BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

December 12, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

JOHN GONTRUM, ESQUIRE
WHITEFORD, TAYLOR & PRESTON, L.L.P.
210 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204

Re: Development Plan Hearing
"Becker Property"
Case Nos. VIII-791, 04-262-SPHA and 07-091-SPH

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The Development Plan for the Becker Property has been approved in accordance with the enclosed Order. The special hearing and variance requests made by the Developer in Case No. 04-262-SPHA are herby denied as moot having been withdrawn by the Developer.

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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz
Enclosure

c: Arthur H. Becker, 31 Wally Court, Timonium MD 21093
Arthur H. Becker Sr., 12170 Falls Road, Cockeysville MD 21030
Nancy D. Miller, 33 Wally Court, Timonium MD 21093
Steve Smith, Gaylord Brooks Realty, PO Box 400, Phoenix MD 21121
Jim Herman and Ernest Sheppe, Morris & Ritchie Associates, Inc., 1220-C, E. Joppa Road, Suite 505, Towson, MD 21286
J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286
G. Macy Nelson, Esquire, 401 Washington Avenue, Suite 803, Towson MD 21204
Marcia Goldberg, 12165 Falls Road, Cockeysville MD 21020
Erika Newton, 11 South Main Street, Belair MD 21014

IN RE: DEVELOPMENT PLAN HEARING W/S Falls Road, N Broadway Road 8th Election District 2nd Councilmanic District **(BECKER PROPERTY)**	* * *	BEFORE THE HEARING OFFICER OF BALTIMORE COUNTY
Arthur H. and Dorothy E. Becker *Property Owner* D.H. Horton *Contract Purchaser* Gaylord Brooks Realty Company, Inc. *Developer/Petitioner*	* *	**Case No. VIII-791, 04-262-SPHA and 07-091 SPH**

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

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter originally came before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County for approval of a Development Plan known as "Becker Property", prepared by Morris & Ritchie, Associates, Inc., with 20 single family dwellings on 88.91 +/- acres zoned RC 4 and RC 5. The property is located with Falls Road to the north at Hickory Hill Road and Ridgemont Road and Wally Court to the south. Beaver Dam Run divides the site into 3 separate development tracts. A Hearing Officer's Hearing was held on January 29, 2004, an Order issued on March 12, 2004 and struck by Order on Motion for Reconsideration of April 2, 2004 continuing the case to allow the Developer to present a revised development plan according to the Order of March 12, 2004.

The Developer now proposes 10 single family detached dwellings units. Access to lots 1 through 8 is from extended Ridgemont Road. Lot 9 is accessed from Wally Court. Lot 10 contains an existing home on 76.26 +/- acres, has access to Falls Road and is indicated as "future development".

In addition, the Petitioner requested originally zoning relief in Case No. 04-262-SPHA. This case was withdrawn and a new zoning Case 07-091-SPH was filed. The revised

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development plan no longer requires the variance previously requested to permit the continuation of existing accessory buildings on proposed lot 7, in a residential zone, in the front yard in lieu of in the rear yard.

The revised request for special hearing is as follows:

Petition for Special Hearing

The Petitioner requested special hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve non-density parcels in RC 4/RC 5 area associated with lots 4, 5, 6, 7, and 9; to approve a septic reserve area on lot 9 which is in a different zoning area than the proposed structure; to approve an existing well and a backup well area on Lot 10 within a different zoning area than the existing structure; and to amend the order and approved site plan in Case 94-256-SPH.

Notice

The property was posted with Notice of Hearing Officer's Hearing on October 12, 2006, for 20 working days prior to the hearing, in order to notify all interested citizens of the date and location of the hearing. In addition the file contains a certification that the Developer mailed notice of the date and time of the Hearing Officer's Hearing on October 11, 2006.

In regard to the zoning case, the property was posted of the hearing date and time of the request for zoning relief on October 12, 2006 and published in the Jeffersonian Newspaper on October 24, 2006.

Project History

As to the history of the project, a Concept Plan Conference for the original development plan was held on March 17, 2003. A Community Input Meeting was held on April 10, 2003 at Pinewood Elementary School. A Development Plan Conference was held on January 7, 2004.

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A Hearing Officer's Hearing for the development was held on January 29, 2004.

The Hearing Officer's order was issued on March 12, 2004. Subsequent to this, the Developer's representative, Scott Barhight, Esquire, filed a Motion for Reconsideration on March 16, 2004. The Order on Motion for Reconsideration was issued April 2, 2004. The Order on Motion for Reconsideration was granted, and the Order dated March 12, 2004 was stricken, and the case was set for further hearings/proceedings.

A second Development Plan Conference with a new developer was held October 18, 2006. The continued Hearing Officer's Hearing for the development was held on November 9, 2006.

Interested Persons

Appearing at the continued hearing on behalf of the Development Plan approval request were Steve Smith with the new Developer, Gaylord Brooks, Jim Herrman and Ernest Sheppe, appearing on behalf of Morris & Ritchie Associates, Inc., the engineering firm who prepared the Development Plan, Arthur H. Becker, Sr., the Petitioner, and Arthur Becker Jr., and Nancy Miller. John Gontrum, Esquire represented the Petitioners at the hearing.

Appearing as interested citizens in the matter was Marcia Goldberg from the Falls Road Community Association. The Association was represented by Macy Nelson, Esquire. J. Carroll Holzer, Esquire, entered his appearance in the continued case for his client Mary Jo Keller. Mr. Holzer did not attend the hearing because of a conflict in hearings, however, in his letter dated November 9, 2006, Mr. Holzer raised several concerns noted below.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Dennis Kennedy (Development Plans Review), Eric Rockel (Bureau of Land Acquisition) and Donna Thompson(Zoning Plans Review), all from the Office of Permits &

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Development Management; David Lykens from the Department of Environmental Protection and Resource Management (DEPRM); Curtis Murray from the Office of Planning; Don Muddiman (Fire Department) and Bruce Gill from the Department of Recreation & Parks.

Status of the Case

The Hearing Officer's order regarding the original 20 unit development was issued on March 12, 2004. The Order on Motion for Reconsideration was issued April 2, 2004, the Order dated March 12, 2004 was stricken, and the case was set for further hearings/proceedings. The Developer introduced 11 exhibits and the protestants introduced 16 exhibits in the original hearing, all of which are in the file as exhibits in this continued case.

Revised 10 Home Development Plan

Developer Issues

The Developer presented no issues for resolution.

County Issues

Each of the reviewing agencies indicated that the Development Plan met all County regulations with the following exceptions and highlights:

Recreation and Parks

The representative of the Department indicated that the required local open space for the homes is 10,000 square feet or 0.23 acres +/-. The Developer has requested and the Department approved a waiver to pay a fee in lieu of providing local open space as shown in the October 24, 2006 letter in the file. The representative also noted the property is adjacent to the planned Beaver Dam Run environmental greenway project.

Planning Office

The representative of the Office indicated that the Department has determined that the proposed conservancy area meets the requirements of Section 1A03.5 A of the BCZR as shown

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in the written comments from the Director dated November 9, 2006 in the file. The Developer opined that the conservancy area exceeds the 70% minimum on the RC 4 portion of the property but in addition the developer is providing an additional three acres of RC 5 property to also be included in the conservancy area.

The Office of Planning also indicated that the development plan is in compliance with the school impact provisions of Section 32-6-103 of the Baltimore County Code, but is not subject to the search back provisions of Bill 24-06. He noted that the property is not only divided by Beaver Dam Run into separate development pods but that lot 10 is in a different school district from the proposed homes on lots 1 through 9. None of the six impacted schools show enrollment greater than the 115% threshold with the new students from this development included.

Fire Department

The representative indicated that the plan meets the regulations for which the Department is responsible and noted that the Developer is providing a 12,000 gallons underground tank for water storage for fire suppression and the home on lot 9 will be sprinklered.

Department of Environmental Protection and Resource Management

The representative of the Department indicated that the plan meets the regulations for which the Department is responsible and presented the written findings dated November 9, 2006 of the Department that the conservancy area meets the criteria of Section 1A03.5 of the BCZR which are included in the file.

Land Acquisition

The representative of the Department indicated that the Department required a minor note change to designate the environmental greenway easement to be dedicated to the County. The Developer agreed and made the change to the redline plan.

Community Concerns

Mr. Nelson indicated that his clients had worked closely with the Developer in reviewing the revised development plan, but that the redlined plan had just been given him as of November 9, 2006. His experts had not had a chance to review the redline plan and requested to keep the record open for two weeks to review. The Developer agreed. Mr. Nelson said he would have the results of this final review in a letter by November 28, 2006. Neither party waived their right to a public hearing on these matters.

In a letter dated December 7, 2006 Mr. Nelson indicated that his client has no objection to the redline plan.

In addition Mr. Nelson requested that the final Order regarding the revised (10 unit) plan reflect the findings of this Commissioner concerning the inadequacies of entrance onto Falls Road. He indicated that if the northern pod is developed in the future, he did not want to have the proposed entrance the same as previously found unsafe. He was concerned some future development of the northern pod would adopt the same entrance previously found wanting because the Order was struck. He requested that the Order in this case reflect lot 10 to be developed consistent with the March 12, 2004 order.

In response Mr. Gontrum indicated that while the record of the prior holdings regarding the entrance on Falls Road was part of the record of this case, there is no development proposed on the northern pod (lot 10) at this time. He suggested that future development of lot 10 will have to request to modify the approved development plan.

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Mr. Holzer by letter dated November 9, 2006 indicated his concern that the original findings, testimony and evidence from the first HOH be affirmed and re-introduced in the continued HOH. In addition he expressed concern that the conservancy area required in the RC 4 portion of the property should be dedicated now and not reserved for future development of the northern pod. Finally he was concerned the development plan reserved density for future phases.

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.

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(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.

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

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

Testimony and Evidence

Zoning Case – Request for Special Hearing

Mr. Gontrum proffered that the meandering RC 4 zoning line which follows the course of Beaver Dam Run presents some of the challenges of developing this property. Beaver Dam Run separates the uses that can be made of the property into three distinct pods. See Developer's exhibit 12, the plat to accompany.

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Lot 9, formerly lot 20 in the prior development plan, is a third lot in a minor subdivision approved in case no. 94-256 SPH. The request for special hearing arises because the proposed house on Lot 9 is on the RC 5 portion of the lot south of the RC 4 zoning line. The proposed septic reserve area is north of the line in the RC 4 zone. Lots 4, 5 and 6 have the homes in the RC 4 portion, and small non density areas in the RC 5 zone. There are no improvements in the RC 5 non density areas on each lot. Lot 7 has the improvements on the RC 5 portion of the lot and a small non density portion in the RC 4 zone. Mr. Gontrum noted that each lot meets the minimum lot size for its zone as shown on the lots size chart of Developers exhibit 12. Finally lot 10, (in the northern pod) has an existing well in the RC 5 portion and the existing house in the RC 4 portion of the lot. Mr. Gontrum noted that this Developer has no intention to change lot 10 at this time. He indicated that approving these requests would not adversely affect the community and would be within the spirit and intent of the regulations.

Findings of Fact and Conclusions of Law

Special Hearing

After considering the evidence and testimony in this portion of the case pursuant to the Special Hearing provisions of Section 500.7, I will approve the Developer's request for approval of the non density parcels associated with Lots 4, 5, 6, 7 and 9. I find that the mere fact the portions of the lots, which meet the minimum size, are in different zones should not by itself mean that these size lots cannot be developed. The new homeowner will receive title to full size lots and likely never know that the zoning line bisects their property. These full size lots will attract full size homes, which hopefully will be compatible with and an asset to the existing homes in the area. I find no adverse impact on the surrounding community, many of which lots have been approved in prior cases. However, as noted, these non density areas are

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never to become the basis in years to come of requests to approve undersized lots per Section 304 or other provisions of the B.C.Z.R.

Similarly the Developer asks for approval of septic reserve area in a different zone than the proposed structure on lot 9. In fact, the home is in the RC 5 zone and the septic reserve area in RC 4 zone. Septic reserve areas in the RC 4 zone were granted in Case No. 94-256-SPH by the Board of Appeals. I will follow the precedent established by the Board of Appeals in the 1994 case and approve this request.

The Developer also requests relief under Section 500.7 for an existing well and future backup well in a different zone than the existing structure on lot 10. Again, the meandering RC 4 zoning line causes these kinds of anomalies, there is no detriment to the community and so I will approve the request.

Finally in regard to the request to amend the Order of Case No. 94-256-SPH, for the reason above I find there is no detriment to the community and so I will approve the request.

Development Plan

Testimony and Evidence

Mr. Hermann, a licensed landscape architect, testified the redline changes to the 10 unit plan were in direct response to the County comments at the DPC. He presented the redline revised development plan as Developer's exhibit 14A through 14 D. Again he noted the meandering RC 4 / RC 5 zoning line that splits lot 10 with the existing house and pond, the minor subdivision that created lot 9, and the south pod which again is split zoned. He indicated that the house on lot 9 would have access to public roads via Wally Court. The eight new homes in the southern pod have access via Ridgemont Road as before. However the cul de sac serving these lots has been shortened substantially and panhandle driveways employed to

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improve storm water management on site.

He noted that there are over 40 acres in conservancy area in the RC 4 portion of the property which exceeds the minimum 70% requirement. However the Developer has also included approximately 3 acres of RC 5 zoned property in the conservancy area as the steep slopes and features of this area make sense to be included.

Properties adjoining the subject site are primarily single family homes on private well and septic systems. Screening will be provided along the southern boundary of lot 9 to buffer the house to the south.

In regard to the southern pod, the new plan eliminates all centrally located storm water management facilities. All such facilities are located on individual lots. There are no public works waivers requested. He opined that the redline revised development plan, Developer's exhibit 14 meets all County requirements.

Mr. Sheppe, a licensed civil engineer, amplified the description of the storm water management system on the southern pod. He described this approach as "environmentally sensitive development" in which the engineers avoid concentrating facilities and therefore do not have to plan for discharging water into outfall systems. Thus the over the hill discharge system previously proposed has been eliminated. There is no longer need to traverse forest buffer areas or steep slopes as all quality and quantity management are done within each lot.

In order to achieve on site management, he employed special downspout dry wells in certain areas and level spreaders in other to dissipate the storm water. In addition the panhandle driveways now proposed allow porous paving material which again reduces run off.

In summary he opined the redline revised development plan met all applicable regulations and the March 2004 Order from the Deputy Zoning Commissioner.

Findings of Fact and Conclusions of Law - Development Plan

In regard to concerns raised by Mr. Holzer and Mr. Nelson that the findings of the prior case not disappear, my solution is simply to repeat my findings in the earlier case here. By way of background, I suggest anyone who wished to pursue development of the northern pod in the future review Order of this Commission dated March 12, 2004 which will be applicable to any future development of this pod. In short summary the original plan for the northern pod, now lot 10, included a public road to Falls Road to serve the 11 lots of this pod, and a conventional storm water management system. The protestants expressed concerns about traffic safety, the storm water management system and elimination of the pond on the subject property. Experts testified on both sides. I found as follows:

Finding of Fact and Conclusions of Law (Traffic)

Two qualified traffic experts came to opposite conclusions in regard to the safety of proposed intersection of Rose Court and Falls Road looking south from Rose Court. However, they did not disagree about the facts of the situation. I find that both were credible witnesses from each person's viewpoint. I take into account the fact that vehicles can stop quicker going uphill as pointed out by Mr. Guckert and that significant traffic on Falls Road regularly exceeds the 40 mph speed limit as pointed out by the Protestants. These factors seem to cancel one another. Both experts agree that the intersection does not meet the AASHTO intersection stopping distance criteria. Conversely, both would agree that that the intersection meets the AASHTO stopping sight distance criteria. AASHTO clearly gives the option to chose either depending on circumstances

I find the likelihood of Mrs. Jones building a 6 ft. high privacy fence onto the edge of Falls Road most unlikely as this would cut off her view of traffic from the north making her

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entrance onto Falls Road most hazardous. The Protestants point, however, is that Mr. Becker owns so little frontage on Falls Road that he cannot himself guarantee clear sight distance to the south, no matter what standard is used. In addition, he cannot align the proposed road with Hickory Hill Road, nor can he separate the new intersection from Hickory Hill Road the prescribed 100 ft. There is no fault here. His engineers have done all they could to mitigate the safety problem under the circumstances.

In my view, a large part of the problem is that Rose Court will be a public road. I am persuaded by Mr. Seitz's testimony, that driver expectation plays a large role in determining whether in practice an intersection will be safe. No one assures perfection. No on expects perfect safety under all possible circumstances. But I am convinced that drivers using Rose Court would expect a "normal" intersection by the physical amenities of a public road with a public road. I also find that they will be disappointed and unduly endangered by the proposed intersection.

Considering both the AASHTO intersection sight distance and stopping sight distances, the sight distance looking south from Rose Court is at best marginal. Standing alone and considering the low number of homes to be served by Rose Court, I could approve the plan. However, when I combine this with the fact that Rose Court is neither aligned with nor far enough away from Hickory Hill Road, I find the situation passes from marginal to unsafe.

Perhaps a simple illustration will show my concerns. On a workday morning, drivers are coming out of Applecroft Lane, Rose Court, Hickory Hill Road and the Jones driveway to get onto Falls Road to go to work or school. Traffic is flowing both ways on Falls Road and as shown by the traffic data a significant portion of this traffic exceeds the 40 mph speed limit. The vehicle coming from Applecroft wants to turn right to go toward Rose Court. The vehicle

on Rose Court wants to turn left to go north on Falls Road. The vehicle on Hickory Hill wants to go north on Falls Road. And last, but certainly not least, Mrs. Jones wants to go north on Falls Road. All traffic from these side roads stops waiting for a break in Falls Road traffic. Their attention is riveted on Falls Road traffic. When a break comes in the flow of traffic, who goes first?

Adding to the "Who Knew" category, Mr. Guckert tells us that vehicles must yield to those on the right even if the vehicles are parallel to one another. I am sure he is correct in the law. But, I did not know that and I doubt many drivers have heard of such a rule. Is a driver across Falls Road on one's right? What I foresee are drivers frustrated by having to wait for Falls Road traffic coming out of Applecroft, Rose Court, Hickory Hill and the Jones driveway in a mad and dangerous scramble to accelerate onto Falls Road. They are not going to be looking for traffic coming from the other side roads.

This problem of acceleration leads me to adopt the AASHTO intersection stopping distance as the proper standard for this intersection. I find it more persuasive in this situation to take into account that vehicles must get up to speed to safely enter Falls Road. Drivers from the side roads will be challenged to weave their way onto Falls Road. I am not satisfied, given the scramble in front of them, that vehicles on Falls Road should not have the additional distance to avoid accidents with vehicles coming form the side roads. I am persuaded by the cumulative weight of evidence that the proposed intersection is not safe and I will not approve the northern pod under the present situation.

That said, a more challenging problem is what to do about it? The Keller and Becker families use this same place to enter Falls Road everyday. By not approving the proposed intersection shall I say that Mr. Becker can not sell any lots in the northern pod? If two homes

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now use the entrance, would three homes be a danger? My resolution of this dilemma is again to look at driver's expectations as articulated so well by Mr. Seitz. In my view a large part of the problem arises with the fact that Rose Court is to be a public road. Certain amenities come with this that do not arise in my view if the entrance to Falls Road is merely a driveway.

Testimony and Evidence (Keller Issues)

Keller Driveway

Mrs. Keller, an adjacent property owner, shares the present 1,400 ft. long driveway from Falls Road with Mr. Becker. If the Development Plan is approved, she would have access to Falls Road via Rose Court using a shared driveway with Lot 8 of the new development. She complained about this arrangement wanting an in fee driveway from Rose Court. The Developer agreed and this change is shown on Developer's Exhibit No. 3D. I certainly approve the change.

Storm Water Management (Northern Pod)

Mrs. Keller, also complains of the visual impact of the storm water management system proposed. Most particularly she objects to the two sand filter facilities proposed just below her home. She indicates that she has lived in her home for many years and enjoyed the unimpeded view of the Becker lawn and pond just to the southwest of her property. The Developer proposed to build two sand filter facilities close to the Keller property boundary, which the Keller's would undoubtedly see from their home.

Mr. Sheppe, the developer's engineer testified that the storm water management system on the northern pod meets the County and Maryland Department of the Environment criteria for such facilities. The system handles storm water generated by the impervious portions of Lots 8, 9 10, 11 and the public road. The focus with this system is to improve water quality

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under the new regulations. He testified that he located the sand filter facilities, which are essential to achieving the water quality goals, at the lowest place on the northern pod where facilities must be located. The location was further constrained by the topography of the site and having to avoid the forest buffer areas (as he had an alternative location near the Keller's). Mr. Sheppe admitted on cross-examination that the sand filter could be reduced in sized and moved back from the Keller property line. However, he indicated these devices could not go away.

Mr. O'Leary, the protestant's civil engineer, testified that an alternative to the sand filter design shown in the Development Plan, would be a serpentine swale as shown on Protestant's Exhibit No. 6. This would accomplish the water quality goal without the unsightly sand filter pits in the proposed design. As above, Mr. Sheppe testified that the suggestion had merit from an engineering standpoint but that it would require crossing the forest buffers on the northern pod. An alternative analysis would have to be submitted to DEPRM who may not approve it because there is a feasible alternative with the sand filter system over by the Keller's property.

Separate Approvals

As indicated at the beginning of this Order, the northern pod is completely separate from the southern pod which is separate from Lot 20. No roads directly connect these areas. Storm water management facilities are not in any way tied to one another. Without laboring the point, I see these as three distinct developments albeit they are described on one development plan.

I hold that just as I may impose conditions on any portion of the plan, I may approve any portion of the plan separately. Said another way, because I do not approve one portion of the plan does not in this limited case mean that I disapprove the whole plan. Consequently, I will approve or disapprove sections of this plan.

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Conclusion (Northern Pod)

Having found the proposed intersection unsafe, I cannot provide some exact criteria under which I will approve the northern pod. However, I can provide some general concepts. First, Rose Court should not be a public road, which may mislead travelers at the intersection with Falls Road. The number of lots should be reduced to that number allowed to be developed using a private driveway. Not having a public road and having fewer lots, the storm water management system requirement will be reduced perhaps enough to allow new design (whether serpentine swale or not) to satisfy Mrs. Keller's concern about the sand filters close to her property.

Return to Subject Case

Mr. Holzer also expressed concern that the conservancy area required in the RC 4 portion of the property be dedicated now, and not reserved for future development of lot 10. In response, I note that the redline development plan, exhibit 14, indicates to me that the conservancy area will be dedicated upon approval of this plan and is not contingent upon some future development of lot 10.

