

IN THE MATTER OF
THE APPLICATION OF
JOHN BRAUN – LEGAL OWNER
/ PETITIONER FOR VARIANCE
ON PROPERTY LOCATED ON THE
NW/COR OF CIRCLE ROAD AND
LAKE ROLAND DRIVE
(1861 CIRCLE ROAD)

9TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 08-338-A

*

* * * * *

OPINION AND ORDER

Upon consideration of the evidence in a *de novo* hearing held on October 28, 2008, and upon public deliberation that same day, this Board enters the following Opinion and Order upon the Petition for Variance in this case.

The subject property is located on the northwest corner of Circle Road and Lake Roland Drive in the 9th Election District, 2nd Councilmanic District, of Baltimore County. Petitioners seek a variance from § 400.1 of the *Baltimore County Zoning Regulations* (BCZR) to permit existing accessory structures (pool, tennis court, and existing detached garage) to remain in the front yard and the side yard respectively in lieu of being located in the required rear yard.

The Board convened for hearing as scheduled. J. Carroll Holzer, Esquire, appeared on behalf of Appellant, Janet McHugh; Petitioners, John Braun and Jan Braun, appeared *pro se*. Bruce Doak, of Gerhold, Cross & Etzel, Ltd., appeared and testified on behalf of the Petitioners. A Letter of Agreement between Jan G. Braun and John A. Braun, Petitioners, and Janet E. McHugh, Appellant, was entered into evidence as Joint Exhibit No. 2.

Based on the evidence and testimony presented, the Board finds that Petitioners have met the variance requirements set forth in § 307 of the BCZR and *Cromwell v. Ward*, 102 Md.App. 691, 651 A.2d 424 (1995). Accordingly, the Board will grant the requested variance relief, pursuant to the terms and conditions set forth in the Letter of Agreement, Joint Exhibit #2, attached hereto and

John Braun /Case No. 08-338-A

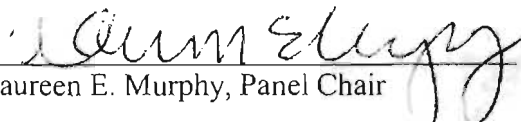
made a part hereof, to permit existing accessory structures (pool and existing detached garage).

THEREFORE, IT IS THIS 17th day of November, 2008, by the County Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for variance from § 400.1 of the *Baltimore County Zoning Regulations* to permit existing accessory structures (**pool and existing detached garage**) to remain in the front yard and the side yard respectively in lieu of being located in the required rear yard be and is hereby **GRANTED**, pursuant to the terms and conditions set forth in the **Letter of Agreement** between Jan G. Braun, John A. Braun, and Janet E. McHugh, entered and marked "CBA Joint Ex. 2," which is attached hereto and made a part hereof.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Panel Chair


Wendell H. Grier


Robert W. Witt

IN RE: PETITION FOR ADMIN. VARIANCE

N/W Corner of Circle Road and
Lake Roland Drive
(1861 Circle Road)

9th Election District
2nd Councilmanic District

John A. Braun, et al.
Petitioners & Legal Owners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

*
* Case No.: 08-338-A

* * * * *

NOTICE OF APPEAL

JANET MCHUGH, 1709 Circle Road, Towson, MD 21204, Appellant in the above captioned matter, by and through her attorney, J. Carroll Holzer, P.A., feeling aggrieved by the decision of the Zoning Commissioner in Case No. 08-338-A, hereby notes an appeal to the County Board of Appeals from Findings of Fact and Conclusions of Law dated May 1, 2008 attached hereto, and incorporated herein as **Exhibit #1**.

Filed concurrently with this Notice of Appeal is Appellant's check made payable to Baltimore County to cover the costs of the appeal. Appellant was a party below and fully participated in the proceedings.

RECEIVED

MAY - 13 2008

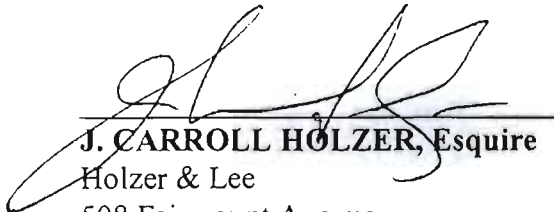
Per km

Respectfully submitted,

RECEIVED

MAY 13 2008

BALTIMORE COUNTY
BOARD OF APPEALS

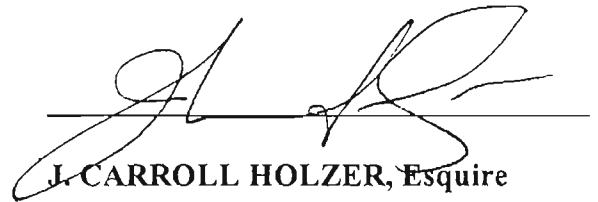

J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellant

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of May, 2008, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to John & Jan Braun, 1861 Circle Road Towson, MD 21204; County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204; and People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, M, 21204.



J. CARROLL HOLZER, Esquire

IN RE: PETITION FOR ADMIN. VARIANCE *
N/W Corner of Circle Road and *
Lake Roland Drive *
(1861 Circle Road) *
9th Election District *
2nd Council District *

John A. Braun, et al *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 08-338-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by Jan G. Braun, and her husband, John A. Braun, and Sally S. Goldsmith, legal owners. The Petitioners request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit existing accessory structures (pool, tennis court and existing detached garage) to remain in the front yard and the side yard respectively in lieu of being located in the required rear yard. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

This case was originally filed as an administrative variance, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without a formal hearing, provided certain conditions are met. First, the property is duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question can request a public hearing within 15 days of the sign posting, if that person objects to the relief requested. If no hearing is requested, the matter can be considered and an Order issued by the Zoning Commissioner/Deputy Zoning Commissioner, based on the documentation contained in the file.

In the instant case, the property was duly posted and within the requisite time period, adjoining property owner, Janet E. McHugh, filed a request for public hearing. The matter was

therefore scheduled for a hearing, which was held on April 24, 2008.

Appearing at the hearing in support of the request were John and Jan Braun, property owners, Scott A. Lindgren, a principal with Gerhold, Cross & Etzel, Ltd., the consultant who prepared the site plan for this property and assisting Petitioners through the minor subdivision process, and Larry Townsend, a representative of the Baltimore Symphony Associates, who will use the subject property as a Symphony Show House. Appearing as Protestants/interested citizens were Janet McHugh, her husband, Herbert W. Moloney, III, and Peggy Squitieri, Executive Director of the Ruxton-Riderwood Lake Roland Area Improvement Association (RRLRAIA).

Testimony and evidence presented disclosed that the subject property is a large irregular-shaped parcel, located at the north west corner of Circle Road and Lake Roland Drive. The Roland Run with its attendant floodplains lies along the east side of Circle Road, opposite the site and a small stream runs along Circle Road on the south side of the site. The property contains 5.989 acres, more or less, zoned D.R.1 and is located in the Ruxton area of Baltimore County. The property is improved by three (3) separate single-family dwellings, a detached garage, a swimming pool and a tennis court. A major addition to the Carriage House approved by the Design Review Panel (DRP)¹ is under construction and a breezeway is to be built connecting this dwelling to the other cottage dwelling known as 1857 Circle Road located just west of the Carriage House. As noted, the property is currently going through the minor subdivision process to subdivide the property into two (2) lots. Lot 1 will contain 3.902 acres, more or less, and will encompass the main dwelling, pool and tennis court. Lot 2 will contain 2.086 acres and will encompass the remaining two (2) dwellings (carriage house and cottage) that will be connected to create one dwelling. Due to the environmental constraints, a 100-Year Floodplain Drainage and Utility Easement and a Forest Buffer Easement will be created to protect the streams. See Petitioners' Exhibit 2 prepared by Human & Rohde, Inc. The location and size of these amenity structures (pool, tennis court and detached garage) including a par 3, 12-hole golf course are more particularly described on the site plan marked as Petitioners' Exhibit 1.

¹ The property is within the Ruxton-Riderwood Lake Roland Residential design area.

Relief is requested as set forth above to allow the accessory structures to remain in their present location. Given this backdrop, an appreciation of the subject property's past history is relevant and briefly outlined. In this regard, Mr. Braun provided a history of the property which was in a state of decline upon his purchase ten (10) years ago. He explained that much time and money has been spent renovating the circa 1896 main dwelling, the Carriage House and cottage. The subject accessory structures are likewise long-standing uses and have existed for many years dating back to at least the early 1960's. The Braun's found their placement in the front yard to fit the property's setting. They cleared them of underbrush and spent sweat equity and money refurbishing and modernizing the garage, swimming pool and tennis court and have maintained them in good repair ever since. Finally, Mr. Braun points out that the tennis court and pool have existed at this location for the past 35 years without prior complaint and did not become offensive to anyone until 2008 following his filing for a use division line and the Development Review Committee's suggestion that he bring the non-conforming use into compliance by filing the instant petition.

Ms. Diane Itter, an experienced planner in the Office of Planning, provided a Zoning Advisory Committee (ZAC) comment stating that she had reviewed the variance request and believes it appropriate for this site. Additionally, the proposal has been reviewed by the Ruxton-Riderwood Design Review Panel as well as the Department of Environmental Protection and Resource Management (DEPRM) since a portion of the pool area and tennis court will lie within the floodplain and forest buffer easements. The issue presented is whether there is some relief characteristic of the property which creates a practical difficulty in compliance with the zoning regulations. *Cromwell v. Ward*, 102 Md. App. 691 (1995). In addressing this issue, factors such as environmental conditions, topography and lot configuration are relevant. The environmental conditions caused by streams and wetlands have been noted and the mitigation planting areas are illustrated on Petitioners' Exhibit 2. There is literally no place to the rear of the building areas where accessory structures could be relocated. There is a significant grade difference from the main house back to the rear of the property. Based on my review of the site plan, photographs

presented, and testimony concerning the historic character of the area, which has also been noted by the Office of the Planning, and the increasing elevations at the rear of the property, I do find that the subject property is so constrained that it produces a unique condition that creates a practical difficulty if strict adherence to Section 400.1 of the B.C.Z.R. is enforced. I also find that the relief sought is within the spirit and intent of the zoning regulations.

Janet McHugh, an adjacent neighbor to the north, has owned her property for 16 years and testified concerning her opposition to the proposal. Essentially, she opined that while the existing accessory structures might be, in the opinion of Messrs. Braun and Lindgren and Ms. Itter, compatible and fitting with the subject property, placement of the pool and tennis court in the front yard lacks a quintessential buffer from her house and the noise that emanates from these uses. She further points out that the Braun's plan to sell the main house with its country club amenities once the minor subdivision process is complete. Ms. McHugh and her husband are alarmed that the new owners may use the home and its accessory structures as a "party house" with its associate disturbances and inconveniences. She presented photographs (Protestants' Exhibit 1) depicting the proximity of the pool and tennis court in relation to her home and property boundary.

