

MEMORANDUM

DATE: March 10, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0080-SAH – Appeal Period Expired

The appeal period for the above-referenced case expired on March 9, 2015. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: *✓* Case File
Office of Administrative Hearings

Case No.:

2015-0080-SAH

Combined w/ HOH
(Forge Reserve, PAI# 11-95)

Exhibit Sheet

Petitioner/Developer

Protestants

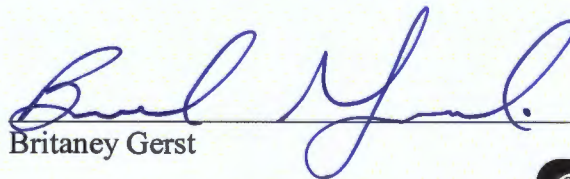
No. 1	1A 1B } Plan (Same as Dev. Plan)	} original exhibit in HOH file.
No. 2	Affidavit - Ms. Gerst	
No. 3	Bldg. Permit	
No. 4	DPC comments in Bishops Meadow Case	
No. 5	Chart regarding Honeygo Authorizations	
No. 6	BCZR § 259.7.R	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

AFFIDAVIT
BRITANEY GERST

I, Britaney Gerst, the undersigned Affiant, am over the age of eighteen, am competent to make this affidavit and have personal knowledge of the following facts:

1. I am employed by the law firm of Levin & Gann, P.A.
2. I am an assistant to Howard L. Alderman Jr., an attorney and Managing Principal of Levin & Gann, P.A.
3. As part of my regular duties I communicate directly with County and City personnel, as well as elected officials in order to obtain information for Mr. Alderman's clients/cases.
4. Mr. Alderman asked me to investigate the status of both Forge Road (from Cross Road to Honeygo Boulevard and Chapel Road from Belair Road to Joppa Road), relative to their inclusion or not in the currently adopted Capital Budget for Baltimore County.
5. I contacted the office of David Marks, Councilman for the Fifth (5th) Councilmanic district in which both roads are located.
6. Mr. Marks' staff, after conducting research on the current Capital Budget, advised that neither Forge Road nor Chapel Road improvements were included in the Capital Budget.
7. Mr. Marks' staff also confirmed that the Honeygo Boulevard capital project from Cross Road to Belair Road was complete and, therefore, no longer in the Capital Budget.
8. I received the attached email message from Mr. Marks, dated January 15, 2015 at 10:09 a.m. confirming the information on Chapel Road, Forge Road and Honeygo Boulevard.

I do solemnly declare and affirm under the penalties of perjury that the above statements are true and correct.


Britaney Gerst

Date: 28 January 2015

STATE OF MARYLAND, CITY/COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY, that on this 28th day of January, in the year 2015, before

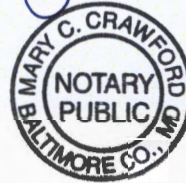


me, the subscriber, a Notary Public for the state and city/county aforesaid, personally appeared Britaney Gerst, the above-named Affiant, and acknowledged the foregoing Affidavit to be her Act, under oath, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my hand and notarial seal.

Mary C Crawford
NOTARY PUBLIC

My Commission Expires: 3/18/17



MARY C. CRAWFORD
Notary Public, State of Maryland
County of Baltimore
My Commission Expires March 18, 2017

Britaney Gerst

From: County Council District 5 <council5@baltimorecountymd.gov>
Sent: Thursday, January 15, 2015 10:09 AM
To: Britaney Gerst; County Council District 5
Subject: RE: Capital Budget

Here are the answers in red.

- 1) Honeygo Boulevard capital project from Cross Road to Belair Road; Is already complete.
- (2) Forge Road capital project from Cross Road to Honeygo Boulevard; and No
- (3) Chapel Road capital project from Belair Road to Joppa Road. Removed.

David Marks
Baltimore County Councilman, Fifth District
400 Washington Avenue
Towson, MD 21204
(410) 887-3384
dmarks@baltimorecountymd.gov

On Facebook: <https://www.facebook.com/countycouncilmandavidmarks>
On Twitter: http://www.twitter.com/david_s_marks

From: Britaney Gerst [mailto:bgerst@levingann.com]
Sent: Thursday, January 15, 2015 9:25 AM
To: County Council District 5
Subject: Re: Capital Budget

Good morning,

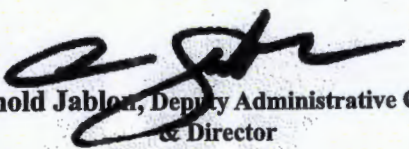
I am trying to find out if, in the current, six-year capital budget as approved by the Baltimore County Council any of the following ROAD projects are listed:

- (1) Honeygo Boulevard capital project from Cross Road to Belair Road;
- (2) Forge Road capital project from Cross Road to Honeygo Boulevard; and
- (3) Chapel Road capital project from Belair Road to Joppa Road.

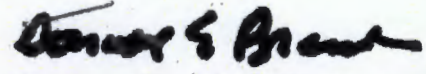
Thank you in advance for your assistance.

Britaney Gerst
Assistant to Howard L. Alderman, Jr., Esquire,
Carole S. Gould, Esquire, and
Sidney Weiman, Esquire
Levin & Gann, P.A.
Nottingham Centre
502 Washington Avenue, 8th Floor
Towson, Maryland 21204
☎: 410-321-0600
📠: 410-296-2801 (fax)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS


Arnold Jablon, Deputy Administrative Officer
& Director




Donald E. Brand, Building Engineer

BUILDING PERMIT

PERMIT #: B832944 CONTROL #: C- DIST: 11 PREC: 01
DATE ISSUED: 08/29/2014 TAX ACCOUNT #: 2300010697 CLASS: 04

PLANS: CONST 02 PLOT 9 R PLAT 0 DATA 3 ELEC YES PLUM YES
LOCATION: 9630 DIETZ PLACE
SUBDIVISION: PERRY HALL MARKET PLACE

OWNERS INFORMATION

NAME: CHAPEL SPRINGS LP
ADDR: 2661 RIVA RD, BLDG 300, STE 320 ; ANNAPOLIS 21401

TENANT:

CONTR: HAMEL BUILDERS

ENGR:

SELLR: IRON HORSE PROPERTIES LLC

WORK: CONSTRUCT 127 UNIT SENIOR APARTMENT BUILDING
320'X228'X53'6"=114,969SF WITH RETAINING WALL
& TRASH ROOM WALL; CONSISTING OF 103 ONE
BEDROOM UNITS AND 24 TWO BEDROOM UNITS AND
CANOPY PER PLANS. TOTAL 116,144SF

BLDG. CODE:

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SENIOR APARTMENT BUILDING
EXISTING USE: VACANT LOT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: OTHER - NON-RESIDENTIAL

FOUNDATION:

SEWAGE: PUBLIC EXIST

BASEMENT:

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 12.720AC

FRONT STREET:

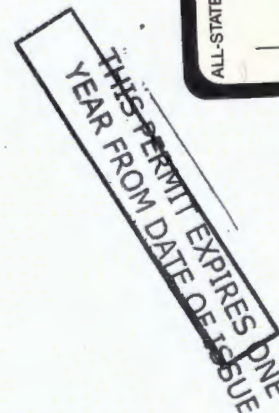
SIDE STREET:

FRONT SETB: 243'

SIDE SETB: -677'

SIDE STR SETB:

REAR SETB: 23'



PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND

SUBJECT: DEVELOPMENT PLAN COMMENTS

DPC DATE: 03/14/12
9:00 a.m., Room 123

FROM: PAI - ZONING REVIEW

PAI # 11-1112

PROJECT NAME: BISHOPS MEADOW

PLAN DATE: 02/14/12

LOCATION: NW/S Cross Rd @NE/S Honeygo Blvd

DISTRICT: 11c5

PROPOSAL: 50 Single Family Dwellings

ZONING: DR 3.5-H

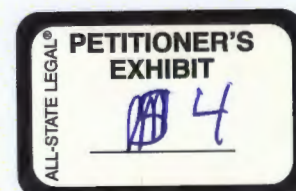
Sheet 1 of 3

1. Typical Lot Layout - change [max. permitted deck penetration into rear setback 12.5'] to [max. permitted **unroofed addition (deck, patios)** into rear setback (12.5')]; change [10' max.] to read [10' max. **roofed addition**].
2. Zoning note \$#4 - change [This property as shown on the plan has **not** been held...] to [This property as shown on the plan **has been held**...].

Sheet 2 of 3

3. § 259.9.B.3 requires 85 feet minimum width to both front wall and rear wall of the dwelling unit. Please verify that the proposed dwellings on lots# 7, 11, 22, and 48 meet the required 85 feet minimum width along the front and rear walls.
4. When available, provide house numbers for each lot.
5. Date all revisions.

Final zoning approval is contingent first upon all plan comments being addressed on the **Development Plan**; secondly upon the final resolution of all comments; thirdly upon the outcome of any requested zoning hearings; and finally upon the inclusion of the Final Development Plan (FDP) requirements and all Honeygo notes and details specified above being included on the zoning Final Development Plan (FDP).


Aaron Tsui, Planner II
Zoning Review

No authorizations prior to commencement of Honeygo Run sewer interceptor

Upon **commencement** of Honeygo Run Sewer interceptor capital project

Completed 200

After **commencement** of the following and prior to acquisition of 3 contiguous areas of public open space in the area:

300

Honeygo Blvd capital project from Cross Road to Belair Road
Forge Road capital project from Cross Road to Honeygo Blvd
Chapel Road capital project from Belair Road to Joppa Road

Completed
Removed
Removed

Total Authorizations Available:

500

Because Forge Road and Chapel Road capital project have not been commenced, as they have been removed completely from the approved Capital Budget, Zoning only recognizes 200 authorizations as being available

200

ALLOCATION OF BELAIR ROAD AREA AUTHORIZATIONS:

[Highlighting of every other project merely to show separation among them]

Considering ONLY Non-Senior
Residential Dwelling Permits

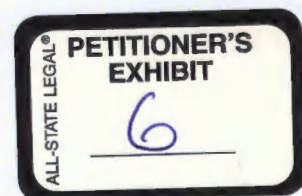
Considering ALL Residential
including Senior Dwelling
Permits

Brightview Perry Hall PUD (Senior Rental Housing) DP appv'd 9/5/12; Plat recorded 12/17/12	0	-225
Chapel Springs PUD (Senior Rental Housing) DP appv'd 7/25/12; Plat recorded 8/19/14	0	-127
Crossroads Properties	-51	-51
Forge Reserve [2 existing homes & 29 new dwellings]	-31	-31
Forge Crossing	-13	-13
Baldwin Property [never constructed/possibly abandoned]	-5	-5
Perry Hall Marketplace Residential [absorbed into Chapel Springs]	-6	-6
Gunpowder Overlook	-48	-48
Tanner Property [FDP shows Honeygo Run subarea, but authorizations issued 8/20/14 from Belair Rd Subarea]	-16	-16
Bishops Meadow [Authorizations never required by County but project is located in Belair Road subarea]	-50	-50
SUB-TOTAL OF AUTHORIZATIONS ISSUED:	-220	-572
Authorizations approved by Variance	-21	-21
Authorizations proposed w/out Final Approval	-11	-11
TOTAL	-252	-604



BCZR
SECTION 259.7.R

“The provisions of this section have no effect on any application for a building permit within the area unless one of the capital projects listed in this section is included in the six - year capital budget program approved by the County Council.”



Case No.:

Forge Reserve HOH

PAI # 11-0955

Exhibit Sheet

Original Exhibits are included in HOH case.

PW
3-10-15

Petitioner/Developer

PW
2-2-15

~~Protestants~~

BALTO.
CO.

No. 1	LA > IB Dev. Plan	LOS WAIVER	Exhibit
No. 2	Pattern Book	School Analysis	
No. 3			
No. 4			
No. 5			
No. 6			
No. 7			
No. 8			
No. 9			
No. 10			
No. 11			
No. 12			

Debra Wiley

From: Debra Wiley
Sent: Friday, February 06, 2015 3:05 PM
To: 'perryhallmail@gmail.com'; 'pkeller57@verizon.net'
Subject: HOH Case No. 11-0955 and Zoning Case No. 2015-0080-SAH
Attachments: 11-0955 and Case No. 2015-0080-SPH Forge Reserve 1st Material Amendment.docx

Mr. Keller,

Please find attached a copy of Judge Beverungen's decision in the above-referenced case.

Thanks.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63, Perry Hall, Maryland 21128-0063 perryhallmail@gmail.com
www.perryhallmaryland.org

John Beverungen, Administrative Law Judge
Jefferson Building
105 W. Chesapeake, Ave., Suite 103
Towson, MD 21204

January 28, 2015

Dear John;

The Perry Hall Improvement Association is in receipt of information regarding the following project:

Forge Reserve 1st Material Amended Development Plan & Final Development Plan.
4323 Forge Road, Perry Hall, MD – 2nd Material Amendment and Variance
PAI Number: 11-0955, Tracking No: MAJ-2014-00002-A

A variance for this project has been filed – #2015-0080-SAH (see attached application) requesting an exemption from Sections 259.7.E.4 BCZR (Threshold Limits, Belair Road subarea), pursuant to Sections 259.8 (Zoning Commissioner's powers per County-wide Basic Services Mapping Standards) and 4AO2.4G BCZR to determine if the Administrative Law Judge can approve a re-subdivision of Lot 31 without the required authorizations. If approved, the variance would allow the re-subdivision of Lot 31 into 6 lots to proceed to building permits where no authorizations for building permits are currently allowed.

The Perry Hall Improvement Association is of the opinion that consideration and possible approval of this requested variance will establish an unfavorable precedent. As all are aware, the Honeygo Basic Services provisions were adopted pursuant to Bill 176-1994. The intent, purpose and requirements of these regulations is to assure that development in the Honeygo Area takes place when adequate schools, roads, parks, water and sewer are in place and not before the facilities are in place. These provisions are unique to Baltimore County as no similar regulations exist anywhere else in the County and this legislation has been in place since 1994. The regulations are very specific in limiting the Zoning Commissioner's ability to grant such variances, "The Zoning Commissioner may not grant a variance from the standards established in Section 259.7 as provided in Section 4AO2.4.G of these regulations,..." These regulations precede the Administrative Law Judge the purpose however is quite clear in that the regulations are not subject variance.

