

5/28/10

IN THE MATTER OF
THE APPLICATION OF
JASON AND HERBERT TART
/ LEGAL OWNER
PETITION FOR ADMINISTRATIVE
VARIANCE, ON THE PROPERTY
LOCATED N/S FORGE ROAD 356' NE
C/LINE OF KERRIES COURT
(5022 FORGE ROAD)

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 10-057-A

1ST ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* * * * *

ORDER OF DISMISSAL

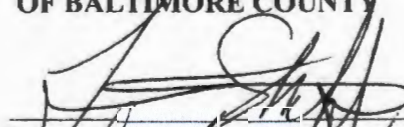
This matter comes to the Board of Appeals by way of an appeal filed by Paul Frey, Individually, on 9808 Kerries Court, Perry Hall, MD and on behalf of the Enclave at the Villages of Honeygo, Inc., the area community association, from a decision of the Zoning Commissioner dated November 2, 2009, in which the requested zoning relief was granted.

WHEREAS, the Board is in receipt of a Motion to Dismiss Appeal filed on May 27, 2010, via facsimile, and signed by Paul Frey, the sole individual Appellant and on behalf of the Enclave at the Villages of Honeygo, Inc., (a copy of which is attached hereto and made a part hereof); and

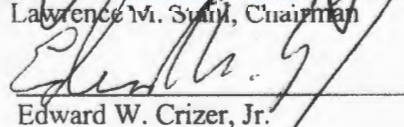
WHEREAS, said Appellant has indicated that a settlement has been reached in this matter and the Appellant requests that the appeal taken in this matter be withdrawn and dismissed with prejudice as of May 27, 2010,

IT IS ORDERED this 28th day of May, 2010 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 10-057-A be and the same is hereby **WITHDRAWN AND DISMISSED WITH PREJUDICE**.

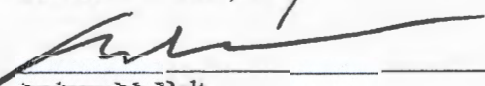
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence M. Starn, Chairman



Edward W. Crizer, Jr.



Andrew M. Belt



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 28, 2010

Lawrence Schmidt, Esquire
Gildea & Schmidt
600 Washington Ave, Ste 200
Towson, MD 21204

Enclave at Perry Hall Homeowner's Assoc.
Attn: Paul J. Frey
9808 Kerries Court
Perry Hall, MD 21128

RE: *In the Matter of: Jason and Herbert Tart-Petitioners/Legal Owners*
Case No.: 10-057-A

Dear Mr. Schmidt and Mr. Frey:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

Duplicate Original Cover letter

c: Jason Tart
Dwight Little
John F. Franke, Esquire
William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, III, Director/Planning
John E. Beverungen, County Attorney

Brian McCloskey
Michael McFarland
Office of People's Counsel
Timothy Kotroco, Director/PDM
Nancy West, Assistant County Attorney

RE: PETITION FOR ADMINISTRATIVE
VARIANCE
5022 Forge Road; N/S Forge Road,
365' NE c/line of Kerries Court
1st Election & 5th Councilmanic Districts
Legal Owner(s): Jason & Herbert Tart Jr.

* BEFORE THE COUNTY
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* BA 10-057-A

Petitioner(s)

* * * * *

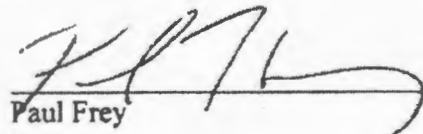
MOTION TO DISMISS

Protestant, Paul Frey, hereby files this Motion to Dismiss his appeal in this matter with prejudice. The grounds of the Motion are as follows:

1. Protestant, Petitioner and the Enclave at the Villages of Honeygo, Inc., the area community association, have reached and entered into a Settlement Agreement, whereby Protestant has agreed to dismiss its appeal to the County Board of Appeals of Baltimore County with prejudice.

WHEREFORE, due to the settlement of the matter, Protestant asks that its appeal be dismissed with prejudice.

Respectfully submitted,


Paul Frey
Protestant

RECEIVED

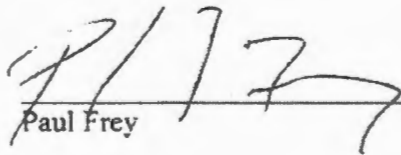
MAY 27 2010

BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Protestant's Motion to Dismiss was mailed this 21 day of May, 2010, postage prepaid, to the following:

Lawrence E. Schmidt
600 Washington Ave.
Suite 200
Towson, Maryland 21204

 5/27/10

Paul Frey

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

May 27, 2010

Sent via Hand Delivery

Theresa R. Shelton
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: **McCloskey/Kerries Court**
Case No. 2010-0057-A

Dear Ms. Shelton:

Due to the settlement of this case, please find enclosed the Protestant's Motion to Dismiss to be filed in the above referenced matter.

Should you have any questions, comments or concerns, please feel free to contact me.

Very truly yours,

Lawrence E. Schmidt

Lawrence E. Schmidt

LES: jkl

Enclosure

CC: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Dwight Little, Little & Associates, Inc.
Paul Frey
Brian McCloskey

RECEIVED

MAY 27 2010

BALTIMORE COUNTY
BOARD OF APPEALS

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

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DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

April 14, 2010

Timothy M. Kotroco, Director
Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 105
Towson, MD 21204

Re: 5022 Forge Road & 9811 Kerries Court

Dear Mr. Kotroco:

This is in reference to the above properties. As you may recall, these lots were created by deed without the benefit of formal approval by Baltimore County. At one time, the properties were a single lot of record in Baltimore County.

A single family detached dwelling was constructed on 5022 Forge Road and 9811 Kerries Court is also proposed for the construction of a single family detached dwelling. In order to legitimize the existing house on 5022 Forge Road, a Petition for Variance was filed by the owners and granted by Order of Zoning Commissioner Wiseman on November 2, 2009, in Case No. 2010-0057-A. No variances are required for the proposed construction at 9811 Kerries Court.

The history of the subdivision and the development of these properties have drawn the interest of neighbors who reside in a subdivision known as the Enclave at the Villages of Honeygo, Inc. Representatives of that association appeared at the hearing before Commissioner Wiseman and filed an appeal of his decision. That appeal is pending at the Board of Appeals.

I am pleased to advise that all parties involved have entered into a Settlement Agreement, a copy of which is attached hereto. The Agreement provides that the appeal to the Board of Appeals will be dismissed and that the Association and individuals associated therewith will not oppose the application for any approval that may be required to legitimize the subdivision which created these properties. In return, the lot known as 9811 Kerries Court will become part of the Enclave and construction thereon will be governed by the covenants and restrictions applicable to that Association.

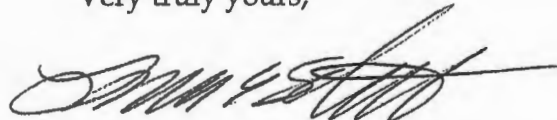
Under these circumstances, I would appreciate your confirmation that these properties are exempt from any further subdivision review and process by Baltimore County. I draw

Timothy M. Kotroco, Director
April 14, 2010
Page 2

your attention to Section 32-4-106 of the Baltimore County Code which provides for exemptions from development review and approval process. Specifically, Subsection (a)(1)(i) provides an exemption from any process for the building or preparation of land for the building of a dwelling for one or two families on a single lot that is not part of the recorded plat. These lots qualify for that exemption. In support thereof, I enclose a printout from the State Department of Assessments and Taxation ("SDAT") that confirms that 5022 Forge Road is not part of any plat. Insofar as 9811 Kerries Court, that property is not even listed in the SDAT records in view of its creation.

Thank you for your anticipated cooperation on this matter.

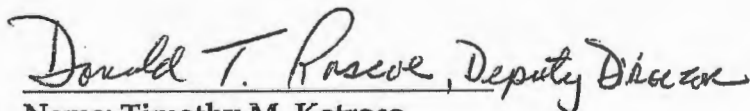
Very truly yours,



Lawrence E. Schmidt

LES: jkl
Enclosures
CC: Mr. Brian McCloskey

AGREED & ACCEPTED



Name: Timothy M. Kotroco

Title: Director, Permits and Development Management

APPEAL

Petition for Administrative Variance
5022 Forge Road
N/s Forge Rd., 365' NE of c/line of Kerries Ct.
11th Election District – 5th Councilmanic District
Legal Owners: Jason & Herbert Tart, Jr.

Case No.: 2010-0057-A

Petition for Administrative Variance (August 30, 2009)

Zoning Description of Property

Letter to file (September 1, 2009)

Formal Demand for Hearing (September 14, 2009 – Paul Frey)

Notice of Zoning Hearing (September 22, 2009)

Certification of Publication (The Jeffersonian – October 1, 2009)

Certificate of Posting (October 1, 2009) by Robert Black

Entry of Appearance by People's Counsel (None in file)

Email from Paul Frey to Bill Wiseman (October 21, 2009)

Email from Don Rascoe to Mike McFarland (October 29, 2009)

Email correspondence between Mike McFarland and Bill Wiseman

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Plat of the "The Enclave @ Perry Hall"
3. Photographs of existing homes

Protestants' Exhibits:

1. Testimony Notes of John Franke & Paul Frey
2. Aerial Photo
3. Lloyd Moxley – Dev. Review Comment

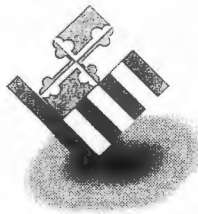
Miscellaneous (Not Marked as Exhibit) – None

Zoning Commissioner's Order (GRANTED – November 2, 2009)

Notice of Appeal received on November 25, 2009 by Paul Frey

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Lawrence Schmidt
Paul Frey
Jason Tart
Brian McCloskey
Dwight Little
John Franke
Michael McFarland

date sent March 12, 2010, klm



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

March 11, 2010

Lawrence Schmidt
Gildea & Schmidt
600 Washington Ave., Ste. 200
Towson, MD 21204

Dear Mr. Schmidt:

RE: Case: 2010-0057-A, 5022 Forge Road

Please be advised that an appeal of the above-referenced case was filed in this office on November 25, 2009 by Paul Frey. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Jason Tart, 2100 Winstone court, Darlington 21034
Brian McCloskey, 7306 Belair Road, Baltimore 21202
Dwight Little, 1055 Taylor Avenue, Ste. 307, Towson 21286
John Franke, 9802 Kerries Court, Perry Hall 21128
Paul Frey, 9808 Kerries Court, Perry Hall 21128
Michael McFarland, 9810 Kerries Court, Perry Hall 21128

IN RE: **PETITION FOR ADMIN. VARIANCE** *
N/side of Forge Road, 365' NE of c/line of *
Kerries Court *
(5022 Forge Road) *
11th Election District *
5th Council District *
Jason W. and Herbert Tart, Jr., *Legal Owners* *
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2010-0057-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Jason W. Tart and Herbert Tart Jr. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling on a lot [zoned D.R.1H] of 37,461 square feet in area, in lieu of the minimum required 40,000 square feet. Additionally, as amended in open hearing, the Petitioner requests relief from that section to allow a lot width of 125 feet in lieu of the minimum required 150 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In

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Date 11-2-09
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this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code.

On September 14, 2009, Paul J. Frey, an officer of the Enclave at Perry Hall Homeowner's Association, a community association in the neighborhood, filed a formal demand for public hearing. The hearing was subsequently scheduled for Friday, October 16, 2009 at 10:00 AM in Room 104 of the Jefferson Building, located at 105 West Chesapeake Avenue, Towson, MD.

Appearing at the requisite public hearing in support of the request were Jason W. Tart, one of the property owners, and Brian McCloskey, of the McCloskey Group, LLC, a homebuilder. Also appearing and testifying at the hearing was Dwight Little, of Little and Associates, Inc., an engineer who reviewed the site plan. The Petitioners were represented by Lawrence E. Schmidt of Gildea & Schmidt, LLC. John F. Franke, Esquire and Paul J. Frey, on behalf of the homeowner's association, also appeared and participated at the hearing.

