1 Districts provide uniform design standards which feature protection of the environment, housing oriented towards the street, streetscapes which are not dominated by parking lots, signage consistent with building design, and landscaping. Site design, building design and landscaping shall be coordinated within each development and between developments to create a pleasing and harmonious overall effect. The H and H1 Districts are to be read as additions to, modifications of and exceptions from the requirements of the underlying zoning classification on the land.

2. Section 259.8

The Zoning Commissioner shall use the standards established in Section 4A02.4.G of these regulations when considering variances from Section 259.7.

3. Subsection G Petitions for special variance from provisions of this subsection.

1. The Zoning Commissioner may, after a public hearing, grant a petition for a special variance from a provisions of this subsection, only to an extent that will not violate that provision's purpose, pursuant to a finding:
 - a. That the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and
 - b. That granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with Section 4A02.3.G.2b
2. The Office of Planning shall give a report on the petition to the Zoning Commissioner prior to his consideration of the petition.
3. The Zoning Commissioner may grant or deny the petition, or grant it subject to any conditions or limitations consistent with the criteria set forth in Paragraph 1 above.
4. An appeal may be filed with the County Board of Appeals within 30 days of the decision of the Zoning Commissioner.

Discussion

Section 4A02.4.G of the Baltimore County Zoning Regulations (B.C.Z.R.) provides a three-part standard against which any request for special variance must be measured. First and foremost, the request must not violate "that provisions' purpose". This purpose is set out clearly in Section 259.4, especially in the dictate that "The area is created to ensure that the development of infrastructure will coincide with the approval of building permits". Also required is the issue of impact on infrastructure and finding of no adverse affect on person holding reserve capacity use certificates is considered, we must hold tightly to the purpose of the legislation.

Testimony and Evidence

The Petitioner is requesting two special variances. First, it requests a variance from

Section 259.7S.1, Sewer Connections, to allow sewerage from the proposed development to be connected to a sewerage interceptor outside the Honeygo area. The Petitioner proffered that the sewerage could flow by gravity to the interceptor in Philadelphia Road. This is much preferred to pumping the sewerage over the ridge line into the Bean Run subarea from a reliability standpoint, since pumps are subject to failure with resulting damage to homeowners' property and perhaps person. I agree with this contention. Furthermore, the Petitioner contends that the interceptor in Philadelphia Road has more than adequate capacity to handle this relatively small subdivision's sewerage. Consequently, there is no adverse impact on either the new community or existing infrastructure to allow the connection to the sewer line in Philadelphia Road even though this is outside the Honeygo subarea. Finally, the Petitioner proffered that granting this variance could not have any impact on a person holding reserve capacity use certificates as the sewerage flows outside the restricted zone. Neither the protestant, citizens or the County agencies objected to this variance.

Contrary to the sewerage issue, Mr. Libercci and the Planning Office strenuously objected to the second variance which involves issuing residential building permits for single-family homes beyond the Threshold Limits in effect in the Bean Run subarea. While both objected in principle to granting any such variance, Mr. Libercci specifically testified that new residents of this development will use both Cross Road and Forge Road and that these roads are not yet improved. The Petitioner agreed that Cross and Forge Roads were not yet improved but disagreed on whether residents of this development would use the unimproved roads.

The Petitioner presented Mr. Cornelius, Traffic Engineer, who testified that the residents' only connection to the outside world was via Philadelphia Road, which is a major arterial roadway, connecting to other major arterial and collector roads. Residents wanting to travel for employment, shopping or recreation would surely use these major roadways rather than the partially improved rural Forge and Cross Roads. As important, he testified that this subdivision is located on the east side of I-95, whereas the unimproved Cross and Forge Roads are located on the west side of this interstate limited access highway. As a result, there are very few

connections between the east and west sides of I- 95 and no direct connection at all between this subdivision and the unimproved roads. As a result, he concluded that there would be no practical use of either road by residents of this subdivision for commuter related trips, admitting only that there could be an occasional visit to friends or family in the Cross and Forge Road area.

Mr. Libercci, however, foresaw residents of this subdivision regularly using Forge and Cross Roads and argued that there could be no impact whatsoever on these roadways if the purpose of the Honeygo legislation was to be followed.

Mr. Cornelius testified that granting the threshold variance would not adversely affect a person whose application was filed prior to the Petitioner's application in accordance with Section 4A02.3.G.2b. Neither Mr. Libercci nor the Planning Office contended otherwise.

