

**IN RE: PETITIONS FOR DEVELOPMENT
PLAN HEARING and VARIANCE**
N and S sides Ann Avenue at NW corner of
Stemmers Run Road
15th Election District
7th Councilmanic District
(JOSEPH C. SALVO PROPERTY)

Joseph C. Salvo, Jr.
Developer/Petitioner

* BEFORE THE
* HEARING OFFICER
* FOR
* BALTIMORE COUNTY
* **Case Nos. XV-495**
* **and 2008-0562-A**
*

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County for a public hearing in order to consider 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.), and to consider a related Petition for Variance filed pursuant to the Baltimore County Zoning Regulations. The owner of the property, Joseph C. Salvo, Jr., submitted for approval a Development Plan prepared by Century Engineering, known as the "Joseph C. Salvo Property" located west of Stemmers Run Road and on the north and south sides of Ann Avenue, south of Cardinal Road, in the Essex area of Baltimore County. The Developer is proposing the development of the subject property into 26 townhouse dwelling units¹ on 5.08 acres of land, more or less, zoned DR 10.5. The redlined Development Plan was marked and accepted into evidence as Developer's Exhibit 1A. An easier to read blacklined copy of the redlined plan, incorporating the redlined changes, was marked and accepted into evidence as Developer's Exhibit 1B.

¹ The Development Plan as originally filed proposed the development of 27 townhouse units. Following the Development Plan Conference, the number of lots requested was reduced by one to the currently proposed 26 units.

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The Developer is also requesting variance relief from Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side building face setback of 25 feet from a public street right-of-way in lieu of the required 45 feet (20 feet increase required by minor arterial road) for a length of the proposed building.²

The property was posted with Notice of Hearing Officer's Hearing on July 9, 2008 for 20 working days prior to the hearing, in order to notify all interested citizens of the date and location of the hearing. In addition, notice of the zoning hearing was timely posted on the property on July 22, 2008 and was timely published in *The Jeffersonian* in accordance with the County Code.

As to the history of the project, a concept plan of the proposed development was prepared and a Concept Plan Conference (CPC) was held on October 22, 2007 at 9:00 AM in the County Office Building. As the name suggests, the concept plan is a schematic representation of the proposed development 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 development to provide residents of the area an opportunity to review and comment firsthand on the plan. In this case, the CIM was held on December 10, 2007 at 7:00 PM at the Essex Public Library located at 1110 Eastern Boulevard, 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

² As will be discussed further in this Order, the Developer is also requesting a Modification of Standards which may ultimately render the variance request as moot. This will be discussed later in the Order.

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Developer's consultants and County agency representatives to further review and scrutinize the plan. The Development Plan Conference occurred on July 16, 2008 at 9:00 AM. Both the Hearing Officer's Hearing for this proposed development and the related zoning hearing were then held on August 8, 2008 in Room 104 of the Jefferson Building located at 105 West Chesapeake Avenue, Towson, Maryland. Section 32-4-230 of the B.C.C. allows the Developer to proceed with the hearings on the proposed development and the zoning matters in one combined Hearing Officer's Hearing.

It should be noted at this juncture that the role of each reviewing County agency in the development review and approval process is to independently and 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 review and approval process.

Appearing at the requisite public hearing in support of the Development Plan approval and Variance requests, and on behalf of the Salvo family and the legal property owner, was Drew Salvo. David Karceski, Esquire and Arnold Jablon, Esquire appeared as legal counsel for the Developer. The Developer presented as expert witnesses George Lambros with Century Engineering, the professional engineer who prepared and sealed the redlined Development Plan, and Devin Leary, Project Manager with Human & Rohde, Inc., the firm that prepared the Landscape Plan. Ken Schmid, a traffic engineer with Traffic Concepts also appeared for the Developer. There were no Protestants or other interested persons in attendance at the hearing.

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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 (Project Manager), Vishnu Desai (Development Plans Review), Bruno Rudaitis (Zoning Review Office), and Gigi Hampshire (Bureau of Land Acquisition). Also appearing on behalf of the County were Jeff Livingston from the Department of Environmental Protection and Resource Management (DEPRM); R. Bruce Seeley 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.

Pursuant to B.C.C. Sections 32-4-227 and 32-4-228, which regulates the conduct of the Hearing Officer's Hearing, I am required first to identify any unresolved comments or issues as of the date of the hearing. Upon making inquiry to counsel for the Developer, Mr. Karceski, he indicated that there were no outstanding issues in need of resolution, and it was his understanding that the redlined Development Plan had addressed all County agency comments.

In elaborating on his opening remarks, Mr. Karceski explained that the plan had undergone some minor changes, resulting in the redlined Development Plan presented at the hearing. Chief among these changes is the configuration of several of the townhouse groups along the north side of Ann Avenue. As shown on the redlined Development Plan, the original Lot 1 located adjacent to Stemmers Run road has been removed from the plan. It is proposed that the original Lot 2 would become Lot 1, original Lot 3 would become Lot 2, original Lot 4 would become Lot 3, and original Lot 5 would become Lot 4. The space between original Lots 5

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and 6 would become Lot 5. Original Lots 6 and 7 would make up the last two units of the seven unit townhouse group closest to Stemmers Run Road known as Lots 1 through 7. As also shown on the redlined Development Plan, the next group along Ann Avenue would begin by omitting original Lot 8. This would create the space between the end of the aforementioned seven unit group and the beginning of the next group. The original Lot 9 would then become Lot 8. The space between original Lots 9 and 10 would become Lot 9. Original Lots 10 through 13 would make up the last four units of the six unit townhouse group running along the north side of Ann Avenue known as Lots 8 through 13.

