

IN RE: PETITION FOR SPECIAL VARIANCE *

E/S Wampler Road, 500' N c/line
Wampler Road & Sterling Avenue *
(Wampler Rd. & Kristy Michele Ct.)
15th Election District *
6th Council District *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Sterling Reserve, LLC, et al
Petitioners *

Case No. 08-436-SA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Variance filed by the owners of the subject property, Sterling Reserve, LLC, GM Holmes, LLC, Michael R. and Patricia R. Fromm, Dottie L. and Clifford D. Porter, and Peggy A. and James H. Carr, III (collectively Petitioners). Petitioners are requesting special variance relief from Section 4A02.4G of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit subdivision (Sterling Reserve) approval, recordation and the issuance of building permits for fifteen (15) single-family dwelling units where it has been determined that the capacity of the public facilities necessary to accommodate same (transportation) is less than necessary. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 2.

Appearing at the requisite public hearing in support of the special variance were Paul Amirault, managing member, Sterling Reserve, LLC, George Holmes, on behalf of the GM Holmes, LLC, Michael R. Fromm Sr. and Patricia R. Fromm, Dottie L. and Clifford D. Porter, and Peggy A. and James H. Carr, III. Petitioners were represented by G. Scott Barhight, Esquire and Jennifer R. Busse, Esquire of Whiteford, Taylor & Preston, LLP. Also attending in support of the request were Mickey Cornelius, Senior Vice President of the Traffic Group, Inc., who was

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offered and accepted as an expert in traffic engineering and planning; Kristy M. Bischoff, P.E., the professional engineer with Daft-McCune-Walker, Inc., land planners who prepared the site plan. The issues presented in this case generated significant public interest and a number of individuals connected with the Developer (Sterling Reserve, LLC), the homebuilder (GM Holmes, LLC) and the individual lot owners named above attended in support. It should also be noted that the Fromm's personal attorney, R. James Mitchell, Esquire, attended as well as real estate agents Jennifer and Nancy Ryan, Debra and Michael Fromm, Jr. There were no Protestants or other interested citizens in attendance.

An appreciation of the property's past history and use is relevant and is briefly outlined. The subject property and the 15 dwelling units under consideration were previously approved by this Zoning Commissioner sitting as the Hearing Officer on February 23, 2005 in Case No. XV-836 and 05-263-A. No appeal having been filed, the record plat for the Sterling Reserve Development was then recorded among the Land Records of Baltimore County on or about December 8, 2006. The irregularly shaped 7.79 acres of D.R.2 zoned land is located in eastern Baltimore County on the north side of Sterling Avenue and the east side of Wampler Road accessed by Bird River Road from the north and Bengies Road from the south. Building permits have been processed and issued by Baltimore County. Ownership of four of the fifteen lots was then transferred from Sterling Reserve, LLC to the homebuilder, George Holmes. Of those four lots, one is still owned by GM Holmes, LLC. Mr. Holmes constructed dwellings on two lots and sold those lots - one to the Carrs (Lot 10, known as 715 Kristy Michele Court) and the other to the Porters (Lot 12, known as 711 Kristy Michele Court). The Porters moved into their new home on December 27, 2007, the Carrs on February, 8, 2008. Subsequently, Holmes sold Lot 14, 707 Kristy Michele Court, to the Fromms. Early in 2008, Holmes began the permitting

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process for construction of the home for Mr. and Mrs. Fromm. Baltimore County, however, informed Holmes that the permit would not be issued due to the fact that the subject lot was located in a failing traffic shed as a result of the failing intersection at Pulaski Highway (MD Rt. 40) and Middle River Road. In order to obtain relief for the Fromms as well as validating those permits already issued for the other lots, Petitioners filed a request for special variance relief. Section 4A02.4.G of the B.C.Z.R. falls within the growth management regulations contained in Article 4A of the regulations. Petitions for special variance under this Section have rarely been considered by this Commission. Thus, a brief overview of the growth management regulations is also deemed appropriate.

Pursuant to Section 4A00.1 of the B.C.Z.R., the purpose and intent of Article 4A, entitled "Growth Management," is to generally "implement the objectives of the County-wide Master Plan and to adopt standards and guidelines relative to new development." Additionally, the growth management regulations seek to encourage development patterns that are consistent with the preservation of the quality of life in existing neighborhoods, to ensure the adequacy of public facilities and infrastructure, the preservation of the natural, agricultural and environmental resources and to promote appropriate new growth and development. The purpose and intent of the Basic Service Maps of the growth management regulations is set forth in Section 4A02.1 of the B.C.Z.R. Therein, it is provided that Basic Service Maps are to be annually prepared by the County to ensure that public facilities are in place to adequately serve proposed development. Additionally, Section 4A02.2 of the B.C.Z.R. states that in the event of any conflict between the growth management regulations and any other provision of the B.C.Z.R., the provisions of the growth management regulations control. Thus, the Petition for Special Variance requested in

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this case is governed by the requirements in Article 4A and, hence, the variance provisions of Section 307 of the B.C.Z.R. are not applicable.

Section 4A02.3 of the B.C.Z.R. sets out in detail the adoption process for the Basic Services Maps. There are actually three maps adopted; one related to the supply of public water, the second related to public sewage, and the third related to transportation. Petitioners seek relief in this case only as to the third map (transportation map). Section 4A02.3 of the B.C.Z.R. sets forth in full detail the methodology to be employed during the annual adoption of the three Basic Services Maps by the Baltimore County Council. Additionally, Section 4A02.3.G provides that no building permit or subdivision approval can be granted unless the Director of the Office of Planning has issued a reserve capacity use certificate for the proposed development. That section goes on to state that a property owner/developer shall make application for a reserve capacity use certificate in a method to be set forth by the Office of Planning. In this case, Mr. Barhight stated at the hearing that because development proposed pursuant to the provisions of the special variance regulation (Section 4A02.4.G) have rarely been sought, he was advised by the Office of Planning that it has not produced for public use any such "application form." Moreover, he was informed that notwithstanding the provisions of Section 4A02 of the B.C.Z.R., the Office of Planning does not maintain a list of the pending applications.

Section 4A02.4 of the B.C.Z.R. sets out the Basic Services Mapping standards. The standards are individually established as they relate to water supply, sewage, and transportation. Moreover, Section 4A02.4.E of the B.C.Z.R. sets forth certain exceptions to the Basic Services Mapping standards. For example, Section 4A02.4.E.1.a provides that minor subdivisions of three or fewer single-family detached dwellings are exempted from certain provisions of the Basic Services Mapping statute. Finally, Section 4A02.4.G provides that a Special Variance can

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By [signature]

be granted from a provision of this subsection. In order for special variance relief to be granted, the Zoning Commissioner must hold a public hearing and must determine that the granting will not violate the particular provision's purpose, pursuant to making certain findings -- effectively a two-prong test. First, the Zoning Commissioner must determine that the demand or impact of the proposed development will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal. Second, the Zoning Commissioner must find that the granting of a petition would not adversely affect a person whose application was filed prior to Petitioner's application.

In this case, relief is requested because the intersection of Middle River Road and Pulaski Highway is a failing intersection. It has been graded as an "F" level of service intersection and the "shed" of this intersection is shown on Petitioners' Exhibit 3, which includes the subject property. As the subject property is located within that shed, building permits cannot be issued nor should development approval be given until the intersection is improved and no longer failing or special variance relief is granted.

Addressing this second requirement for a Petition for Special Variance first, the uncontradicted testimony and evidence offered in this case was that the application submitted by Petitioner would not adversely affect a person whose application was filed prior to Petitioner's application. As noted above, apparently due to the rare utilization of the relief afforded by this special variance process, there is no list maintained by the Office of Planning and thus there is no "person whose application was filed prior to the petitioner's application." I therefore find that Petitioners have met this criteria in that their application is effectively first in line.¹

¹ As noted, the Sterling Reserve Development Plan was approved on February 23, 2005.

I am cognizant of the fact there is other proposed development in the area, but that development is apparently not proceeding forward pursuant to the variance process set forth in growth management regulations as described herein. Thus, Petitioner has met its burden insofar as this test.

Turning next to the first prong identified, a finding must be made that the impact of the proposed development will be less than that assumed by the district standard that would otherwise restrict or prohibit the development; or that the district standard does not apply. Unfortunately, a review of the regulations at issue discloses that the "district standard" is neither a defined term nor is it described anywhere in Article 4A. In fact, testimony offered at the hearing is that the Baltimore County Bureau of Traffic Engineering has not defined the term and it is not a phrase used in the parlance of traffic engineers.