Findings of Fact and Conclusions of Law

Sewerage Special Variance

I find that allowing sewerage to flow to the interceptor outside the subarea does not violate "that provisions' purpose to ensure that the development of infrastructure will coincide with the approval of building permits". I further find that the demand or impact of the development proposed will be less than that assumed by the district standard for sewerage that would otherwise restrict or prohibit the development. I further find that there will be no adverse affect on persons holding reserve capacity use certificates if sewerage flows outside the subarea into the interceptor in Philadelphia Road.

Threshold Special Variance

I find that traffic from this development will not violate "that provisions' purpose to ensure that the development of infrastructure will coincide with the approval of building permits". I further find that the demand or impact of the development proposed will be less than that assumed by the district standard for traffic on roadways from this development that would otherwise restrict or prohibit the development. The basis of this finding is the simple common sense observation that this development is not connected to either Forge Road or Cross Road in any direct manner. In fact, it is separated from either road by limited access to I-95. No

reasonable resident of the new subdivision will travel over to the unimproved roads other than perhaps to visit family or neighbors. There certainly will be no discernable commuter traffic through either road when the development exits onto Philadelphia Road. While I recognize Mr. Libercci's personal knowledge of the area, it respectfully is not enough to simply allege some traffic will flow onto Forge or Cross Roads from this subdivision. More importantly, the statute requires that the impact on the unimproved roads in this case be "less than that assumed by the district standard". This is not the same as no impact. No impact applies to persons who may have filed applications prior to this applicant and which was not contested. Whatever "less than that assumed by the district standard" means, it does not mean zero impact.

I further find that there will be no adverse affect on person holding reserve capacity use certificates.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this ____ day of December, 2003, that the Redline Development Plan known as "Hagan Hall ", submitted into evidence as "Developer's Exhibit No. 1", be and is hereby APPROVED, subject, however, to the following conditions and restrictions:

1. The Developer shall be required to remove and replace the dead trees in the line of trees along the boundary with the Apperson subdivision and submit a landscape plan to Avery Harden, Landscape Architect for Baltimore County, for his review and approval;
2. The Developer shall cap the sewer clean-out on the Difenbach property when the project is actually built. This clean-out is currently being utilized by the Hagan property;
3. The Developer shall provide evergreen screening between the new development and Lots 11 and Lots 10 and 12.

IT IS FURTHER ORDERED, that the amended variance relief requested from Section 1B02.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.), (i) to permit a front yard setback for the existing dwelling to remain 24 ft. in lieu of the 45 ft. required, and relief from Section 259.9F.4 of the B.C.Z.R., (ii) to permit a cul-de-sac with a length of 800 +/- ft. in lieu of

the 400 ft. maximum; (iii) to permit the design, size, location, shape, configuration, continued use and any further improvement of the existing dwelling and garage which pre-date the adoption of the design requirements in B.C.Z.R., Section 259, be and they are hereby GRANTED.

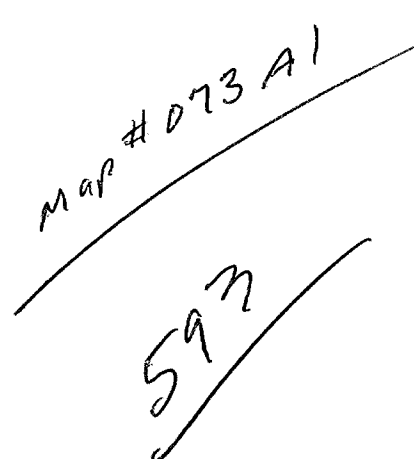
IT IS FURTHER ORDERED, that the Honeygo Special Variances from the B.C.Z.R. pursuant to Sections 259.8 and 4A02.f[F]G, as follows: (i) from Section 259.7, the Threshold Limits – Honeygo Area to permit the issuance of residential building permits for construction of single-family homes as shown on the Development Plan entitled Hagan/Hall Property and any and all amendments thereto approved or proposed; (ii) from Section 259.7S.1 to permit the sewerage system for the proposed lots to be connected to a sewerage interceptor outside of the Honeygo Area, be and it is hereby GRANTED.