This most unusual case relates to an existing lot with improvements thereon known as 5022 Forge Road in the Perry Hall/Honeygo community of northeastern Baltimore County. An understanding of the history of the lot, including its creation and the improvements thereon, is vital to an understanding of the case and the reasons for the filing of the Petition. The property owned by Herbert and Jason Tart (father and son) was originally a portion of an overall tract, approximately 3.5 acres in area. Under the zoning in effect at the time, the property could have been subdivided into three (3) single-family dwelling lots. In 1989, a conveyance of 0.9 acres was made and that lot is now owned by Richard and Marie Berencz. The Berenczes' lot is improved with an existing single-family dwelling in which they reside, which fronts Forge Road and known as 5018 Forge Road. A second lot was conveyed from the original tract in 1993. This lot is one acre in size and is now owned by William and Kathleen Long and is also improved with a single-family dwelling known as 5020 Forge Road. The third lot remained

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undeveloped and was approximately 1.35 acres in area. In or about 1999, the third lot was subject to a conveyance by the then-owner Kristen A. Belzner to the Tarts' predecessor in title. The deed for that conveyance contained certain *saving and excepting* language that permitted the existing owner to convey 0.86 acres and retain 0.49 acres. This deed might be viewed as creating an illegal subdivision, as it was not approved by Baltimore County. After this conveyance, the two (2) resultant properties were transferred through a series of conveyances, so that the 0.86-acre property (the subject property) is now owned by Messrs. Tart, and the 0.49-acre property is owned by Carlos and Katherine Edwards.¹ Neither the Tarts nor Edwardses were in any manner involved in that conveyance, as they were subsequent purchasers well down the chain of title.

The Tart lot has been improved with an existing single-family dwelling. The Edwardses' lot is presently unimproved. This history and its impact on the use of these properties was ultimately discovered when the Edwardses applied for a building permit in order to construct a dwelling on their lot, to be known as 9811 Kerries Court. The permit would not be issued due to the unresolved zoning and subdivision issues created by the *savings and excepting* subdivision. In an effort to resolve the difficulties which resulted from the prior conveyances, a request was made during the 2008 Comprehensive Zoning Map Process (CZMP) to rezone the Edwardses' 0.49 acre lot. The request was favorably considered by the Baltimore County Council, which rezoned the Edwardses' lot to D.R. 3.5H. The balance of the original tract remains zoned D.R.1H. The result of this rezoning was to essentially "cure" the underlying density issues. Under the present zoning classifications, the tract could be developed with four (4) single-family

¹ The Protestants testimony notes admitted into evidence as Protestants' Exhibit 1 contained a further history of this lot.

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BY [Signature]

dwelling units, which are indeed built or proposed to be built on the property (i.e., Berencz lot, Long lot, Tart lot and Edwards lot).

Although the density issue has been resolved by action of the County Council, the Tart lot (as existing) does not meet certain area requirements under the B.C.Z.R. The lot is slightly deficient in terms of its acreage and width at the building line. Thus, the instant zoning variances were requested to legitimize the existing house which is on the property. Without this zoning relief, the house would need to be razed, and the property would be an unbuildable lot. It is to be noted that the Edwardses' lot does not require any zoning relief in that the lot size, proposed building envelope, etc. meets all current standards. Thus, the case presents a rather interesting issue in that the proposed construction is permissible by right and requires no variances; while the existing house (through no fault of its current owner) is deficient in terms of the lot area and lot width requirements.

It is obvious that the County Council foresaw the potential for complex and difficult litigation if the rezoning did not occur. As noted above, both the Tart and Edwards lot have been through a series of owners since the conveyance in 1999. Obviously, the County Council intended to resolve this issue to the extent possible by rezoning to avoid that litigation. Similarly, I sympathize with the plight of Messrs. Tart and Mr. and Mrs. Edwards. Based upon the circumstances as they are presented here, including the unusual configuration of these properties and history, I am persuaded to grant the relief requested to legitimize the existing single-family detached dwelling on the Tart lot. Thus, the zoning variances shall be approved.

Notwithstanding the grant of this relief, two (2) issues remain. First, it is clear that in addition to the zoning issues, the development on the properties at issue needs to be approved pursuant to the Development Review regulations in Article 32 of the Baltimore County Code (B.C.C.). At the hearing, counsel for the Petitioners acknowledged this and described the zoning

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Date 11-2-09
BY [Signature]

variance request as a prerequisite to development plan approval. It is not the role of the Zoning Commissioner to determine through what process this "development" shall be subjected. Whether the project is "exempt", a "minor subdivision", or a "major subdivision" is an issue which will be decided by the Department of Permits and Development Management under its authority in due course. These regulations have been relegated by the County Council to the Director of Permits and Development Management and the Development Review Committee. See, *Long Meadow Association, Inc., et al v. Druid Ridge, LLP et al* Court of Special Appeals No. 1801 (2005) and County Council Bill Nos. 54-05 and 58-09. Thus, I will not mandate specific action to be taken; however, I will require that the Petitioners address and resolve the "development issues" as a condition of the grant of the zoning variance.

The second issue relates to concern expressed by Messrs. Frey and Franke at the hearing. As noted above, they are members of the homeowner's association for the development known as the Enclave at Perry Hall. A number of the lots, which are owned by members of that association, abut Kerries Court and will be immediately across the street from the Edwardses' lot. It is to be noted that the Berenczes' lot, the Long lot and the Tart lot all have Forge Road addresses. Thus, they do not visually appear to be a part of the Enclave at Perry Hall; however, the Edwardses' lot does face Kerries Court, and the potential dwelling thereon would have the appearance of being a part of that subdivision. Mr. Frey, particularly, did not express opposition to the grant of the relief, but would like Mr. and Mrs. Edwards to join the homeowner's association and be bound by the terms of the restrictive covenants which apply to the Enclave at Perry Hall. This is a difficult issue, in that the Petition before me is filed for the property known as 5022 Forge Road, and owned by Jason and Herbert Tart. Mr. and Mrs. Edwards are not parties to the proceedings before me and were not present at the hearing. It was indicated that

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Date 11-2-09
BY [Signature]

although they are aware of the issues presented, they were out of the country at the date of the hearing.

Mr. McCloskey will be the builder of the dwelling to be located on the Edwardses' lot, and as noted, appeared at the hearing. He indicated that the Edwardses' would be agreeable to a restriction in this decision that the house to be constructed on that lot by the McCloskey Group will be consistent with houses in the Enclave at Perry Hall, and in compliance with any of the restrictive covenants regarding dwelling construction. Thus, he proposes a house that will be entirely compatible and similar to the existing houses in the neighborhood. As this condition was "volunteered" at the hearing, I will adopt it. Insofar as further development activity on the Edwardses' lot, I do not feel it is appropriate to encumber individuals who are not a party to these proceedings before me with restrictions. It is my hope that the Edwardses' will voluntarily cooperate with their neighbors to maintain and use their property in the future in a manner consistent with the covenants and restrictions applicable to the other 16 dwellings at the Enclave at Perry Hall. However, I have no authority to mandate that they do so, or force non-parties to assume the financial responsibilities attendant with joining the homeowner's association as advocated by Messrs Frey and Franke.

In sum, I will grant the variances requested and hereby make the necessary finding that the requirements of Section 307.1 of the B.C.Z.R. are satisfied. More importantly, a grant of the relief will hopefully resolve the zoning issues attendant with these properties. Messrs. Frey and Franke, as association officers and community leaders, raised no objection to the existing dwellings on the Berencz, Long and Tart lots. They, however, want the construction of a compatible dwelling on the Edwardses' lot. Moreover, given Mr. McCloskey's representation that the Edwardses' house will be similarly constructed to those in the community, the proposed development will be compatible with the locale. As noted above, I will mandate that the

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PW

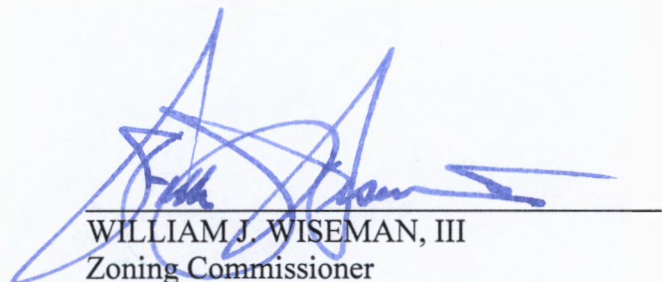
Petitioners obtain whatever form of development approval is required from the Department of Permits and Development Management, and that the Edwardses' lot be developed in a manner compatible to and consistent with the covenants with the homeowner's association.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of November, 2009 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling on a lot with the area of 37,461 square feet in lieu of the required 40,000 feet, and a lot width of 125 feet in lieu of the required 150 feet, in accordance with Petitioners' Exhibit 1, be and are hereby GRANTED, subject to the following:

1. Petitioners must obtain any and all development approvals as required by the Department of Permits and Development Management pursuant to Article 32 of the Baltimore County Code; and,
2. The dwelling on the Edwardses' lot must be constructed in a manner compatible to and consistent with the covenants imposed by the Enclave at Perry Hall Homeowner's Association.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

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Date 11-2-09
BY [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 2, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

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

RE: PETITION FOR VARIANCE

N/side of Forge Road, 365' NE of c/line of Kerries Court
(5022 Forge Road)
11th Election District - 5th Council District
Jason W. and Herbert Tart, Jr., *Legal Owners*
Case No. 2010-0057-A

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with conditions, 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.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Jason W. Tart, 2100 Winstone Court, Darlington, MD 21034
Brian McCloskey, McCloskey Group, LLC, 7306 Belair Road, Baltimore, MD 21202
Dwight Little, Little and Associates, Inc., 1055 Taylor Avenue, Suite 307, Towson, MD 21286
John F. Franke, 9802 Kerries Court, Perry Hall, MD 21128
Paul J. Frey, 9808 Kerries Court, Perry Hall, MD 21128
Michael T. McFarland, 9810 Kerries Court, Perry Hall, MD 21128
People's Counsel; Office of Planning; File

Bill Wiseman - Re: Request contact for formal investigation

From: Rascoe, Donald (Donald Rascoe)
To: McFarland, Mike; Wiseman, Bill
Date: 10/29/2009 4:43 PM
Subject: Re: Request contact for formal investigation
CC: Kotroco, Timothy

Mr. McFarland,

I am responding on behalf of Mr. Wiseman and Mr. Kotroco to your recent email and provide you with the following information:

I can only assume you are writing about the property at 5022 Forge Road.

At the time of settlement on that property and transfer to a new owner, the seller of the property requested the purchaser of the property deed back to the seller of the property approximately one half of the lot being sold and transferred. Creating these two new lots constitutes an illegal subdivision of land in Baltimore County. No one in Baltimore County approved this transaction or was even aware of the transaction until several months later. The Clerk of the Court will accept new property deeds at any time. It is only when an owner of a property seeks building permit approval is the question asked, "Is this a legally subdivided lot"? In this case, when the property fronting on Kerrie's Court sought building permit approval, the permit was denied because of the illegal subdivision.

Subsequent to that the Kerrie's Court fronting lot (illegally subdivided) has passed through various ownerships, each seeking to get a building permit.

I personally have met with one engineer seeing to validate the Kerrie's Court lot so a building permit can be approved and issued in accordance with Baltimore County regulations. I stated to the engineer the need to validate the two new lots through a subdivision process.

To validate the two lots that started out as 5022 Forge Road, the property will have to be submitted to Baltimore County for subdivision review and approval.

During the last comprehensive re-zoning process, the lot that fronts on Forge Road was re-zoned to DR-1H, requiring 40,000 square feet for one dwelling unit. That illegally subdivided lot comprises approximately .85 acres, less than the 40,000 square feet required for one dwelling unit. The lot facing on Kerrie's Court is zoned DR-3.5H, requiring only 10,000 square feet of land for one dwelling unit.

To achieve approval of the minor subdivision that needs to be processed to validate each lot as a buildable lot, a zoning variance needs to be filed and approved by the zoning commissioner. The request is to allow building on a lot that is not in strict compliance with the zoning requirements. In this case, the DR-1H lot is less than the required 40,000 square feet. The Zoning Commissioner, Mr. Wiseman, has conducted the hearing, but has not issued an opinion as to whether the lot can be processed as an undersized lot. If he denies the request for zoning relief, the subdivision can not proceed to approval.

If the zoning variance for an undersized lot is approved, the minor subdivision will be processed. If approved, each of the two lots, one facing Forge and one facing Kerrie's Court will be valid and a new building permit can be issued on the Kerrie's Court lot.

The Baltimore County Zoning Commissioner can not change the zoning on property. Based on his authority vested by the County Council, he has the authority to grant relief to the requirements of strict compliance with the existing zoning regulations.

Baltimore County had no role in creating the two illegally subdivided lots. We determined them to be illegally subdivided and required compliance with Baltimore County development and zoning regulations before any additional permits were issued.

You asked which agency in Baltimore County investigates fraud in matters such as these. That would be the Baltimore County State's Attorney. If you wish to contact the State's Attorney, I will be more than happy to state to their investigator the information I have just provided to you. I believe the State's Attorney's office can be reached at 410-887-6600.