Two notes provided on the Forge Reserve Development Plan stating that the development is subject to Section 259 BCZR and that no building permits applications may be submitted until the Final Development Plan is amended to state that building permit authorizations are available.

The project simply needs to wait until the area (Belair Road sub-area) is able to accommodate the additional development and then the building permits should be issued.

Based upon the basic intent and purpose of the regulations as well as the legal requirements of the regulations the variance should not be granted for the following reasons.

1. Section 259.8 Zoning Commissioners Powers, specifically states that "[Bill Nos. 176-1994; 79-2003; 122-2010] The Zoning Commissioner may not grant a variance from the standards established in Section 259.7 as provided in Section 4A02.4.G of these regulations, unless the variance request involves property that is bisected by two or more subareas identified in Section 259.7, or property that is the subject of a concept plan that was accepted for filing by the Department of Permits, Approvals and Inspections prior to August 4, 2003.

The Forge Reserve Material Amendment was recently approved on 5/23/2014, the Development Plan was approved 11/01/07 and the Concept Plan. The subject property does not meet the criteria for a variance, and the intent of providing the provision that no variances may be granted by the Zoning Commissioner applies to the Administrative Law Judge.

2. The request that the variance be based upon the standards provided in Section 4A02.4 County basic services (as listed below) is false. This section is superseded by Section 259.7 Threshold Limits – Honeygo Area and is entirely different than Section 4A02.4. The 259.7 thresholds limit building permits via basic services in Section 259.7 they are not the actual provision of basic services. Section 259.7 sets building permit threshold limits which allow permits to be issued when the adequate public services are provided.

§ 4A02.4 Basic services mapping standards.

A. Generally. The standards contained herein are intended to form the basis for the delineation of areas on the Basic Services Maps as well as for the evaluation of development applications in accordance with the requirements of this article.

G. Petitions for special variance from provisions of this subsection.

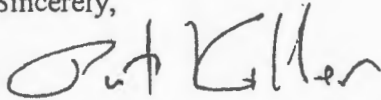
1. The Zoning Commissioner may, after a public hearing, grant a petition for a special variance from a provision of this subsection, only to an extent that will not violate that provision's purpose, pursuant to a finding:
 - a. That the demand or impact of the development proposed will be less than that assumed by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and
 - b. That the granting of the petition will not adversely affect a person whose application was filed prior to the petitioner's application in accordance with Section 4A02.3.G.2.b.
2. The Department of Planning shall give a report on the petition to the Zoning

Commissioner prior to his consideration of the petition. [Bill No. 55-2011]

3. The Zoning Commissioner may grant or deny the petition, or grant it subject to any conditions or limitations consistent with the criteria set forth in Paragraph 1 above.
4. An appeal may be filed with the County Board of Appeals within 30 days of the decision of the Zoning Commissioner.

In summary, the Perry Hall Improvement Association would like to express it's concern over the granting of variance for the basic service provisions of Section 259 BCZR especially where such variances are expressly prohibited by the Zoning Commissioner (Zoning Commissioner = Administrative Law Judge). If you require any additional information or assistance, please feel free to contact me a pkeller57@verizon.net or 410.818.7211.

Sincerely,



Pat Keller, Sustainable Growth Committee
Perry Hall Improvement Association

1st INTERNAL AMND.

Developer
CAS
DATE
PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME FORGE RESERVE 1st MATRICAL
CASE NUMBER PAI # 11-0955 Amuse
DATE 1/29/15 2015-0080-
SAH

CASE NAME FORGE RESERVE 1st MATRICAL
CASE NUMBER PAI # 11-0955 Amuse
DATE 1/29/15 2015-0080-
SAH

[illegible]

1st Motion Answer,

Force Reserve

CASE NUMBER PAI # 11-0955/2015-0080-SAH.

DATE _____

CITIZEN'S SIGN - IN SHEET

NAME	CITY, STATE, ZIP	E - MAIL
-------------	-------------------------	-----------------

[illegible]



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

January 27, 2015

RECEIVED

JAN 27 2015

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Petition for Special Variance and for Special Hearing
to Amend Final Development Plan
Robert C. & Mary C. Kraft and Patapsco Builders LLC
4323 Forge Road
Case No.: 2015-080-SA

& Hearing Officer's hearing
First Material Amended Development
Forge Reserve
4323 Forge Road
PDM # 11-0955

Hearing Scheduled January 29, 2014

Dear Judge Beverungen,

Our office just received yesterday a letter from the Perry Hall Improvement Association (PHIA), by Pat Keller, Chair of the Sustainable Growth Committee, expressing interest and concerns about this case. PHIA is especially concerned about the attempt to circumvent the Belair Road subarea limits for sewer authorizations. Accordingly, upon review of the files, and in light of the imminent hearing, we make these preliminary observations.

The request involves an amendment to the final development plan approved in 2004. The original plan had 29 lots south of Forge Road and southwest of Honeygo Boulevard. The amendment involves six new lots on the other side of Honeygo Boulevard, within a triangle bound by Honeygo Boulevard, Forge Road, and Cross Road.

Deputy Zoning Commissioner John Murphy approved the original plan on November 4, 2004. It is enclosed, and includes as an attachment the plan approved in 2004. The opinion and order approving the development plan recites that the proposal was for 29 lots and that lots 30 and 31 "contain existing dwellings that will remain." See page 7. There is a reference on the plan to "future development" in the area which appears to correspond to Lot 31.

The 29 lots appear to have been developed. The applicant now wants to add six additional lots on the other side of Honeygo Boulevard.

1. The Special Variance for zoning relief from the Belair Road Subarea adequate facilities sewer authorization limits. The Belair Road subarea sewer provisions and limits are enumerated in BCZR Sec. 259.7.E. They include the Honeygo Run sewer interceptor project and are quite detailed. The main point here is that petitioner is asking for a "special variance" under BCZR Sec. 259.8 and 4A02.4.G even though, as the petition says, no subarea authorizations are available. But BCZR Sec. 259.8 does not allow any variance unless the property is bisected by two or more subareas or there was accepted a concept plan for filing by PAI by August 4, 2003.

So far as we can tell, the concept plan for the original development was filed on or about October 27, 2003, with a concept plan conference December 1, 2003. See enclosed county printout record, available online. Anyway, the original plan stated that the existing dwellings on lots 30 and 31 would remain, so the 2003 plan was limited. DZC Murphy's November 4, 2004 opinion and order approving the development plan confirmed that the proposal was for 29 lots and that lots 30 and 31 "contain existing dwellings that will remain." See page 7. To be sure, there is the reference on the plan to "future development" in the area which appears to be lot 31, but that does not establish any right to circumvent BCZR Sec. 259.8 for a resubdivision or new subdivision of 6 additional lots across Honeygo Boulevard.

The Perry Hall Improvement Association observes that there are two notes on the approved development plan which state that the development is subject to BCZR Sec. 259. They are on Sheets 1 and 2, respectively. There is also an excerpt of the Honeygo provisions on Sheet 2. These can also still be found on the "Material Amendment" revised plans.

Accordingly, as a matter of law, in light of the particular BCZR Sec. 259.8 Honeygo provision, there does not appear to be any legal basis for a special variance. Any development must await the availability of authorizations.

2. The Amendment to the Final Development Plan. Concurrently, BCZR Sec. 1B01.3.A.7.b governs amendments to final development plans. Among other things, after the sale of any lot, there is a requirement to satisfy BCZR Sec. 502.1, the special exception standard. There is also a requirement to show that the proposed amendment is consistent with the spirit and intent of the original plan. BCZR Sec. 1B01.3.A.7.b.(3).

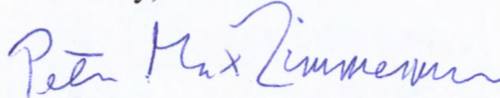
The approved development plan has come to fruition. See the enclosed My Neighborhood Aerial Map.

Based on the county's processing record and especially DZC Murphy's opinion and order, lots 30 and 31 were not intended to be subdivided. On the other hand, there is the reference on the original plan to "future development."

Based on the specific statement in DZC Murphy's opinion alone, there is at least a question whether the proposed resubdivision is consistent with the original plan. The reference to future development complicates this issue.

Having just received the Perry Hall Improvement Association letter, and understanding that a hearing is scheduled January 29, 2014, we felt it incumbent to review the matter promptly and submit our observations. Our preliminary conclusion is that under BCZR Sec. 259.8 there is no legal authority to circumvent the Belair Road subarea authorization limits. Separately, the proposed amendment to final development plan must be reviewed for consistency with BCZR Sec. 1B01.3.A.7.b, about which there is a reasonable concern.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

cc: John Motsco, Little & Associates
Pat Keller, Chairman, Sustainable Growth Committee, Perry Hall Improvement Ass'n
Andrea Van Arsdale, Director of Planning

IN RE: DEVELOPMENT PLAN HEARING

S/S of Forge Road,
E of Belair Road
11th Election District
5th Councilmanic District
(Forge Reserve)

Nuttal Avenue, LLC
Developer/Petitioners

* BEFORE THE
* HEARING OFFICER
* OF BALTIMORE COUNTY
* Case No. X-415 & 05-047-A

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as the "Forge Reserve", prepared by D. S. Thaler & Associates, Inc. The Developer is proposing the development of the subject property into 29 single-family dwellings. The subject property is located on the south side of Forge Road, east of Belair Road. The particulars of the manner in which the property is proposed to be developed are more specifically shown on Developer's Exhibit No. 1, the Development Plan entered into evidence at the hearing.

In addition, the Developer is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1. from Section 259.9.G.3 and Section 504.2 and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies, to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs;
2. from Section 259.9.G.3 and Section 504.2 and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies, to allow for sidewalk on only one side of a public street in lieu of the requirement for sidewalk on both sides of a public street; and
3. from Section 259.9.G.3 and Section 504.2 and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies, to allow 500 linear ft. of 24' pavement width on a 40' right-of-way in lieu of the requirement for 30' pavement on a 50' right-of-way.

The property was posted with Notice of Hearing Officer's Hearing on September 9, 2004, for 20 working days prior to the hearing, in order to notify all interested citizens of the date and location of the hearing. In addition, the property was posted with Notice of Hearing for the

variance request on September 9, 2004 and a Notice of Zoning Hearing was published in "The Jeffersonian" newspaper on September 21, 2004 to notify any interested persons of the scheduled hearing date of October 1, 2004.

As to the history of the project, a Concept Plan Conference was held on December 1, 2003. A Community Input Meeting was held at the Perry Hall Community Hall on January 15, 2004, and a Development Plan Conference followed on September 15, 2004. A Hearing Officer's Hearing for this development was held on October 7, 2004 in Room 106 of the County Office Building.

Appearing at the hearing on behalf of the Development Plan approval request were Douglas Eshelman, Petitioner, Paul Amirault and D. S. Thaler, Mark Vasil and David Hamil appearing on behalf of D. S. Thaler & Associates, Inc., the firm who prepared the Development Plan. G. Scott Barnight, Esquire represented the Petitioners.

William Libercci from the Perry Hall Improvement Association and Robert Rye appeared at the hearing.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Bruno Rudaitis (Zoning Review), Robert Bowling (Development Plans Review), William Miner (Bureau of Land Acquisition) and Don Rascoe (Development Management), all from the Office of Permits & Development Management; R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM); and Mark Cunningham from the Office of Planning.

Developer Issues

The Developer presented no issues for resolution but noted their requests for two waivers from Department of Public Works policies and a waiver of local open space provisions, as well as three variance requests.

County Issues

Each of the reviewing agencies indicated that the Development Plan met all County regulations with the following highlights:

Office of Planning

The representative of the department indicated that their department was not opposed to the requested Public Works waivers and further noted that they had received and approved the revised Pattern Book for the proposed homes which was included in the file as Developer's Exhibit No. 1.

Recreation and Parks

The representative of the department indicated that the department was in the process of negotiating the fee to be paid by the Developer in lieu of providing active open space. The department supported the requested waiver assuming the fee could be resolved. As this negotiation was not complete, both the Developer and the County agreed to keep the record open for resolution of the issue. Neither the Developer nor the County waived its right to a hearing on this matter if the issue was not resolved. The Developer introduced Exhibit No. 2, a letter dated October 4, 2004 from Scott Barhight to the Director of the department which summarizes the Developer's proposal for this matter. The Developer proposes to pay \$43,322.50 as the fee in lieu of providing 20,150 sq. ft. of active open space and to contribute another \$3,000.00 toward local recreation and parks projects in the area. The total contribution would then be \$46,322.50. By e-mail dated November 1, 2004, the Department approved the fee should the waiver be approved.

Public Works

The representative of the department indicated that the department supported the Developer's request to waive the Public Works Policy and CMDP requirement of sidewalks on both sides of a public street so as to eliminate sidewalks on the inside of the passive open space area (Court B). He felt that sidewalks here were unnecessary, and not having sidewalks would expand the open space area.

He also supported the request to allow Court B to have 24 ft. of paving on a 40 ft. right-of-way in lieu of the Public Works Policy and CMDP requirement to have 30 ft. of paving on a 50 ft. right-of-way. In addition, he felt that full paving and a right-of-way were not necessary because Court B serves only 6 lots.

He also supported the Developer's request for variance from the CMDP requirement to have vertical curbs along public roads. The Developer is proposing mountable curbs instead. He indicated that mountable curbs saved digging up vertical curbs for driveways when the homes are actually located on the lots.

Land Acquisition

The representative of the department indicated that the department had yet to confirm right-of-way issues along the border of this property and Honeygo Boulevard with the Office of Law. Apparently, this Developer is not purchasing Lots 30 and 31 or the beds of future Honeygo Boulevard. Honeygo is a County capital project and the County is acquiring all rights-of-way from others. Both the Developer and the County agreed to keep the record open for resolution of the issue. Neither the Developer nor the County waived its right to a hearing on this matter if the issue was not resolved.

