8/17/06

IN RE: PETITION FOR SPECIAL HEARING N/S of Bellona Avenue, 580 ft. NW centerline of Brightside Road 9th Election District 2nd Councilmanic District **(7315 Bellona Avenue)** Janet E. & Edward K. Dunn *Petitioners*	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-656-SPH

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

ORDER ON JOINT MOTION FOR REMAND

This matter comes before this Deputy Zoning Commissioner on remand pursuant to the Order issued by the Baltimore County Board of Appeals on June 15, 2006.

By way of background, the owners of he subject property, Janet E. and Edward K. Dunn, filed a Petition for Special Hearing for an amendment to the Final Development Plan to reconfigure Lot No. 6 and add Lot No. 7. Following the public hearing on July 11, 2005 and November 15, 2006, I granted the special hearing request, subject to certain terms and conditions, by Order dated December 8, 2005.

Subsequently, on December 22, 2005, People's Counsel filed a timely appeal to my decision. People's Counsel position is that Petitioners' proposed new development creating a 7th lot is subject to current zoning and development standards, including the panhandle law set forth in BCC 32-4-409, and specifically the maximum length requirement that Petitioner does not satisfy. Petitioners' position is that subdivision of Lot No. 6 to create Lot No. 7 is subject only to the development regulations in effect at the time of the original 1976 plan approval date.

Following discussions between the Office of People's Counsel and Petitioners' attorneys, the parties agreed that the 'driveway' used by the five existing lots is an existing right-of-way. Current BCC 32-4-409(c) provides for an exception to creation of an in-fee panhandle strip. In accordance with BCC Section 32-4-409(c), Lot No. 7 will be served by an existing right-of-way,

namely the driveway used by Lot No. 2 through Lot No. 6 of the Martin's Choice subdivision. This right-of-way used by Lot No. 7 meets the requirements of BCC Section 32-4-409(c).

The parties requested that the Board of Appeals remand this case to the Deputy Zoning Commissioner to consider Petitioners' amended and alternative request for relief to using the right-of-way that serves the existing lots in Martin's Choice as a means of access to the local street or collector street for the proposed Lot 7 in lieu of a panhandle strip. The parties requested the Board of Appeals remand this matter to the undersigned to consider approving access to Lot No. 7 of Martin's Choice by way of a right-of-way over the existing private drive that serves Lot Nos. 2 through 6 as an alternative basis for the relief.

Amended Petition

Pursuant to the agreement reached by Peoples Counsel and the Petitioner at the Board of Appeals, the Petitioners amended their initial Petition to request Special Hearing relief pursuant to Section 500.7 of the BCZR to amend the Final Development Plan of Martin's Choice subdivision to reconfigure Lot No. 6 and add Lot 7; and to confirm the existing driveway serving Lots 2 through 6 may also serve proposed Lot 7 in accord with Section 32-4-409(c) of the BCC.

Interested Persons

Appearing at the hearing for Remand in support of the Amended Petition were Bruce Doak, Janet Dunn and Edward Dunn. Robert Hoffman, Esquire represented the former owners of the subject property and Jeffrey Scherer, Esquire represented the present owner. Carol Demilio, Esquire represented the Office of Peoples Counsel at the hearing.

Testimony and Evidence

Mr. Hoffman recounted the history of the case, the decision of the Deputy Zoning Commissioner, appeal by People's Counsel and agreement at the Board of Appeals between the parties that the matter could be resolved by noting that the driveway which serves Lots 2 through

6 is an existing driveway as of the date of the hearing and as such qualifies as a exception to the Panhandle regulations found in Section 32-4-409(c) of the BCC.

In support thereof Mr. Hoffman pointed out note 9 on the Final Development Plan for Martin's Choice which provide for snow removal, trash collection etc using the driveway. See Petitioner's Remand exhibit 1. He also noted that the applicable homeowners agreement, Petitioner's Remand exhibit 2, titled "Restrictions, Easements and Liens", dated June 16, 1976 refers on page 3 to access to tennis court via the driveway, and on page 6 to Special Assessments for maintenance of the driveway. Finally he noted previously submitted documents such as the Dunn's deed refer to the rights of each owner of a lot in Martin's Choice to use the common driveway. In summary he opined the driveway preexisted the present case and as such qualifies for the exception to the panhandle rules found in Section 32-4-409(c) of the BCC.

Ms. Demilio noted why the Office of People's Counsel appealed the initial decision, recounted the agreement of the parties at the Board of Appeals and supported the Petitioner's contention that this driveway qualifies for the exception under the panhandle regulations.

She also noted that her office had been in touch with Mr. Park during the appeal to the Board of Appeals who appeared at the initial hearing in opposition to the requested relief. She indicated that Mr. Park did not take an appeal to Deputy Zoning Commissioner's December 8, 2005 decision to the Board of Appeals and as such was not a party to the appeal, the subsequent agreement to remand or the remand hearing. Mr. Hoffman pointed out that Mr. Park had been notified of the agreement to remand the case at the Board of Appeals.

Findings of Fact and Conclusions of Law

The record is overwhelming that the driveway which serves the homes on Lots 2 through 6 was an existing right of way which had been established prior to the Petitioner's submission of the amendment to the Final Development Plan of Martin's Choice. As such I find that the

driveway qualifies for the exception to the panhandle regulations given in Section 32-4-409(c) of the BCC.

NOW THEREFORE, IT IS ORDERED, this 17th day of August, 2006, by this Deputy Zoning Commissioner, that the Order issued on December 8, 2005, is hereby AMENDED and that the Petitioner's request by special hearing to amend the Final Development Plan of Martin's Choice subdivision to reconfigure Lot No. 6 and add Lot 7; and to confirm the existing driveway serving Lots 2 through 6 may also serve proposed Lot 7 in accord with Section 32-4-409(c) of the BCC is hereby GRANTED; and

IT IS FURTHER ORDERED that but for the amendments outlined, all other terms and conditions of the Order issued December 8, 2005, shall remain in full force and effect.

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:pz

6/15/06

IN RE: PETITION FOR SPECIAL HEARING N/S of Bellona Avenue, 580 ft. NW centerline of Brightside Road 9th Election District 2nd Councilmanic District **(7315 Bellona Avenue)** Janet E. & Edward K. Dunn *Petitioners*	*	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY CASE NO. 05-656-SPH

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

REMAND ORDER TO DEPUTY ZONING COMMISSIONER

This matter comes before this Board on appeal filed by People's Counsel for Baltimore County from a decision of the Deputy Zoning Commissioner dated December 8, 2005 and in which the subject Petition for Special Hearing was approved. People's Counsel filed a timely appeal to this Board.

On June 14, 2006, the parties submitted a Joint Motion for Remand. The purpose of the Motion is to afford the Deputy Zoning Commissioner the opportunity to the amended and alternative relief now proposed in the Petition for Special Hearing.

Upon consideration of said request for REMAND, therefore, it is this 15th day of June, 2006, by the Board of Appeals of Baltimore County

ORDERED that said Joint Motion for Remand be and is hereby GRANTED; and it is further

ORDERED that the above-captioned case is REMANDED to the Deputy Zoning Commissioner for Baltimore County for proceedings and further review consistent with the purposes stated in the Joint Motion for Remand.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Wendell Grier

Edward W. Crizer, Jr.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 15, 2006

Carole S. Demilio, Deputy People's Counsel
for Baltimore County
Room 48, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Janet E. and Edward K. Dunn*
Case No. 05-656-SPH

Dear Ms. Demilio:

Enclosed please find a copy of the Board's Remand Order issued this date in the subject matter.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Robert A. Hoffman, Esquire
David H. Karceski, Esquire
Janet E. and Edward K. Dunn
Bruce Doak /Scott Lundgren – Gerhold, Cross & Etzel, Ltd.
Matthew Dillon
Kathleen Burnett
David and Debbie Scheffenacker
Devin Leary /Human and Rhode
Salvatore Crupi, P.E.
Mr. and Mrs. Michael Mangan
Jeffrey Scherr, Esquire
Choon M. Park
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

6/06 – 8/06

IN RE: PETITION FOR SPECIAL HEARING N/S of Bellona Avenue, 580 ft. NW centerline of Brightside Road 9th Election District 2nd Councilmanic District **(7315 Bellona Avenue)** Janet E. & Edward K. Dunn *Petitioners*	*	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY CASE NO. 05-656-SPH

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

JOINT MOTION TO REMAND

Petitioners Edward K. Dunn, Jr. and Janet E. Dunn, by Robert A. Hoffman and David H. Karceski with Venable, LLP, their attorneys, and David P. Scheffenacker, Jr., by Jeffrey H. Scherr with Kramon & Graham, P.A., his attorney, and People's Counsel for Baltimore County (collectively, the "Parties") file this Joint Motion for Remand, as follows:

1. Mr. Scheffenacker is the owner of Lot No. 6 of the residential subdivision known as "Martin's Choice" located on the north side of Bellona Avenue in Baltimore County. The Martin's Choice subdivision was originally approved on July 12, 1976, as a six-lot subdivision. Lot Nos. 2 through Lot No. 6 share a common driveway from Bellona Avenue to each respective lot. *See* Petitioners' Exhibit No. 11.
2. On or about May 20, 2005, Petitioners filed a Petition for Special Hearing requesting an amendment to the Final Development Plan for Martin's Choice to reconfigure Lot No. 6 and add Lot No. 7. *See* Motion Ex. No. 1.
3. At a public hearing before the Deputy Zoning Commissioner, John V. Murphy, on or about July 11, 2005, and November 15, 2005, Petitioners explained their intention to divide Lot No. 6 of Martin's Choice in order for a single-family dwelling to be

constructed on a new Lot No. 7, as shown and indicated on Petitioners' Exhibit No. 11. As such, Petitioners requested approval to amend the Martin's Choice Final Development Plan to create Lot No. 7, which would use the existing driveway that serves Lot Nos. 2 through 6. Petitioners' request was supported by the owners of four adjacent residential lots within the Martin's Choice subdivision. One owner in the Martin's Choice subdivision opposed the relief.

4. Section 32-4-409(e) of the 2005 Edition of the Baltimore County Code ("Code" or "BCC") provides for a maximum length for panhandle driveways that serve DR-zoned lots.

5. On or about December 8, 2005, Deputy Zoning Commissioner issued his Findings of Facts and Conclusions of Law (the "Order") wherein he granted Petitioners' Petition for Special Hearing. In his Order, Mr. Murphy held that the panhandle driveway provisions applicable to the Martin's Choice subdivision are those that were in effect at the time of the original 1976 Plan approval date. *See* Order, p. 7-8. Mr. Murphy held "Section 32-4-409, which specifies the length of panhandle driveways, was first enacted in 1985 [and] . . . [a]s such, there were no [panhandle] regulations applicable to . . . driveway [length] in 1976." *See* Id., p. 7.

6. On or about December 22, 2005, People's Counsel filed an appeal to the Deputy Zoning Commissioner's decision. People's Counsel's position is that Petitioners' proposed new development creating a 7th lot is subject to current zoning and development standards, including the panhandle law set forth in BCC 32-4-409, and specifically the maximum length requirement that Petitioner does not satisfy. Petitioners' position is that subdivision of Lot No. 6 to create Lot No. 7 is subject only to the development regulations in effect at the time of the original 1976 plan approved date.

7. Following discussions between the Office of People's Counsel and Petitioners' attorneys, the parties agree that the "driveway" used by the five existing lots is an existing right-of-way. Current BCC 32-4-409(c) provides for an exception to creation of an in-fee panhandle strip:

> "In cases, where a right-of-way has been established before the submission of the Development Plan, the Hearing Officer may approve access to the local street or collector street through the existing right-of-way instead of an in-fee strip."

In accordance with BCC Section 32-4-409(c), Lot No. 7 will be served by an existing right-of-way, namely the driveway used by Lot No. 2 through Lot No. 6 of the Martin's Choice subdivision. This right-of-way for use by Lot No. 7 meets the requirements of BCC Section 32-4-409(c).

8. Under these circumstances, it appears that the matter may be resolved by applying the exception provision in the current law allowing for use of an existing right-of-way in lieu of creation of a panhandle fee simple strip. Petitioners agree to proceed in this matter as alternative and amended relief in this case in order to avoid protracted litigation of this issue in this particular case.

9. The Parties respectfully request that the Board of Appeals remand this case to the Deputy Zoning Commissioner to consider Petitioners' amended and alternative request for relief to use the existing right-of-way that serves the existing lots in Martin's Choice as a means of access to the local street or collector street for the proposed Lot 7 in lieu of a panhandle strip. In doing so, the Parties ask that the Board of Appeals remand this matter to the Deputy Zoning Commissioner to consider exercising his powers outlined in Subsection (c) of Section 32-4-409 of the 2005 Code in order to approve access from Lot No. 7 to Bellona Avenue over the existing right-of-way.

10. People's Counsel is satisfied that the requested remand to the Deputy Zoning Commissioner is in the public interest.

11. The Parties agree that the most efficient way to resolve this case is to remand it to the Deputy Zoning Commissioner, who is familiar with the case, for a hearing and an Amended Order.

WHEREFORE, Petitioners and People's Counsel for Baltimore County respectfully request that the Board of Appeals for Baltimore County remand the case to the Deputy Zoning Commissioner to consider approving access to Lot No. 7 of Martin's Choice by way of a right-of-way over the existing private drive that serves Lot Nos. 2 through 6 as an alternative basis for the requested relief.

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Robert A. Hoffman, Esquire

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PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 14, 2006

Kathleen Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: In the Matter of: Janet E. & Edward K. Dunn -Legal Owners/Petitioners
Case No.: 05-656-SPH

Dear Ms. Bianco:

Enclosed please find a Joint Motion for Remand along with a draft Remand Order to Deputy Zoning Commissioner with regard the above-referenced case. This case is presently scheduled for June 27, 2006.

Thank you for your consideration.

Sincerely,

Carole S. Demilio
Deputy People's Counsel for Baltimore County

CSD\rmw
Enclosures

cc: David H. Karceski, Esquire
Robert A Hoffman, Esquire
Jeffrey H. Scherr, Esquire

RECEIVED
JUN 14 2006
BALTIMORE COUNTY
BOARD OF APPEALS

12/8/05

IN RE: PETITION FOR SPECIAL HEARING N/S of Bellona Avenue, 580 ft. NW centerline of Brightside Road 9th Election District 2nd Councilmanic District **(7315 Bellona Avenue)**	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	CASE NO. 05-656-SPH
Janet E. & Edward K. Dunn *Petitioners*	*	

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

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, Janet E. and Edward K. Dunn. The Petitioners are requesting special hearing relief for property located at 7315 Bellona Avenue in Baltimore County. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR), for an amendment to the Final Development Plan to reconfigure Lot No. 6 and add Lot No. 7.

The property was posted with Notice of Hearing on June 30, 2005 and again on October 29, 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 June 23, 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 12-8-05
By

Amendment of approved development plans. After partial or final development plans have been approved as provided under Paragraph 6, preceding, they may be amended only as provided below:

a. Amendment prior to sale of interest in nearby property. The development plans may be amended by simple resubmission, or by the submission of appropriate documents of revision, subject to the same requirements as are applied to original plans, if there is no change with respect to any lot, structure or use within 300 feet of a lot or structure which has been sold since the original plans were filed.

b. Amendment after sale of interest in nearby property or upon demand for hearing. In the case of an amendment not allowed under Subparagraph a, by reason of sale of property within the area, or in case of a demand for hearing by an eligible individual or group, the plans may be amended through special exception procedures, in the manner provided under Section 502 and subject to the following provisions:

(1) The amendment must be in accord with the provisions of the Comprehensive Manual of Development Policies and with the specific standards and Requirements of this article, as determined by the Office of Planning. The Director, on behalf of the Planning Board, shall notify the Zoning Commissioner accordingly. [Bill No. 29-1995]

(2) Only an owner of a lot abutting or lying directly across a street or other right-of-way from the property in question, an owner of a structure on such a lot, or a homes association (as may be defined under the subdivision regulations or under provisions adopted pursuant to the authority of Section 504) having members who own or reside on property lying wholly or partially within 300 feet of the lot in question are eligible to file a demand for hearing [Bill No. 29-1995]

(3) It must be determined in the course of the hearing procedure that the Amendment would be consistent with the spirit and intent of the original plan and of this article. [Bill No. 29-1995]

c. Amendment upon request by owner of lot within subdivision. The Zoning Commissioner may, without a public hearing but with the concurrence of the Director of Planning, amend the plans with respect to a structure on an individual lot created under the plans and used according to the purpose stated therein, or with respect to such lot, at the request of the lot owner, under the following requirements and conditions:

(1) Reasonable notification, by a standard method established pursuant to the authority of Section 504 and approved by the County Attorney, must be given to the occupants and owners of all real property which is fully or partially situated within 300 feet of the lot in question.

(2) It must be determined that a formal demand for hearing by an eligible individual or group, as described in Paragraph b, has not been filed.

(3) It must be determined that standards adopted under the authority of Section 504, in addition to the specific requirements under these regulations, will not be violated by the amendment.

(4) The Zoning Commissioner and the Director of Planning must certify that the amendment is in keeping with the spirit and intent of this article and other Baltimore County land use and development requirements administered by them, and both must certify that the amendment does not violate the spirit and intent of the original plan.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated June 27, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the first day hearing on behalf of the variance requests were Matthew Dillon, Kathleen Burnett, David and Debbie Scheffenacker, Bruce Doak and Scott Lindgren, from the firm of Gerhold Cross and Etzel, surveyors, and Edward and Janet Dunn, Petitioners. Robert A. Hoffman, Esquire and David H. Karceski, Esquire represented the Petitioners. The Park family appeared in opposition at the hearing.

On the second day hearing Devin Leary from Human and Rhode appeared in support of the Petition. Also in support was Salvatore Crupi, P.E. in addition to the above persons. Jeffrey Scherr, Esq. represented the contract purchaser of the new lot. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Dunn testified that he purchased the original 31-acre tract in 1975 subdividing the property into the present six (6) lots known as Martin's Choice. The Petitioner proposes to create a final lot in the subdivision. The seventh lot would be created by subdividing Lot 6, which presently has approximately 8.84 acres into a new Lot 6 with 3.86 acres and Lot 7 with 4.97 acres. Mr. Dunn indicated that he reserved the right to make this final further subdivision in the Declaration which he had recorded in the land records on page 10, paragraph 10.02, which specifies that no lot shall be further divided except Lot 6. This Declaration was signed by all subsequent owners of the lots as a private agreement. Mr. Hoffman proffered that the final subdivision plan was approved in 1976. Mr. Dillon and Ms. Burnett, owners of lots in the subdivision, indicated that they were not opposed to the proposed subdivision. Ms. Horst, Executive Director of the Ruxton Riderwood Improvement Association, did not oppose or endorse the proposed subdivision. She did, however, oppose widening the driveway.

Presently, Lots 2 through 7 are served by the 10-foot wide private driveway which winds its way from Bellona Avenue to each lot now improved by a single family dwelling. Lot 1, the Park family property, is served by a short driveway directly to Bellona Avenue. The Petitioner proposes to build a single family dwelling on new Lot 7, which will be located nearly at the top of the hill adjacent to the existing forested area. From the proposed dwelling, the land drops off to Towson Run which empties into Lake Roland. Delineated wetlands are found at the bottom of the hill. Steep slopes are found between the wetlands and proposed dwelling. Again, see Petitioners Exhibit 1. Finally, Lot 7 contains old growth forest which the Petitioner points out will be retained to some extent in the forest conservation area shown on the plan.

In regard to amending the 1978 final development plan, Section 1B01.3.A.1 applies to all residential subdivisions. Subsection 1.a requires a public hearing to disclose the proposed

changes to prospective residents and to those who may have relied on the original development plan. The Petitioner indicated that they have contacted all the present lot owners and all have agreed to the further subdivision of Lot 6 as shown by letters of support introduced into evidence except the Park family who appeared at the hearing in opposition to the revision.

Subsection 1.b requires only that the proposed changes comply with the applicable regulations, standards and policies. The Petitioner contends this proposal meets these requirements as set forth above. However, several environmental studies, which had been submitted to the County, had not yet been reviewed by the County as of the day of the first hearing on July 11, 2005 especially reviews by the Department of Environmental Protection and Development Management (DEPRM).

Mr. Park raised the issues of environmental concerns and panhandle lots. In regard to the latter, he noted that Section 32-4-409 of the Baltimore County Code (BCC) limits panhandle driveway to 500 feet. He indicated that the driveway serving the existing five (5) lots and proposed new home exceed that length. In addition, he measured the width of the driveway at 10 feet, which is too narrow for cars to pass. In addition, there are many sharp turns and blind spots along the driveway so that he believed the existing driveway was not adequate for a new home. He admitted that his family does not use the driveway in question but he believed that his family and/or the homeowners association might be liable if an accident were to happen on the driveway.

In regard to the environmental issues, Mr. Park indicated that the Park family home lies beneath the proposed home. He presented photographs of flooding problems in the area especially the poor drainage of Towson Run under Bellona Avenue. See Protestants photos 6 and 7 of Protestants Exhibit 1.

At the conclusion of the first day hearing, the Parties agreed to hold the record open until the environmental reviews by the County (DEPRM) were completed. The concern was that perhaps the environmental reviews would change the amended plan.

The hearing was reconvened on November 11, 2005. Mr. Hoffman presented a letter from DEPRM indicating that the environmental reviews were complete and the amended plan approved. See Petitioner's Exhibit 9. In addition, Mr. Hoffman presented letters approved by the Office of Planning and Zoning Review, which indicated that no panhandle regulations were applicable to the driveway which will serve the proposed home because the regulations effective when the subdivision was initially approved are applicable to this amendment.

Mr. Crupi, P.E. indicated that there is no danger to the Park home from flooding caused by the proposed home. He analyzed the 1 and 100 year storm in a flood plain study which showed no impact on Towson Run. He also noted that given the constrictions evident in the culvert under Bellona Avenue that even if the culvert were completely blocked the water would fill the area behind the bridge and then cross over the bridge. Even this situation would not pose a danger to the Park family home as the home is 36 feet above the flood plain. The Bellona Avenue Bridge is only 15 to 20 feet above the flood plain. Finally, he indicated that he reviewed the driveway design with the Fire Department who was satisfied that the driveway could accommodate large emergency vehicles. Several homeowners who attended the hearing indicated that, in fact, has happened without problems. A letter of support was presented by Mr. Hoffman from James T. McGill, the remaining neighbor in the subdivision, with requests for certain conditions.

By agreement, both Parties submitted Memorandum in support of each position. The Petitioner sent a Post-Hearing Memorandum dated November 29, 2005. Mr. Park submitted a letter received at the Commission Office December 1, 2005.

Findings of Fact and Conclusions of Law

The request for special hearing arises because the Petitioner proposes to amend the final development plan approved in the "Martin's Choice Subdivision", which was recorded in the land records in 1976. I find that Section 1B01.3.A.1, subsection 1.a, requirement to disclose 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 hearings held on July 11, 2005 and November 15, 2005.

