IN RE: **DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE** – W/S Wampler Road; S of Bird River Road **(Windlass Run)** 15th Election District 6th Council District Clifford L. & Marjory M. Black, Owners; Iron Horse Properties, LLC, Developers	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Cases Nos. XV-855 & 06-176-A

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

HEARING OFFICER'S INTERIM OPINION AND DEVELOPMENT PLAN ORDER

This matter came before this Hearing Officer/Zoning Commissioner for a combined hearing, pursuant to Section 32-4-230 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to the development regulations codified in Article 32, Title 4 thereof, the Developer, Iron Horse Properties, LLC, seeks approval of a red-lined development plan prepared by Daft-McCune-Walker, Inc., for the proposed residential development of the subject property with a total of 16 single-family detached dwelling units (14 new, 2 existing). In addition, a Petition for Variance was filed seeking zoning relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations ("BCZR") to allow a side building face to side building face setback of 25 feet in lieu of the required 30 feet for Lots 1 and 2, and a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 4, 5 and 6. The proposed development and requested relief are more particularly described on the redlined development plan

12/28/05

submitted at the hearing, which was accepted into evidence and marked as Developer's Exhibit 1.

As to the current status of this project through the development review process, which is codified in Article 32 of the B.C.C., a concept plan of the proposed development was prepared and a conference held thereon on March 28, 2005. The concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on May 10, 2005 at the Victory Villa Community Center. Subsequently, a development plan is prepared and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on November 28, 2005. At the DPC, comments are provided by the appropriate County reviewing agencies and a revised development plan ("the redlined plan") incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was begun on December 8, 2005. The issues raised and arguments advanced by both sides were recorded by Susan E. Smith, RPR with CRC Salomon reporter services.

Appearing at the public hearing on behalf of the Developer were Charles V. Main, II of Daft-McCune-Walker, Inc. ("DMW"), the consultants who prepared the development plan; and G. Scott Barhight, Esquire, the attorney for the Owner/Developer. Numerous representatives of the various Baltimore County agencies reviewed the plan and attended the hearing, including the following individuals from the Department of Permits and Development Management: Walt Smith, Project Manager; Ron Goodwin from Land Acquisition; Dennis Kennedy from Development Plans Review; and Bruno Rudaitis from the Office of Zoning Review. Also appearing were Lynn Lanham from the Office of Planning (OP); R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook with the Department of Recreation and Parks. Lieutenant Jimmie Mezick of the Fire Department was represented at the hearing through prior correspondence.

Testimony and evidence offered disclosed that the subject property is located on the west side of Wampler Road, just south of Dee Way in Middle River. The Property contains a gross area of 10.18 acres (9.85 net acres) zoned D.R. 2., and is wooded with a large wetland system that runs through the center of the property and one intermittent stream that runs along the western boundary. The non-forested portion of the site is improved with two single-family dwellings and related outbuildings and an area, which until recently, was used as a pasture for horses. As noted above, the Developer proposes a residential subdivision of 16 single-family detached dwellings, 14 of which will be new

construction. The 2 existing dwellings will be retained as proposed Lots 15 and 16. The Plan was accepted into evidence as Developer's Exhibit 1. As shown on the Plan, access to the subdivision will be via Wampler Road. The Property will be served by public water and sewer. An extensive forest buffer/forest conservation easement surrounding the wetlands and protecting a large portion of the existing woods is shown on the Plan.

Pursuant to Sections 32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct at the Hearing Officer's Hearing, I must first identify any unresolved agency comments or issues. In this regard, G. Scott Barhight, Esquire, indicated on behalf of the Developer that there are unresolved issues; namely, 1) Public Works and the Office of Planning have requesting a connection to Compass Boulevard through the Property; 2) The Office of Planning has also requesting a connection to the adjacent Mairose Property; 3) Public Works has recommended a denial of the Developer's Request for a Waiver, pursuant to Section 32-4-107(a) of the B.C.C., to allow a 40-foot Right of Way for proposed Road A; and 4) DEPRM has not yet finalized their review of the Forest Buffer Variance Application, the Alternatives Analysis, the Forest Retention Investigation Report ("FRIR"), and the Preliminary Forest Conservation Plan.

In open hearing, the Developer requested that I rule on certain of the outstanding issues in order to provide them with direction on how to proceed. Specifically, the Developer asked me to rule on the issues identified in the above paragraph as Issue Nos. 1, 2, and 3. Neither members of the public attending the hearing nor any of the County

agency representatives objected to this request. I note that the purpose of a Hearing Officer's Hearing is to resolve issues and in this particular situation, proceeding in this manner appears to be most efficient. Therefore, the nature of these findings is preliminary and interlocutory and will not serve as a final order or final action on the Plan. Therefore, any party who desires to take an appeal of this case must wait until I issue a final Order. After receiving this interim opinion, the Developer may decide to propose additional redline changes to the Plan.

As to Issue No. 1, the request by the Office of Planning and Public Works for a connection to Compass Road through the Property, the Community has strongly voiced their objection. A petition (Community Exhibit 1), which is a part of the record since it was attached to the CIM minutes, was signed by approximately 56 residents of Wampler Road, Sterling Avenue, Grantwood Road and Coltwood Road objecting to the County's request for this connection. Robert Wiley, President of the Windlass Run Improvement Association, gave a history of Compass Road and questioned why the County now wants the interconnection when nothing has been done since World War II in this regard. Campbell Boulevard and Martin Boulevard will adequately address east to west traffic flows without the need to use this neighborhood. The residents of the locale prefer that Public Road "A" as shown on the Plan terminate within the subject property as a cul-de-sac and not be extended as a through road.

I note Developer's Exhibit 8, a revised redlined Right of Way Study prepared by DMW, which shows that a connection to Compass Road through the Property is possible from an engineering standpoint. However, Developer's Exhibit 7, the Floodplain Study requested by Public Works, demonstrates that providing such a connection will be excessively burdensome on the Developer. Specifically, the Floodplain Study revealed that in order to provide a connection to Compass Road with the least amount of impacts to the environmental resource, the cost to the Developer would be approximately 1,000,000.00.

On behalf of the Department of Public Works and the Office of Planning, Dennis Kennedy and Lynn Lanham testified that Compass Road should be extended. Ms. Lanham stated that it is evident from the housing boom in this area (i.e., Grantley Station, Sherman Property, Sterling Reserve, Lanbeck Property, Greensfield and Miramar Landing) that such a connection would improve traffic circulation in the area, provide a connection to adjacent communities, and promote ease of access by emergency vehicles and other traffic.

Since Developer's Exhibit 8 demonstrates that connecting proposed Road A to Compass Road is feasible from an engineering standpoint, and since the entire west side of the Property has been identified as an area that will be dedicated to Baltimore County at no cost, the potential for the connection will not be lost and will remain available in the future, if needed. However, forcing the Developer to provide the County with a Right of

Way over land which it will own will not be necessary and furthermore, as evidenced by Developer's Exhibit 7, the cost is unreasonably excessive on the Developer to provide this connection. Upon due consideration of the testimony and evidence offered by both sides, I find that there is no reasonable nexus between this proposed development and the required connection and decline to require same. I explain further below.

First, I am sensitive to the concerns raised regarding environmental impacts and believe that disturbance in environmentally sensitive areas should not be required unless necessary. Secondly, the Community has steadfastly demonstrated that they are opposed to any connection to Compass Road through this Property. Neither the County's Master Plan nor the Bird River - Middle River Community Plan show any such connection. Additionally, upon cross-examination, Dennis Kennedy stated that there is nothing in the County's budget to demonstrate that the County is pursuing such a connection. I find that for all of these reasons, it is unlikely that this connection will ever be constructed, however, since Developer's Exhibit 8 demonstrates that such a connection is engineeringly feasible, and since the Plan shows that this entire area of land will be dedicated at no cost to the County, the opportunity for this connection will exist. The existing and planned (Campbell Boulevard) road network in this area seem to already provide an inter-connection between adjacent neighborhoods and the extension of Compass Road for this purpose is not necessary.

Notably, some 20 years ago, the Maryland Court of Appeals ruled that "In order to exact from a Developer a setting aside of land for highway purposes, there must be a reasonable nexus between the exaction and the proposed subdivision." *Howard County v. J.J.M., Inc.*, 301 Md. 256, 282 (1984). I have previously cited this case in ruling that another connection requested by the County was not required (see Case No. II-659). In this case, I note that traffic heading east on Compass Road can currently proceed north on Maple Crest Drive in order to connect to Bird River Road. On balance, I believe these factors support a finding that providing a connection through this proposed development, to which the residents have strongly objected, is not warranted. Additionally, following the *Howard County v. J.J.M.*, *supra*, case, there is no nexus between this development and the requested improvement. Therefore, I will not require the Developer to construct either a road or utilities for such a connection.

Turning to Issue No. 2, the request by the Office of Planning for a connection to the Mairose Property, I note that Mr. Mairose objected to this connection, as documented in his letter, which he mailed to my attention prior to the hearing and further explained at the hearing. I find in favor of the Office of Planning to the extent that I will require the Developer to provide a right of way for this connection between Lots 12 and 13, but will not require the Developer to construct a road or utilities at this location. Again, there is no reasonable nexus between the proposed development and the road or utility improvements.

As to Issue No. 3, the waiver of public works standards, per Section 32-4-107(a) of the B.C.C. seeking approval for a 40-foot right-of-way in lieu of the required 50-foot right-of-way for proposed Road A, I will rule in favor of the Developer. Again, I find it is unlikely that a connection via the proposed Road A to Compass Road will ever be constructed and thus forcing the Developer to provide a 50-foot right-of-way for the proposed Road A is pointless. The only reason Public Works identified in support of their desire for a 50-foot right-of-way is that with a 40-foot right-of-way, the sidewalks will be in a private easement instead of the public right of way. I find that there is no evidence that the rights afforded to the County will differ - it seems to be a distinction without a difference. Since the rights afforded to the County with a 40 foot right of way will be the same as those afforded to the County with a 50 foot right of way, I will grant the waiver. In an effort to respond to Public Works' concern, however, I will require the Developer to place a note on the redlined Development Plan which I will require also be placed on both the Final Development Plan ("FDP") and Record Plat, as well as on any future amendment of those plans. This note shall state that it is the responsibility and obligation of the property owner to repair and maintain the sidewalks, and that in the event that the County ever requests fee simple title to the portion of each homeowners' property which encompasses the sidewalk, each homeowner agrees to deed that area to the County at no expense.

12/28/15

I recognize that additional side building face to side building face variances may be required should the Developer chose to redline the Plan to provide the Right of Way I am requiring to allow for a future connection to the Mairose Property. (Issue number 2) Therefore, in that event, and by way of this interim opinion, I will instruct the Developer to re-post the Property to notify the public of any request for additional variances. Re-advertising the Property will not be required. Instead, the Developer shall send a letter to everyone who signed the sign-in sheet at the hearing held on December 8, 2005, enclosing a copy of any amended petition for zoning variances.

Therefore, as to the status of the redlined Development Plan, I expect that the Developer will continue to attempt to resolve the outstanding issues that remain with DEPRM and that DEPRM will advise me as to the results of these efforts. As to the status of the pending zoning relief, the hearing will be reconvened at such time as DEPRM advises in writing that the outstanding issues have been resolved.

The above finding represents a summary of the testimony and exhibits offered at the initial hearing. The summary is not intended to be exhaustive, nor recite every comment or conclusion offered. However, a review of the testimony and evidence offered and rulings made upon certain issues is appropriate given the record of this case will be held open to allow DEPRM an opportunity to review and evaluate environmental impacts for this site as outlined above.

ORDER RECEIVED FOR FILING
Date 12/28/05
By

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Article 32, Title 4 of the Baltimore County Code, the advertising of the property and public hearing held thereon,

IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 28th day of December 2005 that within ninety (90) days of the date of this Order, DEPRM shall complete its review of the environmental impacts outlined above and submit its requisite findings after which this matter shall be scheduled for further proceedings before this Hearing Officer.

WILLIAM J. WISEMAN, III
Zoning Commissioner/Hearing Officer
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/28/05
By [illegible]

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 28, 2005

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

RE: **DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE**
W/S Wampler Road, S of Bird River Road
(Windlass Run)
15th Election District – 6th Council District
Clifford L. & Marjory M. Black, Owners/Iron Horse Properties, LLC, Developers
Cases Nos. XV-855 & 06-176-A

Dear Mr. Barhight:

Enclosed please find a copy of the interim decision rendered in the above-captioned matter. As noted therein, a final decision on the development plan and requested variance relief will be issued following the completion of DEPRM's review of the environmental impacts associated with this proposal and the continued hearing on this matter.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Clifford Black, 1006 Wampler Road, Baltimore, Md. 21220
Messrs. Charles Main, II & Kristy Bischoff, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Avenue, Towson, Md. 21286
Messrs. Jim Joyce and Judd Maslack, 9202 Georgia Belle Drive, Perry Hall, Md. 21128
Mr. Robert Wiley, 13 Silver Maple Court, Baltimore, Md. 21220
Ms. Mary Hughes, 13305 Tyla Lane, Baldwin, Md. 21013
Mr. Fred Mairose, 920 Wampler Road, Baltimore, Md. 21220
Mr. Ed Grau, 9800 Dee Way, Baltimore, Md. 21220
Mr. Walt Smith, Proj. Mgr.; DPW; DEPRM; OP; R&P; People's Counsel; Case File

IN RE: **DEVELOPMENT PLAN HEARING AND PETITION FOR VARIANCE**	*	BEFORE THE
W/S Wampler Road; S of Bird River Road **(Windlass Run)**	*	ZONING COMMISSIONER
15th Election District	*	FOR
6th Council District		
	*	BALTIMORE COUNTY
Clifford L. & Majory M. Black, Owners;		
Iron Horse Properties, LLC, Developer	*	**Case Nos. XV-855 & 06-176-A**

* * * * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter came before this Hearing Officer/Zoning Commissioner for continued proceedings, pursuant to the Opinion and Order issued by the undersigned on December 28, 2005. The project under consideration is for the proposed residential development of the subject property with a total of 16 single-family detached dwelling units (14 new, 2 existing). In addition, a Petition for Variance was filed seeking zoning relief from Section 1B01.2C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side building face to side building face setback of 25 feet in lieu of the required 30 feet for lots 1, 2, 11 and 12, a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 4, 5, 6, 9, 10, 11, 13 and 14, and a 20 foot minimum setback from the rear property line for a 10 foot deep deck or one story open porch in lieu of the required 22.5 feet for lots 1, 3, and 6. The Developer also seeks approval for deviations from the standards in B.C.Z.R. Section 260, specifically: 1) a 30 foot rear yard setback in lieu of recommended 40 foot for all lots; 2) 65 foot wide lots in lieu of recommended 75 foot for lots 10 and 11; and 3) a cul-de-sac without center island landscaping. The proposed development and requested relief are more particularly described on the redlined development plan submitted at the hearing, which was accepted into evidence and marked as Developer's Exhibit 9 (the "Redlined Plan").

As to the current status of this project through the development review process, which is codified in Article 32 of the Baltimore County Code (B.C.C.), a concept plan of the proposed development was prepared and a conference held on March 28, 2005. The concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on May 10, 2005 at the Victory Villa Community Center.

Subsequently, a development plan is prepared and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on November 28, 2005. At the DPC, comments are provided by the appropriate County reviewing agencies and a revised development plan incorporating these comments is submitted at the Hearing Officer's Hearing. By agreement of all parties, the record of the case was held open for a period of approximately two and a half months to allow the Department of Environmental Protection and Resource Management (DEPRM) additional time to review and comment on certain aspects of the revised development plan. This review now complete, this decision follows.

