IN RE: DEVELOPMENT PLAN HEARING PETITION FOR HONEYGO SPECIAL VARIANCE W/S of Philadelphia Road, N Thirteen Mile Lane 11th Election District 5th Councilmanic District **(Honeygo Springs)**	*	BEFORE THE HEARING OFFICER OF BALTIMORE COUNTY Case Nos. XI-960 & 06-052-A
Ron Schaftel Honeygo Springs, LLC *Developer/Petitioner*	*	Corrected

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FINAL HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as "Honeygo Springs", prepared by Morris & Ritchie Associates, Inc. The initial development plan was not approved. As a result the Developer entered into negotiations with the community and the County which resulted in an agreement among the Parties on a revised redlined development plan. The Developer is proposing the development of the subject property into 14 single-family dwellings. The subject property is located on the west side of Philadelphia Road, north of Thirteen Mile Lane in the Honeygo area of Baltimore County. The particulars of the manner in which the property is finally proposed to be developed are more specifically shown on Developer's Exhibit No. 15 A, 15 B and 15 C, the revised redline Development Plan entered into evidence at the hearing.

In addition, the Petitioner is also requesting Petition for Honeygo Special Variance, Petition for Special Hearing and Petition for Variance relief as follows:

Honeygo Special Variance:

1. Special Variance from the Bean Run Subarea threshold limits to permit fourteen (14) building permit authorizations for Lot Nos. 1 through 14, pursuant to Sections 259.7.E.1, 259.7.S, 259.8 and 1A02.4.G of the Baltimore County Zoning Regulations (B.C.Z.R.); and

2. Special Variance to permit a sewer interceptor connection in an adjacent subarea for Lot No. 3 pursuant to Sections 259.7.S, 259.8 and 4A02.4.G of the B.C.Z.R.

Petition for Variance:

Variance from Section 259.9.B.4.e of the B.C.Z.R to permit a building to rear property line setback distance of 36 feet for Lot 2 A and 40 feet for Lot Nos. 3 through 8, Lot 12 and Lot 13 in lieu of the required 50 feet.

ORDER RECEIVED FOR FILING
Date 10-9-05
By

Petition for Special Hearing

Request for special hearing relief, to confirm a density anomaly for Lot Nos. 1, 12, 13 and 14, bisected by a zone line.

The property was posted with Notice of the hearing for the revised redline Development Plan on August 31, 2005 for 20 working days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, the property was posted with Notice of the zoning hearing on September 11, 2005 and a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 15, 2005, to notify any interested persons of the scheduled hearing date

Appearing at the hearing on behalf of the revised redline Development Plan approval request was Ron Schaftel, Petitioner, and Jim Herman. Dean Hoover, appeared on behalf of Morris & Ritchie Associates, Inc., the engineering firm that prepared the Development Plan. Arnold Jablon, Esquire and David H. Karceski., Esquire, represented the Petitioners.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Jeff Perlow (Zoning Review), Dennis Kennedy (Development Plans Review), Colleen Kelly (Development Management) and Don Stires (Bureau of Land Acquisition), all from the Office of Permits & Development Management ("PDM"); Bruce Seeley from the Department of Environmental Protection and Resource Management ("DEPRM"); Curtis Murray from the Office of Planning; and Jan Cook from the Department of Recreation & Parks

Appearing in support of the revised redline Development Plan and Variance requests were D. Beaty, representing Equestrian Acres Homeowners Association and William Libercci, representing the Perry Hal Improvement Association.

As to the history of the project, the initial Concept Plan Conference was held on March 29, 2004 and a Community Input Meeting followed on April 28, 2004 at Perry Hall Community Hall. A Development Plan Conference was held on March 23, 2005 and a Hearing Officer's Hearing was held on April 14, 2005 in Room 106 of the County Office Building. This hearing concluded on May 13, 2005. This Commission issued a decision not approving the development plan on May 26, 2005.

Thereafter the Developer undertook to revise the redline development plan and presented a new request for variance. A Development Plan Conference was held on September 7, 2005. The final Hearing Officer's Hearing was held on September 30, 2005.

Petition for Special Hearing

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Thereafter the Developer undertook to revise the redline development plan and presented a new request for variance. A Development Plan Conference was held on September 7, 2005. The final Hearing Officer's Hearing was held on September 30, 2005.

Developer Issues

The Developer raised no issues but acknowledge that it was still asking for one deviation from standards involving landscaped islands in the center of the two cul de sac's.

COUNTY ISSUES

County agencies reviewing the Revised Redline Development Plan indicated that the plan meets the County regulations for which their Departments had responsibility with the following highlights:

Planning Office

The Office of Planning requested that the front loaded garages be set back at least 8 feet from the front of the house and that side treatment for the homes on lots 1 and 14 be given architectural features rather than have blank walls. The Developer agreed to both requests and added notes to that effect in the Pattern Book. As a result of the revisions the representative indicated the Planning Office support that the revised redline Development Plan and zoning relief be approved.

Recreation and Parks

The representative of the Department indicated that revised plan had the same number of homes as the prior plan. Consequently the Department continued to approve the Developer's request to pay a fee in lieu of local open space had been approved by the Department as indicated in the Department's April 13, 2005 letter, which was placed in the file of this case.

Public Works

The representative of the Department indicated that the Department has no objection to the house on lot 3 being served by sewer from Philadelphia Road and supported the Developer's request for Special Variance from the Bean Run Subarea threshold limits for 14 building permit authorizations. With regard to the Developer's request to allow a sewer interceptor connection in an adjacent sewer subarea, the representative indicated in prior hearings that the receiving subarea had sufficient capacity to handle the sewerage generated by the proposed houses.

Department of Environmental Protection and Resource Management (DEPRM)

On the final day of hearing regarding the revised redline plan, the representative indicated the revised plan met all regulations.

Zoning Office

The representative of that office asked to clarify the density calculations and add notes to explain

the revisions. The Developer agreed, the plan was revised and appropriate notes added to the plan.

Community Issues

Mr. Libercci, representing the Perry Hall Improvement Association, indicated the Associations support for the revised redline Development Plan. Ms. Beaty, representing the Equestrian Acres Homeowners Association, indicated her support for the revised plan.

Applicable Law

§ 32-4-228. SAME – CONDUCT OF THE HEARING.

(a) *Hearing conducted on unresolved comment or condition.*

(1) The Hearing Officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed Development Plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan.

(2) The Hearing Officer shall make findings for the record and shall render a decision in accordance with the requirements of this part.

(b) *Hearing conduct and operation.* The Hearing Officer:

(i) Shall conduct the hearing in conformance with Rule IV of the Zoning Commissioner's rules;

(ii) Shall regulate the course of the hearing as the Hearing Officer considers proper, including the scope and nature of the testimony and evidence presented; and

(iii) May conduct the hearing in an informal manner.

§ 32-4-229. SAME – DECISION OF THE HEARING OFFICER.

(a) *Final decision.*

(1) (i) The Hearing Officer shall issue the final decision within 15 days after the conclusion of the final hearing held on the Development Plan.

(iii) The Hearing Officer shall file an opinion which includes the basis of the Hearing Officer's decision.

(2) If a final decision is not rendered within 15 days:

(i) The Development Plan shall be deemed approved as submitted by the applicant; and

(ii) The Hearing Officer shall immediately notify the participants that:

1. The Development Plan is deemed approved; and
2. The appeal period began on the fifteenth day after the conclusion of the final hearing.

the revisions. The Developer agreed, the plan was revised and appropriate notes added to the plan.

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Mr. Libercci, representing the Perry Hall Improvement Association, indicated the Associations support for the revised redline Development Plan. Ms. Beaty, representing the Equestrian Acres Homeowners Association, indicated her support for the revised plan.

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(b) *Appeals.* A final decision of the Hearing Officer on a Development Plan may be appealed to the Board of Appeals in accordance with Part VIII of this subtitle.