In regard to the issue of the length of the driveway, which serves five (5) of the six (6) lots and the proposed home, Mr. Park attached a copy of PDM Policy No. II e, which gives the effective date for Bill 172-89 as January 26, 1990. The Policy makes clear that any panhandle of a minor residential subdivision subdivided prior to this date is subject to the panhandle law before a building permit may be issued.

The problem is that Martin's Choice is not a minor subdivision. Six (6) lots were created in 1976. A minor subdivision is one in which the property is divided into three (3) or fewer lots. Division of Lot 6 into two (2) lots is not a minor subdivision as strange as this may sound but rather it is a change to the Martin's Choice six (6) lot subdivision making it seven (7) lots. Therefore, the rules of full subdivisions apply.

I find that the regulations applicable to this issue are those from the time the final development plan was approved, that is, 1976. This is based upon Section 1B02.3. B of the B.C.Z.R., which directs that standards applicable to existing developments are those in use at the time the plan was approved. Section 32-4-409, which specifies the length of panhandle driveways, was first enacted in 1985 in Council Bill 22-85, 1978 Code. As such, there were no regulations applicable to this driveway in 1976. This interpretation is supported by the letters

signed by the Deputy of the Planning Office and Zoning Review Office Supervisor and introduced as Petitioners' Exhibits 14 A and 14 B.

In regard to the adequacy of the driveway the additional traffic generated by this new home will be negligible. Neighbors report that the driveway is adequate as it stands although if the subdivision were proposed today undoubtedly the driveway would be wider and safer. In addition, the neighbors note that emergency vehicles have used the driveway successfully. The Fire Department had no comment in this regard. Finally, the representative of the community association recommended that the driveway not be changed. Based on this evidence, I find the driveway adequate.

In regard to the environmental concerns raised by Mr. Park, the County department responsible for reviewing environmental impacts, DEPRM, has approved the amended plan without change as shown by the Petitioner's Exhibit 9. I accept Mr. Crupi's explanation that there will be no impact on Towson Run or danger to the Park home from increased flooding caused by the addition of the proposed home. Mr. Park's photographs showed how poorly the culvert under Bellona Avenue is operating. It must be clogged with some debris. Nevertheless, Mr. Crupi indicated that even if the culvert were completely choked off, the water backing up would over run the road before it would damage the Park home.

Mr. Park raises the issue of whether or not the Petitioner can connect to the public sewer system, as Lot 7 has no direct connection to that system. I agree that this matter has to be resolved before the new home can be built. However, this is a private matter and not one for this Commission.

I find that the 1st amended development plan meets all applicable County regulations, standards and policies. In regard to the Planning Office comments, the Petitioner indicated that the new home will be reviewed by the Design Review Panel. 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 original development plan pursuant to Section 1B01.3.A.7.c.(4). I also make such findings and so certify.

Finally, I note that the letter of support from James McGill, another property owner in Martin's Choice, requested several conditions be added to an order approving the revised final development plan. I believe that each request will be complied with either because the owner of Lot 7 has to follow the Martin's Choice Homeowner's Association covenants or this is County law. Therefore, I do not think it appropriate to add these as specific conditions of approval.

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 with conditions.

THEREFORE, IT IS ORDERED, this 8 day of December, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing from Section 500.7 of the Baltimore County Zoning Regulations (BCZR), for an amendment to the Final Development Plan to reconfigure Lot No. 6 and add Lot No. 7, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the ZAC comments submitted by the Office of Planning dated June 27, 2005, a copy of which is attached hereto and made a part hereof.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING
Date 12-8-05
By

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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 12-8-05
By Debra Wiley

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

December 7, 2005

Robert A. Hoffman, Esquire
David Karceski, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 05-656-SPH
Property: 7315 Bellona Avenue

Dear Messrs. Hoffman and Karceski:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw
Enclosure

c: Edward K. and Janet E. Dunn, Jr., 7326 Brightside Road, Baltimore, MD 21212
Bruce Doak and Scott Lindgren, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Suite 100, Towson, MD 21286
Matthew Dillon, 7311 Bellona Avenue, Baltimore, MD 21212
Kathleen S. Burnett, 7317 Bellona Avenue, Baltimore, MD 21212
David P. and Debbie Scheffenacker, 7315 Bellona Avenue, Baltimore, MD 21212
Salvatore C. Crupi, P.E., 10540 York Road, Suite M, Hunt Valley, MD 21030
Devin Leary, Human and Rhode, 512 Virginia Avenue, Towson, MD 21286
Jeffrey H. Scherr, One South St., 26th Floor, Baltimore, MD 21201
Michael and Kim Mangan, 7309 Bellona Avenue, Baltimore, MD 21212
Mr. Park, 7325 Bellona Avenue, Baltimore, MD 21212
People's Counsel; Case File

11/29/05

RECEIVED

NOV 29 2005

ZONING COMMISSIONER

IN THE MATTER OF EDWARD K. DUNN, JR. & JANET E. DUNN	*	BEFORE THE DEPUTY ZONING
PETITION FOR SPECIAL HEARING	*	COMMISSIONER OF
7315 Bellona Avenue	*	BALTIMORE COUNTY
9th Election District 2nd Councilmanic District	*	Case No. 05-656-SPH

* * * * * * * * *

PETITIONERS' POST-HEARING MEMORANDUM

Petitioners, Edward K. Dunn, Jr. and Janet E. Dunn (or the "Dunns"), by Robert A. Hoffman with Venable, LLP, their attorney, and David P. Scheffenacker, Jr., by Jeffrey H. Scherr with Kramon & Graham, P.A., his attorney, respectfully submit this Post-Hearing Memorandum in support of approval of their requested zoning relief, as follows:

INTRODUCTION

This case involves a Petition for Special Hearing filed by the Dunns, former legal owners of Lot No. 6 of the residential subdivision known as the Martin's Choice Property (or "Martin's Choice").[1] On July 11, 2005, the Deputy Zoning Commissioner conducted a public hearing on the requested special hearing relief that was continued, at Petitioners'

[1] The Dunns filed the instant Petition for Special Hearing and appeared as Petitioners before the Deputy Zoning Commissioner on Monday, July 11, 2005, the first day of the public hearing. The Dunns and Mr. Jeffrey Scherr, attorney for Mr. Scheffenacker, attended the continued public hearing on Tuesday, November 15, 2005. Mr. Scherr then entered his appearance on behalf of Mr. Scheffenacker, now legal owner of the subject property.

request, for DEPRM review and approval of a forest conservation plan and other related materials. *See* Petitioners' Exhibit Nos. 9 and 10. The hearing concluded on a second day, November 15, 2005.

The Martin's Choice subdivision is approximately 31.48 acres in total, located adjacent to and on the northwest side of Bellona Avenue, west of its connection with Brightside Road and south of its connection with Rolandvue Avenue, in Ruxton. The property is currently subdivided into six (6) lots, each developed with a single-family detached dwelling. *See* Petitioners' Exhibit No. 3. The Property's DR.1 (Density, Residential) zoning classification permits one (1) dwelling unit per acre for a total of thirty-one (31) dwelling units. Of the available thirty-one density units, residential development of the Martin's Choice subdivision has utilized only nineteen (19) percent.

By way of their Petition for Special Hearing, the Dunns and Mr. Scheffenacker request approval to amend the final development plan for the Martin's Choice Property in order to "reconfigure Lot No. 6 and add Lot No. 7" to the plan. *See* Petition for Special Hearing and Petitioners' Exhibit No. 1A-1B. Specifically, Petitioners' Exhibit No. 1A shows Lot No. 6 in its current condition and indicates its acreage (8.84 acres) and the intended line of subdivision through Lot No. 6 to accommodate the new Lot No. 7. The line of subdivision is labeled "NEW LOT LINE CREATED BY THE RESUBDIVISION OF LOT 6" on Petitioners' Exhibit No. 1A. Lot No. 7 will be 4.972 acres, and Lot No. 6 will, therefore, be reduced to 3.868 acres. *See* Petitioners' Exhibit Nos. 1A-1B and 11. Petitioners' Exhibit 1B shows an intended location for a single-family detached dwelling on future Lot No. 7. Petitioners amended Exhibit No. 1B by submission of their redlined site plan accepted into evidence on November 15th as Petitioners' Exhibit No. 11. This

redlined plan indicates an adjustment to the Lot No. 7 dwelling location and, as a result, an increased separation from the dwelling rear building line to the Lot No. 7 forest conservation/forest buffer area.

As discussed in detail below, Petitioners produced strong and substantial evidence through the testimony of and proffers made on behalf of their expert witnesses, including Salvatore C. Crupi, P.E., professional engineer, and Bruce Doak, registered property line surveyor, and other lay witnesses and through the introduction of various exhibits to demonstrate that the Deputy Zoning Commissioner should grant the requested zoning relief. *See* Petitioners' Exhibit Nos. 7 and 16 (Letters of Support signed by owners Lot Nos. 3 and 5) and 8 (Final Development Plan signed by owners of Lot Nos. 2 through 6).

STATEMENT OF FACTS

On July 12, 1976, Baltimore County approved the original final development plan for the Martin's Choice Property (the "1976 F.D.P."). *See* Petitioners' Exhibit No. 1A. The existing conditions of the subdivision are shown on the 1976 F.D.P., accepted into evidence as Petitioners' Exhibit Nos. 1A, as well as the aerial photograph and topographic maps accepted as Petitioners' Exhibit Nos. 3 and 4. Lot No.1 is comprised of approximately 5.02 acres, Lot No. 2 of 5.00± acres, Lot No. 3 of 3.04± acres, Lot No. 4 of 3.27± acres, and Lot No. 5 of 6.08± acres. The subject lot, Lot No. 6, is now approximately 8.84 acres in total. *See* Petitioners' Exhibit No. 1A. The Martin's Choice subdivision is served by two vehicular access points onto Bellona Avenue. Lot Nos. 2, 3, 4, 5, and 6 access Bellona Avenue by way of one shared, community access drive. *See* Petitioners' Exhibit No. 4. Lot No. 1, owned by Protestants, connects to Bellona Avenue

through a separate driveway located north of the Martin's Choice community access drive.[2] *See Id.*

In July of 1976, Edward Dunn executed and recorded a Declaration of Covenants and Restrictions (the "1976 Declaration") among the Land Records of Baltimore County. *See* Petitioners' Exhibit No. 2. Mr. Dunn took great care in preparing the 1976 Declaration in order to ensure that Martin's Choice would be a "well-planned" residential community. *See* Petitioners' Exhibit No. 2, p. 1. Article VIII, Section 8.01 of the 1976 Declaration, entitled "Covenants for Maintenance," reads that "[e]ach owner shall keep all Lots owned by him, and all improvements therein or thereon, in good order and repair . . .." *See* Petitioners' Exhibit No. 2, p. 7. Article IX, Section 9.02 requires that "[n]o structure shall be commenced, erected, placed, moved onto or permitted to remain on any Lot . . . unless plans and specifications therefor shall have been submitted and approved in writing by the Architectural Committee."[3] *See* Petitioners' Exhibit No. 2, p. 8. Additionally, Article X of the 1976 Declaration, entitled "General Covenants and Restrictions," provides, in pertinent part, as follows:

> Section 10.01. All lots upon the Property shall be used for residential purposes only and no dwelling shall be commenced, erected, altered, placed or permitted to remain on any Lot other than one detached dwelling not to exceed two and one-half stories in height. Each dwelling shall be designed for occupancy by a single family with a private garage.
>
> Section 10.02. No lot shall be split, divided, or subdivided for sale, resale, gift, transfer or otherwise except that Developer, his heirs and assigns may divide Lot No. 6 into two lots with neither lot being less than three (3) acres.

---

[2] Dr. Choon M. Park and his wife, Young Park, and Richard D. Park and Alice S. Park are the legal owners of Lot No. 1. Before the Deputy Zoning Commissioner on July 11, 2005, Richard Park testified that he "lives" at 7323 Bellona Avenue (Lot No. 1). The Maryland State Department of Assessments and Taxation records indicate otherwise and that only Dr. Choon Park and Young Park reside on Lot No. 1.

[3] Mr. Dunn established an architectural review committee, through the 1976 Declaration, for approval of residential structure location, design and appearance, and compatibility with other existing structures in Martin's Choice. *See* Petitioners' Exhibit No. 2, pp. 7-10.

See Petitioners' Exhibit No. 2, p. 10 (Emphasis added). Section 10.02 of the 1976 Declaration prohibits subdivision of any lot other than Lot No. 6, and mandates that the minimum acreage of a reconfigured Lot No. 6, as well as the lot created by a subdivision, not be less than three (3) acres.

ARGUMENT

I. Based on the Overwhelming Evidence Presented before the Deputy Zoning Commissioner, Petitioners are Entitled to the Requested Special Hearing Relief.

Special Hearings to amend final development plans for residential subdivisions in Baltimore County are approved in accordance with Section 1B01.3.A.7 of the Baltimore County Zoning Regulations (hereinafter "BCZR" or "Zoning Regulations"). Section 1B01.3.A.7, entitled "Amendment of approved development plans," provides that a final development plan may be amended "in the manner provided under [BCZR,] Section 502" and subject to the considerations set forth in BCZR, Sections 1B01.3.A.7.b(1) and .b(3). According to Section 1B01.3.A.7.b(1), the Director of Planning is to notify the Zoning Commissioner that the final development plan amendment/s are in accord with the DR regulations contained in Article 1B of the Zoning Regulations and the Comprehensive Manual of Development Polices ("CMDP"). Section 1B01.3.A.7.b(3) adds to the amendment process a finding by the Zoning Commissioner that the proposed amendment/s are consistent with the spirit and intent of the original final development plan and applicable DR zone regulations.

As outlined below, Petitioners produced strong and substantial evidence at the hearing before the Deputy Zoning Commissioner to prove that the amendment to the 1976 F.D.P. for Martin's Choice is in accord the procedures and considerations of BCZR,

Section 502 and Sections 1B01.3.A.7.b(1) and .b(3). Protestants were unable to produce any credible evidence, expert or otherwise, to the contrary.

A. The Evidence Confirms that 1976 F.D.P. Amendment Complies with BCZR, Section 502.

Petitioners examined the proposed change to the 1976 F.D.P. in the context of BZCR, Section 502.1 and produced strong and substantial evidence at the hearing before the Deputy Zoning Commissioner that the amendment would have little or no impact on the surrounding community. Petitioners are thus entitled to the relief requested by way of their Petition for Special Hearing.

Health, Safety, and General Welfare of the Locality

Edward Dunn, himself, obtained the best evidence that no impact would result from approval of the F.D.P. amendment. Prior to filing the instant Petition, Mr. Dunn met with all the lot owners of Martin's Choice and presented them with a copy of Petitioners' Exhibit No. 1A-1B for review. Each lot owner inspected the proposed amendment to add Lot No.7 and considered whether it would have any impact on their individual lots and/or the neighborhood, as a whole. As a result of those face-to-face meetings, Dr. and Mrs. Burnett, legal owners of Lot No. 2, Mr. and Mrs. Mangan, legal owners of Lot No. 3, Mr. and Mrs. Dillon, legal owners of Lot No. 4, and Dr. and Mrs. McGill, legal owners of Lot No. 5, approved the requested F.D.P. change by signature on a copy of the site plan. *See* Petitioners' Exhibit No. 8. Of course, Mr. and Mrs. Dunn signed the site plan as well. *See Id.* In addition to the signed F.D.P., the McGills and Mangans submitted letters to the Deputy Zoning Commissioner indicating the Petition should be approved, and Mr. Dillon and Mrs. Burnett testified before the Commissioner that that they have no objection to Petitioners exercising their right to divide Lot No. 6 in

order to create Lot No. 7, as intended by the 1976 Declaration. *See* Petitioners' Exhibit Nos. 2, 7, and 16. The individuals in support account for one hundred (100) percent of the lots of Martin's Choice with frontage on the shared access drive new Lot No. 7 would also use. *See* Petitioners' Exhibit Nos. 1A and 3. Of these supporters, the Dillons (Lot No. 4), the McGills (Lot No. 5), and the Dunns (Lot No. 6) are the three property owners located in closest proximity to the proposed house location on Lot No. 7. *See* Id.

In order to further support a finding by the Deputy Zoning Commissioner of no impact, Petitioners, through the testimony of Mr. Scheffenacker, introduced photographs that show the significant vegetative screen between the proposed dwelling location on Lot No. 7 and the Park property, Lot No 1. *See* Petitioners' Exhibit Nos. 5 and 6.

Mr. Salvatore Crupi, expert professional engineer, testified that he examined on-site drainage patterns and prepared a drainage area map for Martin's Choice in order to analyze the potential impact of the additional impervious surface necessary to accommodate a residential dwelling on Lot No. 7. *See* Petitioners' Exhibit Nos. 12 and 13. Mr. Crupi factored into his analysis the additional runoff to be created as well as its flow direction. Based on his investigation, Mr. Crupi determined that the proposed dwelling and driveway connection to the existing community drive will have essentially "zero impact" on the Towson Run during 1, 10, and 100 year storm events and "zero impact" on the Park residence located on Lot No.1. Mr. Crupi confirmed that the Park residence is located at an elevation of approximately 286 feet, 36 feet above the elevation of the 100-year flood plain, which is approximately 250 feet. *See* Petitioners' Exhibit Nos. 4 and 13. The additional runoff associated with new Lot No.7, characterized by Mr. Crupi as "insignificant," would, therefore, not affect the Park residence.

The Department of Environmental Protection and Resource Management ("DEPRM") approved the site plan filed by Petitioners. *See* DEPRM's August 6, 2005, Zoning Advisory Committee ("ZAC") comment. It is, therefore, DEPRM's position that the proposed amendment will not result in any adverse impact. By way of a letter attached to DEPRM's ZAC comment, David Lykens, Supervisor of the Environmental Impact Review Section of DEPRM, confirmed approval of the forest stand delineation, forest conservation worksheet and plan, and steep slope and erodible soils analysis. *See* Petitioners' Exhibit No. 9. Following issuance of DEPRM's ZAC comment/Lykens letter, the forest conservation plan was signed. *See* Petitioners' Exhibit No. 10. Mr. Lykens confirmed that no further DEPRM approvals are required for subdivision approval. *See* Id.

Overcrowd Land and Cause Undue Concentration of Population, Congestion in Roads, Streets, or Alleys, And Potential Hazard from Fire, Panic, or Other Danger

The proposed F.D.P. amendment would result in the addition of one residential lot with one single-family dwelling to the Martin's Choice community. *See* Petititoners' Exhibit Nos. 1A and 11. A total of thirty-one (31) dwelling units are permitted within Martin's Choice and, with approval of this Petition for Special Hearing, only seven (7) of the available thirty-one (31) units would be used. *See* Petitioners' Exhibit No. 1A, general note no. 3. Additionally, a very limited amount of vehicular traffic would be associated with the new residence on a daily basis. The amendment would, therefore, not overcrowd the Martin's Choice community or cause congestion on the community access drive or any of the surrounding roadways, including Bellona Avenue.

On behalf of Petitioners, Mr. Crupi also addressed emergency vehicle use of the community access drive. Mr. Crupi determined, through his investigation and conversations with the Baltimore County Fire Department, that the existing access road now provides "adequate access for emergency vehicles." As no change to the configuration of the access drive is necessary to accommodate Lot No. 7, no potential hazard from fire, panic, or other danger should occur.

Adequate Provisions for Schools, Parks, Water, Sewerage, Transportation or Other Public Requirements, Conveniences, or Improvements

The addition of one residential lot with one single-family dwelling should have no more than a minimal impact on these public resources.

Interference with Adequate Light and Air

A single-family detached dwelling may not exceed fifty (50) in height in the DR.1 zone. *See* Memorandum Exhibit No. 1. Petitioners' 1976 F.D.P. and 1976 Declaration further limit residential dwelling height within Martin's Choice in order to preserve the character of the neighborhood. Specifically, the F.D.P. indicates a maximum building height of forty (40) feet for residential dwellings and the 1976 Declaration reads that a dwelling height may not "exceed two and one-half stories." *See* Petitioners' Exhibit Nos. 1A and 2. With these restrictions in place, loss of adequate light and air is not a valid concern.

Inconsistency with Zoning Classification/Zoning Regulations

Section I.C.2 of this Memorandum addresses compliance with applicable Zoning Regulations. As explained therein, the proposed lot layout meets or exceeds all applicable setback and other requirements of the DR.1 zone.

Impermeable Surface/Vegetative Retention Provisions of the Zoning Regulations

There are no impermeable surface or vegetative retention provisions of the Baltimore County Zoning Regulations that apply to the Martin's Choice Property. Additionally, as Mr. Crupi explained, because the proposal requires creation of only a small amount of impervious area, this factor would, in any event, clearly be satisfied by this proposal.

Petitioners Satisfied Their Burden, Pursuant to BCZR, Section 502

The comprehensive testimony and evidence offered to the Deputy Zoning Commissioner by Petitioners was not rebutted by Protestants. Petitioners, therefore, met their Section 502 burden, and the Deputy Zoning Commissioner should grant the requested final development plan amendment.

B. Section 1B01.3.A.7.b(1): The Director of Planning Provided Notification to the Deputy Zoning Commissioner.

Section 1B01.3.A.7.b(1) of the Zoning Regulations provides that the Director of the Office of Planning shall notify the Zoning Commissioner (or Deputy Zoning Commissioner) of compliance with the CMDP and applicable DR.1 zone regulations.

The Office of Planning reviewed the Petition for Special Hearing and Petitioners' site plan filed in the case, and the Planning Director, Arnold F. "Pat" Keller, III, by way of his June 27, 2005, ZAC comment, confirmed the proposed amendment is consistent with these County regulations. The Director noted that only a review by the Baltimore County Design Review Panel is necessary to complete the amendment process.

C. Section 1B01.3.A.7.b(3): Petitioners' 1976 F.D.P. Amendment meets the Spirit and Intent Requirement.

According to BCZR, Section 1B01.3.A.7.b(3), a F.D.P. amendment must be consistent with the spirit and intent of the "original [final development] plan," and applicable DR.1 zone provisions of Article 1B of the Zoning Regulations.

1. The Proposed Amendment is Within the Spirit and Intent of the 1976 F.D.P.

The proposed amendment to accommodate a single-family detached dwelling on Lot No. 7 is consistent with the original final development plan for Martin's Choice. Protestants offered no testimony before the Deputy Zoning Commissioner to prove otherwise.

The 1976 F.D.P. shows the existing subdivision conditions and sets parameters for further residential development in the Martin's Choice community. First, a dwelling type is specified on the F.D.P. General note no. 3 provides that single-family detached dwellings are the intended/permitted dwelling type. Additionally, the F.D.P. indicates that Lot No. 6 is so improved with a single-family detached house. *See* Petitioners' Exhibit No. 1A. Second, the 1976 F.D.P. shows the existing roadway pattern for this residential community, labeled "Ex. Drive." The Dunns intended that this drive, in its current configuration, serve Martin's Choice and any future subdivision of Lot No. 6.

