IN RE: DEVELOPMENT PLAN HEARING W/S Deer Park Road, at W end Of Winands Road 2nd Election District 4th Councilmanic District **(Deer Park Reserve)**	*	BEFORE THE HEARING OFFICER OF BALTIMORE COUNTY
Iron Horse Properties, LLC *Developer/Petitioner*	*	**Case Nos. II-705 and 07-114-SPH**

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HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as "Deer Park Reserve", prepared by D.S. Thaler & Associates, Inc. The Developer is proposing the development of the subject property into 40 dwellings on 12.55 +/- acres of land zoned BR, DR 3.5 and BL. The subject property is located on the west side of Deer Park Road, at the west end of Winands Road.

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

Petition for Special Hearing

Special Hearing to amend the Special Exception previously approved and the Plans and Orders previously approved in Case Nos. 76-241-X, 84-341-X and 92-240-X; and to remove property from the boundaries of the Special Exception. If necessary, Petition for Special Hearing to permit a zoning anomaly for lots divided by zone boundaries.

In regard to the Hearing Officer's Hearing, the property was posted with Notice of Hearing Officer's Hearing on November 8, 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 certificate that the Developer mailed notice of the date and time of the Hearing Officer's Hearing on November 21, 2006.

In regard to the request for Special Exception, the property was posted with Notice of the Zoning Hearing on November 20, 2006, for 15 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 certificate that the newspaper, the Jeffersonian, published notice of the zoning hearing on November 21, 2006.

As to the history of the project, a Concept Plan Conference was held on January 23, 2006. A Community Input Meeting was held on March 8, 2006 at Randallstown High School. A Development Plan Conference followed on November 15, 2006. A Hearing Officer's Hearing for this development was held on December 8, 2006.

Appearing at the hearing on behalf of the Development Plan approval request were James Joyce, Doug Eshelman, and Judd Maslack with Iron Horse Properties. Andrew Ferretti and Stacey McArthur with D.S. Thaler & Associates, Inc., prepared the site plan. G. Scott Barhight, Esquire, and Jennifer Busse, Esquire, represented the Petitioners. Michael Snyder, Jerry Wayne, Andrew Forbes and Katie DeMarco also appeared for the Petitioners.

Judith Heinekamp, Charles and Lucille Widerman, Carl and Elsa Magee, and Joe Magee appeared at the hearing as protestants/interested citizens.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Dennis Kennedy (Development Plans Review), William Miner (Bureau of Land Acquisition) and Colleen Kelly on behalf of Walt Smith (Development Management), Bruno Rudaitis (Zoning Review) all from the Office of Permits & Development Management; Dave Lykens from the Department of Environmental Protection and Resource Management (DEPRM); Donnell Zeigler from the Office of Planning; and Jan Cook from the Department of Recreation & Parks.

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 40,000 square feet or 26,000 square feet active and 14,000 square feet passive. He noted that the Developer is providing 36,353 square feet of active and passive open space and requested a waiver of the Department for the remaining 3,647 square feet of passive open space. The representative indicated that this waiver was granted by the Department as shown in County exhibit 2, the November 15, 2006 letter to the Developer from the Department.

The representative indicated that the Director has the authority to grant such waivers, that the property has a unique shape, and that the open space proposed is centrally located for the convenience of the new residents.

In response to questions he indicated the uses new residents can make of the open space, noted the State requires certain amount of open space per person, and the Homeowners Association will maintain the open space provided. He also opined parking would not be allowed in the circle, the waiver will allow several back yards to be larger, and that open space is meant for gatherings of residents. He doubted that the Homeowners Association would be able to afford a swimming pool in the circle, the active space is flat to allow active recreation and noted that storm water from the open space will be handled by the storm water management facilities.

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Mr. Magee expressed concern that providing for local open space is not a good idea as this allows super small lots which are not compatible with the ½ acre lots in the community, and if open space were eliminated, the new residents could have larger back yards. The representative indicated that the proposed open space met the current regulations.

Planning Office

The representative of the Office indicated that the development plan met the school impact analysis required by Bill 24-06 as shown by County exhibit 1. Upon questioning by Ms. Heinekamp the representative indicated that the low enrollments shown on the analysis reflect the change in school districts for elementary, middle and high schools which will be implemented next year. He acknowledged that Randallstown High School is presently overcrowded, but noted that children from this development will not go to Randallstown.

In addition the representative indicated that the plan met the performance standards of Section 260 of the BCZR in regard to design of homes and streets as shown in Developer's exhibit 2, the redline Pattern Book. Mr. Magee questioned whether or not there was a limitation on the size of homes in this development. The representative indicated that the Pattern Book and zoning regulations were the only limitations. Mr. Barhight clarified that the boxes shown on the redline development plan indicates the building setback line and not the footprint of the proposed houses.

Mr. Magee requested that a board on board fence be required between the existing homes along Deer Park Road and the proposed development to block the view of the new development. The Developer's engineer indicated that the County requires and the plan reflects Class A screening along the boundary. This does not include a fence. Ms. Heinekamp indicated that such a fence is not appropriate as it would divide neighbors who need to meld.

Mr. Magee then presented his ideas on how the property should be developed as shown in Community exhibit 2. His plan would have all new lots 100 x 200 feet which would be consistent with the ½ acre lots in the existing community. As such the number of lots would reduce from 40 to 16 while keeping the basic roadway arrangement. He further opined that no storm water management facilities were needed on the property as his home is the low spot in the area and he has never had any water problems. Finally he indicated that there is no need for local open space in the development as he has raised five children on his ½ acre lot without problems. Rather than have local open space as a gathering place, if the lots were sufficient size the families could use their own properties for recreation. He opines that his plan would increase property values and that lack of support of the Volunteers by the County is the cause of their financial difficulties. He lamented the urbanization of this part of the County, recalled the beauty of Randallstown of years ago, and chastised the County for not protecting the rural character of the neighborhood.

Bureau of Development Plans Review (Public Works)

The representative of the Department indicated that the redline development plan met the regulations for which the Department was responsible. In addition he indicated that the Director recommended approval of three waivers of Public Works standards. The first is allow the new proposed public road to have 30 feet of paving on a 40 foot right of way instead of 30 feet of paving on the customary 50 feet of right of way. He noted that this allows more efficient use of this land, that there would still be sidewalks provided, and a 5 foot grass strip between sidewalk and roadway. Essentially the roadway would look the same as any other. The County would give up 5 feet of right of way on the other side of the sidewalk which can be used for maintenance of the sidewalk.

The second request for waiver is to allow no curb gutter and sidewalk on Deer Park Road in front of lot 40 and storm water management facility B. The reason for this is that there are no sidewalks, curb or gutter along this portion of Deer Park Road.

Finally the Developer requests no improvements to the frontage of parcel A on Liberty Road. He noted that the County supports but does not have jurisdiction to waive standards for the short distance parcel A fronts onto State Road 26, Liberty Road. He noted that only the State has jurisdiction but from their ZAC comments the State seems to be satisfied with the present entrance.

Department of Environmental Protection and Resource Management

The representative of the Department indicated that the development plan met the regulations for which the Department was responsible. He noted that the property will be served by public water and sewer, there are no streams or wetlands on the property and that the Petitioner will purchase credits for planting forest elsewhere. Mr. Magee questioned whether the storm water management ponds would be used to breed mosquitoes. The representative indicated that the storm water management facilities are not permanent water filled ponds but rather temporarily hold runoff until it can be directed into a suitable outfall.

Zoning Review

The representative of the Office indicated that the Plan met the regulations for which the Office is responsible provided the relief requested in the Special Hearing is granted.

Mr. J. Magee questioned how the Zoning Office could approve a plan which does not comply with the 1947 plat for the area created by the Hearnwood Corporation and accepted as Community exhibit 1. See discussion below.

State Highway Administration

While there was no representative of the SHA at the hearing the ZAC comments from the SHA were entered into the record regarding improvements along Liberty Road.

Community Concerns

Mr. J. Magee and Mr. C. Magee questioned how the Zoning Office could approve a plan which does not comply with the 1947 plat for the area created by the Hearnwood Corporation and accepted as Community exhibit 1. (Note: the exhibit was accepted without the notes and drawings which Mr. Magee indicated he added) He noted that all the lots on this plat were ½ acre in size, that these lots had been developed into a stable community, one lot of which he was an owner, that the proposed density based on DR 3.5 was not compatible with the existing subdivision, and the development plan should not be approved. He indicated that there was no justification for DR 3.5 zoning on the subject property when the properties along Lyons Mill Road were DR 2. He noted that the zoning on the subject subdivision had been RA, then R-10 and then DR 3.5. As a result if the development plan were approved, he opined there would be a development within the community with three times the density of the existing community. In addition he indicated that he was never informed about the change in zoning on the subject property.

Mr. Magee also indicated that this development plan violates the restrictions placed in the Fireman's deed. In particular restriction 5 specifies what is to be done if the Fire Company sells the subject property.

Applicable Law

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

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

(1) The Hearing Officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed Development Plan,

including testimony or evidence regarding any potential impact of any approved development upon the proposed plan.

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

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

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

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

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

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

(a) *Final decision.*

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

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

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

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

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

1. The Development Plan is deemed approved; and

2. The appeal period began on the fifteenth day after the conclusion of the final hearing.

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

(c) *Conditions imposed by Hearing Officer.*

(1) This subsection does not apply to a Development Plan for a Planned Unit Development.

(2) In approving a Development Plan, the Hearing Officer may impose any conditions if a condition:

(i) Protects the surrounding and neighboring properties;

(ii) Is based upon a comment that was raised or a condition that was proposed or requested by a participant;

(iii) Is necessary to alleviate an adverse impact on the health, safety, or welfare of the community that would be present without the condition; and

(iv) Does not reduce by more than 20 %:

1. The number of dwelling units proposed by a residential Development Plan in a *DR 5.5., DR 10.5,* or *DR 16 zone*; or

2. The square footage proposed by a non-residential Development Plan.

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

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

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

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

Overview

The Development Plan case involves the sale of 12.5 acres of property owned by the Liberty Road Volunteer Fire Company to the Developer who proposes to construct 40 new homes on this portion of the property. The Special Hearing case involves reducing the acreage of the special exception in which the Volunteer Company operates its fire station to 1.64 acres. Together the Fire Company presently owns 14.14 acres.

Special Hearing

In regard to the request for special hearing the developer proposes to reduce the physical size of the special exception previously granted to include only the area immediately around the Fire Company buildings. Said another way the Petitioners request the carnival field which is the subject the development plan to be removed from the special exception area for the Fire Company.

ORDER RECEIVED FOR FILING
Date 12-18-06
By BB

Jerry Wayne, President of the Liberty Road Volunteer Fire Company, testified that the Fire Company started in 1947, that the station handles 1000 fire and 1400 EMS calls each year and has between 5 to 30 persons on site at any time. One of his responsibilities is to oversee the administration of the company including fund raising. He noted that the Fire Company must raise significant money in the community which together with County support allow the Company to perform its mission. For example one new fire truck costs $450,000.

Toward this end he explained that the Company began renting parts of its building to a Christian school in June 2006. He noted that they had had a large carnival each year since 1976 which was conducted on the "carnival field". However because of increased time required of members for training, approximately five years ago the Company concluded that the carnival was no longer an efficient way to raise money because it took too many man hours for too little return. In addition the carnival faces increasing competition from theme parks and the like. Support from the community began to be wain.

He indicated that the 12 acres involved in the development plan was no longer needed and if sold to the Developer, would produce enough revenue to keep the Company going. Upon questioning he denied that the Company intended to discontinue its mission at this location, and noted that the County has a formula for financial assistance which is County wide and so exceptions which would result in increased aide from the County are rare.

Mr. Thaler indicated that the question for the special hearing is whether or not the Company can operate as a Volunteer Fire Company on 1.64 acres. He noted the existing special exception covered the whole property, that the 12 acre carnival field is no longer necessary for the Company to perform its mission, and so the Petitioner asks the area of the special exception be reduced to allow the sale of the field as indicated in the Development plan case.

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He opined that reducing the acreage used by the Company to 1.64 acres will not violate the criteria of Section 502.1 of the BCZR, would be within the spirit and intent of the regulations and would not adversely affect the community.

He also indicated that the Zoning Office requested that a second area of relief be considered at the hearing to allow a zoning anomaly for lots divided by zone boundaries. The property is zoned BR, BL, DR 3.5 and RC5. He opined that no special hearing was necessary because of the inclusive nature of the BR and BL regulations. As above, that part of the property zoned BR takes its residential use regulations from BM which similarly takes its residential use regulations from BL which specifies that residential uses are as permitted and limited in adjacent residential zones which happens to be DR 3.5. Therefore in this case, the BR and BL portions of the property are controlled by the DR 3.5 use regulations as are the remaining DR 3.5 portions.

In addition the height and area regulations for residences in business zones are governed by the predominant residential zone which immediately adjoins the property which in this case is DR 3.5. Therefore there is no anomaly. All is controlled by DR 3.5.

Development Plan

The Developer presented the Development Plan through its engineer, David Thaler. He was accepted as an expert witness with expertise in planning and zoning in the County. He presented the redline/greenline development plan as Developer's exhibit 1 and the redline Pattern Book as Developer's exhibit 2.

He described the property which is the subject of the Development Plan Hearing as the "carnival field" which had been used in years past to host the Volunteer Fire Company's annual carnival fund raiser. The subject property (carnival field only) contains 12.5 acres and is

primarily zoned BR and DR 3.5. There is a small portion zoned BL and miniscule portion zoned RC 5. The field is vacant.

He indicated that 8.8 acres of the property is zoned BR. He noted that in addition to many business uses this zone allows residential development by right. Requirements for residential development in BR zones is controlled by Section 236.1 of the BCZR which refers to uses permitted in the BM zone. Uses in a BM zone are controlled by Section 233.1 which in turn refers to uses in BL zones. Uses in BL zones are specified in Section 230.1 which in regard to residential development specifies "uses permitted and as limited in the residential zone immediately adjoining". The zoning map indicates that the residential zone immediately adjoining is DR 3.5. Consequently the 8.8 acres of BR allows 30 dwelling units and 3.56 acres of DR 3.5 allows 12 dwelling units. Together these areas allow 42 dwelling units. 40 dwelling units are proposed.

Mr. Thaler indicated that the area surrounding the site is residential to the north and west and commercial including a large business (Charlie's Campers) selling campers to the south. The building containing the Fire Company is to the east as well as a large County water tower. There is a not too successful shopping center across Deer Park Road. See the aerial photograph of the area, Developer's exhibit 3. He noted that the photograph shows a number of campers parked on the subject property.

In regard to the status of the development plan, he noted that the black line plan is the plan originally submitted to the County. The redline changes were made reflecting the comments received from the County at the DPC. Included in these changes is removal of a forestation on the property which allowed 5 lots to grow in size. The green line changes reflect review by the County at the Hearing Officer's Hearing.

The site is served by three storm water management facilities which are needed as there are three different drainage areas on site. These facilities are not wet ponds but rather fill up and discharge shortly after a rain storm. Because the property is in the Gynns Falls Drainage Area the SWM facilities must be large enough to handle a 100 year storm. In addition there are water quality filters to remove sediments and pollutants from the water.

In regard to waivers from Public Works standards, he noted that the SHA has approved the request not to widen or improved Liberty Road along the small frontage this property has on this State Road. This is in keeping with the other properties along the north side of Liberty Road.

In regard to improvements to Deer Park Road, he noted that there are no improvements along the south side of this Road and if this Developer must make improvements to widen the road and install sidewalks, the roadway would have isolated wide spots which he opined could pose safety hazards as the roadway would suddenly narrow in places for drivers on Deer Park Road.

He noted that the Developer's request to provide 30 feet of paving on a 40 foot right of way instead of the customary 50 feet, will allow the rear yards of many homes to be larger. Finally he opined that the redline/greenline development plan met all applicable County regulations including local open space.

Upon questioning Mr. Thaler indicated that the new homes would have full basements, there would be no traffic light at the entrance on Deer Park Road, and the Developer does not want to erect a fence between the proposed development and the neighbors along Deer Park Road because there should be no barriers between neighbors. He described the steps leading toward construction of the homes which he estimated would begin in 2008.

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In regard to questions about the storm water facilities he indicated that his client would like to avoid the cost of installing such system, however the regulations require them and he personally believed they were necessary to protect downstream properties. At this point Ms. Heinekamp indicated her support for storm water management facilities citing her experience with water from the Fireman's Field coming into her basement after heavy rains.

Mr. Magee requested a double row of evergreen trees be planted along storm water facility "A" so as to screen his property from the new development. Mr. Thaler indicated that his client would be happy to accommodate this request but doubted that DEPRM would permit such plantings. As such the trees might have to be planted on the adjacent Twelve Trees property and or Mr. Magee's property.

In this regard the representative from DEPRM who previously left the hearing with the agreement of the parties was asked if such plantings would be allowed. As can be seen by the e-mail dated December 12, 2006 in the file, the representative indicated that the Department's policy is to limit plantings near embankments such as is being proposed. He indicated that there is not much room for such plantings, perhaps 5 to 10 feet.

Findings of Fact and Conclusions of Law

Special Hearing

In regard to the zoning anomaly issue I agree with Mr. Thaler that because of the inclusive nature of the regulations when residences are developed in business zones, there is no zoning anomaly. BR goes to BM goes to BL and in this case goes to DR 3.5. Everything is controlled by the same regulations, DR 3.5. I suppose one could worry about the 0.003 acre portion of lot 20 where there are RC 5 and DR 3.5 portions of the lot. I find that this anomaly

will not adversely affect the community and is within the spirit and intent of the regulations. Therefore I will grant the special hearing request to approve this anomaly.

Development Plan

I can understand Mr. Magee's concern that the subject property is proposed to be developed at a higher density than the surrounding neighborhood has been developed. He noted that the zoning on the subject property was changed in 1970 from R-10 to DR 3.5. He indicated that this makes the proposed development of the subject property incompatible with the existing homes which have ½ acre lots.

I note that Mr. Magee's property is zoned DR 3.5. He presented a reasonable plan for the subject property to be developed as if it were zoned DR 2. I commend his efforts in drafting the alternative plan but I am bound by the regulations which apply to the property. These clearly are that the carnival field can be developed according to DR 3.5 regulations. The Developer can certainly develop less intensively but has chosen to do otherwise as is his right. I have no regulation which requires anything else.

