

IN RE: DEVELOPMENT PLAN HEARING	*	BEFORE THE
N and E sides Woodholme Avenue, N		
Baltimore Beltway I-695	*	HEARING OFFICER
3 rd Election District		
2 nd Councilmanic District	*	FOR BALTIMORE COUNTY
(WOODHOLME GREEN, F/K/A		
111 WOODHOLME AVENUE)	*	
 Alan Klatsky, Prestige Development	*	Case No. III-483 and
<i>Developer/Petitioner</i>		Case No. 08-358-SPHA
	*	

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, for a public hearing on a Development Plan proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code (B.C.C.). This public hearing was combined with the hearing requested for the consideration of certain zoning approvals, pursuant to Section 32-4-230 of the B.C.C. The Developer of the property, Alan Klatsky/Prestige Development submitted for approval a development plan prepared by Colbert Matz Rosenfelt, Inc., known as "Woodholme Green" (F/K/A 111 Woodholme Avenue). The Developer is proposing the development of the subject property into eight (one existing and seven proposed) single-family dwelling units on 8.42 acres, more or less, of land zoned D.R.1. The proposed development is more particularly described on the redlined Development Plan, which was marked and accepted into evidence collectively as Developer's Exhibits 1A (the redline plan), 1B (the black line plan) and 1C (the zoning plat).

The Developer is also requesting a Special Hearing filed under the authority provided in Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Section 32-4-107(a) of the B.C.C., to permit access to the local street or collector street through the existing

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right-of-way instead of an in-lot strip, as permitted by Section 32-4-409(b)(1), (c) and Section 32-4-101(ee) of the B.C.C.; and if necessary, pursuant to Section 32-4-107(a) of the B.C.C., to permit panhandle strips less than 12 feet in width, as required by Section 32-4-409(b)(2)(iv) of the B.C.C.; and if necessary, to find the attached redlined Development Plan meets the requirements of Section 32-4-409(d) of the B.C.C.

The Petitioner is also requesting Variances as follows:

- To permit existing accessory structures (garage/shed, swimming pool), for Lot 4, to be located in the front/side yard rather than the rear yard, pursuant to Section 400.1 of the BCZR; and
- To allow an existing accessory structure (garage), for Lot 4, with a height of 20 feet (+/-) in lieu of the maximum permitted 15 feet pursuant to Section 400.1 of the B.C.Z.R.; and
- Pursuant to Section 32-4-409(e)(3) of the B.C.C., from the requirements of Section 32-4-409(e)(1) of the B.C.C., to allow a panhandle driveway as depicted on the redlined Development Plan with a length of 1160 in lieu of the maximum permitted 500 feet in a D.R. zone; and
- To permit rear yard setbacks of 25 feet (for proposed Lots 5 and 6) in lieu of the required 30 feet by Section 1B01.2.C.1.b of the B.C.Z.R.; and
- Pursuant to Section 500.7 of the B.C.Z.R. and Section 32-4-101(v) of the B.C.C., to permit a single panhandle driveway to serve eight lots in lieu of the maximum permitted five lots.

The property was posted with Notice of Hearing Officer's Hearing on December 28, 2007, for 20 working days prior to the hearing, in order to notify all interested citizens of the date and location of the hearing.

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As to the history of the project, a concept plan of the proposed development was prepared and Concept Plan Conference (CPC) was held on July 16, 2007 at 9:00 AM in the County Office Building. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is initially reviewed by and between representatives of the Developer and the reviewing County Agencies at the CPC. Thereafter, as is also required in the development review process, notice of a Community Input Meeting (CIM) is posted and scheduled during evening hours at a location near the proposed subdivision to provide residents of the area an opportunity to review and comment firsthand on the plan. In this case, the CIM was held on August 13, 2007 at 7:00 PM at the Randallstown Public Library located at 8604 Liberty Road, where representatives of the Developer and the County attended, as well as a number of interested persons from the community. Subsequently, a development plan is prepared, based upon the comments received at the CPC and the CIM, and the development plan is submitted for further review at a Development Plan Conference (DPC), which, again, is held between the Developer's consultants and County agency representatives to further review and scrutinize the plan. The Development Plan Conference occurred on January 16, 2008.

The Hearing Officer's Hearing for this proposed development was then held on February 8, 2008 in Room 106 of the County Office Building. Due to certain unresolved issues, a second Hearing Officer's Hearing was conducted on February 28, 2008. The record of the case was then held open to allow the Department of Environmental Protection and Resource Management (DEPRM) to complete analysis of the plan and submit amended written development plan comments.

It should be noted that at the Hearing Officer's Hearing the role of each reviewing County agency in the development review and approval process is to independently and

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thoroughly review the development plan as it pertains to their specific area of concern and expertise. These agencies provide comments to the plan and make determinations where necessary as to whether the plan complies with applicable Federal, State, and/or County laws and regulations pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan and approval process.

Appearing at the requisite public hearing in support of the Development Plan approval request was the Developer, Alan Klatsky, with Prestige Development, and Richard Matz, P.E., with Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the plan. Lawrence E. Schmidt, Esquire represented the Developer. Brent M. Erbe, who resides near the subject property, attended the February 8, 2008 hearing as an interested person.

Also in attendance were representatives of the various Baltimore County reviewing agencies, including the following individuals from the Department of Permits and Development Management: Darryl Putty (on behalf of John Sullivan, Project Manager), Dennis Kennedy (Development Plans Review), Jun Fernando (on behalf of Aaron Tsui) (Zoning Review Office), and Ron Goodwin (Bureau of Land Acquisition). Also appearing on behalf of the County were David Lykens from the Department of Environmental Protection and Resource Management (DEPRM); Curtis Murray from the Office of Planning; and Bruce Gill from the Department of Recreation & Parks. In addition, written comments were received from Lt. Roland Bosley, Jr. of the Baltimore County Fire Marshal's Office and Steven D. Foster on behalf of the Maryland State Highway Administration. These and other agency remarks are contained within the case file. These County representatives addressed their respective review of the plan as follows:

Recreation and Parks: Bruce Gill appeared on behalf of the Department of Recreation and Parks and indicated that the required local open space for the development proposal is 8,000

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square feet or 0.18 acre, more or less, of which 5,200 square feet is active and 2,800 square feet is passive open space. Mr. Gill also indicated that a proposed development involving 20 units or less should be considered for a fee in lieu of open space if requested. He confirmed that a waiver of local open space requirements, pursuant to Section 32-6-108(c)(3)(ii) and (d) of the B.C.C., was requested by the Developer to pay a fee in lieu of providing local open space. The Department granted that request as verified in a letter dated January 29, 2008 which was marked and accepted into evidence as Baltimore County Exhibit 1, and indicated that a fee of \$37,440.00 is to be paid prior to the recordation of the Record Plat. Therefore, the Department of Recreation and Parks recommended approval of the redlined Development Plan.

Office of Zoning Review: Jun Fernando appeared on behalf of the Zoning Review Office. He indicated that all comments had been addressed and that his department recommended approval of the redlined development plan, contingent upon resolution of the issues identified in the zoning petitions.

Land Acquisition: Ron Goodwin appeared on behalf of the Bureau of Land Acquisition. Mr. Goodwin indicated that his agency had no open issues and recommended approval.

Development Plans Review (Public Works): Dennis Kennedy appeared on behalf of the Bureau of Development Plans Review. At the initial hearing, Mr. Kennedy identified an open issue related to Policy Ten as contained within the Policy Manual for the Department of Permits and Development Management. That Policy applies to residential projects adjacent to interstate highways. In this case, Policy Ten is applicable due to the property's proximity with Interstate 695 (Baltimore Beltway). The Developer had commissioned an acoustics expert (Mike Staiano) to conduct a noise analysis of existing and anticipated levels of noise generated by the Baltimore Beltway and impacts on the proposed subdivision. Mr. Staiano's traffic noise impact study

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(TNIS) was submitted to the State Highway Administration (SHA) for review and analysis. By letter dated February 27, 2008, Stephen D. Foster, Chief of the Engineering Access Permits Division for SHA advised Mr. Kennedy that Mr. Staiano's analysis and recommendations meet the requirements in the County regulations. A copy of the letter was marked and accepted into evidence as Baltimore County Exhibit 2. It is also to be noted the SHA is currently constructing a sound barrier adjacent to the subject property. In fact, much of this construction has been completed since the hearing dates for this case. Given the report and that construction, I am satisfied that the redlined Development Plan meets the requirements of Policy Ten. Moreover, testimony offered at the hearing is that the dwellings on proposed Lots 3 and 8 would be lowered through grading of those lots, to further reduce noise impacts. Based upon this evidence, the Department of Permits and Development Management does not oppose the approval of this plan. There were no other outstanding issues identified by Mr. Kennedy.