In order to arrange the townhouses in a group consisting of more than six units, Mr. Karceski indicated it is necessary for the Developer to request a Modification of Standards in accordance with the requirements of the Comprehensive Manual of Development Policies. It is also necessary that the Developer receive a recommendation from the Office of Planning prior to consideration of the request by the Hearing Officer. Mr. Karceski also indicated his understanding that the Office of Planning is in agreement with the Developer's request, specifically pertaining to townhouse group consisting of Lots 1 through 7 on the redlined Development Plan.

In addition, Mr. Karceski indicated that the number of townhouse units originally proposed has been reduced from 27 to 26. This change came following the results of an alternatives analysis performed by the Developer at the request of the Department of Environmental Protection and Resource Management. Mr. Karceski believes that resolution of the above issues will be confirmed by the reviewing County agencies and that the redlined Development Plan has indeed addressed all County agency comments.

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I then inquired as to the particular County agencies and asked that they state whether there were any outstanding issues applicable to their particular agency. Their responses are summarized below:

Recreation and Parks: Bruce Gill appeared on behalf of the Department of Recreation and Parks and indicated that as originally submitted, the required local open space for the development proposal is 27,000 square feet or approximately 0.62 acre, more or less, of which 17,550 square feet is active and 9,450 square feet is passive open space. Mr. Gill then indicated that his office received a request from the Developer for a waiver of Local Open Space. Pursuant to a letter dated July 23, 2008 from the Department of Recreation and Parks to the Developer's engineer, Mr. Lambros, the request for waiver was granted and a fee in lieu of \$185,490.00 must be paid to Baltimore County prior to recordation of the record plat. A copy of the letter was marked and accepted into evidence as Baltimore County Exhibit 1. Mr. Karceski and Mr. Jablon then pointed out that with the reduction of one unit from 27 to 26, the amount of required open space would be reduced and the required fee would also be reduced accordingly. Mr. Gill believes this new calculation can be made without affecting plan approval. Hence, his department recommended approval of the redlined Development Plan.

Development Plans Review (Public Works): Vishnu Desai appeared on behalf of the Bureau of Development Plans Review. Mr. Desai confirmed that the Developer's redlined Development Plan meets all of his department's requirements and comments and his bureau therefore recommends approval of the redlined Development Plan.

Department of Environmental Protection and Resource Management (DEPRM): Jeff Livingston appeared on behalf of DEPRM. Mr. Livingston indicated that there were no

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outstanding issues from his agency's perspective and his department therefore recommends approval of the redlined Development Plan. He also confirmed that the alternatives analysis did result in the number of units being reduced from 27 to 26. As shown on the plan, Lot 27 was removed from the redlined Development Plan.

Office of Zoning Review: Bruno Rudaitis appeared on behalf of the Zoning Review Office. Mr. Rudaitis indicated that all of his office's comments had been addressed and that the only outstanding issue was the Developer's request for variance. He also indicated that his agency needed to coordinate with the Developer's engineer, Mr. Lambros, in order to consolidate some of the comments on the redlined Development Plan. Otherwise, Mr. Rudaitis indicated his Office recommended approval of the redlined Development Plan.

Land Acquisition: Gigi Hampshire appeared on behalf of the Bureau of Land Acquisition. Ms. Hampshire indicated that the all issues had been satisfied from her agency's perspective, and recommended approval of the redlined Development Plan.

Planning Office: Bruce Seeley appeared on behalf of the Office of Planning. Initially, Mr. Seeley indicated that the Developer performed a School Impact Analysis that was satisfactory to his Office. This analysis shows that Mars Estates Elementary School and Stemmers Run Middle School are below state rated capacity. Kenwood High School is above state rated capacity; however Kenwood has recently constructed an addition to the school, thus increasing capacity. This recalculation of the school's capacity will occur in the fall. In the interim, Mr. Seeley noted that there is also adequate capacity at adjacent schools in the District in order to comply with adequate facilities requirements. A copy of the School Impact Analysis was marked and accepted into evidence as Baltimore County Exhibit 2.

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Mr. Seeley also confirmed that the Developer has requested a Modification of Standards concerning the proposed townhouse group consisting of Lots 1 through 7. Specifically, these standards are contained within the Comprehensive Manual of Development Policies, Division II, Section A, entitled "Residential Standards." Page 28 of this section states that the maximum width of a building shall be 6 units or 180 feet, whichever is less. Page 30 contains provisions for a Modification of Standards and states that on the recommendation of the Director of the Office of Planning, the Hearing Officer may approve an increase in the number of townhouse units in a group to a maximum of 10 per group, not to exceed a maximum length of 220 feet. If approved, there should be special emphasis on certain design considerations including (1) steeper roof pitches, (2) staggered front setbacks with varied facades and materials, and (3) access to the sides and rears of houses by pathways, alleys, trails, sidewalks or easements.

Mr. Seeley indicated that he had reviewed the redlined Development Plan (Developer's Exhibit 1A), the Landscape Plan that was marked and accepted into evidence as Developer's Exhibit 2, and the pattern book that was marked and accepted into evidence as Developer's Exhibit 3. Based on his review of the Residential Standards and the aforementioned exhibits, Mr. Seeley recommended approval of the request for Modification of Standards. This was also confirmed by Jeff Long, Deputy Director of the Office of Planning. Mr. Long verified that the Developer's plan for seven townhouse units in a group would be consistent with the aforementioned design guidelines and considerations.

