IN RE: DEVELOPMENT PLAN HEARING PETITION FOR FAIRVIEW FARM	*	BEFORE THE
N/S Liberty Road, S/S Lyons Mills Road, W Deer Park Road	*	HEARING OFFICER
2nd Election District	*	OF BALTIMORE COUNTY
4th Councilmanic District **(Fairview Farm)**	*	Case Nos. II-692 & 06-265-SPHA
Iron Horse Properties LLC *Developer/Petitioner*	*	

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FINAL HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as "Fairview Farm", prepared by D.S. Thaler & Associates, Inc. The Developer is proposing the development of the subject property into 11 new single-family dwellings while retaining the existing dwelling and commercial uses on Lot 12. The subject property is located on the north side of Liberty Road, south side of Lyons Mills Road, west of Deer Park Road in the northwest area of Baltimore County. The particulars of the manner in which the property is finally proposed to be developed are more specifically shown on Developer's Exhibit No. 1 A and 1 B, the revised Redline Development Plan entered into evidence at the hearing.

In addition, the Petitioner is also requesting zoning relief as follows:

Petition for Variance:

1. Variance from the Baltimore County Zoning Regulations, Section 1A04.3B.2.b, for the existing dwelling on Lot 12 to permit a building to tract boundary setback of 7 feet +/- in lieu of the required 50 feet, and a principal building to the center line of a collector road setback of 22 feet +/- in lieu of the required 150 feet; and

2. Variance from Baltimore County Zoning Regulations, Section 102.2, for the existing buildings on Lot 12 to permit a minimum building to building setback of 18 feet +/- in lieu of the required 60 feet.

Petition for Special Hearing:

1. Special Hearing in accordance with Baltimore County Zoning Commissioner's Policy Manual, Section 1A-3.1, to approve the continuation of the existing residential and commercial uses, the existing well and existing structures, and to approve the proposed septic reserve area, all on an R.C. 5 lot which is split by BR zone lines; and

2. Special Hearing in accordance with Baltimore County Zoning Regulations, Section 1A04.3B.1a, to determine that a lot greater than 1.5 acres in size may be created with an R.C. 5 component of less than 1.5 acres; and

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3. Special Hearing to determine there is no conflict with Baltimore County Zoning Regulations, Section 102.2; and

4. To approve non-conforming uses and structures on Lot 12.

The property was posted with Notice of the Hearing Officer's Hearing on December 19, 2005. In addition, notice of the zoning hearing date and time was posted on the property on January 3, 2006 and published in "The Jeffersonian" newspaper on January 3, 2006, to notify any interested persons of the scheduled hearing date.

Appearing at the hearing on behalf of the revised Redline Development Plan approval request were George J. Bopst, Jr., Carolyn Bopst, Jim Joyce, and Doug Eshelman. D.S. Thaler, Brian Childres and Stacey MacArthur appeared on behalf of D.S. Thaler and Associates, Inc., the engineering firm that prepared the Development Plan. Scott Barhight, Esquire represented the Petitioners. Also in attendance was Bob Sherron as an interested citizen.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely: Lloyd Moxley (Zoning Review), Vishnu Desai and Dennis Kennedy (Development Plans Review), Walt Smith (Development Management) and Don Stires (Bureau of Land Acquisition), all from the Office of Permits & Development Management (PDM); Bruce Seeley and Jeff Livingston from the Department of Environmental Protection and Resource Management (DEPRM); Curtis Murray from the Office of Planning, and Jan Cook from the Department of Recreation & Parks.

As to the history of the project, the initial Concept Plan Conference was held on March 14, 2005 and a Community Input Meeting followed on April 12, 2005 at Randallstown High. A Development Plan Conference was held on December 28, 2005 and a Hearing Officer's Hearing was held on January 19, 2006 in Room 106 of the County Office Building. The Developer's Motion for a Court Reporter and to bifurcate the development and zoning hearings was granted.

Development Plan

Developer Issues

The Developer raised no issues at the outset of the hearing.

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County issues

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

Fire Department

The project manager for this project indicated that the issue of the location of the fire tank had been resolved to the Department's satisfaction.

Planning Office

The Office of Planning indicated that the revised Redline Development Plan met the regulations for which the Department was responsible including revised school impact analysis. In addition, he reviewed and approved the revised pattern book, which was accepted as Developer's Exhibit 3. Finally, he reviewed and approved the revised landscape plan for Lot 12 which contain the existing structures which was accepted as Developer's Exhibit 4.

Based upon the revised development plan, pattern book and landscape plan, the representative indicated that the Department finds the revised development plan meets the spirit and intent of the Performance Standards specified for the RC 5 zones.

At this point in the hearing, a general discussion of the form and substance of the Department's findings regarding performance standards ensued. Mr. Barhight indicated that the Court of Special Appeals in *Monkton Preservation Association v Gaylord Brooks*, 107 Md. App. 573, (1996) involving a development plan known as "Magers Landing" opined that the development process is intended to identify and resolve issues. If issues are not raised by any party, there is no need for evidence or testimony to support the Planning Office findings or for that matter the Hearing Officer's Order.

Recreation and Parks

The representative of the Department indicated that a waiver had been requested and granted by the Department allowing the Developer to pay a fee in lieu of providing local open space on the site.

See Developer's Exhibit 2.

Department of Environmental Protection and Resource Management (DEPRM)

The representative of the Department indicated that the Department's review of ground water management and storm water management had not yet been completed. He requested that the record of this case remain open to see if these matters could be resolved. The Developer agreed. Neither party waived their right to a public hearing, however, should these matters not be resolved.

On April 19, 2006 the representative of DEPRM indicated in a memo to file that all Department issues had been resolved as shown on exhibits 5 A and 5 B.

Community Issues

There were no community issues.

Commission Requests

This Commissioner requested the Developer to designate the zoning use areas on lot 12 which it claims were non conforming uses. In response the Developer submitted a Zoning Use Outline Plan on March 15, 2006 which was accepted into evidence as Developers exhibit 1C. This Plan shows the location of each nonconforming use on this lot.

Applicable Law

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

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

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

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

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

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

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

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

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

(a) *Final decision.*

(1) (i) The Hearing Officer shall issue the final decision within 15 days after the conclusion of the final hearing held on the Development Plan.
(iii) The Hearing Officer shall file an opinion which includes the basis of the Hearing Officer's decision.

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

(i) The Development Plan shall be deemed approved as submitted by the applicant; and
(ii) The Hearing Officer shall immediately notify the participants that:
1. The Development Plan is deemed approved; and
2. The appeal period began on the fifteenth day after the conclusion of the final hearing.

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

(c) *Conditions imposed by Hearing Officer.*

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

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

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

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

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

The Hearing Officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated adopted in accordance with Article 3, Title 7 of the Code, provided that the final approval of a

plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

Testimony and Evidence

Stacey MacArthur, landscape architect, was qualified as an expert witness in this case. She introduced Developer's Exhibits 1 A and 1 B, the revised Redline Development Plan which was accepted into evidence. She noted that the subject property contains 25.6 acres with frontage on Liberty Road and Lyons Mill Road. The property is primarily zoned RC 5. However, there is a one acre portion of the property on Liberty Road zoned BR which is improved by an existing single family dwelling with an office, a contractor's storage yard, service garage and various accessory buildings. The remaining portion of the property is farmland, stream and forest.

The development plan divides the property into 12 lots on which the Developer will construct 11 new single family dwellings. All business uses and the existing single family dwelling will be located on Lot 12, which is the subject of the requested zoning relief. Each lot meets the minimum size of 1.5 acres required by the RC 5 regulations. Each new home will be served by private well and septic systems.

Ms. MacArthur indicated that there are two (2) slivers of BR zoned land within Lots 6 and 7 which are designated as unbuildable. However, the primary focus of this case arises because Lot 12 has the one acre of BR zoned land, sandwiched in between two RC 5 slices of land and the commercial uses of Lot 12 spill over into the RC 5 zoned slices.

Ms. MacArthur testified that the revised Redline Development Plan, exhibit 1 A and 1 B, meets all applicable regulations.

In addition the Developer indicated in its March 15, 2006 letter that they recently realized Developer's exhibits 1A and 1 B mistakenly show proposed parking spaces on Lot 12. Consequently the Developer submitted revised redlined plans for exhibits 1 A and 1 B which were accepted into evidence as Developer's Exhibit 1A, March 15, 2006 and Exhibit 1 B, March 15, 2006. Finally the Developer revised the Development Plan once again to reflect DEPRM's comments from its post

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hearing review during which time the record remained open. The Revised Redline Development Plan was accepted into evidence as Developer's exhibits 5 A and 5 B.

Zoning Case

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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

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

Amended Petition

Mr. Barhight noted that the original request for variance for the location of the existing dwelling requested a variance from the distance to a collector road of 22 feet in lieu of the 150 feet required. He noted that the request for 22 feet is the distance to the right of way of Liberty Road whereas the regulations require the setback from the center of the road, which is 62 feet. In addition, he noted that the Bureau of Development Plans Review has defined Liberty Road as an arterial not collector road in its December 20, 2005 ZAC comment in the zoning case and consequently the required distance is 100 feet not 150 feet.

These amendments were accepted by this Commission in that they request less relief than advertised to the public.

Testimony and Evidence

Mr. Barhight requested and was granted a Motion that all testimony and evidence admitted in the development plan case be admitted in the zoning case.

Mr. Barhight proffered that the Petitioner and her family have used the subject property for many commercial purposes from before to World War II to the present time. The commercial uses of the property include a service garage, contractor storage yard, and sales and storage of firewood. All these uses have been isolated onto Lot 12. He noted that the County Council recognized these long standing uses and created a one-acre portion of Lot 12 perpendicular to Liberty Road which contains the bulk of the commercial uses and buildings. This rectangle of BR zoning has approximately 145 feet of frontage on Liberty Road.

However, as shown in Developer's exhibit 1 A and 1 B, the property lines in this area are at an angle, not perpendicular, to Liberty Road and the property frontage on Liberty Road is approximately 315 feet. The remaining acreage of Lot 12 outside of the central area zoned BR is zoned RC 5. The result is that Lot 12 has two (2) nearly triangular RC 5 areas approximately 0.5 acres in size, on either side of the central one acre portion of the lot zoned BR. The zoning relief involves accessory commercial uses in the RC 5 portion of Lot 12. See Exhibit 1 C for zoning use areas.

Mr. Barhight first noted the uses that are and are not the subject of this zoning relief. For example, the western RC 5 triangle contains a single family dwelling which is allowed by right. However, inside this structure are offices for the commercial uses located in the BR portion. The Petitioner is asking for recognition of the non-conforming office use of this structure. Similarly, the service garage is located and allowed by right in the BR portion of Lot 12. However, parking and storage of vehicles for the service garage is located in the RC 5 portion of Lot 12. Sale and storage of firewood is more esoteric. He noted that there is no specific mention of the sale of firewood in any commercial zone although every 7-Eleven, Giant Food Store, Wal-Mart, etc. sell firewood to the

public in season. Consequently, the Petitioner requests recognition of the non-conforming sale and storage of firewood from the property.

In regard to requests for variances, he noted that if the request for non-conforming status is denied, that the existing single family dwelling is located only seven (7) feet from the west property line while the RC 5 regulations require 50 feet track boundary setback. In addition, the home is 62 feet from the centerline of Liberty Road while the regulations require 100 feet. He opined that it was obviously impractical to move the dwelling back away from the tract boundary or centerline of the roadway.

In regard to the second variance request, he pointed out that the site has many existing structures, the closest of which are 18 feet apart. Section 102.2 requires every use to have its own yard, so that the minimum setback from the lot line in RC 5 is 30 feet for accessory buildings. As the result, all uses in the RC 5 zone should be 60 feet apart. Again, he noted that it's impractical to move existing structures to separate them sufficiently to meet the regulations. In the alternative, he requests special hearing relief to confirm the location of the existing structures does not conflict with the requirement of Section 102.2

In regard to the request for special hearing, the Petitioner asks that the non-conforming status of the uses of the property be confirmed. In addition, Mr. Barhight noted that the existing well and septic systems which serve the commercial uses in the BR zone are located on a lot which contains both BR and RC 5 zones. The location of these facilities is dictated by the physical makeup of the earth and so must reasonably be placed where proper conditions are to be found. Those are as shown on the revised Redline Development Plan. In addition, he noted that the BR regulations include all BM uses, which in turn include all BL uses. The BL regulations specify the residential uses in a BL zone are controlled by the adjacent residential zone, which in this case is RC 5. Consequently, the residential uses of the well and septic system must conform to RC 5 regulations even if located in the BR zoned area in the center of the lot.

A second special hearing request was to determine that a lot greater that 1.5 acre can be created with a RC component of less than 1.5 acres. Mr. Barhight noted that the minimum lot size for RC 5 is 1.5 acres. Lot 12 contains 2.1 acres of which the combined RC component is 1.1 acre. Again, he opined that residential uses of this lot are controlled by the adjoining RC 5 regulations as above. The lot contains 2.1 acres so that the creation of Lot 12 meets the spirit and intent of the RC regulation even if the actual RC 5 component is less than 1.5 acres.

Finally, in regard to the non-conforming use case, he presented the Petitioner, Carolyn Bopst, (who is 76 years old) and her son, George Bopst, Jr., who have personal knowledge of the uses of the property from World War II to the present. Mr. Bopst testified, and Mrs. Bopst confirmed, that the first owner of the property in the Bopst family was Uncle Jake Bopst who purchased and built the single family dwelling on Lot 12 in 1918. According to the witnesses, Uncle Jake and his brother George Bopst, Sr. (now deceased) operated the Bopst Repair vehicle service garage on the property. George Sr. lived on the property prior to his death with Mrs. Bopst in the single family dwelling on Lot 12. She married George Sr. after World War II but was aware of the uses on the property before the War. George Jr. lived on the property from 1956 to 1975 but has continued to be aware of the uses thereon.