To understand the acreage involved requires recalling that lot 9 is the third lot of a minor subdivision which has already been approved and therefore already has dedicated conservancy area of 7.73 acres. One must combine the conservancy requirements for the minor subdivision with this request which is described as parcel 157. As a result the Developer is proposing to dedicate 40.42 acres of land into conservancy area which then combines with the existing 7.73 acres for a total of 48.15 acres. The RC 4 acreage of parcel 157 and the minor subdivision are 63.36 acres. Thus the conservancy area will be approximated 76 %, which is well above the minimum 70%. In addition the Developer will add 3 acres of RC 5 land to the

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conservancy area as this portion of the RC 5 portion of the property is not developable. In regard to conservancy area I also note the both the Planning Office and DEPRM have presented written findings that the proposed conservancy area meets the criteria of Section 1A03.5. Performance Standards of Rural Cluster Development. They are satisfied that the conservancy area contains the proper accumulation of productive soils, streams, steep slopes, forests and the like and recommend I approve the design. No evidence has been presented that the conservancy area selected is improper and so I will approve the conservancy area design as shown on Exhibit 14.

In my March 12, 2004 decision on the 20 unit development plan, I noted that I would approve a development plan for the southern pod that followed the recommendations of the protestant's expert and did not have an "over the hill discharge" of storm water into the stream below. The plan presented meets that condition and more. It is a very elegant storm water management system with on lot handling of storm water rather than the conventional collect and discharge system. I also imagine that it will be considerably less expensive to build than the prior design. Congratulations to the Developer's and protestants' engineers on an outstanding design.

Considering all the testimony and evidence, I find that the Redline Development Plan entered into evidence as Developer's Exhibit 14 complies with the development regulations and applicable policies, rules and regulations, promulgated pursuant to Section 32-4-281 of the Code and further I find that the plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 11th day of December 2006, that the Developers' requests

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for special hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), non-density parcels in RC 4/RC 5 area associated with lots 4, 5, 6, 7, and 9; a septic reserve area on lot 9 which is in a different zoning area than the proposed structure; an existing well and a backup well area on lot 10 within a different zoning area than the existing structure; and to amend the order and approved site plan in Case 94-256-SPH be and they are hereby GRANTED; and

IT IS FURTHER ORDERED that Redline Development Plan known as "Becker Property", submitted into evidence as "Developer's Exhibit No. 14", be and it is hereby APROVED subject to the following conditions:

1. Future development of lot 10 is subject to the findings and order of the March 12, 2004 Order in this case as above as well as the findings and Order of this date; and

IT IS FURTHER ORDERED that the special hearing and variance requests made by the Developer in case no 04-262-SPHA are herby DENIED as moot having been withdrawn by the Developer.

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:pz

Date 12/1/06
By

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at W/S Falls Rd, N Broadway Rd
which is presently zoned R.C.4/R.C.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

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:

Gaylord Brooks Realty Co., Inc.
Name - Type or Print

By: [signature]
Signature Steve Smith, President

14346 Jarrettsville Pike 410-667-0800
Address Telephone No.

Phoenix, MD 21131
City State Zip Code

Legal Owner(s):

Arthur Becker
Name - Type or Print

[signature]
Signature

Name - Type or Print

Signature

12170 Falls Road
Address Telephone No.

Cockeysville, MD 21030
City State Zip Code

Attorney For Petitioner:

G. Scott Barhight
Name - Type or Print

Signature

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

210 W. Pennsylvania Ave, 4th Floor 410 832-2000
Address Telephone No.

Towson, MD 21204
City State Zip Code

Representative to be Contacted:

G. Scott Barhight
Name

210 W. Pennsylvania Ave, 4th Floor 410 832-2000
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 8/30/06

Case No. 07-091-SPH

REV 9/15/98

Attachment to Petition for Special Hearing
Becker Propety
W/S Falls Road, N Broadway Road
Zoning Item:

Petition for Special Hearing to:
(1) approve non-density parcels in R.C. 4/R.C. 5 areas associated with Lots 4, 5, 6, 7, and 9;
(2) approve septic reserve area on Lot 9 which is in a different zoning area than the proposed structure;
(3) approve an existing well and a backup well area on Parcel A within a different zoning area than the existing structure; and
(4) amend the order and approved site plan in Case 94-256-SPH.

366069

07-091-SPH

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

Zoning Description

Beginning at a point located in the centerline of Falls Road (Maryland Route 25) which has a variable width, at the distance of 7.0 feet northwesterly of the centerline of the nearest intersecting street, Hickory Hills Lane which has a variable width. **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

South 61 degrees 46 minutes 59 seconds West, 78.40 feet to a point; South 10 degrees 56 minutes 27 seconds East, 68.44 feet to a point; South 05 degrees 33 minutes 04 seconds West, 163.84 feet to a point; South 06 degrees 08 minutes 41 seconds West, 782.45 feet to a point; South 61 degrees 10 minutes 39 seconds East, 254.82 feet to a point; South 00 degrees 14 minutes 33 seconds East, 265.25 feet to a point; South 43 degrees 57 minutes 47 seconds East, 483.08 feet to a point; North 65 degrees 09 minutes 55 seconds East, 52.69 feet to a point; North 67 degrees 28 minutes 27 seconds East, 55.03 feet to a point; North 73 degrees 05 minutes 58 seconds East, 56.54 feet to a point; North 63 degrees 36 minutes 22 seconds East, 44.56 feet to a point; North 65 degrees 37 minutes 10 seconds East, 82.80 feet to a point; North 86 degrees 40 minutes 17 seconds East, 55.00 feet to a point; North 63 degrees 26 minutes 46 seconds East, 54.12 feet to a point; North 02 degrees 28 minutes 59 seconds East, 39.22 feet to a point; North 29 degrees 04 minutes 28 seconds East, 37.06 feet to a point; South 61 degrees 23 minutes 43 seconds East, 91.97 feet to a point; South 07 degrees 09 minutes 25 seconds East, 1580.38 feet to a point; South 79 degrees 52 minutes 32 seconds West, 702.16 feet to a point; North 46 degrees 53 minutes 57 seconds West, 826.13 feet to a point; North 71 degrees 22 minutes 53 seconds West, 493.27 feet to a point; North 48 degrees 06 minutes 54 seconds East, 97.59 feet to a point; North 34 degrees 26 minutes 58 seconds East, 190.74 feet to a point; North 11 degrees 16 minutes 23 seconds West, 70.01 feet to a point; North 56 degrees 16 minutes 23 seconds West, 420.90 feet to a point; North 46 degrees 16 minutes 23 seconds West, 82.00 feet to a point; South 66 degrees 43 minutes 37 seconds West, 67.23 feet to a point; South 18 degrees 00 minutes 54 seconds East, 215.02 feet to a point; South 42 degrees 14 minutes 18 seconds West, 279.63 feet to a point; North 71 degrees 22 minutes 53 seconds West, 28.66 feet to a point; North 12 degrees 50 minutes 47 seconds West, 1116.43 feet to a point; North 41 degrees 59 minutes 06 seconds East, 527.25 feet to a point; South 48 degrees 00 minutes 54 seconds East, 60.00 feet to a point; North 41 degrees 59 minutes 06 seconds East, 100.85 feet to a point; North 40 degrees 24 minutes 42 seconds East, 1263.62 feet to a point; North 43 degrees 47 minutes 52 seconds East, 51.52 feet to a point; South 27 degrees 08 minutes 52 seconds East, 68.60 feet to a point; South 07 degrees 06

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

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

07-091-SPH

minutes 00 seconds West, 38.99 feet to a point; South 28 degrees 48 minutes 05 seconds East, 71.52 feet to the point and place of beginning and being known as #12170 Falls Road.

Containing 3,872,773 square feet or 88.9066 acres of land, more or less, and being located in the Eighth Election District of Baltimore County, Maryland.

07-091-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 20351

DATE 8/30/06 ACCOUNT 001006 6150

AMOUNT $ 325.00

RECEIVED FROM: WHITEFORD, TAYLOR & PRESTON LLP

FOR: ITEM # 091 07-091-SPH
W/S FALLS RD N BROADWAY RD. D.T.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	RCD
8/31/2006	8/30/2006	15:42:29	2

REG 4E02 MAIL JEVA JEE
>>RECEIPT # 474690 8/30/2006 06LN
Dept 5 520 ZONING VERIFICATION
CR NO. 020381
Rcpt Tot $325.00
$325.00 CH $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 07-091-SPH
W/Side Falls Road, North Broadway Road
8th Election District — 2nd Councilmanic District
Legal Owner(s): Arthur Becker
Contract Purchaser: Gaylord Brooks Realty, Co., Inc.

Special Hearing: to approve non-density parcels in R.C.- 4/ R.C.-5 areas associated with Lots 4, 5, 6, 7 and 9; and to approve septic reserve area Lot 9 which is in a different zone than the proposed structure, and to approve an existing well and a backup well area on Parcel A within a different zone than the existing structure; and to amend the order and approved site plan in Case 94-256-SPH.

Hearing: Thursday, November 9, 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 10/746 Oct. 24 113779

CERTIFICATE OF PUBLICATION

10/26/, 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 10/24/, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-091-SPH

Petitioner/Developer: GAYLORD BROOKS REALTY CO.

Date of Hearing/Closing: NOV 9, 2006

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

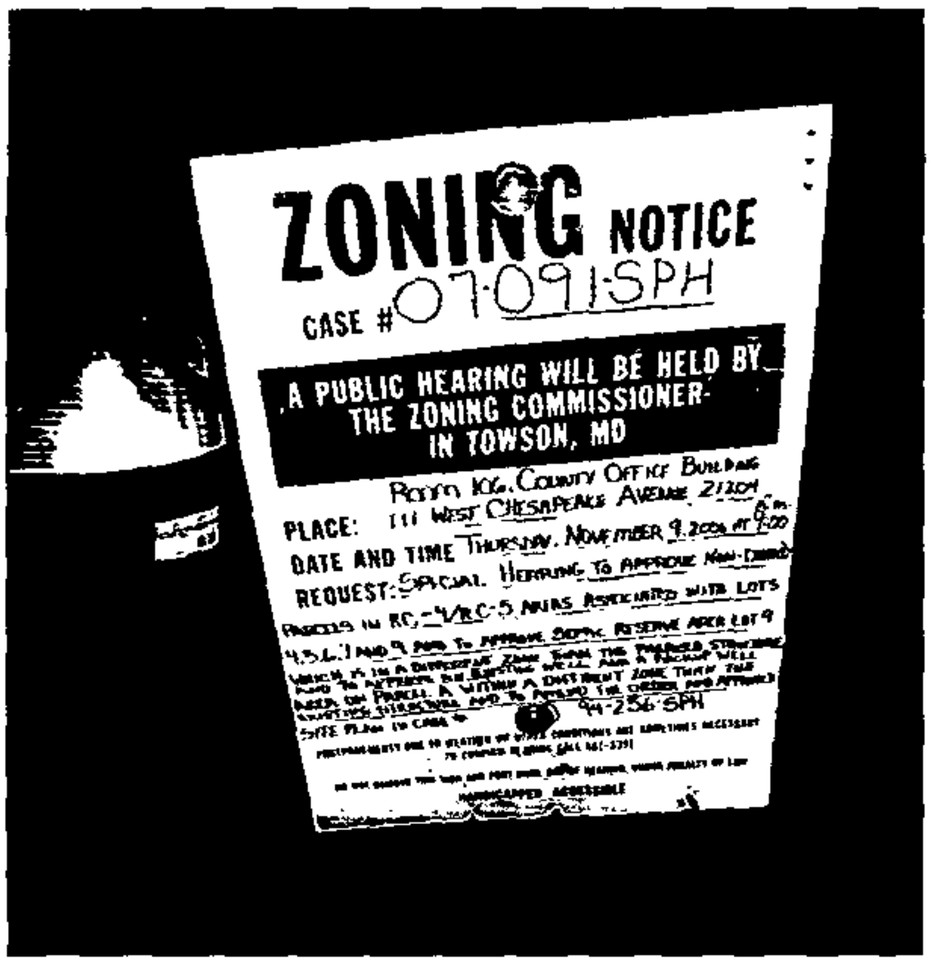
ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: W/SIDE FALLS ROAD, NORTH BROADWAY RD

The sign(s) were posted on 10-12-06
(Month, Day, Year)

Sincerely,



Robert Black 10-16-06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)

Department of Permits and Development Management

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

Baltimore County

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

September 21, 2006

NOTICE OF ZONING HEARING

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W/Side Falls Road, North Broadway Road
8th Election District – 2nd Election District
Legal Owner: Arthur Becker
Contract Purchaser: Gaylord Brooks Realty, Co., Inc.

Special Hearing to approve non-density parcels in R.C. – 4/R.C.-5 areas associated with Lots 4,5, 6, 7 and 9; and to approve septic reserve area Lot 9 which is in a different zone than the proposed structure, and to approve an existing well and a backup well area on Parcel A within a different zone than the existing structure; and to amend the order and approved site plan in Case 94-256-SPH.

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

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: G. Scott Barhight, 210 W. Pennsylvania Avenue, 4th Floor, Towson 21204
Arthur Becker, 12170 Falls Road, Cockeysville 21030
Steve Smith, Gaylord Brooks Realty, Co., Inc., 14346 Jarrettsville Pike, Phoenix 21131

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 25, 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
Tuesday, October 24, 2006 Issue - Jeffersonian

Please forward billing to:
G. Scott Barhight 410-832-2000
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, MD 21204

NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-091-SPH
W/Side Falls Road, North Broadway Road
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Legal Owner: Arthur Becker
Contract Purchaser: Gaylord Brooks Realty, Co., Inc.

Special Hearing to approve non-density parcels in R.C. – 4/R.C.-5 areas associated with Lots 4,5, 6, 7 and 9; and to approve septic reserve area Lot 9 which is in a different zone than the proposed structure, and to approve an existing well and a backup well area on Parcel A within a different zone than the existing structure; and to amend the order and approved site plan in Case 94-256-SPH.

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

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

NOTE TO FILE

PLEASE SET THIS HEARING

07-091-SPH

with the HOH for the "BECKER PROP"

dt

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: 07-091-SPH

Petitioner: GAYLORD BROOKS REALTY CO | ARTHUR BECKER

Address or Location: W/S FALLS RD N BROADWAY RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: G. SCOTT BARHIGHT, ESQUIRE

Address: ~~[illegible]~~ WHITEFORD, TAYLOR & PRESTON L.L.P.
210 W. PENNSYLVANIA AVE., 4th FLOOR
TOWSON, MD 21204

Telephone Number: 410-832-2000

Revised 7/11/05 - SCJ

IN RE: DEVELOPMENT PLAN HEARING W/S Falls Road, N Broadway Road 8th Election District 2nd Councilmanic District (**BECKER PROPERTY**)	* * *	BEFORE THE HEARING OFFICER OF BALTIMORE COUNTY
Arthur H. and Dorothy E. Becker *Property Owner* D.H. Horton *Contract Purchaser* Gaylord Brooks Realty Company, Inc. *Developer/Petitioner*	* *	**Case No. VIII-791, 04-262-SPHA and 07-091 SPH**

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

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter originally came before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County for approval of a Development Plan known as "Becker Property", prepared by Morris & Ritchie, Associates, Inc., with 20 single family dwellings on 88.91 +/- acres zoned RC 4 and RC 5. The property is located with Falls Road to the north at Hickory Hill Road and Ridgemont Road and Wally Court to the south. Beaver Dam Run divides the site into 3 separate development tracts. A Hearing Officer's Hearing was held on January 29, 2004, an Order issued on March 12, 2004 and struck by Order on Motion for Reconsideration of April 2, 2004 continuing the case to allow the Developer to present a revised development plan according to the Order of March 12, 2004.

The Developer now proposes 10 single family detached dwellings units. Access to lots 1 through 8 is from extended Ridgemont Road. Lot 9 is accessed from Wally Court. Lot 10 contains an existing home on 76.26 +/- acres, has access to Falls Road and is indicated as "future development".

In addition, the Petitioner requested originally zoning relief in Case No. 04-262-SPHA. This case was withdrawn and a new zoning Case 07-091-SPH was filed. The revised

12-11-06 P3

development plan no longer requires the variance previously requested to permit the continuation of existing accessory buildings on proposed lot 7, in a residential zone, in the front yard in lieu of in the rear yard.

The revised request for special hearing is as follows:

Petition for Special Hearing

The Petitioner requested special hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve non-density parcels in RC 4/RC 5 area associated with lots 4, 5, 6, 7, and 9; to approve a septic reserve area on lot 9 which is in a different zoning area than the proposed structure; to approve an existing well and a backup well area on Lot 10 within a different zoning area than the existing structure; and to amend the order and approved site plan in Case 94-256-SPH.

Notice

The property was posted with Notice of Hearing Officer's Hearing on October 12, 2006, for 20 working days prior to the hearing, in order to notify all interested citizens of the date and location of the hearing. In addition the file contains a certification that the Developer mailed notice of the date and time of the Hearing Officer's Hearing on October 11, 2006.

In regard to the zoning case, the property was posted of the hearing date and time of the request for zoning relief on October 12, 2006 and published in the Jeffersonian Newspaper on October 24, 2006.

Project History

As to the history of the project, a Concept Plan Conference for the original development plan was held on March 17, 2003. A Community Input Meeting was held on April 10, 2003 at Pinewood Elementary School. A Development Plan Conference was held on January 7, 2004.

ADMINISTRATIVE FILING
Date 12-11-06

A Hearing Officer's Hearing for the development was held on January 29, 2004.

The Hearing Officer's order was issued on March 12, 2004. Subsequent to this, the Developer's representative, Scott Barhight, Esquire, filed a Motion for Reconsideration on March 16, 2004. The Order on Motion for Reconsideration was issued April 2, 2004. The Order on Motion for Reconsideration was granted, and the Order dated March 12, 2004 was stricken, and the case was set for further hearings/proceedings.

A second Development Plan Conference with a new developer was held October 18, 2006. The continued Hearing Officer's Hearing for the development was held on November 9, 2006.

Interested Persons

Appearing at the continued hearing on behalf of the Development Plan approval request were Steve Smith with the new Developer, Gaylord Brooks, Jim Herrman and Ernest Sheppe, appearing on behalf of Morris & Ritchie Associates, Inc., the engineering firm who prepared the Development Plan, Arthur H. Becker, Sr., the Petitioner, and Arthur Becker Jr., and Nancy Miller. John Gontrum, Esquire represented the Petitioners at the hearing.

Appearing as interested citizens in the matter was Marcia Goldberg from the Falls Road Community Association. The Association was represented by Macy Nelson, Esquire. J. Carroll Holzer, Esquire, entered his appearance in the continued case for his client Mary Jo Keller. Mr. Holzer did not attend the hearing because of a conflict in hearings, however, in his letter dated November 9, 2006, Mr. Holzer raised several concerns noted below.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Dennis Kennedy (Development Plans Review), Eric Rockel (Bureau of Land Acquisition) and Donna Thompson(Zoning Plans Review), all from the Office of Permits &

MICROFILMED FOR FILMING
Date 12-11-06
BB

Development Management; David Lykens from the Department of Environmental Protection and Resource Management (DEPRM); Curtis Murray from the Office of Planning; Don Muddiman (Fire Department) and Bruce Gill from the Department of Recreation & Parks.

Status of the Case

The Hearing Officer's order regarding the original 20 unit development was issued on March 12, 2004. The Order on Motion for Reconsideration was issued April 2, 2004, the Order dated March 12, 2004 was stricken, and the case was set for further hearings/proceedings. The Developer introduced 11 exhibits and the protestants introduced 16 exhibits in the original hearing, all of which are in the file as exhibits in this continued case.

Revised 10 Home Development Plan

Developer Issues

The Developer presented no issues for resolution.

County Issues

Each of the reviewing agencies indicated that the Development Plan met all County regulations with the following exceptions and highlights:

Recreation and Parks

The representative of the Department indicated that the required local open space for the homes is 10,000 square feet or 0.23 acres +/-. The Developer has requested and the Department approved a waiver to pay a fee in lieu of providing local open space as shown in the October 24, 2006 letter in the file. The representative also noted the property is adjacent to the planned Beaver Dam Run environmental greenway project.

Planning Office

The representative of the Office indicated that the Department has determined that the proposed conservancy area meets the requirements of Section 1A03.5 A of the BCZR as shown

ORDER RECEIVED FOR FILING
Date 12-11-06
By B

in the written comments from the Director dated November 9, 2006 in the file. The Developer opined that the conservancy area exceeds the 70% minimum on the RC 4 portion of the property but in addition the developer is providing an additional three acres of RC 5 property to also be included in the conservancy area.

The Office of Planning also indicated that the development plan is in compliance with the school impact provisions of Section 32-6-103 of the Baltimore County Code, but is not subject to the search back provisions of Bill 24-06. He noted that the property is not only divided by Beaver Dam Run into separate development pods but that lot 10 is in a different school district from the proposed homes on lots 1 through 9. None of the six impacted schools show enrollment greater than the 115% threshold with the new students from this development included.

Fire Department

The representative indicated that the plan meets the regulations for which the Department is responsible and noted that the Developer is providing a 12,000 gallons underground tank for water storage for fire suppression and the home on lot 9 will be sprinklered.

Department of Environmental Protection and Resource Management

The representative of the Department indicated that the plan meets the regulations for which the Department is responsible and presented the written findings dated November 9, 2006 of the Department that the conservancy area meets the criteria of Section 1A03.5 of the BCZR which are included in the file.

Land Acquisition

Date 12-11-06
P3

The representative of the Department indicated that the Department required a minor note change to designate the environmental greenway easement to be dedicated to the County. The Developer agreed and made the change to the redline plan.

Community Concerns

Mr. Nelson indicated that his clients had worked closely with the Developer in reviewing the revised development plan, but that the redlined plan had just been given him as of November 9, 2006. His experts had not had a chance to review the redline plan and requested to keep the record open for two weeks to review. The Developer agreed. Mr. Nelson said he would have the results of this final review in a letter by November 28, 2006. Neither party waived their right to a public hearing on these matters.

In a letter dated December 7, 2006 Mr. Nelson indicated that his client has no objection to the redline plan.

In addition Mr. Nelson requested that the final Order regarding the revised (10 unit) plan reflect the findings of this Commissioner concerning the inadequacies of entrance onto Falls Road. He indicated that if the northern pod is developed in the future, he did not want to have the proposed entrance the same as previously found unsafe. He was concerned some future development of the northern pod would adopt the same entrance previously found wanting because the Order was struck. He requested that the Order in this case reflect lot 10 to be developed consistent with the March 12, 2004 order.

In response Mr. Gontrum indicated that while the record of the prior holdings regarding the entrance on Falls Road was part of the record of this case, there is no development proposed on the northern pod (lot 10) at this time. He suggested that future development of lot 10 will have to request to modify the approved development plan.