Third, the F.D.P. incorporates minimum building setback areas within which residential buildings are prohibited. Any new house location must respect the provided setbacks. Fourth, Lot Nos. 1 through 5 of Martin's Choice range in size from 3.04± acres to 6.06± acres on the F.D.P. Only Lot No.6 is appreciably larger in size, 8.84 acres. The Dunns established the lot lines for Lot No. 6 to accommodate another lot by future division of a size comparable to Lot Nos. 1 through 5. *See* Petitioners' Exhibit No. 2. Fifth, a maximum building height of forty (40) feet is permitted, pursuant to the F.D.P. *See* Petitioners' Exhibit No. 1A, general note no. 11. No residential structures built within Martin's Choice may exceed this height.

According to BCZR, Section 1B01.3.A.7.b(3), any amendment to the 1976 F.D.P. should be consistent with these existing subdivisions conditions and restrictions. Petitioners' special hearing request to amend the 1976 F.D.P. would result in one additional single-family detached dwelling in Martin's Choice. The dwelling location proposed on new Lot No.7 would respect the existing neighborhood road pattern. Specifically, Lot No.7 would have frontage on the existing shared, community drive and not require an extension or reconfiguration of the private drive. Additionally, the reconfiguration of Lot No. 6 in order to create Lot No. 7 would also respect the established minimum building setbacks areas and result in lots comparable in size to Lot Nos. 1 through 5 of the subdivision. For the above-reasons, the dwelling type and Lot No. 7 layout and dwelling location are within the spirit and intent of the original F.D.P.

Although not required to satisfy their burden to amend the F.D.P., the Dunns, as outlined in the Facts Section of this Memorandum, set additional limitations on residential development in Martin's Choice through the 1976 Declaration. Architectural

controls, a maximum number of dwelling stories restriction, a minimum lot size restriction, and a minimum dwelling size are examples of limitations included that will further ensure the proposed amendment will be consistent with the existing character and conditions of the neighborhood.

2. The Final Development Plan Amendment Complies with the Provisions of Article 1B of the Zoning Regulations.

BCZR, Section 1B01.3.A.7.b(3) also indicates that the proposed amendment must be within the spirit and intent of the DR.1 regulations contained in Article 1B of the Zoning Regulations. The County Council intended that certain residential uses be permitted by right in the DR.1 zone. Section 1B01.1.A of Article 1B provides a list of those residential uses and Section 1B01.2.C lists the building setback requirements for such uses in the zone. The proposed F.D.P. amendment is consistent with these provisions of the Zoning Regulations. The single-family detached dwelling type is a by-right use in the DR.1 zone, and the proposed F.D.P. amendment complies with all applicable DR zone setback requirements. The amendment is, therefore, a variance-free proposal.

For these reasons, the proposed F.D.P. amendment is within the spirit and intent of the Zoning Regulations for the DR.1 zoning classification.

II. The Proposed Dwelling Location Complies with Building to Property Line Setback Requirements.

Protestants argued the single-family detached dwelling proposed on Lot No. 7, in the location shown and indicated on the redlined site plan (Petitioners' Exhibit No. 11), does not comply with the front building line to property line setback required in the DR.1

zone. Specifically, Protestants contend that the "slope gradient" of Lot No. 7 somehow changes the DR.1 zone setback requirement.

Simply put, Protestants' argument must fail. Section 1B01.2.C.1.b of the Zoning Regulations provides the building line to property line setback requirements for single-family detached dwellings in the DR zoning classifications, including the DR.1 Zone. In the DR.1 zone, a twenty-five (25) foot front building line to property line setback is required. *See* BCZR, Section 1B01.2.C.1.b. BCZR, Section 101 defines the zoning term "setback" as "[t]he required minimum horizontal distance between the building line (as defined in Section 101) and the related front, side or rear property line." (Emphasis added) The Zoning Regulations make no provision for varying setback requirements due to site topography or "slope gradient." Indeed, DR.1 zone setbacks and the requirement that setbacks be measured on a horizontal plane from building line to property line are absolute. There is no authority in the Zoning Regulations for Protestants' suggestion that Petitioners should use an alternative measuring technique to establish required setbacks.

III. The Zoning Review Office and Office of Planning Confirmed that No Panhandle Regulations are Applicable to the Martin's Choice Property.

Petitioners' Exhibit No. 1 shows the existing, community drive that serves Lot Nos. 2 through 6 of Martin's Choice. [4] The drive, in its current configuration, would serve proposed Lot No. 7, as well. *See* Petitioners' Exhibit Nos. 1A and 3. Baltimore County approved the subdivision plan for Martin's Choice in July of 1976. The development regulations contained in the 1968 Baltimore County Code and amendments to the Code adopted prior to subdivision plan 1976 approval date, therefore, apply to the

subject property. There were no panhandle driveway requirements in effect as of the Martin's Choice July, 1976, approval date, which pre-dates the current panhandle regulations contained in 2005 Edition of the Baltimore County Code. On that basis, Mr. Carl W. Richards, Jr., Supervisor of the Zoning Review Office, and Mr. Jeffrey W. Long, Deputy Director of the Office of Planning, confirmed by way of letters dated September 9, 2005, that the existing drive is not subject any panhandle regulations, including those contained in Section 32-4-409 of the 2005 County Code. *See* Petitioners' Exhibit No. 14A-14B.

[4] This community drive does not serve Protestants' lot, Lot No. 1. Protestants take issue with use of this existing drive, which is unconnected to their access to Bellona Avenue.

CONCLUSION

As outlined above, Petitioners produced strong and substantial evidence of their entitlement to the requested zoning relief. Therefore, Petitioners respectfully request that the Deputy Zoning Commissioner grant approval of their Petition for Special Hearing in accordance with the redlined site plan submitted in this case.

Respectfully submitted,

ROBERT A. HOFFMAN
Venable, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517
(410) 494-6200

JEFFREY H. SCHERR
Kramon & Graham, P.A.
Commerce Place
1 South Street, Suite S2600
Baltimore, Maryland 21202-3298
(410) 752-6030

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2005, a copy of the foregoing PETITIONERS' POST-HEARING MEMORANDUM was mailed to Richard D. Park, 7600 Osler Drive, Suite 415, Baltimore, Maryland 21204.

Robert A. Hoffman/dhk

ROBERT A. HOFFMAN

TO1DOCS1/DHK01/#217316 v1

Memorandum Exhibit No. 1

• Baltimore County • Focus on Community •

PART III: COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES

Adopted by the Baltimore County Planning Board on April 16, 1992
and with Amendments to December 2002

RESIDENTIAL STANDARDS

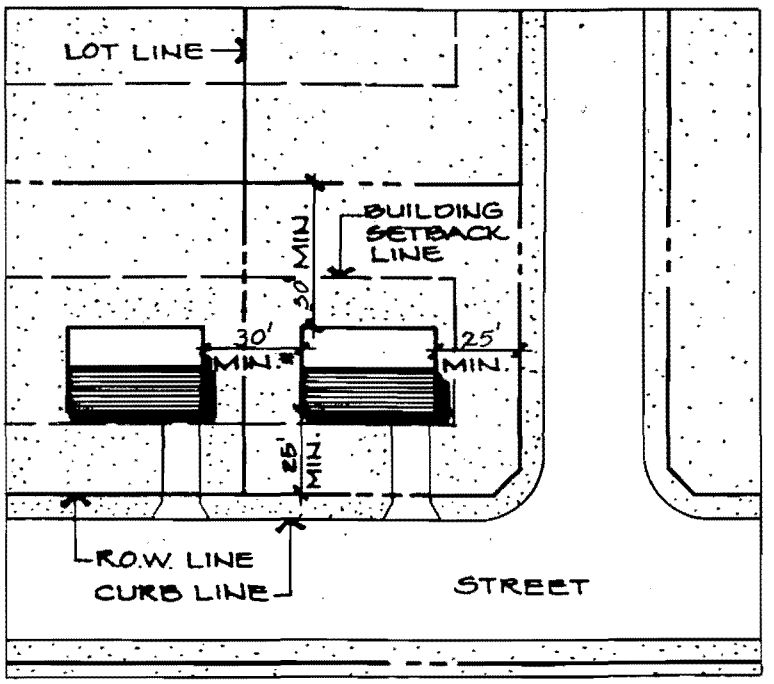
Single Family Detached

Building Type: Single Family Detached, Semi-Detached and Duplex Dwellings

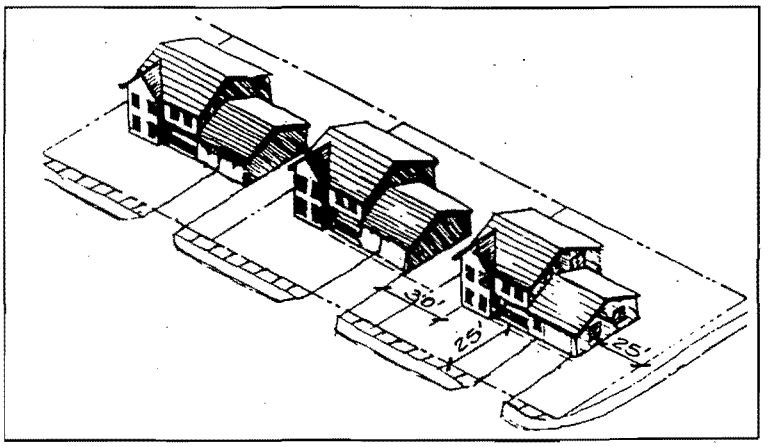
Location: DR 1, 2

Minimum setback requirements:

- From a front building face to a public street right-of-way or property line -- 25 feet
- Between side building faces -- 30 feet
- From a rear building face to a rear property line or public street right-of-way -- 30 feet
- From a side building face to a public street right-of-way and/or tract boundary -- 25 feet
- From side or front building face to the edge of paving of a private road -- 35 feet
- Setbacks for buildings located adjacent to arterial roadways shall be increased by 20 feet.



Minimum setbacks for single family detached, semi-detached and duplex units in D.R. 1 and 2 zones.



Perspective view, minimum setbacks in D.R. 1 and 2

Building height requirement:

Maximum building height -- 50 feet.

Other requirements:

Open Space shall be provided in accordance with the Baltimore County Local Open Space Manual. Landscaping shall be provided in accordance with the Baltimore County Landscape Manual.

Where properties are split-zoned, dwellings in DR 1 and 2 must use the standards for that zone.

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7315 Bellona Avenue

which is presently zoned DR1

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman/David H. Karceski
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Edward K. Dunn, Jr.
Name - Type or Print

Signature

JANET E. DUNN
Name - Type or Print

Signature

7315 Bellona Avenue 410-377-5641
Address Telephone No.

Baltimore, Maryland 21212-1009
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 6/09/05

Case No. 05 656 SPH

REV 9/15/98

DROP-OFF
SEE POLICY

ORDER RECEIVED FOR FILING
Date 12-15-05
By

ATTACHMENT TO PETITION FOR SPECIAL HEARING

An amendment to the Final Development Plan to reconfigure Lot No. 6 and add Lot No. 7.

TO1DOCS1/DHK01/#206463 v1

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

656

May 10, 2005

Zoning Description
7315 West Bellona Avenue

All that piece or parcel of land situate, lying and being in the Ninth Election District and Second Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point in Bellona Avenue at a distance of 580 feet more or less Northwesterly along Bellona Avenue from its intersection with Brightside Road. Being Lot 6 of "Martin's Choice" as recorded in the Land Records of Baltimore County in Plat Book E.H.K.Jr. No. 39 folio 109.

Containing 8.84 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

5/10/05

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: #05-656-SPH
7315 Bellona Avenue
N/side of Bellona Avenue, 580 feet northwest of Brightside Road.
9th Election District
2nd Councilmanic District
Legal Owner(s): Edward K. and Janet E. Dunn, Jr.
Special Hearing: to allow an amendment to the Final Development Plan to reconfigure Lot no. 6 and add Lot no. 7.
Hearing: Monday, July 11, 2005 at 10:00 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.
6/318 June 23 56186

CERTIFICATE OF PUBLICATION

6/23/, 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 6/23/, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

Attn 11-15

CERTIFICATE OF POSTING

RE: Case No.: 05-656-SPH

Petitioner/Developer: EDWARD K & JANET E. DUNN JR.

Date of Hearing/Closing: NOV 15, 2005

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 7315 BELLONA AVE

The sign(s) were posted on 10-29-05
(Month, Day, Year)

Sincerely,

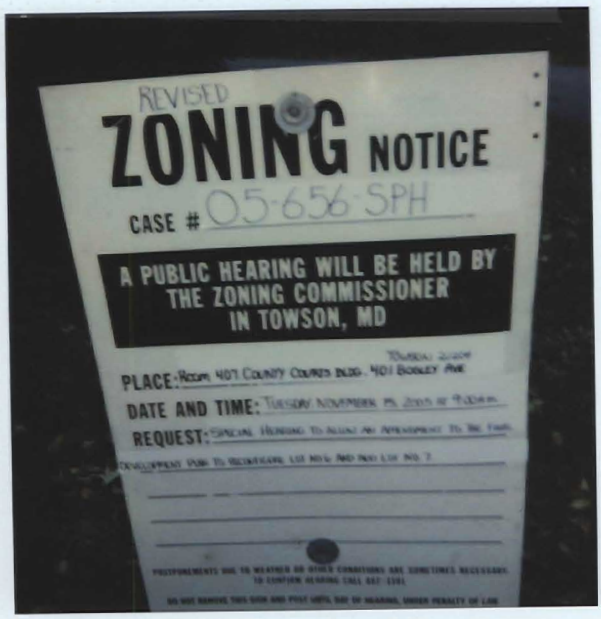
Robert Black 11-1-05
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)



7315 BELLONA AVE

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 05-656-SPH
PETITIONER/DEVELOPER:
Edward K. & Janet Dunn
DATE OF HEARING: July 11, 2005

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:
7315 Bellona Avenue

(see page 2 for full size photo)

POSTED ON: 06/06/23/2005, photo taken 06/30/2005

SIGNATURE OF SIGN POSTER

John Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX


ZONING NOTICE
CASE # :05-656-SPH
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.
PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD
TIME & DATE : 10:00 AM Monday, July 11, 2005
Special Hearing: to allow an amendment to the Final Development Plan to reconfigure Lot no. 6 and add Lot no. 7.
HEARINGS ARE HANDICAPPED ACCESSIBLE
06/30/2005

APPEAL SIGN POSTING REQUEST

CASE NO. 05-656-SPH

7315 BELLONA AVENUE

9TH ELECTION DISTRICT APPEALED: 12/22/05

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 05-656-SPH

LEGAL OWNER: JANET E & EDWARD K. DUNN

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

7315 BELLONA AVENUE
N/S OF BELLONA AVE., 5880 FEET
NW C/O OF BRIGHTSIDE ROAD

The sign was posted on 2/16, 2006. MAP 26J9

By: _____
(Signature of Sign Poster)

Jeff Radcliffe
(Print Name)

INVOICE

TO: Venable, Attorneys At Law

FROM: SSG ROBERT BLACK

Phone: 410-282-7940 / Cell: 410-499-7940

Send checks to: Robert Black
1508 Leslie Road
Dundalk, Maryland 21222

NUMBER OF SIGNS: 1
COST PER SIGN:
TOTAL PAYMENT DUE $85.00

CASE NUMBER: 05-656-SPH
ADDRESS SIGN POSTED:

7315 BELLONA AVE CLIENT # 5774-124059

DATE POSTED: 10-29-05

REMARKS: ATTN: EILEEN LEONHART

Thank you.

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 23, 2005 Issue - Jeffersonian

Please forward billing to:
Amy Dontell 410-494-6244
210 Allegheny Avenue
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: 05-656-SPH
7315 Bellona Avenue
N/side of Bellona Avenue, 580 feet northwest of Brightside Road.
9th Election District – 2nd Councilmanic District
Legal Owners: Edward K. & Janet E. Dunn, Jr.

Special Hearing to allow an amendment to the Final Development Plan to reconfigure Lot no. 6 and add Lot no. 7.

Hearing: Monday, July 11, 2005 at 10:00 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

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 14, 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: 05-656-SPH
7315 Bellona Avenue
N/side of Bellona Avenue, 580 feet northwest of Brightside Road.
9th Election District – 2nd Councilmanic District
Legal Owners: Edward K. & Janet E. Dunn, Jr.

Special Hearing to allow an amendment to the Final Development Plan to reconfigure Lot no. 6 and add Lot no. 7.

Hearing: Monday, July 11, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Robert A. Hoffman, Venable, LLP, 210 Allegheny Avenue, Towson 21204
Edward & Janet Dunn, 7315 Bellona Avenue, Baltimore 21212-1009

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 25, 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.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Removed to D.C. by Joint request

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 25, 2006

NOTICE OF ASSIGNMENT

CASE #: 05-656-SPH

IN THE MATTER OF: JANET E. & EDWARD K. DUNN -
Legal Owners /Petitioners 7315 Bellona Avenue
9th Election District; 2nd Councilmanic District

12/08/2005 – D.Z.C.'s Order in which requested zoning relief was GRANTED, subject to restrictions.

ASSIGNED FOR: **TUESDAY, JUNE 27, 2006 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Appellant : Office of People's Counsel

Counsel for Petitioners /Legal Owners : Robert A. Hoffman, Esquire
David H. Karceski, Esquire

Petitioners /Legal Owners : Janet E. and Edward K. Dunn

Bruce Doak /Scott Lundgren – Gerhold, Cross & Etzel, Ltd.

Matthew Dillon
Kathleen Burnett
David and Debbie Scheffenacker
Devin Leary /Human and Rhode
Salvatore Crupi, P.E.
Mr. and Mrs. Michael Mangan

Counsel for Contract Purchaser : Jeffrey Scherr, Esquire

Protestant : Choon M. Park

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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 5, 2005

Robert A. Hoffman
Venable, LLP.
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 05-656-SPH, 7315 Bellona Avenue

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
Edward K. Dunn, Jr. 7315 Bellona Avenue Baltimore 21212

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 27, 2005

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

RECEIVED
JUN 27 2005
ZONING COMMISSIONER

SUBJECT: 7315 Bellona Avenue

INFORMATION:

Item Number: 5-656

Petitioner: Edward & Janet Dunn

Zoning: DR 1

Requested Action: Special Hearing

SUMMARY OF PETITION:
The subject property requests a special hearing to amend the final development plan of Martin's Choice. The Development Review Committee approved a refinement to the record plat, DRC# 061404C, on June 21, 2004.

The change to the existing development plan must comply with Bill 56-04. The applicant should contact Jenifer German at 410-887-3480 for more information about the DRP process, scheduling, requirements and submissions.

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request to reconfigure lot 6 and add lot 7 to the Martin's Choice FDP provided the following note is added to the plan:

- *"The amended development plan is within the Ruxton-Riderwood-Lake Roland Community Plan area. As per Bill 56-04 any change to a development plan that involves new construction is subject to the review, comments, and approval of the Design Review Panel. Proposed house plans, building elevations and materials shall be reviewed and approved by the DRP prior to issuance of any building permits."*

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

W:\DEVREV\ZAC\5-656.doc

ORDER RECEIVED FOR FILING
Date 6-27-05
By

Prepared by: Curtis Murray

Division Chief: Jeffrey W Lang

AFK/LL: CM

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*

SHA State Highway Administration — Driven to Excel

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

Maryland Department of Transportation

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. 656 JLL

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING 7315 Bellona Avenue; N/side Bellona Avenue, 580' NW Brightside Road 9th Election & 2nd Councilmanic Districts Legal Owner(s): Edward K & Janet Dunn Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-656-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 Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
JUN 16 2005
Per.....

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

Department of Permits and Development Management

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

Baltimore County

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

January 6, 2006

Robert A. Hoffman, Esq.
David Karceski, Esq.
Venable, Baetjer & Howard, LLP
210 Allegheny Ave.
Towson, MD 21204

Dear Messrs. Hoffman & Karceski:

RE: Case 05-656-SPH, 7315 Bellona Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on December 22, 2005 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:raj

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel of Baltimore County, MS #2010
Bruce Doak & Scott Lindgren, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Ste. 100, Towson, MD 21286
Matthew Dillon, 7311 Bellona Ave., Baltimore, MD 21212
Kathleen S. Burnett, 7317 Bellona Ave., Baltimore, MD 21212
David P. & Debbie Scheffenacker, 7315 Bellona Ave., Baltimore, MD 21212
Salvatore C. Crupi, P.E., 10540 York Road, Suite M. Hunt Valley, MD 21030
Devin Leary, Human & Rhode, 512 Virginia Ave., Towson, MD 21286
Jeffrey H. Scherr, One South St., 26th Floor, Baltimore, MD 21201
Michael & Kim Mangan, 7309 Bellona Ave., Baltimore, MD 21212
Mr. Park, 7325 Bellona Ave., Baltimore, MD 21212

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 22, 2005

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
N/S of Bellona Avenue, 580' NW c/line of Brightside Road
(7315 Bellona Avenue)
9th Election District; 2nd Council District
Janet & Edward Dunn- Petitioners
Case No.: 05-656-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated December 8, 2005 by the Baltimore County Deputy Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

RECEIVED
DEC 22 2005
Per.....

