

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITION FOR VARIANCE – NW/Corner
Middle River Road and Transverse Road * ZONING COMMISSIONER
(Greenwood Manor)
15th Election District * OF BALTIMORE COUNTY
5th Council District * Case Nos. XV-318 & 02-135-A

Christian Faith Tabernacle, Inc., Owner;
Greenwood LLC, Contract Purchaser/Developer

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

These matters were consolidated for a single public hearing before this Hearing Officer/ Zoning Commissioner, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). The subject property is proposed for residential development by the Christian Faith Tabernacle, Inc., Owner, and Greenwood LLC, Contract Purchaser/Developer, with 53 single family townhouse dwelling units, in accordance with the development plan submitted, which was prepared by G. W. Stephens, Jr. and Associates, Inc. In addition to development plan approval, relief is requested from Sections 1B01.B.1.e(2) and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum Residential Transition Area (RTA) setback from a townhouse of 30 feet, and an RTA buffer to a townhouse development of 0 feet, in lieu of the required 75 feet and 50 feet, respectively. The proposed development and requested relief are more particularly described on the red-lined development plan/site plan, dated November 5, 2001, and submitted into evidence as Developer's Exhibit 1.

As to the history of this project through the development review process codified in Title 26 of the Baltimore County Code, a concept plan of the proposed development was prepared and a conference held thereon on July 23, 2001. As required, a Community Input Meeting (CIM) was held on August 28, 2001 at the Victory Villa Community hall. Approximately 30 residents of the community appeared at that time. Subsequently, a development plan was submitted for review by County agencies and a conference was held thereon on October 24, 2001. Following the submission of that plan, comments were submitted by the appropriate reviewing agencies of

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Baltimore County and a red-lined development plan incorporating these comments was submitted at the Hearing Officer's Hearing held on November 15, 2001.

Appearing at that hearing in support of the plan were Galen Wallace on behalf of Greenwood LLC, Contract Purchaser/Developer; Rick Chadsey, the Professional Engineer who prepared the development plan/site plan for this project; and Michael Marino, Esquire, attorney for the Owner/Developer. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing. These included Jan Cook, Department of Recreation and Parks (R&P); Mark Cunningham, Office of Planning (OP); Mike Kulis and R. Bruce Seeley, Department of Environmental Protection and Resource Management (DEPRM); and the following representatives from the Department of Permits and Development Management (DPDM): Robert W. Bowling, Development Plans Review; Lloyd Moxley, Zoning Review; Ron Goodwin, Land Acquisition; and, Dave Green, Project Manager, Development Management. Appearing as interested persons/Protestants were William Mackenzie, a representative of the adjacent townhouse development known as Chestnut Woods, and Sallie W. Foster, Property Manager for that subdivision of Trenton Property, Inc.

The subject property is an irregularly shaped parcel containing a gross area of approximately 14.95 acres, split zoned D.R.5.5 (10.43 acres), D.R.3.5 (4.17 acres), and B.L. (.35 acres). The property is located on the west side of Middle River Road near its intersection with Bird River Road, just south of Pulaski Highway (Maryland Route 40) in Middle River. Presently, the property is owned by Christian Faith Tabernacle, Inc., and is improved with a one-story, 3,322 sq.ft. church building which sits on the front portion of the site adjacent to Middle River Road. In addition to the Church building, there is a parking area (crusher run) in front of the Church, and a free-standing mobile home structure to the rear of the building. The vast majority of the property to the rear of the Church is unimproved and is in forest. A small stream traverses a portion of the property, and a floodplain associated therewith is located to the rear of the site. Thus, there are environmental constraints associated with the property.

Christian Faith Tabernacle, Inc. has contracted to sell a large portion of its property to Greenwood LLC who proposes to develop the site with 53 townhouse dwelling units. Proposed Lot 54, which contains approximately 2.256 acres in area and is located around the existing Church building abutting Middle River Road, is to be retained by Christian Faith Tabernacle, Inc. for its continued use. It is anticipated that the existing Church building will eventually be razed and a new Church and permanent parking area constructed.

