

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – S/S Rona Road, 25'
S of the c/l Arlene Circle
(Lots 1 through 18, Ameen Dev., I)
2nd Election District
2nd Council District

Rona Road, LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-032-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Rona Road, LLC, by Thomas Sperl, Manager, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing to approve an amendment to the Final Development Plan for Ameen Development I, consistent with the relief requested in the accompanying Petition for Variance. Pursuant to the Petition for Variance, the Petitioners request relief from Section 1B01.2 of the Baltimore County Zoning Regulations (BCZR) and applicable provisions of the Comprehensive Manual of Development Policies (CMDP), in accordance with Exhibit A attached hereto and incorporated herein. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The above-captioned matters were considered during a public hearing conducted on August 31, 2001 in conjunction with a companion case, namely, Case No. 02-031-SPHA. That case relates to an adjacent parcel also owned by the Petitioners, Rona Road, LLC, which is also proposed for development as a residential subdivision to be known as Mahogany Park.

Appearing at the requisite public hearing in support of the request were Thomas Sperl, Manager of the Rona Road, LLC, property owners; G. Dwight Little, Professional Engineer who prepared the site plan for this property; and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. A number of citizens from the surrounding community appeared as interested persons. They included Brenda Thompson, Debra Roberts, Karen Wright, Patricia Barnhard, Sylvia Maynard-Smith, and Vanessa Hobbs.

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Date

By

Testimony and evidence offered revealed that the subject property is an irregular shaped, unimproved parcel located not far from Windsor Mill Road on the south side of Rona Road and the west side of Richardson Avenue, adjacent to I-695 in Reisterstown. The property contains a gross area of 4.722 acres, more or less, zoned D.R.5.5 and is proposed for development as a residential subdivision known as Ameen Development I. Previously, the property contained woodlands and open space; however, there has been some clearing and grading in preparation for the proposed development with 18 single family dwelling lots.

As in companion Case No. 02-031-SPHA, approval of this subdivision was granted by the CRG on or about December 14, 1990 as Project No. 89-110 under the previous development review process in Baltimore County. Insofar as the present requests, Mr. Little indicated that relief was being requested so that the project could be constructed in accordance with today's standards. That is, normally the project would need to comply with the requirements in effect at the time the plan was approved by the CRG; however, the specific requirements for setbacks have changed since that time. The Petitioner requests relief so that the property may be built out in conformance with current regulations.

Mr. Little testified and presented the plan. He described the proposed development as outlined above and the project's history. He noted that although 18 lots were approved, the available residential density based upon the size of the property and its zoning classification would allow 25 units. He also generally described the layout of the site, including the storm water management facility that will be constructed to serve both the subject development and the adjacent Mahogany Park. Mr. Little further indicated that no prior zoning variances had been granted for this subdivision.

There are actually five different variances being requested. The first, shown on the plan as Variance A, is to permit a building to building setback of 20 feet in lieu of a greater requirement which is dependent upon the height or orientation of the structures, window to window. The second variance, Variance B, is to allow a reduced front building face to public right-of-way or property line distance of 25 feet in lieu of the required 50 feet. The third variance, Variance C, requests a side building face to public right-of-way setback of 15 feet in lieu of the required 25

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Date 9/18/11
By [Signature]

feet. The fourth variance, Variance D, requests a side building face to tract boundary setback of 15 feet in lieu of the required 30 feet, if there are no windows, or 35 feet if there are windows on the sides of the buildings. The final variance, Variance E, requests a rear building face with window to tract boundary setback of 30 feet in lieu of the required 35 feet. The Petition, site plan and Exhibit A set out these five different variances and a specific request as to each for the individual building lots. Thus, a review of the plan and Exhibit A is instructive in determining which variances are sought for each individual lot.

The Protestants who appeared did not specifically oppose the variances that are being requested. They were more concerned with the scheme of the overall development. In this regard, the proposed subdivision is located immediately adjacent to I-695. The citizens were particularly concerned about the impacts of the proposed development on their properties. That is, the proposed development will obviously result in the loss of vegetation on the subject site and concerns regarding increased visibility and noise from I-695 were expressed.

The Office of Planning offered a lengthy written Zoning Advisory Committee (ZAC) comment. That comment is self-explanatory and generally supports the variances that are requested. However, there are a number of lot-specific variances that the Office of Planning believes should be denied. Generally, they do not support those variances for proposed new dwellings that will be adjacent to existing dwellings. In that regard, the Office of Planning opined that proposed setbacks should be generally consistent with the context of the older community. Additionally, the Office of Planning favors the greatest rear yard setbacks which can be maintained and that corner lots should have the maximum setback from the street corner edge in order to afford an adequate buffered area and maintain a consistent distance of dwellings along the street.

