

IN RE: DEVELOPMENT PLAN HEARING * BEFORE THE
 & PETITION FOR SPECIAL EXCEPTION *
 NE/S St Agnes Lane * HEARING OFFICER
 NE Masfield Road *
 1st Election District * OF BALTIMORE COUNTY
 1st Councilmanic District *
 (Fairspring Senior Apartments) * Case No. I-486 & 01-515-XA

 Fairspring Apartments Assoc. Ltd., *
 c/o The Waterford Group, Inc. *
 Petitioner/Developer *

* * * * *

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 for a project known as "the Fairspring Senior Apartments". The Development Plan approval request involves the development of a 4.63 acre parcel of property located on the south side of St. Agnes Lane in the Edmondson Heights area of Baltimore County, with a four-story senior apartment building. The particulars of the apartment building and parking lot are more specifically shown on Developer's Exhibit Nos. 1A and 1B, the Development Plan submitted at the hearing. In addition to the requested approval of the Development Plan, the property owner is also requesting a special exception pursuant to Section 432.4, to modify and or waive the amount of RTA and RTA restrictions as follows:

- To allow a 10 ft. minimum landscape buffer and 30 ft. minimum setback for an Elderly Housing building and accessory/associated parking lot in lieu of the required 50 ft. buffer and 75 ft. setback;
- To allow a stormwater management facility and accessory structures inside the 50 ft. buffer; and
- To allow a 10 ft. minimum landscape buffer and 30 ft. minimum setback and height of 60 ft. for an Elderly Housing building and accessory/associated parking lot in lieu of the 50 ft. buffer, 75 ft. setback and height not to exceed 35 ft. within the 100 ft. transition area.

ORDER RECEIVED FOR FILING

Date

By

8/9/01
 R. G. [Signature]

In the alternative, the Petitioner is requesting variance relief regarding the RTA as follows:

- From Baltimore County Zoning Regulations (B.C.Z.R.) Section 1B01.1B.1.e (2), to allow a 10 ft. minimum landscape buffer and 30 ft. minimum setback for an Elderly Housing building and accessory/associated parking lot in lieu of the required 50 ft. buffer and 75 ft. setback;
- From B.C.Z.R., Section 1B01.1B.1.e (3), to allow a stormwater management facility and accessory structures inside the 50 ft. buffer; and
- From B.C.Z.R., Section 1B01.1B.1.e (5), to allow a 10 ft. minimum landscape buffer and 30 ft. minimum setback and height of 60 ft. for an Elderly Housing building and accessory/associated parking lot in lieu of the 50 ft. buffer, 75 ft. setback and height not to exceed 35 ft. within the 100 ft. transition area.

Finally, a separate variance is requested from Section 1B01.2B.2 and the Comprehensive Manual of Development Policies (CMDP) to allow a multi-family building length of 254 ft. in lieu of the 240 ft. permitted.

Appearing at the hearing on behalf of the Development Plan approval request and Special Exception/Variance were James Ginsburg and Neil Lemon, appearing on behalf of the Developer of the property, Douglas Kennedy and Mark Tsitlik, appearing on behalf of KCW Engineering Technologies, the engineers who prepared the site plan and development plans for the subject property and Howard L. Alderman, Jr., attorney at law, representing the Petitioner. Patricia Duran and Kathryn King, representatives of the Edmondson Heights Civic Association attended the hearing in support of the request. As is usual and customary, representatives of the various Baltimore County reviewing agencies also attended the hearing; namely, Rahee Famili and Lloyd Moxley (Zoning Review), Christine Rorke (Development Project Manager) and William Miner (Land Acquisition), all from the Office of Permits & Development Management; R. Bruce Seeley and Todd Taylor from the Department of Environmental Protection and Resource Management (DEPRM); Lynn Lanham from the Office of Planning; and Jan Cook from the

Department of Recreation & Parks.