George Jr. testified that the family has continuously operated a service garage primarily within the BR zoned area, which contains the service garage structures. However, he indicated that parking and storage of vehicles in support of the service garage is on the RC 5 portion of Lot 12 as shown in Exhibit 1 C. In addition, he noted that the property has been used continuously to store contractor equipment and supplies such as dump trucks, backhoes, front-end loaders and the like, which along with top soil stone and mulch, supported and today continue to support a hauling and excavating business on the property. The Bopst family contracts to plow snow for State and local governments and so stores snowplow equipment on the property. He also noted that he operates a tour bus business from the property, which he considers an intensification of, and not an extension of the existing uses of the property. While he is allowed by right to operate such a business on the BR portion of the

property under the service garage banner, the office for this business is located in the single family dwelling in the RC 5 portion of the lot. Finally, he testified that the family has sold and stored firewood from the property since the 1920's. All these uses have continued uninterruptedly starting before 1945. He noted that the only bathroom facilities on the premises are located in the single-family dwelling.

Mr. Thaler, a registered professional engineer, testified that his personal knowledge of the property begin in the late 1960's. He confirmed the continuous uses described by Mr. Bopst since that time. He opined that the sale of firewood is allowed by right in the BR portion of the lot because BL allows garden centers, and variety dry goods and combinations of same. Sale of firewood is an accessory use of the listed principal uses. He acknowledged there could be an issue raised as to whether there can be an accessory use without a principle use on the property. He further testified that service garages are defined in the B.C.Z.R. to include vehicles for hire such as the busses of the Bopst bus tour company.

In regard to the requested variances, if the non-conforming uses were approved, there would be no need for either setback variance. Finally, he and Mr. Barhight noted that from their research, the first time this area of the County had any zoning map applied was in 1960. However, in an abundance of caution they presented evidence of the continuous uses of the property before any zoning regulations were imposed on any property in the County in 1945. He opined that the property was unique from a zoning standpoint given the multitude of existing structures built and uses made prior to any zoning regulations. Finally, he opined that the Bopst Tour Bus business is merely an intensification of the prior uses of the property. For example, buses rented and stored on the property are very similar to in size and impact to the large dump trucks, front-end loaders and the like regularly rented and stored on the property. Mr. Barhight noted that this use complies with the four-part test in *McKemy v Baltimore County*, 39 Md.App. 257, 385 A.2d. 96 (1978) as the neighbors could easily observe the addition of buses to the parking and storage of other large vehicles on the property. He opined there was and is no adverse impact on the community.

Findings of Fact and Conclusions of Law

Variance Request

Overview

This case arises because of the unusual zoning on that part of the property now designated as Lot 12. The zoning lines do not follow the property lines but rather carve out a one acre BR area surrounded by two triangular areas zoned RC 5. The zoning lines do not even run parallel to the property lines in this area but rather set off perpendicular to Liberty Road. While the BR zone portion of the property contains the structures used for commercial purposes, it does not contain the accessory parking and office uses which serve the commercial uses. On the surface, this appears to be a very strange arrangement.

I have no personal knowledge of the reasons or thinking of the Council who applied the BR zoning. But it is apparent to me that the Council recognized the long standing commercial uses of the property by the Bopst family and crafted a one acre slice of BR to enclose those uses. This greatly supports the testimony of the witnesses who described the commercial uses of the property going back to WWII and beyond.

But on further consideration, it becomes apparent to me that the Council also wanted to protect the adjoining community, which is composed primarily of residential uses from the intense commercial uses long being operated on the property. As a result, the Council provided a 0.5 acre buffer of RC 5 zoned property on both sides of the BR area. Presumably, the Petitioner would then qualify for a use permit to park business vehicles in a residential zone pursuant to Section 409.8 of the B.C.Z.R.

However, the single family dwelling which contains the offices for the commercial uses were not included in the BR zone. Consequently, the Petitioner asks for recognition of the non-conforming status of some of the accessory commercial uses of the property or in the alternative to grant variances and special hearing relief to accomplish the same goal.

Special Hearing

Non-Conforming Uses

Once again, I recognize how difficult proving a non-conforming use has become especially when the trigger is the zoning regulations of 1945. This means in practice that a live witness, who is willing to come to the hearing, must have been born in the 1930's and stayed so close to the property that he/she can relate the uses have been continuous since the end of WWII. This is often a great imposition and sacrifice for elderly persons to have to appear at the hearing.

In this case, while Mr. Bopst, Jr. did not have personal knowledge of the uses of the property before 1945, his mother who admitted to be 76 years old, was present and confirmed his testimony that the Bopst Family continuously operated a service garage, contractor's storage yard and stored and sold firewood from the property before the first zoning regulations were imposed in 1945.

I am further satisfied that Exhibit 1 C accurately defines the extent of the non conforming uses in the RC 5 portions of Lot 12 and that these were present when the Council recognized the commercial uses of the property by applying the BR zone to the one acre portion of Lot 12. I can see the Council was trying to protect the adjoining residential uses and I do not believe the accessory non-conforming uses depicted on Exhibit 1C will adversely affect the community. I will, therefore, grant the special hearing request to recognize the non-conforming status of these uses with one exception.

I am not precisely sure when Mr. Bopst, Jr. began operating his tour bus facility from the property but it clearly was after the 1970's. He has every right to do so under the BR regulations which allow a service garage by right. Remarkably, the definition of service garage includes vehicles for hire. The only problem is that the busses are parked on the RC 5 portion of the property.

The Petitioner admits this difficulty but argues that large vehicles have been parked on the property since before WWII. These include dump trucks, front-end loaders and backhoes which are used in the family contracting business. Citing *McKemy v Baltimore County*, the Petitioner argues that this is merely an intensification of the non-conforming uses of the property and not an extension.

Applying the four-part test of McKemy, I do not find that a bus tour business is so similar to a

heavy equipment contractors business that it qualifies as an intensification. I do not think the bus tour business reflects the nature and purpose of the original contractor business but rather this is a use different in character nature and kind from the original. As one example, the contractor business primarily marshals equipment to excavate and grade property. The primary purpose of a tour bus company is to transport people. These are different uses in kind and nature. That said, however, I would expect the Petitioner to either park his buses on the BR portion of the property or to apply for a use permit to park commercial vehicles on residential property. I do not see this decision to deny the non conforming status of the bus company being more than an inconvenience to the Petitioner.

I will grant the Petitioner's request to approve the continuation of the existing residential and commercial uses, the existing well and existing structures, and to approve the proposed septic reserve area, all on an RC 5 lot which is split by BR zone lines. See Baltimore County Zoning Commissioner's Policy Manual, Section 1A-3.1. The Council clearly created a one-acre swath of land in the middle of that portion of the property now designated as Lot 12 creating the RC 5/ BR sandwich. I have no reason to believe that having the septic system on the RC 5 lot would adversely affect the health, safety or welfare of the community.

Similarly, I will grant the Special Hearing request to allow a lot greater than 1.5 acres in size be created with a RC 5 component of less than 1.5 acres for the same reasons as above.

The zoning use division lines shown in exhibit 1C describe the uses on the RC 5 portion of the Lot 12. The special hearing request to determine there is no conflict with Baltimore County Zoning Regulations, Section 102.2 becomes moot.

As the request to recognize the non-conforming uses on the property has been approved, the requests for variance become MOOT.

Development Plan

The Planning Office has indicated that their findings of the revised Redline Development Plan meets the spirit and intent of the RC 5 performance standards regulations based upon the revised pattern book and development plan. In addition, the requests for special hearing and variance have

been decided. Considering all of the testimony and evidence, I find that the Developer has met all applicable regulations and that the revised Redline Development Plan marked as Developer's Exhibit No. 5 A, 5 B and 1 C should be approved. The plan complies with the development regulations and applicable policies, rules and regulations promulgated pursuant to Article 3, Title 7 of the Baltimore County Code. I further find that final approval of this plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Therefore, I will approve the revised Redline Development Plan.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 21 day of April, 2006, that Developer's requests for "Fairview Farm" Variance relief as follows:

1. Variance from the Baltimore County Zoning Regulations, Section 1A04.3B.2.b, for the existing dwelling on Lot 12 to permit a building to tract boundary setback of 7 feet +/- in lieu of the required 50 feet, and a principal building to the center line of a collector road setback of 22 feet +/- in lieu of the required 150 feet; and

2. Variance from Baltimore County Zoning Regulations, Section 102.2, for the existing buildings on Lot 12 to permit a minimum building to building setback of 18 feet +/- in lieu of the required 60 feet.

are DENIED as moot.

IT IS FURTHER ORDERED, that Developer's requests for Special Hearing relief as follows:

1. Special Hearing in accordance with Baltimore County Zoning Commissioner's Policy Manual, Section 1A-3.1, to approve the continuation of the existing residential and commercial uses, the existing well and existing structures, and to approve the proposed septic reserve area, all on an R.C. 5 lot which is split by BR zone lines; and

2. Special Hearing in accordance with Baltimore County Zoning Regulations, Section 1A04.3B.1a, to determine that a lot greater than 1.5 acres in size may be created with an R.C. 5 component of less than 1.5 acres; and

3. To approve the non-conforming uses and structures on Lot 12 of service garage, contractor's storage yard and storage and sale of firewood as delineated on exhibit 1 C

are GRANTED; and

IT IS FURTHER ORDERED that the Developer's request for special hearing to determine there is no conflict with Baltimore County Zoning Regulations, Section 102.2 is DENIED as MOOT; and

IT IS FURTHER ORDERED that the Developer's request for special hearing to determine the use of the property for a tour bus business as a non-conforming use is DENIED; and

IT IS FURTHER ORDERED that the Revised Redline Development Plan known as "Fairview Farm" submitted into evidence as "Developer's Exhibit Nos. 5 A, 5 B, and 1 C be and is APPROVED.

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 4/21/06
By dlw

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

April 20, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

G. Scott Barhight, Esquire
Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: DEVELOPMENT PLAN HEARING and PETITION FOR FAIRVIEW FARM
(Fairview Farm)
2nd Election District, 4th Councilmanic District
Case Nos. II-692 & 06-265-SPHA

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above-captioned case. The Development Plan for the Fairview Farm Property has been approved and the Petition for Special Hearing has been granted and denied in part and the Petition for Variance has been denied as Moot in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw
Enclosure

c: George J. Bopst, Jr., 918 Cindy Lane, Westminster, Md. 21157
Carolyn Bopst, 10234 Liberty Road, Randallstown, Md. 21133
Jim Joyce and Doug Eshelman, 2700 Lighthouse Point-East #724, Baltimore, Md. 21224
D.S. Thaler, Brian Childress & Stacey MacArthur, D.S. Thaler & Associates, Inc.,
Box 47428, Baltimore, Md. 21244-7428
Bob Sherron, 4105 Wards Chapel Road, Marriottsville, Md. 21104
Walt Smith, Proj. Mgr., DPW; DEPRM; OP; R&P; People's Counsel; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10234 Liberty Road

which is presently zoned RC5 & BR

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 presented 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: Douglas F. Eshelman, Member
Signature

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, Suite 400 410-832-2077
Address Telephone No.

Towson Maryland 21204
City State Zip Code

Legal Owner(s):

Carolyn Bopst
Name - Type or Print

Carolyn Bopst
Signature

George Bopst - deceased
Name - Type or Print

Signature

10234 Liberty Road 410-832-2077
Address Telephone No.

Randallstown Maryland 21133
City State Zip Code

Representative to be Contacted:

Jennifer R. Busse
Name Whiteford. Taylor & Preston L.L.P.

210 W. Pennsylvania Avenue, Suite 400 410-832-2077
Address Telephone No.

Towson Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By _____ Date 11/18/05

Case No. 06-265-SPHA

REVIEWED FOR FILING
Date 4/21/06
By
REV 9/15/98

Attachment to Petition for *Variance*
Fairview Farm
10234 Liberty Road
North/East Side of Liberty Road, Northwest of intersection with Windy Hill Road
Zoned RC 5 and BR
2nd Election District
4th Councilmanic District

Requested Variance Relief:

1. Variances from Baltimore County Zoning Regulations §1A04.3B.2.b for the existing dwelling on Lot 12 to permit a building to tract boundary setback of 7 feet +/- in lieu of the required 50 feet, and a principal building to the center line of a collector road setback of 22 feet +/- in lieu of the required 150 feet.

2. Variances from Baltimore County Zoning Regulations §102.2 for the existing buildings on Lot 12 to permit a minimum building to building setback of 18 feet +/- in lieu of the required 60 feet.

#265

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10234 Liberty Road
which is presently zoned RC5 & BR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

please see attached

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

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

Contract Purchaser/Lessee:

Iron Horse Properties, LLC
Name - Type or Print By: Douglas F. Eshelman, Member
Signature
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, Suite 400 410-832-2077
Address Telephone No.
Towson Maryland 21204
City State Zip Code

Legal Owner(s):

Carolyn Bopst
Name - Type or Print
Carolyn Bopst
Signature
George Bopst - deceased
Name - Type or Print
Signature
10234 Liberty Road 410-832-2077
Address Telephone No.
Randallstown Maryland 21133
City State Zip Code

Representative to be Contacted:

Jennifer R. Busse
Name Whiteford, Taylor & Preston L.L.P.
210 W. Pennsylvania Avenue, Suite 400 410-832-2077
Address Telephone No.
Towson Maryland 21204
City State Zip Code

ORDER RECEIVED FOR FILING
Date 12/21/06
By

Case No. 06-265-SPHA

REV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM Date 11/18/05

Attachment to Petition for *Special Hearing*
Fairview Farm
10234 Liberty Road
North/East Side of Liberty Road, Northwest of intersection with Windy Hill Road
Zoned RC 5 and BR
2nd Election District
4th Councilmanic District

Requested Special Hearing Relief:

residential and commercial JRB

1. Special Hearing in accordance with Baltimore County Zoning Commissioner's Policy Manual §1A-3.1 to approve the continuation of the existing uses, the existing well and existing structures, and to approve the proposed septic reserve area, all on an R.C. 5 lot which is split by BR zone lines.

