IN RE: **PETITION FOR SPECIAL HEARING**	*	BEFORE THE
W/S Merry Hill Court, 1,570' NE of Anton North Way	*	ZONING COMMISSIONER
(26 Merry Hill Court) 3rd Election District	*	OF
2nd Council District	*	BALTIMORE COUNTY
26 Merry Hill Court, LLC, Legal Owner/Petitioner	*	Case No. 06-338-SPH

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by 26 Merry Hill Court, LLC, legal owner of the subject property and Lot 6 of Anton North – Section Two, through their attorney, Robert A. Hoffman, Esquire. The Petition was filed, pursuant to Section 500.6 of the Baltimore County Zoning Regulations ("BCZR"), seeking approval of an amendment to the Final Development Plan of Anton North – Section Two, to allow for a lot line adjustment and for the transfer of 0.106 acres, or 4,638 sq.ft., from Lot 6 to Lot 5. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioner was Patricia A. Malone, Esquire. Also appearing was Geoffrey C. Schulz, a registered land surveyor with McKee & Associates, Inc., who prepared the site plan in this case. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is located east of Park Heights Avenue at the northwest end of Merry Hill Court in Pikesville. The property is also known as Lot 6 of Anton North, Section Two, which was approved in 1987, and contains a gross area of 1.413 acres, more or less, zoned R.C.5. Testimony indicated that when the owners of

ORDER RECEIVED FOR FILING
Date 2/14/06
By

neighboring Lot 5 were in the process of selling their home, they discovered an encroachment of paving from their driveway onto Lot 6, which was a vacant lot. The encroachment, apparently, occurred when a garage addition was constructed on the eastern side of the house on Lot 5. The garage addition also was not set back a sufficient distance from the property line. In order to rectify the situation, the owners of Lots 5 and 6 propose an adjustment of the lot line between the two lots and the transfer of approximately 0.106 acres, or 4,638 sq.ft. from Lot 6 to Lot 5, as shown on Petitioner's Exhibit 1. The site plan reflects a revised building envelope for Lot 6.

As Mr. Schultz confirmed, even with the proposed transfer, both lots would meet all applicable standards and requirements for development in the R.C.5 zone, particularly in terms of lot size and setbacks. The applicable standards and requirements are those that were in place at the time of the approval of the original subdivision in 1987. Both lots would still support a single-family dwelling as reflected on Petitioner's Exhibit 1. Mr. Schultz explained that the amendments proposed to the Final Development Plan are minor and will not have any adverse impact on any other property owner or on the neighborhood in general. It is his opinion that the amendments are consistent with the spirit and intent of the original plan and of the requirements of the R.C.5 zone.

Having considered all of the evidence and testimony on this issue, I am persuaded to grant the Petition for Special Hearing. In my judgment, the Petitioner has demonstrated that the requirements of Section 1B01.3.7.b of the B.C.Z.R. have been met. That Section outlines the standards for reviewing amendments to final development plans. I also examined the proposed changes to the Final Development Plan in the context of Section 502.1 of the B.C.Z.R. and based upon the testimony and evidence presented, I find that the amendment will have little or no impact upon the surrounding community. Thus, the Petitioner is entitled to the relief requested by way of the Petition for Special Hearing.

ER RECEIVED FOR FILING

Pursuant to the Zoning Regulations of Baltimore County, the advertising and posting of the property, and public hearing held thereon, and for the reasons set forth above, the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of February, 2006, that the Petition for Special Hearing seeking approval of an amendment to the latest approved Final Development Plan for Anton North – Section Two, to allow for a lot line adjustment and for the transfer of 0.106 acres, or 4,638 sq.ft., from Lot 6 to Lot 5, as shown on Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
Date 2/14/06
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 14, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

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

RE: **PETITION FOR SPECIAL HEARING**
W/S Merry Hill Court, 1,570' NE of the c/l Anton North Way
(26 Merry Hill Court)
3rd Election District – 2nd Council District
26 Merry Hill Court, LLC - Petitioners
Case No. 06-338-SPH

Dear Mr. Hoffman & Ms. Malone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Ms. Amy Carol Baker, 26 Merry Hill Court, LLC
3300 American Saddler Drive, Park City, Utah 84060
Mr. Geoffrey Schultz, McKee & Assoc., Inc.
5 Shawan Road, Hunt Valley, Md. 21030
People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 26 Merry Hill Court

which is presently zoned RC-5

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

See Attached

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

26 Merry HIll Court, LLC
Name - Type or Print

Signature Amy Carol Baker, Manager

Name - Type or Print

Signature

3300 American Saddler Drive
Address — Telephone No.

Park City, Utah — 84060
City — State — Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esquire
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue — 410-494-6262
Address — Telephone No.

