

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

SW/S Liberty Road (MD 26), 28' NW of *
c/line of Pikeswood Drive (a Private Road) *
(Carriage Hills Townhouses) *
2nd Election District *
4th Council District *

Clark Turner Companies *
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-252-SPHA

* * * * *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance (including a request for Modification of Standards) filed by Clark Turner Companies (Turner), the owner of the subject property, by and through its attorney Lawrence E. Schmidt, Esquire. The Petitioner requests a special hearing to confirm that the zoning relief granted by the Hearing Officer/Zoning Commissioner in Case Nos. II-649 and 04-026-A remains valid under the revised plan which proposes the residential development of the property. A series of variances are requested from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as set forth in the Petition for Variance. Specifically, relief is requested from Section 1B01.2C.1.c ¹ (Group House Chart) of the B.C.Z.R. and the C.M.D.P. Residential Standards page 27 to permit: (a) a minimum setback of 15' from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25', for Lots 1-32, 53-54, and 79-145; (b) a minimum setback of 15' from any building face to a tract boundary, in lieu of the required 30', for Lots 89-94 and 122-129; (c) a minimum setback of 15' from side building face to public street right-of-way, in lieu of the required 25', for Lots 7, 14, 52, 53, 95, 105-106, 121, 129, 130, and 145; (d) a

¹ As filed, the Petition for Variance erroneously referenced Section 1B01.C.1c of the regulations which was amended at the outset of the hearing by Mr. Schmidt.

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minimum setback of 30' from a rear building face to a public street right-of-way, in lieu of the required 45', for Lots 1-14, 89-94, and 122-129; (e) from Section 301.1.A of the B.C.Z.R. to permit a minimum setback of 10' from the rear property line for a deck or one-story open porch, in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear, for Lots 1-54 and 79-159; (f) from Sections 504.2 and 1B01.2C.1.c – Chart and C.M.D.P. Residential Standards pages 27 and 30 to permit a modification to allow a minimum setback of 20' from side building face to side building face, in lieu of the required 25', for Lots 20-21, 26-27, 38-39, 45-46, 82-83, 99-100, 110-111, 116-117, 134-135, 140-141, 150-151, 154-155; (g) from B.C.Z.R. Section 504.2 and C.M.D.P. Residential Standards page 27 for a variance to allow a minimum rear landscape strip of 0' in lieu of the required 20' and a rear building setback of 30' in lieu of the required 50', for Lots 1-14, 89-94, and 122-129; and finally (h) from B.C.Z.R. Section 504.2 and the C.M.D.P. Residential Standards pages 28 and 30 for a variance to allow a maximum of 8 units in a row, in lieu of the permitted six. The above approvals sought under items F and H are considered requests for a “modification of standards” of the C.M.D.P. The subject property and requested relief are more particularly described on the redlined site plan submitted which was accepted into evidence and marked as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Daniel Whitehurst, Land Development Manager of the Clark Turner Companies, the property owner, Matt Bishop, and Jim Hermann, a Registered Landscape Architect with Morris Ritchie & Associates, Inc. (MRA), the engineering firm that prepared the site plan for this property. The Petitioner was represented by Lawrence E. Schmidt, Esquire of Gildea & Schmidt, LLC. Appearing as an interested person was Rachael E. Stafford, Esquire, an attorney representing the

Colonial Baptist Church, which owns and occupies an adjacent property immediately to the west of the subject site. An inquiry was also received regarding this matter from Ryan Potter, Esquire, an attorney representing the Holy Family Catholic Church, which abuts the subject site to the east. However, Mr. Potter, following his review of the case file and accompanying Zoning Advisory Committee (ZAC) comments, did not appear at the hearing. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property under consideration is an 18-acre parcel known as Carriage Hills and located on the southwest side of Liberty Road near its intersection with Pikeswood Drive in the Randallstown community of northwestern Baltimore County. The property is zoned OR-2 and is presently unimproved and vacant. As will be discussed below, it is irregularly shaped and features a series of site constraints. These include an existing utility line/easement which traverses the property to accommodate a natural gas line. Additionally, there is an existing right-of-way that enters the property from Liberty Road to the north. At one time, this right-of-way was to be used to accommodate the construction of Metropolitan Boulevard. However, that road was never built.

The property is located within a predominantly residential neighborhood, which also contains institutional uses. As noted above, immediately abutting the property on the east side is the Holy Family Catholic Church and School. Immediately to the west of the Carriage Hills property is the Colonial Baptist Church. To the south (rear) of the site is a large apartment complex (800+ units) known as the Carriage Hill Apartments. Immediately across the street from the subject property are several business/commercial uses. Liberty Road (MD Route 26) is a major through way which runs in an east to west direction in front of the instant property from Baltimore City through Baltimore County and into Carroll County. Near Baltimore City, the

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Liberty Road corridor is commercial; however, it becomes more residential in nature at this location.

The history of the proposed development of this property is significant. At one time, the subject property was owned by Q-C Carriage Hills LLC (Q-C). This developer proposed the site for a townhouse development. Pursuant to Baltimore County's development review regulations as contained in Article 32 of the Baltimore County Code (B.C.C.), Q-C's proposed development was the subject of the major subdivision development review processes and was reviewed by the designated reviewing agencies of Baltimore County. Ultimately, pursuant to that process, the matter came in for a public hearing before the Hearing Officer/Zoning Commissioner of Baltimore County. At that public hearing, Q-C requested approval of its development plan, as well as a series of zoning variances which were necessary to accommodate the proposed layout of the development. By Order of the Hearing Officer/Zoning Commissioner in Case Nos. II-649 and 04-026-A, dated November 12, 2003, the development plan was approved and the variances granted (*See* Petitioner's Exhibit 4). Certain restrictions were also incorporated into that decision. There was no appeal of that decision and it became final.

Subsequently, Q-C apparently suffered financial setbacks and ultimately filed for bankruptcy. Testimony offered during the matter at issue was that Turner acquired the site through proceedings in the United States Bankruptcy Court. Turner then retained MRA to review the previously approved development plan (Petitioner's Exhibit 2) and determine if the residential development as shown thereon was feasible. The development plan approved by the Hearing Officer/Zoning Commissioner, although subject to review by Baltimore County, is not a final plan. Rather it is schematic in nature. Under law, the plan is further refined and additional details are added. After a development plan is approved by the Hearing Officer, a final

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development plan (FDP) is submitted to Baltimore County and later a plat is recorded in the Land Records of the County. Q-C never obtained or received approval of a FDP or record plat. Thus, MRA was retained by Turner to ascertain whether the approved plan could proceed to FDP and ultimately record plat under current requirements and market conditions.

MRA reviewed the plan and determined that the same was generally viable. However, a series of changes were necessary to accommodate the changes in the market since 2003, as well as to ensure compliance with the County's evolving regulations as they relate to development. MRA prepared a new plan (Petitioner's Exhibit 1). That plan divides the proposed development into two sections shown as Phase I and Phase II. The development in Phase I will remain as proposed under the original approved Q-C Plan. The development in the area shown as Phase II contains modest changes which necessitate the instant zoning requests.

Turning to that relief, the Petition for Special Hearing is filed to confirm that the previous zoning variances and relief granted in the prior case are still valid. Unlike relief granted under a petition for special exception (B.C.Z.R. Section 502.3), the law is well settled that variances run with the land and do not have an expiration or lapse date. The Petitioner requests confirmation that the approvals granted in the prior Order are valid. It is to be noted that I previously confirmed, by letter of April 6, 2007, that the development plan remains valid and it is clear that the variance relief has not lapsed. Thus, I easily find that the Petition for Special Hearing should be granted.

Turning next to the Petition for Variance, a series of variances are requested. These variances are largely identical to the variances that were previously granted (*See* Case Nos. II-649 & 04-026-A), however, due to the revised layout, many of the lot numbers for which variance relief was granted in the prior case have been changed. As already discussed when

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comparing the Q-C plan to the current plan, the layout of the community in the Phase II area has changed. The variances requested in the instant case reflect the new lot numbers and reconfigured layout.

There are, however, two new requests under the Petition for Variance, which were not part of the original Q-C approval. Specifically, two modifications of standards are sought. Pursuant to B.C.Z.R. Section 504 and the C.M.D.P., certain requirements for residential development may be "modified" through a petition for variance. Under the prior scheme, 153 townhouse units were proposed. This is well within the permitted density of 185 units which is based upon the site acreage and zoning. Moreover, there were agreements made with adjacent property owners by Q-C restricting the total number of units not to exceed 159. Certain provisions in those agreements were referenced in the prior decision. Based upon current market conditions, Turner proposes that each individual unit will be narrower than originally anticipated (20 feet rather than 22 feet). In part, due to this modest reduction in individual widths which by these means keep blocks of units consistent with the original proposal, additional units can be added so that the overall development now proposes 159 units, rather than 153 approved in the original Order. To emphasize, this number remains within the permissible density and the maximum number of units agreed to under Q-C's agreements with the neighbors. These agreements were introduced as Petitioner's Exhibits 5 and 6.

Under "Item H" of the Variance request, a modification of standards is requested to approve this new layout and to allow 8 attached units in a single block, in lieu of the maximum permitted 6 units. This layout is consistent with the scheme of the overall development and is an appropriate residential layout in this neighborhood.

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The second new request relates to a modification of standards to allow a minimum setback of 20 feet from side building face to side building face, in lieu of the required 25 feet. This modification is also sought based upon the revised layout and likewise is appropriate.

Counsel for the Petitioner presented a series of documents and exhibits in support of the Petition for Variance. These are included in the record of the case and incorporated herein. Additionally, substantial testimony was offered by Mr. Hermann, the Registered Landscape Architect who prepared the plan. He discussed each of the variances in detail and produced an exhibit which showed each of the variances requested. This exhibit (Petitioner's 7) depicted (through color coding) each of the individual units which were the subject of by each specific request.

Mr. Hermann further opined that this property is unique given its size, irregular shape and site constraints. He also opined that the zoning classification, as well as the existing easements and utilities, made the property unique from a zoning perspective. He also observed that several of the variances were internal to the property.

Mr. Hermann also concluded that the Petitioner would suffer a practical difficulty if relief was not granted. In this regard, he noted that the relief was consistent (nearly identical) with the prior relief and that a denial of the relief would not permit a reasonable use of the subject property for an expressly permitted purpose. Obviously, given the character of the neighborhood and the zoning classification, a high density residential development is appropriate for this site. Clearly, this townhouse development is less "dense" than the adjacent apartment complex and fits this area of the County. Finally, he indicated that a grant of the relief would be consistent with the spirit and intent of the regulations and would not adversely impact adjacent properties.

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To emphasize, many of the variances are internal and do not relate to tract boundaries or impact adjacent properties.

A ZAC comment was received from the Office of Planning that generally supports the request and offers certain recommendations. Most of these recommendations will be adopted herein and are agreeable to the developer. However, the Office of Planning did make one recommendation which I will decline to adopt. Specifically, Planning asks that there be a third point of access into the property from Pikeswood Drive. It is noted that the plan shows three (3) means of access to the subdivision, one from Liberty Road and two (2) from Pikeswood Drive. In my judgment, a third point of access from that road (fourth overall) is unnecessary. Moreover, the Office of Planning proposes that it be introduced at a point where the road is curved, which may create sight distance issues. Finally, this is a private, not a public road. For all of these reasons, I decline to adopt that recommendation. I will adopt the balance of the Office of Planning's written comments.

As noted above, counsel for the Colonial Baptist Church attended the hearing. She did not appear in opposition to the request. However, counsel for both parties advised that Turner has agreed to convey a 1.3-acre adjacent parcel (shown as Parcel 399 on Tax Map No. 76) to the Church. Ultimately, that parcel will be utilized by the Church for parking and other uses consistent with the Church operation. The Church had anticipated the conveyance would occur previously when Q-C owned the property. Turner has agreed that the conveyance occurs at the time of the recordation of the record plat for Phase II of the project. This timing is to promote the processing of the plan through County reviewing agencies. At the request of the parties, I shall incorporate this as a condition.

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Finally, it is to be noted that certain written agreements between Q-C and the neighboring churches were referenced in the prior decision. Certainly, the spirit of their agreements (maximum number of units at 159, the proposed method of access, etc.) remains applicable to the current plan. However, in view of the revised layout and under current County review, some of the specific agreements need to be adjusted to coincide with the current plan. In my judgment, the current plan is consistent with the spirit and intent (and in many cases the express letter) of their prior agreements. I shall thus approve this amended site plan as it supersedes the prior approved plan.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 18th day of March 2008, that the Petition for Special Hearing to confirm the zoning relief granted by the Hearing Officer/Zoning Commissioner in Case Nos. II-649 and 04-026-A remains valid under the current revised plan, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2C.1.c of the B.C.Z.R. and the C.M.D.P. Residential Standards page 27 to permit: (a) a minimum setback of 15' from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25', for Lots 1-32, 53-54, and 79-145; (b) a minimum setback of 15' from any building face to a tract boundary, in lieu of the required 30', for Lots 89-94 and 122-129; (c) a minimum setback of 15' from side building face to public street right-of-way, in lieu of the required 25', for Lots 7, 14, 52, 53, 95, 105-106, 121, 129, 130, and 145; (d) a minimum setback of 30' from a

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rear building face to a public street right-of-way, in lieu of the required 45', for Lots 1-14, 89-94, and 122-129; (e) from Section 301.1.A of the B.C.Z.R. to permit a minimum setback of 10' from the rear property line for a deck or one-story open porch, in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear, for Lots 1-54 and 79-159; (f) from Sections 504.2 and 1B01.2C.1.c – Chart and C.M.D.P. Residential Standards pages 27 and 30 to permit a modification to allow a minimum setback of 20' from side building face to side building face, in lieu of the required 25', for Lots 20-21, 26-27, 38-39, 45-46, 82-83, 99-100, 110-111, 116-117, 134-135, 140-141, 150-151, 154-155; (g) from B.C.Z.R. Section 504.2 and C.M.D.P. Residential Standards page 27 for a variance to allow a minimum rear landscape strip of 0' in lieu of the required 20' and a rear building setback of 30' in lieu of the required 50', for Lots 1-14, 89-94, and 122-129, and finally (h) from B.C.Z.R. Section 504.2 and the C.M.D.P. Residential Standards pages 28 and 30 for a variance to allow a maximum of 8 units in a row, in lieu of the permitted six, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject to the following restrictions:

1. Except as inconsistent with the plan marked as Petitioner's Exhibit 1, the terms and conditions of the agreements reached with the Holy Family Catholic Church (Petitioner's Exhibit 6) and the Colonial Baptist Church (Petitioner's Exhibit 5) shall be adopted herein, a copy of which is attached to the original Order and shall be kept in the Zoning Commissioner's office. The terms and conditions of these agreements are subject to the approval of the reviewing agencies of Baltimore County to ensure that the proposed development and plan (Petitioner's Exhibit 1) is in compliance with Baltimore County law.
2. Petitioner shall provide a sidewalk system along the Liberty Road frontage, Pikeswood Drive and Metropolitan Boulevard. This system should also inter-connect in the interior of the site. Petitioner shall also submit a revised pattern book to the Director of Planning for review and approval prior to applying for any building permits.
3. The Clark Turner Companies will convey the 1.3-acre Parcel 399 on Tax Map No. 76 (Account No. 2200023284) to Colonial Baptist Church within thirty (30) days of the recording of the record plat for Phase II.

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Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).



WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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AGREEMENT

THIS AGREEMENT is entered into this 22nd day of October, 2003, by and among Q-C ENTERPRISES, INC. ("Developer"); and HOLY FAMILY, RANDALLSTOWN, ROMAN CATHOLIC CONGREGATION, INCORPORATED ("Holy Family"), and CARDINAL WILLIAM H. KEELER, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE, A CORPORATION SOLE ("Archdiocese").

BACKGROUND

A. Developer is the owner of those lots or parcels of land located on the south side of Liberty Road and the west side of Pikeswood Drive in Baltimore County, Maryland, containing in the aggregate approximately 22.41 acres of land and shown as Parcels 356, 398, and 400 on Tax Map No. 76 on the State Department of Assessments and Taxation Tax Maps for Baltimore County, and which are the subject of the Carriage Hills Townhouse Development Plan and Plat To Accompany Zoning Variances, identified as Baltimore County PDM No. II-649 and Zoning Item No. 04-026-A ("Developer's Property" and "Carriage Hills Townhouse Development").

B. Archdiocese is the owner of that lot or parcel of land located on the south side of Liberty Road at 9533 Reisterstown Road, Baltimore County, Maryland, containing approximately 15.04 acres of land and shown as Parcel 182 on Tax Map No. 76 on the State Department of Assessments and Taxation Tax Maps for Baltimore County ("Archdiocesan Property"). Archdiocesan Property is adjacent and to the west of the Carriage Hills Townhouse Development.

C. Holy Family Catholic Church and School operate and maintain principal places of business on the Archdiocese's Property.

D. Developer is in the process of seeking Development Plan approval and Zoning Variances for Developer's Property in PDM No. II-624 and Zoning Item No. 04-026-A for the development known as the "Carriage Hills Townhouse Development". Said Development and

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Zoning Plans filed in said proceedings are referred to herein as the "Development and Zoning Plans".

E. Developer, Holy Family, and Archdiocese would like to resolve all issues between and among them arising out of the subdivision and development of Developer's Property.

WITNESSETH

In consideration of the mutual agreements and obligations contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Developer's Obligations.

a. ~~Developer agrees to install two (2) sections of fencing, at Developer's expense, in the areas specified on the attached Exhibit A.~~ Said fences shall be constructed of the same or similar materials used to construct the fence proposed on Developer's Property as shown on the Development and Zoning Plans.

i. As identified on Exhibit A, Developer will install "Fence A" at the time Developer installs the Fencing shown on the Development and Zoning Plans to be located on Developer's Property along Liberty Road.

ii. Also as identified on Exhibit A, "Fence B" and "Fence C" are alternative proposals. Therefore, Developer will not install both "Fence B" and "Fence C", but rather will install one or the other. ~~In the event that Developer agrees to purchase, and Holy Family and the Archdiocese agree to sell to Developer a portion of the Archdiocesan Property, Developer will install Fence "B" in a manner and time to be identified in any Contract of Sale and any amendments thereto, negotiated between and among the parties. In the alternative, in the event that the parties have not yet entered into a Contract of Sale for Developer to purchase a portion of the Archdiocesan Property, Developer will install "Fence C" at the time Developer constructs the improvements to "Road B" shown on the Development and Zoning Plans, it being~~

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understood and agreed that said "Fence C" shall be installed and erected along the entire length of the eastern boundary of the Archdiocesan Property.

b. In the event the Maryland State Highway Administration ("SHA") alters the access permit for Archdiocesan Property's access along Liberty Road in association with the anticipated extension of Owings Mills Boulevard and/or the Developer's installation of "Road B" shown on the Development and Zoning Plans, ~~Developer will provide the Archdiocese and Holy Family with fee simple access to "Road B" (as identified on both the Development and Zoning Plans and Exhibit A) in the location shown on Exhibit A. Developer will be responsible for the engineering and construction costs associated with providing the Archdiocese and Holy Family with said access to "Road B", provided that any award of monetary compensation provided by SHA to Holy Family and/or Archdiocese related to the alteration of the existing access permit for the Archdiocese's Property shall be paid to Developer in an amount not to exceed the actual third party costs Developer incurs in relation to the engineering and construction of said new access to "Road B" for the Archdiocese and Holy Family.~~

2. Holy Family's and Archdiocese's Obligations.

a. Holy Family and Archdiocese agree to support the Development and Zoning Plans. Said support may be provided either through written documentation of said support submitted to the Baltimore County Hearing Officer prior to October 22, 2003, or through oral testimony of said support at the continuation of the public hearing on the Development and Zoning Plans currently scheduled for October 22, 2003. This obligation of support precludes Holy Family and/or the Archdiocese from opposing, either directly or indirectly, the Development and Zoning Plans.

b. Holy Family and Archdiocese agree not to file an appeal of any Order issued by the Baltimore County Hearing Officer relating to the Development and Zoning Plans.

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c. Holy Family and Archdiocese agree not to file a Motion for Reconsideration of any Order issued by the Baltimore County Hearing Officer relating to the Development and Zoning Plans.

3. Miscellaneous Provisions.

a. This Agreement shall bind the parties hereto, their successors, heirs and assigns.

b. This Agreement shall be governed by the laws of the State of Maryland, without regard to conflicts of laws.

c. The parties have all rights, in law and/or equity to enforce this Agreement.

d. This Agreement contains all of the terms and conditions of this Agreement and cannot be modified, except by written agreement of the parties.

e. Each person who signs this Agreement represents and warrants to each other party hereto that he/she has full right, power and authority to enter into and carry out the provisions of this Agreement and that no further consents or approvals are required to make this Agreement the binding obligation of the party on whose behalf each person signs this Agreement.

f. The parties hereto expressly disclaim any partnership, joint venture or similar relationship or arrangement.

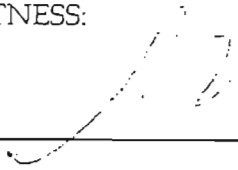
g. This Agreement may be signed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument.

(This space is intentionally left blank; signature pages follow.)

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WHEREFORE, the parties execute this Agreement as of the day and year first above written.

WITNESS:



Q-C CARRIAGE HILLS, LLC

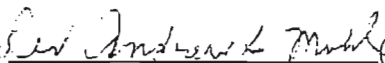
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Q-C Enterprises, Inc.,
Managing Member
James P. Quillen, Jr., President

WITNESS:

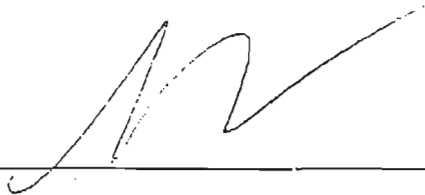


HOLY FAMILY, RANDALLSTOWN,
ROMAN CATHOLIC CONGREGATION,
INCORPORATED

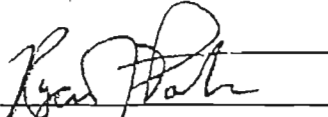
By:  (SEAL)

Rev. Andrew S. Mohl
Secretary/Treasurer

WITNESS:



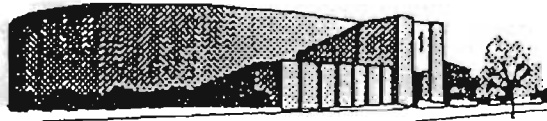
CARDINAL WILLIAM H. KEELER,
ROMAN CATHOLIC ARCHBISHOP OF
BALTIMORE, A CORPORATION SOLE

By:  (SEAL)

~~Cardinal William H. Keeler~~
Agent and Attorney

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Colonial Baptist Church

9411 Liberty Road
Randallstown, Maryland 21133

Robert J. Anderson, Jr.
Senior Pastor

phone: 410-655-1080
fax: 410-521-2698
www.colonialbaptist.org
email: colonial@colonialbaptist.org

October 1, 2003

Mr. James P. Quillen, Jr., President
Q.C Enterprises, Inc.
110 Old Padonia Road, Suite LC
Hunt Valley, Maryland 21030

Re: Proposed Carriage Hill Townhome Development

Dear Mr. Quillen:

This letter comes on behalf of the Trustees and members of Colonial Baptist Church of Randallstown, Maryland. We wish to take this opportunity to comment of the proposed development of a residual site known as Carriage Hill Village Townhome, located at the intersection of Pikeswood and Liberty Roads, by Q C Enterprises, Incorporated (the Developer).