As to the history of the Development Plan approval request, a Concept Plan Conference was held on January 29, 2001 and thereafter a Community Input Meeting was held at the Edmondson Heights Elementary School on March 22, 2001. A Development Plan Conference followed on July 11, 2001 and the Hearing Officer's Hearing was held on August 2, 2001.

As stated previously, the Petitioner's request before me involves both the approval of a Development Plan, as well as zoning relief. As to the Development Plan, I attempt to determine what, if any, issues or comments remain unresolved at the time of the hearing. At the hearing, no issues were raised regarding the development of the property with a four-story senior housing facility. Therefore, having no unresolved issues before me, the Development Plan submitted into evidence as Developer's Exhibit Nos. 1A and 1B shall be approved.

In addition, the Petitioner is requesting special exception relief to modify the RTA requirements as they apply to this particular property. In the alternative, in the event the special exception request is not warranted, variance relief from those same RTA requirements are being requested by way of a petition for variance. Finally, the length of the building needs its own variance, given its length of 254 ft. in lieu of the permitted 240 ft. It should be noted that a compatibility finding was made by the Director of the Office of Planning, who has indicated that the subject project is compatible with the surrounding neighborhood.

As stated previously, an issue arose between the Office of Permits and Development Management (PDM) and the Developer as to whether the Petitioner should file special exception relief from the RTA standards or proceed by way of variance. After listening to the arguments made by Mr. Moxley on behalf of PDM and Mr. Alderman on behalf of his client, I find, based on Section 432.4 of the Baltimore County Zoning Regulations, that the proper procedure to be

ORDER RECEIVED FOR FILING

Date 8/9/01

By [Signature]

As to the special exception request, I find, based on the testimony and evidence offered at the hearing and considering the full support of Ms. Duran and Mrs. King, on behalf of the Edmondson Heights Civic Association, that the special exception to waive and/or modify the RTA requirements should be granted.

While the variance request from the RTA requirements was dismissed as being moot, the Petitioner was, in fact, required to request a variance to allow this apartment building to be 254 ft. in length in lieu of the permitted 240 ft. The building itself exceeds the length requirement, due to an enclosed trash and dumpster facility located on the south end of the building. The

building owner has decided to enclose this entire dumpster facility within the building itself as opposed to leaving it exposed to outside elements. This provides for a more attractive building and promotes a cleaner environment. Accordingly, the variance to allow the building to exceed the maximum length shall be granted.

Pursuant to the advertisement, posting of the property and public hearing held, it is this 9th day of August, 2001, by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County,

ORDERED, that the Development Plan submitted into evidence at the hearing before me as Developer's Exhibit Nos. 1A and 1B, depicting the development of the property with the Fairspring Senior Apartments complex, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the Special Exception Request, to waive and/or modify the RTA restrictions as indicated on the Petition for Special Exception, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the variance request, to allow the multi-family building to have a length of 254 ft. in lieu of the 240 ft., be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the remaining variances, as indicated on the Petition for Variance, shall be DISMISSED as moot, given that the Special Exception Request has in fact been granted.

IT IS FURTHER ORDERED, that the walking trails to be designed and incorporated into the property shall be approved in accordance with the Landscape Plan which shall be submitted to Avery Harden, Landscape Architect for Baltimore County. The walking trails shall be reviewed and approved by the Department of Recreation and Parks, while the landscaping associated with the plan shall be within the discretion of Mr. Harden.

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.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date 8/9/01
By R. Jamison



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 9, 2001

Howard Alderman, Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

RE: Hearing Officer's Hearing No. I-486 *and*
Petition for Special Exception: #01-515-XA
Property: NE/S St. Agnes Lane, NE Masefield Road
1st Election District, 1st Councilmanic District
Developer: Fairspring Apartments Assoc. Ltd.

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The Development Plan and Special Exception request have been approved in accordance with the enclosed Order.

