IN RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE

W/S Hanover Pike, S Weywood Drive (US 30, LLC Property) 4th Election District 3rd Council District

US 30, LLC Developer

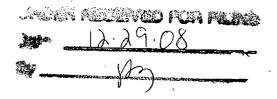
- BEFORE THE
- * ZONING
- * COMMISSIONER OF
- * BALTIMORE COUNTY
- * Case Nos. IV-677 & (2009-0004-A

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before the Hearing Officer/Zoning Commissioner for a combined public hearing on a 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.). The owner and developer, US 30, LLC ("Developer"), submitted for approval a development plan prepared by the engineering firm of Little & Associates, Inc., for property located on the west side of Hanover Pike, south of Weywood Drive, in the northern part of the County, just above Reisterstown. The subject property contains approximately 95.951 acres, more or less, zoned R.C. 4, on which the Developer proposes a total of 7 single-family dwelling lots—for one existing home and six proposed homes.

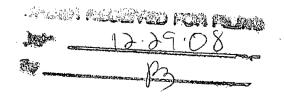
In addition to the development plan approval, the Developer has requested, pursuant to B.C.C. Section 32-4-409 (e) (2), approval of a Petition for Variance, seeking to permit a panhandle driveway of 1,807' +/-, in lieu of the permitted 1,000' in a R.C. zone.

The proposed development and requested zoning relief are more particularly described on the red/greenlined Development Plan submitted and marked into evidence as Developer's Exhibit 9.



As to the history of the project, a concept plan of the proposed development was prepared and a conference held on May 27th, 2007. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and appropriate County agencies, with comments and recommendations provided at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the Plan. In this case, the CIM was held on June 6th, 2007, at the Reisterstown Public Library. Subsequently, a development plan was prepared, based on the comments received at the CPC and CIM and then submitted for further review at a Development Plan Conference (DPC), which, again, is held between the Developer's consultants and the reviewing County agencies. In this case, the DPC was held on August 27th, 2008. Following review at the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan (the redlined development plan, which was submitted in this matter by the Developer and marked and accepted as Developer's Exhibit 2), which incorporates these comments and then submitted at the Hearing Officer's Hearing (HOH), which was scheduled and began before the undersigned on September 19th, 2008.

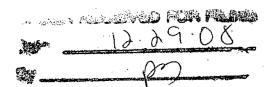
At the public hearing, Ron Baquol appeared as the managing member of the owner US 30, LLC, the Developer. Arnold Jablon, Esq., and Christopher Mudd, Esq., of Venable, LLP, appeared as legal counsel for the Developer. Also appearing was G. Dwight Little, Jr., P.E., with Little & Associates, Inc., the consultant who prepared the site plan for this property. S. Glenn Elseroad, President of the Hanover Road Association ("Association"), appeared at the hearing. Mr. Elseroad stated that neither he nor the Association was opposed to the proposed



development. There were no Protestants or other interested persons from the community present.

A short history is appropriate here. As explained by Mr. Jablon and Mr. Elseroad, this property prior to 2004 had been zoned R.C. 2. The Developer, the property owner then as now, proposed to rezone the subject property during the Comprehensive Zoning Map process of 2004. During the course of the CZMP process, the Developer entered into and executed an Agreement and Declaration of Covenants ("Agreement") with the Association. Pursuant to the Agreement, the Association agreed to support the rezoning of the subject property to R.C. 4 and, in return, the Developer agreed to propose no more than seven (7) lots, each to be improved with a single-family detached house. There are a number of other conditions to which both the Developer and the Association agreed and memorialized in the Agreement, which was recorded among the Land Records of Baltimore County. The Developer introduced the Agreement into evidence and it was accepted as Developer's Exhibit 3. Subsequent to the execution of the Agreement, the County Council rezoned the subject property from R.C. 2 to R.C. 4.

Numerous representatives of the various County agencies who reviewed the plan also attended the hearing, including the following individuals from the Department of Permits and Development Management: Colleen Kelly (Project Manager); Dennis Kennedy (Development Plans Review); Gigi Hampshire (Land Acquisition); and Bruno Rudaitis (Zoning Review Office). Also appearing on behalf of the County were Curtis Murray (Office of Planning); Bruce Gill (Department of Recreation and Parks); and David Lykens (Department of Environmental Protection and Resource Management [DEPRM]). Finally, a written comment was received from Steven D. Foster on behalf of the Maryland State Highway Administration. This and other agency remarks are contained in the case file.