Planning Office: Curtis Murray appeared on behalf of the Office of Planning. He indicated that a School Impact Analysis was prepared which showed that the impacted schools (Woodholme Elementary, Pikesville Middle School and Pikesville High School) had adequate capacity under the County's adequate public facilities law. He also confirmed that a pattern book had been submitted and reviewed by his office, and that the project was in compliance with Section 260 of the B.C.Z.R. (Residential Performance Standards). Mr. Murray did request that any approval be contingent upon two conditions; namely that the pattern book be revised to include photographs of the existing dwelling and site features and that the proposed garage doors shown in the pattern book be revised to provide additional articulation (i.e. windows, panels, carriage doors, etc.). With these restrictions, the Office of Planning does not object to approval of the redlined Development Plan. Their comments relating to the zoning component of this case

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will be discussed hereinafter.

Department of Environmental Protection and Resource Management: David Lykens appeared on behalf of DEPRM. At the time of the hearings, Mr. Lykens indicated there were several open issues regarding this plan. Thus he requested that the record of the case be held open until DEPRM had completed its review of the various plans, studies, and submissions made to that agency by the Developer. Subsequent to the hearing, an amended development plan comment was received from DEPRM stating that the stormwater management plan for the subject property had been reviewed and approved by Robert Wood of that agency. The level of detail required for a preliminary stormwater management plan (i.e. verification of suitable outfall and preliminary hydrology computations) has been submitted to, and reviewed and approved by DEPRM.

Secondly, Mr. Lykens indicated that the Division of Environmental Impact Review had not yet completed its analysis of the project, specifically an alternatives analysis as it related to the impacts on the forest buffer and a forest buffer variance that was sought by the applicant. Subsequent to the hearing, a copy of a letter dated May 21, 2008, approving the alternative analysis to permit development of eight lots and associated impacts on the forest buffer was submitted to the Hearing Officer, thereby resolving that issue. Additionally, in a letter dated May 28, 2008 from DEPRM, a forest buffer variance was granted to allow the continued use of lawn area and to reduce the forest buffer easement by 425 square feet. With the receipt of these letters and an amended development plan comment dated June 23, 2008, DEPRM's issues have been resolved.

The issue involving the continued use of the lawn was of some concern to the Developer. At the hearing, the Developer, Mr. Klatsky, expressed the belief that reforesting the open areas

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of the front of the property near Woodholme Avenue would result in the development being out of character with the surrounding properties and the nearby golf course. Mr. Klatsky offered to send photographs of the area to better illustrate his point. The undersigned received photographs along with a letter dated March 14, 2008 from Mr. Klatsky, which is contained within the case file. The photographs show the area of concern on the property and the nearby areas on Woodholme Avenue. After reviewing these photographs, I agree it would be more attractive and in keeping with the golf course community to keep the grassy area open as it is, than it would be to plant hundreds of sapling trees in an effort to allow this picturesque landscape to grow wild. Hence, my recommendation with regard to this issue is that DEPRM permit this area to remain open, without reforestation.

Turning now to the more formal portion of the hearing, the Developer offered the testimony of Richard Matz, a professional engineer with Colbert Matz Rosenfelt, Inc. He testified that he is familiar with the laws and regulations pertaining to residential and commercial development and was offered and accepted as an expert zoning and land development matters.

Mr. Matz testified that he oversaw the preparation of the redlined Development Plan. He attended the Community Input Meeting, the Concept Plan Conference, the Development Plan Conference, and met with representatives of the County agencies. He also prepared and sealed the redlined Development Plan marked and accepted into evidence as Developer's Exhibits 1A, 1B and 1C. Mr. Matz also oversaw preparation of the Schematic Landscape Plan that was marked and accepted into evidence as Developer's Exhibit 2.

At the hearing, Mr. Matz, testified that the redlined Development Plan had been presented to County agency representatives for review and that but for the open comments identified hereinabove, had addressed and met the agencies' concerns. He also testified that

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based upon his professional knowledge and experience, the redlined Development Plan complies with the development regulations and applicable provisions of the B.C.C. As noted above, the development plan issues that were identified as unresolved at the hearings for this matter were ultimately resolved and verification of that resolution was by way of the amended development plan comment from Mr. Lykens.

The Baltimore County Code clearly provides that the "Hearing Officer shall gain approval of a development plan that complies with these development regulations and applicable policies, rules and regulations" (*See*, Section 32-4-229 of the B.C.C.). After due consideration of the testimony presented by Mr. Matz concerning the development plan, as well as the amended development plan comments from DEPRM and the testimony of the County agency representatives, I find that the redlined Development Plan is in compliance with the applicable policies, rules and regulations. Therefore having identified no remaining outstanding issues that would prevent plan approval, the Developer has satisfied its burden of proof and therefore is entitled to approval of the development plan.

As noted above, the Hearing Officer's Hearing on the development plan for this project was combined with a hearing for Petitions for Variance and Special Hearing filed by the applicant, pursuant to Section 32-4-230 of the B.C.C. The Special Hearing requests relate entirely to the proposed means of vehicular access to this residential subdivision and certain of the Variance requests relate to existing conditions on the site.

As more particularly shown on the plan, this subject property consists of approximately 8.2 acres in area and is currently improved with an existing single-family detached dwelling known as 111 Woodholme Avenue. In addition to this "mansion" building, the site is also improved with an existing in-ground swimming pool and a freestanding garage building. Both

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of these accessory structures serve the existing dwelling. The existing dwelling is served by a serpentine driveway which leads to the interior of the site from Woodholme Avenue. The driveway is paved with a macadam type surface and its location and configuration is largely driven by the unique environmental constraints associated with this property. Specifically, an existing stream runs along the perimeter of the property adjacent to Woodholme Avenue. Additionally, there is a large area of wetlands and an attractively maintained lawn area on the northern portion of the site. To the south, the property immediately abuts the right-of-way to the Baltimore Beltway; however, this area of right-of-way is screened by a row of mature trees and vegetation.

Turning first to the Petition for Special Hearing request, relief is requested in the alternative to permit access to the subdivision through the existing driveway. There are several factors which necessitate this request. First, it is to be noted that Baltimore City requires that each lot have fee-simple access to a public road in order for there to be public utilities (i.e. water) to each individual lot. The Developer had originally proposed flag type lots with narrow strips from each of the lots extending across the property (through the sensitive environmental areas) to Woodholme Avenue. Although it was not anticipated that these strips would ever be used for access or paved, DEPRM raised concerns about the locations of these strips. That agency preferred the elimination of the strips where shown. Representatives from the Bureau of Development Plans Review (Mr. Kennedy) and the Office of Planning (Curtis Murray) also participated in this discussion. Each of those agencies expressed concerns about an appropriate means of in-fee access to each lot, while respecting the environmental sensitivity of the area and DEPRM's concerns.

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Ultimately, after substantial testimony and evidence on this issue -- which is reflected in the record of this case -- the County agencies and the Developer agreed to a compromise which appears to address the requirements for access, while acknowledging the unique environmental limitations of this property. Specifically, as more particularly shown on the redlined Development Plan, each of the proposed lots will own a two foot wide strip that will be located along and adjacent to the existing driveway. This satisfies the technical requirement that each lot have fee-simple frontage to a public road (Woodholme Avenue), while assuring that there will be no disturbance necessary to environmentally sensitive areas to provide vehicular access to each of the lots; that is, but for minor improvements to the driveway, access to the subdivision will continue to be by way of the existing driveway which presently serves 111 Woodholme Avenue. The configuration of these strips is more particularly shown on the redlined Development Plan and is acceptable to DEPRM, the Department of Public Works, and the Office of Planning.

