



KEVIN KAMENETZ
County Executive

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

January 26, 2011

Daria Lend Group, LLC
Alireza Aliaskari
2114 Edgeware Street
Silver Spring, Maryland 20905

Dear Mr. Aliaskari:

RE: Case Number 2011-0202-A Address Sandy Plains and 16 Foot Alley

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 28, 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." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel
D. Dusky Holman 600 Washington Avenue Ste. 200 Towson Maryland 21204
Richard Matz 2835 Smith Avenue Ste. G Baltimore Maryland 21209



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, Chief
Fire Department

Leaving
2-4

January 6, 2011

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

2-4

ATTENTION: Zoning Review

Distribution Meeting of: **January 24, 2011**

Item No.:

Administrative Variance: 2011-0203A – 0204A

Special Hearing: 2011-0202-SPH

Variance: 2011-0202-SPH

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 7, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For January 31, 2011
Item Nos. 2011- 202, 203 and 204

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-01312011 -NO COMMENTS.doc

P LTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: January 31, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

RECEIVED

SUBJECT: Bear Creek Overlook: Parcel A

FEB 01 2011

INFORMATION:

ZONING COMMISSIONER

Item Number: 2011-202

Petitioner: Daria Land Group, LLC

Zoning: DR 10.5

Requested Action: Special Hearing and Variance

The petitioner requests a special hearing under Section 500.7 of the BCZR for a parking area without a principal building and a variance of Section 260 of the BCZR to permit garages that occupy over 45% of the building frontage.

A concept plan conference was held on November 3, 2009. The Office of Planning received a preliminary landscape plan and pattern book on November 30, 2010. The plan submitted by the petitioner with this request indicates Parcel A (the area subject to the special hearing) will be conveyed to Neighborspace. This area is currently used by the existing residents of West Inverness as over-flow parking.

The pattern book illustrates two housing types: A and B. Unit A is the narrower unit with a garage width of 16 feet and house width of 26 feet, thus needing the relief from Section 260.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the special hearing request for the parking area.

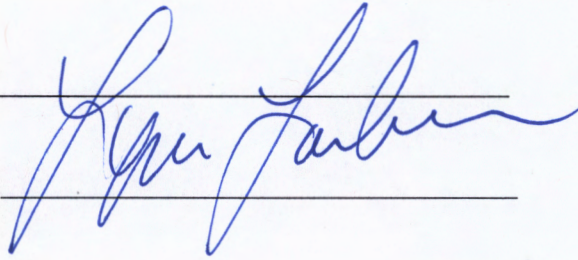
The Office of Planning supports the variance of Section 260 for the garage to occupy over 45% of the building frontage subject to the following:

1. Both the 32' wide unit and the 26' wide unit can provide for separated two car garage conditions. The Office of Planning can support the request to permit the garages to occupy more than 45% of the building frontage provided that this condition is met.
2. The proposed elevations shall reflect the parged and painted masonry wall. At present the illustration shows concrete masonry block.
3. A wider band board (4 inches minimum) should be constructed between the vinyl siding material and the masonry material.
4. The proposed 5' decks on the fronts and rear (scheme A) of the homes do not seem to be deep enough for a usable deck condition. Revise the plans to show a minimum 6' wide front deck and 10 to 12' rear yard deck .

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

Prepared by: _____

Division Chief:
JM/LL: CM

A handwritten signature in blue ink, appearing to read "John Alexander", is written over a horizontal line. The signature is fluid and cursive.



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

State Highway
Administration

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

Maryland Department of Transportation

Date: JAN. 12, 2011

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

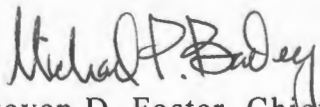
RE: Baltimore County
Item No 2011-0202 SPH
SANDY PLAINS ROAD
DAIRA LAND GROUP
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011- 0202 SPH.

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

Very truly yours,


For: Steven D. Foster, Chief
Access Management Division

SDF/mb

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
Sandy Plains Road; N and SW/S of *
Sandy Plains Road * ZONING COMMISSIONER
12th Election & 7th Councilmanic Districts *
Legal Owner(s): Daria Land Group, LLC * FOR
Petitioner(s) * BALTIMORE COUNTY
* 2011-202-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JAN 1, 2011

KQ

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th- day of January, 2011, a copy of the foregoing Entry of Appearance was mailed to Richard Matz, Colbert, Matz & Rosenfelt, Inc, 2825 Smith Avenue, Suite G, Baltimore, MD 21209 and D. Dusky Holman, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

March 21, 2011

JEFF MAYHEW, ACTING DIRECTOR
BALTIMORE COUNTY OFFICE OF PLANNING
105 WEST CHESAPEAKE AVENUE, SUITE 101
TOWSON MD 21204

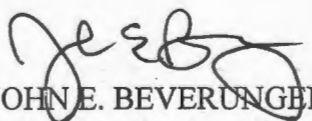
Re: Bear Creek Overlook
HOH Case No. 12-140 and Zoning Case No. 2011-0202-SPHA
Applicant/Developer: Daria Land Group, LLC

Dear Mr. Mayhew:

In accordance with Section 32-4-231 of the Baltimore County Code, I am hereby forwarding to your attention the red line Development Plan in the above-captioned matter. A combined public hearing was held on Friday, March 18, 2011, to consider the Development Plan along with a request for a special hearing and variance relief. The Developer confirmed that it has made a written request for a variation of Chesapeake Bay Critical Area Standards, and under the forgoing the Development Plan must therefore be forwarded to the Planning Board for consideration of the waiver request.

Thank you for your assistance in this matter, and please contact me if you have any questions.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

c: Lawrence E. Schmidt, Esquire, Smith, Gildea & Schmidt LLC, 600 Washington Avenue,
Suite 200, Towson MD 21204
Donna Whetzel, 8600 Sandy Plains Road, Dundalk MD 21222
Walter Lycett, 1957 Quentin Road, Dundalk MD 21222

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT
of counsel:
JAMES T. SMITH, JR.

May 18, 2011

Andrea Van Arsdale, Director
Office of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204

RECEIVED

MAY 19 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Bear Creek Overlook, PDM #12-140

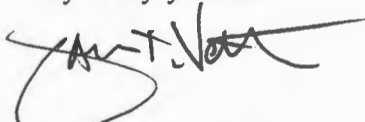
Dear Director Van Arsdale:

As you are aware, this office, in conjunction with Patricia Farr of the Department of Environmental Protection and Sustainability, will introduce a "variation of standards" to the Baltimore County Planning Board at its meeting of May 19, 2011. The request for variation of standards relates to proposed impacts to the Chesapeake Bay Critical Area buffer as part of the proposed residential development of the property known as Bear Creek Overlook. Pursuant to Baltimore County Code ("BCC") Section 32-4-231, the variation of standards request was referred to the Planning Board on March 21, 2011 via letter from Administrative Law Judge John E. Beverungen. Following its introduction on May 19, 2011, I understand that the matter will be voted on by the Planning Board at its June 2, 2011 meeting.

Given these time frames, the Planning Board's written decision will not be rendered within the 45 day period required pursuant to BCC Section 32-4-232(d). On behalf of the developer/applicant, please accept this letter as a request for waiver of that 45 day requirement. The developer/applicant does not object to the Planning Board's consideration and action on this matter in accordance with the schedule as indicated herein.

Please contact me should you have any questions regarding this matter.