As noted above, the citizens who appeared expressed concerns about the development of the subject property as it may increase the effects of that road on their respective homes, insofar as noise and view are concerned. The Office of Planning also commented on this issue.

In this regard, I have reviewed the plan carefully and the written comment from the Office of Planning. In my judgment, their comment has merit as it relates to Lots 11 and 12. The remaining proposed lots in this subdivision do not adjoin existing homes. In order that a uniform

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Date 9/18/01
BY [Signature]

subdivision may be developed, it is my judgment that blanket relief should be granted for all lots. However, I will require that there be additional landscaping provided along the common property lines shared by Lots 11 and 12 and the respective parcels identified on the plan as being owned by Cody M. King and Dawson L. Evans. The rear of Lots 13 through 18 abut the rear of proposed lots in the Mahogany Park subdivision. Thus, those lots do not abut an existing dwelling and therefore, no additional landscaping is required.

It is to be noted that Baltimore County adopted a regulation (Policy 10) regarding noise assessment. However, by its terms, it is clear that Policy 10 is not applicable to this subdivision. Policy 10 specifically indicated that it applies only to residential development for which a concept plan was filed after June 30, 1999. Policy 10 is applicable to development approved pursuant to the development regulations presently contained in Title 26 of the Baltimore County Code. This project surely predates the enactment of Policy 10 and thus, is exempt from its provisions. Additionally, it is recognized that to impose a too-stringent condition upon the Petitioner might cause it to abandon the newly proposed layout and simply build in accordance with the old regulations. As noted above, the relief sought for the proposed subdivision was heard in conjunction with another case for the adjacent property known as Mahogany Park, also owned by the Petitioners. As a condition of approval of both of these cases, I will require the Petitioner submit a landscape plan for review and approval by the Landscape Architect and the undersigned Hearing Officer for increased screening and buffering along the right-of-way to I-695. It is recognized that there is some existing vegetation at that location. To the extent that this vegetation is mature and serves to buffer the roadway, it should remain. However, the Petitioner should provide a reasonable amount of vegetation/buffer to minimize not only the impacts upon existing communities, but also to enhance the proposed areas of development. Thus, the Petitioner shall submit, within sixty (60) days of the date of this Order, a landscape plan for review and approval by the Landscape Architect and the undersigned Zoning Commissioner showing screening and buffering as is appropriate to minimize the impacts of I-695 from the existing and proposed development.

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Date 9/18/11
By [Signature]

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted, subject to the terms and conditions set forth herein.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of September, 2001 that the Petition for Special Hearing to approve an amendment to the Final Development Plan for Ameen Development I, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2 of the Baltimore County Zoning Regulations (BCZR) and applicable provisions of the Comprehensive Manual of Development Policies (CMDP) for all lots shown on Exhibit A attached hereto and incorporated herein, except Lots 11 and 12, be and is hereby GRANTED, subject to the following terms and conditions:

- 1) Within sixty (60) days of the date of this Order, the Petitioners shall submit a revised site plan incorporating the modified relief granted herein.
- 2) Prior to the issuance of any permits, and within sixty (60) days of the date of this Order, the Petitioner shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County, and the undersigned Zoning Commissioner. Said plan shall show increased screening and buffering along the subject property's right-of-way to I-695. Moreover, said plan shall show an extensive landscape buffer along the rear of Lots 11 and 12.
- 3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RE
Date 9/18/01
By [Signature]



Baltimore County
Zoning Commissioner

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

September 18, 2001

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

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
S/S Rona Road, 25' S of the c/l Arlene Circle
(Lots 1 – 18 Ameen Development - I)
2nd Election District – 2nd Council District
Rona Road, LLC - Petitioners
Case No. 02-032-SPHA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Thomas Sperl, Manager, Rona Road, LLC
4208 Ebenezer Road, Baltimore, Md. 21236
Mr. G. Dwight Little, 1045 Taylor Avenue, #101, Baltimore, Md. 21286
Ms. Brenda Thompson, 6814 Richardson Road, Baltimore, Md. 21207
Ms. Debra Roberts, 6823 Richardson Road, Baltimore, Md. 21207
Ms. Karen Wright, 1 Jestor Court, Baltimore, Md. 21207
Ms. Patricia Barnhard, 1 Jestor Court, Baltimore, Md. 21207
Ms. Sylvia Maynard-Smith, 6713 Real Princess Lane, Baltimore, Md. 21207
Ms. Vanessa Hobbs, 6775 Real Princess Lane, Baltimore, Md. 21207
Office of Planning; People's Counsel; Case File

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Richardson Avenue
which is presently zoned DR 5-5

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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 Hearing, 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 N/A
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

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

Legal Owner(s):