First we wish to thank you for taking the time to meet with the members of the Colonial Baptist Church Trustees in May, 2003 and for your letter of May 31, 2003 confirming the substance of our discussion and agreements with your company. We also appreciate you taking appropriate steps to include us in the dialogue you have continued to have with Baltimore County during the evolution of your plan, and for responding our frequent questions, and request for a copy of the design guidelines.

This letter will serve to express our support for the Carriage Hill Townhome proposal contingent upon Q C Enterprises' adherence to agreements heretofore discussed in your letter of May 31, 2003, and other verbal assurances that followed. This letter also comes to express our strong support for Baltimore County granting a waiver to the County's open space requirement in this instance with the following contingencies:

1. The Developer assures that no more than 159 townhouse units will be built on the proposed site, and that all homes will be designed and built with high quality construction and amenities and designed to existing Baltimore County standards to assure their marketability to middle and upper-middle income families, consistent with the design guidelines you have submitted.
2. The Developer assures that there will be a self-contained storm water management facility located within the proposed site where it will not affect the future usability of parklands. Further the Developer agrees to build the storm water management facility with sufficient additional capacity to accommodate future needs of the Developer and its immediate neighbors Colonial Baptist Church and Holy Family Church, should the need arise. This is

PETITIONER' S

EXHIBIT NO. 5

requested so that it will not become necessary to duplicate a basic resource within a relatively close area.

3. The Developer agrees, per a request by Baltimore County, to build a public road along the western-most border of the proposed site.
4. The Developer agrees to grant permanent, unimpaired egress from Colonial Baptist Church's property onto Pikeswood Drive in perpetuity.
5. In exchange for the granting of a waiver of the minimum County open space requirement, the Developer agrees to provide funds that would allow the County to build a public road that would provide free and clear public access to the existing County owned park that sets behind Carriage Hill Village Apartments.
6. In exchange for the granting of a waiver of the minimum County ^{200,000} open space requirement, the Developer agrees to donate to the County a sum in excess of ~~\$225,000~~ for the express purpose of making improvements to the existing nearby County park, to include completion of a public access road to the park, improvements to a parking lot for the park, construction of a pavilion, purchase of barbecue pits, purchase of soccer goals, and improvements to the existing field. The Developer agrees that the community should have direct influence over how the money is spent to improve the park area.
7. In exchange for the granting of a waiver of minimum County open space requirements, the Developer agrees to build within the proposed site a bike / walking trail to the existing County owned park located behind Carriage Hill Apartment, and grant free and clear access in perpetuity to all residents and surrounding community members to utilize that trail to gain access to that park.
8. In exchange for the granting a waiver of minimum County open space requirements, the Developer agrees to build a tot lot with play equipment for the residents of the proposed community within the proposed site.
9. Further, the Developer agrees to build at his expense a cast iron fence of sufficient height to assure the safety and security of the children of Holy Family school along the border of the property between Holy Family Church and the proposed site, as previously discussed. The Developer further agrees to build at his expense an egress easement along the border of the property between Holy Family Church and the proposed public road B, thereby assuring that Church free and clear access to Liberty Road, in the event of any future changes which may prevent use of the current Church exit nearest the proposed site onto Liberty Road.
10. Notwithstanding all of the above agreements, the Developer agrees to adhere to any other assurances stated to the community verbally and in writing to Colonial Baptist Church on May 31, 2003, and will advise the future builder of the proposed residential site, anticipated to be the Barry Andrews Homes, of all outstanding pre-existing agreements. This contingency comes to assure a continued good neighbor relationship.

ORIGINAL RECEIVED FOR FILING

Date 3-18-08

By

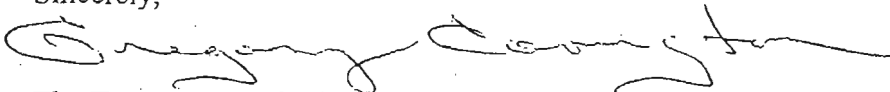
103

11. Finally, the Developer assures that should the development of the proposed site not occur as expected for whatever reason, that the right of first refusal for the property in question be granted to Colonial Baptist Church which directly faces the site, as has been discussed. This request is made in writing because Colonial Baptist wishes to assure that the stability and quality of life of the Randallstown neighborhood be maintained, and that unrestricted encroachment upon the community by undesirable entities between the site of two religious institutions be kept to a minimum. The Developer is aware that Colonial Baptist Church has been for some time in discussion about a separate parcel of land not directly involved in the proposed development site prior to the submission of the Developer's proposal to the County, due to on-going encroachment issues. Colonial has pursued discussion with the Developer concerning the donation of that same parcel pending development of the proposed site, and anticipates resolution of this matter with the Developer pending the completion of the zoning process.
12. Colonial requests that the stipulation herein be written into the Hearing Officer's order so that the Builder will also be made aware of their existence. We are also asking that the Hearing Officer will stipulate a timeframe as to when the promised monetary donation to the County is to be made, and the timeframe when those funds must be utilized as indicated by the County Parks and Recreation Department, subsequent to community input.

Again, this letter sets forth contingencies for Colonial Baptist Church's support of the proposed project and the requested open space waiver. Given a good faith effort by the Developer, the Builder of the site and the County to adhere to the conditions set forth above, we do believe that a good neighbor relationship can and will prevail, while offering attractive and affordable housing to families. While there is no way of assuring so, it is certainly Colonial Baptist Church's sincere wish that some of those hard-working, stable families will choose to fellowship at our Church, and grow with our Church family as we grow.

Should you or any other interested party have additional questions or comments, please not hesitate to contact Pastor Robert Anderson at Colonial Baptist Church at (410) 655-1080.

Sincerely,



The Trustees of Colonial Baptist Church of Randallstown

CLICHER RECEIVED FOR FILING

Date 3-18-08

By

By



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 18, 2008

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

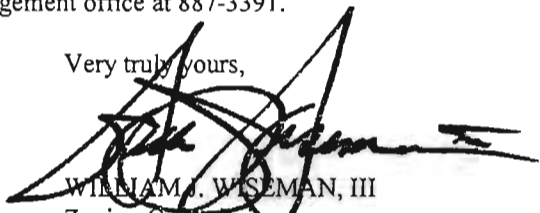
RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
SW/S Liberty Road (MD 26), 28' NW of c/line of Pikeswood Drive (a Private Road)
(Carriage Hills Townhouses)
2nd Election District - 4th Council District
Clark Turner Companies - Petitioner
Case No. 08-252-SPHA

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted with restrictions, in accordance with the attached Order.

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

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Daniel Whitehurst, Land Development Manager, Clark Turner Companies,
4685 Millenium Drive, Belcamp, MD 21017
Jim Hermann, 1895 Eden Mill Road, Pylesville, MD 21132
Matt Bishop, Morris Ritchie & Associates, Inc., 1220-C East Joppa Road,
Towson, MD 21286
Rachel Stafford, Esquire, 1401 Bank of America Center, 100 South Charles Street,
Baltimore, MD 21201
Ryan J. Potter, Esquire, Gallagher, Evelius & Jones, LLP, 218 North Charles Street,
Suite 400, Baltimore, MD 21201
David R. Owens, Project Manager, Division of Facilities and Real Estate,
Archdiocese of Baltimore, 320 Cathedral Street, Baltimore, MD 21201
People's Counsel; Office of Planning; File ✓



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: Carriage Hillswhich is presently zoned: O.R.-2

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):

Please see attachment

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty)

TO BE PRESENTED AT HEARING

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:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Clark Turner Companies

Name - Type or Print

Signature

Don Whitehurst, Land Development Manager

Name - Type or Print

Signature

4685 Millenium Drive

(410) 575-6000

Address

Telephone No.

Belcamp

MD

21017

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLYCase No. 08-252-SP1A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BADate 12/3/07

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 3-18-08By WJ

Attachment to Petition for Variance

Variance Relief Requested

- A. §1B01.C.1.c –Chart and CMDP Residential Standards page 27. A Variance to allow a minimum setback of 15' from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25', for lots 15-32, 53-54, 79-88, 89-94, 95-121, and 130-145
- B. §1B01.C.1.c –Chart and CMDP Residential Standards page 27. A Variance to allow a minimum setback of 15' from any building face to a tract boundary, in lieu of the required 30', for lots 89-94 and 122-129
- C. §1B01.C.1.c –Chart and CMDP Residential Standards page 27. A Variance to allow a minimum setback of 15' from side building face to public street right-of-way, in lieu of the required 25', for lots 7, 14, 52, 53, 77, 95, 105-106, 121, 129, 130, and 145
- D. §1B01.C.1.c –Chart and CMDP Residential Standards page 27. A Variance to allow a minimum setback of 30' from a rear building face to a public street right-of-way, in lieu of the required 45', for lots 1-14, 89-94, and 122-129
- E. §301.1.A A Variance to allow a minimum setback of 10' from the rear property line for a deck or one-story open porch, in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear, for lots 1-54 and 79-159.
- F. §504.2 and §1B01.C.1.c- Chart and CMDP Residential Standards page 27 and 30. A Modification to allow a minimum setback of 20' from side building face to side building face, in lieu of the required 25', for lots 20-21, 26-27, 38-39, 45-46, 82-83, 99-100, 110-111, 116-117, 134-135, 140-141, 150-151, 154-155.

Modification of Standards Request

- G. §504.2 CMDP Residential Standards page 27. A Variance to allow a minimum rear landscape strip of 0' in lieu of the required 20' and a rear building setback of 30' in lieu of the required 50', for lots 1-14, 89-94, and 122-129.
- H. §504.2 CMDP Residential Standards page 28 and 30. A Variance to allow a maximum of 8 units in a row, in lieu of the permitted six



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Carriage Hillswhich is presently zoned O.R. 2

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

Special Hearing to confirm the zoning relief granted in HOH Case No. 04-026-A remains valid under currently revised plan.

Property is to be posted and advertised as prescribed by the zoning regulations.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Clark Turner Companies

Name - Type or Print

Signature

Dan Whitchurst, Land Development Manager

Name - Type or Print

Signature

4685 Millenium Drive

(410) 575-6000

Address

Telephone No.

Belcamp

MD

21017

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-252-SPHAReviewed By AK Date 12/3/07

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 3-18-08By DW

TOTAL P.004

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



November 21, 2007

ZONING DESCRIPTION

BEGINNING at a point on the southwesterly right of way line of Liberty Road, Maryland Route 26, a variable width right of way, approximately 50 feet from the center of said road, being approximately 28 feet northwest from the center of Pikeswood Drive, a variable width right of way, said point being the northeasterly most corner of the land shown on a plat entitled "Amended Plat of Carriage Hills" and recorded among the Land Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. No. 49 folio 83, running thence the following courses, viz:

By a curve to the right with a radius of 29.00 feet and an arc length of 4.13 feet, said curve being subtended by a chord bearing South 26°02'18" West 4.13 feet, to a point of tangency; South 30°07'05" West 194.19 feet, to a point of curvature; By a tangent curve to the left with a radius of 253.00 feet and an arc length of 184.43 feet, said curve being subtended by a chord bearing South 09°14'05" West 180.37 feet, to a point of tangency; South 11°38'54" East 79.85 feet, to a point of curvature; By a tangent curve to the right with a radius of 209.00 feet and an arc length of 155.03 feet, said curve being subtended by a chord bearing South 09°36'06" West 151.50 feet, to a point of tangency; South 30°51'06" West 344.22 feet; North 55°57'36" West 526.43 feet; North 77°05'36" East 41.22 feet; North 19°40'34" West 46.27 feet; South 67°42'06" West 69.09 feet; North 55°57'36" West 100.73 feet; South 36°08'38" West 570.42 feet; South 12°28'38" West 196.63 feet; North 62°39'14" West 106.61 feet; South 27°20'46" West 146.35 feet, to a point of curvature; By a tangent curve to the left with a radius of 1465.01 feet and an arc length of 767.78 feet, said curve being subtended by a chord bearing South 12°19'55" West 759.03 feet, to a point of tangency; South 02°40'55" East 52.96 feet; North 51°49'10" West 46.28 feet; North 02°40'55" West 348.60 feet; By a non-tangent curve to the right with a radius of 1535.01 feet and an arc length of 147.63 feet, said curve being subtended by a chord bearing North 12°19'55" East 147.57 feet; North 27°20'46" East 1825.73 feet; North 59°45'30" West 234.98 feet; North 29°14'30" East 288.42 feet; South 61°28'16" East 42.22 feet; South 62°42'45" East 62.17 feet; South 64°03'10" East 57.73 feet; North 32°23'44" East 1.50 feet; South 59°32'01" East 159.09 feet; South 21°22'06" West 215.62 feet; South 59°52'54" East 74.99 feet; North 21°22'06" East 202.45 feet; South 59°52'44" East 101.43 feet; South 57°38'27" East 230.18 feet; South 59°52'56" East 195.02 feet, and; South 60°06'52" East 28.69 feet, to the point of beginning, being known as Tax Map 76, Parcels 351,356 and 398 and being located on the southwest side of said Liberty Road.

CONTAINING 908,619 square feet or 20.859 acres of land, more or less, and being located in the Second Election District, Fourth Councilmanic District, Baltimore County, Maryland.



1220-C East. Joppa Road, Suite 505, Towson, MD 21286

P:\15341\SURVEY\Descriptions\15341_Zoning.doc
(410) 821-1690 Fax: (410) 821-1748 www.mraqta.com

Abingdon, MD
(410) 515-9000

+ Laurel, MD
(410) 792-9792

+ Towson, MD
(410) 821-1690

+ Georgetown, DE
(302) 855-5734

+ Wilmington, DE
(302) 326-2200

+ York, PA
(717) 751-6073

#352

NOTICE OF ZONING HEARING

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

Case: #08-252-SPHA

Carriage Hills

S/west side of Liberty Road, s/east corner of
Metropolitan Boulevard

2nd Election District - 4th Councilmanic District

Legal Owner(s): Clark Turner Companies, Dan
Whitehurst, Land Development Manager

Special Hearing: to confirm the zoning relief granted in HOH Case 04-026-A remains under currently revised plan. **Variance:** to allow a minimum setback of 15 feet from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25 feet, for lots 15-32, 53-54, 79-88, 89-94, 95-121, and 130-145 and to allow a minimum setback of 15 feet from any building face to a tract boundary, in lieu of the required 30 feet, for lots 89-94 and 122-129 and to allow a minimum setback of 15; from side building face to public street right-of-way, in lieu of the required 25 feet, for lots 7, 14, 52, 53, 77, 95, 105-106, 121, 129, 130, and 145 and to allow a minimum setback of 30 feet from a rear building face to a public street right-of-way, in lieu of the required 45 feet, for lots 1-14, 89-94, and 122-129 and to allow a minimum setback of 10 feet from the rear property line for a deck or one-story open porch, in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear, for lots 1-54 and 79-159 and a modification to allow a minimum setback of 20 feet from side building face to side building face, in lieu of the required 25 feet, for lots 20-21, 26-27, 38-39, 45-46, 82-83, 99-100, 110-111, 116-117, 134-135, 140-141, 150-151, 154-155.

Hearing: Friday, February 8, 2008 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

1/407 Jan. 24

161557

CERTIFICATE OF PUBLICATION

1/24, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/22, 2008.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 03726

PAID RECEIPT

Date: 12/1/07

BUSINESS ACTUAL TIME
12/01/2007 12/03/2007 10:10:07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount

Total:

Rec

From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-252-SPHA

Petitioner/Developer: CLARK

TURNER COMPANIES

Date of Hearing/Closing: 2-8-08

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:

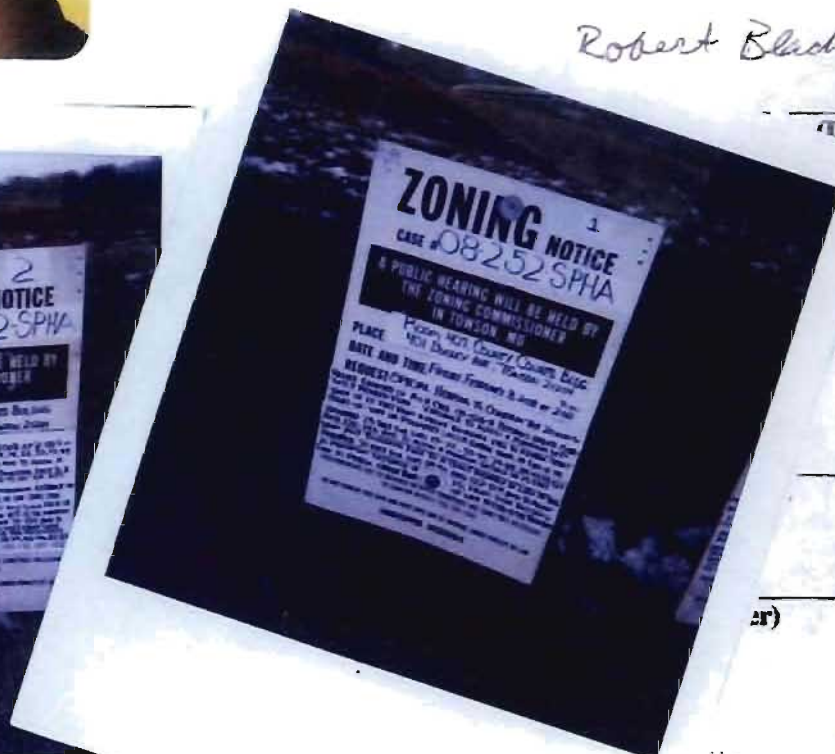
CARRIAGE HILLS S/WEST SIDE OF LIBERTY
ROAD S/EAST CORNER OF METROPOLITAN BLVD

The sign(s) were posted on 1-21-08
(Month, Day, Year)

SSG Robert A Black
1508 Leslie Road
Dundalk, MD 21222
410-282-7940

Sincerely,

Robert Black



**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.

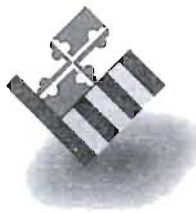
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 08-252-SPHA
Petitioner: Jack Turner Companies
Address or Location: Carriage Hills

PLEASE FORWARD ADVERTISING BILL TO:

Name: G-Ida + Schmidt LLC
Address: 690 Washington Ave, Suite 209
Towson MD 21204
Telephone Number: 410 821-0070



BALTIMORE COUNTY

M A R Y L A N D

January 14, 2008

NEW NOTICE OF ZONING HEARING

JAMES T. SMITH, JR.

County Executive

TIMOTHY M. KOTROCO, *Director*

Department of Planning and Regulations

Development Management

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

CASE NUMBER: 08-252-SPHA

Carriage Hills

S/west side of Liberty Road, s/east corner of Metropolitan Boulevard

2nd Election District – 4th Councilmanic District

Legal Owners: Clark Turner Companies, Dan Whitehurst, Land Development Manager

Special Hearing to confirm the zoning relief granted in HOH Case 04-026-A remains under currently revised plan. Variance to allow a minimum setback of 15 feet from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25 feet, for lots 15-32, 53-54, 79-88, 89-94, 95-121, and 130-145 and to allow a minimum setback of 15 feet from any building face to a tract boundary, in lieu of the required 30 feet, for lots 89-94 and 122-129 and to allow a minimum setback of 15; from side building face to public street right-of-way, in lieu of the required 25 feet, for lots 7, 14, 52, 53, 77, 95, 105-106, 121, 129, 130, and 145 and to allow a minimum setback of 30 feet from a rear building face to a public street right-of-way, in lieu of the required 45 feet, for lots 1-14, 89-94, and 122-129 and to allow a minimum setback of 10 feet from the rear property line for a deck or one-story open porch, in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear, for lots 1-54 and 79-159 and a modification to allow a minimum setback of 20 feet from side building face to side building face, in lieu of the required 25 feet, for lots 20-21, 26-27, 38-39, 45-46, 82-83, 99-100, 110-111, 116-117, 134-135, 140-141, 150-151, 154-155.

Hearing: Friday, February 8, 2008 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, 600 Washington Avenue, Ste. 200, Towson 21204
Dan Whitehurst, 4685 Millenium Drive, Belcamp 21017

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 24, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 24, 2008 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0079

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 08-252-SPHA

Carriage Hills

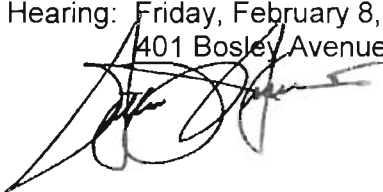
S/west side of Liberty Road, s/east corner of Metropolitan Boulevard

2nd Election District – 4th Councilmanic District

Legal Owners: Clark Turner Companies, Dan Whitehurst, Land Development Manager

Special Hearing to confirm the zoning relief granted in HOH Case 04-026-A remains under currently revised plan. Variance to allow a minimum setback of 15 feet from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25 feet, for lots 15-32, 53-54, 79-88, 89-94, 95-121, and 130-145 and to allow a minimum setback of 15 feet from any building face to a tract boundary, in lieu of the required 30 feet, for lots 89-94 and 122-129 and to allow a minimum setback of 15; from side building face to public street right-of-way, in lieu of the required 25 feet, for lots 7, 14, 52, 53, 77, 95, 105-106, 121, 129, 130, and 145 and to allow a minimum setback of 30 feet from a rear building face to a public street right-of-way, in lieu of the required 45 feet, for lots 1-14, 89-94, and 122-129 and to allow a minimum setback of 10 feet from the rear property line for a deck or one-story open porch, in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear, for lots 1-54 and 79-159 and a modification to allow a minimum setback of 20 feet from side building face to side building face, in lieu of the required 25 feet, for lots 20-21, 26-27, 38-39, 45-46, 82-83, 99-100, 110-111, 116-117, 134-135, 140-141, 150-151, 154-155.

Hearing: Friday, February 8, 2008 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 30, 2008

Sebastian A. Cross
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Dear Mr. Cross:

RE: Case Number: 08-252-SPHA, Carriage Hills

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 3, 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:amf

Enclosures

c: People's Counsel

Clark Turner Companies Dan Whitehurst, Land Development Manager 4685 Millenium
Drive Belcamp 21017

BW
2-8-08

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 28, 2008

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

RECEIVED
FEB 06 2008

SUBJECT: Carriage Hills

BY:

INFORMATION:

Item Number: 8-252

Petitioner: Clark Turner Companies

Zoning: OR 2

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and does not oppose the petitioner's requests provided the following comments are addressed:

1. Provide a sidewalk system along the Liberty Road frontage, Pikeswood Drive and Metropolitan Boulevard. This system should also interconnect in the interior of the site.
2. Extend proposed Public Road "G" east to Pikeswood Drive between lots 22 and 94.
3. Submit a revised patternbook to the Director of Planning for review and approval prior to applying for any building permits.
4. Submit to the Office of Planning a revised school impact analysis for review and approval.
5. Provide justification for the request for a modification of standards.

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

Reviewed by:

QJM by LL 2/6/08

Division Chief:
AFK/LL: CM

[Signature]

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 12, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For December 17, 2007
Item Nos. 08-248, 249, 251, 252, 253,
254, 255, 256, and 258

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- 12/207.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 11 2008

BY:.....

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JWL
DATE: January 11, 2008
SUBJECT: Zoning Item # 08-252-SPHA
Address Carriage Hills Townhouses

Zoning Advisory Committee Meeting of December 10, 2007

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: John Russo

Date: 1/9/08



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 10, 2007

Item Number: 250,252,255

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (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

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



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

December 12, 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. 08-252-SPHA
MD 26 (Liberty Road)
at Pikeswood Drive
Carriage Hills
Special Hearing and Variance

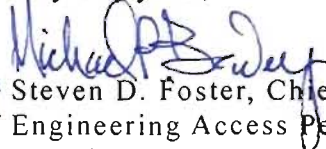
Dear Ms. Matthews:

Thank you for the opportunity to review the site plan to accompany petition for special hearing and variance on the subject of the above captioned, which was received on December 10, 2007. It is my understanding that the developer proposes to build 159 townhouse units with infra structure and surface parking for 400 vehicles on an 18 acre site.