(c) *Conditions imposed by Hearing Officer.*

(1) This subsection does not apply to a Development Plan for a Planned Unit Development.
(2) In approving a Development Plan, the Hearing Officer may impose any conditions if a condition:

(i) Protects the surrounding and neighboring properties;
(ii) Is based upon a comment that was raised or a condition that was proposed or requested by a participant;
(iii) Is necessary to alleviate an adverse impact on the health, safety, or welfare of the community that would be present without the condition; and
(iv) Does not reduce by more than 20 %:

1. The number of dwelling units proposed by a residential Development Plan in a DR 5.5., DR 10.5, or DR 16 zone; or
2. The square footage proposed by a non-residential Development Plan.

(3) The Hearing Officer shall base the decision to impose a condition on factual findings that are supported by evidence.

Section 32-4-220 (b) 1 of the B.C.Z.R. Decision of the Hearing Officer.

The Hearing Officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated adopted in accordance with Article 3, Title 7 of the Code, provided that the final approval of a plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein..

Special Honeygo Variances

Section 4A02.G *Special Variances*

Petitions for special variance from provisions of this subsection.
1. The Zoning Commissioner may, after a public hearing, grant a petition for a special variance from a provision of this subsection, only to an extent that will not violate that provision's purpose, pursuant to a finding:
a. That the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and
b. That the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with Section 4A02.3.G.2.b.

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.

Testimony and Evidence

The Developer initially presented a development plan with many of the homes facing another home rather than the front street. As this was a deviation from standards, the Developer invoked section 260.1.B 4 c which indicates that deviations from standards may be allowed to achieve the "best possible development design". To find out whether a best possible design was in fact reflected in the initial development plan, the plan was referred to the Design Review Panel by this Commission. However, none of the Parties wanted such a review presumably for many and different reasons. Subsequently the Parties negotiated a design in which the Developer achieved the same number of lots, but the homes would face a public street instead of each other as had been originally proposed. However because of the long narrow configuration of the tract, nine of the homes now turned toward the street could not meet the rear property line setback distance of 50 feet. Consequently the Parties agreed to support the Developer's request for a variance for this dimension.

In addition to the request for plan approval and rear distance variance the special hearing to approve the lot anomaly and special variances for sewer connections still apply to the revised plan. Again the only deviation from standards issue is the landscaped islands in the cul de sacs.

Because much of the testimony and evidence was still relevant to the remaining issues, by agreement Developer was not required to repeat and reproduce once again its case for the issues that had not changed. Consequently the following contains testimony and evidence from the prior hearing which is reproduced here for the Parties convenience.

Deviation from Standards Issue

Prior Hearing Evidence

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.

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Deviation from Standards Issue

Prior Hearing Evidence

The Developer called Dean Hoover, Professional Land Planner, who was accepted as an expert witness. Mr. Hoover indicated that the property is vacant, is approximately 7.5 acres in size and split zoned DR2-H and DR 3.5-H. There are 5.95 acres zoned DR2-H, which allows 11 dwelling units, and 1.51 acres zoned DR 3.5 H, which allows 5 dwelling units for a total of 16 dwelling units on the property. The Developer is proposing 14 dwelling units. He noted that approximately 25% to 30% of the site is constrained by wetlands, forest buffers and stormwater management facilities. In addition, the property lies between I-95 to the west and Philadelphia Road to the east. He presented a history of the subdivision of the original 60-acre property from 1872 to the present time. See Developer's Exhibit 2. The subject tract has been held in the present configuration since 1957. Approximately two acres of the western end of this long tract was taken by the State Highway Administration in the 1960's for I- 95.

Mr. Hoover noted that access to the proposed development would be via an extension of Holter Road and will be constructed as part of the Overlook at Perry Hall subdivision to the north, which has been approved and is in construction phase. The Developer proposes to provide access to each home by a double cul-de-sac as shown on the Redline Development Plan. He indicated that this arrangement was needed because of the long and narrow configuration of the property, which is only 220 feet wide north to south. He also indicated that six of the homes located on public Road A would not face the public road but rather would face front-to-front. These homes are located on Lots 4 and 5, lots 6 and 7 and Lots 12 and 13. The side yards on these lots wound face the public road, Road A. On the other hand, the two homes on Lots 1 and 14 face extended Holter Road (not Road A) in order to give the new community a proper entrance. Also, the homes on Lots 2, 9, 10 and 11 face the proposed cul-de-sacs, which terminate Road A. Finally, the home on Lot 3 faces Philadelphia Road but has no direct access to it.

He admitted that this design does not conform to the Residential Performance Standards of Section 260.1 of the B.C.Z.R. However, he indicated that Section 260.1.B.4 allows deviations from

development to the north and south and the goals of the CMDP. See Developer's Exhibit 3 for the aerial view of the subject site in relation to the properties to the north and south.

Final Hearing

Mr. Jablon proffered that the revised redline plan meets the Planning Office objection to the initial plan concerning the orientation of the proposed homes. All now face the public street. This change however has meant that the distance from the homes to the rear property lines does not meet the 50 foot minimum. Rather eight homes have 40 feet to the rear property line and the home on lot 2 has 36 feet. He opined that the property was unique from a zoning standpoint in regard to its long narrow configuration which causes the real property line setback problem. He also noted that the State took several acres of this property to expand I–95 in the rear of the property, that there are wetlands in the center of the property and that the property is sandwiched in between Philadelphia Road and I-95.

Through Road/Traffic Issues

The Office of Planning requested a through connection for properties to the south, which is now reflected on the revised redline plan.

Front Loaded Garage Issue

The revised plan allows front loaded garages which are at least 8 feet back from the front of the home as shown by the revised Pattern Book which was introduced as Developer's exhibit 14.

Island in Cul-de-sac Issue

Prior Hearing Evidence

Mr. Hoover noted that the Office of Planning was requesting landscaped islands in the center of the cul-de-sac terminations of Road A. He, however, indicated that the islands would be too small to landscape, that the County Landscape Architect does not require these islands, that the Department of Public Works has cognizance of these islands and has approved the road system, and that having an island in the cul-de-sac would make it difficult for large vehicles to turn around without backing up. He opined that these islands would be poorly maintained by the homeowner's association and would

development to the north and south and the goals of the CMDP. See Developer's Exhibit 3 for the aerial view of the subject site in relation to the properties to the north and south.

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add little to the community.

Final Hearing Evidence

Mr. Murray from the Planning Office indicated that the Office does not oppose the Developer's request not to provide landscaped islands in the cul de sacs given the overall revisions to the plan.

Zoning Anomaly Issue

Prior Hearing Evidence

Mr. Hoover explained that the property is bisected by the zoning line and divides the DR 3.5H area to the north and the DR 2 H area to the south. This means that the building envelopes on Lots 14, 13, 12 and 1 are crossed by this boundary because the zoning dividing line did not follow property lines but rather crossed the property at an angle. He opined that granting the requested relief complied with the Zoning Commissioner's Policy Manual, would not adversely impact the community, and that the request met every criteria of Section 502.1 of the B.C.Z.R. which is the traditional standard for such requests. This issue was not contested by either the Protestants or Planning Office.

Special Variance Issue

Prior Hearing Evidence

Mr. Hoover testified that the subject property is bifurcated by the line dividing the Bird River and Bean Run subareas. Essentially, Lot 3 is in the Bird Run subarea while the remaining portion of the property is in the Bean Run subarea. The Developer proposes to connect the 14 homes to the Bean Run subarea sewer system by means of grinder pumps installed for each new home. Mr. Hoover testified that Section 259.8 of the B.C.Z.R. specifies such properties qualify for an exception to the general rule forbidding special variances in Honeygo. He opined that Section 4A02.G.1, which allows special variances under certain circumstances, is fully met since the additional sewerage can be easily accommodated by the receptor subarea sewer system therefore passing the impact test. In addition, his research showed that no one had previously filed for such connection and so the request would pass the second test of no adverse effects. Also, see the Revised Redline Development Plan, Developer's Exhibit 8B (marked in blue) for non-buildable areas created because of this anomaly.

In a second part to this request, he noted that the Developer's Special Variance requests to permit a sewer interceptor connection in the Bean Run subarea for Lot No. 3 which lies in the Bird Run subarea.