On October 7, 2004, the Department sent an e-mail to the undersigned indicating that the County was pursuing a condemnation case against the owners of these lots which would clear this comment.

Zoning

The representative of the department indicated that the department temporarily approved the shortened version of the standard permit/allocation note now on Development Plan Sheet 3A, but required that the longer more comprehensive version, recommended by Zoning as shown on Zoning comments Item 2, dated September 15, 2004, be included on the Final Development

Plan. The Developer objected to the longer note regarding the requirement in that note, that the Final Development Plan will be amended after all approvals to include a copy of the official authorization letter. The Developer noted that there would be no reason to amend the Final Development Plan for this purpose and that the note given in Developer's Exhibit No. 3 has been the note added to prior approved plans.

Community Concerns

Mr. Rye indicated that he was a nearby property owner and attended the hearing for informational purposes. Mr. Libercci of the Perry Hall Improvement Association indicated that he had no issues or questions concerning the Development Plan and did not object to the Developer's requests for Public Works waivers and zoning variances.

Applicable Law

§ 32-4-228. SAME - CONDUCT OF THE HEARING.

(a) *Hearing conducted on unresolved comment or condition.*

- (1) The Hearing Officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed Development Plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan.
- (2) The Hearing Officer shall make findings for the record and shall render a decision in accordance with the requirements of this part.

(b) *Hearing conduct and operation.* The Hearing Officer:

- (i) Shall conduct the hearing in conformance with Rule IV of the Zoning Commissioner's rules;
- (ii) Shall regulate the course of the hearing as the Hearing Officer considers proper, including the scope and nature of the testimony and evidence presented; and
- (iii) May conduct the hearing in an informal manner.

§ 32-4-229. SAME - DECISION OF THE HEARING OFFICER.

(a) *Final decision.*

- (1) (i) The Hearing Officer shall issue the final decision within 15 days after the conclusion of the final hearing held on the Development Plan.
- (iii) The Hearing Officer shall file an opinion which includes the basis of the Hearing Officer's decision.

(2) If a final decision is not rendered within 15 days:

- (i) The Development Plan shall be deemed approved as submitted by the applicant; and
- (ii) The Hearing Officer shall immediately notify the participants that:
 1. The Development Plan is deemed approved; and
 2. The appeal period began on the fifteenth day after the conclusion of the final hearing.

(b) *Appeals.* A final decision of the Hearing Officer on a Development Plan may be appealed to the Board of Appeals in accordance with Part VIII of this subtitle.

(c) *Conditions imposed by Hearing Officer.*

- (1) This subsection does not apply to a Development Plan for a Planned Unit Development.
- (2) In approving a Development Plan, the Hearing Officer may impose any conditions if a condition:
 - (i) Protects the surrounding and neighboring properties;
 - (ii) Is based upon a comment that was raised or a condition that was proposed or requested by a participant;
 - (iii) Is necessary to alleviate an adverse impact on the health, safety, or welfare of the community that would be present without the condition; and
 - (iv) Does not reduce by more than 20 %:

1. The number of dwelling units proposed by a residential Development Plan in a DR 5.5., DR 10.5, or DR 16 zone; or
2. The square footage proposed by a non-residential Development Plan.

(3) The Hearing Officer shall base the decision to impose a condition on factual findings that are supported by evidence.

Prior Law Still Applicable Section 26-206 of the B.C.Z.R. Development Plan Approval.

- (b) The hearing officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated pursuant to section 2-416 et seq. of the Code, provided that the final approval of a plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

November 4, 2004

G. Scott Barhight, Esquire, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Hearing Officer's Hearing Case Nos. XI-955 & 05-047-A
Property: S/S of Forge Road, E of Belair Road
11th Election District, 5th Councilmanic District
(Forge Reserve)

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above-captioned Development Plan and petition for variance cases.

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

Very truly yours,

John V. Murphy
John V. Murphy
Deputy Zoning Commissioner

JVM:raj

c: Douglas Eshelman, 7013 Meandering Stream Way, Fulton, MD 20759
Paul Amirault, P. O. Box 216, Kingsville, MD 21087
D. S. Thaler, Mark Vasil & David Hamil, D. S. Thaler & Associates, Inc
P. O. Box 47428, Baltimore, MD 21244-7428
William Libercci, Perry Hall Improvement Association, 19 Shawn Court,
Baltimore, MD 21236
Robert Rye, 4410 Forge Road, Perry Hall, MD 21128
Northeast Booster, 409 Washington Avenue, Towson, MD 21204

Visit the County's Website at www.baltimorecountyonline.info

07/06/2004 13:51 FAX 410 266 2885

WT&P LLP

40/001



Petition for Variance

to the Zoning Commissioner of Baltimore County 4307 Forge Rd
for the property located at NW/South side of Honeygo Blvd.,
of Forge Rd., which is presently zoned D.R. 3.5H

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

Please see attached

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

Reasons to be provided at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Sang W. Ch/G. Scott Barhight
Name - Type or Print
Signature
Whiteford, Taylor & Preston
Company
210 W. Pennsylvania Ave. (410) 832-2000
Address Telephone No.
Towson, MD 21204
City State Zip Code

Legal Owner(s):

Nuttall Ave, LLC
Name - Type or Print
Signature
Douglas F. Eshelman
Name - Type or Print
Signature
603 St. Frances Road 410 832 2077
Address Telephone No.
Towson, Maryland 21286
City State Zip Code

Representative to be Contacted:

Sang W. Ch/Jenn Bussie
Name
210 W. Pennsylvania Ave. (410) 832-2000
Address Telephone No.
Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Handled By BK Date 7/26/04

Case No. 05-047-A

Date 11/14/04

By

ORDER RECEIVED FOR FILING



Printed on Recycled Paper

REQUESTS FOR VARIANCE:

- (V-1) Variance from BCZR Section 254.4.6.3, BCZR Section 504.2, and p. 24 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP"), variance to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs.
- (V-2) Variance from BCZR Section 254.4.6.3, BCZR Section 504.2, and p. 24 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP"), variance to allow for sidewalk on only one side of a public street in lieu of the requirement for sidewalk on both sides of a public street.
- (V-3) Variance from BCZR Section 254.4.6.3, BCZR Section 504.2, and p. 24 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies ("CMDP"), variance to allow 500 linear feet of 24' pavement width on a 40' right-of-way in lieu of requirement for 30' pavement on a 50' right-of-way.

Legal Owner for Parcel 147

Anna M. Dietz
4307 Forge Road
Perry Hall, MD 21128

Anna M. Dietz
Signature

ATTACHMENT TO PETITION FOR VARIANCE

"Forge Reserve"

NW / South side of Honeygo Blvd., South of Forge Road

#047

#047

ATTACHMENT TO PETITION FOR VARIANCE

"Forge Reserve"

NW/South side of Honeygo Blvd., South of Forge Road

Legal Owner(s) for Parcel 450:

Robert C. Kraft
4323 Forge Road
Perry Hall, MD 21128

Robert C. Kraft
Signature

Mary C. Kraft
4323 Forge Road
Perry Hall, MD 21128

Mary C. Kraft
Signature

ATTACHMENT TO PETITION FOR VARIANCE

"Forge Reserve"

NW/South side of Honeygo Blvd., South of Forge Road

Legal Owner for Parcel 500:

Joseph Henry Kraft
7310 Longfield Drive
Kingsville, MD 21087

Joseph Henry Kraft
Signature

#047

#047

ATTACHMENT TO PETITION FOR VARIANCE

"Forge Reserve"

NW/South side of Honeygo Blvd., South of Forge Road

Legal Owner for Parcel 604:

Doris M. Kraft
7310 Longfield Drive
Kingsville, MD 21087

Doris M. Kraft
Signature

ATTACHMENT TO PETITION FOR VARIANCE

"Forge Reserve"

NW/South side of Honeygo Blvd., South of Forge Road

Legal Owner for Parcel 499:

Robert Leroy Kile
4838 Ridge Road
Perry Hall, MD 21237

Robert Leroy Kile Jr.
Signature

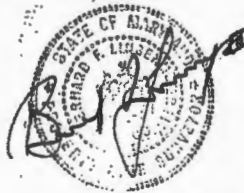
#047

#047

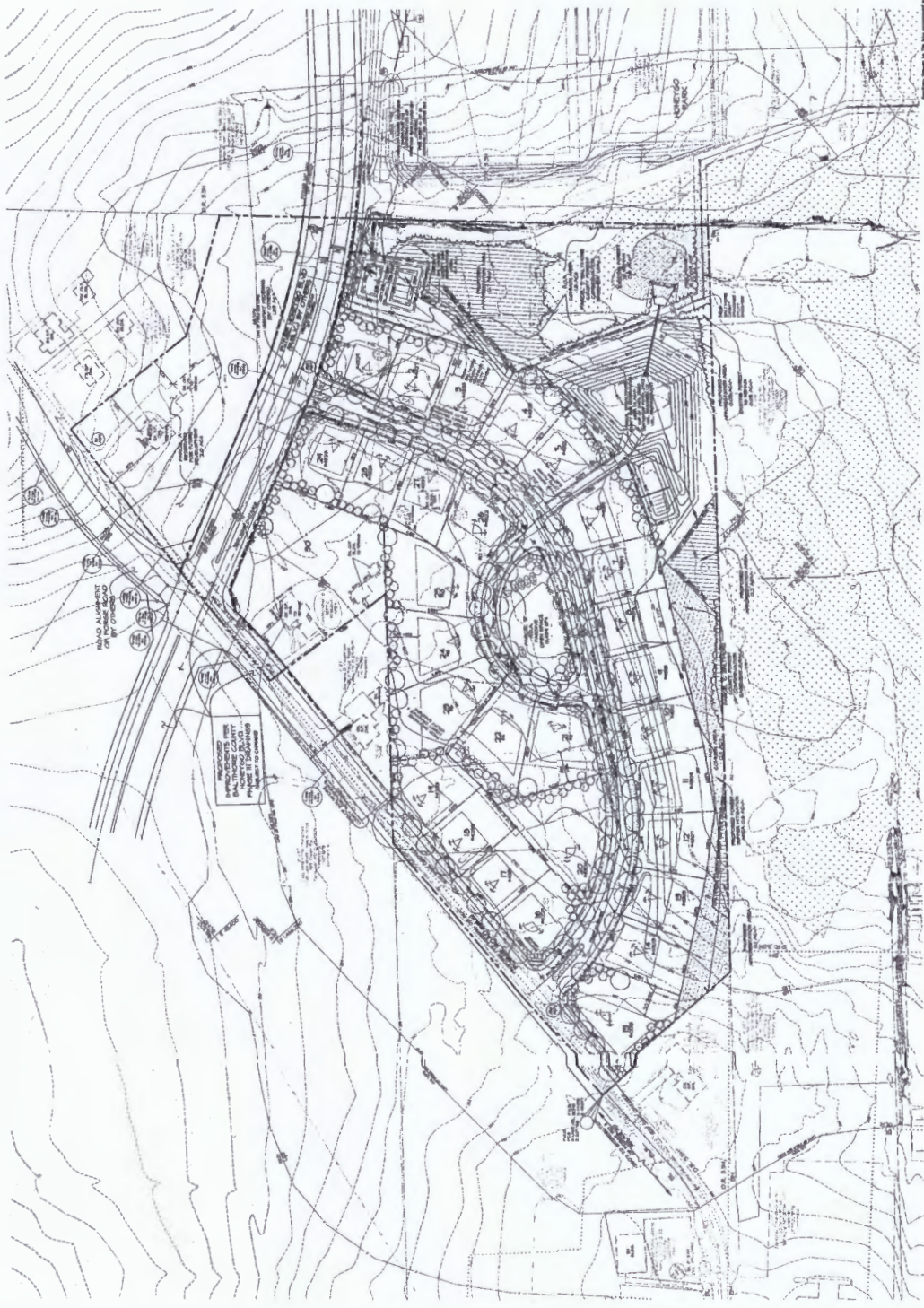
ZONING DESCRIPTION

Beginning for the same at a point on the north side of Forge Road (30-foot right-of-way) at a point approximately 560 feet northeasterly from the intersection of the center of Belair Road, thence running the following thirteen (13) courses and distances:

- Containing 20.0698 acres of land, more or less.



#047



NORTH
 SCALE: 1"=50'
 DATE: 08/20/2024
 DRAWN BY: J. L. BROWN
 CHECKED BY: J. L. BROWN
 PROJECT NO.: 2024-08

NOTE: FORMAL SUBMITTALS SHOULD BE MADE TO THE CITY OF BALTIMORE, MD. FOR REVIEW AND APPROVAL. THIS SITE PLAN WILL BE DEVELOPED AS AN ACTIVE RESIDENTIAL DEVELOPMENT. THE CITY OF BALTIMORE, MD. OFFICE OF THE CITY ENGINEER, 300 BALTIMORE AVENUE, BALTIMORE, MD. 21201.

NOTE: NO BUILDING PERMITS WILL BE ISSUED WITHOUT ALLOCATION LETTERS.