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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER/
HEARING OFFICER
FOR BALTIMORE COUNTY

JVM:raj

Signed: 12/18/03



Note:
Section 32-3-202 of the Baltimore County, 2003 Code establishes the zoning geodatabase. This map represents the actions of the Baltimore County Council on August 31, 2004 (Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04) effective September 3, 2004.

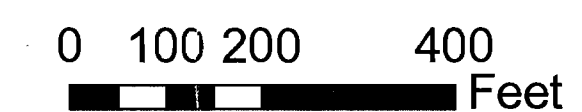
Legend

-  Zoning Streams  Vegetation
 Buildings Roads

Baltimore County Office of Planning and Zoning Official Zoning Map

063B3	063C3	064A3	064B3	064C3
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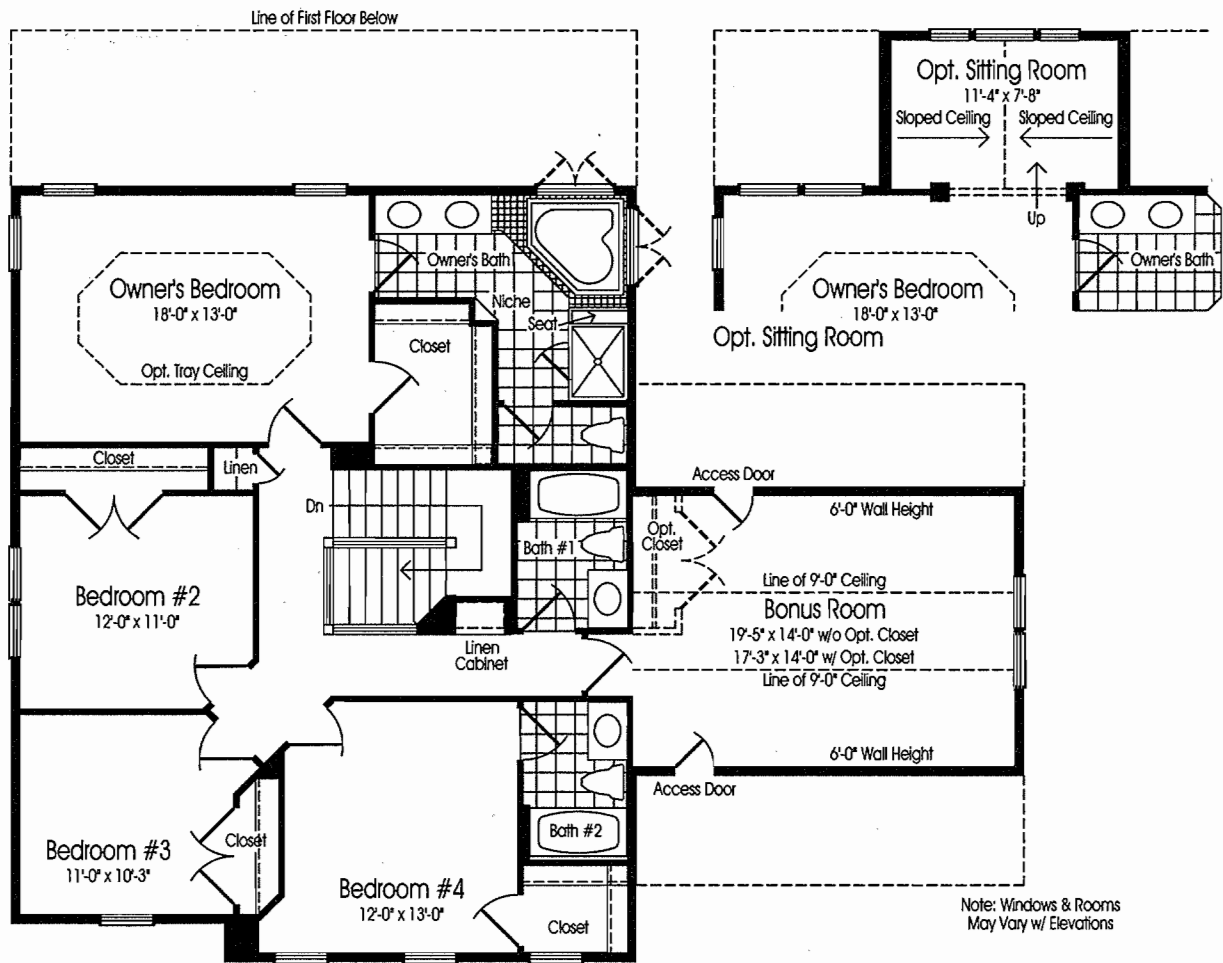
Scale

