IN RE: PETITION FOR ADMIN. VARIANCE W Jericho Road, 1300 feet E Greenhouse Lane 11th Election District 3rd Councilmanic District **(12120 Jericho Road)** Robert and Paula Johnson *Petitioners*	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER BALTIMORE COUNTY CASE NO. 07-291-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Robert and Paula Johnson. The variance request is for property located at 12120 Jericho Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (garage) with a height of 20 feet +/- in lieu of permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners and their attorney, Jennifer R. Busse, Esquire, believe that the structure was constructed prior to the enactment of the zoning regulations for the property. The structure's height is due to the roof pitch which, along with the rest of the structure's architectural features, allows it to be architecturally consistent with the main structure of the property. The age of the structure contributes to its uniqueness, along with its conversion from a farm building to a garage serving a residential property. The roof would have to be modified to lower the structure's height, resulting in a less attractive structure which would not be as architecturally consistent with the main structure on the property.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of

1-31-07

Planning dated January 4, 2007 which contains restrictions, and a copy of which is incorporated herein and make a part hereof the file.

Applicable Law

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

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 7, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 31st day of January, 2007 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (garage) with a height of 20 feet +/- in lieu of permitted 15 feet be and is hereby GRANTED, subject to the following:

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. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

1-31-07

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 30, 2007

ROBERT AND PAULA JOHNSON
12120 JERICHO ROAD
KINGSVILLE MD 21087

Re: Petition for Administrative Variance
Case No. 07-291-A
Property: 12120 Jericho Road

Dear Mr. and Mrs. Johnson:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted 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 and 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: Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, LLP, 210 W. Pennsylvania Avenue, Towson MD 21204

1-31-07

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12120 Jericho Rd Kingsville Md 21087
which is presently zoned RC 5

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

400.3 to permit an existing detached accessory structure (garage) with a height of 20'± in lieu of permitted 15'

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Robert and Paula Johnson
Name - Type or Print

Robert K Johnson
Signature

Name - Type or Print

Paula Johnson
Signature

12120 Jericho Rd
Address Telephone No.

Kingsville Md 21087
City State Zip Code

Attorney For Petitioner:

Jennifer R. Busse, Esq
Name - Type or Print

Signature

Whiteford, Taylor & Preston
Company

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

Towson MD 21204
City State Zip Code

Representative to be Contacted:

Attorney - Jennifer Busse
Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-291-A Reviewed By _____ Date _____

REV 9/15/98

Estimated Posting Date _____

[illegible]
Date 1-31-07
By [illegible]

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 12120 Jericho Rd
Address
Kingsville Md 21087
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

please see attached

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Paula Johnson
Signature
Paula Johnson
Name - Type or Print

Robt K Johnson
Signature
Robert K Johnson
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of December, 2006 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Paula Johnson and Robert Johnson the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

12/24/06
Date

Lynne Ann Straw
Notary Public

My Commission Expires 8/1/07

REV 09/15/98

Attachment to Petition for Administrative Variance
12120 Jericho Road
Kingsville, MD 21087
Case No.:

Petition for Administrative Variance from Baltimore County Zoning Regulations §400.3 to permit an existing structure (garage) with a height of 20 feet +/- in lieu of the permitted 15 feet.

It is believed that this structure (for which this height variance is requested) was constructed prior to the enactment of the zoning regulations to the property. The structure's height is due to the roof pitch which, along with the rest of the structure's architectural features, allows it to be architecturally consistent with the main structure (the dwelling) on the property. The age of the structure contributes to its uniqueness, along with its' conversion from a farm building to a garage serving a residential property. The strict application of the zoning regulations to this structure would result in a hardship and practical difficulty on the owner since the roof would have to be modified to lower the structure's height, resulting in a less attractive structure which would not be as architecturally consistent with the main structure on the property.

374505

December 21, 2006

PROPERTY DESCRIPTION

~~LOT 4, FOX CREEK FARM SUBDIVISION~~

Beginning for the same in Jericho Road approximately 1,300 feet East of Greenhouse Lane, thence running the following courses and distances;

1. South 33°42'08" East 278.00 feet to a point thence,
2. South 28°42'08" East 165.83 feet to a point thence,
3. South 57°26'26" West 69.60 feet to a point thence,
4. South 43°00'26" West 149.00 feet to a point thence,
5. North 55°11'46" West 217.85 feet to a point thence,
6. North 08°11'14" East 78.20 feet to a point thence,
7. North 30° 26'58" West 172.00 feet to a point thence,
8. North 31°28'02" East 60.80 feet to a point thence,
9. North 19°50'58" West 36.95 feet to a point thence,
10. North 60°35'05" East 139.25 feet to a point thence,
11. North 66°03'52" East 44.65 feet to the point of beginning.

Containing 2.7 acres of land more or less.

Located within the Fifth Councilmatic District and Eleventh Election District.