2. Special Hearing in accordance with Baltimore County Zoning Regulations §1A04.3B.1.a to determine that a lot greater than 1.5 acres in size may be created with an R.C. 5 component of less than 1.5 acres.

3. Special Hrg to determine there is no conflict with BCZR § 102.2. JRB

4. To approve non-conforming uses and structures on Lot 12. ate

347280

#265

October 31, 2005

FAIRVIEW FARM
Lot 12

(For Zoning Purposes Only)

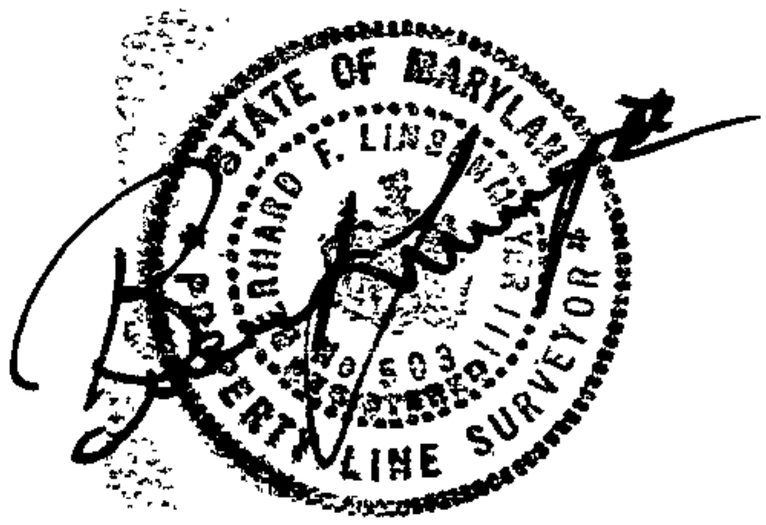
Beginning for the same at a point located along the dedicated right of way line for the Liberty Road (State Highway Route 26), located approximately 792.0 feet, more or less, from the intersection of Windy Hill Road, thence running the following courses and distances:

1. North 57°17'35" West 316.0 feet; thence,
2. North 13°55'57" East 303.0 feet; thence,
3. North 57°49'11" West 334.0 feet; thence,
4. South 17°19'35" West 300.0 feet, to the point of beginning,

Containing 2.1 acres of land, more or less, identified as Lot 12.

Located within the Fourth Councilmanic District and Second Election District of Baltimore County, Maryland.

T:\Bopst\Corresp\PLANNING\Lot 12 Zoning_Boundary_SAM BFL gf 1018 05.doc



D-265

WHITEFORD, TAYLOR & PRESTON L P.

CHECK NO **716959** VENDOR ID **662** REQUESTOR **T.MARTIN** CHECK DATE **11/09/05**

INVOICE NO.	INV. DATE	INV. AMOUNT	REFERENCE NO.	DESCRIPTION
110905	11/09/05	780.00	011068.00014 0102001000000000	FILING FEE

TOTAL	$780.00	DISCNT	$0.00	NET	$780.00

VOID AFTER 90 DAYS

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: #06-265-SPHA
10234 Liberty Road
North side of Liberty Road, 792 feet west of Windy Hill Road
2nd Election District - 4th Councilmanic District
Legal Owner(s): Carolyn & George (deceased) Bopst
Contract Purchaser: Iron Horse Properties, LLLC

Variance: to allow for the existing dwelling on Lot 12 to permit a building tract boundary setback of 7 feet +/- in lieu of the required 50 feet and a principal building to the centerline of a collector road setback of 22 feet +/- in lieu of the required 150 feet and for the existing buildings on Lot 12 to permit a minimum building to building setback of 18 feet +/- in lieu of the required 60 feet. **Special Hearing**: to approve the continuation of the existing residential and commercial uses, the existing well and existing structures, to approve the proposed septic reserve area, all on an RC 5 lot which is split by BR zone lines and to determine that a lot greater than 1.5 acres in size may be created with an RC 5 component of less than 1.5 acres. To determine there is no conflict with Section 102.2 Baltimore County Zoning Regulations.

Hearing: Thursday, January 19, 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) 887-4386.

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

JT/1/623 Jan 3 79720

CERTIFICATE OF PUBLICATION

1/6/, 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 1/3/ 2006.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1653

DATE 1/12/06 ACCOUNT 001-6150

AMOUNT $ 70.00

RECEIVED FROM: Iron Horse Properties, LLLC

FOR: Case #06-265-SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-265-SPHA

Petitioner/Developer: IRON HORSE PROPERTIES

Date of Hearing/Closing: 1/19/06

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

ATTN: KRISTEN MATTHEWS

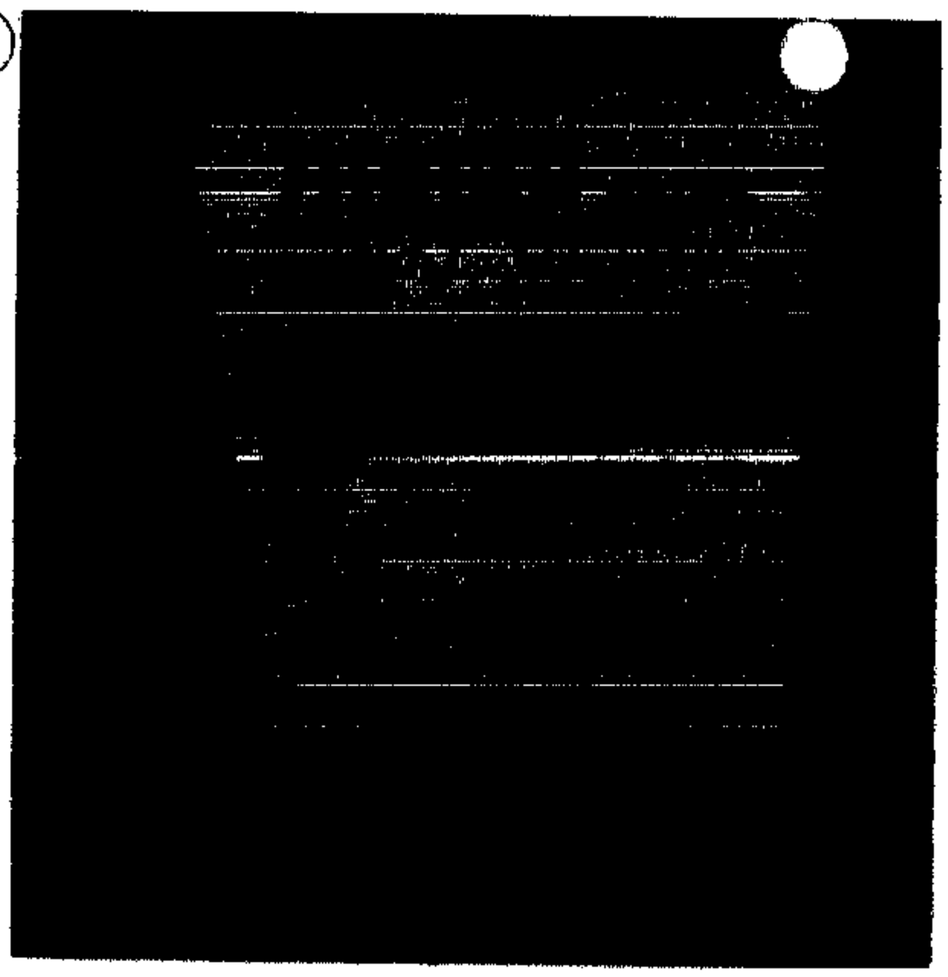
Ladies and Gentlemen:

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

10234 LIBERTY RD

The sign(s) were posted on 1/3/06
(Month, Day, Year)

Sincerely,



Robert Black 1/4/06
(Signature of Sign Poster) (Date)

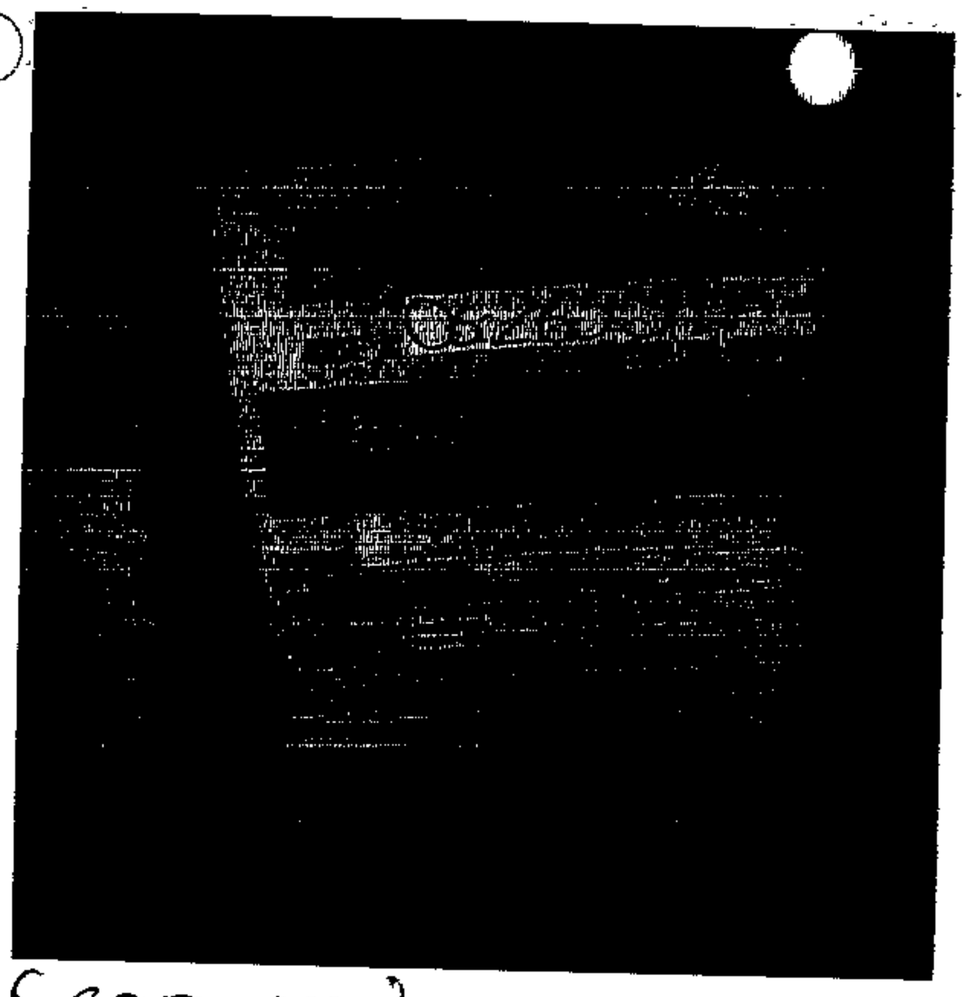
SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)

10234 LIBERTY RD



(CONTINUED)

10234 LIBERTY. RD

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 27, 2005 Issue - Jeffersonian

Please forward billing to:
Jennifer Busse
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Ste. 400
Towson, MD 21204

410-832-2077

NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-265-SPHA
10234 Liberty Road
North side of Liberty Road, 792 feet west of Windy Hill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Carolyn & George (deceased) Bopst
Contract Purchaser: Iron Horse Properties, LLLC

Variance to allow for the existing dwelling on Lot 12 to permit a building tract boundary setback of 7 feet +/- in lieu of the required 50 feet and a principal building to the centerline of a collector road setback of 22 feet +/- in lieu of the required 150 feet and for the existing buildings on Lot 12 to permit a minimum building to building setback of 18 feet +/- in lieu of the required 60 feet. Special Hearing to approve the continuation of the existing residential and commercial uses, the existing well and existing structures, to approve the proposed septic reserve area, all on an RC 5 lot which is split by BR zone lines and to determine that a lot greater than 1.5 acres in size may be created with an RC 5 component of less than 1.5 acres. To determine there is no conflict with Section 102.2 Baltimore County Zoning Regulations.

Hearing: Tuesday, January 10, 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 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 3, 2005 Issue - Jeffersonian

Please forward billing to:
Jennifer Busse 410-832-2077
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Ste. 400
Towson, MD 21204

CORRECTED 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: 06-265-SPHA
10234 Liberty Road
North side of Liberty Road, 792 feet west of Windy Hill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Carolyn & George (deceased) Bopst
Contract Purchaser: Iron Horse Properties, LLLC

Variance to allow for the existing dwelling on Lot 12 to permit a building tract boundary setback of 7 feet +/- in lieu of the required 50 feet and a principal building to the centerline of a collector road setback of 22 feet +/- in lieu of the required 150 feet and for the existing buildings on Lot 12 to permit a minimum building to building setback of 18 feet +/- in lieu of the required 60 feet. Special Hearing to approve the continuation of the existing residential and commercial uses, the existing well and existing structures, to approve the proposed septic reserve area, all on an RC 5 lot which is split by BR zone lines and to determine that a lot greater than 1.5 acres in size may be created with an RC 5 component of less than 1.5 acres. To determine there is no conflict with Section 102.2 Baltimore County Zoning Regulations. To approve non-conforming uses and structures on Lot 12.

Hearing: Thursday, January 19, 2006 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Room 106, 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

December 2, 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: 06-265-SPHA
10234 Liberty Road
North side of Liberty Road, 792 feet west of Windy Hill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Carolyn & George (deceased) Bopst
Contract Purchaser: Iron Horse Properties, LLLC

Variance to allow for the existing dwelling on Lot 12 to permit a building tract boundary setback of 7 feet +/- in lieu of the required 50 feet and a principal building to the centerline of a collector road setback of 22 feet +/- in lieu of the required 150 feet and for the existing buildings on Lot 12 to permit a minimum building to building setback of 18 feet +/- in lieu of the required 60 feet. Special Hearing to approve the continuation of the existing residential and commercial uses, the existing well and existing structures, to approve the proposed septic reserve area, all on an RC 5 lot which is split by BR zone lines and to determine that a lot greater than 1.5 acres in size may be created with an RC 5 component of less than 1.5 acres. To determine there is no conflict with Section 102.2 Baltimore County Zoning Regulations.