Although these special variance cases are rare, they are not altogether unfamiliar. The most recent cases of this type came before the Office of the Zoning Commissioner as Case Nos. 08-264-A and 05-336-SA. Those cases considered by Deputy Zoning Commissioner Thomas H. Bostwick and John V. Murphy granted approvals of a Special Variance on April 25, 2008 and May 16, 2005. The Findings of Fact and Conclusions of Law rendered are instructive. Deputy Commissioner Murphy (also a civil engineer) analyzed the issue of the impact of the proposed development on proposed conditions as he formulated the "district standard." He considered whether the anticipated impacts on traffic as they related to such issues as volume, congestion, movement and timing of the proposed development would be less than the impact normally associated with a development of that type and size. He concluded that if the impacts were less, then relief could be granted pursuant to a petition for special variance. Specific factors such as the anticipated volume of traffic to be generated, the route (including access and exit) of traffic

to and from the proposed development, anticipated road improvements in the area, the nature and timing of the traffic generated by the proposed development, existing potential development patterns in the area, the nature of the land use proposed for development and existing development in the area are all factors that need be considered in determining whether special variance relief should be granted.

In the instant case, a copy of the County's data collection sheet and traffic analysis for the intersection of Middle River Road and Pulaski Highway was marked and accepted into evidence as Petitioners' Exhibit 4. This exhibit depicts traffic counts for the intersection and analyzes the levels of service for respective movements through that intersection. For example, volumes and analysis are provided for straight (through) traffic patterns in each direction on both roads through the intersections, as well as left and right turning movements for each roadway. It is to be noted that an intersection is considered failing by Baltimore County if but one traffic movement reaches an unsatisfactory level. That is, an intersection might have adequate capacity for through traffic in all directions, but still be determined failing if a single turning movement capacity is inadequate. Obviously, the manner in which a proposed development will impact specific directions/movements in the intersection is a significant consideration in determining the merits of a special variance request.

In this case, there are several factors that support a finding that the impact of the proposed development will be less than anticipated and that the Petition for Special Variance should be granted.

Mickey Cornelius described his familiarity with the proposed site and its immediate surrounding area, including numerous visits to the site and the completion by him of a Traffic Impact Study (See Petitioners' Exhibit 1). He explained that the County's Bureau of Traffic

Engineering and Transportation Planning inspects hundreds of intersections controlled by traffic signals on an annual basis in order to determine how well traffic flows during the morning and evening rush hours. Intersections receive letter grades from "A" to "F" which indicate the level-of-service, or the degree of congestion. The level-of-service of an intersection is determined by analyzing each approach to the intersection individually. A computation is made of each approach to determine its "load factor" during both the morning and afternoon peak hours. The "load factor" is ascertained by recording the number of "loaded cycles" on each approach during the peak hours in both the morning and afternoon.

The cycle of a traffic signal is the period that encompasses one green indication of the signal. During each cycle of the traffic signal, an observer determines which vehicle is the last vehicle stopped in the queue at the time the signal turns green. If the last vehicle does not get through the intersection during that one green indication, the cycle is considered to be "loaded".

Each approach to the intersection is studied to determine the particular 60-minute period that has the highest percentage of cycles which are "loaded". In this case, *the southbound approach to the intersection* at MD Rt. 40 and Middle River Road between 4:30 P.M. and 5:30 P.M. generates the highest percentage of loaded cycles. This percentage, known as the "load factor", can range from 0 percent to 100 percent.

Mr. Cornelius testified that only one leg of the subject intersection is failing. Specifically, Mr. Cornelius explained that the southbound traffic on Middle River Road as it approaches the intersection of MD Rt. 40 has a load factor of 91 percent, which means that during 91 percent of the cycles between 4:30 P.M. and 5:30 P.M. all of the vehicles stopped in line to cross over Rt. 40 when it changes green do not get through the signal. No other approach through the intersection generates a failing percentage of loaded cycles at any time. This

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testimony was confirmed by the data obtained from Baltimore County's Traffic Engineering Division. (Petitioners' Exhibit 4)

Mr. Cornelius opined that the impact of the 15 dwellings in Sterling Reserve is substantially "less than that assumed by the district standard". Using Petitioners' Exhibits 1 and 3 and showing the location of the subject property and overlay of the relevant traffic shed, he demonstrated that the anticipated impact of inbound and outbound traffic of this development will be less than that assumed by the "district standard". He focused on the evening peak hour effects at this F-Rated intersection since that is the only time that the relevant leg of the intersection is classified as failing. During the evening peak hour, it is estimated that the 15 dwellings generate 15 total trips (10 inbound and 5 outbound). Since only the southbound leg of the intersection (cars on Middle River Road crossing over Rt. 40) is failing, the 6 trips exiting Sterling Reserve will not impact the subject failing intersection. In regard to the 10 trips entering Sterling Reserve, Mr. Cornelius testified that it is unnecessary for them to proceed through the F-Rated intersection in order to reach the property. There are numerous alternative routes which avoid the intersection entirely. Residents of Sterling Reserve are not likely to work in the very limited geographic areas which would place them in a position to decide whether to use the failing intersection on their way home from work. At most, only a few, if any, would work in the businesses which would even give them the reasonable opportunity to use this leg of the failing intersection. Mr. Cornelius added that given the small number of possible trips that could go through the failing leg of this intersection, during the peak evening hours, the potential impact would be imperceptible. In light of the evidence and testimony presented, I find that the impact of the proposed development on the F-Rated intersection meets the threshold set forth in

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B.C.Z.R. Section 4A02.4.G. The potential impact is less than that assumed by the district standard.

B.C.Z.R. Section 4A02.4G.3 requires that the Office of Planning provide this Commission with Zoning Advisory Committee (ZAC) comments on the pending petition. The Office of Planning's comment, dated April 18, 2008, was accepted into evidence as Petitioners' Exhibit 6. This comment provides in pertinent part ... that since there are several alternative routes that are not located in the failing traffic shed and can be utilized by those traveling to and from the property, the Office of Planning does not object to the granting of the special variance.

The Office of Planning's comment notes that it is expected that the State Highway Administration (SHA) will complete improvements to the subject failing intersection (MD Rt. 40 and Middle River Road) such that the building moratorium may be lifted in early summer 2009. Mr. Cornelius supported this comment and provided data from the SHA showing that the proposed improvements are included in the State's capital budget and plans and construction is scheduled to begin in Fiscal Year 2008. The SHA Consolidated Transportation Program (CTP) 2008-2013 planned improvement data sheet was accepted as Petitioners' Exhibit 5.

I find that the evidence and testimony supports the fact that there are no other developments or lots in line for reserve capacity use certificates. I also note that while the testimony and evidence support the presumption that the planned improvements to the subject failing intersection will begin shortly and hopefully be completed prior to the end of 2009, forcing these Petitioners, given these circumstances, to wait what may be two (2) years for building permits is an unreasonable hardship.

The Sterling Reserve development is essentially half "built-out". The base paving has been laid but until either the moratorium is lifted or this special variance relief is granted, the

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developer is prohibited from completing the road paving. Two families already live in the community and the Fromms are paying a mortgage on their lot without being able to build their home. I find these circumstances truly unfortunate. Thus, the Petition for Special Variance shall be granted and relief approved so that the previously approved subdivision may be issued building permits, notwithstanding its location within the shed of a failing intersection.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 6th day of May 2008, that pursuant to a finding that the demand or impact of the development proposed will be less than assumed by the district standard would otherwise restrict or prohibit the development, and the granting of the petition will not adversely affect a person whose application was filed prior to the Petitioners application, the Petitioners request for a Special Variance from Section 4A02.4.G of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit subdivision approval, recordation and the issuance of building permits for fifteen (15) single-family dwelling units where it has been determined that the capacity of the public facilities necessary to accommodate same (transportation) is less than necessary, be and is hereby GRANTED, subject to the following:

1. Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

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By [signature]

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

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Date 5-6-08
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Special Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Wampler Rd & Kristy Michelle Ct
which is presently zoned DR 2

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

Please see attached

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

Reasons to be provided at hearing

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

~~I/we do hereby certify that the above Variance, advertising, posting, and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.~~

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

Contract Purchaser/Lessee:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Jennifer Busse

Name - Type or Print

Signature

Whiteford Taylor & Preston L.L.P.