As I explained at the hearing, the County reviews zoning for each property every four years during which time any person can request to upzone or downzone a property. According to Mr. Magee DR 3.5 zoning was applied to this property for the past thirty years during which time he could have petitioned the County Council to change the zoning on the subject property to DR 2. I can understand that he would not have suspected that the Volunteer Fire Company would ever want to develop the carnival lot and so may not have requested a downzoning. I can also understand his frustration that he was not notified of the proposed zoning change in 1970. Such notice was not required then as it is now.

Mr. Magee also indicated that this development plan violates the restrictions placed in the Fireman's deed. In particular restriction 5 specifies what is to be done if the Fire Company sells the subject property. As mentioned at the hearing, only the Circuit Court has the authority to interpret and enforce restrictions in deeds. Whether Mr. Magee has standing to bring suit on this basis is likely to be the first question asked by the Court.

He also requested that a board on board fence be required between the existing homes along Deer Park Road and the proposed development to block the view of the new development. While I respect his request, I find that Ms. Heinekamp has the right approach. She indicated that such a fence is not appropriate as it would divide neighbors who need to meld.

In regard to the requests for waiver of Public Works Standards for roads, I will grant the requests as I find the requests meet the criteria of Section 32-4-107 of the BCC. Specifically I find the Director of Public Works recommends the waiver, and in addition the size, scope, and nature of a proposed development does not justify strict compliance with the regulations. I further find the waiver would be within the scope, purpose, and intent of the regulations and all other county laws and regulations have been complied with.

Specifically I will grant the request to allow the new proposed public road to have 30 feet of paving on a 40 foot right of way instead of 30 feet of paving on the customary 50 feet of right of way. I understand this allows more efficient use of this land, that lots can have larger back yards, that sidewalks will be provided, as well as a 5 foot grass strip between sidewalk and roadway. The County does not object to giving up 5 feet of right of way which can be used for maintenance of the sidewalk. The second request for waiver is to allow no curb gutter and sidewalk on Deer Park Road in front of lot 40 and storm water management facility B. There are no sidewalks, curb or gutter along this portion of Deer Park Road and so improvement of these

small strips of land unnecessary. I accept Mr. Thaler's assertion that having the roadway vary drastically in width and improvement over very short lengths could lead to safety problems for motorists on the road.

Finally the Developer requests no improvements to the frontage of parcel A on Liberty Road. I agree I do not have jurisdiction to waive standards for the SHA which has agreed to limit improvement of Liberty Road as indicated in the SHA comment.

In regard to waiver of local open space, Mr. Barhight indicated in his December 13, 2006 letter that there is no issue to address in this regard as the Department of Recreation and Parks granted the requested waiver. However a local open space issue has recently been reviewed by the Board of Appeals in the Seton Hills case, case no. CBA 06-040. In this case the Board found, among other holdings, that the Hearing Officer must consider the application of Bill 110-99, the Adequate Public Facilities Act, now Section 32-6-108.

The Developer is providing all active local open space and 91 % of passive open space. The representative indicated that a waiver was granted by the Department as shown in County exhibit 2, the November 15, 2006 letter to the Developer from the Department. I think it is clear that the Department has the authority to grant waivers of passive local open space for developments less than 20 dwellings if the Department determines that there is no suitable land to meet the requirements. This is clear from Section 32-6-108 © 3 (ii) and Local Open Space Manual paragraph H 1 c.

I find these provisions similar to those in which DEPRM can grant waivers to environmental requirements such as alternatives analysis and forest buffer waivers. As indicated in several other development cases, the Hearing Officer may not retry the Department's decision

to grant such waivers nor is the Hearing Officer in appellate position in regard to these waivers. Persons unhappy with the waiver may take an appeal to the Board of Appeals.

However I must find that the plan meets the regulations. Protestants can present testimony and evidence that convince me that although the Department approves the plan with its waivers, the plan does not in fact meet the regulations. The Hearing Officer's review is independent of the Department's recommendations with or without waivers. Otherwise there would be no essential change from the 1992 CRG development plan review process by the County agencies.

Having said that I must determine if the local open space regulations are met. I note that all of the active open space and most of the passive open space is provided in the circular island around which many homes are located. This is centrally located for use by the development residents. I have no evidence that the purposes of the local open space regulations would be compromised by not providing 3,647 sq. ft of passive open space. I have observed some developers attempt to find every nook and cranny of the property to satisfy the passive portion of the regulations. Surely in another circumstance the rear yards of lots 20 and 21 would have been proposed for picnic tables. This Developer has not taken this approach. Thank you. Clearly there would be no practical use of the area behind lots 20 and 21 by the residents of the development. In contrast this Developer presents useful contiguous open space which will serve the residents of the development.

I also note that the active open space is mathematically correct at 26,000 square feet. However the regulations allow the remaining open space to be passive or active or a combination. I suggest (and do not require) that the Developer consider the whole circle as active open space. Said another way, I am not sure picnic tables in the circle are really the best

use of the space. In conclusion I find the development plan meets the local open space regulations with the waiver granted the Department of Recreation and Parks.

Mr. Magee requested a double row of evergreen trees be planted along storm water facility "A" so as to screen his property from the new development. Mr. Thaler indicated that his client would be happy to accommodate this request but doubted that DEPRM would permit such plantings. As such the trees might have to be planted on the adjacent Twelve Trees property and or Mr. Magee's property.

In this regard the representative from DEPRM, who previously left the hearing with the agreement of the parties, was asked if such plantings would be allowed. As can be seen by the e-mail dated December 12, 2006 in the file, the representative indicated that the Department's policy is to limit plantings near embankments such as is being proposed. He indicated that there is not much room for such plantings, perhaps 5 to 10 feet.

I cannot be sure from the DEPRM e-mail that there is sufficient room on site to provide the needed screening and so will refer the matter to the County Landscape Architect and DEPRM to determine what reasonable evergreen screening can be provided on site and off site if other property owner agree. The above agencies will determine what is reasonable under the circumstances and I do not retain jurisdiction of this matter if there is a dispute in this regard. The agencies decision on this matter is final and may be taken on appeal to the Board of Appeals.

Considering all the testimony and evidence, I find that the Redline Development Plan entered into evidence as Developer's Exhibit 1 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 19th day of December, 2006, that the Petitioner's request for Special Hearing to amend the Special Exception previously approved and the Plans and Orders previously approved in Case Nos. 76-241-X, 84-341-X and 92-240-X; and to remove property from the boundaries of the Special Exception as shown in Petitioner's exhibit 4, be and are hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's request to approve a zoning anomaly for lot 20 which is divided by RC 5 and BR zone boundaries is GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's request to approve zoning anomalies for lots divided by BR, BL and DR 3.5 zone boundaries are DENIED as unnecessary; and

IT IS FURTHER ORDERED that the Redline/Greenline Development Plan known as "Deer Park Reserve", submitted into evidence as "Developer's Exhibit No. 1", be and it is hereby APPROVED subject to the following:

1. The Developer shall provide such evergreen screening along the north and west boundaries of the subject property to reasonably screen the properties at 4208, 4210 and 4212 Deer Park Road from the subject development to the satisfaction of the Baltimore County Landscape Architect and Department of Environmental Protection and Resource Management either on the subject property or on other nearby property as other property owners shall agree.

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

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 600 feet from intersection of Deer Park and Liberty Roads

which is presently zoned DR 3.5, BR, BL and RC 5

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

please see attached

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

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

Contract Purchaser/Lessee:

Iron Horse Properties, LLC
Name - Type or Print By: Douglas F. Eshelman, Member

Signature

603 St. Francis Road 410-804-7799
Address Telephone No.

Baltimore, Maryland 21286
City State Zip Code

Attorney For Petitioner:

Jennifer R. Busse, Esq.
Name - Type or Print

Signature

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

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

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Liberty Road Volunteer Fire Co.
Name - Type or Print By: Jerry A. Wayne, President

Signature

Name - Type or Print

Signature

10010 LIBERTY RD. 410 887-0651
Address Telephone No.

RANDALLSTOWN MD. 21133
State Zip Code

Representative to be Contacted:

Jennifer R. Busse, Esq.
Name

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

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 9/13/06

Case No. 07-114-SPH

REV 9/15/98

12-19-06

B3

AMENDED

Attachment to Petition for Special Hearing
Deer Park Reserve

Petition for Special Hearing to amend the Special Exception previously approved and the Plans and Orders previously approved in Case Nos. 76-241-X, 84-341-X and 92-240-X; and to remove property from the boundaries of the Special Exception.

If necessary, Petition for Special Hearing to permit a zoning anomaly for lots divided by zone boundaries.

364960

07-114-SPH
Supplemental
Filing

July 2006

DEER PARK RESERVE

(For Zoning Purposes Only)

Beginning for the same at a point located along the North side of Liberty Road (State Highway Route 26) located approximately 625 feet, more or less, from the intersection of Sheraton Road, thence running the following courses and distances:

1. North 56°31'00" West 79.63 feet; thence,
2. Northeasterly 23.30 feet by a curve to the left having a radius of 15.00 feet and a chord bearing North 77°33'50" East 21.03 feet; thence,
3. South 33°38'05" West 185.10 feet; thence,
4. North 56°32'31" West 75.24 feet; thence,
5. North 62°35'04" West 166.29 feet, thence,
6. North 31°07'04" West 637.47 feet; thence,
7. North 31°07'04" East 142.47 feet; thence,
8. North 58°48'00" East 433.99 feet; thence,
9. North 69°42'59" East 116.86 feet; thence,
10. South 09°57'31" East 125.00 feet; thence,
11. North 79°40'21" East 200.00 feet, thence,
12. South 10°13'55" East 71.78 feet; thence,
13. South 17°25'55" East 30.18 feet; thence,
14. South 72°59'48" West 199.06 feet; thence,
15. South 17°20'41" East 500.00 feet, thence,
16. North 72°38'27" East 199.82 feet; thence,
17. South 17°25'55" East 99.63 feet; thence,

07-114-SP(1 Supplemental FILING

18. South 72°34'22" West 148.92 feet; thence,

19. South 17°18'58" East 99.90 feet; thence,

20. North 72°34'09" East 149.12 feet; thence,

21. South 17°25'55" East 239.33 feet; thence,

22. South 25°35'59" East 72.74 feet; thence,

23. South 65°55'11" West 180.22 feet; thence,

24. North 56°27'13" West 256.34 feet; thence,

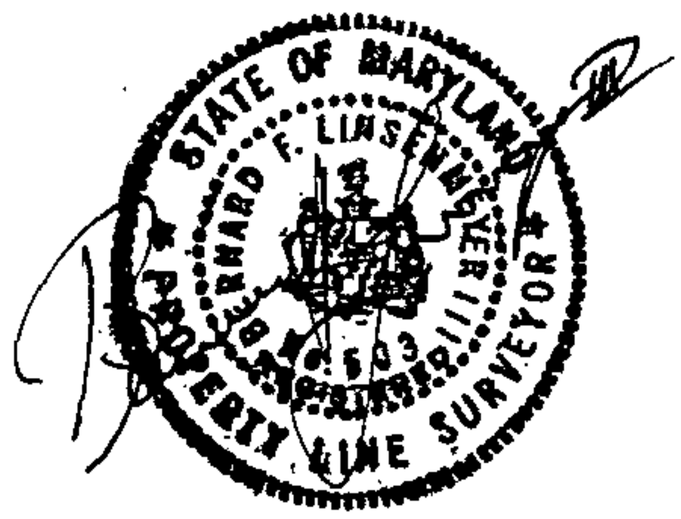
25. South 33°38'05" West 185.02 feet; thence,

26. Southeasterly 23.69 feet by a curve to the right having a radius of 15.00 feet and a chord bearing South 11°16'07" East 21.31 feet to the point of beginning.

Containing 12.2 acres of land, more or less.

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

T:\Deer Park Reserve\Corresp\Planning\Zoning_Boundary_07.19.06.doc



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: # 07-114-SPH
800 ft. from intersection of Deer Park and Liberty Road
N/side of Liberty Road, 800 feet northwest of centerline of Deer Park Road
4th Election District — 2nd Councilmanic District
Legal Owner(s): Liberty Road Volunteer Fire Company
Contract Purchaser: Iron Horse Properties, LLC

Special Hearing: to amend the Special Exception previously approved and the Plans and Orders previously approved in Case Nos. 76-241-X, 84-341-X and 92-240-X and to remove property from the boundaries of the Special Exception. If necessary, Petition for Special Hearing to permit a zoning anomaly for lots divided by zone boundaries.

Hearing: Friday, December 8, 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 11/693 Nov. 21 116747

CERTIFICATE OF PUBLICATION

11/22/, 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 11/21/, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

07-114-SPH

August 2006

LIBERTY ROAD VOLUNTEER FIRE CO.

(For Zoning Purposes Only)

Beginning for the first at a point located along the North side of Liberty Road (State Highway Route 26) located approximately 216 feet, more or less, from the intersection of Sheraton Road, thence running the following courses and distances:

1. North 56°31'04" West 197.37 feet; thence,
2. North 33°43'14" East 199.95 feet; thence,
3. South 56°27'13" East 78.31 feet; thence,
4. North 65°55'11" East 180.22 feet, thence,
5. South 25°35'59" East 110.20 feet; thence,
6. South 47°21'43" West 304.23 feet to the Point of Beginning.

Containing 1.42 acres of land, more or less.

Beginning for the second at the end of the third line of the above firstly described parcel of land, thence running the following courses and distances:

1. North 56°27'13" West 78.31 feet; thence,
2. North 33°43'14" East 8.55 feet; thence,
3. South 56°53'56" East 84.12 feet; thence,
4. South 65°55'11" West 10.89 feet to the Point of Beginning.

Containing 0.02 acres of land, more or less.

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

T:\Deer Park Reserve\Corresp\Planning\zoning deer park fire co.doc

#114

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 9691

DATE 9/12/06 ACCOUNT R-001-006-6150

AMOUNT $ 325.00

RECEIVED FROM: United Taylor

FOR: Sign Posting

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Fee 9/14

PAID RECEIPT
BUSINESS ACTION CODE
9/15/2006 9/13/2006 14:17:39 4
REG WORK WALK-THRU WORK PASS
RECEIPT # 515944 9/13/2006 OFTH
Dept 5 SIGN POSTING VERIFICATION
BK NO: DM9671
Recpt Tot 325.00
325.00 CK 0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-114-SPH

Petitioner/Developer: IRON HORSE PROPERTIES

Date of Hearing/Closing: DEC 8, 2006

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

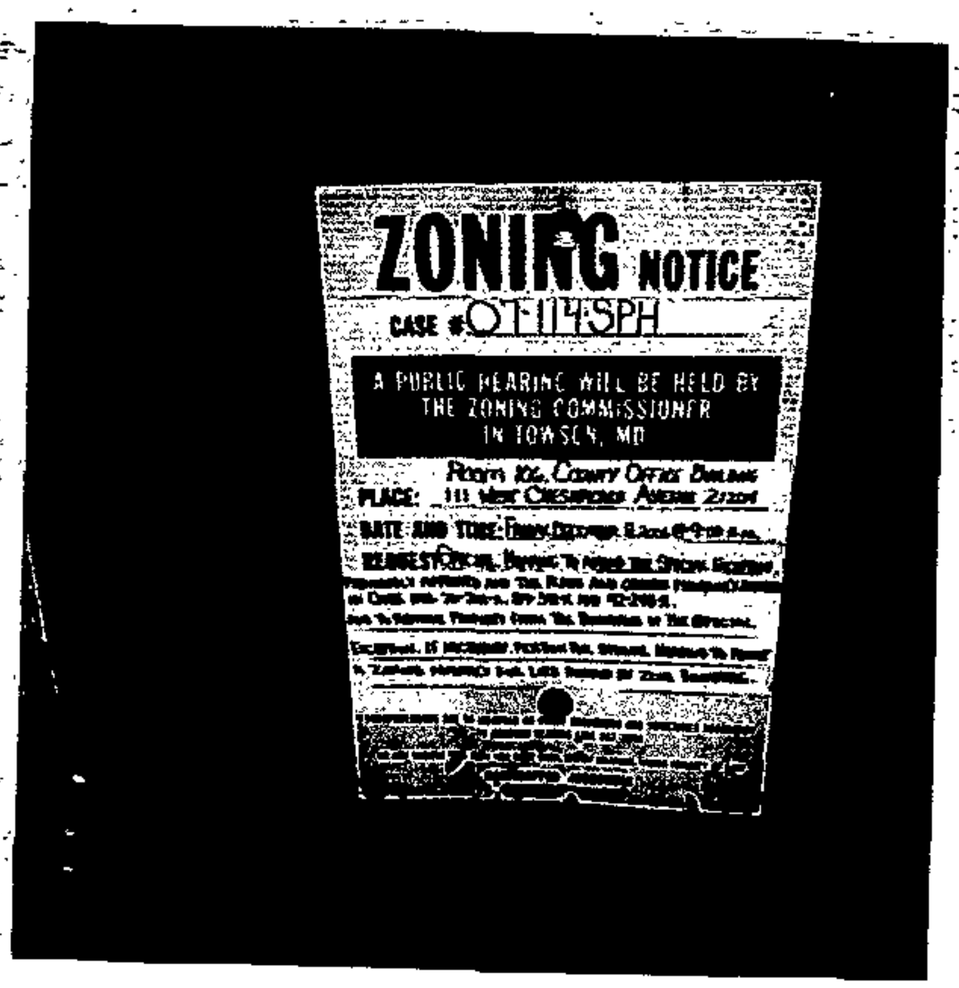
ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 2 SIGNS POSTED, 800 FT. FROM INTERSECTION OF DEER PARK AND LIBERTY RD. N/SIDE OF LIBERTY RD. 800 FT. N/W WEST OF CENTERLINE OF DEER PARK RD.