We have completed a cursory review of the site plan as well as existing conditions. Access onto the property is served by an existing private road (Pikeswood Drive) onto MD 26 (Liberty Road) and a proposed public street (Metropolitan Boulevard) onto MD 26 Liberty Road. The field assessment reveals that the existing eastern entrance onto Liberty Road appears adequate. Presently this office is reviewing road improvements associated with the Metropolitan Drive access for compliance with State Highway Administration (SHA) requirements. SHA will require that the owner/applicant obtain a permit issued by this office prior to County Building Permit approval. Please include our remarks in your staff report to the Zoning Reviewer Planner in the matter of Case Number 8-252-SPHA.

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

Very truly yours,


for ^ Steven D. Foster, Chief
Engineering Access Permits
Division

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

SDF/MB

Cc: Mr. Matthew W. Bishop, Consultant Engineer, Morris Ritchie Associates, Inc.
Mr. Dennis A. Kennedy, Development Plans Review, Baltimore County
Mr. David Malkowski, District Engineer, SHA
Mr. Dan Whitehurst, Owner, CT Carriage Hill Business Trust

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 28, 2008

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

SUBJECT: Carriage Hills

INFORMATION:

Item Number: 8-252

Petitioner: Clark Turner Companies

Zoning: OR 2

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and does not oppose the petitioner's requests provided the following comments are addressed:

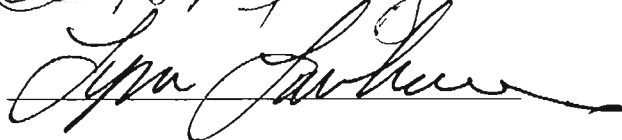
1. Provide a sidewalk system along the Liberty Road frontage, Pikeswood Drive and Metropolitan Boulevard. This system should also interconnect in the interior of the site.
2. Extend proposed Public Road "G" east to Pikeswood Drive between lots 22 and 94. *✓*
3. Submit a revised patternbook to the Director of Planning for review and approval prior to applying for any building permits.
4. Submit to the Office of Planning a revised school impact analysis for review and approval.
5. The applicant has given the Office of Planning justification for the request for modifications of standards. The Office of Planning supports the modifications subject to architectural elevations that demonstrate steeper roof pitches and staggered front setbacks with varied facades and materials are submitted prior to final approval of any development plan.

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

Reviewed by:



Division Chief:
AFK/LL: CM



*that system of public road by to
-129 to an
the new of public road. private property.*

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
Carriage Hills; SW/S Liberty Road, SE
corner Metropolitan Blvd
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Clark Turner Companies
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 08-252-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of December, 2007, a copy of the foregoing Entry of Appearance was mailed Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

DEC 13 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

08-252-
SPHA

From: Curtis Murray
To: Wiley, Debra
Date: 02/01/08 11:40:07 AM
Subject: Re: Comments Needed for Bill

Ok I will get them to you as soon as they are approved. Some of them are under discussion.

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
410-887-3480
Fax: 410-887-5862
cjmurray@co.ba.md.us

>>> Debra Wiley 02/01/08 11:32 AM >>>
Hi Curtis,

Bill needs comments for the following cases:

Monday, 2/4 @ 9 AM, Room 407 - Case No. 08-250-A
7707 Fairgreen Road
N/side of Fairgreen Road, 237 feet east of c/line of Louth Road
12th Election District, 7th Council District
Legal Owner: Raymond Barnes

Variance to permit a proposed pier off an irregular shoreline to have a zero (0) foot side setback on both sides of a divisional line in lieu of the minimum required 10 feet.

Monday, 2/4 @ 11 AM, Room 407 - Case No. 08-255-X
8815 Yellow Brick Road
E/side of Yellow Brick Road, 210 feet north of Race Road
15th Election District, 6th Council District
Legal Owners: Tri-Kaze Partnership
Contract Purchaser: American Commercial Fueling, Rolfe Robertson

Special Exception for a truck stop under Section 236.4, B.C.Z.R.

Friday, 2/8 @ 2 PM, Room 407 - Case No. 08-252-SPHA
Carriage Hills
S/west side of Liberty Road, S/east corner of Metropolitan Boulevard
2nd Election District, 4th Council District
Legal Owners: Clark Turner Companies, Dan Whitehurst, Land Development Manager

Special Hearing to confirm the zoning relief granted in HOH Case 04-026-A remains under currently revised plan.

Variance to allow a minimum setback of 15 feet from a front building face to a public street right-of-way or property line for garage units, in lieu of the required 25 feet, for lots 25-32, 53-54, 79-88, 89-94, 95-121, and 130-145 and to allow a minimum setback of 15 feet from any building face to a tract boundary, in lieu of the required 30 feet, for lots 89-94 and 122-129 and to allow a minimum setback of 15; from side building face to public street right-of-way, in lieu of the required 25 feet, for lots 7, 14, 52, 53, 77, 95, 105-106, 121, 129, 130, and 145 and to allow a minimum setback of 30 feet from a rear building face to a public street right-of-way, in lieu of the required 45 feet, for lots 1-14, 89-94, and 122-129 and to allow a minimum setback of 10 feet from the rear property line for a deck or one-story open porch, in lieu of the

requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear, for lots 1-54 and 79-159 and a modification to allow a minimum setback of 20 feet from side building face to side building face, in lieu of the required 25 feet, for lots 20-21, 26-27, 38-39, 45-46, 82-83, 99-100, 110-111, 116-117, 134-135, 140-141, 150-151, 154-155.

Thanks and have a great day !!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CASE NAME 08-252-SPA
CASE NUMBER TURNER
DATE CARRIAGE
LET 2/9/08 Hills

2/9/08

Hills

[illegible]

CASE NAME 08-252-SPHA 7
CASE NUMBER Turner Carriage 2
DATE 2/8/08 11:20

PLEASE PRINT CLEARLY

CITIZEN'S SIGN-IN SHEET

[illegible]

2/8

Please add the following interested parties to receive a copy of the Order when released.

GALLAGHER
EVELIUS & JONES LLP
ATTORNEYS AT LAW

218 North Charles Street, Suite 400
Baltimore MD 21201
TEL: 410 951 1404
FAX: 410 468 2786
WEB: www.gejlaw.com
EMAIL: rpotter@gejlaw.com

RYAN J. POTTER



Archdiocese of Baltimore
320 Cathedral Street
Baltimore, MD 21201

DAVID R. OWENS
Project Manager
Division of Facilities and Real Estate
Office: 410-625-8440 • Fax: 410-837-2932
dowens@archbalt.org

Case No.:

08-252-SPHA

CARRIAGE HILLS

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Red lined site PLAN	
No. 2	HOH PLAN IN original Carriage Hills form	
No. 3	Aerial VIEW of SITE	
No. 4	11/12/03 HOH Decision	
No. 5	Agreement with 10/1/03 Colonial Baptist Church	
No. 6	Agreement with 10/22/03 Holy Family Roman Catholic Church	
No. 7	Variance Diagrams Color Coded to REQUESTS AND PRIOR APPROVALS	
No. 8	OLD PLAN - 159 UNITS PROPOSED Table - Page 2 of 2 adequate facilities - School	
No. 9	APRIL 16, 2007 - Development Plan previously approved remains valid.	
No. 10		
No. 11		
No. 12		

IN RE DEVELOPMENT PLAN HEARING and * BEFORE THE
 PETITION FOR VARIANCE
 SW/S Pikeswood Drive & Liberty Road * ZONING COMMISSIONER
 (Carriage Hills Townhouses)
 2nd Election District * OF BALTIMORE COUNTY
 4th Council District * Case Nos. II-649 & 04-026-A
 Q-C Carriage Hills, LLC
 Owner/Developer *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to Title 26 thereof, the Owners/Developers, Q-C Carriage Hills, LLC request approval of a red-lined development plan for the proposed residential development of the subject property with 153 townhouse dwelling units. In addition, a series of variances are requested from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as set forth in the Petition for Variance filed in companion Case No. 04-026-A. Specifically, relief is requested from Section 1B01.2.C.1.c of the B.C.Z.R. and Part III, Section II, A. p.19 of the C.M.D.P. to permit: (a) minimum setbacks from front building face to a public street right-of-way or property line of 15 feet in lieu of the required 25 feet for proposed garage units on Lots 1-36 and 55-141; (b) minimum setbacks from side building face to a public street right-of-way of 15 feet in lieu of the required 25 feet for Lots 55, 66-67, 78-79, 90, 100, 107, 122, 135, 121 and 136; (c) minimum setbacks from rear building face to a public street right-of-way of 30 feet in lieu of the required 45 feet for Lots 1-12, 55-78, 100-106 and 136-141; (d) minimum setbacks from any building face to a tract boundary line of 15 feet in lieu of the required 30 feet for Lots 73-78, 101-106, 136-141 and 13-36; (e) from Section 301.1.A of the B.C.Z.R. to permit a minimum setback from the rear property line for decks or one-story open porches of 10 feet in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear yard for Lots 1 through 159; and (f), from Part II, Section II, A, P.19 of the C.M.D.P. to permit minimum setbacks from

PETITIONER'S

EXHIBIT NO. 4

correct

rear building face to a public street right-of-way of 30 feet in lieu of the required 50 feet, with a landscape buffer of 0 feet for Lots 1-12, 55-78, 100-106, 136-141 and 89. The subject property consists of a gross area of 22.41 acres, more or less ~~22.41 acres, more or less~~ and is located on the south side of Liberty Road and the northwest side of Pikeswood Drive in Randallstown. The proposed subdivision is more particularly described on the red-lined development plan submitted into evidence and marked as Developer's Exhibits 7A & 7B, the Open Space Plan marked Developer's Exhibit 7C, and the Variance Plan marked Developer's Exhibits 8A & 8B.

This proposal has been reviewed in accordance with the development review regulations codified in Title 26 of the Baltimore County Code. The process described therein is initiated by the filing of a concept plan, which is a schematic representation of the proposed development. The concept plan is submitted for review at a conference held by and between representatives of the Developer and the County at a Concept Plan Conference (CPC), which in this case was conducted on April 21, 2003. Thereafter, as required, a Community Input Meeting (CIM) is conducted during evening hours at a public facility in the vicinity of the proposed development. The CIM provides an opportunity for residents of the locale to review and offer comment on the proposal. The CIM for this project was held on June 2, 2002 at the Randallstown Elementary School. Subsequently, a development plan is submitted for review and comment at a conference held again between the Developer and County agency representatives. Often the development plan has been revised to incorporate changes suggested at the CPC and/or CIM. The Development Plan Conference (DPC) in this case was held on September 10, 2003. Following the DPC a public hearing on the proposal is conducted before the Zoning Commissioner/Deputy Zoning Commissioner. In this case, the Hearing Officer's Hearing was held before me on October 1, 2003 and continued to October 22, 2003. Additionally, the record of the case was held open to permit the Developer to submit a revised pattern book, which provides details of the proposed design guidelines for this subdivision. The revised pattern book was submitted on November 12, 2003 (Developer's Exhibit 9) and pursuant to Section 26-206, this opinion follows.

↓ should be
D.R.2

The subject proposal relates to two non-contiguous parcels, which contain a combined gross area of approximately 22.41 acres, split zoned D.R.2 and D.R.3.5. The largest tract (approximately 18 acres in area) is located adjacent to the south side of Liberty Road (Maryland Route 26) between Pikeswood Drive and Oak Road. The smaller parcel, which contains 4.3358 acres in area, is located nearby, but is not contiguous with the other parcel. That tract is located on Chapman Road and is identified on the plan as Parcel 4. Development is proposed on the larger parcel, while the smaller parcel will be used exclusively as a forest conservation area. The Developer proposes 153 townhouse units as more particularly shown on the plan. There will be no direct access to the new lots from Liberty Road; rather, a new public road will be constructed along the western border of the property across from an existing County road reservation area. This new means of access was the subject of significant discussion between the County and the Developer to prevent additional curb cuts along Liberty Road, which is already highly congested. A new cross-shaped intersection through Liberty Road will abut the northwest side of the property, created by the new public road for this project and the County project across the street. On the east side, access to the site will be provided from existing Pikeswood Drive. Moreover, as more particularly shown on Developer's Exhibit 7A, internal public roads are proposed to provide additional access.

As noted above, the hearing was held over two days. On October 2, 2003, a number of individuals appeared. They included James P. Quillen, Jr., President of Q-C Enterprises, Inc., property owner/Developer; Steve Stannard, a Landscape Architect who prepared the development plan for this project; Robert Eitel, Professional Engineer; and G. Scott Barhight, Esquire and Jennifer Busse, Esquire, attorneys 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; Don Stires, Land Acquisition; and, John Alexander, 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). Several citizens from the surrounding locale appeared. They included Reverend Andrew S. Mohl, who appeared on behalf of the Holy Family Catholic Church, which is located west of the site on Liberty Road, and their attorney Ryan Potter, Esquire. Also appearing were a number of representatives of the Colonial Baptist Church, which is located east of the subject site. They were represented by Jose' Anderson, Esquire. Other interested persons from the community were Roz Roddy and Linda Dorsey Walker.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, a number of issues were identified on the first hearing day (October 2, 2003) which were unresolved. Baltimore County agency representatives identified some of these issues while others were identified by some of the neighbors. These included concerns over traffic, the proposed storm water management facility, fencing and access, etc. The matter then reconvened on October 22, 2003 and at that time, the parties reported that they had had an opportunity to meet and negotiate regarding their differences. As a result of these negotiations, the Developer and the Holy Family Catholic Church entered into a written agreement (Developer's Exhibit 6) which resolved the open issues between them. Another agreement was reached between the Colonial Baptist Church and the Developer. That agreement was memorialized in a letter dated October 1, 2003 from the Colonial Baptist Church to Mr. Quillen, a copy of which was entered into evidence as Community Exhibit 1. Based upon these documents/agreements, the two churches indicated they support the amended plan and do not believe the proposal will adversely impact the neighborhood. Also, it is to be noted that the time between the two hearing days was utilized to address some of the outstanding concerns which were identified by County representatives at the initial hearing.

The development plan has undergone a series of revisions as issues have been identified and resolved. The Developer now seeks approval of the redlined development plan marked as Developer's Exhibits 7A and 7B. Additionally, the Developer submitted an open space plan (marked As Developer's Exhibit 7C) depicting the proposed amount of open space as

00/20/2004 11:40 FAX 4100 200 201115 COMM. 2000

required by the Local Open Space Manual, which is administered by the Department of Recreation and Parks. Additionally, the Developer submitted a plan to accompany the Petition for Variance, which was received and marked into evidence as Developer's Exhibits 8A and 8B.

It is apparent that the development review process codified in Title 26 of the Baltimore County Code has worked as intended when enacted by the Baltimore County Council. It has resulted in an ongoing dialogue between all parties, including the applicant, the neighbors and the representatives of Baltimore County to develop plan which satisfied all of their concerns. It is to be noted that the subject proposal is under the maximum permitted density. That is, 205 residential units would be allowed based upon the zoning and acreage of the property, although only 153 are proposed. Additionally, elements of screening and architectural design as shown in the pattern book (Developer's Exhibit 9) have resulted in an aesthetically pleasing development. Additionally, changes were made to the storm water management layout and proposed road network to address certain concerns. Based upon all of the testimony and evidence presented, I shall approve the plan. I find that the plan is in compliance with all requirements contained in the development regulations in Title 26 and all applicable policies, rules and regulations adopted pursuant thereto. I will, however, insert certain conditions as more fully set forth below, pursuant to Section 26-206. These conditions are added based on comments made at the hearing and are agreeable by all parties and will mitigate impacts on the surrounding locale and adjacent properties.

Turning to the variance relief requested, testimony and evidence offered demonstrated that the subject property is unique, given its unusual shape and the environmental constraints associated therewith. Moreover, the property's location immediately adjacent to Liberty Road and the desire of all parties to limit access to this road was persuasive. Testimony was also received from Mr. Stannard who described the neo-traditional features of the proposed development, which also drives the need for variance relief. He indicated that the proposal called for smaller streets and a network of alleys to provide access to individual lots and as a result, houses will be located closer to the street. It is also to be noted that there is more than sufficient

passive open space than is required. However, as a result of changes to the plan the exact amount of open space has not been finalized. The Developer agreed to recalculate this figure; however, Mr. Cook from the Department of Recreation and Parks and the Developer's consultant all agreed that there is significantly more passive open space than required for this project. Additionally, the Developer has requested a waiver of active open space requirements. In this regard, the Developer is donating a sum of \$200,000 to Baltimore County for improvements to a nearby County park in lieu of providing the required active open space. The waiver request is highly supported by all of the neighbors who testified. Thus, the requested waiver shall be granted.

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 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 12th day of November, 2003 that the red-lined development plan for the Carriage Hill Townhouses, identified herein as Developer's Exhibits 7A & 7B, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: From Section 1B01.2.C.1.c of the B.C.Z.R. and Part III, Section II, A. p.19 of the C.M.D.P. to permit: (a) minimum setbacks from front building face to a public street right-of-way or property line of 15 feet in lieu of the required 25 feet for proposed garage units on Lots 1-36⁷ and 55-141; (b) minimum setbacks from side building face to a public street right-of-way of 15 feet ^{dep.} in lieu of the required 25 feet for Lots 55, 66-67, 78-79, 90, 100, 107, 122, 135, 121 and 136; (c) minimum setbacks from rear building face to a public street right-of-way of 30 feet in lieu of the required 45 feet for Lots 1-12, 55-78, 100-106 and 136-141; (d) minimum setbacks from any building face to a tract boundary line of 15 feet in lieu of the required 30 feet for Lots 73-78, 101-106, 136-141 and 13-36; (e) from Section 301.1.A of

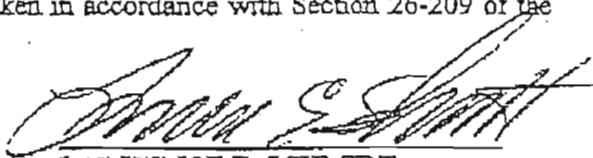
the F.C.Z.R. to permit a minimum setback from the rear property line for decks or one-story open porches of 10 feet in lieu of the requirement that any such deck or porch extend into the rear yard not more than 25% of the minimum required depth of the rear yard for Lots 1 through 159; and (f), from Part II, Section II, A, P.19 of the C.M.D.P. to permit minimum setbacks from rear building face to a public street right-of-way of 30 feet in lieu of the required 50 feet, with a landscape buffer of 0 feet for Lots 1-12, 55-78, 100-106, 136-141 and 89, in accordance with Developer's Exhibits 8A and 8B, be and is hereby GRANTED, subject to the following restrictions:

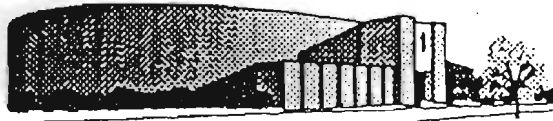
- 1) The terms and conditions of the agreements reached with the Holy Family Catholic Church (Developer's Exhibit 6) and the Colonial Baptist Church (Community Exhibit 1) shall be adopted herein and made a part hereof.
- 2) The Developer shall submit to DEPRM satisfactory evidence that no floodplain exists on Parcel 4, which is the non-contiguous parcel that will be retained for use as a forest conservation area.
- 3) DEPRM shall be given an opportunity to review the storm water management proposal prior to final signature on the development plan by the Project Manager. It is to be noted that the Project Manager does not have any review authority; however, that agency will be given a window of opportunity to further review the plan prior to signature.
- 4) Any signage for the proposed Carriage Hills Townhouse community shall be in accordance with that depicted in the pattern book.
- 5) The Developer shall provide to the Department of Recreation and Parks the recomputed amount of passive open space prior to the record plat.

IT IS FURTHER ORDERED that a waiver of active open space requirements shall be granted, pursuant to the amended development plan comments submitted by the Department of Recreation and Parks dated September 9, 2003 and September 22, 2003.

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

LEE:bj's


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



Colonial Baptist Church

9411 Liberty Road
Randallstown, Maryland 21133

Robert J. Anderson, Jr.
Senior Pastor

phone: 410-655-1080
fax: 410-521-2698
www.colonialbaptist.org
email: colonial@colonialbaptist.org

October 1, 2003

Mr. James P. Quillen, Jr., President
Q.C Enterprises, Inc.
110 Old Padonia Road, Suite LC
Hunt Valley, Maryland 21030

Re: Proposed Carriage Hill Townhome Development

Dear Mr. Quillen:

This letter comes on behalf of the Trustees and members of Colonial Baptist Church of Randallstown, Maryland. We wish to take this opportunity to comment of the proposed development of a residual site known as Carriage Hill Village Townhome, located at the intersection of Pikeswood and Liberty Roads, by Q C Enterprises, Incorporated (the Developer).

First we wish to thank you for taking the time to meet with the members of the Colonial Baptist Church Trustees in May, 2003 and for your letter of May 31, 2003 confirming the substance of our discussion and agreements with your company. We also appreciate you taking appropriate steps to include us in the dialogue you have continued to have with Baltimore County during the evolution of your plan, and for responding our frequent questions, and request for a copy of the design guidelines.

This letter will serve to express our support for the Carriage Hill Townhome proposal contingent upon Q C Enterprises' adherence to agreements heretofore discussed in your letter of May 31, 2003, and other verbal assurances that followed. This letter also comes to express our strong support for Baltimore County granting a waiver to the County's open space requirement in this instance with the following contingencies:

1. The Developer assures that no more than 159 townhouse units will be built on the proposed site, and that all homes will be designed and built with high quality construction and amenities and designed to existing Baltimore County standards to assure their marketability to middle and upper-middle income families, consistent with the design guidelines you have submitted.
2. The Developer assures that there will be a self-contained storm water management facility located within the proposed site where it will not affect the future usability of parklands. Further the Developer agrees to build the storm water management facility with sufficient additional capacity to accommodate future needs of the Developer and its immediate neighbors Colonial Baptist Church and Holy Family Church, should the need arise. This is

PETITIONER' S

EXHIBIT NO.

5

requested so that it will not become necessary to duplicate a basic resource within a relatively close area.