The layout of the proposed subdivision is more particularly shown on the development plan. A new public road will be constructed into the interior of the site and the individual townhouse units will front that road. The plan also shows an area of Homeowners' Association local open space and several areas of forest conservation. In addition, a reservation area of .53 acres is shown on the plan for a proposed storm water management facility. The most compelling feature of the plan relates to the construction of a new public road that will provide access to the rear of the property and the proposed new subdivision. At the present time, there exists a public road known as Transverse Avenue, which terminates near the rear property line of the subject parcel. Transverse Avenue presently provides access to the Chestnut Woods subdivision which abuts the rear (southwest) property line of the subject site. Additionally, on the other side of Transverse Avenue from the subject property is an existing school, which features the usual athletic fields and appurtenances.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. As noted above, the Developer proposes to extend Transverse Avenue through the subject property to the northeast (front) property line, abutting Middle River Road. As indicated on the plan, this will result in a through-connection of Transverse Avenue to Middle River Road. Across Middle River Road, Transverse Avenue will be linked to Bird River Road, creating a full intersection at that location. On behalf of the Developer, Mr. Chadsey testified that Baltimore County mandated the proposed construction/connection of Transverse Avenue. Mr. Bowling, who testified on behalf of the Department of Public Works, corroborated this testimony.

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He indicated that the County has long planned to construct a water main from the Middle River Road/Bird River Road intersection through the subject property and connect same with an existing main in the bed of Transverse Avenue. It is the construction of this water main which drives the need for the road construction. In this regard, it was indicated that water mains are typically built under roads in order to provide easier access during periods of maintenance. As an additional benefit, Mr. Bowling indicated that traffic circulation in the general area would be improved by this road connection. Moreover, this connection will provide an alternative route for traffic in the area as a parallel road to Route 40 (Pulaski Highway) to the northwest, and Compass Road to the southeast. The Developer indicated that although it's position is that a through-connection is not necessary to provide access to the proposed subdivision, the plan has been prepared to provide same at the insistence of the Department of Public Works. Mr. Bowling testified that this connection was an absolute necessity as far as that Department is concerned.

In addition to this issue, there were other issues raised by County agency representatives who were present at the hearing. Mr. Cook from the Department of Recreation and Parks identified two issues. First, he requested an amendment to the plan to clearly delineate a trail located near Lot 54 that will be utilized for recreational purposes by the residents of the community. Mr. Chadsey amended the plan at the hearing to address Mr. Cook's concern by way of a green-line amendment identifying this trail. Secondly, a portion of the Homeowner's Association active open space will actually be owned by the Church as part of Lot 54. Mr. Cook requested the addition of a note on the plan indicating that members of the community will have the right to enjoy and utilize this open space, irrespective of the continued ownership of that land by the Church. A brief note to comply with this requirement was also added to the plan and further definitive language may ultimately be required to insure compliance with these conditions. The Developer agreed to these requirements and they will therefore become part of the final development plan.

Mr. Moxley from Zoning Review requested the insertion of language on the plan indicating that the mobile structure presently located to the rear of the existing Church building

will either be removed or brought into compliance with the B.C.Z.R. Mr. Moxley also requested that the plan be amended as it relates to Lots 23 through 35 to show the potential location of decks into the rear yards. A green line addition was added to the plan to depict the location and depths of those potential decks. In addition, he requested some further language regarding the density calculations shown under Note #3 on the plan. Again, the Developer agreed to these conditions and they shall be incorporated as part of the plan approval.

Mr. Goodwin identified a small issue regarding the absence of the drainage and utility easement area near Lot 17 on the plan. Again, this issue will be resolved by the insertion of an appropriate note by the Developer and the Developer has agreed to same.

Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM) indicated that the plan satisfied many of the requirements of his agency. He specifically addressed the storm water management issue and indicated that appropriate preliminary calculations had been submitted and a suitable outfall verified. In this regard, the project is being "over-managed" for storm water management purposes because of existing downstream problems. The storm water management reservation area shown on the plan will accommodate the 2-, 10-, and 100-year storms. I am satisfied, based on the testimony and evidence offered at the hearing, and DEPRM's development plan comments, that the subdivision can be constructed without adverse impact from a storm water management standpoint.

Michael Kulis also testified on behalf of DEPRM. Mr. Kulis offered testimony as a representative of the Environmental Impact Review Division of that agency. As noted above, the property does have environmental constraints. Mr. Kulis recommended a number of modifications to the plan, some of which were agreed to by the Developer and are shown as red-lined or green-lined amendments. Mr. Kulis indicated that he would prefer the elimination of the proposed road connection so as to provide a larger and more contiguous area of forest conservation; however, he appreciates the Department of Public Works' requirements in this regard. He also questioned the location and configuration of proposed Public Road A within the interior of the site and requested an alteration of that design.

