



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 25, 2017

Michael P. Tanczyn, Esquire
9 Old Boxwood Lane
Lutherville, MD 21093

RE: Spirit and Intent Request, Additional Setback Relief, The Cove, LLP (Formerly Eastern Manor), 15th Election District

Dear Mr. Tanczyn:

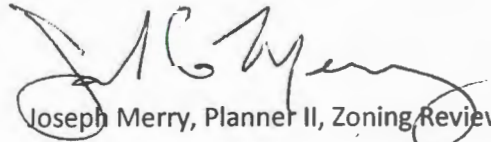
The Zoning Review Office staff has reviewed your letter of May 11, 2017 and has determined that this office does not have the administrative authority to grant the requested variance relief, which goes beyond the zoning relief granted in Zoning Cases # 2010-0307-A and 1997-0077-A. Consequently, new variance petitions must be filed.

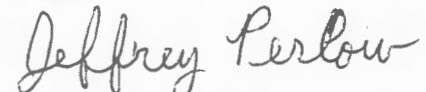
Should you disagree with the above determination, you may file a Special Hearing to have this matter considered before the Administrative Law Judge. In the event the Special Hearing relief is denied, the Staff suggests you consider filing, as alternative relief, a petition for Variance that addresses the newly requested setback relief.

The foregoing is merely an informal opinion. It is not an expert or legal opinion, it is not intended to be relied on as expert or legal advice, and it is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

We trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact us at 410-887-3391.

Sincerely,


Joseph Merry, Planner II, Zoning Review


Jeffrey Perlow, Planner II, Zoning Review

• Michael Tanczyn, Esquire

3 Old Boxwood Lane • Lutherville, Maryland 21093 • 410 908 0062 •
E-Mail: Michael.Tanczyn@gmail.com

JNP/JS
Take a look
✓ Sec Me - 5/12/17
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May 11, 2017

17-191
\$150.00

Hon. Arnold Jablon, Esq.

Director, Permits, Approvals, and Inspections

HAND DELIVERED

111 W. Chesapeake Ave.

Towson, MD 21204

RE: Request for finding that The Cove (formerly Eastern Manor) subdivision meets the requirements for approval of its twice approved Development Plan under the spirit and intent authority of the Development Regulations and Baltimore County Code-Split zoned DR16 and DR3.5

Dear Arnold,

This Law Firm has been most recently retained by The Cove LLP concerning its development in the 15th Election District and 6th Councilmanic District located on the SW corner of Miller and Woodland Avenues adjacent to the South side of Bengies Drivein and East side of Eastern Avenue. I was originally retained in 1996 by Sy Rosenberg for his development Company as Contract Purchasers of Eastern Manor subdivision from its Owners Daniel C. Bevans and Barbara A. Bevans.

TITLE HISTORY: The civil engineering firm Thompson, Grace and Mays prepared for its Client, The Eastern Manor Realty Company a Major Subdivision Plat for development of a 68 lot residential development dated June 16, 1947; which was approved by Baltimore County and subsequently recorded among the Plat Records of Baltimore County in Book JWB 14 Folio 22 on June 23, 1947 (MSA C2136/612 Copy Attached). After recording, The Eastern Manor Realty Company joined with George L. Miller and Ada R. Miller in a DEED dated Jan 16, 1953 to Raymond G. Merkle and Mac Merkle conveying for consideration in fee simple Eastern Manor approved lots 12 thru 21, East ½ of Lot 29 thru 35, 38 thru 43, and 47 thru 68 then recorded in B Co Land Records at GLB 2236/519. The Merkle then outconveyed subsequently an undivided half interest in those same lots by DEED of same date to Irwin P. Trail and Margaret D. Trail recorded in Liber GLB 2239/149.

On Feb. 7, 1984, all those same Parties conveyed all those same approved Lots by DEED to The University of Baltimore Educational Foundation, Inc. in fee simple recorded in B Co Land Records in Liber EHK 6677/028. The University of Baltimore Educational Foundation, Inc. by DEED Dec 28, 1994 conveyed those same lots to Daniel C. Bevans and Barbara A. Bevans recorded in B Co Land Records Liber 10967/87. The same Bevans by DEED dated Feb 12, 2003 conveyed all the same lots to The Cove Limited Partnership in fee simple recorded in B Co Land Records Liber 17716/81. This is the current Owner of these lots. Subsequent DEEDs of conveyance of the land for the roads shown on the original Plat from the Bevans to The Cove Limited Partnership were made and recorded in B Co Land records Liber 32778/389 and Liber 32778/383.

ZONING HISTORY: 1) I was retained by Sy Rosenberg, the Developer for the Bevans as Owners in Zoning Case 97-77A seeking zoning approval for numerous lot setback variances and reduced road paving width Variances for the Property. This was heard by the Deputy Zoning Commissioner, the HON Timothy M. Kotroco who approved the variance requests by Order October 15, 1996 which became a final Order. He noted since Eastern Manor approval in 1947 that several lots had been sold off and developed as residential dwelling for the Bevans, namely Lots 44, 45, and 46. He significantly noted the passage of State Critical Area Regulations in 1984; and Baltimore County Critical Area Regulations in 1988 caused the site to be environmental Laws impacted due to its proximity to Frog Mortar Creek requiring a preservation of sensitive environmental features through the Property. The Developer cooperated fully with DEPRM requests to do so meriting a favorable comment in the ZAC comments recommending approval of the Variances requested for the greatly reduced number of Lots sought by the Developer. The Hearing Officer noted at page 4 his Finding that "The Variances are generated out of concern for the environmental sensitivity of the subject property and will allow the proposed houses to be built in locations where natural vegetation and trees can remain. Furthermore, these Variances will foster less impervious surface to be used in the development of this property." On page 5, the Hearing Officer notes the Developer had demonstrated that if the Variances were not granted it would result in practical difficulty, unreasonable hardship, and severe economic hardship. The Hearing Officer imposed 3 conditions upon the Property with his approval as requested by DEPRM which were not contested at all by the Developer. (Case 97-77A Opinion and Order attached)

2) I subsequently represented The Cove LLP in Zoning Case 2010-0307A for Variance Zoning and CMDP regulations requests occasioned by the difficulty of the Owner to find currently salable home designs driven by the same environmental Critical Area Regulations and site environmental features abovementioned. This matter was heard by Zoning Commissioner, the HON William J. Wiseman III who subsequently issued an Opinion

and Order dated August 23, 2010 approving the relief requested with 4 restrictions which became a final order. The Developers requests for approval were for a reduced number of 25 Lots from the original 68 approved in 1947. Again the ZAC comments from Planning and DEPRM were supportive of the requests. On page 3, the Zoning Commissioner sets out the development history including all the variances previously approved by DZC Kotroco in Case 97-77A. Significantly, he notes that Opinion and Order was introduced and made part of the current case as Petitioner's Ex 2 w/o objection. He blessed the earlier variances granted by DZC Kotroco by reference and incorporation in his Opinion and Order as part of the requested relief (Opinion page 4 "Order in case 97-77A was marked and accepted into evidence as Petitioner's Ex 2". The ZC also noted since 1947, additionally Lots 36,37;; and Lots 23 thru 29 1/2 had been developed as well as an apartment building in the DR16 zoned land on Lots 9 and 10. (Order page 3 "Development occurred in the form of, single family dwellings constructed at 3224 George Street(Lots 36 and 37 of Eastern Manor), 3213,3215,3217, and 3219 Miller Avenue (Lots 23-291/2 of Eastern Manor), and an apartment building at the northwest intersection of Miller Avenue and Woodland Avenue (Lots 9 & 10 of Eastern Manor)". This development may constitute vesting of the Eastern Manor development prior to the adoption of either State or Baltimore County Critical Areas Legislation regulations.

The ZC next referred to the State and County passage of Critical Area Regulations in 1984 and 1988 respectively. Mr Wiseman correctly noted the significance of environmental regulations constraining development of the rest of Eastern Manor as previously approved with the adoption of State and later Baltimore County Critical Area regulations in 1984 and 1988 respectively. (Opinion page 3) He then noted the Developer's creative idea to utilize neighborly Neo Traditional housing model to adapt to the changing market and the environmental critical areas restrictions on this sensitive site in light of its environmental features and their location on the site. Those environmental features are numerous and include forest buffers, streams, wetlands as delineated covering much of the western portion of the property, a 100 year floodplain; and an environmental no build easement created to protect much of the wooded areas in the rear of each lot for which variances relief was requested. (Opinion page 4 "These environmental ENCUMBRANCES are enumerated in a letter from Patricia Farr dated February 14, 1996, that was marked and accepted into evidence as Petitioner's Ex 6. Moreover, a visual depiction of ALL the environmental constraints on the property can be seen on the approved drainage map and storm water management plan, marked and accepted into evidence collectively as Petitioner's Ex 9. Petitioner further noted that the impervious area requirements extremely limit the building envelope area. Due to all these variables, Petitioner explained that absent zoning relief, what was a previously approved and recorded development would be rendered un-buildable, thereby depriving Petitioner of the use of the property. ... However, because the constraints on the property make each lot have a buildable depth of 65 feet, and in order to comply with environmental restrictions, Petitioner indicated that variance relief is necessary in order to develop the property (page5) with a desirable product. (FN3—The DEPRM requires that any building remain 35 feet away from the Forest Conservation easement which effectively PUSHES EVERYTHING toward the front of the lots. These constraints DRIVE THE LOCATION OF THE BUILDABLE AREAS. Mr. Tanczyn in support of the evidence presented, cited the cases of North v St Mary's County, 99 Md App 502 (1994); and McClean v Soley, 270 Md App 208 (1973) for the proposition that a variance may be and should be granted if it is shown that strict application of the regulations would deprive the Petitioner of using its property for a permitted purpose"

The ZC concluded (Opinion page 6 "The proposed development by the Petitioner is an environmentally sensitive plan that responsibly makes use of land long planned for development. These aims will limit any adverse effects on the surrounding community. The plan, as DEPRM noted, aims to MINIMIZE environmental impact and that the improvements will be compatible with the area, I FIND that the proposal adequately addresses the concerns these comments delineate." The Opinion quotes are included to show the Petitioner met every DEPRM concern satisfactorily in each Variance case mentioned without contention or quarrel. There is literally nothing more from an environmental standpoint to achieve since every concern was met previously. The DEPRM standards under the Critical Areas Regs are preeminent over any other regs in importance under the Critical Areas Laws; and each and every one of them was met by the Petitioner twice to DEPRM's satisfaction.

In sum, a very complex development property which the Developer had cooperatively worked consistently with the County Agencies to achieve the goals of the Critical Areas protection while giving the Developer 25 lots to develop as individual modest sized residences. The ZAC comments confirmed that and noted the variances requested were preferred to provide adequate light and air. On page 5, the ZC stated:" Moreover, additional comments were offered indicating that zoning relief is being requested to minimize impacts to water quality and forest while allowing development of the site commensurate with the neighborhood."

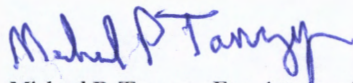
In like accord, the ZC found " the relief requested if strict compliance were required would cause hardship which would result in a denial of a reasonable and sufficient use of the property." citing Belvoir Farms vs North 355 Md 259 (1999) (Case 2010-0307A Opinion & Order attached)

PURPOSE OF THIS REQUEST- The purpose of this request is to seek in light of the chronological history since Eastern Manor was first approved in 1947; and in consideration of the critical areas impact on this development that any further requirement to seek further Variances would represent for a

third time at considerable expense the Developer would face if required to go through that process again a finding that the Spirit and Intent provisions authorize approval of this Development . Where, as here, the Critical Areas compliance which the Developer has always done willingly ; and received favorable ZAC responses from both DEPRM and Planning for its variance requests to get to develop 25 lots will not change any operative facts in a third Variance proceeding. Both previous cases in the careful consideration each Hearing Officer gave; and input from all interested attendees and interested County Agencies have been accepted and fully complied with by the Owner. Once the environmental factors are complied with, there is a finite amount of available buildable land for the 25 lots. This has been studied multiple times and the Developer has accepted and complied with every County Agency recommendation. The Developer therefore under what are unusual circumstances or certainly unique ones, respectfully requests that after careful consideration, Baltimore County find that the site should proceed as within the Spirit and Intent of the Law s and Regulations of Baltimore County and its respective Agencies whose comments and requirements have previously been accepted by the Developer and incorporated in the Development Plan submitted this year by Mr. Rosenberg's daughter as Sy Rosenberg passed in 2016; and her Mother subsequently.

I have hand delivered this request and Plan to you for your review. I have as well before submission paid the prescribed fee for the requested Spirit and Intent Opinion letter . Should you have any questions which I or my Client could help answer, we would propose a meeting with you at your office at your earliest convenience to do so. Our intent with this request is to proceed with your approval of our request without requiring a third Zoning Variance or Special Hearing given the foregoing History for Development of this site and my Client's continuous full cooperation with Baltimore County Agencies to protect the environment and develop what's left to salvage its substantial investment in this Property. Please contact me for any further information needed.

Very truly yours,



Michael P. Tanczyn, Esq. Attorney for The Cove LLP

Cc: The Cove LLP

Mr. Craig Rodgers

IN RE: PETITION FOR VARIANCE

S/W Corner Miller and Woodland Avenues
(formerly the Eastern Manor Subdivision)

(The Cove)

15th Election District

6th Council District

The Cove, L.L.P.

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0307-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner(s) of the subject property, The Cove, L.L.P., through Simon Rosenberg, the limited partnership's general partner, through their attorney Michael P. Tanczyn, Esquire. A series of variances are requested from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as set forth in the Petition for Variance. Specifically, relief is requested from B.C.Z.R. Section 1B01.2.C.1.b (Single-family detached chart) and the C.M.D.P. (Single-Family detached Residential Standards Page 4 et. seq.) to permit: (a) side-yard setbacks from side building face to the property line in a D.R.3.5 zone of eight (8) feet in lieu of the required fifteen (15) feet for Lots 29½-30, 31-35, 38, 47-50, 51-57, and 64-68; (b) side-yard setbacks from side building face to eight (8) feet in lieu of the required twenty-five (25) feet for Lots 30, 31, 50, 51, and 68; and (c) side-yard setbacks from building face to building face of eight (8) feet on each side in a D.R.16 zone in lieu of the required twenty (20) feet for Lots 12 and 13.¹ The subject property and requested relief are more particularly described on the colorized site plan and aerial photograph submitted which were accepted into evidence and marked as Petitioner's Exhibits 1 and 3, respectively.

¹ The Stevens Road Improvement Association requested an explanation at the outset of the hearing concerning the actual distance between building faces on Lots 12 and 13. Petitioner's counsel explained the separating distance between structures would be 16 feet. Mr. Tanczyn acknowledged the Petition's language was cumbersome and could lead to confusion. He stated there will be a distance of 8 feet from a side building face to the property line and an additional 8 feet from the property line to the other building face. This explanation was satisfactory to the Association's representative.

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Appearing at the requisite public hearing in support of the requests were Simon Rosenberg, on behalf of the property owner, Michael Tanczyn, Esquire, representing the Petitioner, and Herbert Malmud, of H. Malmud & Associates, the consultant and land surveyor who prepared the site plan for this property. Appearing as an interested citizen was David R. Cahlander residing at 218 Stevens Road and Vice-President of the Stevens Road Improvement Association. There were no Protestants or other interested persons in attendance.²

Testimony and evidence offered revealed that the subject property known currently as "The Cove" and formerly as "Eastern Manor," is a large, irregularly shaped tract of land, split-zoned D.R.16 and D.R.3.5, located in the Essex (Greater Bengie's neighborhood) area of the County on the southern side of Eastern Avenue, east of Stevens Road, and west of Woodland Avenue. The subject property has frontage on Frog Mortar Creek, which feeds into Middle River and thereafter the Chesapeake Bay. The subject property can be seen more clearly from the aerial photograph marked and accepted into evidence as Petitioner's Exhibit 3 and from the photographs of the subject property marked and accepted into evidence as Petitioner's Exhibit 10. The majority of the property is zoned D.R.3.5 and a small portion of the property on the north side of Miller Avenue is zoned D.R.16. As it pertains to this case, only Lots 12 and 13 are located in the D.R.16 zoning classification. A zoning map for the subject property was marked and accepted into evidence as Petitioner's Exhibit 4. The area surrounding the subject property includes Bengie's Drive-In Theatre to the east, on the opposite side of Woodland Avenue; Hughes Shore Road, a residential development, and Frog Mortar Creek, to the south; the Fairwinds residential development to the west; and on the opposite side of Eastern Avenue to the north, the Williams residential park and a Royal Farms store. These varied uses are reflected in the surrounding zoning that consists of a variety of residential, business and manufacturing designations. Petitioner's Exhibits 3 and 4 more accurately illustrate this surrounding area.

² D. Edward Vogel contacted the undersigned Commissioner following the hearing and advised that he and his attorney, T. Wray McCurdy, while not opposed to the Cove development, voiced concerns on behalf of the adjacent property owner and well-known Bengies Drive-In Movie Theater. These concerns revolved around sufficient screening and safeguards so that lighting does not inappropriately spill onto the adjacent drive-in movie theater operation. Counsel were advised to meet and address these issues prior to this Order being released.

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As background to the Petitioner's request for variance relief, it is imperative to establish a history of the development of the subject property. Testimony and evidence revealed that the subject property was initially plotted, approved, and recorded in the Land Records of Baltimore County as "Eastern Manor," on June 20, 1947. The record plat for Eastern Manor was marked and accepted into evidence as Petitioner's Exhibit 8. As originally plotted, Eastern Manor called for the development of sixty-eight (68) lots. However, this plan did not come to fruition due to the economic difficulties of the owner of the land, George Miller. Furthermore, since the plat was recorded in 1947, sporadic development and a succession of environmental legislation have severely limited the number of buildable lots available in the subdivision. Development occurred in the form of, single-family dwellings constructed at 3224 George Street (Lots 36 and 37 of Eastern Manor), 3213, 3215, 3217, and 3219 Miller Avenue (Lots 23-29½ of Eastern Manor), and an apartment building at the northwest intersection of Miller Avenue and Woodland Avenue (Lots 9 and 10 of Eastern Manor). Environmental legislation began constraining development of the subject property in 1984, when the State of Maryland enacted critical area laws mandating Counties in Maryland to enact their own critical area legislation or be forced to adopt Maryland's laws for areas designated as critical. In 1988, Baltimore County promulgated its own Critical Area legislation that today is codified in the Baltimore County Code Article 33, Title 2. Petitioner proposes to develop twenty-five of the remaining vacant lots with single-family dwellings in a neo-traditional concept of housing, wherein the house are set back from the street with variable distances. This concept has gained popularity and the Petitioner presented an example of one such development, the Kentlands, which was marked and accepted into evidence as Petitioner's Exhibit 7. Petitioner's proposal involved renaming the development of the subject property from *Eastern Manor* to *The Cove*.

In connection with the proposed development, a Petition for Variance seeking relief from Section 1B01.2.C.1.b of the B.C.Z.R. was filed and approved in Case No. 97-77-A by then Deputy Zoning Commissioner Timothy M. Kotroco. Variance relief was granted permitting a front-yard setback between zero (0) and twelve (12) feet in lieu of the required twenty-five (25)

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feet for Lots 12-68 and a side building face to public street setback of between five (5) feet and fifteen (15) feet in lieu of the required fifteen (15) feet for Lots 29½-30, 31, 50, 51 and 68. The Order in Case No. 97-77-A was marked and accepted into evidence as Petitioner's Exhibit 2.

In support of the variance requests, Petitioner explained the uniqueness of the property and the subsequent hardship that would result if strict adherence to the Zoning Regulations were mandated. Petitioner noted the extensive environmental constraints on the property and the irregular shape of the parcel. Petitioner indicated that the subject property has significant environmental constraints that encumber development; specifically, there are forest buffers, streams and wetlands covering much of the western portion of the property, a 100-year floodplain, and an environmental easement created to protect much of the wooded areas in the rear of each lot. These environmental encumbrances are enumerated in a letter from Patricia Farr dated February 14, 1996, that was marked and accepted into evidence as Petitioner's Exhibit 6. Moreover, a visual depiction of all the environmental constraints on the property can be seen on the approved drainage map and storm water management plan, marked and accepted into evidence collectively as Petitioner's Exhibit 9. Petitioner further noted that the impervious area requirements extremely limit the building envelope area. Due to all of these variables, Petitioner explained that absent zoning relief, what was a previously approved and recorded development would be rendered un-buildable, thereby depriving Petitioner of the use of the property.

Petitioner further opined that development would create only twenty-five (25) homes, a substantial reduction from the original sixty-eight (68) lots of the former Eastern Manor subdivision, but also would comply with impervious area requirements and avoid infringing on any environmentally protected areas. However, because the constraints on the property make each lot have a buildable depth of sixty-five (65) feet, and in order to comply with environmental restrictions, Petitioner indicated that variance relief is necessary in order to develop the property

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with a desirable product.³

Appearing as an interested citizen, Dave Cahlander, a local resident and community leader with the Stevens Road Improvement Association, testified as to his concerns regarding density and environmental impact. Petitioner noted that the density is extremely decreased from the original plat and that all environmentally protected areas would be maintained.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning dated June 14, 2010, state that the lots on the subject property are wide enough for an adequate house width with a 10 foot side building face to lot line and private road setback and a 20 foot side building face to side building face setback. Also, the comments noted that these setbacks were preferred to provide for adequate light and ventilation. Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM), dated May 20, 2010, which state that development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code). Moreover, additional comments were offered indicating that zoning relief is being requested to minimize impacts to water quality and forest while allowing development of the site commensurate with the neighborhood.

The determination of a variance request from the Zoning Regulations is governed by Section 307.1 of the B.C.Z.R., as interpreted by the Court of Special Appeals of Maryland in *Cromwell v. Ward*, 102 Md. App. 691 (1995). As indicated by the Court in *Cromwell*, "The general rule is that variances and exceptions are to be granted sparingly, only in rare instances and under peculiar and exceptional circumstances." 102 Md.App. at 700. The two-part variance test involves finding that a property is unique and unusual and that if strict adherence to the

³ The Department of Environmental Protection and Resource Management (DEPRM) requires that any building remain 35 feet away from the Forest Conservation Easement which effectively pushes everything towards the front of the lots. These constraints drive the location of the buildable areas. Mr. Tanczyn, in support of the evidence presented, cited the cases of *North v. St. Mary's County*, 99 Md. App. 502 (1994) and *McClean v. Soley*, 270 Md. App. 208 (1973) for the proposition that a variance may be and should be granted if it is shown that strict application of the regulations would deprive the Petitioner of using its property for a permitted purpose.

regulations were required absent relief, an unreasonable hardship or practical difficulty would result. Self-inflicted or created hardship is not considered proper grounds for a variance. *Id.* at 707.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, I find that the significant environmental constraints, irregular parcel shape, and age of the original record plat combine to render the property unique. Further, I find that strict compliance with the Zoning Regulations would create a hardship that would result in a denial of a reasonable and sufficient use of the property. *See, Belvoir Farms v. North* 355 Md. 259 (1999). Thus, refusing to grant variances would result in unreasonable hardship and practical difficulty. When considering that the original plat for the development was approved and recorded in 1947, and that with the enactment of environmental legislation, absent zoning relief, the subdivision rendered economically unbuildable, it is palpable that Petitioner would suffer unreasonable hardship absent approval of the requests. Further, I also find these variance requests can be granted in strict harmony with the spirit and intent of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell*, and in such a manner as to grant relief without injury to the public health, safety and general welfare. The proposed development by the Petitioner is an environmentally sensitive plan that responsibly makes use of land long planned for development. These aims will limit any adverse affects on the surrounding community. While the comments submitted by the Office of Planning are given weight, considering there was no objection from adjacent property owners, the plan, as DEPRM noted, aims to minimize environmental impact and that the improvements will be compatible with the area, I find that the proposal adequately addresses the concerns these comments delineate.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of August 2010 that the Petition for Variance seeking relief from Section 1B01.2.C.1.b (Single-Family Detached Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) Single-Family Residential Standards Page 4 et. seq. to permit: (a) side-yard setbacks from side building face to the property line in a D.R.3.5 zone of eight (8) feet in lieu of the required fifteen (15) feet for Lots 29 ½-30, 31-35, 38, 47-50, 51-57, and 64-68; (b) side-yard setbacks from side building face to private road of eight (8) feet in lieu of the required twenty-five (25) feet for Lots 30, 31, 50, 51, and 68; and (c) side-yard setbacks from building face to building face of eight (8) feet on each side in a D.R.16 zone in lieu of the required twenty (20) feet for Lots 12 and 13, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands, and floodplains. See attached ZAC comments from the Department of Environmental Protection and Resource Management (DEPRM).
- 3) The Development and the homes constructed pursuant to the approved site plan for The Cove will not direct, erect or attach lighting visible to the outdoors whether or not shielded which will unduly impact the adjacent Bengies Drive-In movie theater operation.
- 4) In the event a claim arises concerning objectionable lighting, the theater owner shall give written notice by detailed claim to the party believed to be causing the problem with a proposed remedy for the problem so that it may thereafter be corrected to the extent necessary. A copy of the claim shall be sent to the Developer until the development is fully built out and sold.