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,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

Copies to:

Mr. Neil F. Lemon
Mr. James L. Ginsburg
Waterford Group, Inc.
1500 Sulgrave Avenue
Baltimore, MD 21209

Douglas L. Kennedy, P.E.
Mark Tsitlik, P.E.
KCW Engineering Technologies
3104 Timanus Lane
Baltimore, MD 21244

Ms. Patricia M. Duran, President
Edmondson Heights Civic Association, Inc.
1601 Kirkwood Road
Baltimore, MD 21207

Ms. Kathryn G. King
1130 St. Agnes Lane
Baltimore, MD 21207



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1121 Saint Agnes Lane

which is presently zoned D.R. 16

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Howard L. Alderman, Jr., Esq.
Name - Type or Print _____ City _____
Signature _____
Levin & Gann, P.A.
Company Nottingham Centre, 8th Floor
502 Washington Avenue 410-321-0600
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

FAIRSPRING APARTMENTS ASSOCIATES, L.P.
Name - Type or Print _____
By: _____
Signature _____
Neil Lemon
Name - Type or Print _____

Signature c/o The Waterford Group, Inc.
1500 Sulgrave Avenue 410-367-7000
Address _____ Telephone No. _____
Baltimore MD 21209
City _____ State _____ Zip Code _____

Representative to be Contacted:

Douglas L. Kennedy, PE
Name _____
3104 Timanus Lane, Suite 101 410-281-0033
Address _____ Telephone No. _____
Baltimore MD 21244
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 6/5/01

To Be Combined With
Hearing Officer's Hearing
BCC § 26-206.1

ORDER RECEIVED FOR FILING

Date 6/9/01

By [Signature]

Case No. 01-515-XA

REV 09/15/98

Attachment 1

PETITION FOR SPECIAL EXCEPTION

CASE NO: 01- 515 -XA

Address: 1121 Saint Agnes Lane

Legal Owner: Fairspring Apartments Associates Limited Partnership

Present Zoning: DR 16

REQUESTED RELIEF:

Special Exception approval, pursuant to BCZR § 432.4 to modify and/or waive the amount of RTA and RTA restrictions as follows:

- to allow a 10 foot minimum landscape buffer and 30 foot minimum setback for an Elderly Housing building and accessory/associated parking lot in lieu of the required 50 foot buffer and 75 foot setback;
- to allow a stormwater management facility and accessory structures inside the 50 foot buffer; and
- to allow a 10 foot minimum landscape buffer and 30 foot minimum setback and height of 60 feet for an Elderly Housing building and accessory/associated parking lot in lieu of the 50 foot buffer, 75 foot setback and height not to exceed 35 feet within the 100 foot transition area



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1211 Saint Agnes Lane

which is presently zoned D.R. 16

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)

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)

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esq.

Name - Type or Print

Signature

Levin & Gang, P.A.

Company **Nottingham Centre, 8th Floor**

502 Washington Avenue 410-321-0600

Address

Telephone No

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

FAIRSPRING APARTMENTS ASSOCIATES, L.P.

Name - Type or Print

By:

Signature

Neil Lemon

Name - Type or Print

Signature

c/o The Waterford Group, Inc.

1500 Sulgrave Avenue

410-367-7000

Address

Telephone No.

Baltimore

MD

21209

State

Zip Code

Representative to be Contacted:

Douglas L. Kennedy, PE

Name

3104 Timanus Lane, Suite 101

410-281-0033

Address

Telephone No

Baltimore

MD

21244

City

State

Zip Code

OFFICE USE ONLY

Case No. 01-515-XA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JNP

Date 6/5/01

REV 9/15/98

To Be Combined With
Hearing Officer's Hearing
BCC § 26-206.1

Attachment 1

PETITION FOR VARIANCE

CASE NO: 01- 515 - XA

Address: 1121 Saint Agnes Lane

Legal Owner: Fairspring Apartments Associates Limited Partnership

Present Zoning: DR 16

REQUESTED RELIEF:

AS TO ANY APPLICABLE AREA OF RTA:

In the alternative, if the accompanying Petition for Special Exception is not granted as requested, variances, pursuant to BCZR § 1B01.1B.1.c.(2) to modify and/or waive the amount of RTA and RTA restrictions as follows:

- From BCZR § 1B01.1B.1.e.(2) to allow a 10 foot minimum landscape buffer and 30 foot minimum setback for an Elderly Housing building and accessory/associated parking lot in lieu of the required 50 foot buffer and 75 foot setback;
- From BCZR § 1B01.1B.1.e.(3) to allow a stormwater management facility and accessory structures inside the 50 foot buffer; and
- From BCZR § 1B01.1B.1.e.(5) to allow a 10 foot minimum landscape buffer and 30 foot minimum setback and height of 60 feet for an Elderly Housing building and accessory/associated parking lot in lieu of the 50 foot buffer, 75 foot setback and height not to exceed 35 feet within the 100 foot transition area

AS TO BUILDING LENGTH:

A variance from: BCZR §§ 1B01.2B.2 and the CMDP to allow a multi-family building length of 254 feet in lieu of the 240 feet permitted.

JUSTIFICATION:

- ▶ Irregular shape of site;
- ▶ Topographic and lot line configuration limitations; and
- ▶ For such further reasons as will be presented at the time of the hearing on this Petition.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 92983

DATE 6/5/01 ACCOUNT R-001-006-6150

AMOUNT \$ 550.00

RECEIVED FROM Fair Spring Apartments Associate, LP

FOR 121 Saint Agnes Lane

01-515-XA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT 6/05/2001 ACTUAL 6/05/2001 TIME 11:04:16

SEE MS03 CASHIER LWIL LDW DRAWER 5
RECEIPT # 107325

Dept 5 528 ZONING U. REGULATION
R NO. 092983

Receipt To 550.00
550.00 CK .00
Baltimore County Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 01-815-XA

1121 Saint Agnes Lane

SE/8 Saint Agnes Lane, opposite Harwell Road

1st Election District-1st Congressional District

Legal Owner(s): Neil Lamon, Parspring Apartments Associates, LP

Special Exception: to modify/waive the amount of RTA/restrictions to allow a 10 foot minimum landscape buffer & 30 foot minimum setback for an Elderly Housing building & accessory/associated parking lot in lieu of the required 50 foot buffer & 75 foot setback; to allow a stormwater management facility & accessory structures inside the 50 foot buffer; to allow a 10 foot minimum landscape buffer and 30 foot minimum setback & height of 60 feet for an Elderly Housing building & accessory/associated parking lot in lieu of the 50 foot buffer, 75 foot setback & height not to exceed 35 feet within the 100 foot transition area, in the alternative variances for RTA pursuant to Sect.1801.1 B,C(2) BCZR.

Hearing: Thursday, August 2, 2001 at 2:00 p.m. in Room 407, County Courts Building, 407 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the file and/or Hearing, Contact the Zoning Review Office at (410) 887-4391.
Z187 July 18, 2001 330 481509

CERTIFICATE OF PUBLICATION

7/19/2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/19/2001.

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

S. Melken
LEGAL ADVERTISING

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 01-515-XA

Petitioner: FAIRSPRING APARTMENTS ASSOCIATES, L.P.

Address or Location: 1121 SAINT AGNES LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: FAIRSPRING APARTMENTS ASSOCIATES, L.P.

Address: 1500 SULGRAVE AVENUE

BALTIMORE, MD. 21209

Telephone Number: 410-367-0700

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 19, 2001 Issue – Jeffersonian

Please forward billing to:

Neil Lemon
Fairspring Apartments Associates LP
1500 Sulgrave Avenue
Baltimore MD 21209

410 367-7000

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-515-XA

1121 Saint Agnes Lane

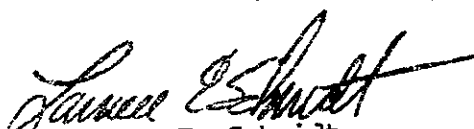
SE/S Saint Agnes Lane, opposite Harwall Road