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A primary issue raised by the Protestants relates to the through-connection of Transverse Avenue. Mr. Mackenzie and Ms. Foster are opposed to that connection and are concerned about increased traffic on Transverse Avenue and its impact on the existing residential neighborhood. There were specific concerns expressed regarding the location of the school across from the Chestnut Woods development and the potential danger which could result to the children who reside in Chestnut Woods and cross Transverse Avenue to attend that school.

Indeed, it is the proposed connection of Transverse Avenue which is the largest single issue in this case. On the one hand, prohibiting that connection would insure lower volumes of traffic on Transverse Avenue, a continued traffic pattern similar to what exists at the present time, and cause less environmental impact. I am appreciative of the neighbors' concerns over increased traffic volumes, particularly in the proximity of the school. Moreover, if the road is not extended through the entire length of the property, there would be less environmental degradation. On the other hand, Mr. Bowling's position has merit. I am aware of the need for additional infrastructure in this area of the County. Surely, the water connection is a necessary public service. Moreover, improved traffic flow on a regional basis is appropriate.

Following the hearing, I visited the site and drove the neighborhood. My site visit was at the request and with the consent of all parties. Transverse Avenue, although a residential street, is wide and contains a significant shoulder area. Additionally, there are sidewalks on the Chestnut Woods side of Transverse Avenue, although the shoulder is unimproved on the other (school) side. Transverse Avenue was not busy at the time of my site visit; however, it was not morning or afternoon rush hour. I also drove on Compass Avenue to the south and Route 40 to the northeast to observe traffic patterns in that area.

Upon due consideration of all of the issues and the testimony and evidence presented, I am persuaded that the road connection should be made. I do not make this decision lightly and am appreciative of the reasons that the opponents fear this connection. Nonetheless, the extension of the water main is a necessary and viable public need. Moreover, road-calming devices can be installed to prevent Transverse Avenue from becoming a speedway along this section. I am also

concerned over the fact that if the connection would not be made, only one means of access to the new subdivision would be available. That is, if the connection were not completed, emergency equipment could access the site only by Middle River Road and from the northeast. In the event of accident or road blockage, a significant public safety issue could arise. Although a close issue, for all of these reasons I am persuaded that the road should be connected.

Having made this determination, I am likewise satisfied that the environmental impacts to this site are at an appropriate level. I am appreciative of Mr. Kulis' desire to minimize these impacts by reducing the length of the road or altering the configuration of the proposed intersection at Middle River Road and Bird River Road. Nonetheless, the issues of public safety in this case outweigh the issues raised by Mr. Kulis. I am persuaded that the plan, shown with the level of detail required in Phase I of the review process, is appropriate.

Finally, a brief comment is in order regarding two separate triangular parcels of land shown on the plan adjacent to the proposed extension of Transverse Avenue. One is a small parcel located immediately adjacent to the existing intersection of Middle River Road and Bird River Road. The other is a larger parcel located to the rear of the site, near the existing terminus of Transverse Avenue. As to the small piece near Bird River Road and Middle River Road, that parcel is not part of this property and is shown on the plan as being owned by Dean B. and Wynona M. Hodges. Obviously, the Developer cannot legally require Mr. & Mrs. Hodges to convey this site, although the Developer is encouraged to perhaps swap a portion of the area shown as HOA space to the Hodges. That could be a mutually beneficial solution in that it would give Mr. & Mrs. Hodges more acreage immediately adjacent to their existing building. In any event, I cannot compel the Hodges to surrender this property, nor empower the Developer to acquire it. My comments in this regard are therefore recommendations, only. Baltimore County could acquire the site by eminent domain, if necessary, in order to facilitate the construction of the road.

A similar situation exists to the rear of the property. That triangular shaped, red cross-hatched parcel shown on the plan is actually owned by Lindsey A. Spear. Again, this Developer

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has no legal authority to acquire this land and same might need be acquired by Baltimore County through eminent domain. There appears to be no opportunity for a land swap in this area.

Based on the testimony and evidence presented, I am persuaded that the amended plan as submitted at the hearing is appropriate and should be approved. I will therefore grant approval of the plan, subject to all terms and conditions as noted above and identified within the County agency development plan comments.