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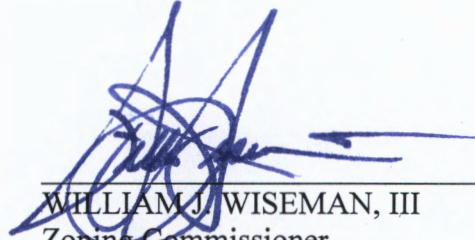
Date

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:esl:dlw

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Date

8-23-10

By

BW



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 23, 2010

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204

RE: PETITION FOR VARIANCE
S/W Corner Miller and Woodland Avenues (Formerly Eastern Manor)
(The Cove)
15th Election District - 6th Council District
The Cove, L.L.P. – Petitioner
Case No. 2010-0307-A

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Simon Rosenberg, 12116 Arbie Road, Silver Spring, MD 20904
Herbert Malmud, H. Malmud & Associates, 12018 Ridge Valley Drive,
Owings Mills, MD 21117
David R. Cahlander, 218 Stevens Road, Middle River, MD 21220
T. Wray McCurdy, Esquire, 101 Eastern Avenue, Essex, MD 21221
D. Edward Vogel, 3417 Eastern Avenue, Middle River, MD 21220
People's Counsel; Office of Planning; DEPRM; File



TAX. ACCOUNT #

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at:

*The Cove, formerly Eastern Manor
SW corner Miller & Woodland Avenues*which is presently zoned D.R. 16; D.R. 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Please see Attached.

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

Reasons: hardship and practical difficulty which involved sensitivity to environmental concerns expressed by the Planning Office and DEPRM for nearby wetlands, as well as minimizing deforestation for this reduced number of lots proposed for this development to accommodate the previously built homes situate also situate near the environmentally sensitive areas.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print **ORDER RECEIVED FOR FILING**
Signature _____
Date 8-23-10
Address _____ Telephone No. _____
By [Signature]
City _____ State _____ Zip Code _____

Attorney For Petitioner:

MICHAEL P. TANCZYN, Esq.
Name - Type or Print _____
Signature [Signature]
Company _____
Address Suite 106, 606 BALTIMORE Ave Telephone No. 410-303-3663
TOWSON MD 21204
City State Zip Code

Legal Owner(s):

The Cove, Ltd. Partnership
Name - Type or Print _____
Signature [Signature]
SIMON ROSENBERG, GEN. PR. INTERSTATE PARTNERS
Name - Type or Print _____
Signature [Signature]
12116 ARBIE Rd. 1-301-622-0646
Address Telephone No.
Silver Spring MD 20904
City State Zip Code

Representative to be Contacted:

HERBERT MALMUD
Name MALMUD ASSOCIATES
12018 RIDGE VALLEY DRIVE 410-308-0442
Address Telephone No.
QUINGS MILLS, MD 21117
City State Zip Code

OFFICE USE ONLY

Case No. 2010-0307-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Date 4-8-10

DROP-OFF
Return to
WCR

ATTACHMENT

1st Variance: *and the C.M.D.P. as set forth in*

1B01.2.C.1.b for single family detached homes, to provide a side yard set back of eight feet (8 Ft.) in lieu of the fifteen feet (15 Ft.) from side of building to the lot line required for all buildable lots located in the D.R. 3.5 zone, for Lots 291/2, 30 - 35, 38, 47 - 50, 51 - 57, and 64-68.

2nd Variance:

1B01.2.C.1.b for single family detached homes to provide a side yard variance of eight feet (8 Ft.) from side building face to paving of a private road of the required twenty-five (25 Ft.) for Lots 30, 31, 50, 51 and 68.

3rd Variance:

1B01.2.C.1.b for single family detached homes to provide a side yard variance from side building face to side building face of eight feet (8 Ft.) on each side in a D.R. 16 zone in lieu of the required twenty feet (20 Ft.) for Lots 12 and 13.

8' to property line 8' to other Bldg.

H. MALMUD & ASSOCIATES
12018 RIDGE VALLEY DRIVE
OWINGS MILLS, MARYLAND 21117
TELEPHONE 410 308-0442

**ZONING DESCRIPTION OF
THE COVE
(FORMERLY EASTERN MANOR
RECORDED IN PLAT BOOK 14, FOLIO 22)
BALTIMORE COUNTY, MARYLAND**

LOTS REQUESTED FOR ZONING VARIANCES BEING KNOWN AND DESIGNATED AS LOTS NUMBERED 12, 13, 29 ½ & 30, 31, 32, 33, 34, 35, 38, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 64, 65, 66, 67 AND 68 AS SHOWN ON THE SAID PLAT OF EASTERN MANOR RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK 14, FOLIO 22, TOTAL NUMBER OF LOTS REQUESTED: 25.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.

THIS PROPERTY IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY, AND/OR COVENANTS OF RECORD AND LAW.

HERBERT MALMUD
PROFESSIONAL LAND SURVEYOR
MARYLAND # 7558
NOVEMBER 11, 2009

file: Zoning Petition The Cove



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 _____

Petitioner: THE COVE LTD PARTNERSHIP FORMERLY EASTERN MANOR

Address or Location: SW CORNER MILLER + WOODLAND AVE

PLEASE FORWARD ADVERTISING BILL TO

Name: Michael P TANCZYN Esq

Address: STE 106 606 BALTIMORE AVE
TOWSON MD 21204

Telephone Number: 410 303 3663

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: 2010-0307-A

Petitioner: THE COVE, LTD

Address or Location: SW CORNER of MILLER & WOODLAND Aves.

PLEASE FORWARD ADVERTISING BILL TO:

Name: HERBERT MALMUD

Address: 12018 RIDGE VALLEY DR.

OWINGS MILLS, Md. 21117

Telephone Number: 410-308-0442

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

No. 03920

Date: 5/10/10

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct.	Amount
001	ROK	0000		6150				800.00

Total: 800.00

Rec From: THE COURT

For: 2010-0307-A

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: # 2010-0307-A

The Cove aka The Eastern Manor
S/West corner of Miller & Woodland Avenue
15th Election District — 6th Councilmanic District
Legal Owner(s): The Cove Ltd. Partnership,
Simon Rosenberg, Interstate Partners

Variance: for single family detached homes, to provide a side yard setback of 8 feet in lieu of the fifteen feet from side of building to the lot line required for all buildable lots located in the D.R. 3.5 zone, for lots 29 1/2, 30-35, 38, 47-50, 51-57 and 64-68; for single family detached homes to provide a side yard variance of eight feet from the side building face to paving of a private road of the required twenty-five feet for Lots 30, 31, 50, 51 and 68. **Variance:** for single family detached homes to provide a side yard variance from side building face to side building face of 8 feet on each side in a D.R. 16 zone in lieu of the required 20 feet for Lots 12 and 13.

Hearing: Wednesday, July 21, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 7/6/24 July 6

246149

CERTIFICATE OF PUBLICATION

7/8/2010

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 7/6/2010.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/07/10

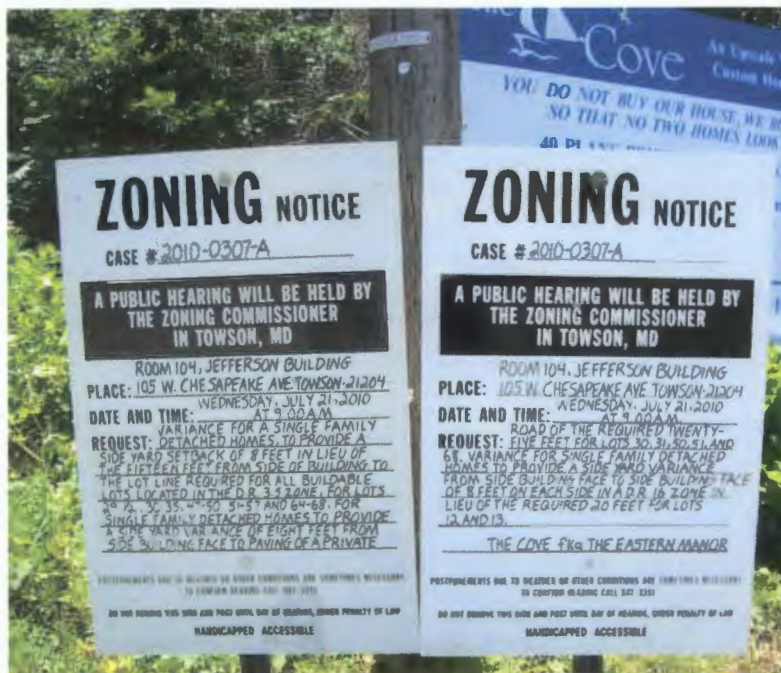
Case Number: 2010-0307-A

Petitioner / Developer: MICHAEL TANCZYN, ESQ.~HERBERT MALMUD
SIMON ROSENBURG

Date of Hearing (Closing): JULY 21, 2010

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
S/WEST CORNER OF MILLER & WOODLAND AVENUE

The sign(s) were posted on: JULY 2, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 06/20/2010

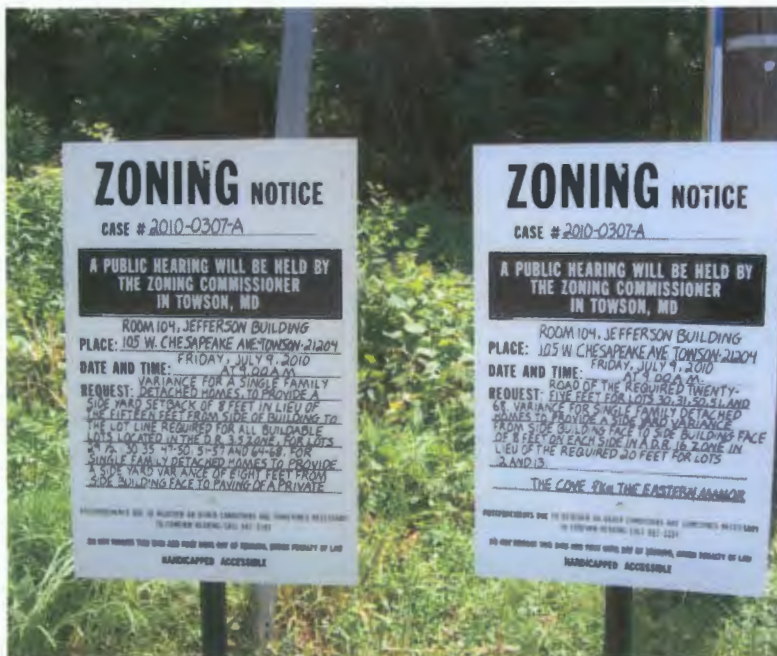
Case Number: 2010-0307-A

Petitioner / Developer: MICHAEL TANCZYN, ESQ.~HERBERT MALMUD
SIMON ROSENBERG

Date of Hearing (Closing): JULY 9, 2010

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
S/WEST CORNER OF MILLER & WOODLAND AVENUE

The sign(s) were posted on: JUNE 18, 2010



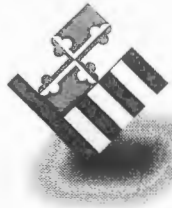
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



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

June 14, 2010

NEW 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: 2010-0307-A

The Cove fka The Eastern Manor

S/west corner of Miller & Woodland Avenue

15th Election District – 6th Councilmanic District

Legal Owners: The Cove Ltd. Partnership, Simon Rosenberg, Interstate Partners

Variance for a single family detached homes, to provide a side yard setback of 8 feet in lieu of the fifteen feet from side of building to the lot line required for all buildable lots located in the D.R. 3.5 zone, for lots 29 1/2, 30-35, 38, 47-50, 51-57 and 64-68; for single family detached homes to provide a side yard variance of eight feet from side building face to paving of a private road of the required twenty-five feet for Lots 30, 31, 50, 51 and 68. Variance for single family detached homes to provide a side yard variance from side building face to side building face of 8 feet on each side in a D.R. 16 zone in lieu of the required 20 feet for Lots 12 and 13.

Hearing: Wednesday, July 21, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: Michael Tanczyn, 606 Baltimore Avenue, Ste. 106, Towson 21204
Herbert Malmud, 12018 Ridge Valley Drive, Owings Mills, MD 21117
Simon Rosenberg, The Cove Ltd., 12116 Arbie Road, Silver Spring 20904

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 6, 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.

Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

www.baltimorecountymd.gov

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 6, 2010 Issue - Jeffersonian

Please forward billing to:

Michael Tanczyn
606 Baltimore Avenue, Ste. 606
Baltimore, MD 21204

410-303-3663

NEW NOTICE OF ZONING HEARING

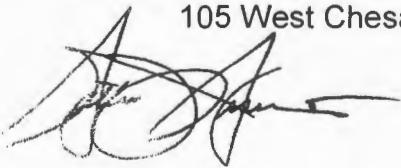
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0307-A

The Cove fka The Eastern Manor
S/west corner of Miller & Woodland Avenue
15th Election District – 6th Councilmanic District
Legal Owners: The Cove Ltd. Partnership, Simon Rosenberg, Interstate Partners

Variance for a single family detached homes, to provide a side yard setback of 8 feet in lieu of the fifteen feet from side of building to the lot line required for all buildable lots located in the D.R. 3.5 zone, for lots 29 1/2, 30-35, 38, 47-50, 51-57 and 64-68; for single family detached homes to provide a side yard variance of eight feet from side building face to paving of a private road of the required twenty-five feet for Lots 30, 31, 50, 51 and 68. Variance for single family detached homes to provide a side yard variance from side building face to side building face of 8 feet on each side in a D.R. 16 zone in lieu of the required 20 feet for Lots 12 and 13.

Hearing: Wednesday, July 21, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 24, 2010 Issue - Jeffersonian

Please forward billing to:

Michael Tanczyn
606 Baltimore Avenue, Ste. 606
Baltimore, MD 21204

410-303-3663

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: 2010-0307-A

The Cove fka The Eastern Manor

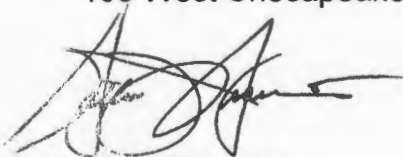
S/west corner of Miller & Woodland Avenue

15th Election District – 6th Councilmanic District

Legal Owners: The Cove Ltd. Partnership, Simon Rosenberg, Interstate Partners

Variance for a single family detached homes, to provide a side yard setback of 8 feet in lieu of the fifteen feet from side of building to the lot line required for all buildable lots located in the D.R. 3.5 zone, for lots 29 1/2, 30-35, 38, 47-50, 51-57 and 64-68; for single family detached homes to provide a side yard variance of eight feet from side building face to paving of a private road of the required twenty-five feet for Lots 30, 31, 50, 51 and 68. Variance for single family detached homes to provide a side yard variance from side building face to side building face of 8 feet on each side in a D.R. 16 zone in lieu of the required 20 feet for Lots 12 and 13.

Hearing: Friday, July 9, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
June 2, 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: 2010-0307-A

The Cove fka The Eastern Manor

S/west corner of Miller & Woodland Avenue

15th Election District – 6th Councilmanic District

Legal Owners: The Cove Ltd. Partnership, Simon Rosenberg, Interstate Partners

Variance for a single family detached homes, to provide a side yard setback of 8 feet in lieu of the fifteen feet from side of building to the lot line required for all buildable lots located in the D.R. 3.5 zone, for lots 29 1/2, 30-35, 38, 47-50, 51-57 and 64-68; for single family detached homes to provide a side yard variance of eight feet from side building face to paving of a private road of the required twenty-five feet for Lots 30, 31, 50, 51 and 68. Variance for single family detached homes to provide a side yard variance from side building face to side building face of 8 feet on each side in a D.R. 16 zone in lieu of the required 20 feet for Lots 12 and 13.

Hearing: Friday, July 9, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

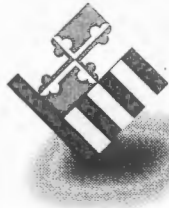
Timothy Kotroco
Director

TK:kll

July 21 9AM Wds

C: Michael Tanczyn, 606 Baltimore Avenue, Ste. 106, Towson 21204
Herbert Malmud, 12018 Ridge Valley Drive, Owings Mills, MD 21117
Simon Rosenberg, The Cove Ltd., 12116 Arbie Road, Silver Spring 20904

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 24, 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

July 15, 2010

Michael Tanczyn;
606 Baltimore Ave Ste. 106
Towson, MD 21204

Dear: Michael Tanczyn;

RE: Case Number 2010-0307-A, The Cove fka The Eastern Manor; S/W corner of Miller & Woodland Ave.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Simon Rosenberg: The Cove Ltd; 12116 Arbie Rd.; Silver Spring, MD 20904
Herbert Malmud: Malmud Assco.; 12018 Ridge Valley Dr.; Owings Mill, MD 21117

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 11, 2010

SUBJECT: Zoning Item # 10-307-A
Address SW Corner of Miller & Avenue & Woodland Avenue
(The Cove LTD. Partnership Property)

Zoning Advisory Committee Meeting of May 17, 2010.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The zoning relief is being requested to minimize impacts to water quality and forest while allowing development of the site commensurate with the neighborhood.

Reviewer: Glenn Shaffer Date: May 20, 2010

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

DATE: May 18, 2010

SUBJECT: Zoning Advisory Committee Meeting
For May 31, 2010
Item Nos. 2010- 176, 230, 295, 296,
297, 298, 299, 301, 303, 304, 306, 307
311 & 312

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-05312010 -NO COMMENTS.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MAY 19, 2010

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

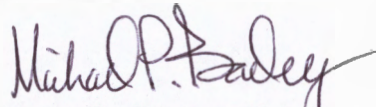
RE: Baltimore County
Item No. 2010-0307-A
SW CORNER OF MILLER
& WOODLAND
THE COVE LTD. PARTNERSHIP
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0307-A.

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

BW 7-21-10
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 8, 2010

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

SUBJECT: SW corner of Miller & Woodland Avenue

INFORMATION:

Item Number: 10-307

Petitioner: The Cove Ltd. Partnership

Zoning: DR 16 and DR 3.5

Requested Action: Variance

RECEIVED

JUN 14 2010

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request for variances from Section 1B01.2.C.1.b of the BCZR to waive the side yard setback requirements in the DR 5.5 and DR 16 zones for 26 proposed single-family detached building lots in the "The Cove" (formerly known as Eastern Manor Subdivision).

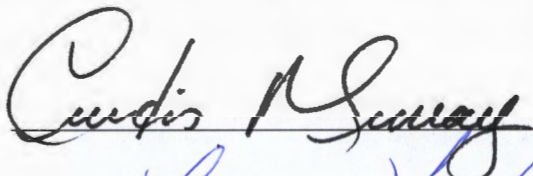
The lots are on average 60' wide allowing for an adequate width of house with these recommended setbacks:

1. 10' side building face to lot line;
2. 10' side building face to paving of private road;
3. and 20' side building face to side building face.

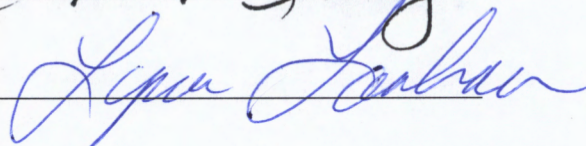
A minimum side yard setback of 10 feet shall be provided on all lots in order to provide for adequate light and ventilation.

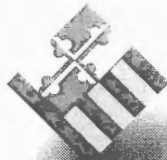
For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM





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

May 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 17th, 2010

Item Numbers: 0176, 0230, 0295, 0296, 0297, 0298, 0299, 0300, 0301, 0303, 0304, 0306
and 0307-0312

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

RE: PETITION FOR VARIANCE * BEFORE THE
SW corner of Miller & Woodland Avenues *
15th Election & 6th Councilmanic Districts * ZONING COMMISSIONER
Legal Owner(s): The Cove LTD Partnership *
Petitioner(s) * FOR
* BALTIMORE COUNTY
* 10-307-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

MAY 21 2010

.....

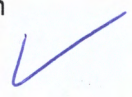
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of May, 2010, a copy of the foregoing Entry of Appearance was mailed to Herbert Malmud, 12018 Ridge Valley Drive, Owings Mills, MD 21117 and Michael Tanczyn, Esquire, 606 Baltimore Avenue, Suite. 106, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Mr. Commissioner, I am happy to advise you that Mr. McCurdy and his client have agreed to the language in the last 2 McCurdy emails which we request you insert as a condition in your order if you approve the request. The first part refers to the condition and the second part to the noting of a claim. In that one "shall be sent" needs to be inserted after notice of a claim. Thank you for your patience. Mike Tanczyn



From: SR9889@aol.com [mailto:SR9889@aol.com]
Sent: Thursday, August 19, 2010 10:18 PM
To: Michael P. Tanczyn Esq.
Subject: Re: FW: Vogel, Si Rosenberg

Eureka, you did it. This is fair enough. Will "D" elaborate to me so I can inform my buyers of what is acceptable?

Si

In a message dated 8/19/2010 1:42:38 P.M. Eastern Daylight Time, MTanczyn@choosemedifast.com writes:

Si, Let me know if this meets with your approval. Mike

From: Wray McCurdy [mailto:wmccurdy@ix.netcom.com]
Sent: Thursday, August 19, 2010 1:30 PM
To: Michael P. Tanczyn Esq.
Cc: D. Edward
Subject: Re: Vogel, Si Rosenberg

Mike

This is OK but it has a slight revision if this passes muster then you have our permission to forward it to ZC

T Wray McCurdy

"In the event such a claim arises, the theater owner shall give written notice by detailed claim to the party believed to be causing the problem with a proposed remedy for the problem so that it may thereafter be corrected to the extent necessary. A copy of the claim sent to the Developer until the development is fully sold."



On Aug 19, 2010, at 8:39 AM, Michael P. Tanczyn Esq. wrote:

Dear Ray, Thank you for your suggested compromise language. My client is concerned about what would happen if such a claim should arise. He therefore suggests the following addition to be added to the end of your language. "In the event such a claim arises, the theater owner shall give written notice by detailed claim to the party believed to be causing the problem with a proposed remedy for the problem so that it may thereafter be corrected to the extent necessary; with a copy to the Developer until the development is fully sold." Please discuss this with your client and get back to me. Thanks. Mike

=====
=====

CONFIDENTIALITY NOTICE:

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delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Warning: Although our organization has taken reasonable precautions to ensure no viruses are present in this email, Our organization cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

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-----Original Message-----

From: Wray McCurdy [<mailto:wmccurdy@ix.netcom.com>]

Sent: Wednesday, August 18, 2010 2:41 PM

To: Michael P. Tanczyn Esq.

Subject: Vogel, Si Rosenberg

Dear Mike,

Here is a modified version of your idea that I think is fair to both.

"The Development and the homes constructed pursuant to the approved site plan for The Cove will not direct, erect or attach lighting visible to the outdoors whether or not shielded which will unduly impact the adjacent movie theater operation."



Please see if this is satisfactory to your client and if so forward it to Mr Wiseman for incorporation into the zoning order for your client's property.

Sincerely Yours,

T Wray McCurdy

From: Bill Wiseman
To: Wiley, Debra
Date: 8/21/2010 4:34 PM
Subject: Fwd: FW: FW: Vogel, Si Rosenberg
Attachments: FW: FW: Vogel, Si Rosenberg

Lets talk.

File is on the round table in my office with some additional changes after my second review. See if you can add this condition to the Order.

Thanks

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

Ph: 410-887-3868 Fax: 410-887-3468
wwiseman@baltimorecountymd.gov

Bill Wiseman - Zoning Inquiry Case # 2010-0307-A & Notification Please

From: "D. Edward" <dedward@starpower.net>
To: <wwiseman@baltimorecountymd.gov>
Date: 7/21/2010 3:39 PM
Subject: Zoning Inquiry Case # 2010-0307-A & Notification Please
CC: "T. Wray McCurdy" <wmccurdy@ix.netcom.com>

Dear Commissioner Wiseman,

I am contacting you in reference to our phone conversation today concerning Case #2010-0307-A, located adjacent to my property. The property in the case is located along Woodland and Steven's Road, with the cross streets of George St. and Miller Ave.

Thank you for your kind assistance today, T. Wray McCurdy is contacting Mr. Michael P. Tanczyn on my behalf and we will be getting you some documentation to be written into the decision.

May we please sign up on this case number to be notified of any and all notices, decisions, etc.?

D. Edward Vogel, 3417 Eastern Ave., Middle River, MD 21220

T. Wray McCurdy, 101 Eastern Ave, Essex, MD 21221

Many Thanks,
D. Edward Vogel

IMPORTANT MESSAGE

FOR Bice

DATE 8-23 TIME 9:28

M Mike Tanczyn

OF _____

PHONE 410 203 3663

AREA NUMBER EXTENSION

☐ FAX ☐ MOBILE

☐ PLEASE CALL ☐ WILL CALL AGAIN

☐ CAME TO SEE YOU ☐ WANTS TO SEE YOU

☐ RETURNED YOUR CALL ☐ URGENT

NOTE Call when Order is ready (The Cove), Mike plz his + clients (Rosenberg) copies.

Done 8/23 12:45
 OPERATOR Jeb


 BLIND INDUSTRIES
 1-888-322-4567

NSN 7530-00-NIB-0547

H. MALMUD & ASSOCIATES
12018 RIDGE VALLEY DRIVE
OWINGS MILLS, MARYLAND 21117
TELEPHONE 410 308 0442

LETTER OF TRANSMITTAL

MAY 5, 2010

MR. JOE MERRIE
BALTIMORE COUNTY DEPARTMENT OF PERMITS
AND DEVELOPMENT MANAGEMENT
ZONING OFFICE
TOWSON, MARYLAND 21204

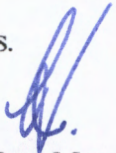
Re: "The Cove" Zoning Petition

JOE:

ATTACHED, FILING FEE, PETITION FOR VARIANCE, ZONING DESCRIPTION, MAP & 12 PRINTS AS PER OUR MEETING WITH MIKE TANCZYN AND MYSELF.

PLEASE CALL ME IF YOU HAVE ANY QUESTIONS.

Thanks



HERB MALMUD

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 303-3663

June 8, 2010

Via Hand Delivery

Timothy Kotroco, Director
Department of Permits & Development Mgmt.
Zoning Review / County Office Building
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

*Kristen
OK to postpone
T-1*

**RE: Zoning Case Number: 2010-0307-A
The Cove fka The Eastern Manor**

Dear Mr. Kotroco:

I just received the Notice of Zoning Hearing for July 9, 2010. I have enclosed a copy of the Notice for your convenience. As I will be in Texas for the business convention on that day, I called Kristen Matthews who kindly advised me that the next available date would be 9:00 A.M. on July 21, 2010 in Room 104 of the Jefferson Building. I am therefore writing to ask for your approval to reschedule this matter to Wednesday, July 21, 2010 @ 9:00 A.M. in the Jefferson Building. Please advise if this agreeable.

