

IN RE: PETITION FOR VARIANCE

E side of South Hilltop Road; 110 feet N
of Woodwind Road
1st Election District
1st Councilmanic District
(121 South Hilltop Road)

Mark E. and Leah A.K. Hayes
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0043-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Mark and Leah Hayes. Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 35 feet in lieu of the required 50 feet for a dwelling. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Mark E. Hayes. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a somewhat irregular shaped rectangular lot containing approximately 1.521 acres (66,245 square feet) of land zoned D.R.1. The currently unimproved property is located on the northeast side of South Hilltop Road, just south of Frederick Road, in the Catonsville area of Baltimore County. As illustrated on the site plan, the lot in question, referred to as Lot 2, lies east of another lot known as Lot 1. Lot 1 was the subject of a variance request in Case No. 2009-0083-A to reduce the front yard setback to 35 feet in lieu of the required 50 feet. That variance request was granted by Zoning Commissioner William J. Wiseman, III in an Order dated November, 2008.

~~ORIGINAL FILED FOR RECORD~~
11.17.09
[Signature]

Further evidence revealed that Petitioners are proposing to build a custom home on the subject property, but have had difficulty due to the presence of a large nontidal wetland in the rear of the property. According to Mr. Hays, the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) has demanded a large rear setback in order to maintain the forest buffer easement and the integrity of the environmentally sensitive wetland, and this has driven the need to place the building envelope towards the front (western) portion of the lot. Thus, Petitioners were advised to request a variance in order to move the proposed dwelling away from the forest buffer/forest conservation easement area. A front yard setback of 35 feet is needed in lieu of the minimum 50 feet required in order to develop the lot, while maintaining the forest buffer. The site plan also shows the topography of the property, which slopes downward from the rear yard, away from the property, and further contributes to the need for variance relief.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated September 29, 2009. The comment indicates that development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains and must also comply with the Forest Conservation Regulations. The zoning variance is being sought at the direction of DEPRM to avoid impacting the 35 foot setback to the existing Forest Buffer and Forest Conservation easement. The comment received from the Office of Planning dated September 1, 2009 indicates that they do not oppose the request.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property has an irregular shape and the building

11-17-09
m

envelope is uniquely constrained by the large nontidal wetland that dominates the rear of the property. It is also worth noting that while this property is zoned D.R.1, it is surrounded by properties with larger density zoning such as D.R.5.5 to the southwest and D.R.2 immediately east of the subject property. As shown on the site plan, adjacent homes surrounding the subject property are all built with front yard setbacks of 26 and 33 feet. Thus, I find the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district, and that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship.

I conclude that the subject property is unique in a zoning sense and that Petitioners would suffer practical difficulty and undue hardship if the variance were to be denied. I further find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Decreasing the front setback will simultaneously permit an aesthetically pleasing custom home that is consistent with the pattern of development of other properties in the surrounding locale, while also maintaining the integrity of the environmentally sensitive nontidal wetland in the rear of the property. Thus, I find that the request for variance meets the requirements of Section 307 of the B.C.Z.R. as interpreted in *Cromwell v Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance request should be granted.

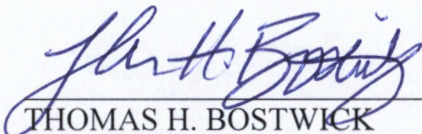
THEREFORE, IT IS ORDERED this 17th day of November, 2009 by this Deputy Zoning Commissioner, that Petitioners' Variance request from Section 1B02.3.C.1 of the

FILED FOR FILING
11-17-09
[Signature]

Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 35 feet in lieu of the required 50 feet for a dwelling be and is hereby **GRANTED**, subject to the following:

1. Petitioners are advised that they may apply for any required 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. 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).
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILED
11.17.09
jm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 17, 2009

MARK E. AND LEAH A.K. HAYES
412 HARWOOD ROAD
BALTIMORE MD 21228

Re: Petition for Variance
Case No. 2010-0043-A
Property: 121 South Hilltop Road

Dear Mr. and Mrs. Hayes:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

TAX. ACCOUNT # 2500064772

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 121 South Hilltop
which is presently zoned DR1

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) 1B02.3.C.1; BCZR, TO PERMIT A

FRONT YARD SETBACK OF 35ft IN LIEU OF THE
REQUIRED 50ft. FOR A DWELLING.

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

- 1- Eliminates the need for a grinder pump
- 2- maintains a consistent streetscape with neighboring properties
- 3- Increases the distance of house to forest Buffer

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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

MARK E. HAYES

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2010-0043-A

REV 9/15/98

Reviewed By JCM

Date 8.7.09

DESCRIPTION OF LOT 2
MINOR SUBDIVISION PLAT- #119 SOUTH HILLTOP ROAD
(07-093-M)
#121 SOUTH HILLTOP ROAD

BEGINNING for the same at a point on the northeast side of South Hilltop Road as shown on Baltimore County Bureau of Land Acquisition Highway Widening Drawing No. HRW 60-089 at a point in third or South 84 degrees 42 minutes 30 seconds West 400.0 foot line of that parcel of land which by deed dated December 27, 2001 and recorded among the Land Records of Baltimore County in Liber S.M. No. 16061 folio 013 etc. was conveyed by Kathleen Elizabeth Gladding to Kathleen Elizabeth Gladding thence running with and binding on said northeast side of South Hilltop Road, as now surveyed, with all bearing referred to the system of coordinates as established by the Maryland Coordinate System **(1) North 12 degrees 51 minutes 10 seconds West 138.00 feet** thence leaving said road and running for new lines of division the four following courses and distances: **(2) North 77 degrees 15 minutes 00 seconds East 105.00 feet (3) North 12 degrees 51 minutes 10 seconds West 14.00 feet (4) North 77 degrees 15 minutes 00 seconds East 200.00 feet and (5) North 12 degrees 51 minutes 10 seconds West 138.00 feet** to intersect the first line of said parcel thence running with and binding on a part of the first, all of the second and a part of the third line of said parcel the three following courses and distances: **(6) North 77 degrees 15 minutes 00 seconds East 73.64 feet (7) South 12 degrees 51 minutes 10 seconds East 290.00 feet and (8) South 77 degrees 15 minutes 00 seconds West 378.64 feet** to the place of beginning.

The improvements thereon to be known as No. 121 South Hilltop Road Road and located in the 1st Election District and the 1st Councilmanic District.