Final Hearing Evidence

The County and Community supported the Developer's requests for Special Variances for sewer connections and permit authorizations.

Findings of Fact and Conclusions of Law

Deviation from Standards Issue

The revised redline Development plan conforms to the Residential Performance Standards of Section 260 except that the cul-de-sacs have no landscaped islands. The Developer contends that this limited deviation can be and should be granted to achieve "best possible design". The County supports this deviation. Consequently I will grant the requested deviation and allow the cul de sacs not have landscaped islands.

Through Road/Traffic Issues

This issue is resolved by the Developer's indicating a redline right of way for a future road to properties to the south.

Front Loaded Garage Issue

This issue is resolved by changes to the Pattern Book which show front loaded garages set back 8 feet from the front of the homes

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Findings of Fact and Conclusions of Law

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The revised redline Development plan conforms to the Residential Performance Standards of Section 260 except that the cul-de-sacs have no landscaped islands. The Developer contends that this limited deviation can be and should be granted to achieve "best possible design". The County supports this deviation. Consequently I will grant the requested deviation and allow the cul de sacs not have landscaped islands.

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This issue is resolved by the Developer's indicating a redline right of way for a future road to properties to the south.

Front Loaded Garage Issue

This issue is resolved by changes to the Pattern Book which show front loaded garages set back 8 feet from the front of the homes

Zoning Anomaly Issue

The zoning line bisects the property with the DR 3.5H area to the north and the DR 2 H area to the south. This means that the building envelopes on Lots 14, 13, 12 and 1 are crossed by this boundary because the zoning dividing line did not follow property lines but rather crossed the property at an angle. Considering the testimony and evidence in this matter, I will confirm again the density anomaly for these lots and further confirm the nonbuildable areas shown on the revised Redline Development Plan, Developer's Exhibit 15 B, resulting therefrom.

Special Variance Issue

Mr. Hoover testified that the subject property is bifurcated by the line dividing the Bird River and Bean Run subareas. Essentially, Lot 3 is in the Bird Run subarea while the remaining portion of the property is in the Bean Run subarea. The Developer proposes to connect the 14 homes to the Bean Run subarea sewer system by means of grinder pumps installed for each new home. Again I find that this property qualifies for the exception to the general rule forbidding special variances in Honeygo pursuant to Section 259.8 of the B.C.Z.R. I further find that the additional sewerage can be accommodated by the receptor subarea sewer system therefore passing the impact test. There is no evidence on the record to indicate that someone who had previously filed for such connection would be adversely affected by this request. Therefore, I will approve the Developer's request and grant the special variance subject to conditions.

I will require the Developer to inform the buying public of the peculiarities of the use of grinder pumps to connect the proposed homes to the public sewer system. I will require as a condition of approval that the Developer comply with the Department of Public Works regulations adopted November 26, 2003. In addition, I will require the Developer to notify prospective homebuyers of the existence of grinder pumps to connect homes in this development to the public sewer system, to describe in detail the characteristics and limitations of this devices and that the home buyer must bear the cost to maintain their own grinder pumps. This notification shall include warnings regarding the result of failure of the valves separating the local force main system from individual pumping systems

installed on each home. This notification shall appear in a clear and bold note to that effect on the Final Development Plan and the Developer shall record such notice in the Land Records of Baltimore County for each lot which employs said grinder pumps

In a second part to this request, the Developer's Special Variance requests to permit a sewer interceptor connection in the Bean Run subarea for Lot No. 3 which lies in the Bird Run subarea. Based on the testimony and evidence, the Bean Run subarea can handle the additional sewerage and consequently I approve this request.

Variance Request

The tract is long, narrow, contains wetlands and has been the subject of a government taking. These constraints dictate that if the houses are oriented to the street, eight homes can not meet the rear property line dimension. As such I find the tract is unique from a zoning standpoint. Considering the very unusual agreement among the County, Community and Developer, I find the variance requests are not self imposed but that the Parties would suffer hardship if the DR regulations were strictly enforced. There is no increase in residential density as the Developer proposes one fewer lot than the density regulations allow. Finally I find that the requested variances can be granted within the spirit and intent of the regulations and will not adversely affect the community who support the requests.

Development Plan

Considering all of the testimony and evidence, I find that the Developer has met all applicable regulations and that the Revised Redline Development Plan marked as Developer's Exhibit No. 15 A, 15 B and 15 C should be approved. The plan complies with the development regulations and applicable policies, rules and regulations promulgated pursuant to Article 3, Title 7. of the Baltimore County Code. I further find that final approval of this plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Therefore, I will approve the Revised Redline Development Plan.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 6 day of October 2005, that Developer's requests for Honeygo Special

installed on each home. This notification shall appear in a clear and bold note to that effect on the Final Development Plan and the Developer shall record such notice in the Land Records of Baltimore County for each lot which employs said grinder pumps

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Development Plan

Considering all of the testimony and evidence, I find that the Developer has met all applicable regulations and that the Revised Redline Development Plan marked as Developer's Exhibit No. 15 A, 15 B and 15 C should be approved. The plan complies with the development regulations and applicable policies, rules and regulations promulgated pursuant to Article 3, Title 7. of the Baltimore County Code. I further find that final approval of this plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Therefore, I will approve the Revised Redline Development Plan.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 6 day of October 2005, that Developer's requests for Honeygo Special

Variance relief as follows:

1. Special Variance from the Bean Run Subarea threshold limits to permit fourteen (14) building permit authorizations for Lot Nos. 1 through 14, pursuant to Sections 259.7.E.1, 259.7.S, 259.8 and 1A02.4.G of the Baltimore County Zoning Regulations (B.C.Z.R.); and

2. Special Variance to permit a sewer interceptor connection in an adjacent subarea for Lot No. 3 pursuant to Sections 259.7.S, 259.8 and 4A02.4.G of the B.C.Z.R

are APPROVED subject to the following conditions;

1. The Developer shall comply with the Department of Public Works regulations adopted November 26, 2003; and

2. The Developer shall notify prospective homebuyers of the existence of grinder pumps to connect homes in this development to the public sewer system, to describe in detail the characteristics and limitations of this devices and that the home buyer must bear the cost to maintain their own grinder pumps. This notification shall include warnings regarding the result of failure of the valves separating the local force main system from individual pumping systems installed on each home. This notification shall appear in a clear and bold note to that effect on the Final Development Plan and the Developer shall record such notice in the Land Records of Baltimore County for each lot which employs said grinder pumps; and

IT IS FURTHER ORDERED, that the Developer's request for special hearing relief, to confirm a density anomaly for Lot Nos. 1, 12, 13 and 14, bisected by a zone line, be and is hereby APPROVED: and

IT IS FURTHER ORDERD that the Developer's request deviation from standards by not providing landscaped islands in the center of the two cul de sac's is hereby APPROVED.

IT IS FURTHER ORDERED, that the Developer's request for Variance from Section 259.9.B.4.e of the B.C.Z.R to permit a building to rear property line setback distance of 36 feet for Lot 2 and 40 feet for Lot Nos. 3 through 8, Lot 12 and Lot 13 in lieu of the required 50 feet is APPROVED.

IT IS FURTHER ORDERED that the Revised Redline Development Plan known as "Honeygo Springs" submitted into evidence as "Developer's Exhibit Nos. 15A, 15B and 15C" dated September 20, 2005, be and is APPROVED;

Any appeal from this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code and the applicable provisions of law.