If you have any questions, don't hesitate to call me at 410-303-3663. Thank you for your kind consideration of this request.

Very truly yours,

Michael P. Tanczyn

Michael P. Tanczyn, Esquire

MPT:Jb

cc: Sy Rosenberg
Herbert Malmud

7-21 @ 9 AM

CASE NO. 2010- 0307-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose No Comment</u>
<u>5-18</u>	DEVELOPMENT PLANS REVIEW	<u>None</u>
<u>6-11</u>	DEPRM	<u>Comments</u>
	FIRE DEPARTMENT	
<u>6-8</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>5-19</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 97-77-A Copy attached)

NEWSPAPER ADVERTISEMENT Date: 7-6-10

SIGN POSTING Date: 7-2-10

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

CASE NAME THE COVE
CASE NUMBER 2010-0307 A
DATE JULY 21, 2010

[illegible]

THE COUG
CASE NAME 2010-0307-A
CASE NUMBER _____
DATE 7-21-10

[illegible]

IN RE:

PETITION FOR VARIANCE
SW/Corner Miller and Woodland Avenues
(Lots 12-19, 20-21, 29-35, 38-40 and 47-68 of Eastern Manor)
15th Election District
5th Councilmanic District

Daniel C. Bevens, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY
* Case No. 97-77-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

t.
whic
is a p

Critical Area
wide roadwa
this develo
community. Fu
situated closer

The Peti
mental Protection and
tional housing concep
vegetation on the propert
large greenway area adjacen
closings for Leroy Street and
be extended through the subject

Mr. Rosenberg further tes
development will range in price fro

This matter comes before the Deputy Zoning Commissioner as a
petition for Variance for the development of the subject lots in the
Eastern Manor subdivision, which is located between Miller and Woodland
Avenues, Leroy Street and Stevens Road, in Essex. The Petition was filed
by the owners of the property, Daniel C. and Barbara A. Bevens, through
their attorney, Michael P. Tanczyn, Esquire. The Petitioners seek relief
from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations
(B.C.Z.R.) to permit a front yard setback of between 0 and 12 feet in
of the required 25 feet for Lots 12 - 19, zoned D.R. 16, and for Lots
68, zoned D.R. 5.5, and a side building face to public street right-of-way
setback of between 5 feet and 15 feet in lieu of the required 15 feet
for Lots 30 and 29/2, 31, 50, 51 and 68, and to determine that
large tract setbacks apply for the proposed development of
property with 30 single family dwelling units. The subject
relief sought are more particularly described as Petitioners
which was accepted and marked into evidence at the hearing on behalf of the
Bevens, owner of the property, Herbert Malmud, Re
who prepared the site plan for this project, Si
the subject property, and Michael P. Tanczyn,



BENGIES DRIVE-IN MOVIE THEATER

THE COVE

FAIRWINDS

PETITIONER'S
EXHIBIT NO. 3

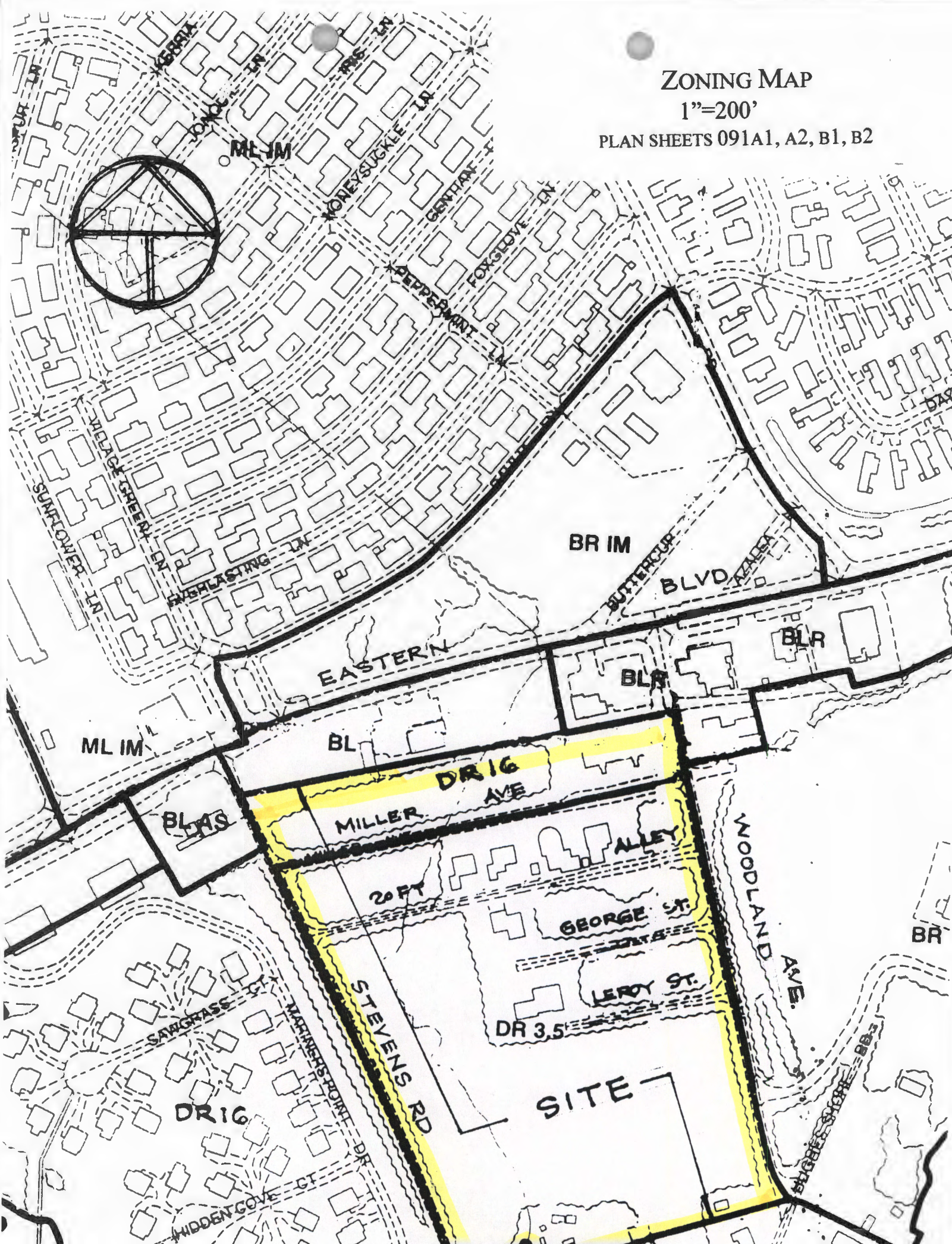
NEIGHBORHOOD MAP
THE PROPOSED COVE AND
ADJACENT AREAS

20 JULY 10 by H.M.

ZONING MAP

1"=200'

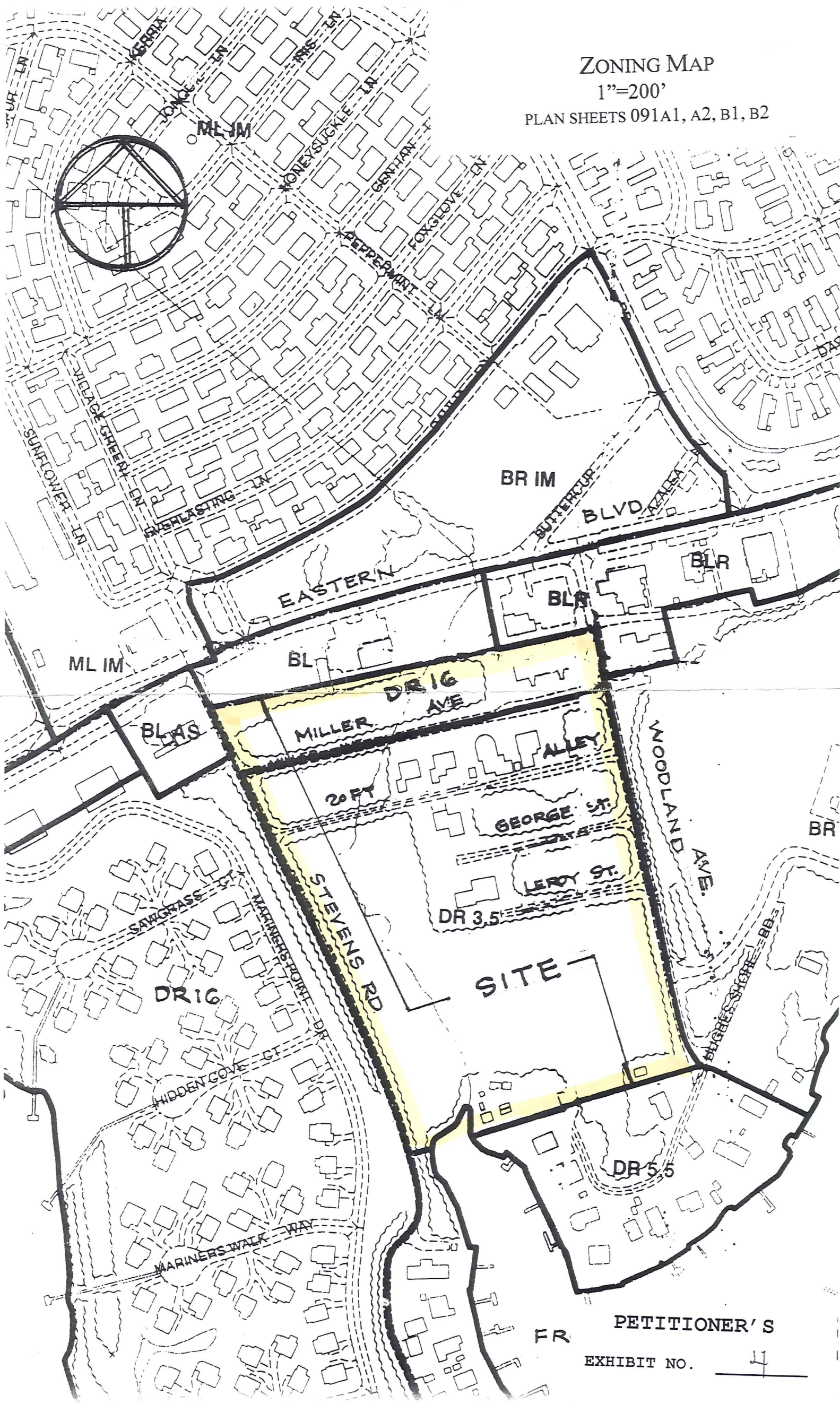
PLAN SHEETS 091A1, A2, B1, B2



ZONING MAP

1"=200'

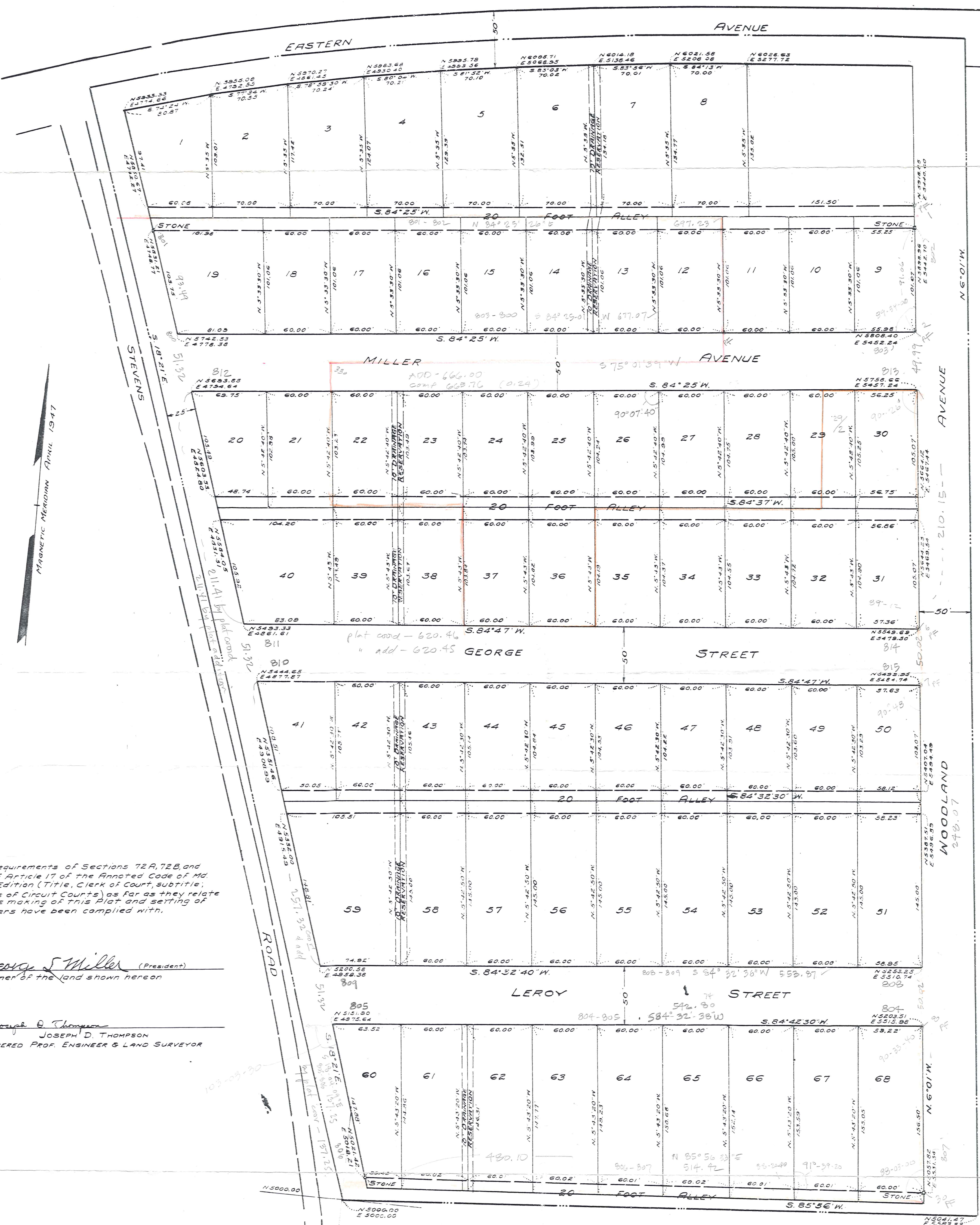
PLAN SHEETS 091A1, A2, B1, B2



PETITIONER'S

EXHIBIT NO.

4



The requirements of Sections 72A, 72B, and 72C of Article 17 of the Annotated Code of Md. 1939 Edition (Title, Clerk of Court, Subtitle, Clerks of Circuit Courts) as far as they relate to the making of this Plat and setting of markers have been complied with.

George S. Miller (President)
Owner of the land shown hereon

Joseph D. Thompson
JOSEPH D. THOMPSON
REGISTERED PROF. ENGINEER & LAND SURVEYOR

Filed For Record With
From Eastern Manor
To
June 23, 1947
Test J. W. B. N°14

EASTERN MANOR

A DEVELOPMENT OF
THE EASTERN MANOR REALTY CO.

15TH DISTRICT BALTIMORE COUNTY
JUNE 16, 1947.
SCALE 1" = 50'

HIGHWAYS DEPARTMENT OF
BALTIMORE COUNTY
STREET ALIGNMENT AND LOCATION.

Approved: J. Fred Offutt
ROAD ENGINEER
Date: June 20, 1947

PETITIONER'S
EXHIBIT NO. 8

THOMPSON, GRACE & MAYS, INC.
ENGINEERS - CONTRACTORS
BALTIMORE COUNTY BANK BUILDING
YORK ROAD, TOWSON, MD.

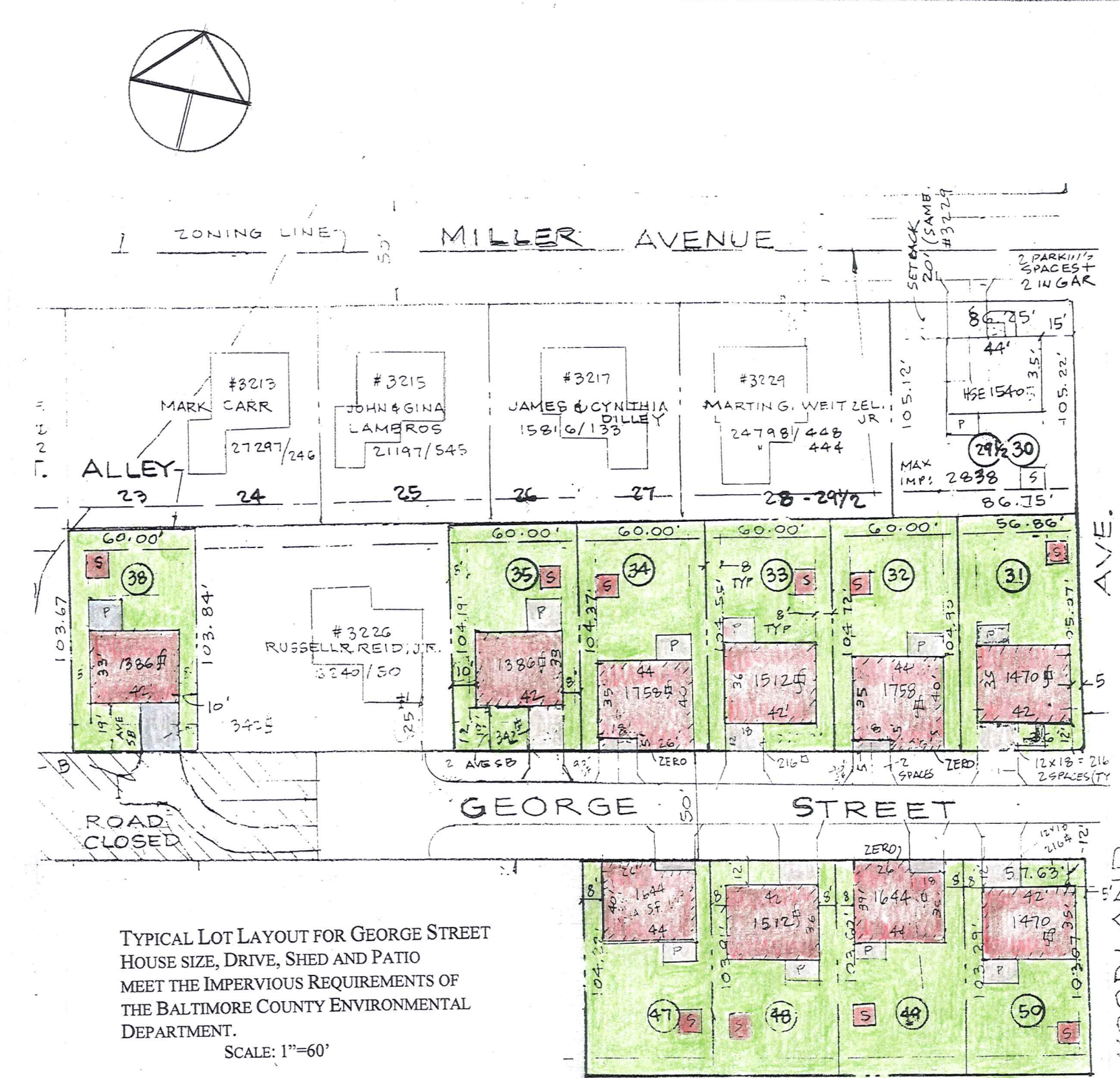
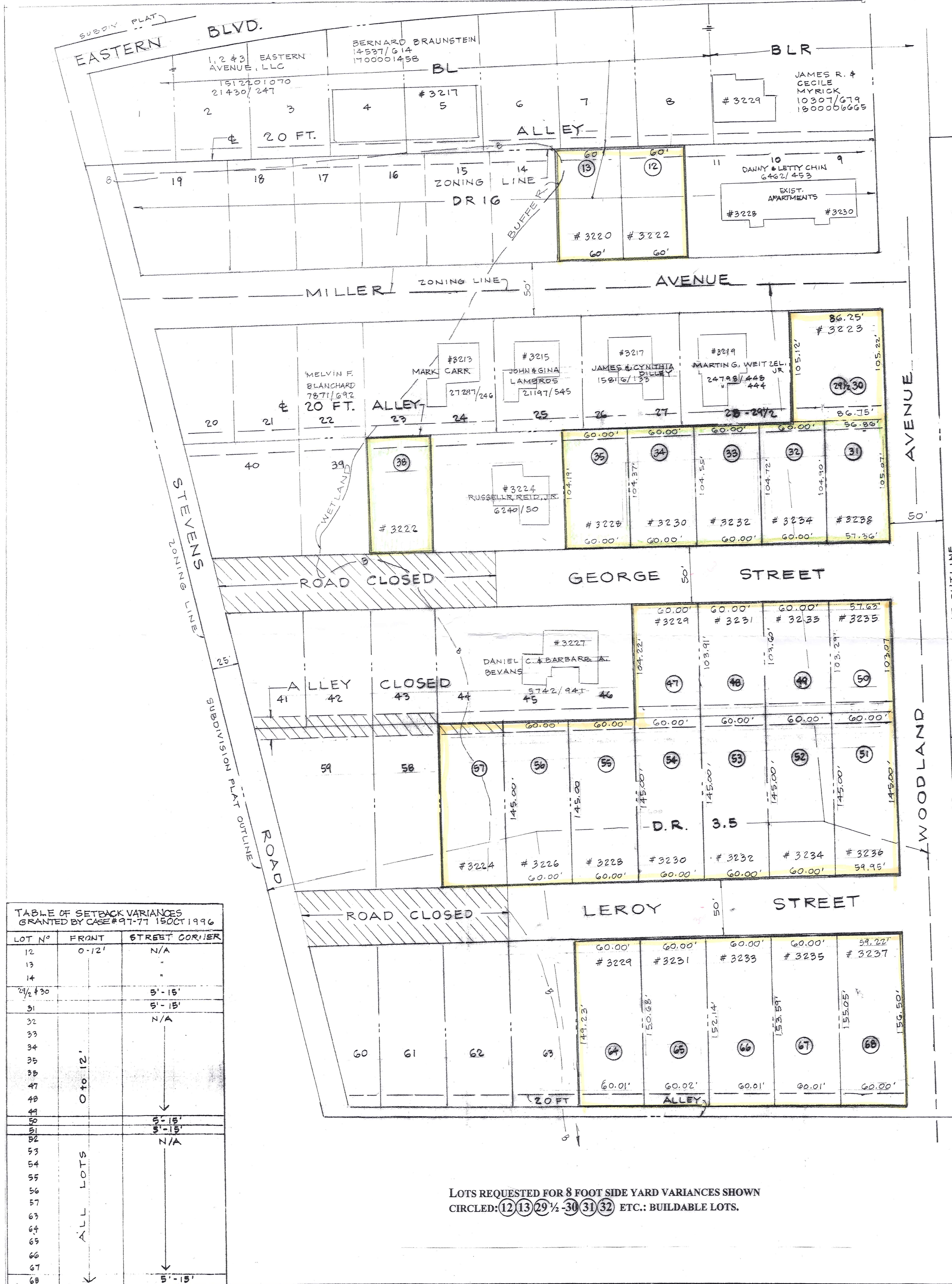
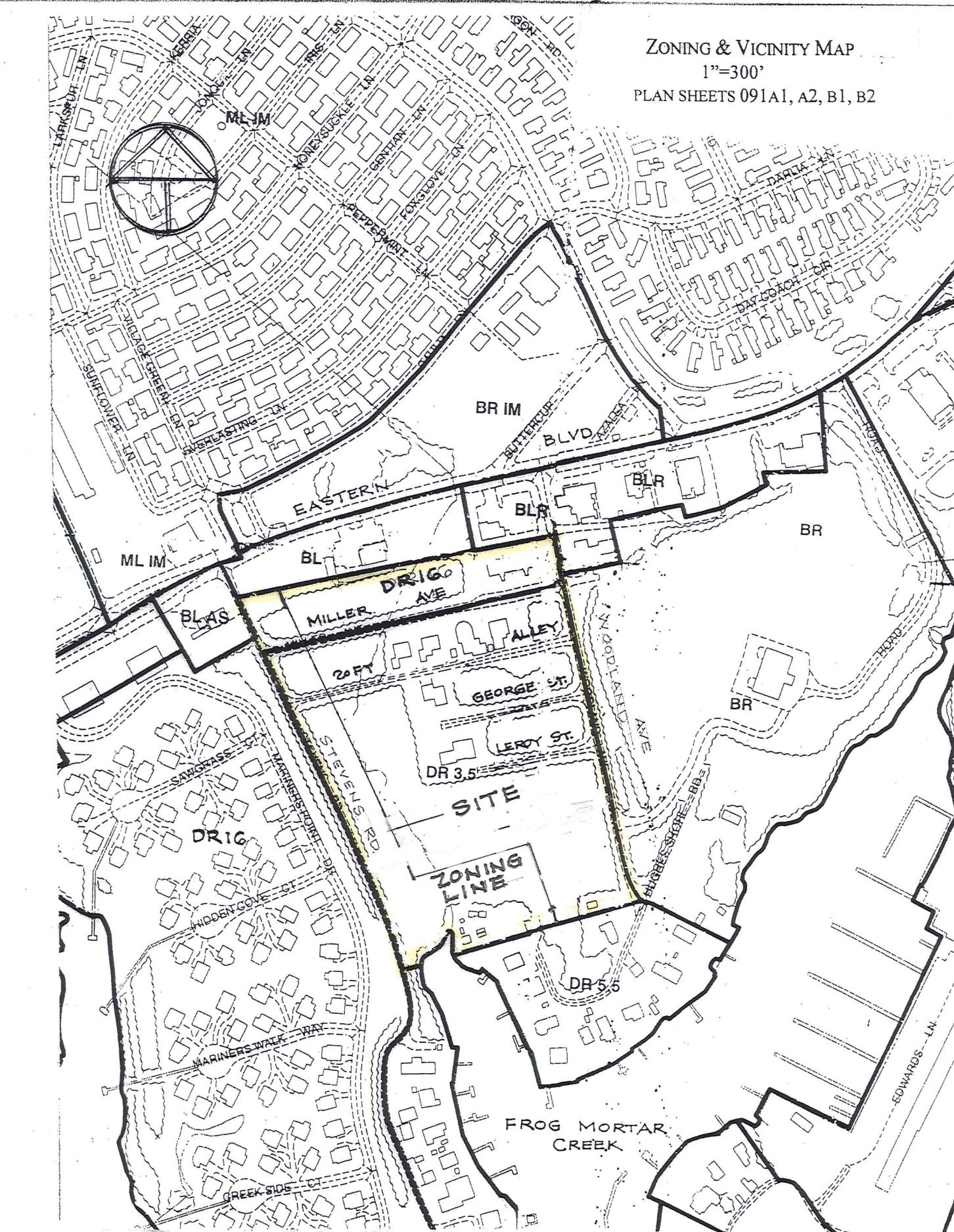


CHART SHOWING PROPOSED SIZE OF HOUSE, DRIVE, WALK, PATIO & SHED TO MEET COUNTY REQUIREMENTS FOR MAXIMUM IMPERVIOUS AREA ON LOTS LESS THAN 8000 S.F.; ALLOWABLE IMPERVIOUS: 25% OF LOT AREA PLUS AN ADDITIONAL 500 S.F.