Company

210 W. Pennsylvania Avenue, Suite 400 410-832-2077

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

James H. Carr, III

Name - Type or Print

Signature

Peggy A. Carr

Name - Type or Print

Signature

715 Kristy Michele Court

Address

410-687-1267
Telephone No.

Baltimore, Maryland 21220

State

Zip Code

Representative to be Contacted:

Jennifer R. Busse, Esq.

Name

210 W. Pennsylvania Avenue, Suite 400

410-832-2077

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

OFFICE USE ONLY

Case No.

08-436-SA

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

D.T.

Date

3/18/08

REV 9/15/98

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By

EW

Attachment to
Petition for Special Variance
Wampler Road and Kristy Michele Court
Zoned DR 2

Per BCZR Section 4A02.4G (Growth Management Regulations), Petition for Special Variance from BCZR Article 4A to permit the issuance of building permits for the subdivision known as Sterling Reserve.

08-436-SA



Description

To Accompany Variance Plan

Sterling Reserve

Fifteenth Election District, Baltimore County, Maryland

Beginning for the same at the end of the following course and distance measured from the point of intersection of the centerline of Wampler Road and Sterling Avenue, (1) Northerly 500 feet, more or less, to the point of beginning, thence binding on and running with the centerline of Wampler Road, referring all courses and distances of this description to the Grid Meridian established in the Maryland Coordinate System (NAD 83/1991): (1) North 02 degrees 24 minutes 05 seconds East 13.53 feet, thence leaving said Wampler Road, thence (2) North 54 degrees 15 minutes 39 seconds East 21.67 feet, thence (3) North 73 degrees 38 minutes 37 seconds East 205.94 feet, thence (4) North 02 degrees 16 minutes 39 seconds East 249.85 feet, thence (5) North 44 degrees 48 minutes 55 seconds West 40.09 feet, thence (6) South 75 degrees 30 minutes 17 seconds West 49.33 feet, thence (7) South 45 degrees 18 minutes 58 seconds West 132.16 feet, thence (8) South 56 degrees 57 minutes 07 seconds West 46.30 feet to a point in said Wampler Road, thence running with said Wampler Road, (9) North 01 degree 49 minutes 11 seconds East 235.39 feet, thence leaving said Wampler Road, (10) North 86 degrees 06 minutes 29 seconds East 262.30 feet, (11) North 45 degrees 18 minutes 58 seconds East 166.74 feet, thence (12) South 45 degrees 53 minutes 40 seconds East 659.59 feet to a point on the northerly side of Sterling Avenue, thence running with the northern side of Sterling Avenue, (13) South 45 degrees 23 minutes 33 seconds West 499.54 feet, thence

leaving the northern side of Sterling Avenue, (14) North 46 degrees 00 minutes 36 seconds West 343.63 feet, (15) North 45 degrees 09 minutes 06 seconds East 100.48 feet, (16) South 73 degrees 38 minutes 37 seconds West 361.23 feet to the point of beginning; containing 7.736 acres of land, more or less, as described by Daft-McCune-Walker, Inc., in October 2004.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

March 12, 2008

Project No. 04022 (L04022)



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: #2008-0436-SA

Wampler Road & Kristy Michele Court

E/side Wampler Road, 500 ft. +/- to centerline of Wampler & Sterling Avenues

15th Election District — 6th Councilmanic District

Legal Owner(s): Sterling Reserve, LLC, GM Holmes, LLC, etc.

Special Variance: per Section 4A02.4G (Growth Management) from BCZR Article 4A to permit the issuance of building permits for the subdivision known as "Sterling Reserve".

Hearing: Tuesday, April 22, 2008 at 9:00 a.m. in Room 106, County Office Building, 111 West 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.

JT 4/694 April 8

169554

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. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **2105**

Date: **3/18/08**

PAID RECEIPT

BUSINESS ACTUAL TIME OFN
 3/19/2008 3/19/2008 11:53:37 2
 DEPT 002 NATL JENK JEE
 >>RECEIPT # 547310 3/19/2008 OFLN
 DEPT 5 528 ZONING VERIFICATION
 012105
 Recpt Tot 4800.00
 4800.00 cr 4.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
0001	000			WISC				800.60

Total: **800.60**

Rec
 From: **WHITEFORD TAYLOR - PRESTON LLC**
 For: **SPECIAL VARIANCE 08-436-SA**
STERLING RESERVE

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2008-0436-SA

Petitioner/Developer: STERLING

RESERVE, LLC Gm Homes

Date of Hearing/Closing: 4-22-08

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:

WAMPLER RD + KRISTY MICHELE COURT

The sign(s) were posted on

4-7-08

(Month, Day, Year)

Sincerely,

Robert Black 4-9-08
(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: 08-436-SA

Petitioner: STERLING RESERVE

Address or Location: WAMPLER RD + KRISTY MICHELE CT.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ADAM BAKER

Address: WHITEFORD, TAYLOR & PRESTON LLP

210 W. PENNSYLVANIA AVE., SUITE 400

TOWSON, MD 21204

Telephone Number: 410-832-2052

Revised 2/20/98 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 26, 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: 2008-0436-SA

Wampler Road & Kristy Michele Court

E/side Wampler Road, 500 ft. +/- to centerline of Wampler & Sterling Avenues

15th Election District – 6th Councilmanic District

Legal Owners: Sterling Reserve, LLC, GM Holmes, LLC, etc.

Special Variance per Section 4A02.4G (Growth Management) from BCZR Article 4A to permit the issuance of building permits for the subdivision known as "Sterling Reserve."

Hearing: Tuesday, April 22, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jennifer Busse, 210 W. Pennsylvania Ave, Ste. 400, Towson 21204
Paul Amirault, Sterling Reserve, 11836 Belair Road, Kingsville 21087
Mr. & Mrs. Fromm, 7852 Kentley Road, Baltimore 21222
George Holmes, GM Holmes, LLC, 302 Dove Court, Forest Hill 21050

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 7, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

Please forward billing to:

Adam Baker
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Ste. 400
Towson, MD 21204

410-832-2052

NOTICE OF ZONING HEARING

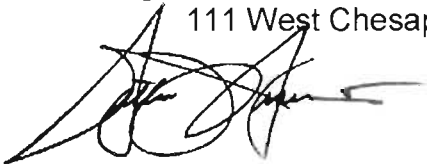
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0436-SA

Wampler Road & Kristy Michele Court
E/side Wampler Road, 500 ft. +/- to centerline of Wampler & Sterling Avenues
15th Election District – 6th Councilmanic District
Legal Owners: Sterling Reserve, LLC, GM Holmes, LLC, etc.

Special Variance per Section 4A02.4G (Growth Management) from BCZR Article 4A to permit the issuance of building permits for the subdivision known as "Sterling Reserve."

Hearing: Tuesday, April 22, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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

Jennifer Busse
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

Dear Ms. Busse:

RE: Case Number: 08-436-SA, Warnpler Road & Kristy Michele Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on **March 18, 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
Michael R. Fromm Patricia R. Fromm 7852 Kentley Road Baltimore 21222



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

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

Maryland Department of Transportation

Date: MARCH 24, 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. 8-436-SA
WAMPUR RD & KRISTY MICHELE CT
AMIRALTY PROPERTY
SPECIAL 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. 8-436-SA.

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,

*Foa*¹ 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
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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 26, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 24, 2008

Item Number: 425,436

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

BW 4/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 18, 2008

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

SUBJECT: Wampler Road and Kristy Michael Court
INFORMATION:

RECEIVED
APR 23 2008

BY:

Item Number: 08-436

Petitioner: Jennifer R. Bussse, Esq.

Zoning: DR 2

Requested Action: Special variance from BCZR Article 4A, Section 4A02.4.G (Growth Management) to permit the issuance of building permits for the subdivision known as "Sterling Reserve".