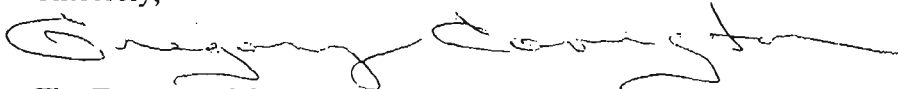
3. The Developer agrees, per a request by Baltimore County, to build a public road along the western-most border of the proposed site.
4. The Developer agrees to grant permanent, unimpaired egress from Colonial Baptist Church's property onto Pikeswood Drive in perpetuity.
5. In exchange for the granting of a waiver of the minimum County open space requirement, the Developer agrees to provide funds that would allow the County to build a public road that would provide free and clear public access to the existing County owned park that sets behind Carriage Hill Village Apartments.
6. In exchange for the granting of a waiver of the minimum County open space requirement, the Developer agrees to donate to the County a sum in excess of ~~\$225,000~~^{200,000} for the express purpose of making improvements to the existing nearby County park, to include completion of a public access road to the park, improvements to a parking lot for the park, construction of a pavilion, purchase of barbecue pits, purchase of soccer goals, and improvements to the existing field. The Developer agrees that the community should have direct influence over how the money is spent to improve the park area.
7. In exchange for the granting of a waiver of minimum County open space requirements, the Developer agrees to build within the proposed site a bike / walking trail to the existing County owned park located behind Carriage Hill Apartment, and grant free and clear access in perpetuity to all residents and surrounding community members to utilize that trail to gain access to that park.
8. In exchange for the granting a waiver of minimum County open space requirements, the Developer agrees to build a tot lot with play equipment for the residents of the proposed community within the proposed site.
9. Further, the Developer agrees to build at his expense a cast iron fence of sufficient height to assure the safety and security of the children of Holy Family school along the border of the property between Holy Family Church and the proposed site, as previously discussed. The Developer further agrees to build at his expense an egress easement along the border of the property between Holy Family Church and the proposed public road B, thereby assuring that Church free and clear access to Liberty Road, in the event of any future changes which may prevent use of the current Church exit nearest the proposed site onto Liberty Road.
10. Notwithstanding all of the above agreements, the Developer agrees to adhere to any other assurances stated to the community verbally and in writing to Colonial Baptist Church on May 31, 2003, and will advise the future builder of the proposed residential site, anticipated to be the Barry Andrews Homes, of all outstanding pre-existing agreements. This contingency comes to assure a continued good neighbor relationship.

11. Finally, the Developer assures that should the development of the proposed site not occur as expected for whatever reason, that the right of first refusal for the property in question be granted to Colonial Baptist Church which directly faces the site, as has been discussed. This request is made in writing because Colonial Baptist wishes to assure that the stability and quality of life of the Randallstown neighborhood be maintained, and that unrestricted encroachment upon the community by undesirable entities between the site of two religious institutions be kept to a minimum. The Developer is aware that Colonial Baptist Church has been for some time in discussion about a separate parcel of land not directly involved in the proposed development site prior to the submission of the Developer's proposal to the County, due to on-going encroachment issues. Colonial has pursued discussion with the Developer concerning the donation of that same parcel pending development of the proposed site, and anticipates resolution of this matter with the Developer pending the completion of the zoning process.
12. Colonial requests that the stipulation herein be written into the Hearing Officer's order so that the Builder will also be made aware of their existence. We are also asking that the Hearing Officer will stipulate a timeframe as to when the promised monetary donation to the County is to be made, and the timeframe when those funds must be utilized as indicated by the County Parks and Recreation Department, subsequent to community input.

Again, this letter sets forth contingencies for Colonial Baptist Church's support of the proposed project and the requested open space waiver. Given a good faith effort by the Developer, the Builder of the site and the County to adhere to the conditions set forth above, we do believe that a good neighbor relationship can and will prevail, while offering attractive and affordable housing to families. While there is no way of assuring so, it is certainly Colonial Baptist Church's sincere wish that some of those hard-working, stable families will choose to fellowship at our Church, and grow with our Church family as we grow.

Should you or any other interested party have additional questions or comments, please not hesitate to contact Pastor Robert Anderson at Colonial Baptist Church at (410) 655-1080.

Sincerely,



The Trustees of Colonial Baptist Church of Randallstown

AGREEMENT

THIS AGREEMENT is entered into this 21st day of October, 2003, by and among Q-C ENTERPRISES, INC. ("Developer"); and HOLY FAMILY, RANDALLSTOWN, ROMAN CATHOLIC CONGREGATION, INCORPORATED ("Holy Family"), and CARDINAL WILLIAM H. KEELER, ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE, A CORPORATION SOLE ("Archdiocese").

BACKGROUND

A. Developer is the owner of those lots or parcels of land located on the south side of Liberty Road and the west side of Pikeswood Drive in Baltimore County, Maryland, containing in the aggregate approximately 22.41 acres of land and shown as Parcels 356, 398, and 400 on Tax Map No. 76 on the State Department of Assessments and Taxation Tax Maps for Baltimore County, and which are the subject of the Carriage Hills Townhouse Development Plan and Plat To Accompany Zoning Variances, identified as Baltimore County PDM No. II-649 and Zoning Item No. 04-026-A ("Developer's Property" and "Carriage Hills Townhouse Development").

B. Archdiocese is the owner of that lot or parcel of land located on the south side of Liberty Road at 9533 Reisterstown Road, Baltimore County, Maryland, containing approximately 15.04 acres of land and shown as Parcel 182 on Tax Map No. 76 on the State Department of Assessments and Taxation Tax Maps for Baltimore County ("Archdiocesan Property"). Archdiocesan Property is adjacent and to the west of the Carriage Hills Townhouse Development.

C. Holy Family Catholic Church and School operate and maintain principal places of business on the Archdiocese's Property.

D. Developer is in the process of seeking Development Plan approval and Zoning Variances for Developer's Property in PDM No. II-624 and Zoning Item No. 04-026-A for the development known as the "Carriage Hills Townhouse Development". Said Development and

Pet No 6

Zoning Plans filed in said proceedings are referred to herein as the "Development and Zoning Plans".

E. Developer, Holy Family, and Archdiocese would like to resolve all issues between and among them arising out of the subdivision and development of Developer's Property.

WITNESSETH

In consideration of the mutual agreements and obligations contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Developer's Obligations.

a. Developer agrees to install two (2) sections of fencing, at Developer's expense, in the areas specified on the attached **Exhibit A**. Said fences shall be constructed of the same or similar materials used to construct the fence proposed on Developer's Property as shown on the Development and Zoning Plans.

i. As identified on **Exhibit A**, Developer will install "Fence A" at the time Developer installs the Fencing shown on the Development and Zoning Plans to be located on Developer's Property along Liberty Road.

ii. Also as identified on **Exhibit A**, "Fence B" and "Fence C" are alternative proposals. Therefore, Developer will not install both "Fence B" and "Fence C", but rather will install one or the other. In the event that Developer agrees to purchase; and Holy Family and the Archdiocese agree to sell to Developer a portion of the Archdiocesan Property, Developer will install Fence "B" in a manner and time to be identified in any Contract of Sale and any amendments thereto, negotiated between and among the parties. In the alternative, in the event that the parties have not yet entered into a Contract of Sale for Developer to purchase a portion of the Archdiocesan Property, Developer will install "Fence C" at the time Developer constructs the improvements to "Road B" shown on the Development and Zoning Plans, it being

understood and agreed that said "Fence C" shall be installed and erected along the entire length of the eastern boundary of the Archdiocesan Property.

b. In the event the Maryland State Highway Administration ("SHA") alters the access permit for Archdiocesan Property's access along Liberty Road in association with the anticipated extension of Owings Mills Boulevard and/or the Developer's installation of "Road B" shown on the Development and Zoning Plans, Developer will provide the Archdiocese and Holy Family with fee simple access to "Road B" (as identified on both the Development and Zoning Plans and Exhibit A) in the location shown on Exhibit A. Developer will be responsible for the engineering and construction costs associated with providing the Archdiocese and Holy Family with said access to "Road B", provided that any award of monetary compensation provided by SHA to Holy Family and/or Archdiocese related to the alteration of the existing access permit for the Archdiocese's Property shall be paid to Developer in an amount not to exceed the actual third party costs Developer incurs in relation to the engineering and construction of said new access to "Road B" for the Archdiocese and Holy Family.

2. Holy Family's and Archdiocese's Obligations.

a. Holy Family and Archdiocese agree to support the Development and Zoning Plans. Said support may be provided either through written documentation of said support submitted to the Baltimore County Hearing Officer prior to October 22, 2003, or through oral testimony of said support at the continuation of the public hearing on the Development and Zoning Plans currently scheduled for October 22, 2003. This obligation of support precludes Holy Family and/or the Archdiocese from opposing, either directly or indirectly, the Development and Zoning Plans.

b. Holy Family and Archdiocese agree not to file an appeal of any Order issued by the Baltimore County Hearing Officer relating to the Development and Zoning Plans.

c. Holy Family and Archdiocese agree not to file a Motion for Reconsideration of any Order issued by the Baltimore County Hearing Officer relating to the Development and Zoning Plans.

3. Miscellaneous Provisions.

a. This Agreement shall bind the parties hereto, their successors, heirs and assigns.

b. This Agreement shall be governed by the laws of the State of Maryland, without regard to conflicts of laws.

c. The parties have all rights, in law and/or equity to enforce this Agreement.

d. This Agreement contains all of the terms and conditions of this Agreement and cannot be modified, except by written agreement of the parties.

e. Each person who signs this Agreement represents and warrants to each other party hereto that he/she has full right, power and authority to enter into and carry out the provisions of this Agreement and that no further consents or approvals are required to make this Agreement the binding obligation of the party on whose behalf each person signs this Agreement.

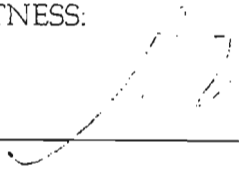
f. The parties hereto expressly disclaim any partnership, joint venture or similar relationship or arrangement.

g. This Agreement may be signed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument.

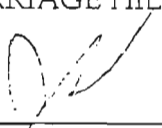
(This space is intentionally left blank; signature pages follow.)

WHEREFORE, the parties execute this Agreement as of the day and year first above written.

WITNESS:



Q-C CARRIAGE HILLS, LLC

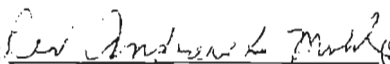
By:  (SEAL)

Q-C Enterprises, Inc.,
Managing Member
James P. Quillen, Jr., President

WITNESS:

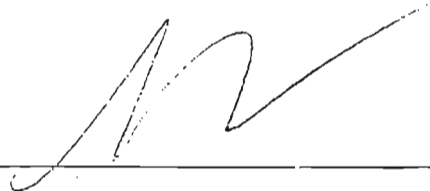


HOLY FAMILY, RANDALLSTOWN,
ROMAN CATHOLIC CONGREGATION,
INCORPORATED

By:  (SEAL)

Rev. Andrew S. Mohl
Secretary/Treasurer

WITNESS:

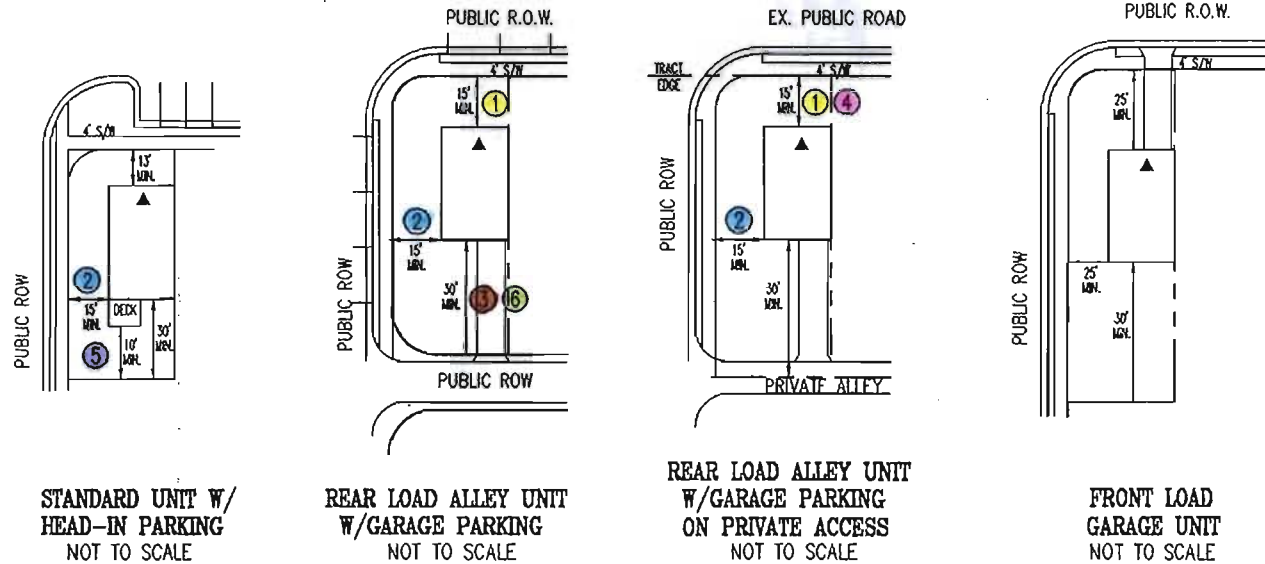


CARDINAL WILLIAM H. KEELER,
ROMAN CATHOLIC ARCHBISHOP OF
BALTIMORE, A CORPORATION SOLE

By:  (SEAL)

~~Cardinal William H. Keeler~~
Agent and Attorney

VARIANCE RELIEF REQUESTED DIAGRAMS



VARIANCE RELIEF REQUESTED

- (A) §1B01.C.1.c - CHART AND CWDP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE FOR GARAGE UNITS, IN LIEU OF THE REQUIRED 25'. FOR LOTS 1-32, 53-54, AND 79-145.
- (B) §1B01.C.1.c - CHART AND CWDP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM ANY BUILDING FACE TO A TRACT BOUNDARY, IN LIEU OF THE REQUIRED 30', FOR LOTS 89-94, AND 122-129.
- (C) §1B01.C.1.c - CHART AND CWDP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM SIDE BUILDING FACE TO PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 25', FOR LOTS 7, 14, 52, 53, 95, 105-106, 121, 129-130, AND 145.
- (D) §1B01.C.1.c - CHART AND CWDP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM A REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 45', FOR LOTS 1-14, 89-94, AND 122-129.
- (E) §301.1.A A VARIANCE TO ALLOW A MINIMUM SETBACK OF 10' FROM THE REAR PROPERTY LINE FOR A DECK OR ONE-STORY OPEN PORCH, IN LIEU OF THE REQUIREMENT THAT ANY SUCH DECK OR PORCH EXTEND INTO THE REAR YARD NOT MORE THAN 25% OF THE MINIMUM REQUIRED DEPTH OF THE REAR, FOR LOTS 1-54, AND 79-159.
- (G) §504.2 CWDP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM REAR LANDSCAPE STRIP OF 0', IN LIEU OF THE REQUIRED 20', AND FOR REAR BUILDING SETBACK FROM PUBLIC STREET RIGHT-OF-WAY OF 30' IN LIEU OF THE REQUIRED 50' FOR LOTS 1-14, 89-94, AND 122-129.

- ① ILLUSTRATES VARIANCE (A)
 ② ILLUSTRATES VARIANCE (C)
 ③ ILLUSTRATES VARIANCE (D)
 ④ ILLUSTRATES VARIANCE (B)
 ⑤ ILLUSTRATES VARIANCE (E)
 ⑥ ILLUSTRATES VARIANCE (G)

MIRA

MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

1220-C EAST JOPPA ROAD, SUITE 505
 TOWSON, MARYLAND 21286

(410) 821-1890
 FAX: (410) 821-1748

MIRAGTA.COM

VARIANCE RELIEF DIAGRAMS

**CARRIAGE HILLS
 TOWNHOUSES**

BALTIMORE COUNTY, MARYLAND

SCALE: N.A.

DATE: 2.6.08

DRAWN BY: M.A.B.

DESIGN BY: M.A.B.

REVIEW BY:

JOB NO.: 15341

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MARKE, III
DAMIAN C. O'DOHERTY
JASON T. VENTORI
JOSEPH R. WOOLMAN, III

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildea.com

BALTIMORE, MD OFFICE
300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-294-0070

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

April 5, 2007

RECEIVED

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson MD 21204

**Re: Development Plan Extension/ Carriage Hills Townhouses
Case No.: II-649**

Dear Commissioner Wiseman:

I represent Clark Turner Signature Homes, LLC in reference to the Carriage Hills development plan, which was approved by written order of the Hearing Officer on November 12, 2003 in Development Plan Case Number II-649. Due to the thirty-day appeal period provided by law, the development plan approval became non-appealable and therefore final on December 13, 2003. Moreover, pursuant to Section 32-4-261 of the Baltimore County Code, approval of the plan will expire on December 13, 2007, which is four years from the non-appealable approval date.

The approved development plan identifies the property owner as Q-C Enterprises. An examination of the relevant public records discloses that the property is now owned by Q-C Carriage Hills, LLC. Both of these entities are controlled by James P. Quillen, who filed for Chapter 11 Bankruptcy protection on September 26, 2006 in Case 06-15938. Q-C Carriage Hills, LLC filed for Chapter 11 bankruptcy on December 12, 2006 in case 06-18022. The property was approved for sale to Clark Turner Signature Homes, LLC by the Bankruptcy Court through an order entered March 13, 2007. To date, this order has not been appealed and it is expected to become final. It is my client's intention to move forward with the development of this property pursuant to the approved plan.

Because of the financial difficulties of James P. Quillen and those entities under his control, the development of the property has been stymied. Indeed, the protection afforded by

PETITIONER'S

EXHIBIT NO. 9

Commissioner William J. Wiseman
April 5, 2007
Page 2

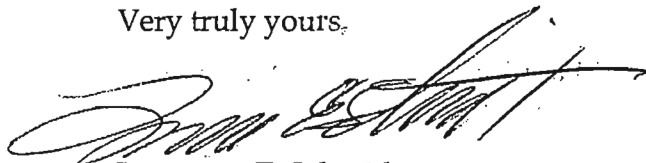
the Bankruptcy Court and laws administered thereby have legally prohibited sale or disposition of the property.

Section 32-4-261(b)(1) of the Baltimore County Code provides that the Zoning Commissioner/Hearing Officer may extend the expiration date of a development plan for a period of one year upon written request by the developer. I have spoken to both Timothy Kotroco and Donald Rascoe regarding this provision. Both concur that the intent of this Section is to allow a developer to extend the expiration of development plan approval when factors exist which have prohibited reviewing County agencies from processing the plan. In this case, both agree that the bankruptcy proceedings, which have frozen development of the property under the Court's jurisdiction, justify an extension of the expiration date.

If in agreement with the above analysis, please sign below to confirm the one-year extension to December 13, 2008 of the expiration of the development plan in the matter of Carriage Hills, Case Numbers II-649.

Kindly do not hesitate to contact me should you have any questions regarding this matter. As always I am,

Very truly yours,

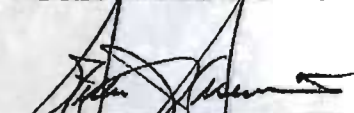


Lawrence E. Schmidt

LES: sf

CC: Timothy Kotroco, Director of Permits and Development Management
Donald Rascoe, Deputy Director of Permits and Development Management
Clark Turner, Clark Turner Companies
James V. Hermann, Morris & Ritchie Associates, Inc.
Charles B. Marek, III, Esquire

ACCEPTED AND APPROVED:



4/6/07

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner

Wetlands: Exploration Research, Inc.
Field located by: ERI and Bowman Consulting

Floodplain: No 100 year floodplain exists on site (riverine or tidal)

Forest Stand Delineation: Exploration Research, Inc.
Approved by DEPRM (Sept, 2003)

Forest Conservation Worksheet: ~~Exploration Research, Inc.~~ Bowman Consulting Group, Ltd.
Approved by DEPRM (Sept, 2003)

6. GENERAL DATA:

Election District: 2 Watershed: 7 Gwynns Falls
Census Tract: ~~7777~~ 402503 Subwatershed: 77 64
Councilmanic District: 4

School Information:

School District: Hernwood Elem/ Deer Park Middle/ Randallstown High

	State Rated Capacity (SRC)	Enrollment		Projected # pupils for this project	Capacity		Projected # pupils as a % of SRC
		Sept. 30th	Total Projected		Above	Below	
Elementary:	418	449	474 478	36 29	31	--	114.6% 114.4%
Middle:	1,368	1,396	1,416 1409	14 13	28	--	103.1% 103.0%
High School:	1,444	1,664	1,679	15	220	--	116.3%

7. SITE INFORMATION:

A. Acreage:

Gross = 22.41 Ac±

Net = 22.41 Ac±

B. Existing Zoning: OR-2 @ 18.08 Ac±
DR-3.5 @ 4.33 Ac±

C. Density Calculations:

~~OR-2~~ ~~DR-3.5~~
~~Allowed:~~ ~~184 units~~ ~~15 units~~
~~Proposed:~~ ~~154 single family~~ ~~0 units~~
~~townhouse dwellings~~

OR-2(DR-10.5) X 18.08 = 189.8 single family dwellings permitted.
153 single family dwellings proposed.

DR 3.5 X 4.33 acres = 15.155 single family dwellings permitted.
0 proposed.

D. Parking:

Required: ³⁹⁸ ~~2~~ spaces/unit

Proposed: ~~2~~ spaces per unit
406

Parking is also subject to compliance with Section 259.9.F. (B.C.Z.R.)

E. Open Space: "All Open Space shall be in compliance with the Local Open Space Manual, Latest Edition." Open Space is also subject

PETITIONER'S

EXHIBIT NO. 8

CARRIAGE HILLS TOWNHOUSES

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES AND SPECIAL HEARING

PROPERTY OWNERSHIP

OWNER: CT CARRIAGE HILLS BUSINESS TRUST
4685 MILLENNIUM DRIVE
BELCAMP, MD 21017-1505
ATTN: DAN WHITEHOUSE

ADDRESS: SWS LIBERTY ROAD, SE CORNER METROPOLITAN BLVD.,
BALTIMORE, MARYLAND
DEED REFERENCE: 25852/514
TAX MAP: 76
PARCEL: 398
TAX ACCOUNT #: 2200023283

GENERAL NOTES:

1. ZONING: OR2
2. PROPERTY AREA: 784,080SF±, 18AC±
3. ELECTION DISTRICT: 2
4. COUNCILMANIC DISTRICT: 4
5. EXISTING USE: VACANT
6. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
7. THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN.
8. THERE ARE NO KNOWN NON-TIDAL WETLANDS ON THIS SITE.
9. BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
10. THERE IS NO PREVIOUS ZONING HISTORY FOR THIS SITE.
11. THE PROPERTY IS LOCATED AT THE INTERSECTION OF LIBERTY ROAD AND METROPOLITAN BOULEVARD.
12. ZONING / DEVELOPMENT HISTORY:
 - 12.1. APPROVED DEVELOPMENT PLAN DATED JULY, 2003 / SIGNED JUNE 6TH, 2004. PDM# II-649
 - 12.2. HEARING OFFICERS HEARING ORDER DATED NOVEMBER 13TH, 2003.

VARIANCE RELIEF REQUESTED

- (A) §1801.C.1.c - CHART AND CMOP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE FOR GARAGE UNITS, IN LIEU OF THE REQUIRED 25', FOR LOTS 1-32, 53-54, AND 79-145.
- (B) §1801.C.1.c - CHART AND CMOP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM ANY BUILDING FACE TO A TRACT BOUNDARY, IN LIEU OF THE REQUIRED 30', FOR LOTS 89-94, AND 122-129.
- (C) §1801.C.1.c - CHART AND CMOP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM SIDE BUILDING FACE TO PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 25', FOR LOTS 7, 14, 52, 53, 95, 105-106, 121, 129-130, AND 145.
- (D) §1801.C.1.c - CHART AND CMOP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM A REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 45', FOR LOTS 1-14, 89-94, AND 122-129.
- (E) §301.1.A - A VARIANCE TO ALLOW A MINIMUM SETBACK OF 10' FROM THE REAR PROPERTY LINE FOR A DECK OR ONE-STORY OPEN PORCH, IN LIEU OF THE REQUIREMENT THAT ANY SUCH DECK OR PORCH EXTEND INTO THE REAR YARD NOT MORE THAN 25% OF THE MINIMUM REQUIRED DEPTH OF THE REAR, FOR LOTS 1-54, AND 79-150.
- (F) §504.2 AND §1801.C.1.c - CHART AND CMOP RESIDENTIAL STANDARDS PAGE 27 AND 30. A MODIFICATION TO ALLOW A MINIMUM SETBACK OF 20' FROM SIDE BUILDING FACE TO SIDE BUILDING FACE, IN LIEU OF THE REQUIRED 25', LOTS 20-21, 26-27, 38-39, 45-46, 82-83, 99-100, 110-111, 116-117, 134-135, 140-141, 150-151, 154-155.

