IN RE: PETITION FOR SPECIAL HEARING E/S of Kelox Road and Gwynndale Avenue 2nd Election District 4th Councilmanic District **(Kelox Road & Gwynndale Avenue)** Kelox West, LLC, By: Cynthia McAuliffe, Vice-President *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-653-SPH

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Kelox West, LLC, by Cynthia McAuliffe, Vice-President. The Petitioner is requesting special hearing relief for property located at Kelox Road & Gwynndale Avenue in Baltimore County. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to the tract boundary for Second Amended Final Development Plan for Kelox West and to amend the zoning site plan in Case No. 98-399-A.

The property was posted with Notice of Hearing on July 15, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 19, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

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

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

ORDER RECEIVED FOR FILING
Date 8/5/05
By

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.

Interested Persons

Appearing at the hearing on behalf of the variance requests was Richard Matz, professional engineer on behalf of the Petitioner. Benjamin Bronstein, Esquire represented the Petitioner. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioner was in the process of turning over the local open space for the Kelox West subdivision to the County as specified on the First Amended Final Development Plan only to discover that a concrete turn around pad and part of a driveway serving the adjacent Masimore property encroached upon the Petitioners property. Mr. Matz explained that the Recreation and Parks Department did not want to accept the open space with this encroachment. See the cross hatched area on Petitioner's exhibit 1 for the area of the encroachment. Rather than attempt to file an ejectment action in the Circuit Court, the Petitioner agreed simply to give the cross hatched area to Mr. Masimore as noted on the exhibit. This area would consequently be deleted from the area conveyed to the County for local open space. Mr. Matz indicated that this satisfied the Recreation and Parks Department both that it did not have to deal with the encroachment and that the remaining local open space provided by the Developer more than met the County local open space requirements. The local open space required is 1.54 acres. After the crosshatched area is deleted the local open space provided is 1.63 acres.

Findings of Fact and Conclusions of Law

The request for special hearing arises because the Petitioner proposes to amend the first amended final development plan approved for the "Kelox West Subdivision" which was recorded in

ORDER RECEIVED FOR FILING
Date 8/5/05
By

the proposed changes to prospective residents and to those who may have relied on the original development plan have been complied with by the public hearing held on August 4, 2005. I further find that the proposed changes comply with applicable regulations, standards and policies. I find therefore that the Office of Planning comments constitute the certification by the Director of Planning that this plan meets the spirit and intent of the regulations and does not violate the spirit and intent of the first amended development plan pursuant to Section 1B01.3.A.7.c.(4). I also make such findings and so certify.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's special hearing request should be granted.

THEREFORE, IT IS ORDERED, this 8 day of August, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an amendment to the tract boundary for the Second Amended Final Development Plan for Kelox West and to amend the zoning site plan in Case No. 98-399-A, be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 8/5/05
By

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 8, 2005

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
E/S Kelox Road, 186' NE of the c/l Gwynndale Avenue
(Kelox Road and Gwynndale Avenue)
2nd Election District – 4th Council District
Kelox West, LLC - Petitioners
Case No. 05-653-SPH

Dear Mr. Bronstein:

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,

JOHN V. MURPHY
Deputy Zoning Commissioner
for Baltimore County

JVM:bjs

cc: Ms. Cynthia McAuliffe, Kelox West, LLC
9025 Chevrolet Drive, Suite K, Ellicott City, Md. 21042
Mr. Richard Matz, Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, Suite G, Baltimore, Md. 21209
People's Counsel; Case File

Printed on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Kelox Road & Gwynndale Avenue

which is presently zoned DR 5.5

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

an amendment to the tract boundary for Second Amended Final Development Plan Kelox West and to amend the zoning site plan in Case # 98-399A.

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Benjamin Bronstein
Name - Type or Print

Signature

Company

29 West Susquehanna Avenue, Suite 205 410-296-0200
Address Telephone No.

Towson Maryland 21204
City State Zip Code

Legal Owner(s):

Kelox West LLC
a Maryland Limited Liability Company
Name - Type or Print

Signature

BY: Grayson Homes at Gwynndale Manor Ltd Ptnr, Member
Name - Type or Print

Cynthia McAuliffe, Vice President
Signature

9025 Chevrolet Drive Suite K
Address Telephone No.

Ellicott City Maryland 21042
City State Zip Code

Representative to be Contacted:

Judy Floam Colbert, Matz, Rosenfelt, Inc.
Name

2835 Smith Avenue Suite G 410-653-3838
Address Telephone No.

Baltimore Maryland 21209
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM Date 6/9/05