SUMMARY OF RECOMMENDATIONS:

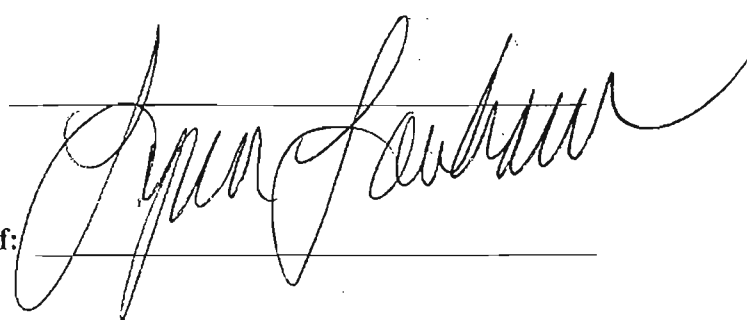
The Planning Office has reviewed the subject request and does not object to the granting of the special variance based on the following:

Access from the subject development to other areas of the region can be achieved by using several alternatives routes that are not located in the failing traffic shed. Specifically, motorists can use Bird River Road or Bengies Road to connect with Route 43 and travel either north or south, or to connect with Ebenezer Road and/or Pulaski Highway to travel east.

It is expected that SHA will complete improvements to the failing intersection, such that the building moratorium could be lifted in early in the summer of 2009.

Prepared by: _____

Division Chief: _____



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Tim Kotroco, Director
Department of Permits & Development
Management

DATE: April 3, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For Item No. 08-436 SA

At the intersection of Route 40 and Middle River Road, the State Highway Administration is preparing to award the contract to provide a remedy to the failing intersection. It is expected that construction work will begin in late spring/early summer, 2008 with construction to be completed near the latter part of 2009. Based on the level of improvements scheduled, there is a very good probability that once the improvements are complete the intersection will be operating at a level-of-service "D" or better. Provided that this does happen as anticipated, and is verified through traffic counts, the Dept. of Public Works would then be recommending to the Planning Board and the County Council to remove the building moratorium status from the Basic Services Transportation Map for this trafficshed on the 2010 maps.

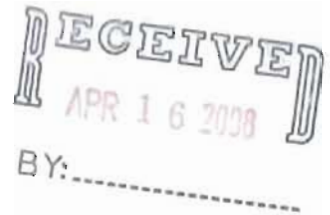
Based on the size of this proposed subdivision, it is anticipated that it will generate approximately 14 trips during the peak hour. Based on the location of the site, it is anticipated that approximately one-half of these new trips would be generated through the intersection of Middle River Road and Route 40 during the peak hour, or 7 trips. This "F" level intersection, during the peak hour, carries approximately 4,950 trips.

Given the above timeline and the fact that there are more than 150 other proposed lots in the trafficshed that are being held, we feel that the developer should wait at least a year and re-apply. Even though releasing these 15 lots would not have a measurable impact, where would we draw the line if the developers of the other lots apply for relief? We believe that the County Council drew that line when they adopted the current map.

DAK
cc:file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

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

DATE: April 16, 2008

SUBJECT: Zoning Item # 08-436-SA
Address Wampler Road and Sterling Ave
(Sterling Reserve)

Zoning Advisory Committee Meeting of March 31, 2008

 X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

 The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

- 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:

Reviewer: Glenn Shaffer

Date: April 7, 2008

RE: PETITION FOR SPECIAL VARIANCE * BEFORE THE
Wampler Road & Kristy Michele Court; E/S
Wampler Road, 500' C/line Sterling Avenue * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Sterling Reserve, LLC * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-436-SA

* * * * *

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 and all documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

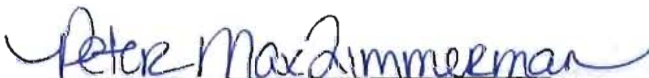
RECEIVED

MAR 24 2008

Per _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



**County Council
of
Baltimore County**

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

S.G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Kenneth N. Oliver
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

February 5, 2008

William J. Wiseman, Esquire
Baltimore County Zoning Commissioner
Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Wiseman:

Attached please find a copy of Resolution 20-08 concerning the public disclosure of Pamela Monroy, an employee of the Baltimore County Department of Corrections who has applied for a zoning variance to build an addition at her residence at 6700 Maxalea Road, Baltimore, Maryland 21239.

This Resolution was approved by the County Council at its February 4, 2008 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

cc: Pamela Monroy ✓

08-435-A

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2008, Legislative Day No. 3

Resolution No. 20-08

Mr. Vincent J. Gardina, Councilman

By the County Council, February 4, 2008

A RESOLUTION concerning the public disclosure of Pamela Monroy, an employee of the Baltimore County Department of Corrections.

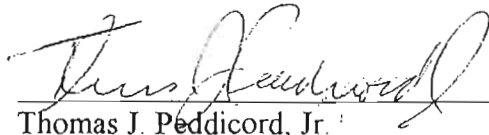
WHEREAS, Pamela Monroy, an employee of the Baltimore County Department of Corrections, has applied for a zoning variance to build an addition at her residence at 6700 Maxalea Road, Baltimore, Maryland 21239; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application for a zoning variance filed by Pamela Monroy does not contravene the public welfare and is hereby authorized.

READ AND PASSED this 4TH day of FEBRUARY, 2008.

BY ORDER



Thomas J. Peddicord, Jr.
Secretary

ITEM: RESOLUTION 20-08

08-435-A

PLEASE PRINT CLEARLY

CASE NAME Sterling Reserve
CASE NUMBER 08-436-SA
DATE 4/22/08

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
John Busse	210 W. Pennsylvania Ave	Towson MD 21204	jbusse@wtplaw.com
Scott Barlight	"	"	"
Mick Cornelius	9910 Franklin Square Dr	Balto MD 21236	mcornelius@trahicorp.com
Georga Holmes	382 Davis CT	* Forest Hill MD 21050	Holmespa@Aol.com
JAMES & PEGGY CARR	715 KRISTY MICHELE CT	* MIDDLE RIVER MD 21220	BRavers@aol.com
Jennifer Ryan	906 Susquehanna Ave	* Middle River MD 21220	
Nancy Ryan	906 Susquehanna Ave	* Middle River MD 21220	nanr27@comcast.net
Clifford PORTER	711 Kristy Michele Ct	* MIDDLE RIVER MD 21220	
DOTTIE PORTER	" " "	" " "	dottie24@yahoo.com
Michael Fromm, Sr.	7852 KENTLEY RD	Dundalk, MD 21222	mikerfrommsr@msn.com
PATRICIA FROMM	7852 KENTLEY RD	Dundalk, MD 21222	" " "
R. James Mitchell	1601 K St NW	* Washington, DC 20006	jamie.mitchell@kgates.com
Michael Fromm Jr	1620 Seaboard RD	* Dundalk, MD	FR1620@yahoo.com
DEBRA FROMM	" "	" "	" " "
Paul Amiraulet	11836 Belair Rd.	Kingsville, Md. 21087	