ORDER RECEIVED FOR FILING
Date 10-19-05
By Deanna Taylor

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

DEVELOPMENT PLAN HEARING	*	BEFORE THE
PETITION FOR HONEYGO SPECIAL VARIANCE		
W/S of Philadelphia Road,	*	HEARING OFFICER
N Thirteen Mile Lane		
11th Election District	*	OF BALTIMORE COUNTY
5th Councilmanic District		
(Honeygo Springs)	*	Case Nos. XI-960 & 06-052-A
Ron Schaftel	*	Flawed
Honeygo Springs, LLC		
Developer/Petitioner	*	

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

FINAL HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as "Honeygo Springs", prepared by Morris & Ritchie Associates, Inc. The initial development plan was not approved. As a result the Developer entered into negotiations with the community and the County which resulted in an agreement among the Parties on a revised redlined development plan. The Developer is proposing the development of the subject property into 14 single-family dwellings. The subject property is located ~~on the west side of Philadelphia Road, north of Thirteen Mile Lane in the Honeygo area of Baltimore~~ County. The particulars of the manner in which the property is finally proposed to be developed are more specifically shown on Developer's Exhibit No. 15 A, 15 B and 15 C, the revised redline Development Plan entered into evidence at the hearing.

In addition, the Petitioner is also requesting Petition for Honeygo Special Variance, Petition for Special Hearing and Petition for Variance relief as follows:

Honeygo Special Variance:

1. Special Variance from the Bean Run Subarea threshold limits to permit fourteen (14) building permit authorizations for Lot Nos. 1 through 14, pursuant to Sections 259.7.E.1, 259.7.S, 259.8 and 4A02.4.G of the Baltimore County Zoning Regulations (B.C.Z.R.); and

2. Special Variance to permit a sewer interceptor connection in an adjacent subarea for Lot No. 3 pursuant to Sections 259.7.S, 259.8 and 4A02.4.G of the B.C.Z.R.

Petition for Variance:

Variance from Section 259.9.B.4.e of the B.C.Z.R to permit a building to rear property line setback distance of 36 feet for Lot 2 A and 40 feet for Lot Nos. 3 through 8, Lot 12 and Lot 13 in lieu of the required 50 feet.

Petition for Special Hearing

Variance relief as follows:

1. Special Variance from the Bean Run Subarea threshold limits to permit fourteen (14) building permit authorizations for Lot Nos. 1 through 14, pursuant to Sections 259.7.E.1, 259.7.S, 259.8 and 4A02.4.G of the Baltimore County Zoning Regulations (B.C.Z.R.); and

2. Special Variance to permit a sewer interceptor connection in an adjacent subarea for Lot No. 3 pursuant to Sections 259.7.S, 259.8 and 4A02.4.G of the B.C.Z.R

are APPROVED subject to the following conditions;

1. The Developer shall comply with the Department of Public Works regulations adopted November 26, 2003; and

2. The Developer shall notify prospective homebuyers of the existence of grinder pumps to connect homes in this development to the public sewer system, to describe in detail the characteristics and limitations of this devices and that the home buyer must bear the cost to maintain their own grinder pumps. This notification shall include warnings regarding the result of failure of the valves separating the local force main system from individual pumping systems installed on each home. This notification shall appear in a clear and bold note to that effect on the Final Development Plan and the Developer shall record such notice in the Land Records of Baltimore County for each lot which employs said grinder pumps; and

IT IS FURTHER ORDERED, that the Developer's request for special hearing relief, to confirm ~~a density anomaly for Lot Nos. 1, 12, 13 and 14, bisected by a zone line, be and is hereby~~ APPROVED: and

IT IS FURTHER ORDERD that the Developer's request deviation from standards by not providing landscaped islands in the center of the two cul de sac's is hereby APPROVED.

IT IS FURTHER ORDERED, that the Developer's request for Variance from Section 259.9.B.4.e of the B.C.Z.R to permit a building to rear property line setback distance of 36 feet for Lot 2 and 40 feet for Lot Nos. 3 through 8, Lot 12 and Lot 13 in lieu of the required 50 feet is APPROVED.

IT IS FURTHER ORDERED that the Revised Redline Development Plan known as "Honeygo Springs" submitted into evidence as "Developer's Exhibit Nos. 15A, 15B and 15C" dated September 20, 2005, be and is APPROVED;

Any appeal from this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code and the applicable provisions of law.

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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

October 27, 2005

Arnold Jablon, Esq.
David Karceski, Esq.
Venable LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: *DEVELOPMENT PLAN HEARING and PETITION FOR HONEYGO SPECIAL VARIANCE*
(Honeygo Springs)
11th Election District, 5th Councilmanic District
Case Nos. XI-960 & 06-052-A

Dear Messrs. Jablon and Karceski:

It has been brought to my attention by Counsel for the Petitioner that there was a typographical error on the Order for the above-captioned case.

Please replace Pages 1 and 13 of the Order which changes Section 1A02.4G to **4A02.4G** of the Baltimore County Zoning Regulations (B.C.R.Z.).

~~If you have any questions, please feel free to contact my office at 410-887-3868.~~

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw
Enclosure

c: Ron Schaftel, David Altfield, 111 S. Calvert Street, Ste. 2820, Baltimore, MD 21202
Mickey Cornelius, The Traffic Group, 9900 Franklin Sq. Dr., Ste. H, Baltimore, MD 21236
Dean Hoover, Tim Madden & Jim Herman, Morris & Ritchie Associates, Inc., 1220 E. Joppa Road, Towson, MD 21286
D. Beaty, 11403 Smiloff Road, White Marsh, MD 21162
Charles L. Marks, 4627 E. Joppa Road, Perry Hall, MD 21128
Phyllis Sonderman, 5507 Rogue Court, White Marsh, MD 21162
Maria Kowalevicz, 5514 Made Court, White Marsh, MD 21162
Mary Lou Wloczewski, 11239 Philadelphia Road, White Marsh, MD 21162
Beth Ann Kearney, 11235 Philadelphia Road, White Marsh, MD 21162
William Libercci, 19 Shawn Court, Baltimore, MD 21236
Ed Creed, 5534 Apperson Way, White Marsh, MD 21162
Dave DeGregorio, 5410 13 Mile Lane, White Marsh, MD 21162
Uri Ben-Or, P.O. Box 68, Reisterstown, MD 21136
Walt Smith, Proj. Mgr., DPW; DEPRM; OP; R&P; People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 10-30-05
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III , Zoning Commissioner

October 6, 2005

Arnold Jablon, Esq.
David Karceski, Esq.
Venable LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: DEVELOPMENT PLAN HEARING and PETITION FOR HONEYGO SPECIAL VARIANCE
(Honeygo Springs)
11th Election District, 5th Councilmanic District
Case Nos. XI-960 & 06-052-A

Dear Messrs. Jablon and Karceski:

Enclosed please find the decision rendered in the above-captioned case. The Development Plan for the Honeygo Springs Property has been approved and the Petition for Variance has been granted in accordance with the enclosed Order.

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 & 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
Deputy Zoning Commissioner

JVM:dlw
Enclosure

c: Ron Schaftel, David Altfield, 111 S. Calvert Street, Ste. 2820, Baltimore, MD 21202
Mickey Cornelius, The Traffic Group, 9900 Franklin Sq. Dr., Ste. H, Baltimore, MD 21236
Dean Hoover, Tim Madden & Jim Herman, Morris & Ritchie Associates, Inc., 1220 E. Joppa Road, Towson, MD 21286
D. Beaty, 11403 Smiloff Road, White Marsh, MD 21162
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William Libercci, 19 Shawn Court, Baltimore, MD 21236
Ed Creed, 5534 Apperson Way, White Marsh, MD 21162
Dave DeGregorio, 5410 13 Mile Lane, White Marsh, MD 21162
Uri Ben-Or, P.O. Box 68, Reisterstown, MD 21136
Walt Smith, Proj. Mgr., DPW; DEPRM; OP; R&P; People's Counsel; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at N/W side of Philadelphia Road, North of Thirteen Mile Lane

which is presently zoned DR2H and DR3.5H

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

259.9.B.4.e to permit a building to rear property line setback distance of 36 feet for Lot No. 2 and 40 feet for Lot Nos. 3-8 and 12 and 13 in lieu of the required 50 feet.