H:\CORRESPONDENCE\PROPOSALS\Projects\Fox Creek Farm - Johnson Property\02917B Property Description BFL lm 12 21 06 doc

07-291-A

STATE OF MARYLAND
BERNARD F. LINSENMEYER
No. 503
PROPERTY LINE SURVEYOR

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23007

DATE 12/26/06 ACCOUNT R001 0060 150

AMOUNT $ 65.00

RECEIVED FROM: W.T.P. LLC

FOR: 07-291-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
12/27/2006	12/26/2006	12:40:51	9

REG W506 HALRUN KRCH KCM
>>RECEIPT # 539159 12/26/2006 OFLH
Dept $ 500 ZONING VERIFICATION
CR No. 023007
Recpt Tot $65.00
$65.00 CR $ .00 CH
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-291-A

Petitioner/Developer: ROBERT JOHNSON

Date of Hearing/Closing: 1-22-07

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

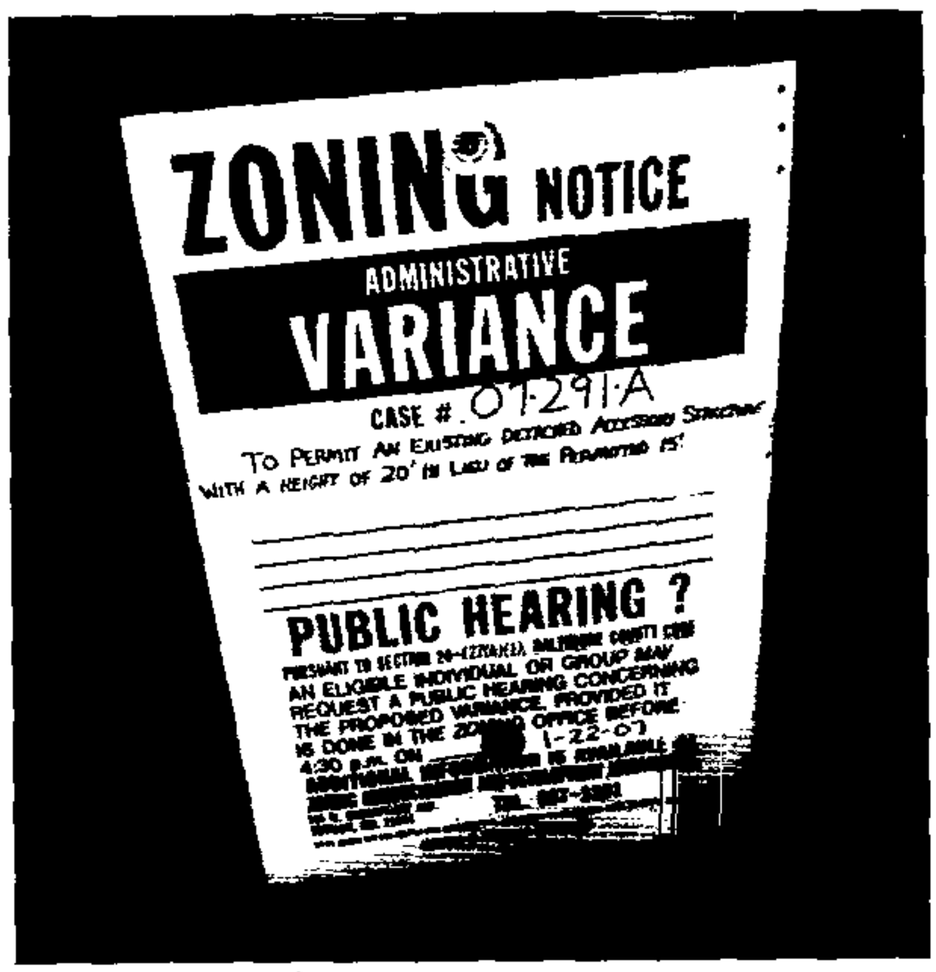
ATTN: Kristen Matthews {(410) 887-3394}

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: 12120 JERICHO RD

The sign(s) were posted on 1-7-07
(Month, Day, Year)

Sincerely,



Robert Black 1-9-07
(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)

RECEIVED
JAN 11 2007

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07-291 -A Address 12120 JERICHO ROAD

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/26/06 **Posting Date:** 1/7/07 **Closing Date:** 1/22/07

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 07-291 -A Address 12120 JERICHO ROAD

Petitioner's Name ROBERT JOHNSON ET UX Telephone 410 832 2077

Posting Date: 1/7/07 **Closing Date:** 1/22/07

Wording for Sign: *To Permit* AN EXISTING DETACHED ACCESSORY STRUCTURE WITH A HEIGHT OF 20' IN LIEU OF THE PERMITTED 15'

WCR - Revised 6/25/04

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

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: 07-291-A

Petitioner: Robert and Paula Johnson

Address or Location: 12120 Jericho Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer R Busse, Esq

Address: c/o Whiteford, Taylor & Preston
210 W. Pennsylvania Ave Ste 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

January 22, 2007

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

Dear Ms. Busse:

RE: Case Number: 07-291-A, 12120 Jericho Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 26, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Robert and Paula Johnson 12120 Jericho Road Kingsville 21087

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For January 8, 2006
Item Nos. 07-281, 284, 285, 286, 287, 288, 289, 291, 292, and 293

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-01032007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 4, 2007

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

SUBJECT: 7-291 –Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by: Curtis Murray

Section Chief: Lynn Lanham

AFK/LL: CM

RECEIVED

JAN 0 5 2007

ZONING COMMISSIONER

W:\DEVREV\ZAC\7-291.doc

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

SHA State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: JANUARY 9, 2007

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

RE: Baltimore County
Item No. 07-291-A
12120 JERICHO ROAD
JOHNSON PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-291-A.