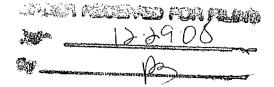
Pursuant to B.C.C. Sections 32-4-227 and 228, which regulate the conduct of the Hearing Officer's Hearing, I am required, first, to identify any unresolved comments or issues as of the date of the hearing. Mr. Jablon, counsel for the Developer, indicated that with the exception of DEPRM's review and approval of storm water management, there were no unresolved issues. The redlined plan, Exhibit 2, addressed all outstanding issues. I then asked the particular agencies to comment. Their responses are summarized as follows:

Department of Recreation and Parks (R & P): Bruce Gill appeared on behalf of R & P and confirmed that a waiver of the local open space requirements was requested, pursuant to B.C.C., Section 32-6-108(g) for the required 7,000 SF, or 0.16 acres of recreational area, (4,550 square feet active and 2,450 square feet passive) and approved by his department director as reflected in an approval letter submitted as Developer's Exhibit 4. Therefore, R & P recommended approval of the plan.

Department of Environmental Protection and Resource Management (DEPRM):

David Lykens appeared on behalf of DEPRM and testified that the Department had reviewed the redlined plan and the only issue outstanding was concerns about storm water management. He requested that the hearing be continued. Mr. Jablon agreed. Mr. Lykens stated he would notify me after DEPRM had reviewed changes submitted by the Developer in response to DEPRM's concerns. He confirmed that the Ground Water Management and Environmental Impact Review sections had no outstanding issues.

On December 5th, 2008, Mr. Lykens notified me by memo that DEPRM had completed review of the amended plan and recommended approval. Attached to his memo was a "Revised Per Final SWM Review" Development Plan, which reflects changes to the red line plan, Developer's Exhibit 2, which are noted in green. The memo and attached greenlined plan was



introduced and accepted into evidence as Developer's Exhibit 9. The only changes between Exhibit 2 and Exhibit 9 result from the comments made by DEPRM to which the Developer responded and noted on the greenlined plan, Exhibit 9. These changes are minor modifications to grading in one area of the site and a relocation of a level spreader.

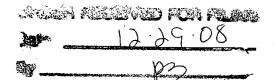
Office of Planning (OP): Curtis Murray appeared on behalf of the OP and provided the Hearing Officer with a school impact analysis for the project, introduced and accepted into evidence as Developer's Exhibit 5. Based on the results of that analysis, Mr. Murray confirmed that this project is in compliance with the provisions of B.C.C., Section 32-4-103. Mr. Murray also provided the Hearing officer with testimony that he reviewed the building elevations for the proposed dwellings and found them to be compatible with the existing dwellings and in keeping with the design standards of the Hanover Pike Corridor study. Developer's Exhibit 6. Finally, he stated that his agency supported the requested variance to permit a panhandle driveway length of 1,800 feet, and, further, supported approval of the plan.

Zoning Review: Bruno Rudaitis appeared on behalf of the Zoning Review Office and stated that his agency did not have any outstanding issues.

Bureau of Land Acquisition: Gigi Hampshire appeared on behalf of the Bureau of Land Acquisition and confirmed that all issues were addressed on the plan and, therefore, approval was recommended.

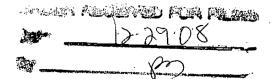
Plans Review: Dennis Kennedy appeared on behalf of the Bureau of Plans Review. According to Mr. Kennedy, his agency was in support of the waiver of the panhandle driveway length and confirmed that the plan adequately addressed his agency's comments.

