

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Overlook Circle, 146 feet W of
the c/l of Philadelphia Road
11th Election District
5th Councilmanic District
(5404 Overlook Circle)

Brian W. Hott
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-145-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 owner of the subject property, Brian W. Hott for property located at 5404 Overlook Circle. The variance request is from Sections 259.9.B.4.C and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection addition (deck) with a rear yard setback of 28 feet in lieu of the required 37.5 feet and to amend the Final Development Plan of Overlook at Perry Hall, Lot #40 only, and to amend the previously approved Case #02-518-SPVA-H. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner has a rear door leading to the back yard; however this door does not have direct access to the back yard because there are no steps or deck to actually reach the back yard. The proposed deck will allow the Petitioner to access the back yard. The deck will run the length of the house and measure 46 feet long. The width of the deck will vary from 22 feet to 12 feet in depth. The size of the deck will accommodate the family, deck furniture and a grill. No neighbors to the rear are affected by the proposal. The subject property backs up to 11315 Holter which contains 0.5711 acres, is owned by Honeygo Springs LLC, and is vacant.

Case No. 02-518-SPVA-H was connected with Case No. XI-884 the development plan for the subject subdivision.

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10-29-07

[Signature]

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

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

The Petitioner has filed the supporting affidavits 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 29th day of October, 2007 that a variance from Sections 259.9.B.4.C and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection addition (deck) with a rear yard setback of 28 feet in lieu of the required 37.5 feet and to amend the Final Development Plan of Overlook at Perry Hall, Lot #40 only, and to amend the previously approved Case #02-518-SPVA-H is hereby GRANTED, subject to the following:

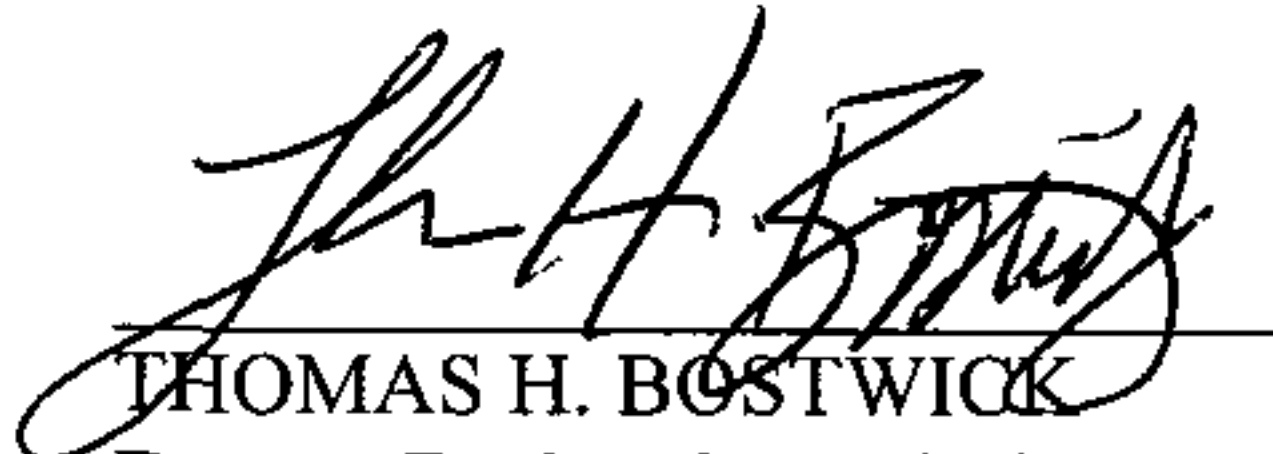
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[Signature]

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

FROM RECEIVED FOR FILED

10-29-07



previous order -1

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITIONS FOR SPECIAL VARIANCE
NW/S Old Philadelphia Road, 408' W of * ZONING COMMISSIONER
the c/l Holter Road (Overlook @ Perry Hall)
(11324 Philadelphia Road) * OF BALTIMORE COUNTY
11th Election District
5th Council District * Cases Nos. XI-884 & 02-518-SPVA-H

Estate of Anna Schaech, Owners; *
Valmor, Inc., Contract Purchaser/Developer

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a single public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.), which allows an Owner/Applicant to request zoning relief within the same public hearing wherein development plan approval is also requested. Pursuant to the development review regulations codified in Title 26 thereof, The Estate of Anna Schaech, property owners, and the Developers, Valmor, Inc., request approval of a red-lined development plan prepared by Site Rite Surveying, Inc. for the proposed development of the subject property with 47 single family dwellings. In addition, special variance and variance relief is requested from Sections 259.8 and 4A02.4F of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the issuance of building permits for the proposed development (prior to the completion of certain road improvements to Cross Road and Forge Roads). In addition, a series of area variances are requested from the B.C.Z.R. as follows: From Section 259.9.C.3 to allow front entry garages to be located 0 feet from the front line building face projection of the house in lieu of the required 8-foot recess for Lots 44, 45 and 46; from Section 259.9.B.4.e to permit a rear yard setback of 34 feet for Lots 1 through 10, 12 through 26, 29 through 38, and 40 through 47, and 43 feet for Lot 11, all in lieu of the required 50 feet; from Section 259.9.C.8 to permit storm water management pond slopes of 2:1 in lieu of the maximum allowed 3:1 slope; and, from Section 259.9.B.3 to permit the lot widths shown in Table A (Attachment 1 of the Petition), measured along both the front and rear walls of the dwelling units, in lieu of the required 85 feet for each, together with a determination that Lots 21 and 22 comply with the provisions of Section 259.7S (Threshold Limits - Honeygo Area), due to the existence of a

ridge line and not involving issues of capacity, all as more particularly shown on the development plan/site plan. The proposed subdivision and requested zoning relief are more particularly described on the two-page, red-lined development plan submitted into evidence as Developer's Exhibit 1A.

This proposal has been reviewed in accordance with the development review process codified in Title 26 of the Baltimore County Code. That process is initiated by the filing of a concept plan depicting a schematic design of the proposed development. In this case, a concept plan was prepared and a conference held thereon between the Developers' consultants and County agency representatives on November 13, 2001. The second step of the process mandates community participation by way of a Community Input Meeting (CIM), which is held during the evening hours at a location in proximity of the proposed development so that residents of the locale have an opportunity to review the plan. In this case, the CIM was held on December 13, 2001 at the Chapel Hill Elementary School. Thereafter, the Developer submits a revised plan for review and consideration by County agency representatives at a Development Plan Conference (DPC), which in this case, was held on June 12, 2002. The final step of the first phase of the review process is the Hearing Officer's Hearing before the Zoning Commissioner/Deputy Zoning Commissioner at which time a more refined plan is presented and testimony and evidence are received thereon. As noted above, the development plan and zoning relief sought in the instant cases were combined under a single public hearing (Hearing Officer's Hearing), which was held on July 11, 2002.

Appearing at the public hearing on behalf of the proposal was Laura Schaech, a representative of The Estate of Anna Schaech, property owners, and her attorney Akia Fox, Esquire. Also appearing were Uri Ben-Or, Principal of Valmor, Inc., Developer; Vincent Moskunas, a representative of Site Rite Surveying, Inc., the consultants who prepared the development plan/site plan, and Howard L. Alderman, Jr., Attorney for the Developer. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Walt Smith, Project Manager; Bob Bowling, Development Plans Review;

Ron Goodwin, Land Acquisition; and, Jeffrey Perlow, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); R. Bruce Seeley and Bryce Savage, Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook, Department of Recreation and Parks (R&P). In addition, Larry Gredlein and Kevin Sullivan appeared on behalf of the Maryland State Highway Administration (SHA).

The proposal generated significant public interest and numerous residents from the surrounding locale appeared, including Jim and Mary Lou Wloczewski, and Betty Ann Kearney, who reside immediately across Philadelphia Road from the subject site. Also appearing were Ronald O. Schaftel, a principal of Southern Land Company, Contract Purchasers of an adjacent parcel, and Dennis Eckard, Vice President of the Perry Hall Improvement Association. The Citizen Sign-In sheets circulated at the hearing will reflect the attendance of those individuals of the community who appeared at the hearing, most of whom were opposed to the request.

The subject property consists of a gross area of 17.65 acres, more or less, split zoned D.R.3.5H and D.R.2H, and is located in the Honeygo District of Perry Hall. The property is a rectangular shaped parcel, approximately 537 feet wide by 1500 feet deep, located with frontage on the west side of Old Philadelphia Road (Maryland Route 7), just south of Holter Road, and abuts the JFK Memorial Highway (I-95) to the rear. The property is presently improved with one single-family dwelling, which will be razed, and features a strand of mature trees and some environmental constraints, including wetlands.

The north side boundary of the subject property abuts a residential community known as Saddlebrook that was built approximately 5 years ago as the result of the development of the Holter property. That community contains 40 single-family dwellings. To the south side of the subject site is an unimproved property known as the Kangro parcel, which is presently under contract of sale to Southern Land Company and may ultimately be developed.

As noted above, the Developer proposes the construction of 47 single-family dwellings. Vehicular access to the interior of the site will be accomplished by two road connections. First, a road will be constructed leading from Philadelphia Road into the interior of the site to provide

primary access. Holter Road, which presently serves the adjacent Saddlebrook community, will be extended from its present terminus into the subject property to provide a second means of access. Indeed, the extension of Holter Road into the property was the subject of much discussion at the Hearing Officer's Hearing.

Many of the proposed 47 single-family lots will be undersized contrary to the requirements for lots in the Honeygo District. As noted above, the subject property is split zoned D.R.3.5H and D.R.2H and is located within the Honeygo District wherein more stringent development requirements are mandated under the B.C.Z.R. The Owner/Developer seeks variance relief from some of these requirements under the Petition for Special Variance. In addition to the building lots, the plan shows an area of passive and local open space centrally located within the interior of the lot. Additionally, the Owner/Developer proposes a storm water management reservation area to the rear of the site that will divert, maintain and appropriately release storm water into an existing outfall adjacent to I-95. The plan also shows an area of forest buffer and forest conservation.