1st Election District – 1st Councilmanic District

Legal Owner: Neil Lemon, Fairspring Apartments Associates LP

Special Exception to modify/waive the amount of RTA/restrictions to allow a 10 foot minimum landscape buffer & 30 foot minimum setback for an Elderly Housing building & accessory/associated parking lot in lieu of the required 50 foot buffer & 75 foot setback; to allow a stormwater management facility & accessory structures inside the 50 foot buffer; to allow a 10 foot minimum landscape buffer and 30 foot minimum setback & height of 60 feet for an Elderly Housing building & accessory/associated parking lot in lieu of the 50 foot buffer, 75 foot setback & height not to exceed 35 feet within the 100 foot transition area. In the alternative variances for RTA pursuant to Sect. 1B01.1.B.1.C(2)) BCZR.

HEARING: Thursday, August 2, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 28, 2001

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-515-XA

1121 Saint Agnes Lane

SE/S Saint Agnes Lane, opposite Harwall Road

1st Election District – 1st Councilmanic District

Legal Owner: Neil Lemon, Fairspring Apartments Associates LP

Special Exception to modify/waive the amount of RTA/restrictions to allow a 10 foot minimum landscape buffer & 30 foot minimum setback for an Elderly Housing building & accessory/associated parking lot in lieu of the required 50 foot buffer & 75 foot setback; to allow a stormwater management facility & accessory structures inside the 50 foot buffer; to allow a 10 foot minimum landscape buffer and 30 foot minimum setback & height of 60 feet for an Elderly Housing building & accessory/associated parking lot in lieu of the 50 foot buffer, 75 foot setback & height not to exceed 35 feet within the 100 foot transition area. In the alternative variances for RTA pursuant to Sect. 1B01.1.B.1.C(2)) BCZR.

HEARING: Thursday, August 2, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, stylized "J" and "A".

Arnold Jablon
Director

C: Howard L Alderman Jr Esquire, Levin & Gann, 502 Washington Ave, 8th Floor,
Towson 21204

Neil Lemon, Fairspring Apartments Associates LP, 1500 Sulgrave Avenue,
Baltimore 21209

Douglas L Kennedy PE, 3104 Timanus Lane, Ste 101, Baltimore 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 19, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

June 25, 2001

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-515-XA

1121 Saint Agnes Lane

SE/S Saint Agnes Lane, opposite Harwall Road

1st Election District – 1st Councilmanic District

Legal Owner: Neil Lemon, Fairspring Apartments Associates LP

Special Exception to modify/waive the amount of RTA/restrictions to allow a 10 foot minimum landscape buffer & 30 foot minimum setback for an Elderly Housing building & accessory/associated parking lot in lieu of the required 50 foot buffer & 75 foot setback; to allow a stormwater management facility & accessory structures inside the 50 foot buffer; to allow a 10 foot minimum landscape buffer and 30 foot minimum setback & height of 60 feet for an Elderly Housing building & accessory/associated parking lot in lieu of the 50 foot buffer, 75 foot setback & height not to exceed 35 feet within the 100 foot transition area. In the alternative variances for RTA pursuant to Sect. 1B01.1.B.1.C(2)) BCZR.

HEARING: Friday, August 3, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

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

Arnold Jablon G7²
Director

C: Howard L Alderman Jr Esquire, Levin & Gann, 502 Washington Ave, 8th Floor,
Towson 21204
Neil Lemon, Fairspring Apartments Associates LP, 1500 Sulgrave Avenue,
Baltimore 21209
Douglas L Kennedy PE, 3104 Timanus Lane, Ste 101, Baltimore 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 19, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 19, 2001 Issue – Jeffersonian

Please forward billing to:

Neil Lemon
Fairspring Apartments Associates LP
1500 Sulgrave Avenue
Baltimore MD 21209

410 367-7000

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-515-XA

1121 Saint Agnes Lane

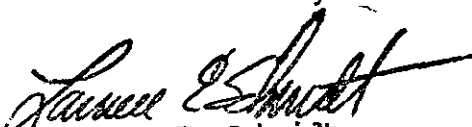
SE/S Saint Agnes Lane, opposite Harwall Road