In order to approve this layout, Special Hearing relief will be granted pursuant to Section 32-4-107(a) of the B.C.C. to permit panhandle strips less than 12 feet in width as required by Section 32-4-409(b)(2)(iv). The other two prongs of requested relief in the Petition for Special Hearing (i.e. to permit access to a collector street through an existing right-of-way and to find that the development plan meets the requirement of Section 32-4-409(g) of the B.C.C.) shall be dismissed, as moot. The grant of Special Hearing relief pursuant to these Sections is not necessary.

Turning to the Petition for Variance, as noted above, a series of variances are requested. Two such variances are for existing improvements associated with the mansion building and its accessory structures. As more particularly shown on the plan, variance relief is requested to legitimize the location of those structures in the front/side yard of proposed Lot 4, pursuant to

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Section 400.1 of the B.C.Z.R. Secondly, the existing garage structure is approximately 20 feet in height. Variance relief is thereby requested from the 15 foot maximum height limitation under Section 400.1. Both of these variances shall be granted. They are requested to legitimize an exiting condition. To require the removal or relocation of exiting access structures would be unduly burdensome and inappropriate.

The third request for variance relates to proposed Lots 5 and 6 and was largely generated from a previous development plan comment from the Office of Planning. In order to provide adequate screening for the proposed subdivision from the noise associated with the Baltimore Beltway, the Office of Planning suggested a slight reconfiguration of the site layout. That modification resulted in rear yard setbacks that are slightly narrower than required. In particular, as noted on the plan, the rear yard setbacks from lots 5 and 6 are 25 feet in dimension -- slightly smaller than the 30 feet required under Section 1B01.2.C.1.b of the B.C.Z.R. This variance is also justified. The subject properties are easily found to be unique give then unusual configuration of the tract and more particularly the significant environmental constraints associated with this property. In effect, the development is clustered to avoid areas of significant slope, wetlands and stream buffers. Additionally, the location of the property immediately adjacent to the Baltimore Beltway drives the need for variance. I easily find that the Developer/Petitioner would suffer a practical difficulty if relief were not granted and believe that the layout as proposed is appropriate.

The final two variances relate to the panhandle driveways and the proposed means of access. First, variance relief is requested to permit an existing panhandle driveway with the length of 1,160 feet in lieu of the maximum permitted 500 feet in the D.R. zone. Secondly, variance relief is requested pursuant to Section 500.7 of the B.C.Z.R. and Section 32-4-409(f) of

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the B.C.C., to permit a single panhandle driveway to serve eight lots in lieu of the maximum permitted five lots. As indicated above, the means of proposed access was a result of extensive negotiation and input from not only the developer's engineer, but also County agencies including DEPRM, the Office of Planning, and the Department of Public Works. Ultimately, it was agreed by these parties that the retention of the existing driveway was most practical and appropriate. In fact, that driveway is presently 1,160 feet long as it extends from Woodholme Avenue to the exiting mansion building. The driveway is not being lengthened as a result of this proposal. Additionally, it is appropriate that that driveway be utilized as the sole means of access for all eight lots proposed. The subject property is within the density permitted under the zoning regulations and thus the property is not overdeveloped. Additionally, all lots are sized appropriately and no variance relief is requested to permit undersized lots. As shown on the redlined Development Plan, a large area of the property will be dedicated as a Homeowners Association parcel, including a vast area which features steep slopes, wetlands and stream buffers.

In sum, I am persuaded that the variances should be granted for the factors enumerated above. I find that the Developer/Petitioner has met the requirements of Section 307 of the B.C.Z.R. for variance relief.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, the redlined "Woodholme Green" Development Plan, introduced as Developer's Exhibits 1A, 1B and 1C, shall be approved consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Hearing Officer/Deputy Zoning Commissioner for Baltimore County, this 8th day of July, 2008, that the redlined "WOODHOLME

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GREEN” Development Plan, entered into evidence as “Developer’s Exhibits 1A, 1B and 1C,” be and is hereby APPROVED; and

IT IS FURTHER ORDERED that Petitioner’s request for Special Hearing filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and pursuant to Section 32-4-107(a) of the Baltimore County Code (B.C.C.), to permit panhandle strips less than 12 feet in width, as required by Section 32-4-409(b)(2)(iv) of the B.C.C., be in is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner’s request for Special Hearing filed in accordance with Section 500.7 of the B.C.Z.R. pursuant to Section 32-4-107(a) of the B.C.C., to permit access to the local street or collector street through the existing right-of-way instead of an in-fee strip, as permitted by Sections 32-4-409(b)(1), (c) and 32-4-101(ee) of the B.C.C.; and if necessary; to find the attached Development Plan meets the requirements of Section 32-4-409(d) of the B.C.C. be and are hereby DISMISSED AS MOOT; and

IT IS FURTHER ORDERED that Petitioner’s request for Variances as follows:

- To permit existing accessory structures (garage/shed, swimming pool), for Lot 4, to be located in the front/side yard rather than the rear yard, pursuant to Section 400.1 of the B.C.Z.R.; and
- To allow an existing accessory structure (garage), for Lot 4, with a height of 20 feet (+/-) in lieu of the maximum permitted 15 feet pursuant to Section 400.1 of the B.C.Z.R.; and
- Pursuant to Section 32-4-409(e)(3) of the B.C.C., from the requirements of Section 32-4-409(e)(1) of the B.C.C., to allow a panhandle driveway as depicted on the redlined Development Plan with a length of 1,160 feet in lieu of the maximum permitted 500 feet in a D.R. zone; and

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- To permit rear yard setbacks of 25 feet (for proposed Lots 5 and 6) in lieu of the required 30 feet by Section 1B01.2.c.1.(b) of the B.C.Z.R.; and
- Pursuant to Section 500.7 of the B.C.Z.R. and Section 32-4-101(v) of the B.C.C., to permit a single panhandle driveway to serve eight lots in lieu of the maximum permitted five lots,

be and are hereby GRANTED, subject to the following: Any appeal of this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code and the applicable provisions of law.



THOMAS H. BOSTWICK
Hearing Officer/Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 8, 2008

LAWRENCE E. SCHMIDT, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Development Plan Order
Case No. III-483 and Case No. 08-358-SPHA
Project: WOODHOLME GREEN, F/K/A 111
WOODHOLME AVENUE

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Richard E. Matz, Colbert, Matz & Rosenfelt, 2835 Smith Avenue Suite G, Baltimore, MD 21209
Alan Klatsky, Prestige Development, 5 Spring Forest Court, Owings Mills MD 21117



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 111 Woodholme Avenue
which is presently zoned D.R. 1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, interested person(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition(s) 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

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Alan Klatsky, Prestige Development

Name - Type or Print

Alan Klatsky

Signature

5 Spring Forest Court

(410) 356-4700

Address

Telephone No.

Owings Mills

MD

21117

City

State

Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt

Name - Type or Print

Lawrence E. Schmidt

Signature Jason T. Vettori

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Interested Person(s):

Edward M. Miller

Name - Type or Print

Edward M. Miller

Signature

Diane L. Miller

Name - Type or Print

Diane L. Miller

Signature

111 Woodholme Avenue

Address

Telephone No.

Baltimore

MD

21208

City

State

Zip Code

Representative to be Contacted:

Lawrence E. Schmidt, 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. 08-358-SPHA

Reviewed By JF Date 2-11-08

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ATTACHMENT TO PETITION FOR SPECIAL HEARING
111 Woodholme Avenue

1. If necessary, pursuant to Baltimore County Code ("BCC") §32-4-107(a), to permit access to the local street or collector street through the existing right-of-way instead of an in-fee strip, as permitted by BCC §32-4-409(b)(1), (c) and §32-4-101(ee);
2. If necessary, pursuant to BCC §32-4-107(a), to permit panhandle strips less than 12 feet in width, as required by BCC §32-4-409(b)(2)(iv);
3. If necessary, to find the attached Development Plan meets the requirements of BCC §32-4-409(d); and
4. For such other and further relief as may be deemed necessary by the Zoning Commissioner.