Hearing: Tuesday, January 10, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: G. Scott Barhight/Jennifer Busse, 210 W. Pennsylvania Avenue, Ste. 400, Towson 21204
Carolyn Bopst, 10234 Liberty Road, Randallstown 21133
Iron Horse Properties, LLC, 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 MONDAY, DECEMBER 26, 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.

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

December 12, 2005

CORRECTED 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: 06-265-SPHA
10234 Liberty Road
North side of Liberty Road, 792 feet west of Windy Hill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Carolyn & George (deceased) Bopst
Contract Purchaser: Iron Horse Properties, LLC

Variance to allow for the existing dwelling on Lot 12 to permit a building tract boundary setback of 7 feet +/- in lieu of the required 50 feet and a principal building to the centerline of a collector road setback of 22 feet +/- in lieu of the required 150 feet and for the existing buildings on Lot 12 to permit a minimum building to building setback of 18 feet +/- in lieu of the required 60 feet. Special Hearing to approve the continuation of the existing residential and commercial uses, the existing well and existing structures, to approve the proposed septic reserve area, all on an RC 5 lot which is split by BR zone lines and to determine that a lot greater than 1.5 acres in size may be created with an RC 5 component of less than 1.5 acres. To determine there is no conflict with Section 102.2 Baltimore County Zoning Regulations. and to approve non-conforming

Hearing: Thursday, January 19, 2006 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Room 106, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: G. Scott Barhight/Jennifer Busse, 210 W. Pennsylvania Avenue, Ste. 400, Towson 21204
Carolyn Bopst, 10234 Liberty Road, Randallstown 21133
Iron Horse Properties, LLC, 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, JANUARY 4,2005.**
(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.

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

December 27, 2005

CORRECTED 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: 06-265-SPHA
10234 Liberty Road
North side of Liberty Road, 792 feet west of Windy Hill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Carolyn & George (deceased) Bopst
Contract Purchaser: Iron Horse Properties, LLC

Variance to allow for the existing dwelling on Lot 12 to permit a building tract boundary setback of 7 feet +/- in lieu of the required 50 feet and a principal building to the centerline of a collector road setback of 22 feet +/- in lieu of the required 150 feet and for the existing buildings on Lot 12 to permit a minimum building to building setback of 18 feet +/- in lieu of the required 60 feet. Special Hearing to approve the continuation of the existing residential and commercial uses, the existing well and existing structures, to approve the proposed septic reserve area, all on an RC 5 lot which is split by BR zone lines and to determine that a lot greater than 1.5 acres in size may be created with an RC 5 component of less than 1.5 acres. To determine there is no conflict with Section 102.2 Baltimore County Zoning Regulations. To approve non-conforming uses and structures on Lot 12.

Hearing: Thursday, January 19, 2006 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Room 106, Towson 21204

Timothy Kotroco
Director

TK:klm

C: G. Scott Barhight/Jennifer Busse, 210 W. Pennsylvania Avenue, Ste. 400, Towson 21204
Carolyn Bopst, 10234 Liberty Road, Randallstown 21133
Iron Horse Properties, LLC, 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, JANUARY 4,2005.**
(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.

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 06-265-SPHA

Petitioner Front Horse Properties LLC

Address or Location 10234 Liberty Rd.

PLEASE FORWARD ADVERTISING BILL TO

Name. Jennifer Busse

Address 210 W Pennsylvania Ave.
Towson MD 21204

Telephone Number 410 832 2077

Department of Permits and Development Management

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

Baltimore County

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

January 16, 2006

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

Dear Mr. Barhight and Ms. Busse:

RE: Case Number: 06-265-SPHA, 10234 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 18, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Carolyn Bopst 10234 Liberty Road Randallstown 21133
Iron Horse Properties, LLC. Douglas Eshelman 603 St. Francis Road Towson 21286

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

December 7, 2005

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

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 28, 2005

Item No.: 265, 267, 271, 272, 273, 274, 275, 276, 277, 279, 280, 282, 283, 284, 285.

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.

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 20, 2005

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

DAK/cab

SUBJECT: Zoning Advisory Committee Meeting
For December 5, 2005
Item No. 265

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

Liberty Road is an arterial not a collector road. Since this site is in the development process, comments will be made under the development process.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 265-12202005.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley

DATE: December 28, 2005

SUBJECT: Zoning Item # 06-265-SPHA
Address 10234 Liberty Road
(Bopst Property)

Zoning Advisory Committee Meeting of November 28, 2005

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

Prior to approval of a Development Plan all of the attached comments must be addressed.

Attachment

Reviewer: S. Farinetti Date: December 7, 2005

S:\Devcoord\ZAC06-265.doc

DEVELOPMENT PLAN COMMENTS

Project Name: Fairview Farm

Date of Meeting: 12/28/2005

X The Forest Buffer and/or Forest Conservation area must be recorded as an Easement or a Reservation.

X An Environmental Agreement (EA) must be submitted prior to building or grading permits.

X EIR needs to review the following plans during Phase II:

X Grading and Sediment Control Plans.

X Storm Water Management and Water Quality Plans for:

X Suitable outfall.

X Planting Plans.

X Final mitigation plans (must be reviewed and approved prior to Grading Plan approval and be included in the Grading Plan.).

X Final Forest Conservation Plan.

X Additional Comments:

An Alternatives Analysis, Forest Buffer Variance Request, Preliminary Forest Conservation Plan and Forest Conservation Worksheet have been received by EIR. These submittals are currently under review.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

DEVELOPMENT PLAN COMMENTS

Project Name: Fairview Farm

Project Location: N/S Liberty Rd. S/S Lyons Mill Rd. W Deer Park Rd.

Date of Meeting: 12/28/2005

Reviewer(s): Tom Panzarella

ENVIRONMENTAL IMPACT REVIEW

X The following requirements have not been provided and/or approved:

X A variance in accordance with Section 33-3-106. See additional comments.

X An alternatives analysis in accordance with Section 33-3-112. See additional comments.

X A Preliminary Forest Conservation Plan.

X The Development Plan cannot be approved by EIR until such time as the requirements indicated above have been met.

X The following corrections must be made to the Development Plan prior to approval:

X The Forest Buffer and Forest Conservation area must be labeled as a Forest Conservation Easement and a Forest Buffer Easement

X Storm Water Management pond embankments must be at least 15 feet from Forest Buffer and Forest Conservation areas.

X Channels exist onsite that may be regulated by the U.S. Army Corps of Engineers (COE) as "Waters of the U.S.", in accordance with the recent guidance found in the 2000 Nationwide Permit. These same areas may or may not be regulated by Baltimore County Code. You are advised that COE permits may be required to impact these channels. Based on these refined criteria, the COE can take jurisdiction on projects, including those under construction, and issue stop work orders and/or violation notices.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Bruce Seeley, Development Coordination

FROM: J. Robert Powell, R.S., Ground Water Management

DATE: December 12, 2005

SUBJECT: Project Name: Fairview Farm
Plan Type: Development Plan
Plan Date: October 3, 2005

Ground Water Management has the following comments on the above referenced plan:

Comments	Date Resolved	Reviewer
1. Show the address of the existing dwelling located on Lot 12. The water supply currently serving the dwelling is a hand dug well. Prior to approval of a Record Plat for this property, the hand dug well must be abandoned and backfilled by a licensed well driller and an abandonment report submitted to this office. A new well must be drilled, yield tested and connected to the dwelling prior to approval of a record plat.		
2. The sewage disposal system serving the existing dwelling on Lot 12 must be abandoned and backfilled and a new system installed in the approved 10,000 sq. ft. sewage disposal reserve area prior to approval of a Record Plat.		
3. The well location shown for the adjacent property located Parcel 346 is incorrect. Show the accurate (surveyed) location of both the well and sewage disposal system components.		
4. Show correct property addresses for Parcels 149 and 568.		
5. A Water Appropriation Permit (WAP) application must be submitted with the Development Plan. Prior to approval of the Record Plat, the WAP must be issued by the Maryland Department of the Environment (MDE). The WAP application will not be sent to MDE until the Development Plan is approved and signed. To ensure no unnecessary delay of the Record Plat, Please notify this office, in writing, when the Development Plan is signed.		
6. Prior to issuance of a Grading Permit, proper documentation must be submitted to DEPRM to verify that all Stormwater management BMP's are at least fifty feet		

	(50') from proposed septic reserve areas and wells (as measured from the 100 year water surface elevation plus one foot of freeboard). BMP's that are infiltration devices must be at least 100 feet from any proposed or existing water supply well.		
7.	Lot 4 – A minimum sewage disposal area width of 40 feet on contour is required. The lot layout needs to be revised accordingly.		
8.	The proposed well area for Lot 11 is located within 100 feet of the adjacent bio-retention area and must be re-located to maintain a 100 feet minimum setback. The well area must also be located a minimum of 150 feet from the sewage disposal reserve area located uphill from the site. The current separation distance is 140 feet.		
9.	Two additional soil percolation tests are required for Lot 10 and the proposed well area must maintain a minimum separation distance of 100 feet between the well and septic reserve area. The developer must contact this office for additional information regarding placement of the additional required soil tests.		
10.	The sewage disposal reserve area for Lot 11 must be moved uphill to the 604 contour or an additional soil test must be conducted in the lowest part of the sewage disposal reserve area.		

Note: Please include a revision date on all revised plans submitted.

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

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

Maryland Department of Transportation

Date: December 5, 2005

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

RE: Baltimore County
Item No. 265 (LTM)
10234 Liberty RD
MD 26
Mile Post 15.91

Dear Ms. Matthews:

This office has reviewed the referenced Item and has no objection to approval of the Special Hearing and Variance. However we will require the owner to obtain an access permit through our office (see attached comment letter March 7, 2005).

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 10234 Liberty Road; N/S Liberty Road, 792' W Windy Hill Road 2nd Election & 4th Councilmanic Districts Legal Owner(s): Carolyn Bopst Contract Purchaser(s): Iron Horse Properties Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-265-SPHA

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

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December, 2005, a copy of the foregoing Entry of Appearance was mailed Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

RECEIVED
DEC 06 2005
Per

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

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*

March 7, 2005

Mr. Donald Rascoe
Development Manager
Office of Permits and
Development Management
County Office Building
Room 109
Towson, Maryland 21204
Attention: Walt Smith

RE: Baltimore County
Concept Plan
Fairview Farm
PDM # 02-692
MD 26
Mile Post 2.69

Dear Mr. Rascoe:

We have reviewed the referenced concept plan and have no objection to approval. However we will require the owner to obtain an access permit through our office and as a minimum the following will may required:

- Highway widening dedication 40' from the center of the existing roadway.
- The proposed entrance width shall be 25' wide with 25' Type "A" curb radii returns plus 10' tangents.
- Deceleration lane shall be 16' wide, 250' in length, with a 100' painted taper.
- Acceleration lane shall be constructed on a 15:1 taper, 16' wide at the proposed entrance and 4' wide at its terminus.
- Show a typical widening section to include a saw cut at edge of existing paving, backing and grading.
- Provide profiles for the proposed entrance with a 3% maximum landing grade for 50 feet.
- A hydraulic analysis will be required.
- A review for historical and archeological impacts will be conducted by our Office of Project Planning.

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

Very truly yours,

Steven D. Foster, Chief,
Engineering Access Permits Division

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH. JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 20, 2006

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

Re: Petition for Variance & Special Hearing
Case No. 06-265-SPHA
Property: 10234 Liberty Road

Dear Mr. Barhight:

After the public hearing on the above referenced case, I realized that I failed to ask you to delineate the zoning division use areas for the non-conforming uses you mentioned at the hearing, which are located on Lot 12.

Would you kindly send me a detail of these uses, which I will incorporate into the record as Developer's Exhibit 1C.

Thank you for your cooperation.

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw

DEVELOPMENT PLAN CONFERENCE
Project I.D. #A054655
FAIRVIEW FARM
N/S Liberty Road S/S Lyons Mill Road, West of Deer Park Rd
December 28, 2005 @ 9:00

STORM WATER MANAGEMENT COMMENTS:

1. The Storm Water Management Act:

   A. The Developer is responsible to address the requirements of the Baltimore County Code, Section 33-4
   B. Provisions for exemptions, waivers and variances for Storm Water Management (SWM) are described in this document. Exemptions, waivers and variances should be applied for and granted (or denied) by the County before Development Plan approval is given.
   C. Conditions for recording plats and granting grading and building permits as related to SWM are also described in this document. The developer is advised to be aware of these conditions and include them in planning the project to avoid unnecessary delays to construction.

2. General Engineering Requirements:

   A. Water quality storage volume (WQ_v), Recharge storage volume (Re_v) and Channel protection volume (Cp_v) are normally required. If the development is in certain designated inter-jurisdictional watersheds or, if deemed necessary by Baltimore County, extreme flood protection (Qf) or 100 year peak management may also be required.

   B. Please refer to the 2000 Maryland Stormwater Design Manual, Volumes I & II for general design criteria. Hydrology shall be in accordance with the June 1986 version of TR-55.

   C. The developer is responsible for addressing all applicable requirements of agencies whether within or outside of Baltimore County having jurisdiction over water quality, streams or wetlands.

   D. Storm water management facilities are also subject to review and approval by the Baltimore County Soil Conservation District.

   E. Storm water management facilities which either outfall to a Baltimore County storm drain system or for which a public road will serves as a pond embankment will be reviewed and approved concurrently by the Department of Public Works and the Department of Environmental Protection and Resource Management.

   F. Site design must maintain, to the extent possible, predevelopment drainage patterns and characteristics. Diversion of drainage is discouraged and DEPRM reserves the right to prohibit drainage diversions it finds detrimental.

G. Refer to Chapter 5.0 Stormwater Credits for environmentally sensitive designs. Use of these credits shall be documented at the initial (concept) design stage, documented with submission of final grading and verified with As-Built Certification for grading.