Very truly yours,



Jason T. Vettori

JTV: jkl

Patricia Zook - Case 2011-0202-SPHA - hearing is Friday, Feb. 4 (Bear Creek Overlook)

From: Patricia Zook
To: Livingston, Jeffrey
Date: 2/2/2011 11:04 AM
Subject: Case 2011-0202-SPHA - hearing is Friday, Feb. 4 (Bear Creek Overlook)
CC: Wiley, Debra

Good morning Jeff -

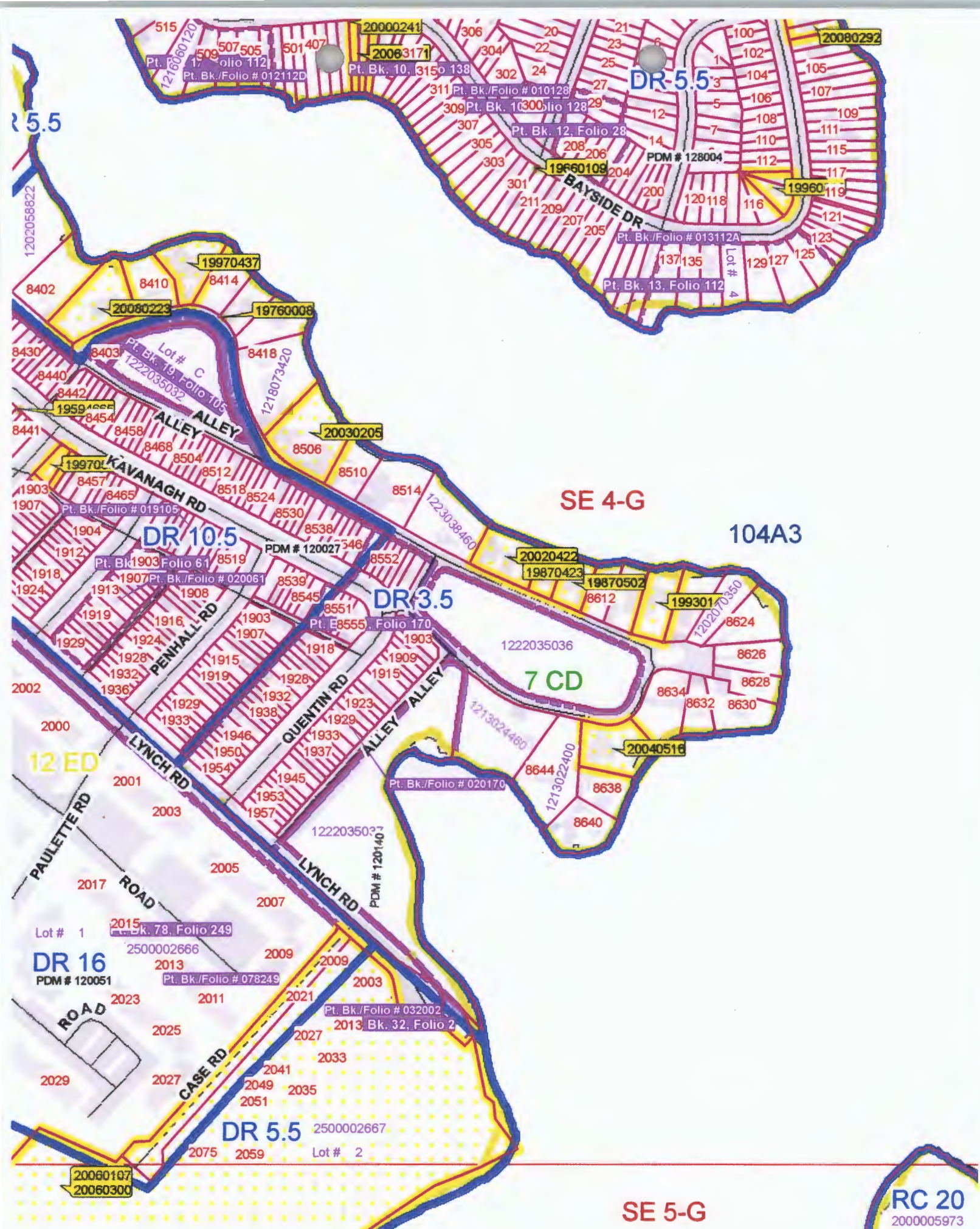
The above-referenced case is scheduled for a hearing on Friday, February 4 and we need a comment from your office.

Thanks for your help.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov



2011-0202-SPHA

IN RE: **DEVELOPMENT PLAN HEARING**
S side of Sandy Plains Road, N of Lynch
Road
12th Election District
7th Councilmanic District
(Bear Creek Overlook)

Daria Land Group, LLC
Applicant/Developer

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **HOH Case No. 12-140**
* **Zoning Case No. 2011-0202-SPHA**

* * * * *

ADMINISTRATIVE LAW JUDGE'S OPINION AND DEVELOPMENT PLAN ORDER
AND ORDER ON PETITIONS FOR VARIANCE AND SPECIAL HEARING

This matter comes before this Hearing Officer/Administrative Law Judge for a hearing pursuant to Section 32-4-227 of the Baltimore County Code (B.C.C.). In accordance with the development regulations codified in B.C.C. Article 32, Title 4, thereof, the Owner/Developer seeks approval of a redlined Development Plan (the "Plan") prepared by Colbert Matz Rosenflet, Inc., for 16 single family detached dwelling units -- (the "subject property").

The Developer is also requesting certain zoning relief and has filed a Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a parking area on a lot without a principal building. The Developer has also filed a Petition for Variance from Section 260 of the B.C.Z.R. to permit garages that occupy over 45% of the building frontage.

The proposed subdivision is more particularly described on the Plan submitted into evidence and marked as Developer's Exhibits 1A and 1B.

As to the history of this project through the development review process, a concept plan was prepared and a Concept Plan Conference (CPC) held on November 3, 2009. The concept plan is a schematic representation of the proposed subdivision and is reviewed by and between

ORDER RECEIVED FOR FILING

Date 8-25-11

By 

representatives of the Developer and the reviewing County agencies at the CPC. Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on December 2, 2009, at the Sandy Plains Elementary School Café. Subsequently, a Development Plan is prepared in accordance with B.C.C. Section 32-4-221 and submitted for further review and approval. A Development Plan Conference (DPC) is held between the Developer's consultants and various Baltimore County agencies with responsibility over certain aspects of the development proposal. In this case, the DPC was held on February 23, 2011. At the DPC, the Baltimore County agencies responsible for the review of the Development Plan submit written comments regarding the compliance of the Development Plan with the various Baltimore County regulations governing land development in the County. Thereafter, the Developer may revise the Development Plan in accordance with the DPC comments. In this case the Hearing Officer's Hearing was held before me on March 18, 2011.

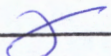
Appearing at the public hearing on behalf of the Developer were Richard Matz, professional engineer with Colbert Matz Rosenfelt, Inc., the project manager and consultant who prepared the Development Plan, and Ali Reza Aliaskari with Daria Land Group, LLC. Lawrence Schmidt, Esquire, and D. Dusky Holman, Esquire attended the hearing as Counsel for the Developer.

Two area residents (Donna Whetzel and Walter Lycett) attended the hearing and expressed certain concerns, which were discussed at length. In addition, Eric Rockel attended as a representative of Neighbor Space, which is going to accept and maintain certain small parcels to be conveyed by the Developer.

Representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals with the Department of Permits, Approvals and

ORDER RECEIVED FOR FILING

Date 8-25-11 2

By 

Inspections (PAI): Colleen Kelly, Project Manager; John Lewis, representative of the Office of Zoning Review; Michael Viscarra, Development Plans Review; and Gigi Hampshire, Land Acquisition. Also appearing on behalf of the County were Jenifer Nugent, Office of Planning; David Lykens, Department of Environmental Protection and Sustainability (DEPS), and Bruce Gill, Department of Recreation and Parks (R&P)/Development Plans Review (DPR). Lieutenant Jimmie D. Meznick, Baltimore County Fire Marshall's Office and Steven D. Foster, Chief of Engineering, Access Permits Division of the State Highway Administration, were represented at the hearing through prior correspondence. All County representatives – with the exception of Mr. Lykens from DEPS – indicated the Plan satisfied all Baltimore County rules and regulations. Mr. Lykens indicated the Developer needed to secure a variation of certain Chesapeake Bay Critical Area standards, which approval is obtained from the Planning Board. By letter dated March 21, 2011, I referred the matter to the Planning Board, and by letter dated June 6, 2011, which is attached hereto and incorporated herein, the Developer's requested was granted.

Testimony and evidence received revealed the subject property is located on the south side of Sandy Plains Road and north of Lynch Road and consists of 5 1/3 acres, split zoned DR 3.5 and DR 10.5. The Developer proposes to construct 16 single family dwellings, even though the zoning density would support 32 dwelling units. See Exhibit 1A.