This matter initially came before the undersigned Hearing Officer/Zoning Commissioner on December 8, 2005. I issued an Interim Order in response to issues raised at the initial hearing. The continuation of that hearing was held on August 25, 2006 in Room 106, 111 West Chesapeake Avenue. For purposes of clarification, all references herein to "the hearing" pertain to the August 25, 2006 hearing, unless clearly indicated otherwise. That having been stated, this

Opinion and Order will take into consideration evidence submitted at both the December 8, 2005 and the August 25, 2006 hearings and constitutes my final Opinion and Order concerning this matter. In other words, my Interim Order is superseded in its entirety.

Appearing at the public hearing on behalf of the Developer were Charles V. Main, II of Daft-McCune-Walker, Inc. (DMW), the consultants who prepared the development plan; and G. Scott Barhight, Esquire, the attorney for the Owner/Developer.

Numerous representatives of the various Baltimore County agencies reviewed the plan and attended the hearing, including the following individuals from the Department of Permits and Development Management: Colleen Kelly, Project Manager; Dennis Kennedy from Development Plans Review; Rod Goodwin from Land Acquisition, and Jun Fernando from the Office of Zoning Review. Also appearing were Curtis Murray from the Office of Planning; R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook of the Department of Recreation and Parks.

Testimony and evidence offered disclosed that the property is located on the west side of Wampler Road, just south of Dee Way in Middle River. The property contains a gross area of 10.18 acres (9.85 net acres) zoned D.R.2, D.R.3.5, and D.R.16 and is wooded with a large wetland system that runs through the center and one intermittent stream that runs along the western boundary. The non-forested portion of the site is improved with two single-family dwellings and related outbuildings and an area, which until recently, was used as a pasture for horses. As noted previously, the Developer proposes a residential subdivision of 16 single-family detached dwellings, 14 of which will be new construction. The 2 existing dwellings will be retained as proposed Lots 15 and 16. The property will be served by public water and sewer. An extensive forest buffer/forest conservation easement surrounding the wetlands and protecting

a large portion of the existing woods is shown on the Redlined Plan dated May 17, 2006, admitted as Developer's Exhibit 9 at the hearing.

Pursuant to Sections 32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct at the Hearing Officer's Hearing, I conducted the informal portion of the hearing to identify any unresolved issues with the Redlined Plan presented at the hearing. Mr. Barhight asserted that, with the exception of DEPRM, he knew of no other county agencies with any unresolved issues concerning the current Redlined Plan. One by one I called the representatives of the above-noted county agencies to identify any issues they may have with the Plan. With the exception of DEPRM, the county agencies reported no unresolved issues. DEPRM reported that it had not yet finalized its review of the Forest Buffer Variance Application, the Alternatives Analysis, the Forest Retention Investigation Report (FRIR), and the Preliminary Forest Conservation Plan and requested that the record be left open for them to conclude this investigation. I consented to the request.

It should be noted that the Department of Public Works indicated that it has granted or intends to grant the public works waivers, as indicated on the Redlined Plan. First, the Developer indicated that the Department of Public Works granted relief to allow the existing shed to remain in the existing easement on Lot 16. Secondly, the Department of Public Works has recommended approval of grading in the 100-year floodplain drainage and utility easement to support construction of the stormwater management facility as well as Compass Road. Mr. Barhight noted two other requests on behalf of the Developer at the Hearing Officer's Hearing. The Developer requested for Public Road A, that a 44-foot wide right-of-way be approved in lieu of the required 50 feet and that a 24-foot wide area of paving be approved in lieu of the required 30 feet of paving. Additionally, the Developer requested that for the slope grading along

Compass Road, 2:1 slopes should be permitted in lieu of the required 3:1 slopes in order to minimize any disturbance to off-site property. Mr. Kennedy, the representative of Public Works, indicated that the Director recommends approval of all of the requested waivers. None of the members of the public attending the Hearing Officer's Hearing objected to these requests.

B.C.C. Section 32-4-107 provides that at the request of a department director, I may grant a waiver, much like the Public Works waivers requested, provided certain enumerated criteria are met. Such criteria are as follows:

> Section 32-4-107. Waivers (a)1.
>
> (i)1. The size, scope, and nature of a proposed development does not justify strict compliance with this title;
>
> 2. A waiver would be within the scope, purpose, and intent of this title; and
>
> 3. All other county laws and regulations have been complied with; or
>
> (ii) Compliance with this title would cause unnecessary hardship.

The Department of Public Works indicated that it will recommend approval of the proposed grading in the 100-year floodplain drainage and utility easement to support construction of the stormwater management facility and Compass Road. This request clearly contemplates the criteria listed above and it would impose an unnecessary hardship to require the Developer to strictly comply with the floodplain and drainage utility requirements of the B.C.C. Accordingly, I will grant the requested waivers.

Consistent with a letter sent by Charles Main, of Daft McCune Walker, Inc., to Edward C. Adams, Director of the Department of Public Works, the requests regarding Public Road A are intended to minimize the environmental impacts of the proposed development. As indicated previously, the Developer requested that a 44-foot wide right-of-way be approved in lieu of the

required 50 feet and that a 24-foot wide area of paving be approved in lieu of the required 30 feet of paving. Such requests, while not in strict compliance with the mandates of the B.C.C., are compliant with all other applicable regulations and are clearly within the scope, purpose, and intent of the B.C.C. I do not find it necessary or justified in this particular situation that the proposed development strictly complies with the regulations of the B.C.C. I easily find that the requested waiver meets the above criteria of B.C.C. Section 32-4-107(a)(1)(i) and as a result will approve the requested waiver.

With regard to the final requested Public Works waiver, the Developer has requested to implement 2:1 sloping in lieu of the required 3:1 sloping along Compass Road. The Developer has already secured the necessary land area for the off-site right-of-way for the County to extend Compass Road from the west. The Developer requested the 2:1 sloping in lieu of the required 3:1 sloping in an attempt to minimize any disruption to the off-site property. If the Developer were forced to implement the required 3:1 sloping then the increased grade would increase the affect of the runoff on the off-site property from Compass Road and the Developer would be forced to acquire more rights to said property. To require the Developer to do so at this time would impose an unnecessary hardship. Consequently, I find that the requested waiver is justified and I will grant it.

DEPRM indicated that there were several outstanding issues that concerned them and requested that the record be left open in order to efficiently investigate those concerns. The Developer has requested a variance to reduce the forest buffer to permit the erection of houses on Lots 6, 7, 8, 12, and 13, and a variance to allow the houses on Lots 7, 8, 11, 12, 13, and 14 to be located on the 35-foot building setback. Additionally alternatives analyses will be required for 1) the road, 2) sewer connection, 3) storm drain outfall, 4) stormwater management facility and

5) water, sewer and storm drain crossings. I permitted the record to remain open in order to provide DEPRM with adequate time to finalize its review of the development plan.

In a letter, dated November 9, 2006, David A. C. Carroll, the Director of DEPRM, indicated that DEPRM will grant the alternatives analyses and the request for variance pursuant to Section 33-3-106 of the B.C.C. subject to several conditions. DEPRM found that a practical difficulty exists due to the extent and orientation of the onsite resources as well as the required Compass Road extension, causing additional wetland and buffer impacts. Additionally, DEPRM found that the potential for impacts to water quality and aquatic resources could be minimized through site design and by performing mitigative measures. The majority of DEPRM's conditions focus on the reforestation of the site and protection of the existing wetlands and Forest Buffer Easement.

Moving to the "formal" portion of the hearing, Mr. Barhight called Charles Main, who was admitted as an expert in civil engineering, land planning, and real estate development, to discuss the Redlined Plan on behalf of the Developer. Mr. Main described the current use of the property as vacant from a development perspective, except for two existing single-family dwellings, which are proposed to be retained. The property has frontage along Compass Road and Wampler Road, and is zoned D.R.2 as discussed above. The development proposal calls for a total of 16 single family detached dwellings (14 proposed, 2 existing). These dwellings will be served by 3 public roads (the 3 dwellings front on the existing Wampler Road and two new public roads are proposed, one of which will be an extension of Compass Road), as shown on the Redlined Plan. Roughly 30 percent of the property will be consumed with forest buffer and forest conservation reservations. The proposed development will be served by 1 stormwater management facility located in the southwest corner of the property. No local open space is

provided, as the Department of Recreation and Parks appropriately granted a "fee in lieu" waiver of open space given the number of units (14) sought to be developed. Other specifics of the development plan, including the floodplains, forest buffer, stormwater management areas are shown on the Redlined Plan.

Mr. Main testified that the Redlined Plan called for an eastward extension of Compass Road, extending into the site from the point where it currently terminates. In order to accomplish this, an off-site right-of-way and an easement area, from the property to the south, will be needed to construct the full 40-foot paving section of Compass Road and associated utilities. It has been agreed that the Developer is to bear the burden and the cost of the construction of the 25-foot wide paving section, as shown on the Redlined Plan. The 25-foot paving section shall be dedicated and granted at no cost to Baltimore County, Maryland. As mentioned, an additional off-site right-of-way and easements will be needed to construct the completion of the 40-foot paving area of Compass Road and associated utilities. The Developer has already secured the necessary land area for the off-site right-of-way for the County to extend Compass Road from the west. This area is labeled as "By Others" on the Redlined Plan[1]. Baltimore County has agreed to pay for and carry out the construction of the completion of the 40-foot paving area. The permitting for the extension of Compass Road shall be phased in the event that the Developer is prepared to proceed with permitting before the County is ready to proceed.

Additionally, the Developer and the County have agreed that the Developer is responsible for the construction of curb and gutter on the north side of Compass Road from Wampler Road

[1] As explained by Mr. Main during the hearing and further depicted by Redlined notation on the site plan, adjacent property owners will have access, if needed, to the Compass Road extension and utilities that run there under as the Developer has agreed to convey property as noted along the southern boundary of its property and depicted as "Parcel B" (triangularly shaped parcel on the western side of the site) to Walter T. Mairose and "Parcel A"(also a triangularly shaped parcel closer to Wampler Road) to William Kearney, Jr.

to a point 60 feet west of the centerline of the intersection with Road A. For this portion of road, the Developer is also responsible for a minimum of 25 feet of pavement adjacent to the curb, the overall design of the road, the design of the culvert and water main, and for obtaining all permits for the construction.

The B.C.C. is clear regarding the standards that must be applied when the Hearing Officer considers a development plan. The Hearing Officer must approve any plan that satisfies the rules, regulations and policies adopted by Baltimore County regarding development. Based upon the testimony and evidence presented, I find that the Redlined Plan as submitted at the hearing and accepted as Developer's Exhibit 9 meets all County rules, regulations and standards for development in Baltimore County and, therefore, must be approved.

In addition to the development considerations, the Developer has requested several zoning variances and deviations from the standards set forth in the B.C.Z.R. Specifically, the Developer filed a revised Petition for Variance seeking zoning relief from Section 1B01.2C.1.b of the B.C.Z.R. to allow a side building face to side building face setback of 25 feet in lieu of the required 30 feet for lots 1, 2, 11 and 12, a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 4, 5, 6, 9, 10, 11, 13 and 14, and finally from Section 301.A of the B.C.Z.R. to allow a 20 foot minimum setback from the rear property line for a 10 foot deep deck or one story open porch in lieu of the required 22.5 feet for lots 1, 3, and 6.

There can be little question that the property, with the large area of contiguous forest, the large wetland system running through the center, and the intermittent stream that flows along the western boundary, is unique. Premised upon the uncontested proffer at the August 25, 2006 hearing and the exhibits introduced into evidence at both hearings, I find that the subject property has characteristics that are unique, thereby meeting the first prong of the test set forth in

Cromwell v. Ward, 107 Md. App. 691 (1995) and contained in Section 307.1 of the B.C.Z.R. While it might be possible to develop the site in a manner different than that proposed by the Redlined Plan, any alternative proposal would be highly impracticable. Considering the large wetland system that runs through the center of the property, the proposed development would not be possible without the requested variances. I find, therefore, that the large wetlands, the forest buffer, and the intermittent stream on the western boundary create a unique situation that generates a practical difficulty in meeting the setback requirements. Specifically, the shape of the development area is unique due to the site constraints and consequently requires design responses to develop the site. I further find that consistent with the test articulated in *McLean v. Soley*, 270 Md. 208 (1973): (1) compliance with the strict letter of the restrictions would unreasonably prevent the owner from using the property for a permitted purpose, (2) the grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, and (3) the relief sought is within the spirit of the ordinance and would not be injurious to the public safety and welfare. *Id.* at 214-215.

In addition to the Petition for Variance, the Developer also seeks approval for deviations from the residential performance standards of B.C.Z.R. Section 260, specifically: 1) a 30 foot rear yard setback in lieu of recommended 40 feet for all lots; 2) 65 foot wide lots in lieu of recommended 75 feet for lots 10 and 11; and 3) a cul-de-sac without center island landscaping. Section 260.1.C of the B.C.Z.R. sets forth the proper method for obtaining approval for Deviation from Standards. Specifically, that section provides that the Office of Planning shall submit findings on a request for a Deviation from Standards to the Hearing Officer who shall consider the findings before a development plan is approved. The Office of Planning submitted its findings to me on November 18, 2005.

Section 260.1.C.3 of the B.C.Z.R. provides that the Hearing Officer or the Director of Permits and Development Management may deviate from the Standards in accordance with Section 260.1B.4 of the B.C.Z.R. Section 260.1B.4 provides that deviations may be allowed if necessary to comply with another standard, comply with environmental regulations or otherwise protect resources, or achieve the best possible development design.

Due to the large wetlands area running through the middle of the proposed development, the Developer has a very limited space with which to design the proposed development. Mr. Main testified that the proposals for the 30 foot rear yard setback in lieu of the recommended 40 feet for all lots and for the 65 foot wide lots in lieu of the recommended 75 feet for lots 10 and 11 are mindful of this large wetlands area and are an attempt to achieve the best possible development design, given the constraints. I find that they are permissible deviations as they not only protect the wetlands and forest buffer, but they are necessary to comply with the environmental regulations protecting said area. Accordingly, pursuant to Section 260.1.C of the B.C.Z.R., I will approve the requested Deviations from Standards.

The proposed development is not in strict compliance with other Performance Standards as well. Specifically, Section 260.4.B provides that if cul-de-sacs are used in a proposed development, design elements such as center landscaping shall be used. From my review of the Redlined Plan, I find that the cul-de-sac on Public Road A fails to meet this Performance Standard. Mr. Main testified that the design of the cul-de-sac as shown on the Redlined Plan achieves the best possible design for the site. The lots closest to the cul-de-sac back up to environmentally constrained areas and it can be reasoned that the cul-de-sac without center island landscaping can be constructed with less of a diameter than if it contained landscaping.

The Department of Recreation and Parks approved a waiver of Local Open Space for this proposed development; therefore, there is no other area that will need to be maintained by a Home Owners' Association. If the cul-de-sac were required to contain center landscaping, the residents of the development would be responsible for the ownership and maintenance of that insignificant amount of land. The Developer will pay a fee in lieu to the Department of Recreation and Parks as indicated in the Site Notes of the Redlined Plan.

The Developer indicated that the lack of center-island landscaping in the cul-de-sac achieves the best possible design for the site. The Office of Planning approved the Deviation and recommended approval of the development plan. Accordingly, pursuant to Section 260.1.C of the B.C.Z.R., I will approve the requested Deviation from Standards.