The sign(s) were posted on 11-20-06
(Month, Day, Year)

Sincerely,



Robert Black 11-21-06
(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)

[redacted]

[redacted]

[redacted]

AMENDED ATTACHMENT

TO PETITION FOR SPECIAL HEARING

AND SUPPLEMENTAL PLAT

07-114-SPH

AGENDA – 11/20/06

APPLICANT REQUESTS A COMBINED HEARING WITH THE HOH. PLEASE SCHEDULE TO COMPLY WITH THEIR REQUEST.

#114

RE:	PETITION FOR SPECIAL HEARING 800' intersection Deer Park & Liberty Roads 4th Election & 2nd Councilmanic Districts Legal Owner(s): Liberty Road Volunteer Fire Contract Purchaser(s): Iron Horse Properties Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-114-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 18th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to, Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
SEP 18 2006
Per.....

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

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

November 14, 2006

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-114-SPH
800 ft. from intersection of Deer Park and Liberty Road
N/side of Liberty Road, 800 feet northwest of centerline of Deer Park Road
4th Election District – 2nd Councilmanic District
Legal Owners: Liberty Road Volunteer Fire Company
Contract Purchaser: Iron Horse Properties, LLC

Special Hearing to amend the Special Exception previously approved and the Plans and Orders previously approved in Case Nos. 76-241-X, 84-341-X and 92-240-X and to remove property from the boundaries of the Special Exception. If necessary, Petition for Special Hearing to permit a zoning anomaly for lots divided by zone boundaries.

Hearing: Friday, December 8, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jennifer Busse, 210 W. Pennsylvania Avenue, Towson 21204
Liberty Road Volunteer Fire Co., 10010 Liberty Road, Randallstown 21133
Doug Eshelman, 603 St. Francis Road, Baltimore 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 23, 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.

3

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 21, 2006 Issue - Jeffersonian

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

410-832-2077

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-114-SPH
800 ft. from intersection of Deer Park and Liberty Road
N/side of Liberty Road, 800 feet northwest of centerline of Deer Park Road
4th Election District – 2nd Councilmanic District
Legal Owners: Liberty Road Volunteer Fire Company
Contract Purchaser: Iron Horse Properties, LLC

Special Hearing to amend the Special Exception previously approved and the Plans and Orders previously approved in Case Nos. 76-241-X, 84-341-X and 92-240-X and to remove property from the boundaries of the Special Exception. If necessary, Petition for Special Hearing to permit a zoning anomaly for lots divided by zone boundaries.

Hearing: Friday, December 8, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Department of Permits & Development Management

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

Baltimore County

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

October 10, 2006

NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-114-SPH
800 ft. from intersection of Deer Park and Liberty Road
N/side of Liberty Road, 800 feet northwest of centerline of Deer Park Road
4th Election District – 2nd Councilmanic District
Legal Owners: Liberty Road Volunteer Fire Company
Contract Purchaser: Iron Horse Properties, LLC

Special Hearing to amend the Special Exception previously approved and the Plans and Orders previously approved in Case Nos. 76-241-X, 84-341-X and 92-240-X and to remove property from the boundaries of the Special Exception.

Hearing: Friday, December 8, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jennifer Busse, 210 W. Pennsylvania Avenue, Towson 21204
Liberty Road Volunteer Fire Co., 10010 Liberty Road, Randallstown 21133
Doug Eshelman, 603 St. Francis Road, Baltimore 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 23, 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.

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 07-114

Petitioner Iron Horse Properties, LLC

Address or Location ~~800' N intersection Deer Park & Liberty Road~~ 10010 Liberty Road

PLEASE FORWARD ADVERTISING BILL TO

Name: Jenn Busse, esq.

Address c/o Whiteford Taylor & Preston
210 W. Pennsylvania Ave.
Suite 400, Towson MD 21204

Telephone Number 410 832 2077

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 30, 2006

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

Dear Ms. Busse:

RE: Case Number: 07-114-SPH, 800 feet from intersection of Deer Park and Liberty Roads

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 13, 2006.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Liberty Road Volunteer Fire Co. 10010 Liberty Road Randallstown 21133
Doug Eshelman 603 St. Francis Road Baltimore 21286

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 13, 2006

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

Re: Deer Park Reserve
PDM No. II-705
Zoning Item No. 07-114-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 today, September 13, 2006. The Petition for Special Hearing in this matter was also filed today with Mr. Lloyd Moxley.

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

Sincerely,

Jennifer R. Busse

cc: Mr. Walt Smith
Mr. Lloyd Moxley
Iron Horse Properties, LLC
Stacey McArthur, RLA

365131

#114

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
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TELEPHONE 410 884-0700
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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

OK to combine
TMK

September 13, 2006

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

Re: Deer Park Reserve
PDM No. II-705
Zoning Item No. 07-

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 today, September 13, 2006. The Petition for Special Hearing in this matter was also filed today with Mr. Lloyd Moxley.

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

Sincerely,

/s/

Jennifer R. Busse

cc: Mr. Walt Smith
Mr. Lloyd Moxley ✓
Iron Horse Properties, LLC
Stacey McArthur, RLA

365131

12/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 7, 2006

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

RECEIVED
DEC 07 2006
ZONING COMMISSIONER

SUBJECT: Deer Park Reserve PDM # II-705

INFORMATION:

Item Number: 7-114

Petitioner: Liberty Road Volunteer Fire Co.

Zoning: DR 3.5, BR, BL, and RC 5

Requested Action: **Special Hearing**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioners request provided the recommendations and conditions listed with in the development plan comments for Deer Park Reserve are held applicable in any relief granted in the subject case known as 7-114sph.

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

Reviewed by: _____

Division Chief: _____
AFK/LL: CM

W:\DEVREV\ZAC\7-114.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: October 12, 2006

SUBJECT: Zoning Item # 07-114-SPH
Address 800' from the intersection of Deer Park and Liberty Roads
(Liberty Road Volunteer Fire Company)

Zoning Advisory Committee Meeting of September 18, 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:

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

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

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

Additional Comments:

Reviewer: John Russo Date: October 11, 2006

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-114-SPH.doc

Baltimore County
Fire Department

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

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

October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 2, 2006

Item Number(s): 113-130
(114)

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 25, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For September 25, 2006
Item Nos. 07-101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115, And 116

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-09212006.doc

Baltimore County
Fire Department

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

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

September 24, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 18, 2006

Item Number(s): 100 thru 112, 114, 115, 116

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

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

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

cc: File

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

September 20, 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. 114 MD 26 (Liberty RD)
#07-114-SPH
Liberty Road Volunteer Fire Co.
Variance- To amend Special Exception
Previously approved and remove
property from boundaries

Dear Ms. Matthews:

Thank you for the opportunity to review the plan submission on the subject of the above captioned, which was received on September 15th. We have reviewed the referenced plan and have no objection to approval for Item No. 114. Based on a field inspection we have determined that the existing entrance on to MD 26 is acceptable to the State Highway Administration (SHA) at this time. Also, please note that this development is not affected by any SHA projects.

Should the owner/developer request approval to the build improvements shown on the concept plan this Agency will require an Access Permit. The permit for improvements within the public right-of-way must be consistent with State Highway Access Manual guidelines.

If you have any questions or need clarifications regarding this matter, please feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 18, 2006

G. SCOTT BARHIGHT, ESQUIRE
WHITEFORD, TAYLOR & PRESTON, L.L.P.
210 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204

Re: DEVELOPMENT PLAN HEARING
Case Nos. II-705 and 07-114-SPH
Deer Park Reserve

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above-captioned case. The Development Plan for Deer Park Reserve been approved in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Please See Attached List

FROM FILE
12-19-06
B

County Courts Building | 401 Bosley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountyonline.info

JENNIFER R. BUSSE, ESQUIRE
WHITEFORD, TAYLOR & PRESTON, L.L.P.
210 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204

STACEY MCARTHUR
D.S. THALER & ASSOCIATES INC
7115 AMBASSADOR ROAD
BALTIMORE MD 21244-7428

ANDREW FERRETTI
D.S. THALER & ASSOCIATES INC
7115 AMBASSADOR ROAD
BALTIMORE MD 21244-7428

DOUG ESHELMAN
7013 MEADERING STREAM WAY
FULTON MD 20759

ANDREW FORBES
29 EAST RANDALL ST
BALTIMORE MD 21230

JUDD MASLACK
IRON HORSE PROPERTIES LLC
603 ST FRANCIS ROAD
BALTIMORE MD 21286

JIM JOYCE
1242 DOCKSIDE CIRCLE
BALTIMORE MD 21224

JERRY WAYNE
2715 ASPEN DRIVE
HAMPSTEAD MD 21074

MICHAEL SNYDER
400 ALLEGHENY AVE
TOWSON MD 21204

KATIE DEMARCO
9213 APPLEFORD
OWINGS MILLS MD 21117

JUDITH HEINEKAMP
4202 DEER PARK ROAD
RANDALLSTOWN MD 21133

CHARLES AND LUCILLE WIDERMAN
8424 MERRYMOUNT DRIVE
WINDSOR MILL MD 21244

CARL AND ELSA MAGEE
4212 DEER PARK ROAD
RANDALLSTOWN MD 21133

JOE MAGEE
1033 GREEN HILL FARM ROAD
REISTERSTOWN MD 21136

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 27, 2006

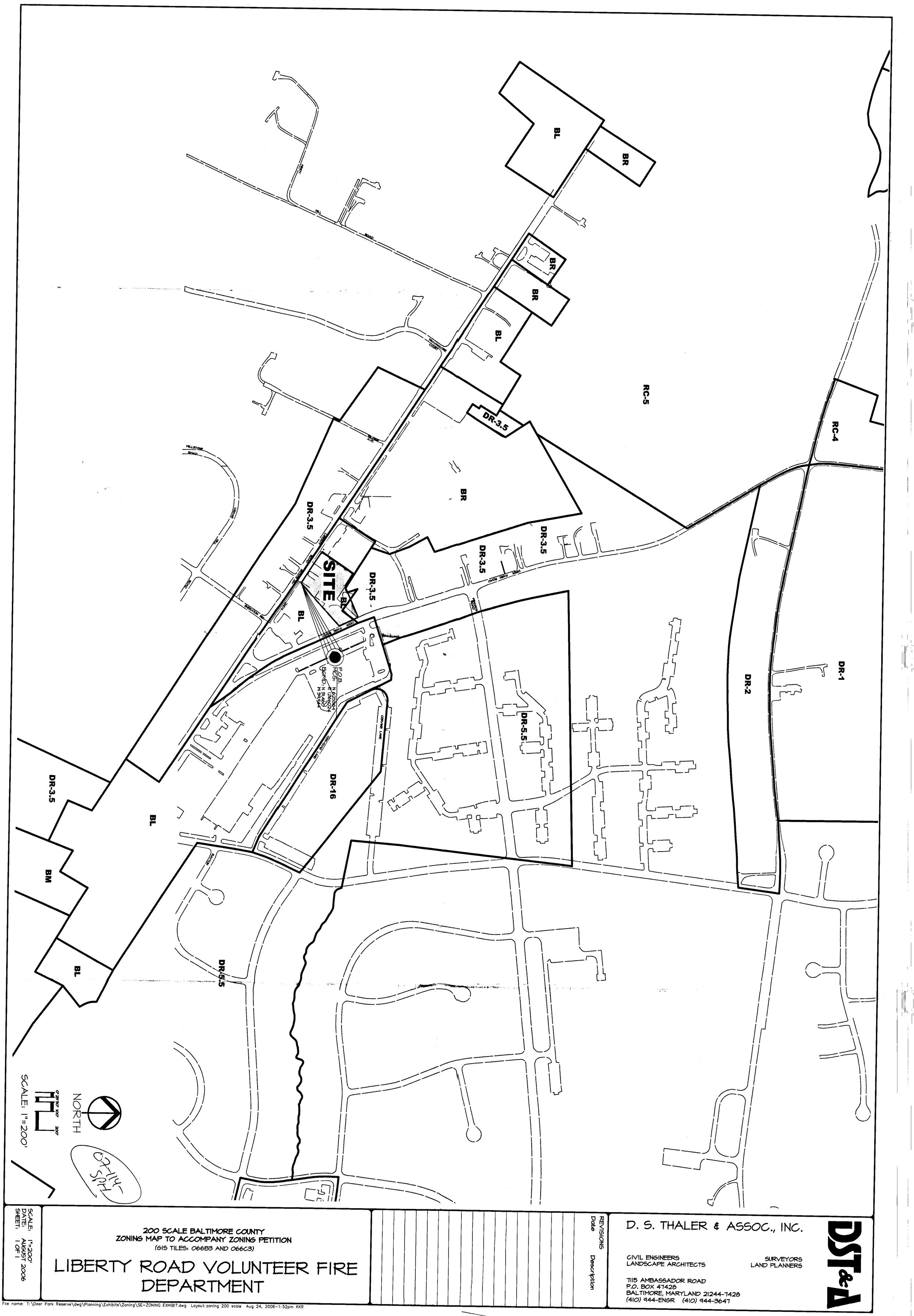
FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 27, 2006
Item No. 07-114

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

Comments on the requested waiver were submitted as development plan comments.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-114-11272006.doc



200 SCALE BALTIMORE COUNTY
ZONING MAP TO ACCOMPANY ZONING PETITION
(GIS TILES: 066B3 AND 066C3)

LIBERTY ROAD VOLUNTEER FIRE DEPARTMENT

SCALE: 1"=200'
DATE: AUGUST 2006
SHEET: 1 OF 1

REVISIONS
Date Description

D. S. THALER & ASSOC., INC.

CIVIL ENGINEERS
LANDSCAPE ARCHITECTS

SURVEYORS
LAND PLANNERS

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

DS T&A

File name: T:\Deer Park Reserve\dwg\Planning\Exhibits\Zoning\SE-ZONING EXHIBIT.dwg Layout: zoning 200 scale Aug 24, 2006-1:52pm KKR

DEER PARK RESERVE

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

ORDER CASE #76-241-X (ITEM #203)

RE: PETITION FOR SPECIAL EXCEPTION
N/E side of Liberty Road, 743 feet NW of Deer Park Road - 2nd Election District - Liberty Road Volunteer Fire Company - Petitioner
NO. 76-241-X (Item No. 203)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Special Exception for a Volunteer Fire Department and community building (including seasonal carnival) to be constructed at the subject location in an existing B.L. Zone and in a D.R. 3.5 Zone. The subject property is located on the northeast side of Liberty Road, 743 feet northwest of Deer Park Road, in the Second Election District of Baltimore County.

Evidence on behalf of the Petitioners indicated that present facilities, adjacent to the proposed site, have become inadequate to the task of providing fire company and ambulance service over a wide area of operation. The service in question is well established, having been founded at its present location in 1955.

Comments submitted by the Director of Planning indicated no opposition to the Special Exception.

Having considered all the evidence and testimony of the vital service role of such volunteer organizations, it becomes apparent that this Special Exception should be granted in the interest of the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 26th day of May, 1976, that the Special Exception should be and the same is hereby GRANTED, from and after the date of this Order, subject to the approval of and Petitioners' conformity to a site plan by the State Highway Administration, Department of Public Works, and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

ORDER CASE #84-341-X

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of June, 1984, that the Petition for Special Exception for a volunteer fire company and a community building in a B.L. and D.R. 3.5 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Approval by the County Review Group (CRG) must be obtained.
2. The existing driveway from Deer Park Road, and adjacent to the existing dwelling thereon, shall be blocked so that through traffic cannot utilize that driveway. A sign marked "Private Roadway" shall be posted thereon.
3. Pursuant to Section 409.2.c.(2), BCZR, and Section IX.A.2 (a), Comprehensive Manual of Development Policies, (CMDP), the parking area shall be of bituminous paving.

Deputy Zoning Commissioner of Baltimore County

cc: Liberty Road Volunteer Fire Company, Inc.
c/o Mr. Nick Sperlman
People's Counsel

ORDER RECEIVED FOR FILING
DATE 6-1-84
BY Deputy Zoning Commissioner

ORDER CASE #92-240-X

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of January, 1992 that the Petition for Special Exception to permit an existing volunteer fire station in a B.L. and D.R. 3.5 zone pursuant to Sections 1801.1.C.19, 230.13 and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a proposed addition in accordance with Petitioner's Exhibit 1, 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Within thirty (30) days of the date of this Order, Petitioners shall submit a revised site plan incorporating the modified landscaping relief granted herein.

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER OF DISMISSAL
90-381-SPHXA

IN THE MATTER OF THE APPLICATION OF LIBERTY ROAD VOLUNTEER FIRE CO. FOR A ZONING VARIANCE, SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE NORTHWEST SIDE OF LIBERTY ROAD, 743' NORTHWEST OF THE CENTER-LINE OF DEER PARK ROAD (10010 LIBERTY ROAD)
2ND ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD
OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 90-381-SPHXA

ORDER OF DISMISSAL

This case comes before this Board on appeal from the decision of the Zoning Commissioner, dated August 23, 1990 denying in part and dismissing in part the Petitions for Zoning Variance, Special Hearing and Special Exception on property located in the Second Election District of Baltimore County.

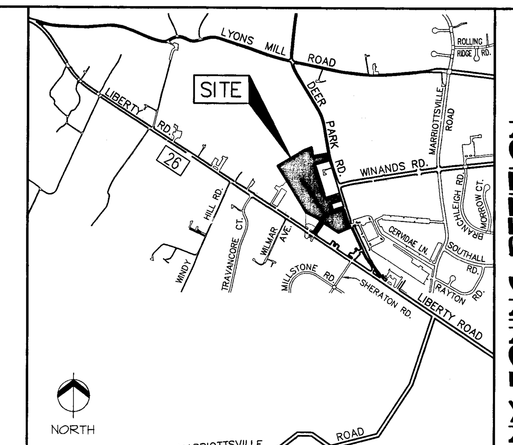
WHEREAS, the Board is in receipt of a letter of dismissal filed by Counsel for the Petitioner/Appellant in this matter on March 6, 1991 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner/Appellant requests that the appeal filed by him in this matter be dismissed and withdrawn as of March 6, 1991,

IT IS HEREBY ORDERED this 15th day of March, 1991 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman
Harry E. Buchheister, Jr.
Lawrence B. Morsland



VICINITY MAP SCALE: 1"=1000'

ZONING HISTORY

5.26.76	Case #76-241-X (Item #203) - Special Exception to allow construction of equipment building and community hall/seasonal carnival (GRANTED).
5.3.78	Case #76-241-X (Item #203)
	* Extension Order - to extend Special Exception from 5.26.78 to 5.26.81
6.6.84	Case #84-341-X - Special Exception to allow volunteer fire company and community building. Case #76-241-X - expired (GRANTED).
8.23.90	Case #90-381-SPHXA
	* Special Exception to allow a cell tower (DENIED)
	* Special Hearing to approve Amendment to approved site plan in Case #76-241-X to include cell tower (DISMISSED)
	* Variance to permit reduced setbacks (DISMISSED)
3.13.91	Case #90-381-SPHXA - Board of Appeals (DISMISSED).
1.17.92	Case #92-240-X - Special Exception for a building addition (GRANTED).