$$1'' = 200'$$


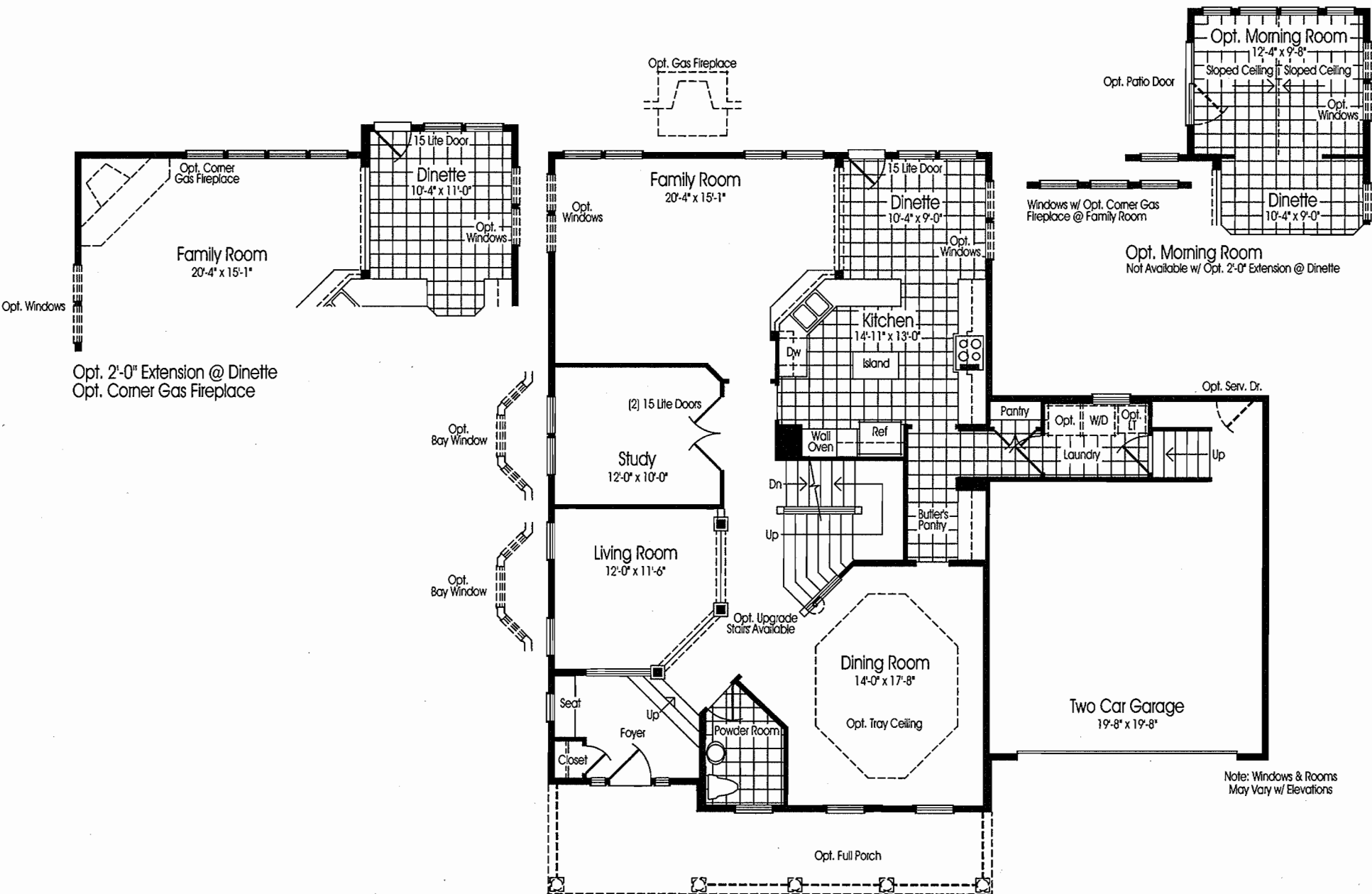
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Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