Moving now to the more formal portion of the hearing, Mr. Karceski proffered the testimony of his experts, Mr. Lambros and Mr. Leary, in presenting the Development Plan.. A copy of their resumes were marked and accepted into evidence as Developers' Exhibits 8 and 9,

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respectively, and each were offered and accepted as experts. Mr. Lambros is a civil engineer with Century Engineering and has over 46 years of experience in the design and preparation of commercial and residential developments. He is familiar with the Baltimore County Zoning Regulations and the development regulations contained within the County Code, as well as the Zoning Commissioner's Policy Manual. Mr. Lambros was offered and accepted as an expert in the areas of planning, zoning, land use, development, and the necessary zoning and land use requirements in Baltimore County. Mr. Leary is a project manager with Human & Rohde, Inc. and has over 11 years of experience in preparing landscaping plans for proposed developments, with expertise as an environmental specialist, including wetland delineation and forest conservation.

As shown on the redlined Development Plan, the subject property is adjacent to existing townhouse developments to the north and east of the property and is constrained with forest buffer easements on the southern and western portions of the property. The property will be accessed through the extension of the Cardinal Road cul-de-sac connecting with Ann Avenue. The site has no steep slopes and has an existing pond near the center of the property. As also shown on the aerial photographs which were marked and accepted into evidence as Developer's Exhibits 5 and 6 respectively, the property is located on the west side of Stemmers Run Road, south of Eastern Boulevard and the Route 702 extension. The property consists of approximately 5 acres. Most of the property (approximately 4 acres) is located north of Ann Avenue and is known as Parcel "A." A small portion of the property (approximately 1 acre) is located south of Ann Avenue and is known as Parcel "B." The surrounding area is mixed uses of commercial and residential. In fact, at one time, the subject property was zoned B.R. In 1990, the property was the subject of a zoning hearing in order to allow living quarters in a commercial

storage building. That special exception was granted on June 27, 1990 in Case No. 90-334-XA. In 2000, the zoning on the property was changed to D.R.5.5 and in 2004, it was up-zoned to D.R.10.5.

The current zoning on the property would allow up to 58 dwellings. The Developer has proposed 26 townhouse units, leaving a density surplus of 32 units. The Developer proposes essentially two types of models. Both would be three stories. Model "A" would have a first floor entrance and walkout entrance from the back, with two additional stories above. Model "B" would be similar, except that this model would offer a front loading one car garage.

Mr. Lambros was directly involved in developing and preparing the instant Development Plan, and the related request for zoning relief. He also prepared and sealed the redlined Development Plan that was marked and accepted into evidence as Developer's Exhibit 1A. Further evidence revealed that the Plan accurately depicts the 26 townhouse units, the 100 year floodplain and drainage and utility easements and forest buffer easements, and other related aspects of the Plan. In addition, modifications have been made to the Plan that are consistent with the comments made by reviewing County agencies. These modifications have resulted in the redlined Development Plan. Mr. Lambros would testify that the redlined Development Plan has been presented to County agency representatives and has addressed all of those agencies' comments and resolved any and all outstanding issues. In his opinion, based on his professional knowledge and experience, the redlined Development Plan that was marked and accepted into evidence as Developer's Exhibit 1A fully complies with the development regulations, rules and policies contained in the Baltimore County Zoning Regulations (B.C.Z.R.) and the Baltimore County Code (B.C.C.).

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Section 32-4-229 of the B.C.C. clearly provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." After due consideration of the testimony and evidence presented concerning the development plan proposal, and confirmation from the various County agencies that the redlined Development Plan satisfies those agencies' requirements, I find that the redlined Development Plan marked and accepted into evidence as Developer's Exhibit 1A is in compliance with the Baltimore County Code and all applicable policies, rules, and regulations. I am also persuaded to grant the Developer's request for Modification of Standards in order to allow up to seven townhouse units in the group that comprises Lots 1 through 7. After hearing the testimony and evidence pertaining to the Developer's request for a Modification of Standards and the positive comments from the Office of Planning recommending that the request be granted, I shall likewise grant the request.³ Therefore, having identified no remaining unresolved or outstanding issues that would prevent development plan approval, the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the redlined Development Plan.

In conclusion, 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, and after considering the testimony and evidence offered at the hearing, the request for Modification of Standards shall be granted and the redlined Development Plan shall be approved.

³ Following the undersigned's indication to the Developer counsel, after testimony and evidence on the issue, that I intended to grant the request for Modification of Standards, this made the requested variance unnecessary, whereupon the Developer's counsel withdrew the Petition for Variance and no additional evidence was taken on the variance request.

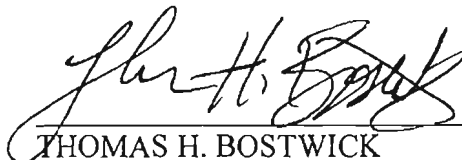
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THEREFORE, IT IS ORDERED by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 13th day of August, 2008, that the Developer's request for a Modification of Standards in order to allow up to seven townhouse units in the group that comprises Lots 1 through 7, and consistent with the redlined Development Plan, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the redlined Development Plan marked and accepted into evidence as Petitioner's Exhibit 1A for the property known as the "Joseph C. Salvo Property," be and is hereby APPROVED.

IT IS FURTHER ORDERED that the request for Variance pursuant to Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side building face setback of 25 feet from a public street right-of-way in lieu of the required 45 feet (20 feet increase required by minor arterial road) for a length of the proposed building is hereby WITHDRAWN by the Developer.