Moving on to the more formal portion of the hearing, Developer's counsel called upon G. Dwight Little, Jr., P.E., to present the redlined development plan. Mr. Little was qualified and



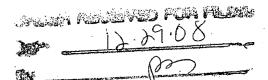
accepted as an expert in civil engineering, the preparation of development plans, and in the development and zoning regulations of Baltimore County as they relate to development. Mr. Little gave a brief description of the re-zoning history and existing conditions of the property and surrounding area. He confirmed that the redlined plan, Exhibit 2, was prepared by his office under his supervision and Mr. Jablon moved its introduction into evidence. He then explained that the subject property consists of 95.913 +/- acres, zoned R.C. 4, and is located on Hanover Pike, Rt 30, north of Reisterstown. The property is uniquely shaped, as more particularly noted on the site plan, Exhibit 2. As Mr. Little describes the property, it "jigs and jags". The east side of the property is Hanover Road; the southern property line is adjacent to the CSX railroad tracks and is adjacent to the Maryland National Guard compound. To the northwest are single family homes, whose owners are part of and are represented by the Association. Wetlands exist on the property, and there are streams throughout the property. The topography can best be described as rolling and to the rear of the property exist steep slopes. The only access to the subject property is by Hanover Pike. The Developer proposes a total of 7 lots, one of which will have an existing house. The proposed lots range in size from 10.984 acres to 17.835 acres. The maximum R.C. 4 building area permitted is 28.774 acres and that proposed is 28.659 acres. The minimum R.C. 4 conservancy area required is 67.139 acres and that proposed is 67.254 acres. The homes are accessed by a proposed panhandle driveway of 1,807 +/- feet, which comes off of Hanover Road, as more particularly shown and described on Exhibit 2.

Mr. Little confirmed that, while there were no issues raised regarding traffic conditions, there are no failing intersections as rated by the Department of Public Works, and that the area roads are adequate to handle the existing traffic and any anticipated increase in volume from this development. Further, he offered his opinion that, with the panhandle variance relief requested,



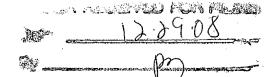
the proposed redlined development plan, Exhibit 2, fully complies with the zoning and development regulations contained in the B.C.C. and B.C.Z.R., and all applicable policies, rules, and regulations. He testified that the Department of Recreation and Parks had approved for a waiver of Local Open Space, which requires the Developer to pay to Baltimore County a fee-inlieu of \$20,300. Developer's Exhibit 4. Confirming Mr. Murray's comment, Mr. Little testified that a school impact analysis was prepared, pursuant to B.C.C. Section 32-4-103, and the proposed development is in compliance with its requirements. Developer's Exhibit 5. He further confirmed that the proposed plan complies with the terms and conditions contained and agreed to by and between the Developer and the Association as memorialized in the Agreement, Exhibit 3.

The hearing then moved on to the Petition for Variance, the request to permit a panhandle driveway in excess to what is otherwise permitted. The requested relief was detailed in the petition filed and also on the redlined development plan, Exhibit 2. As stated previously, the specific relief is to permit a panhandle drive of 1,807°, in lieu of the permitted 1000°. See B.C.C. Section 32-4-409(e)(2). Mr. Little testified regarding the variance and explained where, on the property, the panhandle would be located and why the variance relief would be required. Mr. Little testified that the proposed panhandle results from the location and size of the proposed lots, which were dictated by the Agreement and by the existence of the environmentally sensitive areas located on the subject property. The location of the lots will not be detrimental to the adjacent properties and they will not conflict with efforts to provide for public safety and general welfare. All of the conditions required by Section 32-4-409(a) have been satisfied. Section 32-4-409(e)(2) requires in an R.C. zone, the panhandle length may not exceed 1000°. Section 32-4-409(e)(3) permits a variance pursuant to Section 307, B.C.Z.R., to the permitted length.



The proposed development is to permit 7 lots, each to be improved with a single-family detached home. There is one existing dwelling on the property, which will be located on one of the 7 lots. In order to provide access to each of the lots, the panhandle is proposed, accessible from Hanover Road, Rt. 30. The numbers of lots, as previously indicated, are limited by the Agreement, as are the basic configurations and locations of each. The Association wanted wide open-space between the existing homes to the northwest of the subject property and the proposed lots. The panhandle, J-shaped, allows for the access to each proposed lot while providing the large lots and undeveloped area of the subject property dictated by the environmental and topographical constraints and by the Association.