Turning first to the development plan proposal and the standards governing same, Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, requires that I first identify any unresolved agency comments or issues. The primary issue identified relates to the extension of Holter Road into the property. As noted above, the plan shows that Holter Road will be extended from its present terminus at the northern property line into the subject site. The plan shows that Holter Road will terminate at a "T" intersection within the property. Baltimore County's Department of Public Works (DPW) and Office of Planning (OP) have requested a further extension of Holter Road. Specifically, they desire that Holter Road extend across the entire width of the property, and that the Developer connect same to the property's southern boundary at the Kangro property line. The State Highway Administration (SHA) and Mr. Schaftel, Contract Purchaser of that parcel, also endorse this request. The reason for the request is obvious. In the event the adjacent property is developed, an additional road connection other than through Philadelphia Road will be available. In effect,

Holter Road will serve as a parallel road to Philadelphia Road for these residential subdivisions as they develop in the area. Some of the community representatives object to the proposal. They fear an increase of traffic within their residential subdivision.

I am appreciative of the neighbors' concerns, however, I am ultimately persuaded by the request and rationale offered by representatives from the SHA, OP and DPW. The issue is decided not only based upon questions of traffic congestion and access, but also matters of public safety. More than one means of access to these properties is appropriate. If entrances to this subdivision from Philadelphia Road were blocked, emergency vehicles could not reach those residents. Moreover, I do not anticipate heavy volumes of traffic along these internal community roads; however, the ultimate construction of Holter Road would promote a better traffic flow and ease congestion. For all of these reasons, I would require that any development plan for the subject site would provide for the extension of Holter Road across the entire width of the property.

A second issue identified during the development plan review phase of the hearing relates to passive open space. Mr. Cook on behalf of the Department of Recreation and Parks (R&P) testified about the requirements of the Adequate Public Facilities Act and Local Open Space Manual, which standards are enforced by his Department. Apparently the area of "active" open space shown on the plan meets all County requirements insofar as acreage, grade, etc. The area of passive open space meets the County's requirements insofar as area; however, an issue was raised as to whether the passive open space meets all of the standards. Specifically, it was indicated that a part of the passive open space area is over the 10% maximum grade (estimated at 12%) and is wooded. Although some trees are permitted in areas of passive open space, it must generally be cleared and graded. This issue also impacts the Developer's storm water management plan in that the methodology to devise an appropriate method to handle storm water runoff is dependent, in part, on the clearing and grading of property.

Based upon the testimony and evidence offered, I would require that the Developer retain the passive open space at its present grade and character. Mr. Cook candidly acknowledged that the areas shown as passive open space would meet the spirit and intent of the Local Open

Space Manual. In my judgment, the trees should not be removed and that area of the property should not be graded. I find that sufficient factors exist to justify a retention of that area in its natural state.

There were several other issues relating to the development plan which were identified at that phase of the hearing; however, those issues appeared more easily resolvable. For example, the Office of Planning (OP) requested that the plan be amended to show driveways for proposed Lots 42 and 43. Additionally, the Land Acquisition division of DPDM requested further notations regarding easements on the property, and DEPRM requested other notes regarding technical standards be added. It is also to be noted that the Developer need obtain an access permit and meet all relevant SHA standards for the proposed road that will provide access to the site from Philadelphia Road. These include potential road improvements to Philadelphia Road, including the continuation of an auxiliary lane that presently exists abutting the Holter property. Other relatively minor issues relative to landscaping and screening and appropriate notes and changes evidencing same were identified at the hearing.

It is also to be noted that Mr. & Mrs. Wloczewski raised an issue regarding the storm water management plan. In this regard, a portion of the current drainage pattern on the site is being altered so as to capture more water runoff and direct same to the rear. Although most of the property presently drains to the rear and I-95, a portion of the front of the lot drains toward Philadelphia Road. Mr. Savage from DEPRM and the Developer's consultants indicated that part of the drainage towards the front of the site would be redirected to the rear so that there might ultimately be a net reduction in discharge along the front of the property, irrespective of the road improvements and development of the site. In this regard, it appears that the storm water management plan has been appropriately designed and will not cause adverse impact to the Wloczewski property or other adjacent parcels.

In sum, it appears that a development plan for this site could be approved consistent with the comments set forth above. Primarily, the plan need be amended to accommodate the

extension of Holter Road; however, the other issues appear resolvable. However, the primary opposition to the plan relates to the zoning relief requested, a discussion of which follows.

As noted above, a series of variances have been requested. The first variance sought is from the Threshold Limits for the Honeygo Area, which were established by Section 259.7 of the B.C.Z.R. In this case, those threshold limits would require the completion of certain road improvements to Cross Road and Forge Road before building permits could be issued for this project. Essentially, the Honeygo regulations and threshold limits established therein are designed to insure that sufficient infrastructure exists and is in place before development proceeds. As part of its Petition for Special Variance, the Developer seeks relief so that building permits can be released and the development built out before the improvements to Cross Road and Forge Road are completed.

Ken Schmid, a traffic engineer retained by the Owner/Developer, offered testimony in support of this request. His undisputed testimony was that the proposed development would have little if any impact on Forge and Cross Roads. Owing to its location, Mr. Schmid testified that most traffic would exit the site and use Philadelphia Road, Pulaski Highway (Maryland Route 40), I-95, and Joppa Road to reach employment and commercial destinations. Indeed, a review of the vicinity map for the general area shows that there will be little traffic that will be anticipated to use the Forge Road/Cross Road extensions. Mr. Eckard, on behalf of the Perry Hall Community Association, does not oppose the granting of this particular variance and acknowledged his agreement with Mr. Schmid's conclusions. Thus, in my judgment, that portion of the Petition for Special Variance would be appropriately granted.

A second variance requested relates to the storm water management pond. Under DEPRM's general regulations, the grade of the storm water management pond cannot exceed a slope of 2:1. Indeed, a 2:1 slope is proposed here; however, due to the enhanced standards of the Honeygo regulations found in Section 259.9.C.8 of the B.C.Z.R., the maximum permitted grade is a slope of 3:1. Thus, variance relief is requested. In this regard, Mr. Church indicated that the variance was needed to properly locate the pond where shown. He indicated that although the

slope would be slightly steeper than that allowed, it would result in a smaller pond from a footprint standpoint. That is, if the pond slope is steeper and the pond, therefore deeper, it will be smaller in diameter and circumference. Based upon the undisputed testimony and evidence offered on this issue, the grant of this variance seems appropriate.

The third variance requested relates to Lots 44, 45, and 46. Again, relief is requested from the stringent requirements of the Honeygo regulations. Those regulations require that attached garages be located 8 feet behind the front wall of a dwelling. It was indicated that all of the proposed homes for this project would feature attached two-car garages. Moreover, these garages would be setback 8 feet from the front building plane of the houses, except for those on Lots 44, 45, and 46. On those lots, the garages will be located on the same plane as the front wall of the houses. However, it was indicated that the driveways would have a minimum depth of 20 feet so that cars parked thereon would not extend over the public sidewalk or into the street right-of-way. The justification for this variance relates to the depth of those lots. Again, this is a variance, which on a limited basis, may be warranted for these three particular lots.

The two final variances requested were the main source of contention. Essentially, they might be characterized as blanket variances in that they are requested for a majority of the lots in the subdivision. The first of these requests seeks reduced side yard setbacks of as little as 34 feet in some instances and 43 feet in others in lieu of the required 50 feet. That is, a majority of these lots will be shorter in depth than permitted by the Honeygo regulations. The second variance that generated significant opposition relates to lot widths. Again, the Honeygo enhanced standards require a lot width of 85 feet. As shown on the site plan, a majority of the lots do not meet that minimum requirement. As the plan shows, two of the lots are as narrow as 65 feet wide, while others range in width from 70 feet to 80 feet.

Mr. Moskunas testified in support of the requested variances. He opined that the property is unique by virtue of its configuration. Specifically, he noted that the site is three times as deep as it is wide (approximately 540' wide by 1500' deep) and that this constraint justifies the

variance relief. He also noted the property's environmental constraints and the extension of Holter Road were factors that justified the variances.

The Protestants who appeared vigorously opposed the requests. They believe that, if granted, the variances will result in an overcrowded neighborhood inconsistent with the vicinity. They request strict application of the enhanced Honeygo standards and believe that the variances should not be granted.

Upon due consideration of the issues presented, I am persuaded to deny the variances from lot width and depth requirements. I concur with the Protestants' assertions that the plan as proposed represents an over-development of the site. The blanket variances requested are simply too inconsistent with the Honeygo standards and should not be approved.

Arguably, the narrowness of the property may justify some variance relief for the rear yard setbacks and reduced depths of certain lots. That is, the tract's narrow width coupled with the orientation of the houses in a north and south direction limits development possibilities. This might be remedied by the elimination of some lots in the interior of the site thereby providing the lots along the perimeter, (i.e., Lots 1 through 7, 11 through 21, and 40 through 47) with greater depths. However, the blanket variance request is simply inappropriate.

As to lot width, there is simply no testimony or evidence persuasive to a finding that relief should be granted. Although arguably the narrowness of the lots might cause a reduction in lot depths, the width of the lots are unaffected by that constraint. For example, the removal of one or two lots among that row of lots designated as Lots 11 through 21 would permit larger widths along that portion of the site. There is no persuasive testimony in the record supporting a reduction of lot widths, other than the Developer's apparent desire to maximize the number of units in this subdivision. I specifically find that neither the configuration of the lots, the environmental constraints associated with this property, nor the development plan requirements are factors sufficient to justify a variance from the lot width standards. The Developer has clearly not met the criteria contained in Section 307 of the B.C.Z.R. for variance relief as construed by Cromwell v. Ward, 102 Md. App. 691 (1995).