Any appeal of this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code.



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

THB:pz

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 44 STEMMERS RUN ROAD

which is presently zoned DR 10.5

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) 1B01.2.C.1.c OF THE BCZR TO PERMIT A SIDE BUILDING FACE SETBACK OF 25' FROM A PUBLIC STREET RIGHT-OF-WAY IN LIEU OF THE REQUIRED 45' (20' INCREASE REQUIRED BY MINOR ARTERIAL ROAD) FOR A LENGTH OF THE PROPOSED BUILDING.

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

TO BE ADDRESSED AT HEARING

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

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

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

~~Contract Purchaser/Leasee~~ ENGINEER:

PAUL LEE, CENTURY ENGINEERING, INC.

Name - Type or Print

Signature

10710 GILROY ROAD

443-589-2400

Address

Telephone No.

HUNT VALLEY

MD

21031

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

DREW A. SALVO

Name - Type or Print

Signature

SEE ATTACHED LIST FOR ADDITIONAL OWNERS

Name - Type or Print

Signature

14 BACK RIVER NECK ROAD 410-682-2300

Address

Telephone No.

BALTIMORE

MD

21221-3701

City

State

Zip Code

Representative to be Contacted:

PAUL LEE, CENTURY ENGINEERING, INC.

Name

10710 GILROY ROAD

443-589-2400

Address

Telephone No.

HUNT VALLEY

MD

21031

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By FF Date 6/14/08

Case No. 2008-0562-A

REV 9/15/98

813-08

PD

ADDITIONAL OWNERS

TODD C. SALVO



SIGNATURE

MARK W. SALVO



SIGNATURE

KIRK A. SALVO



SIGNATURE

DAVID H. COLE, TRUSTEE FOR THE IRREVOCABLE TRUST OF VALLI ANN MILLINER

 Trustee

SIGNATURE

DAVID H. COLE, TRUSTEE FOR THE IRREVOCABLE TRUST OF VALLI ANN MILLINER

 Trustee

SIGNATURE

DESCRIPTION FOR REQUESTED VARIANCE
PROPOSED LOT 1 – 6,784 S.F. (0.156 AC.±)
SALVO PROPERTY - ±44 STEMMERS RUN ROAD
ELECT. DIST. 15C7 BALTO CO., MD

ITEM # 2008-0562A

BEGINNING for the same at a point on the Northwest side of Stemmers Run Road, said point also located northwesterly – 52'± from the center of Ann Avenue, and running with and binding on the Northwest side of Stemmers Run Road, the 2 following courses and distances, 1) North 41° 31' 27" West – 91.52' 2) North 36° 55' 34" West – 8.36', thence leaving said point and running along the north boundary of Lot 1 as proposed on the Development Plan of Salvo Property, #44 Stemmers Run Road, 3) South 62° 26' 37" West – 39.72' to a point at the proposed intersection with Lot 2, thence leaving said proposed North boundary line and running with and binding on the division line of Lot 1 & 2, 4) South 14° 36' 59" East – 139.23' to intersect a point on the North side of Ann Avenue, 50' r/w, thence running with and binding on said North side, the 2 following course and distances, 5) North 48° 04' 59" East – 36.26', 6) North 13° 24' 31" East – 43.94' to the Northwest side of Stemmers Run Road and place of beginning known as proposed Lot 1, Salvo Property and,

CONTAINING 6.784 square feet± (0.156 ac.±) of land.

Wfile/land-dev/land-dev07descrs/SalvoProperty-StemmersRunRd-pl-10-10-07



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: #2008-0562-A

44 Stemmers Run Road
N/west of Stemmers Run Road
at a distance of 52 feet +/- from
the centerline of Ann Avenue
15th Election District

7th Councilmanic District

Legal Owner(s): Dru A. Salvo

Variance: to permit a side building face setback of 25 feet from a public street right-of-way in lieu of the required 45 feet (20 feet increase required by minor arterial road) for a length of the proposed building.

Hearing: Friday, August 8, 2008 at 9:00 a.m. Room 104, Jefferson Building, 106 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.

7/27/24 July 24

178975

CERTIFICATE OF PUBLICATION

7/24/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/24/2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **15367**

Date: **6-5-08**

PAID RECEIPT

BUSINESS ACTUAL TIME DESK
 6/5/2008 6/04/2008 12:34:19 1

REG M001 MALKIN JRIC JHR
 >>RECEIPT N 376715 6/04/2008 GFLH
 5 520 ZONING VERIFICATION
 015367

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			450				65.00

Recpt Tot \$65.00
 \$65.00 CR \$0.00 CA
 Baltimore County, Maryland

Total: **65.00**

Rec
 From: **SIS PROPERTIES - SALVO**

For: **VARIANCE #445 TEMMERS RUN RD**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**



10710 Gilroy Road, Hunt Valley, MD 21031
443-589-2400 Tel. 443-589-2401 Fax.

TO: Permits and Development Management

LETTER OF TRANSMITTAL

DATE: 7/24/08

JOB NO. 21029.00

RE: Salvo Property

ATTENTION: Darryl Putty

WE ARE SENDING YOU

☒ Attached

☐ Under separate cover via **HAND DELIVER** the following items:

☐ Shop Drawings

☐ Prints

☐ Plans

☐ Samples

☐ Specifications

☐ Copy of letter

☐ Change Order

☐ Other _____

COPIES	DATE	NO.	DESCRIPTION
1			Zoning Sign posting confirmation from Martin Ogle