ZONING REQUEST:

IF NECESSARY, PETITION FOR SPECIAL HEARING TO PERMIT A ZONING ANOMALY FOR LOTS DIVIDED BY ZONE BOUNDARIES.

OPEN SPACE WAIVER REQUEST

To allow a fee in lieu to be paid for a portion of the required passive open space.

PUBLIC WORKS WAIVER REQUEST

(W-1) TO ALLOW RIGHT-OF-WAY DEDICATION ONLY ALONG THE SOUTH SIDE OF DEER PARK ROAD IN LIEU OF FULL FRONTAGE IMPROVEMENTS ALONG LOT #41 AND STORMWATER MANAGEMENT FACILITY 'B' FOR APPROXIMATELY 200 LINEAR FEET.

(W-2) TO ALLOW FOR 30 FT. PAVING SECTION ON A 40 FT. RIGHT-OF-WAY IN LIEU OF THE REQUIRED 30 FT. PAVING SECTION ON A 50 FT. RIGHT-OF-WAY FOR COURT 'A'.

(W-3) TO ALLOW RIGHT-OF-WAY DEDICATION ONLY ALONG THE NORTH SIDE OF LIBERTY ROAD IN LIEU OF FULL FRONTAGE IMPROVEMENTS FOR APPROXIMATELY 80 LINEAR FEET.

SPECIMEN TREE LIST

LABEL	SIZE	COMMON	SCIENTIFIC	CONDITION
ST-1	37"	Silver Maple	Acer saccharinum	Poor
ST-2	61"	Silver Maple	Acer saccharinum	Fair

LEGEND

EXISTING: TRACT BOUNDARY, EASEMENT, INDEX CONTOUR, INTER. CONTOUR, ZONING LINE, ROAD, SANITARY SEWER, STORM DRAIN, WATER, TREES, FIRE HYDRANT, LIGHT, UTILITY POLE, 25% SLOPES, SPECIMEN TREE, SOILS LINE, EXISTING FRONT ORIENTATION

PROPOSED: ADT, AFFORESTATION, PROPOSED FRONT ORIENTATION, PROPOSED ACTIVE OPEN SPACE, PROPOSED PASSIVE OPEN SPACE, MAJOR DECIDUOUS TREE, MINOR DECIDUOUS TREE, EVERGREEN TREE, SHRUBS

NORTH MCS

0' 25' 50' 100'
SCALE: 1"=50'

HEARING OFFICERS HEARINGS AND ZONING HEARING TO BE COMBINED.

PROJECT NAME: DEER PARK RESERVE

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

COUNCILMANIC DIST.: 4
ELECTION DIST.: 2
REGIONAL PLANNING DISTRICT: 311
PROJECT MANAGER: WALTER T. SMITH
CIM: 3.8.06
PDM #02-705

REVISIONS:

DEVELOPER:
IRON HORSE PROPERTIES, LLC
603 ST. FRANCIS RD
BALTIMORE, MD 21286
410-804-7744

SOILS

SYMBOL	NAME	HOMES W/O BASEMENT	HOMES W/D BASEMENT	STREETS & PARKING LOTS	AGRICULTURAL CAPABILITY
CcB2	Chester silt loam	Slight	Slight	Moderate	IIe-4*
GlB2	Glenelg loam	Slight	Slight	Moderate	IIe-4*
GlC2	Glenelg loam	Moderate	Moderate	Severe	IVe-3
GgB2	Glenelg channery loam	Slight	Slight	Moderate	IIe-4*
GgC2	Glenelg channery loam	Moderate	Moderate	Severe	IIIe-4*
GkB	Glenville, silt loam, 3 to 8% slopes	Severe	Moderate	Severe	IIe-6**
MkC2	Manor loam, 8 to 15% slopes, moderately eroded	Moderate	Moderate	Severe	IIIe-2S*

(*) DENOTES PRIME AND PRODUCTIVE SOILS

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

DATE: 11.06.06
SCALE: 1"=50'
C.I.: 2'
PROJ. NO.: 02492
SHEET 1 OF 2

07-114-Settlement SWPPP Filing

DEER PARK RESERVE

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

GENERAL NOTES

1. DEVELOPMENT NAME: DEER PARK RESERVE

2. APPLICANT:
IRON HORSE PROPERTIES, LLC
609 ST. FRANCIS ROAD
BALTIMORE, MD 21286
410.804.7799

3. OWNER:
LIBERTY ROAD VOLUNTEER FIRE COMPANY
10100 LIBERTY ROAD
RANDALLSTOWN, MD 21133

4. PLAN PREPARED BY:
D.S. Thaler & Associates, Inc.
1115 AMBASSADOR ROAD
P.O. Box 47429
BALTIMORE, MARYLAND 21244
ATTN: Stacey A. McArthur, R.L.A.
(410) 944-3647

5. PROPERTY REFERENCES:

PARCEL	LOT	TAX ACCOUNT #	DEED REFERENCE	HELD SINCE	TAX MAP-GRID	ADC MAP
P. 152		0212400175	2453/163	1954	66/23	24-A/6
P. 153		0212400176	2622/372	1954	66/23	24-A/6
P. 154		0212400172	1816/307	1950	66/23	24-A/6
P. 668		0212400174	3333/455	1958	66/23	24-A/6
P. 146	14	0212400171	3225/185	1957	66/23	24-A/6
P. 146	80	0212400178	3333/455	1958	66/23	24-A/6
P. 146	82	0212400170	1816/307	1950	66/23	24-A/6
P. 146	83	0212400180	1816/307	1950	66/23	24-A/6
P. 146	84	0212400170	1816/307	1950	66/23	24-A/6

Boundary: D.S. Thaler & Associates, Inc. (January, 2006)

Topography: D.S. Thaler & Associates, Inc. (October 2005)

Zoning: Baltimore County, 2000 Scale 2004 Zoning Map, (all) Tile Nos.: 66 &9 & 66 C9

Utilities: Baltimore County Key Maps NE-9F
Baltimore County Utility Drawings as noted

Soils: Baltimore County - GIS Digital Soil data &
U.S.D.A. Baltimore County Soil Survey Manual (Map 33)

Floodplain: No Riverine Floodplain on site per FEMA Map Community Panel #2400010 0025B, Panel 25 of 275

Wetlands Delineation: American Land Concepts (December 2005)
No Wetlands on site.
Approved by DEPRM. (January 10, 2006)

Steep Slopes & Erodible Soils Analysis: D. S. Thaler & Associates, Inc. (December 2005)
Approved by DEPRM. (January 2006)

Forest Stand Delineation: American Land Concepts (November 2005, Revised July 2006)
Approved by DEPRM (January 23, 2006, Revision Pending)

Forest Conservation Worksheet: D.S. Thaler & Associates, Inc. (February 21, 2006)
Approved by DEPRM. Pending

6. GENERAL DATA:

Election District:	2	Watershed:	Gwynn's Falls
Census Tract:	402201	Regional Planning District:	311 (Harrisonville)
Councilmanic District:	4th	Sewershed:	64 N

School Information:
School District: New Town Elementary School/Deer Park Magnet Middle School/New Town High School

School District:	State Rated Capacity (SRC)	Actual Enrollment Sept. 30th 2005	Projected Students from pending projects	Projected Enrollment for Approved Developments	Total Projected Enrollment	Capacity	Projected # of Seats or (Deficit) as of SRC
						Relocs	Seats
New Town Elementary	697	607	10	61	678	+	19
Deer Park Magnet Middle	1,368	1,145	6	135	1,486	117	108 (4%
New Town High	1,245	962	8	120	1,090	+	155

* PER BALTIMORE COUNTY, MARYLAND, 2005-2006 ENROLLMENT DATA WEBSITE, DATED JULY 11, 2006
http://education.baltimorecountymd.gov/schools/publications/enrollment/2005/2005_facilities_planning/elementary_school_facilities.pdf

7. SITE INFORMATION
A. Acreage: Gross Area = 12.55 Ac.± (514 LF± @ 30' R/W=15,420 SF±) = 0.35 Ac.±
Net Area = 12.2 Ac.±

B. Existing Zoning: ER, BL, DR 3.5, RC-5

C. Density Calculations:

Existing Zoning*	Total Ac± (Gross)	Units Allowed	Units Proposed
ER	8.8	30	-
BL	0.18	-	-
DR-3.5	3.56	12	-
RC-5	0.009	-	-
TOTAL:	12.55	42	40

D. Parking Calculations:
Required: (40 UNITS × 2 Parking Space/Unit) + 80 spaces
Proposed: 80 spaces

E. Open Space:
"All Open Space shall be in compliance with the Local Open Space Manual, Latest Edition."
Open Space Required: 28,000 SF± Active and 14,000 SF± Passive (or a combination thereof as specified in Section 111.D.3.)
Open Space Provided: 28,000 SF± Active and 10,259 SF± Passive
A fee-in-lieu to be paid for the remaining 3,841 SF±
HOA open space shall be owned and maintained by a Homeowner's Association.
a. No utilities, whether public or private, including, but not limited to, telephone, cable television, gas and electric, water, sewer, and storm drains shall be placed or constructed on or within the areas labeled as open space without prior written consent from Baltimore County Department of Recreation and Parks.
b. The design, construction and installation of all amenities shown on the development plan shall be the responsibility of the developer.
c. Temporary open space boundary markers, tree protection devices and four foot high snow fencing, or approved equivalent, shall be installed prior to any clearing or grading.
d. Within the areas shown as Open Space disturbance beyond that which is shown on the Development Plan shall not be allowed with out prior approval from the Department of Recreation and Parks.

F. Landscape Requirements:
Landscape requirements as specified in the Baltimore County Landscape Manual, adopted August 1, 2000, and as amended.
Note: Schematic Landscape Plan shown is preliminary in nature and is to show compliance with the Baltimore County Landscape Manual. The Schematic Landscape Plan is subject to a Final Landscape Plan. Final Landscaping Plan shall be approved prior to Building Permit Application.
1 Planting Unit (P.U.) =
1 major deciduous tree (2-2-1/2" cal.) or
2 minor deciduous trees (1-1/2" cal.) or
2 evergreen trees (6' ht.) or
5 shrubs or
close to 24- 30" ht.
100 S.F. of sod or
300 S.F. of ground cover or
10 herbaceous/perennial (1 gal.)*or
20 herbaceous/perennial (1 qyart)
*To meet Class D screening requirements only.

	Required	Proposed
A. STREET FRONTAGE: (Condition A)		
Adjacent Road @ 1 PU/40 L.F.	550 LF±/40= 13.8 P.U.	13.8 P.U.
Interior Road @ 1 PU/20 L.F.	1,720 LF±/20= 86.0 P.U.	86.0 P.U.
I. SHM (Condition 17) Screen adjoining properties, public and private roads when slopes are 1:4: 1 Class 'A' screen: 1 PU/ 15 LF of perimeter measures at toe of fill slopes and top of cut slopes (+1 PU/ 15 LF of perimeter measures at toe of fill slopes and top of cut slopes to remain wooded No woody vegetation within 15 feet of the toe of fill embankments. 10 foot landscape strip between no planting zone and property line. No woody vegetation within 50 feet of inlet structure. Fencing shall be located min 10' from R/W.	400 LF±/15 = 26.7 P.U.	26.7 P.U.
H. REAR & SIDE YARD. (Condition H) Class 'A' screen: (minimum installed height of 30" for shrubs and 6' for evergreen trees) Rear and Side Yard Screening 1 PU/ 15 LF	100 LF±/15= 6.7 P.U.	6.7 P.U.
Rear Yard (Sec. 260.24 BCZR)	720 LF±/15= 48.0 P.U.	48.0 P.U.
III. OPEN SPACE (Condition 'B') @ 1 PU/ 1,500 S.F. of required open space	40,000 SF±/1,500= 26.6 P.U.	27.3 P.U.
TOTAL:		207.8 P.U.

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

8. UTILITIES: Public water and sewer will be provided.
On-site utilities will be public.

9. USE: The existing use is vacant and off-site parking.
The proposed use is Residential.

10. AVERAGE DAILY TRIPS (ADTS): Average daily trips as calculated from the Baltimore County Comprehensive Manual of Development Policy
40 Units @ 10 ADTS/dU=400 ADTs

11. STORMWATER MANAGEMENT: Stormwater management will conform to Baltimore County Standards and the 2000 Maryland Stormwater Management Design Manual.
Stormwater management facilities will owned and maintained by Baltimore County.
Preliminary hydrology computations have been provided with the filing of the Development Plan.
The Hydrology Report verifies that the outfalls are suitable based on criteria provided by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

12. GRADING: Grading shown is schematic only.

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

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

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

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

17. ENVIRONMENTAL: There are no known critical areas, archaeological sites endangered species, or hazardous materials* on the site.
*As known to the applicant, location and description of hazardous materials as defined by Section 7-101 of the Environmental Article of the annotated Code of Maryland, as from time to time amended.
"Any Forest Conservation Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."
"There shall be no clearing, grading, construction or disturbances of vegetation in the Forest Conservation Easement except as permitted by Baltimore County Department of Environmental Protection and Resource Management."
"Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."
"There shall be no clearing, grading, construction or disturbances of vegetation in the Forest Buffer Easement except as permitted by Baltimore County Department of Environmental Protection and Resource Management."
A Hydrogeological Report and an Environmental Effects Report has been filed concurrently with this Development Plan.
A Preliminary Forest Conservation Plan and worksheet have been filed independently at this plan in accordance with Section 33-6-109.
This site does not lie within the limits of the Chesapeake Bay Critical Area. No additional information is requested by the Department of Environmental Protection and Resource Management to determine compliance with the Critical Area Local Protection Program pursuant to Section 33-2-202(b).

18. This property has been held intact since (see Note 5, according to deeds).
Existing buildings (as noted on the plan) to be removed will be razed by the developer prior to Record Plat.

19. Soil and Slope Mitigation Measures: The developer shall do the following in those areas where severe or moderate soil limitations are indicated and/or steep slopes occur:
a. Insure that grading plans consider protection of these areas from increase in run-off. This may include diverting roof down spouts and drives into storm drains.
b. Stabilization of disturbed areas in accordance with approved sediment control practices.
c. Consider geotechnical assistance with on-site inspectors as appropriate.

20. According to the Maryland Transit Administration Regional Transportation System map (www.mdot.state.md.us), the nearest MTA service to this site is at the intersection of Liberty Road (Route 26) and Chapman Road (Bus Line #48).

21. There are no known limitations established by the Courts, County Board of Appeals, Planning Board or Zoning Commissioner which would limit proposed development on site.

22. There are no buildings, properties or sites within or contiguous to the proposed development included on the Baltimore County Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archaeological Survey, or any Baltimore County Historic Districts, or National Register Historic District, per Terri Kiang, Baltimore County Planning Office 7/28/06.
Per the Maryland Historical Trust Inventory of Historic Properties, Baltimore County there is a reference to BA-152, located off-site on parcel 294.

23. "There are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated" per Lori A. Byrne, Environmental Review Coordinator, Wildlife Heritage Service, Maryland Department of Natural Resources, 10/24/05.

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

25. Proposed roads are public.

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

27. The Bureau of Traffic Engineering and Planning has confirmed that the subject site is not within a traffic deficient area (per Mr. Steve Weber, 07/01/06).

28. Refuse collection will be provided by Baltimore County.

29. United States Postal Service will provide mail delivery.

30. "No obstructions of any kind may be placed in any Baltimore County right-of-way except by express written permission by an authorized agency for Baltimore County."
"No other zoning case history has been found."

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

32. See note for Zoning History.

33. Future signs shall conform with BCZR Section 450 and all zoning policies.

34. Envelopes shown hereon are for the location of principal buildings only. Accessory structures and projections into yards may be constructed outside the envelope, but must comply with Sections 301 and 400 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits.)

35. Maximum building height allowed is 50 feet. Two story homes are generally proposed.

36. The CRM was held on 3/6/06. The minutes which identify all comments can be found in ADM File No. 06-076. The file is filed in Room 123 of the Baltimore County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204.

37. The "Recommended Areas of Critical State Concern" map is included on this sheet.

38. Parcels designated as "H.O.A." shall be dedicated to the Homeowners Association.

39. All lots are for sale.

40. The dwellings and development are subject to (and must be consistent with) the Baltimore County Code, Comprehensive Manual of Development Policy, the County Landscape Manual, The Performance Standards, as well as other Baltimore County Zoning Regulations and policies, pursuant to Section 1801, 2601, 4011 and Section 504, BCZR. The proposed dwellings and development will comply with all of the aforementioned standards and guidelines.

41. The Office of Planning has submitted written findings to ensure compliance with the performance standards listed in Section 2601 of the BCZR (per County Council Bills 34-2001 and 55-2002). This development and all proposed dwellings will comply with said Office of Planning written findings and the performance standards as shown on this plan. It is the responsibility of the property owner, developer, developer's engineer, contract purchaser or building permit applicant to obtain compliance certification from the Office of Planning prior to building permit application and to present this certification on any building permit site plan/plot plans.

42. Sidewalks will be provided on all public roads, subject to waiver requests.

43. Driveways as shown are for illustrative purposes only and are subject to change.

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

SUITABLE OUTFALL STATEMENT

Runoff from the proposed development is collected by onsite swales and storm drain systems which direct the proposed runoff to three groups of onsite SWM's and stormwater management facilities. These facilities provide WQv and CPv for all the proposed improvements. Gp and GF are also provided in SWM Facilities #2 and 3.
A small portion of the proposed development (drainage Area E) will bypass the proposed management facilities and drain directly overland to the existing Inlets in Deer Park Road. This drainage will be significantly less than the runoff which drains to the Inlets under existing conditions.