Having made this determination, that part of the Petition for Variance seeking relief from lot width and lot depth requirements shall be denied. In view thereof, the other variances that have been requested shall be dismissed as moot and the development plan shall be denied.

All that being said, residential development of this property is appropriate. This is not a case where any development of the site is inappropriate, merely this proposal. Therefore, if it so desires, the Developer may resubmit a development plan to Baltimore County without starting the review process anew. In that event, I would direct that an additional CIM be conducted in view of the community interest and significant anticipated changes to the plan. Thereafter, the matter would be scheduled for a DPC and ultimately, a Hearing Officer's Hearing. Moreover, I am not precluding the possibility that any variance relief associated with this project would be denied. As discussed above, a variance necessary to permit the storm water management plan as configured is appropriate, as is the special variance relating to the threshold limits and the potential extension of Cross Road and Forge Roads. Finally, in certain instances, reduced setbacks for the garages might be appropriate. Moreover, even some lots of slightly insufficient width or depth might be appropriate, given the general character of the property. I am not precluding the possibility that variance relief could be granted in some instances; however, the Developer's blanket request to variance the vast majority of all of these lots, both from a width and depth standpoint, is unacceptable.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be denied and the Petition for Special Variance and Variance granted in part and dismissed in part, in accordance with the attached Order.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this _____ day of July, 2002 that the red-lined development plan for Overlook at Perry Hall, identified herein as Developer's Exhibit 1A, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Variance seeking relief from Sections 259.8 and 4A02.4F of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the issuance of building permits for the proposed development (prior to the completion of certain road improvements to Cross Road and Forge Roads), be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Special Variance seeking relief from the B.C.Z.R. as follows: From Section 259.9.C.3 to allow front entry garages to be located 0 feet from the front line building face projection of the house in lieu of the required 8-foot recess for Lots 44, 45 and 46; and, from Section 259.9.C.8 to permit storm water management pond slopes of 2:1 in lieu of the maximum allowed 3:1 slope, in accordance with Developer's Exhibit 1A, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Special Variance seeking relief from Section 259.9.B.4.e of the B.C.Z.R. to permit a rear yard setback of 34 feet for Lots 1 through 10, 12 through 26, 29 through 38, and 40 through 47, and 43 feet for Lot 11, all in lieu of the required 50 feet; and from Section 259.9.B.3 of the B.C.Z.R. to permit the lot widths shown in Table A (Attachment 1 of the Petition), measured along both the front and rear walls of the dwelling units, in lieu of the required 85 feet for each, together with a determination that Lots 21 and 22 comply with the provisions of Section 259.7S (Threshold Limits - Honeygo Area), due to the existence of a ridge line and not involving issues of capacity, in accordance with the development plan/site plan marked as Developer's Exhibit 1A, and be and is hereby DENIED.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner/Hearing Officer
for Baltimore County

previous order - 2

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITIONS FOR SPECIAL VARIANCE
NW/S Old Philadelphia Road, 408' W of * ZONING COMMISSIONER
the c/l Holter Road (Overlook @ Perry Hall)
(11324 Philadelphia Road) * OF BALTIMORE COUNTY
11th Election District
5th Council District * Cases Nos. XI-884 & 02-518-SPVA-H

Estate of Anna Schaech, Owners; *
Valmor, Inc., Contract Purchaser/Developer

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER ON REMAND

This matter comes before this Hearing Officer/Zoning Commissioner for further proceedings regarding the revised development plan and related zoning relief for the proposed residential subdivision to be known as Overlook @ Perry Hall. Pursuant to the development regulations codified in Title 26 of the Baltimore County Code (B.C.C.), the Owners/Developers request approval of a revised development plan prepared by Site Rite Surveying, Inc. for development of the subject property with 42 single-family dwelling lots. In addition, modified variance relief is requested from Sections 259.8 and 4A02.4F of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the issuance of building permits for the proposed development (prior to the completion of certain road improvements to Cross Road and Forge Roads); from Section 259.9.C.8 to permit storm water management pond slopes of 2:1 in lieu of the maximum allowed 3:1 slope; and, from Section 259.9.B.3 to confirm that Lots 37 and 42 comply with the provisions of Section 259.7S (Threshold Limits - Honeygo Area), due to the existence of a ridge line and not involving issues of capacity. The revised proposal and requested relief are more particularly shown on the revised development plan/site plan, marked as Developer's Exhibit 3.

This proposal has been reviewed in accordance with the development review process codified in Title 26 of the Baltimore County Code. Initially, the Developer filed a concept plan for the proposed development and a Concept Plan Conference (CPC) was held thereon between the Developer and County agency representatives on November 13, 2001. Thereafter, a Community Input Meeting (CIM) was held on December 13, 2001 at the Chapel Hill Elementary School. The Developer then submitted a revised plan for review and consideration by County agency representatives at a Development Plan Conference (DPC) on June 12, 2002. The matter then came

for a hearing before the undersigned on July 11, 2002. Following that hearing, a Hearing Officer's Opinion and Development Plan Order was issued on July 23, 2002. That Order denied approval of the development plan and related zoning requests for lot widths and depths of less than required and dismissed as moot the remaining variance requests. However, an opportunity was provided for the Developer to revise its plan and the case was remanded to renew the development review process commencing with a Community Input Meeting.

Subsequent to the issuance of that Order, the Developer filed a Motion for Reconsideration, seeking to strike that portion of the Order requiring an additional CIM; however, agreed to submit a revised plan at a Development Plan Conference (DPC). The Motion for Reconsideration was granted by Order dated August 20, 2002. Thereafter, in accordance with the schedule set forth therein, a DPC on the revised plan was held on October 2, 2002, and the Hearing Officer's Hearing was reconvened on October 25, 2002. Moreover, as required, notice of the reconvened Hearing Officer's Hearing along with a copy of the revised plan, was forwarded to all attendees of the original hearing by Counsel for the Developers.

As noted in the original Order, the subject property consists of a gross area of 17.65 acres, more or less, split zoned D.R.3.5H and D.R.2H, and is located in the Honeygo District of Perry Hall. The property is a rectangular shaped parcel, approximately 537 feet wide by 1500 feet deep, located with frontage on the west side of Old Philadelphia Road (Maryland Route 7), just south of Holter Road, and abuts the JFK Memorial Highway (I-95) to the rear. The property is presently improved with one single-family dwelling, which will be razed, and features a strand of mature trees and some environmental constraints, including wetlands.

Under the original plan, the Developer proposed the construction of 47 single-family dwellings. In order to accommodate this number of lots, the Developer sought variance relief to reduce lot widths and depths less than the standard required under the Honeygo District zoning regulations. As noted in the original Order, the undersigned determined that the original proposal represented an over-development of the site. The blanket variances requested for insufficiently sized lots were simply too inconsistent with the Honeygo standards and could not be approved. In view of that decision, the Developer has revised its plan and now proposes 42 single-family lots. More

significant is the fact that all of the lots meet the minimum lot width and depth requirements under the Honeygo regulations. Thus, no special variance relief is requested.

As noted above, this revised plan was submitted for County review at the second DPC on October 2, 2002, and at the Hearing Officer's Hearing on October 25, 2002. Appearing at the hearing on that date were Akia Fox, Esquire, on behalf of The Estate of Anna Schaeck, property owners, and Uri Ben-Or, Principal of Valmor, Inc., Developer. Also appearing were Vincent Moskunas, a representative of Site Rite Surveying, Inc., the consultants who prepared the development plan/site plan; John Caoles of Eco Science Prof., Inc.; and Howard L. Alderman, Jr., Attorney for the Developer. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Walt Smith, Project Manager; Bob Bowling, Development Plans Review; Ron Goodwin, Land Acquisition; and, Jeffrey Perlow, Zoning Review. Also appearing on behalf of the County were Mark Cunningham, Office of Planning (OP); R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM); and Jan Cook, Department of Recreation and Parks (R&P). Appearing as interested persons were Ronald O. Schafel and David E. Altfeld on behalf of Southern Land, Inc., adjacent property owners, and their attorney, Robert Porter, Esquire. Although advised of the reconvened Hearing Officer's Hearing, only Debra Beaty, a nearby resident appeared from the community. In addition, Larry Gredlein and Kevin Sullivan appeared on behalf of the Maryland State Highway Administration (SHA).

At the hearing, Developer's Counsel proffered that the plan had been revised to meet all County standards and regulations. The County agency representatives present largely corroborated this testimony. Specifically, Mr. Bowling indicated that there were no open issues of concern to the Department of Public Works, and Mr. Goodwin indicated that the Bureau of Land Acquisition had no unresolved issues. Similarly, Mr. Cook indicated that there were no open issues of concern to the Department of Recreation and Parks. Mr. Perlow of the Zoning Review Division of DPDM indicated that certain comments relative to the final development plan need to be adjusted and/or deleted; however, these were identified as housekeeping items. Mr. Seeley on behalf of DEPRM indicated that an existing well on the property need be back-filled prior to record plat. In this regard,

the timing on the filling of that well was discussed. As noted above, there is an existing dwelling on the property that is presently occupied. It is anticipated that this dwelling will continue to be occupied until that portion of the site is developed. In my judgment and in accordance with environmental regulations, the well should be filled prior to the filing of the record plat; thus, I will require same as a condition to the approval of the plan. Mr. Seeley also made reference to Notes Nos. 17 and 28 on the plan. In this regard, he confirmed the validity of those notes and indicated that DEPRM will require that any underground tanks on the property need be removed.

Mr. Cunningham from the Office of Planning indicated that the plan now meets his agency's requirements. The Developer again affirmed that all of the lots shown meet the minimum lot width requirement (85 feet) and the minimum rear setback requirement (50 feet). It was also noted that the proposed garages also meet the setback requirements.