MODIFICATION OF STANDARDS REQUEST

- (G) §504.2 CMOP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM REAR LANDSCAPE STRIP OF 0', IN LIEU OF THE REQUIRED 20', AND FOR REAR BUILDING SETBACK FROM PUBLIC STREET RIGHT-OF-WAY OF 30' IN LIEU OF THE REQUIRED 50' FOR LOTS 1-14, 89-94, AND 122-129.
- (H) §504.2 CMOP RESIDENTIAL STANDARDS PAGE 28 AND 30. A VARIANCE TO ALLOW A MAXIMUM OF EIGHT UNITS IN A ROW, IN LIEU OF THE PERMITTED SIX FOR LOTS 1-7, 8-14, 39-45, 46-52, AND 122-129.

SPECIAL HEARING REQUEST

SPECIAL HEARING TO CONFIRM THE ZONING RELIEF GRANTED IN HOH CASE NO. 04-026-A REMAINS VALID UNDER CURRENTLY REVISED PLAN.

VARIANCE TABULATION

LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST
1	AD,ESH	41	EH	81	AE	121	ACE
2	AD,ESH	42	EH	82	AEF	122	AB,DESH
3	AD,ESH	43	EH	83	AEF	123	AB,DESH
4	AD,ESH	44	EH	84	AE	124	AB,DESH
5	AD,ESH	45	EFH	85	AE	125	AB,DESH
6	AD,ESH	46	EFH	86	AE	126	AB,DESH
7	AD,ESH	47	EH	87	AE	127	AB,DESH
8	AD,ESH	48	EH	88	AE	128	AB,DESH
9	AD,ESH	49	EH	89	AB,DESH	129	AB,DESH
10	AD,ESH	50	EH	90	AB,DESH	130	ACE
11	AD,ESH	51	EH	91	AB,DESH	131	AE
12	AD,ESH	52	CEH	92	AB,DESH	132	AE
13	AD,ESH	53	ACE	93	AB,DESH	133	AE
14	AD,ESH	54	AE	94	AB,DESH	134	AEF
15	AE	55	*	95	ACE	135	AEF
16	AE	56	*	96	AE	136	AE
17	AE	57	*	97	AE	137	AE
18	AE	58	*	98	AE	138	AE
19	AE	59	*	99	AEF	139	AE
20	AEF	60	*	100	AEF	140	AEF
21	AEF	61	*	101	AE	141	AEF
22	AE	62	*	102	AE	142	AE
23	AE	63	*	103	AE	143	AE
24	AE	64	*	104	AE	144	AE
25	AE	65	*	105	ACE	145	ACE
26	AEF	66	*	106	ACE	146	E
27	AEF	67	*	107	AE	147	E
28	AE	68	*	108	AE	148	E
29	AE	69	*	109	AE	149	E
30	AE	70	*	110	AEF	150	EF
31	AE	71	*	111	AEF	151	EF
32	AE	72	*	112	AEF	152	E
33	E	73	*	113	AE	153	E
34	E	74	*	114	AE	154	EF
35	E	75	*	115	AE	155	EF
36	E	76	*	116	AEF	156	E
37	E	77	*	117	AEF	157	E
38	EF	78	*	118	AE	158	E
39	EFH	79	AE	119	AE	159	E
40	EH	80	AE	120	AE		

* THESE VARIANCES WERE PREVIOUSLY APPROVED BY BALTIMORE COUNTY. THESE UNITS AND ASSOCIATED VARIANCES HAVE NOT CHANGED FROM THE APPROVED DEVELOPMENT PLAN. SEE APPROVED DEVELOPMENT PLANS AND HEARING OFFICERS HEARING ORDER DATED JULY 2003 AND NOVEMBER 13TH, 2003 RESPECTIVELY. PDM# II-649

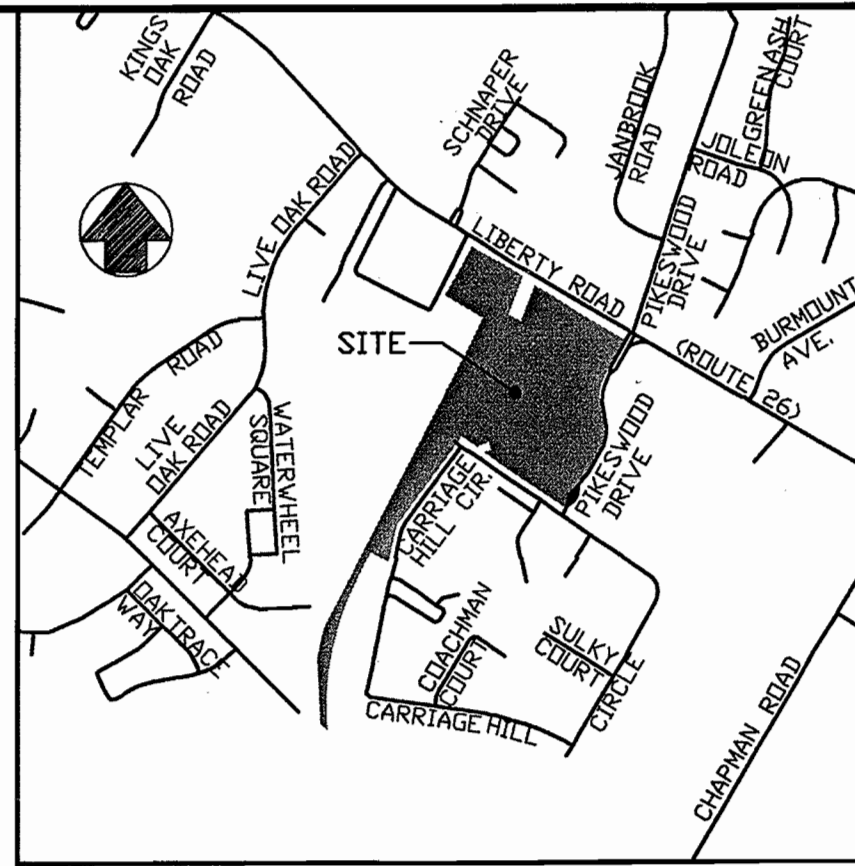
NOTE: FOR VARIANCE PURPOSES ONLY. SEE APPROVED DEVELOPMENT PLAN FOR ADDITIONAL INFORMATION.

PARKING TABULATION

UNIT TYPE	# OF UNITS	# OF REQUIRED OFF-STREET SPACES	# OF REQUIRED OVERFLOW SPACES	TOTAL # OF REQUIRED SPACES	# OF PROPOSED OFF-STREET SPACES	# OF PROPOSED OVERFLOW SPACES	TOTAL # OF PROVIDED SPACES
2 CAR GARAGE	125	250	30	280	250	60	310
1 CAR GARAGE	20	40	12	52	40	12	52
PERPENDICULAR PARKING	14	28	5	33	28	10	38
TOTALS	159	318	55	373	318	82	400

SITE PLAN

SCALE: 1" = 50'



VICINITY MAP
SCALE: 1" = 1000'

BENCHMARKS

GIS-42 AZIMUTH MARK 42
N 60255.77° OS-42 TO ADJAC 42
E 1368660.60 303°30'26" 562.93±
ELEV. 591.40 2" BRASS DISC IN GALVANIZED PIPE

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED RIGHT-OF-WAY
- EXISTING GAS LINE
- EXISTING UNDERGROUND LINE
- EXISTING WATER LINE
- PROPOSED BUILDING

PDM II-649

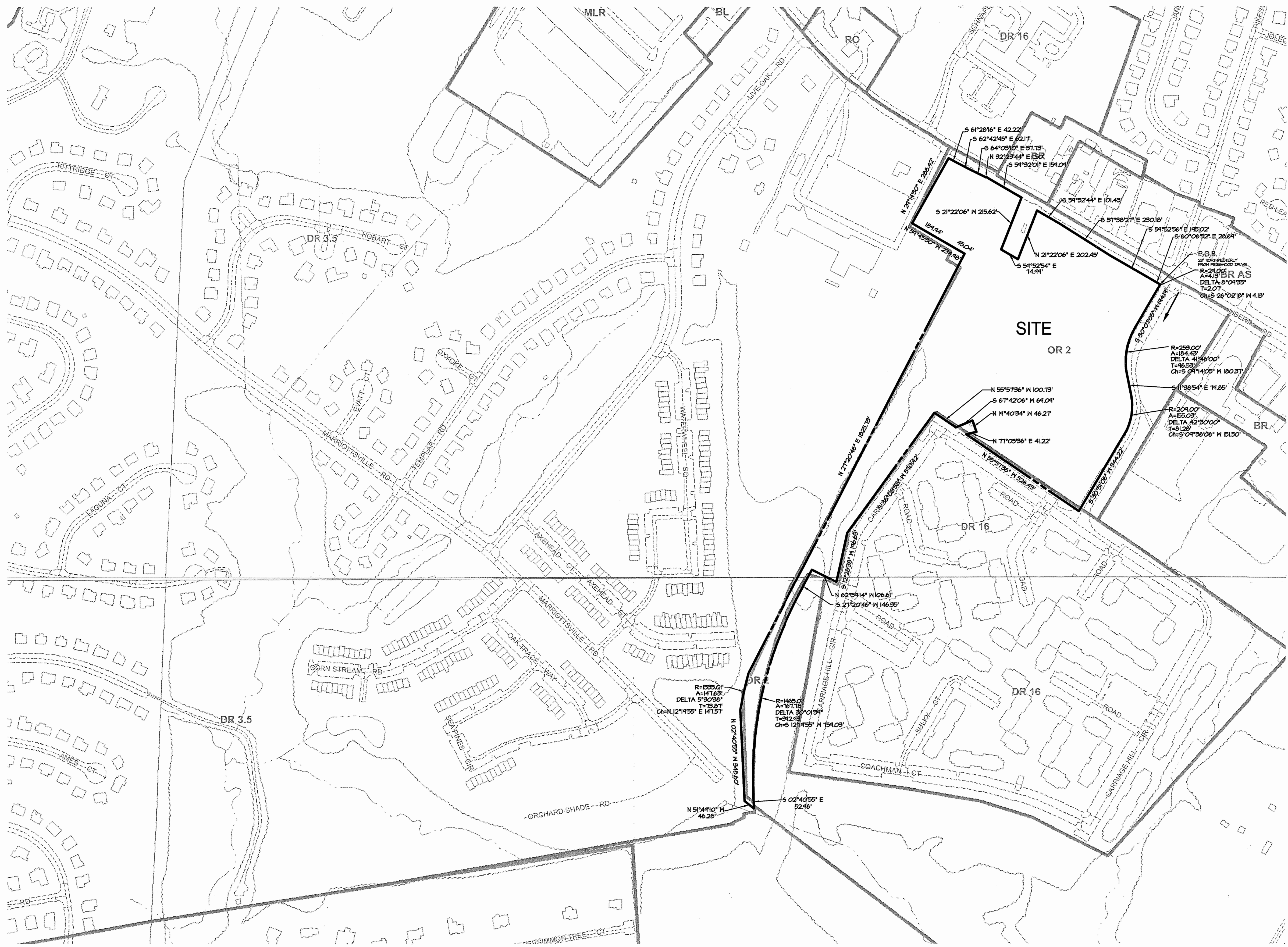


MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRA@GTA.COM



PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES AND SPECIAL HEARING
CARRIAGE HILLS TOWNHOUSES
LIBERTY ROAD
RANDALLSTOWN, MARYLAND

DATE	REVISIONS	ELECTION DISTRICT: 2	COUNCILMANIC DISTRICT: 4	JOB NO.: 15341
				SCALE: 1" = 50'
				DATE: 11/13/2007
				DRAWN BY: MAB
				DESIGN BY: MAB
				REVIEW BY: TW
				SHEET: 1 OF 1



Plan Sheet: 076C2

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Plan Sheet: 076C1

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

LEGEND

- Zoning
- Streams
- Vegetation
- Buildings
- Roads
- Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

Scale

1" = 200'

0 100 200 400
Feet

1

Data Sources:
Planometric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004



MORRIS & RITCHIE ASSOCIATES, INC.
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(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

076C1 ZONING MAP
076C2 ZONING MAP

CARRIAGE HILLS
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.: 15341
		SCALE: AS SHOWN
		DATE: 11/26/2007
		DRAWN BY: -
		DESIGN BY: -
		REVIEW BY: -
		SHEET: 1 OF 1

MODIFICATION OF STANDARDS H

LIBERTY ROAD-MD Rte 26 (PUBLIC)

PHASE I
VARIANCES PREVIOUSLY APPROVED
SEE HEARING OFFICERS HEARING ORDER
DATED NOVEMBER 15TH, 2005.

PHASE II
SEE ZONING VARIANCE AND
MODIFICATION REQUEST TEXT AND
COUNT TWO SHEET.

PUBLIC COURT A

PUBLIC ROAD C

PUBLIC ROAD D

PUBLIC ROAD E

PUBLIC ROAD F

PUBLIC ROAD G

PUBLIC ROAD H

PUBLIC ROAD I

PUBLIC ROAD J

PUBLIC ROAD K

PUBLIC ROAD L

PUBLIC ROAD M

PUBLIC ROAD N

PUBLIC ROAD O

PUBLIC ROAD P

PUBLIC ROAD Q

PUBLIC ROAD R

PUBLIC ROAD S

PUBLIC ROAD T

PUBLIC ROAD U

PUBLIC ROAD V

PUBLIC ROAD W

PUBLIC ROAD X

PUBLIC ROAD Y

PUBLIC ROAD Z

PUBLIC ROAD AA

PUBLIC ROAD AB

PUBLIC ROAD AC

PUBLIC ROAD AD

PUBLIC ROAD AE

PUBLIC ROAD AF

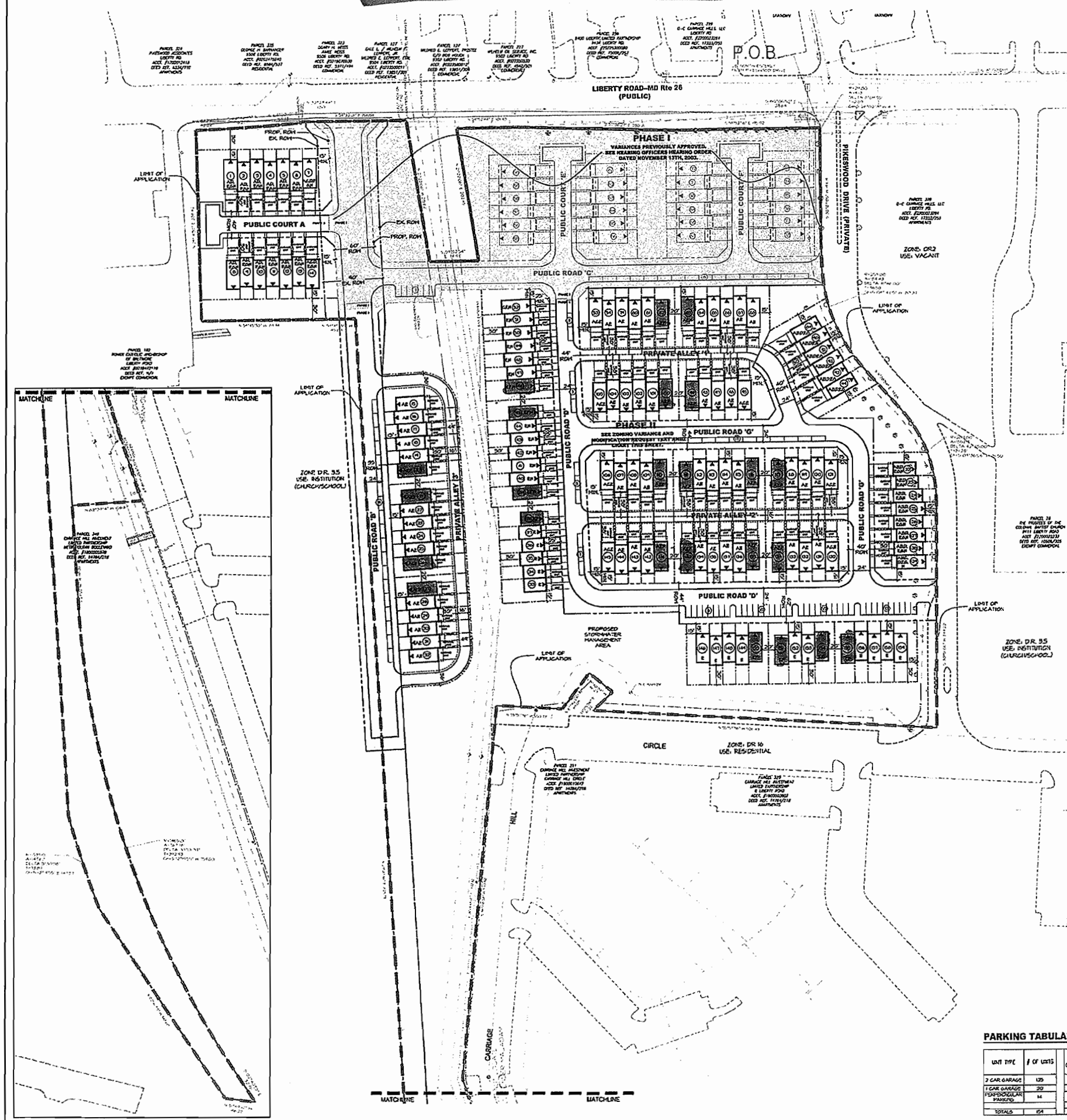
PUBLIC

DESIGN BY: MAB



EXISTING PROPERTY LINE
PROPOSED PROPERTY LINE
PROPOSED RIGHT-OF-WAY
EXISTING GAS LINE
EXISTING UNDERGROUND LINE
EXISTING WATER LINE
PROPOSED BUILDING

MODIFICATION OF STANDARDS F



PROPERTY OWNERSHIP

OWNER: CT CARRIAGE HILLS BUSINESS TRUST
4800 VILLAGE DRIVE
BELLEVILLE, MO 63717-1505
ATTN: DAN WINTERHART
ADDRESS: 285 LIBERTY ROAD, SE CORNER METROPOLITAN BLVD.,
BALTIMORE, MARYLAND
DEED REFERENCE: 25852/514
TAX MAP: 78
PARCELS: 335
TAX ACCOUNT # 2706023783

GENERAL NOTES:

1. ZONE: OR2
2. PROPERTY AREA: 784,085 S.F., 1.82 AC
3. ELECTION DISTRICT: 2
4. COUNCILMANIC DISTRICT: 4
5. EXISTING USE: VACANT
6. THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
7. THE SITE IS NOT IN A 100-YEAR FLOODPLAIN.
8. THERE ARE NO KNOWN NON-TOXIC WELLS ON THIS SITE.
9. BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
10. THERE IS NO PREVIOUS ZONING HISTORY FOR THIS SITE.
11. THE PROPERTY IS LOCATED AT THE INTERSECTION OF LIBERTY ROAD AND METROPOLITAN BOULEVARD.
12. ZONING / DEVELOPMENT HISTORY:
12.1. APPROVED DEVELOPMENT PLAN DATED JULY, 2003 / SIGNED JUNE 6TH, 2004. POF# 8-649
12.2. HEARING OFFICERS HEARING ORDER DATED NOVEMBER 13TH, 2003.

VARIANCE RELIEF REQUESTED

- (A) §1001.1.1.2 - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE FOR GARAGE UNITS, IN LIEU OF THE REQUIRED 20', FOR LOTS 1-32, 33-54, AND 75-145.
- (B) §1001.1.1.2 - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM ANY BUILDING FACE TO A TRACT BOUNDARY, IN LIEU OF THE REQUIRED 20', FOR LOTS 1-32, 33-54, AND 75-145.
- (C) §1001.1.1.2 - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM SIDE BUILDING FACE TO PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 25', FOR LOTS 7, 14, 32, 53, 93, 100-108, 121, 122-130, AND 145.
- (D) §1001.1.1.2 - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 29, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM A REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 45', FOR LOTS 1-14, 29-34, AND 127-129.
- (E) §301.1.1. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 10' FROM THE REAR PROPERTY LINE FOR A DECK OR ONE-STORY OPEN PORCH, IN LIEU OF THE REQUIREMENT THAT ANY SUCH DECK OR PORCH EXTEND OUT THE REAR YARD NOT MORE THAN 25% OF THE USUALLY REQUIRED DEPTH OF THE REAR, FOR LOTS 1-54, AND 75-155.
- (F) §1001.1.1.2 - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE FOR GARAGE UNITS, IN LIEU OF THE REQUIRED 20' FOR LOTS 1-14, 29-34, AND 127-129.

MODIFICATION OF STANDARDS REQUEST

- (1) §1001.1.1.2 - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE FOR GARAGE UNITS, IN LIEU OF THE REQUIRED 20', FOR LOTS 1-14, 29-34, AND 127-129.
- (2) §1001.1.1.2 - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 29, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM A REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 45', FOR LOTS 1-14, 29-34, AND 127-129.

SPECIAL HEARING REQUEST

SPECIAL HEARING TO CONSIDER THE ZONING RELIEF GRANTED BY HON. CASE NO. 04-026-A REMAINS VOID UNDER CURRENTLY REVISED PLAN.

VARIANCE TABULATION

LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST
1	ADDESH	41	EH	81	AE	121	AGE
2	ADDESH	42	EH	82	AE	122	ADDESH
3	ADDESH	43	EH	83	AE	123	ADDESH
4	ADDESH	44	EH	84	AE	124	ADDESH
5	ADDESH	45	EPH	85	AE	125	ADDESH
6	ADDESH	46	EPH	86	AE	126	ADDESH
7	ADDESH	47	EH	87	AE	127	ADDESH
8	ADDESH	48	EH	88	AE	128	ADDESH
9	ADDESH	49	EH	89	AE	129	ADDESH
10	ADDESH	50	EH	90	ADDESH	130	AGE
11	ADDESH	51	EH	91	AE	131	AE
12	ADDESH	52	GER	92	ADDESH	132	AE
13	ADDESH	53	AGE	93	ADDESH	133	AE
14	ADDESH	54	AE	94	ADDESH	134	AE
15	AE	55	+	95	AE	135	AE
16	AE	56	+	96	AE	136	AE
17	AE	57	+	97	AE	137	AE
18	AE	58	+	98	AE	138	AE
19	AE	59	+	99	AE	139	AE
20	AE	60	+	100	AE	140	AE
21	AE	61	+	101	AE	141	AE
22	AE	62	+	102	AE	142	AE
23	AE	63	+	103	AE	143	AE
24	AE	64	+	104	AE	144	AE
25	AE	65	+	105	AE	145	AE
26	AE	66	+	106	AE	146	AE
27	AE	67	+	107	AE	147	AE
28	AE	68	+	108	AE	148	AE
29	AE	69	+	109	AE	149	AE
30	AE	70	+	110	AE	150	AE
31	AE	71	+	111	AE	151	AE
32	AE	72	+	112	AE	152	AE
33	AE	73	+	113	AE	153	AE
34	AE	74	+	114	AE	154	AE
35	AE	75	+	115	AE	155	AE
36	AE	76	+	116	AE	156	AE
37	AE	77	+	117	AE	157	AE
38	AE	78	+	118	AE	158	AE
39	AE	79	+	119	AE	159	AE
40	AE	80	+	120	AE	160	AE

* THESE VARIANCES WERE PREVIOUSLY APPROVED BY BALTIMORE COUNTY. THESE VARIANCES AND ASSOCIATED VARIANCES HAVE NOT CHANGED FROM THE APPROVED DEVELOPMENT PLAN. SEE APPROVED DEVELOPMENT PLANS AND HEARING OFFICERS HEARING ORDER DATED JULY 2003 AND NOVEMBER 13TH, 2003, RESPECTIVELY. POF# 11-649

NOTE: FOR VARIANCE PURPOSES ONLY. SEE APPROVED DEVELOPMENT PLAN FOR ADDITIONAL INFORMATION.