Pursuant to the zoning and development regulations of Baltimore County and Article 32, Section 4 of the B.C.C., the Redlined Development Plan (Developer's Exhibit 9) shall be approved consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this 28th day of November 2006, that the Redlined Development Plan identified herein as Developer's Exhibit 9 for **Windlass Run**, be and is hereby APPROVED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking variances from Section 1B01.2C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side building face to side building face setback of 25 feet in lieu of the required 30 feet for lots 1, 2, 11 and 12; a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 10, 11, 13 and 14; and from Sections 301.1A of the B.C.Z.R. to allow a 20 foot minimum setback from the rear property line for a 10 foot deep deck or one story open porch in

lieu of the required 22.5 feet for lots 1, 3, and 6, in accordance with Petitioner's Exhibit 9, be and is hereby GRANTED, subject to the following condition:

1) The Developer/Petitioner is permitted to proceed; however, the Developer/Petitioner is hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief herein could be rescinded.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner/Hearing Officer
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11 - 28 - 06
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

November 28, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

G. Scott Barhight, Esquire
Whiteford, Taylor and Preston, LLP
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING AND PETITION FOR VARIANCE
W/S Wampler Road, S of Bird River Road
(Windlass Run)
15th Election District – 6th Council District
Clifford L. & Majory M. Black, Owners; Iron Horse Properties, LLC, Developer
Case Nos. XV-855 & 06-176-A

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan and variance have been approved with conditions, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Mr. Charles V. Main, II and Kristy Bischoff, Daft, McCune & Walker, Inc.,
200 East Pennsylvania Avenue, Towson, Md. 21286
Messrs. Ray Guidice, Doug Eshelman and Jim Joyce,
2700 Lighthouse Point East, Suite 724, Baltimore, Md. 21224
Mr. and Mrs. Fred Mairose, 920 Wampler Road, Baltimore, Md. 21220
Mr. Robert Black, 4 Drew Court, Baldwin, Md. 21013
Mr. Clifford Black, 1010 Wampler Road, Baltimore, Md. 21220
Mr. and Mrs. William M. Kearney, Jr., 936 Wampler Road, Baltimore, Md. 21220
Colleen Kelly, DPDM; Dennis Kennedy, P.E., Development Plans Review, DPW; L.A.;
DPDM; OP; DEPRM; R&P; People's Counsel; Case File

06-176-A

REVISED

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at W/S Wampler Road, S/S Bird River Road

which is presently zoned D.R.2

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

Please see attached

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

Reasons to be provided 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:

Iron Horse Properties, LLC
Name - Type or Print

By:
Signature Douglas F. Eshelman, Member

603 St. Francis Road 410-832-2077
Address Telephone No.

Towson, Maryland 21286
City State Zip Code

Attorney For Petitioner:

G. Scott Barhight/Jennifer R. Busse
Name - Type or Print

Signature

Whiteford, Taylor & Preston L.L.P.
Company

210 W. Pennsylvania Avenue
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Clifford L. Black
Name - Type or Print

Signature

Marjory M. Black
Name - Type or Print

Signature

1010 Wampler Road 410-832-2077
Address Telephone No.

Baltimore, Maryland 21220
City State Zip Code

Representative to be Contacted:

Jennifer R. Busse
Name

210 W. Pennsylvania Avenue 410-832-2077
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 06-176-A

Reviewed By _____ Date _____

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 11-28-06
By D.C. Deng

06-176-A

Revised

Attachment to Petition for Variance
Windlass Run
West Side of Wampler Road, South of Bird River Road
Zoned DR 2
15th Election District
6th Councilmanic District

Variance from BCZR § 1B01.2C.1.b to allow a side building face to side building face setback of 25 feet in lieu of the required 30 feet for lots 1, 2, 11 & 12;

Variance from BCZR §1B01.2C.1.b to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 4, 5, 6, 9, 10, 11, 13 & 14.

Variance from BCZR § § 301.1A to allow a 20' minimum setback from the rear property line for a 10' deep deck or one-story open porch in lieu of the required 22.5' setback from the rear property line for lots 1, 3 and 6 (due to the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear yard).

Ltr 7. 7. 13.

343788v2

176

Description

To Accompany Zoning Petition

For an Area of Special Hearing

Wampler Road

Fifteenth Election District, Baltimore County, Maryland

DMW
Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Bird River Road with the centerline of Wampler Road, (1) Southeasterly along the centerline of Wampler Road 1300 feet, more or less, and thence leaving said Wampler Road, (2) Southwesterly 25 feet, more or less, to the point of beginning, said point being South 61 degrees 43 minutes 43 seconds West 11.12 feet from the northern corner of Lot 1 as shown on a plat entitled "Plat of Clifford and Marjory Black" and recorded among the Plat Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr. 50, Page 144, said point also being the western outline of a ten-foot highway widening line as shown on said plat, thence leaving said point of beginning and binding on and running with said western highway widening line and all of the eastern outline of said Lot 1 and part of the eastern outline of Lot 2 as shown on said plat, referring all courses and distances of this description to the Maryland Grid Meridian (NAD 83/1991) (1) South 02 degrees 33 minutes 39 seconds East 289.21 feet, thence binding on and running with a portion of the eastern outline of said Lot 2 and all of the eastern outline of Parcel A as shown on said plat, (2) Southeasterly by a line curving to the right, having a radius of 7012.79 feet, for a distance of 208.83 feet (the arc of said curve being subtended by a chord

bearing of South 01 degree 34 minutes 44 seconds East 208.82 feet) to intersect the southern outline of "Parcel A" as shown on said plat, 11.17 feet from the beginning thereof, thence binding on and running with a portion of said southern outline of Parcel A as shown on said plat, (3) South 62 degrees 54 minutes 05 seconds West 990.44 feet, to the western outline of Parcel A as shown on said plat, thence binding on and running with all of said western outline of Parcel A as shown on said plat, (4) North 02 degrees 08 minutes 38 seconds East 495.00 feet to the northern outline of Parcel A as shown on said plat, thence binding on and running with all of said northern outline of Parcel A and a portion of the northern outline of Lot 1 as shown on said plat, (5) North 61 degrees 43 minutes 43 seconds East 958.90 feet to the point of beginning; containing 9.846 acres of land, more or less, as now surveyed by Daft-McCune-Walker, Inc., in July 2005.

Being and comprising all of Lot 1, Lot 2, and Parcel A as shown on a plat entitled "Plat of Clifford and Marjory Black" and recorded among the Plat Records of Baltimore County, Maryland, in Plat Book E.H.K., Jr. 50, Page 144.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

August 24, 2005

Project No. 04097 (L04097)

STATE OF MARYLAND
MICHAEL DAVID MARTIN
NO. 21234
PROFESSIONAL LAND SURVEYOR

8/24/05

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: #06-176-A
W/side of Wampler Road, S/side of Bird River Road
W/side of Wampler Road, 1,300 feet south of Bird River Road
15th Election District – 6th Councilmanic District
Legal Owner(s): Clifford L. & Marjory M. Black
Contract Purchaser: Iron Horse Properties, LLC, Douglas Eshelman, Member

Variance: to allow a side building face to side building face setback of 25 feet in lieu of the required 30 feet for Lots 1,2 11 & 12; and to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 4, 5, 6, 9, 10, 11, 13 & 14; and to allow a 20 foot minimum setback from the rear property line for a 10 foot deep deck or one-story open porch in lieu of the required 22.5 feet setback for the rear property line for lots 1,3, and 6 (due to the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear yard).

Hearing: Friday, August 25, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

8/086 Aug. 10 105047

CERTIFICATE OF PUBLICATION

8/10/, 2006

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 8/10/,2006.

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

S. Wilkinson

LEGAL ADVERTISING

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: # 06-620-SPHX
13713 Pleasantville Road
Southeast side of Pleasantville Road, 1,886 feet northeast of centerline of Baldwin Mill Road
11th Election District — 3rd Councilmanic District
Legal Owner(s): Michael & Nancy DiPaula
Contract Purchaser: New Cingular Wireless PCS, LLC

Special Exception: to permit a wireless telecommunications facility to be located at 13713 Pleasantville Road. New Cingular Wireless PCS, LLC, has leased space from the property owners for this purpose. The proposed project consists of a 130 feet AGL stealth Monopine style monopole and an unmanned 11.5' X 20' ground based equipment shelter within a 50' X 50' fenced compound. Cingular antennas will be located at the top of the antenna structure. Construction will be consistent with the accompanying plans. **Special Hearing:** for the continued use of the subject property for agricultural, residential and equestrian purposes. For installation of an unmanned telecommunications facility, and is requesting a Special Exception.

Hearing: Tuesday, August 22, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 8/655 August 8 104981

CERTIFICATE OF PUBLICATION

8/10/, 2006

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 8/8/, 2006.

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

P. Wilkinson

LEGAL ADVERTISING

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: #06-176-A

W/s Wampler Road, S/S Bird River Road
W/s Wampler Road, 1,300 feet south of Bird River Road
15th Election District—6th Councilmanic District
Legal Owner(s): Clifford L. & Marjory M. Black
Contract Purchaser: Iron Horse Properties, LLC, Douglas Eshelman, Member

Variance: to allow a side building face to side building face setback of 25 feet in lieu of the required 30 feet for Lots 1 & 2, and to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 4, 5 & 6.

Hearing: Thursday, December 8, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/11/701 Nov. 22 75913

CERTIFICATE OF PUBLICATION

11/23/, 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 11/22/,2005.

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

S. Wilkinson

LEGAL ADVERTISING

LEGAL ADVERTISING

EARLY DEADLINES FOR LABOR DAY

THE TUESDAY JEFFERSONIAN
FOR THE ISSUE OF
SEPTEMBER 5, 2006

THE DEADLINE WILL BE
THURSDAY
AUGUST 31, 2006
4:00 P.M.

THE JEFFERSONIAN &
HOWARD COUNTY TIMES
FOR THE ISSUE OF
SEPTEMBER 7, 2006

THE DEADLINE WILL BE
FRIDAY
SEPTEMBER 1, 2006
4:00 P.M.

TO PLACE LEGAL ADS CALL
410-337-2425
EXT. 3425, 3418 OR 3513

FAX 410-825-4278
EMAIL - legals@patuxent.com

OFFICE WILL BE CLOSED
MONDAY, SEPT. 4, 2006

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 7203

DATE 5-31-06 ACCOUNT 001-006-6150

AMOUNT $ 200.00

RECEIVED FROM: Whiteford Taylor & Preston L.L.P.
WINDLASS RUN (CHUD) # 06-176-A

FOR: W/S Windlass Run / S/S Bird River Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
5/31/2006 5/31/2006 09:02:56 4
REG W006 WALKIN KMCM KXX
>>RECEIPT # 477087 5/31/2006 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 007203
Recpt Tot $200.00
$200.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

176 JL **No.** 449427

DATE 9/23/05 ACCOUNT 001 006 6150

~~375.00~~

AMOUNT $ 325.00

RECEIVED FROM: Whiteford Taylor Preston

FOR: 5 Res. Variances at 65.00 ea.

06 176 A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-176-A

Petitioner/Developer: FRON HORSE PROPERTIES

Date of Hearing/Closing: AUG 25, 2006

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

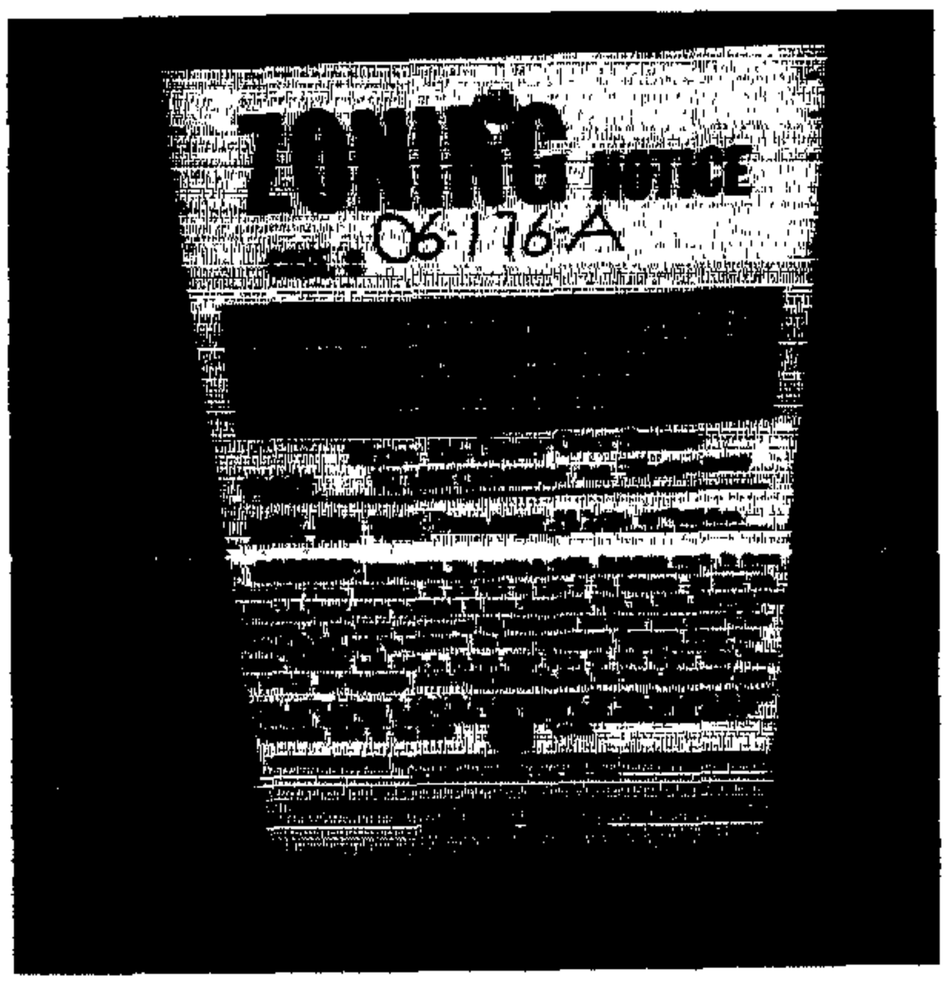
ATTN: Kristen Matthews {(410) 887-3394}

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: W/SIDE OF WAMPLER RD S/SIDE OF BIRD ROAD

The sign(s) were posted on 8-7-06
(Month, Day, Year)

Sincerely,



Robert Black 8-10-06
(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

July 21, 2006

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: 06-176-A
W/side of Wampler Road, S/side of Bird River Road
W/side of Wampler Road, 1,300 feet south of Bird River Road
15th Election District – 6th Councilmanic District
Legal Owners: Clifford L. & Marjory M. Black
Contract Purchaser: Iron Horse Properties, LLC, Douglas Eshelman, Member

Variance to allow a side building face to side building face setback of 25 feet in lieu of the required 30 feet for Lots 1,2, 11 & 12; and to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 4, 5, 6, 9, 10, 11, 13 & 14; and to allow a 20 foot minimum setback from the rear property line for a 10 foot deep deck or one-story open porch in lieu of the required 22.5 feet setback for the rear property line for lots 1,3, and 6 (due to the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required dept of the rear yard).

Hearing: Friday, August 25, 2006 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jennifer Busse, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson 21204
Mr. & Mrs. Clifford Black, 1010 Wampler Road, Baltimore 21220
Iron Horse Properties, Doug Eshelman, 603 St. Francis Road, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 10, 2006.**
(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, August 10, 2006 Issue - Jeffersonian

Please forward billing to:
Jennifer Busse 410-832-2077
Whiteford, Taylor & Preston
210 W. Pennsylvania 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: 06-176-A
W/side of Wampler Road, S/side of Bird River Road
W/side of Wampler Road, 1,300 feet south of Bird River Road
15th Election District – 6th Councilmanic District
Legal Owners: Clifford L. & Marjory M. Black
Contract Purchaser: Iron Horse Properties, LLC, Douglas Eshelman, Member

Variance to allow a side building face to side building face setback of 25 feet in lieu of the required 30 feet for Lots 1,2, 11 & 12; and to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 4, 5, 6, 9, 10, 11, 13 & 14; and to allow a 20 foot minimum setback from the rear property line for a 10 foot deep deck or one-story open porch in lieu of the required 22.5 feet setback for the rear property line for lots 1,3, and 6 (due to the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required dept of the rear yard).