Section 32-4-228 of the Baltimore County Code (B.C.C.) sets forth the standards the Hearing Officer must follow when considering a development plan. At the public hearing, the Hearing Officer is required to determine what, if any, open issues or agency comments remain unresolved. In this matter, it does not appear as if there are any open issues or unresolved comments from County agencies. The Baltimore County Code provides that the Hearing Officer must approve a plan that satisfies the rules, regulations and policies adopted by Baltimore County

ORDER RECEIVED FOR FILING

Date 8-25-11 3

By X

regarding development. Based upon the testimony and evidence presented, I find that the Plan as submitted at the hearing and accepted as Developer's Exhibits 1A and 1B meets all County rules, regulations and standards for development in Baltimore County and, therefore, must be approved.

Pursuant to the zoning and development regulations of Baltimore County and Article 32, Section 4 of the B.C.C., the Development Plan shall be approved consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Hearing Officer/Administrative Law Judge this 25 day of August, 2011, that the redlined Development Plan for **BEAR CREEK OVERLOOK** identified herein as Developer's Exhibits 1A and 1B, be and is hereby APPROVED;

IT IS FURTHER ORDERED that the Special Hearing relief sought under Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a parking area on a lot without a principal building, (described as "Lot A" on Developer's Exhibit 1A) be and is hereby GRANTED;

IT IS FURTHER ORDERED that the Petition for Variance pursuant to Section 260 of the B.C.Z.R. to permit garages that occupy over 45% of the building frontage be and is hereby GRANTED.

The approval and zoning relief herein is subject to the following conditions:

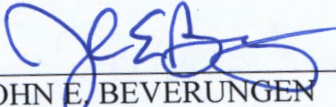
1. Developer's submission and approval by the Office of Planning of a revised pattern book incorporating redlined changes made to pattern book admitted as Developer's Exhibit 2.
2. Compliance with the conditions imposed by the Office of Planning in its letter dated June 6, 2011, which is expressly incorporated herein by reference.

ORDER RECEIVED FOR FILING

Date 8-25-11

By [Signature]

Any appeal of this Order shall be taken in accordance with Baltimore County Code, Section 32-4-281.



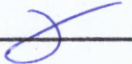
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

Attachment

JEB/pz

ORDER RECEIVED FOR FILING

Date 8-25-11

By 



KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE, *Director*
Office of Planning

June 6, 2011

RECEIVED

JUN 10 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Lawrence M. Stahl
Managing Administrative Law Judge
The Jefferson Building, Suite 103
105 W. Chesapeake Ave.
Towson, MD 21204

Re: Bear Creek Overlook, PDM #12-140 – Request for Variation of Standards to Chesapeake Bay Critical Area Regulations

Dear Mr. Stahl:

The applicant's proposal requires variation of standards approval from buffer protection and management provisions in Section 33-2-401 (Tidal Buffer Establishment) of the Code. Specifically, the applicant is proposing impacts to 10,100 square feet of buffer in order to provide continued use off-street parking for the adjacent rowhouses and passive open space for a neighborhood park.

Section 32-4-231(a) of the Baltimore County Code gives the Baltimore County Planning Board the authority to grant a variation of standards to the Chesapeake Bay Critical Area regulations for certain types of development projects, in accordance with State-mandated regulations adopted by the Critical Area Commission concerning variances. Specifically, there are several criteria listed in Section 32-4-232(d) that must be used to evaluate the applicant's request. All of the criteria must be met in order to approve the variation of standards.

At its June 2, 2011 meeting, the Planning Board of Baltimore County found the Bear Creek Overlook Application for Variation of Standards in compliance with State-mandated criteria for granting variances in the Chesapeake Bay Critical Area and recommended approval with Environmental Protection and Sustainability (EPS) conditions as listed below:

1. All buffer impacts associated with this variation of standards request shall be mitigated on the development site. Buffer impacts total 10,100 square feet. At the required 3-1 mitigation ratio, mitigation of 30,300 square feet shall occur. A Critical Area Major Buffer Management Plan as specified in COMAR 27.01.09.01-3 must be provided and approved.

ORDER RECEIVED FOR FILING

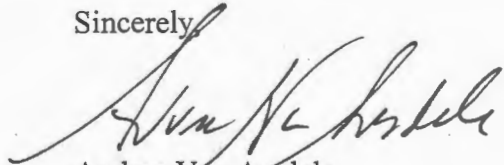
Date

8-25-11

Lawrence M. Stahl
Bear Creek Overlook
June 6, 2011

2. All mitigation shall be completed within a timeframe established by EPS, but no later than two years from grading permit issuance for the development. A final Critical Area Major Buffer Management Plan shall be submitted to EPS for review and approval prior to grading plan approval for the site. Any changes to this plan will require prior written permission from EPS. Additionally, a cost estimate shall be provided to EPS for review along with the Critical Area Buffer Management Plan, detailing the cost of installing and maintaining the mitigation plantings.
3. Once the final Critical Area Buffer Management Plan has been approved, and prior to grading permit issuance, the applicant shall sign an Environmental Agreement, and shall post a Critical Area Management Security with EPS equal to 110% of the cost of implementing the Plan. At a minimum, the security amount for the planting portion of the Plan shall equal at least \$0.25 per square foot of planting.
4. Release of the Critical Area Buffer Management Plan security shall generally be in accordance with EPS's established Environmental Agreement policy. As required by the policy, the applicant is responsible for submitting inspection reports to EPS for approval in accordance with the plan requirements.
5. Any proposed changes to the site layout or proposed site uses may require an amended variation of standards request as determines by EPS.
6. In order to minimize water quality impacts, the area of continued off-street parking in the buffer along the alley between Sandy Plains Road and Lynch Road may not be paved. A note stating this condition of variation of standards approval shall be added to the Development Plan for the project.

Sincerely,



Andrea Van Arsdale
Secretary to the Board

AVA:bw

- c: Arnold Jablon, Director, Permits, Approvals and Inspections
Patricia Farr, Manager, EPS
Lynn Lanham, Planning
Jason Vettori, Esq.
Edward J. Gilliss, Chair, Planning Board

ORDER RECEIVED FOR FILING

Date 8-25-11

By [Signature]

CHESAPEAKE BAY CRITICAL AREA
VARIATION OF STANDARDS STAFF REPORT
May 19, 2011

RECEIVED

MAY 10 2011

Property Information

Project Name: Bear Creek Overlook
Property Address/Location: Sandy Plains Road, Baltimore

OFFICE OF PLANNING

General Variation of Standards Information

Section 32-4-231(a) of the Baltimore County Code (hereafter "Code") gives the Baltimore County Planning Board the authority to grant a variation of standards to the Chesapeake Bay Critical Area regulations for certain types of development projects, in accordance with State-mandated regulations adopted by the Critical Area Commission concerning variances. Specifically, there are several criteria listed in Section 32-4-232(d) that must be used to evaluate the applicant's request. All of these criteria must be met in order to approve the variation of standards. A copy of Section 32-4-232(d) is attached to this report.

Existing Site Conditions

The property is two parcels, which together total approximately 5.09 acres in size, and is located entirely within the Critical Area in the Inverness neighborhood. Parcel 403 is waterfront, is divided by Sandy Plains Road, and is separated from existing development by an alley and Lynch Road. The waterfront portion of the parcel is across the alley from rowhouses, while the remainder of the parcel is surrounded by single family residential properties. Parcel 255 is not waterfront and is completely surrounded by Sandy Plains Road and an alley. There are single family residential properties across Sandy Plains Road and rowhouses across the alley from Parcel 255.

Parcel 403 contains no structures, but there is an area of parking adjacent to the alley. Parcel 255 also contains no structures. There are tidal and nontidal wetlands adjacent to Bear Creek and nontidal wetlands adjacent to Sandy Plains Road on Parcel 403. There are no wetlands on Parcel 255. There is forest on Parcel 403 along Lynch Road.

The shoreline buffer area is natural and contains extensive phragmites. The forest on site is composed primarily of exotic invasive species.

Variation of Standards Proposal

The applicant's proposal requires variation of standards approval from buffer protection and management provisions in Section 33-2-401 (Tidal Buffer Establishment) of the Code. Specifically, the applicant is proposing impacts to ~~11,078~~ 10,100 square feet of buffer in order to provide continued use off-street parking for the adjacent rowhouses and passive open space for a neighborhood park.