Turning to the zoning relief requested, the RTA generated here is actually caused by an existing duplex and single family dwelling owned by Tammy Renee Knight and located adjacent to the northwest corner of the subject property. The purpose of the RTA regulations is to protect and prevent dissimilar housing types or uses from improper impacts on existing communities. I easily find that the RTA variances should be granted here. In fact, I would be receptive to an additional reduction of the requirements should the Developer wish to further modify its plan and reduce same accordingly. The divergent land uses and zoning in the area are persuasive factors. The Knight property immediately fronts Middle River Road, and the parcels across the street are retail, commercial and manufacturing in nature. Indeed, M.L.-I.M. zoning abuts the Knight property on two sides. Thus, it is clear that the proposed subdivision will not adversely impact the Knight property. In my judgment, the Developer has met the requirements for RTA variance relief and thus, it shall be granted.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the revised development plan shall be approved and the Petition for Variance granted, consistent with the comments/conditions contained herein.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of November, 2001, that the red-lined/green-lined development plan for Greenwood Manor, identified as Developer's Exhibit 1, be and is hereby APPROVED, consistent with the comments contained herein; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B01.B.1.e(2) and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum Residential Transition Area (RTA) setback from a townhouse of 30 feet, and an RTA buffer to a townhouse development of 0 feet, in lieu of the required 75 feet and 50 feet, respectively, in accordance with Developer's Exhibit 1, be and is hereby GRANTED.

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



LAWRENCE E. SCHMIDT
Zoning Commissioner/Hearing Officer
for Baltimore County

LES:bjs

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Baltimore County
Zoning Commissioner

November 28, 2001

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

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR VARIANCE
NW/Corner Middle River Road & Transverse Avenue
(Greenwood Manor)
15th Election District – 5th Councilmanic District
Christian Faith Tabernacle, Inc., Owner; Greenwood LLC, Contract Purchaser/Developer
Cases Nos. XV-318 and 02-135-A

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petition for Variance 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. John H. Bennett, Chairman, Christian Faith Tabernacle, Inc.
6105 Ebenezer Road, White Marsh, Md. 21236
Mr. Carl Wagner, Greenwood Manor, LLC, 10 Parks Avenue, Hunt Valley, Md. 21030
Ms. Galen Wallace, 30 E. Padonia Road, Timonium, Md. 21093
Mr. Rick Chadsey, G.W. Stephens, 1020 Cromwell Bridge Road, Towson, Md. 21286
Mr. William Mackenzie, 824 Thimbleberry Road, Baltimore, Md. 21220
Ms. Sallie W. Foster, c/o Trenton Property, Inc., P.O. Box 767, Bel Air, Md. 21014
Dave Green, Proj.Mgr., DPDM; Bob Bowling (DPW); Mike Kulis & Bruce Seeley, DEPRM;
Mark Cunningham, OP; Jan Cook, R&P; People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

NWS Intersection of Middle River Road
and Bird River Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & 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) 1B01B.1e(2) and Section 504 to permit a minimum RTA setback of 30 feet to a townhouse and no RTA buffer to a townhouse development in lieu of the 75 foot RTA setback and 50 foot RTA buffer required.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Pursuant to 1B01B.1.c.(1) and (2) the subject property is larger than 2 acres and is vacant. The requested reduction will not adversely impact the residential community or development on the land adjacent to the subject property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

GREENWOOD MANOR, LLC

(Type or Print Name)

Carl F. Wagner
Signature

10 PARKS AVENUE

Address

HUNT VALLEY, MD

21030

City

State

Zipcode

Attorney for Petitioner.

Michael E. Marino

(Type or Print Name)

Michael E. Marino
Signature

609 Bosley Avenue

Address

Towson, MD

Phone No

21204

City

State

Zipcode

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

Legal Owner(s):

Christian Faith Tabernacle, Inc.

(Type or Print Name)

By: *John H. Bennett*
Signature John H. Bennett

(Type or Print Name)

Signature

6105 Ebenezer Road

Address

Phone No.

White Marsh, MD

21236

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

ATTN: Y.
Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY: *DD/LTM* DATE *10/3/01*

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Date *10/3/01*

By *[Signature]*

CASE 02-135-A



FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

Description to Accompany Variance Petition
For Greenwood

DATE: September 26, 1999

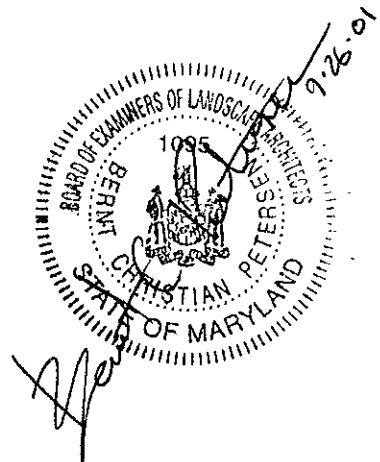
Beginning at a point on the westerly right-of-way of Middle River Road, said point being South 89 degrees 4 minutes 26 seconds East 45.13 feet more or less, from a point formed by the intersection of the centerlines of Middle River Road and Bird River Road running thence leaving said point of beginning, along the following 6 courses.