Hearing: Friday, August 25, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Department of Permits and Development Management

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

Baltimore County

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

October 13, 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: 06-176-A
W/s Wampler Road, S/S Bird River Road
W/s Wampler Road, 1,300 feet south of Bird River Road
15th Election District – 6th Councilmanic District
Legal Owners: Clifford L. & Marjory M. Black
Contract Purchaser: Iron Horse Properties, LLC, Douglas Eshelman, Member

Variance to allow a side building face to side building face setback of 25 feet in lieu of the required 30 feet for Lots 1 & 2, and to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 4, 5 & 6.

Hearing: Thursday, December 8, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: G. Scott Barhight/Jennifer Busse, 210 Pennsylvania Avenue, Towson 21204
Mr. & Mrs. Black, 1010 Wampler Road, Baltimore 21220
Douglas Eshelman, 603 St. Francis Rd., Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 23, 2005.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 22, 2005 Issue - Jeffersonian

Please forward billing to:
Jennifer Busse 410-832-2077
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD

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: 06-176-A
W/s Wampler Road, S/S Bird River Road
W/s Wampler Road, 1,300 feet south of Bird River Road
15th Election District – 6th Councilmanic District
Legal Owners: Clifford L. & Marjory M. Black
Contract Purchaser: Iron Horse Properties, LLC, Douglas Eshelman, Member

Variance to allow a side building face to side building face setback of 25 feet in lieu of the required 30 feet for Lots 1 & 2, and to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for Lots 4, 5 & 6.

Hearing: Thursday, December 8, 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
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06 176 A

Petitioner: Iron Horse Properties, LLC

Address or Location: 1010 Wampler Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jenn Busse c/o Whiteford, Taylor & Preston

Address: 210 W. Pennsylvania Ave, Ste 480
Towson, MD 21204

Telephone Number: 410 832 2077

Revised 2/20/98 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

August 16, 2006

G. Scott Barhight
Jennifer R. Busse
Whiteford, Taylor & Preston LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Barhight and Ms. Busse:

RE: Case Number: 06-176-A, W/S Wampler Road, S/S Bird River Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 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:amf

Enclosures

c: People's Counsel
Clifford L. Black Marjory M. Black 1010 Wampler Road Baltimore 21220
Iron Horse Properties, LLC Douglas F. Eshelman 603 St. Francis Road Towson 21286

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

December 5, 2005

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

Dear Mr. Barhight:

RE: Case Number: 06-176-A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 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
Clifford L. and Marjory M. Black 1010 Wampler Road Baltimore 21220
Iron Horse Properties, LLC Douglas Eshelman 603 St. Francis Rd. Towson 21286

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 20, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602, 603, 604, 605, 606, 607, and 608

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-06202006

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

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

Maryland Department of Transportation

Date: 7.21.04

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

RE: Baltimore County
Item No. 176 JLL

Dear. Ms. Matthews:

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

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

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: David Lykens JWL

DATE: July 21, 2006

SUBJECT: Zoning Item # 06-176
Address Windlass Run
West side of Wampler Road, South of Bird River Rd

Zoning Advisory Committee Meeting of October 10, 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 33-3-101 through 33-3-120 of the Baltimore County Code).

__X__ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

- A revised Forest Buffer Variance and Alternatives Analysis must be submitted to DEPRM and approved prior to development plan approval.
- A revised Forest Conservation Plan must also be approved prior to development plan approval.

Reviewer: Martha Stauss, EIR Date: July 6, 2006

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2006\ZAC 06-176-A.doc

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

June 6,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 5, 2006

Item Numbers: Item Number 176, 598 through 608

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.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 31, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For July 31, 2006
Item Nos. 06-010, 06-176, 07-012, 013,
016, 017, 018, 020, 021, 022, and 023

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-07282006.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 7, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602, 603, 604, 605, 606, 607, and 608

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-06072006.doc

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 6.5.01

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

RE: Baltimore County
Item No. 176 JLC

Dear. Ms. Matthews:

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

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

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

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

Oct. 6,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 167 thru 174 176 thru 184 Also case # 05-502-A

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 David S. Heath
Fire Marshal's Office
(O)410-887-4881
MS-1102F

cc: File

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

SHA
Driven to Excel
State Highway Administration
Maryland Department of Transportation

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

Date: 10.4.05

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

RE: Baltimore County
Item No. 174 JLC

Dear. Ms. Matthews:

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

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

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 19, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2005
Item Nos. 169, 170, 171, 172, 173, 176, 178, 180, 181, 182, 183 and 184

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-10192005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 21, 2006

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

SUBJECT: West side Wampler Road and South side Bird River Road

INFORMATION:

Item Number: 6-176

Petitioner: Clifford L. Black

Zoning: DR 2

Requested Action: **Variance**

SUMMARY OF RECOMMENDATIONS:
The Office of Planning has reviewed the petitioner's request and offers support. The Office of Planning, Department of Public Works, DEPRM and other review agencies met with the petitioner and resolved several outstanding development plan issues including a major road connection and this office was aware of the need for the requested variances. As such, this office supports the petitioner's request within the Windlass Run subdivision.

For further information concerning the matters stated here in, please contact Laurie Hay or Curtis Murray at 410-887-3480.

Prepared by: _____

Division Chief: _____
AFK/LL: CM

W:\DEVREV\ZAC\6-176(2).doc

RE:	PETITION FOR VARIANCE W/S Wampler Rd, S/S Bird River Rd, 1,300' Bird River Road 15th Election & 6th Councilmanic Districts Legal Owner(s): Clifford & Majory Black Contract Purchaser(s): Douglas F. Eshelman, Member Iron Horse Properties, LLC Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-176-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 October, 2005, a copy of the foregoing Entry of Appearance was mailed to, Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE MEMORANDUM

TO: JOHN BEVERUNGEN, ACTING COUNTY ATTORNEY

FROM: PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL PMZ

SUBJECT: ROAD "NEXUS" ISSUE; CONSTITUTIONAL QUESTION
IN THE MATTER OF IRON HORSE PROPERTIES,
CASE NOS.: XV-855, 06-176-A

DATE: FEBRURARY 2, 2006

Enclosed please find a copy of the Zoning Commissioner/Hearing Officer's Interim Opinion and Development Plan Order dated December 28, 2005.

This involves a proposed development of a 16-lot residential subdivision on Wampler Road in the eastern county. There are also zoning variances at issue. The Commissioner denied the request of the departments of planning and public works for road connection to Compass Road through the property. This generated a significant and controversial constitutional issue. I am bringing this to your attention both because your office ordinarily represents those departments and because of the potential county wide public importance, interest, and impact.

The Commissioner wrote on page 7 that the connection would be excessive in cost, environmentally adverse, and unnecessary because of the nearby Campbell Road network. He also declared on page 8 that there is no reasonable nexus between the proposed development and requested road, so that to require it would violate Maryland law based on Howard County v. JJM, Inc. 301 Md. 256 (1984), copy enclosed, involving a reservation for a State highway. In the context of the law of "exactions," the Commissioner appears to say that the county's request bears no reasonable relationship to the subdivision, and in effect would be an unconstitutional "taking" of property.

The decision turns partly on the relevance or validity of cost estimates, environmental findings, and adequacy of the Campbell Road network. At its core, however, is the finding that the requested road connection lacks a reasonable nexus to the subdivision and is, therefore, an improper exaction under the JJM case.

Upon review of the site plan here, it appears to me that the County's request is not comparable to the invalid reservation in the JJM case. Rather, it has a connection or "nexus" to provision of appropriate access to this subdivision. Compass Road is a local road which intersects the western boundary of the subject property. Whether or not a connection to Compass Road provides the best access or is a proper access under county law may be debated, but it does appear to have a reasonable nexus for constitutional purposes. The request, therefore, does not appear to involve a taking of property.

To illustrate, the leading Supreme Court case of Dolan v. City of Tigard 512 U.S. 374 (1994) reflects that the "reasonable nexus" issue typically arises where the local government asks, as a development condition, for a part of the land for general public use which arguably is unrelated proportionally to any benefit to the subdivision or any impact of the subdivision. An example is the pedestrian/bicycle pathway easement requested by the city of Tigard in connection with a proposed building permit. Even there, the Court remanded the case for more detailed evaluation of the relationship.

Clearly, the problem in Tigard, like the problem in JJM, is materially different from the problem in the present case. In this context, to describe the Compass Road connection request as presenting a constitutional problem appears to be unwarranted, excessive, and in a sense, grossly disproportionate to the issue at hand.

I am concerned that the misapplication of constitutional law and the "takings' doctrine here not only distorts this case, but may also be extrapolated mischievously to future cases. If this case is followed, there is a danger that every dispute over road access in the development process will turn into a constitutional argument and a threat of denial of constitutional rights. This may tend to intimidate county departments from making reasonable road access requests or effectively put the developers in total control of road access decisions, with the Commissioner mechanically ratifying their position. I cannot recall JJM and the reasonable nexus issue being invoked in a Baltimore County development case. If it has ever been invoked in a way such as this, then there may be an opportunity here to put a stop to the practice.

The Commissioner's decision is an interim decision. When I attempted to find out if a final decision were yet issued, I learned from the Commissioner's office that it has not. The plan may still be under review. Because the situation is not final, if you agree that the issue is important, you may consider whether or not the constitutional dimension of the decision warrants reconsideration or challenge by your office.

I am sending a copy of this memorandum to the directors of planning and public works and their representatives so that they provide input should they feel it appropriate or helpful.

cc: Lynn Lanham, Planning
Dennis Kennedy, PDM
Arnold F. "Pat" Keller, III, Director of Planning
David L. Thomas, Assistant to Director of DPW
Edward C. Adams, Jr., Director of DPW
Stephen Weber, Traffic Engineering, DPW

KEENAN CASE FILE
06-176-A

FREQUENT FLYER ATTORNEYS
DROP OFF ZONING PETITIONS
POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with **all** technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.

2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.

3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

DROP OFF INTAKE
BY JLL.
9/23/05

3/22/05
JLL/rjc

THE PETITIONER ON ADVERTISING FORM
SHOULD BE THE OWNER

CRITICAL BAY AREA STATUS
HISTORIC " " > NOT REF'D ON PLAN

SEE FILING CHECKLIST.

OP

From: Debra Wiley
To: Murray, Curtis
Date: 08/18/06 11:10:17 AM
Subject: Comments Needed for Bill's Hearings Next Week

Hi Curtis,

The following files have been received from PDM and do no include Office of Planning comments:

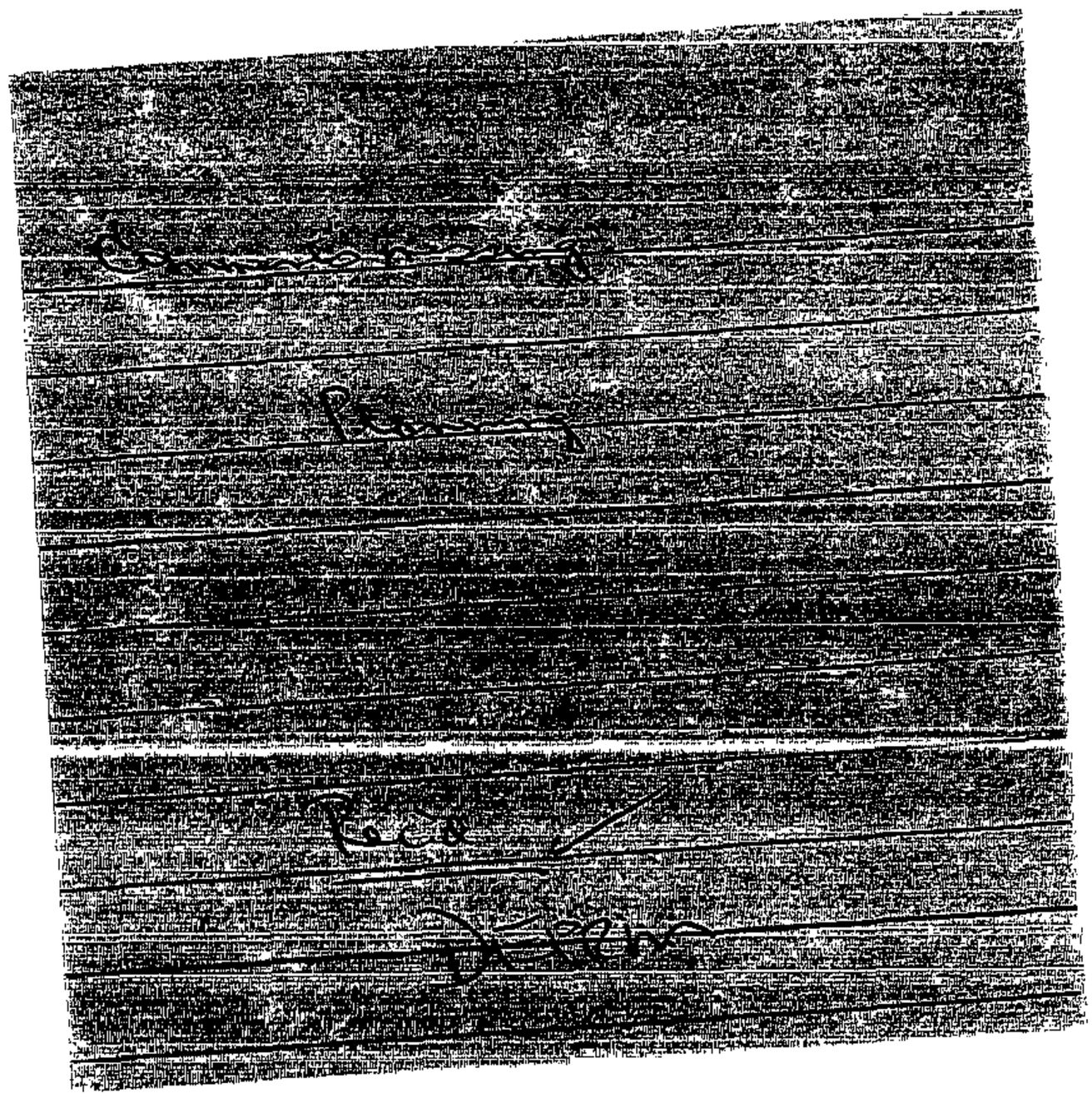
06-669-A scheduled for 8/23 (Wed.) @ 11 AM

06-176-A scheduled for 8/25 (Fri.) @ 9 AM

Since I will be on vacation next week, could you please make sure either Bill gets these directly or give them to Patty.

As always, thanks for your cooperation ! !

CC: Wiseman, Bill; Zook, Patricia



Bette Schuhmann - Re: Windlass Run

From: Bette Schuhmann
To: Smith, Walter
Subject: Re: Windlass Run

OK - I'll hold it here until I hear back from you.

>>> Walter Smith 1/26/2006 12:24 PM >>>
Please hold the zoning file if you can. I'm not sure where this one is going to go...
Walt

>>> Bette Schuhmann 01/26/06 11:02 AM >>>
Hi, Walt - I understand from Bill that he is returning the Windlass Run HOH file back to you because the Developer is going to revise the plan. Normally, I would return the zoning case file back to Kristen, but should I send it back to you with the HOH file? They may not need the variances after they revise the plan.