SITE PLAN

SCALE: 1" = 50'



PARKING TABULATION

UNIT TYPE	# OF UNITS	# OF REQUIRED OFF-STREET PARKING SPACES	# OF REQUIRED OFF-STREET OVERFLOW SPACES	# OF PROPOSED OFF-STREET PARKING SPACES	# OF PROPOSED OFF-STREET OVERFLOW SPACES	TOTAL # OF PROVIDED SPACES
2 CAR GARAGE	125	250	30	250	60	310
1 CAR GARAGE	29	58	3	58	3	64
PERCIPITANAL PARKING	14	28	3	28	0	31
TOTALS	168	336	36	336	63	400

PDM II-649

MORRIS & RITCHIE ASSOCIATES, INC.
DESIGNERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1020 EAST JOPPA ROAD, SUITE 205
TOWSON, MARYLAND 21286
(410) 831-1600
FAX: (410) 831-1743
MRA@AOL.COM

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES AND SPECIAL HEARING

CARRIAGE HILLS TOWNHOUSES
LIBERTY ROAD
RANDALLSTOWN, MARYLAND

ELECTION DISTRICT: 2

DATE: _____

REVISIONS:

NO. 101-1041

SCALE: 1" = 50'

DATE: 11/13/2007

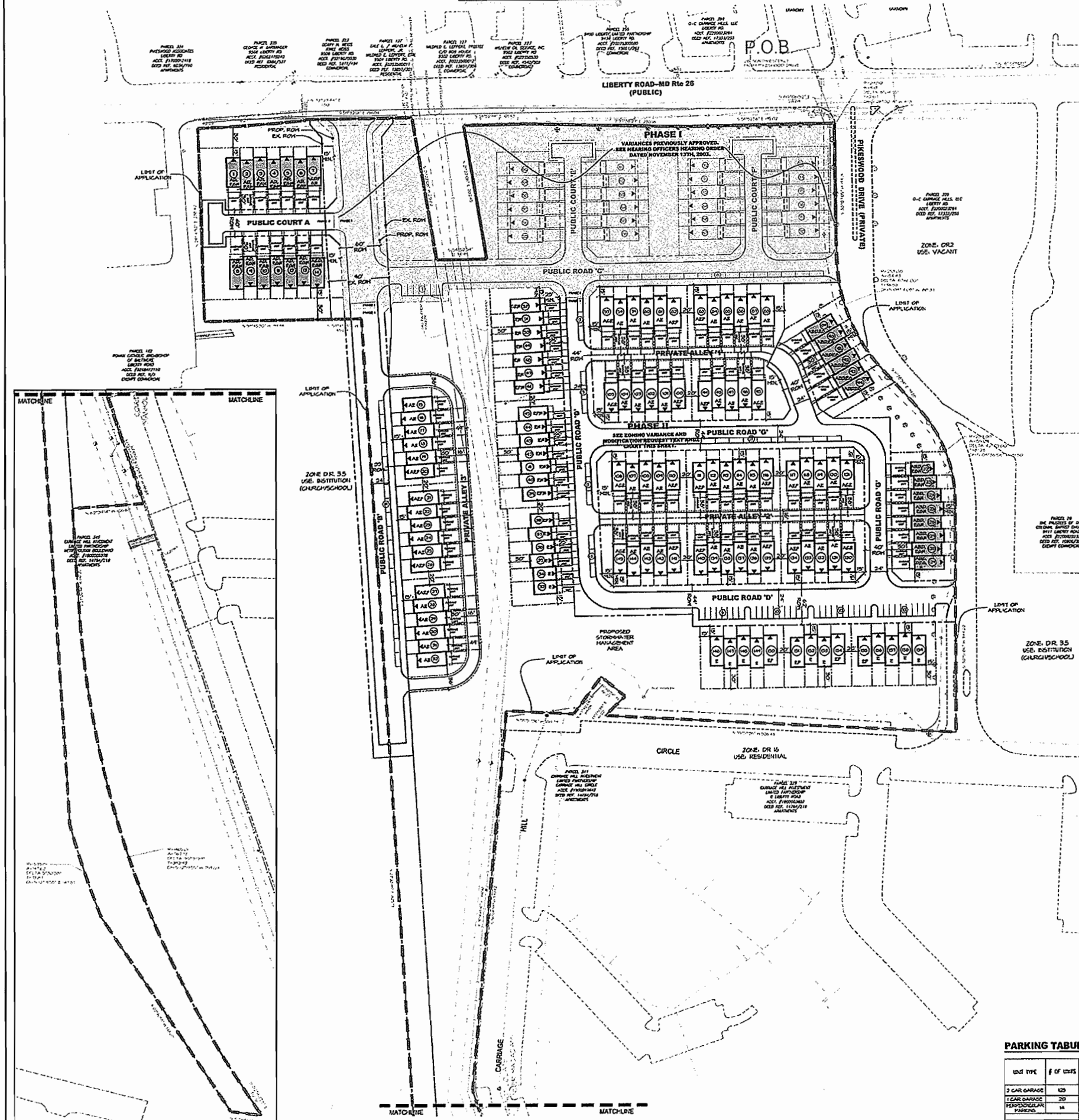
DRAWN BY: MAB

DESIGN BY: MAB

REVIEW BY: TW

SHEET: 1 OF 1

VARIANCE G



PROPERTY OWNERSHIP

OWNER: CT CARRIAGE HILLS BUSINESS TRUST
 4402 WILKINSON DRIVE
 BELLEAIR MD 21037-1505
 ATTN: DAN WHITFIELD

ADDRESS: 5455 LIBERTY ROAD, SE CORNER METROPOLITAN BLVD.
 BALTIMORE, MARYLAND
 ZONING DISTRICT: 2802/2/14
 TAX MAP: 75
 PARCEL: 004
 TAX ACCOUNT # 2200023183

- GENERAL NOTES:**
1. ZONING: DRB
 2. PROPERTY AREA: 784,000 SF, 18AC 1
 3. ELECTION DISTRICT: 2
 4. COADJUNCTING DISTRICT: A
 5. EXISTING USE: VACANT
 6. THIS SITE IS SURVEYED BY PUBLIC WATER AND SEWER.
 7. THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN.
 8. THERE ARE NO KNOWN HAZARDOUS MATERIALS ON THIS SITE.
 9. BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
 10. THERE IS NO KNOWN ZONING HISTORY FOR THIS SITE.
 11. THE PROPERTY IS LOCATED AT THE INTERSECTION OF LIBERTY ROAD AND METROPOLITAN BOULEVARD.
 12. ZONING / DEVELOPMENT HISTORY:
 13. APPROVED DEVELOPMENT PLAN DATED JULY, 2003 / SIGNED JUNE 6TH, 2004. PDM# B-649
 - 13.2. HEARING OFFICERS HEARING ORDER DATED NOVEMBER 13TH, 2003.

- VARIANCE RELIEF REQUESTED**
- (A) §1801.1.1 - CHART AND CDDP RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY ON PROPERTY LINE FOR GARAGE UNITS, IN LIEU OF THE REQUIRED 25', FOR LOTS 1-32, 53-54, AND 79-143.
- (B) §1801.1.1 - CHART AND CDDP RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM ANY BUILDING FACE TO A TRACT BOUNDARY, IN LIEU OF THE REQUIRED 30', FOR LOTS 89-94, AND 122-125.
- (C) §1801.1.1 - CHART AND CDDP RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM SIDE BUILDING FACE TO PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 25', FOR LOTS 7, 14, 32, 33, 35, 100-106, 121, 122, 123, 124, AND 145.
- (D) §1801.1.1 - CHART AND CDDP RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM A REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 45', FOR LOTS 1-14, 89-94, AND 122-125.
- (E) §201.1A - VARIANCE TO ALLOW A MINIMUM SETBACK OF 10' FROM THE REAR PROPERTY LINE FOR A DECK OR ONE-STORY OPEN PORCH, IN LIEU OF THE REQUIREMENT THAT ANY SUCH DECK OR PORCH EXTEND INTO THE REAR YARD NOT MORE THAN 25% OF THE EXISTING REQUIRED DEPTH OF THE REAR, FOR LOTS 1-54, AND 79-155.
- (F) §1801.2 CDDP RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM REAR LANDSCAPE STRIP OF 2' IN LIEU OF THE REQUIRED 100' AND 150' REAR BUILDING SETBACK FROM PUBLIC STREET RIGHT-OF-WAY OF 50' IN LIEU OF THE REQUIRED 50' FOR LOTS 1-14, 89-94, AND 122-125.

- MODIFICATION OF STANDARDS REQUEST**
- (G) §504.3 AND §505.1.1 - CHART AND CDDP RESIDENTIAL STANDARDS PAGE 27, AND 30, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 20' FROM SIDE BUILDING FACE TO SIDE BUILDING FACE, IN LIEU OF THE REQUIRED 25', LOTS 20-21, 26-27, 28-31, 41-42, 47-51, 91-100, 110-111, 116-117, 131-132, 140-141, 142-143, 154-155.
- (H) §504.2 CDDP RESIDENTIAL STANDARDS PAGE 28 AND 30, A VARIANCE TO ALLOW A VARIATION OF LIGHT UNITS IN A ROW, IN LIEU OF THE PERMITTED SIX FOR LOTS 1-7, 8-14, 34-35, 44-50, AND 122-125.

SPECIAL HEARING REQUEST

SPECIAL HEARING TO CONSIDER THE VARIANCE RELIEF GRANTED IN HIGH CASE NO. 04-0004A. REMARKS WOULD UNDER CURRENTLY REVISED PLAN.

VARIANCE TABULATION

LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST
1	ADRESH	41	EH	81	AE	121	AE
2	ADRESH	42	EH	82	AE	122	ADRESH
3	ADRESH	43	EH	83	AE	123	ADRESH
4	ADRESH	44	EH	84	AE	124	ADRESH
5	ADRESH	45	EH	85	AE	125	ADRESH
6	ADRESH	46	EH	86	AE	126	ADRESH
7	ADRESH	47	EH	87	AE	127	ADRESH
8	ADRESH	48	EH	88	AE	128	ADRESH
9	ADRESH	49	EH	89	AE	129	ADRESH
10	ADRESH	50	EH	90	AE	130	AE
11	ADRESH	51	EH	91	AE	131	AE
12	ADRESH	52	CEH	92	AE	132	AE
13	ADRESH	53	AE	93	AE	133	AE
14	ADRESH	54	AE	94	AE	134	AE
15	AE	55	AE	95	AE	135	AE
16	AE	56	AE	96	AE	136	AE
17	AE	57	AE	97	AE	137	AE
18	AE	58	AE	98	AE	138	AE
19	AE	59	AE	99	AE	139	AE
20	AE	60	AE	100	AE	140	AE
21	AE	61	AE	101	AE	141	AE
22	AE	62	AE	102	AE	142	AE
23	AE	63	AE	103	AE	143	AE
24	AE	64	AE	104	AE	144	AE
25	AE	65	AE	105	AE	145	AE
26	AE	66	AE	106	AE	146	E
27	AE	67	AE	107	AE	147	E
28	AE	68	AE	108	AE	148	E
29	AE	69	AE	109	AE	149	E
30	AE	70	AE	110	AE	150	E
31	AE	71	AE	111	AE	151	E
32	AE	72	AE	112	AE	152	E
33	E	73	AE	113	AE	153	E
34	E	74	AE	114	AE	154	E
35	E	75	AE	115	AE	155	E
36	E	76	AE	116	AE	156	E
37	E	77	AE	117	AE	157	E
38	E	78	AE	118	AE	158	E
39	E	79	AE	119	AE	159	E
40	EH	80	AE	120	AE	160	E

THESE VARIANCES WERE PREVIOUSLY APPROVED BY BALTIMORE COUNTY. THESE VARIANCES AND ASSOCIATED VARIANCES HAVE NOT CHANGED FROM THE APPROVED DEVELOPMENT PLAN. SEE APPROVED DEVELOPMENT PLANS AND HEARING OFFICERS HEARING ORDER DATED JULY 2003 AND NOVEMBER 13TH, 2003. RESPECTIVELY. PDM# B-649

NOTE: FOR VARIANCE PURPOSES ONLY. SEE APPROVED DEVELOPMENT PLAN FOR ADDITIONAL INFORMATION.

SITE PLAN

SCALE: 1" = 50'

PARKING TABULATION

USE TYPE	# OF UNITS	# OF REQUIRED OFF-STREET PARKING SPACES	# OF REQUIRED OFF-STREET OVERHEAD SPACES	# OF PROVIDED OFF-STREET PARKING SPACES	# OF PROVIDED OFF-STREET OVERHEAD SPACES
2 CAR GARAGE	125	250	30	250	60
1 CAR GARAGE	20	40	5	40	10
PERESTROGIAN PARKING	14	28	3	28	7
TOTALS	159	318	38	318	77

MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 1220 EAST JOPPA ROAD, SUITE 300
 TOWSON, MARYLAND 21286
 (410) 251-1000
 FAX: (410) 251-1743

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES AND SPECIAL HEARING
CARRIAGE HILLS TOWNHOUSES
 LIBERTY ROAD
 RANDALLSTOWN, MARYLAND

DATE: 11/13/2007
 DRAWN BY: MAB
 CHECKED BY: MAB
 REVIEWED BY: MAB
 SCALE: 1" = 50'

[illegible]

OWNER: CT EARRIDGE HILLS BUSINESS TRUST
4085 WILLOWDALE DRIVE
BELCAMP MD 21017-1505
ATTN: DAN WHITEMURST

ADDRESS: SWS LIBERTY ROAD, SE CORNER METROPOLITAN BLVD,
BALTIMORE, MARYLAND
DEED REFERENCE: 25853/514
TAX MAP: 78
PARCEL: 395
TAX ACCT. # : 2206023283

1. ZONING: OR2
2. PROPERTY AREA: 784,005SF., 16AC1
3. CLECTION DISTRICT: 2
4. COUNCILMANIC DISTRICT: 4
5. EXISTING USE: VACANT
6. THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
7. THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN.
8. THERE ARE NO KNOWN NOD-104 NITRATES ON THIS SITE.
9. ANY CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
10. THERE IS NO PREVIOUS ZONING HISTORY FOR THIS SITE.
11. THE PROPERTY IS LOCATED AT THE INTERSECTION OF LIBERTY ROAD AND METROPOLITAN BOULEVARD.
12. THE DEVELOPER REQUESTS THE FOLLOWING:
- 12.1. APPROVED DEVELOPMENT PLAN DATED JULY, 2003 / SIGNED JUNE 27th, 2004. POU# B-649
- 12.2. HEARING OFFICERS HEARING RECORD DATED NOVEMBER 13TH 2003.

(4) §1601.1(A) - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 37, A VARIANCE TO ALLOW A VARIATION SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE FOR GARAGE USES, IN USE OF THE REAR YARD AND SIDE YARD.

(5) §1601.1(C) - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 37, A VARIANCE TO ALLOW A VARIATION SETBACK OF 15' FROM AN REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN USE OF THE REAR YARD, FOR LOTS 8-9, 10-14, 89-94, AND 122-129.

(6) §1601.1(C) - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 37, A VARIANCE TO ALLOW A VARIATION SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN USE OF THE REAR YARD, FOR LOTS 2, 14, 32, 33, 93, 105-106, 121, 129-130, AND 145.

(7) §1601.1(C) - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 37, A VARIANCE TO ALLOW A VARIATION SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN USE OF THE REAR YARD, FOR LOTS 1-14, 89-94, AND 122-129.

(8) §201.1(A) - A VARIANCE TO ALLOW A VARIATION SETBACK OF 15' FROM THE REAR PROPERTY LINE TO A DECK OR EXISTING OPEN PORCH, IN USE OF THE REAR YARD, AND FOR THE DECK OR EXISTING PORCH EXTEND INTO THE REAR YARD AND SIDE YARD, IN USE OF THE REAR YARD, IN USE OF THE REAR YARD, FOR LOTS 1-14, 89-94, AND 122-129.

(9) §242.2 CUPP RESIDENTIAL STANDARDS PAGE 37, A VARIANCE TO ALLOW A VARIATION REAR LANDSCAPE SETBACK OF 15' IN USE OF THE REAR YARD, AND FOR THE REAR YARD, IN USE OF THE REAR YARD, IN USE OF THE REAR YARD, IN USE OF THE REAR YARD, FOR LOTS 1-14, 89-94, AND 122-129.

(U) 54042 AND 540421c + CHART AND CNDR RESERVIR STANDARDS PAGE 27 AND TO A MODIFICATION TO ADD A MINIMUM SETBACK OF 70' FROM 5TH RESERVIR PAGE TO 5TH BUILDING PAGE, IN LIEU OF THE REQUIRED 25'. LOTS 20-27, 26-27, 38-39, 45-46, 82-83, 93-100, 110-111, 116-117, 134-135, 140-141, 160-161 154-155

SPECIAL HEARING TO CONFIRM THE ZONING RELIEF GRANTED IN MOH CASE NO D4-D26-A REMAINS VALID UNDER CURRENTLY REVISED PLAN.

LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	
1	ADESH 41	EH	51	AE	121	AE		
2	ADESH 42	EH	52	AEF	122	ADESH		
3	ADESH 43	EH	53	AEF	123	ADESH		
4	ADESH 44	EH	54	AE	124	ADESH		
5	ADESH 45	EPH	55	AE	125	ADESH		
6	ADESH 46	EPH	56	AE	126	ADESH		
7	ADESH 47	EH	57	AE	127	ADESH		
8	ADESH 48	EH	58	AE	128	ADESH		
9	ADESH 49	EH	59	ADESH	129	ADESH		
10	ADESH 50	EH	60	ADESH	130	AE		
11	ADESH 51	EH	61	AE	131	AE		
12	ADESH 52	CEH	62	ADESH	132	AE		
13	ADESH 53	AEZ	63	ADESH	133	AE		
14	ADESH 54	AE	64	ADESH	134	AEF		
15	AE	55	*	65	AEZ	135	AEF	
16	AE	56	*	66	AE	136	AE	
17	AE	57	*	67	AE	137	AE	
18	AE	58	*	68	AE	138	AE	
19	AE	59	*	69	AEF	139	AE	
20	AEP	60	*	70	AEF	140	AEF	
21	AEP	61	*	71	AE	141	AEF	
22	AE	62	*	72	AE	142	AE	
23	AE	63	*	73	AE	143	AE	
24	AE	64	*	74	AE	144	AE	
25	AE	65	*	75	AEZ	145	AEZ	
26	AEP	66	*	76	AEZ	146	E	
27	AEP	67	*	77	AE	147	E	
28	AE	68	*	78	AE	148	E	
29	AE	69	*	79	AEF	149	E	
30	AE	70	*	80	AEF	150	EP	
31	AE	71	*	81	AEF	151	EP	
32	AE	72	*	82	AE	152	E	
33	E	73	*	83	AE	153	E	
34	E	74	*	84	AE	154	EP	
35	E	75	*	85	AE	155	EP	
36	E	76	*	86	AEF	156	E	
37	E	77	*	87	AEF	157	E	
38	EPH	78	AE	88	AE	158	E	
39	EPH	79	AE	89	AE	159	E	
40	EPH	80	AE	90	AE	160	E	

* THESE VARIANCES WERE PREVIOUSLY APPROVED BY BALTIMORE COUNTY. THESE
LISTS AND ASSOCIATED VARIANCES HAVE NOT CHANGED FROM THE APPROVED
DEVELOPMENT PLAN. SEE APPROVED DEVELOPMENT PLANS AND HEARING
OFFICERS HEARING ORDER DATED JULY 2003 AND NOVEMBER 13TH, 2003
RESPECTIVELY. PDM/ 8-649

NOTE: FOR VARIANCE PURPOSES ONLY. SEE APPROVED DEVELOPMENT PLAN FOR ADDITIONAL INFORMATION.

SCALE: 1" = 50'



UNIT TYPE	# OF UNITS	# OF REQUIRED OFF-STREET SPACES	# OF REQUIRED OVERHEAD SPACES	TOTAL # OF REQUIRED SPACES	# OF PROPOSED OFF-STREET SPACES	# OF PROPOSED OVERHEAD SPACES	TOTAL # OF PROPOSED SPACES
2 CAR GARAGE	125	250	50	300	250	50	300
30	40	12	32	40	12	32	40
PERFORMING ARTS BUILDING	14	28	5	33	28	10	38
TOTALS	194	318	55	373	318	62	400

PDM II-649 		MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1020-C EAST JOPPA ROAD, SUITE 305 TOWNSON, MARYLAND 21206 (410) 821-1669 FAX: (410) 821-1748 MRA@AOL.COM	
PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES AND SPECIAL HEARING CARRIAGE HILLS TOWNSHIPS LIBERTY ROAD RANDALLSTOWN, MARYLAND		ELECTION DISTRICT: 2 COCAUNUMBER DISTRICT: 4	
DATE	REVIEWS	JOB NO.	15241
		SCALE	1" = 50'
		DATE	11/12/2007
		DRAWN BY	WAS
		CHECKED BY	WAS
		APPROVED BY	TW
		SHEET	1 OF 1

VARIANCE D

VICINITY MAP
SCALE: 1" = 100'

PROPERTY OWNERSHIP

OWNER: CT CARRIAGE HILLS BUSINESS TRUST
4605 MIDDLEBURY DRIVE
ATLANTA, GA 30341-1500

ADDRESS: 505 LIBERTY ROAD, SE CORNER WETHPOLAN BLVD.
BALTIMORE, MARYLAND
OLD REFERENCE: 75852/514
ZONING: DR 35
PARCEL: 353
CASE NO.: 11-170023283

GENERAL NOTES:

- ZONING: DR 35
- PROPERTY AREA: 758,083 SF ±, 1.8 AC ±
- ELECTION DISTRICT: 2
- COUNCILMANIC DISTRICT: 4
- EXISTING USE: VACANT
- THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
- THE SITE IS NOT IN A 100-YEAR FLOODPLAIN.
- THERE ARE NO KNOWN HIGH-VOLTAGE TRANSMISSION LINES OR FIRE CODE REQUIREMENTS.
- BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
- THERE IS NO PREVIOUS ZONING HISTORY FOR THIS SITE.
- THE PROPERTY IS LOCATED AT THE INTERSECTION OF LIBERTY ROAD AND WETHPOLAN BOULEVARD.
- ZONING / DEVELOPMENT HISTORY:
- APPROVED DEVELOPMENT PLAN DATED JULY 2003 / SECOND JUNE 6TH, 2004. PDJ# 11-649
- HOLDING OFFICER'S HEARING ORDER DATED NOVEMBER 13TH, 2003.

VARIANCE RELIEF REQUESTED

(A) §1801.1.1 - CHART AND CIVIL RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE FOR GARAGE UNITS, IN LEU OF THE REQUIRED 25', FOR LOTS 1-32, 33-54, AND 79-143.