1st Election District – 1st Councilmanic District

Legal Owner: Neil Lemon, Fairspring Apartments Associates LP

Special Exception to modify/waive the amount of RTA/restrictions to allow a 10 foot minimum landscape buffer & 30 foot minimum setback for an Elderly Housing building & accessory/associated parking lot in lieu of the required 50 foot buffer & 75 foot setback; to allow a stormwater management facility & accessory structures inside the 50 foot buffer; to allow a 10 foot minimum landscape buffer and 30 foot minimum setback & height of 60 feet for an Elderly Housing building & accessory/associated parking lot in lieu of the 50 foot buffer, 75 foot setback & height not to exceed 35 feet within the 100 foot transition area. In the alternative variances for RTA pursuant to Sect. 1B01.1.B.1.C(2)) BCZR.

HEARING: Friday, August 3, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDD
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 27, 2001

Howard L Alderman Jr, Esquire
Levin & Gann
Nottingham Centre
8th Floor
502 Washington Avenue
Towson MD 21204

Dear Mr. Alderman:

RE: Case Number: 01-515-XA, 1121 Saint Agnes Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 5, 2001.

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,

W. Carl Richards, Jr.

W. Carl Richards, Jr. G D Z
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Neil Lemon, Fairspring Apartments Associates LP, c/o The Waterford Group Inc,
1500 Sulgrave Avenue, Baltimore 21209
Douglas L Kennedy PE, 3104 Timanus Lane Suite 101, Baltimore 21244
People's Counsel



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

June 25, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 25, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

502, 503, 504, 505, 508, 510, 511, 512, 513, 515, 516, 517,
518, and 519

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 20, 2001

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 2, 2001
Item No. 515

The Bureau of Development Plans Review did not receive a plan for the subject zoning
item.

RWB:HJO:jrb

cc: File



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 6.25.01

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

RE: Baltimore County
Item No. 515 JHP

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/s/ Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
1121 Saint Agnes Lane, SE/S St. Agnes Ln,
opp Harwall Rd
1st Election District, 1st Councilmanic

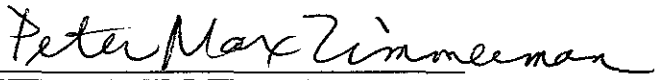
Legal Owner: Fairspring Apartments Associates L.P.
Petitioner(s)

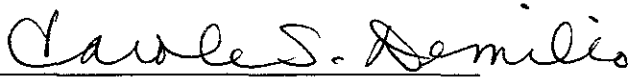
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-515-XA

* * * * *

ENTRY OF APPEARANCE

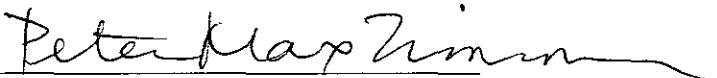
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 2001 a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