Date 12-11-06

Mr. Holzer by letter dated November 9, 2006 indicated his concern that the original findings, testimony and evidence from the first HOH be affirmed and re-introduced in the continued HOH. In addition he expressed concern that the conservancy area required in the RC 4 portion of the property should be dedicated now and not reserved for future development of the northern pod. Finally he was concerned the development plan reserved density for future phases.

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.

Date 12-11-06

(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.

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

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

Testimony and Evidence

Zoning Case – Request for Special Hearing

Mr. Gontrum proffered that the meandering RC 4 zoning line which follows the course of Beaver Dam Run presents some of the challenges of developing this property. Beaver Dam Run separates the uses that can be made of the property into three distinct pods. See Developer's exhibit 12, the plat to accompany.

MICROFILMED FOR FILING
DATE 12-7-06
B3

Lot 9, formerly lot 20 in the prior development plan, is a third lot in a minor subdivision approved in case no. 94-256 SPH. The request for special hearing arises because the proposed house on Lot 9 is on the RC 5 portion of the lot south of the RC 4 zoning line. The proposed septic reserve area is north of the line in the RC 4 zone. Lots 4, 5 and 6 have the homes in the RC 4 portion, and small non density areas in the RC 5 zone. There are no improvements in the RC 5 non density areas on each lot. Lot 7 has the improvements on the RC 5 portion of the lot and a small non density portion in the RC 4 zone. Mr. Gontrum noted that each lot meets the minimum lot size for its zone as shown on the lots size chart of Developers exhibit 12. Finally lot 10, (in the northern pod) has an existing well in the RC 5 portion and the existing house in the RC 4 portion of the lot. Mr. Gontrum noted that this Developer has no intention to change lot 10 at this time. He indicated that approving these requests would not adversely affect the community and would be within the spirit and intent of the regulations.

Findings of Fact and Conclusions of Law

Special Hearing

After considering the evidence and testimony in this portion of the case pursuant to the Special Hearing provisions of Section 500.7, I will approve the Developer's request for approval of the non density parcels associated with Lots 4, 5, 6, 7 and 9. I find that the mere fact the portions of the lots, which meet the minimum size, are in different zones should not by itself mean that these size lots cannot be developed. The new homeowner will receive title to full size lots and likely never know that the zoning line bisects their property. These full size lots will attract full size homes, which hopefully will be compatible with and an asset to the existing homes in the area. I find no adverse impact on the surrounding community, many of which lots have been approved in prior cases. However, as noted, these non density areas are

96-1106

never to become the basis in years to come of requests to approve undersized lots per Section 304 or other provisions of the B.C.Z.R.

Similarly the Developer asks for approval of septic reserve area in a different zone than the proposed structure on lot 9. In fact, the home is in the RC 5 zone and the septic reserve area in RC 4 zone. Septic reserve areas in the RC 4 zone were granted in Case No. 94-256-SPH by the Board of Appeals. I will follow the precedent established by the Board of Appeals in the 1994 case and approve this request.

The Developer also requests relief under Section 500.7 for an existing well and future backup well in a different zone than the existing structure on lot 10. Again, the meandering RC 4 zoning line causes these kinds of anomalies, there is no detriment to the community and so I will approve the request.

Finally in regard to the request to amend the Order of Case No. 94-256-SPH, for the reason above I find there is no detriment to the community and so I will approve the request.

Development Plan

Testimony and Evidence

Mr. Hermann, a licensed landscape architect, testified the redline changes to the 10 unit plan were in direct response to the County comments at the DPC. He presented the redline revised development plan as Developer's exhibit 14A through 14 D. Again he noted the meandering RC 4 / RC 5 zoning line that splits lot 10 with the existing house and pond, the minor subdivision that created lot 9, and the south pod which again is split zoned. He indicated that the house on lot 9 would have access to public roads via Wally Court. The eight new homes in the southern pod have access via Ridgemont Road as before. However the cul de sac serving these lots has been shortened substantially and panhandle driveways employed to

12-11-06

improve storm water management on site.

He noted that there are over 40 acres in conservancy area in the RC 4 portion of the property which exceeds the minimum 70% requirement. However the Developer has also included approximately 3 acres of RC 5 zoned property in the conservancy area as the steep slopes and features of this area make sense to be included.

Properties adjoining the subject site are primarily single family homes on private well and septic systems. Screening will be provided along the southern boundary of lot 9 to buffer the house to the south.

In regard to the southern pod, the new plan eliminates all centrally located storm water management facilities. All such facilities are located on individual lots. There are no public works waivers requested. He opined that the redline revised development plan, Developer's exhibit 14 meets all County requirements.

Mr. Sheppe, a licensed civil engineer, amplified the description of the storm water management system on the southern pod. He described this approach as "environmentally sensitive development" in which the engineers avoid concentrating facilities and therefore do not have to plan for discharging water into outfall systems. Thus the over the hill discharge system previously proposed has been eliminated. There is no longer need to traverse forest buffer areas or steep slopes as all quality and quantity management are done within each lot.

In order to achieve on site management, he employed special downspout dry wells in certain areas and level spreaders in other to dissipate the storm water. In addition the panhandle driveways now proposed allow porous paving material which again reduces run off.

In summary he opined the redline revised development plan met all applicable regulations and the March 2004 Order from the Deputy Zoning Commissioner.

Findings of Fact and Conclusions of Law - Development Plan

In regard to concerns raised by Mr. Holzer and Mr. Nelson that the findings of the prior case not disappear, my solution is simply to repeat my findings in the earlier case here. By way of background, I suggest anyone who wished to pursue development of the northern pod in the future review Order of this Commission dated March 12, 2004 which will be applicable to any future development of this pod. In short summary the original plan for the northern pod, now lot 10, included a public road to Falls Road to serve the 11 lots of this pod, and a conventional storm water management system. The protestants expressed concerns about traffic safety, the storm water management system and elimination of the pond on the subject property. Experts testified on both sides. I found as follows:

Finding of Fact and Conclusions of Law (Traffic)

Two qualified traffic experts came to opposite conclusions in regard to the safety of proposed intersection of Rose Court and Falls Road looking south from Rose Court. However, they did not disagree about the facts of the situation. I find that both were credible witnesses from each person's viewpoint. I take into account the fact that vehicles can stop quicker going uphill as pointed out by Mr. Guckert and that significant traffic on Falls Road regularly exceeds the 40 mph speed limit as pointed out by the Protestants. These factors seem to cancel one another. Both experts agree that the intersection does not meet the AASHTO intersection stopping distance criteria. Conversely, both would agree that that the intersection meets the AASHTO stopping sight distance criteria. AASHTO clearly gives the option to chose either depending on circumstances

I find the likelihood of Mrs. Jones building a 6 ft. high privacy fence onto the edge of Falls Road most unlikely as this would cut off her view of traffic from the north making her

12-11-06

entrance onto Falls Road most hazardous. The Protestants point, however, is that Mr. Becker owns so little frontage on Falls Road that he cannot himself guarantee clear sight distance to the south, no matter what standard is used. In addition, he cannot align the proposed road with Hickory Hill Road, nor can he separate the new intersection from Hickory Hill Road the prescribed 100 ft. There is no fault here. His engineers have done all they could to mitigate the safety problem under the circumstances.

In my view, a large part of the problem is that Rose Court will be a public road. I am persuaded by Mr. Seitz's testimony, that driver expectation plays a large role in determining whether in practice an intersection will be safe. No one assures perfection. No on expects perfect safety under all possible circumstances. But I am convinced that drivers using Rose Court would expect a "normal" intersection by the physical amenities of a public road with a public road. I also find that they will be disappointed and unduly endangered by the proposed intersection.

Considering both the AASHTO intersection sight distance and stopping sight distances, the sight distance looking south from Rose Court is at best marginal. Standing alone and considering the low number of homes to be served by Rose Court, I could approve the plan. However, when I combine this with the fact that Rose Court is neither aligned with nor far enough away from Hickory Hill Road, I find the situation passes from marginal to unsafe.

Perhaps a simple illustration will show my concerns. On a workday morning, drivers are coming out of Applecroft Lane, Rose Court, Hickory Hill Road and the Jones driveway to get onto Falls Road to go to work or school. Traffic is flowing both ways on Falls Road and as shown by the traffic data a significant portion of this traffic exceeds the 40 mph speed limit. The vehicle coming from Applecroft wants to turn right to go toward Rose Court. The vehicle

Date 12-11-06

on Rose Court wants to turn left to go north on Falls Road. The vehicle on Hickory Hill wants to go north on Falls Road. And last, but certainly not least, Mrs. Jones wants to go north on Falls Road. All traffic from these side roads stops waiting for a break in Falls Road traffic. Their attention is riveted on Falls Road traffic. When a break comes in the flow of traffic, who goes first?

Adding to the "Who Knew" category, Mr. Guckert tells us that vehicles must yield to those on the right even if the vehicles are parallel to one another. I am sure he is correct in the law. But, I did not know that and I doubt many drivers have heard of such a rule. Is a driver across Falls Road on one's right? What I foresee are drivers frustrated by having to wait for Falls Road traffic coming out of Applecroft, Rose Court, Hickory Hill and the Jones driveway in a mad and dangerous scramble to accelerate onto Falls Road. They are not going to be looking for traffic coming from the other side roads.

This problem of acceleration leads me to adopt the AASHTO intersection stopping distance as the proper standard for this intersection. I find it more persuasive in this situation to take into account that vehicles must get up to speed to safely enter Falls Road. Drivers from the side roads will be challenged to weave their way onto Falls Road. I am not satisfied, given the scramble in front of them, that vehicles on Falls Road should not have the additional distance to avoid accidents with vehicles coming form the side roads. I am persuaded by the cumulative weight of evidence that the proposed intersection is not safe and I will not approve the northern pod under the present situation.

That said, a more challenging problem is what to do about it? The Keller and Becker families use this same place to enter Falls Road everyday. By not approving the proposed intersection shall I say that Mr. Becker can not sell any lots in the northern pod? If two homes

now use the entrance, would three homes be a danger? My resolution of this dilemma is again to look at driver's expectations as articulated so well by Mr. Seitz. In my view a large part of the problem arises with the fact that Rose Court is to be a public road. Certain amenities come with this that do not arise in my view if the entrance to Falls Road is merely a driveway.

Testimony and Evidence (Keller Issues)

Keller Driveway

Mrs. Keller, an adjacent property owner, shares the present 1,400 ft. long driveway from Falls Road with Mr. Becker. If the Development Plan is approved, she would have access to Falls Road via Rose Court using a shared driveway with Lot 8 of the new development. She complained about this arrangement wanting an in fee driveway from Rose Court. The Developer agreed and this change is shown on Developer's Exhibit No. 3D. I certainly approve the change.

Storm Water Management (Northern Pod)

Mrs. Keller, also complains of the visual impact of the storm water management system proposed. Most particularly she objects to the two sand filter facilities proposed just below her home. She indicates that she has lived in her home for many years and enjoyed the unimpeded view of the Becker lawn and pond just to the southwest of her property. The Developer proposed to build two sand filter facilities close to the Keller property boundary, which the Keller's would undoubtedly see from their home.

Mr. Sheppe, the developer's engineer testified that the storm water management system on the northern pod meets the County and Maryland Department of the Environment criteria for such facilities. The system handles storm water generated by the impervious portions of Lots 8, 9 10, 11 and the public road. The focus with this system is to improve water quality

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under the new regulations. He testified that he located the sand filter facilities, which are essential to achieving the water quality goals, at the lowest place on the northern pod where facilities must be located. The location was further constrained by the topography of the site and having to avoid the forest buffer areas (as he had an alternative location near the Keller's). Mr. Sheppe admitted on cross-examination that the sand filter could be reduced in sized and moved back from the Keller property line. However, he indicated these devices could not go away.

Mr. O'Leary, the protestant's civil engineer, testified that an alternative to the sand filter design shown in the Development Plan, would be a serpentine swale as shown on Protestant's Exhibit No. 6. This would accomplish the water quality goal without the unsightly sand filter pits in the proposed design. As above, Mr. Sheppe testified that the suggestion had merit from an engineering standpoint but that it would require crossing the forest buffers on the northern pod. An alternative analysis would have to be submitted to DEPRM who may not approve it because there is a feasible alternative with the sand filter system over by the Keller's property.

Separate Approvals

As indicated at the beginning of this Order, the northern pod is completely separate from the southern pod which is separate from Lot 20. No roads directly connect these areas. Storm water management facilities are not in any way tied to one another. Without laboring the point, I see these as three distinct developments albeit they are described on one development plan.

I hold that just as I may impose conditions on any portion of the plan, I may approve any portion of the plan separately. Said another way, because I do not approve one portion of the plan does not in this limited case mean that I disapprove the whole plan. Consequently, I will approve or disapprove sections of this plan.

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Conclusion (Northern Pod)

Having found the proposed intersection unsafe, I cannot provide some exact criteria under which I will approve the northern pod. However, I can provide some general concepts. First, Rose Court should not be a public road, which may mislead travelers at the intersection with Falls Road. The number of lots should be reduced to that number allowed to be developed using a private driveway. Not having a public road and having fewer lots, the storm water management system requirement will be reduced perhaps enough to allow new design (whether serpentine swale or not) to satisfy Mrs. Keller's concern about the sand filters close to her property.

Return to Subject Case

Mr. Holzer also expressed concern that the conservancy area required in the RC 4 portion of the property be dedicated now, and not reserved for future development of lot 10. In response, I note that the redline development plan, exhibit 14, indicates to me that the conservancy area will be dedicated upon approval of this plan and is not contingent upon some future development of lot 10.

To understand the acreage involved requires recalling that lot 9 is the third lot of a minor subdivision which has already been approved and therefore already has dedicated conservancy area of 7.73 acres. One must combine the conservancy requirements for the minor subdivision with this request which is described as parcel 157. As a result the Developer is proposing to dedicate 40.42 acres of land into conservancy area which then combines with the existing 7.73 acres for a total of 48.15 acres. The RC 4 acreage of parcel 157 and the minor subdivision are 63.36 acres. Thus the conservancy area will be approximated 76 %, which is well above the minimum 70%. In addition the Developer will add 3 acres of RC 5 land to the

12-11-06

conservancy area as this portion of the RC 5 portion of the property is not developable. In regard to conservancy area I also note the both the Planning Office and DEPRM have presented written findings that the proposed conservancy area meets the criteria of Section 1A03.5. Performance Standards of Rural Cluster Development. They are satisfied that the conservancy area contains the proper accumulation of productive soils, streams, steep slopes, forests and the like and recommend I approve the design. No evidence has been presented that the conservancy area selected is improper and so I will approve the conservancy area design as shown on Exhibit 14.

In my March 12, 2004 decision on the 20 unit development plan, I noted that I would approve a development plan for the southern pod that followed the recommendations of the protestant's expert and did not have an "over the hill discharge" of storm water into the stream below. The plan presented meets that condition and more. It is a very elegant storm water management system with on lot handling of storm water rather than the conventional collect and discharge system. I also imagine that it will be considerably less expensive to build than the prior design. Congratulations to the Developer's and protestants' engineers on an outstanding design.

Considering all the testimony and evidence, I find that the Redline Development Plan entered into evidence as Developer's Exhibit 14 complies with the development regulations and applicable policies, rules and regulations, promulgated pursuant to Section 32-4-281 of the Code and further I find that the plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 11th day of December 2006, that the Developers' requests

12-11-06

for special hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), non-density parcels in RC 4/RC 5 area associated with lots 4, 5, 6, 7, and 9; a septic reserve area on lot 9 which is in a different zoning area than the proposed structure; an existing well and a backup well area on lot 10 within a different zoning area than the existing structure; and to amend the order and approved site plan in Case 94-256-SPH be and they are hereby GRANTED; and

IT IS FURTHER ORDERED that Redline Development Plan known as "Becker Property", submitted into evidence as "Developer's Exhibit No. 14", be and it is hereby APROVED subject to the following conditions:

1. Future development of lot 10 is subject to the findings and order of the March 12, 2004 Order in this case as above as well as the findings and Order of this date; and

IT IS FURTHER ORDERED that the special hearing and variance requests made by the Developer in case no 04-262-SPHA are herby DENIED as moot having been withdrawn by the Developer.

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:pz

ORDER RECEIVED FOR FILING
Date 12/7/06
By B

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 07-091-SPH

Date Completed/Initials	
8/30/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination SWL

DATE: September 28, 2006

SUBJECT: Zoning Item # 07-091-SPH
Address W/S Falls Road, N. of Broadway Road
(Becker Property)

Zoning Advisory Committee Meeting of September 4, 2006

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

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

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

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

Additional Comments:
Regarding Item #3, a backup well area on Parcel A is not shown on the plan. Depending on the location of this area, compliance may be required with Baltimore County Forest Conservation and/or Forest Buffer regulations (Article 33, Titles 6 and 3; respectively).

Reviewer: Tom Panzarella Date: September 8, 2006

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-91-SPH.doc

To: Kristen
9/5/06

WHITEFORD, TAYLOR & PRESTON
L.L.P.

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

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

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

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

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

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

September 1, 2006

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

Re: Becker Property
PDM No.: VIII-791
Zoning Item No.: ~~06-?~~ (not yet assigned)

07-091-SPH

Dear Mr. Kotroco:

Please accept this letter as a request for a combined hearing pursuant to Baltimore County Code §32-4-230. The Development Plan in this matter was filed on August 29, 2006. The Petition for Special Hearing in this matter was also filed on Tuesday, August 29, 2006.

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

Sincerely,

Jennifer Busse / tdm

Jennifer R. Busse

cc: Mr. Walt Smith
Mr. Donna Thompson
Mr. Steve Smith
Mr. Jim Hermann

366050

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 11, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For September 11, 2006
Item Nos.07-071, 072, 073, 074, 075, 076, 077, 078, 085, 086, 087, 090, 091 and 092

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- 09082006.doc

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

SHA
State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9/7/2006

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

RE: Baltimore County
Item No. 091
BECKER PROPERTY
SPECIAL HEARING # 7-91-SPH

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 091 .

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

RE:	PETITION FOR SPECIAL HEARING W/S Falls Road; North of Broadway Road 8th Election & 2nd Councilmanic Districts Legal Owner(s): Arthur Becker Contract Purchaser(s): Gaylord Brooks Realty Co., Inc by Steve Smith, President Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-091-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 and all documentation filed in the case.

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

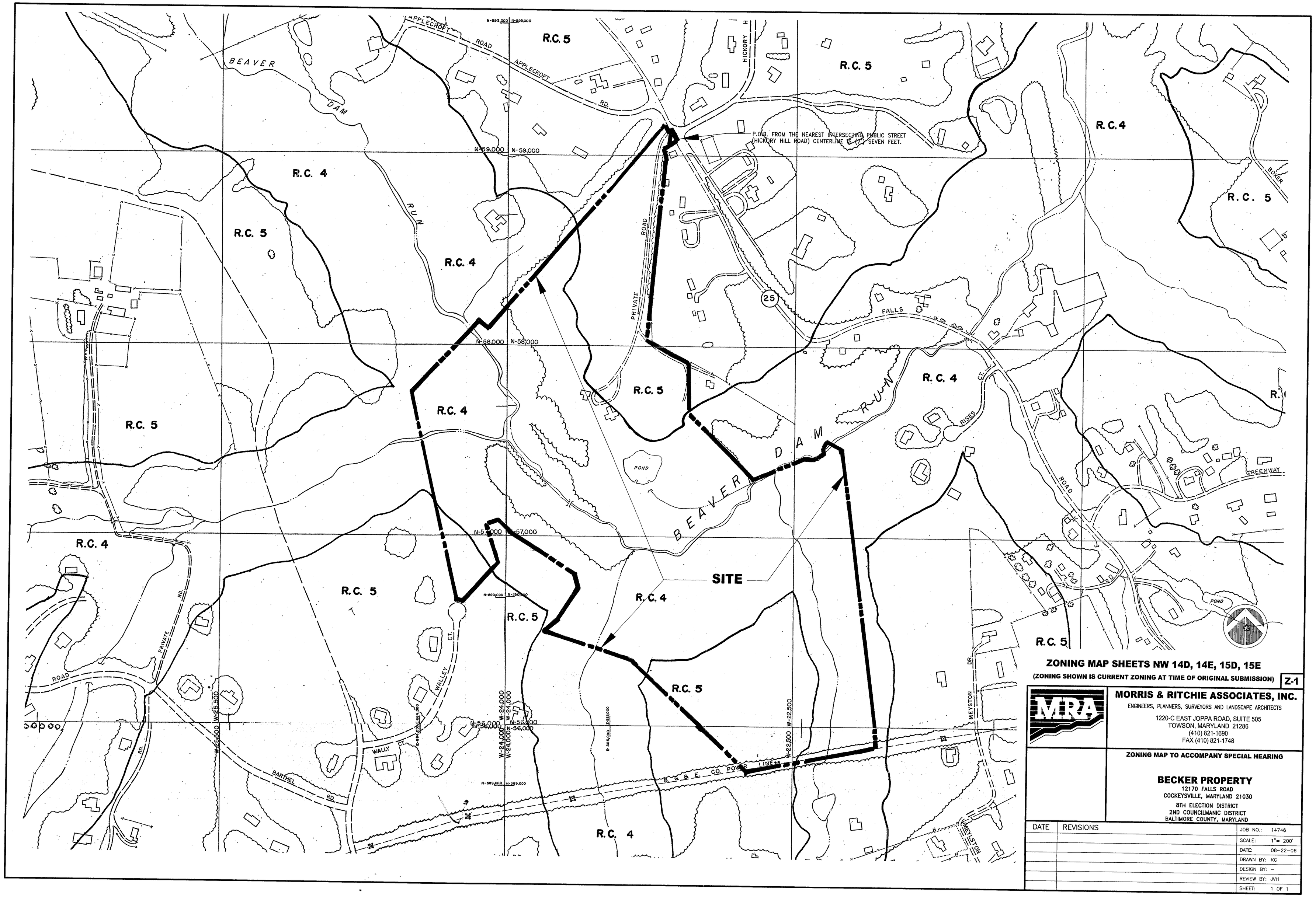
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to, G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
SEP 06 2006
Per

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



ZONING MAP SHEETS NW 14D, 14E, 15D, 15E

(ZONING SHOWN IS CURRENT ZONING AT TIME OF ORIGINAL SUBMISSION)

Z-1

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

ZONING MAP TO ACCOMPANY SPECIAL HEARING

BECKER PROPERTY

12170 FALLS ROAD
COCKEYSVILLE, MARYLAND 21030

8TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	14746
		SCALE:	1"= 200'
		DATE:	08-22-06
		DRAWN BY:	KC
		DESIGN BY:	–
		REVIEW BY:	JVH
		SHEET:	1 OF 1

07-091-SPH

P:\14746\PLANNING\PLOT\SPECIAL HEARING\14746-SPECIAL HEARING-71.dwg, 8/22/2006 8:38:16 AM, JBrown

THE BECKER PROPERTY

OWNER / APPLICANT / CONSULTANT:

1. PROPERTY OWNER:
ARTHUR H. & DOROTHY E. BECKER
12170 FALLS ROAD
COCKEYSVILLE, MD 21030

2. DEVELOPER / APPLICANT:
GAYLORD BROOKS REALTY CO., INC.
14346 JARRETTSVILLE PIKE
PO BOX 400
PHOENIX, MD 21131
ATTN.: STEVE SMITH

3. PLAN PREPARED BY:
MORRIS & RITCHIE ASSOCIATES, INC. (MRA)
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
ATTN.: JAMES V. HERMANN, RLA

SITE DATA / GENERAL NOTES:

1. GROSS ACREAGE THIS SITE: 78.93 ACRES ± (3,438,108 S.F.±) (P. 157)
10.00 AC± (MINOR SUBDIVISION MP 92/305) (435,718 S.F.±)
88.93 AC±. (3,873,826 S.F.±) TOTAL

2. EXISTING ZONING: R.C.4 (P. 157 + TRACT 1 OF MP 92/305) = 63.36 AC± (2,759,997 S.F.±)
R.C.5 (P. 157 NORTH SECTION) = 13.65 AC± (594,594 S.F.±)
R.C.5 (P. 157 SOUTH SECTION) = 10.65 AC± (463,914S.F.±)
R.C.5 (TRACT 1 OF SM 8043-030) = 1.27 AC± (55,321S.F.±)

3. EXISTING LAND USE: RESIDENTIAL

4. PROPERTY INFORMATION
a. TAX ACCOUNT NUMBER: 0802024100 (P. 157)
1600014891 (P. 157)
2200028636 (TRACT 1)
b. DEED REFERENCE: 5069/151, 5475/136, 12071/461
c. COUNCILMANIC DISTRICT: 2
d. ELECTION DISTRICT: 8
e. CENSUS TRACT: 4083
f. ADC MAP LOCATION: MAP 17, GRID J9, K8-10
g. BALTO. COUNTY ZONING MAP REFERENCES: NW15D AND NW15E
h. TAX MAP: 50
i. PARCEL: 157 & 433, TRACT 1
j. WATERSHED: GUNPOWDER
k. SUBSEWERSHED: 36N
l. REGIONAL PLANNING DISTRICT: 307A

5. OPEN SPACE: 6,500 3,500
OPEN SPACE REQUIRED - ~~[illegible]~~ SF ACTIVE AND ~~[illegible]~~ SF PASSIVE OR A COMBINATION THERE OF AS SPECIFIED IN SECTION III.D.3; OPEN SPACE PROVIDED - 0 SF; WAIVER REQUESTED AND FEE IN LIEU OF TO BE PAID.