Towson, MD — 21204
City — State — Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esquire
Name

210 Allegheny Avenue — 410-494-6262
Address — Telephone No.

Towson, MD — 21204
City — State — Zip Code

ORDER RECEIVED FOR FILING
Date 1/4/06
By

Case No. 06-338-SPH

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF **Date** 1-10-06

PETITION FOR SPECIAL HEARING

Petition for Special Hearing to amend the latest approved Final Development Plan for Anton North - Section Two to allow for a lot line adjustment and for the transfer of 0.106 acres or 4,638 square feet from Lot 6 to Lot 5.

McKEE & ASSOCIATES, INC.
Engineering • Surveying • Environmental Planning
Real Estate Development

January 5, 2006

STATE OF MARYLAND
GEOFFREY CRAIG SCHULTZ
No. 21154
PROFESSIONAL LAND SURVEYOR

ZONING DESCRIPTION
26 MERRY HILL COURT
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the west side of Merry Hill court (50-foot wide right-of-way) at a distance of 1,570 feet, more or less northeast of the centerline of Anton North Way (50-foot wide right-of-way) and being known and designated as Lot 6, Anton North-Section Two as recorded in Plat Book 58, folio 27.

CONTAINING 1.413 acres of land, more or less.

338

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

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: #06-338-SPH
26 Merry Hill Court
West side of Merry Hill Court at a distance of 1,570 feet northeast of Anton North Way.
3rd Election District — 2nd Councilmanic District
Legal Owner(s): 26 Merry Hill Court, LLC

Special Hearing: to amend the latest approved Final Development Plan for Anton North-Section Two to allow *for a lot line adjustment and for the transfer of 0.106* acres or 4,638 square feet from Lot 6 to Lot 5.

Hearing: Wednesday, February 8, 2006 at 10:00 a.m., Room 106, Baltimore 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.

1/376 Jan. 26 82178

CERTIFICATE OF PUBLICATION

1/27/, 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 1/26/, 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. 1684

DATE 1-10-06 ACCOUNT 001-006-6150

AMOUNT $ 130.00

RECEIVED FROM: Venable, Baetjer & Howard, LLP
26 Mercy Hill Ct.

FOR: Petition for Special Hearing

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	ACTUAL DATE	TIME	DRW
1/11/2006	1/11/2006	14:09:01	3

ED 0312 MAIL DRW 03
RECEIPT # 447356 1/11/2006 OPLH
Type $ 520 ZONING VERIFICATION
R NO. 001684
Rcpt Tot $130.00
$130.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-338-SPH

Petitioner/Developer: 26 MERRY HILL CT, LLC

Date of Hearing/Closing: FEB 8, 2006

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

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

Ladies and Gentlemen:

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

26 MERRY HILL COURT

The sign(s) were posted on 1/23/06
(Month, Day, Year)

Sincerely,

Robert Black 1/25/06
(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)

26 MERRY HILL

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 18, 2006

NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-338-SPH
26 Merry Hill Court
West side of Merry Hill Court at a distance of 1,570 feet northeast of Anton North Way.
3rd Election District—2nd Councilmanic District
Legal Owners: 26 Merry Hill Court, LLC.

Special Hearing to amend the latest approved Final Development Plan for Anton North-Section Two to allow for a lot line adjustment and for the transfer of 0.106 acres or 4,638 square feet from Lot 6 to Lot 5.

Hearing: Wednesday, February 8, 2006 @10:00 a.m., Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21204.

Timothy Kotroco
Director

TK: clb

C: Robert A. Hoffman, Venable 210 Allegheny Avenue Towson 21204
26 Merry Hill Court, LLC, Carol Baker 3300 American Saddler Drive Park City Utah 84060

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 24, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
January 26, 2006 Issue- Jeffersonian

Please forward billing to:
Amy Dontell 410-494-6244
210 Allegheny Avenue
Towson, Maryland 21204

NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-338-SPH
26 Merry Hill Court
West side of Merry Hill Court at a distance of 1,570 feet northeast of Anton North Way.
3rd Election District—2nd Councilmanic District
Legal Owners: 26 Merry Hill Court, LLC.

Special Hearing to amend the latest approved Final Development Plan for Anton North-Section Two to allow for a lot line adjustment and for the transfer of 0.106 acres or 4,638 square feet from Lot 6 to Lot 5.

Hearing: Wednesday, February 8, 2006 @10:00 a.m., Room 106, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 06-338-SPH

Petitioner: 26 Merry Hill Court, LLC

Address or Location: 26 Merry Hill Ct.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: 210 Allegheny Avenue
Towson, MD. 21204

Telephone Number: (410) 494-6244

Department of Permits
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

February 6, 2006

Robert A. Hoffman
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 06-338-SPH, 26 Merry Hill Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 10, 2006.

