IN RE: DEVELOPMENT PLAN HEARING

And PETITION FOR VARIANCE

N/S Chapel Road, E of Belair Road

N/end of Dietz Place

(Perry Hall Marketplace Residential)

11<sup>th</sup> Election District

5<sup>th</sup> Councilmanic District

BEFORE THE

ZONING COMMISSIONER FOR

BALTIMORE COUNTY

Case Nos. XI-991 and 05-629-A

Cross Honeygo, LLC
Contract Purchaser/Developer/Petitioner

\* \* \* \* \* \* \* \* \* \* \*

#### HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined 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 regulations codified in Article 32, Title 4 thereof, the Developer seeks approval of a redlined development plan prepared by George W. Stephens & Associates, Inc. for the proposed residential development of the subject property with six (6) single-family detached dwelling units. In addition, variance relief is requested from: 1) Baltimore County Zoning Regulations ("BCZR") §259.9G.3, §504.2, and pp. 26 & 31 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP") to permit a cul-de-sac in lieu of a through street where there exists a special design situation and the property is at least partially surrounded by environmentally constrained areas; 2) BCZR §259.9F4, §259.9G.3, §504.2, and p. 31 of Part III, Division VI, Section E of the CMDP to permit a cul-de-sac with a length greater than 400'; and 3) BCZR §260.4B, §259.9G.3, § 504.2, and p. 31 Part III, Division VI, Section E of the CMDP to permit a cul-de-sac without center The proposed subdivision and requested zoning relief are more particularly landscaping.

DER RECEIPED FILMS

described on the redlined development plan submitted into evidence and marked as Developer's Exhibit 1A.

As to the history of this project through the development review process, a concept plan of the proposed development was prepared and a conference held thereon on February 28, 2005. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on March 31, 2005 at the White Marsh Library. Subsequently, a development plan is prepared, based upon the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on July 13, 2005. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan ("the redlined plan") incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held on August 4, 2005. The redlined development plan was accepted into evidence as Developer's Exhibit 1A.

Appearing at the public hearing on behalf of the Developer were David Martin and Gerald D. Turnbaugh, both from George W. Stephens & Associates, Inc. (GWS), the consultants who prepared the development plan; and G. Scott Barhight, Esquire, attorney for the Developers.

Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Colleen Kelly, Project Manager; Dennis Kennedy,

Development Plans Review; Ron Goodwin, Land Acquisition; and John Sullivan, Zoning Review. Also appearing on behalf of the County were Curtis Murray, Office of Planning (OP), Jan Cook, Department of Recreation and Parks, and Paul Dennis, Department of Environmental Protection and Resource Management (DEPRM). A few interested citizens appeared, including William Libercei and Dan Moran. Mr. Moran was represented by Jeffrey Scherr, Esquire, and Don Mitten, a Professional Engineer.

The subject property under consideration contains a gross area of 19.421 acres and a net area of 12.717 acres, zoned D.R. 3.5H, and is located with frontage on Deitz Place, a public road on the north side of Chapel Road, east of Belair Road in Perry Hall. As noted above, the Developer proposes a residential subdivision of six (6) single-family detached dwellings. As shown on the development plan, access to the subdivision will be by way of an extension of Dietz Place into the property as a cul-de-sac. The property will be served by public water and sewer. An existing stormwater management facility, which currently services the existing shopping center adjacent and to the northwest of this property, will also service this proposed development. This subject stormwater management facility was designed and built to accommodate residential development on this land. Other specifics of the development plan, including forest conservation and landscaping are more particularly described on the plan.

Pursuant to Sections 32-4-227 and 32-4-228 of the B.C.C., which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, G. Scott Barhight, Esquire, indicated on behalf of the Developer that there were no unresolved issues. Mr. Barhight explained that the Developer requested a waiver to allow the proposed road (the extension of Dietz Place) to be constructed with 24 feet of paving

on a 44-foot County right-of-way, and requested a waiver to permit a sidewalk on only one side of the proposed road. The Department of Public Works approved these requests.