After due consideration of the testimony and evidence presented, I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted allowing the existing accessory structure to remain in the front and side yards. I find that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners given the configuration of the property, the site constraints associated with the rear yard and the location of the existing homes. I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. While Ms. McHugh's opinion regarding the property's future use, if sold, is premised on conjecture and speculation, I will limit as a condition of approval the tennis court's use. As Mr. Lindgren noted on Petitioners' Exhibit 1 during the hearing, the Petitioners shall extend, with Type "A" screening, landscaping along the northern property boundary providing privacy between the swimming pool and the McHugh

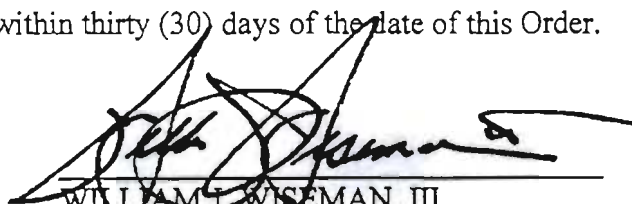
property. Additionally, there shall be no use of artificial intrusive lighting in the area of the tennis court and no use of the court after 8:30 P.M.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of May 2008 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit existing accessory structures (pool, tennis court and existing detached garage) to remain in the front yard and the side yard respectively in lieu of being located in the required rear yard, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The swimming pool and tennis court areas shall be limited to uses accessory to the residential use of the property. They shall not be used for commercial or business purposes. Moreover, the Petitioners, their successors and assigns, shall not install exterior lighting to be used in conjunction with the tennis court nor shall the court be used for any purpose after 8:30 P.M.
2. As noted on the site plan (Petitioners' Exhibit 1), the Petitioners shall provide evergreen trees along the joint property line (on the north side boundary with the McHugh property) in conjunction with this decision and Minor Subdivision approval.

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


WILLIAM WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 1, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

John and Jan Braun
1861 Circle Road
Ruxton, Maryland 21204

RE: **PETITION FOR ADMIN. VARIANCE**
N/W Corner of Circle Road and Lake Roland Drive
(1861 Circle Road)
9th Election District - 2nd Council District
John A. Braun, et al - Petitioners
Case No. 08-338-A

Dear Mr. and Mrs. Braun:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has 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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Scott A. Lindgren, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Boulevard,
Suite 100, Towson, MD 21286
Larry Townsend, Baltimore Symphony Associates, 1111 Longbrook Road,
Lutherville, MD 21093
Janet McHugh and Herbert W. Moloney, III, 1709 Circle Road, Towson, MD 21204
Peggy Squitieri, Executive Director, Ruxton-Riderwood Lake Roland Area Improvement
Association (RRLRAIA), P.O. Box 204, Riderwood, MD 21139
People's Counsel; Development Review Committee; Office of Planning; DEPRM; File
County Courts Building | 401 Bosley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountyonline.info

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 1861 CIRCLE ROAD TOWSON, MARYLAND 21204 which is presently zoned DR 1

Deed Reference: 140271314 Tax Account # 0923000440

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

400.1 - TO PERMIT EXISTING ACCESSORY STRUCTURES, (POOL AND TENNIS COURT, AND EXISTING DETACHED GARAGE) TO REMAIN IN THE FRONT YARD & THE SIDE YARD RESPECTIVELY IN LIEU OF BEING LOCATED IN THE REQUIRED REAR YARD

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

JOHN A. BRAUN
Name - Type or Print

Signature

JAN G. BRAUN
Name - Type or Print

Signature

1861 CIRCLE ROAD 410-339-5120
Address Telephone No.

TOWSON MD 21204
City State Zip Code

Representative to be Contacted:

SCOTT A. LINDGREN
GERHOLD, CROSS & ETZEL, LTD

Name 320 E. TOWSON TOWN BLVD
SUITE 100 410-823-4470

Address Telephone No.

TOWSON MD 21286
City State Zip Code

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

Zoning Commissioner of Baltimore County

Case No. 08-338-A

Reviewed By [Signature] Date 1-30-08

REV 7/20/07

ORDER RECEIVED FOR FILING

Date 5-1-08

By [Signature]

Posting Date 2/3/08

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 1861 CIRCLE ROAD
Address
TOWSON MD 21204
City State Zip Code

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

THE IMPROVEMENTS IN QUESTION WERE CONSTRUCTED DECADES AGO
AND THEIR REMOVAL WOULD DIMINISH THE USE, ENJOYMENT AND
VALUE OF THE PROPERTY.

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

[Signature]
Signature

JOHN A. BRAUN
Name - Type or Print

[Signature]
Signature

JAN G. BRAUN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

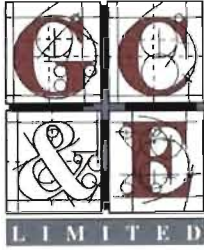
I HEREBY CERTIFY, this 29 day of January, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John A. Braun + Jan G. Braun
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 4/01/2008



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

January 24, 2008

ZONING DESCRIPTION BRAUN PROPERTY

Beginning for the same at the intersection of the centerlines of Lake Roland Drive and Circle Road, thence binding in the center of Lake Roland Drive, 1) North 22 degrees 31 minutes 40 seconds West 450.00 feet, thence leaving said road and running, 2) South 62 degrees 26 minutes 46 seconds West 491.01 feet, 3) South 28 degrees 41 minutes 14 seconds East 50.01 feet, 4) South 62 degrees 26 minutes 46 seconds West 129.74 feet, and 5) South 22 degrees 07 minutes 27 seconds East 367.77 feet to the center of Circle Road, the binding in or near the center of Circle Road, 6) North 66 degrees 37 minutes 33 seconds East 116.00 feet and North 65 degrees 09 minutes 42 seconds East 500.00 feet to the place of beginning.

Containing 5.989 Acres of land, more or less.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.



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: # 08-338-A

1861 Circle Road

Located on the n/west corner of Circle Road and Lake Roland Drive

9th Election District — 2nd Councilmanic District

Legal Owner(s): John & Jan Braun

Variance: to permit existing accessory structures (pool, tennis court and existing detached garage) to remain the front yard and the side yard respectively in lieu of being located in the required rear yard.

Hearing: Thursday, April 24, 2008 at 11:00 a.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) 887-4386.

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

JT 4/685 Apr. 8 .

169534

CERTIFICATE OF PUBLICATION

4/10/, 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 4/8/, 2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09771**

Date: **1/30/2008**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
01	006			6150				65.00

Total: **65.00**

Rec From: **J. BRAUN**

For: **07 - 335-A**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
 1/30/2008 1/30/2008 11:00:00
 JED BEE MAIL JEN JEE
 >>RECEIPT # 540228 1/30/2008 00:00
 S 528 TOWING VERIFICATION
 009771
 Recpt Tot 65.00
 65.00 12 65.00 00
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 08-338-A
PETITIONER/DEVELOPER:
J. Braun
DATE OF CLOSING: 3/10/08

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

LOCATION:
1861 Circle Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 2/22/08

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # : 08-338-A

A Variance To permit: existing accessory structures (pool, tennis court and garage) to remain in the front and side yard in lieu of the required rear yard.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON March 10, 2008

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 410-887-3391

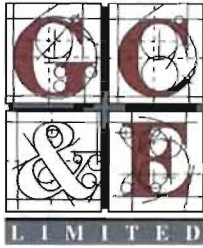
DO NOT REMOVE THIS SIGN AND POST UNTIL ABOVE DATE. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

GC









Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

**RE: CASE# 08-338-A
PETITIONER/DEVELOPER:**

DATE OF CLOSING: 2/18/08

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION: KRISTEN MATTHEWS

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**

(see page 2 for full size photo)

**LOCATION:
1861 Circle Road**

SIGNATURE OF SIGN POSTER

Bruce E. Doak

**GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX**

POSTED ON: 2/01/08

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # : 08-338-A

A Variance To permit: existing accessory structures (pool, tennis court and garage) to remain in the front and side yard in lieu of the required rear yard.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON January 02, 2006

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL ABOVE DATE. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 338 -A Address 1861 Circle Rd.

Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/30/08 Posting Date: 2/3/08 Closing Date: 2/18/08

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 338 -A Address 18
Petitioner's Name J. BRAUN Telephone 410-339-5120
Posting Date: ~~2/3/08~~ 2/24/08 Closing Date: ~~2/18/08~~ 3/10/08
Wording for Sign: A VARIANCE
To Permit EXISTING- ACCESSORY STRUCTURES (POOL, TENNIS COURT AND GARAGE, TO REMAIN IN THE FRONT AND SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

WCR - Revised 6/25/04

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 338 -A Address 1861 Circle Rd.

Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/30/08 Posting Date: 2/3/08 Closing Date: 2/18/08
1/30/08 2/24/08 3/10/08

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

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WCR - Revised 6/25/04

**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: 338

Petitioner: JOHN & JAN BRAUN

Address or Location: 1861 CIRCLE ROAD TOWSON, MD 21286

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN BRAUN

Address: 1861 CIRCLE ROAD

TOWSON, MD 21286

Telephone Number: 410-339-5120

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 8, 2008 Issue - Jeffersonian

Please forward billing to:
John Braun
1861 Circle Road
Towson, MD 21204

410-339-5120

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: 08-338-A

1861 Circle Road

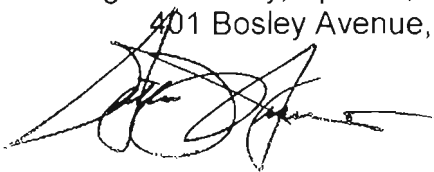
Located on the n/west corner of Circle Road and Lake Roland Drive

9th Election District – 2nd Councilmanic District

Legal Owners: John & Jan Braun

Variance to permit existing accessory structures (pool, tennis court and existing detached garage) to remain the front yard and the side yard respectively in lieu of being located in the required rear yard.

Hearing: Thursday, April 24, 2008 at 11:00 a.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

April 16, 2008

John A. Braun
Jan G. Braun
1861 Circle Road
Towson, MD 21204

Dear Mr. and Mrs. Braun:

RE: Case Number: 08-338-A, 1861 Circle Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 30, 2008. 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
Scott A. Lindgren Gerhold, Cross & Etzel, Ltd 320 E. Towsontown Blvd, Suite 100
Towson 21286



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

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

Maryland Department of Transportation

Date: FEB. 4, 2008

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

RE: Baltimore County
Item No. 8-338-A
1801 CIRCLE ROAD
BRAUN PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has **no objection to** Baltimore County Zoning Advisory Committee approval of Item No. 8-338-A.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 11, 2008

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

SUBJECT: 1861 Circle Road

INFORMATION:

Item Number: 8-338

Petitioner: John A. and Jan G. Braun

Zoning: DR 1

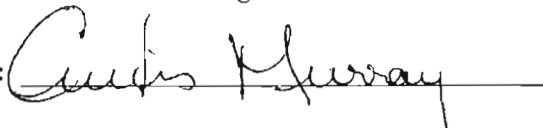
Requested Action: Administrative Variance

The subject property has submitted a request for a minor subdivision for two lots, which is consistent with the plan submitted with the administrative variance request. Second review comments are pending. The property is within the Ruxton Riderwood Lake Roland Residential design area. The DRP met and approved a major addition shown on Lot 2.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the requested administrative variance. The pool and tennis court are longstanding uses in the front yard and fit the property's setting.

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

Prepared by: 

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 7, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 11, 2008
Item Nos. 07-456, 08-325, 326, 328, 329,
330, 331, 333, 334, 335, 336, 338, and 339

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- 02072008.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 04, 2008

Item Number: 325,326,328,329,330,331,332,333,334,335,336,338,339

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.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *DWL*

DATE: March 5, 2008

SUBJECT: Zoning Item # 08-338-A
Address 1861 Circle Road
(Braun Property)

Zoning Advisory Committee Meeting of February 4, 2008

- _____ 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).
- _____ 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:

A Forest Buffer Variance was previously approved for this site. A revision to that Variance is in for review currently.