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
26 Merry Hill Court, LLC. 3300 American Saddler Drive Park City Utah 84060

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 31, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For January 30,2006
Item Nos. 336, 337, 338, 339, 340, 341, 343, 344, and 345

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-01302006.doc

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

SHA
State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 1.20.06

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

RE: Baltimore County
Item No. 338 JRF

Dear. Ms. Matthews:

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

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

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

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

January 25, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: January 23, ~~2006~~

Item No.: 335-A, 6-336-A, 6-337-A, 6-338-A, 6-339-A, 6-340-SPH, 6-341-A, 6-342-A. 6-343-A, 6-344-A and 6-345-SPHXA

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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lt. W T Moffitt
Fire Marshal's Office
(O)410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 1, 2006

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

See Amended

SUBJECT: 26 Merry Hill Court

INFORMATION:

Item Number: 6-338

Petitioner: 26 Merry Hill Court, LLC

Zoning: RC 5

Requested Action: Special Hearing

The proposed special hearing is a request to amend the 3rd amended development plan of Anton North Section 2 in order to transfer .106 acres from lot 6 to lot 5. Lot 6 would only contain 1.307 acres after the lot line adjustment occurs while lot 5 would contain 1.767 acres.
Anton North was approved under RC5 zoning regulations in effect in 1987, which required a 1-acre minimum lot area and density at the rate of .667 dwelling units per acre. Bill 128-05 effective 12/05/05 amended the minimum lot size to 1 ½ acres and the density factor to .5 dwelling units per acre. If the special hearing is approved, Lot 6 would become an undersized lot.

SUMMARY OF RECOMMENDATIONS:
The Office of Planning recommends that the petitioner's request be **denied**. Any re-subdivision of the development plan entitled "Anton North Section 2" must comply with the current RC5 zoning regulations.

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

Prepared by: Curtis Murray

Division Chief: Jeff Perlman
AFK/LL: CM

W:\DEVREV\ZAC\06-338.doc

ATN: Patsy Malone

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 8, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-338- Special Hearing**

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

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

Prepared By: Curtis Murray

Division Chief: Lyn Lanham

CM/LL

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
26 Merry Hill Court; W/S Merry Hill Court;		
1,570' NE Anton North Way	*	ZONING COMMISSIONER
3rd Election & 2nd Councilmanic Districts		
Legal Owner(s): 26 Merry Hill Court, LLC	*	FOR
by Amy Carol Baker, Manager		
Petitioner(s)	*	BALTIMORE COUNTY
	*	06-338-SPH

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of January, 2006, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
JAN 23 2006
Per