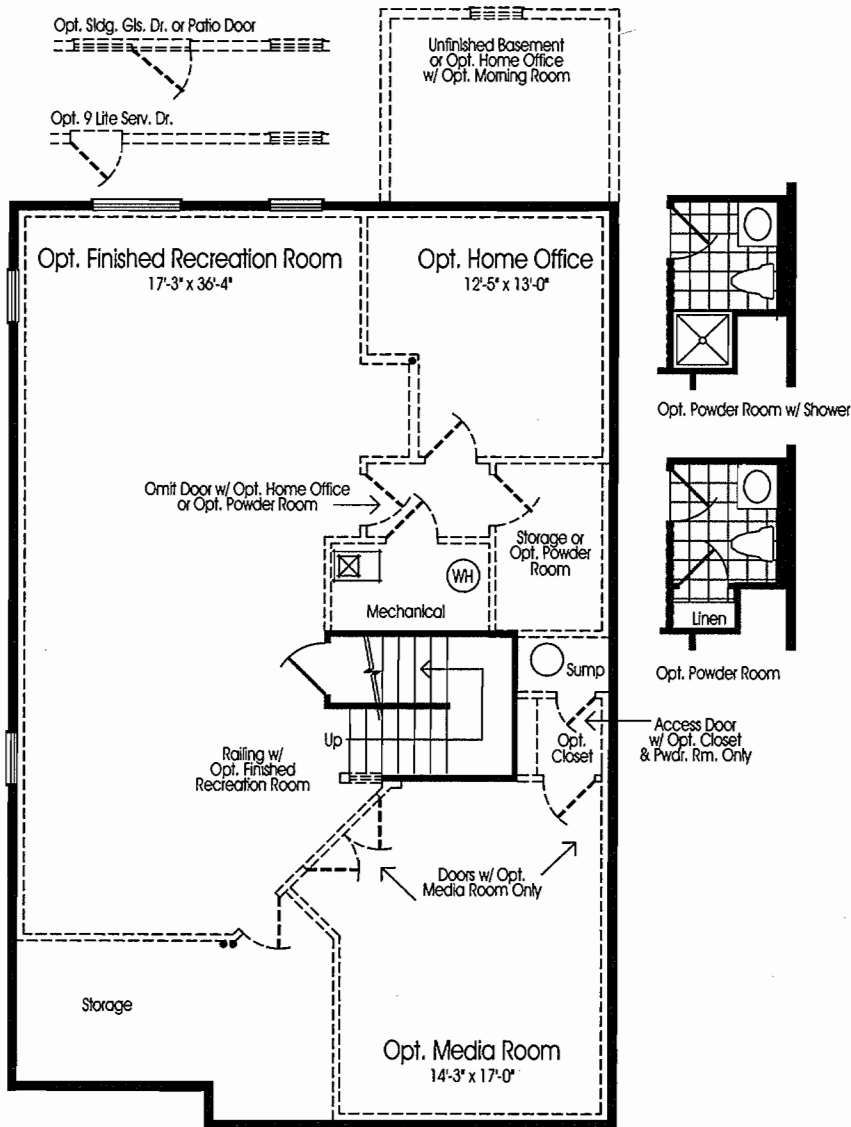
THE CARROLL I



UPPER LEVEL
ELEVATION B



MAIN LEVEL
ELEVATION B



LOWER LEVEL
ELEVATION B

Although all illustrations and specifications are believed correct at the time of publication, the right is reserved to make changes, without notice or obligation. Windows, doors, ceilings, and room sizes may vary depending on the options and elevations selected. Optional items indicated are available at additional cost. This brochure is for illustrative purposes only and not part of a legal contract. It is recommended that the architectural blueprints be reviewed for further clarification of features. Not all features are shown. Please ask our Sales and Marketing Representative for complete information.



THE CARROLL I
ELEVATION A



THE CARROLL I
ELEVATION C



Our concern with quality construction doesn't stop at the point of sale. We carefully select the people who build your home. To give you peace of mind, we make at least two service inspections with our homeowners, one prior to settlement and another six months after settlement. We back up everything we do with Ryan's exceptional Limited Warranty. There is no additional cost to the homeowner for this level of service. We promise to be there for our customers, both before and after they purchase. Our service program is proactive, sincere and convenient. It's part of our overall concern for our customers and helps to explain why more than half our business is generated through referrals.



