

M E M O R A N D U M

DATE: May 11, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0194-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 10, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: DEVELOPMENT PLAN HEARING *
AND PETITION FOR VARIANCE *
9895 Belair Road *
NE side of Belair Road, 100' N *
of the c/l of Perry Hall Road *
11th Election District *
5th Councilmanic District *

Gunpowder Farms, LLC *
Applicant/Developer *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

HOH Case No. 11-1109 and
Zoning Case No. 2012-0194-A

* * * * *

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

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for a public hearing on a development proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code ("B.C.C."). The request for Development Plan approval was filed by Gunpowder Farms, LLC, and the owners of the property, Kenneth E. and Deloris E. Schroeder. A four page Development Plan which was submitted and accepted into evidence as Developer's Exhibit 1A through 1D was prepared by Morris & Ritchie, Associates, Inc., and shows the development of the subject property into 48 single family lots. The property which is the subject of this Development Plan approval request consists of 21.4 acres, more or less, and is zoned BR 3.5H (Honeygo) with a very small portion zoned DR 3.5. The property is located on the east side of Belair Road opposite from its intersection with Perry Hall Road in the Honeygo area of Baltimore County.

Appearing at the hearing on behalf of the Applicant were David Altfeld and Ronald Schaftel, principals with Gunpowder Farms LLC, the Developer of the subject property. Also attending on behalf of the Development team were Dean Hoover, Matt Bishop and Josh Sharon all

ORDER RECEIVED FOR FILING

Date 4-10-12

By BM

representatives of Morris & Ritchie, Associates, Inc., the engineers, planners and landscape architects who prepared the Development Plan. Ken Schmid appeared as a traffic expert on behalf of the Developer, and the Developer was represented by David H. Karceski, Esquire and Christopher Mudd, Esquire.

As is usual and customary, various representatives of the Baltimore County reviewing agencies also attended the hearing namely, from the Department of Permits and Development Management: Jan Cook (Project Manager), Dennis Kennedy (Development Plans Review), Bruno Rudaitis (Office of Zoning Review), and LaChelle Imwiko (Bureau of Land Acquisition). Also appearing on behalf of the County were Jeff Livingston from the Department of Environmental Protection and Resource Management ("DEPRM"); and Jenifer Nugent from the Department of Planning. In addition, written comments were received from the Baltimore County Fire Marshal's Office and the Maryland State Highway Administration. These and other agency remarks are contained within the case file.

Several residents from the surrounding community appeared out of concern for and in opposition to the subject development. Those citizens placed their names on the Citizen's Sign-In Sheet. Specifically appearing at the hearing were Robert and Susan Rye, property owners whose land is located adjacent to and immediately south of the property to be developed; Marie Beard, whose property abuts the development immediately to the north; Richard Nolet, Carole Nolet and Norma Burckhard, all residing along Belair Road, also were in attendance. Mark Warren, who resides within the adjacent residential community located on Gunforge Road also attended the hearing.

It should be noted that in addition to the requested approval of this Development Plan, the Developer has also filed a Petition for Variance. That Variance was filed in case 2012-0194-A

ORDER RECEIVED FOR FILING

Date 4-10-12

2

By pm

where in the Developer, Gunpowder Farms LLC, and the legal owners, Kenneth E. and Deloris E. Schroeder, are requesting variance relief from Section 259.9.B.4.e of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a residential dwelling setback of 44 feet to a rear property line in lieu of the required 50 feet (Lot No. 48). This variance request pertains to Lot 48 only.

The property was posted with the Notice of Hearing Officer's Hearing on March 1, 2012 for 20 working days prior to the hearing held on March 29, 2012 in order to inform all interested citizens of the date and location of the hearing. In addition, notice of the zoning hearing was posted on the property on March 13, 2012 and was timely published in *The Jeffersonian* in accordance with the County Code.

As to the history of the project, a concept plan of the proposed development was prepared and a Concept Plan Conference ("CPC") was held on July 26, 2011 at 10:00 AM in the County Office Building. As the name suggests, the concept plan is a schematic representation of the proposed development and was initially reviewed by representatives of the Developer and the reviewing County Agencies at the CPC. Thereafter, as is also required in the development review process, notice of a Community Input Meeting ("CIM") was posted and scheduled during evening hours at a location near the proposed development. The CIM provides residents of the area an opportunity to review and comment firsthand on the Concept Plan. In this case, the CIM was held on August 24, 2011 at 7:00 PM at the Perry Hall Public Library located at 9685 Honeygo Boulevard, where representatives of the Developer and the County attended, as well as a number of interested persons from the community. Subsequently, a Development Plan was prepared based upon the comments received at the CPC and the CIM, and the Development Plan was submitted for further review at a Development Plan Conference ("DPC"). At the DPC, the Developer's

ORDER RECEIVED FOR FILING

Date 4-10-12

3

By [Signature]

consultants and County agency representatives further reviewed and scrutinized the plan. The DPC occurred on March 7, 2012 at 9:00 AM in the County Office Building. Thereafter, a Hearing Officer's Hearing was scheduled and convened on March 29, 2012 in Room 205 of the Jefferson Building located at 105 West Chesapeake Avenue in Towson.

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

Pursuant to Sections 32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct of the Hearing Officer's Hearing, I am required first to identify any unresolved comments or issues as of the date of the hearing.

At this preliminary stage of the Hearing Officer's Hearing, the Developer through Matt Bishop, a landscape architect employed by Morris & Ritchie, Associates, Inc., was called to testify and presented testimony and evidence regarding the Plan to develop the property. Mr. Bishop was accepted as an expert based on his credentials and experience. The Development Plan marked as Developer's Exhibit 1A through 1D was introduced and accepted into evidence through the testimony of Mr. Bishop. Mr. Bishop went on further to testify that the subject property will have

ORDER RECEIVED FOR FILING

Date 4-10-12

4

By ps

direct access to Belair Road, consists of 21.4 acres and is zoned DR 3.5H. The zoning taking into account the acreage of the site would yield 74 potential single family dwellings. However, due to site constraints, road networks, stormwater management areas, open space and forest conservation and forest buffer easements, the Developer is proposing only 48 single family homes on the subject property. The Developer as required by Baltimore County Code proposes two future connections to the properties located to the north and south of the property to be developed as is shown on the Development Plan. Both passive and active open space have been shown on site as well as two stormwater management facilities.

Mr. Bishop also testified that the County Council recently passed Council Bill No. 11-12 which among other things altered the rear yard setbacks for single family homes to be developed in the Honeygo Overlay District. The importance of this new Bill which became effective April 2, 2012, is that it would obviate the need for a variance for the house to be constructed on Lot 48. However, out of an abundance of caution, and given the timing of the effective date of the new Bill, the Developer did put forward testimony and evidence on the variance petition which was filed as a corollary case to this Development Plan.

Finally, during the introduction of the Development Plan, Mr. Bishop did testify regarding a waiver from Public Works standards relating to the paving width of the street system that will service these 48 homes. At the present time, the Developer proposes to construct streets within the subdivision that consist of a 28 foot wide paved section on a 50 foot right-of-way. Normal standards require a 30 foot paved section on a 50 foot right-of-way. The Developer has requested a waiver from Public Works to allow the paved section of the road to be 28 feet in width in lieu of the required 30 feet, and that waiver request has been recommended for approval by the Director of Public Works.