There is an existing 20-foot drainage and utility easement on the northwest side of the property on which there exists a Baltimore Gas & Electric ("BGE") concrete pad and transformer. Mr. Martin, on behalf of the Developer, testified that when the public road is extended, re-grading of the land will occur. Due to the close proximity of the existing transformer to the proposed re-grading activity, and depending on the position of BGE, this transformer's pad foundation may have to be supported by what is shown on the Redlined Plan as a retaining wall. Mr. Martin explained that while the Redlined Plan may identify this as a retaining wall, what may be needed is actually nothing more than a minor support for the transformer pad. Mr. Goodwin, from Land Acquisition, requested that the transformer pad foundation not be located within the existing drainage and utility easement. Similarly, Dennis Kennedy, from Development Plans Review, stated that he would prefer this transformer be relocated slightly to the north so as to fall completely on the shopping center property. However, Mr. Kennedy acknowledged that if the property owner or BGE objects to this request, he would not force the issue. The Developer agreed to approach the shopping center owner to try and accommodate this request but noted that BGE may well be the ultimate decision- maker on this issue.

Curtis Murray from the Office of Planning requested a condition by placed on any approval of this development whereby the proposed landscaping actually be constructed. The Developer agreed to meet this condition should the plan be approved.

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There were no other open issues identified by any of the representatives from the County agencies.

Mr. Scherr explained that his client, Mr. Moran, owns property to the north and requested that the proposed development provide a connection through the portion of the subject property which is encumbered with the existing stormwater management facility to the adjacent properties. Notably, Mr. Moran's property is not adjacent to this proposed development. Mr. Moran's property is separated by at least one parcel which is shown on the plan to be owned by Madison Square Federal Savings Bank. This parcel owned by Madison Square Federal is the only property adjacent to the subject development on the north, meaning that no other property lies adjacent to this subject development on the north side. Mr. Martin, accepted as an expert in landscape architecture, land development, planning and zoning, testified regarding the practical impracticalities of providing a connection to the Madison Square Federal Savings Bank property. The Regional Stormwater Management Facility which lies along the subject properties north side is existing so obviously any connection through that area is highly impractical. Providing a connection in the area where the six (6) proposed lots are shown is also impractical where the County agencies have not required or even recommended such a connection. As a result, I will not require the Redlined Plan be changed to provide for any connection to property on the north of the proposed development.

With regard to meeting the Open Space requirements and as noted on the plan, the Department of Recreation and Parks has approved the payment of a fee in lieu of to be paid by the Developer since the plan proposes only six (6) single-family detached dwelling. This approval by the Department of Recreation and Parks is documented in their letter dated August 2, 2005, which was accepted into evidence as County's Exhibit 1.

Finally, the Developer's Pattern Book, which provides proposed elevations for the proposed single-family detached dwellings and was originally submitted along with the

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DER RECOMMENDA FOR FILMS

development plan, was approved by the Office of Planning and accepted into evidence as Developer's Exhibit 1B.

The Baltimore County Code is clear regarding the standards that must be applied when the Hearing Officer considers a development plan. The Hearing Officer must approve any plan that satisfies the rules, regulations and policies adopted by Baltimore County regarding development. Based upon the testimony and evidence presented, I find that the Redlined Development Plan as submitted at the hearing and accepted as Developer's Exhibit 1A meets all County rules, regulations and standards for development in Baltimore County and therefore shall be approved. I will require, as a condition of my approval of this plan, that the proposed landscaping shown be planted.

Turning to the Petition for Variance, relief is requested as set forth above, from: 1) Baltimore County Zoning Regulations ("BCZR") §259.9G.3, §504.2, and pp. 26 & 31 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP") to permit a cul-de-sac in lieu of a through street where there exists a special design situation and the property is at least partially surrounded by environmentally constrained areas; 2) BCZR §259.9F4, §259.9G.3, §504.2, and p. 31 of Part III, Division VI, Section E of the CMDP to permit a cul-de-sac with a length greater than 400'; and 3) BCZR §260.4B, §259.9G.3, § 504.2, and p. 31 of Part III, Division VI, Section E of the CMDP to permit a cul-de-sac without center landscaping.

Testimony from Mr. Martin indicated that the environmental constraints on the property eliminate the ability to provide a through street and therefore drive the need for a cul-de-sac. Additionally, the distance between the beginning of Dietz Place and the proposed development already exceeds the 400' length restriction and therefore, in order to serve the property, the cul-

de-sac length must exceed this limitation. As to the request to permit a cul-de-sac without center landscaping, the Developer redlined this change to the plan in response to the request from the Perry Hall Improvement Association. It is their opinion that where there is no other open space that will be maintained by a Homeowner' Association, a center landscaped island on a cul-de-sac may not be properly maintained. Ultimately, it may become a burden on one of the six (6) lot owners to maintain or fall into a state of disrepair.