RONA ROAD, LLC
Name - Type or Print _____
By: [Signature]
Signature _____
Thomas Sperl, Manager
Name - Type or Print _____
Signature _____
4208 Ebenezer Road 410-256-1000
Address _____ Telephone No. _____
Baltimore MD 21234
City _____ State _____ Zip Code _____

Representative to be Contacted:

Chuck Merritt, Little & Associates, Inc.
Name _____
1045 Taylor Ave., Suite 101 410-296-1636
Address _____ Telephone No. _____
Towson MD 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 7/18/01

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

By

Case No. 02-032-SPHA

Attachment 1
PETITION FOR SPECIAL HEARING

CASE NO: _____

Address: Richardson Avenue

Legal Owner: Rona Road, LLC

Present Zoning: DR 5.5

REQUESTED RELIEF:

To approve an amendment to the Final Development Plan for AMEEN DEVELOPMENT -
I consistent with the relief requested in the companion *Petition for Variance* as filed.

ORDER RECEIVED FOR FILING

Date

By

02-032-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Richardson Avenue
which is presently zoned DR 5-5

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:

N/A
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):

RONA ROAD, LLC
Name - Type or Print
By: [Signature]
Signature
Thomas Sperl, Manager
Name - Type or Print
Signature
4208 Ebenezer Road 410-256-1000
Address Telephone No.
Baltimore MD 21234
City State Zip Code

Representative to be Contacted:

Chuck Merritt, Little & Associates, Inc.
Name
1045 Taylor Ave., Suite 101 410-296-1636
Address Telephone No.
Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JNP Date 7/18/01

REV 9/15/98

Case No. 02-032-SPHA

ORDER RECEIVED FOR FILING

Date

By

Attachment 1
PETITION FOR VARIANCE

CASE NO: 02-032-SPHA

Address: Richardson Avenue

Legal Owner: Rona Road, LLC

Present Zoning: DR 5.5

REQUESTED RELIEF: CEM

^{on lots 1-18}
A variance from BCZR §§ 1B01.2. and the CMDP ^{CEM} ~~(as each was previously codified)~~ to ~~permit development of the subject properties in accordance with BCZR §§ 1B01.2. and the CMDP (each as presently codified and any amendments thereto)~~ as shown on Exhibit A, attached hereto and incorporated herein, and to amend the Final Development Plan for AMEEN DEVELOPMENT - I.

and specifically identified on the site plan,
CEM

JUSTIFICATION:

- the current regulations will permit development of the subject properties more in keeping with the development that has occurred in the community;
- the requested relief is necessary to ensure compatibility of the previously approved development on the subject properties with the current requirements of the BCZR; and
- For such further reasons as will be presented at the time of the hearing held on this petition.

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Date 9/18/11
By [Signature]

02-032-SPHA

AMEEN DEVELOPMENT I

Required Variances

Lot No.	Variance Type *				
	A	B	C	D	E
1	X				
2	X				
3	X				
4	X				
5	X				
6	X	X			X
7	X	X			X
8	X	X			X
9	X	X			X
10	X				
11	X	X			X
12	X	X		X	X
13	X	X	X		X
14	X				X
15	X				X
16	X				X
17	X				X
18	X			X	X

*Variance Type:

- Building to building - 20' (if > 20' high) in lieu of the required 25', 30', 40' or 60' depending on height; and / or in lieu of window-to-window of 40'.
- Front building face to public right-of-way or property line - 25' in lieu of building face to existing street centerline of 50'.
- Side building face to public right-of-way - 15' in lieu of window to right-of-way of 25'.
- Side building face to tract boundary - 15' in lieu of 30' without windows, or 35' with windows.
- Rear building face (with windows) to tract boundary - 30' in lieu of 35' with windows.

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Date

By

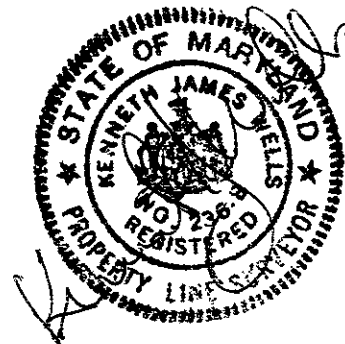
9/18/11
[Signature]

ZONING DESCRIPTION FOR

6903, 6905, 6907, 6909 & 6911 RICHARDSON AVENUE
2700, 2702 – 2710, 2712, 2801 & 2805 RONA ROAD

2nd Election District; 2nd Councilmanic District
Baltimore County, Maryland

Beginning at a point on the south side of Rona Road, which is 50 feet wide, at the distance of 25 feet south of the centerline of the nearest intersecting street, Arlene Circle, which is 50 feet wide. Being Lots 1 thru 18 in the subdivision of Ameen Development – 1 as recorded in Baltimore County Plat Book S.M. 63 folio 14 containing 3.525 acres. Also known as 6903, 6905, 6907, 6909, 6911 Richardson Avenue and 2700, 2702 thru 2710, 2712, 2801, 2805 Rona Road.



