

IN RE: DEVELOPMENT PLAN HEARING
& PETITION FOR SPECIAL HEARING
1915 Turkey Point Road
S side of Turkey Point Road; 535 feet E of
the c/l of Bauernschmidt Drive
15th Election District
6th Councilmanic District
(Nester's Landing aka Schweitzer Property)

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

NKC Properties LLC
Applicant/Developer

HOH Case No. 15-957 and
Zoning Case No. 2010-0272-SPH

* * * * *

**ADMINISTRATIVE LAW JUDGE'S COMBINED ZONING AND
DEVELOPMENT PLAN OPINION & ORDER**

This matter comes before the Office of Administrative Hearings¹ for Baltimore County for a public hearing on a development proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code ("B.C.C."), and a related zoning Petition for Special Hearing. NKC Properties LLC, the developer of the subject property (hereinafter "the Developer"), and Turkey Point Landing, LLC, the legal owner, submitted for approval a redlined Development Plan prepared by Phoenix Engineering, Inc., known as "Nester's Landing a/k/a Schweitzer Property."

In the instant matter, the Developer proposes to construct 14 single-family dwellings on 17.021 acres of land, more or less, zoned D.R.3.5. The site is currently improved with a single-family dwelling and exhibits riparian features, extensive forestation and waterfront exposures.

¹ This case was heard on May 13, 2010, by Deputy Zoning Commissioner Thomas Bostwick. The record was left open to allow for the resolution of certain issues with County agencies. In the interim, Mr. Bostwick accepted a position with the Baltimore County Council. The undersigned has reviewed Mr. Bostwick's copious notes, the plans and materials in the file, and Counsel's post-hearing memorandum. The resolution of this case does not turn on credibility determinations, and as such, Maryland law authorizes a substitute hearing examiner to conclude the case. Citizens for Rewastico Creek v. Commissioners of Hebron, 67 Md. App. 466, 477-85 (1986).

ORDER RECEIVED FOR FILING

Date 9-2-11
By 3

In addition to the Hearing Officer's Hearing, the Developer is also requesting certain zoning relief and has filed a Special Hearing request pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow the creation of undersized lots for the purpose of conveyance to adjacent lot owners. Details of the proposed development and the requested zoning relief are more fully depicted on the redlined Development Plan that was marked and accepted into evidence as Developer's Exhibits 1A through 1C.

The property was posted with the Notice of Hearing Officer's Hearing on April 14, 2010 for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. In addition, notice of the zoning hearing was timely posted on the property on April 14, 2010 and was timely published in *The Jeffersonian* in accordance with the County Code.

As to the history of the project, a concept plan of the proposed development was prepared and a Concept Plan Conference ("CPC") was held on November 10, 2009 at 10:00 AM in the County Office Building. As the name suggests, the concept plan is a schematic representation of the proposed development and was initially reviewed by representatives of the Developer and the reviewing County Agencies at the CPC. Thereafter, as is also required in the development review process, notice of a Community Input Meeting ("CIM") was posted and scheduled during evening hours at a location near the proposed development. The CIM provides residents of the area an opportunity to review and comment firsthand on the Concept Plan. In this case, the CIM was held on December 14, 2009 at 7:00 PM at the Chesapeake High School located 1801 Turkey Pont Road, where representatives of the Developer and the County attended, as well as a number of interested persons from the community. Subsequently, a Development Plan was prepared based upon the comments received at the CPC and the CIM, and the Development Plan was submitted

ORDER RECEIVED FOR FILING

Date

9-2-11

By

193

for further review at a Development Plan Conference ("DPC"). At the DPC, the Developer's consultants and County agency representatives further reviewed and scrutinized the plan. The DPC occurred on April 21, 2010 at 9:00 AM in the County Office Building. Thereafter, a Hearing Officer's Hearing was scheduled and convened on May 13, 2010 in Room 106 of the County Office Building located at 111 West Chesapeake Avenue in Towson.

Appearing at the requisite Hearing Officer's Hearing and related zoning hearing in support of the Development Plan and request for zoning relief on behalf of the Developer and property owner were brothers Noel A. Schweitzer and Robert D. Schweitzer. Appearing as counsel to the Developer was J. Neil Lanzi, Esquire. Also appearing in support of the requested development plan approval and zoning relief was John R. Heinrichs, P.E. with Phoenix Engineering, Inc., the professional engineering firm that prepared the site plan. In addition, a number of interested citizens attended the hearing.

By way of introduction, Mr. Lanzi proffered the subject property had been owned by the Schweitzer family since 1937 and the surviving family members were trying to determine the best way to develop the property. Counsel indicated that previous legislation had limited the development to three or fewer lots until Bill No. 67-2008 revised Section 4A03.4 of the Baltimore County Zoning Regulations allowing for a subdivision of more than three lots on property zoned DR 3.5 in the Back River Neck area. The subject property consists of 17 acres and, pursuant to the current zoning, it is conceivable the property could be subdivided into more than 50 lots. Counsel proffered that after various meetings with the two affected community associations, Sue Creek Landing Property Owners Association and the Rockaway Beach Improvement Association and due to various environmental restrictions, the current plan of 14 lots has been proposed. Proposed are 11 building lots along Sue Avenue and 3 building lots on Turkey Point Road.

ORDER RECEIVED FOR FILING

Date

9-2-11

By

122

Finally, Counsel proffered that the Developer intends to convey the parcel of land on the south side of Sue Avenue to the adjoining 15 property owners who would like to add the property to their existing back yards. Approximately 10 of the 17 acres available for development will be left in its current condition under the Developer's Plan.

Numerous representatives of the various Baltimore County agencies, who reviewed the Development Plan and zoning Petition, also attended the hearing, including the following individuals from the Department of Permits and Development Management: Darryl Putty (Project Manager), Dennis Kennedy (Development Plans Review), Bruno Rudaitis (Office of Zoning Review), and Ron Goodwin (Bureau of Land Acquisition). Also appearing on behalf of the County were David Lykens from the Department of Environmental Protection and Resource Management ("DEPRM"); and Lloyd Moxley from the Office of Planning. In addition, written comments were received from the Baltimore County Fire Marshal's Office and the Maryland State Highway Administration. These and other agency remarks are contained within the case file.

It should be noted at this juncture that the role of the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the Development Plan as it pertains to their specific areas of concern and expertise. The agencies specifically comment on whether the plan complies with all applicable Federal, State, and/or County laws, policies, rules and regulations pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan review and approval process, which includes providing input to the Hearing Officer either in writing or in person at the hearing. It should also be noted that continued review of the plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

ORDER RECEIVED FOR FILING

Date

By

Pursuant to Sections 32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct of the Hearing Officer's Hearing, I am required first to identify any unresolved comments or issues as of the date of the hearing. Upon inquiry of the Developer's attorney, Mr. Lanzi, he indicated it was his understanding that all agency comments had been addressed on the redlined Development Plan. Mr. Lanzi also reiterated that a related request for special hearing had been filed pertaining to portions of the proposed development as well as existing conditions. Mr. Lanzi indicated the reasons in support of this request would be expounded upon during a proffer of testimony and evidence, and Mr. Heinrichs' presentation of the plan.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: Comments were received from the Office of Planning dated April 28, 2010, and that agency has no objection to the creation of 15 undersized parcels in the DR 3.5 zone with the intention they be conveyed individually by the Petitioner to the immediately adjacent landowners, subject to a condition of approval being included in the Final Decision and Order:

Parcels B through P as shown on Petitioner's Exhibit 1A-C shall be subject to the Development Plan and Landscape Plan approved by Baltimore County in Baltimore County Department of Permits, Approvals and Inspections file No. 15-957.

The Planning Office accepts that the parcels are non-buildable and will not be improved with any structure(s) requiring Baltimore County building permit approval.

Particular County agencies were then asked to state whether they had any outstanding issues, and the responses are summarized below:

Planning Office: Lloyd Moxley appeared on behalf of the Office of Planning. Mr. Moxley indicated that his department approved the School Impact Analysis offered as Baltimore County

ORDER RECEIVED FOR FILING

9-2-11

Date

By

Exhibit 2. Mr. Moxley indicated the Office of Planning would not approve the Development Plan however, subject to resolution of Section 260 standards of the B.C.Z.R. affecting what was referred to in the hearing as the "triangle piece" of Developer's property between Sue Avenue and the existing residences along Sue Creek Drive. Mr. Moxley indicated that based on discussions with Avery Harden, Baltimore County Landscape Architect, the landscape plan had not been approved. Mr. Moxley also indicated his office would be requesting a recorded landscape easement to be held by the Sue Avenue parcel holders (existing residents on the south side of Sue Avenue). The Office of Planning was also requesting a 10 foot landscape easement in addition to the 11 foot right-of-way along the entire length of the south side of Sue Avenue. Mr. Moxley also requested a 6 foot high fence along the southern edge of the Baltimore County right-of-way. Mr. Moxley finally requested additional information for the pattern book regarding the facades of the proposed homes in accordance with Section 260 of the B.C.Z.R.

In addition to Mr. Moxley's testimony, Avery Harden, Landscape Architect, testified and indicated a willingness to reduce the required landscape easement from 10 to 5 feet and also acknowledged a willingness to allow landscaping within the 11 feet Baltimore County right-of-way. Mr. Harden also indicated that he would consider landscaping in lieu of the requested 6 foot high fence (which the neighbors opposed) subject to his approval of a landscape plan.

Subsequent to the hearing, this Administrative Law Judge received written confirmation from Mr. Moxley that a revised pattern book had been submitted and approved by the Office of Planning. Accordingly, by letter dated August 9, 2011, Mr. Moxley on behalf of the Office of Planning recommends approval of the Development Plan.

DEPRM: David Lykens appeared on behalf of DEPRM (now the Department of Environmental Protection and Sustainability), indicating that all sections of Environmental

ORDER RECEIVED FOR FILING

9-2-11

Date

By

3
9

Review had been approved except for Environmental Impact Review with issues remaining open, including the proposed piers and various buffers. Calculations were also requested with regard to disturbance in the critical area. Driveways proposed for the residents along Sue Avenue were requested to be shown along with driveways that currently exist on the south side of Sue Avenue. Subsequent to the hearing, written confirmation was received from Jeffrey Livingston that all outstanding issues had been satisfied and DEPS recommended approval of the Development Plan.

Recreation and Parks: Bruce Gill appeared on behalf of the Department of Recreation and Parks and indicated that the local open space required for the 14 units is 14,000 square feet or 0.32 acre, more or less; 9,100 square feet active and 4,900 square feet passive. A development plan that proposes 20 or less dwelling units should be considered for a waiver and a fee in lieu of open space. Pursuant to a letter dated April 26, 2010, offered as Baltimore County Exhibit 1, from the Department of Recreation and Parks to the Developer's land use consultant, Mr. Heinrichs, the request for waiver was granted with a fee in lieu of \$73,080 to be paid to Baltimore County prior to recordation of the record plat. That letter was marked and accepted into evidence as Baltimore County Exhibit 1. With no other open issues, Mr. Gill's department recommended approval of the Development Plan.

Development Plans Review (Public Works): Dennis Kennedy appeared on behalf of the Bureau of Development Plans Review. Mr. Kennedy confirmed that the Developer's plan met all of his department's requirements and comments, and that his department recommended approval of the redlined Development Plan, subject to minor red line additions including:

1. 18 feet minimum road width between Nesters Landing and the end of the existing curb on Sue Avenue; and
2. Truncation of the right-of-way line at Old Turkey Point Road and Turkey Point Road; and

ORDER RECEIVED FOR FILING

Date

9-2-11

By

23

3. Label the landscape easement as private; and
4. End the drainage and utility easements at the critical area easement.

Office of Zoning Review: Bruno Rudaitis appeared on behalf of the Office of Zoning Review. Mr. Rudaitis stated that his office had no outstanding issues with the Plan, subject to determination of the special hearing relief. Mr. Rudaitis indicated in the event the special hearing relief was denied, the Zoning Office would request a restriction to be placed on the Development Plan requiring one common metes and bounds description of Parcels B-P and the 15 lots existing on the south side of Sue Avenue. Mr. Rudaitis indicated in the event the special hearing relief as requested is approved, the Zoning Office would request notes on the Plan and/or restrictions in the 15 deeds indicating Parcels B-P are non-buildable, without density and are non-transferable to other neighbors. Further, in the event of a sale of the primary residence, parcels B-P must also be sold. Otherwise, subject to approval of the related special hearing requests, his department recommended approval of the red line Development Plan.