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

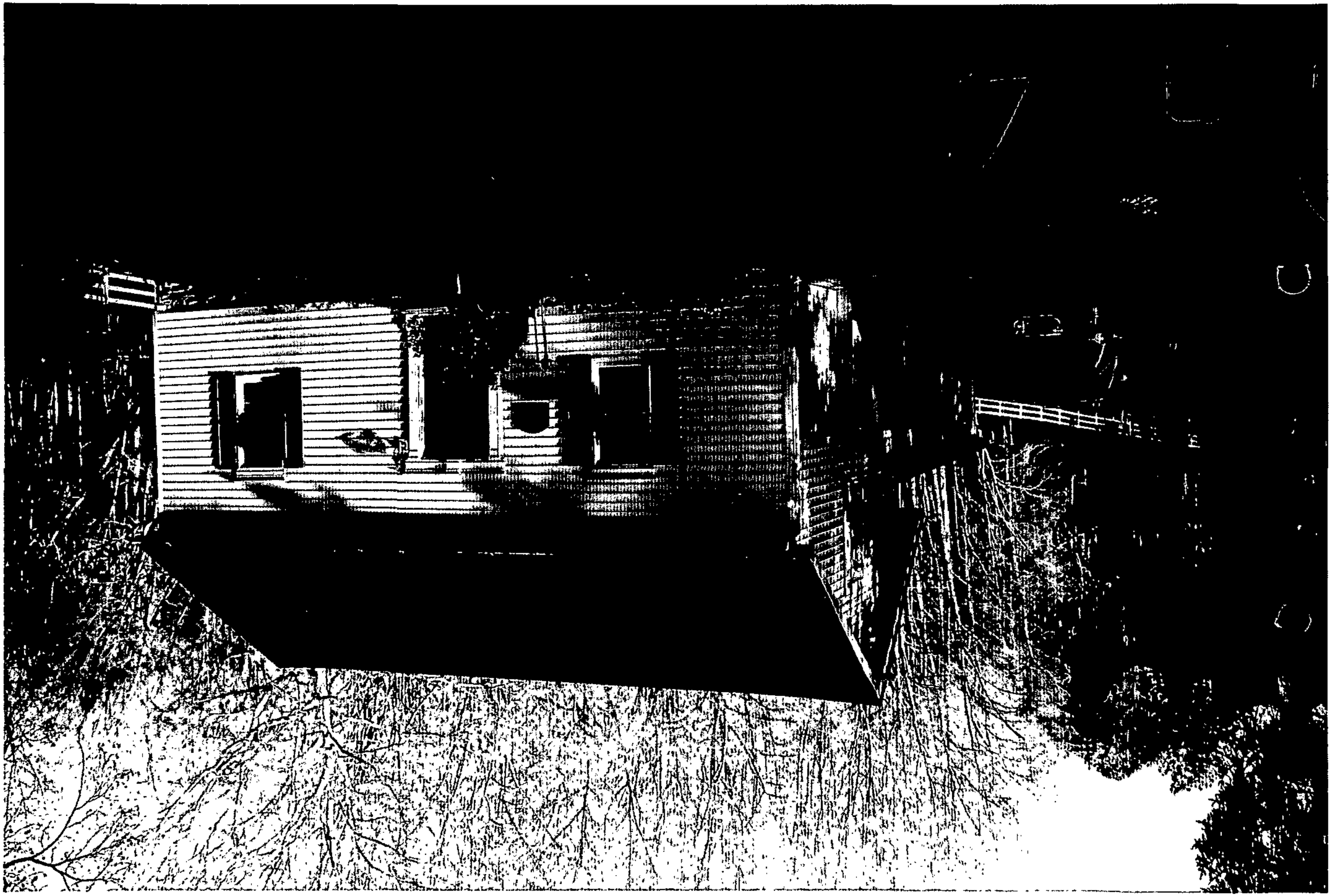
Very truly yours,

Michael P. Bailey

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

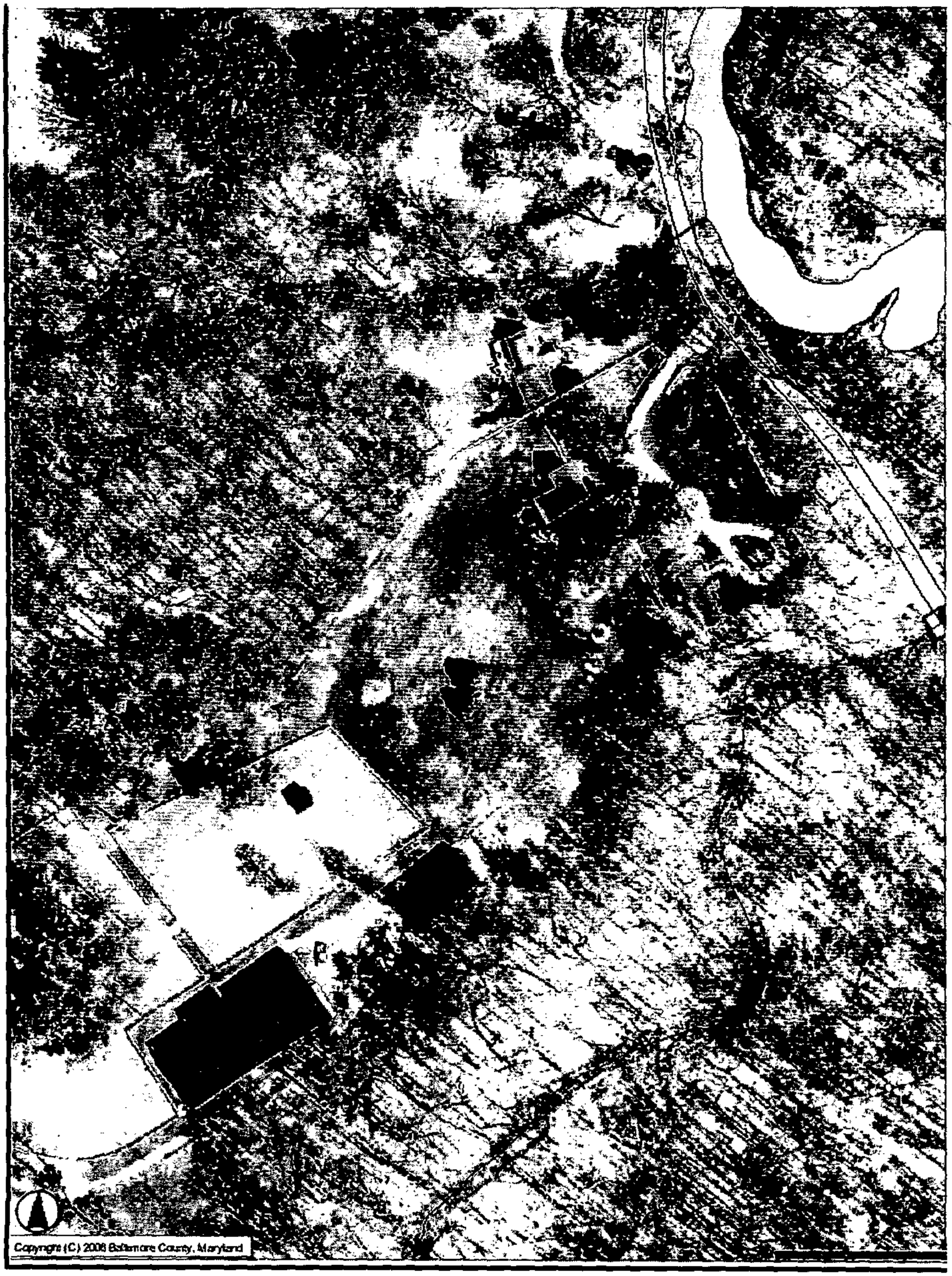
A-162-10



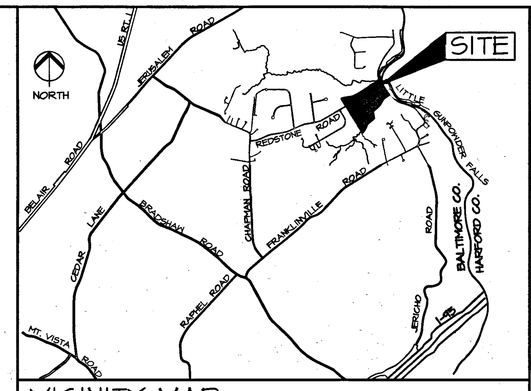
07-291-A

A-162-69

07-291-A



07-291-A



VICINITY MAP SCALE: 1"=2000'

LEGEND

EXISTING

- TRACT BOUNDARY
- EASEMENT
- INDEX CONTOUR
- INTER. CONTOUR
- ROAD
- SOILS LINE
- FB FOREST BUFFER
- FP FLOODPLAIN
- FOREST
- 25% SLOPES
- WETLANDS
- EXISTING FRONT ORIENTATION

PROPOSED

- FOREST CONSERVATION EASEMENT
- FOREST TO REMAIN
- TBR TO BE REMOVED
- PROPOSED FRONT ORIENTATION
- 9A PASSED PERC LOCATION
- 8B FAILED PERC LOCATION
- MAJOR DECIDUOUS TREE
- MINOR DECIDUOUS TREE
- EVERGREEN TREE
- SHRUBS
- REFORESTATION
- FOREST BUFFER MITIGATION