1. Leaving said right-of-way South 51 degrees 8 minutes 36 seconds West 431.26 feet, thence
2. South 54 degrees 8 minutes 31 seconds West 412.17 feet, thence
3. North 44 degrees 45 minutes 15 seconds West 562.50 feet, thence
4. North 45 degrees 6 minutes 33 seconds East 572.91 feet, thence
5. North 57 degrees 30 minutes 10 seconds East 580.03 feet to a point on the westerly right-of-way of Middle River Road,
6. Running thence along said westerly right-of-way on a curve to the right having a radius of 4690 feet, and arc distance of 645 feet, said curve being subtended by a chord South 16 degrees 41 minutes 43 seconds East 645.29 feet to the point of beginning.

Containing 14.5 Acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.

15th Elec Dist
5th Council Dist



Item # 135

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5696

DATE 9-27-01 ACCOUNT 001 006 5122

AMOUNT \$ 250⁰⁰

RECEIVED FROM: Michael. Marcus Esp.

FOR: Cash # 02-137 A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAID BY CASH DATE 9/27/01 AMOUNT 250.00
RECEIVED BY Michael. Marcus Esp. OFFICE OF BUDGET & FINANCE
BALTIMORE COUNTY, MARYLAND

PAID TO Cash # 02-137 A DATE 9/27/01
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: #02-135-A

Greenwood Manor

NW/S intersection of Middle River Road & Bird Road

15th Election District - 5th Councilmanic District

Legal Owner(s): John H. Bennett, Christian Faith Tabernacle Inc.

Contract Purchaser: Earl F. Wagner, Greenwood Manor LLC

Variance: to permit a minimum RTA setback of 30 feet to a townhouse and no RTA buffer to a townhouse development in lieu of the 75 foot RTA setback and 50 foot RTA buffer required.

Hearing: Wednesday, November 21, 2001 at 11:00 a.m.
in Room 407, County Courts Building, 401 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) 887-3391.

JT/11/624 Nov. 6

C504577

CERTIFICATE OF PUBLICATION

11/9/, 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 11/6/, 2001.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

H.O.H.
GREENWOOD PROP. &
RE Case No. 02-135-A

Petitioner/Developer CHRISTIAN FAITH
TABERNACLE, ETAL

Date of Hearing/Closing: 11/15/01

COMBINED H.O.H.
& ZONING HRG.

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

Attention: Ms. Gwendolyn Stephens / GEORGE ZAHNER

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 MIDDLE RIVER RD. OPP.
BIRD RIVER RD. & OPPOS. S. END OF SITE
ALL PUBLIC ACCESS LOCATIONS - (2EA)

The sign(s) were posted on 10/12/01
(Month, Day, Year)

Sincerely,
Patrick M. O'Keefe 10/14/01
(Signature of Sign Poster and Date)

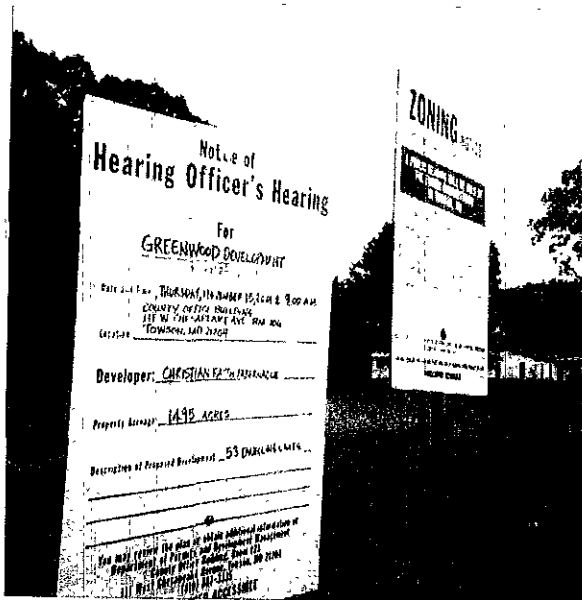
PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)

it [™] brand fax transmittal memo 7671	# of pages ▶ 1
	From O'KEEFE
	To BETTY OR ROBIN
	Co. ZONING - COMM
Phone # 512-4621	
Fax # 410-887-3460	