On behalf of Southern Land, Mr. Porter produced a letter dated October 9, 2002, which was marked as Community Exhibit 1, identifying certain issues of concern. In this regard, an issue between Southern Land and the Developer concerning the extension of Holter Road to provide access to the Southern Land tract has been resolved. As now shown on the plan, that road will be extended to the tract boundary so as to provide access to the adjacent parcel. An issue does remain open regarding certain utility easements. As more particularly shown on the plan, there is a sewer line proposed between Lots 11 and 12. It is anticipated that when Southern Land develops its adjacent property, a utility hook-up will be made at this location. However, Mr. Porter indicated that Southern Land sought to have an alternative hook-up connection between Lots 9 and 10, in the event the hook-up between Lots 11 and 12 is insufficient for this project. In my view, requiring the Developer to provide an easement for such an ultimate connection is appropriate. However, I do not believe that this Developer should be required to actually install that connection, given that the utility will not serve its property, but is only for the convenience and necessity of an adjacent property owner. Thus, I will require that the Developer provide an easement for the potential alternative utility hook-up between Lots 9 and 10; however, will not be required to construct the sewer connection and any such connection will be at the expense of the adjacent property owner. Again,

this is an appropriate resolution given that the proposed connection will benefit the adjacent property owner and is not necessary for the development of the subject site.

But for this open issue, it appears that all other matters of concern between the adjacent property owner and this Developer have been resolved. In considering the revised development plan, I am persuaded that same is appropriate and in compliance with all relevant development regulations. In my judgment, the revised proposal is a superior alternative to the original plan for which approval was denied. The project as presently configured does not represent an over-development of the site and is consistent with the intent of the Honeygo regulations. Thus, but for the minor conditions enumerated above, the development plan shall be approved.

As noted above, certain of the original variance requests were denied and/or dismissed as moot. Specifically, Variance requests identified on the Petition for Variance as Nos. 2 and 3 relative to rear yard and garage setback requirements, and No. 5 relative to lot width requirements are not required under the revised plan. The other variances should be approved for reasons set forth in the original Hearing Officer's Opinion and Order. Specifically, variance relief should be granted from Section 259.8 and 4A02.4F to permit the issuance of residential building permits for the construction of single family homes as shown on the revised plan. Also, Variance Request No. 4 will be granted to permit storm water management pond slopes of 2:1 in lieu of the required 3:1. Additionally, I find that Lots 37 and 42 (previously identified as Lots 21 and 22 under the old plan) comply with the provisions of Section 259.7S, due to the existing ridgeline, and do not involve issues of capacity. In this regard, the findings and conclusions set out in the prior opinion and order are incorporated herein and need not be repeated.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the revised development plan shall be approved consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this _____ day of November, 2002 that the revised development plan for the

Overlook @ Perry Hall, identified herein as Developer's Exhibit 3, be and is hereby APPROVED, subject to the following terms and conditions:

- 1) The existing well will be back-filled prior to record plat.
- 2) The Developer shall provide an easement between Lots 9 and 10 as an alternative for the potential utility extension to the adjacent property owned by Southern Land; however, the Developer is not required to actually install utilities within that easement.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 259.8 and 4A02.4F of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the issuance of building permits for the proposed development (prior to the completion of certain road improvements to Cross Road and Forge Roads); from Section 259.9.C.8 to permit storm water management pond slopes of 2:1 in lieu of the maximum allowed 3:1 slope; and, from Section 259.9.B.3 to approve that Lots 37 and 42 comply with the provisions of Section 259.7S (Threshold Limits - Honeygo Area), due to the existence of a ridge line and not involving issues of capacity, in accordance with Developer's Exhibit 3, be and is hereby GRANTED; and,

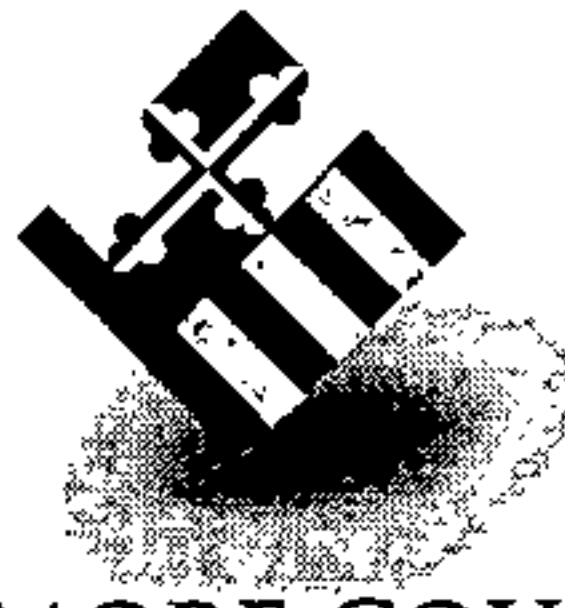
IT IS FURTHER ORDERED that the Petition for Special Variance and Variance seeking relief from Section 259.9.C.3 to allow front entry garages to be located 0 feet from the front line building face projection of the house in lieu of the required 8-foot recess for Lots 44, 45 and 46; from Section 259.9.B.4.e to permit a rear yard setback of 34 feet for Lots 1 through 10, 12 through 26, 29 through 38, and 40 through 47, and 43 feet for Lot 11, all in lieu of the required 50 feet; and, from Section 259.9.B.3 to permit the lot widths shown in Table A (Attachment 1 of the Petition), measured along both the front and rear walls of the dwelling units, in lieu of the required 85 feet for each, relief, be and are hereby DISMISSED AS MOOT.

IT IS FURTHER ORDERED that, except as specifically modified herein, the rationale, terms, and conditions as set out in the prior Order are incorporated herein and made a part hereof.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner/Hearing Officer
for Baltimore County



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 29, 2007

BRIAN W. HOTT
5404 OVERLOOK CIRCLE
WHITE MARSH MD 21162

Re: Petition for Administrative Variance
Case No. 08-145-A
Property: 5404 Overlook Circle

Dear Mr. Hott:

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,

A handwritten signature in black ink, appearing to read "T. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5404 Overlook Cir
which is presently zoned Dr B.5.H

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) 259-9.B.4.c and 301.1 BCZR

To permit an open projection addition (clock) with a rear yard setback of 28' in lieu of the required 37.5'. And to amend the FDP of Overlook at Perry Hall, Lot # 40 only, and to amend the previously approved case # 02-518-SPVA-H

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Brian W Holt

Name - Type or Print

Signature

Name - Type or Print

Signature

5404 Overlook Cir (410) 262-4112 Cell (410) 529-5392 Home

Address

Telephone No.

White Marsh MD

21162

City

State

Zip Code

Representative to be Contacted:

Name

Address

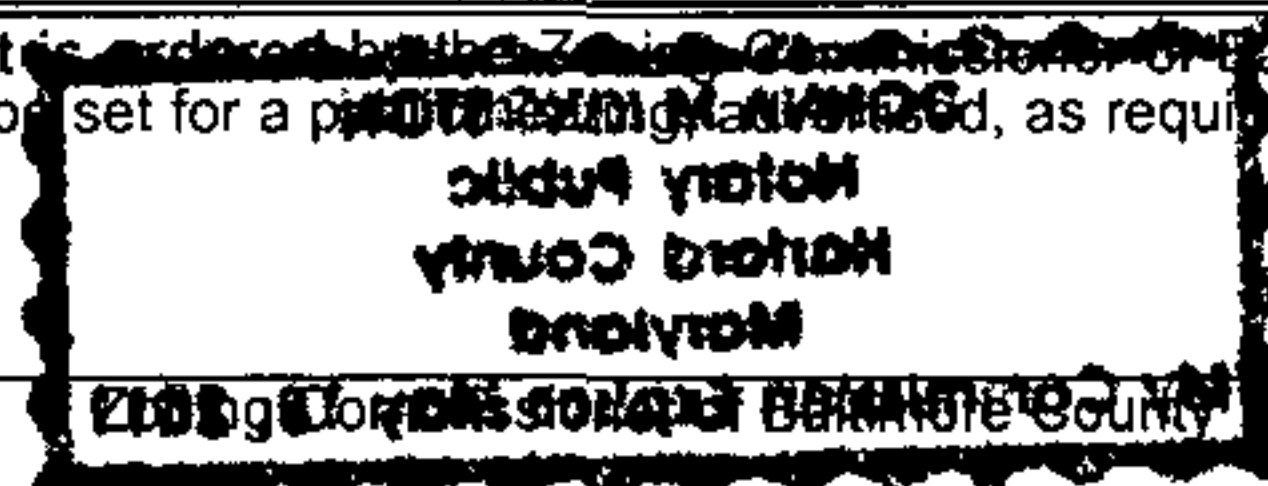
Telephone No.

City

State

Zip Code

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



CASE NO. 02-145-A

Reviewed By JF Date 9/24/07

REV 10/25/01

Estimated Posting Date 10-7-07

10-29-07

B3

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 5404 Overlook Cir
Address
White Marsh MD 21162
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):

We have a walk out Basement with a slight Hill were the house is we wish to have a deck so we can use our Back door for privacy and relaxation to sit out Back ~~we~~ so our daughter can play outside.

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.