LOT #	LOT SIZE	ALLOW. IMPERVIOUS 25% OF LOT AREA PLUS 500 S.F.	HOUSE SIZE	PORTION OF DRIVE ON LOT	PATIO 10'x15'	CONG WALK 10'x10'	SHED 10'x10'	TOTAL IMPERVIOUS PROPOSED
31	5985 SF	1996 SF	1470 SF	216 SF	150 SF	54 SF	100 SF	1990 SF
32	6298 "	2072 "	1670 "	90 "				2064 "
33	6276 "	2069 "	1512 "	216 "				2032 "
34	6264 "	2066 "	1670 "	90 "				2064 "
35	6298 "	2065 "	1386 "	342 "				2032 "
36	6222 "	2056 "	1386 "	342 "				2032 "
47	6246 "	2062 "	1644 "	90 "				1938 "
48	6238 "	2057 "	1512 "	216 "				2032 "
49	6210 "	2053 "	1644 "	90 "				2053 "
50	5969 "	1992 "	1470 "	216 "				1992 "

VARIANCES REQUESTED

- 1st Variance:**
 IB01.2.C.1.b for single family detached homes, to provide a side yard set back of eight feet (8 Ft.) in lieu of the fifteen feet (15 Ft) from side of building to the lot line required for all buildable lots located in the D.R. 3.5 zone, for Lots 29 1/2, 30 - 35, 38, 47 - 50, 51 - 56, and 64-68.
- 2nd Variance:**
 IB01.2.C.1.b for single family detached homes to provide a side yard variance of eight feet (8 Ft.) from side building face to paving of a private road of the required twenty-five (25 Ft.) for Lots 30, 31, 50, 51, 57 and 68.
- 3rd Variance:**
 IB01.2.C.1.b for single family detached homes to provide a side yard variance from side building face to side building face of eight feet (8 Ft.) on each side in a D.R. 16 zone in lieu of the required twenty feet (20 Ft.) for Lots 12 and 13.

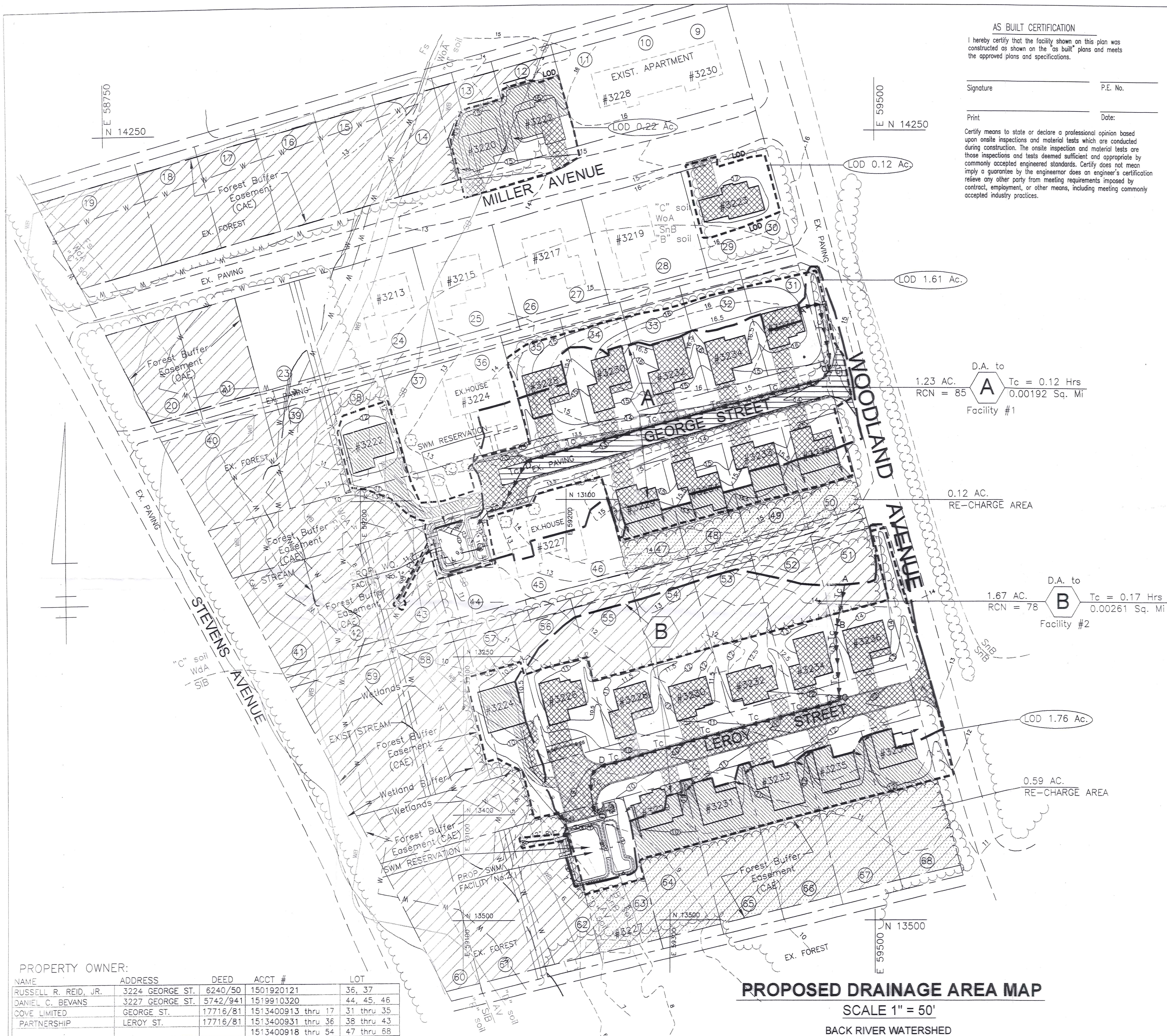


- NOTE:**
- OWNER:
COVE LIMITED PARTNERSHIP
12116 ARBIE ROAD.
SILVER SPRING, MD 20904-2801
LIBER 17716, FOLIO 81
TAX MAP 91, PARCEL 263, GRID 8
ACCOUNT #2000011791
 - PUBLIC WATER & SEWER WILL SERVE THE APPROVED BUILDABLE LOTS.
 - EXISTING ZONING: D.R. 16 & D.R. 3.5.
 - ZONING HISTORY: PETITION FOR VARIANCES GRANTED BY CASE NO. 97-77-A, DATED 15TH OCTOBER, 1996; TO PERMIT A FRONT YARD SETBACK OF BETWEEN 0 TO 12 FEET FOR LOTS 12 TO 19, ZONED D.R. 16, AND FOR LOTS 20 TO 68, ZONED D.R. 3.5 (NOW ZONED D.R. 3.5); A SIDE BUILDING FACE TO PUBLIC STREET RIGHT-OF-WAY SETBACK BETWEEN 5 AND 15 FEET FOR LOTS 30 & 29 1/2, LOTS 31, 50, 51, & 68 WHICH WAS GRANTED 5 FEET TO 15 FEET.
 - VARIANCE REQUESTED FOR SIDE YARDS OF 8 FEET IN LIEU OF THE REQUIRED 10 FEET ON ALL BUILDABLE LOTS IN THE D.R. 3.5 ZONE AND THE D.R. 16 ZONE.
 - AREA OF THE PROPERTY REZONED FROM D.R. 5.5 TO D.R. 3.5 ZONE: 11 ACRES +/- TIMES 3.5 = 38 LOTS ALLOWED, 25 LOTS PROPOSED. FRONT YARD VARIANCES TO REMAIN UNCHANGED AS GRANTED IN THE ABOVE CASE NO. 97-77-A.
 - THE SUBJECT PROPERTY IS NOT IN A FLOOD ZONE. SEE FLOOD INSURANCE RATE MAP COMMUNITY PANEL 240010 0290B.
 - THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND E.A.W.
 - A TITLE REPORT WAS NOT FURNISHED FOR THIS PLAT.

PLAT TO ACCOMPANY A REQUEST FOR A VARIANCE ON CERTAIN LOTS IN "THE COVE" (formerly Eastern Manor Subdivision)
 15TH ELECTION DISTRICT
 COUNCILMANIC DISTRICT NO. 6
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1"=50'

NOVEMBER 5, 2009
 Prepared by:
 H. Malmud & Associates
 12018 Ridge Valley Drive
 Owings Mills, Maryland 21117
 Telephone 410 308-0442

PETITIONER'S
 EXHIBIT NO. 1



CONTRACTORS "AS-BUILT" NOTE

As-built plans and certification are required for this stormwater management facility. These must be prepared and sealed by a Registered Professional Engineer. Baltimore County will not perform the inspection or prepare the as-built plans or certification. The Stormwater Management Permit Security will not be released until the as-built plan and certification are approved by Baltimore County.

In order to prepare the required as-built plans and certification, this stormwater management facility must be inspected by the engineer at specific stages during construction as required by the current Baltimore County Stormwater Management Policy and Design Manual. The contractor shall notify the engineer at least five (5) working days prior to starting any work shown on these plans.

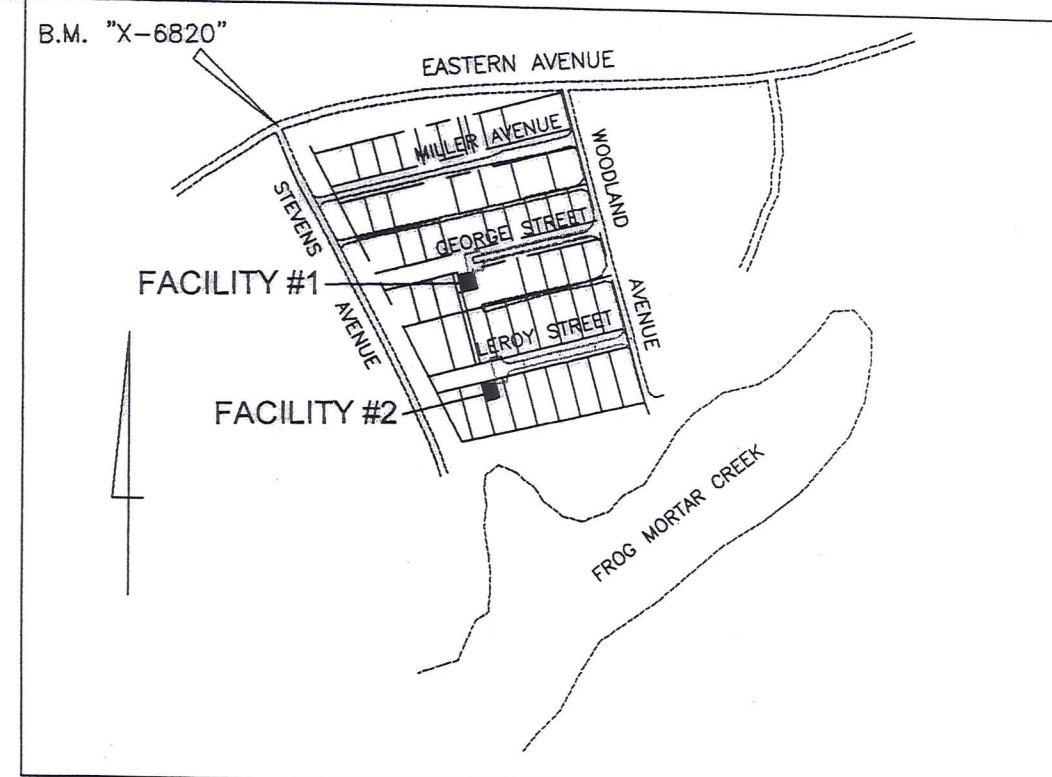
DEVELOPERS/LANDOWNERS CERTIFICATION

I/We certify that all proposed work shown on these construction drawing(s) and on the approved sediment control drawing(s) will be accomplished pursuant to these plans. I/We also understand that it is my/our responsibility to have the construction supervised and certified, including the submittal of "as-built" plans, by a Registered Professional Engineer within 30 days of completion.

John R. Childress 1/15/09
Signed: _____ Date: _____
The _____, Limited Partnership
ENGINEER'S CERTIFICATION

I hereby certify that this stormwater management plan has been prepared by me or under my supervision and meets the minimum standards of the Baltimore County Department of Public Works and/or the Maryland Department of Natural Resources/Water Resources Administration.

R. Alonzo Childress 1/15/09
Signature (R. Alonzo Childress) _____ Date: _____



VICINITY MAP

SCALE 1" = 500'

BENCH MARK

HUB NO. X-6820 ELEV. 16.44
GAL. SPIKE IN PAVING APPROX. 6' EASTERN AVENUE
88' EAST OF EAST END OF MEDIAN STRIP.

LEGEND

Facility #1- Site Area (Limit of Disturbance) - 84,971 SF. (1.950 ac)

- Drainage Area-(LOD)-Sheet Flow to Buffer- 5,727 SF. (0.131ac)
- Existing Paving to Remain - Redevelopment - 5,722 SF. (0.130 ac)
- New Impervious - 24,550 SF. (0.564 ac)
- Lawn (within LOD) - 48,972 SF.
- Recharge Area = 0.12 Ac.

Facility #2- Site Area (Limit of Disturbance) - 76,492 SF. (1.756 ac)

- Drainage Area-(LOD)-Sheet Flow to Buffer- 14,869 SF. (0.341 ac)
- Existing Paving to Remain - Redevelopment - 0 SF.
- New Impervious- 25,308 SF.
- Lawn (Within LOD.) - 36,315 SF.
- Recharge Area = 0.56 Ac.

- Existing Trees
- Existing Woods
- Existing Contours
- Forest Buffer Easement
- W - Existing Wetlands
- Existing Stream
- Proposed Contours
- Existing Soils
- Tc - Time of Concentration
- Limit of Disturbance
- Drainage Area Divide
- Proposed Building
- Spot Elevation

BALTIMORE COUNTY SOIL CONSERVATION DISTRICT APPROVED
FOR STORMWATER MANAGEMENT

R.A. Keith 3-6-09 056-3865-09 - Facility 1
DISTRICT OFFICIAL DATE PLAN NUMBER
TECHNICAL REVIEW FOR DISTRICT

BY *R.A. Keith* 3-6-09
BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT DATE 3/6/09

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
& RESOURCE MANAGEMENT

APPROVED *R.A. Keith* 3-6-09
STORMWATER MANAGEMENT ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT 3/6/09

PETITIONER'S

EXHIBIT NO. 9

CONTRACT NO.

JOB ORDER NO.

SHEET 1 OF 5

DWG. NO.

2007-0629

FILE:

PROPERTY OWNER:

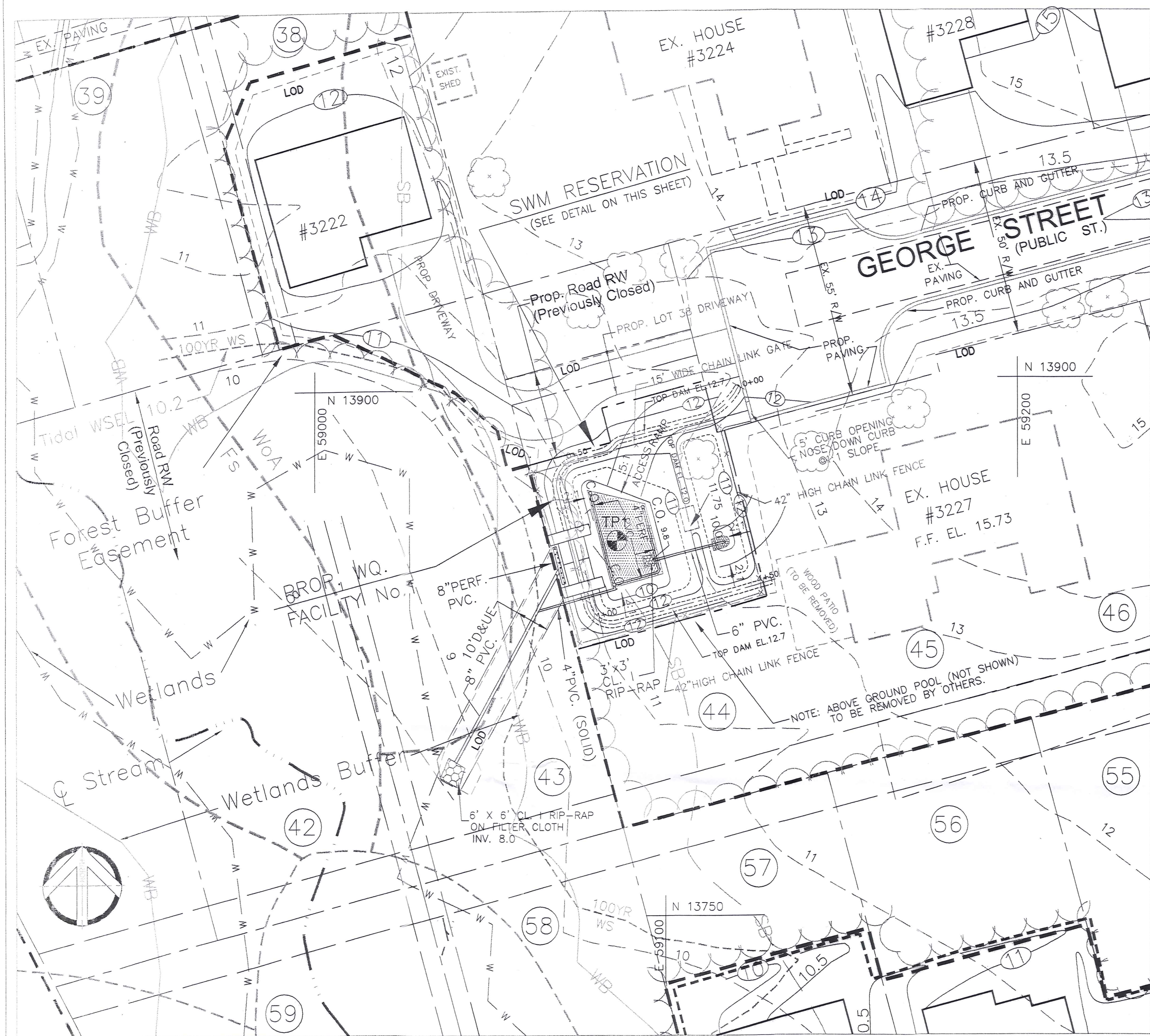
NAME	ADDRESS	DEED	ACCT #	LOT
RUSSELL R. REID, JR.	3224 GEORGE ST.	6240/50	1501920121	36, 37
DANIEL C. BEVANS	3227 GEORGE ST.	5742/941	1519910320	44, 45, 46
COVE LIMITED	GEORGE ST.	17716/81	1513400913 thru 17	31 thru 35
PARTNERSHIP	LEROI ST.	17716/81	1513400931 thru 36	38 thru 43
			1513400918 thru 54	47 thru 68



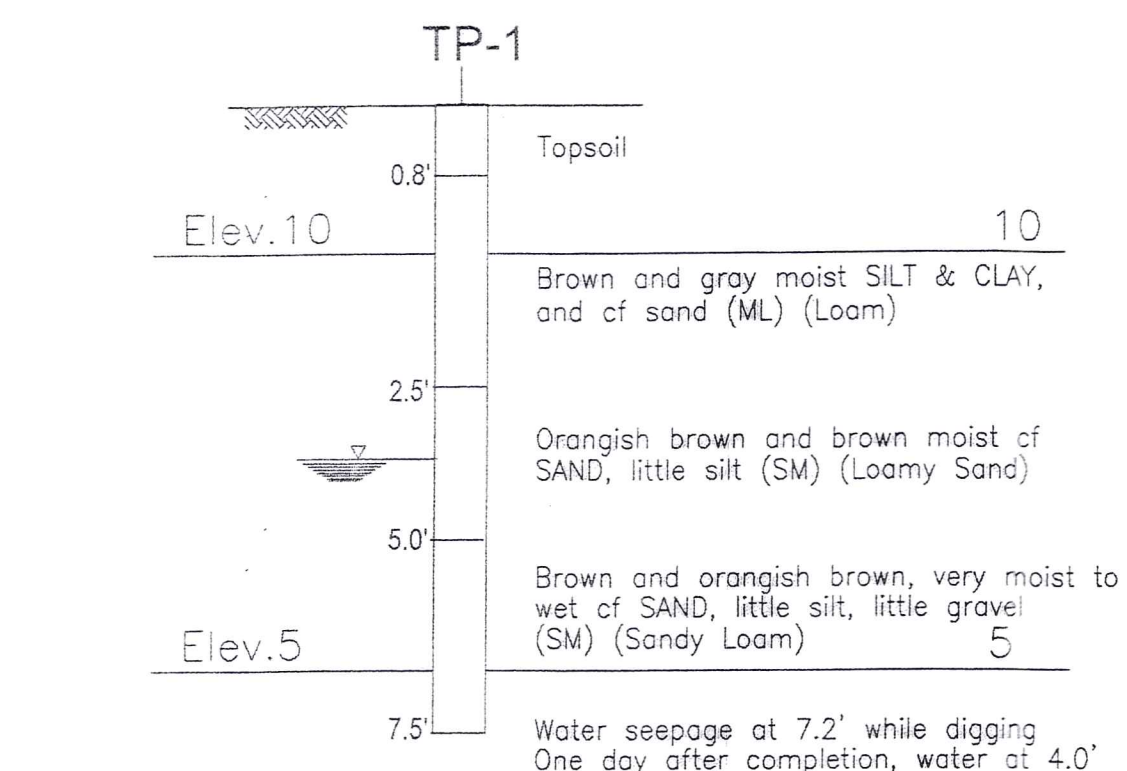
ROAD PERMIT AND GRADES	REVISED AS PER RECORD PRINT	DATE	REVISION	BY	P. W. A. DIR. NO.	KEY SHEET	SCALE
PERMIT REQUESTED	DRAFTSMAN	DATE				I-NE	PLAN: AS SHOWN
PERMIT NUMBER						RIGHT OF WAY	POSITION SHEET
PROFILE NUMBER						15 NE 40	PROFILE: HOR. AS SHOWN VERT. AS SHOWN
R.A. CHILDRESS & ASSOCIATES, INC.	DESIGNED RAC	BUREAU OF ENGINEERING AND CONSTRUCTION	HIGHWAYS	STRUCTURES	STORM DRAINS	SEWER	WATER
ENGINEER R. ALONZO CHILDRESS	DRAWN RAC	REVIEWED					FIELD ENGINEER
DATE 1-15-09 LIC. NO. 10227	CHECKED RAC	DATE					BUR. OF ENGINEERING & CONSTRUCTION
							DEPARTMENT OF RECREATION & PARKS
							BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION
							Stormwater Management
							PROPOSED DRAINAGE AREA MAP
							APPROVED _____ CHIEF
							APPROVED _____ DIRECTOR
							DATE _____
							DATE _____
							SUBDIVISION: EASTERN MANOR
							EL. DISTRICT NO. 15 C5

THE COORDINATES ARE BASED ON THE BALTIMORE COUNTY COORDINATE GRID SYSTEM.