(B) §1801.1.2 - CHART AND CIVIL RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM ANY BUILDING FACE TO A TRAIL BOUNDARY, IN LEU OF THE REQUIRED 30', FOR LOTS 65-94, AND 122-129.

(C) §1801.1.3 - CHART AND CIVIL RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM SIDE BUILDING FACE TO PUBLIC STREET RIGHT-OF-WAY, IN LEU OF THE REQUIRED 25', FOR LOTS 2, 14, 32, 33, 35, 102-108, 121, 129-130, AND 145.

(D) §1801.1.4 - CHART AND CIVIL RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM SIDE BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LEU OF THE REQUIRED 45', FOR LOTS 1-14, 65-94, AND 122-129.

(E) §201.1.1 - A VARIANCE TO ALLOW A MINIMUM SETBACK OF 10' FROM THE REAR PROPERTY LINE FOR A DECK OR ONE-STORY OPEN PORCH, IN LEU OF THE REQUIREMENT THAT ANY SUCH DECK OR PORCH EXTEND INTO THE REAR YARD NOT MORE THAN 25% OF THE USUAL REQUIRED DEPTH OF THE REAR, FOR LOTS 1-54, AND 79-158.

(F) §204.2 CIVIL RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM REAR LANDSCAPE STRIP OF 5' IN LEU OF THE REQUIRED 10', AND FOR REAR BUILDING SETBACK FROM PUBLIC STREET RIGHT-OF-WAY OF 10' IN LEU OF THE REQUIRED 15', FOR LOTS 1-14, 65-94, AND 122-129.

MODIFICATION OF STANDARDS REQUEST

(G) §204.2 CIVIL RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MODIFICATION TO A 10' MINIMUM SETBACK OF 20' FROM SIDE BUILDING FACE TO SIDE BUILDING FACE, IN LEU OF THE REQUIRED 25', FOR LOTS 29-32, 34-37, 39-40, 42-46, 82-84, 92-100, 110-111, 118-119, 122, 140-141, 143, 144-150.

(H) §204.2 CIVIL RESIDENTIAL STANDARDS PAGE 28 AND 30, A VARIANCE TO ALLOW A MAXIMUM OF EIGHT UNITS IN A ROW, IN LEU OF THE PERMITTED SIX FOR LOTS 1-7, 8-14, 29-45, 48-52, AND 122-129.

SPECIAL HEARING REQUEST

SPECIAL HEARING TO CONSIDER THE ISSUES RELIED UPON IN THIS CASE NO. 04-026-A REMAINS VALID UNDER CURRENTLY REVISED PLAN.

VARIANCE TABULATION

LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST
1	ADESH	41	EH	81	AE	121	AGE
2	ADESH	42	EH	82	AEF	122	ADESH
3	ADESH	43	EH	83	AEF	123	ADESH
4	ADESH	44	EH	84	AE	124	ADESH
5	ADESH	45	EFPH	85	AE	125	ADESH
6	ADESH	46	EFPH	86	AE	126	ADESH
7	ADESH	47	EH	87	AE	127	ADESH
8	ADESH	48	EH	88	AE	128	ADESH
9	ADESH	49	EH	89	ABDES	129	ABDES
10	ADESH	50	EH	90	ABDES	130	AGE
11	ADESH	51	EH	91	ABDES	131	AE
12	ADESH	52	CEH	92	ABDES	132	AE
13	ADESH	53	ACE	93	ABDES	133	AE
14	ADESH	54	AE	94	ABDES	134	AEF
15	AE	55	*	95	AGE	135	AEF
16	AE	56	*	96	AE	136	AE
17	AE	57	*	97	AE	137	AE
18	AE	58	*	98	AE	138	AE
19	AE	59	*	99	AEF	139	AE
20	AEF	60	*	100	AEF	140	AEF
21	AEF	61	*	101	AE	141	AEF
22	AE	62	*	102	AE	142	AE
23	AE	63	*	103	AE	143	AE
24	AE	64	*	104	AE	144	AE
25	AE	65	*	105	AGE	145	AGE
26	AEF	66	*	106	AGE	146	E
27	AEF	67	*	107	AE	147	E
28	AE	68	*	108	AE	148	E
29	AE	69	*	109	AE	149	E
30	AE	70	*	110	AEF	150	EF
31	AE	71	*	111	AEF	151	EF
32	AE	72	*	112	AE	152	E
33	E	73	*	113	AE	153	E
34	E	74	*	114	AE	154	EF
35	E	75	*	115	AE	155	EF
36	E	76	*	116	AEF	156	E
37	E	77	*	117	AEF	157	E
38	EFPH	78	*	118	AE	158	E
39	EFPH	79	*	119	AE	159	E
40	EH	80	*	120	AE	160	E

* THESE VARIANCES WERE PREVIOUSLY APPROVED BY BALTIMORE COUNTY. THESE UNITS AND ASSOCIATED VARIANCES HAVE NOT CHANGED FROM THE APPROVED DEVELOPMENT PLAN. SEE APPROVED DEVELOPMENT PLAN AND HEARING OFFICER'S HEARING ORDER DATED JULY 2003 AND NOVEMBER 13TH, 2003 RESPECTIVELY. PDJ# 11-649

NOTE: FOR VARIANCE PURPOSES ONLY. SEE APPROVED DEVELOPMENT PLAN FOR ADDITIONAL INFORMATION.

PARKING TABULATION

UNIT TYPE	# OF UNITS	# OF REQUIRED OFF-STREET SPACES	# OF REQUIRED OVERHEAD SPACES	TOTAL # OF REQUIRED SPACES	# OF PROVIDED OFF-STREET SPACES	# OF PROVIDED OVERHEAD SPACES	TOTAL # OF PROVIDED SPACES
2 CAR GARAGE							

ORDER: CT CARRIAGE HILLS BUSINESS TRUST
4685 MILLENNIUM DRIVE
BELCAMP MD 21017-1505
ATTN: DAN WHITEHURST

ADDRESS: 5155 LIBERTY ROAD, SE CORNER METROPOLITAN BLDG
BALTIMORE, MARYLAND
DEED REFERENCE: 75852/514
TAX MAP: 78
PARCEL: 395
TAX ACCT.#1 f. 220023283

1. ZONING: DR2
2. PROPERTY AREA: 764,085 SF, 1.84 C
3. ELECTION DISTRICT: 2
4. CONSERVATION DISTRICT: 4
5. DRAINAGE: USIC VACANT
6. THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
7. THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN.
8. THERE ARE NO KNOWN NOXIOUS WEEDS ON THIS SITE.
9. BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
10. THERE IS NO PREVIOUS ZONING HISTORY FOR THIS SITE.
11. THE PROPERTY IS LOCATED AT THE INTERSECTION OF LIBERTY ROAD AND METROPOLITAN BOULEVARD.
12. THE DEVELOPMENT WOULD BE A 100% RESIDENTIAL DEVELOPMENT.
- 12.1. APPROVED DEVELOPMENT PLAN DATED JULY, 2001 / SIGNED JUNE 6TH, 2004. PDWJ 1-649
- 12.2. HEARING OFFICERS HEARING DATED ORDER DATED NOVEMBER 13TH, 2003.

(A) §1801C.1.A - CHART AND QUAD RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN-WEI OF THE REQUIRED 25', FOR LOTS 1-20, 53-54, AND 79-145.

(B) §1801C.1.B - CHART AND QUAD RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM AN BUILDING FACE TO A TRAIL BACKSLANT, IN-WEI OF THE REQUIRED 30', FOR LOTS 69-94, AND 172-179.

(C) §1801C.1.C - CHART AND QUAD RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A BUILDING FACE TO A TRAIL BACKSLANT, RIGHT-OF-WAY, IN-WEI OF THE REQUIRED 25', FOR LOTS 2, 14, 32, 53, 95, 105-106, 121, 179-180, AND 145.

(D) §1801C.1.D - CHART AND QUAD RESIDENTIAL STANDARDS PAGE 27, A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN-WEI OF THE REQUIRED 45', FOR LOTS 1-14, 69-94, AND 172-179.

(E) §2051.A - A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM THE REAR PORCH OR TERRACE OF A REAR SIDE CUD-STORED OPEN PORCH, IN-WEI OF THE REQUIRED 20', FOR ANY SUCH SIDE OR PORCH EXTEND INTO THE REAR YARD AND NOT MORE THAN 10' OF THE MINIMUM REQUIRED DEPTH OF THE REAR, FOR LOTS 1-34, AND 79-159.

(F) §204.2 QUAD RESIDENTIAL STANDARDS PAGE 27, A VARIANCE, TO ALLOW A MINIMUM REAR LANDSCAPE WIDTH OF 4', IN-WEI OF THE REQUIRED 5', AND FOR ANY SUCH REAR LANDSCAPE WIDTH OF 4', IN-WEI OF THE REQUIRED 5', FOR LOTS 1-4, 84, 94, AND 172-179.

(4) 5/24/77 AND 5/31/77 - CHART AND COVER RESIDENTIAL STANDARD PAGE 27 AND 35 A MODIFICATION TO ADD A VIEW/VIEW SEARCH OF 20 INCH WIDE BUREAU FACE TO THE BUREAU FACE. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155.

SPECIAL HEARING TO CONFIRM THE ZONING RELIEF GRANTED IN HON CASE NO 04-026-A REMAINS VALID UNDER CURRENTLY REVISED PLAN.

LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST
1	ADBEH	41	EH	81	AE	121	ACE
2	ADBEH	42	EH	82	AEF	122	ADBEH
3	ADBEH	43	EH	83	AEF	123	ADBEH
4	ADBEH	44	EH	84	AE	124	ADBEH
5	ADBEH	45	EFH	85	AE	125	ADBEH
6	ADBEH	46	EFH	86	AE	126	ADBEH
7	ACDBEH	47	EH	87	AE	127	ADBEH
8	ADBEH	48	EH	88	AE	128	ADBEH
9	ADBEH	49	EH	89	ADBEH	129	ADBEH
10	ADBEH	50	EH	90	ADBEH	130	ADBEH
11	ADBEH	51	EH	91	ADBEH	131	AE
12	ADBEH	52	CEH	92	ADBEH	132	AE
13	ADBEH	53	ACE	93	ADBEH	133	AE
14	ADBEH	54	AE	94	ADBEH	134	AEF
15	AE	55	*	95	AE	135	AEF
16	AE	56	*	96	AE	136	AE
17	AE	57	*	97	AE	137	AE
18	AE	58	*	98	AE	138	AE
19	AEF	59	*	99	AEF	139	AE
20	AEF	60	*	100	AEF	140	AEF
21	AEF	61	*	101	AE	141	AEF
22	AE	62	*	102	AE	142	AE
23	AE	63	*	103	AE	143	AE
24	AE	64	*	104	AE	144	AE
25	AE	65	*	105	ACE	145	ACE
26	AEF	66	*	106	ACE	146	E
27	AEF	67	*	107	AE	147	E
28	AE	68	*	108	AE	148	E
29	AE	69	*	109	AE	149	E
30	AE	70	*	110	AEF	150	EF
31	AE	71	*	11	AEF	151	EF
32	AE	72	*	12	AE	152	E
33	E	73	*	13	AE	153	E
34	E	74	*	14	AE	154	EF
35	E	75	*	15	AE	155	EF
36	E	76	*	16	AEF	156	E
37	E	77	*	17	AEF	157	E
38	EF	78	*	18	AE	158	E
39	EFH	79	AE	19	AE	159	E
40	EFH	80	AE	20	AE		

* THESE VARIANCES WERE PREVIOUSLY APPROVED BY BALTIMORE COUNTY. THESE LIMITS AND ASSOCIATED VARIANCES HAVE NOT CHANGED FROM THE APPROVED DEVELOPMENT PLAN. SEE APPROVED DEVELOPMENT PLANS AND HEARING OFFICERS HEARING ORDER DATED JULY 2003 AND NOVEMBER 13TH, 2003 RESPECTIVELY. PDU# 11-649

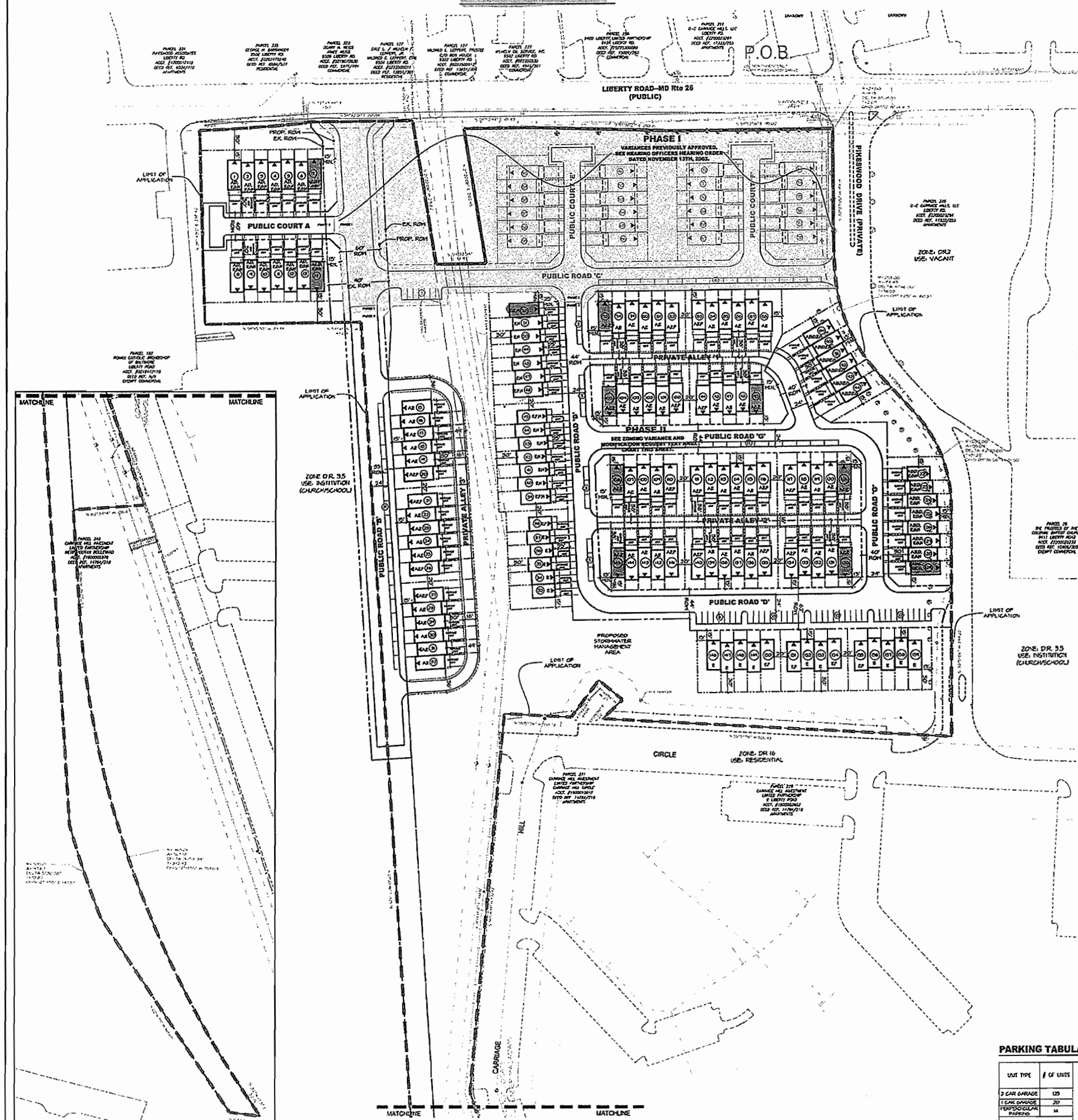
NOTE: FOR VARIANCE PURPOSES ONLY. SEE APPROVED DEVELOPMENT PLAN FOR ADDITIONAL INFORMATION.

SCALE: 1" = 50'

LAND TYPE	# OF LOTS	# OF REQUIRED OFF-STREET SPACES	# OF REQUIRED OVERFLOW SPACES	TOTAL # OF REQUIRED SPACES	# OF PROPOSED OFF-STREET SPACES	# OF PROPOSED OVERFLOW SPACES	TOTAL # OF PROPOSED SPACES
2 CAR GARAGE	125	250	30	280	250	40	290
1 CAR DRIVEWAY	20	40	17	57	40	0	50
WALKER/BICYCLER PARKING	14	20	5	25	25	0	30
TOTALS	159	310	52	373	315	40	400

PDM II-649		MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1226 EAST JOPPA ROAD, SUITE 300 TOWSON, MARYLAND 21204 (410) 271-1600 FAX: (410) 821-1148	
		3/18/2001	
		PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES AND SPECIAL REVENUE	
		CARRIAGE HILLS TOWNHOUSES	
		LIBERTY ROAD RANDALLSTOWN, MARYLAND	
		ELECTION DISTRICT: 3	
		COCAUCUSING DISTRICT: 4	
DATE	REVISIONS	JOB NO. 15341	
		SCALE: 1" = 50'	
		DATE: 1/11/2001	
		DRAWN BY: MAB	
		CHECKED BY: MAB	
		REVIEW BY: TW	
		SHEET: 5 OF 1	

VARIANCE C



PROPERTY OWNERSHIP

OWNER: CT CARRIAGE HILLS BUSINESS TRUST
 1400 WILLOWDALE DRIVE
 BALTIMORE, MD 21207-1505
 ATTN: DAN WINTERHAST
 ADDRESS: 505 LIBERTY ROAD, SE CORNER METROPOLITAN BLVD.
 BALTIMORE, MARYLAND
 DEED REFERENCE: 75457/514
 TAX MAP: 75
 PARCELS: 328
 TAX ACCOUNT #: 2200023283

GENERAL NOTES:

1. ZONING: DR3
2. PROPERTY AREA: 784,005 SF, 18 AC ±
3. ELECTION DISTRICT: 2
4. COUSSEMAN DISTRICT: 4
5. EXISTING USE: VACANT
6. THE SITE IS SERVED BY PUBLIC WATER AND SEWER.
7. THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN.
8. THERE ARE NO KNOWN HAZARDOUS MATERIALS ON THIS SITE.
9. BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
10. THERE IS NO PREVIOUS ZONING HISTORY FOR THIS SITE.
11. THE PROPERTY IS LOCATED AT THE INTERSECTION OF LIBERTY ROAD AND METROPOLITAN BOULEVARD.
12. ZONING / DEVELOPMENT HISTORY:
 12.1. APPROVED DEVELOPMENT PLAN DATED JULY 2003 / SIGNED JUNE 8TH, 2004. PD# 8-649
 12.2. HEARING OFFICERS HEARING ORDER DATED NOVEMBER 13TH, 2003.

VARIANCE RELIEF REQUESTED

- (A) §1801.2.1.1 - CHART AND OVER RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE FOR GARAGE UNITS, IN LIEU OF THE REQUIRED 25'. FOR LOTS 1-32, 33-54, AND 75-145.
- (B) §1801.2.1.1 - CHART AND OVER RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM ANY BUILDING FACE TO A TRACT BOUNDARY, IN LIEU OF THE REQUIRED 30', FOR LOTS 83-94, AND 122-129.
- (C) §1801.2.1.1 - CHART AND OVER RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM A REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 25'. FOR LOTS 2, 14, 52, 53, 55, 105-106, 121, 129-130, AND 145.
- (D) §1801.2.1.1 - CHART AND OVER RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM A REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 45'. FOR LOTS 1-14, 83-94, AND 122-129.
- (E) §1801.2.1.1 - CHART AND OVER RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 10' FROM THE REAR PROPERTY LINE FOR A DECK OR ONE-STORY OPEN PORCH, IN LIEU OF THE REQUIREMENT THAT ANY SUCH DECK OR PORCH EXTEND INTO THE REAR YARD NOT MORE THAN 25% OF THE MINIMUM REQUIRED DEPTH OF THE REAR, FOR LOTS 1-54, AND 75-150.
- (F) §1801.2.1.1 - CHART AND OVER RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM A REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 25'. FOR LOTS 1-14, 83-94, AND 122-129.

MODIFICATION OF STANDARDS REQUEST

- (A) §1801.2.1.1 - CHART AND OVER RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM A REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 25'. FOR LOTS 1-14, 83-94, AND 122-129.
- (B) §1801.2.1.1 - CHART AND OVER RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM A REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 45'. FOR LOTS 1-14, 83-94, AND 122-129.

SPECIAL HEARING REQUEST

SPECIAL HEARINGS TO CONSIDER THE ZONING RELIEF GRANTED IN MOH CASE NO. 04-028-A REMAINS VALID UNDER CURRENTLY REVISED PLAN.

VARIANCE TABULATION

LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST
1	ADDESH	41	EH	61	AE	121	AGE
2	ADDESH	42	EH	62	AEF	122	ADDESH
3	ADDESH	43	EH	63	AEF	123	ADDESH
4	ADDESH	44	EH	64	AE	124	ADDESH
5	ADDESH	45	EPH	65	AE	125	ADDESH
6	ADDESH	46	EPH	66	AE	126	ADDESH
7	ADDESH	47	EH	67	AE	127	ADDESH
8	ADDESH	48	EH	68	AE	128	ADDESH
9	ADDESH	49	EH	69	ADDESH	129	ADDESH
10	ADDESH	50	EH	70	ADDESH	130	AGE
11	ADDESH	51	EH	71	ADDESH	131	AE
12	ADDESH	52	EH	72	ADDESH	132	AE
13	ADDESH	53	AGE	73	ADDESH	133	AE
14	ADDESH	54	AE	74	ADDESH	134	AEF
15	AE	55	*	75	AGE	135	AEF
16	AE	56	*	76	AE	136	AE
17	AE	57	*	77	AE	137	AE
18	AE	58	*	78	AE	138	AE
19	AE	59	*	79	AEF	139	AE
20	AEF	60	*	80	AEF	140	AEF
21	AEF	61	*	81	AE	141	AEF
22	AE	62	*	82	AE	142	AE
23	AE	63	*	83	AE	143	AE
24	AE	64	*	84	AE	144	AE
25	AE	65	*	85	AGE	145	AGE
26	AEF	66	*	86	AGE	146	E
27	AEF	67	*	87	AE	147	E
28	AE	68	*	88	AE	148	E
29	AE	69	*	89	AE	149	E
30	AE	70	*	90	AEF	150	EF
31	AE	71	*	91	AEF	151	EF
32	AE	72	*	92	AE	152	E
33	E	73	*	93	AE	153	E
34	E	74	*	94	AE	154	EF
35	E	75	*	95	AE	155	EF
36	E	76	*	96	AEF	156	E
37	E	77	*	97	AEF	157	E
38	EF	78	*	98	AE	158	E
39	EF	79	*	99	AE	159	E
40	EF	80	*	100	AE	160	E

* THESE VARIANCES WERE PREVIOUSLY APPROVED BY BALTIMORE COUNTY. THESE VARIANCES AND ASSOCIATED VARIANCES HAVE NOT CHANGED FROM THE APPROVED DEVELOPMENT PLAN. SEE APPROVED DEVELOPMENT PLAN AND HEARING OFFICERS HEARING ORDER DATED JULY 2003 AND NOVEMBER 13TH, 2003 RESPECTIVELY. PD# 8-649

NOTE: FOR VARIANCE PURPOSES ONLY. SEE APPROVED DEVELOPMENT PLAN FOR ADDITIONAL INFORMATION.