Donald T. Rascoe
Deputy Director
Department of Permits
and Development Management

111 West Chesapeake Avenue
Towson, Maryland 21204

410-887-3353 (work)
410-887-5708(fax)

>>> Mike McFarland <mtmcfarland@gmail.com> Thursday, October 29, 2009 2:27 PM >>>

Mr. Wiseman,

My name is Mike McFarland and I live in the community known as The Enclave at Perry Hall located on Kerries Court. I understand you are the hearing commissioner for a request to change the zoning for this area. I have followed the events regarding the zone change request for our community. Based on my experience and knowledge in law enforcement I feel that there is a possibility of wrongdoing and/or corruption and request a contact (state or local) to investigate this matter further. This is based on statements, documents, and suspicious connections that I have learned about.

I was given your name as a starting point to locate the agency who would be responsible for investigating this further. I have Cc Mr Kotroco and Mr. Rascoe as well.

I appreciate your assistance with this matter,
Mike McFarland

Bill Wiseman - Hearing on Variance for 5022 Forge Road

From: "The Freys" <freyfamily@verizon.net>
To: <wwiseman@baltimorecountymd.gov>
Date: 10/21/2009 7:25 AM
Subject: Hearing on Variance for 5022 Forge Road
CC: "Paul Lantz" <plantz@carrolltire.com>, "Rey Mendoza" <boyetmin@yahoo.com>, "Joan Biuk & Jean Pfarr" <jawlb@comcast.net>, "Jen Lantz" <Jennifer.lantz@caremark.com>, "John Franke" <jfranke@levifrankeandhall.com>, "Joan Minoza" <joanminoza@yahoo.com>, "John & Joan Peach" <jrpeach@gmail.com>, "Karen Delcorro" <kkdelcorro@comcast.net>, "Ken & Sharon Gasior" <kmgasiorjr@yahoo.com>, "Laurie McFarland" <laurie.mcfarland@hotmail.com>, "Mike McFarland" <mtmcfarland@gmail.com>, "Nadine & Dave Turnball" <nbryant2@jhmi.edu>, "Victor & Nnenna Uchendu" <nuchendu@gmail.com>, "Paul Brown" <pab4364@comcast.net>, "Pam Franke" <pfranke92@verizon.net>

Mr. Wiseman,

Thank you for taking time from your day to hear the issues from the perspective of the homeowners in the Enclave at Honeygo Village regarding the Zoning Variance being requested by Messrs. Jason and Herbert Tart, owners of 5022 Forge Road. As you quickly saw, the real issues here have nothing to do with a variance for 5022 Forge Road. The real issues are the repeated misdeeds of many, allegedly started by Ms. Belzner who sold her property and excepted 0.49 acres. The real issues are also then the mis-representation of the lot as part of the Enclave at Perry Hall. And finally the desire of the HOA that represents the Enclave at Honeygo Village's owners to require that the ultimate owners of whatever home is built at 9811 Kerries Court (as it will become known) to be fully part of the community they want to join.

I recognize and appreciate your offer to condition the variance on the approval of the home elevations by the HOA's architectural review committee. While I think that is admirably on your part to help correct the multiple injustices that have already occurred, I feel it is short of the mark.

Mr. Jason Tart was quite late arriving at the hearing. Unfortunately we weren't able to hear from him, in his own words, why he is seeking a variance. It seems odd that the individual who owns 5022 Forge Road, albeit less 0.49 acres, wants a variance. It's clear that he has no interest in the house – not having lived there for over 2 years – during which time it has remained vacant. It's clear that he has no financial interest in the building of a home on the remaining 0.49 acres.

As I clearly alluded at the end of the hearing, and as I clearly stated in my testimony, the individuals at the Permit Desk, when I applied for the subject hearing, were confused about who had applied for the variance.

My personal opinion is that the misdeeds that occurred in the past continue to be compounded by further misdeeds. At this point it is up to you and the new owners to make things right if they truly want to be part of the Enclave at Honeygo Village community.

Thank you again for your time,

Sincerely,

Paul J. Frey
9808 Kerries Court
Perry Hall, MD 21128



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2010-0057A

Address: 5022 FORGE ROAD

Petitioner(s): JASON TART & HERBERT TART

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We PAUL J. FREY
Name - Type or Print

() Legal Owner OR () Resident of
9808 KERRIES COURT
Address

PERRY HALL MD 21128
City State Zip Code

410-802-2861
Telephone Number

which is located approximately 200 feet from the property, which is the subject of the above petition, do hereby formally demand that a public hearing be set in this matter.

ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

[Signature] 9-14-09
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: September 1, 2009

TO: Zoning Commissioner and File

FROM: Donna Thompson, Planner II, Zoning Review

SUBJECT: Petition for Administrative Variance
Case No. 2010-0057-A
5022 Forge Road

This office received two telephone calls on August 27, 2009 regarding the above referenced address. The first call was from someone who was interested in buying the home since it is up for foreclosure. The 2nd call was from Mr. William Long who resides at 5020 Forge Road. He explained to me that the house has been vacant and the owner is incarcerated. Apparently this neighbor had no knowledge that the lot had been subdivided without county approval.

I spoke with Mr. Brian McCloskey who is the representative for the petitioner. He was informed by me that the house must be owner occupied in order to file administratively and suggested he file for a regular variance. Mr. McCloskey has decided to continue the filing as is.

Please call me if you have any questions.

dt

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property

located at 5022 Forge Rd Perry Hall, MD 21128

which is presently zoned DR-1H

Deed Reference: 21894 / 102 Tax Account # 2400003144

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)

See Attached.

1B02.3.C.1 (BCZE)

TO PERMIT AN EXISTING DWELLING ON A LOT WITH AN AREA OF 31,461 SQUARE FEET IN LIEU OF THE REQUIRED 40,000 SQUARE FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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):

Jason W. Tart
 Name - Type or Print _____
 Signature _____
Herbert Tart, Jr.
 Name - Type or Print _____
 Signature _____
5022 Forge Rd 443 324 8215
 Address _____ Telephone No. _____
Perry Hall MD 21128
 City _____ State _____ Zip Code _____

Representative to be Contacted:

Brian McCloskey
 Name _____
7306 Belair Rd 410-661-4110
 Address _____ Telephone No. _____
Overlea MD 21206
 City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 2010-0057-A Reviewed By D.T. Date 8/20/09

Estimated Posting Date 8/30/09

Date 11-2-09
 By ISW

Hereby petition for a Variance from Section 1B02.3.C.1:

to permit an existing dwelling on an existing undersized lot (38,227 square feet in lieu of the minimum 40,000 square feet).

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently own and reside at 5022 Forge Rd, Perryman, MD 21128
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) See Attached.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Herbert Tart Jr
Signature

Herbert Tart, Jr.
Name- print or type

Jason W. Tart
Signature

JASON W. TART
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 23 day of July, _____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): JASON W. TART + Herbert Tart Jr.
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Harry Sult
Name of Notary Public

Commission expires

HARRY R. SULT JR.
NOTARY PUBLIC BALTIMORE COUNTY
My Commission Expires July 14, 2011

PLACE SEAL HERE:

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address:

The existing dwelling and improvements are located on an existing undersized lot based on Section 1B02.3.C.1. The owner does not have the ability to remedy this situation, but would like to validate the existing condition to eliminate the potential for concern upon resale of the property.

ZONING DESCRIPTION FOR
#5022 FORGE ROAD

Beginning at a point on the north side of Forge Road, which has a variable right of way, at the distance of 365 feet northeast of the centerline of the nearest improved intersecting street, Kerries Court, which is 50 feet wide. Thence the following courses and distances: (1) South 85 degrees 19 minutes 48 seconds West 21.71 feet; thence (2) North 18 degrees 01 minutes 34 seconds East 212.03 feet; thence (3) North 71 degrees 58 minutes 27 seconds West 160.66 feet; thence (4) North 18 degrees 01 minutes 27 seconds East 125.69 feet; thence (5) South 71 degrees 58 minutes 37 seconds East 155.73 feet; thence (6) North 18 degrees 01 minutes 23 seconds East 430.69 feet; thence (7) South 73 degrees 47 minutes 08 seconds East 25.77 feet; thence (8) South 18 degrees 01 minutes 36 seconds West 760.83 feet to the place of beginning. Containing 0.86 acres of land, more or less, as recorded in Deed Liber S.M. 21894 folio 102. Also known as 5022 Forge Road and located in the 11th Election District, 5th Councilmanic District of Baltimore County, Maryland.



2010-0057-A

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: 2010-0057-A

Petitioner: Jason Tart and Herbert Tart, Jr.

Address or Location: 5022 Forge Rd Perry Hall, MD 21128

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason Tart

Address: 5022 Forge Rd Perry Hall, MD 21128

Telephone Number: 443-324-8215

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁽²⁰¹⁰⁾ 2000- 0057 -A Address 5022 FORGE RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/20/09 Posting Date: 8/30/09 Closing Date: 9/14/09

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁽²⁰¹⁰⁾ 2000- 0057 -A Address 5022 FORGE RD.

Petitioner's Name TART Telephone 443-324-8215

Posting Date: 8/30/09 Closing Date: 9/14/09

Wording for Sign: To Permit AN EXISTING DWELLING ON A LOT WITH AN AREA OF 37,461 SQUARE FEET IN LIEU OF THE REQUIRED 40,000 SQUARE FEET.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 43319

Date: 8/20/09

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		1450					65.00

Total: 65.00

Rec From: McLOCKREY FOOD LLC

For: 2010-0059-A
5922 FORGE RD.

DONNA THOMPSON

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT
 ADDRESS: WATER TOWER
 BALTIMORE, MARYLAND 21201
 PHONE: 410-386-1000
 FAX: 410-386-1001
 WWW: www.baltimorecountymd.gov

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 8-26-09

RE: Case Number: 2010-0057-A

RECEIVED

SEP 18 2009

Petitioner/Developer: Jason Tart ZONING COMMISSIONER

Date of Hearing/Closing: 9/14/09

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 5022 Forge Rd

The signs(s) were posted on 5-26-09
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ADMINISTRATIVE
VARIANCE

CASE # 2010-0057-A

TO PERMIT AN EXISTING DWELLING
ON A LOT WITH AN AREA OF 37,461
SQUARE FEET IN LIEU OF THE REQUIRED
42,000 SQUARE FEET.

5022 FORGE RD.

PUBLIC HEARING ?

PURSUANT TO SECTION 28-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 9-14-07

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING
711 WEST CHESAPEAKE AVE., TOWSON, MD 21204

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER APPROVAL
HANDICAPPED ACCESSIBLE

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: #2010-0057-A
5022 Forge Road
N/side of Forge Road, 365 feet n/east of centerline of Kerries Court
11th Election District
5th Councilmanic District
Legal Owner(s): Jason & Herbert Tart, Jr.

Variance: to permit an existing dwelling on a lot with an area of 37,461 square feet in lieu of the required 40,000 square feet.

Hearing: Friday, October 16, 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.

10/029 Oct. 1 215855

CERTIFICATE OF PUBLICATION

_____ 10/11, 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 10/11, 2009.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2010-0057-A

Petitioner/Developer:

Jason & Herbert Tart Jr.

Date of Hearing/closing: October 16, 2009

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

Attn: Kristin 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, 5022 Forge Road

The sign(s) were posted on Oct. 1 2009
(Month, Day, Year)

Sincerely,

Robert Black Oct. 7, 2009

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ZONING NOTICE

CASE # 2010-0057-A

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

*Room 104 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE TOWSON 21201*

PLACE: _____

DATE AND TIME: *FRIDAY, OCTOBER 16, 2009 AT 10:00 A.M.*

REQUEST: *VARIANCE TO PERMIT AN EXISTING DWELLING ON A LOT*

*WITH AN AREA OF 37,161 SQUARE FEET IN LIEU OF THE REQUIRED
40,000 SQUARE FEET.*

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 410-338-1

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 1, 2009 Issue - Jeffersonian

Please forward billing to:
Jason Tart
5022 Forge Road
Perry Hall, MD 21128

443-324-8215

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: 2010-0057-A

5022 Forge Road

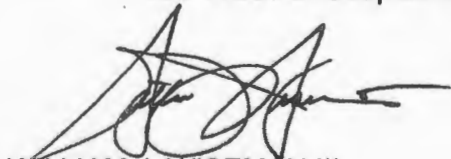
N/side of Forge Road, 365 feet n/east of centerline of Kerries Court

11th Election District – 5th Councilmanic District

Legal Owners: Jason & Herbert Tart, Jr.

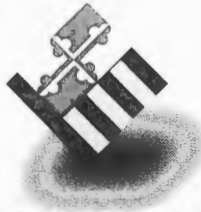
Variance to permit an existing dwelling on a lot with an area of 37,461 square feet in lieu of the required 40,000 square feet.

Hearing: Friday, October 16, 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 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

September 22, 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: 2010-0057-A

5022 Forge Road

N/side of Forge Road, 365 feet n/east of centerline of Kerries Court

11th Election District – 5th Councilmanic District

Legal Owners: Jason & Herbert Tart, Jr.