SOILS

SYMBOL	NAME	HOMES W/ BASEMENT	HOMES W/O BASEMENT	STREETS & PARKING LOTS	AGRICULTURAL CAPABILITY
GkB2	Elkton silt loam, 3-8% slopes	Slight	Slight	Moderate	IIs-7*
EkB2	Elkton silt loam, 3-8% slopes	Slight	Slight	Moderate	IIe-4*
ElC3	Elkton silty clay loam, 8-15% slopes	Moderate	Moderate	Severe	IVe-3
GcC3	Glenelg loam, 8-15% slopes	Moderate	Moderate	Severe	IVe-3
GcD2	Glenelg loam, 15-25% slopes	Severe	Severe	Severe	VIe-3
Ho	Hatboro silt loam	Severe	Severe	Severe	IIIw-7*
MbD3	Manor loam, 15-25% slopes	Severe	Severe	Severe	VIe-3
MdE	Manor soils, 25-50% slopes	Severe	Severe	Severe	VIe-3

(*) DENOTES PRIME AND PRODUCTIVE SOILS

VARIANCE REQUEST:

PER SECTION 400.3 (BCZR) TO ALLOW AN ACCESSORY STRUCTURE (EXISTING GARAGE) HEIGHT OF 20', MORE OR LESS, IN LIEU OF THE PERMITTED 15'.

NORTH
MCS

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

PLAT TO ACCOMPANY ZONING PETITION, DEVELOPMENT PLAN AND

PROJECT NAME: FOX CREEK FARM

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

COUNCILMANIC DIST.: 3
ELECTION DIST.: 11
REGIONAL PLANNING DISTRICT: 31B
PROJECT MANAGER: Darryl D. Fultz
CIM: FEB. 27, 2006
PDM #XI-1017

REVISIONS:

ROBERT & PAULA JOHNSON
12120 JERICHO ROAD
KINGSVILLE, MD 21087
410-592-8248

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
SCALE
C.I.
PROJ.
SHEET

07-291

PLAT TO ACCOMPANY ZONING PETITION, DEVELOPMENT PLAN AND

GENERAL NOTES

1. DEVELOPMENT NAME: FOX CREEK FARM
2. APPLICANT/ OWNER:
   ROBERT & PAULA JOHNSON
   12120 JERICHO ROAD
   KINGSVILLE, MD 21087-1900
3. PLAN PREPARED BY:
   D.S. Thaler & Associates, Inc.
   7115 AMBASSADOR ROAD
   P.O. Box 47428
   BALTIMORE, MARYLAND 21244
   ATTN: Stacey A. MacArthur, R.L.A.
   (410) 944-3647
4. PROPERTY REFERENCES:

TAX ACCOUNT #	TAX MAP, GRID	PARCEL	DEED	HELD SINCE	ADC MAP
1118047575	55, 22	42	6340/ 151	1973	Map 22 F-4, F-10

5. PROPERTY REFERENCES:
   Boundary: D.S. Thaler & Associates, Inc., September 2005
   Topography: D.S. Thaler & Associates, Inc., October 2005 (on-site) Baltimore County GIS tile No. 05SB3 (off-site)
   Utilities: Baltimore County Key Map (92-NW) Baltimore County Design Drawings as noted.
   Zoning: Baltimore County 200 Scale Zoning Map, GIS Tile No. 05SB3
   Soils: U.S.D.A. Baltimore County Soil Survey Manual (Maps 31 & 25)
   Floodplain: D.S. Thaler & Associates, Inc. (October 2006)
   Forest Buffer Delineation: Eco-Science Professionals, Inc. (November 2005) Approved by DEPRM, January 9, 2006
   Steep Slopes & Erodible Soils Analysis: Eco-Science Professionals, Inc. (November 2005) Approved by DEPRM, January 9, 2006
   Forest Stand Delineation: Eco-Science Professionals, Inc. (November 2005) Approved by DEPRM, June 25, 2004.
   Forest Conservation Worksheet: D.S. Thaler & Associates, Inc. (January , 2006) Approved by DEPRM, March 6, 2006
6. GENERAL DATA:
   Election District: 11 — Watershed: LOWER GUNPOWDER FALLS
   Census Tract: 4110.01 — Subwatershed: III
   Councilmanic District: 3rd — Regional Planning District: 31B

SCHOOL INFORMATION: (2005-2006)

School District	State Rated Capacity (SRC)	Actual Enrollment Sept. 30th 2005	Projected # of pupils this project	Projected* for Approved Developments	Total Projected Enrollment	Capacity Above	Capacity Below	Projected # of pupils as a Percentage of SRC
Kingsville Elementary	422	304	3	38	345	-	77	81.75%
Perry Hall Middle	1,849	1,520	2	236	1,758	115	-	107.0%
Perry Hall High	2,110	2,236	2	244	2,352	442	-	120.9%