The Zoning Commissioner is permitted to grant variances, pursuant to the B.C.Z.R., Section 307, upon a finding that special circumstances exist and that requiring strict compliance with the regulations would result in a practical difficulty for the developer/petitioner. Having heard the testimony and considered the requests, I find that sufficient evidence and justification exists to grant the requested variance. In my judgment, the Developer has demonstrated a desire to work with the community by providing large lots located away from the northwest tract boundary. Given the property's irregular triangular shape with no other means of access other than from Hanover Pike, the environmental constraints caused by the stream and wetlands, and the railway tracks that run along the southern portion of the property, I find that the requirements of B.C.Z.R. Section 307 are satisfied. Further, for the reasons already stated, the subject property is unique in a zoning sense. Developer's Exhibit 2, the Development Plan, more particularly shows these constraints and underscores the differences between the subject property and the properties surrounding it.

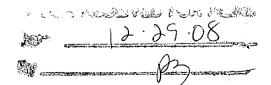


I find that a practical difficulty will result if the Developer is forced to strictly comply with B.C.C. Section 32-4-409(e)(2) in view of the Directors of the Department of Public Works and Office of Planning request to grant a variance under these circumstances.

The Baltimore County Code provides the "Hearing Officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations." B.C.C. Section 32-4-229. Having granted the zoning petition, I must decide whether, based on the cumulative testimony and evidence presented by the Developer and the comments of the County agencies, the Development Plan is in compliance with all applicable county, state, and federal regulations. At the close of the hearing on September 19, 2008, there was one remaining issue to be resolved. As more fully explained above, DEPRM has now recommended approval after reviewing the greenlined plan, Developer's Exhibit 9. The Developer has now complied with all County comments and there are no outstanding issues. All the County agencies now recommend approval.

After due consideration of the testimony and evidence presented by the Developer concerning this proposal as well as the input of the various County agencies, and having addressed the only outstanding issue, I find that the redlined/greenlined US 30, LLC Development Plan accepted into evidence as Developer's Exhibit 9 is in compliance with all applicable policies, rules and regulations, and I will approve the plan.

Pursuant to the Zoning and Development Regulations of Baltimore County as contained within the Baltimore County Zoning Regulations and in Article 32, Title 4 of the Baltimore County Code, the advertising and posting of the property, and public hearing held thereon, the redlined/greenlined US 30, LLC Development Plan, and variance relief requested, be approved.



THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner of Baltimore County, this ______ day of December 2008, that the redlined/greenlined US 30, LLC Development Plan, entered into evidence as Developer's Exhibit 9, be and is hereby APPROVED; and

IT IS FURTHER ORDERED, that the Petition for Variance seeking relief from Section 32-4-409(e)(2) of the Baltimore County Code to permit a panhandle driveway of 1,807' +/- in lieu of the permitted 1,000' in a R.C. zone, is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Declaration of Covenants Agreement, dated August 23, 2004, by and between US 30, LLC and the Hanover Road Association (Developer's Exhibit 3), is hereby incorporated herein by reference as a condition to the approval of the development plan.

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

WILLIAM J. WISEMAN, III Zoning Commissioner/Hearing Officer

for Baltimore County



JAMES T. SMITH, IR County Executive

December 29, 2008

WILLIAM J. WISEMAN III Zoning Commissioner

Arnold Jablon, Esquire Christopher Mudd, Esquire Venable, LLP 210 Allegheny Avenue Towson, MD 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE

W/S Hanover Pike, S Weywood Drive

(US 30, LLC Property) US 30, LLC - Developer

Case Nos. IV-677 & 2009-0004-A

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved in accordance with the attached Order.

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

Development Management office at 887-3391.

AAM J. WISEMAN, III Zoning Commissioner

for Baltimore County

WJW:dlw

Ron Baguol, 3002 Merrymans Mill Road, Phoenix, MD 21131

G. Dwight Little, Jr., P.E., Little & Associates, Inc., 1055 Taylor Avenue, Suite 307, Towson, MD 21286

S. Glenn Elseroad, President, Hanover Road Association, 5423 Mt. Gilead Road, Reisterstown, MD 21136

Colleen Kelly, DPDM; DEPRM; DPW; DPR; LA; OP; R&P; Zoning Review People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 13302 Hanover Pike

which is presently zoned RC 4

Deed Reference: 15884 / 139 Tax Account # 0411047025

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)

to permit a panhandle driveway of 1807' +/- in lieu of the permitted 1000' in a RC zone, pursuant to Section 32-4-409 (e) (2), Baltimore County Code