02-032-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

4058

DATE

7/18/01

ACCOUNT

R-001-006-6150

AMOUNT

\$ 650.00

RECEIVED
FROM:

RONA ROAD LLC

FOR:

Richardson Avenue

02-032-JPN4

(Ameen Development)

JNP/GDZ

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT

ACTUAL

TIME

7/23/2001

7/23/2001

14:04:23

PL

WS04

CASHIER

DID: DWD

2

RECEIPT #

140007

OFLN

PL

5

520 ZONING VERIFICATION

CH

NO.

004058

Receipt Tot

650.00

650.00 CK

.00 CA

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: #02-032-SPHA

Richardson Avenue

WS Richardson Avenue, 135' S Arlene Circle (Ameen Development)

2nd Election District -- 2nd Councilmanic District

Legal Owner(s): Roria Road, LLC, Thomas Sperl, Manager

Variance: on lots 1 - 18 from Baltimore County Zoning Regulations 1801.2 and the CMAP as shown on Exhibit A, attached hereto and incorporated herein, and specifically identified on the site plan, and to amend the Final Development Plan for Ameen Development - 1.

Hearing: Friday, August 31, 2001 at 2:00 p.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake 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) 887-3391.

8/200 Aug. 16

C487826

CERTIFICATE OF PUBLICATION

8/17/2001

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 8/16/2001.

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

J. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

CASE # 02-032-SPHA

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

ROOM 106, BALTO. COUNTY OFFICE

PLACE: BLDG. 111 W. CHESAPEAKE AVENUE

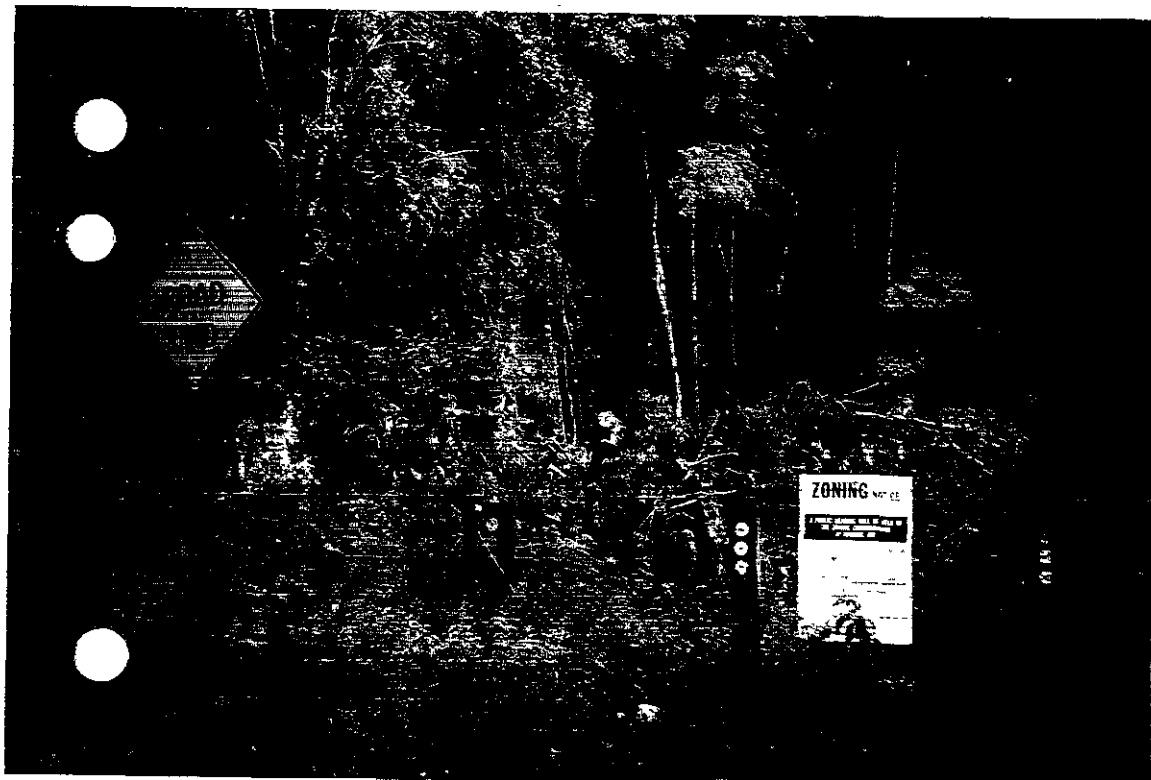
DATE AND TIME: FRIDAY, AUGUST 31, 2001
AT 2:00 P.M.