SITE PLAN

SCALE: 1" = 50'



PARKING TABULATION

UNIT TYPE	# OF UNITS	# OF REQUIRED OFF-STREET SPACES	# OF REQUIRED OVERHEAD SPACES	# OF PROPOSED OFF-STREET SPACES	# OF PROPOSED OVERHEAD SPACES	TOTAL # OF PROPOSED SPACES
2 CAR GARAGE	125	250	30	250	60	310
1 CAR GARAGE	20	40	12	40	12	52
PERFORMANCE PARKING	14	28	5	23	10	33
TOTALS	159	318	47	313	82	395

MORRIS & RITCHIE ASSOCIATES, INC.
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 FAX: (410) 827-1148
 MRG2AC001

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES AND SPECIAL HEARING

CARRIAGE HILLS TOWNHOUSES

LIBERTY ROAD
 RANDALLSTOWN, MARYLAND

ELECTION DISTRICT: 2

DATE	REVISIONS

JOB NO. 15341

SCALE: 1" = 30'

DATE: 11/13/2007

DESIGN BY: WAB

DESIGN BY: WAB

REVIEW BY: TB

SHEET: 1 OF 1

VARIANCE B

The site plan shows a large rectangular area divided into several sections by roads. At the top, there are several small rectangular plots labeled "PANEL 101" through "PANEL 107". Below these, a horizontal road is labeled "LIBERTY ROAD - RD Rte 26 (PUBLIC)". To the right of this road, there is a "P.O.B." (Point of Beginning) marker.

The main body of the plan is dominated by two large rectangular areas labeled "PHASE I" and "PHASE II". These areas contain numerous small rectangular plots, each with a circled letter or number inside. Between these phases, there are several vertical roads labeled "PUBLIC ROAD C", "PUBLIC ROAD D", "PUBLIC ROAD E", and "PUBLIC ROAD F". A horizontal road labeled "PRIVATE ALLEY" runs between Phase I and Phase II.

To the left of the main development, there is a section labeled "ZONE DR. S.S. USE INSTITUTION (CHURCH/SCHOOL)". To the right, another section is labeled "ZONE DR. S.S. USE INSTITUTION (CHURCH/SCHOOL)". Further to the right, there is a section labeled "ZONE DR. S.S. USE RESIDENTIAL".

At the bottom of the plan, there is a section labeled "CIRCLE" and another labeled "HILL". The entire plan is bounded by dashed lines indicating the "LIMIT OF APPLICATION".

PARKING TABULATION

UNIT TYPE	# OF UNITS	TOTALS
3 CAR GARAGE	125	
1 CAR GARAGE	20	
PERSONAL VEHICLE	14	
TOTALS	159	

TAX ACCOUNT # 2700023283

1. ZONING: GR2
2. PROPERTY AREA: 784,062591, 15AC+1
3. ELECTION DISTRICT: 2
4. CO-CHANGING DISTRICT: 4
5. DRAINING USE: VACANT
6. THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
7. THIS SITE IS NOT A 100-YEAR FLOODPLAIN.
8. THERE ARE NO KNOWN NOXI-16 MATERIALS ON THIS SITE.
9. BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
10. THERE IS NO PROPOSED JORDAN HUNTER HISTORY FOR THIS SITE.
11. THE PROPERTY IS LOCATED AT THE INTERSECTION OF UMBERT ROAD AND METROPOLITAN BOULEVARD.
12. ZONING / DEVELOPMENT HISTORY:
 - 12.1. APPROVED FOR PLANNING BOARD MEETING JULY, 2004 / SAVED JULY 6TH, 2004. PCWJ # 649
 - 12.2. HEARING OFFICERS HEARING ORDER DATED NOVEMBER 13TH, 2003.

NOTE: FOR VARIANCE PURPOSES ONLY. SEE APPROVED DEVELOPMENT PLAN FOR ADDITIONAL INFORMATION.

SCALE: 1" = 50'

LAST TYPE	# OF UNITS	# OF REQUIRED OFF-STREET SPACES	# OF REQUIRED OVERLAP SPACES	TOTAL # OF REQUIRED SPACES	# OF PROVIDED OFF-STREET SPACES	# OF PROVIDED OVERLAP SPACES	TOTAL # OF PROVIDED SPACES
2 CAR GARAGE	05	250	30	280	250	60	310
1 CAR DRIVE	29	40	12	52	40	12	52
PERGOLADA/SHED/PARKING	14	20	5	25	20	10	30
TOTAL S	48	310	47	357	310	82	392

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES

LIBERTY ROAD
RANDALL STOWN, MARYLAND

ELECTION DISTRICT: 2	COUNTY/LEGISLATIVE DISTRICT: 4
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ONS	JOB NO. 15341
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DATE: 11/13/2003

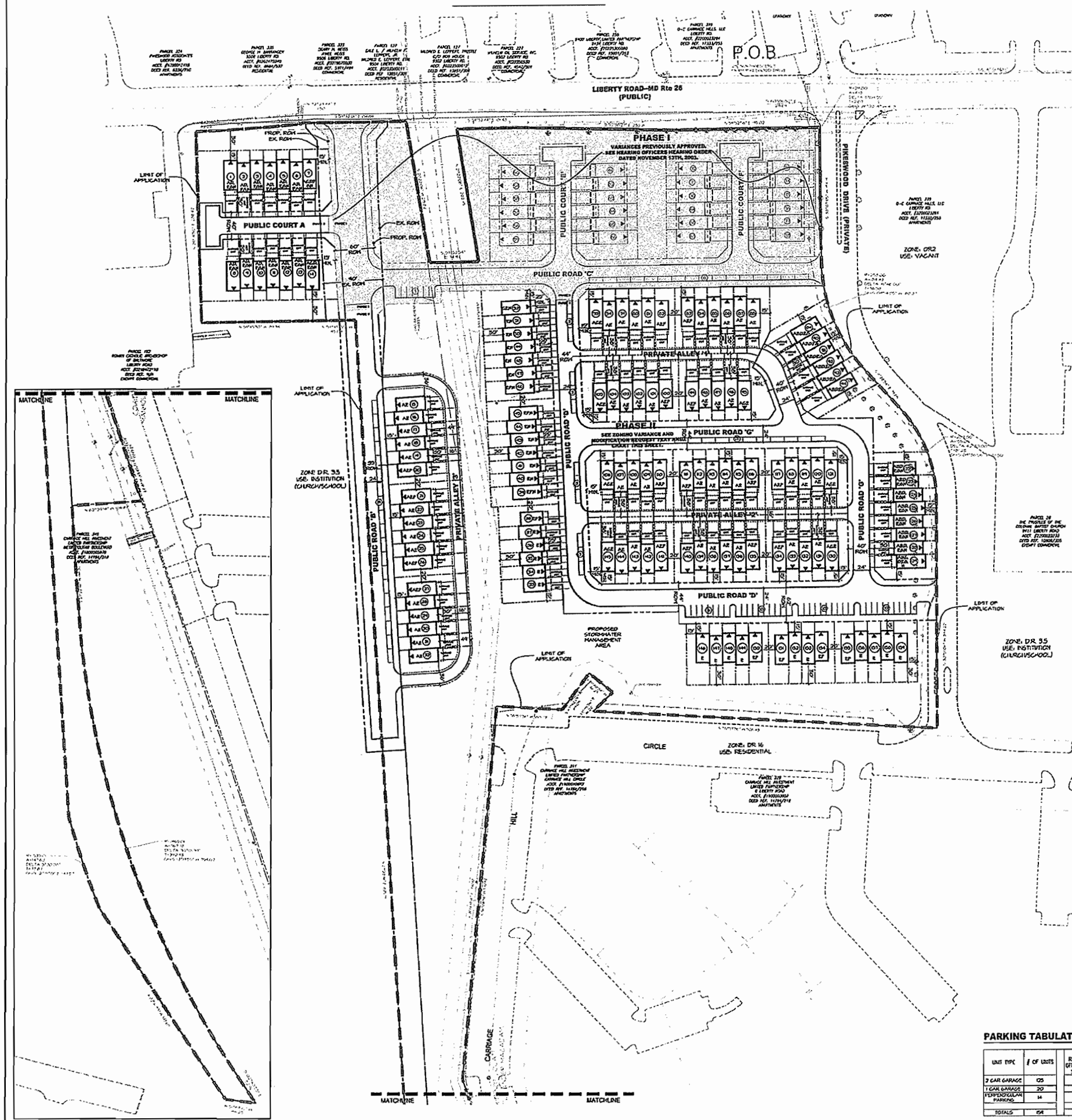
CRJBY BY: MAB

DESIGN BY: MAB

REVIEW BY: TW

SHEET 1 OF 1

VARIANCE A



PROPERTY OWNERSHIP

OWNER: C7 CARRIAGE HILLS BUSINESS TRUST
4500 WILLOWDALE DRIVE
BETHESDA, MD 20814-1505
ATTN: DAN WHITEHEAD
ADDRESS: 5815 LIBERTY ROAD, SE CORNER METROPOLITAN BLVD.
BETHESDA, MARYLAND
DEED REFERENCE: 25852/514
TAX MAP: 75
PARCELS: 108
TAX ACCOUNT # 2200021283

GENERAL NOTES:

1. ZONING: OR2
2. PROPERTY AREA: 761,083 SF, 1.8 AC
3. ELECTION DISTRICT: 2
4. CONGRESSIONAL DISTRICT: 4
5. EXISTING LOT: 108
6. THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
7. THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN.
8. THERE ARE NO KNOWN 100-YEAR FLOODPLAINS ON THIS SITE.
9. BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
10. THERE IS NO PREVIOUS ZONING HISTORY FOR THIS SITE.
11. THE PROPERTY IS LOCATED AT THE INTERSECTION OF LIBERTY ROAD AND METROPOLITAN BOULEVARD.
12. ZONING / DEVELOPMENT HISTORY:
- 12.1. APPROVED DEVELOPMENT PLAN DATED JULY, 2003 / REVISED JUNE 8TH, 2004. PD# 8-649
- 12.2. HEARING OFFICER'S HEARING ORDER DATED NOVEMBER 13TH, 2003.

VARIANCE RELIEF REQUESTED

- (A) §1801.C.1.c - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE FOR GARAGE UNITS, IN LIEU OF THE REQUIRED 25', FOR LOTS 1-32, 53-54, AND 79-145.
- (B) §1801.C.1.c - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM ANY BUILDING FACE TO A TRACT BOUNDARY, IN LIEU OF THE REQUIRED 30', FOR LOTS 59-64, AND 122-128.
- (C) §1801.C.1.c - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM SIDE BUILDING FACE TO PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 25', FOR LOTS 1, 14, 52, 53, 95, 105-106, 121, 122-128, AND 145.
- (D) §1801.C.1.c - CHART AND CUPP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 30' FROM A REAR BUILDING FACE TO A PUBLIC STREET RIGHT-OF-WAY, IN LIEU OF THE REQUIRED 45', FOR LOTS 1-14, 59-64, AND 122-128.
- (E) §301.1.A - A VARIANCE TO ALLOW A MINIMUM SETBACK OF 10' FROM THE REAR PROPERTY LINE FOR A DECK OR ONE-STORY OPEN PORCH, IN LIEU OF THE REQUIREMENT THAT ANY SUCH DECK OR PORCH EXTEND INTO REAR YARD NOT MORE THAN 25% OF THE MINIMUM REQUIRED DEPTH OF THE REAR, FOR LOTS 1-54, AND 79-129.
- (F) §304.2 CUPP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM REAR LANDSCAPE DEPTH OF 0' IN LIEU OF THE REQUIRED 25' AND REAR BUILDING SETBACK FROM PUBLIC STREET RIGHT-OF-WAY OF 30' IN LIEU OF THE REQUIRED 50' FOR LOTS 1-14, 59-64, AND 122-129.

MODIFICATION OF STANDARDS REQUEST

- (A) §304.2 CUPP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MODIFICATION TO A MINIMUM SETBACK OF 20' FROM REAR BUILDING FACE TO SIDE BUILDING FACE, IN LIEU OF THE REQUIRED 25', FOR LOTS 20-21, 26-27, 31-34, 35-44, 47-54, 59-64, 95-100, 110-111, 116-117, 138-139, 140-141, 150-152, 154-155.
- (B) §304.2 CUPP RESIDENTIAL STANDARDS PAGE 28 AND 30. A VARIANCE TO ALLOW A MINIMUM OF 10' SETBACK FROM A REAR PROPERTY LINE IN LIEU OF THE PERMITTED 15' FOR LOTS 1-7, 8-14, 29-45, 46-52, AND 122-129.

SPECIAL HEARING REQUEST

SPECIAL HEARING TO CONFIRM THE ISSUING RELIEF GRANTED IN NON CASE NO. 04-028-A REMAINS VALID UNDER CURRENTLY REVISED PLAN.

VARIANCE TABULATION

LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST
1	ADDESH	41	EH	61	AE	121	AE
2	ADDESH	42	EH	62	AE	122	ADDESH
3	ADDESH	43	EH	63	AE	123	ADDESH
4	ADDESH	44	EH	64	AE	124	ADDESH
5	ADDESH	45	EPH	65	AE	125	ADDESH
6	ADDESH	46	EPH	66	AE	126	ADDESH
7	ADDESH	47	EH	67	AE	127	ADDESH
8	ADDESH	48	EH	68	AE	128	ADDESH
9	ADDESH	49	EH	69	AE	129	ADDESH
10	ADDESH	50	EH	70	ADDESH	130	AE
11	ADDESH	51	EH	71	AE	131	AE
12	ADDESH	52	CEH	72	ADDESH	132	AE
13	ADDESH	53	AGE	73	ADDESH	133	AE
14	ADDESH	54	AE	74	ADDESH	134	AE
15	AE	55	+	75	AGE	135	AE
16	AE	56	+	76	AE	136	AE
17	AE	57	+	77	AE	137	AE
18	AE	58	+	78	AE	138	AE
19	AE	59	+	79	AE	139	AE
20	AE	60	+	80	AE	140	AE
21	AE	61	+	81	AE	141	AE
22	AE	62	+	82	AE	142	AE
23	AE	63	+	83	AE	143	AE
24	AE	64	+	84	AE	144	AE
25	AE	65	+	85	AE	145	AE
26	AE	66	+	86	AGE	146	E
27	AE	67	+	87	AE	147	E
28	AE	68	+	88	AE	148	E
29	AE	69	+	89	AE	149	E
30	AE	70	+	90	AE	150	EP
31	AE	71	+	91	AE	151	EP
32	AE	72	+	92	AE	152	E
33	E	73	+	93	AE	153	E
34	E	74	+	94	AE	154	EP
35	E	75	+	95	AE	155	EP
36	E	76	+	96	AE	156	E
37	E	77	+	97	AE	157	E
38	EP	78	+	98	AE	158	E
39	EPH	79	AE	99	AE	159	E
40	EH	80	AE	100	AE	160	E

* THESE VARIANCES WERE PREVIOUSLY APPROVED BY BALTIMORE COUNTY. THESE LOTS AND ASSOCIATED VARIANCES HAVE NOT CHANGED FROM THE APPROVED DEVELOPMENT PLAN. SEE APPROVED DEVELOPMENT PLANS AND HEARING OFFICER'S HEARING ORDER DATED JULY 2003 AND NOVEMBER 13TH, 2003, RESPECTIVELY. PD# 8-649

NOTE: FOR VARIANCE PURPOSES ONLY. SEE APPROVED DEVELOPMENT PLAN FOR ADDITIONAL INFORMATION.

SITE PLAN

SCALE: 1" = 50'



PARKING TABULATION

UNIT TYPE	# OF UNITS	# OF REQUIRED OFF-STREET PARKING SPACES	# OF REQUIRED OFF-STREET PARKING SPACES	# OF PROPOSED OFF-STREET PARKING SPACES	# OF PROPOSED OFF-STREET PARKING SPACES	# OF PROPOSED OFF-STREET PARKING SPACES
2 CAR GARAGE	05	250	30	200	20	30
1 CAR GARAGE	30	40	12	52	30	32
FOOTCLOSET PARKING	14	30	2	28	30	30
TOTALS	64	320	44	380	80	92

PDM II-649

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1000 EAST JEFFERSON ROAD, SUITE 200
TOWSON, MARYLAND 21204
410-221-1600
FAX: 410-221-1744

VRCTA.CO.U

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES AND SPECIAL HEARING

CARRIAGE HILLS TOWNHOUSES

LIBERTY ROAD
RANDALLSTOWN, MARYLAND

ELECTION DISTRICT: 7

CONFORMANCE DISTRICT: 4

DATE: 11/13/2003

SCALE: 1" = 20'

DRAWN BY: W.B.

DESIGNED BY: W.B.

PROJECT NO.: 7

SHEET: 1 OF 1

PETITIONER'S
EXHIBIT NO. 7

CARRIAGE HILLS TOWNHOUSES

PROPERTY OWNERSHIP

CT CARRIAGE HILLS BUSINESS TRUST
12500 BELMONT BLVD
BELT CAMP MD 21017-1505
ATTN: DAN WHITEHURST
ADDRESS: SWS LIBERTY ROAD, SE CORNER METROPOLITAN BLVD.
BALTIMORE, MARYLAND
BALTIMORE, MARYLAND
TAX MAP: 76
PARCEL: 388
TAX ACCOUNT NO.: # 2200023283

GENERAL NOTES:

1. ZONING: OR2
2. PROPERTY AREA: 784,080SF±, 18AC±
3. ELECTION DISTRICT: 203
4. EXISTING USE: VACANT
5. EXISTING PUBLIC WATER AND SEWER.
6. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
7. THERE ARE NO KNOWN NON-TOTAL WETLANDS ON THIS SITE.
8. THERE ARE NO KNOWN NON-TOTAL WETLANDS ON THIS SITE.
9. THERE IS NO PREVIOUS ZONING HISTORY FOR THIS SITE.
10. THE PROPERTY IS LOCATED AT THE INTERSECTION OF LIBERTY ROAD AND METROPOLITAN BOULEVARD.
11. CONJUNCTION OF THE PROPERTY WITH THE ZONING MAP.
12. APPROVED DEVELOPMENT PLAN DATED JULY, 2003 / SIGNED JUNE 8TH, 2004. PD# 11-649
13. HEARING OFFICERS HEARING ORDER DATED NOVEMBER 13TH, 2003.

VARIANCE RELIEF REQUESTED

- (A) §190.1.2.C.1.1. CHART AND CDDP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET FOR LOTS 1-32, 33-54, AND 79-145.
- (B) §190.1.2.C.1.1. CHART AND CDDP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM ANY BUILDING FACE TO A TRACT BOUNDARY, IN LIEU OF THE REQUIRED 30', FOR LOTS 89-94, AND 122-129.
- (C) §190.1.2.C.1.1. CHART AND CDDP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM SIDE BUILDING FACE TO PUBLIC STREET FOR LOTS 1-32, 33-54, AND 79-145.
- (D) §190.1.2.C.1.1. CHART AND CDDP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM SIDE BUILDING FACE TO PUBLIC STREET FOR LOTS 1-32, 33-54, AND 79-145.
- (E) §301.1.A. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 10' FROM THE REAR OF THE BUILDING TO THE REAR OF THE BUILDING FOR LOTS 1-32, 33-54, AND 79-145.
- (F) §301.1.A. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 10' FROM THE REAR OF THE BUILDING TO THE REAR OF THE BUILDING FOR LOTS 1-32, 33-54, AND 79-145.
- (G) §301.1.A. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 10' FROM THE REAR OF THE BUILDING TO THE REAR OF THE BUILDING FOR LOTS 1-32, 33-54, AND 79-145.

MODIFICATION OF STANDARDS REQUEST

- (F) §504.2 AND §190.1.2.C.1.1. CHART AND CDDP RESIDENTIAL STANDARDS PAGE 27. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET FOR LOTS 1-32, 33-54, AND 79-145.
- (H) §504.2 CDDP RESIDENTIAL STANDARDS PAGE 28 AND 30. A VARIANCE TO ALLOW A MINIMUM SETBACK OF 15' FROM A FRONT BUILDING FACE TO A PUBLIC STREET FOR LOTS 1-32, 33-54, AND 79-145.

SPECIAL HEARING REQUEST

SPECIAL HEARING TO CONFIRM THE ZONING RELIEF GRANTED IN HIGH CASE NO. 04-008-A REMAINS VALID UNDER CURRENTLY REVISED PLAN.

VARIANCE TABULATION

LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST	LOT #	VARIANCE REQUEST
1	AE	41	EH	81	AE
2	AE	42	EH	82	AE
3	AE	43	EH	83	AE
4	AE	44	EH	84	AE
5	AE	45	EH	85	AE
6	AE	46	EH	86	AE
7	AE	47	EH	87	AE
8	AE	48	EH	88	AE
9	AE	49	EH	89	AE
10	AE	50	EH	90	AE
11	AE	51	EH	91	AE
12	AE	52	EH	92	AE
13	AE	53	EH	93	AE
14	AE	54	EH	94	AE
15	AE	55	EH	95	AE
16	AE	56	EH	96	AE
17	AE	57	EH	97	AE
18	AE	58	EH	98	AE
19	AE	59	EH	99	AE
20	AE	60	EH	100	AE
21	AE	61	EH	101	AE
22	AE	62	EH	102	AE
23	AE	63	EH	103	AE
24	AE	64	EH	104	AE
25	AE	65	EH	105	AE
26	AE	66	EH	106	AE
27	AE	67	EH	107	AE
28	AE	68	EH	108	AE
29	AE	69	EH	109	AE
30	AE	70	EH	110	AE
31	AE	71	EH	111	AE
32	AE	72	EH	112	AE
33	AE	73	EH	113	AE
34	AE	74	EH	114	AE
35	AE	75	EH	115	AE
36	AE	76	EH	116	AE
37	AE	77	EH	117	AE
38	AE	78	EH	118	AE
39	AE	79	EH	119	AE
40	AE	80	AE	120	AE

* THESE VARIANCES WERE PREVIOUSLY APPROVED BY BALTIMORE COUNTY, THESE UNITS AND ASSOCIATED VARIANCES HAVE NOT CHANGED FROM THE APPROVED OFFICERS HEARING ORDER DATED JULY 2003 AND NOVEMBER 13TH, 2003. RESPECTIVELY. PD# 11-649

NOTE: FOR VARIANCE PURPOSES ONLY. SEE APPROVED DEVELOPMENT PLAN FOR ADDITIONAL INFORMATION.

SITE PLAN

SCALE: 1" = 50'



PARKING TABULATION

UNIT TYPE	# OF UNITS	# OF REQUIRED PARKING SPACES	# OF PROPOSED PARKING SPACES	# OF TOTAL PROVIDED SPACES
2 CAR GARAGE	129	258	250	250
1 CAR GARAGE	20	40	12	52
PERPENDICULAR PARKING	14	28	5	33
TOTALS	164	316	265	335

PD# 11-649



MORRIS & RITCHIE ASSOCIATES, INC.
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FAX: (410) 821-1748
JRA@GTA.COM

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES AND SPECIAL HEARING	
CARRIAGE HILLS TOWNHOUSES	
LIBERTY ROAD	
RANDALLSTOWN, MARYLAND	
ELECTION DISTRICT: 2	COUNCILMAN DISTRICT: 4
DATE	REVISIONS
02/08/08	REDLINE REVISIONS
PETITIONER: S	
REVIEW BY: TW	EXHIBIT NO. 1
DESIGN BY: MAB	
DRAWN BY: MAB	
DATE: 11/17/2007	
SCALE: 1" = 50'	
JOB NO.: 15341	
SHEET: 1 OF 1	