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

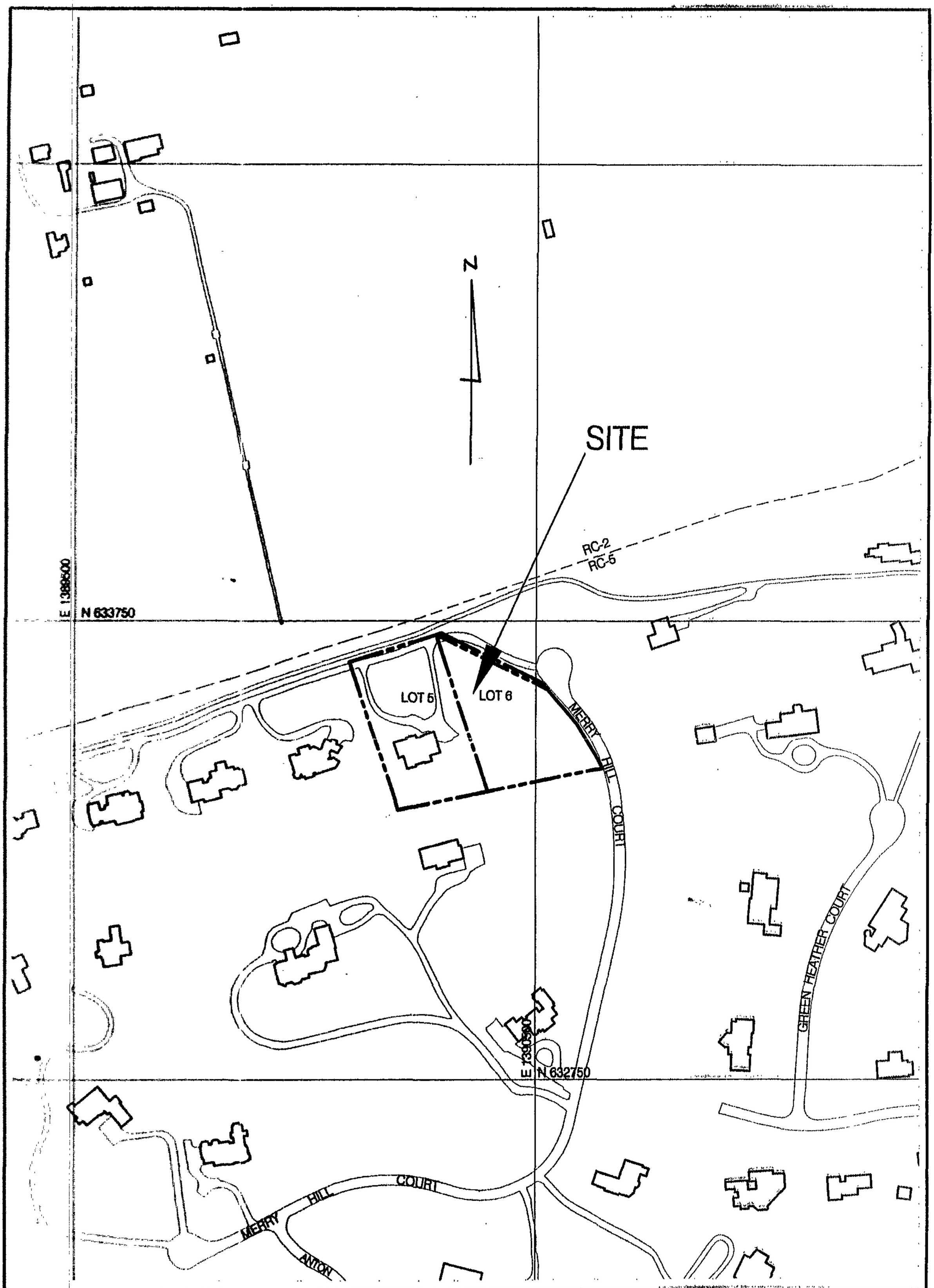
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Patricia A. Malone	210 Allegheny Ave.	Towson MD 21204	pamalone@venable.com
GEOFFREY C. SCHULTZ	5 SHAWAN ROAD	HUNT VALLEY, MD- 21030	

Case No.: 06-338 SPH

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	RED LINE - AMENDED SITE PLAN (FDP)	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

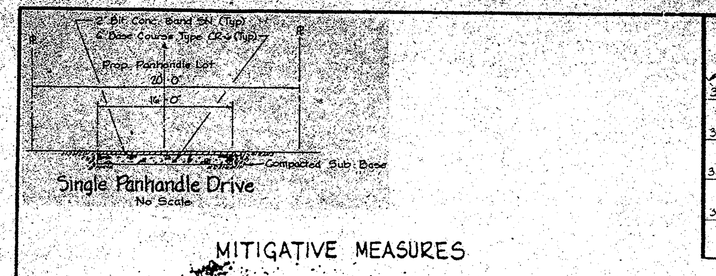


ZONING MAP

26 MERRY HILL COURT

#338

SCALE:	DATE:	SHEET NO.	DATE OF PHOTOGRAPHY	LOCATION
1"=200'	01-04-06	68 A1 & B1	JULY 2003	STEVENSON



MITIGATIVE MEASURES

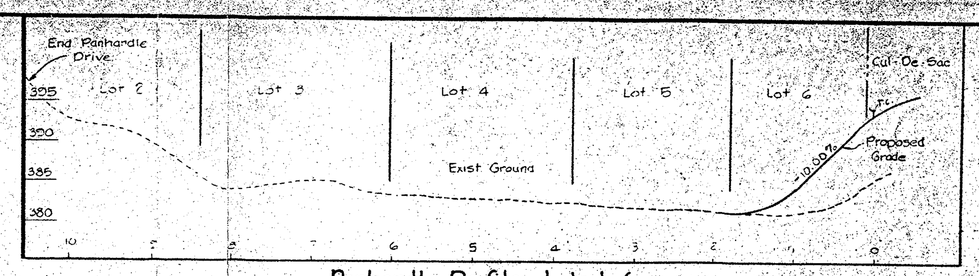
DEVELOPMENT IN STEEP SLOPE AREAS

Measures to prevent soil erosion or sloughing both during and following construction:

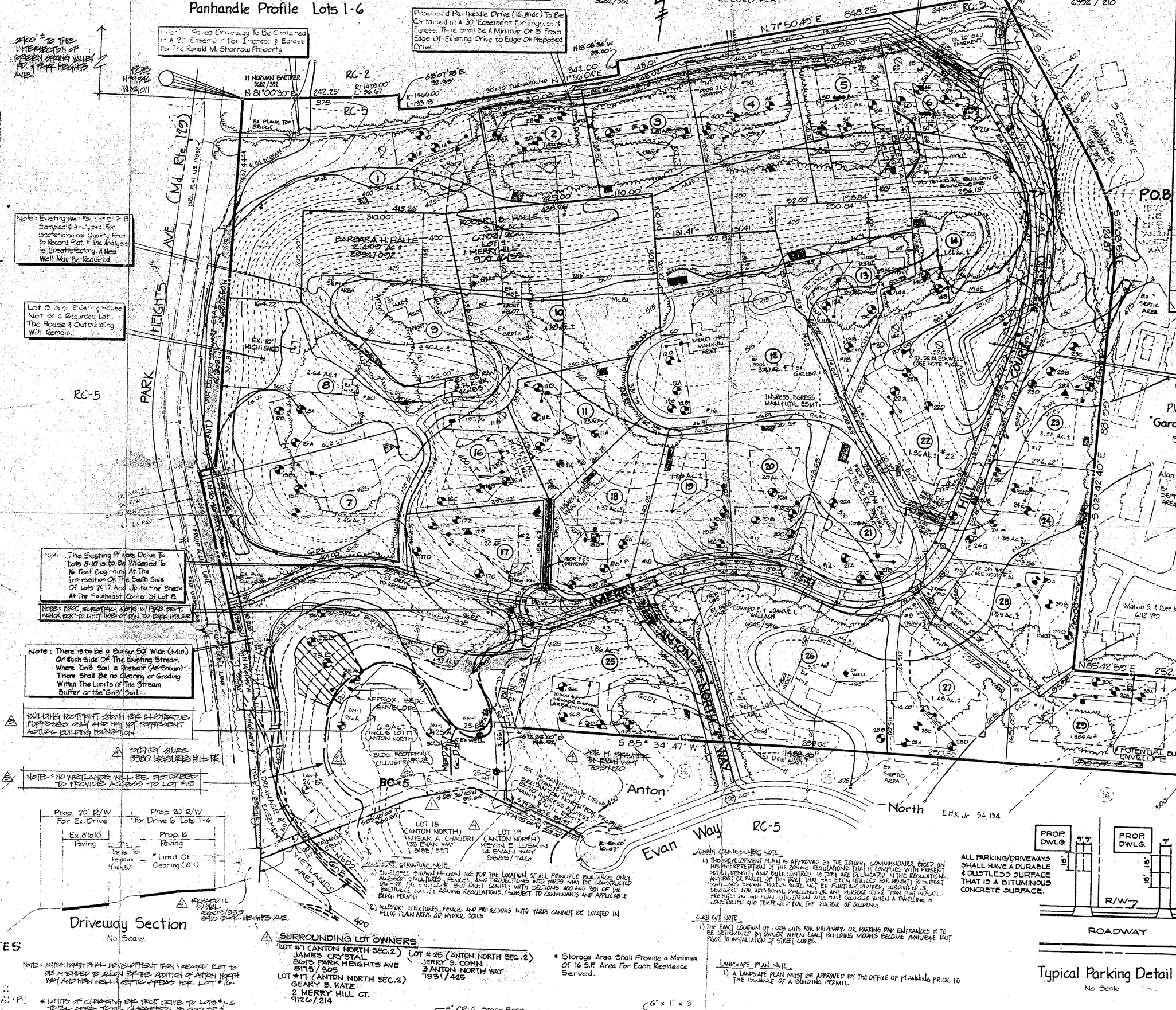
1. Maryland Department of Natural Resources and Baltimore County Soil Conservation District standards shall be adhered to in compliance with detailed grading and sediment control plans to be approved by the Baltimore County Soil Conservation District.
2. Sediment shall be contained at the edge of the disturbed area abutting the steep slopes by a double-staked silt fence.
3. Pending construction of dwellings, all disturbed areas adjacent to the steep slopes shall be seeded and mulched to produce a quick growing groundcover during the growing season, or mulched and tacked if not during the growing season, in accordance with Baltimore County Soil Conservation District specifications.
4. Grading and development adjacent to the steep slopes shall be done so as to sheet and not concentrate runoff flows. Splash blocks shall be provided at all gutter downspouts so as to begin sheeting close to the houses and to avoid concentrated flows at and onto the steep slopes.
5. All steep-sloped areas not disturbed will be maintained in present forested, vegetative cover.

Restrictive measures to be imposed by developer.