The need for the variances is driven by the uniqueness of the property, including the property's environmental constraints (which include existing Forest Buffer and Forest Conservation Easements on the property) and the existence of the stormwater management facility which was previously constructed and currently serves the shopping center to the northwest of the property, all of which evidences the fact that it is the property's unique characteristics which drive the need for the variance relief.

Finally, the Office of Planning is not opposed to any of the Developer's requested variance relief. Based upon these factors, I find that the requirements of the BCZR have been met for variance relief to be granted. The uniqueness associated with the property includes its unusual existing features, both the environmental constraints and the existence of the Regional Stormwater Management Facility, all of which drive the characteristics of the proposed cul-desac. I find that the Developer would suffer a practical difficulty and unreasonable hardship if relief were denied. Finally, relief can be granted without incurring a detrimental impact to adjacent properties or the surrounding locale. Furthermore, I concur with the community and beveloper in that providing a center landscaped island here will not be within the best interest of the neighborhood since only 6 single family dwellings are proposed and the landscaped area in

No.

the center of the cul-de-sac would likely be the only land to be held by a Homeowners' Association. Thus, I am persuaded to grant the requested relief.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Article 32, Title 4 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the Petition for Variance, also as shown on Developer's Exhibit 1A, shall be granted subject to the restrictions set forth below.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this \_\_\_\_\_\_day of August 2005, that the redlined development plan for Perry Hall Marketplace Residential, identified herein as Developer's Exhibit 1A, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from: 1) Baltimore County Zoning Regulations ("BCZR") §259.9G.3, §504.2, and pp. 26 & 31 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP") to permit a cul-de-sac in lieu of a through street where there exists a special design situation and the property is at least partially surrounded by environmentally constrained areas; 2) BCZR §259.9F4, §259.9G.3, §504.2, and p. 31 of Part III, Division VI, Section E of the CMDP to permit a cul-de-sac with a length greater than 400'; and 3) BCZR §260.4B, §259.9G.3, § 504.2, and p. 31 of Part III, Division VI, Section E of the CMDP to permit a cul-de-sac without center landscaping, in accordance with Developer's Exhibit 1A, 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. The proposed landscaping as shown on Developer's Exhibit 1A shall be planted.

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

WJW:bjs

Zoning Commissioner/Hearing Officer for Baltimore County

## 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

August 15, 2005

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

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE

N/S Chapel Road, E of Belair Road, N/end Dietz Place

(Perry Hall Marketplace Residential)

11<sup>th</sup> Election District - 5<sup>th</sup> Council District

Cross Honeygo, LLC - Contract Purchasers/Developers

Cases Nos. XI-991 & 05-629-A

Dear Mr. Barhight:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 410-887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III Zoning Commissioner

for Baltimore County

WJW:bjs

cc: Messrs. David Martin & Gerald D. Turnbaugh, G. W. Stephens, Jr. & Assoc., Inc.

1020 Cromwell Bridge Road, Towson, Md. 21286

Jeffrey H. Scherr, Esquire, Kramon & Graham

One South Street, 26<sup>th</sup> Floor, Baltimore, Md. 21202

Mr. Dan Moran, 305 W. Chesapeake Avenue, Suite 208, Towson, Md. 21204

Mr. Don Mitten, Richardson Engineering, 110 Old Padonia Rd., Cockeysville, Md., 21093

Mr. William Libercci, 19 Shawn Court, Baltimore, Md. 21236

Ms. Colleen Kelly, Proj. Mgr.; DPW; DEPRM; OP; R&P; People's Counsel; Case File



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



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at North of Chapel Rd, East of Rd

for the property located at North of Chapel Rd, East of Rd which is presently zoned DR 3.5H

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

Please see attached

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

To be presented at the hearing

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

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

Name - Type or Print		Name -	Signature Signature
Signature			Jennifer R. Busse, authorized perso
Address	Te	elephone No.	Name - Type or Print
City  Attorney For Petitioner:	State	Zip Code	Signature 210 W Pennsylvania Ave (410) 832-20 Address Telephone No.
Jennifer R. Busse	<u> </u>	City	Address Towson, MD 21204 State Zip Code
Signature Whiteford, Taylor	& Presto	n	Representative to be Contacted: Jennifer R. Busse
Company 210 W Pennsylvania	Ave (41	0) 832-207	Name 210 W Pennsylvania Ave (410 832-) Address Telephone No.
Address Towson, MD 21204	State	elephone No.	Towson, MD 21204  City State Zip Code
			OFFICE USE ONLY
Pase No. 25-6	$2q \cdot (-)$		ESTIMATED LENGTH OF HEARING
EV 94 5/98		Reviewed By	

