

IN RE: PETITIONS FOR SPECIAL  
HEARING AND VARIANCE  
(85 Yew Road)

Tridel Inc., *Legal Owner*  
Petitioner

15<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District

\* BEFORE THE  
\* BOARD OF APPEALS  
\* FOR  
\* BALTIMORE COUNTY  
\*  
Case No. 2014-0170-SPHA  
\*

\* \* \* \* \*

### OPINION

This matter comes before the County Board of Appeals (the "Board") as an appeal of a May 19, 2014 Opinion and Order by Administrative Law Judge John E. Beverungen granting Petitions for Special Hearing and Variance filed by Tridel, Inc., legal owner of the property known as 85 Yew Road (the "Property"). On May 27, 2014, a timely appeal to this Board was filed by Ron Halley, owner of an adjacent property known as 83 Yew Road.

The Board originally scheduled and convened a *de novo* appeal hearing on February 26, 2015. Appearing at the public hearing was Qutub Syed, representative of Tridel, Inc., the legal owner of the Property. The Petitioner was represented by David Karcecki and Adam Rosenblatt of Venable, LLP. Paul Ratych, a registered property line surveyor who prepared the site plan for the Petitioner, and David Martin, a landscape architect and expert in the field of land use and zoning, appeared on behalf of the Petitioner. Several neighbors also appeared in favor of the requested relief. Carole Demilio, Deputy People's Counsel for Baltimore County, appeared, and two residents who adjoin the subject site appeared and opposed the requested relief.

At the outset of the February 26, 2015 hearing, counsel informed the Board that an agreement had been reached wherein the Appellant would withdraw any objection to the petitions if Petitioner would decrease the extent of the variance sought for the building-to-building setbacks between lots 2-3 and 3-4 of the Golden Forest subdivision. As originally filed, the request for variance sought relief "from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations ("BCZR") to allow a minimum side building face setback of 15 feet in lieu of the required 25 feet between Lot Nos. 2 and 3 and Lot Nos. 3 and 4." Upon agreement of all parties in attendance at the hearing, the petition was amended to allow "a minimum side building face setback of 20 feet in lieu of the required 25 feet between Lot Nos. 3 and 4." The request for a reduced setback between Lot Nos. 2 and 3 was withdrawn. A redlined site plan reflecting the revised building envelope was marked and accepted into evidence as Petitioner's Exhibit 1. A redlined petition was also marked and accepted into evidence as Petitioner's Exhibit 2. As explained in detail below, the Board initially granted the amended request for variance based on the proffer of Petitioner's counsel and the agreement of all parties present at the hearing.

Unfortunately, after the February 26 hearing concluded, Petitioner reviewed the layout of the property and realized that the building envelope agreed to at the hearing would not permit a dwelling similar to the homes in the surrounding neighborhood. Accordingly, Petitioner's counsel contacted Ms. Demilio and asked whether the Appellant would be willing to accept an additional variance extending the building envelope 5 feet towards the rear property line. After much discussion, the parties were able to come to an agreement allowing the Petitioner to seek an additional rear yard setback variance without opposition provided certain conditions, which will be explained in detail below, are met.

As the rear yard setback variance was not part of the original zoning petition, the parties agreed, that the additional variance should be set in for another hearing before the Board and posted/advertised to include the new requested relief for the rear yard variance request. The Board agreed to set this matter in for an additional hearing on April 21, 2015, and Petitioner presented a certification of sign posting and advertising that was marked and accepted into evidence as Petitioner's Exhibit 8.

### **Factual Background**

Given the agreement of all parties present at the February 26, 2015 hearing, the Board permitted Petitioner's counsel to proffer the testimony that would have been provided to support the petitions for variance and special hearing. Petitioner's counsel proffered a detailed factual and legal summary of the issues at stake in this case. Paul Radych, who prepared the site plan for the Petitioner, was accepted as an expert in property line surveying and the preparation of site plans with knowledge of the requirements for submitting site plans in Baltimore County. His resume was marked and accepted into evidence as Petitioner's Exhibit 3. David Martin, a registered landscape architect with over 44 years of experience in land development, was accepted as an expert in landscape architecture with detailed knowledge of the County's zoning regulations and in particular the regulations relating to amending a Final Development Plan ("FDP") and requesting setback variances.

The evidence presented to the Board revealed that the Property is .1879 acres +/- in size and is now zoned D.R. 5.5. The Property, known as "Lot 3" of the Golden Forest subdivision, is located near the intersection of Rossville Boulevard and Kelso Drive in the Essex area of Baltimore County and is undeveloped. A CRG Plan for the Golden Forest subdivision was approved in 1990 and an FDP for the subdivision was approved in 1994. The FDP provides

that the building-to-building setbacks for houses between 20-25 feet in height, such as the houses on lots 2 and 4 of this development in relation to lot 3, are to be no less than 25 feet. A review of the site plan revealed that all of the 14 lots in the Golden Forest development with the exception of the Property and lot 12 are improved with single family dwellings.

At the April 21, 2015 hearing, Petitioner's counsel provided additional testimony in support of the rear setback variance. As the standard for the additional variance is the same as the original variance, the Board asked the Petitioner to provide a brief explanation of the additional request and the terms agreed to by the parties. A revised site plan was marked and accepted into evidence as Petitioner's Exhibit 9. Petitioner's counsel explained that the agreed upon building envelope is shown on Exhibit 9, and that Petitioner agreed to limit the size of the proposed house to 2,050 square feet not accounting for the garage and basement areas. Ms. Demilio also submitted a comment from the Department of Public Works dated April 20, 2015 as People's Counsel Exhibit 1. The parties explained their agreement that the request of the Department of Public Works with respect to the strict observance of drainage improvements required under the new residential building permit would be made a condition of approval in this case.

### **Decision**

#### **1. Building-to-Building Setback and Rear Yard Setback Variances**

Turning first to the petition for variances, the Board must be convinced that the Petitioner has satisfied § 307.1 of the BCZR which states, in pertinent part, as follows:

...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and



where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare....

The Board is guided by the holding provided by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691, 698 (1995), wherein the Court writes that the Baltimore County ordinance requires:

"conditions...peculiar to the land...and...practical difficulty..." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties....

In requiring a finding of uniqueness, the *Cromwell* Court referred to the definition provided in *North v. St. Mary's County*, 99 Md. App. 502, 514 (1993):

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects in bearing or parting walls....

*Cromwell*, 102 Md. App. at 710.

If the Property is determined to be unique, then the question becomes whether practical difficulties also exist. Toward this end, the Board acknowledges that a variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for a variance, the Petitioner must produce evidence to allow the following questions to be answered affirmatively:

Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

Whether the grant would do substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

Evidence presented to the Board revealed that the subject Property is uniquely "pie shaped" and the rear property line is further contained by environmentally sensitive areas. The existence of a cul-de-sac at the termination of Yew Road further pinches the property lines and resulting building envelopes creating a limited area of the Property that can be developed with a single family dwelling. Additionally, the Property is uniquely burdened by the domino effect of being the last undeveloped lot along the cul-de-sac as the building-to-building setbacks are determined by existing structures rather than the distance from property lines. See Aerial photograph marked and accepted into evidence as Petitioner's Exhibit 6. Testimony revealed that, if the variance is denied, this would be the only property in the 14-lot subdivision that would not be permitted to contain a single family dwelling.

After reviewing all of the testimony and evidence presented, the Board has determined that the Petitioner has met his burden and the variances reducing the building-to-building setback between lots 3 and 4 to 20 feet and the rear yard setback to 30 feet will be granted. The Board finds that the property is unique by virtue of its shape, location, environmental constraints within the overall subdivision, and the impact of the existing structures that further decrease the size of the building envelope. If the variances are denied, Petitioner will experience a practical difficulty or hardship since the mandated setbacks will unreasonably prevent the Petitioner from constructing a single family detached dwelling on the Property. See Petitioner's Exhibit 5. Further, the agreement of all parties present at the hearing convinces the Board that the variances can be granted without any negative impact on the general welfare of the surrounding community and in the spirit and intent of the zoning regulations. Accordingly, the requested variances will be granted subject to the conditions agreed to by all parties to the proceedings.

## 2. Special Hearing to Amend the Golden Forest FDP

Turning next to the petition for special hearing, Petitioner requests relief pursuant to § 500.7 of the BCZR to approve an amendment to the Golden Forest FDP, lot 3 only, for a revised building envelope. Amendments to an FDP for residential subdivisions are approved in accordance with § 1B01.3.A.7 of the BCZR, entitled "Amendment of Approved Development Plans." That section provides that an FDP may be amended "in the manner provided under section 502" of the BCZR and subject to the considerations set forth in §§ 1B01.A.7.b(1) and b(3) of the BCZR.

The Board was satisfied that, if called to testify, David Martin would have explained that the request meets all of the requirements of § 502.1(a)-(i) in that permitting the

construction of a single family home on a lot created for that very purpose would not be detrimental to the health, safety or general welfare of the locality involved, create congestion in roads, fire hazards, cause overcrowding, interfere with adequate public facilities or light and air, and is consistent with the property's zoning classifications and within the spirit and intent of the BCZR.

The Board is also satisfied that, as required by § 1B01.3.A.7.b(1) of the BCZR, the Director of the Department of Planning certified that the proposed amendment to the FDP is in accord with the CMDP and the regulations contained in Article 1B of the BCZR. A copy of the Department of Planning's comment to that effect was marked and accepted into evidence as Petitioner's Exhibit 7.

Finally, the Board is persuaded that David Martin's testimony would prove compliance with § 1B01.03.A.7.b(3) of the BCZR in that the proposed amendment is consistent with the spirit and intent of the original FDP and applicable D.R. zone regulations. Indeed, the FDP was approved for 14 single family homes and the D.R. regulations permit single family dwellings as a matter of right.

For all of the foregoing reasons, the Board grants the petitions for special hearing and variance.

**ORDER**

**THEREFORE, IT IS THIS** 17<sup>th</sup> day of July 2015, by the  
Board of Appeals of Baltimore County:

**ORDERED** that the Petition for Variance from Section 1B01.2.C.1.b of the BCZR to allow a minimum side building face setback of 15 feet in lieu of the required 25 feet between

Lot Nos. 2 and 3 of the Golden Forest subdivision is **WITHDRAWN WITH PREJUDICE**; and it is further

**ORDERED** that the Petition for Variance from Section 1B01.2.C.1.b of the BCZR to allow a minimum side building face setback of 20 feet in lieu of the required 25 feet between Lot Nos. 3 and 4 of the Golden Forest subdivision is **GRANTED**; and it is further

**ORDERED** that the Petition for Variance to allow a minimum rear yard setback of 30 feet in lieu of the required 35 feet is **GRANTED**; and it is further

**ORDERED** the Petition for Special Hearing pursuant to § 500.7 of the BCZR to approve an amendment to the Golden Forest FDP, lot 3 only, for a revised building envelope is hereby **GRANTED**.

The Relief granted herein shall be subject to and conditioned on the following:

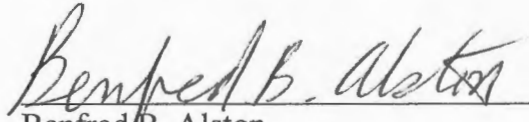
1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Drainage improvements required for a new residential building permit for Lot 3 will be observed and enforceable under this order. Per the attached comment, such drainage improvements will be specified by the Development Plan Review Bureau of the Department of Permits, Approvals and Inspections during review of the building permit on behalf of the Department of Public Works.
3. The square footage of the proposed single family dwelling on Lot 3 will be limited to 2,050 square feet or less, not accounting for the garage and basement areas, and will be located in the area shown on the attached Petitioner's Exhibit 9.

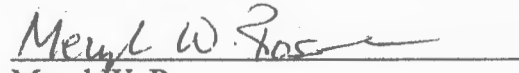
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the *Maryland Rules*.



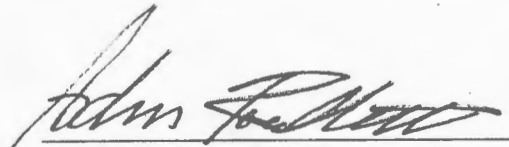
**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

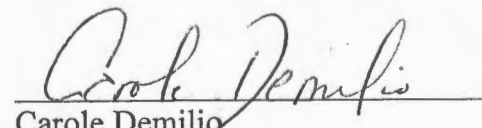
\_\_\_\_\_  
David L. Thurston, Panel Chair

  
\_\_\_\_\_  
Benfred B. Alston

  
\_\_\_\_\_  
Meryl W. Rosen

AGREED AND ACCEPTED:

  
\_\_\_\_\_  
David H. Karceski, Esq.  
Adam M. Rosenblatt, Esq.  
*Attorneys for Petitioners*

  
\_\_\_\_\_  
Carole Demilio  
*Deputy People's Counsel  
for Baltimore County*

David Thurston was Chairman of the Board at the hearings on February 26, 2015 and April 21, 2015. He resigned effective June 15, 2015.



## Board of Appeals of Baltimore County

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

July 17, 2015

David H. Karceski, Esquire  
Adam M. Rosenblatt, Esquire  
Venable, LLP  
210 W. Pennsylvania Avenue, Suite 500  
Towson, Maryland 21204

Peter M. Zimmerman, Esquire  
Carole S. Demilio, Esquire  
Office of People's Counsel  
for Baltimore County  
The Jefferson Building  
105 W. Chesapeake Avenue, Suite 204  
Towson, Maryland 21204

RE: *In the Matter of: Tridel, Inc.*  
Case No.: 14-170-SPHA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington  
Administrator

KLC/tam  
Enclosure  
Duplicate Original Cover Letter

c: Qutub Syed, President/Tridel, Inc.  
Paul A. Ratych/APR Associates, Inc.  
David Martin  
Arnold Jablon, Director/PAI  
Lawrence M. Stahl, Managing Administrative Law Judge  
Andrea Van Arsdale, Director/Department of Planning  
Nancy C. West, Assistant County Attorney/Office of Law  
Michael E. Field, County Attorney/Office of Law

Ron Halley  
Steven & Diana Stratchko  
Wardell & Rosalin Lancaster  
Mark & Tami Balsamo  
Edward C. Adams, Jr., Director/DPW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Baltimore County Board of Appeals

From: Edward C. Adams, Jr., Director,  
Department of Public Works

Date: April 20, 2015

Subject: Case No. 14-170-SPHA  
85 Yew Road

The subject property is an undeveloped lot shown on subdivision plat SM 64/141 "Golden Forest". Our office was contacted by the owner of an adjacent lot at 83 Yew Road expressing concerns about lack of adequate drainage at his property which may be made more severe by development of 85 Yew Road.

Upon investigation our office found that the topography of the vicinity was such as to create wet conditions at the base of a slope to the rear of the properties involved. Plat SM 64/141 shows drainage easements that would provide space for drainage facilities to convey runoff to proposed wetland areas, but these facilities were evidently never constructed.

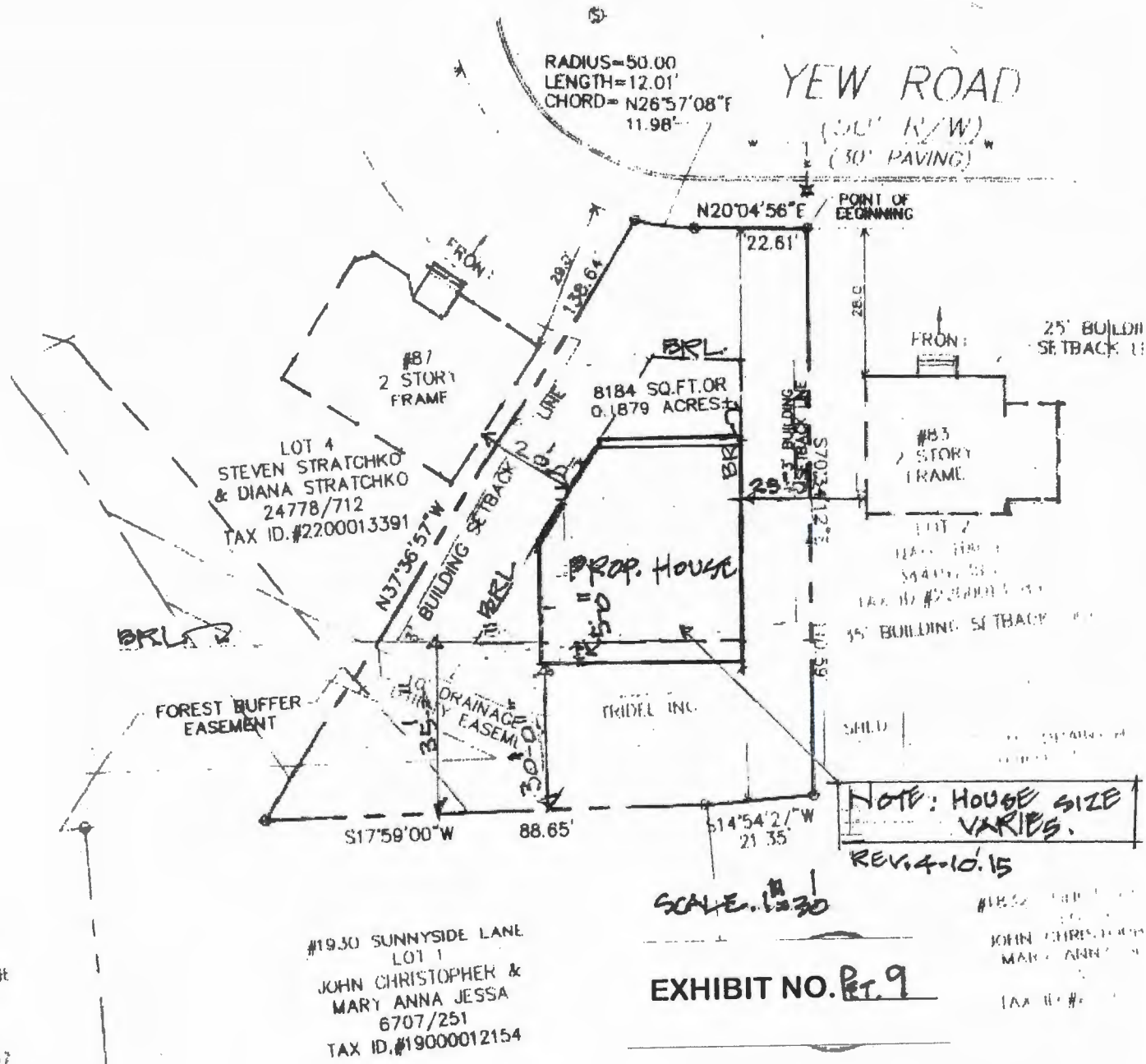
This is to request that any order by the Board of Appeals granting relief to the petitioner would include a requirement that drainage improvements required under the new residential building permit would be strictly observed and enforceable under the order. Such drainage improvements will be specified by the Development Plan Review Bureau of the Department of Permits, Approvals and Inspections during review of the building permit, on behalf of DPW.

Since too much time has elapsed since the Golden Forest development was built we are advised that the County has no way of requiring the drainage facilities be built now, apart from the new building permit. Allowing the new house construction with strict adherence to the permit requirements for drainage is the most feasible way to address the existing drainage problems at 83 Yew Road and also to prevent future drainage problems at this location.

ECA, Jr /DLT/s

CC: Ronald Halley, owner, 83 Yew Road  
Carole Demilio, Peoples Counsel  
Dennis Kennedy, Chief, Development Plan Review Bureau (Attn: Robin Hurley)  
Sheldon Epstein, Chief, Storm Drain Design, Bureau of Engineering & Construction

SSA  
455  
#3006707





# CERTIFICATE OF POSTING

2014-0170-SPHA

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_

Tridel, Inc.

April 21, 2015

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: \_\_\_\_\_

85 Yew Rd

April 1, 2015

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



Sincerely,

  
\_\_\_\_\_  
(Signature of Sign Poster) (Date)

April 1, 2015

SSG Robert Black

\_\_\_\_\_  
(Print Name)

1508 Leslie Road

\_\_\_\_\_  
(Address)

Dundalk, Maryland 21222

\_\_\_\_\_  
(City, State, Zip Code)

(410) 282-7940

\_\_\_\_\_  
(Telephone Number)



501 N. Calvert St., P.O. Box 1377  
Baltimore, Maryland 21278-0001  
tel: 410/332-6000  
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3167785

**Sold To:**

VENABLE LLP - CU00174151  
210 W Pennsylvania Ave  
Ste 500  
Towson, MD 21204-5304

**Bill To:**

VENABLE LLP - CU00174151  
210 W Pennsylvania Ave  
Ste 500  
Towson, MD 21204-5304

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 31, 2015

The Baltimore Sun Media Group

By

*S. Wilkinson*

Legal Advertising

**NOTICE OF ZONING HEARING**

The Board of Appeals 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: 2014-170-SPHA**

**In the Matter of: Tridel Inc.  
85 Yew Road**

Legal Owners: Tridel, Inc.

Petition for Variance, to allow a minimum rear yard setback of 27 feet in lieu of the required 35 feet.

Hearing: Tuesday, April 21, 2015 at 9:30 a.m.

in Hearing Room #2 Jefferson Building,  
Second Floor, Suite 206

105 West Chesapeake Avenue, Towson, 21204

JT 3/980 March 31

3167785



2/26/15  
JO WCP

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Board of Appeals of Baltimore County

David Thurston, Chairman

**DATE:** February 20, 2015

**FROM:** Andrea VanArsdale

Director, Department of Planning

**SUBJECT:** 85 Yew Road

**Item Number:** Case 14-170 SPHA

**Petitioner:** Qutub Syed

**Zoning:** DR 5.5

**Recommendations:**

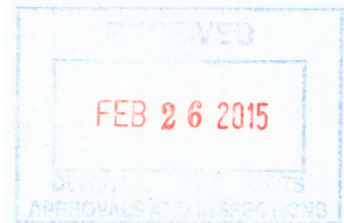
Pursuant to Section 1B01.3.A.7 (b)(1) of the Baltimore County Zoning Regulations, this comment serves as certification that the Director of the Department of Planning has reviewed the site plan that was approved by the Administrative Law Judge and the alternate plan setting the proposed house slightly back so that only a 12' setback between lots 3 and 4 is created and no variance is required between lots 2 and 3. The Department of Planning has determined that the plans are in accord with the provisions of the Comprehensive Manual of Development policies and with the specific standards and requirements of Article 1B of the Zoning Regulations. As previously stated in the original email ZAC comment, the Department of Planning has no objection to the Special Hearing request for approval to amend the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the Baltimore County Zoning Regulations.

Prepared By:

  
Lynn Lanham

AVA/LL

c: Adam Rosenblatt, Venable LLP  
John Beverungen, Administrative Law Judge  
Arnold Jablon, Director of Permits, Approvals and Inspections



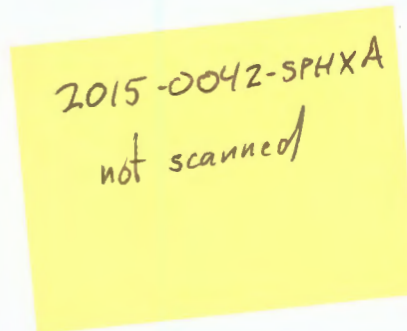
## CERTIFICATE OF POSTING

RE: Case No. 2015-0042-SPHXA

Petitioner: Mr. & Mrs. Togun

Hearing / Closing Date: 11/7/14

Baltimore County Department of  
Permits and Development Management  
Room 111, County Office Building  
111 W. Chesapeake Ave.  
Towson, Md. 21204

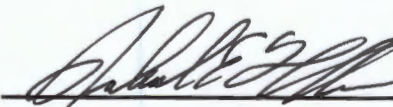


This letter is to confirm, under penalties of perjury, that the necessary sign(s)  
were posted conspicuously, on the property located at \_\_\_\_\_

\_\_\_\_\_ 2324 N. Rolling Road \_\_\_\_\_

\_\_\_\_\_ on 10/17/14 \_\_\_\_\_

Sincerely,

 10/17/14

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

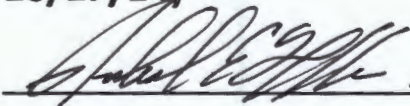
# Certificate of Posting

Case No. 2015-0042-SPHXA



2324 N. Rolling Road

(posted 10/17/14)

 10/17/14

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443-243-7360)



KEVIN KAMENETZ  
County Executive



LAWRENCE M. STAHL  
Managing Administrative Law Judge  
JOHN E. BEVERUNGEN  
Administrative Law Judge

May 27, 2014

RECEIVED  
MAY 27 2014

BALTIMORE COUNTY  
BOARD OF APPEALS

David Karceski, Esquire  
Justin Williams, Esquire  
Venable, LLP  
210 W. Pennsylvania Avenue  
Suite 500  
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**  
Case No. 2014- 0170-SPHA  
Location: 85 Yew Road

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 27, 2014. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the word "Sincerely,".

LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals  
People's Counsel for Baltimore County  
Ron Halley, 83 Yew Road, Essex, Maryland 21221

## **APPEAL**

**Petition for Special Hearing  
(85 Yew Road)  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owner: Tridel Inc.  
Case No. 2014-0170-SPHA**

Petition for Special Hearing (February 18, 2014)

Zoning Description of Property

Notices of Zoning Hearing –

March 11, 2014 for 4/8/14 hearing date (postponed)

March 25, 2014 for May 12, 2014 hearing

Certificates of Publication (The Jeffersonian)

March 18, 2014 for April 8, 2014 hearing (postponed)

April 22, 2014 for May 12, 2014 hearing date

Certificate of Posting (April 22, 2014) by SSG Robert Black

Entry of Appearance by People's Counsel (February 27, 2014)

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Site Plan
2. CRG Plan- Golden Forest
3. FDP- Golden Forest
4. 4A-4C Color photos
5. Illustrative Building Elevations
6. Letters of support
7. DOP's ZAC Comment (e-mail)

Protestant(s) Exhibits

1. Color Photos

Miscellaneous (Not Marked as Exhibits) – Letter dated March 19, 2014 from David Karceski, Esq. requesting a postponement for April 8, 2014 hearing date.

Administrative Law Judge Order (GRANTED w/conditions –May 19, 2014)

Notice of Appeal on Motion – May 27, 2014 from Ron Halley



## APPEAL

**Petition for Special Hearing  
(85 Yew Road)  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owner: Tridel Inc.  
Case No. 2014-0170-SPHA**

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- ✓ Petitioner(s) Sign-in Sheet – 1 Sheet
- ✓ Citizen(s) Sign-in Sheet – 1 Sheet
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioner(s) Exhibits
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  - 2. CRG Plan- Golden Forest
  - 3. FDP- Golden Forest
  - 4. 4A-4C Color photos
  - 5. Illustrative Building Elevations
  - 6. Letters of support
  - 7. DOP's ZAC Comment (e-mail)
- ✓ Protestant(s) Exhibits
  - 1. Color Photos
- ✓ Miscellaneous (Not Marked as Exhibits) – Letter dated March 19, 2014 from David Karceski, Esq. requesting a postponement for April 8, 2014 hearing date.
- ✓ Administrative Law Judge Order (GRANTED w/conditions –May 19, 2014)
- ✓ Notice of Appeal on Motion – May 27, 2014 from Ron Halley

## **Address List**

### *Petitioner:*

Tridel, Inc.  
Qutub Syed, President  
4630 Ridge Road  
Baltimore, MD 21236-3814

David Karceski, Esquire  
Justin Williams, Esquire  
Venable LLP  
210 W. Pennsylvania Avenue, Suite 500  
Towson, MD 21204

Paul A. Ratych  
APR Associates, Inc.  
7427 Harford Road  
Baltimore, MD 21234

### *Protestant:*

Ron Halley  
83 Yew Road  
Essex, MD 21221

### *Interoffice:*

Office of People's Counsel  
Lawrence M. Stahl, Managing Administrative Law Judge  
Arnold Jablon, Director/PAI  
Andrea Van Arsdale, Director/Department of Planning  
Nancy West, Assistant County Attorney  
Michael Field, County Attorney, Office of Law

### *Interested Persons:*

David Martin  
222 Bosley Avenue, Suite B-1  
Towson, MD 21204

### *Letters of Support:*

Steven Stratchko  
Diana Stratchko  
87 Yew Road  
Essex, MD 21221

Wardell Lancaster  
Rosalin Lancaster  
90 Yew Road  
Essex, MD 21221

Mark Balsamo  
Tami Balsamo  
93 Yew Road  
Essex, MD 21221

IN RE: PETITIONS FOR SPECIAL HEARING \*  
AND VARIANCE

(85 Yew Road) \*

15<sup>th</sup> Election District \*

7<sup>th</sup> Council District \*

Tridel Inc., *Legal Owner* \*

Petitioner \*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0170-SPHA

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by David H. Karceski, Esquire, on behalf of Tridel, Inc., the legal owner. The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), for approval of an amendment to the "Golden Forest" Final Development Plan (FDP), Lot 3 only, for a revised building envelope. The Variance petition seeks relief from B.C.Z.R. §1B01.2.C.1.b to allow a minimum side building face setback of 15 feet in lieu of the required 25 feet between Lot Nos. 2 and 3 and Lot Nos. 3 and 4.

As noted below, the FDP for this subdivision was approved in 1994, at which time both the zoning regulations and the Comprehensive Manual of Development Policies (CMDP, which was approved on April 16, 1992) specified 20 foot side building setbacks. As such, I believe the applicable setback is in fact 20 feet, although variance relief would be required in either instance. Counsel for petitioner notes that the FDP contains a chart specifying a 25 foot setback, and thus the Petition was filed using that figure.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1. Appearing at the public hearing in support of the requests was landscape architect David Martin, Qutub Syed (a principal of the legal owner) and surveyor Paul Ratych, whose firm prepared the site plan. David H. Karceski,

ORDER RECEIVED FOR FILING

Date 5/19/14

By Den



Esquire, and Justin Williams, Esquire of Venable, LLP appeared and represented the Petitioner. The adjoining neighbor at 83 Yew Road attended the hearing and opposed the Petition. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

The only substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP), which indicated it had no opposition to the relief requested.

The subject property is 0.1879 +/- acres in size and is zoned DR 5.5. The property is known as Lot 3 on the Final Development Plan for "Golden Forest." The development was originally approved in 1990, and the CRG plan and FDP (which was approved in 1994) were admitted as Petitioner's Ex. Nos. 2 & 3, respectively. Nearly all of the 14 lots shown on the plan are improved with single family dwellings. The Petitioner proposes to construct a dwelling on Lot 3, but requires variance relief to do so.

Based upon the testimony and evidence presented, I will grant the petition for variance. To obtain variance relief a petitioner must show:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).

The Petitioner has met this test. Mr. Martin testified that the property was irregularly shaped, which can be seen on the plan. The witness noted the "pie shape" of the lot, which constrains the available building envelope. As such, the property is unique.

I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioner would be unable to construct a dwelling on the lot, which is of course a permitted use in the zone. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

ORDER RECEIVED FOR FILING

Date 5/19/14

By Sen



At the same time, I can appreciate the concerns articulated by Mr. Halley, who lives at 83 Yew Rd. Mr. Halley fears that his house will feel crowded by the proposed dwelling, and he also stated he had fire safety concerns with a home being located just 15 feet away from his house. Addressing the second point first, I was unable to locate a requirement in the building or fire safety codes which mandates any particular setbacks between single family dwellings, and as noted by counsel at the hearing, the Petitioner will be required to provide sprinkler service in any dwelling constructed on the site, in accordance with current law.

I think the first point raised by Mr. Halley is a valid concern, especially given the orientation of the existing homes on Lot Nos. 2 (83 Yew Rd.) and 4 (87 Yew Rd.). Specifically, the proposed home would be oriented exactly parallel to Mr. Halley's dwelling, while the home on Lot 4 is situated at an approximately 45 degree angle. As shown on the site plan, the east-facing wall of 87 Yew Rd. is angled away from Lot 3, and the proposed setback of 15 feet is only at the closest point towards the front of the lots, and would increase significantly towards the rear of the lots. Mr. Halley's dwelling, on the other hand, would be 15 feet from the proposed home along its entire side wall dimension. As such, I believe the site plan must be amended, to create an 18 foot setback for building side walls between Lots 2 & 3, and a 12 foot setback between side building walls on Lots 3 & 4.

The special hearing request is essentially a "housekeeping" matter, and would amend the Golden Forest FDP for Lot 3 only, to reflect the modified building envelope approved in the Order which follows. Mr. Martin opined that the Petitioner satisfied the requirements for such amendments set forth in BCZR §§ 502 & 1B01.3.A.7., and I concur.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and variance requests should be granted.

ORDER RECEIVED FOR FILING

Date 5/19/14

3

By Den

THEREFORE, IT IS ORDERED this 19<sup>th</sup> day of May, 2014, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to amend the "Golden Forest" Final Development Plan (FDP), Lot 3 only, to reflect a revised building envelope, be and is hereby GRANTED and that FDP is amended in accordance with the terms of this Order.

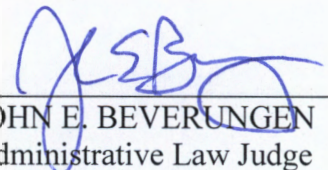
IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §1B01.2.C.1.b to allow minimum side building face setbacks of 18 ft. in lieu of the required 25 ft. between Lot Nos. 2 and 3 and 12 feet in lieu of the required 25 feet between Lot Nos. 3 and 4, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner must submit with 15 days of the date hereof an amended site plan, reflecting the side building face setbacks as approved herein.

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

JEB/sln

  
\_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

ORDER RECEIVED FOR FILING

Date

5/19/14

By

sen

KEVIN KAMENETZ  
*County Executive*



LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
*Administrative Law Judge*

May 19, 2014

David Karceski, Esquire  
Justin Williams, Esquire  
Venable, LLP  
210 W. Pennsylvania Avenue  
Suite 500  
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance  
Property: 85 Yew Road  
Case No.: 2014-0170-SPHA

Dear Counsel:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

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:sln  
Enclosure

c: Ron Halley, 83 Yew Road, Essex, Maryland 21221





## PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 85 Yew Road which is presently zoned DR5.5

Deed References: \_\_\_\_\_ 10 Digit Tax Account # 2200013390

Property Owner(s) Printed Name(s) Tridel Inc.

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED SHEET

2. \_\_\_\_\_ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s)

SEE ATTACHED SHEET

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

### Contract Purchaser/Lessee:

Name- Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### Attorney for Petitioner:

Name- Type or Print DAVID KARCESKI

Signature Venable LLP \_\_\_\_\_

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

21204 / 410-494-6285 / dhkarciski@venable.com

Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### Legal Owners (Petitioners):

Tridel Inc.

Name #1 - Type or Print \_\_\_\_\_ Name #2 - Type or Print \_\_\_\_\_

Signature #1 DAVID KARCESKI Signature #2 \_\_\_\_\_

4630 Ridge Road Baltimore MD

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

21236-3814 / \_\_\_\_\_

Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### Representative to be contacted:

Name - Type or Print DAVID KARCESKI

Signature Venable LLP \_\_\_\_\_

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

21204 / 410-494-6285 / dhkarciski@venable.com

Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

CASE NUMBER 2014-0170-SPHA Filing Date 2/18/14 Do Not Schedule Dates: \_\_\_\_\_ Reviewer JS

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 5/19/14

By Den



**Attachment to**  
**Petition for Special Hearing**

**85 Yew Road**

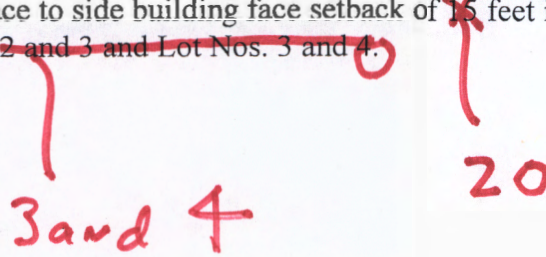
Special Hearing for approval of an amendment to the "Golden Forest" final development plan, lot 3 only,  
for a revised building envelope pursuant to Section 500.7 of the Baltimore County Zoning Regulations.

2014-0170-SPHA

**Attachment to  
Petition for Variance**

**85 Yew Road**

Variance from 1B01.2.C.1.b of the Baltimore County Zoning Regulations to allow a minimum side building face to side building face setback of 15 feet in lieu of the required 25 feet between Lot Nos. 2 and 3 and Lot Nos. 3 and 4.



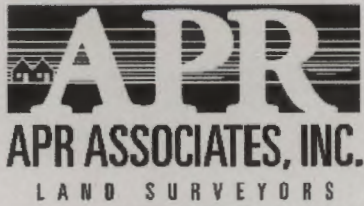
3 and 4

20

**Attachment to  
Petition for Variance**

**85 Yew Road**

Variance from 1B01.2.C.1.b of the Baltimore County Zoning Regulations to allow a minimum side building face to side building face setback of 15 feet in lieu of the required 25 feet between Lot Nos. 2 and 3 and Lot Nos. 3 and 4.



DESCRIPTION OF PROPERTY TO ACCOMPANY  
PLAT FOR ZONING VARIANCE  
85 YEW ROAD  
15<sup>th</sup> ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

*EAST*  
BEGINNING FOR THE SAME at a point on the ~~North~~ side of Yew Road, which is 50 feet wide,  
at a distance of approximately 2,400 feet West of centerline of the nearest improved  
intersecting street, Fuselage Avenue which is 50 feet wide. Being Lot 3 in the subdivision of  
Golden Forest as recorded in Baltimore County Plat Book SM 64, Folio 141, containing 8,184  
square feet or 0.1879 acres. Also known as 85 Yew Road and located in the 15<sup>th</sup> Election  
District, 7<sup>th</sup> Councilmatic District.



*Paul A Ratzel*  
1-11-14

2014-0170 - SP4A

7427 Harford Road  
Baltimore, MD 21234  
Phone (410) 444-4312  
Fax (410) 444-1647



# 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/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: 2014-0170-SPH A  
Petitioner: Tridel, Inc.  
Address or Location: 85 Yew Road

#### PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukasevich  
Address: 210 W. Pennsylvania Ave., Ste 500  
TOWSON, MD 21204  
Telephone Number: (410) 494-6200

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

No. **108001**

Date: **2/18/14**

**PAID RECEIPT**

BUSINESS ACTUAL TIME DRV  
 /19/2014 2/18/2014 11:25:55 5

REC W005 WALTON RD05 LRG  
 RECEIPT # 725280 2/18/2014 OFLN

5 528 ZONING VERIFICATION

0. 108001  
 Recpt Tot \$1,000.00  
 \$1,000.00 CR 1.00 CA  
 Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount     |
|------|------|------|----------|-----------------|------------------|----------|---------|------------|
| 001  | 806  | 0000 |          | 6150            |                  |          |         | \$ 1000.00 |
|      |      |      |          |                 |                  |          |         |            |
|      |      |      |          |                 |                  |          |         |            |
|      |      |      |          |                 |                  |          |         |            |
|      |      |      |          |                 |                  |          |         |            |

Total: **\$ 1000.00**

Rec From: **TR DEL, INC**

For: **2014-0170-5PH1A**

**DISTRIBUTION**

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

**CASHIER'S  
 VALIDATION**



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

No. **946**

Date: **5/27/14**

**PAID RECEIPT**

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|----------------|-------------|------|-----|---------|--------|
| 001  | 806  | 0005 |          | 6/50           |             |      |     |         | 265.00 |
|      |      |      |          |                |             |      |     |         |        |
|      |      |      |          |                |             |      |     |         |        |
|      |      |      |          |                |             |      |     |         |        |
|      |      |      |          |                |             |      |     |         |        |
|      |      |      |          |                |             |      |     |         |        |

Total: **265.00**

Rec From: **Ron Halley**  
 For: **2014-0170-SPHA**  
**CK# 7102**  
**85 yew Rd.**

**DISTRIBUTION**

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

RECEIVED  
 5/27/2014 11:27:00  
 REC MAIN - NLTN LRG LOR  
 RECEIPT # 510008 - 5/27/2014 OFDI  
 5 SUB ZONING VERIFICATION  
 REC# 475040  
 Receipt Tot \$265.00  
 BASS.OF CR \$265.00  
 Baltimore County, Maryland

**CASHIER'S  
 VALIDATION**

# CERTIFICATE OF POSTING

2014-0170-SPHA

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_

Tridel, Inc.

May 12, 2014

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: \_\_\_\_\_

85 Yew Rd

April 22, 2014

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

Sincerely,

April 22, 2014

\_\_\_\_\_  
(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)







## THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

March 18, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on March 18, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

*Susan Wilkinson*

### 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: # 2014-0170-SPHA**

85 Yew Road

E/s Yew Road, 2400 ft. W/of centerline of

intersection with Fuselage Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): Tridel, Inc.

**Special Hearing:** for approval of an amendment to the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the Baltimore County Zoning Regulations. **Variance:** to allow a minimum side building face to side building face setback of 15 ft. in lieu of the required 25 ft. between Lot Nos. 2 and 3 and Lot Nos. 3 and 4.

**Hearing:** Tuesday, April 8, 2014 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 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 3/760 Mar. 18.

972511



501 N. Calvert St., P.O. Box 1377  
Baltimore, Maryland 21278-0001  
tel: 410/332-6000  
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3167785

**Sold To:**

VENABLE LLP - CU00174151  
210 W Pennsylvania Ave  
Ste 500  
Towson, MD 21204-5304

**Bill To:**

VENABLE LLP - CU00174151  
210 W Pennsylvania Ave  
Ste 500  
Towson, MD 21204-5304

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 31, 2015

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>NOTICE OF ZONING HEARING</b></p> <p>The Board of Appeals 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:</p> <p><b>CASE NUMBER: 2014-170-SPHA</b><br/><b>In the Matter of: Tridel Inc.</b><br/><b>85 Yew Road</b></p> <p>Legal Owners: Tridel, Inc.</p> <p>Petition for Variance, to allow a minimum rear yard set back of 27 feet in lieu of the required 35 feet.</p> <p>Hearing: Tuesday, April 21, 2015 at 9:30 a.m.<br/>in Hearing Room #2 Jefferson Building<br/>Second Floor, Suite 206<br/>105 West Chesapeake Avenue, Towson, 21204</p> <p>JT 3/980 March 31 3167785</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



## THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

April 24, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on April 22, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

*Susan Wilkinson*

### 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: #2014-0170-SPHA**

85 Yew Road

E/s Yew Road, 2400 ft. W/of centerline of intersection with Fuselage Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): Tridel, Inc.

**Special Hearing:** for approval of an amendment to the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the Baltimore County Zoning Regulations. **Variance:** to allow a minimum side building face to side building face setback of 15 ft. in lieu of the required 25 ft. between Lot Nos. 2 and 3 and Lot Nos. 3 and 4.

**Hearing: Monday, May 12, 2014 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 4/831 April 22

976700



TO: PATUXENT PUBLISHING COMPANY  
Tuesday, March 18, 2014 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich  
Venable, LLP  
210 W. Pennsylvania Ave., Ste. 500  
Towson, MD 21204

410-494-6200

---

## 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 NUMBER: 2014-0170-SPHA**

85 Yew Road

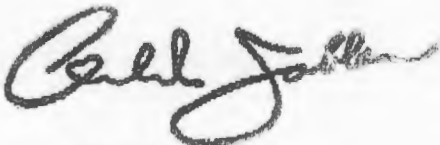
E/s Yew Road, 2400 ft. W/of centerline of intersection with Fuselage Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Tridel, Inc.

Special Hearing for approval of an amendment to the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the Baltimore County Zoning Regulations. Variance to allow a minimum side building face to side building face setback of 15 ft. in lieu of the required 25 ft. between Lot Nos. 2 and 3 and Lot Nos. 3 and 4.

Hearing: Tuesday, April 8, 2014 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 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.



KEVIN KAMENETZ  
County Executive

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

March 11, 2014

## 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: 2014-0170-SPHA**

85 Yew Road

E/s Yew Road, 2400 ft. W/of centerline of intersection with Fuselage Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Tridel, Inc.

Special Hearing for approval of an amendment to the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the Baltimore County Zoning Regulations. Variance to allow a minimum side building face to side building face setback of 15 ft. in lieu of the required 25 ft. between Lot Nos. 2 and 3 and Lot Nos. 3 and 4.

Hearing: Tuesday, April 8, 2014 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon  
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204  
Tridel, Inc., 4630 Ridge Road, Baltimore 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 19, 2014.**
- (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, April 22, 2014 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich  
Venable, LLP  
210 W. Pennsylvania Ave., Ste. 500  
Towson, MD 21204

410-494-6200

---

## 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 NUMBER: 2014-0170-SPHA**

85 Yew Road

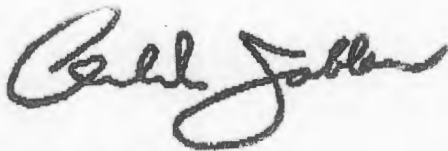
E/s Yew Road, 2400 ft. W/of centerline of intersection with Fuselage Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Tridel, Inc.

Special Hearing for approval of an amendment to the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the Baltimore County Zoning Regulations. Variance to allow a minimum side building face to side building face setback of 15 ft. in lieu of the required 25 ft. between Lot Nos. 2 and 3 and Lot Nos. 3 and 4.

Hearing: Monday, May 12, 2014 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 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.





KEVIN KAMENETZ  
County Executive

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

March 25, 2014

## NEW 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: 2014-0170-SPHA**

85 Yew Road

E/s Yew Road, 2400 ft. W/of centerline of intersection with Fuselage Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Tridel, Inc.

Special Hearing for approval of an amendment to the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the Baltimore County Zoning Regulations. Variance to allow a minimum side building face to side building face setback of 15 ft. in lieu of the required 25 ft. between Lot Nos. 2 and 3 and Lot Nos. 3 and 4.

Hearing: Monday, May 12, 2014 at 10:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon  
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204  
Tridel, Inc., 4630 Ridge Road, Baltimore 21236

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 22, 2014.**
- (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.



## Board of Appeals of Baltimore County

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

June 24, 2014

### **NOTICE OF ASSIGNMENT**

**IN THE MATTER OF:**  
14-170-SPHA

Tridel, Inc.  
85 Yew Road  
15<sup>th</sup> Election District; 7<sup>th</sup> Councilmanic District

Re: Petition for Special Hearing for approval of an amendment to the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the BCZR;  
Petition for Variance from 1B01.2.C.1.b to allow a minimum side building face to side building face setback of 15 feet in lieu of the required 25 feet between Lot Nos. 2 and 3 and Lot Nos. 3 and 4

5/19/14 Opinion and Order of Administrative Law Judge wherein the Petition for Special Hearing was GRANTED, and the Petition for Variance was GRANTED, subject to an amended site plan reflecting the side building face setbacks.

**ASSIGNED FOR: TUESDAY, SEPTEMBER 9, 2014, AT 10:00 A.M.**

**LOCATION:** Hearing Room #2, Second Floor, Suite 206  
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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

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

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

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

For further information, including our inclement weather policy, please visit our website [www.baltimorecountymd.gov/Agencies/appeals/index.html](http://www.baltimorecountymd.gov/Agencies/appeals/index.html)

**Krysundra "Sunny" Cannington**  
Administrator

c: Counsel for Petitioner/Legal Owner  
Petitioner/LO

: David Karceski, Esquire  
: Tridel, Inc./Qutub Syed, President

Protestant/Appellant

: Ron Halley

Paul A. Ratych  
Mark and Tami Balsamo  
Office of People's Counsel  
Arnold Jablon, Director/PAI  
Nancy West, Assistant County Attorney

David Martin

Steven and Diana Stratchko

Wardell and Rosalin Lancaster

Lawrence M. Stahl, Managing Administrative Law Judge  
Andrea Van Arsdale, Director/Department of Planning  
Michael Field, County Attorney, Office of Law





## Board of Appeals of Baltimore County

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

September 3, 2014

### **NOTICE OF POSTPONEMENT**

#### **IN THE MATTER OF:**

14-170-SPHA

Tridel, Inc.  
85 YEW ROAD  
15<sup>TH</sup> ELECTION DISTRICT; 7<sup>TH</sup> COUNCILMANIC DISTRICT

Re: Petition for Special Hearing for approval of an amendment to the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the BCZR;  
Petition for Variance from 1B01.2.C.1.b to allow a minimum side building face to side building face setback of 15 feet in lieu of the required 25 feet between Lot Nos. 2 and 3 and Lot Nos. 3 and 4

5/19/14 Opinion and Order of Administrative Law Judge wherein the Petition for Special Hearing was GRANTED, and the Petition for Variance was GRANTED, subject to an amended site plan reflecting the side building face setbacks

This matter was assigned for Tuesday, September 9, 2014 and has been postponed by agreement of Counsel. It will be rescheduled to a later date.

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

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

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

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**Krysundra "Sunny" Cannington**  
Administrator

c: Counsel for Petitioner  
Petitioner

: David Karceski, Esquire  
: Tridel, Inc./Qutub Syed, President

Appellant/Protestants

: Ron Halley

Paul A. Ratych/APR Associates, Inc.  
Wardell and Rosalin Lancaster

David Martin  
Mark and Tami Balsamo

Steven and Diana Stratchko

Office of People's Counsel  
Arnold Jablon, Director/PAI  
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge  
Andrea Van Arsdale, Director/Department of Planning  
Michael Field, County Attorney, Office of Law





## Board of Appeals of Baltimore County

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

March 16, 2015

### **NOTICE OF ASSIGNMENT**

**IN THE MATTER OF:**

14-170-SPHA

Tridel, Inc.  
85 Yew Road  
15<sup>th</sup> Election District; 7<sup>th</sup> Councilmanic District

*A settlement was reached at the hearing on February 26, 2015. The Petitioner has requested an amendment to the settlement. The parties have agreed that an additional hearing is required. That hearing is*

**ASSIGNED FOR: TUESDAY, APRIL 21, 2015, AT 9:30 A.M.**

**LOCATION:**

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

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

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

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

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**Krysundra "Sunny" Cannington  
Administrator**

c: Counsel for Petitioner  
Petitioner

: David Karceski, Esquire  
: Tridel, Inc./Qutub Syed, President

Appellant/Protestants

: Ron Halley

Paul A. Ratych/APR Associates, Inc.  
Wardell and Rosalin Lancaster

David Martin  
Mark and Tami Balsamo

Steven and Diana Stratchko

Office of People's Counsel  
Arnold Jablon, Director/PAI  
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge  
Andrea Van Arsdale, Director/Department of Planning  
Michael Field, County Attorney, Office of Law



## Board of Appeals of Baltimore County

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

December 17, 2014

### **NOTICE OF REASSIGNMENT**

#### **IN THE MATTER OF:**

14-170-SPHA

Tridel, Inc.  
85 YEW ROAD  
15<sup>TH</sup> ELECTION DISTRICT; 7<sup>TH</sup> COUNCILMANIC DISTRICT

Re: Petition for Special Hearing for approval of an amendment to the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the BCZR;  
Petition for Variance from 1B01.2.C.1.b to allow a minimum side building face to side building face setback of 15 feet in lieu of the required 25 feet between Lot Nos. 2 and 3 and Lot Nos. 3 and 4

5/19/14 Opinion and Order of Administrative Law Judge wherein the Petition for Special Hearing was GRANTED, and the Petition for Variance was GRANTED, subject to an amended site plan reflecting the side building face setbacks

**ASSIGNED FOR: THURSDAY, FEBRUARY 26, 2015, AT 10:00 A.M.**

#### **LOCATION:**

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

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

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

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

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**Krysundra "Sunny" Cannington**  
Administrator

c: Counsel for Petitioner  
Petitioner

: David Karceski, Esquire  
: Tridel, Inc./Qutub Syed, President

Appellant/Protestants

: Ron Halley

Paul A. Ratych/APR Associates, Inc.  
Wardell and Rosalin Lancaster

David Martin  
Mark and Tami Balsamo

Steven and Diana Stratchko

Office of People's Counsel  
Arnold Jablon, Director/PAI  
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge  
Andrea Van Arsdale, Director/Department of Planning  
Michael Field, County Attorney, Office of Law





KEVIN KAMENETZ  
*County Executive*

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

May 8, 2014

Tridel Inc.  
4630 Ridge Road  
Baltimore MD 21236

RE: Case Number: 2014-0170 SPHA, Address: 85 Yew Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 18, 2014. 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 written in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel  
David Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204



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



James T. Smith, Jr., Secretary  
Melinda B. Peters, Administrator

Date: 2-24-14

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

RE: Baltimore County  
Item No. 2014-0170-SPHA  
Special Hearing Variance  
Tridel Inc.  
85 View Road

Dear Ms. Lewis:

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. 2014-0170-SPHA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/  
Development Manager  
Access Management Division

SDF/raz

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](http://www.roads.maryland.gov)

5/12/14

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



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: February 25, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0170-SPHA  
Address 85 Yew Road  
(Tridel, Inc. Property)

Zoning Advisory Committee Meeting of February 3, 2014.

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

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED

FEB 25 2014

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

2/26/14  
wer  
8

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

**DATE:** February 25, 2014

**FROM:** <sup>DAK</sup>Dennis A. Kennedy, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For March 03, 2014  
Item No. 2014-0165, 0166, 0167, 0168, 0170 and 0171

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\ZAC03032014 -.doc



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED  
APR 21 2015

BALTIMORE COUNTY  
BOARD OF APPEALS

To: Baltimore County Board of Appeals

From: Edward C. Adams, Jr., Director,  
Department of Public Works

Date: April 20, 2015

Subject: Case No. 14-170-SPHA  
85 Yew Road

The subject property is an undeveloped lot shown on subdivision plat SM 64/141 "Golden Forest". Our office was contacted by the owner of an adjacent lot at 83 Yew Road expressing concerns about lack of adequate drainage at his property which may be made more severe by development of 85 Yew Road.

Upon investigation our office found that the topography of the vicinity was such as to create wet conditions at the base of a slope to the rear of the properties involved. Plat SM 64/141 shows drainage easements that would provide space for drainage facilities to convey runoff to proposed wetland areas, but these facilities were evidently never constructed.

This is to request that any order by the Board of Appeals granting relief to the petitioner would include a requirement that drainage improvements required under the new residential building permit would be strictly observed and enforceable under the order. Such drainage improvements will be specified by the Development Plan Review Bureau of the Department of Permits, Approvals and Inspections during review of the building permit, on behalf of DPW.

Since too much time has elapsed since the Golden Forest development was built we are advised that the County has no way of requiring the drainage facilities be built now, apart from the new building permit. Allowing the new house construction with strict adherence to the permit requirements for drainage is the most feasible way to address the existing drainage problems at 83 Yew Road and also to prevent future drainage problems at this location.

ECA, Jr /DLT/s

CC: Ronald Halley, owner, 83 Yew Road  
Carole Demilio, Peoples Counsel  
Dennis Kennedy, Chief, Development Plan Review Bureau (Attn: Robin Hurley)  
Sheldon Epstein, Chief, Storm Drain Design, Bureau of Engineering & Construction

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Board of Appeals of Baltimore County

David Thurston, Chairman

**DATE:** February 20, 2015

**FROM:** Andrea VanArsdale

Director, Department of Planning

**SUBJECT:** 85 Yew Road

**Item Number:** Case 14-170 SPHA

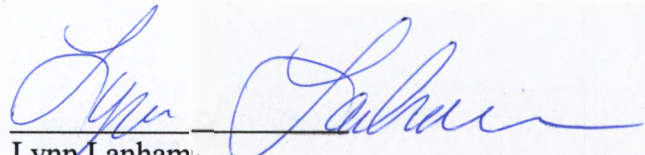
**Petitioner:** Qutub Syed

**Zoning:** DR 5.5

**Recommendations:**

Pursuant to Section 1B01.3.A.7 (b)(1) of the Baltimore County Zoning Regulations, this comment serves as certification that the Director of the Department of Planning has reviewed the site plan that was approved by the Administrative Law Judge and the alternate plan setting the proposed house slightly back so that only a 12' setback between lots 3 and 4 is created and no variance is required between lots 2 and 3. The Department of Planning has determined that the plans are in accord with the provisions of the Comprehensive Manual of Development policies and with the specific standards and requirements of Article 1B of the Zoning Regulations. As previously stated in the original email ZAC comment, the Department of Planning has no objection to the Special Hearing request for approval to amend the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the Baltimore County Zoning Regulations.

Prepared By:

  
Lynn Lanham

AVA/LL

c: Adam Rosenblatt, Venable LLP  
John Beverungen, Administrative Law Judge  
Arnold Jablon, Director of Permits, Approvals and Inspections

**RECEIVED**  
FEB 26 2015

BALTIMORE COUNTY  
BOARD OF APPEALS

|                                                                    |   |                   |
|--------------------------------------------------------------------|---|-------------------|
| RE: PETITION FOR SPECIAL HEARING                                   | * | BEFORE THE OFFICE |
| AND VARIANCE                                                       |   |                   |
| 85 Yew Road; E/S Yed Road, 2,400' W                                | * | OF ADMINSTRATIVE  |
| Of c/line with Fuselage Avenue                                     |   |                   |
| 15 <sup>th</sup> Election & 7 <sup>th</sup> Councilmanic Districts | * | HEARINGS FOR      |
| Legal Owner(s): Tridel Inc.                                        |   |                   |
| Petitioner(s)                                                      | * | BALTIMORE COUNTY  |
|                                                                    | * | 2014-170-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

FEB 27 2014

*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 27<sup>th</sup> day of February, 2014, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



**From:** "Karczeski, David H." <DKarczeski@Venable.com>  
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>  
**CC:** "cdemilio@baltimorecountymd.gov" <cdemilio@baltimorecountymd.gov>, "Will...  
**Date:** 9/2/2014 4:59 PM  
**Subject:** CBA Case No. 14-170-SPHA (85 Yew Road)

Hello Sunny:

I think you spoke with Carole Demilio this afternoon about my request for a postponement in the above-reference case. I will hand-deliver the formal request for postponement tomorrow.

The address for the subject property is 85 Yew Road.

Thank you,  
David

David Karczeski, Esq. | Venable LLP  
t 410.494.6285 | f 410.821.0147 | m 443.956.7425  
Towson: 210 W. Pennsylvania Avenue, Ste. 500, Towson, MD 21204  
Baltimore: 750 East Pratt Street, Ste. 900, Baltimore, MD 21201

\*\*\*\*\*  
This electronic mail transmission may contain confidential or privileged information. If  
you believe you have received this message in error, please notify the sender by reply  
transmission and delete the message without copying or disclosing it.  
\*\*\*\*\*

## Krysundra Cannington

---

**From:** Karceski, David H. <DKarceski@Venable.com>  
**Sent:** Monday, December 01, 2014 4:26 PM  
**To:** Krysundra Cannington  
**Cc:** Carole Demilio  
**Subject:** Board Case No. 14-170-SPHA (85 Yew Road)

Hello Sunny:

I hope you had a nice Thanksgiving holiday.

The above-referenced case was postponed at the request of my client, Tridel, Inc.

Do you have any available dates for the hearing the last week of February or first week of March?

I have copied Carole Demilio as her office will participate.

Thank you,  
David

David Karceski, Esq. | Venable LLP  
t 410.494.6285 | f 410.821.0147 | m 443.956.7425  
Towson: 210 W. Pennsylvania Avenue, Ste. 500, Towson, MD 21204  
Baltimore: 750 East Pratt Street, Ste. 900, Baltimore, MD 21201

\*\*\*\*\*

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\*\*\*\*\*

## Krysundra Cannington

---

**From:** Krysundra Cannington  
**Sent:** Tuesday, December 02, 2014 7:58 AM  
**To:** 'Karciski, David H.'  
**Cc:** Carole Demilio  
**Subject:** RE: Board Case No. 14-170-SPHA (85 Yew Road)

Good morning David and Carole,

Both of those weeks are currently available on the Board's docket. Please advise which date(s) work best and how many days you believe this case will take to hear.

Thank you.

Sunny

**From:** Karciski, David H. [mailto:DKarciski@Venable.com]  
**Sent:** Monday, December 01, 2014 4:26 PM  
**To:** Krysundra Cannington  
**Cc:** Carole Demilio  
**Subject:** Board Case No. 14-170-SPHA (85 Yew Road)

Hello Sunny:

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Do you have any available dates for the hearing the last week of February or first week of March?

I have copied Carole Demilio as her office will participate.

Thank you,  
David

David Karciski, Esq. | Venable LLP  
t 410.494.6285 | f 410.821.0147 | m 443.956.7425  
Towson: 210 W. Pennsylvania Avenue, Ste. 500, Towson, MD 21204  
Baltimore: 750 East Pratt Street, Ste. 900, Baltimore, MD 21201

\*\*\*\*\*  
This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.  
\*\*\*\*\*



## Krysundra Cannington

---

**From:** Krysundra Cannington  
**Sent:** Wednesday, December 10, 2014 8:59 AM  
**To:** dkarciski@venable.com; Carole Demilio  
**Subject:** Tridel 14-170-SPHA

Good morning,

This email is just to follow up on the above referenced matter. The last I heard we were looking for a hearing date during the last week of February or the first week of March. I am currently holding February 24, 25, 26, March 3, 4, and 5. Please advise which date(s) work best for you and how many dates should be scheduled.

Thank you.

Sunny

Krysundra "Sunny" Cannington, Administrator  
Board of Appeals for Baltimore County  
410-887-3180

## Krysundra Cannington

---

**From:** Peoples Counsel  
**Sent:** Wednesday, December 10, 2014 10:04 AM  
**To:** Krysundra Cannington  
**Cc:** dkarciski@venable.com  
**Subject:** RE: Tridel 14-170-SPHA

Sunny,

Ms. Demilio is available on February 24, 25 and 26<sup>th</sup>. We are currently holding the first two weeks of March pending the release of the exact date of oral argument in the Court of Special Appeals in the Matter of HZ Properties, LLC. Therefore, we would kindly ask you not to schedule the hearing on those dates.

Rebecca Wheatley  
People's Counsel Secretary

**From:** Krysundra Cannington  
**Sent:** Wednesday, December 10, 2014 8:59 AM  
**To:** dkarciski@venable.com; Carole Demilio  
**Subject:** Tridel 14-170-SPHA

Good morning,

This email is just to follow up on the above referenced matter. The last I heard we were looking for a hearing date during the last week of February or the first week of March. I am currently holding February 24, 25, 26, March 3, 4, and 5. Please advise which date(s) work best for you and how many dates should be scheduled.

Thank you.

Sunny

Krysundra "Sunny" Cannington, Administrator  
Board of Appeals for Baltimore County  
410-887-3180

## Krysundra Cannington

---

**From:** Karceski, David H. <DKarceski@Venable.com>  
**Sent:** Friday, December 12, 2014 2:01 PM  
**To:** Peoples Counsel; Krysundra Cannington  
**Subject:** RE: Tridel 14-170-SPHA

Hello Sunny

I am waiting to hear back from one witness about the February dates.

I will get back to you ASAP.

Thanks,  
David

**From:** Peoples Counsel [mailto:peoplescounsel@baltimorecountymd.gov]  
**Sent:** Wednesday, December 10, 2014 10:04 AM  
**To:** Krysundra Cannington  
**Cc:** Karceski, David H.  
**Subject:** RE: Tridel 14-170-SPHA

Sunny,

Ms. Demilio is available on February 24, 25 and 26<sup>th</sup>. We are currently holding the first two weeks of March pending the release of the exact date of oral argument in the Court of Special Appeals in the Matter of HZ Properties, LLC. Therefore, we would kindly ask you not to schedule the hearing on those dates.

Rebecca Wheatley  
People's Counsel Secretary

**From:** Krysundra Cannington  
**Sent:** Wednesday, December 10, 2014 8:59 AM  
**To:** [dkarceski@venable.com](mailto:dkarceski@venable.com); Carole Demilio  
**Subject:** Tridel 14-170-SPHA

Good morning,

This email is just to follow up on the above referenced matter. The last I heard we were looking for a hearing date during the last week of February or the first week of March. I am currently holding February 24, 25, 26, March 3, 4, and 5. Please advise which date(s) work best for you and how many dates should be scheduled.

Thank you.

Sunny

Krysundra "Sunny" Cannington, Administrator



## Krysundra Cannington

---

**From:** Karceski, David H. <DKarceski@Venable.com>  
**Sent:** Tuesday, December 16, 2014 11:36 AM  
**To:** Peoples Counsel; Krysundra Cannington  
**Subject:** RE: Tridel 14-170-SPHA

Hello Sunny:

Is the 25<sup>th</sup> or 26<sup>th</sup> still available. Both dates work for us.

Thank you, David

David Karceski, Esq. | Venable LLP  
t 410.494.6285 | f 410.821.0147 | m 443.956.7425  
Towson: 210 W. Pennsylvania Avenue, Ste. 500, Towson, MD 21204  
Baltimore: 750 East Pratt Street, Ste. 900, Baltimore, MD 21201

**From:** Peoples Counsel [mailto:peoplescounsel@baltimorecountymd.gov]  
**Sent:** Wednesday, December 10, 2014 10:04 AM  
**To:** Krysundra Cannington  
**Cc:** Karceski, David H.  
**Subject:** RE: Tridel 14-170-SPHA

Sunny,

Ms. Demilio is available on February 24, 25 and 26<sup>th</sup>. We are currently holding the first two weeks of March pending the release of the exact date of oral argument in the Court of Special Appeals in the Matter of HZ Properties, LLC. Therefore, we would kindly ask you not to schedule the hearing on those dates.

Rebecca Wheatley  
People's Counsel Secretary

**From:** Krysundra Cannington  
**Sent:** Wednesday, December 10, 2014 8:59 AM  
**To:** [dkarceski@venable.com](mailto:dkarceski@venable.com); Carole Demilio  
**Subject:** Tridel 14-170-SPHA

Good morning,

This email is just to follow up on the above referenced matter. The last I heard we were looking for a hearing date during the last week of February or the first week of March. I am currently holding February 24, 25, 26, March 3, 4, and 5. Please advise which date(s) work best for you and how many dates should be scheduled.

Thank you.

Sunny

Krysundra "Sunny" Cannington, Administrator

## Krysundra Cannington

---

**From:** Dave Thomas  
**Sent:** Monday, April 20, 2015 3:56 PM  
**To:** Krysundra Cannington  
**Cc:** Dennis A Kennedy; Edward C. Adams; Robin Hurley; Sheldon Epstein; Steve Walsh; Terry Curtis; Carole Demilio; Peter Max Zimmerman; Ronald J. Halley; Rebecca Wheatley  
**Subject:** 85 Yew Road - Case No 14-170-SPHA  
**Attachments:** Memo to CBA.pdf

Please see attached memo from Ed Adams concerning drainage issues related to the subject case before the County Board of Appeals.

If there are questions, please feel free to contact me.

Thanks,

Dave Thomas

David L. Thomas  
Baltimore County DPW  
(410) 887-3984

## Krysundra Cannington

---

**From:** Krysundra Cannington  
**Sent:** Thursday, June 18, 2015 10:43 AM  
**To:** David Karceski, Esquire; Carole Demilio  
**Cc:** Peoples Counsel  
**Subject:** Tridel, Inc 14-170-SPHA

Good morning Counsel:

This email is to follow up on the Tridel matter. At the conclusion of the hearings in this matter, the Board indicated to me that an Order would be prepared by Counsel and submitted for signature. Please advise as to the status of this Order.

As you may be aware, Mr. Thurston has resigned from the Board. His last work day was Monday, June 15, 2015. Only two members of the original panel will be available to sign the Order.

Thank you.

Sunny

Krysundra "Sunny" Cannington  
Administrator  
Board of Appeals for Baltimore County  
The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204  
Phone: 410-887-3180  
Fax: 410-887-3182

### Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

**John Beverungen - RE: 2014-0170-SPHA**

---

**From:** "Karciski, David H." <DKarciski@Venable.com>  
**To:** jbeverungen@baltimorecountymd.gov  
**Date:** 5/15/2014 5:24 PM  
**Subject:** RE: 2014-0170-SPHA  
**Attachments:** image001.jpg; image002.jpg; image003.jpg; image004.jpg; CMDP Section V.B.3.pdf; Part.009

---

Judge Beverungen:

According to the County's "My Neighborhood Zoning" website, the subject lot (85 Yew Road) is now zoned DR5.5. You are correct that the current Zoning Regulations indicate a minimum 20-foot side building face to side building face setback in the DR5.5 zone for a single-family detached dwelling height greater than 20 feet, per BCZR Section 1B01.2.C.1.b. The current CMDP also indicates the same (Residential Standards, page 13).

However, the record plat for the Golden Forest subdivision indicates the CRG Plan was approved on October 25, 1990, and the corresponding FDP was approved on July 11, 1994. Therefore, this development is vested under an older set of regulations. The FDP (Petitioner's Exhibit No. 3) provides setback requirements that differ from those in the current regulations. There is a "HEIGHT TO HEIGHT RELATIONS" chart on the left side of the FDP that indicates the required setback is 25 feet when building heights are between 20 and 25 feet. In addition, the old CMDP indicates the same required setback by way of Figure 5-2 at the bottom on page V-8. I have attached a copy of the relevant page of this old CMDP. Prior to the public hearing, I verified with Carl Richards, Supervisor for the Bureau of Zoning Review, that I have an accurate version of the old CMDP.

Please let me know if I can provide any additional information.

Thank you, David

---

**From:** John Beverungen [jbeverungen@baltimorecountymd.gov]  
**Sent:** Thursday, May 15, 2014 4:16 PM  
**To:** Karciski, David H.  
**Subject:** 2014-0170-SPHA

Mr. Karciski,

In reviewing the BCZR and CMDP, it looks like the setbacks between side building faces is 20 feet (for buildings greater than 20' in height). The Petition states that 25 feet is required. Am I mistaken?

John Beverungen  
ALJ

CONNECT WITH BALTIMORE COUNTY



[www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)



V.B.3 HEIGHT DISTANCE FACTOR

a. The maximum building height permitted within zoning classification is shown in Table 5-5. Height of a building is the vertical distance between the ~~average~~ grade at the foundation and the ~~average~~ elevation of the roof. The roof is the portion of a building above the last story.

b. In any D.R. Zone, the minimum horizontal distance between elevations of buildings not mutually attached are as shown in Figure 5-2 below. Buildings shall be considered mutually attached if there are any above-grade structural connections between them.

| Zoning Classification | Maximum Height of Buildings in Feet |
|-----------------------|-------------------------------------|
| D.R. 1                | 50                                  |
| D.R. 2                | 50                                  |
| D.R. 3.5              | 50                                  |
| D.R. 5.5              | 50                                  |
| D.R. 10.5             | 50                                  |
| D.R. 16               | 60                                  |

Table 5-5. Maximum Building Height by Zone (ALSO SEE S. 1B02.2.A)

\* NO MORE AVERAGE HEIGHT-SUPERCEDED BY ZONING DEFINITION "BUILDING HEIGHT" Bill # 151-88 (effective 11/27/88) SAME AS ZONING POLICY # RM-6 (8/22/85) MEASURED FROM THE HIGHEST POINT AT EXTERIOR NATURAL GRADE TO THE HIGHEST POINT ON THE STRUCTURE. (see diagrams in policy # RM-6) next page

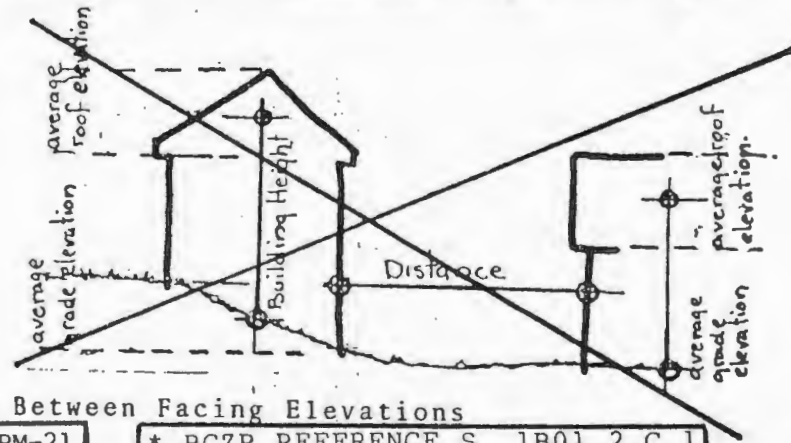
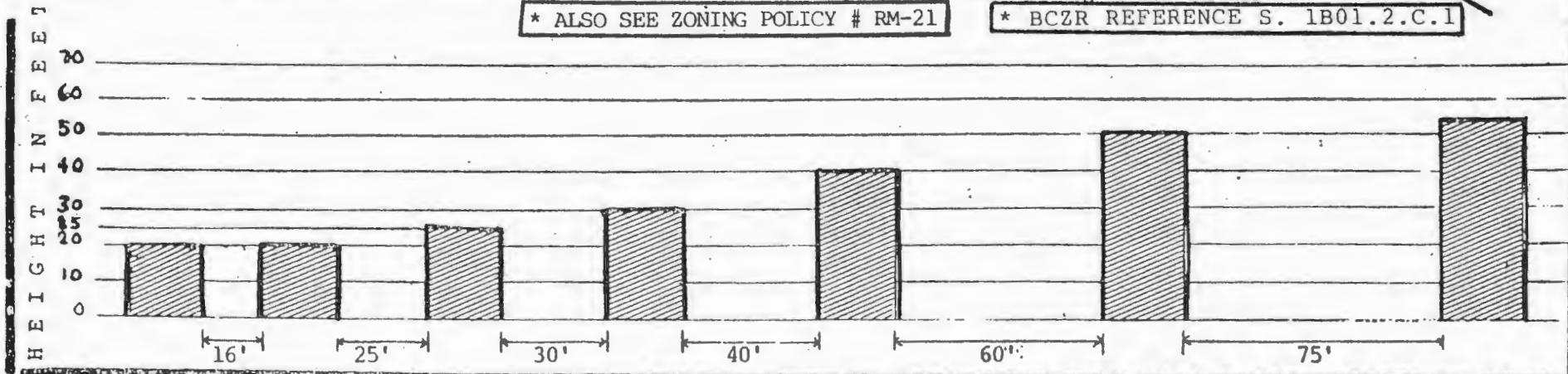


Figure 5-2. Minimum Horizontal Separation of Buildings Between Facing Elevations

\* ALSO SEE ZONING POLICY # RM-21

\* BCZR REFERENCE S. 1B01.2.C.1



T 410.494.6285  
F 410.821.0147  
dhkarceski@venable.com

March 19, 2014

**HAND-DELIVERED**

Arnold Jablon, Director  
Department of Permits, Approvals and Inspections  
County Office Building  
111 West Chesapeake Avenue, Room 105  
Towson, MD 21204

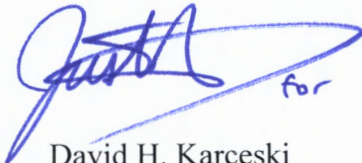
Re: 85 Yew Road  
Case No. 2014-0170-SPHA

Dear Mr. Jablon:

By way of this letter, our client Tridel, Inc., owner of the above-referenced property, is requesting that the public hearing in Case No. 2014-0170-SPHA scheduled for April 8, 2014, be postponed. The reason for the request is that I am scheduled to appear before the Baltimore City Board of Municipal Zoning Appeals that afternoon. We are available for a hearing at any time on May 12, if that date/time is available. If not, I would request that Ms. Kristen Lewis contact me to discuss available dates so that I can be sure they work for my witnesses.

I appreciate your consideration of this request.

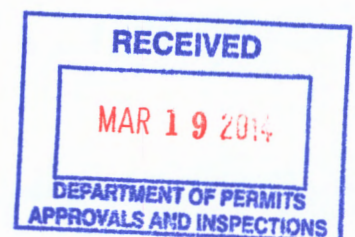
Very truly yours,

 for

David H. Karceski

DHK/jaw

cc: Kristen Lewis



David H. Karceski

T 410.494-6285  
F 410.821.0147  
dhkarceski@venable.com

May 30, 2014

**HAND-DELIVERED**

The Honorable John E. Beverungen  
Office of Administrative Hearings  
105 W. Chesapeake Avenue, Ste. 103  
Towson, Maryland 21204

RECEIVED

MAY 30 2014

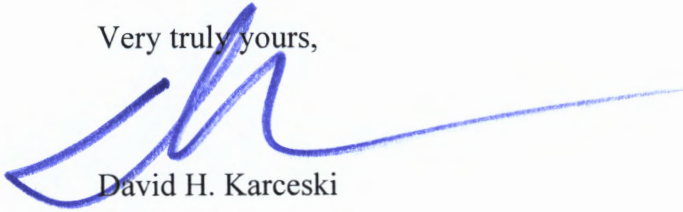
OFFICE OF ADMINISTRATIVE HEARINGS

Re: Petitions for Special Hearing and Variance  
Property: 85 Yew Road  
Case No.: 2014-0170-SPHA

Dear Judge Beverungen:

I am in receipt of your Opinion and Order for the above-referenced property, dated May 19, 2014. As required by Condition No. 2 in your Order, I am enclosing with this letter an amended site plan in conformance with the minimum side building face setbacks granted between Lot Nos. 2 and 3, and Lot Nos. 3 and 4.

Very truly yours,



David H. Karceski

DHK/cak  
Enclosure

cc: Ron Halley (w/enclosure)  
83 Yew Road  
Essex, Maryland 21221

RECEIVED  
MAY 30 2014

BALTIMORE COUNTY  
BOARD OF APPEALS

September 3, 2014

David H. Karceski

T 410.494.6285  
F 410.821.0147  
dhkarceski@venable.com

**HAND-DELIVERED**

David L. Thurston, Chairman  
County Board of Appeals for Baltimore County  
Suite 203, Jefferson Building  
105 West Chesapeake Avenue  
Towson, MD 21204

Re: CBA Case No. 14-170-SPHA  
Property: 85 Yew Road  
15<sup>th</sup> Election District, 7<sup>th</sup> Councilmanic District

RECEIVED  
SEP 03 2014

BALTIMORE COUNTY  
BOARD OF APPEALS

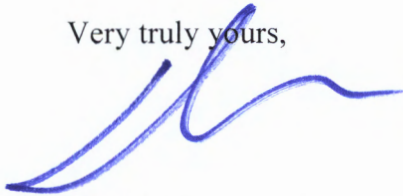
Dear Mr. Thurston:

On behalf of my client, Tridel, Inc., I am writing to request a postponement of the above-captioned matter, which is scheduled to be heard by the County Board of Appeals on September 9, 2014. My client informed me that they are considering a change to the site plan approved by the Administrative Law Judge and would like some additional time to discuss with Ron Halley, the Appellant in this matter.

By way of this letter, we are requesting that the Board postpone the hearing date of September 9<sup>th</sup> to provide us with additional time to work on a revised site plan and meet with Appellant to try and resolve any outstanding issues. Carole S. Demilio, Deputy People's Counsel for Baltimore County, has indicated that she and Mr. Halley are agreeable to the requested postponement.

Thank you for your consideration of this request.

Very truly yours,



David H. Karceski

DHK/jaw

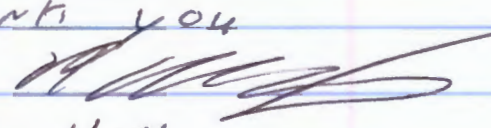
cc: Mr. Ron Halley  
Carole S. Demilio, Esquire  
Krysundra L. Cannington, Administrator  
County Board of Appeals for Baltimore County



CASE NO. 2014-0170-SPHA

I WOULD LIKE TO FILE  
AN APPEAL ON THE FOLLOWING  
CASE #. I DISAGREE WITH THE  
DECISION AND DO NOT WANT  
A HOUSE TO BE BUILT WITHIN 15-18  
OF MINE. THIS WILL CROWD MY  
HOUSE, MAKE IT NOT UNIFORM WITH  
THE REST OF THE NEIGHBORHOOD AND  
LOWER <sup>THE</sup> ~~BY~~ PROPERTY VALUE OF MY  
HOUSE THAT I JUST BOUGHT 6 MONTHS  
AGO. I BOUGHT WITH THE KNOWLEDGE  
THAT I WAS PROTECTED BY CODE  
WITH A 25' SETBACK AND I  
SIMPLY WANT THE LAW ENFORCED

THANK YOU

  
Ron Halley

RECEIVED

MAY 27 2014

OFFICE OF ADMINISTRATIVE HEARINGS



## Board of Appeals of Baltimore County

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

September 3, 2014

David H. Karceski, Esquire  
Venable, LLP  
210 W. Pennsylvania Avenue  
Suite 500  
Towson, MD 21204

Re: In the Matter of: Tridel, Inc  
Case No: 14-170-SPHA

Dear Mr. Karceski:

I am in receipt of your request for postponement dated September 3, 2014. This letter is to advise you that your request for a postponement of the hearing scheduled for September 9, 2014 has been granted.

Please notify this office upon the conclusion of the negotiations at hand with regards to the appeal filed in this matter.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington  
Administrator

cc: Ron Halley  
Carole S. Demilio, Deputy People's Counsel for Baltimore County

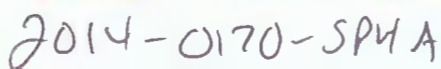
Real Property Data Search ( w4)

[Search Help](#)Your feed back is important to us. [Please take our short survey.](#)

## Search Result for BALTIMORE COUNTY

| <a href="#">View Map</a>                                             | <a href="#">View GroundRent Redemption</a> | <a href="#">View GroundRent Registration</a>              |
|----------------------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------|
| <b>Account Identifier:</b> District - 15 Account Number - 2200013390 |                                            |                                                           |
| <b>Owner Information</b>                                             |                                            |                                                           |
| <b>Owner Name:</b>                                                   | TRIDEL INC                                 | <b>Use:</b> RESIDENTIAL                                   |
|                                                                      | C/O QUTUB SYED                             | <b>Principal Residence:</b> NO                            |
| <b>Mailing Address:</b>                                              | 4630 RIDGE RD                              | <b>Deed Reference:</b> 1)                                 |
|                                                                      | BALTIMORE MD 21236-3814                    | 2)                                                        |
| <b>Location &amp; Structure Information</b>                          |                                            |                                                           |
| <b>Premises Address:</b>                                             | 85 YEW RD<br>BALTIMORE 21221-0000          | <b>Legal Description:</b> SE 85 YEW ROAD<br>GOLDEN FOREST |
| <b>Map:</b> 0090                                                     | <b>Grid:</b> 0008                          | <b>Parcel:</b> 1353                                       |
| <b>Sub District:</b>                                                 | <b>Subdivision:</b> 0000                   | <b>Section:</b>                                           |
| <b>Block:</b>                                                        | <b>Lot:</b> 3                              | <b>Assessment Year:</b> 2012                              |
| <b>Plat No:</b>                                                      | <b>Plat Ref:</b> 0064/ 0141                |                                                           |
| <b>Special Tax Areas:</b>                                            | <b>Town:</b> NONE                          | <b>Ad Valorem:</b>                                        |
|                                                                      | <b>Tax Class:</b>                          |                                                           |
| <b>Primary Structure Built</b>                                       | <b>Above Grade Enclosed Area</b>           | <b>Finished Basement Area</b>                             |
|                                                                      |                                            | <b>Property Land Area</b> 8,184 SF                        |
| <b>County Use</b> 04                                                 |                                            |                                                           |
| <b>Stories</b>                                                       | <b>Basement</b>                            | <b>Type</b>                                               |
| <b>Exterior</b>                                                      | <b>Full/Half Bath</b>                      | <b>Garage</b>                                             |
| <b>Last Major Renovation</b>                                         |                                            |                                                           |
| <b>Value Information</b>                                             |                                            |                                                           |
| <b>Base Value</b>                                                    | <b>Value</b>                               | <b>Phase-in Assessments</b>                               |
|                                                                      | As of                                      | As of                                                     |
|                                                                      | 01/01/2012                                 | 07/01/2013                                                |
|                                                                      |                                            | As of                                                     |
|                                                                      |                                            | 07/01/2014                                                |
| <b>Land:</b> 23,000                                                  | 23,000                                     |                                                           |
| <b>Improvements:</b> 0                                               | 0                                          |                                                           |
| <b>Total:</b> 23,000                                                 | 23,000                                     | 23,000                                                    |
| <b>Preferential Land:</b> 0                                          |                                            | 23,000                                                    |
|                                                                      |                                            | 0                                                         |
| <b>Transfer Information</b>                                          |                                            |                                                           |
| <b>Seller:</b>                                                       | <b>Date:</b>                               | <b>Price:</b>                                             |
| <b>Type:</b>                                                         | <b>Deed1:</b>                              | <b>Deed2:</b>                                             |
| <b>Seller:</b>                                                       | <b>Date:</b>                               | <b>Price:</b>                                             |
| <b>Type:</b>                                                         | <b>Deed1:</b>                              | <b>Deed2:</b>                                             |
| <b>Seller:</b>                                                       | <b>Date:</b>                               | <b>Price:</b>                                             |
| <b>Type:</b>                                                         | <b>Deed1:</b>                              | <b>Deed2:</b>                                             |
| <b>Exemption Information</b>                                         |                                            |                                                           |
| <b>Partial Exempt Assessments:</b>                                   | <b>Class</b>                               | <b>07/01/2013</b>                                         |
| <b>County:</b> 000                                                   |                                            | 0.00                                                      |
| <b>State:</b> 000                                                    |                                            | 0.00                                                      |
| <b>Municipal:</b> 000                                                |                                            | 0.00 0.00                                                 |
| <b>07/01/2014</b>                                                    |                                            | 0.00 0.00                                                 |
| <b>Tax Exempt:</b>                                                   | <b>Special Tax Recapture:</b>              |                                                           |
| <b>Exempt Class:</b>                                                 | NONE                                       |                                                           |
| <b>Homestead Application Information</b>                             |                                            |                                                           |
| <b>Homestead Application Status:</b> No Application                  |                                            |                                                           |







CASE NAME 85 Yen Road  
CASE NUMBER 2014-0170-A  
DATE 5/12/19

[illegible]

DATE \_\_\_\_\_

CASE NUMBER 2014-0170-SPHA  
DATE 5/12/2014

# CITIZEN'S SIGN - IN SHEET

NAME \_\_\_\_\_

ADDRESS

CITY, STATE, ZIP

E - MAIL

Ron Halley

83 Yew Rd

Essex MD 21221

R Halley @  
BALTIMORE COUNTY MD. GOV



Case No: 14-170-SpHA Case Name: TRIDEL, INC.

Case Name: TRIDEL, INC.

## Exhibit List

Party: People's Counsel

Date: 4-21-15

[illegible]

RECEIVED

APR 21 2015

BALTIMORE COUNTY  
BOARD OF APPEALS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Baltimore County Board of Appeals

From: Edward C. Adams, Jr., Director,  
Department of Public Works

Date: April 20, 2015

Subject: Case No. 14-170-SPHA  
85 Yew Road

The subject property is an undeveloped lot shown on subdivision plat SM 64/141 "Golden Forest". Our office was contacted by the owner of an adjacent lot at 83 Yew Road expressing concerns about lack of adequate drainage at his property which may be made more severe by development of 85 Yew Road.

Upon investigation our office found that the topography of the vicinity was such as to create wet conditions at the base of a slope to the rear of the properties involved. Plat SM 64/141 shows drainage easements that would provide space for drainage facilities to convey runoff to proposed wetland areas, but these facilities were evidently never constructed.

This is to request that any order by the Board of Appeals granting relief to the petitioner would include a requirement that drainage improvements required under the new residential building permit would be strictly observed and enforceable under the order. Such drainage improvements will be specified by the Development Plan Review Bureau of the Department of Permits, Approvals and Inspections during review of the building permit, on behalf of DPW.

Since too much time has elapsed since the Golden Forest development was built we are advised that the County has no way of requiring the drainage facilities be built now, apart from the new building permit. Allowing the new house construction with strict adherence to the permit requirements for drainage is the most feasible way to address the existing drainage problems at 83 Yew Road and also to prevent future drainage problems at this location.

ECA, Jr /DLT/s

CC: Ronald Halley, owner, 83 Yew Road  
Carole Demilio, Peoples Counsel  
Dennis Kennedy, Chief, Development Plan Review Bureau (Attn: Robin Hurley)  
Sheldon Epstein, Chief, Storm Drain Design, Bureau of Engineering & Construction

People's #1



Case No: 14-170-SPHA Case Name: Tri del, Inc.

Exhibit List

Party: Petitioner R Date: 2-24-15

| Exhibit No: | Description:                                                          |
|-------------|-----------------------------------------------------------------------|
| ✓ 1         | Site Plan w/ Red Bldg. Envelope                                       |
| ✓ 2         | Amended Petition for Zoning Hearing                                   |
| ✓ 3         | CV for Paul Ratyck                                                    |
| ✓ 4         | CV for David Martin                                                   |
| ✓ 5         | Final Development Plan                                                |
| ✓ 6         | Aerial Photo from B. County My <sup>Neighborhood</sup> Zoning Website |
| ✓ 7         | Memo fr Dept of Planning 2/20/15                                      |
|             |                                                                       |
|             |                                                                       |
|             |                                                                       |
|             |                                                                       |
|             |                                                                       |
|             |                                                                       |
|             |                                                                       |
|             |                                                                       |
|             |                                                                       |
|             | VERIFIED BY <u>RLC</u> DATE: <u>2/26/15</u>                           |

Case No: 14-170-SPHA Case Name: TRIDEL, INC.

## Exhibit List

Party: Petitioner Date: 4-21-15

[illegible]





## PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 85 Yew Road which is presently zoned DR5.5

Deed References: \_\_\_\_\_ 10 Digit Tax Account # 2200013390

Property Owner(s) Printed Name(s) Tridel Inc.

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED SHEET

2. \_\_\_\_\_ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)

SEE ATTACHED SHEET

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:  
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

**Legal Owner(s) Affirmation:** I / we do so 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 / these Petition(s).

### Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

### Attorney for Petitioner:

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285

dhkarcieski@venable.com

Zip Code

Telephone #

Email Address

### Legal Owners (Petitioners):

Tridel Inc.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 VP PRESIDENT Signature #2

4630 Ridge Road

Baltimore

MD

Mailing Address

City

State

21236-3814

Zip Code

Telephone #

Email Address

### Representative to be contacted:

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285

dhkarcieski@venable.com

Zip Code

Telephone #

Email Address

CASE NUMBER

Filing Date

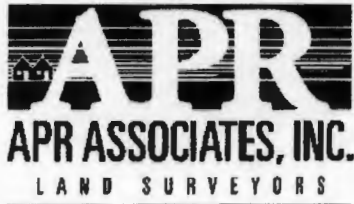
Do Not Schedule Dates:

Reviewer

REV. 10/4/11

PET. Ex. No. 2





Paul Alexander Ratych

Associate

**Registration**

Calvert Hall College 1978

Towson State University 1978 - 1980

Catonsville Community College 1981 - 1988

Various surveying and engineering courses  
including storm drain design, sediment control,  
and subdivision planning

**Responsibilities**

Supervising and scheduling of survey crews,  
property and construction surveys, computations  
for establishment of boundaries

**Professional History**

|                |                                                                                        |
|----------------|----------------------------------------------------------------------------------------|
| 1976 - 1980    | APR Associates Inc, worked as member<br>survey crew during summer and winter vacations |
| 1980 - 1989    | APR Associates Inc, Since 1980 full time in<br>various positions in field and office   |
| 1989           | Obtained property line surveyor license                                                |
| 1991 - 2009-   | In charge of overseeing survey crews, meeting<br>clients and cost estimates            |
| 2009 - present | C.E.O. of APR Associates Inc                                                           |

7427 Harford Road  
Baltimore, MD 21234  
Phone (410) 444-4312  
Fax (410) 444-1647

PET. Ex. 3

MARTIN

MARTIN  
&  
PHILLIPS

PHILLIPS

&

**DESIGN ASSOCIATES, INC.**

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING  
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

**CURRICULUM VITAE**  
**DAVID L. MARTIN, L.A.**

**Martin & Phillips Design Associates, Inc., Principal**  
**Director of Land Planning / Landscape Architecture**

**Professional Registration: Landscape Architect**  
Maryland - No. 776  
Pennsylvania - No. 573-E

**Education:**

The Pennsylvania State University  
Bachelor of Science Landscape Architecture - 1971

**Professional Affiliations:**

American Society of Landscape Architects, Member  
Urban Land Institute, Member

**Boards:**

Baltimore County, Design Review Panel

Professional practice includes 44 years of land planning, landscape architecture, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has been practicing in the Greater Baltimore Metropolitan region since 1987 and has been qualified as an expert in land planning, site planning, and zoning cases in Anne Arundel County, Baltimore County, Howard County, Harford County, Cecil County, Bel Air, Aberdeen, Havre de Grace, Perryville, Port Deposit and Federal District Court of Baltimore.

Prior to his relocation to Maryland, Mr. Martin practiced landscape architecture and land planning in Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

As President of Martin & Phillips Design Associates, Inc. Mr. Martin supervises community planning, site development, subdivision development plans, and master planning efforts. He also offers zoning testimony and interpretation on land planning issues before zoning commissioners, boards of appeals, planning commissions, and elected bodies. Mr. Martin facilitates community input meetings, and presents Development Plans in Baltimore County and oversees the preparation of special exception and variance plan requests. He also directs the design of parks, amenity features, lighting plans and landscape plans associated with residential, commercial and institutional projects.

Significant projects include Developments of Regional Impact (DRI) in the State of Florida including: Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Representative local projects include: Hollywoods, Monmouth Meadows, Greenbriar, Bainbridge Development, Forge Landing, Owings Mills Commerce Center, The Avenue at Whitmarsh, Cedar Lane Farms P.U.D., Westwicke, Beaverbrook, Biddison Property, Bridle Ridge, Green Spring Station, Home Depot of Owings Mills, Bel Air and Timonium, Ashland Market Place, Powell Property, and Baker Property, Highlands Corporate Park, Preston Gateway North Industrial Park, Catholic Charities Senior Housing at the Village Crossroads, Brandywine PUD and the Chapel Springs Senior Housing PUD.

Mr. Martin has prepared numerous comprehensive-zoning petitions in Baltimore County in every CZMP cycle since 1992 and has a thorough understanding of the principles of Euclidean zoning and their application throughout the Baltimore Metro region. He also served on an ad-hoc committee that authored the Service Employment (SE) Zone of Baltimore County and the Public Affairs Committee for NAIOP. He has extensive experience dealing with all of the Baltimore Regional Area County's development regulations.

TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8595  
FAX: 410.321.1175

PET. Ex. No. 4



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Board of Appeals of Baltimore County

David Thurston, Chairman

**DATE:** February 20, 2015

**FROM:** Andrea VanArsdale

Director, Department of Planning

**SUBJECT:** 85 Yew Road

**Item Number:** Case 14-170 SPHA

**Petitioner:** Qutub Syed

**Zoning:** DR 5.5

**Recommendations:**

Pursuant to Section 1B01.3.A.7 (b)(1) of the Baltimore County Zoning Regulations, this comment serves as certification that the Director of the Department of Planning has reviewed the site plan that was approved by the Administrative Law Judge and the alternate plan setting the proposed house slightly back so that only a 12' setback between lots 3 and 4 is created and no variance is required between lots 2 and 3. The Department of Planning has determined that the plans are in accord with the provisions of the Comprehensive Manual of Development policies and with the specific standards and requirements of Article 1B of the Zoning Regulations. As previously stated in the original email ZAC comment, the Department of Planning has no objection to the Special Hearing request for approval to amend the "Golden Forest" final development plan, lot 3 only, for a revised building envelope pursuant to Section 500.7 of the Baltimore County Zoning Regulations.

Prepared By:

  
Lynn Lanham

AVA/LL

c: Adam Rosenblatt, Venable LLP  
John Beverungen, Administrative Law Judge  
Arnold Jablon, Director of Permits, Approvals and Inspections

**RECEIVED**

FEB 26 2015

BALTIMORE COUNTY  
BOARD OF APPEALS

**PET. Ex. 4** 7



# CERTIFICATE OF POSTING

2014-0170-SPHA

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_

Tridel, Inc.

April 21, 2015

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: \_\_\_\_\_

85 Yew Rd

April 1, 2015

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

Sincerely,

April 1, 2015

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

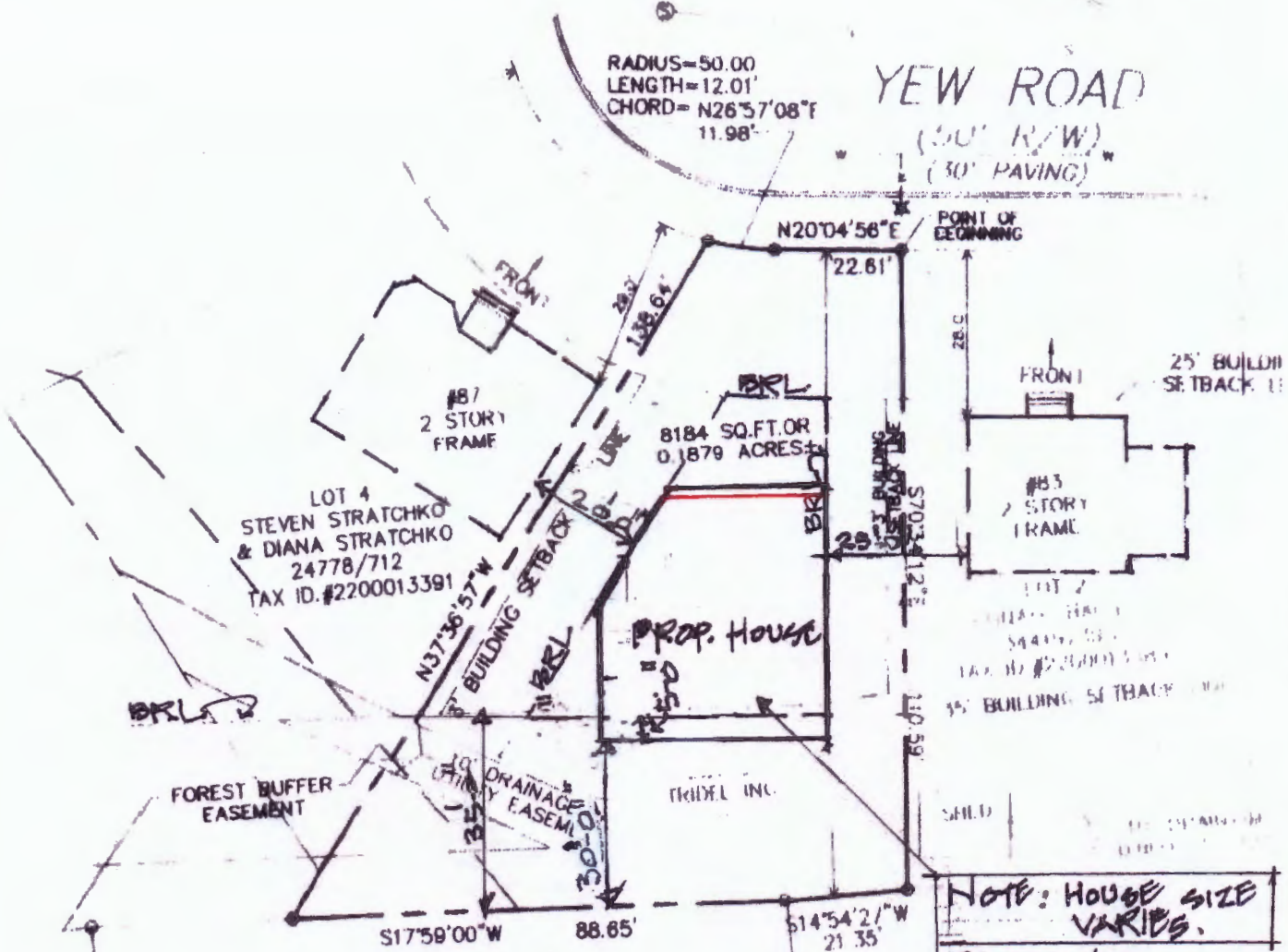
(410) 282-7940

(Telephone Number)



Pet. Ex. 8

SSA  
455  
43006707



#1930 SUNNYSIDE LANE  
LOT 1  
JOHN CHRISTOPHER &  
MARY ANNA JESSA  
6707/251  
TAX ID. #19000012154

SCALE 1"=30'

PAGE 2

JOHN CHRISTOPHER &  
MARY ANNA JESSA  
TAX ID. #19000012154

Pet. #9

Case No.: 2014-D170-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

Sen  
5/19/14

|        |                                     |              |
|--------|-------------------------------------|--------------|
| No. 1  | Site plan                           | Color photos |
| No. 2  | CRG Plan - Golden Forest            |              |
| No. 3  | FDP - Golden Forest                 |              |
| No. 4  | 4A-4C<br>color photos               |              |
| No. 5  | Illustrative Building<br>Elevations |              |
| No. 6  | Letters of Support                  |              |
| No. 7  | DDP's ZAC<br>comment (e-mail)       |              |
| No. 8  |                                     |              |
| No. 9  |                                     |              |
| No. 10 |                                     |              |
| No. 11 |                                     |              |
| No. 12 |                                     |              |





90 YEW RD



PETITIONER'S

EXHIBIT NO. 4A

83 YEW RD



87 YEW RD



94 & 96 YEW RD

PETITIONER'S

EXHIBIT NO. 4B



89 & 93 YEW RD



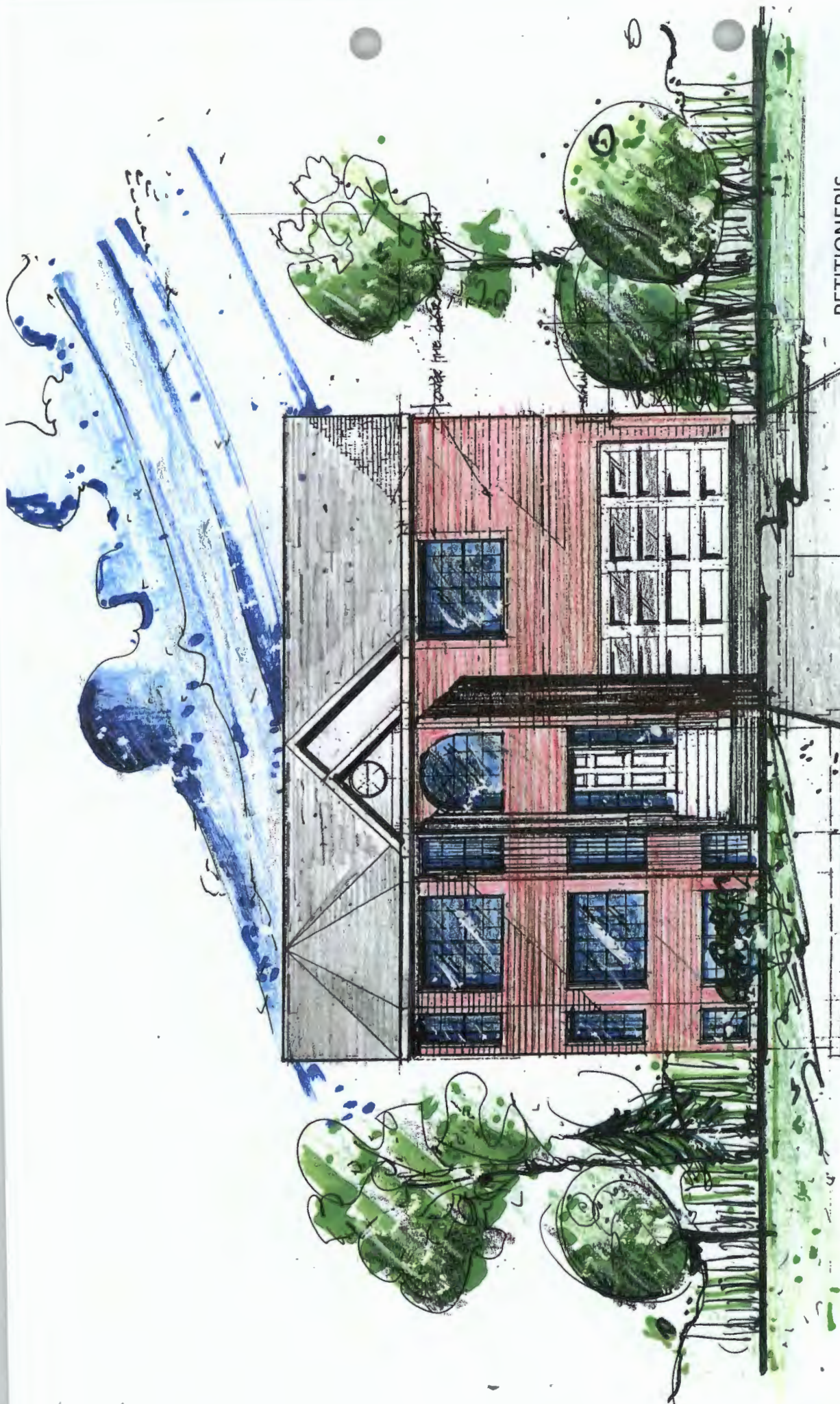
88 YEW RD.



PETITIONER'S

EXHIBIT NO. tc





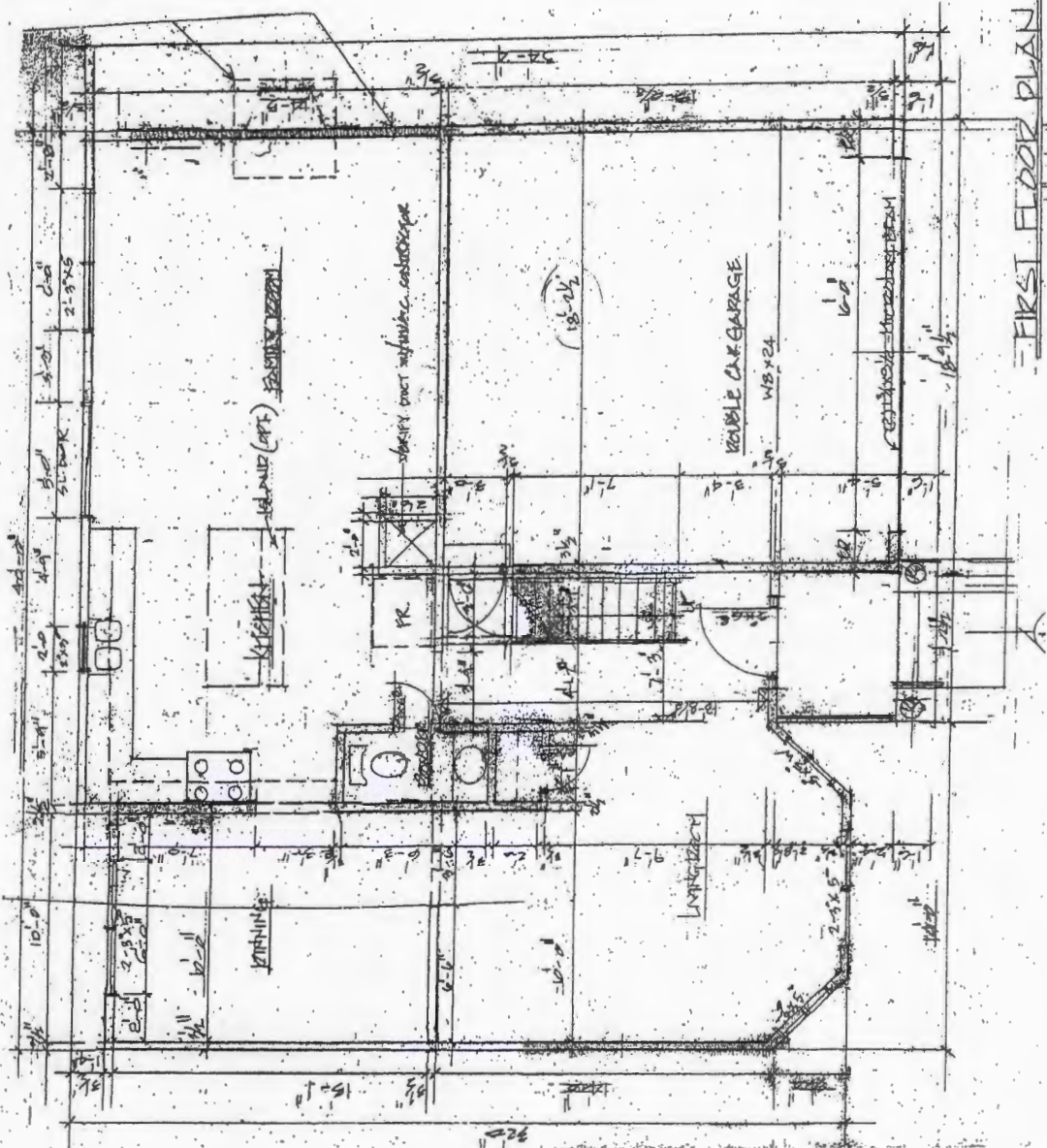
PETITIONER'S

EXHIBIT NO. 5

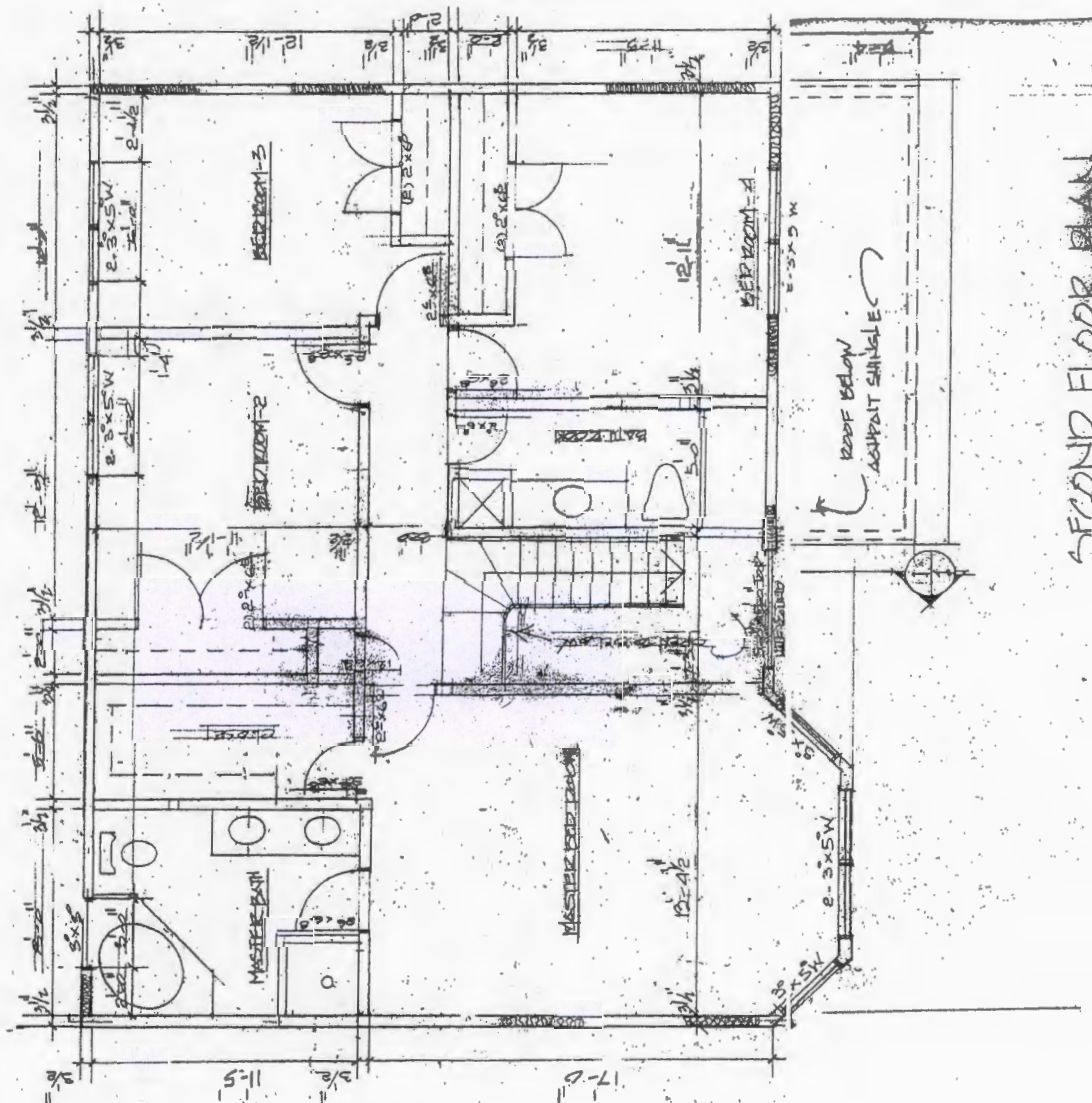
FRONT ELEVATION

\* FOR ILLUSTRATIVE  
PURPOSES ONLY





FIRST FLOOR PLAN





WORK, RETAINING  
WALL NEEDED  
PER SITE CONDITION

TO WHOM IT MAY CONCERN

We the undersigned, are the owner of 87 Yew Road and have been living here since November 14, 2006. We are in support of the variance requested for lot # 3, 85 Yew Road, because we like to see the new house in line with our house in the front yard. We definitely do not want to see the house pushed back into the rear yard that will intrude into our privacy.

Name: Steven Stretchko Signature:  Date: 5/11/2014

Name: Diana Stretchko Signature:  Date: 5/11/2014

PETITIONER'S

EXHIBIT NO. 6

TO WHOM IT MAY CONCERN

I live at 90 Yew Road, Essex, Maryland, and support the variance requested for Lot # 3, 85 Yew Road. I like to see the new house location in the front yard in line with the adjacent houses, which will maintain the good aesthetic value for the neighborhood.

Name: Wardell Lancaster Signature:  Date: 05-10-14



TO WHOM IT MAY CONCERN

I live at 90 Yew Road, Essex, Maryland, and support the variance requested for Lot # 3, 85 Yew Road. I like to see the new house location in the front yard in line with the adjacent houses, which will maintain the good aesthetic value for the neighborhood.

Name: Rosalin Lancaster Signature:  Date: 5/12/14

TO WHOM IT MAY CONCERN

We live at 93 Yew Road, Essex, Maryland, and support the variance requested for Lot # 3, 85 Yew Road. We like to see the new house location in the front yard in line with the adjacent houses, which will maintain the good aesthetic value for the neighborhood.

Name: MARK BALSAMO Signature: Mark Balsamo Date: 5/11/94

Name: Tam Balsamo Signature: Tam Balsamo Date: 5/11/94

**Williams, Justin A.**

---

**Subject:** FW: ZAC 14-170 83 Yew Road

**From:** Lynn Lanham  
**Sent:** Monday, May 12, 2014 9:28 AM  
**To:** Karceski, David H.  
**Subject:** ZAC 14-170 83 Yew Road

The Department of Planning has no issues with the requested relief. Aligning the house with those in the neighborhood as illustrated on the plan is preferred.

Lynn Lanham  
Chief, Development Review  
[mlanham@baltimorecountymd.gov](mailto:mlanham@baltimorecountymd.gov)  
410-887-3480  
410-887-5862 Fax  
Baltimore County Department of Planning  
105 W. Chesapeake Ave.  
Suite 101  
Towson, MD 21204

**CONNECT WITH BALTIMORE COUNTY**



[www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)

PETITIONER'S

EXHIBIT NO. \_\_\_\_\_

7



Case No.: 2014-0170-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

den  
5/19/14

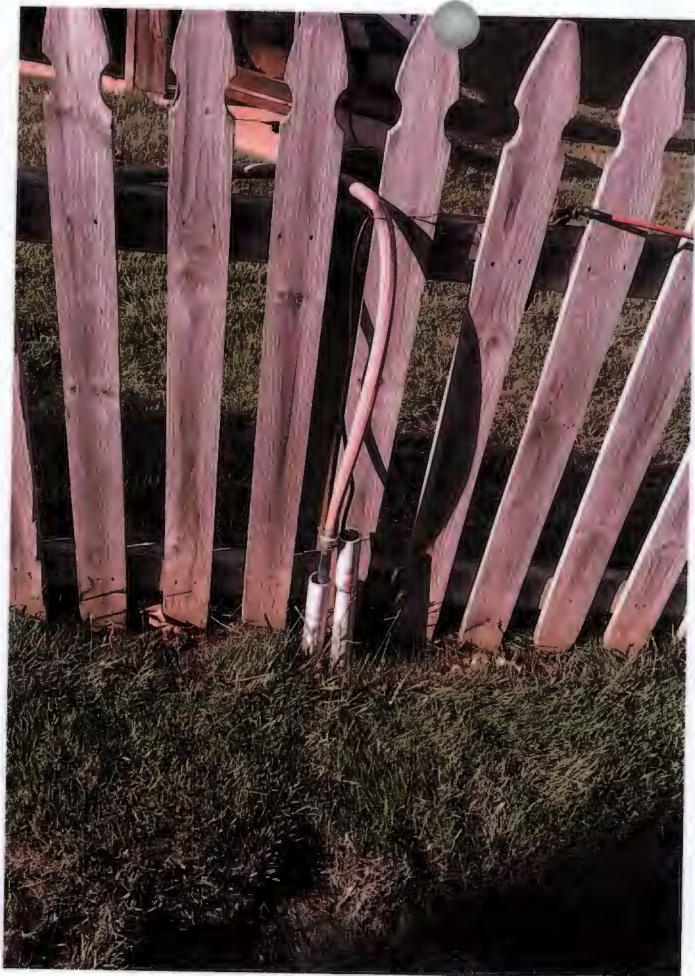
|        |                                     |              |
|--------|-------------------------------------|--------------|
| No. 1  | Site plan                           | Color photos |
| No. 2  | CRG Plan - Golden Forest            |              |
| No. 3  | FDP - Golden Forest                 |              |
| No. 4  | 4A-4C<br>color photos               |              |
| No. 5  | Illustrative Building<br>Elevations |              |
| No. 6  | Letters of Support.                 |              |
| No. 7  | DDP's ZAC<br>comment (e-mail)       |              |
| No. 8  |                                     |              |
| No. 9  |                                     |              |
| No. 10 |                                     |              |
| No. 11 |                                     |              |
| No. 12 |                                     |              |





Protestant's  
Exhibit #1

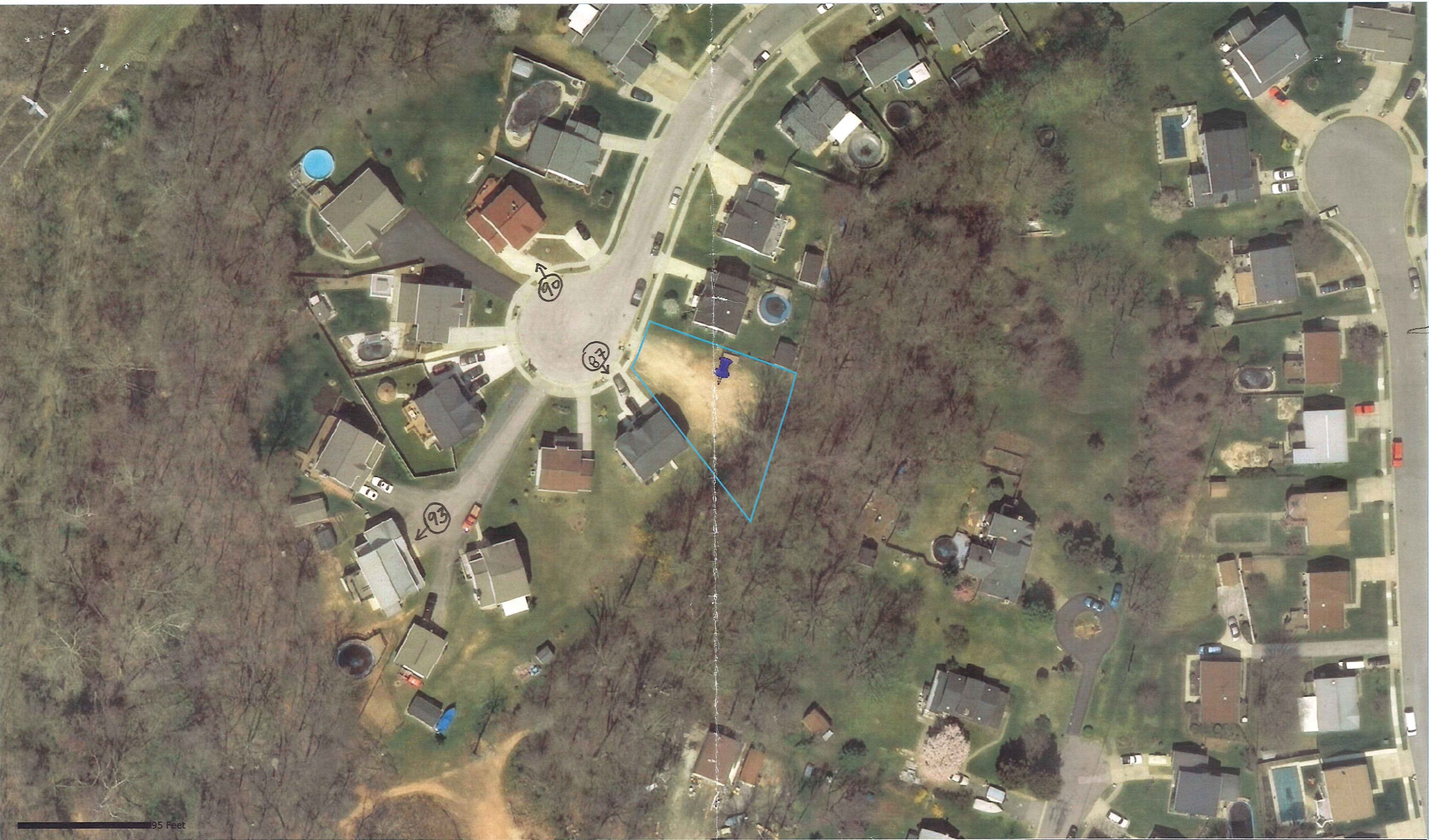












My Neighborhood Map

Created By  
Baltimore County  
My Neighborhood



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LETTERS OF SUPPORT - DWELLING LOCATIONS

Printed 4/29/2014





My Neighborhood Map  
**PEI-Ex-6**

Created By  
Baltimore County  
My Neighborhood



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GLB 64/141

LOT 7  
MARK BALSAMO  
& TAMI BALSAMO  
10853/381  
TAX ID.#2200013394

GARAGE

LOT 6  
ROBERT C. TUZZOLO  
& CHARLENE TUZZOLO  
10860/11  
TAX ID.#2200013393

PARCEL 1353  
TRIDEL INC  
TAX ID.#2200013402

PARCEL 1353  
TRIDEL INC  
TAX ID.#2200013403

STORMWATER  
MANAGEMENT  
AREA

PARCEL 89  
GEORGE MCNEAL 3RD  
& MICHELE LYNN MCNEAL  
12900/375  
TAX ID.#1511350750

1828 SUNNYSIDE LANE  
LOT 2  
DAWN JESSA  
12022/455  
TAX ID.#2200006707

#1930 SUNNYSIDE LANE  
LOT 1  
JOHN CHRISTOPHER &  
MARY ANNA JESSA  
6707/251  
TAX ID.#19000012154

SHANEBROOK PROPERTY  
51/41

#1832 SUNNYSIDE LANE  
LOT A  
JOHN CHRISTOPHER &  
MARY ANNA JESSA  
10338/702  
TAX ID.#2200006706

LOT 34A  
JOHN CRISP  
& ANITA CRISP  
16218/94  
TAX ID.#2000000104

PART OF AMENDED PLAT 2  
BRIEN RUN VILLAGE  
SM 56/16

LOT 8  
DONALD HILLER  
& MARY HILLER  
11377/143  
TAX ID.#2200013395

#95  
2 STORY  
FRAME

LOT 9  
MILTON ARTIS  
& TIVOLA ARTIS  
22998/50  
TAX ID.#2200013396

#98  
2 STORY  
FRAME

LOT 5  
LILLY LEE  
& NGAN LEE  
11063/288  
TAX ID.#2200013392

#89  
2 STORY  
FRAME

LOT 10  
EDWARD CUCINA  
32900/301  
TAX ID.#2200013397

#96  
2 STORY  
FRAME

LOT 11  
CAROL J. LANNEN  
29071/297  
TAX ID.#2200013398

#94  
1 1/2 STORY  
FRAME

LOT 12  
JAMES WRZESINSKI  
& JOANNE WRZESINSKI  
26030/733  
TAX ID.#2200013399

LOT 13  
WARDELL LANCASTER  
& ROSALIND LANCASTER  
15231/278  
TAX ID.#2200013400

#90  
2 STORY  
FRAME

LOT 14  
JAMES WRZESINSKI  
& JOANNE WRZESINSKI  
17066/501  
TAX ID.#2200013401

#88  
2 STORY  
FRAME

LOT 4  
STEVEN STRATCHKO  
& DIANA STRATCHKO  
24778/712  
TAX ID.#2200013391

8184 SQ.FT. OR  
0.1879 ACRES±

#85  
PROPOSED  
2 STORY  
FRAME

LOT 2  
RONALD HALLEY  
34419/393  
TAX ID.#2200013389

#83  
2 STORY  
FRAME

LOT 1  
JOHN CLARKE  
& KAREN CLARKE  
20762/188  
TAX ID.#2200013388

#81  
2 STORY  
FRAME

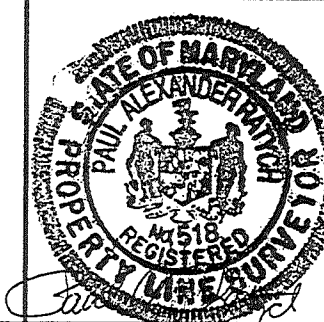
#79  
2 STORY  
FRAME

## LEGEND

- |   |                          |
|---|--------------------------|
| • | PROPERTY CORNER          |
| ⊕ | DRAIN INLET              |
| — | CONC. CURB               |
| — | SIGN                     |
| — | UTILITY POLE             |
| — | OVERHEAD TRAFFIC WIRES   |
| — | UNDERGROUND GAS MAINS    |
| — | UNDERGROUND WATER MAINS  |
| — | UNDERGROUND SEWER LINES  |
| — | UNDERGROUND STORM DRAINS |
| — | UNDERGROUND TELEPHONE    |
| — | UNDERGROUND ELECTRIC     |
| — | FENCE                    |
| • | TREE                     |
| • | PINE TREE                |
| • | CONC.                    |
| • | CONCRETE                 |
| • | H/C                      |
| • | HANDICAP                 |
| • | T/P                      |
| • | TREE PIT                 |
| • | CONC ENTR                |
| • | CONCRETE ENTRANCE        |
| • | UTILITY STRUCTURE NUMBER |
- FIRE HYDRANT  
LIGHT POLE  
GAS VALVE  
GAS CAP  
WATER VALVE  
WATER METER  
WATER CAP  
SEWER CLEANOUT  
ELECTRIC HANDBOX  
MECHANICAL HANDBOX  
GAS HANDBOX  
STORM DRAIN MANHOLE  
SEWER MANHOLE  
ELECTRIC MANHOLE  
WATER MANHOLE  
TELEPHONE MANHOLE  
DEPARTMENT OF PUBLIC WORKS  
DEPARTMENT OF TRANSPORTATION  
UTILITY STRUCTURE NUMBER

## APR ASSOCIATES, INC.

LAND SURVEYORS  
7427 Harford Road, Baltimore, Maryland 21234-7160  
(410) 444-4312 FAX: (410) 444-1647  
E mail: apr444@verizon.net



## PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

85 YEW ROAD  
15th ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND 21221

DATE: JANUARY 11, 2014 SCALE: 1"=30'

13065

## LOCATION MAP

SCALE: 1"=1,000'

### GENERAL NOTES:

- OWNER: TRIDEL INC  
4630 RIDGE ROAD  
BALTIMORE, MD 21236-3814
- DEED REFERENCE:
- TAX ACCOUNT #: 2200013390
- MAP 90, GRID 8, PARCEL 1353
- AREA OF PROPERTY: 8184 SQ.FT± OR 0.1879 ACRES±
- 15TH ELECTION DISTRICT
- 7TH COUNCILMANIC DISTRICT
- PUBLIC SEWER AND WATER
- PRIOR ZONING HISTORY: NONE
- EXISTING ZONING: DR 5.5
- EXISTING ZONING REQUIREMENTS  
MINIMUM FRONT YARD: 25'  
MINIMUM SIDE YARD: 3'  
MINIMUM REAR YARD: 35'
- SUBJECT PROPERTY LINES WITHIN ZONE "X" OF FLOOD RATE  
MAP NO. 2400100430F DATED SEPTEMBER 26, 2008
- SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE  
BAY CRITICAL AREA
- SITE IS NOT A HISTORIC PROPERTY NOR ARE THERE HISTORIC  
BUILDINGS ON SITE
- GIS TITLE 090 A2 (200' SCALE)
- UTILITIES SHOWN HEREON ARE NOT GUARANTEED TO BE  
CORRECT OR ACCURATE
- SUBJECT SITE BEING LOT 3, IN THE SUBDIVISION OF "GOLDEN  
FOREST" AS RECORDED IN PLAT BOOK SM 64, FOLIO 141.
- SUBJECT SITE IS LOCATED WITHIN MARTIN STATE AIRPORT  
RESTRICTION AREA.
- ZONING MAP NO. 090A2
- NO FIELD WORK WAS PERFORMED IN THE MAKING OF THIS PLAT.
- THERE ARE NO 100 YEAR FLOODPLAINS ON SUBJECT SITE.

PETITIONER'S  
EXHIBIT NO. **1**

PDM FILE PROJECT NO.15-331

REASON FOR VARIANCE: TO ALLOW BUILDING TO BUILDING  
DISTANCES OF 15.0 FEET IN LIEU OF THE REQUIRED 25.0  
FEET. (OLD CRG REQUIREMENT)



| COORDINATES |            |    |            |            |  |
|-------------|------------|----|------------|------------|--|
| ORTH        | EAST       | NO | NORTH      | EAST       |  |
| 33.3372     | 40109.1854 | 11 | 12655.6753 | 40771.8044 |  |
| 20.5828     | 40572.8029 | 12 | 12614.9414 | 40758.3847 |  |
| 51.4007     | 40993.8979 | 13 | 12547.4276 | 40725.7228 |  |
| 45.0016     | 40983.0130 | 14 | 13207.8205 | 40853.4691 |  |
| 398.7433    | 40944.0769 | 15 | 13188.9134 | 40900.5290 |  |
| 879.8500    | 40905.4843 | 16 | 13136.0873 | 40874.5022 |  |
| 1777.33     | 40879.36   | 17 | 13153.2558 | 40827.5422 |  |
| 2682.37     | 40848.04   | 18 | 13118.5611 | 40814.8377 |  |
| 12201.3490  | 41084.5419 | 19 | 13102.0917 | 40791.0911 |  |
| 12553.6655  | 41068.8174 | 20 | 13034.9261 | 40837.5178 |  |

| CURVE DATA |        |        |             |        |                        |
|------------|--------|--------|-------------|--------|------------------------|
| FR. TO     | R      | L      | Δ           | T      | CHORD BRG. DIST.       |
| 1. 17      | 325.00 | 60.495 | 10° 39' 54" | 30.335 | S 25° 24' 53" W 60.41' |
| 5. 16      | 275.00 | 59.00  | 12° 17' 33" | 29.614 | S 26° 13' 43" W 58.89' |
| 16. 19     | 25.00  | 1.773  | 70° 31' 38" | 11.671 | N 55° 20' 48" E 28.87' |
| 19. 20     | 50.00  | 218.63 |             |        |                        |

SUSQUEHANNA TRANSMISSION COMPANY  
RIGHT OF WAY  
R/R-1M

N 63° 56' 47" E 676.74'

## DENSITY NOTES

- EXISTING ZONING OF SITE = DR-2 & DR-5.5
- NUMBER OF DWELLING UNITS ALLOWED = 21.68  
DR-2 = 8.02 x 2 = 16.04  
DR-5.5 = 1.0252 x 5.5 = 5.64
- NUMBER OF DWELLING UNITS PROPOSED = 14
- OPEN SPACE REQUIRED = 650 S.F. x 2 UNITS = 0.03 AC.
- OPEN SPACE PROVIDED = NONE; WAIVED ON JUNE 30, 1990
- TOTAL AREA OF SITE = 9.1152 AC.
- TOTAL AREA OF BUILDABLE LOTS = 128,334.60 S.F. OR 2.9461 AC.
- TOTAL AREA OF ROAD R/W = 15,512.20 S.F. OR 0.3561 AC.

## NOTE:

THE COVENANTS ESTABLISHING ACCESS EASEMENT OVER THE PANHANDLE FOR ACCESS OVER AND MAINTENANCE OF THE PANHANDLE AND FOR INSTALLATION AND MAINTENANCE OF THE PRIVATE WATER AND SEWER HOUSE CONNECTIONS HAS BEEN FILED.

## VICINITY MAP

SCALE: 1" = 1000'

## GENERAL NOTES

- HIGHWAYS AND HIGHWAY WIDENINGS, SLOPE EASEMENTS, DRAINAGE AND UTILITY EASEMENTS, ACCESS EASEMENTS, FOREST BUFFER AREAS, IN FEE JR EASEMENT, AND STORMWATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND, EXCEPT FOR THOSE INDICATED AS PUBLIC USE, ARE HEREBY DEEDED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE OWNER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS WILL INVEY AND REVEY BY DEED, TO BALTIMORE COUNTY, MARYLAND, AT NO COST.
- STREETS AND/OR ROADS SHOWN HEREON AND THE MENTIONS THEREIN IN DEEDS ARE FOR PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE LOTS THEREON IS EXPRESSLY RESERVED IN THE GRANTING OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
- THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY CODE, SECTION 26-10.
- THE RECORDING OF THIS PLAT DOES NOT GUARANTEE THE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
- THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
- ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING AND THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS.
- THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE GRANTING OF EASEMENTS BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OR OTHER PUBLIC AREA SHOWN ON THE PLAT.
- THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES ADOPTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- THE PLAN FOR THE PROPERTY SHOWN HEREON HAS BEEN APPROVED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- EXCEPT AS OTHERWISE INDICATED, ALL BUILDING RESTRICTIONS SHOWN HEREON HAVE BEEN PLACED AS A RESULT OF AN INTERVIEW WITH THE BALTIMORE COUNTY DEPARTMENT OF PLANNING AND ZONING. RESTRICTIONS MAY APPLY, INCLUDING THE MINIMUM SETBACKS, TO BE HELD FROM THE STREET RIGHT-OF-WAY, OR TO BE HELD FROM THE STREET RIGHT-OF-WAY, OR TO BE HELD FROM THE STREET RIGHT-OF-WAY.
- THE AREA DESIGNATED AS A FLOODPLAIN INCLUDES THE MINIMUM 100-YEAR FLOODPLAIN AND A MINIMUM OF 10' VEGETATION FREEBOARD. THE ELEVATIONS SHOWN ON THE FLOODPLAIN SECTION AND THE 100-YEAR DESIGN FREQUENCY SLOPE ELEVATIONS.
- TRASH COLLECTION, STORAGE, REMOVAL, AND MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND STREET AND CANALS.
- ALL REQUIREMENTS OF THE MARYLAND STATE DEPARTMENT OF ENVIRONMENTAL AND BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT PERTAINING TO WATER AND/OR SEWAGE SYSTEMS MUST BE COMPLIED WITH PRIOR TO APPROVAL OF BUILDING APPLICATIONS.
- THIS SITE IS LOCATED IN THE STEMMER RUN SEWERAGE.
- TOTAL AREA OF LOTS = 2.9461 AC.
- TOTAL AREA OF PLAT = 9.1152 AC.
- THE APPROVAL OF THIS IS BASED UPON A REASONABLE EXPECTATION THAT THE WATER AND SEWER SERVICE WHICH IS PLANNED FOR THE DEVELOPMENT WILL BE AVAILABLE WHEN NEEDED, HOWEVER, BUILDING PERMITS MAY NOT BE ISSUED UNTIL THE PLANNED WATER & SEWER FACILITIES ARE CONSTRUCTED AND DETERMINED TO BE ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.
- ANY FOREST EASEMENT SHOWN HEREON IS SUBJECT TO ANY COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

OWNER AND DEVELOPER:

TRIDEL INC.  
8806 STONEHAVEN ROAD  
RANDALLS OWN, MD 21133  
TEL: 301-521-0943

Filed for record  
S.M. 6410110 141

Date NOV 14 1992

Test:

*Signature*  
Clerk

## GOLDEN FORS

DEED REF 9245/517, TAX 1042200-000070  
15 TH ELECTION DISTRICT, BALTIMORE COUNTY, MD.  
SCALE: 1" = 50'  
DATE: 12-05-90

NOTE:

PLAT PREPARED FROM BOUNDARY SURVEY BY: J.P.R. & ASSOCIATES

C.R.G. APPROVED: 10-25-90

NOTE:  
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVELING STATIONS.

7502 N 11552.62 E 41028.84  
11103 14975.51 E 4.887.29

NOTE:  
THE STREETS AND OR ROADS AS SHOWN HEREON AND THE MENTIONS THEREIN IN DEEDS ARE FOR THE PURPOSES OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE LOTS THEREON IS EXPRESSLY RESERVED IN THE GRANTING OF THE DEED TO WHICH THIS PLAT IS ATTACHED THEIR HEIRS AND ASSIGNS.

## OWNER'S CERTIFICATE

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT HEREBY CERTIFIES THAT, TO THE BEST OF ITS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.

OWNER: *Signature*  
DATE: *10/14/92*

## SURVEYOR'S CERTIFICATE

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

SURVEYOR: *Signature*  
DATE: *10/14/92*



DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

*Signature* 10/14/92  
DIRECTOR

APPROVED FOR THE DEPARTMENT OF PUBLIC WORKS AND THE OFFICE OF PLANNING & ZONING

*Signature* 9/16/92  
DIRECTOR OF PUBLIC WORKS

## SEDGHI & ASSOCIATES, LTD.

ENGINEERS • SITE PLANNERS • SURVEYORS  
3217 CORPORATE COURT  
ELICOTT, CITY, MARYLAND, 21043  
(410) 750-9003

PETITIONER'S

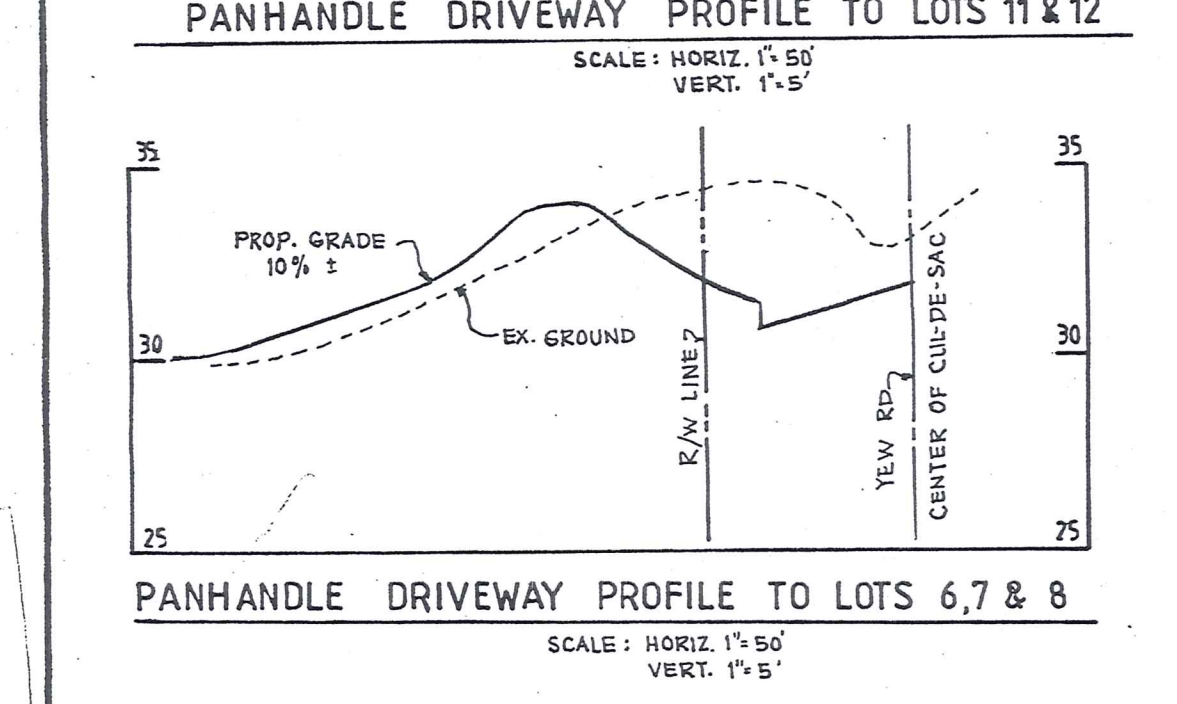
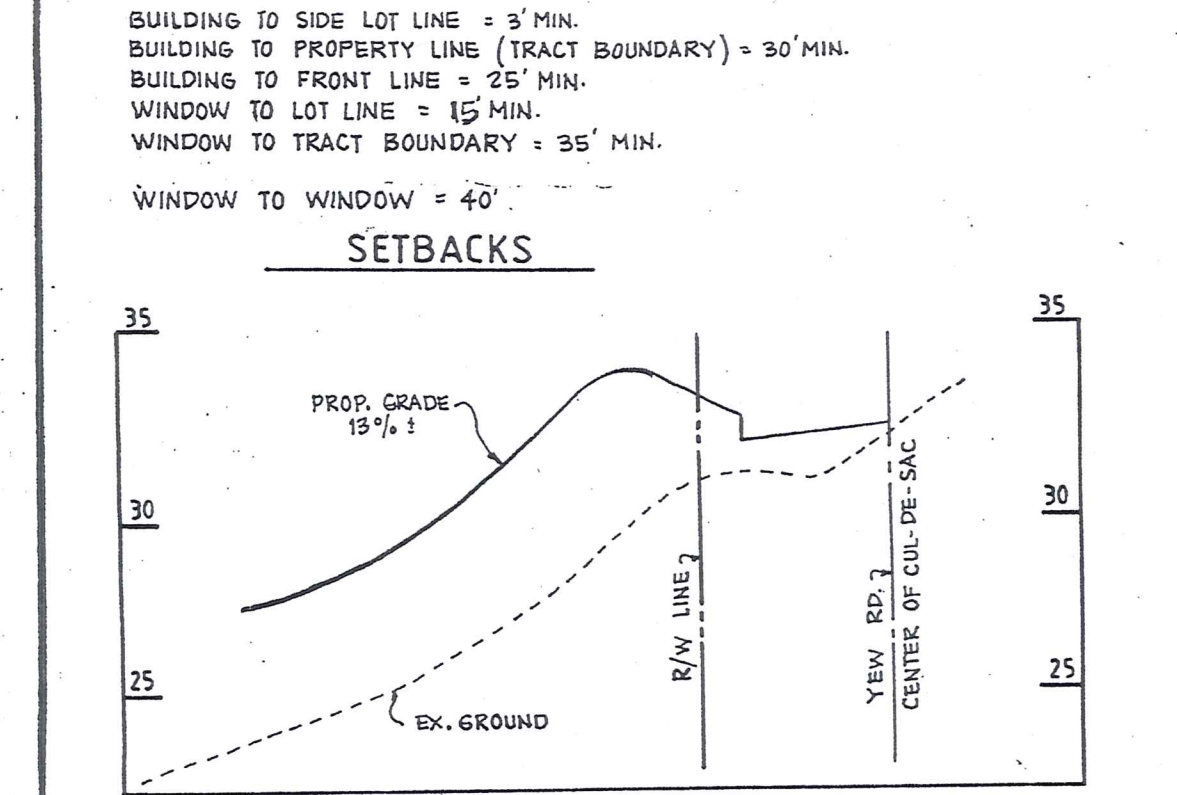
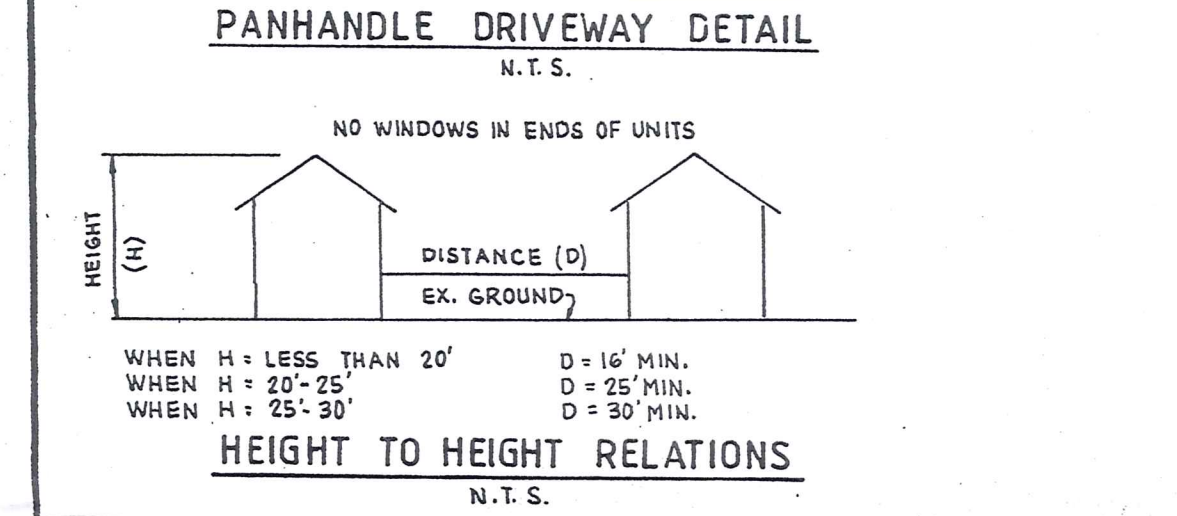
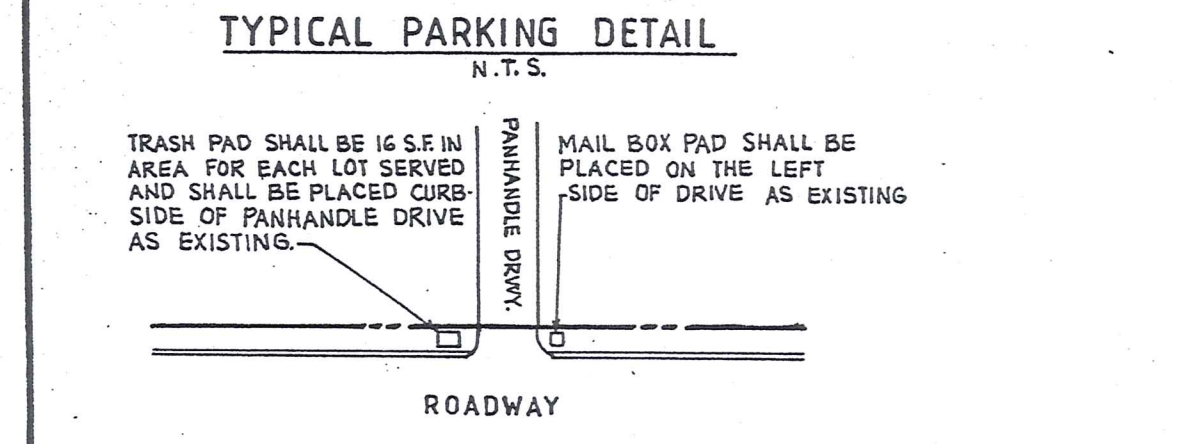
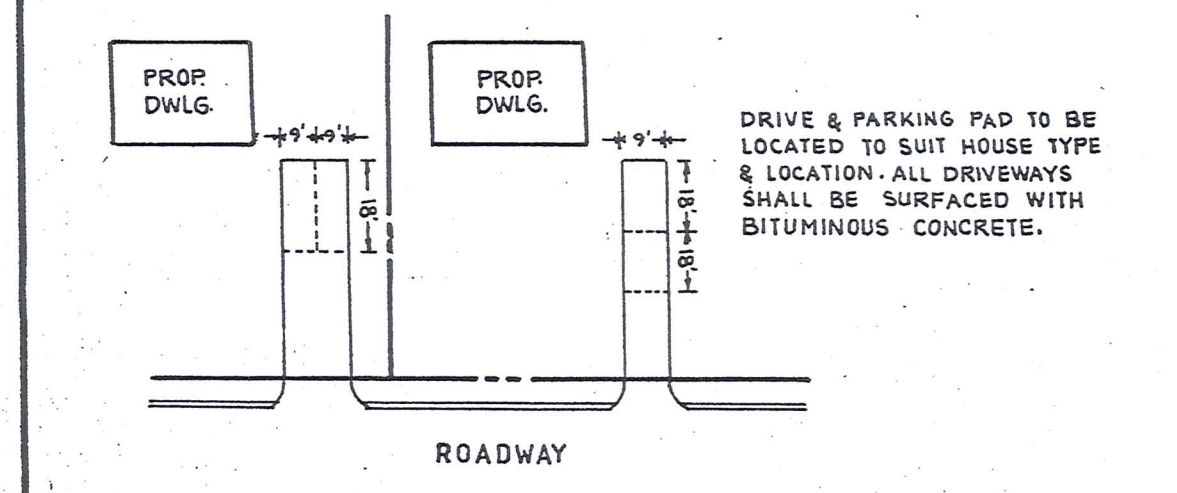
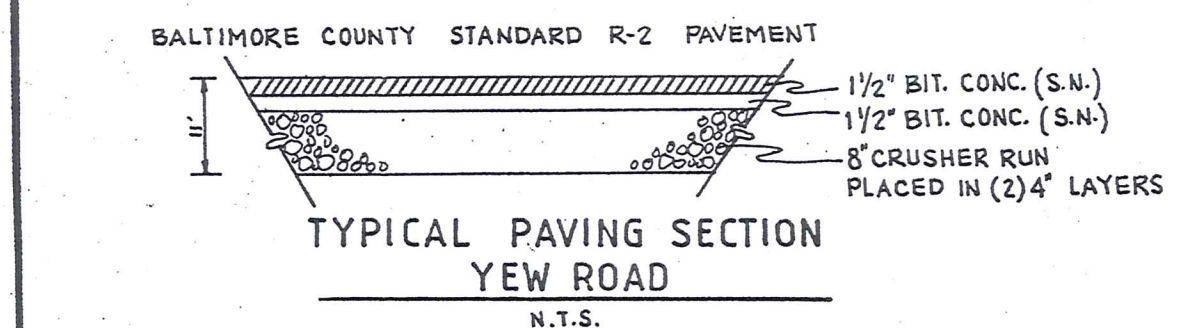
EXHIBIT NO. 2

3/24/92 COMPLETED 159103 (159103)  
FINAL PLAT CHECKED BY: *Signature*  
ENGINEERING: *Signature*  
HOUSE 1: *Signature*  
HOUSE 2: *Signature*  
HOUSE 3: *Signature*

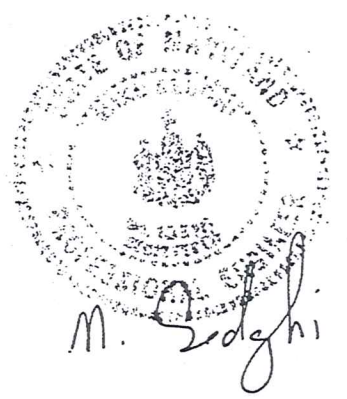
COMPUTED BY: V.S.  
CHECKED BY: M.S.  
P.L. BY: V.S.



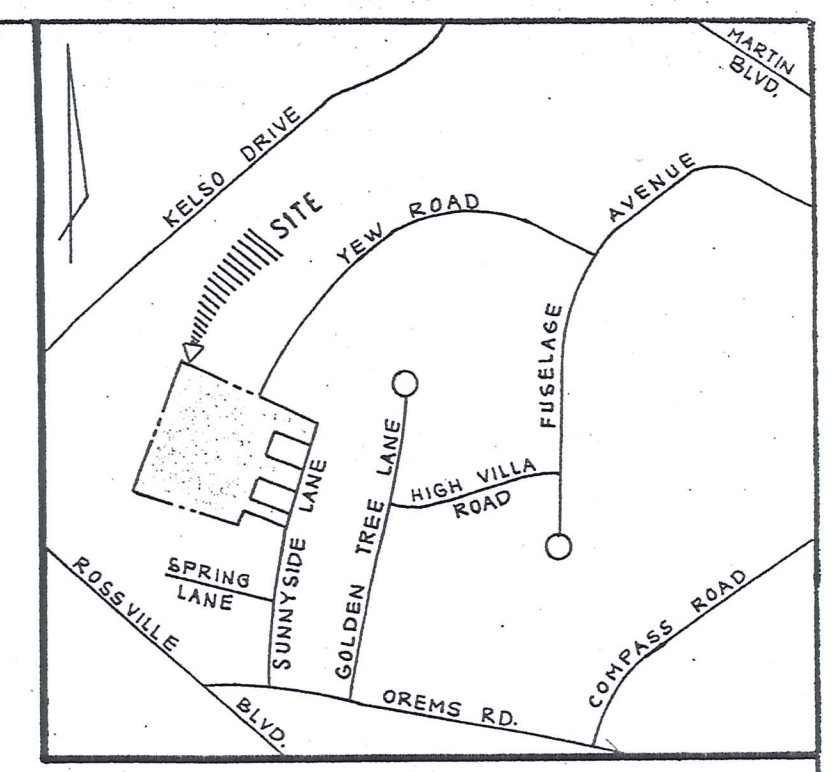
| SOILS      |            |             |              | HYDROLOGIC GROUP |            |
|------------|------------|-------------|--------------|------------------|------------|
| MAP SYMBOL | NAME       | W/ BASEMENT | W/O BASEMENT | EXIST.           | AFTER DEV. |
| AV         | ALLUVIAL   | SEVERE      | SEVERE       | D                | C          |
| BLB        | BELTSVILLE | MODERATE    | SLIGHT       | C                | B          |
| F+B        | FORT MOTT  | SLIGHT      | SLIGHT       | B                | B          |
| ShC2       | SASSAFRASS | SLIGHT      | SLIGHT       | B                | B          |
| ShD2       | SASSAFRASS | MODERATE    | MODERATE     | B                | B          |
| WdS        | WOODSTOWN  | MODERATE    | SLIGHT       | B                | C          |



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ELLICOTT CITY, MARYLAND, 21043  
(301) 750 9003



| DENSITY CALCULATIONS |                            |
|----------------------|----------------------------|
| GROSS AREA           | 10.5959 AC.                |
| HIGHWAY DEDICATION   | 0.3561 AC.                 |
| NET AREA             | 10.5959 AC.                |
| ZONING               | DR-2=8.09 AC, DR-55=2.5059 |
| LOTS PERMITTED       | 29-96                      |
| LOTS PROPOSED        | 14                         |
| PARKING REQUIRED     | 28                         |
| PARKING PROPOSED     | 28                         |
| OPEN SPACE REQUIRED  | 0                          |
| OPEN SPACE PROVIDED  | 0                          |



### GENERAL NOTES

- DEED REFERENCES 1785/333.
- ALL UNITS TO BE SOLD.
- DRIVEWAYS ARE TO BE BITUMINOUS CONCRETE AS ARE PROPOSED ROADS.
- PANHANDLE DRIVES ARE TO BE BITUMINOUS AND MAINTENANCE WILL BE EQUALLY SHARED BY ALL PARTIES HAVING RIGHTS TO THEIR USE.
- REFUSE COLLECTION AND SNOW REMOVAL ARE TO BE PROVIDED BY BALTIMORE COUNTY.
- STORMWATER WILL BE MANAGED IN A DRY POND WHICH WILL BE OWNED AND MAINTAINED BY BALTIMORE COUNTY.
- THERE ARE NO PROPOSED WELL AND SEPTIC AREAS ON THE SITE.
- THERE ARE NO KNOWN CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS ON THIS SITE.
- MAJOR VEGETATION ON SITE IS MEADOWS AND WOODS.
- ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPLE BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, PROJECTIONS INTO YARDS, MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTION 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
- LIMITS OF AREAS DESIGNATED FOR SAVING EXISTING VEGETATION ARE APPROXIMATE AND SUBJECT TO APPROVED FINAL CONSTRUCTION DRAWINGS.
- OPEN SPACE TO BE OWNED AND MAINTAINED BY K.H.S. PARTNERSHIP AS SHOWN ON THE PLAN.
- ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
- IF DRAINAGE, UTILITY, AND WALKWAY EASEMENTS ARE FENCED, AT LEAST 5 FEET MUST REMAIN OPEN FOR PEDESTRIAN ACCESS.
- THE EXACT LOCATION OF CURB CUTS FOR DRIVEWAY OR PARKING PAD ENTRANCES IS TO BE DETERMINED BY OWNER WHEN EXACT BUILDING MODELS BECOME AVAILABLE, BUT PRIOR TO INSTALLATION OF STREETCUBES.
- THIS DEVELOPMENT PLAN COMPLIES WITH THE C.R.G. PLAN AND ALL C.R.G. COMMENTS.
- NO WINDOWS ARE PERMITTED CLOSER THAN 25' TO THE STREET.
- A LANDSCAPE PLAN MUST BE APPROVED BY THE OFFICE OF PLANNING PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- STREET LIGHT TO BE 100 WATT MV UNITS ON 14' POST, AND SHOWN THUS: ▲.
- NO CLEARING, GRADING OR ANY DISTURBANCE SHALL BE ALLOWED IN THE FOREST BUFFER EASEMENT.
- SIDEWALKS (4' WIDE) ARE REQUIRED & SHALL BE INSTALLED ON ONE SIDE OF YEW ROAD.
- ESTIMATED AVERAGE DAILY TRIPS (A.D.T.'S): 10.4 X 14 LOTS = 145.6 ADT'S
- INDIVIDUAL UNITS WILL COMPLY WITH ALL APPLICABLE BALTIMORE COUNTY REQUIREMENTS FOR SETBACKS.
- ALL ROADS SHOWN HEREON ARE TO BE PUBLIC.
- ALL PARKING AREAS TO BE A MINIMUM OF 9' WIDE BY 18' DEEP.
- ALL PANHANDLE LOTS MUST HAVE PRIVATE EGRESS, INGRESS, MAINTENANCE AND UTILITY EASEMENT.

### FINAL DEVELOPMENT PLAN GOLDEN FOREST

15 TH ELECTION DISTRICT, BALTIMORE COUNTY, MD.  
SCALE: 1"= 50' DATE: 12-5-90

C.R.G. PLAN APPROVED ON 10-25-90

**DEVELOPER**  
TRIDEL INC.  
8806 STONEHAVEN ROAD  
RANDALLSTOWN, MD, 21133  
TEL. NO. 521-0945

This development plan is approved by the Director of ZADM based on his interpretation of the Zoning Regulations, that it complies with present policy, density and bulk controls as they are delineated in the regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided, or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

OFFICE OF PLANNING AND ZONING, APPROVED BY:

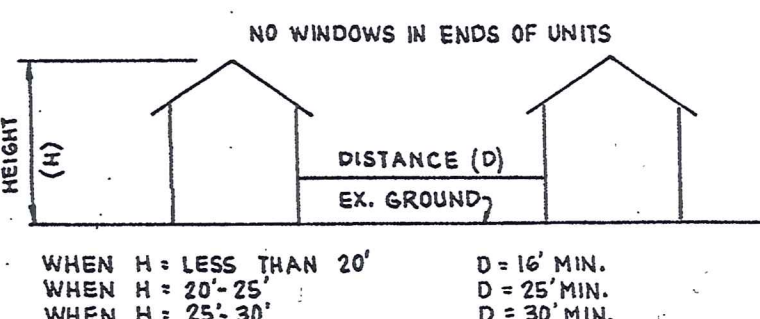
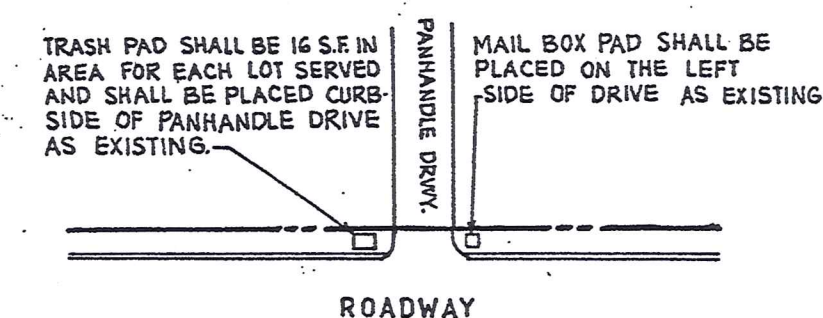
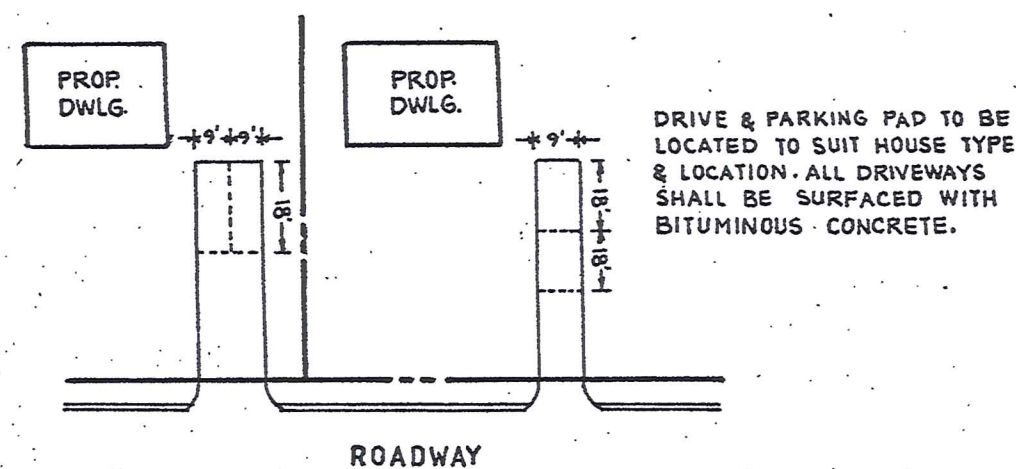
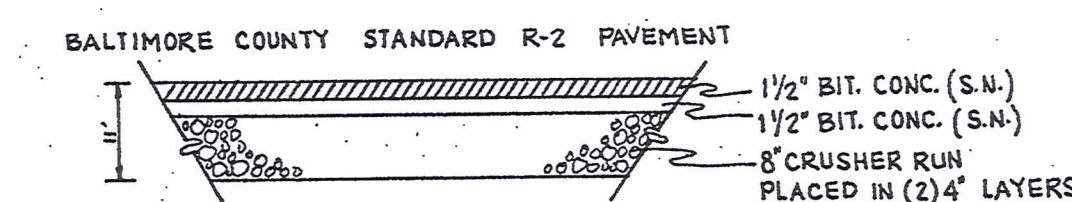
DIRECTOR OF PLANNING: *[Signature]* DATE: 7/1/94

PETITIONER'S: *[Signature]* DATE: 7/1/94

EXHIBIT NO. 3

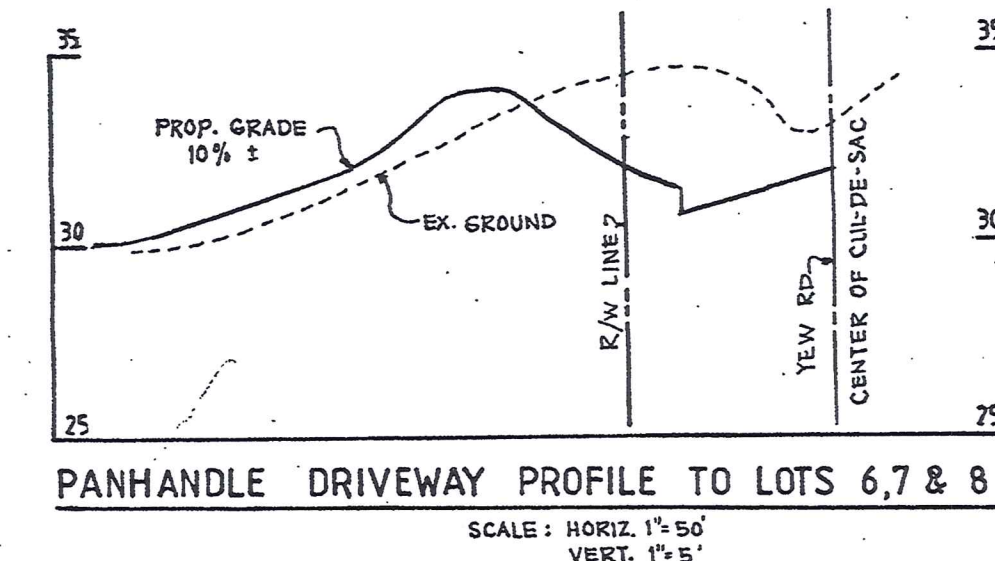
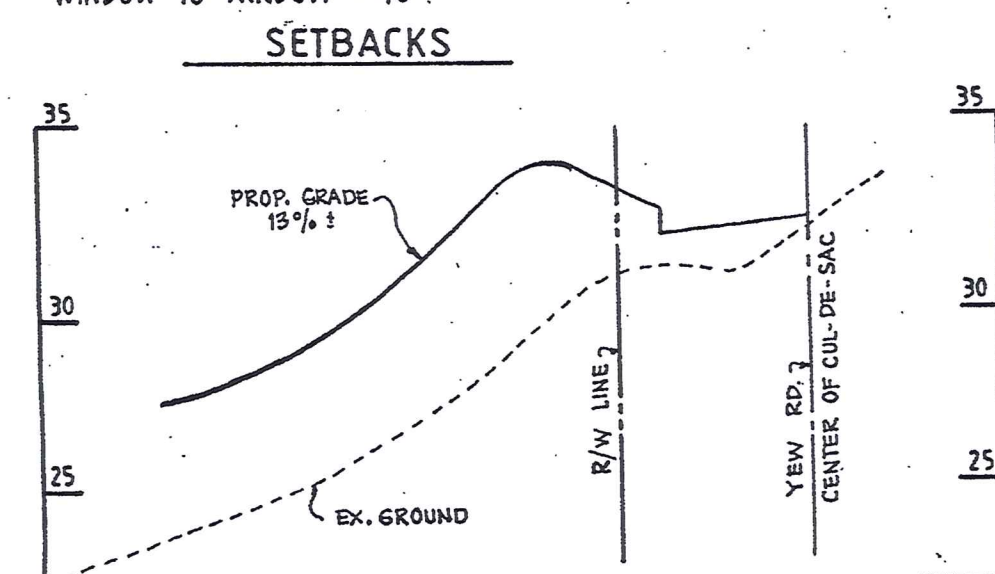


| SOILS      |            |                           |                  |
|------------|------------|---------------------------|------------------|
| MAP SYMBOL | NAME       | LIMITATIONS FOR HOMESITES | HYDROLOGIC GROUP |
| AV         | ALLUVIAL   | SEVERE                    | D                |
| BtB        | BELTSVILLE | MODERATE                  | C                |
| F+B        | FORT MOTT  | SLIGHT                    | B                |
| ShC2       | SASSAFRASS | SLIGHT                    | B                |
| ShD2       | SASSAFRASS | MODERATE                  | B                |
| WdB        | WOODSTOWN  | MODERATE                  | C                |



WHEN H = LESS THAN 20' D = 10' MIN.  
WHEN H = 20'-25' D = 25' MIN.  
WHEN H = 25'-30' D = 30' MIN.

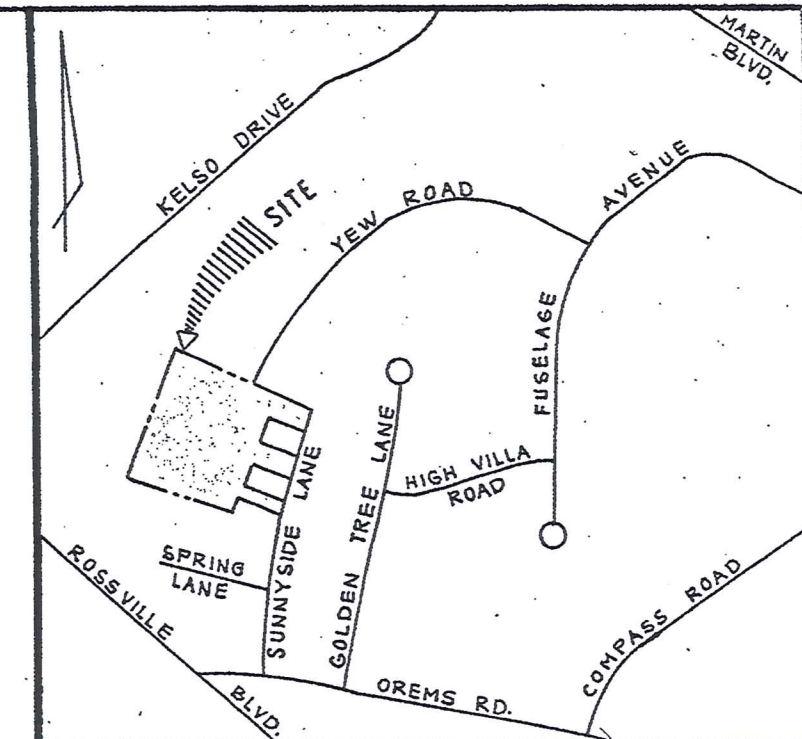
BUILDING TO SIDE LOT LINE = 5' MIN.  
BUILDING TO PROPERTY LINE (TRACT BOUNDARY) = 30' MIN.  
BUILDING TO FRONT LINE = 25' MIN.  
WINDOW TO LOT LINE = 15' MIN.  
WINDOW TO TRACT BOUNDARY = 35' MIN.  
WINDOW TO WINDOW = 40'



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3217 CORPORATE COURT  
ELLCOTT CITY, MARYLAND, 21043  
(301) 750 9003



| DENSITY CALCULATIONS |                              |
|----------------------|------------------------------|
| GROSS AREA           | 10.5959 AC.                  |
| HIGHWAY DEDICATION   | 0.3561 AC.                   |
| NET AREA             | 10.5959 AC.                  |
| ZONING               | DR-2: 8.09 AC, DR-55: 2.5059 |
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| LOTS PROPOSED        | 14                           |
| PARKING REQUIRED     | 28                           |
| PARKING PROPOSED     | 28                           |
| OPEN SPACE REQUIRED  | 0                            |
| OPEN SPACE PROVIDED  | 0                            |



# GENERAL NOTES

- DEED REFERENCES 1785/333.
- ALL UNITS TO BE SOLD.
- DRIVEWAYS ARE TO BE BITUMINOUS CONCRETE AS ARE PROPOSED ROADS.
- PANHANDLE DRIVES ARE TO BE BITUMINOUS AND MAINTENANCE WILL BE EQUALLY SHARED BY ALL PARTIES HAVING RIGHTS TO THEIR USE.
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- SIDEWALKS (4' WIDE ARE REQUIRED & SHALL BE INSTALLED ON ONE SIDE OF YEW ROAD.
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- ALL PANHANDLE LOTS MUST HAVE PRIVATE EGRESS, INGRESS, MAINTENANCE AND UTILITY EASEMENT.

# FINAL DEVELOPMENT PLAN GOLDEN FOREST

15TH ELECTION DISTRICT, BALTIMORE COUNTY, MD.  
SCALE: 1" = 50' DATE: 12-5-90

C.R.G. PLAN APPROVED ON 10-25-90

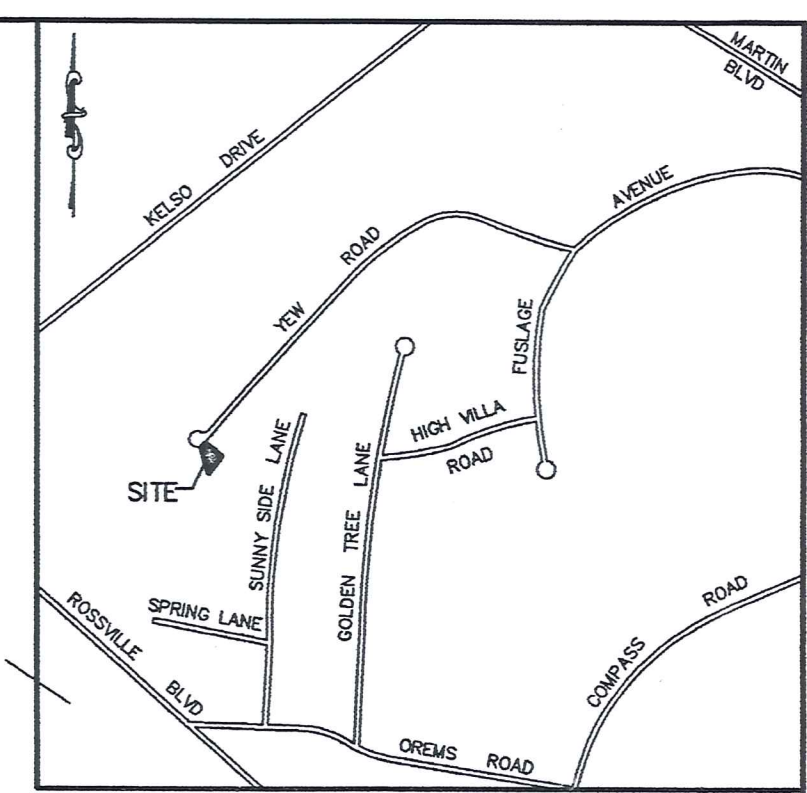
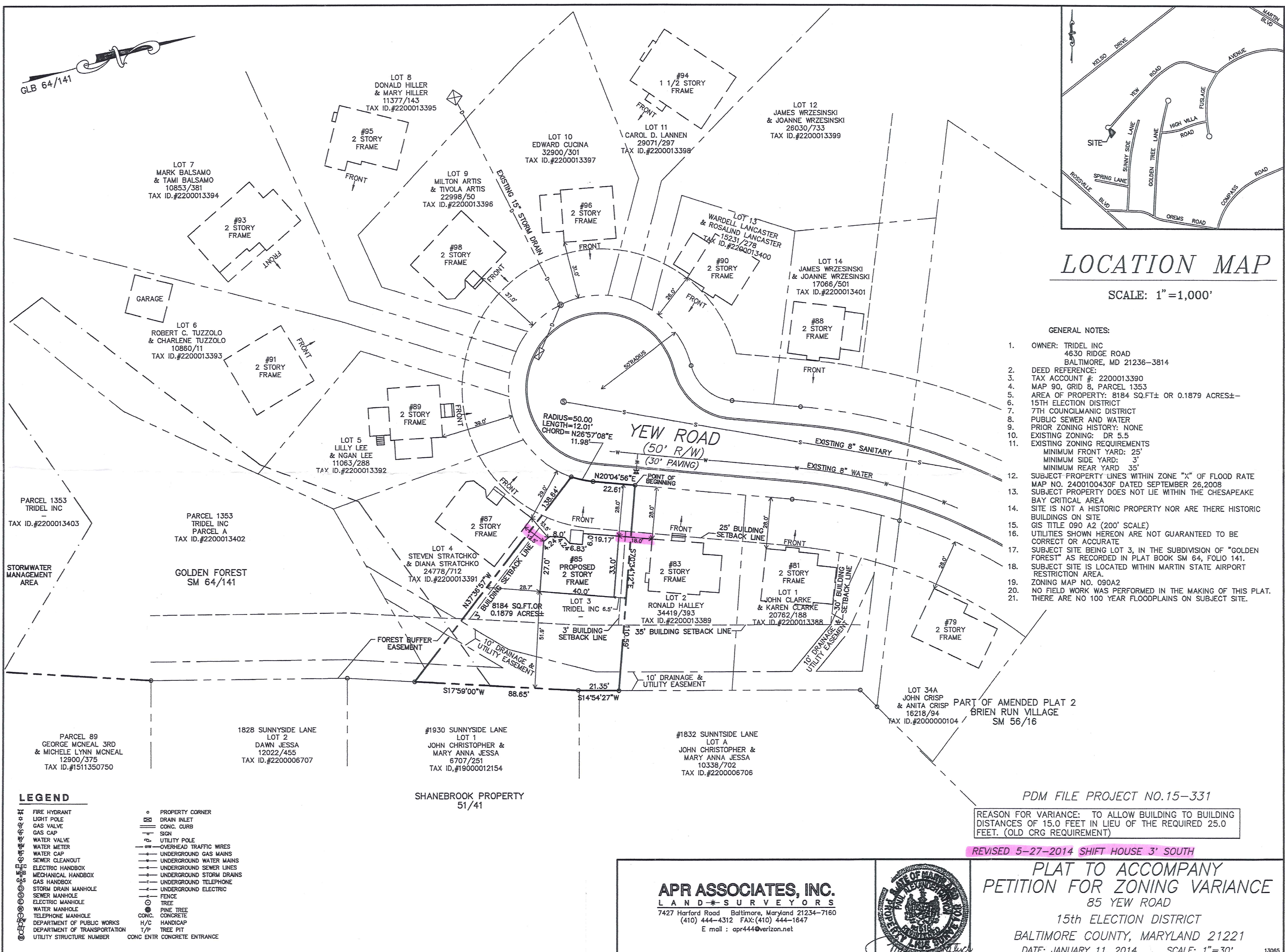
OFFICE OF PLANNING AND ZONING, APPROVED BY:

DIRECTOR OF PLANNING *[Signature]* DATE 7/1/94  
PETITIONER'S *[Signature]* DATE 7/1/94  
EXHIBIT NO. 8 \* 5

DEVELOPER  
TRIDEL INC.  
8806 STONEHAVEN ROAD  
RANDALLSTOWN, MD, 21133  
TEL. NO. 521-0945

This development plan is approved by the Director of ZADM based on his interpretation of the Zoning Regulations, that it complies with present policy, density and bulk controls as they are delineated in the regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided, or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.





LOCATION MAP

SCALE: 1"=1,000'

GENERAL NOTES:

- 1. OWNER: TRIDEL INC  
4630 RIDGE ROAD  
BALTIMORE, MD 21236-3814
- 2. DEED REFERENCE:
- 3. TAX ACCOUNT #: 2200013390
- 4. MAP 90, GRID 8, PARCEL 1353
- 5. AREA OF PROPERTY: 8184 SQ.FT.± OR 0.1879 ACRES±
- 6. 15TH ELECTION DISTRICT
- 7. 7TH COUNCILMANIC DISTRICT
- 8. PUBLIC SEWER AND WATER
- 9. PRIOR ZONING HISTORY: NONE
- 10. EXISTING ZONING: DR 5.5
- 11. EXISTING ZONING REQUIREMENTS  
MINIMUM FRONT YARD: 25'  
MINIMUM SIDE YARD: 3'  
MINIMUM REAR YARD: 35'
- 12. SUBJECT PROPERTY LINES WITHIN ZONE "X" OF FLOOD RATE  
MAP NO. 2400100430F DATED SEPTEMBER 26, 2008
- 13. SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE  
BAY CRITICAL AREA
- 14. SITE IS NOT A HISTORIC PROPERTY NOR ARE THERE HISTORIC  
BUILDINGS ON SITE
- 15. GIS TITLE 090 A2 (200' SCALE)
- 16. UTILITIES SHOWN HEREON ARE NOT GUARANTEED TO BE  
CORRECT OR ACCURATE
- 17. SUBJECT SITE BEING LOT 3, IN THE SUBDIVISION OF "GOLDEN  
FOREST" AS RECORDED IN PLAT BOOK SM 64, FOLIO 141.
- 18. SUBJECT SITE IS LOCATED WITHIN MARTIN STATE AIRPORT  
RESTRICTION AREA.
- 19. ZONING MAP NO. 090A2
- 20. NO FIELD WORK WAS PERFORMED IN THE MAKING OF THIS PLAT.
- 21. THERE ARE NO 100 YEAR FLOODPLAINS ON SUBJECT SITE.

PDM FILE PROJECT NO.15-331

REASON FOR VARIANCE: TO ALLOW BUILDING TO BUILDING  
DISTANCES OF 15.0 FEET IN LIEU OF THE REQUIRED 25.0  
FEET. (OLD CRG REQUIREMENT)

REVISED 5-27-2014 SHIFT HOUSE 3' SOUTH

PLAT TO ACCOMPANY  
PETITION FOR ZONING VARIANCE  
85 YEW ROAD  
15th ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND 21221  
DATE: JANUARY 11, 2014 SCALE: 1"=30'

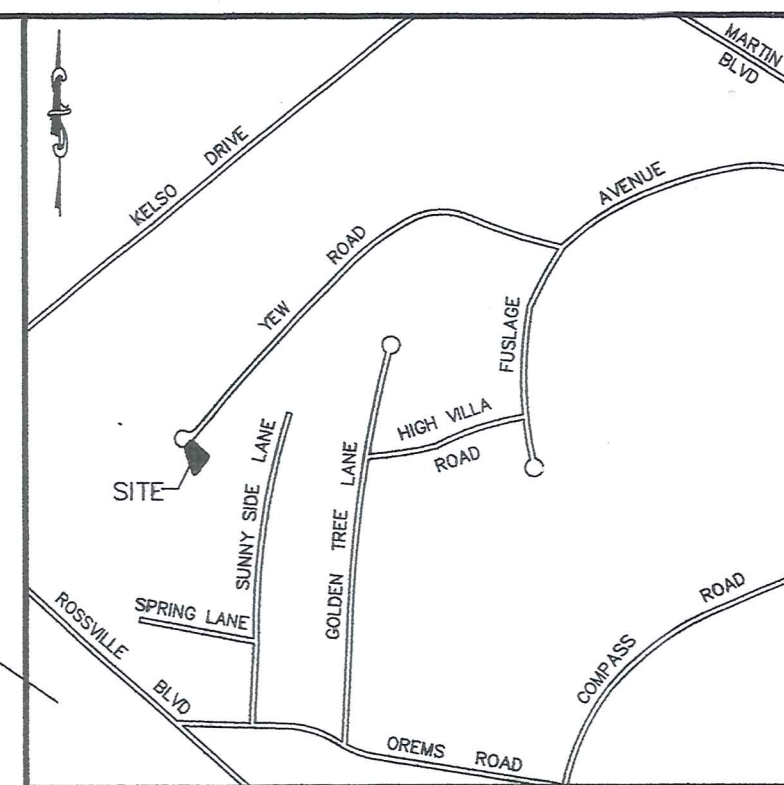
APR ASSOCIATES, INC.  
LAND SURVEYORS  
7427 Harford Road Baltimore, Maryland 21234-7160  
(410) 444-4312 FAX: (410) 444-1847  
E mail : apr444@verizon.net



- LEGEND
- FIRE HYDRANT
  - LIGHT POLE
  - GAS VALVE
  - GAS CAP
  - WATER VALVE
  - WATER METER
  - WATER CAP
  - SEWER CLEANOUT
  - ELECTRIC HANDBOX
  - MECHANICAL HANDBOX
  - GAS HANDBOX
  - STORM DRAIN MANHOLE
  - SEWER MANHOLE
  - ELECTRIC MANHOLE
  - WATER MANHOLE
  - TELEPHONE MANHOLE
  - DEPARTMENT OF PUBLIC WORKS
  - DEPARTMENT OF TRANSPORTATION
  - UTILITY STRUCTURE NUMBER
  - PROPERTY CORNER
  - DRAIN INLET
  - CONC. CURB
  - SIGN
  - UTILITY POLE
  - OVERHEAD TRAFFIC WIRES
  - UNDERGROUND GAS MAINS
  - UNDERGROUND WATER MAINS
  - UNDERGROUND SEWER LINES
  - UNDERGROUND STORM DRAINS
  - UNDERGROUND TELEPHONE
  - UNDERGROUND ELECTRIC
  - FENCE
  - TREE
  - PINE TREE
  - CONC. CONCRETE
  - H/C HANDICAP
  - T/P TREE PIT
  - CONC ENTR CONCRETE ENTRANCE



GLB 64/141

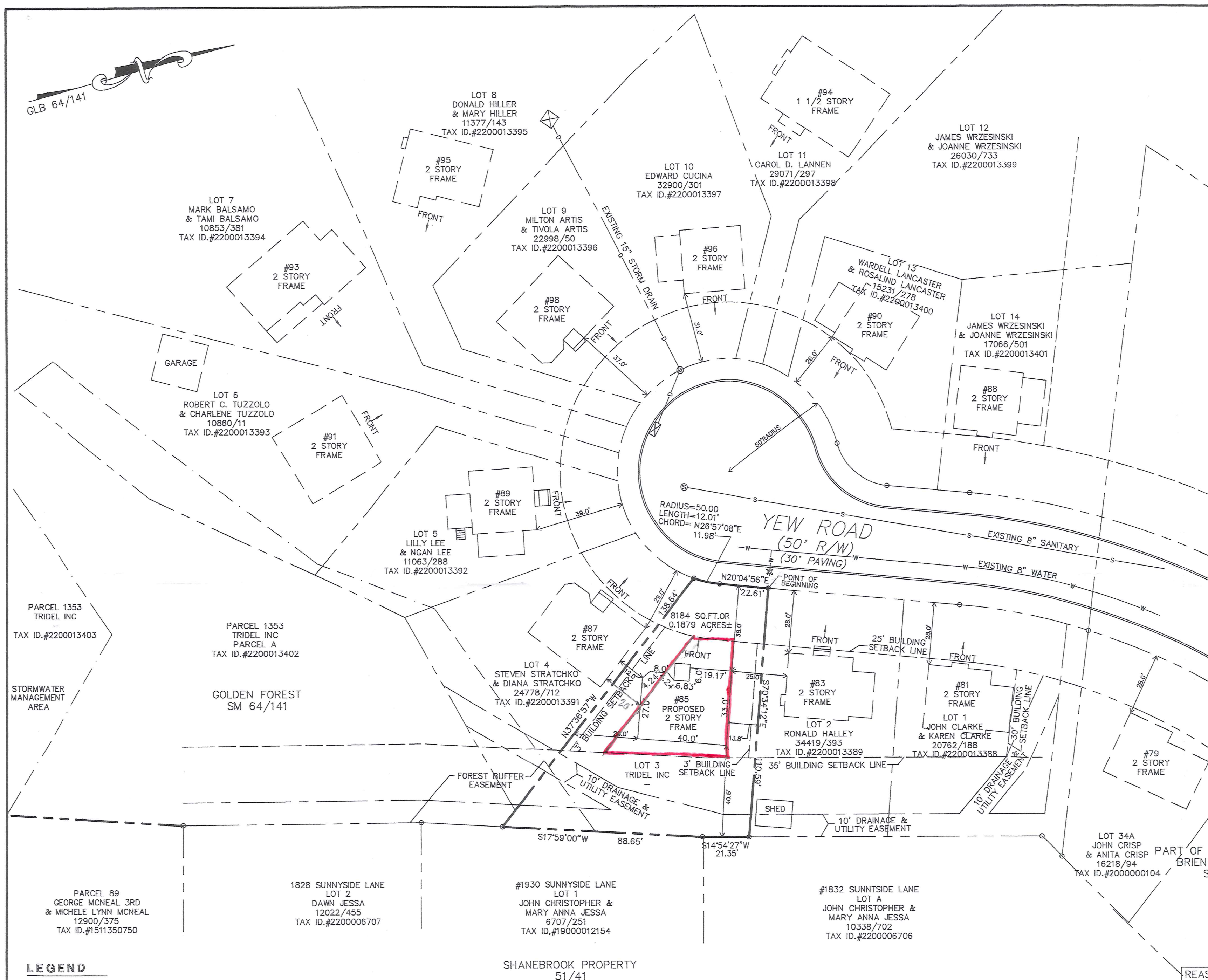


## LOCATION MAP

SCALE: 1"=1,000'

### GENERAL NOTES:

- OWNER: TRIDEL INC  
4630 RIDGE ROAD  
BALTIMORE, MD 21236-3814
- DEED REFERENCE:
- TAX ACCOUNT #: 2200013390
- MAP 90, GRID 8, PARCEL 1353
- AREA OF PROPERTY: 8184 SQ.FT.± OR 0.1879 ACRES±
- 15TH ELECTION DISTRICT
- 7TH COUNCILMANIC DISTRICT
- PUBLIC SEWER AND WATER
- PRIOR ZONING HISTORY: NONE
- EXISTING ZONING: DR 5.5
- EXISTING ZONING REQUIREMENTS  
MINIMUM FRONT YARD: 25'  
MINIMUM SIDE YARD: 3'  
MINIMUM REAR YARD: 35'
- SUBJECT PROPERTY LINES WITHIN ZONE "X" OF FLOOD RATE  
MAP NO. 2400100430F DATED SEPTEMBER 26,2008  
SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE  
BAY CRITICAL AREA
- SITE IS NOT A HISTORIC PROPERTY NOR ARE THERE HISTORIC  
BUILDINGS ON SITE
- GIS TITLE 090 A2 (200' SCALE)
- UTILITIES SHOWN HEREON ARE NOT GUARANTEED TO BE  
CORRECT OR ACCURATE
- SUBJECT SITE BEING LOT 3, IN THE SUBDIVISION OF "GOLDEN  
FOREST" AS RECORDED IN PLAT BOOK SM 64, FOLIO 141.
- SUBJECT SITE IS LOCATED WITHIN MARTIN STATE AIRPORT  
RESTRICTION AREA.
- ZONING MAP NO. 090A2
- NO FIELD WORK WAS PERFORMED IN THE MAKING OF THIS PLAT.  
THERE ARE NO 100 YEAR FLOODPLAINS ON SUBJECT SITE.



### LEGEND

- |                                |                               |
|--------------------------------|-------------------------------|
| XX FIRE HYDRANT                | ○ PROPERTY CORNER             |
| ☆ LIGHT POLE                   | ⊠ DRAIN INLET                 |
| ⊠ GAS VALVE                    | — CONC. CURB                  |
| ⊠ GAS CAP                      | — SIGN                        |
| ⊠ WATER VALVE                  | ⊠ UTILITY POLE                |
| ⊠ WATER METER                  | — OVERHEAD TRAFFIC WIRES      |
| ⊠ WATER CAP                    | — UNDERGROUND GAS MAINS       |
| ⊠ SEWER CLEANOUT               | — UNDERGROUND WATER MAINS     |
| ⊠ ELECTRIC HANDBOX             | — UNDERGROUND SEWER LINES     |
| ⊠ MECHANICAL HANDBOX           | — UNDERGROUND STORM DRAINS    |
| ⊠ GAS HANDBOX                  | — UNDERGROUND TELEPHONE       |
| ⊠ STORM DRAIN MANHOLE          | — UNDERGROUND ELECTRIC        |
| ⊠ SEWER MANHOLE                | — FENCE                       |
| ⊠ ELECTRIC MANHOLE             | ● TREE                        |
| ⊠ WATER MANHOLE                | ● CONC. TREE                  |
| ⊠ TELEPHONE MANHOLE            | ● CONC. CONCRETE              |
| ⊠ DEPARTMENT OF PUBLIC WORKS   | ● H/C HANDICAP                |
| ⊠ DEPARTMENT OF TRANSPORTATION | ● T/P TREE PIT                |
| ⊠ UTILITY STRUCTURE NUMBER     | ● CONC ENTR CONCRETE ENTRANCE |

PDM FILE PROJECT NO.15-331

REASON FOR VARIANCE: TO ALLOW BUILDING TO BUILDING  
DISTANCES OF 15.0 FEET IN LIEU OF THE REQUIRED 25.0  
FEET. (OLD CRG REQUIREMENT)

PETITIONERS Ex 1 REVISED 5-27-2014 SHIFT HOUSE 3' SOUTH  
REVISED 2-23-2015 SHIFT HOUSE 10' SOUTH

### APR ASSOCIATES, INC.

LAND SURVEYORS

7427 Harford Road Baltimore, Maryland 21234-7160

(410) 444-4312 FAX:(410) 444-1647

E mail : apr444@verizon.net



## PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

85 YEW ROAD

15th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND 21221

DATE: JANUARY 11, 2014 SCALE: 1"=30'