10,100
per P. Form
6/7/11

Evaluation of Variance Criteria in Section 32-4-232(d)

The first criterion requires that special conditions or circumstances exist that are peculiar to the land or structure within the Critical Area of the County. The applicant is proposing to allow continued use of areas of the buffer that has been historically used for parking and as neighborhood open space. Aside from a couple of benches that will be installed in the open space, these uses existed prior to the effective date of the Critical Area law. As such, special conditions and circumstances exist that are peculiar to the land, and this criterion has been met.

Date 8-25-11

By [Signature]

ORDER RECEIVED FOR FILING

The second criterion requires that strict compliance with the regulations would result in unwarranted hardship. Strict compliance with the regulations would prevent the applicant from utilizing areas that have been historically disturbed for parking and neighborhood uses. The area of the buffer to be impacted by the parking is adjacent to the existing alley. The proposal reduces the amount of area available for parking use. The applicant also provided an alternate design for the open space whereby the area of the buffer to be impacted by the neighborhood park will be reduced from the current use size with the remainder being reforested. Therefore, the hardship in this case is unwarranted, and this criterion has been met.

The third criterion requires that strict compliance with the Critical Area regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County. Other properties in the Chesapeake Bay Critical Area with similar historical buffer disturbances, parcel configurations, and road locations would be granted similar variations of standards. Thus, strict compliance with the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area, and this criterion has been met.

The fourth criterion requires that the granting of a variation will not confer upon an applicant any special privilege that would be denied by the Critical Area regulations to other lands or structures within the Critical Area of the County. Another variation of standards applicant in the Chesapeake Bay Critical Area with similar existing property conditions and proposing similar impacts, water quality protection, and enhancement measures would be given the same consideration as the current applicant. Therefore, this criterion has been met.

The fifth criterion requires that the variation request is not based upon conditions or circumstances which are the result of actions by the applicant. The variation of standards is a result of site constraints and historical property uses that existed prior to the effective date of the Critical Area law rather than actions by the applicant. As such, this criterion has been met.

The sixth criterion requires that the request does not arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. The areas of the property associated with the variation of standards request are located adjacent to an existing residential community. The proposal for the 34 parking spaces is based on the existing site conditions. Therefore, the request does not arise from any condition relating to land or building use on any neighboring property.

The seventh criterion requires that the granting of a variation will be in harmony with the general spirit and intent of the Critical Area regulations of the County. As previously noted, the applicant is proposing to continue to impact buffer areas that have been historically developed with parking and neighborhood open space uses. Furthermore, the applicant proposes to enhance water quality and habitat functions by planting 30,300 square feet of buffer and fencing off the parking to eliminate future buffer encroachment beyond the specified parking area. The planting efforts will provide better filtering of sediment and nutrient runoff than the existing disturbed buffer areas. Furthermore, the buffer will be placed in a Critical Area Easement and be subject to restrictions governing the use of easements. Therefore, the applicant's proposal is in harmony with the general spirit and intent of the Critical Area regulations of the County, and this criterion has been met.

ORDER RECEIVED FOR FILING

Date 8-25-11
By 

The eighth criterion requires that the variation conforms to the requirements as stated in Section 32-4-226(d) of the Code; that is, that the variation conforms to the following goals of the Chesapeake Bay Critical Area regulations:

Goal 1: The proposal must minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands.

The applicant's proposal will minimize water quality impacts by restricting the parking to a smaller and clearly defined area, providing stormwater management treatment for a currently untreated site, and by planting trees to increase the filtering capacity of the buffer. Therefore, this goal has been met.

Goal 2: The proposal must conserve fish, wildlife, and plant habitat.

Partial planting of the historically maintained buffer with native vegetation will increase the wildlife and plant habitat value of the buffer by providing additional vegetative cover. Increasing the filtering capacity of the buffer will enhance the fish habitat value of Bear Creek. Furthermore, the majority of the buffer will be retained and protected via dedication of a perpetual Critical Area Easement to Baltimore County. Thus, this goal has been met.

Goal 3: The proposal must be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

The applicant's development project must meet all other Chesapeake Bay Critical Area requirements and will, therefore, be consistent with established land use policies for development in this portion of the County. Planting a portion of the buffer will help reduce the number, movement, and activities of persons that can potentially create adverse environmental impacts. Reduction of parking and fencing the edge of the parking spaces will also reduce the number, movement, and activities of people on the property.

Chesapeake Bay Critical Area Findings

Based upon our review, the Department of Environmental Protection and Sustainability (EPS) finds that the first six of the variation of standards criteria have been met, and that the seventh and eighth criterion can be met by implementing water quality protection and enhancement measures outlined below. We further find that all of the goals of the Chesapeake Bay Critical Area regulations have been met. Therefore, we hereby recommend that the requested variation of standards be granted, with the following conditions:

1. All buffer impacts associated with this variation of standards request shall be mitigated on the development site. Buffer impacts total 10,100 square feet. At the required 3:1 mitigation ratio, mitigation of 30,300 square feet shall occur. A Critical Area Major Buffer Management Plan as specified in COMAR 27.01.09.01-3 must be provided and approved.
2. All mitigation shall be completed within a timeframe established by EPS, but no later than two years from grading permit issuance for the development. A final Critical Area Major

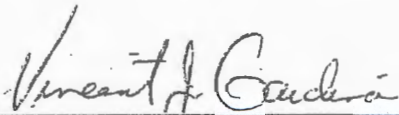
ORDER RECEIVED FOR FILING

Date

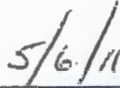
By

Buffer Management Plan shall be submitted to EPS for review and approval prior to grading plan approval for the site. Any changes to this plan will require prior written permission from EPS. Additionally, a cost estimate shall be provided to EPS for review along with the Critical Area Buffer Management Plan, detailing the cost of installing and maintaining the mitigation plantings.

3. Once the final Critical Area Buffer Management Plan has been approved, and prior to grading permit issuance, the applicant shall sign an Environmental Agreement, and shall post a Critical Area Management security with EPS equal to 110% of the cost of implementing the Plan. At a minimum, the security amount for the planting portion of the Plan shall equal at least \$0.25 per square foot of planting.
4. Release of the Critical Area Buffer Management Plan security shall generally be in accordance with EPS's established Environmental Agreement policy. As required by the policy, the applicant is responsible for submitting inspection reports to EPS for approval in accordance with the plan requirements.
5. Any proposed changes to the site layout or proposed site uses may require an amended variation of standards request as determined by EPS.



Vincent J. Gardina
Director



Date

ORDER RECEIVED FOR FILING

Date 8-25-11

By 



KEVIN KAMENETZ
County Executive

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

August 25, 2011

D. DUSKY HOLMAN, ESQUIRE
LAWRENCE E. SCHMIDT, ESQUIRE
SMITH, GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Bear Creek Overlook
HOH Case No. 12-140 and Zoning Case No. 2011-0202-SPHA

Dear Messrs. Holman and Schmidt:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

Enclosure

c: Donna Whetzel, 8600 Sandy Plains Road, Dundalk MD 21222
Walter Lycett, 1957 Quentin Road, Dundalk MD 21222
Eric Rockel, 1610 Riderwood Drive, Lutherville MD 21093



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: Sandy Plains Road and 16 foot Alley

which is presently zoned DR-3.5

Deed Reference 26993 / 181 Tax Account # 1222035037

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

A parking area on a lot without a principal building.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address.

Telephone No.

City

State Zip Code

Attorney For Petitioner:

D. Dusky Holman, Esq.

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson

MD 21204

City

State Zip Code

Legal Owner(s):

Daria Land Group, LLC Alireza Aliaskari

Name - Type or Print

Signature

Name - Type or Print

Signature

2114 Edgeware Street

202-409-3412

Address.

Telephone No.

Silver Spring

MD 20905

City

State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

Case No. 2011-0202-SPHA

DROP OFF RECEIVED FOR FILING

Date

8-25-11

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 12/28/10



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the properties located at Lynch Rd. and Sandy Plains Road
which are presently zoned DR-3.5 and DR-10.5

Deed Reference 26993 / 181 Tax Account # 1222035037, 1222035036, 1222035032

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 of thereof, hereby petition for a Variance from Section(s)

260, BCZR, to permit garages that occupy over 45% of the building frontage.