Case No. 05-653-SPH

ORDER RECEIVED FOR FILING
Date 8/5/05
By
REV 9/15/98

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

KELOX WEST SPECIAL HEARING
ZONING DESCRIPTION

BEGINNING AT A POINT ON THE NORTHEASTERLY SIDE OF KELOX ROAD, WHICH IS 60 FEET WIDE, AT A DISTANCE OF 166 FEET NORTHEAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, GWYNNDALE AVENUE, WHICH IS 70 FEET WIDE. BEING ALL THE LOTS IN THE SUBDIVISION OF KELOX WEST AS AMENDED, AND RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. S.M. 71 FOLIO NO. 33, CONTAINING 18.893 ACRES, LOCATED IN THE SECOND ELECTION DISTRICT.

SAVING AND EXCEPTING A PARCEL OF 0.10 ACRES TO BE CONVEYED TO THE OWNER OF 5607 PIEDMONT AVENUE, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST SIDE OF PIEDMONT AVENUE, WHICH IS 50 FEET WIDE, AT A DISTANCE OF 270 FEET NORTH OF THE CENTERLINE OF FLANNERY LANE, WHICH IS OF VARYING WIDTH. THENCE THE FOLLOWING COURSES AND DISTANCES:

SOUTH 48°22'49" WEST, 200.73 FT.,
NORTH 30°24'15" EAST, 96.94 FT.,
NORTH 49°52'50" EAST, 108.38 FT., THENCE
SOUTH 41°59'58" EAST, 27.08 FT. TO THE POINT OF BEGINNING.

STATE OF MARYLAND
RICHARD EARL MATZ
No. 13203
PROFESSIONAL ENGINEER

6/3/05

J:\96148DES.DOC

#653

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

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: #05-653-SPH
Kelox Road & Gwynndale Ave.
E/side of Kelox Road and Gwynndale Avenue
2nd Election District - 4th Councilmanic District
Legal Owner(s): Kelox West, LLC, by Grayson Homes @ Gwynndale Manor Ltd.

Special Hearing: to allow an amendment to the tract boundary for Second Amended Final Development Plan Kelox West and to amend the zoning site plan in Case No. 98-399-A.

Hearing: Thursday, August 4, 2005 at 9:00 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/7/684 July 19 59405

CERTIFICATE OF PUBLICATION

7/20/, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/19/, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 449520

DATE 6/9/05 ACCOUNT 1001 006 650

AMOUNT $ 115.00

RECEIVED FROM: E. PROWSTAHL

FOR: DS-652-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	MAN
6/09/2005	6/09/2005	10:03:52	2

ITEM NUMBER WALKIN REPRINT
RECEIPT # 204145 6/09/2005 OTHER
Acct. 5 328 ZONING VERIFICATION
R NO. 04328
Dept Tot $115.00
$115.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date July 18, 2005