REQUEST: VARIANCE ON LOTS 1-18
FROM BALTIMORE COUNTY ZONING REGULATIONS
BOI. 2 AND THE CMAP AS SHOWN ON EXHIBIT "A"
ATTACHED HERETO AND INCORPORATED HEREIN AND
SPECIFICALLY IDENTIFIED ON THE SITE PLAN AND
TO AMEND THE FINAL DEVELOPMENT PLAN FOR
GREEN DEVELOPMENT-1

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 847-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE





CERTIFICATE OF POSTING

RE: Case No.: 02-032-SPNA

Petitioner/Developer: _____

RONA ROAD, LLC.

Date of Hearing/Closing: 8-31-2001

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at RONA ROAD WEST
OF ARLENE CIRCLE

The sign(s) were posted on AUGUST 14, 2001
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

**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: 02-032-SPHA

Petitioner: Rona Road LLC

Address or Location: Richardson Avenue (Green Development)

PLEASE FORWARD ADVERTISING BILL TO:

Name: Rona Road LLC

Address: Attn Mr. Thomas Speil

4208 Ebenezer Road

Baltimore MD 21234

Telephone Number: 410 256-1000

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 16, 2001 Issue – Jeffersonian

Please forward billing to:

Howard L Alderman Jr
Levin & Gann
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson MD 21286

410 321-0600

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: 02-032-SPHA

Richardson Avenue

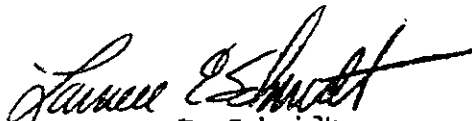
WS Richardson Avenue, 135' S Arlene Circle (Ameen Development)

2nd Election District – 2nd Councilmanic District

Legal Owner: Rona Road, LLC, Thomas Sperl, Manager

Variance on lots 1 – 18 from Baltimore County Zoning Regulations 1B01.2 and the CMDP as shown on Exhibit A, attached hereto and incorporated herein, and specifically identified on the site plan, and to amend the Final Development Plan for Ameen Development – 1.

HEARING: Friday, August 31, 2001 at 2:00 p.m. in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z
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

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

August 7, 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: 02-032-SPHA

Richardson Avenue

WS Richardson Avenue, 135' S Arlene Circle (Ameen Development)

2nd Election District – 2nd Councilmanic District

Legal Owner: Rona Road, LLC, Thomas Sperl, Manager

Variance on lots 1 – 18 from Baltimore County Zoning Regulations 1B01.2 and the CMDP as shown on Exhibit A, attached hereto and incorporated herein, and specifically identified on the site plan, and to amend the Final Development Plan for Ameen Development – 1.

HEARING: Friday, August 31, 2001 at 2:00 p.m. in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon G.D.Z.
Director

C: Howard L Alderman Jr, Esquire, Levin & Gann, Nottingham Centre, 8th Floor,
502 Washington Avenue, Towson 21204
Rona Road, LLC, Thomas Sperl, 4208 Ebenezer Road, Baltimore 21234
Chuck Merritt, Little & Associates, Inc., 1045 Taylor Avenue, Suite 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 16, 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

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

August 24, 2001

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

Dear Mr. Alderman:

RE: Case Number: 02-032-SPHA, Richardson Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 18, 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.
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Thomas Sperl, Rona Road LLC, 4208 Ebenezer Road, Baltimore 21234
Chuck Merritt, Little & Associates Inc, 1045 Taylor Avenue, Suite 101,
Towson 21286
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 6, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For August 13, 2001
Item Nos. 018, 019, 021, 022, 023, 025,
026, 028, 029, 030, 031, ~~032~~, 033,
035, and 057

SEP 13

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: August 27, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

AUG 30 2001

SUBJECT: Richardson Road

INFORMATION:

Item Number: 02-032-SPHA
Petitioner: Howard Alderman, Jr., Esquire
Property Size: 4.72 acres
Zoning: DR 5.5
Requested Action: Variance, Special Hearing
Hearing Date: August 31, 2001

REQUEST:

The request in this case is to approve an amendment to the Final Development Plan for Ameen Development-I consistent with the relief requested in the companion petition for variances, and to approve the following variances from Section 1B01.2 of the BCZR and the CMDP: a) building to building setback of 20' in lieu of the required 25', 30', 40' or 60' depending on height; and/or in lieu of window-to-window of 40' for lot numbers 1-18, b) front building face to public right of way or property line of 25' in lieu of building face to existing street centerline of 50' for lot numbers 6-9 and 11-13, c) side building face to public right of way – 15 feet in lieu of window to right of way of 25' for lot number 13, d) side building face to tract boundary – 15' in lieu of 30' without windows, or 35' with windows for lot numbers 12 and 18, and e) rear building face (with windows) to tract boundary – 30' in lieu of 35' with windows for lots 6-9, and 11-18.