Attachment to Petition for Variance
Dietz Place
North of Chapel Road, East of Belair Road
Zoned DR 3.5 H
11<sup>th</sup> Election District
5<sup>th</sup> Councilmanic District

Variance from BCZR § 259.9G.3, BCZR § 504.2, and pp. 26 and 31 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP"), to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially surrounded by environmentally constrained areas.

Variance Pursuant to BCZR BCZR § 259.9F.4, § 259.9G.3, BCZR § 504.2, and p. 31 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP"), to permit a cul-de-sac or court with a length greater than the maximum permitted length of 400'.

Variance from BCZR § 260.4B, BCZR § 259.9G.3, BCZR § 504.2, and p. 31 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP"), to permit a cul-de-sac without center landscaping.



05-629.-



#### FROM THE OFFICE OF

# GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS 1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

Description of a 12.717
Acre Parcel of Land
known as Parcel A on
Plat S.M. 73:17
for Zoning Variance

May 25, 2005

Beginning for the description of a 12.717 Acre area, at a point on the property line at the northwest corner of Parcel A as shown on Plat S.M. 73:17, said point of beginning having a Maryland State (nad83/91) Coordinate Value of North 636,302 and East 1,464,706 being measured North 37 degrees 31 minutes 28.1 seconds East 525.18 feet from the centerline intersection of Dietz Place and Chapel Road, running thence leaving said point of beginning the following courses;

- 1) North 41 degrees 38 minutes 24 seconds East 500.55 feet thence,
- 2) South 49 degrees 12 minutes 17 seconds East 1798.82 feet thence,
- 3) South 43 degrees 25 minutes 40 seconds West 495.82 feet thence,
- 4) North 49 degrees 28 minutes 27 seconds West 1071.64 feet to the point of beginning.

Containing 553,952.52 Square Feet or 12.717 Acres of Land more or less.

Being Parcel A in the Subdivision known as Perry Hall Marketplace recorded in Baltimore County Plat Book #73, Folio #17, and located in the  $11^{th}$  Election District.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.

OS.629.(

410-825-8120 • FAX 410-583-0288 www.gwstephens.com

#### 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: #05-629-A

Case: #05-629-A
North of Chapel Road, East of Belair Road
N/east side of Chapel Road, 500 feet rear and 700 feet
east of Belair Road
11th Election District
5th Councilmanic District
Legal Owner(s): Cross Honeygo, LLC
Variance: to permit a cul-de-sac in lieu of a through
street or a street connection to another heighborhood,
where there exists a special design situation and the
property is at least partially surrounded by
environmentally constrained areas, to permit a cul-de-sac
or court wint a length greater than the maximum
permitted length of 400 feet, and to permit a cul-de-sac
without center landscaping
Hearing: Thursday, August 4, 2005 at 9:00 a.m. in
Room 106, County Office Building, 111 West
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.

7/155 July 21

# CERTIFICATE OF PUBLICATION

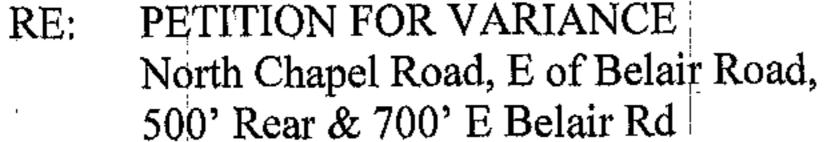
721,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $\frac{721}{21}$ ,2005.
The Jeffersonian  Arbutus Times
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

		RE: Case No.: 05-629-A
	,	Petitioner/Developer: <u>CROSS</u>
		HOWEYGOILLC
		Date of Hearing/Closing: AUG 4, 20
	Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews ((410) 887-339	94}
	Ladies and Gentlemen:	
	This letter is to certify under the penalties posted conspicuously on the property loca	s of perjury that the necessary sign(s) required by law were ated at:
	NOF CHAPEL	RD, E/OF BELAIR RD
	· · · · · · · · · · · · · · · · · · ·	
	The sign(s) were posted on	<u> </u>
-	,	(Month, Day, Year)
    		Sincerely,
		(Signature of Sign Poster) (Date)
		SSG Robert Black
	THE PARTIES CONTRINSION OF THE PARTIES OF THE PARTI	(Print Name)
		1508 Leslie Road
		(Address)
		Dundalk, Maryland 21222
		(City, State, Zip Code)
		(410) 282-7940
d D acc	HONEYGO	(Telephone Number)
بهت <i>ارین ب</i> کان ا	SHONEYGO SRIH OF CHARGE RD TOF BELAIR RD	
EA8	TOF BELAIR RD	₹