3. Maintenance Requirements:

A. Storm water management facilities may be maintained by Baltimore County if the following conditions are met, subject to approval of the Department of Environmental Protection and Resource Management:

(1) Residential subdivision in which all lots are for sale in fee.

(2) Requirements for public facilities given in the Baltimore County Department of Public Works Design Manual are all met.

(3) Storm water management facility is enclosed in a reservation shown on the record plat to allow the facility to be deeded in-fee to Baltimore County.

B. Private maintenance of SWM facilities is acceptable. A Deed of Declaration and Easement must be executed by the developer guaranteeing maintenance of and County access to SWM facilities before SWM permit security may be released. Storm water management facilities in residential subdivisions to be maintained privately by a Homeowners Association shall be designed according to the requirements for public facilities.

4. Guidelines for Development Plan Approval:

A. Show type, size and location of all Best Management Practices (BMP) on the Development Plan. Preliminary unified stormwater sizing criteria should be provided to verify that the SWM area(s) on the plan are adequate.

B. Show that all outfalls from BMP facilities and bypass areas are "suitable" as defined by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

C. Show that the BMP facilities do not create a hazard. An example of a hazard would be an embankment dam located so that in the event of a breach failure, down stream life or property is endangered.

D. List on development Plan any waiver or variance and give date of approval by Baltimore County.

DEVELOPMENT PLAN CONFERENCE
Project I.D. #A054655
FAIRVIEW FARM

5. Site - Specific Comments:

In addition to the above, each project will be given a brief review by the DEPRM's Stormwater Management, and a set of specific comments will be provided. The developer is responsible for addressing the following site-specific comments:

A. Water quality volume (WQ_v), Recharge storage volume (Re_v), Channel protection volume (Cp_v) are required.
B. All site runoff must be conveyed to a suitable outfall without adversely affecting the receiving wetland, watercourse, waterbody, storm drain or adjacent property.
C. Provide BMP volume computations, stormwater credits and drainage area maps indicating any by-pass areas at least four weeks prior to the Development Plan Conference. Include plans showing area(s) needed for BMP(s) as dictated by the MDE design manual. These areas should be separated to include pre-treatment, WQ_v and quantity management areas as required.
D. Building and grading permits will not be issued until BMP plans are approved.
E. This project is subject to the new stormwater management requirements that Baltimore County adopted on July 1, 2001.
F. BMP sizing and stormwater credit computations must be referenced to the 2000 Maryland Stormwater Design Manual by page and section.
G. Chain link fence, meeting current County Standards, shall be used on all stormwater management facilities in residential developments that require fencing. Fence construction shall be in accordance with State Highway Administration Standard Details 690.01 and 690.02 and Maryland State Highway Administration Standard Specifications for Construction and Material Section 914.
H. Please note use III or IV waters. Maximum release time for Cp_v shall be 12 hours.
I. 3:1 interior slopes are required for all proposed stormwater management facilities.
J. This project does not meet the Baltimore County Code Development Plan requirements at this time.
K. All BMP(s) must be in stormwater management reservations with in-fee access.
L. All BMP(s)must meet setback requirements for well and septic.
M. Freeboard requirements must be met for both 378 and non-378 facilities.
N. Show all conveyances to BMP(s).
O. Show that a breach of any embankment facility will not be a downstream hazard.

Bryce Savage

12/22/2005

c: R. Alexander Wirth, PE

concept.swm
fairview

DEVELOPMENT PLAN CONFERENCE
Project I.D. #A054655
FAIRVIEW FARM
N/S Liberty Road S/S Lyons Mill Road, West of Deer Park Rd
December 28, 2005 @ 9:00

GRADING, EROSION & SEDIMENT CONTROL COMMENTS:

1. Grading Requirements & Sediment Control Guidelines

   A. The developer is responsible to address the grading requirements of Baltimore County *Code Section 33-5 and Baltimore County Department of Environmental Protection and* Resource Management.

   B. A grading permit is required for any site having greater than 5,000 square feet of disturbed area. A security is required for sites having more than 20,000 square feet of disturbed area.

   C. An erosion and sediment control plan must be approved by the Soil Conservation District and a separate approved final grading plan is required for any site having greater than 20,000 square feet of disturbed area. These plans must be approved by DEPRM prior to obtaining a grading permit.

   D. Sites having less than 20,000 square feet of disturbed area may be exempt from the approved erosion and sediment control plan requirement and may qualify to use standard sediment control plan measures. Contact Inspection and Enforcement at (410) 887-3226 for additional information.

2. General Engineering Requirements

   A. Erosion and sediment control plans for sites having greater than 20,000 square feet of disturbed area must be reviewed and approved by the Baltimore County Soil Conservation District (SCD). Upon such approval, plans are then returned to the Department of Environmental Protection and Resource Management for microfilming. Grading plans will not be approved prior to SCD signature on erosion and sediment control plans.

   B. Final grading plans for sites having greater than 20,000 square feet of disturbed area must be submitted for approval to Stormwater Management along with the site erosion and sediment control plans. Final grading plans must show all proposed grading, storm drain inlets and their connections to main storm drain system up to outfall, building locations, first floor elevations, septic reserve areas, sidewalks and driveways. Proposed sanitary and water lines and their connections

to existing systems must be shown on final grading plan. Sediment control devices should not be shown on the final grading plan. Mass grading plans are not acceptable unless a waiver to this standard is granted by Stormwater Management. Final grading must reflect the proposed condition of storm water management hydrology. Refer to Baltimore County Code Title 14, Article VI.

C. Erosion and sediment control devices should be perimeter type devices and must be located sufficiently outside of proposed grading, therefore, proposed grading should not be shown to the limits of property lines, wetlands, floodplains or buffers. Erosion and sediment control plans must be designed for all work shown on the final grading plan.

D. Proposed storm water management ponds should be used as temporary sediment basins unless prohibited as such by the Stormwater Management's project engineer.

E. Grading plan must be in compliance with Development Plan.

F. Erosion and sediment control devices may not outfall concentrated flow onto adjacent properties without the property owner's written permission or acquisition of Easements.

G. All floodplains, wetlands, and buffers must be shown on final grading plans and should be shown on the sediment control plans. Erosion and sediment control devices may not be located within such areas except as allowed by DEPRM. Sediment traps outfalling into such areas must provide two times the normally required storage.

H. Sediment trapping device must be located outside the septic reserve areas. Show location of septic reserve area on grading plan in absence of sanitary sewer line.

I. Stormwater credits shall be documented with submission of final grading plans and verified with As-Built certification.

3. <u>Outlines for Development Plan Approval:</u>

A. Proposed grading, especially filling, should not be shown up to limits of property lines, floodplains, wetlands, or buffers. There should be adequate room for perimeter sediment and erosion control devices and for movement of construction equipment.

B. Proposed grading must not exceed slope requirements of 2:1 maximum on commercial properties and 3:1 maximum on residential lot areas and 4:1 within 25 feet down slope of septic reserve areas.

C. All swales shall be designed to Department of Public Works Design Standards.

D. Proposed grading must not adversely impact the adjacent properties. Runoff must be discharged at locations of suitable outfalls. Diversion of natural runoff pattern from ultimate outfall for more than 1,000 feet by proposed grading is not acceptable unless approved by Department of Environmental Protection & Resource Management.

4. Site Specific Comments:

A. Refer to the preceding pages for general requirements.

Bryce Savage

12/22/2005

c: R. Alexander Wirth, PE

Fairview grd
CONCEPT GRD

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

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
SUITE 495
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

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

WHITEFORD, TAYLOR & PRESTON L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 339-4027
www.wtplaw.com

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

115 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 703 836-5742
FAX 703 836-3558

December 8, 2005

Ms. Kristen L. Matthews
Zoning Review
County Office Building
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: 10234 Liberty Road
Case No. 06-265-SPHA

Dear Ms. Matthews:

I am in receipt of a Notice of Zoning Hearing for the above-referenced matter. The Notice states that the Hearing has been set for January 10, 2006. This zoning case should be combined with the Hearing Officer's Hearing which has already been scheduled for January 19, 2006. I did send in my formal request for a combined hearing on November 14, 2005. I can see how there was some confusion on this one though, since the development plan was filed on November 4, 2005 and at the time I filed the request for a combined hearing, there had not yet been a zoning item number assigned to this matter. Therefore, I am requesting that you reassign the Zoning Hearing for this hearing to coincide with the development plan case set for January 19, 2006.

Please feel free to contact me with any questions or concerns. Thank you for your attention to this matter.

Sincerely,

Jennifer R. Busse

JRB:tdm
cc: Mr. David A. Green
Mr. Walter T. Smith, Jr.
Ms. Stacey A. McArthur
Mr. Judd Maslack

350649

WHITEFORD, TAYLOR & PRESTON L.L.P.

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

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jbusse@wtplaw com

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

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

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

December 20, 2005

VIA FACSIMILE

Mr. W. Carl Richards Jr.
Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Language for Petition for Special Hearing for Fairview Farm – 10234 Liberty Road
Zoning Item No. 06-265-SPHA
Our File 11068/14

Dear Mr. Richards:

As you are aware, I have filed a Petition for Special Hearing and a Petition for Variance for the above-referenced property, and the case has been assigned the above-referenced Zoning Item Number. For clarification purposes, we would like to add the following language to the Petition for Special Hearing. Currently, our Petition included three (3) numbered items. Therefore, the following, with your approval, will be accepted as Item 4 for our requested Special Hearing Relief:

4. To approve non-conforming uses and structures on Lot 12.

The Hearing is set to occur on January 19th; therefore, the Property does not need to be posted until January 4, 2005. With your approval, I will instruct the sign poster to add this language to the sign. Regarding advertising – please let me know whether my assistance is needed. Thank you.

Thank you for your cooperation and attention to this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Jennifer R. Busse

JRB:tdm
cc: Mr. Judd Maslack
G. Scott Barhight, Esq.
John B. Gontrum, Esq.
Ms. Stacey McArthur
Ms. Kristen Matthews

351393

5968 P0009

LIBER 7000 FOLIO 649

P. 568
OK

THIS DEED, made this 20th day of September, in the year One Thousand Nine Hundred and Eighty Five by and between Thomas V. Hanley of St. Lucie County, Florida, grantor and John A. Krupinsky, Jr. and Lois Krupinsky, his wife, grantees.

WITNESSETH, that in consideration of the sum of Two Hundred Thousand Dollars ($200,000.00) the receipt of which is hereby acknowledged, the said Thomas V. Hanley does grant and convey to the said John A. Krupinsky, Jr. and Lois Krupinsky, his wife, as tenants by the entireties, to the survivor of them and to the survivor's personal representatives and assigns all that lot of ground situate, lying and being in the Second Election District of Baltimore County Maryland, on the northeast side of Liberty Road (Md. Route 26) and which is more particularly described as follows:

BEGINNING for the same in the center of Liberty Road (Md. Rte.26) at the end of the third or S 33 1/4° W 339.8 feet line of that lot or parcel of land which was conveyed by Spector Holding Company Inc., to William J. Hanley and Bessie M. Hanley, his wife, by deed dated June 21, 1919 and recorded among the Land Records of Baltimore County, Maryland, in Liber T.B.S.1766 folio 34 etc., said beginning point being also in the eleventh or closing line of the whole tract as conveyed by Thomas V. Hanley, Personal Representative of William J. Hanley to Thomas V. Hanley by deed dated December 2, 1981, and recorded among the Land Records of Baltimore County in Liber E.H.K.,Jr.6360 folio 32, etc., thence leaving the road running reversely with and binding on a part of the said third line

1.) N 31° 18' 52" E 340.51 feet passing through a railroad spike now set in the driveway at 31.01 feet and passing through the southwest wall of a two-story frame building at 185.1 feet, 10.4 feet northwest of the southeast

RECORDING FEE 75.00
TRANSFER TAX 1400.00
SURCHARGE 1000.00
0 M
JR T 2975.00
09/30/85 09:49

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
JR Clerk 9-27-85
DATE

RETURN TO: SHARON L. GUIDA, ESQUIRE
SCHLACHMAN POTLER BELSKY & WEINER P A
ATTORNEYS AT LAW
FOURTH FLOOR 101 E REDWOOD STREET
BALTIMORE MARYLAND 21202

AGRICULTURAL TRANSFER TAX
AMOUNT 0.00
SIGNATURE
DATE 9-27-85

corner thereof, to a steel pin now set, thence leaving thesaid third line and running for lines of division now made through the whole tract the following two courses and distances

2.) N 55° 24' 36"W 276.71 feet parallel with the center of Liberty Road to a steel pin now set, distant S 55° 24' 36"E 60.00 feet from an iron pipe heretofore set at the end of the third of N 34° 45'E 308.0 feet line of that lot or parcel of ground which was conveyed by Ida Z. Hanley to John M. Schmitz and Barbara D. Schmitz his wife, by deed dated April 22, 1985, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., 6921 folio 315 etc., thence parallel to and distant 60.00 feet southeasterly from the said third and second lines thereof, reversing the same passing through a steel pin now set at 307.42 feet

1.) S 34° 42' 11"W 340.42 feet to the center of Liberty Road and to intersect the aforementioned eleventh or closing line of the whole tract, thence with said line and with the center of Liberty Road

4.) S 55° 24' 36"E 284.97 feet to the place of beginning.

Containing 2.1948 acres of land more or less.

BEING part of that tract of land which was conveyed by Thomas V. Hanley, Personal Representative of William J. Hanley to Thomas V. Hanley, by confirmatory deed dated August 11, 1982, and recorded among the Land Records of Baltimore County Maryland in Liber E.H.K.,Jr.,6436 folio 142 etc.

Subject to the right of way of Liberty Road 66 feet wide (33 feet each side of the center thereof) as shown on the attached plat, which right of way shall be conveyed to the State of Maryland upon demand at no cost.

Subject to an easement for ingress and egress 10 feet wide running from the beginning of the second or N 55° 24' 36"W 276.71 feet line thereon along the southwest side thereof for a distance of 165 feet; said easement being shown on the Plat attached hereto, for the use of Thomas V. Hanley, his heirs and assigns, unless and until the frame building adjacent to the easement herein created and located on the remainder tract A, 23.3 acres more or less, as shown on the plat attached hereto, no longer exist.