ZONING DESCRIPTION 111 WOODHOLME AVENUE

Beginning at a point on the south side of Woodholme Avenue, which is of variable width, at a point 700 feet, more or less, east of Woodholme Village Court, which is 50 feet wide, thence the following courses and distances:

North 65°11'19" East 371.80 feet;
South 51°11'41" East 507.10 feet;
South 11°56'41" East 52.29 feet;
South 60°15'06" West 69.81 feet;
South 63°01'13" West 497.93 feet;
South 69°52'24" West 252.38 feet;
South 63°21'09" West 149.17 feet;
Thence by a curve to right with a length of 181.12 feet and radius of 874.47 feet;
North 74°57'17" West 18.46 feet; thence
North 14°32'19" East 454.39 feet to the place of beginning.

As recorded in Deed Liber 5383, folio 770 and containing 8.4228 acres, more or less. Also known as 111 Woodholme Avenue and located in the 3rd Election District, 2nd Councilmanic District.



Feb 8, 2008

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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: #08-358-SPHA

111 Woodholme Avenue

South side of Woodholme Avenue at a point 700 feet +/- east of Woodholme Village Court.

3rd Election District - 2nd Councilmanic District

Legal Owner(s): Edward M. and Diane L. Miller

Special Hearing: If necessary, pursuant to Baltimore County Code ("BCC") Section 32-4-107(a), to permit access to the local street or collector street through the existing right-of-way instead of an in-lot strip, as permitted by BCC Section 32-4-409(b)(1), (c) and Section 32-4-101(ee); and if necessary, pursuant to BCC Section 32-4-107(a), to permit panhandle strips less than 12 feet in width, as required by BCC Section 32-4-409(b)(2)(iv); and if necessary, to find the attached Development Plan meets the requirements of BCC Section 32-4-409(d); and for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Variance: To permit existing accessory structures (garage/shed, swimming pool), for Lot 4, to be located in the front/side yard rather than the rear yard, pursuant to Section 400.1 of the BCZR; and to allow an existing accessory structure (garage), for Lot 4, with a height of 20 feet (+/-) in lieu of the maximum permitted 15 feet pursuant to BCZR Section 400.1; and pursuant to Baltimore County Code ("BCC") Section 32-4-409(e)(3), from the requirements of BCC Section 32-4-409(e)(1), to allow a panhandle driveway as depicted on the Development Plan, attached hereto as Exhibit 1, with a length greater than the maximum permitted 500 feet in a DR zone; and to permit rear yard setbacks of 25 feet (for proposed lots 5 and 6) in lieu of the required 30 feet by BCZR Section 1B01.2.c.1.(b); and pursuant to Section 500.7 (BCZR) and BCC Section 32-4-101(v), to permit a single panhandle driveway to serve eight lots in lieu of the maximum permitted five lots; and for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Hearing: Thursday, February 28, 2008 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

2/325 Feb. 14

164066

CERTIFICATE OF PUBLICATION

2/14/2008

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 2/14/2008.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 09793

Date: 2-11-08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				800.00

Total: 800.00

Rec

From: Gilden & Schmidt

For: Pollan Co. Special Hearing and Variation
111 Annapolis Ave.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME INH
 2/12/2008 2/11/2008 11:29:10 4
 BALTIMORE MICHIGAN
 RECEIPT # 613465 2/11/2008 0718
 Dept 5 529 ZONING VERIFICATION
 009793
 Recpt Tot 800.00
 800.00 CR 6.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No. 08-358-SPHA

Petitioner/Developer: ALAN

KLATSKY

Date of Hearing/Closing: 2-28-08

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:

111 WOODHOLME AVE

The sign(s) were posted on 2-13-08
(Month, Day, Year)

Sincerely,

Robert Black 2-14-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

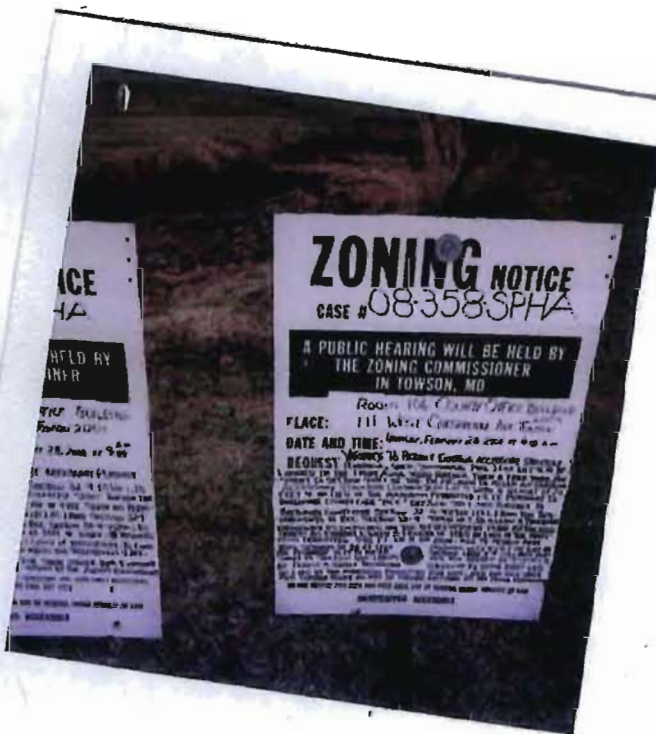
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 08-358-SPHA
Petitioner: EDWARD L Miller + DIANE L Miller
Address or Location: 111 Woodholme Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: LAWRENCE E SCHMIDT
Address: 600 WASHINGTON AVE
SUITE 200
TOWSON, MD 21204
Telephone Number: 410-821-0070

ZONING COMMISSIONER'S HEARING SCHEDULE
Updated and Distributed February 26, 2008

CASE NUMBER: 8-358-SPHA

111 Woodholme Avenue

Location: S side of Woodholme Avenue, 700 feet +/- E of Woodholme Village Court.

3rd Election District, 2nd Councilmanic District

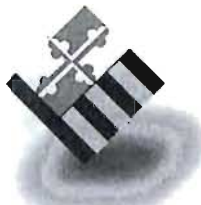
Legal Owner: Edward M. and Diane L. Miller

Contract Purchaser: Alan Klatsky, Prestige Development

SPECIAL HEARING If necessary, pursuant to Baltimore County Code ("BCC") Section 32-4-107(a), to permit access to the local street or collector street through the existing right-of-way instead of an in-fee strip, as permitted by BCC Section 32-4-409(b)(1), (c) and Section 32-4-101(ee); and if necessary, pursuant to BCC Section 32-4-107(a), to permit panhandle strips less than 12 feet in width, as required by BCC Section 32-4-409(b)(2)(iv); and if necessary, to find the attached Development Plan meets the requirements of BCC Section 32-4-409(d); and for such other and further relief as may be deemed necessary by the Zoning Commissioner.

VARIANCE To permit existing accessory structures (garage/shed, swimming pool), for Lot 4, to be located in the front/side yard rather than the rear yard, pursuant to Section 400.1 of the BCZR; and to allow an existing accessory structure (garage), for Lot 4, with a height of 20 feet (+/-) in lieu of the maximum permitted 15 feet pursuant to BCZR Section 400.1; and pursuant to Baltimore County Code ("BCC") Section 32-4-409(e)(3), from the requirements of BCC Section 32-4-409(e)(1), to allow a panhandle driveway as depicted on the Development Plan, attached hereto as Exhibit 1, with a length of 1160 in lieu of the maximum permitted 500 feet in a DR zone; and to permit rear yard setbacks of 25 feet (for proposed lots 5 and 6) in lieu of the required 30 feet by BCZR Section 1B01.2.c.1.(b); and pursuant to Section 500.7 (BCZR) and BCC Section 32-4-101(v), to permit a single panhandle driveway to serve eight lots in lieu of the maximum permitted five lots; and for such other and further relief as may be deemed necessary by the zoning Commissioner.