LEGEND
 [Symbol] Paved Area
 [Symbol] Gravel Area
 [Symbol] Lawn
 [Symbol] Garden
 [Symbol] Tree
 [Symbol] Shrub
 [Symbol] Flower
 [Symbol] Fertilizer
 [Symbol] Water
 [Symbol] Sewer
 [Symbol] Gas
 [Symbol] Electric
 [Symbol] Phone
 [Symbol] Cable
 [Symbol] Internet
 [Symbol] Satellite
 [Symbol] Antenna
 [Symbol] Dish
 [Symbol] Tower
 [Symbol] Mast
 [Symbol] Pole
 [Symbol] Sign
 [Symbol] Light
 [Symbol] Lamp
 [Symbol] Fan
 [Symbol] Heater
 [Symbol] Cooler
 [Symbol] Dehumidifier
 [Symbol] Humidifier
 [Symbol] Air Purifier
 [Symbol] Water Filter
 [Symbol] Softener
 [Symbol] Reverse Osmosis
 [Symbol] Distiller
 [Symbol] Ionizer
 [Symbol] UV Sterilizer
 [Symbol] Ozonator
 [Symbol] Ultraviolet
 [Symbol] Infrared
 [Symbol] Microwave
 [Symbol] Toaster
 [Symbol] Oven
 [Symbol] Stove
 [Symbol] Dishwasher
 [Symbol] Refrigerator
 [Symbol] Freezer
 [Symbol] Ice Maker
 [Symbol] Coffee Maker
 [Symbol] Blender
 [Symbol] Juicer
 [Symbol] Food Processor
 [Symbol] Slow Cooker
 [Symbol] Crock Pot
 [Symbol] Pressure Cooker
 [Symbol] Instant Pot
 [Symbol] Air Fryer
 [Symbol] Toaster Oven
 [Symbol] Microwave Oven
 [Symbol] Dishwasher
 [Symbol] Refrigerator
 [Symbol] Freezer
 [Symbol] Ice Maker
 [Symbol] Coffee Maker
 [Symbol] Blender
 [Symbol] Juicer
 [Symbol] Food Processor
 [Symbol] Slow Cooker
 [Symbol] Crock Pot
 [Symbol] Pressure Cooker
 [Symbol] Instant Pot
 [Symbol] Air Fryer
 [Symbol] Toaster Oven
 [Symbol] Microwave Oven

FORGE RESERVE

OPEN SPACE MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

PUBLIC WORKS MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

SEWERAGE MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

WATER MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

LANDSCAPE MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

VEGETATION MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

SOIL MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

ROCK MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

PAVING MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

CONCRETE MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

IRON MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

STEEL MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

COPPER MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

BRASS MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

SILVER MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

GOLD MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

PLATINUM MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

PALLADIUM MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

RHODIUM MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

IRIDIUM MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

OSMIUM MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

SELENIUM MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

TUNGSTEN MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

COBALT MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

NICKEL MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

COPPER MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

ZINC MANAGER REQUEST

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The owner is requesting to be placed in the center of the site.

WATER MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

PUBLIC WORKS MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

OPEN SPACE MANAGER REQUEST

The owner is requesting to be placed in the center of the site.

FORGE RESERVE

DEVELOPMENT PLAN AND PLAT TO

COMPANY ZONING PETITION

VICINITY MAP

DATE: 08/20/2024

DRAWN BY: J. L. BROWN

CHECKED BY: J. L. BROWN

PROJECT NO.: 2024-08

SCALE: 1"=50'

NOTE: FORMAL SUBMITTALS SHOULD BE MADE TO THE CITY OF BALTIMORE, MD. FOR REVIEW AND APPROVAL. THIS SITE PLAN WILL BE DEVELOPED AS AN ACTIVE RESIDENTIAL DEVELOPMENT. THE CITY OF BALTIMORE, MD. OFFICE OF THE CITY ENGINEER, 300 BALTIMORE AVENUE, BALTIMORE, MD. 21201.

NOTE: NO BUILDING PERMITS WILL BE ISSUED WITHOUT ALLOCATION LETTERS.

LEGEND

[Symbol] Paved Area

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[Symbol] Garden

[Symbol] Tree

[Symbol] Shrub

[Symbol] Flower

[Symbol] Fertilizer

[Symbol] Water

[Symbol] Sewer

[Symbol] Gas

[Symbol] Electric

[Symbol] Phone

[Symbol] Cable

[Symbol] Internet

[Symbol] Satellite

[Symbol] Antenna

[Symbol] Dish

[Symbol] Tower

[Symbol] Mast

[Symbol] Pole

[Symbol] Sign

[Symbol] Light

[Symbol] Lamp

[Symbol] Fan

[Symbol] Heater

[Symbol] Cooler

[Symbol] Dehumidifier

[Symbol] Humidifier

[Symbol] Air Purifier

[Symbol] Water Filter

[Symbol] Softener

[Symbol] Reverse Osmosis

[Symbol] Distiller

[Symbol] Ionizer

[Symbol] UV Sterilizer

[Symbol] Ozonator

[Symbol] Ultraviolet

[Symbol] Infrared

[Symbol] Microwave

[Symbol] Toaster

[Symbol] Oven

[Symbol] Stove

[Symbol] Dishwasher

[Symbol] Refrigerator

[Symbol] Freezer

[Symbol] Ice Maker

[Symbol] Coffee Maker

[Symbol] Blender

[Symbol] Juicer

[Symbol] Food Processor

[Symbol] Slow Cooker

[Symbol] Crock Pot

[Symbol] Pressure Cooker

[Symbol] Instant Pot

[Symbol] Air Fryer

[Symbol] Toaster Oven

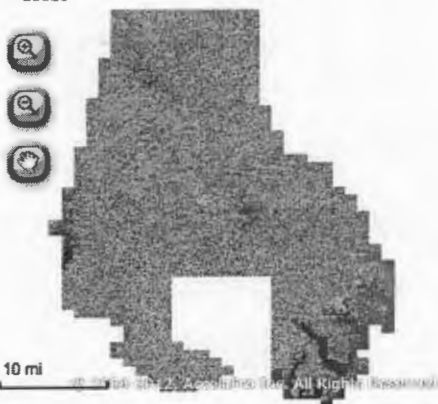
[Symbol] Microwave Oven

BALTIMORE COUNTY, MARYLAND

www.baltimorecountymd.gov

[Register for an Account](#) | [Login](#)[Home](#) [Animal Complaint](#) [License](#) [Land Management](#) [more▼](#)[Search Development Applications](#)Record MAJ-2012-93917:
Major Subdivision Plan Review New

Work Location

0 S/S FORGE RD E BELAIR RD
21128

Record Details

Applicant:

D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, MD, 21244
Home Phone: 410 944-3647

Licensed Professional:

D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, MD, 21244
Home Phone: 410 944-3647
Engineer Unknown-3917

Project Description:

Forge Reserve
29 SFDS

▼ More Details

Application Information
PROJECT INFORMATION

PAI Number:	11-0955
PAI Project Manager:	Walter T. Smith
Project Acreage:	20.07
Total Number of Units:	31

ADDITIONAL PARCEL INFORMATION

In URDL:	Yes
Elementary School:	Gunpowder ES
Middle School:	Perry Hall MS
High School:	Perry Hall HS
RPD:	317
TAZ:	602
LMA:	GA-WM

APFO SCHOOL INFORMATION

New SFD:	29
New SFSD:	0
New SFA:	0
New MF:	0
Pupil Yield ES:	7
Pupil Yield MS:	5
Pupil Yield HS:	6
APFO Review Date:	12/21/2010

Application Information Table
APFO SCHOOL INFORMATION

Year:	2009
Elementary School:	Gunpowder ES
Middle School:	Perry Hall MS
High School:	Perry Hall HS
Comments:	NOTES: * COMMENTS:
Year:	2010

Middle School: Perry Hall MS
 High School: Perry Hall HS
 Comments: NOTES: * COMMENTS:

ZONING INFORMATION

Zoning: DR 3.5H
 Acreage: 20.07

DEVELOPMENT TYPES AND UNITS

Type of Unit: Single Family Detached
 Existing Units: 2
 Proposed Units: 31
 Developed Units: 31
 Elderly Housing: No
 Assisted Living: No
 Condo: No
 Comments: Existing dwellings (#4307 & #4323 Forge Rd) on future lots 30 & 31 to remain. Also plat 78/103. 1st amnd plan approved 8/17/07 (DRC#070907E) to revise drainage and utility easment to lot 6.

MEETING INFORMATION

Meeting Type: CPC
 Meeting Date: 12/01/2003
 Meeting Time: 09:00
 Meeting Location: COUNTY OFFICE BUILDING ; ROOM 123; 111 W CHESAPEAKE AVE; TOWSON, MD 21204
 Meeting Facilitator: Walter T. Smith
 Meeting Status: Converted
 Comments: 10/27/3 CONCEPT PLAN CHEKPRT. 11/17/03 36 con plns, \$500, 2 land to dpr & po, fsd/fcw already submitted per eng,kw. 1/14/04 cim distributed,kw. 6/23/04 DEV PLAN CHEKPRT. 7/28/04 36 dev plns,\$3,237.00, 2 land to dpr & po, hydro study/ ee report to depr

Meeting Type: DPC
 Meeting Date: 09/15/2004
 Meeting Time: 09:00
 Meeting Location: COUNTY OFFICE BUILDING ; ROOM 123; 111 W CHESAPEAKE AVE; TOWSON, MD 21204
 Meeting Facilitator: Walter T. Smith
 Meeting Status: Converted
 Comments: 10/27/3 CONCEPT PLAN CHEKPRT. 11/17/03 36 con plns, \$500, 2 land to dpr & po, fsd/fcw already submitted per eng,kw. 1/14/04 cim distributed,kw. 6/23/04 DEV PLAN CHEKPRT. 7/28/04 36 dev plns,\$3,237.00, 2 land to dpr & po, hydro study/ ee report to depr

Meeting Type: CIM
 Meeting Date: 01/05/2004
 Meeting Time: 19:00
 Meeting Location: Room 106, County Office Building; 111 West Chesapeake Avenue; Towson, MD 21204
 Meeting Facilitator: Walter T. Smith
 Meeting Status: Converted
 Comments: 10/27/3 CONCEPT PLAN CHEKPRT. 11/17/03 36 con plns, \$500, 2 land to dpr & po, fsd/fcw already submitted per eng,kw. 1/14/04 cim distributed,kw. 6/23/04 DEV PLAN CHEKPRT. 7/28/04 36 dev plns,\$3,237.00, 2 land to dpr & po, hydro study/ ee report to depr

Meeting Type: HOH/DPH
 Meeting Date: 11/04/2004
 Meeting Time: 09:00
 Posted By: 10/06/2004
 Meeting Location: JEFFERSON BUILDING ; ROOM 205; 105 W CHESAPEAKE AVE; TOWSON, MD 21204
 Meeting Facilitator: Walter T. Smith
 Meeting Status: Converted
 Comments: 10/27/3 CONCEPT PLAN CHEKPRT. 11/17/03 36 con plns, \$500, 2 land to dpr & po, fsd/fcw already submitted per eng,kw. 1/14/04 cim distributed,kw. 6/23/04 DEV PLAN CHEKPRT. 7/28/04 36 dev plns,\$3,237.00, 2 land to dpr & po, hydro study/ ee report to depr

Parcel Information

Parcel Number:

CONV

Parcel Area:

0

Improved Value:

0

Legal Description:

11-0955

Land Value:

0

Exemption Value:

0

► Fees**▼ Processing Status**

- ✓ ▼ Concept Plan Review
 - ✓ ► Concept Plan Check Print
 - ✓ ► Concept Plan Intake
 - ✓ ► EPS-DC
 - ✓ ► EPS-EIR
 - ✓ ► EPS-SWM
 - ✓ ► Fire
 - ✓ ► PAI-DPR
 - ✓ ► PAI-DM
 - ✓ ► PAI-Hse Numbers
 - ✓ ► PAI-Zoning

- ✓ Planning-Dev Review
- ✓ Rec and Parks
- ✓ OIT-GIS
- ✓ SHA

Concept Plan Conference

Community Input Meeting

▼ Development Plan Review

Development Plan Check Print

Development Plan Intake

EPS-DC

EPS-EIR

EPS-SWM

Fire

PAI-DPR

PAI-DM

PAI-Hse Numbers

PAI-Zoning

Planning-Dev Review

Rec and Parks

SHA

OIT-GIS

Development Plan Conference

▼ Development Plan Hearing

Development Plan Hearing

Development Hearing Decision

▼ Appeals Process

Board of Appeals Hearing

Board of Appeals Hearing Decision

Final Approval Processing

Closure

▼ Attachments

View Record Attachments

<u>Name</u>	<u>Entity Type</u>	<u>Type</u>	<u>Size</u>	<u>Latest Update</u>	<u>Description</u>	<u>Document Status</u>	<u>Sta</u>
No records found.							

■ [REDACTED] ■

► Related Records

400 Washington Avenue • Historic Courthouse • Towson, MD 21204





My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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CASE NO. 2015-

0080-514

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
11/17/14	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
11/3/14	STATE HIGHWAY ADMINISTRATION	no obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. 05-47-A)	
NEWSPAPER ADVERTISEMENT	Date: 12/30/14	
SIGN POSTING	Date: 12/29/14	by Pulson
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