Designated as Lot 1 on the attached Plat.

Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said John A. Krupinsky, Jr. and Lois Krupinsky, his wife, as tenants by the entireties, to the survivor of them and to the survivor's personal representatives and assigns, in fee simple.

AND the said grantor hereby covenant that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, that he will warrant specially the property hereby granted and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor

TEST:

Thomas V. Hanley (SEAL)

STATE OF MARYLAND, County of Baltimore, to wit:

I HEREBY CERTIFY, That on this 26th day of September, 1985, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared THOMAS V. HANLEY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

MY COMMISSION EXPIRES: 7/1/86

NOTARY PUBLIC

BONNIE MACLAMROT NOTARY PUBLIC BALTIMORE CO., MD

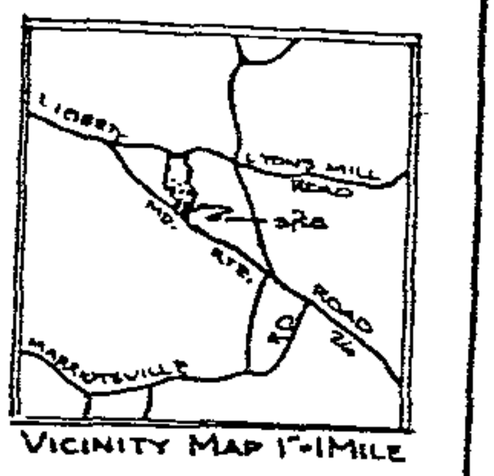
LIBER 7000 FOLIO 72

I HEREBY CERTIFY under the penalties of perjury that the amount of consideration attributable to the 1.1948 acres with agricultural use assessment is $24,450.00.

J. ROBERT JOHNSON
Attorney for Seller

NOTES:

1) CURRENT TITLE REFERENCE: LIBER 7000 FOLIO 613
THOMAS V. HANLEY
E.H.K. JR 6436/142
2) COORDINATE SYSTEM IS BASED ON ASSUMED DATUM.
3) PRESENT ZONING: BR & RC-5



VICINITY MAP 1"=1MILE

Albert LeRoy Snyder

PLAT
—OF—
—PART OF—
THE HANLEY PROPERTY

2nd Election District, Baltimore County, Maryland
Councilmanic District 5 Census Tract 4012.01

A.L. SNYDER
SURVEYOR
1911 HANOVER PIKE
HAMPSTEAD, MARYLAND 21074
(301) 374-7744

Date Sept 3, 1985 Job No. 85003
Scale 1"=100' Dwg No. 1

RC-5

LYONS MILL ROAD

RC-4

DR-3.5

SITE

RC-5

BM

BR-CR

BR

BL

BR

LOT #12

BR

P.O.B.
MCS
N 626,813
E 1,358,867

LIBERTY ROAD (ROUTE 26)

792'± TO THE INTERSECTION OF WINDY HILL ROAD

BL

RC-5

RC-5

WINDY HILL ROAD

TRAVANCORE COURT

AVENUE

0' 25' 50' 100' 200'

SCALE: 1"=200'

JOB NUMBER:
DRAWN BY:
DESIGNED BY:
CHECKED BY: SAM

DST&A

D. S. THALER & ASSOC., INC.

SURVEYORS
LAND PLANNERS

CIVIL ENGINEERS
LANDSCAPE ARCHITECTS

7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
(410) 944-ENGR (410) 944-3647

REVISIONS

Date	Description

ZONING MAP TO ACCOMPANY ZONING PETITION
(GIS TILES: 066B3)

FAIRVIEW FARM

SCALE: 1"=200'
DATE: NOV 2005
SHEET: 1 OF 1

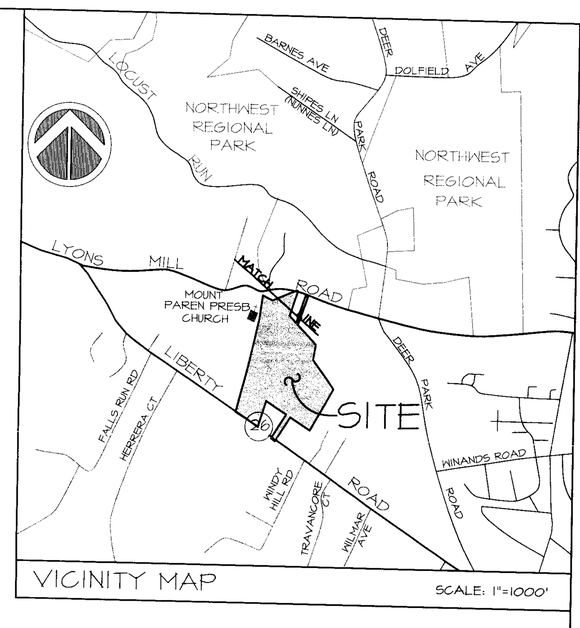
37265

DEVELOPMENT PLAN, SCHEMATIC LANDSCAPE PLAN AND PLAT TO ACCOMPANY ZONING PETITION

FAIRVIEW FARM

SOILS					
SYMBOL	NAME	HOMES W/ BASEMENT	HOMES W/O BASEMENT	STREETS & PARKING LOTS	AGRICULTURAL CAPABILITY
GcB2	Glenelg Loam, 3 to 8% slopes, moderately eroded	Slight	Slight	Moderate	IIe-4*
GnA	Glenelg silt loam, 0 to 3% slopes	Severe	Moderate	Severe	IIw-1*
GnB	Glenville, silt loam, 3 to 8% slopes	Severe	Moderate	Severe	IIe-16**
MbB2	Manor loam, 3 to 8% slopes, moderately eroded	Slight	Slight	Moderate	IIe-25*
MbC2	Manor loam, 8 to 15% slopes, moderately eroded	Moderate	Moderate	Severe	IIe-25*
MbD2	Manor loam, 15 to 25% slopes, moderately eroded	Severe	Severe	Severe	IVe-25

(*) DENOTES PRIME AND PRODUCTIVE SOILS



VICINITY MAP SCALE: 1"=1000'

VARIANCE REQUESTS

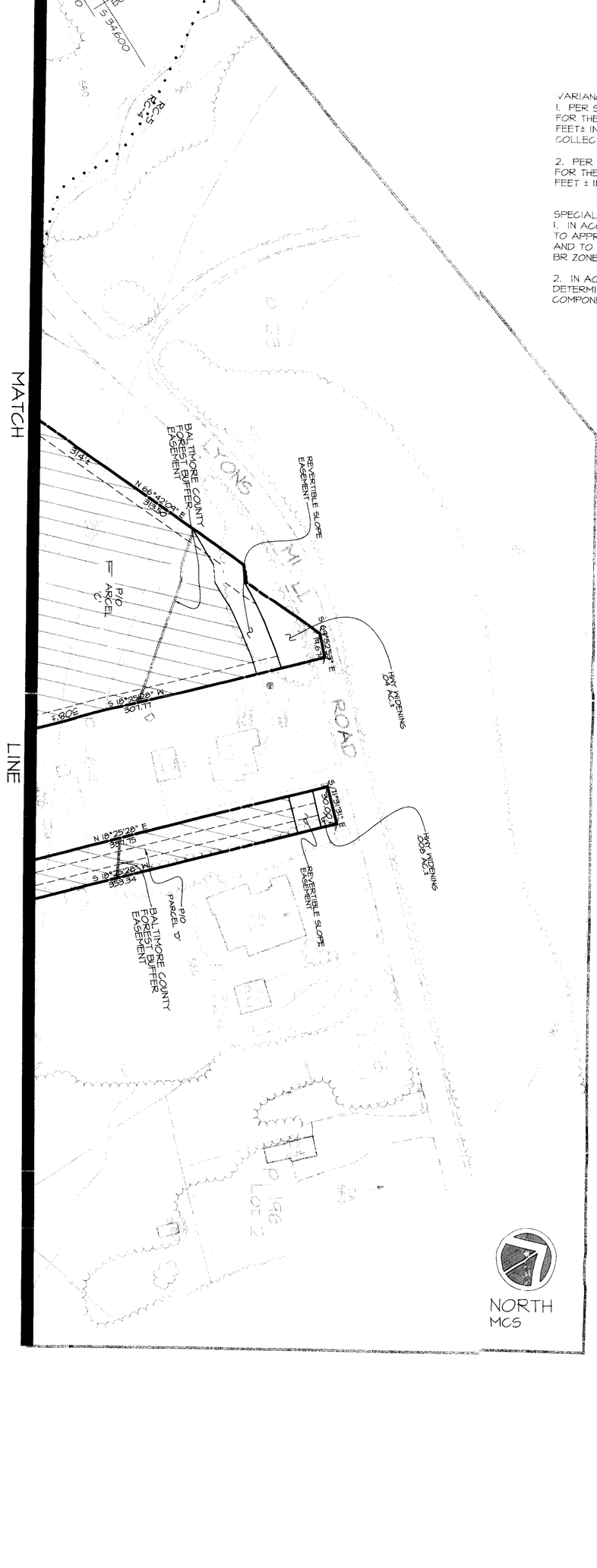
1. PER SECTION 1A04.3B.2.b (BCZR)
FOR THE EXISTING DWELLING ON LOT 12 TO PERMIT A BUILDING TO TRACT BOUNDARY SETBACK OF 7 FEET± IN LIEU OF THE REQUIRED 50 FEET, AND A PRINCIPAL BUILDING TO THE CENTER LINE OF A COLLECTOR ROAD SETBACK OF 22 FEET± IN LIEU OF THE REQUIRED 150 FEET.

2. PER SECTION 102.2 (BCZR)
FOR THE EXISTING BUILDINGS ON LOT 12 TO PERMIT A MINIMUM BUILDING TO BUILDING SETBACK OF 18 FEET ± IN LIEU OF THE REQUIRED 60 FEET.

SPECIAL HEARING REQUESTS

1. IN ACCORDANCE WITH BALTIMORE COUNTY ZONING COMMISSIONER'S POLICY MANUAL SECTION 1A-3.1 TO APPROVE THE CONTINUATION OF THE EXISTING USES, THE EXISTING WELL AND EXISTING STRUCTURES, AND TO APPROVE THE PROPOSED SEPTIC RESERVE AREA, ALL ON AN RC-5 LOT WHICH IS SPILT BY BR ZONE LINES.

2. IN ACCORDANCE WITH BALTIMORE COUNTY ZONING REGULATIONS SECTION 1A04.3B.1.a TO DETERMINE THAT A LOT GREATER THAN 1.5 ACRES IN SIZE MAY BE CREATED WITH AN RC-5 COMPONENT OF LESS THAN 1.5 ACRES.



LEGEND

EXISTING
- TRACT BOUNDARY
- INTER. CONTOUR
- ROAD
- FIRE HYDRANT
- ZONING LINE
- SOILS
- SANITARY SEWER
- LIGHT
- EASEMENT
- TREES
- STORM DRAIN
- UTILITY POLE
- 620' INDEX CONTOUR
- WETLANDS
- WATER
- 25% SLOPES
- SPECIMEN TREE

PROPOSED
- ADT
- AFFORESTATION
- MITIGATION
- MAJOR DECIDUOUS TREE
- MINOR DECIDUOUS TREE
- EVERGREEN TREE
- SHRUBS
- FAILED PERC TEST
- APPROVED PERC TEST

0' 25' 50' 100'

SCALE: 1"=50'

I, DOUGLAS ESHELMAN, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FROM ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSD DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

SIGNATURE OF PROFESSIONAL — DATE 08.3.05

HEARING OFFICERS HEARING AND ZONING HEARING TO BE COMBINED

PROJECT NAME:
FAIRVIEW FARM

PLAN TITLE: DEVELOPMENT PLAN, SCHEMATIC LANDSCAPE PLAN AND PLAT TO ACCOMPANY ZONING PETITION

COUNCILMANIC DIST.: 4
ELECTION DIST.: 2
REGIONAL PLANNING DISTRICT: 311
PROJECT MANAGER: WALTER T. SMITH
CIM: 4.12.05
PDM #: 11-692

DEVELOPER :

IRON HORSE PROPERTIES, LLC
603 ST. FRANCIS RD
BALTIMORE, MD 21286
410-804-7799

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
(410) 944-ENGR, (410) 944-3647

STATE OF MARYLAND — WALTER T. SMITH — NO. 761

DATE: 10.3.05
SCALE: 1"=50'
C.I.: 2'
PROJ. NO.: 02B62
SHEET 1 OF 2

File name: T:\Projs\dwg\Planning\Final\Dev\Dev-sht1.dwg Lc ... Nov 03, 2005-12:31pm SAM