Hearing: Thursday, 2/28/2008 at 9:00:00 AM, County Office Building, 111 West Chesapeake Avenue, Room 106, Towson 21204



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 11, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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: 08-358-SPHA

111 Woodholme Avenue

South side of Woodholme Avenue at a point 700 feet +/- east of Woodholme Village Court.

3rd Election District – 2nd Councilmanic District

Legal Owners: Edward M. and Diane L. Miller

Special Hearing: If necessary, pursuant to Baltimore County Code ("BCC") Section 32-4-107(a), to permit access to the local street or collector street through the existing right-of-way instead of an in-fee strip, as permitted by BCC Section 32-4-409(b)(1), (c) and Section 32-4-101(ee); and if necessary, pursuant to BCC Section 32-4-107(a), to permit panhandle strips less than 12 feet in width, as required by BCC Section 32-4-409(b)(2)(iv); and if necessary, to find the attached Development Plan meets the requirements of BCC Section 32-4-409(d); and for such other and further relief as may be deemed necessary by the Zoning Commissioner.

Variance: To permit existing accessory structures (garage/shed, swimming pool), for Lot 4, to be located in the front/side yard rather than the rear yard, pursuant to Section 400.1 of the BCZR; and to allow an existing accessory structure (garage), for Lot 4, with a height of 20 feet (+/-) in lieu of the maximum permitted 15 feet pursuant to BCZR Section 400.1; and pursuant to Baltimore County Code ("BCC") Section 32-4-409(e)(3), from the requirements of BCC Section 32-4-409(e)(1), to allow a panhandle driveway as depicted on the Development Plan, attached hereto as Exhibit 1, with a length of 1160 feet in lieu of the maximum permitted 500 feet in a DR zone; and to permit rear yard setbacks of 25 feet (for proposed lots 5 and 6) in lieu of the required 30 feet by BCZR Section 1B01.2.c.1.(b); and pursuant to Section 500.7 (BCZR) and BCC Section 32-4-101(v), to permit a single panhandle driveway to serve eight lots in lieu of the maximum permitted five lots; and for such other and further relief as may be deemed necessary by the zoning Commissioner.

Hearing: Thursday, February 28, 2008 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue, Towson 21204

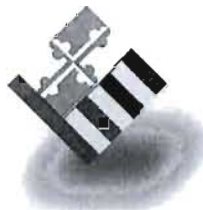
Timothy Kotroco, Director
TK:amf

C: Edward M. and Diane L. Miller 111 Woodholme Avenue Baltimore 21208

Lawrence E. Schmidt Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson
21204

Alan Klatsky, Prestige Development 5 Spring Forest Court Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 13, 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 21, 2008

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

RE: Case Number: 08-358-SPHA, 111 Woodholme Avenue

Dear Mr. Schmidt:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 11, 2008.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: amf

C: People's Counsel
Alan Klatsky, Prestige Development 5 Spring Forest Court Owings Mills 21117
Edward M. Miller Diane L. Miller 111 Woodholme Avenue Baltimore 21208



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 25, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 18, 2008

Item Number: 341.358

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

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



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

Maryland Department of Transportation

Date: 2/21/2008

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

RE: Baltimore County
Item No. 8-356 -SPHA
111 WOODHOLME AVENUE
MILLER PROPERTY
SPECIAL HEARING
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. 8-356 SPHA

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,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 21, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 25, 2008
Item Nos. 08-337, 341, 348, 355, 356, 358
359, 360, 361, 362, 363, 365, and 373

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-02212008.doc

TB
2/28

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
FEB 22 2008

BY:

TO: Timothy M. Kotroco

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

DATE: February 21, 2008

SUBJECT: Zoning Item # 08-358-SPH
Address 111 Woodholme Avenue
(Woodholme Green)

Zoning Advisory Committee Meeting of February 18, 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).
- 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).

Additional Comments:

1. In addition to needing an approved Forest Conservation Plan, development of this site will require a forest buffer variance request and alternatives analysis to be approved and mitigation addressed. – *John Russo; Environmental Impact Review*
2. Existing well and septic system must both be properly abandoned prior to approval of the subdivision. – *M. Epps; Groundwater Management*

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
111 Woodholme Avenue; S/S Woodholme * ZONING COMMISSIONER
Avenue, 700' E Woodholme Village Court *
3rd Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): Edward & Diane Miller *
Contract Purchasers: Alan Klatsky, Prestige Dev.* BALTIMORE COUNTY
Petitioner(s) *
08-358-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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of February, 2008, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

FEB 21 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

COLBERT MATZ ROSENFIELD INC.
2835 Smith Avenue Suite G
BALTIMORE, MARYLAND 21209

LETTER OF TRANSMITTAL

(410) 653-3838
FAX (410) 653-7953

TO

Gildea & Schmidt
600 Washington Ave.
Jackson, Md.

Slide 200

DATE	<i>2/11/08</i>	JOB NO.	<i>2007032</i>
ATTENTION	<i>Larry Schmidt</i>		
RE:	<i>Woodholme Green</i>		

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
<i>13</i>			<i>Development/zoning Plan (2 sheets)</i>
<i>3</i>			<i>Description</i>
<i>1</i>			<i>Zoning Map</i>

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

Extra copy of plan for your files.