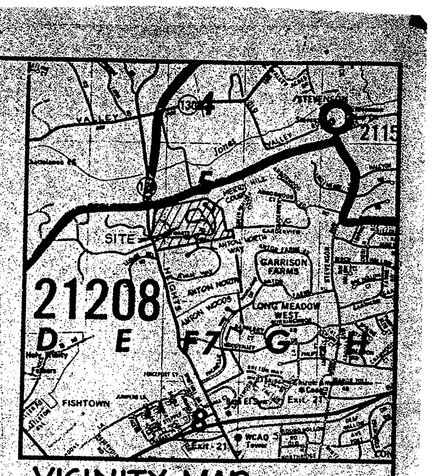
1. The front or rear yards of houses located in the existing steep-sloped areas shall be restricted by binding covenants and the final development plan as follows:
   A. Dwellings permitting walkout to the surface at the lowest level shall be limited to a patio area not to exceed 15 feet from the building face. Such patio shall be constructed only with a semi-pervious surface in the nature of brick or decorative block set on a pervious base. The balance of the yard shall be limited to vegetative cover.
   B. Dwellings permitting only a walkout deck at the lowest level shall be limited to a deck not to exceed 15 feet from the building face. Such deck shall be constructed of redwood or treated lumber permitting water to drain through. The rear yard shall be limited to a stone or gravel area beneath the deck, and vegetative cover.
   C. Impervious additions to A or B above shall be prohibited.
   D. Above grade swimming pools, storage lockers or other impervious or unsightly accessory structures shall be prohibited.
   E. It is the intent of the developer to install all rear yard improvements as a component of original construction and as an element of its architectural scheme. These shall be restricted to prevent additions or alterations to the facade of the houses with particular emphasis on forbidding porches, decks, canopies and/or permanent roofing over the patios and decks. These restrictions shall apply to all upper levels as well as the lowest level. The developer reserves the right to include upper level open area appurtenant to the building as part of the original architecture which may not be changed by future owners or occupants.
2. Storm drain outfalls discharging into wetlands shall be designed as follows:
   A. Minimize disturbance of the hydric soils and their vegetative cover by locating the outfall as close to the limit of grading as possible.
   B. Storm drain outfalls shall not discharge onto steep slopes. Where steep slopes abut wetlands, the outfall should be located as close to the toe of the steep slopes as possible to minimize wetland disturbance.
3. Road development on steep slopes shall be as follows:
   A. Where roadway embankments impact steep slopes, concentrated water shall be collected and discharged at the toe of the embankment.
   B. Disturbance to existing vegetation and the steep slopes shall be minimized as much as possible.



Panhandle Profile Lots 1-6



SOIL TYPE	AREA	SEWAGE DISPOSAL & FILTER FIELD	BOMESITES WITH BASEMENTS	STREETS & AND PARKING LOTS
Bv C2 Brandywine	1.5 Ac.	Moderate: Slope	Moderate: Slope	Severe: Slope
By D2 Brandywine	5.5 Ac.	Severe: Slope	Severe: Slope	Severe: Slope
By E Brandywine	1.8 Ac.	Severe: Slope	Severe: Slope	Severe: Slope
Cc B2 Chester	2.3 Ac.	Slight	Slight	Moderate: Slope
Gc B2 Glenelg	3.3 Ac.	Slight: Slope	Slight: 7-25 Loam, Silt	Moderate:
Gc C2 Glenelg	2.0 Ac.	Moderate: Slope	Moderate: Slope	Severe: Slope
(3) Gc D2 Glenelg	18.3 Ac.	Severe: Slope	Severe: Slope	Severe: Slope
Gn B Glenville	4.2 Ac.	Severe: High Water Table Moderately Slow Permeability	Severe: High Water Table	Severe: High Water Table
Ln Lindside	.8 Ac.	Severe: Moderately High Water Table; Moderate to Moderately Slow Permeability; Flooding Hazard	Severe: Flooding Hazard	Severe: Flooding Hazard
Md D2 Manor	1.8 Ac.	Severe: Slope	Severe: Slope	Severe: Slope
Mc B2 Manor Channery	9.8 Ac.	Slight	Slight	Moderate: Slope
Md E	12.5 Ac.	Severe: Slope	Severe: Slope	Severe: Slope