Portions of lots 13-23 will drain directly to the forest buffer area along the northern edge of the property via swales and sheet flow. This area meets the 2000 Maryland Design Manual Chapter 5 requirements for stormwater credits for innovative site planning, specifically sheet flow to buffer and disconnection of rooftop areas.

Discharge from the proposed SWM #1 and stormwater management facility #1 will outfall onto an energy dissipator placed on moderately sloped existing ground that consists of dense grasses. From this proposed outfall, runoff will flow overland roughly 100 feet to the existing stream on the northern adjoiner property. Field investigation found this existing stream channel to be stable and well-defined with minimal baseflow.

Discharge from proposed SWM and stormwater management facilities # 2 and 3 is directed to existing storm drain systems on the east side of Deer Park Road via proposed 24 inch pipes. Each system will outfall into an existing 24 inch pipe that is maintained by Baltimore County and eventually drain to Scott's Level Branch.
With the provision of onsite water quality and channel protection volume management, we anticipate no significant downward change in the rate, velocity, or degree of concentration of the runoff after development. Each stormwater management facility will also be designed to either manage or safely the pass the 10 and 100 year storms while providing the required freeboard for excavated facilities. Therefore, we conclude that the proposed outfalls constitute suitable outfalls based on criteria provided by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

APPLICABLE EXCERPTS FROM THE RESIDENTIAL PERFORMANCE STANDARDS:

BCZR: Residential Performance Standards

260.6 Buildings.

A. A development proposal shall:

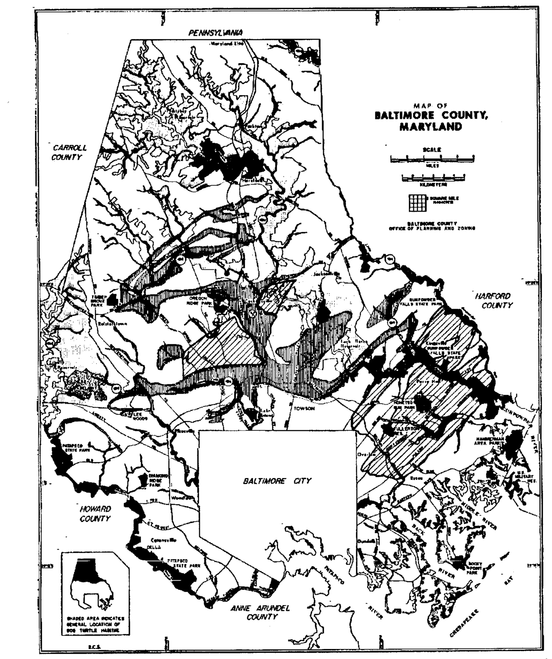
1. Provide variety in housing type or design, while maintaining continuity in scale, rhythm, proportion and detail.
2. Orient the front of the dwelling toward the street and incorporate prominent entries and porches or stoops into front building facades.
3. Adhere to a consistent front building setback for all dwellings on the same street or square, so that the fronts of dwellings define a uniform street edge.
4. Design decks, balconies and porches as components of the building following dominant building lines, proportions and style, and in a scale appropriate to the dwelling and garages to which they are attached. Decks shall be screened to minimize visibility from a public street.
5. Design accessory structures at a scale appropriate to the dwelling and design storage buildings and garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
6. Extend the finish material of the exteriors of buildings to grade, or, if this is not possible, to within 12 inches of grade, on all sides of the building excluding foundation walls which shall use a finished quality material such as decorative concrete block, poured concrete with brick pattern, or stucco, and provide landscaping along the foundation.
7. Use similar materials and design elements on all building facades and articulate all building facades using coordinated architectural features such as porches, windows, doors, chimneys, gables, and dormers.

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

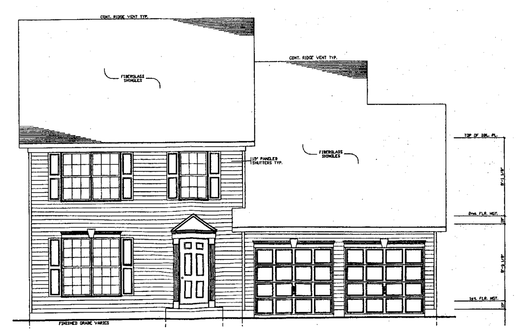
Envelopes or typical house locations on single family lots dictate a specific orientation which allows compliance with the BCZR and should the orientation change, the setbacks required by Section 1801.2.C.1.b must be met. (DR Zones)

RESIDENTIAL BUILDING SETBACKS- D.R. ZONES	
	D.R. 3.5 Zone (feet)
From front building face to: Public street right-of-way or property line. Arterial or collector	25' ---
From side building face to side building face:	16 < 20 high 20 > 20 high
Public street right-of-way	15'
Paving of private road	25'
Tract boundary	15'
From rear building face to: Rear property line	30'
Public street right-of-way	30'
Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.	

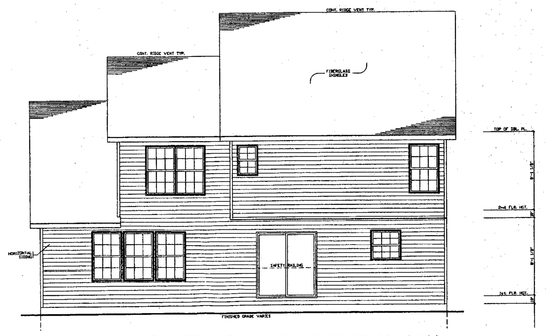
This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).



SCHEMATIC FENCE ELEVATIONS
N.T.S.

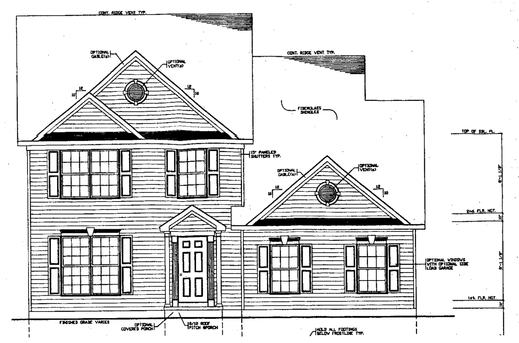


SCHEMATIC FRONT ELEVATION
N.T.S.

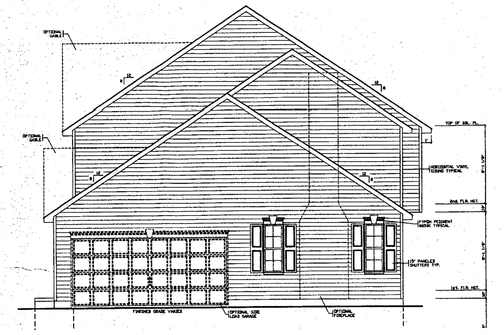


SCHEMATIC REAR ELEVATION
N.T.S.

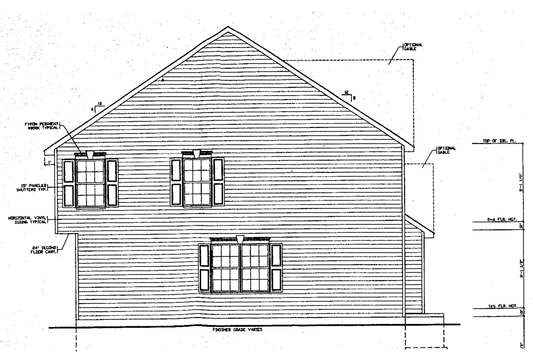
THE ELEVATIONS CONTAINED HEREIN ARE PROJECTIONS AND GUIDELINES ONLY, AND ARE SUBJECT TO MODIFICATION AS CIRCUMSTANCES WARRANT. IT IS INTENDED THAT THIS DEVELOPMENT WILL BE BUILT IN A MANNER CONSISTENT WITH THE REPRESENTATIONS HEREIN, BUT RECOGNIZING THAT MODIFICATIONS MAY BE REQUIRED AS THE PROJECT EVOLVES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



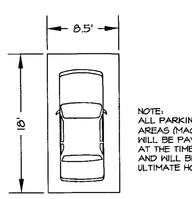
SCHEMATIC FRONT ELEVATION WITH OPTIONAL SIDE LOADED GARAGE
N.T.S.



SCHEMATIC SIDE ELEVATION WITH OPTIONAL SIDE LOADED GARAGE
N.T.S.



SCHEMATIC LEFT ELEVATION
N.T.S.



NOTE:
ALL PARKING AND MANEUVERING AREAS SHALL BE PAVED (SA, CONCRETE) AS REQUIRED BY THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS AND SHALL BE MAINTAINED BY THE ULTIMATE HOMEOWNER.

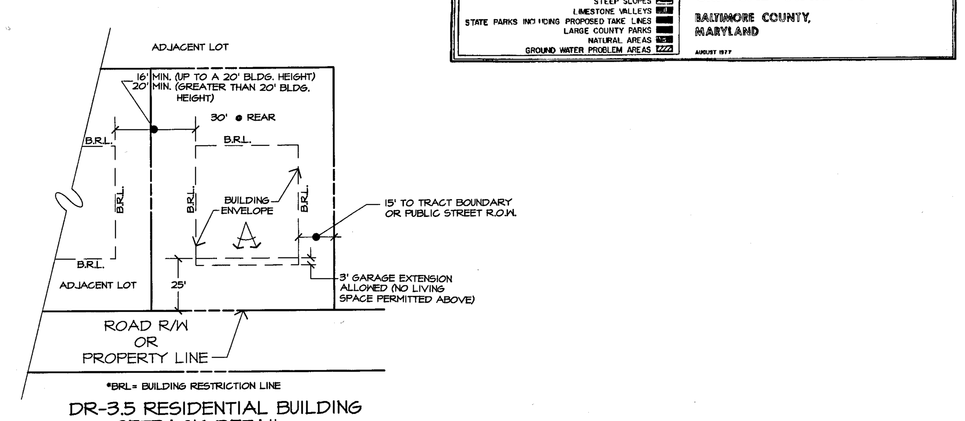
TYPICAL PARKING SPACE DETAIL
N.T.S.

NOTE:
ALL DRIVEWAYS WILL COMPLY WITH SECTION 409.4 (BCZR)
NOTE: Per Section 409.4 - 18' minimum is required for offstreet parking in front of a garage. Minimum 18 driveway depth from the front property line or edge of sidewalk to allow for sufficient parking space dimensions (8.5' x 18' for one car or 17' x 18' for two cars) per Section 409, BCZR.

CERTIFICATE OF DELINQUENT ACCOUNTS

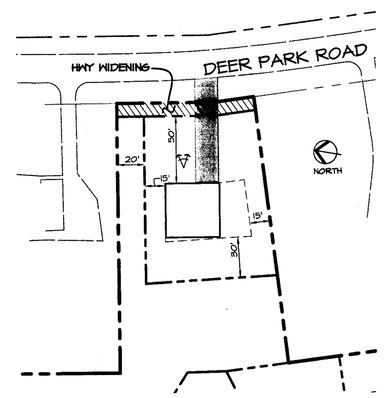
I, Doug Eshelman, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FROM ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

SIGNATURE OF PROFESSIONAL — DATE 03/08/06

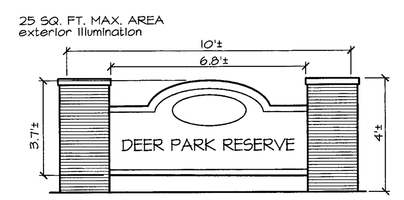


*BRL = BUILDING RESTRICTION LINE

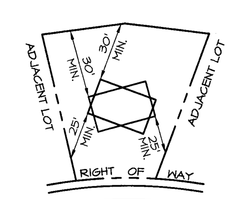
DR-3.5 RESIDENTIAL BUILDING SETBACK DETAIL
N.T.S.



LOT# 1, 2, 39 AND 40 SETBACK DETAIL
N.T.S.



SCHEMATIC SIGN ELEVATION
N.T.S.



FRONT & REAR BUILDING FACE TO PROPERTY LINE SETBACK
N.T.S.

PER SECTION 1801.2.C.1.b: A 25' SETBACK IS REQUIRED FROM A FRONT BUILDING FACE TO A PROPERTY LINE OR A STREET RIGHT-OF-WAY LINE; A 30' SETBACK IS REQUIRED FROM A REAR BUILDING FACE TO A PROPERTY LINE OR A STREET RIGHT-OF-WAY LINE

NOTE THE GARAGE SETBACK PER BUILDING SETBACK DETAIL.

HEARINGS OFFICERS HEARING AND ZONING HEARING TO BE COMBINED.

PROJECT NAME:
DEER PARK RESERVE

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

COUNCILMANIC DIST.: 4
ELECTION DIST.: 2
REGIONAL PLANNING DISTRICT: 311
PROJECT MANAGER: WALTER T. SMITH
GIN: 38.06
PDM #02-105

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

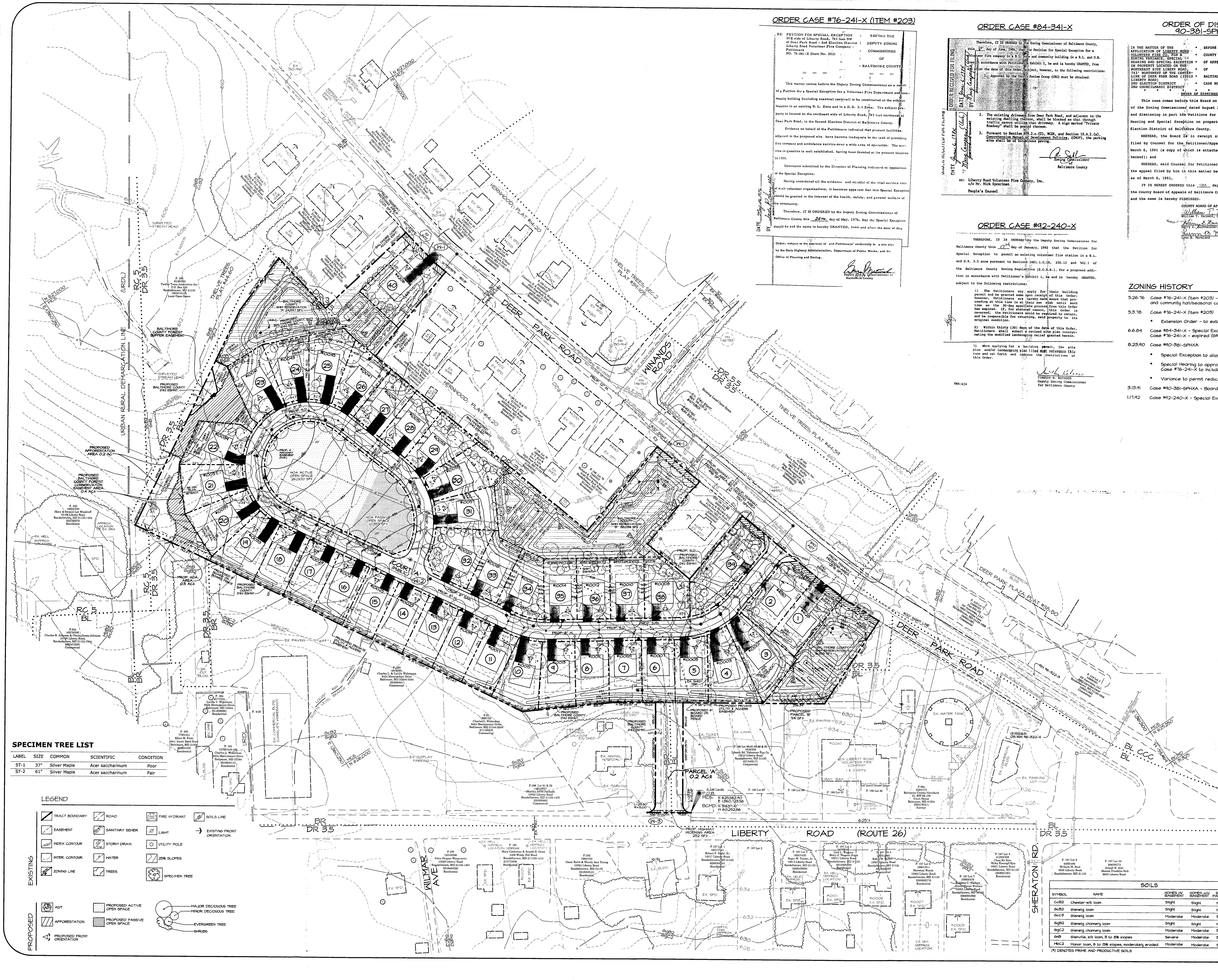
REVISIONS:

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
LAND PLANNERS
1115 AMBASSADOR ROAD
P.O. BOX 47429
BALTIMORE, MARYLAND 21244-7429
(410) 944-ENGR, (410) 944-3647

STATE OF MARYLAND — STACEY ANN MCARTHUR — No. 21302 — REGISTERED LANDSCAPE ARCHITECT

DATE: 11.06.06
SCALE: AS SHOWN
C.I.: 2'
PROJ. NO.: 02132
SHEET 2 OF 2

File name: T:\Land Plan Projects\Zoning\Drawings\02132\02132-ZONE-2006-11-06.dwg, 11/6/2006 8:15:09 AM, Stacey McArthur



ORDER CASE #76-241-X (ITEM #203)

RE: PETITION FOR SPECIAL EXCEPTION N/E side of Liberty Road, 743 feet NW of Deer Park Road - 2nd Election District Liberty Road Volunteer Fire Company - Petitioners NO. 76-241-X (Item No. 203) : BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Special Exception for a Volunteer Fire Department and community building (including seasonal carnival) to be constructed at the subject location in an existing B.L. Zone and in a D.R. 3.5 Zone. The subject property is located on the northeast side of Liberty Road, 743 feet northwest of Deer Park Road, in the Second Election District of Baltimore County.

Evidence on behalf of the Petitioners indicated that present facilities, adjacent to the proposed site, have become inadequate to the task of providing fire company and ambulance service over a wide area of operation. The service in question is well established, having been founded at its present location in 1950.