COPY TO

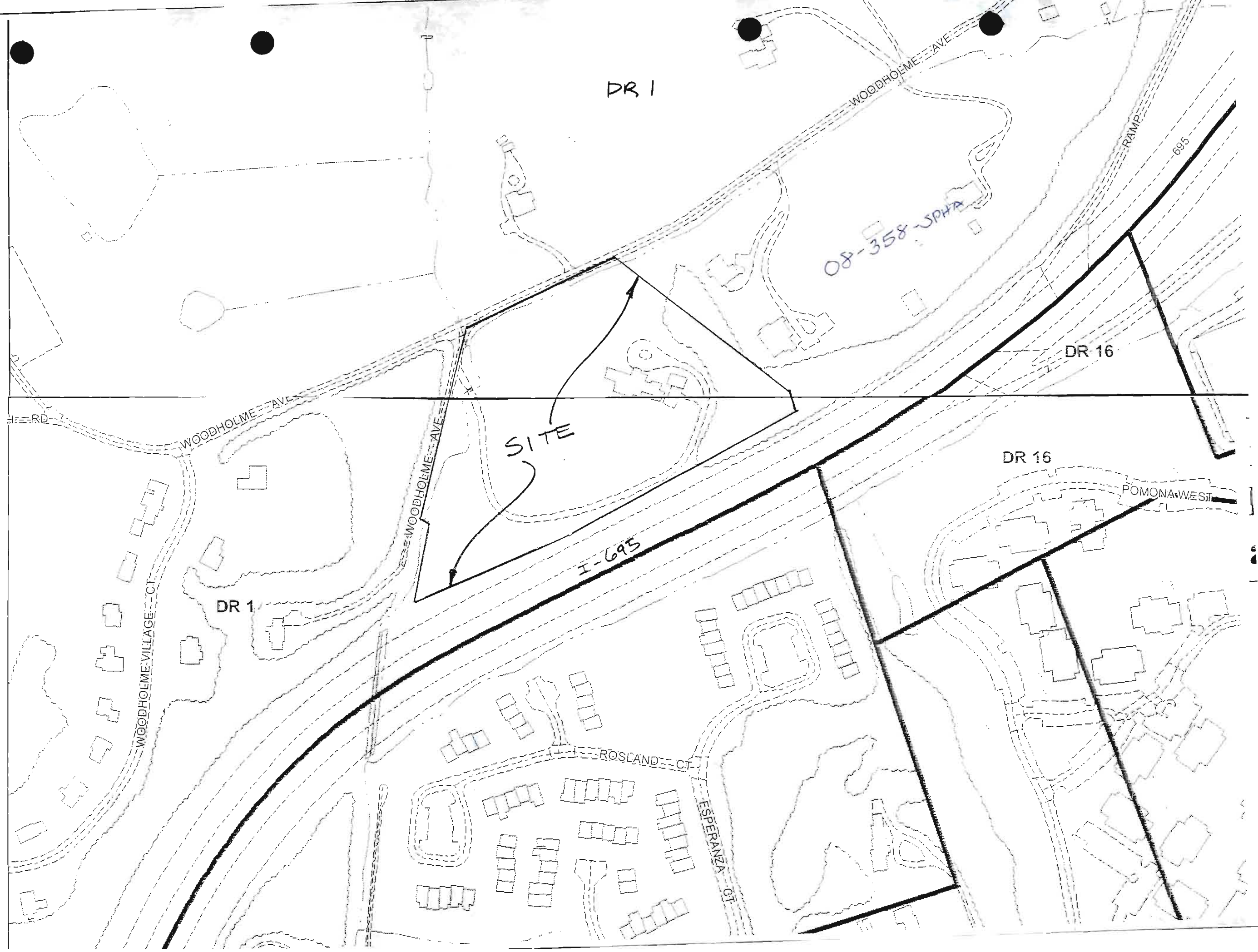
file

SIGNED:

Judy Floss

If enclosures are not as noted, kindly notify us at once.

MAP 68A3
& 78A1



SYMBOL	TYPE	HSQ	HOMESTES	
			W/BASEMENTS	W/O BASEMENTS
BoA	BAILE SILT LOAM	D	SEVERE	SEVERE
BwC2	BRANDYWINE LOAM	A	MODERATE	MODERATE
GcB2	GLENELG LOAM	B	SLIGHT	SLIGHT
GrB	GLENVILLE SILT LOAM	C	SEVERE	MODERATE
MbD2	MANOR LOAM	B	SEVERE	SEVERE

HIGHWAY WIDENING
23,593 SQ. FT
0.54 AC.

LEGEND

	EX. EDGE OF PAVEMENT
	PROP. EDGE OF PAVEMENT
	EX. MACADAM PAVEMENT
	PROP. MACADAM PAVEMENT
	BRICK PAVEMENT
	EX. SLOPES > 20%
	EX. WETLANDS
	EX. WATER (STREAM OR POND)
	HQA EASEMENT
	DENOTES FRONT OF HOUSE

VICINITY MAP

SEE SHEET 2 FOR ADDITIONAL NOTES AND DETAILS.

	D.R.I ZONE (FEET)
FROM FRONT BUILDING FACE TO: PUBLIC STREET RIGHT-OF-WAY OR PROPERTY LINE ARTERIAL OR COLLECTOR	25
FROM SIDE BUILDING FACE TO: SIDE BUILDING FACE	30
PUBLIC STREET RIGHT-OF-WAY PAVING OF A PRIVATE ROAD	25
TRACI BOUNDARY	25
FROM REAR BUILDING FACE TO: REAR PROPERTY LINE PUBLIC STREET RIGHT-OF-WAY	30
ADDITIONAL SETBACKS: SETBACKS FOR BUILDINGS LOCATED ADJACENT TO ARTERIAL ROADWAYS SHALL BE INCREASED BY AN ADDITIONAL 20 FEET.	50

OFFICE OF PLANNING AND ZONING
APPROVED BY:

DIRECTOR OF PLANNING	DATE
DIRECTOR OF PERMITS & DEVELOPMENT MANAGEMENT	DATE

DEVELOPMENT PLAN AND PLAN TO
ACCOMPANY SPECIAL HEARING
AND VARIANCE

MAP 68, GRID 19, PARCEL 114
3RD ELECTION DISTRICT - 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND 21208

GRAPHIC SCALE
1 inch = 30 ft

Engineers * Surveyors * Planners

2835 Smith Avenue, Suite G

2-8-60
Baltimore, Maryland 21209

THIS PLAN IS SEALED AND CERTIFIED AS BEING IN ACCORDANCE WITH THE BALTIMORE COUNTY DEVELOPMENT

REGULATIONS				SCALE: 1" = 30'

				DATE:	12/13/07
				JOB NO.:	2007032

			DESIGNED: GSS/SR
			DRAWN: GSS/LBF/SR

				CHECKED: REM
				FILE: 2007032 DEV PLAN
				BOALING

1	2/7/08	FOR REDLINE	SR	DRAWING NUMBER: DEV-1
---	--------	-------------	----	-----------------------

NO.	DATE	REVISIONS:	BY	SHEET 1 OF 2
-----	------	------------	----	--------------

PLOTTED BY: KE

§ 32-4-310. FEES AND ASSESSMENTS FOR PRIVATELY FINANCED UTILITIES.

(a) *In general.* Unless otherwise agreed to by the county, installation of public water and sewer facilities shall be without cost to or contribution by the county.

(b) *Fee or assessment for cost of installation.* The applicant may charge a fee or assessment that is reasonably calculated to cover or defray all or part of the applicant's cost of the installation if:

(1) The county has not contributed to the cost of the public water or sewer facilities; and

(2) The property proposed to be subject to the fee or assessment under this subsection is not currently the subject of a water or sewer benefit assessment by the county.

(1988 Code, §§ 26-246) (Bill No. 38-98, § 6, 6-20-1988; Bill No. 79-01, § 2, 7-1-2004)

SECTION 202.2 - 202.8
RESIDENTIAL PERFORMANCE STANDARDS

202.2 Site Planning

- A. A development proposal shall:
1. Retain the existing quality vegetation of the site to the fullest extent possible and protect the root systems of that vegetation during construction.
 2. Integrate locally significant features of the site, such as distinctive buildings, views, topographic features, specimen trees, tree stands, hedgerows, monuments, landmarks, ruins and gardens, into the site design, and retain the character of the features and tree settings.
 3. Coordinate building design, site layout, and grading so that grade transitions are gradual and tapered to existing topography.
 4. Provide a landscaped buffer between the rear yards of dwellings existing on May 15, 2007, and the rear yards of existing new dwellings.
 5. Provide for small setbacks between neighborhoods by arranging and orienting the proposed buildings and site improvements to complement those in the surrounding neighborhood.
 6. Provide transitions with respect to setbacks, street patterns, and building-to-street grade relationships.
- B. Rearranging lots are permitted only if the following can demonstrate that adequate setbacks, topography, herring, landscaping or building design will effectively screen private yard space and areas from the public view. There shall not be located closer than 30 feet to a public right-of-way.
- C. Panhandle lots are permitted as a matter of right. Panhandles must conform to § 324-405 of the Baltimore County Code and to the standards in the Comprehensive Manual of Development Policies. Panhandle lots are not permitted in the South Perry Hill-White Marsh area. (Bil No. 107-2004-15-200622)
- D. The minimum width for any single-family detached lot located in the South Perry Hill-White Marsh area north of Ridge Road is 75 feet as measured along both the front and rear wall of the dwelling unit. This subsection does not apply to alternative site design dwellings permitted in accordance with Section 1807.1.A.1.b.
- E. Single-family detached lots in Middle River - Bird River area, (Bil No. 3-200223)
- F. For any single-family detached lot located in the Middle River - Bird River area, as defined in County Council Bill 122-01:
- a. The minimum front yard setback is 20 feet; and
 - b. The minimum rear yard setback is 40 feet, except for:
 - (1) Limited additions, including patios and decks, and
 - (2) Roofed additions which do not exceed in width 50% of the dwelling unit, and which do not increase more than 10 feet from the rear yard setback line.
2. The subsection does not apply to alternative site design dwellings permitted in accordance with Section 1807.1.A.1.b.

202.3 Open Space. A development proposal shall:

- A. Integrate open space areas into the proposed development by:
1. Creating focal points along streets.
 2. Locating landscaped open green spaces in view of the development entrance or adjoining public street.
 3. Planning a linked network of natural and landscaped open areas connected by pedestrianable paths, trails, and
 4. Providing a linked network of natural and landscaped open areas connected by pedestrianable paths, trails, and
- B. Incorporate significant features, such as stands of trees, into open areas.
- C. Link the development's open areas to the surrounding neighborhood's open areas, including public parks, walks, and bike trails, and create both functional and visual continuity, e.g., by matching the design of a bike trail in the proposed development to the bike trail located in the adjoining property.