The subject site is located in the Woodlawn Estates community. It is the subject of a previously approved CRG plan proposing a total of 18 single family residences and is the companion plan to the approved Mahogany Park CRG which proposes 49 single family residences. The site is

surrounded on three sides by an existing residential neighborhood, and by I-695 to the west. Although the site is currently being cleared and graded, it was previously forested and has historically functioned as a buffer (both sound and visual) between I-695 and the existing residential community. A note on the CRG plan submitted indicates that this development is being coordinated with Mahogany Park CRG.

Division II. Section A, of the CMDP states "the redesign of a subdivision around a larger building than can be accommodated by the footprint on the development plan results in a request for blanket variances. Since this would alter the spatial relationships established for each house type, the request for blanket variances should only be considered in unusual circumstances."

SUMMARY OF RECOMMENDATIONS:

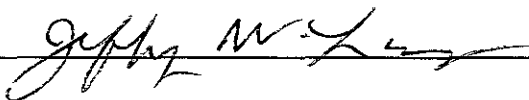
The Office of Planning has examined the site plan for this development and associated variances, taking into account it's relationship to it's companion plan, (Mahagony Park), the existing residential community, and its proximity to I-695. The determination to recommend that specific variances be denied is based on the following factors: 1) setbacks for new dwellings that are adjacent to existing dwellings shall generally be consistent with the context of the existing community, 2) maximum rear yard setbacks afford greater buffer areas and should be reinforced wherever possible, and 3) corner lots shall have the maximum setback from the street corner edge in order to afford an adequate buffer area and maintain a consistent "edge" along the street. Based on these factors, we recommend approval of the requested variances with the exception of the following: .

Lots 9-10 – Deny variance "E"
Lots 12 – Deny variance "D"
Lots 13-18 – Deny variance "E"
Lot 18 – Deny variance "D"

Approval of the remainder of the variances should be contingent upon the following conditions:

1. A final landscape plan that complies with the current Baltimore County Landscape Manual shall be reviewed and approved by this office.
2. In compliance with PDM Policy X – Noise Mitigation, dated July 21, 1999, a noise assessment study should be conducted to determine the need for a sound barrier along I-695.
3. All open space shall be placed in the ownership of an HOA, and a requirement for installation of a uniform fence along the rear property line of lot numbers 1-7 shall be noted in the hearing officer's order and on the CRG plan.
4. Sidewalk connections shall be extended throughout the new development.

Section Chief





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.10.01

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

RE: Baltimore County
Item No. 032 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,

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 HEARING
PETITION FOR VARIANCE
Richardson Avenue (Ameen Development),
W/S Richardson Ave, 135' S of Arlene Cir
2nd Election District, 2nd Councilmanic

Legal Owner: Rona Road LLC
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-32-SPHA

* * * * *

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.**



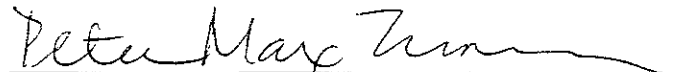
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 17th day of August, 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

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

6/12/01
George, if
of scheduling
is adequate
OK

June 12, 2001

VIA DROP OFF

Arnold Jablon, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

RE: ***Request for Expedited Hearing***
Petitions for Variance/Special Hearing: Mahogany Park
Petitions for Variance/Special Hearing: Ameen Development

Dear Mr. Jablon:

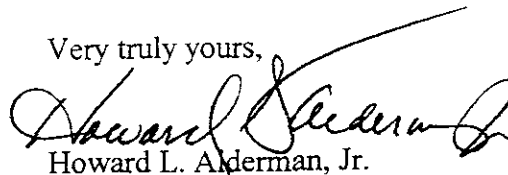
We have the pleasure of representing Rona Road, LLC, owner of the above-referenced properties. Petitions for Variance/Special Hearing were presented at a **prior, scheduled filing appointment** for these two developments. The subject subdivisions adjoin one another and have other features in common. Based on mandatory direction received by your staff at that filing appointment, significant modifications were required to the filing package.

In order for our client to meet its contractual obligations on time, we are filing these petitions and associated plans and documentation as a "drop off". Additionally, due to the unanticipated delay in completion of the filing package as directed, we are requesting an expedited hearing date and that these petitions be heard back-to-back.

Should you or your staff need additional information in this regard or in support of the expedited hearing, please let me know. For purposes of scheduling, I will be out of the state during August 3rd through and including August 13th.