THE RYAN PROMISE



ELEVATION B

THE CARROLL I

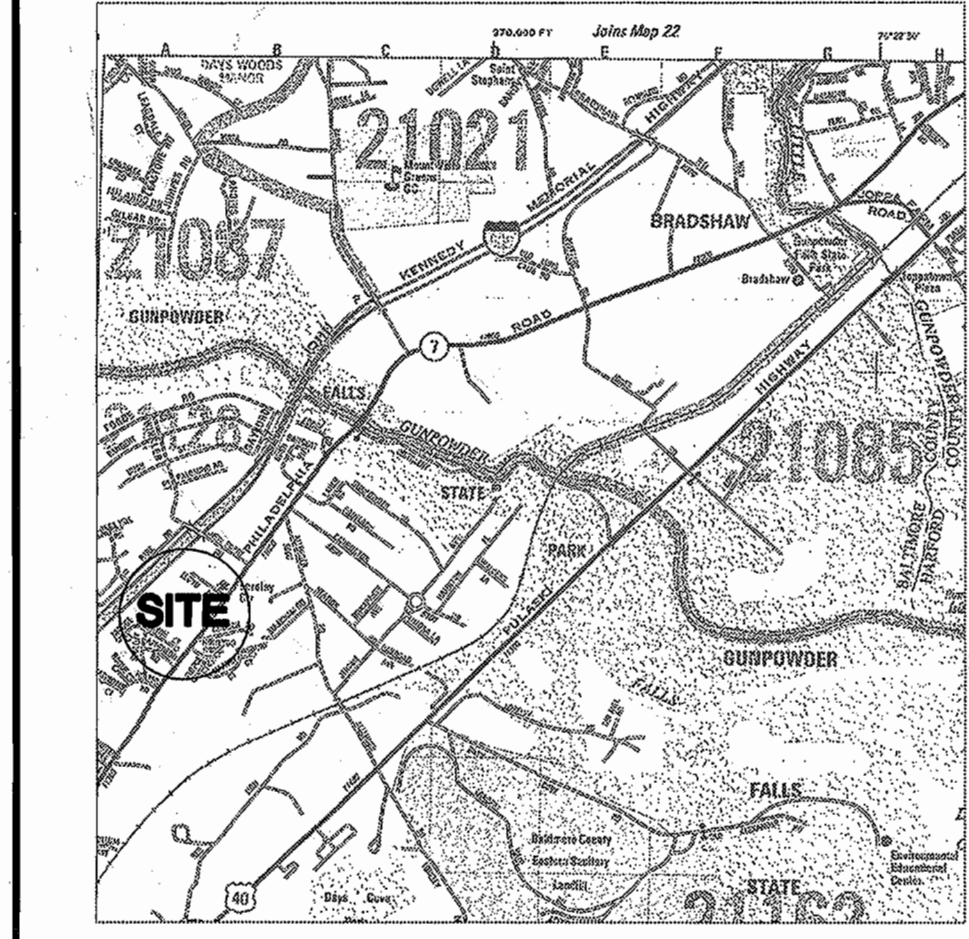
3143 7

PETITIONER'S

EXHIBIT NO. 2



WELCOMING FAMILIES HOME FOR OVER 50 YEARS



VICINITY MAP
(N.T.S.)

HEARING OFFICER'S ORDER
FORM FILE #40-001
CASE # 04-150-AHSA

WHEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 15th day of December, 2003, that the Redline Development Plan known as "Hagan Hall", submitted into evidence as "Developer's Exhibit No. 1", be and is hereby APPROVED, subject, however, to the following conditions and restrictions:

- The Developer shall be required to remove and replace the dead trees in the line of trees along the boundary with the Appurtenant subdivision and submit a landscape plan to Avery Hagan, Landscape Architect for Baltimore County, for his review and approval.
- The Developer shall top the sewer easement on the Dittmarsh property when the project is actually built. This easement is currently being utilized by the Hagan property.
- The Developer shall provide evergreen screening between the new development and Lot 11 and Lot 12.

IT IS FURTHER ORDERED, that the amended variance relief requested from Section 1802.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.), (D) to permit a front yard setback for the existing dwelling to remain 24 ft. in lieu of the 45 ft. required, and relief from Section 259.9F.4 of the B.C.Z.R., (B) to permit a cul-de-sac with a length of 800 ft. in lieu of the 400 ft. maximum; (C) to permit the design, plan, location, slope, configuration, contained use and any further improvement of the existing dwelling and garage which pre-date the adoption of the design requirements in B.C.Z.R., Section 259, be and they are hereby GRANTED.