6. PARKING:
PARKING REQUIRED (2 PS/DWELLING UNIT) = 20 PS
PARKING PROVIDED = 20 PS

7. THE EXISTING HOUSE SHALL REMAIN ON LOT ~~PARCEL "A"~~ LOT 10

8. THERE IS ONE UNDERGROUND FUEL TANK ON SITE WHICH IS LOCATED ON ~~PARCEL "A"~~ LOT 10 AND IS NOT PROPOSED TO BE REMOVED AS PART OF THIS DEVELOPMENT AT THIS TIME.

9. EXISTING SRA LOCATIONS ARE APPROXIMATE BASED ON DOCUMENTS AT DEPRM AND FIELD OBSERVATION.

10. ONE (1) EXISTING SEPTIC SYSTEM IS ON SITE AT ~~PARCEL "A"~~ LOT 10 AND SHALL REMAIN IN USE AS A PART OF ~~PARCEL "A"~~ LOT 10

11. THERE ARE NO FIRE HYDRANTS LOCATED NEAR THE SITE. LOT 8 SHALL HAVE AN UNDERGROUND FIRE SUPPRESSION TANK. A BALTIMORE COUNTY EASEMENT SHALL BE GRANTED ON LOT #8 FOR THE ACCESS AND INSTALLATION OF A 12,000 GALLON WATER STORAGE/FIRE SUPPRESSION TANK. ACCEPTED FOR FILING BY BALTIMORE COUNTY ON AUGUST 22, 2002.

12. A 100 YEAR FLOOD PLAIN STUDY HAS BEEN ~~SUBMITTED AND APPROVED.~~

13. LOTS 1-9 AND ~~PARCEL "A"~~ LOT 10 HAVE BEEN PERCED AND APPROVED BY BALTIMORE COUNTY DEPRM WITH CORRESPONDING SEPTIC RESERVE AREAS AS SHOWN. EACH LOT SHALL BE SERVICED BY AN INDIVIDUAL CONVENTIONAL SEPTIC.

14. LOTS 1-9 AND ~~PARCEL "A"~~ LOT 10 SHALL BE SERVICED BY AN INDIVIDUAL WATER SUPPLY (WELL) AND SHALL COMPLY WITH ARTICLE II OF TITLE 35 OF THE BALTIMORE COUNTY CODE.

15. FALLS ROAD (ROUTE 25) IS A STATE ROAD.
RIDGEMONT ROAD IS A BALTIMORE COUNTY ROAD.
WALLY COURT IS A BALTIMORE COUNTY ROAD.

16. SIGNAGE:
ALL SIGNAGE PROPOSED SHALL BE IN COMPLIANCE WITH B.C.Z.R. SECTION 450

17. SITE ACCESS:
ACCESS FOR LOT 1-8 SHALL ACCESS FROM RIDGEMONT ROAD.
LOT 9 ACCESS SHALL BE FROM WALLY COURT.
~~PARCEL "A"~~ LOT 10 WILL CONTINUE TO ACCESS FROM FALLS ROAD.

18. THERE ARE NO OUTFALLS FROM STORMWATER MANAGEMENT FACILITIES AND THEREFORE, NO OUTFALLS ARE REQUIRED.

19. THIS PROJECT IS OUTSIDE OF THE URBAN RURAL DEMARCATION LINE.

20. MAXIMUM BUILDING HEIGHT FOR NONAGRICULTURAL PRINCIPAL BUILDINGS IS 35 FEET.

~~21. THE DEVELOPMENT PLAN APPROVAL AND ULTIMATE FINAL DEVELOPMENT PLAN AND SUBDIVISION PLAT COVERS THE ENTIRE PROPERTY. THE DEVELOPMENT IS BEING PROPOSED IN PHASES. THE CURRENT PHASE SEEKS APPROVAL FOR 10 LOTS ON 14.63 ACRES. THE REMAINING 79.04 ACRES IDENTIFIED AS PARCEL A REMAIN INTENTIONALLY BLANK. AT THE TIME SUBSEQUENT FINAL LOTS, THE OWNER OF THE PROPERTY (THEN A PARCEL) WHICH DOES NOT CONTAIN A LOT OR LOTS ON THE DEVELOPMENT PLAN, THE AMENDED DEVELOPMENT PLAN WILL BE THE SUBJECT OF FUTURE PUBLIC HEARINGS AND HEARING EXPERTS. HEARING THE FINAL DEVELOPMENT PLAN AND THE SUBDIVISION PLAT FOR THE CURRENT PHASE FOR 9 LOTS DELINEATED ON THE DEVELOPMENT PLAN WILL NOT LEAD TO THE IN THE EVENT THAT THE OWNER OF PARCEL A PROCEED WITH AN AMENDED DEVELOPMENT PLAN OF PARCEL A. IT IS ANTICIPATED THAT THE SUBDIVISION OF PARCEL A BY THE OWNER IN THE FUTURE WILL RESULT IN A DEVELOPMENT PLAN FOR THE PORTION OF THE PROPERTY ONLY AND AN AMENDED SUBDIVISION PLAT FOR THE PORTION OF THE PROPERTY ONLY. THE SUBDIVISION OF PARCEL A SHALL BE GOVERNED BY THE DEVELOPMENT PLAN AND ZONING REGULATIONS IN EFFECT AT THE TIME OF THE FILING OF THE ORIGINAL DEVELOPMENT PLAN FOR THE PARCEL BEING SUBDIVIDED. 20. THE FOREST BUFFER AND FOREST CONSERVATION AREA EASEMENTS SHOWN ON THE DEVELOPMENT PLAN RELATE TO THE ENTIRE PROPERTY. IN THE EVENT THAT A SUBSEQUENT PARCEL PROCEEDS WITH FURTHER SUBDIVISION, FUTURE LOTS MAY EXTEND INTO THE FOREST CONSERVATION AND FOREST BUFFER AREAS.~~

22. THERE HAVE BEEN NO COMMERCIAL PERMITS ISSUED OR APPLIED FOR THIS SITE.

23. THERE ARE NO COMMERCIAL BUILDINGS ON OR ADJACENT TO THIS SITE.

24. THERE ARE NO PROPOSED PUBLIC WATER OR SANITARY UTILITIES. ALL LOTS WILL BE SERVICES BY PRIVATE WELL AND SEPTIC.

25. THERE ARE NO EXISTING OR KNOWN IMPENDING FAILURES OF BASIC SERVICES FOR THIS SITE.

26. THE EXISTING HOUSE ON ~~PARCEL "A"~~ LOT 10 WILL REMAIN AS A RESIDENCE. IT IS A TWO-STORY "T" SHAPED STRUCTURE APPROXIMATELY 70' X 70' AND 24'± TALL. THE EXISTING ACCESSORY STRUCTURES WILL REMAIN FOR STORAGE. THEY ARE ONE-STORY, 20'X18' AND 50'X50'. APPROXIMATE HEIGHT IS 12'±.

27. THERE ARE 9 PROPOSED TWO-STORY RESIDENTIAL DWELLINGS. PROPOSED DWELLINGS WILL VARY IN SIZE AND SHALL NOT EXCEED 35' IN HEIGHT.

28. THERE ARE NO AMENITY OPEN SPACE REQUIREMENTS.

29. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE MAY 30, 1996. THE DEVELOPER'S LANDSCAPE ARCHITECT HAS CONFIRMED THAT TWO (2) LOTS HAVE BEEN RECORDED OR REPRESENTED AS DENSITY TO SUPPORT OFF-SITE DWELLINGS AS SHOWN ON PLAT MP 92-305.

30. ON NOVEMBER 26, 2003, A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS. THE VARIANCE ALLOWS FOR THE CONTINUED USE OF 0.3± ACRES OF BACKYARD/SEPTIC AREA FOR THE EXISTING HOME, AND THE MAINTENANCE OF 0.3± ACRES OF THE EXISTING POND BERM AREA, AND AN ACCESS WITHIN THE REQUIRED FOREST BUFFER EASEMENT. THE CONTINUED USE OF THE EXISTING WELL IS ALSO APPROVED. ANY WORK PROPOSED WITHIN THE FOREST BUFFER CONCERNING THE WELL MUST BE APPROVED BY THIS OFFICE, AND ANY NEW WELL LOCATION, IF REQUIRED, MUST BE LOCATED OUTSIDE THE FOREST BUFFER. OTHER CONDITIONS INCLUDING MITIGATION PLANTING OF NATIVE TREES AND SHRUBS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS" (APPROVED IN A LETTER FROM DEPRM, DATED NOVEMBER 26, 2003).

31. THERE ARE NO PROPOSED PEDESTRIAN WALKWAYS AS PART OF THIS DEVELOPMENT.

32. AFFIRMATIVELY ASSERTING THAT IN ACCORDANCE WITH SECTION 2. OF BILL 128-05, DATED OCTOBER 17, 2005, THE R.C. 5 ZONING REGULATIONS FOR THIS DEVELOPMENT PLAN SHALL NOT APPLY TO ANY CONCEPT PLAN OR APPLICATION FOR LIMITED EXEMPTION OR WAIVER ACCEPTED FOR FILING ON OR BEFORE DECEMBER 5, 2005. (CONCEPT PLAN WAS FILED ON FEBRUARY 17, 2003)

33. ZONING HISTORY

CASE NO: 94-256-SPH BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

PETITION: (1) TO CREATE TWO (2) NON-DENSITY PARCELS IN THE R.C.4 AND R.C.5 ZONES; (2) THE CONSTRUCTION OF TWO DWELLINGS THAT STRADDLE THE R.C.4 AND R.C.5 ZONE LINES; (3) THAT THE SEPTIC AREAS FOR THE TWO DWELLINGS MAY BE LOCATED IN A ZONE OTHER THAN THAT WHICH THE PRINCIPLE DWELLING IS LOCATED; AND (4) TWO UNDERSIZED LOTS IN AN R.C.5 ZONE.

ORDER: IT IS THEREFORE THIS 9TH DAY OF JANUARY, 1995 BY THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY ORDERED THAT THE PETITION FOR SPECIAL HEARING TO APPROVE THE CREATION OF ONE (1) NON-DENSITY PARCEL (PARCEL B) IN THE R.C. 5 ZONE, THE CONSTRUCTION OF TWO DWELLINGS THAT WILL STRADDLE THE R.C. 4 AND R.C. 5 ZONE LINES, THE LOCATION THE SEPTIC AREAS FOR THE TWO DWELLINGS TO BE IN A ZONE OTHER THAN THAT IN WHICH THE PRINCIPLE DWELLING IS LOCATED, AND TWO UNDERSIZED LOTS IN AN R.C. 5 ZONE, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 4, BE AND IS HEREBY GRANTED, SUBJECT TO THE FOLLOWING RESTRICTIONS:

1) THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.

2) IN THE EVENT THE PETITIONERS ARE ABLE TO CREATE A THIRD BUILDING LOT ADJACENT TO THE TRADER PROPERTY, THE PETITIONERS SHALL BE REQUIRED TO PROVIDE APPROPRIATE SCREENING AT THAT TIME BETWEEN THAT DEVELOPMENT AND THE TRADER PROPERTY.

3) WHEN APPLYING FOR ANY PERMITS, THE SITE AND/OR LANDSCAPING PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.

IT IS FURTHER ORDERED THAT THE PETITION FOR SPECIAL HEARING TO APPROVE A NON-DENSITY PARCEL (PARCEL A) IN THE R.C. 4 ZONED PORTION OF THE SITE IN ACCORDANCE WITH PETITIONERS' EXHIBIT 4, BE AND IS HEREBY DISMISSED AS MOOT.

ANY PETITION FOR JUDICIAL REVIEW FROM THIS DECISION MUST BE MADE IN ACCORDANCE WITH RULE 7-201 THROUGH RULE 7-210 OF THE MARYLAND RULES OF PROCEDURE.

CASE NO: 94-256-SPH BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

PETITION: (1) TO CREATE TWO (2) NON-DENSITY PARCELS IN THE R.C.4 AND R.C.5 ZONES; (2) THE CONSTRUCTION OF TWO DWELLINGS THAT STRADDLE THE R.C.4 AND R.C.5 ZONE LINES; (3) THAT THE SEPTIC AREAS FOR THE TWO DWELLINGS MAY BE LOCATED IN A ZONE OTHER THAN THAT WHICH THE PRINCIPLE DWELLING IS LOCATED; AND (4) TWO UNDERSIZED LOTS IN AN R.C.5 ZONE.

ORDER: THEREFORE IT IS ORDERED BY THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY THIS 18TH DAY OF FEBRUARY, 1994 THAT THE PETITION FOR SPECIAL HEARING TO APPROVE THE CREATION OF ONE (1) NON-DENSITY PARCEL (PARCEL B) IN THE R.C. 5 ZONE, THE CONSTRUCTION OF TWO DWELLINGS THAT WILL STRADDLE THE R.C. 4 AND R.C. 5 ZONE LINES. THE LOCATION OF THE SEPTIC AREAS FOR THE TWO DWELLINGS TO BE IN A ZONE OTHER THAN THAT IN WHICH THE PRINCIPLE DWELLING IS LOCATED, AND TWO UNDERSIZED LOTS IN AN R.C. 5 ZONE, IN ACCORDANCE WITH PETITIONERS EXHIBIT 4, BE AND IS HEREBY GRANTED, SUBJECT TO THE FOLLOWING RESTRICTIONS:

1) THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER THIS ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.

2) THE PETITIONERS AND MR. BEARMAN, SHALL MEET TO DISCUSS THE APPROPRIATE AMOUNT AND SUFFICIENCY OF SCREENING TO BE PLACED BETWEEN THE PROPERTY LINES OF PROPOSED LOTS 1 AND 2 AND MR. BEARMAN'S PROPERTY. IN THE EVENT THAT NO AGREEMENT CAN BE REACHED CONCERNING THIS SCREENING, EITHER PARTY SHALL HAVE THE RIGHT TO PETITION THIS DEPUTY ZONING COMMISSIONER FOR A RESOLUTION OF THIS DISPUTE.

3) IN THE EVENT THE PETITIONERS ARE ABLE TO CREATE A THIRD BUILDING LOT ADJACENT TO THE TRADER PROPERTY THE PETITIONERS SHALL BE REQUIRED TO PROVIDE APPROPRIATE SCREENING AT THAT TIME BETWEEN THAT DEVELOPMENT AND THE TRADER PROPERTY.

4) WHEN APPLYING FOR ANY PERMITS, THE SITE AND/OR LANDSCAPING PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS

THE RESTRICTIONS OF THIS ORDER.

IT IS FURTHER ORDERED THAT THE PETITION FOR SPECIAL HEARING TO APPROVE A NON-DENSITY PARCEL (PARCEL A) IN THE R.C. 4 ZONED PORTION OF THE SITE, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 4, BE AND IS HEREBY DISMISSED AS MOOT.

CASE NO'S: VIII-791 AND 04-262-SPH BEFORE HEARING OFFICERS HEARING & SPECIAL HEARING (MARCH 12, 2004)

ORDER: DENYING IN PART AND GRANTING IN PART THE DEVELOPMENT PLAN APPROVAL.

CASE NO'S: VIII-791 AND 04-262-SPH BEFORE HEARING OFFICERS HEARING & SPECIAL HEARING (APRIL 2, 2004)

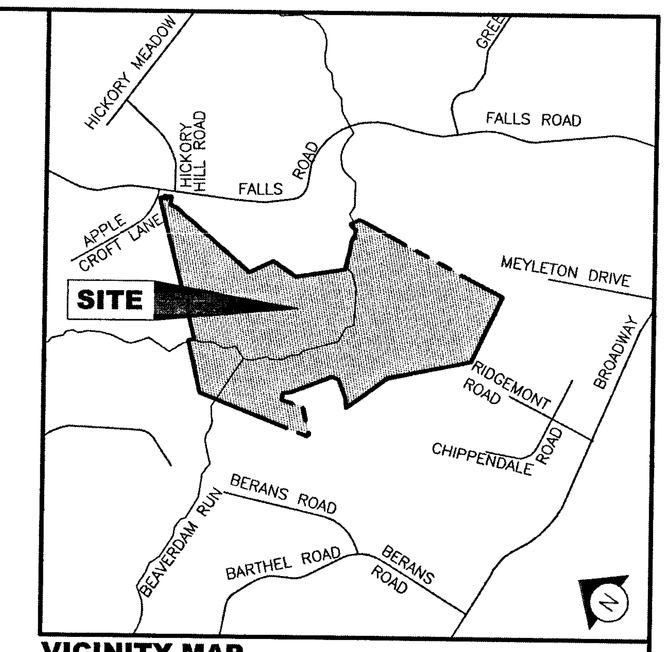
ORDER: THEREFORE, IT IS ORDERED, this 2 day of April, by this Deputy Zoning Commissioner, that the Motion for Reconsideration is hereby GRANTED, that my Order dated March 12, 2004 is hereby stricken, and the case will be set for further hearing/proceedings consistent with this Order.

Any appeal of this decision shall be made within thirty days of the date of this Order and not of the original Order dated March 12, 2004.

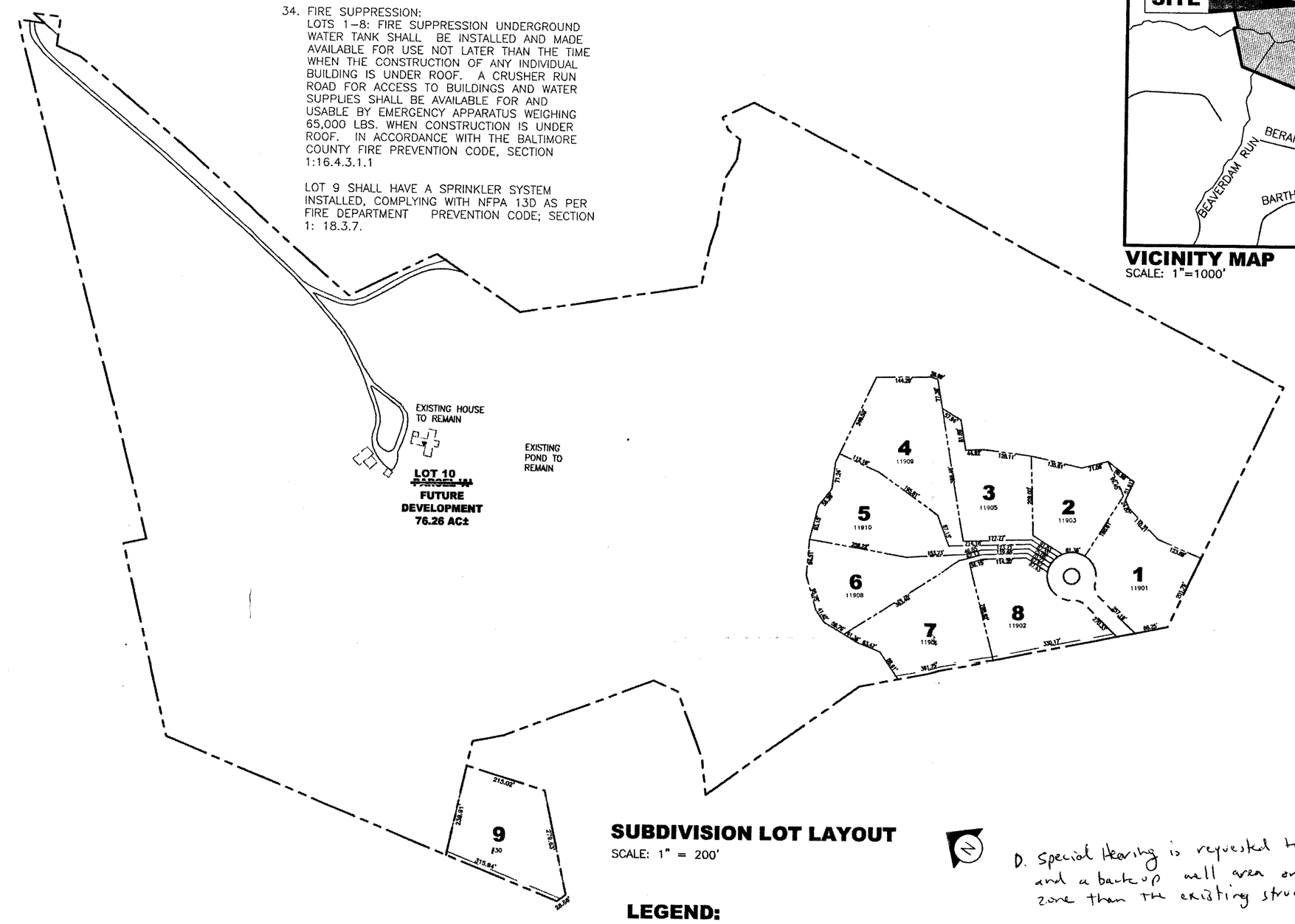
John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

34. FIRE SUPPRESSION:
LOTS 1-8: FIRE SUPPRESSION UNDERGROUND WATER TANK SHALL BE INSTALLED AND MADE AVAILABLE FOR USE NOT LATER THAN THE TIME WHEN THE CONSTRUCTION OF ANY INDIVIDUAL BUILDING IS UNDER ROOF. A CRUSHER RUN ROAD FOR ACCESS TO BUILDINGS AND WATER SUPPLIES SHALL BE AVAILABLE FOR AND USABLE BY EMERGENCY APPARATUS WEIGHING 65,000 LBS. WHEN CONSTRUCTION IS UNDER ROOF. IN ACCORDANCE WITH THE BALTIMORE COUNTY FIRE PREVENTION CODE, SECTION 1:16.4.3.1.1

LOT 9 SHALL HAVE A SPRINKLER SYSTEM INSTALLED, COMPLYING WITH NFPA 13D AS PER FIRE DEPARTMENT PREVENTION CODE; SECTION 1: 18.3.7.