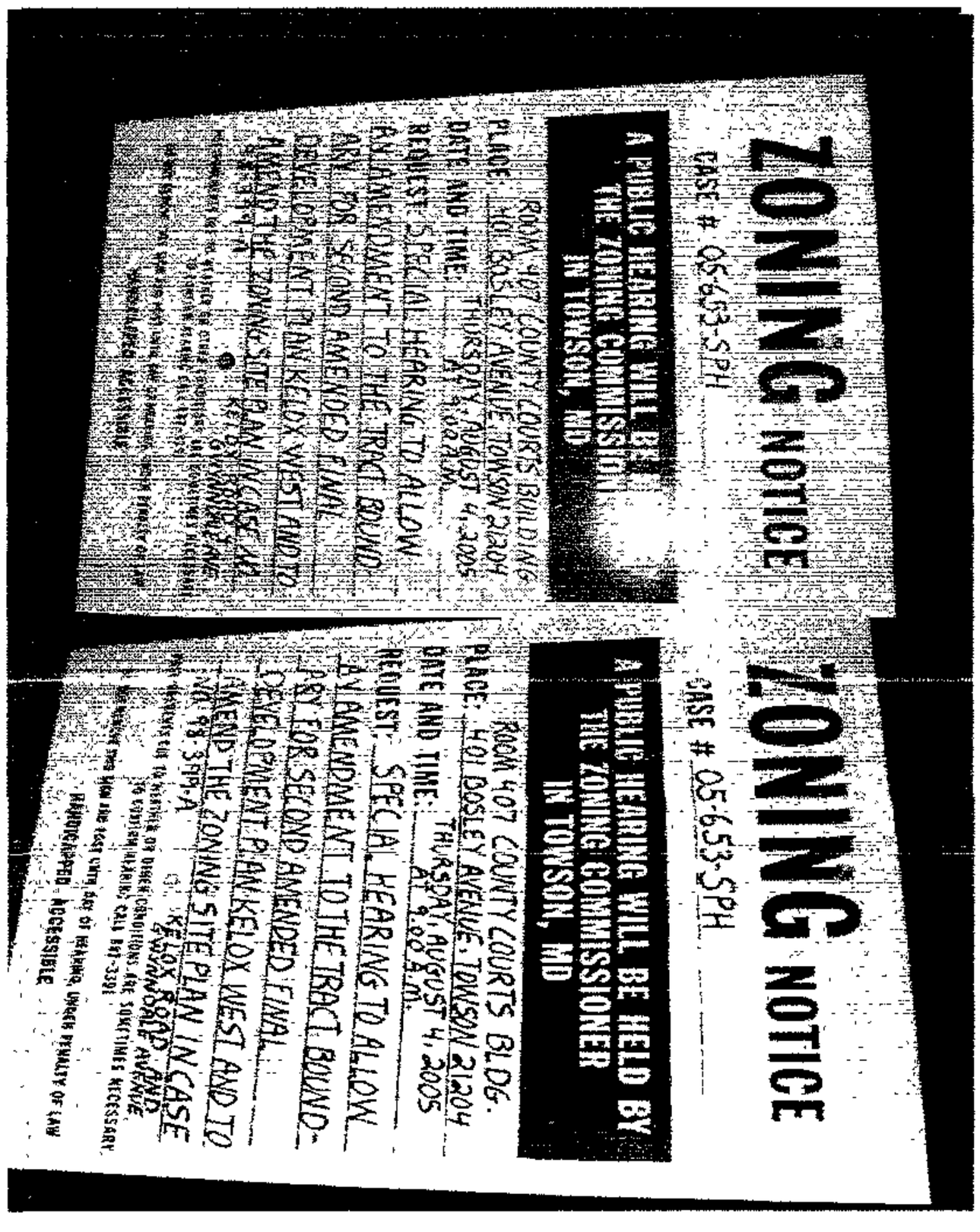
RE: Case Number 05-653-SPH

Petitioner/Developer BENJAMIN BRONSTEIN / CYNTHIA MCAULIFFE
JUDY FLOAM

Date of Hearing/Closing AUGUST 4, 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 1@ END OF PIEDMONT AVE.
1 @ FLANNERY LANE + GWYNDALE AVENUE (ON SITE)

The sign(s) were posted on JULY 15, 2005



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

Department of Permits
Development Management

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

Baltimore County

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

June 16, 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: 05-653-SPH
Kelox Road & Gwynndale Avenue
E/side of Kelox Road and Gwynndale Avenue
2nd Election District – 4th Councilmanic District
Legal Owners: Kelox West, LLC, by Grayson Homes @ Gwynndale Manor Ltd.

Special Hearing to allow an amendment to the tract boundary for Second Amended Final Development Plan Kelox West and to amend the zoning site plan in Case No. 98-399-A.

Hearing: Thursday, August 4, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Benjamin Bronstein, 29 West Susquehanna Avenue, Ste. 205, Towson 21204
Cynthia McAuliffe, Kelox West LLC, 9025 Chevrolet Drive, Ellicott City 21042
Judy Floam, 2835 Smith Avenue, Ste. G, Baltimore 21209

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 20, 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, July 19, 2005 Issue - Jeffersonian

Please forward billing to:
Benjamin Bronstein 410-296-0200
29 West Susquehanna Avenue, Ste. 205
Towson, MD 21204

NOTICE OF ZONING HEARING

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

CASE NUMBER: 05-653-SPH
Kelox Road & Gwynndale Avenue
E/side of Kelox Road and Gwynndale Avenue
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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: 05-653-SPH

Petitioner: KELOX WEST LLC

Address or Location: KELOX ROAD & GWYNNDALE AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: BENJAMIN BRONSTEIN

Address: 29 WEST SUSQUEHANNA AVE
STE 205 TOWSON MD 21204

Telephone Number: 410 296 0200

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

July 25, 2005

Benjamin Bronstein
29 West Susquehanna Avenue, Ste. 205
Towson, Maryland 21204

Dear Mr. Bronstein:

RE: Case Number: 05-653-SPH

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 9, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Kelox West, LLC. Cynthia McAuliffe 90256 Chevrolet Drive, Ste. K. Ellicott City 21042
Judy Floam 2835 Smith Avenue, Ste. G Baltimore 21209

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

June 20,2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 4, 2005

Item No.
633,639,643,644,645,646,647.648,649,650,651,652,653,654,655,656,657,
658,659,660 and 661

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

The Fire Department has no comments at this time.
If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 6·20·05

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

RE: Baltimore County
Item No. 653 LTM

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 23, 2005

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-653- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Curtis Murray in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Jeff Mayhew

CM/LL

RECEIVED

JUN 22 2005

ZONING COMMISSIONER

W \DEVREV\ZAC\5-653 doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 28, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 27, 2005
Item No. 633, 639, 643, 645, 647, 648, 649, 652, 653, 654, 656, 658, 660, 661

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-06282005.doc

RE: PETITION FOR SPECIAL HEARING E/side Kellox Road and Gwynndale Avenue 2nd Election & 4th Councilmanic Districts Legal Owner(s): Kelox West, LLC by Cynthia McAuliffe, Vice President Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-653-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 sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to Judy Floam, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Benjamin Bronstein, Esquire, 29 W Susquehanna Avenue, Suite 205, Towson, MD 21204 , Attorney for Petitioner(s).

RECEIVED
JUN 16 2005
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BENJAMIN BRONSTEIN
ATTORNEY AT LAW
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX. (410) 296-3719
Benbronstein@terralaw.net

June 6, 2005

Timothy Kotroco, Director
Dept of Permits & Development Mgt
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Kelox Road & Gwynndale Avenue

Dear Mr. Kotroco:

In reference to the above-entitled property I am hereby enclosing the following:

1. Petition for Special Hearingin triplicate;
2. Twelve (12) copies of the Plat to Accompany Petition;
3. Three copies of the description under seal;
4. Copy of the 200 Scale Zoning Map; and
5. My check to cover costs.

There are no violations.

Please enter my appearance on behalf of the Petitioner and advise me as to the hearing date.