PMZ/CSD/rmw

cc: Mr. Robert A Hoffman, Esquire
Mr. David Karceski, Esquire
Mr. Choon M. Park
Ms. Nancy Horst

APPEAL

Petition for Special Hearing
7315 Bellona Avenue
N/S of Bellona Avenue, 5880' NW c/l of Brightside Road
9th Election District, 2nd Councilmanic District
Janet E. & Edward K. Dunn - Owners

Case No.: 05-656-SPH

✓ Petition for Special Hearing (June 9, 2005)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (June 14, 2005)

✓ Certification of Publication (June 23, 2005) – The Jeffersonian

✓ Certificate of Posting (6/23/05) by John Dill

✓ Certificate of Posting (10/29/05) by Robert Black

✓ Entry of Appearance by People's Counsel (June 16, 2005)

✓ Petitioner(s) Sign-In Sheet – Two Sheets

1 Protestant(s) Sign-In Sheets
None in File

✓ Citizen(s) Sign-In Sheet– Two Sheets

✓ Zoning Advisory Committee Comments

RECEIVED
JAN 09 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Petitioner's Exhibits

✓1. Sheet 1 of 2 – 1st Amended Final Development Plan
✓2. Declaration of Covenants & Restrictions
✓3. Aerial Photograph
✓4. Drawing Showing Forest Buffer
✓5. Sheet 2 of 2 – 1st Amended Final Development Plan
✓6. 8 Photographs
✓7. Letter of Support from Michael D. & Kim L. Mangan
✓8. Transparency of Sheet 2 of 2 – 1st Amended Final Development Plan
✓9. Letter to Scott Lindgren, Gerhold, Cross & Etzel, Inc. from David Lykens, Environmental Impact Review dated August 6, 2005 w/ attachment
✓10. Forest Conservation Plan – 1st Amended Final Development Plan
✓11. Red-Lined Sheet 2 of 2 – 1st Amended Final Development Plan
✓12. Resume – Salvatore C. Crupi, P.E.
✓13. Proposed Conditions to Drainage Map for Development
✓14A Letter to Carl Richards from David Karceski, Esq. dated September 9, 2005 – signed by Carl Richards on 9/16/05
✓14B Letter to Carl Richards from David Karceski, Esq. dated September 9, 2005 – signed by Carl Richards on 9/9/05
✓15. Certificate of Liability Insurance – Insured: Martin's Choice Association
✓16. Undated Letter to Zoning from James T. McGill in support of development w/ conditions

Protestants' Exhibits:

✓1. 4 pages of Photographs
✓2A Baltimore County Metropolitan District Key Map – Sanitary Sewers
✓2B Baltimore County Public Works Map of Bowen Mill Road & Easements North & East of Oakhill Subdivision

Miscellaneous (Not Marked as Exhibits)
1. Letter of Support from Michael D. & Kim L. Mangan dated July 10, 2005
2. Letter from The Parks to John V. Murphy dated November 22, 2005 (2 pages)
3. Letter from The Parks to John V. Murphy dated November 25, 2005 w/ Appendix A (4 pages)
✓4. Petitioners' Post-Hearing Memorandum with Exhibit No. 1 attachment (20 pages)

✓ Deputy Zoning Commissioner's Order (December 8, 2005) GRANTED

✓ Notices of Appeal received on December 22, 2005 from Office of People's Counsel ✓

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel of Baltimore County, MS #2010
Robert A. Hoffman, Esq. & David Karceski, Esq., Venable, Baetjer & Howard, LLP, 210 Allegheny Ave., Towson, MD 21204
Bruce Doak & Scott Lindgren, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Ste. 100, Towson, MD 21286
Matthew Dillon, 7311 Bellona Ave., Baltimore, MD 21212
Kathleen S. Burnett, 7317 Bellona Ave., Baltimore, MD 21212
David P. & Debbie Scheffenacker, 7315 Bellona Ave., Baltimore, MD 21212
Salvatore C. Crupi, P.E., 10540 York Road, Suite M. Hunt Valley, MD 21030
Devin Leary, Human & Rhode, 512 Virginia Ave., Towson, MD 21286
Jeffrey H. Scherr, One South St., 26th Floor, Baltimore, MD 21201
Michael & Kim Mangan, 7309 Bellona Ave., Baltimore, MD 21212
Mr. Park, 7325 Bellona Ave., Baltimore, MD 21212

date sent January 6, 2006, raj

CASE #: 05-656-SPH

IN THE MATTER OF: JANET E. & EDWARD K. DUNN -
Legal Owners /Petitioners 7315 Bellona Avenue
9th Election District; 2nd Councilmanic District

SPH – Amendment to FP to reconfigure Lot No. 6 and Lot No. 7.

12/08/2005 – D.Z.C.'s Order in which requested zoning relief was GRANTED, subject to restrictions.

4/26/06 --Notice of Assignment sent to following; assigned for hearing on Tuesday, June 27, 2006 at 10 a.m.:

Office of People's Counsel
Robert A. Hoffman, Esquire
David H. Karceski, Esquire
Janet E. and Edward K. Dunn
Bruce Doak /Scott Lundgren – Gerhold, Cross & Etzel, Ltd.
Matthew Dillon
Kathleen Burnett
David and Debbie Scheffenacker
Devin Leary /Human and Rhode
Salvatore Crupi, P.E.
Mr. and Mrs. Michael Mangan
Jeffrey Scherr, Esquire
Choon M. Park
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

6/14/06 – Joint Motion for Remand filed by Carole S. Demilio, Deputy People's Counsel for Baltimore County, Robert A. Hoffman, Esquire, and David Karceski, Esquire, on behalf of Edward and Janet Dunn, Jr., Petitioners; and Jeffrey H. Scherr, Esquire, on behalf of David P. Scheffenacker, Jr.
-- Order of Remand to be issued; hearing in this matter pulled from Board's schedule.

November 25, 2005

John V. Murphy
Office of Zoning Commissioner
Baltimore County
Suite 405, County Courts Building
Towson, MD 21204

RECEIVED
DEC - 1 2005
ZONING COMMISSIONER

Via Hand Delivery

FROM: Park
7325 Bellona Avenue
Baltimore, MD 21204

RE: Hearing Officer's Case No. 05-656-SPH
9th Election District, 2nd Councilmanic District
(7315 Bellona Avenue)
Closing Statement from Parks (Written)

(Total 3 pages + 1 page Enclosure, Appendix A)

Dear Commissioner Murphy;

The following is a written closing statement from the Parks' (owners of Lot #1) which is adjacent to the proposed subdivision (Lot #7). As owners of Lot #1, we raise some issues for the Commissioner to consider when evaluating this proposed subdivision.

Sewage

As we noted during the hearing, the issue of Lot #7's access to sewage must be resolved. Lot #7 has no easily accessible public sewer access, and to our knowledge currently has no right of access/use to a private sewer system.

Said right of access/use must be specifically and separately obtained from that entity, in this case Martin's Choice Homeowner's Association, that has ownership of this right. As the owner of its private sewer system, the Homeowner's Association is legally and financially responsible for the upkeep and maintenance of the sewer, not Baltimore County, and therefore granting of rights to access to this private sewer must be discussed as a specific and separate issue by all members of the Homeowner's Association.

Post-it® Fax Note 7671	Date 12-1	# of pages ▶ 4
To David Karceski	From Jack Murphy	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

(Con't from Page 1)

Approval of the subdivision should not be considered de facto approval for Lot #7's right to access the sewer.

Baltimore County Code (BCC) Compliance

The overriding issue and problem with the proposed subdivision to create Lot #7 is that the original development plan was approved in 1976, while the proposed subdivision Lot #7 is being delineated in 2005. Since 1976, numerous codes and regulations have been passed which directly impact this proposed subdivision. For example, enclosed is Appendix A, entitled Minor Subdivisions Impact of Bill No. 172-89 from the Baltimore County PDM—Policy No. II.e, which states

- Section 32-4-409(k), BCC, requires that any panhandle lot of a minor residential subdivision, that was subdivided prior to the effective date of this legislation, [January 26, 1990] be subject to the requirement of this section before a building permit may be issued.

The letters submitted from the Zoning Review Office and the Office of Planning by petitioner indicate that those entities may be unaware of this more recent requirement of the BCC which was passed in 1990. Because subdivision to create Lot #7 is being submitted for approval in 2005, **current** codes and regulations, and **not those in effect in 1976** are applicable.

There are other BCC compliance issues to consider:

- Emergency vehicular access – As noted during the hearing, the officials from the Fire Department were reluctant to provide written approval of the adequacy of the current access road. At issue are the narrowness of the one-way driveway which would access Lot #7, and the lack of room to accommodate a large fire truck should one be required to respond.
- Driveway length – BCC allows for a maximum length of 500 ft. Driveway is currently 959 feet.
- Driveway width – BCC requires minimum width of 10 feet per lot where three or more lots are involved. Driveway is currently 10 ft in width for its entire length and including the proposed subdivision would serve 6 lots (Diana Itter of the Office of Planning has stated to us that Lots #4, 5, 6, and proposed Lot #7 are panhandle lots, and that BCC regulations governing panhandle lots apply.)

Adverse Effects of Development

We would like to be assured that the new development does not in any way adversely affect our property, including but not limited to, changes in the current flow and erosion pattern of soil and water, as we are topologically on a lower gradient. In the event that any changes or damage occur, our request is to have our property restored to the original condition.

(con't from Page 2)

As we noted during the hearing, there is a danger of potential flooding from the culvert between Towson Run and Lake Roland(under Bellona Avenue) affecting our property(Lot #1). (see Photo #6—Clogged Culvert) Petitioner's expert witness, Mr. Crupi, was not aware of the clogged culvert issue, and did not include this "clogged culvert" in his analysis of the potential impact from storm events.

Additional Issues

- 7315 Bellona Avenue(Lot #6) was originally constructed in 1853 and historical issues may apply.
- Safety- We have looked at other counties in the United States for precedents on number of houses served by a common drive. Other counties gauge traffic flow and safety by multiplying the number of houses sharing the common driveway by an average of 3 cars per house. Using this measure, in this case, 6 homes at 3 cars per home would mean 18 vehicles in total using a narrow, long, one way drive.

Health, Safety & General Welfare

Finally, foremost in any decision to subdivide should be concerns for the health, safety and welfare of the community that is directly affected by this ruling. Safety issues, and potential hazards should be carefully considered, especially when a ruling can exacerbate an existing unsafe area or condition. Although the commissioner can not reverse development plans made in the past (1976), the commissioner has within his purview the power to avoid both future hazards and additional problems that a proposed subdiyision may create.

Cc: Mr. Hoffman
Venable, LLP
210 Allegheny Avenue
PO Box 5517
Towson, MD 21285-5517

Enclosure: Appendix A- PDM-Policy No. IIe Minor Subdivisions-Impact of Bill No. 172-89

PDM – POLICY NO. II.e

MINOR SUBDIVISIONS
IMPACT OF BILL NO. 172-89

The panhandle legislation adopted by the Baltimore County Council on December 4, 1989, known as Bill No. 172-89, became effective January 26, 1990. In addition to clarifying county policy concerning panhandle lots, this law places restrictions on subdivisions and the building permit processing of minor developments of three lots or less using panhandle lots.

A panhandle lot is a lot so shaped and situated that its only frontage or access to the local or collector street is a narrow in-fee strip of land which contains a driveway and may contain water, sewer lines, and other utilities.

Section 32-4-106(a)(2), Baltimore County Code (BCC), requires that minor residential subdivisions with a panhandle driveway are subject to Article 32, Title 4, Subtitle 2 of these regulations, but exempt from Sections 32-4-211 through 32-4-217 and 32-4-226 and 32-4-227 requirements.

Section 32-4-409(k), BCC, requires that any panhandle lot of a minor residential subdivision, that was subdivided prior to the effective date of this legislation, be subject to the requirement of this section before a building permit may be issued.

Minor Subdivision Checklists

Developments impacted by Bill No. 172-89 should follow minor subdivision plan checklists contained in these policies. Developments not impacted by this bill should follow the same checklist but indicate N/A where the checklists are applicable to panhandles.

Although the checklists are extensive, the intention is to identify any items the county needs to understand in order to make reasonably informed decisions concerning minor development projects. It is the responsibility of the engineer/surveyor preparing the plan to be sure that no items are omitted.

The developer should be prepared for a minimum of two to three months to process the minor subdivision plan. If there are questions, please refer to the attached list of agency staff representatives.

November 22,2005

TO: Commissioner John V. Murphy
Baltimore County
Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204
Fax (410) 887-3468

FROM: Park
(Mailing Address)
7600 Osler Drive, Suite 415
Baltimore, MD 21204
(410) 823-6886
Fax (410) 823-6889

RE: Case #05-656- SPH

Mr. Murphy;

Following the final hearing for this case #05656, on November 15, 2005, you granted petitioner's counsel's request (Mr. Hoffman) for a delay in presenting closing statements, and allowed these statements to be completed in writing within 2 weeks from the date of the hearing 11/15/05.

As these concluding statements are generally presented orally at the end of the hearing, in public, we would like to request, with Mr. Hoffman's approval, that you set a definitive date and time deadline for the submission of these written statements to your office. We would also like to request that both parties are provided a copy, either electronically or on paper, of all statements by the day after the deadline.

We would appreciate your help in this logistical matter, to ensure fairness and full disclosure.

Sincerely,

The Parks

Post-it® Fax Note 7671	Date 11-23	# of pages ▶ 1
To Rob Hoffman	From Jack Murphy	
Co./Dept.	Co.	
Phone # F41	Phone #	
Fax #	Fax #	

STATE OF MARYLAND
BALTIMORE COUNTY

TO WIT:

I hearby swear upon penalty of perjury that I am currently the Executive Director of the Board Governors of The Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.

ATTEST:

The Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.

Judith Wright, Secretary

Nancy Worden Horst

June 27, 2005

Michael D. and Kim L. Mangan
7309 Bellona Ave.
Baltimore, Md. 21212

July 10, 2005

To: Zoning Board of Baltimore County
Baltimore County, Maryland

Re: Case# 05-656-SPH

The undersigned owners of 7309 Bellona Ave.(Lot 3 of Martins Choice) have no objection to the subdivision of the property known as 7315 Bellona Ave. (Lot 6 of Martins choice) as outline in case number 05-656-SPH.

Michael D. Mangan

Kim L. Mangan

PLEASE PRINT CLEARLY

CASE NAME Dunn
CASE NUMBER 05-656-SPH
DATE 11/15/05

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Bruce E. Doak	320 E. Towsontown Blvd	Towson MD 21286	
Gerhold Cross & Etzel			
David Karceski	210 Allegheny Avenue	Towson MD 21204	dkarceski@verizon.com
Robert Hoffman	"	"	Rahoffman@verizon.com
Scott Lindgren - GCE	320 E. Towsontown Blvd	Towson 21286	
Salvatore C. Crupi	10540 York Rd. Ste. M	Hunt Valley, MD 21030	sal@matiswarfield.com
Devin Leary	512 Virginia Ave	Towson MD 21286	Devin@Huntandtowne.com
Edward K. Dunn Jr.	7326 Brightside Rd.	Baltimore MD 21212	jedunnmth@comcast.net
Janet E. Dunn	7326 Brightside Rd	" " "	
David P. Scheffenacker	7315 Bellona Ave	"	
Debra T. Scheffenacker	7315 Bellona Ave	Baltimore, Md. 21212	Debra.Scheffenacker@comcast.net
Kathleen S. Burnett	7317 Bellona Ave.	Baltimore, MD 21212	Kathleen S. Burnett
Jeffrey H. Scherr	One South St - 26th Floor	Baltimore, MD 21201	JScherr@kg-law.com

PLEASE PRINT CLEARLY

CASE NAME 05656 SPH
CASE NUMBER
DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
PARK	7600 OSLER DR (415)	BALT MD	
	BALT 21204		

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 05-256-SPH
DATE 1/11/05

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Rob Hoffman	210 Allegheny Ave	Towson 21204	
Edward Dunn, Jr.	7326 Brightside Rd	Baltimore 21212	jedunnvrh@comcast.net
Janet Evans Dunn	7326 Brightside Rd	Balto MD 21212	
Matthew Dillon	7311 Bellona Ave	Balt. MD 21212	matthewdillon@comcast.net
Kathleen S. Burnett	7317 Bellona Ave	Baltimore, MD 21212	
Debbie Scheffenacker	7315 Bellona Ave	Baltimore, Md 21212	Debra Scheffenacker@Verizon.Net
David G. Scheffenacker	7315 Bellona Ave	Baltimore, Md. 21212	"
SCOTT LINDGREN	320 E. TOWSONTOWN BLVD	TOWSON 21286	slindgren@GCELIMITED.com
BRUCE DOAK	" " "		

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 05656 SH
DATE 7/11/05

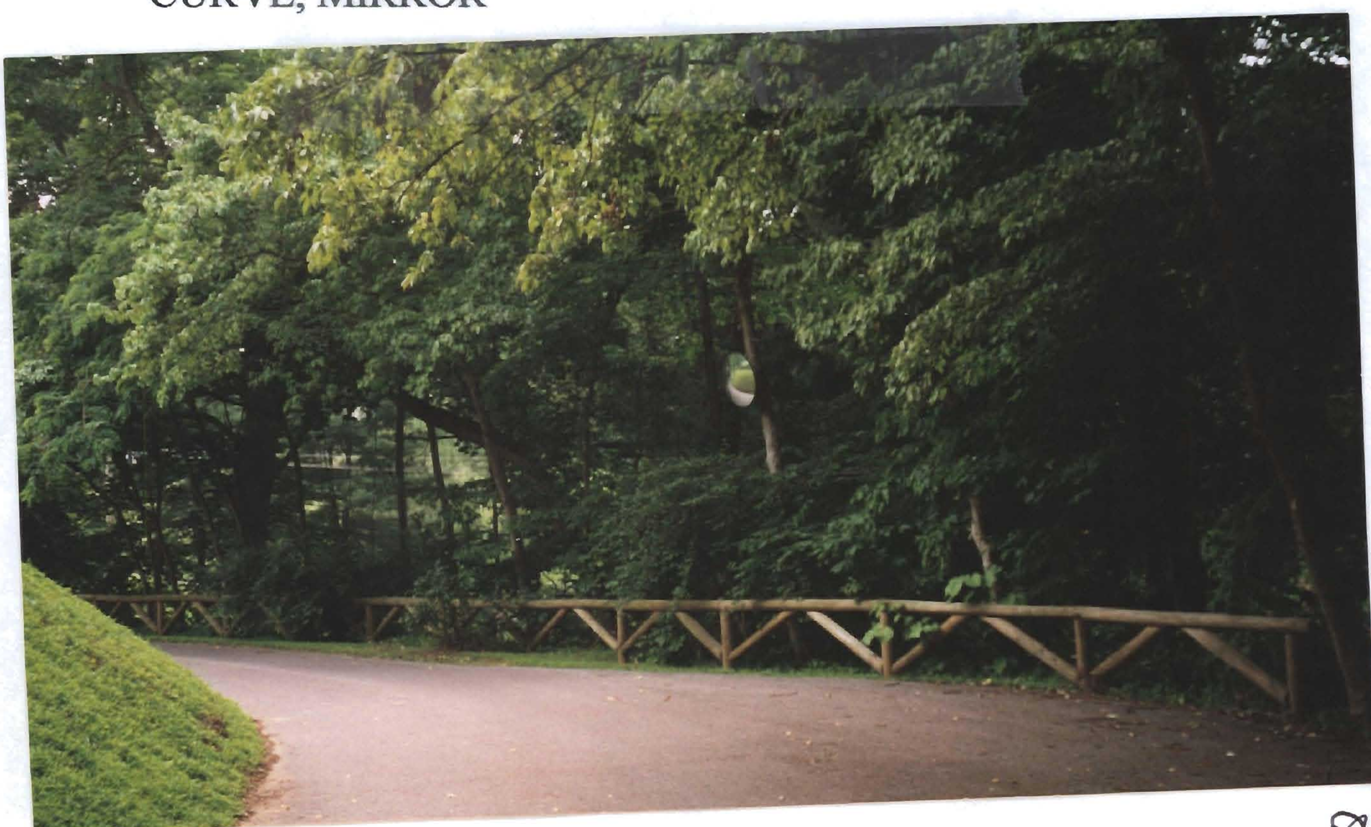
CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
PARK	7325 BELLONA AVE	MD 21212	

CASE # 05656 SPH : PHOTO EXHIBITS

PHOTO 1: COMMON PANHANDLE DRIVEWAY WIDTH 10 FEET, LENGTH OVER 966 FEET

PHOTO 2: COMMON PANHANDLE DRIVEWAY, BLIND CURVE, MIRROR



Pro #1

CASE # 05656 SPH : PHOTO EXHIBITS

PHOTO 3: BELLONA AVENUE, UPHILL VIEW, DRAINAGE DITCH

PHOTO 4: BELLONA AVENUE, DOWNHILL VIEW, DRAINAGE DITCH

CASE # 05656 SPH : PHOTO EXHIBITS

PHOTO 5: WATER DRAINAGE

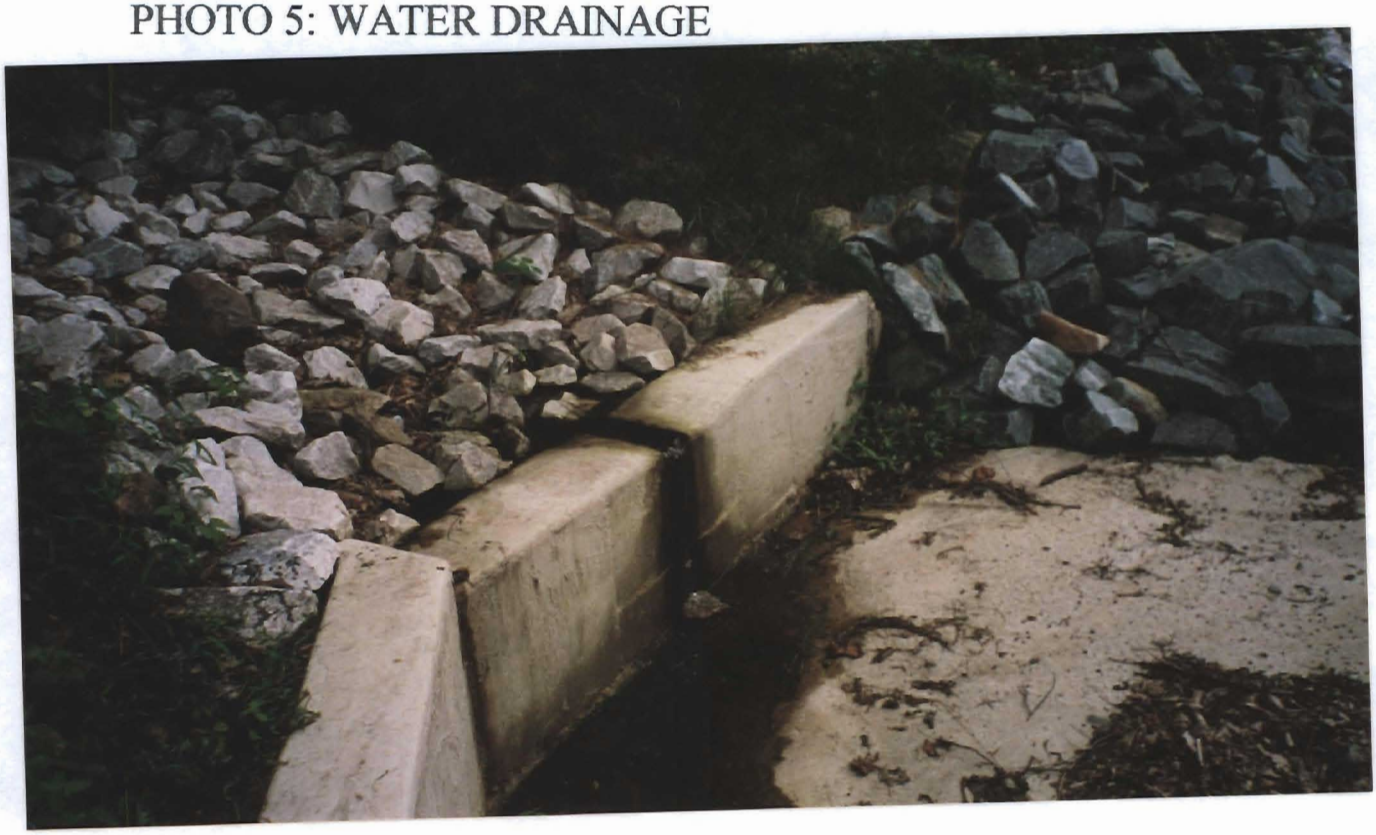


PHOTO 6: CULVERT, BACKUP TOWSON RUN INTO LAKE ROLAND

CASE # 05656 SPH : PHOTO EXHIBITS

PHOTO 7: CULVERT

RESTRICTIONS, EASEMENTS AND LIENS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS, Made this 16th day of June, 1976, by EDWARD K. DUNN, JR., hereinafter referred to as "Developer."