IT IS FURTHER ORDERED, that the Homeage Special Variance from the B.C.Z.R. pursuant to Sections 259.9 and 4402.07(b), as follows: (i) from Section 259.7, the Threshold Limits - Hagan Ave to permit the issuance of residential building permits for the construction of single-family homes or duplexes on the Development Plan entitled Hagan/Hall Property and any and all amendments thereto approved or proposed; (ii) from Section 259.7B.1 to permit the sewerage system for the proposed lots to be connected to a sewerage interceptor outside of the Hagan Ave, be and it is hereby GRANTED.

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

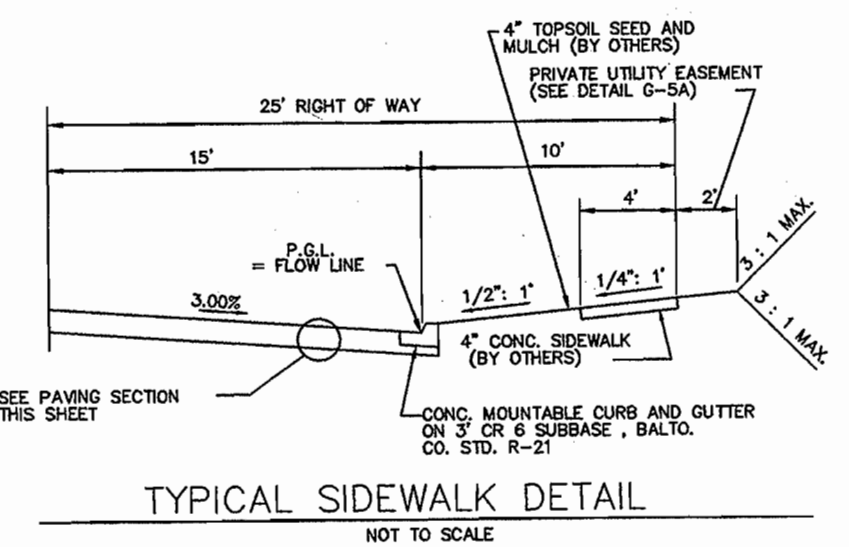
Deputy Zoning Commissioner
DEPUTY ZONING COMMISSIONER/
HEARING OFFICER
FOR BALTIMORE COUNTY