Reviewer: TAK

Date: 2/28/08



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 09 Account Number - 0923000440

Owner Information

Owner Name:	BRAUN JOHN A/JAN G GOLDSMITH SALLY S	Use:	RESIDENTIAL
Mailing Address:	1861 CIRCLE RD TOWSON MD 21204-6416	Principal Residence:	YES
		Deed Reference:	1) /14027/ 314 2)

Location & Structure Information

Premises Address	Legal Description
1861 CIRCLE RD	5.9638 AC NS CIRCLE 1861 CIRCLE RD 150 S LAKE ROLAND DR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
69	15	685						2	
									Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1896	7,795 SF	5.96 AC	04
Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	468,750	720,480		
Improvements:	716,920	957,500		
Total:	1,185,670	1,677,980	1,185,670	1,349,773
Preferential Land:	0	0	0	0

Transfer Information

Seller: BRAUN JOHN A	Date: 09/15/1999	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14027/ 314	Deed2:
Seller: WALKER MORGAN C	Date: 05/04/1999	Price: \$1,075,000
Type: IMPROVED ARMS-LENGTH	Deed1: /13719/ 187	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

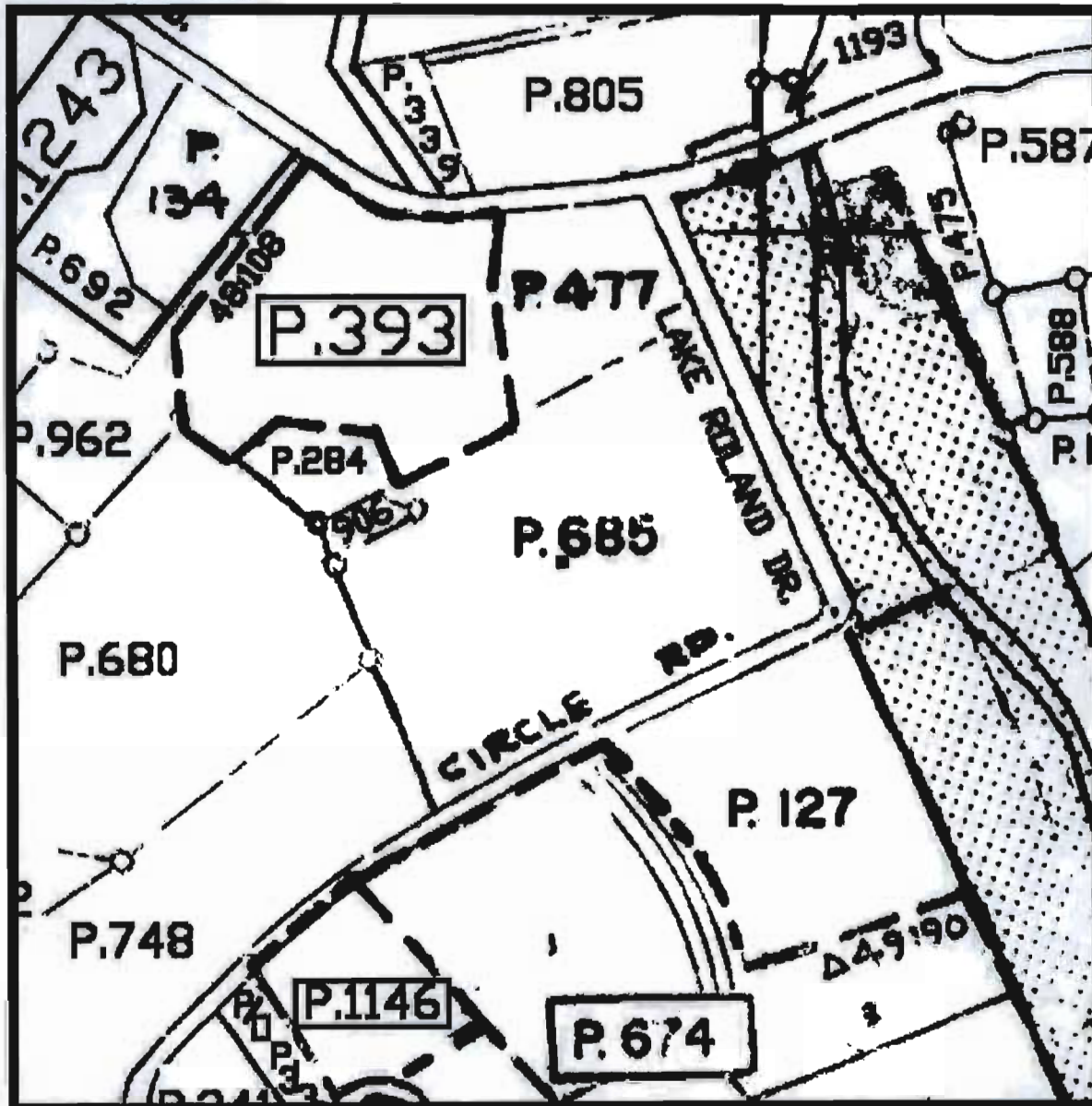
Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



District - 09 Account Number - 0923000440



Property maps provided courtesy of the Maryland Department of Planning ©2004.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/tax_mos.htm



CASE NAME 1861 CIRCLE ROAD
CASE NUMBER 8-338 A
DATE 4/24/08

NAME

CITY, STATE, ZIP

E-MAIL

1861 CIRCLE ROAD

RUXTON, MD 21204

BFC74JTB @ AOL.COM

SCOTT LINDGREN GC&E

320 E. TOWSON TOWN BLVD #100

TOWSON, MD 21286

slindgren@qcelimited.com

CASE NAME 1861 Circle Rd
CASE NUMBER 8-338 A
DATE 4/24/08

Executive
director
↓

[illegible]

1861 Joint Ex: 2

To: Janet McHugh and Herb Moloney
1709 Circle Road
Ruxton, MD 21204

FM: Jan G. Braun and John A. Braun, III
1861 Circle Road
Ruxton, MD 21204

Re: Letter of Agreement

Dear Janet and Herb:

This Letter of Agreement has been constructed in order to define the terms and conditions whereby the Owners of the following properties located on Circle Road in Ruxton, Maryland;

Jan G. Braun, John A. Braun, III being the rightful owners of the property known as 1861 Circle Road, Ruxton, MD 21204 (1861),

and

Janet E. McHugh and Herb Moloney being the rightful owners of 1709 Circle Road, Ruxton, MD 21204 (1709),

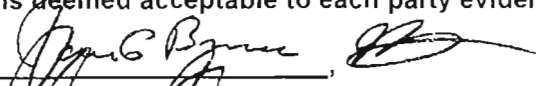
can work together to find a cost effective means by which to shield, from sight and sound, any improvements located on each other's properties.

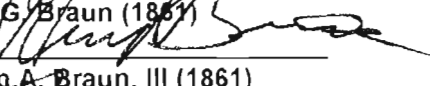
In order to achieve that goal outlined above it is hereby agreed that:

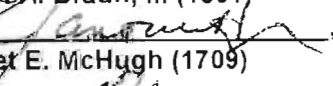
the Owners of 1709 will cancel their request to appeal the approved variance for the pool and tennis court located in the front yard of 1861 Circle Road and agree to support the minor subdivision currently being sought by 1861. In return,

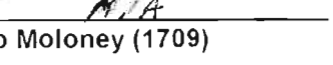
the Owners of 1861 agree to remove the fences surrounding the tennis court, remove or bury and place sod on top of the actual tennis court and further buffer the entire property line located between 1709 and 1861. This additional buffer will be done in an area not to exceed 20' on either side of the property line and will include plantings to be agreed upon by both Owners of the adjoining properties, 1709 & 1861. The removal or sodding of the tennis court and the plantings for the additional buffer will become part of the minor subdivision currently being sought by 1861 and will be completed within 12 months from the time of the approval for the minor subdivision of 1861. 1861 agrees to pay a maximum of \$10,000 to complete those tasks listed above.

Those items listed above make up the entirety of the agreement between 1709 and 1861 and is deemed acceptable to each party evidenced by the following signatures:


Jan G. Braun (1861)


John A. Braun, III (1861)


Janet E. McHugh (1709)


Herb Moloney (1709)

Case No.: 08-338-A 1861 CIRCLE ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Collectively - Proximity Photo's of Accessory uses in relation to M ^C HUGH Property
No. 2	HUMAN & ROHDE INC	
No. 3	DEPRM APPROVALS 2/29/08	
No. 4	Collectively Photo's of Accessory Structures etc	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 29, 2008

DAVID A.C. CARROLL, *Director*
Department of Environmental Protection
and Resource Management

Mr. Devin Leary
Human & Rohde, Inc.
512 Virginia Ave
Towson, MD 21286

RE: Revised Braun Property Forest Buffer Variance
Application, Mitigation, and Alternatives Analysis

Dear Mr. Leary:

Environmental Impact Review has completed a review of the above referenced submittals. At this time we have determined that the revised Forest Buffer Variance, Alternatives Analysis, and Planting Plan are approved with the following comments: Please submit a Forest Conservation Plan Mylar (and two paper copies for processing) that includes the variance note and locations of protective signs at 50-foot intervals, as detailed in the approved Variance letter dated May 29, 2007. In addition surveyed limits of the easement should be clearly marked in the field at predetermined intervals with permanent below grade markers to facilitate identification of easement limits by both protective sign posts near each rebar location and shown on all plans for this project. Additionally, the locations of the rebar, and the outer easement limits, should be submitted digitally to DEPRM in a format that could be incorporated into a GIS layer for future County use.

If there are any questions regarding these comments, please contact me at (410) 887-3980.

Sincerely,

Thomas Krispin
Natural Resource Specialist II
Environmental Impact Review

J:\Tom K\Forest\FBV\braun\prev\FBV-AA-MIT.doc

PETITIONER'S

401 Bosley Avenue | Towson, Maryland 21204
www.baltimorecountymd.gov

EXHIBIT NO.

3



PETITIONER'S

EXHIBIT NO. 4





















Case No.: 08-338-A

1861 CIRCLE ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Collectively - Proximity Photo's of Accessory uses in relation to McHUGH Property
No. 2	HUMAN & ROHDE INC	
No. 3	DEPRM APPROVALS 2/29/08	
No. 4	Collectively Photo's of Accessory Structures etc	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PROTESTANT' S

EXHIBIT NO. 1.