Variance to permit an existing dwelling on a lot with an area of 37,461 square feet in lieu of the required 40,000 square feet.

Hearing: Friday, October 16, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jason Tart, Herbert Tart, Jr., 5022 Forge Road, Perry Hall 21128
Brian McCloskey, 7306 Belair Road, Overlea 21206
Paul Frey, 9808 Kerries Court, Perry Hall 21128

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

Requested: March 16, 2010

APPEAL SIGN POSTING REQUEST

CASE NO.: 10-057-A

5022 Forge Road

11th ELECTION DISTRICT

APPEALED: 11/25/09

ATTACHMENT – (Plan to accompany Petition – Petitioner’s Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

CASE NO.: 10-057-A

LEGAL OWNER: Jason Tart and Herbert Tart, Jr.

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

5022 FORGE ROAD
N/S FORGE ROAD, 365’ NE OF C/LINE OF KERRIES COURT

The sign was posted on _____, 20____.

By: _____
(Signature of Sign Poster)

(Print Name)



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

March 18, 2010

NOTICE OF ASSIGNMENT

CASE #: 10-057-A

IN THE MATTER OF: Jason and Herbert Tart, Jr.
Legal Owners /Petitioners
5022 Forge Road / 11th Election District; 5th Councilmanic District

Re: Petition for Administrative Variance to permit an existing dwelling on a lot with an area of 37,461 sq. ft., ilo the req'd 40,000 sq. ft.- 1B02.3.C.1 BCZR

11/2/09 - Findings of Fact and Conclusions of Law issued by Zoning Commissioner, GRANTING the Petitioners' requested relief with restrictions..

ASSIGNED FOR: WEDNESDAY, JUNE 2, 2010, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

- c: Counsel for Petitioner/Legal Owner : Lawrence E. Schmidt, Esquire
Petitioner/Legal Owner : Jason and Herbert Tart, Jr.
Counsel for Protestant/Appellant : John F. Franke, Esquire
Protestant/Appellant : Enclave at Perry Hall Homeowner's Assoc.
by Paul J. Frey
Dwight Little : Paul J. Frey, Individually
Brian McCloskey
Michael McFarland

People's Counsel for Baltimore County
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 26, 2010

Handwritten signature: H/S & dismissed

AMENDED NOTICE OF ASSIGNMENT
TO REMOVE COUNSEL FOR PROTESTANT/APPELLANT ONLY

Please note that John F. Franke, Esquire is NOT COUNSEL for the Protestant, but is an INTERESTED PARTY ONLY in this matter. All other information on the Notice of Assignment dated March 18, 2010 remains the same. This is an amended notice to remove Counsel for Protestant only.

CASE #: 10-057-A

IN THE MATTER OF: Jason and Herbert Tart, Jr.
Legal Owners /Petitioners
5022 Forge Road / 11th Election District; 5th Councilmanic District

Re: Petition for Administrative Variance to permit an existing dwelling on a lot with an area of 37,461 sq. ft., ilo the req'd 40,000 sq. ft.- 1B02.3.C.1 BCZR

11/2/09 - Findings of Fact and Conclusions of Law issued by Zoning Commissioner, GRANTING the Petitioners' requested relief with restrictions..

ASSIGNED FOR: WEDNESDAY, JUNE 2, 2010, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

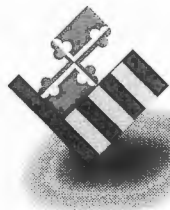
If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Petitioner/Legal Owner : Lawrence E. Schmidt, Esquire
Petitioner/Legal Owner : Jason and Herbert Tart, Jr.
Protestant/Appellant : Enclave at Perry Hall Homeowner's Assoc.
by Paul J. Frey
John F. Franke, Esquire (as interested party) : Paul J. Frey, Individually
Brian McCloskey
Michael McFarland
Dwight Little

People's Counsel for Baltimore County
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

Handwritten notes: called + L/M he's dismissed 3:15 5/27 [initials]



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

October 8, 2009

Jason & Herbert Tart
5022 Forge Road
Perry Hall, MD 21128

Dear: Jason & Herbert Tart

RE: Case Number 2010-0057-A, 5022 Forge Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 20, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Brian McCloskey; 7306 Belair Rd.; Overlea, MD 21206



BALTIMORE COUNTY
MARYLAND

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

September 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 31.2009

Item Numbers 0103,0056,0057,0058,0059,0060,061,0062,0063 and 0064

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 18, 2009

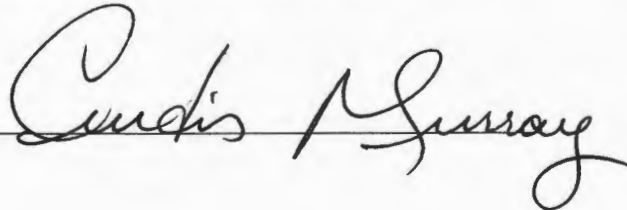
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-057- Administrative 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL

A handwritten signature in cursive script, reading "Curtis Murray", is written over a horizontal line. The signature is written in black ink and is positioned to the right of the "Prepared By:" label.

AV 9/14

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 # 10-057-A
Address 5022 Forge Road
(Tart Property)

Zoning Advisory Committee Meeting of September 14, 2009

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

Reviewer: JWL

Date: 9/29/09

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 4, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For response date September 14, 2009
Item Nos. 2008-103, 2010-056, 057, 058,
059, 060, 061, 062, 064, 065, 066

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-09142009 -NO COMMENTS.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

RECEIVED

SEP 18 2009

ZONING COMMISSIONER

Date: SEPT. 3, 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. 2010-0087-A
5022 FORGE ROAD
JASON & HERBERT TART
ADMINISTRATIVE 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. 2010-0087A.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

9/18
Return to
Kristen -
someone
requested a
hearing on this
admin. variance
case

RE: PETITION FOR ADMINSTRATIVE * BEFORE THE COUNTY
 VARIANCE *
 5022 Forge Road; N/S Forge Road, * BOARD OF APPEALS
 365' NE c/line of Kerries Court *
 1st Election & 5th Councilmanic Districts * FOR
 Legal Owner(s): Jason & Herbert Tart, Jr. *
 Petitioner(s) * BALTIMORE COUNTY
 * 10-057-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.

RECEIVED
 MAR 26 2010
 BALTIMORE COUNTY
 BOARD OF APPEALS

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 26th day of March, 2010, a copy of the foregoing Entry of Appearance was mailed to Paul Frey, 9808 Kerries Court, Perry Hall, MD 21128, John Franke, Esquire, 9802 Kerries Court, Perry Hall, Md 21128 and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204 , Attorney for Petitioner(s).

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Bill Wiseman - Re: Request contact for formal investigation

From: Mike McFarland <mtmcfarland@gmail.com>
To: Bill Wiseman <wwiseman@baltimorecountymd.gov>
Date: 10/30/2009 2:14 PM
Subject: Re: Request contact for formal investigation

- Mail copy of order to

Mr. Wiseman,

*Michael T. McFarland
9810 Kerries Court Perry Hall*

Thank you for your qucik response. I am unable to talk (I can barely whisper) due to having an upper respiratory infection but hopefully I will get better soon and can give you a call next week. I will try to provide you with details of my concerns from what I have learned at that time.

Regards,
Mike

21128-9833

On Thu, Oct 29, 2009 at 2:32 PM, Bill Wiseman <wwiseman@baltimorecountymd.gov> wrote:

Perhaps you should give me a call. 410-887-386

William J. Wiseman, III
Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

Ph: 410-887-3868 Fax: 410-887-3468
wwiseman@baltimorecountymd.gov
>>> Mike McFarland <mtmcfarland@gmail.com> 10/29/2009 2:27 PM >>>

Mr. Wiseman,

My name is Mike McFarland and I live in the community known as The Enclave at Perry Hall located on Kerries Court. I understand you are the hearing commissioner for a request to change the zoning for this area.

I have followed the events regarding the zone change request for our community. Based on my experience and knowledge in law enforcement I feel that there is a possiblity or wrongdoing and/or corruption and request a contact (state or local) to investigate this matter further. This is based on statements, documents, and suspicious connections that I have learned about.

I was given your name as a starting point to locate the agency who would be responsible for investigating this further. I have Cc Mr Kotroco and Mr. Rascoe as well.

I appreciate your assistance with this matter,

Mike McFarland

--
Mike



BALTIMORE COUNTY
MARYLAND

BALTIMORE COUNTY
OFFICE OF THE ZONING COMMISSIONER
JEFFERSON BUILDING, SUITE 103
105 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

FAX COVER SHEET

DATE: 10/29

NO. OF PAGES IN

TO:

Larry Schmidt, Esq
Gildea & Schmidt,

PHONE: 410-821-

FAX NO.: 410-821-

MESSAGE: Per v

No. 2010-0057-A. I

Bill wanted you to b

REMARKS: U

IMPORTANT MESSAGE

FOR Debbie

DATE 10-28 TIME 410

M Larry Schmidt

OF _____

PHONE _____

AREA NUMBER EXTENSION

FAX
 MOBILE

PLEASE CALL WILL CALL AGAIN
 CAME TO SEE YOU WANTS TO SEE YOU
 RETURNED YOUR CALL URGENT

NOTE 2010-0057-A

please get the sign
in & exhibit list
to him

OPERATOR _____

BLIND INDUSTRIES NSN 7530-00-NIB-0547
1-888-322-4567

Exhibit List for Case
n "The Freys" that

USE COMMENT

11-25-09

To Whom It May Concern:

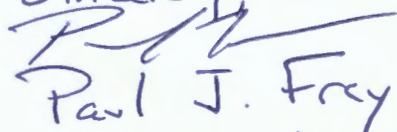
On behalf of myself, Paul J. Frey, ~~and the Board and Members of the Homeowners Association of the Enclave at Perry Hall~~, I hereby request an appeal of Case No. 2010-0057-A, Petition for Variance for 5022 Forge Road.

Enclosed please find the fee of \$400⁰⁰.

On behalf of the members of the Homeowners Association, I request consideration be made to hold the hearing either early in the evening or late in the day so as many members as possible might attend.

Thank you in advance for your kind consideration.

Sincerely,


Paul J. Frey

9808 Kerries Court
Perry Hall, MD 21128

410-256-1097 (H)
410-802-2861 (cell)

RECEIVED

NOV 25 2009


.....



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1d)

Go Back
View Map
New Search

Account Identifier: District - 11 Account Number - 2400003144

Owner Information

Owner Name: TART JASON W Use: RESIDENTIAL
TART HERBERT, JR Principal Residence: NO
Mailing Address: 2100 WINSTONE CT Deed Reference: 1) /21894/ 102
DARLINGTON MD 21034-1412 2)

Location & Structure Information

Premises Address 5022 FORGE RD Legal Description
.86 AC
5022 FORGE RD NS
700 FT E FORGE VIEW RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
64	19	731						3	

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2002	2,160 SF	37,461.00 SF	04
Stories	Basement	Type	Exterior SIDING
2	YES	STANDARD UNIT	

Value Information

	Base Value	Value		
		As Of 01/01/2009	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010
Land	88,860	88,860		
Improvements:	252,320	228,610		
Total:	341,180	317,470	317,470	317,470
Preferential Land:	0	0	0	0

Transfer Information

Seller: TART JASON Date: 05/19/2005 Price: \$0
Type: NOT ARMS-LENGTH Deed1: /21894/ 102 Deed2:
Seller: BELZNER KRISTEN A Date: 04/30/2003 Price: \$362,500
Type: IMPROVED ARMS-LENGTH Deed1: /17924/ 55 Deed2:
Seller: Date: Price:
Type: Deed1: Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
BALTIMORE MARYLAND 21204

DATE: 07-27-10

OEA: 11
HISTORIC DISTRICT/BLDG.