ADJACENT SCHOOL:

School District	State Rated Capacity (SRC)	Actual Enrollment Sept. 30th 2005	Projected # of pupils this project	Projected* for Approved Developments	Total Projected Enrollment	Capacity Above	Capacity Below	Projected # of pupils as a Percentage of SRC
Middle River Middle	1,007	828	2	193	1,023	155	-	101.6%
Overlea High	1,290	1,248	2	36	1,286	36	-	104.6%
Chesapeake High	1,083	1,047	2	36	1,085	2	-	100.2%
Parkville High	2,275	1,942	2	4	1,948	-	1,172	41.1%

* PER BALTIMORE COUNTY , MARYLAND, 2005-2006 ENROLLMENT DATA WEBSITE, DATED OCTOBER 6, 2006
(http://www.co.ba.md.us/agencies/planning/public_facilities_planning/adequate_school_facilities - DRAFT SPREADSHEETS)

7. SITE INFORMATION:
   A. Acreage:
      Gross: 21.0 Ac± (649 LF± x 30' = 19,470 SF±=0.3 Ac±)
      Net: 20.7 Ac±
   B. Existing Zoning: RC-5
   C. Density Calculations

Zone	Gross Area Ac±	Units Allowed	Units Proposed	Units Existing	TOTAL Units PROPOSED
RC-5	21.0	X (21.0 X .25)	8	1	9

   D. Parking
      Required: 2 spaces per unit
      Proposed: 2 spaces per unit or 18 spaces
   E. Open Space:
      "All Open Space shall be in compliance with the Local Open Space Manual, Latest Edition."
      Open Space Required: 5,850 SF± Active and 3,350 SF± Passive (or a combination thereof as specified in Section 111.D.3.)
      Open Space Provided: 0 SF. A waiver is requested and fee in lieu to be paid
   F. Landscape requirements as specified in the Baltimore County Landscape Manual, adopted August 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.
      1 Planting Unit (P.U.) =
      1 major deciduous tree (2-2-1/2" cal.) or
      2 minor deciduous trees (1-1/2" cal.) or
      2 evergreen trees (6' ht.) or
      5 shrubs or
      class A: 24- 30" ht.
      class B: 18" ht.
      300 S.F. of ground cover or
      25 Grasses, herbaceous/perennial (1 gal.)*or
      *To meet Class D screening requirements only.

LANDSCAPE REQUIREMENTS	REQUIRED	PROPOSED
STREET FRONTAGE: (Condition A) Interior Roads @ 1 PU/20 L.F. Adjacent Roads @ 1 PU/40 L.F. Panhandle Roads @ 1 PU/15 L.F.	384 LF±=19.2 P.U. (446 LF±+60 LF±)=12.7 P.U. (464.6 LF±+60 LF±)=35 P.U.	66.9 P.U.
STORMWATER MANAGEMENT: (Condition L) @ 1 PU/15 LF	1,041 LF±=72.7 P.U.	72.7 P.U.
RESIDENTIAL REAR AND SIDE YARDS (Condition M) @ 1 PU/15 LF	210 LF±=14.3 P.U.	14.3 P.U.
TOTAL:	156.9 P.U.	156.9 P.U.*

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

8. UTILITIES: Private well and septic will be provided.
9. USE: Existing use: residential; Proposed use: Residential
10. AVERAGE DAILY TRIPS (ADTS): Average daily trips as calculated from the Baltimore County Comprehensive Manual of Development Policy. 9 Dwelling Units @ 10 ADT/Dwelling Unit = 90 ADTs
11. STORMWATER MANAGEMENT: Stormwater management will conform to Baltimore County Standards and the 2000 Maryland Stormwater Management Design Manual

    Stormwater Management Reservation areas shall be dedicated to 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 forest and meadow.
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.
16. LIGHTING: Proposed lighting is shown as ▲. Lighting is schematic and subject to change.
17. ENVIRONMENTAL: There are no known critical areas, archaeological sites endangered species, or hazardous materials* on the site.

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

    "Any Forest Conservation Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."

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

    "Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."

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

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

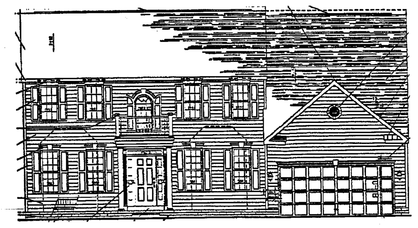
    A preliminary Forest Conservation Plan and worksheet has been filed independently in accordance with 33-6-101.