PROPOSED DRAINAGE AREA MAP



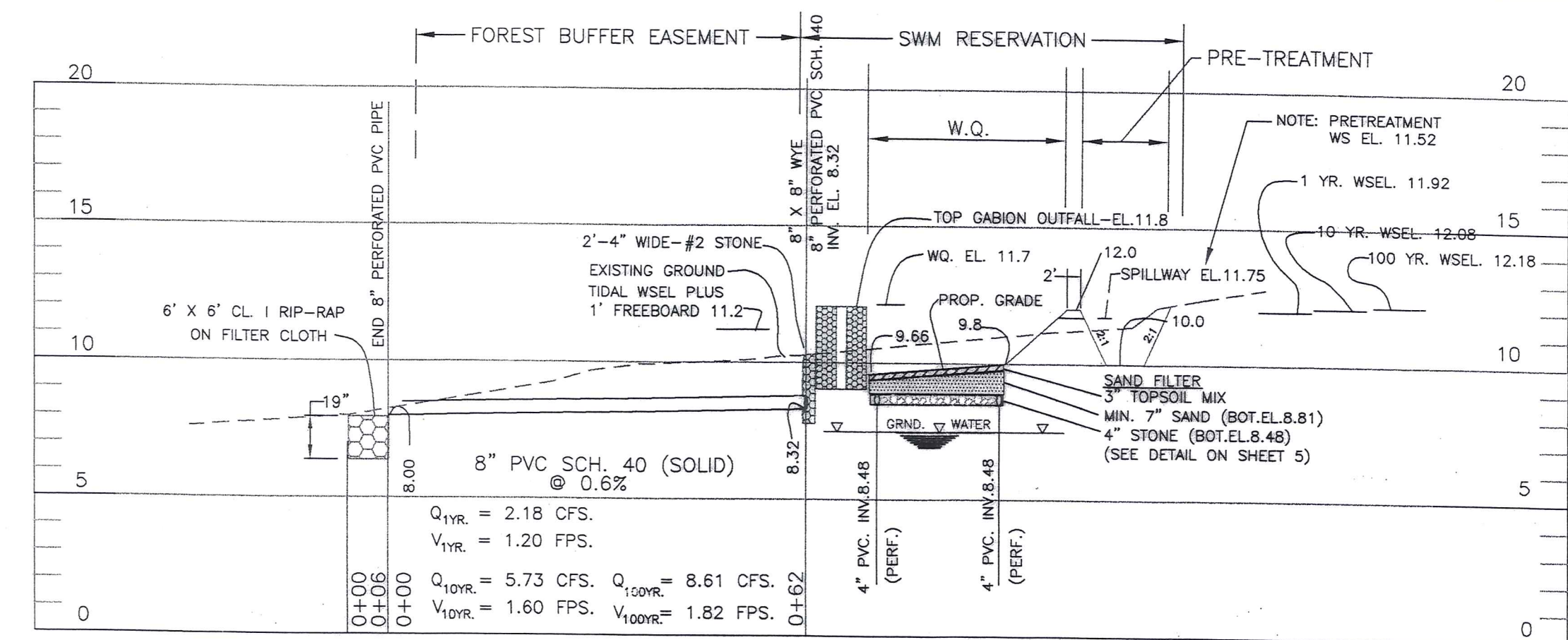
PLAN VIEW - FACILITY #1
SCALE 1" = 20'



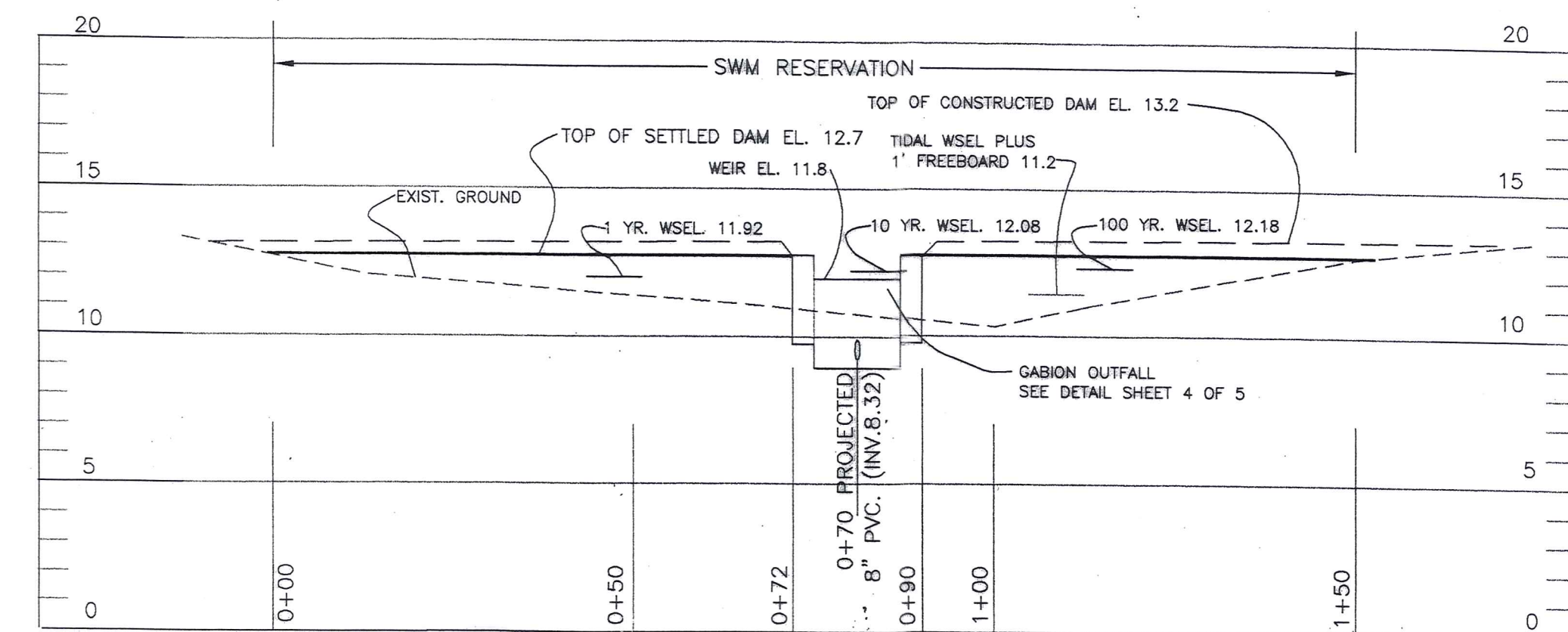
SOIL BORING (TEST PIT) PROFILE
SWM FACILITY #1

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
& RESOURCE MANAGEMENT
APPROVED: *P. A. Smith* 3-6-09
STORMWATER MANAGEMENT ENVIRONMENTAL
PROTECTION & RESOURCE MANAGEMENT
3/6/09

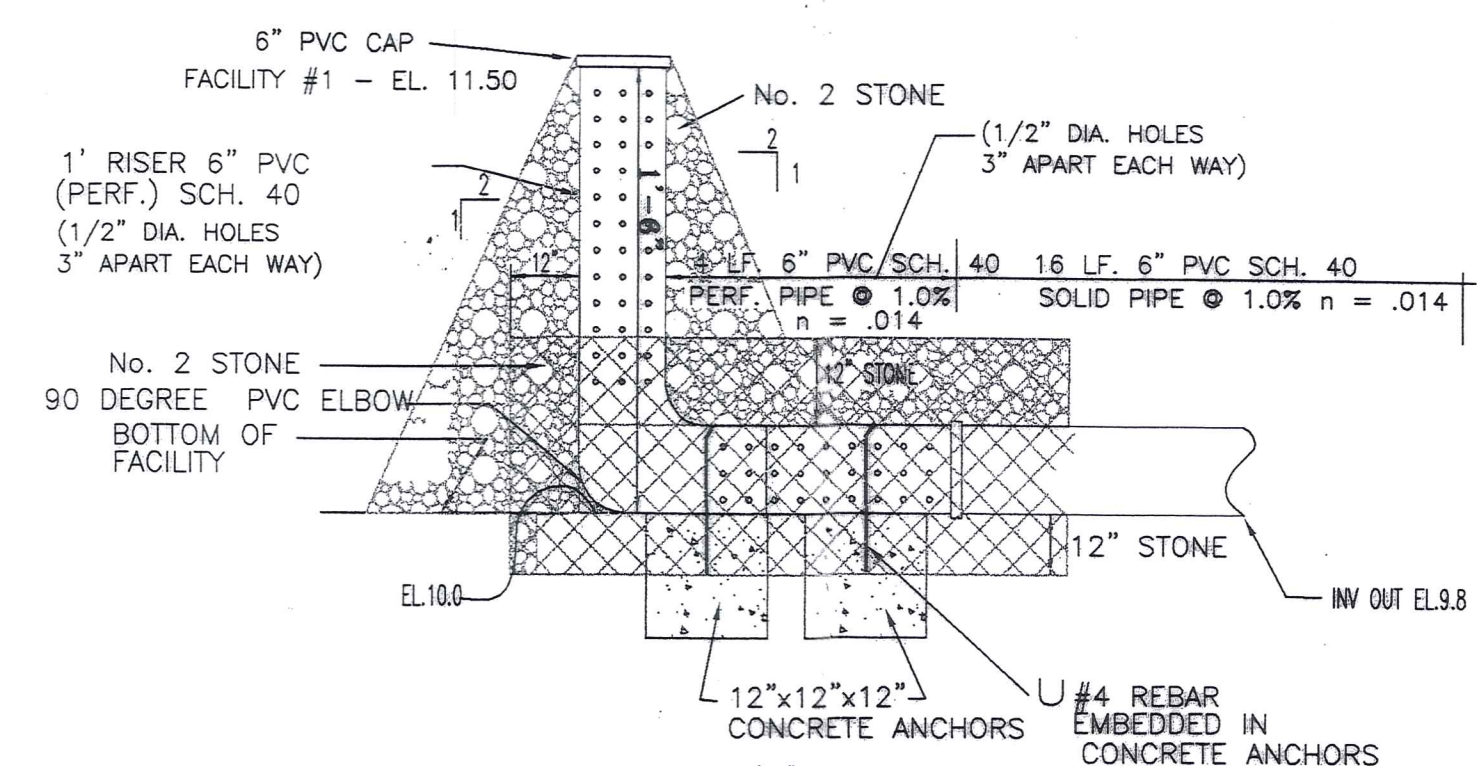
- LEGEND**
- Existing Trees
 - Existing Woods
 - Existing Contours
 - Forest Buffer Easement
 - Existing Wetlands
 - Existing Stream
 - Proposed Contours
 - Proposed Building
 - Spot Elevation
 - Proposed Storm Drain
 - 100 Yr. WS (Tidal)
 - Sand Filter
 - SWM Soil Boring (or Test Pit)



PRINCIPAL SPILLWAY PROFILE - FACILITY #1
SCALE: H=1"=20'
V=1"=5'

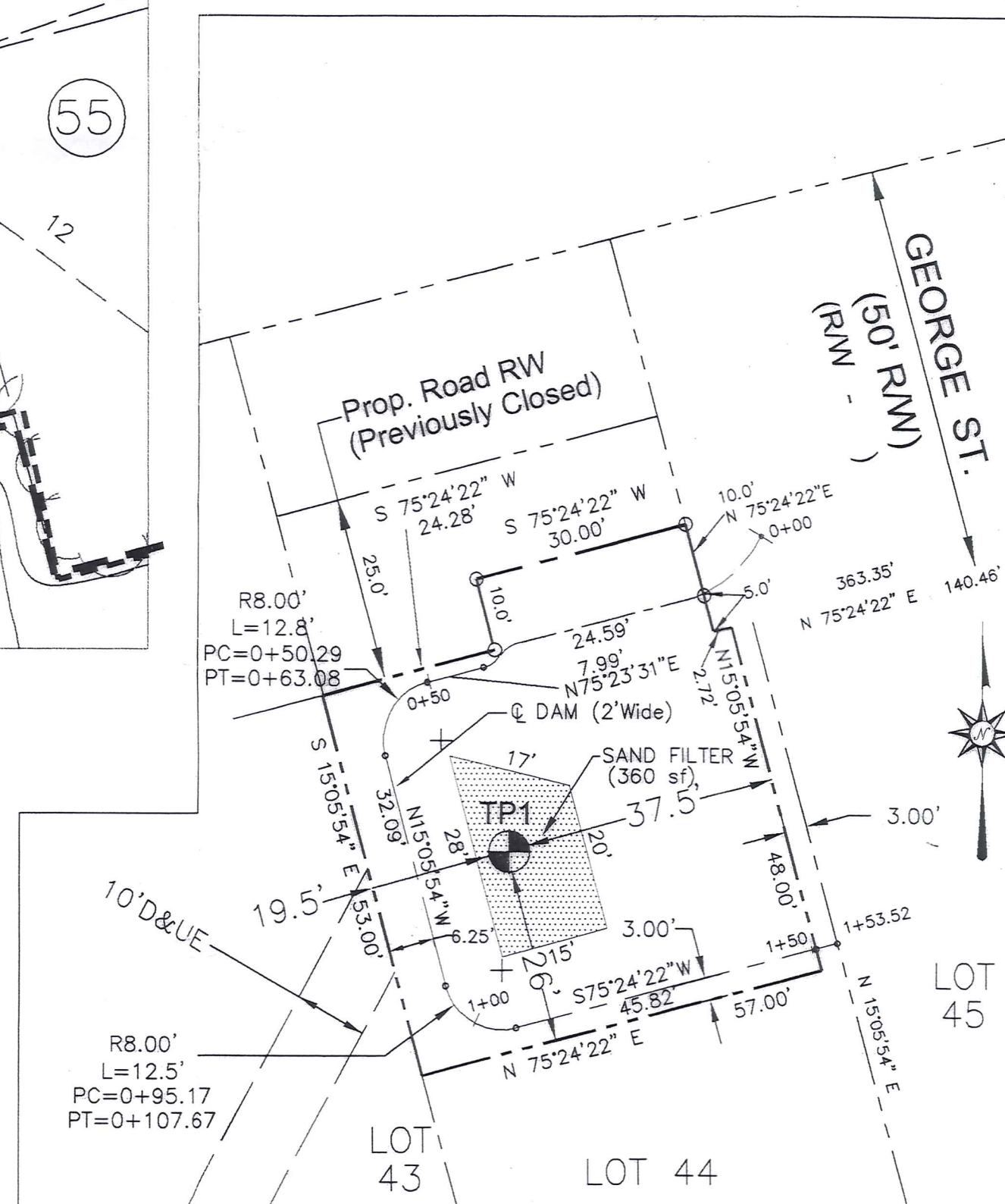


TOP OF DAM PROFILE - FACILITY #1
SCALE: H=1"=20'
V=1"=5'



SECTION

FORE-BAY DRAW-DOWN PIPE FACILITY #1
NOT TO SCALE

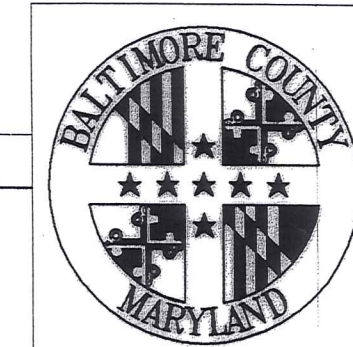


SAND FILTER PLAN & SWM RESERVATION #1
SCALE 1" = 20'

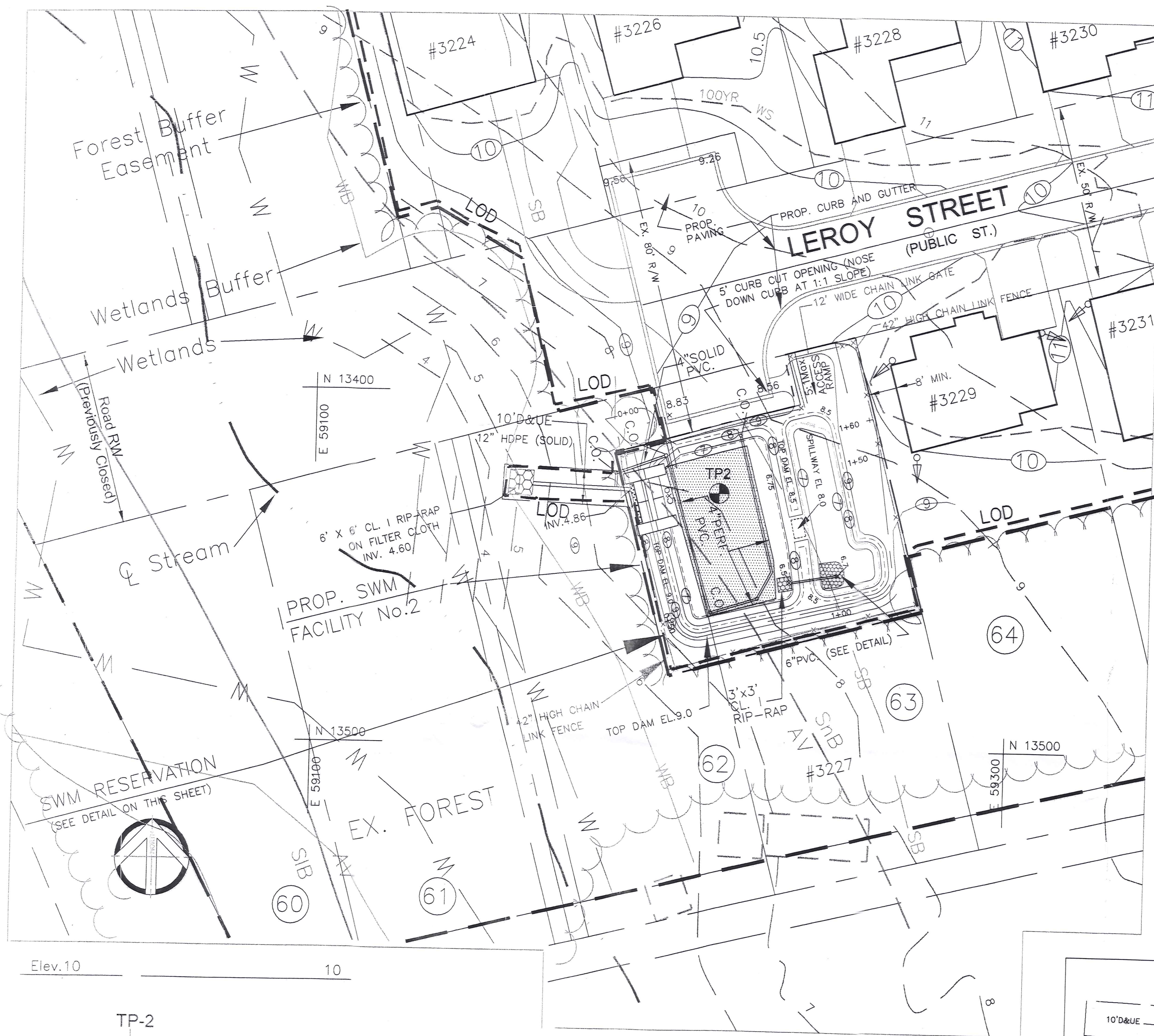
(RESERV. AREA = 3,308sf 0.076ac.±)

THE COORDINATES ARE BASED ON THE BALTIMORE COUNTY COORDINATE GRID SYSTEM.

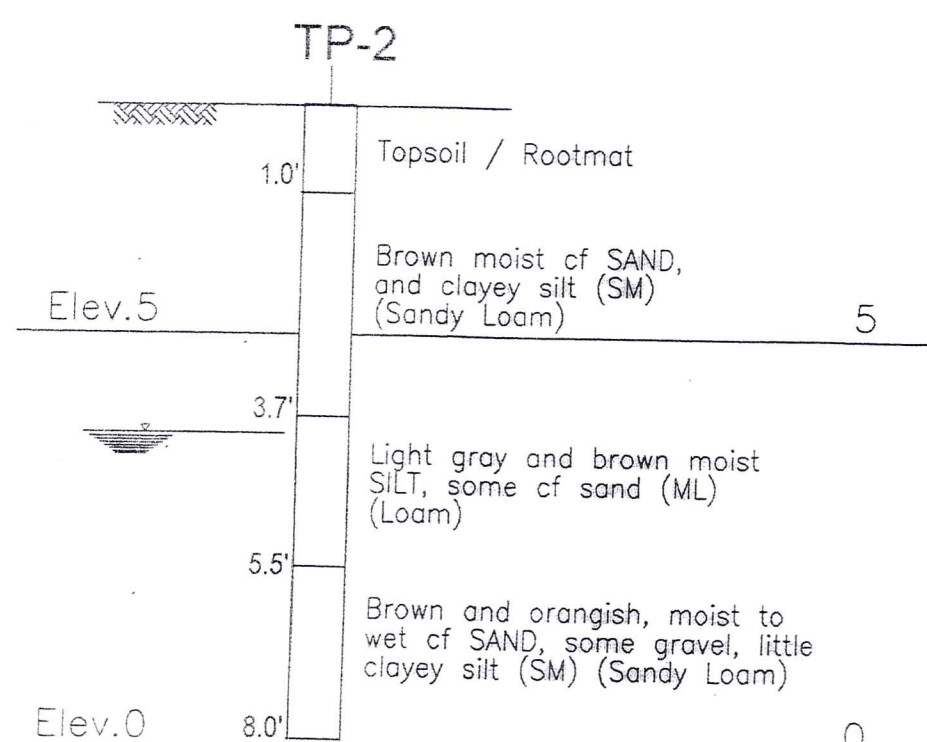
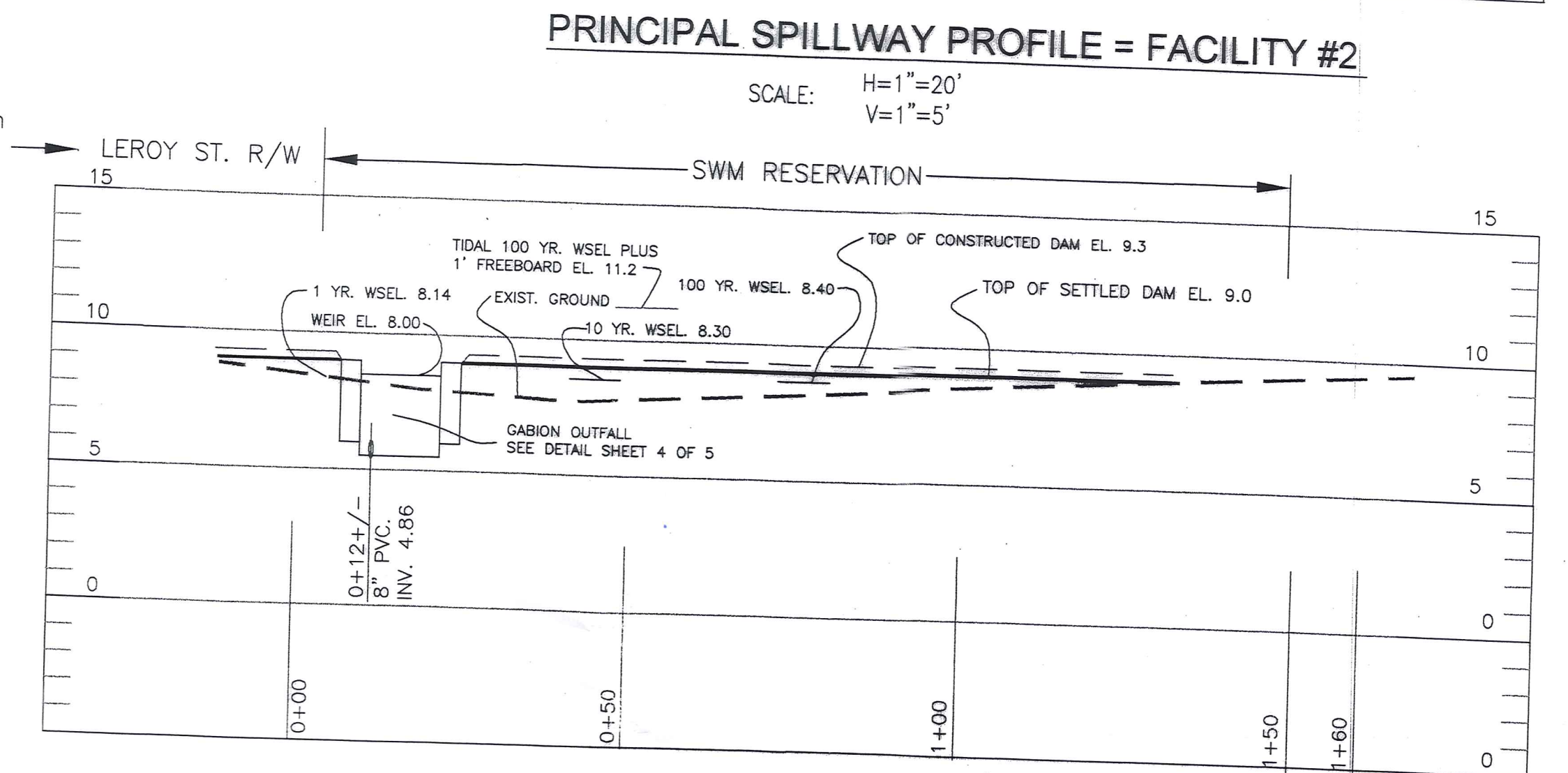
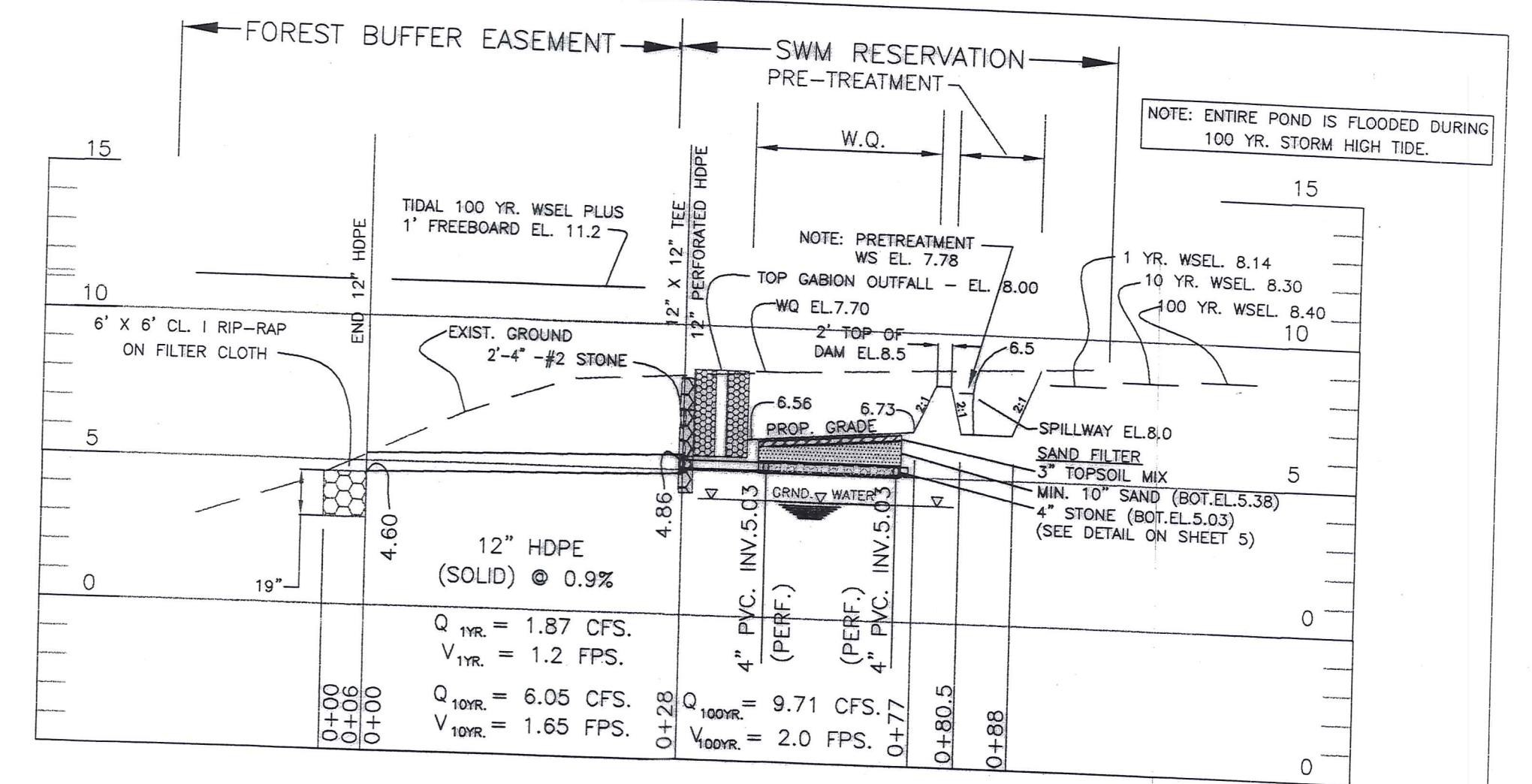
THIS PLAN IS SEALED AND CERTIFIED AS BEING IN ACCORDANCE WITH THE APPROVED DEVELOPMENT PLAN. 	ROAD PERMIT AND GRADES	REVISED AS PER RECORD PRINT	DATE	REVISION	BY	P. W. A. DIR. NO.	KEY SHEET	SCALE
	PERMIT REQUESTED	DRAFTSMAN	DATE				I-NE	PLAN: AS SHOWN
	PERMIT NUMBER						POSITION SHEET	HOR. AS SHOWN
	GRADE ESTABLISHED						15 NE 40	VERT. AS SHOWN
R.A. CHILDRESS & ASSOCIATES, INC. ENGINEER: R. ALONZO CHILDRESS DATE: 1-15-09, LIC. NO. 10227	DESIGNED: RAC	BUREAU OF ENGINEERING AND CONSTRUCTION	HIGHWAYS	STRUCTURES	STORM DRAINS	SEWER	WATER	FIELD ENGINEER
	DRAWN: REC	REVIEWED						BUR. OF ENGINEERING & CONSTRUCTION
	CHECKED: RAC	DATE						DEPARTMENT OF RECREATION & PARKS
								BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION
APPROVED: <i>[Signature]</i> DATE:	Stormwater Management							
	PLAN - FACILITY #1							
	SUBDIVISION: EASTERN MANOR							
	EL. DISTRICT NO. 15 C5							