Bette Schuhmann
bschuhmann@co.ba.md.us
410-887-3868

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID A.C. CARROLL, *Director*
Department of Environmental Protection and Resource Management

November 9, 2006

Mr. Eric Chodnicki
Daft, McCune & Walker, Inc.
200 Pennsylvania Ave
Towson, MD 21204

Re: Windlass Run
Forest Buffer Variance (Revised 9/5/06)
Tracking #06-06-179

Dear Mr. Chodnicki:

A revised request for a variance from the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on September 5, 2006. This request was revised to propose permanent impacts to 8,305 square feet of forested non-tidal wetland, 4,110 square feet of emergent non-tidal wetland, and 61,970 square feet of Forest Buffer. The latter includes both 28,275 square feet of State-regulated non-tidal wetland buffer and 54,005 of forested Forest Buffer. Included with this submittal was an alternatives analysis of impacts to the buffer associated with construction of a storm water management (SWM) facility and sewer outfall as well as for the extension of Compass Road. The impacts for SWM and sewer construction are included in the aforementioned figures. Due to the fact that the impacts associated with lot reconfiguration, road alignment, and SWM construction are inextricably linked, this letter shall address both submittals.

This revised variance request and alternatives analysis arose from the Baltimore County requirement to extend Compass Road to Wampler Road, thus necessitating a major redesign of the proposed 14 lot residential subdivision, including enlargement of the SWM facility to manage the additional roadway. Additionally, two of the lots are proposed almost entirely in the Forest Buffer with one requiring approximately 400 square feet of temporary wetland disturbance for its yard grading. The alignment and grading of Compass Road extension have been designed to minimize impacts to the wetlands and buffer inasmuch as possible while still providing adequate safety. SWM credits were used as much as possible to reduce the volume requirement since the SWM facility cannot be deepened to gain the necessary storage volume due to the location of

the 100 year flood surface. The sewer outfall was relocated to the Compass Road stream crossing to eliminate a separate impact as originally proposed.

This Department has reviewed your request, and has determined that a practical difficulty does exist due to the extent and orientation of the resources onsite as well as the required Compass Road extension causing additional wetland and buffer impacts. This Department further finds that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized through site design and performing mitigative measures.

Therefore, we will grant this request in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. The following note must appear on all plans submitted for this project: "A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer Easement shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including wetland creation and planting of Forest Buffer on and offsite as well as fencing of the remaining Forest Buffer."

2. A retaining wall shall be constructed along the wetland limit on proposed lot 8 to reduce the wetland impact and discourage future homeowner from encroaching further into the forested wetlands. The limit of disturbance for this wall shall not encroach more than four feet into the wetland and any temporarily disturbed wetland restored to original grade and reforested with native species of shrubs and trees.

3. All remaining area between the development envelope (i.e. panhandle and lot 7) and the forest edge east of the wetland system shall be included in the Forest Buffer Easement.

4. The approximately 54,000 square feet (1.24 acre) of net impact to forested Forest Buffer shall be mitigated at 2:1 by planting all of the remaining 36,000 square feet of non-forested wetlands and buffer onsite with the outstanding 72,000 square feet of mitigation addressed at a DEPRM-approved offsite location. All reforestation to address Forest Conservation Regulations shall be addressed at a DEPRM-approved offsite planting location. Please be advised that impacted forested wetlands to be mitigated can be subtracted from the gross tract area on the forest conservation worksheet.

5. The Forest Buffer Easement described in condition 3 above shall be delineated by a living fence using large, well-branched stock of typical pioneer species (e.g. 2

inch caliper red maple, sweet gum, etc.) planted on 12-foot centers. This is in addition to any other reforestation and shall count as mitigation for the impacts to 10,000 square feet of open forest buffer. The remaining 3,500 square feet of open buffer mitigation shall be addressed offsite in conjunction with that referenced in condition 3 above.

6. The aforementioned wetland impacts shall be mitigated by creating 20,720 square feet, or 0.47 acre of forested non-tidal wetland at the Wilkerson Property or other DEPRM-approved mitigation site. This includes the 4,110 square feet of emergent mitigation. The offsite location must be procured prior to DEPRM approval of any final development plan.

7. Surveyed limits of the Forest Buffer Easement shall be clearly marked in the field at 75-foot intervals, and at any corners, with permanent near grade concrete monuments to facilitate identification of the easement limits by both homeowners and County staff. "Forest Buffer - Do Not Disturb" signs shall be installed as witness posts near each monument location. Additionally, the locations of the monuments shall be submitted digitally to DEPRM in a format that can be incorporated into a GIS layer for future County use. The monuments and signs shall be installed prior to issuance of any building permits for lots 4-14. The digital information shall be provided to DEPRM prior to Environmental Agreement approval.

8. Temporarily disturbed portions of wetlands and Forest Buffer Easement shall be planted in accordance with an approved Forest Buffer Protection Plan (FBPP), using the guidance found in the Baltimore County Forest Conservation Technical Manual. This FBPP must also detail all onsite mitigation specified above, and shall be approved prior to grading sediment control plan approval.

9. An Environmental Agreement shall be signed, and a security based on a DEPRM-approved cost estimate for both the onsite and offsite mitigation shall be posted prior to grading permit issuance.

10. The Army Corps of Engineers, and Maryland Department of the Environment permits to impact waterways, wetlands and associated buffers shall be obtained prior to record plat for the subdivision, as wetland fill is required to develop the site.

11. All mitigation shall be completed within one year of grading permit issuance or by November 9, 2008, whichever comes first.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement on the next page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

David A. C. Carroll
Director

DACC:ges

c. Ms. Abigail Hopkins, U.S. Army Corps of Engineers
Ms. Kelly Neff, MDE
Mr. William Wiseman, Hearing Officer

I/we agree to the above conditions to bring my/our property into compliance with Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner's Signature Date	Property Owner's Printed Name
Contract Purchaser's Signature Date	Contract Purchaser's Printed Name

WindlassRunFBV11.09.06.dot/sheir/glenn

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

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

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

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D C 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

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

JENNIFER R. BUSSE
DIRECT NUMBER
410 832-2077
jbusse@wtplaw.com

September 15, 2005

Hand Delivery

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

Re: Windlass Run
PDM No. 15-855
Zoning Item No. 05-

Dear Mr. Kotroco:

Enclosed herein please find a complete package for a drop filing of the Petition for Variances for the above referenced project. Simultaneous with the delivery of this package, I have also submitted my letter formally requesting a combined hearing for this matter.

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

Sincerely,

Jennifer R. Busse

cc: Mr. Walter T. Smith
Iron Horse Properties, LLC
Ms. Kristy Bischoff

335591v4

#176

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

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
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FAX 202 331-0573

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

May 26, 2005

Hand Delivery

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

Re: Windlass Run
PDM No. 15-855
Zoning Item No. 06-176-A

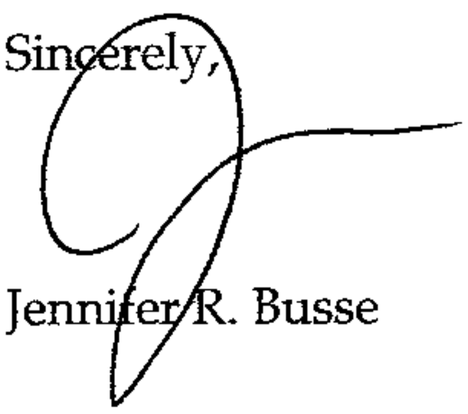
Dear Mr. Kotroco:

Please accept this letter as a request for a combined hearing for the above referenced matter pursuant to Baltimore County Code §32-4-230. A Development Plan (Revised) package was filed on May 24, 2006, and the Revised Petitions for Variance, new plans and check in the amount of $200 (the amended filing fee) were hand delivered to Jun Fernando today. I know Jun is on vacation today but I met with him yesterday and he agreed that I could leave the package for him to review when he returned from vacation. I was instructed that Jun was the proper person for me to communicate with in this regard since he was the reviewer who provided the DPC comments on the plan as it was originally filed.

The combined hearing for this matter commenced on December 8, 2005. The record was left open and we are now in a position to request a date for the continuation of the combined hearing. After working with various agencies, we are ready to proceed to a new (2nd) DPC and then a continuation of the combined hearing officer's hearing and zoning hearing. We will post the property with the new combined hearing date. As always, I will work with Kristen to ensure the hearing date is advertised as well. DMW will take care of mailing the notification of the DPC date and combined hearing date to all parties and persons to whom mailing is required.

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

Sincerely,



Jennifer R. Busse

cc: Mr. Walter T. Smith
Mr. Jun Fernando
Iron Horse Properties, LLC
Ms. Kristy Bischoff

361278

PLEASE PRINT CLEARLY

CASE NAME XV-855 & 06-176-A
CASE NUMBER Windlan Run
DATE 8/25/06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
G. Scott Barhight	210 W. Penn. Ave	Towson, MD 21204	
Charles V. Mann III	200 E. Penn. Ave.	" " 21286	
Kristy Bischoff	"	" " "	
Ray Kindler	2700 Lighthouse Point East	Baltimore MD 21224	
Doug Eshelman	" " " " Ste 724	" " 21224	deshelman@aol.com
Jim Joyce	" " " "	" "	jamesfjoyce2002@aol.com

PLEASE PRINT CLEARLY

CASE NAME Windlass Run
CASE NUMBER XV-855
DATE 8/25/06

CITIZEN'S SIGN-IN SHEET

HOH

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Fred Mairose	920 Wampler Rd	Balto. Md. 21220	
Robert Black	4 Drow Ct	Baldwin Md. 21013	
Clifford Black	1010 Wampler Rd.	Balto. Md. 21220	

PLEASE PRINT CLEARLY

CASE NAME Windsor Run
CASE NUMBER XV-855
DATE 8/25/06

COUNTY REPRESENTATIVE'S SIGN-IN SHEET HOH

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
BRUCE GILL	RECREATION + PARKS		
JUN FERNANDO	ZONING OFFICE		
Eric Rockel	Land Acquisition		
DAVE LYKENS	DEPRM		dlykens@co.ba.md.us
Curtis Murray	Planning		
WALT SMITH	PDR		
Dennis Kennedy	Dev. Plan Review		

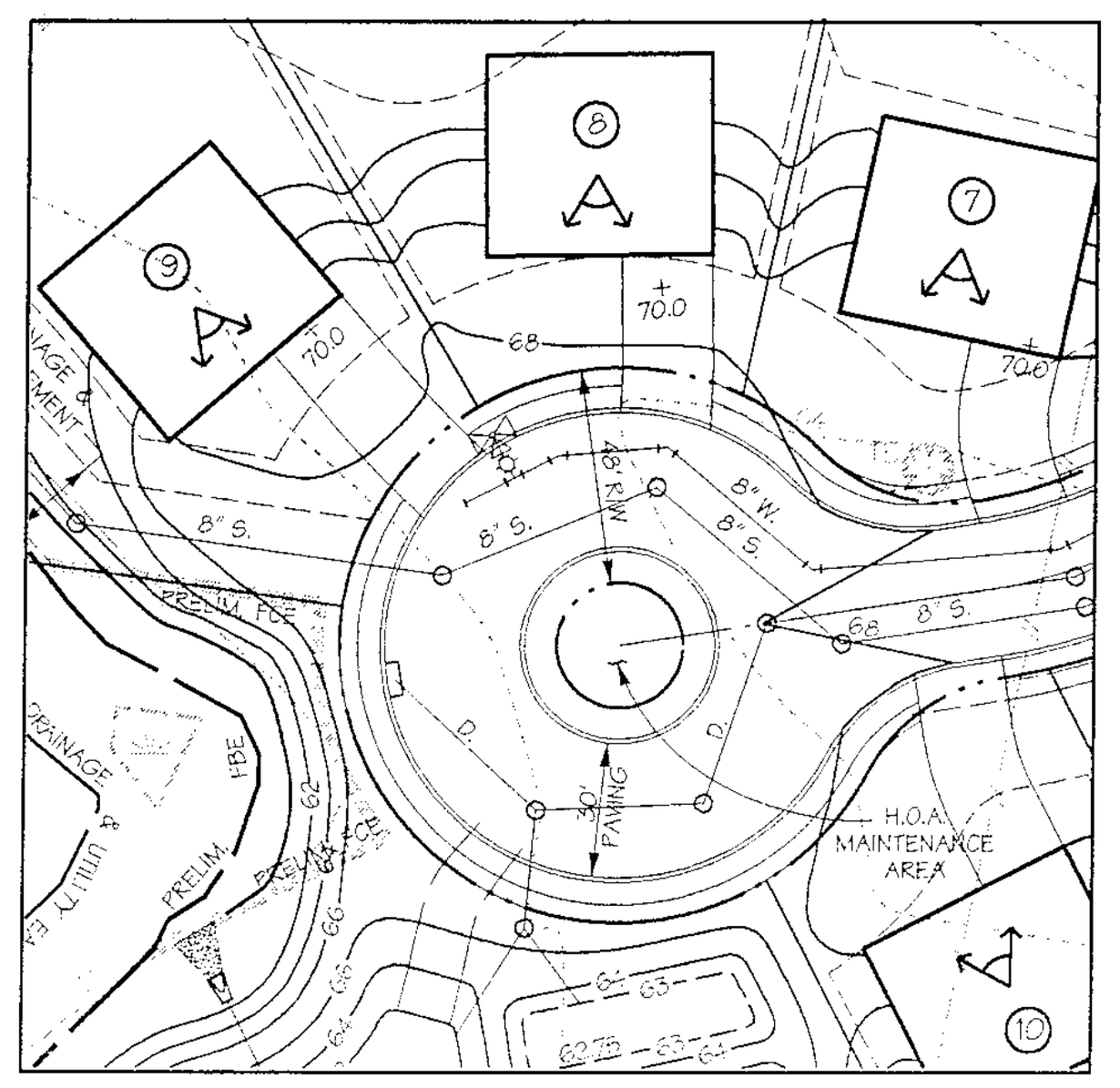
SITE DATA

ZONE	ACRES	UNITS ALLOWED	UNITS EXISTING	UNITS PROPOSED	TOTAL UNITS
D.R. 2	10.00	20	2	14	16
D.R. 3.5	0.07	0	0	0	0
D.R. 16	0.11	1	0	0	0
TOTAL	10.18	21	2	14	16

THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1971. THE DEVELOPER'S ENGINEER 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 AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	TOTAL UNITS	PARKING REQUIRED	PARKING PROVIDED	AVG. DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
SINGLE-FAMILY	16	32	32	160	N/A	N/A
TOTAL	16	32	32	160	N/A	N/A



Center Landscaping for cul-de-sac as alternative to Deviation from Residential Performance Standard

ZONING RELIEF REQUESTED

1. VARIANCE FROM BCZR SECTION 1B01.2C.1.b TO ALLOW A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 25-FEET IN LIEU OF THE REQUIRED 30-FEET FOR LOTS 1 AND 2; AND TO ALLOW A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 20-FEET IN LIEU OF THE REQUIRED 30-FEET FOR LOTS 4, 5 AND 6.

A COMBINED HEARING HAS BEEN REQUESTED IN ACCORDANCE WITH BALTIMORE COUNTY CODE SECTION 32-4-230.