Thank you for your consideration of this request.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

Enclosures

c: Rona Road, LLC
Little & Associates, Inc.
Mr. George Zahner

02-032-S PHA

ENCLOSURES

Mahogany Development - Real Princess Lane

Filing Fee: \$650.00
Petitions for Special Hearing (3) w/original signatures
Petitions for Variance (3) w/original signatures
Advertising Form
3 Sealed Zoning Descriptions
200 Scale Zoning Map w/property delineated
12 Copies of Plat to Accompany sealed by G. Dwight Little, PE

~~Ameen Development - Richardson Avenue~~

Filing Fee: \$650.00
Petitions for Special Hearing (3) w/original signatures
Petitions for Variance (3) w/original signatures
Advertising Form
3 Sealed Zoning Descriptions
200 Scale Zoning Map w/property delineated
12 Copies of Plat to Accompany sealed by G. Dwight Little, PE

02-032-SPHA

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

July 11, 2001

VIA DROP OFF

W. Carl Richards, Supervisor
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

RE: ***Revised Variance Relief:***
Petitions for Variance/Special Hearing: Mahogany Park
Petitions for Variance/Special Hearing: Ameen Development

Dear Mr. Richards:

As you know, we "dropped off" Petitions for Variance and Special Hearing for the above-referenced subdivisions, together with a request for an **expedited hearing**. Subsequently, you called me to advise that our client, Rona Road, LLC, had to provide specific variance relief if it desired to modify the regulations applicable to the subdivisions at the time of original approval.

In that regard, I am enclosing a **revised Attachment 1** for each of the six Petitions filed; three (3) for the **Ameen Development (Richardson Avenue)** and three (3) for the Mahogany Park Development (Real Princess Lane).

Although I do not believe it should be necessary, if the specific relief shown on Exhibit "A" to Attachment 1 has to be added to the Plats, **please let me know immediately**.

Should you or your staff need additional information in this regard or in support of the **expedited hearing**, please let me know. For purposes of scheduling, I will be out of the state during August 3rd through and including August 13th.

Thank you for your consideration of this request.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

Enclosures

c: Rona Road, LLC
Little & Associates, Inc.

02-032-SP4A

File
02-032-
SPNA

LITTLE & ASSOCIATES, INC.

1045 Taylor Avenue, Suite 101, Towson, Maryland 21286
Phone (410) 296-1636 Fax (410) 296-1639

Engineers --- Land Planners

PROJECT NUMBER 01506APROJECT NAME Ames Development - 1DATE 12-3-01**FAX TRANSMITTAL FORM**TO: Larry SchmidtFAX NUMBER: 410-887-2468TOTAL NUMBER OF PAGES: 2

ATTN: _____

ORIGINAL TO FOLLOW: YES ☐NO ☒FROM: DWIGHT LITTLE

MESSAGE:

Larry,

This is not a duplication of
any previous request. This is the second case
we had on the same day with these projects,
which had similar issues.

Could you kindly sign off on this
extension request as well and fax back to me?

I'm sorry for the inconvenience.

Thanks!

[Signature]

LITTLE & ASSOCIATES, INC.**Engineers --- Land Planners**

1045 Taylor Avenue
Suite 101
Towson, Maryland 21206
Phone (410) 296-1636
Fax (410) 296-1639

December 3, 2001

Mr. Lawrence Schmidt
Baltimore County
Zoning Commissioner's Office
Courts Building - 4th Floor
401 Bosley Avenue
Towson, MD 21204

Re: Ameen Development - I
Case #02-032-SPHA

Dear Mr. Schmidt:

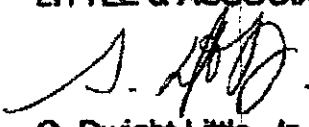
Reference is made to your order in connection with the referenced case which is dated September 18, 2001. Restriction No. 1 of that order requires a revised site plan to be submitted incorporating the modified relief granted.

We are hereby requesting an extension of the sixty (60) day limit indicated in that restriction.

An additional sixty (60) day extension would be appreciated.

Thank you in advance for your consideration.

Sincerely,
LITTLE & ASSOCIATES, INC.


G. Dwight Little, Jr.
President

GDL/1

Extension approved
Samuel Schmidt

***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	1295
CONNECTION TEL	94102961639
CONNECTION ID	LITTLE & ASSOC.:
START TIME	12/04 10:26
USAGE TIME	00'48
PAGES	2
RESULT	OK

PDM - POLICY NO. X

NOISE MITIGATION

Sec. 1. Authority and Short Title. These regulations, which shall be known and may be cited as the Baltimore County Noise Mitigation Regulations, are promulgated as administrative policies, rules, or regulations for implementing County Code Sections 26-135 and 26-218, and in accordance with County Code Section 2-416, et seq.

Sec. 2. Purposes. These regulations are promulgated for the purposes of:

(a) Protecting the public health and conserving the habitability and value of residential communities in the vicinity of high-volume highways; and

(b) Assuring Baltimore County's eligibility for participation in the Type II noise barriers program under the "Sound Barrier Policy" issued by the State Highway Administration on May 11, 1998.