#765

MATCH LINE

ADJACENT OWNERS

p.23
Baltimore County Maryland
c/o Baltimore Football Co LLC
1301 Parkway Drive
Hanover, MD 21076
2458/512
2400008914
Commercial

p.115
Arbormasters, inc.
10212 Lyons Mill Road
Owings Mills, MD 21117
11213/324
0202000150
Residential

p.147
Mt. Paran Presbyterian Church
5280 E. Lyons Mill Road
Owings Mills, MD 21117
0220660152
0220660150
Exempt Commercial

p.149
Edmund L. Parson
500 Talbott Avenue
Luth Timonium, MD 21093
14549/414
0208000270
Residential

p.160
Twelve Trees Association, Inc.
P.O. Box 535
Randallstown, MD 21133
6139/225
1800000125
Residential

p.170
lot 36
Thomas, Jr. & Gwendolyn A. Breaux
10234 Liberty Road
Randallstown, MD 21133
14829/666
2300001365
Residential

p.171
lot A
Henry H.W. & Frances J. Chapman
c/o Michael Chapman
10225 Liberty Road
Randallstown, MD 21133
2300008654
Commercial

p.172
Kimberly Dre'sch
3508 Offutt Road
Randallstown, MD 21133
14558/322
0206100050
Residential

p.173
Jeffrey A. Blackwell
10211 Liberty Road
Randallstown, MD 21133
16341/433
0211150130
Residential

p.174
Jeffrey A. Blackwell
10209 Liberty Road
Randallstown, MD 21133
16341/433
0211150132
Residential

p.175
Donna C. Gregory
10205 Liberty Road
Randallstown, MD 21133
10122/636
0212000880
Residential

p.176
George Neel & Esther Rose Purvis
10203 Liberty Road
Randallstown, MD 21133
5500/854
0205100030
Residential

p.185
Donald R. & Mary E. Bolton
1430 Marriotsville Road
Marriotsville, MD 21104
5864/469
0212400200
Residential

p.196
lot 1
Harsimran Singh
10114 Lyons Mill Road
Owings Mills, MD 21117
20713/596
0211150770
Residential

p.196
lot 2
Jacqueline Hyatt
10115 Lyons Mill Road
Owings Mills, MD 21117
18491/15
0211350220
Residential

p.324
Harsiman Singh, Susana Urdanivia
& Aman Kaur Singh
10119 Lyons Mill Road
Owings Mills, MD 21117
19843/303
2300006619
Residential

p.346
John M. & Barbara D. Schmitz
2902 Birdview Road
Westminster, MD 21157
6921/315
0208000540
Residential

p.349
Mt. Paran Presbyterian Church
2640 E. Liberty Road
Randallstown, MD 21133
0220660151
Exempt

p.386
Elizabeth E. Gardner
10201 Liberty Road
Randallstown, MD 21133
0207000040
Residential

p.400
Eugene L. & Anna E. Green
10236 Liberty Road
Randallstown, MD 21133
0207580470
Residential

p.458
Dennis H. Sr. & Millsa A. Nicely
10240 Liberty Road
Randallstown, MD 21133
14444/148
0206100544
Residential

p.534
Gregory M. Zawadzki
10207 Liberty Road
Randallstown, MD 21133
18513/434
0211150731
Residential

p.564
Michael Joseph Hanley
& Andrea C. Drenner-Hanley
10120 Lyons Mill Road
Owings Mills, MD 21117
42311/283
1900014163
Residential

p.568
John A., Jr., & Lois Krupinsky
19 Morris Run Court
Reisterstown, MD 21136
7000/669
2000003843
Commercial

GENERAL NOTES

3. PROPERTY REFERENCES:

PARCEL	TAX ACCOUNT #	DEED	FIELD SURVEY	TAX MAP-GRID	ADC MAP
148	1800004016	6173/724	1982	66 22	23-F8
376	6000005266	2652/324	1955	66-22	23-F8
570	2000009108	9172/124	1982	66-16	23-F8

Boundary: D.S. Thaler & Associates, Inc., April 2005

Topography: Wings Aerial Mapping Co., Inc., April 2005

Utilities: Baltimore County Key Map (PP-NE)
Baltimore County Design Drawings as noted.

Zoning: Baltimore County 200 Scale Zoning Map, G-5 Tile No. 066B3

Soils: U.S.D.A. Baltimore County Soil Survey Manual (Map 32)

Floodplain: D.S. Thaler & Associates (February 2005)

Wetlands Delineation: American Land Concepts 2004
Approved by DEPRM April 11, 2005

Steep Slopes & Erodible Soils Analysis: D.S. Thaler & Associates, Inc. (February 2005)
Approved by DEPRM April 11, 2005

Forest Stand Delineation: American Land Concepts (February 2005)
Approved by DEPRM April 11, 2005

Forest Conservation Worksheet: D.S. Thaler & Associates, Inc. (February 10, 2005)
Approved by DEPRM Pending

6. GENERAL DATA:

Election District: 2
Census Tract: 4025.01
Councilmanic District: 4th
Watershed: LIBERTY RESERVOIR
Subwatershed: N/A
Regional Planning District: 311

School Information:
School District: (2004-2005)

School	State Rated Capacity (SRC)	Enrollment Sept. 30th	Enrollment Total Projected	Projected # pupils for this project	Capacity Above	Capacity Below	Projected # pupils as a % of SRC
Deer Park Elementary	451	466	469	3	15	--	104.0%
Deer Park Middle	398	452	453	1	54	--	113.8%
Owings Mills High	1,141	1,165	1,166	1	18	--	101.7%

Adjacent Schools

School	State Rated Capacity (SRC)	Enrollment Sept. 30th	Enrollment Total Projected	Projected # pupils for this project	Capacity Above	Capacity Below	Projected # pupils as a % of SRC
Randallstown Elementary	398	413	416	3	15	--	104.5%
Old Court Middle	1,315	1,184	1,140	1	54	--	104.0%
Randallstown High	1,444	1,324	1,325	1	--	120	91.8%

7. SITE INFORMATION:
A. Acreage:
Gross = 25.6 Ac±
Net = 25.36 Ac±

B. Existing Zoning: RC-5, BR

C. Density Calculations

Zone	Total Ac±	Units Allowed	FAR Allowed	Units Proposed	FAR Existing
RC-5	24.4	16		11 and 1 EX. DWELLING TO REMAIN	
BR	1.2	N/A	104,544 SF±	N/A	2695 SF±
TOTAL:	25.6	16 UNITS		12 UNITS	

D. Parking

	RC-5	BR
Required:	2 spaces per unit	3.5 sp/1000 sf x 2695 SF = 9 spaces
Proposed:	2 spaces per unit or 24 spaces	2 existing bays in garage + 7 spaces = 9 spaces

E. Open Space:
"All Open Space shall be in compliance with the Local Open Space Manual, Latest Edition."

Open Space Required: 7,800 SF± Active and
4,200 SF± Passive
(or a combination thereof as specified in Section 1112.3),

Open Space Provided: 0 SF
A waiver is requested and fee in lieu to be paid

F. Landscape requirements as specified in the Baltimore County Landscape Manual, adopted August 7, 2000, and as amended.

Note: Schematic Landscape Plan shown is preliminary in nature and is to show compliance with the Baltimore County Landscape Manual. The Schematic Landscape Plan is subject to a Final Landscape Plan.

1 Planting Unit (P.U.) =
1 major deciduous tree (2-2-1/2" cal.) or
2 minor deciduous trees (1-1/2" cal.) or
2 evergreen trees (6' ht.) or
5 shrubs or
class A: 24- 30" ht.
class B: 18" ht.
500 S.F. of ground cover or
10 herbaceous/perennial (1 gal.)*or
20 herbaceous/perennial (1 quart)
*To meet Class D screening requirements only.

LANDSCAPE REQUIREMENTS	REQUIRED	PROPOSED
STREET FRONTAGE: (Condition A) Interior Roads @ 1 PU/20 L.F. Adjacent Roads @ 1 PU/40 L.F.	1,575 LF±=79 P.U. 424 LF±=10.6 P.U.	90 P.U.
STORMWATER MANAGEMENT: (Condition I) @ 1 PU/15 LF	1,150 LF±=76.6 P.U.	77 P.U.
RESIDENTIAL REAR AND SIDE YARDS (Condition M) @ 1 PU/15 LF	510 LF±=34 P.U.	34 P.U.
TOTAL:	200.2 P.U.	201 P.U.*

*Credit may be applied for at time of Final Landscape plan submittal.
The Final Landscape Plan will be approved prior to grading permit application.

8. UTILITIES: Private well and septic will be provided.

9. USE: Existing use: residential, commercial and agriculture
Proposed use: Residential and
Existing commercial use will remain

10. AVERAGE DAILY TRIPS (ADTS): Average daily trips as calculated from the Baltimore County Comprehensive Manual of Development Policy
12 Units @ 10 ADT/Unit=120 ADTs

11. STORMWATER MANAGEMENT: Stormwater management will conform to Baltimore County Standards and the 2000 Maryland Stormwater Management Design Manual

Stormwater management facilities will be privately owned and maintained.

Preliminary hydrology computations have been provided with the filing of the Development Plan.

The Hydrology Report verifies that the outfalls are suitable based on criteria provided by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

12. GRADING: Grading shown is schematic only.

13. VEGETATION: Existing vegetation will be retained in areas not needed for construction or grading. Existing vegetation consists of forest and scrub.

14. SIGHT LINES: Proposed sight lines are shown on the plan and will be cleared and graded and kept permanently clear to ensure unobstructed sight at all times.

15. STORAGE TANKS: There are no known underground storage tank(s) on site.
There are no known existing well or septic systems on site.

16. LIGHTING: Proposed lighting is shown as ▲.
Lighting is schematic and subject to change.

17. ENVIRONMENTAL: There are no known critical areas, archaeological sites endangered species, or hazardous materials* on the site.

*As known to the applicant, location and description of hazardous materials as defined by Section 7-101 of the Environmental Article of the annotated Code of Maryland, as from time to time amended.

"Any 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."

"There shall be no clearing, grading, construction or disturbances of vegetation in the Forest Conservation Easement except as permitted by Baltimore County Department of Environmental Protection and Resource Management."

"Any Forest Buffer 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."

"There shall be no clearing, grading, construction or disturbances of vegetation in the Forest Buffer Easement except as permitted by Baltimore County Department of Environmental Protection and Resource Management."

A Hydrogeological Report and an Environmental Effects Report has been filed concurrently with this Development Plan.

This site does not lie within the limits of the Chesapeake Bay Critical Area. No additional information is requested by the Department of Environmental Protection and Resource Management to determine compliance with the Critical Area Local Protection Program pursuant to Section 33-2-202(a).

18. Per Section 1B02.3.C.1.b.(2) the minimum width of the proposed public road is 30 feet.

19. Per Section 1B02.3.C.1.b.(3) the proposed public road is to be constructed to the following standards and is shown as such on the plan:
Tangent sections shall have a minimum centerline radius of 150 feet.
Vertical curves shall be used in changes of grade exceeding 1%. The minimum length of vertical curves shall be 100 feet, measured along the centerline.
Grades shall not exceed 10%.

20. A 25 foot wide buffer is provided between the proposed public road and the adjacent property lines. The buffer shall be measured from the property lines and shall be maintained in its natural state.

21. The DPW&T letter dated April 2, 2005 (no comments) can be found in folder No. 482 of file # 1 box 23 of the Baltimore Co. Office Building, West Chesapeake Avenue Towson, MD 21204.

24. There are no known variations established by the Courts, County Board of Appeals, Planning Board or Zoning Commissioner which would limit proposed development or site. Restrictive covenants have been recorded with neighboring parties.

25. There are no buildings, properties or sites within or contiguous to the proposed development included on the Maryland Historical Trust Inventory of Historic Properties, Baltimore County Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archaeological Survey, or any Baltimore County Historic District or National Register Historic District covering the proposed development per M. Lora McGrain, Baltimore County Planning Office 12/07/04.

26. There are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated per M. Lori Byrne, Environmental Review Coordinator, Wildlife Heritage Service, Maryland Department of Natural Resources, 03/18/05.

27. All drainage and utility easements shall be 20 ft. wide.

28. The "Recommended Areas of Critical State Concern" map included on this sheet indicates that there are no known areas of Critical State Concern on-site.

29. There are no Residential Transition Areas (RTAs) on site.

30. All proposed roads are public. The proposed roads are neither arterial or collector roads. All roads and easements indicated for dedication to Baltimore County will be offered for dedication at no cost to the County.

31. Public roads and easements indicated for dedication to Baltimore County will be offered for dedication at no cost to the County.

32. The Bureau of Traffic Engineering and Planning has confirmed that the subject site is not within a traffic deficient area (per Mr. Steve Barber, (07/26/05).

33. Refuse collection will be provided by a Baltimore County.

34. United States Postal Service will provide mail delivery.

35. "No obstructions of any kind may be placed in any Baltimore County right-of-way except by express written permission by an authorized signatory for Baltimore County."

36. Building envelopes and/or footprints are for illustrative purposes and may not represent the final location for any particular structure. Final building location will be subject to the various standards and limitations illustrated by the details and charts included on this plan.

37. Parcels designated as "H.O.A." will be dedicated to the Homeowners Association.

38. Existing structures, as noted on the plan, shall be razed by the developer prior to the record plat.

39. All lots are for sale.

40. The developer shall provide a rural water supply for fire fighting purposes, or install sprinkler systems complying with NFPA 13D in all houses, as per fire department requirements, in accordance with Baltimore County Fire Prevention Code, section 7-56. The location and source of the fire suppression water supply is shown and noted on the development plan and a copy of the approved plan must be filed with the Office of the Fire Marshal. Amendments to the approved plan shall be reviewed and approved by the Office of the Fire Marshal.

41. Per Section (BCZR) 1A04.3.G
1. A development proposal shall:
a. Allow variety in housing type or design, while maintaining continuity in scale, rhythm, proportion and detail.
b. Orient the front of the dwelling toward the street and incorporate prominent entries and porches or stoops in front building facades.
c. Provide for the coordinated architectural design of decks, balconies, windows, dormers, chimneys and porches as components of the building following dominant building lines, proportions, style and scale. Decks shall be screened to minimize visibility from a public street.
d. Design accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
e. Ensure that exteriors of all buildings use the same finish materials and architectural details on all front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.

2. Garages may not become the dominant street feature. Garage doors shall use items such as windows, decorative patterns, and color to relieve the visual impact of the house from the street.

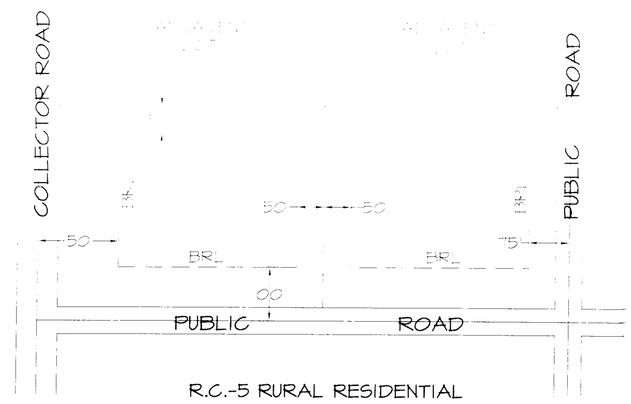
42. Driveways are shown for illustrative purposes only.