WHEREAS Developer has heretofore acquired the fee simple interest in the land described in Exhibit A annexed hereto and made a part hereof, said land in its entirety being hereinafter referred to as the "Property";

WHEREAS Developer intends to develop the Property into a residential community to be known as "Martin's Choice," affording well-planned residential and recreational uses, facilities and areas; and

WHEREAS, in order to accomplish the aforementioned purposes, the Developer deems it desirable to subject the Property to the covenants, restrictions, easements, charges, assessments and liens hereinafter set forth for the mutual benefit of all of the future owners of the Property; and

WHEREAS Developer has incorporated under the laws of the State of Maryland, a non-profit corporation, known as "Martin's Choice Association, Inc." which shall be delegated and assigned full power and authority with respect to the assessment, collection and application of all charges imposed hereunder; the enforcement of all covenants and restrictions contained herein and all liens created hereby; and, the management and maintenance of the facilities and services referred to hereafter.

NOW, THEREFORE, THIS DECLARATION OF COVENANTS AND RESTRICTIONS WITNESSETH: that for and in consideration of the premises, Edward K. Dunn, Jr., Developer, does hereby establish and impose upon the Property the covenants, restrictions, easements, charges, assessments and liens (hereinafter referred to as "Restrictions") hereinafter set forth, to be jointly and/or severally observed and enforced by the Developer, his successors and assigns and all Owners, as hereinafter defined, intending that the same shall run with, burden and bind the Property, to wit:

ARTICLE I

Definitions

Section 1.01. "Architectural Committee" as defined in Section 9.01 hereof.

Section 1.02. "Association" shall mean and refer to Martin's Choice Association, Inc.

Section 1.03. "Association Land" shall mean that portion of the Property owned by the Association, or upon which the Association has easement rights, and maintained by it for the common use and enjoyment of its members.

Section 1.04. "Board" shall mean and refer to the Board of Directors of the Association.

Section 1.05. "Declaration" shall mean and refer to this Declaration of Covenants and Restrictions as the same may from time to time be supplemented or amended in the manner prescribed herein.

TRANSFER TAX NOT REQUIRED
7-16-76
Walter R. Richardson
Director of Finance
Per Bessie E. DeLuca
Authorized Signature
Declaration

P&K #2

Michael D. and Kim L. Mangan
7309 Bellona Ave.
Baltimore, Md. 21212

July 10, 2005

To: Zoning Board of Baltimore County
Baltimore County, Maryland

Re: Case# 05-656-SPH

The undersigned owners of 7309 Bellona Ave.(Lot 3 of Martins Choice) have no objection to the subdivision of the property known as 7315 Bellona Ave. (Lot 6 of Martins choice) as outline in case number 05-656-SPH.

Michael D. Mangan

Kim L. Mangan

Pet #7

Department of Environmental Protection and Resource Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Baltimore County

James T. Smith, Jr., County Executive
David A.C. Carroll, Director

August 6, 2005

Mr. Scott Lindgren
Gerhold, Cross & Etzel, Inc.
320 East Towsontown Blvd.
Towson, MD 21286

Re: Dunn Property
Martin's Choice

Dear Mr. Lindgren:

The Environmental Impact Review Section is in receipt of a revised final development plan for Martin's Choice reflecting the subdivision of the Dunn Property. The forest stand delineation, forest conservation worksheet and forest conservation plan are approved as submitted. The steepslope/erodible soils analysis is also approved.

The subdivision cannot be approved until a final forest conservation mylar and the recordation information are submitted. If you have any questions regarding this project, please contact me at 410-887-3980.

Sincerely,

David Lykens, Supervisor
Environmental Impact Reivew

DunnFCP.doc

Ref #9

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

To: Tim Kotroco Date: August 6, 2005

From: Bruce Seeley:

Subject: Zoning Item # 05-656-SPH

Address: 7315 Bellona Ave

Zoning Advisory Committee Meeting of _____

x The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The plan is approved as submitted.

_____ 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 (Sections 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: David Lykens Date:August 6, 2005

Salvatore C. Crupi, P.E.
10540 YORK ROAD – SUITE M
HUNT VALLEY, MARYLAND 21030
(410) 683-7004
sal@matiswarfield.com

Professional Registration:

Registered Professional Engineer
Civil Engineering – January 2004
State of Maryland License No. 29936

Education:

New Jersey Institute of Technology — Newark, New Jersey
Bachelor of Science, Civil Engineering – 1998

Professional Experience:

12/98 – Present — Matis Warfield, Inc. — 10540 York Road – Suite M, Hunt Valley, Maryland

Currently employed as a Project Engineer responsible for civil engineering services for the development community. Responsibilities include design, development, and permitting for residential, commercial, and industrial site development projects; preparation of concept plans, development plans, zoning plans, floodplain studies, stormwater management plans, public road and utility plans, erosion and sediment control plans, grading plans, record plats, and site plans to accompany permit applications; as well as project management, cost estimating, and client relations.

Professional Affiliations:

Baltimore County Engineers Association

Ref #12

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

410 494-6285

dhkarceski@venable.com

September 9, 2005

HAND-DELIVERED

Mr. W. Carl Richards, Jr., Supervisor
Zoning Review Office
Department of Permits and
Development Management
County Office Building - Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Martin's Choice Property
Lot No. 6 (7315 Bellona Avenue)

Dear Mr. Richards:

This firm represents Edward K. Dunn, Jr. and Janet E. Dunn, legal owners of Lot No. 6 of the residential subdivision known as "Martin's Choice." Subdivision of the subject property was approved on July 12, 1976. Martin's Choice was, at that time, and is currently zoned DR1. Lot No. 6 is now comprised of a total of 8.84 acres and improved with a single-family detached dwelling, as shown on the enclosed final development plan for the property.

Our clients intend to subdivide Lot No. 6 into two lots. The enclosed plan indicates the location of the proposed line of subdivision, labeled "NEW LOT LINE CREATED BY THE RESUBDIVISION OF LOT 6." As shown on the plan, Lot No. 6 will be reduced to approximately 3.868 acres and another lot created approximately 4.972 acres in size. This additional lot is labeled "Lot # 7" on the plan. Ingress and egress to reconfigured Lot No. 6 and future Lot No. 7 will be by way of an existing access drive that now serves Lot No. 6 in its current configuration.

Pet #194

VENABLE LLP

The purpose of this letter is to request confirmation that no panhandle regulations are applicable to the property. As mentioned above, the subdivision plan was approved on July 12, 1976. The regulations contained in the 1968 County Code and amendments to the Code adopted prior to the 1976 approval date, therefore, apply. There were no panhandle regulations in effect as of July, 1976.

Please confirm, by countersignature below, that the Martin's Choice property and subdivision of Lot No. 6 are not subject to any panhandle regulations as the original subdivision approval pre-dated the adoption of any such regulations.

Thank you for your consideration of this matter.

Very truly yours,

David H. Karceski

DHK: kjd

W. Carl Richards Jr.,
Zoning Review Office Supervisor

9/16/05
Date:

TO1DOCS1/DHK01/#212166 v1

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

410 494-6285

dhkarceski@venable.com

September 9, 2005

HAND-DELIVERED

Jeffrey W. Long, Deputy Director
Office of Planning
County Courts Building
Room 406
401 Bosley Ave.
Towson, Maryland 21204

Re: Martin's Choice Property
Lot No. 6 (7315 Bellona Avenue)

Dear Mr. Long:

This firm represents Edward K. Dunn, Jr. and Janet E. Dunn, legal owners of Lot No. 6 of the residential subdivision known as "Martin's Choice." Subdivision of the subject property was approved on July 12, 1976. Martin's Choice was, at that time, and is currently zoned DR1. Lot No. 6 is now comprised of a total of 8.84 acres and improved with a single-family detached dwelling, as shown on the enclosed final development plan for the property.

Our clients intend to subdivide Lot No. 6 into two lots. The enclosed plan indicates the location of the proposed line of subdivision, labeled "NEW LOT LINE CREATED BY THE RESUBDIVISION OF LOT 6." As shown on the plan, Lot No. 6 will be reduced to approximately 3.868 acres and another lot created approximately 4.972 acres in size. This additional lot is labeled "Lot # 7" on the plan. Ingress and egress to reconfigured Lot No. 6 and future Lot No. 7 will be by way of an existing access drive that now serves Lot No. 6 in its current configuration.

The purpose of this letter is to request confirmation that no panhandle regulations are applicable to the property. As mentioned above, the subdivision plan was approved

Ref # 1348

VENABLE LLP

on July 12, 1976. The regulations contained in the 1968 County Code and amendments to the Code adopted prior to the 1976 approval date, therefore, apply. There were no panhandle regulations in effect as of July, 1976.

Please confirm, by countersignature below, that (1) the Martin's Choice property and subdivision of Lot No. 6 are not subject to any panhandle regulations as the original subdivision approval pre-dated the adoption of any such regulations and (2) the Office of Planning would recommend a waiver from the 500-foot panhandle driveway length regulation contained in the 2004 Baltimore County Code, even though that regulation does not apply to the Martin's Choice property.

Thank you for your consideration of this matter.

Very truly yours,

David H. Karceski

DHK: kjd

Jeffrey W. Long, Deputy Director
Office of Planning

Date: 9/9/05

TO1DOCS1/DHK01/#210435 v1

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY) 11/14/05

PRODUCER
Riggs, Counselman, Michaels & Downes, Inc.
555 Fairmount Avenue
Baltimore, MD 21286
410-339-7263

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED
Martin's Choice Association
C/O Mrs. Joseph Burnett
7317 Bellona Avenue
Baltimore MD 21212

INSURER A: St. Paul Fire & Marine
INSURER B:
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	BL02011370	1/19/05	1/19/06	EACH OCCURRENCE	$ 1000000
	X COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	$ 300000
	CLAIMS MADE [X] OCCUR				MED EXP (Any one person)	$ 10000
					PERSONAL & ADV INJURY	$ 1000000
	GEN'L AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE	$ 2000000
	[ ] POLICY [ ] PRO-JECT [ ] LOC				PRODUCTS - COMP/OP AGG	$ 2000000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO				BODILY INJURY (Per person)	$
	ALL OWNED AUTOS				BODILY INJURY (Per accident)	$
	SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	$
	HIRED AUTOS					
	NON OWNED AUTOS					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
	ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
					AGG	$
	EXCESS LIABILITY				EACH OCCURRENCE	$
	[ ] OCCUR [ ] CLAIMS MADE				AGGREGATE	$
						$
	DEDUCTIBLE					$
	RETENTION $					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				[ ] WC STATU-TORY LIMITS [ ] OTH-ER	
					E.L. EACH ACCIDENT	$
					E.L. DISEASE - EA EMPLOYEE	$
					E.L. DISEASE - POLICY LIMIT	$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

LOCATION OF COVERAGE: 7300 BLOCK N/S BELLONA AVE/BALTIMORE MD 21212
COVERAGE APPLIES TO PARKS/PLAYGROUNDS/COMMON AREAS IN MARTINS CHOICE ASSOCIATION.

CERTIFICATE HOLDER [ ] ADDITIONAL INSURED; INSURER LETTER:

VENABLE LLC
ATTN: ROBERT HOFFMAN
210 ALLEGHANY AVENUE
TOWSON MD 21204

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Ref #15

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

James T. McGill
7313 Bellona Ave.
Baltimore, MD 21212

Zoning Board
Baltimore County, MD

Re: Hearing on item 05-656-SPH, subdivision of lots 6 and 7, Martins Choice

To whom it may concern:

My wife, Sylvia, and I are the owners of one of the adjacent lots to the lot proposed to be subdivided. Mr. Edward K. Dunn, Jr, and his, wife, Janet, who previously owned lots 6 and 7, early informed my wife and me of their right and eventual intent to subdivide the lot. We bought our property knowing that. We have no objection to their (nor the present owners) doing so, so long as all the appropriate environmental and other controlling regulations are met. Thus, we ask that the following conditions be made part of the approval:

1. That any structure proposed to be built on the newly subdivided lot comply with the Martins Choice Home Owner Association covenants that have been in place for many years.

2. That any construction on the lot be respectful of the needs of all owners of houses in the Martins Choice subdivision to access their homes without interruption due to construction. I note that the only way to reach my home is down the lane that construction traffic would use. It is critical that during construction there be no hindrance of our access, nor that of emergency vehicles. Further, upon completion of any construction, the access lane and the surrounding flora should be restored to their original condition.

3. That there be no construction within the Forest Buffer & Forest Conservation Easement area.

It is my understanding that the current owners of Lots 6 and 7, David and Deborah Scheffenacker, have agreed in effect to these conditions.

I am sorry that I will be unable to attend the hearing on November 15, as I am unavoidably committed to other responsibilities, but, in short, my wife and I support the subdivision with the above noted conditions which I believe are agreeable to the prior and current owners of the property.

Respectfully,

James T. McGill

cc Edward and Janet Dunn
David and Deborah Scheffenacker
Matthew Dillon, Chair, Martins Choice Homeowners Association

Pet # 16

JAMES McGILL &
SYLVIA F. McGILL
S.M. No. 12554 FOLIO 202
LOT 5
MARTIN'S CHOICE
EHK Jr. 39 FOLIO 109
#7313 BELLONA AVENUE
TAX ACCOUNT No.: 1700008226

FOREST BUFFER &
FOREST CONSERVATION
EASEMENT
3.349 Ac.±

LOT 7
4.972 Ac.±

EL. 346'±
PROPOSED
DWELLING

MATTHEW J. DILLON &
SUELLEN FAY DILLON
EHK Jr. No. 5658, FOLIO 140
LOT 4
MARTIN'S CHOICE
EHK Jr. 39 FOLIO 109
#7351 BELLONA AVENUE
TAX ACCOUNT No.: 1700008225

BOWEN MILL

WATERBURY COURT

TOWSON RUN

EL. 334'±

472'±

LOT 6
3.868 Ac.±

EL. 287'±

CHOON M. PARK
& YOUNG I PARK
S.M. No. 9001 FOLIO 440
LOT 1
MARTIN'S CHOICE
EHK Jr. 39 FOLIO 109
7325 BELLONA AVENUE
TAX ACCOUNT No.: 1700008222

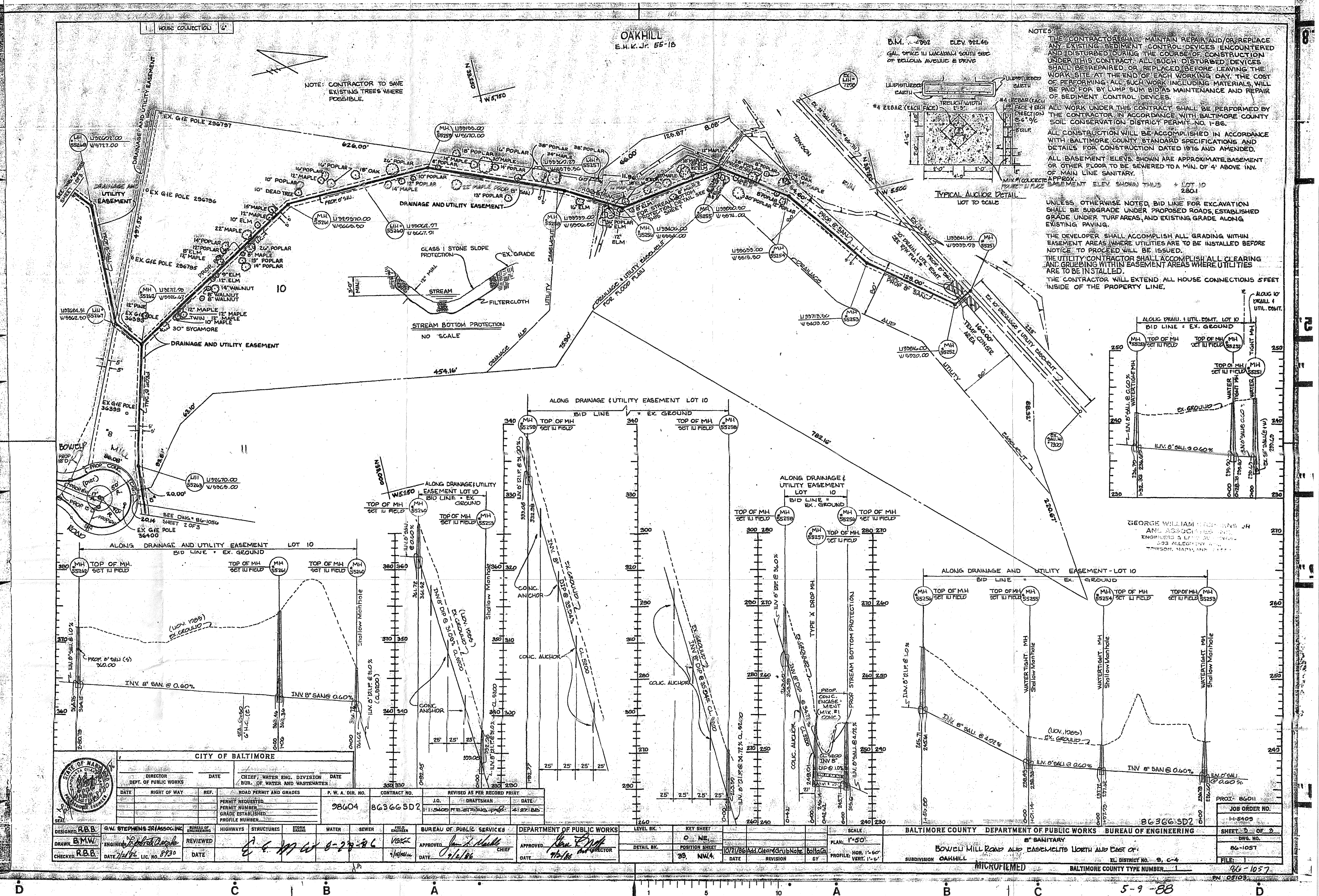
JOSEPH W. BURNETT &
KATHLEEN S. BURNETT
EHK Jr. No. 5658 FOLIO 142
LOT 2
MARTIN'S CHOICE
EHK Jr. 39 FOLIO 109
#7311 BELLONA AVENUE
TAX ACCOUNT No.: 1700008223

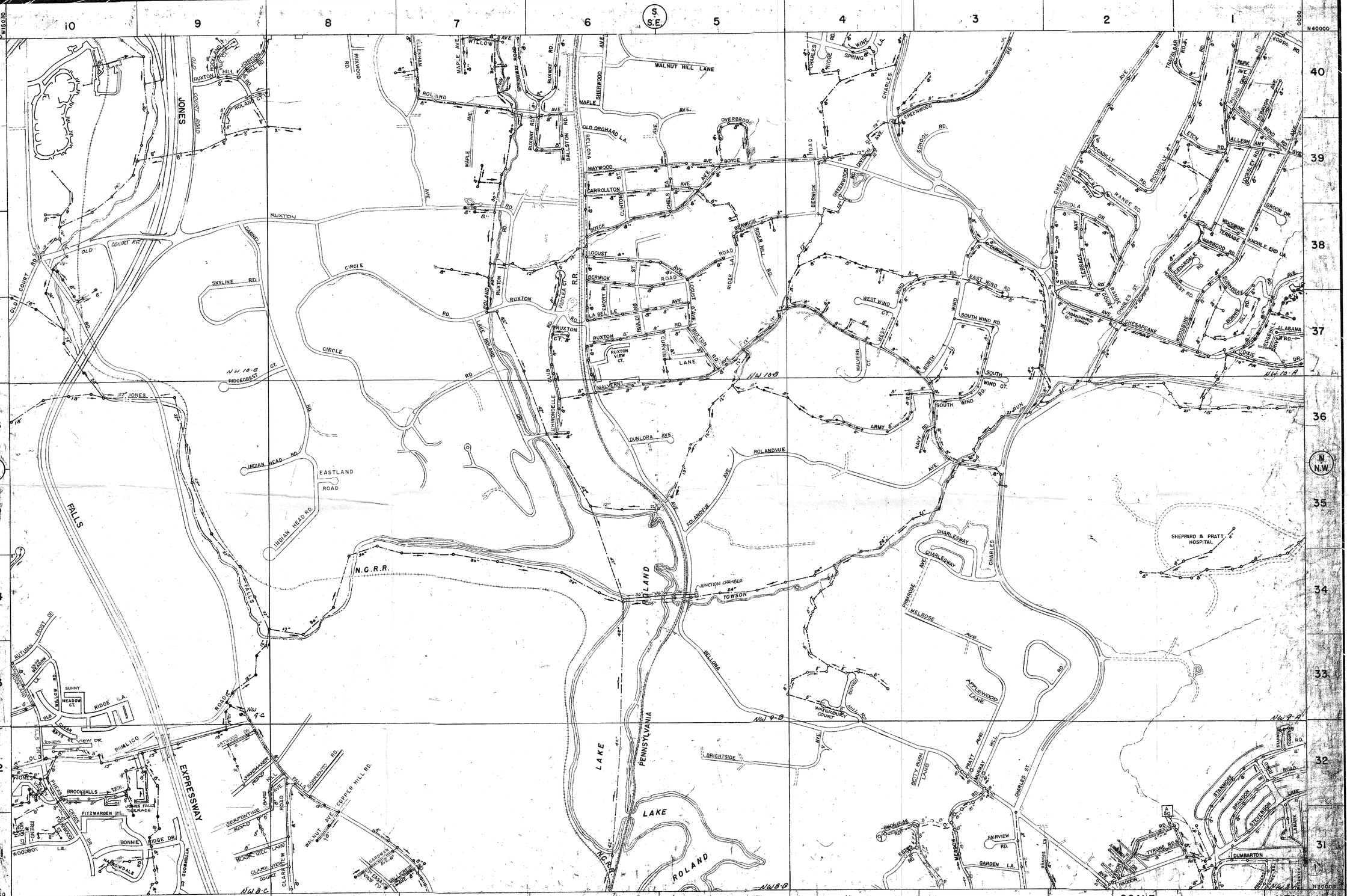
MICHAEL D. MANSAN
& KIM L. MANSAN
S.M. No. 10938 FOLIO 627
LOT 3
MARTIN'S CHOICE
EHK Jr. 39 FOLIO 109
7309 BELLONA AVENUE
TAX ACCOUNT NO.: 1700008224

BELLONA AVENUE (ROUTE 134)