Land Acquisition: Ron Goodwin appeared on behalf of the Bureau of Land Acquisition. Mr. Goodwin indicated that subject to a label on the landscape easement as to ownership of the property and easement area, the Bureau of Land Acquisition recommended approval of the Development Plan.

The Baltimore County Code clearly provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." See, Section 32-4-229 of the B.C.C. After due consideration of the testimony and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the development plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled

ORDER RECEIVED FOR FILING

Date

By

to approval of the Redlined Development Plan.

Administrative Law Judge's Hearing on Petition for Special Hearing

The special hearing, as previously indicated, is requested pursuant to Section 500.7 of the B.C.Z.R. to allow the creation of undersized lots for the purpose of conveyance to adjacent lot owners. The basis of relief was presented by proffer by Developer's Counsel as follows:

The subject property is bisected by a Baltimore County road known as Sue Avenue as shown on the site plan filed with this Petition. Approximately 35,494 square feet (.815 acres) of Developer's property is located on the opposite (south) side of Sue Avenue. (The .8156 acres is referred to hereinafter as "Petitioner's Excess Property"). There currently exist 15 improved properties adjacent to Petitioner's Excess Property. After investigating the options with the various Baltimore County agencies and determining Baltimore County does not desire Petitioner's Excess Property for open space or any other use, it is Petitioner's intent to convey Petitioner's Excess Property as 15 separate parcels to the 15 existing improved lot owners. The parcels will remain separate lots by deed, description and tax account. Each of the 15 newly created parcels will be undersized ranging from a low of 164 square feet to a high of 5,812 square feet and will not contain enough square footage to obtain approval for a residential building lot. Further, the newly created parcels combined with the existing 15 improved lots will not provide enough square footage for the combined property to be subdivided, as only one of the 15 improved lots combined with the parcel to be conveyed will meet the 10,000 square foot minimum lot size requirement for property zoned DR 3.5.

For these reasons, Petitioner seeks to create 15 separate undersized parcels from Petitioner's Excess Property for the purpose of conveyance to the adjoining property owners subject to approval of the final Development Plan and record plat.

ORDER RECEIVED FOR FILING

9-2-11

Date

By

Various citizens spoke regarding the proposed Development Plan and special hearing petition. The citizens who spoke lived on Sue Creek Drive or on Sue Avenue. The Sue Creek Drive residents owned property directly across from the proposed new homes and were affected by the proposed fencing and landscaping requirements. Some of the residents already had driveways through Petitioner's property into their own back yards and wished to keep the driveways.

A letter dated May 6, 2010, was submitted by the owners of 1914-1942 Sue Creek Drive confirming their support of the development subject to the transfer of the triangle piece as 15 separate parcels to the 15 residents signing the letter.

Petitioner's engineer indicated there were four existing driveways on the triangular portion of land where the 15 lots are proposed, across from the proposed development. Petitioner submitted several photographs (Developer's Exhibits 2 A-F) of the subject property, the one existing house which is to be razed and the area of the proposed pier. Additional photographs were presented (Developer's Exhibits 3 A-Q) of the subject property on both sides of Sue Avenue.

Noel Schweitzer and Robert Schweitzer both testified regarding the family history with the subject property. Noel Schweitzer currently resides in the existing residence located at 1915 Turkey Point Road and Robert Schweitzer currently lives at 1909 Old Turkey Point Road, immediately adjacent to the subject property. Both said they had a vested interest in having a quality development, especially since Robert Schweitzer will continue to live adjacent to the development.

Lastly, it should be noted that the decisions with regard to the Petition for Special Hearing and the Hearing Officer's Hearing considering the proposed development are treated differently for appeal purposes. The decision on the zoning Petition is made by a Deputy Zoning

Commissioner. An appeal from those decisions is a *de novo* appeal to the Board of Appeals of Baltimore County. The decision on the Development Plan is made by a Hearing Officer for Baltimore County. An appeal from that decision is on the record to the Board of Appeals pursuant to Section 32-4-281 of the B.C.C. Both appeals must be filed within 30 days from the date of this Order.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, the NKC Properties LLC Development Plan shall be approved consistent with the comments contained herein. The requested special hearing relief to allow the creation of undersized lots for the purpose of conveyance to adjacent lot owners is also approved.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 2 day of September, 2011, that the redlined "NESTER'S LANDING AKA SCHWEITZER PROPERTY" Development Plan, marked and accepted into evidence as Developer's Exhibit 1A-C, be and is hereby **APPROVED**; and

IT IS FURTHER ORDERED that the Petition for Special Hearing relief to allow the creation of fifteen (15) undersized lots for the purpose of conveyance to adjacent lot owners be and is hereby **GRANTED**.

The aforementioned approval and relief granted herein shall be subject to the following as conditions precedent:

1. Parcels B through P as shown on Developer's Exhibit 1A-C are to be conveyed by Developer to the respective owners of 1914-1942 Sue Creek Drive, and such conveyances shall be expressly subject to a landscape easement granted to Baltimore County – as shown on Developer's Exhibit 1A-C. The deed of easement to Baltimore County must be in a form acceptable to the Department of Permits, Approvals and Inspections, and must be recorded among the Baltimore County land records prior to the conveyance by Developer of the fifteen parcels (shown on the Development Plan as Parcels B-P) to the adjoining

ORDER RECEIVED FOR FILING

Date

By

homeowners. The conveyance of each of the 15 parcels by Developer shall include a property description referencing the final Development Plan only without the necessity of a metes and bounds description for each of the 15 undersized parcels.

2. The approval of a final Landscape Plan by Baltimore County in Baltimore County Department of Permits, Approvals and Inspections file No. 15-957.
3. All landscaping planted in the 11 foot Baltimore County right-of-way shall be installed at the Developer's expense. The landscaping on the south side of Sue Avenue shall be maintained by and at the expense of the fifteen (15) adjoining property owners. The landscaping on the north side of Sue Avenue shall be maintained by the future owners of the adjacent dwellings shown on the Development Plan.
4. Any removal and/or destruction of the landscaping contained in the right-of-way and/or landscape easement shall be subject to a Code violation and enforcement action by the Department of Permits, Approvals and Inspections.
5. Parcels B through P as shown on Developer's Exhibit 1A-C may not be sold or conveyed separately from the adjoining primary residences on the south side of Sue Avenue, and deeds conveying those parcels shall contain such a restriction in conspicuous typeface.
6. Parcels B through P as shown on Developer's Exhibit 1A-C are non-density parcels and may not be subdivided and/or added to other parcels for purposes of subdivision, and such restriction shall be conspicuously noted on the deeds conveying those parcels.
7. Any proposed driveways or accessory structures requested by the lot owners of Parcels B through P shall require a special hearing petition from the requesting lot owner and approval from Baltimore County.

Any appeal of this Order shall be taken in accordance with Baltimore County Code,

Section 32-4-281.

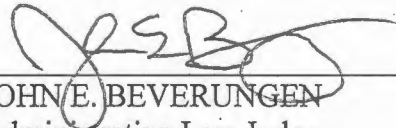
ORDER RECEIVED FOR FILING

Date

9-2-11

By

JEB/pz


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

September 2, 2011

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

Re: Nester's Landing aka Schweitzer Property
HOH Case No. 15-957 and Zoning Case No. 2010-0272-SPH

Dear Mr. Lanzi:

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

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

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw
Enclosure

c: Kenneth and Beverly Ward, 1920 Sue Creek Drive, Baltimore, MD 21221
John Damron, 1924 Sue Creek Drive, Baltimore, MD 21221
Danetta Riedel, 1928 Sue Creek Drive, Baltimore, MD 21221
Tammy Medinger, 1916 Sue Creek Drive, Baltimore, MD 21221
Margaret Kuczinski, 1910 Sue Creek Drive, Baltimore, MD 21221
Caroline Sturgis, 1922 Sue Creek Drive, Baltimore, MD 21221
Terry Koogle, 1938 Sue Creek Drive, Baltimore, MD 21221
Michael Herbert, 1936 Sue Creek Drive, Baltimore, MD 21221
Jeffrey Dillon, 1906 Sue Avenue, Baltimore, MD 21221
Daniel Williams, 1904 Sue Creek Drive, Baltimore, MD 21221
Diane Anderson, 1940 Sue Creek Drive, Baltimore, MD 21221
Keith Hill, 2013 Sue Avenue, Baltimore, MD 21221
Dennis and Kathleen Ewing, 1934 Sue Creek Drive, Baltimore, MD 21221
Darryl Putty, Project Manager, PAI

**APPLICANT
REQUESTS A
COMBINED
HEARING
WITH THE
HOH.**

**PLEASE
SCHEDULE
TO COMPLY
WITH THEIR
REQUEST.**



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1915 Turkey Point Road
which is presently zoned DR 3.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

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

I, or we, agree to pay expenses of above Special Hearing, 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:

J. Neil Lanzi

Name - Type or Print _____

Signature _____

J. Neil Lanzi, P.A.

Company _____

409 Washington Avenue, Suite 617

Address _____ Telephone No. _____

Towson, MD 21204

City _____ State _____ Zip Code _____

Legal Owner(s):

Turkey Point Landing, LLC

Name - Type or Print _____

Thomas Palacorolla

Signature _____

Thomas Palacorolla, Managing Member

Name - Type or Print _____

Signature _____

1915 Turkey Point Road

Address _____ Telephone No. _____

Baltimore, MD 21221

City _____ State _____ Zip Code _____

Representative to be Contacted:

Neil Lanzi

Name _____

409 Washington Avenue, Suite 617

Address _____ Telephone No. _____

Towson, MD 21204

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 4/8/10

ORDER RECEIVED FOR FILING
Date 9-2-11

By _____
Case No. 2010-0272-SPH

REV 9/15/98

10w

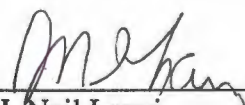
Petition for Special Hearing

Turkey Point Landing, LLC, Petitioner requests the Zoning Commissioner pursuant to 500.7, to allow the creation of undersized lots for the purpose of conveyance to adjacent lot owners. The basis for the request is as follows:

1. The subject property is scheduled for a Hearing Officer's Hearing for the approval of a Development Plan containing 14 residential building lots. The subject property is bisected by a Baltimore County road known as Sue Avenue as shown on the site plan filed with this Petition. Approximately 35,494 square feet (.815 acres) of Petitioner's property is located on the opposite side of Sue Avenue. (The .815 acres is referred to hereinafter as "Petitioner's Excess Property"). There currently exist 15 improved properties adjacent to Petitioner's Excess Property. After investigating the options with the various Baltimore County agencies and determining Baltimore County does not desire Petitioner's Excess Property for open space or any other use, it is Petitioner's intent to convey Petitioner's Excess Property as 15 separate parcels to the 15 existing improved lot owners. The parcels will remain separate lots by deed, description and tax account. Each of the 15 newly created parcels will be undersized ranging from a low of @164 square feet to a high of @5,812 square feet and will not contain enough square footage to obtain approval for a residential building lot. Further, the newly created parcels combined with the existing 15 improved lots will not provide enough square footage for the combined property to be subdivided as only one of the 15 improved lots combined with the parcel to be conveyed will meet the 10,000 square foot minimum lot size requirement for property zoned DR 3.5.

For these reasons, Petitioner requests the allowance of the creation of the 15 separate undersized parcels from Petitioner's Excess Property for the purpose of conveyance to the adjoining property owners subject to approval of the final development plan and record plat.