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 comments

☐ _____

☐ FOR BIDS DUE _____ 20 ____

☐ PRINTS RETURNED AFTER LOAN TO US

COPY TO:
George Lambros

SIGNED: _____ Linda



CERTIFICATE OF POSTING

RE: Case No: 2008-0562-A

Petitioner/Developer: CENTURY
ENGINEERING

Date Of Hearing/Closing: 8/8/08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at CARDINAL

This sign(s) were posted on July 22, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 7/22/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

CASE # 2008-0562-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

Room 104, Towson Building 708

PLACE: 40 Calverton Avenue, Towson, MD

DATE AND TIME: *Friday, April 8, 2008*
10:00 AM

REQUEST: *various* to *change* a *new* *business* *plan*
to *change* *the* *existing* *business* *plan* *from* *residential* *to*
to *change* *the* *existing* *business* *plan* *from* *residential* *to*
to *change* *the* *existing* *business* *plan* *from* *residential* *to*
to *change* *the* *existing* *business* *plan* *from* *residential* *to*

NOTICE: 100% OF THE PROJECT IS SUBJECT TO THE ZONING COMMISSIONER'S REVIEW AND APPROVAL.

FOR MORE INFORMATION, CONTACT:

ADMINISTRATIVE ASSISTANT

7/22/08

CERTIFICATE OF POSTING

RE: Case No: 2008-0562-A

Petitioner/Developer: CENTURY
ENGINEERING

Date Of Hearing/Closing: 8/8/08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at 44 STEMMERS RUN RD

This sign(s) were posted on July 22, 2008
(Month, Day, Year)

Sincerely,
Martin Ogle 7/22/08
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

ms. 08 7/22/08

ZONING NOTICE

CASE # 2008-0562-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

FROM THE PRODUCTION OFFICE
PLACE IN 2-4 HOURS AFTER TAKING
DATE AND TIME AT 4:00 PM

RECEIVED 1998-07-14
 DEPARTMENT OF AGRICULTURE
 1000 MAIN STREET
 WASHINGTON, D.C. 20250
 U.S.A.

Passing Outcomes

CENTURY ENGINEERING, INC.

10710 Gilroy Road
Hunt Valley, Maryland 21031(410) 823-8070
FAX (410) 823-2184

LETTER OF TRANSMITTAL

TO

DEPRM

401 BOSLEY AVE.

TOWSON, MD. 21204

DATE	8-6-07	JOB NO.	21029.00
ATTENTION	REGINA ESSLINGER		
RE:	SALVO PROPERTY		
PDM # XV-495			
ZONING CASE 2008-0562A			
ITEM			

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
2			VARIANCE APPLICATION
2			MARKED DEVELOPMENT PLAN
2			ALTERNATIVES ANALYSIS
2			CONCEPT SITE CONSTRAINTS MAP SHOWING EXISTING FOREST BUFFER LIMIT

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

SUBMITTED AS PER EIR CONCEPT PLAN COMMENTS
DATED 8-14-06

COPY TO _____

SIGNED: _____

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

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: 2008-0562A

Petitioner: JOSEPH C. SALVO, SR.

Address or Location: * 44 STEMMEERS RUN ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOSEPH C. SALVO, SR

Address: 14 BACK RIVER NECK ROAD

BALTIMORE, MD. 21221

Telephone Number: 410-682-2300

CASE NUMBER: 2008-0562-A

Property Address: 44 Stemmers Run Road

Location: NW of Stemmers Run Road, 52 feet +/- from the c/l of Ann Avenue

15th Election District, 7th Council District

Legal Owner(s): Dru A. Salvo

Variance To permit a side building face setback of 25 feet from a public street right-of-way in lieu of the required 45 feet (20 feet increase required by minor arterial road) for a length of the proposed building

Hearing: Friday, 8/8/2008 at 9:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 15, 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: 2008-0562-A

44 Stemmers Run Road

N/west of Stemmers Run Road at a distance of 52 feet +/- from the centerline of Ann Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Dru A. Salvo

Variance to permit a side building face setback of 25 feet from a public street right-of-way in lieu of the required 45 feet (20 feet increase required by minor arterial road) for a length of the proposed building.

Hearing: Friday, August 8, 2008 at 9:00 a.m. Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Paul Lee, Century Engineering, 10710 Gilroy Road, Hunt Valley 21031
Dru Salvo, 14 Back River Neck Road, Baltimore 21221

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

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

Please forward billing to:
Joseph Salvo, Jr.
14 Back River Neck Road
Baltimore, MD 21221

410-682-2300

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: 2008-0562-A

44 Stemmers Run Road

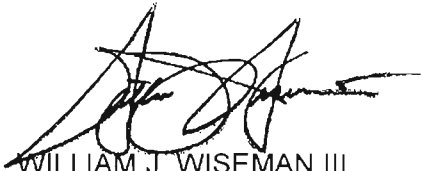
N/west of Stemmers Run Road at a distance of 52 feet +/- from the centerline of Ann Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Dru A. Salvo

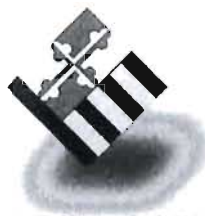
Variance to permit a side building face setback of 25 feet from a public street right-of-way in lieu of the required 45 feet (20 feet increase required by minor arterial road) for a length of the proposed building.