VICINITY MAP
SCALE: 1"=1000'

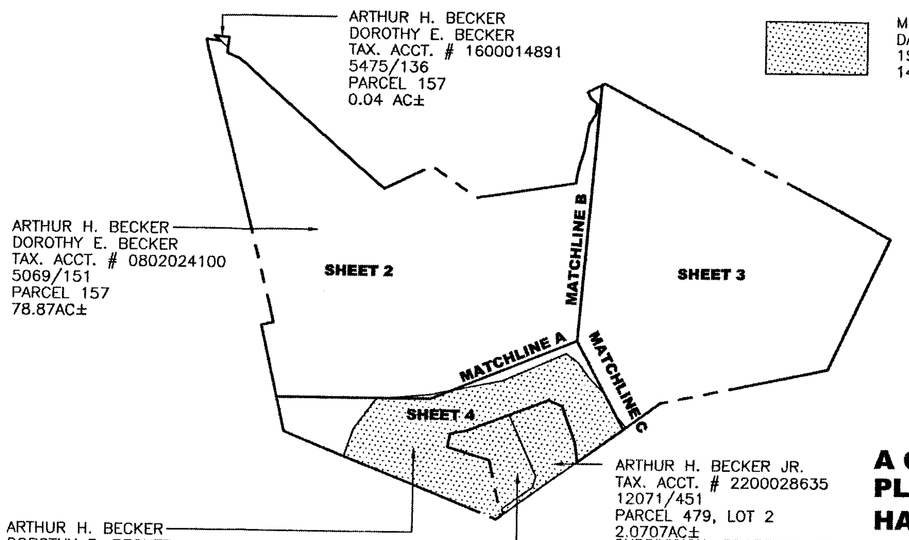


SUBDIVISION LOT LAYOUT
SCALE: 1" = 200'

D. Special Hearing is requested to approve an existing well and a back-up well area on Lot #10 within a different zone than the existing structure.

LEGEND:

MINOR SUBDIVISION 92-305 MP
DATED 8-18-95
1ST AMENDED PLAT
14.17 AC ±



PROPERTY MOSAIC
SCALE: 1": 500'-0"

A COMBINED ZONING AND PLAN APPROVAL HEARING HAS BEEN REQUESTED

SPECIAL HEARING REQUESTS

A. A SPECIAL HEARING IS REQUESTED TO APPROVE NON-DENSITY PARCELS IN R.C.4 / R.C.5 AREAS ASSOCIATED WITH LOTS 4,5,6,7, AND 9.

B. A SPECIAL HEARING IS REQUESTED TO APPROVE SEPTIC RESERVE AREA ON LOT 9 WHICH IS IN A DIFFERENT ZONING AREA THAN THE PROPOSED STRUCTURE.

C. A SPECIAL HEARING IS REQUESTED TO AMEND THE ORDER AND APPROVED SITE PLAN IN CASE # 94-256-SPH.

S-1

MORRIS & RITCHIE ASSOCIATES, INC.
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FAX (410) 821-1748

STATE OF MARYLAND — JAMES VINCENT HERMANN — REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT — NO. 3044 — EXP. 2-25-06

PLAN TO ACCOMPANY SPECIAL HEARING

BECKER PROPERTY
12170 FALLS ROAD
COCKEYSVILLE, MARYLAND 21030
8TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
11/09/06	REVISED REVISIONS TO ADDRESS DPC COMMENTS	JOB NO.:	14746
		SCALE:	AS SHOWN
		DATE:	08/22/06
		DRAWN BY:	KC/JB
		DESIGN BY:	KC/JH
		REVIEW BY:	JH
		SHEET:	1 OF 4

Dancl #12

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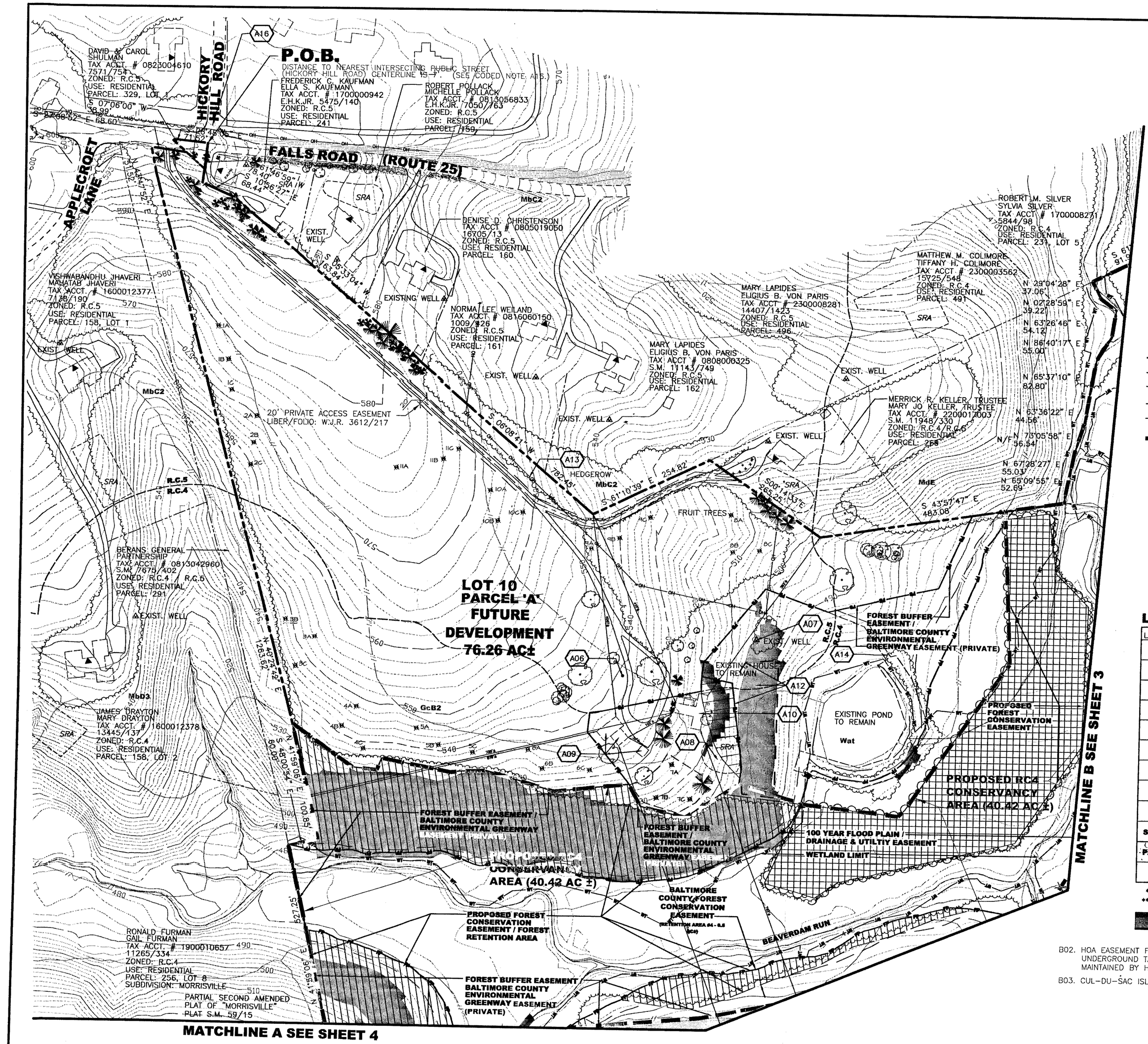


SITE LEGEND:

- EXISTING TREES / VEGETATION
- PROPOSED TREES / VEGETATION
- PROPERTY LINE
- RIGHT-OF-WAY
- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- LIMIT OF SOILS / SOIL TYPE
- EASEMENT
- BUILDING SETBACK LINE
- EXISTING STRUCTURE
- EXIST. WELL — EXISTING WELL LOCATION
- EXIST. SRA — EXISTING SEPTIC RESERVE AREA
- PROPOSED BUILDING ENVELOPE
- PROPOSED WELL LOCATION
- PROPOSED SEPTIC RESERVE AREA 10,000 S.F. MINIMUM WITH PASSED PERC TEST LOCATIONS; NEW PERC LOCATIONS
- DRY WELL LOCATION
- FAILED PERC TEST LOCATION
- EXISTING WETLAND
- EXISTING ZONING
- PROPOSED FOREST BUFFER
- PROPOSED 100 YEAR FLOODPLAIN
- EXISTING STREAM / POND
- PROPOSED CONSERVANCY AREA EASEMENT
- SLOPES >25%
- PROPOSED FOREST CONSERVATION EASEMENT / FOREST RETENTION AREA
- PROPOSED FOREST CONSERVATION EASEMENT / REFORESTATION AREA
- PROPOSED LIGHT POLE
- EXISTING RC4 CONSERVANCY AREA

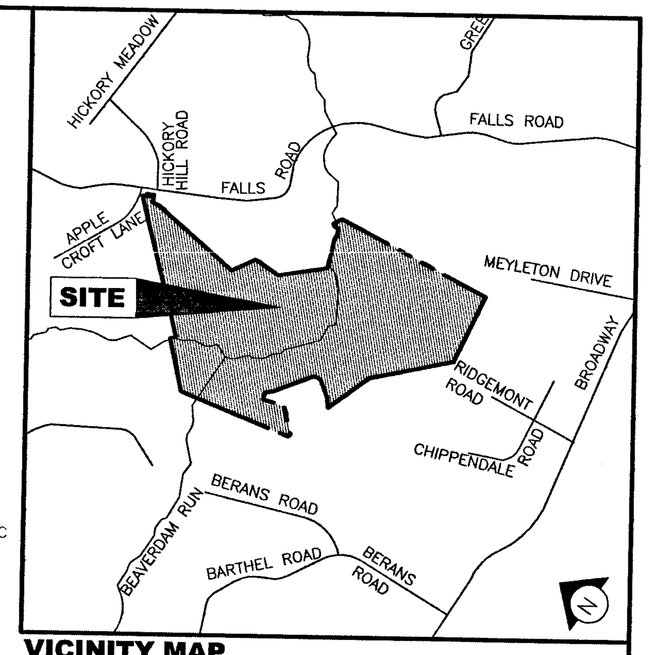
LOT 10 – EXISTING PERC LOCATIONS (NORTH)

LOT SIZE

LOT NUMBER	TOTAL LOT ACREAGE	R.C.4. ACREAGE	R.C.5. ACREAGE
1	1.21 AC±	–	1.21 AC±
2	1.06 AC±	–	1.06 AC±
3	1.10 AC±	–	1.10 AC±
4 *	1.82 AC±	1.33 AC±	0.49 AC±
5 *	1.48 AC±	1.29 AC±	0.19 AC±
6 *	1.48 AC±	1.33 AC±	0.15 AC±
7 **	1.51 AC±	0.20 AC±	1.31 AC±
8	1.41 AC±	–	1.41 AC±
9 **	1.60 AC±	0.52 AC±	1.08 AC±
SUB-TOTAL	12.67 AC±	4.67 AC±	8.00 AC±
~~LOT 10~~ PARCEL 'A'	76.26 AC±	58.69 AC±	17.57 AC±
TOTAL	88.93 AC±	63.36 AC±	25.57 AC±

* MAJORITY OF LOT LIES WITHIN RC4 ZONE.
** MAJORITY OF LOT LIES WITHIN RC5 ZONE.

UNDERSIZED R.C. 4 AND R.C. 5 AREAS



VICINITY MAP

SCALE: 1"=1000'

CODED NOTES:

A: GENERAL

A01. R.C.4 PORTION OF LOT IS A NON-DENSITY PARCEL / NON-BUILDABLE AREA. NO WELL, SEPTIC SYSTEM OR ACCESSORY STRUCTURES WILL BE ALLOWED ON THE NON-BUILDABLE PORTION OF THE LOT WITHOUT A SPECIAL HEARING.

A02. R.C.5 PORTION OF LOT IS A NON-DENSITY PARCEL / NON-BUILDABLE AREA. NO WELL, SEPTIC SYSTEM OR ACCESSORY STRUCTURES WILL BE ALLOWED ON THE NON-BUILDABLE PORTION OF THE LOT WITHOUT A SPECIAL HEARING.

A03. PROPOSED 20' BALTIMORE COUNTY ACCESS EASEMENT, FOREST CONSERVATION ACCESS EASEMENTS SHALL BE DEDICATED TO BALTIMORE COUNTY.

A04. LANDSCAPE SCREENING BETWEEN LOT 9 AND THE ADJACENT TRADER PROPERTY SHALL BE PROVIDED AS IDENTIFIED IN THE RESTRICTIONS OF SPECIAL HEARING CASE NO. 94-256SPH. SEE SHEET D-4 FOR SCHEMATIC LANDSCAPING.

A05. PROPOSED BALTIMORE COUNTY DRAINAGE AND UTILITY EASEMENT. DRAINAGE AND UTILITY EASEMENTS SHALL BE DEDICATED TO BALTIMORE COUNTY.

A06. ~~EXISTING GAS PUMP AND UNDERGROUND STORAGE TANK SHALL REMAIN ON PARCEL 'A'.~~ (SEE REVISED NOTE A06 BELOW)

A07. EXISTING WELL SHALL REMAIN AS A PART OF ~~PARCEL 'A'~~. LOT #10

A08. EXISTING SEPTIC SYSTEM SHALL REMAIN AS A PART OF ~~PARCEL 'A'~~. LOT #10

A09. EXISTING STRUCTURES SHALL REMAIN AS A PART OF ~~PARCEL 'A'~~. LOT #10 APPROXIMATE HEIGHT 12'±.

A10. EXISTING HOUSE SHALL REMAIN. APPROXIMATE HEIGHT 24'±.

A11. PROPOSED LIGHT POLE

A12. A LIVING FENCE SHALL BE PLANTED ALONG THE LIMITS OF THIS VARIANCE AREA, AS OUTLINED IN BECKER PROPERTY SUBDIVISION FOREST BUFFER VARIANCE (APPROVED 10-15-03).

A13. EXISTING PRIVATE BALTIMORE GAS AND ELECTRIC COMPANY RIGHT-OF-WAY; LIBER 5188, FOLIO 063.

A14. ACCESS TO POND FOR CONTINUOUS MAINTENANCE OF POND BERM AND ACCESS AS REQUIRED. THE ACCESS SHALL BE A MAXIMUM OF 10 FEET WIDE AND SHOULD BE MAINTAINED BY MOWING NO MORE THAN THREE TIMES A YEAR BETWEEN APRIL AND OCTOBER, AS OUTLINED IN BECKER PROPERTY SUBDIVISION FOREST BUFFER VARIANCE (APPROVED 10-15-03).

A15. BALTIMORE COUNTY ACCESS EASEMENTS FOR ALL STORMWATER MANAGEMENT LEVEL SPREADERS AND INFILTRATION (TYP.)

A16. DISTANCE TO THE NEAREST INTERSECTING PUBLIC STREET (HICKORY HILL ROAD) CENTERLINE IS SEVEN (7').

A06. THE UNDERGROUND FUEL TANK ON LOT 10 MUST BE REMOVED AND INSPECTED OR TESTED FOR TIGHTNESS BY A QUALIFIED TESTER IN ACCORDANCE WITH STATE AND COUNTY APPROVED METHODS.

B: UTILITIES

B01. EXISITNG SIXTY SIX (66') FOOT BALTIMORE GAS AND ELECTRIC UTILITY EASEMENT. LIBER/FOLIO: 607/062, 627/184, 1779/305, 1849/242, 5188/063. R/W REF.: 45430

~~B02. FIRE SUPPRESSION EASEMENT WITH 12,000 GALLON UNDERGROUND WATER TANK FOR FIRE SUPPRESSION.~~

B02. HOA EASEMENT FOR FIRE SUPPRESSION WITH 12,000 GALLON UNDERGROUND TANK FOR FIRE SUPPRESSION TO BE OWNED AND MAINTAINED BY HOA.

B03. CUL-DU-SAC ISLAND TO BE OWNED AND MAINTAINED BY HOA.

S-2

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STATE OF MARYLAND — JAMES VINCENT HUBBARD — REGISTERED LANDSCAPE ARCHITECT — 3044 — 8-25-06

PLAN TO ACCOMPANY SPECIAL HEARING

BECKER PROPERTY

12170 FALLS ROAD
COCKEYSVILLE, MARYLAND 21030

8TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS
11/09/06	REVISED REVISIONS TO ADDRESS DPC COMMENTS

JOB NO.:	14746
SCALE:	1"= 100'
DATE:	08/22/06
DRAWN BY:	KC/JB
DESIGN BY:	KC/JH
REVIEW BY:	JH
SHEET:	2 OF 4

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LOT SIZE

LOT NUMBER	TOTAL LOT ACREAGE	R.C.4. ACREAGE	R.C.5. ACREAGE
1	1.21 AC±	–	1.21 AC±
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5 *	1.48 AC±	1.29 AC±	[redacted]
6 *	1.48 AC±	1.33 AC±	[redacted]
7 **	1.51 AC±	[redacted]	1.31 AC±
8	1.41 AC±	–	1.41 AC±
9 **	1.60 AC±	[redacted]	1.08 AC±
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LOT #10 ~~**PARCEL 'A'**~~	76.26 AC±	58.69 AC±	17.57 AC±
TOTAL	88.93 AC±	63.36 AC±	25.57 AC±

* MAJORITY OF LOT LIES WITHIN RC4 ZONE.
** MAJORITY OF LOT LIES WITHIN RC5 ZONE.

[redacted] UNDERSIZED R.C. 4 AND R.C. 5 AREAS

CODED NOTES:

A: GENERAL

A01. R.C.4 PORTION OF LOT IS A NON-DENSITY PARCEL / NON-BUILDABLE AREA. NO WELL, SEPTIC SYSTEM OR ACCESSORY STRUCTURES WILL BE ALLOWED ON THE NON-BUILDABLE PORTION OF THE LOT WITHOUT A SPECIAL HEARING.

A02. R.C.5 PORTION OF LOT IS A NON-DENSITY PARCEL / NON-BUILDABLE AREA. NO WELL, SEPTIC SYSTEM OR ACCESSORY STRUCTURES WILL BE ALLOWED ON THE NON-BUILDABLE PORTION OF THE LOT WITHOUT A SPECIAL HEARING.

A03. PROPOSED 20' BALTIMORE COUNTY ACCESS EASEMENT, ~~ACCESS~~ FOREST CONSERVATION EASEMENTS SHALL BE DEDICATED TO BALTIMORE COUNTY.

A04. LANDSCAPE SCREENING BETWEEN LOT 9 AND THE ADJACENT TRADER PROPERTY SHALL BE PROVIDED AS IDENTIFIED IN THE RESTRICTIONS OF SPECIAL HEARING CASE NO. 94-256SPH. SEE SHEET D-4 FOR SCHEMATIC LANDSCAPING.

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A07. EXISTING WELL SHALL REMAIN AS A PART OF ~~PARCEL 'A'~~. LOT #10

A08. EXISTING SEPTIC SYSTEM SHALL REMAIN AS A PART OF ~~PARCEL 'A'~~. LOT #10

A09. EXISTING STRUCTURES SHALL REMAIN AS A PART OF ~~PARCEL 'A'~~. LOT #10 APPROXIMATE HEIGHT 12'±.

A10. EXISTING HOUSE SHALL REMAIN. APPROXIMATE HEIGHT 24'±.

A11. PROPOSED LIGHT POLE

A12. A LIVING FENCE SHALL BE PLANTED ALONG THE LIMITS OF THIS VARIANCE AREA, AS OUTLINED IN BECKER PROPERTY SUBDIVISION FOREST BUFFER VARIANCE (APPROVED 10-15-03).

A13. EXISTING PRIVATE BALTIMORE GAS AND ELECTRIC COMPANY RIGHT-OF-WAY; LIBER 5188, FOLIO 063.

A14. ACCESS TO POND FOR CONTINUOUS MAINTENANCE OF POND BERM AND ACCESS AS REQUIRED. THE ACCESS SHALL BE A MAXIMUM OF 10 FEET WIDE AND SHOULD BE MAINTAINED BY MOWING NO MORE THAN THREE TIMES A YEAR BETWEEN APRIL AND OCTOBER, AS OUTLINED IN BECKER PROPERTY SUBDIVISION FOREST BUFFER VARIANCE (APPROVED 10-15-03).

A15. BALTIMORE COUNTY ACCESS EASEMENTS FOR ALL STORMWATER MANAGEMENT LEVEL SPREADERS AND INFILTRATION (TYP.)

A16. DISTANCE TO THE NEAREST INTERSECTING PUBLIC STREET (HICKORY HILL ROAD) CENTERLINE IS SEVEN (7').