For these reasons and such other reasons to be provided at the hearing.



J. Neil Lanzi
J. Neil Lanzi, P.A.
409 Washington Avenue, Suite 617
Towson, MD 21204
(410) 296-0686
Attorney for Petitioner

ZONING DESCRIPTION FOR 1915 TURKEY POINT ROAD

Beginning at a point in the center of Turkey Point Road which road right-of-way varies at distance of 535 feet east of the centerline of Bauernschmidt Drive with a future right-of-way width of 60 feet wide and running the following courses and distances, N.78°48'40"E. 160.00 ft., N.79°31'52"E. 26.96 ft., N.88°22'13"E. 60.67 ft., S.52°16'26"E. 52.79 ft., S.26°43'40"E. 70.89 ft., S.29°17'26"W. 255.48 ft., S.53°42'34"E. 118.99 ft., S.22°11'26"W. 25.30 ft., S.76°39'34"E. 300.95 ft., N.14°46'40"W. 327.66 ft., N.67°46'20"E. 65.38 ft., N.58°39'20"E. 58.55 ft., S.28°27'24"E. 18.55 ft., S.28°27'24"E. 194.27 ft., N.71°32'36"E. 160.00 ft., N.28°27'24"W. 237.36 ft., N.70°47'20"E. 83.58 ft., N.77°37'20"E. 100.00 ft., S.86°08'40"E. 73.10 ft., S.16°46'40"E. 85.00 ft., S.03°07'20"W. 202.00 ft., S.27°10'40"E. 90.00 ft., S.17°33'40"E. 170.80 ft., N.83°50'20"E. 42.90 ft., S.31°56'40"E. 106.00 ft., S.34°53'12"W. 111.33 ft., S.83°38'05"W. 547.80 ft., S.45°33'05"W. 321.21 ft., N.44°33'29"W. 922.23 ft., N.45°24'07"E. 356.28 ft., N.45°24'07"E. 52.46 ft. to the place of beginning. As recorded in Deed Liber 27506 at Folio 378, containing 17.021 acres of land. Also known as 1915 Turkey Point Road, Baltimore County, Maryland 21221 and located in the 15th Election District, 6th Councilmanic District.

BEING the same property as described in a Deed dated October 15, 1937, and recorded among the Land Records of Baltimore County, Maryland in Liber 1018, Folio 95 from Michael Pelczar and Josephine Pelczar, his wife, unto Justus Schweitzer, now deceased and Ann Schweitzer, now deceased, Grantor.



**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: 2010-0272-SPH

Petitioner: Turkey Point Landing, LLC

Address or Location: 1915 Turkey Point RD
Balto MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: ~~J. T.~~ Tom Palacorella, managing member

Address: Turkey Point Landing, LLC
12183 Tricaddaphia Road
Ellicott City, MD 21042

Telephone Number: 410 796 7676

Revised 7/11/05 - SCJ

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

No. 93217

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					

Total: _____

Rec

From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**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: # 2010-0272-SPH

1915 Turkey Point Road
S/side of Turkey Point Road,
535 feet east of the
centerline of

Bauernschmidt Drive
15th Election District
6th Councilmanic District
Legal Owner(s): Turkey
Point Landing, LLC

Special Hearing: to allow
the creation of undersized
lots for the purpose of con-
veyance to adjacent lot
owners.

**Hearing: Thursday, May
13, 2010 at 9:00 a.m. in
Room 106, County Office
Building, 111 West Ches-
apeake Avenue, Towson
21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/4/908 Apr. 27 238177

CERTIFICATE OF PUBLICATION

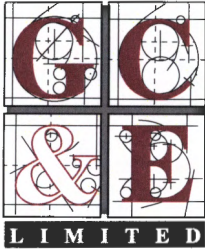
4/29/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 4/27/, 2010.

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

J. Wilkins

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case# 2010-0272-SPH

PETITIONER: Turkey Point Landing,
LLC

DATE OF HEARING: May 13, 2010

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:
1915 Turkey Point Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: April 27, 2010

ZONING NOTICE

CASE # :2010-0272-SPH

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

PLACE:

Room 106 County Office Building
111 W. Chesapeake Avenue, Towson 21204

TIME:

DATE : Thursday, May 13, 2010
at 9:00 am

Special Hearing to allow the creation of
undersized lots for the purpose of con-
veyance to adjacent owners.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.

CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE

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

HEARINGS ARE HANDICAPPED ACCESSIBLE

Hearing Officer's Hearing
 FOR
 "NEVERENDING"
 PROJECT

THURSDAY, MAY 17, 2018, 5:00 PM

Room 108 County Office Building
 111 W. Chesapeake Avenue, Towson, MD 21204

Subject: "NEC" Project/Phase 2, LLC

For more information, please contact the Planning Department at 410-386-1000.

Residential Zoning Ordinance, § 14-101 (b) (1)

Residential Zoning Ordinance, § 14-101 (b) (2)

ZONING NOTICE

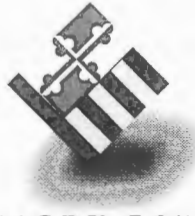
CASE # : 2018-0272-SPH

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

PLACE: Room 108 County Office Building
 111 W. Chesapeake Avenue, Towson, MD 21204

TIME: Thursday, May 17, 2018
 DATE: at 5:00 PM

Special Hearing: to allow the creation of
 underused lots for the proposed use
 pursuant to infill lot creation.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 15, 2010

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: 2010-0272-SPH

1915 Turkey Point Road

S/side of Turkey Point Road, 535 feet east of the centerline of Bauernschmidt Drive

15th Election District – 6th Councilmanic District

Legal Owners: Turkey Point Landing, LLC

Special Hearing to allow the creation of undersized lots for the purpose of conveyance to adjacent lot owners.

Hearing: Thursday, May 13, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Thomas Palacorolla, 1915 Turkey Point Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 28, 2010.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 27, 2010 Issue - Jeffersonian

Please forward billing to:

Tom Palacorolla
Turkey Point Landing, LLC
1915 Turkey Point Road
Baltimore, MD 21221

410-796-7676

NOTICE OF ZONING HEARING

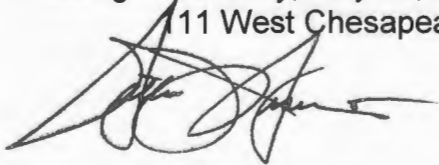
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0272-SPH

1915 Turkey Point Road
S/side of Turkey Point Road, 535 feet east of the centerline of Bauernschmidt Drive
15th Election District – 6th Councilmanic District
Legal Owners: Turkey Point Landing, LLC

Special Hearing to allow the creation of undersized lots for the purpose of conveyance to adjacent lot owners.

Hearing: Thursday, May 13, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

May 5, 2010

J. Neil Lanzi
409 Washington Ave. Ste. 617
Towson, MD 21204

Dear: J. Neil Lanzi

RE: Case Number 2010-0272-SPH, 1915 Turkey Point Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 08, 2010. 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
Thomas Palacorolla: Turkey Point Leading, LLC; 1915 Turkey Point Rd.; Baltimore, MD 21221

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 26, 2010
Item Nos. 2010-254, 259, 261, 262,
263, 264, 265, 266, 267, 268 and 272

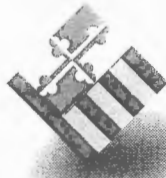
DATE: April 14, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04262010 -NO COMMENTS.doc



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

April 19, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 12, 2010

Item Numbers: 0254, 0259, 0261, 0262, 0263, 0264, 0265, 0266, 0267, 0268 and 0272

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: APRIL 22, 2010

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

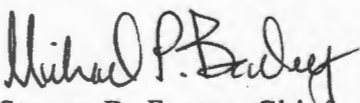
RE: Baltimore County
Item No. 2010-0272-SPH
1913 TURKEY POINT RD
TURKEY POINT LANDING, LLC
SPECIAL HEARING -

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. 2010-0272-SPH.

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

SDF/mb

TB 5/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 28, 2010

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-272- Special Hearing**

The Baltimore County Office of Planning has reviewed the above referenced zoning case and has no objection to the creation of 15 undersized parcels in the D.R. 3.5 zone with the intention they be conveyed individually by the Petitioner to the immediately adjacent landowners, subject to the following condition of approval being included in the Final Decision and Order, if approved:

Parcels B through P as shown on Petitioners Exhibit ____ shall be subject to the Development Plan and Landscape Plan approved by Baltimore County in Baltimore County Department of Permits and Development Management file No. 15-957.

The Baltimore County Office of Planning accepts that the parcels are non-buildable and will not be improved with any structure(s) requiring Baltimore County building permit approval.

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

Prepared By: _____

Division Chief: _____

LTM/LL

RECEIVED

MAY 05 2010

ZONING COMMISSIONER

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1915 Turkey Point Road; S/S Turkey Point *
Road, 535' E of c/line Bauernschmidt Drive * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Turkey Point Landing, LLC* FOR
Petitioner(s) *
* BALTIMORE COUNTY
* 10-272-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

APR 21 2010

.....]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Patricia Zook - Case 2010-0272-SPH - hearing on Thursday, May 13

From: Patricia Zook
To: Livingston, Jeffrey
Date: 5/10/2010 11:30 AM
Subject: Case 2010-0272-SPH - hearing on Thursday, May 13

Good morning Jeff -

This case is scheduled for a hearing on Thursday and we need DEPRM comments since the property is in the CBCA. This case is being heard with the HOH - Nester's Landing.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

§ 4A03.4 Building permits.

[Bill No. 5-2006]

A.

Except as provided in Paragraph B of this subsection, a building permit may be issued for the construction of a dwelling on an unimproved lot or lot of record that meets all of the zoning requirements subject to the following conditions:

[Bill No. 67-2008]

1.

Variances are not required for the construction of the dwelling;

2.

The property owner connects to a public sewer, public water or both where available and with adequate capacity;

3.

The dwelling meets the design requirements provided for in this section; and

4.

No further subdivision of the lot is allowed, except in the case of a minor subdivision, or a single-tract parcel that is zoned D.R. 3.5 and located in the Back River Neck Area.

B.

A building permit may be issued for the construction of a dwelling on an undersized lot subject to the following conditions:

1.

The owner of the lot does not own sufficient adjoining land that if combined with the adjoining land would allow the property owner to conform to the current zoning requirements;

2.

No further subdivision of the lot is allowed;

3.

The property owner obtains a variance as provided for in Section 307 of these Zoning Regulations if in the D.R. Zone or the property owner obtains special hearing relief in accordance with Section 1A04.3.B.1.b of these Zoning Regulations if in the R.C. 5 Zone; and

4.

The property owner connects to a public sewer, public water, or both where available and with adequate capacity.

SECTION 4A03 Growth Management Plan for Bowleys Quarters and Back River Neck Areas

Editor's Note: This topic was originally added as Section 206 by Bill No. 64-1999. Sections 3 through 7 of Bill No. 64-1999, as amended by Bill No. 28-2001, provided as follows:

Section 3. Consistent with the county's Water and Sewer Plan, public sewer service may not be extended to property zoned R.C. 20 in area depicted in the map attached as Exhibit A except:

- (1) For properties with a dwelling in existence on or before August 6, 1999, to which public sewer is extended;
- (2) As provided in § 35-177 of the Code [now § 20-2-102 of the Baltimore County Code, 2003]; and
- (3) For properties that have been transferred in accordance with Section 1A05.5 of the Baltimore County Zoning Regulations to which public sewer is extended.

Section 4. This Act may not be construed to:

- (1) Require the county to extend public sewer capacity to any property; or
- (2) Prohibit the Department of Environmental Protection and Resource Management from issuing permits for on-site disposal systems in accordance with the Baltimore County Code for properties zoned R.C. 20.