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

Reasons to be presented at the hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State Zip Code

Attorney For Petitioner:

D. Duksy Holman, Esq.

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson

MD 21204

City

State Zip Code

Legal Owner(s):

Daria Land Group, LLC Alireza Aliaskari

Name - Type or Print

Signature

Name - Type or Print

Signature

2117 Edgeware Street

202-409-3412

Address

Telephone No.

Silver Spring

MD 20905

City

State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T. Date 12/28/10

Case No. 2011-0202-SPHA

DROP OFF NO REVIEW
ORDER RECEIVED FOR FILING

Date 8-25-11

By [Signature]

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION – SPECIAL HEARING BEAR CREEK OVERLOOK – Parcel 'A'

Beginning at a point on the east side of a 16-foot alley at the distance of 188 feet north of the centerline of Lynch Road, which is 60 feet wide, thence the following courses and distances:

N 42°18'33" E, 412.47 ft.;
S 47°41'27" E, 26.52 ft.;
S 05°02'28" W, 215.07 ft.;
N 89°13'58" W, 8.25 ft.;
N 50°08'04" W, 16.74 ft.;
N 30°19'02" W, 18.97 ft.;
N 17°12'09" W, 17.80 ft.;
S 87°14'46" W, 11.17 ft.;
S 68°56'51" W, 38.01 ft.;
S 41°24'35" W, 43.25 ft.;
S 40°29'01" W, 30.19 ft.;
S 25°09'50" W, 32.06 ft.;
S 01°45'51" W, 33.74 ft., thence
N 83°29'20" W, 133.78 ft. to the Point of Beginning

Being a portion of Parcel 403, Tax Map 104 and containing 0.77 acres, more or less, and part of the property recorded in Deed Liber 26993, folio 181. Located in the 12th Election District, 7th Councilmanic District.



Professional Certification. I hereby certify that these documents were prepared and approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

Licence No. 9752, Expiration Date 2-28-12

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION – VARIANCE AREA #1 BEAR CREEK OVERLOOK, LOTS 1 AND 2

Beginning at a point on the east side of a 16-foot alley at the distance of 30 feet north of the centerline of Lynch Road, which is 60 feet wide, thence the following courses and distances:

N 42°18'33" E, 158.36 ft.;
N 83°29'20" W, 133.78 ft.;
S 23°28'33" E, 83.72 ft.;
S 03°45'53" E, 15.05 ft.;
S 10°24'00" W, 15.74 ft.;
S 14°18'55" E, 45.55 ft.;
S 36°12'33" E, 34.86 ft.;
S 04°26'36" E, 14.05 ft.;
S 01°33'03" W, 37.41 ft.;
S 02°15'27" W, 32.32 ft.;
S 30°59'47" W, 11.44 ft.;
S 12°14'17" E, 18.04 ft.;
S 07°10'24" E, 28.80 ft.;
S 30°19'01" E, 19.76 ft.;
S 45°19'53" E, 48.25 ft.;
S 40°42'46" E, 44.47 ft.;
S 30°38'17" E, 64.77 ft.;
S 07°22'25" W, 14.84 ft.;
S 27°05'26" E, 30.09 ft.;
S 49°12'43" E, 22.16 ft.;
S 15°05'17" E, 18.80 ft.;
N 48°31'27" W, 32.96 ft.;
N 22°02'27" W, 24.94 ft.;
N 45°45'27" W, 81.64 ft.;

By a curve to the left, radius 50.00 ft., length 1.04 ft.;

N 35°32'37" W, 17.66 ft.;

By a curve to the left, radius 418.48 ft., length 94.95 ft., thence

N 48°31'27" W, 368.44 ft. to the Point of Beginning.

Being a portion of Parcel 403, Tax Map 104 and containing 1.544 acres, more or less, and part of the property recorded in Deed Liber 26993, folio 181. Located in the 12th Election District, 7th Councilmanic District.



Professional Certification. I hereby certify that these documents were prepared by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 9752, Expiration Date: 2-28-12



ZONING DESCRIPTION – VARIANCE AREA #2 BEAR CREEK OVERLOOK, LOTS 3 -10

Beginning at a point on the south side of a Sandy Plains Road, which is of varying width, at the distance of 212 feet east of a 16-foot alley, thence the following courses and distances:

S 66°04'09" E, 283.06 ft.;
By a curve to the right, radius 24.93 ft., length 37.59 ft.;
S 20°02'05" W, 72.68 ft.;
By a curve to the right, radius 50.00 ft., length 71.58 ft.;
N 77°56'26" W, 140.20 ft.;
By a curve to the right, radius 260.00 ft., length 98.55 ft.;
N 09°36'32" E, 34.00 ft.;
N 46°20'53" E, 48.74 ft.;
N 30°51'38" W, 37.48 ft., thence
N 24°35'10" E, 66.08 ft. to the Point of Beginning

Being a portion of Parcel 403, Tax Map 104 and containing 1.105 acres, more or less, and part of the property recorded in Deed Liber 26993, folio 181. Located in the 12th Election District, 7th Councilmanic District.



Professional Certification: I hereby certify that these documents were prepared by me, and that I am a duly licensed Professional Surveyor under the laws of the State of Maryland.

Licensee No. **9752**, Expiration Date: **2-28-12**

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION – VARIANCE AREA #3 BEAR CREEK OVERLOOK, LOTS 11 - 16

Beginning at a point on the east side of Sandy Plains Road, which is of varying width, at the distance of 218 feet northerly of the centerline of Kavanagh Road, which is 60 feet wide, thence the following courses and distances:

By a curve to the right, radius 375.00 ft., length 186.22 ft.;
By a curve to the right, radius 75.00 ft., length 106.41 ft.;
S 07°19'07" E, 70.20 ft.;
By a curve to the left, radius 325.00 ft., length 148.49 ft.;
N 62°19'22" W, 304.79 ft.;
N 55°13'22" W, 54.07 ft.;
N 34°46'38" E, 50.00 ft., thence
N 55°13'22" W, 32.55 ft., to the Point of Beginning.

Being part of Parcel "C" in the subdivision of West Inverness, Plat No. 5, recorded among the Baltimore County Land Records at Book 19, Page 105 and containing 0.991 acres, more or less. Being part of the property recorded in Deed Liber 26993, folio 181 and located in the 12th Election District, 7th Councilmanic District.



Professional Certification: I hereby certify that these documents were prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 9752, Expiration Date: 2-28-12

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

No. **62929**

Date: **12/28/10**

PAID RECEIPT

BUSINESS ACTUAL TIME NOW
 12/30/2010 12/30/2010 11:18:04 2

REC 0505 MARKED 000L 000
 >>RECEIPT # 559781 12/30/2010 0000

Dept 5 528 ZONING VERIFICATION
 NO. 062929

Receipt Tot \$770.00
 \$770.00 00 \$4.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				770.00

Total: **770.00**

Rec From: **GILDEA & SCHMIDT, LLC**
 For: **2011-0202-SPHA**
SANDY PLAINS RD.
DEAR CREEK OVERLOOK
D THOMPSON

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

2/4/11

20110202

**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: # 2011-0202-SPHA

Sandy Plains and 16 foot Alley

N & S/west side of Sandy Plains Road

9th Election District

5th Councilmanic District

Legal Owner(s): Daria Land Group, LLC

Speical Hearing: to permit a parking area on a lot without a principal building.

Variance: to permit garages that occupy over 45% of the building frontage.