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 determined at hearing

REV 8/20/07

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

	v.		is the subject of this	Petition.		
Contract Purchaser/Le	essee:		Legal Owner(s):			
Name - Type or Print			US 30, LLC Name - Type or Print	14	,	
Signature			Signature		****	
Address		Telephone No.	by: Ronald Baqu Name - Type or Print	ol, Member		
City	State	Zip Code	Signature	***************************************	· · · · · · · · · · · · · · · · · · ·	
Attorney For Petitione	er:		2106 Carterdale R	Road		
	-		Address		Telephone No.	
Arnold Jablon			Baltimore, Maryla	nd 21209		
Name - Type or Print			City Representative	State to be Contacted:	Zip Code	
Signature Venable, LLP			Arnold Jablon			
210 Allegheny Ave 4	 110 494 6298		Name 210 Allegheny	Ave 410 494 6298		
Address		Telephone No.	Address		Telephone No.	
Towson, Md 21204	•		Towson, Maryl	land 21204		
City	State	Zip Code	City	State	Zip Code	
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DESCRIPTION TO ACCOMPANY ZONING PETITION 95.913 ACRE PARCEL WESTSIDE HANOVER PIKE

FOURTH ELECTION DISTRICT THIRD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for same at the end of the second following course and distance measured from the intersection of the centerline of Weywood Drive (50' wide) with the centerline of Hanover Pike (60' wide) 1) Southerly along the centerline of Hanover Pike 1760 feet, more or less and thence 2) Westerly 30 feet to the point of beginning, thence binding on the west side of said Hanover Pike, the five following courses and distances, referring all courses of this description to the Gird Meridian established by the Maryland Coordinate System - NAD83(1991), (1) South 04 degrees 49 minutes 29 seconds East 804.11 feet, thence (2) South 85 degrees 10 minutes 31 seconds West 42.00 feet, thence (3) South 04 degrees 49 minutes 29 seconds East 39.00 feet, thence (4) North 85 degrees 10 minutes 31 seconds East 42.00 feet, and thence (5) South 04 degrees 49 minutes 29 seconds East 256.45 feet, thence leaving said Hanover Pike and running for the outlines of the lot herein being described, the 15 following courses and distances viz: (6) South 86 degrees 42 minutes 11 seconds West 161.70 feet, thence (7) South 04 degrees 49 minutes 29 seconds East 538.80 feet, thence (8) South 86 degrees 42 minutes 11 seconds West 962.97 feet, thence (9) North 65 degrees 04 minutes 23 seconds West 268.93 feet, thence (10) North 73 degrees 04 minutes 23 seconds West 181.50 feet, thence (11) South 89 degrees 55 minutes 37 seconds West 330.00 feet, thence (12) South 78 degrees 25 minutes 37 seconds West 181.50 feet, thence (13) South 88 degrees 25 minutes 37 seconds West 218.63 feet, thence (14) North 25 degrees 55 minutes 37 seconds East 239,25 feet, thence (15) North 44 degrees 34 minutes 23 seconds West 544.51 feet, thence (16) North 40 degrees 55 minutes 37 seconds East 1270.00 feet, thence (17) North 41 degrees 44 minutes 18 seconds East 1328.02 feet, thence (18) South 77 degrees 25 minutes 41 seconds East 458.66 feet, thence (19) South 02 degrees 24 minutes 19 seconds West 852.69 feet, and thence (20) South 84 degrees 16 minutes 41 seconds East 279.87 feet to the point of beginning; containing 95.913 acres of land, more of less; as surveyed by Little & Associates, Inc. in November 2006.

IISCEL	LANEO	US REC	EIP I				Date:	1/2/08	# ISTAESS ACTIVAL TONE OR 1/2/10/2008 1/2/2/2008 1/2/2/2008 1/2/2/2008 1/2/2/2008 1/2/2/2008 1/2/2/2/2008 1/2/2/2/2008 1/2/2/2/2008 1/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2
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NOTICE OF ZONING HEARING

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

Case: # 2009-0004-A-13302 Hanover Pike

W/side of Hañover Pike (a.k.a. Route 30) 1760 feet south of Weywood Avenue 4th Election District

6th Councilmanic District

Legal Owner(s): US 30, LLC Variance: to permit a panhandle driveway of 1807 feet +/- in lieu of the permitted 1000 feet in an RC zone.