Very truly yours,

Benjamin Bronstein

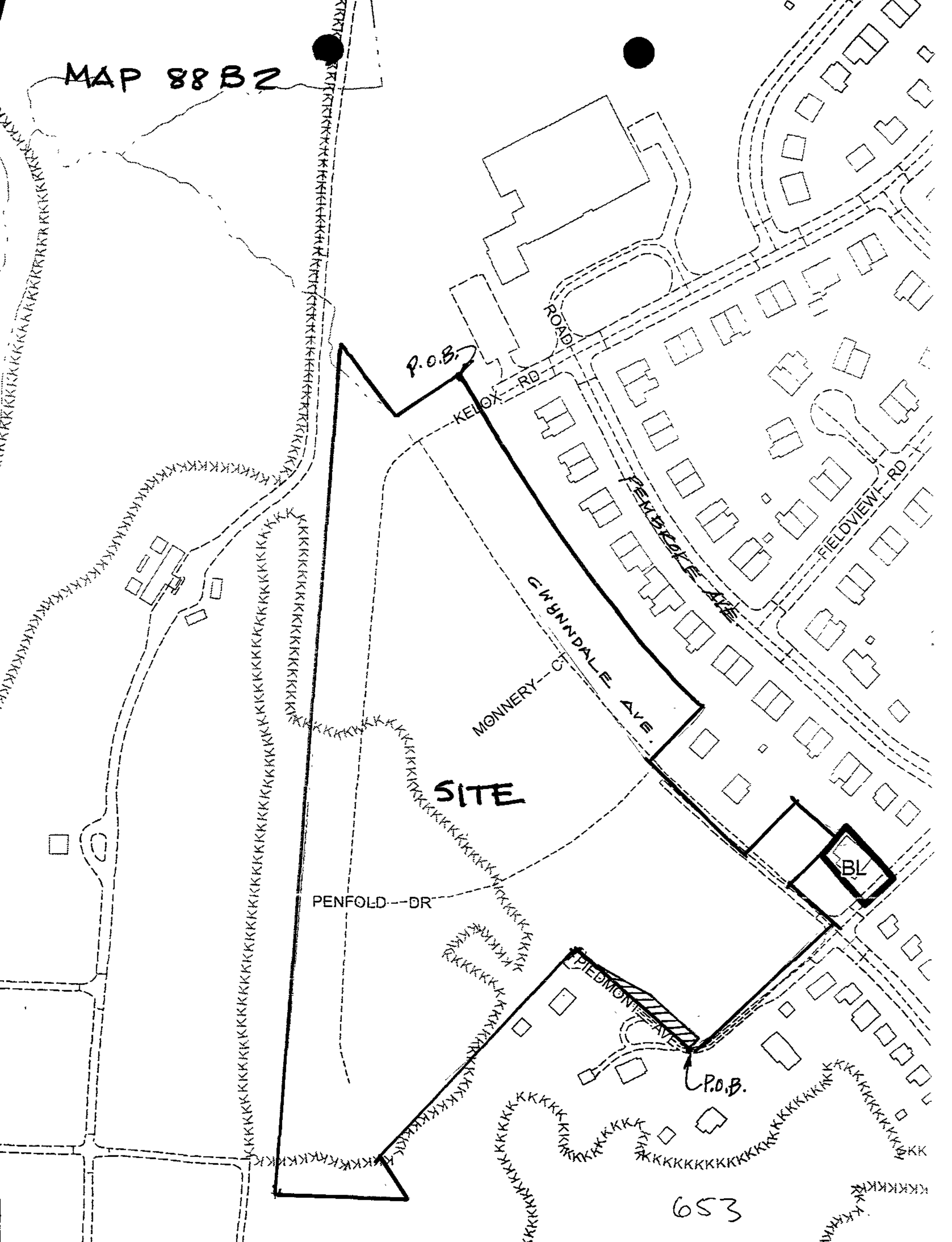
BB/mlh
Enclosures

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 05-653-SPH
DATE 8/4/05

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Ben Brousten	29 W Susquehanna	Towson 21204	Benbrousten@terra.net
RICHARD MATZ	2835 SMITH AVE. SUITE G	BALTIMORE, MD 21209	


MAP 88B2
P.O.B.
KELOX RD
ROAD
PEMBROKE AVE
FIELDVIEW RD
GWYNNDALE AVE.
MONNERY CT
SITE
BL
PENFOLD DR
PIEDMONT AVE
P.O.B.
653

STATE OF MARYLAND
WILLIAM ROBERT HOLT
No. 12391
PROFESSIONAL ENGINEER

FOR SECOND HEARING.
JUNE 3, 2005

NOTE FOR SPECIAL HEARING
LOCAL OPEN SPACE PARCEL
OWNER:
KELOX WEST, LLC
C/O GRAYSON HOMES
9025 CHEVROLET DRIVE
ELLICOTT CITY, MD. 21042

LOT AREA: 1.63 ac±
TAX ACCT. No. 2300004715
ADDRESS: 3313 PENFOLD DRIVE

KELOX WEST GENERAL NOTES

1. Election District: 2
   Councilmanic District: 4
   Census Tract: 4024.04
   Watershed: 26
   Subwatershed: 63
2. Gross Site Acreage: 18.793 ac.±
   [redacted] 1.488 ac.± Kelox Road
   2.012 ac.± Gwyndale Avenue
   0.651 ac.± Penfold Drive
   0.260 ac.± Monnery Court
   0.339 ac.± Flannery Lane
   Net Site Acreage: [redacted] 14.043 ac.±
3. Entire site is zoned DR-5.5. One property zoned BL is adjacent to the site.
4. Local Open Space: Required: 650 sq. ft./unit = 1.54 ac. Proposed: 1.63ac.±
5. Parking: Required: 2 per unit; Proposed: 2 per unit to be contained on each lot; Dimensions: 9' x 18'
6. Density Calculations: 18.793 ac.± Allowed: [redacted] x 5.5 D.U./ac. = 103 D.U. Proposed: 103 D.U. (27 single family, 76 semi-detached)

All units are for sale or rent.