Hearing: Friday, February 4, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS 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/1/673 Jan. 18 265223

CERTIFICATE OF PUBLICATION

1/20/, 2011

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 1/18/, 2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0202-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Daria Land Group, LLC

Mar 18, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Matthews:

Ladies and Gentlemen:

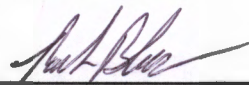
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

North Side Lynch Road @ 200 feet South/East of Quentin Road

February 17, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



February 20, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

Hearing

PDM No. 12-140

10:00 A.M.
N. BUILDING
21204
P. INC.
TOWSON, MARYLAND 21204
ACRES

PROPOSED DEVELOPMENT
ATTACHED DWELLINGS

For additional information at:
and Development Management
Building, Room 121
Towson, MD 21204
(410) 861-3335
HANDICAPPED ACCESSIBLE

ZONING NOTICE
CASE # 2011-0202-SPHA

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

Room 205 JEFFERSON BUILDING 21204
105 WEST CHESTER AVE, TOWSON

PLACE: A.M.
DATE AND TIME: FRIDAY, MARCH 18, 2011 AT 10:00

REQUEST: SPECIAL HEARING TO PERMIT A PARKING AREA ON
A LOT WITHOUT A PRINCIPAL BUILDING. VARIANCE TO PERMIT
GARAGES THAT OCCUPY OVER 45% OF THE BUILDING FOOTAGE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONSIDER HEARING CALL 867-3391

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 18, 2011 Issue - Jeffersonian

Please forward billing to:

D. Dusky Holman
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

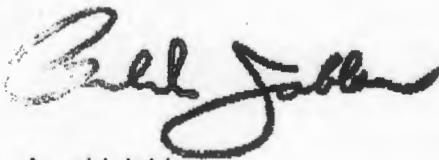
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0202-SPHA

Sandy Plains and 16 foot Alley
N & S/west side of Sandy Plains Road
9th Election District – 5th Councilmanic District
Legal Owners: Daria Land Group, LLC

Special Hearing to permit a parking area on a lot without a principal building. Variance to permit garages that occupy over 45% of the building frontage.

Hearing: Friday, February 4, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections 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

January 12, 2011

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: 2011-0202-SPHA
Sandy Plains and 16 foot Alley
N & S/west side of Sandy Plains Road
9th Election District – 5th Councilmanic District
Legal Owners: Daria Land Group, LLC

Special Hearing to permit a parking area on a lot without a principal building. Variance to permit garages that occupy over 45% of the building frontage.

Hearing: Friday, February 4, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: D. Dusky Holman, 600 Washington Avenue, Ste. 200, Towson 21204
Alireza Aliaskari, 2114 Edgeware Street, Silver Spring 20905
Richard Matz, 2835 Smith Ave., Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., JANUARY 19, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

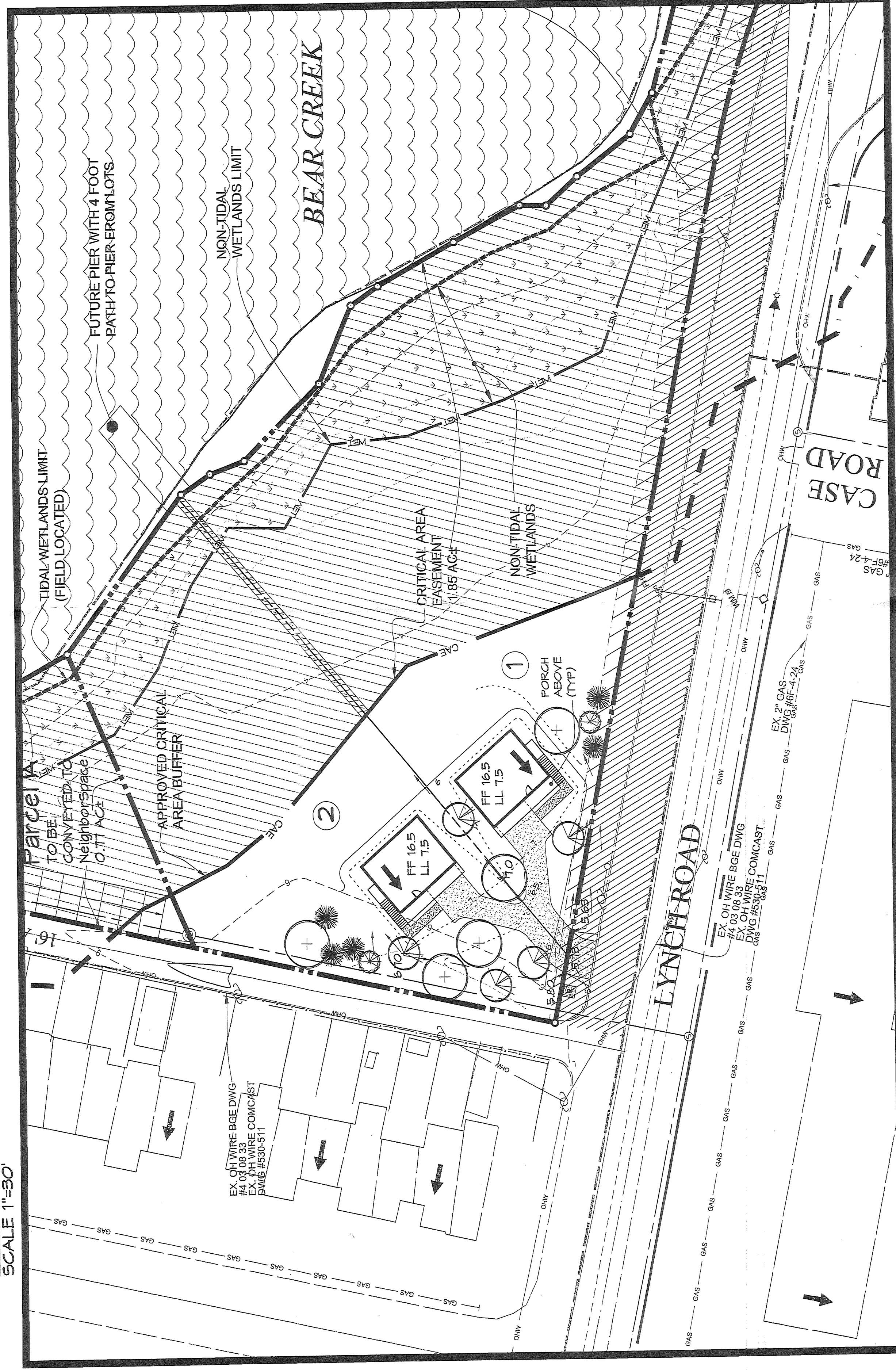
For Newspaper Advertising:

Item Number or Case Number: 2011-0202-SPHA
Petitioner: DARIA LAND GROUP, LLC
Address or Location: LYNCH RD + SANDY PLAINS RD.

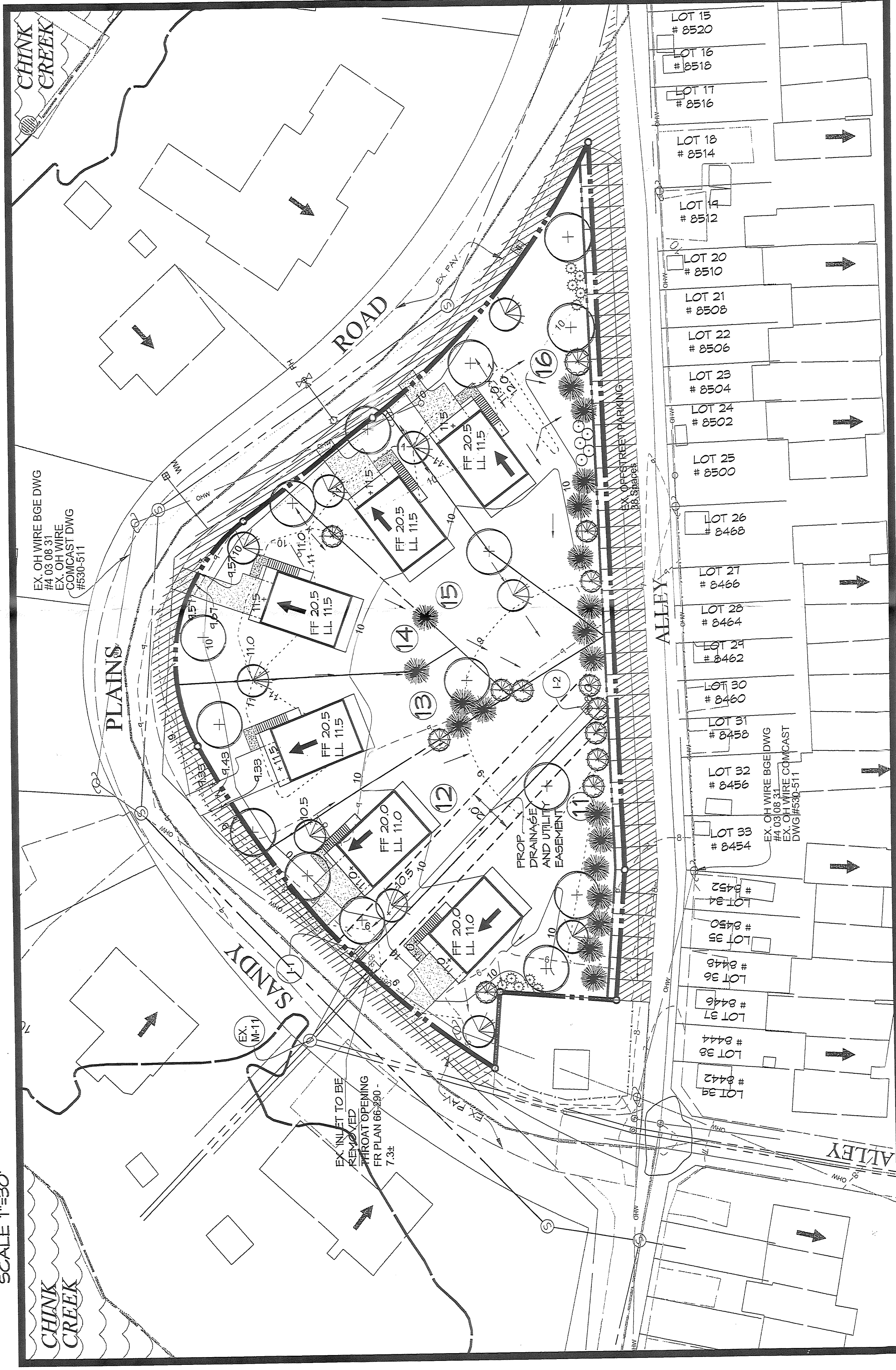
PLEASE FORWARD ADVERTISING BILL TO:

Name: D. DUSKY HOLMAN, ESQ.
Address: GILDEA + SCHMIDT, LLC
600 WASHINGTON AVE., SUITE 200
TOWSON, MD 21204
Telephone Number: 410-821-0070

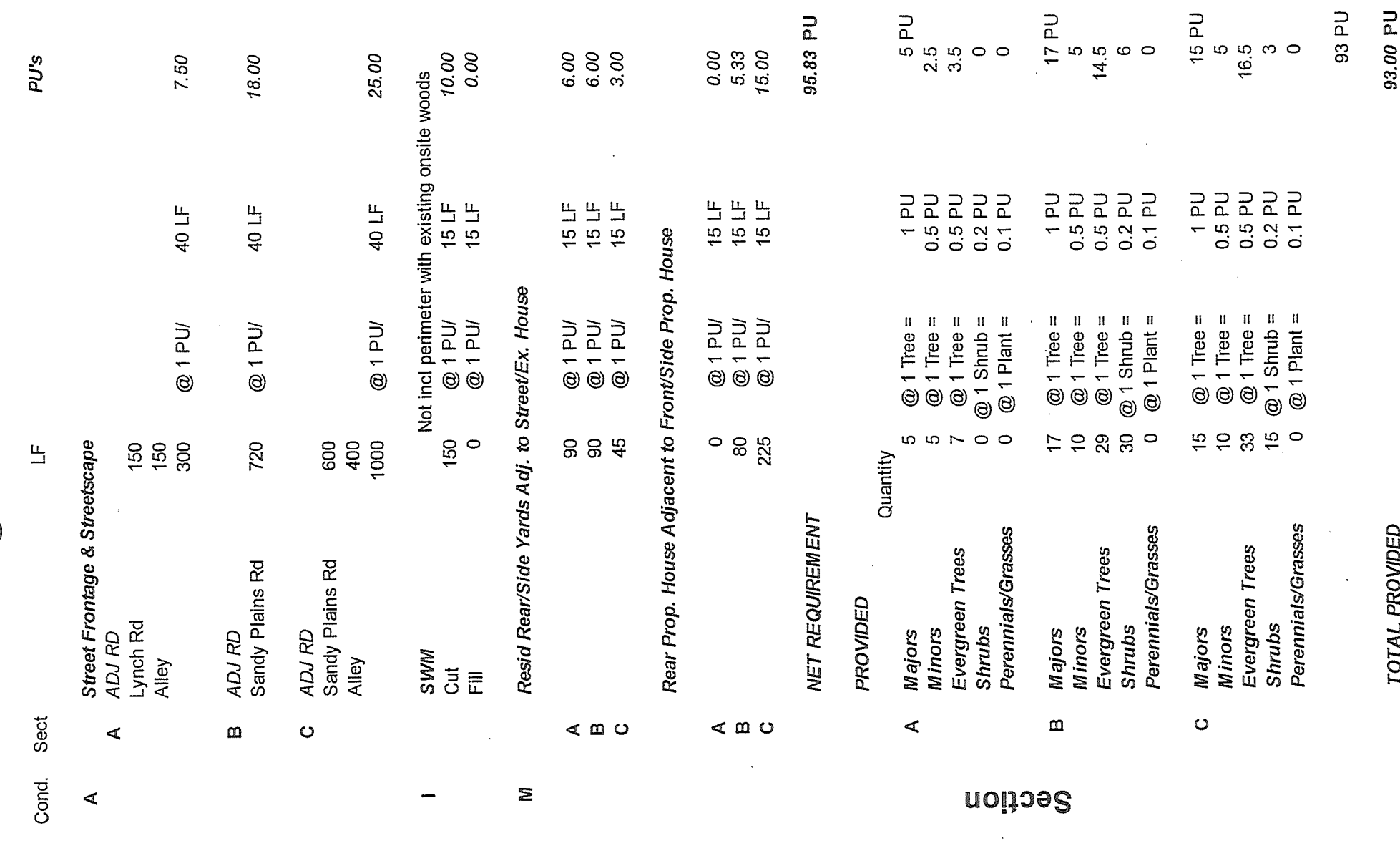
SECTION B
SCALE 1"=30'



SECTION C
SCALE 1"=30'



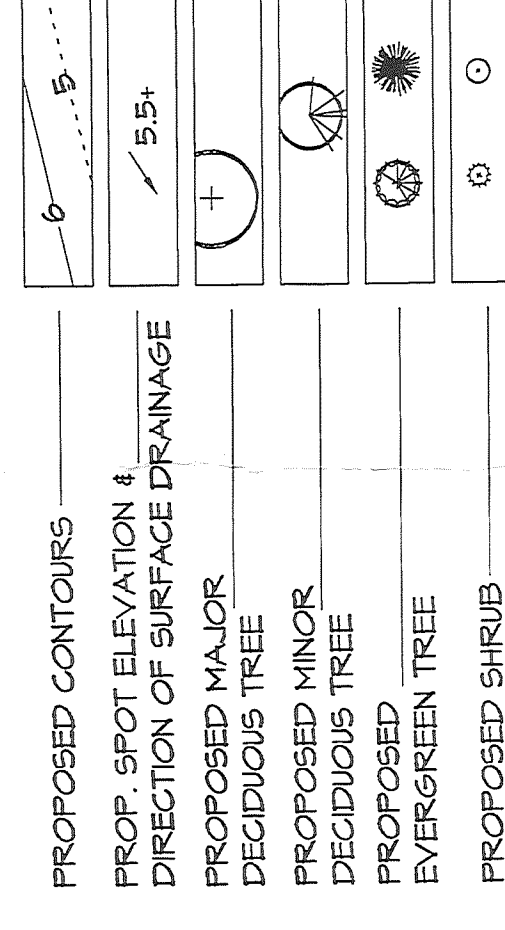
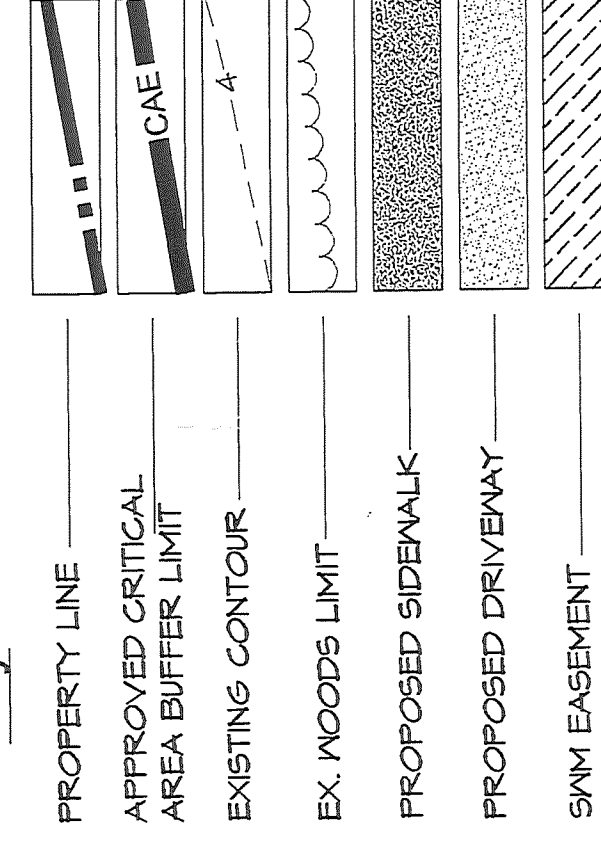
Planting Units Calculations