Comments submitted by the Director of Planning indicated no opposition to the Special Exception.

Having considered all the evidence and mindful of the vital service role of such volunteer organizations, it becomes apparent that this Special Exception should be granted in the interest of the health, safety, and general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 26th day of May, 1976, that the Special Exception should be and the same is hereby GRANTED, from and after the date of this Order, subject to the approval of and Petitioners' conformity to a site plan by the State Highway Administration, Department of Public Works, and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

DATE May 26, 1976
BY [signature] ADMINISTRATIVE ASSISTANT

ORDER CASE #84-341-X

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 6 day of June, 1984, that the Petition for Special Exception for a volunteer fire company in a B.L. zone and community building in a B.L. and D.R. zone in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Approval by the County Review Group (CRG) must be obtained.

2. The existing driveway from Deer Park Road, and adjacent to the existing dwelling thereon, shall be blocked so that through traffic cannot utilize that driveway. A sign marked "Private Roadway" shall be posted thereon.

3. Pursuant to Section 409.2.c.(2), BCZR, and Section IX.A.2.(a), Comprehensive Manual of Development Policies, (CMDP), the parking area shall be of bituminous paving.

-3-

Zoning Commissioner of Baltimore County

cc: Liberty Road Volunteer Fire Company, Inc. c/o Mr. Nick Spearlman
People's Counsel

ORDER RECEIVED FOR FILING
DATE June 6, 1984
BY Mary Campagna (Clerk) ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING
DATE June 6, 1984
BY Mary Campagna (Clerk) ADMINISTRATIVE ASSISTANT

ORDER CASE #92-240-X

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of January, 1992 that the Petition for Special Exception to permit an existing volunteer fire station in a B.L. and D.R. 3.5 zone pursuant to Sections 1B01.1.C.19, 230.13 and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a proposed addition in accordance with Petitioner's Exhibit 1, 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Within thirty (30) days of the date of this Order, Petitioners shall submit a revised site plan incorporating the modified landscaping relief granted herein.

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner for Baltimore County

TMK:bjs

ORDER OF DISMISSAL 90-381-SPHXA

IN THE MATTER OF THE APPLICATION OF LIBERTY ROAD VOLUNTEER FIRE CO. FOR A ZONING VARIANCE, SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE NORTHEAST SIDE LIBERY ROAD, 743' NORTHWEST OF THE CENTERLINE OF DEER PARK ROAD (10010 LIBERTY ROAD) 2ND ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT : BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-381-SPHXA

ORDER OF DISMISSAL

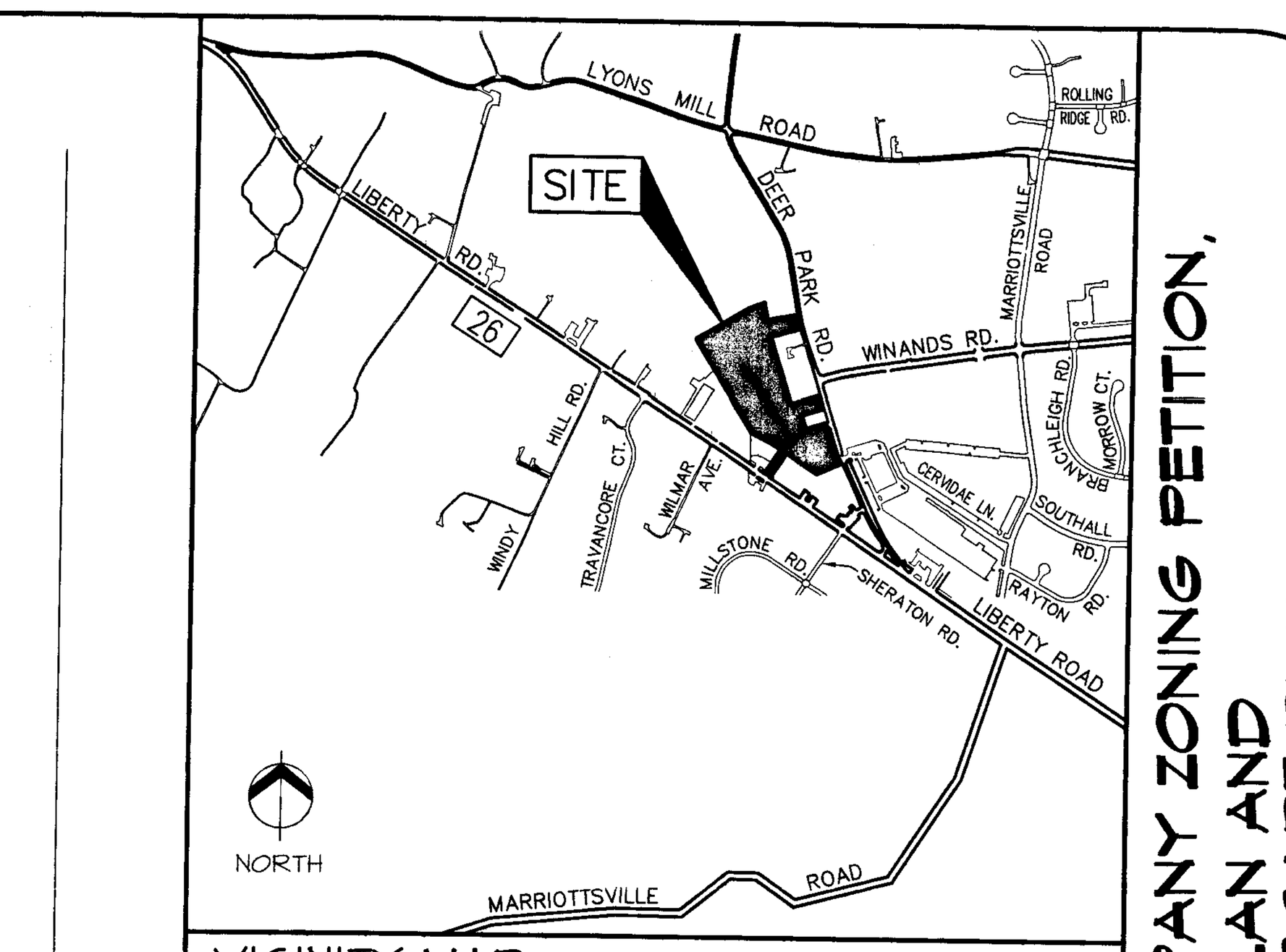
This case comes before this Board on appeal from the decision of the Zoning Commissioner dated August 23, 1990 denying in part and dismissing in part the Petitions for Zoning Variance, Special Hearing and Special Exception on property located in the Second Election District of Baltimore County.

WHEREAS, the Board is in receipt of a letter of dismissal filed by Counsel for the Petitioner/Appellant in this matter on March 6, 1991 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner/Appellant requests that the appeal filed by him in this matter be dismissed and withdrawn as of March 6, 1991,

IT IS HEREBY ORDERED this 13th day of March, 1991 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
William T. Hackett, Chairman
Harry E. Buchheister, Jr.
Lynn B. Moreland



VICINITY MAP SCALE: 1"=1000'

ZONING HISTORY

5.26.76 Case #76-241-X (Item #203) - Special Exception to allow construction of equipment building and community hall/seasonal carnival (GRANTED).

5.3.78 Case #76-241-X (Item #203)
- Extension Order - to extend Special Exception from 5.26.78 to 5.26.81

6.6.84 Case #84-341-X - Special Exception to allow volunteer fire company and community building. Case #76-241-X - expired (GRANTED).

8.23.90 Case #90-381-SPHXA
- Special Exception to allow a cell tower (DENIED)
- Special Hearing to approve Amendment to approved site plan in Case #76-241-X to include cell tower (DISMISSED)
- Variance to permit reduced setbacks (DISMISSED)

3.13.91 Case #90-381-SPHXA - Board of Appeals (DISMISSED).

1.17.92 Case #92-240-X - Special Exception for a building addition (GRANTED).

ZONING REQUEST:

IF NECESSARY, PETITION FOR SPECIAL HEARING TO PERMIT A ZONING ANOMALY FOR LOTS DIVIDED BY ZONE BOUNDARIES.

OPEN SPACE WAIVER REQUEST

To allow a fee in lieu to be paid for a portion of the required passive open space.

PUBLIC WORKS WAIVER REQUEST

(W-1) TO ALLOW RIGHT-OF-WAY DEDICATION ONLY ALONG THE SOUTH SIDE OF DEER PARK ROAD IN LIEU OF FULL FRONTAGE IMPROVEMENTS ALONG LOT #41 AND STORMWATER MANAGEMENT FACILITY 'B' FOR APPROXIMATELY 200 LINEAR FEET.

(W-2) TO ALLOW FOR 30 FT. PAVING SECTION ON A 40 FT. RIGHT-OF-WAY IN LIEU OF THE REQUIRED 30 FT. PAVING SECTION ON A 50 FT. RIGHT-OF-WAY FOR COURT 'A'.

(W-3) TO ALLOW RIGHT-OF-WAY DEDICATION ONLY ALONG THE NORTH SIDE OF LIBERTY ROAD IN LIEU OF FULL FRONTAGE IMPROVEMENTS FOR APPROXIMATELY 80 LINEAR FEET.

NORTH MCS

SCALE: 1"=50' (0' 25' 50' 100')

SPECIMEN TREE LIST

LABEL	SIZE	COMMON	SCIENTIFIC	CONDITION
ST-1	37"	Silver Maple	Acer saccharinum	Poor
ST-2	61"	Silver Maple	Acer saccharinum	Fair

LEGEND

EXISTING: TRACT BOUNDARY; ROAD; FIRE HYDRANT; SOILS LINE; EASEMENT; SANITARY SEWER; LIGHT; EXISTING FRONT ORIENTATION; INDEX CONTOUR; STORM DRAIN; UTILITY POLE; INTER. CONTOUR; WATER; 25% SLOPES; ZONING LINE; TREES; SPECIMEN TREE

PROPOSED: ADT; PROPOSED ACTIVE OPEN SPACE; MAJOR DECIDUOUS TREE; MINOR DECIDUOUS TREE; AFFORESTATION; PROPOSED PASSIVE OPEN SPACE; EVERGREEN TREE; SHRUBS; PROPOSED FRONT ORIENTATION

SOILS

SYMBOL	NAME	HOMES W/ BASEMENT	HOMES W/O BASEMENT	STREETS & PARKING LOTS	AGRICULTURAL CAPABILITY
CcB2	Chester-silt loam	Slight	Slight	Moderate	IIe-4*
GcB2	Glenelg loam	Slight	Slight	Moderate	IIe-4*
GcC3	Glenelg loam	Moderate	Moderate	Severe	IVe-3
GgB2	Glenelg channery loam	Slight	Slight	Moderate	IIe-4*
GgC2	Glenelg channery loam	Moderate	Moderate	Severe	IIIe-4*
GnB	Glenville, silt loam, 3 to 8% slopes	Severe	Moderate	Severe	IIe-16**
MoC2	Manor loam, 8 to 15% slopes, moderately eroded	Moderate	Moderate	Severe	IIe-25*

(*) DENOTES PRIME AND PRODUCTIVE SOILS

HEARING OFFICERS HEARING AND ZONING HEARING TO BE COMBINED.

PROJECT NAME: DEER PARK RESERVE

REVISIONS:

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

COUNCILMANIC DIST.: 4
ELECTION DIST.: 2
REGIONAL PLANNING DISTRICT: 311
PROJECT MANAGER: WALTER T. SMITH
CIM: 3.8.06
PDM #02-105

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

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS LANDSCAPE ARCHITECTS
SURVEYORS LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
(410) 444-ENGR, (410) 444-3647

DATE: 11.06.06
SCALE: 1"=50'
C.I.: 2'
PROJ. NO.:02932
SHEET 1 OF 2

07-114-SPH Supplemental Filing

DEER PARK RESERVE

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

File name: T:\Deer Park Reserve\dwg\Planning\Exhibits\Zoning\11-6-2006\Dev-Sht1.dwg Layout:Layout1 Nov 07, 2006-8:32am SL

GENERAL NOTES

1. DEVELOPMENT NAME: DEER PARK RESERVE

2. APPLICANT:
IRON HORSE PROPERTIES, LLC
603 ST. FRANCIS ROAD
BALTIMORE, MD 21286
410-804-7788

3. OWNER:
LIBERTY ROAD VOLUNTEER FIRE COMPANY
10010 LIBERTY ROAD
RANDALLSTOWN, MD 21133

4. PLAN PREPARED BY:
D.S. Thaler & Associates, Inc.
7115 AMBASSADOR ROAD
P.O. Box 47428
BALTIMORE, MARYLAND 21244
ATTN: Stacey A. McArthur, R.L.A.
(410) 944-9647

5. PROPERTY REFERENCES:

PARCEL	LOT	TAX ACCOUNT #	DEED REFERENCE	HELD SINCE	TAX MAP-GRID	ADC MAP
P. 152		02124001715	2455/169	1954	66/23	24-A4
P. 153		02124001716	2622/312	1954	66/23	24-A4
P. 154		02124001712	1816/301	1950	66/23	24-A4
P. 665		02124001714	9333/455	1958	66/23	24-A4
P. 196	14	02124001711	3225/485	1951	66/23	24-A4
P. 196	80	02124001718	9333/455	1958	66/23	24-A4
P. 196	82	02124001710	1816/301	1950	66/23	24-A4
P. 196	83	02124001709	1816/301	1950	66/23	24-A4
P. 196	84	02124001710	1816/301	1950	66/23	24-A4

Boundary: D.S. Thaler & Associates, Inc. (January, 2006)
Topography: D.S. Thaler & Associates, Inc. (October 2005)
Zoning: Baltimore County 200 Scale 2004 Zoning Map, 6th Tile Nos.: 66 E13 & 66 G9
Utilities: Baltimore County Key Maps NE-9F
Baltimore County Utility Drawings as noted
Soils: Baltimore County, MD Digital Soil data & U.S.D.A. Baltimore County Soil Survey Manual (Map 35)
Floodplain: No Riverine Floodplain on site per FEMA Map Community Panel #240010 0225B, Panel 225 of 275
Wetlands Delineation: American Land Concepts (December 2005) No Wetlands on site. Approved by DEPRM. (January 10, 2006)
Steep Slopes & Erodible Soils Analysis: D. S. Thaler & Associates, Inc. (December 2005) Approved by DEPRM. (January 2006)
Forest Stand Delineation: American Land Concepts (November 2005, Revised July 2006) Approved by DEPRM (January 25, 2006, Revision Pending)
Forest Conservation Worksheet: D.S. Thaler & Associates, Inc. (February 21, 2006) Approved by DEPRM. Pending

6. GENERAL DATA:
Election District: 2 Watershed: Gwynn's Falls
Census Tract: 402201 Regional Planning District: 311 (Northeastville)
Councilmanic District: 4th Sewershed: 64 N

School Information:
School District: New Town Elementary School/Deer Park Magnet Middle School/New Town High School

School District:	State Rated Capacity (SRC)*	Actual Enrollment Sept. 30th 2005	Projected # of pupils for the project	Projected # of pupils for Approved Subdivisions	Total Projected Enrollment	Capacity Above	Capacity Below	Projected # of pupils as a % of SRC*
New Town Elementary	641	607	10	61	678		36	97.13%
Deer Park Magnet Middle	1,068	1,348	6	15	1,483	117	-	108.61%
New Town High	1,948	962	8	120	1,090	-	258	80.18%

* PER BALTIMORE COUNTY, MARYLAND, 2005-2006 ENROLLMENT DATA HEREAFTER, DATED JULY 11, 2006 http://www.edline.net/pages.aspx?portalid=baltimore_county&pageid=school_facilities - DRAFT 10/24/2005

7. SITE INFORMATION
A. Acreage: Gross Area = 12.55 Ac.± (514 LF± @ 30' R/W=15,420 SF±) = 0.35 Ac.±
Net Area = 12.2 Ac.±

B. Existing Zoning: BR, BL, DR 3.5, RC-5

C. Density Calculations:

Existing Zoning	Total Ac± (Gross)	Units Allowed	Units Proposed
BR	0.8	30	-
BL	0.18	-	-
DR-3.5	3.56	12	-
RC-5	0.008	-	-
TOTAL:	12.55	42	40

D. Parking Calculations:
Required: (40 UNITS x 2 Parking Spaces/Unit) + 80 spaces
Proposed: 80 spaces

E. Open Space:
"All Open Space shall be in compliance with the Local Open Space Manual, Latest Edition."
Open Space Required: 26,000 SF± Active and 14,000 SF± Passive (or a combination thereof as specified in Section 11.D.3.)
Open Space Provided: 26,000 SF± Active and 12,959 SF± Passive
A fee-in-lieu to be paid for the remaining 26,641 SF±
HOA open space shall be owned and maintained by a Homeowner's Association.
a. No utilities, whether public or private, including but not limited to, telephone, cable television, gas and electric, water, sewer, and storm drains shall be placed or constructed on or within the areas labeled as open space without prior written consent from Baltimore County Department of Recreation and Parks.
b. The design, construction and installation of all amenities shown on the development plan shall be the responsibility of the developer.
c. Temporary open space boundary markers, tree protection devices and tree fences, and orange fencing, or approved equivalent, shall be installed prior to any clearing or grading.
d. Within the area shown as Open Space disturbance beyond that which is shown on the Development Plan shall not be allowed with out prior approval from the Department of Recreation and Parks.

F. Landscape Requirements:
Landscape requirements as specified in the Baltimore County Landscape Manual, adopted August 1, 2000, and as amended.
Note: Schematic Landscape Plan shown is preliminary in nature and is to show compliance with the Baltimore County Landscape Manual. The Schematic Landscape Plan is subject to a Final Landscape Plan. Final Landscaping Plan shall be approved prior to Building Permit Application.
1 Planting Unit (PU) =
1 major deciduous tree (2-2.5" cal.) or
2 minor deciduous trees (1-1.5" cal.) or
3 evergreen trees (6' ht.) or
5 shrubs
class A: 24- 30" ht.
class B: 18" ht.
500 SF. of ground cover or
10 herbaceous/perennial (1 gal.)*or
20 herbaceous/perennial (1 quart)
*To meet Class D screening requirements only.