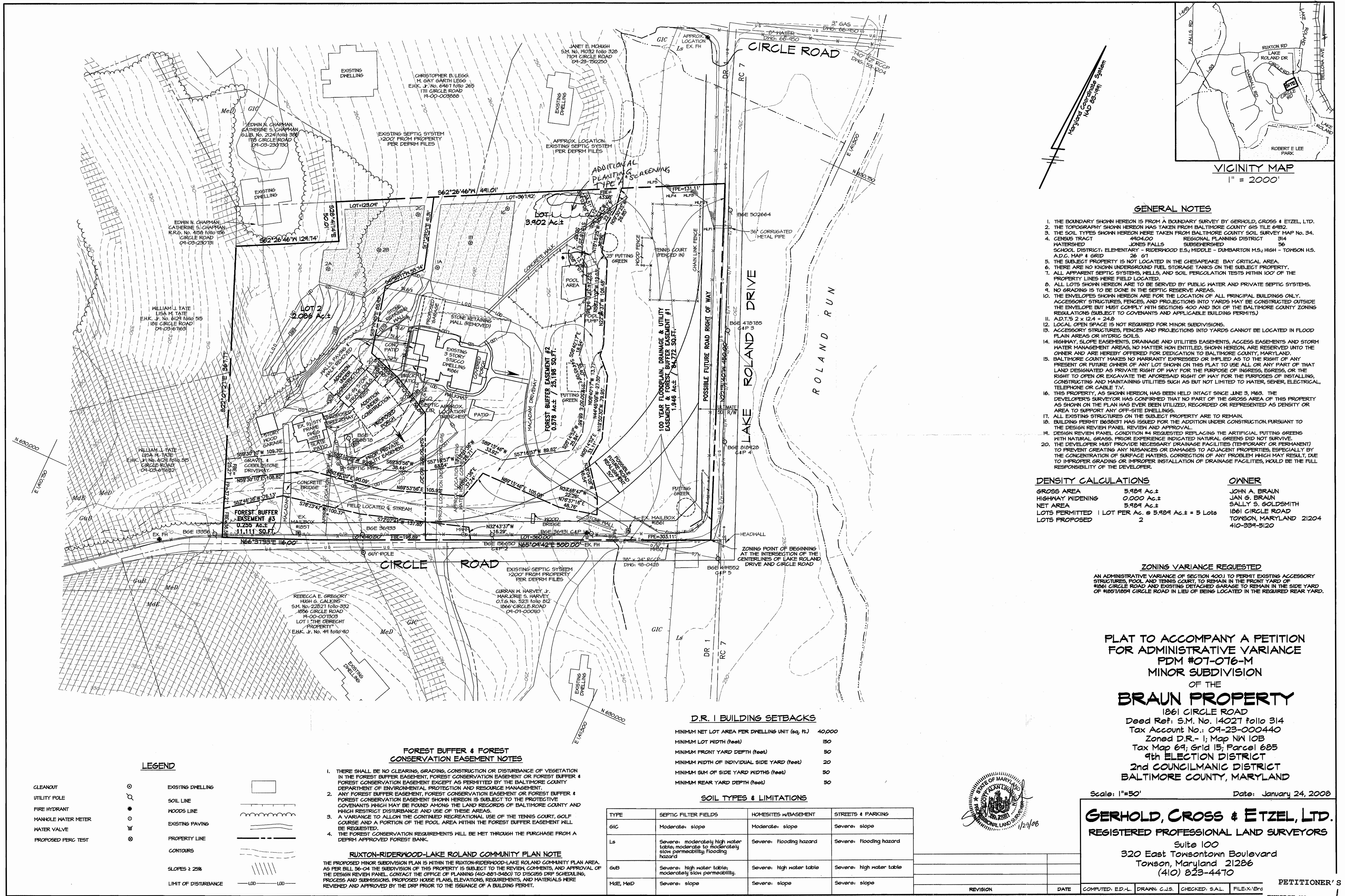


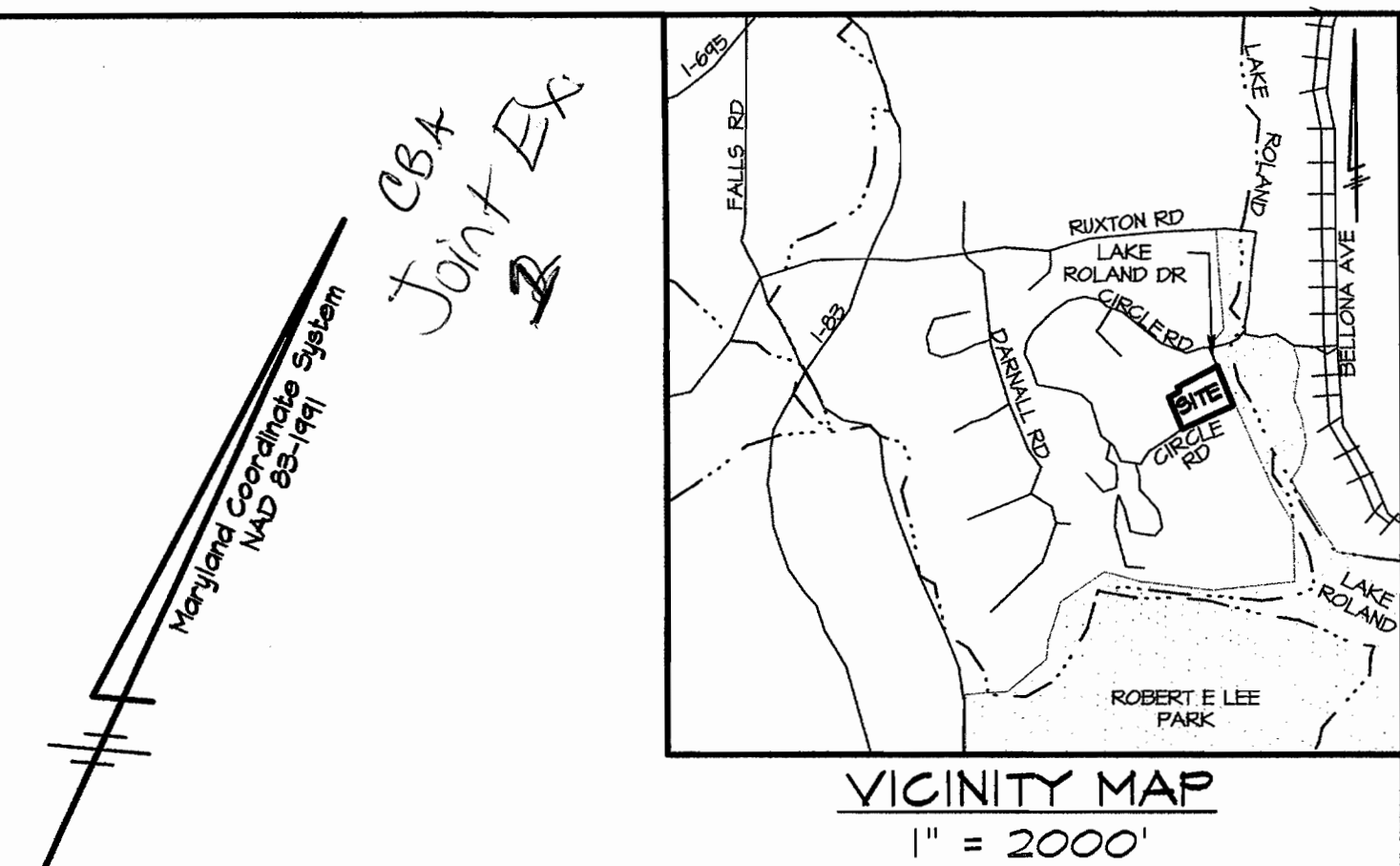
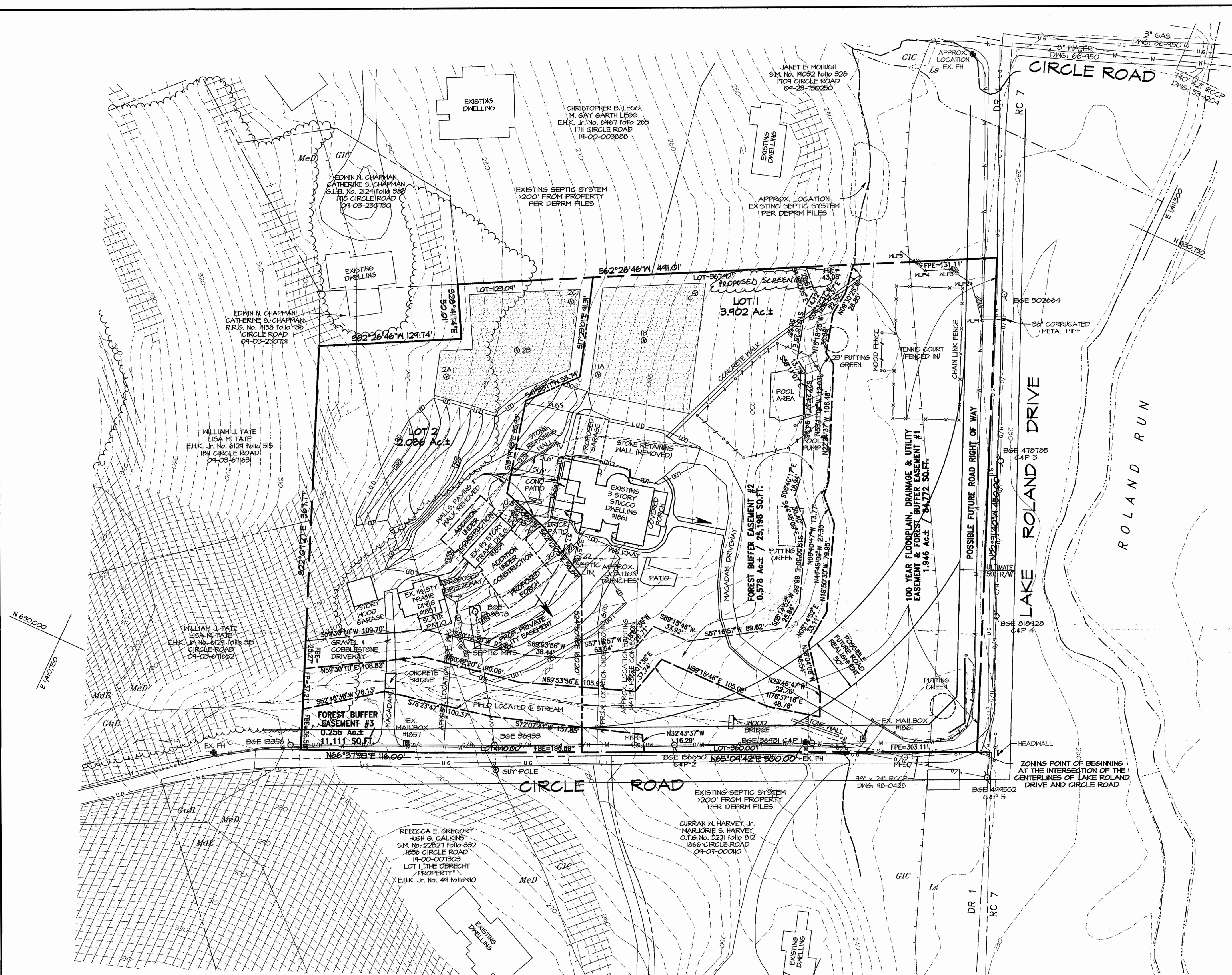












GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS FILE 6482.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 34.
4. CENSUS TRACT 4404.00 REGIONAL PLANNING DISTRICT 314
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND PRIVATE SEPTIC SYSTEMS.
9. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
10. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
11. A.D.T.S 2 x 12.4 = 24.8
12. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
13. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
14. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTIL THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
15. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
16. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE JUNE 3, 1969. THE DEVELOPER'S SURVEY OR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DENSITIES.
17. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY ARE TO REMAIN.
18. BUILDING PERMIT B68087 WAS ISSUED FOR THE ADDITION UNDER CONSTRUCTION. PURSUANT TO THE DESIGN REVIEW PANEL REVIEW AND APPROVAL.
19. DESIGN REVIEW PANEL CONDITION #4 REQUESTED REPLACING THE ARTIFICIAL PUTTING GREENS WITH NATURAL GRASS. PRIOR EXPERIENCE INDICATED NATURAL GRASSES DID NOT SURVIVE.
20. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY MISPLACES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.

DENSITY CALCULATIONS

GROSS AREA	5.909 Ac.±
HIGHWAY WIDENING	0.000 Ac.±
NET AREA	5.909 Ac.±
LOTS PERMITTED 1 LOT PER AC. @ 5.909 Ac.± = 5 Lots	
LOTS PROPOSED	2

OWNER

JOHN A. BRAUN
JAN G. BRAUN
SALLY S. GOLDSMITH
1861 CIRCLE ROAD
TOWSON, MARYLAND 21204
410-334-5120

ZONING VARIANCE REQUESTED

AN ADMINISTRATIVE VARIANCE OF SECTION 400.1 TO PERMIT EXISTING ACCESSORY STRUCTURES, POOL AND TENNIS COURT, TO REMAIN IN THE FRONT YARD OF 1861 CIRCLE ROAD AND EXISTING DETACHED GARAGE TO REMAIN IN THE SIDE YARD OF 1861 CIRCLE ROAD IN LIEU OF BEING LOCATED IN THE REQUIRED REAR YARD.