Section 5. The Department of Public Works, in consultation with the Departments of Planning, Permits and Development Management, and Environmental Protection and Resource Management, shall report annually to the County Council, beginning in July of 2000, on the capacity of the public sewer in the Back River Neck and Bowleys Quarters areas depicted in the map attached as Exhibit A and the potential for the connection of public sewer to properties that are not zoned D.R., R.C. 5, or R.C. 20.

Section 6. Section 4A03.4.A.4 of the Baltimore County Zoning Regulations does not apply to property that is zoned D.R. and has an approved development plan on or before May 28, 1999, except that the minimum lot size requirement for the approved development plan shall be 12,000 square feet.

Section 7. Section 4A03.11 of the Baltimore County Zoning Regulations does not apply to a property owner who has a pending application for growth allocation under § 26-123 of the Baltimore County Code [now Article 32, Title 9 of the Baltimore County Code, 2003] on or before July 6, 1999.

[Bill No. 28-2001]

§ 4A03.1 Definitions.

In this section the following words have the meanings indicated.

SUBDIVISION

The division of property into two or more lots.

UNDERSIZED LOT

An unimproved platted lot or a lot of record on or before August 6, 1999, that does not meet the area, height or setback requirements in these Zoning Regulations to allow the construction of a dwelling.

§ 4A03.2 Application.

[Bill Nos. 60-2003; 15-2004]

Except as provided in Sections 4A03.13 and 4A03.14, this section applies to property zoned D.R. or R.C.5 and located in the Bowleys Quarters and Back River Neck areas defined in the map attached as Exhibit A and incorporated by reference in this section.

Editor's Note: Said map is on file in the County offices.

§ 4A03.3 Connection to public sewer or water.

[Bill No. 5-2006]

A property owner with a dwelling in existence on or before February 19, 2006, or with a nonexpired building permit that was issued on or before February 19, 2006, shall be required to connect to a public sewer, public water or both if the property is:

A.

Zoned D.R. or R.C. 5; and

B.

Served by public sewer, public water or both with adequate capacity.

§ 4A03.4 Building permits.

[Bill No. 5-2006]

A.

Except as provided in Paragraph B of this subsection, a building permit may be issued for the construction of a dwelling on an unimproved lot or lot of record that meets all of the zoning requirements subject to the following conditions:

[Bill No. 67-2008]

1.

Variances are not required for the construction of the dwelling;

2.

The property owner connects to a public sewer, public water or both where available and with adequate capacity;

3.

The dwelling meets the design requirements provided for in this section; and

4.

No further subdivision of the lot is allowed, except in the case of a minor subdivision, or a single-tract parcel that is zoned D.R. 3.5 and located in the Back River Neck Area.

B.

A building permit may be issued for the construction of a dwelling on an undersized lot subject to the following conditions:

1.

The owner of the lot does not own sufficient adjoining land that if combined with the adjoining land would allow the property owner to conform to the current zoning requirements;

2.

No further subdivision of the lot is allowed;

3.

The property owner obtains a variance as provided for in Section 307 of these Zoning Regulations if in the D.R. Zone or the property owner obtains special hearing relief in accordance with Section 1A04.3.B.1.b of these Zoning Regulations if in the R.C. 5 Zone; and

4.

The property owner connects to a public sewer, public water, or both where available and with adequate capacity.

§ 4A03.5 Building permit application.

A.

1.

Any person desiring to erect a dwelling in accordance with the provisions of this section shall file with the Department of Permits and Development Management, at the time of application for a building permit, plans sufficient to allow the Office of Planning to prepare the guidelines provided in Paragraph B of this subsection.

2.

Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit.

3.

Photographs representative of the neighborhood where the lot or tract is situated may be required by the Office of Planning in order to determine the appropriateness of the proposed new building in relation to existing structures in the neighborhood.

B.

1.

At the time of application for the building permit, as provided above, the Director of Permits and Development Management shall request comments from the Directors of the Office of Planning and the Departments of Environmental Protection and Resource Management and Public Works.

2.

Within 15 days after receipt of a request from the Director of Permits and Development Management, the Directors shall provide to the Department of Permits and Development Management written recommendations concerning the application with regard to the following:

A.

Site design. New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage, building orientation and location on the lot or tract.

B.

Architectural design. Appropriateness shall be evaluated based on one or more of these architectural design elements or aspects:

[1]

Height;

[2]

Bulk or massing;

[3]

Major divisions, or architectural rhythm, of facades;

[4]

Proportions of openings such as windows and doors in relation to walls;

[5]

Roof design and treatment; and

[6]

Materials and colors, and other aspects of facade texture or appearance.

C.

Design amendments. The Director of Permits and Development Management may recommend approval, disapproval or modification of the building permit after consideration of the recommendations proposed by the Directors.

§ 4A03.6

Public notice.

For undersized lots, on application for a building permit in accordance with this section, the subject property shall be posted conspicuously under the direction of the Department of Permits and Development Management with notice of the application for a period of at least 15 days.

§ 4A03.7

Public hearing.

A.

This subsection applies to undersized lots.

B.

Within the fifteen-day posting period:

1.

Any owner or occupant within 1,000 feet of the lot may file a written request for a public hearing with the Department of Permits and Development Management; or

2.

The Director of Permits and Development Management may require a public hearing.

C.

The Department of Permits and Development Management shall notify the applicant within 20 days after the receipt of a request for a public hearing.

D.

The Zoning Commissioner shall hold the public hearing within 30 days after receiving the request for a public hearing.

E.

At the public hearing, the Zoning Commissioner shall determine whether the proposed dwelling is appropriate.

§ 4A03.8 Final approval.

A.

The Director of Permits and Development Management may:

1.

Issue the building permit; or

2.

For undersized lots, notwithstanding any provision to the contrary, require a public hearing before the Zoning Commissioner in accordance with this section.

B.

If the Department of Permits and Development Management has not notified the applicant of a determination in accordance with the provisions of this section, or has not notified the applicant in accordance with Subsection 4A03.7 of the intention to require a public hearing, the dwelling shall be deemed appropriate for purposes of this section.

§ 4A03.9 Appeals.

The decision of the Zoning Commissioner or the Director of Permits and Development Management may be appealed, in which case the Board of Appeals shall hold the hearing within 45 days after receipt of the request.

§ 4A03.10 Fees.

The Director of Permits and Development Management shall establish appropriate fee schedules.

§ 4A03.11 Growth allocation not applicable.

[Bill No. 5-2006]

A property owner who is required to connect to public sewer, public water or both as provided for in this section may not apply for growth allocation under Article 32, Title 9 of the Baltimore County Code.

§ 4A03.12 Regulations.

[Bill No. 5-2006]

The Department of Public Works, in consultation with the Office of Planning, the Department of Environmental Protection and Resource Management and the Department of Permits and Development Management, may adopt regulations in accordance with Article 3, Title 7 of the Baltimore County Code, to carry out the provisions of this section.

§ 4A03.13 Growth allocation: Back River Neck District.

[Bill No. 60-2003]

A.

This subsection applies to property that:

1.

Is zoned R.C. 5;

2.

Is located in the Back River Neck District defined in the map attached as Exhibit A and incorporated by reference in this section;

Editor's Note: Said map is on file in the County offices.
and

3.

Receives growth allocation in accordance with the Baltimore County Code and the State Critical Area Law.

B.

1.

In this subsection "villa" means a group of five or less attached dwelling units that have been constructed together in a lateral row surrounded by yard space and in which each dwelling unit is separated from another by a party wall.

2.

A "single-family villa" refers to any one dwelling within the attached group.

C.

Villas are permitted as of right only on property that is included in this subsection as provided for in Paragraph A of this subsection.

D.

Except as specifically exempted by this subsection, a property subject to this subsection is required to comply with all of the other provisions of this section.

E.

Notwithstanding Subsection 4A03.11 of this section, a property owner who is required to connect to public sewer, public water or both as provided for in this section may apply for growth allocation under Article 32, Title 9 of the Baltimore County Code.

[Bill No. 137-2004; 5-2006]

F.

A development plan and amendments to a development plan:

1.

Are not required to comply with:

a.

Subsections 4A03.4.A.1, 3, and 4 and B.1, 2, and 3 and 4A03.5 of this section;

b.

Section 102.4 of the Zoning Regulations;

c.

Section 104 of the Zoning Regulations, except that nonconforming uses may continue and be relocated on the property outside of the original footprints;

d.

Section 1A04.3 of the Zoning Regulations, except that a structure on property that is included in this subsection is subject to the height regulation;

e.

The open space requirements in § 32-6-108 of the Baltimore County Code and the Local Open Space Manual; and

[Bill No. 137-2004]

f.

The panhandle driveway requirements in § 32-4-409 of the Baltimore County Code;

[Bill No. 137-2004]

2.

May include the following provisions:

a.

Panhandles shall be permitted without being subject to the comprehensive Manual of Development Policies;

b.

Existing road paving is not required to be widened;

c.

Curbs, gutters, or sidewalks are not required; and

d.

Any provision regarding full cul-de-sacs do not apply if modified turnaround areas are constructed or otherwise available on any affected roads.

G.

A development plan:

1.

Shall comply with the development review and approval process as provided for in Article 32 of the Baltimore County Code;

[Bill No. 137-2004]

2.

Is not eligible for a limited exemption from the development review and approval process under § 32-4-106 of the Baltimore County Code; and

[Bill No. 137-2004].

3.

Shall include a pattern book assuring that the development achieves a high quality of design.

§ 4A03.14

R.C. 20 properties.

[Bill No. 15-2004; 5-2006]

A.

This subsection applies to property zoned R.C. 20 and located in the Bowleys Quarters and Back River Neck areas as provided in Subsection 4A03.2 of this section.

B.

A property owner may connect to the public sewer, public water or both subject to the following conditions:

1.

Variances are not required for the construction of the dwelling;

2.

Public sewer, public water or both are available and have adequate capacity;

3.

It is technically feasible to connect to the public sewer or public water;

4.

The lot for which the connection is sought has received all required permits, including a building permit and federal, state and county environmental approvals;

5.

The lot existed on or before January 1, 2003, or the portion of the lot lying within the R.C. 20 Zone was not occupied by a dwelling as of January 1, 2003;

6.

Except for bona fide intrafamily transfers as provided for in § 1A05.5 of the Baltimore County Zoning Regulations, and subdivisions predominantly involving portions of the lot not zoned R.C. 20, no further subdivision of the lot is allowed;

7.

Except for bona fide intrafamily transfers as provided for in § 1A05.5 of the Baltimore County Zoning Regulations, only one connection for public sewer, public water or both per lot is allowed for one single-family dwelling in an R.C. 20 Zone;

8.

The dwelling meets all of the design requirements as provided for in this section; and

9.

If the lot is undersized, then the property owner must meet the conditions in § 4A03.4.B.1 and 3.

C.

The determination of whether it is technically feasible to connect to public sewer, public water or both shall be in the sole discretion of the Director of the Department of Public Works. The Director shall develop a policy for allocating the cost of public sewer or public water service or both authorized under this section.

D.

Public [sewer]

Editor's Note: The word "sewer" was inadvertently omitted from Bill No. 5-2006, although it was the legislative intent of the County that it be included herein.

and public water service or both shall be provided to properties that have been transferred in accordance with § 1A05.5 of the Baltimore County Zoning Regulations subject to the conditions in Paragraph B of this subsection.

FIRST AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS

This First Amendment to Declaration of Restrictive Covenants (the "First Amendment") is entered into this ____ day of _____, 2010, by and between Turkey Point Landing, LLC (the "Grantor") and Sue Creek Landing Property Owners Association and Rockaway Beach Improvement Association (collectively the "Community Association").