ORDER RECEIVED FOR FILING

Date 4-10-13

5

By [Signature]

After the introduction of the Development Plan through Mr. Bishop, the County representatives who were in attendance at the hearing were called upon to testify regarding their particular agencies' position on this Development Plan.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: Comments were received from the State Highway Administration (SHA) dated February 28, 2012. The SHA stated in their comment that an access permit is required for access to Belair Road. SHA has requested a revised traffic study and will be reviewing the access permit after the issuance of this decision. The decision to allow access to Rt. 1 is a separate process from this Hearing Officer's Hearing, and will be handled solely by the SHA.

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

Planning Office: Jenifer Nugent appeared on behalf of the Department of Planning. Ms. Nugent indicated that her department has no objection to the Plan. She also stated that the Pattern Book (Developer's Exhibit 4) has been reviewed, approved and accepted by her Department. She also stated that the School Impact Analysis, accepted as Developer's Exhibit 5, has been accepted by her Department. Given this, she recommended approval of the Development Plan.

DEPS: Jeff Livingston appeared on behalf of DEPS, indicating that his Department has no issues with the Plan. The project has been reviewed by Ground Water Management and Environmental Impact Review and there are no open issues regarding this proposed Development. He recommended approval of the Plan.

Recreation and Parks: Bruce Gill appeared on behalf of the Department of Recreation and Parks and indicated that the Developer has met all requirements pertaining to Local Open Space,

ORDER RECEIVED FOR FILING

Date 4-10-12

6

By ps

both active and passive. With no other open issues, Mr. Gill's Department recommended approval of the Development Plan.

Development Plans Review (Public Works): Dennis Kennedy appeared on behalf of the Bureau of Development Plans Review. Mr. Kennedy confirmed that the Developer's red-lined plan met all of his Department's requirements and comments, and that his department recommended approval of the redlined Development Plan. He also stated that the Director of Public works supported the granting of the waiver to allow a paving width of 28 feet in lieu of 30 feet.

Office of Zoning Review: Bruno Rudaitis appeared on behalf of the Office of Zoning Review. Mr. Rudaitis stated that his office had no outstanding issues with the Plan, and the recommended approval of same. He also stated that with the passage of Bill 11-12 the variance request will be rendered moot.

Land Acquisition: LaChelle Imwiko appeared on behalf of the Bureau of Land Acquisition, and indicated that they have no objection to the Plan and recommended approval of same.

As stated previously, several residents from the surrounding community appeared out of concern and in opposition to the development proposal. Mrs. Marie Beard who resides at 9909 Belair Road, the property which is immediately to the north of the property to be developed, testified that she does not like the method by which the Developer has proposed to provide a road connection to her property. As shown on Developer's Exhibit 1A, the road system provides a connection to Mrs. Beard's property at the far northeastern corner of the property adjacent to Lot 18. Mrs. Beard stated she would have preferred the road to come through at the approximate location of Lot 21.

ORDER RECEIVED FOR FILING

Date 4-10-12

7

By Bj

Providing testimony in response to her concern was Mr. Dennis Kennedy, a representative from the Department of Public Works. Public Works required that the Developer provide a connection at this particular point in order for it to line up with the existing Forge Park Road that currently terminates on the other side of Mrs. Beard's property. If ever connected in the future, a new section of roadway would simply connect the two terminating points with a straight line. Mrs. Beard stated that this area of her property is very desirable for a house location; however, Mr. Kennedy indicated that it was more important to have the road connect with a straight line than to gerrymander the road connection in some other fashion. After considering the testimony and evidence on this issue, I find that the road connection is appropriately shown on Developer's Exhibit 1A and this issue does not warrant that the project be denied or the Development Plan be altered in any way.

Mrs. Beard also expressed concern over the fact that her house is currently served by a private well. She has lived at this property for over 60 years and the well has always functioned perfectly for her needs. She is concerned that once the Developer begins to grade the property and construct the road system and houses that her well could be damaged. She asked for assurances that a water connection be provided to her house should any damage occur to the functionality of her well. It was stated at the hearing that the Developer will be running a public water supply along Belair Road and terminating that water supply at the edge of Mrs. Beard's property. This will in the future provide public water service to Mrs. Beard's property should it ever be developed with additional housing. It is very unlikely that any damage would occur to Mrs. Beard's well as a result of the grading and constructing of this property. The well does sit approximately 60 feet off the property line. However, while this issue is not sufficient to warrant

ORDER RECEIVED FOR FILING

Date 4-10-12

8

By [Signature]

that the Plan be denied, I shall impose a condition which will provide some assurance that in the event the well shall fail, a connection to an appropriate water supply will be provided.

Mrs. Beard also indicated some concern over water that currently runs off of the property to be developed onto her property and across her driveway. The engineer testified and advised Mrs. Beard that the water which previously ran off the development site will now be captured and diverted into a stormwater management pond. This will help to alleviate any water runoff that traditionally came onto her property and across her driveway.

Finally, Mrs. Beard as well as others requested that a new traffic light be installed at the location where the proposed entrance road connects to Belair Road. At this time, I do not believe that a traffic light is warranted given the additional amount of homes to be constructed. However, as was stated at the hearing, an access permit is required to be provided by the State Highway Administration for this project. That issue and any future improvements to Belair Road as a result of this development being constructed, can and should be addressed by the State Highway Administration given that Belair Road is a State road. Therefore, any improvements or modifications to the access to the property from Belair Road shall be reserved to the State Highway Administration in furtherance of their access permit process.

Mr. and Mrs. Robert Rye, whose property is located immediately to the south of the property to be developed, also raised some concerns over the development project. Mr. Rye originally complained about a stormwater management issue that exists with an old subdivision known as the Gerst subdivision. The Gerst subdivision was approved pursuant to the old CRG process prior to this new Hearing Officer's approval process. Apparently, some stormwater management matters were left unresolved when that development was constructed. While I understand the issue raised by Mr. Rye, the matter involving the Gerst subdivision is not

ORDER RECEIVED FOR FILING

Date 4-10-12

9

By pm

legitimately before this Court and should not be entertained at this venue. As such, it should not prevent this Development Plan from being approved.

Mr. Rye also raised a question about the improvement to the existing turnaround at the end of Forge Park Road as is shown on the Developer's Exhibit 1A. The Developer of the Gunpowder Overlook was asked by the Department of Public Works to improve upon the T-turnaround that is located at the termination point of Forge Park Road. The modified turnaround area is actually located on the property owned by Gunpowder Farms LLC. The purpose of these improvements, as was explained by Mr. Kennedy, is to allow the trash truck to have an area to turn around when picking up trash from the residents who reside along Forge Park Road. At the present time, the trash truck has to back up the entire length of Forge Park Road to pick up trash. The sanitation department for Baltimore County requested that this area be improved so that the trash trucks can safely turn around and pick up the residents' trash. As such, it is appropriate that the turnaround area be modified as shown on Developer's Exhibit 1A. Accordingly, this issue is not sufficient to warrant a denial of the Plan. The Developer shall be required to make improvements to the end of Forge Park Road as shown on the Plan.

Mr. Rye also was concerned about the sheet flow of water running off of his property into the back yards of those future homeowners who will eventually purchase Lots 1-13. This is the area along the common boundary line between the Rye property and the property to be developed. Mr. Rye was assured at previous meetings that the stormwater management plan approved for this project will capture that runoff from his property and divert it to proper stormwater management ponds. Mr. Rye wanted this assurance so that he would not have any problems in the future with any of his new neighbors who might purchase these lots from this Developer. This is a legitimate issue and I shall impose a condition at the end of this Order requiring that the Developer capture

ORDER RECEIVED FOR FILING

Date 4-10-12

10

By PM

and manage any water runoff from Mr. Rye's property to prevent it from finding its way and causing problems in the rear yards of those future homeowners of Lots 1-13.