LOTS 2-16
SETBACKS: D.R.2H

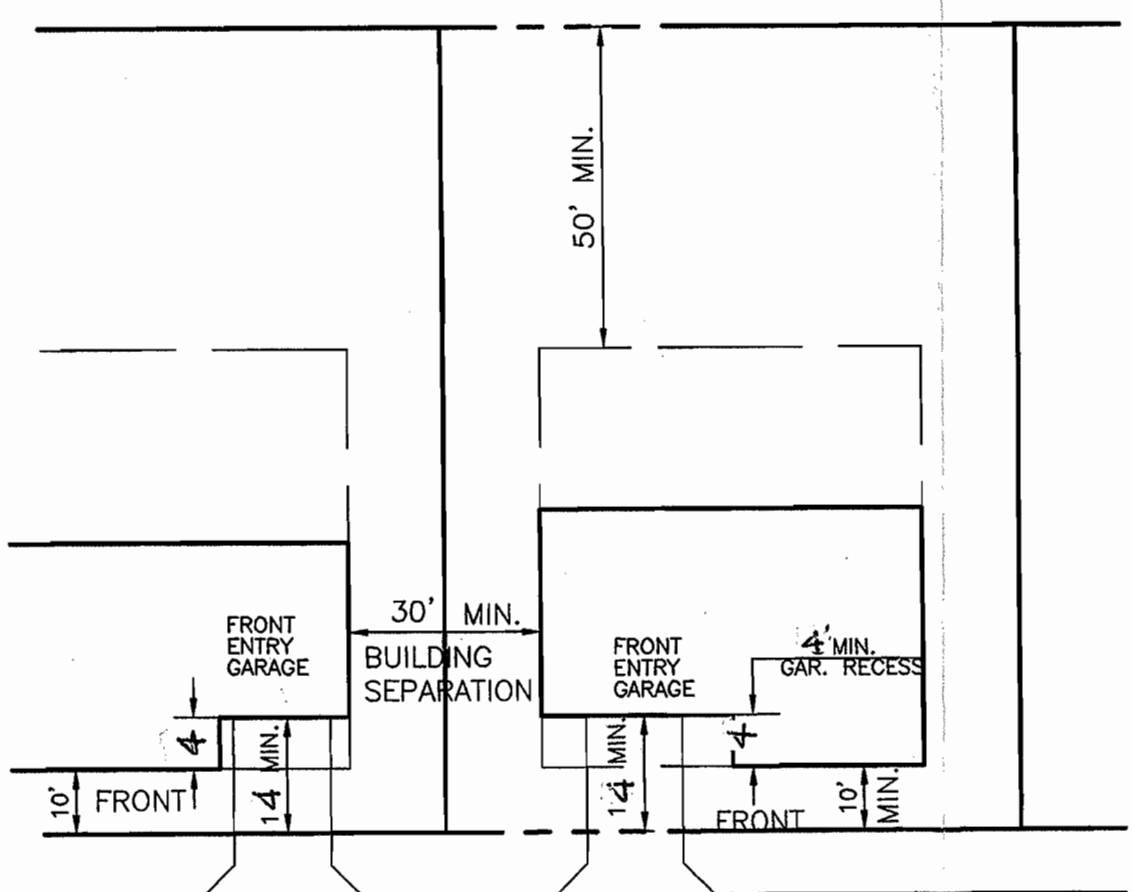
FROM BLDG. FACE TO: RIGHT-OF-WAY (NOT APPLIED TO PORCHES OR STOOPS IN FRONT YARD)	10' MIN.
FROM BLDG. FACE TO: REAR PROPERTY LINE (EXCEPT FOR UNROOFED ADDITIONS INCLUDING PATIOS AND DECKS AND ROOFED ADDITIONS WHICH DO NOT EXCEED IN WIDTH 50% OF THE DWELLING UNIT AND WHICH DO NOT EXTEND MORE THAN 10 FEET INTO THE REAR YARD SETBACK AREA)	50' MIN.
FROM BLDG. FACE TO: SIDE YARD LINE THAT IS NOT ADJACENT OR THE SAME AS A PUBLIC RIGHT-OF-WAY IF THE DWELLING UNIT HAS A SIDE OR REAR ENTRY GARAGE	6' MIN. (SUM OF ALL SIDE YARDS MAY NOT BE LESS THAN 20')
FRONT ENTRY GARAGE SHALL BE RECESSED BEHIND THE FRONT FACADE OF THE DWELLING	8' MIN.
SIDE BUILDING FACE TO: SIDE BUILDING FACE	30' SEPARATION

LOTS 1 & 17 ONLY
SETBACKS: D.R.5

FRONT: 25' MIN.
SIDE: 20' MIN. BLDG. TO BLDG.
15' PUBLIC STREET R.O.W.
15' TO TRACT BOUNDARY
REAR: 30' MIN.



TYPICAL SIDEWALK DETAIL
NOT TO SCALE



PER SECTION 409, 18' MINIMUM IS REQUIRED FOR
OFFSTREET PARKING IN FRONT OF A GARAGE.
TYPICAL FRONT ENTRY GARAGE LOT LAYOUT DETAIL
ZONE DR-2H

LOT NO.	INVERT AT MAIN
2	166.47
3	173.36
4	177.92
5	182.11
6	185.81
7	186.97
8	188.12
9	192.63
11	195.01
12	189.22
13	188.57
14	187.10
15	174.72
16	185.79
17	160.22

RYAN HOMES
7939 HONEYGO BLVD., SUITE 100
BALTIMORE, MARYLAND 21236
PHONE # 410-931-6833

PLAN TO ACCOMPANY SPECIAL
HEARING



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS & LANDSCAPE ARCHITECTS
3445-A BOX HILL CORPORATE CENTER DRIVE
ABINGDON, MARYLAND 21009
(410) 515-9000
FAX (410) 515-9002

SITE AND GRADING PLAN
FOR
HAGAN / HALL PROPERTY
LOTS 2-17
S.M. 77-073
DISTRICT 1105 BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO:
		14232
	PETITIONER'S	SCALE:
	EXHIBIT NO. 1	1"=30'
		DATE:
		2/8/05
		DRAWN BY:
		TB
		DESIGN BY:
		TB
		REVIEW BY:
		TB
		SHEET:
		1 OF 1