CONTAINING 66,245 square feet of land, more or less or **1.521** acres of land, more or less.

BEING a part of that parcel of land which by deed dated September 10, 2008 and recorded among the Land Records of Baltimore County in Liber S.M. No. 27364 folio 074 etc. was conveyed by Gladding Estate, LLC to Mark E. Hayes and Leah A.K. Hayes.

**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: # 2010-0043-A
121 South Hilltop Road
E/side of South Hilltop Road
110 feet +/- north of Woodwind Road
1st Election District
1st Councilmanic District
Legal Owner(s): Mark & Leah Hayes
Variance: to permit a front yard setback of 35 feet in lieu of the required 50 feet for a dwelling.
Hearing: Friday, October 2, 2009 at 10:00 a.m. In Room 104, Jefferson Building, 105 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.

9/323 Sept. 17 213881

CERTIFICATE OF PUBLICATION

9/17, 2009

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 9/17, 2009.

- ☒ 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 CASH RECEIPT

No. 43310

Date: 8.7.09

PAID RECEIPT

BUSINESS ACTUAL TIME
 8/07/2009 8/07/2009 09:12:02 5

REF MS06 WALKIN ICHI KBE

>> RECEIPT # 651272 8/07/2009 0811

Dept 5 529 ZONING VERIFICATION

CH NO. 043310

Receipt Tot \$45.00

\$45.00 CR \$4.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	506	0000		6150				65.00

Total: 65.00

Rec From: MARK HAYES

For: 2010-0043-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2010-0043-A

Petitioner/Developer MARK &
LEAH HAYES

Date Of Hearing/Closing: 10/2/09

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

Attention:

Ladies and Gentlemen

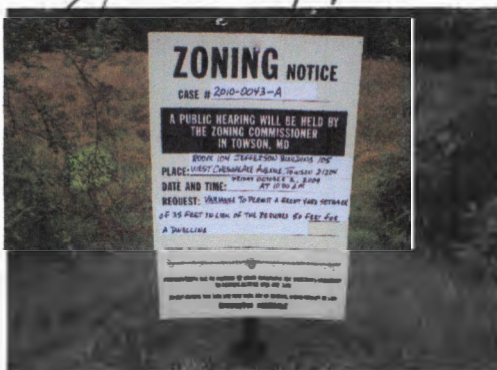
This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 121 SOUTH HILTOP RD

This sign(s) were posted on September 17, 2009
Month, Day, Year

Sincerely,

Martin Ogle 9/17/09
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



TO: PATUXENT PUBLISHING COMPANY
Thursday, September 17, 2009 Issue - Jeffersonian

Please forward billing to:

Mark Hayes
412 Harwood Road
Baltimore, MD 21228

410-747-0421

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: 2010-0043-A

121 South Hilltop Road
E/side of South Hilltop Road, 110 feet +/- north of Woodwind Road
1st Election District – 1st Councilmanic District
Legal Owners: Mark & Leah Hayes

Variance to permit a front yard setback of 35 feet in lieu of the required 50 feet for a dwelling.

Hearing: Friday, October 2, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM U. 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 28, 2009

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: 2010-0043-A

121 South Hilltop Road

E/side of South Hilltop Road, 110 feet +/- north of Woodwind Road

1st Election District – 1st Councilmanic District

Legal Owners: Mark & Leah Hayes

Variance to permit a front yard setback of 35 feet in lieu of the required 50 feet for a dwelling.

Hearing: Friday, October 2, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Hayes, 412 Harwood Road, Baltimore 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPT. 17, 2009.**
- (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.

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: 2010-0043-A

Petitioner: MARK HAYES

Address or Location: 121 SOUTH HILLTOP, BALD. MD. 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 410-747-0421



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 24, 2009

Mark & Leah
412 Harwood Rd.
Baltimore, MD 21228

Dear: Mark & Leah

RE: Case Number 2010-0043-A, 121 South Hilltop

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 7, 2009. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

10/2
10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 1, 2009

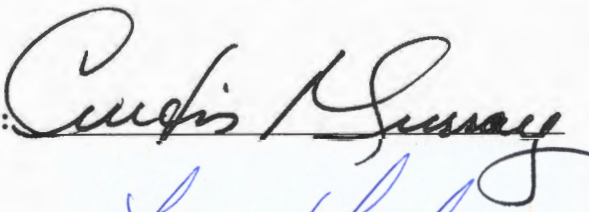
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-043- Variance**

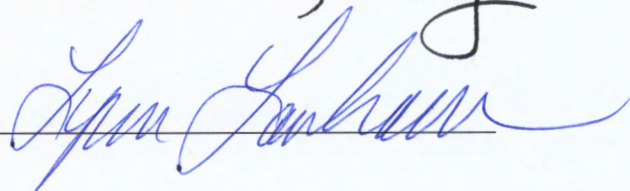
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



RECEIVED

SEP 09 2009

ZONING COMMISSIONER

TB 10/2
10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 29 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 29, 2009
SUBJECT: Zoning Item # 10-043-A
Address 121 South Hilltop Road
(Hayes Property)

Zoning Advisory Committee Meeting of August 17, 2009

- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
 - X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

This zoning variance is being sought at the direction of DEPRM to avoid impacting the 35-foot setback to the existing Forest Buffer and Forest Conservation easement.

Reviewer: Glenn Shaffer

Date: September 3, 2009

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 1, 2009

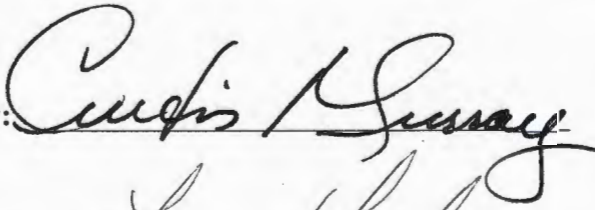
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-043- Variance**

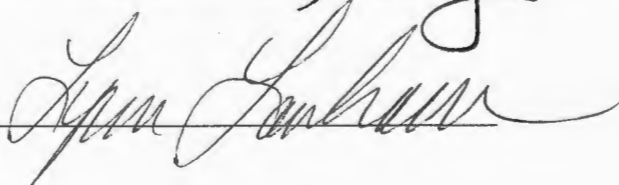
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 19, 2009

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 17, 2009
Item Nos. 2010-0041, 2010-042, 043 and 045

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08192009 -NO COMMENTS.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

August 21, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 17, 2009

Item Numbers 0041, 0043, 0044, 0045, 0046, 0047

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



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

State Highway
Administration

Beverley K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: August 19, 2009

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

RE: Baltimore County
Item No 2010-0043-A
121 SOUTH HILLTOP RD
HAYES 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. 2010-0043-A.