PERMIT #: 4
RECEIPT #: NR
CONTROL #: NR
XREF #:

PROPERTY ADDRESS: 9811 KERRIES COURT YES NO
SUITE/SPACE/FLOOR
SUBDIV: 710 FT E FORD VIEW RD DO NOT KNOW
TAX ACCOUNT #: 2300008219 DISTRICT/PRECINCT

FEE: 17515+50
PAID:
PAID BY:
INSPECTOR:

OWNER'S INFORMATION (LAST, FIRST) 11
NAME: HELLEN PROPERTY INVESTMENTS, LLC
ADDR: 7306 BELAIR RD
BALTIMORE, MD 21206

DOES THIS BLDG.
HAVE SPRINKLERS
YES NO

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION
NAME: DARLENE CASSIDY
COMPANY: LITTLE & ASSOCIATES INC.
STREET: 1055 TAYLOR AVE. SUITE 307
CITY, ST, ZIP: TOWSON MD 21286
PHONE #: 410-296-1636 MHIC # _____
APPLICANT SIGNATURE: Darlene Cassidy DR# _____

MHBR # 3261

PLANS: CONST PLOT PLAT DATA EL 1 PL 1
TENANT
CONTR: Mc CASKEY GROUP LLC
ENGR:
SELLR:

- TYPE OF IMPROVEMENT
- NEW BLDG CONST
 - ADDITION
 - ALTERATION
 - REPAIR
 - WRECKING
 - MOVING
 - OTHER

DESCRIBE PROPOSED WORK: Const 2-stry w/unfinished
Basmt; 2nd-stry front
4 BDRMS; 2-car S/L garage;
fireplace w/ps proj. 50'x39'x39' =
NON-RESIDENTIAL

TYPE OF USE
RESIDENTIAL

- ONE FAMILY
- TWO FAMILY
- THREE AND FOUR FAMILY
- FIVE OR MORE FAMILY (ENTER NO UNITS)
- SWIMMING POOL
- GARAGE
- OTHER

- AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
- CHURCH, OTHER RELIGIOUS BUILDING
- FENCE (LENGTH HEIGHT)
- INDUSTRIAL, STORAGE BUILDING
- PARKING GARAGE
- SERVICE STATION, REPAIR GARAGE
- HOSPITAL, INSTITUTIONAL, NURSING HOME
- OFFICE, BANK, PROFESSIONAL
- PUBLIC UTILITY
- SCHOOL, COLLEGE, OTHER EDUCATIONAL
- SIGN
- STORE MERCANTILE RESTAURANT
- SWIMMING POOL SPECIFY TYPE
- TANK, TOWER
- TRANSIENT HOTEL, MOTEL (NO. UNITS)
- OTHER

4949SF
See 2010-0057-A
APPEAL
Per Don Rauce
Sign off
DT

- TYPE FOUNDATION BASEMENT
- SLAB FULL
 - BLOCK PARTIAL
 - CONCRETE NONE

TYPE OF CONSTRUCTION

- MASONRY
- WOOD FRAME
- STRUCTURE STEEL
- REINF. CONCRETE

TYPE OF HEATING FUEL

- GAS
- OIL
- ELECTRICITY
- COAL

TYPE OF SEWAGE DISPOSAL

- PUBLIC SEWER EXISTS PROPOSED
- PRIVATE SYSTEM EXISTS PROPOSED
- SEPTIC EXISTS PROPOSED
- PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. 2. 1. PUBLIC SYSTEM EXISTS PROPOSED
ESTIMATED COST: \$200,000.00 2. PRIVATE SYSTEM EXISTS PROPOSED

OF MATERIALS AND LABOR
PROPOSED USE: SFD
EXISTING USE: VACANT

OWNERSHIP
1. PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS 6. HIRISE

1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. YES 2. NO BATHROOMS CLASS 04 map 63 grid 24
POWDER ROOMS KITCHENS LIBER FOLIO parcel 662

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 4949SF SIZE 21344SF
WIDTH 50' FRONT STREET
DEPTH 39' SIDE STREET
HEIGHT 39' FRONT SETBK 30'
STORIES 2.5 SIDE SETBK 59.5' / 59.5'
LOT #'S SIDE STR SETBK
CORNER LOT REAR SETBK 54.8'
1. YES 2. NO ZONING DR35

APPROVAL SIGNATURES DATE
BLD INSP : :
BLD PLAN : :
FIRE : :
SEI CTL : :
ZONING APPROVED to file DT : 7/27/10 :
PUB SERV OK TO FILE G.I.S. : :
ENVRMNT : :
PLANNING R/M/CI : :
PERMITS : :
NSH/AS 7-22-10

Case No.: 2010-0057-A 5022 FORGE ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Testimony Notes of JOHN FRANKE Esq & Paul Frey
No. 2	Plat of "The Enclave @ Perry Hall"	Aerial Photo
No. 3	Photographs of Existing Homes	LLOYD T. MOXLEY - Dev. Review Comment
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

We are John Franke and Paul Frey, residents of 9802 and 9808 Kerries Court. We are officers of the Enclave at Perry Hall Home Owners Association and are here as concerned property owners, members of the Home Owners Association and representatives of the Home Owners Association.

In 2005, KelKerry Development Corporation subdivided 16.4810 acres into 16 lots, common areas, storm water management areas, forest buffers, sidewalks and roads.

In 2008, Sean O'Connor (Vice President of E/Title, 443-865-5239) the purported owner of the 0.49 acres across from 9808 Kerries Court offered the property for sale to Paul & Mary Ellen Frey for \$200,000. He stated this was the last lot in the Enclave at Perry Hall.

Shortly thereafter, a sign (CZMP #5-028) appeared stating that the owner was seeking rezoning for the property. Paul Frey spoke with many people in Baltimore County's Planning and Zoning Offices. All assured him that in order to get the zoning change, the request went to 7 departments. The County personnel stated that all 7 departments recommended denial of the request and that there was nothing to be concerned about.

A few weeks later, Paul Frey discovered the zoning request was granted. When he inquired he was told that Councilman Gardina ignored the 7 departments and granted the request.

A few weeks later, a sign was posted stating that a small subdivision was being sought. Paul Frey again visited the Planning and Zoning Offices. He was advised that the property being subdivided was:

- a. Part of previous subdivisions which had already resulted in three properties hence this would be the 4th property taken from the original parcel – requiring a large subdivision.
- b. Further, the original parcel was 3.3 acres and was zoned DR 1H in 1971 and as a result, only a total of 3 homes could be built on that parcel. Since there were already 3 homes, no home could be built on the 0.49 acre lot.

Messrs. Paul Frey and Michael McFarland both contacted Councilman Gardina. They both expressed concerns that the Councilman has ignored the density requirements of the DR zoning. Also they expressed concern that other neighbors had expressed desire to subdivide their ~1 acre lots. Mr. Gardina mentioned he had spoken to one of the neighbors and explained that this was a one time thing and he would not allow it again. Mr. Frey and Mr. Gardina did not agree that the rezoning was appropriate, and agreed to disagree.

Several weeks later, a sign appeared at 5022 Forge Road requesting a variance for the property. Mr. Frey again visited the Planning and Zoning Offices and asked what variance was being requested. He was advised that the owner of 5022 Forge Road was requesting a variance to allow the home on a 0.80 acre lot (the result of the subdivision being requested by the 0.49 acre lot). Mr. Frey inquired as to who had applied for the

PROTESTANT' S

EXHIBIT NO. 1

variance and was told the owner had come in and asked for the variance. ~~When the Enclave mentioned that he understood the owner was incarcerated,~~ the gentlemen at the Permit Desk stated that that explained why they had to take the application to the car. I am not certain who actually requested the variance for the property at 5022 Forge Road.

The interests of the Enclave at Perry Hall Home Owners Association are as follows:

- a. Keep the neighborhood density at DR 1H.
- b. Ensure the homes in the neighborhood remain compatible.
- c. Ensure the homes in the neighborhood abide to the covenants of the HOA.

There are many questions that need to be answered:

- a. Interoffice memo from Lloyd T. Moxley to Joe Chmura, particularly "4. Confirm with the Office of Zoning Review that sufficient density exists with the parent tract as it existed in 1971 to support further development of this lot. Additionally confirm with the Office of Development Management that this is not a fourth lot and so therefore a major development."
- b. The property has been represented as owned by Mr. Jason and Herbert Tart, Mr. Sean O'Connor, Kellen Properties & Investments, LLC, and Mr. & Mrs. Edwards.
 - a. Has the property been owned by any or all of these parties?
 - b. Has the property been transferred each time?
 - c. Who currently owns the property?
- c. Who signed the request for the variance on 5022 Forge Avenue?

Since this variance is required to support the proposed subdivision of Kerries Court, the two issues need to be considered together.

If the variance, and therefore the subdivision is to be approved, it should only be done so conditionally: The condition being that the owner of the 0.49 acre parcel be required to become part of the Enclave at Perry Hall Home Owners Association, be required to build a home that conforms with the homes in the Enclave at Perry Hall and pay to have the proper papers drafted by their attorney to do so.

Kerries Court - 09020M



PROTESTANT' S

EXHIBIT NO.

2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Joe Chmura
Department of Permits and
Development Management

DATE: May 13, 2009


FROM: Lloyd T. Moxley
Development Review Section
Office of Planning

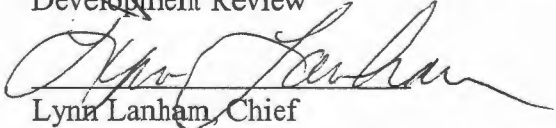
PROJECT NAME: Kerries Court

PROJECT NO.: 09020 M

The Office of Planning has reviewed the above referenced project and offers the following comments:

1. Correct General note #4 C to reflect D.R. 3.5 zoning.
2. Add a note referencing CZMP issue # 5-028 and the final decision of the Baltimore County Council.
3. The plan does not indicate a residual lot or parcel. What is being subdivided?
4. Confirm with the Office of Zoning Review that sufficient density exists with the parent tract as it existed in 1971 to support further development of this lot. Additionally confirm with the Office of development Management that this is not considered a fourth lot and so therefore a major development. This confirmation must be in written form and noted on the plan.
5. Indicate if Kerries Court is public or private.


Lloyd T. Moxley, Planner
Development Review


Lynn Lanham, Chief
Development Review

LTM:kma

PROTESTANT'S

EXHIBIT NO. 3

Case No.: 2010-0057-A 5022 FORGE ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Testimony Notes of JOHN FRANKS, Esq. & Paul Frey
No. 2	Plat of "The Enclave @ Penny Hall"	Aerial Photo
No. 3	Photographs of Existing Homes	LLOYD T. MOXLEY - Dev. Review Comment
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

TART HOUSE



PETITIONER'S

EXHIBIT NO.

3

EX. DWELLING ON SITE



At End of
Panhandle



5034 Forge



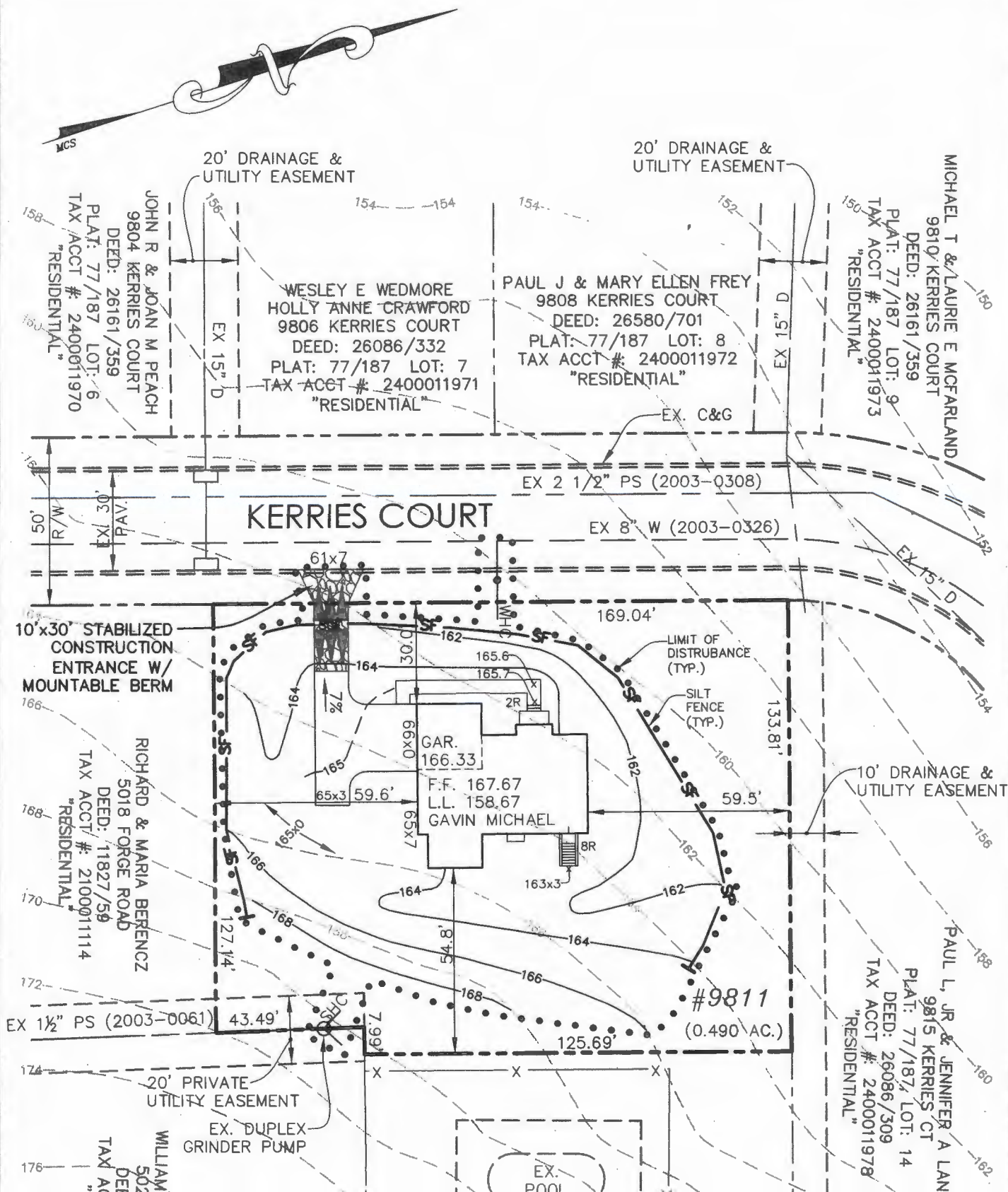
Longs House

neighboring properties

GENERAL NOTES

1. PROPERTY INFORMATION:
 OWNERSHIP: KELLEN PROPERTY & INVESTMENTS, LLC
 9811 KERRIES CT
 PERRY HALL, MD 21128
2. TAX ACCOUNT #: 2300008219
3. DEED REF: 29255/374
4. SITE AREA: 0.49 AC±
5. THE ENTIRE SITE IS ZONED DR-3.5 H