I. RECITALS

1. The Estate of Ann L. Schweitzer was the Grantor in the Declaration of Restrictive Covenants entered into December 31, 2007 with the Community Association.
2. The Estate of Ann L. Schweitzer transferred the property known as 1915 Turkey Point Road, Tax Map 98, Parcel 86 consisting of approximately seventeen (17) acres (the "Property"), unto Turkey Point Landing, LLC by Deed dated December 8, 2008 as recorded in the Land Records for Baltimore County, Liber 27506, Folio 378.
3. The Property is currently zoned DR 3.5.
4. The Property is no longer limited to a subdivision of three or fewer lots by Section 4A03.4 of the Baltimore County Zoning Regulations ("BCZR"). The BCZR has been amended by the Baltimore County Council, Bill No. 67-08 which allows the subdivision of the Property into more than three lots.
5. Grantor has entered into a Development Agreement for the construction of a number of residences on the Property. Grantor and the developer through developer's engineer have prepared a Concept Plan and Development Plan reflecting fourteen (14) single family building lots ranging from .4 acres to approximately one half an acre per lot on the Property. A copy of the Concept Plan is attached as Exhibit A and Development Plan is attached as Exhibit B.
6. Grantor desires to subdivide the Property to allow up to fourteen (14) residential building lots in accordance with Exhibit B.
7. The Community Association has reviewed and approved the Development Plan for the Property allowing up to fourteen residential building lots.
8. The Community Association is willing to support Grantor in the development of the Property in accordance with Exhibit B subject to the placement of certain restrictions on the Property and use of the Property as contained in this First Amendment to assure that the current and future use of the Property does not unduly impact nearby residential areas.
9. In order to make the covenants, restrictions and conditions contained in this First Amendment binding and fully effective on the Property, and on the present and future owners and occupants thereof, the parties have entered into this First Amendment to the end and with the intent that the Grantor and its successors and assigns will hold, use, transfer, convey or foreclose upon the Property subject to the said covenants, restrictions and conditions.

WHEREUPON, in consideration of the promises made in this First Amendment to Declaration of Restrictive Covenants by and between Grantor and the Community Association and for other good and valuable consideration, the sufficiency of which the parties acknowledge, the parties hereto agree as follows:

II. AGREEMENT

1. General Use of Property. The Property shall be limited to residential use in accordance with the regulations applicable to DR3.5 zoned property as set forth in the BCZR.
2. Specific Use of the Property. The development of the Property shall be in accordance with the fourteen (14) lot subdivision as shown on Exhibit B subject to any revisions as required by Baltimore County during the subdivision process.
3. 2008 Comprehensive Zoning Map Process and Future Rezoning (CZMP). During the 2008 CZMP and any future CZMP or cycle process, in the event rezoning issues affect the Property, the Community Association will support maintaining the zoning of the Property as DR3.5 and the uses as limited herein.
4. Conditions.
 - A. Grantor and the Community Association acknowledge and agree the terms of this First Amendment shall be subject to the approval by Baltimore County of a final development plan and record plat for the subdivision of the Property generally in conformance with Exhibit B.
 - B. The terms of this covenant shall be null and void in the event the current zoning classification is changed to a classification which would not allow the fourteen (14) lots proposed in Exhibit B.
5. Notwithstanding anything to the contrary contained herein, should any portion of the Property be taken by eminent domain or by a deed in lieu thereof or be required in any manner for improvements to an existing road or right-of-way, upon the taking or transfer, such portion shall be deemed removed from this Declaration and the Grantor shall have no further liability hereunder for such area taken or transferred.
6. If any party to this First Amendment, or its successors or assigns is required to institute legal action to enforce the terms of this First Amendment and is successful (whether by judgment or settlement) in obtaining enforcement of the First Amendment, that party or its successor or assigns shall be entitled to recover reasonable attorneys' fees and other reasonable costs of the action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees and costs under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the First Amendment with written notice of the violation, and only if the alleged violator has failed to remedy or make substantial progress towards remedying the violation within one hundred twenty (120) days after the receipt of this notice may legal action be instituted.
7. The parties warrant and represent that they have taken all necessary action required to be taken by the respective charters, bylaws, or other organizational documents to authorize the execution of this First Amendment.

8. This First Amendment, which may be executed in counterparts, contains the entire understanding of the parties.

9. Each of the parties to this First Amendment warrants that it has carefully read and understands this First Amendment is cognizant of its terms and has had ample time to consult with counsel of its choice regarding its respective rights and obligations in connection herewith.

10. Rights of Parties. The rights and interests granted by this First Amendment are binding on Grantor and Community Association and their respective successors, heirs and assigns.

11. Amendment. This First Amendment may only be amended by a writing signed by the parties or their successors and assigns.

12. Interpretation/Recording. This First Amendment will be construed by application of Maryland Law. In the event the conditions in Section 4 hereof are satisfied, this First Amendment will be recorded by Grantor in the Land Records of Baltimore County within 30 days of final unappealable zoning approval of the Final Development Plan and Record Plat for up to fourteen (14) residential building lots.

14. All the notices required by this First Amendment shall be sent by certified mail, postage prepaid, return receipt requested or by nationally recognized overnight delivery service, to the following addresses, or to other such address as either party shall notify the other of in writing:

Turkey Point Landing, LLC
12183 Triadelphia Road
Ellicott City, Maryland 21042

Rockaway Beach Improvement Association
Kim Maigetter, President
1917 Old Turkey Point Road
Essex, MD 21221

Sue Creek Landing
Property Owners Association
Peter Beyrodt, President
2021 Sue Creek Drive
Essex, Maryland 21221

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

ATTEST/WITNESS

GRANTOR

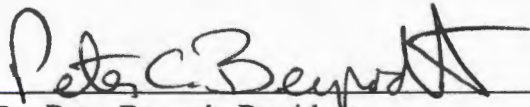
Turkey Point Landing, LLC

By: Thomas Palacorolla, Managing Member

ATTEST/WITNESS

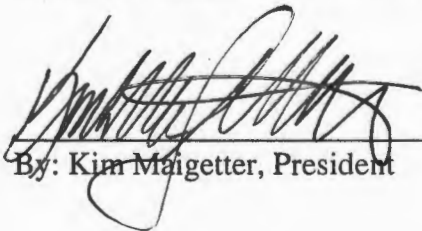
Sue Creek Landing Property Owners Association




By: Peter Beyrodt, President

ATTEST/WITNESS

Rockaway Beach Improvement Association


By: Kim Maigetter, President

CASE NAME NESTER'S LANDING
CASE NUMBER 15-957
DATE 5.13.2010

[illegible]

CASE NAME NESTER'S LANDING
CASE NUMBER 15-957
DATE 5-13-2010

[illegible]

CASE NAME NESTER'S LANDING
CASE NUMBER 15-957
DATE 5-13-2010

NAME _____

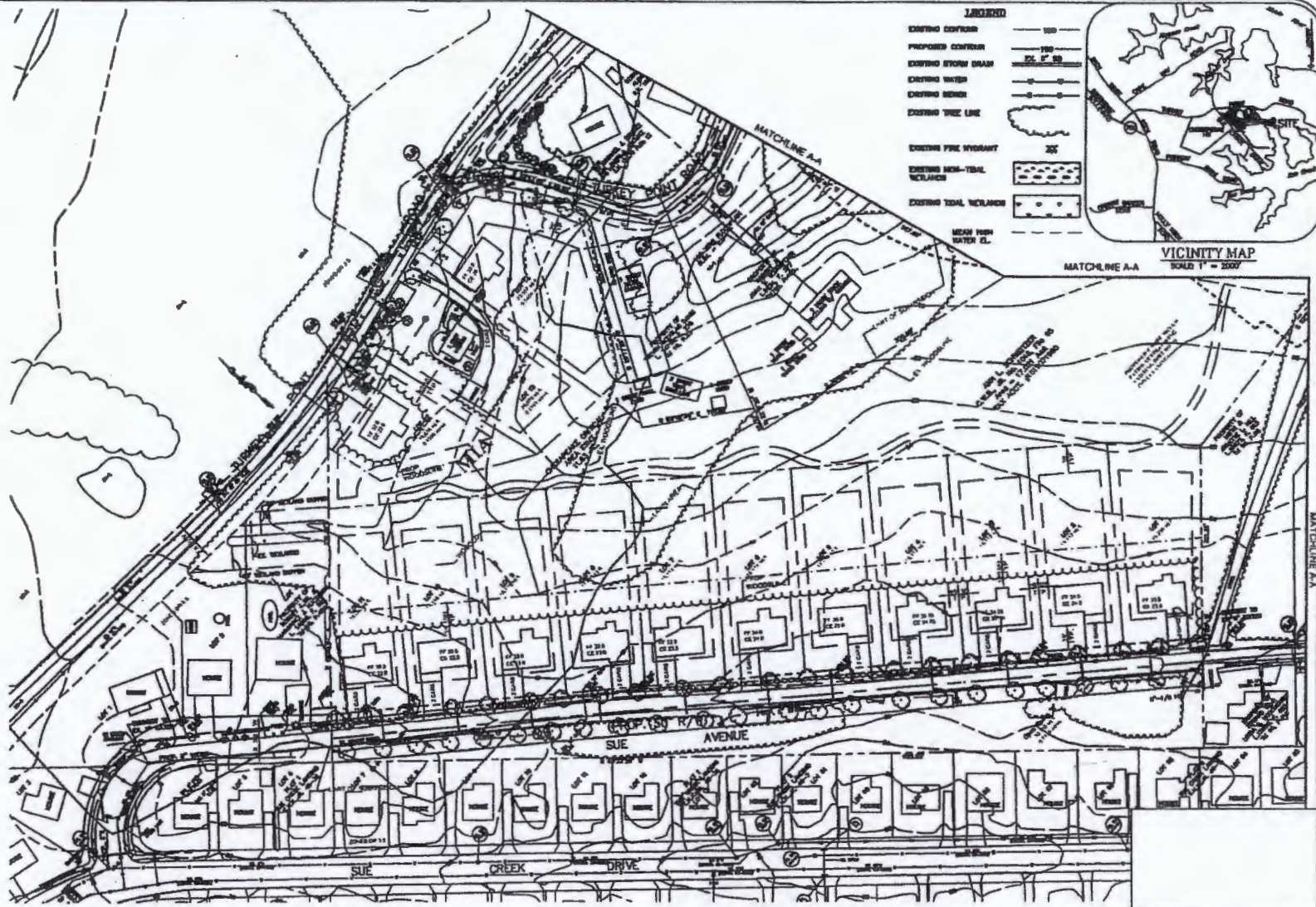
CITY, STATE, ZIP

DAVID LYKENS	DEPRM	
BRUCE GILL	RECREATION + PARKS	3823
Bruno Rudaitis	Zoning	
Ron Goodwin	POMLAND ACQ	Rgoodwin@baltimorecountymd.gov
LYOTD MOXLEY	PLANNING	
Dennis Kennedy	DPR	x 3751
DARRYL PUTTY	PDM- DEV. MANAGEMENT	



NOTES

1. A BOUNDARY SURVEY WAS PERFORMED BY GERNOLD, CROSS & ETZEL, LTD. ON SEPTEMBER 11, 2001.
2. CONTOURS SHOWN HEREON ARE BASED ON THE MARYLAND STATE PLANT COMMUNITY SURVEY DATA AND WERE ESTABLISHED BY GPS OBSERVATION. THE ELEVATIONS AND THE CONTOURS SHOWN HEREON ARE BASED ON HORIZONTAL DATUM AND WERE ESTABLISHED BY GPS OBSERVATION. BOTH HORIZONTAL AND VERTICAL DATUMS ARE REFERRED TO THE FOLLOWING BALTIMORE COUNTY SURVEY CONTROL STATIONS.
3. **REVISIONS**
4. **SURVEY CONTROL**
 100-010 (BALTIMORE SPINE WITH A PUNCH-HOLE)
 HORIZONTAL: 304894.00
 EASTING: 187500.00
 ELEVATION: 8.22
 100-010 (PULSED) IN PLACE CONCRETE MONUMENT WITH BRASS DISK
 HORIZONTAL: 304894.00
 EASTING: 187500.00
 ELEVATION: 8.22
5. ALL VISIBLE UTILITIES HAVE BEEN LOCATED AND COMPARED TO ANY PLANS HAS BEEN MADE. TYPE, SIZE, AND DEPTH MUST BE VERIFIED BEFORE CONSTRUCTION.
6. **CONTOUR MAP NUMBER** 100-010 ON 1:5
7. ALL EXISTING LINES WITHIN 300 FEET OF THE PROPOSED LOT HAVE BEEN SHOWN.
8. ALL EXISTING LINES WITHIN 300 FEET OF THE PROPOSED LOT HAVE BEEN SHOWN.
9. **SCALE DATA**
 1" = 100' (HORIZONTAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
10. **SPOTS DATA**
 1" = 100' (HORIZONTAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
11. **PROPOSED USE** 1" = 100' (HORIZONTAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
12. **PROPOSED OPEN SPACE** 1" = 100' (HORIZONTAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
13. **ELECTION DISTRICT** 1" = 100' (HORIZONTAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
14. **CONTOUR MAP** 1" = 100' (HORIZONTAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
15. **UTILITIES** 1" = 100' (HORIZONTAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
16. **SHOWN TO BE** 1" = 100' (HORIZONTAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)
 1" = 10' (VERTICAL)