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

Very truly yours,

For ¹Steven 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

State Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0200 • www.maryland.gov

RE: PETITION FOR VARIANCE * BEFORE THE
121 S. Hilltop Road; E/S S. Hilltop Road, * ZONING COMMISSIONER
110' N of Woodwind Road *
1st Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Mark & Leah Hayes *
Petitioner(s) * BALTIMORE COUNTY
* 10-043-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

AUG 27 2009

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 August, 2009, a copy of the foregoing Entry of Appearance was mailed to Mark & Leah Hayes, 412 Harwood Road, Baltimore, MD 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 121 South Hilltop Rd.
CASE NUMBER 2010-0043-A
DATE 10-2-09

[illegible]



Case No.: 2009-0043-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan - minor sub plan	
No. 2	elevation drawings	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



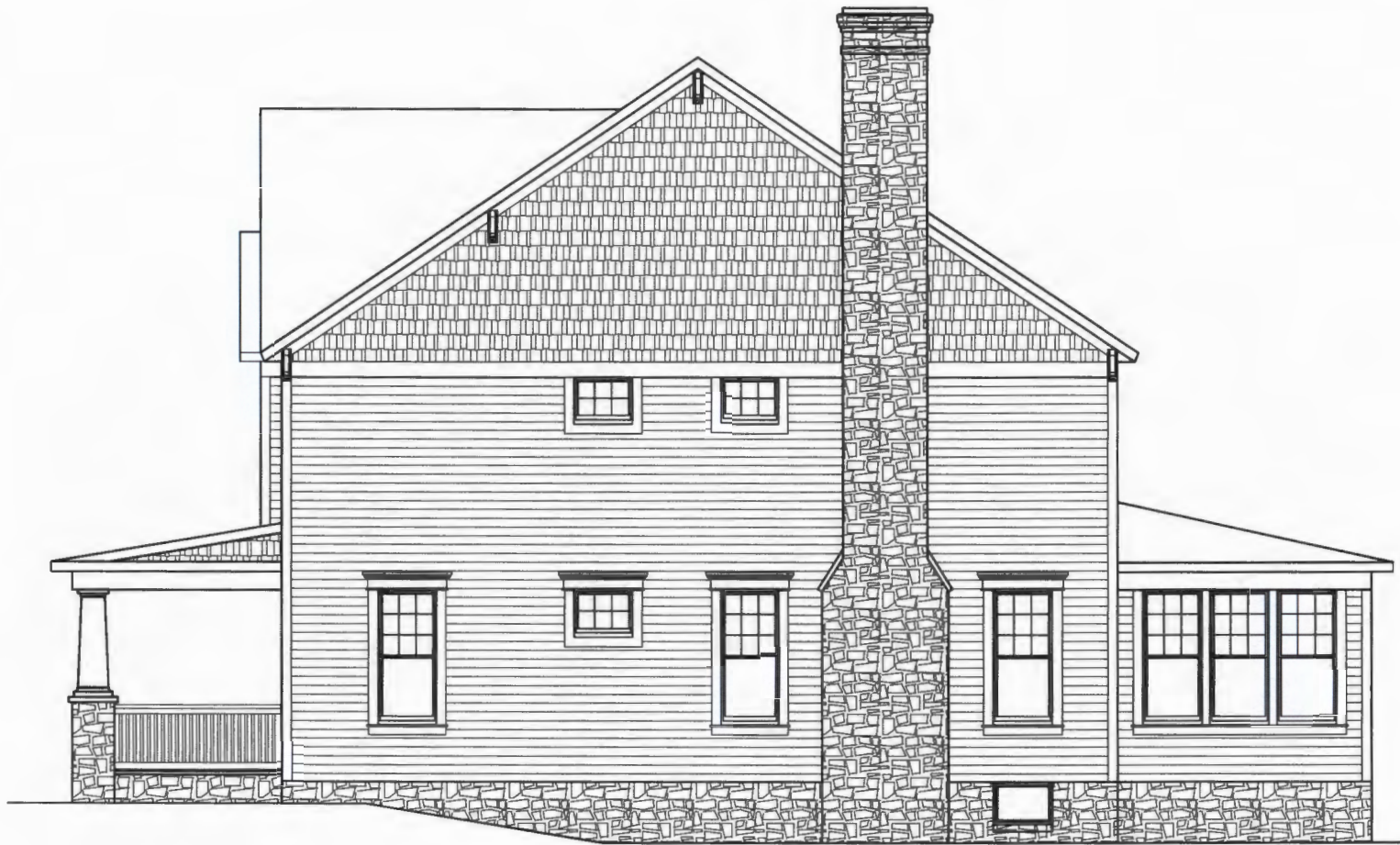
FRONT ELEVATION -- HAYES -- 7/29/09
PLYMOUTH ROAD ARCHITECTS 410-788-0281