GAVIN MICHAEL
 ELEVATION 5D W/ TURNED GABLE
 BRICK FRONT
 2 CAR SIDE ENTRY GARAGE
 FIREPLACE: DIRECT VENT
 ADDITIONAL BEDROOM
 ADDITIONAL BATHROOM
 SUPER BATHROOM
 SUNROOM
 REAR AREAWAY
 9' FIRST FLOOR HEIGHT



20' DRAINAGE & UTILITY EASEMENT

20' DRAINAGE & UTILITY EASEMENT

JOHN R & JOAN M PEACH
 9804 KERRIES COURT
 DEED: 26161/359
 PLAT: 77/187 LOT: 6
 TAX ACCT #: 2400011970
 "RESIDENTIAL"

WESLEY E WEDMORE
 HOLLY ANNE CRAWFORD
 9806 KERRIES COURT
 DEED: 26086/332
 PLAT: 77/187 LOT: 7
 TAX ACCT #: 2400011971
 "RESIDENTIAL"

PAUL J & MARY ELLEN FREY
 9808 KERRIES COURT
 DEED: 26580/701
 PLAT: 77/187 LOT: 8
 TAX ACCT #: 2400011972
 "RESIDENTIAL"

MICHAEL T & LAURIE E MCFARLAND
 9810 KERRIES COURT
 DEED: 26161/359
 PLAT: 77/187 LOT: 9
 TAX ACCT #: 2400011973
 "RESIDENTIAL"

KERRIES COURT

EX 2 1/2" PS (2003-0308)

EX 8" W (2003-0326)

EX 15" D

10'x30' STABILIZED CONSTRUCTION ENTRANCE W/ MOUNTABLE BERM

RICHARD & MARIA BERENCZ
 5018 FORGE ROAD
 DEED: 11827/59
 TAX ACCT #: 2100011114
 "RESIDENTIAL"

GAR. 166.33
 F.F. 167.67
 L.L. 158.67
 GAVIN MICHAEL

169.04'

133.81'

10' DRAINAGE & UTILITY EASEMENT

PAUL L, JR & JENNIFER A LAN
 9815 KERRIES CT
 PLAT: 77/187, LOT: 14
 DEED: 26086/309
 TAX ACCT #: 2400011978
 "RESIDENTIAL"

EX 1 1/2" PS (2003-0061)

20' PRIVATE UTILITY EASEMENT

EX. DUPLEX GRINDER PUMP

WILLIAM
 5022
 DEED: 11827/59
 TAX ACCT #: 2100011114
 "RESIDENTIAL"

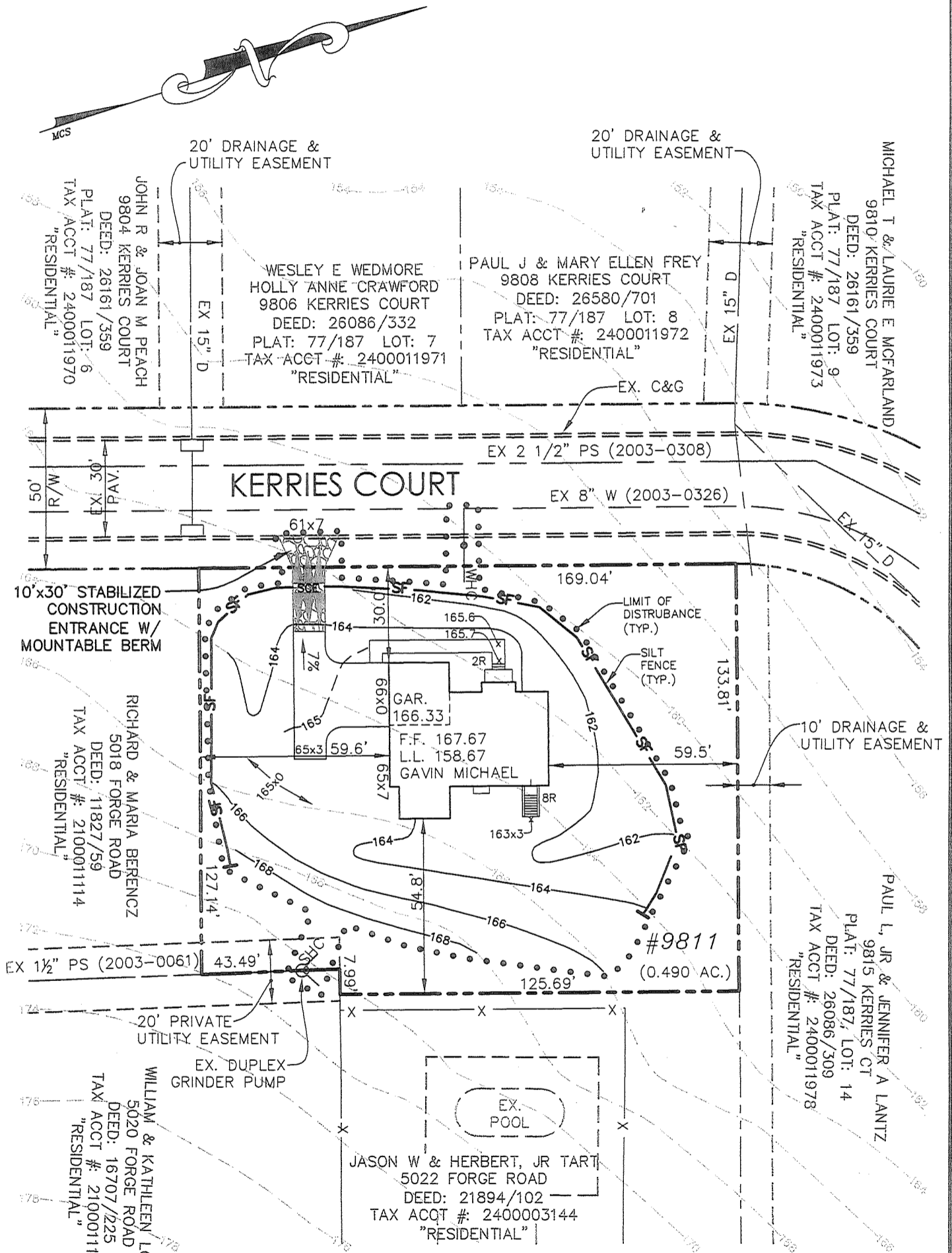
EX. POOL

#9811 (0.490 AC.)

GENERAL NOTES

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 2 CAR SIDE ENTRY GARAGE
 FIREPLACE: DIRECT VENT
 ADDITIONAL BEDROOM
 ADDITIONAL BATHROOM
 SUPER BATHROOM
 SUNROOM
 REAR AREAWAY
 9' FIRST FLOOR HEIGHT



LIMIT OF DISTURBANCE
 14,800 S.F.± OR 0.34 AC.±

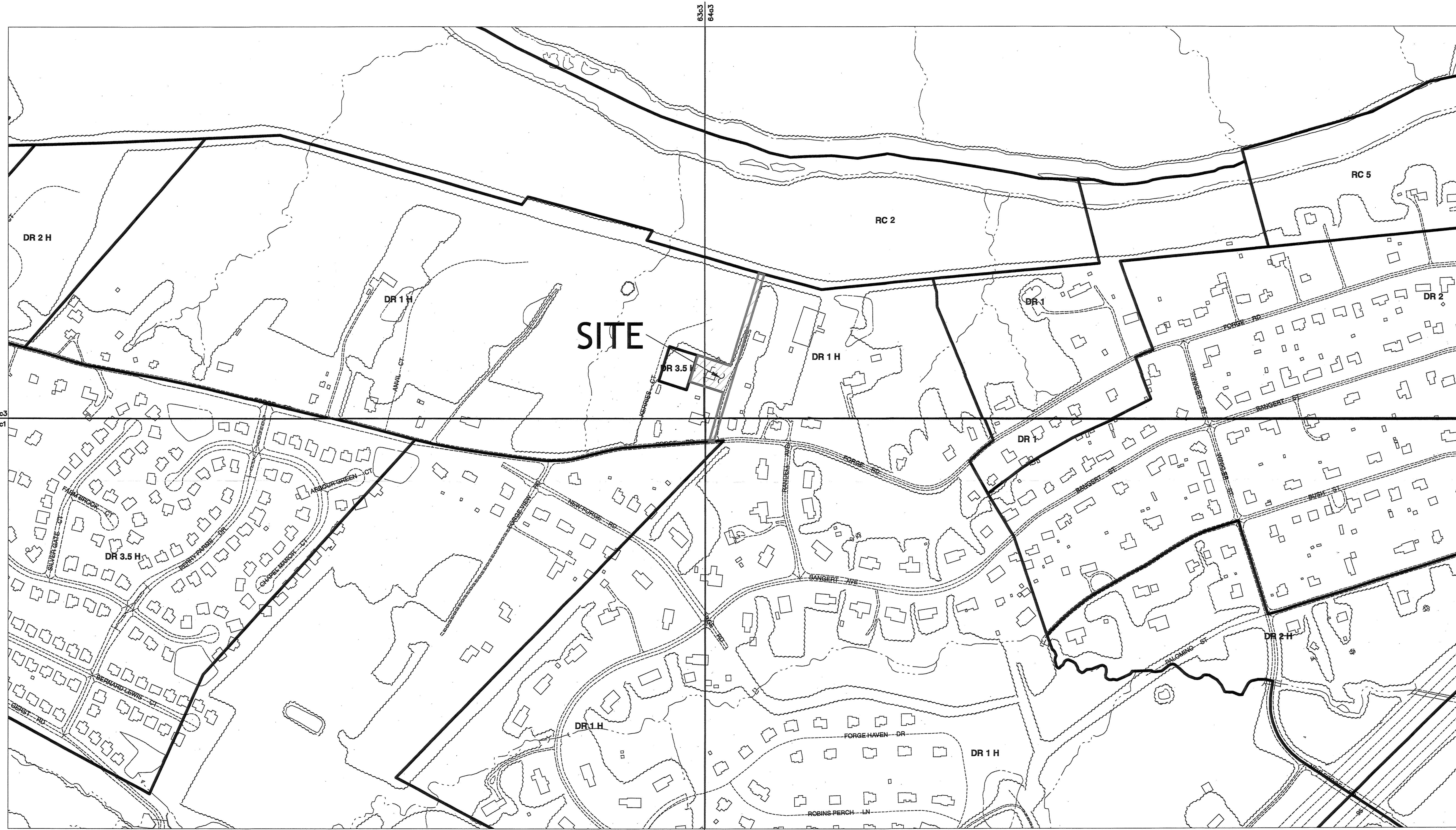
SITE PLAN TO ACCOMPANY
BUILDING PERMIT APPLICATION
9811 KERRIES COURT
KERRIES COURT



LITTLE & ASSOCIATES, INC.
 ENGINEERS~~LAND PLANNERS~~SURVEYORS
 1055 TAYLOR AVENUE, SUITE 307
 TOWSON, MARYLAND 21286
 PHONE: (410)296-1636 FAX: (410)296-1639

TAX ACCT. # 2300008219
 DISTRICT: 11c5
 SCALE: 1"=40'