43. Hours of operation for existing commercial use are 8:00 AM-6:00 PM, subject to change.

44. All parking aisles and maneuvering areas will be paved with macadam and permanently striped.

45. Notice of Water Law
A. For Unimproved Lots:
Since the property to be purchased by the buyer(s) will be served by a private water supply system as the source of domestic water, the law of Baltimore County requires that, prior to conveyance of such property to any buyer(s), seller(s) must provide a well with a supply of water meeting the minimum water yield requirements of section 35-3(a) of the Baltimore County Code. Buyer is further advised that the quantity of water is important and that, unless buyer(s) specifically executes a "Waiver of Provision of Minimum Well Yield Prior to Conveyance," a well meeting the Baltimore County Code standards is required.

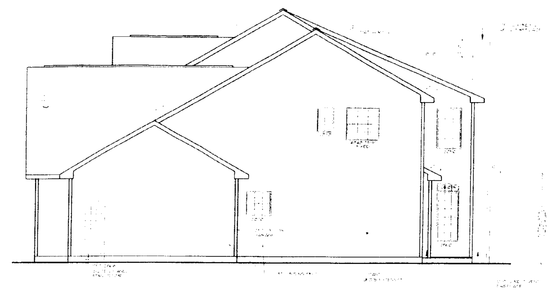
B. For Improved Lots:
Since the property to be purchased by the Buyer(s) will be served by a private water supply system as the source of domestic water, the law of Baltimore County requires that, prior to conveyance of such property to any buyer(s), seller(s) must provide a well with a supply of water meeting the minimum water yield requirements and bacteriological and chemical quality standards of section 35-3(a) and (b) of the Baltimore County Code. Buyer(s) is further advised that the quantity and quality of water is important and that, unless buyer(s) specifically executes a waiver of testing for minimum water yield and chemical quality standards, such tests must be made on the well existing on the property to be purchased by buyer(s) to determine whether same meets the minimum requirements established by Baltimore County Code.



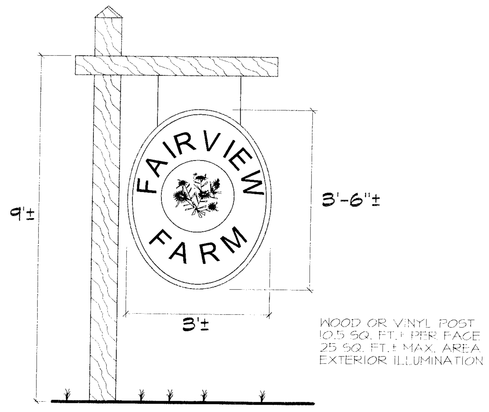
R.C.-5 RURAL RESIDENTIAL
HEIGHT & AREA REGULATIONS:

SCHEMATIC FRONT ELEVATION
N.T.S.

THE ELEVATIONS CONTAINED HEREIN ARE PROJECTIONS AND GUIDELINES ONLY, AND ARE SUBJECT TO MODIFICATION AS CIRCUMSTANCES WARRANT. IT IS INTENDED THAT THIS DEVELOPMENT WILL BE CONSTRUCTED IN A MANNER CONSISTENT WITH THE REPRESENTATIONS HEREIN, WHILE RECOGNIZING THAT MODIFICATIONS MAY BE REQUIRED AS THE PROJECT EVOLVES TO FINAL DESIGN.



SCHEMATIC SIDE ELEVATION
N.T.S.



SCHEMATIC SIGN ELEVATION
N.T.S.

EX. SIG
(DOUB
3 SF±

EX

EXISTIN
TOTAL SIG

P/O SECTION 1A04.3.B (BCZR)

2. BUILDING SETBACKS

   A. AS USED IN THIS SECTION, "COLLECTOR ROAD" MEANS A STREET OR ROAD THAT IS DESIGNED FOR SPEEDS OF AT LEAST 35 MILES PER HOUR, AND IS INTENDED FOR TRAVEL, INCLUDING COMMUTER TRAVEL, BETWEEN RESIDENTIAL NEIGHBORHOODS, BUT NOT FOR TRAVEL WITHIN NEIGHBORHOODS, AND IS NOT DESIGNATED AS A PRINCIPAL ARTERIAL.

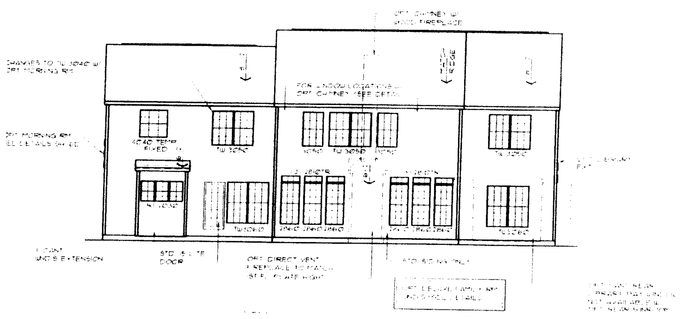
   B. ANY PRINCIPAL BUILDING HEREAFTER CONSTRUCTED IN AN R.C. 5 ZONE SHALL BE SITUATED AT LEAST 150 FEET FROM THE CENTER LINE OF ANY COLLECTOR ROAD, AND 100 FEET FROM THE CENTER LINE OF ANY ROAD THAT LEADS TO OR CONNECTS WITH A COLLECTOR ROAD, AND AT LEAST 75 FEET FROM THE CENTER LINE OF ANY OTHER STREET OR ROAD, AND AT LEAST 50 FEET FROM ANY LOT LINE OTHER THAN A STREET LINE, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH 5 BELOW.

   C. ANY PRINCIPAL BUILDING CONSTRUCTED IN AN R.C.5 ZONE THAT IS CONTIGUOUS TO AN R.C.2 OR R.C.1 ZONE SHALL BE SITUATED AT LEAST 150 FEET FROM THE ZONE LINE.

3. COVERAGE. NO MORE THAN 15 % OF ANY LOT IN AN RC-5 ZONE MAY BE COVERED BY BUILDINGS, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH 5 BELOW.

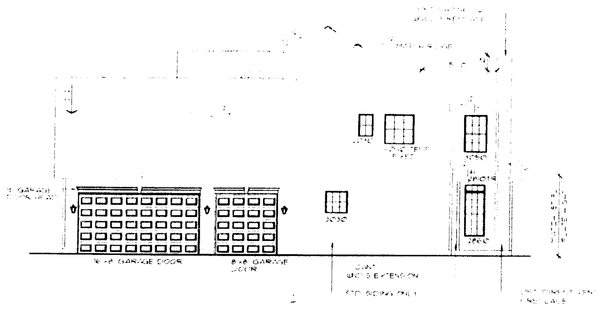
4. EXCEPTIONS FOR CERTAIN RECORD LOTS. ANY EXISTING LOT OR PARCEL OF LAND WITH BOUNDARIES DULY RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY WITH THE APPROVAL OF THE BALTIMORE COUNTY OFFICE OF PLANNING ON OR BEFORE THE EFFECTIVE DATE OF THESE ZONING REGULATIONS AND NOT PART OF AN APPROVED SUBDIVISION THAT CANNOT MEET THE MINIMUM STANDARDS AS PROVIDED WITHIN THE ZONE MAY BE APPROVED FOR RESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH THE STANDARDS PRESCRIBED IN FORCE AT THE TIME OF THE LOT RECORDATION.

5. DWELLINGS PER LOT. NO MORE THAN ONE DWELLING IS PERMITTED ON ANY LOT IN AN R.C.5 ZONE, BUT NOT EXCLUDING ADDITIONAL DWELLINGS FOR BONA FIDE TENANT FARMERS.



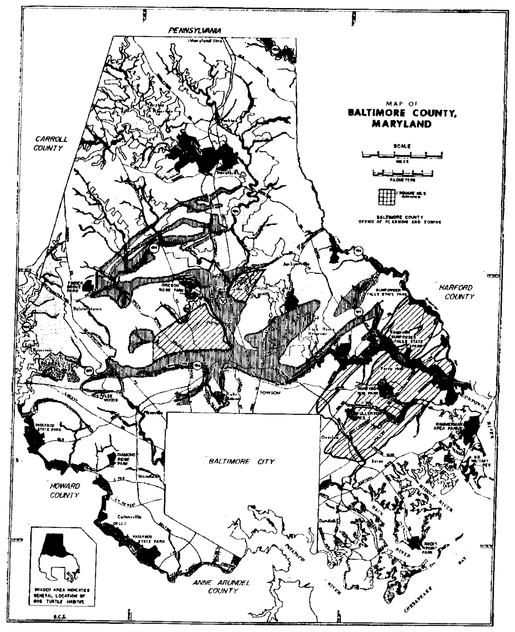
SCHEMATIC REAR ELEVATION

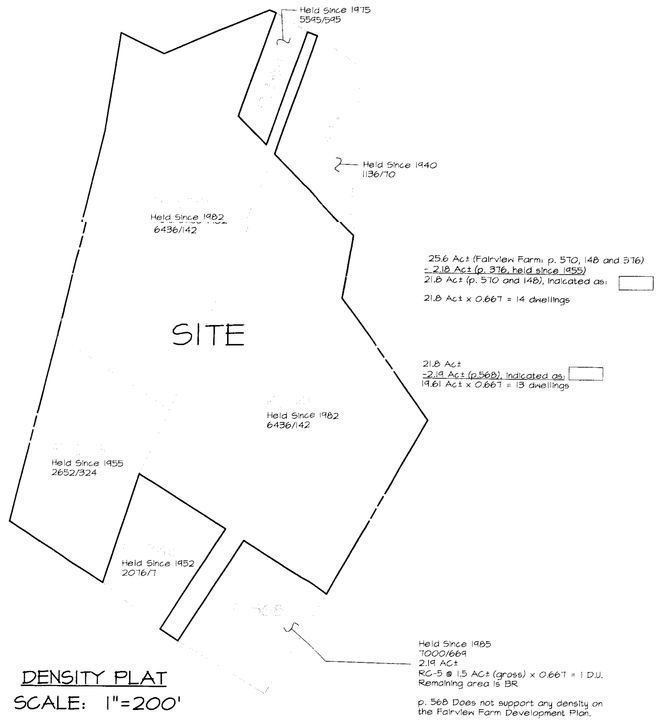
N.T.S.



SCHEMATIC SIDE ELEVATION WITH GARAGE

N.T.S.





256 Ac± (Fairview Farm; p. 570, 148 and 576)
– 21.8 Ac± (p. 376, held since 1955)
21.8 Ac± (p. 570 and 148), indicated as:

21.8 Ac± x 0.667 = 14 dwellings

21.8 Ac±
– 2.19 Ac± (p.568), indicated as:
19.61 Ac± x 0.667 = 13 dwellings

2.19 Ac±
RC-5 @ 1.5 Ac± (gross) x 0.667 = 1 D.U.
Remaining area is BR

p. 568 Does not support any density on the Fairview Farm Development Plan.

DENSITY PLAT

SCALE: 1"=200'

STING AUTO REPAIR SIGN - ELEVATION

N.T.S.

SUITABLE OUTFALL STATEMENT

An existing stream flows along the northeastern boundary of the site. A smaller tributary runs parallel to the eastern boundary, combining approximately 270' upstream from the property. D.S. Thaler & Associates, Inc. has made a visual examination of the stream system. The mainstem stream runs through a meadow and along residential lots for approximately 470' of its length upstream from the existing culvert at Lyons Mill Road and the banks are well vegetated with grasses and shrubs. It then enters woodlands and its banks are vegetated with grasses, shrubs, and small and mature trees. Its channel is stable, well-defined, and silty with medium-sized rocks within the forested region. The smaller tributary forms from the discharge from the adjacent lots and flows steeply through the trees and into the main stream channel. Its channel is rocky and well-defined. The stream discharges through an existing culvert beneath Lyons Mill Road. A plunge pool is situated on the downstream side, and the channel then enters a wooded area.

A surface sand filter, Filter #1, will treat the water quality volume associated with the western proposed storm drain system within the site. Any overflow from this facility will be released over a weir into the adjacent stormwater management pond. Discharge from the pond will be piped to an outfall that will be directed into a flattened section of the forest buffer area adjacent to the mainstem stream. A riprap velocity dissipater will be incorporated into the design to disperse the flows. With the provision of 2-year storm management and safe conveyance of the larger, less frequent storms, it is our opinion that there will be no significant adverse change in the rate, velocity or degree of concentration of the runoff from this facility as it exists the site after development.

A surface sand Filter, Filter #2, will treat the water quality volume associated with the eastern storm drain system within the site. Any overflow from this facility will be released over a weir into the adjacent stormwater management pond. Discharge from the pond will be piped to an outfall that will be directed into a flattened section of the forest buffer area adjacent to the mainstem. A riprap velocity dissipater will be incorporated into the design to disperse the flows. With the provision of 2-year storm management and safe conveyance of the larger, less frequent storms, it is our opinion that there will be no significant adverse change in the rate, velocity or degree of concentration of the runoff from this facility as it exists the site after development.

HEARING OFFICERS HEARING AND ZONING HEARING TO BE COMBINED

PROJECT NAME:
FAIRVIEW FARM

PLAN TITLE: **DEVELOPMENT PLAN, SCHEMATIC LANDSCAPE PLAN AND PLAT TO ACCOMPANY ZONING PETITION**

COUNCILMANIC DIST.: 4
ELECTION DIST.: 2
REGIONAL PLANNING DISTRICT: 311
PROJECT MANAGER: WALTER T. SMITH
CIM: 4.12.05
PDM #: 1692

DEVELOPER:

IRON HORSE PROPERTIES, LLC
603 ST. FRANCIS RD
BALTIMORE, MD 21286
410-804-7799

D. S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
(410) 944-ENGR, (410) 944-3647

DATE: 03.05
SCALE: AS SHOWN
SHEET 1 OF 2

FAIRVIEW FARM