PETITIONER' S

EXHIBIT NO. 2



REAR ELEVATION-- HAYES -- 7/29/09
PLYMOUTH ROAD ARCHITECTS 410-788-0281

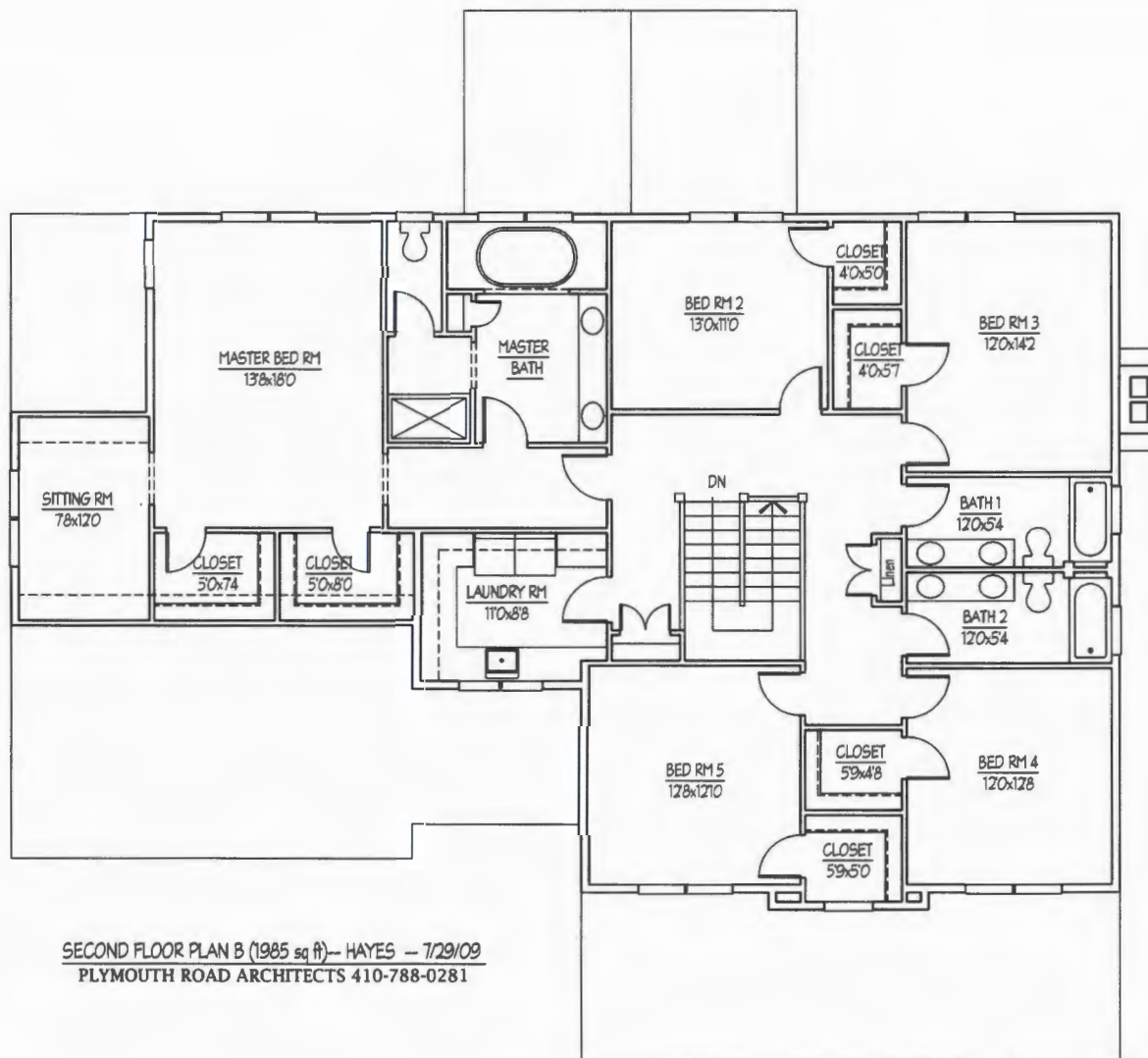


RIGHT ELEVATION-- HAYES -- 7/29/09
PLYMOUTH ROAD ARCHITECTS 410-788-0281

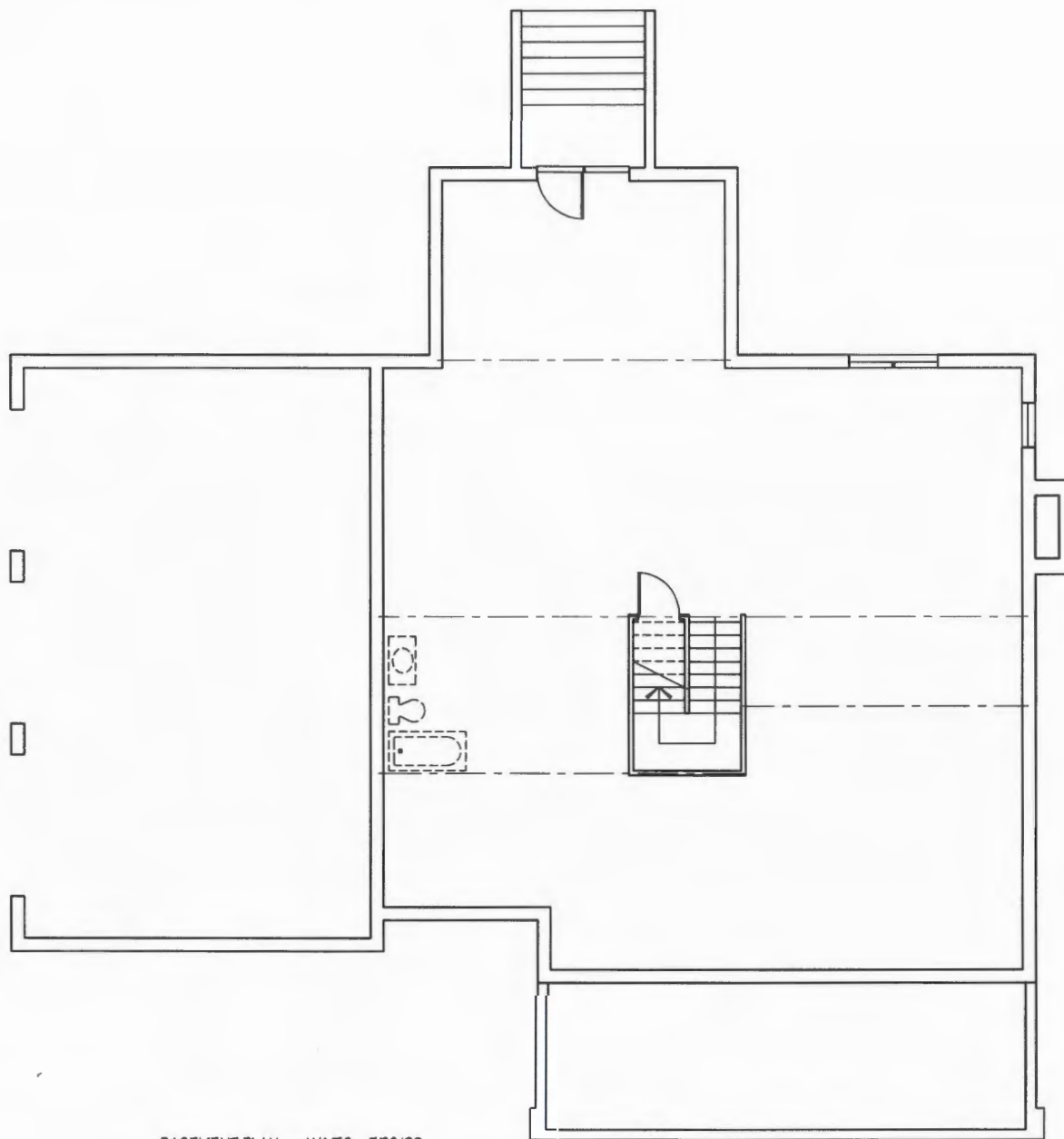


LEFT ELEVATION-- HAYES --7/29/09
PLYMOUTH ROAD ARCHITECTS 410-788-0281





SECOND FLOOR PLAN B (1985 sq ft) -- HAYES -- 7/29/09
 PLYMOUTH ROAD ARCHITECTS 410-788-0281



BASEMENT PLAN -- HAYES -- 7/28/09
PLYMOUTH ROAD ARCHITECTS 410-788-0281

REQUIRED STORM WATER MANAGEMENT NOTES:

1. All site runoff must be conveyed to a suitable outfall without imposing an adverse impact on the receiving waterbody, watercourse, wetland, storm drain or adjacent property.
2. As much as possible, impervious areas should be conveyed as sheet flow through vegetated areas without concentrating or causing erosion.
3. House down spouts are to be discharged onto pervious areas where feasible.
4. Additional subdivision on these parcels and/or lots will require Storm Water Management controls for this site and the additional subdivision.

NOTES:

1. OWNER: KATHLEEN ELIZABETH GLADDING
75 GARDEN RIDGE ROAD BALTIMORE, MD 21228 (C/O CRYSTAL TITLE CO. 410-455-0080)
2. DEED REFERENCE: 18061-13 TAX MAP 100 GRID 17 PARCEL 993
3. ZONING NOTES: ZONING DR1 PER OPZ 100C2
TRACT AREA = 2.52 AC. ± (GROSS) 117056 S.F. ± (NET) 109805 S.F. ±
LOTS ALLOWED = 2.887 X 1 = 2 LOTS ALLOWED LOTS PROPOSED = 2
(NO KNOWN ZONING HISTORY)
4. AREAS:
PROPOSED LOT 1 = 43580 S.F. ± (1.000 AC. ±)
PROPOSED LOT 2 = 66245 S.F. ± (1.521 AC. ±)
5. THERE ARE NO KNOWN EXISTING DWELLINGS, WELLS, UNDERGROUND STORAGE TANKS, SEPTIC SYSTEMS, HAZARDOUS MATERIALS OR HISTORICAL BUILDINGS ON THIS SITE EXCEPT AS SHOWN ON PLAN.
6. SITE LIES WITHIN FLOOD ZONE C per F.E.M.A. BALTIMORE COUNTY F.I.R.M. 240010-03708
7. SITE SOIL TYPE NeC2, Lhb, Llc per BALTIMORE COUNTY SOIL SURVEY MAP NO. 45
8. SITE LIES IN: COUNCILMANIC DISTRICT 1 WATERSHED - PATAPSCO RIVER
ELECTION DISTRICT 1 SUBWATERSHED 76
CENSUS TRACT 4005.00
REGIONAL PLANNING DISTRICT 324
SCHOOLS: (Elem) HILLCREST (Middle) CATONSVILLE (High) CATONSVILLE
9. TOPOGRAPHY HEREON PER BALTIMORE COUNTY - OIT GIS SERVICES UNIT MAP (Title ID: 100C2)
10. TAX ACCOUNT # 0107410150
11. EXISTING USE OF PROPERTY: 1 SINGLE FAMILY DWELLING
12. PROPOSED USE PROPERTY: 2 SINGLE FAMILY DWELLINGS
13. MAXIMUM HEIGHT OF PRINCIPAL STRUCTURES IS 50'
14. THE PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 9-2-55.
THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
AREA BETWEEN SIGHT LINE AND ROADWAY MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.
A ZONING FINAL DEVELOPMENT PLAN MAY BE REQUIRED DEPENDING ON THE NUMBER OF LOTS CREATED (AS DETERMINED FROM ZONING AND THE EFFECTIVE DATE OF THE ZONING REGULATIONS FOR THAT ZONE).
15. PROPOSED DWELLINGS FOR GRAPHIC REPRESENTATION ONLY AND MAY BE REVISED IN FINAL DEVELOPMENT.
16. PROPOSED DRIVEWAY ENTRANCES SHALL BE CONSTRUCTED PER STANDARD PLATE R-15A.
17. PRIOR TO REMOVAL OF ANY EXISTING CURB FOR ENTRANCES, THE DEVELOPER SHALL OBTAIN A PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS, BUREAU OF HIGHWAYS.
18. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.
19. ZONING LINES AS SHOWN HEREON.
20. DRG LIMITED EXEMPTION FOR A MINOR SUBDIVISION APPROVED (062507A).
21. CURRENT OWNER WILL RAZE EXISTING BUILDINGS PRIOR TO APPLICATION FOR ANY NEW BUILDING PERMITS ON SITE.
22. A PRIVATE EJECTOR PUMP IS REQUIRED TO PROVIDE SEWER SERVICE TO THE LOWER LEVEL OF LOT 1. LOT 2 WILL REQUIRE A PRIVATELY OWNED AND MAINTAINED GRINDER PUMP, AND WILL BE CONNECTED TO THE PUBLIC SEWER SYSTEM AT THE RW USING A SINGLE SEWER HOUSE CONNECTION PER STD. DETAIL 5-12 B.

"REQUIRED STORM WATER MANAGEMENT NOTES"
STORM WATER MANAGEMENT HAS BEEN ADDRESSED BY A PAYMENT OF A FEE IN LIEU
TO THE BALTIMORE COUNTY STORM WATER MANAGEMENT FUND.