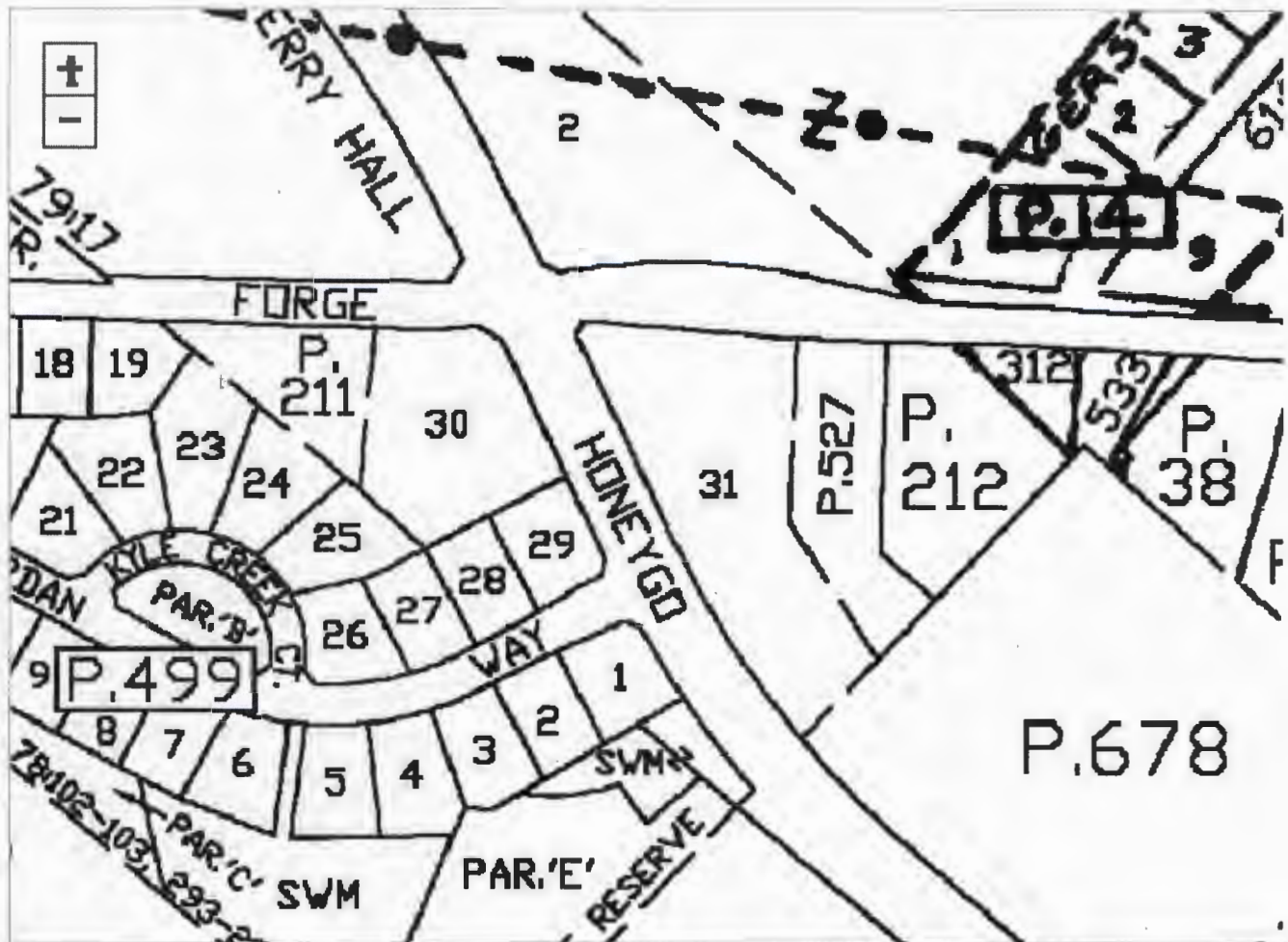
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 2400013600			
Owner Information					
Owner Name:	KRAFT ROBERT C KRAFT MARY C		Use:	RESIDENTIAL	
Mailing Address:	UNIT 1334 9657 BELAIR RD BALTIMORE MD 21236-1150		Principal Residence:	NO	
			Deed Reference:		
Location & Structure Information					
Premises Address:		4323 FORGE RD PERRY HALL, 21128-9505		Legal Description:	1.9206 AC 4323 FORGE RD SS FORGE RESERVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0063	0022	0499		0000	
					Block:
					31
					Lot:
					31
					Assessment Year:
					2015
					Plat No:
					2
					Plat Ref:
					0078/0103
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1963	1,120 SF		1.9200 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	FRAME	1 full	1 Detached
					Last Major Renovation
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2014 As of 07/01/2015		
Land:	126,300	126,300			
Improvements	99,100	97,200			
Total:	225,400	223,500	225,400	223,500	
Preferential Land:	0			0	
Transfer Information					
Seller:	Date:		Price:		
Type:	Deed1:		Deed2:		
Seller:	Date:		Price:		
Type:	Deed1:		Deed2:		
Seller:	Date:		Price:		
Type:	Deed1:		Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014	07/01/2015		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Denied					

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)

District: 11 Account Number: 2400013600



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

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IN RE: DEVELOPMENT PLAN HEARING

S/S of Forge Road,
E of Belair Road
11th Election District
5th Councilmanic District
(Forge Reserve)

Nuttal Avenue, LLC
Developer/Petitioners

* BEFORE THE
* HEARING OFFICER
* OF BALTIMORE COUNTY

* Case No. ~~X-415~~ & 05-047-A

NI-955

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as the "Forge Reserve", prepared by D. S. Thaler & Associates, Inc. The Developer is proposing the development of the subject property into 29 single-family dwellings. The subject property is located on the south side of Forge Road, east of Belair Road. The particulars of the manner in which the property is proposed to be developed are more specifically shown on Developer's Exhibit No. 1, the Development Plan entered into evidence at the hearing.

In addition, the Developer is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1. from Section 259.9.G.3 and Section 504.2 and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies, to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs;
2. from Section 259.9.G.3 and Section 504.2 and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies, to allow for sidewalk on only one side of a public street in lieu of the requirement for sidewalk on both sides of a public street; and
3. from Section 259.9.G.3 and Section 504.2 and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies, to allow 500 linear ft. of 24' pavement width on a 40' right-of-way in lieu of the requirement for 30' pavement on a 50' right-of-way.

The property was posted with Notice of Hearing Officer's Hearing on September 9, 2004, for 20 working days prior to the hearing, in order to notify all interested citizens of the date and location of the hearing. In addition, the property was posted with Notice of Hearing for the

gm
10/17

variance request on September 9, 2004 and a Notice of Zoning Hearing was published in "The Jeffersonian" newspaper on September 21, 2004 to notify any interested persons of the scheduled hearing date of October 1, 2004.

As to the history of the project, a Concept Plan Conference was held on December 1, 2003. A Community Input Meeting was held at the Perry Hall Community Hall on January 15, 2004, and a Development Plan Conference followed on September 15, 2004. A Hearing Officer's Hearing for this development was held on October 7, 2004 in Room 106 of the County Office Building.

Appearing at the hearing on behalf of the Development Plan approval request were Douglas Eshelman, Petitioner, Paul Amirault and D. S. Thaler, Mark Vasil and David Hamil appearing on behalf of D. S. Thaler & Associates, Inc., the firm who prepared the Development Plan. G. Scott Barhight, Esquire represented the Petitioners.

William Libercci from the Perry Hall Improvement Association and Robert Rye appeared at the hearing.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Bruno Rudaitis (Zoning Review), Robert Bowling (Development Plans Review), William Miner (Bureau of Land Acquisition) and Don Rascoe (Development Management), all from the Office of Permits & Development Management; R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM); and Mark Cunningham from the Office of Planning.

Developer Issues

The Developer presented no issues for resolution but noted their requests for two waivers from Department of Public Works policies and a waiver of local open space provisions, as well as three variance requests.

County Issues

Each of the reviewing agencies indicated that the Development Plan met all County regulations with the following highlights:

Office of Planning

The representative of the department indicated that their department was not opposed to the requested Public Works waivers and further noted that they had received and approved the revised Pattern Book for the proposed homes which was included in the file as Developer's Exhibit No. 1.

Recreation and Parks

The representative of the department indicated that the department was in the process of negotiating the fee to be paid by the Developer in lieu of providing active open space. The department supported the requested waiver assuming the fee could be resolved. As this negotiation was not complete, both the Developer and the County agreed to keep the record open for resolution of the issue. Neither the Developer nor the County waived its right to a hearing on this matter if the issue was not resolved. The Developer introduced Exhibit No. 2, a letter dated October 4, 2004 from Scott Barhight to the Director of the department which summarizes the Developer's proposal for this matter. The Developer proposes to pay \$43,322.50 as the fee in lieu of providing 20,150 sq. ft. of active open space and to contribute another \$3,000.00 toward local recreation and parks projects in the area. The total contribution would then be \$46,322.50. By e-mail dated November 1, 2004, the Department approved the fee should the waiver be approved.

Public Works

The representative of the department indicated that the department supported the Developer's request to waive the Public Works Policy and CMDP requirement of sidewalks on both sides of a public street so as to eliminate sidewalks on the inside of the passive open space area (Court B). He felt that sidewalks here were unnecessary, and not having sidewalks would expand the open space area.

He also supported the request to allow Court B to have 24 ft. of paving on a 40 ft. right-of-way in lieu of the Public Works Policy and CMDP requirement to have 30 ft. of paving on a 50 ft. right-of-way. In addition, he felt that full paving and a right-of-way were not necessary because Court B serves only 6 lots.

He also supported the Developer's request for variance from the CMDP requirement to have vertical curbs along public roads. The Developer is proposing mountable curbs instead. He indicated that mountable curbs saved digging up vertical curbs for driveways when the homes are actually located on the lots.

Land Acquisition

The representative of the department indicated that the department had yet to confirm right-of-way issues along the border of this property and Honeygo Boulevard with the Office of Law. Apparently, this Developer is not purchasing Lots 30 and 31 or the beds of future Honeygo Boulevard. Honeygo is a County capital project and the County is acquiring all rights-of-way from others. Both the Developer and the County agreed to keep the record open for resolution of the issue. Neither the Developer nor the County waived its right to a hearing on this matter if the issue was not resolved.

On October 7, 2004, the Department sent an e-mail to the undersigned indicating that the County was pursuing a condemnation case against the owners of these lots which would clear this comment.

Zoning

The representative of the department indicated that the department temporarily approved the shortened version of the standard permit/allocation note now on Development Plan Sheet 3A, but required that the longer more comprehensive version, recommended by Zoning as shown on Zoning comments Item 2, dated September 15, 2004, be included on the Final Development

Plan. The Developer objected to the longer note regarding the requirement in that note, that the Final Development Plan will be amended after all approvals to include a copy of the official authorization letter. The Developer noted that there would be no reason to amend the Final Development Plan for this purpose and that the note given in Developer's Exhibit No. 3 has been the note added to prior approved plans.

Community Concerns

Mr. Rye indicated that he was a nearby property owner and attended the hearing for informational purposes. Mr. Libercci of the Perry Hall Improvement Association indicated that he had no issues or questions concerning the Development Plan and did not object to the Developer's requests for Public Works waivers and zoning variances.

Applicable Law

§ 32-4-228. SAME – CONDUCT OF THE HEARING.

(a) *Hearing conducted on unresolved comment or condition.*

- (1) The Hearing Officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed Development Plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan.
- (2) The Hearing Officer shall make findings for the record and shall render a decision in accordance with the requirements of this part.

(b) *Hearing conduct and operation.* The Hearing Officer:

- (i) Shall conduct the hearing in conformance with Rule IV of the Zoning Commissioner's rules;
- (ii) Shall regulate the course of the hearing as the Hearing Officer considers proper, including the scope and nature of the testimony and evidence presented; and
- (iii) May conduct the hearing in an informal manner.

§ 32-4-229. SAME – DECISION OF THE HEARING OFFICER.

(a) *Final decision.*

- (1) (i) The Hearing Officer shall issue the final decision within 15 days after the conclusion of the final hearing held on the Development Plan.
(iii) The Hearing Officer shall file an opinion which includes the basis of the Hearing Officer's decision.
- (2) If a final decision is not rendered within 15 days:
 - (i) The Development Plan shall be deemed approved as submitted by the applicant; and
 - (ii) The Hearing Officer shall immediately notify the participants that:
 1. The Development Plan is deemed approved; and
 2. The appeal period began on the fifteenth day after the conclusion of the final hearing.
- (b) *Appeals.* A final decision of the Hearing Officer on a Development Plan may be appealed to the Board of Appeals in accordance with Part VIII of this subtitle.
- (c) *Conditions imposed by Hearing Officer.*
 - (1) This subsection does not apply to a Development Plan for a Planned Unit Development.
 - (2) In approving a Development Plan, the Hearing Officer may impose any conditions if a condition:
 - (i) Protects the surrounding and neighboring properties;
 - (ii) Is based upon a comment that was raised or a condition that was proposed or requested by a participant;
 - (iii) Is necessary to alleviate an adverse impact on the health, safety, or welfare of the community that would be present without the condition; and
 - (iv) Does not reduce by more than 20 %:
 1. The number of dwelling units proposed by a residential Development Plan in a DR 5.5., DR 10.5, or DR 16 zone; or
 2. The square footage proposed by a non-residential Development Plan.
 - (3) The Hearing Officer shall base the decision to impose a condition on factual findings that are supported by evidence.

Prior Law Still Applicable Section 26-206 of the B.C.Z.R. Development Plan Approval.

- (b) The hearing officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated pursuant to section 2-416 et seq. of the Code, provided that the final approval of a plan shall be subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein.

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign 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. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Testimony and Evidence

The Developer offered Developer's Exhibit Nos. 3A and 3B, the Redline Development Plan, and indicated that it met all County regulations. Mr. Barhight proffered that the property was 20.1 acres in size and is zoned DR 3.5H. The Developer intends to build 29 single-family dwellings. However, the Developer is not purchasing lots 30 and 31 nor the road bed for future Honeygo Boulevard. These lots contain existing single-family dwellings that will remain. The remaining 29 lots are presently vacant and unimproved.

Mr. Barhight noted that the storm water management pond had been sized to accommodate the rainwater collected on site and a portion of future Honeygo Boulevard. He reiterated the comments from the representative of the Department of Public Works giving reasons to support the Public Works waivers and variance requests as above. He noted that the sidewalk and right-of-way waivers are identical to requests for variance under similar requirements of the CMDP. Again, these were unnecessary under the circumstances and would be a hardship on the Developer to requires these features. Similarly, he noted that if mountable curbs are not allowed, the standard vertical curbs would have to be remove in the area on the

new driveway after installation, when the new home is located and garage door located. This is wasteful.

Findings of Fact and Conclusions of Law

Recreation and Parks

In regard to the Developer's request to pay a fee in lieu of providing 20,150 sq. ft. of active local open space, the Department of Recreation and Parks and the Developer have agreed to the fee of \$43,322.50 which reflects the increased fees for such specified in Resolution 29-04. In addition, the Developer proposes to pay an additional \$3000.00 toward local recreation and parks programs for a total of \$46,322.50. The reason given for the request is that there is no suitable land available on which this open space can be provided. I note that the Department recommends the waiver and that the Developer proposes to provide the passive open space of 15,434 sq. ft. as shown on Developer's exhibit 3A, whereas only 10,850 sq. ft. are required. Taken together, I find that the Developer's request to pay a fee of \$46,322.50 is most reasonable and I will grant the waiver.

Public Works Policy Waivers and Variances

In regard to the Developer's request to waive the Public Works Policy and CMDP requirements of sidewalks along a portion of the south side of Court B north of Road A, I find that sidewalks here are unnecessary and that the lack of such will enhance the new community by providing larger open space and less impervious surface. Public Works supports the waiver and variance.

In regard to the Developer's request to waive the Public Works Policy and CMDP requirements of 30 ft. of paving on 50 ft. of right-of-way along Court B, I find that the Developers proposal to have 24 ft. of paving on a 40 ft. right-of-way, for approximately 350 LF of Court B, to be most reasonable in light of the fact that Court B serves only six lots. The wider

road is unnecessary and the lack of such will result in less impervious surface. Public Works support these waivers and variances.

Finally, in regard to the Developer's request to allow mountable curbs in lieu of the CMDP requirement to install vertical curbs, I will approve this request as it would be simply wasteful for the Developer to install concrete vertical curbs to complete the roads, only to be jack hammered out where the new home's garage requires a driveway for access. Mountable curbs make much more sense in this case.

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Particularly, the sidewalk and right-of-way waivers are identical to a request for variance under similar requirements of the CMDP. Again, these were unnecessary under the circumstances and would be a hardship on the Developer to require these features. Similarly, he noted that if mountable curbs are not allowed, the standard vertical curbs would have to be removed after installation, when the new home and garage is located. This is wasteful.

Finally, in regard to the issue of the note required by Zoning which notifies the public that building permits will not be issued until allocation letters are approved, I am satisfied that the shorter note now on the Development Plan adequately notifies the public that building permits will not be issued until allocation letters are approved. I will not require the Developer to amend its Final Development Plan simply to add the longer note.

Considering all of the testimony and evidence, I find that the Development Plan marked as Developer's Exhibit No. 1, complies with the development regulations and applicable policies, rules and regulations promulgated pursuant to Section 3-7-203 et seq. of the Baltimore County Code. I further find that final approval of this plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Therefore, I will approve the

Development Plan.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 4 day of November, 2004, that the Developer's requests for variance set forth as follows:

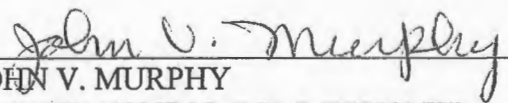
1. from Section 259.9.G.3 and Section 504.2 and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies, to allow for concrete mountable curbs in lieu of the requirement for standard vertical concrete curbs;
2. from Section 259.9.G.3 and Section 504.2 and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies, to allow for sidewalk on only one side of a public street in lieu of the requirement for sidewalk on both sides of a public street; and
3. from Section 259.9.G.3 and Section 504.2 and p. 29 of Part III, Division VI, Section E of the Comprehensive Manual of Development Policies, to allow 500 linear ft. of 24' pavement width on a 40' right-of-way in lieu of the requirement for 30' pavement on a 50' right-of-way.

be and are hereby GRANTED; and

IT IS FURTHER ORDERED that in regard to the Developer's request to pay a fee in lieu of providing 20,150 sq. ft. of active local open space of \$46,322.50, be and it is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Redline Development Plan known as the "Forge Reserve", submitted into evidence as "Developer's Exhibit Nos. 3A and 3B", be and it is hereby APPROVED.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj



KEVIN KAMENETZ
County Executive

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

January 22, 2015

Mary C Kraft
4323 Forge Road
Perry Hall MD 21128

RE: Case Number: 2015-0080 SAH, Address: 4323 Forge Road

Dear Ms. Kraft:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 20, 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: jaw

Enclosures

c: People's Counsel
Doug Eshelman, Patapsco Builders LLC, 5300 Dorsey Hall Drive, Suite 102, Ellicott City MD 21042
John Motsco P E, Little & Associates Inc., 1055 Taylor Avenue, Suite 307, Towson MD 21286

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



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

Date: 11/3/14

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

RE: Baltimore County
Item No 2015-0080-SAH
Special Variance Howeygo
Robert C. & Mary C. Kraft
4323 Forge 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. 2015-0080-SAH.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

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

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 17, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For November 03, 2014
Item No. 2015-0080, 0098, 0100, 0102 and 0103

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\ZAC11102014 -.doc



KEVIN KAMENETZ
County Executive

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

February 5, 2015

Howard Alderman, Esq.
Levin & Gann
502 Washington Avenue, Suite 800
Towson, MD 21204-5025

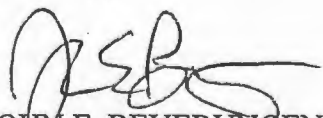
RE: Development Plan Hearing and Petition for Special Variance (Honeygo)
Forge Reserve / 4323 Forge Road
HOH Case No. 11-0955 and Zoning Case No. 2015-0080-SAH

Dear Mr. Alderman:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Jason Walsh, 4 Kyle Creek Ct., Perry Hall, MD 21128

IN RE: DEVELOPMENT PLAN HEARING & *
PETITION FOR SPECIAL VARIANCE *

(HONEYGO) – (4323 Forge Road) *

11th Election District

5th Councilmanic District *

(FORGE RESERVE) *

Robert Kraft, *Owner*

Patapsco Builders, LLC, *

Contract Purchaser

Nuttal Avenue, LLC, *Developer* *

BEFORE THE OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

HOH Case No. 11-0955 &

Zoning Case No. 2015-0080-SAH

* * * * *

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

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code ("B.C.C."). Howard Alderman, Esquire, with Levin & Gann, on behalf of Robert Kraft, the *owner* of the subject property, Patapsco Builders, LLC, the *contract purchaser*, and Nuttal Avenue, LLC, the *developer* of the subject property (hereinafter "the Developer"), submitted for approval a two-sheet redlined Development Plan ("Plan") prepared by Little & Associates, Inc., known as "Forge Reserve." In addition, the Developer has filed a Petition for Special Variance (Honeygo) seeking re-subdivision and amendment to the Final Development Plan (FDP) for Forge Reserve, Original Lot 31 only, which will be discussed in the Order.

The Developer proposes six (6) single family detached homes situated on Lot 31 of Forge Reserve, being a 1.9206 acre portion of the larger 20.61 acre tract of D.R. 3.5 H zoned land formerly approved as the 1st Refined (Amended) Development Plan. In other words, Lot 31 is currently improved with a single family dwelling, and the plan is to raze that dwelling and construct six (6) single family dwellings; a net gain of five (5) lots. The Development Plan for Forge Reserve and Zoning Case No. 05-047-A were approved November 4, 2004. The 1st Amended Development Plan

for Forge Reserve was approved July 27, 2007.

ORDER RECEIVED FOR FILING

Date 2-5-15

100.7

Details of the proposed development are more fully depicted on the redlined two-sheet Development Plan that was marked and accepted into evidence as Developer's Exhibit 1A and 1B. The property was posted with the Notice of Hearing Officer's Hearing and Zoning Notice, both on December 29, 2014 for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. The undersigned conducted the hearing on January 29, 2015, at 10:00 AM, Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

In attendance at the Hearing Officer's Hearing (HOH) in support of the Plan on behalf of the Developer was Doug Eshelman. Also in attendance was G. Dwight Little, P.E., with Little & Associates, Inc., the consulting firm that prepared the site plan. Howard Alderman, Esquire, with Levin & Gann, appeared and represented the Developer. Jason Walsh, from the Forge Reserve Homeowners Association (HOA), attended the hearing to express certain concerns regarding the project, although he indicated that association did not oppose the project. In addition, People's Counsel Mr. Zimmerman submitted a letter outlining several legal issues, which will be discussed in detail below.

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the hearing, including the following individuals from the Department of Permits, Approvals and Inspections (PAI): Jan Cook, Project Manager, Dennis A. Kennedy and Jean M. Tansey (Development Plans Review [DPR]), Brad Knatz, Real Estate Compliance, and Bruno Rudaitis (Office of Zoning Review). Also appearing on behalf of the County were Jeff Livingston from the Department of Environmental Protection and Sustainability (DEPS), and Lloyd T. Moxley from the Department of Planning (DOP).

Under the County Code, I am required first to identify any unresolved comments or issues as of the date of the hearing. At the hearing, each of the Baltimore County agency representatives

ORDER RECEIVED FOR FILING

Date 2-5-15

identified above indicated that the redlined Development Plan (marked as Developer's Exhibit No. 1A and 1B) addressed any comments submitted by their agency, and they each recommended approval of the Plan. Counsel provided a Pattern Book for the development (Developer's Exhibit 2), which according to Mr. Moxley, has been approved by the DOP. Mr. Moxley also presented a school analysis (Baltimore County Exhibit 2) indicating that the area schools are not overcrowded using state guidelines. Ms. Tansey, the County's landscape architect, indicated the Developer will provide a payment of \$17,200.00 in lieu of providing the Local Open Space (i.e., 5,000 sq. ft.) required by the regulations. Baltimore County Exhibit 1.

In the "formal" portion of the case, the Developer presented one witness, G. Dwight Little, a professional engineer accepted as an expert. Mr. Little described in detail the project, and also provided testimony concerning the "special variance" for the Honeygo allocations. Mr. Little testified the site density would allow for 72 units, while the Developer proposes to construct a total of 36 single family dwellings; i.e., 31 existing, plus five (5) additional lots as sought in this hearing. The witness explained that the prior Development Plan noted that Lot 31 would be reserved for "future development," and he opined the Developer satisfied all Baltimore County rules and regulations.

The Baltimore County Code provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." B.C.C. § 32-4-229. After due consideration of the testimony and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the Plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the Development Plan. There remains to be considered two (2) zoning issues which will be discussed below.

ORDER RECEIVED FOR FILING

Date 2-5-15

By 19W

ZONING REQUESTS AND ISSUES

The first request seeks to amend the Final Development Plan (FDP) for Forge Reserve. Since that development has been constructed, the Developer must satisfy the requirements of B.C.Z.R. § 1B01.3.A.7. In that regard, Mr. Little opined that the proposal is consistent with the Comprehensive Manual of Development Policies (C.M.D.P), and he noted the project was supported by the DOP. Mr. Little also noted that the proposal is consistent with the earlier plan, which contained a notation that Lots 30 and 31 were reserved for future development. He also testified the proposal is consistent with the spirit and intent of the B.C.Z.R., and satisfies the requirements of B.C.Z.R. § 502.1. As such, this aspect of the Petition will be granted.

The Developer also filed a Petition for Special Variance (Honeygo) seeking relief from § 259.7.E.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to §§ 259.8 and 4A02.4.G of the B.C.Z.R., to determine whether or not the Administrative Law Judge (ALJ) could approve a re-subdivision of 4323 Forge Road (Original Lot 31) into five additional lots (issue five authorizations) when no Belair Road Subarea authorizations are available.

As noted by Mr. Zimmerman in his January 27, 2015 correspondence, a special variance from the standards established in § 259.7 is available only if the property is "bisected by two or more subareas identified in § 259.7, or property that is the subject of a concept plan ... accepted for filing ... prior to August 4, 2003." B.C.Z.R. § 259.8. Here, the property is not bisected by two subareas, and the concept plan for Forge Reserve was filed on or about November 13, 2003, according to a date-stamped copy of the plan in the development file (accompanied by a cover transmittal from D.S. Thaler & Associates, Inc. of the same date). As such, the "Zoning Commissioner may not grant a variance" under these circumstances (§ 259.8), and this aspect of the zoning petition will be denied.

ORDER RECEIVED FOR FILING

Date 2-5-15

By (signature)

But it may be that special variance relief is not required in the first instance. As an initial matter, Mr. Alderman contends (I think correctly) that the Honeygo Area authorizations is a matter that is considered only upon building permit application, not plan approval, per B.C.Z.R. § 259.7.B and C. More importantly, the Honeygo regulations "have no effect on any application for a building permit within the area unless one of the capital projects listed in this section is included in the annual six-year capital budget" B.C.Z.R. § 259.7.R. Petitioner submitted an affidavit from Mr. Alderman's assistant, which also references an attached e-mail from Councilman David Marks. Exhibit 2. Based on these documents, it would appear as if none of the capital projects for the Belair Road subarea (B.C.Z.R. § 259.7.E.4.b) are included in the capital budget. As such, it would appear as if the Honeygo Area regulations would not be applicable in this case, although that is a matter ultimately decided by the Director of PAI.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, the "Forge Reserve" Development Plan shall be approved.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 5th day of February, 2015, that the "**FORGE RESERVE**" redlined Development Plan, marked and accepted into evidence as Developer's Exhibit 1A and 1B, be and is hereby **APPROVED**.

IT IS FURTHER ORDERED that the Final Development Plan (FDP) for Forge Reserve, Original Lot 31 ONLY, be and is hereby AMENDED to reflect the resubdivision of Lot 31 into six (6) lots, as shown on the Development Plan marked as Developer's Exhibit 1A and 1B;

IT IS FURTHER ORDERED that the Petition for Special Variance (Honeygo) seeking relief from § 259.7.E.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to §§ 259.8 and

4A02.4.G of the B.C.Z.R., to determine whether or not the Administrative Law Judge (ALJ) could
ORDER RECEIVED FOR FILING

Date 2-5-15

By OW

approve a re-subdivision of 4323 Forge Road (Original Lot 31) into five additional lots (issue five authorizations) when no Belair Road Subarea authorizations are available, be and is hereby DENIED.

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



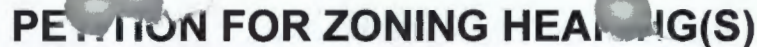
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 2-5-15

By DW



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

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

REV. 10/4/11

ZONING DESCRIPTION FOR
#4323 FORGE ROAD

Beginning at a point on the ^{south}~~north~~ side of Forge Road, which has a variable width, at the distance of 66 feet east of the centerline of Honeygo Boulevard, which is 84 feet wide. Being Lot #31 in the subdivision of Forge Reserve as recorded in Baltimore County Plat Book S.M. 78 folio 103, containing 1.9206 acres, more or less. Located in the 11th Election District and 5th Council District.



James G. Wiest
Registered No.: 21390
License Expiration Date: 2-5-16

Item #0080

**CASHIER'S
VALIDATION**



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 2927577

Sold To:

Patapsco Buildings Inc - CU00403280
5300 Dorsey Hall Drive Ste102
Ellicott City, MD 21042

Bill To:

Patapsco Buildings Inc - CU00403280
5300 Dorsey Hall Drive Ste102
Ellicott City, MD 21042

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

Dec 30, 2014

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

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: # 2015-0080-SAH	
4323 Forge Road	
S/s Forge Road, 66 ft. E/of centerline of Honeygo Blvd.	
11th Election District - 5th Councilmanic District	
Legal Owner(s) Mary Kraft	
Contract Purchaser/Lessee: Doug Esheiman, Patapsco Builders, LLC	
Honeygo Special Variance: to approve a re-subdivision of 4323 Forge Road (Original Lot 31) into five additional lots (Issue five authorizations) when no Belair Road subarea authorizations are available, to amend the Final Development Plan (FTD) for Forge Reserve, Original Lot 31 only, and for any such other and further relief as the Administrative Law Judge may deem necessary.	
Hearing: Thursday, January 29, 2015 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 12/926 December 30	2927577

CERTIFICATE OF POSTING

Date: 12-29-14

RE: Case Number: 2015-0080-SAH

Petitioner/Developer: Patapasco Builders LLC

Date of Hearing/Closing: 1-29-15 - 10 AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4323 Forge Rd

The signs(s) were posted on 12-29-14
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2015-0083-SAH

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

PLACE: JEFFERSON BLDG, ROOM 205
105 W. MESA DRIVE AVE. TOWSON, MD 21204

DATE AND TIME: THURS JAN 29 2015 10 AM

REQUEST: REZONE STEAK WAGON

TO A ZONING DISTRICT OF C-22 FROM C-22

TO A ZONING DISTRICT OF C-22 FROM C-22

TO A ZONING DISTRICT OF C-22 FROM C-22

TO A ZONING DISTRICT OF C-22 FROM C-22

TO A ZONING DISTRICT OF C-22 FROM C-22

TO A ZONING DISTRICT OF C-22 FROM C-22

TO A ZONING DISTRICT OF C-22 FROM C-22

TO KEEP NEARBY TRUCKS AND BUSES FROM PENALTY

TO KEEP NEARBY TRUCKS AND BUSES FROM PENALTY

TO KEEP NEARBY TRUCKS AND BUSES FROM PENALTY

TO KEEP NEARBY TRUCKS AND BUSES FROM PENALTY

TO KEEP NEARBY TRUCKS AND BUSES FROM PENALTY



KEVIN KAMENETZ
County Executive
December 1, 2014

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

CORRECTED 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: 2015-0080-SAH

4323 Forge Road

S/s Forge Road, 66 ft. E/of centerline of Honeygo Blvd.

11th Election District – 5th Councilmanic District

Legal Owners: Mary Kraft

Contract Purchaser/Lessee: Doug Eshelman, Patapsco Builders, LLC

Honeygo Special Variance to approve a re-subdivision of 4323 Forge Road (Original Lot 31) into five additional lots (issue five authorizations) when no Belair Road Subarea authorizations are available, to amend the Final Development Plan (FDP) for Forge Reserve, Original Lot 31 only, and for any such other and further relief as the Administrative Law Judge may deem necessary.

Hearing: Thursday, January 29, 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: Doug Eshelman, 5300 Dorsey Hall Drive, Ste. 102, Ellicott City 21042
Mary Kraft, 4323 Forge Road, Perry Hall 21128
John Motsco, Little & Assoc., 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 2, 2015.**
- (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, December 30, 2014 Issue - Jeffersonian

Please forward billing to:

Doug Eshelman
Patapsco Builders, Inc.
5300 Dorsey Hall Drive, Ste. 102
Ellicott City, MD 21042

410-456-0999

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: 2015-0080-SAH

4323 Forge Road

S/s Forge Road, 66 ft. E/of centerline of Honeygo Blvd.

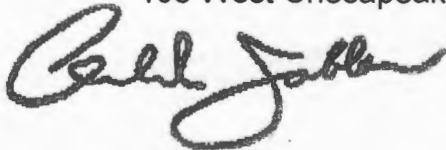
11th Election District – 5th Councilmanic District

Legal Owners: Mary Kraft

Contract Purchaser/Lessee: Doug Eshelman, Patapsco Builders, LLC

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Hearing: Thursday, January 29, 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
November 12, 2014

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

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: 2015-0080-SAH

4323 Forge Road

S/s Forge Road, 66 ft. E/of centerline of Honeygo Blvd.

11th Election District – 5th Councilmanic District

Legal Owners: Mary Kraft

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Hearing: Monday, December 22, 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: Doug Eshelman, 5300 Dorsey Hall Drive, Ste. 102, Ellicott City 21042
Mary Kraft, 4323 Forge Road, Perry Hall 21128
John Motsco, Little & Assoc., 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 2, 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, December 2, 2014 Issue - Jeffersonian

Please forward billing to:

Doug Eshelman
Patapsco Builders, Inc.
5300 Dorsey Hall Drive, Ste. 102
Ellicott City, MD 21042

410-456-0999

NOTICE OF ZONING HEARING

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CASE NUMBER: 2015-0080-SAH

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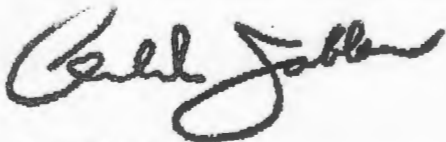
11th Election District – 5th Councilmanic District

Legal Owners: Mary Kraft

Contract Purchaser/Lessee: Doug Eshelman, Patapsco Builders, LLC

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Hearing: Monday, December 22, 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.

RE: PETITION FOR SPECIAL VARIANCE	*	BEFORE THE OFFICE
4323 Forge Road; S/S Forge Road, 66' E		
Of c/line of Honeygo Boulevard	*	OF ADMINSTRATIVE
11 th Election & 5 th Councilmanic Districts		
Legal Owner(s): Robert & Mary Kraft	*	HEARINGS FOR
Contract Purchaser(s): Patapsco Builders LLC,		
Doug Eshelman	*	BALTIMORE COUNTY
Petitioner(s)	*	2015-080-SAH

* * * * *

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

NOV 08 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 6th day of November, 2014, a copy of the foregoing Entry of Appearance was mailed to John Motsco, P.E., Little & Associates, Inc, 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2015-0080 - SAH

Property Address: 4323 Forge Road, Perry Hall, MD 21128

Property Description: Property is at the southeast corner of the intersection of Forge Rd and
Honeygo Blvd

Legal Owners (Petitioners): Robert C. Kraft & Mary C. Kraft

Contract Purchaser/Lessee: Patapsco Builders, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Doug Eshelman

Company/Firm (if applicable): Patapsco Builders, LLC

Address: 5300 Dorsey Hall Drive, Suite 102

Ellicott City, MD 21042

Telephone Number: (410) 456-0999

Revised 5/20/2014

Lot # 2

Pt. Bk./Folio # MP98136

Lot # 3 2500001000
PDM #150749

111C2

Pt. Bk. 0000010, Folio 0097

DR 5.5
15 ED

Lot # 2
1503670600

SE 7-H
7 CD

Pt. Bk./Folio # 010097

NOT LOCATED

111C3

Lot # 4
2500011506

Pt. Bk. 0000079, Folio 0431

Lot # J2 1501500571

1501500560

1501500570

Lot # 1J

Lot # 2

1510451150

1506572550

2426

Lot # 1J 1522250450

2424

Lot # 1J 1522250451

Pt. Bk./Folio # 008082

Lot # J1 1522000941

2416

PDM #158014

Lot # J1 1522000941

2200025989

2414

Lot # J1 1519320840

2412

56700 - 20060646

2408

56699 - 20060645

1800002938

Lot # 1J

1505430590

2406

52622 - 19780056

2404

1504351310

2322

2320

LOTGE FARM RD

NOT LOCATED

NOT LOCATED

1700014984

Lot #2146X

Lot #2116

Lot #2118

1800004981

1800004683
Lot # 2120

1800004683
Lot # 2120

1800004681

1800004681

Lot # 2124
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Lot # 2126
1800004682

Lot # 2126
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Lot # 2128
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Lot # 2130
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52662 - 19870009

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Lot # 2130

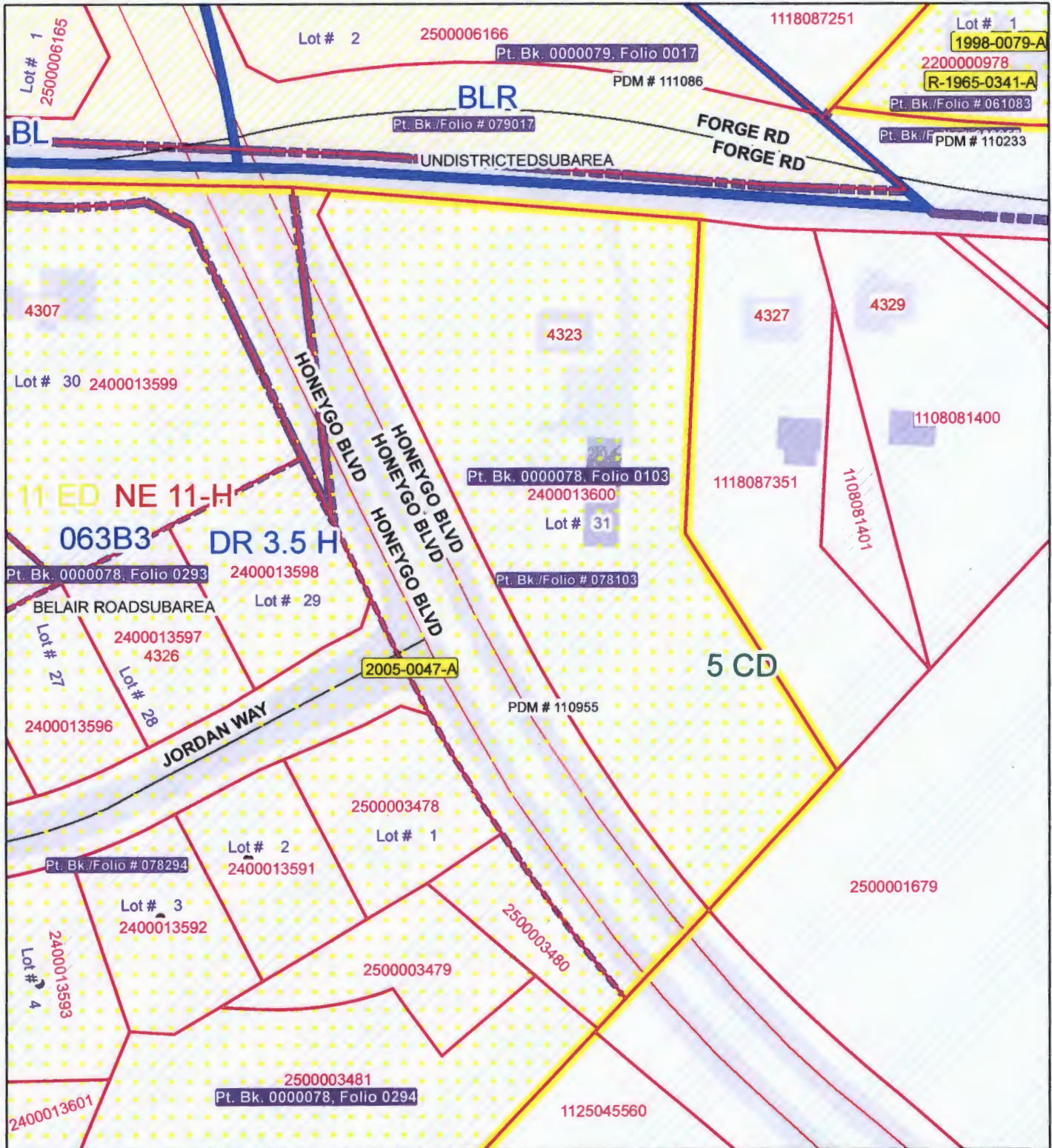
7837 - 19730279

2403

Lot # 2132 7500

7500

4323 Forge Road



Publication Date: 10/6/2014



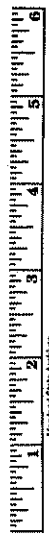
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item #0080



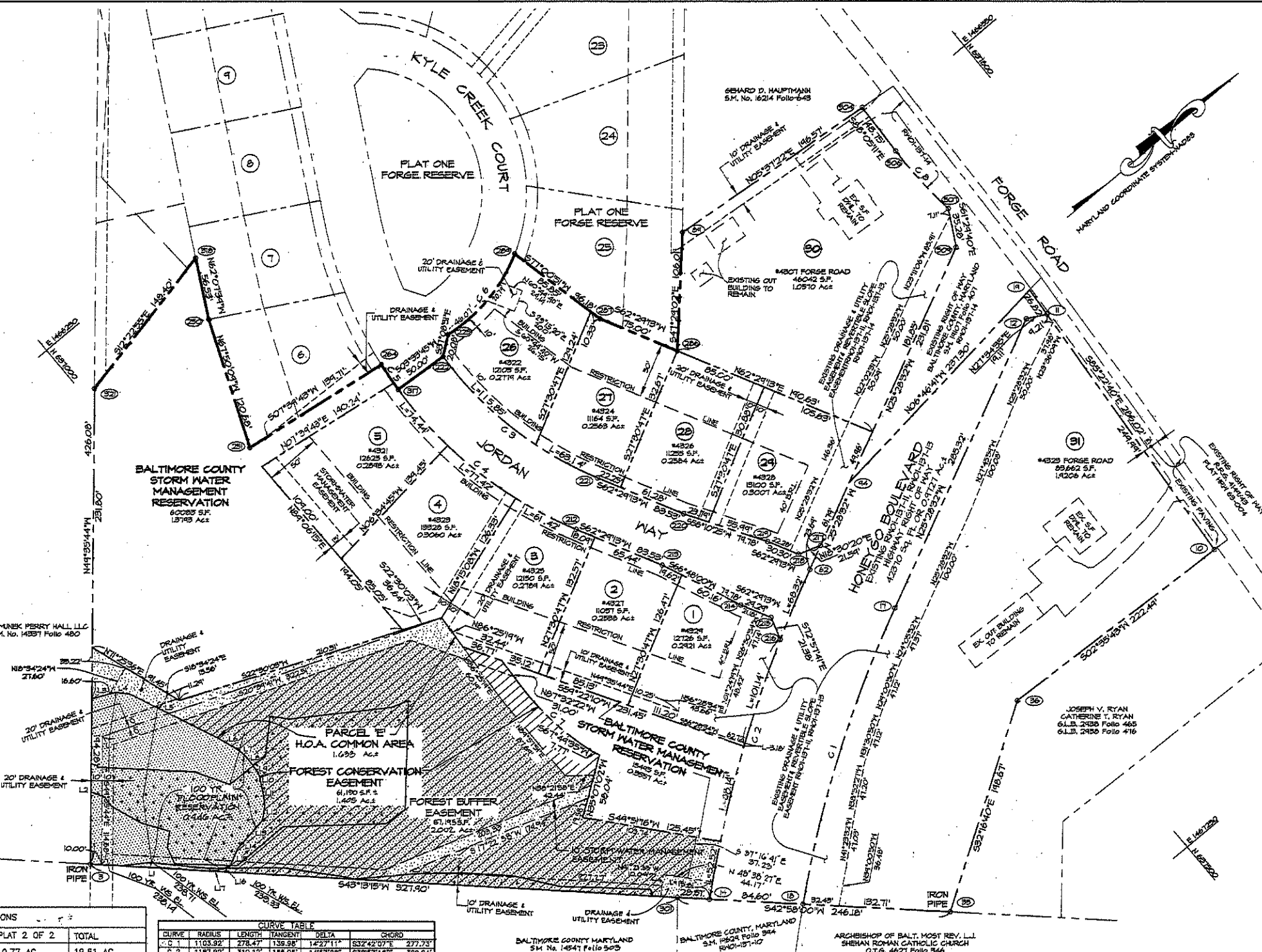
COORDINATE LIST		
POINT	NORTHING	EASTING
1	63754.7780	1486628.5280
2	63754.7780	1487081.5075
3	63754.7780	1487081.5075
4	63754.7780	1487081.5075
5	63754.7780	1487081.5075
6	63754.7780	1487081.5075
7	63754.7780	1487081.5075
8	63754.7780	1487081.5075
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40	63754.7780	1487081.5075
41	63754.7780	1487081.5075
42	63754.7780	1487081.5075
43	63754.7780	1487081.5075
44	63754.7780	1487081.5075
45	63754.7780	1487081.5075
46	63754.7780	1487081.5075
47	63754.7780	1487081.5075
48	63754.7780	1487081.5075
49	63754.7780	1487081.5075
50	63754.7780	1487081.5075

FLOODPLAIN RESERVATION LINE TABLE		
LINE	BEARING	LENGTH
L1	S 43° 13' 18" W	107.93'
L2	N 49° 35' 44" E	147.92'
L3	N 24° 27' 51" E	22.12'
L4	N 45° 58' 01" E	12.73'
L5	N 85° 34' 20" E	87.88'
L6	N 70° 21' 23" E	22.91'
L7	N 82° 21' 21" E	6.13'
L8	S 87° 02' 24" E	13.88'
L9	S 80° 18' 26" E	6.42'
L10	S 62° 03' 22" E	12.83'
L11	S 19° 25' 56" E	13.91'
L12	S 40° 30' 00" E	13.78'
L13	S 09° 01' 34" E	22.88'
L14	S 07° 33' 50" E	10.23'
L15	S 25° 51' 44" E	17.46'
L16	S 21° 02' 11" W	10.20'
L17	S 31° 39' 08" W	7.93'

DENSITY CALCULATIONS		
DESCRIPTION	PLAT 1 OF 2	PLAT 2 OF 2
AREA GROSS	8.84 AC.	10.77 AC.
AREA NET	9.38 AC.	11.23 AC.
ZONING DR-3.5H	8.84 AC.	10.77 AC.
DWELLING UNITS ALLOWED	3,5X8.84=30.94	3,5X10.77=37.70
DWELLING UNITS PROPOSED	20 UNITS	11 UNITS
PROPOSED ACTIVE OPEN SPACE REQUIRED	20X850=17,000 SF	11X850=9,350 SF
PROPOSED PASSIVE OPEN SPACE PROVIDED	15,434 SF	15,434 SF
PARKING SPACES REQUIRED	20 X 2 = 40 SPACES	11 X 2 = 22 SPACES
PARKING SPACES PROVIDED	40 SPACES	22 SPACES

DESIGN AND DRAWING BASED ON STATIONS:		
STATION	NORTHING	EASTING
GIS-130	636666.15	1461133.75
GIS-132	632149.47	1471473.60

MARYLAND COORDINATE SYSTEM	HORIZONTAL - NAD 83
VERTICAL - NAVD 88	



CURVE TABLE		
CURVE	RADIUS	LENGTH
C 1	1103.92	278.47
C 2	1187.92	310.12
C 3	330.00	78.98
C 4	380.00	90.10
C 5	380.00	71.18
C 6	150.00	35.46
C 7	237.20	84.45
C 8	426.14	70.18

OWNERS CERTIFICATE:

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS 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 CONCERN THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.

Anna M. Dietz 7/6/05
ANNA M. DIETZ DATE

Robert C. Kraft 7/6/05
ROBERT C. KRAFT DATE

Mary C. Kraft 7/6/05
MARY C. KRAFT DATE

Paul Ambrault 7/6/05
PAUL AMBRAULT (MANAGING MEMBER) DATE

SURVEYORS CERTIFICATE:

THE UNDERSIGNED, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE PLAT 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 THE ANNOTATED CODE OF MARYLAND PARTICULARLY INsofar AS SAME CONCERN THE MAKING OF PLAT AND SETTING OF MARKERS.

Bernard F. Unseweyer III 7/6/05
BERNARD F. UNSEWEYER III PROP. S. 503 DATE

DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

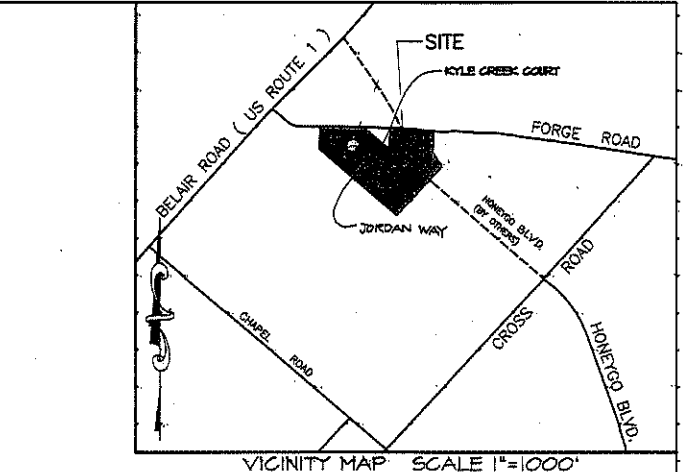
James E. V. Ryan 4/26/06
DIRECTOR DATE

Walter J. Knepper 4/26/06
DIRECTOR DATE

DEVELOPER

MLH DEVELOPMENT LLC
11836 BELAIR ROAD, P.O. BOX 218
KINGSDALE, MD 21087

COMPUTED BY: DRH
CHECKED BY: BFL
DRAWN BY: MCM
P.L.:



- NOTES:**
- HIGHWAYS AND HIGHWAY WIDENINGS, SLOPE EASEMENTS, DRAINAGE AND UTILITY EASEMENTS, ACCESS EASEMENTS, FOREST BUFFER AND FOREST CONSERVATION AREAS IN FEE OR EASEMENTS, GREENWAY AREAS IN FEE OR EASEMENT, AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON ARE RESERVED UNTO THE OWNER AND, EXCEPT FOR THOSE INDICATED AS PRIVATE, ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE OWNER OR HIS PERSONAL REPRESENTATIVES AND ASSIGNS WILL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST, UNTIL SUCH TIME AS SAID CONVEYANCE IS ACCEPTED BY BALTIMORE COUNTY. THE OWNER AUTHORIZES BALTIMORE COUNTY, ITS AGENTS AND ASSIGNS, THE RIGHT TO ENTER UPON THE PROPERTY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING AND REPAIRING ROADS, UTILITY LINES AND FACILITIES, AND STORMWATER MANAGEMENT PONDS AND FACILITIES.
 - STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF 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 BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
 - THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY CODE, SECTION 32-4-273.
 - 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 DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT AND THE DEPARTMENT OF PUBLIC WORKS.
 - THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THE PLAT.
 - THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES ADOPTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
 - THE DEVELOPMENT PLAN FOR THE PROPERTY SHOWN ON THIS PLAT WAS APPROVED ON 12/17/2004 EXCEPT AS OTHERWISE INDICATED. ALL BUILDING RESTRICTION LINES SHOWN HEREON HAVE BEEN PLACED AS A RESULT OF AN INTERPRETATION ONLY OF CURRENT APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT. EXCEPTIONS TO THESE RESTRICTIONS MAY APPLY.
 - ROADS, STORMDRAINS AND UTILITIES HAVE BEEN DESIGNED BY A PROFESSIONAL ENGINEER (DAVID A. HAMIL, MD. P.E. #22056).
 - THIS SITE IS LOCATED IN THE HONEYGO RUN WATERSHED.
 - DEED REFERENCE: GLE 2281/305, OTG 4716/42, SM 17808/716, SM 11212/555.560.
 - TAX ACCOUNT NUMBERS: 1104035725, 1111078780, 1800009130, 1600009134, 1600009135, 1600009136, 1600009137, 1600009138, 1600009139, 1600009140, 1600009141, 1600009142, 1600009143, 1600009144, 1600009145, 1600009146, 1600009147, 1600009148, 1600009149, 1600009150, 1600009151, 1600009152, 1600009153, 1600009154, 1600009155, 1600009156, 1600009157, 1600009158, 1600009159, 1600009160, 1600009161, 1600009162, 1600009163, 1600009164, 1600009165, 1600009166, 1600009167, 1600009168, 1600009169, 1600009170, 1600009171, 1600009172, 1600009173, 1600009174, 1600009175, 1600009176, 1600009177, 1600009178, 1600009179, 1600009180, 1600009181, 1600009182, 1600009183, 1600009184, 1600009185, 1600009186, 1600009187, 1600009188, 1600009189, 1600009190, 1600009191, 1600009192, 1600009193, 1600009194, 1600009195, 1600009196, 1600009197, 1600009198, 1600009199, 1600009200.
 - THIS SITE IS LOCATED IN SEWERSHED #14.
 - TOTAL AREA OF LOTS = 5.741 AC.±.
 - TOTAL AREA OF HIGHWAY ACQUISITION = 1.8764 AC. ±.
 - THE APPROVAL OF THIS PLAT 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 AND SEWER FACILITIES ARE COMPLETED AND DETERMINED TO BE ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.
 - THE LOTS CREATED BY THIS SUBDIVISION PLAT ARE SUBJECT TO A FEE OR ASSESSMENT TO COVER OR DEFERR ALL OR PART OF THE DEVELOPER'S COST OF INSTALLATION OF WATER AND SEWER FACILITIES, PURSUANT TO THE BALTIMORE COUNTY CODE, SECTION 32-4-310. THIS FEE OR ASSESSMENT, WHICH RUNS WITH THE LAND, IS A CONTRACTUAL OBLIGATION BETWEEN THE DEVELOPER AND EACH OWNER OF THIS PROPERTY AND IS NOT IN ANY WAY A FEE OR ASSESSMENT OF BALTIMORE COUNTY.
 - CBS = CAPPED IRON BAR SET
 - THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENTS AND FOREST BUFFER EASEMENTS EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
 - ANY FOREST CONSERVATION EASEMENT OR FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
 - A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS TO ALLOW A REDUCTION OF THE FOREST BUFFER EASEMENT. CONDITIONS WERE PLACED ON VARIANCE TO REDUCE WATER QUALITY IMPACT. THESE CONDITIONS INCLUDE, BUT WERE NOT LIMITED TO PERMANENT FENCING AND POSTING PROTECTIVE SIGNAGE ALONG THE FOREST BUFFER EASEMENT AS WELL AS ESTABLISHING BOTH GOOD VEGETATIVE COVER AND REFORESTATION IN THE FOREST BUFFER EASEMENT.
 - THE PROPOSED DWELLING AND DEVELOPMENT ARE LOCATED WITHIN THE HONEYGO OVERLAY DISTRICT H AND ARE LOCATED WITHIN THE 'BELAIR ROAD SUBAREA'. THE DWELLINGS AND DEVELOPMENT ARE SUBJECT TO THE APPLICABLE HONEYGO OVERLAY DISTRICT H AND BELAIR ROAD SUBAREA PERFORMANCE STANDARDS, THE CHOP, THE COUNTY LANDSCAPE MANUAL, AS WELL AS OTHER BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES, PURSUANT TO SECTION 259.96, 259.96.3, 260, 409 AND SECTION 802, 802R. THE PROPOSED DWELLINGS AND DEVELOPMENT WILL COMPLY WITH ALL OF THE FOREMENTIONED STANDARDS AND GUIDELINES.
 - NO BUILDING PERMITS WILL BE ISSUED WITHOUT ALLOCATION LETTERS.
 - POTENTIAL HOMEOWNERS SHOULD BE AWARE THAT BALTIMORE COUNTY RECREATION AND PARKS OWNS PROPERTY TO THE SOUTH SIDE OF THIS SITE, WHICH WILL BE DEVELOPED AS ACTIVE RECREATIONAL FACILITIES INCLUDING LIGHTED FIELDS. COPIES OF THE HONEYGO PARK PLANS ARE AVAILABLE AT THE BALTIMORE COUNTY RECREATION AND PARKS OFFICE, 301 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.
 - PARCEL E TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

FORGE RESERVE

PLAT 2 OF 2

11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1"=50'
DATE: JUNE, 2005

D. S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD, P.O. BOX 47428
BALTIMORE, MD 21244-7428
(410) 944-3647

SM 78-103

103

Filed for record
Date: 7/6/05
Test: *Signature*
Clerk

Item #0080