    This site does not lie within the limits of the Chesapeake Bay Critical Area. No additional information is requested by the Department of Environmental Protection and Resource Management to determine compliance with the Critical Area Local Protection Program pursuant to Section 33-2-202(a).
18. ZONING HISTORY: No zoning history was found on file.
19. Maximum building height in R.C. 5 zone is 35 feet.
20. 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.
21. According to the Maryland Transit Administration Regional Transportation System map (www.marylandjunction.com), the nearest MTA service to this site is located approximately 5 miles from site, in Perry Hall.
22. The GIM was held on February 27, 2006. The minutes which identify all comments can be found in PDM File No. XI-1017, on file in Room 123 of the Baltimore County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204.
23. There are no known limitations established by the Courts, County Board of Appeals, Planning Board and/or Zoning Commissioner or Restrictive Covenants which would limit proposed development on site.
24. There are no buildings, properties or sites within or contiguous to the proposed development included on the Maryland Historical Trust Inventory of Historic Properties, Baltimore County Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archaeological Survey, or any Baltimore County Historic District or National Register Historic District covering the proposed development, per M. John McGrain, Baltimore County Planning Office 11/01/05.
25. "There are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated" per M. Lori Byrne, Environmental Review Coordinator, Wildlife Heritage Service, Maryland Department of Natural Resources, 11/21/2005.
26. All drainage and utility easements shall be 20 ft. wide.
27. The "Recommended Areas of Critical State Concern" map included on this sheet indicates that there are no known areas of Critical State Concern on-site.
28. There are no Residential Transition Areas (RTAs) on site.
29. All proposed roads are public. The proposed roads are neither arterial or collector roads. All roads and easements indicated for dedication to Baltimore County will be offered for dedication at no cost to the County.
30. 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).
31. Refuse collection will be provided by a Baltimore County.
32. United States Postal Service will provide mail delivery.
33. "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."
34. 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.
35. Parcels designated as "H.O.A." will be dedicated to the Homeowners Association.
36. Existing structures, as noted on the plan, shall be razed by the developer prior to record plat approval.
37. All lots are for sale.
38. The developer shall provide a rural water supply for fire fighting purposes, or install sprinkler systems complying with NFPA 13D in all houses, as per fire department requirements. In accordance with Baltimore County Fire Prevention Code; section 7-5.6. The location and source of the fire suppression water supply is shown and noted on the development plan and a copy of the approved plan must be filed with the Office of the Fire Marshal. Amendments to the approved plan shall be reviewed and approved by the Office of the Fire Marshal.
39. Per Section (BCZR) 1A04.3.B
    1. A development proposal shall:
       a. Allow variety in housing type or design, while maintaining continuity in scale, rhythm, proportion and detail.
       b. Orient the front of the dwelling toward the street and incorporate prominent entries and porches or stoops in front building facades.
       c. Provide for the coordinated architectural design of decks, balconies, windows, dormers, chimneys and porches as components of the building following dominant building lines, proportions, style and scale. Decks shall be screened to minimize visibility from a public street.
       d. Design accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
       e. Ensure that exteriors of all buildings use the same finish materials and architectural details on all front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
    2. Garages may not become the dominant street feature. Garage doors shall use items such as windows, decorative patterns, and color to relieve the visual impact of the house from the street.
40. Driveways are shown for illustrative purposes only.
41. Notice of Water Law
    A. For Unimproved Lots:

    Since the property to be purchased by the buyer(s) will be served by a private water supply system as the source of domestic water, the law of Baltimore County requires that, prior to conveyance of such property to any buyer(s), seller(s) must provide a well with a supply of water meeting the minimum water yield requirements of section 35-3-1(a) of the Baltimore County Code. Buyer is further advised that the quantity of water is important and that, unless buyer(s) specifically executes a "Waiver of Provision of Minimum Well Yield Prior to Conveyance," a well meeting the Baltimore County Code standards is required.

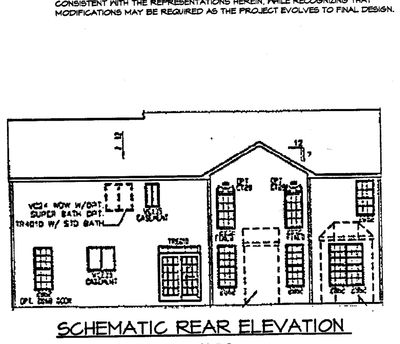
    B. For Improved Lots:

    Since the property to be purchased by the Buyer(s) will be served by a private water supply system as the source of domestic water, the law of Baltimore County requires that, prior to conveyance of such property to any buyer(s), seller(s) must provide a well with a supply of water meeting the minimum water yield requirements and bacteriological and chemical quality standards of section 35-3-1(a) and (b) of the Baltimore County Code. Buyer(s) is further advised that the quantity and quality of water is important and that, unless buyer(s) specifically executes a waiver of testing for minimum water yield and chemical quality standards, such tests must be made on the well existing on the property to be purchased by buyer(s) to determine whether some meets the minimum requirements established by Baltimore County Code.
42. The panhandle shall be paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first.
43. For panhandle driveways serving more than one lot, a "covenant" (see in common and maintenance) is to be recorded with the record plat.
44. On May 22, 2006, a variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains for the reduction and continued use of 0.31± Acres of the required forest buffer for the existing driveway, existing home, garage, front and rear yards, and practical setbacks from the existing structures. Conditions including installation of signs, and the planting of native trees and/or shrubs within the forest buffer areas were placed on this variance to reduce water quality impacts.
44. Jericho Road is a Scenic Road per Baltimore County Master Plan 2010.
45. There are existing wells and septic systems on site.
    Existing wells noted to be removed (TBR), shall be properly backfilled by a licensed contractor prior to Building Permit. Note that the existing well on Lot #6 shall be backfilled with bentonite clay.