PLAT TO ACCOMPANY A PETITION FOR ADMINISTRATIVE VARIANCE PDM #07-076-M MINOR SUBDIVISION OF THE

BRAUN PROPERTY

1861 CIRCLE ROAD
Deed Ref: S.M. No. 14027 folio 314
Tax Account No.: 09-23-000440
Zoned D.R.- 1; Map NW 10B
Tax Map 69; Grid 15; Parcel 685
9th ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50'

Date: January 24, 2008

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



D.R. 1 BUILDING SETBACKS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	40,000
MINIMUM LOT WIDTH (feet)	150
MINIMUM FRONT YARD DEPTH (feet)	50
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	20
MINIMUM SUM OF SIDE YARD WIDTHS (feet)	50
MINIMUM REAR YARD DEPTH (feet)	50

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
GIC	Moderate: slope	Moderate: slope	Severe: slope
LS	Severe: moderately high water table; moderate to moderately slow permeability; Flooding hazard	Severe: Flooding hazard	Severe: Flooding hazard
GuB	Severe: high water table; moderately slow permeability.	Severe: high water table	Severe: high water table
MeD, MeD	Severe: slope	Severe: slope	Severe: slope

FOREST BUFFER & FOREST CONSERVATION EASEMENT NOTES

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT, FOREST CONSERVATION EASEMENT OR FOREST BUFFER & FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. ANY FOREST BUFFER EASEMENT, FOREST CONSERVATION EASEMENT OR FOREST BUFFER & FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO THE PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
3. A VARIANCE TO ALLOW THE CONTINUED RECREATIONAL USE OF THE TENNIS COURT, GOLF COURSE AND A PORTION OF THE POOL AREA WITHIN THE FOREST BUFFER EASEMENT WILL BE REQUESTED.
4. THE FOREST CONSERVATION REQUIREMENTS WILL BE MET THROUGH THE PURCHASE FROM A DEPRM APPROVED FOREST BANK.

RUXTON-RIDERWOOD-LAKE ROLAND COMMUNITY PLAN NOTE

THE PROPOSED MINOR SUBDIVISION PLAN IS WITHIN THE RUXTON-RIDERWOOD-LAKE ROLAND COMMUNITY PLAN AREA. AS PER BILL 56-04 THE SUBDIVISION OF THIS PROPERTY IS SUBJECT TO THE REVIEW COMMENTS, AND APPROVAL OF THE DESIGN REVIEW PANEL. CONTACT THE OFFICE OF PLANNING (410-801-3480) TO DISCUSS DRP SCHEDULING, PROCESS AND SUBMISSIONS. PROPOSED HOUSE PLANS, ELEVATIONS, REQUIREMENTS, AND MATERIALS WERE REVIEWED AND APPROVED BY THE DRP PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

LEGEND

CLEANOUT	○	EXISTING DWELLING	
UTILITY POLE	○	SOIL LINE	
FIRE HYDRANT	●	WOODS LINE	
MANHOLE WATER METER	○	EXISTING PAVING	
WATER VALVE	○	PROPERTY LINE	
PROPOSED PERC TEST	○	CONTOURS	
		SLOPES ≥ 25%	
		LIMIT OF DISTURBANCE	

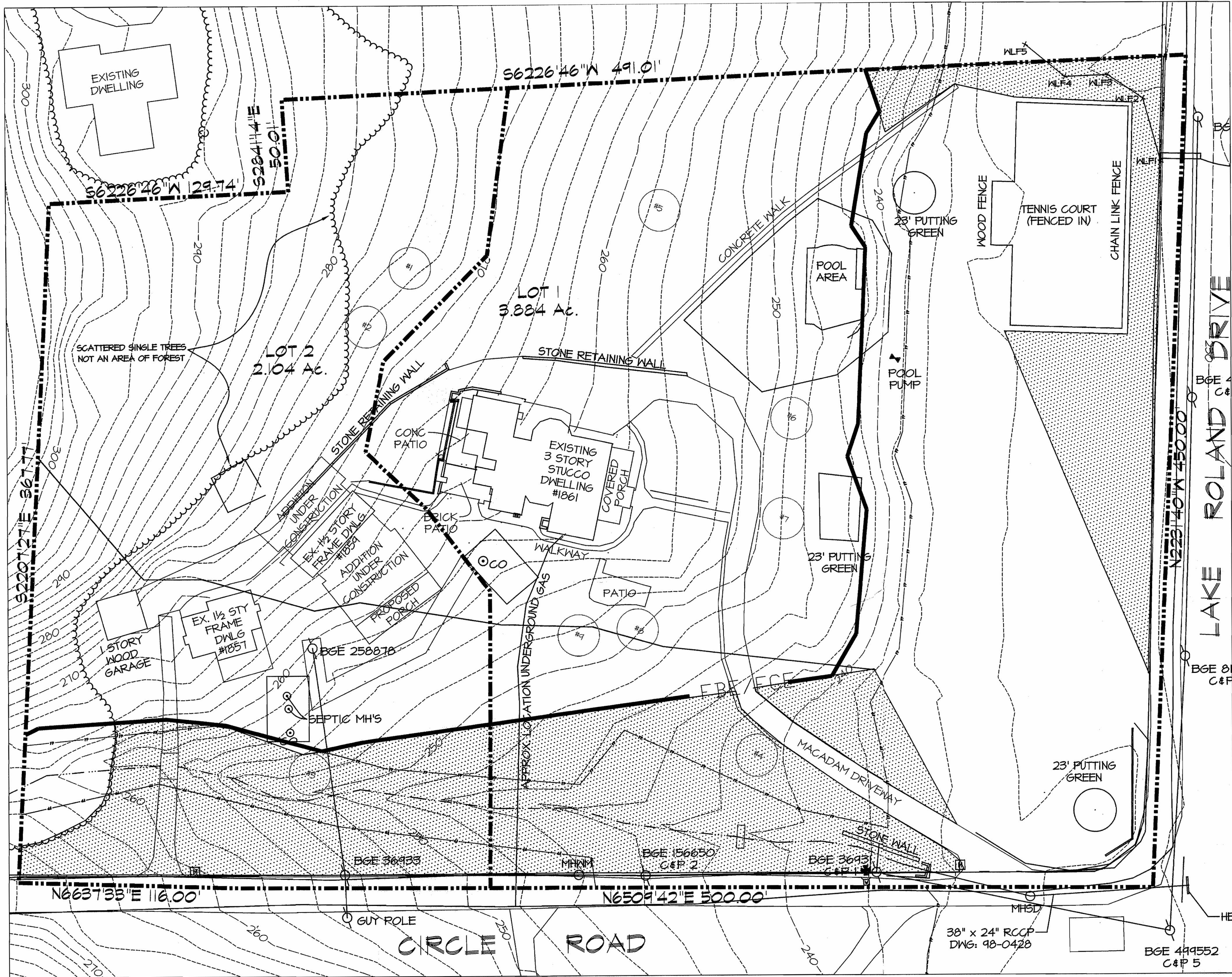


MARYLAND COORDINATE SYSTEM
NAD83(1981)

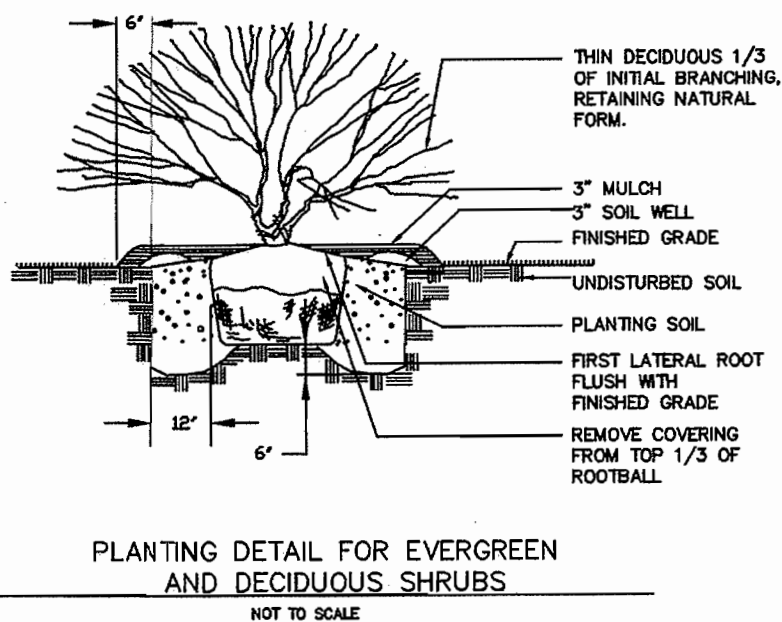
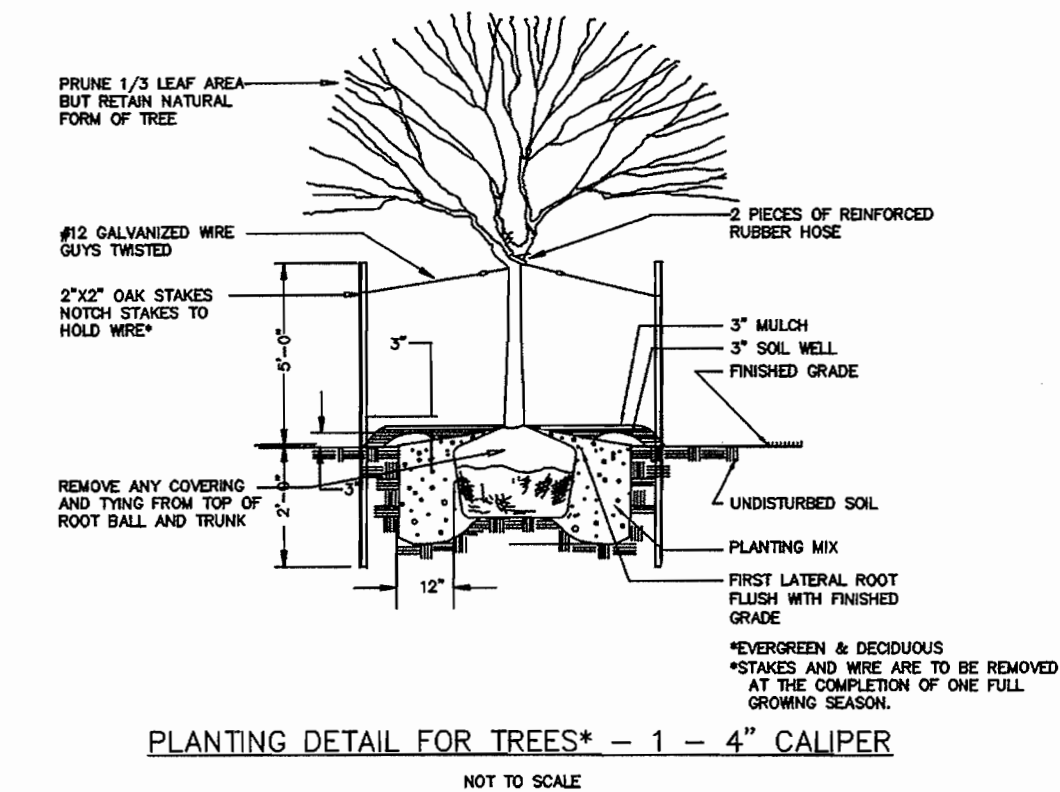
ZONING MAP

GIS TILE: 69B2

SCALE: 1" = 200'



PLANTING PLAN
SCALE 1" = 30'



PLANTING NOTES:

1. CONTRACTOR IS TO NOTIFY MISS UTILITY A MINIMUM OF 72 HOURS PRIOR TO DIGGING. TELEPHONE: 1-800-257-7777.
2. THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED 48 HOURS BEFORE PLANTING BEGINS. THE LOCATION OF ALL PLANT MATERIAL IS TO BE APPROVED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
3. THIS PLAN IS FOR PLANTING ONLY.
4. NO TREE OR SHRUB PLANTING PITS ARE TO BE LEFT OPEN OR UNATTENDED.
5. SHRUBS ARE TO BE GROUPED INTO MULCHED BEDS. BEDS ARE TO BE EDGED AND THE GRASS IS TO BE KILLED OR REMOVED PRIOR TO MULCHING.