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☐ SPECIAL HEARING

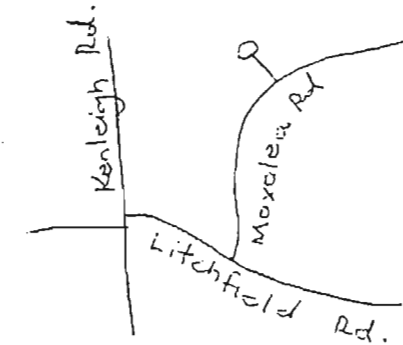
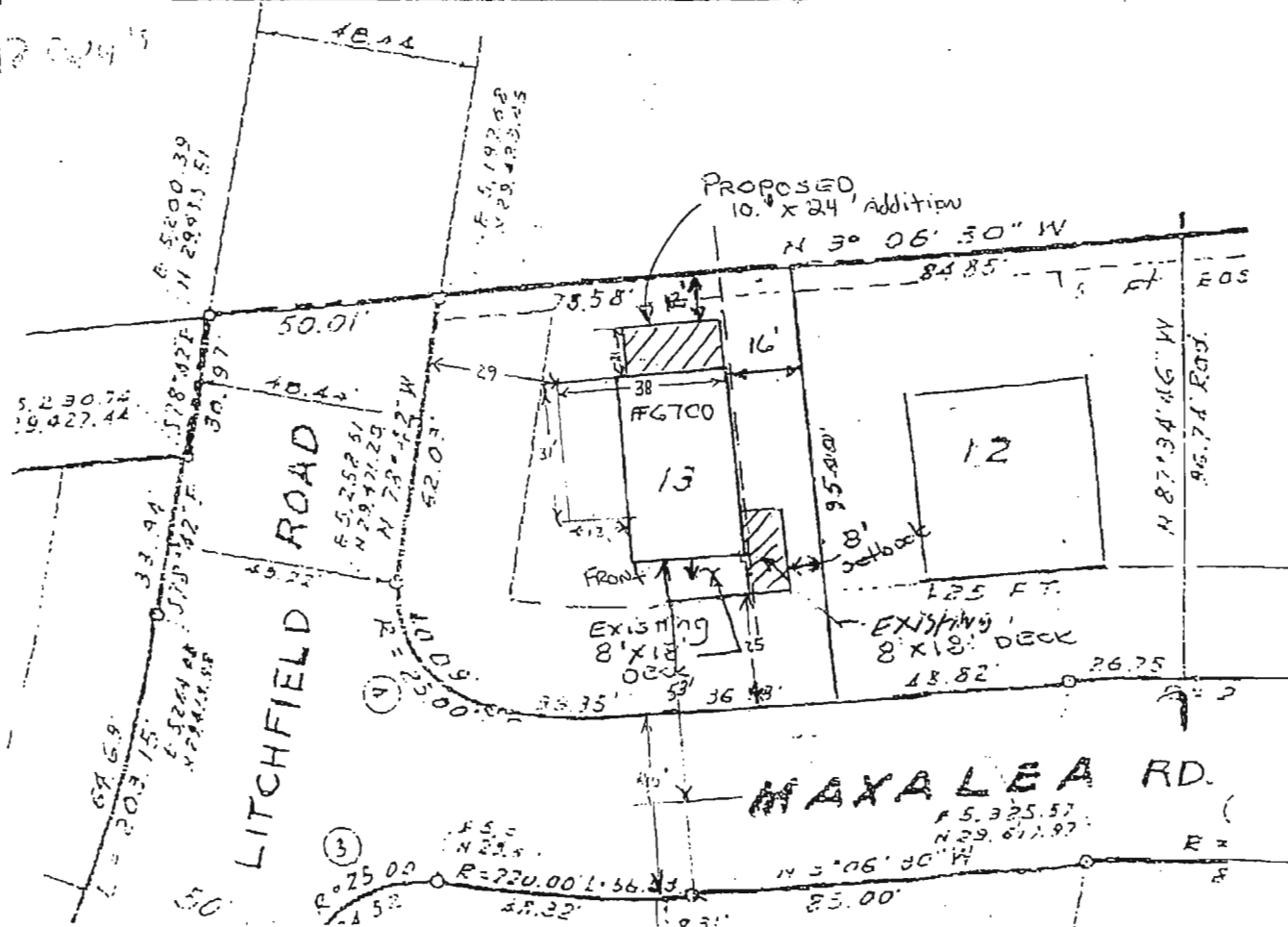
PROPERTY ADDRESS 6700 MAXALEA RD

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

SUBDIVISION NAME MAXALEA

PLAT BOOK # 21 FOLIO # 50 LOT # 13 SECTION #

OWNER PAMELA MONROY



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 9TH

COUNCILMANIC DISTRICT 5TH

1" = 200' SCALE MAP # NE 8-A 000A1

ZONING DR S.5

LOT SIZE 1.17[±] ACRES 7,560 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING 03-295-A		

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

CM 435 08-435-A



NORTH

PREPARED BY P.M.

SCALE OF DRAWING: 1" = 40'

Case No.: 08-436-SA - STERLING RESERVE - SUBDIVISION

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	TRIP Generation Calculations - 4-8-08	
No. 2	Site PLAN	
No. 3	AERIAL - taken 2006 DENOTES INTERSECTION	
No. 4	Turning Movement CHART	
No. 5	SHA - CTP LINE item 20 FUNDED AND TO START FY 2008	
No. 6	OP ZAC COMMENT	
No. 7	Aerial - Depicting turn movements	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Summary of Trip Generation Calculation
 For 15 Dwelling Units of Single Family Detached Housing
 April 08, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	9.57	3.69	1.00	144
7-9 AM Peak Hour Enter	0.19	0.00	1.00	3
7-9 AM Peak Hour Exit	0.56	0.00	1.00	8
7-9 AM Peak Hour Total	0.75	0.90	1.00	11
4-6 PM Peak Hour Enter	0.64	0.00	1.00	10
4-6 PM Peak Hour Exit	0.37	0.00	1.00	6
4-6 PM Peak Hour Total	1.01	1.05	1.00	15
Saturday 2-Way Volume	10.10	3.68	1.00	152
Saturday Peak Hour Enter	0.51	0.00	1.00	8
Saturday Peak Hour Exit	0.43	0.00	1.00	6
Saturday Peak Hour Total	0.94	0.99	1.00	14

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

PETITIONER' S

EXHIBIT NO. 1

LOCATION MIDDLE RIVER RD + PULASKI HWY

	RECORDER	WEATHER	ROAD SURFACE	DAY OF THE WEEK	DATE OF COUNT
A.M.	CFB	CLEAR	DRY	WED	8/8/2007
P.M.	GFB	CLEAR	DRY	WED	8/8/2007

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUMES

ROADS:	MIDDLE RIVER RD				MIDDLE RIVER RD				PULASKI HWY				PULASKI HWY					
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND					
	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL		
%TURNING MOVEMENT	41%	37%	22%	100%	18%	51%	31%	100%	AM	14%	64%	21%	100%	8%	88%	3%	100%	
	31%	38%	31%	100%	20%	65%	15%	100%	PM	10%	80%	10%	100%	23%	71%	7%	100%	
TOTAL VOLUMES	863	608	958	1827	130	387	225	722	AM	378	1885	558	2819	418	4188	132	4718	
	592	728	505	1915	250	704	182	1228	PM	442	3549	488	4469	581	1790	188	2539	
GRAND TOTALS	1255	1338	851	3542	380	1181	407	1949		818	5234	1028	7078	999	5868	300	7255	
ESTIMATED ADTS	SOUTH LEG 22059				NORTH LEG 14433					WEST LEG 48184				EAST LEG 45311				

ESTIMATED VEHICLES ENTERING THE INTERSECTION

64883

INTERSECTION: MIDDLE RIVER RD + PULASKI HWY

DESCRIPTION: PULASKI IS A FOUR LANE STATE RD WITH LEFT TURN LANES AND ARROWS. MIDDLE RIVER IS A TWO LANE RD WITH LEFT TURN LANES AND ARROWS. AND RIGHT ONLY N/B.

THE SIGNAL FUNCTIONS AS A B PHASE LIGHT. THE CYCLE LENGTHS AVERAGE 171 SECONDS IN THE MORNING AND 184 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNING IS 7:30 TO 8:30 AND IS 4:30 TO 5:30 IN THE AFTERNOON. THE PEAK FLOW OCCURS IN THE W/B DIRECTION OF PULASKI HWY DURING THE AM AND IN THE E/B DIRECTION OF PULASKI HWY IN THE PM.

LOADED CYCLES

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOADS AM HOUR	10% 7:45-8:45	5% 7-8	48% 7:15-8:15	48% 7:45-8:45
% OF LOADS PM HOUR	28% 4:15-5:15	81% 3:45-4:45	52% 4:15-5:15	39% 4-5

REMARKS:

THE LEVEL OF SERVICE IS: F

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-85% F = 86-100%

FOR UPDATED LIST YES OR NO

DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

Date	4-9-08	# of pages	1
From	T. E.		
Co.			
Phone	410 887 3554		
Fax	410 931 6601		

PETITIONER'S

EXHIBIT NO. 4

BALTIMORE COUNTY TRAFFIC ENGINEERING TURNING MOVEMENT COUNT DATA

LOCATION	MIDDLE RIVER RD + PULASKI HWY										DATE OF COUNT								A.M.	8/8/2007	
ROADS:	MIDDLE RIVER RD					MIDDLE RIVER RD					PULASKI HWY				PULASKI HWY				P.M.	8/8/2007	
	NORTHBOUND				N + S TOTAL	SOUTHBOUND				EASTBOUND				WESTBOUND				E + W TOTAL	GRAND TOTAL		
	AM	L	S	R		TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R			TOTAL	
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7:00-7:15	88	69	32	189	21	42	40	103	282	45	148	53	247	34	380	18	412	859	981		
7:15-7:30	80	65	39	184	9	38	20	88	259	39	170	68	284	27	348	18	384	858	917		
7:30-7:45	88	73	28	189	16	42	32	90	279	38	188	68	294	52	870	13	736	1029	1308		
7:45-8:00	87	79	41	217	21	83	27	111	328	49	208	74	329	58	540	10	608	858	1286		
8:00-8:15	79	80	81	230	15	80	22	97	327	52	242	76	380	85	821	18	704	1084	1411		
8:15-8:30	70	82	54	206	21	49	23	83	288	45	233	88	366	89	580	22	671	1037	1338		
8:30-8:45	73	83	47	203	13	36	38	87	260	52	258	74	382	53	530	15	588	880	1270		
8:45-9:00	88	77	54	199	14	38	23	78	275	48	241	70	357	59	518	18	583	980	1225		