	Required	Proposed
A. STREET FRONTAGE- (Condition A)		
Adjacent Road @ 1 PU/40 L.F.	550 LF±/40= 13.8 P.U.	13.8 P.U.
Interior Road @ 1 PU/20 L.F.	1,720 LF±/20= 86.0 P.U.	86.0 P.U.
L. SHM (Condition 17) Screen adjoining properties, public and private roads when slopes are > 4, 1 Class 'A' screen		
1 PU/ 15 LF of perimeter measures at toe of fill slopes and top of cut slopes	400 LF±/3 = 26.7 P.U.	26.7 P.U.
(-) PU/ 15 LF of perimeter measures at toe of fill slopes and top of cut slopes to remain wooded		
No woody vegetation within 15 feet of the toe of fill embankments. 10 foot landscape strip between no planting zone and property line. No woody vegetation within 50 feet of inlet structure. Fencing shall be located min 10' from R/W.		
M. REAR & SIDE YARD. (Condition 19)		
Class 'A' screen- (minimum installed height of 30" for shrubs and 6' for evergreen trees)		
Rear and Side Yard Screening 1 PU/ 15 LF	100 LF±/15= 6.7 P.U.	6.7 P.U.
Rear Yard (Sec. 260.24 BCZR)	720 LF±/15= 48.0 P.U.	48.0 P.U.
R. OPEN SPACE (Condition 16) @ 1 PU/ 1,500 S.F. of required open space	40,000 SF±/1,500= 26.6 P.U.	27.3 P.U.
TOTAL:	207.8 P.U.	207.8 P.U.

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

8. UTILITIES: Public water and sewer will be provided. On-site utilities will be public.

9. USE: The existing use is vacant and off-site parking. The proposed use is Residential.

10. AVERAGE DAILY TRIPS (ADTS): Average daily trips as calculated from the Baltimore County Comprehensive Manual of Development Policy
40 Units @ 10 ADT/Unit=400 ADTs

11. STORMWATER MANAGEMENT: Stormwater management will conform to Baltimore County Standards and the 2000 Maryland Stormwater Management Design Manual.
Stormwater management facilities will owned and maintained by Baltimore County.
Preliminary hydrology computations have been provided with the filing of the Development Plan.
The Hydrology Report verifies that the outfalls are suitable based on criteria provided by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

12. GRADING: Grading shown is schematic only.

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

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

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

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

17. ENVIRONMENTAL: There are no known critical areas, archaeological sites endangered species, or hazardous materials on the site.
"As known to the applicant, location and description of hazardous materials as defined by Section 1-101 of the Environmental Article of the annotated Code of Maryland, as from time to time amended.
"Any Forest Conservation Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."
"There shall be no clearing, grading, construction or disturbances of vegetation in the Forest Conservation Easement except as permitted by Baltimore County Department of Environmental Protection and Resource Management."
"Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."
"There shall be no clearing, grading, construction or disturbances of vegetation in the Forest Buffer Easement except as permitted by Baltimore County Department of Environmental Protection and Resource Management."
A Hydrogeological Report and an Environmental Effects Report has been filed concurrently with this Development Plan.
A Preliminary Forest Conservation Plan and worksheet have been filed independently of this plan in accordance with Section 33-6-105.
This site does not lie within the limits of the Chesapeake Bay Critical Area. No additional information is requested by the Department of Environmental Protection and Resource Management to determine compliance with the Critical Area Local Protection Program pursuant to Section 33-2-202(b).

18. This property has been held intact since (see Note 5, according to deeds). Existing buildings (as noted on the plan) to be removed will be razed by the developer prior to Record Plat.

19. Soil and Slope Mitigation Measures- The developer shall do the following in those areas where severe or moderate soil limitations are indicated and/or steep slopes occur:
a. Insure that grading plans consider protection of these areas from increase in run-off. This may include draining roof down spouts and drives into storm drains.
b. Stabilization of disturbed areas in accordance with approved sediment control practices.
c. Consider geotechnical assistance with on-site inspectors as appropriate.

20. According to the Maryland Transit Administration Regional Transportation System map (www.mdot.md.gov/mta), the nearest MTA service to this site is at the intersection of Liberty Road (Route 26) and Chapman Road (Bus Line #98).

21. There are no known limitations established by the Courts, County Board of Appeals, Planning Board or Zoning Commissioner which would limit proposed development on site. Covenants are in existence.

22. There are no buildings, properties or sites within or contiguous to the proposed development included in the Baltimore County Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archaeological Survey, or any Baltimore County Historic District or National Register Historic District, per Teri Rising, Baltimore County Planning Office 7/28/06.
Per the Maryland Historical Trust Inventory of Historic Properties, Baltimore County there is a reference to BA-152, located 241-site on parcel 294.

23. "There are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated" per Lori A. Byrne, Environmental Review Coordinator, Wildlife Heritage Service, Maryland Department of Natural Resources, 10/24/05.

24. All drainage and utility easements shall be 20' ft. wide.

25. Proposed roads are public.

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

27. The Bureau of Traffic Engineering and Planning has confirmed that the subject site is not within a traffic deficient area (per Mr. Steve Weber, 07/10/06).

28. Refuse collection will be provided by Baltimore County.

29. United States Postal Service will provide mail delivery.

30. "No obstructions of any kind may be placed in any Baltimore County right-of-way except by express written permission by an authorized signatory for Baltimore County." No other zoning case history has been found.

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

32. See note for Zoning History.

33. Future signs shall conform with BCZR Section 450 and all zoning policies.

34. Envelopes shown hereon are for the location of principal buildings only. Accessory structures and projections into yards may be constructed outside the envelope, but must comply with Sections 301 and 400 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits.)

35. Maximum building height allowed is 50 feet. Two story homes are generally proposed.

36. The CIM was held on 3.8.06. The minutes which identify all comments can be found in PDM File No. 02-105, on file in Room 123 of the Baltimore County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204.

37. The "Recommended Areas of Critical State Concern" map is included on this sheet.

38. Parcels designated as "H.O.A." shall be dedicated to the Homeowners Association.

39. All lots are for sale.

40. The dwellings and development are subject to (and must be consistent with) the Baltimore County Code, Comprehensive Manual of Development Policies, the County Landscape Manual, the Performance Standards, as well as other Baltimore County Zoning Regulations and policies, pursuant to Section 1801, 260, 409 and Section 504, BCZR. The proposed dwellings and development will comply with all of the aforementioned standards and guidelines.

41. The Office of Planning has submitted written findings to ensure compliance with the performance standards listed in Section 260 of the BCZR (per County Council Bills 34-2001 and 56-2001). This development and all proposed dwellings will comply with said Office of Planning written findings and the performance standards as shown on this plan. It is the responsibility of the property owner, developer, builder, engineer, contract purchaser or building permit applicant to obtain compliance certification from the Office of Planning prior to building permit application and to present this certification on any building permit site plans/plat plans.

42. Sidewalks will be provided on all public roads, subject to waiver requests.

43. Driveways as shown are for illustrative purposes only and are subject to change.

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

SUITABLE OUTFALL STATEMENT

Runoff from the proposed development is collected by onsite swales and storm drain systems which direct the proposed runoff to three groups of onsite SWM's and stormwater management facilities. These facilities provide WQv and CPv for all the proposed improvements. Qp and QF are also provided in SWM Facilities #2 and 3.
A small portion of the proposed development (drainage Area E) will bypass the proposed management facilities and drain directly into the forest buffer area along the northern edge of Deer Park Road. This drainage will be significantly less than the runoff which drains to the inlets under existing conditions.

Portions of lots 13-29 will drain directly to the forest buffer area along the northern edge of the property via swales and sheet flow. This area meets the 2000 Maryland Design Manual Chapter 5 requirements for stormwater credits for innovative site planning, specifically sheet flow to buffer and disconnection of rooftop credit.

Discharge from the proposed SWM #1 and stormwater management facility #1 will outfall onto an energy dissipator placed on moderately sloped existing ground that consists of dense grasses. From this proposed outfall, runoff will flow overland roughly 100 feet to the existing stream on the northern adjoiner property. Field investigation found this existing stream channel to be stable and well-defined with minimal baseflow.

Discharge from proposed SWM and stormwater management facilities # 2 and 3 is directed to existing storm drain systems on the east side of Deer Park Road via proposed 24 inch pipes. Each system will outfall into an existing 24 inch storm drain system which crosses Deer Park Road and eventually drain to Scott's Level Branch.
With the inclusion of onsite water quality and channel protection volume management, we anticipate no significant adverse change in the rate, velocity, or degree of concentration of the runoff after development. Each stormwater management facility will also be designed to either manage or safely by pass the 10 and 100 year storms while providing the required freeboard for encavated facilities. Therefore, we conclude that the proposed outfalls constitute suitable outfalls based on criteria provided by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.

APPLICABLE EXCERPTS FROM THE RESIDENTIAL PERFORMANCE STANDARDS:

BCZR- Residential Performance Standards

260.6 Buildings.

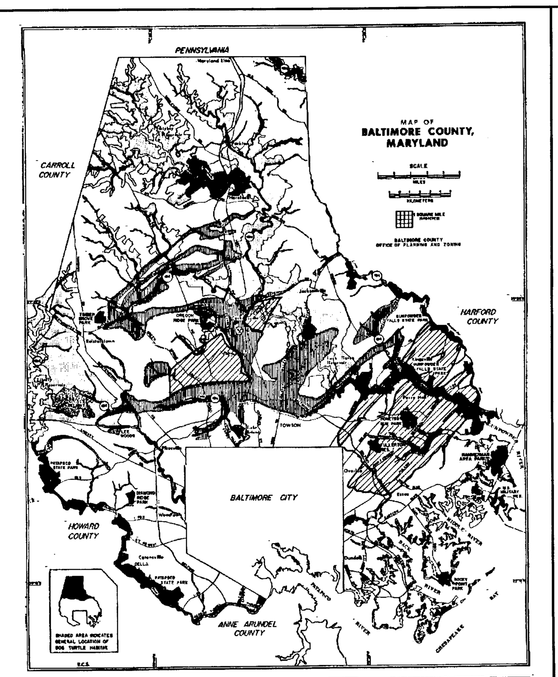
A. A development proposal shall:

1. Provide variety in housing type or design, while maintaining continuity in scale, rhythm, proportion and detail.
2. Orient the front of the dwelling toward the street and incorporate prominent entries and porches or stoops into front building facades.
3. Adhere to a consistent front building setback for all dwellings on the same street or square, so that the fronts of dwellings define a uniform street edge.
4. Design decks, balconies and porches as components of the building following dominant building lines, proportions and style, and in a scale appropriate to the available space on the site. Decks shall be screened to minimize visibility from a public street.
5. Design accessory structures at a scale appropriate to the dwelling and design storage buildings and garages with the same architectural theme as the principal building on the site providing consistency in materials, colors, roof pitch, and style.
6. Extend the finish materials of the exteriors of buildings to grade, or, if a base is used, to within 12 inches of grade, on all sides of the building excluding foundation walls which shall use a finished quality material such as decorative concrete block, poured concrete with brick pattern, or stucco, and provide landscaping along the foundation.
7. Use similar materials and design elements on all building facades and articulate all building facades using coordinated architectural features such as porches, windows, doors, chimneys, gables, and dormers.

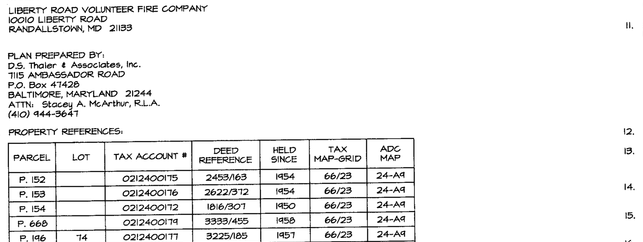
B. Garages may not become the dominant street feature. Garage doors shall use items such as windows, decorative patterns, and color to relieve the visual impact of the house from the street.

Envelopes or typical house locations on single family lots dictate a specific orientation which allows compliance with the BCZR and should the orientation change, the setbacks required by Section 1801.2.C.1.b must be met. (DR Zones)

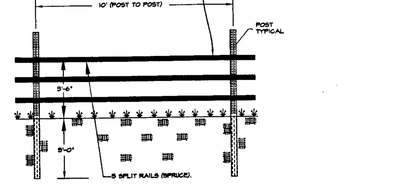
RESIDENTIAL BUILDING SETBACKS- D.R. ZONES	
	D.R. 3.5 Zone (feet)
From front building face to: Public street right-of-way or property line. Arterial or collector	25' —
From side building face to side building face:	16 < 20 high 20 > 20 high
Public street right-of-way	15'
Paving of private road	25'
Tract boundary	15'
From rear building face to: Rear property line	30'
Public street right-of-way	30'
Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.	
This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).	

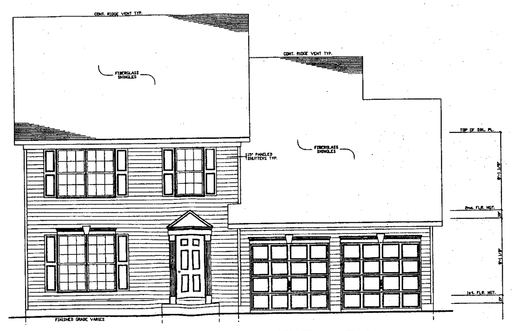


RECOMMENDED AREAS OF CRITICAL STATE CONCERN
BALTIMORE COUNTY, MARYLAND
JANUARY 1977

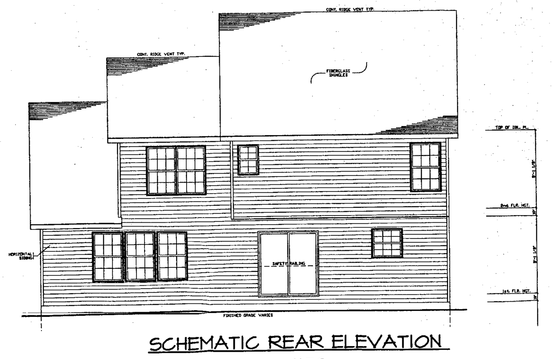


SCHEMATIC FENCE ELEVATIONS
N.T.S.

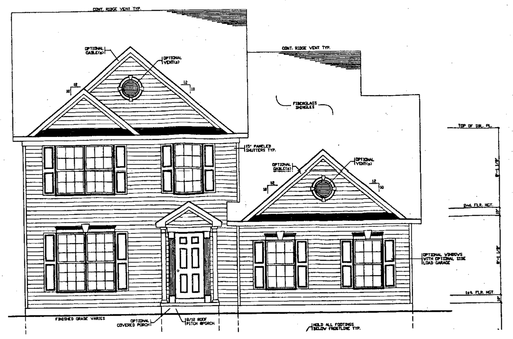




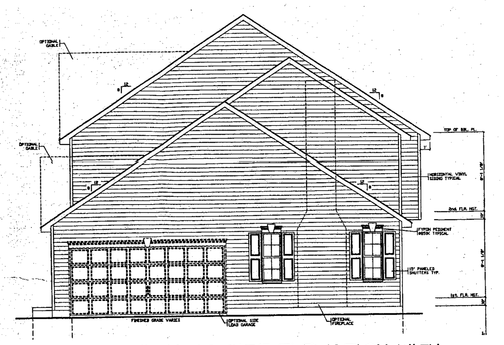
SCHEMATIC FRONT ELEVATION
N.T.S.
THE ELEVATIONS CONTAINED HEREIN ARE PROJECTIONS AND GUIDELINES ONLY, AND ARE SUBJECT TO MODIFICATION AS CIRCUMSTANCES WARRANT. IT IS INTENDED THAT THIS DEVELOPMENT WILL BE CONSTRUCTED IN A MANNER CONSISTENT WITH THE REPRESENTATIONS HEREIN, WHILE RECOGNIZING THAT MODIFICATIONS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



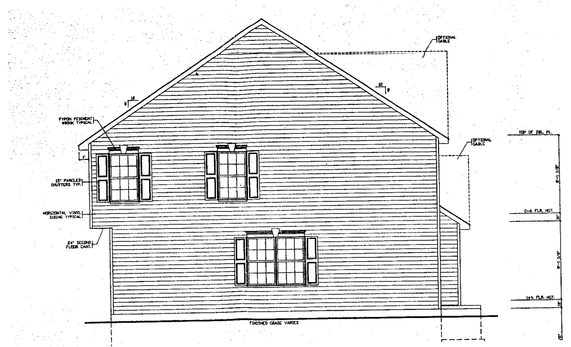
SCHEMATIC REAR ELEVATION
N.T.S.



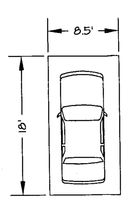
SCHEMATIC FRONT ELEVATION WITH OPTIONAL SIDE LOADED GARAGE
N.T.S.



SCHEMATIC SIDE ELEVATION WITH OPTIONAL SIDE LOADED GARAGE
N.T.S.

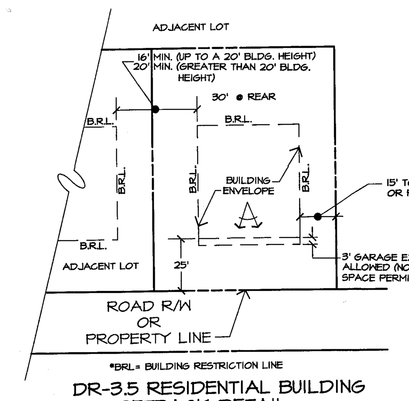


SCHEMATIC LEFT ELEVATION
N.T.S.



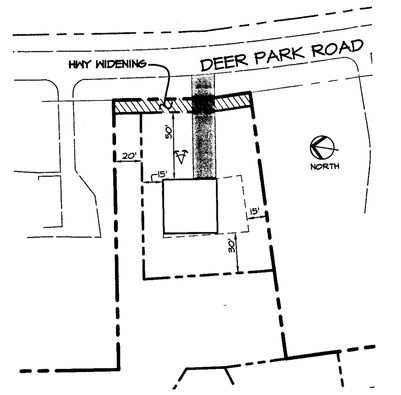
NOTE:
ALL PARKING AND MANEUVERING AREAS (MACADAM OR CONCRETE) WILL BE PAVED BY THE BUILDER AT THE TIME OF HOME CONSTRUCTION AND WILL BE MAINTAINED BY THE ULTIMATE HOMEOWNER.