202.4 Streets and Parking

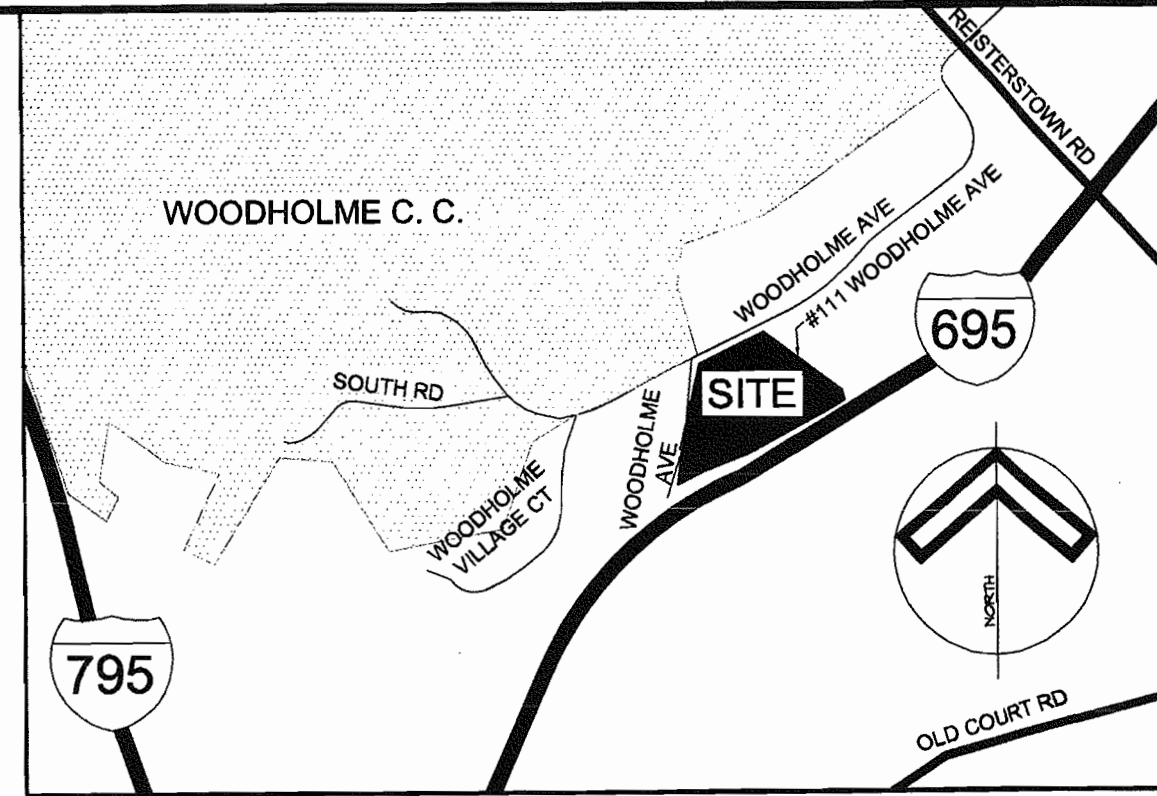
- A. A development proposal shall:
1. Provide for at least one street connection to an adjoining neighborhood or an adjoining property, not including the principal access to the subdivision. In order to facilitate good traffic circulation
 2. Design streets to allow traffic by offsetting alignments. Reducing street width, reducing the length of blocks, and employing the use of traffic management devices such as roundabouts, chicanes, chicanes, etc., to accomplish traffic calming.
 3. Provide pedestrian and bicycle access to commercial areas and community facilities on site within the development and to the surrounding neighborhood.
 4. Provide street parking accommodations, street connections, and landscaping to the surrounding neighborhood.
 5. Provide street parking accommodations, street connections, and landscaping to the surrounding neighborhood.
- B. Call-out areas may be used if it is demonstrated that a street connection is not feasible due to site conditions such as severe grade conditions or sensitive natural features, or in alternative site layout is not feasible. If call-out areas are used, developments should consist of a balance of street patterns (call-out areas and corridors). Call-out areas are used. Design elements such as curbs, landscaping and traffic circles shall be used.
- C. Street width and front yard setbacks may be reduced in accordance with traditional neighborhood design standards.

202.5 Landscape Design

- A. A development proposal shall:
1. Landscape public open spaces to invite users. Particularly emphasizing the intended entrance to the open spaces.
 2. In addition to plant material, use fences, walls or earth forms to provide effective and attractive screens and buffers where necessary.
 3. Provide for, or enhance and maintain, a continuous street tree canopy by preserving healthy street trees or, if they are not present, planting new trees. The canopy shall be comprised of trees of the same species or trees with design characteristics and growth habits that are similar to those of the existing street trees.
 4. Include the design for site signage on the schematic landscape plan. If this is not possible, the signage design may be included in the final development plan and shall be approved before issuance of any building permits.

202.6 Buildings

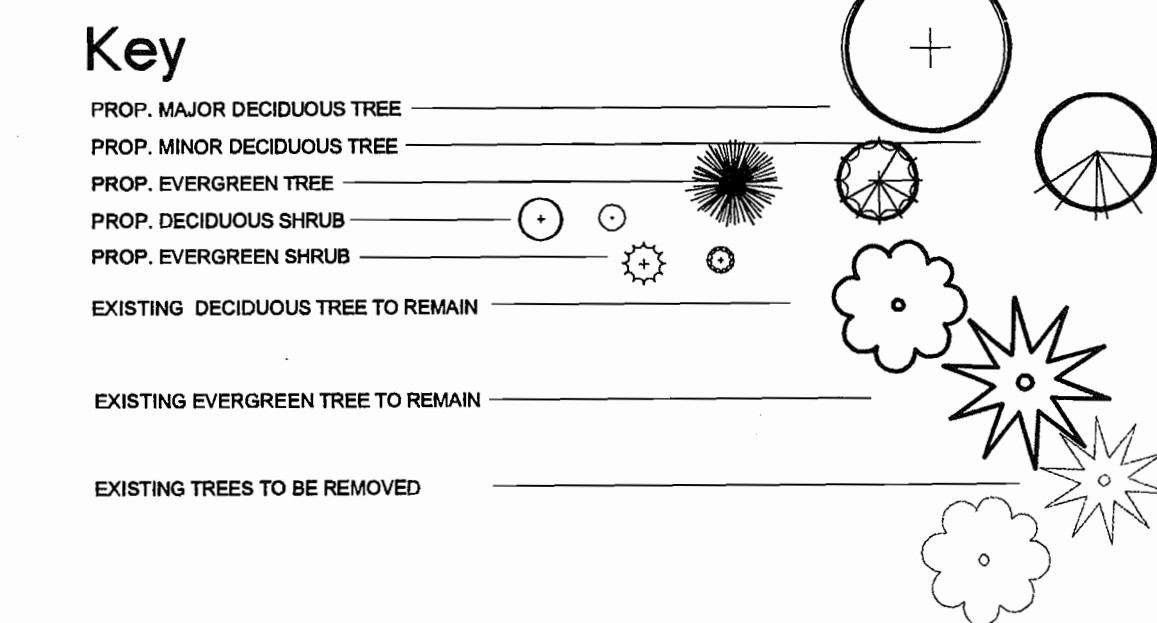
- A. A development proposal shall:
1. Provide variety in building type or design, while maintaining continuity in scale, rhythm, proportion and detail.
 2. Orient the front of the dwelling toward the street and incorporate prominent entries and porches or stoops into front building facades.
 3. Design a consistent front building facade, so that dwellings on the same street or square, so that the fronts of dwellings define a uniform street edge.
 4. Design decks, balconies and porches as components of the building following dominant building lines, proportions and scale, and in a scale appropriate to the available space on the site. Decks shall be screened to minimize visibility from a public street.
 5. Design accessory structures as a scale appropriate to the dwelling and design storage buildings and garages with the same architectural theme as the principal building on the site, providing consistency in materials, color, roof pitch, and scale.
 6. Utilize the finish material of the exterior of buildings to grade, or if this is not possible, to within 12 inches of grade, on all sides of the building enclosing horizontal walls which shall use a finished quality material such as decorative concrete block, poured concrete with a brick pattern, or masonry, and provide landscaping along the foundation.
 7. Use similar materials and design elements on all building facades and articulate all building facades using coordinated architectural features such as porches, windows, doors, chimneys, gables, and dormers.
- B. Garages may not become the dominant street feature. Garage doors shall use forms such as windows, decorative patterns, and color to relieve the visual impact of the house from the street.