AM HOUR TOTALS

6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	88	59	32	189	21	42	40	103	282	45	148	53	247	34	380	18	412	859	981
6:30-7:30	188	124	71	383	30	78	80	188	551	84	318	108	511	61	708	38	806	1317	1888
6:45-7:45	284	187	89	572	48	120	82	250	830	122	507	178	805	113	1378	49	1541	2348	3178
7:00-8:00	379	278	140	789	67	183	119	369	1158	171	713	250	1134	172	1919	59	2150	3284	4442
7:15-8:15	354	307	189	830	81	201	101	383	1183	189	808	279	1287	203	2180	88	2442	3708	4802
7:30-8:30	334	324	184	842	78	214	104	391	1233	194	889	308	1389	245	2411	63	2718	4088	5321
7:45-8:45	318	334	203	886	70	208	110	388	1244	208	837	312	1457	248	2271	85	2682	4089	5283
8:00-9:00	298	332	218	838	83	184	108	353	1191	205	972	308	1485	248	2247	73	2588	4051	5242

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
PM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	80	71	74	225	30	88	18	146	370	38	410	44	482	71	218	18	308	800	1170
3:45-4:00	80	84	80	264	33	81	15	139	389	35	408	48	482	85	194	18	275	787	1180
4:00-4:15	88	80	78	227	38	110	31	177	404	60	408	52	520	101	280	25	408	828	1330
4:15-4:30	85	88	75	208	29	100	24	153	381	82	511	58	629	74	180	14	278	907	1288
4:30-4:45	70	82	58	221	28	80	19	135	358	38	408	57	505	88	238	27	334	839	1185
4:45-5:00	74	87	85	228	38	84	24	154	380	80	388	84	520	98	210	15	283	803	1183
5:00-5:15	79	128	84	291	29	104	27	160	451	80	540	82	712	78	218	28	322	1034	1485
5:15-5:30	75	118	70	263	31	108	23	163	428	58	488	85	589	88	240	27	333	922	1348
5:30-5:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45-6:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

PM HOUR TOTALS

3:00-4:00	168	158	164	479	63	187	34	284	783	73	813	92	984	138	413	34	693	1587	2338
3:15-4:15	228	238	242	708	88	287	85	461	1187	133	1227	144	1504	237	883	89	988	2483	3880
3:30-4:30	294	303	317	914	128	387	89	614	1528	185	1738	200	2133	311	883	73	1287	3400	4828
3:45-4:45	284	324	302	910	124	381	89	604	1514	188	1737	213	2148	308	803	82	1283	3438	4853
4:00-5:00	278	327	277	882	127	394	98	619	1501	221	1724	228	2174	301	918	81	1301	3475	4978
4:15-5:15	288	375	283	948	120	388	94	602	1548	251	1858	239	2388	278	857	82	1217	3583	5191
4:30-5:30	288	425	278	1001	122	387	89	612	1613	247	1811	288	2329	270	907	85	1272	3588	5211
4:45-5:45	228	333	218	780	88	307	74	477	1287	208	1402	211	1821	202	888	88	938	2759	4018
5:00-6:00	154	248	134	554	80	213	50	323	877	148	1008	147	1301	144	458	53	555	1888	2833

SAFETY, CONGESTION RELIEF, HIGHWAY AND BRIDGE PRESERVATION PROGRAM

STATE HIGHWAY ADMINISTRATION -- BALTIMORE COUNTY LINE 11 (cont'd)

ITEM NO.	ROUTE NO.	DESCRIPTION AND IMPROVEMENT TYPE	TOTAL ESTIMATED COST (\$000's)	CONSTRUCTION START Status as of December 1, 2007
<u>Fiscal Years 2008 and 2009 (cont'd)</u>				
<u>Safety/Spot Improvement</u>				
18	MD 26	Liberty Road; Brenbrook Drive to the Baltimore City Line; pedestrian safety improvements and traffic signal reconstruction	2,464	Under construction
19	US 40	Pulaski Highway; MD 43 to Ebenezer Road; widen roadway and bridge over Honeygo Run to provide an additional through lane westbound, resurfacing, drainage improvements, and traffic barrier upgrades	1,748	Completed
20	US 40	Pulaski Highway; at Middle River Road; widen and re-stripe to provide a third through lane eastbound, reconstruct median to provide double left turn lanes westbound, and widen Middle River Road to provide two southbound through lanes and double right turn lanes northbound	3,337	FY 2008
21	I 95	At I 695 interchange (south); provide exclusive lanes on I 695 innerloop for both ramps from I 95 northbound and southbound by eliminating lane number 3 along I 695 innerloop prior to I 95 ramp merge point, provide an optional double lane right exit along I 95 southbound at I 695, and provide an optional double lane left exit along I 95 northbound at I 695 (Funded for preliminary engineering only)	869	PE Underway
22	MD 150	Eastern Boulevard; at Island Point Road; remove median on MD 150 provide two way center left turn lane along MD 150	474	FY 2009
<u>Community Safety and Enhancements</u>				
23	US 1	Belair Road; through Overlea; streetscape (Funded for concept development only)	350	Concepts Underway
24	MD 7	Philadelphia Road; US 40 to I 695 in Rosedale; streetscape	12,407	FY 2008
25	MD 45	York Road; Towson Circle III; pedestrian improvement (Preliminary Engineering and Construction added due to the Revenue Increase)	3,000	FY 2009
26	MD 139	Charles Street; Baltimore City Line to Bellona Avenue; streetscape (Funded for preliminary engineering and right-of-way only. Right-of-way to start in FY 2007.)	500	PE Underway

PETITIONER'S

\GE SHA-B-13

EXHIBIT NO.

5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 18, 2008

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

SUBJECT: Wampler Road and Kristy Michael Court

INFORMATION:

Item Number: 08-436

Petitioner: Jennifer R. Bussse, Esq.

Zoning: DR 2

Requested Action: Special variance from BCZR Article 4A, Section 4A02.4.G (Growth Management) to permit the issuance of building permits for the subdivision known as "Sterling Reserve".

SUMMARY OF RECOMMENDATIONS:

The Planning Office has reviewed the subject request and does not object to the granting of the special variance based on the following:

Access from the subject development to other areas of the region can be achieved by using several alternatives routes that are not located in the failing traffic shed. Specifically, motorists can use Bird River Road or Bengies Road to connect with Route 43 and travel either north or south, or to connect with Ebenezer Road and/or Pulaski Highway to travel east.