Retain

MARTIN'S CHOICE
FOREST BUFFER &
FOREST CONSERVATION
EASEMENT
LOT 7
4.972 Ac.±
LOT 6
3.8168 Ac.±
JAMES McGILL
LOT 5
MARTIN'S CHOICE
EHK.Jr. 39 FOLIO 109
#7313 BELLONA AVENUE
MATTHEW J. DILLON
SUELLEN FAY DILLON
LOT 4
MARTIN'S CHOICE
EHK.Jr. 39 FOLIO 109
#7311 BELLONA AVENUE
KATHLEEN S. BURNETT
EHK.Jr. No. 5658 FOLIO 142
LOT 2
EHK.Jr. 39 FOLIO 109
#7317 BELLONA AVENUE
TAX ACCOUNT No.: 1700008223
LOT 3
MARTIN'S CHOICE
EHK.Jr. 39 FOLIO 109
7309 BELLONA AVENUE
TAX ACCOUNT No.: 1700008224


OAKHILL
E.H.K. Jr. 55-18
NOTE: CONTRACTOR TO SAVE EXISTING TREES WHERE POSSIBLE.
NOTES:
THE CONTRACTOR SHALL MAINTAIN REPAIR AND/OR REPLACE ANY EXISTING SEDIMENT CONTROL DEVICES ENCOUNTERED AND DISTURBED DURING THE COURSE OF CONSTRUCTION UNDER THIS CONTRACT. ALL SUCH DISTURBED DEVICES SHALL BE REPAIRED OR REPLACED BEFORE LEAVING THE WORK SITE AT THE END OF EACH WORKING DAY. THE COST OF PERFORMING ALL SUCH WORK INCLUDING MATERIALS, WILL BE PAID FOR BY LUMP SUM BID AS MAINTENANCE AND REPAIR OF SEDIMENT CONTROL DEVICES.
ALL WORK UNDER THIS CONTRACT SHALL BE PERFORMED BY THE CONTRACTOR IN ACCORDANCE WITH BALTIMORE COUNTY SOIL CONSERVATION DISTRICT PERMIT NO. 1-86.
ALL CONSTRUCTION WILL BE ACCOMPLISHED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION DATED 1976 AND AMENDED.
ALL BASEMENT ELEVS. SHOWN ARE APPROXIMATE. BASEMENT OR OTHER FLOOR TO BE SEWERED TO A MIN. OF 4' ABOVE INV. OF MAIN LINE SANITARY.
APPROX. BASEMENT ELEV. SHOWN THUS + LOT 10 280.1
UNLESS OTHERWISE NOTED, BID LINE FOR EXCAVATION SHALL BE SUBGRADE UNDER PROPOSED ROADS, ESTABLISHED GRADE UNDER TURF AREAS, AND EXISTING GRADE ALONG EXISTING PAVING.
THE DEVELOPER SHALL ACCOMPLISH ALL GRADING WITHIN EASEMENT AREAS WHERE UTILITIES ARE TO BE INSTALLED BEFORE NOTICE TO PROCEED WILL BE ISSUED.
THE UTILITY CONTRACTOR SHALL ACCOMPLISH ALL CLEARING AND GRUBBING WITHIN EASEMENT AREAS WHERE UTILITIES ARE TO BE INSTALLED.
THE CONTRACTOR WILL EXTEND ALL HOUSE CONNECTIONS 5 FEET INSIDE OF THE PROPERTY LINE.
TYPICAL ANCHOR DETAIL
NOT TO SCALE
STREAM BOTTOM PROTECTION
NO SCALE
DRAINAGE AND UTILITY EASEMENT
ALONG DRAINAGE AND UTILITY EASEMENT LOT 10
BID LINE = EX. GROUND
TOP OF MH SET IN FIELD
INV. 8" SAN @ 0.60%
CITY OF BALTIMORE
DIRECTOR DEPT. OF PUBLIC WORKS
CHIEF, WATER ENG. DIVISION BUR. OF WATER AND WASTEWATER
98604
86366SD2
G.W. STEPHENS JR. & ASSOC. INC.
BUREAU OF PUBLIC SERVICES
DEPARTMENT OF PUBLIC WORKS
10/21/86 Add. Clear & Grub Note Balto.Co.
SCALE PLAN: 1"=50' PROFILE: HOR. 1"=50' VERT. 1"=5'
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING
8" SANITARY
BOWEN MILL ROAD AND EASEMENTS NORTH AND EAST OF
SUBDIVISION OAKHILL
EL. DISTRICT NO. 9, C-4
PROJ. 86011
JOB ORDER NO. 1-1-5409
SHEET 2 OF 2
DWG. NO. 86-1057
FILE: 1
BALTIMORE COUNTY TYPE NUMBER 1
MICROFILMED
86-1057
PN 05103
5-9-88
Pro #2B



LEGEND

PUMPING STATIONS
JONES FALLS

A-50 ARMAUGH VILLAGE 47-0419

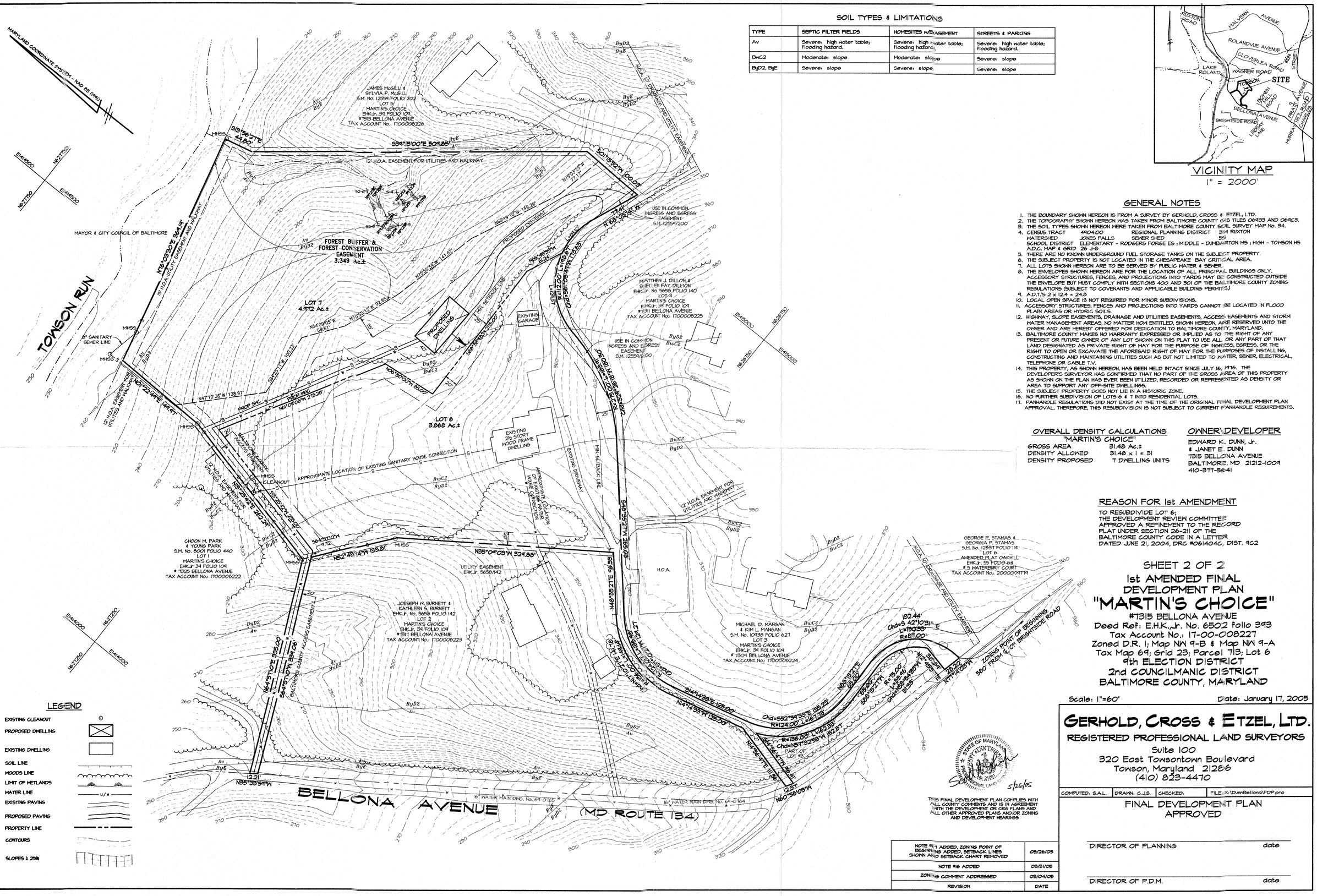
BALTIMORE COUNTY METROPOLITAN DISTRICT
KEY MAP
SANITARY SEWERS

SCALE	TOPO & PLAN SHEETS		KEY SHEET
1 IN=500'	N.W. 8-A	8-C	0
	9-A	9-C	N.E.
	10-A	10-C	
	8-B		
	9-B		
	10-B		

O
S.E.

O
NE

Rev 3-A



VICINITY MAP
1" = 2000'

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/EASEMENT	STREETS & PARKING
Av	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.
BwC2	Moderate: slope	Moderate: slope	Severe: slope
ByD2, ByE	Severe: slope	Severe: slope	Severe: slope

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 064B3 AND 064C3.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 34.
4. CENSUS TRACT 4904.00 REGIONAL PLANNING DISTRICT 314 RUXTON
   WATERSHED JONES FALLS SEWER SHED 515
   SCHOOL DISTRICT ELEMENTARY - RODGERS FORGE ES ; MIDDLE - DUMBARTON MS ; HIGH - TOWSON HS
   A.D.C. MAP & GRID 26 J-9
5. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER & SEWER.
8. THE 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)
9. A.D.T.S 2 x 12.4 = 24.8
10. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
11. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
12. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
13. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
14. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE JULY 16, 1976. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
15. THE SUBJECT PROPERTY DOES NOT LIE IN A HISTORIC ZONE.
16. NO FURTHER SUBDIVISION OF LOTS 6 & 7 INTO RESIDENTIAL LOTS.
17. PANHANDLE REGULATIONS DID NOT EXIST AT THE TIME OF THE ORIGINAL FINAL DEVELOPMENT PLAN APPROVAL. THEREFORE, THIS RESUBDIVISION IS NOT SUBJECT TO CURRENT PANHANDLE REQUIREMENTS.

OVERALL DENSITY CALCULATIONS "MARTIN'S CHOICE"

GROSS AREA	31.48 Ac.±
DENSITY ALLOWED	31.48 x 1 = 31
DENSITY PROPOSED	7 DWELLING UNITS

OWNER\DEVELOPER

EDWARD K. DUNN, Jr.
& JANET E. DUNN
7315 BELLONA AVENUE
BALTIMORE, MD 21212-1009
410-377-5641

REASON FOR 1st AMENDMENT

TO RESUBDIVIDE LOT 6; THE DEVELOPMENT REVIEW COMMITTEE APPROVED A REFINEMENT TO THE RECORD PLAT UNDER SECTION 26-211 OF THE BALTIMORE COUNTY CODE IN A LETTER DATED JUNE 21, 2004, DRC #061404C, DIST. 9C2

SHEET 2 OF 2

1st AMENDED FINAL DEVELOPMENT PLAN "MARTIN'S CHOICE"

#7315 BELLONA AVENUE
Deed Ref: E.H.K.,Jr. No. 6502 folio 393
Tax Account No.: 17-00-008227
Zoned D.R. 1; Map NW 9-B & Map NW 9-A
Tax Map 69; Grid 23; Parcel 713; Lot 6
9th ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=60' Date: January 17, 2005

LEGEND

- EXISTING CLEANOUT
- PROPOSED DWELLING
- EXISTING DWELLING
- SOIL LINE
- WOODS LINE
- LIMIT OF WETLANDS
- WATER LINE (U/W)
- EXISTING PAVING
- PROPOSED PAVING
- PROPERTY LINE
- CONTOURS
- SLOPES ≥ 25%

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: S.A.L. | DRAWN: C.J.S. | CHECKED: | FILE: X:\DunnBellona\FDP.pro

FINAL DEVELOPMENT PLAN APPROVED

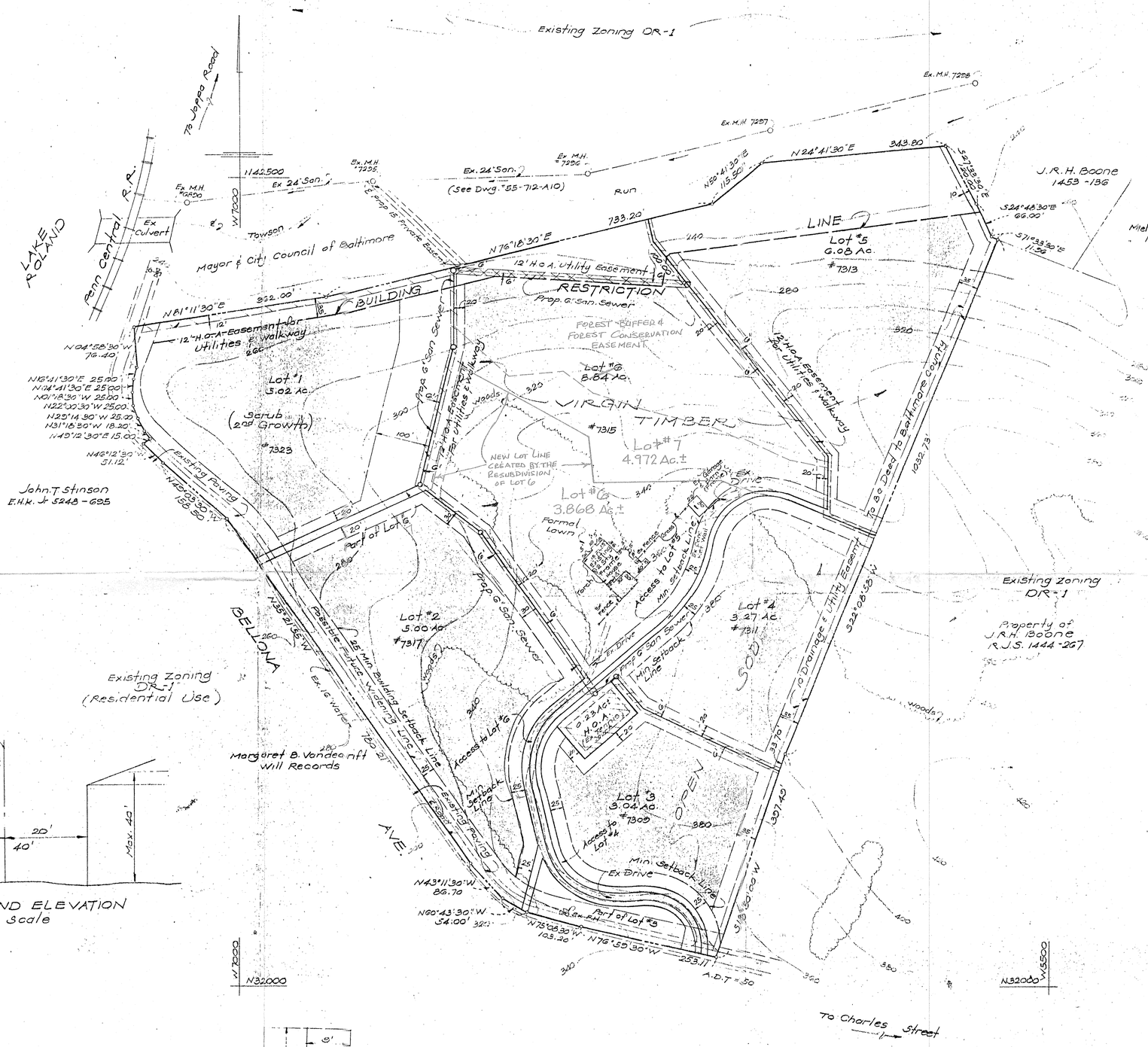
DIRECTOR OF PLANNING date

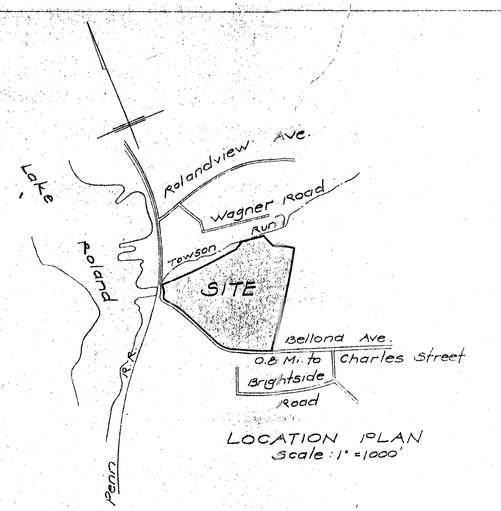
DIRECTOR OF P.D.M. date

5/26/05

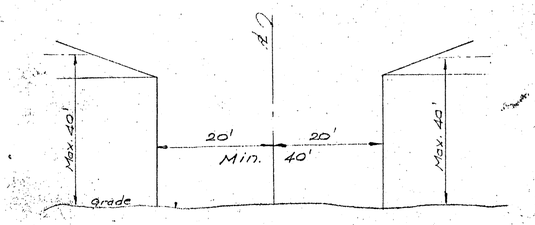
THIS FINAL DEVELOPMENT PLAN COMPLIES WITH ALL COUNTY COMMENTS AND IS IN AGREEMENT WITH THE DEVELOPMENT CRITERIA AND ALL OTHER APPROVED PLANS AND/OR ZONING AND DEVELOPMENT HEARINGS

NOTE #17 ADDED, ZONING POINT OF BEGINNING ADDED, SETBACK LINES SHOWN AND SETBACK CHART REMOVED	05/26/05
NOTE #16 ADDED	03/31/05
ZONING COMMENT ADDRESSED	03/04/05
REVISION	DATE

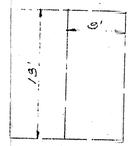




LOCATION PLAN
Scale: 1" = 1000'



TYPICAL END ELEVATION
No Scale



"TYPICAL PARKING" area to be located within shaded area
Scale: 1" = 10'

Note: This Site is a H.O.A. Subdivision

H.O.A. Easemt for Utilities & Walkway
H.O.A. Utility Easement
Easement to Baltimore County
Max Construction Area

DENSITY CALCULATIONS

1) Area of Development ..... 31.48 Acres
2) Existing Zoning DR-1
3) Density
   a) Gross Area = 31.48 Acres
   b) Gross Density = 31 Dwelling Units
   c) Proposed Density = 6 Dwelling Units (Single Family)
4) Off-Street Parking
   a) Required = 2 Spaces / Dwelling Total 12 (8'x18') 14
   b) Proposed = 2 Spaces / Dwelling Total 12 (8'x18') 14
5) Open Space Required None
6) Site is in the Jones Falls Drainage Area
7) Existing Trees on site to remain, except in those areas affected by utility, road or house construction.
8) A.D.T. = 12.4 Trips / Density Units
9) For Panhandle lots, refuse collection, snow removal and road maintenance are provided to the junction of the Panhandle and the Street Right of way Line only and not on to the Panhandle lot driveway.
10) Entire Site is outside the R.T.A.
11) Max. Height of Buildings = 40'
12) H.O.A. Areas hereon are to be conveyed to a corporate association of the owners of the lot shown hereon for purposes of common use and maintainence; as has been or will be incorporated and established. This Home Owners Asso. (H.O.A.) is intended to be known as "MARTINS CHOICE ASSO. INC."
13) Landscaping to be provided by homeowner
14) Water Service by application w/ Balto County Permit
15) All units are Sale Units
16) Trash and refuse shall be collected under private contract executed by the Balto. Co. Sanitary Division. (Twice a week)
17) All driveways and parking areas shall be paved with a dustless and durable surface acceptible to Balto. Co.
18) Any lighting for residential are not to exceed max height of 12' if required.
19) Area of grading to be limited to construction area of home sites.