Brian W. Hott
Signature
Brian W. Hott
Name - Type or Print

Signature

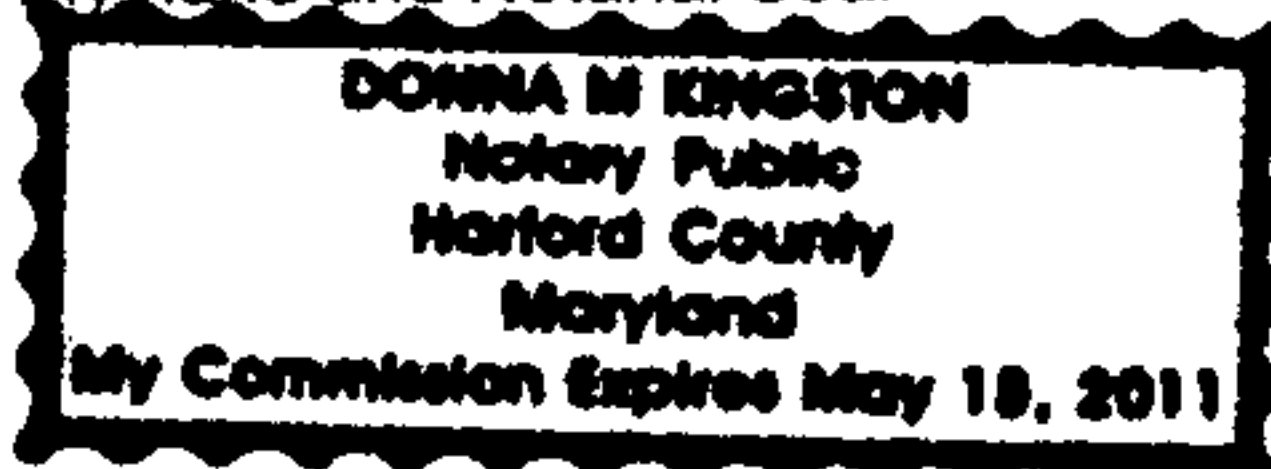
Name - Type or Print

STATE OF MARYLAND, COUNTY OF HARFORD, to wit:

I HEREBY CERTIFY, this 19th day of September, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Brian W. Hott
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Donna M. Kingston
Notary Public
My Commission Expires May 18, 2011

Affidavit in Support of Administrative Variance

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Brian W. Hott
Signature

Signature

Brian W. Hott
Name - Type or Print

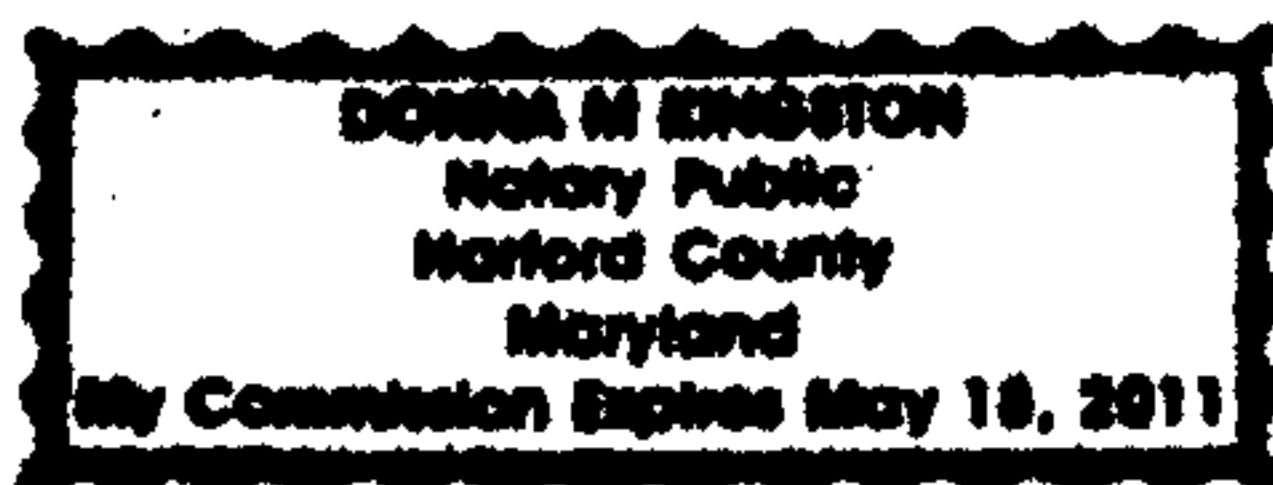
Name - Type or Print

STATE OF MARYLAND, COUNTY OF Harford ~~BALTIMORE~~, to wit:

I HEREBY CERTIFY, this 19th day of September, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Brian W. Hott
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Donna M. Kingston
Notary Public

My Commission Expires May 18, 2011



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5404 Overlook Cir
which is presently zoned DR-3.5.H

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) 259.9.B.4.e and 301.1 BCZR

To permit an open projection addition (deck) with a rear yard setback of 28' in lieu of the required 37.5'. And to amend the FDP of Overlook at Perry Hall, Lot #40 only, and to amend the previously approved case # 02-518.SPVA-A.

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.

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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.

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Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Brian W. Hott

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

(410) 262-4112 Cell

5404 Overlook Cir (410) 529-5392 Home

Telephone No.

MD

21162

State

Zip Code

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Name

Address

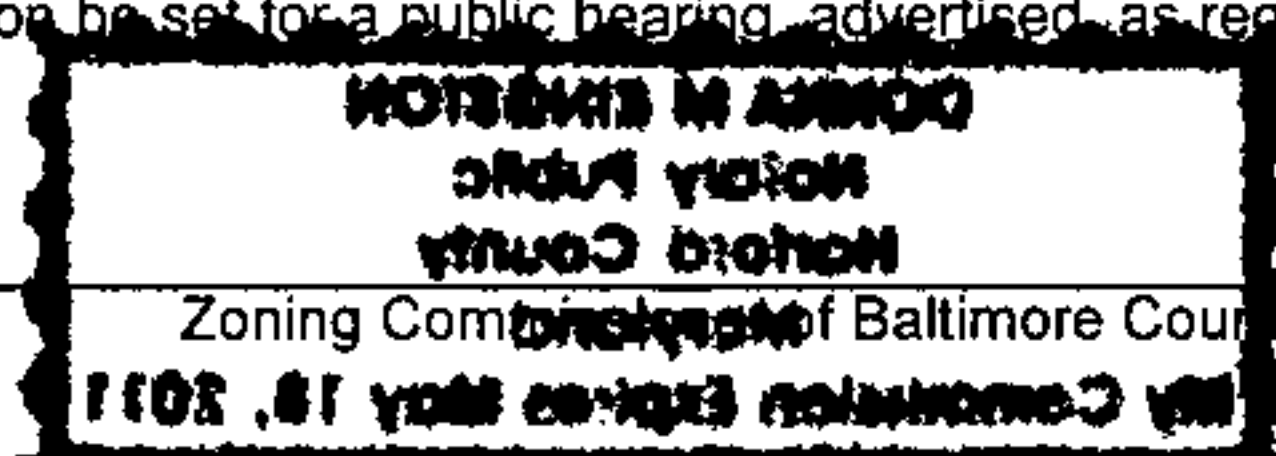
Telephone No.

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.



CASE NO. 08-145-A

REV 10/25/01

Reviewed By [Signature]

Estimated Posting Date

9/24/07
10-7-07

FORM RECEIVED FOR FILING

10-29-07

B3

ZONING DESCRIPTION

Zoning Description For 5404 Overlook Cir, White Marsh MD, 21162

Beginning at the point on the South side of Overlook Circle which is 40 ft wide at the distance of 146' ft West of nearest improved intersecting street Philadelphia Road wide
*Being Lot # 40, in the subdivision of Overlook At Perry Hall as recorded in Baltimore County Plat Book # 76, Folio # 0041, containing 7535.000 S. Also known as 5404 Overlook Circle and located in the 11th Election District, 5 Councilmanic District.

#145

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 145 -A

Address 5404 OVERLOOK CIRCLE

Contact Person: JUN FERNANDO
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 9-24-07

Posting Date: 10-7-07

Closing Date: 10-22-07

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 08- 145 -A

Address 5404 OVERLOOK CIRCLE

Petitioner's Name _____

Telephone _____

Posting Date: 10-7-07

Closing Date: 10-22-07

Wording for Sign: To Permit an open projection addition (deck) with a rear yard setback of 28' in lieu of the required 37.5'. And to amend the FDP of Overlook at Perry Hall Lot # 40 only, and to amend the previously approved case # 02-518-SPVA-H

WCR - Revised 6/25/04

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 145 -A

Address 5404 OVERLOOK CIRCLE

Contact Person: JUN FERNANDO

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 9-24-07

Posting Date: 10-7-07

Closing Date: 10-22-07

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(Detach Along Dotted Line)

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USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 145 -A

Address 5404 OVERLOOK CIRCLE

Petitioner's Name _____

Telephone _____

Posting Date: 10-7-07

Closing Date: 10-22-07

Wording for Sign: To Permit an open projection addition (deck) with a rear yard setback of 28' in lieu of the required 37.5'. And to amend the FDP of Overlook at Perry Hall Lot # 40 only, and to amend the previously approved case # 02-518-SPVA-4

WCR - Revised 6/25/04

THE
LAW
OF
THE
STATE

No. 10610

2	2158741	1946/5/16	5597/22/16
2	2158741	1946/5/16	5597/22/16

Date: 9-24-07

4170
11/16/52
Rosa M. Lugo

520 7th St. S.W.

1100

Page 14

SECRET

1. Admission of students

Total: \$ 115.00

See

From: ALIB, INC.

For

D-4-H-m Gd solution Intensity

5404 FIVE LK C-1K

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY.