VICINITY MAP
SCALE: 1" = 1000'

Planting Units Calculations

Cond.	LF	PU's
A Street Frontage & Streetscape		
INT RD (Rd 1)	1059	@ 1 PU/ 20 LF
ADJ RD	1018	@ 1 PU/ 40 LF
WOODHOLME AVE.	1018	@ 1 PU/ 40 LF
I SWM		
Cut	210	@ 1 PU/ 15 LF
Fill	0	@ 1 PU/ 15 LF
M Road Rear/Side Yards Adj. to Street/Ex. House		
Rear Prop. House Adjacent to Front/Street Prop. House	0	@ 1 PU/ 15 LF
N Residential Adj. to Expressway or Interstate Highway		
CL "A" x 2	808	@ 1 PU/ 7.5 LF
1465	808	@ 1 PU/ 40 LF
O Panhandle Lots		
Interior Road	0	@ 1 PU/ 20 LF
Front to Side Buffer	0	@ 1 PU/ 15 LF
CLASS "A"	0	@ 1 PU/ 15 LF
SUM		
		244.47 PU
No. Credit for Preserving Existing Trees		
1 Within site		
26 Ex Trees	@ 2 PU/ EA	52.00 PU
2 Along Adjacent Interstate, ex. Woods serve as Buffer against highway		
CL "A" x 2	256	@ 1 PU/ 7.5 LF
1465	256	@ 1 PU/ 40 LF
2.1 Along Adjacent Interstate, west of proposed construction, no Buffer against highway required		
CL "A" x 2	213	@ 1 PU/ 7.5 LF
1465	213	@ 1 PU/ 40 LF
3 Along Adjacent Eastern Property Line, ex. Woods serve as credit within building area		
Rear/Side Yards Adj. to Street/Ex. House	208	@ 1 PU/ 15 LF
4 Buffer preserved along adjacent road		
ADJ RD	1018	@ 1 PU/ 40 LF
WOODHOLME AVE.	1018	@ 1 PU/ 40 LF
Total Credits		162.38 PU
NET REQUIREMENT		62.09 PU
PROVIDED		
Quantity		
Major	38 @ 1 Tree =	1 PU
Minor	16 @ 1 Tree =	0.5 PU
Evergreens	24 @ 1 Tree =	0.5 PU
Shrubs	15 @ 1 Shrub =	0.2 PU
TOTAL PROVIDED		61.00 PU



Certificate of Delinquent Accounts

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

Colbert Matz Rosenfelt, Inc. 2-8-08
DATE

Accessory Structure Note

A. 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 SECTION 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).

B. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.

Director Of PDM Note

THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF PDM BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY, AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. 19305
Expiration Date: 11/2/08

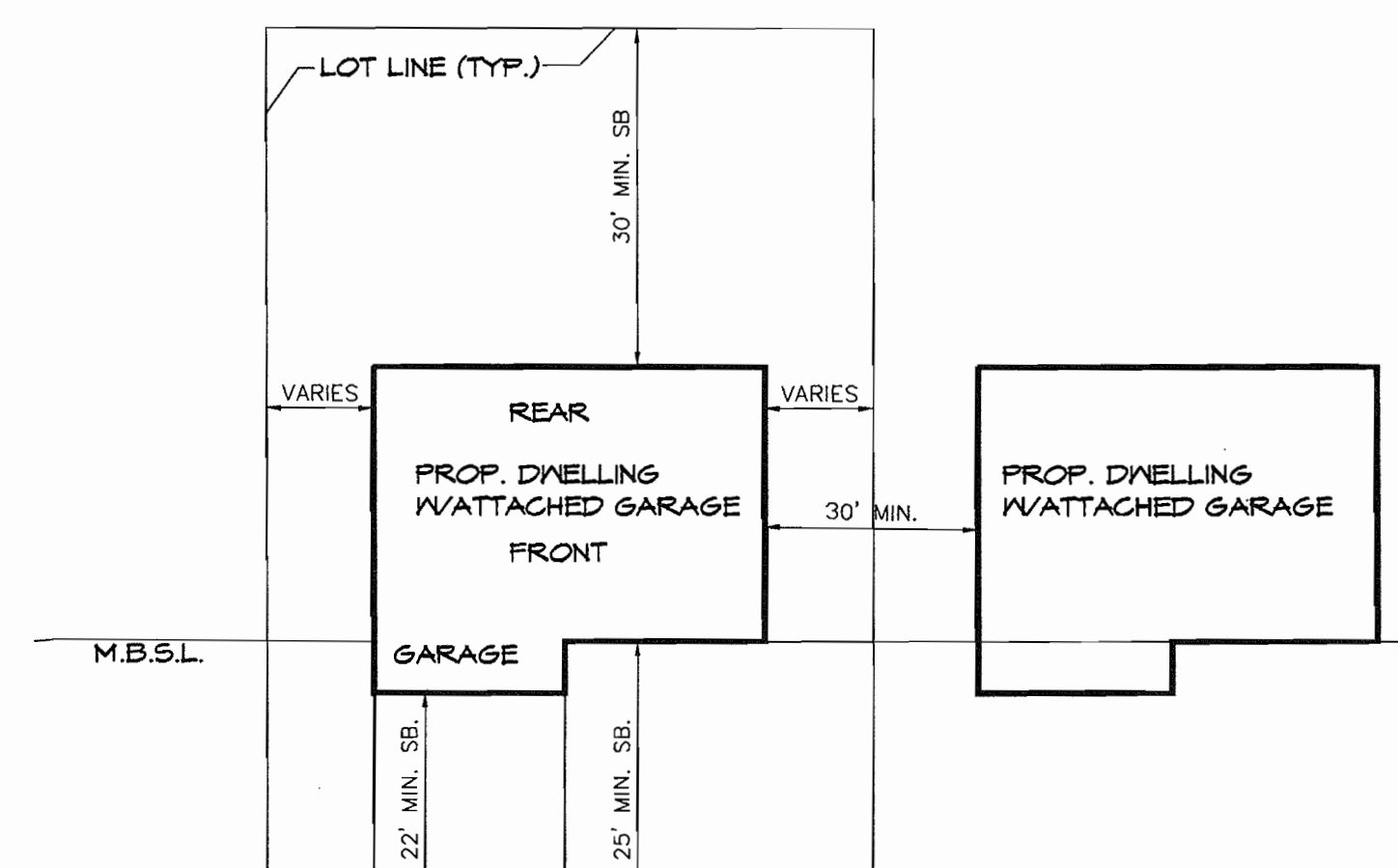
OFFICE OF PLANNING AND ZONING
APPROVED BY: _____
DATE: _____
DIRECTOR OF PLANNING
DATE: _____
DIRECTOR OF PERMITS & DEVELOPMENT MANAGEMENT

GRAPHIC SCALE
1 inch = 40 ft.

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
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Baltimore, Maryland 21209
Telephone: (410) 663-3838
Facsimile: (410) 663-7953

THIS PLAN IS BEING USED AND CERTIFIED AS BEING IN ACCORDANCE WITH THE BALTIMORE COUNTY DEVELOPMENT REGULATIONS.

1	2708	ZONING PLAN	REVISIONS:	BY	SHEET	2	OF	2
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Detail of Minimum Setbacks
NOT TO SCALE