11<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts
Legal Owner(s): Cross Honeygo, LLC

Petitioner(s)

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 05-629-A

### ENTRY OF APPEARANCE

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

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 2<sup>nd</sup> day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to, Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 21, 2005 Issue - Jeffersonian

i nursday, July 21, 2005 Issue - Jeffersoni

Please forward billing to:

Jennifer Busse, Esq. Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue, Ste. 400 Towson, MD 21204

410-832-2077

# 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: 05-629-A

North of Chapel Road, East of Belair Road N/east side of Chapel Road, 500 feet rear and 700 feet east of Belair Road 11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District Legal Owners: Cross Honeygo, LLC

<u>Variance</u> to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially surrounded by environmentally constrained areas, to permit a cul-de-sac or court with a length greater than the maximum permitted length of 400 feet, and to permit a cul-de-sac without center landscaping.

Hearing: Thursday, August 4, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West 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

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

June 24, 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: 05-629-A

North of Chapel Road, East of Belair Road N/east side of Chapel Road, 500 feet rear and 700 feet east of Belair Road 11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Cross Honeygo, LLC

<u>Variance</u> to permit a cul-de-sac in lieu of a through street or a street connection to another neighborhood, where there exists a special design situation and the property is at least partially surrounded by environmentally constrained areas, to permit a cul-de-sac or court with a length greater than the maximum permitted length of 400 feet, and to permit a cul-de-sac without center landscaping.

Hearing: Thursday, August 4, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Jennifer Busse, 210 W. Pennsylvania Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 23, 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



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is ubject 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.

i i
For Newspaper Advertising:
Item Number or Case Number: OSGQQ-
Petitioner:
Address or Location: Dietz Place - Perry Hall Market place Pesidential
Pesidental
PLEASE FORWARD ADVERTISING BILL TO:
Name: Jennifer P. Busse Esq. 40 whitehod, Taylor & J.
Address: 210 W. Rennsylvania Are. Suite 400
Towson 40 21204
Telephone Number: 410 832 2077
i

Revised 2/20/98 - SCJ

05.629.A

# Department of Permits and Development Management

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



# Baltimore County

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

July 25, 2005

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

Dear Ms. Busse:

RE: Case Number: 05-629-A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 25, 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.

W. Carle Richard D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb ;

Enclosures-

c: People's Counsel Cross Honeygo, LLC. 210 W. Pennsylvania Avenue Towson 21204



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

June 2, 2005

ATTENTION: Zoning Review planners

Distribution Med

June 6, 2005

Item No.: 595, 608

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

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

Lieutenant J.D.Mezick Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 6, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 13, 2005 Item No. 629

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum road section for single family homes is a 30-foot-wide paved

section on a 50-foot-wide right-of-way.

R/W & Road width reduced to

DAK:CEN:clw

cc: File

ZAC-ITEM NO 629-06062005.doc

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

June 28, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 6, 2005

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

05-611

05-613

05+615

05-617

05-618

05-619

05-620

05-621

05-622

05-624

05-628 05-629

05-631

Reviewers:

Sue Farinetti, Dave Lykens

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

State Highway
Administration

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

6.3.65

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

RE:

Baltimore County
Item No 6 2

JRA

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

1. 1. Soll

Engineering Access Permits Division

WHITEFORD, TAYLOR & PRESTON L.L.P.

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

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

JENNIFER R. BUSSE

DIRECT NUMBER

410 832-2077

jbussc@wtplaw.com

210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515 410 832-2000 FAX 410 832-2015 www.wtplaw.com 1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

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

10 Krister schille

May 26, 2005

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

Re: Perry Hall Marketplace Residential PDM No. XI-991 Zoning Item No. 05-629-A

Dear Mr. Kotroco:

Please accept this letter as a request for a combined hearing pursuant to Baltimore County Code §32-4-230. The Development Plan checkprints and the Petition for Variance in this matter were filed on May 25, 2005.