7. Planting: Required: 1 Tree/D.U. = 103 trees; Proposed: 103 trees (52 will be major deciduous)
8. Local Open Space and Storm Water Management areas will be dedicated to and owned by Baltimore County.
9. Topography based upon drawing titled "Final Development Plan - Plat Two Section Three - Foxbatan" by G.W. Stevens, Inc. dated March 31, 1981.
10. There are no streams, bodies of water, springs, archaeological sites, or endangered species habitats on the site. A small area of wetlands exists on the site. Due to the abandoned military reservation that existed on a portion of the site, the potential for hazardous material exists. Surveys and removal, if required, are being conducted. The owner or former lessee, the U.S. Army, shall certify the site is free of hazardous materials prior to Record Plat.
11. The site is not located in a critical area or 100 year floodplain.
12. There are no known ex. structures, wells, septic areas, or underground fuel storage tanks on the site.
13. All offsite dwellings and small lots of record (less than 2 acres) that create a R.T.A. on site are shown with the required 300' and 250' arcs.
14. A magnetometer or similar survey must be made of the site and two shallow monitoring wells must be installed to test for priority volatile pollutants in the ground water. Tests are responsibility of the owner/developer and must be conducted prior to record plat.
15. A Final Landscape Plan is required prior to building permits.
16. Storm Water Management will be provided on the site for 2, 10 and 100 year storms, and drainage will be conveyed to a suitable outfall. Storm Water Management Ponds will be designed as Public Facilities.
17. Areas within the 400' sightlines must be graded, cleared, and kept free of any obstructions.
18. PARCEL (0.10 acre) CONTAINING EXISTING DRIVEWAY TO 5607 PIEDMONT AVE. TO BE TRANSFERRED FROM LOCAL OPEN SPACE TO OWNER OF 5607 PIEDMONT AVE.
19. Temporary boundary markers and tree protection devices shall be installed prior to any clearing or grading.
20. Disturbance of the Local Open Space beyond the limits shown will not be allowed without prior approval from the Department of Recreation & Parks.
21. Disturbed areas of the Local Open Space will be final graded with a minimum of 4" of topsoil and seeded with a perennial rye grass or other ground cover as approved by the Department of Recreation & Parks.
22. ~~Gwyndale Avenue is proposed to ultimately intersect with the extension of Windsor Boulevard.~~
23. Mitigative measures as required by Section 22-99 of Baltimore County Development Regulations:
    a. Exceptional sediment control measures shall be implemented for development in areas of steep slopes.
    b. Sediment control for steep slopes impacted on site shall consist of, but not be limited to, double staking of silt fence in a zig-zag pattern; only excavating that length of utility trench which can be backfilled at the end of each working day and immediate application of stabilization mixtures, including mulching and anchoring methods. Contractor shall be furnished with sediment control plans as approved by the Baltimore County Soil Conservation District and the Department of Environmental Protection and Resource Management Sediment Control Division.

ACCESSORY STRUCTURE NOTE

1. Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with Sections 400 and 301 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits.)
2. Accessory structures, fences and projections into yard cannot be located in flood plain areas or hydric soils.

ZONING COMMISSIONER'S NOTE

This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations, that it complies with present policy, density and bulk controls as they are delineated in the Regulations. No part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

CURB CUT NOTE (Where applicable)

- The exact location of curb cuts for driveway or parking pad entrances is to be determined by owner when exact building models become available but prior to installation of street curbs.