SITE DATA

OWNER:	CLIFFORD L. & MARJORY M. BLACK 1010 WAMPLER ROAD BALTIMORE, MD 21220
DEVELOPER:	IRON HORSE PROPERTIES, LLC 603 SAINT FRANCIS ROAD BALTIMORE, MD 21286
TAX ACCOUNT NUMBER:	1900011668, 1900011667 & 1900011666
GROSS SITE AREA:	10.18 ACRES ±
NET SITE AREA:	9.85 ACRES ±
ZONING:	D.R.2
DEED REFERENCE:	N/A
PLAT:	50/144
TAX MAP:	82
PARCEL:	279
ELECTION DISTRICT:	15
COUNCILMANIC DISTRICT:	6
CENSUS TRACT:	4514
REGIONAL PLANNING DISTRICT:	327
SCHOOL DISTRICTS:	
ELEMENTARY SCHOOL:	GLENMAR & MIDDLESEX
MIDDLE SCHOOL:	MIDDLE RIVER
HIGH SCHOOL:	KENWOOD
WATERSHED:	BIRD RIVER (USE I)
SUB-SEWERSHED:	WINDLASS

SITE NOTES

1. THERE ARE NO 100-YEAR FEMA MAPPED FLOODPLAINS ON-SITE.
2. THERE ARE NO KNOWN DESIGNATED AREAS ON-SITE AS PER THE MARYLAND ARCHEOLOGICAL SURVEY.
3. THERE ARE NO KNOWN DESIGNATED HISTORIC STRUCTURES OR AREAS ON-SITE AS PER THE LANDMARKS PRESERVATION COMMISSION OR THE MARYLAND HISTORICAL TRUST INVENTORY.
4. THERE IS NO KNOWN PREVIOUS ZONING HISTORY ASSOCIATED WITH THIS PROPERTY.
5. A VARIANCE TO REDUCE THE BUFFER WILL BE REQUIRED FROM DEPRM TO ALLOW THE HOUSES ON LOTS 11-14.
6. AN ALTERNATIVES ANALYSIS WILL BE REQUIRED TO PROVIDE ACCESS TO THE SITE.
7. THE SIDE OF THE PROPOSED DWELLINGS ON ALL CORNER LOTS THAT FRONT ON A RIGHT-OF-WAY WILL BE FINISHED WITH THE SAME HIGH QUALITY EXTERIOR MATERIALS AS THE FRONT, AND SHALL INCLUDE DOUBLE WINDOWS, DOORS OR PORCHES.
8. BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
9. ALL SIGNAGE SHALL BE COMPLIANT WITH BCZR SECTION 450.
10. OPEN SPACE REQUIRED - 10,400 SF ACTIVE AND 5,600 SF PASSIVE OR A COMBINATION THEREOF AS SPECIFIED IN SECTION H.5.3; OPEN SPACE PROVIDED - 0 SF, WAIVER REQUESTED AND FEE IN LIEU TO BE PAID.
11. THE PROPOSED ROAD AND STORMWATER MANAGEMENT FACILITY SHALL BE PUBLIC.
12. THE PROPOSED PUBLIC ROAD SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND.
13. THE SWM RESERVATION SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND.
14. ALL DRAINAGE AND UTILITY EASEMENTS, FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND.
15. THIS DEVELOPMENT IS SUBJECT TO THE RESIDENTIAL PERFORMANCE STANDARDS (SECTION 260, BCZR), THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (SECTION 504.2) AND THE COUNTY LANDSCAPE MANUAL (SECTION 408.5.A.1). THIS DEVELOPMENT WILL COMPLY AND BE CONSISTENT WITH ALL OF THE AFOREMENTIONED REGULATIONS, STANDARDS, GUIDELINES AND POLICIES.
16. THE MAXIMUM BUILDING HEIGHT IS [illegible] FEET.
17. ALL EXISTING BUILDINGS LABELED TO BE REMOVED SHALL BE RAZED BY THE DEVELOPER AFTER THE RECORD PLAT IS RECORDED.
18. EXISTING PAVEMENT ON LOT 1 TO BE REMOVED BY THE DEVELOPER AFTER THE RECORD PLAT IS RECORDED. A FINISHED EDGE WILL BE LEFT ON THE EXISTING DRIVE ON LOT 15.
19. VERIFICATION OF THE STORMWATER MANAGEMENT OUTFALLS IS CONTAINED IN THE PRELIMINARY SWM HYDROLOGY COMPUTATIONS REPORT. ALL OUTFALLS WERE DETERMINED TO BE SUITABLE.

FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT NOTES

STANDARD NON-DISTURBANCE NOTE:

"THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT."

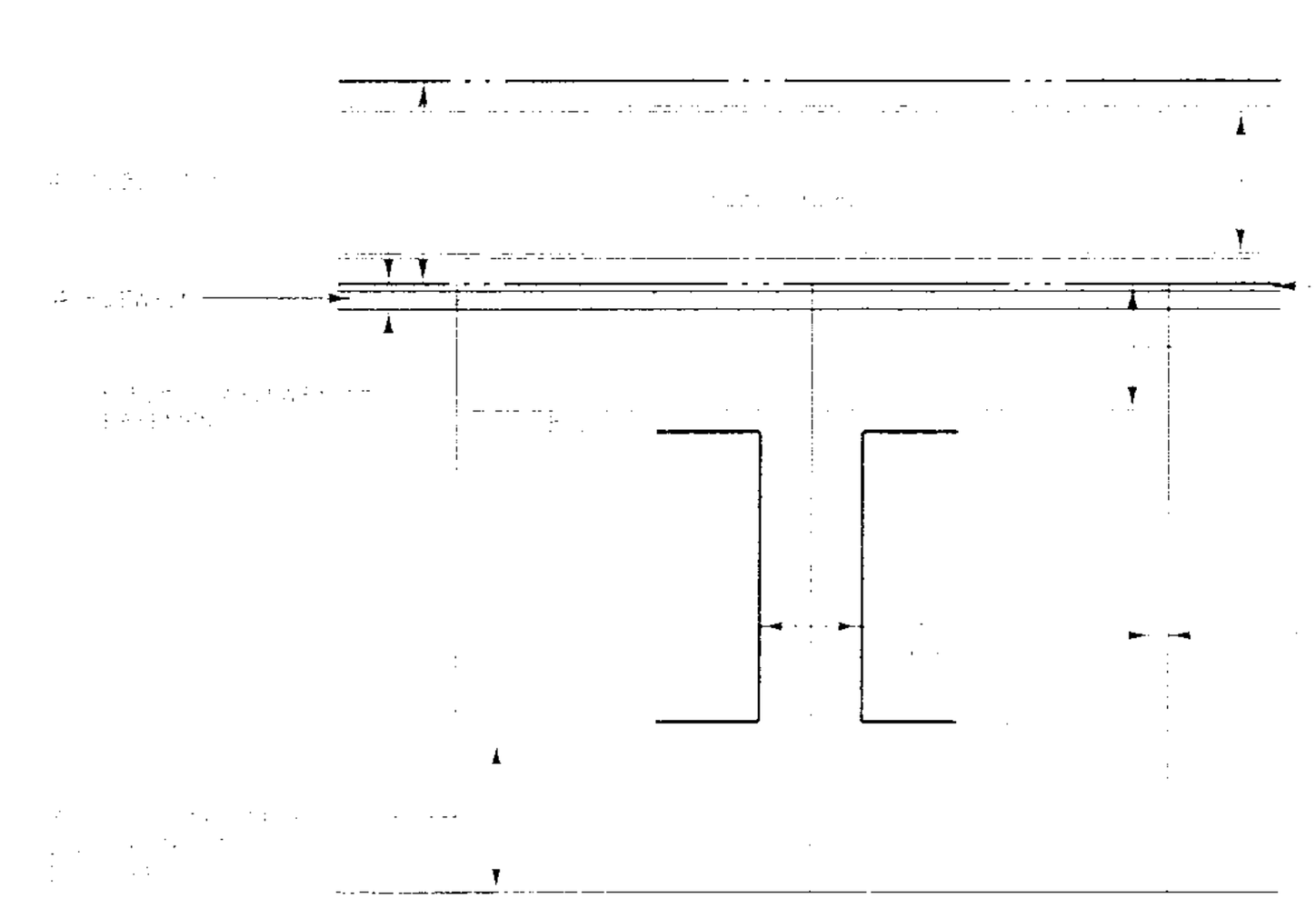
PROTECTIVE COVENANTS NOTE:

"ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS."

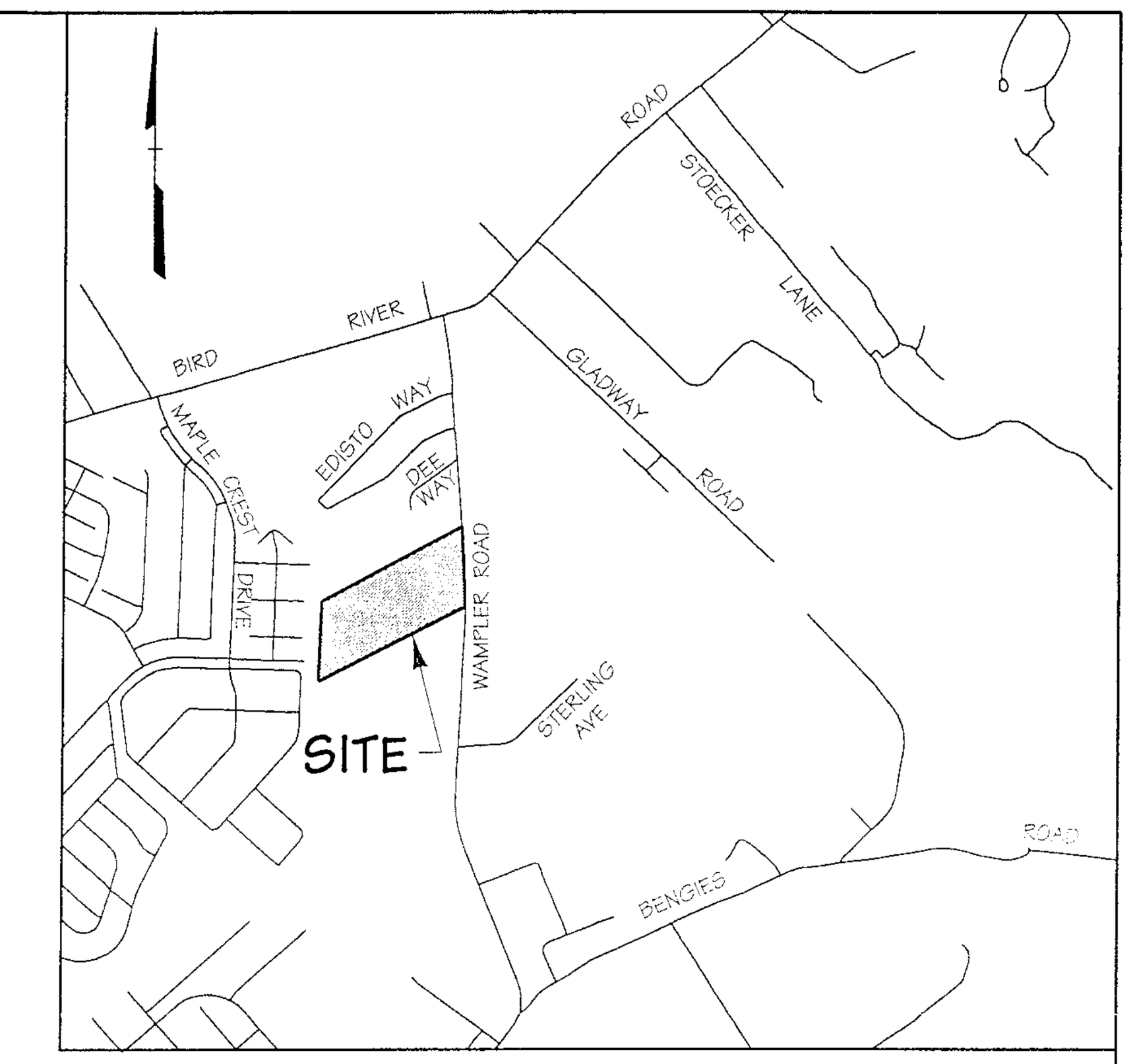
Single-Family Detached, Two-Family Alternative Site Design Dwellings

	D.R. 1 & 2 Zones (feet)	D.R.3.5, 5.5, 10.5 & 16 Zones (feet)	Alternative Site Design Dwellings: Zero & Zipper Lots All D.R. Zones (feet)	Alternative Site Design Dwellings: Neo-Traditional All D.R. Zones (feet)
From front building face to:				
Public street right-of-way or property line	25	25	25	15
Arterial or collector	-	-	-	25
From side building face to:				
Side building face	30	16 < 20 high 20 > 20 high	16	16 < 20 high 20 > 20 high
Public street right-of-way	25	15	15	15
Paving of a private road	30	25	25	25
Tract boundary	25	15	15	15
From rear building face to:				
Rear property line	30	30	20	50
Public street right-of-way	30	30	20	50
Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.				

This table only represents setback requirements and building heights for limited residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).



TYPICAL LOT



VICINITY MAP

SCALE: 1"=1000'

LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING CONTOURS
- SPOT ELEVATION
- EDGE OF PAVEMENT
- ℄ OF EXISTING ROAD
- ℄ OF EXISTING STREAM
- EXISTING TREE LINE
- EASEMENT LINE
- SOILS LINE
- PRELIMINARY FOREST BUFFER EASEMENT (FBE)
- PRELIMINARY FOREST CONSERVATION EASEMENT (FCE)
- WETLAND LIMITS
- WETLANDS
- PRELIMINARY 100-YEAR W.S.E.
- PRELIMINARY 100 YEAR FLOODPLAIN, DRAINAGE & UTILITY EASEMENT
- PROPOSED CURB & GUTTER
- PROPOSED WOODS LINE
- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED STORM DRAIN
- PROPOSED CONTOURS
- PROPOSED STREET LIGHT
- LIMIT OF DISTURBANCE

DATA SOURCES:

4. BOUNDARY INFORMATION SHOWN HEREON WAS FIELD LOCATED BY DMW ...
5. THE WETLANDS AND BUFFERS SHOWN ON THIS PLAN SHOULD BE CONSIDERED PRELIMINARY UNTIL APPROVED BY ALL REVIEWING AGENCIES.

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

Development Plan

Plan to Accompany Petition for Zoning Variance

ZONING CASE No.