BALTIMORE COUNTY, MD
 JUNE 3, 2010



SITE

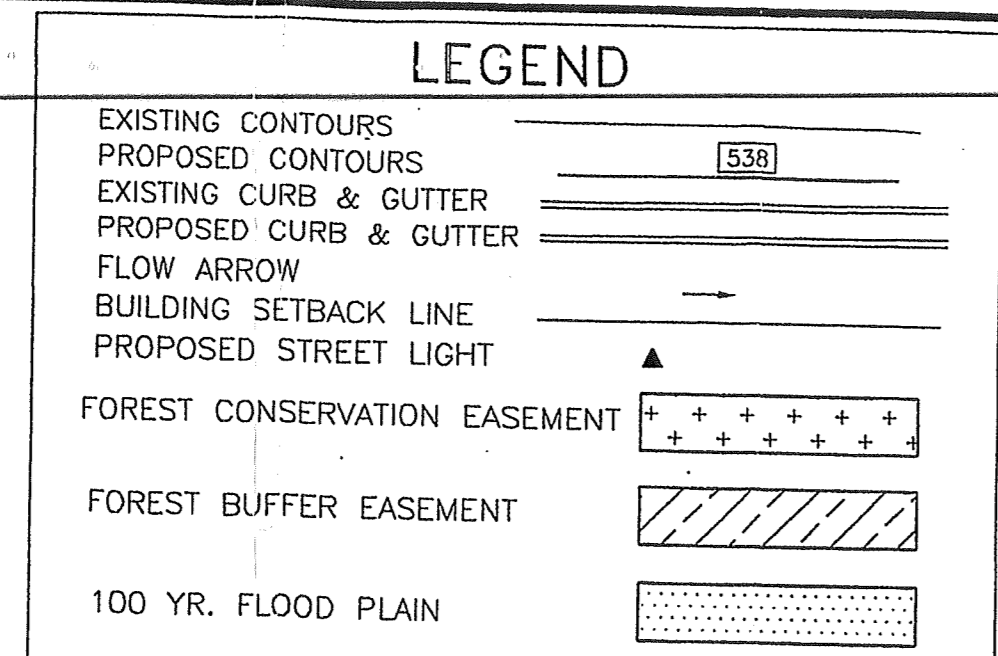
#5022 FORGE ROAD

DISTRICT 11c5 BALTIMORE COUNTY, MD
 SCALE: 1"=200' AUGUST 12, 2009

2010-0057-A

PLANNING COURT 0825/09/2009 EXHIBIT.dwg, 8/12/2009 4:25:18 PM, layout: 100-HF02, C:\7700\p1, User:100, 1:00

- NOTES:**
- OWNER/DEVELOPER: KELKERRY DEVELOPMENT, LLC
10 BOX 218
KINGSVILLE, MARYLAND 21087-0215
 - TAX ACCOUNT NO.: 160001990, 160001991
TAX MAP NO. 83, GRID PARCEL 513
DEED REFERENCE: 14246/425
NET AREA: 16.4810 ACRES
GROSS AREA: 16.4810 ACRES
 - ZONED: D.R. 1H
ZONING MAP: 11-14
LOTS ALLOWED: 16.4810 AC @ 1 DU/AC = 16 DU
LOTS PROPOSED: 16
EX. USE: VACANT
PROP. USE: SINGLE-FAMILY RESIDENTIAL
 - CENSUS TRACT: 4113.04
WATERSHED: 3
SUBWATERSHED: 201
ELECTION DISTRICT: 11
COUNCILMANS DISTRICT: 3
 - ON SITE TOPOGRAPHY SHOWN HEREON IS BASED ON A FIELD RUN TOPOGRAPHIC SURVEY PROVIDED BY COLBERT MATZ ROSENFELD, INC. ON APRIL 25, 2000. CRITICAL TOPOGRAPHIC INFORMATION HEREON HAS BEEN COMPILED FROM BALTIMORE CO. GIS TILES 8343, 6443, 7261, AND 7262.
 - THERE ARE NO BUILDINGS, PROPERTIES, OR SITES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT OF HISTORIC PROPERTIES, THE BALTIMORE COUNTY PRELIMINARY INVENTORY OF HISTORIC PROPERTIES, THE BALTIMORE COUNTY REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHAEOLOGICAL SURVEY, OR NATIONAL REGISTER DISTRICT COVERING THE PROPOSED DEVELOPMENT.
 - THERE ARE NO HAZARDOUS MATERIALS ON THIS PROPERTY.
 - NO LOTS ARE WITHIN THE 100-YEAR FLOODPLAIN.
 - THIS SITE LIES WITHIN THE BEAN RUN SUBAREA OF THE HONEYGO AREA.
 - THERE ARE NO KNOWN WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS OF ANY KIND ON THIS SITE.
 - THIS PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
 - THE BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEPENDENT AREA.
 - FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT NON-DISTURBANCE NOTE: THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
 - FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT PROTECTIVE COVENANTS NOTE: ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH ARE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
 - DENSITY CALCULATION: THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1971. 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.
 - OPEN SPACE REQUIRED:
ACTIVE: 10,400 S.F.
PASSIVE: 5,600 S.F.
TOTAL: 16,000
 - OPEN SPACE PROVIDED:
WAVEN REQUESTED AND FEE IN LIEU TO BE PAID.
 - TOTAL DISTURBED AREA: 7.09 AC.
 - NO SIGNS ARE PROPOSED FOR THIS SITE.
 - A DISCHARGE EASEMENT FOR INCREASED PEAK FLOWS FROM THE PROPOSED DEVELOPMENT WILL BE OBTAINED FROM THE MARYLAND DEPARTMENT OF NATURAL RESOURCES. A WAIVER OF STORMWATER MANAGEMENT QUANTITY CONTROL REQUIREMENTS WAS GRANTED ON NOV. 28, 2001. WATER QUALITY PLANS WILL BE APPROVED PRIOR TO BUILDING AND GRADING PERMITS.
 - ALL FENCING SHALL BE IN CONFORMANCE WITH THE HONEYGO OVERLAY DISTRICT DESIGN GUIDELINES, AND ANY FENCE MORE THAN THREE FEET HIGH SHALL ALSO SETBACK AT LEAST FIVE FEET FROM ANY PUBLIC RIGHT-OF-WAY OTHER THAN AN ALLEY.
 - ROADWAY WIDENING AREA TO BE DEDICATED AT NO COST TO BALTIMORE COUNTY.
 - THERE ARE NO AREAS OF CRITICAL STATE CONCERN ON THIS SITE.
 - THIS SITE IS NOT LOCATED IN ANY DEEDS AREAS ON THE BASIC SERVICES MAPS PURSUANT TO SECTION 4002, BCZR.



SOILS LIMITATIONS

SYMBOL	TYPE	HSG	MOISTURE	W/BASEMENTS	STREETS AND PARKING LOTS
BH2	BELTONVILLE SILT LOAM	C	MODERATE	SLIGHT	MODERATE
CH2	CHILLUM SILT LOAM	B	SLIGHT	SLIGHT	MODERATE
CHC2	CHILLUM SILT LOAM	B	SLIGHT	SLIGHT	SEVERE
CH3	CHILLUM SILT LOAM	B	SLIGHT	SLIGHT	SEVERE
CHC2	CHILLUM-NESHAMNY SILT LOAM	B	SLIGHT	SLIGHT	SEVERE
CHC2	CHILLUM-NESHAMNY SILT LOAM	B	MODERATE	MODERATE	SEVERE
L402	LEGORE SILT LOAM	B	SEVERE	SEVERE	SEVERE
L1E	LEGORE VERY STONY SILT LOAM	B	SEVERE	SEVERE	SEVERE
N4B2	NESHAMNY SILT LOAM	B	SLIGHT	SLIGHT	MODERATE

Department of Permits, & Development Management
7700
Maltimore County
2000 South Avenue, Suite 13
111 N. Calverton Avenue
Towson, Maryland 21286

July 22, 2005
JUL 27 2005

Robert E. Matz, P.E., Vice President
Colbert Matz Rosenfeld, Inc.

Re: Application for 16 unit subdivisions (in a 16 lot development) located in the Bean Run Subarea of the Honeygo Overlay District, Enclave at Perry Hall, 11th Election District

Dear Mr. Matz:

Pursuant to Section 259.7 of the Baltimore County Zoning Ordinance (BCZO), an applicant desiring a subdivision shall provide a site plan showing the location of all buildings, parking areas, and other improvements, and shall also provide a site plan showing the location of all buildings, parking areas, and other improvements, and shall also provide a site plan showing the location of all buildings, parking areas, and other improvements.

In accordance with Section 259.7(D) (BCZO), these subdivisions shall be constructed in accordance with the following conditions: (1) a building permit for an individual dwelling unit shall not be issued until the applicant has provided a site plan showing the location of all buildings, parking areas, and other improvements, and shall also provide a site plan showing the location of all buildings, parking areas, and other improvements.

If you have any questions, please feel free to contact me at 410-887-3391.

Sincerely,
Jeffrey Collier
District Engineer

cc: Douglas A. Green, Permit Processing
David Kennedy, Development Permit Review

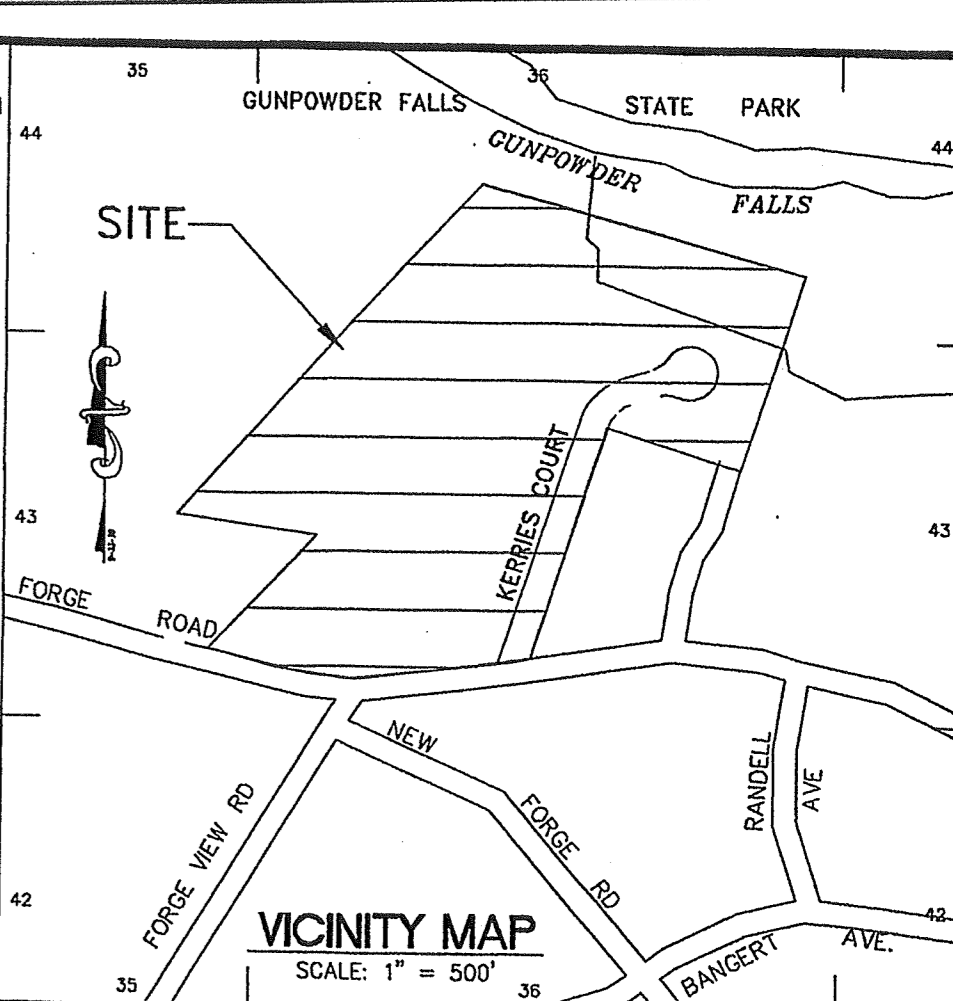
Visit the County's Website at www.baltimorecountymd.gov



BENCHMARK

COORDINATES SHOWN HEREON REFER TO THE NAD 83/01 DATUM. ELEVATIONS SHOWN HEREON REFER TO THE NAD83 DATUM. BOTH OF WHICH ARE BASED ON THE FOLLOWING BALTIMORE COUNTY TRAVERSE STATIONS:

TRAVERSE STA.	NORTH	EAST	ELEVATION
DS 89	637211.844	1470324.582	285.47
DSM 89	637408.3463	1469928.6212	



DENSITY CALCULATIONS:

FORMER	D.U. PER AC	ADDRESS
GROSS AREA	16.4810	ADDRESS
NET AREA	16.4810	ADDRESS
LOTS ALLOWED	16	ADDRESS
LOTS PROPOSED	16	ADDRESS
TOTAL LOT AREA	614,638 SQ.FT.	OR 14,2021 AC.±
HIGHWAY WIDENING	61,602 SQ.FT.	OR 1,4149 AC.±
FOREST CONSERVATION AREA	284,435 SQ.FT.	OR 6,5092 AC.±
FOREST BUFFER AREA	310,045 SQ.FT.	OR 7,1176 AC.±
100 YR FLOOD PLAIN AREA	23,579 SQ.FT.	OR 0.5413 AC.±
TOTAL PLAT AREA	717,912 SQ.FT.	OR 16,4810 AC.±
OPEN SPACE REQUIRED	16 D.U. @ 1000 SQ. FT./D.U. = 16000 SQ. FT. (0.37 AC.±)	
OPEN SPACE PROVIDED	NONE/WAIVER REQUESTED	

LOT AREA TABLE

LOT NO.	AREA
LOT 1	16,051 SQ. FT. OR 0.3689 AC.±
LOT 2	16,189 SQ. FT. OR 0.3707 AC.±
LOT 3	45,542 SQ. FT. OR 1.0396 AC.±
LOT 4	46,747 SQ. FT. OR 1.0618 AC.±
LOT 5	28,470 SQ. FT. OR 0.6538 AC.±
LOT 6	22,785 SQ. FT. OR 0.5201 AC.±
LOT 7	19,691 SQ. FT. OR 0.4501 AC.±
LOT 8	17,728 SQ. FT. OR 0.4039 AC.±
LOT 9	38,645 SQ. FT. OR 0.8872 AC.±
LOT 10	29,859 SQ. FT. OR 0.6874 AC.±
LOT 11	62,022 SQ. FT. OR 1.4184 AC.±
LOT 12	26,989 SQ. FT. OR 0.6131 AC.±
LOT 13	19,428 SQ. FT. OR 0.4454 AC.±
LOT 14	24,782 SQ. FT. OR 0.5662 AC.±
LOT 15	183,921 SQ. FT. OR 4.1981 AC.±
LOT 16	67,269 SQ. FT. OR 1.5468 AC.±
KERRIES COURT	88,773 SQ. FT. OR 2.0241 AC.±
HIGH WIDENING AREA *X1	29,628 SQ. FT. OR 0.6841 AC.±

REASON FOR FIRST AMENDMENT: TO ADD HONEYGO AUTHORIZATION LETTER

THE FIRST AMENDED DEVELOPMENT PLAN WAS APPROVED ON APRIL 07, 2005

SITE DEVELOPMENT PROPOSAL

Dwelling Type	Proposed	Parking Required	Parking Provided	Open Space (Acres)	Open Space (Acres)	Average Daily Trip	Phase	Development Subcode
SINGLE-FAMILY DETACHED	16	32	32	1000 SQ.FT./LOT	REQUESTING WAIVER	10/DACT	N/A	
Total	16	32	32	16,000 SQ. FT.		160	N/A	

THE PROPOSED DWELLINGS AND DEVELOPMENT ARE LOCATED WITHIN THE HONEYGO OVERLAY DISTRICT H AND ARE LOCATED WITHIN THE BEAN RUN SUBAREA. THE DWELLINGS AND DEVELOPMENT ARE SUBJECT TO (AND MUST BE CONSISTENT WITH) THE APPLICABLE HONEYGO DEVELOPMENT STANDARDS, THE HONEYGO OVERLAY DISTRICT DESIGN GUIDELINES MANUAL, THE RESIDENTIAL PERFORMANCE STANDARDS, THE CMDP, THE COUNTY LANDSCAPE MANUAL, AS WELL AS OTHER BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES, PURSUANT TO SECTION 259, 259.9G, 259.9.G.3, 260, 409 AND SECTION 504, BCZR. THE PROPOSED DWELLINGS AND DEVELOPMENT WILL COMPLY WITH ALL OF THE AFOREMENTIONED STANDARDS AND GUIDELINES.

PDM FILE # XI-856

FIRST AMENDED FINAL DEVELOPMENT PLAN THE ENCLAVE AT PERRY HALL

(FORGE ROAD)
ELECTION DISTRICT: 11, CS
BALTIMORE COUNTY, MARYLAND

Colbert Matz Rosenfeld, Inc.
Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO. DATE REVISIONS: BY SHEET 1 OF 2

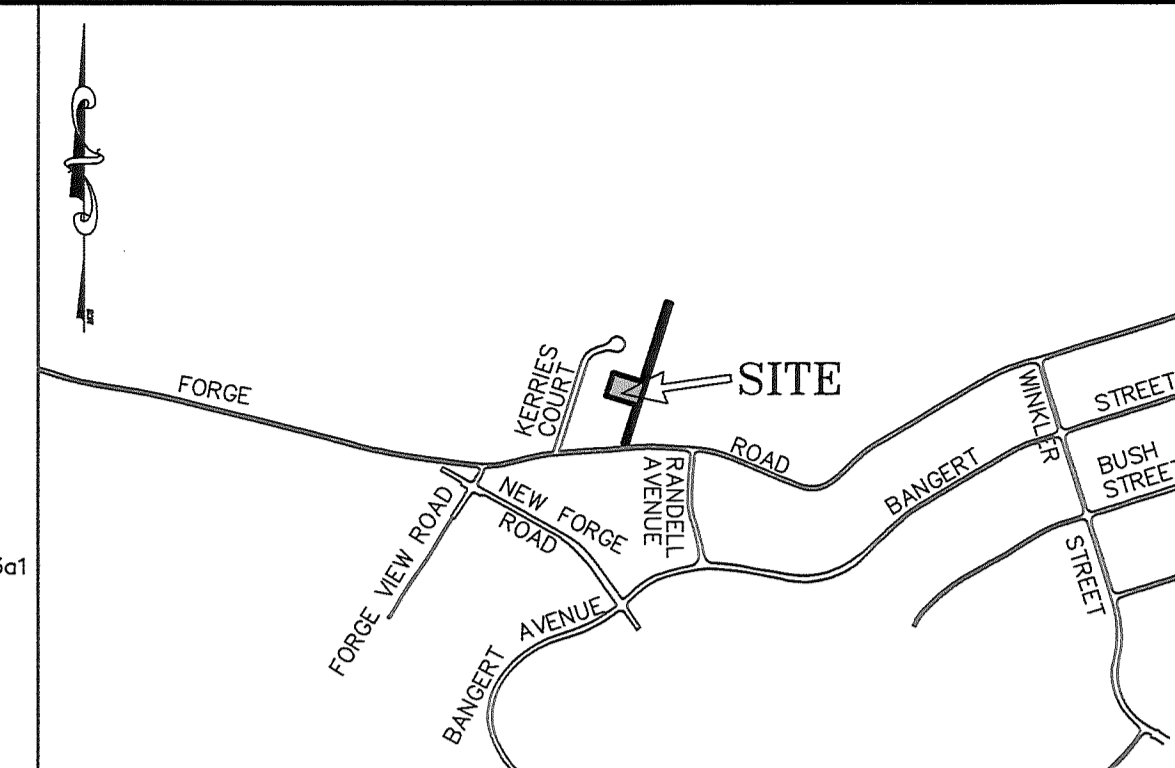
PROFESSIONAL'S EXHIBIT NO. 2

DATE PLOTTED: 9/16/05 12:45:32 PM EDT

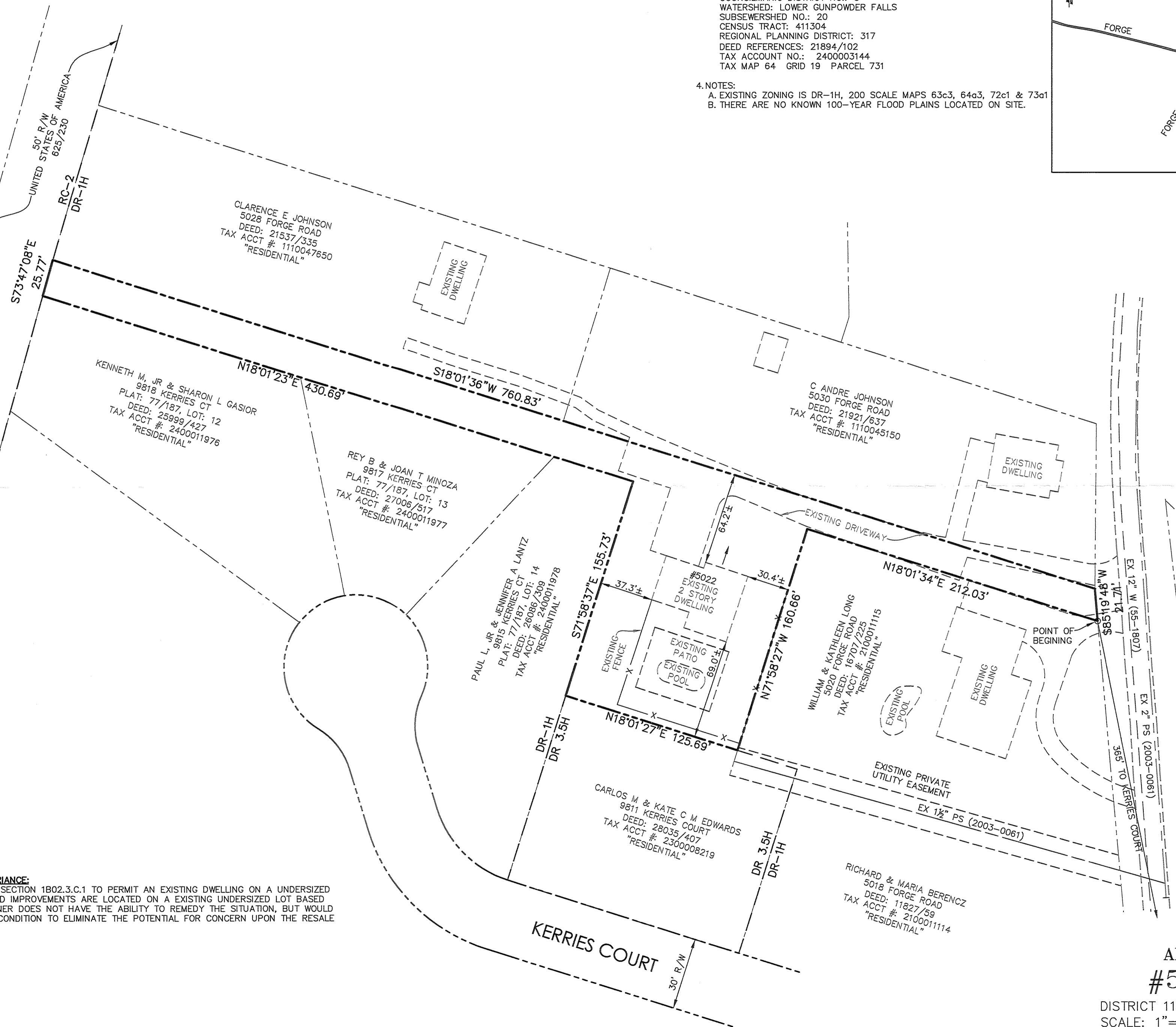


GENERAL NOTES

1. OWNER:
JASON W TART
HERBERT TART, JR
2100 WINSTONE CT
DARLINGTON, MD 21034
2. SITE DATA:
NET AREA: 0.86 AC±
ELECTION DISTRICT NO.: 11
COUNCILMANIC DISTRICT NO.: 5
WATERSHED: LOWER GUNPOWDER FALLS
SUBSEWERSHED NO.: 20
CENSUS TRACT: 411304
REGIONAL PLANNING DISTRICT: 317
DEED REFERENCES: 21894/102
TAX ACCOUNT NO.: 2400003144
TAX MAP 64 GRID 19 PARCEL 731
4. NOTES:
A. EXISTING ZONING IS DR-1H, 200 SCALE MAPS 63c3, 64a3, 72c1 & 73a1
B. THERE ARE NO KNOWN 100-YEAR FLOOD PLAINS LOCATED ON SITE.



VICINITY MAP
SCALE: 1"=1000'



REASON FOR ADMINISTRATIVE VARIANCE:
PETITION FOR A VARIANCE FROM SECTION 1802.3.C.1 TO PERMIT AN EXISTING DWELLING ON A UNDERSIZED LOT. THE EXISTING DWELLING AND IMPROVEMENTS ARE LOCATED ON AN EXISTING UNDERSIZED LOT BASED ON SECTION 1802.3.C.1 THE OWNER DOES NOT HAVE THE ABILITY TO REMEDY THE SITUATION, BUT WOULD LIKE TO VALIDATE THE EXISTING CONDITION TO ELIMINATE THE POTENTIAL FOR CONCERN UPON THE RESALE OF THE PROPERTY.

**PLAN TO ACCOMPANY
ADMINISTRATIVE VARIANCE
#5022 FORGE ROAD**

DISTRICT 11c5 BALTIMORE COUNTY, MD
SCALE: 1"=50' AUGUST 19, 2009