A06. THE UNDERGROUND FUEL TANK ON LOT 10 MUST BE REMOVED AND INSPECTED OR TESTED FOR TIGHTNESS BY A QUALIFIED TESTER IN ACCORDANCE WITH STATE AND COUNTY APPROVED METHODS.

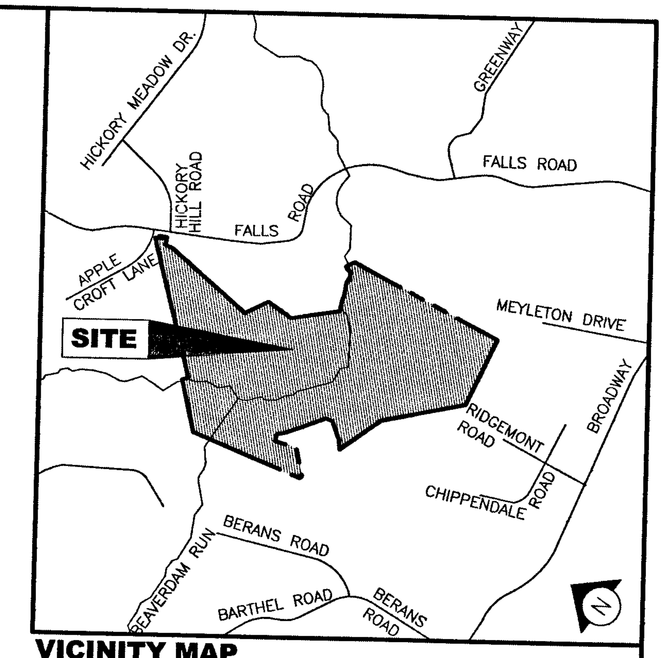
B: UTILITIES

B01. EXISITNG SIXTY SIX (66') FOOT BALTIMORE GAS AND ELECTRIC UTILITY EASEMENT. LIBER/FOLIO: 607/062, 627/184, 1779/305, 1849/242, 5188/063. R/W REF.: 45430

~~B02. FIRE SUPPRESSION EASEMENT WITH 12,000 GALLON UNDERGROUND WATER TANK FOR FIRE SUPPRESSION.~~

B02. HOA EASEMENT FOR FIRE SUPPRESSION WITH 12,000 GALLON UNDERGROUND TANK FOR FIRE SUPPRESSION TO BE OWNED AND MAINTAINED BY HOA.

B03. CUL-DU-SAC ISLAND TO BE OWNED AND MAINTAINED BY HOA.



VICINITY MAP

SCALE: 1"=1000'

SITE LEGEND:

- EXISTING TREES / VEGETATION
- PROPOSED TREES / VEGETATION
- PROPERTY LINE
- RIGHT-OF-WAY
- 112 — EXISTING 2' CONTOUR
- 110 — EXISTING 10' CONTOUR
- GcC2 — LIMIT OF SOILS / SOIL TYPE
- EASEMENT
- BUILDING SETBACK LINE
- EXISTING STRUCTURE
- EXIST. WELL — EXISTING WELL LOCATION
- EXIST. SRA — EXISTING SEPTIC RESERVE AREA
- PROPOSED BUILDING ENVELOPE
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- 1A, 1B, 1C, 1AA — PROPOSED SEPTIC RESERVE AREA 10,000 S.F. MINIMUM WITH PASSED PERC TEST LOCATIONS; NEW PERC LOCATIONS
- LOT 10 – EXISTING PERC LOCATIONS (NORTH)
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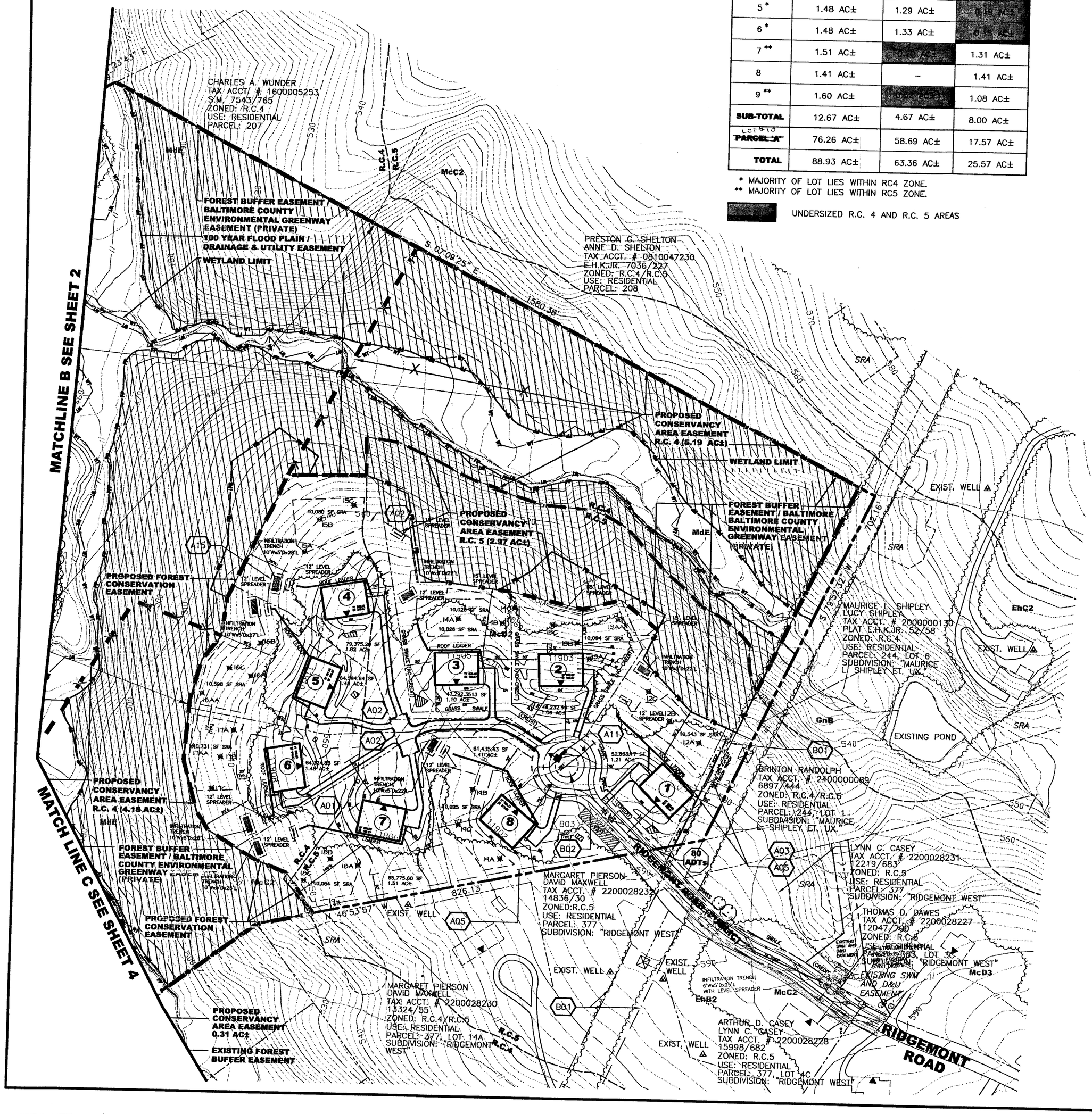
- WT — EXISTING WETLAND
- RC2 — EXISTING ZONING
- FB — PROPOSED FOREST BUFFER
- FP — PROPOSED 100 YEAR FLOODPLAIN
- EXISTING STREAM / POND
- PROPOSED CONSERVANCY AREA EASEMENT
- SLOPES >25%
- PROPOSED FOREST CONSERVATION EASEMENT / FOREST RETENTION AREA
- PROPOSED FOREST CONSERVATION EASEMENT / REFORESTATION AREA
- PROPOSED LIGHT POLE
- EXISTING RC4 CONSERVANCY AREA



MORRIS & RITCHIE ASSOCIATES, INC.
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(410) 821-1690
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STATE OF MARYLAND — JAMES VINCENT HOWARD — REGISTERED LANDSCAPE ARCHITECT — 9044 — 8-25-06

PLAN TO ACCOMPANY SPECIAL HEARING

BECKER PROPERTY

12170 FALLS ROAD
COCKEYSVILLE, MARYLAND 21030
8TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS
11/09/06	REDLINED REVISIONS TO ADDRESS DPC COMMENTS

JOB NO.:	14746
SCALE:	1"= 100'
DATE:	08/22/06
DRAWN BY:	KC/JB
DESIGN BY:	KC/JH
REVIEW BY:	JH
SHEET:	3 OF 4

S-3

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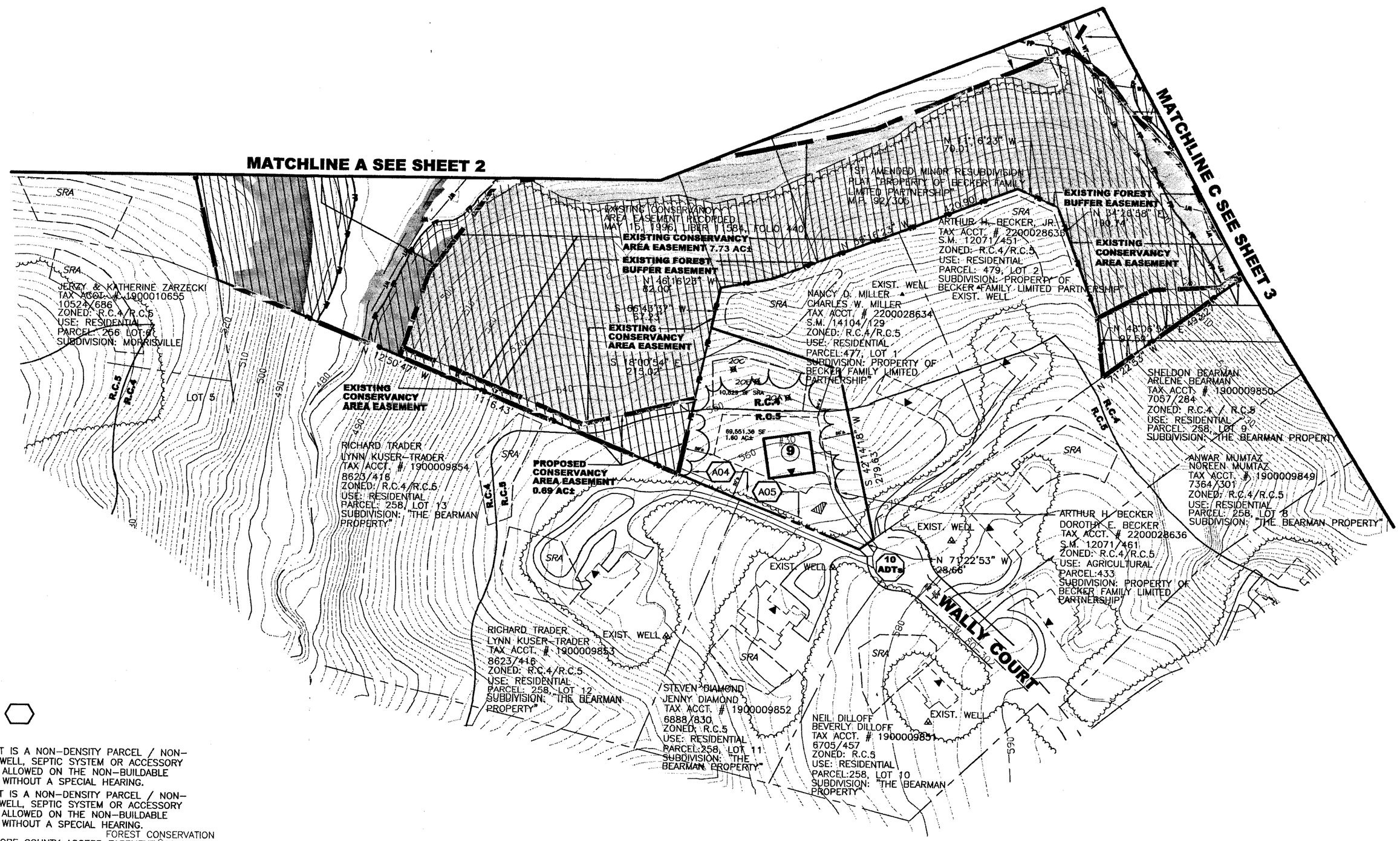

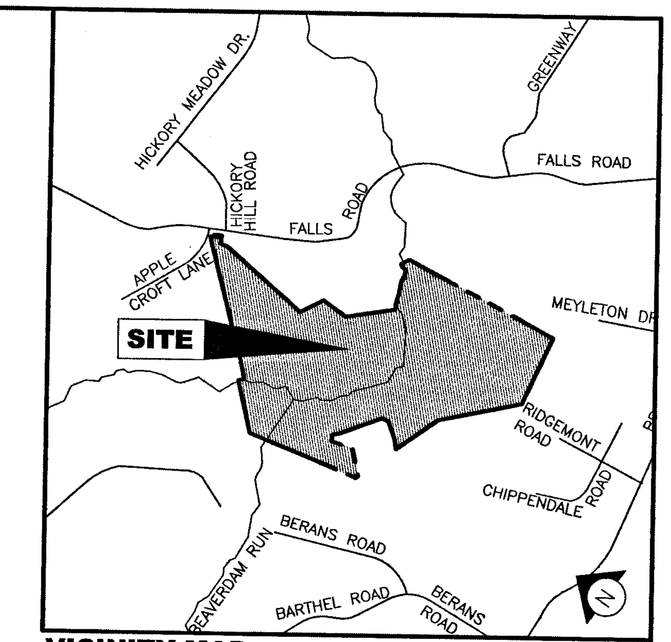

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- PROPOSED FOREST CONSERVATION EASEMENT / REFORESTATION AREA
- PROPOSED LIGHT POLE
- EXISTING RC4 CONSERVANCY AREA

CODED NOTES:

A: GENERAL

A01. R.C.4 PORTION OF LOT IS A NON-DENSITY PARCEL / NON-BUILDABLE AREA. NO WELL, SEPTIC SYSTEM OR ACCESSORY STRUCTURES WILL BE ALLOWED ON THE NON-BUILDABLE PORTION OF THE LOT WITHOUT A SPECIAL HEARING.

A02. R.C.5 PORTION OF LOT IS A NON-DENSITY PARCEL / NON-BUILDABLE AREA. NO WELL, SEPTIC SYSTEM OR ACCESSORY STRUCTURES WILL BE ALLOWED ON THE NON-BUILDABLE PORTION OF THE LOT WITHOUT A SPECIAL HEARING. FOREST CONSERVATION

A03. PROPOSED 20' BALTIMORE COUNTY ACCESS EASEMENT. ACCESS EASEMENTS SHALL BE DEDICATED TO BALTIMORE COUNTY.

A04. LANDSCAPE SCREENING BETWEEN LOT 9 AND THE ADJACENT TRADER PROPERTY SHALL BE PROVIDED AS IDENTIFIED IN THE RESTRICTIONS OF SPECIAL HEARING CASE NO. 94-256SPH. SEE SHEET D-4 FOR SCHEMATIC LANDSCAPING.

A05. PROPOSED BALTIMORE COUNTY DRAINAGE AND UTILITY EASEMENT. DRAINAGE AND UTILITY EASEMENTS SHALL BE DEDICATED TO BALTIMORE COUNTY.

A06. ~~EXISTING GAS PUMP AND UNDERGROUND STORAGE TANK SHALL REMAIN ON PARCEL 'A'.~~ (SEE REVISD NOTE A06 BELOW)

A07. EXISTING WELL SHALL REMAIN AS A PART OF ~~PARCEL 'A'.~~ LOT #10

A08. EXISTING SEPTIC SYSTEM SHALL REMAIN AS A PART OF ~~PARCEL 'A'.~~ LOT #10

A09. EXISTING STRUCTURES SHALL REMAIN AS A PART OF ~~PARCEL 'A'.~~ LOT #10 APPROXIMATE HEIGHT 12'±.

A10. EXISTING HOUSE SHALL REMAIN. APPROXIMATE HEIGHT 24'±.

A11. PROPOSED LIGHT POLE

A12. A LIVING FENCE SHALL BE PLANTED ALONG THE LIMITS OF THIS VARIANCE AREA, AS OUTLINED IN BECKER PROPERTY SUBDIVISION FOREST BUFFER VARIANCE (APPROVED 10-15-03).

A13. EXISTING PRIVATE BALTIMORE GAS AND ELECTRIC COMPANY RIGHT-OF-WAY; LIBER 5188, FOLIO 063.

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B: UTILITIES

LIBER/FOLIO: 607/062, 627/184, 1779/305, 1849/242, 5188/063, R/W REF.: 45430

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B03. CUL-DU-SAC ISLAND TO BE OWNED AND MAINTAINED BY HOA.

LOT SIZE

LOT NUMBER	TOTAL LOT ACREAGE	R.C.4. ACREAGE	R.C.5. ACREAGE
1	1.21 AC±	–	1.21 AC±
2	1.06 AC±	–	1.06 AC±
3	1.10 AC±	–	1.10 AC±
4 *	1.82 AC±	1.33 AC±	
5 *	1.48 AC±	1.29 AC±	
6 *	1.48 AC±	1.33 AC±	
7 **	1.51 AC±		1.31 AC±
8	1.41 AC±	–	1.41 AC±
9 **	1.60 AC±		1.08 AC±
SUB-TOTAL	12.67 AC±	4.67 AC±	8.00 AC±
LOT #10 ~~PARCEL 'A'~~	76.26 AC±	58.69 AC±	17.57 AC±
TOTAL	88.93 AC±	63.36 AC±	25.57 AC±

* MAJORITY OF LOT LIES WITHIN RC4 ZONE.
** MAJORITY OF LOT LIES WITHIN RC5 ZONE.

UNDERSIZED R.C. 4 AND R.C. 5 AREAS

S-4

MORRIS & RITCHIE ASSOCIATES, INC.
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FAX (410) 821-1748

STATE OF MARYLAND — JAMES VINCENT HUBBARD — REGISTERED LANDSCAPE ARCHITECT — 11-25-06

PLAN TO ACCOMPANY SPECIAL HEARING

BECKER PROPERTY

12170 FALLS ROAD
COCKEYSVILLE, MARYLAND 21030
8TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS
11/09/06	REDLINED REVISIONS TO ADDRESS DPC COMMENTS

JOB NO.:	14746
SCALE:	1"= 100'
DATE:	08/22/06
DRAWN BY:	KC/JB
DESIGN BY:	KC/JH
REVIEW BY:	JH
SHEET:	4 OF 4

P:\14746\PLANNING\PLOT\SPECIAL HEARING\SPECIAL HEARING REDLINES\14746-SPECIAL HEARING-S4-REDLINE.dwg, 11/3/2006 12:35:18 PM, Copyright 2005 Morris Ritchie Associates, Inc.

THE BECKER PROPERTY

OWNER / APPLICANT / CONSULTANT:

1. PROPERTY OWNER:
ARTHUR H. & DOROTHY E. BECKER
12170 FALLS ROAD
COCKEYSVILLE, MD 21030

2. DEVELOPER / APPLICANT:
GAYLORD BROOKS REALTY CO., INC.
14346 JARRETTSVILLE PIKE
PO BOX 400
PHOENIX, MD 21131
ATTN.: STEVE SMITH

3. PLAN PREPARED BY:
MORRIS & RITCHIE ASSOCIATES, INC. (MRA)
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
ATTN.: JAMES V. HERMANN, RLA

SITE DATA / GENERAL NOTES:

1. GROSS ACREAGE THIS SITE: 78.93 ACRES ± (3,438,108 S.F.±) (P. 157)
10.00 AC± (MINOR SUBDIVISION MP 92/305) (435,718 S.F.±)
88.93 AC±, (3,873,826 S.F.±) TOTAL

2. EXISTING ZONING: R.C.4 (P. 157 + TRACT 1 OF MP 92/305) = 63.36 AC± (2,759,997 S.F.±)
R.C.5 (P. 157 NORTH SECTION) = 13.65 AC± (594,594 S.F.±)
R.C.5 (P. 157 SOUTH SECTION) = 10.65 AC± (463,914S.F.±)
R.C.5 (TRACT 1 OF SM 8043-030) = 1.27 AC± (55,321S.F.±)

3. EXISTING LAND USE: RESIDENTIAL

4. PROPERTY INFORMATION
a. TAX ACCOUNT NUMBER: 0802024100 (P. 157)
1600014891 (P. 157)
2200028636 (TRACT 1)
b. DEED REFERENCE: 5069/151, 5475/136, 12071/461
c. COUNCILMANIC DISTRICT: 2
d. ELECTION DISTRICT: 8
e. CENSUS TRACT: 4083
f. ADC MAP LOCATION: MAP 17, GRID J9, K8-10
g. BALTO. COUNTY ZONING MAP REFERENCES: NW15D AND NW15E
h. TAX MAP: 50
i. PARCEL: 157 & 433, TRACT 1
j. WATERSHED: GUNPOWDER
k. SUBSEWERSHED: 36N
l. REGIONAL PLANNING DISTRICT: 307A

5. OPEN SPACE:
OPEN SPACE REQUIRED – 7,000 SF ACTIVE AND 3,000 SF PASSIVE OR A COMBINATION THERE OF AS SPECIFIED IN SECTION III.D.3; OPEN SPACE PROVIDED – 0 SF;
WAIVER REQUESTED AND FEE IN LIEU OF TO BE PAID.

6. PARKING:
PARKING REQUIRED (2 PS/DWELLING UNIT) = 20 PS
PARKING PROVIDED = 20 PS

7. THE EXISTING HOUSE SHALL REMAIN ON LOT PARCEL 'A'.

8. THERE IS ONE UNDERGROUND FUEL TANK ON SITE WHICH IS LOCATED ON PARCEL 'A' AND IS NOT PROPOSED TO BE REMOVED AS PART OF THIS DEVELOPMENT AT THIS TIME.

9. EXISTING SRA LOCATIONS ARE APPROXIMATE BASED ON DOCUMENTS AT DEPRM AND FIELD OBSERVATION.

10. ONE (1) EXISTING SEPTIC SYSTEM IS ON SITE AT PARCEL 'A'. AND SHALL REMAIN IN USE AS A PART OF PARCEL 'A'.

11. THERE ARE NO FIRE HYDRANTS LOCATED NEAR THE SITE. LOT 8 SHALL HAVE AN UNDERGROUND FIRE SUPPRESSION TANK. A BALTIMORE COUNTY EASEMENT SHALL BE GRANTED ON LOT #8 FOR THE ACCESS AND INSTALLATION OF A 12,000 GALLON WATER STORAGE/FIRE SUPPRESSION TANK.