OWNER:
 TURKEY POINT LANDING, LLC
 12183 TRIADAPOLIA ROAD
 ELICOTT CITY, MARYLAND
 21042
 410-798-7676

DEVELOPER:
 NKC PROPERTIES, LLC
 12183 TRIADAPOLIA ROAD
 ELICOTT CITY, MARYLAND
 21042
 410-798-7676



**PHOENIX
 ENGINEERING, INC.**

1420-A JOH AVENUE
 BALTIMORE, MARYLAND 21227
 PHONE: 410-247-8833
 FAX: 410-247-9397
 WWW.PHOENIXENGINEERINGINC.NET

Drawn By	SEP	Project Manager	RJP
Date	September, 2000	Scale	1"=50'
Checked	JH	Draw	05-008 0340271
REVISION NOTES			
Date	Rev.	Comment	
PROFESSIONAL CERTIFICATION: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.			
JOHN E. HENNING Professional Engineer Number 14520			

**CONCEPT PLAN
 PDM FILE #15-957**

**"NESTER'S LANDING"
 SCHWEITZER PROPERTY
 1915 TURKEY POINT ROAD
 BALTIMORE COUNTY
 BALTIMORE, MARYLAND
 21221**

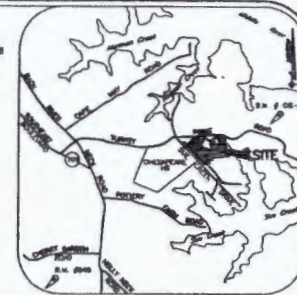
Sheet No. 1 of 2

LEGEND

EXISTING CONTOUR	190
PROPOSED CONTOUR	190
EXISTING STORM DRAIN	1" = 4" D
EXISTING WATER	—
EXISTING SEWER	—
EXISTING TREE LINE	—
EXISTING FIRE HYDRANT	XX
EXISTING HIGH-TIDEAL WITH AREAS	—
EXISTING TIDAL WETLANDS	—
MEAN HIGH WATER E.	—
SOIL TYPES	—
PROPOSED WATER	—
PROPOSED SEWER	—
PROPOSED WETLINE	—
PROPOSED HYDRANT	—
LOT LINE	—
BOUNDARY AND LIMIT OF SUBMISSION	—

BALTIMORE COUNTY SOIL SURVEY INFORMATION			
SYMBOL	NAME	LIMITATIONS	HSO
1-10	Lenoir Sil. Loam 0-25	High Water Table	D
10A	Makapuu Sil. Loam 0-25	Medium-High Water Table	C
10	Abundant Loam	High Water Table	D

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE CRITICAL AREA SHOWN HEREON EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT. ANY CRITICAL AREA SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.



VICINITY MAP
SCALE: 1" = 2000'

SUE AVENUE
CL. LOT 83 - CL. 32 BACK = 30'
PROP. LOT #10 - SETBACK = 20'
SETBACK FOR LOT #11 ADJACENT
30' + 25' + 41' + 2' = 100'
LOT #11 SETBACK CALCULATIONS

I, THOMAS PALACIOWSKA, HEREBY CERTIFY UNDER OATH THAT THERE ARE NO UNPAID ACCOUNTS FOR ANY OTHER DEVELOPMENTS WITH RESPECT TO ANY OF THE FOLLOWING THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO HAS BEEN PROVIDING CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

THOMAS PALACIOWSKA

DATE

OWNER:
TURKEY POINT LANDING, LLC
12183 TRIADOLPHIA ROAD
ELLCOTT CITY, MARYLAND
21042
410-796-7676
DEVELOPER/APPLICANT:
NKC PROPERTIES, LLC
12183 TRIADOLPHIA ROAD
ELLCOTT CITY, MARYLAND
21042
410-796-7676



PHOENIX
ENGINEERING, INC.

1420-A JOH AVENUE
BALTIMORE, MARYLAND 21227
PHONE: 410-247-8833
FAX: 410-247-9397
WWW.PHOENIXENGINEERINGINC.NET

Drawn By:	SEP	Project Manager:	RW
Date:	JANUARY, 2010	Scale:	1"=50'
Checked:	JM	Dep:	08-008 CONCEPT
REVISION NOTES			
Date	No.	Comments	
PROFESSIONAL CERTIFICATION: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11920 Exp. Date 5-12-12			
JOHN H. HEMMING Professional Engineer Number 11920			

DEVELOPMENT PLAN
PDM FILE #15-957
"NESTER'S LANDING"
SCHWEITZER PROPERTY
1915 TURKEY POINT ROAD
BALTIMORE COUNTY
BALTIMORE, MARYLAND
21221
Sheet No. 1 of 3

LEGEND

EXISTING CONTOUR	180
PROPOSED CONTOUR	180
EXISTING STORM DRAIN	EX. 8" SD
EXISTING WATER	W
EXISTING SEWER	S
EXISTING TREE LINE	
EXISTING FIRE HYDRANT	
EXISTING HIGH-TIDE WETLANDS	
EXISTING TIDE WETLANDS	
MEAN HIGH WATER D.	
SOIL TYPES	
PROPOSED WATER	
PROPOSED SEWER	
PROPOSED TREE LINE	
PROPOSED HYDRANT	
LOT LINE	
BOUNDARY AND LIMIT OF SUBMISSION	
ZONING LINE	



Turkey Point Meadows "Lot Coverage" Allowed

Lot	Lot Area (sq. ft.)	Minimum Lot Coverage Allowed	Lot Coverage Allowed as per plan	Max. Pkgs./Lot	From With	Remaining Potential Additional Lot Coverage (sq. ft.)
1	2,248	19,658	1,631	971	60	60
2	2,768	18,713	1,518	790	60	113
3	2,768	18,713	1,631	561	60	526
4	2,768	18,713	1,631	561	60	560
5	2,768	18,713	1,518	251	60	437
6	2,768	18,713	1,631	480	60	297
7	2,768	18,713	1,631	437	60	439
8	2,768	18,713	1,631	439	60	434
9	2,768	18,713	1,631	480	60	362
10	2,768	18,713	1,631	613	60	493
11	2,713	18,713	1,518	251	60	237
12	2,713	18,713	1,631	423	60	140
13	3,111	26,379	1,518	420	60	936
14	3,344	23,628	1,567	530	60	1,367
A	56,995	379,372	—	—	—	56,995
B	44	426	—	—	—	64
C	804	465	—	—	—	196
D	146	993	—	—	—	148
E	177	1,252	—	—	—	177
F	222	1,480	—	—	—	222
G	278	1,894	—	—	—	278
H	299	1,948	—	—	—	291
I	327	2,185	—	—	—	679
J	364	2,428	—	—	—	364
K	468	2,877	—	—	—	468
L	493	3,286	—	—	—	493
M	529	3,594	—	—	—	529
N	565	3,980	—	—	—	571
O	671	4,298	—	—	—	671
P	715	4,555	—	—	—	715
TOTAL						
LOT COVERAGE ALLOWED		W/LOR				

OWNER:
TURKEY POINT LANDING, LLC
12183 TRADELPHIA ROAD
ELLCOTT CITY, MARYLAND
21042
410-796-7676
DEVELOPER/APPLICANT:
NKC PROPERTIES, LLC
12183 TRADELPHIA ROAD
ELLCOTT CITY, MARYLAND
21042
410-796-7676



PHOENIX
ENGINEERING, INC.

1420-A JUH AVENUE
BALTIMORE, MARYLAND 21227
PHONE: 410-247-8533
FAX: 410-247-9397
WWW.PHOENIXENGINEERINGINC.NET

Drawn By:	SDP	Project Manager:	RAW
Date:	JANUARY, 2010	Scale:	1"=50'
Checked:	JRH	Drawn:	08-058 CONCEPT2
REVISION NOTES			
Date	No.	Comment	
PROFESSIONAL CERTIFICATION: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland License No. 14320 Exp. Date 5-12-12			

JRW H. HERRING
Professional Engineer
Number 14835

DEVELOPMENT PLAN
PDM FILE #15-957
"NESTER'S LANDING"
SCHWEITZER PROPERTY
1915 TURKEY POINT ROAD
BALTIMORE COUNTY
BALTIMORE, MARYLAND
21221
Sheet No. 2 of 3

NOTES

1. A BOUNDARY SURVEY WAS PERFORMED BY BETHOLD, CROSS & ETZEL LTD. ON SEPTEMBER 11, 2009.
2. COORDINATES SHOWN HEREON ARE BASED ON THE MARYLAND STATE PLANE COORDINATE SYSTEM AND HAVE BEEN ESTABLISHED BY GPS OBSERVATION. THE ELEVATIONS AND THE CONTOURS SHOWN HEREON ARE BASED ON NAVD83 VERTICAL DATUM AND HAVE BEEN ESTABLISHED BY GPS OBSERVATION. BOTH HORIZONTAL AND VERTICAL DATUMS ARE REFERENCED TO THE FOLLOWING BALTIMORE COUNTY SURVEY CONTROL STATIONS:

SURVEY CONTROL:
 300 BIRCH (BIRCH) SPINE WITH A PLUMB (BIRCH)
 300 BIRCH (BIRCH) SPINE WITH A PLUMB (BIRCH)
 300 BIRCH (BIRCH) SPINE WITH A PLUMB (BIRCH)
 300 BIRCH (BIRCH) SPINE WITH A PLUMB (BIRCH)

3. **REQUIREMENTS:**
 USE 300 BIRCH (BIRCH) SPINE WITH A PLUMB (BIRCH)
 300 BIRCH (BIRCH) SPINE WITH A PLUMB (BIRCH)
 300 BIRCH (BIRCH) SPINE WITH A PLUMB (BIRCH)
 300 BIRCH (BIRCH) SPINE WITH A PLUMB (BIRCH)
4. ALL VISIBLE UTILITIES HAVE BEEN LOCATED. NO COMPASSION TO ANY PLUMB HAS BEEN MADE. PIPE SIZE, TYPE AND DIRECTION MUST BE VERIFIED BEFORE CONSTRUCTION.
5. EXISTING MAP NUMBER 1884-2 ZONED ON 3/1.
6. ALL EXISTING LINES WITHIN 500 FEET OF THE PROPERTY HAVE BEEN SHOWN.
7. THERE ARE NO KNOWN UNDERGROUND TANKS, WELLS OR ACTIVE SEPTIC SYSTEMS ON THIS SITE.
8. THIS SITE IS IN ZONE "C" AS PER PERM MAP 1884-2 ZONED ON 3/1.
9. **SOIL DATA:**
 No - ALLUVAL LAND
 Low - LEONARD BUILT LANE 6 TO 8 PERCENT SLOPES
 High - MATTAROCK BUILT LANE 6 TO 8 PERCENT SLOPES