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

To be determined at hearing

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Honeygo Springs, LLC
Name - Type or Print

Signature By: Ronald Schaftel, Member

Name - Type or Print

Signature

111 South Calvert Street, 410-347-4800
Address Suite 2820 Telephone No.
Baltimore, Maryland 21202
City State Zip Code

Attorney For Petitioner:

Arnold Jablon/David 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

Representative to be Contacted:

Arnold Jablon
Name

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

Towson, Maryland 21204
City State Zip Code

Case No. 06-052-A

REV 9/15/98

Date 10-6-05

By

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING
Reviewed By D.T. Date 9/18/05

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

Zoning Description

Beginning at a point located in the centerline of Maryland Route 7 – Philadelphia Road which has a paving width of 27 feet at the distance of 775 feet northeasterly of the centerline of the nearest intersecting street, 13 Mile Lane which is unpaved and has a variable width. **Thence** the following courses and distances, viz:

South 31 degrees 20 minutes 45 seconds West, 120.73 feet; North 65 degrees 50 minutes 15 seconds West, 250.00 feet; South 31 degrees 20 minutes 45 seconds West, 80.00 feet; North 65 degrees 50 minutes 15 seconds West, 1335.82 feet; North 45 degrees 36 minutes 18 seconds East, 257.64 feet; South 64 degrees 32 minutes 47 seconds East, 1309.66 feet; South 25 degrees 27 minutes 13 seconds West, 11.15 feet; South 65 degrees 50 minutes 15 seconds East, 207.66 feet to the point and place of beginning, having no assigned address and being located along the northwesterly side of Philadelphia Road.

Containing an area of 324,920 square feet or 7.4591 acres of land, more or less, and being located in the Eleventh Election District of Baltimore County, Maryland.

STATE OF MARYLAND
MICHAEL LEE RAY
11941
PROFESSIONAL LAND SURVEYOR
7/13/05

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax (410) 821-1748 www.mragta.com

Abingdon, MD (410) 515-9000 ✦ Laurel, MD (410) 792-9792 ✦ Towson, MD (410) 821-1690 ✦ Georgetown, DE (302) 855-5734 ✦ Wilmington, DE (302) 326-2200 ✦ York, PA (717) 751-6073

06-052-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 448263

DATE 7/18/05 ACCOUNT 001001.6150

AMOUNT $ 585.00

RECEIVED FROM: VENABLE

06-052-A

FOR: ~~05-481-SPRINGS~~

HONEYGO SPRINGS D.THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/19/2005	7/19/2005	11:03:48	5

REG #805 WALKIN WALK REG
>RECEIPT # 307438 7/19/2005 OFAH
Dept 5 528 ZONING VERIFICATION
IR NO. 448263
Rcpt Tot $585.00
$585.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #06-052-A
N/w side of Philadelphia Road, North of Thirteen Mile Lane
N/w side of Philadelphia Road, 775 feet n/east of centerline of Thirteen Mile Lane
11th Election District — 5th Councilmanic District
Legal Owner(s): Honeygo Springs, LLC,
Ronald Schaftel, Member

Variance: to permit a building to rear property line setback distance of 36 feet for Lot No. 2 and 40 feet for Lot Nos. 3-8 and 12 and 13 in lieu of the required 50 feet.

Hearing: Friday, September 30, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special 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.

9/216 September 15 66761

CERTIFICATE OF PUBLICATION

9/15, 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 9/15, 2005.

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

P. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-052-A

Petitioner/Developer: HONEYGO SPRINGS

Date of Hearing/Closing: 9-30-05

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

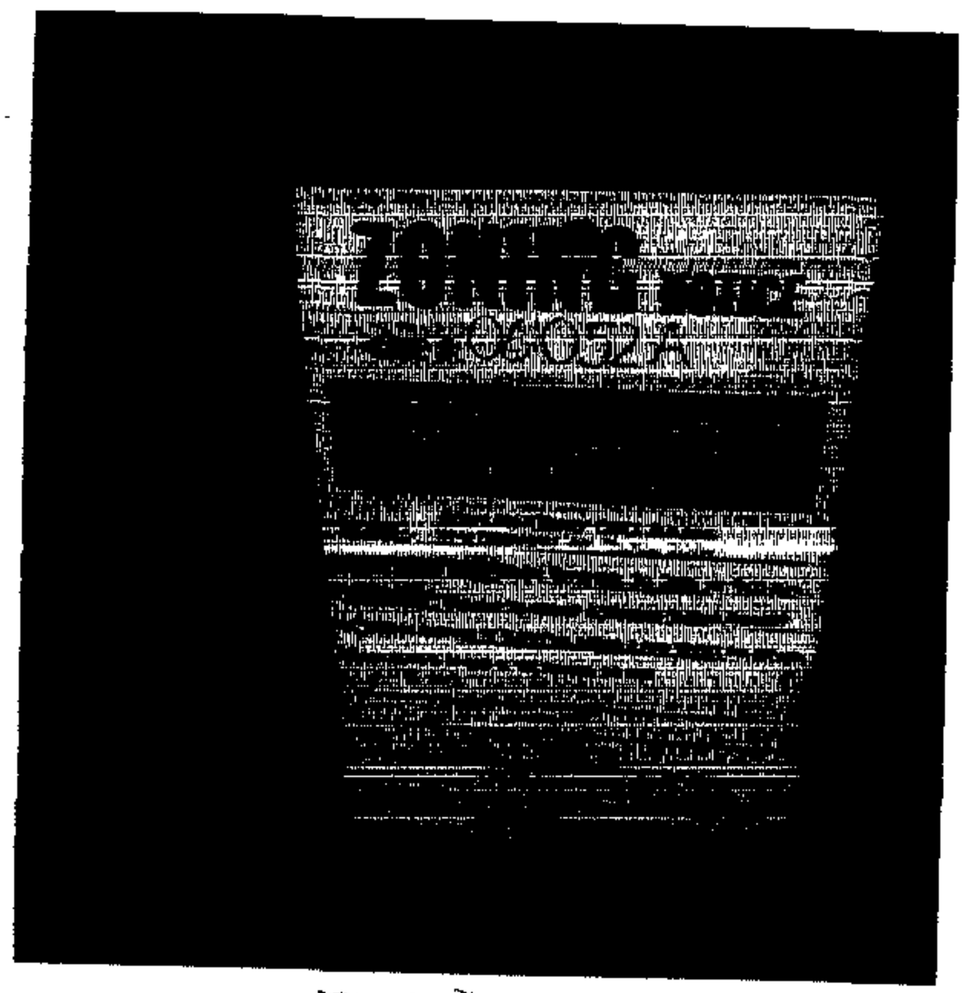
ATTN: Kristen Matthews {(410) 887-3394}

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: N/W SIDE OF PHILADELPHIA RD, NORTH OF THIRTEEN MILE LANE

The sign(s) were posted on 9-11-05
(Month, Day, Year)

Sincerely,



Robert Black 9-12-05
(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)

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

September 1, 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: 06-052-A
N/w side of Philadelphia Road, North of Thirteen Mile Lane
N/w side of Philadelphia Road, 775 feet n/east of centerline of Thirteen Mile Lane
11th Election District – 5th Councilmanic District
Legal Owners: Honeygo Springs, LLC, Ronald Schaftel, Member

Variance to permit a building to rear property line setback distance of 36 feet for Lot No. 2 and 40 feet for Lot Nos. 3-8 and 12 and 13 in lieu of the required 50 feet.

Hearing: Friday, September 30, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon/David Karceski, 210 Allegheny Avenue, Towson 21204
Ronald Schaftel, Honeygo Springs LLC, 111 South Calvert St., Ste. 2820, Baltimore 21202

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 15, 2005.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 15, 2005 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

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: 06-052-A
N/w side of Philadelphia Road, North of Thirteen Mile Lane
N/w side of Philadelphia Road, 775 feet n/east of centerline of Thirteen Mile Lane
11th Election District – 5th Councilmanic District
Legal Owners: Honeygo Springs, LLC, Ronald Schaftel, Member

Variance to permit a building to rear property line setback distance of 36 feet for Lot No. 2 and 40 feet for Lot Nos. 3-8 and 12 and 13 in lieu of the required 50 feet.