Hearing: Friday, August 8, 2008 at 9:00 a.m. Room 104, Jefferson Building,
105 W. 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

August 1, 2008

Dru A. Salvo
14 Back River Neck Rd.
Baltimore, MD 21221

Dear: Dru A. Salvo

RE: Case Number 2008-0562-A, Address: 44 Stemmers Run Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 04, 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:lnw

Enclosures

c: People's Counsel
Paul Lee, Century Engineering, INC., 10710 Gilroy Rd., Hunt Valley, MD 21031

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 19, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 23, 2008
Item Nos. 08-456, 0531, 0543, 0558, 0559, 0560,
0561, 0562, 0563, 0566, 0567, 0568, and 0571

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk
cc: File
ZAC-06192008-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 6-20-2008

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

RE: Baltimore County
Item No 2008-0562-A
44 STEMMERS RUN RD
SALVO PROPERTY
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. 2008-0562-A.

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

Very truly yours,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR VARIANCE * BEFORE THE
44 Stemmers Run Road; NW Stemmers Run *
Road, 52' c/line Ann Avenue * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Dru Salvo * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-562-A

* * * * *

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.

RECEIVED

JUN 27 2008

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

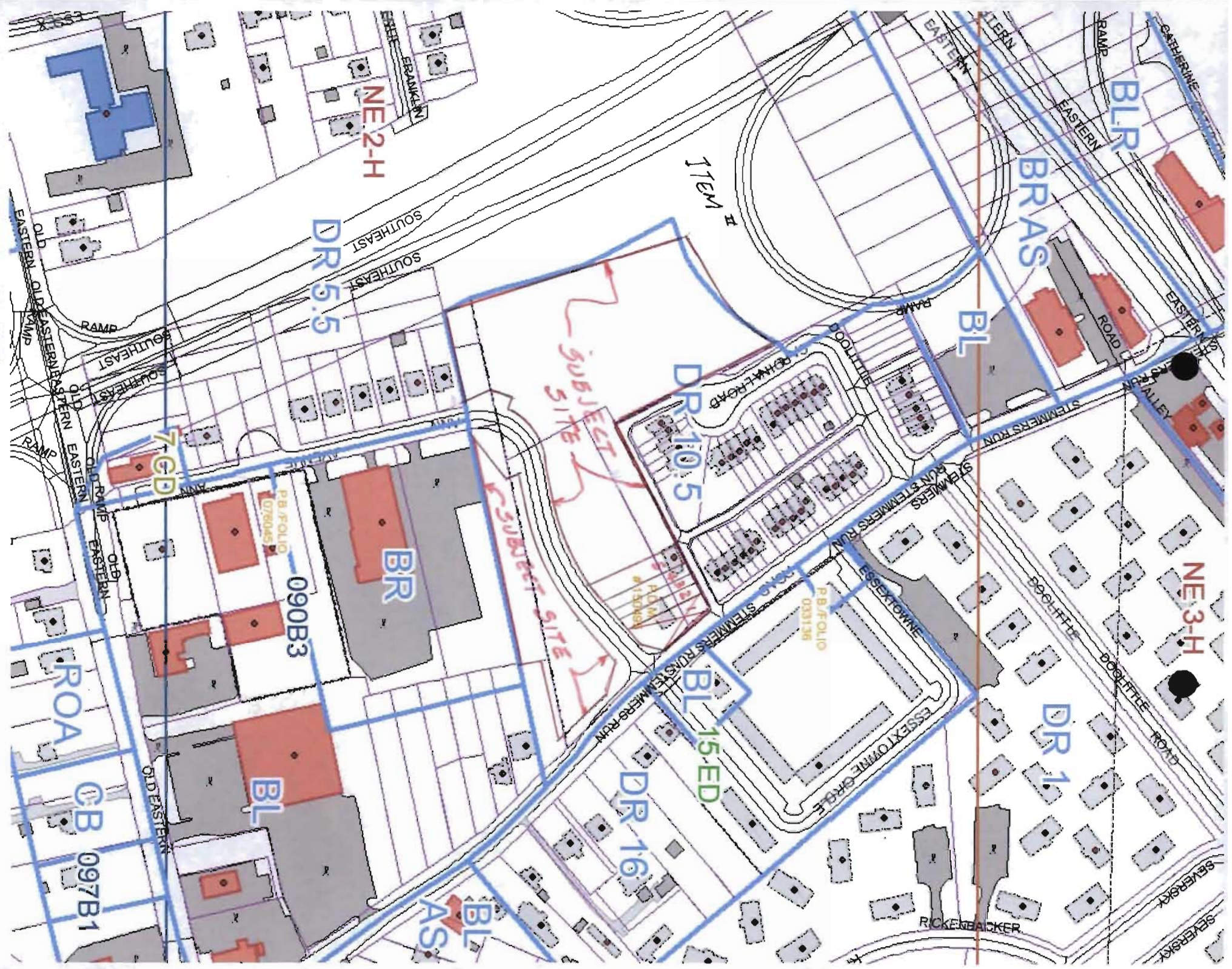
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Paul Lee, Century Engineering, Inc, 10710 Gilroy Road, Hunt Valley, MD 21031, Representative for Petitioner(s).