WALKWAY EASEMENT & DECK NOTE

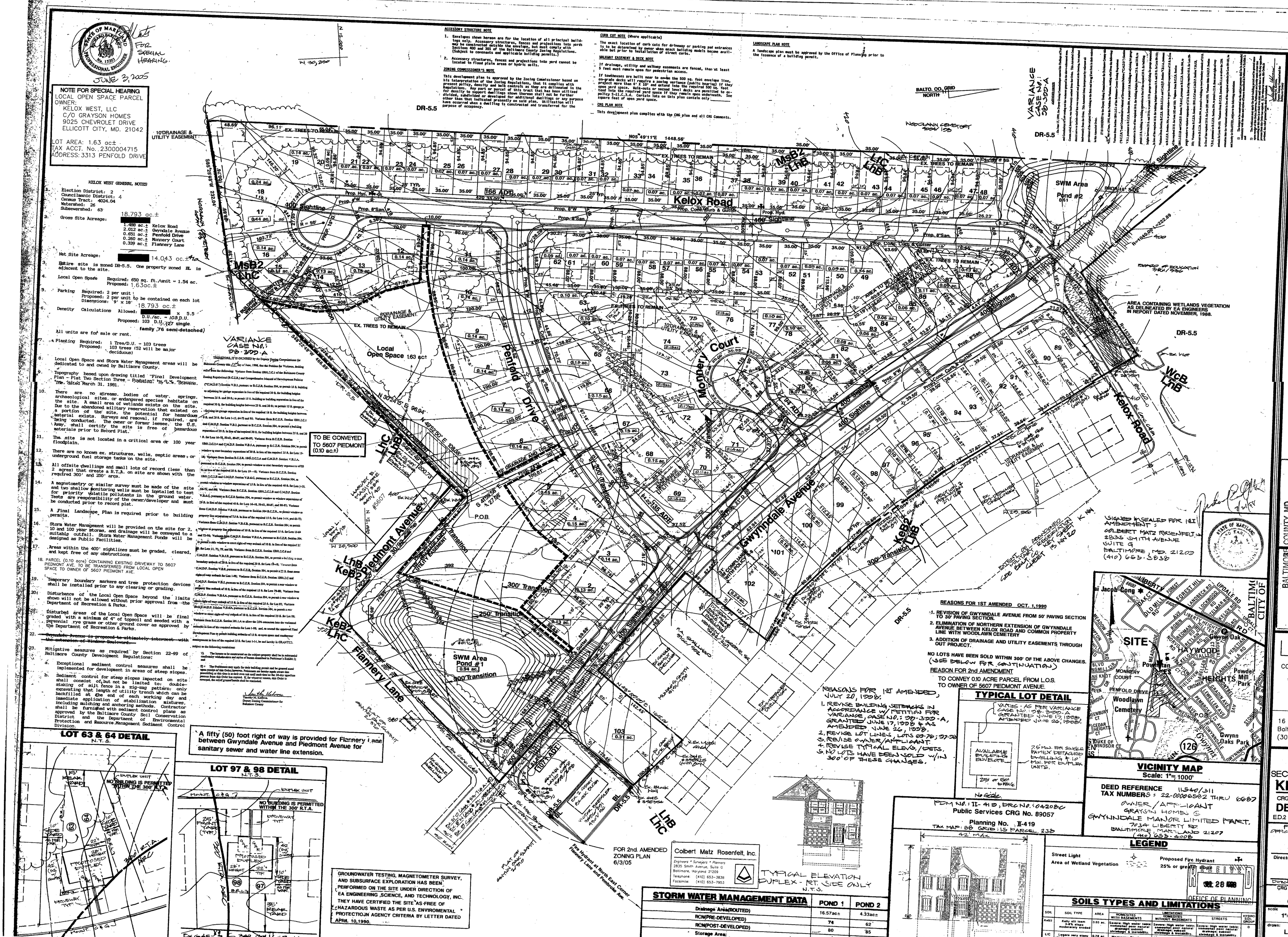
- If drainage, utility and walkway easements are fenced, than at least 5 feet must remain open for pedestrian access.
- If townhouses are built near to or on the 500 sq. foot envelope line, on-grade decks will require a zoning variance (public hearing) if they project more than 4' into and extend into the required 500 sq. foot open yard space. Walk-out or second level decks are permitted to extend into the required yard space if they remain open underneath. See policy S-1.C.7.d. Certain lots on this plan contain only square feet of open yard space.

CRG PLAN NOTE

- This development plan complies with the CRG plan and all CRG Comments.

LANDSCAPE PLAN NOTE

A landscape plan must be approved by the Office of Planning prior to the issuance of a building permit.



A fifty (50) foot right of way is provided for Flannery Lane between Gwyndale Avenue and Piedmont Avenue for sanitary sewer and water line extension.

LOT 63 & 64 DETAIL
N.T.S.

LOT 97 & 98 DETAIL
N.T.S.

GROUNDWATER TESTING, MAGNETOMETER SURVEY, AND SUBSURFACE EXPLORATION HAS BEEN PERFORMED ON THE SITE UNDER DIRECTION OF EA ENGINEERING, SCIENCE, AND TECHNOLOGY, INC. THEY HAVE CERTIFIED THE SITE AS FREE OF HAZARDOUS WASTE AS PER U.S. ENVIROMENTAL PROTECTION AGENCY CRITERIA BY LETTER DATED APRIL 10,1990.

FOR 2nd. AMENDED ZONING PLAN 6/3/05

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

TYPICAL ELEVATION DUPLEX - RT. SIDE ONLY
N.T.S.

STORM WATER MANAGEMENT DATA

	POND 1	POND 2
Drainage Area(ROUTED)	16.57ac±	4.33ac±
RCN(PRE-DEVELOPED)	74	62
RCN(POST-DEVELOPED)	80	85
Storage Area: 2yr. Frequency	17,424 cfs	13,068 cfs
100yr. Frequency	52,272 cfs	21,780 cfs

REASONS FOR 1ST AMENDED, JULY 20, 1998:
1. REVISE BUILDING SETBACKS IN ACCORDANCE W/ PETITION FOR VARIANCE, CASE NO.: 98-309-A, GRANTED JUNE 17, 1998 & AS AMENDED, JUNE 26, 1998.
2. REVISE LOT LINES, LOTS 69-70; 97-98
3. REVISE OWNER/APPLICANT.
4. REVISE TYPICAL ELEVS./DETS.
5. NO LOTS HAVE BEEN SOLD W/IN 300' OF THESE CHANGES.