12. A 100 YEAR FLOOD PLAIN STUDY HAS BEEN SUBMITTED AND APPROVED, AUGUST 22, 2002.

13. LOTS 1–9 AND PARCEL 'A' HAVE BEEN PERCED AND APPROVED BY BALTIMORE COUNTY DEPRM WITH CORRESPONDING SEPTIC RESERVE AREAS AS SHOWN. EACH LOT SHALL BE SERVICED BY AN INDIVIDUAL CONVENTIONAL SEPTIC.

14. LOTS 1–9 AND PARCEL 'A' SHALL BE SERVICED BY AN INDIVIDUAL WATER SUPPLY (WELL) AND SHALL COMPLY WITH ARTICLE II OF TITLE 35 OF THE BALTIMORE COUNTY CODE.

15. FALLS ROAD (ROUTE 25) IS A STATE ROAD.
RIDGEMONT ROAD IS A BALTIMORE COUNTY ROAD.
WALLY COURT IS A BALTIMORE COUNTY ROAD.

16. SIGNAGE:
ALL SIGNAGE PROPOSED SHALL BE IN COMPLIANCE WITH B.C.Z.R. SECTION 450

17. SITE ACCESS:
ACCESS FOR LOT 1–8 SHALL ACCESS FROM RIDGEMONT ROAD.
LOT 9 ACCESS SHALL BE FROM WALLY COURT.
PARCEL 'A' WILL CONTINUE TO ACCESS FROM FALLS ROAD.

18. THERE ARE NO OUTFALLS FROM STORMWATER MANAGEMENT FACILITIES AND THEREFORE, NO OUTFALLS ARE REQUIRED.

19. THIS PROJECT IS OUTSIDE OF THE URBAN RURAL DEMARCATION LINE.

20. MAXIMUM BUILDING HEIGHT FOR NONAGRICULTURAL PRINCIPAL BUILDINGS IS 35 FEET.

21. THE DEVELOPMENT PLAN APPROVAL, AND ULTIMATE FINAL DEVELOPMENT PLAN AND SUBDIVISION PLAT, GOVERN THE ENTIRE PROPERTY. THE DEVELOPMENT IS BEING APPROVED IN PHASES. THE CURRENT PHASE SEEKS APPROVAL FOR 9 LOTS ON 12.67± ACRES. THE REMAINING 76.24 ± ACRES, IDENTIFIED AS PARCEL A RETAIN THE RIGHTS TO CREATE 19 SINGLE FAMILY LOTS. THE OWNER OF THE PROPERTY INTENDS TO FILE AN AMENDED DEVELOPMENT PLAN FOR THE 76.24± ACRE PORTION OF THE PROPERTY (PARCEL A) WHICH DOES NOT SHOW A LOT LAYOUT ON THIS DEVELOPMENT PLAN. THE AMENDED DEVELOPMENT PLAN WILL BE THE SUBJECT OF A FUTURE DEVELOPMENT PLAN CONFERENCE AND HEARING OFFICER'S HEARING. THE FINAL DEVELOPMENT PLAN AND THE SUBDIVISION PLAT FOR THIS CURRENT PHASE FOR 9 LOTS DELINEATED ON THIS DEVELOPMENT PLAN WILL NOT NEED TO BE AMENDED IN THE EVENT THAT THE OWNER OF PARCEL A PROCEEDS WITH AN AMENDED DEVELOPMENT PLAN FOR PARCEL A. IT IS ANTICIPATED THAT THE DEVELOPMENT OF PARCEL A BY THE OWNER IN THE FUTURE WILL RESULT IN A FINAL DEVELOPMENT PLAN FOR THAT PORTION OF THE PROPERTY ONLY AND AN AMENDED SUBDIVISION PLAT FOR THAT PORTION OF THE PROPERTY ONLY. THE DEVELOPMENT OF PARCEL A, SHALL BE GOVERNED BY THE DEVELOPMENT REGULATIONS AND ZONING REGULATIONS IN EFFECT AT THE TIME OF THE FILING OF THE ORIGINAL DEVELOPMENT PLAN IN CASE NO. PDM VIII-791, BEING NOVEMBER 26, 2003. THE FOREST BUFFER AND FOREST CONSERVATION AREA EASEMENTS IDENTIFIED ON THE DEVELOPMENT PLAN RELATE TO THE ENTIRE PROPERTY. IN THE EVENT THAT THE OWNER OF PARCEL A PROCEEDS WITH FURTHER SUBDIVISION, FUTURE LOTS MAY EXTEND INTO THE FOREST CONSERVATION AND FOREST BUFFER AREAS.

22. THERE HAVE BEEN NO COMMERCIAL PERMITS ISSUED OR APPLIED FOR THIS SITE.

23. THERE ARE NO COMMERCIAL BUILDINGS ON OR ADJACENT TO THIS SITE.

24. THERE ARE NO PROPOSED PUBLIC WATER OR SANITARY UTILITIES. ALL LOTS WILL BE SERVICES BY PRIVATE WELL AND SEPTIC.

25. THERE ARE NO EXISTING OR KNOWN IMPENDING FAILURES OF BASIC SERVICES FOR THIS SITE.

26. THE EXISTING HOUSE ON PARCEL 'A' WILL REMAIN AS A RESIDENCE. IT IS A TWO-STORY "T" SHAPED STRUCTURE APPROXIMATELY 70' X 70' AND 24'± TALL. THE EXISTING ACCESSORY STRUCTURES WILL REMAIN FOR STORAGE. THEY ARE ONE-STORY, 20'X18' AND 50'X50'. APPROXIMATE HEIGHT IS 12'±.

27. THERE ARE 9 PROPOSED TWO-STORY RESIDENTIAL DWELLINGS. PROPOSED DWELLINGS WILL VARY IN SIZE AND SHALL NOT EXCEED 35' IN HEIGHT.

28. THERE ARE NO AMENITY OPEN SPACE REQUIREMENTS.

29. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE MAY 30, 1996. THE DEVELOPER'S LANDSCAPE ARCHITECT HAS CONFIRMED THAT TWO (2) LOTS HAVE BEEN RECORDED OR REPRESENTED AS DENSITY TO SUPPORT OFF-SITE DWELLINGS AS SHOWN ON PLAT MP 92-305.

30. ON NOVEMBER 26, 2003, A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS. THE VARIANCE ALLOWS FOR THE CONTINUED USE OF 0.3± ACRES OF BACKYARD/SEPTIC AREA FOR THE EXISTING HOME, AND THE MAINTENANCE OF 0.3± ACRES OF THE EXISTING POND BERM AREA, AND AN ACCESS WITHIN THE REQUIRED FOREST BUFFER EASEMENT. THE CONTINUED USE OF THE EXISTING WELL IS ALSO APPROVED. ANY WORK PROPOSED WITHIN THE FOREST BUFFER CONCERNING THE WELL MUST BE APPROVED BY THIS OFFICE, AND ANY NEW WELL LOCATION, IF REQUIRED, MUST BE LOCATED OUTSIDE THE FOREST BUFFER. OTHER CONDITIONS INCLUDING MITIGATION PLANTING OF NATIVE TREES AND SHRUBS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS" (APPROVED IN A LETTER FROM DEPRM, DATED NOVEMBER 26, 2003).

31. THERE ARE NO PROPOSED PEDESTRIAN WALKWAYS AS PART OF THIS DEVELOPMENT.

32. AFFIRMATIVELY ASSERTING THAT IN ACCORDANCE WITH SECTION 2. OF BILL 128-05, DATED OCTOBER 17, 2005, THE R.C. 5 ZONING REGULATIONS FOR THIS DEVELOPMENT PLAN SHALL NOT APPLY TO ANY CONCEPT PLAN OR APPLICATION FOR LIMITED EXEMPTION OR WAIVER ACCEPTED FOR FILING ON OR BEFORE DECEMBER 5, 2005. (CONCEPT PLAN WAS FILED ON FEBRUARY 17, 2003)

33. ZONING HISTORY

CASE NO: 94-256-SPH BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

PETITION: (1) TO CREATE TWO (2) NON-DENSITY PARCELS IN THE R.C.4 AND R.C.5 ZONES; (2) THE CONSTRUCTION OF TWO DWELLINGS THAT STRADDLE THE R.C.4 AND R.C.5 ZONE LINES; (3) THAT THE SEPTIC AREAS FOR THE TWO DWELLINGS MAY BE LOCATED IN A ZONE OTHER THAN THAT WHICH THE PRINCIPLE DWELLING IS LOCATED; AND (4) TWO UNDERSIZED LOTS IN AN R.C.5 ZONE.

ORDER: IT IS THEREFORE THIS 9TH DAY OF JANUARY, 1995 BY THE COUNTY BOARD: OF APPEALS OF BALTIMORE COUNTY ORDERED THAT THE PETITION FOR SPECIAL HEARING TO APPROVE THE CREATION OF ONE (1) NON-DENSITY PARCEL (PARCEL B) IN THE R.C. 5 ZONE, THE CONSTRUCTION OF TWO DWELLINGS THAT WILL STRADDLE THE R.C. 4 AND R.C. 5 ZONE LINES, THE LOCATION THE SEPTIC AREAS FOR THE TWO DWELLINGS TO BE IN A ZONE OTHER THAN THAT IN WHICH THE PRINCIPLE DWELLING IS LOCATED, AND TWO UNDERSIZED LOTS IN AN R.C. 5 ZONE, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 4, BE AND IS HEREBY GRANTED, SUBJECT TO THE FOLLOWING RESTRICTIONS:

1) THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.

2) IN THE EVENT THE PETITIONERS ARE ABLE TO CREATE A THIRD BUILDING LOT ADJACENT TO THE TRADER PROPERTY, THE PETITIONERS SHALL BE REQUIRED TO PROVIDE APPROPRIATE SCREENING AT THAT TIME BETWEEN THAT DEVELOPMENT AND THE TRADER PROPERTY.

3) WHEN APPLYING FOR ANY PERMITS, THE SITE AND/OR LANDSCAPING PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.

IT IS FURTHER ORDERED THAT THE PETITION FOR SPECIAL HEARING TO APPROVE A NON-DENSITY PARCEL (PARCEL A) IN THE R.C. 4 ZONED PORTION OF THE SITE IN ACCORDANCE WITH PETITIONERS' EXHIBIT 4, BE AND IS HEREBY DISMISSED AS MOOT.

ANY PETITION FOR JUDICIAL REVIEW FROM THIS DECISION MUST BE MADE IN ACCORDANCE WITH RULE 7-201 THROUGH RULE 7-210 OF THE MARYLAND RULES OF PROCEDURE.

CASE NO: 94-256-SPH BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

PETITION: (1) TO CREATE TWO (2) NON-DENSITY PARCELS IN THE R.C.4 AND R.C.5 ZONES; (2) THE CONSTRUCTION OF TWO DWELLINGS THAT STRADDLE THE R.C.4 AND R.C.5 ZONE LINES; (3) THAT THE SEPTIC AREAS FOR THE TWO DWELLINGS MAY BE LOCATED IN A ZONE OTHER THAN THAT WHICH THE PRINCIPLE DWELLING IS LOCATED; AND (4) TWO UNDERSIZED LOTS IN AN R.C.5 ZONE.

ORDER: THEREFORE IT IS ORDERED BY THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY THIS 18TH DAY OF FEBRUARY, 1994 THAT THE PETITION FOR SPECIAL HEARING TO APPROVE THE CREATION OF ONE (1) NON-DENSITY PARCEL (PARCEL B) IN THE R.C. 5 ZONE, THE CONSTRUCTION OF TWO DWELLINGS THAT WILL STRADDLE THE R.C. 4 AND R.C. 5 ZONE LINES. THE LOCATION OF THE SEPTIC AREAS FOR THE TWO DWELLINGS TO BE IN A ZONE OTHER THAN THAT IN WHICH THE PRINCIPLE DWELLING IS LOCATED, AND TWO UNDERSIZED LOTS IN AN R.C. 5 ZONE, IN ACCORDANCE WITH PETITIONERS EXHIBIT 4, BE AND IS HEREBY GRANTED, SUBJECT TO THE FOLLOWING RESTRICTIONS:

1) THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER THIS ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.

2) THE PETITIONERS AND MR. BEARMAN, SHALL MEET TO DISCUSS THE APPROPRIATE AMOUNT AND SUFFICIENCY OF SCREENING TO BE PLACED BETWEEN THE PROPERTY LINES OF PROPOSED LOTS 1 AND 2 AND MR. BEARMAN'S PROPERTY. IN THE EVENT THAT NO AGREEMENT CAN BE REACHED CONCERNING THIS SCREENING, EITHER PARTY SHALL HAVE THE RIGHT TO PETITION THIS DEPUTY ZONING COMMISSIONER FOR A RESOLUTION OF THIS DISPUTE.

3) IN THE EVENT THE PETITIONERS ARE ABLE TO CREATE A THIRD BUILDING LOT ADJACENT TO THE TRADER PROPERTY THE PETITIONERS SHALL BE REQUIRED TO PROVIDE APPROPRIATE SCREENING AT THAT TIME BETWEEN THAT DEVELOPMENT AND THE TRADER PROPERTY.

4) WHEN APPLYING FOR ANY PERMITS, THE SITE AND/OR LANDSCAPING PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS

THE RESTRICTIONS OF THIS ORDER.

IT IS FURTHER ORDERED THAT THE PETITION FOR SPECIAL HEARING TO APPROVE A NON-DENSITY PARCEL (PARCEL A) IN THE R.C. 4 ZONED PORTION OF THE SITE, IN ACCORDANCE WITH PETITIONER'S EXHIBIT 4, BE AND IS HEREBY DISMISSED AS MOOT.

CASE NO'S: VIII-791 AND 04-262-SPH BEFORE HEARING OFFICERS HEARING & SPECIAL HEARING (MARCH 12, 2004)

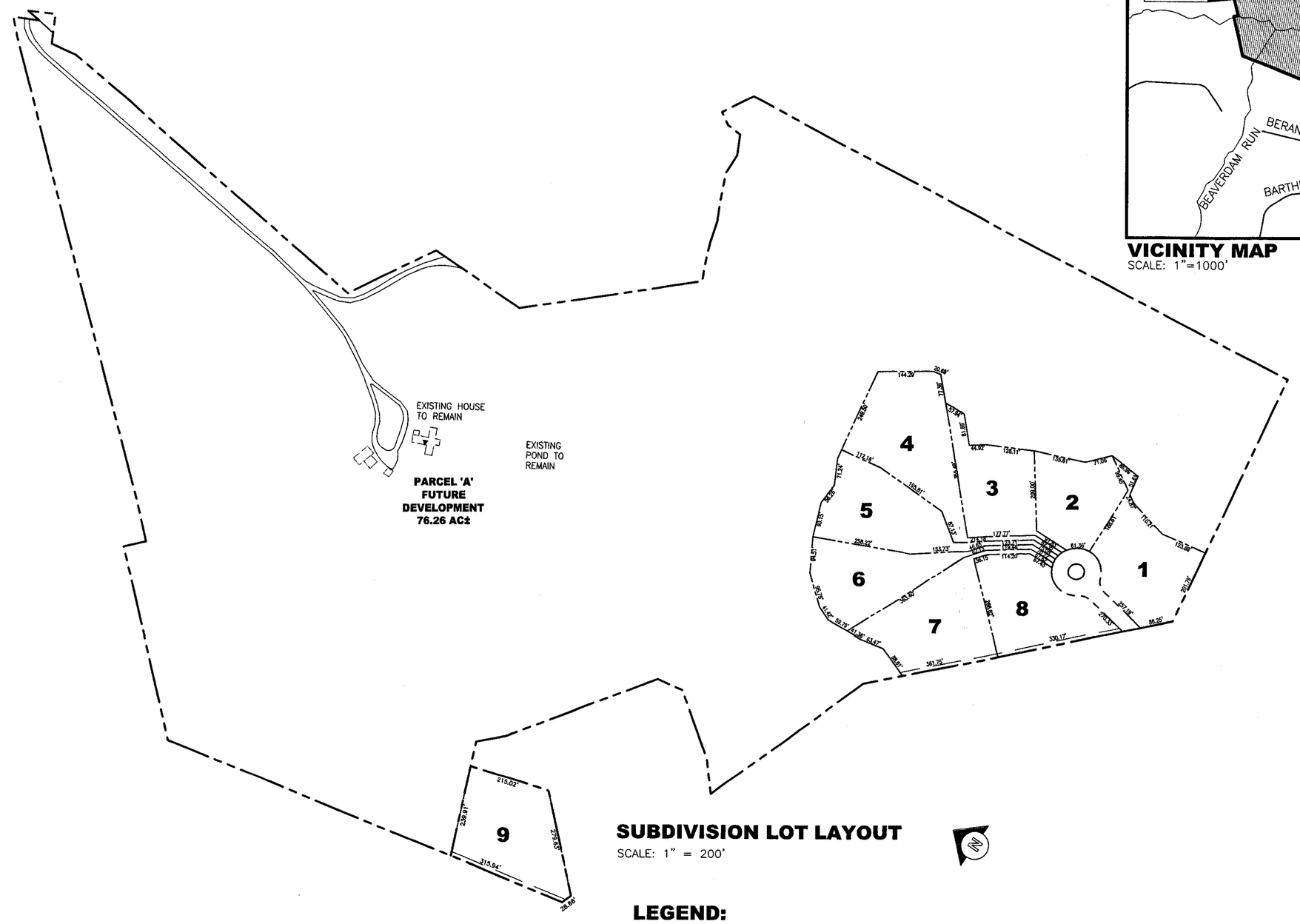
ORDER: DENYING IN PART AND GRANTING IN PART THE DEVELOPMENT PLAN APPROVAL.

CASE NO'S: VIII-791 AND 04-262-SPH BEFORE HEARING OFFICERS HEARING & SPECIAL HEARING (APRIL 2, 2004)

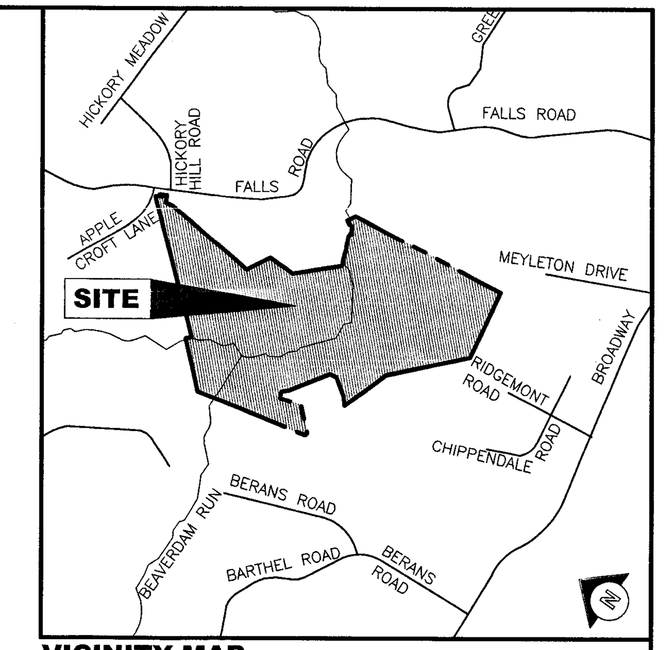
ORDER: THEREFORE, IT IS ORDERED, this 2 day of April, by this Deputy Zoning Commissioner, that the Motion for Reconsideration is hereby GRANTED, that my Order dated March 12, 2004 is hereby stricken, and the case will be set for further hearing/proceedings consistent with this Order.

Any appeal of this decision shall be made within thirty days of the date of this Order and not of the original Order dated March 12, 2004.

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



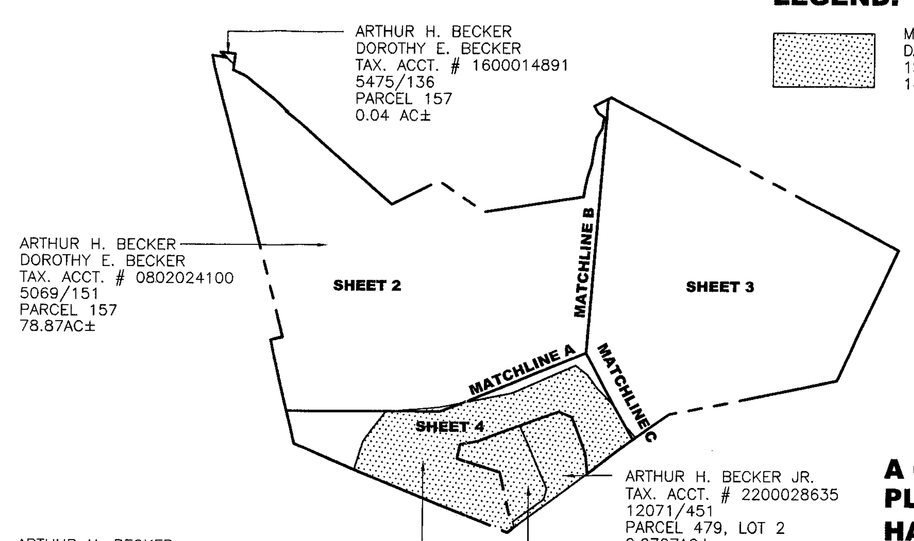
SUBDIVISION LOT LAYOUT
SCALE: 1" = 200'



VICINITY MAP
SCALE: 1"=1000'

LEGEND:

MINOR SUBDIVISION 92-305 MP
DATED 8-18-95
1ST AMENDED PLAT
14.17 AC ±



PROPERTY MOSAIC
SCALE: 1": 500'-0"

A COMBINED ZONING AND PLAN APPROVAL HEARING HAS BEEN REQUESTED

SPECIAL HEARING REQUESTS

A. A SPECIAL HEARING IS REQUESTED TO APPROVE NON-DENSITY PARCELS IN R.C.4 / R.C.5 AREAS ASSOCIATED WITH LOTS 4,5,6,7, AND 9.

B. A SPECIAL HEARING IS REQUESTED TO APPROVE SEPTIC RESERVE AREA ON LOT 9 WHICH IS IN A DIFFERENT ZONING AREA THAN THE PROPOSED STRUCTURE.

C. A SPECIAL HEARING IS REQUESTED TO AMEND THE ORDER AND APPROVED SITE PLAN IN CASE # 94-256-SPH.

D. A SPECIAL HEARING IS REQUESTED TO APPROVE THE POSITIVE WELL AND PONDS WITH ACRES ON PARCEL A WITHIN A DIFFERENT ZONING AREA THAN THE PROPOSED STRUCTURE.