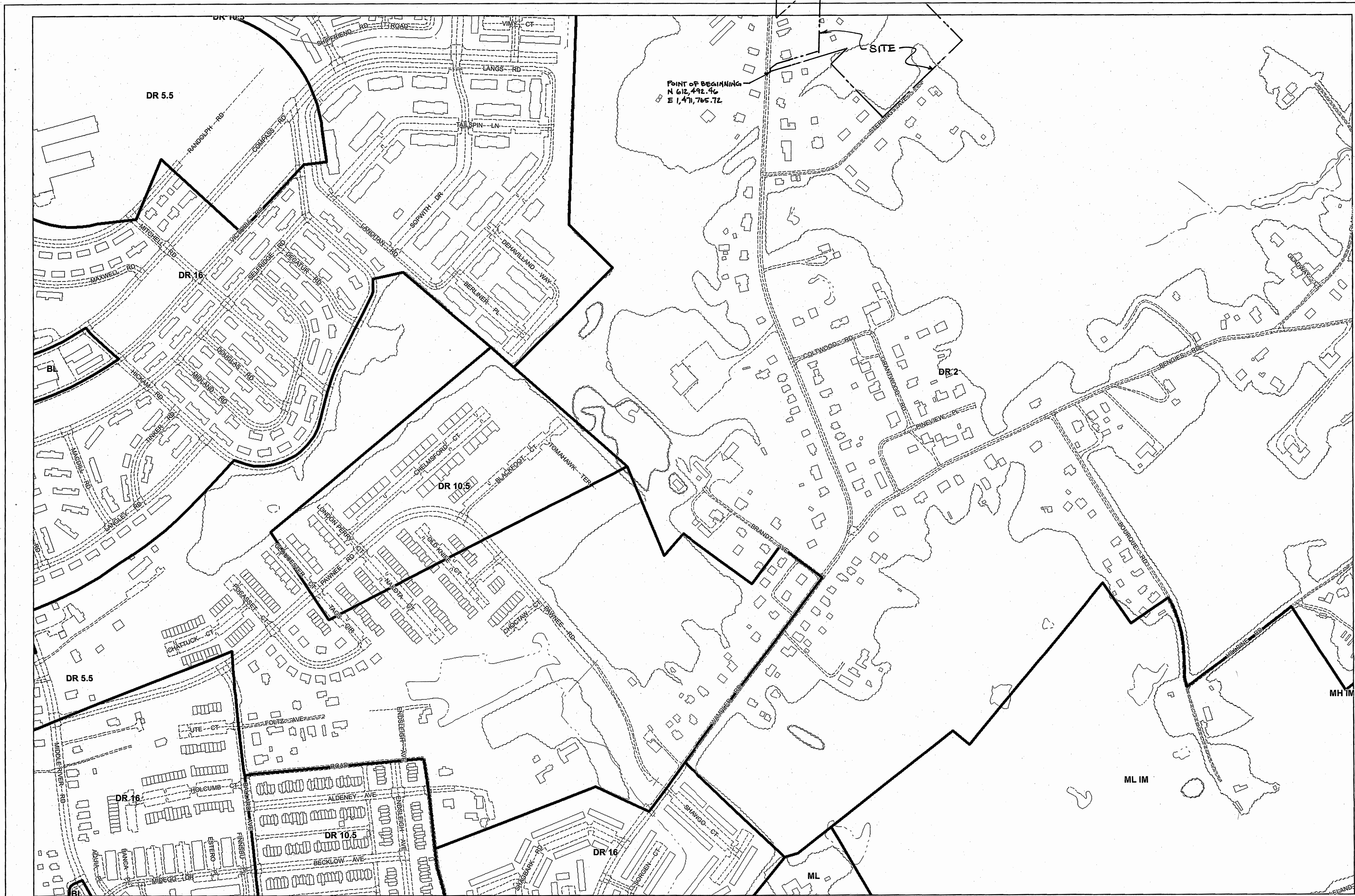
It is expected that SHA will complete improvements to the failing intersection, such that the building moratorium could be lifted in early in the summer of 2009.

Prepared by: _____

Division Chief: _____

PETITIONER'S

EXHIBIT NO. 6



Plan Sheet: 090C1

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

Legend

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

Baltimore County Office of Planning and Zoning Official Zoning Map

082A3	082B3	082C3	083A3	083B3
090A1	090B1	090C1	091A1	091B1
090A2	090B2	090C2	091A2	091B2

Scale
1" = 200'

0 100 200 400
Feet

1

Data Sources:
Planimetric Data - Baltimore County
OT/IGIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004



Plan Sheet: 082C3

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

Legend

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

Baltimore County Office of Planning and Zoning Official Zoning Map

082A2	082B2	082C2	083A2	083B2
082A3	082B3	082C3	083A3	083B3
090A1	090B1	090C1	091A1	091B1

Scale
1" = 200'

0 100 200 400
Feet

1

Data Sources:
Planometric Data - Baltimore County
GIS Services Unit
1:2400, from 1965/66 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004



Aerial

Scale: 1" = 400'

North Arrow

Map Date: 08/08/2008

Map Title: Los 'F' Intersection and Surrounding Area

Map Author: [Redacted]

Map Reviewer: [Redacted]

Map Date: 08/08/2008

Map Title: Los 'F' Intersection and Surrounding Area

Map Author: [Redacted]

Map Reviewer: [Redacted]

LOS "F" INTERSECTION
(PM PEAK HOUR)

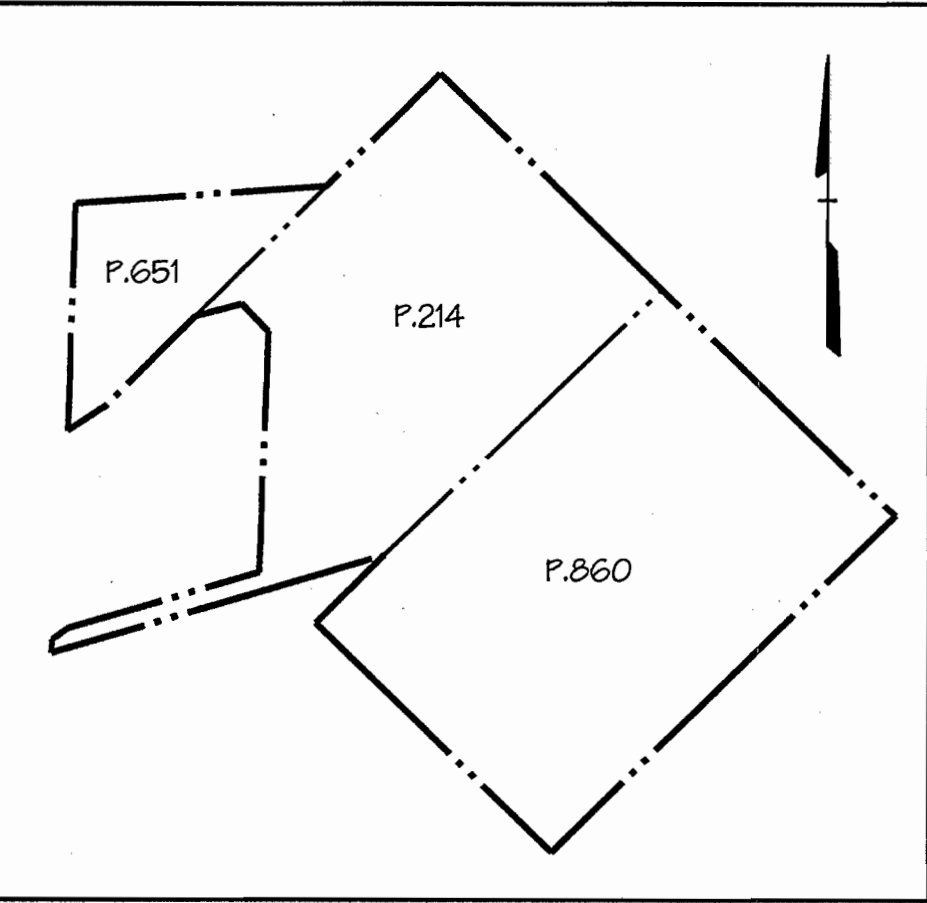
SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	PROPOSED UNITS	PARKING REQUIRED	PARKING PROVIDED	AVG. DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
SINGLE-FAMILY	15	30	30	150	N/A	N/A
TOTAL	15	30	30	150	N/A	N/A

SITE DATA

ZONE (MAP NE 5-1)	ACRES	UNITS ALLOWED	UNITS PROPOSED
D.R.2	7.74	15	15

THESE PARCELS AS SHOWN ON THE PLAN HAVE BEEN HELD INTACT SINCE 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THESE PROPERTIES AS SHOWN ON THE PLAN HAS EVEN BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.



PARCEL MAP

SCALE: 1"=200'

- PARCEL 860:
1952-1966 FOWLER HAS 7.5 ACRES AND CONVEYS 5 PARCELS TO VARIOUS GRANTEEES LEAVING A RESIDUE OF 3.96 AC. ±.
1991 FOWLER SELLS 3.96 AC. ± TO ZIEMSKI.
1993 ZIEMSKI SELLS TO ZIEMPA.
1994 ZIEMPA SELLS TO HEIM.
2006 HEIM TO STERLING RESERVE, LLC.
- PARCEL 651:
1945 RITZEL SELLS 0.631 ACRES TO HEIM.
1997 HEIM AND HIS NEIGHBOR BAUGHMAN SWAP EQUAL AREAS OF LAND BETWEEN ONE ANOTHER. THE NEW PARCEL GEOMETRY DOES NOT CHANGE THE HEIM ACREAGE.
1989 HEIM TO HEIM. THE GEOMETRY AND ACREAGE STAYS THE SAME.
1998 HEIM TO HEIM. THE GEOMETRY AND ACREAGE STAYS THE SAME.
2006 HEIM TO STERLING RESERVE, LLC.
- PARCEL 214:
1956 TRUSHEIM SELLS TO HEIM 3.649 ACRES ±.
1959 HEIM TO HEIM - TRANSFER BETWEEN FAMILY MEMBERS.
1998 HEIM TO HEIM - TRANSFER BETWEEN FAMILY MEMBERS.
2006 HEIM TO STERLING RESERVE, LLC.