NOTE TO FILE

TO: Hearing Officer/Zoning Commissioner

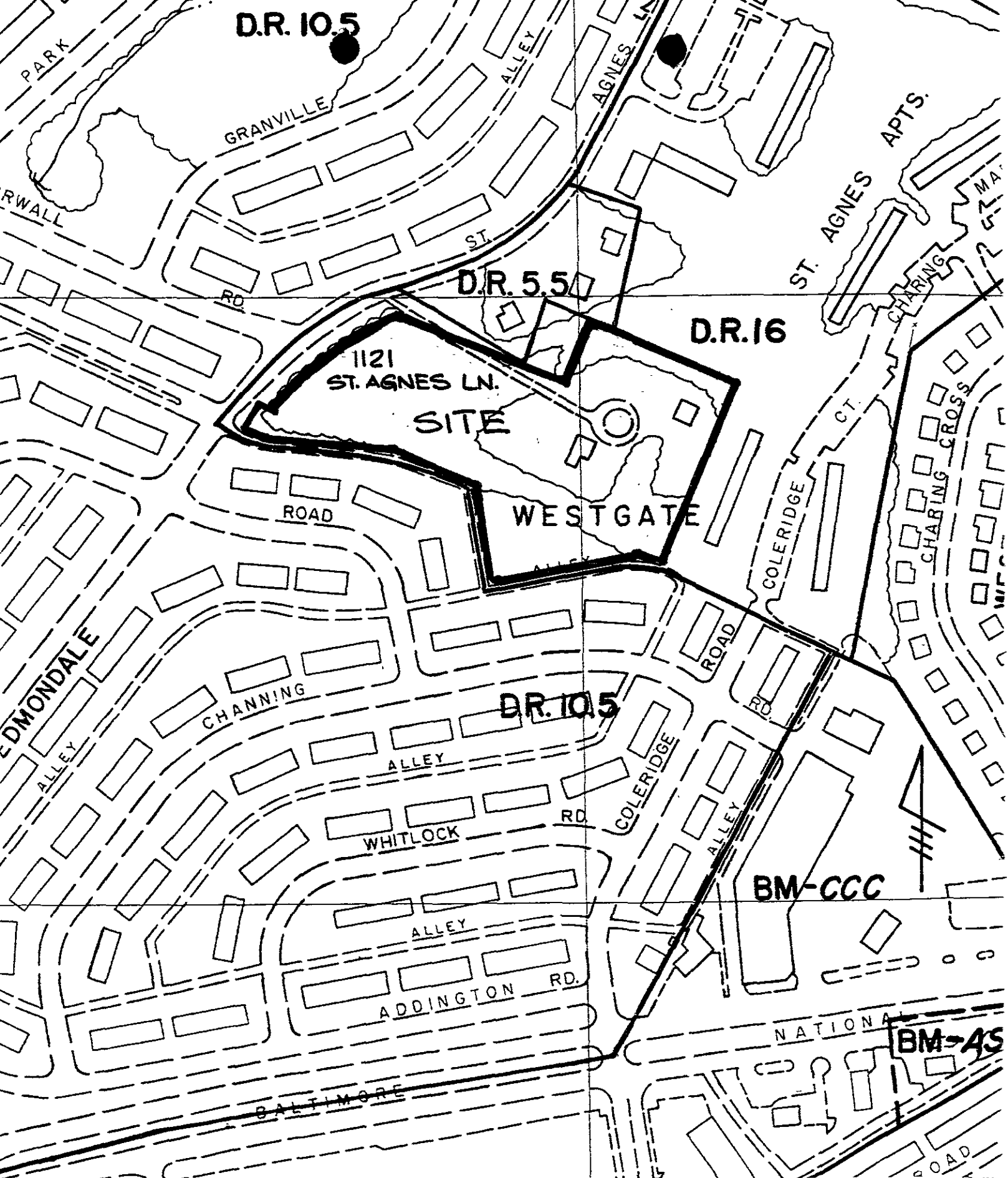
FROM: Jeffrey Perlow, Planner II
Zoning Review

RE: 01-515-XA (1121 Saint Agnes Lane)
Fairspring Apartments Associates, LP- Petitioner

Petitioner, petitioner's engineer and petitioner's attorney were advised of the following concerns regarding the petitions and site plans as submitted:

As regards Elderly Housing Facilities in DR zones, it has been the interpretation of this office since 1988 that any modification of density, building height, or RTA restrictions is limited to sites comprising 10 acres or more containing institutional or historic uses (432.B, BCZR). It is the policy of this office that these standards must be met before a site qualifies for a Petition for Special Exception to modify RTA. A Petition for Special Exception to modify the RTA was filed in this case. However, this office does not see any basis in the regulations for the Special Exception relief that is being requested for this site. The Variance relief being requested is appropriate and this office takes no issue with the variance request.

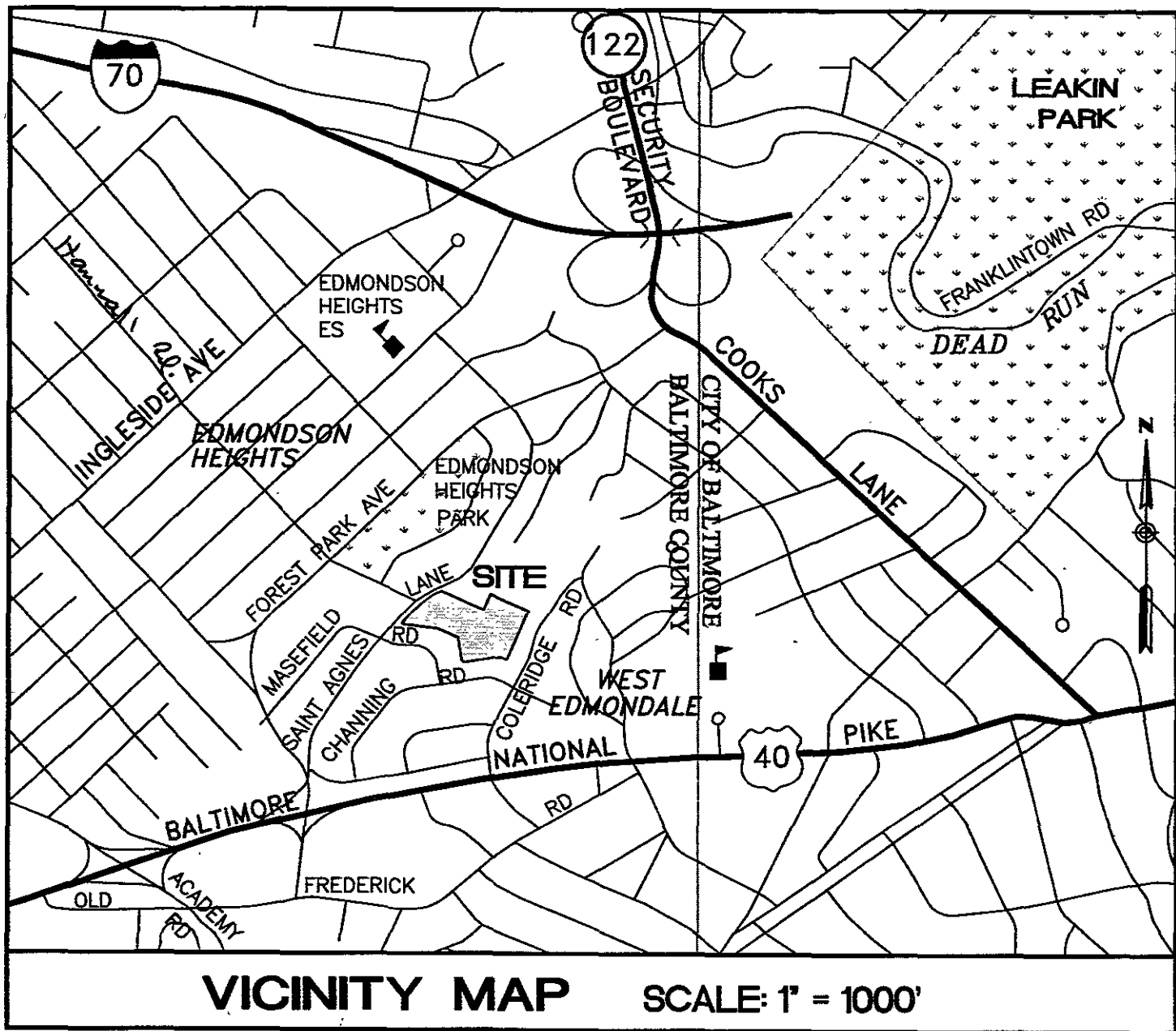
Based on the above, we accepted the petitions and site plans for filing at the insistence of the petitioner, the petitioner's engineer and the petitioner's attorney.



COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
ON OCTOBER 20, 2000
RICK NICK STAGG 20-001 20-002 20-003 20-004 20-005

James R. Battaglia
BALTIMORE COUNTY ENGINEER

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	S.W.
DATE OF PHOTOGRAPHY JANUARY 1986	01-515-XA	I-E



01-SIS-KA