Sec. 3. Definitions. For the purposes of these regulations, the following terms have the meanings indicated:

(a) "County Code" means the Baltimore County Code, 1988, as amended.

(b) "Designated highway" means a limited-access highway which is designated as an Interstate highway or as a freeway-expressway in the latest edition of the Federal Highway Functional Classification Map approved by the Federal Highway Administration and available for inspection in the Office of Planning.

(c) "Noise assessment" means a study prepared by a professional engineer with competency in highway acoustical analysis and in accordance either with the Traffic Noise Model Published by the Federal Highway Administration or with the Noise Assessment Guidelines published by the U.S. Department of Housing and Urban Development and including consideration of maximum noise-producing scenario, as well as based on current volumes.

(d) "Residential development" means the construction or use of any type of buildings for human habitation, including single-family detached and attached dwellings, multifamily dwellings, housing for the elderly, assisted living or continuing care facilities, nursing homes, and group child care facilities, churches, hospitals and schools.

Sec. 4. Applicability.

(a) These regulations shall apply to residential development for which a concept plan is filed with the Department of Permits and Development Management after June 30, 1999.

(b) For the development of property which is subject to approval by the Hearing Officer in accordance with Division 2 in Article V, Title 26 of the County Code, a noise assessment report shall be submitted in conjunction with the concept plan if the plan proposes construction on residential building lots which lie adjacent to and within 500 feet from the edge of paving of a designated highway.

Sec. 5. Requirements.

(a) If the noise assessment report shows that day night exterior sound levels (Ldn), measured between the building line and the highway will reach or exceed 66 dBA, the report shall make proposals for the location and form of noise mitigation or attenuation to reduce Ldn noise levels to below 66 dBA, including the assignment of rights and responsibilities for access, use, repair and maintenance of structures, landscaping, or other mitigation features, which must be in perpetuity.

(b) If the noise assessment report proposes the use of a buffer to mitigate the impact of highway noise:

(1) the buffer may be provided as an easement on the individual lots or as part of open space owned and maintained by a homeowners association.

(2) the Department of Permits and Development Management shall consult with the State Highway Administration for technical evaluation and advice regarding the noise attenuation features proposed in the report, and the Department may recommend that the developer be required to install vegetation, berms, fencing, walls, or a combination thereof.

(c) The applicant must provide to the Department of Permits and Development Management how the applicant has assigned the responsibilities for access, use, repair and maintenance of structures, landscaping, or other mitigation features. Such assignment shall include notice to all subsequent purchasers of lots within the residential development that Baltimore County will not be responsible for the repair and maintenance of structures, landscaping and any method of mitigation employed by the applicant to achieve the results required by these regulations. Such assignment must be approved by the Director of Permits and Development Management prior to the issuance of building permits.

Sec. 6. Waivers.

(a) If the noise assessment report shows that it would be physically impossible to reduce the exterior average day night sound levels (Ldn) to a level below 66dB or that the reduction would present an exceptional hardship, the Hearing Officer, or the Director of Permits and Development Management if a hearing is not required, may grant a waiver from the exterior sound standard, provided that:

**DROP-OFF PETITIONS
PROCESSING CHECK-OFF**☒ **Two Questions Answered on Cover Sheet:**Any previous reviews in the zoning office? YESAny current building or zoning violations on site? NO*Done HA 7/26*☒ **Petition Form Matches Plat in these areas:**Address NOZoning YESLegal Owner(s) NOContract Purchaser(s) N/ARequest (if listed on plat) N/A*Done 7/26/HA*☒ **Petition Form (must be current PDM form) is Complete:**

Request:

Section Numbers YESCorrect Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities. YESHardship/Practical Difficulty Reasons YES

Legal Owner/Contract Purchaser:

Signatures (originals) YESPrinted/Typed Name and Title (if company) YESAttorney (if incorporated) YESSignature/Address/Telephone Number of Attorney YES☒ **Correct Number of Petition Forms, Descriptions and Plats**☒ **200 Scale Zoning Map**☒ **Check: Amount Correct? Signed?**☒ **ZAC Plat Information:**Location (by Carl) WS of Richardson Ave. 135' S. of Arlene Circle(Ameen Development)Zoning: DR 5.5Acreage: 4.722

Previous Hearing Listed With Decision

Election District 2Councilmanic District 2Case # 2

Check to See if the Subject Site or Request is:

CBCA NOFloodplain NOElderly NOHistorical NOPawn Shop NOHelicopter NO

*If Yes, Print Special Handling Category Here

*If No, Print No

NO02-032-SPHA

Item Number Assigned

7/18/01

Date Accepted for Filing

CASE NAME Richardson Ave
CASE NUMBER 02-032-SMA
DATE 31 August 2001

PETITIONER'S SIGN-IN SHEET

[illegible]