TYPICAL LOT DETAIL

PDM NO.: II-419, DRC NO.: 042036
Public Services CRG No. 89057
Planning No. II-419
TAX MAP: 88 GRID: 15 PARCEL: 233

TYPICAL ELEVATION

LEGEND

Street Light
Area of Wetland Vegetation
Proposed Fire Hydrant
25% or greater

RECEIVED
OFFICE OF PLANNING

SOILS TYPES AND LIMITATIONS

SOIL	SOIL TYPE	AREA	HOMESITES WITH BASEMENTS	HOMESITES WITHOUT BASEMENTS	STREETS	HYDRO GROUP
			LIMITATIONS			
KeB2	Kelly silt loam 3-8% slope, moderately eroded	3.03 ac.	Severe: High water table; seepage; poor natural drainage & instability.	Severe: High water table; seepage; poor natural drainage & instability.	Severe: High water table; seepage; poor natural drainage; subsoil instability.	D
LrC	Legore very stony silt loam 2-15% slope	0.74 ac.	Moderate: Steepness; slope.	Slight to moderate: Slope.	Severe: Slope	D
LnB	Legore-Urban Land Complex 0-8% slope	1.89 ac.	Slight	Slight	Moderate: Slope.	D
LnC	Legore-Urban Land Complex 8-15% slope	0.74 ac.	Moderate: Slope	Moderate: Slope	Severe: Slope	D

REASONS FOR 1ST AMENDED OCT. 1,1990
1. REVISION OF GWYNNDALE AVENUE FROM 50' PAVING SECTION TO 30' PAVING SECTION.
2. ELIMINATION OF NORTHERN EXTENSION OF GWYNNDALE AVENUE BETWEEN KELOX ROAD AND COMMON PROPERTY LINE WITH WOODLAWN CEMETERY
3. ADDITION OF DRAINAGE AND UTILITY EASEMENTS THROUGH OUT PROJECT.

NO LOTS HAVE BEEN SOLD WITHIN 300' OF THE ABOVE CHANGES.
(SEE BELOW FOR CONTINUATION)

REASON FOR 2nd AMENDMENT
TO CONVEY 0.10 ACRE PARCEL FROM L.O.S. TO OWNER OF 5607 PIEDMONT AVENUE.

SIGNED & SEALED FOR 1ST AMENDMENT:
COLBERT MATZ ROSENFELT, INC.
2835 SMITH AVENUE
SUITE G
BALTIMORE, MD. 21209
(410) 653-3838

VICINITY MAP
Scale: 1" = 1000'

DEED REFERENCE 11540/311
TAX NUMBERS: 22-00006582 THRU 6687

OWNER/APPLICANT
GRAYSON HOMES
GWYNNDALE MANOR LIMITED PART.
7034 LIBERTY RD
BALTIMORE, MARYLAND 21207
(410) 653-4008

REVISIONS		
NO.	DATE	COMMENTS
1	7-20-98	1ST AMENDED

KELOX WEST
(A Resubdivision of Powhattan Apartments 30/92)
Kelox Road and Gwynndale Avenue
Woodlawn, MD

BALTIMORE COUNTY

BALTIMORE COUNTY, MD.
COUNTY REVIEW GROUP
PLAN
APPROVED
This Plan Was Reviewed By The CRG On
With The Following Action Taken
Conditional
DEC 04 2006
Plan Approved
Plan Approved w/Cond
Approval Expiration Date
2ND ELECTION DISTRICT
Councilman Mike Chiavacci

LPJ INC.
CONSULTING ENGINEERS
* STRUCTURAL
* CIVIL
* SITE PLANNING
16 West 25TH Street
Baltimore, Maryland 21218
(301) 366-7800

PLAN TO ACCOMPANY SPECIAL HEARING
SECOND AMENDED
KELOX WEST
CRG + **FINAL DEVELOPMENT PLAN** CD4
ED.2
FIRST AMENDED
OFFICE OF PLANNING/ATTD.

Director of Planning Date

Director of PDM. Date
CRG APPROVED MAY 4, 1989
PUB. SERVICES
CRG NO. 89057

scale 1"=50'	project no. 13688
drawn: LER	drawing no.
design: LER	