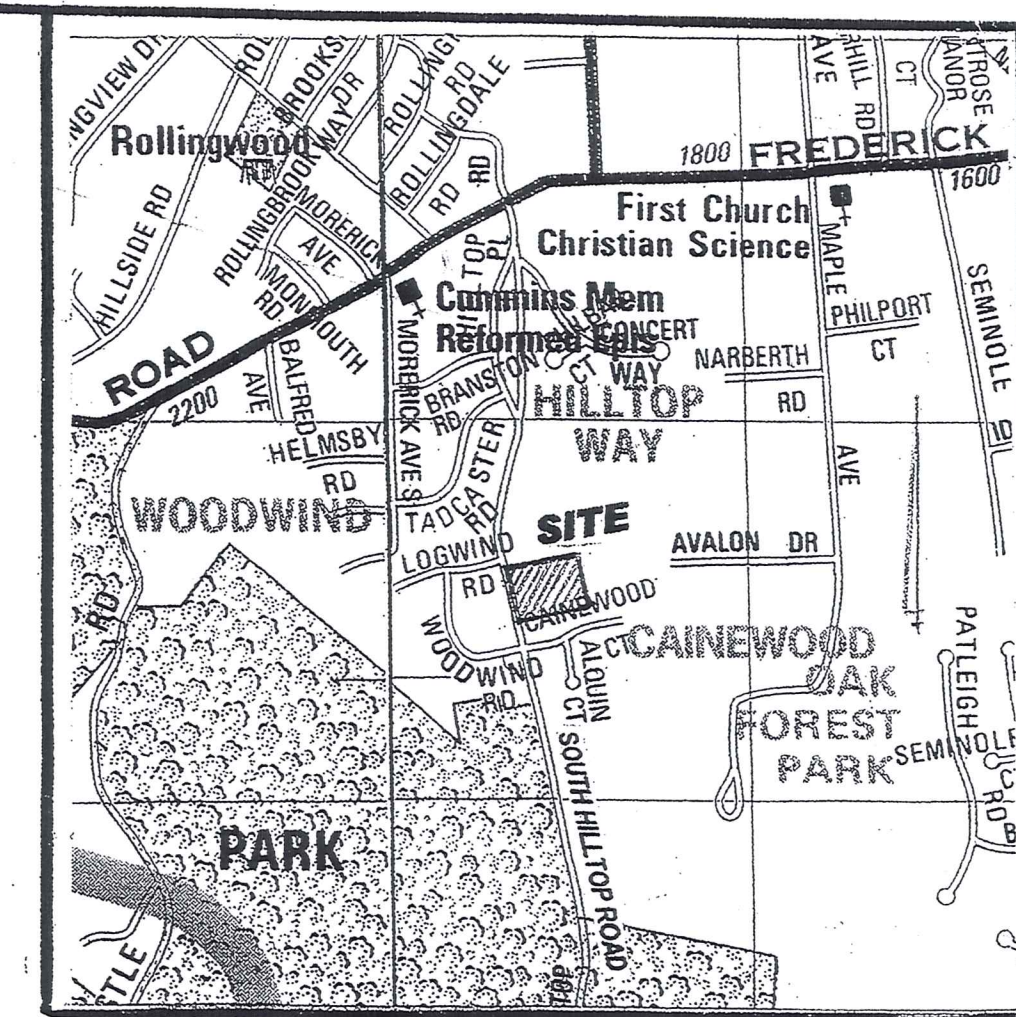
Standard non-disturbance note:

There shall be no clearing, grading, construction, or disturbance of vegetation in the FOREST BUFFER AND FOREST CONSERVATION EASEMENT except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

Protective Covenants note:

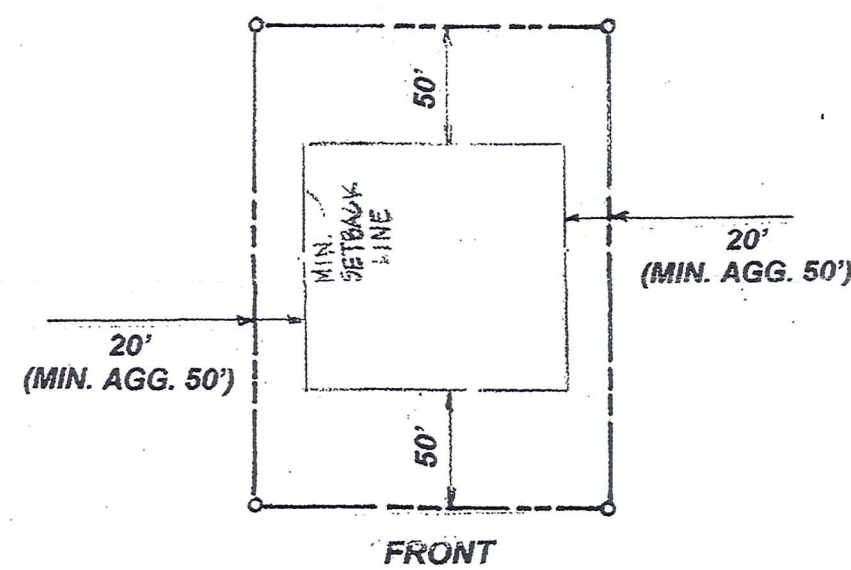
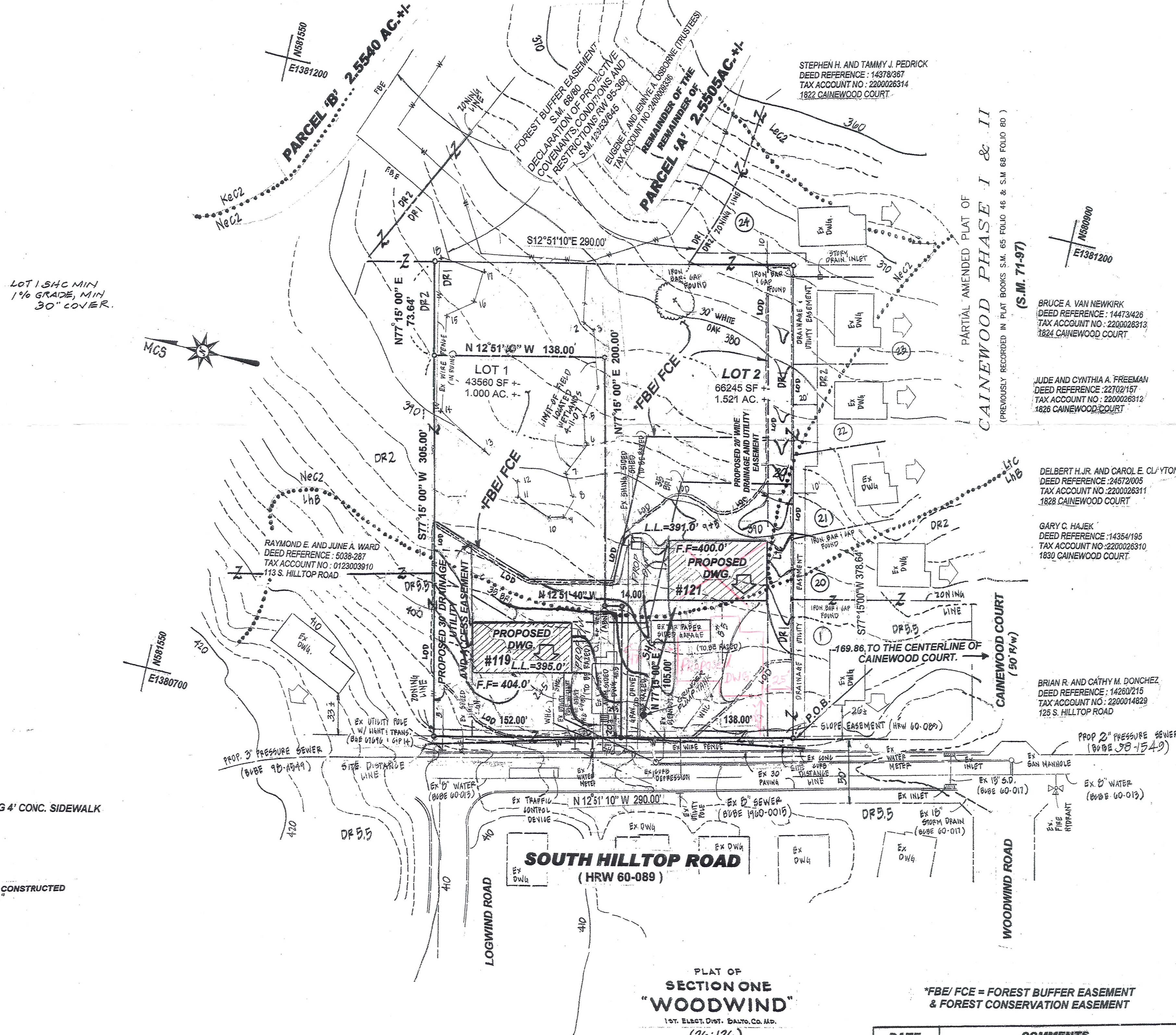
Any FOREST BUFFER AND FOREST CONSERVATION EASEMENT shown hereon is subject to protective covenants which may be found in the land records of Baltimore County and which restrict disturbance and use of these areas.