Hearing: Wednesday, September 10, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN III Zoning Commissioner for Baittmore County

nore 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 8/746 Aug. 26 181716

CERTIFICATE OF PUBLICATION

8/28/, 2008
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 826,2008.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.:	2009-0004-A	_
Petitioner/Deve	loper:	_
US 30, LLC		
Date of Hearing	Closing: Sept.10,08	

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Kristen Matthews

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

13302 Hanover Pike

The sign(s) were posted on

Aug. 26, 2008 (Month, Day, Year)

Sincerely,



(Signature of Sign Poster) Aug. 28, 08 (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 26, 2008 Issue - Jeffersonian

Please forward billing to:
Arnold Jablon
210 Allegheny Avenue

Towson, MD 21204

410-494-6298

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: 2009-0004-A

13302 Hanover Pike W/side of Hanover Pike (a

W/side of Hanover Pike (a.k.a. Route 30) 1760 feet south of Weywood Avenue 4th Election District – 6th Councilmanic District

Legal Owners: US 30, LLC

<u>Variance</u> to permit a panhandle driveway of 1807 feet +/- in lieu of the permitted 1000 feet in an RC zone.

Hearing: Wednesday, September 10, 2008 at 9:00 a.m. in Hearing Room 1, 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.



JAMES T. SMITH, JR. County Executive

August 1, 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: 2009-0004-A

13302 Hanover Pike

W/side of Hanover Pike (a.k.a. Route 30) 1760 feet south of Weywood Avenue

4th Election District – 6th Councilmanic District

Kotroco

Legal Owners: US 30, LLC

<u>Variance</u> to permit a panhandle driveway of 1807 feet +/- in lieu of the permitted 1000 feet in an RC zone.

Hearing: Wednesday, September 10, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building, \$105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204 Ronald Bacquol, 2106 Carterdale Road, Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 26, 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.



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or Case Number: _	2009-0004-A
Petitioner: US 30, L	u c
	HANOVER PIKE 21133
PLEASE FORWARD ADVERTIS Name: ARAGO J	
Name: ARNOD J	ARON
	ARON



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 5, 2008

Arnold Jablon Venable, LLP 210 Allegheny Ave. Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2009-0004-A, 13302 Hanover Pike

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 8, 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,

N. Carl Roll

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
US 30, LLC, 2106 Carterdale Rd., Baltimore, MD 21209

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 28, 2008

Department of Permits &

Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 28, 2008

Item Nos. 2008-0588, 2009-0001, 0002, 0004, 0005, 0006, 0007, 0008, 0009, and 0010

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

DAK:CEN:lrk cc: File

ZAC-07282008-NO COMMENTS



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

July 22, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: 2008-0570-A, 2008-0588-SPH, 2008-0600-SPHA, 2009-001-A,

2009-0002-A, 2009-0003-A, 2009-0004-A, 2009-0005-A, 2009-0006-A, 2009-0008-A, 2009-0009-A and 2009-0010-A

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.

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

Don W. Muddiman, Acting Lieutenant Fire Marshal's Office (Office)410-887-4880 MS-1102F

cc: File



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

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

Maryland Department of Transportation

Date: 7-28-2008

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

Baltimore County

Item No. 2009-000

MD 30

13302 HANOVER BAGUOLPROPERTY

ARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 7/28/08. A field inspection and internal review reveals that an entrance onto MD 30 consistent with current State Highway Administration guidelines is required. As a condition of approval for 1330Z Harver Rus, Case Number 2009-0004 A the applicant must contact the State Highway Administration to obtain an entrance permit.