Hearing: Friday, September 30, 2005 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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

Baltimore County

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

September 19, 2005

Arnold Jablon
Venable, LLP.
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Case Number: 06-052-A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 18, 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
Honeygo Springs, LLC. Ronald Schaftel 111 S. Calvert Street Baltimore 21202
David H. Karceski Venable, LLP. 210 Allegheny Avenue Towson 21204

Fire Department

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

Baltimore County

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

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

August 3, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: August 8, 2005

Item No.: 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-48810
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 10, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2005
Item Nos. 046, 047, 048, 052, 053, 054, 055, 056, 057, 058, 064, 065, and 066

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-08102005.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley

DATE: September 7, 2005

SUBJECT: Zoning Item # 06-052
Address N/W Side Philadelphia Rd
Honeygo Springs

Zoning Advisory Committee Meeting of August 8, 2005

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

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

__X__ 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).

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

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

Additional Comments:

All Development Plan comments must be strictly adhered to.

Reviewer: Glenn Shaffer Date: August 29, 2005

S:\Devcoord\ZAC06-052.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 16, 2005

RECEIVED
AUG 17 2005
ZONING COMMISSIONER

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

SUBJECT: N/W side of Philadelphia Road & North of Thirteen Mile Lane

INFORMATION:

Item Number: 6-052

Petitioner: Honeygo Springs, LLC

Zoning: DR 2H and DR 3.5H

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The requested rear property line setback distances of 36 feet for proposed lot 2, and a rear property line setback distances of 40 feet for proposed lots 3 through 8, and lots 12-13 in lieu of the required 50 feet are the result of a reorientation of building envelopes on the site plan layout. This reorientation was in response to recommendations that The Office of Planning had made during a prior Special Hearing case that called for the petitioner to redesign the site layout as a single loaded street development.

The current site plan and pattern book being offered with this petition is far more compatible with surrounding community and offers a more consistent site design and overall residential street pattern. As such, the Office of Planning does not oppose the petitioner's request provided it is consistent with the submitted site plan and pattern book dated July 2005 (revised).

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

Prepared by: ______________________

Division Chief: ______________________

AFK/LL: CM

W:\DEVREV\ZAC\6-052.doc

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

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

SHA
Driven to Excel
State Highway Administration
Maryland Department of Transportation

Date: 8.2.05

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

RE: Baltimore County
Item No. 052 DT

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US
are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

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

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • *Phone* 410.545.0300 • www.marylandroads.com

RE:	PETITION FOR VARIANCE N/W/side of Philadelphia Road, N of Thirteen Mile Lane; 775' NE c/line Thirteen Mile Rd 11th Election & 5th Councilmanic Districts Legal Owner(s): Honeygo Springs, LLC by Ronald Schaftel, Member Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-052-A

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
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 5th day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to, Arnold Jablon, Esquire,Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

RECEIVED
AUG 05 2005
Per

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO: File DATE: November 3, 2005

FROM: John V. Murphy
Deputy Zoning Commissioner

SUBJECT: Case No. XI-960 & 06-052-A
Development Plan Hearing & Petition for Honeygo Special Variance
(Honeygo Springs Development Plan)
11th Election District, 5th Councilmanic District

On November 3, 2005 I received a telephone call from Debra Beaty who represented the adjacent community homeowners association at the hearing. She indicated that my Order dated October 6, 2005 reflected her support of the final revised Development Plan and Variance request. This was incorrect. She did not support either the plan or the variances.

JVM:dlw

c: Debra Beaty, 11403 Smiloff Road, White Marsh, MD 21162
Arnold Jablon, Esq., & David Karceski, Esq., Venable LLP, 210 Allegheny Avenue,
Towson, Maryland 21204
William Libercci, Perry Hall Improvement Association, 19 Shawn Court,
Baltimore, MD 21236

John V. Murphy

Ron Schaftel
David Altfield
111 S. Calvert Street, Ste. 2820
Baltimore, MD 21202

Mickey Cornelius
The Traffic Group
9900 Franklin Square Drive, Suite H
Baltimore, MD 21236

Dean Hoover, Tim Madden & Jim Herman
Morris & Ritchie Associates, Inc.
1220 E. Joppa Road
Towson, MD 21286

D. Beaty
11403 Smiloff Road
White Marsh, MD 21162

Charles L. Marks
4627 E. Joppa Road
Perry Hall, MD 21128

Phyllis Sonderman
5507 Rogue Court
White Marsh, MD 21162

Maria Kowalevicz
5514 Madge Court
White Marsh, MD 21162

Mary Lou Wloczewski
11239 Philadelphia Road
White Marsh, MD 21162

Beth Ann Kearney
11235 Philadelphia Road
White Marsh, MD 21162

William Libercci
19 Shawn Court
Baltimore, MD 21236

Ed Creed
5534 Apperson Way
White Marsh, MD 21162

Dave DeGregorio
5410 13 Mile Lane
White Marsh, MD 21162

Uri Ben-Or
P. O. box 68
Reisterstown, MD 21136

MEMO TO FILE

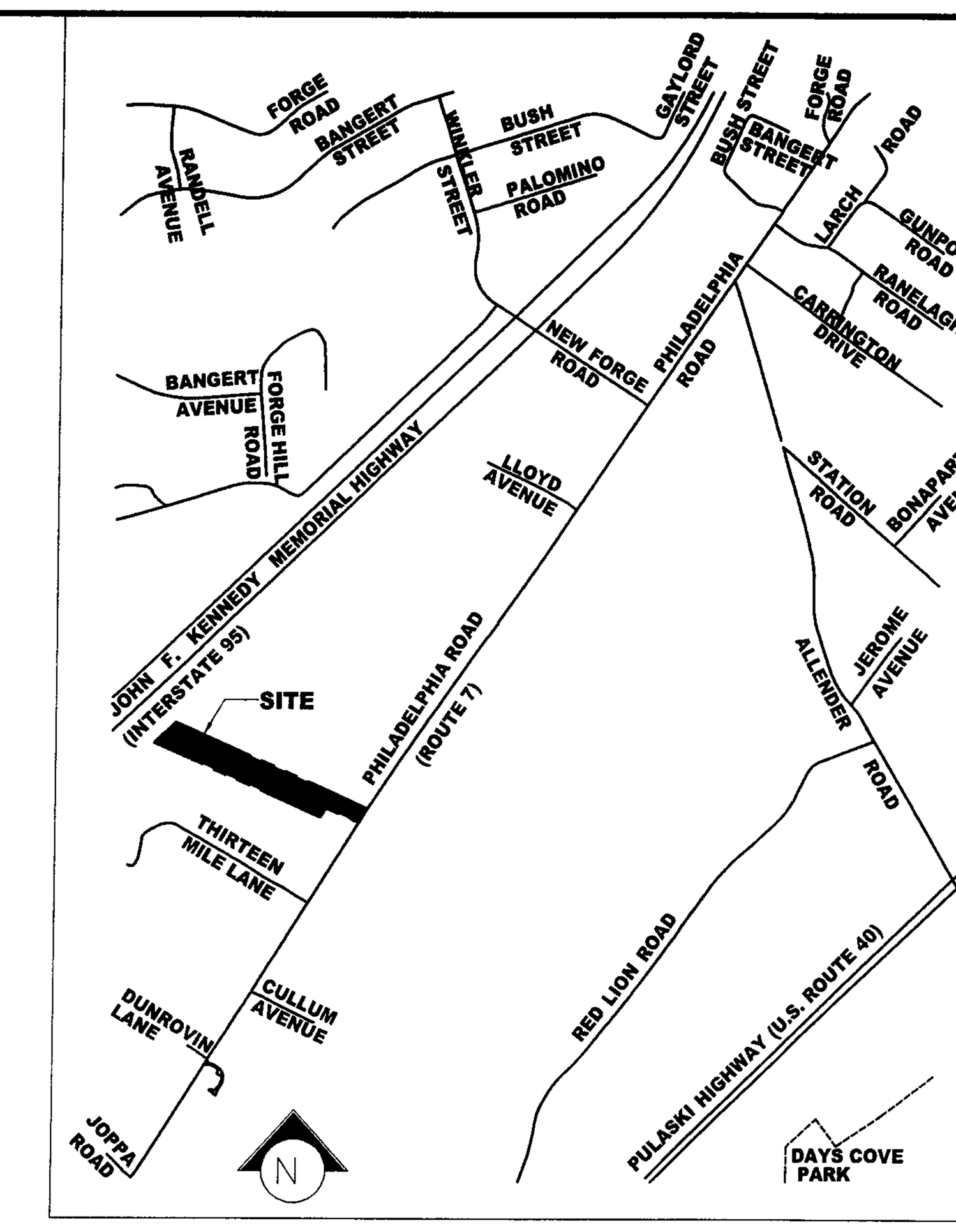
06-052-A

PLEASE SET THIS HEARING IN WITH THE HOH FOR "HONEYGO SPRINGS"