TYPICAL PARKING SPACE DETAIL
N.T.S.
NOTE:
ALL DRIVEWAYS WILL COMPLY WITH SECTION 409.4 (B.C.Z.R.)
NOTE: Per Section 409 : 18' minimum is required for offstreet parking in front of a garage. Minimum 18 driveway depth from the front property line or edge of sidewalk to allow for sufficient parking space dimensions (8.5' x 18' for one car or 17' x 18' for two cars) per Section 409, BCZR.



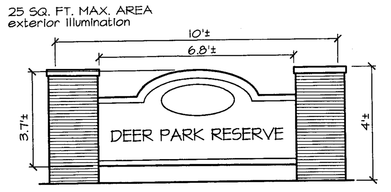
*BRL= BUILDING RESTRICTION LINE

DR-3.5 RESIDENTIAL BUILDING SETBACK DETAIL
N.T.S.



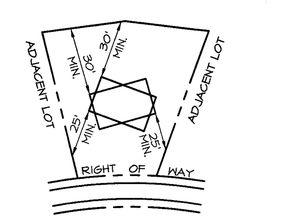
LOT# 1, 2, 39 AND 40 SETBACK DETAIL
N.T.S.

25 SQ. FT. MAX. AREA exterior illumination



SCHEMATIC SIGN ELEVATION
N.T.S.

HEARING OFFICERS HEARING AND ZONING HEARING TO BE COMBINED.



FRONT & REAR BUILDING FACE TO PROPERTY LINE SETBACK
N.T.S.

PER SECTION 1801.2.C.1.b: A 25' SETBACK IS REQUIRED FROM A FRONT BUILDING FACE TO A PROPERTY LINE OR A STREET RIGHT-OF-WAY LINE. A 30' SETBACK IS REQUIRED FROM A REAR BUILDING FACE TO A PROPERTY LINE OR A STREET RIGHT-OF-WAY LINE

NOTE THE GARAGE SETBACK PER BUILDING SETBACK DETAIL.

CERTIFICATE OF DELINQUENT ACCOUNTS

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

SIGNATURE OF PROFESSIONAL — DATE 03/08/06

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

DEER PARK RESERVE

REVISIONS:

PROJECT NAME:
DEER PARK RESERVE

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

COUNCILMANIC DIST.: 4
ELECTION DIST.: 2
REGIONAL PLANNING DISTRICT: 311
PROJECT MANAGER: WALTER T. SMITH
CIM: 3.8.06
PDM #02-105

DEVELOPER:
IRON HORSE PROPERTIES, LLC
603 ST. FRANCIS RD
BALTIMORE, MD 21286
410-804-7788

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
(410) 944-9ENGR, (410) 944-3647

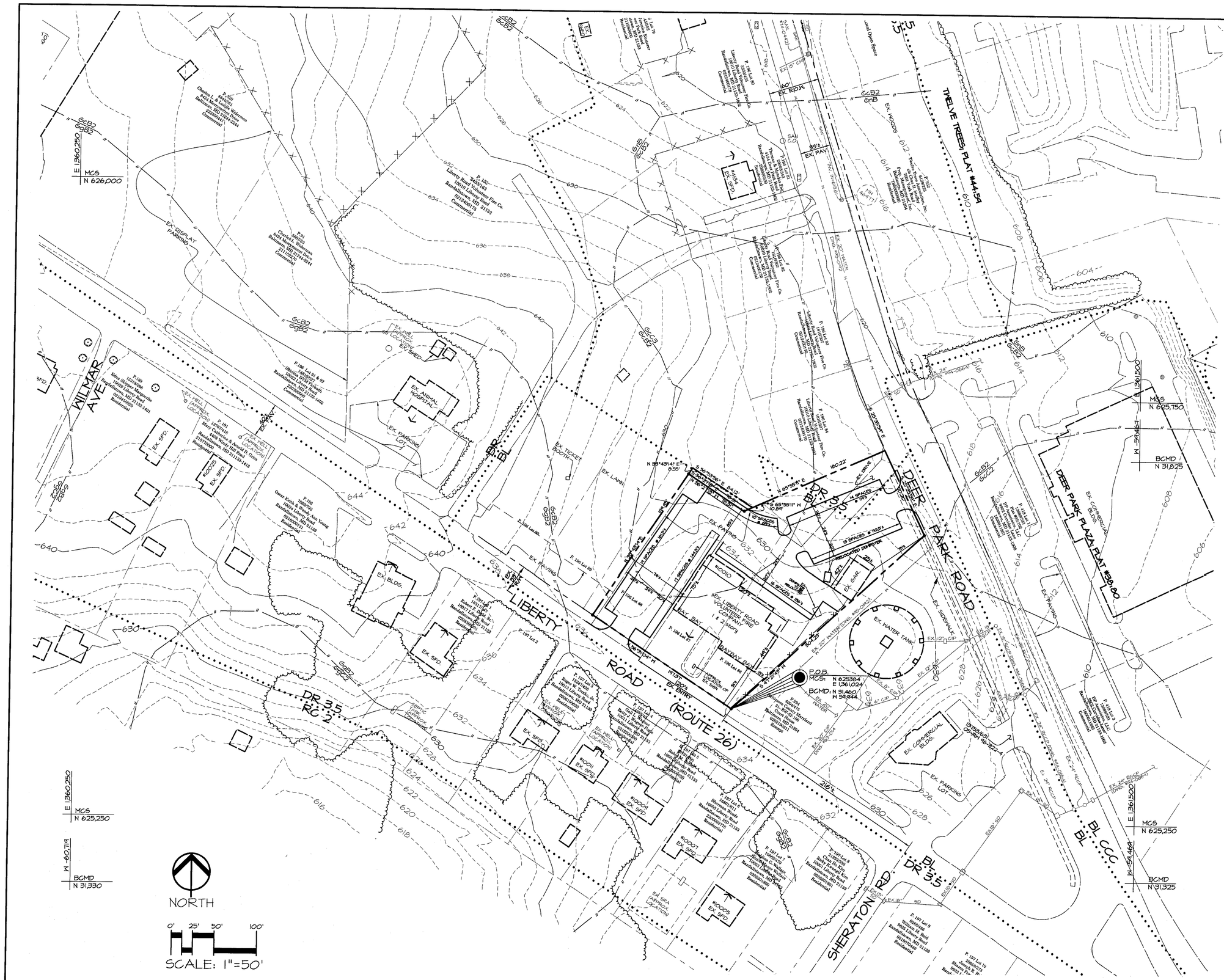
STATE OF MARYLAND — STACEY ANN MCARTHUR — No. 1901 — REGISTERED LANDSCAPE ARCHITECT

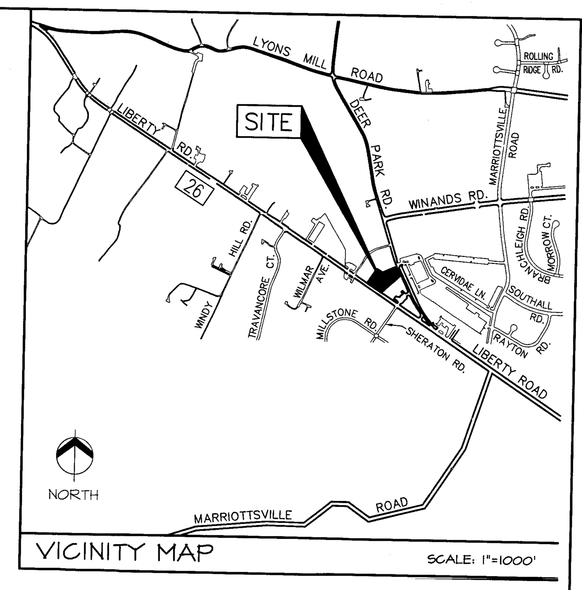
DATE: 11.06.06
SCALE: AS SHOWN
G.I.: 2'
PROJ. NO.: 02332
SHEET 2 OF 2

File Name: T:\Dsta\Projects\Deer Park Reserve\Dwg\Presentation\02332PDM-2.dwg, 11/7/2006 9:44:07 AM, Stacey McArthur

PLAT TO ACCOMPANY ZONING PETITION

LIBERTY ROAD VOLUNTEER FIRE COMPANY





VICINITY MAP SCALE: 1"=1000'

1. DEVELOPMENT NAME: LIBERTY ROAD VOLUNTEER FIRE COMPANY

2. APPLICANT:
IRON HORSE PROPERTIES, LLC
603 ST. FRANCIS ROAD
BALTIMORE, MD 21286
410.804.7199

3. OWNER:
LIBERTY ROAD VOLUNTEER FIRE COMPANY
10010 LIBERTY ROAD
RANDALLSTOWN, MD 21133

4. PLAN PREPARED BY:
D.S. Thaler & Associates, Inc.
7115 AMBASSADOR ROAD
P.O. Box 47428
BALTIMORE, MARYLAND 21244
ATTN: Stacey A. McArthur, R.L.A.
(410) 944-3647

5. PROPERTY REFERENCES.

PARCEL	LOT	TAX ACCOUNT #	DEED REFERENCE	HELD SINCE	TAX MAP-GRID	ADC MAP
P. 196	85	02124001713	1816/306	1950	66/23	24-A4
P. 196	86	02124001713	1816/306	1950	66/23	24-A4
P. 196	87	02124001711	1816/307	1950	66/23	24-A4
P. 196	p/o 88	02124001711	1816/307	1950	66/23	24-A4

Boundary: DEED
Topography: Baltimore County 615 Tile Nos.: 66B3 & 66C3
Zoning: Baltimore County, 200 Scale 2004 Zoning Map, 615 Tile Nos.: 66B3 & 66C3
Utilities: Baltimore County Key Maps NE-PP, Baltimore County Utility Drawings as noted
Floodplain: No Riverine Floodplain on site per FEMA Map Community Panel #240010 0215B, Panel 215 of 275

6. GENERAL DATA.
Election District: 2
Census Tract: 402201
Councilmanic District: 4th
Watershed: Gwynn's Falls
Regional Planning District: 311 (Marriottsville)
Sewershed: 64 N

7. SITE INFORMATION
A. Acreage: Gross Area = 1.64 Ac.±
DEER PARK ROAD, 1101' x 30'± 33,100 SF± OR 0.67 Ac±
LIBERTY ROAD, 973' x 30'± 5,810 SF± OR 0.13 Ac±
Net Area = 1.44 Ac.±

B. Existing Zoning: BL & DR-3.5

C. Density Calculations.

Existing Zoning	Total Ac± (Gross)	FAR Allowed	FAR Existing
BL	1.55	3.0 OR 202,554 SF±	0.19 OR 12,830 SF±
DR-3.5	0.09	-	-
TOTAL:	1.64		

Total square footage per case #92-240-X:
UPPER FLOOR: 4,430 SF±
LOWER FLOOR: 8,200 SF±
12,630 SF±

D. Parking requirements per Case #92-240-X.
Fire House: 1 space/300 SF @ 10,230 SF± = 35
Community Building: 1 space/50 SF @ 2,400 SF±=48 spaces
SUBTOTAL: 82 spaces

Elementary and Middle School:
1 space / teacher or 2 spaces

Overall Total: 82 spaces
(Use area of the School and Community Hall coincide; therefore there is no net gain in the required number of parking spaces.)

Proposed Parking: 84 surface parking
5 Bays
89 spaces total

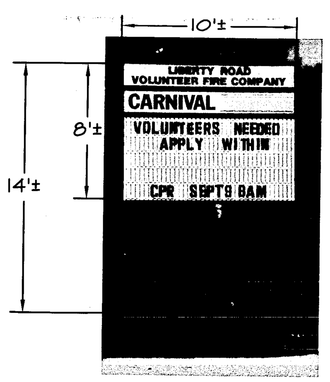
8. UTILITIES. Public water and sewer is provided. Confirmed with Liberty Road Volunteer Fire Company

9. USE. The existing use is a Fire Department. The proposed use is a Fire Department.

10. This property has been held intact since (see Note 5, according to deeds).

11. Maximum building height allowed is 50 feet.

12. The site is not located within a deficient zone per Baltimore County 2006 Basic Services Maps, Water Supply Area Map, Sewage Area Map and Transportation Map. Adopted 4.17.06, per Bill 28-06.



80 SF±/SIDE
DOUBLE FACED SIGN
INTERIOR ILLUMINATION

EXISTING SIGN
N.T.S.

ORDER CASE #76-241-X (ITEM #203)

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
NE/S of Liberty Road, 743' NW of Deer Park Road : DEPUTY ZONING
2nd Election District : COMMISSIONER
Liberty Road Volunteer Fire Company : OF
Petitioner : BALTIMORE COUNTY
NO. 76-241-X (Item No. 203)

EXTENSION ORDER

It is hereby ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 30th day of May, 1978, that the Special Exception for a volunteer fire department and community building (including seasonal carnival), granted May 26, 1976, be and the same is hereby extended, in accordance with Section 502.3 of the Baltimore County Zoning Regulations, for a period of three years, beginning May 26, 1978, and ending May 26, 1981.

Deputy Zoning Commissioner of Baltimore County

ORDER CASE #84-341-X

ORDERED/RECEIVED FOR FILING
DATE June 11, 1984
BY Arnold Jablon, Director

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of June, 1984, that the Petition for Special Exception for a volunteer fire company in a B.L. zone and community building in a B.L. and D.R. 3.5 zone in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Approval by the County Review Group (CRG) must be obtained.

2. The existing driveway from Deer Park Road, and adjacent to the existing dwelling thereon, shall be blocked so that through traffic cannot utilize that driveway. A sign marked "Private Roadway" shall be posted thereon.

3. Pursuant to Section 502.2.c.(2), RCZR, and Section IX.A.2.(e), Comprehensive Manual of Development Policies, (CMDP), the parking area shall be of bituminous paving.

Zoning Commissioner of Baltimore County

ATE: June 6, 1984
Arnold Jablon, Director
Zoning Administration

ORDER CASE #92-240-X

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of January, 1992 that the Petition for Special Exception to permit an existing volunteer fire station in a B.L. and D.R. 3.5 zone pursuant to Sections 1801.1.C.19, 236.13 and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a proposed addition to accordance with Petitioner's Exhibit 1, 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 appeal period from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Within thirty (30) days of the date of this Order, Petitioners shall submit a revised site plan incorporating the modified landscaping relief granted herein.

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner for Baltimore County

TMK:bjs

ORDER OF DISMISSAL 90-381-SPHXA

IN THE MATTER OF THE APPLICATION OF LIBERTY ROAD VOLUNTEER FIRE CO. FOR A ZONING VARIANCE, SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE NORTHEAST SIDE LIBERTY ROAD, 743' NORTHWEST OF THE CENTER-LINE OF DEER PARK ROAD (10010 LIBERTY ROAD) 2ND ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-381-SPHXA

ORDER OF DISMISSAL

This case comes before this Board on appeal from the decision of the Zoning Commissioner dated August 23, 1990 denying in part and dismissing in part the Petitions for Zoning Variance, Special Hearing and Special Exception on property located in the Second Election District of Baltimore County.

WHEREAS, the Board is in receipt of a letter of dismissal filed by Counsel for the Petitioner/Appellant in this matter on March 6, 1991 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner/Appellant requests that the appeal filed by him in this matter be dismissed and withdrawn as of March 6, 1991,

IT IS HEREBY ORDERED this 13th day of March, 1991 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
William T. Hackett, Chairman
Harry E. Buchheister, Jr.
Lynn B. Hoveland

ZONING HISTORY

5.26.76 Case #76-241-X (Item #203) - Special Exception to allow construction of equipment building and community hall/seasonal carnival (GRANTED).

5.3.78 Case #76-241-X (Item #203)
- Extension Order - to extend Special Exception from 5.26.78 to 5.26.81

6.6.84 Case #84-341-X - Special Exception to allow volunteer fire company and community building. Case #76-241-X - expired (GRANTED).

8.23.90 Case #90-381-SPHXA
- Special Exception to allow a cell tower (DENIED)
- Special Hearing to approve Amendment to approved site plan in Case #76-241-X to include cell tower (DISMISSED)
- Variance to permit reduced setbacks (DISMISSED)

3.13.91 Case #90-381-SPHXA - Board of Appeals (DISMISSED).

1.17.92 Case #92-240-X - Special Exception for a building addition (GRANTED).

SPECIAL HEARING REQUEST:

TO AMEND THE PREVIOUSLY APPROVED SPECIAL EXCEPTION GRANTED IN CASE NO. 76-241-X AND REMOVE THE PROPERTY FROM THE BOUNDARIES OF THE SPECIAL EXCEPTION.

PROJECT NAME:
LIBERTY ROAD VOLUNTEER FIRE COMPANY
10010 LIBERTY ROAD

PLAN TITLE:
PLAT TO ACCOMPANY ZONING PETITION

COUNCILMANIC DIST.: 4
ELECTION DIST.: 2
REGIONAL PLANNING DISTRICT: 311

APPLICANT:
IRON HORSE PROPERTIES, LLC
603 ST. FRANCIS RD
BALTIMORE, MD 21286
410-804-7199

REVISIONS:

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

DATE: 9/13/06
SCALE: 1"=50'
G.I.: 2'
PROJ. NO.:02432
SHEET 1 OF 1
PETITIONER'S EXHIBIT NO. 4

07-114-SPHXA

S:\Deer Park Reserve\Dwg\Rezoning\Exhibits\Zoning\Liberty Fire plat to accompany Layout.dwg Sep 11, 2006 - 2:24pm SAM

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 21, 2006 Issue - Jeffersonian

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

410-832-2077

NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-114-SPH
800 ft. from intersection of Deer Park and Liberty Road
N/side of Liberty Road, 800 feet northwest of centerline of Deer Park Road
4th Election District – 2nd Councilmanic District
Legal Owners: Liberty Road Volunteer Fire Company
Contract Purchaser: Iron Horse Properties, LLC

Special Hearing to amend the Special Exception previously approved and the Plans and Orders previously approved in Case Nos. 76-241-X, 84-341-X and 92-240-X and to remove property from the boundaries of the Special Exception.

Hearing: Friday, December 8, 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.