GENERAL NOTES

1. Applicant: BENJAMIN BLUM
   17 WARREN ROAD
   PIKESVILLE, MARYLAND 21208
   PHONE: 484-2419
   Owners: BENJAMIN H. BLUM
   17 WARREN ROAD
   PIKESVILLE, MARYLAND 21208
   DEED REFERENCE: ENK. JR 7372/079 & 7372/086
   Property :# p.13
   Tax Account : 0311009975
   Barbara K. Halle
   Park Heights Avenue
   Stevenson, Maryland 21153
   Deed Reference: 2545/92
   Property : # p.12
   Tax Account : 0306005175
   Robert Blum & Ms. Halle
   Park Heights Avenue
   Stevenson, Maryland 21153
   Deed Reference : 6793/361
   Property :# p.514
   Tax Account : 1800014157
   Edward & Jeanne Wallach
   8601 Park Heights Avenue
   Stevenson, Maryland 21153
   Deed Referenced : 6845/376
   Property : p.394
   Tax Account : 0308051200
2. Final Development Plan prepared by:
   W. Duvall & Associates, Inc.
   530 East Joppa Road
   Towson, Maryland 21204
   Attention: Leonard T. Bohager P.L.S. Phone: 583-9571
3. This property lies within Election District 3, Councilmanic District 3, and Census Tract 4038.02
4. This property lies within Watershed 24 and Subwatershed 61
5. SITE INFORMATION:
   a. GROSS ACREAGE 66.9±Ac. AS
   NET ACREAGE 47.8±Ac. AS
   b. LOCAL OPEN SPACE REQUIRED NONE - RC ZONE
   c. PARKING: required: 2 spaces per unit - 29 x 2 = 58 spaces
   proposed: 2 spaces per unit - 29 x 2 = 58 spaces
   d. DENSITY CALCULATIONS DENSITY PROPOSED PLOTS
   Density allowed (RC-5) acres : .667 lots/acre = 47 lots
   e. All lots are for sale.
6. All existing vegetation to remain in areas not requiring construction or grading.
7. The existing use is residential and proposed use is residential.
8. Proposed lighting is shown as ☼ with a mounting height of 14'.
9. Panhandle driveways - see plan for location and width, see profiles for grades. Maintenance of panhandle driveways will be the responsibility of the individual lot owners. All panhandle lots will be provided with a 4'x 4' concrete pad adjacent to the curb at the intersection of the panhandle and the street right of way, except lots 7,8,9,10, & 26.
10. Average daily trips as calculated from the Baltimore County Comprehensive Manual of Development policy:
    29 lots @ 12.4 = 360 ADT's
    ADT's are shown on the plan as
11. No structures or impervious areas are proposed within 100 feet of any perennial stream.
12. There are no primary wetland soil types found on the site.
13. There are no known critical areas, endangered species habitats, hazardous materials or archeological sites on this site.
14. Site survey and topography from boundary and topography by Daft, Moore, & Walker, Inc. dated April 5, 1983.
15. Existing dry wells shown as ⊠ shall be abandoned and backfilled by a licensed contractor.
16. Existing wells shown as ● shall be abandoned and backfilled by a licensed well driller.
17. Grading shown is schematic only.
18. The existing septic tanks & dry wells at the carriage house on lot 13 will be pumped, removed & 2' around perimeter will be excavated & the Ex. plumbing will be disconnected prior to record plat.
19. Per zoning ordinance IA04.3 no more than 15% of any lot may be covered by buildings.
20. The Ex. house on lot 12 is the Merry Mill House, Maryland Historic District Site BA2493.
21. Planting Required 29 units @ 1 tree/unit 29 trees
    Planting Provided 18 Major Deciduous
    25 Evergreen
22. There will be no grading in 10,000 S.F. sewage disposal areas.
23. Access to Park Heights Avenue Via the exist. private road which lies within a 25' R/W @ the southwest corner of the site, will be strictly limited to lots 7,8,9,10 & 26. All others are to use public roads only.
24. A waiver to allow 6 lots (7,8,9,10,13, & 26) to use the private drive out to Park Heights Avenue will be applied for.
25. Septic systems to be installed between existing areas so as not to require additional clearing.
26. Well areas are labeled as existing or proposed; see plan and key.
27. Proposed septic areas are shown and labeled on plan; see key and plan for location.
28. All existing vegetation to remain in areas not requiring construction or grading.
29. Slopes greater than 25% are indicated in areas of proposed lots only.
30. Stormwater Management waiver has been approved for the Western and Southeastern drainage areas of the site. S.W.M. basins will be provided for the Northwest portion of the site. Waiver approved July 25, 1987.
31. Ex. outbuilding on lot #8 must meet S-400 (B.C.Z.R.). If not the building must be razed or obtain a variance.
32. The Ex. house on lot 13 must comply with the B.C.Z.R. if its going to remain and be used as a dwelling.
33. Refuse to be collected by Baltimore County at curb or designated collection points.