COUNTY ADOPTED PLAN

Category	Item	Compliance
Setback	1	✓
Setback	2	✓
Setback	3	✓
Setback	4	✓
Setback	5	✓
Setback	6	✓
Setback	7	✓
Setback	8	✓
Setback	9	✓
Setback	10	✓
Setback	11	✓
Setback	12	✓
Setback	13	✓
Setback	14	✓
Setback	15	✓
Setback	16	✓
Setback	17	✓
Setback	18	✓
Setback	19	✓
Setback	20	✓
Setback	21	✓
Setback	22	✓
Setback	23	✓
Setback	24	✓
Setback	25	✓
Setback	26	✓
Setback	27	✓
Setback	28	✓
Setback	29	✓
Setback	30	✓
Setback	31	✓
Setback	32	✓
Setback	33	✓
Setback	34	✓
Setback	35	✓
Setback	36	✓
Setback	37	✓
Setback	38	✓
Setback	39	✓
Setback	40	✓
Setback	41	✓
Setback	42	✓
Setback	43	✓
Setback	44	✓
Setback	45	✓
Setback	46	✓
Setback	47	✓
Setback	48	✓
Setback	49	✓
Setback	50	✓
Setback	51	✓
Setback	52	✓
Setback	53	✓
Setback	54	✓
Setback	55	✓
Setback	56	✓
Setback	57	✓
Setback	58	✓
Setback	59	✓
Setback	60	✓
Setback	61	✓
Setback	62	✓
Setback	63	✓
Setback	64	✓
Setback	65	✓
Setback	66	✓
Setback	67	✓
Setback	68	✓
Setback	69	✓
Setback	70	✓
Setback	71	✓
Setback	72	✓
Setback	73	✓
Setback	74	✓
Setback	75	✓
Setback	76	✓
Setback	77	✓
Setback	78	✓
Setback	79	✓
Setback	80	✓
Setback	81	✓
Setback	82	✓
Setback	83	✓
Setback	84	✓
Setback	85	✓
Setback	86	✓
Setback	87	✓
Setback	88	✓
Setback	89	✓
Setback	90	✓
Setback	91	✓
Setback	92	✓
Setback	93	✓
Setback	94	✓
Setback	95	✓
Setback	96	✓
Setback	97	✓
Setback	98	✓
Setback	99	✓
Setback	100	✓

EXISTING BUILDING CONDITIONS

Category	Item	Compliance
Location	1	✓
Location	2	✓
Location	3	✓
Location	4	✓
Location	5	✓
Location	6	✓
Location	7	✓
Location	8	✓
Location	9	✓
Location	10	✓
Location	11	✓
Location	12	✓
Location	13	✓
Location	14	✓
Location	15	✓
Location	16	✓
Location	17	✓
Location	18	✓
Location	19	✓
Location	20	✓
Location	21	✓
Location	22	✓
Location	23	✓
Location	24	✓
Location	25	✓
Location	26	✓
Location	27	✓
Location	28	✓
Location	29	✓
Location	30	✓
Location	31	✓
Location	32	✓
Location	33	✓
Location	34	✓
Location	35	✓
Location	36	✓
Location	37	✓
Location	38	✓
Location	39	✓
Location	40	✓
Location	41	✓
Location	42	✓
Location	43	✓
Location	44	✓
Location	45	✓
Location	46	✓
Location	47	✓
Location	48	✓
Location	49	✓
Location	50	✓
Location	51	✓
Location	52	✓
Location	53	✓
Location	54	✓
Location	55	✓
Location	56	✓
Location	57	✓
Location	58	✓
Location	59	✓
Location	60	✓
Location	61	✓
Location	62	✓
Location	63	✓
Location	64	✓
Location	65	✓
Location	66	✓
Location	67	✓
Location	68	✓
Location	69	✓
Location	70	✓
Location	71	✓
Location	72	✓
Location	73	✓
Location	74	✓
Location	75	✓
Location	76	✓
Location	77	✓
Location	78	✓
Location	79	✓
Location	80	✓
Location	81	✓
Location	82	✓
Location	83	✓
Location	84	✓
Location	85	✓
Location	86	✓
Location	87	✓
Location	88	✓
Location	89	✓
Location	90	✓
Location	91	✓
Location	92	✓
Location	93	✓
Location	94	✓
Location	95	✓
Location	96	✓
Location	97	✓
Location	98	✓
Location	99	✓
Location	100	✓

ENVIRONMENTAL INFORMATION

Category	Item	Compliance
Location	1	✓
Location	2	✓
Location	3	✓
Location	4	✓
Location	5	✓
Location	6	✓
Location	7	✓
Location	8	✓
Location	9	✓
Location	10	✓
Location	11	✓
Location	12	✓
Location	13	✓
Location	14	✓
Location	15	✓
Location	16	✓
Location	17	✓
Location	18	✓
Location	19	✓
Location	20	✓
Location	21	✓
Location	22	✓
Location	23	✓
Location	24	✓
Location	25	✓
Location	26	✓
Location	27	✓
Location	28	✓
Location	29	✓
Location	30	✓
Location	31	✓
Location	32	✓
Location	33	✓
Location	34	✓
Location	35	✓
Location	36	✓
Location	37	✓
Location	38	✓
Location	39	✓
Location	40	✓
Location	41	✓
Location	42	✓
Location	43	✓
Location	44	✓
Location	45	✓
Location	46	✓
Location	47	✓
Location	48	✓
Location	49	✓
Location	50	✓
Location	51	✓
Location	52	✓
Location	53	✓
Location	54	✓
Location	55	✓
Location	56	✓
Location	57	✓
Location	58	✓
Location	59	✓
Location	60	✓
Location	61	✓
Location	62	✓
Location	63	✓
Location	64	✓
Location	65	✓
Location	66	✓
Location	67	✓
Location	68	✓
Location	69	✓
Location	70	✓
Location	71	✓
Location	72	✓
Location	73	✓
Location	74	✓
Location	75	✓
Location	76	✓
Location	77	✓
Location	78	✓
Location	79	✓
Location	80	✓
Location	81	✓
Location	82	✓
Location	83	✓
Location	84	✓
Location	85	✓
Location	86	✓
Location	87	✓
Location	88	✓
Location	89	✓
Location	90	✓
Location	91	✓
Location	92	✓
Location	93	✓
Location	94	✓
Location	95	✓
Location	96	✓
Location	97	✓
Location	98	✓
Location	99	✓
Location	100	✓

PROPOSED USE

Category	Item	Compliance
Location	1	✓
Location	2	✓
Location	3	✓
Location	4	✓
Location	5	✓
Location	6	✓
Location	7	✓
Location	8	✓
Location	9	✓
Location	10	✓
Location	11	✓
Location	12	✓
Location	13	✓
Location	14	✓
Location	15	✓
Location	16	✓
Location	17	✓
Location	18	✓
Location	19	✓
Location	20	✓
Location	21	✓
Location	22	✓
Location	23	✓
Location	24	✓
Location	25	✓
Location	26	✓
Location	27	✓
Location	28	✓
Location	29	✓
Location	30	✓
Location	31	✓
Location	32	✓
Location	33	✓
Location	34	✓
Location	35	✓
Location	36	✓
Location	37	✓
Location	38	✓
Location	39	✓
Location	40	✓
Location	41	✓
Location	42	✓
Location	43	✓
Location	44	✓
Location	45	✓
Location	46	✓
Location	47	✓
Location	48	✓
Location	49	✓
Location	50	✓
Location	51	✓
Location	52	✓
Location	53	✓
Location	54	✓
Location	55	✓
Location	56	✓
Location	57	✓
Location	58	✓
Location	59	✓
Location	60	✓
Location	61	✓
Location	62	✓
Location	63	✓
Location	64	✓
Location	65	✓
Location	66	✓
Location	67	✓
Location	68	✓
Location	69	✓
Location	70	✓
Location	71	✓
Location	72	✓
Location	73	✓
Location	74	✓
Location	75	✓
Location	76	✓
Location	77	✓
Location	78	✓
Location	79	✓
Location	80	✓
Location	81	✓
Location	82	✓
Location	83	✓
Location	84	✓
Location	85	✓
Location	86	✓
Location	87	✓
Location	88	✓
Location	89	✓
Location	90	✓
Location	91	✓
Location	92	✓
Location	93	✓
Location	94	✓
Location	95	✓
Location	96	✓
Location	97	✓
Location	98	✓
Location	99	✓
Location	100	✓

PROPOSED USE

100% of thickness of material

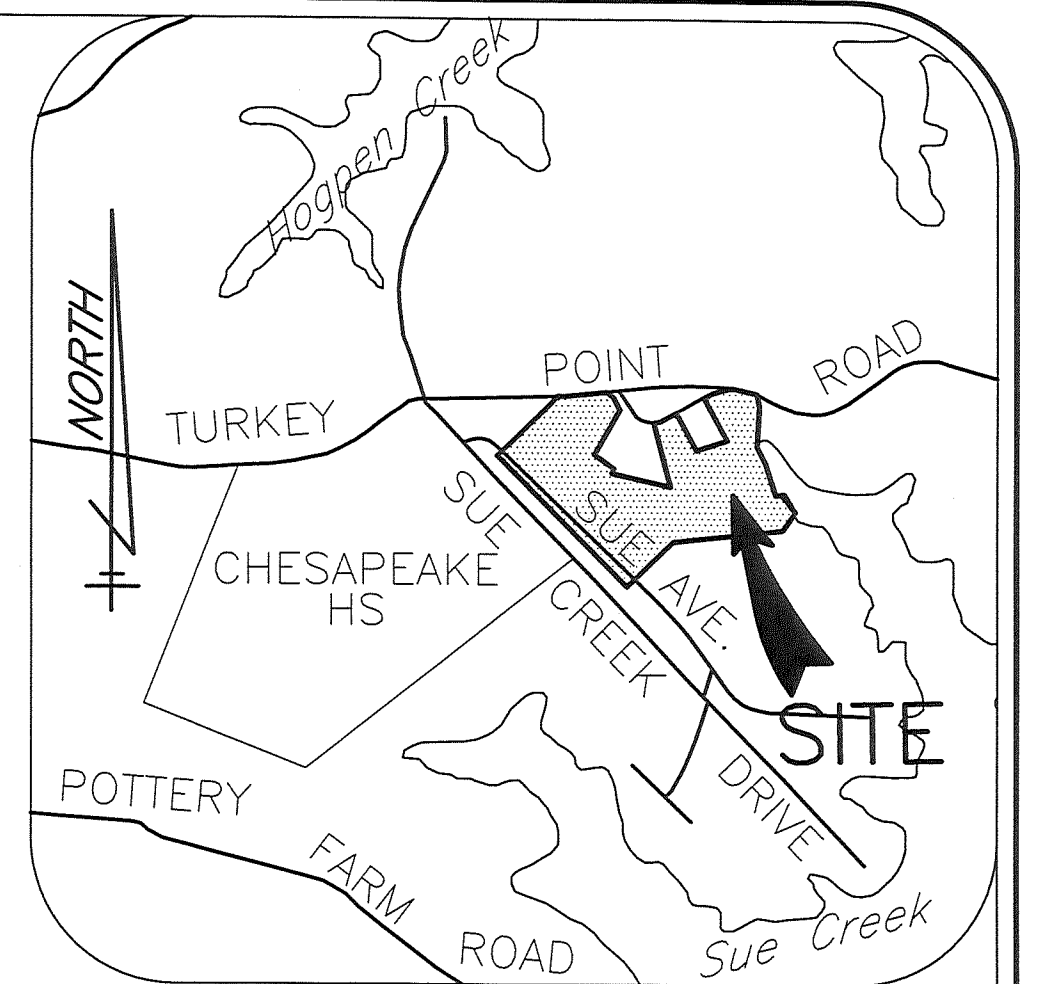
LEGEND

EXISTING STORM DRAIN	EX. 8" SD
EXISTING WATER	W
EXISTING SEWER	S
EXISTING TREE LINE	
EXISTING FIRE HYDRANT	
MEAN HIGH WATER EL.	
PROPOSED WATER	
PROPOSED SEWER	
PROPOSED HYDRANT	
LOT LINE	
BOUNDARY AND LIMIT OF SUBMISSION	

NOTES:

1. ZONING MAP NUMBER 098A-2 ZONED DR 3.5
2. ELECTION DISTRICT #15
3. COUNCILMANIC DISTRICT #6
4. THIS PROPERTY HAS "NO ZONING HISTORY".
5. PROPOSED USE: 14 SINGLE FAMILY LOTS (RESIDENTIAL)
TYP. HOUSE SIZE (30'X50') APPROX.
MAX BUILDING HEIGHT: 50'
6. ZONING RELIEF REQUESTED: SPECIAL HEARING TO ALLOW THE CREATION OF UNDERSIZED LOTS FOR THE PURPOSE OF CONVEYANCE TO ADJACENT LOT OWNERS

7. The entire property lies within the Chesapeake Bay National Canoe.
8. A portion of the property lies within the flood zone.