02-135-A & H.O.H.
MIDDLE RIVER RD. OPP. BIRD RIVER RD.
GWS
CHRISTIAN FAITH TABERNACLE 10/15/01

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: 02-135-A
Petitioner: Greenwood Manor, LLC
Address or Location: Middle River Rd / Bird River Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL E. MARINO, Esq.
Address: 609 BOSLEY AVE.
TOWSON MD 21204
Telephone Number: 410 821 6633
FAX 410 296-0057

TO: PATUXENT PUBLISHING COMPANY
Issue Tuesday, November 6, 2001– Jeffersonian

Please forward billing to: Michael E. Marino, Esq. 410-821-6633
609 Bosley Avenue
Towson, MD 21204

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: 02-135-A
Greenwood Manor
NW/S intersection of Middle River Road & Bird Road
15th Election District – 5th Councilmanic District
Legal Owner John H. Bennett, Christian Faith Tabernacle Inc.

Variance to permit a minimum RTA setback of 30 feet to a townhouse and no RTA buffer to a townhouse development in lieu of the 75 foot RTA setback and 50 foot RTA buffer required

HEARING: Wednesday, November 21, 2001 at 11:00 a.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

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

October 30, 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: 02-135-A

Greenwood Manor

NW/S intersection of Middle River Road & Bird Road

15th Election District – 5th Councilmanic District

Legal Owner John H. Bennett, Christian Faith Tabernacle Inc.

Variance to permit a minimum RTA setback of 30 feet to a townhouse and no RTA buffer to a townhouse development in lieu of the 75 foot RTA setback and 50 foot RTA buffer required

HEARING: Wednesday, November 21, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon
Director

C: Michael E. Marino 609 Bosley Avenue Towson, MD 21204

John H. Bennett Christian Faith Tabernacle, Inc. 6105 Ebenezer Road, White Marsh
MD. 21236

Earl F. Wagner Greenwood Manor, LLC 10 Parks Avenue Hunt Valley MD 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Tuesday, November 21, 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
pdmlandacq@co.ba.md.us

November 16, 2001

Michael E Marino
609 Bosley Avenue
Towson MD 21204

Dear Mr. Marino:

RE: Case Number: 02-135-A, Greenwood Manor

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 3, 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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: John H Bennett, Christian Faith Tabernacle Inc, 6105 Ebenezer Road
White Marsh 21236
Earl F Wagner, Greenwood Manor LLC, 10 Parks Avenue, Hunt Valley 21030
People's Counsel

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: November 26, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For November 5, 2001
Item Nos. 121, 123, 124, 125, 126, 127,
128, 129, 130, 131, 133, 134, ~~155~~ 162,
and 163

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

RWB:HJO:jrb

cc: File

ZAC-11-5-2001-NO COMMENT ITEMS-11262001



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

October 30, 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 October 29, 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:

121, 122, 123, 124, 125, 126, 127, 128, 130,
133, 134, 135, and 163

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



Printed with Soybean Ink
on Recycled Paper

les
11/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 1, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-135

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

- 1

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 10.29.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 135 - RDD/L

Dear Mr. Zahner:

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,

la 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 VARIANCE
Greenwood Manor, NW/S intersection Middle River
Rd & Bird River Rd
15th Election District, 5th Councilmanic

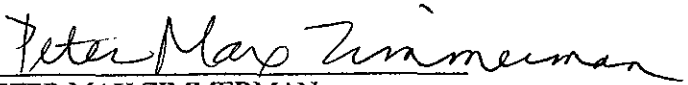
Legal Owner: Christian Faith Tabernacle, Inc.
Petitioner(s)

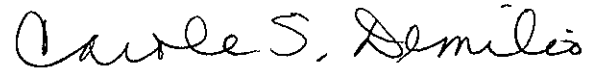
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-135-A

* * * * *

ENTRY OF APPEARANCE

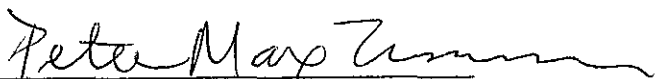
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation 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 30th day of November, 2001 a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esq., 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



Baltimore County
Zoning Commissioner

February 25, 2002

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

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING & PETITION FOR VARIANCE (Greenwood Manor)
Christian Faith Tabernacle, Inc., Owner; Greenwood LLC, Contract Purchaser/Developer
Cases Nos. XV-318 and 02-135-A

Dear Mr. Marino:

In response to your recent telephone inquiry, seeking clarification of the terms of the Order issued in the above captioned matter, the following comments are offered. As you know, development plan approval for a proposed residential development of 53 townhouses and variance relief for reduced RTA buffers and setbacks between the proposed development and the existing Church were granted by my Order dated November 28, 2001.