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 08-145-A

Petitioner/Developer: BRIAN

HOTT

Date of Hearing/Closing: 10-22-07

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:

5404 OVERLOOK CIRCLE

The sign(s) were posted on

10-7-07

(Month, Day, Year)

Sincerely,

Robert Black 10-12-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

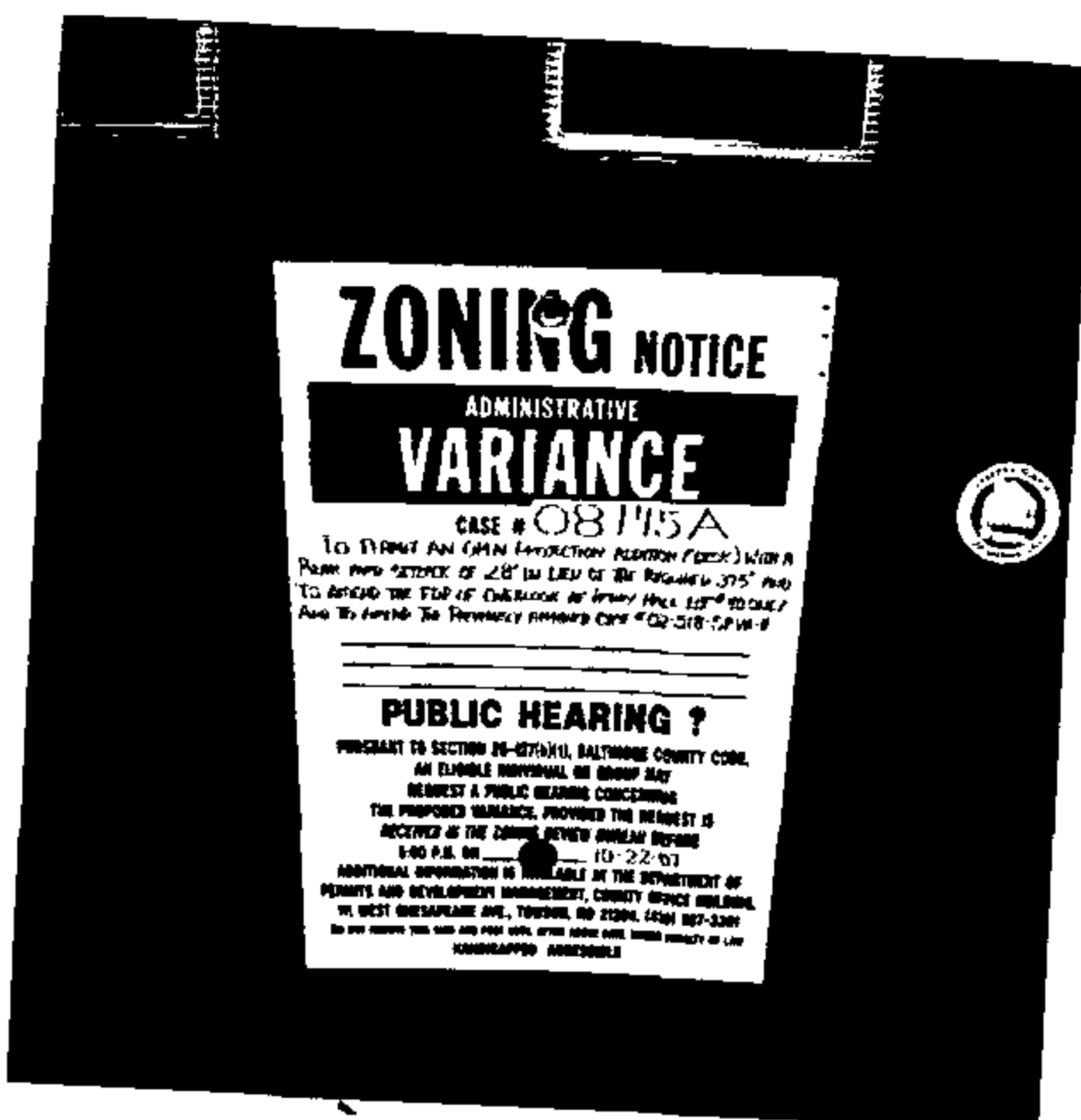
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 22, 2007

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

Brian W. Hott
5404 Overlook Circle
White Marsh, Maryland 21162

Dear Mr. Hott:

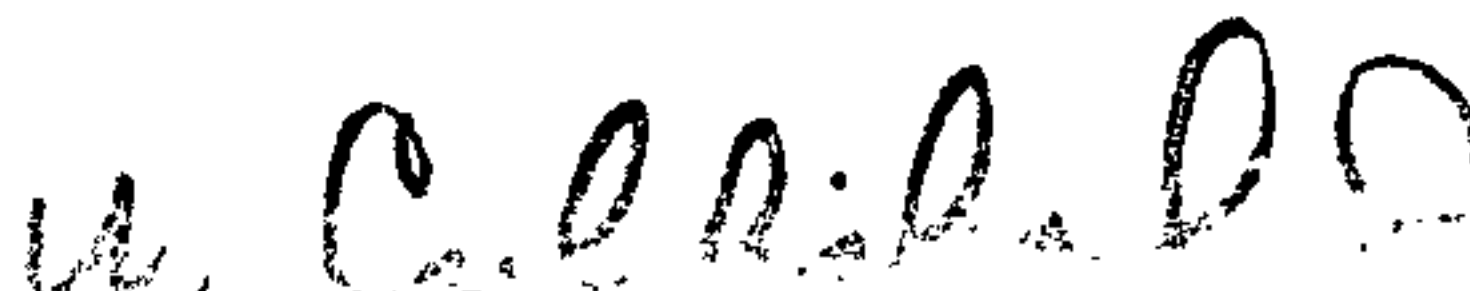
RE: Case Number: 08-145-A 5404 Overlook Circle

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 24, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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:rjc
Enclosures

c: Peoples Council

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 5404 OVERLOOK CIR

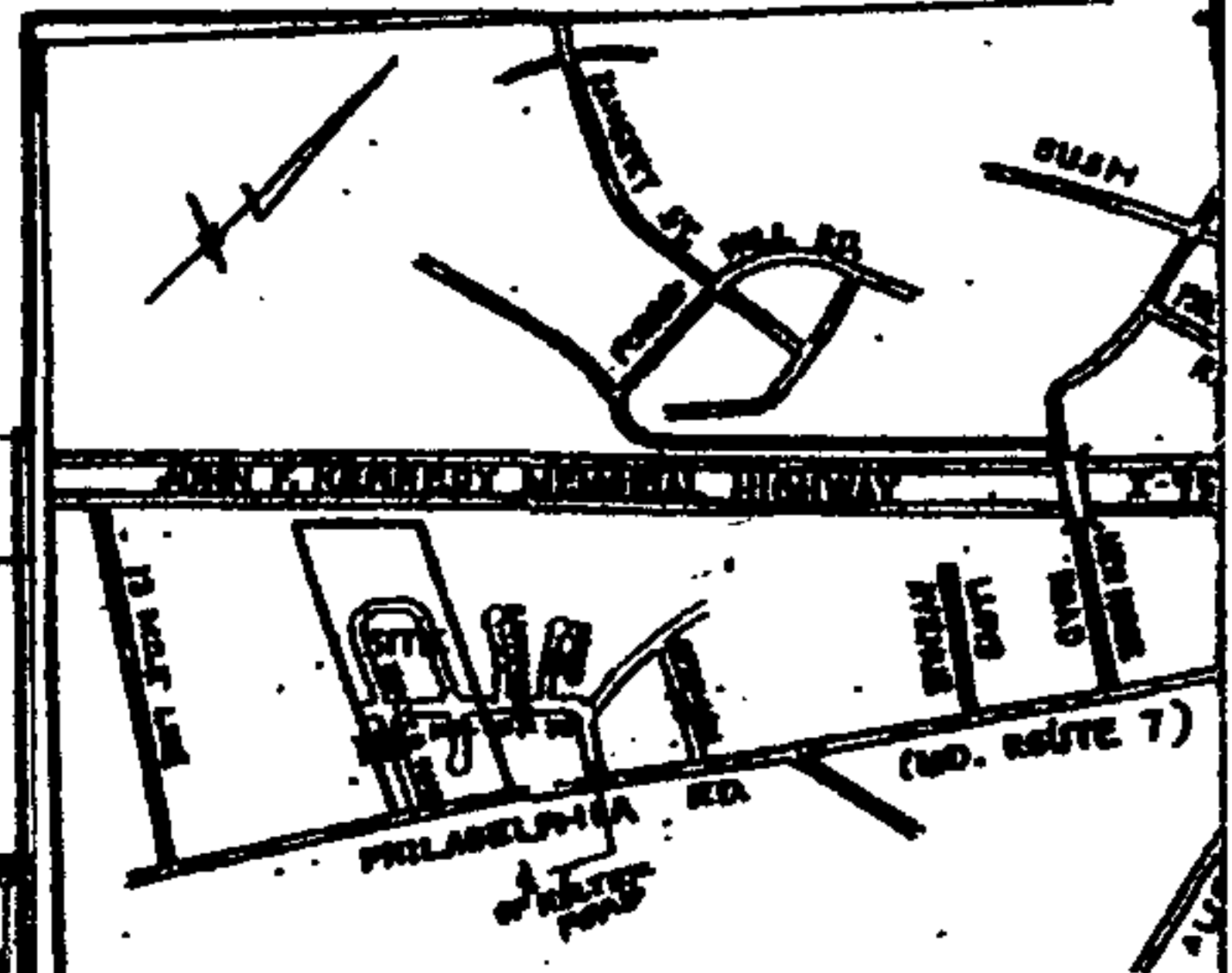
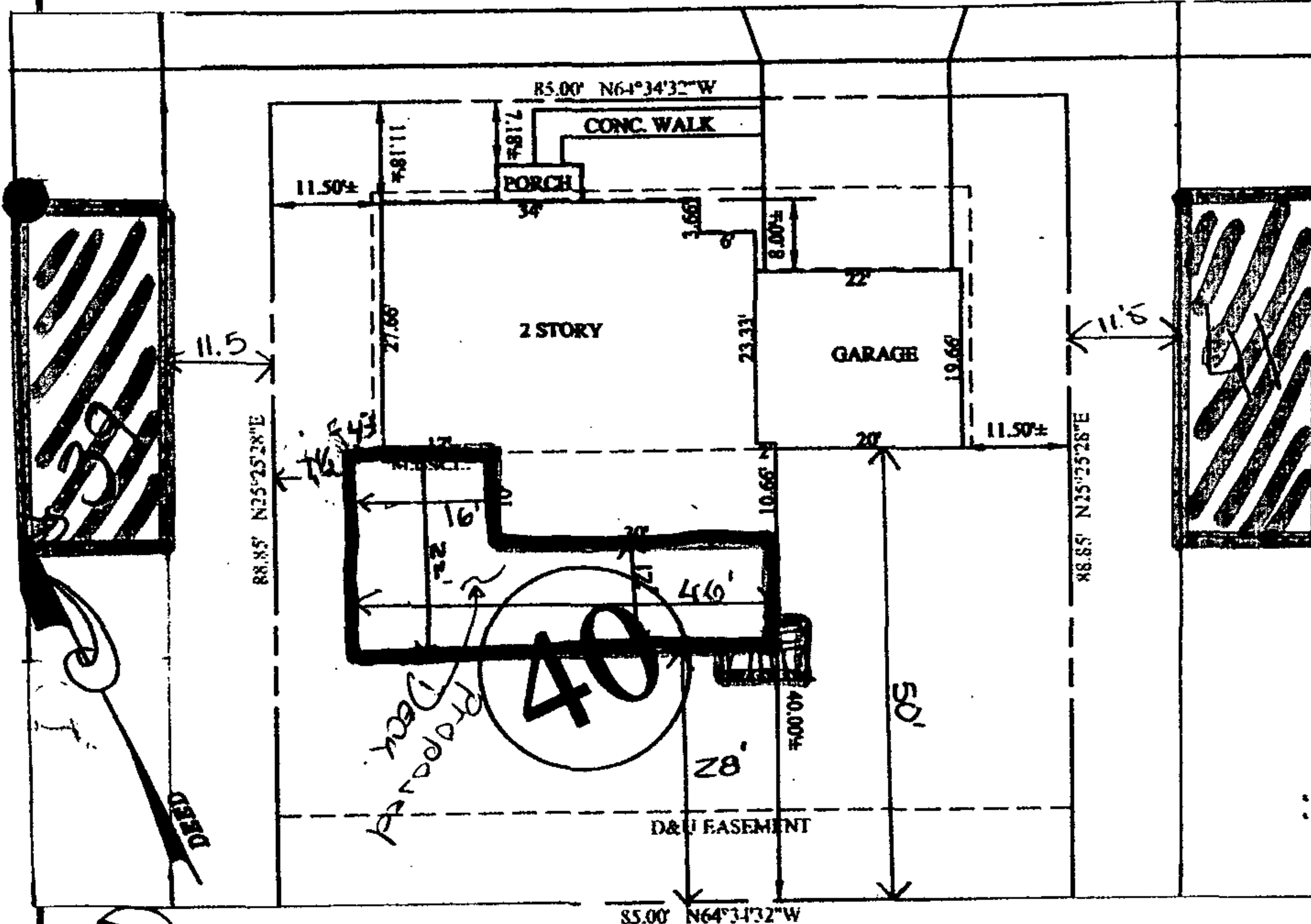
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME OVERLOOK AT PERRY HALL