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

Very truly yours,

Engineering Access Permits

SDF/MB

Mr. David Malkowski, District Engineer, SHA Co:

Mr. Michael Pasquariello, Utility Engineer, SHA

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

9/10 9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



D	EC] []	了 2008	
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B	Y:				

TO:		Timothy M. Kotroco
FROM	:	Dave Lykens, DEPRM - Development Coordination
DATE:	:	August 25, 2008
SUBJE	ECT:	Zoning Item # 09-004-A Address 13302 Hanover Pike (US 30, LLC Property)
,· .	Zoning	g Advisory Committee Meeting of July 21, 2008
		epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
<u>X</u>		epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:
	X	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
	_X	Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
	———	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).
	A ddie:	onal Comments:

Reviewer:

Michael S. Kulis

Date: August 22, 2008

RE: PETITION FOR VARIANCE
13302 Hanover Pike: W/S Hanover

13302 Hanover Pike; W/S Hanover Pike, 1760' S of Weywood Drive

4th Election & 3rd Councilmanic Districts

Legal Owner(s): US 30, LLC; Ronald Baquol*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

09-004-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

JUL 3 0 2008

Peter Mar Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Crak S Domlio

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 30th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County From:

Debra Wiley

To:

Murray, Curtis

Date:

09/08/08 2:49:21 PM

Subject:

OP Comment Needed

Hi Curtis.

Bill has a hearing scheduled for Wed., 9/10 @ 9 AM and we're missing a comment from your office. I have provided a case description for your convenience as follows:

CASE NUMBER: 2009-0004-A

13302 Hanover Pike

Location: W side of Hanover Pike (A.K.A. Route 30), 1760 feet S of Weywood Drive.

4th Election District, 3rd Councilmanic District Legal Owner: Ronald Baquol: US 30, LLC

VARIANCE To permit a panhandle driveway of 1,807 +/- feet in lieu of the permitted 1,000 feet in a RC zone.

Hearing: Wednesday, 09/10/08 at 9:00:00 AM Hearing Room 1, Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

Thanking you in advance for your usual cooperation. Have a great day!

Debbie Wiley Legal Administrative Secretary Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov



(410) 494-6244

admatte@venable.com

July 1, 2008

HAND DELIVERED

Mr. W. Carl Richards, Jr., Supervisor Zoning Review Office County Office Building 111 West Chesapeake Avenue Towson, MD 21204

Re: Petition for Variance

Petitioner: US 30, LLC

Location: 13302 Hanover Pike

Dear Mr. Richards:

I am drop filing the enclosed Petition for Variance for the above-referenced property. This property is not in violation of any zoning laws. With this letter, I have enclosed the following documents:

- 1. Petition for Variance (3)
- 2. Zoning Descriptions (3)
- 3. Site Plans (12)
- 4. Portion of 200' Scale Zoning Map (1)
- 5. Newspaper advertising form (1)
- 6. Check in the amount of \$325.00

If you have any questions or concerns regarding this filing, please give me a call.

Very truly yours,

Amy D. Matte

Paralegal

cc: Arnold Jablon, Esquire

Enclosures

TO1DOCS1/#260915v1

PLEASE PRINT CLEARLY

CASE NAME US 30LAC Property CASE NUMBER 04-677

<u>PETITIONER'S SIGN-IN SHEET</u>

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
HILWOW JAKON	ZID ALLEWAY	TOUXON ZILY	
RON BAQUOL	3002 Merrymons MINIR	Phoenix ml2/13/	ribdev//c 2@ comost. Net
Dwight Little	1055 Taylor Ave Ste 307	Towson, MT 21286	deright Plittle associates com
Chris Mydd	210 Alleghens Ave	Towson ND 21204	conde consile com
Knownick Whitmore	210 Alteghany Arc	Tonson, MD 21204	known Imac @ venable com
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PLEASE PRINT CLEARI

CASE NAME	
CASE NUMBER	
DATE	

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
5 GLENN ELSERDAD	5423 MT GILLAN RO	PEISTERSTOWN MD 21134	SCETSEROAD COMCATT, I
· · · · · · · · · · · · · · · · · · ·	President		south -
		·	11 +
	World arth	noperty owner - we	rhed out
	agreenengt	- covenant by	ulming -
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	4 acres 346,000	->	
	10001.	•	
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CASE NAME U.S. 30 LLC	•	
CASE NAME U.S. 30 LEC CASE NUMBER 104-671 DATE 9/19/08		
DATE 9/19/08.		
' / /		

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Rigi Hampshire	PDM LAND ACQU	151700	
TOPPID LYKENS	1) EPRM		5459
DENNIS KENNEDY	PDM-DRR	·	
Cutis Murray	Planning		
Brugo Rudaitis	204, 49		
GRUCE GILL	RECREATION + PARK		
COLLEEN KELLY	PDM-PROJECT MANA	VER	
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