REASON FOR 1ST AMENDMENT: REVISE BUILDING ENVELOPES FOR LOTS 5 & 6

REASON FOR 2ND AMENDMENT: REVISE BUILDING ENVELOPE FOR LOT 17

REASON FOR 3RD AMENDMENT: REVISE BUILDING ENVELOPES FOR LOTS 7 & 8

REASON FOR 4TH AND 5TH AMENDMENT: REVISE BUILDING ENVELOPE FOR LOT 13

III-289

3RD AMENDED PLAN (9-27-95)

This plan sealed by D.S. Thaler & Associates, Inc. as to these revisions only.

REVISED:
- Adjusted lot line to incorporate Anton North Lot No. 17 into Anton North Section II Lot No. 15 and into tract.
- Removed one (1) septic area and proposed well envelope;
- Revised building envelope;
- Identified current property owners adjacent to Lot No. 15;
- Added Lot No. 15 access note, building footprint note;
- Note Nos. 5a, 5d.

ADD ORDER - Case #96-160-SPH

STATE OF MARYLAND REGISTERED PROFESSIONAL ENGINEER

ZONING HEARING NOTES

1. EX. ZONING: RC-5
2. EXISTING USE: R
3. COUNCILMANIC DISTRICT: 3
4. DOC SCALE ZONING MAP: 4F
5. NO PRIOR ZONING HEARINGS
6. PRIVATE WELLS & SEPTICS
7. NO FLOODPLAIN
8. NO HISTORIC SITE
9. NO STREAMS OR TRIBUTARIES

Note: Anton North Plan Development Plan - Reason That It Was Assigned To Alan Kohler Portion Of Anton North Not Anton Well - Septic Assigned To Lot "B".

* Lifted of Clearing For Trash Cans To Lots 1-6 With Area To Be Cleared: 18,000 SF±

Green Tan Note: Lighting Development Plan Supplied With The Grea Land And All Grea Contours.

Engineers Surveyors Land Planners

W. Duvall & Associates Inc.

530 E. Joppa Road
Towson, Maryland 21204
(301) 583-9571

SURROUNDING LOT OWNERS

LOT #3 (ANTON NORTH SEC.2)
JAMES CROSTAL
BONS PARK HEIGHTS AVE
8115/ 305

LOT #25 (ANTON NORTH SEC.2)
JERSEY S. COHN
3 ANTON NORTH WAY
7831/425

LOT #11 (ANTON NORTH SEC.2)
GEARY B. KATZ
2 MERRY HILL CT.
4122/214

* Storage Area Shall Provide a Minimum Of 16 S.F. Area For Each Residence Served.

3" Bituminous Conc. Surface Course SN1 Placed in 2 - 1½" Layers

6" CR-6 Stone Base Placed in 2 - 4" Layers

6" x 1" x 3"

4" x 4" x 4' Post

4" x 4" x 5' Treated Lumber Posts

Mix No. 2 Concrete

ORDER: Case No. 96-160-SPH

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of December, 1995 that the Petition for Special Hearing to approve an amendment to the FINAL Development Plan for Anton North, Sections 1 and 2, to permit a lot line adjustment and consolidation of Lot 17 of Anton North, Section 1 (33 Evan Way), and Lot 15 of Anton North, Section 2 (1 Merry Hill Court) to create one lot, in accordance with Petitioner's Exhibits 3 and 4, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein would be rescinded.

2) Pursuant to Section 500.2 of the B.C.Z.R., a recorded instrument referencing the site name and the restrictions and conditions set forth herein shall be recorded in the Land Records of Baltimore County within ninety (90) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner for inclusion in the case file.

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

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

STATE OF MARYLAND REGISTERED PROFESSIONAL ENGINEER

B.C.Z.R. 1/5/00

RECEIVED DEC 14 1995 BALTIMORE COUNTY ZONING DIV.

4TH 5TH AMENDED

FINAL DEVELOPMENT PLAN OF

Anton North Section Two

AN FILE TO AMENDMENT SPECIAL HEARING REQUEST

3rd Election District Baltimore Co. Md

Scale 1"=100' July 4, 1987 REV. 1/1/00

DATE OF ORIGINAL C.R.G. RUN: 5/28/87 REV 1/1/88

DATE OF 1ST AMENDMENT 6/18/88

DATE OF 2ND AMENDMENT 8/10/00

DATE OF 3RD AMENDMENT 9-27-95

DATE REFERENDUM ATTEMPTED 7-11-91

REVISED CRG APPROVED 11-22-91

OWNER/DEVELOPER

BENJAMIN H. BLUM
17 WARREN ROAD
PIKESVILLE, MD 21208

PHONE: (410) 484-2419

MICROFILMED

OFFICE OF PLANNING AND ZONING APPROVED BY

DIRECTOR OF PLANNING DATE 12/20/95

DIRECTOR OF P.D.M. DATE

PETITIONER'S EXHIBIT NO. 1