You have requested clarification of three issues. The first relates to the construction of an internal road designed to provide access to residential lots within the property. Presently, the road is shown on the plan with a slight bend along its length. Testimony and argument were offered at the hearing regarding the potential straightening of that road to preserve and protect environmentally sensitive areas on the site. In my judgment, straightening the road would be a minor amendment to the plan and would not require another Hearing Officer's Hearing; however, any change in the configuration of the road would be subject to the approval of the Department of Public Works. If approved, input should also be received from the Department of Environmental Protection and Resource Management (DEPRM) and the Zoning Review Division of the Department of Permits and Development Management (DPDM).

The second issue relates to reduced RTA buffers and setbacks. The Order provides variance relief to permit an RTA setback of 30 feet and a buffer of 0 feet. It is my understanding that the townhouses will maintain a 30-foot rear yard setback to each lot's rear property line and tract boundary. This setback meets the requirements of Section 1B01.2.C.1a of the B.C.Z.R. and is consistent with the variance relief provided. Any decks that are constructed to the rear of the townhouse units are allowed sufficient area for a maximum projection of 10 feet on all dwellings that are subject to the requested variance from RTA requirements. The revised variance language on the development plan shall include "20 feet to an open projection (deck) and to permit detached accessory structures subject to Section 400 of the B.C.Z.R." It is anticipated that a deck with an area of 10' x 20' is sufficient. Therefore, if a deck with a depth of greater than 10 feet is proposed, further variance relief would be required.

The third issue relates to the existing Church. The setbacks will be the minimum required for a non-residential principal building in the D.R. zone as provided in Section 1B01.2.C.1a of the B.C.Z.R. Any proposed improvements to that building or lot need be in compliance with the B.C.Z.R. If the Church use was established on the site prior to 1971, newly constructed buildings or additions would not be subject to RTA requirements.

I hope this clarifies the concerns you raised in your inquiry; however, if you have any further questions on the subject, please do not hesitate to call me.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Rick Chadsey, G.W. Stephens, 1020 Cromwell Bridge Road, Towson, Md. 21286
Dave Green, Proj. Mgr., DPDM; Bob Bowling (DPW); Mike Kulis & Bruce Seeley, DEPRM;
Mark Cunningham, OP; Jan Cook, R&P; People's Counsel; Case File
Come visit the County's Website at www.co.ba.md.us