CONTRACT NO.
JOB ORDER NO.
SHEET 2 OF 5
DWG. NO.
2007-0630
FILE:



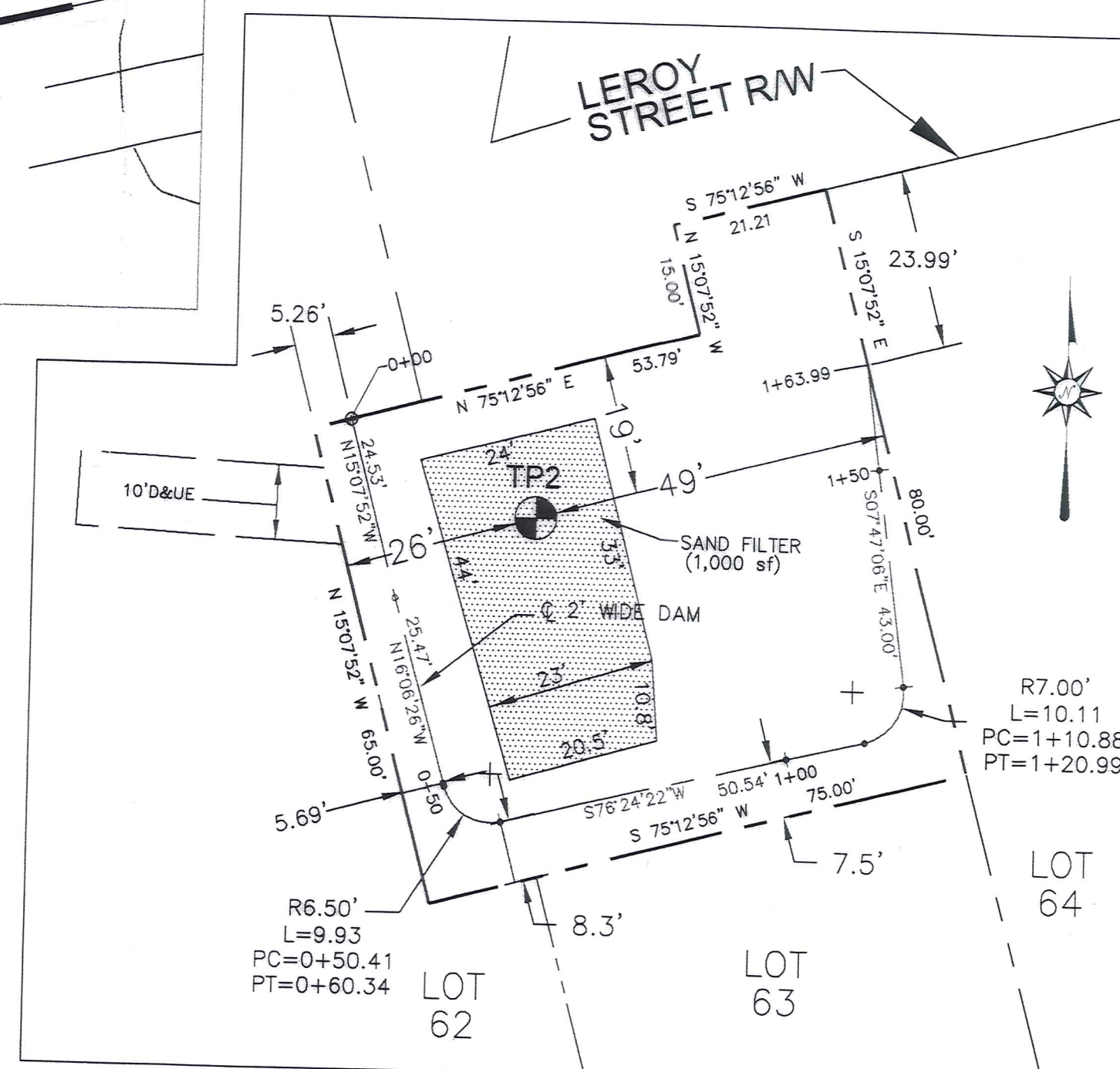
- LEGEND**
- Existing Trees
 - Existing Woods
 - Existing Contours
 - Forest Buffer Easement
 - Existing Wetlands
 - Existing Stream
 - Proposed Contours
 - Proposed Building
 - Spot Elevation
 - Proposed Storm Drain
 - 100 Yr. WS (Tidal)
 - Sand Filter
 - SWM Soil Boring (or Test Pit)



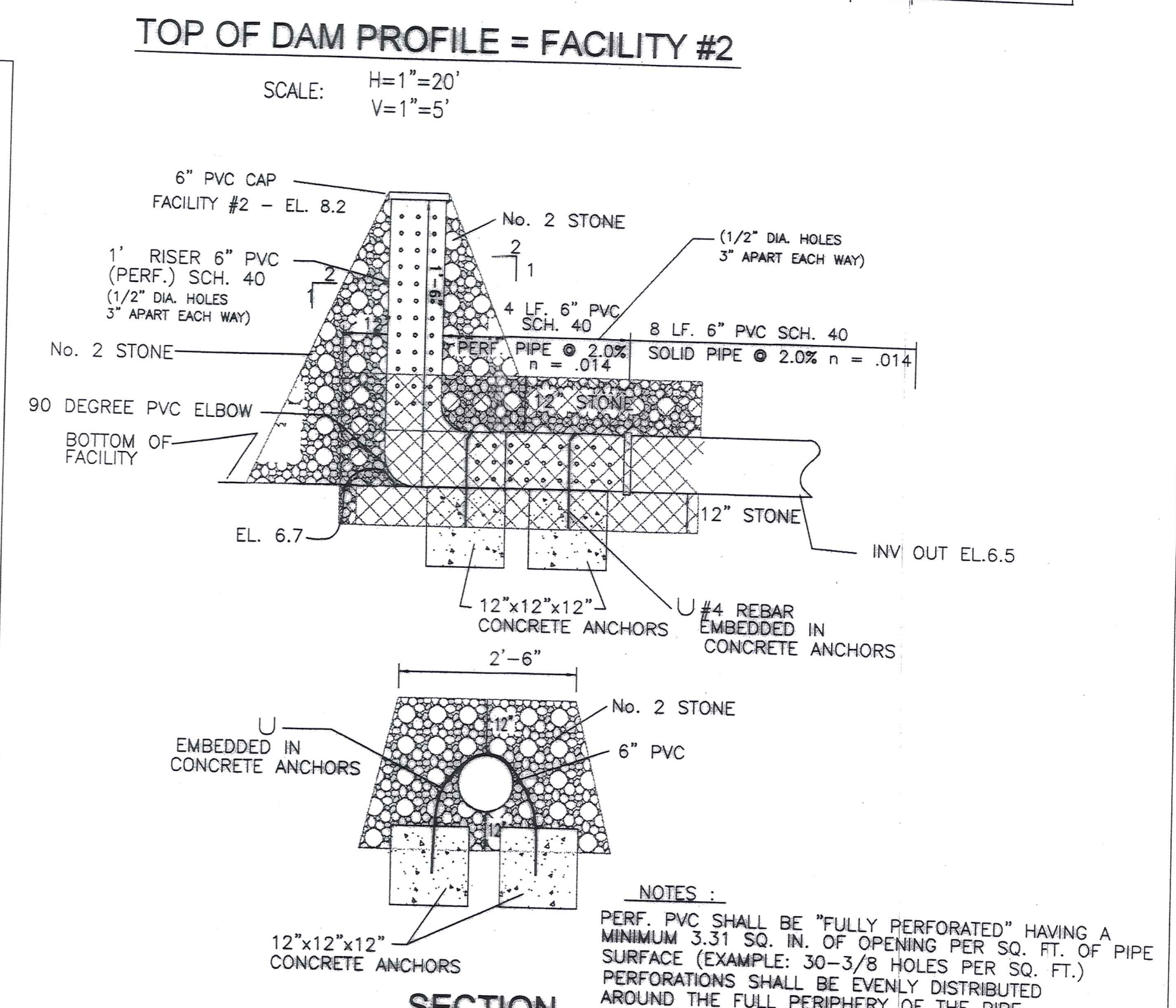
SOIL BORING (TEST PIT) PROFILE
SWM FACILITY #2

PLAN VIEW - FACILITY #2
SCALE 1" = 20'

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
& RESOURCE MANAGEMENT
APPROVED: *R.A. Childress* 3-6-09
STORMWATER MANAGEMENT ENVIRONMENTAL
PROTECTION & RESOURCE MANAGEMENT *EMH* 3/6/09



SAND FILTER PLAN & SWM RESERVATION #2
SCALE 1" = 20'
(RESERV. AREA = 5,195sf 0.119ac)

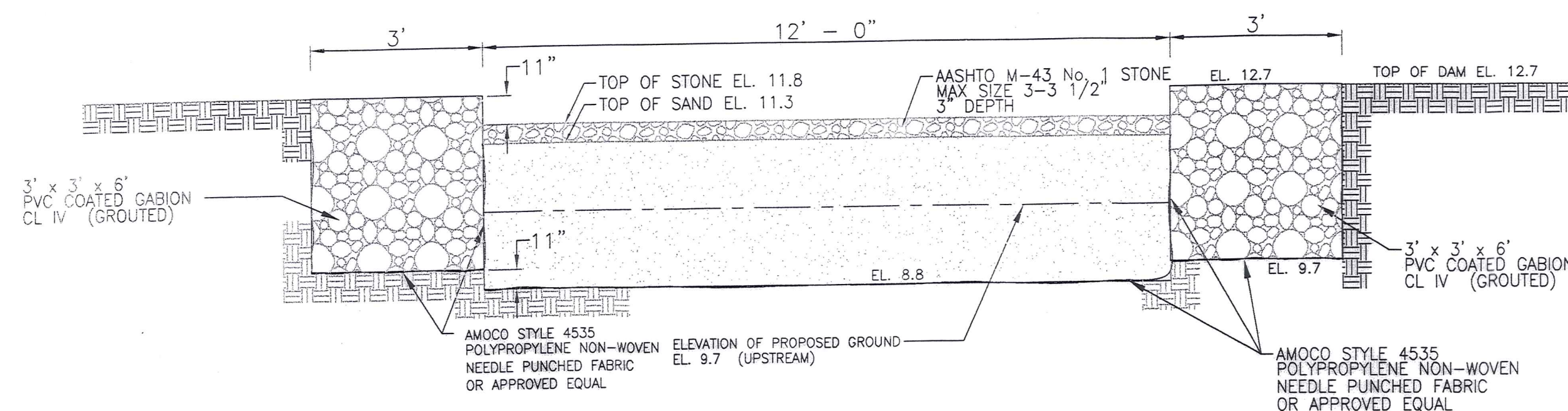


SECTION FORE-BAY DRAW-DOWN PIPE FACILITY #2
NOT TO SCALE

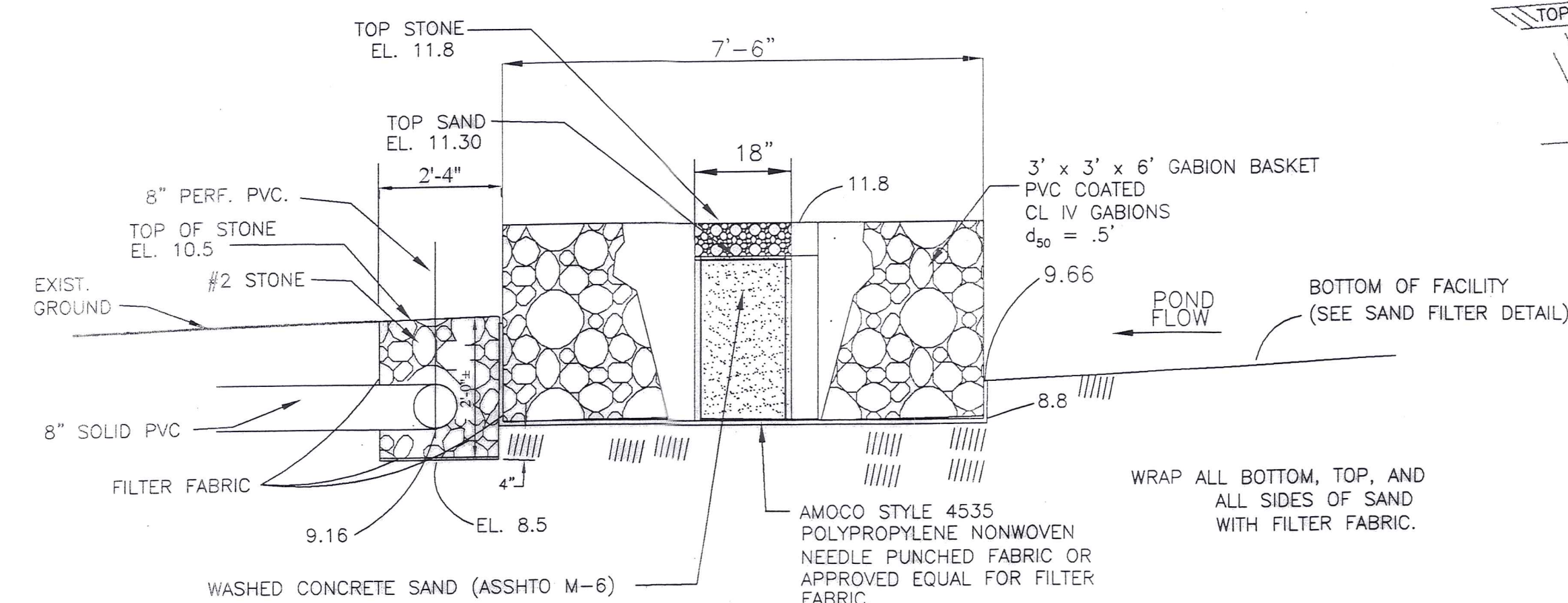
ROAD PERMIT AND GRADES	REVISED AS PER RECORD PRINT	DATE	REVISION	BY	P. W. A. DIR. NO.	KEY SHEET	SCALE
PERMIT REQUESTED	DRAFTSMAN	DATE				1-NE	PLAN: AS SHOWN
PERMIT NUMBER						POSITION SHEET	PROFILE: HOR. AS SHOWN
GRADE ESTABLISHED						15 NE 40	VERT. AS SHOWN
PROFILE NUMBER							
R.A. CHILDRESS & ASSOCIATES, INC.	DESIGNED RAC	BUREAU OF ENGINEERING AND CONSTRUCTION	HIGHWAYS	STRUCTURES	STORM DRAINS	SEWER	WATER
ENGINEER R. ALONZO CHILDRESS	DRAWN RAC	REVIEWED					FIELD ENGINEER
DATE 1-15-09 LIC. NO. 10227	CHECKED RAC	DATE					BUR. OF ENGINEERING & CONSTRUCTION
							DEPARTMENT OF RECREATION & PARKS
							BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION
							Stormwater Management
							PLAN - FACILITY #2
							SUBDIVISION: EASTERN MANOR
							EL. DISTRICT NO. 15 C5

THE COORDINATES ARE BASED ON THE BALTIMORE COUNTY COORDINATE GRID SYSTEM.

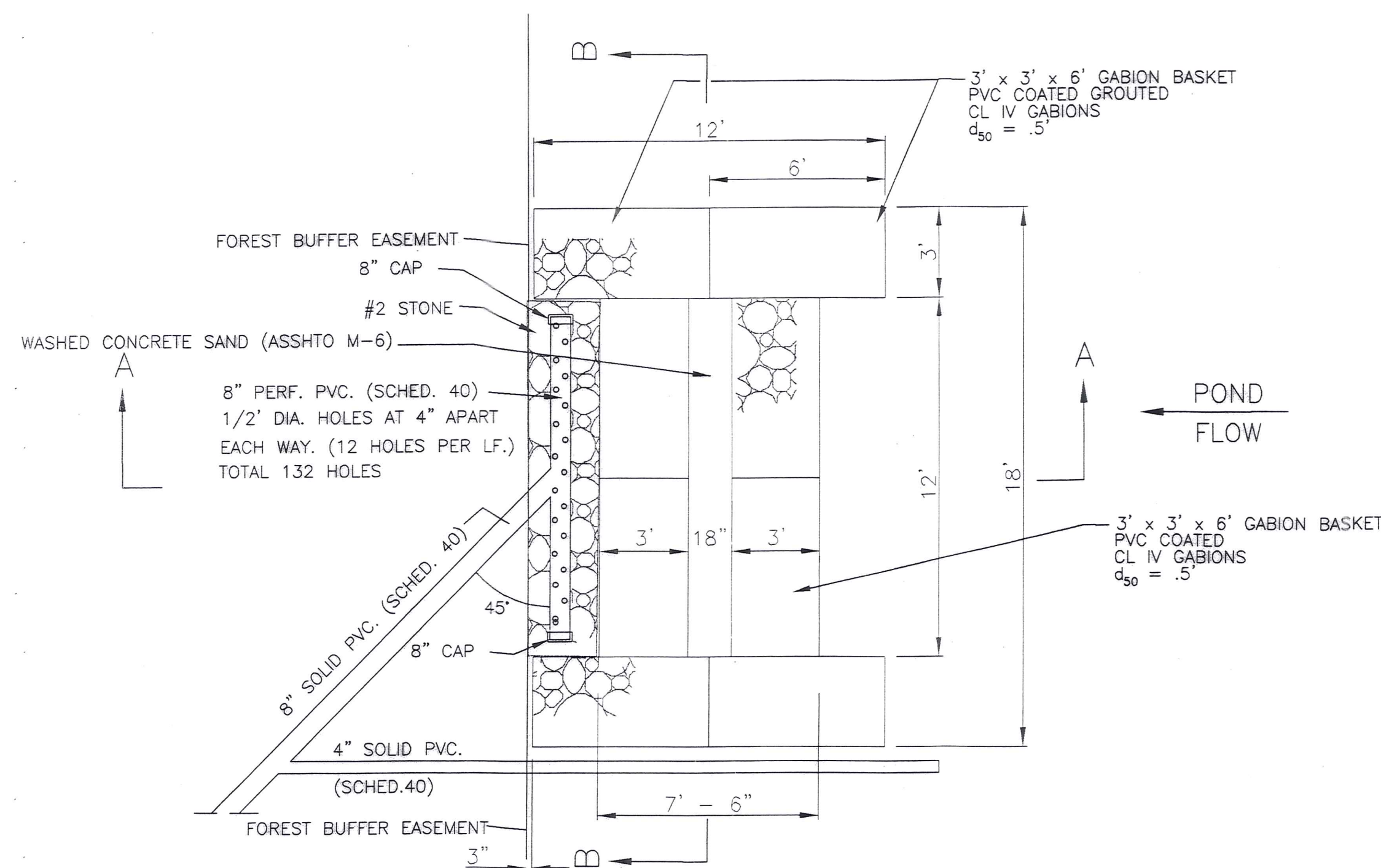
BALTIMORE COUNTY
SHEET 3 OF 5
DWG. NO.
2007-0631
FILE:



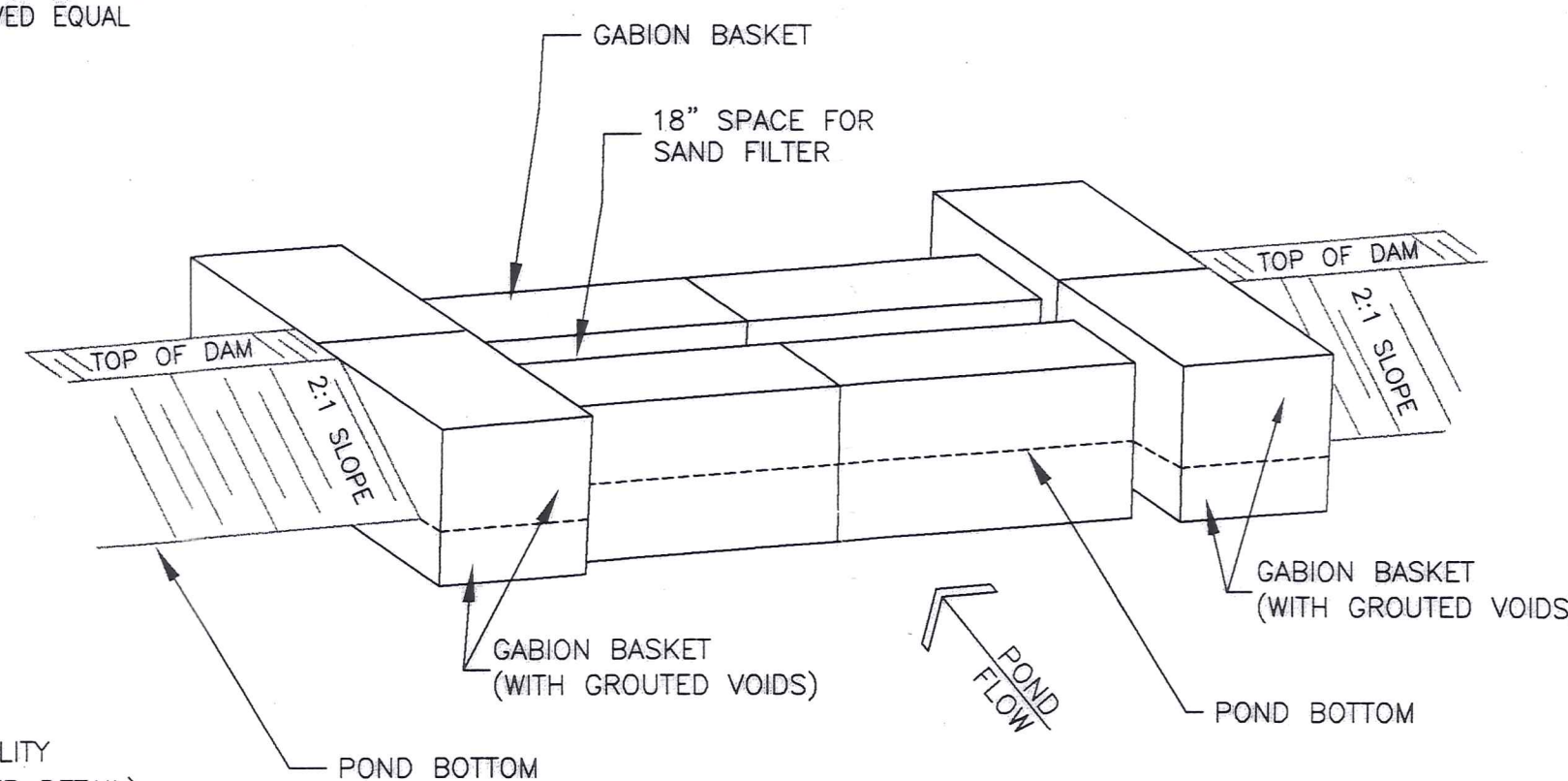
SECTION B - B
GABION OUTFALL- FACILITY #1
NOT TO SCALE



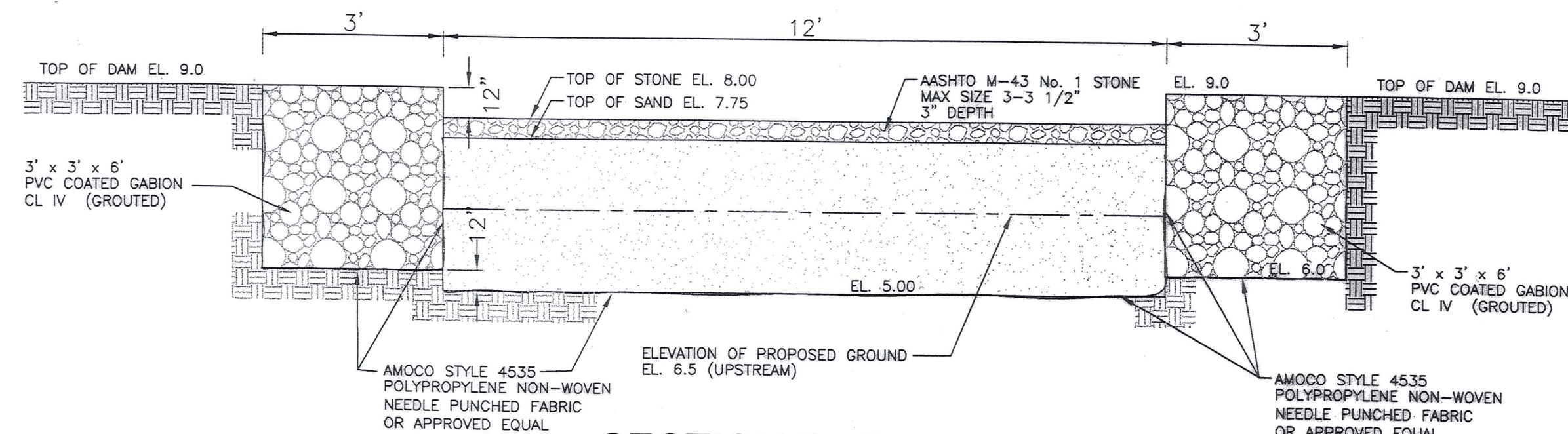
SECTION A - A
GABION OUTFALL- FACILITY #1
SCALE: 1" = 2'