"A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management, from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer Easement and building setback shown hereon are reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including planting and posting of the Forest Buffer Easement."

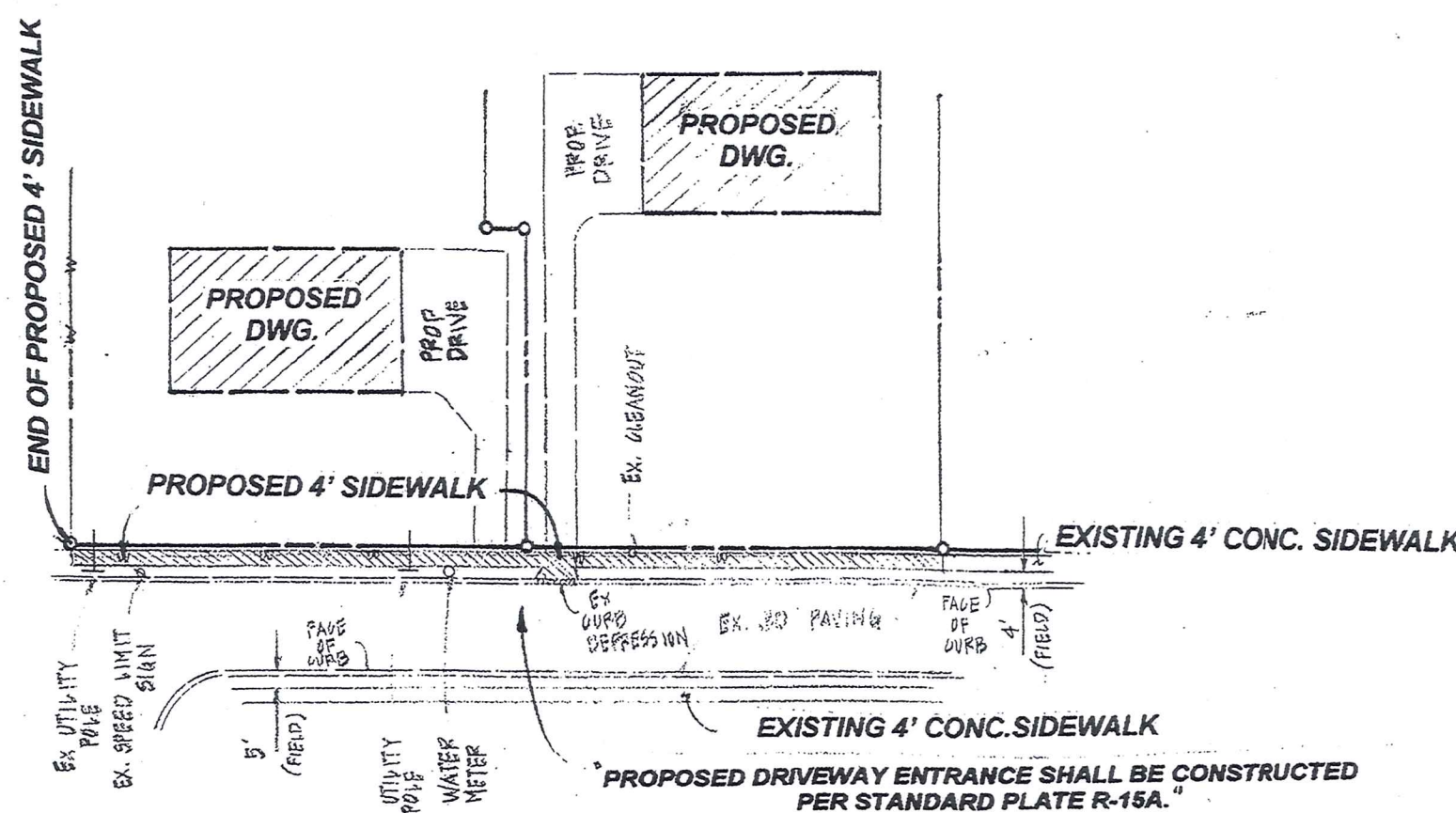


VICINITY MAP 1"=1000'