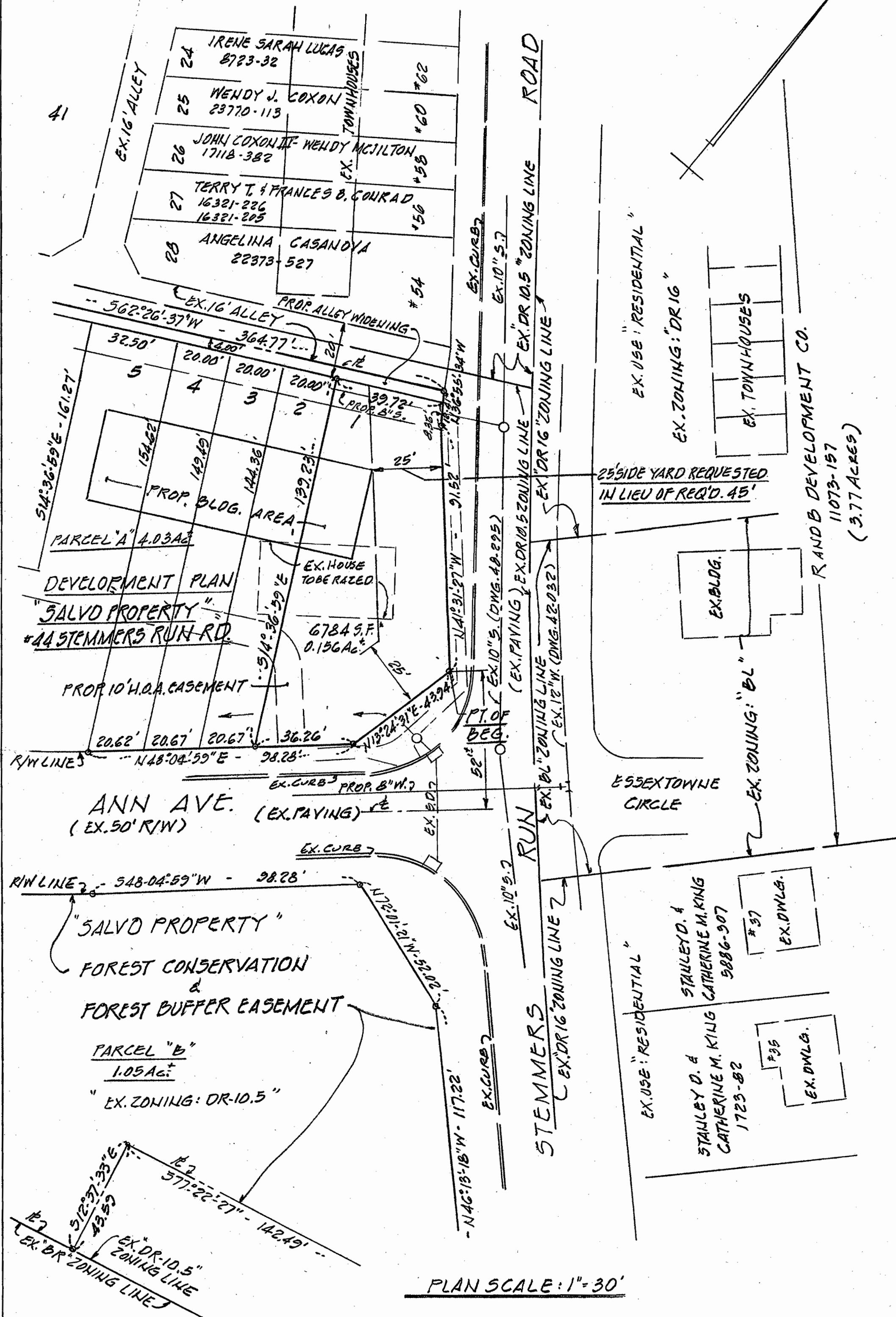
Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

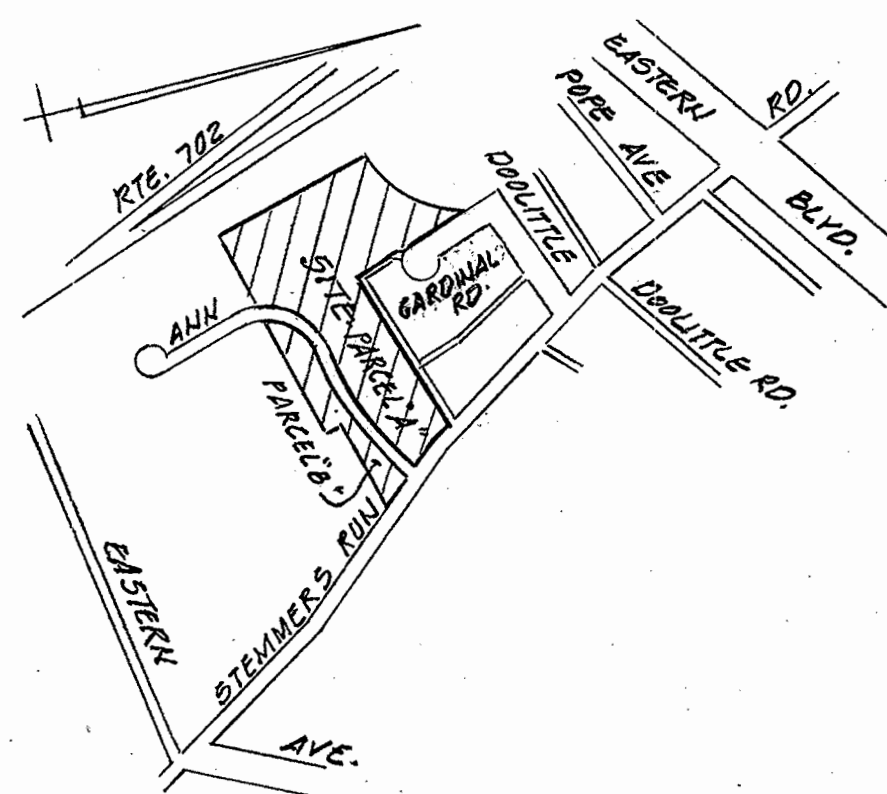
CASE # 2008.0562 A
ZONING MAP 090B3 - SCALE: 1"=200'



"STEMMERS HEIGHT"
GLB 18-23
EX. USE: "RESIDENTIAL"



PLAN SCALE: 1" = 30'



LOCATION MAP
SCALE: 1" = 500'

DENSITY RESIDENTIAL ZONES
SECTION 1801.2.C.1.c

c. Group house (except back-to-back group house).