656

SHEET 1 OF 2
1ST AMENDED
FINAL DEVELOPMENT PLAN
of
MARTIN'S CHOICE

9th Election District
Scale: 1" = 100'

Baltimore County, Md.
June 14, 1976
Rev June 25, 1976

REVISIONS & ADDITIONS: March 9, 2005
1st AMENDMENT BY: December 5, 2004

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

STATE OF MARYLAND — JOSEPH CENTNER — No. 21212 — PROFESSIONAL LAND SURVEYOR
5/10/05

OFFICE OF PLANNING & ZONING
Approved by:
Director of Planning _____ Date 7/12/76
Zoning Commissioner _____ Date 7/12/76

OWNER
Edward Dunn Jr.
909 Applewood La
Balto. Md. 21212 SEE SHEET 2 OF 2

DEVELOPER
Mac Kenzie & Asso. Inc.
600 Bosley Ave
Towson, Md. 21204

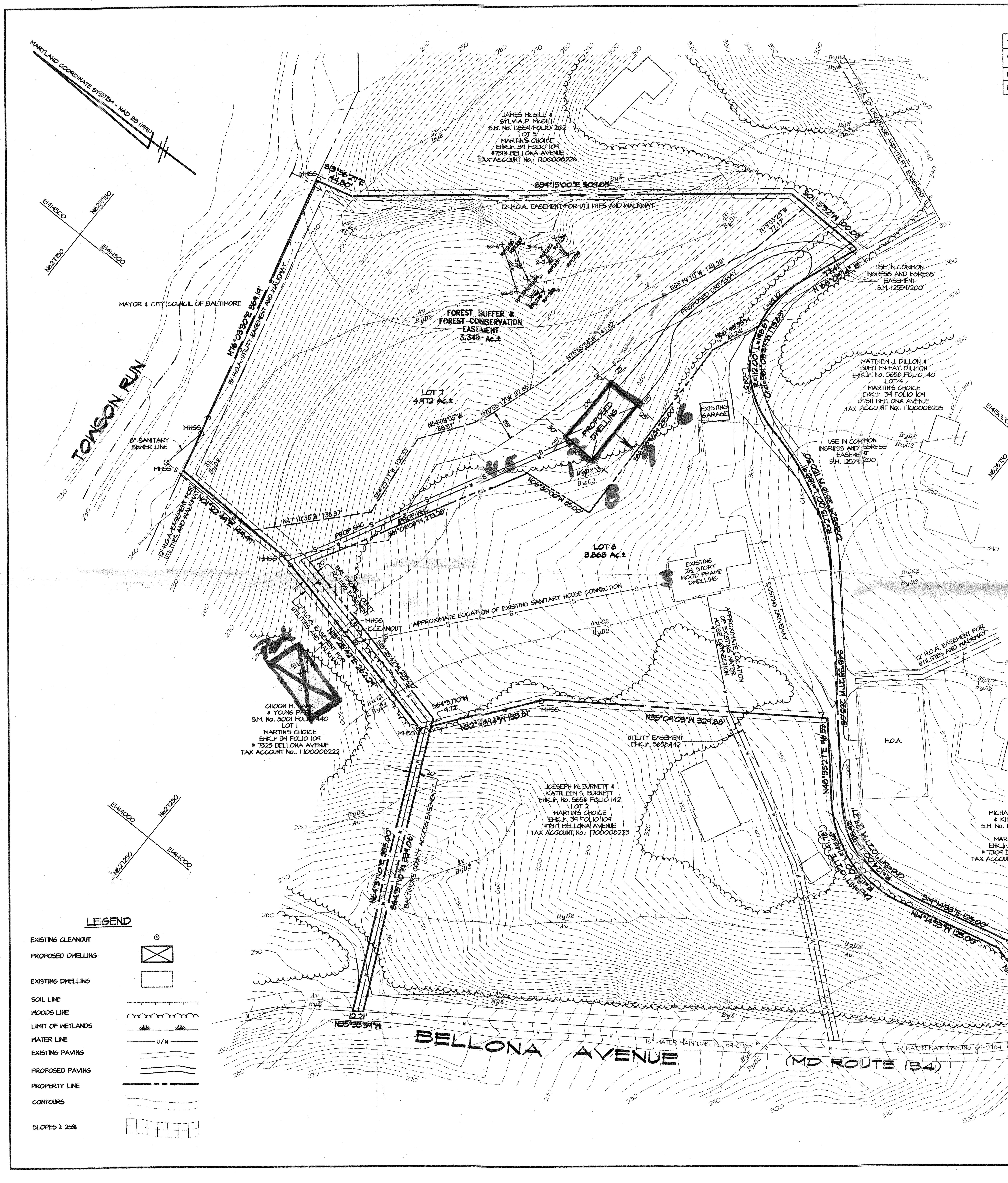
MICROFILMED

FINAL DEVELOPMENT PLAN APPROVED

DIRECTOR OF PLANNING date

DIRECTOR OF P.D.M. date

Put #



LEGEND

EXISTING CLEANOUT	⊙
PROPOSED DWELLING	☒
EXISTING DWELLING	▭
SOIL LINE	
WOODS LINE	
LIMIT OF WETLANDS	
WATER LINE	— U/W —
EXISTING PAVING	
PROPOSED PAVING	
PROPERTY LINE	
CONTOURS	
SLOPES ≥ 25%	

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
Av	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.
BwC2	Moderate: slope	Moderate: slope	Severe: slope
ByD2, ByE	Severe: slope	Severe: slope	Severe: slope

OWNERS OF ALL LOTS IN "MARTIN'S CHOICE"

OWNERS OF LOT 1:

CHOON M. PARK DATE

YOUNG PARK DATE

OWNERS OF LOT 2:

JOSEPH W. BURNETT DATE

KATHLEEN S. BURNETT DATE

OWNERS OF LOT 3:

MICHAEL D. MANGAN DATE

KIM L. MANGAN DATE

OWNERS OF LOT 4:

MATTHEW J. DILLON DATE

SUELLEN FAY DILLON DATE

OWNERS OF LOT 5:

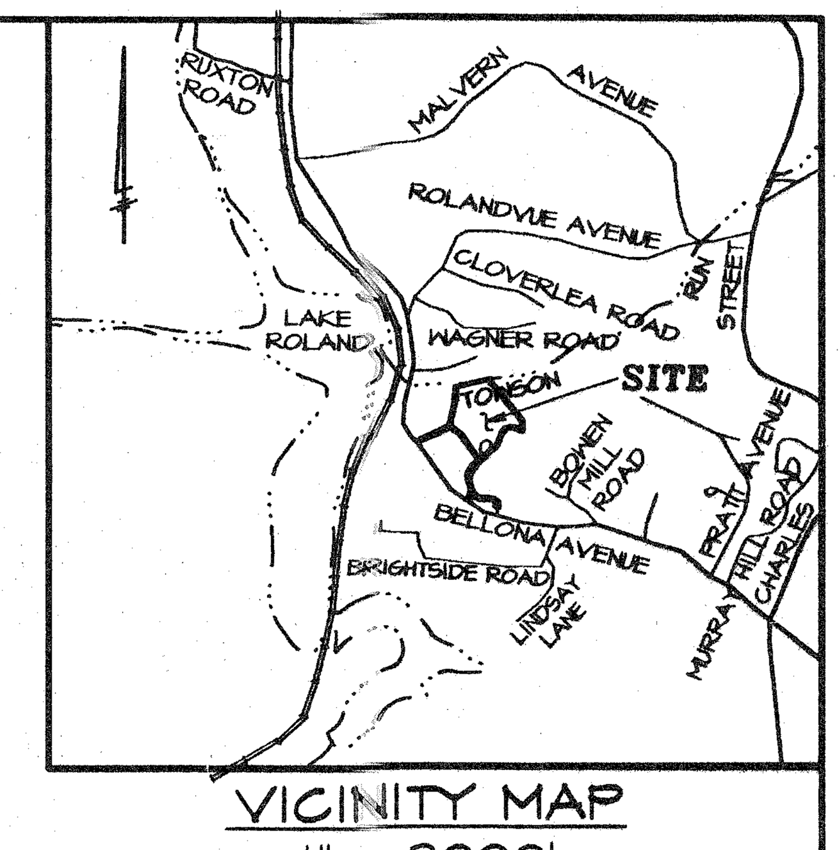
JAMES McGILL DATE

SYLVIA P. McGILL DATE

OWNERS OF LOT 6:

EDWARD K. DUNN, Jr. DATE

JANET E. DUNN DATE



VICINITY MAP

1" = 2000'

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   WATERSHED JONES FALLS SEWER SHED 55
   SCHOOL DISTRICT ELEMENTARY - RODGERS FORGE ES ; MIDDLE - DUMBARTON MS ; HIGH - TOWSON HS
   A.D.C. MAP & GRID 26 J-8
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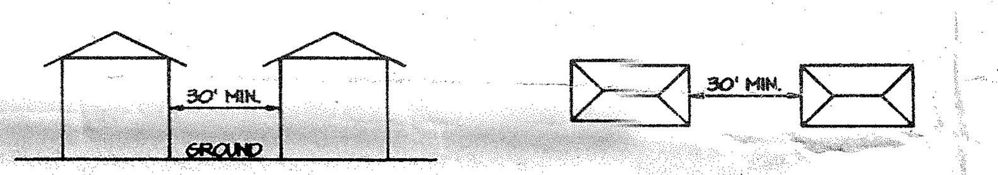
15. THE SUBJECT PROPERTY DOES NOT LIE IN A HISTORIC ZONE.

D.R. 1 BUILDING SETBACKS

FROM FRONT BUILDING FACE TO: PUBLIC STREET RIGHT OF WAY OR PROPERTY LINE	25'
FROM SIDE BUILDING FACE TO: SIDE BUILDING FACE	30'
PUBLIC STREET RIGHT OF WAY	25'
PAVING OF A PRIVATE ROAD	30'
TRACT BOUNDARY	25'
FROM REAR BUILDING FACE TO: REAR PROPERTY LINE	30'
PUBLIC STREET RIGHT OF WAY	30'



TYPICAL SETBACK DETAILS

OVERALL DENSITY CALCULATIONS

"MARTIN'S CHOICE"

GROSS AREA	31.48 Ac.±
DENSITY ALLOWED	31.48 x 1 = 31
DENSITY PROPOSED	7 DWELLING UNITS

OWNER\DEVELOPER

EDWARD K. DUNN, Jr.
& JANET E. DUNN
7315 BELLONA AVENUE
BALTIMORE, MD 21212-1009
410-377-5641

REASON FOR 1st AMENDMENT

TO RESUBDIVIDE LOT 6;
THE DEVELOPMENT REVIEW COMMITTEE APPROVED A REFINEMENT TO THE RECORD PLAT UNDER SECTION 26-211 OF THE BALTIMORE COUNTY CODE IN A LETTER DATED JUNE 21, 2004, DRC #061404C, DIST. 9C2

GEORGE P. STAMAS & GEORGIA P. STAMAS
S.M. No. 12831 FOLIO 114
LOT 6
AMENDED PLAT OAKHILL
EHK.Jr. 55 FOLIO 84
#5 WATERBURY COURT
TAX ACCOUNT No.: 2000009719

132.44'
Chd=S 42°10'31" E
L=130.33'
R=87.00'
N12°45'15"E 38.89'
28.20'
N77°14'05"W
R=75.00'
L=85.46'
Chd=N58°43'39"W 81.33'
65.00'

SHEET 2 OF 2

1st AMENDED FINAL DEVELOPMENT PLAN "MARTIN'S CHOICE"

#7315 BELLONA AVENUE
Deed Ref: E.H.K.,Jr. No. 6502 folio 393
Tax Account No.: 17-00-008227
Zoned D.R. 1; Map NW 9-B & Map NW 9-A
Tax Map 69; Grid 23; Parcel 713; Lot 6
9th ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=60' Date: January 17, 2005

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: S.A.L.	DRAWN: C.J.S.	CHECKED:	FILE:X:\DunnBellona\FDP.pro

FINAL DEVELOPMENT PLAN APPROVED

DIRECTOR OF PLANNING date

DIRECTOR OF P.D.M. date

THIS FINAL DEVELOPMENT PLAN COMPLIES WITH ALL COUNTY COMMENTS AND IS IN AGREEMENT WITH THE DEVELOPMENT OR CRG PLANS AND ALL OTHER APPROVED PLANS AND/OR ZONING AND DEVELOPMENT HEARINGS

ZONING COMMENT ADDRESSED	03/04/05
REVISION	DATE

Pet #5

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
Av	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.
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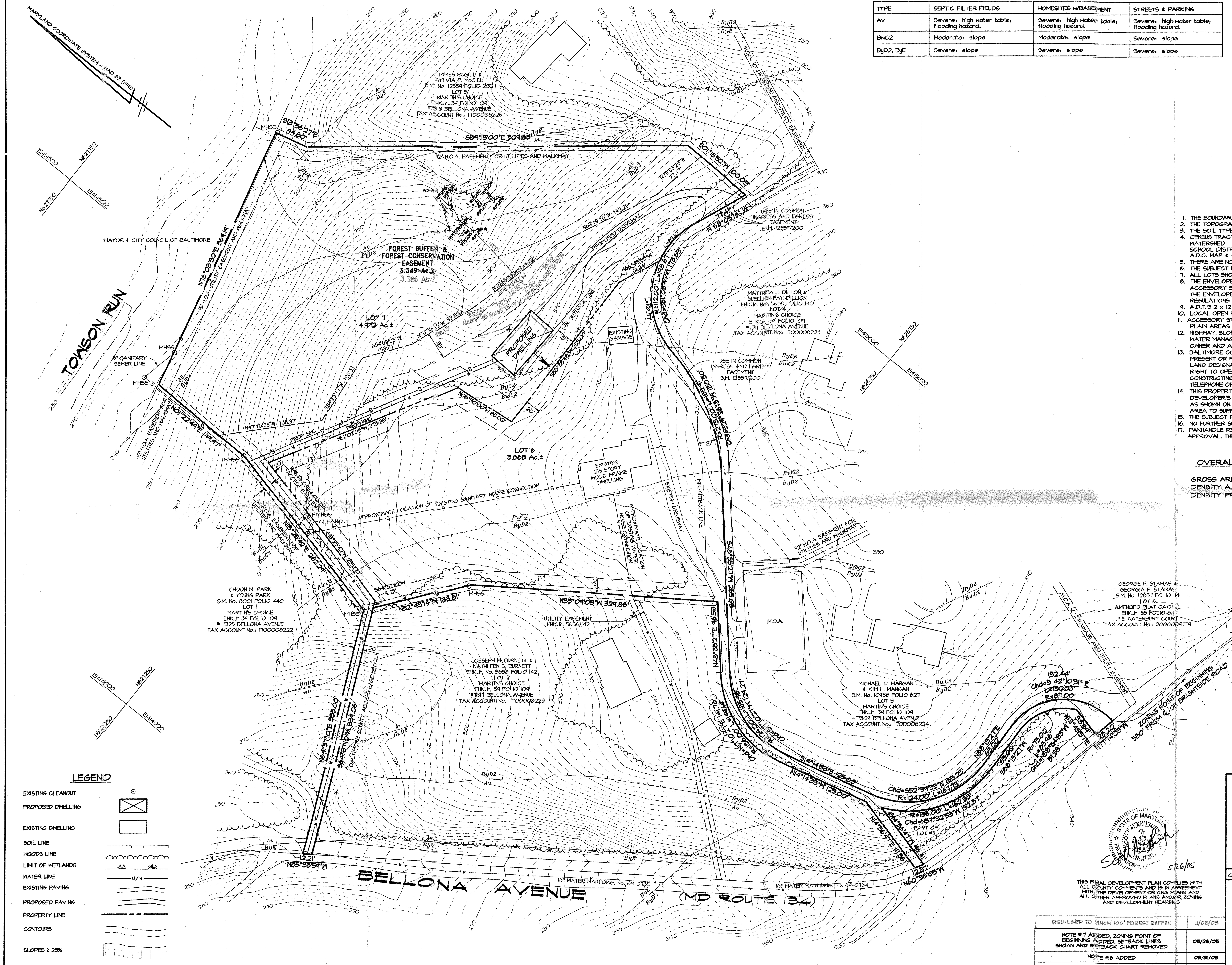
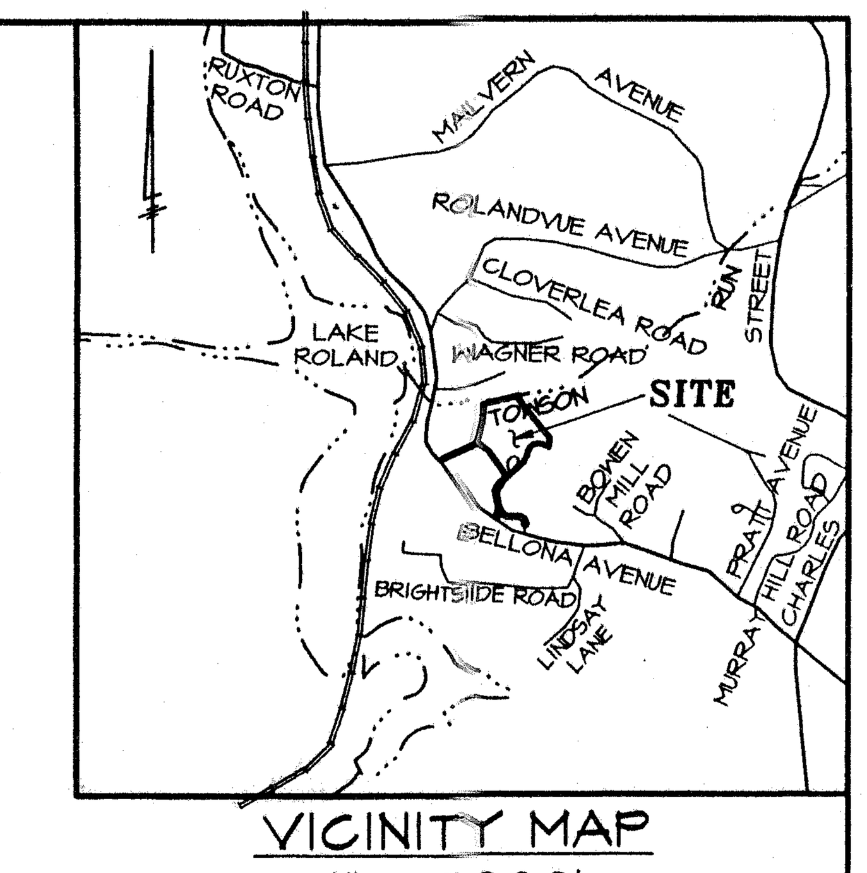
ByD2, ByE	Severe: slope	Severe: slope	Severe: slope





VICINITY MAP

1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 069B3 AND 069C3.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 34.
4. CENSUS TRACT 4904.00 REGIONAL PLANNING DISTRICT 314 RUXTON
   WATERSHED JONES FALLS SEWER SHED 55
   SCHOOL DISTRICT ELEMENTARY - RODGERS FORGE ES ; MIDDLE - DUMBARTON MS ; HIGH - TOWSON HS
   A.D.C. MAP & GRID 26 J-8
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6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
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13. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
14. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE JULY 16, 1976. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
15. THE SUBJECT PROPERTY DOES NOT LIE IN A HISTORIC ZONE.
16. NO FURTHER SUBDIVISION OF LOTS 6 & 7 INTO RESIDENTIAL LOTS.
17. PANHANDLE REGULATIONS DID NOT EXIST AT THE TIME OF THE ORIGINAL FINAL DEVELOPMENT PLAN APPROVAL. THEREFORE, THIS RESUBDIVISION IS NOT SUBJECT TO CURRENT PANHANDLE REQUIREMENTS.

OVERALL DENSITY CALCULATIONS

"MARTIN'S CHOICE"

GROSS AREA	31.48 Ac.±
DENSITY ALLOWED	31.48 x 1 = 31
DENSITY PROPOSED	7 DWELLING UNITS

OWNER\DEVELOPER

EDWARD K. DUNN, Jr.
& JANET E. DUNN
7315 BELLONA AVENUE
BALTIMORE, MD 21212-1009
410-377-5641

REASON FOR 1st AMENDMENT

TO RESUBDIVIDE LOT 6;
THE DEVELOPMENT REVIEW COMMITTEE APPROVED A REFINEMENT TO THE RECORD PLAT UNDER SECTION 26-211 OF THE BALTIMORE COUNTY CODE IN A LETTER DATED JUNE 21, 2004, DRC #061404C, DIST. 9C2

SHEET 2 OF 2

1st AMENDED FINAL DEVELOPMENT PLAN "MARTIN'S CHOICE"

#7315 BELLONA AVENUE
Deed Ref: E.H.K.,Jr. No. 6502 Folio 393
Tax Account No.: 17-00-008227
Zoned D.R. 1; Map NW 9-B & Map NW 9-A
Tax Map 69; Grid 23; Parcel 713; Lot 6
9th ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=60' Date: January 17, 2005

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: S.A.L.	DRAWN: C.J.S.	CHECKED:	FILE: X:\DunnBellona\FDP.pro

STATE OF MARYLAND SCOTT ALAN LINKER PROFESSIONAL LAND SURVEYOR No. 21081 (seal, signed) 5/26/05

THIS FINAL DEVELOPMENT PLAN COMPLIES WITH ALL COUNTY COMMENTS AND IS IN AGREEMENT WITH THE DEVELOPMENT OR CRG PLANS AND ALL OTHER APPROVED PLANS AND/OR ZONING AND DEVELOPMENT HEARINGS

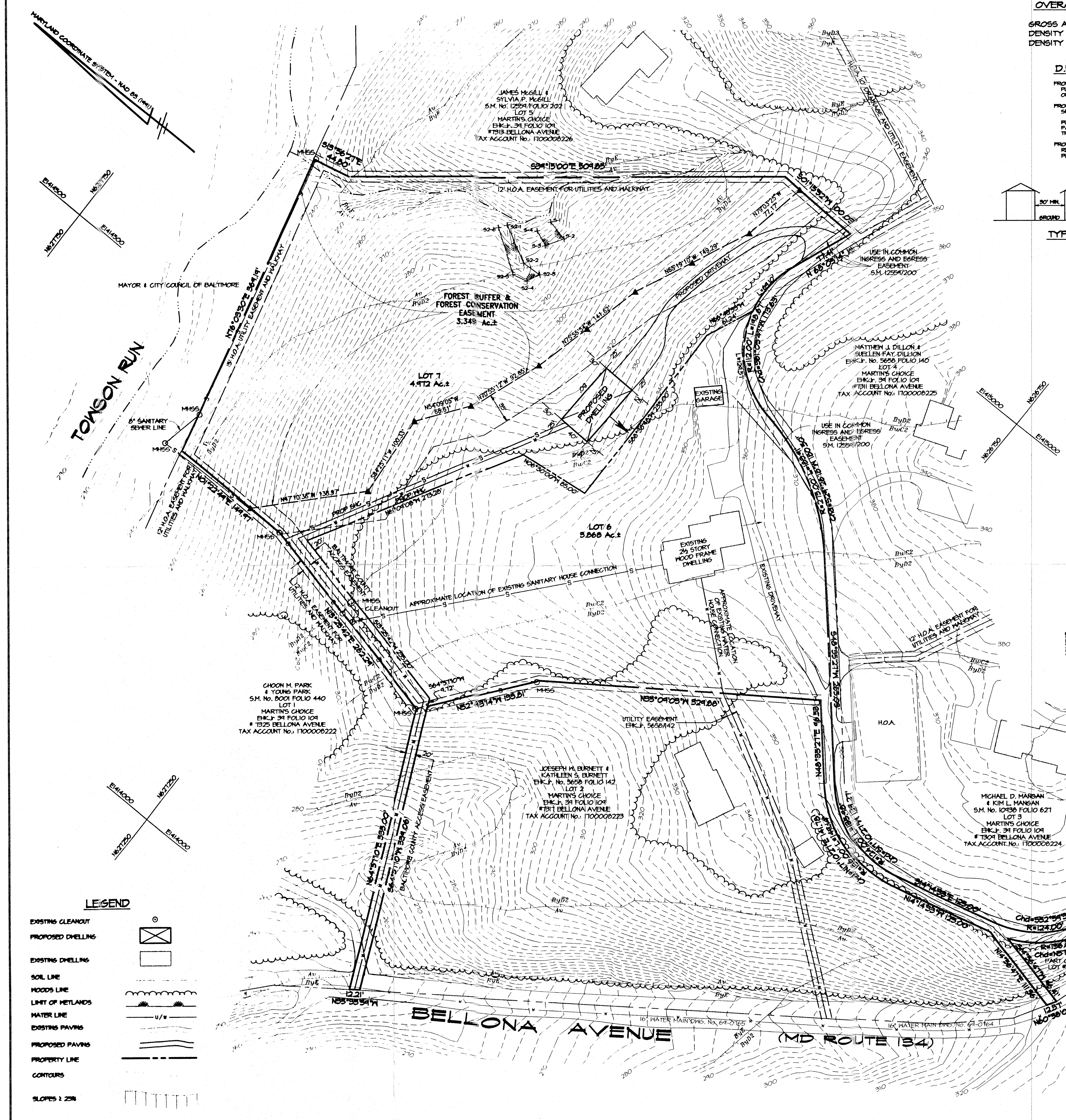
REVISION	DATE
RED-LINED TO SHOW 100' FOREST BUFFER	11/08/05
NOTE #17 ADDED, ZONING POINT OF BEGINNING ADDED, SETBACK LINES SHOWN AND SETBACK CHART REMOVED	05/26/05
NOTE #16 ADDED	03/31/05
ZONING COMMENT ADDRESSED	03/04/05

FINAL DEVELOPMENT PLAN APPROVED

DIRECTOR OF PLANNING date

DIRECTOR OF P.D.M. date

Pet #11



OVERALL DENSITY CALCULATIONS
"MARTIN'S CHOICE"