Windlass Run

Wampler Road

PDM # 15-855

15th Election District
6th Councilmanic District

Baltimore County, Maryland

STATE OF MARYLAND — CHARLES VICTOR MANITTI — NO. 20784 — REGISTERED PROFESSIONAL ENGINEER — 9-2005

ISSUE DATES

9-14-05

SITE DATA

ZONE	ACRES	UNITS ALLOWED	UNITS EXISTING	UNITS PROPOSED	TOTAL UNITS
D.R.2	10.00	20	2	14	16
D.R.3.5	0.07	0	0	0	0
D.R.16	0.11	1	0	0	0
TOTAL	10.18	21	2	14	16

THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1971. THE DEVELOPER'S ENGINEER 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 AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	TOTAL UNITS	PARKING REQUIRED	PARKING PROVIDED	AVG. DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
SINGLE-FAMILY	16	32	32	160	N/A	N/A
TOTAL	16	32	32	160	N/A	N/A

SITE DATA

OWNER:	CLIFFORD L. & MARJORY M. BLACK 1010 WAMPLER ROAD BALTIMORE, MD 21220
DEVELOPER:	IRON HORSE PROPERTIES, LLC 603 SAINT FRANCIS ROAD BALTIMORE, MD 21286
TAX ACCOUNT NUMBER:	1500011000, 1500011007 & 1500011000
GROSS SITE AREA:	10.18 ACRES ±
NET SITE AREA:	9.85 ACRES ±
ZONING:	D.R.2
DEED REFERENCE:	N/A
PLAT:	50/144
TAX MAP:	82
PARCEL:	279
ELECTION DISTRICT:	15
COUNCILMANIC DISTRICT:	6
CENSUS TRACT:	4514
REGIONAL PLANNING DISTRICT:	327
SCHOOL DISTRICTS:	
ELEMENTARY SCHOOL:	GLENMAR & MIDDLESEX
MIDDLE SCHOOL:	MIDDLE RIVER
HIGH SCHOOL:	KENWOOD
WATERSHED:	BIRD RIVER (USE IV)
SUB-SEWERSHED:	WINDLASS

SITE NOTES

1. THERE ARE NO 100-YEAR FEMA MAPPED FLOODPLAINS ON-SITE.
2. THERE ARE NO KNOWN DESIGNATED AREAS ON-SITE AS PER THE MARYLAND ARCHEOLOGICAL SURVEY.
3. THERE ARE NO KNOWN DESIGNATED HISTORIC STRUCTURES OR AREAS ON-SITE AS PER THE LANDMARKS PRESERVATION COMMISSION OR THE MARYLAND HISTORICAL TRUST INVENTORY.
4. THERE IS NO KNOWN PREVIOUS ZONING HISTORY ASSOCIATED WITH THIS PROPERTY.
5. BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
6. ALL SIGNAGE SHALL BE COMPLIANT WITH BCZR SECTION 450.
7. OPEN SPACE REQUIRED - 10,400 SF ACTIVE AND 5,600 SF PASSIVE OR A COMBINATION THEREOF AS SPECIFIED IN SECTION III.D.3; OPEN SPACE PROVIDED - 0 SF, WAIVER REQUESTED AND FEE IN LIEU TO BE PAID.
8. THE PROPOSED ROADS AND STORMWATER MANAGEMENT FACILITY SHALL BE PUBLIC.
9. OFF-SITE RIGHT OF WAY OR AN EASEMENT AREA WILL BE NEEDED TO CONSTRUCT THE 25-FOOT PAVING SECTION OF COMPASS ROAD AND ASSOCIATED UTILITIES. OFF-SITE RIGHT OF WAY AND ADDITIONAL EASEMENT AREA WILL BE NEEDED TO CONSTRUCT THE COMPLETION OF THE 40-FOOT PAVING SECTION (BY OTHERS) OF COMPASS ROAD AND ASSOCIATED UTILITIES.
10. THE PORTION OF THE PROPOSED COMPASS ROAD INDICATED AS 25-FOOT PAVING SHALL BE CONSTRUCTED BY THE DEVELOPER AND/OR ITS ASSIGNS AND SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND. BALTIMORE COUNTY WILL PAY FOR THE CONSTRUCTION OF THE COMPLETION OF THE 40-FOOT PAVING AREA, LABELED AS "BY OTHERS", WHICH WILL NOT BE CONSTRUCTED BY THE DEVELOPER.
11. THE PERMITTING FOR THE EXTENSION OF COMPASS ROAD SHALL BE PHASED IN THE EVENT THAT THE DEVELOPER IS PREPARED TO PROCEED WITH PERMITTING THE 25-FOOT WIDE PORTION OF COMPASS ROAD BEFORE THE COUNTY IS PREPARED TO PROCEED WITH COMPLETION OF THE 40-FOOT WIDE PAVING AREA (LABELED AS "BY OTHERS").
12. THE SWM RESERVATION SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND.
13. ALL DRAINAGE AND UTILITY EASEMENTS, FOREST BUFFER EASEMENTS AND FOREST CONSERVATION EASEMENTS SHALL BE DEDICATED AND GRANTED AT NO COST TO BALTIMORE COUNTY, MARYLAND.
14. WITH THE EXCEPTION OF THE DEVIATIONS FROM STANDARDS SOUGHT HEREIN, THIS DEVELOPMENT IS SUBJECT TO THE RESIDENTIAL PERFORMANCE STANDARDS (SECTION 260, BCZR), THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (SECTION 504.2) AND THE COUNTY LANDSCAPE MANUAL (SECTION 409.8.A.1). THIS DEVELOPMENT WILL COMPLY AND BE CONSISTENT WITH ALL OF THE AFOREMENTIONED REGULATIONS, STANDARDS, GUIDELINES AND POLICIES.
15. THE MAXIMUM BUILDING HEIGHT IS 50 FEET.
16. ALL EXISTING BUILDINGS LABELED "TO BE REMOVED" SHALL BE RAZED BY THE DEVELOPER AFTER THE RECORD PLAT IS RECORDED.
17. EXISTING PAVEMENT ON LOT 1 TO BE REMOVED BY THE DEVELOPER AFTER THE RECORD PLAT IS RECORDED. A FINISHED EDGE WILL BE LEFT ON THE EXISTING DRIVE ON LOT 15.
18. VERIFICATION OF THE STORMWATER MANAGEMENT OUTFALLS IS CONTAINED IN THE PRELIMINARY SWM HYDROLOGY COMPUTATIONS REPORT. ALL OUTFALLS WERE DETERMINED TO BE SUITABLE.
19. THE SIDE OF THE PROPOSED DWELLING ON ALL CORNER LOTS THAT FRONT ON A RIGHT-OF-WAY (LOTS 2, 3, 4, 7, 9 & 14) SHALL BE FINISHED WITH THE SAME HIGH QUALITY EXTERIOR MATERIALS AS THE FRONT, AND SHALL INCLUDE DOUBLE WINDOWS, DOORS AND PORCHES.
20. THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.
21. IF THE COUNTY EVER NEEDS TO USE THE EASEMENT ON THE PERIMETER OF LOT 16, THE PROPERTY OWNER MUST AGREE TO REMOVE THE EXISTING SHED AT THEIR EXPENSE UPON REQUEST OF THE COUNTY.
22. REINFORCEMENT IS REQUIRED FOR APPROXIMATELY 2917 FEET OF DOWNSTREAM SANITARY SEWER BETWEEN MANHOLES 42382 AND 23552.
23. IF THE EXISTING ABANDONED WELL HAS NOT BEEN PROPERLY BACKFILLED, THIS MUST BE DONE PRIOR TO APPROVAL OF THE RECORD PLAT.

PUBLIC WORKS RELIEF REQUESTED

1. RELIEF WILL BE REQUESTED TO ALLOW A 44' RIGHT-OF-WAY IN LIEU OF THE REQUIRED 50' AND 24' PAVING IN LIEU OF THE REQUIRED 30' FOR ROAD 'A'.
2. THE DEPARTMENT OF PUBLIC WORKS WILL RECOMMEND APPROVAL OF THE GRADING IN THE 100-YEAR FLOODPLAIN DRAINAGE AND UTILITY EASEMENT AS SHOWN TO SUPPORT CONSTRUCTION OF THE SWM FACILITY AND COMPASS ROAD.
3. RELIEF WILL BE REQUESTED TO ALLOW 2:1 SLOPES ALONG COMPASS ROAD IN LIEU OF THE REQUIRED 3:1 SLOPE.
4. RELIEF HAS BEEN GRANTED TO ALLOW THE EXISTING SHED ON LOT 16 TO REMAIN IN THE EXISTING DRAINAGE & UTILITY EASEMENT.

ENVIRONMENTAL RELIEF REQUESTED

1. A VARIANCE TO REDUCE THE FOREST BUFFER WILL BE REQUIRED FROM DEPRM TO ALLOW THE HOUSES ON LOTS 6, 7, 8, 12 & 13. A VARIANCE TO ALLOW THE HOUSES ON LOTS 7, 8, 11, 12, 13 & 14 TO PARTIALLY BE LOCATED ON THE 35' BUILDING SETBACK WILL BE REQUIRED.
2. AN ALTERNATIVES ANALYSIS WILL BE REQUIRED FOR THE ROAD, SEWER CONNECTION, STORM DRAIN OUTFALL, SWM FACILITY AND WATER, SEWER AND STORM DRAIN CROSSINGS.

FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT NOTES

STANDARD NON-DISTURBANCE NOTE:

"THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT."

PROTECTIVE COVENANTS NOTE:

"ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS."

ZONING RELIEF REQUESTED (ZONING CASE No. 06-176-A)

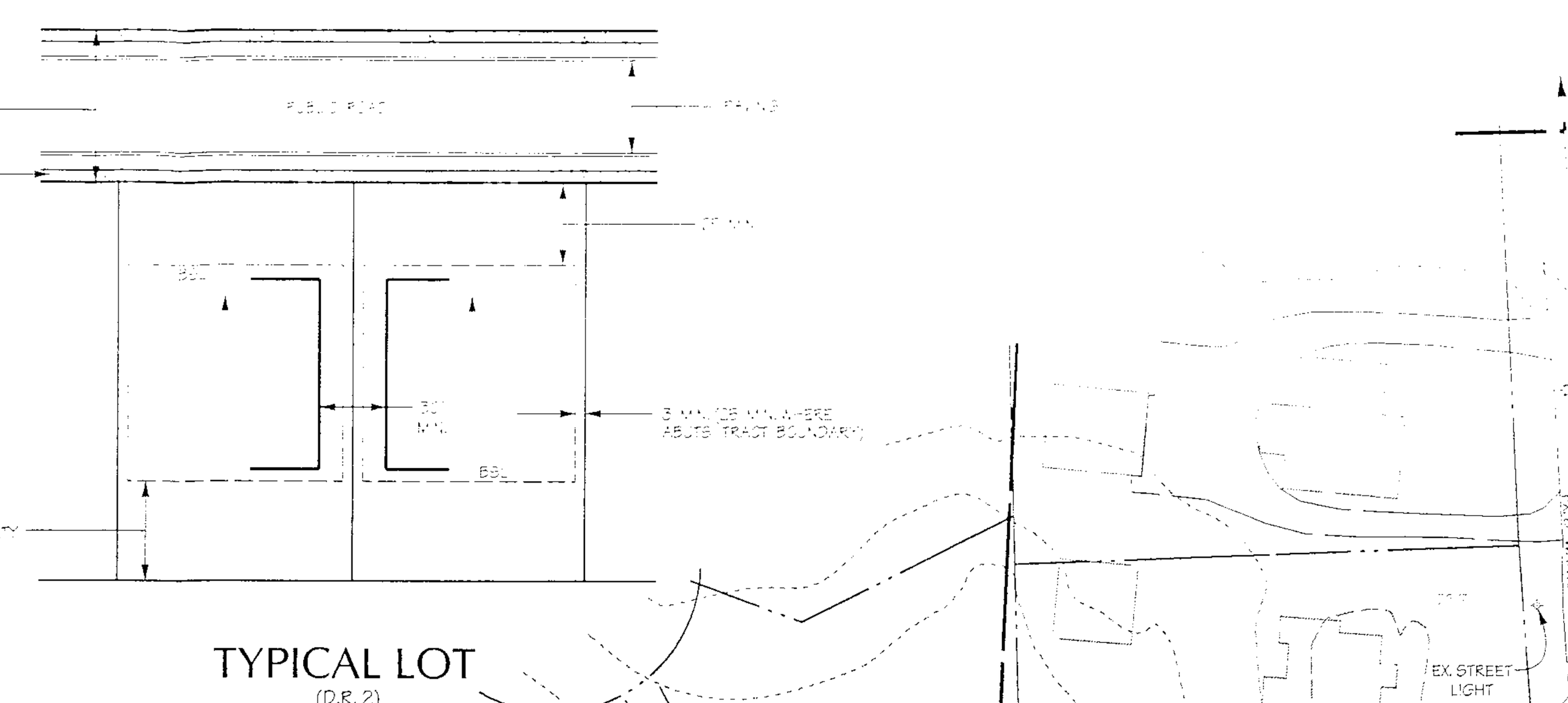
VARIANCES:
1. VARIANCE FROM BCZR SECTION 1B01.2.C.1.b TO ALLOW A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 25-FEET IN LIEU OF THE REQUIRED 30-FEET FOR LOTS 1, 2, 11 & 12.
2. VARIANCE FROM BCZR SECTION 1B01.2.C.1.b TO ALLOW A SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 20-FEET IN LIEU OF THE REQUIRED 30-FEET FOR LOTS 4, 5, 6, 9, 10, 11, 13 & 14.
3. VARIANCE FROM BCZR SECTION 301.1.A TO ALLOW A 20-FOOT MINIMUM SETBACK FROM THE REAR PROPERTY LINE FOR A 10-FOOT DEEP DECK OR ONE-STORY OPEN PORCH IN LIEU OF THE REQUIRED 22.5-FOOT SETBACK FROM THE REAR PROPERTY LINE FOR LOTS 1, 3 AND 6 (DUE TO THE REQUIREMENT THAT ANY SUCH DECK OR PORCH EXTEND INTO THE REAR YARD NOT MORE THAN 25% OF THE MINIMUM REQUIRED DEPTH OF THE REAR YARD).

DEVIATIONS:
1. A DEVIATION FROM STANDARDS FROM BCZR SECTION 260.2E.1.c WILL BE REQUESTED IN ACCORDANCE WITH BCZR SECTION 260.1.C TO PERMIT A MINIMUM REAR YARD SETBACK OF 30 FEET IN LIEU OF THE RECOMMENDED 40 FEET FOR ALL OF THE LOTS.
2. A DEVIATION FROM STANDARDS FROM BCZR SECTION 260.E.1.a WILL BE REQUESTED IN ACCORDANCE WITH BCZR SECTION 260.1.C TO PERMIT A MINIMUM LOT WIDTH OF 65-FEET IN LIEU OF THE RECOMMENDED 75-FEET AS MEASURED ALONG BOTH THE FRONT WALL AND REAR WALL OF THE DWELLING UNIT FOR LOTS 10 AND 11.
3. DEVIATION FROM RESIDENTIAL PERFORMANCE STANDARDS - PURSUANT TO BCZR SECTION 260.1B.4, DEVIATION FROM THE STANDARD IN BCZR SECTION 260.4B TO PERMIT A CUL-DE-SAC WITHOUT CENTER LANDSCAPING.

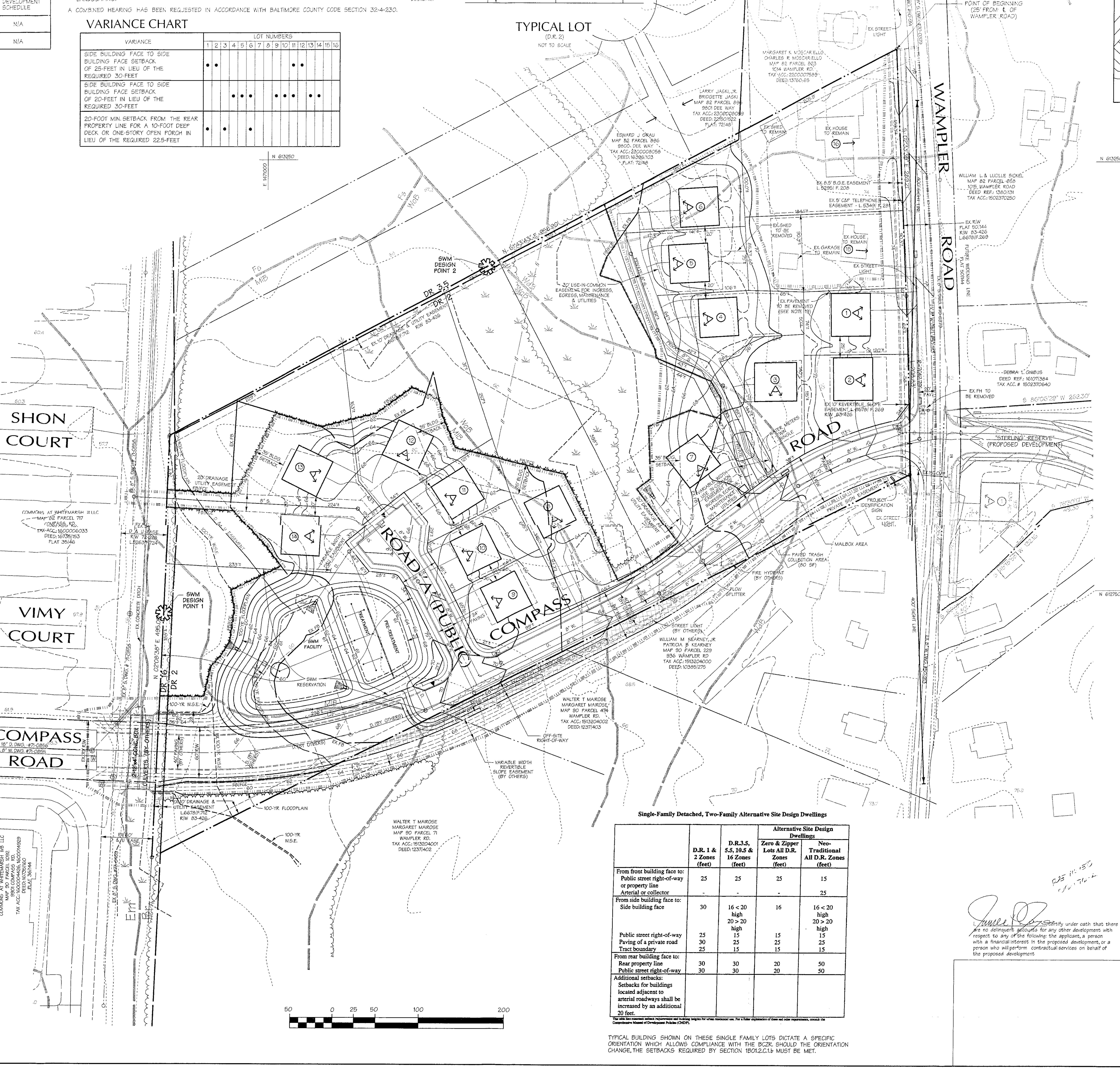
A COMBINED HEARING HAS BEEN REQUESTED IN ACCORDANCE WITH BALTIMORE COUNTY CODE SECTION 32-4-230.