FOREST BUFFER EASEMENT &
FOREST CONSERVATION EASEMENT NOTES

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3. APPROVAL OF A COMBINED VARIANCE AND ALTERNATIVES ANALYSIS WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS. CONDITIONS WERE PLACED ON THIS APPROVAL TO REDUCE WATER QUALITY IMPACTS, INCLUDING IMPLEMENTATION OF ON-SITE MITIGATION MEASURES.

PREPARED BY

HUMAN & ROHDE, INC.
landscape architects
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-825-3885

PLANT LIST

KEY	QTY	BOTANICAL NAME COMMON NAME	SIZE	COND.	REMARKS
	11	QUERCUS PHELLOS WILLOW OAK	2-2 1/2" CAL.	B & B	
	9	ACER RUBRUM RED MAPLE	2-2 1/2" CAL.	B & B	
	9	NYSSA SYLVATICA BLACK GUM	2-2 1/2" CAL.	B & B	
	15	BETULA NIGRA RIVER BIRCH	6-7" HT.	B & B	MULTI-STEMMED
	22	MAGNOLIA VIRGINIANA SWEETBAY MAGNOLIA	6-7" HT.	B & B	MULTI-STEMMED
	14	TAXODIUM DISTICHUM BALD Cypress	6-7" HT.	B & B	
	68	CORNUS ALTERNIFOLIA SILKY DOGWOOD	24-30" HT.	CONT.	4' O.C. STAGGERED
	68	ILEX VERTICILLATA WINTERBERRY HOLLY	24-30" HT.	CONT.	4' O.C. STAGGERED
	74	VIBURNUM DENTATUM ARROWWOOD VIBURNUM	24-30" HT.	CONT.	4' O.C. STAGGERED

SPECIFICATIONS FOR PLANTING

Plant Identification: All plants shall be properly marked for identification and checking.

Plant Materials: The Contractor shall verify plant quantities prior to bidding and any discrepancies shall be brought to the attention of the Landscape Architect. The Contractor shall furnish and plant all plants required to complete the work as shown on the drawings. Substitutions shall not be made without the written approval of the Landscape Architect. This contract will be based on the bidder having verified, prior to bidding, the availability of the required plant materials as specified on the Plant List.

Plant Quantity: All shrubs shall be dense, heavy to the ground, and well grown, showing evidence of having been sheared regularly, and sound, free of plant disease or insect eggs, and shall have a healthy, normal root system. Plants shall be nursery grown. Plants shall not be pruned prior to delivery. The shape of the plant shall in general conform to its natural growth proportions unless otherwise specified. All plants including container grown shall conform to American Standard for Nursery Stock (ANSI Z60.1, latest edition), and shall have a well-shaped, heavy branch structure for the species. Evergreen trees are to have an internode no greater than 24" and shall be uniformly well-shaped. All plant sizes shall average at least the middle of the range given in the plant list.

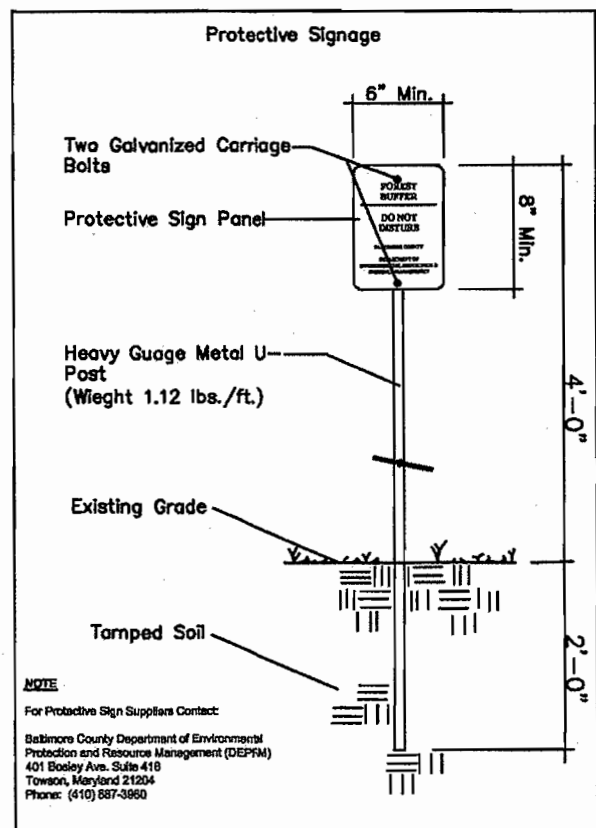
Plant Spacing: Plant spacing is to scale on the plan or as shown on the plant list.

Soil Mix: Soil mix will be 2/3 existing soil and 1/3 leaf mold or equal organic material, thoroughly mixed and homogenized.

Ball Size: The ball size shall conform to the American Association of Nurserymen's publication entitled American Standard for Nursery Stock, ANSI Z60.1, latest edition.

Excavation: Holes for all plants shall be 18" larger in diameter than size of ball or container and shall have vertical sides. Hedges shall be planted in a trench 12" wider than ball diameter. Beds for moss planting shall be entirely retotilled to a depth of 8" and shall be 18" beyond the average outside edge of plant balls. A 2" layer of organic material (i.e., leaf mold) will be incorporated into plant beds by tilling again.

Planting: Backfilling shall be done with soil mix, reasonably free of stones, subsoil, clay, lumps, stumps, roots, weeds, bermuda grass, litter, toxic substances, or any other material which may be harmful to plant growth or hinder grading, planting, or maintenance operations. Should any unforeseen or unsuitable planting conditions arise, such as faulty soil drainage or chemical residues, they should be called to the attention of the Landscape Architect and Owner for adjustments before planting. The plant shall be set plumb and straight and shall be staked at the time of planting. Backfill shall be well worked about the roots and settled by watering. Plants will be planted higher than surrounding grade.



Shrubs will be 1" higher and trees will be 3" higher. Remove rope from around tree trunks and lay back burp from top of all B&B material. Nylon or vinyl rope and/or burp will be completely removed from all plant material prior to planting.

Transplanting Trees by Tree Machine: Trees shall be moved by machines that provide a minimum of 5" per 1" of tree caliper. Holes are to be dug by the same size machine as the one transporting the plant. The plant material shall be transplanted in approximately the same growing condition as it is presently growing, in terms of soil type and moisture content. Fertilize and guy as described in these plans and specifications.

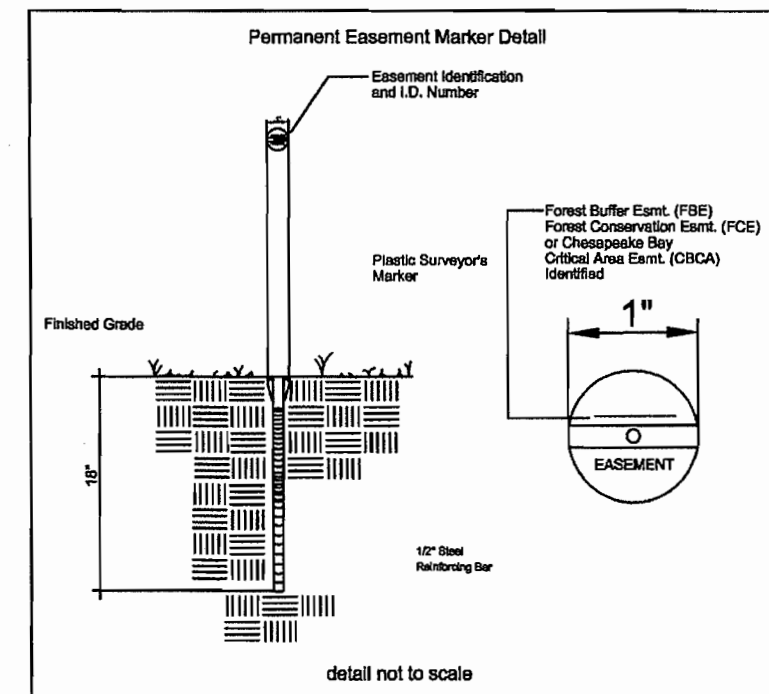
Cultivation: All trenches and shrub beds shall be cultivated, edged and mulched to a depth of 3" with shredded bark. The area around isolated plants shall be mulched to at least 6" greater diameter than that of the hole. Plant beds adjacent to buildings shall be mulched to the building wall.

Maintenance: The Contractor shall be responsible during the contract and up to the time of acceptance for keeping the planting and work incidental thereto in good condition, by replanting, plant replacement, watering, weeding, cultivating, pruning and spraying, restocking and clearing up and by performing all other necessary operations of care for promotion of good plant growth as that all work is in satisfactory condition at time of acceptance, at no additional cost to the Owner.

Fertilizer: Fertilizer shall be a slow release type contained in polyethylene perforated bags with micropore holes for controlled feeding, such as Easy Grow as manufactured by Specialty Fertilizer, Inc., Box 355, Suffern, New York 10901, or approved equal. The bags shall contain 1 ounce of soluble fertilizer analysis 16-16-16 per unit to last three (3) years and shall be applied during planting as recommended by the manufacturer. If fertilizer packets are not used, the Contractor shall apply granular fertilizer to the soil mix with 10-6-4 analysis, 50% organic, at the following rates: Trees @ 2-3 lbs. per caliper inch; Shrub Beds @ 3-5 lbs. per 100 sq. ft.; and Groundcover Beds @ 2-3 lbs. per 100 sq. ft.

Groundcover: All areas of groundcover shall be retotilled to a depth of 6". Apply 2" of organic material and rototill until thoroughly mixed. Apply fertilizer as stated above.

Guarantee and Replacement: All material shall be unconditionally guaranteed for one (1) year. The Contractor is responsible for watering but not for losses or damage caused by mechanical injury or vandalism.