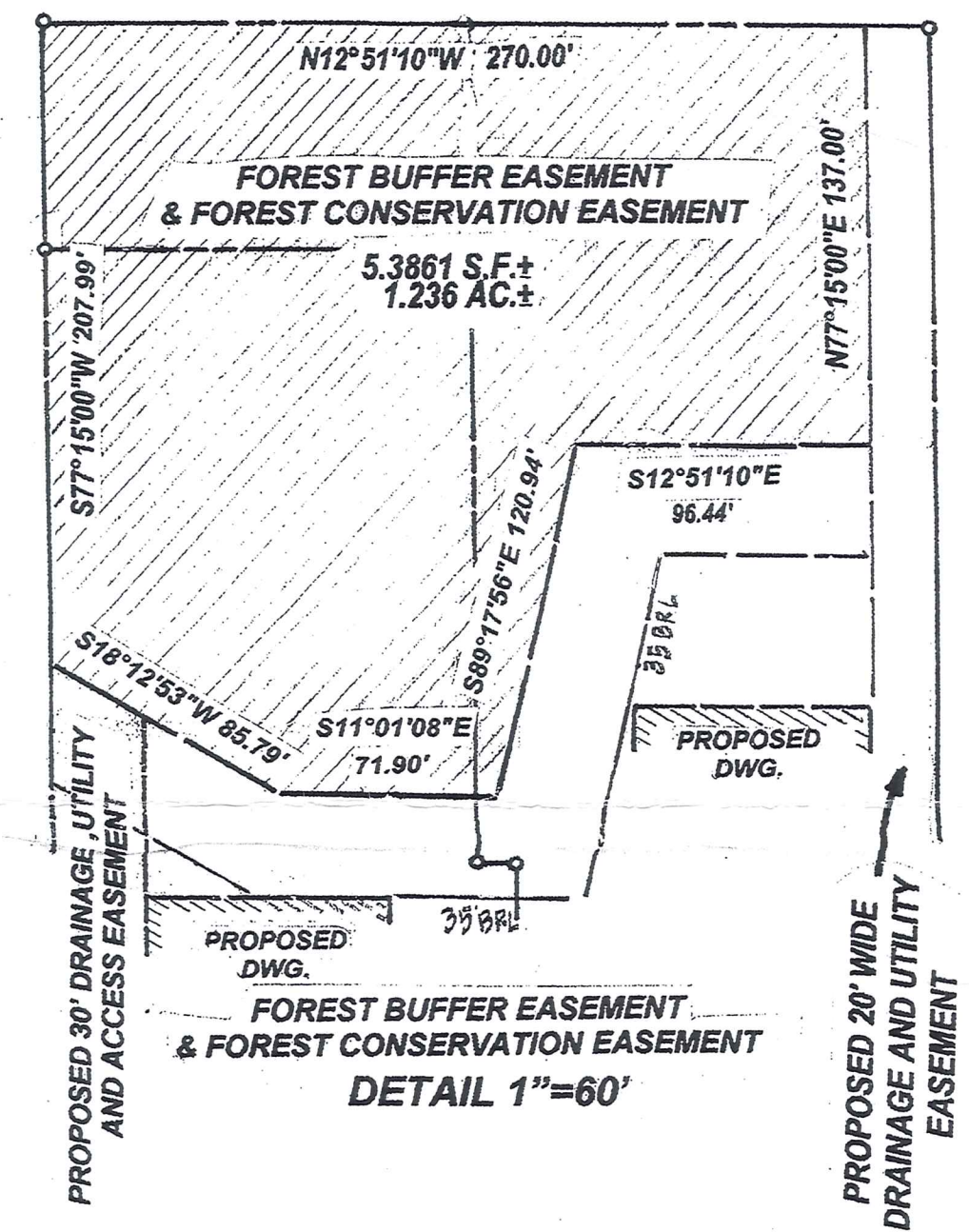
RESUBDIVISION OF THE REMAINDER OF PARCEL 'A' (Reserved for Future Development) PHASE II CAINEWOOD PREVIOUSLY RECORDED IN PLAT BOOK S.M. 68 FOLIO 80 (S.M. 77-131)



TYPICAL LOT DETAIL
(N.T.S.)



DETAIL OF PROPOSED SIDEWALK
SCALE 1"=60'



CERTIFICATION STAMP	
BALTIMORE COUNTY MINOR SUBDIVISION	
PROJECT NO.: 07093M	
DEVELOPMENT REGULATIONS	
Exempt from Article 32, Title 4, Subtitle 2, BCC	
Panhandle exempt from Sections 32-4-211 through 32-4-217 AND	
Sections 32-4-226 and 32-4-227, BCC	
PDM CERTIFICATION	
By: <i>[Signature]</i>	Disapproved
By: <i>[Signature]</i>	Date: 7/28/08
APPROVED DEPRM	
By: <i>[Signature]</i>	Date: 8/12/08

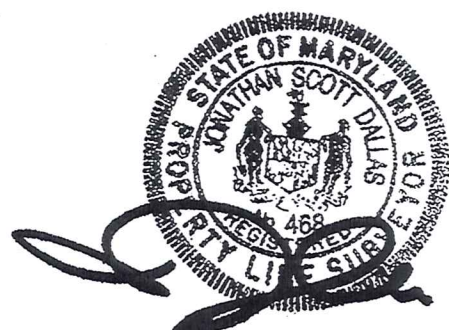
PETITIONER'S

EXHIBIT NO. **1**

*FBE/FCE = FOREST BUFFER EASEMENT
& FOREST CONSERVATION EASEMENT

DATE	COMMENTS
11-14-07	1ST REVIEW COMMENTS
2-11-08	2ND REVIEW COMMENTS
3-3-08	DEPRM COMMENTS
3-5-08	DPR COMMENTS
4-10-08	SWM COMMENTS
4-30-08	DPR COMMENTS

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600



I HEREBY CERTIFY THAT I REVIEWED WITH DUE DILIGENCE THE AGENCIES COMMENTS
DATED 4/16/08 THROUGH 11/11/08 AND HAVE PREPARED THIS MINOR SUBDIVISION PLAT
PURSUANT TO THESE AGENCIES' COMMENTS.

DENOTES LIMIT OF DISTURBANCE
45,700 S.F. ±

07093M
MINOR SUBDIVISION PLAT
#119 SOUTH HILLTOP ROAD
1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY MD.
SCALE 1"=50' AUGUST 1ST, 2007

JOB NO. 071149