2/20/02

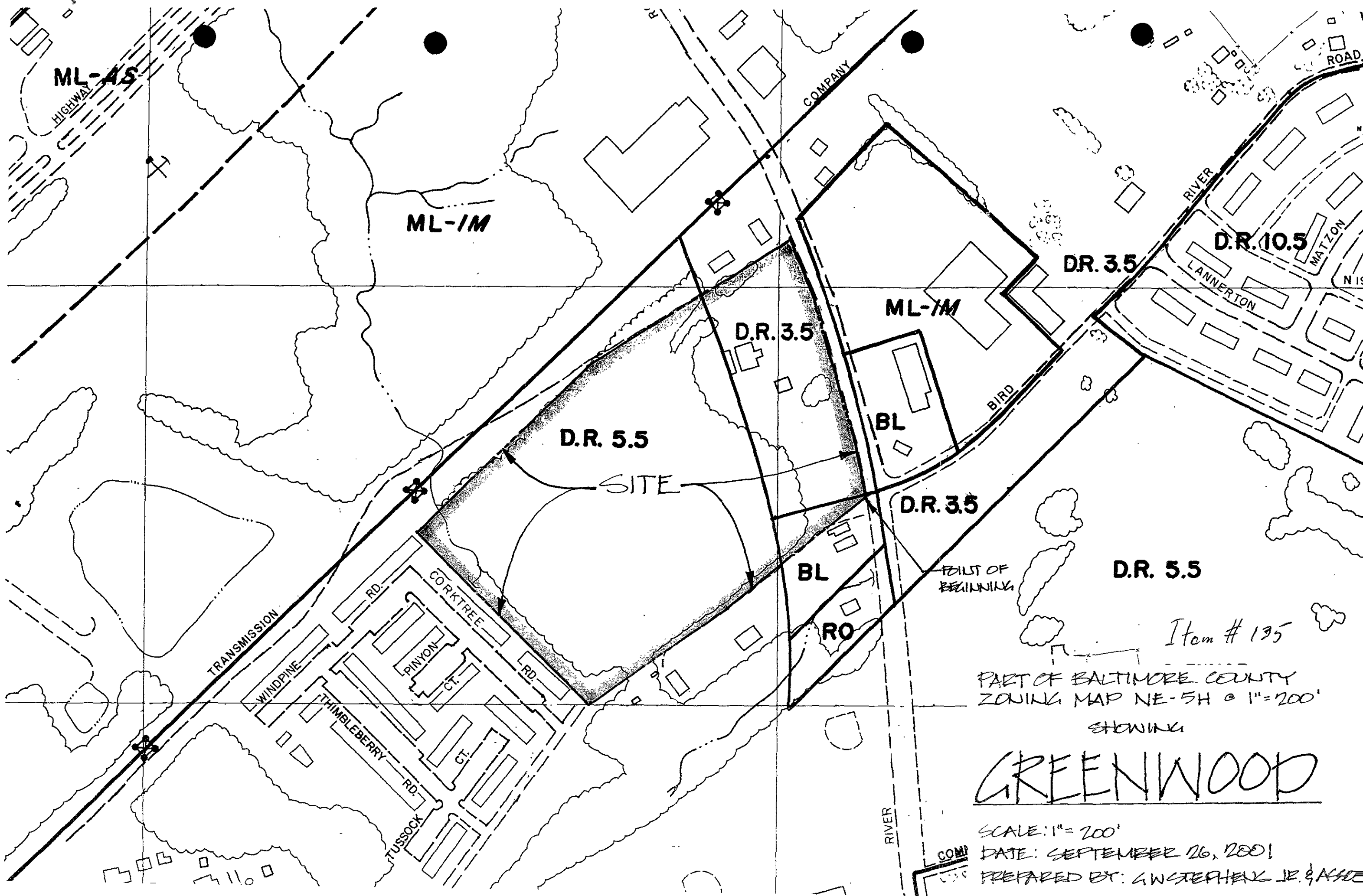
NOTES TO ZONING COMMISSIONER

- IT APPEARS THE ORDER DATED 11/28/01 ADDRESSES THE PRINCIPAL STRUCTURE ONLY.
- IT IS SAFE TO ASSUME HOME-OWNERS WILL WANT DECKS AND ACCESSORY STRUCTURES
- IN AN EFFORT TO AVOID EACH AND EVERY HOMEOWNER SEEKING VARIANCES FOR THESE FEATURES TO BE LOCATED WITHIN RTA BUFFERS, ZONING REVIEW FELT IT NECESSARY TO INCLUDE LANGUAGE IN THE REQUEST AND ORDER. STAFF CONCLUDED THAT AN OPEN PROJECTION OF 10' x 20' WAS SUFFICIENT IN AREA FOR HOMEOWNER REQUIREMENTS.
ANY OPEN PROJECTION THAT IS SUBJECT TO THE ORDER GREATER THAN 10' x 20' WOULD REQUIRE AT LEAST AN S.I. LETTER OR AT MOST A SPCL. HEARING TO AMEND AND VARIANCES. ANY DETACHED ACCESSORY STRUCTURE NOT MEETING REQUIREMENTS OF § 400 BCZR WILL REQUIRE VARIANCE.
- IF CHURCH USE HAS BEEN ESTABLISHED ON THE SITE PRIOR TO 1971, RTAS FOR NEWLY CONSTRUCTED BUILDING OR ADDITIONS TO ORIGINAL WILL NOT GENERATE RTA REQUIREMENTS. ADDITIONALLY, CHURCH USE PREDATES TOWN-HOUSE DEVELOPMENT THEREFORE NO RTA.

Item # 135

To be scheduled
with the Hott for
Greenwood already

Scheduled for Nov. 15, 2001



Item # 135
PART OF BALTIMORE COUNTY
ZONING MAP NE-5H @ 1"=200'
SHOWING
GREENWOOD

SCALE: 1"=200'
DATE: SEPTEMBER 26, 2001
PREPARED BY: GW STEPHEN JR. & ASSOC