S-1

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FAX (410) 821-1748

STATE OF MARYLAND
JAMES VINCENT HERMANN
No. 1194
REGISTERED LANDSCAPE ARCHITECT
8/25/06

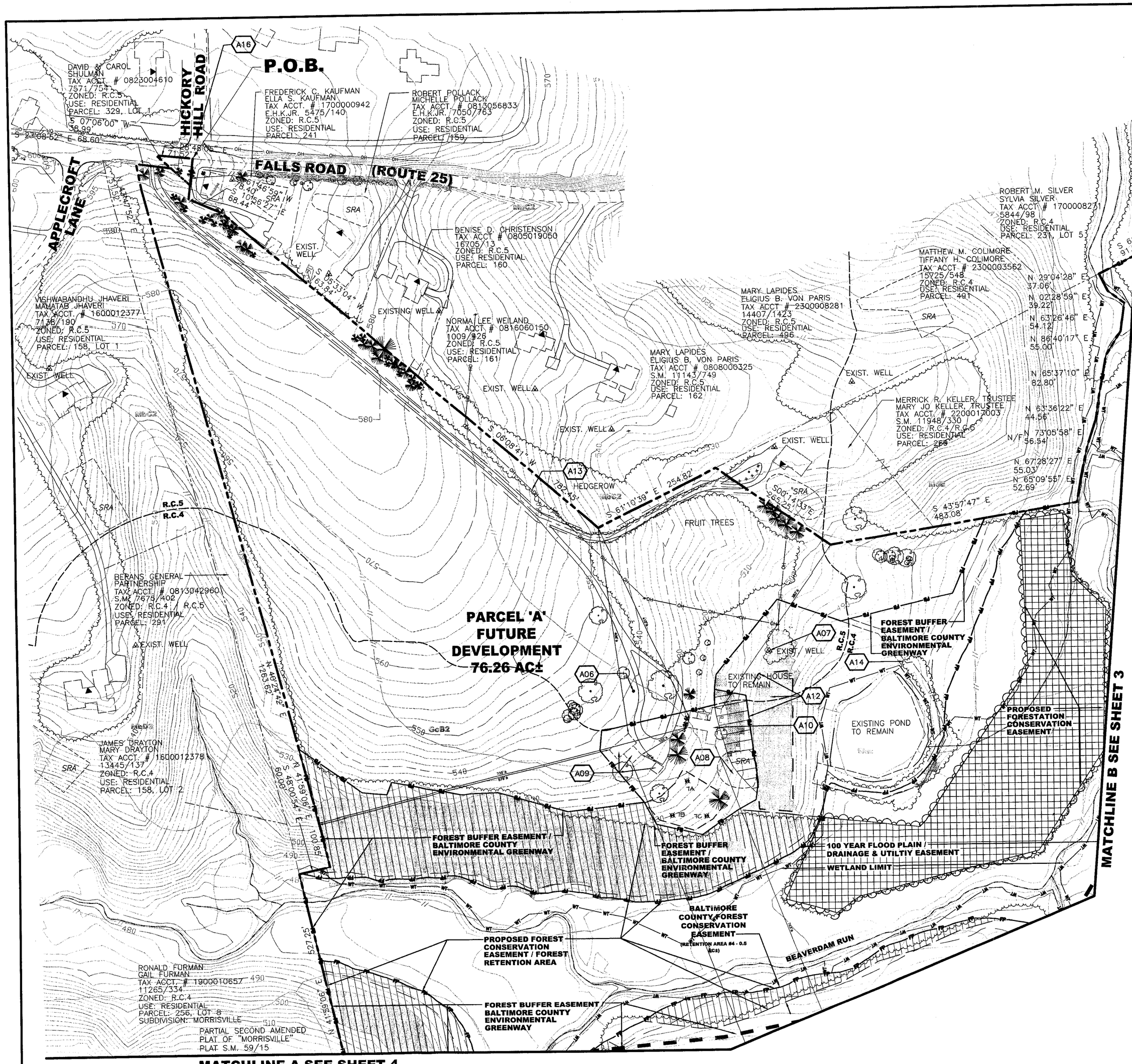
PLAN TO ACCOMPANY SPECIAL HEARING

BECKER PROPERTY
12170 FALLS ROAD
COCKEYSVILLE, MARYLAND 21030
8TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	14746
		SCALE:	AS SHOWN
		DATE:	08/22/06
		DRAWN BY:	KC/JB
		DESIGN BY:	KC/JH
		REVIEW BY:	JH
		SHEET:	1 OF 4

David #17

HDS-160-06



SITE LEGEND:

- EXISTING TREES / VEGETATION
- PROPOSED TREES / VEGETATION
- PROPERTY LINE
- RIGHT-OF-WAY
- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- LIMIT OF SOILS / SOIL TYPE
- EASEMENT
- BUILDING SETBACK LINE
- EXISTING STRUCTURE
- EXIST. WELL — EXISTING WELL LOCATION
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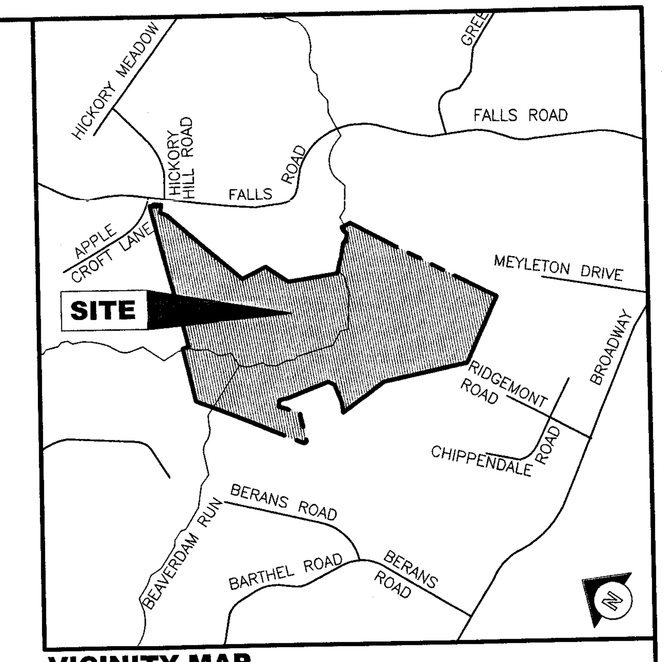
- SLOPES >25%
- PROPOSED FOREST CONSERVATION EASEMENT / FOREST RETENTION AREA
- PROPOSED FOREST CONSERVATION EASEMENT / REFORESTATION AREA
- PROPOSED LIGHT POLE

LOT SIZE

LOT NUMBER	TOTAL LOT ACREAGE	R.C.4. ACREAGE	R.C.5. ACREAGE
1	1.21 AC±	–	1.21 AC±
2	1.06 AC±	–	1.06 AC±
3	1.10 AC±	–	1.10 AC±
4 *	1.82 AC±	1.33 AC±	0.49 AC±
5 *	1.48 AC±	1.29 AC±	0.19 AC±
6 *	1.48 AC±	1.33 AC±	0.15 AC±
7 **	1.51 AC±	0.20 AC±	1.31 AC±
8	1.41 AC±	–	1.41 AC±
9 **	1.60 AC±	0.52 AC±	1.08 AC±
SUB-TOTAL	12.67 AC±	4.67 AC±	8.00 AC±
PARCEL 'A'	76.26 AC±	58.69 AC±	17.57 AC±
TOTAL	88.93 AC±	63.36 AC±	25.57 AC±

* MAJORITY OF LOT LIES WITHIN RC4 ZONE.
** MAJORITY OF LOT LIES WITHIN RC5 ZONE.

UNDERSIZED R.C. 4 AND R.C. 5 AREAS



VICINITY MAP

SCALE: 1"=1000'

CODED NOTES:

A: GENERAL

A01. R.C.4 PORTION OF LOT IS A NON-DENSITY PARCEL / NON-BUILDABLE AREA. NO WELL, SEPTIC SYSTEM OR ACCESSORY STRUCTURES WILL BE ALLOWED ON THE NON-BUILDABLE PORTION OF THE LOT WITHOUT A SPECIAL HEARING.

A02. R.C.5 PORTION OF LOT IS A NON-DENSITY PARCEL / NON-BUILDABLE AREA. NO WELL, SEPTIC SYSTEM OR ACCESSORY STRUCTURES WILL BE ALLOWED ON THE NON-BUILDABLE PORTION OF THE LOT WITHOUT A SPECIAL HEARING.

A03. PROPOSED 20' BALTIMORE COUNTY ACCESS EASEMENT. ACCESS EASEMENTS SHALL BE DEDICATED TO BALTIMORE COUNTY.

A04. LANDSCAPE SCREENING BETWEEN LOT 9 AND THE ADJACENT TRADER PROPERTY SHALL BE PROVIDED AS IDENTIFIED IN THE RESTRICTIONS OF SPECIAL HEARING CASE NO. 94-256SPH. SEE SHEET D-4 FOR SCHEMATIC LANDSCAPING.

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A07. EXISTING WELL SHALL REMAIN AS A PART OF PARCEL 'A'.

A08. EXISTING SEPTIC SYSTEM SHALL REMAIN AS A PART OF PARCEL 'A'.

A09. EXISTING STRUCTURES SHALL REMAIN AS A PART OF PARCEL 'A'. APPROXIMATE HEIGHT 12'±.

A10. EXISTING HOUSE SHALL REMAIN. APPROXIMATE HEIGHT 24'±.

A11. PROPOSED LIGHT POLE

A12. A LIVING FENCE SHALL BE PLANTED ALONG THE LIMITS OF THIS VARIANCE AREA, AS OUTLINED IN BECKER PROPERTY SUBDIVISION FOREST BUFFER VARIANCE (APPROVED 10-15-03).

A13. EXISTING PRIVATE BALTIMORE GAS AND ELECTRIC COMPANY RIGHT-OF-WAY; LIBER 5188, FOLIO 063.

A14. ACCESS TO POND FOR CONTINUOUS MAINTENANCE OF POND BERM AND ACCESS AS REQUIRED. THE ACCESS SHALL BE A MAXIMUM OF 10 FEET WIDE AND SHOULD BE MAINTAINED BY MOWING NO MORE THAN THREE TIMES A YEAR BETWEEN APRIL AND OCTOBER, AS OUTLINED IN BECKER PROPERTY SUBDIVISION FOREST BUFFER VARIANCE (APPROVED 10-15-03).

A15. BALTIMORE COUNTY ACCESS EASEMENTS FOR ALL STORMWATER MANAGEMENT LEVEL SPREADERS AND INFILTRATION (TYP.)

A16. DISTANCE TO THE NEAREST INTERSECTING PUBLIC STREET (HICKORY HILL ROAD) CENTERLINE IS SEVEN (7').

B: UTILITIES

B01. EXISITNG SIXTY SIX (66') FOOT BALTIMORE GAS AND ELECTRIC UTILITY EASEMENT.

B02. FIRE SUPPRESSION EASEMENT WITH 12,000 GALLON UNDERGROUND WATER TANK FOR FIRE SUPPRESSION.

S-2

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STATE OF MARYLAND — JAMES VINCENT HERMANN — No. 1044 — REGISTERED LANDSCAPE ARCHITECT — 8/22/06

PLAN TO ACCOMPANY SPECIAL HEARING

BECKER PROPERTY

12170 FALLS ROAD
COCKEYSVILLE, MARYLAND 21030

8TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	14746
		SCALE:	1"= 100'
		DATE:	08/22/06
		DRAWN BY:	KC/JB
		DESIGN BY:	KC/JH
		REVIEW BY:	JH
		SHEET:	2 OF 4

LOT SIZE

LOT NUMBER	TOTAL LOT ACREAGE	R.C.4. ACREAGE	R.C.5. ACREAGE
1	1.21 AC±	–	1.21 AC±
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** MAJORITY OF LOT LIES WITHIN RC5 ZONE.

UNDERSIZED R.C. 4 AND R.C. 5 AREAS

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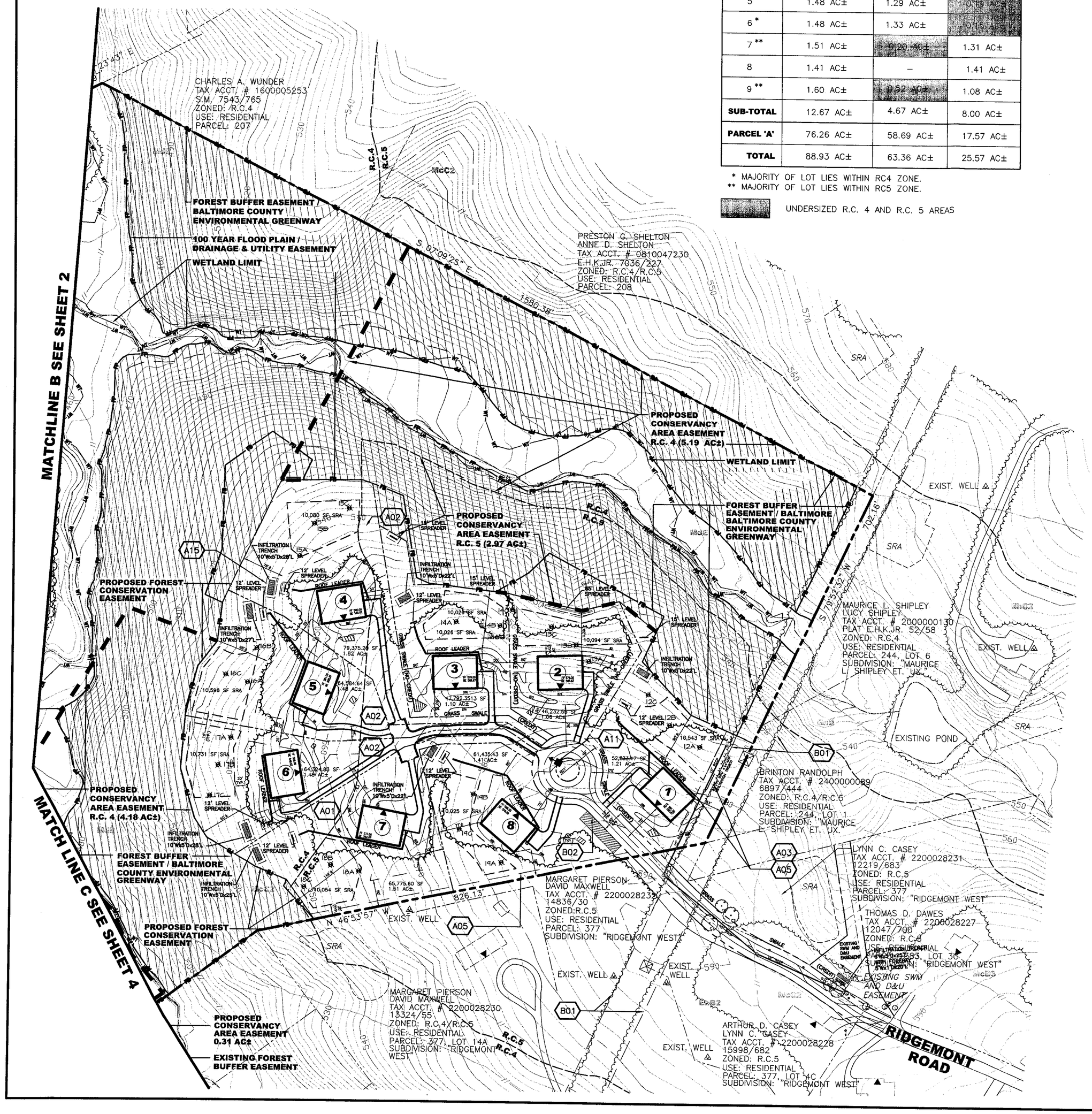

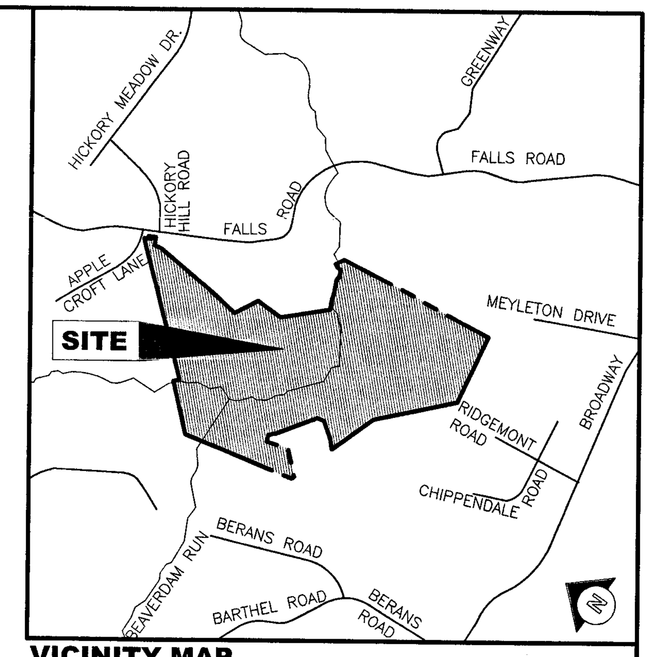

VICINITY MAP

SCALE: 1"=1000'

SITE LEGEND:

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- PROPERTY LINE
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S-3

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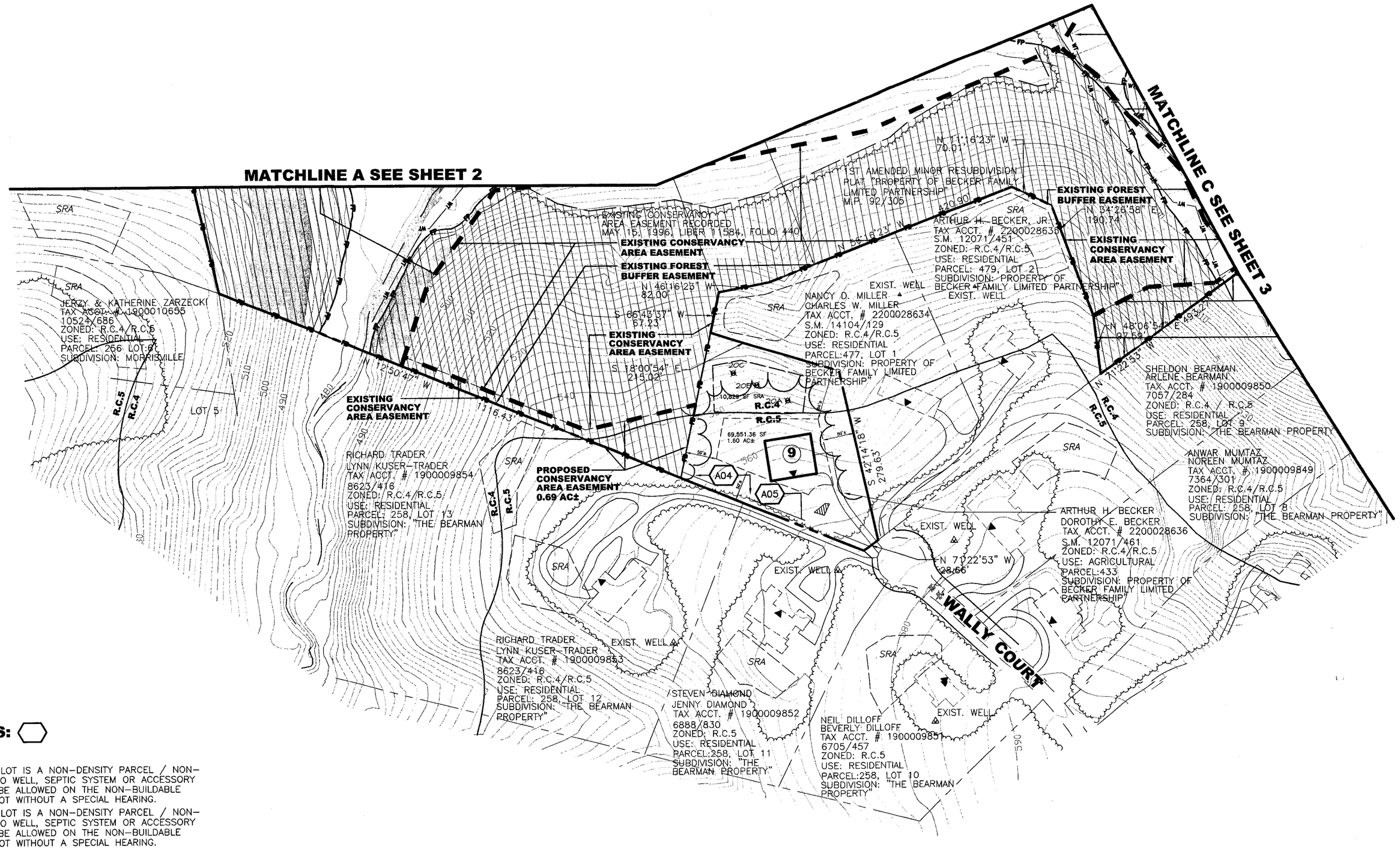

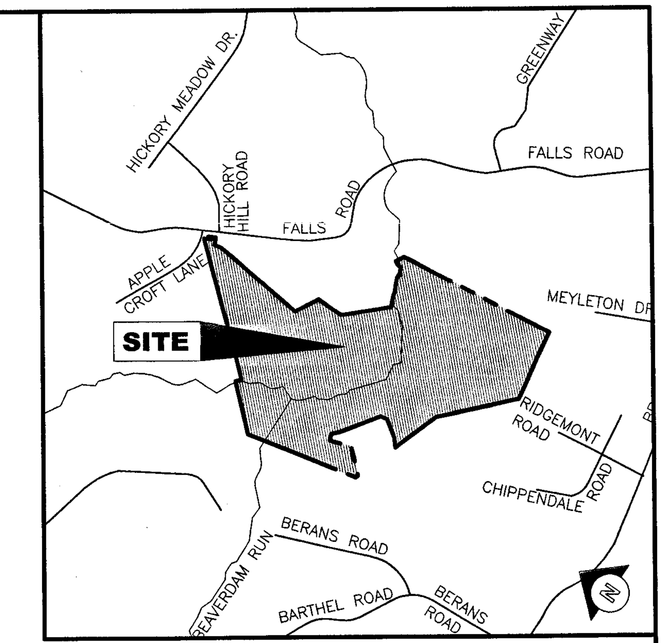

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LOT SIZE

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UNDERSIZED R.C. 4 AND R.C. 5 AREAS

SITE LEGEND:

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1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

STATE OF MARYLAND — JAMES VINCENT HERMANNY — REG. NO. 2044 — LANDSCAPE ARCHITECT — 8-25-06

PLAN TO ACCOMPANY SPECIAL HEARING

BECKER PROPERTY

12170 FALLS ROAD
COCKEYSVILLE, MARYLAND 21030
8TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	14746
		SCALE:	1"= 100'
		DATE:	08/22/06
		DRAWN BY:	KC/JB
		DESIGN BY:	KC/JH
		REVIEW BY:	JH
		SHEET:	4 OF 4