VICINITY MAP
SCALE: 1" = 1000'



PETITIONER REQUESTS THE ALLOWANCE OF THE CREATION OF THE 15 SEPARATE UNDERSIZED PARCELS B-P FROM PETITIONER'S EXCESS PROPERTY FOR THE PURPOSE OF CONVEYANCE TO THE ADJOINING PROPERTY OWNERS SUBJECT TO APPROVAL OF THE FINAL DEVELOPMENT PLAN AND RECORD PLAT.

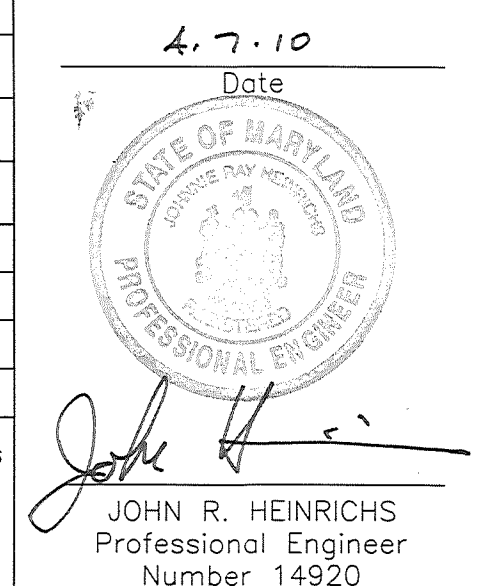
OWNER:
TURKEY POINT LANDING, LLC
12183 TRIADDELPHIA ROAD
ELLICOTT CITY, MARYLAND
21042
410-796-7676
DEVELOPER/APPLICANT:
NKC PROPERTIES, LLC
12183 TRIADDELPHIA ROAD
ELLICOTT CITY, MARYLAND
21042
410-796-7676

PHOENIX ENGINEERING, INC.

1420-A JOH AVENUE
BALTIMORE, MARYLAND 21227
PHONE: 410-247-8833
FAX: 410-247-9397
WWW.PHOENIXENGINEERINGINC.NET



Drawn By: SEP		Project Manager: RJW	
Date: APRIL 6, 2010		Scale: 1"=50'	
Checked: JRH		Dwg: 08-058 ZONING01	
REVISION NOTES			
Date	No.	Comment	
PROFESSIONAL CERTIFICATION: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 14920 Exp. Date: 5-12-12			



PLAN TO ACCOMPANY ZONING HEARING

"NESTER'S LANDING"
SCHWEITZER PROPERTY
1915 TURKEY POINT ROAD
BALTIMORE COUNTY
BALTIMORE, MARYLAND
21221
PDM 15-957 Sheet No. 1 of 2

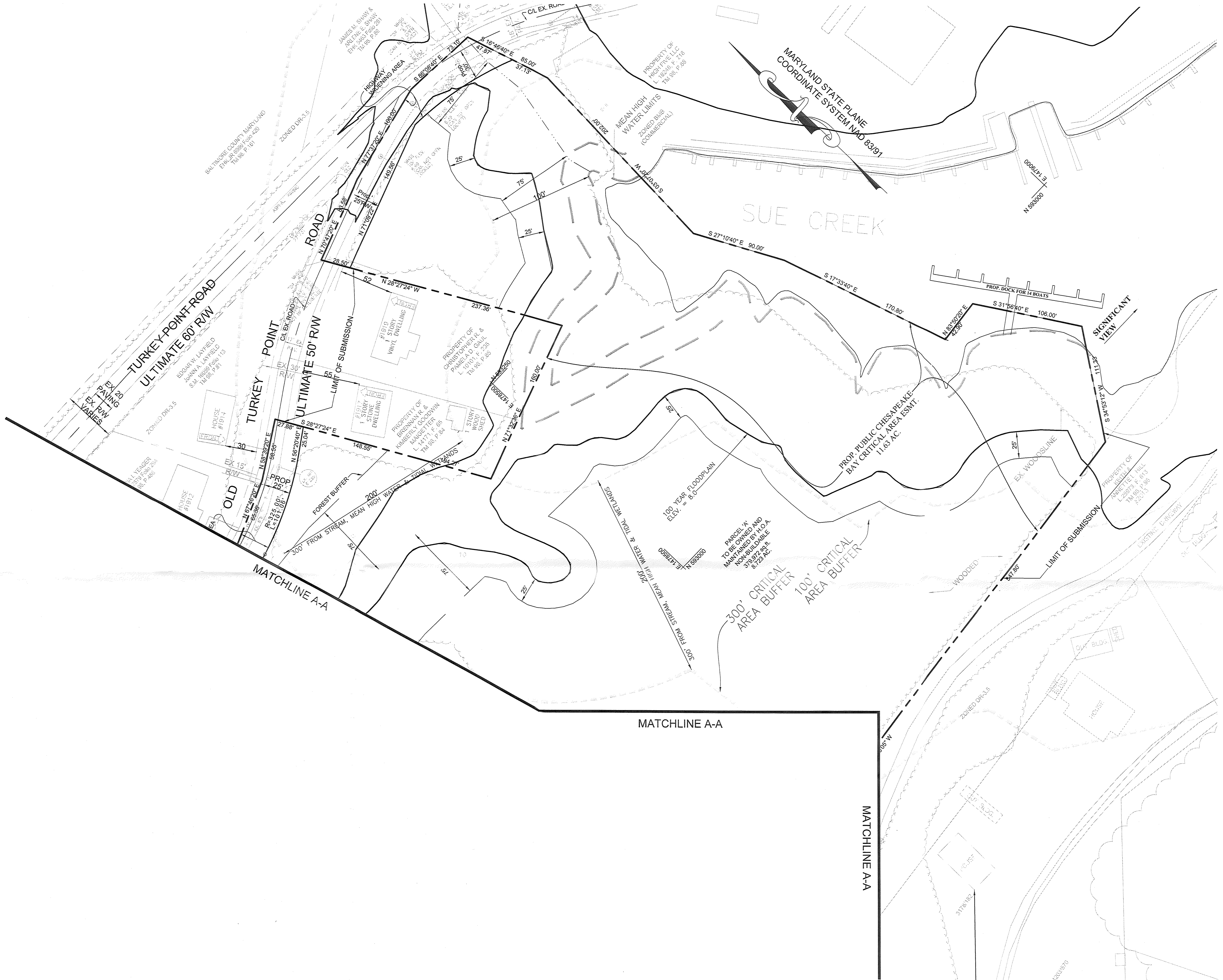
LEGEND

EXISTING STORM DRAIN
EXISTING WATER
EXISTING SEWER
EXISTING TREE LINE
EXISTING FIRE HYDRANT
MEAN HIGH WATER EL.
PROPOSED WATER
PROPOSED SEWER
PROPOSED HYDRANT
LOT LINE
BOUNDARY AND LIMIT OF SUBMISSION

ZONING DESCRIPTION FOR 1915 TURKEY POINT ROAD

Beginning at a point in the center of Turkey Point Road which road right-of-way varies at distance of 535 feet east of the centerline of Bauernschmidt Drive with a future right-of-way width of 60 feet wide and running the following courses and distances: N. 78°48'40"E. 160.00 ft., N. 79°31'52"E. 26.96 ft., N. 88°23'13"E. 60.67 ft., S. 52°16'26"E. 52.79 ft., S. 26°43'40"E. 70.89 ft., S. 29°17'26"W. 255.48 ft., S. 53°42'34"E. 118.99 ft., S. 22°11'26"W. 23.30 ft., S. 76°39'34"E. 300.05 ft., N. 14°46'40"W. 327.66 ft., N. 67°46'07"E. 65.38 ft., N. 38°39'20"E. 58.55 ft., S. 28°27'24"E. 18.35 ft., S. 28°27'24"E. 194.47 ft., N. 71°32'36"E. 160.00 ft., N. 28°27'24"W. 237.36 ft., N. 70°47'20"E. 83.58 ft., N. 77°37'20"E. 100.00 ft., S. 86°38'40"E. 73.10 ft., S. 18°46'40"E. 85.00 ft., S. 03°07'20"W. 302.00 ft., S. 27°10'40"E. 90.00 ft., S. 17°33'40"E. 170.80 ft., N. 85°50'07"E. 42.90 ft., S. 31°56'40"E. 106.00 ft., S. 34°51'12"W. 111.33 ft., S. 83°38'02"W. 547.80 ft., S. 45°37'05"W. 321.21 ft., N. 44°33'29"W. 922.23 ft., N. 45°24'07"E. 356.28 ft., N. 45°24'07"E. 52.46 ft. to the place of beginning. As recorded in Deed Liber 27586 at Folio 378, containing 17.021 acres of land. Also known as 1915 Turkey Point Road, Baltimore County, Maryland 21221 and located in the 15th Election District, 6th Councilmanic District.

BEING the same property as described in a Deed dated October 15, 1937, and recorded among the Land Records of Baltimore County, Maryland in Liber 1018, Folio 95 from Michael Pelczar and Josephine Pelczar, his wife, unto Justus Schweitzer, now deceased and Ann Schweitzer, now deceased, Grantor.



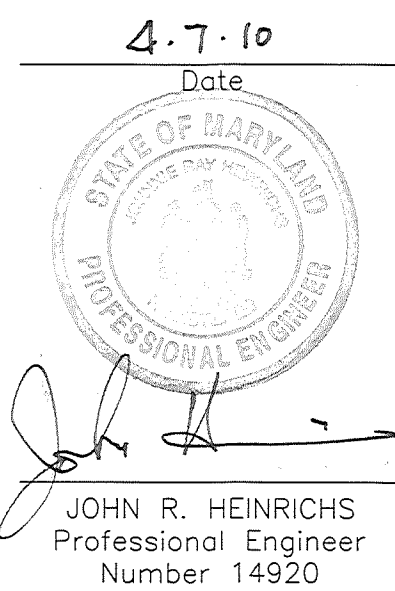
OWNER:
TURKEY POINT LANDING, LLC
12183 TRIADDELPHIA ROAD
ELLCOTT CITY, MARYLAND
21042
410-796-7676
DEVELOPER/APPLICANT:
NKC PROPERTIES, LLC
12183 TRIADDELPHIA ROAD
ELLCOTT CITY, MARYLAND
21042
410-796-7676



PHOENIX
ENGINEERING, INC.

1420-A JOH AVENUE
BALTIMORE, MARYLAND 21227
PHONE: 410-247-8833
FAX: 410-247-9397
WWW.PHOENIXENGINEERINGINC.NET

Drawn By: SEP		Project Manager: RJW	
Date: APRIL 6, 2010		Scale: 1"=50'	
Checked: JRH		Dwg: 08-058 ZONING02	
REVISION NOTES			
Date	No.	Comment	
PROFESSIONAL CERTIFICATION: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 14920 Exp. Date: 5-12-12			



PLAN TO ACCOMPANY
ZONING HEARING

"NESTER'S LANDING"
SCHWEITZER PROPERTY
1915 TURKEY POINT ROAD
BALTIMORE COUNTY
BALTIMORE, MARYLAND
21221

PDM 15-957 Sheet No.: 2 Of 2