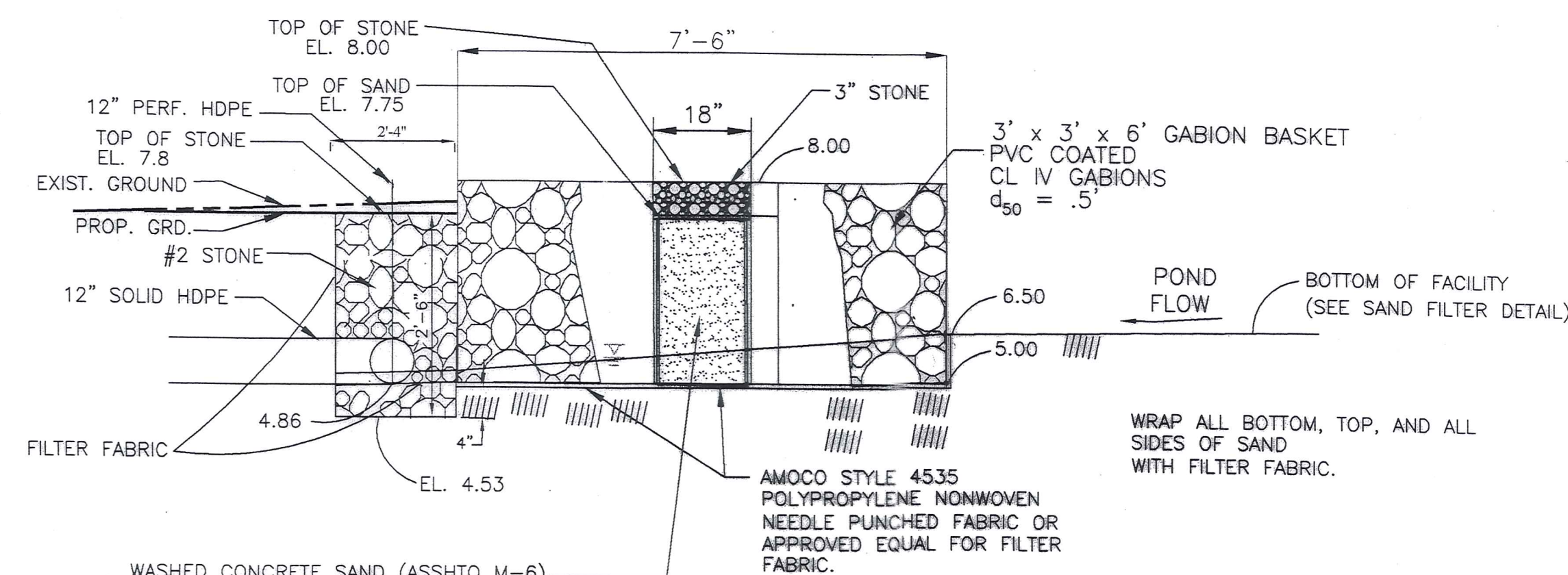
GABION OUTFALL - PLAN - FACILITY #1
SCALE: 1" = 4'



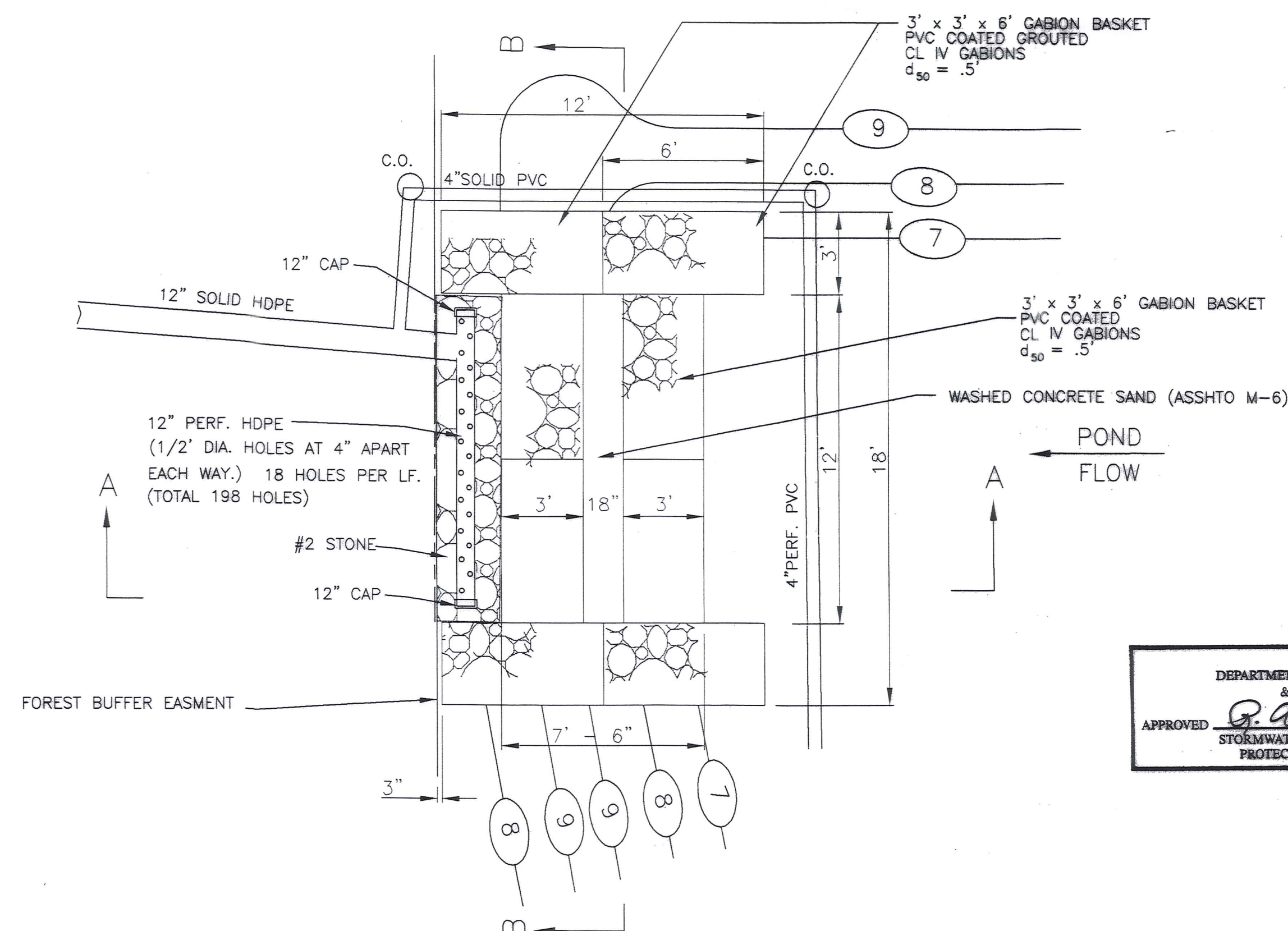
ISOMETRIC VIEW
NOT TO SCALE



SECTION B - B
GABION OUTFALL- FACILITY #2
NOT TO SCALE

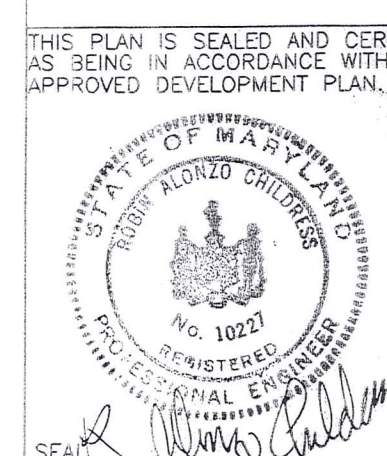


SECTION A - A
GABION OUTFALL- FACILITY #2
SCALE: 1" = 2'

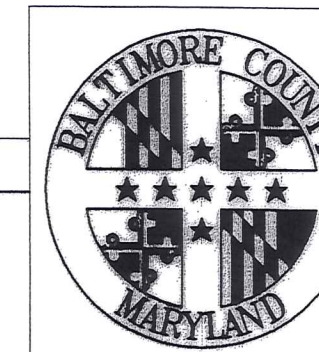


GABION OUTFALL- PLAN - FACILITY #2
SCALE: 1" = 4'

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
& RESOURCE MANAGEMENT
APPROVED *G. A. Hish* 3-6-09
STORMWATER MANAGEMENT ENVIRONMENTAL
PROTECTION & RESOURCE MANAGEMENT *3/2/09*



PERMIT REQUESTED	ROAD PERMIT AND GRADES	REVISED AS PER RECORD PRINT	DATE	REVISION	BY	P. W. A. DIR. NO.	KEY SHEET	SCALE
PERMIT NUMBER		DRAFTSMAN	DATE				I-NE	PLAN: AS SHOWN
GRADE ESTABLISHED							RIGHT OF WAY	POSITION SHEET
PROFILE NUMBER							15 NE 40	PROFILE: HOR. AS SHOWN VERT. AS SHOWN
R.A. CHILDRESS & ASSOCIATES, INC.	DESIGNED RAC	BUREAU OF ENGINEERING AND CONSTRUCTION	HIGHWAYS	STRUCTURES	STORM DRAINS	SEWER	WATER	FIELD ENGINEER
ENGINEER R. ALONZO CHILDRESS	DRAWN RAC	REVIEWED						BUR. OF ENGINEERING & CONSTRUCTION
DATE 9-15-09 LIC. NO. 10227	CHECKED RAC	DATE						APPROVED _____ CHIEF
								APPROVED _____ DIRECTOR
								SUBDIVISION: EASTERN MANOR
								EL. DISTRICT NO. 15 C5



CONTRACT NO.
JOB ORDER NO.
SHEET 4 OF 5
DWG. NO.
2007-0632
FILE:

Stormwater Management
DETAILS

CONSTRUCTION SPECIFICATIONS

These specifications are appropriate to all ponds within the scope of the Standard for practice MD-378. All references to ASTM and AASHTO specifications apply to the most recent version.

Site Preparation

Areas designated for borrow areas, embankment, and structural works shall be cleared, grubbed and stripped of topsoil. All trees, vegetation, roots and other objectionable material shall be removed. Channel banks and sharp breaks shall be sloped to no steeper than 1:1. All trees be cleared and grubbed within 15 feet of the toe of the embankment.

Areas to be covered by the reservoir will be cleared of all trees, brush, logs, fences, rubbish and other objectionable material unless otherwise designated on the plans. Trees, brush, and stumps shall be cut approximately level with the ground surface. For dry stormwater management ponds, a minimum of a 50-foot radius around the inlet structure shall be cleared.

All cleared and grubbed material shall be disposed of outside and below the limits of the dam and reservoir as directed by the owner or his representative. When specified, a sufficient quantity of topsoil will be stockpiled in a suitable location for use on the embankment and other designated areas.

Material - The fill material shall be taken from approved designated borrow areas. It shall be free of roots, stumps, wood, rubbish, stones greater than 6", frozen or other objectionable materials. Fill material for the center of the embankment, and cut off trench shall conform to United Soil Classification GC, SC, CH, or CL and must have at least 30% passing the #200 sieve. Consideration may be given to the use of other materials in the embankment if designed by a geotechnical engineer. Such special designs must have construction supervised by a geotechnical engineer.

Materials used in the outer shell of the embankment must have the capability to support vegetation of the quality required to prevent erosion of the embankment.

Placement - Areas on which fill is to be placed shall be scarified prior to placement of fill. Fill materials shall be placed in maximum 8 inch thick (before compaction) layers which are to be continuous over the entire length of the fill. The most permeable borrow material shall be placed in the downstream portions of the embankment. The principal spillway must be installed concurrently with fill placement and not excavated into the embankment.

Compaction - The movement of the hauling and spreading equipment over the fill shall be controlled so that the entire surface of each lift shall be traversed by not less than one tread track of heavy equipment or compaction shall be achieved by a minimum of four complete passes of a sheepfoot, rubber tied or vibratory roller. Fill material shall contain sufficient moisture such that the required degree of compaction will be obtained with the equipment used. The fill material shall contain sufficient moisture so that if formed into a ball it will not crumble, yet not be so wet that water can be squeezed out.

When required by the reviewing agency the minimum required density shall not be less than 95% of maximum dry density with a moisture content within +/- 2% of the optimum. Each layer of fill shall be compacted as necessary to obtain that density, and is to be certified by the Engineer at the time of construction. All compaction is to be determined by AASHTO Method T-99 (Standard Proctor).

Cut Off Trench - The cutoff trench shall be excavated into impervious material along or parallel to the centerline of the embankment as shown on the plans. The bottom width of the trench shall be governed by the equipment used for excavation, with the minimum width being four feet. The depth shall be at least four feet below existing grade or as shown on the plans. The side slopes of the trench shall be 1 to 1 or flatter. The backfill shall be compacted with construction equipment, rollers, or hand tampers to assure maximum density and minimum permeability.

Embankment Core - The core shall be parallel to the centerline of the embankment as shown on the plans. The top width of the core shall be a minimum of four feet. The height shall extend up to at least the 10 year water elevation or as shown on the plans. The side slopes shall be 1 to 1 or flatter. The core shall be compacted with construction equipment, rollers, or hand tampers to assure maximum density and minimum permeability. In addition, the core shall be placed concurrently with the outer shell of the embankment.

Structure Backfill

Backfill adjacent to pipes or structures shall be of the type and quality conforming to that specified for the adjoining fill material. The fill shall be placed in horizontal layers not to exceed four inches in thickness and compacted by hand tampers or other manually directed compaction equipment. The material needs to fill completely all spaces under and adjacent to the pipe. At no time during the backfilling operation shall driven equipment be allowed to operate closer than four feet, measured horizontally, to any part of a structure. Under no circumstances shall equipment be driven over any part of a concrete structure or pipe, unless there is a compacted fill of 24" or greater over the structure or pipe.

Structure backfill may be flowable fill meeting the requirements of Maryland Department of Transportation, State Highway Administration Standard Specifications for Construction and Materials, Section 313 as modified. The mixture shall have a 100-200 psi, 28 day unconfined compressive strength. The flowable fill shall have a minimum pH of 4.0 and a minimum resistivity of 2,000 ohm-cm. Material shall be placed such that a minimum of 6" (measured perpendicular to the outside of the pipe) of flowable fill shall be under (bedding), over and, on the sides of the pipe. It only needs to extend up to the spring line for rigid conduits. Average slump of the fill shall be 7" to assure flowability of the material. Adequate measures shall be taken (sand bags, etc.) to prevent floating the pipe. When using flowable fill, all metal pipe shall be blumious coated. Any adjoining soil fill shall be placed in horizontal layers not to exceed four inches in thickness and compacted by hand tampers or other manually directed compaction equipment. The material shall completely fill all voids adjacent to the flowable fill zone. At no time during the backfilling operation shall driven equipment be allowed to operate closer than four feet, measured horizontally, to any part of a structure. Under no circumstances shall equipment be driven over any part of a structure or pipe unless there is a compacted fill of 24" or greater over the structure or pipe. Backfill material outside the structural backfill (flowable fill) zone shall be of the type and quality conforming to that specified for the core of the embankment or other embankment materials.

Pipe Conduits

All pipes shall be circular in cross section.

Plastic Pipe

- POLYVINYL CHLORIDE PIPE (PVC) AND CORRUGATED HIGH DENSITY POLYETHYLENE PIPE (HDPE):
 - MATERIALS: PVC pipe shall be PVC-1120 or PVC-1220 conforming to ASTM D-1785 or ASTM D-2241. Joints and connections to anti-seep collars shall be completely watertight using locked-in-rubber O-rings.
 - MATERIALS: HDPE pipe, coupling, & fitting shall conform to the following: 4"-10" pipe shall meet the requirements of AASHTO M252 Type S, & 12" thru 24" pipe shall meet the requirements of AASHTO M294 Type S.
 - BEDDING: The pipe shall be firmly and uniformly bedded throughout its entire length. Where rock or soft, spongy or other unstable soil is encountered, all such material shall be removed and replaced with suitable earth compacted to provide adequate support.
 - LAYING PIPE: Laying of pipe shall be in accordance with specification D(2)C above.
 - Backfilling shall conform to "Structure Backfill" as indicated above.
 - Other details (anti-seep collars, valves, etc.) shall be shown on the drawings.
 - Perforated PVC pipe shall have maximum 3/8" diameter perforations (3.31 sq. in. of opening per sq. feet of pipe surface and comply with ASTM D-2729).

Core of Water during Construction

All work on permanent structures shall be carried out in areas free from water. The Contractor shall construct and maintain all temporary dikes, levees, cofferdams, drainage channels, and stream diversions necessary to protect the areas to be occupied by the permanent works. The contractor shall also furnish, install, operate, and maintain all necessary pumping and other equipment required for removal of water from various parts of the work and for maintaining the excavations, foundation, and other parts of the work free from water as required or directed by the engineer for constructing each part of the work. After having served their purpose, all temporary protective works shall be removed or leveled and graded to the extent required to prevent obstruction in any degree whatsoever of the flow of water to the spillway or outlet works and so as not to interfere in any way with the operation or maintenance of the structure. Stream diversions shall be maintained until the full flow can be passed through the permanent works. The removal of water from the required excavation and the foundation shall be accomplished in a manner and to the extent that will maintain stability of the excavated slopes and bottom required excavations and will allow satisfactory performance of all construction operations. During the placing and compacting of material in required excavations, the water level at the locations being refilled shall be maintained below the bottom of the excavation at such locations which may require draining the water sumps from which the water shall be pumped.

Stabilization

All borrow areas shall be graded to provide proper drainage and left in a slightly condition. All exposed surfaces of the embankment, spillway, and pond bottom shall be stabilized by seeding, liming, fertilizing and mulching with crown vetch or approved no-maintenance vegetation.

Erosion and Sediment Control

Construction operations will be carried out in such a manner that erosion will be controlled and water and air pollution minimized. State and local laws concerning pollution abatement will be followed. Construction plans shall detail erosion and sediment control measures.

Filter Cloth

All filter cloth shall meet the requirements of Harford County and M.S.H.A. "Standard Specifications for Construction and Materials", Section 919.12. The maximum drop height for any stone to be placed shall be 5 feet. Filter fabric material shall be as follows:

- WOVEN FILTER FABRIC: This material shall be Mirafi 500X, Exxon GTF 200, Amoco Propex 2002 or approved equal.
- NONWOVEN FILTER FABRIC: This material shall be Spartan Mills ST 45, Mirafi 140N, Polyfelt TS 500 or approved equal.

Rip-Rap

- Rock riprap shall meet the requirements of Maryland Department of Transportation, State Highway Administration Standard Specifications for Construction and Materials, Section 905.
- The riprap shall be placed to the required thickness in one operation. The rock shall be delivered and placed in a manner that will insure the riprap in place shall be reasonably homogeneous with the larger rocks uniformly distributed and firmly in contact one to another with the smaller rocks filling the voids between the larger rocks. Filter cloth shall be placed under all riprap and shall meet the requirements of Maryland Department of Transportation, State Highway Administration Standard Specifications for Construction and Materials, Section 919.12.

Fencing

Fencing shall be provided as called for on the drawings.

Fencing shall be constructed in accordance with M.S.H.A. Specification Section 615 (delete reference to "Method of Measurement" and "Basis of Payment") and Standard details 690.01 and 690.02. The details and specifications for a Class 2 (Round posts) 6"-0" high fence shall be used, substituting 42" fabric and shortened posts. The gate shall be constructed in accordance with M.S.H.A. Standard detail 692.01 with 42" fabric. The fabric used for the fence and gate shall be in accordance with M.S.H.A. Section 912.02, color shall be black.

Concrete

Concrete shall meet the requirements of Maryland Department of Transportation, State Highway Administration Standard Specifications for Construction and Materials, Section 414, Mix No. 3. Rock riprap shall meet the requirements of Maryland Department of Transportation, State Highway Administration Standard Specifications for Construction and Materials, Section 311. Geotextile shall be placed under all riprap and shall meet the requirements of Maryland Department of Transportation, State Highway Administration Standard Specifications for Construction and Materials, Section 921.09, Class C.

MAINTENANCE SCHEDULE

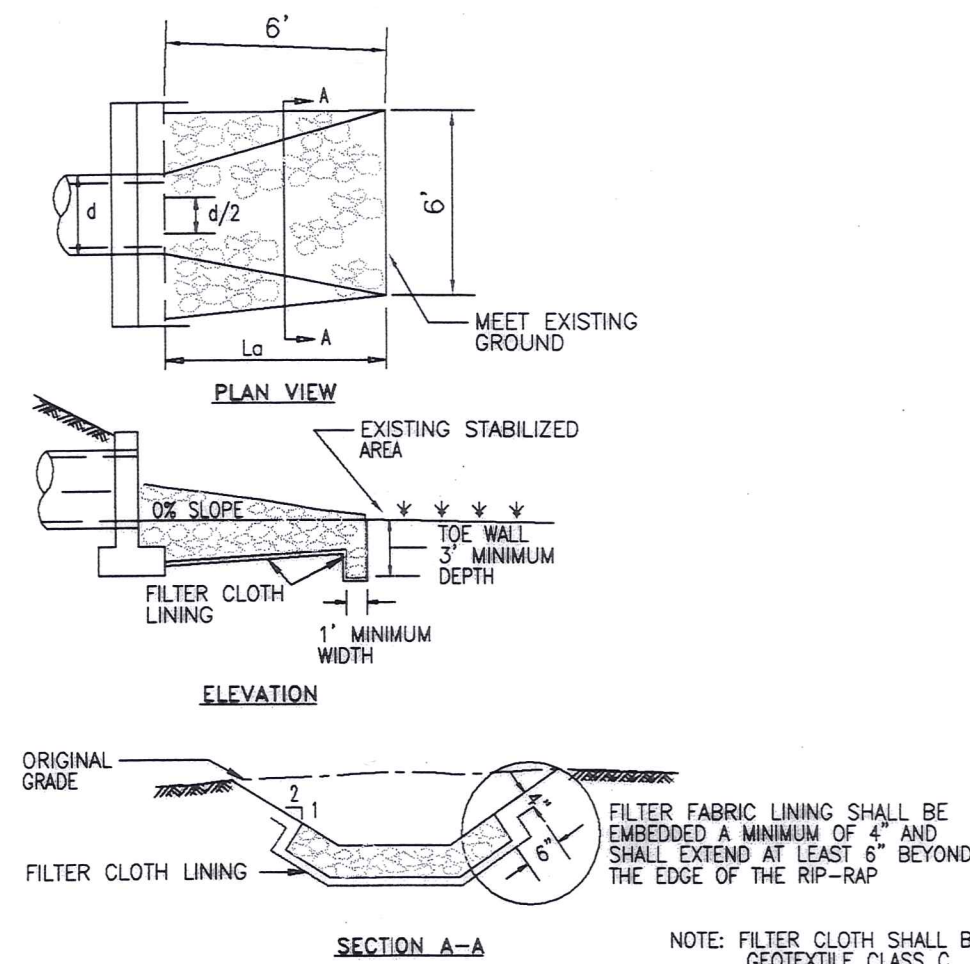
- The facility shall be inspected twice annually, March and September. The pond owner(s) and any heirs, successors, or assigns shall be responsible for the safety of the pond and the continued operation, surveillance, inspection, and maintenance thereof. The pond owner(s) shall promptly notify the Soil Conservation District of any unusual observations that may be indications of distress such as accessible seepage, turbid seepage, sliding or slumping.
- Vegetated cover shall be maintained at all times.
- Rills on the slopes of the dam and washed in the earth spillway shall be filled with suitable material and thoroughly compacted. These areas shall be reseeded or resodded, limed, and fertilized as needed.
- All appurtenances including forebays and riser structure shall be kept free of trash.
- Sediment shall be removed from forebays.
- #2 Stone shall be kept mounded around drawdown pipe.