PLAT BOOK # 76 FOLIO # 41 LOT # 40 SECTION #

OWNER Brian W Hott

OVERLOOK CIRCLE



LOCATION INFORMATION

ELECTION DISTRICT 11th
 COUNCILMANIC DISTRICT 5
 1" = 200' SCALE MAP # 073A2
 ZONING DR 3.5 H
 LOT SIZE .173 AC 7535.000s
 ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	<u>None</u>	

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

JF | 145 | 08-145A

PREPARED BY Brian W Hott

SCALE OF DRAWING: 1" = 20

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 5404 Overlook Cir

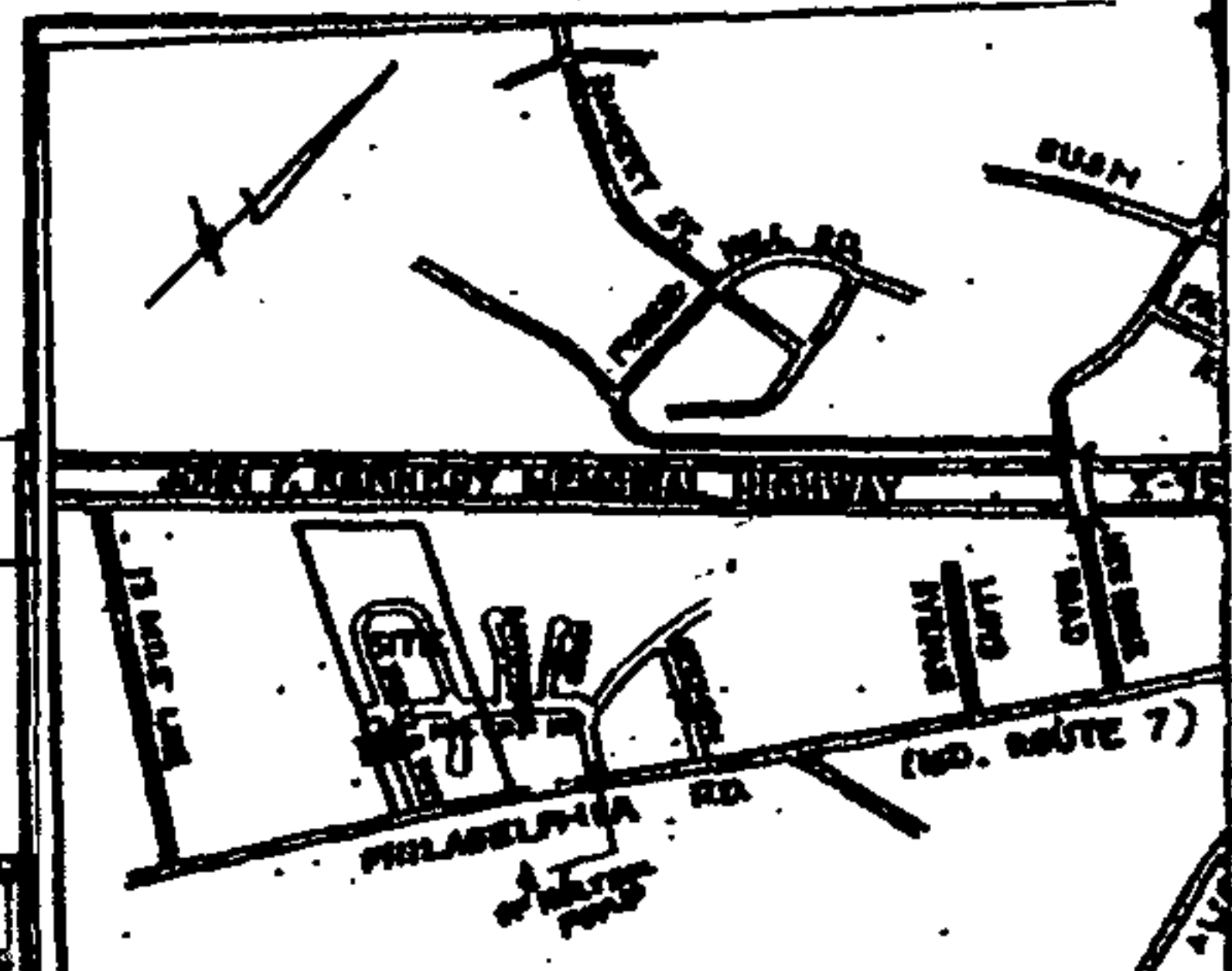
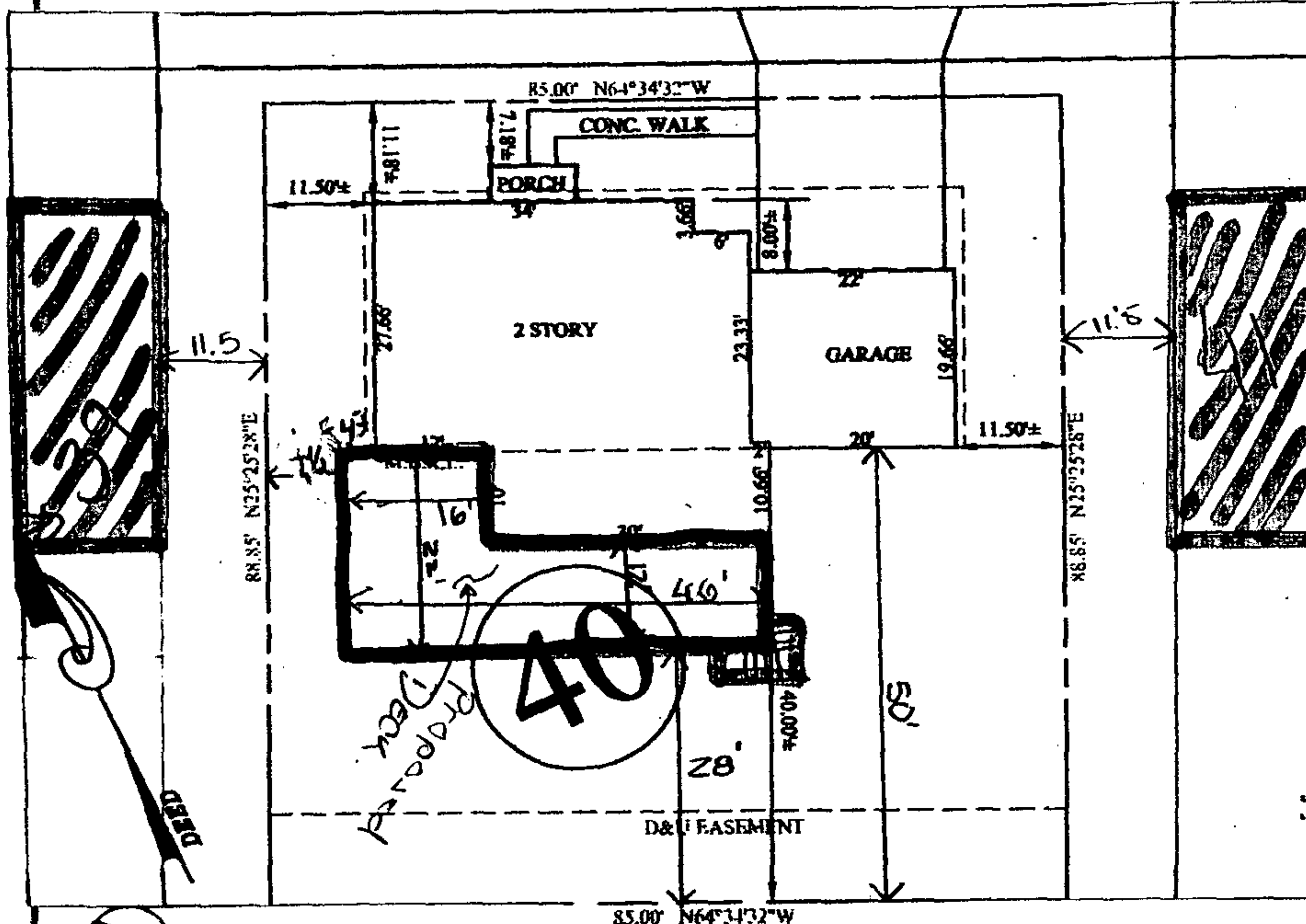
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Overlook At Perry Hall