Group House

From front building face to:	
Public street right-of-way or property line	25 feet
Garage units	
Non-garage units	13 feet
Perpendicular parking	15 feet
Parallel parking	
From side building face to:	
Side building face	25, 20 feet*
Public street right-of-way	25 feet
From rear building face to:	
Rear property line or	30 feet
Public street right-of-way	45 feet
Any building face to:	
Tract boundary	30 feet
Additional setbacks:	
Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet	

This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of this requirement, consult the Comprehensive Manual of Development Policies (CMDP).
*See CMDP Section II, Single-Family Attached.

PROPERTY INFORMATION

PROP. TAX #15-05-100023, 15-03-471700, 15-02-852170
DEED: 8094-845
TAX MAP 90, GRID 22, PARCELS 1308, 426, 456, 487
ADC MAP: 37-F8
B.C.Z.M. 090B3

GENERAL NOTES

1. AREA OF PROPERTY = 5.08Ac. - GROSS AREA = 5.53Ac.
PARCEL "A" = 4.03Ac. - PARCEL "B" = 1.05Ac.
2. EXISTING ZONING OF PROPERTY = "DR-10.5"
3. EXISTING USE OF PROPERTY = "VACANT"
4. PROPOSED ZONING OF PROPERTY = "DR-10.5"
5. PROPOSED USE OF PROPERTY = "RESIDENTIAL - TOWNHOUSES"
6. PERMITTED DENSITY CALCULATIONS:
5.53Ac. (10.5) = 58.06 DWELLING UNITS
7. NUMBER OF PROPOSED UNITS = 27 SINGLE FAMILY TOWNHOUSE
PROPOSED UNITS TO BE BUILT ON PARCEL "A" ONLY.
PARCEL "B" TO REMAIN AS FOREST CONSERVATION AND FOREST BUFFER EASEMENT
8. NUMBER OF PARKING REQUIRED: $2.3 \times 10 + 2 \times 17 = 57 P.S.$
9. NUMBER OF PARKING SHOWN = 61 P.S.
LOTS 1-17 (2 P.S. REAR OF LOT), LOTS 18-27 (1 P.S. FRONT & 1 P.S. ON DRIVE)
10. STEMMERS RUN ROAD HAS BEEN ESTABLISHED AS A MINOR ARTERIAL ROAD WHICH REQUIRES AN ADDITIONAL INCREASE OF THE REQUIRED SETBACK TO THE ROAD BY 20'
11. OWNER IS REQUESTING A VARIANCE TO SECTION 1801.2.C.1.c OF THE BCZR TO PERMIT A SIDE BUILDING FACE SETBACK OF 25' FROM A PUBLIC STREET RIGHT OF WAY IN LIEU OF THE REQUIRED 45' (20' INCREASE REQUIRED BY MINOR ARTERIAL ROAD) FOR A LENGTH OF THE PROPOSED DWELLING.
12. OWNER IS REQUESTING THAT THE ZONING HEARING TO CONSIDER THIS VARIANCE REQUEST BE HELD CONCURRENT WITH THE HEARING OFFICER'S HEARING ON THIS DEVELOPMENT PLAN.
13. ZONING HISTORY OF PROPERTY:
CASE # 90-334-XA - SPECIAL EXCEPTION - LIVING QUARTERS IN A COMMERCIAL BLDG. & BLDG. SETBACK VARIANCES. GRANTED 6-27-90.
CASE # 68-88A SETBACK VARIANCES FROM ROAD CENTERLINE GRANTED 10-13-67.
COMPREHENSIVE MAP 2004 PROPERTY ZONED "DR10.5"

ITEM# 2008-0562A

PLAT TO ACCOMPANY PETITION
FOR

VARIANCE

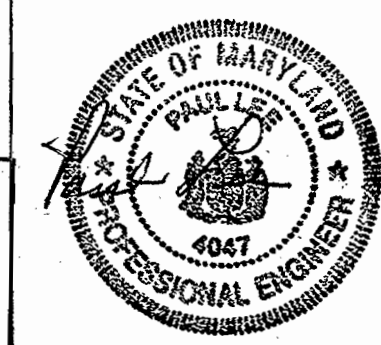
SALVO PROPERTY
#44 STEMMERS RUN ROAD

ELECT. DIST. 15 G7 BALTIMORE CO., MD.
PLANNING NO. XV-495
PUBLIC SERVICES CRG #89-071 OCT. 10, 2007

OWNERS:
JOSEPH C. SR., DRU A., TODD C. SALVO
MARK W., KIRK A. SALVO
14 BACK RIVER NECK ROAD
BALTIMORE, MARYLAND 21221

ENGINEER:

CENTURY
ENGINEERING
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: (410) 823-8070 Fax: (410) 823-2184



21.022.07 08-562