SITE NOTES

1. THERE ARE NO 100-YEAR FEMA MAPPED FLOODPLAINS ON-SITE.
2. THIS IS NOT A DESIGNATED SITE AS PER THE MARYLAND ARCHEOLOGICAL SURVEY.
3. THERE ARE NO KNOWN DESIGNATED HISTORIC STRUCTURES OR AREAS ON-SITE AS PER THE LANDMARKS PRESERVATION COMMISSION OR THE MARYLAND HISTORICAL TRUST INVENTORY.

ZONING HISTORY

ZONING CASE #05-263-A

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County, this 23rd day of February, 2005, that the redefined development plan for Sterling Reserve, identified herein as Developer's Exhibit 3, be and is hereby APPROVED, and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1801.2.C.1.b of the Baltimore County Zoning Regulations (BCZR) for Lots 1, 3 and 4 as follows:
a) to allow a side building face to tract boundary setback of 16.8 feet in lieu of the required 25 feet for lot 1; and b) to allow a side building face to side building face setback of 20 feet in lieu of the required 30 feet for lots 3 and 4, in accordance with Developer's Exhibit 5, be and is hereby GRANTED, subject to the following conditions:

1. The Developer/Petitioner is permitted to proceed, however, the Developer/Petitioner is hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein could be rescinded.
2. A revised Zoning Plan will be filed with the Zoning Office to be placed in the record of Case No. 05-263-A, which includes all of the routine revisions identified on the approved Development Plan (Developer's Exhibit 3).
3. No record plot for the proposed development shall be approved until such time as the Water and Sewer Plan has been amended to change the designation of that area from W-5/8-5 to W-3/8-5.

Any appeal of this Order shall be taken in accordance with Baltimore County Code Section 32-3-401 and Section 32-4-281.

[Signature]
Zoning Commissioner/Hearing Officer for Baltimore County

FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT NOTES

STANDARD NON-DISTURBANCE NOTE:

"THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT."

PROTECTIVE COVENANTS NOTE:

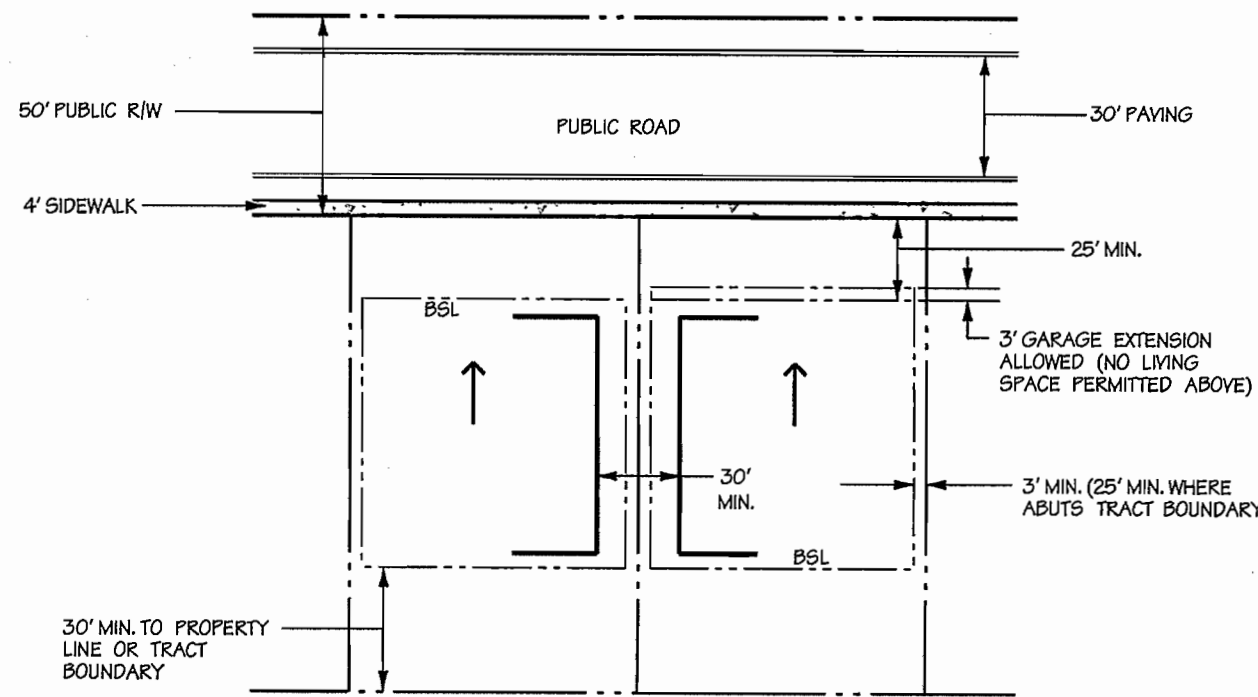
"ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS."

LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING CONTOURS
- SPOT ELEVATION
- EDGE OF PAVEMENT
- OF EXISTING ROAD
- OF EXISTING STREAM
- EXISTING TREE LINE
- EASEMENT LINE
- SOILS LINE
- FOREST BUFFER EASEMENT (NOT YET APPROVED)
- FOREST CONSERVATION EASEMENT (NOT YET APPROVED)
- WETLAND LIMITS
- WETLANDS
- PROPOSED CURB & GUTTER

VICINITY MAP

SCALE: 1"=1000'



TYPICAL LOT

(D.R. 2)

NOT TO SCALE

NOTE: DRAINAGE AND UTILITY EASEMENTS MUST BE A MINIMUM OF 10 INCHES AWAY FROM DWELLINGS IN ORDER TO ACCOMMODATE FOOTERS.

DATA SOURCES:

1. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON BALTIMORE COUNTY OFFICE OF INFORMATION TECHNOLOGY GIS DATED MARCH 1995.
2. ZONING LINES, IF SHOWN HEREON, HAVE BEEN DIGITIZED FROM BALTIMORE COUNTY 2000 COMPREHENSIVE ZONING MAPS. THE D.R. 2 ZONING IS IN CONFORMANCE WITH THE ZONING FOUND ON THE BALTIMORE COUNTY, "MY NEIGHBORHOOD" WEB ADDRESS DATED 1-25-05.
3. BOUNDARY INFORMATION SHOWN HEREON WAS FIELD RUN BY DMW IN AUGUST, 2004.

DMW

Draft-McCune-Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners,
Landscape Architects,
Golf Course Architects,
Engineers, Surveyors &
Environmental Professionals

Plan to Accompany Petition for Special Zoning Variance

Sterling Reserve

Wampler Road
PDM #15-836

15th Election District
6th Councilmanic District

Baltimore County, Maryland



DATE	BY	REVISIONS

ISSUE DATES	BASE:
REVIEW: 3-18-08	DRAWN: KDE
BID:	DESIGNED: KMB
PERMIT:	CHECKED BY: JMB
CONSTRUCTION:	DATE CHECKED: 3-12-08
SCALE: 1" = 50'	DRAWING: 1 of 1
PROJECT NO.: 04022.A	

Single-Family Detached, Two-Family Alternative Site Design Dwellings			
	D.R. 1 & 2 Zones (feet)	D.R. 3.5, 5.5, 10.5 & 16 Zones (feet)	Alternative Site Design Dwellings Zero & Zipper Lots All D.R. Zones (feet) Neo-Traditional All D.R. Zones (feet)
From front building face to: Public street right-of-way or property line	25	25	15
Antenna or collector	-	-	25
From side building face to: Side building face	30	16 < 20 high 20 > 20 high	16 16 < 20 high 20 > 20 high
Public street right-of-way Paving of a private road	25 30	15 25	15 25
Time boundary	25	15	15
From rear building face to: Rear property line	30	30	20
Public street right-of-way	30	30	20
Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.			

ZONING RELIEF REQUESTED

PER BCZR SECTION 4A02.4G, PETITION FOR SPECIAL VARIANCE FROM BCZR ARTICLE 4A TO PERMIT THE ISSUANCE OF BUILDING PERMITS.

PETITIONER'S

EXHIBIT NO. 2