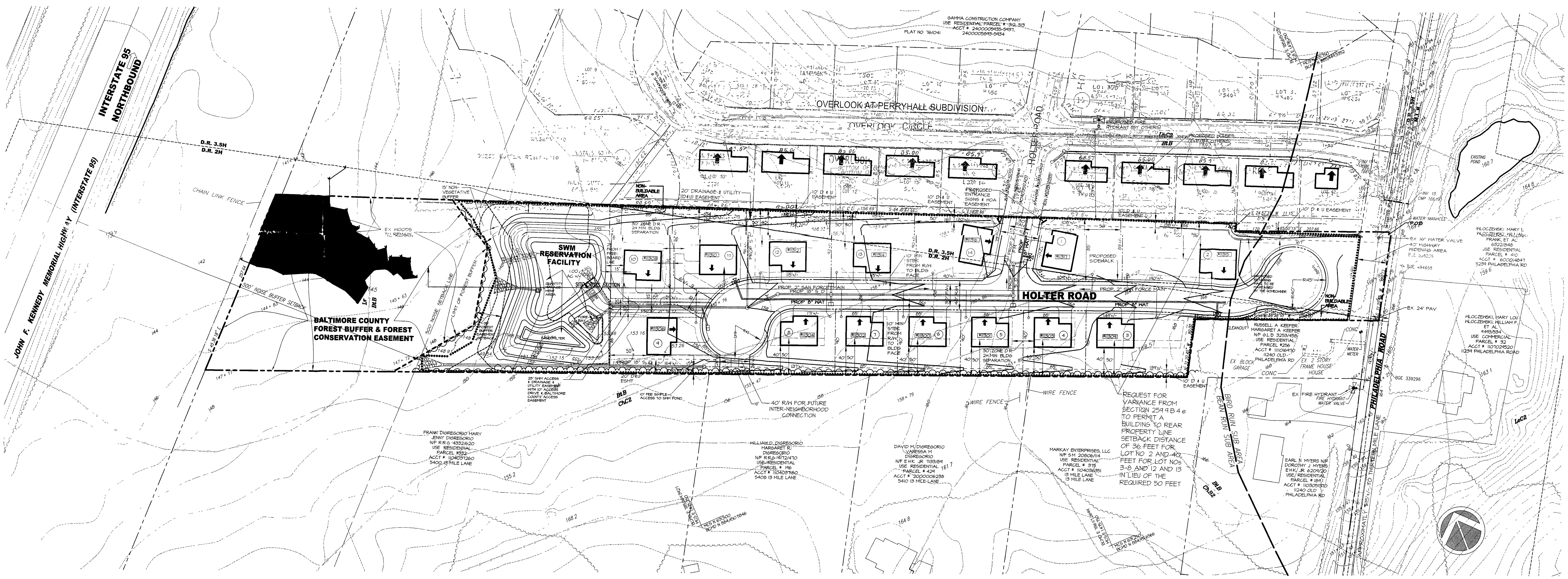
P:\12963\PLANNING\PLOT\DEVPLAN\DP AND SUB ZONING\12963-DP2-VARIANCEPLAN.dwg 7/18/2005 2:10:59 PM Oce Towson.pc3

LEGEND:

- EXISTING TREELINE
- TRACT BOUNDARY
- PROPOSED LOT LINE
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- 620 EXISTING CONTOUR
- PROPOSED 2 FOOT CONTOUR
- PROPOSED 10 FOOT CONTOUR
- BUILDING SETBACK LINE
- GcC2 BALTIMORE COUNTY SOILS
- EXISTING WETLANDS
- NON-VEGETATIVE BUFFER
- FOREST BUFFER
- WATERSHED
- 35' FOREST BUFFER EASEMENT SETBACK
- PROPOSED BUILDING SETBACKS
- PROPOSED BUILDING ENVELOPE
- PROPOSED TREELINE
- 500' NOISE SETBACK LINE
- PROPOSED BUILDING ORIENTATION
- LIMIT OF DISTURBANCE
- (2) LOT NUMBER
- #5506 HOUSE NUMBER
- GRINDER PUMP



VICINITY MAP
SCALE 1" = 1000'



ZONING CASE #: XI-960 & 05-431-SPHAHSA

THEREFORE IT IS ORDERED by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 26 day of May 2005 that the Final Redline Development Plan known as "Honeygo Springs" submitted into evidence as "Developer's Exhibit Nos 8A, 8B and 8C", be and is NOT APPROVED subject to further action by this Commission as above

Design Review Panel I can not approve the Developer's Revised Redline Development Plan Assuming the Review Panel will accept this referral I direct that the Panel review this matter and make recommendations in accord with this Order The Development Plan must show a road connection to the properties to the south and may have front loaded garages if set back 8 feet from the front of the dwelling The neighborhood to be considered shall be the area between I-95 to the west Philadelphia Road to the east Thirteen Mile Lane to the south and Lloyd Avenue to the north

The Developer may make further changes to the revised Redline Development Plan in the Panel review process Should the Developer incorporate substantial changes to the plan during review by the Panel I will refer the revised plan to the Development Plan Conference for further review by the County agencies and public Thereafter the Development Plan shall be subject to a subsequent public hearing on the revised plan If the plan reviewed by the Panel is essentially the same as presented at the hearing on this case the plan and Panel Recommendations will be presented at a subsequent public hearing before this Commission to allow the public and County agencies to comment on the Panel recommendations Thereafter this Commission will make a final decision on the Panel's Development Plan

In the alternative if the Developer revises its Development Plan to be without requests for deviations from standards referral to the Panel is unnecessary and the revised plan will be referred to the Development Plan Conference for further review by the County agencies and subsequent public hearing before this Commission There will be no need for a Community Input Meeting on the revised plan given the extensive review and information presented to the public in this case

THEREFORE IT IS ORDERED by this Deputy Zoning Commissioner Hearing Officer for Baltimore County this 26 day of May 2005 that the Final Redline Development Plan known as Honeygo Springs submitted into evidence as Developer's Exhibit Nos 8A 8B and 8C be and is NOT APPROVED subject to further action by this Commission as above

HONEYGO SPRINGS
REQUESTED ZONING RELIEF TABLE

LOT	VARIANCE
1	
2	X
3	X
4	X
5	X
6	X
7	X
8	X
9	
10	
11	
12	X
13	X
14	

OWNER / APPLICANT / CONSULTANT:

PROPERTY OWNER/DEVELOPER
HONEYGO SPRINGS, LLC
111 S CALVERT STREET, SUITE 2820
BALTIMORE, MD 21202
ATTENTION RON SCHAFTEL
PHONE 410-347-4800

PLAN PREPARED BY
MORRIS & RITCHIE ASSOCIATES, INC
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MD 21204
ATTENTION JAMES V HERMANN, RLA, ASLA
PHONE 410-821-1690

SITE DATA/GENERAL NOTES:

1 PROPERTY INFORMATION

a TAX ACCOUNT NUMBERS	1118001930
b DEED REFERENCE	6645/811
c COUNCILMANIC DISTRICT	#5
d ELECTION DISTRICT	#11
e CENSUS TRACT	4113 02
f ADC MAP NO	30, GRID A-6
g BALTIMORE CO TOPOGRAPHIC	MAP NE J-12 13 & 14
h BALTIMORE CO ZONING MAP	NE J-10
i TAX MAP	#73 GRID 7
j PARCEL	45
k WATERSHED	BIRD RIVER & BEAN RUN
l SUBSEWERSHED	20