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.


VOL. 4 NEW W/ DOT SUPER BATH DPT. 1,944.0 ft W/ STD BATH
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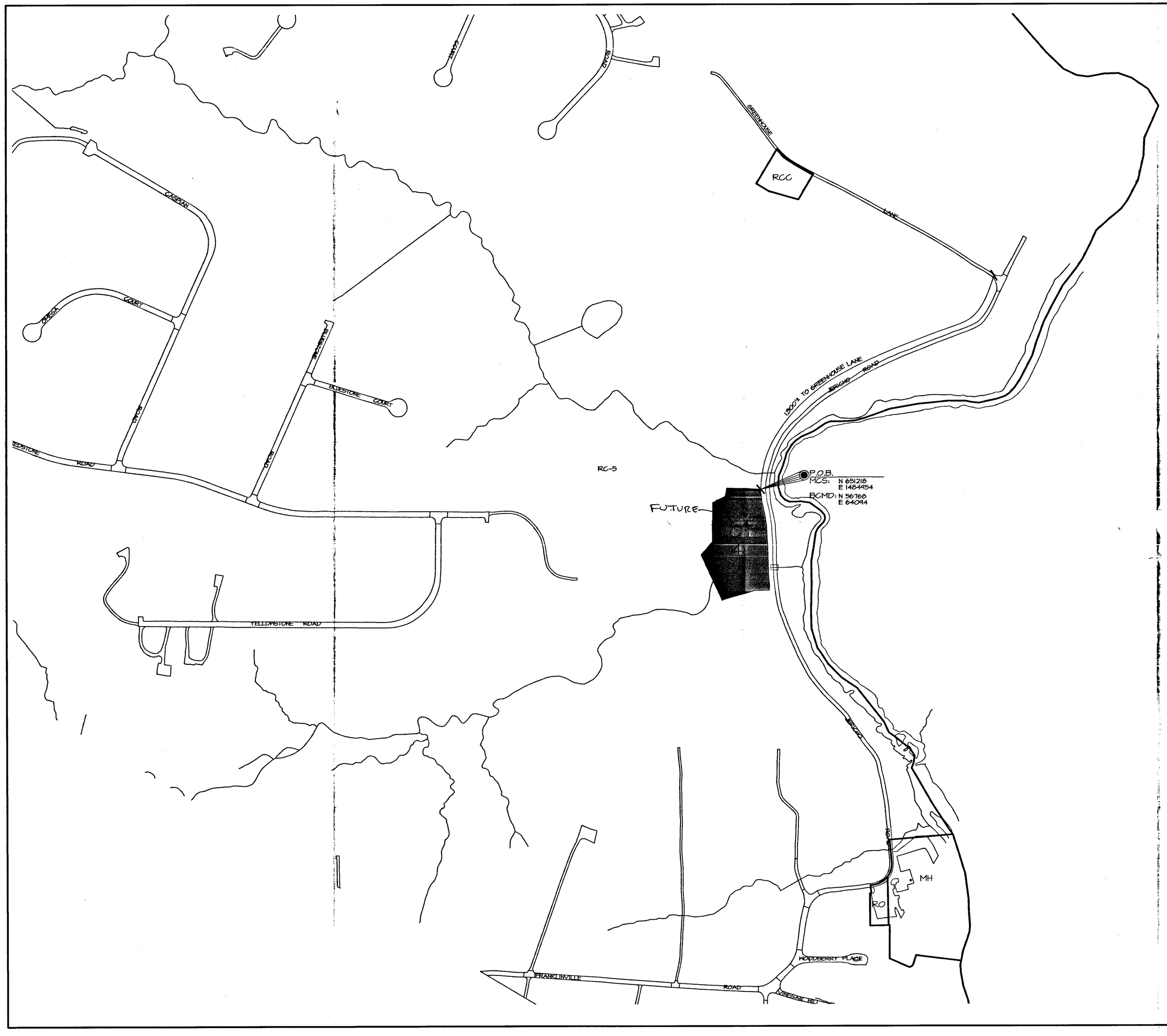

NORTH

0 25'50' 100' 200'

SCALE: 1"=200'

DST&A

D. S. THALER & ASSOC., INC.

CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
LAND PLANNERS

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REVISIONS

Date	Description

200 SCALE BALTIMORE COUNTY
ZONING MAP TO ACCOMPANY ZONING PETITION
(GIS TILE: 05B3)

FOX CREEK FARM

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

File name: T:\Fox-Creek Farm\Dwg\Planning\Exhibits\200 zoning.dwg Layout:Layout1 Dec 21, 2006-3:30pm KKR

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