Thank you for your cooperation in this matter. Should you have any questions or comments, or need any additional information, please contact me.

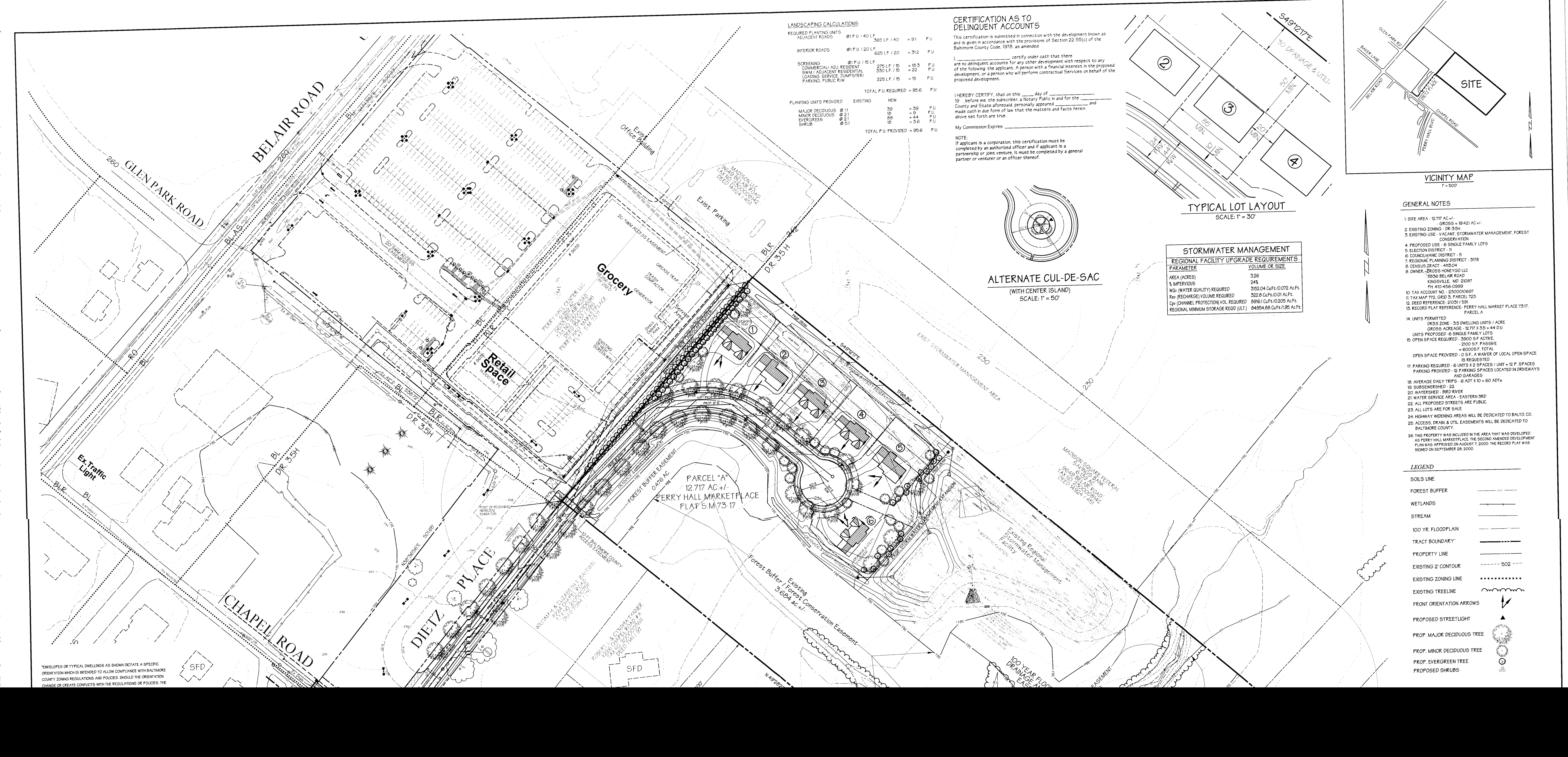
Sincerely,

Jennifer R. Busse

JRB:ae

cc: Ms. Colleen M. Kelly Cross Honeygo, LLC Mr. Bernt Peterson





BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

2

DATE

AMOUNT &

RECEIVED ( )

FOR

PAK - AGENCY

VELLOW - CUSTOMER