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DENSITY ALLOWED	31.48 x 1 = 31
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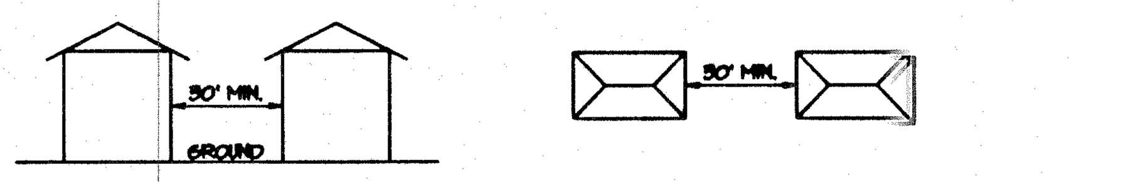
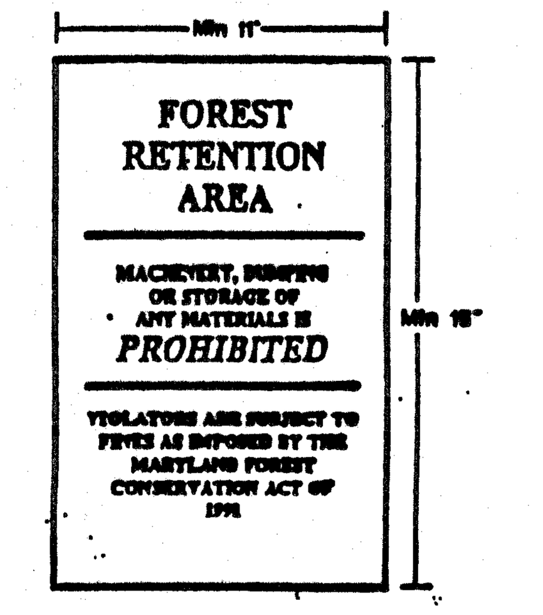
D.R. 1 BUILDING SETBACKS

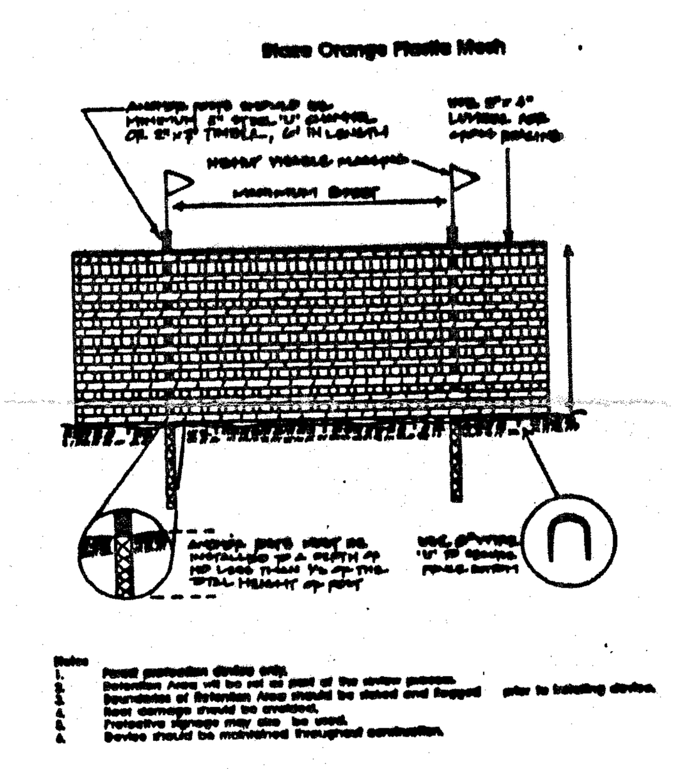
FROM FRONT BUILDING FACE TO: PUBLIC STREET RIGHT OF WAY OR PROPERTY LINE	25'
FROM SIDE BUILDING FACE TO: SIDE BUILDING FACE	30'
PUBLIC STREET RIGHT OF WAY	25'
PAVING OF A PRIVATE ROAD	30'
TRACT BOUNDARY	25'
FROM REAR BUILDING FACE TO: REAR PROPERTY LINE	30'
PUBLIC STREET RIGHT OF WAY	30'



TYPICAL SETBACK DETAILS



▲ PROPOSED SIGN LOCATION



FOREST CONSERVATION WORKSHEET
FOR
BALTIMORE COUNTY

	ACRES
I. BASIC SITE DATA	
GROSS SITE AREA	8.8
AREA WITHIN 100 YEAR FLOODPLAIN	0
AREA WITHIN AGRICULTURAL USE OF PRESERVATION PARCEL (if applicable)	0
AREA IN TRANSMISSION LINE EASEMENTS	0
NET TRACT AREA	8.8
LAND USE CATEGORY	MDR/DR 1
II. INFORMATION FOR CALCULATIONS	
A. NET TRACT AREA	8.8
B. FOREST CONSERVATION THRESHOLD (25% x A)	2.2
C. AFFORESTATION THRESHOLD (20% x A)	1.8
D. EXISTING FOREST ON NET TRACT AREA	4.8
E. EXISTING FOREST ABOVE FOREST CONSERVATION THRESHOLD	2.6
F. BREAK-EVEN POINT ((E x 0.2) + B)	2.7
G. FOREST TO BE CLEARED	1.5
H. FOREST TO BE RETAINED	3.3

FOREST PROTECTION PROCEDURES - Preconstruction Phase

1.) The edge of the woods to be protected will be marked (staked or flagged) in the field per the limits of disturbance shown on the approved site development plan prior to the start of construction activity. All areas within protective fences are to be considered "off limits" to any construction activities. The protective fencing shall be installed at the outside edge of forested areas and specimen trees to be retained and should be combined with sediment control devices when possible. The limit of the critical root zone and therefore the location of the protective devices is to be determined as follows:

Isolated Specimen Trees- 1.5 feet of protective radius per inch of DBH
Edge of Forested Area - 1 foot of protective radius/inch of DBH or an eight foot protective radius, which ever is greater.

2.) Construction activities expressly prohibited within the preservation areas are:

Placing or stockpiling backfill or top soil in protected areas
Felling trees into protected areas
Driving construction equipment into or through protected areas
Burning in or in close proximity to protected areas
Stacking or storing supplies of any kind
Concrete wash-off areas
Conducting trenching operations
Grading beyond the limits of disturbance
Parking vehicles or construction equipment
Removal of root mat or topsoil
Siting and Construction of: Utility Lines, Access Roads, Impervious Surfaces, Stormwater Management Devices or Staging Areas.

3.) Protective fencing (see Figure "Protective Fencing") shall be the responsibility of the general contractor. The general contractor shall affix signs to the fencing at 25' minimum intervals indicating that these areas are "Forest Retention Area" or "Specimen Tree" (see Figure "Signage") The general contractor shall take great care to assure the restricted areas are not violated and that root systems are protected from smothering, flooding, excessive wetting from de-watering operations, off-site run-off, spillage and drainage or solutions containing materials hazardous to tree roots.

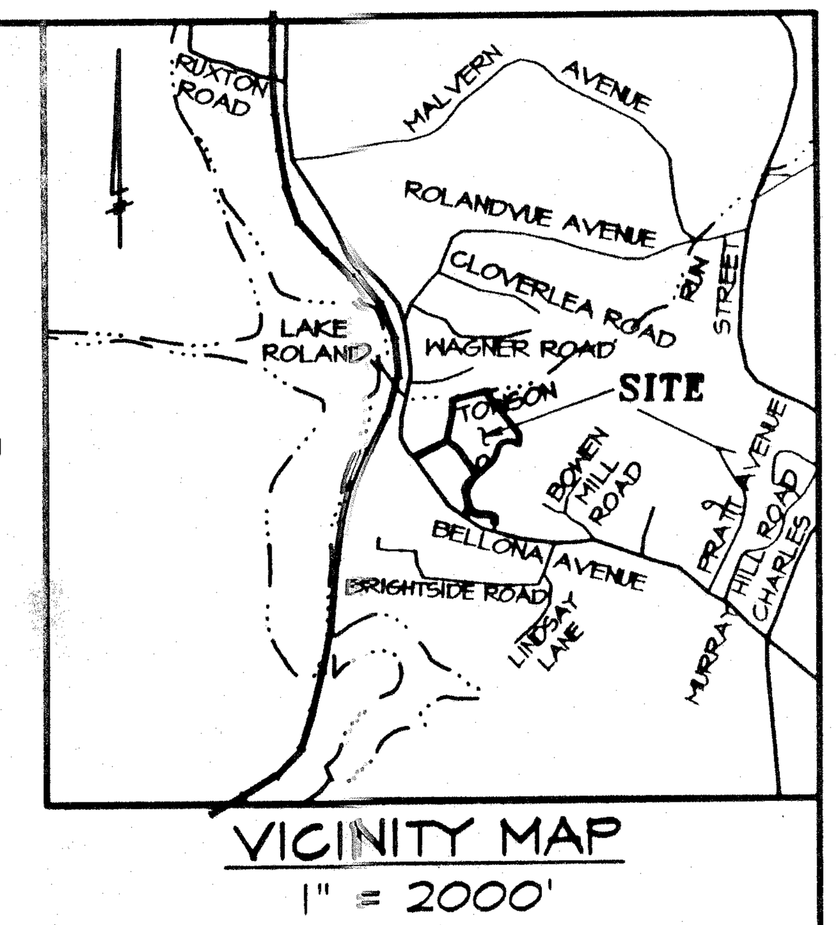
4.) The general contractor shall be responsible for any tree damage or destroyed within the preservation areas whether caused by the contractor, his agents, employees, sub-contractors or licensees.

5.) Foot traffic shall be kept to a minimum in the protective areas.

6.) All trees which are not to be preserved within fifty feet of any tree preservation areas are to be removed in a manner that will not damage those trees that are designated for preservation. It is highly recommended that tree stumps within this fifty foot area be ground out with a stump grinding machine to minimize damage.

7.) The general contractor shall designate a "wash out" area on-site for concrete trucks which will not drain toward a protected area.

8.) A pre-construction meeting shall be held with local authorities before disturbance has taken place on site.



VICINITY MAP
1" = 2000'

FOREST PROTECTION PROCEDURES - Construction Phase

Forest and tree conditions should be monitored during construction and corrective measures taken when appropriate.

The following shall be monitored:

a.) Soil compaction
b.) Root injury - prune and monitor; consider crown reduction
c.) Limb injury - prune and monitor
d.) Flooded conditions - drain and monitor; correct problem
e.) Drought conditions - water and monitor; correct problem
f.) Other stress signs - determine reason, correct and monitor

FOREST PROTECTION PROCEDURES - Post-Construction Phase

The following measures shall be taken:

1.) Corrective measures if damages were incurred due to negligence:
a.) Stress reduction
b.) Removal of dead or dying trees. This may be done only if trees pose an immediate safety hazard.

2.) Removal of temporary structures:

a.) No burial of discarded materials will occur on-site within the conservation area.
b.) No open burning within 100 feet of a wooded area.
c.) All temporary forest protection structures will be removed after construction.
d.) Remove temporary roads by removing stone or broadcasting mulch; pre-construction elevation should be maintained.
e.) Aerate compacted soil.
f.) Replant disturbed sites with trees, shrubs and/or herbaceous plants.
g.) Retain signs for retention areas or specimen trees.
h.) A County official shall inspect the entire site.

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT
FOREST CONSERVATION PLAN APPROVAL
Approved by: [signature] Date: 11/14/05
Environmental Impact Review
DMR approved qualified professional
FOREST CONSERVATION PLAN # FC-05-102

REASON FOR 1st AMENDMENT

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FOREST CONSERVATION PLAN
1st AMENDED FINAL DEVELOPMENT PLAN
"MARTIN'S CHOICE"

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Deed Ref: E.H.K.,Jr. No. 6502 folio 393
Tax Account No.: 17-00-008227
Zoned D.R. 1; Map NW 9-B & Map NW 9-A
Tax Map 69; Grid 23; Parcel 713; Lot 6
9th ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
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OWNER\DEVELOPER
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Scale: 1"=60'   Date: January 17, 2005

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REVISION	DATE	COMPUTED: S.A.L.	DRAWN: C.J.S.	CHECKED:	FILE: X:\DunnBellona\fcp.pro

Pet #10

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
Av	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.	Severe: high water table; flooding hazard.
BwC2	Moderate: slope	Moderate: slope	Severe: slope
ByD2, ByE	Severe: slope	Severe: slope	Severe: slope

OWNERS OF ALL LOTS IN "MARTIN'S CHOICE"

OWNERS OF LOT 1:

CHOON M. PARK — DATE

YOUNG PARK — DATE

OWNERS OF LOT 2:

JOSEPH H. BURNETT — 3/18/05 DATE

KATHLEEN S. BURNETT — 3/18/05 DATE

OWNERS OF LOT 3:

MICHAEL D. MANSAN — 4/21/05 DATE

KIM L. MANSAN — 4/21/05 DATE

OWNERS OF LOT 4:

MATTHEW J. DILLON — 4/21/05 DATE

SUELLEN FAY DILLON — 4/21/05 DATE

OWNERS OF LOT 5:

JAMES McGILL — 3/18/05 DATE

SYLVIA P. McGILL — 3/18/05 DATE

OWNERS OF LOT 6:

EDWARD K. DUNN, Jr. — 3/17/05 DATE

JANET E. DUNN — 3/17/05 DATE

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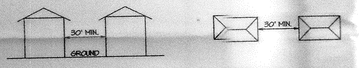

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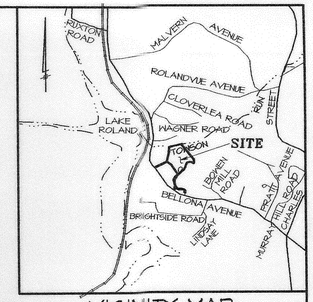

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"MARTIN'S CHOICE"

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SHEET 2 OF 2

1st AMENDED FINAL DEVELOPMENT PLAN
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COMPUTED: S.A.L.	DRAWN: C.J.S.	CHECKED:	FILE:x:\DunnBellona\FDP.pro

FINAL DEVELOPMENT PLAN APPROVED

DIRECTOR OF PLANNING — date

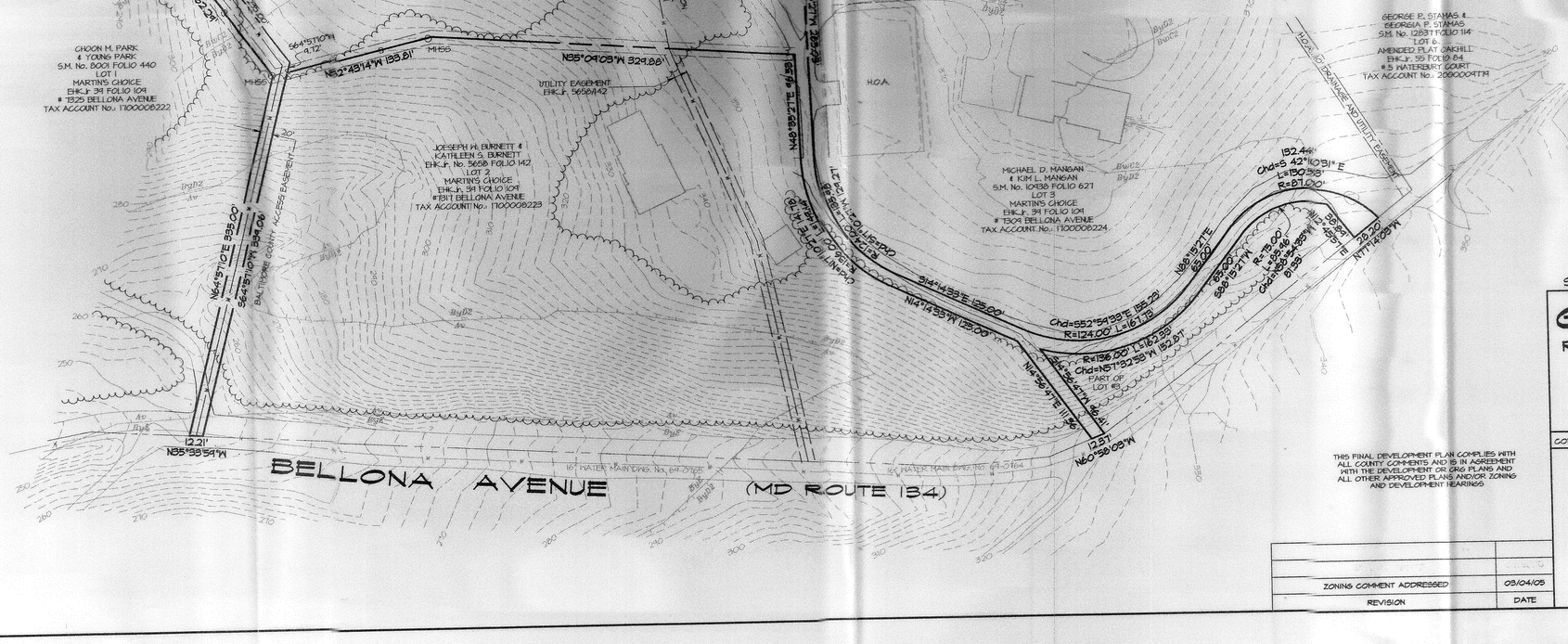
DIRECTOR OF P.D.M. — date

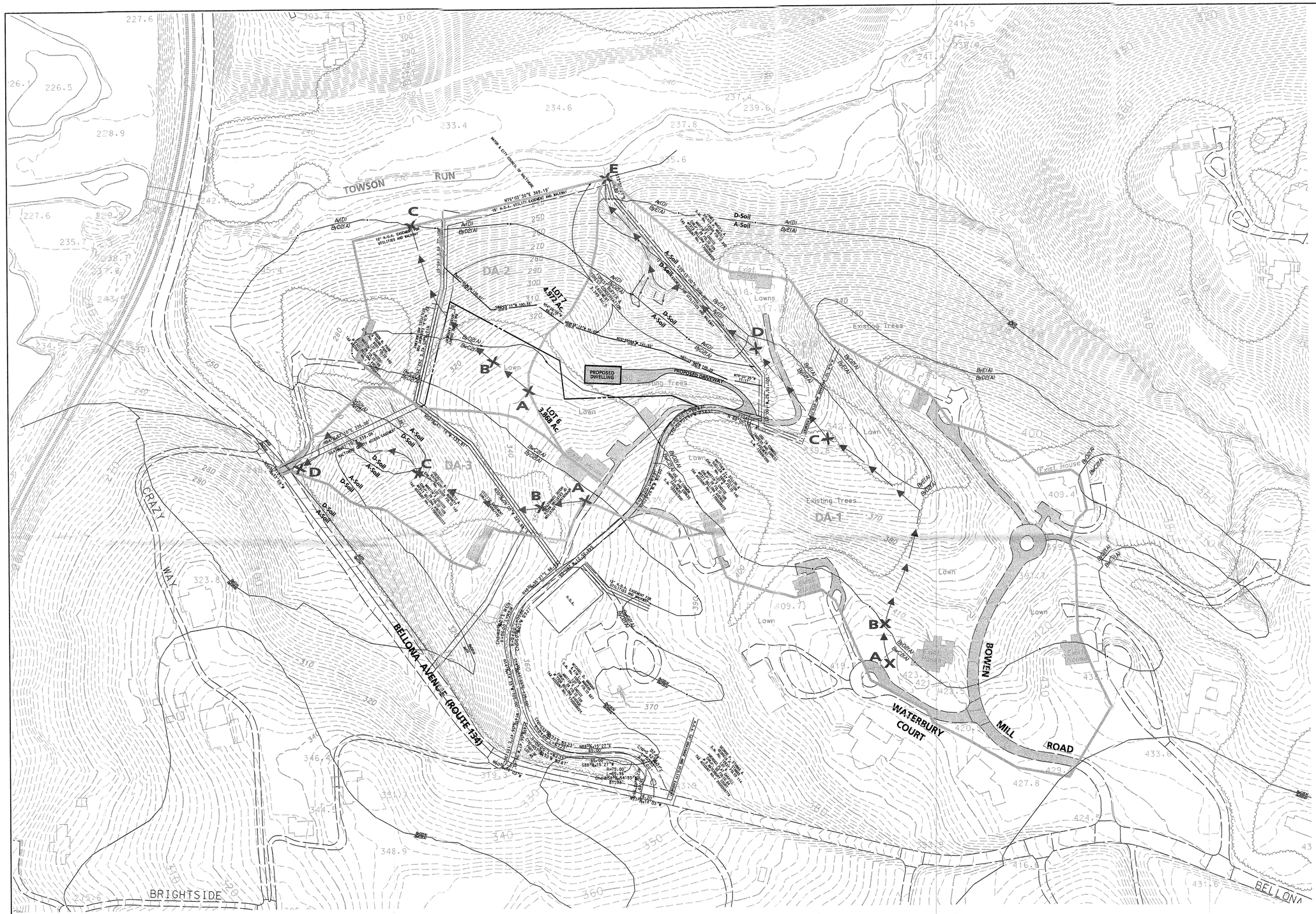
THIS FINAL DEVELOPMENT PLAN COMPLIES WITH ALL COUNTY COMMENTS AND IS IN AGREEMENT WITH THE DEVELOPMENT OR GRG PLANS AND ALL OTHER APPROVED PLANS AND/OR ZONING AND DEVELOPMENT HEARINGS

ZONING COMMENT ADDRESSED	03/04/05
REVISION	DATE

LEGEND

- EXISTING CLEANOUT
- PROPOSED DWELLING
- EXISTING DWELLING
- SOIL LINE
- WOODS LINE
- LIMIT OF WETLANDS
- WATER LINE — U/W
- EXISTING PAVING
- PROPOSED PAVING
- PROPERTY LINE
- CONTOURS
- SLOPES ≥ 25%





LEGEND

- EXISTING CONTOURS — 530
- PROPERTY LINE
- FOREST BUFFER — FBE — FBE
- EXISTING IMPERVIOUS AREA
- DRAINAGE AREA
- Tc Path — A X → → X B
- SOIL TYPE — ByE(A) / ByD2(A)
- WOODS LINE
- PROPOSED IMPERVIOUS AREA

PROPOSED CONDITIONS

SCALE: 1" = 100'

Pet #13

Matis Warfield
consulting engineers
10540 york road suite m
hunt valley, maryland 21030
phone 410- 683- 7004
facsimile 410- 683- 1798
www.matiswarfield.com

OWNER /DEVELOPER
Edward Dunn, Jr. & Janet E. Dunn
7315 Bellona Aveneu
Baltimore, Maryland 21212

DATE	ITEM
11/15/05	Hearing Exhibit

DESIGN: S.A.W.
DRAWN: S.C.C.
CHECKED: S.C.C.

Martin's Choice - #7315 Bellona Avenue

PROPOSED CONDITIONS DRAINAGE AREA MAP

BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN
COUNCILMANIC DISTRICT NO. 2
ELECTION DISTRICT NO. 9

SHEET
SWM-PR
NO. 1 OF 1