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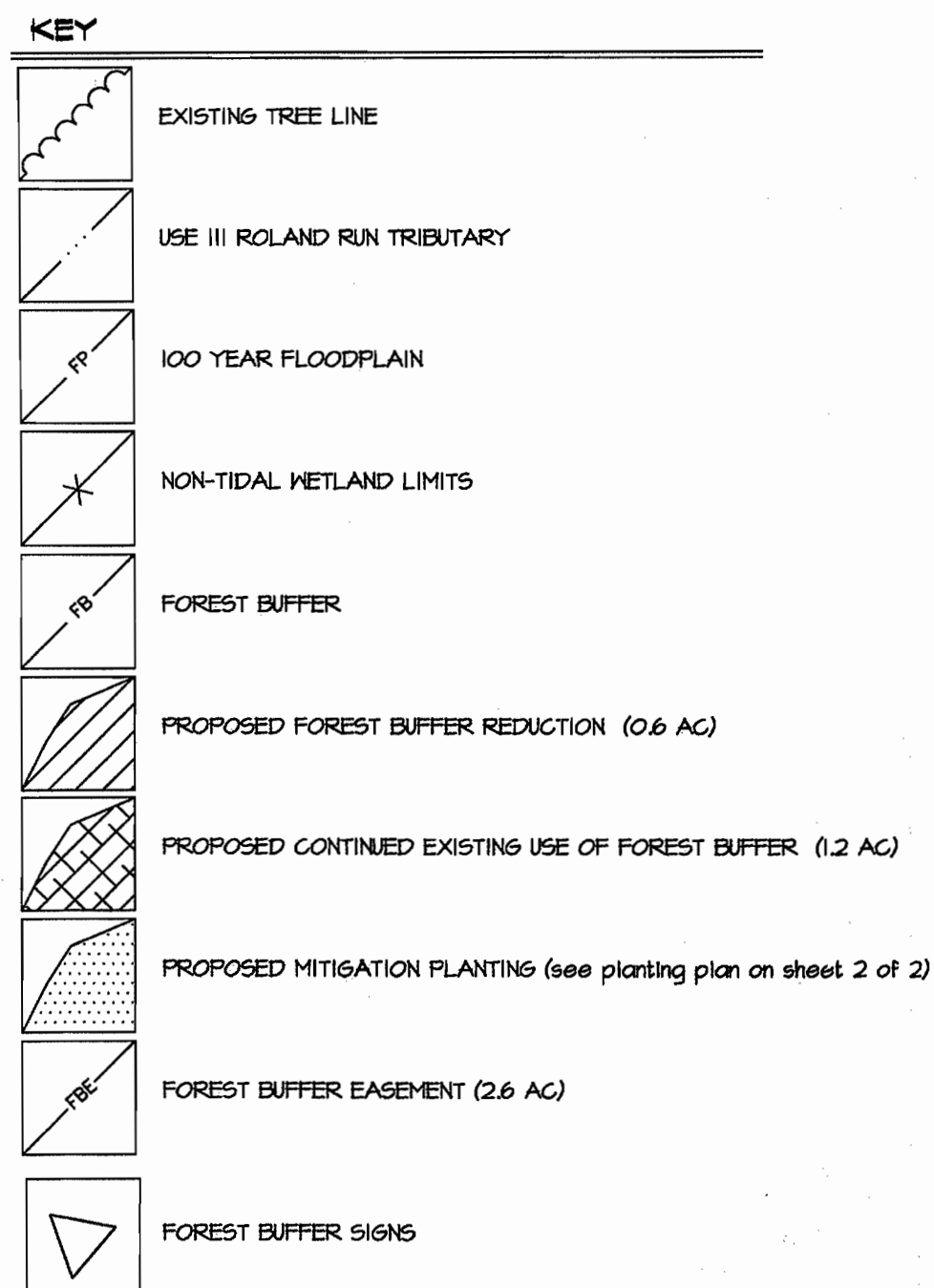
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED, DML	DRAWN, EEV	CHECKED, JCR	SHEET 2 OF 2
REVISED FLOODPLAIN	2/12/08				



SITE PLAN

SCALE 1" = 50'



FOREST CONSERVATION WORKSHEET
FOR BALTIMORE COUNTY

PROJECT NAME/PROPERTY OWNER: BRAUN PROPERTY
LOCATION: 1861 CIRCLE ROAD
REVISION: DATE: 1-29-97
APPROVAL DATE:

I. BASIC SITE DATA	ACRES
GROSS SITE AREA:	6.0
AREA WITHIN 100 YR. FLOODPLAIN:	1.9
AREA IN AGRICULTURAL USE OR PRESERVATION PARCEL:	0.0
AREA IN OVERHEAD TRANSMISSION LINE EASEMENT:	0.0
NET TRACT AREA:	4.1
LAND USE CATEGORY:	DR-1

II. INFORMATION FOR CALCULATIONS	ACRES
A. NET TRACT AREA:	4.1
B. FOREST CONSERVATION THRESHOLD (25% X A):	1.0
C. AFFORESTATION THRESHOLD (20% X A):	0.8
D. EXISTING FOREST ON NET TRACT AREA:	0.0
E. EXISTING FOREST ABOVE FOREST CONSERVATION THRESHOLD:	0.0
F. BREAK EVEN POINT: (THE AMOUNT OF FOREST TO BE RETAINED FOR NO MITIGATION (E X 0.2) + B):	NA
G. FOREST TO BE CLEARED (NOT IN EASEMENT):	0.0
H. FOREST TO BE RETAINED:	0.0

III. APPLICABILITY OF AFFORESTATION AND REFORESTATION TO SITE

I. AFFORESTATION ONLY

IF EXISTING FOREST AREAS ARE BELOW THE AFFORESTATION THRESHOLD (IF D IS LESS THAN C), AND NO FOREST CLEARING IS PROPOSED, AFFORESTATION REQUIREMENTS APPLY.

GO TO SECTION IV

IV. AFFORESTATION CALCULATIONS	ACRES
A. NET TRACT AREA:	4.1
C. AFFORESTATION THRESHOLD (20% X A):	0.8
D. EXISTING FOREST ON NET TRACT AREA:	0.0
E. FOREST TO BE CLEARED (NOT IN EASEMENT):	0.0
H. FOREST TO BE RETAINED:	0.0

1. NO CLEARING:

IF EXISTING FOREST AREAS ARE BELOW THE AFFORESTATION THRESHOLD (IF D IS LESS THAN C) AND NO FOREST CLEARING IS PROPOSED, THE FOLLOWING CALCULATIONS APPLY:

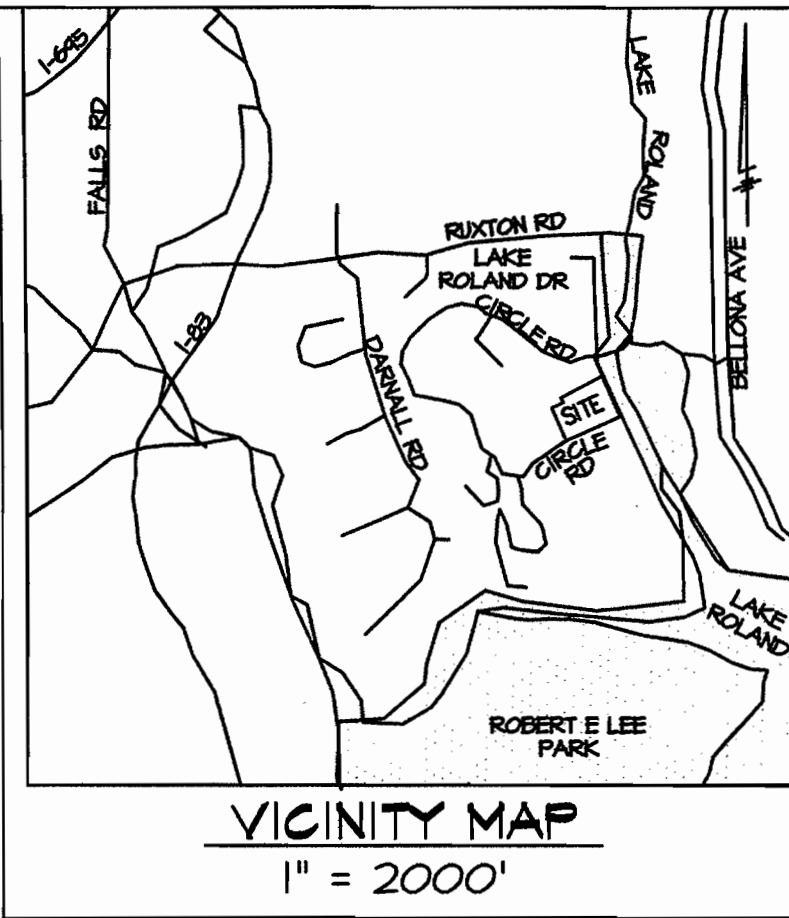
TOTAL AFFORESTATION REQUIRED (C-D): 0.8

AFFORESTATION MUST MAKE THE FOREST AREA EQUAL TO THE MINIMUM REQUIRED BY THE AFFORESTATION THRESHOLD.

NOTE: 0.8 AC. OF REFORESTATION IS REQUIRED TO SATISFY THE FOREST CONSERVATION REQUIREMENT

PLANTING CALCULATIONS

PLANTING REQUIRED = 700 TREE UNITS / ACRE
0.8 ACRES OF AFFORESTATION
0.8 AC OF FOREST BUFFER REDUCED
PLANTING REQUIRED = 1.4 AC @ 700 TREE UNITS / ACRE = 980 TREE UNITS
PLANTING PLAN PROVIDES
80 STEMS (2" CAL.) @ 7 UNITS / PLANT = 560 TREE UNITS / AC
210 STEMS (POTTED STOCK) @ 2 UNITS / PLANT = 420 TREE UNITS / AC
PLANTING PROVIDED = 980 TREE UNITS @ 700 TREE UNITS / ACRE = 1.4 AC



GENERAL NOTES

- THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
- THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 64B2.
- THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 34.
- CENSUS TRACT 4404.00 REGIONAL PLANNING DISTRICT 34 MATERSHED JONES FALLS SUBDIVISION 56 SCHOOL DISTRICT: ELEMENTARY - RIDERWOOD E.S.; MIDDLE - DUMBARTON M.S.; HIGH - TOWSON H.S. A.D.C. MAP # GRID 26 67
- THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
- ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
- ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
- NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
- THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
- A.D.T.S 2 x 12.4 = 24.8
- LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
- ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
- HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
- BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAN TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
- THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE JUNE 3, 1963. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

DENSITY CALCULATIONS

GROSS AREA	5.989 AC.
HIGHWAY WIDENING	0.000 AC.
NET AREA	5.989 AC.
LOTS PERMITTED 1 LOT PER AC. @ 5.989 AC. = 5 Lots	
LOTS PROPOSED	2

OWNER

JOHN A BRAUN
ANAN B. BRIDGE
SALLY S. GOLDSMITH
1861 CIRCLE ROAD
TOWSON, MARYLAND 21204
410-394-5120

FOREST BUFFER EASEMENT &
FOREST CONSERVATION EASEMENT NOTES

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PETITIONER'S
EXHIBIT No. #2

CONSTRUCTION SEQUENCE - MITIGATION PLANTING:

- CONTRACTOR IS TO STAKE AND FLAG THE SEDIMENT CONTROL MEASURES, LIMIT OF DISTURBANCE, LIMIT OF CLEARING, AND REFORESTATION AREAS (PROTECTIVE SIGNAGE). ORANGE HIGH VISIBILITY FENCE SHALL BE MANUALLY INSTALLED ALONG THE LIMIT OF DISTURBANCE, WHERE THE LIMIT IS WITHIN 50 FEET OF THE FOREST BUFFER/FOREST CONSERVATION EASEMENT. THIS SHALL BE COMPLETED BY AND INSPECTED.
- NOTIFY THE BALTIMORE CO. DEP. 48 HOURS IN ADVANCE, AT (410)891-3960 FOR THE PRE-CONSTRUCTION MEETING. TO INCLUDE INSPECTION OF REFORESTATION LINE AND PROTECTIVE SIGNAGE LOCATIONS.
- MONITOR THE CONDITION OF ANY TREES TO BE RETAINED DURING CONSTRUCTION AND MAKE CORRECTIVE MEASURES WHEN APPROPRIATE. DECISIONS ARE TO BE MADE WITH THE APPROVAL OF BALTIMORE CO. DEP. AND HUMAN & ROHDE, INC.
- AFTER CONSTRUCTION IS COMPLETED THE SIGNAGE FOR REFORESTATION, RETENTION, AND FOREST BUFFER AREAS IS TO REMAIN IN PLACE.
- FOLLOWING COMPLETION OF CONSTRUCTION PRIOR TO USE, A QUALIFIED PROFESSIONAL (GA) SHALL INSPECT THE SITE TO ASCERTAIN CONDITION OF TREES IN RETENTION AREAS. IF NECESSARY, IMMEDIATE CORRECTIVE MEASURES FOR STRESS REDUCTION, REPAIR OF RETAINED TREE DAMAGE, AND REMOVAL OF DEAD OR DYING TREES THAT POSE A SAFETY HAZARD.
- BRAIN FOREST BUFFER MITIGATION PLANTING SITE PREPARATION AND NOTIFY BALTIMORE CO. DEP. AT (410)891-3960 TO EXAMINE PLANT MATERIAL PRIOR TO INSTALLATION.
- NOTIFY THE LANDSCAPE ARCHITECT 48 HOURS PRIOR TO PLANTING TO FIELD LOCATE THE PLANT MATERIAL.
- PLANT FOREST BUFFER MITIGATION AREA PER STANDARDS AND SPECIFICATIONS.
- NOTIFY BALTIMORE CO. DEP. AND HUMAN & ROHDE, INC. WHEN PLANTING IS COMPLETED TO SCHEDULE AN INSPECTION.
- MONITOR FOREST BUFFER MITIGATION PLANTING AND TAKE APPROPRIATE MAINTENANCE MEASURES TO INSURE SURVIVABILITY OF PLANTS.
- ONE YEAR AFTER THE FOREST BUFFER MITIGATION PLANTING IS COMPLETE, AN INSPECTION & CERTIFICATION REPORT BY GA WILL TAKE PLACE TO GUARANTEE THAT AT LEAST 75% OF THE ORIGINAL TREES PLANTED HAVE SURVIVED. THE INSPECTION & CERTIFICATION REPORT WILL BE SUBMITTED TO DEP. TO REQUEST AN INSPECTION OF THE PLANTING.
- A SECOND YEAR AFTER THE FOREST BUFFER MITIGATION PLANTING IS COMPLETE, AN INSPECTION & CERTIFICATION REPORT BY GA WILL TAKE PLACE TO GUARANTEE THAT AT 75% OF THE ORIGINAL TREES PLANTED HAVE SURVIVED. THE INSPECTION & CERTIFICATION REPORT WILL BE SUBMITTED TO DEP. TO REQUEST AN INSPECTION OF THE PLANTING.
- A FINAL INSPECTION & CERTIFICATION BY GA WILL TAKE PLACE AT THE END OF THE THREE YEAR MAINTENANCE PERIOD. A 75% SURVIVAL RATE OF TREES PLANTED IS REQUIRED. THE INSPECTION & CERTIFICATION REPORT WILL BE SUBMITTED TO DEP. TO REQUEST AN INSPECTION OF THE PLANTING.

STANDARDS AND SPECIFICATIONS FOR MITIGATION PLANTING

- THREATS TO FOREST BUFFER MITIGATION PLANTING**
- ALL PLANTING SHALL BE DONE BETWEEN MARCH 25 AND APRIL 30, FOR SPRING PLANTING, AND BETWEEN OCTOBER 5 AND DECEMBER 31 FOR FALL PLANTING.
- OAK AND PINE SPECIES ARE TO BE PLANTED IN THE SPRING ONLY.
- PLANT MATERIAL**
- SEE PLANT LIST - THIS SHEET
- PLANTING SITE INSPECTION**
- CONTRACTOR SHALL BRIDGECUT ALL INVASIVE PLANT MATERIAL WITHIN FOREST BUFFER MITIGATION AREAS PRIOR TO PLANTING. ONCE THE PLANTING AREA IS CLEAR OF INVASIVES PREPARE A PLANTING PIT FOR EACH TREE. THE AREA DESIGNATED FOR THE PIT IS TO BE MULCHED WITH A SHREDDED HAWKWOOD PRODUCT. SOIL TESTING IS RECOMMENDED FOR MACRONUTRIENT DEFICIENCIES AND pH LEVELS. PROPER SOIL AMENDMENTS SHOULD BE MADE IF DEEMED NECESSARY (SEE PLANTING DETAILS).
- PLANT MATERIAL STORAGE**
- IT IS RECOMMENDED THAT PLANTING OCCUR WITHIN 24 HOURS OF DELIVERY TO THE SITE. PLANT MATERIALS LEFT UNPLANTED FOR MORE THAN 24 HOURS SHALL BE PROTECTED FROM DIRECT SUN AND HEAVIER AND KEPT MOIST. NURSERY STOCK SHOULD NOT BE LEFT UNPLANTED FOR MORE THAN TWO WEEKS.
- PLANTING METHOD**
- SEE PLANTING DETAILS - THIS SHEET
- MAINTENANCE AGREEMENT**
1. OWNER AGREES TO MONITOR AND MAINTAIN THE FOREST BUFFER MITIGATION PLANTING FOR THREE (3) YEARS, TO INCLUDE:
- MATERIALS TO OCCUR WHEN PLANTED AND AS REQUIRED TO ASSURE GOOD PLANT GROWTH.
 - FERTILIZER SHOULD ONLY BE APPLIED ON AS NEEDED BASIS IN CONJUNCTION WITH PROPER SOIL TESTING. THE USE OF SLOW RELEASE OR ORGANIC FERTILIZERS IS RECOMMENDED.
 - PROTECTION FROM INVASIVE PLANTS/DISEASE, PESTS, AND MECHANICAL INJURY SHOULD BE HANDLED ON AN AS NEEDED BASIS IN CONJUNCTION WITH PERIODIC SITE MONITORING.
 - REINFORCEMENT PLANTING OF SAME SIZE PLANTS AS ORIGINALLY USED WILL BE REQUIRED IF SURVIVAL RATES FALL BELOW ACCEPTED LEVELS. (75%)
2. A MAINTENANCE INSPECTION & CERTIFICATION REPORT BY A QUALIFIED PROFESSIONAL SHALL BE MADE OF THE MITIGATION PLANTED SITE THREE TIMES A YEAR (16 MARCH, JULY, NOVEMBER) TO ASSESS IMPACTS FROM COMPETING VEGETATION, PESTS, DISEASE, ETC.

FOREST BUFFER PROTECTION (FBP) SECURITY

- IN ACCORDANCE WITH SECTIONS 39-3-105 AND 39-3-102 OF THE BALTIMORE COUNTY CODE (BCC), THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT (DEPRM) OR HIS DESIGNEE MAY REQUIRE MEASURES TO REDUCE OR MINIMIZE ADVERSE IMPACTS TO WATER QUALITY, STREAMS, WETLANDS, FLOODPLAINS, AND HABITATS WHEN FOREST BUFFER DISTURBANCES OCCUR. SECTION 39-3-105 OF THE BCC PROVIDES FOR THE DIRECTOR OR HIS DESIGNEE TO REQUIRE THAT THE ABOVE-REFERENCED MEASURES BE SHOWN ON A PLAN ENTITLED FOREST BUFFER PROTECTION (FBP) PLAN, PRIOR TO THE APPROVAL OF A GRADING PERMIT OR BUILDING PERMIT. THE APPLICANT SHALL POST A SECURITY WITH DEP. TO INSURE THAT ALL WORK AUTHORIZED BY THE FBP PLAN SHALL BE DONE IN ACCORDANCE WITH THE APPROVED PLAN AND THE PROVISIONS OF THE ABOVE-REFERENCED SECTIONS.
- THE FBP PERFORMANCE SECURITY SHALL BE IN THE AMOUNT EQUAL TO ONE HUNDRED TEN (100) PERCENT OF THE ESTIMATED COST OF IMPLEMENTING THE FBP PLAN. THE ESTIMATED COST SHALL BE APPROVED BY THE DEP. IN AN INSTANCE SHALL THE AMOUNT OF THE PERFORMANCE SECURITY BE LESS THAN TWENTY FIVE CENTS PER SQUARE FOOT OF THE REQUIRED AREA.
- IN ACCORDANCE WITH DEP. POLICY, INSPECTIONS AND CERTIFICATION IS REQUIRED AT SPECIFIC STAGES OF IMPLEMENTATION. THE APPLICANT IS RESPONSIBLE FOR PROVIDING AN INSPECTION REPORT AND SHALL SUBMIT THE REPORT TO DEP. FOR APPROVAL IN ACCORDANCE WITH THE PLAN REQUIREMENTS. THE REPORT SHALL INCLUDE INFORMATION REGARDING THE NUMBER, HEALTH, SIZE, FORM AND VIGOR OF THE PLANTS, CONTROL OF INSECTS, DISEASE, AND COMPETING VEGETATION, WATERING, MECHANICAL INJURY, AND THE NAME OF THE COMPANY OR INDIVIDUAL RESPONSIBLE FOR MAINTENANCE.
- ANY DEVIATION FROM THE APPROVAL FINAL FBP PLAN SHALL BE DOCUMENTED ON A REVISED FBP PLAN. THE REVISED FBP PLAN SHALL BE REVIEWED AND APPROVED BY DEP. PRIOR TO APPROVAL OF THE INITIAL PLANTING.
- THE FBP PERFORMANCE SECURITY MAY BE REDUCED IN ACCORDANCE WITH SECTION 39-3-105 OF THE BCC. DEP. SHALL ENTERTAIN REQUESTS FOR SECURITY REDUCTION AT THE FOLLOWING STAGES OF CONSTRUCTION, SUBJECT TO CONDITIONS HEREIN.

- IMPLEMENTATION OF THE FBP PLAN:
UPON INSPECTION OF THE PLANTING AND APPROVAL OF THE REPORT, DEP. MAY BEGIN THE THREE (3) YEAR MAINTENANCE AGREEMENT. NO REDUCTION IN SECURITY SHALL BE ENTERED AT THIS STAGE.
 - UPON COMPLETION OF THE FIRST YEAR OF THE MAINTENANCE AGREEMENT:
THE REQUIREMENT FOR INSPECTION AND CERTIFICATION AND SUBMITTAL OF AN INSPECTION REPORT IS REPEATED AT THE END OF THE FIRST YEAR. IF DEFICIENCIES EXIST, AND THEY ARE NOT CORRECTED, DEP. RESERVES THE RIGHT NOT TO REDUCE THE PERFORMANCE SECURITY.
 - UPON COMPLETION OF THE SECOND YEAR OF THE MAINTENANCE AGREEMENT:
THE REQUIREMENT FOR INSPECTION AND CERTIFICATION AND SUBMITTAL OF AN INSPECTION REPORT IS REPEATED AT THE END OF THE SECOND YEAR. UPON INSPECTION OF THE PLANTING AND APPROVAL OF THE REPORT, DEP. MAY REQUEST THE DEP. TO APPROVE REDUCTION OF THE PERFORMANCE SECURITY TO AN AMOUNT EQUAL TO FIFTY (50) PERCENT OF THE ORIGINAL SECURITY. UPON DEP. APPROVAL, THE PERFORMANCE SECURITY MAY BE REDUCED.
 - UPON COMPLETION OF THE THIRD YEAR OF THE MAINTENANCE AGREEMENT:
THE REQUIREMENT FOR INSPECTION AND CERTIFICATION AND SUBMITTAL OF AN INSPECTION REPORT IS REPEATED AT THE END OF THE THIRD YEAR.
- THE MINIMUM SURVIVAL RATE SHALL BE SEVENTY FIVE (75) PERCENT OF THE TOTAL NUMBER OF PLANTS PER ACRE AT THE END OF THE THREE-YEAR MAINTENANCE AGREEMENT. UPON INSPECTIONS OF THE PLANTING AND APPROVAL OF THE REPORT, DEP. MAY REQUEST THE DEP. TO REDUCE THE PERFORMANCE SECURITY TO 25% (25) UPON DEP. APPROVAL, THE SECURITY MAY BE FULLY REDUCED.

PREPARED BY

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REVISED FLOODPLAIN	2/12/08	COMPUTED: DML	DRAWN: EEV	CHECKED: JCR	SHEET 1 OF 2
REVISION	DATE	COMPUTED: DML	DRAWN: EEV	CHECKED: JCR	SHEET 1 OF 2