Mr. Rye also took issue with the landscape plan that has been submitted for approval. He accurately stated that the Plan does not propose any landscaping along Lots 1-5 which as stated previously are adjacent to his property. He is concerned that the very mature pine trees that are located on his property will, in the minds of those purchasers of Lots 1-5, be thought of as their screening. These trees are located on the Rye property and not on the property to be developed. Therefore, he has asked that additional landscaping be installed to the rear of Lots 1-5 so that there is no misunderstanding that the pine trees are supposed to provide any type of visual buffer for Lots 1-5. It is possible that Mr. Rye will one day cut down these trees. He does not want problems in the future with those homeowners.

The Developer, hearing Mr. Rye's concerns, indicated that they will provide additional landscaping along the rear of Lots 1-5. They simply stated that the plantings would have to be shade vegetation given that the large mature pine trees block out daylight from hitting whatever will be planted along the rear of Lots 1-5. Accordingly, I shall impose a condition at the end of Order addressing this issue.

Mr. Rye also was concerned that the future owners of Lots 1-13 would not know the location of their rear property lines. He is concerned that they may trespass onto his property. Mr. Rye owns a large parcel of land and the property line between his and the property to be developed may not be easily discernable. He stated that he would probably install some type of fencing along the line so as to prevent any future homeowner from mistakenly or inadvertently trespassing onto his land. While it might be advisable for him to do that, I find that the Developer does bear some responsibility in this regard and I shall require by way of restriction that each and every

ORDER RECEIVED FOR FILING

Date 4-10-12

11

By [Signature]

corner of Lots 1-13 be staked by a surveyor at the time these homes are constructed so as to advise all potential purchasers of Lots 1-13 of exactly where their rear property line is located. The should place all future buyers on proper notice as to where their property ends.

Also appearing at the hearing and providing testimony was Mark Warren who resides at 9812 Gunforge Road which is a community located immediately to the east of the proposed development. The rear yard of the Warren property backs up to and is in very close proximity to the T-turnaround area shown on the proposed Lot 18. Mr. Warren is concerned that this turnaround area could cause people to loiter or park their cars in this remote area of this Development. He therefore asked that a street light be located in that area to prevent any persons from loitering in that area of the property. The Developer indicated that they would provide a street light in the area of the T-turnaround.

As stated previously, several residents who appeared at the hearing including Mr. Warren and Mr. Nolet expressed concerns over the speed of traffic along Belair Road. They have concerns that future residents of the Gunpowder Overlook who come and go from the property will have a difficult time pulling out onto Belair Road, particularly when making a turning movement in the southerly direction. Ken Schmid, a traffic expert, provided testimony and evidence at the hearing as well as submitted into evidence as Developer's Exhibit 8 a traffic study which has taken into account sight lines and sight distances to the entrance to this Development. Again, I believe it is appropriate to delegate to the State Highway Administration these issues of the access to and from this proposed Development, given that Belair Road is a State highway and an access permit is required before access can be provided to Belair Road.

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Date 4-10-12

By [Signature]

There were no other issues raised that warrant the imposition of conditions or restrictions on this project or that would be substantial enough to warrant that the Development Plan be denied.

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

Administrative Law Judge's Decision on Petition for Variance

The variance, as previously indicated, was requested pursuant to Section 259.9.B.4.e of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a residential dwelling setback of 44 feet to a rear property line in lieu of the required 50 feet (Lot No. 48). As discussed at the hearing, Bill No. 11-12, which took effect April 2, 2012, now allows a 40 foot rear yard setback for Lot No. 48. The Development Plan and the setback shown for Lot 48 meets that requirement. As such, the variance request has been rendered moot.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, the Gunpowder Farms, LLC Development Plan shall be approved consistent with the comments contained herein.

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Date 4-10-12

By RJ

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 10th day of April, 2012, that the "GUNPOWDER OVERLOOK" Development Plan, marked and accepted into evidence as Developer's Exhibits 1A-1D, be and is hereby **APPROVED**; and

IT IS FURTHER ORDERED that the Petition for Variance relief to permit a residential dwelling setback of 44 feet to a rear property line in lieu of the required 50 feet (Lot No. 48), be and is hereby **DISMISSED AS MOOT**; and

IT IS FURTHER ORDERED that the waiver from Public Works Standards to allow a road paving width of 28 feet in lieu of 30 feet on a street right-of-way of 50 feet, be and is hereby **GRANTED**.

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

1. The property owned by Mrs. Beard, located to the north of the site to be developed, is served by a private well. The Developer shall be required to extend public water service along Belair Road to the property of Mrs. Beard, so that she may have access to a public water supply should the need ever arise to connect to public water. The Developer's responsibility is to construct the public water main to her property, but not to make the actual connection.
2. The Developer shall be required to capture and manage all surface water that runs off the Rye property onto the site to be developed. This runoff occurs in the vicinity of the common property line located along the rear of Lots 1-13 of the property to be developed. This water shall be managed so as to prevent any ponding or flooding to occur in the rear yards of Lots 1-13 of the Gunpowder Overlook.
3. The Developer shall provide additional landscaping along the rear lot lines of Lots 1-5 of Gunpowder Overlook. The Developer shall take into account that this area is heavily shaded by the existing pine trees located on the Rye property and plant appropriate vegetation that can survive in shaded areas.

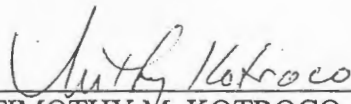
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Date 4-10-12

By (Signature)

4. In order to establish a visible boundary line between the property to be developed and the Rye property, the Developer shall be required to stake with proper markers the corners of the lots known as Lots 1-13 of Gunpowder Overlook. These markers shall remain in place until such time as the houses on these lots are occupied by owners, so as to ensure that these new owners know exactly where their rear yards end and where the property owned by Mr. Rye begins.
5. The Developer shall be required to install street lights within this new development. Specifically, the Developer shall be required to install a streetlight at the T-turnaround located on Lot 18 of Gunpowder Overlook. The purpose of this is to ensure adequate lighting is provided at this dead-end area of the roadway which should discourage any inappropriate activity from occurring in that vicinity.
6. The Developer shall be required to secure an access permit from the State Highway Administration which will allow access into the Development from Belair Road. The issuance of that permit is at the discretion of the State Highway Administration. However, it is hoped that the State Highway Administration will take into account the speed of vehicular travel along Belair Road, both north and south, and require such appropriate improvements to that new access point as they deem appropriate and advisable.

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

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By [Signature]



KEVIN KAMENETZ
County Executive

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

April 10, 2012

DAVID KARCESKI, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

Re:

HOH Case No. 11-1109 and Zoning Case No. 2012-0194-A
Applicant/Developer: Gunpowder Farms, LLC

Dear Mr. Karceski:

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. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

- c: Robert and Susan Rye, 4410 Forge Road, Perry Hall MD 21128
Marie Beard, 9909 Belair Road, Kingsville MD 21087
Carole Nolet, 5910 Belair Road, Kingsville MD 21087
Richard Nolet and Norma Burkhard, 9906 Belair Road, Kingsville MD 21087
Mark Warren, 9812 Gunforge Road, Perry Hall MD 21128

FLOOD PLAIN



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 9895 Belair Road

which is presently zoned DR 3.5H

Deed Reference: 6239 / 635 Tax Account # 1119009025

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)

259.9.B.4.e of the Baltimore County Zoning Regulations to permit a residential dwelling setback of 44 feet to a rear property line in lieu of the required 50 feet (Lot No. 48).

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

To be determined at hearing.

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:

Gunpowder Farms, LLC

Name - Type or Print Ronald O. Schafel, Member

Signature

1258 Henry Street

410-347-4800

Address

Telephone No.

Baltimore

MD

21230

City

State

Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable, LLP

Company

210 W. Pennsylvania Avenue, Suite 500

410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Kenneth Schroeder

Name - Type or Print

Signature

Deloris Schroeder

Name - Type or Print

Signature

9895 Belair Road

Address

Telephone No.

Perry Hall

MD

21128

City

State

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 W. Pennsylvania Avenue, Suite 500

410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 2012-0194-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by TH

Date 2/17/12

REV 8/20/07

Max Bishop
fax 410-821-1948

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the north easterly side of Belair Road (U.S. Route 1) which has a width of ± 60 feet at the distance of ± 100 feet northerly of the centerline of the nearest intersecting street, Perry Hall Road, which has a width of ± 22 feet to a point. Then running South 60 degrees 3 minutes 9 seconds East for a distance of 45.82 feet to a point and the point of beginning. **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

South 29 degrees 56 minutes 51 seconds West 92.38 feet to a point; South 43 degrees 4 minutes 34 seconds East 3.30 feet to a point; Arc Length of 99.60 feet with a Radius of 125.00 feet; Arc length 14.31 feet with a Radius of 9.00 feet to a point; South 88 degrees 34 minutes 22 seconds East 5.73 feet to a point; North 29 degrees 56 minutes 51 seconds East 156.47 feet to a point; North 60 degrees 3 minutes 9 seconds West 95.00 feet to a point and the place of beginning and being known as Lot #48 as shown on the Development Plan entitled Gunpowder Overlook Baltimore County PAI number 11-1109.

Containing an area of $\pm 11,697$ square feet or ± 0.27 acres of land, more or less and being located in the Eleventh Election District of Baltimore County, Maryland.



2012-0194-A

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ Wilmington, DE ♦ York, PA
(410) 515-9000 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (717) 751-6073

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 2012-0194-A
Petitioner: Kenneth & Deloris Schroeder
Address or Location: 9895 Belair Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: David H Karcuski (Venable LLP)
Address: 210 W PENNSYLVANIA AVE
Suite 500
Towson, MD 21204
Telephone Number: 410-494-6285

Revised 2/17/11 DT

CERTIFICATE OF POSTING

2012-0194-A

RE: Case No.: _____

Petitioner/Developer: _____

**Gunpowder Farms, LLC
Gunpowder Overlook**

March 29, 2012

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

E/S Belair Road at Perry Hall Road (9895 Belair Rd)

March 14, 2012

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

Sincerely,

March 14, 2012

(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)



NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2012-0194-A

9895 Belair Road

N/east side of Belair Road, 100 feet +/- north of the centerline of Perry Hall Road

11th Election District — 5th Councilmanic District

Legal Owner(s): Kenneth & Deloris Schroeder

Contract Purchaser: Gunpowder Farms, LLC

Variance: to permit a residential dwelling setback of 44 feet to a rear property line in lieu of the required 50 feet.

Hearing: Thursday, March 29, 2012 at 10:00 a.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 Administrative Hearings Office at (410) 887-3868.

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

JT 03/650 March 13

299179

CERTIFICATE OF PUBLICATION

3/15/ 2012

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 3/13/ 2012.

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

J. Wilkinson

LEGAL ADVERTISING



KEVIN KAMENETZ
County Executive

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

March 20, 2012

Kenneth & Delores Schroeder
9895 Belair Road
Perry Hall MD 21128

RE: Case Number: 2012-0194A, Address: 9895 Belair Road, 21128

Dear Mr. & Ms. Schroeder:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 17, 2012. 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 stylized with a large, flowing "W" and a prominent "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Gunpowder Farms LLC, Ronald O. Schaftel, Member, 1258 Henry Street, Baltimore, MD 21230
David Karceski, 210 W Pennsylvania Avenue, Ste. 500, Towson MD 21204



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
March 7, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0194-A

9895 Belair Road

N/east side of Belair Road, 100 feet +/- north of the centerline of Perry Hall Road

11th Election District – 5th Councilmanic District

Legal Owners: Kenneth & Deloris Schroeder

Contract Purchaser: Gunpowder Farms, LLC

Variance to permit a residential dwelling setback of 44 feet to a rear property line in lieu of the required 50 feet.

Hearing: Thursday, March 29, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
104 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Gunpowder Farms, Ronald Schaffel, 1258, Henry Street, Baltimore 21230
Kenneth Schroeder, 9895 Belair Road, Perry Hall 21128

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 14, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 13, 2012 Issue - Jeffersonian

Please forward billing to:

David Karceski

410-494-6285

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0194-A

9895 Belair Road

N/east side of Belair Road, 100 feet +/- north of the centerline of Perry Hall Road

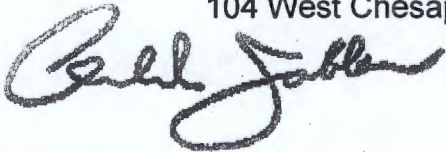
11th Election District – 5th Councilmanic District

Legal Owners: Kenneth & Deloris Schroeder

Contract Purchaser: Gunpowder Farms, LLC

Variance to permit a residential dwelling setback of 44 feet to a rear property line in lieu of the required 50 feet.

Hearing: Thursday, March 29, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
104 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 ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TK 3-29-12
10am

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAR 14 2012

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 14, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0194-A
Address 9895 Belair Road
(Schroeder Property)

Zoning Advisory Committee Meeting of February 27, 2012.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*



State Highway
Administration

Maryland Department of Transportation

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

Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 2-28-12

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

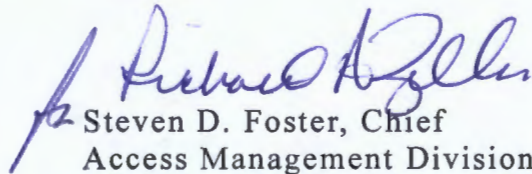
RE: Baltimore County
Item No. 2012-0194-A
Variance
Kenneth Schroeder
9895 Belair Road
US 1

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 2-22-12. A field inspection and internal review reveals that an entrance onto US 1 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance.
★ Case Number 2012-0194-A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,


Steven D. Foster, Chief
Access Management Division

★ SHA is reviewing this project for an entrance onto
US 1 and an access permit will be required to construct
SDF/raz that entrance however the access permit is not needed
for the consideration of this variance.

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2012
Item Nos. 2012-191,192,193,194,195
And 196

DATE: March 02, 2012

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-03122012-NO COMMENTS.doc

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
9895 Belair Road; N/E side of Belair Road,	*	OF ADMINSTRATIVE
100' N of c/line of Perry Hall Road	*	HEARINGS FOR
11 th Election & 5 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Kenneth Schroeder	*	
Contract Purchaser(s): Gunpowder Farms LLC	*	
Petitioner(s)	*	2012-194-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

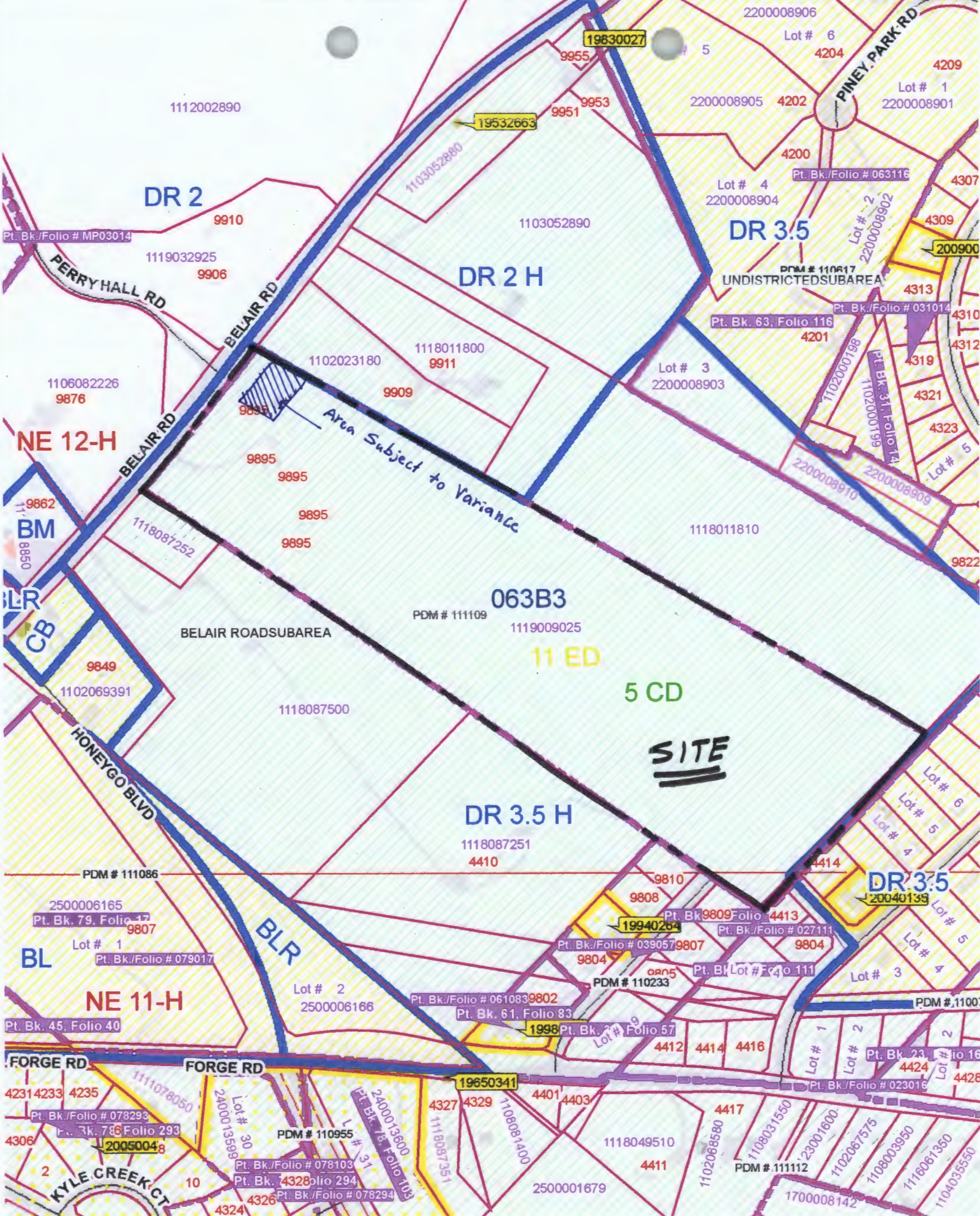
MAR 02 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of March, 2012, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



2012-0194-A

OWNER / APPLICANT / DESIGN CONSULTANT:

1. **PROPERTY OWNER:**
KENNETH E. & DELORIS E SCHROEDER
9895 BELAIR ROAD
PERRY HALL, MD 21128
(410)-987-6845
2. **DEVELOPER/APPLICANT:**
GUNPOWDER FARMS, LLC
1258 HENRY STREET
BALTIMORE, MD 21230
ATTN: RONALD SCHAFFEL
(410)-347-4800
3. **PLAN PREPARED BY:**
MORRIS & RITCHIE ASSOCIATES, INC. (MRA)
1220-C EAST JOPPA ROAD SUITE 505
TOWSON, MD 21286
ATTN: MATTHEW BISHOP, RLA, LEED AP+
TEL.: 410-821-1690

SITE DATA (OVERALL TRACT):

1. EXISTING ZONING: DR 3.5H (+21.03 AC/±916,402 SF)
DR 3.5 (±0.04 AC/(±1,989 SF))
2. GROSS ACREAGE: ±21.4 AC ±(933,000 S.F.)
NET ACREAGE: ±21.08 AC ±(918,391 S.F.)
3. EXISTING LAND USE: RESIDENTIAL/AGRICULTURAL
4. PROPERTY INFORMATION
A. TAX ACCOUNT NUMBER: 1119009025
B. DEED REFERENCE: 6239/635
C. COUNCILMANIC DISTRICT: 5
D. ELECTION DISTRICT: 11
E. CENSUS TRACT: 413.03
F. ADC MAP LOCATION: 29, E3
G. BALTIMORE COUNTY ZONING MAP REFERENCES: NE 11H, 12H
H. TAX MAP: 63
I. GRID: 22
J. PARCELS: 188
K. WATERSHED: LOWER GUNPOWDER
L. SUB-SEWERSHED: 23 & 24
M. BASIC SERVICES - WATER MAP: W-3 MASTER PLAN AREA
N. BASIC SERVICES - SEWER MAP: S-3 MASTER PLAN AREA

SITE DATA (LOT #48):

1. EXISTING ZONING: DR 3.5H
2. GROSS ACREAGE: ±0.27 AC ±(1,697 S.F.)
NET ACREAGE: ±0.27 AC ±(1,697 S.F.)
3. EXISTING LAND USE: RESIDENTIAL

ZONING NOTES:

1. EXISTING ZONING DR 3.5H
2. THIS DEVELOPMENT IS SUBJECT TO THE RESIDENTIAL PERFORMANCE STANDARDS (SECTION 260, BCZR), THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (SECTION 504.2), AND THE COUNTY LANDSCAPE MANUAL (SECTION 409.8.A.1). THIS DEVELOPMENT WILL COMPLY AND BE CONSISTENT WITH ALL OF THE AFOREMENTIONED REGULATIONS, STANDARDS, GUIDELINES, AND POLICIES OR THE PROPER RELIEF WILL BE REQUESTED.
3. ALL SIGNS WILL CONFORM TO BALTIMORE COUNTY ZONING CODE, SECTIONS 450 OR APPROPRIATE RELIEF WILL BE REQUESTED.
- DEVELOPMENT PLANS REVIEW:**
1. THIS PROJECT IS WITHIN THE URBAN RURAL DEMARCATION LINE.
2. PER BALTIMORE COUNTY PUBLIC WORKS THE PROPERTY HAS A SEWER DESIGNATION OF S-3 AND A WATER DESIGNATION OF W-3.
3. PER BALTIMORE COUNTY TRANSPORTATION MAP THE PROPOSED DEVELOPMENT IS WITHIN THE 'D' LEVEL ZONE.
4. STREET LIGHTS SHALL BE INSTALLED ALONG ALL PUBLIC ROADS.
5. SIDEWALKS WILL BE PROVIDED ALONG ALL PUBLIC ROADS AND WILL MEET ALL BALTIMORE COUNTY STANDARDS FOR CONSTRUCTION. ANY PORTIONS OF SIDEWALKS OUTSIDE THE PUBLIC RIGHT-OF-WAY SHALL BE SUBJECT TO A PUBLIC SIDEWALK EASEMENT.
6. ALL SIGNS WILL CONFORM TO BALTIMORE COUNTY ZONING CODE, SECTIONS 450 OR THE APPROPRIATE ZONING RELIEF WILL BE REQUESTED.
7. THERE ARE NO KNOWN BUILDINGS, PROPERTIES, OR SITES WITHIN THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY (MHT), BALTIMORE COUNTY LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, OR THE MARYLAND ARCHEOLOGICAL SURVEY. THE PROJECT SITE IS NOT LOCATED IN ANY BALTIMORE COUNTY OR NATIONAL HISTORIC DISTRICT. 9849 BELAIR ROAD IS ADJOINING THE PROJECT SITE AND IS INCLUDED ON THE MHT AS BA-3113.
8. ALL PROPOSED ROADS FOR THIS PROJECT ARE PUBLIC AND WILL BE DEDICATED TO BALTIMORE COUNTY AT NO COST.

ENVIRONMENTAL:

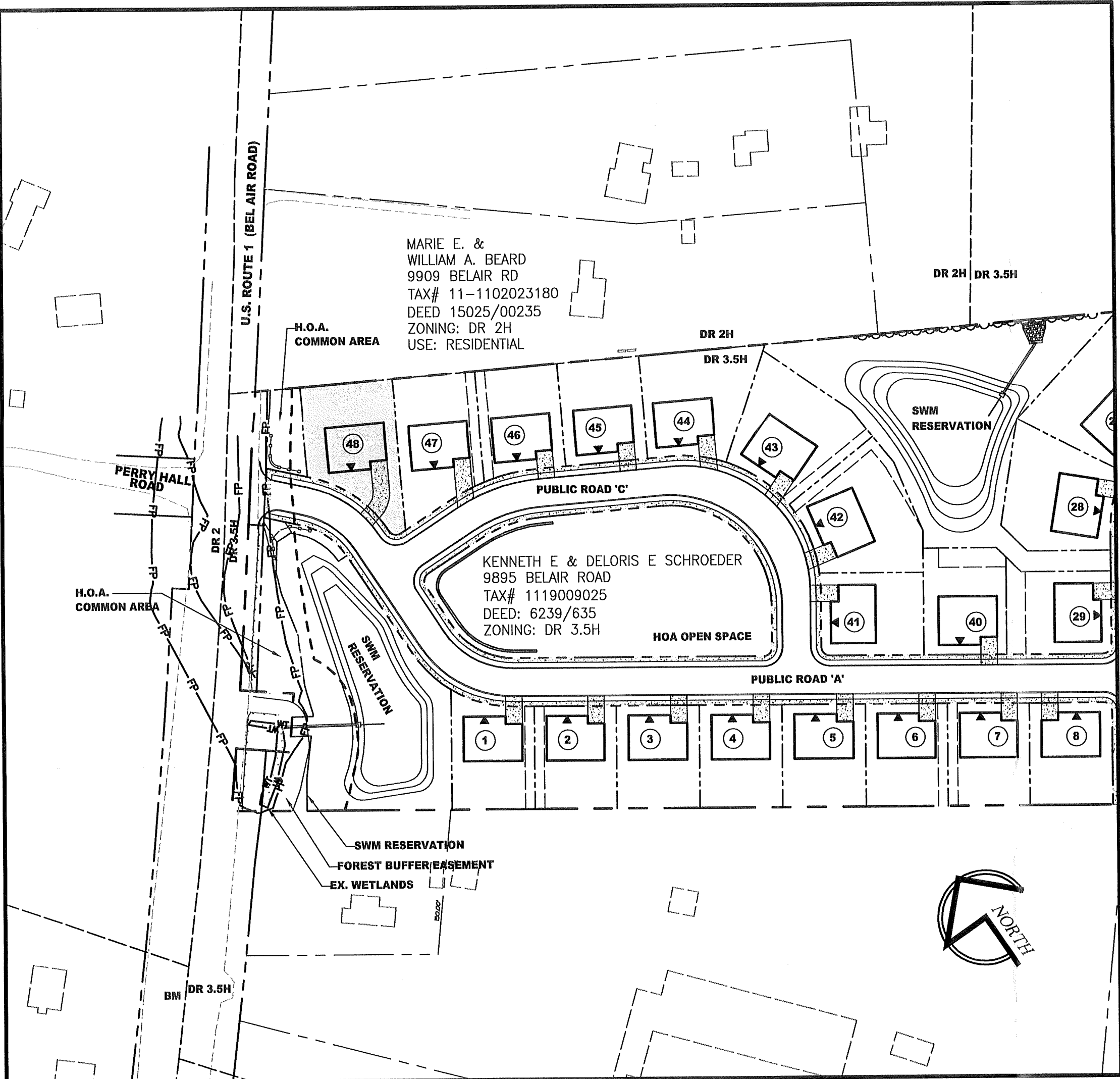
1. TOPOGRAPHY INFORMATION WAS GENERATED BY FIELD SURVEY AND PREPARED BY MORRIS & RITCHIE ASSOCIATES, INC., IN AUGUST OF 2006 AND SUPPLEMENTED WITH BALTIMORE COUNTY GIS TOPOGRAPHY.
2. BOUNDARY INFORMATION WAS GENERATED BY FIELD SURVEY AND PREPARED BY MORRIS & RITCHIE ASSOCIATES, INC. IN AUGUST OF 2006.
3. WETLAND DELINEATION WAS PREPARED BY MCCARTHY & ASSOCIATES, INC. IN OCTOBER OF 2006 AND APPROVED BY BALTIMORE COUNTY DEPS.
4. A FOREST BUFFER AND STEEP SLOPE ERODIBLE SOILS ANALYSIS HAVE BEEN APPROVED BY BALTIMORE COUNTY, DEPS.
5. A FLOOD STUDY WAS PREPARED BY MORRIS & RITCHIE ASSOCIATES, INC., AND SUBMITTED TO BALTIMORE COUNTY DPR IN MAY OF 2011 AND HAS BEEN APPROVED.
6. EXISTING WELLS AND SEPTIC SYSTEMS ARE AS SHOWN ON THE EXISTING CONDITIONS PLAN.
- 6.1. THE EXISTING WELL SHALL BE BACKFILLED BY A MASTER WELL DRILLER. A WELL ABANDONMENT REPORT SHALL BE SUBMITTED TO DEPS PRIOR TO RECORD PLAT APPROVAL.
- 6.2. THE EXISTING SEPTIC SYSTEM ON THE SITE SHALL BE PUMPED AND REMOVED BY A LICENSED SEWAGE DISPOSAL CONTRACTOR PRIOR TO RECORD PLAT APPROVAL.
7. TO OUR KNOWLEDGE THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON THIS SITE.
8. THERE ARE NO KNOWN HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND ON THIS SITE.
9. THERE ARE NO KNOWN DESIGNATED AREAS OF CRITICAL STATE CONCERN IDENTIFIED AS SUCH UNDER THE PROCEDURES OF SECTION 5-611 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND ON THIS SITE.
10. SOILS WERE OBTAINED FROM THE NRCS SOIL DATA MART WEBSITE.
11. PER MARY J. RATNASWAMY OF THE US DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, THERE ARE NO FEDERAL RECORDS OF THREATENED OR ENDANGERED SPECIES WITHIN THE BOUNDARIES OF THE PROJECT SITE.
12. PER LORI A. BYRNE OF THE MARYLAND DEPARTMENT OF NATURAL RESOURCES, WILDLIFE AND HERITAGE SERVICE, THERE ARE NO STATE OR FEDERAL RECORDS FOR RARE, THREATENED, OR ENDANGERED SPECIES WITHIN THE BOUNDARIES OF THE PROJECT SITE.
13. PER MARY A. COLLIGAN OF THE NATIONAL MARINE FISHERIES SERVICE THERE ARE NO KNOWN SPECIES LISTED AS THREATENED OR ENDANGERED IN THE VICINITY OF THE PROJECT SITE.
14. THIS SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
15. A FOREST STAND DELINEATION HAS BEEN APPROVED BY BALTIMORE COUNTY DEPS.
16. A SPECIAL VARIANCE HAS BEEN REQUESTED AND APPROVED FROM §33-6-116 (in part) OF THE BALTIMORE COUNTY CODE TO REMOVE FIVE SPECIMEN TREES.
17. A SPECIAL VARIANCE HAS BEEN REQUESTED AND APPROVED FROM §33-3-111 OF THE BALTIMORE COUNTY CODE TO IMPACT WETLANDS TO ACCOMMODATE AN ADEQUATE STORMWATER MANAGEMENT FACILITY OUTFALL.
18. A SPECIAL VARIANCE HAS BEEN REQUESTED AND APPROVED FROM §33-3-111 OF THE BALTIMORE COUNTY CODE TO IMPACT THE APPROVED FOREST BUFFER.
19. A PRELIMINARY HYDROLOGY REPORT WAS SUBMITTED TO BALTIMORE COUNTY DEPS AND APPROVED ON 9/30/2011. A SUITABLE OUTFALL STATEMENT IS INCLUDED IN THAT REPORT.
20. ON JANUARY 3, 2012, AN ALTERNATIVES ANALYSIS WAS REVIEWED AND APPROVED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY IN ACCORDANCE WITH BALTIMORE COUNTY CODE, ARTICLE 33, TITLE 3, PROTECTION OF WATER QUALITY, STREAMS, WETLANDS, AND FLOODPLAINS. THE ANALYSIS RESULTED IN THE APPROVAL OF THE STORMWATER MANAGEMENT FACILITY, ROAD WIDENING ACCESS, AND THE SANITARY SEWER LOCATION WITHIN THE REQUIRED FOREST BUFFERS. CONDITIONS INCLUDING MITIGATION BY PLANTING NATIVE TREES AND SHRUBS ON AND OFFSITE WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS.

OVERALL SITE DEVELOPMENT PROPOSAL

DWELLING TYPE	PROPOSED UNITS	PARKING REQUIRED	PARKING PROVIDED	AVERAGE DAILY TRIPS
SINGLE-FAMILY DETACHED	48 UNITS	96 PS	96 PS	480

EXISTING ZONING AND MAXIMUM DENSITY PERMITTED

ZONE	ACRES	UNITS ALLOWED	UNITS PROPOSED
DR 3.5 H	21.4	74 DWELLING UNITS	48 DWELLING UNITS

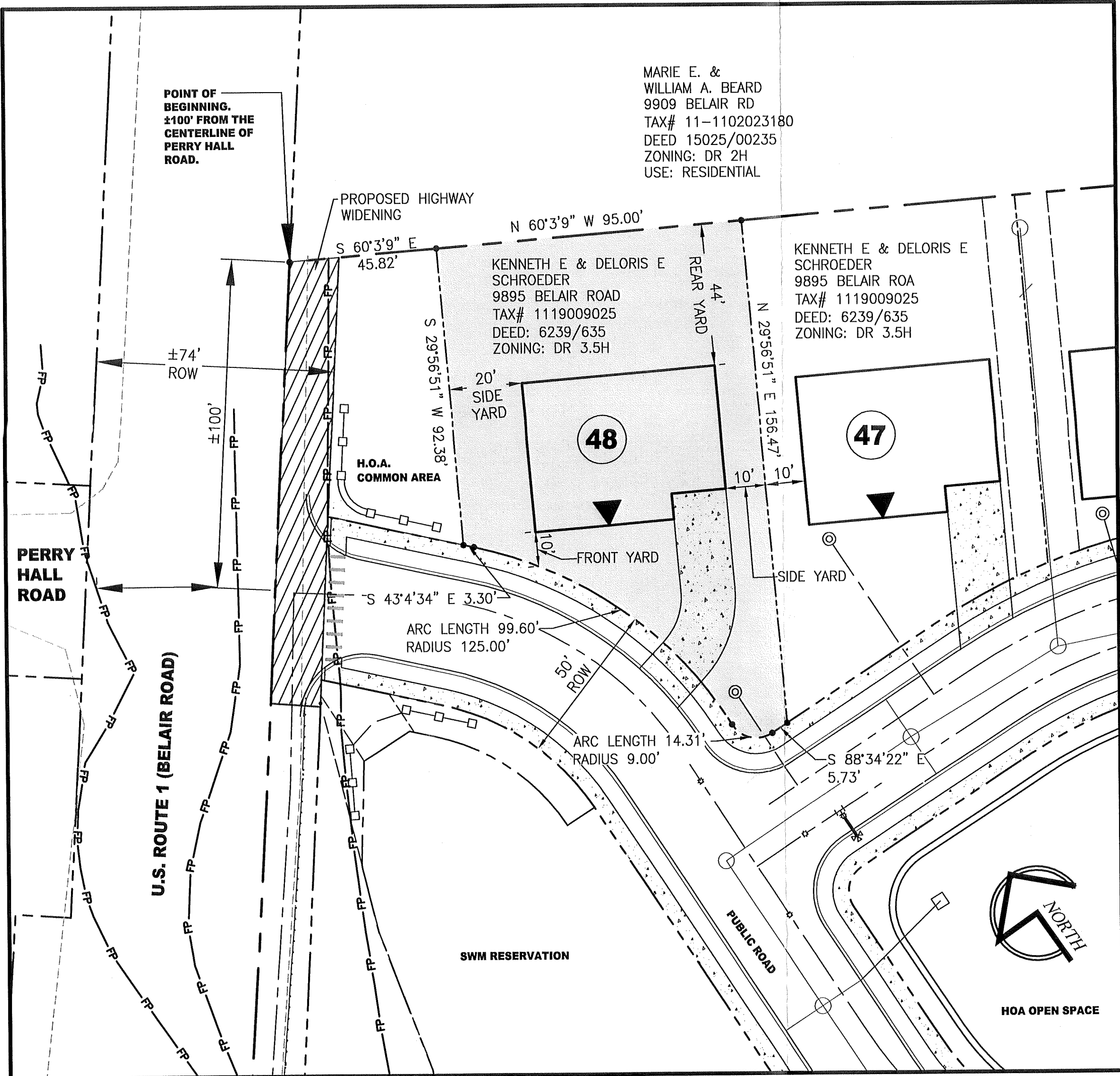


PLAN OVERVIEW

1"=100'

CODE REQUIRED BUILDING SETBACKS

DESCRIPTION	ZONE DR 3.5H
FROM BUILDING FACE (FRONT OR SIDE) TO: RIGHT-OF-WAY OF A COLLECTOR STREET, NEIGHBORHOOD STREET, ALLEY OR COURT	10'
FROM BUILDING FACE (FRONT OR SIDE) TO: RIGHT-OF-WAY OF A MAJOR OR MINOR ARTERIAL OR COLLECTOR ROAD (NOT APPLIED TO PORCHES OR SToops IN FRONT YARD)	40'
FROM BUILDING FACE (REAR) TO: REAR PROPERTY LINE (NOT A STREET LINE) (EXCEPT FOR UNROOFED ADDITIONS, INCLUDING PATIOS AND DECKS; AND ROOFED ADDITIONS WHICH DO NOT EXCEED IN WIDTH 50% OF THE DWELLING UNIT, AND WHICH DO NOT EXTEND MORE THAN 10 FEET INTO THE REAR YARD SETBACK AREA.)	50'
FROM BUILDING FACE (FRONT, SIDE OR REAR) TO: SIDE YARD LOT LINE THAT IS NOT ADJACENT TO A PUBLIC RIGHT-OF-WAY OR THE SAME AS A PUBLIC RIGHT-OF-WAY IF THE DWELLING UNIT IS DESIGNED TO HAVE A SIDE OR REAR ENTRY GARAGE.	6' (SUM OF ALL SIDE YARDS WIDTHS MAY NOT BE LESS THAN 20')
FRONT ENTRY GARAGE SHALL BE RECESSED BEHIND THE FRONT FACADE OF THE DWELLING. (A TWO CAR GARAGE FACING THE STREET SHALL HAVE TWO INDIVIDUAL DOORS SEPARATED BY A DIVIDER. THE FRONT FACADE OF ALL GARAGES, INCLUDING THE DIVIDER AND NOT INCLUDING THE GARAGE DOORS, SHALL BE CONSTRUCTED OF THE SAME MATERIALS AS THE FRONT FACADE OF THE BUILDING.)	8' MIN.
MINIMUM WIDTH FOR ANY SINGLE FAMILY DETACHED LOT AS MEASURED ALONG BOTH THE FRONT WALL & REAR WALL OF THE DWELLING UNIT.	65'
FROM SIDE BUILDING FACE TO SIDE BUILDING FACE	16' SEPARATION FOR BUILDINGS <20' HEIGHT 20' SEPARATION FOR BUILDINGS >20' HEIGHT
THIS TABLE LISTS MINIMUM SETBACK REQUIREMENTS FOR URBAN RESIDENTIAL USE IN THE HONEYDOW OVERLAY DISTRICT. FOR A MORE INCLUSIVE EXPLANATION OF THESE AND OTHER REQUIREMENTS, CONSULT THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICY (CMDP) AND SECTION 299.9.B AND 299.9.C OF THE BALTIMORE COUNTY ZONING REGULATIONS.	



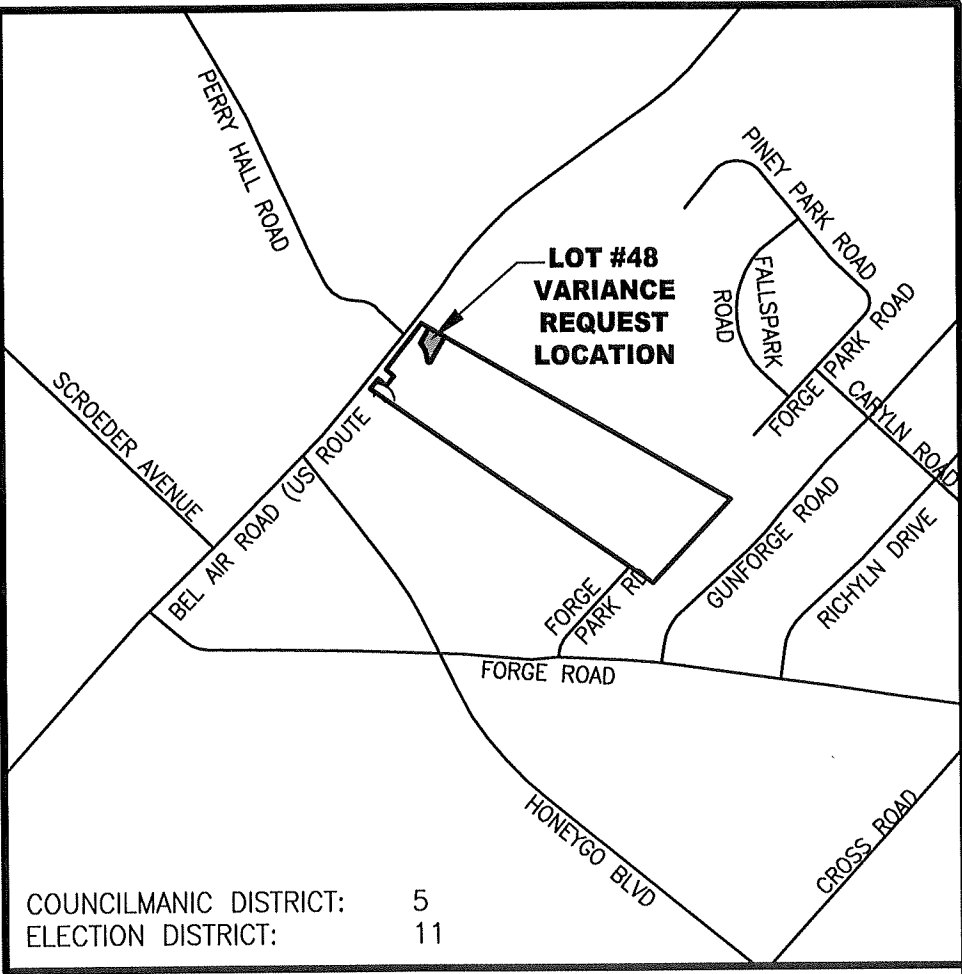
LOT #48 ENLARGEMENT

1"=30'

VARIANCE REQUEST:

1. FROM BCZR §259.9B.4.e. TO PROVIDE A 44' BUILDING TO REAR YARD SETBACK IN LIEU OF THE REQUIRED 50' BUILDING TO REAR YARD SETBACK FOR LOT #48.

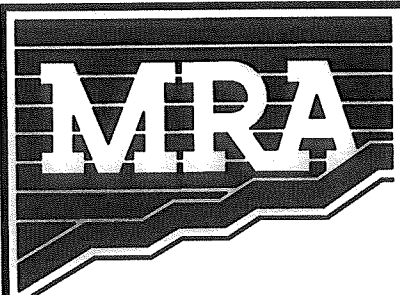
THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING.



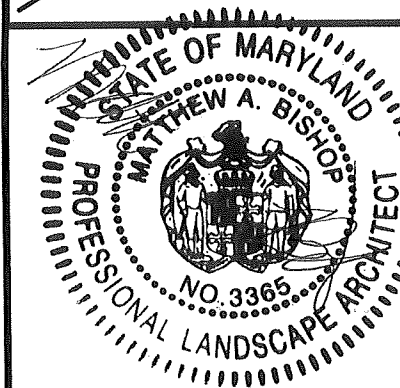
VICINITY MAP
SCALE: 1" = 1000'



PAI # 11-1109
ZONING CASE # 2012-4094-A



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748



PLAN TO ACCOMPANY VARIANCE PETITION
GUNPOWDER OVERLOOK

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

DATE	REVISIONS	JOB NO.: 15122.01
		SCALE: AS SHOWN
		DATE: 2/17/2012
		DRAWN BY: MLE
		DESIGN BY: MAB
		REVIEW BY: MAB
		SHEET: 1 OF 1

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83/(1991)
VERTICAL NAVD 88

PAI # 11-1109
ZONING CASE # 2012-4094-A
EXHIBIT NO. 1