VARIANCE CHART

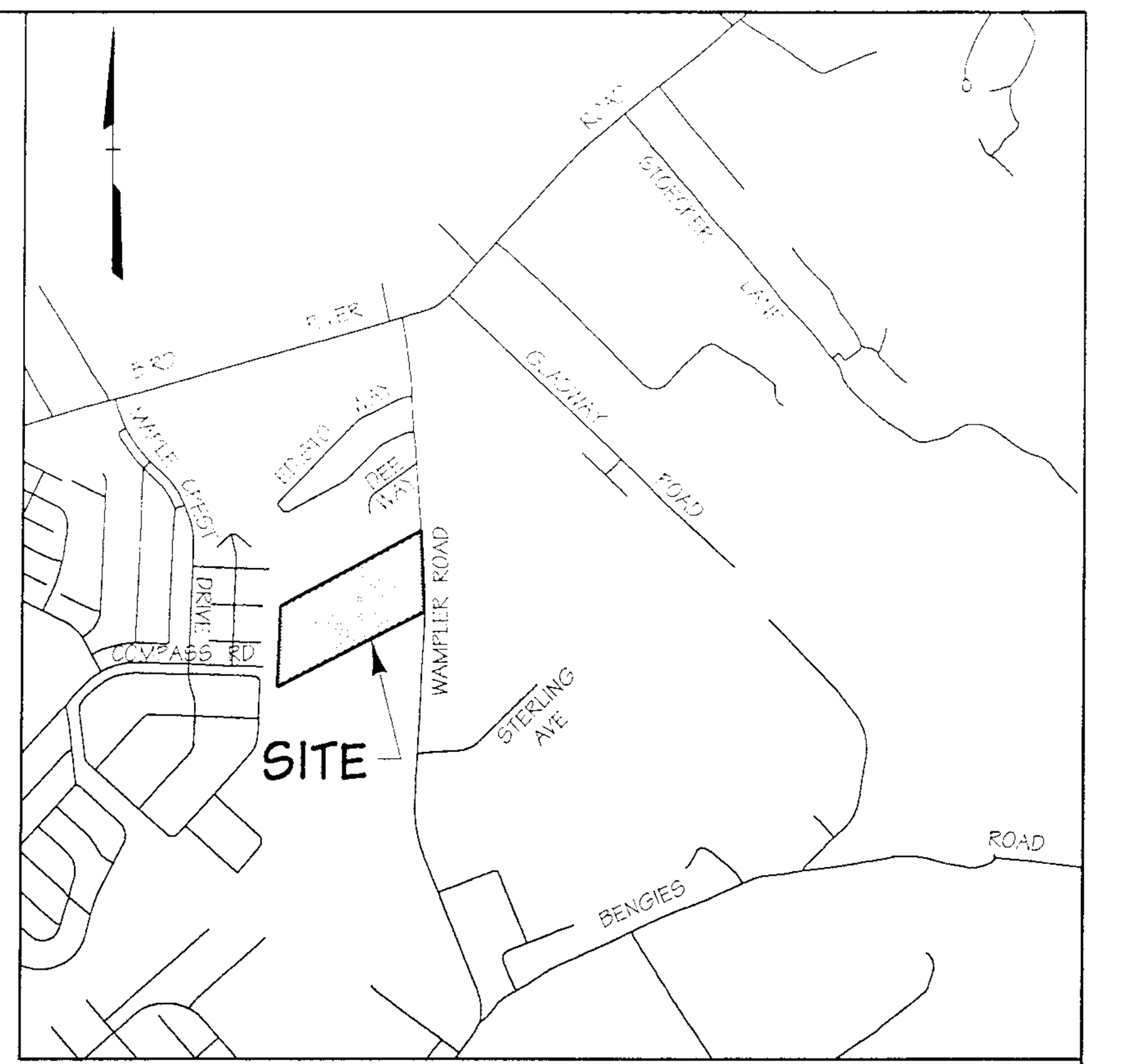
VARIANCE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	LOT NUMBERS															
SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 25-FEET IN LIEU OF THE REQUIRED 30-FEET	•	•									•	•				
SIDE BUILDING FACE TO SIDE BUILDING FACE SETBACK OF 20-FEET IN LIEU OF THE REQUIRED 30-FEET				•	•	•			•	•	•		•	•		
20-FOOT MIN. SETBACK FROM THE REAR PROPERTY LINE FOR A 10-FOOT DEEP DECK OR ONE-STORY OPEN PORCH IN LIEU OF THE REQUIRED 22.5-FEET	•		•			•										



TYPICAL LOT
(D.R.2)
NOT TO SCALE



0 25 50 100 200



VICINITY MAP

SCALE: 1"=1000'

LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING CONTOURS
- SPOT ELEVATION
- EDGE OF PAVEMENT
- ℄ OF EXISTING ROAD
- ℄ OF EXISTING STREAM
- EXISTING TREE LINE
- EASEMENT LINE
- SOILS LINE
- FOREST BUFFER
- FOREST BUFFER/FOREST CONSERVATION EASEMENT
- WETLAND LIMITS
- WETLANDS
- 100-YEAR W.S.E.
- 100-YEAR FLOODPLAIN DRAINAGE & UTILITY EASEMENT
- PROPOSED CURB & GUTTER
- PROPOSED WOODS LINE
- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED STORM DRAIN
- PROPOSED CONTOURS
- PROPOSED STREET LIGHT
- LIMIT OF DISTURBANCE
- GRADING (BY OTHERS)
- CURB & GUTTER (BY OTHERS)
- STORM DRAIN (BY OTHERS)
- PAVEMENT TO BE CONSTRUCTED BY DEVELOPER
- OFF-SITE RIGHT-OF-WAY

DATA SOURCES:

1. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON BALTIMORE COUNTY GIS DATED MARCH 1995.
2. EXISTING BUILDINGS AND PAVEMENT HAVE BEEN FIELD LOCATED BY DMW IN JULY, 2005.
3. ZONING INFORMATION SHOWN HEREON PROVIDED BY BALTIMORE COUNTY OFFICE OF PLANNING GIS OFFICE. SECTION 32-3-202 OF THE BALTIMORE COUNTY, 2003 CODE ESTABLISHES THE ZONING GEODATABASE. THIS MAP REPRESENTS THE ACTIONS OF THE BALTIMORE COUNTY COUNCIL ON AUGUST 31, 2004 (BILLS 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, AND 89-04) EFFECTIVE SEPTEMBER 3, 2004.
4. BOUNDARY INFORMATION SHOWN HEREON WAS FIELD LOCATED BY DMW IN JULY, 2005.
5. THE WETLANDS AND BUFFERS SHOWN ON THIS PLAN SHOULD BE CONSIDERED PRELIMINARY UNTIL APPROVED BY ALL REVIEWING AGENCIES.

Single-Family Detached, Two-Family Alternative Site Design Dwellings

	D.R. 1 & 2 Zones (feet)	D.R.3.5, 5.5, 10.5 & 16 Zones (feet)	Alternative Site Design Dwellings: Zero & Zipper Lots All D.R. Zones (feet)	Alternative Site Design Dwellings: Neo-Traditional All D.R. Zones (feet)
From front building face to:				
Public street right-of-way or property line	25	25	25	15
Arterial or collector	-	-	-	25
From side building face to:				
Side building face	30	16 < 20 high 20 > 20 high	16	16 < 20 high 20 > 20 high
Public street right-of-way	25	15	15	15
Paving of a private road	30	25	25	25
Tract boundary	25	15	15	15
From rear building face to:				
Rear property line	30	30	20	50
Public street right-of-way	30	30	20	50
Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.				

The table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).

TYPICAL BUILDING SHOWN ON THESE SINGLE FAMILY LOTS DICTATE A SPECIFIC ORIENTATION WHICH ALLOWS COMPLIANCE WITH THE BCZR. SHOULD THE ORIENTATION CHANGE, THE SETBACKS REQUIRED BY SECTION 1B01.2.C.1.b MUST BE MET.

I, [signature] certify under oath that there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

Development Plan

Plan to Accompany Petition for Zoning Variance

ZONING CASE No. 06-176-A

Windlass Run

Wampler Road
PDM # 15-855

15th Election District
6th Councilmanic District
Baltimore County, Maryland

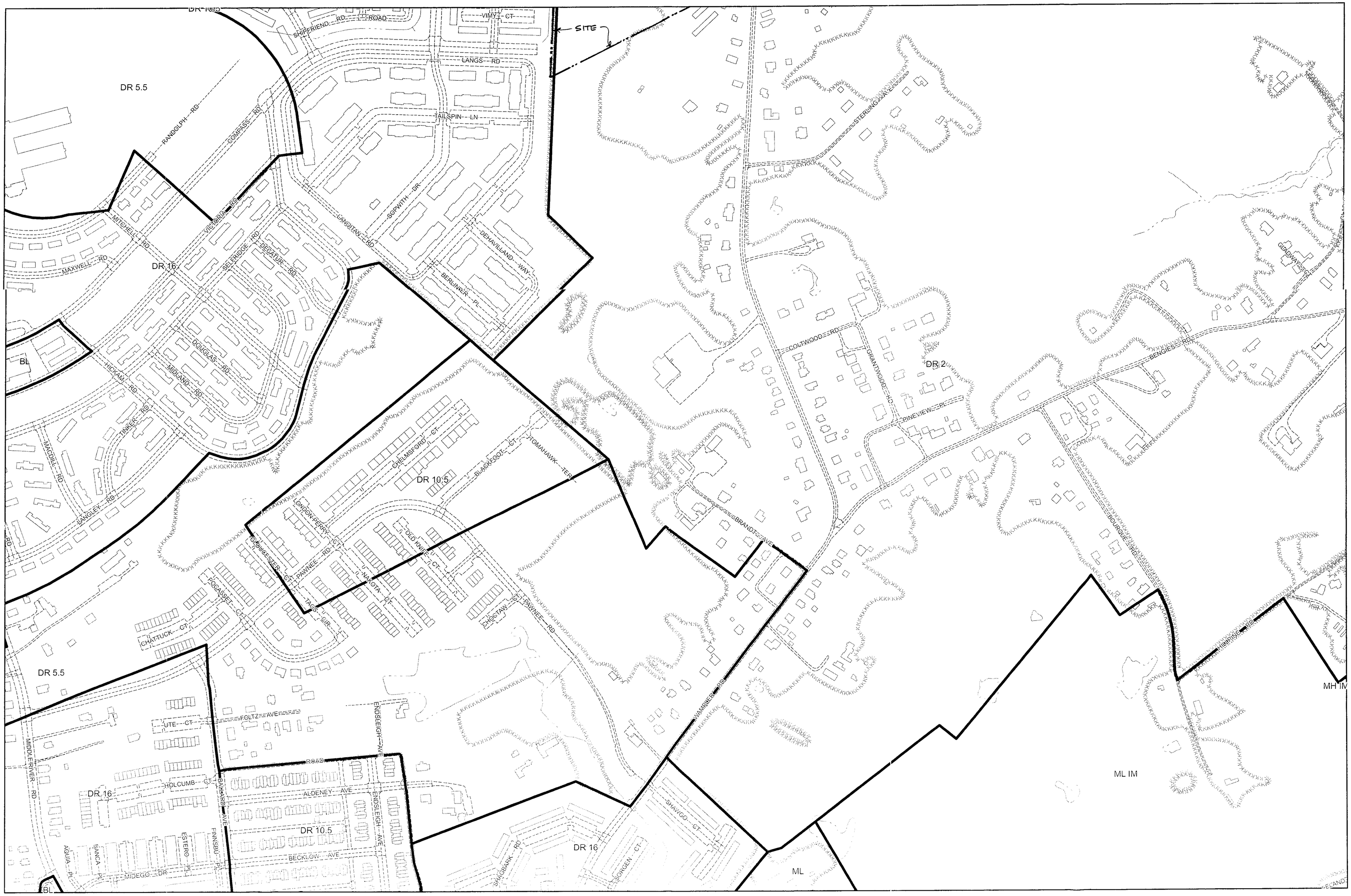
NAD83

STATE OF MARYLAND — CHARLES VICTOR [signature] — No. 20784 — REGISTERED PROFESSIONAL ENGINEER — 5-18-06

ISSUE DATES	
REVIEW:	5-17-06
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	
DRAWN:	KMB/RDW
DESIGNED:	KMB
CHECKED BY:	[initials]
DATE CHECKED:	5-18-06
SCALE:	1" = 50'
PROJECT NO.:	04097.00
DRAWING:	1 of 1

DATE	BY	REVISIONS
5/06	DMW	EXTENSION OF COMPASS ROAD PROPOSED BY OTHERS
		REVISED LAYOUT PER COMPASS ROAD EXTENSION
		ADDITIONAL VARIANCES AND DEVIATIONS FROM STANDARDS LISTED

5/18/2006 2:56:36 PM kbischoff c:\hpm\04097DV1.hpm n:\04097\04097.dv1 04097.dv1



Plan Sheet: 090C1

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

Legend

Zoning
Buildings
Streams
Roads
Vegetation

Baltimore County
Office of Planning and Zoning
Official Zoning Map

082A3	082B3	082C3	083A3	083B3
090A1	090B1	090C1	091A1	091B1
090A2	090B2	090C2	091A2	091B2

Scale

1" = 200'

0 100 200 400 Feet

1

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

Plan Sheet: *082C3*

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

Legend

Zoning — Streams — Vegetation
Buildings ------ Roads

Baltimore County
Office of Planning and Zoning
Official Zoning Map

082A2	082B2	082C2	083A2	083B2
082A3	082B3	082C3	083A3	083B3
090A1	090B1	090C1	091A1	091B1

Scale

1" = 200'

0 100 200 400 Feet

1

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

176

BALTIMORE COUNTY, MARYLAND
FICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

176 JL **No.** 119427

001006 6150

DATE 9/23/05 ACCOUNT ~~325.00~~

AMOUNT $ 325.00

RECEIVED FROM: Whitefield Taylor Preston

FOR: 5 Res. Variances at 65.00 ea.

06 176 A

STRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION