

BAL HARBOR VILLAGE

96 Bal Cross Drive – New Replacement SFR

Planning & Zoning Comments (MMPA)

BHV Project No.: ARB2026-0008

#1 ARB Plans Dated: 3-25-26 / #1 ARB Plans Recd. by MMPA: 3-31-26

MMPA #1 ARB Comments: 4-03-26

#2 ARB Plans Dated: 4-16-26 / #2 ARB Plans Recd. by MMPA: 4-21-26

MMPA #2 ARB Comments: 4-22-26

Site Data Information

Lot Size = 9,859+/- square feet / 0.22 acres

Zoning District: R-2

Lot Dimensions = (North) Street @ 89.00' width / (South) Rear @ 66.00' width
(West) Side @ 134.41' length / (East) Side @ 121.01' length

Proposed House Size = 2-story / 7,213 gross sq. ft.+/-

Bldg. Hgt. = 25'+/- (Allowed 30')

1. **Original Comment 4/03/26** - In general, the ARB application is deemed incomplete at this time, as several basic submittal plans noted in the Code / ARB application form checklist are missing. For example, there are no Landscaping Plans or Preliminary Civil Engineering Plans or calculations. These are not to be submitted at time of permitting – if the site drainage / filling does not work up-front the site plan will be invalid. The applicant must demonstrate the landscaping design meets minimum Code requirements (Ch. 18A & Ch. 18B MD Code) as well as sufficient upgrades typical to BHV quality.

Updated Comment 4/22/26 - The resubmittal plan set includes a Landscape Plan, but no Civil Engineering / Drainage plans. The architect's response states only: "See New Landscape Plans".

2. **Original Comment 4/03/26** - The survey submitted does not include a calculated lot area as required. The MDPA website notes the lot area is 10,337 SF in size; however, it is known their info is not always accurate. Based on the lot dimensions shown MMPA feels the lot area is somewhat less (9,897+/-). Since an accurate lot area is paramount to determining the allowable building lot coverage / open space the surveyor must provide a calculated lot area, especially since the lot is odd-shaped (pie). There is a table on the survey with 4 "C" dimensions but only C-1 (89.00') is shown on the survey map for the lot.

Updated Comment 4/22/26 - The applicant's response states an updated survey was included. However, the survey in the resubmittal package appears to be the same as the original and still does not include a Lot Area calculation as required that we can find. Perhaps the updated survey was mistakenly not included – just another copy of the old survey. As we thought it appears the lot area is actually only 9,859 SF (Not 10,337 SF per the MDPA website data). Please provide an updated survey with lot area calcs.

3. **New Comment 4/22/26** – The resubmittal package is confusing to review as the set of plans includes both the original 3/25/26 sheets and some updated sheets dated 4/16/26. However, none of the old original sheets have a “VOID” stamp note to alert the staff reviewers that plan is null and void and superseded by the new updated sheets. In the next resubmittal ensure that all outdated sheets are noted as VOID. They are still required to be submitted for reference.
4. **New Comment 4/22/26** – In the #1 ARB submittal we stated there were too many Zoning Tables on numerous sheets. It appears all were removed except on Site Plan Sheet A-8. However, Sheets A-5 & A-10 & A-11 are identified as a “Zoning Study” but no information is provided as to the Code requirements. Perhaps an abbreviated Zoning Info Table is needed for applicable data. Possibly change the plan titles to something that is shown (Setback Illustration / Lot Coverage / 2nd Story Setback Allowance Illustration / Etc.) for clarity.
5. **New Comment 4/22/26** – On Sheet A-8 there is a conflict between the info in the Bldg. Dept. Statement and Zoning Date info. In the BD Statement the lot area is noted as 10,337 SF vs. the correct 9,859 SF.
6. **New Comment 4/22/26** – On Sheet A-8 in the Project Zoning Data the lot area was corrected but a note states “See Survey” – we have pointed out above that the survey was not updated and no calculated lot area was provided on the “updated” survey we received.
7. **New Comment 4/22/26** – On Sheet A-8 in the Project Zoning Data the Impervious Hardscape dark print should also include the words (“w/ bonus”) at the 53% number.
8. **New Comment 4/22/26** – On Sheet A-8 in the Project Zoning Data the Setback Info is still incorrect. As to the rear yard setback the plan correctly states the Minimum setback is 15’ but 20’-10” is provided. That is not true – that is correct to the rear façade of the house; however, there is a full 1st floor exterior wall at the outdoor kitchen that supports a portion of the 2nd story roof balcony that extends to the 15’ rear setback. You could show 2 setbacks if you want – one for the main house at 20’-10” and the other for the outdoor kitchen exterior wall at 15’. Finally, for the Side Setbacks the “Provided” setbacks are not 10’ for the 2nd story area over 18’ in height. The text should state “10.00’ – 17.00” (See Section). This addresses the additional setback required for those portions of the house over 18’ in height.
9. **Original Comment 4/03/26** - On Sheet A-7 the plans show an intent to construct a 6’ tall solid retaining wall around the rear & sides of the site and a proposed 4’ tall decorative fence / wall along the front property line. Per Sec. 21-358 the maximum fence / wall height allowed in the community is 5’ measured from the adjoining average centerline height of the roadway. Further, calculations must be provided demonstrating compliance with the solid / open design criteria listed in the Code for the front yard fence / wall. Finally, the plans do not include any details of the retaining wall or front yard wall. The exterior wall facade must be attractive to the adjoining neighboring sites. Will the lot be filled? Since there are no Civil Engineering plans or architectural plan notes we do not know of your intentions. There is a 5’ UE along the rear lot line with known

underground facilities (pipes / wires). BHV does not normally allow large walls / and trees in the UE due to possible damage to the utilities. As to the construction and future maintenance of the walls, how will this be accomplished without trespassing onto the adjoining neighbor's sites. As to the front property line wall a setback of 1'-2' should be provided to allow shrubs to be planted on the site to help screen the wall. No shrubs are allowed in the roadway (just Grass & Trees).

Updated Comment 4/22/26 – Sheet A-7 still shows a proposed perimeter retaining wall / fence at 6' in height. Again, the current Code limit is 5' maximum measured from the adjoining crown of road. Revise the plans to meet Code criteria.

10. **Updated Comment 4/22/26** – Zoning Code Sec. 21-355 states carports must be screened so as not to be seen from a street. The revised plans do not adequately screen the carport. From the renderings it can clearly be seen from the roadway. Re-design the project to meet Code.

11. **Original Comment 4/03/26** - Per Sec. 21-3354(g) no mechanical equipment is allowed in any base side setback area and it must be fully screened (fences / walls with supplemental landscaping). This includes the new wall mounted exterior water heaters and any conduits / wiring. Even if mechanical equipment is located out of the base setbacks, it must be fully screened from the street and neighbors. We do not see an EPG – if this is envisioned identify the location and screening method.

Updated Comment 4/22/26 – The plans now show the proposed location of proposed mechanical equipment. Most are on the westside 2nd story roof behind a 42" tall wall. Many new A/C Unit condensers & EPG units will easily exceed 42". Add a note to plan set: "No mechanical equipment shall exceed 42" in height based on screening wall without additional screening" or raise wall.

12. **Original Comment 4/03/26** - For Street Trees the MD Street Tree separation is 35' on-center, which results in a need for three (3) Street Trees space evenly to create a consistent streetscape appearance. Historically Coconut Palms has been used.

Updated Comment 4/22/26 – The revise Landscape Plans show that two (2) existing palm trees will be kept and that three (3) new Gumbo Limbo Street Trees will be planted, resulting in five (5) Street Trees. This is too many and will disrupt the Street Tree spacing rhythm. The new shade trees will quickly grow and interfere with the palm trees. The M-D spacing is meant to provide adequate spacing for tree limb growth. Suggest removing center Gumbo Limbo tree.

13. **New Comment 4/22/26** – On Landscape Plan Sheet L-2 the plans show a large number of Silver Buttonwood trees around the perimeter of the site – but the Tree Legend calls out "Green" Buttonwood trees (not Silver). Also, no info is provided on required shrubs / ground cover / grass. Finally, the Landscape Calculation Table is incorrect for BHV projects. See the attached BHV Landscape Table that must be used and inserted into the plan set. Again, there is a M-D minimum, but the BHV ARB expects at least 2x the county minimum for our high-quality community.

14. Provide a written response to each comment.

15. More comments are possible once the plans are resubmitted.