NOTES

- This site lies within the Back River Watershed.
- SWM is approved under Bill No. 53-01.
- These facilities are public and owned and maintained by Baltimore County.

GENERAL NOTES

- Unless otherwise noted, all construction and workmanship shall be in accordance with:
- Baltimore County Department of Public Works Standard Specifications and Details for Construction 2000, Errata and Addenda.
 - Natural Resources Conservation Service, Standards and Specifications Pond Code 378 January, 2000.
 - Maryland Department of Transportation State Highway Administration, October 2003, Standard Specifications for Construction and Materials.
 - A State Permit is not required.



ROCK OUTLET PROTECTION III

NOT TO SCALE

FACILITY SUMMARY

THE FOLLOWING TABLE SUMMARIZES DESIGN CRITERIA FOR THE PROPOSED FACILITIES.

FACILITY #1

Design Storm	Proposed Pond Inflow (cfs)	Proposed Pond Outflow (cfs)	WSElev. (ft)
1 year C _{pv}	2.18	2.18	11.92
10 Q _p year	5.73	5.73	12.08
100 Q _y year	8.61	8.61	12.18

FACILITY #2

Design Storm	Proposed Pond Inflow (cfs)	Proposed Pond Outflow (cfs)	WSElev. (ft)
1 year C _{pv}	1.87	1.87	8.14
10 Q _p year	6.05	6.05	8.30
100 Q _y year	9.71	9.71	8.40

MANAGEMENT REQ. AND PROV.: WQ AND PRETREATMENT

STRUCTURE CLASSIFICATION: A

WATER QUALITY REQUIREMENT : 1,911 CFx75%=1,433 CF: FACILITY #1
2,176 CFx75%=1,632CF: FACILITY #2

WATER QUALITY VOLUME PROVIDED:

1,433 CF. - FACILITY #1 @ EL 11.70
1,632 CF. - FACILITY #2 @ EL 7.70

PRETREATMENT VOLUME REQUIRED: 477 CF FACILITY #1
544 CF FACILITY #2
1,021 CF TOTAL

PRETREATMENT VOLUME PROVIDED: 1,021 CF

477 CF. - FACILITY #1 @ EL 11.52
544 CF. - FACILITY #2 @ EL 7.78

DRAINAGE AREA TO FACILITY #1: 1.23 AC.

DRAINAGE AREA TO FACILITY #2: 1.67 AC.

TYPE OF FACILITY: RURAL, EXCAVATED, DRY SWALE, DRY FACILITY W/ EXTENDED DETENTION

MAXIMUM HEIGHT OF FILL: = 2 +/-

TOP WIDTH: 2'

NORMAL SURFACE: N/A

PRINCIPAL SPILLWAY CAPACITY = 5.7 CFS @ 10 YR. WSEL - FACILITY #1

PRINCIPAL SPILLWAY CAPACITY = 6.0 CFS @ 10 YR. WSEL - FACILITY #2

FREEBOARD REQUIRED: N/A : FREEBOARD PROVIDED : FACILITY #1 = 0.62'
(From 10-Yr. W.S.) FACILITY #2 = 0.70'

RECHARGE REQUIRED: BY PERCENT AREA METHOD : FACILITY #1 = 0.08ac
FACILITY #2 = 0.14ac

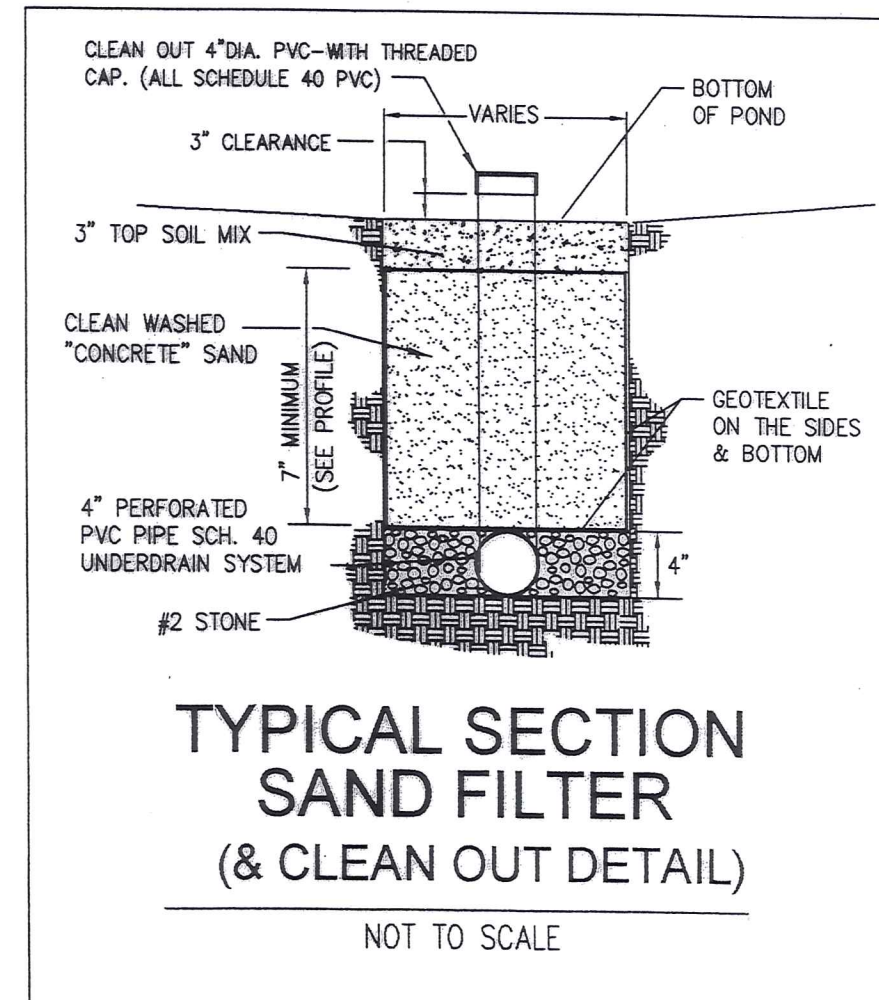
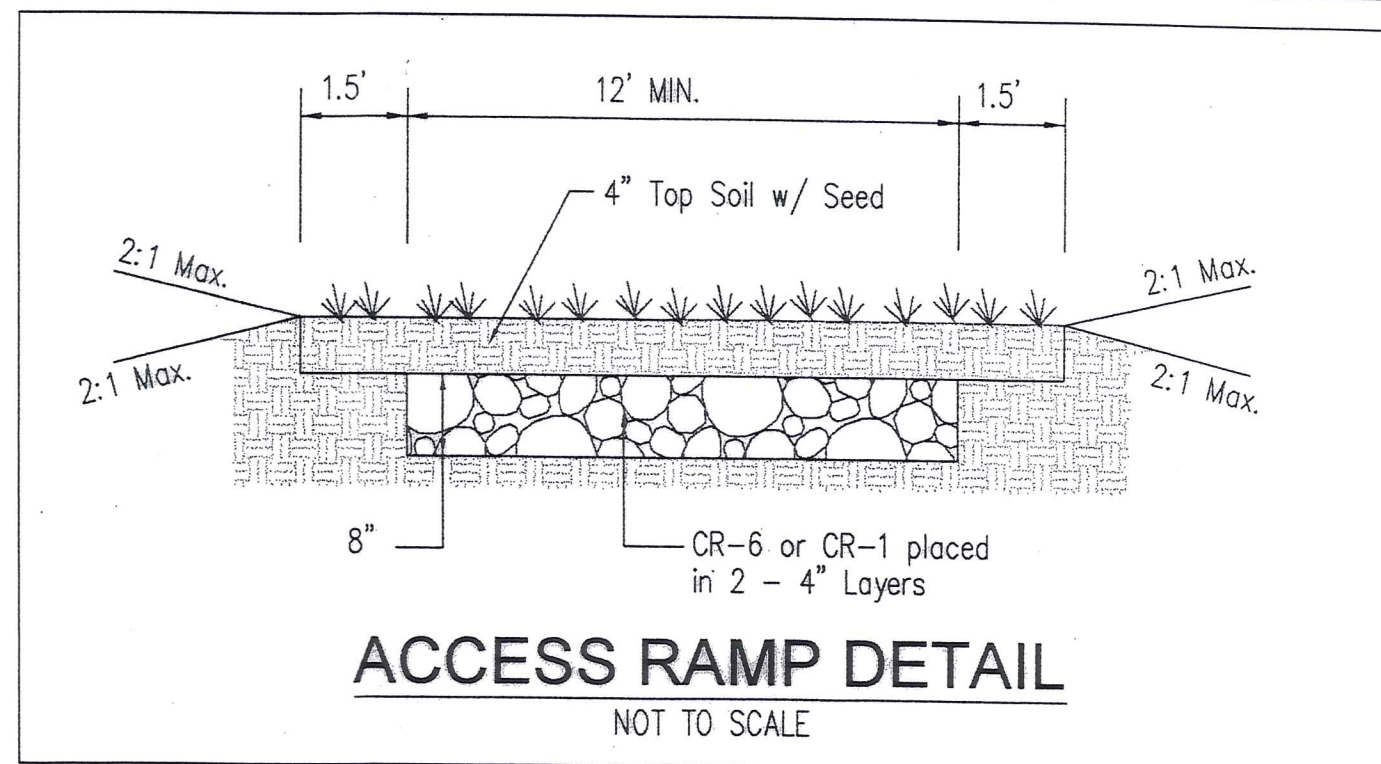
RECHARGE PROVIDED: FACILITY #1 = 0.12ac (FOREST BUFFER EASEMENT)
FACILITY #2 = 0.59ac (FOREST BUFFER EASEMENT)

MATERIAL SPECIFICATIONS FOR SAND FILTERS

MATERIAL	SPECIFICATIONS	SIZE	NOTES
SAND	CLEAN AASHTO-M-8 OR ASTM-C-33 CONCRETE SAND	SAND: 0.02" TO 0.04"	SAND SUBSTITUTIONS SUCH AS DABASE AND GRAYSTONE #10 ARE NOT ACCEPTABLE. NO CALCIUM CARBONATE OR DIOMITIC SAND SUBSTITUTIONS ARE ACCEPTABLE. NO "ROCK DUST" CAN BE USED FOR SAND.
TOPSOIL MEDIA	SAND (500) pH RANGE: 5.2 TO 4.9 TOPSOIL (500)	N/A	USDA SOIL TYPE LOAMYSAND
LEAF COMPOST	-	N/A	-
UNDERDRAIN GRAVEL	AASHTO M-43	0.375" TO 0.75"	-
GEOTEXTILE FABRIC (IF REQUIRED)	ASTM-D-4833 (PUNCT. STRENGTH - 1200) ASTM-D-4832 (PUNCT. STRENGTH - 3000)	0.08" THICK EQUIVALENT OPENING SIZE OF #80 SIEVE	MUST MAINTAIN 125 gpm per sq. ft. FLOW RATE. NOTE: A 4" PEA GRAVEL LAYER MAY BE SUBSTITUTED FOR GEOTEXTILES MEANT TO SEPARATE SAND FILTER LAYERS.
UNDERDRAIN PIPING	F 758, TYPE PS 28 OR AASHTO-M-278	4" - 6" RIGID SCHEDULE 40 PVC OR SDR35	3/8" PERF. @ 6" ON CENTER, 4 HOLES PER ROW; MINIMUM OF ??" OF GRAVEL OVER PIPES; NOT NECESSARY UNDERNEATH PIPES.
PEA GRAVEL	ASTM-D-448 ORNAMENTA STONE	PEA GRAVEL NO. 57	-

CONSTRUCTION SPECIFICATIONS

- THE SUBGRADE FOR THE FILTER, RIP-RAP, OR GABION SHALL BE PREPARED TO THE REQUIRED LINES AND GRADES. ANY FILL REQUIRED IN THE SUBGRADE SHALL BE COMPACTED TO A DENSITY OF APPROXIMATELY THAT OF THE SURROUNDING UNDISTURBED MATERIAL.
- THE ROCK OR GRAVEL SHALL CONFORM TO THE SPECIFIED GRADING LIMITS WHEN INSTALLED RESPECTIVELY IN THE RIP-RAP OR FILTER.
- GEOTEXTILE SHALL BE PROTECTED FROM PUNCHING, CUTTING, OR TEARING. ANY DAMAGE OTHER THAN AN OCCASIONAL SMALL HOLE SHALL BE REPAIRED BY PLACING ANOTHER PIECE OF GEOTEXTILE OVER THE DAMAGED PART OR BY COMPLETELY REPLACING THE GEOTEXTILE. ALL OVERLAPS WHETHER FOR REPAIRS OR FOR JOINING TWO PIECES OF GEOTEXTILE SHALL BE A MINIMUM OF ONE FOOT.
- STONE FOR THE RIP-RAP OR GABION OUTLETS MAY BE PLACED BY EQUIPMENT. THEY SHALL BE CONSTRUCTED TO THE FULL COURSE THICKNESS IN ONE OPERATION AND IN SUCH A MANNER AS TO AVOID DISPLACEMENT OF UNDERLYING MATERIALS. THE STONE FOR RIP-RAP OR GABION OUTLETS SHALL BE DELIVERED AND PLACED IN A MANNER THAT WILL ENSURE THAT IT IS REASONABLY HOMOGENEOUS WITH THE SMALLER STONES. RIP-RAP SHALL BE PLACED IN A MANNER TO PREVENT DAMAGE TO THE FILTER BLANKET OR GEOTEXTILE. HAND PLACEMENT WILL BE REQUIRED TO THE EXTENT NECESSARY TO PREVENT DAMAGE TO THE PERMANENT WORKS.
- THE STONE SHALL BE PLACED SO THAT IT BLENDS IN WITH THE EXISTING GROUND. IF THE STONE IS PLACED TOO HIGH THEN THE FLOW WILL BE FORCED OUT OF THE CHANNEL AND SCOUR ADJACENT TO THE STONE WILL OCCUR.



THIS PLAN IS SEALED AND CERTIFIED AS BEING IN ACCORDANCE WITH THE APPROVED DEVELOPMENT PLAN.



ROAD PERMIT AND GRADES		REVISED AS PER RECORD PRINT		DATE	REVISION	BY	P. W. A. DIR. NO.	KEY SHEET	SCALE
PERMIT REQUESTED		DRAFTSMAN	DATE						PLAN: AS SHOWN
PERMIT NUMBER									PROFILE: HOR. AS SHOWN
GRADE ESTABLISHED									VERT. AS SHOWN
PROFILE NUMBER									
R.A. CHILDRESS & ASSOCIATES, INC.		DESIGNED	BUREAU OF ENGINEERING AND CONSTRUCTION	HIGHWAYS	STRUCTURES	STORM DRAINS	SEWER	WATER	FIELD ENGINEER
ENGINEER R. ALONZO CHILDRESS		DRAWN	REVIEWED						APPROVED
DATE 1-15-09 LIC. NO. 10227		CHECKED	DATE						CHIEF
									DIRECTOR

APPROVED _____ DATE _____

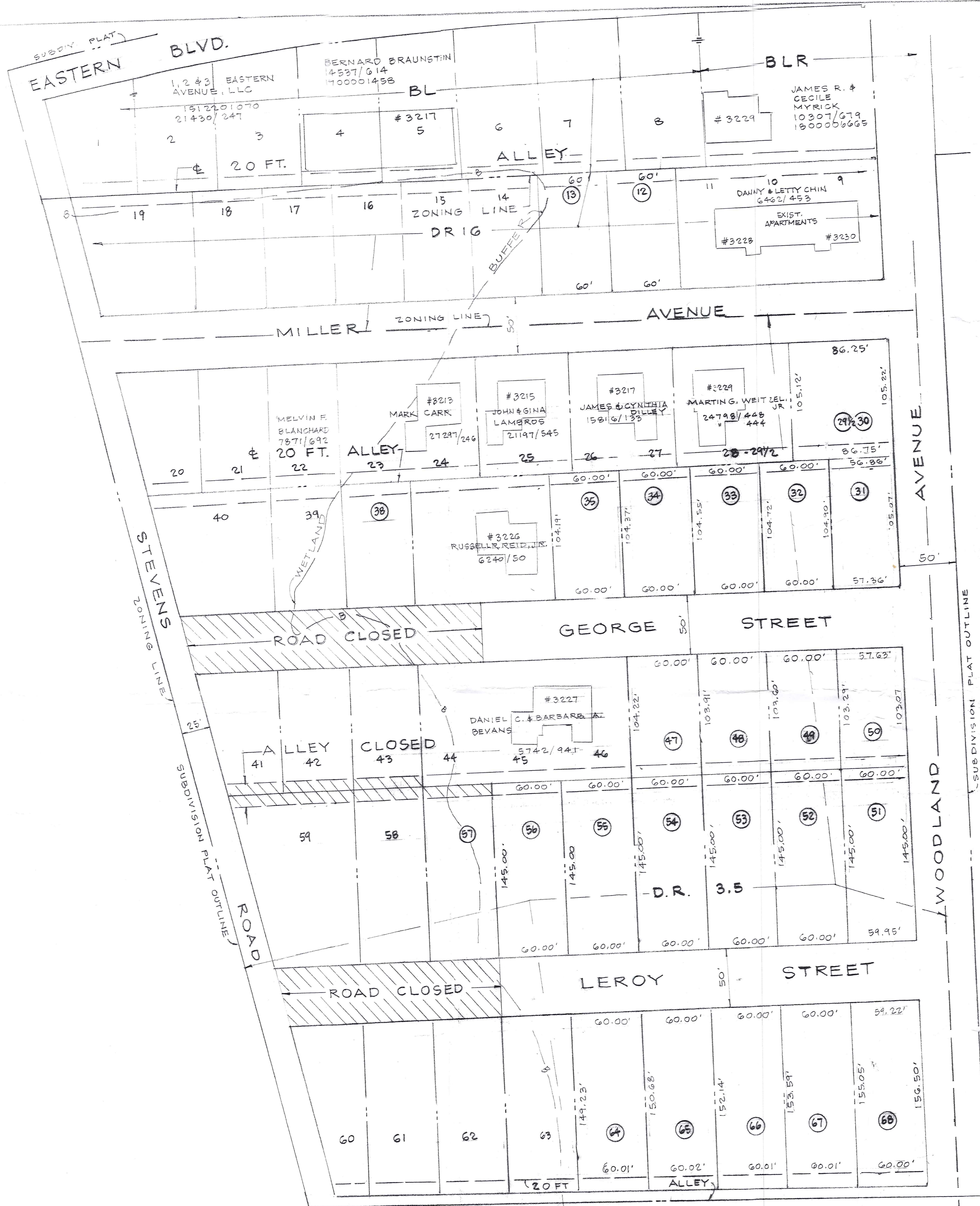
APPROVED _____ DATE _____

SUBDIVISION: EASTERN MANOR

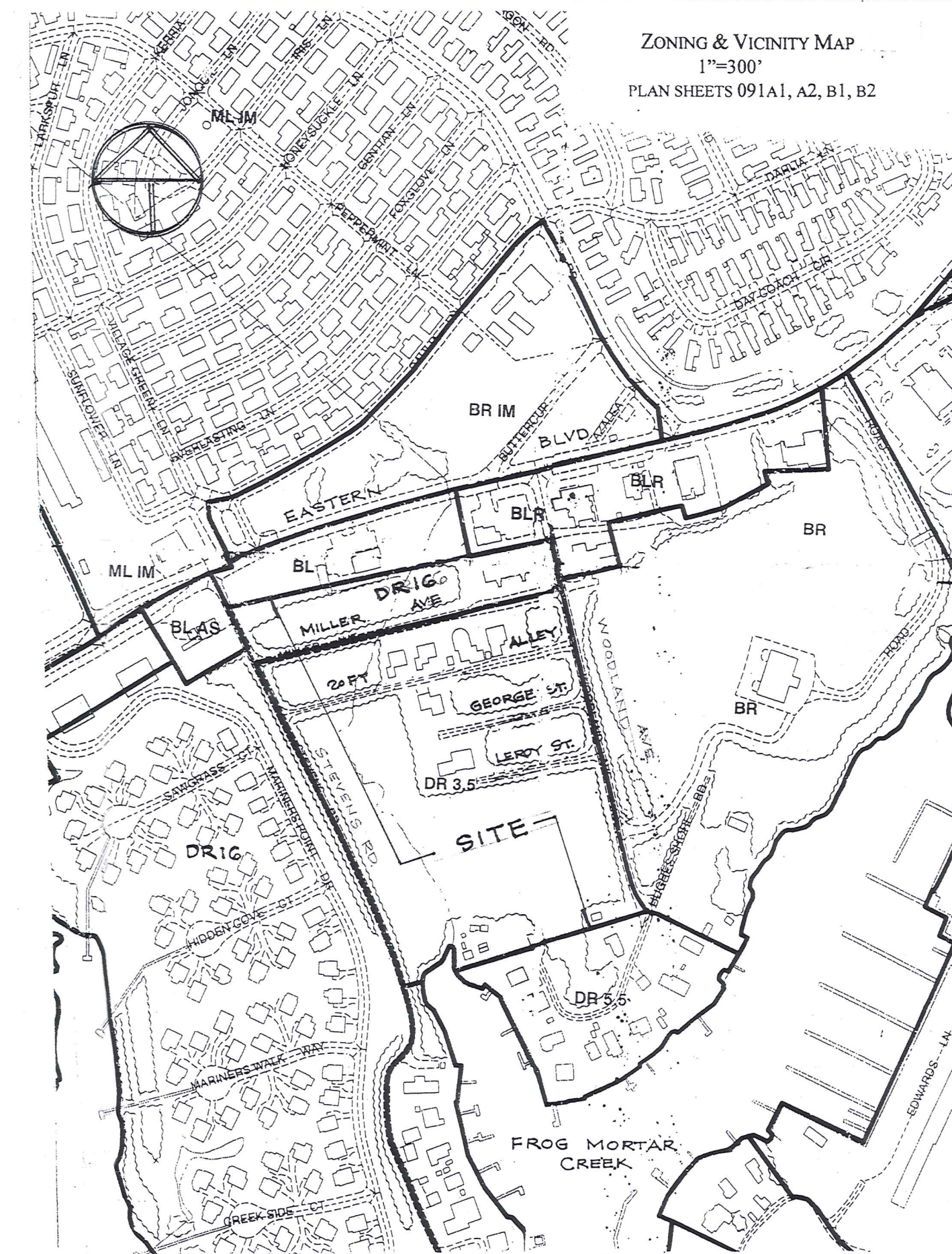
EL. DISTRICT NO. 15 C5



CONTRACT NO.	
JOB ORDER NO.	
SHEET 5 OF 5	
DWG. NO. 2007-0633	
FILE:	



LOTS REQUESTED FOR 8 FOOT SIDE YARD VARIANCES SHOWN
CIRCLED: 12, 13, 29, 30, 31, 32 ETC.: BUILDABLE LOTS.



- NOTE:
- OWNER:
COVE LIMITED PARTNERSHIP
12116 ARBIE ROAD
SILVER SPRING, MD 20904-2801
LIBER 17716, FOLIO 81
TAX MAP 91, PARCEL 263, GRID 8
ACCOUNT #2000011791
 - PUBLIC WATER & SEWER WILL SERVE THE APPROVED BUILDABLE LOTS.
 - EXISTING ZONING: D.R. 16 & D.R. 3.5.
 - ZONING HISTORY: PETITION FOR VARIANCES GRANTED BY CASE NO. 97-77-A, DATED 15TH OCTOBER, 1996; TO PERMIT A FRONT YARD SETBACK OF BETWEEN 0 TO 12 FEET FOR LOTS 12 TO 19, ZONED D.R. 16, AND FOR LOTS 20 TO 68, ZONED D.R. 3.5 (NOW ZONED D.R. 3.5); A SIDE BUILDING FACE TO PUBLIC STREET RIGHT-OF-WAY SETBACK BETWEEN 5 AND 15 FEET FOR LOTS 30 & 29 1/2, LOTS 31, 50, 51, & 68 WHICH WAS GRANTED 5 FEET TO 15 FEET.
 - VARIANCE REQUESTED FOR SIDE YARDS OF 8 FEET IN LIEU OF THE REQUIRED 10 FEET ON ALL BUILDABLE LOTS IN THE D.R. 3.5 ZONE AND THE D.R. 16 ZONE.
 - AREA OF THE PROPERTY REZONED FROM D.R. 5.5 TO D.R. 3.5 ZONE:
11 ACRES +/- TIMES 3.5 = 38 LOTS ALLOWED, 25 LOTS PROPOSED. FRONT YARD VARIANCES TO REMAIN UNCHANGED AS GRANTED IN THE ABOVE CASE NO. 97-77-A.
 - THE SUBJECT PROPERTY IS NOT IN A FLOOD ZONE. SEE FLOOD INSURANCE RATE MAP COMMUNITY PANEL 240010 0290B.
 - THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.
 - A TITLE REPORT WAS NOT FURNISHED FOR THIS PLAT.

PETITIONER'S
EXHIBIT NO. 10

PLAT TO ACCOMPANY A REQUEST FOR A
VARIANCE ON CERTAIN LOTS IN "THE
COVE" (formerly Eastern Manor Subdivision)
15TH ELECTION DISTRICT
COUNCILMANIC DISTRICT NO. 6
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=50' NOVEMBER 5, 2009

Prepared by:
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Telephone 410 308-0442