2 SITE ACREAGE

NET SITE AREA	7 45 AC +/- (324,522 SF +/-)
GROSS SITE AREA	7 45 AC +/- (324,522 SF +/-)

*GROSS AND NET SITE AREA ARE THE SAME BECAUSE PROPERTY RUNS TO THE CENTER LINE OF PHILADELPHIA ROAD

3 THERE IS NO 100-YEAR FLOOD PLAIN ON SITE ACCORDING TO F.I.R.M. #240010 0295 B EFFECTIVE MARCH 2 198[illegible] IN ADDITION NO FLOOD STUDY IS REQUIRED PER BALTIMORE COUNTY REGULATIONS SINCE THE CONTRIBUTING DRAINAGE AREA ACROSS THE SITE IS LESS THAN 30 ACRES

REQUESTED ZONING RELIEF:

1 VARIANCE FROM SECTION 259 9 B 4 e TO PERMIT A BUILDING TO REAR PROPERTY LINE SETBACK DISTANCE OF 36 FEET FOR LOT No 2 AND 40 FEET FOR LOT NOs 3 - 8 AND 12 AND 13 IN LIEU OF THE REQUIRED 50 FEET

PDM #II-960 **ZONING CASE #: XI-960 & 05-431-SPHAHSA**

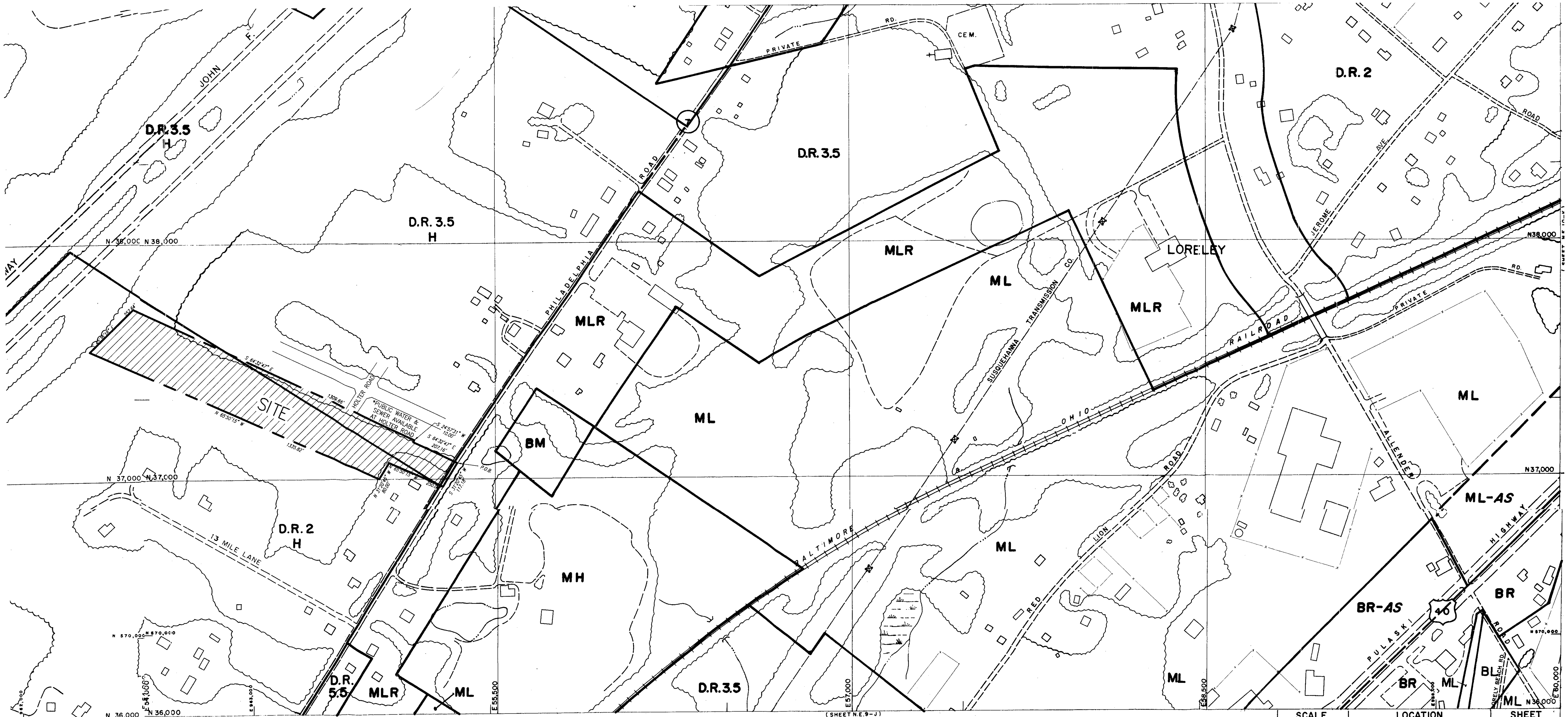
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

STATE OF MARYLAND JAMES VINCENT HERMANN REGISTERED LANDSCAPE ARCHITECT NO 1044 7/13/05

PLAN TO ACCOMPANY VARIANCE PETITION
HONEYGO SPRINGS

11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO	2963
		SCALE	1"=50'
		DATE	07/15/05
		DRAWN BY	KLR
		DESIGN BY	DCH
		REVIEW BY	JVH
		SHEET	1 OF 1



LOCATION	SHEET		
…TION	SHEET	M-NE	M-NW
…MARSH	N.E.	Q-SE	QQ-SW
HALL	10-I		
…ITY			

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	LORELEY	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986		10-J

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

ZONING MAP

HONEYGO SPRINGS

11TH ELECTION DISTRICT — 5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	
		JOB NO.: 12963
		SCALE: 1"= 200'
		DATE: 07/07/05
		DRAWN BY: KLR
		DESIGN BY:
		REVIEW BY: JVH
		SHEET: 1 OF 1

06-052-A

Petition for Special Hearing

Request for special hearing relief, to confirm a density anomaly for Lot Nos. 1, 12, 13 and 14, bisected by a zone line.

The property was posted with Notice of the hearing for the revised redline Development Plan on August 31, 2005 for 20 working days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, the property was posted with Notice of the zoning hearing on September 11, 2005 and a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 15, 2005, to notify any interested persons of the scheduled hearing date

Appearing at the hearing on behalf of the revised redline Development Plan approval request was Ron Schaftel, Petitioner, and Jim Herman. Dean Hoover, appeared on behalf of Morris & Ritchie Associates, Inc., the engineering firm that prepared the Development Plan. Arnold Jablon, Esquire and David H. Karceski., Esquire, represented the Petitioners.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Jeff Perlow (Zoning Review), Dennis Kennedy (Development Plans Review), Colleen Kelly (Development Management) and Don Stires (Bureau of Land Acquisition), all from the Office of Permits & Development Management ("PDM"); Bruce Seeley from the Department of Environmental Protection and Resource Management ("DEPRM"); Curtis Murray from the Office of Planning; and Jan Cook from the Department of Recreation & Parks

Appearing in support of the revised redline Development Plan and Variance requests were D. Beaty, representing Equestrian Acres Homeowners Association and William Libercci, representing the Perry Hal Improvement Association.

As to the history of the project, the initial Concept Plan Conference was held on March 29, 2004 and a Community Input Meeting followed on April 28, 2004 at Perry Hall Community Hall. A Development Plan Conference was held on March 23, 2005 and a Hearing Officer's Hearing was held on April 14, 2005 in Room 106 of the County Office Building. This hearing concluded on May 13, 2005. This Commission issued a decision not approving the development plan on May 26, 2005.

Thereafter the Developer undertook to revise the redline development plan and presented a new request for variance. A Development Plan Conference was held on September 7, 2005. The final Hearing Officer's Hearing was held on September 30, 2005.