PLAT BOOK # 76 FOLIO # 41 LOT # 40 SECTION # _____

OWNER Brian W Hott

OVERLOOK CIRCLE



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11th

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 073A2

ZONING DR 3.5H

LOT SIZE .173 AC 7535.000s

	ACREAGE	SQUARE FEET
SEWER	☒ PUBLIC	☐ PRIVATE
WATER	☒ PUBLIC	☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY

REVIEWED BY JF ITEM # 145 CASE # 08-145A

PREPARED BY Brian W Hott

SCALE OF DRAWING: 1" = 20







subject property tracks up to this



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1)

Go Back
View Map
New Search

Account Identifier: District - 11 Account Number - 2500000092

Owner Information

Owner Name: HONEYGO SPRINGS LLC Use: RESIDENTIAL
Mailing Address: SUITE 2820 Principal Residence: NO
111 S CALVERT ST Deed Reference: 1)
BALTIMORE MD 21202-6100 2)

Location & Structure Information

Premises Address Legal Description
11315 HOLTER RD 0.5711 AC
11315 HOLTER RD NS
HONEYGO SPRINGS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
73	7	45					2	3	
									Plat Ref: 78/ 119

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		24,877.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2007	As Of 07/01/2008
Land	43,560	145,210		
Improvements:	0	0		
Total:	43,560	145,210	111,326	145,210
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

BALTIMORE COUNTY, MARYLAND.

INTER-OFFICE CORRESPONDENCE

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

DATE: October 22, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-145- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Reviewed By:

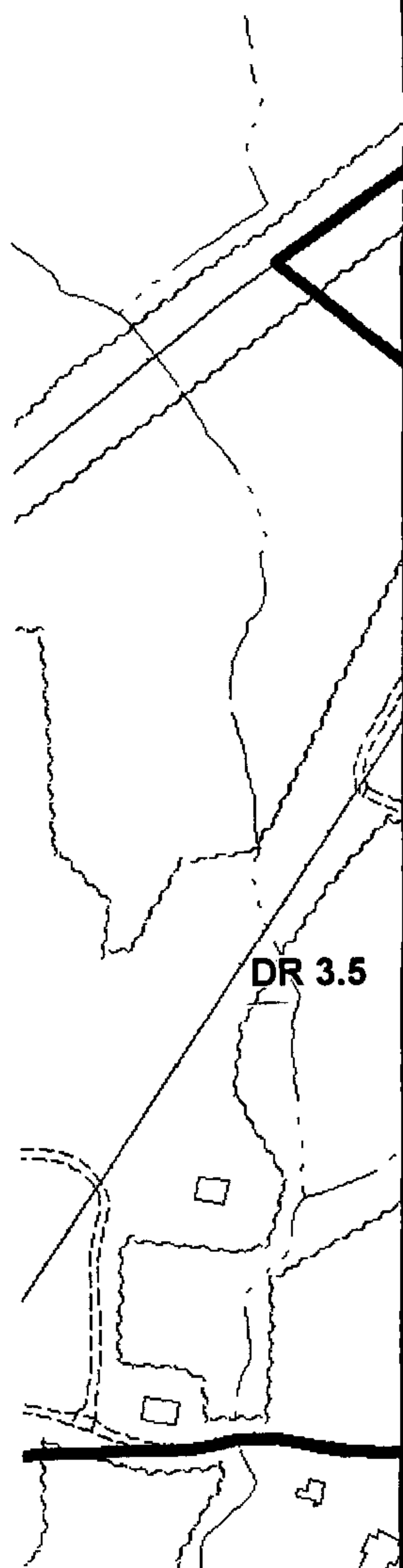


CM/LL



MAP *

259.9.B.4.e



DR 3.5

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 11, 2007

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 15, 2007
Item Nos. 08-136, 145, 146, 147, 148,
149, 151, 152, 154, 158, and 161

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-10112007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 22, 2007

RECEIVED
OCT 25 2007

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

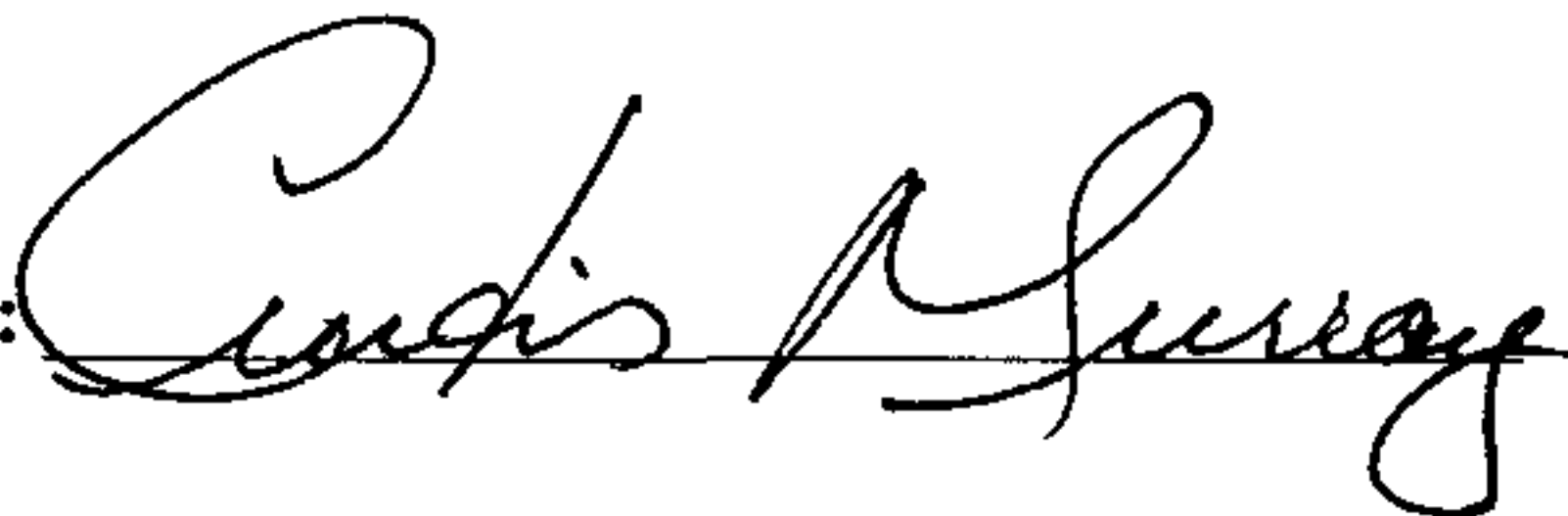
BY:

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The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Reviewed By:



CM/LL

Patricia Zook - Re: Case 08-145-A

From: Dennis Kennedy
To: Zook, Patricia
Date: 10/24/2007 10:48:07 AM
Subject: Re: Case 08-145-A

Hi:

We had no comment on that item. Whoever was doing these in the zoning office didn't include it in the file sent over to you.
Dennis

>>> Patricia Zook 10/23/2007 4:00 PM >>>
Hello Dennis -

I just received the administrative variance files and one of them does not contain comments from your department.

The description is listed below. Thanks for your help.

CASE NUMBER: 145

5404 Overlook Circle

Location: S side of Overlook Circle, 146 feet W of the c/l of Philadelphia Road.

11th Election District, 5th Councilmanic District

Legal Owner: Brian W. Hott

10/22/07

ADMINISTRATIVE VARIANCE To permit an open projection addition (deck) with a rear yard setback of 28 feet in lieu of the required 37.5 feet and to amend the Final Development Plan of Overlook at Perry Hall, Lot #40 only, and to amend the previously approved case #02-518-SPVA-H.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Comments Needed for Administrative Variances

From: Patricia Zook
To: Murray, Curtis
Date: 10/24/2007 9:51:54 AM
Subject: Comments Needed for Administrative Variances

Hello Curtis -

We need Planning comments for the following administrative variance cases:

08-155-A, located at 7 Kilkea Court
08-154-A located at 17 Fox Brier Lane
08-149-A located at 7240 Sollers Point Road
08-145-A located at 5404 Overlook Circle

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Case 08-145-A

From: Patricia Zook
To: Kennedy, Dennis
Date: 10/23/2007 4:00:16 PM
Subject: Case 08-145-A

Hello Dennis -

I just received the administrative variance files and one of them does not contain comments from your department.

The description is listed below. Thanks for your help.

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5404 Overlook Circle

Location: S side of Overlook Circle, 146 feet W of the c/l of Philadelphia Road.

11th Election District, 5th Councilmanic District

Legal Owner: Brian W. Hott

10/22/07

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Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: OCTOBER 15, 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. 8-145-A
5404 OVERLOOK CIRCLE
OVERLOOK AT PERRY HALL
HOTT 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. 8-145-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



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 11, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 8, 2007

Item Number: Item Number 136, 145, 146, 147, 148, 149, 150, 151, 152, 154, 155, 158
159 and 161

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

**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: 08-145-A

Petitioner: Brian w Hott

Address or Location: 5404 Overlook Circle
White Marsh MD 21162

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brian w Hott

Address: 5404 Overlook Circle
White Marsh MD 21162

Telephone Number: 410-529-5392

Revised 7/11/05 - SCJ