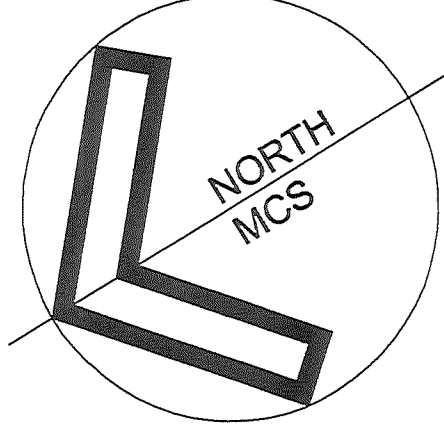
LINE	BEARING	LENGTH
L1	N47°41'31"N	34.24
L2	S83°22'51"E	34.59
L3	S10°58'47"E	141.91
L4	S54°10'10"E	52.40
L5	S45°43'44"E	15.20
L6	N64°12'10"N	94.66
L7	N10°52'28"N	194.48
L8	N85°29'55"E	162.08
L9	N60°04'04"E	95.66
L10	S62°56'22"E	43.10
L11	N43°08'27"W	49.07

SMM EASEMENT CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH	DELTA ANGLE	TANGENT
C1	19.41'	92.50'	556°54'34"E	19.43'	12°03'36"	4.77'
C2	19.58'	24.49'	N08°14'46"W	11.47'	42°14'33"	9.63'
C3	57.66'	107.152'	S01°54'28"E	55.61'	30°43'43"	21.54'

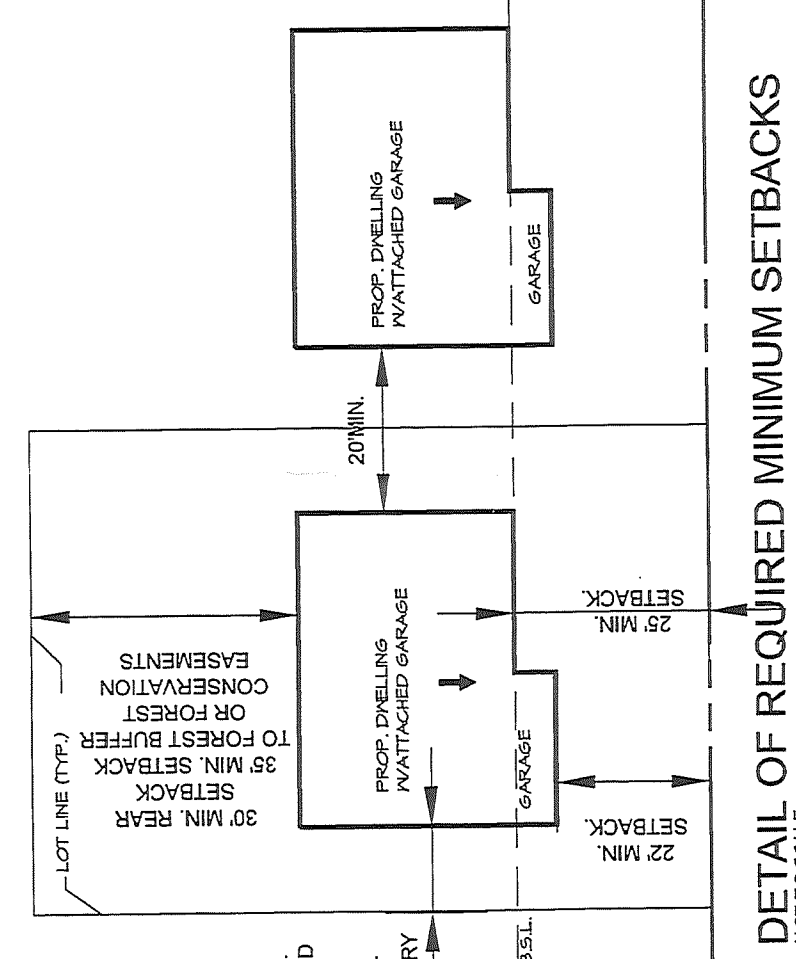
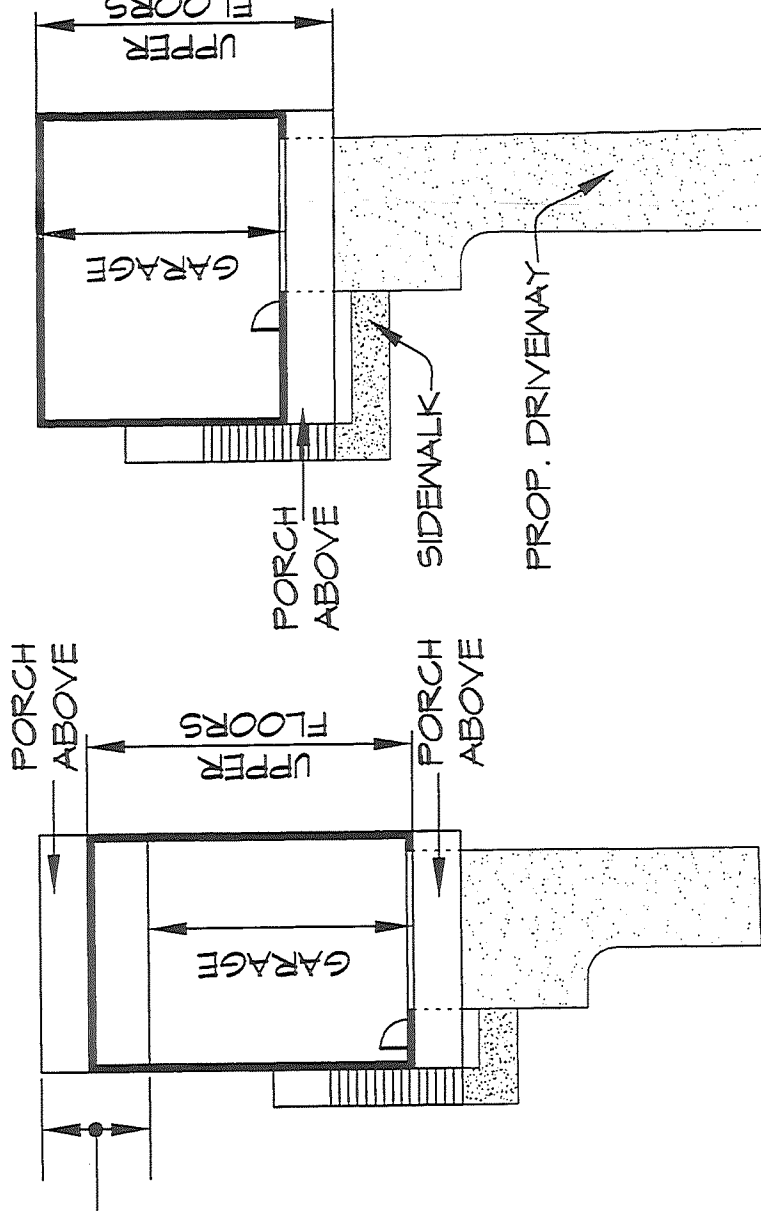
Key



MINIMUM FIRST
FLOOR ELEVATION:
10.70' (NAV788)



FOR ZONING, ADJOINING OWNERSHIP,
SETBACKS, LOT DIMENSIONS AND PROPERTY
INFORMATION. SEE DWS DEV-1



DETAIL OF DWELLING LAYOUT

DETAIL OF REQUIRED MINIMUM SETBACKS